



City of Seattle

Edward B. Murray, Mayor

Department of Construction and Inspections

Nathan Torgelson, Director

FILED
CITY OF SEATTLE
2016 AUG 15 PM 4:17
CITY CLERK

August 15, 2016

Office of the City Clerk
Seattle City Hall
600 4th Avenue
3rd Floor
Seattle, WA 98104

Re: SDCI Project 3023260, 7009 Greenwood Avenue N, Type IV Application

Dear Office of the City Clerk:

On July 18, 2016 an Early Design Guidance application was accepted by SDCI for a project located at 7009 Greenwood Avenue N, SDCI Project # 3023260.

SMC 23.76.040 G2 states for Type IV Council land use decisions that include a design review component the Director shall provide notice of the application to the City Clerk promptly after the applicant submits a complete application to begin the early design guidance or the streamlined design review process.

SDCI will process a Type IV Council land use action under project #3023260.

Sincerely,

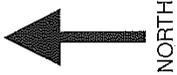
Lindsay King
Senior Land Use Planner
Seattle Department of Construction and Inspections



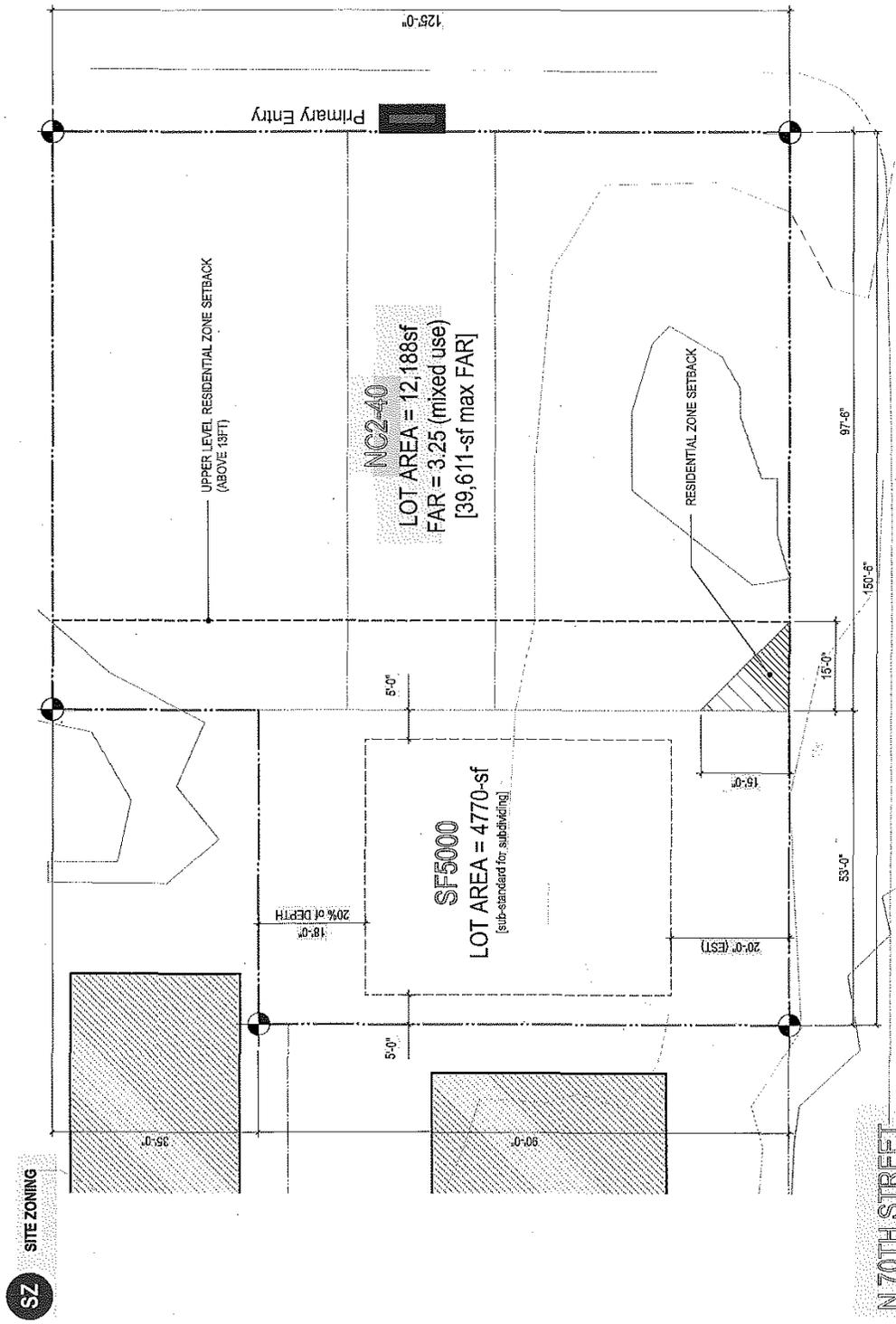
City of Seattle, Department of Construction and Inspections
700 Fifth Avenue, Suite 2000
P.O. Box 34019, Seattle, WA 98124-4019

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

001405



GREENWOOD AVE NORTH



N 70TH STREET

PUBLIC47ARCHITECTS

Shared Roof Phitney
28 OCTOBER 2015

EXHIBIT A

Legal Description

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 ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED 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 9 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.

^{DS}
CD

12/11/2015

^{DS}
SW

12/11/2015

001407



Dec 26, 2016

Seattle Department of Construction and Inspections

Land Use Information Bulletin

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

Notices of Applications

Please see "Other Land Use Actions" for notice of Design Review Early Design Guidance Applications. Seattle's Department of Planning & Development is currently reviewing the Master Use Permit applications described below. **Your written comments are encouraged and may be submitted to:**

PRC@seattle.gov

Department of Planning and Development
ATTN: Public Resource Center
700 5th Av Ste 2000
PO Box 34019
Seattle, Washington 98124-4019
FAX (206) 233-7901

All correspondence will be posted to our electronic library.

Applications requiring shoreline approvals are subject to an initial 30-day comment period. All other land use approvals listed below are subject to an initial 14-day comment period. A 14 day comment period may be extended an additional 14 days provided a written request to extend the comment period is received by this Department within the initial 14-day comment period as published in this bulletin. Any comments filed after the end of the official comment period may be considered if pertinent to the review being conducted.

The project file, including application plans, environmental documentation and other additional information related to the project, is available in our electronic library at web6.seattle.gov/dpd/edms/. Public computers, to view these files, are available at the DPD Public Resource Center, 700 Fifth Avenue, Suite 2000. 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.

Questions about the projects listed in this bulletin can also be directed to the Public Resource Center at the email and US mail address listed above. To the extent known by the Department, other necessary government approvals or permits not included in the application will also be listed. When a building permit is listed as being necessary, this may include associated electrical, plumbing, mechanical, elevator, and other similar permits.

DPD is now using the Early Review Determination of Non-significance (DNS) process for all applications requiring a threshold determination when DPD has reasonable basis to believe that significant adverse impacts are not likely, and the Director expects to issue a DNS for the proposal. The DNS is not final until it is published following consideration of all comments received during the comment period.

The comment period for a project subject to an Early Review DNS may be the only opportunity to submit comment on the environmental impacts of the proposal. Mitigation measures may be imposed on projects subject to the Early Review DNS process. After the close of the comment period, DPD will review any comments and will either issue a DNS followed by an opportunity to appeal, or, if significant environmental impacts are identified, a DS/Scoping notice. Copies of the subsequent threshold determination for the proposal may be obtained upon request or from our electronic library at web6.seattle.gov/dpd/edms/.

Numbers used in project descriptions are approximations. The final approved plans will control.

Interpretations

A formal decision as to the meaning, application or intent of any development regulation in Title 23 (Land Use Code) or Chapter 25.09 (Regulations for Environmentally Critical Areas) is known as an "interpretation". Examples include questions of how structure height or setback is properly measured, or how a proposed use should be categorized.

Interpretation may be requested by any party during the comment period as determined above. The request must be in writing, and accompanied by a \$2,500.00 minimum fee payable to the City of Seattle (This fee covers the first ten hours of review. Additional hours will be billed at \$250.00.). Interpretations on some issues may also be requested later, during the appeal period, if the project decision is appealed. Failure to request an interpretation can preclude raising the issue on appeal. Questions regarding the interpretation process may be sent to PRC@seattle.gov (please include "Interpretation Information" in the subject line) or by calling the message line at (206) 684-8467. Requests for interpretation may be submitted to the **Department of Planning and Development, Code Interpretation and Implementation Group, 700 5th Av Ste 2000, P.O. Box 34019, Seattle, WA 98124-4019.**

Note: The vicinity map feature added to the public notice of application is provided as an illustrative reference. It is not intended to replace the legal description and site plan included in the project file. In the event of omissions, errors or differences, the documents in DPD's files will control.

Application

Area: North/Northwest **Address:** 7009 GREENWOOD AVE N
Project: 3023260 **Zone:** SINGLE FAMILY 5000, ARTERIAL WITHIN 100 FT.,
 URBAN VILLAGE OVERLAY, NEIGHBORHOOD COMMERCIAL 2-40'
Notice Date: 12/26/2016

Contact: DAVID FUCHS - (206)523-6150 x
Planner: Lindsay King - (206) 684-9218
Date of Application: 12/09/2016
Date Application Deemed Complete: 12/20/2016

Council Land Use Action to contract rezone a parcel from Neighborhood Commercial 2-40' (NC2-40) to Neighborhood Commercial 2-65' (NC2-65) to allow a 5-story building containing 33 apartment units with ground level retail and below grade parking for 28 vehicles.

Comments may be submitted through: 01/08/2017

The following approvals are required:

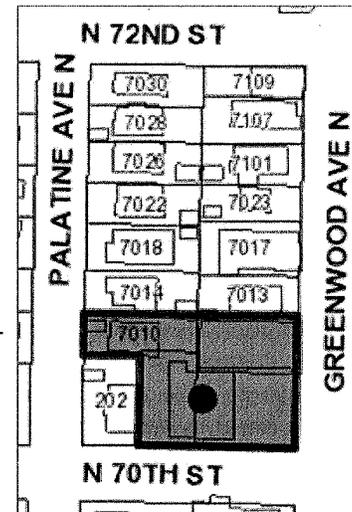
SEPA Environmental Determination (This project is subject to the Optional DNS Process (WAC 197-11-355) and Early DNS Process (SMC 25.05.355). This comment period may be the only opportunity to comment on the environmental impacts of this proposal.

Design Review

Council Contact Rezone to rezone 12,188 sq. ft. from NC2-40' to NC2-65'.

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

Building Permit
Demolition Permit



(Top of image is north.)

Map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.



SEATTLE DEPARTMENT OF CONSTRUCTION & INSPECTIONS

Land Use Information Bulletin

Bulletin Home Print Search

NOTICE OF DECISIONS AND RECOMMENDATION OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS AND CITY OF SEATTLE HEARING EXAMINER PUBLIC HEARING

*DCI failed to publish etc. to appeal DR decision.
Per Sue Putnam (TC 423/18) will republish
on 1/25. Still OK for hearing on 2/15, but
she said she would tell applicant that if
there is a bye or DR appeal, a continuance
of hug. date is very likely.
ST*

Attachments: Rezone Recommendation

Project: 3023260

Address: 7009 GREENWOOD AVE N

Area: North/Northwest

Zone: SINGLE FAMILY 5000, ARTERIAL WITHIN 100 FT., URBAN VILLAGE
OVERLAY, NEIGHBORHOOD COMMERCIAL 2-40'

Contact: DAVID FUCHS

Contact phone: (206)523-6150

Planner: Tamara Garrett

Planner phone: (206) 233-7182

Conditions:

Clerk File Number: 314356

The Director of the Seattle Department of Construction and Inspections (SDCI) has issued decisions and recommendations regarding the following project:

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65') to allow a 5-story building containing 35 apartment units with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.

Copies of the Director's decision and recommendation, the project application materials and plans are available in SDCI's online Permit and Property Records or at the SDCI Public Resource Center, 700 5th Avenue, Suite 2000. 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. Questions may be directed to Tami Garrett, 206-233-7182, tami.garrett@seattle.gov.

ENVIRONMENTAL DETERMINATION

The Director has determined that the proposed project is not likely to result in significant, adverse environmental impacts and has issued a Determination of Non-Significance (DNS).

DECISIONS APPEALABLE TO THE SEATTLE HEARING EXAMINER

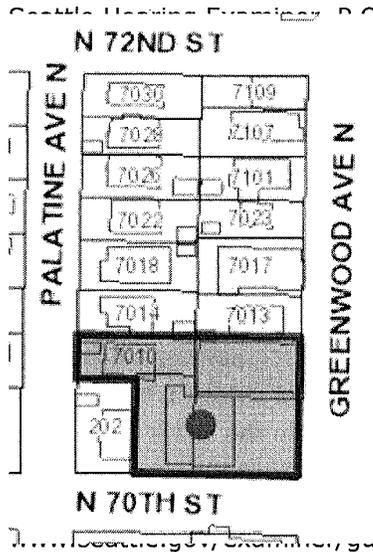
The decisions issue a **Determination of Non-Significance** is appealable to the Seattle Hearing Examiner.

HOW TO APPEAL THE DIRECTOR'S FINDINGS AND DECISION

Appeals of the Director's Decision must be received by the Hearing Examiner no later than 5:00 p.m., on **Tuesday, January 30, 2018.**

Appeals may be filed online at www.seattle.gov/examiner/efile.htm, delivered in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mailed to the City of

Map:
 The top of this image is North.
 This map is for illustrative purposes only.
 In the event of omissions, errors or differences, the documents in SDCI's files will control.



Box 94729, Seattle, WA 98124-4729.
 (A form of USPS mail service may be used for extra time if mailing an appeal.) An appeal form is available at [DUSEAPLFORM.pdf](#).
 An appeal requires a \$85.00 filing fee. The fee may be paid in person at the Office of the Hearing Examiner, 300 University of Seattle, by credit/debit card (Visa or MasterCard) or by telephone at 206-684-0521. (The fee is waived if the person filing the appeal would cause financial hardship.)
 A "Public Guide to Appeals and Hearings" is available at [http://www.seattle.gov/duseap/duseap-toc.htm](#).

DIRECTOR'S RECOMMENDATION

The Director recommends that the Seattle City Council approve the rezone with conditions.

The recommended conditions include:

1. The rezone includes a Mandatory Housing Affordability designation of M1.
2. Development of the rezoned property be subject to the requirements of SMC 23.58.B and/or 23.58.C.
3. Development of the rezoned property shall be in substantial conformance with the approved plans for this project, Master Use Permit number 3023260.
4. Provide a Construction Management Plan that has been approved by SDOT.

PUBLIC HEARING

A public hearing to take public comment on the Director's recommendations and to establish the record for this application will be held at **9:00 a.m. on Thursday, February 15, 2018** at the Office of the Hearing Examiner (address below). The Office of the Hearing Examiner provides barrier free access.

Any appeal of the Directors decision to issue a DNS will be heard at this hearing.

App v3.5.0

WRITTEN COMMENTS

Written comments will be accepted until the close of the hearing scheduled for **Thursday, February 15, 2018**. 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.

Seattle Department of
Construction and Inspections

Nathan Torgelson, Director
January 25, 2018

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RE-NOTICE OF DECISIONS AND RECOMMENDATION OF THE SEATTLE DEPARTMENT OF
CONSTRUCTION AND INSPECTIONS AND CITY OF SEATTLE HEARING EXAMINER PUBLIC HEARING

AREA: NORTH/NORTHWEST Address: 7009 GREENWOOD AVE N
Project: 3023260 Zone: SINGLE FAMILY 5000, ARTERIAL WITHIN 100 FT., URBAN
VILLAGE OVERLAY, NEIGHBORHOOD COMMERCIAL 2-40'

Notice Date: 01/25/2018
Contact: DAVID FUCHS - (206) 523-6150
Planner: TAMARA GARRETT - (206) 233-7182

Note: This re-notice is only to clarify that Design Review is appealable
and to provide for the appropriate appeal period. There is no change
in the decision or hearing date.

Clerk File Number: 314356

The Director of the Seattle Department of Construction and Inspections (SDCI) has issued
decisions and recommendations regarding the following project:

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood
Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a
65 ft. height limit (NC2-65') to allow a 5-story building containing 35 apartment units
with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to
remain the same zoning designation. Existing single family residence and detached garage to remain.

Copies of the Director's decision and recommendation, the project application materials and plans are available in SDCI's
online [Permit and Property Records](#) or at the SDCI Public Resource Center, 700 5th Avenue, Suite 2000. 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. Questions may be directed to Tami Garrett, 206-233-7182, tami.garrett@seattle.gov.

DESIGN REVIEW

The Director has accepted the Design Review Board's recommendations and conditionally approves the proposed design
and requested departures.

ENVIRONMENTAL DETERMINATION

The Director has determined that the proposed project is not likely to result in significant, adverse environmental impacts
and has issued a Determination of Non-Significance (DNS).

DECISIONS APPEALABLE TO THE SEATTLE HEARING EXAMINER

The decisions to issue a Determination of Non-Significance and to conditionally approve design review are appealable to
the Seattle Hearing Examiner.

HOW TO APPEAL THE DIRECTOR'S FINDINGS AND DECISION

Appeals of the Director's Decision must be received by the Hearing Examiner no later than 5:00 p.m., on **Thursday,
February 8, 2018**.

Appeals may be filed online at www.seattle.gov/examiner/efile.htm, delivered in person to the Hearing Examiner's office
on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mailed to the City of Seattle Hearing Examiner, P.O. Box
94729, Seattle, WA 98124-4729. (Delivery of appeals filed by any form of USPS mail service may be delayed by several
days. Allow extra time if mailing an appeal.) An appeal form is available at
www.seattle.gov/examiner/LANDUSEAPLFORM.pdf.

Appeals must be accompanied by an \$85.00 filing fee. The fee may be paid by check payable to the City of Seattle, by
credit/debit card (Visa and MasterCard only) in person or by telephone at 206-684-0521. (The Hearing Examiner may
waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship.)

The Hearing Examiner Rules and "Public Guide to Appeals and Hearings Before the Hearing Examiner" are available at
www.seattle.gov/examiner/guide-toc.htm.

DIRECTOR'S RECOMMENDATION

The Director recommends that the Seattle City Council approve the rezone with conditions.

The recommended conditions include:

1. The rezone includes a Mandatory Housing Affordability designation of M1.
2. Development of the rezoned property be subject to the requirements of SMC 23.58.B and/or
23.58.C.
3. Development of the rezoned property shall be in substantial conformance with the approved
plans for this project, Master Use Permit number 3023260.
4. Provide a Construction Management Plan that has been approved by SDOT.

PUBLIC HEARING

A public hearing to take public comment on the Director's recommendations and to establish the record for this application
will be held at **9:00 a.m. on Thursday, February 15, 2018** at the Office of the Hearing Examiner (address below). The
Office of the Hearing Examiner provides barrier free access.

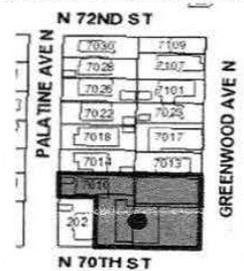
Any appeal of the Directors decision to issue a DNS and/or conditionally approve design review will be heard at this
hearing.

WRITTEN COMMENTS

Written comments will be accepted until the close of the hearing scheduled for **Thursday, February 15, 2018**. 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.



The top of this image is north.
This map is for illustrative purposes only. In the
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documents in SDCI's files will control.

«ADDRESSEE»
«ADDRESSEE2»
«ADDRESS»
«CITYSTATE» «ZIP»

XX

If you wish to file written comments and/or receive a notice of the decision, please return this completed form with any written comments you have to: Seattle Department of Construction and Inspections, 700 5th Ave Ste 2000, PO Box 34019, Seattle, Washington 98124-4019 or e-mail PRC@seattle.gov

Name: _____ Project #3023260 - Tamara Garrett, Planner

Address: _____

_____ Zip: _____

Email Address: _____

Comment: _____

Seattle Department of
Construction and Inspections

Nathan Torgelson, Director

February 12, 2018

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CANCELLATION OF PUBLIC HEARING

NOTICE OF DECISIONS AND RECOMMENDATION OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS AND CITY OF SEATTLE HEARING EXAMINER PUBLIC HEARING

AREA: NORTH/NORTHWEST **Address:** 7009 GREENWOOD AVE N
Project: 3023260 **Zone:** SINGLE FAMILY 5000, ARTERIAL WITHIN 100 FT., URBAN VILLAGE OVERLAY, NEIGHBORHOOD COMMERCIAL 2-40'

Notice Date: 02/12/2018

Contact: DAVID FUCHS - (206) 523-6150
Planner: TAMARA GARRETT - (206) 233-7182

THIS PUBLIC HEARING HAS BEEN CANCELLED.

Clerk File Number: 314356

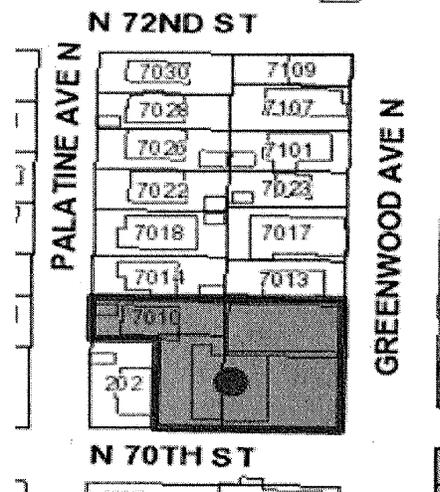
The Director of the Seattle Department of Construction and Inspections (SDCI) has issued decisions and recommendations regarding the following project:

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65') to allow a 5-story building containing 35 apartment units with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.

WRITTEN COMMENTS

Written comments will be accepted until the close of the hearing scheduled for **Thursday, February 15, 2018**. Comments should be sent to:

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



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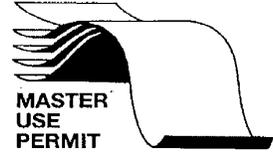
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Seattle Department of
Construction and Inspections

Nathan Torgelson, Director

February 20, 2018

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2018 FEB 21 AM 9:57



OFFICE OF
HEARING EXAMINER

DECISION AND RECOMMENDATION RESCINDED

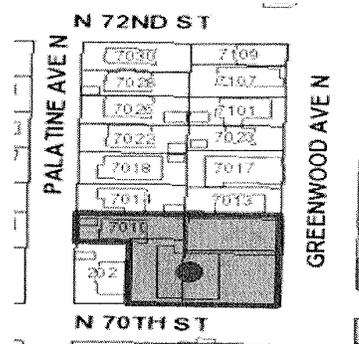
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Project: 3023260 **Zone:** SINGLE FAMILY 5000, ARTERIAL WITHIN 100 FT.,
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Notice Date: 02/20/2018

Contact: DAVID FUCHS - (206)523-6150

Planner: Tamara Garrett - (206) 233-7182

Project Description - Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40) to Neighborhood Commercial 2 with a 55 ft. height limit and a mandatory housing affordability suffix of "M" (NC2-55(M)) to allow a 5-story building containing 35 apartment units with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.



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On January 16, 2018 the Seattle Department of Construction and Inspections published their decision to conditionally approve design review and to issue a Determination of Non-significance and their recommendation to conditionally approve the requested rezone and impose conditions pursuant to the Seattle Environmental Policy Act. The notice included the date for the Seattle Hearing Examiner's public hearing. (The notice was republished on January 25, 2018 to clarify that the design review component was appealable.)

The applicant has filed a revised application and the decision described above is hereby rescinded. A new notice of application, including a new comment period, will be published.

Seattle Department of Construction and Inspections

Nathan Torgelson, Director
February 20, 2018



REVISED NOTICE OF APPLICATION

The notice of the application for the project described below has been revised from what was previously published.

Area: North/Northwest **Address:** 7009 GREENWOOD AVE N
Project: 3023260 **Zone:** SINGLE FAMILY 5000, ARTERIAL WITHIN 100 FT.,
URBAN VILLAGE OVERLAY, NEIGHBORHOOD COMMERCIAL 2-40'

Contact: DAVID FUCHS - (206)523-6150
Planner: Tamara Garrett - (206) 233-7182

Date of Application: 12/09/2016
Date Application Deemed Complete: 12/20/2016

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40) to Neighborhood Commercial 2 with a 55 ft. height limit and a mandatory housing affordability suffix of "M" (NC2-55(M)) to allow a 5-story building containing 35 apartment units with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.

Comments may be submitted through: 03/05/2018

The following approvals are required:

SEPA Environmental 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.

Design Review

Council Contract Rezone to rezone 12,188 sq. ft. from NC2-40 to NC2-55(M).

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

Building Permit

Your written comments are encouraged and should be submitted to:

PRC@seattle.gov
Seattle Department of Construction and Inspections
ATTN: Public Resource Center
PO Box 34019
Seattle, Washington 98124-4019
FAX (206) 233-7901

Commenters providing an email address or return US mail address will be sent notice of any public meetings or hearings and notice of the SDCI decision with information on the right to appeal. All correspondence will be posted to our electronic library.

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The project file, including application plans, environmental documentation and other additional information related to the project, is available in our electronic library at web6.seattle.gov/dpd/edms/. Public computers, to view these files, are available at the SDCI Public Resource Center, 700 Fifth Avenue, Suite 2000. 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.

Questions about the projects listed in this bulletin can also be directed to the Public Resource Center at the email and US mail address listed above. To the extent known by the Department, other necessary government approvals or permits not included in the application will also be listed. When a building permit is listed as being necessary, this may include associated electrical, plumbing, mechanical, elevator, and other similar permits.

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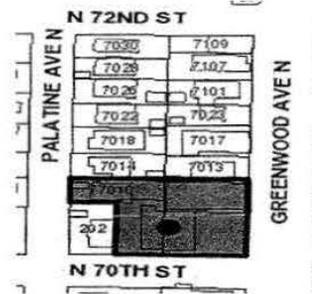
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«ADDRESSEE»
«ADDRESSEE2»
«ADDRESS»
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If you wish to file written comments and/or receive a notice of the decision, please return this completed form with any written comments you have to: Seattle Department of Construction and Inspections, 700 5th Ave Ste 2000, PO Box 34019, Seattle, Washington 98124-4019 or e-mail PRC@seattle.gov

Name: _____ Project #3023260, Tamara Garrett, 19th flr

Address: _____

_____ Zip: _____

Email Address: _____

Comment: _____

Seattle Department of
Construction and Inspections

Nathan Torgelson, Director
April 9, 2018

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NOTICE OF DECISIONS AND RECOMMENDATION OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS AND CITY OF SEATTLE HEARING EXAMINER PUBLIC HEARING

Area: NORTH/NORTHWEST **Address:** 7009 GREENWOOD AVE N
Project: 3023260 **Zone:** SINGLE FAMILY 5000, ARTERIAL WITHIN 100 FT., URBAN VILLAGE OVERLAY, NEIGHBORHOOD COMMERCIAL 2-40'

Notice Date: 04/09/2018

Contact: DAVID FUCHS - (206) 523-6150

Planner: TAMARA GARRETT - (206) 233-7182

Clerk File Number: 314356

The Director of the Seattle Department of Construction and Inspections (SDCI) has issued decisions and recommendations regarding the following project:

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40) to Neighborhood Commercial 2 with a 55 ft. height limit and a mandatory housing affordability suffix of "M" (NC2-55(M)) to allow a 5-story building containing 35 apartment units with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.

Copies of the Director's decision and recommendation, the project application materials and plans are available in SDCI's online [Permit and Property Records](#) or at the SDCI Public Resource Center, 700 5th Avenue, Suite 2000. 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. Questions may be directed to Tami Garrett, 206-233-7182, tami.garrett@seattle.gov.

DESIGN REVIEW

The Director has accepted the Design Review Board's recommendations and conditionally approves the proposed design and requested departures.

ENVIRONMENTAL DETERMINATION

The Director has determined that the proposed project is not likely to result in significant, adverse environmental impacts and has issued a Determination of Non-Significance (DNS).

DECISIONS APPEALABLE TO THE SEATTLE HEARING EXAMINER

The decisions to conditionally approve design review and to issue a Determination of Non-Significance are appealable to the Seattle Hearing Examiner.

HOW TO APPEAL THE DIRECTOR'S FINDINGS AND DECISION

Appeals of the Director's Decision must be received by the Hearing Examiner no later than 5:00 p.m., **April 23, 2018**.

Appeals may be filed online at www.seattle.gov/examiner/efile.htm, delivered in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave or mailed to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729. (Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.) An appeal form is available at www.seattle.gov/examiner/LANDUSEAPLFORM.pdf.

Appeals must be accompanied by an \$85.00 filing fee. The fee may be paid by check payable to the City of Seattle, by credit/debit card (Visa and MasterCard only) in person or by telephone at 206-684-0521. (The Hearing Examiner may waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship.)

The Hearing Examiner Rules and "Public Guide to Appeals and Hearings Before the Hearing Examiner" are available at www.seattle.gov/examiner/guide-toc.htm.

DIRECTOR'S RECOMMENDATION

The Director recommends that the Seattle City Council approve the rezone with conditions.

The recommended conditions include:

1. The rezone includes a Mandatory Housing Affordability designation of M.
2. Development of the rezoned property be subject to the requirements of SMC 23.58.B and/or 23.58.C.
3. Development of the rezoned property shall be in substantial conformance with the approved plans for this project, Master Use Permit number 3023260.
4. Provide a Construction Management Plan that has been approved by SDOT.

PUBLIC HEARING

A public hearing to take public comment on the Director's recommendations and to establish the record for this application will be held at **9:00 a.m. on Monday, April 30, 2018** at the Office of the Hearing Examiner (address below). The Office of the Hearing Examiner provides barrier free access.

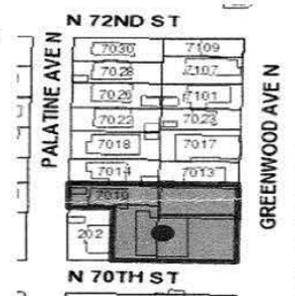
Any appeal of the Director's decision to conditionally approve design review and/or issue a DNS will be heard at this hearing.

WRITTEN COMMENTS

Written comments will be accepted until the close of the hearing scheduled for **Monday, April 30, 2018**. 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.



The top of this image is north.
This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.



**CITY OF SEATTLE
ANALYSIS, DECISION AND RECOMMENDATION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3023260
Council File Number: 314356
Applicant Name: David Fuchs, Johnston Architects
Address of Proposal: 7009 Greenwood Avenue North

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65'), to allow a five-story building containing 35 apartment units above ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.*

*Note –The project description has been revised from the following original notice of application: Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65') to allow a 5-story building containing 36 apartment units with ground level retail and below grade parking for 26 vehicles.

The following approvals are required:

Design Review with Departures (Seattle Municipal Code (SMC) 23.41)
Departures are listed near the end of the Design Review Analysis in this document

Contract Rezone (SMC 23.34): Recommendation to the Hearing Examiner

SEPA - Environmental Determination (SMC 25.05)
Substantive SEPA Review/Conditioning: Recommendation to City Council

SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are recommended.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, conditions are recommended to mitigate environmental impacts.

BACKGROUND

Mandatory Housing Affordability for Residential Development

In November of 2015, City Council passed Ordinance 124895 establishing a new Chapter 23.58B of the Land Use Code (Commercial Program). The purpose of Chapter 23.58B is to mitigate certain adverse impacts of development of new commercial floor area on the need for affordable housing for the households of new workers having lower-wage jobs. The Chapter provides regulations for how a development must provide an affordable housing payment or affordable housing performance to mitigate affordable housing impacts.

In August of 2016 City Council passed Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of Chapter 23.58C is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapter 23.58C specifies a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in residential development capacity.

Chapters 23.58B and 23.58C are applicable as follows:

- Where the provisions of a zone specifically refer to Chapter 23.58B or Chapter 23.58C, or
- Through the terms of a contract rezone in accordance with Section 23.34.004.

Site and Vicinity

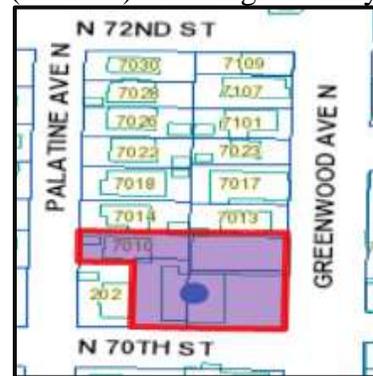
Site Zone: Neighborhood Commercial 2 with a 40' height limit (NC2-40) and Single Family 5000 (SF 5000)

Nearby Zones:

North:	NC2-40 & SF 5000
South:	NC2-40 & SF 5000
West:	SF 5000
East:	NC2-40

Environmentally Critical Areas: None.

Site Size: 20,799 square feet (sq. ft.)



Public Comment

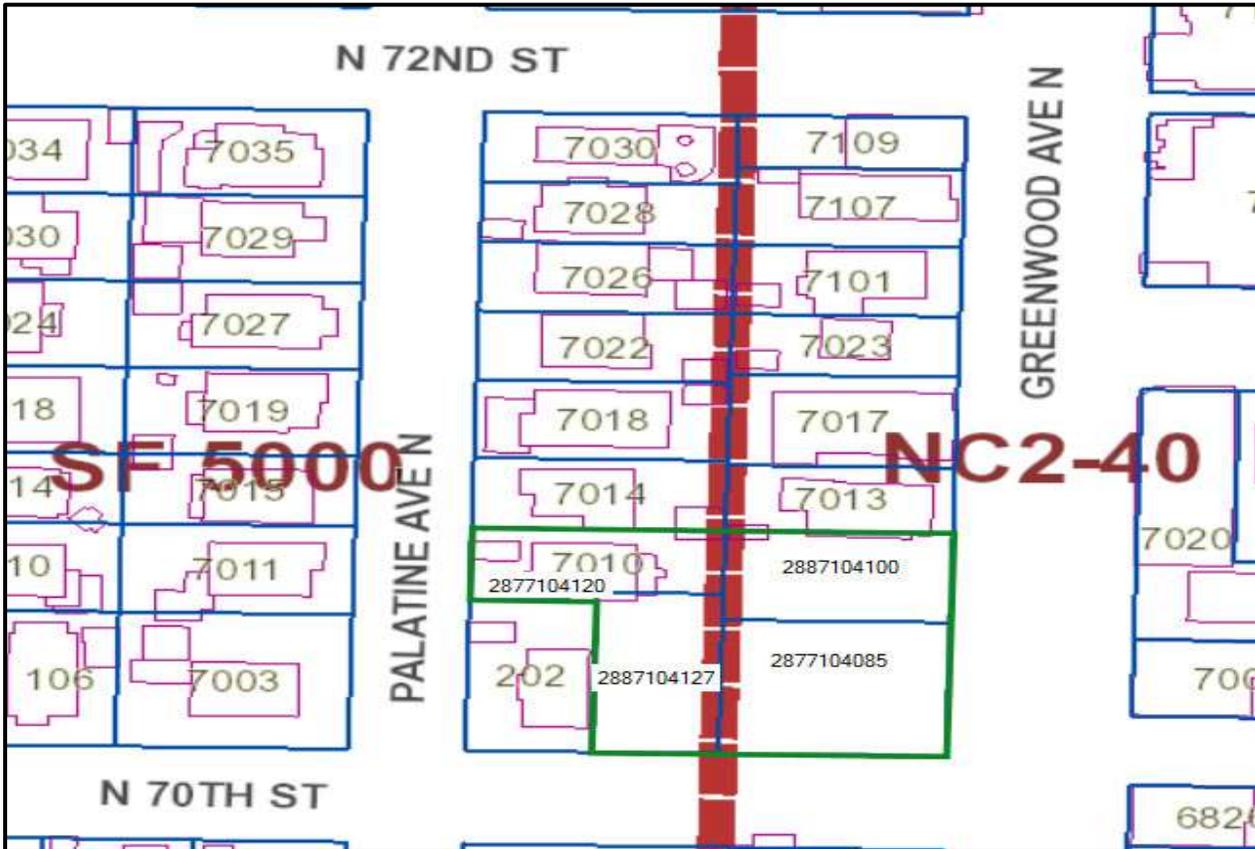
The public comment period ended on January 19, 2017. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to traffic, rezone, height/bulk/scale, parking and construction-related impacts. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS – DESIGN REVIEW

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

The development site is located in the Greenwood neighborhood of Seattle. This approximately 20,799 sq. ft. property is a consolidation of four tax parcels; bounded by Greenwood Avenue North to the west, North 70th Street to the south, single-family-zoned property and Palatine Avenue North to the east, and single family/commercially-zoned property to the north. This “L-shaped” property is zoned both Neighborhood Commercial 2 with a 40' height limit (NC2-40) and Single Family

5000 (SF 5000). According to the survey, the development site is developed with a single family residence, detached accessory garage and paved vacant area. The four tax parcels are identified by the following Parcel Identification Numbers (PINs), map and supplementary information:



PIN	Area (sq. ft.)	ADDRESS	ZONING & OVERLAY DESIGNATIONS	PRESENT USE
287710-4100	4,874	7009 Greenwood Avenue North	<ul style="list-style-type: none"> • NC2-40 • Greenwood-Phinney Ridge Residential Urban Village • Frequent Transit Service Corridor 	Vacant
287710-4085	7,311	7005 Greenwood Avenue North	<ul style="list-style-type: none"> • NC2-40 • Greenwood-Phinney Ridge Residential Urban Village • Frequent Transit Service Corridor 	Vacant
287710-4120	3,844	7010 Palatine Avenue North	<ul style="list-style-type: none"> • SF 5000 	Single Family Residence and Detached Garage
287710-4127	4,770	7009 Greenwood Avenue North	<ul style="list-style-type: none"> • SF 5000 	Vacant
TOTAL	20,799			

The development proposal is to construct a five-story building containing 35 apartment units above ground level retail and below grade parking for 26 vehicles on the vacant portion of the development site described above that is currently zoned NC2-40. The map above illustrates the existing zoning orientation. The existing single family residence and accessory detached garage will remain.

The surrounding existing development abutting the subject property's boundary lines are single family residences to the north and east. To the south, across from North 70th Street, is an existing religious institution.

Existing vehicular access to the development property is via curb cuts along Greenwood Avenue North, North 70th Street and Palatine Avenue North. Greenwood Avenue North is an arterial street and the primary commercial corridor running north/south. Greenwood Avenue North is primarily zoned NC2-40 and contains a mixture of older one and two-story commercial uses and newer four-story mixed-use buildings. The properties east and west of the Greenwood Avenue North corridor are existing single family residences within single family residential zoning.

The neighborhood was originally developed in the early 1900's with single family residences, brick apartment buildings and one-story commercial structures along Greenwood Avenue North and Phinney Avenue North. Over the past century, newer commercial structures and apartment buildings have replaced the older structures. More recently, a few four-story mixed-use developments have been constructed within the immediate neighborhood. The commercial uses along Greenwood Avenue North are predominately neighborhood-related or eating establishments. Phinney Avenue North, to the south has a more residential feel befitting its Lowrise-Residential Commercial (LR3 RC) zoning.

EARLY DESIGN GUIDANCE MEETING: August 15, 2016

Public Comment

The following public comments were offered at this meeting:

Height, Bulk and Scale

- Expressed concern regarding the additional building height, noting that the additional height will increase shadows and has the potential to create a canyon effect along the Greenwood corridor.
- Would like to see a more robust shadow study provided to assess impacts to the sidewalk and the single family zone.
- Felt that the additional building height will detract from the neighborhood's attractive appearance and quaint residential quality.
- Expressed concern that the proposed building height would set a new precedent for buildings along Greenwood Avenue North.
- Concerned that the proposed height is not compatible with the surrounding community and that the structure height will negatively impact the single family homes.
- Noted that the mass and scale is inappropriate for the neighborhood; would like to see the height of the building reduced by 15'.
- Noted that the neighborhood plan identifies the town center at 85th/Greenwood where 65' tall buildings are appropriate.
- Felt drawings and models are misleading.
- Expressed concern that sunlight will not reach the center of the site.

- Noted that center courtyard is south facing so light will enter the center of the site.
- Encouraged the public to think about the long-term change of Greenwood and the Urban Village. Noted that future legislations proposed as part of HALA will allow buildings 55' tall.
- Would like to see the building over 40' in height setback 10-15 feet from the property line.
- Felt drawings should show the adjacent building context.
- Appreciated the setback provided on the upper floors.
- Felt the proposed park will be dwarfed by the building.
- Would like to see an upper level setback provided adjacent to the park.
- Noted that the public benefits provided with the project make the height worthwhile.

Architectural Concept

- Expressed support for an innovative building and architectural concept. Felt the proposed building is a better design than what could be built under 40' in height.
- Applaud design with an open courtyard concept.
- Felt the design is interesting and exciting. The concept has been well-developed with attention to design principals.
- Applaud the inspired design. Felt the design captures the successful qualities of the Chop House on Capitol Hill. Noted the combination of park and retail could be very successful and lead to positive interactions between building and neighborhood residents.
- If rezone is rejected, would like to see the design applied to a smaller building.
- Noted the success of the building would depend on the use of high quality materials.
- Noted that places have an intrinsic identity and for Greenwood, light and air is the primary characteristic of the neighborhood.
- Would like to see affordable housing included in the project.
- Would like to see a design option with a corner plaza open to the sky at Greenwood Avenue North and North 70th Street.

Site Design

- Would like to see a vibrant mix of commercial businesses.
- Expressed support for the restaurants in the commercial courtyard.
- Expressed concern regarding the treatment of retail spaces provided on Greenwood Avenue North.
- Noted that the ground floor commercial courtyard with views to a public park will be an asset to the community.
- Questioned whether the commercial courtyard and park will be open to the public.
- Expressed support for the park but noted concern that a private entry would dissuade use of the park by the public. Felt the design should incorporate signage to document the space as public.
- Concerned that park will become a camp for the local homeless.
- Supported project and the additional park space provided.
- Noted the design and programming of the park is very important to the adjacent single family homes. Concerned about noise impacts.
- Would use park space for kids.

Parking and Traffic

- Felt more parking should be provided.
- Would like to see traffic calming measures implemented on Greenwood Avenue North.
- Support the provided parking.

- Concerned increased curb bulb and the proposed parking entry may conflict with access across the street.
- Concerned about traffic on North 70th Street.
- Would like to see more information about how deliveries will be provided to the businesses in and adjacent to the structure.
- Would like to see a transportation report that studies impacts to the surrounding community. Specific attention should be given the emergency vehicle routes and the local daycare on Palatine Avenue North.

Public Outreach

- Would like to have a separate community meeting to review the proposal.
- Felt the next public meeting should be located in Phinney and a sound system provided.

All public comments submitted in writing for this project can be viewed using the following link and entering the project number: <http://web6.seattle.gov/dpd/edms/>

Priorities & Board Recommendations

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance based on current adopted Citywide and Neighborhood-Specific Design Guidelines.

1. **Architectural Concept.** The Board agreed that the preferred Massing Option C provided the better design solution for the site. The concept includes a break in the south façade to allow light and air into the structure. The concept includes a five-story street wall along Greenwood Avenue North and North 70th Street with an upper level setback at the 6th floor. The massing also includes a step down in the northwest corner locating five stories with a roof deck adjacent to the single family zoning. The Board agreed that the building massing should be further developed to provide thoughtful transitions between the proposed building and the adjacent building and zoning context.
 - a. Maintain a strong street wall at ground level along Greenwood Avenue North and North 70th Street and develop the upper level massing to respond to the future massing context along each street. The Board noted that the building façade could be resolved and informed in a variety of ways including the following:
 - i. Study the scale and proportion of the future building context along each street.
 - ii. Review a possible two-story setback along the street right-of-way.
 - iii. Consider strategic erosion, modulation, fenestration and material applications to reduce the building mass along each street.
 - iv. Develop and appropriate massing response based on Height, Bulk and Scale Guidelines CS2-D and Greenwood/Phinney Specific Guideline CS2-I and CS2-II, CS2-VII and DC2-III.
 - b. The Board expressed concerns regarding building mass and shadow impacts of the increased height in relationship to the adjacent single family zone to the west and the single family structure to the north located in a commercial zone. At the Recommendation Meeting the Board would like to see a thoughtful transition between the proposed structure and the adjacent zones/structures.
 - i. Provide a revised site design that includes the adjacent single family lots that are part of the overall development proposal.

- ii. Utilize site design, the location of existing single family homes and mature landscaping to provide a ground level transition between the proposed development and adjacent uses.
 - iii. Study upper level massing location to incorporate meaningful and well-placed transitions to adjacent less intense zoning and uses.
 - iv. Transitions may include upper level setbacks, modulation, fenestration, architectural details, material detailing, privacy studies to reduce line of site concerns.
 - v. The upper level deck provided in the northwest corner should be set back from the roof edge to respect the privacy of the adjacent single family homes.
 - vi. Develop an appropriate massing response based on Height, Bulk and Scale Guidelines CS2-D and Greenwood/Phinney Specific Guideline CS2-I and CS2-II, CS2-VII and DC2-III.
- c. The building is positioned at the terminus of North 70th Street heading west from Greenwood Avenue North. At the Recommendation Meeting, the Board would like more detail demonstrating how the architectural concept, fenestration and/or material treatment responds to the unique jog in the street grid. (CS2-C1, CS2-V)
- d. At the Recommendation Meeting, the Board requested additional shadow studies, context elevations and perspective drawings from each corner. The Board was particularly interested in the resolution of the massing in the northwest corner. (CS2-D)

2. Commercial Corridor. The Board noted that the unique ground floor open commercial courtyard allows movement of pedestrians through the site.

- a. The Board noted that the open retail courtyard was integral to the success of the architectural concept. At the Recommendation Meeting, the Board requested more information about the following details:
 - i. The programming of the space for residents, retail/restaurant patrons, and the public accessing the open space. The space should be designed to be legible and comfortable for each user. (CS2-IV, PL1, PL2, PL3).
 - ii. The entry sequence for residential, commercial and park spaces, landscape, hardscape, material treatment, ground level commercial storefront design, outdoor seating design, lighting and signage. (CS2-IV, PL1, PL2, PL3, DC4)
- b. The Board agreed that the commercial storefronts along Greenwood Avenue North required the same level of design detail as the interior courtyard spaces. The commercial spaces should be developed consistent with the precedent images but also per the Greenwood/Phinney neighborhood specific design guidelines for commercial corridors and storefront design. (CSII-I, CS3-A, CS3-II, PL2, PL3-C)
- c. At the Recommendation Meeting, the Board requested details showing the right-of-way landscape improvements, first floor commercial treatment, and the entry to the courtyard space contribute and enhance the existing neighborhood character. (CS2-A, CS3, PC1-A-2, PL2-B)

3. Park/Open Space. The project design includes a publicly accessible park. The Board applauded the innovative concept, but also expressed concerns regarding the programming and detailed design of the space. The Board would like to see the space further developed to provide a welcoming, safe, public amenity with sympathetic transitions to the single family homes adjacent.

- a. Create a gracious and welcoming entrance along North 70th Street. (CS-II-iv, PL1, PL2, DC3)
- b. Locate the open space at the sidewalk level on North 70th Street and navigate any required grade transitions through the site design. (CS-II-iv, PL1, PL2, DC3)
- c. Consider how cars, pedestrians, and back-of-house functions will coexist along the North 70th Street sidewalk. The treatment of the space should maintain a pedestrian centric focus. (CS-II-iv, PL1, PL2, DC3, DC1)
- d. Consider how the open space will be perceived and accessed through the site from Greenwood Avenue North. Utilize the design of entrances and the double height space, lighting, paving patterns, and/or signage to demonstrate the public access through the commercial courtyard. (CS-II-iv, PL1, PL2, DC3)
- e. Develop the open space with an active, low-noise retail/restaurant edge to add eyes and activity to the open space area. (CS-II-iv, PL1, PL2, DC3)
- f. Treat the open space to provide a considerate transition to the existing single family home to the west. (CS2-D5)
- g. Treat blank walls along the open space to be engaging and integrated in to the overall design and programming of the space. (CS-II-iv, PL1, PL2, DC3)
- h. At the Recommendation Meeting, the Board would like more detail on the programming of the park, the landscape/hardscape treatment, lighting, signage, hours of operation and ownership. (CS-II-iv, PL1, PL2, DC3)
- i. Design the park to create safe spaces where all users feel secure and comfortable. (CS-II-iv, PL1, PL2, DC3).

4. Architectural Context and Materials. The Board noted the proposed building is located within a neighborhood with a strong residential character.

- a. The Board would like more information showing how the design parti and material application will reduce the scale of the building. (CS2-VII, DC2, DC4)
- b. Project should utilize durable, high quality materials. (DC4)

RECOMMENDATION MEETING: May 1, 2017

Public Comment

The following public comments were offered at this meeting:

Design Concept and Massing

- Applauded removing the 6th floor of the structure and the overall reduction in height.
- Voiced support for the ground level retail spaces, the pedestrian friendly street edge, the developer's efforts to engage the community and the sustainable design features.
- Acknowledged the design effort to create a high-quality response to the existing context. Felt the building design compliments Greenwood Avenue North.
- Expressed support for the unique internal atrium design concept.
- Felt a red brick material application would fit the neighborhood character better than the more modern grey brick.
- Felt that the building should respond to the North 70th Street as a view corridor.
- Expressed concern that a building setback is not required by zoning along the zone edge between Single Family and the Commercial zone. Urged the Board to utilize the Height, Bulk and Scale City Design Guidelines to require a better transition between the two zones.

- Requested an additional setback on the 4th floor for the façade facing North 70th Street and the west façade facing the single family zone.
- Felt additional setbacks should be provided at the 5th floor on all sides of the building.
- Expressed concern the height of the structure will be approximately 70' with rooftop features.
- Expressed concern that the increased height of this building, and other buildings that may follow, will create an urban cannon on Phinney Avenue North.

North Wall

- Felt the blank wall on the north façade needs further treatment.
- Noted that the proposed trailing vegetation along the north wall is a great concept but that it must be maintained to be successful.

Privacy

- Would like to see smaller windows on 4th and 5th floors. Noted that people looking up at the windows from below can easily see into private spaces and that the light from the windows can create light pollution at night.
- Expressed concern regarding privacy for adjacent residential units.

Other

- Supported Greenwood Avenue North center lane for commercial deliveries, which is consistent with the existing commercial uses on the corridor.
- Expressed concern regarding the viability of commercial uses proposed. Noted many of the proposed uses already exist in the neighborhood at other locations.

All public comments submitted in writing for this project can be viewed using the following link and entering the project number: <http://web6.seattle.gov/dpd/edms/>

Priorities & Board Recommendations

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance based on current adopted Citywide and Neighborhood-specific Design Guidelines.

- 1. Architectural Concept and Height, Bulk and Scale.** The Board supported the revised massing which removed the 6th floor of the structure. The Board noted that the substantial massing change provides appropriate response to the zone transitions to the north, south, east, and west. The Board recommended that the architectural parti, which breaks the structure into four distinct masses separated by a highly transparent gasket, was successful in breaking down the mass of the structure horizontally creating good proportions. The Board also supported the 4-story brick base, with a material change, strategic use of setbacks, and architectural detailing to visually distinguish the 5th floor from the lower four floors. The Board noted that the high-quality material application at both at the base and the upper levels, coupled with the interior atrium and the large window fenestration, created a successful composition. The Board also acknowledged the large number of public comments regarding additional setbacks along the North 70th Street façade and the facade facing the single family zone.
- 2.**
 - a. The Board recommended that the additional 5th floor setback in the northwest corner was an adequate response to the EDG guidance to provide a thoughtful transition between the proposed building and the single-family zone. (CS2-D, CS2-II, CS2-VII)

- b. The Board conditioned that an additional setback should be provided in the southwest corner of the structure consistent with the northwest corner. The setback should be a minimum of 4 feet in depth. The Board agreed that the vertical gasket should maintain the existing depth of 6'-2". (CS2-D, CS2-II, CS2-VII)
- c. The Board discussed additional setbacks along the North 70th Street façade. Ultimately the Board concluded that an additional setback would negatively impact the strong street wall along Greenwood Avenue North. The Board recommended that the Greenwood Avenue North façade should remain as currently designed. (CS2-C1, CS2-D, CS2-II, CS2-VII)
- d. The Board clarified that the upper level setback on the southwest façade on North 70th Street should be maintained as a transition to the nearby lower height zoning, while also setting back the west façade as conditioned. (CS2-D, CS2-II, CS2-VII)
- e. The Board noted the public comment concern regarding the potential urban canon on Greenwood Avenue North, but recommended that the building height and design as shown provide a reasonable proportion to the 100-foot right-of-way width on Greenwood Avenue North. (CS2-D)
- f. In response to public comment, the Board recommended the Design team work with SDCI on the placement of rooftop elements including the greenhouse, the size and location of the solar panels, and the setback of the deck railing, to verify that the design minimizes the perceived height and bulk of structure when viewed from adjacent streets. (CS2-D, CS2-II)

3. Commercial Corridor. The Board applauded the resolution to the publicly accessible commercial courtyard and agreed the design adequately responded to EDG pertaining to the courtyard's programming for use by residents, commercial patrons, and the public. The Board supported the continuous commercial frontage along Greenwood Avenue N wrapping onto North 70th Street.

- a. The Board recommended that the tall commercial storefront with expressed mullions provides a scale and character to the neighborhood commercial street consistent with the Greenwood Design Guidelines. (CS2-II, CS3-I and II, PL3-C)
- b. The Board also supported the continuous high canopy, with wood soffit. The Board recommended that the wood soffit and use of wood in the interior courtyard provide a warmth to both spaces that should be maintained. (PL1, PL2-C)
- c. The Board conditioned that the final gate design, for both entries to the commercial courtyard, to express either an artful or architectural composition, integrated into the overall building design concept. (PL2-B3, PL3-A, DC1-I, DC2-C)

4. Park/Open Space. Since the EDG meeting, the project proposal was revised to remove the publicly accessible park from the southwest portion of the site. The revised proposal includes an undeveloped open space with additional plantings to provide a softened transition between the proposed building and the adjacent homes. The Recommendation packet notes that this area may be developed with a Detached Accessory Dwelling Unit (DADU) or single family residence at some time in the future. *[Staff Note: After the Recommendation meeting, it was confirmed by the SDCI zoning reviewer that the single family-zoned portion of the entire development site could be developed with a DADU only. Development of new single family residence in addition to the remaining existing single family residence would not be allowed by Code.]*

- 5. Architectural Context and Materials.** The Board noted the proposed building is located within a neighborhood with a strong residential character. The Board supported the high-quality, tone-on-tone, textured, brick material application.
- a. The Board discussed the public comment regarding red brick, but recommended that the entire building material palette, with light grey brick, provides an elegant a cohesive design. (CS2-A2, CS2-C, CS3-A1, CS3-I, DC2i, DC4-A)
 - b. During the presentation, the applicant expressed a desire to use wood at 5th floor if the budget allowed. Since a sample was not provided, the Board was unable to recommend a specific material change. Should a material change be proposed later, SDCI staff will determine if the change is consistent with the original DRB recommendations for approval. (DC4-A)
 - c. The Board acknowledged that the west façade material application would need to be resolved once the upper levels setback was provided. (DC4-A)

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS1-B-3. Managing Solar Gain: Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

CS1-E Water

CS1-E-1. Natural Water Features: If the site includes any natural water features, consider ways to incorporate them into project design, where feasible

CS1-E-2. Adding Interest with Project Drainage: Use project drainage systems as opportunities to add interest to the site through water-related design elements.

Greenwood/Phinney Supplemental Guidance:

CL1-I Responding to Site Characteristics

CL1-I-i. Views: Numerous east-west streets offer excellent views of Green Lake, Puget Sound and the Olympic and Cascade Mountains from Greenwood Avenue North. Where possible, buildings should be located to take advantage of these views and to enhance views from the public right-of-way. Examples of methods to do this include setbacks from view corridors, landscape elements and street trees to frame views rather than block them, and pedestrian spaces with views of the water and mountains.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

Greenwood/Phinney Supplemental Guidance:

CS2-I Streetscape Compatibility

CS2-I-ii. Treatment of Side Streets: Some treatment of side-streets off of Greenwood Avenue North and 85th Street is important to create an effective transition to residential neighborhoods. Some options to consider include:

- a. setbacks with view-framing landscaping (see CS1)
- b. arbors with hanging plants

- c. small outdoor spaces with trees and landscaping.

CS2-II Height, Bulk and Scale Compatibility

CS2-II-i. Impact of New Buildings on the Street: Consider the setback of upper stories of new mixed-use development on Greenwood Avenue North and North/Northwest 85th Street to reduce the dominance of new buildings on the street. Also, new commercial development should respect the small-scale historical pattern of storefronts on Greenwood Avenue North. Typically, the older storefronts are about 50 feet in width and feature brick, stone or other masonry units. Some also feature architectural details that provide interest and a human scale to the buildings.

CS2-II-ii. Zone Edges: Careful siting, building design and massing are important to achieve a sensitive transition between more intensive and less intensive zones. Consider design techniques including:

- a. increasing the building setback from the zone edge at the ground level;
- b. reducing the bulk of the building's upper floors nearest to the less intensive zone;
- c. reducing the overall height of the structure; and
- d. using extensive landscaping or decorative screening.

CS2-II-iv. Surrounding Open Space: Contribute to the character and proportion of surrounding open spaces. Evaluate adjacent sites, streetscapes and open spaces for how they function as the walls and floor of outdoor spaces or "rooms" for public use to determine how best to support those spaces through project siting and design.

CS2-III Architectural Context/Building Entrances

CS2-III-i. Entrances: Even when the principal off-street parking areas are located on the side of the building, a primary building entrance should be located at the corner. This concept is consistent with traditional neighborhood commercial designs and important in facilitating pedestrian activity at the street corners.

CS2-IV Mid-Block Connections

CS2-IV-i. Mid-Block Crossings: Where relevant, consider incorporating and enhancing the mid-block connection concept. Mid-block connections should be visually open and activated by pedestrian lighting, landscaping and human scaled, pedestrian-oriented architectural features and details. Inclusion of public art and neighborhood signage is encouraged. These connections should align with the mid-block crosswalk and may vary in width.

CS2-V Street Pattern

CS2-V-i. Continuity: New development should respond to the existing street pattern to create pedestrian and visual continuity.

CS2-VI Structure Orientation

CS2-VI-i. Orientation: Buildings should generally be built to the edge of sidewalks without setbacks so that ground floor uses are visible and accessible from the pedestrian circulation system. The impacts of new structures on solar exposure should be considered. Buildings located on corners should be oriented to the corner and include entries, windows, canopies or other special architectural treatment. Automobile access, circulation or parking should not be located at the intersections of public streets. Blank walls should be avoided where possible and mitigated with architectural treatment where they are unavoidable.

CS2-VII Mass and Scale

CS2-VII-i. Reducing Visual Mass: Consider reducing the impact or perceived mass and scale of large structures by modulating upper floors; varying roof forms and cornice lines; varying materials, colors and textures; and providing vertical articulation of building facades in proportions that are similar to surrounding plat patterns.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

CS3-B Local History and Culture

CS3-B-2. Historical/Cultural References: Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

Greenwood/Phinney Supplemental Guidance:

CS3-I Architectural Concept and Consistency

CS3-I.i. Architectural Styles: The Greenwood Avenue North/Phinney Avenue North and North/ Northwest 85th Street corridors are characterized by their utilitarian, non-flamboyant, traditional architectural styles (except for churches). Some important points to consider in making new development consistent and compatible with existing development include:

- a. small-scale architectural details at the ground level, including color, texture/patterns, materials, window treatment, sculptural elements, etc.
- b. landscaping is an important component of the overall character, particularly for residential development
- c. personalization of individual businesses is a key feature of both corridors.

CS3-II Compatibility

CS3-II.i. Existing Pattern: Consider using the human-scale historical pattern of storefronts on Greenwood Avenue North as a guide in developing new structures abutting TownCenter streets. New development should respond to Greenwood's existing context by matching window and opening proportions, entryway patterns, scale and location of building cornices, proportion and degree of trim work and other decorative details, and employing a variety of appropriate finish materials.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

Greenwood/Phinney Supplemental Guidance:

PL1-I Pedestrian Open Spaces and Entrances

PL1-I-i. Pedestrian Open Spaces: Small, usable open spaces are an important design objective. Open spaces incorporating the following features are encouraged with new commercial and mixed-use development:

- a. Good sun exposure during most of the year
- b. Located in areas with significant pedestrian traffic
- c. Storefront and/or residential windows face onto open space, at or above the ground level
- d. There are a variety of places to sit
- e. Pedestrians have something to look at, whether it is a view of the street, landscaping, a mural, etc.

PL1-II Open Space

PL1-II-i. Urban Plaza: Encourage a publicly accessible urban plaza, potentially incorporated into one of the north-south streets and any proposed midblock connection. This adjoining street could be temporarily closed to traffic for special public gatherings. The plaza could include seasonal landscaping and year-round green, seating walls, benches or other street furniture, and public art.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

Greenwood/Phinney Supplemental Guidance:

PL2-I Pedestrian Open Spaces and Entrances

PL2-I-i. North/Northwest 85th Street Corridor and Greenwood Avenue North Corridor, North of North 87th Street: New development should enhance the pedestrian environment and encourage pedestrian activity along the North/Northwest 85th Street corridor and the Greenwood Avenue North corridor, north of North 87th Street. The following measures should be encouraged:

- a. Building entries facing the street
- b. Pedestrian-oriented facades
- c. Weather protection
- d. Below-grade parking, when possible

PL2-I-ii. Pedestrian Amenities: When possible, new development should integrate pedestrian amenities including but not limited to street trees, pedestrian lighting, benches, newspaper racks, public art and bike racks to maintain and strengthen pedestrian activity.

PL2-II Pedestrian Lighting

PL2-II-i. Safety and Comfort: Pedestrian street lights should conform to the existing Greenwood lighting design plan (Lumec Z-14 Green finish GN8TX). New buildings are encouraged to incorporate custom lighting fixtures along sidewalks and public pathways. Special care should be made to not over-illuminate.

PL2-III Street Elements

PL2-III-i. Public Art: Small signs— especially blade signs that hang over sidewalks— should be incorporated. Signage for way-finding, especially parking, is encouraged. Coordinate signage plans with the Greenwood/Phinney Neighborhood Plan.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

Greenwood/Phinney Supplemental Guidance:

DC1-I Blank Walls

DC1-I-i. Storefronts: Storefronts are encouraged to be located at the sidewalk edge, particularly in neighborhood commercial districts, and should be continuous, minimizing blank walls. Where unavoidable consider treating blank walls with one or more of the methods suggested in the Seattle Design Guidelines, including:

1. installing vertical trellis in front of the wall with climbing vines or plant material;
2. employing small setbacks;
3. employing different texture, colors, or materials;
4. providing art or murals.

DC1-II Parking and Vehicular Circulation

DC1-II-i. Parking adjacent to a public street: Consider mitigating the visual impacts with street trees, landscaping or other design features.

1. Curb cuts along North/Northwest 85th Street should be consolidated where feasible.
2. Entrances to parking could include special paving and other sidewalk treatments and amenities, such as additional landscaping, signage or art.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs— considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose— adding depth, texture, and scale as well as serving other project functions.

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

Greenwood/Phinney Supplemental Guidance:

DC2-I Architectural Context

DC2-I-ii. Commercial and Mixed-Use: Façade modulation and articulation are less critical in commercial or mixed-use structures as long as appropriate levels of detail are present to break up the façade. Many of these structures are simple boxes that are well fenestrated and contain a number of details that add interest at the ground level and lend buildings a human scale. Modulation of commercial and mixed-use structures at the street level is discouraged unless the space or spaces created by the modulation are large enough to be usable by pedestrians.

DC2-II Human Scale

DC2-II-i. Building Composition: New multi-story developments should consider methods to coordinate a building’s upper and lower stories. The parts should function as a composition—not necessarily requiring the top and bottom to be the same or similar.

DC2-III Mass and Scale

DC2-III-i. Perceived Mass: Consider reducing the impact or perceived mass and scale of large structures by modulating upper floors; varying roof forms and cornice lines; varying materials, colors and textures; and providing vertical articulation of building facades in proportions that are similar to surrounding plat patterns.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

DC3-C-2. Amenities/Features: Create attractive outdoor spaces suited to the uses envisioned for the project.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle’s climate, taking special care to detail corners, edges, and transitions.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

Greenwood/Phinney Supplemental Guidance:

DC4-I Architectural Context

DC4-I-i. Signage: The design and placement of signs plays an important role in the visual character and identity of the community. Key aspects of this effort are to ensure that the signs are at an appropriate scale and fit in with the building’s architecture and the local district. Small signs are encouraged in the building’s architecture, along a sign band, on awnings or marquees, located in windows or hung perpendicular to the building façade. The following signs are generally discouraged:

1. Large illuminated box (back-lit “can”) signs, unless they are treated or designed to be compatible with the character of surrounding development. Back-lit awnings should be limited to one horizontal-mounted lighting tube. Small neon signs are an alternative as long as they are unintrusive to adjacent residences.
2. Pole-mounted signs. Small monument signs are encouraged as part of low walls screening parking and abutting pedestrian-oriented space. Design should not present a visibility problem to a driver, pedestrian or bicyclist.

DEVELOPMENT STANDARD DEPARTURES

The Board’s recommendation on the requested departure(s) was based on the departure’s potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s).

At the time of the Recommendation meeting the following departures were requested:

1. **Sight Triangle (SMC 23.54.030.G.3):** The Code requires a minimum 10'x10' sight triangle provided on either side of a 10' wide driveway, measured from the back edge of the sidewalk. The applicant proposes to maintain a sight triangle on either side of the driveway but allow for a structure column to be in the west sight triangle.

The Board unanimously supported the requested departure. The Board agreed that the sight triangles were largely kept clear of obstructions, and the approaching cars would be traveling uphill at lower speeds. The Board agreed that the North 70th Street façade, with driveway, back of house uses, retail spaces, and the commercial courtyard entrance provide a successful pedestrian experience along the street, better meeting the intent of adopted Citywide Design Guidelines DC1-C2 Parking and Service Uses, Retail Edge, and PL3-A4 Ensemble of Elements.

2. **Street Level Transparency Standards (SMC 23.47A.008.B.2.a):** The Code requires a minimum of 60% of the street-level street-facing façade be transparent. The applicant proposes a 40.3% transparent façade along North 70th Street.

The Board unanimously supported the requested departure. As noted above, the North 70th façade includes a variety of uses including a commercial courtyard entry. If the courtyard entry was excluded from the calculation, the building would comply with standards. The Board conditioned that the final gate design be either an artful or architectural composition integrated into the overall building design concept, so that when closed after hours the building façade maintains a welcoming pedestrian streetscape. As conditioned, the North 70th Street façade will better meet the intent of adopted Citywide Design Guidelines DC1-I Blank Walls, PL3-C Retail Edge, and PL3-A4 Ensemble of Elements.

RECOMMENDATIONS

Board Direction

The recommendation summarized above was based on the design review packet dated Monday, May 1, 2017, and the materials shown and verbally described by the applicant at the Monday, May 1, 2017 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1. Provide an additional setback in the southwest corner of the structure, consistent with the northwest corner, at a minimum of 4 feet in depth. (CS2-D, CS2-II, CS2-VII)
2. Maintain the vertical gasket at the existing depth of 6'-2". (CS2-D, CS2-II, CS2-VII)
3. Maintain the wood soffit and use of wood in the interior courtyard. (PL1, PL2-C)
4. Design the gate for both entries to the commercial courtyard to express either an artful or architectural composition, integrated into the overall building design concept. (PL2-B3, PL3-A, DC1-I, DC2-C)

The design packets include materials presented at the Early Design Guidance (EDG) and Recommendation meetings, and are available online by entering the project number (3023260) at this website:

<http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

These packets are also available to view in the file, by contacting the Public Resource Center at Seattle DCI:

Mailing *Public Resource Center*

Address: *700 Fifth Ave., Suite 2000*

P.O. Box 34019

Seattle, WA 98124-4019

Email: *PRC@seattle.gov*

ANALYSIS & DECISION – DESIGN REVIEW

Director’s Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the Seattle DCI Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on May 1, 2017, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Five members of the Northwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F.3).

The Director agrees with the Design Review Board’s conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Following the Recommendation meeting, Seattle DCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to Recommended Design Review Conditions:

The applicant responded with a memo on July 12, 2017 describing their responses to the Board's Recommended Design Review Conditions. The current MUP drawings have been revised/updated (when applicable) to reflect the four Board recommended conditions noted in the Recommendation section noted above. SDCI confirms that the applicant's responses satisfy recommended conditions #1-#4.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of Seattle DCI agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this decision.

II. ANALYSIS – REZONE

Seattle Municipal Code (SMC) Chapter 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D, for an amendment to the Official Land Use Map. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in the Code at SMC 23.34.004.

The applicable requirements for this rezoning proposal are stated in SMC Sections 23.34.004 (Contract rezoning), 23.34.007 (Rezoning evaluation), 23.34.008 (General rezoning criteria) and 23.34.009 (Height limits of the proposed rezoning).

The applicable portions of the rezoning criteria are shown in italics, followed by analysis in regular typeface.

SMC 23.34.004 Contract Rezoning.

- A. Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise*

applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone. The Director recommends that the PUDA should require that the development of the rezoned portion of the project site is in substantial conformance with the approved plans for Master Use Permit (MUP) number 3023260.

B. Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.

The development proposal is to construct a five-story building comprised of residential and commercial uses. Thus, the proposed contract rezone from NC2-40 to NC2-65 is subject to a PUDA containing self-imposed restrictions in accordance with the provisions of Chapter 23.58B and 23.58C.

As noted above, in August of 2016, the City Council passed Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). As described, SMC 23.58C is applicable through the terms of a contract rezone in accordance with SMC 23.34.004. A PUDA will be executed and recorded as a condition of the contract rezone and shall require that development of the rezoned property be subject to the requirements of SMC 23.58C. A Director's Rule (*Application of Mandatory Housing Affordability for Residential Development (MHA-R) in contract rezones*, DR 14-2016) has been approved pursuant to SMC 23.34.004.B. The rule specifies how to determine the appropriate MHA-R suffix

The Director's Rule provides a phased implementation calculation for proposals with complete Master Use Permit applications submitted before January 1, 2016. The subject application was submitted after this date (Complete: December 20, 2016) so the phased implementation provisions do not apply. Application of the Director's Rule indicates that the proposed rezone from NC2-40 to NC2-65 would fall under tier M1 and therefore receive an (M1) suffix.

As described, SMC 23.58B may be applicable through the terms of the contract rezone in accordance with SMC 23.34.004. As noted above, the subject application would fall into tier M1.

C. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

A PUDA will be executed and recorded as a condition of the contract rezone from NC2-40 to NC2-65 with the condition that the development shall be in substantial conformance with the approved plans for Master Use Permit number 3023260. The recorded condition will facilitate the use of an MHA suffix and any associated development standards identified in the Code for NC zones with a 65' height limit (self-limiting to 55').

D. Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

At the time of the Seattle DCI recommendation, no waivers from bulk or off-street and loading requirements had been requested.

SMC 23.34.007 Rezone Evaluation.

A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

This rezone is not proposed to correct a mapping error, and therefore the provisions of this chapter apply. In evaluating the proposed rezone the provisions of this chapter have been weighed and balanced together to determine which zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

This analysis evaluated the full range of criteria called for and outlined in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) as they apply to the subject rezone (listed at the beginning of this "Analysis" section) and subject to the requirements of SMC 23.58.B and 23.58.C.

C. Compliance with the provisions of this Chapter 23.34 shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.

The subject property is not located in the shoreline environment and the proposed rezone does not include a shoreline environment redesignation. Therefore, the Comprehensive Plan Shoreline Environment Policies were not used in this analysis.

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

Part of the development site which is the portion of the site proposed to be rezoned (the eastern half measured at 12,185 sq. ft. in area), is located within the Greenwood/Phinney Ridge Residential Urban Village with boundaries as established in the Comprehensive Plan. The remaining portion of the subject site (western half) is outside of the boundary for this urban village. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are inside of urban villages.

- E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.*

The subject site is not in the shoreline environment and the proposed rezone is not a shoreline environment redesignation. Thus, the procedures and criteria in Sections 23.60A.042, 23.60A.060 and 23.60A.220 do not apply.

- F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

<p>SMC 23.34.007 Conclusion: The proposed rezone meets the requirements of SMC 23.34.007, per the analysis above.</p>
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SMC 23.34.008 General rezone criteria

- A. To be approved a rezone shall meet the following standards:*
- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
 - 2. 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.*

Part of the development site (eastern half), in which is the portion of the site proposed to be rezoned, is located within the Greenwood/Phinney Ridge Residential Urban Village as described in response to SMC 24.34.007.D.

The estimated housing unit growth target for this Residential Urban Village in the Growth Strategy Appendix of the 2035 Comprehensive Plan is a density of 500 housing units at a growth rate of 30% between the years of 2015 to 2035. The established growth accommodation for residential

urban villages in the 2035 Comprehensive Plan is zoning that permits at least 12 dwelling units per gross acre.

The proposed rezone will not reduce the zoned capacity for the Greenwood/Phinney Ridge Residential Urban Village. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units. The applicant intends to develop the site with five floors of residential use (35 apartments) above a street-level commercial base and below-grade parking garage. The existing zoning would allow for four floors of residential use above the commercial/below-grade parking base (approximately 29 similarly-sized apartment units within the proposed commercial/residential design), leading to an increase in zoned capacity of approximately six residential units.

The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125% of the 2035 Comprehensive Plan growth target.

This rezone is also consistent with SMC 23.34.008.A.2 because the proposed change would not result in less density for this zone than the density established in the Urban Village Element (Growth Strategy) of the Comprehensive Plan.

B. Match between Established Locational Criteria and Area Characteristics. The most appropriate zone designation shall be that 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.

No change to the NC2 zone designation is proposed, and thus the criteria for designation of commercial zones in SMC 23.34.072 are not a part of this proposal. The NC2 zone criteria in SMC 23.34.076 continue to match the characteristics of the area better than any other zone designation. The site is located in the primary business district in the Residential Urban Village, on streets with good capacity and moderate transit service.

Changes to the height designation is discussed below.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The zoning history for that portion of property seeking a rezone is as follows:

- 1947 – Business District Area C with height limit of 65’
- 1950 – General Commercial Zone with height limit of 60’
- 1988 – Neighborhood Commercial 2 with height limit of 40’
- 1994 – Urban Village and Neighborhood Plan introduced

As noted, the Greenwood Phinney Urban Village was established in 1994 and was zoned to its current zoning (NC2-40) in 1988.

The Housing Affordability and Livability Agenda (HALA) Advisory Committee delivered a set of recommendations to the Mayor and City Council in 2015 that included mandatory housing affordability for residential (MHA-R) and commercial (MHA-C) development. MHA would require that commercial and multifamily residential developments either include affordable

housing units in the building or pay into a fund to provide housing affordable to low-income households, in exchange for increases in development capacity.

The City is proposing requirements, area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement Mandatory Housing Affordability (MHA) requirements for multifamily and commercial development in certain areas. The proposal includes a change to the zoning of the commercially-zoned portion of the development site to NC2-55(M). Information pertaining to MHA (including draft MHA zoning maps and anticipated status of City Council's review of this proposed legislation can be here: [https://www.seattle.gov/hala/about/mandatory-housing-affordability-\(mha\)#mhazoningchanges](https://www.seattle.gov/hala/about/mandatory-housing-affordability-(mha)#mhazoningchanges).

D. Neighborhood Plans

- 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.***

Portions of the Greenwood/Phinney Ridge Neighborhood Plan were adopted by City Council November 19, 1999 (Ordinance #119743). The adopted portions can be found in the City of Seattle 2035 Comprehensive Plan Adopted Neighborhood Plans (*section B-17*).

Historically, the City Council has passed several ordinances amending the Seattle Comprehensive Plan starting in year 2005 (Ordinance #121955). More recently, the City Council adopted the Seattle 2035 Comprehensive Plan in October of 2016, (Ordinance #125173). The goals and policies for the Greenwood/Phinney Ridge Adopted Neighborhood Plan found in the Neighborhood Plans section of this document (*pg. 324*) remain the same.

- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.***

A portion of the subject property as described above is within the Greenwood/Phinney Ridge Residential Urban Village and is covered by the Greenwood/Phinney Ridge Neighborhood Plan.

- 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.***

The above planning documents do not establish policies expressly for the purpose of guiding future rezones.

- 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 Council-adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not identify any specific areas for rezone.

SMC 23.34.008.D Summary: There are no specific Land Use policies to guide rezones within the Greenwood/Phinney Ridge Neighborhood.

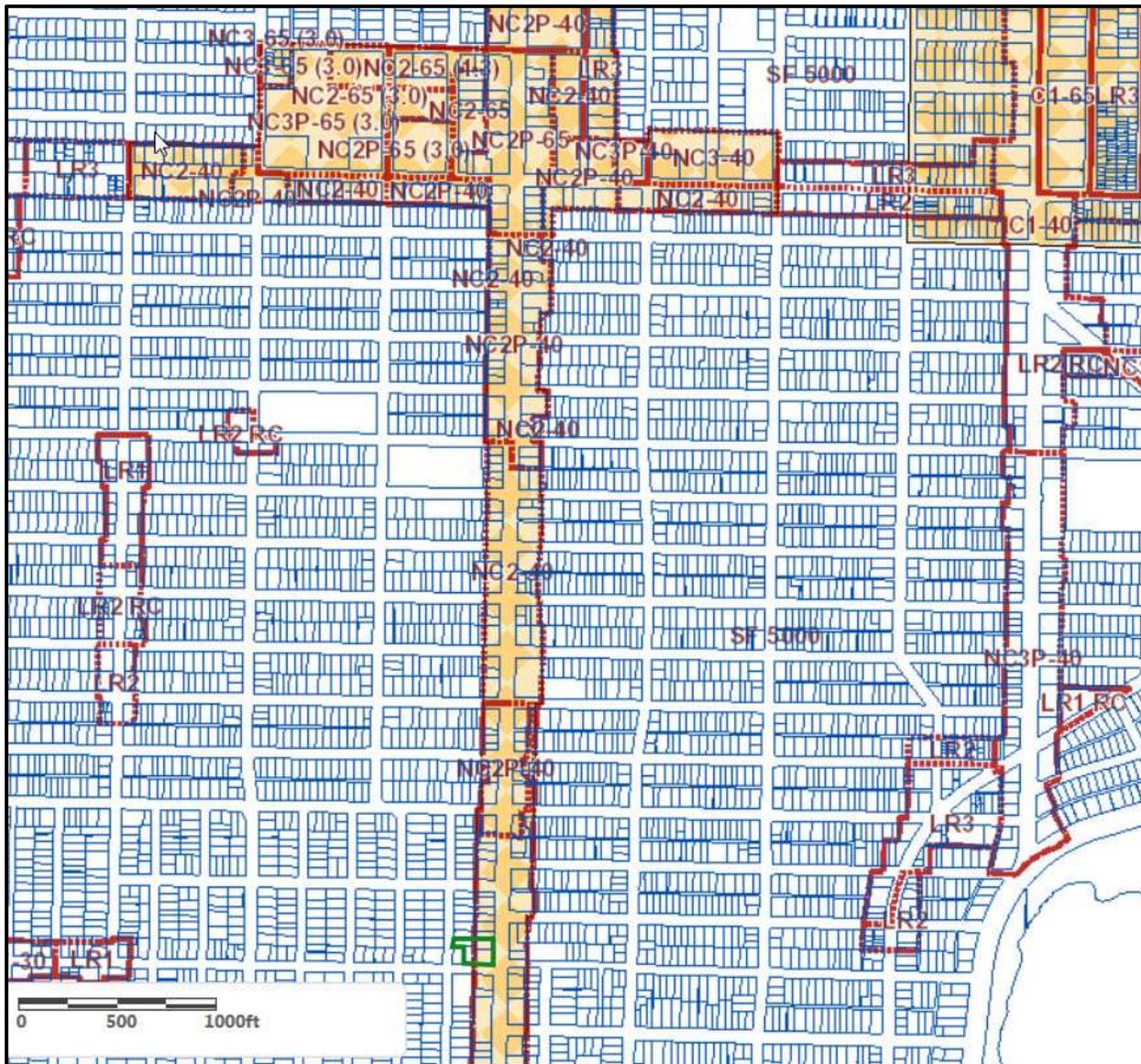
The proposed rezone is consistent with the density anticipated in and around the Residential Urban Village as contemplated in the Seattle Comprehensive Plan. The development is consistent with the adopted portions of Greenwood/Phinney Ridge Plan. The proposal will facilitate future development that will best accomplish the City's planning objectives.

E. 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. A gradual transition between zoning categories, including height limits, is preferred.*

The rezone proposal does not include any changes to the existing designation. The existing pattern of Single Family and Commercial zoning will continue to exist. The proposed rezoned does propose a change from the existing 40' height limit to 65' in height. Therefore, an analysis of the transition between heights is warranted.

The Greenwood/Phinney Ridge neighborhood includes single family, multifamily and commercial zones of varying intensities and heights. In the immediate proximity, commercial zones are located adjacent to commercial, and commercial to residential. The predominant zoning pattern in this neighborhood is a 40' height Commercial zone in the urban village overlay (see yellow shaded area on the map below) located adjacent to a Single Family zone. There are some examples of a 40' height zone located adjacent to a 65' height zone and 40' and 65' height zones adjacent to Lowrise and Single Family zones. In some instances, the transition includes buffers, such as a right-of-way street/alley, but in other instances the transition occurs along a shared property line.



The entire development site abuts three streets: Palatine Avenue North, North 70th Street and Greenwood Avenue North. The rezone portion of the development site is located at the intersection of North 70th Street and Greenwood Avenue North. The overall development pattern illustrates mainly a 40' height commercial zoning north and south along Greenwood Avenue North and a decrease in zoning intensity and height as properties continue east and west along North 70th Street.



The general development pattern along the east and west sides of Greenwood Avenue North shows similar zoning intensity and height to the north and south. Conversely, the development pattern along the north and south sides of North 70th Street decreases in zoning intensity and height as the properties continue east and west of the corner properties at Greenwood Avenue North. The proposed rezone of a portion of the development site to NC2-65 would allow for a gradual transition between those properties zoned NC2-40 to the north, south, east and west. A gradual transition between zoning categories would not occur between the mid portion of the project site and the SF 5000 zoned properties to the east. This condition would allow for a 65' height zone in proximity to a single family zone in which the maximum permitted height limit for a structure is 30' per SMC 23.44.012.

Within the Greenwood/Phinney Ridge neighborhood, there is evidence of many transitions in zoning intensity at key intersections along Greenwood Avenue North. In the immediate proximity, commercial zones are located adjacent to residential zones.

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.*

The proposed rezone would result in a zone edge condition of NC2-65 adjacent to NC2-40 properties to the north, east and south; and NC2-65 in proximity to SF 5000 properties to the west.

Some buffers are present between the proposed and existing zoning designations. The NC2-65 zoning designation would be separated from the NC2-40 zoning designations to the east by Greenwood Avenue North, an 80' wide right-of-way. The NC2-65 zoning designation would be separated from the NC2-40 zoning designations to the south by North 70th Street, a 50' wide right-of-way. The NC2-65 zoning designation is proposed to follow existing platted lot lines, not extending to the development site's boundary lines to the west. Thus, a 55' wide buffer exists between the zoning designation line and the shared property line between the development site and the neighboring property to the west. This area is planned to be a landscaped open space.

The proposed rezone would also result in a zone edge condition of NC2-65 adjacent to NC2-40 with no street or topography separation. This condition is characterized at project site's north edge which abuts a two-story single family residence with a four-story detached accessory structure.

The proposed rezone includes a specific proposed development that has gone through the Design Review process consistent with SMC 23.41. The design that has been recommended for approval by the Design Review Board includes design strategies to address the appearance of height, bulk, and scale. The design review process also considered the transition to adjacent properties, to mitigate the impacts of the zone edge facing the neighboring properties. The details of that process and analysis are described in the Design Review section of this document.

3. Zone Boundaries.

a. In establishing boundaries the following elements shall be considered:

- (1) Physical buffers as described in subsection E2 above;*
- (2) Platted lot lines.*

The proposed rezone would establish zoning boundaries with some physical buffers as described in response to subsection E2 above. The proposal would rezone a portion of the development site platted lot to NC2-65 zoning; continuing to follow platted lot lines and extend to the centerlines of existing adjacent streets (Greenwood Avenue North and North 70th Street).

- b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The proposed rezone would maintain the existing pattern of commercially-zoned properties facing commercially-zoned properties across the street on both Greenwood Avenue North and North 70th Street. The proposed rezone will not create a new boundary between commercial and residential areas.

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.*

As described in response to SMC 23.34.007.D above, part of the subject site proposed to be rezoned (eastern half), is located within the Greenwood/Phinney Ridge Residential Urban Village with boundaries as established in the Comprehensive Plan. The remaining portion of the subject site (western half) is outside of the boundary for this urban village. The proposed rezone is for NC2-65. The proposal is consistent with this criterion.

SMC 23.34.008 E Summary: The proposed rezone would result in a zoning transition that currently exists in vicinity of the project site.

There is some effective separation provided by open space to the west and adjacent streets to the east and south. No physical buffer is present at the north property line.

The proposed rezone includes a specific proposed development that has gone through Design Review per SMC 23.41. The Design Review process recommended a design with specific strategies to reduce the impacts of additional height, bulk and scale to the adjacent sites including setbacks and height limitations.

- F. *Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*

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

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

The future proposal will not displace any existing housing and will have a positive impact on the supply of housing on the site and its surroundings by providing 35 new residential dwelling units. The PUDA will ensure that the provisions of Chapters 23.58B and 23.58C will apply to the project proposal. Participation in the program will yield affordable housing within the project or an in lieu payment.

- b. *Public services;*

Public services will be available to the project due to its location in a highly developed urban area. No appreciable impacts to public services are anticipated due to the additional housing made possible by the height increase.

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

The proposed rezone will allow two stories of additional height without changing the type of uses allowed on the property. There will likely be no appreciable negative environmental impacts associated with allowing additional housing or commercial use at this urban site. A more detailed analysis is provided below.

Noise – No significant impacts are anticipated from the change in zone. With development in the future, noise will be limited to that typically generated by neighborhood commercial and residential activities.

Air quality – No noticeable change in impacts will result from a change in zoning to allow additional building mass and an additional 25' height at this site. Future Air Quality measures will comply with applicable Federal, State, and regional emission control requirements.

Water quality – No noticeable change in impacts will result from change in zoning. Stormwater runoff from future development will be conveyed to a city drainage system. The Stormwater Code includes requirements for Green Storm Water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Stormwater collection and management would be in conformance with City of Seattle standards. The existing site is partially paved. The proposed rezone would not create the potential for more impervious surface than would be possible under existing zoning.

Flora and fauna – No noticeable change in impacts will result from a change in zoning, with or without the rezone. Existing landscaping and trees will potentially be removed for future construction, but additional vegetation is proposed to comply with Land Use Code requirements. The proposed development has been designed to maintain existing mature street trees. The change in zoning would not reduce the vegetation requirements for future development.

Glare – No noticeable change in impacts will result from a change in zoning.

Odor – No noticeable change in impacts will result from a change in zoning.

Shadows – Potential development will create additional shadows. Design Review included consideration of shadow impacts from the proposal, and examined massing options to minimize shadow impacts. The increased shadows that would result from the proposed design are relatively small compared to that massing permitted in a 40' zone.

Energy – No noticeable change in impacts will result from a change in zoning. Development will be required to comply with the City of Seattle energy codes.

d. Pedestrian safety

The area is currently developed with sidewalks, street lights and crosswalks. The proposed development includes public right-of-way improvements along Greenwood Avenue North and North 70th Street. Pedestrian safety will be enhanced by reducing the number of curb cuts associated with the auto-oriented existing conditions.

e. Manufacturing activity;

Anything other than light manufacturing is not permitted in the NC2 zone. No manufacturing uses are proposed on site.

f. Employment activity;

The existing and proposed zoning would both allow commercial uses at this site. New commercial facilities will be developed, which may provide additional employment opportunities.

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

There no designated Landmark structures or Historic Districts in the immediate vicinity. The closest designated landmark structure to the site is the John B Allen School, also known as the Phinney Community Center. This is not adjacent to the site and no impacts to architectural or historic structures or areas of value will result from this project.

h. Shoreline view, public access and recreation.

The site is located at a considerable distance from any shorelines and therefore not subject to public access or recreation considerations. The topography of the area is not conducive of shoreline views. There are no nearby public parks with shoreline views across the subject property.

2. 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;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*

As described above, the proposed development site abuts three streets and the rezone portion of the development site (eastern half) abuts Greenwood Avenue North and North 70th Street. King County Metro Transit stops are located on Greenwood Avenue North. The transit stops provide access to transit route 5.

In response to criteria (a), (b) and (d), the street access, street capacity and parking capacity are discussed in the SEPA analysis below.

e. Utility and sewer capacity;

Seattle Public Utilities (SPU) has indicated that the existing sewer and water utility systems in this area have capacity for the proposed development at this site. Any future development will go through city review and be required to meet/conform to city of Seattle standards, codes and/or ordinances.

f. Shoreline navigation

The area of the rezone is not located within a shoreline environment so shoreline navigation is not applicable to this rezone.

SMC 23.34.008.F Summary: The proposed rezone will allow development of a mixed-use commercial/residential building that will positively contribute to the City’s supply of housing inventory. This building that will result in minor shadow impacts for the surrounding properties will not block any additional views beyond what would occur with the existing zoning designation.

All other impacts are anticipated to be relatively minor or not applicable.

G. 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 designation in this chapter.*

As described in SMC 23.34.008.C, the City is proposing requirements, area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement Mandatory Housing Affordability (MHA) requirements for multifamily and commercial development in certain areas which includes the rezone site. The proposal includes a change to the zoning of the commercially-zoned portion of the development site to NC2-55(M) (see [https://www.seattle.gov/hala/about/mandatory-housing-affordability-\(mha\)#mhazoningchanges](https://www.seattle.gov/hala/about/mandatory-housing-affordability-(mha)#mhazoningchanges)). It is important to note that proposed design is limited to 55’ at the top of the roof.

SMC 23.34.008 G Summary: The proposed rezone responds to changed circumstances for this area.

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

The site is not located in an Overlay District.

SMC 23.34.008 H Summary: The proposed rezone and development is not currently located in an Overlay District and none is proposed.

I. 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 site is not located in or adjacent to a critical area; therefore, this criterion does not apply.

J. Incentive Provisions. *If the area is located in a zone with an incentive zoning suffix a rezone shall be approved only if one of the following conditions are met:*

- 1. The rezone includes incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone; or*
- 2. If the rezone does not include incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone, an adopted City housing policy or comprehensive plan provision identifies the area as not a priority area*

for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned

The proposal is not located in a zone with an incentive zoning suffix, therefore this criterion does not apply.

SMC 23.34.008 Conclusion: The proposed rezone will allow for a development to be permitted to be constructed 25' taller than the maximum height limit permitted in the current zoning (40'). However, the proposed design is planned to be limited to 55' in height to the top of the roof. The proposed development has been reviewed through Design Review, including strategies to ease the transition to less intensive adjacent zones. The proposed rezone meets all other requirements of SMC 23.34.008, per the analysis above.

23.34.009 - Height limits of the proposed rezone

If a decision to designate height limits in residential, commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

- 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.***

The Seattle 2035 Comprehensive Plan states, "Residential urban villages are areas of residential development, generally at lower densities than urban centers and hub urban villages. While they are also sources of goods and services for residents and surrounding communities, for the most part they do not offer many employment opportunities." The proposed rezone lies within the boundaries of the Greenwood/Phinney Ridge Residential Urban Village and would allow increased density in this urban village.

The existing zoning allows a combination of multifamily and commercial uses for that portion of the site that is within the NC2-40 zone abutting Greenwood Avenue North and North 70th Street. The proposed rezone would allow an additional 25' in height and would increase the capacity for multifamily residential uses. The variety and size of commercial uses that are allowed would not change. There is no potential to displace preferred uses.

- 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.***

The site is generally flat and is at the top of Phinney Ridge. The surrounding area to the north, south, east and west of the subject site is also relatively flat. There appears to be no topographic conditions that would either lessen or increase the impacts of a height increase on the surrounding areas.

The Land Use Code does not include criteria for protection of views from private property. The proposed rezone will have negligible impact beyond what would be allowed under the current zoning designation.

C. Height and Scale of the Area.

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

The existing zoning at a portion of this site is NC2-40. The proposed zoning is NC2-65. In the NC2-40 zone, an additional 4' of building height may be obtained through the requirements in SMC 23.47A.012.A, including provision of 13' floor-to-floor non-residential uses at the street level. A 65' NC zone does not allow additional height per SMC 23.47A.012.A. Other rooftop features are permitted above the 40' and 65' height limit per SMC 23.47A.012.C, including mechanical equipment and stair/elevator penthouses such as the ones proposed with this development. Zoning review for compliance with all building height provisions in SMC 23.47A.012 is a Type I review as defined in SMC 23.76.004.

The current height limit at this site is 40'. Nearby zones include height limits of 30', 40' and 65'. The proposed development would be consistent with the predominant height and scale of nearby newer development, which is representative of the area's anticipated overall development potential. The proposed development would also be consistent with the anticipated proposed scale of development being contemplated for the forthcoming HALA/MHA zoning to NC2-55(M). The predominant existing development in this area is older, and generally not built to the 40' height limit, and there is additional capacity for more retail and residential development. It appears, therefore, that existing development is not a good measure of the area's existing development potential. The existing single family development in the area is older as well.

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.**
- 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.**

The subject property is not in or near a Major Institution. The proposed 65' height limit would not match the existing height of the adjacent/immediate existing properties.

The proposed development is 55' in height, and includes setbacks and modulation at the west, east, north and south property lines. The proposed rezone would be consistent with the scale of newer development in the area and the anticipated scale of development being contemplated for the forthcoming HALA/MHA zoning.

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 (23.34.009) and Section 23.34.008.*

As described in response to SMC 23.34.008.D above, portions of the Greenwood/Phinney Ridge Neighborhood Plan were adopted by City Council November 19, 1999 (Ordinance #119743). The adopted portions can be found in the City of Seattle 2035 Comprehensive Plan Adopted Neighborhood Plans (*section B-17*). The adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not explicitly address height recommendations that relate to future proposed rezones.

SMC 23.34.009 Conclusion: The additional height increase that would result in a change of zoning from NC2-40 to NC2-65 would meet the criteria of SMC Section 23.34.009, as described above. No additional views from private property would be blocked by the additional building height resulting from the contract rezone.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, the SEPA analysis of the rezone and project proposal, and the weighing and balancing of all the provisions in SMC 23.34, the Director recommends that the proposal to rezone a portion of subject property from Neighborhood Commercial 2 with 40' height limits (NC2-40) to Neighborhood Commercial 2 with a 65' height limit (NC2P-65) be **CONDITIONALLY APPROVED**, subject to the conditions summarized at the end of this report. The existing Single Family 5000 zoned portion of the subject property will remain the same zoning designation.

III. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 21, 2017 (in error-should be July 21, 2016). The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas, construction traffic and parking impacts, construction noise, environmental health-contaminated soils as well as mitigation.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed grading, and construction activity. The area is subject to moderate traffic congestion during peak travel times on nearby arterials (Greenwood Avenue North and Phinney Avenue North). Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes time limited and restricted on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

The project is expected to generate loud noise during grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood Commercial zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans from SDOT are described at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts and no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Construction Impacts – Mud and Dust

Approximately 4,444 cubic yards of material will be excavated and removed from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site.

No further conditioning of the impacts associated with these construction impacts of the project is warranted pursuant to SEPA policies (SMC 25.05.675.B).

Environmental Health – Contaminated Soils

Existing contamination could have an adverse impact on environmental health. It is the City's policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials and transmissions, to the extent permitted by federal and state law.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As noted in the SEPA checklist, known contaminants associated with a past dry cleaning use at this site has been previously remediated. Furthermore, correspondence from Ecology ("*No Further Action*" dated April 13, 2015) states that "Ecology has determined that no further action is necessary to clean up contamination at the Site."

The compliance with Ecology's requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development and no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; and possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, height, bulk and scale, parking and traffic impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The proposal includes a contract rezone which will allow additional building mass and an additional 25' height at this site. The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The contract rezone will allow for more density and may generate more parking demand. The proposed development includes 35 residential units with 26 off-street vehicular parking spaces; and ground-floor commercial tenant spaces (restaurant). Tilghman Group Transportation Planning (TGTP) prepared parking analysis (Parking Supply and Demand for 7009 Greenwood Avenue North memo dated December 5, 2016, Revised memo dated February 15, 2017 and 2nd Revision memo dated June 5, 2017) for the subject site to provide preliminary parking information and assess the expected parking demand and supply. The parking analysis indicates a peak demand for approximately 54 vehicles from the proposed development. Peak residential demand typically occurs overnight. However, the TGTP memo indicates that parking demand for the combined residential and commercial use (restaurant) is expected to peak between 7:00 pm and 8:00 pm when most residents are home and the restaurant is busiest.

The parking analysis documented 368 legal parking spaces within 800' of the site and noted that the existing on-street parking utilization rate is approximately 104% at 7:00 pm. The proposed development peak demand of 54 parking spaces would not be accommodated by the proposed 26 parking off-street spaces in the development, resulting in a spillover demand ranging from 11 vehicles overnight (residential spaces) to 29 vehicles in the early evening. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 112%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 117% within 800' of the site. The traffic consultant concluded that the consequences of the additional demand for parking will be that more vehicles park farther from the site and from Greenwood Avenue North at the busiest times; noting that spillover parking from the project is anticipated to favor parking west of Greenwood Avenue North for an easier walk to the site.

SDCI has reviewed the transportation material and concurs with TGTP findings. Additionally, SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in Urban Villages within 1,320 feet of frequent transit service. This site is located within the Greenwood-Phinney Ridge Residential Urban Village and within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

Transportation

The increase in density allowed by the contract rezone could impact traffic patterns in vicinity of the proposal site. The transportation information (TGTP Trip Generation for 7009 Greenwood Avenue North-Revised dated February 15, 2017, Updated memo dated June 5, 2017) indicated that the project is expected to generate a net total of 340 daily vehicle trips, with 28 net new PM Peak Hour trips. Truck trips associated with the restaurant use could be as high as approximately 20 per day.

TGTP has provided analysis of historical collision data for intersections and roadway segments adjacent/in vicinity to the project site (TGTP Pedestrian Safety for 7009 Greenwood Avenue North dated October 3, 2017). The study specified that historical records obtained from the Seattle Department of Transportation (SDOT) for the most recent 5.75-year period showed a relatively small number of accidents and no fatalities at intersections and roadway segments near the project site during this time.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

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 requirement of the State Environmental Policy Act (RCW 43.21.C), 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – DESIGN REVIEW

Prior to Certificate of Occupancy

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Tami Garrett, tami.garrett@seattle.gov) or a Seattle DCI assigned Land Use Planner.

For the Life of the Project

2. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Tami Garrett, tami.garrett@seattle.gov) or a Seattle DCI assigned Land Use Planner.

RECOMMENDED CONDITIONS – REZONE

The Director recommends approval of the contract rezone from NC2-40 to NC2-65(M1) subject to the following conditions, which shall be contained in the PUDA:

Prior to Issuance of a Master Use Permit

3. The provisions of SMC 23.58B and/or 23.58C shall apply to the rezoned property.

Prior to Issuance of a Building Permit

4. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit number 3023260.

RECOMMENDED CONDITIONS – SEPA

Prior to Issuance of Excavation/Shoring or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Tami Garrett, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: January 16, 2018

TG:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the three-year life of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a two-year life. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.

Johnson, Alayna

From: Johnson, Alayna
Sent: Wednesday, May 02, 2018 1:20 PM
To: 'john@sklarchitects.com'; 'jreibman@weberthompson.com'; 'iwall@serv.net'; 'ronrobl@aol.com'; 'h-parker.sp@comcast.net'; 'ebartfeld@comcast.net'; 'n.shay@msn.com'; 'janweldin60@gmail.com'; King, Lindsay; Clawson, Jessie
Cc: 'dfuchs@johnstonarchitects.com'; Garrett, Tami
Subject: Record for CF-314356 (Fuchs Rezone Application)

Good afternoon,

Irene Wall has requested that the record be left open until the end of day Monday, May 7th as opposed to this Friday, for public comments, due to the transition of SDCI's online portal. Documents that used to be available in the Land Use Information Bulletin are not available in the new Seattle Services Portal.

Instead, documents are viewable here: <http://web6.seattle.gov/dpd/edms/>

The Hearing Examiner has granted the request to leave the record open for public comments until the end of day on Monday, May 7th. There is no formal notice to go out, so please pass this information along to anyone else who might want to know.

Thank you,



Alayna Johnson
Legal Assistant

City of Seattle Office of Hearing Examiner
700 Fifth Avenue, Suite 4000, Seattle, WA 98104
Direct: 206.615.1718 | Fax: 206.684.0536 | Alayna.Johnson@seattle.gov

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

In the Matter of the Application of

CF 314356

DAVID FUCHS

Department Reference:
3023260

for approval of a rezone of property
located at 7009 Greenwood Avenue North

Introduction

David Fuchs applied for a contract rezone of property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit (“NC2-40”) to Neighborhood Commercial 2 with a 55-foot height limit and a mandatory housing affordability suffix of “M” (“NC2-55(M)”). The Director of the Department of Construction and Inspections (“Director”) issued a report recommending approval of the rezone. The Director’s report included a State Environmental Policy Act (“SEPA”) Determination of Non-Significance with recommended conditions and design review approval, which were not appealed.

The public hearing on the rezone application was held on April 30, 2018 before the Hearing Examiner (“Examiner”). The Applicant was represented by Jessica Clawson, attorney-at-law, and the Director was represented by Lindsay King, Senior Land Use Planner at the Department of Construction and Inspections (“Department”). The Examiner visited the site on May 17, 2018.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated. Having considered the evidence in the file and visited the site, the Examiner enters the following findings of fact, conclusions and recommendation on the rezone application.

Findings of Fact

Site and Vicinity

1. The subject site is 20,799 square feet, addressed as 7009 Greenwood North, and consists of four tax parcels. The site fronts Greenwood Avenue North to the east, and is bound by North 70th Street to the south, Palatine Avenue North is to the west.
2. The property is L-shaped and is presently zoned NC2-40 and Single Family 5000 (“SF 5000”). The eastern half of the development site (the portion proposed for a rezone) is located within the Greenwood/Phinney Ridge Residential Urban Village. The site itself is generally flat with no critical areas and sits at the top of Phinney Ridge.

3. The development site is presently developed with a single-family residence, detached accessory garage and a paved vacant area. The surrounding existing development abutting the subject property's boundary lines are single family residences to the north and east. An existing religious institution is located across North 70th Street to the south of the subject property. The immediate surrounding area to the north, south, east and west of the subject site are relatively flat.
4. Greenwood Avenue North is a minor arterial and the primary commercial corridor running south/north, with commercial uses generally limited to neighborhood-related or eating establishments. The commercial uses on Greenwood Avenue North are primarily zoned NC2-40 and contains a mixture of older one and two-story commercial uses and newer four-story mixed-use buildings. Phinney Avenue North to the south has a more residential feel and has Lowrise-Residential Commercial ("LR3 RC") zoning.
5. Properties to the immediate north and south of the proposal along Greenwood Avenue North are zoned NC2-40. Properties east and west of the Greenwood corridor are existing single-family residences within single-family residential neighborhoods. Property to the west of the proposal is zoned SF 5000. Property to the east across Greenwood Avenue North is zoned NC2-40.
6. Greenwood Avenue North is a Metro bus corridor providing service to and from downtown Seattle, with express bus options at peak hour. The subject property is within a frequent transit service area.

Zoning History and Potential Zoning Changes

7. The zoning history for the portion of property subject to the rezone application is as follows:
 - a. 1947- Business District Area C with height limit of 65 feet
 - b. 1950- General Commercial Zone with height limit of 60 feet
 - c. 1988- Neighborhood Commercial 2 with height limit of 40 feet
 - d. 1994- Urban Village and Neighborhood Plan introduced
8. The Greenwood-Phinney Ridge Urban Village was established in 1994 and was zoned to its current zoning (NC2-40) in 1988.
9. The Housing Affordability and Livability Agenda ("HALA") Advisory Committee delivered a set of recommendations to the Mayor and City Council in 2015 that included mandatory housing affordability for residential ("MHA-R") and commercial ("MHA-C") development. MHA would require that commercial and multi-family residential developments either include affordable housing units in the building or pay into a fund to provide housing affordable to low-income households, in exchange for increases in development capacity.

10. The 2035 Seattle Comprehensive Plan, which became effective on November 16, 2016, did not change the underlying Comprehensive Plan designation of the project site. Policy LU G1 states:

Achieve a development pattern consistent with the urban village strategy, concentrating most new housing in urban centers and villages, while also allowing some infill development compatible with the established context in areas outside centers and villages.¹

As stated above, the proposal is located within the Greenwood/Phinney Residential Urban Village. LU 1.3 provides that a “low to moderate density and scale of development” is appropriate within a residential urban village.²

11. The City is currently considering area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement Mandatory Housing Affordability (“MHA”) requirements for multi-family and commercial development in certain areas. The proposal includes a change to the zoning of the commercially zoned portion of the development site to NC2-55(M).

Neighborhood Plan

12. The portion of the development site proposed to be rezoned (the eastern half measured at 12,185 sq. ft. in area), is located within the Greenwood/Phinney Ridge Residential Urban Village with boundaries as established in the Comprehensive Plan. The remaining portion of the subject site (western half) is outside of the boundary for this urban village. The Council-adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not identify any specific areas for rezone.
13. The estimated housing unit growth target for this Residential Urban Village in the Growth Strategy Appendix of the 2035 Comprehensive Plan is a density of 500 housing units at a growth rate of 30% between the years of 2015 to 2035. The established growth accommodation for residential urban villages in the 2035 Comprehensive Plan is zoning that permits at least 12 dwelling units per gross acre.

Proposal

14. The applicant seeks a rezone from NC2-40 to NC2-55(M), with a property use and development agreement (“PUDA”). The terms of the PUDA are not disclosed in the record before the Examiner. The applicant plans to construct a five-story multi-family building of 35 units, with approximately 6,000 square feet of above-ground retail, including 2-3 suites of micro-retail for small businesses. There will also be 26 below-ground parking spaces (a parking ratio of .74). Also planned is 2,100 square feet of publicly accessible open courtyard space with partial overhead weather

¹ Seattle Comprehensive Plan, November 2016, at 42.

² *Id.*

protection. The project will create a mix of housing units from studios to four-bedroom units, with 60% of the units being two bedrooms or larger.

15. Twenty percent of the units will be reserved as affordable using both the Multi-Family Tax Exemption and the MHA-R requirement. Those units will be priced at 60-80% of average mean income.
16. The proposal targets LEED Platinum certification, and the structure is intended to have a projected life span of 100 years.
17. The proposed rezone would allow for a single story of additional height and will increase the unit yield by 6 units.
18. The proposed site of the multi-family building is presently vacant; there are no structures to remove from the property. In the west portion of the site there are two concrete pads which are remnants from a historic environmental clean-up completed on the site.³ In the northwest corner of the site is an existing family home. That home will remain without any changes.
19. Existing vehicular access to the development property is via curb cuts along Greenwood Avenue North, North 70th Street and Palatine Avenue North. Greenwood Avenue North is an arterial street and a primary commercial corridor running north/south.
20. The design review packet submitted May 1, 2017 for the proposal was reviewed by the Northwest Design Review Board (“DRB”). The DRB considered shadow impacts from the proposal and examined massing options to minimize shadow impacts. In response, the applicant removed the sixth floor of the structure and made massing changes to provide an appropriate response to the zone transitions to the north, south, east, and west. The DRB supported the four-story brick base, strategic use of setbacks, and architectural detailing to visually distinguish the fifth floor from the lower four floors.⁴ It recommended approval of the subject design and departures subject to conditions.
21. A parking study was completed for the proposal.⁵ The proposal is projected to demand 1.07 vehicles per unit, or 37 vehicles for 35 apartments. Development and occupancy of the planned-mixed use project will create spillover parking demand ranging from 11 vehicles overnight to 29 vehicles in the early evening, and 15 vehicles during mid-day. The proposal provides 26 underground parking spaces, although it is not required to do so since it is in a designated frequent transit service area.

³ Ex. 39 (Washington State Department of Ecology issued a letter stating no further remedial action is required).

⁴ Ex. 30 & Ex. 1 at 9.

⁵ Exs. 28, 41.

22. A traffic study completed for the project by the Tilghman Group⁶ showed that the proposal would result in a net increase of 340 daily vehicle trips, including 28 PM peak hour trips. Truck trips would total approximately 20 per day, including 10 deliveries.
23. One tree on the site qualifies as exceptional. It is a multi-stem plum tree with three live stems growing from the base. Tree Solutions, Inc., arborists, opined that the tree is in declining health due to internal decay at the base.⁷ Presently, the tree is leaning on an existing fence, which will be removed as part of construction. Given removal of the fence, the arborist opines that the ongoing prognosis for tree to remain upright is poor. The opinion of the arborist is that the new buildings should not be modified to accommodate this tree.

Public Comment

24. Comments were received during the design review process for the proposal. They are summarized in the Director's Report, Exhibit 1, at 4-6, and 8-9. Comments received were in support of the project, and/or raised concerns related to height and bulk of the proposal, shadow impacts, potential new precedent for height in neighborhood, and compatibility with the neighborhood character and zoning.
25. Comments received by the Hearing Examiner both supported and opposed the proposed rezone. *See e.g.* Exhibit 48-49, 51, and 53-55. Supporters view the proposal as an asset to the community and developing in accordance with current zoning and development patterns. Opponents view the proposal as not conforming to existing zoning patterns, creating a precedent for greater heights and density, and lack of compatibility with the neighborhood character.

Director's Review

26. The Director's report, Exhibit 1, analyzes the proposed contract rezone and recommends that it be approved with conditions.
27. The Director also analyzed the proposal's potential long-term and short-term environmental impacts.

Applicable Law

28. SMC 23.34.008 provides the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers and boundaries; impacts of the rezone, both positive and negative; any relevant

⁶ Exs. 17, 18, & 19.

⁷ Ex. 20.

changed circumstances; the presence of overlay districts or critical areas, and whether the area is within an incentive zoning suffix.

29. SMC 23.34.007.C provides that compliance with the requirements of Chapter 23.34 SMC constitutes consistency with the Comprehensive Plan for purposes of reviewing proposed rezones, but the Comprehensive Plan may be considered where appropriate.

Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation to the City Council on the proposed contract rezone pursuant to SMC 23.76.052.
2. SMC 23.34.007 provides that the applicable sections of Chapter 23.34 SMC are to be weighed and balanced together to determine the most appropriate zone and height designation. “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 23.34.007B. The general rezone criteria, including “zoning principles,” are set forth in SMC 23.34.008.

Effect on Zoned Capacity

3. SMC 23.34.008 requires that, within an urban center or urban village, the zoned capacity, taken as a whole, is to be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The established growth strategy density target for the Greenwood/Phinney Ridge Residential Urban Village is 12 dwelling units per gross acre. Existing zoning would allow for four floors of residential units, approximately 29 similarly sized apartment units.⁸ The proposal, with five floors of residential units, will provide for 35 apartments, an increase capacity over existing zoning by six additional units. Therefore, the proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units. The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125% of the 2035 Comprehensive Plan growth target. This rezone is also consistent with SMC 23.34.008.A.2 because the proposed change would not result in less density for this zone than the density established in the Urban Village Element (Growth Strategy) of the Comprehensive Plan.

Match Between Zone Criteria and Area Characteristics

4. In this case, the proposal does not seek a change in the existing NC2-zone designation. The NC2 zone criteria in SMC 23.34.076 continue to match the characteristics of the area better than any other zone designation. This site is within the primary business district of the Residential Urban Village on streets with good

⁸ Ex. 1 at 27.

capacity and transit service.⁹ The proposal does seek a change in height, which is addressed below.

Neighborhood Plan/Precedential Effect

5. The Council-adopted portions of the Greenwood/Phinney Ridge Neighborhood Plan do not identify any specific areas for rezone.
6. The current zoning allows for a maximum height of 40-feet with a floor area ratio of 3.25. The MHA recommended NC2-55(M) zone would allow a maximum height of 55-feet with a floor area ratio of 3.75. The proposal would match development expectations for the area when compared with the City's area wide up-zone proposal. To the degree that the proposal, if approved, might influence Council's consideration of the area wide up-zone, e.g. as an example of a property with a height approval above the existing 40-foot height limit, then the proposal could have a precedential effect of increasing zoned heights.

Zoning Principles

7. 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. They express a preference for a gradual transition between zoning designations, including height limits, if possible, and potential physical buffers to provide an effective separation between different uses and intensities of development.

The predominant zoning pattern in this neighborhood is a commercial zone with a 40-foot height limit in the urban village overlay located adjacent to a single-family zone. There are some examples of a 40-foot height zone located adjacent to a 65-foot height zone and 40-foot and 65-foot height zones adjacent to the LR3 RC and single-family zones. In some instances, the transition includes buffers, such as a right-of-way street/alley, but in other instances the transition occurs along a shared property line.

The entire development site abuts three streets: Palatine Avenue North, North 70th Street and Greenwood Avenue North. The rezone portion of the development site is located at the intersection of North 70th Street and Greenwood Avenue North. The overall development pattern illustrates mainly a 40' height commercial zoning north and south along Greenwood Avenue North and a decrease in zoning intensity and height as properties continue east and west along North 70th Street.

The general development pattern along the east and west sides of Greenwood Avenue North shows similar zoning intensity and height to the north and south. Conversely, the development pattern along the north and south sides of North 70th Street decreases in zoning intensity and height as the properties continue east and west of the corner properties at Greenwood Avenue North. The proposed rezone of a portion of the

⁹ Ex. 1 at 27.

development site to NC2-55(M) would allow for a gradual transition between those properties zoned NC2-40 to the north, south, and east. A proposed full height modulation on the sides of the building along Greenwood Avenue North and North 70th Street will help to break down the mass of the buildings. A gradual transition between zoning categories would occur between the mid-portion of the project site 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.¹⁰ In addition, there will be a minimum four-foot setback on the upper floor on the west side to allow for a visual transition.¹¹

Impact Evaluation

8. The proposed rezone would positively impact the housing supply, as it would add 35 new residential units. The proposed rezone will add housing capacity to the neighborhood and locate additional housing in the Urban Village.
9. The proposal would create a minimal increase in the demand for public services. There is no evidence in the record that the demand would exceed service capacities. In particular, street access, transit service, and parking, were shown to be sufficient to serve the additional units that would be allowed by the rezone. The Director has evaluated impacts on public services and service capacities, as well as parking, height, bulk and scale, transportation and other environmental impacts, pursuant to SEPA, and has identified conditions to mitigate impacts that are not otherwise adequately addressed through existing regulations.
10. The approved design includes design strategies to minimize the appearance of height, bulk, and scale impacts.
11. The site does not lie within a shoreline district, no public access is being impacted or removed with this proposal and no existing recreational areas are being impacted or removed.

Changed Circumstances

12. Changed circumstances are to be considered but are not required to demonstrate the appropriateness of a proposed rezone. There are no changed circumstances to be considered in reviewing the proposal. The rezone does not propose to change the property from the existing NC2 classification, but will allow a height increase and addition of an M suffix which are addressed under the review of other criteria.

Overlay Districts/ Critical Areas

¹⁰ Ex. 50 at 37.

¹¹ *Id.* at 25.

13. The subject property is not within an overlay district or critical area; therefore, these criteria do not apply.

Height Limits

14. The proposed rezone would allow an additional 25 feet in zoned height. SMC 23.34.009 addresses the designation of height limits for proposed rezones. The issues to be considered include the function of the zone; the topography of the area and its surroundings, including public and private view blockage; height and scale of the area; compatibility with the surrounding area; and neighborhood plans.
15. Function of the zone. Height limits are to be consistent with the type and scale of development intended for the zone classification. In addition, the demand for permitted goods and services and potential for displacement of preferred uses are to be considered. The proposed rezone lies within the boundaries of the Greenwood/Phinney Ridge Residential Urban Village and would allow increased density in this urban village. The proposal's multi-family residential uses with commercial elements would be consistent with the type and scale of development in the vicinity and the proposed NC2-55 zoning, and would not change the variety and size of commercial uses that are presently allowed. There will be no displacement of preferred uses. There is nothing in the adopted neighborhood plan policies that address heights.
16. Topography of the area. Heights are to "reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage" is to be considered. There is no likelihood of view blockage of protected public views, because there are no public views in the vicinity of the proposal. The proposed structure may impact territorial views from adjacent properties.
17. Height and scale of the area. The height limits established by current zoning in the area are to be considered. In general, 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." SMC 23.34.009.C.

The proposed development would be consistent with the predominant height and scale of nearby newer development, which is representative of the area's overall development potential. Older one and two-story development in the area is not representative of the development potential for zoning in this area.

18. Compatibility with surrounding area. Height limits are to be compatible with actual and zoned heights in surrounding areas. In addition, a gradual transition in height and scale and level of activity between zones is to be provided unless major physical buffers are present. The requested height limit of 55 feet, would be compatible with

most of the actual and potential zoned heights in the surrounding area, and would be consistent with the transition of zoned heights and scale of development in the area.

19. Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the subject site is NC2-55(M) with a PUDA.

Recommendation

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA that incorporates the final approved Master Use Permit drawings for the proposal with the following conditions:

Prior to Issuance of a Master Use Permit

1. The provisions of SMC 23.58B and/or 23.58C shall apply to the rezoned property.

Prior to Issuance of a Building Permit

2. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit number 3023260.

The Director has recommended the following SEPA conditions:

Prior to Issuance of Excavation/Shoring or Construction Permit

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

The Director has imposed the following design review condition on the proposal:

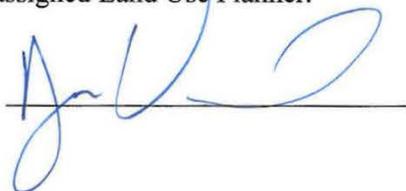
Prior to Certificate of Occupancy

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Tami Garrett, tami.garrett@seattle.gov) or a Seattle DCI assigned Land Use Planner.

For the Life of the Project

2. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Tami Garrett, tami.garrett@seattle.gov) or a Seattle DCI assigned Land Use Planner.

Entered this 5th day of June, 2018.



Ryan Vancil
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
Planning, Land Use and Neighborhoods Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3
P.O. 94728
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.

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings and Recommendation** to each person listed below, or on the attached mailing list, in the matter of **David Fuchs Rezone Application**. Council File: **CF 314356** in the manner indicated.

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Dated: June 5, 2018



Alayna Johnson
Legal Assistant

Johnson, Alayna

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Subject:

Findings and Recommendation: CF-314356 (Fuchs Rezone)

Attachments:

CF-314356 Findings and Recommendation 6.5.18.pdf

Good morning,

Attached please find the Hearing Examiner's Findings and Recommendation for the above referenced application.

Thank you,



Alayna Johnson

Legal Assistant

City of Seattle Office of Hearing Examiner

700 Fifth Avenue, Suite 4000, Seattle, WA 98104

Direct: 206.615.1718 | Fax: 206.684.0536 | Alayna.Johnson@seattle.gov

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I. Introduction

Pursuant to SMC 23.76.054 (Council consideration of Hearing Examiner recommendation on Type IV Council land use decisions), Irene Wall and Bob Morgan appeal the Hearing Examiner's Findings and Recommendation of CF314356 (SDCI Reference #3023260) to rezone the two commercial lots of 7009 Greenwood Ave N in the Phinney Ridge neighborhood to NC2-55(M) from the current zone designation of NC2-40.

The project site is located in the southern part of the "tail" of the Greenwood Phinney Urban Village, a 15+ block stretch where Greenwood Avenue North is the lone street in the mapped urban village, and where every parcel on Greenwood Avenue North is zoned uniformly at NC2-40. The nearest zone higher than 40 feet is almost one mile north of the project site.

The Hearing Examiner's Recommendation to approve the contract rezone for 7009 Greenwood Ave N should be rejected and the rezone denied because:

(1) the Examiner recommended a rezone to a zone that does not yet exist in the Land Use Code and does not appear on the Official Land Use map for the Phinney Ridge area that encompasses the project site, and no city-wide use and development standards for that zone have been adopted;

(2) the Examiner applied the rezone criteria in SMC 23.34.007-009 incorrectly, incorporating misrepresentations of material facts and omitting other material facts that undermine the analysis and recommendation; and

(3) the Examiner's recommendations for conditions in a Property Use and Development Agreement ("PUDA") that would apply to the requested rezone are inadequate because the Examiner failed to recommend that the building comply with applicable Land Use Code requirements for setbacks and other requirements where commercial lots abut lots in a residential zone (including the setbacks proposed in the draft MHA legislation for the NC55 zone), and failed to mention or consider the impact of a massive 12-foot high greenhouse on top of the upzoned building that further exacerbates the impact of this building on the adjacent single family properties.

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II. Appellants

Irene Wall is a qualified appellant because she submitted comments to SDCI regarding this project and also testified at the public hearing before the Examiner on April 30, 2018 and submitted written comments to the Examiner. SMC 23.76.054.A. Ms. Wall is a lifelong resident of the Phinney Ridge neighborhood, and a board member and former president of the Phinney Ridge Community Council.

Mr. Morgan is a qualified appellant because he submitted comments to SDCI regarding this project. SMC 23.76.054.A. Mr. Morgan is a resident of the Phinney Ridge neighborhood and a retired member of Seattle City Council Central Staff.

This appeal is timely because the Examiner's recommendation was issued on June 5, 2018, and this appeal is being filed on June 19, 2018, the 14th calendar day from the date of issuance of the Hearing Examiner's recommendation. SMC 23.76.054.B.

Following a description of the proposal, this appeal identifies specific objections to the Hearing Examiner's recommendation and the relief sought by appellants. SMC 23.76.054.C. The myriad errors that appellants identify in the Examiner's recommendation are based on applicable law and supported by substantial evidence in the record.

III. The proposed project at 7009 Greenwood Ave N

The appealed action is the recommendation for a contract rezone of two lots totaling approximately 12,000+ square feet on the northwest corner of Greenwood Avenue North and N. 70th Street from NC2-40 to NC2-55(M), a proposal that would upzone one of the largest commercial properties in this portion of Phinney Ridge. The lots proposed for rezoning abut a single family zone at the rear. The proposal includes a proposed 5-story building topped with a 12 foot high, 425-square foot greenhouse and a 10 foot high array of solar panels.

The requested zone designation, NC 2-55(M), does not yet exist in the Land Use Code in the Phinney Ridge Neighborhood, or anywhere except three discrete neighborhoods where that zone was imposed through separate legislation.

The owner / developer ("Developer") is a group of friends who call themselves "Shared Roof." This group has stated that it plans to occupy all of the units on the fourth and fifth floors of the proposed building. The only units that would be available to the public are those units located on the second and third floors of the proposed building. The units that would be offered to the public are substantially smaller than the units that the Shared Roof members are reserving for themselves.

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The Developer also owns the two lots in the adjacent single family (SF5000) zone that together border the entire west side (rear property line) of the commercial properties proposed for rezone. One lot (Lot # 287710-4127) is a vacant, mid-block lot on N. 70th Street. The east side of that lot abuts the rear property line of the southern NC parcel (Lot # 287710-4085). The other lot (Lot # 287710-4120), at 7010 Palatine Ave N (the street west of Greenwood), contains a classic old craftsman house and shares a rear boundary with the northern NC parcel proposed for rezone (Lot # 287710-4100).

Figure 1 is an annotated version of the zoning and parcel map at Page 3 of the SDCI Decision.¹

Figure 1:

¹ “The parcel numbers in the illustration at Figure 1 are copied from SDCI’s map on Page 3 of the SDCI Decision. Appellants noticed that two of the parcel numbers contain typographical errors. The NE parcel should be 2877104100 and the SW, midblock parcel should be 2877104127. The parcel numbers are identified correctly in SDCI’s chart on page 3 of the Decision.

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most of its length, but built right up to the property line at the southwest corner, in violation of the Design Review Board's recommendation.

The applicable Land Use Code, SMC 23.47A.014.B.1 prohibits building in a 15' triangle where the rear boundary of a commercial lot abuts the side boundary of a residential parcel. One of the NC lots proposed for rezone abuts the side boundary of the vacant mid-block SF5000 lot on N. 70th Street. The Examiner, however, recommended approval of a building that consumes this entire no-build area without acknowledging or analyzing this Code violation.

The applicable Land Use Code, SMC 23.47A.014.B.3, requires that all floors above the first floor be set back at least 15 feet from the property line, with an increasing setback of two feet per 10 feet of additional height. The proposed MHA legislation for the NC55 zone, CB 119184, retains the 15-foot setback for all floors above the first floor up to 40 feet and then increases the setback for all portions of a building above 40 feet to 3 feet per 10 feet of additional height.

However, the Examiner recommended approval of a building where all floors above the first floor would be constructed within the required setback area, resulting in a building far more massive than allowed under the current Land Use Code or that would be allowed under the most recent proposed MHA legislation. Such a building would also breach the consistent development pattern on that block and several blocks in the surrounding area where the zoning / property line runs due north / south on all blocks.

The 55 foot tall building would be topped with a large 425 square foot "greenhouse," a structure larger than the studio apartments that would be offered to the public on the lower floors, and that would add approximately 12 additional feet to the building height, resulting in a building almost 70 feet high abutting a single family zone and with zero setback along most of that height. The Developer's drawings indicate that the greenhouse would be less than 15 feet from the rear property line and within the required setback where there should be no structure at all. The Examiner did not even mention, much less analyze, the impact of placing this large structure on the roof of an upzoned building that is adjacent to a single family zone, or the placement of the greenhouse within the required setback.

The building would also be topped with a large solar panel array facing Greenwood Avenue north, further increasing the height of the structure.

The applicable Land Use Code, SMC 23.47A.014.B.5, prohibits entrance, windows or other openings closer than 5 feet from an abutting residential lot. However, the Examiner recommended approval of a building where almost the entire west side of the building

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violates this provision because it is infused with windows and other openings right on the shared property line with the adjacent single family residential zone.

The Developer has, at various times, stated an intent to impose a so-called “no-build easement” on the eastern portion of the two single family lots. The Examiner did not mention that aspect of the proposal or analyze the legality of blurring the boundaries between commercial and residential zones and incorporating parcels that are not subject to the rezone application (or PUDA) with those that are part of the application.

A comparison of the Land Use Code exhibits showing the required setbacks with the Developer’s own renderings of the proposed buildings reveal the myriad Code violations that the Examiner (and SDCI) ignored when recommending approval of the proposed.

Figure 2 on the following page shows the illustration in the Land Use Code of the no-build triangle required in SMC 23.47A.014.B.1.

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Figure 2:

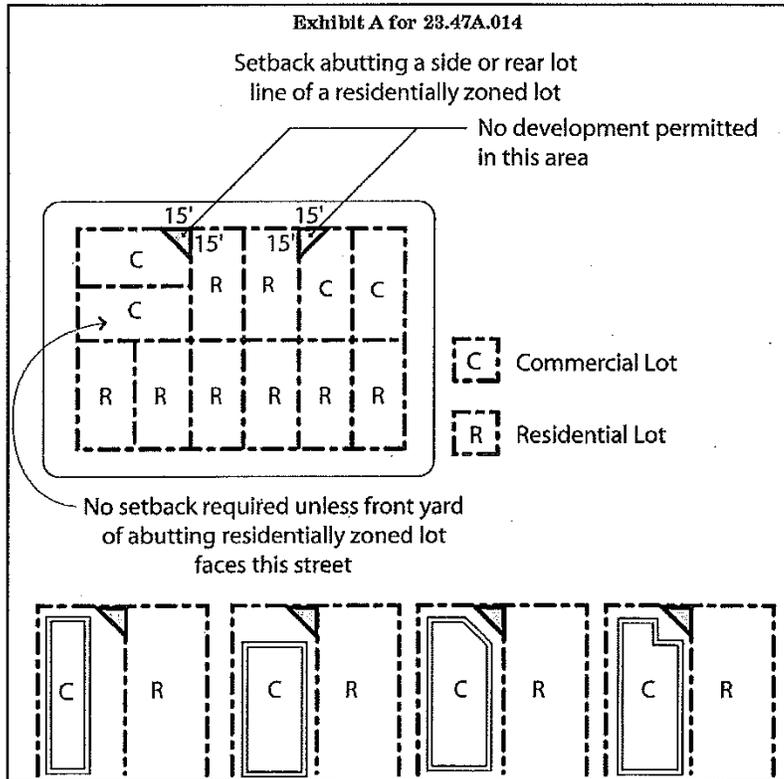


Figure 3 on the following page shows the illustration in the Land Use Code of the setbacks required in SMC 23.47A.014.B.3 on all floors above the first floor when the rear boundary of a commercial lot abuts a lot in a residential zone.

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Figure 3

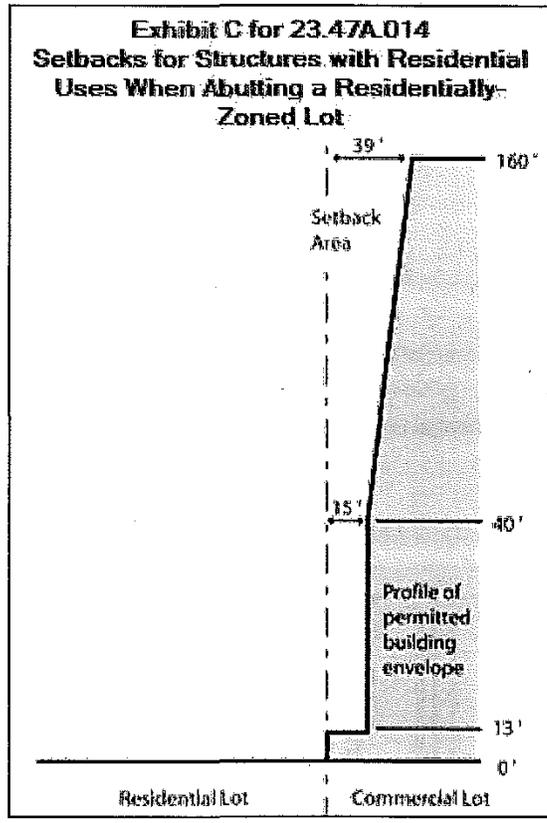


Figure 4 on the next page shows one of the Developer's images of a view looking northeast to the proposed building. The right side (south side) of the building faces N. 70th Street, and the left portion (west side) faces the single family zone. The entire corner with the driveway is in the 15 foot, no-build triangle required by SMC 23.47A.014.B.1. The grassy area and walkway adjacent to the building are in the single family zone. All floors above the first floor on the west side are at least 15 feet too close to the property / zoning line separating the NC parcels proposed to be upzoned from the single family lots at the rear in violation of the setback requirements in SMC 23.47A.014.B.3.

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Figure 4:



A looking NE to project from N 70th St with upper floor setback and mid-block modulation

Figure 5 on the next page is another image from the Developer's material that shows the rear (west side) of the proposed building as viewed from the adjacent single family zone. Although the final version of the proposed building is slightly different, it retains the uniform wall of four stories built right on the shared property line, with only minimal setbacks for the fifth floor in violation of SMC 23.47A.014.B.3, and windows and other openings on the first floor in violation of SMC 23.47A.014.B.5. The shaded grey on the roof outlines the greenhouse that adds additional height.

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Figure 5:



WEST ELEVATION

IV. Specific objections to the Examiner's Recommendation

- A. **The Hearing Examiner erred by recommending a contract rezone to the prospective NC2-55(M), a zone that does not yet exist in the Land Use Code, does not yet have use and development standards against which to measure the proposed project, does not exist in the Phinney Ridge area on the Official Land Use Map, and instead exists only as preliminary draft legislation that is currently being introduced at public forums throughout the City but has not even been presented formally to Council for consideration.**

The proposal was initially an application to rezone to NC2-65, self-limited to 55 feet. SDCI recommended approval of that rezone, but a few days before a January 2018 public hearing in front of the Hearing Examiner, the Developer suddenly withdrew the application and resubmitted a new application for a rezone to NC2-55(M) in February 2018.

Although the Examiner acknowledged that the City was (and currently is) considering area-wide zoning changes, including applying the proposed NC2-55 zone at the 7009 Greenwood site, e.g., Finding of Fact #11, the Recommendation erroneously relied

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almost exclusively on the potential of that area wide rezone and proposed legislation to justify the Recommendation. *See e.g.*, Conclusion #6, #11, #18.

The Land Use Code prohibits the use or erection of any structure “except in conformity with the regulations specified in this title for the zone . . . in which it is or will be located.” SMC 23.40.002.B. The Examiner cited no authority for recommending a rezone to a zone that does not yet exist, has not yet been defined with use and development standards, and does not appear anywhere in the Land Use Code or official City Land Use Map except as applied in three unique and separately specified areas where the Council previously adopted specific legislation for those areas.

The Examiner cited no authority for recommending approval of a rezone to a zone that is described only in draft legislation that has not even been formally submitted to the Council, and where the EIS for that draft legislation is currently under appeal. The Recommendation is, in effect, a recommendation to upzone to a phantom zone.

The Examiner ignored entirely the specific rezone criteria in SMC 23.34.008.C, which requires that the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zoning designation. *See e.g.*, Conclusion #4. Such an undertaking is impossible because the locational criteria for the prospective NC2-55 zone have not been specified.

The Examiner’s willingness to recommend approval of a rezone to the phantom NC2-55 zone before the MHA legislation is codified will give every developer an incentive to apply for a contract rezone without waiting to see if, when, where, or how MHA and the proposed NC2-55 rezone is actually implemented. And that, in turn, would undermine the MHA legislation that the Council is in the process of creating.

The Examiner failed to inform the Council that the one known effect of the Developer’s change in rezone designation to NC2-55 (instead of the originally proposed NC2-65 zoning) is a substantial reduction in the Developer’s MHA obligation because a rezone from NC2-40 to NC2-55 results in an “M” suffix whereas a rezone from NC2-40 to NC2-65 results in an “M1” suffix. This is the result under Director Rule 14-2016 (Application of Mandatory Housing Affordability for Residential Development in contract rezones) which sets up categories for MHA obligations and specifies that a rezone from NC2-40 to NC2-55 is the same category whereas a rezone to NC2-65 is a different category; *see also* SMC 23.58C. By converting their rezone request to NC2-55(M), instead of NC2-65, self limited to 55 feet, the Developer thereby reduces its MHA obligation by 25% because in Phinney Ridge, the MHA contribution for a rezone NC2-40 to NC2-65 would be 3% of units (or \$20/sq ft) but it would drop to 2% of units (or \$13.25 /sq ft) for a rezone from NC2-40 to NC2-55.

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B. The Examiner's Recommendation applied the rezone criteria improperly and its Facts and Conclusions were plagued with material factual errors and omissions

The Examiner's analysis of the rezone criteria in SMC 23.34.007- .009 was defective and reflected a misunderstanding (or mischaracterization) of the project proposal, the surrounding area, and the enforceability of the Developer's various promises regarding future use and development of its lots in the single family zone which are not part of the rezone application. The Examiner mistakenly accepted the Developer's characterization of its four separate lots as a single so-called "development site," which is not defined in the Land Use Code (e.g., Findings of Fact 3 and 12), instead of realizing that this was nothing more than a device employed by the Developer to evade the setback and other requirements of SMC 23.47A.014, and that the Developer did not comply with the requirements for a "development site" described in applicable SDCI material.

From that critical error, the Examiner generated a confused description of the actual rezone application and muddled the distinction between the two single family lots that are not proposed to be rezoned, and therefore not subject to the PUDA or any other restriction on their future use, development or sale (e.g., Finding of Fact #18), and the two wholly separate NC2-40 lots that are proposed for rezone. The result was a Recommendation that erroneously incorporated the single family lots into the rezone analysis and allowed the Developer to obtain far more than it is entitled to under the current Land Use Code or the proposed MHA legislation based on representations by the Developer that are wholly unenforceable in a PUDA.

In addition, the Examiner misrepresented the nature of public comment to SDCI and to the Examiner and he failed to mention or address the numerous public comments that identified specific violations of the Land Use Code and lack of compliance with the rezone criteria. E.g., Findings of Fact 24 and 25. All of the written comments submitted to the Examiner were from individuals who opposed the project and offered specific analysis demonstrating why the project failed to comply with applicable rezone criteria. Not a single public comment made at the hearing in favor of the rezone proposal contained any analysis of the applicable rezone criteria.

1. The Examiner's analysis of the General rezone criteria in SMC 23.34.008 was flawed.

a. SMC 23.34.008.A, density and zoned capacity.

The Examiner erroneously concluded that the proposal with five floors instead of the currently zoned four floors, would provide "Six additional units." Conclusion #3. The Examiner failed to realize that: (1) the building will have only two floors of units

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available to the general public because the Shared Roof group of owners will be occupying the top two floors exclusively for themselves; and (2) the notion of “similarly sized” units is too vague to use as a comparison because there is no standard unit size in the building, and the unit sizes available to the public are substantially smaller than the units that the Shared Roof owners have reserved for themselves. It was therefore impossible for the Examiner to conclude that the proposed zoning change would not result in less density, particularly where the Examiner ignored evidence in the record that immediately across the street, on a substantially smaller lot, is a newly constructed four-story building with 28 units, many of which are comparable in size to the public units proposed for 7009.

b. SMC 23.34.008.B, Match between Zone Criteria and Area Characteristics.

The Examiner erroneously truncated the analysis of the match between zone criteria and area characteristics. The Examiner viewed only the NC2 general criteria and then dismissed the height change without further analysis instead of attempting to explain just how the specific zone requested – the phantom NC2-55 zone – could match the characteristics of the area to be rezoned better than any other zone designation when the requested zone does not yet exist. *See Conclusion #4.*

c. SMC 23.34.008C, Zoning history and precedential effect.

The Examiner confused the analysis of zoning history and precedential effect. First, the Examiner’s observation that the proposal would “match development expectations for the area when compared with the City’s area wide up-zone proposal” because it would have the same height and FAR as the proposed NC2-55 zone is irrelevant to this criteria. Conclusion #6. As noted above, the NC2-55 zone does not presently exist for the Phinney Ridge neighborhood, nor has final legislation even been presented to Council.

Next, the Examiner ignored the zoning history and failed to acknowledge that the “Phinney tail” portion of Greenwood Avenue -- the approximately one mile stretch of Greenwood that includes the project site -- has always been zoned uniformly and that a rezone of one parcel would not only disrupt the historic uniform zoning of this area, but would entice other developers to apply for contract rezones of their lots even without knowing whether the proposed NC2-55 zone would ever be applied to the whole area.

The Examiner claimed that if the rezone were approved, its approval could somehow influence the Council’s consideration of the area wide upzone, even though that proposal pre-dates the Application. A correct analysis of the precedential effect of approving this rezone would have examined the impact of approving a rezone of a single parcel in an

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otherwise uniformly zoned area where there is no existing zoned height at or above the proposed new height for almost one mile (at 84th and Greenwood), and then would have recognized that such a result would expose every parcel in the City to rezone approval and risk undermining not only the proposed MHA legislation, but the Council's carefully considered zoning City-wide.

The Examiner also failed to acknowledge the precedential effect of upzoning a parcel to the phantom NC2-55 zone, when the use and development standards for that zone have not been defined, and the final draft legislation has not even been presented to Council for consideration. Such a decision could jeopardize the current and planned land use patterns if a parcel were upzoned prematurely and the final MHA legislation did not include that parcel or the surrounding area within the up-zone, or imposes additional standards as has been the case for the other neighborhoods where MHA has been implemented through specific ordinances.

The Examiner failed to note the precedential effect of accepting the Developer's so-called "development site" designation and allowing the owner of a commercial lot that abuts a single family parcel owned by that same owner to evade the setback and other requirements that otherwise would apply to commercial lots that abut single family lots. Such a result would embrace zoning by ownership, not Official land use map designations or code requirements, and would reward those developers able to acquire adjacent single family lots with a building far more massive than could be built by a different owner who did not happen to own adjacent single family parcels.

Even though "no single criterion is paramount," SMC 23.34.007.B, the Examiner's repeated references to consistency with the proposed MHA legislation reveals that the potential for a future area-wide up-zone trumped all other criteria, and any inconvenient facts appeared to have been brushed aside.

d. SMC 23.34.008.D, Neighborhood Plans.

The Examiner's analysis of the Greenwood/Phinney Ridge Neighborhood Plan was incomplete because he failed to acknowledge that the Greenwood/Phinney neighborhood plan did not anticipate a 55 foot zone and did not anticipate any variation to the uniform zoning that has always applied in this portion of Greenwood Avenue, a result that would occur if the 7009 parcel is up-zoned in isolation. Conclusion #5.

e. SMC 23.34.008.E, Zoning principles, including gradual transition and buffers between zoning categories.

The Examiner misrepresented and misstated the nature and relationship of the various zones in the Greenwood/Phinney Urban Village, as well as the zoning designations in the

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by Irene Wall and Bob Morgan

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area immediately surrounding the project site, and the relationship of the specific lots owned by the Developer. As a result, the Examiner erroneously concluded that there would be a gradual transition between zoning categories, including height limits, as well as physical buffers, instead of recognizing that there would be an abrupt change from a NC2-55 zone to a SF5000 zone right at the shared property line with no buffer whatsoever. See e.g., Conclusion #7.

The Examiner erroneously stated that there are “some examples of a 40 foot height zone located adjacent to a 65 foot height zone” when, in fact, the nearest 65 foot zone is almost one mile away at N. 84th Street, and there is no zoned height above 40 feet anywhere closer than that to the project site. Conclusion #7.

The Examiner erroneously claimed that there are examples of “65-foot height zones adjacent to the . . . single family zones” when, in fact, there is not a single place in the Greenwood/Phinney Urban Village, including the more intensely zoned Greenwood Town Center, where a NC2-65 parcel shares a rear property line with a single family lot. Conclusion #7. The Examiner failed to comprehend that upzoning the 7009 parcel would create the only place in the Greenwood/Phinney Urban Village where a single family lot shares a rear boundary with a zone greater than NC2-40.

The Examiner failed to mention that the rear property line of the two NC2 lots proposed for rezoning is shared with the rear property line of the two single family lots to the west and there is no transition at all because the proposal includes a five story building built right on that shared property line.

The Examiner erroneously concluded that a gradual transition between zoning categories occurs between “the mid-portion of the project site and the SF zoned properties to the west” because “a private open space area will be landscaped to provide some separation.” Conclusion #7. To the contrary, there is no transition at all between the two NC lots proposed for rezoning and the two single family lots that abut the rear boundaries of those NC lots.

The Examiner further failed to comprehend that this alleged “landscaped open space” is located exclusively in the separate single-family-zoned lots that are not subject to the rezone application and therefore not subject to any PUDA or any other restrictions imposed by Council. Accordingly, there is no way for the Council to enforce the Examiner’s conclusion that this currently vacant lot “will be landscaped” and not developed or sold off at a later date. The Examiner, therefore, mistakenly concluded that the Developer’s unenforceable representation that a portion of the adjacent single family lots “will be landscaped” somehow counts as an “open space” and a buffer” as required in SMC 23.008.E.2.

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The Examiner also failed to acknowledge that the Developer has previously stated that it might construct a new residence on the currently vacant SF lot that the Examiner claims is a buffer, and that neither the Council nor SDCI could prohibit such a building because that single family lot is not part of the rezone proposal. Construction of a building on that vacant lot, of course, would destroy the alleged "buffer" that the Examiner relied on to support the Recommendation.

The Examiner failed to explain how the Council could prohibit the Developer from selling off one or both of the single family lots that are part of the phantom "development site" when those parcels are not part of the rezone application and therefore not subject to any restrictions imposed through a PUDA.

f. SMC 23.34.008.F, Impact Evaluation.

The Examiner's evaluation of SMC 23.34.008.F was incomplete and inaccurate. The Examiner mistakenly concluded that the rezone would "positively impact the housing supply" by adding 35 new units without acknowledging that the owners are reserving the top two floors (and 12 units) for themselves, leaving only 23 units available to the public, a substantially smaller number than would be produced if all floors of the building had units available to the public. Conclusion #8.

The Examiner failed to discuss how the Developer substantially reduced its MHA obligation by converting its rezone application from a rezone to the NC2-65 zone to the phantom NC2-55 zone, and that the Developer's other representations about allegedly affordable units through the Multi-Family Tax Exemption program are not presently enforceable because they are subject to an entirely separate application process if they occur at all.

The Examiner failed to address the environmental factors such as glare and shadow effect that will result from a 55 foot building right on the property line that will have all of its upper floors built in the airspace where the Land Use Code requires a setback. Such a structure would cast shadows in that area on the properties to the north on that block, in addition to the light and glare that will occur from having a five story building so close to the single family zone.

g. SMC 23.034.008.G, Changed Circumstances.

The Examiner claimed there are no changed circumstances to be considered even though the entire Recommendation rests on the Examiner's speculation that the MHA legislation would be adopted and that this project would conform to it, whatever the yet-to-be-adopted NC2-55 provides.

The Examiner failed to explain why the Developer argued that the “changed circumstances” of MHA justify the rezone even when the Examiner claimed there to be no changed circumstances. The Examiner further failed to address SDCI’s shifting position on this issue, when SDCI first claimed that changed conditions justified the rezone when it issued its first recommendation, but then later claimed there to be no changed circumstances when it issued its second recommendation.

2. The Examiner’s analysis of the height limits criteria of SMC 23.34.009 was flawed.

The Examiner made material factual and legal errors throughout the analysis of the height limits criteria.

a. SMC 23.34.009.A, Function of the zone.

The Examiner erroneously concludes that this proposal would be “consistent with the scale of development in the vicinity and the proposed NC2-55 zoning.” Conclusion 15. The Examiner failed to comprehend that the proposed building would be built out on almost all floors all the way to the rear property line on NC lots totaling almost 13,000 square feet, approximately 30 % larger than the recently completed NC2-40 building right across the street (Hendon Condominiums at 6800 Greenwood Ave N) that did not build all the way to the rear property line at any level. The Examiner also mistakenly claimed that the proposal would be consistent with the proposed NC2-55 zoning when, as noted above, that zone does not presently exist, nor does it have use and development standards that apply citywide. The Examiner, therefore, simply asserted, without a factual basis, that the proposal would be “consistent” with a non-existent zone.

b. SMC 23.34.009.B, Topography and view blockage.

The Examiner mistakenly concluded that the project may impact only territorial views from adjacent properties. Conclusion 16. But the Examiner ignored written testimony and photographic evidence that demonstrated that the extra height in a rezone would block protected views of the Olympic Mountains from properties across the street to the east, views that are specifically protected in the NC2-40 zone in which this project currently lies. SMC 23.47A.012.A.1.c.

c. SMC 23.34.009.C, Height and Scale of the area.

The Examiner mistakenly concluded that the proposed development would be consistent with the “predominant height and scale” of nearby newer development without acknowledging every single NC parcel for almost one mile along Greenwood is zoned uniformly to a maximum height of 40 feet, the nearest parcel zoned higher than 40 feet is

almost one mile away, and that a rezone of this parcel would destroy that uniformity of heights along this portion of the Phinney “tail.” Conclusion #17.

d. SMC 23.34.009.D, Compatibility with surrounding area.

SMC 23.34.009.D.1 requires that “[h]eight limits for an area shall be compatible with the actual and zoned heights in surrounding areas,” but the Examiner offered a confused and conclusory analysis of this criteria that is untethered to the facts on the ground. The Examiner asserted, without explanation, that the proposed 55 foot height “would” be compatible with “most” of the actual “and potential” zoned heights without explaining how a 55 foot zone is compatible with a 40 foot zone, or why compatibility with a “potential zoned height” should matter at all. “Potential zoned height” is not a criterion in this section. Conclusion #18.

The Examiner ignored entirely the directive in SMC 23.34.009.D.2 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.D.2, are present.” Instead of analyzing and applying this mandatory criterion, the Examiner simply claimed, without any supporting evidence, that the requested 55 foot height limit “would be consistent with the transition of zoned heights and scale of development in the area.” Conclusion #18.

Because there is no buffer, and obviously no “major physical buffer” between the proposed NC2-55 zone and the adjacent SF5000 lots in the rear, the Examiner’s failure to adhere to this directive also violated SMC 23.34.007.B (“No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicated the intent to constitute a requirement . . .”). Compliance with the “gradual transition in height and scale” in SMC 23.34.009.D.2 is intended to constitute a requirement because the text states that a gradual transition in height and scale “shall” be provided “unless” there is a major physical buffer. It is undisputed that there would be no major physical buffer separating the zones, and therefore a gradual transition in height and scale is required. This proposed rezone fails to meet that requirement.

As noted above, this proposal would result in the only 55-foot height in an almost one-mile stretch of parcels zoned uniformly at 40 feet where there is no transition whatsoever to the abutting rear single family lots. Furthermore, the scale of this building on an already large site is magnified because the Examiner approved a building that has all of its floors above the first floor built within the required 15 foot and greater setback making this building out of scale with the surrounding NC structures as well as the abutting single family lots.

The Examiner failed to note that there is no transition in the level of activity between zones because the proposal has the first floor of commercial uses built right on the property line with windows and doors that open directly onto the single family zone, a feature that not only violates the applicable Land Use Code but is also unlike any other NC building in Phinney Ridge where the first floor commercial uses are set back from the shared rear property line.

- C. The Examiner's recommended conditions for a PUDA are inadequate because they do not require compliance with the applicable Land Use Code or with the proposed MHA legislation, they do not restrict the additional height resulting from an oversized greenhouse and solar array, and they do not memorialize the Developer's claims regarding the number of "affordable" units to be included in the building.**

The Examiner required only that the PUDA require compliance with the provisions of SMC 23.58 and/or 23.58C and that the rezoned property be developed in "substantial conformance with the approved plans." Recommendation at p.10.

The Recommendation erred by not requiring compliance with: the no-build triangle described in SMC 23.47A.014.B.1; the upper level setbacks requiring a minimum 15-foot setback at all floors above the first floor as required in SMC 23.47A.014.B.3; and the prohibition against windows and other openings within 5 feet of a single family zone as required in SMC 23.47A.014.B.5.

The Recommendation erred by not eliminating or conditioning the greenhouse and solar panel array from the rooftop to limit the impact of the proposed building on the adjacent single family zone and on the east side.

The Examiner erred by allowing railings and planters at the perimeter of the roof, which further exacerbates the increased height of the proposed building.

V. Relief Sought

The appellants request the relief listed below.

- (1) The Examiner's Recommendation should be rejected and the Rezone application should be denied.
- (2) In the event the Council approves the rezone, the PUDA should include, at a minimum, the following requirements:

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to Seattle City Council

by Irene Wall and Bob Morgan

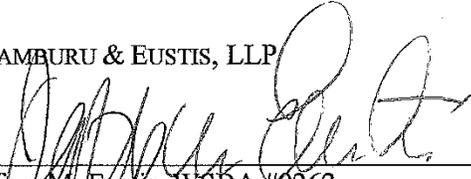
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1. the proposed building comply with the requirements of SMC 23.47A.014.B.1, B.3, and B.5 regarding setbacks and other features and prohibitions on buildings located on NC lots that abut a lot in a single family zone;
 2. the Greenhouse should be eliminated or moved to the ground level and the height of the solar array reduced;
 3. All railings, planters, and any other perimeter features should be set back at least four feet from the edge of the building to further reduce the impact of any extra height resulting from those features.
- (3) The Council should establish a briefing schedule to allow the parties of record to submit written analysis with supporting information from the record;
- (4) The Council should allow oral presentations by the parties of record.

Dated this 19th day of June, 2018.

ARAMBURU & EUSTIS, LLP

By 
Jeffrey M. Eustis, WSBA #9262
Attorneys for Irene Wall and Bob Morgan

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To: Those Persons Who Were Provided Notice of the Hearing Examiner's Recommendation for a Contract Rezone at 7009 Greenwood Avenue North
From: Ketil Freeman, Council Central Staff
Date: June 27, 2018
Subject: Notice of Appeal and Hearing Regarding C.F. 314356; Contract Rezone Application for 7009 Greenwood Avenue North (SDCI Project No. 3023260)

Appeal Received: The City Council has received an appeal, which is enclosed with this notice, of the Hearing Examiner's recommendation to approve a contract rezone application for a site located at 7009 Greenwood Avenue North.

How to Respond to the Appeal: Any party of record may file a response to the appeal no later than 5:00 p.m. on July 9, 2018. Responses must be in writing and filed, along with a certificate of service, with the City Clerk. Copies of any responses, along with a certificate of service, must also be mailed (via first class mail or via e-mail) to all the parties of record. Parties of record are listed at the end of this memorandum.

A certificate of service is a signed, sworn statement that a document has been mailed by first class mail or by e-mail on the date stated in the certificate and to the persons named at the addresses listed in the certificate. A copy of the appeals and contact information for the parties of record are enclosed with this meeting notice. The address of the City Clerk's Office is 600 Fourth Avenue, 3rd Floor, Seattle, Washington 98124-4728.

How to Reply to Responses: Persons who have filed an appeal may file a reply to any response that is filed responding to the appeal. Any reply must be filed with the City Clerk by 5:00 p.m. July 16, 2018, along with a certificate of service certifying that it has been sent by first class mail or by e-mail to the other parties of record.

Meeting schedule for the Planning Land use and Zoning Committee (the Committee): The Committee is scheduled to take up this matter on July 18, 2018. The meeting will commence at 9:30 a.m. and will be held in City Council chambers, 600 Fourth Avenue, 2nd Floor, in downtown Seattle. The entrances to City Hall are located between James and Cherry Streets on the west side of Fifth Avenue and the east side of Fourth Avenue. Print and communications access for Council meetings is provided on prior request. Please contact Amy Gore at (206) 684-8593 or via e-mail at amy.gore@seattle.gov as soon as possible to request accommodations for a disability.

At the meeting, the Committee will not make a recommendation to the Full Council but may decide procedural matters. The Committee may also hear oral argument from appellants and respondents.

On the Friday before the meeting, a detailed agenda will be available on the Council's website: www.seattle.gov/council/com_assign.htm (click on "View Agendas" in the section on the Planning, Land Use and Zoning Committee). You can also sign up to receive agendas for Council Committee meetings via e-mail by clicking on "Sign up for Agendas."

* * *

Consideration of this appeal is a quasi-judicial action of the City Council and is subject to the Council's Quasi-judicial Rules. The Council's Quasi-judicial Rules were adopted by Resolution 31602 and are available at <http://clerk.seattle.gov/~public/CouncilRules.htm>. Copies of Resolution 31602 can also be obtained from the City Clerk's Office at 600 4th Avenue, 3rd Floor. The Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, and may also be reached at 206.684.8344.

If you have any other questions, please call me at (206) 684-8178 or contact me by email at ketil.freeman@seattle.gov.

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**BEFORE THE CITY COUNCIL
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached NOTICE OF APPEAL AND CITY COUNCIL COMMITTEE HEARING to each person listed below, or on the attached mailing list, in the matter of the APPLICATION OF 70TH & GREENWOOD AVE, LLC TO REZONE AN APPROXIMATELY 12,188 SQUARE FOOT SITE LOCATED AT 7009 GREENWOOD AVENUE FROM NEIGHBORHOOD COMMERCIAL 2 WITH A 40 FOOT HEIGHT LIMIT (NC2 40) TO NEIGHBORHOOD COMMERCIAL 2 WITH A 65 FOOT HEIGHT LIMIT (NC2 65) (PROJECT No. 3023260; TYPE IV), CLERKS FILE 314356, in the manner indicated.

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<p> U.S. Mail BRIGITTE GRAUPE 342 N 71ST ST SEATTLE, WA 98103 MELDA FELIX 516 N 65TH ST SEATTLE, WA 98103 SUQUAMISH TRIBE PO BOX 498 SUQUAMISH, WA 98392 DUWAMISH TRIBE 4705 W MARGINAL WAY SW SEATTLE, WA 98106 KAREN WALTER WATERSHEDS AND LAND USE TEAM LEADER MUCKLESHOOT INDIAN TRIBE FISHERIES </p>	<p> <input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger </p>

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Dated: June 27, 2018



Ketil Freeman
 Legislative Analyst

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BEFORE THE SEATTLE CITY COUNCIL

In the Matter of the Appeal of:
Irene Wall and Bob Morgan,
Of the Hearing Examiner's
Recommendation.

CF 314356
SDCI Reference: 3023260-LU
OWNER'S RESPONSE TO APPEAL

I. FACTS

70th & Greenwood Ave LLC ("Owner") proposes a contract rezone to NC2-55(M) in order to construct a five-story mixed use building containing 35 apartment units with ground level retail and below-grade parking for 26 vehicles (the "Project"). The Project site is located at 7009 Greenwood Avenue North, on a currently-vacant lot covered in impervious asphalt. *Exhibit 31, p. 4*. The Project's proposed rezone is consistent with the Mandatory Housing Affordability ("MHA")-proposed rezone for the site, which also proposes to rezone the site to NC2-55(M).¹

¹ / As the Council knows, the MHA legislation (CB 119184) was transmitted to the City Council in November 2017 and was referred to the Select Committee on Citywide Mandatory Affordable Housing on January 29, 2018. It has been discussed in Committee and public hearings held eight times to the date of this response.

1 The Project is a unique project in which some of the owners of the Project will be occupy
2 a small portion of the building's units.² This initial group of owners is a collection of friends who
3 decided to build a building in which they could live collectively with their families and provide
4 market rate and affordable housing and small business retail in the rest of the Project. *Exhibit*
5 *31, Testimony of Shannon Loew.* Due to the fact that the owners will reside on-site and therefore
6 will become part of the Phinney/Greenwood neighborhood, the owners have given much thought
7 and care to the design of the Project. The Project includes the following items:
8

- 9 • Participation in the Mandatory Affordable Housing program, in compliance with
10 Director's Rule 14-2016. *Exhibit 31, p. 1.*
- 11 • 60% of the units are family-sized, including a mix of two, three, and four-
12 bedroom units. Three and four-bedroom units are rare in new construction in the
13 City of Seattle. *Exhibit 31, p. 2.* An emphasis is placed on family living.
- 14 • Participation in the MFTE program, which will provide one studio, two one-
15 bedrooms, three two-bedrooms, and one three-bedroom units as affordable at the
16 required levels under MFTE. *Exhibit 31, p. 1.*
- 17 • A publicly-accessible 2,110 s.f. courtyard for the community, and 6,160 s.f. of
18 neighborhood small business retail. *Exhibit 31, p. 2.*
- 19 • 0.74 auto parking ratio despite no parking required, and compliance with new
20 bike parking standards. *Id; Exhibit 16.*
- 21 • The building is LEED Platinum, despite no requirement that the building achieve
22 any green building standard. This demonstrates the owners' deep commitment to
23 a high-quality building incorporating progressive sustainability strategies. *Id.*

19 The Project is also a unique project in that the Project site includes two parcels zoned
20 NC2-40 (fronting Greenwood Avenue North--proposed to be zoned to NC2-55(M)), and it also
21 includes two adjacent single family-zoned lots to the west of the NC2-40 portion. *Exhibit 1, pp.*
22 *2-3 (map of Project site).* One of the lots (7010 Palatine) contains a single-family structure, and
23 the other lot is currently vacant. The single family-zoned lots will remain zoned single family
24 and cannot (and will not) include a multifamily use, but these lots have been included in the
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27 ^{2/} Contrary to the Appellants' allegation (irrelevant to the rezone proceedings), the owners are not reserving
28 the entire top two floors for themselves. *Testimony of Shannon Loew.*

1 Project's development site for purposes of the Master Use Permit ("MUP") associated with the
2 contract rezone. *Exhibit 16, Sheet G002*. As part of the MUP, the single-family home owned by
3 the applicant at 7010 Palatine Ave. N. will remain, and the vacant single-family lot will be
4 planted in grass. *Exhibit 16, Sheet L.500 (Landscape Plan)*. The single-family lots and the NC2
5 lots were combined into a single development site, as defined by SDCI TIP 247. A development
6 site is a project site which SDCI applies all of the development standards for the land use code
7 and is required to be reviewed as such for the life of the building. *TIP 247, Testimony of Lindsay*
8 *King, Senior Land Use Planner, SDCI*. As a result of the Project site being a single
9 development site, certain development standards, such as setbacks and window placement were
10 applied to the totality of the development site, consistent with TIP 247. *Testimony of Lindsay*
11 *King, Senior Land Use Planner, SDCI*. The outcome of the Project in reality is that the
12 acquisition of the two single family lots creates a 55-foot wide physical buffer along the entire
13 western edge of the development site, buffering the single-family zoned properties not within the
14 development site from the Project. *Exhibit 16, p. 10*. The Project created further appropriate
15 zone transitions by:
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- 19 • Creating large setbacks on all facades, with an emphasis on meeting transitions to
20 lower zones—the upper floor of the west facades is setback 4 feet and 6' at the
21 northwest corner, to create a transition to the NC2-40 zone.
- 22 • All of the facades of the building are broken down into four discrete, smaller
23 elements that match the bulk and scale of the surrounding buildings and are
24 strategically placed to align with features of surrounding context, including the
25 jog in N 70th Street and the widths of nearby single-family parcels.
- 26 • Rooftop equipment, solar arrays, greenhouses and other elements are strategically
27 placed away from the building perimeter to minimize shadows on neighboring
28 parcels and avoid visibility from the street, further reducing height bulk and
scale. Further, the greenhouse has been inset by perimeter planters to minimize
visibility from the abutting SF lots. Lastly, following the Design Review Board's
recommendation, the solar panels have been rotated toward flat as much as
possible while maintaining their effectiveness so as to lower their overall height
and visibility.

- Perimeter planters, landscaping, and green roof have been designed and placed at the edges of the Project to reduce privacy concerns to abutting lots.
- The Project relies on 55' and 80' adjacent rights-of-way, as well as landscaped open space as physical buffers as required by 23.34.008.E
- The Project was initially proposed to be 65-feet tall (6 stories) but was reduced to 5 stories in response to community concerns, and to be consistent with the pending MHA rezone to 55 feet.³

Exhibit 31, pp. 10-11, pp. 17-18.

Due to the fact that the development site already contains one single family lot, SDCI has determined that no additional single-family home could ever be built on the vacant single-family lot. *Testimony of Shannon Loew, Testimony of Lindsay King.* The recommended rezone condition requires that development shall be in substantial conformance with the approved MUP plans, which include the retention of the single-family house, and the vacant lot being planted in grass. *Exhibit 1, p. 44; Exhibit 16, Sheet G002, Sheet L500.* The recommended rezone condition also requires a Property Use and Development Agreement (“PUDA”) be recorded that incorporates the final approved MUP drawings for the proposal. *Examiner’s Recommendation, p. 10.* As a result, the PUDA requires that the open space physical buffer as shown on the MUP be maintained as long as the building exists.

The Director issued a Master Use Permit decision and a rezone recommendation. The Master Use Permit decision approved design review, approved zoning, and issued a Determination of Nonsignificance pursuant to the State Environmental Policy Act (“SEPA”), with routine conditions. No appeals of these decisions were filed, and any such appeals would

³ / The rezone application has had three different iterations. The first was a 65-foot tall building with a proposed rezone to 65 feet. This was revised to a 5-story building, with a proposed rezone to 65 feet but self-limiting to 55 feet. The reason why this was proposed was because the NC2-55 zone did not yet exist. The rezone was further revised to a 5-story building with a proposed rezone to NC2-55(M) when the 55-foot zone was created by SDCI and formally acknowledged by the Land Use Code. This is the current proposal.

1 be untimely now. The Director recommended approval of the rezone, with routine conditions.

2 *Exhibit 1, Testimony of Lindsay King.*

3 The Hearing Examiner held an open record public hearing on April 30, 2018. *Id.* Eight
4 members of the public attended and offered testimony at the hearing. Of the eight, four were in
5 favor of the project and four were not. *Hearing Record, 9:07-9:43.* SDCI presented information
6 supporting its recommendation to approve the contract rezone. *Hearing Record, 11:30.* The
7 Owner presented information supporting its contract rezone application. *Hearing Record, 9:45 –*
8 *11:30.* Specifically, the Owner reviewed every rezone criterion and outlined how the Project
9 meets each relevant criterion. *Id.*

10 Following a site visit, and a full consideration of the evidence in the record, the Hearing
11 Examiner issued a recommendation to approve the contract rezone, with the SDCI-recommended
12 conditions. Consistent with 23.34.004.A, the Hearing Examiner recommended a condition that
13 requires a PUDA be recorded against the property to be rezoned conditioning compliance with
14 the approved Master Use Permit plans that are of record for the Project. *Hearing Examiner*
15 *Recommendation, p. 10.*

16 The Appellants filed a timely appeal of the Hearing Examiner's recommendation. The
17 appeal raises several claims, each of which is unsupported by the evidence in the record and the
18 applicable law and are based on a fundamental misreading of the contract rezone criteria and
19 omissions of several key facts. The Owner respectfully requests the City Council deny the appeal
20 and approve the contract rezone with the Hearing Examiner's recommended conditions.

21 II. ARGUMENT

22 A. The City Council must reject the appeal and must approve the contract rezone with 23 conditions.

1 **1. Standard of Review.**

2 The Council’s decision in a contract rezone shall be based on applicable law and
3 supported by substantial evidence in the record. SMC 23.76.056.A. It is the Appellant’s burden
4 to prove why the Hearing Examiner’s recommendation should be rejected or modified. *Id.*

5
6 Courts interpret the “substantial weight” requirement as mandating the clearly erroneous
7 standard of review. *Indian Trail Property Owner’s Ass’n. v. City of Spokane*, 76 Wn. App. 430,
8 431, 886 P.2d 209 (1994); *Brown v. Tacoma*, 30 Wn. App. 762, 764, 637 P.2d 1005 (1981).

9 Under the clearly erroneous standard, reviewing bodies do not substitute their judgment for that
10 of the agency but may invalidate the decision only when left with the definite and firm
11 conviction that a mistake has been committed. *Whatcom County Fire District No. 21 v.*
12 *Whatcom County*, 171 Wn.2d 421, 427, 256 P.3d 295 (2011), *citing Norway Hill Pres. and Prot.*
13 *Ass’n. v. King County Council*, 87 Wn.2d 267, 274, 552 P.2d 674 (1976) (internal quotations
14 omitted).

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17 An Appellant does not meet its burden to show a decision is clearly erroneous if the
18 evidence shows only that reasonable minds might differ with the decision. Mere complaints, or
19 claims without the production of affirmative evidence showing that a decision was erroneous, are
20 insufficient to satisfy an Appellant’s burden. *Boehm v. City of Vancouver*, 111 Wn. App. 711,
21 47 P.3d 137, 140 (2002); *see also Moss v. Bellingham*, 109 Wn. App. 6, 13, 31 P.3d 703 (2001).

22
23 Because the City Council is considered an appellate body under SMC 23.76.065(A), its
24 determination is based “solely on the original record, it is not empowered to substitute its
25 judgment for that of the examiner, and it must sustain the examiner's findings of fact if they are
26 supported by substantial evidence.” *PT Air Watchers v Dep’t of Ecology*, 179 Wn2d 919, 319
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1 P.3d 23, 27 (2014); *Maranatha Mining v. Pierce County*, 59 Wn. App. 795, 801-2, 801 P.2d 985
2 (1990). Substantial evidence is considered evidence that is sufficient “to persuade a fair-minded,
3 rational person of the truth of a declared premise.” *Alejandro v. Bull*, 159 Wn.2d 674, 681, 153
4 P.3d 864, 867 (2007) (citations omitted). Appellant fails to demonstrate that the Examiner’s
5 findings are not supported by substantial evidence in the record. The Appellant’s claims must be
6 denied, and the rezone approved.

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8 **2. The Hearing Examiner’s recommendation to rezone to NC2-55(M) was**
9 **proper.**

10 The Appellants allege that the contract rezone should be denied because the NC2-55(M)
11 zone “does not exist.” This claim is not supported by substantial evidence in the record, or by the
12 Land Use Code, and fails for several reasons.

13
14 First, the Land Use Code and Director’s Rule 14-2016 require the contract rezone to
15 comply with MHA. See SMC 23.34.004.B and SMC 23.58C.015. It is notable that Director’s
16 Rule 14-2016 specifically references rezones to NC-55. *Director’s Rule 14-2016, p. 4*. The zone
17 does, in fact, exist.

18
19 Second, Appellants’ arguments that the Examiner failed to apply the “locational criteria
20 for the specific zone” are without merit. The Examiner did apply the locational criteria for the
21 NC2 zone. *Hearing Examiner Recommendation, Conclusion 4*: (“the proposal does not seek a
22 change in the existing NC2-zone designation. The NC2 zone criteria in 23.34.076 continue to
23 match the characteristics of the area better than any other zone designation”). Note that Chapter
24 23.34 SMC does not require the review of each individual zone (NC2-40 versus NC2-55, for
25 example), but simply the review of the underlying zone (in this case, remaining NC2), and the
26 height limits of the zone (in this case 55 feet). The Hearing Examiner completed a review of both
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1 criteria, and recommended approval of the rezone. *Id.*, *Conclusion 4, Conclusions 14-15*. The
2 Appellants' claims are without merit and the rezone must be approved.

3 Third, Appellants' arguments that somehow because the NC2-55(M) zone does "not
4 exist" that the Project could not comply with zoning standards is without merit and is also an
5 argument that is untimely. Compliance with zoning standards is not a rezone criteria currently
6 before the Council for consideration. *See* Chapter 23.34, SMC. Assertions that a project does not
7 comply with a zoning standard is an appeal of a Type I decision and is only subject to
8 administrative review through a land use interpretation. SMC 23.76.022.A.1. Here, the
9 Appellants filed no such claim and the time to do so has now passed; this claim has been waived.
10 In short, the Appellants fail to cite to any substantial evidence in the record or any code that
11 supports their claims. The Appellants' claims must be rejected and the rezone approved.
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14 **3. The Examiner's recommendation is factually supported by substantial**
15 **evidence in the Record.**

16 The Appellants allege that the Examiner "misrepresented the nature of public comment to
17 SDCI" and states that "all of the written comments submitted to the Examiner were from
18 individuals who opposed the project." *Appeal, p. 12*. This allegation could not be based on the
19 evidence in the record, as it is notably wrong. In fact, the Examiner clearly read every public
20 comment in the record and considered them. *Examiner's Recommendation, p. 5*. In fact, the
21 record fully supports the Examiner's findings related to public comment. Comments were
22 received both before and after the hearing; the Hearing Examiner allowed the record to be left
23 open for additional public comment specifically in response to the Appellants' request. In fact,
24 several comments were received that were supportive of the Project, including dozens during the
25 SDCI consideration period, four during the hearing, and several after the hearing. *Exhibits 48,*
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1 51, 53, 54; *Hearing Testimony*. . It is unclear why the Appellants make this wild claim, but it is
2 wrong and without support in the record.

3 **4. The contract rezone proposal complies with SMC 23.34.008.A (density**
4 **and zoned capacity).**

5 Appellants claim that the Examiner's recommendation related to density and zoned
6 capacity was "flawed." The Appellants cite to no evidence to support its claims.

7 SMC 23.34.008.A states:

8 To be approved a rezone shall meet the following standards:

- 9
- 10 1. In urban centers and urban villages the zoned capacity for the center or village
11 taken as a whole shall be no less than 125 percent of the growth estimates adopted
12 in the Comprehensive Plan for that center or village.
 - 13 2. For the area within the urban village boundary of hub urban villages and for
14 residential urban villages taken as a whole the zoned capacity shall not be less
15 than the densities established in the Urban Village Element of the Comprehensive
16 Plan.

17 The Project is in the Greenwood/Phinney Ridge Residential Urban Village. *Exhibit 31, p.*

18 8. Current density in the Urban Village is 21.7 housing units per acre (Seattle Comprehensive
19 Plan, Land Use Appendix, Figure A-2). *Id.* The Comprehensive Plan adopts a residential density
20 goal of at least 12 dwelling units per acre for Residential Urban Villages (2035 Comprehensive
21 Plan, Citywide Planning, Growth Strategy Figure 1). *Id.* The rezone proposal complies with this
22 criterion. The Project is not proposing a downzone, instead, it proposes to upzone to add
23 capacity. Therefore, it could not reduce capacity below 125 percent of the growth estimates.
24 Second, the density established for the Residential Urban Village is at least 12 units per acre.
25 Currently the Residential Urban Village has a density of 21.7 housing units per acre, meeting this
26 criteria. Third, the Project contributes to meeting zoned capacities. The Project site area to be
27 rezoned is 12,185 s.f. or just more than 1/4 of an acre. *Exhibit 1, p. 2.* The Project proposes 35

1 units on approximately 1/4 of an acre, supporting the density requirements of SMC 23.34.008.A.

2 Appellants' claims are not supported by substantial evidence in the record and must be rejected.

3 **5. The contract rezone proposal complies with SMC 23.34.008.C (zoning**
4 **history and precedential effect).**

5 Appellants claim that the Examiner's recommendation related to this criterion was
6 "confused." Appellants claim that the proposed MHA rezone of the property to NC2-55(M)
7 should not be taken into account when reviewing this criterion. Appellants are incorrect and this
8 claim should be rejected given the clear code language that requires examination of potential
9 zoning changes.
10

11 SMC 23.34.008.C states:

12 Zoning History and Precedential Effect. Previous and potential zoning changes both in
13 and around the area proposed for rezone shall be examined.
14

15 Appellants claim that "the NC2-55 zone does not presently exist for the Phinney Ridge
16 neighborhood, nor has final legislation event been presented to the Council." *Appeal, p. 13.* As
17 the Council knows, this is not correct. Council Bill 119184 was transmitted to the City Council
18 in November 2017 and was referred to the Select Committee on Citywide MHA on January 29,
19 2018. It has been openly discussed and public hearings have been held for the legislation at least
20 eight times. *Exhibit 31, p. 9.* To state that the MHA rezone of the property to NC2-55(M) is not
21 "proposed" is not supported by substantial evidence in the record.
22

23 Further, it is required by the terms of SMC 23.34.008.C that the MHA proposed rezone
24 of the property be examined to determine compliance with this criterion. The MHA rezone is a
25 "potential zoning change"—it has been transmitted to Council and has been discussed publicly
26 by the Council, current and former Mayors, and the public for two years. It was wholly
27

1 appropriate and actually required that the Examiner consider the potential MHA rezone of the
2 property to NC2-55(M). The proposed contract rezone matches the proposed legislative rezone,
3 and therefore the consideration of the Appellants' claim must be rejected and the rezone
4 approved.

5
6 Appellants claim that the Examiner should have considered the "precedential effect" of
7 granting the rezone as it could "jeopardize the current and planned land use patterns if a parcel
8 were upzoned prematurely." *Appeal, p. 14*. However, the code language does not require the
9 Examiner to do this. It only requires him to compare the Project's rezone to the proposed MHA
10 rezone; there are no other "proposed rezones" for him to consider. The Examiner followed the
11 clear language of the code. The Appellants' claims are without merit. The rezone must be
12 approved.

13
14 **6. The contract rezone proposal complies with SMC 23.34.008.D**
15 **(Neighborhood Plans).**

16 Appellants claim that because the Greenwood/Phinney Neighborhood plan "did not
17 anticipate a 55-foot zone" the contract rezone could not be consistent with this criterion. This
18 argument is not consistent with the code criterion or the Greenwood/Phinney Neighborhood Plan
19 and should be rejected.

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21 SMC 23.34.008.D states:

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23 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended
24 by the City Council after January 1, 1995, shall be as expressly established by the
25 City Council for each such neighborhood plan.
- 26 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall
27 be taken into consideration.
- 28 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

1 rezones, but does not provide for rezones of particular sites or areas, rezones shall
2 be in conformance with the rezone policies of such neighborhood plan.

- 3 4. If it is intended that rezones of particular sites or areas identified in a Council
4 adopted neighborhood plan are to be required, then the rezones shall be approved
5 simultaneously with the approval of the pertinent parts of the neighborhood plan.

6 Here, the Greenwood/Phinney Neighborhood Plan was adopted after 1995 and is part of
7 the City's Comprehensive Plan. *Exhibit 31, p. 10*. It does not contain policies for guiding
8 rezones, it does not cite to specific zones, and it does not contain information about rezones of
9 particular sites. It does not speak to any heights at all; and in fact the Neighborhood Plan was re-
10 adopted in 2016 after MHA upzones had been drafted and publicly discussed. been approved
11 with the approval of the neighborhood plan. SMC 23.34.008.D.4.

12 The Examiner properly took into consideration the Greenwood/Phinney Neighborhood
13 Plan. *Examiner's Recommendation, p. 3 (Findings 12, 13), p. 7 (Conclusion 5)*. Indeed, all
14 substantial evidence in the record shows that the Project supports the goals and policies of the
15 Greenwood/Phinney Neighborhood Plan. *Exhibit 31, pp 21-31*. Appellants' claims are without
16 merit and should be rejected.

17
18 **7. The contract rezone proposal complies with SMC 23.34.008.E (zoning**
19 **principles, including gradual transition and buffers).**

20 The Appellants claim that the Hearing Examiner's recommendation erred in analyzing
21 23.34.004.E, including zoning principles and transitions. Appellants' claims are not supported
22 by the record, and misrepresent the Examiner's recommendation.

23
24 Appellants claim that the Examiner erred when he described zoning transitions elsewhere
25 in the Greenwood/Phinney Urban Village, stating that he said that 65-foot zoned parcels share
26 property lines with single family parcels. The Examiner did not state this. In fact, the Examiner
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1 described the myriad of zoning transitions that occur generally in the Greenwood/Phinney Urban
2 Village:

3 The predominant zoning patterns in this neighborhood is a commercial zone with a 40-
4 foot height limit in the urban village overlay located adjacent to a single-family zone.
5 There are some examples of a 40-foot height zone located adjacent to a 65-foot height
6 zone and 40-foot and 65-foot height zones adjacent to the LR3 RC and single-family
7 zones. In some instances, the transition includes buffers, such as a right-of-way
8 street/alley, but in other instances the transition occurs along a shared property line.

9 *Examiner's Recommendation, p. 7 (Conclusion 7).* It should also be noted that the Project is not
10 proposing a rezone to 65 feet, but instead to 55 feet.

11 In fact, when one reads the code, the Project meets all of the criteria in 23.34.008.E, and
12 the Examiner properly considered the criteria:

13 E. Zoning Principles. The following zoning principles shall be considered:

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

18 2. Physical buffers may provide an effective separation between different uses and
19 intensities of development. The following elements may be considered as buffers:

20 a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and
21 shorelines;

22 b. Freeways, expressways, other major traffic arterials, and railroad tracks;

23 c. Distinct changes in street layout and block orientation;

24 d. Open space and greenspaces.

25 3. Zone boundaries.

26 a. In establishing boundaries the following elements shall be considered:

27 (1) Physical buffers as described in subsection E2 above;

28 (2) Platted lot lines.

29 b. Boundaries between commercial and residential areas shall generally be established so
30 that commercial uses face each other across the street on which they are located, and face
31 away from adjacent residential areas. An exception may be made when physical buffers
32 can provide a more effective separation between uses.

33 The Examiner properly considered the potential impact of more intensive zones on less
34 intensive zones. The rezone remains the same intensity of zone (NC2), so this will not change.

35 However, the Examiner carefully discussed the gradual transition that the code prefers between

1 height limits.⁴ The Examiner notes the gradual transition that will occur between the 55-foot
2 height and the 40-foot height. He notes the full height modulation to break down the mass of the
3 building, and notes that the open space on the single-family parcel and the upper level setbacks
4 will create a physical buffer as transition between the Project and single-family zones.

5
6 *Examiner's Recommendation, p. 8.*

7 Appellants allege that the landscaped open space on the single-family lot cannot be
8 considered a physical buffer because the PUDA cannot apply to the single-family zoned lots.
9 This is based on a misunderstanding of PUDAs and MUPs. The code does not limit the right of
10 a property owner to voluntarily bind his/her property by PUDA even if it is not being rezoned.
11 SMC 23.34.004. In fact, a PUDA is specifically contemplated to impose restrictions that are
12 "directly related to the impacts that may be expected to result from the rezone." SMC 23.34.004.
13 Indeed, the contract rezone is conditioned upon compliance with the PUDA; the contract rezone
14 may be revoked if compliance does not occur. SMC 23.34.004.C. Finally, the recommended
15 conditions by the Examiner not only require a PUDA but require compliance with the MUP as a
16 condition of the PUDA. The MUP plan show retention of the single-family house on the west,
17 and also the landscaped open space; all lots are tied together as a development site and must be
18 maintained as one development site as long as the Project exists. *Testimony of Lindsay King,*
19 *Exhibit 9.* As a result, the physical buffers and gradual transition are guaranteed as a condition
20 of the rezone/PUDA. The Appellants claims regarding gradual transition must be denied as they
21 are not supported by the code or substantial evidence in the record.
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25 **8. The contract rezone proposal complies with SMC 23.34.008.F (Impact**
26 **Evaluation).**

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28 ^{4/} It should be noted here that the code does not require transition in height limit, but prefers it. It also does

1 The Appellants allege that the Examiner's recommendation was deficient but fail to
2 provide substantial evidence in the record that proves that his analysis related to impacts was
3 wrong.

4 The facts do not support the Appellants' allegations. In fact, the Project increases the
5 number of housing units in the neighborhood on this site from zero to 35.⁵ *Exhibit 1*. In fact, the
6 Project is compliant with the MHA program, increasing affordability in the City. *Exhibit 1*. In
7 fact, the Project thoroughly addresses all listed environmental impacts. All of the factors listed in
8 23.34.008.F were analyzed by both the Applicant and the Department, and substantial evidence
9 in the record shows that the Project does not create significant shadows or light and glare; these
10 potential impacts were specifically walked through with the Examiner during the hearing as part
11 of the Owner's presentation. *Exhibit 31, Exhibit 50, Testimony of Shannon Loew*. Views were
12 also discussed during the hearing with the Examiner. All substantial evidence in the record
13 shows that views will not be blocked as a result of the rezone (or, to put it differently, as a result
14 of the difference between a 40-foot tall and a 55-foot tall building). The buildings surrounding
15 the Project site are one, two, three, or four-story (40-foot) structures. *Exhibit 50*. Any views
16 would be at least partially blocked as a result of a 40-foot tall building, so the 55-foot tall
17 building has no significant impact to views. Further, the Project was subject to review under the
18 State Environmental Policy Act ("SEPA"), which discloses and reviews environmental impacts
19 of the Project; this fact was stated by the Examiner in his recommendation.⁶ *Examiner's*
20 *Recommendation, p. 8 (Conclusion 9)*.

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26 not require physical buffers to be present.

27 ⁵ / It is irrelevant to the Examiner's or Council's rezone analysis, but the Appellants' allegation that the top
28 two floors are designated for owners' use only is not true and is not supported by the record. *Testimony of Loew*.

⁶ Shadows, views, and light and glare impacts are specifically disclosed and addressed in the SEPA checklist
submitted to the City, reviewed and accepted by SDCI, and reviewed by the Examiner. *See Exhibit 3*. In addition,

1 View

2
3 **9. The Appellants claims related to SMC 23.34.008.G (changed**
4 **circumstances) are without basis.**

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6 It is frankly difficult to understand the Appellants' arguments related to changed
7 circumstances. The Examiner determined that there are no changed circumstances. *Examiner's*
8 *Recommendation, p8, Conclusion 12.* The fact that SDCI and the Owner argued differently does
9 not create error. This argument should be rejected.

10 **10. The contract rezone complies with SMC 23.34.009.A (function of the**
11 **zone).**

12
13 Appellants claim that the Examiner's recommendation is in error because the Project will
14 be larger than the currently built environment. But this allegation, even if true, is not relevant to
15 the criterion required in SMC 23.34.009.A, which states:

16 A. Function of the zone. Height limits shall be consistent with the type and scale of
17 development intended for each zone classification. The demand for permitted goods
18 and services and the potential for displacement of preferred uses shall be considered.
19 Thus, the code does not require the Examiner to analyze the existing development as it relates to
20 this code criterion. Instead, the Examiner states that increased density in the Urban Village, the
21 proposal's multifamily and commercial uses are consistent with the function of the zone, and it
22 would not change the size of commercial uses allowed. He also specifically mentioned the lack
23 of displacement that would occur from the Project of preferred uses in the zone (multifamily and
24 commercial/retail). *Examiner's Recommendation, Conclusion 15.* The Examiner's
25 recommendation was solid. The Appellants' arguments are without merit
26

27 the NC2 zone requires the City to review light and glare specifically as part of zoning review. See SMC
28 23.47A.022. As a reminder, the Appellant did not file an appeal/interpretation of the zoning compliance

1 **11. The contract rezone complies with SMC 23.34.009.B (Topography of the**
2 **area and its surroundings).**

3 The Appellants argue that the Examiner's recommendation is in error because his conclusion that
4 the Project may impact only territorial views "ignored written testimony." The Appellants'
5 claims are not supported by the code or substantial evidence in the record. SMC 23.34.009.B
6 states:
7

8 B. Topography of the area and its surroundings. Height limits shall reinforce the natural
9 topography of the area and its surroundings, and the likelihood of view blockage shall
10 be considered.

11 Here, the Examiner considered the potential view blockage and stated that views could be
12 blocked. There is no evidence in the record that the Examiner "ignored" written comments. This
13 claim must be rejected. In addition, Appellants argue that SMC 23.47A.012.A.1.c creates
14 "protected" views. This is a zoning provision and does not create "protected" views, and is not
15 relevant to the rezone discussion. This claim should be rejected.⁷
16

17 **12. The contract rezone complies with SMC 23.34.009.C (Height and Scale of**
18 **the Area).**

19 The Appellants assign error to the Examiner's determination that the Project is consistent with
20 the predominant height and scale of nearby newer development, which is representative of the
21 area's overall development potential. Appellants argue that the Project is not consistent because
22 it is taller than the 40-foot zone. But evidence in the record shows that the Project is generally
23 consistent with newer development in the area, which reaches to 59 feet (40 feet + 4-foot bonus
24
25

26 determination, and did not file a SEPA appeal.

27 ⁷ As noted, the appellants failed to file an appeal of the zoning approval, any allegation that the project does
28 not comply with zoning is untimely.

1 + 15-foot rooftop appurtenances). An overall height difference of 15 feet can be considered
2 “compatible” per SMC 23.34.009.C. This argument is without merit and should be rejected.

3 **13. The contract rezone complies with SMC 23.34.009.D (Compatibility with**
4 **Surrounding Area).**

5 Appellants argue that the Examiner’s recommendation related to this criterion was in error.
6 However, the Examiner’s recommendation regarding this criterion was spot-on and tracks the
7 analysis related to SMC 23.34.008.D.2 (see Section 7 above). All substantial evidence in the
8 record shows that general transition occurs, and physical buffers are present and will be required
9 in perpetuity. The Appellants’ arguments are without merit.

10 **14. The Examiner’s proposed conditions are adequate; however, the Council**
11 **makes the final decision on the required conditions of approval.**

12 The Appellants allege that the Examiner’s recommendation includes inadequate
13 conditions of approval, and therefore it should be rejected. But the Appellants forget that it is the
14 Council that makes the rezone decision and therefore the Council may condition a rezone
15 consistent with SMC 23.34.004. In addition, the Appellants attempt an end-around to evade their
16 failure to appeal the zoning decision. The Appellants’ suggested conditions must be rejected.

17 First, the Appellants state that the recommendation should require compliance with certain
18 zoning provisions. The zoning provisions have been applied to the overall development site.
19 The Appellants failed to file an appeal of that zoning decision if they disagreed. The Appellants’
20 time to file such an appeal has passed, and the zoning determination is now valid.

21 Second, the Appellants want the greenhouse and solar panel away from the rooftop edge to limit
22 impacts on the single-family zone. But the record reflects that the greenhouse and solar array
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28

1 were already adjusted to minimize any potential impacts. The request is not supported by the
2 record and should be rejected.

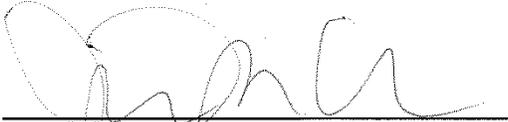
3 Third, the Appellants state that the railings and planters exacerbate height impacts of the
4 building, but point to no evidence in the record that the railings and planters create impacts. The
5 request is not supported by the record and should be rejected.
6

7
8 **III. CONCLUSION**

9 The Hearing Examiner's recommendation is supported by substantial evidence in the
10 record. The Appellants have failed to support their allegations with clear and convincing
11 evidence that an error has been made. As a result, the appeal must be rejected, and the contract
12 rezone must be approved.
13

14
15 DATED this 9th day of July, 2018.

16 MCCULLOUGH HILL LEARY, P.S.

17
18
19 By: 

20 Jessica M. Clawson, WSBA #36901
21 Attorneys for Owner
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BEFORE THE SEATTLE CITY COUNCIL

In the Matter of the Appeal of: Irene Wall and Bob Morgan, Of the Hearing Examiner's Recommendation.	CF 314356 SDCI Reference: 3023260-LU OWNER'S RESPONSE TO APPEAL
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I, Jessica M. Clawson, declare as follows:

I am employed with McCullough Hill Leary, P.S., which represents the Applicant for this matter. I served a copy of the APPLICANT'S RESPONSE TO APPEAL and this DECLARATION OF SERVICE via electronic mail service and by U.S. Mail on the following parties:

Jeffrey M. Eustis
Appellants' legal counsel
eustis@aramburu-eustis.com

Lindsay King and Tami Garrett, Senior
Planner, SDCI
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 9th day of July, 2018.

///

s/Jessica M. Clawson
McCULLOUGH HILL LEARY PS
701 Fifth Avenue, Suite 6600
Seattle, WA 98104
Tel: 206-812-3388
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BEFORE THE SEATTLE CITY COUNCIL

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18 JUL -9 PM 3:36

CITY CLERK

In the Matter of the Application of

CF 314356

DAVID FUCHS

SDCI Project No. 3023260

**For approval of a rezone of property
Located at 7009 Greenwood Avenue North**

SDCI Response to Appeal

Irene Wall and Bob Morgan have submitted an appeal of the Findings and Recommendations of the Seattle Hearing Examiner. This is SDCI's response to arguments raised in that appeal.

Appellants argue that the proposed zoning designation, NC2-55(M) does not exist in the Land Use Code in the Phinney Ridge Neighborhood. However, nothing in the code requires that there must already be property in the neighborhood with a particular zoning designation in order for that designation to be applied to a new property through a contract rezone. The zoning designation with a 55-foot height limit and the "(M)" suffix are both relatively new, but there are standards in the code relating to these components of the zoning designation. (See, e.g., SMC 23.47A.017.) The list of zone classifications in SMC 23.30.010 does not individually address every possible suffix in a zone designation, but suffixes for height limits and "letter suffixes...enclosed in parentheses indicating the applicability of mandatory housing affordability provisions" are discussed, generally, in SMC 23.30.010.B. At least one other property in the city, at 1410 - 24th Avenue, is currently zoned NC2-55(M). The Appellants argue that there are no specific rezone criteria for the NC2-55(M) zone. But there are no rezone criteria in Chapter 23.34 for any other specific height limit that might be included in a zoning designation, either. There are general criteria relating to zoned height limits, in SMC 23.34.009, and these were considered in the Department's and Hearing Examiner's analysis.

For purposes of the Land Use Code, and as reflected in the definition of "lot" in SMC 23.84A.024, a "lot" is generally the unit of property to which development standards are applied. For purposes of these standards, a "lot" may include multiple platted lots, or portions of platted lots, or tax parcels. The term "development site," while not in the Land Use Code, is sometimes used to clarify that a reference is to the entire property that is the site of a proposed development. In this case, the lot includes all or part of ten platted lots, and four tax parcels. Applicable code provisions include setbacks from certain lot lines or property lines. The lines from which setbacks are required under the code are the lines that form the boundary of the entire lot (development site) as opposed to platted lot lines or zone boundary lines within the site, or tax parcel lines. The appeal includes multiple assertions that the proposed development fails to meet development standards. These are all based on the misapprehension that the zone boundary line (which coincides with some underlying platted lot lines and tax parcel lines) should be treated as a rear lot line.

Appellants erroneously assert (at page 4) that under SMC 23.34.004, a PUDA may not include restrictions on a portion of a site where the zoning designation is not proposed to change. Nothing in that section says that a contract rezone can't change the zoning designation of a part of a lot, alone, or that the portion of the lot for which the designation is changed must be regulated as a separate lot. In the event of such a contract rezone, nothing in SMC 23.34.004 says that conditions may not be imposed through the PUDA on portions of the property for which the zoning designation is not changed.

Appellants argue that nothing would prevent the applicants from selling off the existing single-family residence at 7010 Palatine Avenue North, on the Single-Family-zoned portion of the property, or building another single-family house on the remainder of the site in the Single Family zone. This is not accurate: Because the 7010 Palatine Avenue North property will be required to meet development standards for the proposed building, it will no longer qualify as a separate legal building site under the Land Use Code. It may be possible to do a lot boundary adjustment so that the proposed commercial/residential building will retain a portion of the property in the Single Family zone in order to continue to meet standards. For this to be approved, it would have to be demonstrated that the existing house meets development standards without requiring the eastern portion of the property that would have to remain a part of the site of the commercial/residential building. The same issue would apply to a proposal to develop the vacant parcel to the south in the Single Family zone with a new house. If the portion of the property that is in the Single Family zone remains a part of the site of the commercial/residential building, an additional house may not be built in that area, as this would result in two single-family houses on the same lot in a Single Family zone, which is not allowed under SMC 23.44.006.A. In order for the parcel to be split off for separate development, a lot boundary adjustment would be necessary so that the site of the commercial/residential building continues to include sufficient area to meet development standards such as setback requirements.

Dated this 9th day of July, 2018.



Tami Garrett, Senior Land Use Planner
Seattle Department of Construction and Inspections

**BEFORE THE CITY COUNCIL
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I, Tami Garrett, certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached SDCI Response to Appeal to each person listed below in the manner indicated.

Party	Method of Service
Applicant Applicant Legal Counsel Jessica Clawson Jessie@mhseattle.com David Fuchs dfuchs@johnstonarchitects.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Appellants Appellants Legal Counsel Jeffrey M. Eustis eustis@aramburu-eustis.com Irene Wall iwall@serv.net Bob Morgan bmorgan@comcast.net	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated this 9th day of July, 2018.



 Tami Garrett, Senior Land Use Planner

July 13, 2018

MEMORANDUM

To: Planning, Land Use and Zoning Committee
From: Ketil Freeman, Council Central Staff
Subject: Clerk File (CF) 314356 – Contract Rezone Application and Appeal for 7009 Greenwood Ave North

On July 18, 2018, the Planning, Land Use and Zoning Committee (Committee) will consider an application by 70th & Greenwood Ave, LLC (Applicant) to rezone a property located at 7009 Greenwood Avenue North (Property) from Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) to neighborhood Commercial 2 with a 55-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC2 55 (M)) and an appeal of that application by Irene Wall and Bob Morgan (Appellants).

This memorandum (1) provides an overview of the application to rezone the Property; (2) sets out procedural standards, such as the type of action, standard of review, and burden of proof that apply to the Council's decision; and (3) summarizes issues on appeal.

Overview

The Applicant has applied for a Mater Use Permit (MUP) including a contract rezone for an approximately 21,000 square foot site located at 7009 Greenwood Avenue North. The Property is split-zoned: the western half of the Property is zoned NC2 40 and the eastern half of the Property is zoned Single Family 5000 (SF 5000). The Applicant is seeking to rezone the NC2 40 portion of the Property to NC2 55 (M). No rezone is proposed for the SF 5000 portion of the Property. The NC2 40-zoned portion of the Property is cleared; the SF-5000 zoned portion is currently developed with a single-family house and detached garage. The entire Property is treated as a "development site" for the purposes of the MUP application.

The Applicant plans to redevelop the Property with a 35-unit apartment building with approximately 6,000 square feet of retail space surrounding an interior courtyard. The Applicant proposes to participate in the multi-family tax exemption program, which would require that 20 percent of units be affordable to households at 60 to 80 percent of area median income. Sixty percent of the units are proposed to have two or more bedrooms. The building would have below-grade parking for 26 vehicles. The proposed structure would be approximately five stories tall with a deck, solar array, and greenhouse located on the roof.

The Applicant filed a rezone application in December 2016. That original application contemplated a rezone to a zone designation with a 65-foot height limit. The Applicant revised the application in February 2018 to seek a 55-foot height limit. On April 9, 2018, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative rezone recommendation, State Environmental Policy Act decision, and design review decision. The Hearing Examiner held an open record hearing on the rezone recommendation on April 30, 2018. Eight people testified at the hearing, with testimony both for and against the proposal. On June 5, 2018, the Hearing Examiner issued a recommendation to Council to

approve the rezone subject to conditions in a Property Use and Development Agreement (PUDA). On June 19, 2018, the Appellants filed an appeal with the City Clerk.

In addition to the testimony at the hearing, the record for the application contains well over 100 individual pieces of public comment related to the project. This includes comments received by SDCI¹ and the Hearing Examiner².

Procedural Matters

Type of Action and Materials in the Record

A Council decision on a contract rezone is a quasi-judicial action. A quasi-judicial action is, “an action of the City Council that determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.”³ Quasi-judicial actions are subject to the state Appearance of Fairness Doctrine prohibiting *ex-parte* communication. Council decisions must be made on the record established by the Hearing Examiner. 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.

The entire record is available for review in my office at Councilmembers’ convenience. SDCI’s recommendation; the Hearing Examiner’s exhibit list; minutes of the hearing; a full plan set; other, but not all, exhibits; and the Hearing Examiner’s recommendation are available in [CF 314356](#). This information, as well as an audio recording of the hearing, are also available through the Hearing Examiner at [HE File Number CF-314356](#).⁴

Pursuant to the Seattle Municipal Code, when the Hearing Examiner’s recommendation is appealed, the Council must issue its decision within 120 days of receiving the Hearing Examiner’s recommendation, meaning the Council must act by October 4, 2018.⁵

Standard of Review and Burden of Proof

In making its decision on a quasi-judicial rezone application, the Council applies the *substantial evidence standard of review*. This means that the Council’s decision to approve, approve with conditions, or deny the recommendation must be supported by substantial evidence in the record. The Appellant bears the burden of proving that the Hearing Examiner’s recommendation should be rejected or modified.⁶

Amended Clerk File Title

CF 314356 contains the application to rezone the Property. The original CF title does not accurately reflect the proposal as it was revised in February. The title will be revised as follows:

¹ Hearing Examiner’s Exhibit 54, available at <https://seattle.legistar.com/LegislationDetail.aspx?ID=2818084&GUID=EAC1BA09-5631-4BB3-B250-D358930231DE&Options=Advanced&Search>

² Hearing Examiner’s Exhibit 53, available at <https://seattle.legistar.com/LegislationDetail.aspx?ID=2818084&GUID=EAC1BA09-5631-4BB3-B250-D358930231DE&Options=Advanced&Search>

³ Council Quasi-judicial Rules II.I.

⁴ <https://web6.seattle.gov/Examiner/case/CF-314356>

⁵ Seattle Municipal Code (SMC) 23.76.005.D.3.

⁶ [SMC 23.76.056.A.](#)

Application of 70th & Greenwood Ave, LLC to rezone an approximately 12,188 square foot site located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) to Neighborhood Commercial 2 with a 65 55 foot height limit and M Mandatory Housing Affordability suffix (NC2-65 NC2 55 (M)) (Project No. 3023260; Type IV).

With these revisions, the CF title will accurately reflect the requested zoning designation and the addition of the MHA suffix to reflect the inclusionary zoning requirement.

Issues on Appeal

Issues on appeal are briefly summarized below. This summary is not intended to be exhaustive. Full copies of the appeal, responses to the appeal by the Applicant and SDCI, and a reply by the Appellants are contained in Clerk File 314356.

Issues

The Appellants assert that the Hearing Examiner's recommendation contains multiple errors. Issues that the Committee may hear oral argument about are:

- Whether the Hearing Examiner erred by recommending a rezone to the NC2 55 (M) zone designation;
- Whether the Hearing Examiner's findings of fact and conclusions related to application of rezone criteria are in error; and
- Whether the Hearing Examiner's recommended conditions related to rooftop features and affordable housing are sufficient.

Relief sought by the Appellants includes denying the application to rezone the Property or, alternatively, including conditions in the PUDA requiring setbacks from the adjacent single-family zone and reduced height of rooftop features.

Next Steps

At the meeting on July 18, the Committee will hear oral argument and may discuss the merits of the appeal and application. The Committee will make recommendations on the appeal and application at a subsequent committee meeting. The options before the Committee on the appeal and the rezone request include:

- Approving the rezone with conditions,
- Modifying proposed condition, or
- Denying the rezone.

Attachments

1. Hearing Examiner's recommendation
2. Appeal of the Hearing Examiner's recommendation – 6.19.2018
3. Applicant's response to the appeal – 7.9.2018
4. SDCI's response to the appeal – 7.9.2018
5. Appellants reply to the response – 7.16.2018 (anticipated, will be added when received).

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by Irene Wall and Bob Morgan
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I. INTRODUCTION

The 7009 Greenwood rezone application is a creative shell game that exploits the applicants' common ownership of two separate single family lots along the western boundary of the commercial lots it has proposed to rezone, using those lots to unlawfully erase lot lines, evade unambiguous setback requirements in the Land Use Code, access retail space in the commercial building that lacks exterior access on the commercial lot, and create a building substantially larger than the Code allows, right on a property line shared with two single family lots in a manner that renders it ineligible for a contract rezone pursuant to numerous criteria in SMC 23.34.

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In this case, the Applicant claims to have created so-called "development site" – a term undefined in the Land Use Code – because the Applicant drew an imaginary line around four legal lots it owns in the northwest corner of N. 70th and Greenwood Avenue North and deemed those four lots a single "development site," even though it did not comply with SDCI's own guidelines for creating a development site. Using that so-called "development site," and aided and abetted by SDCI, the Applicant insists it is immune from Code requirements that would apply to all other owners of commercial lots that abut lots in a residential zone, and from rezone criteria that requires transitions and buffers between zones, not between property owners. *See*, Appeal at 1-10, describing the project and applicable setback provisions that should have been applied to this project.

The application relies on linguistic sleight-of-hand throughout to create the misleading impressions that: (1) there are large setbacks and transitions between the massive commercial building and the adjacent single family zone, when in fact there are no buffers or transitions; (2) the Applicant is creating substantial "affordable housing" onsite through MHA compliant units when in fact the evidence confirms that it has chosen to comply with MHA through payments, not onsite units, and that by revising its application at the last minute to the NC2-55 zone instead of the original NC-65 zone, it has reduced its MHA payment obligation by over \$250,000; and that (3) a property upzoned to 55 feet (with an actual height of almost 70 feet with the massive greenhouse on top) is somehow "compatible" and "consistent" with the existing zoning in the area despite substantial evidence in the record that shows the nearest parcel zoned higher than the uniform NC2-40 along Greenwood Avenue is almost a mile away.

The Examiner simply accepted these representations at face value despite substantial evidence in the Record that contradicts his findings of fact and conclusions of law. The Record also contains substantial evidence that reveals numerous material facts and applicable law that the Examiner omitted entirely in his Recommendation, facts and law that, together, undermine the Recommendation and require its rejection.

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The Applicant and SDCI perpetuate these same techniques in their respective Responses. The Applicant's Response is rife with specious arguments that at first blush appear to be valid but in fact are fallacious. The Response is peppered with numerous unfounded accusations against the appellants as well as incorrect statements about Appellants' arguments and evidence in the Record that are easily exposed as untrue. SDCI's Response also misrepresents Appellants' arguments, as well as its own guidance on development sites and the applicable Code provisions that apply to this project. And, as often happens when multiple parties attempt to skirt the law, the various parties' stories are inconsistent and often contradictory.

Although the Examiner ignored substantial evidence in the Record and rendered a Recommendation that conflicts with substantial evidence in the record, the Council should not be similarly duped by the Applicant's and SDCI's creative efforts to disguise the realities of this project. Without the cloak of the fictitious "development site," the 7009 application is revealed as an unlawful, oversized building that breaches the protections of setbacks and upper level air corridors along zoning lines that separate commercial lots from single family lots, a situation that should not be blessed by the Council through the rezone process.

Similarly, the Council should not be misled by the Examiner's mischaracterization of the land use pattern in the immediate area of the project and his failure to acknowledge, despite substantial evidence in the record, that the nearest parcel with a height greater than the uniform NC2-40 zoning in the immediate project area is almost one mile north in the Greenwood Town Center. See Tab 1. Instead of evaluating this project against the current zoning in the area (other than unsupported conclusory statements that a 55 foot zone was "consistent" and "compatible" with the surrounding 40-foot zone and adjacent single family zone (Conclusions # 15, 17, 18), the Examiner improperly based his Recommendation upon perceived consistency with the allegedly forthcoming MHA legislation even though: that legislation is still in draft form as the Council seeks public input throughout the City; it does not have established development standards; it has not been formally implemented City wide as envisioned by MHA; and it is the subject of pending litigation that prevents the Council from passing any such legislation at this time.

The substantial evidence in the record demonstrates that without the cloak of a MHA-enabled 55-foot zone all along Greenwood Avenue in this area, an upzone of this parcel would create a jagged point protruding almost 70 feet upward from the heart of the otherwise uniform NC2-40 zoning along this one mile stretch of Greenwood Avenue, destroying the historic zoning uniformity. Appellants are not aware of any other approved contract rezone application, based on MHA or otherwise, where there is not a

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single parcel at or near the requested height in the immediate vicinity of the proposed rezone site.

The lone parcel that SDCI cites as proof that there is “at least one other property” zoned NC2-55(M) was not a contract rezone but instead is a part of the area-wide Central District upzone that applied the NC2-55 zone to several parcels in that area, including the cited parcel, and where the parcels across the street are zoned to 65 and 70 foot heights. The Applicant insists that “[a]n overall height difference of 15 feet can be considered ‘compatible’” with the existing NC2-40 zoning. Response at 17. But if that kind of conclusory jargon carries the day, there is no parcel in the City that would be immune from contract rezoning, regardless of its surroundings, and the rezone criteria of SMC 23.34 would be rendered meaningless.

It is in the Council’s interest to adhere to established legal standards and think holistically where the MHA upzones will actually be instituted, and what development standards will be associated with the proposed MHA zoning designations, including the proposed NC2-55 zone, instead of rushing to upzone an isolated parcel in an otherwise uniform zone when it is impossible to know what later-enacted development standards may apply in that zone to the surrounding parcels. If the Council rezones this isolated parcel now instead of waiting to see how, whether, and where a proposed NC2-55 zone is actually applied in the Phinney Ridge area, the Council would be getting ahead of itself and brushing aside established legal standards for contract rezones and application of the Land Use Code that would destroy the uniform zoning that this portion of Phinney Ridge has always enjoyed. Moreover, given the unique circumstances of this portion of Phinney Ridge, which is the only urban village in the City with a one-mile long, one street wide “urban village,” where every commercial parcel shares a rear property line with a single family lot – the Council should instead be considering as a potential modification to MHA legislation, whether the NC2-55 zone is appropriate at all in this location.

The risks of allowing this rezone extend far beyond Phinney Ridge. If the Council lets this genie out of the bottle, it would be endorsing SDCI’s decision to ignore unambiguous provisions in the Land Use Code and ignore its own guidance to enable projects that should have been denied. And the Council would bless the untenable concept of zoning by property ownership, rather than established zoning maps and Land Use Code provisions, where developers (or other owners) rich enough and lucky enough to acquire adjacent parcels would be exempt from Code provisions that would otherwise define the allowable uses of that property. Using the techniques that the Applicant is using here, that SDCI enabled and that the Examiner ignored entirely in this Recommendation, developers throughout the City could sweep up single family parcels adjoining their

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commercial lots, use those parcels to extract a building larger than the Code would otherwise allow, and then discard those parcels after they have served their purpose. And, given that the 7009 parcel is located almost one mile away from any parcel of a higher zoned height, a location that previously would have rendered a rezone unthinkable, the Council will likely unleash a flood of rezone applications from developers like the 7009 applicants who seek to jumpstart legislation that is not yet fully formed and who have isolated parcels like the 7009 parcel that would never be considered for upzoning without the background presence of the MHA legislation. When established legal standards are cast aside as the Examiner has done in his Recommendation, the Council loses control to use the power of legislation and zoning to shape land use patterns in the City.

The 7009 rezone application should be denied.

II. STANDARD OF REVIEW

The Council's decision to approve, approve with conditions, remand, or deny an application for a Type IV Council land use decision such as a contract rezone shall be based on applicable law and supported by substantial evidence in the record established by the Hearing Examiner. SMC 23.76.056.A. The appellant does bear the burden of proving that the Hearing Examiner's recommendation should be rejected or modified. *Id.*

But the applicant attempts to graft a "clearly erroneous" standard on this Code requirement, without citing a single case that supports that proposition. The Council is acting in a quasi-judicial capacity and must do as the Code requires: make its decision based on applicable law and supported by substantial evidence in the record. The "clearly erroneous" standard advocated by the applicant may apply at the superior court level, but it does not apply here.

The Appeal Statement identified numerous instances where the Examiner ignored, misstated, or misapplied material evidence in the Record and misconstrued or simply overlooked the applicable Land Use Code provisions in the Recommendation to approve the rezone application. Substantial evidence in the record, together with a proper application of applicable law, confirm that the 7009 rezone application fails to meet the rezone criteria in SMC 23.34.007-009, and that the proposed building violates numerous provisions of the Land Use Code that would further exacerbate the problems posed by upzoning this site.

III. ARGUMENT

The Council should reject the Examiner's Recommendation because it is not supported by substantial evidence in the record and it ignored and / or misapplied applicable Land

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Use Code provisions that undermine the recommendation to rezone this parcel. Instead, the Record includes substantial evidence that demonstrates that a rezone of the 7009 parcel does not meet applicable Code criteria and that the Examiner's Recommendation should be rejected.

First, the Examiner failed to comprehend the details or impact of the developer's reliance on a so-called "development site," a ploy that colors the entire application and the Examiner's Recommendation. No "development site" has been established in this case. As a result of this oversight, the Examiner misapplied several criteria in SMC 23.34 governing rezones and failed to even mention, much less analyze, the voluminous material in the record proving that the proposal violates numerous provisions of the Land Use Code.

Next, the Examiner did not mention or attempt to explain how a rezone could be granted to a NC2-55(M) zone when the specific details of that zone and the specific areas where it may be applied at a future date have not been determined.

Finally, the evidence in the record and the proper application of the rezone criteria in SMC 23.34.007-009 undermine the Examiner's recommendation. There is substantial evidence demonstrating that the rezone criteria are not met for this project, particularly the requirements for buffers and setbacks between zones (not between property owners as the Examiner mistakenly concluded), prevention of view blockage, and compatibility with the existing zoning in the area.

A. The Examiner's Recommendation is not supported by substantial evidence in the Record or applicable law

Every argument in the Appeal rested on facts and law presented directly to the Examiner before, during and after the open record hearing on April 30, 2017, as well as material presented to SDCI since the project's inception in 2016. The Applicant mistakenly challenges Appellant's statement that "all of the written comments submitted to the Examiner were from individuals who opposed the project," and accuses Appellants of "mak[ing] this wild claim," Response at 8-9 (citing Appeal at 12). But far from a "wild claim," Appellant's statement accurately represents the Record.

The statement refers to Exhibit 53 of the Hearing Examiner's Record, titled "Public Comments received by the Hearing Examiner's Office." That Exhibit includes all of the written comments submitted by the public after the hearing concluded but while the Record remained open. Every single one of those letters offered substantive analysis demonstrating that the 7009 Rezone application did not comply with applicable Code provisions. The Examiner's Recommendation did not acknowledge or address a single

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one of the issues raised in those letters. The contents of Exhibit 53 are attached here at Tab 2 in the order and form that Appellant Irene Wall received them from the Hearing Examiner's Office.

The Applicant then makes the obviously unknowable claim that "the Examiner clearly read every public comment in the record and considered them," citing only to the Examiner's Conclusions #24 and #25, generic statements that generally confirm that comments were received in support of and opposed to the proposed rezone and could be easily replicated in any contract rezone case regardless of whether any, much less "every single" comment had been actually reviewed. Response at 8.

The Applicant also includes Exhibit 53 in its list of Exhibits that it claims to be "supportive of the Project." But as explained above, and easily confirmed by reviewing those letters at attached Tab 2, every one of those comments in Exhibit 53 opposed the project. Far from Appellants making a "wild claim" about the Record, it appears that the Applicant didn't bother to read the record before leveling that accusation.

Furthermore, it is not the quantity of public comments that matters, it is the content of those comments and whether they include substantive, material information that informs a decision about whether the project satisfies applicable Code provisions as well as the criteria in SMC 23.34.007-009 for contract rezones. The various exhibits titled "Support Letters (Ex 48) and "Public Support Letters" (Ex 51), supplied the Applicant, represented various versions of "I like this Project" letters that offer no relevant facts or law that relate to any criteria in SMC 23.34.007-.009 that guide rezone decisions.

Similarly, not a single public comment offered at the hearing in support of this project addressed the rezone criteria in SMC 23.34.007-.009. In contrast, every public comment at the hearing that opposed the project presented specific facts and law that showed why a rezone did not meet the Code criteria. At the hearing, the Examiner was provided detailed analysis of errors in SDCI's recommendation and he was presented evidence showing why the Project failed to comply with applicable laws and failed to meet the rezone criteria in SMC 23.34.007-009. *See* Ex. 49, "Documents submitted by Esther Bartfeld," and Hearing Transcript through 9:43 a.m. (the public comments occurred in the first 40 minutes of the hearing). But the Recommendation gave no indication whether the Examiner actually considered any of the public comment; in fact, the contents of the Recommendation reveal that the Examiner entirely ignored material information that was presented directly in multiple forms and at multiple times.

In addition, SDCI admitted at the hearing that it had not provided the Examiner with the public comments it had received throughout the process. *See* Testimony of Lindsay King, SDCI. SDCI eventually provided those public comment letters at the Examiner's

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direction. *See* Ex 54 (Public Comments received by SDCI). Appellants are aware of numerous substantive comments submitted to SDCI that documented factual and legal reasons why the 7009 rezone application should be denied, but Appellants have not had the opportunity to review the full set of comment letters SDCI eventually provided to the Examiner.

B. The applicant has not created a “Development Site” but has instead purloined the two adjacent single family lots it owns in an effort to construct an oversized building that rises directly on the shared rear property line with lots in the single family zone, in violation of several Land Use Code Provisions and numerous criteria in SMC 23.34 governing contract rezones

The Owners insist that the four discrete legal lots (tax parcels) they own at the northwest corner of Greenwood Avenue N and N. 70th Street were “combined into a single development site, as defined by SDCI TIP 247.” Response at 3. But even a cursory reading of TIP 247 reveals that no development site was created for the 7009 project. Instead of following the requirements in TIP 247, the Owners merely drew a fictitious line around their four parcels, proposed the two commercial parcels for upzoning and claimed their ownership of the adjacent single family lots enabled them to avoid the setback and other Code requirements that apply to lots in the NC2-40 zones that abut lots in single family zones. The Owners also used this fictitious line to escape compliance with the rezone criteria that requires setbacks and transitions between zones. The Examiner evidently accepted this fiction, as the Recommendation makes no mention of these myriad errors. When unraveled, the Examiner’s Recommendation unravels too and must be rejected.

1. The so-called development site does not comply with published SDCI guidance on how to create a development site

“Development site” is not a defined term in the Land Use Code, but it the subject of an SDCI “Tip.” According to SDCI’s website, “Tips are designed to provide user-friendly information on the range of City permitting, land use and code compliance polities and procedures that you may encounter while conducting business within the City.” *See* <http://web6.seattle.gov/DPD/CAMS/camlist.aspx> . TIP 247 is SDCI’s “Development Site Permitting Guidelines.” *See* Tab 3.

TIP 247 explains that “a ‘development site’ is a piece of land within the boundaries of which we apply all the development standards for the land use, building, and electrical code . . .” In the section entitled “How do I Create a Development Site?” TIP 247 explains that “You must have an existing development site before you can submit your permit application or early design guidance application.” It then explains that “[a]

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development site is considered to be existing for permit application purposes if it is platted with a recording number or if a platting action or lot boundary adjustment is currently under review in the department.” (emphasis added).

In this case, the Owners possess four discrete lots (or tax parcels): two commercial lots front Greenwood Avenue and two single family parcels abutting the rear property line of the commercial lots. One is a vacant mid-block lot with an entrance on N. 70th Street, and the other is a craftsman home at 7010 Palatine Ave N. Each of the four parcels is a separate legal lot according to the Land Use Code, and each has its own recording number and its own legal description that is referenced in various plan sets for this project. *See* Appeal Statement at 2-5; *See also* SDCI Recommendation at 3. Appellants did not find any record of any lot boundary adjustments for any of those parcels.

Neither SDCI nor the Applicant has ever explained how four discrete legal lots, each with its own discrete recording number and an imaginary line drawn around the four of them meet the requirement that a development site be platted with “a” recording number. Instead, SDCI has enabled this so-called “development site” that violates its own guidance and its prior advice.

The Examiner ignored this issue entirely and simply parroted the applicant’s proclaimed “development site” despite substantial evidence in the Record that exposed this ruse. *See* Recommendation at Finding #1 (“subject site is 20,799 square feet),#3, #12, #18 (describing features on the so-called development site); Conclusion #7 “(the entire development site abuts three streets”)), etc.

The substantial evidence in the Record shows that the Applicant failed to properly create a “development site,” and therefore all legal conclusions that flow from that fictitious site – such as the lack of compliance with setback requirements and allowing buffers between property owners not between zones -- are fatally flawed.

2. The Hearing Examiner ignored substantial evidence in the Record and applicable Code provisions that prove that the proposed building violates numerous provisions of the Land Use Code, which the Applicant now attempts to dissuade the Council from investigating.

Relying on the fictitious “development site” instead of the actual lot boundaries, the Examiner essentially erased legal boundary lot lines that are the basis for numerous Land Use Code provisions, and recommended approval of a building without legally required setbacks, in a location that offers no transition or buffers between zones as required in the rezone criteria of SMC 23.34. At the hearing, SDCI planner informed the Examiner that

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SDCI had somehow applied development standards to the “totality” of the development site, not to the individual legal lots. *See* testimony of Lindsay King, SDCI; *see also* Applicant’s Response at 3. But that approach subverts the Land Use Code and relies on zoning by property ownership not established legal boundary lines. *See e.g.*, SMC 23.02.020.A (“The Land Use Code classifies land within the City into various land use zones . . . in order to regulate uses and structures . . .”) and SMC 23.02.020.C (“All structures or uses shall be built or established on a lot or lots.”)

As a result of the unlawful “development site” maneuver, the Owners produced an oversized building that did not comply with several provisions of SMC 23.47A.014 that requires several types of setbacks where commercial lots (such as the Applicant’s two NC2-40 lots that are proposed for rezone) abut a lot in a residential zone (such as the two single family lots that abut the rear lot line of the two NC2-40 commercial lots).

Specifically, SMC 23.47A.014.B imposes setback requirements: (1) it requires a 15’ triangular “no build” area where a commercial lot abuts the side and front yard of a lot in a single family zone (SMC 23.47A.014.B.1); (2) it requires all floors above the first floor to be set back at least 15 feet from the rear lot line (SMC 23.47A.014.B.3); and (3) it prohibits windows and doors on the first floor of a building within 5 feet of a property line when a commercial lot abuts a single family zone (SMC 23.47A.014.B.5). *See e.g.*, Appeal at 2-10, describing the applicable Code provisions and including illustrations showing how the 7009 building violates these provisions; *see also* Tab 7 (markups of drawings from Ex. 16 plan set that show the unlawful portions of the building).

The Examiner’s Recommendation made no mention of any of this despite substantial evidence in the record that exposed this unlawful action. *See e.g.*, Ex. 49 (Bartfeld documents), Ex. 53 (public comment letters to Examiner), Ex 54 (letters received by SDCI). By accepting an imaginary “development site” without question, the Examiner erroneously recommended approval of a building far in excess of what the Code allows.

The Owners now would prefer that the Council not investigate the matter. *See* Response at 8 (incorrectly stating that Appellants were required to seek a code Interpretation even though this is not an administrative proceeding and the Council changed the Interpretation Code several months ago) and Response at 18 incorrectly claiming that any “zoning determinations” are automatically valid now because the Appellants supposedly missed some unknown deadline. Nothing, however, prevents the Council from reviewing the entirety of the Examiner’s Recommendation – including the material issues he overlooked entirely – as the Council decides whether the proposed rezone of 7009 should be granted. As a result, the Examiner’s Recommendation allowed the Applicant to avoid complying with those setback requirements, just as he allowed a massive greenhouse on

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the rooftop near the single family zone in an area where there should be no building at all. *See* SMC 23.47A.014.A (portions of structures including rooftop features are included in this section).

SDCI, in turn, injects needless confusion by using inaccurate Code definitions and mischaracterizing Appellants' argument. Contrary to SDCI's assertions, it is the lots defined by those tax parcels with discrete legal boundary lines against which Code requirements are measured and that inform how a development site is created, not the historic platted lines that do not define a boundary. *See e.g.*, SMC 28.28 Lot Boundary Adjustments; SDCI TIP 213B ("Application Requirements for Lot Boundary Adjustments," noting that "Washington State law allows adjustments of boundary lines if certain conditions are met." *See also* SMC 23.84A.024 ("Lot" means, . . . a parcel of land that qualifies for separate development or has been separately developed. A lot is the unit that the development standards of each zone are typically applied to.).

The Examiner accepted this so-called development site at face value despite substantial evidence in the record showing why it was unlawful. *See e.g.*, Ex. 49 (Bartfeld evidence submitted at 4.30.18 hearing), also included in Ex. 53 (Public comments received by the Hearing Examiner's office, and attached here at Tab 2. As a result, the Examiner erroneously recommended rezoning the 7009 parcel to accommodate an oversized building that rises four stories right on the shared property line with the abutting single family lots, with the fifth floor set back only 4-6 feet, a placement that violates numerous provisions in the Land Use Code, and violates express provisions in the MHA proposed legislation for the NC2-55(M) zone that applicants seek, where Phinney Ridge is called out specifically as a reason for the greater setbacks that would be required for buildings over forty feet tall in the proposed NC2-55 zone the applicant seeks.

The history of the project application reveals that SDCI and the Applicant worked together to avoid setback requirements. In a letter dated August 15, 2016, SDCI transmitted to the City Clerk the required notice that an Early Design Guidance application had been accepted for a Type IV Council Land Use action. Tab 4. That letter included a site map that showed how a building could be constructed on the commercial parcels, adhering to the corner setbacks of SMC 23.47A.014.B.1 and the upper level setbacks of SMC 23.47A.014.B.3. It also showed how a house could be placed on the vacant single family lot.

In February 2017, SDCI issued two Correction Notices for Zoning that each flagged the need for compliance with the setback provisions of SMC 23.047A.014. *See* Tab 5, at #7; Tab 6, at #7. But afterwards references to compliance with setback provisions disappeared after that time.

3. With a fictitious development site, the Owners are unlawfully using the single family lot for the benefit of the commercial parcels proposed for upzoning.

Even though the Owners have acquired among the largest commercial parcels in the Phinney Ridge neighborhood, they are seeking to build more than allowed on those sites and they have reached unlawfully into the single family lots to do that.

a. Concrete walkway in single family zone

The building plans show a concrete walkway on the eastern edge of the single family properties that provides access from North 70th Street to a retail use in the commercial building that would be constructed right on the shared property line (in violation of SMC 23.47A.014.B.5 that prohibits windows and doors within five feet of a residential lot. See [redacted] at Tab [redacted]. But that access is unlawful. It violates SMC 23.42.040.A (Access to Uses) that allows pedestrian access to be “provided to a use in one zone across property in a different zone if the use to which access is being provided is permitted, either outright or as a conditional use, in the zone across which access is to be provided.” Here the access is being provided across a single family zone to a retail use in a commercial zone. Retail use is not allowed in a single family zone, so access to such a use may not be provided over a single family zone.

b. Easement

The Applicant has also indicated at various times that they intend to record an access / no-build easement over the single family lots. But the existence of that easement seems to come and go in the various plan sets like an apparition. It is labeled on one page of the Plan Set in Exhibit 16, *see* Tab 7, but was not labeled anywhere in the two prior plan sets with the same version number, although the drawings showing the west side do include an unlabeled line west of the commercial boundary line in the approximate location of the easement labeled in the present plan set and that had appeared in early design materials.

The easement is not mentioned in the Rezone Application, nor was it discussed at the hearing. As of July 13, 2018, Appellants were unable to find evidence of a recorded easement.

Moreover, it is unclear how such an easement could occur because an easement, by definition, is a nonpossessory property interest in land owned by another person. In this case, the Owners have relied on their common ownership of all four legal lots as the rationale for their fictitious development site. An easement cannot be granted to oneself.

But even assuming that the Owners could somehow grant themselves an easement, such an action supports Appellants' argument that the Owners' four parcels are wholly independent legal lots. An easement must be recorded on a legal lot, and in this case the two single family lots – allegedly part of the development site – would be burdened with this no-build easement for the benefit of the two commercial lots. If the Owners had created a development site according to SDCI's guidelines, there would be no need for such an easement because all four tax parcels would have been combined into a single development site.

The Owners evidently believe they may use this easement, if it exists at all, as another vehicle to evade a setback requirement in SMC 23.47A.015.B.5, which prohibits windows and entrances within five feet of a property line shared with a residential zone. A previous version of the Plans claimed that, notwithstanding a building with numerous windows right on the shared property line with the residential zone, the provision of SMC 23.47A.014.B.5 that prohibited such a location did not apply "due to 15' easement on adjacent residential properties to the west under common ownership." *See* Plan Set from February 2018. That explanation, however, was omitted from subsequent plan sets, including the version at Exhibit 16, which simply asserts that there are no windows or entrances at a prohibited location notwithstanding dozens of drawings in the plan set to the contrary. *See* Tab 7, Ex. 16 Plan Set, page G002, #13. Easements, however, may not be used to evade setback requirements – or any other Code requirement between the commercial and single family zones.

c. Architectural cornice extension

The plans reveal that a cornice at the southwest corner of the building would extend over the single family zone. *See* Tab7. Perhaps the "easement" is expected to authorize this intrusion as well.

d. Green factor

The Street Level Landscape Plan in Ex 16 (Plan Set) appears to indicate that the Owners are using the separate lots in the single family zone to meet their Green factor requirements for their building in NC zone where they have built right up to the rear property line and left virtually no room for ground level landscaping anywhere else on those lots. *See* Tab 7 (Ex. 16, Site Plan, L1.10)

As with the Owners' other schemes for creating a larger building than the Code allows, the Council should carefully review these issues before deciding to uphold the Examiner's Recommendation.

4. The Council could not bind the legally separate single family sites in the fictitious development site with a PUDA recorded on the commercial parcels because the single family lots are not part of the application for rezone.

Of the Applicant's four legal lots, only the two commercial lots that face Greenwood Avenue are proposed for rezone. The applicant specifically excluded the two single family lots that share the rear boundary line of the commercial parcels. *See* Exh.31 (updated rezone application), p3, at Tab 8.

A Property Use and Development Agreement ("PUDA") would apply only to the two commercial parcels that are proposed for rezone. SMC 23.34.004 (authorizing the Council to approve a map amendment subject to the recording of a property use and development (PUDA) containing self-imposed restrictions upon the use and development of the property to be rezoned). The definition of a contract rezone also confirms that PUDAs apply to the property that will be rezoned. SMC 23.84A ("Rezone, contract") amends the Official Land Use Map to change the zone classification "subject to the execution, delivery, and recording of a property use and development agreement executed by the legal or beneficial owner of the property to be rezoned.")

Because only the two commercial lots will be subject to the PUDA, and the fictitious development site did not legally bind the two single family sites to anything, those two lots remain out of the Council's reach. If the rezone is granted, the Owners could easily built whatever is legally allowed on those lots or sell them altogether, since they would have served their purpose of enabling an oversized building for the owners.

Neither SDCI nor the Owners has explained what would legally prohibit the applicant from developing or redeveloping those single family lots in any manner allowed by the Code, or selling them off at a later date after they have served their useful purpose of enabling an oversized building on the 7009 site since they are tied together only by the fictitious "development site." The two single family lots remain discrete legal lots with unique recording numbers, and they meet the definition of "lot" as it is used to apply to the development standards in the single family zone.

SDCI's largely indecipherable response ignores the fact that the single family parcels are not legally part of the two commercial lots proposed for rezone, and that the PUDA may, by definition, only apply to the property to be rezoned. SDCI Response at 2.

Moreover, the Owners and SDCI have offered inconsistent and contradictory explanations for how – and whether – the current vacant lot would remain open space if a rezone is granted.

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The Owners insist that the PUDA would also control the future uses of the single family lots because the MUP drawings contain a map showing those lots and the Examiner's recommended substantial conformance with the MUP as a condition for the PUDA. Response at 4. According to the Owners, a MUP drawing showing open space on the vacant lot requires that open space to be "maintained as long as the building exists." *Id.*

SDCI, however, informed the Examiner that an Accessory Dwelling unit could be built on that site, and the Owners have repeatedly expressed an interest in building something on that vacant lot.¹

SDCI also testified at the hearing that the lots could not be separated. *See* Testimony of Lindsay King. But the SDCI planner who wrote SDCI's response in this appeal explained how the single family parcels could be carved off: "In order for the [single family] parcel to be split off for separate development, a lot boundary adjust would be necessary." SDCI Response at 2. These various stories cannot be reconciled for the simple reason that the PUDA will be recorded against only the two commercial lots that are part of the rezone application, and the single family lots will remain unburdened.

C. Substantial evidence in the record demonstrates that the NC2-55 Zone, as envisioned by MHA, exists only in preliminary draft form and has not reached even final draft legislation formally presented to Council, and as such it lacks established development standards, and has not been mapped or applied anywhere in the City except in limited areas by special legislation, and therefore rezoning an isolated parcel in a uniformly zoned area based on presumed compliance with an undefined zone is premature.

The Examiner repeatedly claimed that the 7009 project would be consistent with allegedly forthcoming MHA upzones even though it is not possible to determine whether that zone will actually be applied in this portion of Phinney Ridge, what the development standards of that zone will entail, and whether the 7009 project would comply with those yet-to-be-determined development standards.

The Applicant and SDCI mischaracterized Appellants' argument on this issue and neither offered any evidence to rebut the undisputed fact that the proposed MHA legislation upon which the Examiner relies exists now only as draft legislation that has not even been

¹ It is unclear how an ADU could be built on the vacant single family lot because an ADU, by definition is accessory to a principal use, and there is no principal use on that site. The principal use (house) exists on the entirely separate 7010 Palatine site. There is no provision in the Land Use code that allows a principal use on one site to have an "accessory" use on another site.

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finalized for Council consideration, much less enacted into law. There are no development standards established for the NC2-55 zone because the zone has not been enacted Citywide. There was no way for the Examiner to ensure that a rezone of the 7009 parcel, which lies in the middle of a uniformly zoned area, would grant to the Applicant what might ultimately be allowed for all other NC2-40 parcels in that zone that might, or might not, be upzoned through MHA.

In fact, the presentation materials for the July 16, 2018 meeting of the Select Committee on Citywide Mandatory Housing Affordability (MHA) confirms that (1) the current version of MHA legislation is in draft form only and subject to future discussion and amendment by the Council, and (2) that the Council is expressly prohibited from voting on MHA legislation as long as the current EIS appeal is ongoing, and it is precluded from acting on the proposed rezones, land use regulations, and Comprehensive Plan amendments until the appeal of the Final Environmental impact Statement has been resolved. The materials also describe a two-phased Council Review Process for this legislation noting that Phase 2 includes “development of Potential Amendments for Committee Discussion and Vote.” And the material confirms that “[t]he Committee may begin to discuss issues and review additional information identified through public hearings or other outreach related to potential changes to the proposed rezones, land use regulations, and Comprehensive Plan amendments.”²

- 1. The Director’s Rule on MHA contribution requirements makes no mention of development standards that may be applied in the MHA zones identified in the draft legislation, but it does confirm the substantial windfall the Owners gave themselves when they changed their application to request a rezone to NC2-55 instead of the NC2-65 zone in the original**

The Applicant claims it is “notable” that “the Director’s Rule 14-2016 specifically references rezones to NC-55” and that is proof the NC55 zone exists. But that Director’s Rule only refers to the required MHA contributions – either units or dollars. It says nothing about development standards for the NC2-55 zone.

What is “notable” about Director’s Rule 14-2016 is that it confirms that Applicant’s last minute decision to withdraw its original rezone application just days before the originally scheduled open record and re-submit it days later as a rezone to NC2-55(M) instead of

² The presentation materials are available on the Council website for CB 119184. The Council may take notice of its own materials without a Request to Supplement the Record.

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the original NC2-65, self-limited to 55 feet generated a windfall to the Applicant and a substantial reduction in its required MHA contribution. Rule 14-2016 establishes that rezones from NC40 to NC55 remain in the same category of MHA contributions, whereas rezones from NC40 to NC65 move up to a higher category. According to the tables in Rule 14-2016, therefore, Applicant reduced its MHA obligation by 25 percent when it withdrew its original NC2-65 application and resubmitted a virtually identical application to the NC2-55 zone instead. *See* Appeal at 11; and *see* Director Rule 14-2016.

SDCI's argument that there are "standards" for the NC-55 zone, citing only to SMC 23.47A.017 which specifies floor-area ratios (FAR) for the NC-55 zone, misses the point entirely. There are no development standards confirming the setbacks that will apply in this zone or any other development standards against which to measure the present proposal.

Finally, SDCI proclaims that there is "[a]t least one other property in the city" zoned NC2-55(M). But the lone address that SDCI cites is not a contract rezone, it is a property in the Central District where the entire block was zoned to NC2-55 in separate, special legislation created for that area. *See* ordinance excerpt Land Use Map 113, attached at Tab 10. Moreover, the parcels across the street from the cited NC2-55 parcel are all zoned to 65 and 75 foot heights, and the parcel does not abut a single family zone as does the 7009 cite. In other words, SDCI's one example merely confirms Appellants' argument: The NC2-55 zone does not exist outside the few specific neighborhoods where the Council enacted special legislation that tailored that zone to that Community.

D. Substantial evidence in the Record confirms that the Examiner applied the rezone criteria incorrectly and, accordingly, his Recommendation should be rejected.

SMC 23.34.007 confirms that "no single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement. . . ." The Appeal at pages 12-19 detailed the Examiner's numerous errors of fact and law that undermined his Recommendation. It is abundantly clear that the Examiner simply presumed that the NC2-55 zone would blanket this area of Phinney Ridge eventually – and that was good enough to recommend rezoning the 7009 parcel. But the prospect of a future area-wide upzone cannot override the current conditions that show unequivocally, that there is no other parcel for almost a mile away that is zoned higher than the NC2-40 zoning of the 7009 site. On those facts, it is impossible to conclude, as the Code requires, that a rezone of the 7009 parcel is

“compatible” with the height limits for the area or that the balance of the rezone criteria favor rezoning this parcel.

1. SMC 23.34.008.A – Urban villages and zoned capacity

The Owners’ Response to the Appeal on this issue is puzzling. It attributes a quoted term to Appellants that appears nowhere in this section of the Appeal Statement, and then accuses Appellants of citing no evidence to support its claims. Response at 9. For this zoning criterion, however, the Appellants questioned the Examiner’s Conclusion in his analysis of this section because it simply assumed the obvious: that an existing proposal for a five story building would obviously yield more housing units than would the same building at four stories. Appeal at 12-13. Appellants challenged that approach, pointed out that only a portion of the Shared Roof building would be available to members of the public, and reiterated evidence in the record that a recently completed building right across the street, on a substantially smaller lot offered more publicly available units than would Shared Roof.

2. SMC 23.34.008C -- Zoning History and Precedential Effect

The Appeal at 13-14 details Appellants’ specific objections to the Examiner’s conclusions regarding this criteria. The Owners erroneously assert that the rezone must be approved based on this criteria alone, evidently because it “matches the proposed legislative rezone.” Response at 11. That argument, however, flies in the face of 23.34.007 that species “no single criterion . . . shall be applied as an absolute requirement . . . unless a provision indicates the intent to constitute a requirement.” SMC 23.34.007.B.

The Zoning History and Precedential Effect criterion is not intended as an absolute requirement. It merely states that “Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.” SMC 23.34.008.C. The 7009 rezone does not “match the proposed legislation” as the Owners allege because a substantial chunk of the west side of the building, including the rooftop greenhouse, is built within the light corridor adjacent to the single family zone that the Director specifically wanted to protect in the Phinney Ridge area if the NC2-55 zone was implemented there. *See* Tab 11. But even if the 7009 rezone did match the proposed legislation as the Owners allege (it does not), the current draft legislation is far from final, as evidenced presentation materials for a July 16, 2018 presentation to the Council Select Committee on MHA that confirms the Council will soon begin considering modifications to the current proposal. The MHA legislation is too far from final to be used as a basis for upzoning a parcel that doesn’t otherwise meet the rezone criteria.

3. SMC 23.34.008.D -- Neighborhood Plans

Page 14 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criterion. The Owners assert that the Greenwood /Phinney Neighborhood Plan was "re-adopted in 2016 after MHA upzones had been drafted and publicly discussed." But that assertion is false. The Greenwood Phinney Neighborhood Plan has never been "re-adopted" after it was originally adopted in 1999. *See* Tab 12 at p585 (Legislative History of the Seattle 2035 Comprehensive Plan , showing Greenwood Phinney Ridge neighborhood plan adopted on November 15, 1999, and no "re-adoptions" after that date.). When the Plan was adopted in 1999, there was no discussion of area-wide rezones and no need for the Plan to address such a concept.

4. SMC 23.34.008.E – Zoning Principles, including a gradual transition between zoning categories and physical buffers

Pages 14-16 of the Appeal detail Appellants' specific objections to the Examiner's conclusions regarding this criterion.

The Owners claim that the Appeal "stat[ed] that the Examiner said that 65 foot zoned parcels share property line with single family parcels," and then the Owners assert that "[t]he Examiner never said that." Response at 12. The Examiner never made that invented statement and neither did Appellants. *See* Appeal at 14-14-15. Instead, the Owners regrettably invented a statement that misstates Appellants argument, and then attributed that falsehood to Appellants.

What Appellants actually argued, based on substantial evidence in the Record, is that the Examiner misstated the nature and relationship of the various zones. Appeal at 14-15, citing Recommendation at Conclusion #7. The Appeal demonstrated that when the Examiner referred to "some examples of a 40 foot height zone located adjacent to a 65 foot zone," he failed to recognize that the nearest 65 foot zone is almost one mile away from the project site. And the Appeal demonstrated that when the Examiner claimed there were examples of 65 foot zones adjacent to single family zones, he failed to recognize there is nowhere in the Greenwood/Phinney Urban Village where a 65 foot zone shares a property line with a single family zone. Those statements are supported by substantial evidence in the record, specifically the City's own zoning maps that prove these points.

The Owners next challenge Appellants' argument that the vacant NC lot cannot be a buffer between zones as the Code requires because it is in the single family Zone. The drawings in the Owners' Plan Set clearly indicate that the so-called "private open space area" located at the "mid-portion of the project site" is the presently vacant single family

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lot that, obviously is located in the single family zone, not “between the five-story building and the single-family zone” as the Examiner mistakenly concluded. Recommendation at 8, Conclusion #7; Appeal at 15.

Moreover, the “Open space” that SMC 23.34.008.E.2 requires as a buffer between zones does not appear to meet the definitions of “open space” or “landscaped open space” in the Code. SMC 23.84A.028.

The Owners next allege that a PUDA recorded on the commercial lots could somehow “guarantee[]” the physical buffers “as a condition of the rezone / PUDA” because the MUP drawings show landscaped open space “ Response at 14. But that position cannot be reconciled with the Site Plan drawing in the Record that delineates and labels a “possible floor print of future detached accessory dwelling unit (DADU)” on that site.” See Tab ___, Ex 16, sheet A100. Nor can that position be reconciled with SDCI’s testimony at the hearing that an ADU could be built on the presently vacant lot. Testimony of Lindsay King. And it certainly cannot be reconciled with SDCI’s Response that outlines how a portion of allegedly “guaranteed” buffer could be “split off for separate development.” SDCI Response at 2, or that site could be transferred to the commercial lot through a lot boundary adjustment.

On these facts, the 7009 rezone proposal obviously does not provide the physical buffers envisioned in SMC 23.34.008.E.

5. SMC 23.34.008.F – Impact Evaluation

Page 16 of the Appeal details Appellants’ specific objections to the Examiner’s conclusions regarding this criterion.

The Owners do not rebut these objections, but instead create and approve their own points. Response at 15. The fact that the project “is compliant with the MHA program” is irrelevant because that is a requirement for any property attempting to secure a contract rezone with the (M) designation. Response at 15. In this case, the Code favors the provision of low-income housing in the area proposed for rezone. SMC 23.34.008.F.1.a. The 7009 project is not providing any MHA units onsite. It chose to comply with MHA through payments, and saved itself \$250,000 when it converted its application to the NC2-55(M) zone instead of the NC2-65 zone, self-limited to the same 55 foot height it now seeks. See Argument *infra*.

The Owners’ remaining claims about views, which is not a factor in SMC 23.34.008.F, are addressed and proven false, in the section discussing SMC 23.34.009.B below.

6. SMC 23.34.008.G – Changed Circumstances

Pages 16-17 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criterion and the inconsistent positions the Owner and SDCI have taken on this issue. Whether or not the Examiner concluded that changed circumstances existed for purposes of this specific section, he obviously relied on the potential for area-wide legislative changes when recommending approval of this rezone.

**7. SMC 23.34.009.A – Height limits of the proposed zone:
Consistency**

Page 17 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criteria. SMC 23.34.009.A states that "Height limits shall be consistent with the type and scale of development intended for each zone classification." The use of "shall" makes this a mandatory criterion. SMC 23.34.007.

The Examiner observed that the proposal's residential "uses" would be consistent with the type and scale of development in the vicinity and the proposed NC2-55 zoning but he said nothing about consistency of the height limits that are the subject of this criteria. The Owners again misstated one of Appellants' arguments and entirely ignored the other. Response at 16.

Because the NC2-55 zone does not yet have final development standards, there is no way to know whether a 55-foot building topped with a massive 12-foot greenhouse would be "consistent with" or even allowed in the final NC2-55 legislation if such legislation ever is implemented in this area. But the building as presently designed in not consistent with the current draft NC2-55 legislation because it does not comply with the setbacks that would be required to minimize the impact of the additional height of a 55 foot zone adjacent to a single family zone.

**8. SMC 23.34.009.B – Topography of the area and its
surrounding**

Page 17 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criterion. SMC 23.34.009.B states that "[h]eight limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered." (Emphasis added.) The use of "shall" makes this a mandatory criteria. SMC 23.34.007.

The Examiner concluded that the proposed structure "may impact territorial views from adjacent properties. But he provided no discussion of the views of the Olympic

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Mountains that would be unlawfully blocked by this project (but not by projects built to the current NC2-40 Zone.) in violation of SMC 23.47A.012.A.1.c, nor did he acknowledge photographic evidence submitted directly to the Examiner that proved the 7009 project would block Olympic Mountain views from neighboring properties, views that would not be blocked by construction of a NC2-40 building on that site.

SMC 23.47A.012.A.1.c states that “[t]he Director **shall reduce or deny the additional structure height** allowed by this subsection . . . **if the additional height would significantly block views from neighboring residential structures of any of the following [including] the Olympic and Cascade Mountains. . . .**” (Emphasis added.)

The Owners once again employ a sleight-of-hand misrepresentation to avoid Appellants’ inconvenient proof of view blockage. The Owners quote only three words of the Appellants’ appeal on this topic and leave off the remaining material portion.. Specifically the Owners say only that Appellants allege error because the Examiner “ignored written testimony. But they omit the remainder of the quoted sentence: “and photographic evidence that demonstrated that the extra height in a rezone would block protected views of the Olympic Mountains from properties across the street to the east, views that are specifically protected in the NC2-40 zone in which this project currently lies. SMC 23.47A.012.A.1.c.” (emphasis added). The Owners then make the demonstrably false statement that Appellants’

The Owners then offer only a laugh-out-loud defense that Appellants claim that this section “creates ‘protected’ views” and that “This is a zoning provision and does not create ‘protected’ views, and is not relevant to the rezone discussion.” Response at 17.

Elsewhere, the Owners make the demonstrably false statements that “[a]ll substantial evidence in the record shows that views will not be blocked as a result of the rezone (or, to put it differently, as a result of the difference between a 40-foot tall and a 55-foot tall building);” and that “Any views would be at least partially blocked as a result of a 40-foot tall building, so the 55-foot tall building has no significant impact to views.” Response at 15.

Perhaps the Owners did not review the Record before writing those statements. Exhibit 53, the Public Comments Received by the Examiner, contains photographic evidence proving that the proposed 7009 building would block Olympic Mountain views where a building built to the maximum height in the NC2-40 zone would not block those views. See Tab 2, Exh. 53, at 11, a photograph of the view from the rooftop of Hendon Condos at 6800 Greenwood Avenue North (one block south of the 7009 site) showing the Olympic Mountains visible over the rooftop of the Fini Condos directly across Greenwood Avenue, which is built to the identical maximum height in a NC2-40 zone as

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the Hendon Condos, and showing how the additional height of the 7009 building would wall off that view entirely because that additional height is equal to or greater than the height of the elevator shaft and umbrella on the Fini rooftop that extend above the mountain view. *See also id.* at 7-9 (applicable pages of Supplemental Comments from Esther Bartfeld regarding the unlawful view blockage and explanation of accompanying photo of westward Olympic Mountains view taken from the roof of Hendon Condos).

If the Owners of the 7009 site were building in the NC2-40 zone, they would be required to produce a view study proving that the additional height allowed in the NC2-40 zone. But with their rezone application, no one investigated the issue or required a view study. The owners of properties east and northeast of the 7009 site would continue to enjoy views of the Olympic Mountains if the 7009 site were developed as an NC2-40 parcel. But if the site contract rezone request is approved, those same owners would be denied those views (and the substantial value associated with them) and left looking into the fifth floor units with their soaring ceiling heights, and a massive rooftop greenhouse instead of the otherwise protected Olympic Mountain views. SMC 23.34.009.B. is a mandatory rezone criterion that cannot be ignored as it was here given the substantial and uncontroverted evidence showing the likelihood of view blockage.

9 SMC 23.34.009.C, D – Height and Scale of the proposed rezone

Pages 17-19 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criteria. SMC 23.34.009C. 2 requires permitted height limits to be compatible with the "predominant height and scale of existing development". And SMC 23.34.009.D states that "Height limits **shall** be compatible with **actual and zoned heights** in surrounding areas" and that "**a gradual transition in height and scale and level of activity between zones shall** be provided unless major physical buffers, as described in 23.34.008.D.2 are present." The use of "shall" makes this a mandatory criteria. SMC 23.34.007. The Examiner simply asserted without support, that the proposed development -- at a zone height of 55 feet but actual height of almost 70 feet with the rooftop greenhouse that the Examiner failed to mention -- would be "consistent" with the nearby height of nearby development when substantial evidence in the record readily undermines that conclusion. *See e.g.*, Tab 1 (map of Greenwood Phinney Urban Village showing uniform zoning of NC2-40 all along Greenwood, with the nearest 65 foot zone almost a mile to the north, and all NC2-40 parcels backed by lots in the single family zone.). conclusory statement.

The Examiner also asserted, again with any support and in spite of substantial evidence to the contrary, that the 7009 building would be "compatible" with "most" of the actual and "potential" zoned heights in the area. That analysis is not what this mandatory provision

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requires and it is a fatal error. The Examiner also made another fatal flaw by failing to even mention the mandatory gradual transition in height and scale that SMC 23.34.D.2 requires absent a “major physical buffer.” *See* Appeal at 18-19. As the substantial evidence in the record indicates – specifically the Owners own plan sets – there is no transition whatsoever between **zones**. The five story building is built right on the shared property line. Moreover, SDCI had indicated in a Correction Notice dated April 4, 2017, that “it is unclear how the proposed rezone meets this criteria. The code states permitted heights shall be compatible with predominant height and scale of existing development, actual and zoned heights in the surround[sic] area.” *See* Tab 13. Nothing has changed since that time. But both SDCI and the Examiner decided to simply deem the project “compatible” regardless of the evidence. The Council should not be fooled.

The Owners yet again misrepresent Appellants’ argument, claiming that Appellants object because the 7009 building would be “taller than the 40 foot zone” and then assert their building isn’t that much taller. Response at 17. And the best they offer as a defense is that an overall height difference of 15 feet “can be considered “compatible.” Response at 17. That conclusory observation would wipe out all need for rezone criteria, including mandatory, if every 15 foot height difference was deemed “compatible” regardless of the surrounding area. Similarly the Owners proclaim the Examiner’s analysis of SMC 23.34.009.D “spot-on” even though he failed to mention one of the mandatory criteria – gradual transitions unless major physical buffers exist – a missing mandatory criteria that dooms this rezone application.

Weighing all of the rezone criteria in SMC 23.34.007-009, it is clear that the Examiner erred. The rezone application should be denied.

E. If the Council decides to grant the 7009 rezone despite the substantial evidence in the record proving such a decision unlawful, it should shrink the building size by requiring compliance with all Code provisions for Commercial lots, and remove the greenhouse and prohibit any use of the single family lots for access, or any other uses that expand the envelope of allowable uses on the NC parcels alone

The Owners make the preposterous allegation that Appellants “forgot” that the Council makes the rezone decision and that the Council may condition a rezone consistent with SMC 23.34.004. Response at 18. To the contrary, Appellants specified the deficiencies in the Examiner’s recommended conditions for a PUDA in Section IV.C, Appeal at 19, and then offered specific conditions for the Council to incorporate into a PUDA in the event the Council decides to rezone this parcel. Appeal at 9-10 (Item #2). Of course the

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Owners contradicted their absurd accusation two sentences later by urging the Council to reject the conditions that Appellants suggested. Response at 18.

The Owners also accuse Appellants of attempting “an end-around to evade their failure to appeal the zoning decision.” Response at 18. Although it is unclear what deadline Appellants allegedly missed given that this is a quasi-judicial appeal of the Examiner’s Recommendation, not an administrative MUP appeal, it is very clear that the Owners desperately want to avoid having the Council review their fictitious development site ruse that SDCI enabled and the Examiner ignored entirely. There is no portion of the Examiner’s Recommendation that is unreviewable by the Council and automatically deemed valid as the Owners allege.

But even if the Owners were correct that these unspecified “zoning provisions” were “now valid,” nothing prohibits the Council from imposing, through a PUDA, the same Code requirements that should have been applied in the first instance to prohibit a building of this size. SMC 23.34.004.A authorizes the Council to require the recording of a PUDA containing “restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone.” The restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.” *Id.*

All of Appellants’ proposed PUDA conditions adhere to this requirement. Appellants suggested three conditions at a minimum for the PUDA. Appeal at 20. First, Appellants suggested that the PUDA require that the building comply with the requirements of specified sections of SMC 23.47A.014.B regarding setbacks and other features on buildings located on NC lots that abut a lot in a single family zone. This would require shrinking the building to fit the NC parcels that are proposed for rezone.

Under Appellants’ proposed PUDA conditions, the Owners would be: (1) prohibited from building in the 15-foot setback triangle adjacent to the vacant single family lot at the southwest corner (where it now has a driveway); (2) required to set back the second through fourth floors on the west side 15 feet from the property line instead of being built right on the property line in the current proposal, and the fifth floor and all rooftop features would have to be set back even further, at a rate of 2 feet per 10 feet of height above 40 feet; and (3) prohibited from having windows and doors on the first floor of the west side adjacent to the single family zone unless the first floor was set back at least five feet from the property line. Such restrictions on the size of the building would preserve the setbacks and air and light corridors in that block (and the blocks to the north), where the zoning boundary runs due north/ south and aligns exactly with the rear property lines

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of the commercial lots fronting Greenwood and the single family lots in the adjacent single family zone.

To comply with the currently proposed MHA legislation for NC2-55 zones, the Council should consider imposing even greater upper level setbacks consistent with the proposed MHA legislation. This would require setbacks of 3 feet per 10 feet of height above the 40 foot building height instead of the 2 feet rate in the current Code. As noted in the Director's Report on MHA, which specifically called out the unique Phinney Ridge edge condition, these greater setbacks would help "preserve more light into adjacent property when NC zones abut single-family zones." See Tab 1, 11.

Next Appellants recommended that the massive rooftop greenhouse that raises the height of the building to almost 70 feet, be eliminated or moved to the ground, and the height of the solar array reduced. These requests, too, directly relate to the impacts of these rooftop features. The greenhouse appears to be less than 15 feet from the adjacent single family zone, a location where no portion should be at all pursuant to SMC 23.47A.014.B.3. It should also be obvious that, regardless of this Code provision, a discretionary rooftop feature that creates an almost 70-foot tall building adjacent to a single family zone is inappropriate and intrusive and should be curtailed through a PUDA. Appellants are not aware of any other building in the City where a 425 square foot, 12-foot high greenhouse (allegedly devoted to food production) has been placed anywhere on the rooftop of a commercial lot adjacent to a single family zone.

The solar arrays, too, add substantial height on the Greenwood Avenue side to what would already be the tallest building within almost a mile of uniformly zoned buildings. A PUDA condition limiting the height even further would directly relate to the impacts of this rooftop feature.

The Owners claim that the greenhouse and solar panels were "already adjusted to minimize any potential impacts," but that is merely their assertion. Consistent with SMC 23.34.004.A, the Council may – and should – impose Appellants' requested conditions in a PUDA. The applicable criteria for PUDA conditions is stated in SMC 23.34.004.A, and Appellants' request meets that criteria and would help mitigate the impact of upzoning an isolated parcel in an otherwise uniformly zoned area that should have no individual rezones at all.

IV. CONCLUSION

The Examiner's Recommendation is not supported by substantial evidence. To the contrary, there is substantial evidence in the record that demonstrates the Examiner's numerous errors of fact and law and undermines the Examiner's Recommendation. The

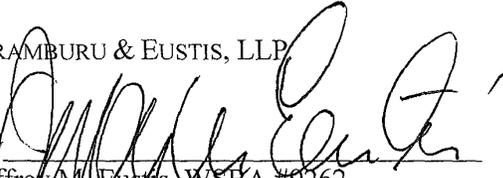
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substantial evidence in the record, combined with a proper application of the applicable
Land Use Code provisions confirms that the Council should deny this rezone.

But in the event that the Council decides to approve the rezone, it should adopt
Appellant's proposed rezone conditions, as further enhanced in this Reply, to mitigate the
impacts of rezoning an isolated parcel in a uniformly zoned area that is surrounded by
single family zoning.

Dated this 16th day of July, 2018.

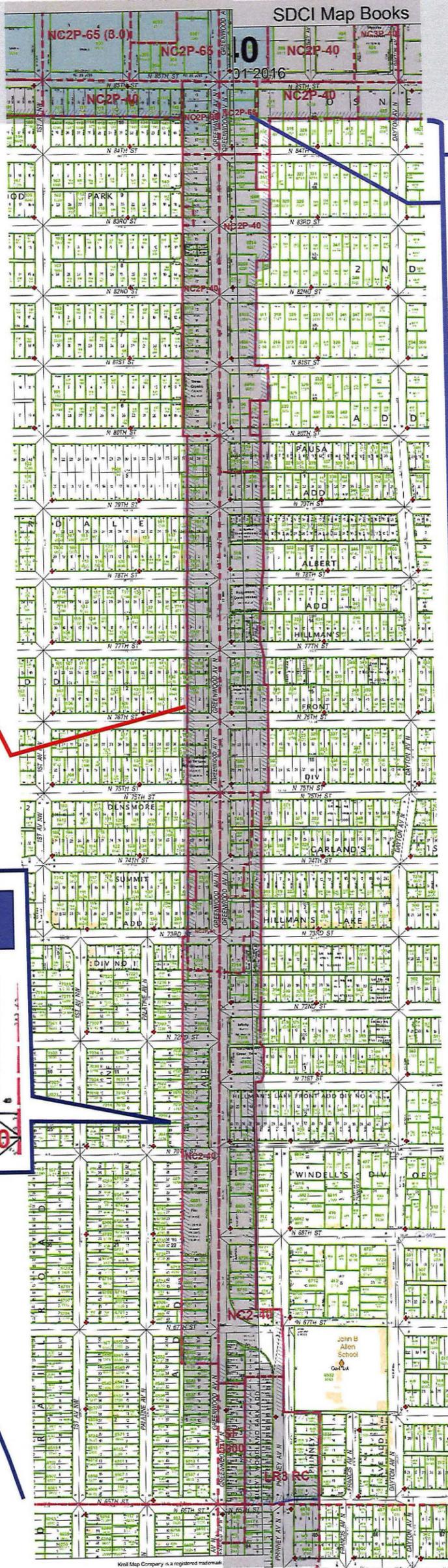
ARAMBURU & EUSTIS, LLP

By 

Jeffrey M. Eustis, WSBA #9262

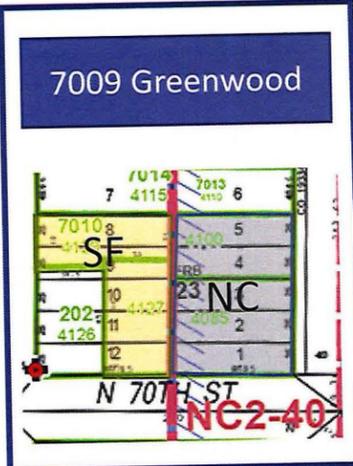
Attorneys for Irene Wall and Bob Morgan

Greenwood Phinney
Urban Village
Current Zoning
Map Book 39 & 40



NC2-65 in
Greenwood
Town Center is
0.8 miles from
7009
Greenwood
site

Zone line separating
NC-2 from SF zone.



The tail of the
Greenwood
Phinney Urban
Village
uniformly
zoned NC2-40
North of 67th
until NC2-65 at
north side of
84th in the
Greenwood
Town Center.

Southern end
of Urban
Village at
North 65th St.

From: Johnson, Alayna
Sent: Monday, June 11, 2018 2:53 PM
To: 'iwall@serv.net' <iwall@serv.net>
Subject: Public Comments on Greenwood Rezone

Good afternoon,

I've attached a zip folder containing all of the public comments received directly by our office (this does not include those that were received by SDCI and passed on to us for the record).

Thank you,



Alayna Johnson
Legal Assistant

City of Seattle [Office of Hearing Examiner](#)
700 Fifth Avenue, Suite 4000, Seattle, WA 98104
Direct: 206.615.1718 | Fax: 206.684.0536 | Alayna.Johnson@seattle.gov

Attachment: [Save](#) [View](#)

Name: Public Comments.zip
Type: application/x-zip-compressed

Move message to... 

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001573

Comment letters sent to the Hearing Examiner provided by Alayna Johnson via email on June 11, 2018 at the request of Irene Wall

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 Richards, Michael.pdf	Adobe Acrobat Document
 Vaage, Karen.pdf	Adobe Acrobat Document
 Wall, Irene Attachment.pdf	Adobe Acrobat Document
 Wall, Irene.pdf	Adobe Acrobat Document

Supplemental material from Esther Bartfeld following Public Hearing on 7009 Greenwood Ave Contract Rezone Application, # 314356

This outline responds to several points made by SDCI and / or the Applicant at the Public Hearing. There was no opportunity for the public to offer additional comments after the Applicant and SDCI presentations, so this outline attempts to address some of the misinformation that was provided at the hearing, with additional evidence why the proposed rezone should be denied.

Summary Outline of SDCI and Applicant Errors at hearing 4.30.18

I. The so-called “Development Site” argument to evade the setback requirements is a gimmick intended to evade the setback requirements

- A. Applicant claimed that “SDCI required them” to call the four separate lots a “development site” and they had to do that to accomplish their objectives
- B. The historical documents tell a different story:
 - 1. The developers initially acquired the old “Orowheat” or “Entemann’s Bakery” site that was marketed as three distinct parcels in one sale: two commercial parcels facing Greenwood and one parcel zoned single-family (facing N. 70th). *See attached.*
 - 2. Those parcels could have been developed separately, but the applicant chose not to do that;
 - 3. The applicant later acquired the 7010 Palatine house in a separate transaction;
- C. There is a “Site Plan” in the Record dated December 16, 2015 that shows the following setbacks required under SMC 23.47A.014.B that SDCI and the applicant now disavow:
 - 1. A 15 foot setback for all floors above 13 feet height for first floor;
 - 2. A 15-foot triangular setback at the SW corner of the commercial lot where it abuts the side lot line of the SF lot on N.

- D. **Pre-Submittal meeting minutes in the Record dated August 12, 2016 show that the applicant was searching for ways to evade the setback requirements by incorporating the single family parcels at the rear or seeking a departure from the required setbacks (see p3, “Clarifying Questions for Ms. King”).**
 - E. **There is a correction notice dated February 2, 2017 (Correction #1 Zoning) by SDCI reviewer Emily Lofsted that specifies the required setbacks in SMC 23.47A.014.B that SDCI and applicant are now ignoring (see #7 “Setback requirements” in Correction Notice), along with the need for a sight triangle easement (#12)**
 - F. **The same requirements were included in the February 23, 2017 correction notice.**
 - G. **The setback requirement (#7 in the Feb 2 and Feb 23 notices) was then NOT included in the Correction Notice dated March 30, 2017, although the sight triangle requirement remained.**
 - H. **Interestingly, March 30, 2017 was also the date that SDCI issued its “Interpretation” in the Phinney Flats case where it claimed that the setbacks of SMC 23.47A.014 did not apply in that case, but the Examiner later reversed.**
 - I. **All plan sets and presentations after this date showed the five-story building built right on the property line with no setbacks whatsoever.**
- II. At the hearing, SDCI claimed it applied the “development standards” to the “development site” but this is not possible**
- A. **Development standards are applied based on the zone in which the affected lot is located, not to an undefined “development site” that comprises several discrete lots in different zones**
 - B. **See e.g., SMC 23.02.020 General Purpose**
 - 1. **SMC 23.02.020.A “. . . The Land Use Code classifies land within the City into various land use zones and overlay districts in order to regulate uses and structures”**
 - 2. **SMC 23.02.020.C “. . . All structures or uses shall be built or established on a lot or lots.”**

3. **The 7009 proposal is to upzone two established, commercial lots in the NC2-40 zone to build a 5 story structure with a massive greenhouse on top**
- C. **SMC 23.47A identifies the “authorized uses and development standards” for the NC2 zone, as well as other commercial zones. See SMC 23.47A.002.A**
1. **SMC 23.47A.014 identifies “setback requirements” for “lots” that “abut” a “lot” in a residential zone.**
 2. **“lot” and “lot lines” and “abut” and “residential zone” (“zone, residential”) are defined term. See SMC 23.84.A**
 3. **“Setback” means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line described in a particular section of this title” See definitions in SMC 23.84A.036.**
 4. **“Development site” is not defined in the Land Use Code (see defined terms in SMC 23.84A).**
 5. **Therefore the specified setbacks must be applied on the two commercial lots zoned NC and proposed for upzone, and the proposal fails to meet those requirements.**
 6. **There is no “development standard” to apply to a “development site” that spans multiple zones.**
 7. **There is no Code provision that waives the setback requirements for an invented “development site” that is untethered to recorded lot lines, including lots within different zones.**
- D. **To the extent a “development site” is referenced at all, it is in the SDCI publication TIP 247 (“Development Site Permitting Guidelines”), and the proposal does not meet those requirements. See <http://www.seattle.gov/DPD/Publications/CAM/Tip247.pdf>**
1. **SDCI states that “Tips are designed to provide user-friendly information on the range of City permitting, land use and code compliance polities and procedures that you may encounter while conducting business within the City.” See <http://web6.seattle.gov/DPD/CAMS/camlist.aspx>**

2. TIP 247 confirms that a ‘development site’ is “ a piece of land within the boundaries of which we apply all of the developments standards for the land use . . . code. BUT, it ALSO requires that a development site must be platted with a recording number or a lot boundary adjustment if a developer wants to combine multiple lots to create a development site that does not already exist

3. There are Code requirements for lot boundary adjustments (SMC 23.38)

4. There is no record of any lot boundary adjustments for any of the four discrete tax lots purported to be a “development site”

5. The SDCI Recommendation confirms that there are four discrete tax parcels. *See* Recommendation at 3.

E. In the Phinney Flats Decision (MUP-17-009) the Examiner reaffirmed that “lot” as used in SMC 23.47A.014 means what it says, and rejected and reversed SDCI’s convoluted excuse for not applying setbacks in that case (*See* Conclusion #3 at p10: “[T]he Code provides that the setback is required where the proposal’s rear lot line ‘abuts a lot in a residential zone.’ SMC 23.47A.014.B.3 [emphasis in original Decision]. . . “[T]he setback is required where the proposal’s rear lot line abuts a lot that is within a residential zone.”

1. The same analysis applies in this case.

2. The situation is not a split-zone lot, as in Phinney Flats, but the same application of the same defined terms that SDCI and applicant pretend do not apply simply because the applicant drew an imaginary line around several parcels that it owned

III. SDCI and the Applicant claimed there would be various restrictions on the vacant single family lot (e.g., no single family home), but any PUDA granted for this rezone would only apply to the two commercial parcels and the two separate single family lots would not have any legal prohibitions on their development, redevelopment, or sale at a future date.

A. This application applies only to the two commercial parcels requested for upzoning. *See* application at 3 (#2, 3 confirming that only the two NC2-40 parcels are subject to the “upzone application.”)

- B. **The PUDA requirements apply only to the parcels that get upzoned through the contract rezone process. SMC 23.34.004 (authorizing the Council to approve a map amendment subject to the recording of a property use and development (PUDA) containing self-imposed restrictions upon the use and development of the property to be rezoned).**
- C. **A contract rezone (“Rezone, contract”) amends the Official Land Use Map to change the zone classification “subject to the execution, delivery, and recording of a property use and development agreement executed by the legal or beneficial owner of the property to be rezoned.”**
- D. **The two single family lots would remain distinct tax lots after any rezone of the commercial lots and would not have any legal encumbrances**
- E. **Neither SDCI nor the applicant has explained what would legally prohibit the applicant from developing, redeveloping, and / or selling either or both of the single family lots it claims as part of an undefined “development site.”**

IV. SDCI and Applicant made inconsistent representations about the currently vacant single family lot on N. 70th, claiming that it counts as “open-space” and a “buffer” to the single-family house on the NW corner of 70th and Palatine to satisfy the rezone criteria, but also admitting that a house could be built on that land in the future.

- A. **The SDCI Recommendation analysis of SMC 23.34.008.E.2 Physical buffers claims that “a 55’wide buffer exists between the zoning designation line and the shared property line between the development site and the neighboring property to the west . . . This area is planned to be landscaped open space.” See Recommendation at p32.**
- B. **But both the Applicant and SDCI admitted at the hearing that an Accessory Dwelling Unit could be built on that vacant single family lot on N. 70th at some point in the future.**
- C. **The same lot cannot be both a “buffer” and have a house on it.**
- D. **Furthermore, the vacant lot, even without a house, does not meet the definition of “open space” as it is used in the Land Use Code SMC 23.34.008.E.2.d or as it is defined in SMC 23.84A.028:**

1. **"Open space"** means land and/or water area with its surface predominately 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.
2. **"Open space, landscaped"** means exterior space, at ground level, predominantly open to public view and used for the planting of trees, shrubs, ground cover, and other natural vegetation, and the installation of bioretention facilities.

V. SDCI erred when it asserted that a single family home could not be built on the vacant lot, but an accessory dwelling unit (ADU) could be built there

- A. The vacant lot and the 7010 Palatine lot are each discrete lots and tax parcels. *See e.g.*, SDCI Recommendation at 3, and Application at 3
- B. SMC 23.44.006.A ("Principal uses permitted outright" in a single family zone) allows one single family dwelling unit per lot, except that an accessory dwelling unit may also be approved pursuant to SMC 23.44.031
- C. There is no record of a lot boundary adjustment combining the two single-family lots owned by the applicant.
- D. The 7010 Palatine lot already has a principle use, single family home on it.
- E. There is no principal use structure on the currently vacant lot on N. 70th, but it is an entirely separate legal lot that could be developed with a single family home pursuant to SMC 23.44.006.A
- F. Because there is no existing principal use (or any use or structure) on the vacant lot on N. 70th, there is nothing for which a new structure ("ADU") would be an accessory. *See also* Owner occupancy requirements at SMC 23.44.041.C)
- G. Neither SDCI nor applicant has identified any Code section that would (1) prevent a single family home from being developed on the vacant lot currently claimed to be an "open space buffer;" (2) how an ADU could be built on a vacant lot that lacks a principal use structure; or (3) any legal mechanism that would prohibit the applicant from selling off either or both of the single family lots at a later date

VI. The applicant argues that its provision of “affordable housing” weighs in favor of the rezone, but also admits it will be claiming the Multi Family Tax Exemption (MFTE) credits for several units, an action that should not weigh in favor of a rezone

- A. The MHA requirements for this project impose minimal “affordable housing” requirements, less than would have been imposed when the developer sought a rezone to NC265, self-limited to 55 feet. *See* Director Rule 14-2016 (“Application of Mandatory Housing Affordability for Residential Development in contract rezones”)
- B. Any units for which the applicant plans to take the MFTE credits should not weigh in favor of granting a rezone because:
 - 1. The MFTE credits eliminate the developer’s property tax obligation on those units at the same time as homeowners throughout the City are seeing soaring property tax increases;
 - 2. The MFTE exemption is only for 12 years, but the developer boasted of creating a “100-year” building.
- C. The King County Assessor, John Wilson, spoke to the Phinney Ridge Community Council on Tuesday May 1, 2018 and confirmed that the MFTE credits are being used by developers in a way that was never intended when they were created to help with urban renewal, and that he is working with Mayor Durkin to phase out and/or eliminate the MFTE credit

VII. SDCI’s unsubstantiated claim that there will be no “view blockage” from the rezone is not supported by the facts

- A. SMC 23.34.009 (Height limits of proposed rezone) requires consideration of the height limits established by current zoning and the view blocking potential of the proposed rezone
- B. Every commercial parcel in the one-mile stretch of the “Phinney tail” surrounding the proposed rezone site is zoned NC2-40, which is subject to the extra view-protection analysis the Code requires for NC parcels zoned at 30 or 40 feet. SMC 23.47A.012.A.
- C. That means that every project proposed for more than 40 feet must submit a view study proving that it would not block protected views of the Olympics, Cascades, Mt. Rainier, and Greenlake. SMC 23.47A.012.A.1.a, c *See also*, Record documents submitted with the Phinney Flats appeal, MUP 17-009.

- D. **On Thursday, May 3, 2018, I went on the roof of the newly finished “Hendon Condominiums” (formerly the Isola building) located at 6800 Greenwood Avenue N, which is on the east side of the street, directly across from another 4-story condominium building, the “Fini,” and one block south of the 7009 Greenwood rezone site.**
- E. **The rooftop of the Fini is 44 feet, with an additional 4 feet for the railings.**
- F. **The views of the Olympics looking west across the top of the Fini were unobstructed except where the elevator shaft protruded from the rooftop and blocked the mountain view entirely.**
- G. **The photos I took from the rooftop of the Hendon condominium building across the street from the Fini, which is built to a comparable height, strongly suggest that the additional height (to 55 feet plus railings) of the 7009 project would block the protected views to the Olympics from all parcels directly east and northeast on Greenwood and that those views would not be blocked if this building were built to the current zoning heights. *See attached photos.***
- H. **Upzoning of 7009 Greenwood in advance of any area wide rezone that may (or may not) occur in the future, violates all requirements of SMC 23.34.009 regarding contract rezones that would raise the allowed height of a parcel**
- I. **There are also solar panels and a massive greenhouse (425 sq feet, larger than the studio apartments on the lower floors) larding up the rooftop and further blocking views (see drawings A300-A310)**
- J. **Pre-submittal meeting notes dated July 25, 2017 (listed under SDCI Project #6596357) confirm that the greenhouse and raised solar array would be considered as additional stories for purposes of the Seattle building Code (see 1.07 “Roof Decks”) and the applicant admits that, for purposes of the Seattle Building Code, this is a 6-story building.**

VIII. The proposed MHA legislation is in draft form only and the City Council is still holding public hearings throughout the City

- A. **The Applicant claimed that MHA legislation has already been transmitted to Council**

- B. But nothing other than a preliminary draft has been introduced, and nothing has yet emerged that purports to incorporate any of the hundreds (thousands?) of comments throughout the City, including the rising opposition as the public learns what is at stake**

- C. The mere potential for upzoning substantial portions of the City is not grounds to upzone a single parcel in a uniformly zoned area where nothing of a comparable height is within almost a mile of the proposed site**

- D. In addition, a careful review of the Official Land Use Maps 39 and 40 that cover this area will show there is not a single place in the Greenwood / Phinney UV where a 65 foot commercial lot abuts a single family lot along a side or rear lot line, contrary to SDCI's representations.**

Johnson, Alayna

From: Esther Bartfeld <ebartfeld@comcast.net>
Sent: Monday, May 07, 2018 4:36 PM
To: Examiner, Hearing
Subject: Additional public comments for 7009 Greenwood REzone, #314356
Attachments: 7009 - Errors in SDCI and Applicant testimony at hearing.pdf; 7009 Coldwell listing.tiff

Dear Hearing Examiner Vancil:

Please consider the proposed outline of issues that respond to various statements made by SDCI and the Applicant at the hearing for the proposed rezone of 7009 Greenwood Ave N on April 30, 2017. There was no opportunity for additional public comment at that time. I have also included attachments referenced in the Exhibit (that are not otherwise available through SDCI website).

I hope you will carefully review the rezone criteria as it applies to this project. It was telling that not a single public comment in favor of this proposal referenced the applicable rezone criteria or attempted to show how this proposal would comply. Instead they simply testified to their "liking" this building and its onsite parking, none of which are criteria for a contract rezone.

Moreover, a close look at the proposal shows that this proposal is really for two different types of living experiences within a single building: The owners have reserved the top two floors for themselves where they will enjoy fewer units per floor and substantially larger units with higher ceiling heights than the units reserved for the public. See the plan set drawings at A200-206, and A300-3.10. And because they have reserved 12 of the 35 units for themselves, they are, in effect, providing fewer units to the public than would be available if this site had similar units, all available to the public. It is, of course, their choice how to allocate units within a building, but when the specific proposal is subject to a rezone, then careful attention to those criteria and the specific aspects of the building is required. This building, however nice it might be, is too large for its already large site and does not meet the criteria for rezone. The rezone should be denied.

Thank you for your consideration.

-Esther Bartfeld

Plus attachments:

[View from Hendon Condos at 6800 Greenwood showing Olympics view over rooftop of Fini Condo to the west, and view blockage caused by rooftop projections of umbrella and elevator shaft, at heights similar to additional building height proposed for 7009 Greenwood rezone](#)



Real estate listing showing separate lots

SDCI TIP 247: www.seattle.gov/DPD/Publications/CAM/Tip247.pdf

OUTLINE of Esther Bartfeld testimony at Public Hearing for 7009 Greenwood contract rezone, 4.30.18 (testimony at 9:25:57 – 9:37:37 a.m on “Minutes” of Hearing

I. The rezone should be denied because it does not meet the criteria for a rezone and is not compatible with the neighborhood, specifically:

1. The rezone criteria of SMC 23.34.007-009 are not met ,
2. The NC255 zone does not exist anywhere except a couple of places that were subject to their own individualized areawide analysis
3. The proposed building violates numerous setback provisions and should not be allowed in its current form even if a rezone to something is recommended
4. The ramifications of granting this rezone – a single parcel in a uniformly zoned area with nothing zoned to a comparable height anywhere in the vicinity—cannot be underestimated

II. The proposal does not comply with the requirements for a contract rezone

A. 23.34.007 Rezone Criteria

1. The provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions
2. No single criterion or group of criteria shall be applied as an absolute requirement or tests, nor is there a hierarchy
3. After reading the application and SDCI’s two decisions, it is obvious that the potential for a future MHA upzone of the area has trumped everything else, and the shortfalls in almost every other criteria are ignored, distorted, or misrepresented

B. 23.34.008C (Zoning History and Precedential Effect)

1. Phinney Ridge has always been zoned uniformly regardless of height.
2. It doesn’t matter if the area height was once higher, it was always uniform
3. This parcel is at 70th and Greenwood. The nearest parcel higher than NC240 is on the north side of 84th and Greenwood, almost a mile away. You’ll see that on a UV map I provided, and also on pages 39, 40 of the official Land Use Map.
4. So think about the precedent that would be set if the City could pick out one parcel in a uniformly zoned area and upzone it through a contract rezone to a height that is nowhere in the vicinity. What kind of precedent does that set for every other property on Phinney Ridge in this area?

C. Several criteria in SMC 23.34.008 emphasize the need for buffers, gradual transition between zoning categories

1. There are NO BUFFERS and no gradual transition

2. If you look closely at the drawings you'll see that the building is proposed to be built right on the platted lot line that separates the NC zones from the adjacent SF zone at the rear
 3. The so-called "buffers" are all on the SF parcels that are not part of the rezone request and therefore not part of any PUDA that would be granted.
 4. One buffer is a 10-foot swath of land on the SF parcels, but as of 4.29.18 there did not seem to be anything recorded on the SF parcels.
 5. The other buffer is the 53-ft wide vacant SF lot that borders the southern 2/3 of the commercial parcels. There is nothing in this rezone request that legally obligates the owners to keep that vacant in perpetuity, and at various times they have discussed building on it.
 6. Even if it did remain vacant, the Code requires separation between ZONES, not properties under different ownership.
 7. And the other buffer is the currently vacant SF lot
 8. But here's the catch: only the NC parcels are part of this rezone application. Only the NC lots would be subject to a PUDA.
 9. The applicant calls these 4 lots a "development site," but that is just a stunt is hopes to use to avoid complying with setback requirements.
 10. The two SF lots are just like any other SF lot in the city and could be re-developed.
 11. Every other multi-family building in Phinney Ridge has even the first floor set back from the property rear property line and far larger upper level setbacks (above the Code requirements in many cases) than proposed for 7009 Greenwood.
- D. The big elephant in the room is SMC 23.34.008G, Changed Circumstances**
1. Evidence of changed circumstances shall be taken into consideration but is not required
 2. It is obvious that the potential for an areawide HALA upzone is driving this bus.
 3. Look at how many times the applicant touted alleged compliance with MHA in its application materials and included the potential for MHA upzone as a changed circumstance.
 4. SDCI also made that claim in its initial recommendation, but then curiously reversed course in the current decision.
 5. But SDCI forgot to cleanse the revised documents of MHA compliance statements and you'll see elsewhere that it touts this project's compliance with MHA as justification for upzoning

6. But, a proposal under consideration is not a changed circumstance. It hasn't happened. It may or may not happen and if it does, we don't know what it will look like.

E. SMC 23.34.009 talks about height limits and the need to consider the current heights, that any upzoned height shall be compatible, and that there SHALL BE a gradual transition in height and scale and level of activity unless there is a major physical buffer

1. There is no buffer, there is nothing else of this site for almost a mile, and the vacant lot in an SF zone is not the type of buffer that allows one to evade the gradual transition requirement

2. The lack of gradual transition also violates the applicable neighborhood and citywide design guidelines for transitions between zones

F.

III. Why should a rezone be granted to a zone that doesn't yet exist?.

A. NC55 is concept with features merely proposed and shopped at open houses throughout the City

B. The Council is still on a listening tour and hopping the current SDCI proposals

C. Only part of MHA that is codified is FAR

D. Only places where MHA implemented are areawide rezones in CD and QA uptown

E. We do not know what features will be in NC55 zone in Code or as applied (or if applied) to Phinney Ridge

1. E.g., there are view blockage requirements for 40 foot zones but not 65 foot zones

F. So how do you analyze whether this applicant would get more than would otherwise be allowed in a zone that has not been defined?

G. The applicant claims it has changed from its original rezone to NC565, self-limited to 55, to NC255(M) because the NC255 was not an option at the time of their original submittal

H. I don't know what changed between SDCI's January Decision and their withdrawal of their application just days before the hearing, but I did figure out one fact that should be noted:

1. By converting their application request to NC55(M), instead of NC265, self limited, they save 25% on their MHA obligation.

I. Director Rule 14-2016 (Application of Mandatory Housing Affordability for Residential Development in contract rezones) became effective in April 2017

1. It sets up categories for MHA obligations

2. If you rezone from NC240 to NC265 (the original proposal), you move up one category in the matrix

3. But if you rezone from NC240 to NC255, you stay in the same category

4. And staying in the same category is substantially cheaper.
5. In Phinney Ridge, the MHA contribution for NC265 would be 3% of units of \$20/sq ft.
6. But it would drop to 2% of units or \$13.25 / SF for a rezone NC240 to NC255

IV. This project violates numerous setback provisions of SMC 23.47A.014 because the applicant has employed a creative stunt that I hope you will expose and reject.

- A. The details are in the handout I provided at the hearing and further explained in an email dated 5.4.18 on this topic.
- B. You will see on page G002 of the plan sets that the applicant specifically states that since they own the adjacent SF parcels, they are part of a so-called “development site,” the setback requirements on NC lots that abut lots in a residential zone on the west side don’t apply.
- C. But there is no definition of a “Development site” in the Code, there is no exemption from Code requirements for parcels in different zones that have the same owner, and the Setback requirements are based on “lots” and “lot lines” and it is undisputed that there are four separate lots at issue here: the two NC lots proposed for rezone and the 2 SF lots long the west (rear boundary)
- D. This is the same Code provision where you reversed SDCI’s interpretation in the Phinney Flats case, although it’s a slightly different version of the same problem
- E. These are the three violations:
 1. The Code at SMC 23.47A.014.B.3 requires a 15 foot setback on all levels above the first floor up to 40 feet high when a commercial lot abuts a residential lot, and an additional setback that increases as a structure exceeds 40 feet
 - a. This building is proposed to be right on the property line for the first 4 floors, and then set back only 4-6 feet at the 5th floor instead of 15-18 ft feet as the Code would require
 - b. There is a 425 sq ft greenhouse on the roof that is too close
 2. The Code at SMC 23.47A.014.B.1 prohibits any structure within a 15 foot corner triangle when the rear yard of a commercial lot abuts the side lot in a residential zone.
 - a. This is the driveway area where they requested a departure
 - b. There shouldn’t be any building there
 - c. The Code includes several design alternatives

3. The Code at SMC 23.47A.014.B.5 prohibits windows and doors within 5 feet of a residential zone. You can see in the west elevation image (page A310) that the west wall is full of windows and door

F. The zoning code doesn't have an exception for common ownership nor an exception for an invented "development site."

G. Allowing a five story building in this spot will block the light and air that would otherwise flow through that corridor for the whole block and will cast shadows in an area that would otherwise not be encumbered with shadows.

H. The whole block has the same zoning line between parcels. Allowing a breach of that line here makes this project incompatible with the surrounding area and a violation of the rezone criteria

V. In addition, the current design fails to meet a condition imposed by the Design Review Board at the final May 1, 2017 meeting and SDCI erroneously concluded that all of the recommendations were met

A. The DRB required a 5th floor setback along the entire west side

1. See Decision at 1: "The Board conditioned that an additional setback should be provided in the southwest corner of the structure consistent with the northwest corner. The setback should be a minimum of 4 feet in depth" (top of page, summarizing Board recommendations)

2. See Decision at 21: "Provide an additional setback in the southwest corner of the structure, consistent with the northwest corner, at a minimum of 4 feet in depth" (Board Recommendation #1)

B. The current plan set reveals that the 5th floor is NOT setback at the southwest corner (see page A205, A206)

C. The application incorrectly states that there are "[new]setbacks, including the entire 5th floor of the whole west façade" (p1)

D. SDCI erroneously concluded that all of the recommendations were met: See Decision at 23 ("The Director is satisfied that all of the recommendations have been met.")

VI. This may be a "good" building but it should not be approved through the rezone process because it does not meet the criteria. If the applicant can't afford to build this type of building at the currently zoned height, then it should revise its plans or wait until the HALA process is concluded.

Johnson, Alayna

From: Esther Bartfeld <ebartfeld@comcast.net>
Sent: Monday, May 07, 2018 5:00 PM
To: Examiner, Hearing
Subject: outline of public comments for 7009 rezone, #314356
Attachments: 7009 outline of testimony at hearing, for HE record .pdf

Dear Hearing Examiner Vancil:

Attached is an outline of the testimony I presented at the April 30, 2018 public hearing on the 7009 Rezone.

-Esther Bartfeld

P.O. Box 31932
Seattle, WA 98103
March 18, 2018
VIA EMAIL

Dear SDCI:

Please consider these comments when you re-evaluate the proposed contract rezone of the 7009 Greenwood to the currently undefined "NC55" zone (Proj. No. 3023260). This letter is to urge you to **NOT recommend approval of the proposed contract rezone for 7009 Greenwood Ave N in the Phinney Ridge neighborhood.**

This project fails to meet the criteria for a rezone in SMC 23.34.008, .009, as described below. And, because it is located in the middle of a consistently-zoned area without any unique or special characteristics that might otherwise support a rezone, a recommendation to approve this rezone would render the Code criteria meaningless and open the floodgates to contract rezones everywhere. The NC55 zone has not yet been fully defined. In the few neighborhoods where it is in effect, those communities negotiated special setbacks or other features tailored to their communities. Phinney Ridge should have that same opportunity before a massive five story building is planted on one of the largest commercial parcels in the area. Moreover, the Council is still holding meetings throughout the City to help shape the final MHA legislation, and the environmental analysis is tied up in litigation. Under these circumstances, there is no reason to approve this project at this time. The lack of an existing, fully defined NC55 zone, alone, should cause SDCI to reject this proposed contract rezone, notwithstanding its earlier recommendation in support.

This proposal not only fails to meet the rezone criteria, but also violates numerous setback requirements in SMC 23.47A.014 with a five-story building built right on the property line where the Code requires a 15-foot setback above the 1st floor, with an increasing setback back above 40 feet. In addition to violating current Code requirements, it violates the letter and spirit of the proposed MHA legislation. The Director's report on the proposed MHA legislation specifically highlighted Phinney Ridge in its recommendation to increase the rate of setback in buildings over 40 feet to allow for greater separation to the adjacent single family zone. So why should SDCI recommend approval of this rezone when four floors will be built right on the property line of the abutting SF zone, and the fifth floor has only a minimal setback when MHA would require that a building of this height be setback almost 20 feet at the top?.

I. THE PROJECT DOES NOT MEET THE REQUIREMENTS FOR A REZONE

SMC 23.34.008 and .009 details the general rezone criteria, and this proposed rezone fails on all accounts.

SMC 23.34.008.C - Zoning History and Precedential Effect: Everything in the Phinney Ridge portion of the Greenwood / Phinney urban village is zoned NC2-40. **There are no NC2-65 parcels anywhere in the vicinity of this project.** The closest NC2-65 parcels are 15 blocks away at 85th and Greenwood in the Greenwood Town Center, an entirely different area. This parcel is located in the “tail” of the Greenwood / Phinney Urban Village, a parcel that does not meet any of the criteria of an urban village, should never have been included as an urban village, and likely will see increasing calls to remove that designation going forward. Given that there is nothing unique about this parcel (other than its size) that justifies singling it out for rezone, the precedential effect of a rezone here would be disastrous for Phinney Ridge and throughout the City. The MHA legislation hasn’t even been finalized. How can SDCI know if it is approving a project that would be consistent with the criteria of the future NC55 zone and / or that zone as applied in Phinney Ridge? If this rezone is approved, how could SDCI deny any proposed rezone to NC55? Given that the environmental analysis of MHA is tied up in litigation, it could be years before MHA is implemented (or perhaps not at all in its current form or scope), Will the City simply be upzoned parcel-by-parcel through contract rezone while MHA is being considered, defined, and litigated?

SMC 23.34.008.D Neighborhood Plans: The Phinney Ridge neighborhood plan does not anticipate 55-foot, 5 story buildings (70 feet in this case with the greenhouse) built on the shared property line of the single family zone.

SMC 23.34.008.E – Zoning Principles: The west boundary of the parcels proposed for rezone is a single family zone. It is irrelevant that the applicant also owns the abutting SF parcels. The proposal violates the requirement for a “gradual transition between zoning categories, including height limits.” **There is NO TRANSITION.** The application deceptively claims an alleged 55-foot “buffer” all along the west boundary. This is not accurate as the 7010 Palatine house (part of the so-called development site) is closer than 55 feet to its rear property line. Regardless, the Code requirement is a transition between ZONES not a measurement of grass. The zoning line is the west property line of the commercial parcels proposed for rezone, the proposal here is for a five-story building built right on the property / zoning line with the single family zone. This is not a “gradual transition,” it is a 55 -foot wall.

Look at Site Plan drawings A100-205 and you will see the zoning line and the building right on the line for floors 1-4; the minimal 4-6 foot setback for the fifth floor, except the SW corner which is built right on the line. And, at drawing A206, you will see the 15-foot greenhouse on top of the 55-foot roof, approximately 12-feet from the property / zoning line, and within the required setback. Look at the site

plan at 310), West elevation. That is the building as viewed from the single family zone, and built ON THE LINE dividing the NC from the SF zone.

SMC 23.34.008.G Changed Circumstances. **There are no changed circumstances to warrant this rezone.** The fact that some day in the future, the City may decide to impose a NC55 zone is not a reason to rezone this parcel now. The MHA process should play out entirely so that careful consideration is given to what the NC55 zone will look like and where it will be imposed. Upzoning to a zone that has not been fully defined is irresponsible. Moreover, the applicant may claim it is adhering to the MHA proposals for affordable housing, but it is flouting the MHA requirements for setbacks from adjacent single family zones. The proposed MHA legislation requires that mixed use buildings adjacent to single family zones be setback 15 feet above the first 13 feet height, up to 40 feet height, and then an increasing setback of 3 feet per 10 feet of height. The Director's Report on MHA specifically highlighted Phinney Ridge as a reason why the proposed MHA legislation increases this above-40-foot setback. Given that callout, why would SDCI recommend approval of this building in Phinney Ridge that not only violates that aspect of MHA, but violates the existing setbacks as well?

SMC 23.34.009 – Height limits of the proposed rezone: **This project fails to satisfy the additional requirements for increased height.** This parcel sits on top of Phinney Ridge and the visual impacts of upzoning this parcel prematurely would be seen for miles. The only other building of similar height on the Ridge – the massive Norse Home at 55th and Phinney that was built before the current zoning code imposed the present height limits – is easily visible from the Ballard Bridge, and looms over the houses downhill to the west. Similarly, allowing this oversized commercial parcel to be rezoned prematurely will create massive, hulking structure looming not only over the commercial area of Phinney Ridge, but over the single family neighborhood to the west for several blocks..

II. THE PROPOSED BUILDING VIOLATES THE SETBACK REQUIREMENTS OF SMC 23.47A.014B.

This proposal violates numerous provisions of SMC 23.47A.014, which requires setbacks for mixed use commercial buildings that abut a single family zone.

The parcel map attached to these comments shows the north/ south zoning line that divides the block between Greenwood and Palatine between 70th and 72nd. All parcels on Greenwood are zoned NC, all parcels on Palatine are zoned SF. The proposed building is built right on the property line for four stories, with a minimal setback at most (but not all) of the fifth floor. This placement violates the following Code provisions:

1. SMC 23.47A.014.B.1 requiring a 15-foot triangular setback when the commercial parcel abuts the intersection of a side lot line and front lot line of a SF parcel (this occurs on N. 70th in the area where the driveway is located).

2. SMC 23.47A.014.B.3., requiring a setback of 15 feet for portions of structures above 13 feet in height up to 40 feet, and an additional setback at the rate of 2 feet per 10 feet of height above 40 feet,

3. SMC 23.47A.014.B.5, prohibiting an entrance, window, or other opening closer than 5 feet to an abutting SF lot.

The site plan drawings at A100 – A206, and G006.1 show these violations, and the west and south elevation drawings on Site Plan page A310 show the visual impact of these violations.

Evidently the applicant claims this is all one “development site” since it acquired the abutting single family parcels and therefore these setback requirements shouldn’t apply. But that conclusion is nowhere in the Code, and to the contrary, it is undermined by SDCI’s TIP 247 (“Development Sites”), which requires lot boundary adjustments to combine separate lots into a single development site. This project has four separate and discreet tax parcels: two zoned NC and proposed for rezone, and two zoned SF, one vacant and one with an old Craftsman home. These are four lots and SMC 23.47A.014 requires setbacks when commercial lots abut a lot in a single family zone. There are no exceptions for common ownership, and SDCI should not be fooled by this stunt.

Also, since only the commercial parcels are proposed for rezone, a PUDA would only apply to those parcels. The applicant could sell off the SF parcels at a later date after building an oversized building right on the property line using this so-called “development site” stunt. But even if they didn’t sell, a five story building right on the property line steals the light and air open space that would otherwise stretch for this entire block

Note also that SDCI’s initial approval of this project contained several material errors such as claiming that (1) the proposed development would be consistent with the predominant height and scale of nearby newer development when not a single parcel for at least 15 blocks is either zoned for or built to anything higher than allowed in NC40 zone; (2) a gradual transition to NC2-40 parcels to the west exists, when everything to the west is SF right along the shared rear property line and the five-story building is built right on the line; and (3) the zone edge of the upzoned parcel would be “in proximity” to the SF zone when it would really be at the SF zone along the rear boundary. Please spend some time in our neighborhood and you will see that this project should not be recommended for rezone.

Thank you for your consideration of these comments.

Sincerely,
/s/
Esther Bartfeld, Phinney Ridge

Comments on revised 7009 Greenwood proposed contract rezone (#3023260)
 March 18, 2018
 Page 5 of 6

King County Parcel Viewer showing 4 separate lots, 4 separate recording numbers for lots in 7009 project

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Parcel Viewer
KCGIS Center

You're In: KCGIS Center > Property Research > Parcel Viewer

7009 greenwood ave n, seattle by: Address Search Find Intersection Zoom to Advanced tools

Basemaps Print ?

Search results

Selected parcel(s)

New selection Add to selection

Export Clear

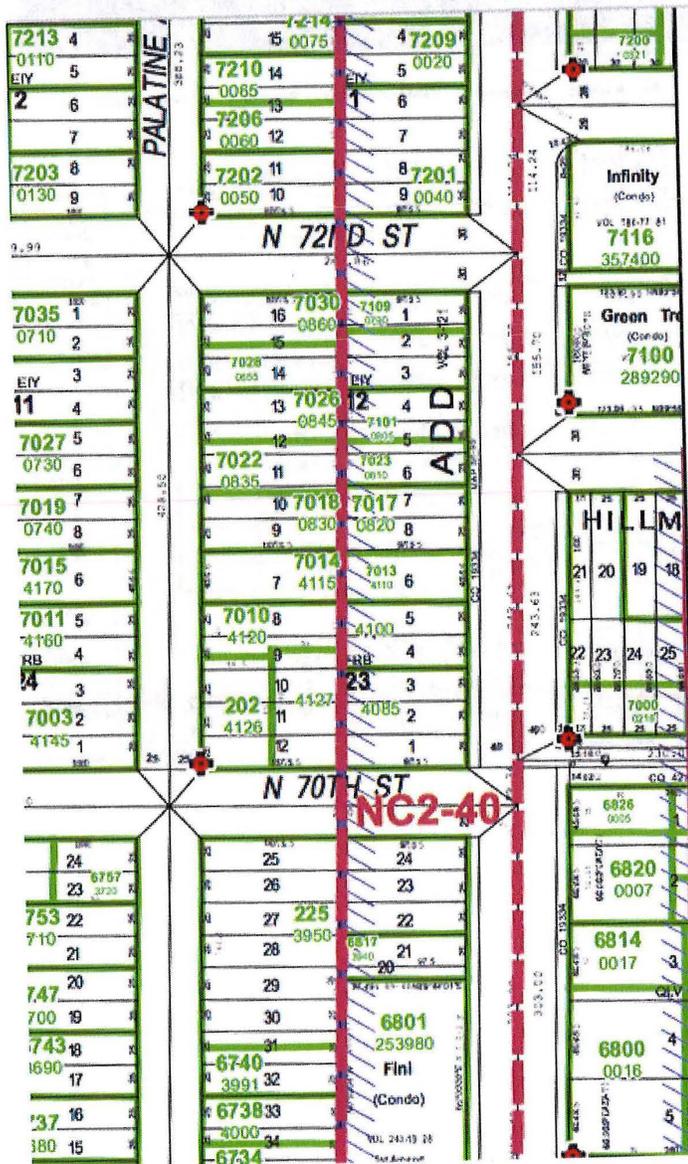
Selected parcels: 4

Parcel number	Address
28771041 20	7010 PALATINE AVE N 98103
28771041 00	7009 GREENWOOD AVE N 98103
28771040 85	7005 GREENWOOD AVE N 98103
28771041 27	7009 GREENWOOD AVE N 98103

The map displays a grid of parcels with various parcel numbers and addresses. The selected parcels are highlighted in blue. The map shows streets including N 72nd St and N 70th St.

Comments on revised 7009 Greenwood proposed contract rezone (#3023260)
 March 18, 2018
 Page 6 of 6

Zoning map (#39, partial) showing 7009 project area
 -specific location: on 70th above the "NC2-40" text, at parcels 1-5 (the two commercial lots); parcels 9 (partial) -12 (vacant SF lot on 70th) and the lot labeled "7010" on Palatine (that has parcel 8, and part of 9)
 -shows zoning line running N/S at the rear property lines for several blocks in that area



Johnson, Alayna

From: Esther Bartfeld <ebartfeld@comcast.net>
Sent: Friday, April 27, 2018 1:33 PM
To: Examiner, Hearing
Subject: Comments for CF314356, proposed contract rezone of 7009 Greenwood (for Hearing 4.30.18)
Attachments: 7009, comments for revised application 3.18.18.pdf

Dear Hearing Examiner Vancil:

In advance of the public hearing on Monday April 30, 2018 on the proposed contract rezone of 7009 Greenwood Ave N in the Phinney Ridge neighborhood, I want to provide you with the comments I had submitted to SDCI during the comment period before their revised Recommendation was issued. These comments explain in detail why a contract rezone of this parcel should be denied. Although SDCI, unfortunately, ignored these comments, they are relevant to your review as you consider whether to approve SDCI's recommendation.

I assume you have been informed that SDCI issued its initial recommendation in January 2018 when the applicant had proposed to rezone the commercial lots from NC2-40 to NC2-65, "self-limited" to 55 feet. That application was then withdrawn and resubmitted in February 2018 as a proposal to rezone to the not-officially-developed "NC-55(M)" zone, but without any other changes. SDCI again accepted public comments and then issued an almost verbatim recommendation / decision on April 9, 2018 that is the subject of the hearing on April 30th.

For the 7009 project, the applicant has acquired 4 parcels on the northwest corner of Greenwood Ave N and N. 70th street: two parcels that are in the single family zone and two that are in the NC 2-40 zone and proposed for upzoning. The 7009 proposal is, in essence, a request to pluck out a uniquely large commercial parcel (12,185 combined square footage of the NC2-40 parcels proposed for uponing) in an otherwise uniformly-zoned area and upzone it to accommodate a grand, oversized building envisioned as the future homes of the owners/developers who have reserved the top two floors of this building for themselves.

The project site is in the southern part of the one-mile "tail" of the Greenwood / Phinney Urban Village. This area of Phinney Ridge has always been zoned uniformly and, in fact, the nearest NC2-65 zone does not occur until 15 blocks north of the subject property at Greenwood Avenue on the north side of N. 84th street in the Greenwood Town Center area. You can see this zoning on maps 39 and 40 of the official Seattle Land Use Map. There is nothing unique about the 7009 parcel that justifies a contract rezone.

Moreover, it is abundantly clear that the potential of MHA upzoning of all NC2-40 areas in the city is being used to justify this rezone request. Indeed the applicant argued this point as a "changed circumstance" on page 15 of its application. SDCI confirmed that as well in its January 16, 2018 Recommendation / Decision under its analysis of SMC 23.34.008.G (Changed Circumstances). *See* page 36 "[T]he City is proposing requirements, area-wide zoning map changes, . . . modifications to development standares and other actions to implement [MHA] requirements for multifamily and commercial development in certain areas which includes the rezone site."

Curiously, in its April 9, 2018 Recommendation, SDCI now claims that there "is no evidence of changed cirxrcunstances in consideration of this rezone proposal." *See* p36 analysis of SMC23.34.008.G. Throughout its Recommendation, however, SDCI makes abundantly clear that this site and the surrounding area are proposed

for MHA upzoning, and that this proposed change factors into its decision. Its superficial reversal is, therefore, disingenuous.

My comments below detail the myriad ways in which this project fails to meet the rezone criteria in the Code and why granting a rezone here would open the floodgates for developers to seek contract rezones throughout the City using the potential for MHA upzoning as justification. I am not aware of any contract rezone that has been granted where there are no parcels anywhere in the surrounding area that are at or near the proposed rezone height or intensity. Indeed if this rezone is granted, what would prevent the owners of the controversial Phinney Flats project right across the street from seeking to rezone that parcel to 5 stories? Recall that the Phinney Flats project (6726 Greenwood AVE) was the subject of a multi-day hearing in your chambers where you reversed several of SDCI's code interpretations). And why wouldn't every developer seek to rezone their NC2-40 property instead of waiting to see if, when, and how the proposed MHA 55-foot zones materialize?

I hope to present additional testimony at the hearing on April 30th, but wanted to send in something in advance to give you a different perspective on what is actually going on with this proposal. The SDCI decision, unfortunately employs a lot of sleight-of-hand, obfuscation, and inaccurate and misleading statements regarding the zoning of parcels surrounding the 7009 site, the alleged transitions between this proposal and the adjacent single family zone at the rear, and the alleged justification for recommending this rezone.

Thank you in advance for your careful analysis of the Land Use Code as it applies to this project.

Sincerely,
Esther Bartfeld
Phinney Ridge resident

Begin forwarded message:

From: Esther Bartfeld <ebartfeld@comcast.net>
Subject: comments on 7009 Greenwood contract rezone (#3023260)
Date: March 19, 2018 at 5:36:49 AM PDT
To: PRC@seattle.gov
Cc: "Garrett, Tami" <tami.garrett@seattle.gov>

Please find enclosed my comments on the proposed contract rezone for 7009 Greenwood (#3023260), urging SDCI to NOT RECOMMEND APPROVAL of this contract rezone.

Thank you for your consideration of these comments.

-Esther Bartfeld
Phinney Ridge

Johnson, Alayna

From: margaret boyle <margaret@boylemartin.com>
Sent: Monday, May 07, 2018 5:00 PM
To: Examiner, Hearing
Subject: 7009 Greenwood, Project #314356

Dear Examiner Vancil:

I write to voice my continuing opposition to the rezone required for the above project. I understand that the project is seeking a zoning height currently suggested by the HALA upzones, but the Phinney Ridge neighborhood is a very active and vocal opponent of an overall 55' zone along the Ridge. As a result, the upzone for that area is not a done deal, and the above project should not be allowed its requested rezone based in any part on a belief that it is.

In addition, as currently planned, the above project fails to meet the City Code provisions for either a rezone or for land use. Instead, the developer has engaged in a campaign filled with false advertising regarding the benefits of the project to the neighborhood and for affordable housing. As I know many of my neighbors (I live in Phinney) have pointed out, our neighborhood is hardly desperate for developers wanting to build to code and under the current zone. Also, NONE of the units in the development will be "affordable housing." The rents for every unit in that new development will start out at a very high rate, and therefore, the discounted market rate will be unreachable for most of the intended beneficiaries of "affordable housing." In other words, by allowing the rezone, you will be allowing one more structure for relatively well-off people. We don't need another of those.

Thank you for your consideration.

Best,

Margaret Boyle

Johnson, Alayna

From: Jessica Dixon-Horton <bardjess@msn.com>
Sent: Monday, May 07, 2018 2:03 PM
To: Examiner, Hearing
Subject: Contract Rezone for 7009 Geenwood Ave. N.

To: Hearing Examiner

Re: Proposed Contract Rezone for Development at 7009 Greenwood Ave. N.

Date: 5/7/2018

From: Jessica Dixon

Dear Hearing Examiner,

I have lived in the Phinney Greenwood Neighborhood for over 25 years. I have a background in architecture and urban design. I am writing to object to the request by the developer for a contract rezone of this site for the development at 7009 Greenwood Avenue N. which would increase the height of this building from 40' to 55'. The 55' contract rezone does not follow the our community's neighborhood plan as stated in the zoning code 23.34.008D – Neighborhood Plans.

The **Greenwood/Phinney Design Guidelines (2013)** which were drafted by the community and adopted by the city are organized into elements that “*help to reinforce the existing character and protect the qualities that the neighborhood values most in the face of change (Page i).*”

Design Guidelines	What	Why
<i>Context and Site, or CS1 is titled Natural Systems and Features (p. 1)</i>	A 55 foot tall building with associated rooftop structures that bring the height up to 70 feet does not enhance or support the unique natural feature or ridgeline that is Phinney Ridge or fit with the existing built character of the neighborhood.	There are no 55' buildings along Greenwood until you reach the urban center at 85th and Greenwood so it does not fit into the context of Phinney Ridge.
<i>CS2 Urban Pattern & Form; Streetscape Compatibility (p. 2)</i>	A 55 foot tall building with associated rooftop structures that bring the height up to 70 feet is not compatible with the existing urban pattern and streetscape of Greenwood.	The existing urban pattern along Greenwood Ave. is a mix of 1, 2, 3 and 4 story buildings which allow for light to fill the street, for the mountain vistas to predominate from the public spaces, and for the street trees to thrive. It supports a high volume of pedestrian activity. This building will cast shade on both sides of the street below during all but midday during the summer months. There are no 55' buildings along Greenwood until you get to the Greenwood Town Center at 85th and Greenwood N, almost a mile away from this site.

<p><i>CS2 Urban Pattern & Form; Height, Bulk and Scale (p. 3)</i></p>	<p>At 55 foot tall building with associated rooftop structures that bring the height up to 70 feet, the building does not comply with the setback requirements applicable to a structure in the NC-2 40' designation abutting a single family zone, chiefly SMC 23.47A.014.B.3, or the zone edge provision. The A 15' setback is required for all levels above the first floor (13-15) and then 2 feet for every 10 feet above 40 feet.</p>	<p>The proposed building, which does not have any setback from the property line on the west side for the first 4 floors and then only 5 feet at the 5th floor does not, as suggested in the Design Guidelines, "achieve a sensitive transition between intensive and less intensive uses" or effectively "reduce it's dominance on the street".</p>
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I urge the Hearing Examiner reject the contract rezone to allow for 5 plus stories, to keep the height of the proposed project building to 4 stories and require the developer to set the building back from the property lines where it abuts the single family zone according to the code so that the project fits the scale and character of this truly unique place that is the Ridge.

Thank you,

Jessica Dixon

Johnson, Alayna

From: Craig B. Fryhle <fryhlecb@plu.edu>
Sent: Monday, May 07, 2018 1:19 PM
To: Examiner, Hearing
Subject: 7009 Greenwood contract rezone request is not justified

Dear Hearing Examiner,

The request for a contract rezone to 55 ft height at 7009 Greenwood is not justified under rezone criteria SMC 23.34.008 and.009.

The developer's arguments for the rezone involve making the finances for the project work. This is not one of the city's criteria for granting a contract rezone. There is no intrinsic justification provided by the developer that would trigger favorable consideration for a contract rezone. The developer has a vision for their project, but it is a vision that is not supported by the zoning rules that everyone else abides by. Their need for the finances to work out satisfactorily for them is not a justification for a contract rezone. The city's criteria for granting a contract rezone are not met in this case.

The contract rezone request for 7009 Greenwood should be denied.

Sincerely,

Craig Fryhle
Seattle, WA

Johnson, Alayna

From: nancy gohring <nangohring@yahoo.com>
Sent: Sunday, April 29, 2018 4:59 PM
To: Examiner, Hearing
Subject: case # CF314356

Dear hearing examiner,

I'm writing to urge you not to take the recommendations of SDCI for the proposal for 7009 Greenwood Ave. N. This proposed building is in a 40ft zone and there is no good reason to allow this developer to build to 55 (or 50) ft. The only reason to allow such a rezone is to enrich the developer -- there are absolutely no benefits to the neighborhood, which would only gain prohibitively expensive apartments and more cars on our crowded streets.

I'm also concerned that allowing this rezone will affect a de facto rezone of the entire Avenue. If this rezone is approved, why wouldn't any other 'all along the Avenue'? That's not the way to enact a rezone. The neighborhood deserves proper study and discussion for a rezone.

Also, this proposal does not comply with setback requirements on the west side. Just because the wealthy developers of this property bought the single family home to the west does not mean setback requirements shouldn't be met.

Finally, the comment period on this project should be extended because the SDCI website is inaccessible this entire weekend, making it impossible for citizens to reference documents related to it, including the SDCI's recommendations. This is not an open and fair process if you don't allow people access to documents required to understand the proposal or recommendations.

Thank you,
Nancy

Johnson, Alayna

From: Tracy E. Peltier <TracyP@ECH-PS.com>
Sent: Sunday, April 29, 2018 10:11 PM
To: Examiner, Hearing
Subject: Contract Rezone @ 7009 Greenwood Ave N

Dear Hearing Examiner Vancil,

I am writing in opposition to the Contract Rezone of the parcel at 7009 Greenwood Ave N for a Luxury Apartment Building.

I have been following this project since the beginning when the developer had meetings for Community input and a Design Review Meeting. The majority of people at these meetings were outspoken against rezoning for two extra stories (25 extra feet from NC 2-40 to NC 2- 65), which was the original proposal. The developers did not change their proposal to include any of the Communities ideas. These ideas included corner and view corridor setbacks which were called for in the Neighborhood Plan, Green Building Consideration, setbacks above the first or second stories from the street and single family houses and many more. They did change the proposed height addition to 55' or one extra story, however, have not followed through on any benefits to the community. Many people are happy that they are providing parking, however they were always planning to provide some parking because the Luxury Apartment market requires it. There is no reason to grant this Rezone. It meets none of the Contract Rezone criteria in the code. The only people who would benefit from adding the height to this building is the developers who will make more money. There are no buildings within 15 blocks that are over the NC 2-40 heights. MHA Rezones are certainly not guaranteed in this neighborhood. The parcel is predominately surrounded by Single Family Homes, there are no buffers. The developers have already found a loophole to build right to the property line instead of setting the building back 15 feet from the single family zones, which was not the intent of the code. The SDCI planner for the project changed and did not go through the entire process. It is puzzling to me that SDCI would recommend approval. Please carefully consider the application of the Land Use Code as it relates to this project.

Sincerely,
Tracy Peltier
Phinney Ridge resident

Johnson, Alayna

From: Michael Richards <mikelrich@msn.com>
Sent: Monday, April 30, 2018 9:54 AM
To: Examiner, Hearing
Subject: Case # CF314356 / 7009 Greenwood Ave. N.

I've written before but I don't see that my comment has been posted at the project web site and it's unclear if the Hearing Examiner reviews those comments.

Regarding the requested Upzone at 7009 Greenwood Ave. N.

- 55 ft is out of context with the current, mostly single family, neighborhood. The closest structures at that height are way up on 85th at the City Center.
- Phinney Ridge is unique in that the Urban Village is a long skinny tail directly abutting single family neighborhoods. A large bulky and too tall structure would be an obvious imposition.
- Approving this Upzone would be a very bad and destructive precedent to the neighborhood. Let's not get something like that started.
- Please look at the reason for this request. It's mostly to do with the developer's desire to have a view upon moving in! This is at the expense of the rest of the neighborhood who would be forced to "look up" to that from wherever it can be seen - which is a substantial part of the city and beyond!
- This building would be at the TOP of a ridge. Shadows would be cast either directly on the adjacent single family houses or across an otherwise light accessible arterial. Let's not make a canyon out of the Greenwood Ave. Such wasn't, and still isn't, part of the Neighborhood Plan.

Otherwise, much of the design and concept of this building is a plus for the neighborhood. Including a variety (including family sized) units is good. Providing parking that at least reduces spillover to neighborhood streets is good. Quality construction materials is good. Quality architectural design is good. Towering above the rest of the neighborhood is not so good.

Thank you,

Michael Richards,
Long Time Phinney/Greenwood Resident

Johnson, Alayna

From: Michael Richards <mikelrich@msn.com>
Sent: Monday, May 07, 2018 10:09 AM
To: Examiner, Hearing
Subject: Fw: Project #: 314356 (or #6596357? or 3023260?) / 7009 Greenwood Ave. N. - Up Zone Request

It's unclear if this comment below has been forwarded to the Hearing Examiner or not. There have been several project numbers and concern if SDCI was providing the Hearing Examiner with the entire record. Thus, I respectively resubmit it as relevant to the proposed Up-Zone. Thank you,

Michael Richards

From: Michael Richards <mikelrich@msn.com>
Sent: Thursday, April 26, 2018 9:59 PM
To: prc@seattle.gov
Subject: Project #: 6596357 / 7009 Greenwood Ave. N. - Up Zone Request

Previously submitted under project number 3023260.

I've lived in the Greenwood/Phinney neighborhood for 30+ years. Like neighborhoods everywhere, change is inevitable. However, that change should not be random, or contrary to the existing neighborhood or impact its livability. I oppose the SDIC recommended up-zone of this project from NC2-40' to NC2-55'. I encourage you to look closely at how this would affect the neighborhood as well as the rationale for this proposed up-zone in the first place.

First, I'll note that the Greenwood Phinney Urban Village is unique and probably the least able, out of all the other Urban Villages, to absorb large scale, high rise development. There is a cluster of development at the Urban Center surrounding N 85th and Greenwood Ave. N. That is the core business district for the area. However, the Urban Village goes south from there (literally) for 15+ blocks to 67th then around a jog for two more blocks on Phinney Ave to 65th. That skinny strip of Urban Village is ONE LOT deep on either side (east and west) of the arterial. Directly adjacent to that current NC2-40 zoned area are single (SF) family zoned lots – the entire length of that Urban Village. The arterial, Greenwood Ave. N., is at the very top of a true ridge that slopes steeply both to the east and west – toward either Ballard or Greenlake. Project #: 6596357 is along that skinny strip of Urban Village.

- Any oversized building in this area will stick out like a sore thumb, far above the existing neighborhood – easily visible from Puget Sound to the west, View Ridge and beyond to the East as well as vantage points north and south.
- Greatly increased shadows will be cast, especially in the morning hours over the SF residences to the west. Likewise with shadows to the east in the evenings. This is a large building! On top of a ridge! To minimize impact on neighbors, this type of building should be at the bottom of a hill.
- The skyline will be negatively affected for anyone walking or driving that arterial.

The developer has noted this proposed up-zone as consistent with the proposed heights once HALA goes through. Well, HALA is not a certainty by any means. Opposition is growing. A new Mayor is in town. A city-wide appeal has been filed. Individual neighborhoods are supposedly to be recognized for their unique characteristics. Phinney Ridge will likely put up a notable fight to prevent that skinny strip of Urban Village from being unrealistically developed. Of note is that the developer has been known to state that if the up-zone doesn't go through, they'll put up a "more profitable" square box full of small apartments. That "threat" likely helped sway some opinion favorably toward the up-zone. If carried out, I'd bet the neighborhood would vigorously fight that.

Notable as well, the proposed building at normal NC2-40 height, is well thought out, a quality structure, has several family sized units, and more or less fitting to the neighborhood (it does have huge bulk for the area in general though). I commend the developer for that. However, the extra height is a problem. Why not wait and see if HALA does go through?

Lastly, there's a reason for the extra proposed height. The developer plans to move in and occupy the top floor (or two?) – undoubtedly with panoramic views in every direction. This, of course, is consistent with the building also being highly visible from through the area in every direction. So, there we have the benefit to a few at the cost of many.

Thank you for your thoughtful decision on this proposed up-zone

Sincerely
Michael F. Richards

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

February 7, 2018

RE: Project #: 3023260
7009 Greenwood Ave. N. (Proposed up-zone)

RECEIVED BY
2018 FEB 12 AM 10:02
OFFICE OF
HEARING EXAMINER

I've lived in the Greenwood/Phinney neighborhood for 30+ years. Like neighborhoods everywhere, change is inevitable. However, that change should not be random, or contrary to the existing neighborhood or its livability. I oppose the SDIC recommended up-zone of this project from NC2-40' to NC2-65'. I encourage you to look closely at how this would affect the neighborhood as well as the rationale for this proposed up-zone in the first place.

First, I'll note that the Greenwood Phinney Urban Village is unique and probably the least able, out of all the other Urban Villages, to absorb large scale development. There is a cluster of development at the Urban Center surrounding N 85th and Greenwood Ave. N. That is the core business district for the area. However, the Urban Village goes south from there (literally) for 15+ blocks to 67th then around a jog for two more blocks on Phinney Ave to 65th. That skinny strip of Urban Village is ONE LOT deep on either side (east and west) of the arterial. Directly adjacent to that current NC2-40 zoned area are single (SF) family zoned lots – the entire length of that Urban Village. The arterial, Greenwood Ave. N., is at the very top of a true ridge that slopes steeply both to the east and west – toward either Ballard or Greenlake.

- Any oversized building in this area will stick out like a sore thumb, far above the existing neighborhood – easily visible from Puget Sound to the west, View Ridge and beyond to the East as well as vantage points north and south.
- Greatly increased shadows will be cast, especially in the morning hours over the SF residences to the west. Likewise with shadows to the east in the evenings. This is a large building!
- The skyline will be negatively affected for anyone walking or driving that arterial.

The developer has noted this proposed up-zone as consistent with the proposed heights once HALA goes through. Well, HALA is not a certainty by any means. Opposition is growing. A new Mayor is in town. A city-wide appeal has been filed. Individual neighborhoods are supposedly to be recognized for their unique characteristics. Phinney Ridge will likely put up a notable fight to prevent that skinny strip of Urban Village from being unrealistically developed. Of note is that the developer has been known to state that if the up-zone doesn't go through, they'll put up a "more profitable" square box full of small apartments. That "threat" likely helped sway some opinion favorably toward the up-zone. If carried out, I'd bet the neighborhood would vigorously fight that. Notable as well, the proposed building at normal NC2-40 height, is well thought out, a quality structure, has several family sized units, and fitting to the neighborhood. I commend the developer for that. However, the extra height is a problem.

Lastly, there's the reason for the extra proposed height. The developer plans to move in and occupy the top floor – undoubtedly with panoramic views in every direction. This, of course, is consistent with the building also being highly visible from through the area in every direction. So, there we have the benefit to a few at the cost of many. Individual profit is also a likely rationale.

Thank you for your thoughtful decision on this proposed up-zone
Sincerely


Michael F. Richards

Johnson, Alayna

From: Karen <redapples444@gmail.com>
Sent: Monday, May 07, 2018 1:47 PM
To: Examiner, Hearing
Cc: PRC
Subject: Comment on Shared Roof- HE File Number CF-314356, SDCI Record Number 3023260-LU

Dear Hearing Examiner,

This email is in regards to HE File Number CF-314356. I understand that the developer for this project has requested a rezone to 55 feet in height. This request does not meet the current city ordinance, so is not code compliant. The proposed setbacks are also out of compliance.

I am aware that the city is currently proposing additional development height throughout the city, but until the HALA Draft Environmental Impact Statement has been finalized and HALA has been approved, I feel it is premature to approve this rezone request.

Thank you for your consideration on this matter.

Sincerely,

Karen Vaage, Registered Landscape Architect

Sent from my iPad

April 30, 2018 (amended May 7, 2018)

Comments re 7009 Greenwood Contract Rezone for 3023260 CF 314356

Irene Wall, Phinney Resident

My name is Irene Wall and I live in Phinney Ridge and have for decades. At this point in time I ask that you not approve the rezone petition because it does not meet the rezone criteria.

It's not a bad project, but being good, bad or unique, does not factor into a rezone decision.

This parcel is not located at the edge of a zone thus suggesting the rezone is for continuity sake.

It is 15 blocks away from the Greenwood Town Center, where the code, and our neighborhood plan, intended taller buildings. The only building developed to height greater than 40-feet, is one 65-foot height building at North 87th Street (Greenwood Towers) The rezone decision suggests that this is "nearby" but clearly it is not. The surrounding is still largely single-story buildings suggesting that abundant development capacity exists under the existing NC240 zone. So, an upzone on this parcel is not needed to meet any growth goals under the Comp Plan.

The property can be developed largely as designed, with large apartments for the owner-investors on the top two floors and with a spectacular view from the roof at 40 feet on top of a ridge in the current zone NC240. This just occurred at the Hendon development one block away, and of course, the now infamous Phinney Flats is proposed at the same height.

That the developers have a different vision and financial requirements for a taller building is fine but that is not a rezone criterion.

The main justification for this upzone is the expectation that the area will eventually redevelop at the 55-foot height when the Council approves the MHA upzones citywide. However, that has not occurred yet.

Where MHA has been authorized, with the 55-foot zones, specific use and development standards were established, for example Ordinance 125361 for the 23rd/Union/Jackson residential urban village. CB 119184, the MHA bill which is still in the Committee on Citywide Mandatory Housing Affordability and has not been approved yet, has been drafted to acknowledge **specific use and development standards in Section 23.47A.009** for the following neighborhoods in addition to the Central District mentioned above: West Seattle Junction, Bitter Lake, Roosevelt, Lake City, Ballard, Uptown, the International District and University District.

This has not yet occurred for the Greenwood-Phinney Urban Village but our urban village also has unusual features which will require refinement in development standards before this MHA process is completed. Our urban village has abrupt transitions between taller commercial zoning and SF zoning. This proposal is seeking to escape from required setbacks between NC2-

40 and SF lots which is objectionable and sets a precedent for other projects to demand similar treatment.

Therefore, the approval of this project before our addition to 23.47A.009 is premature because those “standards applicable to specific areas” are not defined yet for properties in our urban village. We can’t know that the Shared Roof project will comply but SDCI is assuming that it will and approving what could well be a non-confirming building within a few months of construction starting. It would be better for the applicant to wait until the citywide MHA zoning process is concluded.

The rezone criteria acknowledge consideration of Neighborhood Plans and notes that the Greenwood-Phinney Neighborhood Plan (GPNP) lacks explicit height recommendations that relate to future rezones. I was a member of the committee that wrote the GPNP. We were advised by the city that no zoning changes would occur so we had no reason to develop rezone criteria and frankly, we were discouraged from making any zone change recommendations at that time. To now use this as a justification for this anomalous upzone is a disservice to the Neighborhood Plan and points out where an update to our Neighborhood Plan is needed before MHA or upzones are authorized.

ADDITIONAL COMMENTS ON REZONE CRITERIA

Compliance with the Comprehensive Plan. In addition to the comments above on the Greenwood-Phinney Neighborhood Plan, the neighborhood specific design guidelines adopted in 2006 and updated in 2013, ask for upper level setback along Greenwood at the “upper stories” and calls for “increasing the setback” between zones. See excerpt below. The proposed added height for the 7009 fails to meet either condition. At close to 70-feet, with all the additional rooftop features, this will be a very imposing building and not in accordance with the design guidelines below. These guidelines were created to implement the Neighborhood Plan

II. Height, Bulk and Scale Compatibility

- i. Impact of New Buildings on the Street:** Consider the setback of upper stories of new mixed-use development on Greenwood Avenue North and North/Northwest 85th Street to reduce the dominance of new buildings on the street.

Also, new commercial development should respect the small-scale historical pattern of storefronts on Greenwood Avenue North. Typically, the older storefronts are about 50 feet in width and feature brick, stone or other masonry units. Some also feature architectural details that provide interest and a human scale to the buildings.

Zone Edges: Careful siting, building design and massing are important to achieve a sensitive transition between more intensive and less intensive zones. Consider design techniques including:

- a. increasing the building setback from the zone edge at the ground level;
- b. reducing the bulk of the building’s upper floors nearest to the less intensive zone;
- c. reducing the overall height of the structure; and
- d. using extensive landscaping or decorative screening.

policies which are embedded in the Comprehensive Plan.

Match between established locational criteria and area characteristics.

While no zone designation is changing, the site is not in the

“primary business district” as described in the decision at page 27. The primary business district is in the Greenwood Town Center at the crossroads of North 85th and Greenwood. In the Phinney area, the concentration of businesses is several blocks to the north at 73rd. The Shared Roof proposal has just under 4,000 sf of retail space on the ground level. A much better use of some of this space on the west side would be to put in ground-related residential units which are in high demand. This would create a much better transition to the SF zoned lot. This is common in other large multifamily developments in Phinney Ridge.

The rooftop features height. As mentioned above, the Greenwood-Phinney design guidelines seek to reduce the height, bulk, and scale of new buildings where possible. For this reason, the 12-foot tall greenhouse should be moved to the ground level to occupy the part of the site zoned single family. It is also unclear why the solar panels are elevated nearly 10-feet above the roof elevation. Solar panels on other residences and commercial buildings in the neighborhood are not nearly as conspicuous as this large array will be.

Zoning Principles – transitions or buffers. The project as proposed does not meet the requirements for a 15-foot upper level setback from the SF zoned lot to the west. Ownership of that lot by the developer in this case does not excuse the project from meeting this clear development standard even if they do not intend to build on that parcel today. There would be no prohibition against building on it in the future as use of that lot is not part of any PUDA for this rezone and could not therefore be restricted by the PUDA. This is the same principle that the Hearing Examiner recognized in the recent Livable Phinney appeal where the city was found to misinterpret the code and now the project is designed with the required setback from the SF parcels to the east.

Impact Evaluation. A) Housing, particularly low-income housing. The decision notes that the project will provide 35 new residential units of which 2 would be set aside to meet the MHA requirements. However, it should be noted that this is not a conventional apartment building where all 35 units are available to the public. The top two floors of the building will be occupied by the owners of the building “for generations” according to their rezone petition. In some respects, this building is producing less housing than would a typical apartment building on this relatively large site. Furthermore, the applicant has advised the community that they also intend to apply for the Multi-Family Tax Exemption program. While this will temporarily designate some additional “affordable” units, the cost of doing so falls not on the building owners, but on all taxpayers. At the May meeting of the Phinney Ridge Community Council, County Assessor John Wilson addressed questions about the MFTE program and candidly admitted that the program has drifted far from its intended purpose and he is working with elected leaders in Seattle and King County to curtail it. We were very surprised to learn that **no property taxes** will be collected against the value of these 35 residential units for the 12-year or longer period of the tax exemption. It is unseemly that the developer/owner of the building should take credit for providing affordable housing as justification for this premature upzone when it is really a tax avoidance calculation.

Conclusion. While this project is a more welcome addition to the neighborhood than Phinney Flats (because at least some parking is being provided), the owner/developers are asking for the special privilege of a contract rezone to build a very large building in advance of specific development standards to guide MHA implementation in the Greenwood-Phinney Urban Village. There should be some conditions imposed to reduce the height and bulk of this building in the event that MHA (when finalized) does not allow what is proposed here.

Thank you

A handwritten signature in black ink that reads "Irene Wall". The signature is written in a cursive, flowing style.

Irene Wall

207 North 60th Street
Seattle, WA 98103
iwall@serv.net

Johnson, Alayna

From: Irene Wall <iwall@serv.net>
Sent: Monday, May 07, 2018 4:20 PM
To: Johnson, Alayna; Examiner, Hearing
Subject: RE: Record for CF-314356 (Fuchs Rezone)
Attachments: Comments on Rezone Petition CF 314356 Irene Wall.pdf

Alayna,

Please find attached my comments for the record on the contract rezone petition. This is a copy of my spoken public comments on April 30th with some additional comments for clarification.

Thank you for adding this to the file for review by Hearing Examiner Vancil.

Irene Wall

--- Alayna.Johnson@seattle.gov wrote:

From: "Johnson, Alayna" <Alayna.Johnson@seattle.gov>
To: "iwall@serv.net" <iwall@serv.net>
Subject: RE: Record for CF-314356 (Fuchs Rezone)
Date: Wed, 2 May 2018 20:21:46 +0000

I just sent out notice that the Hearing Examiner has granted your request.

I know many of the people who spoke at the hearing are familiar with each other, so do you happen to have Henry Brandis's email address? I cannot read what he wrote on the sign-in sheet.

Thank you!



Alayna Johnson
Legal Assistant

City of Seattle Office of Hearing Examiner
700 Fifth Avenue, Suite 4000, Seattle, WA 98104
Direct: 206.615.1718 | Fax: 206.684.0536 | Alayna.Johnson@seattle.gov

From: Irene Wall <iwall@serv.net>
Sent: Wednesday, May 02, 2018 12:38 PM
To: Johnson, Alayna <Alayna.Johnson@seattle.gov>
Cc: Torgelson, Nathan <Nathan.Torgelson@seattle.gov>; King, Lindsay <Lindsay.King@seattle.gov>
Subject: RE: Record for CF-314356 (Fuchs Rezone)

Alayna,

Thanks, this appears to be a link to the prior (familiar) website. However, individuals coming on line the usual way and following the links to the Department of Construction and Inspections, will **not** be directed to this site; they are directed to the new portal.

Please request that SDCI put a link to the web6 link on the SDCI home page so people are actually able to find documents until the new portal is working properly.

Also please ask the Mr. Vancil for an extension until Monday end of day on comments given this difficulty with accessing files.

Thanks,

Irene

--- Alayna.Johnson@seattle.gov wrote:

From: "Johnson, Alayna" <Alayna.Johnson@seattle.gov>
To: "iwall@serv.net" <iwall@serv.net>
Subject: RE: Record for CF-314356 (Fuchs Rezone)
Date: Wed, 2 May 2018 18:03:56 +0000

Hi Irene,

In the new system, project documents are viewable here: <http://web6.seattle.gov/dpd/edms/>

It looks like you were on the Services Portal, which is not where documents are.

Thank you,



Alayna Johnson

Legal Assistant

City of Seattle Office of Hearing Examiner
700 Fifth Avenue, Suite 4000, Seattle, WA 98104
Direct: 206.615.1718 | Fax: 206.684.0536 | Alayna.Johnson@seattle.gov

From: Irene Wall <iwall@serv.net>
Sent: Wednesday, May 02, 2018 10:58 AM
To: Johnson, Alayna <Alayna.Johnson@seattle.gov>
Subject: Re: Record for CF-314356 (Fuchs Rezone)

Alayna,

Just wanted to let you know that the SDCI web site is still not functioning properly. It is not allowing one to either view or download relevant documents for this permit. I have not tried with any other project record but it's probably a universal problem with the new web site.

Attached is a document showing the steps I took on the web site this morning hoping to download the most recent plan set, and relevant rezone permit application and the department's decision. This came up at the Phinney Ridge Community Council meeting last evening when we explained that the comment period was open until Friday. However, lack of access to the relevant documents will limit people's ability to send in meaningful comments.

Can anything be done about this?

thanks

Irene Wall

--- Alayna.Johnson@seattle.gov wrote:

From: "Johnson, Alayna" <Alayna.Johnson@seattle.gov>
To: "iwall@serv.net" <iwall@serv.net>
Subject: Record for CF-314356 (Fuchs Rezone)
Date: Mon, 30 Apr 2018 17:47:33 +0000

Good morning,

The Hearing Examiner is going to keep the record open through the end of the day Friday, May 4th for public comment because of the SDCI website issue. There is no formal process for notifying the public of this type of extension, so other than the people present during the announcement you are the only one receiving this notice, since you requested the extension. If there is any one who was not present today who you think might want to submit public comment, please pass this information along.

Thank you,



Alayna Johnson
Legal Assistant

City of Seattle Office of Hearing Examiner
700 Fifth Avenue, Suite 4000, Seattle, WA 98104
Direct: 206.615.1718 | Fax: 206.684.0536 | Alayna.Johnson@seattle.gov

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Development Site Permitting Guidelines

December 16, 2016

All applications for Land Use and Construction permits need to be reviewed by staff with expertise in various Seattle codes. It is important for all staff to review each project using the same property boundaries, known as a “development site.” This is important to properly conform to code requirements, to provide consistency to applicants and the public, and to allow property records to be easily accessible.

Most of our codes, including the land use, building, fire, electrical, stormwater, and water codes, are based on the concept of having a “development site,” though these codes call it something else. For instance, the Electrical Code calls out a “premise,” the Fire Code calls out a “site,” and the Building Code calls out a “lot.”

What is a Development Site?

A “development site” is a piece of land within the boundaries of which we apply all the development standards for the land use, building, and electrical code (at a minimum). The development site concept is not new; it has been the standard for evaluating proposals for all applicable codes for decades.

How do I Create a Development Site?

A development site may already exist from prior permitting, or you may create one through our platting or building permit process. You must have an existing development site before you can submit your permit application or early design guidance application. A development site is considered to be existing for permit application purposes if it is platted with a recording number or if a platting action or lot boundary adjustment is currently under review in the department.

- If you are going to create or reconfigure a development site through a subdivision or lot boundary adjustment process, you may submit your land use and building permit applications for the proposed development sites after we have accepted your platting action. Your subsequent permit application plans must show only the proposed development site, and must show how you will meet all code requirements within the proposed development site. Your platting action must be issued before we issue your land use or building permit for the proposed development site.
- If you are creating a development site through a platting process, that plat or lot boundary adjustment must be recorded before you can submit any additional platting actions.
- Seattle DCI requires that all platting actions or lot boundary adjustments go through our Pre-Application Tool (PAT) process. The Pre-Application Tool allows all reviewers to evaluate permitting requirements for the new proposed development site. (If we have conducted a pre-application site visit (PASV) covering the entire site within 18 months of the platting application a new PASV will not be necessary.)
- If you will further subdivide your development site into 9 or more parcels of land within a 5-year period, you must go through the full subdivision process.

Utilities For Development Sites

You should contact the utilities early on to ensure that you have designed your final development site with adequate space for utility access and design. Not accounting for existing utilities in the right-of-way or future utilities needed for the development site may cause significant delays in the review process and costly service connections.



Live-Work Units

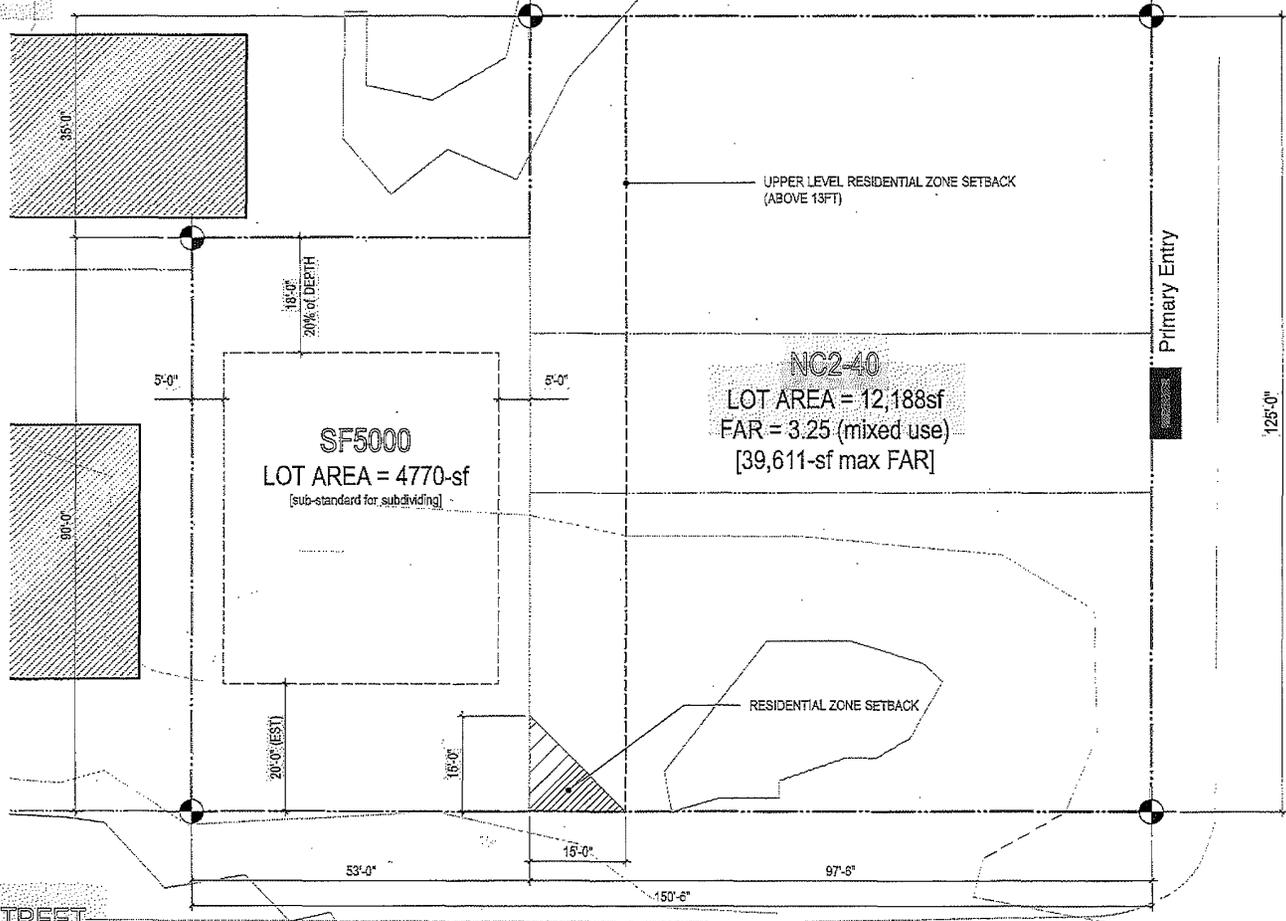
If you are proposing a site for the development of live-work units, Seattle DCI will apply development standards to the larger parcel before the platting of the units for individual sale. In most cases, you can subsequently divide development sites with live-work units by a short or full subdivision process to allow future sale of individual units. However, the entire property will still be considered one development site. These subsequent subdivisions may require a binding site covenant or other means to clarify the relationship of each owner to the larger development site. For more information, contact our Addressing/Development Site Team at sci_addressing@seattle.gov.

Access to Information

Links to electronic versions of Seattle DCI **Tips**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Tools and Resources" page of our website at www.seattle.gov/sdci. Paper copies of these documents, as well as additional regulations mentioned in this Tip, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

LEGAL DISCLAIMER: *This Tip should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this Tip.*

SZ SITE ZONING



GREENWOOD AVE NORTH

N 70TH STREET

Shared Roof Phinney
28 OCTOBER 2015

PUBLIC47ARCHITECTS

EXHIBIT A

Legal Description

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 ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED 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 9 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.

^{DS}
CD

12/11/2015

^{DS}
SW

12/11/2015



City of Seattle

Edward B. Murray, Mayor

Department of Construction and Inspections

Nathan Torgelson, Director

FILED
CITY OF SEATTLE
2016 AUG 15 PM 4:17
CITY CLERK

August 15, 2016

Office of the City Clerk
Seattle City Hall
600 4th Avenue
3rd Floor
Seattle, WA 98104

Re: SDCI Project 3023260, 7009 Greenwood Avenue N, Type IV Application

Dear Office of the City Clerk:

On July 18, 2016 an Early Design Guidance application was accepted by SDCI for a project located at 7009 Greenwood Avenue N, SDCI Project # 3023260.

SMC 23.76.040 G2 states for Type IV Council land use decisions that include a design review component the Director shall provide notice of the application to the City Clerk promptly after the applicant submits a complete application to begin the early design guidance or the streamlined design review process.

SDCI will process a Type IV Council land use action under project #3023260.

Sincerely,

Lindsay King
Senior Land Use Planner
Seattle Department of Construction and Inspections



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

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

001626



**City of Seattle
Department of Construction and Inspections
Land Use Review**

DAVID FUCHS
100 NE Northlake Way, Suite 200
Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	ZONING	Date	February 02, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Emily Lofstedt	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 386-0097		
Reviewer Fax			
Reviewer Email	Emily.Lofstedt@Seattle.gov		
Owner	CHAD DALE		

Dear David,
The following corrections are required. Further corrections may follow based on information in future application materials received.
Thank you,
Emily Lofstedt

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Departures.** The following departures were requested. If the departure is not granted the proposal needs to be revised to meet the applicable development standard.

SMC 23.47A.008.C.4.b - Overhead Weather Protection This departure does not apply as you are not in a Pedestrian Designated Zone.

SMC 23.53.035.A.2. - Structural Building Overhangs cannot be departed from per SMC 23.41.012.B.25.

- 2 Development Site.** Please clarify the exact development site for this proposal. Will the single family zoned lots be included in this proposal? If so, please update all the lot information to clearly match the correct development site.
- 3 Street Level Uses.** This site is not located in an area that requires specific street level uses or restricts residential uses at street level per SMC 23.47A.005 and SMC 23.47A.008.C.4 since it is not located in an Pedestrian Designated Zone.

Please remove any reference to street level uses relating to pedestrian designated zones found on sheet G002 and G003.

- 4 Blank Façade.** While it appears that you meet the blank façade requirements per SMC 23.47A.008.A.2, the blank façade is measured at 5 feet above the elevation of the line line at the sidewalk per SMC 23.86.028.B. Also, the façade behind the courtyard on both street facades and outdoor seating on the Greenwood Ave N façade shall be included in the blank façade calculations.

Please update the blank Façade diagrams and calculations with the correct measurements.

- 5 Street-level street-facing façade setback.** Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided per SMC 23.47A.008.A.3.

Either revise the proposal to meet this code section or provide approval for the proposed courtyard meeting one of this allowances for a larger setback.

Also, please dimension the site plan to document how all other areas of the site are meeting this code section.

- 6 Transparency.** While it appears that you meet the transparency standards per SMC 23.47A.008.B.2.a, the façade behind the courtyard on both street facades and outdoor seating on the Greenwood Ave N façade shall be included in the transparency calculations.

Please update the transparency diagrams and calculations to include all the façade.

- 7 Setback Requirements.** A 15' diagonal setback is required where a lot abuts the intersection of a side lot line and front lot line of a lot in a residential zone per SMC 23.47A.014.B.1.

A setback is required along the lot line that abuts a lot in a residential zone at fifteen feet for portions of structures above 13 feet in height to a maximum of 65 feet per SMC 23.47A.014.B.3.a.

- 8 Street Trees and Landscaping.** The proposed Street Trees and Landscaping in the right-of-way used to meet the Green Factor must receive a conceptual approval from SDOT. Please consult with SDOT arborist Bill Ames at 206-684-5693 to determine species of tree and standards of planting on this, and provide applicable documentation (i.e. emails).
- 9 Green Factor.** The green factor plans shall follow the latest Director's Rule 30-2015. Please review this Director's Rule and update where needed.
- 10 Structural Building Overhangs.** Minor Architectural Encroachments are limited to 2' 6" vertical dimension into the right-of-way per SMC 23.53.035.A.2.

Please revise the cornice encroachment on the 5th level to meet this code section, as it cannot be a departure.

11 Frequent Transit Service Corridor. This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.

b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

12 Sight Triangle. Please provide the offsite sight triangle easement required per SMC 23.54.030.G. Zoning cannot be approved until this easement has been obtained.



Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link:
<http://web6.seattle.gov/dpd/permitstatus>
- All reviews must be completed before the applicant can respond, upload, or submit any correction responses.
- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
- **Paper Plans:** We will notify the primary contact for the project by email or phone when all reviews in the review cycle are complete and plans are ready to be picked up. Once you have been notified, pick up the plans at Plans Routing in the Applicant Service Center.

Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

- Describe the change
- Say where the change can be found in the plan set
- If you have not made a requested change, give a code citation or provide calculations to explain why not
- Coordinate responses to correction items among all designers, architects, engineers, and owners
- If you make voluntary changes to your plans, describe the changes you have made in your response letter

Correct your Plans:

- Cloud or circle all changes
- You may add new sheets to the plan set if you have new information to show

For Electronic Plans:

- Always upload a complete plan set

For Paper Plans:

If you replace sheets in the paper plan sets:

- Remove the old sheets, mark them as "VOID," and include them loose at the back of each plan set
- All original sheets and plan pages must be returned to Plans Routing in the Applicant Service Center
- Insert the new sheets and staple the plan sets

If you make changes to the original paper plan sheets:

- Make all changes with ink (preferably red, waterproof ink). Do not use pencil to make changes
- Do not tape or staple anything to the plan sets

Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

Upload your corrected plan set and correction response letter through your Seattle DCI Project Portal.

Paper Plans:

Return your corrected plans and your correction response letter to Plans Routing in the Applicant Services Center.

If you don't follow these instructions:

- **Plans Routing may not accept your corrected plans**
- **We may be delayed in starting corrected plan review, which can delay permit issuance**
- **We may charge a penalty fee**

Plans Routing / Applicant Services Center - 700 5th Avenue, 20th Floor
Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.



City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	ZONING	Date	February 23, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Emily Lofstedt	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 386-0097		
Reviewer Fax			
Reviewer Email	Emily.Lofstedt@Seattle.gov		
Owner	CHAD DALE		

Dear David,
 The following corrections are required. Further corrections may follow based on information in future application materials received.
 Thank you,
 Emily Lofstedt

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Departures.** The following departures were requested. If the departure is not granted the proposal needs to be revised to meet the applicable development standard.

SMC 23.47A.008.C.4.b - Overhead Weather Protection This departure does not apply as you are not in a Pedestrian Designated Zone.

SMC 23.53.035.A.2. - Structural Building Overhangs cannot be departed from per SMC 23.41.012.B.25.

- 2 Development Site.** Please clarify the exact development site for this proposal. Will the single family zoned lots be included in this proposal? If so, please update all the lot information to clearly match the correct development site.

Also, if you are including the single family zoned lots, please be aware that only one single family residence is allowed per lot per SMC 23.44.006.A. So, in your case, the existing single family would only be allowed to remain, no additional single family residences.

- 3 Street Level Uses.** This site is not located in an area that requires specific street level uses or restricts residential uses at street level per SMC 23.47A.005 and SMC 23.47A.008.C.4 since it is not located in an Pedestrian Designated Zone.

Please remove any reference to street level uses relating to pedestrian designated zones found on sheet G002 and G003.

- 4 Blank Façade.** While it appears that you meet the blank façade requirements per SMC 23.47A.008.A.2, the blank façade is measured at 5 feet above the elevation of the line line at the sidewalk per SMC 23.86.028.B.

Please update the blank Façade diagrams and calculations with the correct measurements.

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Either revise the proposal to meet this code section or provide approval for the proposed courtyard meeting one of this allowances for a larger setback.

Also, please dimension the site plan to document how all other areas of the site are meeting this code section.

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Please update the transparency diagrams and calculations to include all the façade.

- 7 Setback Requirements.** A 15' diagonal setback is required where a lot abuts the intersection of a side lot line and front lot line of a lot in a residential zone per SMC 23.47A.014.B.1.

A setback is required along the lot line that abuts a lot in a residential zone at fifteen feet for portions of structures above 13 feet in height to a maximum of 65 feet per SMC 23.47A.014.B.3.a.

- 8 Street Trees and Landscaping.** The proposed Street Trees and Landscaping in the right-of-way used to meet the Green Factor must receive a conceptual approval from SDOT. Please consult with SDOT arborist Bill Ames at 206-684-5693 to determine species of tree and standards of planting on this, and provide applicable documentation (i.e. emails).

- 9 Green Factor.** The green factor plans shall follow the latest Director's Rule 30-2015. Please review this Director's Rule and update where needed.

- 10 Structural Building Overhangs.** Minor Architectural Encroachments are limited to 2' 6" vertical dimension into the right-of-way per SMC 23.53.035.A.2.

Please revise the cornice encroachment on the 5th level to meet this code section, as it cannot be a departure.

11 Frequent Transit Service Corridor. This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.

b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

12 Sight Triangle. Please provide the offsite sight triangle easement required per SMC 23.54.030.G. Zoning cannot be approved until this easement has been obtained.



Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link:
<http://web6.seattle.gov/dpd/permitstatus>
- All reviews must be completed before the applicant can respond, upload, or submit any correction responses.
- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
- **Paper Plans:** We will notify the primary contact for the project by email or phone when all reviews in the review cycle are complete and plans are ready to be picked up. Once you have been notified, pick up the plans at Plans Routing in the Applicant Service Center.

Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

- Describe the change
- Say where the change can be found in the plan set
- If you have not made a requested change, give a code citation or provide calculations to explain why not
- Coordinate responses to correction items among all designers, architects, engineers, and owners
- If you make voluntary changes to your plans, describe the changes you have made in your response letter

Correct your Plans:

- Cloud or circle all changes
- You may add new sheets to the plan set if you have new information to show

For Electronic Plans:

- Always upload a complete plan set

For Paper Plans:

If you replace sheets in the paper plan sets:

- Remove the old sheets, mark them as "VOID," and include them loose at the back of each plan set
- All original sheets and plan pages must be returned to Plans Routing in the Applicant Service Center
- Insert the new sheets and staple the plan sets

If you make changes to the original paper plan sheets:

- Make all changes with ink (preferably red, waterproof ink). Do not use pencil to make changes
- Do not tape or staple anything to the plan sets

Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

Upload your corrected plan set and correction response letter through your Seattle DCI Project Portal.

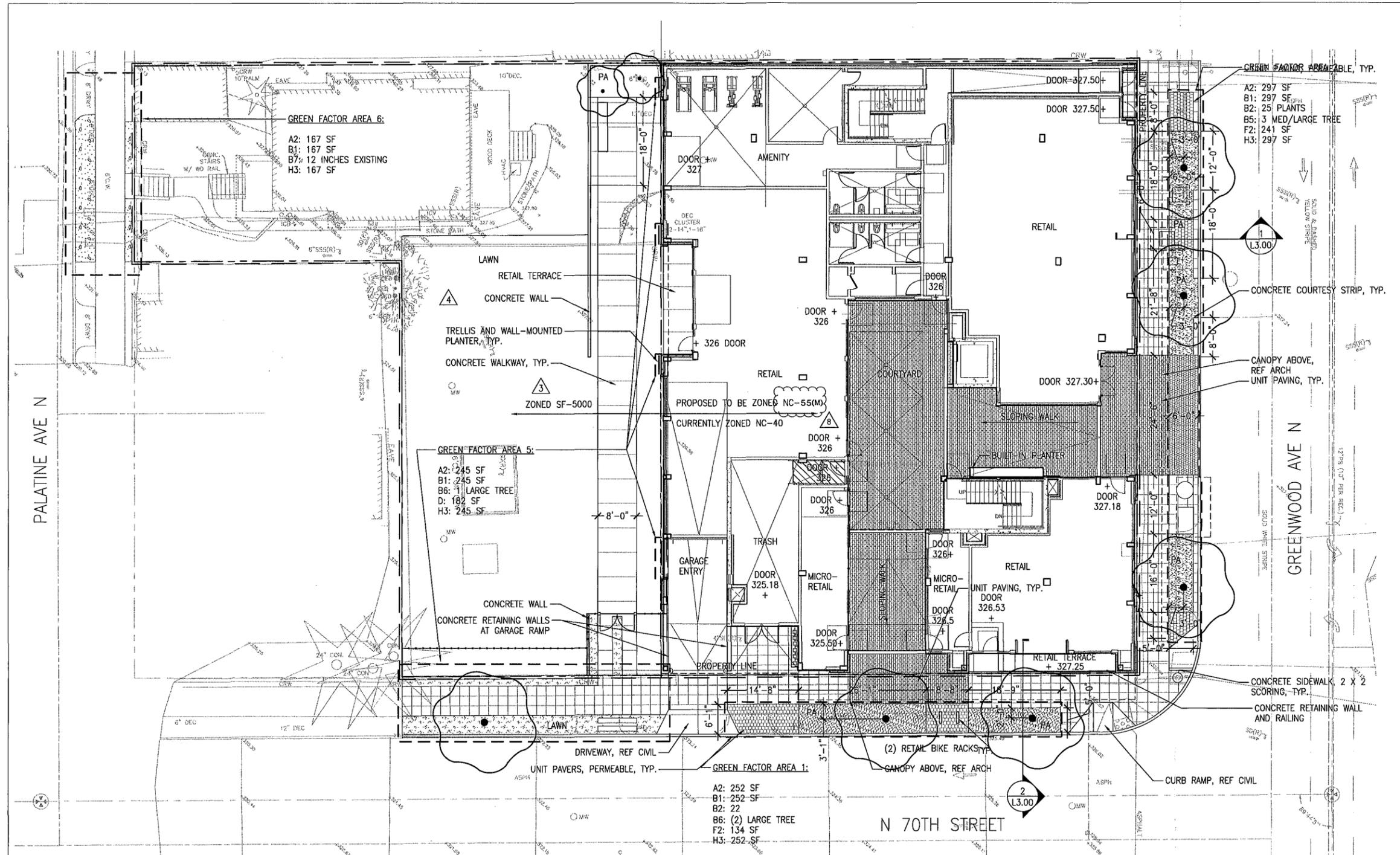
Paper Plans:

Return your corrected plans and your correction response letter to Plans Routing in the Applicant Services Center.

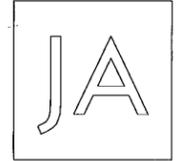
If you don't follow these instructions:

- **Plans Routing may not accept your corrected plans**
- **We may be delayed in starting corrected plan review, which can delay permit issuance**
- **We may charge a penalty fee**

Plans Routing / Applicant Services Center - 700 5th Avenue, 20th Floor
Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.



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



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
12.06.2016	MUP SUBMITTAL
12.06.2016	100% SD SET
03.08.2017	DD PRICING SET
03.15.2017	MUP CORRECTIONS #1
08.20.2017	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 #6

SHEET TITLE
 STREET LEVEL
 LANDSCAPE
 PLAN

SHEET NO.

L1.10

Drawn
 Checked

Rezone Application Submittal Information per TIP #228

1. **Project number**
3023260

2. **Subject property address**
7009 Greenwood Avenue North. Parcel numbers 2877104100 and 2877104085.

(Parcels 2877104127 and 2877104120 are also part of the development site, under the same ownership, but are not a part of the upzone application. Those sites are to remain their current zoning.)

3. **Existing and proposed zoning classification**
The properties proposed for rezoning (parcel numbers 2877104100 and 2877104085) are currently zoned NC2-40. The proposed rezone is to NC2-55, consistent with the proposed MHA/HALA rezone for this Urban Village to NC2-55(M).

The parcels are located in the Greenwood/Phinney Ridge Residential Urban Village.

The project site includes two single-family zoned parcels (parcels 2877104127 and 2877104120). These parcels will remain zoned as single family and are not part of this application.

4. **Approximate size of property to be rezoned.**
The combined size of the parcels to be rezoned is 12,185 square feet.

5. **Environmentally Critical Area (ECA) Information**
The site is not classified as an ECA.

6. **Applicant information**
Owner: 70th & Greenwood Ave, LLC
Applicant: Chad Dale, Managing Member

Contact information is listed in contacts under Project 3023260 on SDCI website

7. **Property legal description**
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 condemned for greenwood avenue in the superior court of king county cause no. 65489, under provisions of ordinance no. 19334.

8. **Present use of property**

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 24th day of July, 2017,
5 and signed by me in open session in authentication of its passage this 24th day of
6 July, 2017.

7 

8 President _____ of the City Council

9 Approved by me this 4th ^(26th - A.S.) day of July, 2017.

10 

11 Edward B. Murray, Mayor

12 Filed by me this 2nd day of August, 2017.

13 

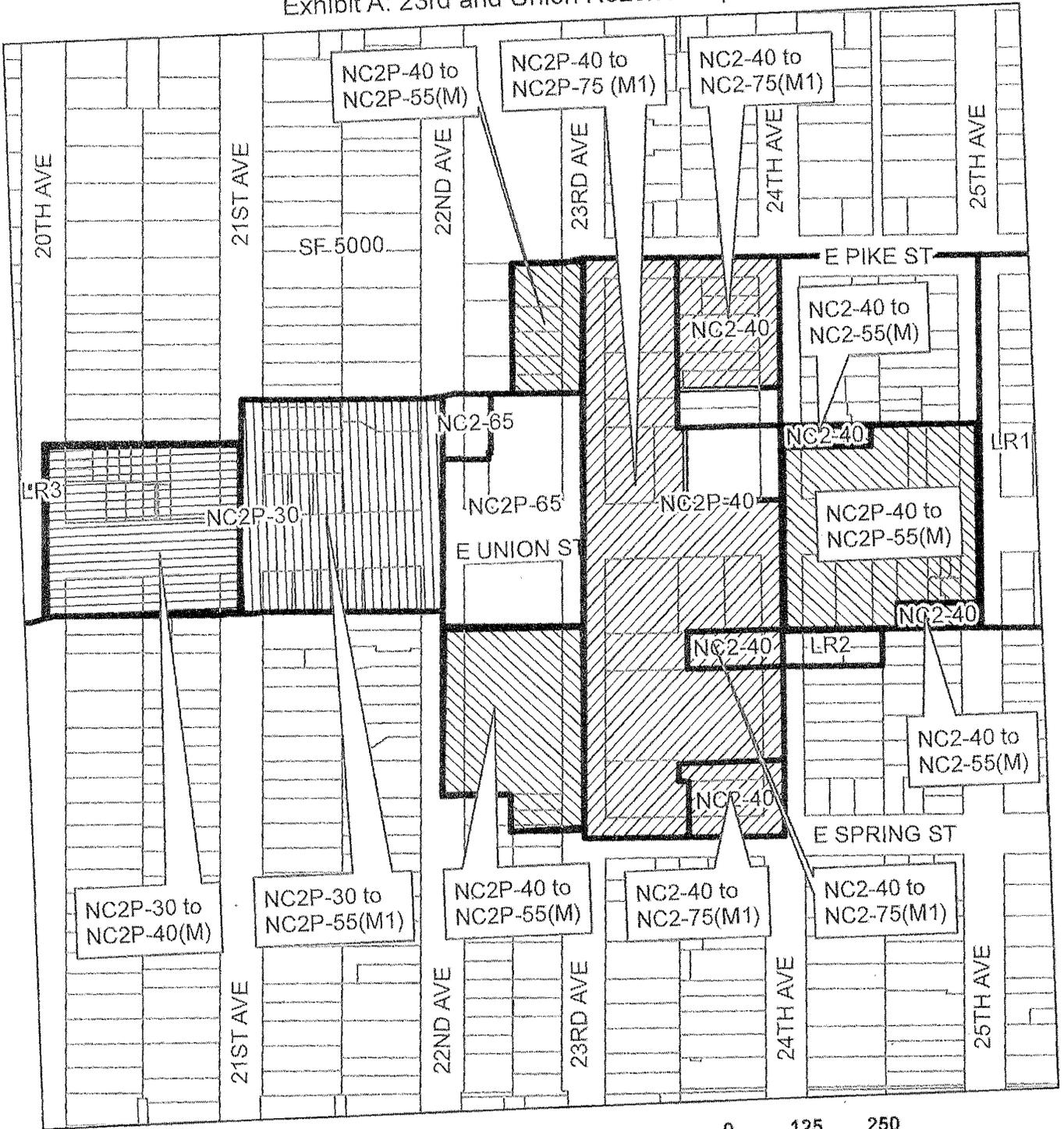
14 Monica Martinez Simmons, City Clerk

15 (Seal)

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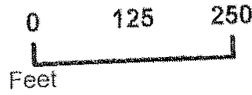
Exhibit:
Exhibit A – 23rd and Union Rezone Map

Exhibit A: 23rd and Union Rezone Map



23rd and Union Rezone Map

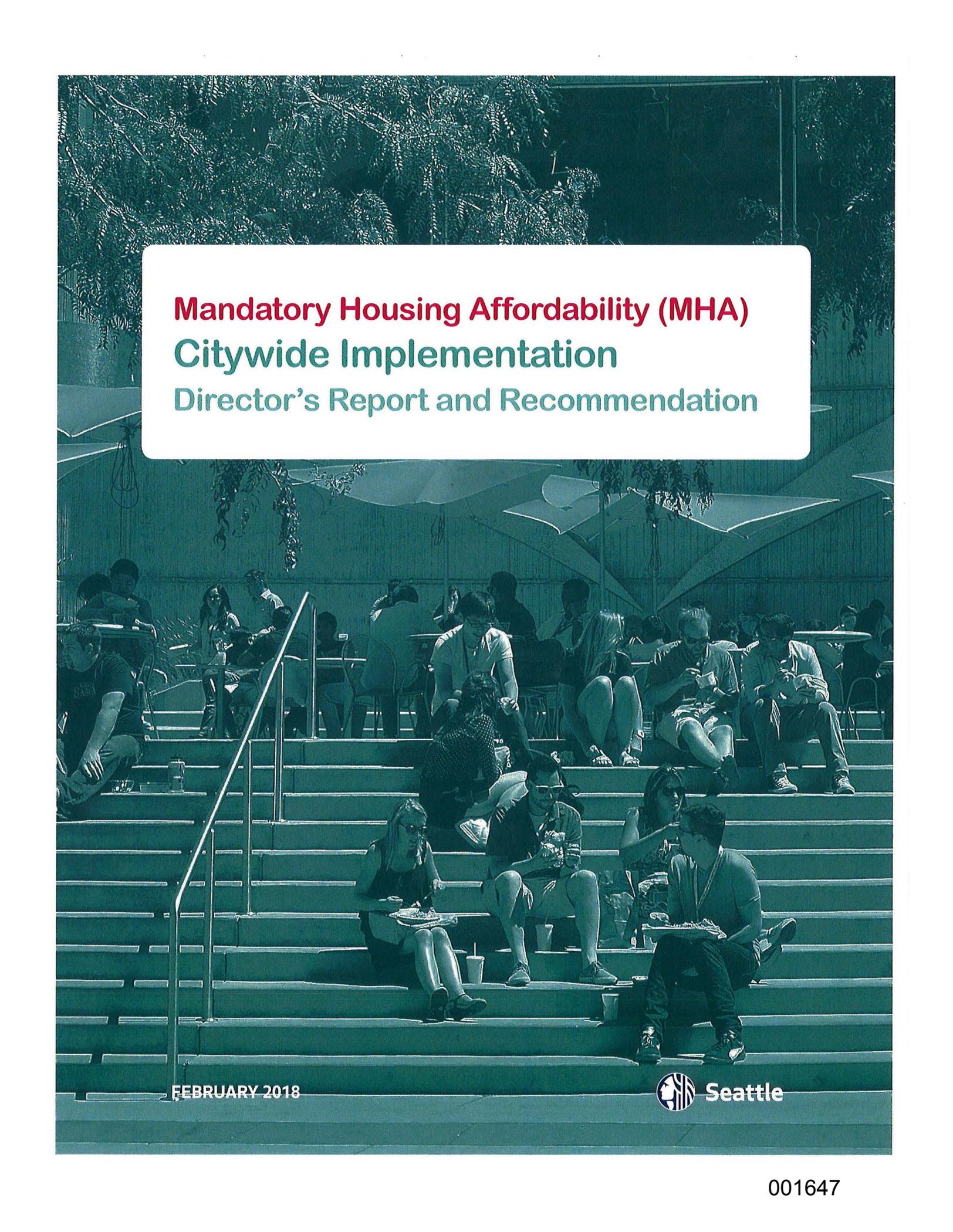
Call-outs show rezones



-  Current zoning
-  Parcels

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Mandatory Housing Affordability (MHA)
Citywide Implementation
Director's Report and Recommendation

FEBRUARY 2018





A facade modulation standard in NC zones would require massing breaks in large buildings with wide facades.

Commercial & Neighborhood Commercial Standards

Commercial (C) and Neighborhood Commercial (NC) zones are often in mixed-use commercial corridors near the center of urban villages coinciding with business districts, or along other major roadways. Several new or modified development standards will help to ensure that incrementally larger buildings in these areas contribute to livability and are well designed.

Façade Standards for Wide Structures

In C and NC zones, we propose a standard requiring a break in the building or inclusion of a courtyard, for structures wider than 250 feet. Similar standards apply in Ballard, Lake City, and the University District. 250 feet is the approximate length of a city block. This standard would provide visual interest by breaking up very long facades and in some cases could result in improved pedestrian connectivity to the interior of sites.

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.



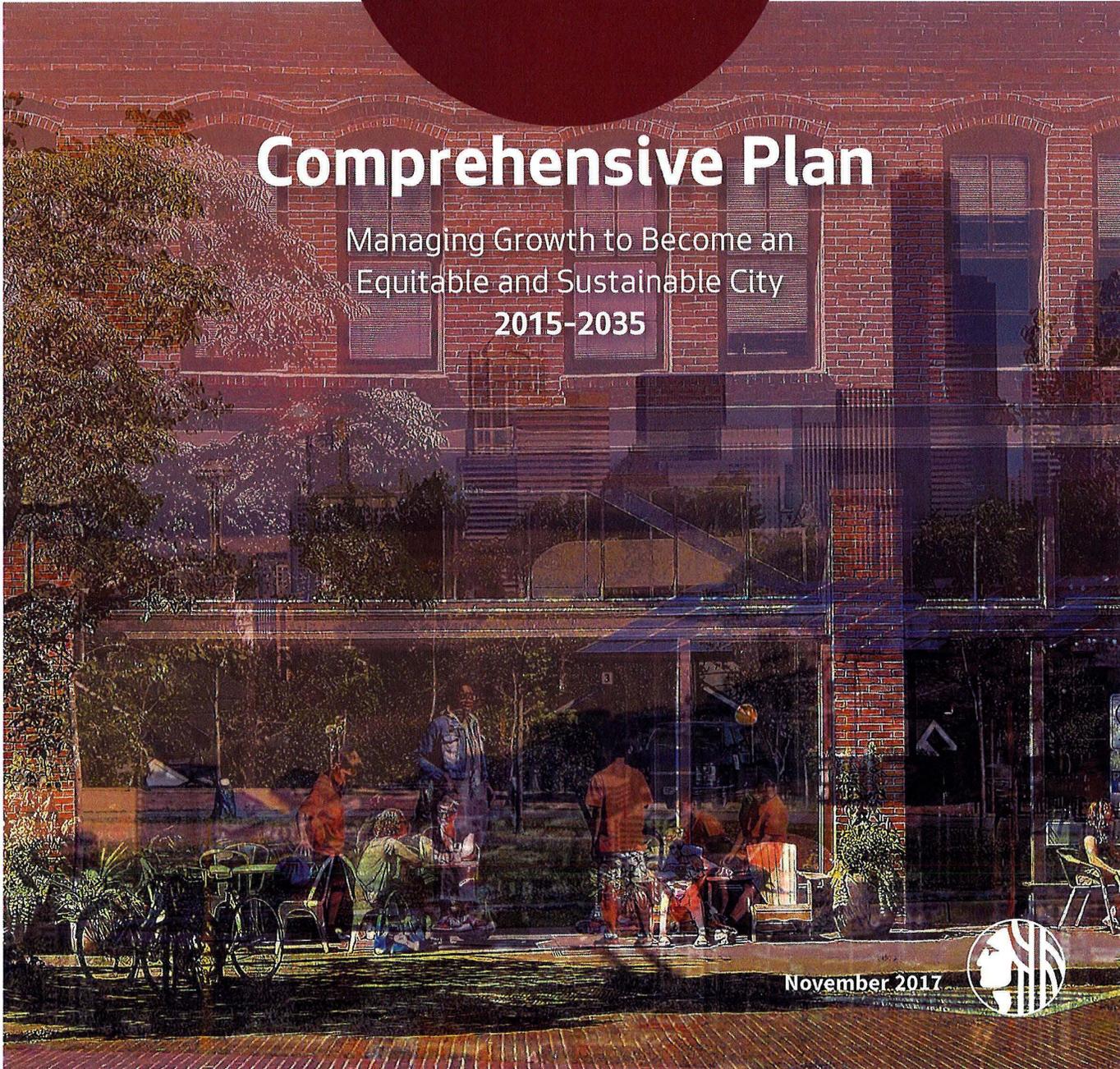
New upper-level setback standards are proposed to ensure gentle transitions between commercial and single family zones.



Seattle
2035

Comprehensive Plan

Managing Growth to Become an
Equitable and Sustainable City
2015-2035



November 2017



The City adopted this Comprehensive Plan in 2016. Amendments made in subsequent years are available in the online version of the Plan.



Acknowledgments

Mayor Edward Murray

Office of Planning and Community Development

Samuel Assefa, Director, Office of Planning and Community Development

Drew Badgett

Diana Canzoneri

Stacy Cannon

Patrice Carroll

Ian Dapiaoen

Tom Hauger

Laura Hewitt Walker

Quanlin Hu

Aaron Hursey

Kristian Kofoed

Nora Liu

Jeanette Martin

Susan McLain

Jennifer Pettyjohn

Katie Sheehy

Brennon Staley

Valauri Stotler

Janet Shull

Diane Sugimura

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City of Seattle Race and Social Justice Initiative Change Teams

Seattle Planning Commission

Grace Kim, Chair	Yolanda Ho	Spencer Williams
Kara Martin, Vice-Chair	Amalia Leighton	Patti Wilma
Michael Austin	Jake McKinstry	Vanessa Murdock, Executive Director
Lauren Craig	Tim Parham	John Hoey, Senior Policy Analyst
Molly Esteve	Marj Press	Robin Magonegil, Administrative Asst
Sandra Fried	David Shelton	

Consultants

3 Square Blocks	SvR	Girl Friday Productions
BFRK	Weinman Consulting	John Skelton Photography
ESA	Envirolssues	PolicyLink
Fehr & Peers	KillerInfographics	

In-Kind Services

Consider.it Designed and hosted an online community conversation for the Draft Plan
Youth in Focus Student photos featured in our report
Tim Durkan Photography Cover photo

Very Special Thanks

To all the individuals and organizations who gave time and thought to participate in the Seattle 2035 process in person and online. The plan is better and stronger because of your involvement.

DON	Department of Neighborhoods	OSE	Office of Sustainability and Environment
FAS	Finance and Administrative Services	SCL	Seattle City Light
KC	King County	SDCI	Seattle Department of Construction and Inspection
LEG	City Council Central Legislative Staff	SDOT	Seattle Department of Transportation
OAC	Office of Arts and Culture	SIT	Seattle IT
OED	Office of Economic Development	SPR	Seattle Parks and Recreation
OH	Office of Housing	SPU	Seattle Public Utilities
OIRA	Office of Immigrant and Refugee Affairs		
OPCD	Office of Planning and Community Development		



1

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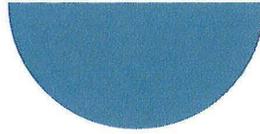
3

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Photo © Dayan L, Youth in Focus student



Legislative History of the Comprehensive Plan

The Comprehensive Plan was first adopted on July 25, 1994, by Ordinance 117221.

Comprehensive Plan Amendments

Adoption Date	Ordinance Number	Nature of Amendments
12/12/94	117436	1994 Capital Improvement Program
7/31/95	117735	1995 Comprehensive Plan amendments
11/27/95	117906	Adoption of a new Human Development element
11/27/95	117915	1995 Six-Year CIP amendments
7/01/96	118197	Response to 4/2/96 Growth Management Hearings Board remand. Repealed policy L-127 of Ord. 117735
9/23/96	118408	Addition of Shoreline Master Program to Plan
11/18/96	118388	1996 CIP amendments
11/18/96	118389	1996 annual amendments
6/16/97	118622	Policies for the reuse of Sand Point Naval Station
9/8/97	118722	Response to 3/97 GMHB remand
11/13/97	118820	1997 Six-Year CIP amendments
11/13/97	118821	1997 annual amendments; addition of Cultural Resources element
6/22/98	119047	Adoption of the Ballard/Interbay Northend Manufacturing/Industrial Center neighborhood plan

Adoption Date	Ordinance Number	Nature of Amendments
8/17/98	119111	Adoption of the Crown Hill/Ballard neighborhood plan
10/26/98	119207	1998 annual amendments
11/02/98	119217	Adoption of the Wallingford neighborhood plan
11/02/98	119216	Adoption of the Central Area neighborhood plan
11/16/98	119231	Adoption of the Pioneer Square neighborhood plan
11/16/98	119230	Adoption of the University neighborhood plan
11/23/98	119264	1998 Six-Year CIP amendments
12/07/98	119322	Adoption of the Eastlake neighborhood plan
12/14/98	119298	Adoption of the MLK@Holly neighborhood plan
12/14/98	119297	Adoption of the Chinatown/International District neighborhood plan
1/25/99	119356	Adoption of the South Park neighborhood plan
2/08/99	119365	Adoption of the Denny Triangle neighborhood plan
3/15/99	119401	Adoption of the South Lake Union neighborhood plan
3/15/99	119403	Adoption of the Queen Anne neighborhood plan
3/22/99	119413	Adoption of the Pike/Pine neighborhood plan
3/22/99	119412	Adoption of the First Hill neighborhood plan
5/10/99	119464	Adoption of the Belltown neighborhood plan
5/24/99	119475	Adoption of the Commercial Core neighborhood plan
6/07/99	119498	Adoption of the Capitol Hill neighborhood plan
7/06/99	119524	Adoption of the Green Lake neighborhood plan
7/06/99	119525	Adoption of the Roosevelt neighborhood plan
7/09/99	119538	Adoption of the Aurora-Licton neighborhood plan
7/21/99	119506	Adoption of the West Seattle Junction neighborhood plan
8/23/99	119615	Adoption of the Westwood/Highland Park neighborhood plan
8/23/99	119614	Adoption of the Rainier Beach neighborhood plan
9/07/99	119633	Adoption of the North Neighborhoods neighborhood plan
9/07/99	119634	Adoption of the Morgan Junction neighborhood plan
9/27/99	119671	Adoption of the North Rainier neighborhood plan

Adoption Date	Ordinance Number	Nature of Amendments
10/04/99	119685	Adoption of the Broadview/Bitter Lake/Haller Lake neighborhood plan
10/04/99	119687	Adoption of the Fremont neighborhood plan
10/11/99	119694	Adoption of the Columbia City neighborhood plan
10/25/99	119713	Adoption of the North Beacon Hill neighborhood plan
10/25/99	119714	Adoption of the Admiral neighborhood plan
11/15/99	119743	Adoption of the Greenwood/Phinney Ridge neighborhood plan
11/15/99	119744	1999 annual amendments
11/22/99	119760	1999 Six-Year CIP amendments
12/06/99	119789	Adoption of the Delridge neighborhood plan
2/07/00	119852	Adoption of the Georgetown neighborhood plan
6/12/00	119973	Adoption of the Greater Duwamish Manufacturing/Industrial Center neighborhood plan
11/13/00	120158	Response to Growth Management Hearings Board remand; Greenwood/Phinney Ridge neighborhood plan
12/11/00	120201	2000 five-year Comprehensive Plan review amendments
10/15/01	120563	2001 annual amendments
12/09/02	121020	2002 annual amendments
12/13/04	121701	2004 ten-year Update to Comprehensive Plan
10/10/05	121955	2005 annual amendments
12/11/06	122313	2006 annual amendments
12/17/07	122610	2007 annual amendments
10/27/08	122832	2008 annual amendments
3/29/10	123267	2010 annual amendments
4/11/11	123575	2011 annual amendments
4/10/12	123854	2012 annual amendments
5/20/13	124177	2013 annual amendments
5/2/14	124458	2014 annual amendments
10/16/15	124886, 124887, 124888	2015 annual amendments

Resolutions Related to Vision for City of Seattle Comprehensive Plan

Passage Date	Resolution	Nature of Legislation
7/25/94	28962	1994 Vision for the Comprehensive Plan
11/27/95	29215	Updated 1994 Vision to reflect addition of Human Development element in Comprehensive Plan (Ord. 117906)
12/11/00	30252	Updated Vision to reflect Cultural Resources and Environment elements and adoption of neighborhood plans
12/13/04	30727	Updated Vision in conjunction with the 2004 ten-year Update to the Comprehensive Plan
5/15/15	31577	Confirmed race and social equity as a core value of the Comprehensive Plan



**City of Seattle
Department of Construction and Inspections
Land Use Review**

DAVID FUCHS
100 NE Northlake Way, Suite 200
Seattle, WA 98101

Re: Project# 3023260

Correction Notice #2

Review Type		Date	April 04, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lindsay M King	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-9218		
Reviewer Fax	(206) 233-7866		
Reviewer Email	lindsay.king@seattle.gov		
Owner	CHAD DALE		

The correction items below are for land use review of the proposal.

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

- 1 Design Review. Thank you for submitting the draft Recommendation Packet. I have provided comments on the packet under separate email. Once the DRB Recommendation stage of review is complete please update the plan set to be consistent with the design review packet along with updates as necessary in response to DRB conditions of approval.
- 2 Rezone Criteria. I have reviewed the rezone criteria of SMC 23.34.002, 004, 007, 008 and 009. Thank you for the comprehensive rezone analysis. SMC 23.34.007 B states no single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zoning designation, nor is there a hierarchy or priority of the rezone considerations. Enclosed is the criteria that needs further consideration.
 - a) SMC 23.34.008 E2 Physical Buffers. The proposed rezone will allow at 65 foot zone adjacent to a single family zone. A physical buffer does not currently exist along the west zone edge. Physical

buffers may include open space or green space. Consider providing a physical buffer on the vacant single family lot consistent with the EDG proposal.

b) SMC 23.34.009 C and D. It is unclear how the proposed rezone meets this criteria. The code states permitted heights shall be compatible with predominant height and scale of existing development, actual and zoned heights in the surround areas.

Freeman, Ketil

From: Jessica Clawson <jessica@mhseattle.com>
Sent: Tuesday, July 17, 2018 4:00 PM
To: iwall@serv.net; Freeman, Ketil
Cc: eustis@aramburu-eustis.com; bmorgan@comcast.net; dfuchs@johnstonarchitects.com; Garrett, Tami; King, Lindsay; An, Noah
Subject: RE: CF 314356 - 7009 Greenwood; Appellant's Illustrative Exhibit

I'm sorry, this is not part of the hearing record, and we object to the use of this exhibit.

Jessica M. Clawson
Partner

MCCULLOUGH HILL LEARY, PS
701 FIFTH AVENUE, SUITE 6600
SEATTLE, WA 98104
TEL: 206.812.3388
DIRECT: 206.812.3378
FAX: 206.812.3389
JCLAWSON@MHSEATTLE.COM
WWW.MHSEATTLE.COM

NOTICE: This communication may contain privileged or confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Irene Wall <iwall@serv.net>
Sent: Tuesday, July 17, 2018 3:55 PM
To: Freeman, Ketil <Ketil.Freeman@seattle.gov>
Cc: eustis@aramburu-eustis.com; bmorgan@comcast.net; Jessica Clawson <jessica@mhseattle.com>; dfuchs@johnstonarchitects.com; Tami.Garrett@seattle.gov; Lindsay.King@seattle.gov; Noah.An@seattle.gov
Subject: Re: CF 314356 - 7009 Greenwood; Appellant's Illustrative Exhibit

Dear Parties,

We plan to use the attached exhibit tomorrow in our brief presentation.

Irene Wall

--- Ketil.Freeman@seattle.gov wrote:

From: "Freeman, Ketil" <Ketil.Freeman@seattle.gov>
To: Jeff Eustis <eustis@aramburu-eustis.com>, "iwall@serv.net" <iwall@serv.net>, "bmorgan@comcast.net" <bmorgan@comcast.net>, Jessica Clawson <jessica@mhseattle.com>, "dfuchs@johnstonarchitects.com" <dfuchs@johnstonarchitects.com>, "Garrett, Tami" <Tami.Garrett@seattle.gov>, "King, Lindsay" <Lindsay.King@seattle.gov>

CC: "An, Noah" <Noah.An@seattle.gov>
Subject: CF 314356 - 7009 Greenwood; Planning, Land Use and Committee - Oral Argument on 7/18/2018
Date: Mon, 16 Jul 2018 22:02:10 +0000

Hello Parties of Record:

This Wednesday the Council's Planning, Land Use and Zoning Committee will take up consideration of the rezone application and appeal for 7009 Greenwood. This email sets out information related to providing oral argument at the meeting.

The Committee will hear oral argument. Oral argument must be based on evidence in the record. See Council Quasi-judicial Rule VI.C.3.c. The Appellants will go first and will have eight minutes total for oral argument, up to three minutes of which may be reserved for rebuttal. The Applicant and SDCI, collectively and not individually, will also have eight minutes. The Committee may ask questions during oral argument or extend the time, if necessary.

The appeal, responses from the Applicant and SDCI, and some, but not all, of the record, are available in Clerk File (CF) 314356, which is linked to the agenda. The reply by the Appellants will also be included in the CF. If there are specific exhibits, which are not available in the online version of the CF, that you will refer to in your oral argument, please let me know by 4:00 tomorrow; and I will have copies available for the Councilmembers. The Hearing Examiner's exhibit list is included in the CF.



Ketil Freeman, AICP

Supervising Legislative Analyst

Seattle City Council Central Staff

P.O. Box 34025, Seattle, WA 98124-4025

P: 206.684.8178 | ketil.freeman@seattle.gov

REPLY MEMORANDUM
IN SUPPORT OF NOTICE OF APPEAL (corrected)
to Seattle City Council
by Irene Wall and Bob Morgan
of the Findings and Recommendation by the Seattle Hearing Examiner of a rezone of
property at 7009 Greenwood Avenue North (CF314356)
Page 1 of 26

FILED
CITY OF SEATTLE
APR 11 2011
CITY CLERK

I. INTRODUCTION

The 7009 Greenwood rezone application is a creative shell game that exploits the applicants' common ownership of two separate single family lots along the western boundary of the commercial lots it has proposed to rezone, using those lots to unlawfully erase lot lines, evade unambiguous setback requirements in the Land Use Code, access retail space in the commercial building that lacks exterior access on the commercial lot, and create a building substantially larger than the Code allows, right on a property line shared with two single family lots in a manner that renders it ineligible for a contract rezone pursuant to numerous criteria in SMC 23.34.

In this case, the Applicant claims to have created so-called "development site" – a term undefined in the Land Use Code – because the Applicant drew an imaginary line around four legal lots it owns in the northwest corner of N. 70th and Greenwood Avenue North and deemed those four lots a single "development site," even though it did not comply with SDCI's own guidelines for creating a development site. Using that so-called "development site," and aided and abetted by SDCI, the Applicant insists it is immune from Code requirements that would apply to all other owners of commercial lots that abut lots in a residential zone, and from rezone criteria that requires transitions and buffers between zones, not between property owners. *See*, Appeal at 1-10, describing the project and applicable setback provisions that should have been applied to this project.

The application relies on linguistic sleight-of-hand throughout to create the misleading impressions that: (1) there are large setbacks and transitions between the massive commercial building and the adjacent single family zone, when in fact there are no buffers or transitions; (2) the Applicant is creating substantial "affordable housing" onsite through MHA compliant units when in fact the evidence confirms that it has chosen to comply with MHA through payments, not onsite units, and that by revising its application at the last minute to the NC2-55 zone instead of the original NC-65 zone, it has reduced its MHA payment obligation by over \$250,000; and that (3) a property upzoned to 55 feet (with an actual height of almost 70 feet with the massive greenhouse on top) is somehow "compatible" and "consistent" with the existing zoning in the area despite substantial evidence in the record that shows the nearest parcel zoned higher than the uniform NC2-40 along Greenwood Avenue is almost a mile away.

The Examiner simply accepted these representations at face value despite substantial evidence in the Record that contradicts his findings of fact and conclusions of law. The Record also contains substantial evidence that reveals numerous material facts and applicable law that the Examiner omitted entirely in his Recommendation, facts and law that, together, undermine the Recommendation and require its rejection.

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The Applicant and SDCI perpetuate these same techniques in their respective Responses. The Applicant's Response is rife with specious arguments that at first blush appear to be valid but in fact are fallacious. The Response is peppered with numerous unfounded accusations against the appellants as well as incorrect statements about Appellants' arguments and evidence in the Record that are easily exposed as untrue. SDCI's Response also misrepresents Appellants' arguments, as well as its own guidance on development sites and the applicable Code provisions that apply to this project. And, as often happens when multiple parties attempt to skirt the law, the various parties' stories are inconsistent and often contradictory.

Although the Examiner ignored substantial evidence in the Record and rendered a Recommendation that conflicts with substantial evidence in the record, the Council should not be similarly duped by the Applicant's and SDCI's creative efforts to disguise the realities of this project. Without the cloak of the fictitious "development site," the 7009 application is revealed as an unlawful, oversized building that breaches the protections of setbacks and upper level air corridors along zoning lines that separate commercial lots from single family lots, a situation that should not be blessed by the Council through the rezone process.

Similarly, the Council should not be misled by the Examiner's mischaracterization of the land use pattern in the immediate area of the project and his failure to acknowledge, despite substantial evidence in the record, that the nearest parcel with a height greater than the uniform NC2-40 zoning in the immediate project area is almost one mile north in the Greenwood Town Center. See Tab 1 (Greenwood /Phinney Urban Village Map, annotated). Instead of evaluating this project against the current zoning in the area (other than unsupported conclusory statements that a 55 foot zone was "consistent" and "compatible" with the surrounding 40-foot zone and adjacent single family zone (Conclusions # 15, 17, 18), the Examiner improperly based his Recommendation upon perceived consistency with the allegedly forthcoming MHA legislation even though: that legislation is still in draft form as the Council seeks public input throughout the City; it does not have established development standards; it has not been formally implemented City wide as envisioned by MHA; and it is the subject of pending litigation that prevents the Council from passing any such legislation at this time.

The substantial evidence in the record demonstrates that without the cloak of a MHA-enabled 55-foot zone all along Greenwood Avenue in this area, an upzone of this parcel would create a jagged point protruding almost 70 feet upward from the heart of the otherwise uniform NC2-40 zoning along this one mile stretch of Greenwood Avenue, destroying the historic zoning uniformity. Appellants are not aware of any other approved contract rezone application, based on MHA or otherwise, where there is not a

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single parcel at or near the requested height in the immediate vicinity of the proposed rezone site.

The lone parcel that SDCI cites as proof that there is “at least one other property” zoned NC2-55(M) was not a contract rezone but instead is a part of the area-wide Central District upzone that applied the NC2-55 zone to several parcels in that area, including the cited parcel, and where the parcels across the street are zoned to 65 and 70 foot heights. The Applicant insists that “[a]n overall height difference of 15 feet can be considered ‘compatible’” with the existing NC2-40 zoning. Response at 17. But if that kind of conclusory jargon carries the day, there is no parcel in the City that would be immune from contract rezoning, regardless of its surroundings, and the rezone criteria of SMC 23.34 would be rendered meaningless.

It is in the Council’s interest to adhere to established legal standards and think holistically where the MHA upzones will actually be instituted, and what development standards will be associated with the proposed MHA zoning designations, including the proposed NC2-55 zone, instead of rushing to upzone an isolated parcel in an otherwise uniform zone when it is impossible to know what later-enacted development standards may apply in that zone to the surrounding parcels. If the Council rezones this isolated parcel now instead of waiting to see how, whether, and where a proposed NC2-55 zone is actually applied in the Phinney Ridge area, the Council would be getting ahead of itself and brushing aside established legal standards for contract rezones and application of the Land Use Code that would destroy the uniform zoning that this portion of Phinney Ridge has always enjoyed. Moreover, given the unique circumstances of this portion of Phinney Ridge, which is the only urban village in the City with a one-mile long, one street wide “urban village,” where every commercial parcel shares a rear property line with a single family lot – the Council should instead be considering as a potential modification to MHA legislation, whether the NC2-55 zone is appropriate at all in this location.

The risks of allowing this rezone extend far beyond Phinney Ridge. If the Council lets this genie out of the bottle, it would be endorsing SDCI’s decision to ignore unambiguous provisions in the Land Use Code and ignore its own guidance to enable projects that should have been denied. And the Council would bless the untenable concept of zoning by property ownership, rather than established zoning maps and Land Use Code provisions, where developers (or other owners) rich enough and lucky enough to acquire adjacent parcels would be exempt from Code provisions that would otherwise define the allowable uses of that property. Using the techniques that the Applicant is using here, that SDCI enabled and that the Examiner ignored entirely in this Recommendation, developers throughout the City could sweep up single family parcels adjoining their

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commercial lots, use those parcels to extract a building larger than the Code would otherwise allow, and then discard those parcels after they have served their purpose. And, given that the 7009 parcel is located almost one mile away from any parcel of a higher zoned height, a location that previously would have rendered a rezone unthinkable, the Council will likely unleash a flood of rezone applications from developers like the 7009 applicants who seek to jumpstart legislation that is not yet fully formed and who have isolated parcels like the 7009 parcel that would never be considered for upzoning without the background presence of the MHA legislation. When established legal standards are cast aside as the Examiner has done in his Recommendation, the Council loses control to use the power of legislation and zoning to shape land use patterns in the City.

The 7009 rezone application should be denied.

II. STANDARD OF REVIEW

The Council's decision to approve, approve with conditions, remand, or deny an application for a Type IV Council land use decision such as a contract rezone shall be based on applicable law and supported by substantial evidence in the record established by the Hearing Examiner. SMC 23.76.056.A. The appellant does bear the burden of proving that the Hearing Examiner's recommendation should be rejected or modified. *Id.*

But the applicant attempts to graft a "clearly erroneous" standard on this Code requirement, without citing a single case that supports that proposition. The Council is acting in a quasi-judicial capacity and must do as the Code requires: make its decision based on applicable law and supported by substantial evidence in the record. The "clearly erroneous" standard advocated by the applicant may apply at the superior court level, but it does not apply here.

The Appeal Statement identified numerous instances where the Examiner ignored, misstated, or misapplied material evidence in the Record and misconstrued or simply overlooked the applicable Land Use Code provisions in the Recommendation to approve the rezone application. Substantial evidence in the record, together with a proper application of applicable law, confirm that the 7009 rezone application fails to meet the rezone criteria in SMC 23.34.007-009, and that the proposed building violates numerous provisions of the Land Use Code that would further exacerbate the problems posed by upzoning this site.

III. ARGUMENT

The Council should reject the Examiner's Recommendation because it is not supported by substantial evidence in the record and it ignored and / or misapplied applicable Land

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Use Code provisions that undermine the recommendation to rezone this parcel. Instead, the Record includes substantial evidence that demonstrates that a rezone of the 7009 parcel does not meet applicable Code criteria and that the Examiner's Recommendation should be rejected.

First, the Examiner failed to comprehend the details or impact of the developer's reliance on a so-called "development site," a ploy that colors the entire application and the Examiner's Recommendation. No "development site" has been established in this case. As a result of this oversight, the Examiner misapplied several criteria in SMC 23.34 governing rezones and failed to even mention, much less analyze, the voluminous material in the record proving that the proposal violates numerous provisions of the Land Use Code.

Next, the Examiner did not mention or attempt to explain how a rezone could be granted to a NC2-55(M) zone when the specific details of that zone and the specific areas where it may be applied at a future date have not been determined.

Finally, the evidence in the record and the proper application of the rezone criteria in SMC 23.34.007-009 undermine the Examiner's recommendation. There is substantial evidence demonstrating that the rezone criteria are not met for this project, particularly the requirements for buffers and setbacks between zones (not between property owners as the Examiner mistakenly concluded), prevention of view blockage, and compatibility with the existing zoning in the area.

A. The Examiner's Recommendation is not supported by substantial evidence in the Record or applicable law.

Every argument in the Appeal rested on facts and law presented directly to the Examiner before, during and after the open record hearing on April 30, 2017, as well as material presented to SDCI since the project's inception in 2016. The Applicant mistakenly challenges Appellant's statement that "all of the written comments submitted to the Examiner were from individuals who opposed the project," and accuses Appellants of "mak[ing] this wild claim," Response at 8-9 (citing Appeal at 12). But far from a "wild claim," Appellant's statement accurately represents the Record.

The statement refers to Exhibit 53 of the Hearing Examiner's Record, titled "Public Comments received by the Hearing Examiner's Office." That Exhibit includes all of the written comments submitted by the public after the hearing concluded but while the Record remained open. Every single one of those letters offered substantive analysis demonstrating that the 7009 Rezone application did not comply with applicable Code provisions. The Examiner's Recommendation did not acknowledge or address a single

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one of the issues raised in those letters. The contents of Exhibit 53 are attached here at Tab 2 in the order and form that Appellant Irene Wall received them from the Hearing Examiner's Office.

The Applicant then makes the obviously unknowable claim that "the Examiner clearly read every public comment in the record and considered them," citing only to the Examiner's Conclusions #24 and #25, generic statements that generally confirm that comments were received in support of and opposed to the proposed rezone and could be easily replicated in any contract rezone case regardless of whether any, much less "every single" comment had been actually reviewed. Response at 8.

The Applicant also includes Exhibit 53 in its list of Exhibits that it claims to be "supportive of the Project." But as explained above, and easily confirmed by reviewing those letters at attached Tab 2, every one of those comments in Exhibit 53 opposed the project. Far from Appellants making a "wild claim" about the Record, it appears that the Applicant didn't bother to read the record before leveling that accusation.

Furthermore, it is not the quantity of public comments that matters, it is the content of those comments and whether they include substantive, material information that informs a decision about whether the project satisfies applicable Code provisions as well as the criteria in SMC 23.34.007-009 for contract rezones. The various exhibits titled "Support Letters (Ex 48) and "Public Support Letters" (Ex 51), supplied the Applicant, represented various versions of "I like this Project" letters that offer no relevant facts or law that relate to any criteria in SMC 23.34.007-.009 that guide rezone decisions.

Similarly, not a single public comment offered at the hearing in support of this project addressed the rezone criteria in SMC 23.34.007-.009. In contrast, every public comment at the hearing that opposed the project presented specific facts and law that showed why a rezone did not meet the Code criteria. At the hearing, the Examiner was provided detailed analysis of errors in SDCI's recommendation and he was presented evidence showing why the Project failed to comply with applicable laws and failed to meet the rezone criteria in SMC 23.34.007-009. *See* Ex. 49, "Documents submitted by Esther Bartfeld," and Hearing Transcript through 9:43 a.m. (the public comments occurred in the first 40 minutes of the hearing). But the Recommendation gave no indication whether the Examiner actually considered any of the public comment; in fact, the contents of the Recommendation reveal that the Examiner entirely ignored material information that was presented directly in multiple forms and at multiple times.

In addition, SDCI admitted at the hearing that it had not provided the Examiner with the public comments it had received throughout the process. *See* Testimony of Lindsay King, SDCI. SDCI eventually provided those public comment letters at the Examiner's

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direction. *See* Ex 54 (Public Comments received by SDCI). Appellants are aware of numerous substantive comments submitted to SDCI that documented factual and legal reasons why the 7009 rezone application should be denied, but Appellants have not had the opportunity to review the full set of comment letters SDCI eventually provided to the Examiner.

B. The applicant has not created a “Development Site” but has instead purloined the two adjacent single family lots it owns in an effort to construct an oversized building that rises directly on the shared rear property line with lots in the single family zone, in violation of several Land Use Code Provisions and numerous criteria in SMC 23.34 governing contract rezones.

The Owners insist that the four discrete legal lots (tax parcels) they own at the northwest corner of Greenwood Avenue N and N. 70th Street were “combined into a single development site, as defined by SDCI TIP 247.” Response at 3. But even a cursory reading of TIP 247 reveals that no development site was created for the 7009 project. Instead of following the requirements in TIP 247, the Owners merely drew a fictitious line around their four parcels, proposed the two commercial parcels for upzoning and claimed their ownership of the adjacent single family lots enabled them to avoid the setback and other Code requirements that apply to lots in the NC2-40 zones that abut lots in single family zones. The Owners also used this fictitious line to escape compliance with the rezone criteria that requires setbacks and transitions between zones. The Examiner evidently accepted this fiction, as the Recommendation makes no mention of these myriad errors. When unraveled, the Examiner’s Recommendation unravels too and must be rejected.

1. The so-called development site does not comply with published SDCI guidance on how to create a development site.

“Development site” is not a defined term in the Land Use Code, but it the subject of an SDCI “Tip.” According to SDCI’s website, “Tips are designed to provide user-friendly information on the range of City permitting, land use and code compliance polities and procedures that you may encounter while conducting business within the City.” *See* <http://web6.seattle.gov/DPD/CAMS/camlist.aspx> . TIP 247 is SDCI’s “Development Site Permitting Guidelines.” *See* Tab 3.

TIP 247 explains that “a ‘development site’ is a piece of land within the boundaries of which we apply all the development standards for the land use, building, and electrical code . . .” In the section entitled “How do I Create a Development Site?” TIP 247 explains that “You must have an existing development site before you can submit your permit application or early design guidance application.” It then explains that “[a]

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development site is considered to be existing for permit application purposes if it is platted with a recording number or if a platting action or lot boundary adjustment is currently under review in the department." (emphasis added).

In this case, the Owners possess four discrete lots (or tax parcels): two commercial lots front Greenwood Avenue and two single family parcels abutting the rear property line of the commercial lots. One is a vacant mid-block lot with an entrance on N. 70th Street, and the other is a craftsman home at 7010 Palatine Ave N. Each of the four parcels is a separate legal lot according to the Land Use Code, and each has its own recording number and its own legal description that is referenced in various plan sets for this project. *See* Appeal Statement at 2-5; *See also* SDCI Recommendation at 3. Appellants did not find any record of any lot boundary adjustments for any of those parcels.

Neither SDCI nor the Applicant has ever explained how four discrete legal lots, each with its own discrete recording number and an imaginary line drawn around the four of them meet the requirement that a development site be platted with "a" recording number. Instead, SDCI has enabled this so-called "development site" that violates its own guidance and its prior advice.

The Examiner ignored this issue entirely and simply parroted the applicant's proclaimed "development site" despite substantial evidence in the Record that exposed this ruse. *See* Recommendation at Finding #1 ("subject site is 20,799 square feet), #3, #12, #18 (describing features on the so-called development site); Conclusion #7 "(the entire development site abuts three streets)", etc.

The substantial evidence in the Record shows that the Applicant failed to properly create a "development site," and therefore all legal conclusions that flow from that fictitious site – such as the lack of compliance with setback requirements and allowing buffers between property owners not between zones -- are fatally flawed.

2. The Hearing Examiner ignored substantial evidence in the Record and applicable Code provisions that prove that the proposed building violates numerous provisions of the Land Use Code, which the Applicant now attempts to dissuade the Council from investigating.

Relying on the fictitious "development site" instead of the actual lot boundaries, the Examiner essentially erased legal boundary lot lines that are the basis for numerous Land Use Code provisions, and recommended approval of a building without legally required setbacks, in a location that offers no transition or buffers between zones as required in the rezone criteria of SMC 23.34. At the hearing, SDCI planner informed the Examiner that

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SDCI had somehow applied development standards to the “totality” of the development site, not to the individual legal lots. *See* testimony of Lindsay King, SDCI; *see also* Applicant’s Response at 3. But that approach subverts the Land Use Code and relies on zoning by property ownership not established legal boundary lines. *See e.g.*, SMC 23.02.020.A (“The Land Use Code classifies land within the City into various land use zones . . . in order to regulate uses and structures . . .”) and SMC 23.02.020.C (“All structures or uses shall be built or established on a lot or lots.”)

As a result of the unlawful “development site” maneuver, the Owners produced an oversized building that did not comply with several provisions of SMC 23.47A.014 that requires several types of setbacks where commercial lots (such as the Applicant’s two NC2-40 lots that are proposed for rezone) abut a lot in a residential zone (such as the two single family lots that abut the rear lot line of the two NC2-40 commercial lots.

Specifically, SMC 23.47A.014.B imposes setback requirements: (1) it requires a 15’ triangular “no build” area where a commercial lot abuts the side and front yard of a lot in a single family zone (SMC 23.47A.014.B.1); (2) it requires all floors above the first floor to be set back at least 15 feet from the rear lot line (SMC 23.47A.014.B.3); and (3) it prohibits windows and doors on the first floor of a building within 5 feet of a property line when a commercial lot abuts a single family zone (SMC 23.47A.014.B.5). *See e.g.*, Appeal at 2-10, describing the applicable Code provisions and including illustrations showing how the 7009 building violates these provisions.

The Examiner’s Recommendation made no mention of any of this despite substantial evidence in the record that exposed this unlawful action. *See e.g.*, Ex. 49 (Bartfeld documents), Ex. 53 (public comment letters to Examiner), Ex 54 (letters received by SDCI). By accepting an imaginary “development site” without question, the Examiner erroneously recommended approval of a building far in excess of what the Code allows.

The Owners now would prefer that the Council not investigate the matter. *See* Response at 8 (incorrectly stating that Appellants were required to seek a code Interpretation even though this is not an administrative proceeding and the Council changed the Interpretation Code several months ago) and Response at 18 incorrectly claiming that any “zoning determinations” are automatically valid now because the Appellants supposedly missed some unknown deadline. Nothing, however, prevents the Council from reviewing the entirety of the Examiner’s Recommendation – including the material issues he overlooked entirely – as the Council decides whether the proposed rezone of 7009 should be granted. As a result, the Examiner’s Recommendation allowed the Applicant to avoid complying with those setback requirements, just as he allowed a massive greenhouse on the rooftop near the single family zone in an area where there should be no building at all.

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See SMC 23.47A.014.A (portions of structures including rooftop features are included in this section).

SDCI, in turn, injects needless confusion by using inaccurate Code definitions and mischaracterizing Appellants' argument. Contrary to SDCI's assertions, it is the lots defined by those tax parcels with discrete legal boundary lines against which Code requirements are measured and that inform how a development site is created, not the historic platted lines that do not define a boundary. *See e.g.*, SMC 28.28 Lot Boundary Adjustments; SDCI TIP 213B ("Application Requirements for Lot Boundary Adjustments," noting that "Washington State law allows adjustments of boundary lines if certain conditions are met." *See also* SMC 23.84A.024 ("Lot" means, . . . a parcel of land that qualifies for separate development or has been separately developed. A lot is the unit that the development standards of each zone are typically applied to.).

The Examiner accepted this so-called development site at face value despite substantial evidence in the record showing why it was unlawful. *See e.g.*, Ex. 49 (Bartfeld evidence submitted at 4.30.18 hearing), also included in Ex. 53 (Public comments received by the Hearing Examiner's office, and attached here at Tab 2. As a result, the Examiner erroneously recommended rezoning the 7009 parcel to accommodate an oversized building that rises four stories right on the shared property line with the abutting single family lots, with the fifth floor set back only 4-6 feet, a placement that violates numerous provisions in the Land Use Code, and violates express provisions in the MHA proposed legislation for the NC2-55(M) zone that applicants seek, where Phinney Ridge is called out specifically as a reason for the greater setbacks that would be required for buildings over forty feet tall in the proposed NC2-55 zone the applicant seeks.

The history of the project application reveals that SDCI and the Applicant worked together to avoid setback requirements. In a letter dated August 15, 2016, SDCI transmitted to the City Clerk the required notice that an Early Design Guidance application had been accepted for a Type IV Council Land Use action. Tab 4. That letter included a site map that showed how a building could be constructed on the commercial parcels, adhering to the corner setbacks of SMC 23.47A.014.B.1 and the upper level setbacks of SMC 23.47A.014.B.3. It also showed how a house could be placed on the vacant single family lot.

In February 2017, SDCI issued two Correction Notices for Zoning that each flagged the need for compliance with the setback provisions of SMC 23.047A.014. *See* Tab 5, at #7; Tab 6, at #7. But afterwards references to compliance with setback provisions disappeared after that time.

3. With a fictitious development site, the Owners are unlawfully using the single family lot for the benefit of the commercial parcels proposed for upzoning.

Even though the Owners have acquired among the largest commercial parcels in the Phinney Ridge neighborhood, they are seeking to build more than allowed on those sites and they have reached unlawfully into the single family lots to do that.

a. Concrete walkway in single family zone

The building plans show a concrete walkway on the eastern edge of the single family properties that provides access from North 70th Street to a retail use in the commercial building that would be constructed right on the shared property line (in violation of SMC 23.47A.014.B.5 that prohibits windows and doors within five feet of a residential lot. See e.g., Ex. 16, Sheets A201, A303, A310 showing Level 1 floor plan and west elevations.) But that access is unlawful. It violates SMC 23.42.030.A (Access to Uses) that allows pedestrian access to be “provided to a use in one zone across property in a different zone if the use to which access is being provided is permitted, either outright or as a conditional use, in the zone across which access is to be provided.” Here the access is being provided across a single family zone to a retail use in a commercial zone. Retail use is not allowed in a single family zone, so access to such a use may not be provided over a single family zone.

b. Easement

The Applicant has also indicated at various times that they intend to record an access / no-build easement over the single family lots. But the existence of that easement seems to come and go in the various plan sets like an apparition. Earlier drawings labeled the space in the single family zones immediately west of the commercial properties as an easement but recent plan sets do not include that label although the drawings showing the west side do include an unlabeled line west of the commercial boundary line in the approximate location of the easement that had appeared in early design materials.

The easement is not mentioned in the Rezone Application, nor was it discussed at the hearing. As of July 13, 2018, Appellants were unable to find evidence of a recorded easement.

Moreover, it is unclear how such an easement could occur because an easement, by definition, is a nonpossessory property interest in land owned by another person. In this case, the Owners have relied on their common ownership of all four legal lots as the rationale for their fictitious development site. An easement cannot be granted to oneself.

But even assuming that the Owners could somehow grant themselves an easement, such an action supports Appellants' argument that the Owners' four parcels are wholly independent legal lots. An easement must be recorded on a legal lot, and in this case the two single family lots – allegedly part of the development site – would be burdened with this no-build easement for the benefit of the two commercial lots. If the Owners had created a development site according to SDCI's guidelines, there would be no need for such an easement because all four tax parcels would have been combined into a single development site.

The Owners evidently believe they may use this easement, if it exists at all, as another vehicle to evade a setback requirement in SMC 23.47A.015.B.5, which prohibits windows and entrances within five feet of a property line shared with a residential zone. A previous version of the Plans claimed that, notwithstanding a building with numerous windows right on the shared property line with the residential zone, the provision of SMC 23.47A.014.B.5 that prohibited such a location did not apply “due to 15’ easement on adjacent residential properties to the west under common ownership.” *See* Plan Set from February 2018. That explanation, however, was omitted from subsequent plan sets, including the version at Exhibit 16, which simply asserts that there are no windows or entrances at a prohibited location notwithstanding dozens of drawings in the plan set to the contrary. *See* Ex. 16 Plan Set, page G002, #13. Easements, however, may not be used to evade setback requirements – or any other Code requirement between the commercial and single family zones.

c. Architectural cornice extension

The plans reveal that a cornice at the southwest corner of the building would extend over the single family zone. *See* Ex. 16, Plan Set, Sheet A301. Perhaps the “easement” is expected to authorize this intrusion as well.

d. Green factor

The Street Level Landscape Plan in Ex 16 (Plan Set) appears to indicate that the Owners are using the separate lots in the single family zone to meet their Green factor requirements for their building in NC zone where they have built right up to the rear property line and left virtually no room for ground level landscaping anywhere else on those lots. *See* Tab 7 (Ex. 16, Street Level Landscape Plan, L1.10).

As with the Owners' other schemes for creating a larger building than the Code allows, the Council should carefully review these issues before deciding to uphold the Examiner's Recommendation.

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4. The Council could not bind the legally separate single family sites in the fictitious development site with a PUDA recorded on the commercial parcels because the single family lots are not part of the application for rezone.

Of the Applicant's four legal lots, only the two commercial lots that face Greenwood Avenue are proposed for rezone. The applicant specifically excluded the two single family lots that share the rear boundary line of the commercial parcels. *See* Exh.31 (updated rezone application), p3, at Tab 8.

A Property Use and Development Agreement ("PUDA") would apply only to the two commercial parcels that are proposed for rezone. SMC 23.34.004 (authorizing the Council to approve a map amendment subject to the recording of a property use and development (PUDA) containing self-imposed restrictions upon the use and development of the property to be rezoned). The definition of a contract rezone also confirms that PUDAs apply to the property that will be rezoned. SMC 23.84A ("Rezone, contract") amends the Official Land Use Map to change the zone classification "subject to the execution, delivery, and recording of a property use and development agreement executed by the legal or beneficial owner of the property to be rezoned.")

Because only the two commercial lots will be subject to the PUDA, and the fictitious development site did not legally bind the two single family sites to anything, those two lots remain out of the Council's reach. If the rezone is granted, the Owners could easily build whatever is legally allowed on those lots or sell them altogether, since they would have served their purpose of enabling an oversized building for the owners.

Neither SDCI nor the Owners has explained what would legally prohibit the applicant from developing or redeveloping those single family lots in any manner allowed by the Code, or selling them off at a later date after they have served their useful purpose of enabling an oversized building on the 7009 site since they are tied together only by the fictitious "development site." The two single family lots remain discrete legal lots with unique recording numbers, and they meet the definition of "lot" as it is used to apply to the development standards in the single family zone.

SDCI's largely indecipherable response ignores the fact that the single family parcels are not legally part of the two commercial lots proposed for rezone, and that the PUDA may, by definition, only apply to the property to be rezoned. SDCI Response at 2.

Moreover, the Owners and SDCI have offered inconsistent and contradictory explanations for how – and whether – the current vacant lot would remain open space if a rezone is granted.

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The Owners insist that the PUDA would also control the future uses of the single family lots because the MUP drawings contain a map showing those lots and the Examiner's recommended substantial conformance with the MUP as a condition for the PUDA. Response at 4. According to the Owners, a MUP drawing showing open space on the vacant lot requires that open space to be "maintained as long as the building exists." *Id.*

SDCI, however, informed the Examiner that an Accessory Dwelling unit could be built on that site, and the Owners have repeatedly expressed an interest in building something on that vacant lot.¹

SDCI also testified at the hearing that the lots could not be separated. *See* Testimony of Lindsay King. But the SDCI planner who wrote SDCI's response in this appeal explained how the single family parcels could be carved off: "In order for the [single family] parcel to be split off for separate development, a lot boundary adjust would be necessary." SDCI Response at 2. These various stories cannot be reconciled for the simple reason that the PUDA will be recorded against only the two commercial lots that are part of the rezone application, and the single family lots will remain unburdened.

C. Substantial evidence in the record demonstrates that the NC2-55 Zone, as envisioned by MHA, exists only in preliminary draft form and has not reached even final draft legislation formally presented to Council, and as such it lacks established development standards, and has not been mapped or applied anywhere in the City except in limited areas by special legislation, and therefore rezoning an isolated parcel in a uniformly zoned area based on presumed compliance with an undefined zone is premature.

The Examiner repeatedly claimed that the 7009 project would be consistent with allegedly forthcoming MHA upzones even though it is not possible to determine whether that zone will actually be applied in this portion of Phinney Ridge, what the development standards of that zone will entail, and whether the 7009 project would comply with those yet-to-be-determined development standards.

The Applicant and SDCI mischaracterized Appellants' argument on this issue and neither offered any evidence to rebut the undisputed fact that the proposed MHA legislation upon which the Examiner relies exists now only as draft legislation that has not even been

¹ It is unclear how an ADU could be built on the vacant single family lot because an ADU, by definition is accessory to a principal use, and there is no principal use on that site. The principal use (house) exists on the entirely separate 7010 Palatine site. There is no provision in the Land Use code that allows a principal use on one site to have an "accessory" use on another site.

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finalized for Council consideration, much less enacted into law. There are no development standards established for the NC2-55 zone because the zone has not been enacted Citywide. There was no way for the Examiner to ensure that a rezone of the 7009 parcel, which lies in the middle of a uniformly zoned area, would grant to the Applicant what might ultimately be allowed for all other NC2-40 parcels in that zone that might, or might not, be upzoned through MHA.

In fact, the presentation materials for the July 16, 2018 meeting of the Select Committee on Citywide Mandatory Housing Affordability (MHA) confirms that (1) the current version of MHA legislation is in draft form only and subject to future discussion and amendment by the Council, and (2) that the Council is expressly prohibited from voting on MHA legislation as long as the current EIS appeal is ongoing, and it is precluded from acting on the proposed rezones, land use regulations, and Comprehensive Plan amendments until the appeal of the Final Environmental impact Statement has been resolved. The materials also describe a two-phased Council Review Process for this legislation noting that Phase 2 includes “development of Potential Amendments for Committee Discussion and Vote.” And the material confirms that “[t]he Committee may begin to discuss issues and review additional information identified through public hearings or other outreach related to potential changes to the proposed rezones, land use regulations, and Comprehensive Plan amendments.”²

- 1. The Director’s Rule on MHA contribution requirements makes no mention of development standards that may be applied in the MHA zones identified in the draft legislation, but it does confirm the substantial windfall the Owners gave themselves when they changed their application to request a rezone to NC2-55 instead of the NC2-65 zone in the original.**

The Applicant claims it is “notable” that “the Director’s Rule 14-2016 specifically references rezones to NC-55” and that is proof the NC55 zone exists. But that Director’s Rule only refers to the required MHA contributions – either units or dollars. It says nothing about development standards for the NC2-55 zone.

What is “notable” about Director’s Rule 14-2016 is that it confirms that Applicant’s last minute decision to withdraw its original rezone application just days before the originally scheduled open record and re-submit it days later as a rezone to NC2-55(M) instead of

² The presentation materials are available on the Council website for CB 119184. The Council may take notice of its own materials without a Request to Supplement the Record.

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the original NC2-65, self-limited to 55 feet generated a windfall to the Applicant and a substantial reduction in its required MHA contribution.

Rule 14-2016 establishes that rezones from NC2-40 to NC2-55 remain in the same category of MHA contributions, whereas rezones from NC40 to NC65 move up to a higher category. According to the tables in Rule 14-2016, therefore, Applicant reduced its MHA obligation by 25 percent when it withdrew its original NC2-65 application and resubmitted a virtually identical application to the NC2-55 zone instead. *See* Appeal at 11; and *see* Director Rule 14-2016.

In this case, the Owners saved themselves \$263,790 by playing the MHA money game. This is revealed in the MHA-R Payment Option chart in the Owner's material. *See* Tab 9 (Ex. 16, Sheet G006.1). The MHA-R Payment Option table confirms that the Owners are intending to satisfy their MHA obligation through payment instead of onsite units. The MHA fee is calculated by multiplying the floor area (39,080 square here) by the required payment amount per square foot. Here the required payment amount was \$13.25/square foot, resulting in a payment of \$517,810 shown in the "MHA-R Payment Option Table." But if the Owners had retained their original rezone request – NC2-65, self-limited to 55 foot height – instead of withdrawing it in February, days before the originally scheduled open record hearing, their payment obligation would have been \$20/square foot, resulting in a total payment of \$781,600. *See* Director Rule 14-2016. By recharacterizing their application to a different name for the same requested building height, they have deprived the City of \$263,790 that could have been used for much needed affordable housing objectives.

SDCI's argument that there are "standards" for the NC-55 zone, citing only to SMC 23.47A.017 which specifies floor-area ratios (FAR) for the NC-55 zone, misses the point entirely. There are no development standards confirming the setbacks that will apply in this zone or any other development standards against which to measure the present proposal.

SDCI proclaims that there is "[a]t least one other property in the city" zoned NC2-55(M). But the lone address that SDCI cites is not a contract rezone, it is a property in the Central District where the entire block was zoned to NC2-55 in separate, special legislation created for that area. *See* Ord. 125360 Map, showing areawide rezone, and Land Use Map 113, showing this area in context, attached at Tab 10. Finally, the parcels across the street from the cited NC2-55 parcel are all zoned to 65 and 75 foot heights, and the parcel does not abut a single family zone as does the 7009 cite. In other words, SDCI's one example merely confirms Appellants' argument: The NC2-55 zone does not

exist outside the few specific neighborhoods where the Council enacted special legislation that tailored that zone to that Community.

D. Substantial evidence in the Record confirms that the Examiner applied the rezone criteria incorrectly and, accordingly, his Recommendation should be rejected.

SMC 23.34.007 confirms that “no single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement. . . .” The Appeal at pages 12-19 detailed the Examiner’s numerous errors of fact and law that undermined his Recommendation. It is abundantly clear that the Examiner simply presumed that the NC2-55 zone would blanket this area of Phinney Ridge eventually – and that was good enough to recommend rezoning the 7009 parcel. But the prospect of a future area-wide upzone cannot override the current conditions that show unequivocally, that there is no other parcel for almost a mile away that is zoned higher than the NC2-40 zoning of the 7009 site. On those facts, it is impossible to conclude, as the Code requires, that a rezone of the 7009 parcel is “compatible” with the height limits for the area or that the balance of the rezone criteria favor rezoning this parcel.

1. SMC 23.34.008.A – Urban villages and zoned capacity

The Owners’ Response to the Appeal on this issue is puzzling. It attributes a quoted term to Appellants that appears nowhere in this section of the Appeal Statement, and then accuses Appellants of citing no evidence to support its claims. Response at 9. For this zoning criterion, however, the Appellants questioned the Examiner’s Conclusion in his analysis of this section because it simply assumed the obvious: that an existing proposal for a five story building would obviously yield more housing units than would the same building at four stories. Appeal at 12-13. Appellants challenged that approach, pointed out that only a portion of the Shared Roof building would be available to members of the public, and reiterated evidence in the record that a recently completed building right across the street, on a substantially smaller lot offered more publicly available units than would Shared Roof.

2. SMC 23.34.008C -- Zoning History and Precedential Effect

The Appeal at 13-14 details Appellants’ specific objections to the Examiner’s conclusions regarding this criteria. The Owners erroneously assert that the rezone must be approved based on this criteria alone, evidently because it “matches the proposed legislative rezone.” Response at 11. That argument, however, flies in the face of

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23.34.007 that species “no single criterion . . . shall be applied as an absolute requirement . . . unless a provision indicates the intent to constitute a requirement.” SMC 23.34.007.B.

The Zoning History and Precedential Effect criterion is not intended as an absolute requirement. It merely states that “Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.” SMC 23.34.008.C. The 7009 rezone does not “match the proposed legislation” as the Owners allege because a substantial chunk of the west side of the building, including the rooftop greenhouse, is built within the light corridor adjacent to the single family zone that the Director specifically wanted to protect in the Phinney Ridge area if the NC2-55 zone was implemented there. *See* Tab 11. But even if the 7009 rezone did match the proposed legislation as the Owners allege (it does not), the current draft legislation is far from final, as evidenced presentation materials for a July 16, 2018 presentation to the Council Select Committee on MHA that confirms the Council will soon begin considering modifications to the current proposal. The MHA legislation is too far from final to be used as a basis for upzoning a parcel that doesn’t otherwise meet the rezone criteria.

3. SMC 23.34.008.D -- Neighborhood Plans

Page 14 of the Appeal details Appellants’ specific objections to the Examiner’s conclusions regarding this criterion. The Owners assert that the Greenwood /Phinney Neighborhood Plan was “re-adopted in 2016 after MHA upzones had been drafted and publicly discussed.” But that assertion is false. The Greenwood Phinney Neighborhood Plan has never been “re-adopted” after it was originally adopted in 1999. *See* Tab 12 at p585 (Legislative History of the Seattle 2035 Comprehensive Plan , showing Greenwood Phinney Ridge neighborhood plan adopted on November 15, 1999, and no “re-adoptions” after that date.). When the Plan was adopted in 1999, there was no discussion of area-wide rezones and no need for the Plan to address such a concept.

4. SMC 23.34.008.E – Zoning Principles, including a gradual transition between zoning categories and physical buffers

Pages 14-16 of the Appeal detail Appellants’ specific objections to the Examiner’s conclusions regarding this criterion.

The Owners claim that the Appeal “stat[ed] that the Examiner said that 65 foot zoned parcels share property line with single family parcels,” and then the Owners assert that “[t]he Examiner never said that.” Response at 12. The Examiner never made that invented statement and neither did Appellants. *See* Appeal at 14-14-15. Instead, the

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Owners regrettably invented a statement that misstates Appellants argument, and then attributed that falsehood to Appellants.

What Appellants actually argued, based on substantial evidence in the Record, is that the Examiner misstated the nature and relationship of the various zones. Appeal at 14-15, citing Recommendation at Conclusion #7. The Appeal demonstrated that when the Examiner referred to “some examples of a 40 foot height zone located adjacent to a 65 foot zone,” he failed to recognize that the nearest 65 foot zone is almost one mile away from the project site. And the Appeal demonstrated that when the Examiner claimed there were examples of 65 foot zones adjacent to single family zones, he failed to recognize there is nowhere in the Greenwood/Phinney Urban Village where a 65 foot zone shares a property line with a single family zone. Those statements are supported by substantial evidence in the record, specifically the City’s own zoning maps that prove these points.

The Owners next challenge Appellants’ argument that the vacant NC lot cannot be a buffer between zones as the Code requires because it is in the single family Zone. The drawings in the Owners’ Plan Set clearly indicate that the so-called “private open space area” located at the “mid-portion of the project site” is the presently vacant single family lot that, obviously is located in the single family zone, not “between the five-story building and the single-family zone” as the Examiner mistakenly concluded. Recommendation at 8, Conclusion #7; Appeal at 15.

Moreover, the “Open space” that SMC 23.34.008.E.2 requires as a buffer between zones does not appear to meet the definitions of “open space” or “landscaped open space” in the Code. SMC 23.84A.028.

The Owners next allege that a PUDA recorded on the commercial lots could would somehow “guarantee[]” the physical buffers “as a condition of the rezone / PUDA” because the MUP drawings show landscaped open space “ Response at 14. But that position cannot be reconciled with SDCI’s testimony at the hearing that an ADU could be built on the presently vacant lot. Testimony of Lindsay King. And it certainly cannot be reconciled with SDCI’s Response that outlines how a portion of allegedly “guaranteed” buffer could be “split off for separate development.” SDCI Response at 2, or that site could be transferred to the commercial lot through a lot boundary adjustment.

On these facts, the 7009 rezone proposal obviously does not provide the physical buffers envisioned in SMC 23.34.008.E.

5. SMC 23.34.008.F – Impact Evaluation

Page 16 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criterion.

The Owners do not rebut these objections, but instead create and approve their own points. Response at 15. The fact that the project "is compliant with the MHA program" is irrelevant because that is a requirement for any property attempting to secure a contract rezone with the (M) designation. Response at 15. In this case, the Code favors the provision of low-income housing in the area proposed for rezone. SMC 23.34.008.F.1.a. The 7009 project is not providing any MHA units onsite. It chose to comply with MHA through payments, and saved itself \$250,000 when it converted its application to the NC2-55(M) zone instead of the NC2-65 zone, self-limited to the same 55 foot height it now seeks. *See Argument infra.*

The Owners' remaining claims about views, which is not a factor in SMC 23.34.008.F, are addressed and proven false, in the section discussing SMC 23.34.009.B below.

6. SMC 23.34.008.G – Changed Circumstances

Pages 16-17 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criterion and the inconsistent positions the Owner and SDCI have taken on this issue. Whether or not the Examiner concluded that changed circumstances existed for purposes of this specific section, he obviously relied on the potential for area-wide legislative changes when recommending approval of this rezone.

**7. SMC 23.34.009.A – Height limits of the proposed zone:
Consistency**

Page 17 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criteria. SMC 23.34.009.A states that "Height limits shall be consistent with the type and scale of development intended for each zone classification." The use of "shall" makes this a mandatory criterion. SMC 23.34.007.

The Examiner observed that the proposal's residential "uses" would be consistent with the type and scale of development in the vicinity and the proposed NC2-55 zoning but he said nothing about consistency of the height limits that are the subject of this criteria. The Owners again misstated one of Appellants' arguments and entirely ignored the other. Response at 16.

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Because the NC2-55 zone does not yet have final development standards, there is no way to know whether a 55-foot building topped with a massive 12-foot greenhouse would be “consistent with” or even allowed in the final NC2-55 legislation if such legislation ever is implemented in this area. But the building as presently designed in not consistent with the current draft NC2-55 legislation because it does not comply with the setbacks that would be required to minimize the impact of the additional height of a 55 foot zone adjacent to a single family zone.

8. SMC 23.34.009.B – Topography of the area and its surroundings

Page 17 of the Appeal details Appellants’ specific objections to the Examiner’s conclusions regarding this criterion. SMC 23.34.009.B states that “[h]eight limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.” (Emphasis added.) The use of “shall” makes this a mandatory criteria. SMC 23.34.007.

The Examiner concluded that the proposed structure “may impact territorial views from adjacent properties. But he provided no discussion of the views of the Olympic Mountains that would be unlawfully blocked by this project (but not by projects built to the current NC2-40 Zone.) in violation of SMC 23.47A.012.A.1.c, nor did he acknowledge photographic evidence submitted directly to the Examiner that proved the 7009 project would block Olympic Mountain views from neighboring properties, views that would not be blocked by construction of a NC2-40 building on that site.

SMC 23.47A.012.A.1.c states that “[t]he Director shall reduce or deny the additional structure height allowed by this subsection . . . if the additional height would significantly block views from neighborhood residential structures of any of the following [including] the Olympic and Cascade Mountains. . .” (Emphasis added.)

The Owners once again employ a sleight-of-hand misrepresentation to avoid Appellants’ inconvenient proof of view blockage. The Owners quote only three words of the Appellants’ appeal on this topic and leave off the remaining material portion. Specifically, the Owners say only that Appellants allege error because the Examiner “ignored written testimony.” But they omit the remainder of the quoted sentence: “and photographic evidence that demonstrated that the extra height in a rezone would block protected views of the Olympic Mountains from properties across the street to the east, views that are specifically protected in the NC2-40 zone in which this project currently lies. SMC 23.47A.012.A.1.c.” (Emphasis added).

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The Owners then offer only a laugh-out-loud defense that Appellants claim that this section “creates ‘protected’ views” and that “This is a zoning provision and does not create ‘protected’ views, and is not relevant to the rezone discussion.” Response at 17.

Elsewhere, the Owners make the demonstrably false statements that “[a]ll substantial evidence in the record shows that views will not be blocked as a result of the rezone (or, to put it differently, as a result of the difference between a 40-foot tall and a 55-foot tall building);” and that “Any views would be at least partially blocked as a result of a 40-foot tall building, so the 55-foot tall building has no significant impact to views.” Response at 15.

Perhaps the Owners did not review the Record before writing those statements. Exhibit 53, the Public Comments Received by the Examiner, contains photographic evidence proving that the proposed 7009 building would block Olympic Mountain views where a building built to the maximum height in the NC2-40 zone would not block those views. See Tab 2 (Ex. 53, at 11, a photograph of the view from the rooftop of Hendon Condos at 6800 Greenwood Avenue North (one block south of the 7009 site) showing the Olympic Mountains visible over the rooftop of the Fini Condos directly across Greenwood Avenue, which is built to the identical maximum height in a NC2-40 zone as the Hendon Condos, and showing how the additional height of the 7009 building would wall off that view entirely because that additional height is equal to or greater than the height of the elevator shaft and umbrella on the Fini rooftop that extend above the mountain view. See also *id.* at 7-9 (applicable pages of Supplemental Comments from Esther Bartfeld regarding the unlawful view blockage and explanation of accompanying photo of westward Olympic Mountains view taken from the roof of Hendon Condos).

If the Owners of the 7009 site were building in the NC2-40 zone, they would be required to produce a view study proving that the additional height allowed in the NC2-40 zone. But with their rezone application, no one investigated the issue or required a view study. The owners of properties east and northeast of the 7009 site would continue to enjoy views of the Olympic Mountains if the 7009 site were developed as an NC2-40 parcel. But if the site contract rezone request is approved, those same owners would be denied those views (and the substantial value associated with them) and left looking into the fifth floor units with their soaring ceiling heights, and a massive rooftop greenhouse instead of the otherwise protected Olympic Mountain views. SMC 23.34.009.B. is a mandatory rezone criterion that cannot be ignored as it was here given the substantial and uncontroverted evidence showing the likelihood of view blockage.

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9 **SMC 23.34.009.C, D – Height and Scale of the proposed rezone**

Pages 17-19 of the Appeal details Appellants' specific objections to the Examiner's conclusions regarding this criteria. SMC 23.34.009C. 2 requires permitted height limits to be compatible with the "predominant height and scale of existing development". And SMC 23.34.009.D states that "Height limits shall be compatible with actual and zoned heights in surrounding areas" and that "a gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in 23.34.008.D.2 are present." The use of "shall" makes this a mandatory criteria. SMC 23.34.007.

The Examiner simply asserted without support, that the proposed development -- at a zone height of 55 feet but actual height of almost 70 feet with the rooftop greenhouse that the Examiner failed to mention -- would be "consistent" with the nearby height of nearby development when substantial evidence in the record readily undermines that conclusion. *See e.g.*, Tab 1 (map of Greenwood Phinney Urban Village showing uniform zoning of NC2-40 all along Greenwood, with the nearest 65 foot zone almost a mile to the north, and all NC2-40 parcels backed by lots in the single family zone.).

The Examiner also asserted, again with any support and in spite of substantial evidence to the contrary, that the 7009 building would be "compatible" with "most" of the actual and "potential" zoned heights in the area. That analysis is not what this mandatory provision requires and it is a fatal error. The Examiner also made another fatal flaw by failing to even mention the mandatory gradual transition in height and scale that SMC 23.34.D.2 requires absent a "major physical buffer." *See* Appeal at 18-19. As the substantial evidence in the record indicates – specifically the Owners own plan sets – there is no transition whatsoever between **zones**. The five story building is built right on the shared property line. Moreover, SDCI had indicated in a Correction Notice dated April 4, 2017, that "it is unclear how the proposed rezone meets this criteria. The code states permitted heights shall be compatible with predominant height and scale of existing development, actual and zoned heights in the surround[sic] area." *See* Tab 13. Nothing has changed since that time. But both SDCI and the Examiner decided to simply deem the project "compatible" regardless of the evidence. The Council should not be fooled.

The Owners yet again misrepresent Appellants' argument, claiming that Appellants object because the 7009 building would be "taller than the 40 foot zone" and then assert their building isn't that much taller. Response at 17. And the best they offer as a defense is that an overall height difference of 15 feet "can be considered "compatible." Response at 17. That conclusory observation would wipe out all need for rezone criteria, including mandatory criteria, if every 15 foot height difference was deemed "compatible"

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regardless of the surrounding area. Similarly the Owners proclaim the Examiner's analysis of SMC 23.34.009.D "spot-on" even though he failed to mention one of the mandatory criteria – gradual transitions unless major physical buffers exist – a missing mandatory criteria that dooms this rezone application.

Weighing all of the rezone criteria in SMC 23.34.007-009, it is clear that the Examiner erred. The rezone application should be denied.

E. If the Council decides to grant the 7009 rezone despite the substantial evidence in the record proving such a decision unlawful, it should shrink the building size by requiring compliance with all Code provisions for Commercial lots, and remove the greenhouse and prohibit any use of the single family lots for access, or any other uses that expand the envelope of allowable uses on the NC parcels alone.

The Owners make the preposterous allegation that Appellants "forgot" that the Council makes the rezone decision and that the Council may condition a rezone consistent with SMC 23.34.004. Response at 18. To the contrary, Appellants specified the deficiencies in the Examiner's recommended conditions for a PUDA in Section IV.C, Appeal at 19, and then offered specific conditions for the Council to incorporate into a PUDA in the event the Council decides to rezone this parcel. Appeal at 9-10 (Item #2). Of course the Owners contradicted their absurd accusation two sentences later by urging the Council to reject the conditions that Appellants suggested. Response at 18.

The Owners also accuse Appellants of attempting "an end-around to evade their failure to appeal the zoning decision." Response at 18. Although it is unclear what deadline Appellants allegedly missed given that this is a quasi-judicial appeal of the Examiner's Recommendation, not an administrative MUP appeal, it is very clear that the Owners desperately want to avoid having the Council review their fictitious development site ruse that SDCI enabled and the Examiner ignored entirely. There is no portion of the Examiner's Recommendation that is unreviewable by the Council and automatically deemed valid as the Owners allege.

But even if the Owners were correct that these unspecified "zoning provisions" were "now valid," nothing prohibits the Council from imposing, through a PUDA, the same Code requirements that should have been applied in the first instance to prohibit a building of this size. SMC 23.34.004.A authorizes the Council to require the recording of a PUDA containing "restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone." The

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restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.” *Id.*

All of Appellants’ proposed PUDA conditions adhere to this requirement. Appellants suggested three conditions at a minimum for the PUDA. Appeal at 20. First, Appellants suggested that the PUDA require that the building comply with the requirements of specified sections of SMC 23.47A.014.B regarding setbacks and other features on buildings located on NC lots that abut a lot in a single family zone. This would require shrinking the building to fit the NC parcels that are proposed for rezone.

Under Appellants’ proposed PUDA conditions, the Owners would be: (1) prohibited from building in the 15-foot setback triangle adjacent to the vacant single family lot at the southwest corner (where it now has a driveway); (2) required to set back the second through fourth floors on the west side 15 feet from the property line instead of being built right on the property line in the current proposal, and the fifth floor and all rooftop features would have to be set back even further, at a rate of 2 feet per 10 feet of height above 40 feet; and (3) prohibited from having windows and doors on the first floor of the west side adjacent to the single family zone unless the first floor was set back at least five feet from the property line. Such restrictions on the size of the building would preserve the setbacks and air and light corridors in that block (and the blocks to the north), where the zoning boundary runs due north/ south and aligns exactly with the rear property lines of the commercial lots fronting Greenwood and the single family lots in the adjacent single family zone.

To comply with the currently proposed MHA legislation for NC2-55 zones, the Council should consider imposing even greater upper level setbacks consistent with the proposed MHA legislation. This would require setbacks of 3 feet per 10 feet of height above the 40 foot building height instead of the 2 feet rate in the current Code. As noted in the Director’s Report on MHA, which specifically called out the unique Phinney Ridge edge condition, these greater setbacks would help “preserve more light into adjacent property when NC zones abut single-family zones.” *See* Tab 11; *see also* Tab 1 (Greenwood/Phinney Urban Village Map).

Next Appellants recommended that the massive rooftop greenhouse that raises the height of the building to almost 70 feet, be eliminated or moved to the ground, and the height of the solar array reduced. These requests, too, directly relate to the impacts of these rooftop features. The greenhouse appears to be less than 15 feet from the adjacent single family zone, a location where no portion should be at all pursuant to SMC 23.47A.014.B.3. It should also be obvious that, regardless of this Code provision, a discretionary rooftop feature that creates an almost 70-foot tall building adjacent to a

REPLY MEMORANDUM
IN SUPPORT OF NOTICE OF APPEAL (corrected)
to Seattle City Council
by Irene Wall and Bob Morgan
of the Findings and Recommendation by the Seattle Hearing Examiner of a rezone of
property at 7009 Greenwood Avenue North (CF314356)
Page 26 of 26

single family zone is inappropriate and intrusive and should be curtailed through a PUDA. Appellants are not aware of any other building in the City where a 425 square foot, 12-foot high greenhouse (allegedly devoted to food production) has been placed anywhere on the rooftop of a commercial lot adjacent to a single family zone.

The solar arrays, too, add substantial height on the Greenwood Avenue side to what would already be the tallest building within almost a mile of uniformly zoned buildings. A PUDA condition limiting the height even further would directly relate to the impacts of this rooftop feature.

The Owners claim that the greenhouse and solar panels were “already adjusted to minimize any potential impacts,” but that is merely their assertion. Consistent with SMC 23.34.004.A, the Council may – and should – impose Appellants’ requested conditions in a PUDA. The applicable criteria for PUDA conditions is stated in SMC 23.34.004.A, and Appellants’ request meets that criteria and would help mitigate the impact of upzoning an isolated parcel in an otherwise uniformly zoned area that should have no individual rezones at all.

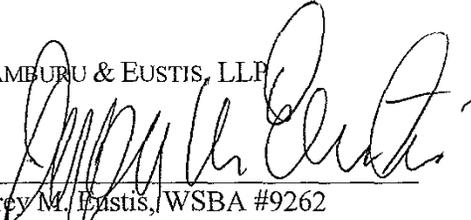
IV. CONCLUSION

The Examiner’s Recommendation is not supported by substantial evidence. To the contrary, there is substantial evidence in the record that demonstrates the Examiner’s numerous errors of fact and law and undermines the Examiner’s Recommendation. The substantial evidence in the record, combined with a proper application of the applicable Land Use Code provisions confirms that the Council should deny this rezone.

But in the event that the Council decides to approve the rezone, it should adopt Appellant’s proposed rezone conditions, as further enhanced in this Reply, to mitigate the impacts of rezoning an isolated parcel in a uniformly zoned area that is surrounded by single family zoning.

Dated this 17th day of July, 2018.

ARAMBURU & EUSTIS, LLP

By 

Jeffrey M. Eustis, WSBA #9262

Attorneys for Irene Wall and Bob Morgan



SEATTLE CITY COUNCIL

Planning, Land Use, and Zoning Committee

Agenda

Wednesday, July 18, 2018

9:30 AM

Public Hearing

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Rob Johnson, Chair
Mike O'Brien, Vice Chair
Lisa Herbold, Member
M. Lorena González, Alternate

Chair Info: 206-684-8808; Rob.Johnson@seattle.gov

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Council Chamber Listen Line: 206-684-8566

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SEATTLE CITY COUNCIL
Planning, Land Use, and Zoning Committee
Agenda
July 18, 2018 - 9:30 AM
Public Hearing

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council/committees/planning>

This meeting also constitutes a meeting of the Full Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Please Note: Times listed are estimated

A. Call To Order

B. Chair's Report

(5 minutes)

C. Public Comment

(10 minutes)

Items 8-11, CF 314311, CB 119303, CF 314356, and CF 314346, are Quasi-Judicial and the City Council Rules prohibit public comment on proposals subject to quasi-judicial proceedings.

D. Items of Business

1. Appt 01051 **Appointment of Aaron Argyle as member, Seattle Design Review Board, for a term to April 3, 2020.**

Attachments: Appointment Packet

For Items 1-6: Discussion and Possible Vote (15 minutes)

Presenter for Items 1-6: Lisa Rutzick, Seattle Department of Construction and Inspections

2. Appt 01052 **Appointment of Dennis T. Comer as member, Seattle Design Review Board, for a term to April 3, 2020.**

Attachments: Appointment Packet

Discussion and Possible Vote

3. Appt 01053 **Appointment of Azzurra Cox as member, Seattle Design Review Board, for a term to April 3, 2020.**

Attachments: Appointment Packet

Discussion and Possible Vote

4. Appt 01054 **Appointment of Jeffrey Floor as member, Seattle Design Review Board, for a term to April 3, 2020.**

Attachments: Appointment Packet

Discussion and Possible Vote

5. Appt 01055 **Appointment of Sharon Khosla as member, Seattle Design Review Board, for a term to April 3, 2020.**

Attachments: Appointment Packet

Discussion and Possible Vote

6. Appt 01056 **Appointment of Kenny Pleasant as member, Seattle Design Review Board, for a term to April 3, 2020.**

Attachments: Appointment Packet

Discussion and Possible Vote

7. CB 119294 **AN ORDINANCE approving and authorizing an amendment to the Development Agreement between The City of Seattle and the Central Puget Sound Regional Transit Authority for real property above and adjacent to the Capitol Hill station; and ratifying and confirming certain prior acts.**

Attachments: Ex A - First Amendment to Development Agreement

Supporting

Documents: Summary and Fiscal Note

Central Staff Memo (07/18/18)

Briefing, Public Hearing, and Possible Vote

Presenters: Thomas Mack and Laurie Olson, Office of Housing; Ketil Freeman, Council Central Staff

8. CF 314311 **Application of 5201 Rainier LLC for approval of a contract rezone of an approximately 24,000 sf site located at 5201 Rainier Avenue South from Neighborhood Commercial 2 with 40 foot height limit (NC2-40) to Neighborhood Commercial 3 with a 65 foot height limit and a pedestrian overlay (NC3P 65) (Project No. 3018378; Type IV).**

Attachments: Rezone Application

Central Staff Memo (7/18/18)

Supporting

Documents: Presentation (7/18/18)

Briefing, Discussion, and Possible Vote (15 minutes)

Presenter: Eric McConaghy, Council Central Staff

9. CB 119303 **AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 159 of the Official Land Use Map to rezone property located at 5201 Rainier Avenue South from Neighborhood Commercial 2 with 40-foot height limit (NC2-40) to Neighborhood Commercial 3 with a 65-foot height limit and a M1 suffix (NC3-65(M1)), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Hugh Schaeffer, S+H Works, LLC, C.F. 314311, SDCI Project 3018378)**

Attachments: Exhibit A - Rezone Map
 Exhibit B - Property Use and Development Agreement

Supporting
Documents: Summary and Fiscal Note
 Central Staff Memo (7/18/18)

Briefing, Discussion, and Possible Vote (10 minutes)

Presenter: Eric McConaghy, Council Central Staff

10. [CF 314356](#) **Application of 70th & Greenwood Ave, LLC to rezone an approximately 12,188 square foot site located at 7009 Greenwood Avenue from Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) to Neighborhood Commercial 2 with a 65 foot height limit (NC2 65) (Project No. 3023260; Type IV).**

Attachments: [Rezone Application](#)
[CF 314356 Exhibit List](#)
[CF 314356 Hearing Minutes](#)
[Exhibit 16 - Plan Set](#)
[Exhibit 50 - Copy of Applicant's Presentation 4.30.2018](#)
[Exhibit 53 - Hearing Examiner Public Comment](#)
[Exhibit 54 - SDCI Public Comment 1](#)
[Exhibit 54 - SDCI Public Comment 2](#)
[Exhibit 54 - SDCI Public Comment 3](#)
[Exhibit 54 - SDCI Public Comment 4](#)
[Exhibit 54 - SDCI Public Comment 5](#)
[Exhibit 55 - SDCI Recommendation 4.9.2018](#)
[SDCI Response 7.9.2018](#)
[Wall - Morgan Appeal 6.19.2018](#)
[Applicants Response 7.9.2018](#)
[Hearing Examiner Findings and Recommendation 6.5.18](#)
[Central Staff Memo \(07/18/18\)](#)
[Wall-Morgan Reply Corrected 7.17.2018](#)
[Wall-Morgan Reply 7.17.2018](#)

Supporting Documents: [Presentation \(07/18/18\)](#)

Briefing and Discussion (25 minutes)

Presenter: Ketil Freeman, Council Central Staff

11. [CF 314346](#) **Application of the University of Washington to prepare a new Major Institution Master Plan for the University of Washington Seattle Campus at 4000 15th Avenue NE (SDCI Project No. 3023261, Type IV).**

Attachments: [Notice of Intent](#)
[FINAL Campus Master Plan](#)
[UW CMP Final EIS - Volume 1](#)
[UW CMP Final EIS - Volume 2](#)
[UW CMP EIS - Appendices](#)
[UW 2018 CMP Draft EIS](#)
[FINAL Transportation Discipline Report](#)
[FINAL Transportation Discipline Appendices](#)
[2017 UW Annual Report](#)
[City/Univeristy Community Advisory Committee \(CUCAC\) Report](#)
[SDCI Recommendation](#)
[Corrected Hearing Examiner Findings and Recommendation \(1/17/18\)](#)
[Hearing Examiner Exhibit List](#)
[Petitions for Consideration](#)
[Responses to Petitions](#)
[Replies to Responses to Petitions](#)
[Motions to Intervene](#)
[Central Staff Memo \(07/18/18\)](#)

Supporting Documents: [Presentation \(07/18/18\)](#)

Briefing and Discussion (45 minutes)

Presenter: Lish Whitson, Council Central Staff

E. Adjournment



SEATTLE CITY COUNCIL
CENTRAL STAFF

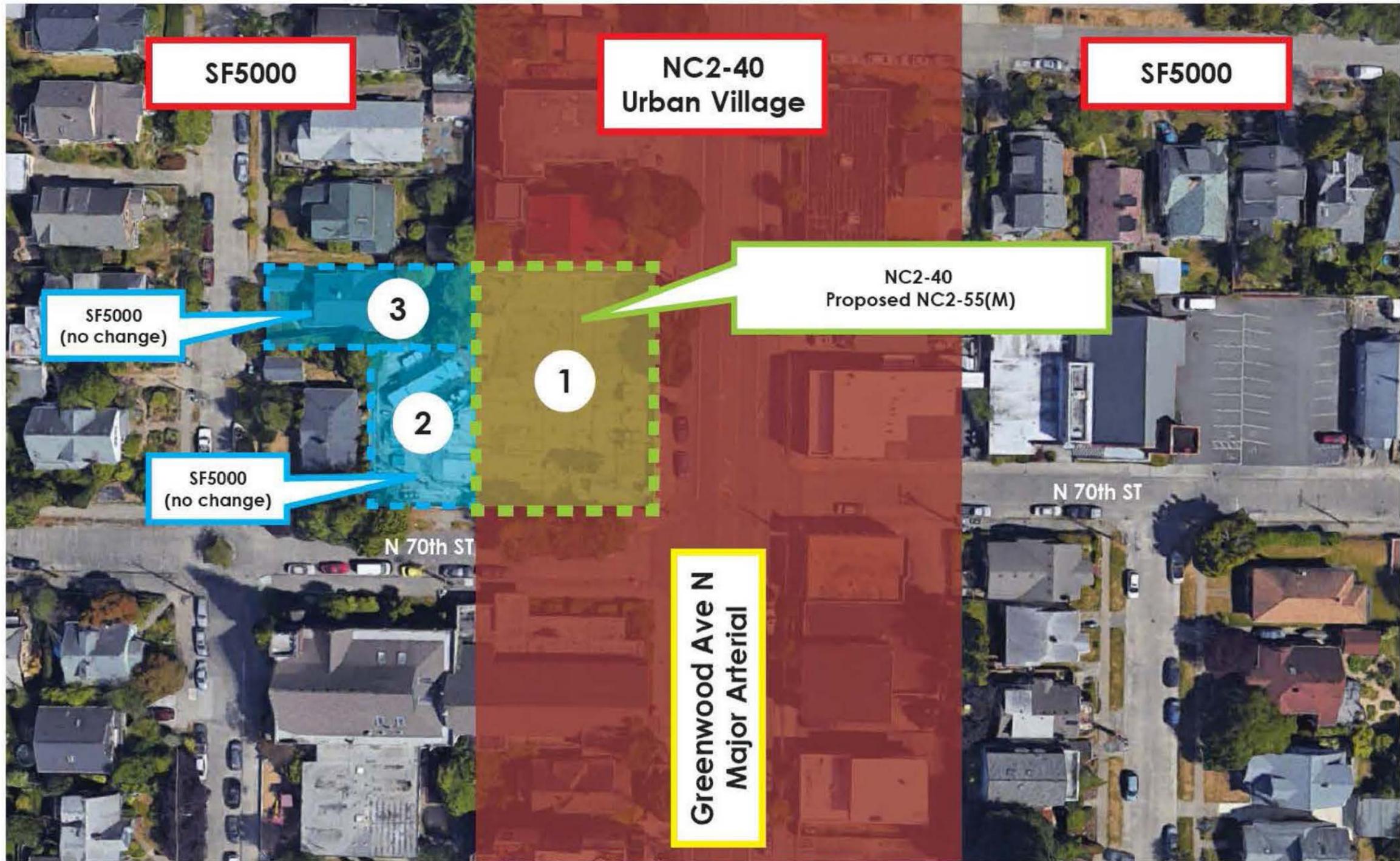
Clerk File 314356 – Contract Rezone and Appeal for 7009 Greenwood Ave North

Planning, Land Use and Zoning Committee | July 18, 2018

Clerk File 314356 – 7009 Greenwood Rezone

Application of 70th & Greenwood Ave, LLC to rezone an approximately 12,188 square foot site located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) to Neighborhood Commercial 2 with a ~~65~~ 55 foot height limit and M Mandatory Housing Affordability suffix (~~NC2-65~~ NC2 55 (M)) (Project No. 3023260; Type IV).

Excerpts from Hearing Examiner's Exhibit 50.



ARCHITECTURAL CONCEPT

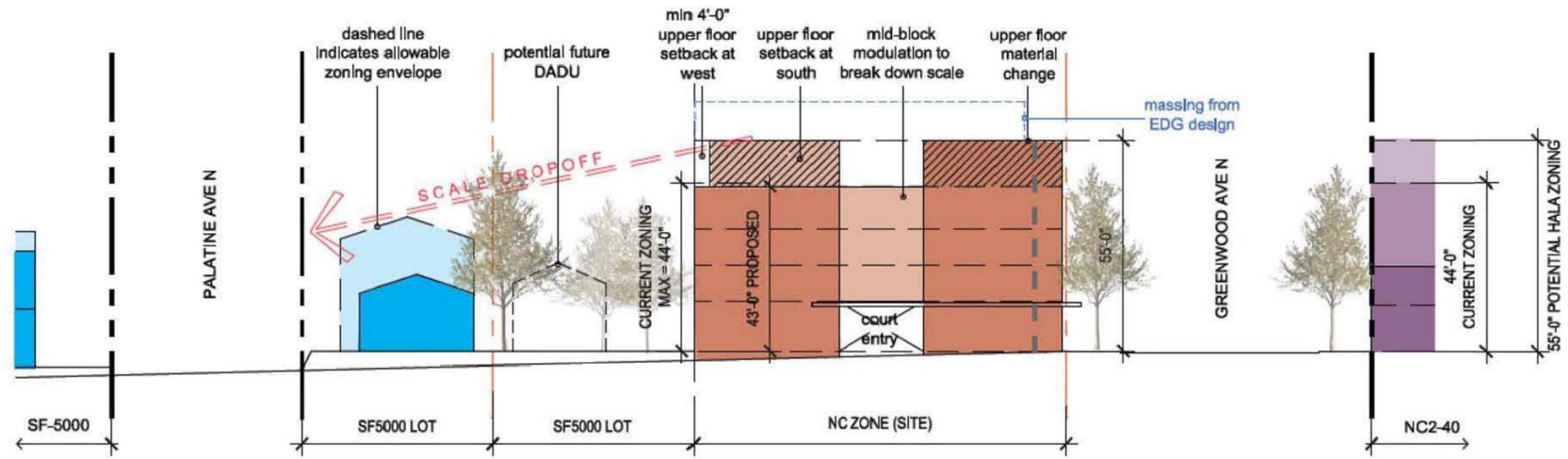
The project development site includes two adjacent single-family parcels that border the entire length of the site to the west. The southwest single family parcel will be landscaped and the northwest single family parcel contains a single-family house that is to remain. The previous pedestrian cut-through from Greenwood Ave N through the interior courtyard to the west single-family parcel has been eliminated to provide more privacy and a buffer between retail and adjacent residential uses. The ground floor courtyard helps break the at-grade expression down to a scale that is on par with the existing fabric of the neighborhood.



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



^ looking NE to project from N 70th St with upper floor setback and mid-block modulation



CURRENT DESIGN: elevation from south (n 70th st)



A looking S along Greenwood Ave N



A looking N along Greenwood Ave N

To: Parties-of-Record
From: Ketil Freeman, Council Central Staff
Date: July 25, 2018
Subject: Notice of Hearing Regarding C.F. 314356; Contract Rezone Application for 7009 Greenwood Avenue North (SDCI Project No. 3023260)

Notice is given that the Seattle City Council's Planning Land Use and Zoning Committee (the Committee) will meet on August 1, 2018 to consider the rezone application of Greenwood Ave, LLC and the appeal filed of the City Hearing Examiner's recommendation to conditionally approve the application.

At the meeting, the Committee **may** make a recommendation to the Full Council.

The meeting will commence at 9:30 a.m. and will be held in City Council chambers, 600 Fourth Avenue, 2nd Floor, in downtown Seattle. The entrances to City Hall are located between James and Cherry Streets on the west side of Fifth Avenue and the east side of Fourth Avenue. Print and communications access for Council meetings is provided on prior request. Please contact Noah An at (206) 256-6267 or via e-mail at noah.an@seattle.gov as soon as possible to request accommodations for a disability.

On the Monday before the meeting, a detailed agenda will be available on the Council's website: www.seattle.gov/council/com_assign.htm (click on "View Agendas" in the section on the Planning, Land Use and Zoning Committee). You can also sign up to receive agendas for Council Committee meetings via e-mail by clicking on "Sign up for Agendas."

* * *

Consideration of this application and appeal is a quasi-judicial action of the City Council and is subject to the Council's Quasi-judicial Rules. The Council's Quasi-judicial Rules were adopted by Resolution 31602 and are available at <http://clerk.seattle.gov/~public/CouncilRules.htm>. Copies of Resolution 31602 can also be obtained from the City Clerk's Office at 600 4th Avenue, 3rd Floor. The Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, and may also be reached at 206.684.8344.

If you have any other questions, please call me at (206) 684-8178 or contact me by email at ketil.freeman@seattle.gov.

**BEFORE THE CITY COUNCIL
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached NOTICE OF CITY COUNCIL COMMITTEE HEARING to each person listed below in the matter of the APPLICATION OF 70TH & GREENWOOD AVE, LLC TO REZONE AN APPROXIMATELY 12,188 SQUARE FOOT SITE LOCATED AT 7009 GREENWOOD AVENUE FROM NEIGHBORHOOD COMMERCIAL 2 WITH A 40 FOOT HEIGHT LIMIT (NC2 40) TO NEIGHBORHOOD COMMERCIAL 2 WITH A 65 FOOT HEIGHT LIMIT (NC2 65) (PROJECT NO. 3023260; TYPE IV), CLERKS FILE 314356, in the manner indicated.

Party	Method of Service
Applicant Legal Counsel Jessica Clawson Jessie@mhseattle.com David Fuchs dfuchs@johnstonarchitects.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Appellant Appellants Legal Counsel Jeffrey M. Eustis eustis@aramburu-eustis.com Irene Wall iwall@serv.net Bob Morgan bmorgan@comcast.net	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department Lindsay King SDCI Lindsay.king@seattle.gov Tami Garrett SDCI Tami.garrett@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: July 25, 2018



Ketil Freeman, Legislative Analyst

July 30, 2018

MEMORANDUM

To: Planning, Land Use and Zoning Committee
From: Ketil Freeman, Council Central Staff
Subject: Clerk File (CF) 314356 – Contract Rezone Application and Appeal for 7009 Greenwood Ave North

On August 1, 2018, the Planning, Land Use, and Zoning Committee (Committee) will consider an application by 70th & Greenwood Ave, LLC (Applicant) to rezone a property located at 7009 Greenwood Avenue North (Property) from Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) to Neighborhood Commercial 2 with a 55-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC2 55 (M)) and an appeal of that application by Irene Wall and Bob Morgan (Appellants). The Committee heard oral argument on appeal issues on July 18, 2018.

To allow the option for an affirmative Committee recommendation on August 1, 2018, staff has drafted Council Bill (CB) 119323 approving the rezone and accepting a Property Use and Development Agreement (PUDA). Any recommendation by the Committee to conditionally approve the rezone, with or without modifications to the Hearing Examiner's recommended conditions, requires a bill. A recommendation to deny the rezone does not require a bill.

This memorandum (1) provides an overview of the application to rezone the Property; (2) sets out procedural standards, such as the type of action, standard of review, and burden of proof that apply to the Council's decision; (3) summarizes issues on appeal; and (4) sets out two options for Committee consideration.

Overview

The Applicant has applied for a Mater Use Permit (MUP), including a contract rezone, for an approximately 21,000 square foot site located at 7009 Greenwood Avenue North. The Property has two zone designations: the western half of the Property is zoned NC2 40 and the eastern half of the Property is zoned Single Family 5000 (SF 5000). The Applicant is seeking to rezone the NC2 40 portion of the Property to NC2 55 (M). No rezone is proposed for the SF 5000 portion of the Property. The NC2 40-zoned portion of the Property is cleared; part of the SF-5000 zoned portion is currently developed with a single-family house and detached garage.

The Applicant plans to redevelop the Property with a 35-unit apartment building with approximately 6,000 square feet of retail space surrounding an interior courtyard. The Applicant proposes to participate in the multi-family tax exemption program, which would require that 20 percent of units be affordable to households at 60 to 80 percent of area median income. Sixty percent of the units are proposed to have two or more bedrooms. The building would have below-grade parking for 26 vehicles. The proposed structure would be approximately five stories tall with a deck, solar array, and greenhouse located on the roof.

The Applicant filed a rezone application in December 2016. That original application contemplated a rezone to a zone designation with a 65-foot height limit. The Applicant revised the application in February 2018 to seek a 55-foot height limit. On April 9, 2018, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative rezone recommendation, State Environmental Policy Act decision, and design review decision. The Hearing Examiner held an open record hearing on the rezone recommendation on April 30, 2018. Eight people testified at the hearing, with testimony both for and against the proposal. On June 5, 2018, the Hearing Examiner issued a recommendation to Council to approve the rezone subject to conditions in a Property Use and Development Agreement (PUDA). On June 19, 2018, the Appellants filed an appeal with the City Clerk.

In addition to the testimony at the hearing, the record for the application contains well over 100 individual pieces of public comment related to the project. This includes comments received by SDCI¹ and the Hearing Examiner².

Procedural Matters

Type of Action and Materials in the Record

A Council decision on a contract rezone is a quasi-judicial action. A quasi-judicial action is, “an action of the City Council that determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.”³ Quasi-judicial actions are subject to the state Appearance of Fairness Doctrine prohibiting *ex-parte* communication. Council decisions must be made on the record established by the Hearing Examiner. 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.

The entire record is available for review in my office at Councilmembers’ convenience. SDCI’s recommendation; the Hearing Examiner’s exhibit list; minutes of the hearing; a full plan set; other, but not all, exhibits; and the Hearing Examiner’s recommendation are available in [CF 314356](#). An audio recording of the hearing is also available through the Hearing Examiner at [HE File Number CF-314356](#).⁴

Pursuant to the Seattle Municipal Code, when the Hearing Examiner’s recommendation is appealed, the Council must issue its decision within 120 days of receiving the Hearing Examiner’s recommendation, meaning the Council must act by October 4, 2018.⁵

Standard of Review and Burden of Proof

In making its decision on a quasi-judicial rezone application, the Council applies the *substantial evidence standard of review*. This means that the Council’s decision to approve, approve with conditions, or deny

¹ Hearing Examiner’s Exhibit 54, available at <https://seattle.legistar.com/LegislationDetail.aspx?ID=2818084&GUID=EAC1BA09-5631-4BB3-B250-D358930231DE&Options=Advanced&Search>

² Hearing Examiner’s Exhibit 53, available at <https://seattle.legistar.com/LegislationDetail.aspx?ID=2818084&GUID=EAC1BA09-5631-4BB3-B250-D358930231DE&Options=Advanced&Search>

³ Council Quasi-judicial Rules II.I.

⁴ <https://web6.seattle.gov/Examiner/case/CF-314356>

⁵ [Seattle Municipal Code \(SMC\) 23.76.005.D.3.](#)

the recommendation must be supported by substantial evidence in the record. The Appellant bears the burden of proving that the Hearing Examiner's recommendation should be rejected or modified.⁶

Amended Clerk File Title

CF 314356 contains the application to rezone the Property. The original CF title does not accurately reflect the proposal as it was revised in February. The title should be revised as follows:

Application of 70th & Greenwood Ave, LLC to rezone an approximately 12,188 square foot site located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) to Neighborhood Commercial 2 with a 65 55 foot height limit and M Mandatory Housing Affordability suffix (NC2-65 NC2 55 (M)) (Project No. 3023260; Type IV).

With these revisions, the CF title would accurately reflect the requested zoning designation and the addition of the MHA suffix to reflect the inclusionary zoning requirement.

Issues on Appeal

Issues on appeal are briefly summarized below. This summary is not intended to be exhaustive. Full copies of the appeal, responses to the appeal by the Applicant and SDCI, and a reply by the Appellants are contained in Clerk File 314356.

Issues

The Appellants assert that the Hearing Examiner's recommendation contains multiple errors. Among others, issues raised by the Appellants include:

- Whether the Hearing Examiner erred by recommending a rezone to the NC2 55 (M) zone designation;
- Whether the Hearing Examiner's findings of fact and conclusions related to application of rezone criteria are in error; and
- Whether the Hearing Examiner's recommended conditions related to rooftop features and affordable housing are sufficient.

Relief sought by the Appellants includes denying the application to rezone the Property or, alternatively, including conditions in the PUDA requiring setbacks from the adjacent single-family zone and reduced height of rooftop features.

Options

This memorandum sets out two mutually exclusive options for Committee consideration: (1) affirming the Hearing Examiner's recommendation to conditionally grant the application or (2) modifying the Hearing Examiner's recommendation to require setbacks above the first level at the boundary between the SF 5000 and proposed NC2 55 (M) zones.

⁶ [SMC 23.76.056.A](#).

Affirm

The option to affirm would adopt the Hearing Examiner's findings and conclusions and conditionally grant the rezone. Rezone conditions would include a requirement that the developed project comply with the final approved plans and would establish MHA performance and payment requirements. A draft Findings, Conclusions, and Decision affirming the Hearing Examiner's recommendation is provided on Attachment 1.

Modify

The option to modify the Hearing Examiner's recommendation would adopt the Hearing Examiner's findings and would replace a conclusion related to the zone transition at the west side of the mixed-use building between the SF 5000 and the proposed NC2 55 (M) zones. Rezone conditions would be the same as the affirm option, with an additional condition that the project be redesigned to include upper level setbacks and a triangular setback along North 70th Street where the SF 5000 and NC2 55 (M) zones abut each other. A draft Findings, Conclusions, and Decision modifying the Hearing Examiner's recommendation is provided on Attachment 2.

If the Committee recommends this option, the Committee should also make corresponding amendments to the PUDA attached to CB 119323.

Attachments

1. Draft Findings, Conclusions, and Decision – Affirm
2. Draft Findings, Conclusions, and Decision – Modify

Attachment 1 - Affirm

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

In the matter of the Petition of	)	C.F. 314356
	)	SDCI Project 3023260
70 th & Greenwood, L.L.C. to	)	FINDINGS, CONCLUSIONS
rezone an approximately	)	AND DECISION
12,188 square foot site located)	
at 7009 Greenwood Avenue)	
North from Neighborhood)	
Commercial 2 with a 40 foot)	
height limit (NC2 40) to)	
Neighborhood Commercial 2)	
with a 55 foot height limit and)	
M Mandatory Housing)	
Affordability suffix (NC2 55)	
(M)) (Project No. 3023260;)	
Type IV).)	
)	
The Appeal by)	
)	
Irene Wall and Bob Morgan)	
)	
)	
Of a Recommendation by the)	
City Hearing Examiner on the)	
rezone petition.)	

Introduction

This matter involves the petition of 70th & Greenwood, L.L.C. (the Applicant) to rezone a site located at 7009 Greenwood Avenue North (the Property). The eastern part of the Property is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) and the western part of the Property is zoned Single Family 5000 (SF 5000). The Applicant proposes to rezone the NC2 40 portion of the property to Neighborhood Commercial 2 with a 55-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC2 55 (M)), as shown on Exhibit A.

The Applicant proposes to develop the Property with a 35-unit apartment building with approximately 6,000 square feet of retail space surrounding an interior courtyard. The building would have below-grade parking for 26 vehicles. The proposed building would be approximately five stories tall with a deck, solar array, and greenhouse located on the roof. An existing single-family house and detached structure, which are located on the SF-5000 zoned portion of the Property are proposed to remain.

On April 9, 2018, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone subject to conditions. SDCI also issued a State Environmental Policy Act (SEPA) decision and design review decision.

The Hearing Examiner held an open record hearing on the rezone recommendation on April 30, 2018. On June 5, 2018, the Hearing Examiner recommended that the Council conditionally approve the rezone petition. On June 19, 2018, Irene Wall and Bob Morgan appealed the Hearing Examiner's recommendation to the Council. In meetings on July 18 and August 1, 2018, the Planning, Land Use and Zoning Committee heard oral argument on the appeal and made a recommendation to the Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated June 5, 2018, and the following additional findings of fact:

1. The Council applies a substantial evidence standard of review when reviewing the Hearing Examiner's recommendation. Seattle Municipal Code (SMC) 23.76.056.A.

2. The Appellant bears the burden of proof in demonstrating that the Hearing Examiner erred in his 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 June 5, 2018.

Decision

The Hearing Examiner's recommendation to conditionally approve the rezone is *affirmed and the rezone is granted* contingent on execution by the owner of the Property of a Property Use and Development Agreement (PUDA) containing those rezone conditions set out below.

In addition to the SEPA and design review conditions from the Hearing Examiner's recommendation, which are incorporated herein by reference, the rezone is subject to the following conditions:

Rezone Conditions

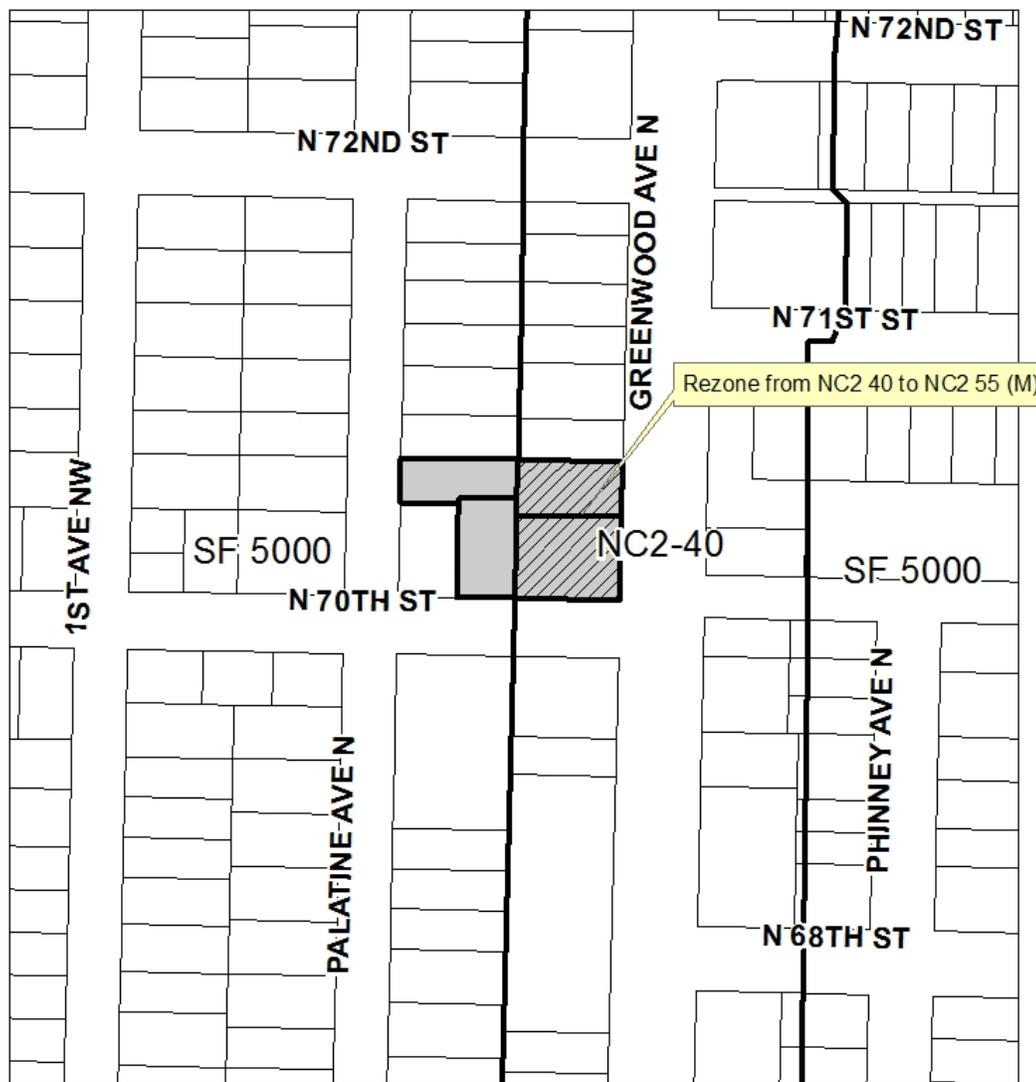
1. Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.
2. The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:

- For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
- For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Dated this _____ day of _____, 2018.

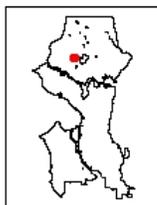
City Council President

Exhibit A



Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



N
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City of Seattle. Prepared July 6, 2018
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Attachment 2 - Modify

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

In the matter of the Petition of	)	C.F. 314356
	)	SDCI Project 3023260
70 th & Greenwood, L.L.C. to	)	FINDINGS, CONCLUSIONS
rezone an approximately	)	AND DECISION
12,188 square foot site located)	
at 7009 Greenwood Avenue)	
North from Neighborhood)	
Commercial 2 with a 40 foot)	
height limit (NC2 40) to)	
Neighborhood Commercial 2)	
with a 55 foot height limit and)	
M Mandatory Housing)	
Affordability suffix (NC2 55)	
(M)) (Project No. 3023260;)	
Type IV).)	
)	
The Appeal by)	
)	
Irene Wall and Bob Morgan)	
)	
)	
Of a Recommendation by the)	
City Hearing Examiner on the)	
rezone petition.)	

Introduction

This matter involves the petition of 70th & Greenwood, L.L.C. (the Applicant) to rezone a site located at 7009 Greenwood Avenue North (the Property). The eastern part of the Property is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) and the western part of the Property is zoned Single Family 5000 (SF 5000). The Applicant proposes to rezone the NC2 40 portion of the property to Neighborhood Commercial 2 with a 55-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC2 55 (M)), as shown on Exhibit A.

The Applicant proposes to develop the Property with a 35-unit apartment building with approximately 6,000 square feet of retail space surrounding an interior courtyard. The building would have below-grade parking for 26 vehicles. The proposed building would be approximately five stories tall with a deck, solar array, and greenhouse located on the roof. An existing single-family house and detached structure, which are located on the SF-5000 zoned portion of the Property are proposed to remain.

On April 9, 2018, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone subject to conditions. SDCI also issued a State Environmental Policy Act (SEPA) decision and design review decision.

The Hearing Examiner held an open record hearing on the rezone recommendation on April 30, 2018. On June 5, 2018, the Hearing Examiner recommended that the Council conditionally approve the rezone petition. On June 19, 2018, Irene Wall and Bob Morgan appealed the Hearing Examiner's recommendation to the Council. In meetings on July 18 and August 1, 2018, the Planning, Land Use and Zoning Committee heard oral argument on the appeal and made a recommendation to the Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated June 5, 2018, and the following additional findings of fact:

1. The Council applies a substantial evidence standard of review when reviewing the Hearing Examiner's recommendation. Seattle Municipal Code (SMC) 23.76.056.A.

2. The Appellant bears the burden of proof in demonstrating that the Hearing Examiner erred in his 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 June 5, 2018, with the exception of conclusion 7, which is not adopted. The Council adopts the following additional conclusions:

1. The zoning and height principles listed in SMC 23.34.008.E and 23.34.009.D are generally aimed at minimizing the impact of more intensive zones on less intensive zones, if possible. They express a preference for a gradual transition between zoning designations, including height limits, if possible, and potential physical buffers to provide a separation between different uses and intensities of development.

The predominant zoning pattern in this neighborhood is a commercial zone with a 40-foot height limit in the urban village adjacent to a single-family zone. In some instances, zone transitions include buffers such as rights-of-way, but in other instances zone transitions occur along shared property lines.

The entire site abuts three streets: Palatine Avenue North, North 70th Street, and Greenwood Avenue North. The overall development pattern illustrates mainly a 40-foot height commercial zoning north and south along Greenwood Avenue North and a decrease in zoning intensity and height to the east and west along North 70th Street.

The rezone of a portion of the site to NC2 55 (M) would allow a gradual transition to the properties to the north, south, and east. The proposed full height modulation will help break down the mass of the building. The transition to the west of the site is less gradual. Most of the lower four floors of the project would be built to the zone boundary for the length of the site with a four-foot setback provided at only the upper floor. A more gradual transition between zones would be achieved by providing a greater setback above the ground floor.

Decision

The Hearing Examiner's recommendation to conditionally approve the rezone is ***modified and the rezone is granted*** contingent on execution by the owner of the Property of a Property Use and Development Agreement (PUDA) containing those rezone conditions set out below.

In addition to the SEPA and design review conditions from the Hearing Examiner's recommendation, which are incorporated herein by reference, the rezone is subject to the following conditions:

Rezone Conditions

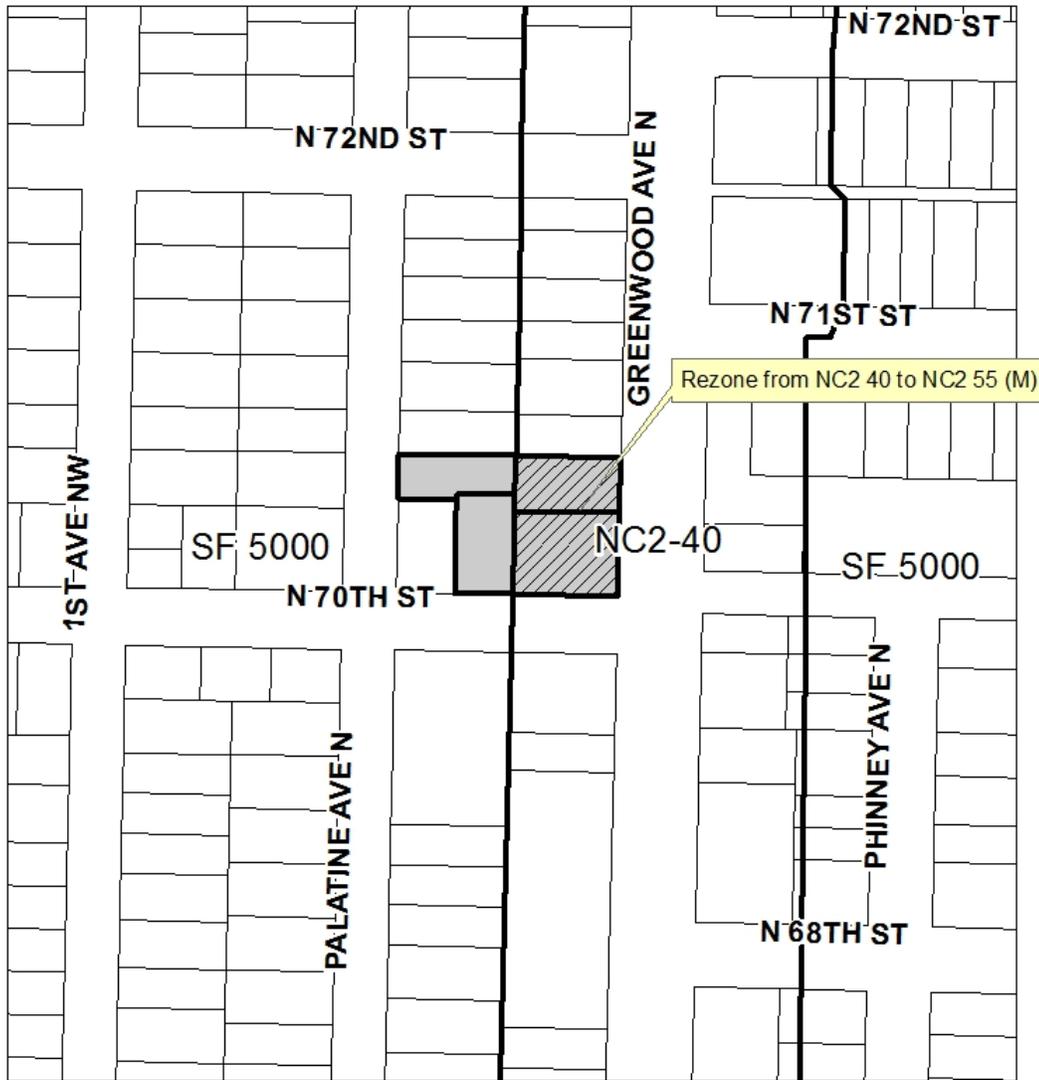
1. Prior to issuance of a Master Use Permit (MUP), the Applicant must revise the plans to provide setbacks from the zone boundary at the western edge of the building that meet the requirements of SMC 23.47A.014.B.
2. Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with MUP No. 3023260, after that application has been revised to comply with condition 1 and once SDCI issues that MUP.

3. The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:
- For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
 - For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Dated this _____ day of _____, 2018.

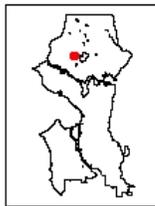
City Council President

Exhibit A



Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



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SEATTLE CITY COUNCIL

Planning, Land Use, and Zoning Committee

Agenda

Wednesday, August 1, 2018

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Rob Johnson, Chair
Mike O'Brien, Vice Chair
Lisa Herbold, Member
M. Lorena González, Alternate

Chair Info: 206-684-8808; Rob.Johnson@seattle.gov

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SEATTLE CITY COUNCIL
Planning, Land Use, and Zoning Committee
Agenda
August 1, 2018 - 9:30 AM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council/committees/planning>

This meeting also constitutes a meeting of the Full Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Please Note: Times listed are estimated

A. Call To Order

B. Chair's Report

(5 minutes)

C. Public Comment

(10 minutes)

D. Items of Business

1. [CF 314356](#) **Application of 70th & Greenwood Ave, LLC to rezone an approximately 12,188 square foot site located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) to Neighborhood Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability suffix (NC2 55 (M)) (Project No. 3023260; Type IV).**

Attachments: [Rezone Application](#)
[CF 314356 Hearing Minutes](#)
[CF 314356 Exhibit List](#)
[Exhibit 16 - Plan Set](#)
[Exhibit 49 - Bartfeld Supporting Documents](#)
[Exhibit 50 - Copy of Applicant's Presentation 4.30.2018](#)
[Exhibit 53 - Hearing Examiner Public Comment](#)
[Exhibit 54 - SDCI Public Comment 1](#)
[Exhibit 54 - SDCI Public Comment 2](#)
[Exhibit 54 - SDCI Public Comment 3](#)
[Exhibit 54 - SDCI Public Comment 4](#)
[Exhibit 54 - SDCI Public Comment 5](#)
[Exhibit 55 - SDCI Recommendation 4.9.2018](#)
[Hearing Examiner Findings and Recommendation 6.5.18](#)
[Wall - Morgan Appeal 6.19.2018](#)
[SDCI Response 7.9.2018](#)
[Applicants Response 7.9.2018](#)
[Wall-Morgan Reply 7.17.2018](#)
[Wall-Morgan Reply Corrected 7.17.2018](#)
[Appellants' Illustrative Exhibit](#)
[Central Staff Memo \(07/18/18\)](#)
[Central Staff Memo \(08/01/18\)](#)
[Unexecuted Findings, Conclusions, and Decision](#)
[Executed Findings, Conclusions, and Decision](#)

Discussion and Possible Vote (20 minutes)

Presenter: Ketil Freeman, Council Central Staff

2. [CB 119323](#) **AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave,**

LLC, C.F. 314356, SDCI Project 3023260)

Attachments: Exhibit A – Legal Description
Exhibit B – Rezone Map
Exhibit C – Property Use and Development Agreement v2

Supporting Documents: Summary and Fiscal Note
Proposed Substitute (added 8/7/18)
Amendment 2 (added 8/7/18)

Discussion and Possible Vote (10 minutes)

Presenter: Ketil Freeman, Council Central Staff

3. Discussion of Draft Tree Protection Ordinance

Supporting Documents: Tree Protection Legislation Working Draft
Central Staff Memo (08/01/18)

Briefing and Discussion (25 minutes)

Presenter: Ketil Freeman, Council Central Staff

4. CF 314346 Application of the University of Washington to prepare a new Major Institution Master Plan for the University of Washington Seattle Campus at 4000 15th Avenue NE (SDCI Project No. 3023261, Type IV).

Attachments: [Notice of Intent](#)
[FINAL Campus Master Plan](#)
[UW CMP Final EIS - Volume 1](#)
[UW CMP Final EIS - Volume 2](#)
[UW CMP EIS - Appendices](#)
[UW 2018 CMP Draft EIS](#)
[FINAL Transportation Discipline Report](#)
[FINAL Transportation Discipline Appendices](#)
[2017 UW Annual Report](#)
[City/Univeristy Community Advisory Committee \(CUCAC\) Report](#)
[SDCI Recommendation](#)
[Corrected Hearing Examiner Findings and Recommendation](#)
[\(1/17/18\)](#)
[Hearing Examiner Exhibit List](#)
[Petitions for Consideration](#)
[Responses to Petitions](#)
[Replies to Responses to Petitions](#)
[Motions to Intervene](#)
[Central Staff Memo \(07/18/18\)](#)
[Central Staff Memo \(08/01/18\)](#)

Discussion (60 minutes)

Presenter: Lish Whitson, Council Central Staff

E. Adjournment



CITY OF SEATTLE

City Council

Agenda

Monday, August 6, 2018

2:00 PM

**Council Chamber, City Hall
600 Fourth Avenue
Seattle, WA 98104**

**Bruce Harrell, Council President
Sally Bagshaw
M. Lorena González
Lisa Herbold
Rob Johnson
Debora Juarez
Teresa Mosqueda
Mike O'Brien
Kshama Sawant**

Chair Info: 206-684-8804; Bruce.Harrell@seattle.gov

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<http://seattle.gov/cityclerk/accommodations>.**



CITY OF SEATTLE

City Council Agenda

August 6, 2018 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 Fourth Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council>

A. CALL TO ORDER

B. ROLL CALL

C. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 171](#)

August 6, 2018

Attachments: [Introduction and Referral Calendar](#)

D. APPROVAL OF THE AGENDA

E. APPROVAL OF THE JOURNAL

[Min 191](#)

July 23, 2018

Attachments: [Minutes](#)

F. PRESENTATIONS

G. PUBLIC COMMENT

Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.

H. PAYMENT OF BILLS

These are the only Bills which the City Charter allows to be introduced and passed at the same meeting.

- CB 119324 AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

I. COMMITTEE REPORTS

Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).

SELECT COMMITTEE ON CIVIC ARENAS:

1. CB 119317 AN ORDINANCE relating to historic preservation; imposing controls upon the Century 21 Coliseum/KeyArena, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Juarez, Bagshaw, González , Herbold, Mosqueda

Opposed: None

Attachments: Att A - Arena Controls & Incentives Boundary Century 21 Coliseum/KeyArena

Supporting Documents: Summary and Fiscal Note
Summary Ex A - Vicinity Map of Century 21 Coliseum/KeyArena

2. CB 119318 AN ORDINANCE relating to historic preservation; imposing controls upon the Bressi Garage, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

**In Favor: 5 - Juarez, Bagshaw, González , Herbold, Mosqueda
Opposed: None**

**Supporting
Documents:**

Summary and Fiscal Note

Summary Ex A - Vicinity Map of Bressi Garage

CIVIC DEVELOPMENT, PUBLIC ASSETS, AND NATIVE COMMUNITIES COMMITTEE:

3. CB 119315 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 920 Randolph Avenue; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

The Committee recommends that City Council pass the Council Bill (CB).

**In Favor: 3 - Juarez, Bagshaw, González
Opposed: None**

**Supporting
Documents:**

Summary and Fiscal Note

Summary Att A - Map of Madrona Ravine Acquisition

4. CB 119321 AN ORDINANCE relating to the Department of Parks and Recreation; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475), including the 2018-2023 Capital Improvement Program (CIP); reallocating funding from the Acquisition Category to the Opportunity Fund Category of the 2008 Parks and Green Spaces Levy; and revising project allocations in the 2018-2023 CIP; all by a 3/4 vote of the City Council.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Juarez, Bagshaw, González

Opposed: None

Attachments: Att 1 - First Hill Park Renovation Project

Supporting Documents:

Summary and Fiscal Note

Summary Att A - Map of First Hill Park

Summary Att B – First Hill CIP Project Page

5. CB 119322 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 7137 38th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Juarez, Bagshaw, González , Herbold

Opposed: None

Supporting Documents:

Summary and Fiscal Note

Summary Att A - Map of Orchard Street Ravine

Acquisition

FINANCE AND NEIGHBORHOODS COMMITTEE:

6. CB 119311 AN ORDINANCE relating to funding for housing and community development programs; adopting the 2018-2022 Consolidated Plan for Housing and Community Development (“Plan”) and authorizing its submission to the United States Department of Housing and Urban Development (HUD); authorizing acceptance of grant funds from HUD for programs and activities included in the Plan; amending Ordinance 124496, which adopted the 2014 Annual Action Plan to the 2014-2017 Consolidated Plan for Housing and Community Development, to repurpose funds to the Office of Economic Development; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475); and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Bagshaw, González , Harrell

Opposed: None

Attachments: Att A: 2018-2022 Consolidated Plan for Housing and Community Development

Supporting

Documents: Proposed Amendment 1
Summary and Fiscal Note

HOUSING, HEALTH, ENERGY, AND WORKERS’ RIGHTS COMMITTEE:

7. CB 119319 AN ORDINANCE relating to the City Light Department’s Advanced Metering Infrastructure (AMI) Program; adding a new Section 21.49.095 to the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Mosqueda, Bagshaw, O'Brien

Opposed: None

Supporting

Documents: Summary and Fiscal Note

8. [Appt 01046](#) Appointment of Pradeepta Upadhyay as member, 2016 Housing Levy Oversight Committee, for a term to December 31, 2018.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

Attachments: [Appointment Packet](#)

9. [Appt 01058](#) Reappointment of Catherine Hillenbrand as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

Attachments: [Appointment Packet](#)

10. [Appt 01059](#) Reappointment of Barbara Nabors-Glass as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

Attachments: [Appointment Packet](#)

11. [Appt 01060](#) Reappointment of Drew Porter as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

Attachments: [Appointment Packet](#)

12. Appt 01061 Reappointment of Robert P. Schwartz as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

Attachments: Appointment Packet

PLANNING, LAND USE, AND ZONING COMMITTEE:

13. [CF 314356](#) Application of 70th & Greenwood Ave, LLC to rezone an approximately 12,188 square foot site located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) to Neighborhood Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability suffix (NC2 55 (M)) (Project No. 3023260; Type IV).

The Committee recommends that City Council grant the Application as conditioned and amended.

In Favor: 3 - Johnson, O'Brien, Herbold

Opposed: None

Attachments: [Rezone Application](#)
[CF 314356 Hearing Minutes](#)
[CF 314356 Exhibit List](#)
[Exhibit 16 - Plan Set](#)
[Exhibit 49 - Bartfeld Supporting Documents](#)
[Exhibit 50 - Copy of Applicant's Presentation 4.30.2018](#)
[Exhibit 53 - Hearing Examiner Public Comment](#)
[Exhibit 54 - SDCI Public Comment 1](#)
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[Exhibit 54 - SDCI Public Comment 5](#)
[Exhibit 55 - SDCI Recommendation 4.9.2018](#)
[Hearing Examiner Findings and Recommendation 6.5.18](#)
[Wall - Morgan Appeal 6.19.2018](#)
[SDCI Response 7.9.2018](#)
[Applicants Response 7.9.2018](#)
[Wall-Morgan Reply 7.17.2018](#)
[Wall-Morgan Reply Corrected 7.17.2018](#)
[Appellants' Illustrative Exhibit](#)
[Central Staff Memo \(07/18/18\)](#)
[Central Staff Memo \(08/01/18\)](#)
[Unexecuted Findings, Conclusions, and Decision](#)

14. CB 119323 AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave, LLC, C.F. 314356, SDCI Project 3023260)

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Johnson, O'Brien, Herbold

Opposed: None

Attachments: Exhibit A – Legal Description
Exhibit B – Rezone Map
Exhibit C – Property Use and Development Agreement

Supporting Documents: Summary and Fiscal Note

J. ADOPTION OF OTHER RESOLUTIONS

K. OTHER BUSINESS

L. ADJOURNMENT

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, August 6, 2018

2:00 PM

Council Chamber, City Hall
600 Fourth Avenue
Seattle, WA 98104

City Council

Bruce Harrell, Council President

Sally Bagshaw

M. Lorena González

Lisa Herbold

Rob Johnson

Debora Juarez

Teresa Mosqueda

Mike O'Brien

Kshama Sawant

Chair Info: 206-684-8804; Bruce.Harrell@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on August 6, 2018, pursuant to the provisions of the City Charter. The meeting was called to order at 2:04 p.m., with Council President Harrell presiding.

B. ROLL CALL

Present: 9 - Bagshaw, González , Harrell, Herbold, Johnson, Juarez, Mosqueda, O'Brien, Sawant

C. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

IRC 171**August 6, 2018**ACTION 1:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar.

ACTION 2:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend the proposed Introduction and Referral Calendar by introducing Resolution 31831, and by referring it to the City Council for consideration at today's meeting as the first item on the Agenda.

Resolution 31831, A RESOLUTION requesting that the Department of Finance and Administrative Services and the Central Budget Office negotiate a contract for Basic Life Support emergency services that includes provisions guaranteeing wage and benefit standards for emergency medical technicians (EMTs); and requesting the draft contract be provided to the City Council for approval prior to its execution.

ACTION 3:

Motion was made by Councilmember Sawant and duly seconded, to amend the proposed Introduction and Referral Calendar by introducing Council Bill 119330, and by referring it to the City Council.

Council Bill 119330, AN ORDINANCE relating to the Pike Place Market Historical District; amending Chapter 25.24 of the Seattle Municipal Code to adopt an interim boundary expansion for the Pike Place Market Historical District.

ACTION 4:

Motion was made by Councilmember Harrell, duly seconded and carried, to amend the Motion in Action 3, by amending the referral of Council Bill 119330 from the City Council to the Finance and Neighborhoods Committee, with a report back to the City Council on August 13, 2018.

ACTION 5:

The Motion in Action 3 was restated as amended and the Motion carried.

ACTION 6:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar as amended.

The Motion carried, and the Introduction & Referral Calendar (IRC) was adopted as amended by the following vote:

In Favor: 9 - Bagshaw, González , Harrell, Herbold, Johnson, Juarez, Mosqueda, O'Brien, Sawant

Opposed: None

D. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

E. APPROVAL OF THE JOURNAL

Min 191 **July 23, 2018**

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 9 - Bagshaw, González , Harrell, Herbold, Johnson, Juarez, Mosqueda, O'Brien, Sawant

Opposed: None

F. PRESENTATIONS

Councilmember Johnson read a Proclamation recognizing Chris Curtis of the University District Farmers Market, and proclaiming August 6, 2018 as Chris Curtis Day. By unanimous consent, the Council Rules were suspended to allow Councilmember Johnson to present the Proclamation, and to allow Chris Curtis to address the Council.

Councilmember González left the Council Chamber at 2:44 p.m.

Councilmember González entered the Council Chamber at 2:47 p.m.

G. PUBLIC COMMENT

Alex Tsimmerman addressed the Council regarding a non-Agenda item.

Marguerite Richard addressed the Council regarding a non-Agenda item.

Emerson Johnson addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Ben Gibberd addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Mia Huber addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Sal Finkelstein addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

John Moore addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Anni Martin addressed the Council regarding Agenda item 5, Council Bill 119322.

Cindi Barker addressed the Council regarding Agenda item 5, Council Bill 119322.

Aden Nardone addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Mike Andrews addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Sally Rawlings addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Nathan Donnel addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Councilmember Juarez left the Council Chamber at 3:06 p.m.

Jake Sisky addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Shannon Welles addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Shane Mitchell addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

By unanimous consent, the Council Rules were suspended to extend the Public Comment period for an additional 20 minutes.

Jay Herezmark addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Misha Dumois addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Lauren LeCuyer addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Josh Williams addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Jamie Worthington addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Barbara Banks addressed the Council regarding Agenda item 5, Council Bill 119322.

Ed Maloney addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Domonic Vescio addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Kit Breach addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Steve Leigh addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Aaron Williams addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Meagan Murphy addressed the Council regarding Introduction and Referral Calendar item, Council Bill 119330.

Matthew Drewry addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Doug Holtom addressed the Council regarding Agenda item 4, Council Bill 119321.

Alex Hudson addressed the Council regarding Agenda item 4, Council Bill 119321.

H. PAYMENT OF BILLS

CB 119324 **AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119324.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

Absent(NV): 1 - Juarez

Motion was made, duly seconded and carried, to excuse Councilmember Juarez from the remainder of the City Council meeting.

Present: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Excused: 1 - Juarez

From the amended Agenda.

J. ADOPTION OF OTHER RESOLUTIONS

Motion was made and duly seconded to suspend the Council Rules to allow public comment for one minute.

The Motion carried by the following vote:

In favor: 6 - Bagshaw, González, Herbold, Mosqueda, O'Brien, Sawant
Opposed: 2 - Harrell, Johnson

Robert Bandarro addressed the Council regarding Introduction and Referral Calendar item, Resolution 31831.

Res 31831

A RESOLUTION requesting that the Department of Finance and Administrative Services, the Seattle Fire Department, and the City Budget Office include in the City's contract for Basic Life Support Emergency Services provisions that provide to emergency medical technicians (EMTs) a prevailing wage and benefits comparable to other emergency workers employed in comparable cities and similar sectors in the City of Seattle; and requesting the departments to provide additional analysis, data, and information.

Motion was made by Councilmember Johnson and duly seconded, to hold Resolution 31831, until August 13, 2018.

The Motion carried, and the Resolution was held until August 13, 2018, by the following vote:

In Favor: 6 - Bagshaw, González, Harrell, Herbold, Johnson, Mosqueda

Opposed: 2 - O'Brien, Sawant

I. COMMITTEE REPORTS

SELECT COMMITTEE ON CIVIC ARENAS:

1. CB 119317 **AN ORDINANCE** relating to historic preservation; imposing controls upon the Century 21 Coliseum/KeyArena, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Juarez, Bagshaw, González , Herbold, Mosqueda
Opposed: None

Councilmember Mosqueda left the Council Chamber at 4:04 p.m.

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Bagshaw, González , Harrell, Herbold, Johnson, O'Brien, Sawant

Opposed: None

Absent(NV): 1 - Mosqueda

2. CB 119318 **AN ORDINANCE** relating to historic preservation; imposing controls upon the Bressi Garage, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Juarez, Bagshaw, González , Herbold, Mosqueda
Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Bagshaw, González , Harrell, Herbold, Johnson, O'Brien, Sawant

Opposed: None

Absent(NV): 1 - Mosqueda

CIVIC DEVELOPMENT, PUBLIC ASSETS, AND NATIVE COMMUNITIES COMMITTEE:

3. CB 119315 **AN ORDINANCE** relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 920 Randolph Avenue; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Juarez, Bagshaw, González

Opposed: None

Councilmember Mosqueda entered the Council Chamber at 4:07 p.m.

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

4. CB 119321 **AN ORDINANCE** relating to the Department of Parks and Recreation; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475), including the 2018-2023 Capital Improvement Program (CIP); reallocating funding from the Acquisition Category to the Opportunity Fund Category of the 2008 Parks and Green Spaces Levy; and revising project allocations in the 2018-2023 CIP; all by a 3/4 vote of the City Council.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Juarez, Bagshaw, González

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

5. CB 119322 **AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 7137 38th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Juarez, Bagshaw, González , Herbold

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

FINANCE AND NEIGHBORHOODS COMMITTEE:

6. CB 119311 **AN ORDINANCE relating to funding for housing and community development programs; adopting the 2018-2022 Consolidated Plan for Housing and Community Development (“Plan”) and authorizing its submission to the United States Department of Housing and Urban Development (HUD); authorizing acceptance of grant funds from HUD for programs and activities included in the Plan; amending Ordinance 124496, which adopted the 2014 Annual Action Plan to the 2014-2017 Consolidated Plan for Housing and Community Development, to repurpose funds to the Office of Economic Development; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475); and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Bagshaw, González , Harrell

Opposed: None

ACTION 1:

Motion was made by Councilmember Bagshaw, duly seconded and carried, to amend Council Bill 119311, Attachment A, by amending the Executive Summary, Section 4, third paragraph, as shown in the underlined language below:

ACTION 2:

Due to the delay in federal allocations for 2018, the draft Consolidated Plan was held for submission to HUD beyond the normal deadline of November 30, 2017. Changes were made to comply with HUD requirements to reflect actual allocation amounts for each of the four federal grant programs. A second public hearing for the 2018-2022 Draft Consolidated Plan was held on July 11, 2018, again in Council Chambers. No comments were received on the revised plan at this hearing. Public comments were also offered at the July 25th Council Finance and Neighborhood Committee. Comments included a statement of support for the Plan as part of addressing the critical needs of homeless people, concerns expressed about HUD’s actions that may reduce the number of public housing units available, and a general statement that housing and service needs are not met regardless of the Plan for people of color.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119311 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

HOUSING, HEALTH, ENERGY, AND WORKERS' RIGHTS COMMITTEE:

Councilmember Herbold left the Council Chamber at 4:15 p.m.

Councilmember Herbold entered the Council Chamber at 4:17 p.m.

7. CB 119319 **AN ORDINANCE relating to the City Light Department's Advanced Metering Infrastructure (AMI) Program; adding a new Section 21.49.095 to the Seattle Municipal Code.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Mosqueda, Bagshaw, O'Brien

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

8. Appt 01046 **Appointment of Pradeepta Upadhyay as member, 2016 Housing Levy Oversight Committee, for a term to December 31, 2018.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

9. Appt 01058 **Reappointment of Catherine Hillenbrand as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

10. Appt 01059 **Reappointment of Barbara Nabors-Glass as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

11. Appt 01060 **Reappointment of Drew Porter as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

12. Appt 01061 **Reappointment of Robert P. Schwartz as member, Capitol Hill Housing Improvement Program Council, for a term to March 31, 2021.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

PLANNING, LAND USE, AND ZONING COMMITTEE:

13. CF 314356 **Application of 70th & Greenwood Ave, LLC to rezone an approximately 12,188 square foot site located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) to Neighborhood Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability suffix (NC2 55 (M)) (Project No. 3023260; Type IV).**

The Committee recommends that City Council grant the Application as conditioned and amended.

In Favor: 3 - Johnson, O'Brien, Herbold

Opposed: None

ACTION 1:

By unanimous consent, Council Rule III.A.7, relating to amendments presented to the City Council at least two hours before the meeting, was suspended to allow consideration of an amendment to Clerk File 314356.

ACTION 2:

Motion was made by Councilmember Herbold and duly seconded, to amend Clerk File 314356, Findings, Conclusions, and Decision of the City Council, by substituting version 2 for version 1.

Councilmember González left the Council Chamber at 4:27 p.m.

Councilmember González entered the Council Chamber at 4:29 p.m.

ACTION 3:

Motion was made and duly seconded to Grant the Application as conditioned and amended.

The Motion carried, and the Application was granted as conditioned and amended by the following vote:

In Favor: 8 - Bagshaw, González, Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

14. CB 119323 **AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave, LLC, C.F. 314356, SDCI Project 3023260)**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Johnson, O'Brien, Herbold

Opposed: None

ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119323, Exhibit C, by substituting an executed Property Use and Development Agreement for the unexecuted Property Use and Development Agreement.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119323, by adding six new recitals, as shown in the underlined language below:

WHEREAS, the Council received an appeal by Bob Morgan and Irene Wall of the Hearing Examiner's recommendation to conditionally approve the rezone;

WHEREAS, the Council determined that the Hearing Examiner did not err in his recommendation to conditionally approve the rezone;

WHEREAS, the appeal raised issues related to an administrative decision by the Seattle Department of Construction and Inspections to establish as a "development site," for the purposes of the application of development standards, the rezone areas and two adjacent single-family parcels;

WHEREAS, the Council has not yet made a policy decision reflected in regulations or definitions in the Land use Code about the implications of "development sites" when a project is proposed for a site that includes a

single-family zone designation and another more intensive zone designation;

WHEREAS, the Council intends to address policy issues related to “development sites;” and

WHEREAS, Council decisions related to contract rezone applications have not precedential; NOW THEREFORE

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119323 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 4:31 p.m.

Emilia M. Sanchez, Senior Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on September 4, 2018.

Bruce Harrell, President of the City Council

Monica Martinez Simmons, City Clerk

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

In the matter of the Petition of	)	C.F. 314356
	)	SDCI Project 3023260
70 th & Greenwood, L.L.C. to	)	FINDINGS, CONCLUSIONS
rezone an approximately	)	AND DECISION
12,188 square foot site located)	
at 7009 Greenwood Avenue)	
North from Neighborhood)	
Commercial 2 with a 40 foot)	
height limit (NC2 40) to)	
Neighborhood Commercial 2)	
with a 55 foot height limit and)	
M Mandatory Housing)	
Affordability suffix (NC2 55)	
(M)) (Project No. 3023260;)	
Type IV).)	
)	
The Appeal by)	
)	
Irene Wall and Bob Morgan)	
)	
)	
Of a Recommendation by the)	
City Hearing Examiner on the)	
rezone petition.)	

Introduction

This matter involves the petition of 70th & Greenwood, L.L.C. (the Applicant) to rezone a site located at 7009 Greenwood Avenue North (the Property). The eastern part of the Property is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) and the western part of the Property is zoned Single Family 5000 (SF 5000). The Applicant proposes to rezone the NC2 40 portion of the property to Neighborhood Commercial 2 with a 55-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC2 55 (M)), as shown on Exhibit A.

The Applicant proposes to develop the Property with a 35-unit apartment building with approximately 6,000 square feet of retail space surrounding an interior courtyard. The building would have below-grade parking for 26 vehicles. The proposed building would be approximately five stories tall with a deck, solar array, and greenhouse located on the roof. An existing single-family house and detached structure, which are located on the SF-5000 zoned portion of the Property are proposed to remain.

On April 9, 2018, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone subject to conditions. SDCI also issued a State Environmental Policy Act (SEPA) decision and design review decision.

The Hearing Examiner held an open record hearing on the rezone recommendation on April 30, 2018. On June 5, 2018, the Hearing Examiner recommended that the Council conditionally approve the rezone petition. On June 19, 2018, Irene Wall and Bob Morgan appealed the Hearing Examiner's recommendation to the Council. In meetings on July 18 and August 1, 2018, the Planning, Land Use and Zoning Committee heard oral argument on the appeal and made a recommendation to the Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated June 5, 2018, and the following additional findings of fact:

1. The Council applies a substantial evidence standard of review when reviewing the Hearing Examiner's recommendation. Seattle Municipal Code (SMC) 23.76.056.A.

2. The Appellant bears the burden of proof in demonstrating that the Hearing Examiner erred in his 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 June 5, 2018.

Decision

The Hearing Examiner's recommendation to conditionally approve the rezone is *affirmed and the rezone is granted* contingent on execution by the owner of the Property of a Property Use and Development Agreement (PUDA) containing those rezone conditions set out below.

In addition to the SEPA and design review conditions from the Hearing Examiner's recommendation, which are incorporated herein by reference, the rezone is subject to the following conditions:

Rezone Conditions

1. Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. This includes maintaining as landscaped open space the area identified on Attachment A as Assessor's Parcel Number 287710-4127. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.
2. The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those

Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:

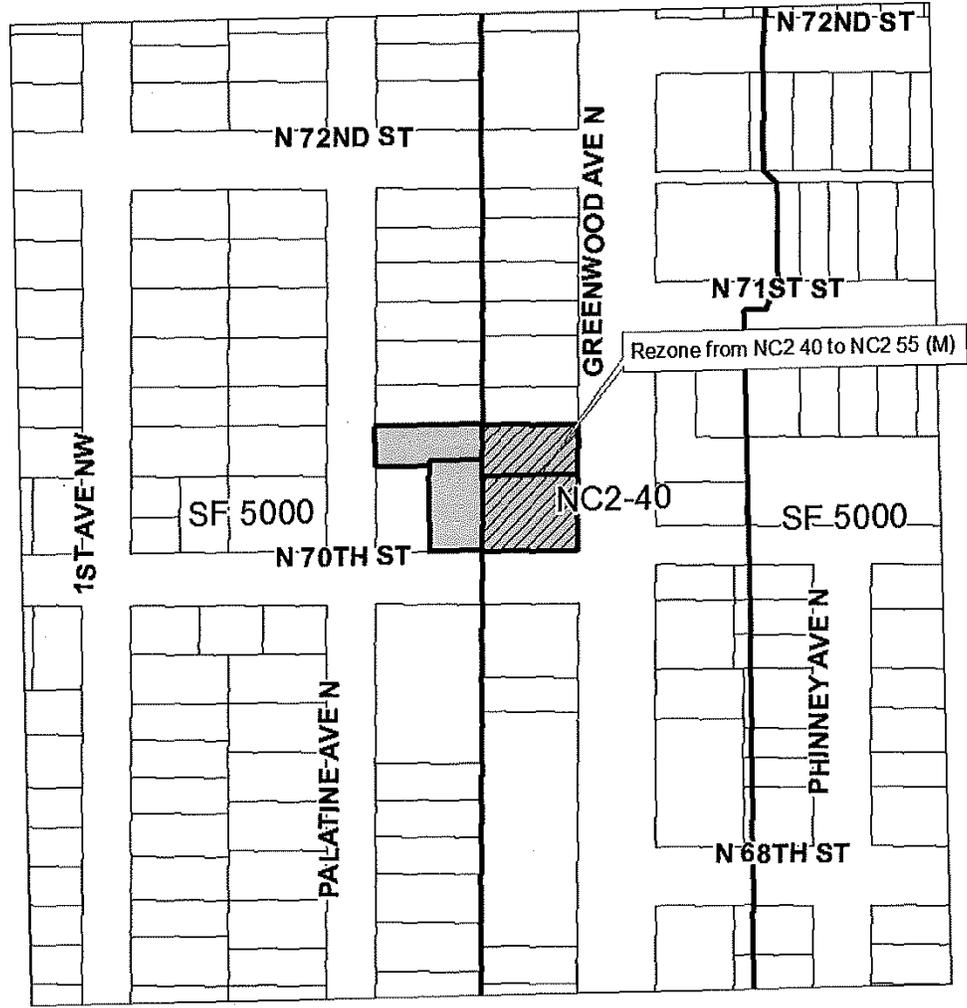
- For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
- For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Dated this 6th day of August, 2018.

A handwritten signature in cursive script that reads "Bruce A. Hamell". The signature is written in black ink and is positioned above a horizontal line.

City Council President

Exhibit A

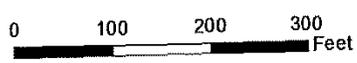


Rezone
 Clerk File 314356
 SDCI Project No. 3023260
 7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



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SEATTLE CITY COUNCIL

Legislative Summary

CB 119323

Record No.: CB 119323

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125640

In Control: City Clerk

File Created: 07/24/2018

Final Action:

Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave, LLC, C.F. 314356, SDCI Project 3023260)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Exhibit A – Legal Description, Exhibit B – Rezone Map, Exhibit C – Property Use and Development Agreement v2

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/24/2018	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	07/25/2018	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
	Notes:						

1	City Council	07/30/2018	referred	Planning, Land Use, and Zoning Committee	
1	Planning, Land Use, and Zoning Committee	08/01/2018	pass		Pass
	Action Text:	The Committee recommends that City Council pass the Council Bill (CB).			
	Notes:	In Favor: 3 Chair Johnson, Vice Chair O'Brien, Member Herbold Opposed: 0			
1	City Council	08/06/2018	passed as amended		Pass

Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119323, Exhibit C, by substituting an executed Property Use and Development Agreement for the unexecuted Property Use and Development Agreement.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119323, by adding six new recitals, as shown in the underlined language below:

WHEREAS, the Council received an appeal by Bob Morgan and Irene Wall of the Hearing Examiner's recommendation to conditionally approve the rezone;

WHEREAS, the Council determined that the Hearing Examiner did not err in his recommendation to conditionally approve the rezone;

WHEREAS, the appeal raised issues related to an administrative decision by the Seattle Department of Construction and Inspections to establish as a "development site," for the purposes of the application of development standards, the rezone areas and two adjacent single-family parcels;

WHEREAS, the Council has not yet made a policy decision reflected in regulations or definitions in the Land use Code about the implications of "development sites" when a project is proposed for a site that includes a single-family zone designation and another more intensive zone designation;

WHEREAS, the Council intends to address policy issues related to "development sites;" and

WHEREAS, Council decisions related to contract rezone applications have not precedential; NOW THEREFORE

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119323 as amended.

In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

2 City Clerk 08/06/2018 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125640

COUNCIL BILL 119323

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave, LLC, C.F. 314356, SDCI Project 3023260)

WHEREAS, the Council received an appeal by Bob Morgan and Irene Wall of the Hearing Examiner's recommendation to conditionally approve the rezone;

WHEREAS, the Council determined that the Hearing Examiner did not err in his recommendation to conditionally approve the rezone;

WHEREAS, the appeal raised issues related to an administrative decision by the Seattle Department of Construction and Inspections to establish as a "development site," for the purposes of the application of development standards, the rezone area and two adjacent single-family parcels;

WHEREAS, the Council has not yet made a policy decision reflected in regulations or definitions in the Land Use Code about the implications of "development sites" when a project is proposed for a site that includes a single-family zone designation and another more intensive zone designation;

WHEREAS, the Council intends to address policy issues related to "development sites;" and

WHEREAS, Council decisions related to contract rezone applications have no precedential effect; NOW THEREFORE,

1 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

2 Section 1. This ordinance rezones a portion of the property commonly known as 7009
3 Greenwood Avenue North (“Property”), which is legally described in Exhibit A to this
4 ordinance.

5 Section 2. Page 39 of the Official Land Use Map, Seattle Municipal Code Section
6 23.32.016, is amended to rezone a portion of the Property described in Section 1 of this
7 ordinance, and shown in Exhibit B to this ordinance, from Neighborhood Commercial 2 with a
8 40-foot height limit (NC2 40) to Neighborhood Commercial 2 with a 55-foot height limit and
9 mandatory housing affordability suffix (NC2 55 (M)). Approval of this rezone is conditioned
10 upon complying with the Property Use and Development Agreement (PUDA) approved in
11 Section 3 of this ordinance.

12 Section 3. The PUDA attached to this ordinance as Exhibit C is approved and accepted.

13 Section 4. The City Clerk is authorized and directed to take the following actions: (1) file
14 the PUDA approved in Section 3 of this ordinance with the King County Recorder’s Office; (2)
15 upon return of the recorded PUDA from the King County Recorder’s Office, file the original
16 PUDA along with this ordinance at the City Clerk’s Office; and (3) deliver copies of the PUDA
17 and this ordinance to the Director of the Seattle Department of Construction and Inspections and
18 to the King County Assessor’s Office.

19 Section 5. This ordinance, effectuating a quasi-judicial decision of the City Council and
20 not subject to mayoral approval or disapproval, shall take effect 30 days from its approval by the
21 City Council.

1

2

Passed by the City Council the 6th day of AUGUST, 2018,

3

and signed by me in open session in authentication of its passage this 6th day of

4

AUGUST, 2018.

5



6

President _____ of the City Council

7

Filed by me this 6th day of AUGUST, 2018.

8



9

for Monica Martinez Simmons, City Clerk

10

(Seal)

11

Attachments:

12

Exhibit A – Legal Description

13

Exhibit B – Rezone Map

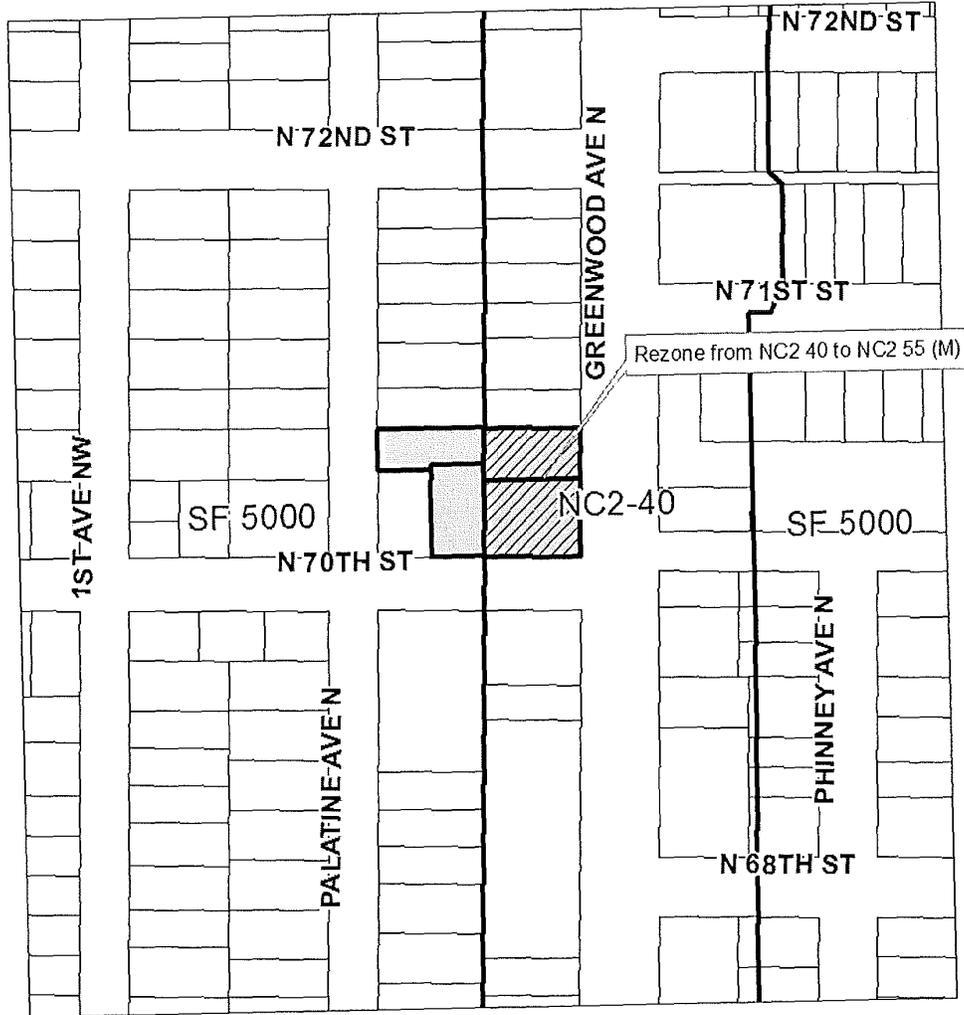
14

Exhibit C – Property Use and Development Agreement

EXHIBIT A
Legal Description

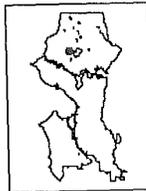
Assessor's Parcel Number	Legal Description
287710-4100 and 287710-4085	LOTS 1, 2, 3, 4, AND 5, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.
287710-4127	THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 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 RECORDED VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.
287710-4120	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 9; AND EXCEPT THE SOUTH 10 FEET OF THE WEST 54.5 FEET OF LOT 9.

EXHIBIT B Rezone Map



Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



0 100 200 300
Feet

No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2018, All Rights Reserved City of Seattle. Prepared July 6, 2018 by Council Central Staff.

FILED
 CITY CLERK
 18 AUG -5 AM 11: 27
 CITY CLERK

Property Use and Development Agreement

<i>When Recorded, Return to:</i>	
THE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	(1)	70 th & Greenwood Ave, LLC	(2)	
<input type="checkbox"/> Additional grantors on page _____				
Grantee:	(1)	The City of Seattle		
<input type="checkbox"/> Additional on page _____				
Legal Description (abbreviated if necessary):	See Attachment A			
<input type="checkbox"/> Additional legal description on page: _____				
Assessor's Tax Parcel ID #:	287710-4100, 287710-4085, 287710-4127, 287710-4120			
Reference Nos. of Documents Released or Assigned:				

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this ____ day of August, 2018, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by 70th & Greenwood Ave, LLC (the "Owner").

RECITALS

A. 70th & Greenwood Ave, LLC is the owner of that certain real property (the "Property") in the City of Seattle zoned Single Family 5000 (SF 5000) and Neighborhood Commercial 2 with a 40-foot height limit (NC2 40), which is legally described in Attachment A.

B. In December 2016, the Owner submitted to the City of Seattle an application under Master Use Permit (MUP) No. 3023260 for a rezone of the commercially-zoned portion of the Property. In February of 2018, the Owner revised the application to seek a rezone from NC2 40 to Neighborhood Commercial 2 with a 55-foot height limit and M suffix (NC2 55 (M)). The purpose of the application is to develop the commercially-zoned portion of the property with a 35 unit mixed-use building with approximately 6,000 square feet of retail space and below-grade parking for 26 vehicles. A single-family house and detached structure on the SF 5000 portion of the Property would remain. The Property and rezone area are shown on Attachment B.

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to "self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone" and restrictions applying the provisions of Chapters 23.58B and 23.58C to the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section ("SMC") 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns, that it will comply with the following conditions in consideration of the rezone of a portion of the Property from NC2 40 to NC2 55 (M):

- (a) Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. This includes maintaining as landscaped open space the area identified on Attachment A as Assessor's Parcel Number 287710-4127. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.

- (b) The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:
- For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
 - For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Section 2. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the land and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the owners of the property.

Section 3. Termination of Zoning Designation.

The new zoning designation shall expire according to SMC 23.76.060.C, or if the rezone is revoked pursuant to SMC 23.34.004.

Section 4. Termination of Conditions.

The conditions listed in Section 1 of this agreement shall expire at such time as the rezone expires or is revoked pursuant to Section 3 of this Agreement. If the rezone does not expire and is not revoked, these conditions shall remain in effect until the conditions are amended or repealed.

Section 5. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided, such amendments are approved by the City Council by ordinance.

Section 6. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 7. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to this property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 8. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

- a. revoke the rezone by ordinance and require the use of the Rezone Site to conform to the requirements of the previous NC2 40 zoning designation or some other zoning designation imposed by the City Council; and/or

b. pursue specific performance of this Agreement.

SIGNED this 6th day of August, 2018.

70th & Greenwood Ave, LLC,

a Washington limited liability company

By: OJD LLC, its Manager

By: [Signature]

Chad Dale, its Manager

On this day personally appeared before me Chad Dale, to me known to be the Manager of OJD LLC, the Manager of 70th & Greenwood Ave LLC, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 6th day of August, 2018.

CHARLYN M COPP
Notary Public
State of Washington
My Commission Expires
July 19, 2021

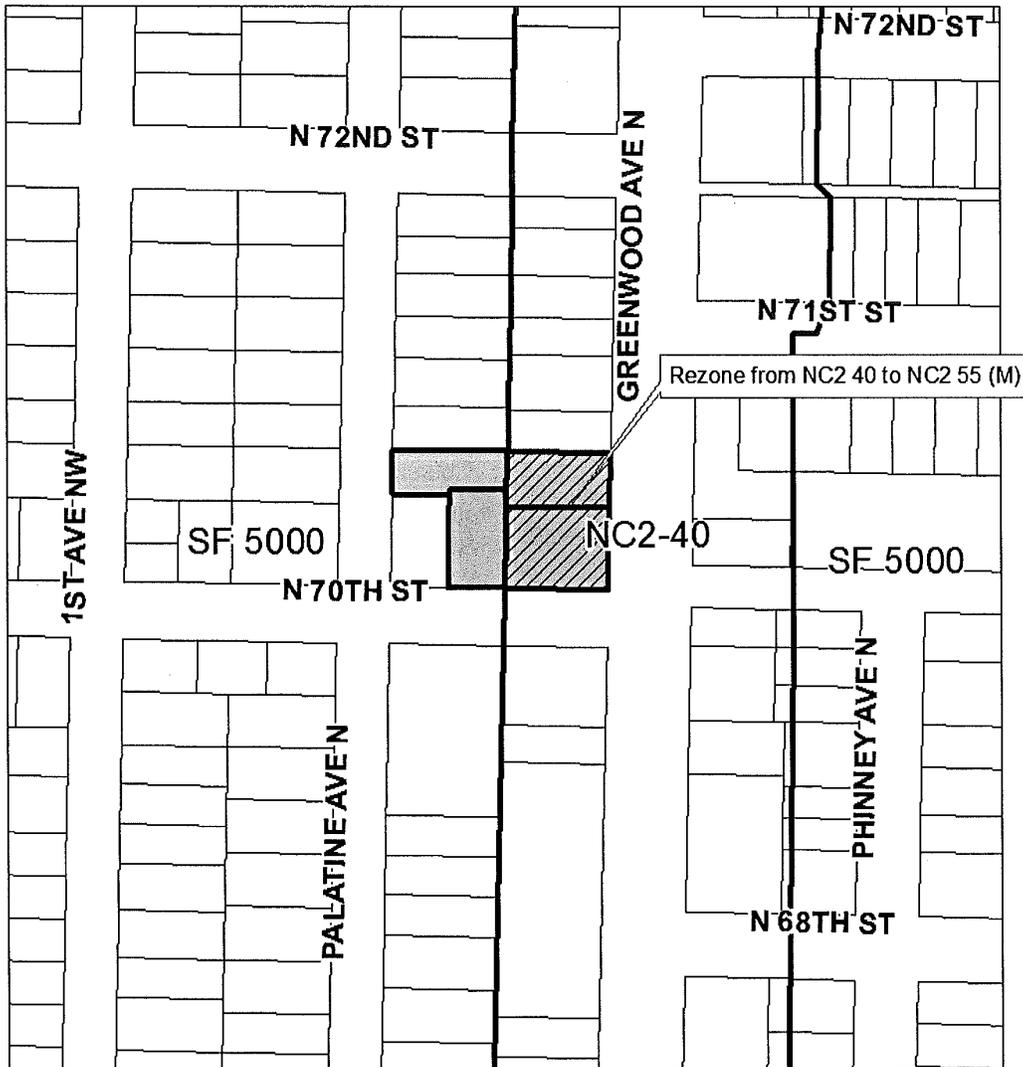
<u>Charlyn M. Copp</u>	Printed Name <u>Charlyn M. Copp</u>
	NOTARY PUBLIC in and for the State of Washington, residing at <u>Seattle</u>
	My Commission Expires <u>7/19/21</u>

STATE OF WASHINGTON	}	
COUNTY OF KING		ss.

ATTACHMENT A

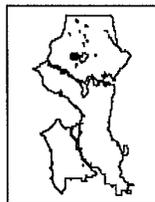
Assessor's Parcel Number	Legal Description
<p>287710-4100 And 287710-4085</p>	<p>LOTS 1, 2, 3, 4, AND 5, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON.</p> <p>EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.</p>
<p>287710-4127</p>	<p>THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 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 RECORDED VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON.</p> <p>SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.</p>
<p>287710-4120</p>	<p>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;</p> <p>EXCEPT THE SOUTH 13.5 FEET OF THE EAST 53 FEET OF LOT 9;</p> <p>AND EXCEPT THE SOUTH 10 FEET OF THE WEST 54.5 FEET OF LOT 9.</p>

ATTACHMENT B



Rezoning
 Clerk File 314356
 SDCI Project No. 3023260
 7009 Greenwood Ave N.

-  Rezoning Area
-  Area Subject To PUDA



0 100 200 300 Feet

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 City of Seattle. Prepared July 6, 2018
 by Council Central Staff.

STATE OF WASHINGTON -- KING COUNTY

--SS.

365493

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125640-125648 TITLE

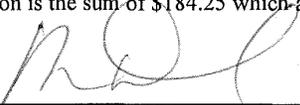
was published on

09/04/18

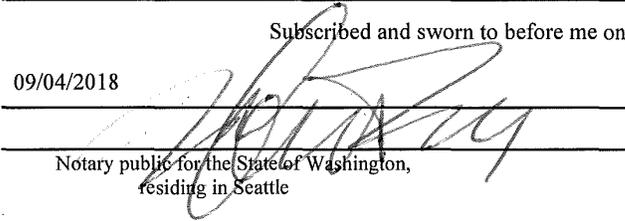
The amount of the fee charged for the foregoing publication is the sum of \$184.25 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

09/04/2018


Notary public for the State of Washington,
residing in Seattle

001775

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on August 06, 2018, and published below by title only, will be mailed upon request, or can be accessed at <http://seattlelegistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125640

Council Bill 119323

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave. LLC, C.F. 314356, SDCI Project 3023260)

Ordinance 125641

Council Bill 119324

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125642

Council Bill 119317

AN ORDINANCE relating to historic preservation; imposing controls upon the Century 21 Coliseum/KeyArena, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 125643

Council Bill 119318

AN ORDINANCE relating to historic preservation; imposing controls upon the Bressi Garage, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 125644

Council Bill 119315

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 920 Randolph Avenue; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

Ordinance 125645

Council Bill 119321

AN ORDINANCE relating to the Department of Parks and Recreation; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475), including the 2018-2023 Capital Improvement Program (CIP); reallocating funding from the Acquisition Category to the Opportunity Fund Category of the 2008 Parks and Green Spaces Levy; and revising project allocations in the 2018-2023 CIP; all by a 3/4 vote of the City Council.

Ordinance 125646

Council Bill 119322

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 7137 38th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

Ordinance 125647

Council Bill 119311

AN ORDINANCE relating to funding for housing and community development programs; adopting the 2018-2022 Consolidated Plan for Housing and Community Development ("Plan") and authorizing its submission to the United States Department of Housing and Urban Development (HUD); authorizing acceptance of grant funds from HUD for programs and activities included in the Plan; amending Ordinance 124496, which adopted the 2014 Annual Action Plan to the 2014-2017 Consolidated Plan for Housing and Community Development, to repurpose funds to the Office of Economic Development; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475); and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125648

Council Bill 119319

AN ORDINANCE relating to the City Light Department's Advanced Metering Infrastructure (AMI) Program; adding a new Section 21.49.095 to the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, September 4, 2018.

9/4(365493)

Amendment 2

Amend Council Bill 119323 to include recitals affirming the Hearing Examiner’s recommendation, reciting that the contract rezone approval has no precedential effect, and establishing the Council’s intent to take up policy issues related to designation of “development sites.”

Changes are underlined.

Sponsor: Herbold

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AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave, LLC, C.F. 314356, SDCI Project 3023260)

WHEREAS, the Council received an appeal by Bob Morgan and Irene Wall of the Hearing Examiner’s recommendation to conditionally approve the rezone;

WHEREAS, the Council determined that the Hearing Examiner did not err in his recommendation to conditionally approve the rezone;

WHEREAS, the appeal raised issues related to an administrative decision by the Seattle Department of Construction and Inspections to establish as a “development site,” for the purposes of the application of development standards, the rezone area and two adjacent single-family parcels;

WHEREAS, the Council has not yet made a policy decision reflected in regulations or definitions in the Land Use Code about the implications of “development sites” when a project is proposed for a site that includes a single-family zone designation and another more intensive zone designation;

WHEREAS, the Council intends to address policy issues related to “development sites;” and

WHEREAS, Council decisions related to contract rezone applications have no precedential effect; NOW
THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Mandatory Rezone

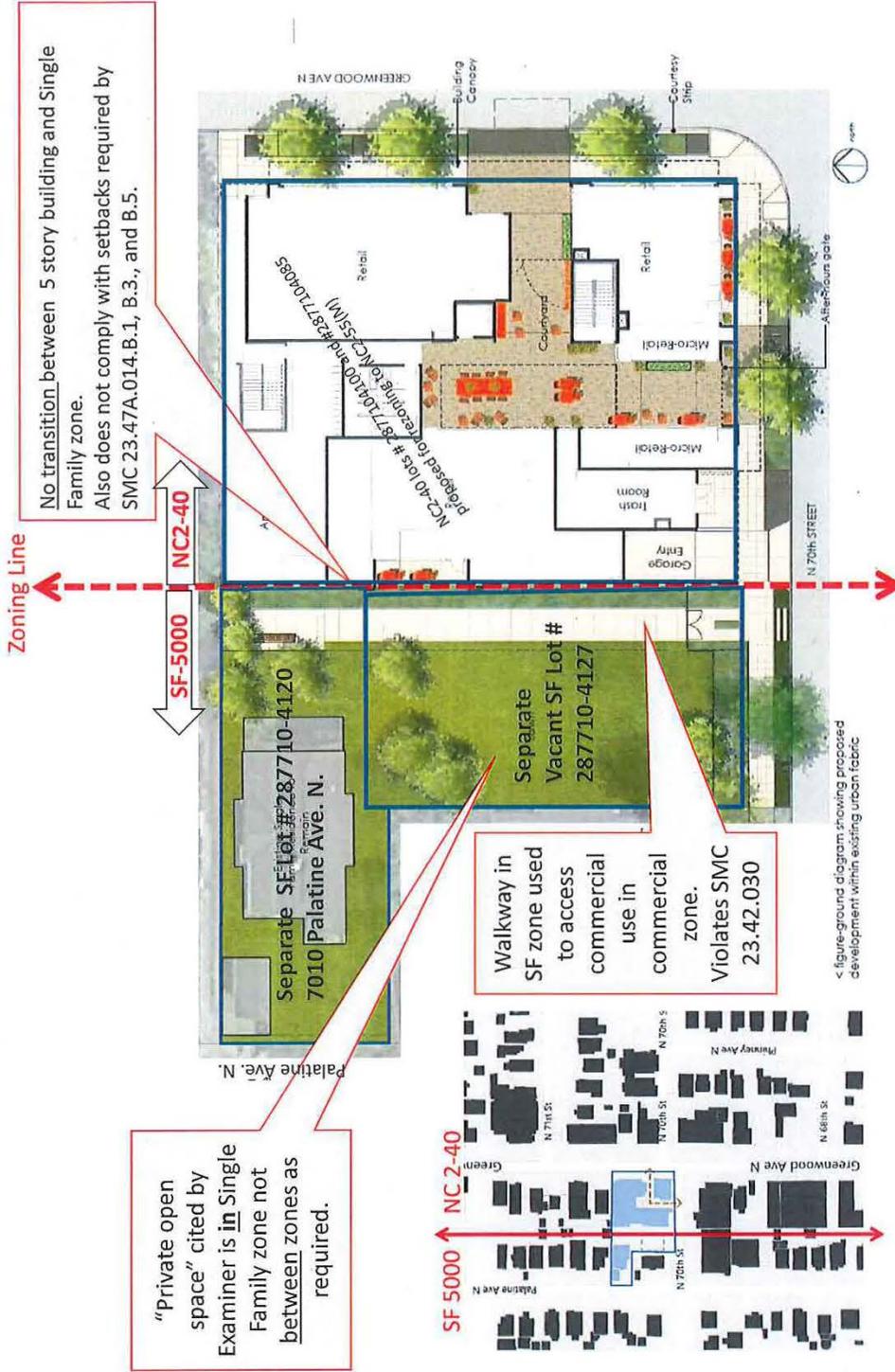
Criteria:

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.”



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

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

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Legislative	Ketil Freeman/206.684.8178	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

a. Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by 70th & Greenwood Ave, LLC, C.F. 314356, SDCI Project 3023260)

b. Summary and background of the Legislation:

This bill would effectuate a quasi-judicial rezone of a portion of a site located at 7009 Greenwood Ave N. from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix. The site includes two existing single family-zoned parcels

Greenwood Ave, LLC, the applicant, plans to redevelop the property with a five-story apartment building with 35 units, approximately 6,000 square feet of retail space, and 26 below-grade parking spaces. An existing single family house and detached structure on the single family-zoned portion of the site would remain.

2. CAPITAL IMPROVEMENT PROGRAM

a. Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

a. Does this legislation amend the Adopted Budget? ___ Yes X No

b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No

c. Is there financial cost or other impacts of *not* implementing the legislation?
No

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No
- b. **Is a public hearing required for this legislation?**
No
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- e. **Does this legislation affect a piece of property?**
Yes, see Exhibit A and B to the ordinance.
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
Not applicable
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**
Not applicable
- h. **Other Issues:**
None

List attachments/exhibits below:

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

In the matter of the Petition of)) 70 th & Greenwood, L.L.C. to) rezone an approximately) 12,188 square foot site located) at 7009 Greenwood Avenue) North from Neighborhood) Commercial 2 with a 40 foot) height limit (NC2 40) to) Neighborhood Commercial 2) with a 55 foot height limit and) M Mandatory Housing) Affordability suffix (NC2 55) (M)) (Project No. 3023260;) Type IV).)) The Appeal by)) Irene Wall and Bob Morgan))) Of a Recommendation by the) City Hearing Examiner on the) rezone petition.)	C.F. 314356 SDCI Project 3023260 FINDINGS, CONCLUSIONS AND DECISION
--	--

Introduction

This matter involves the petition of 70th & Greenwood, L.L.C. (the Applicant) to rezone a site located at 7009 Greenwood Avenue North (the Property). The eastern part of the Property is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) and the western part of the Property is zoned Single Family 5000 (SF 5000). The Applicant proposes to rezone the NC2 40 portion of the property to Neighborhood Commercial 2 with a 55-foot height limit and M Mandatory Housing Affordability (MHA) suffix (NC2 55 (M)), as shown on Exhibit A.

The Applicant proposes to develop the Property with a 35-unit apartment building with approximately 6,000 square feet of retail space surrounding an interior courtyard. The building would have below-grade parking for 26 vehicles. The proposed building would be approximately five stories tall with a deck, solar array, and greenhouse located on the roof. An existing single-family house and detached structure, which are located on the SF-5000 zoned portion of the Property are proposed to remain.

On April 9, 2018, the Director of the Seattle Department of Construction and Inspections (SDCI) recommended approval of the proposed rezone subject to conditions. SDCI also issued a State Environmental Policy Act (SEPA) decision and design review decision.

The Hearing Examiner held an open record hearing on the rezone recommendation on April 30, 2018. On June 5, 2018, the Hearing Examiner recommended that the Council conditionally approve the rezone petition. On June 19, 2018, Irene Wall and Bob Morgan appealed the Hearing Examiner's recommendation to the Council. In meetings on July 18 and August 1, 2018, the Planning, Land Use and Zoning Committee heard oral argument on the appeal and made a recommendation to the Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated June 5, 2018, and the following additional findings of fact:

1. The Council applies a substantial evidence standard of review when reviewing the Hearing Examiner's recommendation. Seattle Municipal Code (SMC) 23.76.056.A.

2. The Appellant bears the burden of proof in demonstrating that the Hearing Examiner erred in his 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 June 5, 2018.

Decision

The Hearing Examiner's recommendation to conditionally approve the rezone is *affirmed and the rezone is granted* contingent on execution by the owner of the Property of a Property Use and Development Agreement (PUDA) containing those rezone conditions set out below.

In addition to the SEPA and design review conditions from the Hearing Examiner's recommendation, which are incorporated herein by reference, the rezone is subject to the following conditions:

Rezone Conditions

1. Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. This includes maintaining as landscaped open space the area identified on Attachment A as Assessor's Parcel Number 287710-4127. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.
2. The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those

Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:

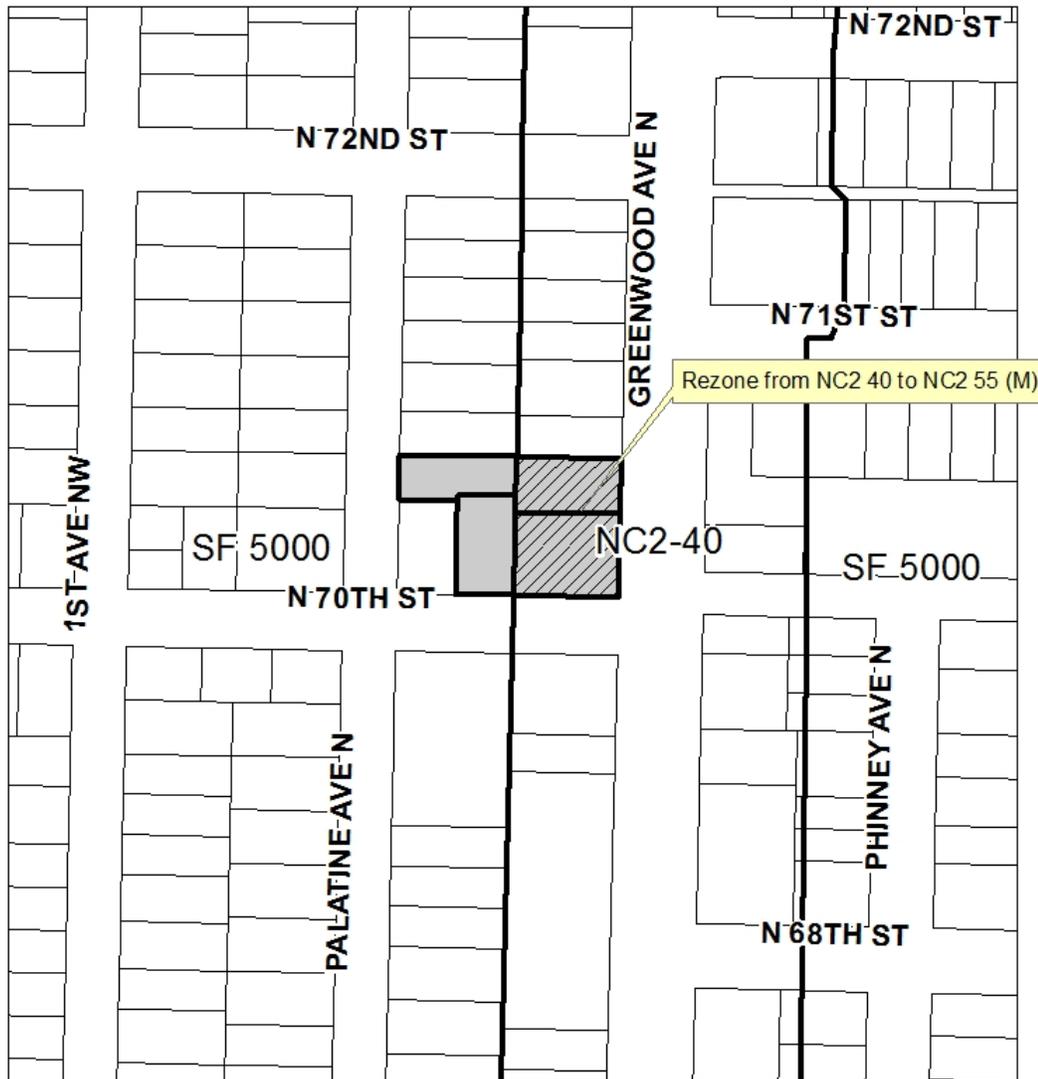
- For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
- For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Dated this _____ day of _____, 2018.

City Council President

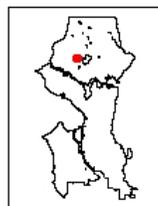
Substitute Findings, Conclusions and Decision

Exhibit A



Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



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City of Seattle. Prepared July 6, 2018
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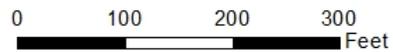
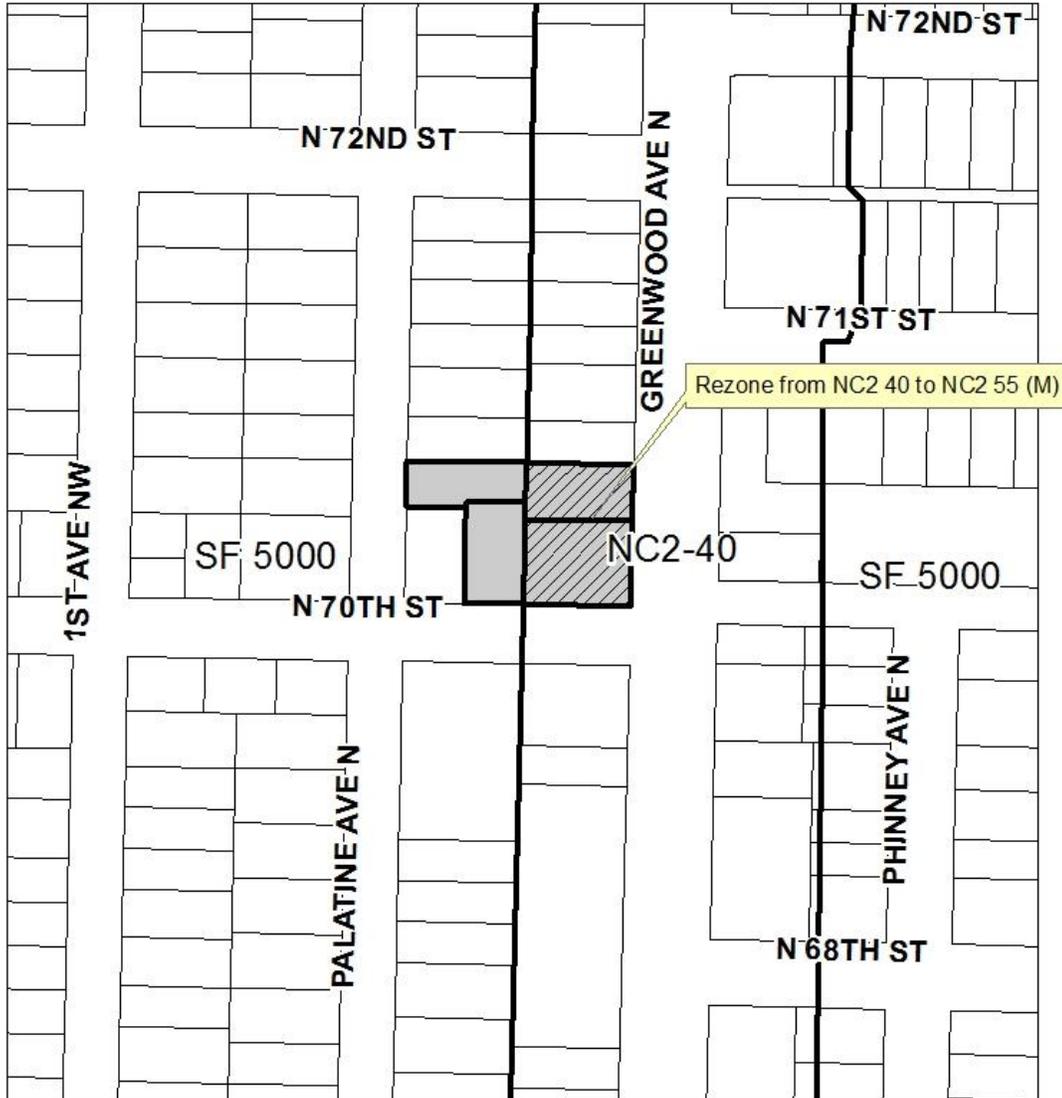


EXHIBIT A
Legal Description

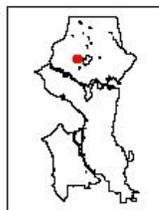
Assessor's Parcel Number	Legal Description
287710-4100 and 287710-4085	LOTS 1, 2, 3, 4, AND 5, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.
287710-4127	THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 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 RECORDED VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.
287710-4120	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 9; AND EXCEPT THE SOUTH 10 FEET OF THE WEST 54.5 FEET OF LOT 9.

EXHIBIT B Rezone Map



Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



0 100 200 300
Feet

No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
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City of Seattle. Prepared July 6, 2018
by Council Central Staff.

EXHIBIT C

Property Use and Development Agreement

<i>When Recorded, Return to:</i>	
THE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	(1)	70 th & Greenwood Ave, LLC	(2)	
<input type="checkbox"/> Additional grantors on page ____				
Grantee:	(1)	The City of Seattle		
<input type="checkbox"/> Additional on page ____				
Legal Description <i>(abbreviated if necessary):</i>		See Attachment A		
<input type="checkbox"/> Additional legal description on page:				
Assessor’s Tax Parcel ID #:		287710-4100, 287710-4085, 287710-4127, 287710-4120		
Reference Nos. of Documents Released or Assigned:				

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the “Agreement”) is executed this ____ day of ____, 2018, in favor of the CITY OF SEATTLE (the “City”), a Washington municipal corporation, by 70th & Greenwood Ave, LLC (the “Owner”).

RECITALS

A. 70th & Greenwood Ave, LLC is the owner of that certain real property (the “Property”) in the City of Seattle zoned Single Family 5000 (SF 5000) and Neighborhood Commercial 2 with a 40-foot height limit (NC2 40), which is legally described in Attachment A.

B. In December 2016, the Owner submitted to the City of Seattle an application under Master Use Permit (MUP) No. 3023260 for a rezone of the commercially-zoned portion of the Property. In February of 2018, the Owner revised the application to seek a rezone from NC2 40 to Neighborhood Commercial 2 with a 55-foot height limit and M suffix (NC2 55 (M)). The purpose of the application is to develop the commercially-zoned portion of the property with a 35 unit mixed-use building with approximately 6,000 square feet of retail space and below-grade parking for 26 vehicles. A single-family house and detached structure on the SF 5000 portion of the Property would remain. The Property and rezone area are shown on Attachment B.

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to “self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone” and restrictions applying the provisions of Chapters 23.58B and 23.58C to the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section (“SMC”) 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns, that it will comply with the following conditions in consideration of the rezone of a portion of the Property from NC2 40 to NC2 55 (M):

- (a) Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.
- (b) The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:
 - For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
 - For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Section 2. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the land and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after- acquired title of the owners of the property.

Section 3. Termination of Zoning Designation.

The new zoning designation shall expire according to SMC 23.76.060.C, or if the rezone is revoked pursuant to SMC 23.34.004.

Section 4. Termination of Conditions.

The conditions listed in Section 1 of this agreement shall expire at such time as the rezone expires or is revoked pursuant to Section 3 of this Agreement. If the rezone does not expire and is not revoked, these conditions shall remain in effect until the conditions are amended or repealed.

Section 5. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided, such amendments are approved by the City Council by ordinance.

Section 6. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 7. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to this property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 8. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

- a. revoke the rezone by ordinance and require the use of the Rezone Site to conform to the requirements of the previous NC2 40 zoning designation or some other zoning designation imposed by the City Council; and/or
- b. pursue specific performance of this Agreement.

SIGNED this ____ day of ____, 2018.

70th & Greenwood Ave,

a Washington limited liability company

By: ____

Its: Managing Member

On this day personally appeared before me ____, to me known to be the Managing Member, of 70th & Greenwood Ave, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

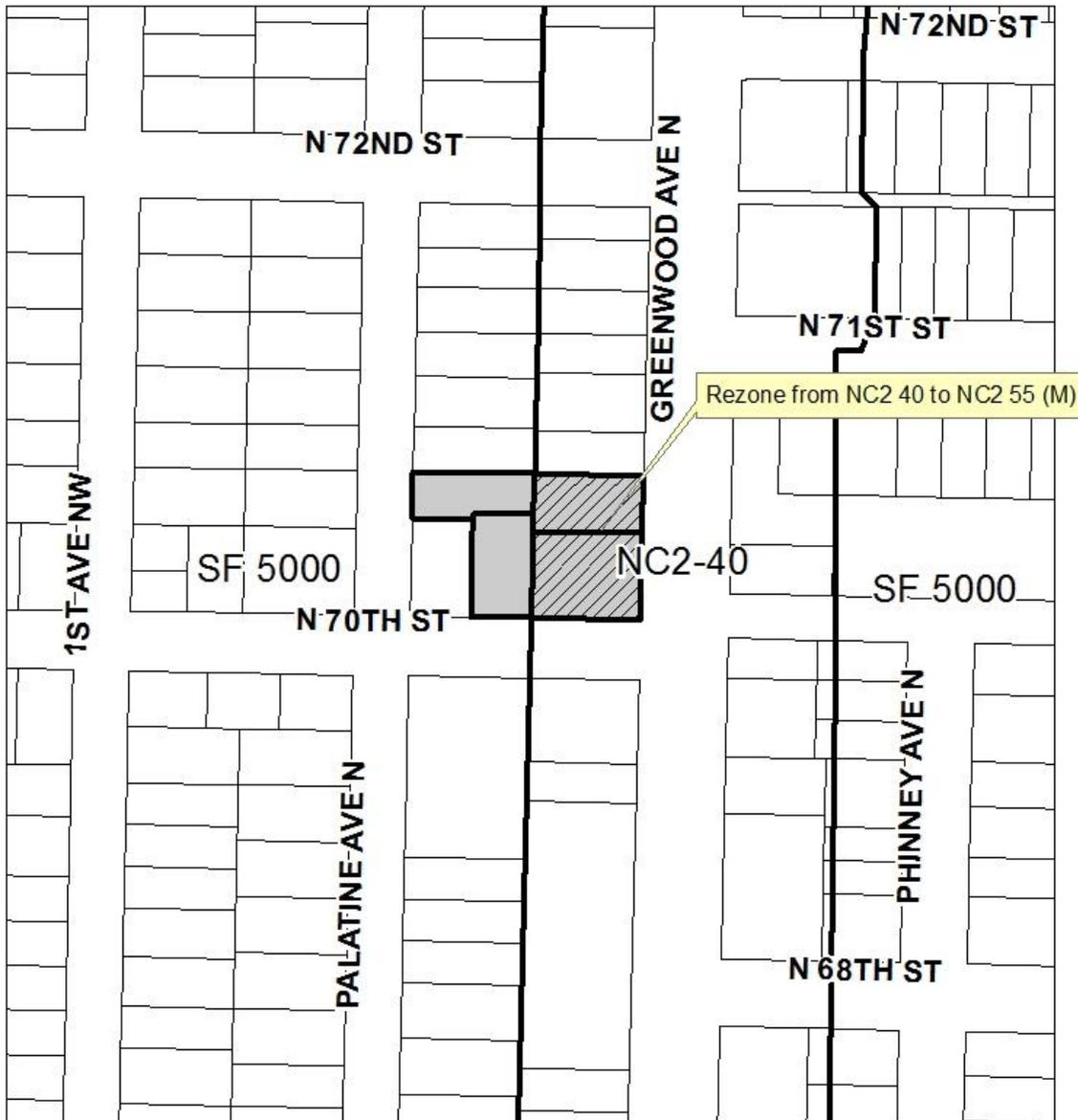
GIVEN UNDER MY HAND AND OFFICIAL SEAL this ____ day of ____, 2018.

		Printed Name _____
		NOTARY PUBLIC in and for the State of Washington, residing at _____
		My Commission Expires _____
STATE OF WASHINGTON	}	ss.
COUNTY OF KING		

ATTACHMENT A

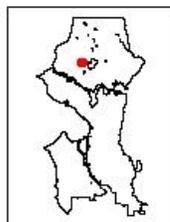
Assessor's Parcel Number	Legal Description
287710-4100 and 287710-4085	<p>LOTS 1, 2, 3, 4, AND 5, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON.</p> <p>EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.</p>
287710-4127	<p>THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 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 RECORDED VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON.</p> <p>SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.</p>
287710-4120	<p>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;</p> <p>EXCEPT THE SOUTH 13.5 FEET OF THE EAST 53 FEET OF LOT 9;</p> <p>AND EXCEPT THE SOUTH 10 FEET OF THE WEST 54.5 FEET OF LOT 9.</p>

ATTACHMENT B

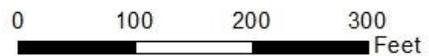


Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

-  Rezone Area
-  Area Subject To PUDA



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
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FILED
 CITY OF SEATTLE
 10 AUG -5 AM 11:27
 CITY CLERK

Property Use and Development Agreement

<i>When Recorded, Return to:</i>	
THE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	(1)	70 th & Greenwood Ave, LLC	(2)	
<input type="checkbox"/> Additional grantors on page _____				
Grantee:	(1)	The City of Seattle		
<input type="checkbox"/> Additional on page _____				
Legal Description (abbreviated if necessary):	See Attachment A			
<input type="checkbox"/> Additional legal description on page:				
Assessor's Tax Parcel ID #:	287710-4100, 287710-4085, 287710-4127, 287710-4120			
Reference Nos. of Documents Released or Assigned:				

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this ____ day of August, 2018, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by 70th & Greenwood Ave, LLC (the "Owner").

RECITALS

A. 70th & Greenwood Ave, LLC is the owner of that certain real property (the "Property") in the City of Seattle zoned Single Family 5000 (SF 5000) and Neighborhood Commercial 2 with a 40-foot height limit (NC2 40), which is legally described in Attachment A.

B. In December 2016, the Owner submitted to the City of Seattle an application under Master Use Permit (MUP) No. 3023260 for a rezone of the commercially-zoned portion of the Property. In February of 2018, the Owner revised the application to seek a rezone from NC2 40 to Neighborhood Commercial 2 with a 55-foot height limit and M suffix (NC2 55 (M)). The purpose of the application is to develop the commercially-zoned portion of the property with a 35 unit mixed-use building with approximately 6,000 square feet of retail space and below-grade parking for 26 vehicles. A single-family house and detached structure on the SF 5000 portion of the Property would remain. The Property and rezone area are shown on Attachment B.

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to "self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone" and restrictions applying the provisions of Chapters 23.58B and 23.58C to the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section ("SMC") 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns, that it will comply with the following conditions in consideration of the rezone of a portion of the Property from NC2 40 to NC2 55 (M):

- (a) Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. This includes maintaining as landscaped open space the area identified on Attachment A as Assessor's Parcel Number 287710-4127. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.

- (b) The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of application of those Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:
- For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
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- a. revoke the rezone by ordinance and require the use of the Rezone Site to conform to the requirements of the previous NC2 40 zoning designation or some other zoning designation imposed by the City Council; and/or

b. pursue specific performance of this Agreement.

SIGNED this 6th day of August, 2018.

70th & Greenwood Ave, LLC,

a Washington limited liability company

By: OJD LLC, its Manager

By: [Signature]

Chad Dale, its Manager

On this day personally appeared before me Chad Dale, to me known to be the Manager of OJD LLC, the Manager of 70th & Greenwood Ave LLC, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 6th day of August, 2018.

CHARLYN M COPP
Notary Public
State of Washington
My Commission Expires
July 19, 2021

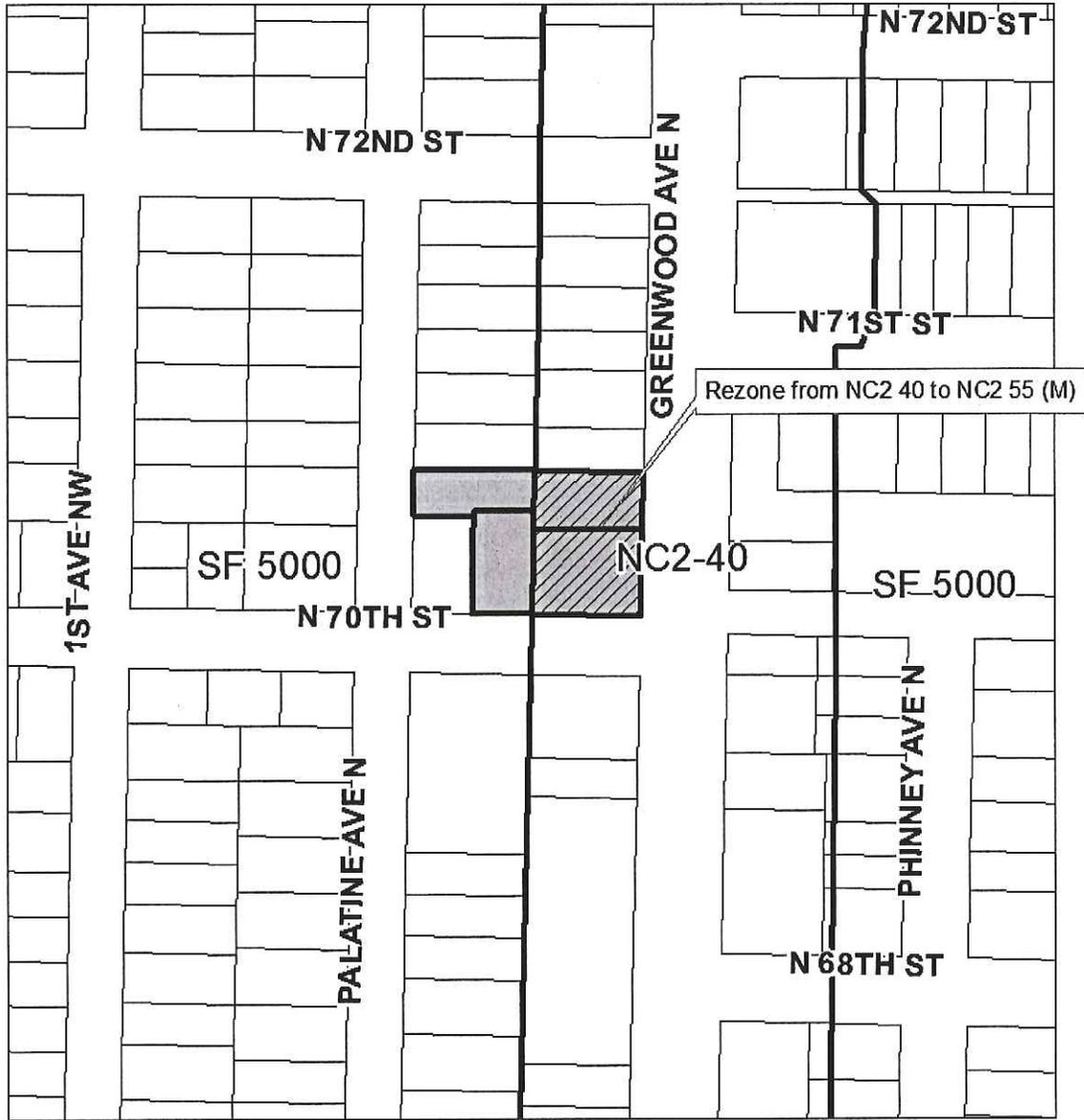
<u>Charlyn M. Copp</u>	Printed Name <u>Charlyn M. Copp</u>
	NOTARY PUBLIC in and for the State of Washington, residing at <u>Seattle</u>
	My Commission Expires <u>7/19/21</u>

STATE OF WASHINGTON	}	
COUNTY OF KING		ss.

ATTACHMENT A

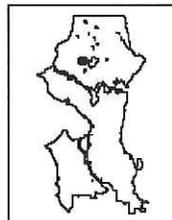
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ATTACHMENT B

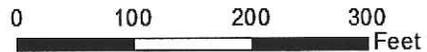


Rezoning
 Clerk File 314356
 SDCI Project No. 3023260
 7009 Greenwood Ave N.

- Rezoning Area
- Area Subject To PUDA



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
 Copyright 2018, All Rights Reserved City of Seattle. Prepared July 6, 2018 by Council Central Staff.





City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101
 Attn: Tilghman Group
Re: Project# 3023260

Correction Notice #1

Review Type	TRANSPORT	Date	December 29, 2016
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Michael Houston	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 727-3885		
Reviewer Fax			
Reviewer Email	Michaelt.Houston@seattle.gov		
Owner	CHAD DALE		

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

- 1 Thank you for providing a parking study for this project. Please update the pipeline projects from the study in the following ways:
 -Refer to the traffic study update by Gibson Traffic Consultants dated October 28, 2016 for 6726 Greenwood Ave N (MUP #3020114) for the on-street parking demand expected from this pipeline project.
 -Add 6528 Phinney Avenue N (MUP #3020424) to the list of pipeline projects for the cumulative parking analysis.
- 2 Please provide an estimate of the likely peak hour trip generation for the project, basing the estimate on data from the Institute of Transportation Engineers or similar sources.
- 3 A transportation concurrency analysis is needed for this development. Please provide a concurrency analysis following SMC 23.52 and Director's Rule 5-2009 for the screenlines impacted by the proposed development.



Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link: <http://web6.seattle.gov/dpd/permitstatus>
- All reviews must be completed before the applicant can respond, upload, or submit any correction responses.
- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
- **Paper Plans:** We will notify the primary contact for the project by email or phone when all reviews in the review cycle are complete and plans are ready to be picked up. Once you have been notified, pick up the plans at Plans Routing in the Applicant Service Center.

Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

- Describe the change
- Say where the change can be found in the plan set
- If you have not made a requested change, give a code citation or provide calculations to explain why not
- Coordinate responses to correction items among all designers, architects, engineers, and owners
- If you make voluntary changes to your plans, describe the changes you have made in your response letter

Correct your Plans:

- Cloud or circle all changes
- You may add new sheets to the plan set if you have new information to show

For Electronic Plans:

- Always upload a complete plan set

For Paper Plans:

If you replace sheets in the paper plan sets:

- Remove the old sheets, mark them as "VOID," and include them loose at the back of each plan set
- All original sheets and plan pages must be returned to Plans Routing in the Applicant Service Center
- Insert the new sheets and staple the plan sets

If you make changes to the original paper plan sheets:

- Make all changes with ink (preferably red, waterproof ink). Do not use pencil to make changes
- Do not tape or staple anything to the plan sets

Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

Upload your corrected plan set and correction response letter through your Seattle DCI Project Portal.

Paper Plans:

Return your corrected plans and your correction response letter to Plans Routing in the Applicant Services Center.

If you don't follow these instructions:

- **Plans Routing may not accept your corrected plans**
- **We may be delayed in starting corrected plan review, which can delay permit issuance**
- **We may charge a penalty fee**

Plans Routing / Applicant Services Center - 700 5th Avenue, 20th Floor
Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.



City of Seattle
Department of Construction and Inspections
Engineering Services

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	CITY LIGHT	Date	January 06, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Ray Ramos	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 615-1193		
Reviewer Fax			
Reviewer Email	ray.ramos@seattle.gov		
Owner	CHAD DALE		

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with Seattle City Light Construction Guideline D2-3.

Corrections

- 1 Based on plans submitted to SDCI and reviewed by City Light engineering, the proposed building does not meet minimum clearance requirements from overhead power lines (26kV) along Greenwood Ave N per SCL Construction Standard D2-3.

On sheet A100, the 14 feet clearance is incorrectly measured from the pole to the building. This measurement should be from the nearest high voltage line.

Civil plans included with this submittal show undergrounding of the high voltage power lines along Greenwood Ave N. Due to the scope of work and potential costs to the project, further discussion with City Light is required. City Light will issue a separate service construction letter for

undergrounding. Confirmation and financial agreement (attachment E) from the applicant to cover the costs of the proposed work is required as a condition of MUP approval from City Light. Attachment E of the service construction letter must be signed by an authorized project representative and returned to City Light.

Fourteen (14) feet radial clearance is required between power lines and any part of the permanent structure per Seattle City Light Construction Standard D2-3, (<http://www.seattle.gov/light/engstd/docs2/d2-3.pdf>).

During construction, minimum working clearance (10 feet) is also required from scaffolding, construction workers and their tools. City Light may not be able to grant customer requests to temporarily relocate or de-energize the distribution system. Changes to SCL's system to meet clearances are done at the project's expense.

This review is for clearance purposes only and does not include review for transformer vault location and dimensions. Vault location, vault size, details and construction requirements to be determined upon submittal of City Light application, load calculations and electrical service size from customer. A service construction letter will be provided.



Step 1: Wait for all reviews to be completed

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Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

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Paper Plans:

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City of Seattle
Department of Construction and Inspections
Engineering Services

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	POTECH	Date	January 18, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Seth Amrhein	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 386-1981		
Reviewer Fax			
Reviewer Email	Seth.Amrhein@seattle.gov		
Owner	CHAD DALE		

Please let me know if you have any questions.

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Tree Protection Code.

Corrections

- 1 Please identify the species of trees 7, 8, 9, and 10 so we can determine compliance with Seattle's Tree Protection Code. If any of these trees are "exceptional" per SDCI Director's Rule 16-2008, please demonstrate that they will be either protected or removed in compliance with Seattle's Tree Protection Code.



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City of Seattle
Department of Construction and Inspections
Engineering Services

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	GEO SOILS	Date	January 27, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Robert M McIntosh	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-5953		
Reviewer Fax			
Reviewer Email	rob.mcintosh@seattle.gov		
Owner	CHAD DALE		
Reference	July 28, 2016 "Geotechnical Report, Proposed Development, 7009 Greenwood Avenue N, Seattle, WA", by PanGEO, Inc. [PanGeo File No. 16-164]		

Description of Work:
 Council Land Use Action to rezone a parcel from Neighborhood Commercial 2-40' (NC2-40) to Neighborhood Commercial 2-65' (NC2-65) to allow a 5-story building containing 33 apartment units with ground level retail and below grade parking for 28 vehicles.

Applicant Instructions

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 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with one or more of the following codes: 2012 Seattle Building Code (SBC); 2012 Seattle Residential Code (SRC); 2012 Seattle Existing Building Code (SEBC); 2012 Seattle Energy Code (SEC); Grading Code; Environmentally Critical Areas Regulations (ECA).

Corrections

- 1 SMC 22.170.110 A. The SEPA Checklist states "There is no known current contamination of the project site. The site has been previously remediated for contamination stemming from a past dry

cleaning use." Additionally, the geotechnical engineering report states "Between 2013 and 2015 an environmental cleanup was conducted on the site which we understand resulted in a No Further Action (NFA) letter from the Washington Department of Ecology." Please upload a copy of the NFA, and any other pertinent supporting information related to the cleanup, for SDCI review.



Step 1: Wait for all reviews to be completed

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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	ZONING	Date	February 02, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Emily Lofstedt	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 386-0097		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Emily.Lofstedt@Seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Dear David,
 The following corrections are required. Further corrections may follow based on information in future application materials received.
 Thank you,
 Emily Lofstedt

Applicant Instructions

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Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Departures.** The following departures were requested. If the departure is not granted the proposal needs to be revised to meet the applicable development standard.

SMC 23.47A.008.C.4.b - Overhead Weather Protection This departure does not apply as you are not in a Pedestrian Designated Zone.

SMC 23.53.035.A.2. - Structural Building Overhangs cannot be departed from per SMC 23.41.012.B.25.

- 2 Development Site.** Please clarify the exact development site for this proposal. Will the single family zoned lots be included in this proposal? If so, please update all the lot information to clearly match the correct development site.
- 3 Street Level Uses.** This site is not located in an area that requires specific street level uses or restricts residential uses at street level per SMC 23.47A.005 and SMC 23.47A.008.C.4 since it is not located in an Pedestrian Designated Zone.

Please remove any reference to street level uses relating to pedestrian designated zones found on sheet G002 and G003.

- 4 Blank Façade.** While it appears that you meet the blank façade requirements per SMC 23.47A.008.A.2, the blank façade is measured at 5 feet above the elevation of the line line at the sidewalk per SMC 23.86.028.B. Also, the façade behind the courtyard on both street facades and outdoor seating on the Greenwood Ave N facade shall be included in the blank façade calculations.

Please update the blank Façade diagrams and calculations with the correct measurements.

- 5 Street-level street-facing façade setback.** Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided per SMC 23.47A.008.A.3.

Either revise the proposal to meet this code section or provide approval for the proposed courtyard meeting one of this allowances for a larger setback.

Also, please dimension the site plan to document how all other areas of the site are meeting this code section.

- 6 Transparency.** While it appears that you meet the transparency standards per SMC 23.47A.008.B.2.a, the façade behind the courtyard on both street facades and outdoor seating on the Greenwood Ave N facade shall be included in the transparency calculations.

Please update the transparency diagrams and calculations to include all the façade.

- 7 Setback Requirements.** A 15' diagonal setback is required where a lot abuts the intersection of a side lot line and front lot line of a lot in a residential zone per SMC 23.47A.014.B.1.

A setback is required along the lot line that abuts a lot in a residential zone at fifteen feet for portions of structures above 13 feet in height to a maximum of 65 feet per SMC 23.47A.014.B.3.a.

- 8 Street Trees and Landscaping.** The proposed Street Trees and Landscaping in the right-of-way used to meet the Green Factor must receive a conceptual approval from SDOT. Please consult with SDOT arborist Bill Ames at 206-684-5693 to determine species of tree and standards of planting on this, and provide applicable documentation (i.e. emails).
- 9 Green Factor.** The green factor plans shall follow the latest Director's Rule 30-2015. Please review this Director's Rule and update where needed.
- 10 Structural Building Overhangs.** Minor Architectural Encroachments are limited to 2' 6" vertical dimension into the right-of-way per SMC 23.53.035.A.2.

Please revise the cornice encroachment on the 5th level to meet this code section, as it cannot be a departure.

11 Frequent Transit Service Corridor. This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.

b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

12 Sight Triangle. Please provide the offsite sight triangle easement required per SMC 23.54.030.G. Zoning cannot be approved until this easement has been obtained.



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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type		Date	February 23, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lindsay M King	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-9218		
Reviewer Fax	(206) 233-7866		
Reviewer Email	lindsay.king@seattle.gov		
Owner	CHAD DALE		

The correction items below are for land use review of the proposal.

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

- 1 Rezone Criteria. I have reviewed the rezone criteria of SMC 23.34.002, 004, 007, 008 and 009. Thank you for the comprehensive rezone analysis. SMC 23.34.007 B states no single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zoning designation, nor is there a hierarchy or priority of the rezone considerations. Enclosed is the criteria that needs further consideration.
 - a) SMC 23.34.008 E2 Physical Buffers. The proposed rezone will allow at 65 foot zone adjacent to a single family zone. A physical buffer does not currently exist along the west zone edge. Physical buffers may include open space or green space. Consider providing a physical buffer on the vacant single family lot consistent with the EDG proposal.
 - b) SMC 23.34.009 C and D. It is unclear how the proposed rezone meets this criteria. The code states permitted heights shall be compatible with predominant height and scale of existing development, actual and zoned heights in the surround areas.

The code goes on to state a gradual transition in height and scale shall be provided unless major physical buffers are present. Please review comment 1a and Design Review comments for further consideration.

- 2** Design Review; Architectural Concept along Greenwood. At the EDG meeting the Board discussed maintaining a strong street wall along Greenwood Avenue N but also developing the building to respond to the future massing context, which included the study of an upper level setback.

The existing massing context on Greenwood is 4 stories. Please study an upper level setback, 5th floor modulation and material treatment, on Greenwood Avenue similar to that provided on N 70th Street to minimize the presence of the proposed 5th floor while respecting the existing massing context along the Greenwood corridor.

You could also consider modern bay windows on floors 2-4 to add visual interest and minimize the presence of the 5th story. Example projects include 6800 Greenwood Avenue N and 101 John Street.

- 3** Design Review; Architectural Concept North Façade and West Facade. At EDG the Board noted a thoughtful transition between adjacent zones and single family structures. A transition occurs at the west and north facades.

The current proposal does not include a transition between the 5 story façade and the adjacent single family structure to the north and the façade facing the vacant single family parcel. Review an upper level setback in the northeast corner and southwest corner, similar to the northwest and southwest corner.

The north façade is a large blank wall that needs further treatment. An upper level setback will allow additional fenestration, as well as a material change to add visual interest to the 5 story blank wall visible from Greenwood.

Wrap the material treatment in the northwest corner along the north façade until reaching the stair and elevator penthouse.

- 4** Design Review; Height, Bulk and Scale. Please consider every effort to minimize the height and floor area of the rooftop features.

We strongly advise the design remove the roof bridge on the roof floor plan. The bridge add considerable bulk to the N 70th Street facade.

- 5** Design Review; Architectural Concept. The site includes single family zoned area. More information is necessary on the proposed landscape treatment in the single family lots. Existing mature vegetation and/or well placed future landscaping can be used, in addition to architectural treatments, to provide a transition space between structures.
- 6** Design Review; Architectural Concept. Please provide line of site studies and window overlay studies to show that windows and upper level deck locations will minimize privacy impacts to adjacent residential uses.
- 7** Design Review; Materials. Additional information is necessary about the proposed material palette and the specific brick detailing represented on the elevation drawings. What are the specific brick details for the transition to the retail base, in the middle of the structure, around the windows, and at the top of the structure?

The elevations, while classic, do not read as contemporary as the design concept. Consider the choice of brick, larger fenestration, and fenestration grouping to achieve a classic but modern representation of a brick building.

- 8** Design Review. Please review sheet A310 East Elevation and A302. Is the corbelled brick cornice proposed only at the corner of N 70th Street and Greenwood or on other areas of the structure as well. Perspectives of the building would be extremely helpful to understand your proposal.
- 9** Design Review; Building Program. At the Recommendation Meeting please be prepared to explain the following building program elements.
 - a) The viability of the 10 feet deep retail space on the interior courtyard.
 - b) The amenity space use proposed on the N 70th façade at the center of the structure.
 - c) The use of the vacant single family portion of the lot.
 - d) Proposed site improvement around the existing single family structure.
- 10** Design Review; Recommendation Packet. Within the Design Review Recommendation Packet please provide the following information.
 - a) The programming of the interior courtyard for use by residents, the public, and patrons.
 - b) Hardscape, landscape, storefront materials, soffit materials, overhead weather protection materials, lighting and signage for the commercial storefront and residential entries both on the street and in the interior courtyard spaces.
 - c) Specific material details for both the garage entry and the solid waste and recycling storage door.
- 11** SEPA. Please provide a letter from the Department of Ecology confirming remediation of the site from contaminated soils.



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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	ZONING	Date	February 23, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Emily Lofstedt	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 386-0097		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Emily.Lofstedt@Seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Dear David,
 The following corrections are required. Further corrections may follow based on information in future application materials received.
 Thank you,
 Emily Lofstedt

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Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Departures.** The following departures were requested. If the departure is not granted the proposal needs to be revised to meet the applicable development standard.

SMC 23.47A.008.C.4.b - Overhead Weather Protection This departure does not apply as you are not in a Pedestrian Designated Zone.

SMC 23.53.035.A.2. - Structural Building Overhangs cannot be departed from per SMC 23.41.012.B.25.

- 2 Development Site.** Please clarify the exact development site for this proposal. Will the single family zoned lots be included in this proposal? If so, please update all the lot information to clearly match the correct development site.

Also, if you are including the single family zoned lots, please be aware that only one single family residence is allowed per lot per SMC 23.44.006.A. So, in your case, the existing single family would only be allowed to remain, no additional single family residences.

- 3 Street Level Uses.** This site is not located in an area that requires specific street level uses or restricts residential uses at street level per SMC 23.47A.005 and SMC 23.47A.008.C.4 since it is not located in an Pedestrian Designated Zone.

Please remove any reference to street level uses relating to pedestrian designated zones found on sheet G002 and G003.

- 4 Blank Façade.** While it appears that you meet the blank façade requirements per SMC 23.47A.008.A.2, the blank façade is measured at 5 feet above the elevation of the line line at the sidewalk per SMC 23.86.028.B.

Please update the blank Façade diagrams and calculations with the correct measurements.

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Either revise the proposal to meet this code section or provide approval for the proposed courtyard meeting one of this allowances for a larger setback.

Also, please dimension the site plan to document how all other areas of the site are meeting this code section.

- 6 Transparency.** While it appears that you meet the transparency standards per SMC 23.47A.008.B.2.a, the façade behind the courtyard on both street facades and outdoor seating on the Greenwood Ave N facade shall be included in the transparency calculations.

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A setback is required along the lot line that abuts a lot in a residential zone at fifteen feet for portions of structures above 13 feet in height to a maximum of 65 feet per SMC 23.47A.014.B.3.a.

- 8 Street Trees and Landscaping.** The proposed Street Trees and Landscaping in the right-of-way used to meet the Green Factor must receive a conceptual approval from SDOT. Please consult with SDOT arborist Bill Ames at 206-684-5693 to determine species of tree and standards of planting on this, and provide applicable documentation (i.e. emails).

- 9 Green Factor.** The green factor plans shall follow the latest Director's Rule 30-2015. Please review this Director's Rule and update where needed.

- 10 Structural Building Overhangs.** Minor Architectural Encroachments are limited to 2' 6" vertical dimension into the right-of-way per SMC 23.53.035.A.2.

Please revise the cornice encroachment on the 5th level to meet this code section, as it cannot be a departure.

11 Frequent Transit Service Corridor. This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

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12 Sight Triangle. Please provide the offsite sight triangle easement required per SMC 23.54.030.G. Zoning cannot be approved until this easement has been obtained.



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LETTER OF TRANSMITTAL

Date: March 15, 2017
Project: 7009 Greenwood Ave N, DPD Project Number 3023260
To: Robert M McIntosh (GEO SOILS)
From: David Fuchs
Re: Correction Notice #1: Geotechnical/Soils

Response to City Light Correction #1 (January 27, 2017):

1. See No Further Action (NFA) letter from the State of Washington Department of Ecology dated April 13, 2015 attached.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 13, 2015

Ms. Sue Woolenberg
Estate of John E. Barnett
13537 Streamside Dr.
Lake Oswego, OR 97035

Re: No Further Action at the following Site:

- **Site Name:** 7009 Greenwood Ave (AKA Heavens Supply)
- **Site Address:** 7009 Greenwood Ave North, Seattle, WA 98103
- **Facility/Site No.:** 644282
- **VCP Project No.:** NW1698

Dear Ms. Wollenberg:

The Washington State Department of Ecology (Ecology) received your request for an opinion on the independent cleanup of the 7009 Greenwood Ave (AKA Heavens Supply) facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Tetrachloroethylene in groundwater
- Tetrachloroethylene in soil
- Tetrachloroethylene in indoor air.
- Trichloroethylene in groundwater



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- Trichloroethylene in soil
- Trichloroethylene in indoor air
- Cis-1,2-dichloroethene in groundwater
- Cis-1,2-dichloroethene in soil
- Cis-1,2-dichloroethene in indoor air
- Vinyl chloride in groundwater
- Vinyl chloride in soil
- Vinyl chloride in indoor air

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the documents listed in **Enclosure B**. Those documents are kept in the Central Files of the Northwest Regional Office of Ecology NWRO for review by appointment only. You can make an appointment by calling the NWRO resource contact at 425-649-7239.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

The site has been characterized for:

- Tetrachloroethylene in Ground Water
- Tetrachloroethylene in soil
- Tetrachloroethylene in indoor air
- Trichloroethylene in soil
- Trichloroethylene in indoor air
- Cis-1,2-dichloroethene in indoor air
- Vinyl chloride in indoor air.

The results of characterization are depicted and described in **Enclosure A** and within the documents listed in **Enclosure B**.

2. Establishment of cleanup standards.

a. Cleanup levels

Ecology has determined the cleanup levels you established for the site meet the substantive requirements of the Model Toxics Control Act (MTCA) under Method A for unrestricted land use.

• Tetrachloroethylene in groundwater	5 ug/L
• Tetrachloroethylene in soil	0.05 mg/kg
• Tetrachloroethylene in indoor air.	9.6 ug/m ³
• Trichloroethylene in groundwater	5 ug/L
• Trichloroethylene in soil	0.03 mg/kg
• Trichloroethylene in indoor air	0.37 ug/m ³
• Cis-1,2-dichloroethene in groundwater	70 ug/L
• Cis-1,2-dichloroethene in soil	0.350mg/kg
• Cis-1,2-dichloroethene in indoor air	n/a
• Vinyl chloride in groundwater	0.2 ug/L
• Vinyl chloride in soil	0.0013 mg/kg
• Vinyl chloride in indoor air	2.8 ug/m ³ (screening level)

b. Points of compliance

Ecology has determined the standard points of compliance you established for the Site meet the substantive requirements of MTCA.

- Groundwater: From the uppermost level of the saturated zone extending vertically to the lowermost depth which could be potentially affected by the site.
- Soil: From the ground surface to the uppermost groundwater
- Direct Contact: from ground surface to 15 feet below ground surface and represents that depth where future re-development or renovations or utility upgrades may encounter contaminated soils/groundwater
- Indoor Air: All indoor air spaces throughout the site.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

Shallow soil excavating on the property removed contamination above cleanup levels to meet the substantive requirements of MTCA.

Electrical Resistance Heating on the former Heavens Supply Company Property and on the City of Seattle Right-of-Way removed the soil vapor pathway to meet the substantive requirements of MTCA,

Soil vapor extraction removed residual soil contamination on the property and removed the soil vapor to meet the substantive requirements of MTCA. Performance and Confirmation Monitoring results of groundwater, soil and indoor air, and soil vapor supports that the cleanup meets the substantive requirements of MTCA. These results are found on the figures and table in **Enclosure A** and in document No. 1 of **Enclosure B**.

The cleanup action meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site. Details to the cleanup action are shown on the figures and table in **Enclosure A** and the documents in **Enclosure B**.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

The cleanup consisted of the following:

Shallow soil excavating on the property to remove contamination beneath the driveway on the southern end of the property (February 2013).

Electrical Resistance Heating (ERH) on the former Heavens Supply Company Property (March through July 2013 and the City of Seattle Right-of-Way (May through August 2014).

Soil vapor extraction for engineering controls and to remove residual contamination on the Smith Property (March through November 2013) and areas adjacent to the ERH treatment areas (March through November 2013 and May through August 2014).

Performance and Confirmation Monitoring results of groundwater, soil and indoor air, and soil vapor supports that the cleanup meets the substantive requirements of MTCA. These results are found in the figures and table of **Enclosure A** and in Document No. 1 in **Enclosure B**

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

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- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project # NW1698.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at 360-407-7239 or e-mail at mkun461@ecy.wa.gov.

Sincerely,



Michael Kuntz
HQ Toxics Cleanup Program

Enclosures: A - Description and Diagrams of the Site
 B - Basis for the Opinion: List of Documents

cc: Aaron Smith
 Tad Shimazu, City of Seattle
 Piper Roelen, Landau Associates
 Mindy De Young, Riddell Williams
 Dolores Mitchell (without enclosures)

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Enclosure A

Description and Diagrams of the Site

Site Description and History

The Site designated as the 7009 Greenwood Avenue (VCP # NW 1698) is also known as the Heavens Supply Site. This site prior to active remediation is shown in Figure No. 1. The source of the Tetrachloroethylene (PCE) and other contaminants of concern originated from the former Heaven's Supply Company at 7009 Greenwood Avenue that operated between 1964 and 1983 (please refer to Document No. 1 in Enclosure B).

Company operations included a laundry and dry cleaning supply company. During this time PCE was stored and distributed on the company property in a 10,000 gallon above ground storage tank. Historically, the property was operated as an auto service and maintenance company in the 1930's and 1940's. From the mid 1980's until the 2011 a large building on the property housed an outlet store for a bakery company. The building was demolished in August 2011 (please refer to Document No. 1 in Enclosure B)

Figure No. A	Surveyor's Map and Tax parcel Map of site
Figure No. 1	Vicinity Map
Figure No. 2	Heavens Supply Cleanup Boundary
Figure No. 3	Deep Aquifer Groundwater Elevations
Figure No. 4	Pre-Remediation Extent of PCE in Soil
Figure No. 5	Pre-Remediation PCE Concentrations in Groundwater
Figure No. 6	Pre -Remediation Indoor Air VOC Concentrations
Figure No. 7a	ERH and SEV System Layout- Heavens Supply Property
Figure No. 7b	ERH System Layout- Right-of-Way
Figure No. 8	Interim Soil Performance Sampling Results
Figure No. 9	Conformation Soil Sampling Results
Figure No. 10	Groundwater Conformation Sampling Results
Figure No. 11	Conformation Indoor Air Sampling Results
Figure No. 12	Conformation Soil Vapor Sampling Results- Smith Property
Table No. 1	Shallow Groundwater Sampling Event Summary

Legal Description

LOTS 1,2,3,4,5, AND 6 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, EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY, CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19344, AND THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 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, SUBJECT TO EASMENTS, RESTRICTIONS, AND RESERVATIONS AND COVENANTS OF RECORD, IF ANY. ALSO THE PORTION OF GREENWOOD AVENUE NORTH, WITH KING COUNTY IDENTIFICATION NUMBERS 12503ROAD AND 062504ROAD, ADJOINING AND EXTENDING APPROXIMATELY 60 FEET EAST OF LOTS 1,2,3,4,5, AND 6 IDENTIFIED ABOVE, AND THE PORTION OF NORTH 70TH STREET, WITH KING COUNTY IDENTIFICATION NUMBER 12503ROAD, ADJOINING AND EXTENDING APPROXIMATELY 25 FEET SOUTH OF LOT 1 AND THE EAST 53 FEET OF LOT 12 IDENTIFIED ABOVE

Please refer to Figure No. A for surveyor's map corresponding to legal description.

The legal description and map in Figure No. A do not depict that portion of the site that contains City of Seattle property. The description of the city property given on the King County Department of Assessments webpage (King County website 2014) follows:

Greenwood Avenue North right-of-way (ROW; ROW identification numbers 012503ROAD & 062504ROAD); the portion of the ROW adjacent to the east of and extending approximately 60 ft from the property at 7009 Greenwood Avenue North.

North 70th Street ROW (ROW identification number 012503ROAD); the portion of the ROW adjacent to the south of and extending approximately 25 ft. from the property at 7009 Greenwood Avenue North.

Please refer to Figure No.2 for ROW's within the site

Tax Parcels

The site includes the following tax parcels in King County:

287710-4110	Aaron Smith Property
287710-4100	Former Heaven's Supply Company Property
287710-4127	Former Heaven's Supply Company Property
287710-4100	Former Heaven's Supply Company Property

Please refer to Figure No. A for surveyor's map corresponding to tax parcels.

Enclosure B

Basis for the Opinion: List of Documents

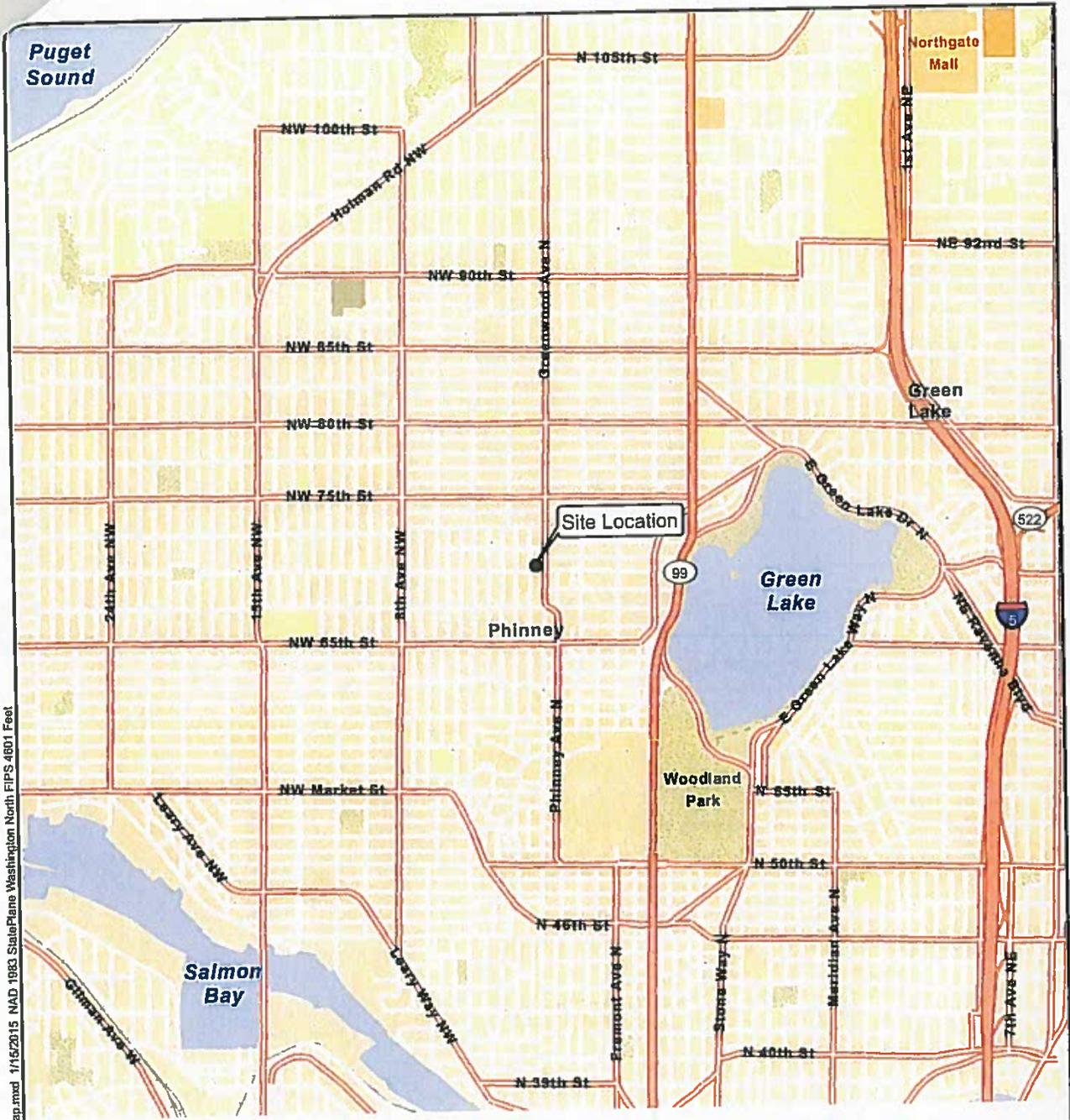
1. Letter Request for No Further Action Determination Heavens Supply Cleanup Site, Landau Associates, January 23, 2015
2. Engineering Design Report, Former Heaven's Supply Company Property 7009 Greenwood Avenue North, Landau Associates, December 4, 2014
3. July 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, August 15, 2014
4. June 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, July 11, 2014
5. May 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, June 18, 2014
6. Summary of Indoor Air Data - Former Heavens, Supply Site May 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, June 18, 2014
7. Application for No Further Action Determination, 7013 Greenwood Ave. North, March 4, 2014
8. Cleanup Action Plan\Engineering Design Addendum Former Heavens Supply Company Property, Landau Associates, December 27, 2013
9. Conformational Sampling Plan for Heavens Supply Site/Smith Properties Revision 1 Former Heavens Supply Company Site, 7009 Greenwood Avenue North Landau Associates, November 15, 2013
10. Technical Memorandum Soil Conformational Sampling Results Former Heavens, Supply Company Site 7009 Greenwood Avenue North, Landau Associates, November 13, 2013
11. Technical Memorandum Soil Conformational Sampling Results Former Heavens, Supply Company Site 7009 Greenwood Avenue North, Landau Associates, September 13, 2013
12. July Monthly Remediation Progress Report Former Heavens, Supply Company Site 7009 Greenwood Avenue North, Landau Associates, August 15, 2013

13. Technical Memorandum Soil Conformationals Sampling Plan Former Heavens Supply Site
7009 Greenwood Avenue North, Landau Associates,, July 26, 2013
14. June Monthly Remediation Progress Report Former Heavens, Supply Company Site 7009
Greenwood Avenue North, Landau Associates, July 15, 2013
15. May Monthly Remediation Progress Report Former Heavens, Supply Company Site 7009
Greenwood Avenue North, Landau Associates, June 15, 2013
16. April 2013 Monthly Remediation Progress Report Former Heavens, Supply Company Site
7009 Greenwood Avenue North, Landau Associates, May 15, 2013
17. March 2013 Monthly Remediation Progress Report Former Heavens, Supply Company Site
7009 Greenwood Avenue North, Landau Associates, April 15, 2013
18. Engineering Design Report, Former Heaven's Supply Company Property, Landau
Associates, December 27, 2012
19. Final Cleanup Action Plan (Revision 1) Former Heavens Supply Company Property, Landau
Associates, November 7, 2012
20. Request for Contained in Determination Former Heaven Supply Site, Landau Associates,
November 5, 2012
21. Response to Ecology Comments on Cleanup Action Plan, Former Heavens Supply
Company Site, 7009 Greenwood Avenue North Landau Associates, May 11, 2012
22. Heavens Supply Tree Mitigation Plan, Landau Associates, May 6, 2012
23. Final Cleanup Action Plan Former Heavens, Supply Company Property Former Heavens,
Supply Company Property, Landau Associates, April 6, 2012
24. Final Additional Site Characterization Report 7009 Greenwood Avenue North, Landau
Associates, March 22, 2012
25. Additional Site Characterization Report, 7009 Greenwood Avenue North, Landau
Associates, March 6, 2012
26. FINAL Additional Site Characterization Work Plan and Project Planning Report, 7009
Greenwood Avenue North, Landau Associates, January 12, 2012
27. VCP Project/Account NW1698 - Estate of John Barnet- Access Agreement, Riddell Williams
P.S., October 27, 2011

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Page 3

28. Report Second Supplemental Remedial Investigation, 7009 Greenwood Avenue North
Former Heavens Supply Company, Landau Associates, October 21, 2011
29. Second Supplemental Remedial Investigation Work Plan Former Heavens Supply Company
Site, 7009 Greenwood Avenue North Landau Associates, July 7, 2011
30. Cleanup Action Plan, Former Heavens Supply Company Property, 7009 Greenwood
Avenue North, Landau Associates, July 7, 2011
31. Indoor Air Vapor Reduction Interim Action Former Heavens Supply Company Site, 7009
Greenwood Avenue North Landau Associates, November 15, 2010
32. Feasibility Study Former Heavens Supply Site 7009 Greenwood Avenue North, Landau
Associates, October 8, 2010
33. Supplemental Remedial Investigation Report, 7009 Greenwood Avenue North, Landau
Associates, March 5, 2010
34. Work Plan Supplemental Remedial Investigation Heavens, Supply Company, Landau
Associates, June 30, 2009
35. Remedial Investigation Former Heavens Supply Company, Landau Associates, March 9,
2009

G:\Projects\5831002\050\58\CleanUp Report\F01VicMap.mxd 1/16/2015 NAD 1983 StatePlane Washington North FIPS 4601 Feet



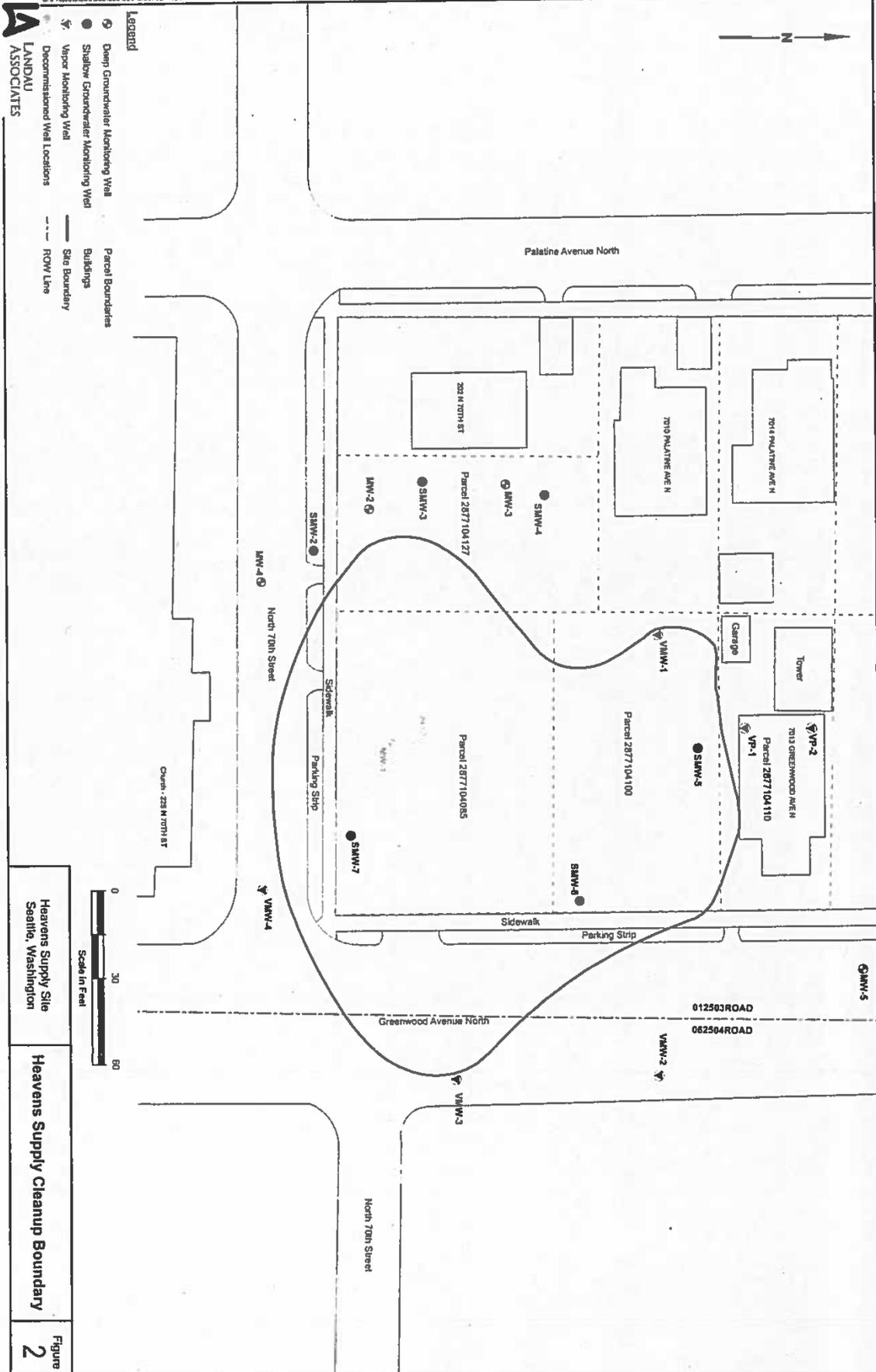
Data Source: Esri 2012



Heavens Supply Site
Seattle, Washington

Vicinity Map

Figure
1



- Legend**
- Deep Groundwater Monitoring Well
 - Shallow Groundwater Monitoring Well
 - ▼ Vapor Monitoring Well
 - Decommissioned Well Locations
 - Parcel Boundaries
 - Buildings
 - Site Boundary
 - ROW Line

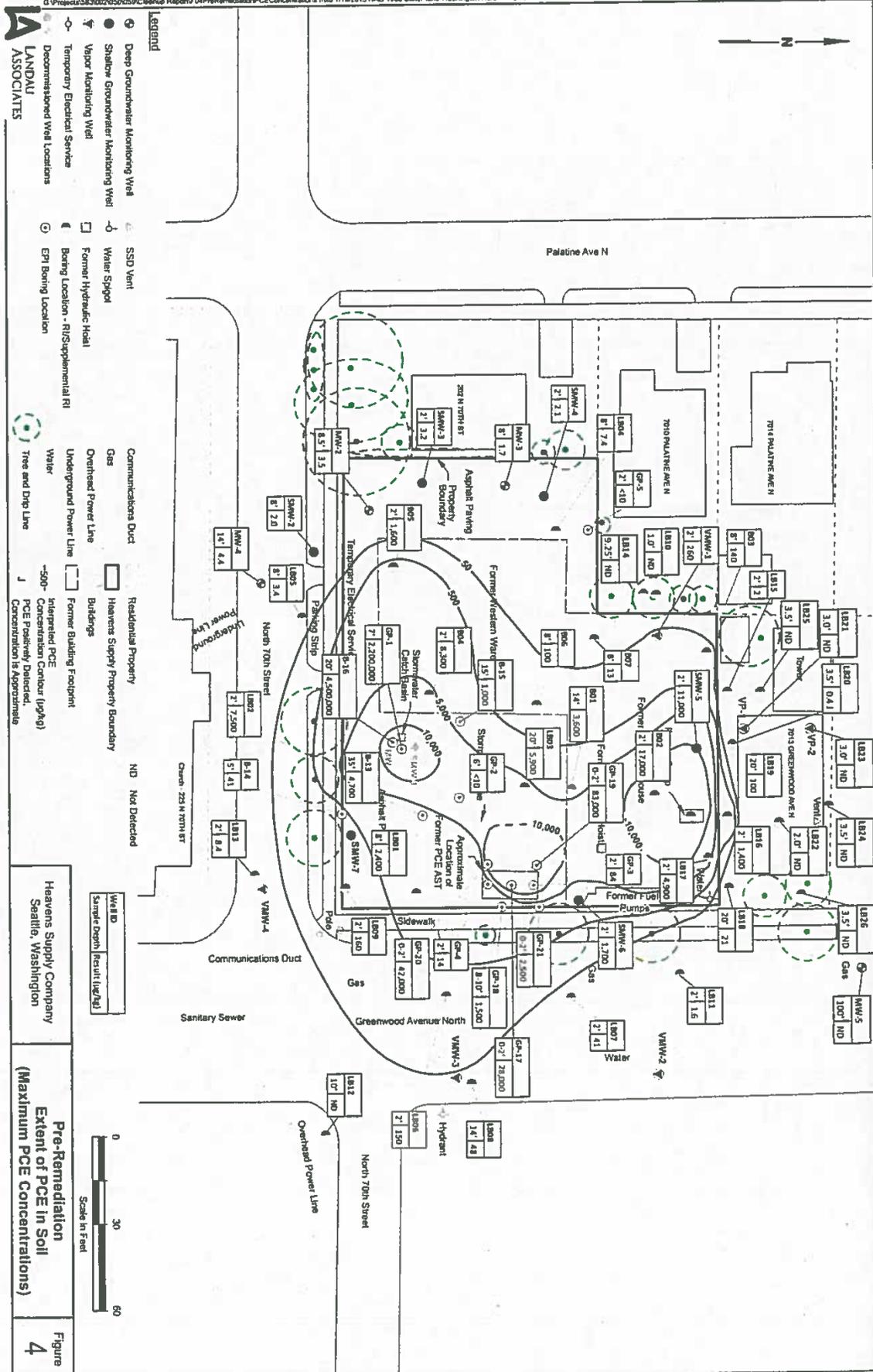
0 30 60
Scale in Feet

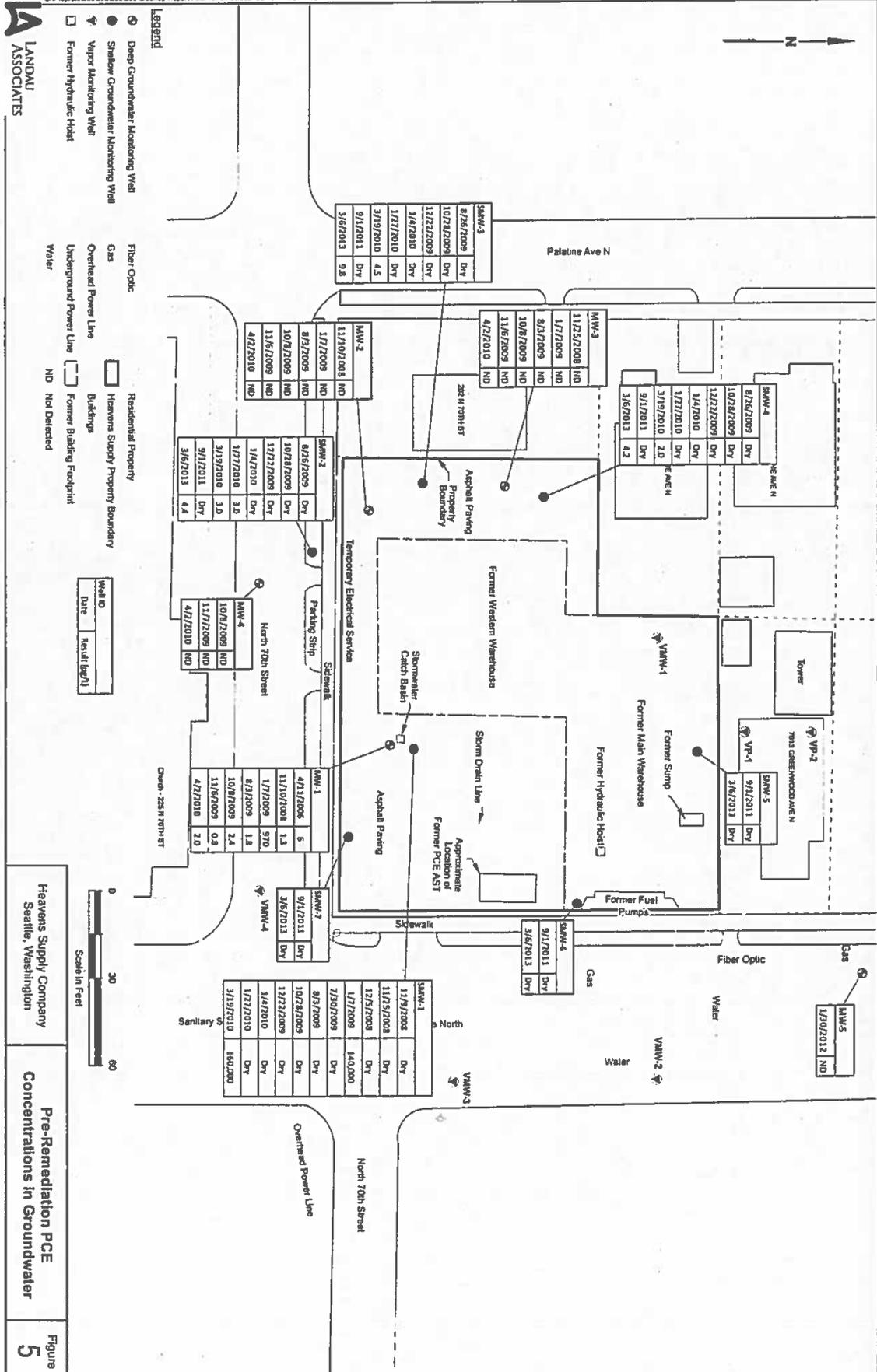
Heavens Supply Site
Seattle, Washington

Heavens Supply Cleanup Boundary

Figure
2







Heavens Supply Company
Seattle, Washington

Pre-Remediation PCE
Concentrations in Groundwater

Figure
5



Legend

Indoor Ambient Air
Sampling Location

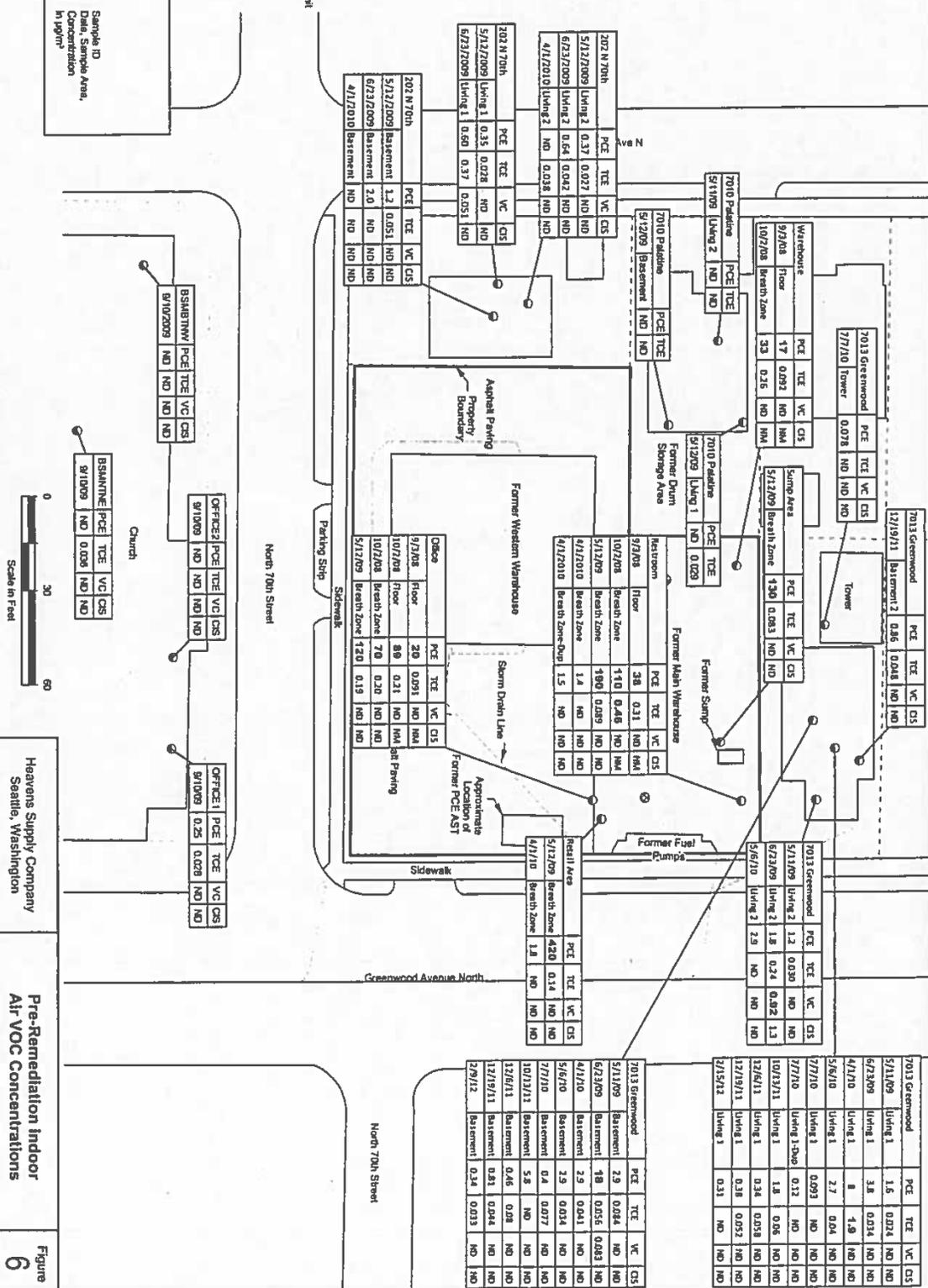
Sample Area	PCE	TCE
5/12/09	100	0.003
Breath Zone	100	0.003
Sample ID	Date, Sample Area, Concentration	
5/12/09	In µg/m³	

NOTES

1. TCE = Trichloroethene
PCE = Tetrachloroethene
VC = Vinyl Chloride
CIS = cis-1,2-Dichloroethene
ND = Not detected above reporting limit

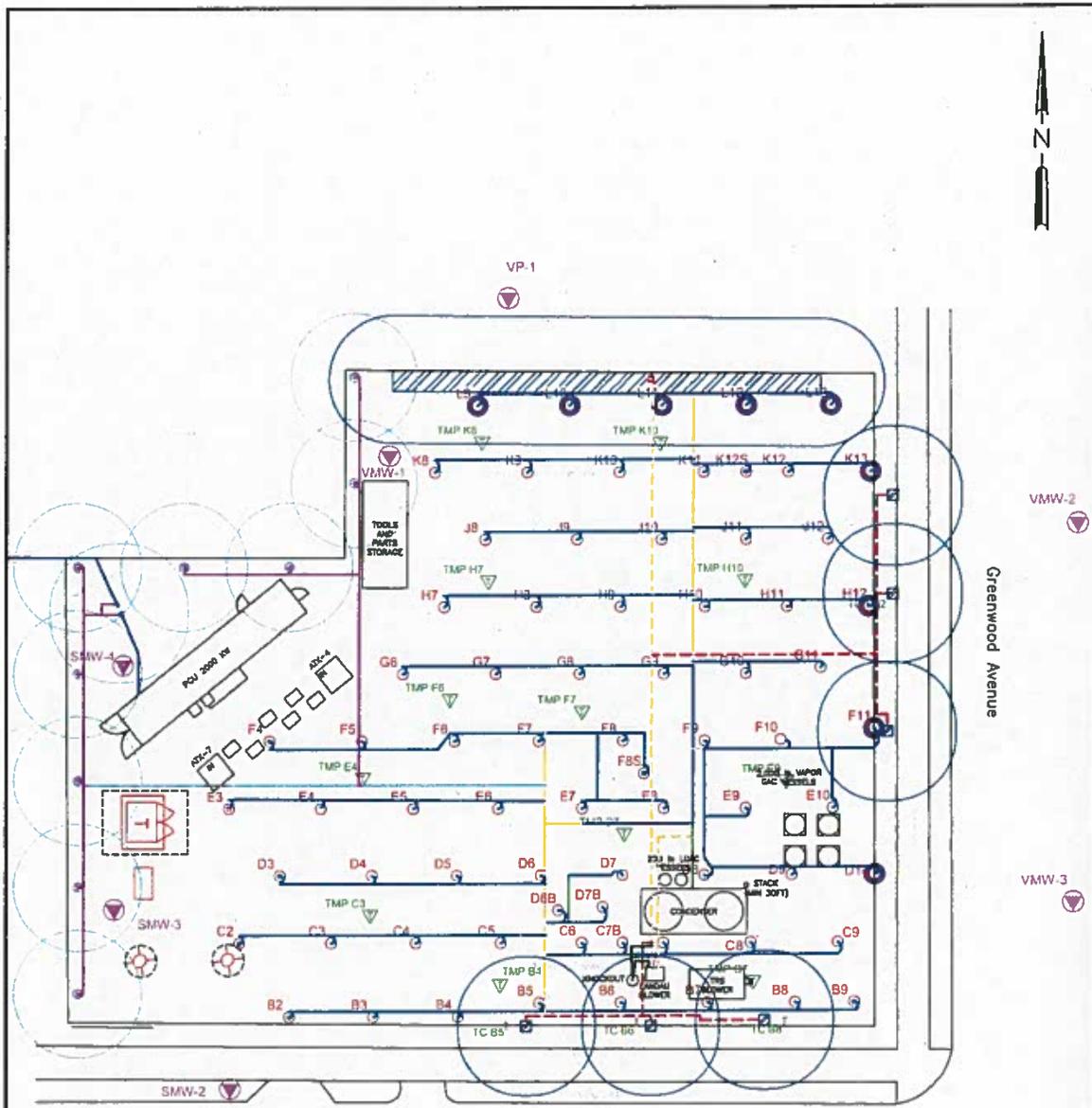
2. Bold value indicates accordance of MATCA Method B Cleanup Levels.

3. MATCA Method B Cleanup Levels:
PCE = 9.8 µg/m³
TCE = 0.37 µg/m³
VC = 1.2 µg/m³
CIS = 0.28 µg/m³
Vinyl Chloride = 0.28 µg/m³



Heavens Supply Company
Seattle, Washington

Pre-Remediation Indoor
Air VOC Concentrations



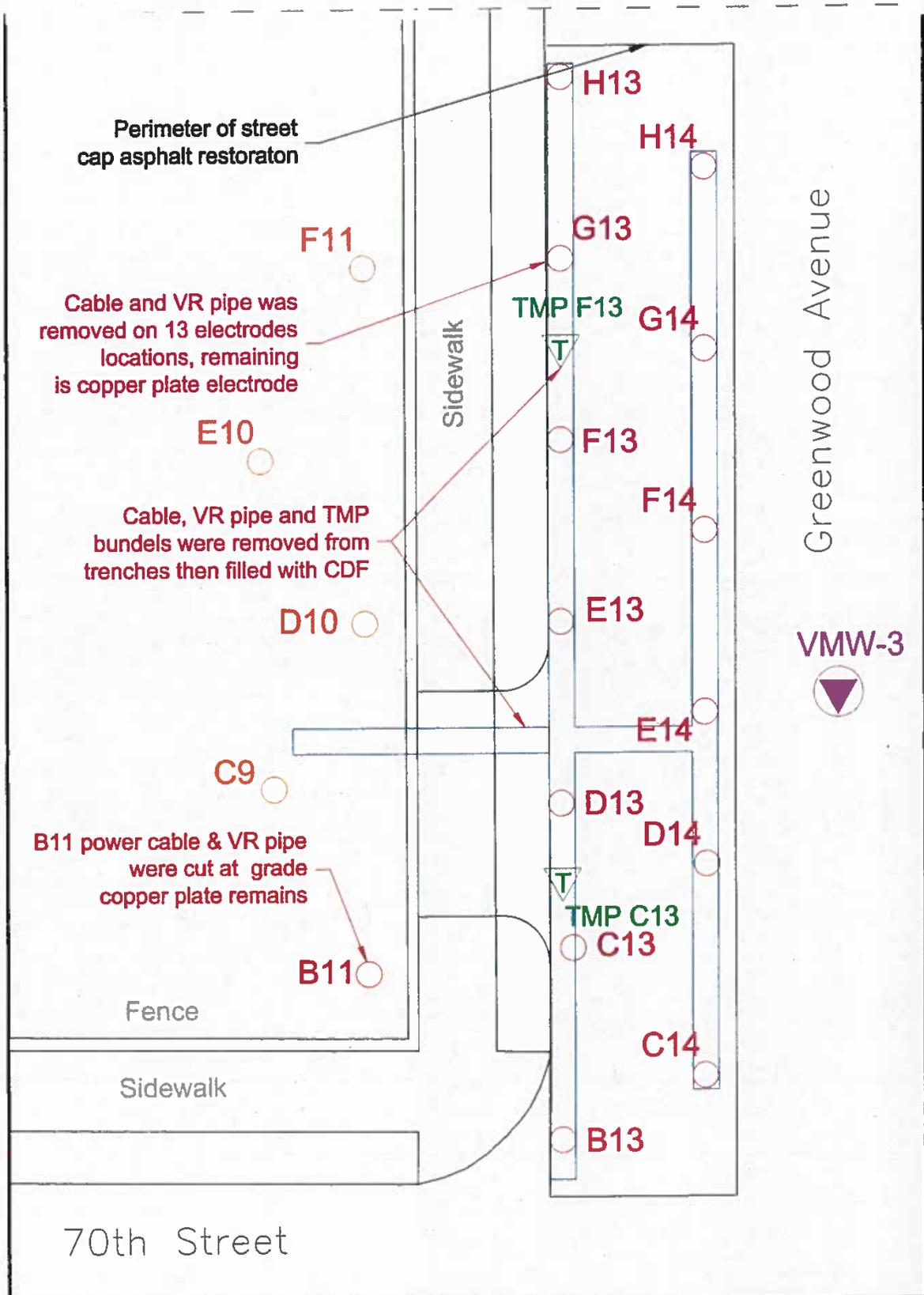
LEGEND

- DEEP ELECTRODE (56)
- DUAL DEEP ELECTRODE (8)
- ⊙ SHALLOW ELECTRODE (8)
- ▽ TEMPERATURE MONITORING POINT (12)
- † THERMOCOUPLE (4)
- PERIMETER VAPOR EXTRACTION WELL (8)
(OUTER CIRCLE SHOWS 12' RADIUS OF INFLUENCE)
- ▨ LANDAU SVE TRENCH
(OUTER CIRCLE SHOWS 12' RADIUS OF INFLUENCE)
- RECENTLY IDENTIFIED ABANDONED UTILITY LINES
CAPPED AND PLACED UNDER VACUUM
- VENT BLOCK VENT TRENCH
- ▽ VAPOR MONITORING POINTS (8)
- 1.5" 1-4 ELECTRODES
- 3" CPVC SVE PIPING
- 4" CPVC SVE PIPING
- 4" PVC FLEX HOSE
- 4" 5-25 ELECTRODES
- 6" PVC
- 6" 26-52 ELECTRODES
- 8" 53+ ELECTRODES
- 2" PVC 1-6 CONTROL POINTS
- 4" PVC GREATER THAN 6 CONTROL POINTS



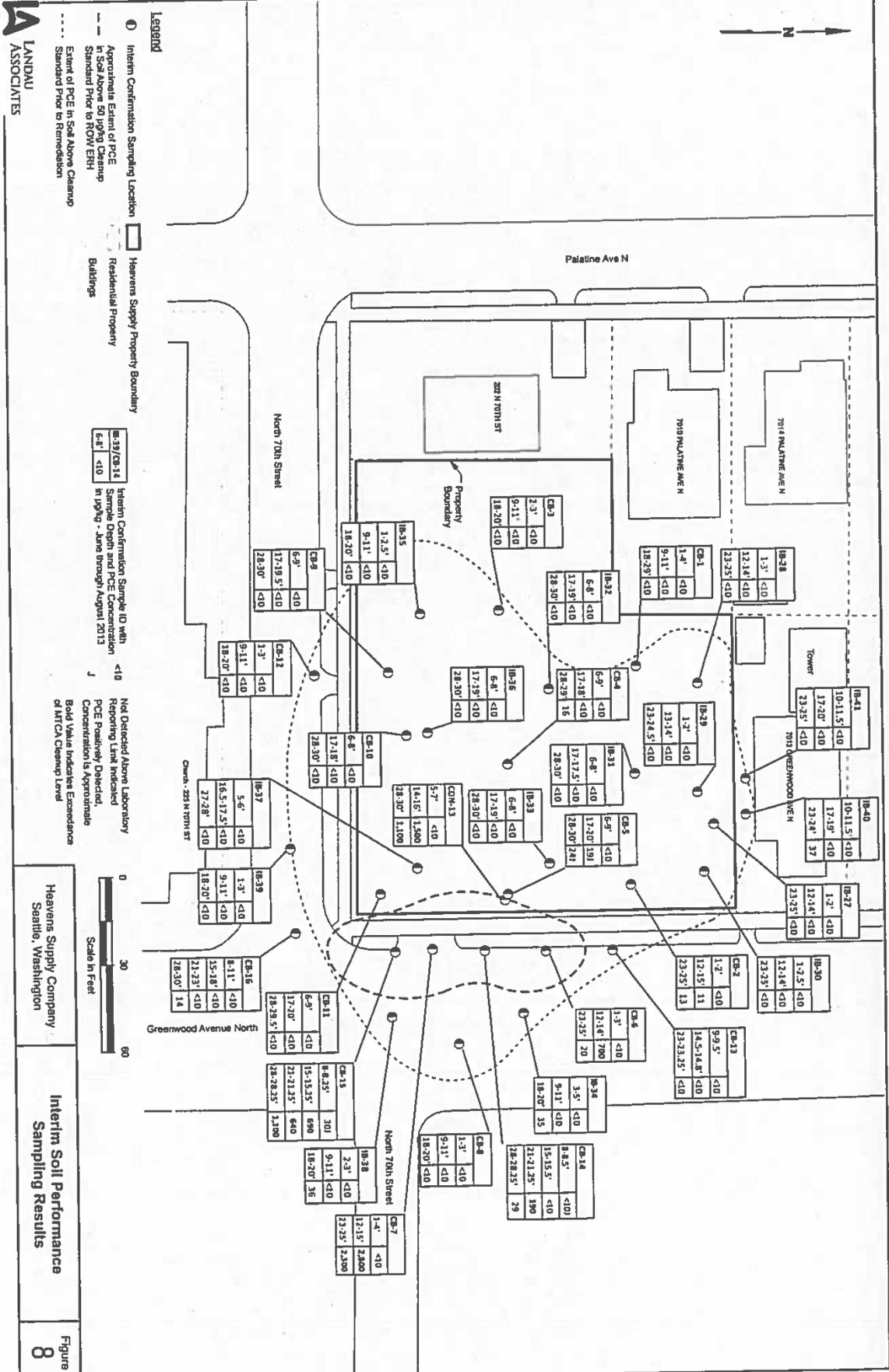
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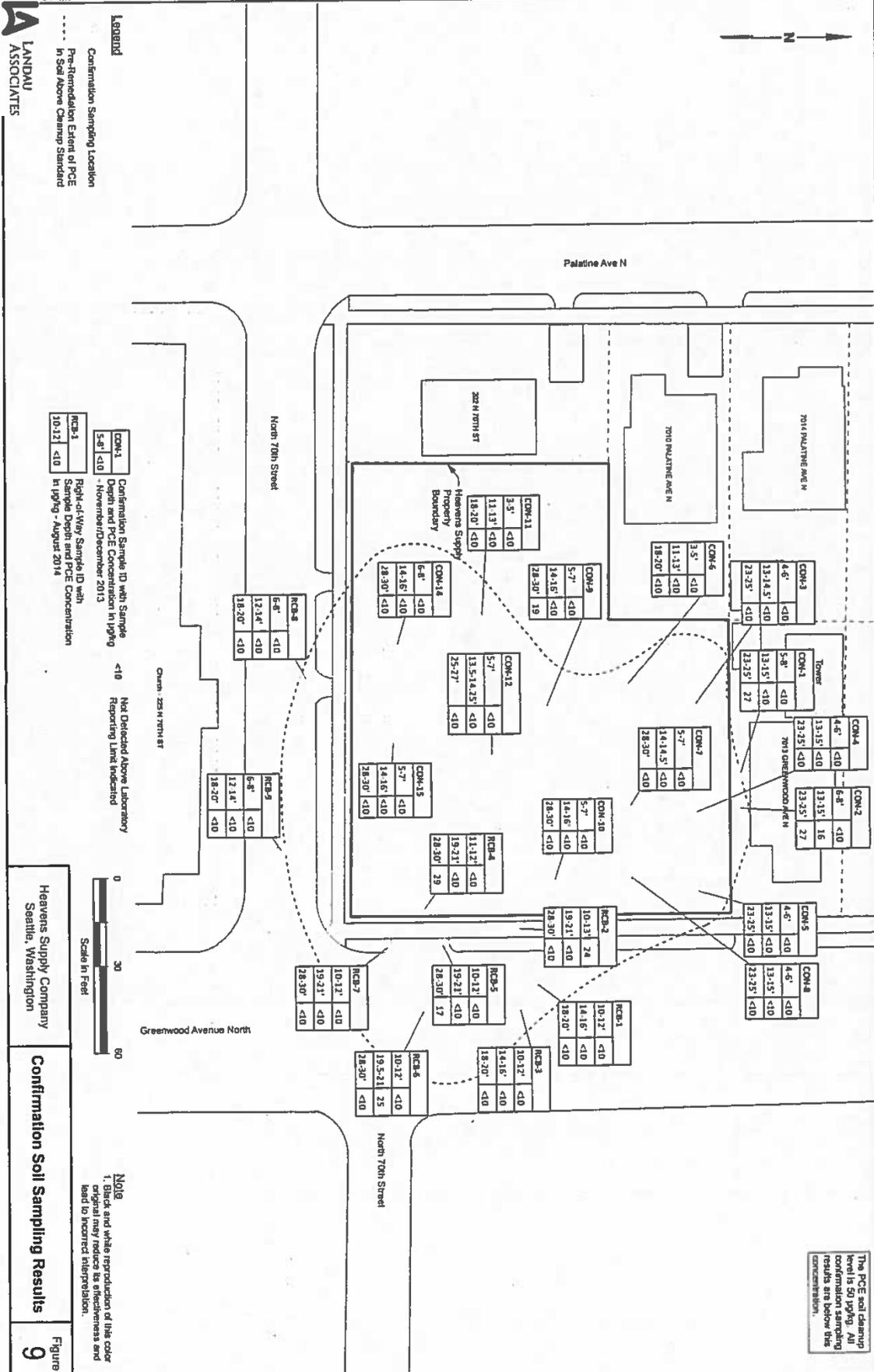
DESIGNED BY C. CROWNOVER	FOR HEAVEN SUPPLY SEATTLE, WASHINGTON	
DRAWN BY C. CROWNOVER	ERH AND SVE SYSTEM LAYOUT HEAVENS SUPPLY PROPERTY	
CHECKED BY TRS		
PROJECT MANAGER J. BRINK		
APPROVED FOR IMPLEMENTATION	DATE 12/08/11	PROJECT SEATTLE
BY	DATE	SHEET FIGURE 7a



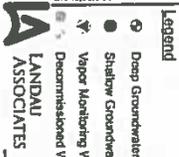
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DESIGNED BY D. SEILER	FOR HEAVEN SUPPLY SEATTLE, WASHINGTON
DRAWN BY C. BADERER	ERH SYSTEM LAYOUT - RIGHT-OF-WAY
CHECKED BY TRB	
PROJECT MANAGER L. STAUCH	
APPROVED FOR IMPLEMENTATION	DATE 01/10/2016 PROJECT 85418 ROW
BY _____	DATE _____
FOR _____	SHEET FIGURE 7b





The PCE soil cleanup level is 50 ug/g. All confirmation sampling results are below this concentration.



Legend

- Deep Groundwater Monitoring Well
- Shallow Groundwater Monitoring Well
- ▽ Vapor Monitoring Well
- Decommissioned Well Locations
- Temporary Electrical Services
- △ Vent
- Water Spigot
- Tree and Dip Line
- Communications Duct
- Gas
- Overhead Power Line
- Underground Power Line
- Residential Property
- Heavens Supply Property Boundary
- Approximate Groundwater Flow Direction
- Water
- Gas
- Water

Confirmation Sampling ID with Sample Date and PCE Concentration in µg/L

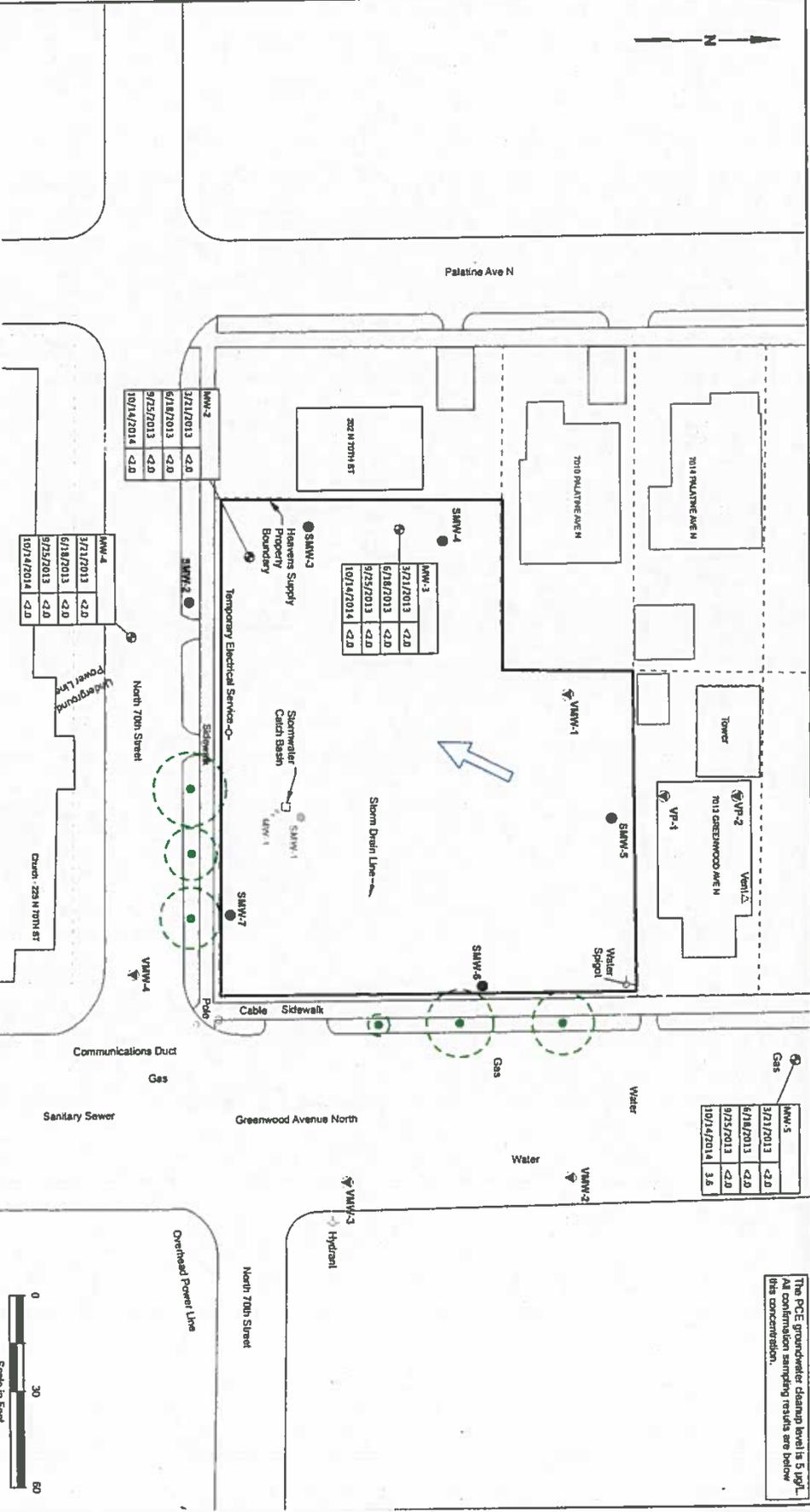
SMW-4	3/21/2013	<2.0
SMW-4	6/18/2013	<2.0
SMW-4	9/25/2013	<2.0
SMW-4	10/14/2014	<2.0

Not Detected Above Laboratory Reporting Limit Indicated

Note:
1. Bars and white reproduction of this color legend may vary from the original and lead to misinterpretation.

Groundwater Confirmation Sampling Results

Figure 10



The PCE groundwater cleanup level is 5 µg/L. All confirmation sampling results are below this concentration.

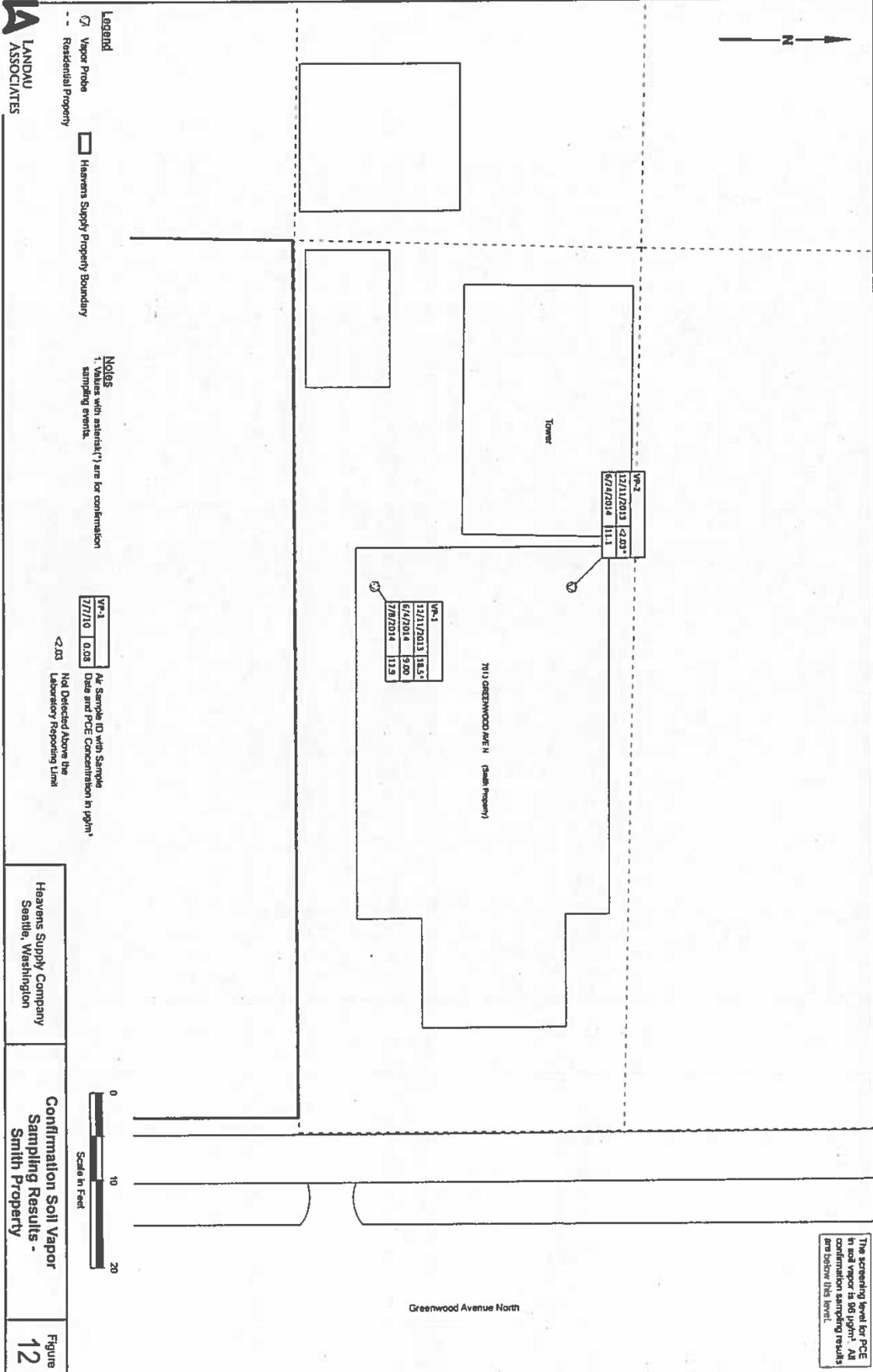


TABLE 1
SHALLOW GROUNDWATER SAMPLING EVENT SUMMARY
FORMER HEAVENS SUPPLY COMPANY SITE
SEATTLE, WASHINGTON

Date	SMMW-1	SMMW-2	SMMW-3	SMMW-4	SMMW-5	SMMW-6	SMMW-7
11/19/2008	Dry	Not yet installed	Not yet installed	Not yet installed	Not yet installed	Not yet installed	Not yet installed
11/25/2008	Dry						
12/5/2008	Dry						
1/7/2009	Sampled (140,000 µg/L)						
7/20/2009	Dry						
8/3/2009	Dry						
8/26/2009	Not Measured						
10/28/2009	Dry	Dry	Dry	Dry	Dry	Dry	
12/22/2009	Insufficient to Sample	Insufficient to Sample	Dry	Dry	Dry	Dry	Dry
1/4/2010	Insufficient to Sample	Insufficient to Sample	Dry	Dry	Dry	Dry	Dry
1/27/2010	Dry	Sampled (3.0 µg/L)	Dry	Dry	Sampled (2.0 µg/L)	Dry	Dry
3/19/2010	Sampled (160,000 µg/L)	Sampled (3.0 µg/L)	Sampled (4.5 µg/L)	Sampled (4.2 µg/L)	Dry	Dry	Dry
9/1/2011	Dry	Dry	Dry	Dry	Dry	Dry	Dry
3/6/2013	Decommissioned	Sampled (4.4 µg/L)	Sampled (9.8 µg/L)	Sampled (4.2 µg/L)	Dry	Dry	Dry
6/18/2013		Dry	Dry	Dry	Dry	Dry	Dry
9/25/2013		Dry	Dry	Dry	Dry	Dry	Dry
10/14/2014		Dry	Dry	Dry	Dry	Dry	Dry

Site Cleanup Level is 5 µg/L.
µg/L = Micrograms per liter

LETTER OF TRANSMITTAL

Date: March 15, 2017
Project: 7009 Greenwood Ave N, DPD Project Number 3023260
To: Ray Ramos (CITY LIGHT)
From: David Fuchs
Re: Correction Notice #1: City Light

Response to City Light Correction #1 (January 06, 2017):

1. The building has applied for a UMP (Service Request #1618628) to underground the overhead power lines fronting the building. As such, clearance is no longer required. See attached Service Construction Acceptance Form and UMP Drawing Set.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





Attachment E: Service Construction Acceptance Form

Service Address: 7009 Greenwood Avenue North
Service Request #: 1618628
Project Description: Permanent Building clearance

By returning this Service Construction Acceptance Form signed and dated, the customer agrees with all the terms and conditions of the Service Construction Letter dated January 10, 2017, including its attachments, the Seattle City Light Cost Estimate, the Seattle City Light Scope of Work, General Customer Requirements, and Customer Construction Requirements, including the Construction Requirements Drawing.

NOTE: Should you desire to make changes after this agreement has been executed, a 06.61 Service Request Change Order and revised project plans may be required and additional Seattle City Light charges may be incurred. Please contact Seattle City Light for additional details.

Print Name: Chad Dale Title: Manager, 70th and Greenwood LLC

Signature:  Date: 2/15/2017
(Owner/Authorized Representative)

Contact Phone: 734-320-1846

Mail to:

Seattle City Light
Attn: SCL Intake Desk
1300 N. 97th St.
Seattle, WA 98103-3320
Stephanie Franklin - Senior Electric Service Representative
(206) 615-0604
E: Panomvana, T.\bk

Per agreement with SCL during our meeting at North Service Center (2/13/17 with Stephanie Franklin, Eivind Perander, and Tanya Panomvana), the specific scope and extent of undergrounding of secondary service is still under discussion. An updated Service Letter will be issued once that has been finalized.

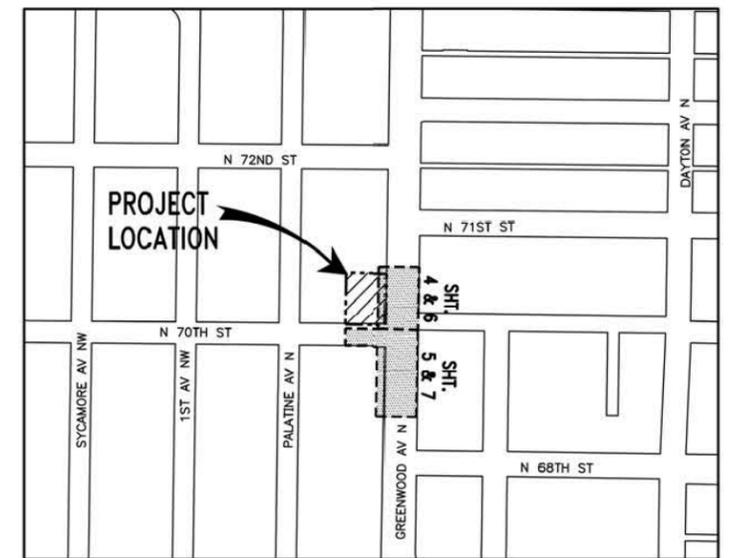
7009 GREENWOOD AVENUE NORTH

UTILITY MAJOR PERMIT PLANS

SCL IMPROVEMENTS

SEATTLE, WASHINGTON

FEBRUARY 07, 2017



NORTH
VICINITY MAP
SCALE: 1"=200'

SURVEY SITE NOTES:

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

PARCEL NUMBERS:
287710-4100
287710-4085
287710-4127

ZONING:
NC2-40 AND SF-5000

ZONING AGENCY:
CITY OF SEATTLE
DEPARTMENT OF PLANNING AND DEVELOPMENT
700 5TH AVENUE, SUITE 2000
SEATTLE, WA 98104
(206) 684-8600

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

HORIZONTAL DATUM:
NAD 83/91

BASIS OF BEARING:
CENTERLINE OF N 70TH ST (N88°57'54"W)

VERTICAL DATUM:
NAVD 88

DESCRIPTION:

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 ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON;

PARCEL B:
THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 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.

EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.

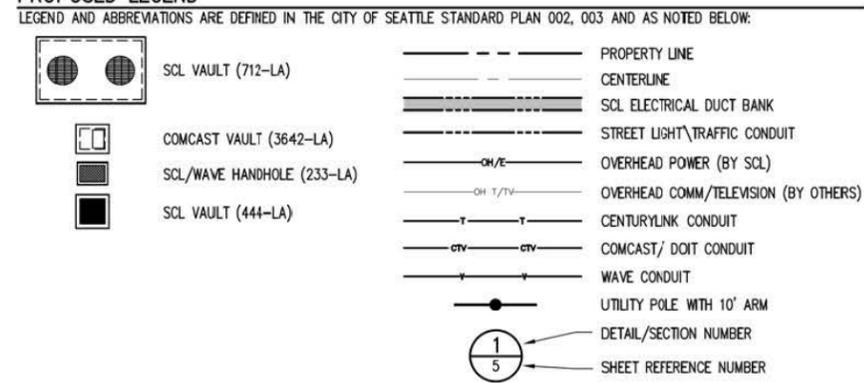
SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

CIVIL SHEET INDEX - UTILITY MAJOR PERMIT	
SHT NO	DWG TITLE
1	COVER SHEET
2	GENERAL NOTES
3	OVERALL PLAN
4	GREENWOOD AVENUE N (NORTH) - FRANCHISE UTILITY PLAN
5	GREENWOOD AVENUE N (SOUTH) - FRANCHISE UTILITY PLAN
6	GREENWOOD AVENUE N (NORTH) - PAVEMENT RESTORATION PLAN
7	GREENWOOD AVENUE N (SOUTH) - PAVEMENT RESTORATION PLAN
8	SECTIONS AND DETAILS

EXISTING LEGEND:



PROPOSED LEGEND



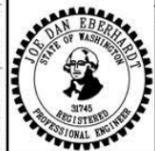
ABBREVIATIONS:

ABBREVIATIONS ARE AS DEFINED IN THE CITY OF SEATTLE STANDARD PLAN 002a AND AS NOTED BELOW

⊙	AT
AVE	AVE
CL	CENTERLINE
COMM	COMMUNICATIONS
CLR	CLEAR
KC	KING COUNTY
POC	POINT OF CONNECTION

60% Utility Major Permit Plan - NOT FOR CONSTRUCTION

Feb 07, 2017 4:09pm Rev. 2:\160001-160099\1600110 [greenwood & 70th]\0200\Design\Map\3p-nlfr-01.dwg 1.cvr



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REVIEWED BY SPU/WATER ENGINEERING	20.....
REVIEWED BY SPU/DRAINAGE	20.....
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED ATT 02-07-17	REVIEWED:
CHECKED JDE 02-07-17	
DRAWN KWP 02-07-17	PROJECT MANAGER
CHECKED ATT 02-07-17	
DESIGN REVIEW	REVISED AS-BUILT

All work done in accordance with the City of Seattle Standard Plans and Specifications in effect on the date shown above, and supplemented by Special Provisions.

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. APPROVED:

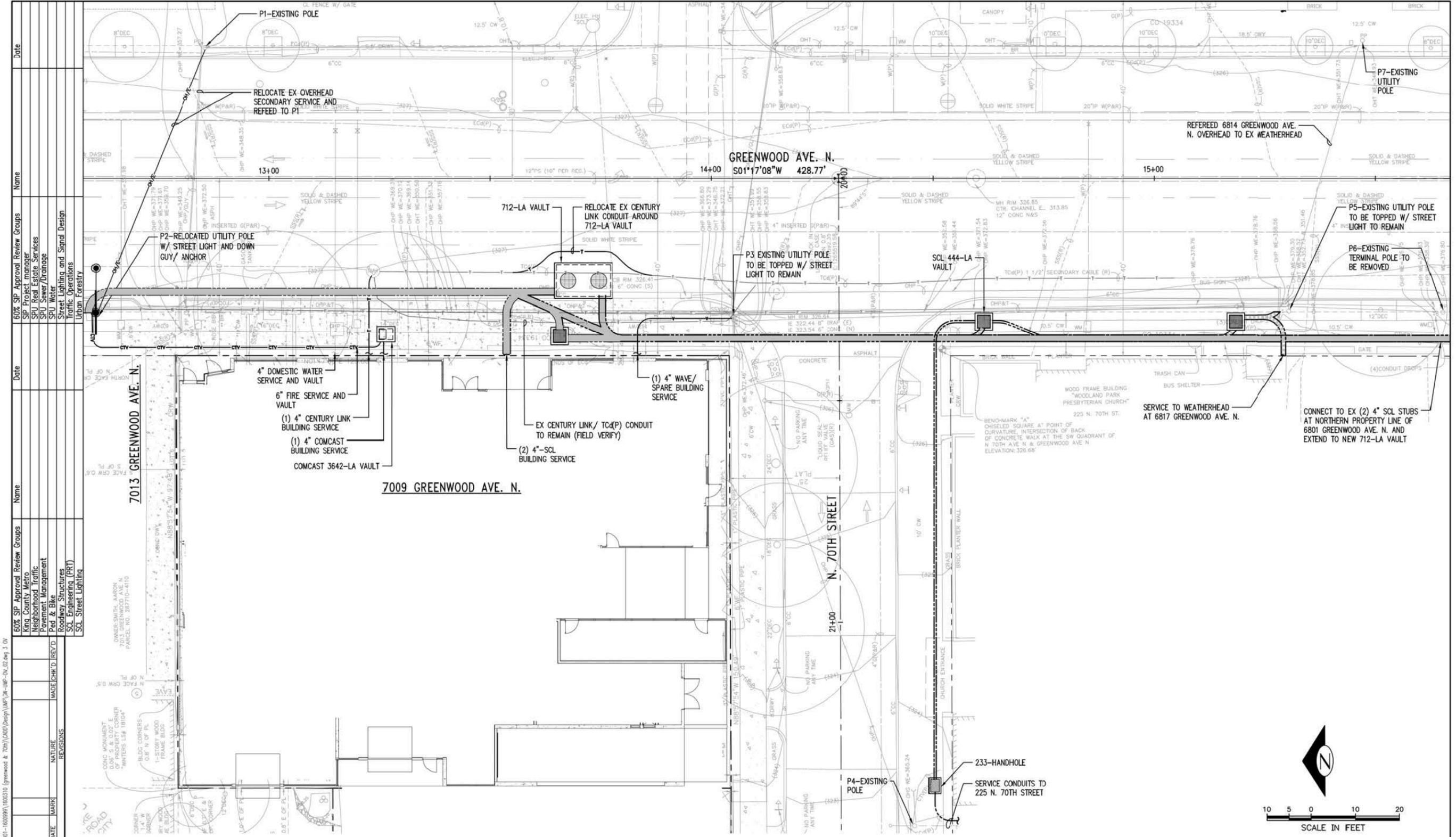
FUND:

SCALE:

INSPECTOR'S BOOK:

7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
COVER SHEET

SDOT PROJECT NO. XXXXXX
VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX
SHEET 1 OF 8



Date	Name	60% SIP Approval Review Groups
		SIP Project manager
		SPU Real Estate Services
		SPU Water
		Street Lighting and Signal Design
		Traffic Operations
		Urban Forestry

Date	Name	60% SIP Approval Review Groups
		King County Metro
		Neighborhood Traffic
		Pavement Management
		Ped. & Bike
		Roadway Structures
		SCL Engineering (PRT)
		SCL Street Lighting

60% Utility Major Permit Plan - NOT FOR CONSTRUCTION



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APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....

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CHECKED ATT 02-07-17	
DESIGN REVIEW	

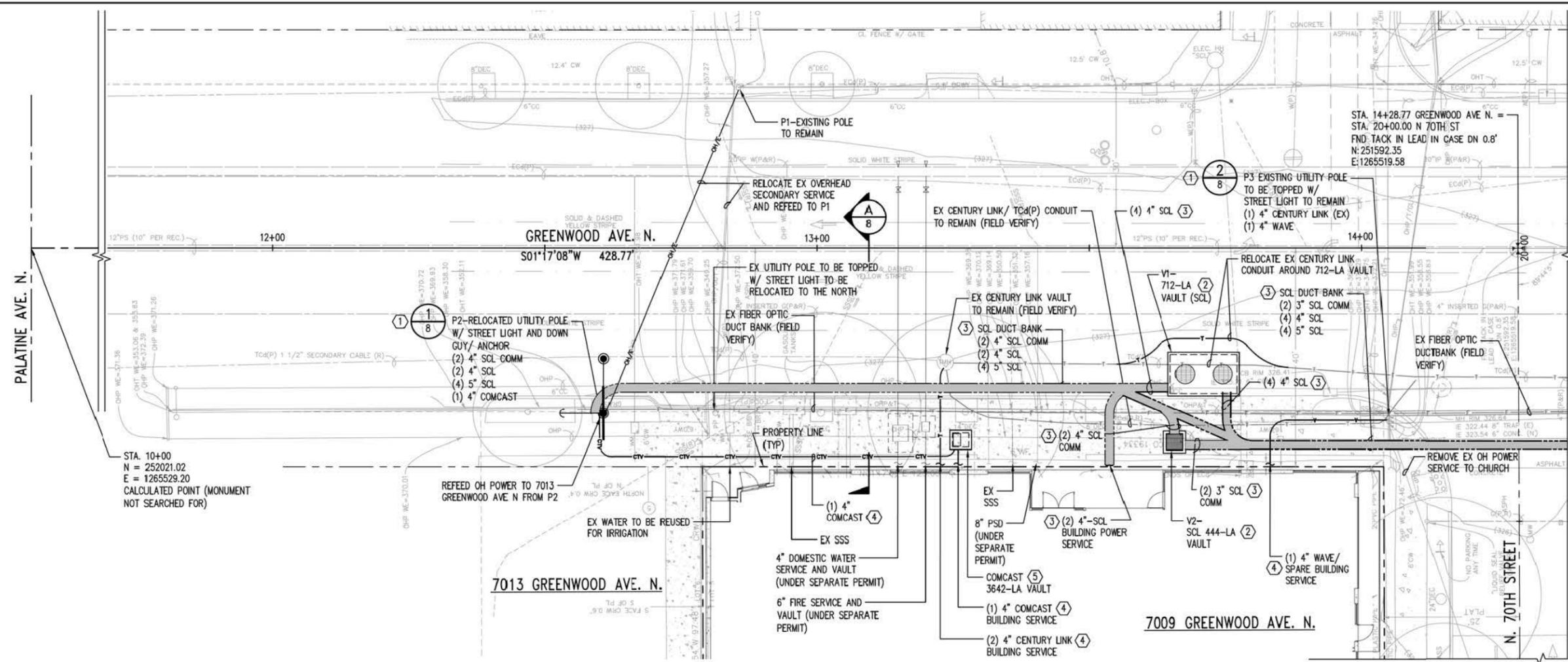
City of Seattle
Seattle Department of Transportation
 ORDINANCE NO. _____ APPROVED: _____
 FUND: _____
 SCALE: _____ INSPECTOR'S BOOK: _____

SIP PROJECT #330655 SDCI PROJECT #3023260
709 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
OVERALL PLAN

SDOT PROJECT NO.	XXXXXX
VAULT PLAN NO.	
VAULT SERIAL NO.	XXX-XXX
SHEET	3 OF 8

File: 07_2017_4:09pm Rev: 2\160001-160099\1600110 (greenwood & 70th)\cadd\design\map\3p-utility-02.dwg, 3.0'

Date	Name	60% SIP Approval Review Groups
	SIP Project manager	King County Metro
	SPU Real Estate Services	Neighborhood Traffic
	SPU Sewer/Drainage	Pavement Management
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	Street Lighting and Signal Design	Roadway Structures
	Traffic Operations	SCL Engineering (PRT)
	Urban Forestry	SCL Street Lighting



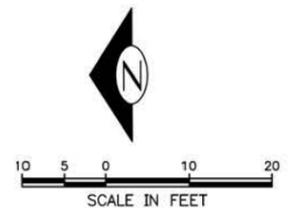
NOTES:

- ALL MATERIALS AND WORK ASSOCIATED WITH THE CONSTRUCTION OF THE FRANCHISE UTILITIES SHALL BE PERFORMED TO SCL CONSTRUCTION AND/OR SCL MATERIAL STANDARDS, INCLUDING THE CURRENT SCL SERVICE CONSTRUCTION LETTER. WHERE DISCREPANCIES EXIST BETWEEN THIS PLANS SET AND THE MOST RECENT SCL SERVICE CONSTRUCTION LETTER, THE SCL LETTER SHALL BE FOLLOWED, UNLESS OTHERWISE NOTED ON THE PLANS OR AS APPROVED BY THE SCL ENGINEER. A COPY OF THE APPROVED PLANS, THE MOST RECENT SCL CONSTRUCTION STANDARDS, AND THE MOST RECENT SCL SERVICE CONSTRUCTION LETTER SHALL BE ON-SITE WHENEVER CONSTRUCTION IS IN PROGRESS.
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- CONTRACTOR SHALL COORDINATE GAS MAIN RELOCATION WITH PSE IN SUFFICIENT ADVANCE SO THAT GAS MAIN IS REMOVED OR ABANDONED PRIOR TO DUCT BANK CONSTRUCTION.
- PROTECT EXISTING TREES TO REMAIN PER COS STD PLAN 132A. CONTRACTOR TO COORDINATE INSPECTION WITH SDOT URBAN FORESTRY (206-684-5693).
- THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITIES AS DIRECTED BY THE CITY INSPECTOR.
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- CAUTION!! 26KV HIGH VOLTAGE OVERHEAD AND OR UNDERGROUND IN VICINITY. TO MAINTAIN REQUIRED 10 FOOT CLEARANCE TO OVERHEAD POWER LINES, RELOCATION OF OVERHEAD POWER LINES TO UNDERGROUND MAY BE REQUIRED AT PERMITTEES EXPENSE. PERMITTEE IS REQUIRED TO COMPLY WITH SEATTLE DEPARTMENT OF PLANNING AND DEVELOPMENT CAM 122.
- CONTRACTOR TO CONTACT THE SCL ENGINEERING CUSTOMER SERVICE REPRESENTATIVE (BILL DANBOM 206-386-1797) IN ADVANCE TO SCHEDULE AN ONSITE MEETING THAT IS REQUIRED PRIOR TO BEGINNING ANY EXCAVATIONS OR WORK OTHERWISE AFFECTING ANY SCL INFRASTRUCTURE, RELOCATION OF EXISTING OR INSTALLATION OF NEW FACILITIES.
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- EXTENSIVE 26KV UNDERGROUND POWER IN AREA. CONTRACTOR TO HAND EXPOSE TO VERIFY DEPTH AND LOCATION. CONTACT SCL ENGINEERING FOR STANDBY AS NEEDED.
- CONTACT SCL ENGINEERING IF VAULT/HAND HOLE COVERS NEED TO BE RESET TO NEW GRADES.
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CONSTRUCTION NOTES:

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- PROVIDE AND INSTALL SCL VAULT (SIZE PER PLAN) WITH TRAFFIC BEARING, NON-SKID COVER. ADJUST VAULT COVER TO FINISHED GRADE PER SDOT REQUIREMENTS. MATERIAL AND INSTALLATION SHALL BE PER SCL STANDARDS 0214.00, U2-15.1, AND U10-7.
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- PROVIDE AND INSTALL 3642-LA COMCAST VAULT WITH 3642-2436P GALVANIZED STEEL TRAFFIC-BEARING, NON-SKID, LOCKING COVER MARKED "COMCAST". ADJUST VAULT ACCESS HATCH TO FINISHED GRADE PER SDOT REQUIREMENTS.

SEE SHEET 5 FOR ADDITIONAL IMPROVEMENTS ALONG N. 70TH STREET



60% Utility Major Permit Plan - NOT FOR CONSTRUCTION

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REVIEWED BY SPU/WATER ENGINEERING	20.....
REVIEWED BY SPU/DRAINAGE	20.....
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED ATT 02-07-17	CHECKED JDE 02-07-17
DRAWN KWP 02-07-17	CHECKED ATT 02-07-17
DESIGN REVIEW	REVISED AS-BUILT

City of Seattle
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ORDINANCE NO. _____ APPROVED _____
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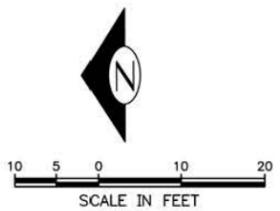
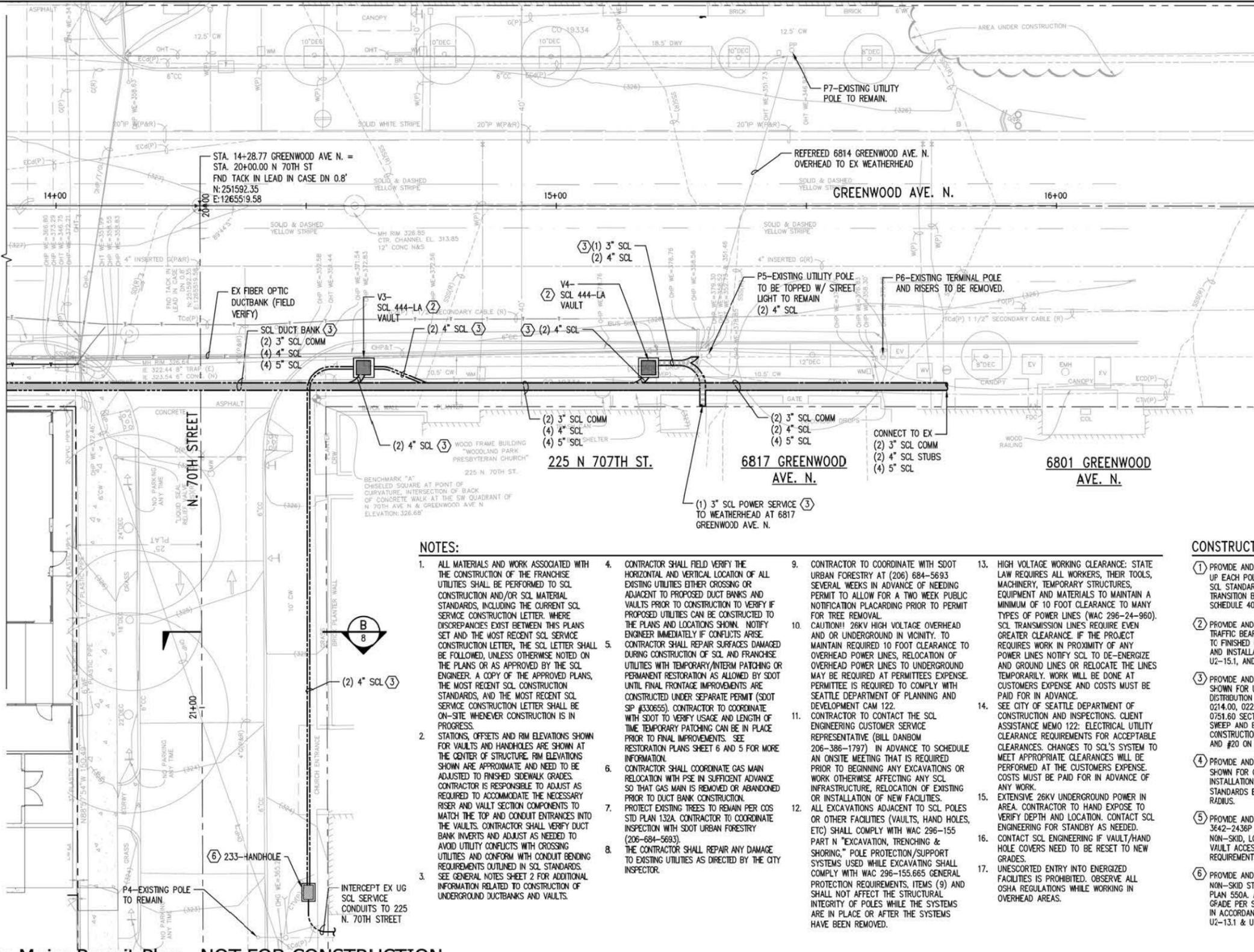
SIP PROJECT #330655 SDCI PROJECT #3023260
7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
GREENWOOD AVENUE N (NORTH) - FRANCHISE UTILITY PLAN

SDOT PROJECT NO.	XXXXXX
VAULT PLAN NO.	
VAULT SERIAL NO.	XXX-XXX
SHEET	4 OF 8

Feb. 09, 2017 4:09pm Rev. 2\160001-160099\1600110 (greenwood & 70th)\0400\Design\Map\3p-nlgr-nl-02.dwg 4 - 21-102018

Name	Date	60% SIP Approval Review Groups
SIP Project manager		SIP Project manager
SPU Real Estate Services		SPU Real Estate Services
SPU Sewer/Drainage		SPU Sewer/Drainage
SPU Water		SPU Water
Street Lighting and Signal Design		Street Lighting and Signal Design
Traffic Operations		Traffic Operations
Urban Forestry		Urban Forestry

SEE SHEET 4 FOR ADDITIONAL IMPROVEMENTS ALONG GREENWOOD AVE N.



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- PROVIDE AND INSTALL 233-LA SCL HANDHOLE AND NON-SKID STEEL COVER MARKED "SCL" PER C.O.S. STD PLAN 550A. ADJUST VAULT ACCESS HATCH TO FINISHED GRADE PER SDOT REQUIREMENTS. VAULT TO BE INSTALLED IN ACCORDANCE WITH SCL CONSTRUCTION GUIDELINES U2-13.1 & U2-14.2.

60% Utility Major Permit Plan - NOT FOR CONSTRUCTION



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Seattle, WA 98101
206.622.5822
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811 Call 811
two business days
before you dig

REVIEWED BY SPU/WATER ENGINEERING	20.....	NAME OR INITIALS AND DATE	INITIALS AND DATE
REVIEWED BY SPU/DRAINAGE	20.....	DESIGNED ATT 02-07-17	CHECKED JDE 02-07-17
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....	DRAWN KWP 02-07-17	CHECKED ATT 02-07-17
		DESIGN REVIEW	REVISED AS-BUILT

City of Seattle
Seattle Department of Transportation
ORDINANCE NO. APPROVED:
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7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
GREENWOOD AVENUE N (SOUTH) - FRANCHISE UTILITY PLAN

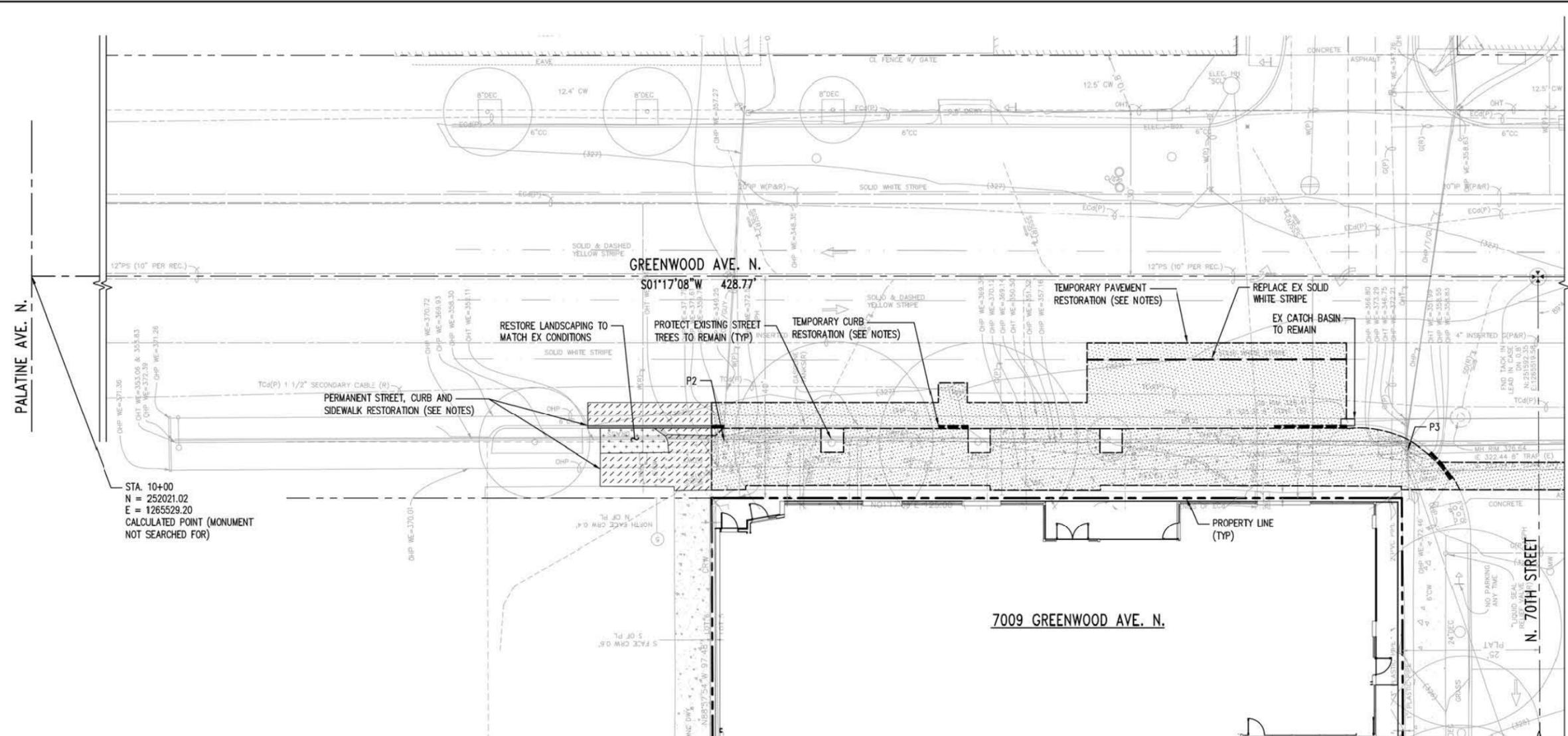
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SDOT PROJECT NO. XXXXXX	VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX	SHEET 5 OF 8

Feb. 07, 2017 4:09pm Rev. 2\160001-160099\160010 (greenwood & 70th)\0400\Design\Map\3p-nhp-11-02.dwg, 5 - 21, SDI

Feb 07, 2017 4:09pm Rev. 2\160001-160099\160010 (greenwood & 70th)\000\Design\160010.dwg 6 Pr_1008.rvt
 L:\DAN EBERHARDT\STATE OF WASHINGTON\3746\PROFESSIONAL\2017\

Date	Name	60% SIP Approval Review Groups
	SIP Project manager	60% SIP Approval Review Groups
	SPU Real Estate Services	SPU Real Estate Services
	SPU Sewer/Drainage	SPU Sewer/Drainage
	SPU Water	SPU Water
	Street Lighting and Signal Design	Street Lighting and Signal Design
	Traffic Operations	Traffic Operations
	Urban Forestry	Urban Forestry

Date	Name	60% SIP Approval Review Groups
	King County Metro	60% SIP Approval Review Groups
	Neighborhood Traffic Management	Neighborhood Traffic Management
	Ped. & Bike	Ped. & Bike
	Roadway Structures	Roadway Structures
	Soil Engineering (PRT)	Soil Engineering (PRT)
	Soil Street Lighting	Soil Street Lighting



SEE SHEET 7 FOR ADDITIONAL IMPROVEMENTS ALONG GREENWOOD AVE. N.

SEE SHEET 7 FOR ADDITIONAL IMPROVEMENTS ALONG N. 70TH STREET

TEMPORARY/INTERIM RESTORATION NOTES:

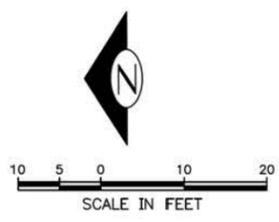
1. THE CONTRACTOR IS REQUIRED TO REPLACE DAMAGED SURFACES WITHIN THE ROW FRONTAGE FOR THE PROJECT WITH TEMPORARY/INTERIM SURFACE RESTORATIONS IN ACCORDANCE WITH DIRECTOR'S RULE 5-2009 "STREET AND SIDEWALK PAVEMENT OPENING AND RESTORATION" AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL COORDINATE ALL RESTORATIONS WITH SDOT AND THE SDOT INSPECTOR TO VERIFY USAGE AND LENGTH OF TIME TEMPORARY/INTERIM PATCHING CAN BE IN PLACE PRIOR TO FINAL IMPROVEMENTS. DAMAGED SIGNS AND OTHER DAMAGED FEATURES SHALL BE REPLACED IN KIND PER CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS.
2. TEMPORARY SIDEWALK SURFACE RESTORATION SHALL BE A MINIMUM OF 4-INCH OF HOT MIX ASPHALT CL. 3/4" OVER 2" MNRL AGG TYPE 2, COMPACTED THICKNESS.
3. RESTORATION LIMITS SHOWN ON THE PLAN ARE APPROXIMATE. CONTRACTOR SHALL ADJUST THE RESTORATION LIMITS IN THE FIELD TO MATCH TRENCHING.
4. PERMANENT SURFACE RESTORATION FOR TEMPORARILY INTERIM RESTORATION AREAS SHALL BE COMPLETED UNDER SIP #330655.

PERMANENT RESTORATION NOTES:

1. THE CONTRACTOR SHALL PERMANENTLY REPLACE ANY DAMAGED SURFACES IMPACTED BY CONSTRUCTION ACTIVITY IN KIND, WITHIN ROW FRONTAGES ADJACENT TO THE PROJECT AND AS SHOWN ON THE PLANS. PERMANENT SURFACE RESTORATION SHALL BE PER CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS AND IN ACCORDANCE WITH DIRECTOR'S RULE 5-2009 "STREET AND SIDEWALK PAVEMENT OPENING AND RESTORATION". SURFACE RESTORATION AND USAGE SHALL BE COORDINATED WITH SDOT AND THE SDOT INSPECTOR. DAMAGED SIGNS AND OTHER DAMAGED FEATURES SHALL BE REPLACED IN KIND PER CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS.
2. PERMANENT SIDEWALK SURFACE RESTORATION SHALL BE PER CITY OF SEATTLE STANDARD PLAN 420. THE CONTRACTOR SHALL MATCH EXISTING SCORING, COLOR AND FINISH ON ANY DECORATIVE CONCRETE SIDEWALK THAT IS REMOVED OR DAMAGED FROM CONSTRUCTION ACTIVITIES.
3. PERMANENT DRIVEWAY RESTORATION SHALL BE PER CITY OF SEATTLE STANDARD PLANS 430 AND 431.
4. RESTORATION LIMITS SHOWN ON THE PLAN ARE APPROXIMATE. CONTRACTOR SHALL ADJUST THE RESTORATION LIMITS IN THE FIELD TO MATCH ACTUAL TRENCHING LIMITS AND AS COORDINATED WITH THE SDOT INSPECTOR.

LEGEND:

- TEMPORARY RESTORATION, SEE TEMPORARY/INTERIM RESTORATION NOTES.
- PERMANENT RESTORATION, SEE PERMANENT RESTORATION NOTES
- PERMANENT LANDSCAPE RESTORATION



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REVIEWED BY SPU/WATER ENGINEERING	20.....	NAME OR INITIALS AND DATE	INITIALS AND DATE
REVIEWED BY SPU/DRAINAGE	20.....	DESIGNED ATT 02-07-17	CHECKED JDE 02-07-17
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....	DRAWN KWP 02-07-17	CHECKED ATT 02-07-17
		DESIGN REVIEW	REVISED AS-BUILT

All work done in accordance with the City of Seattle Standard Plans and Specifications in effect on the date shown above, and supplemented by Special Provisions.

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. _____ APPROVED: _____
 FUND: _____
 SCALE: _____ INSPECTOR'S BOOK: _____

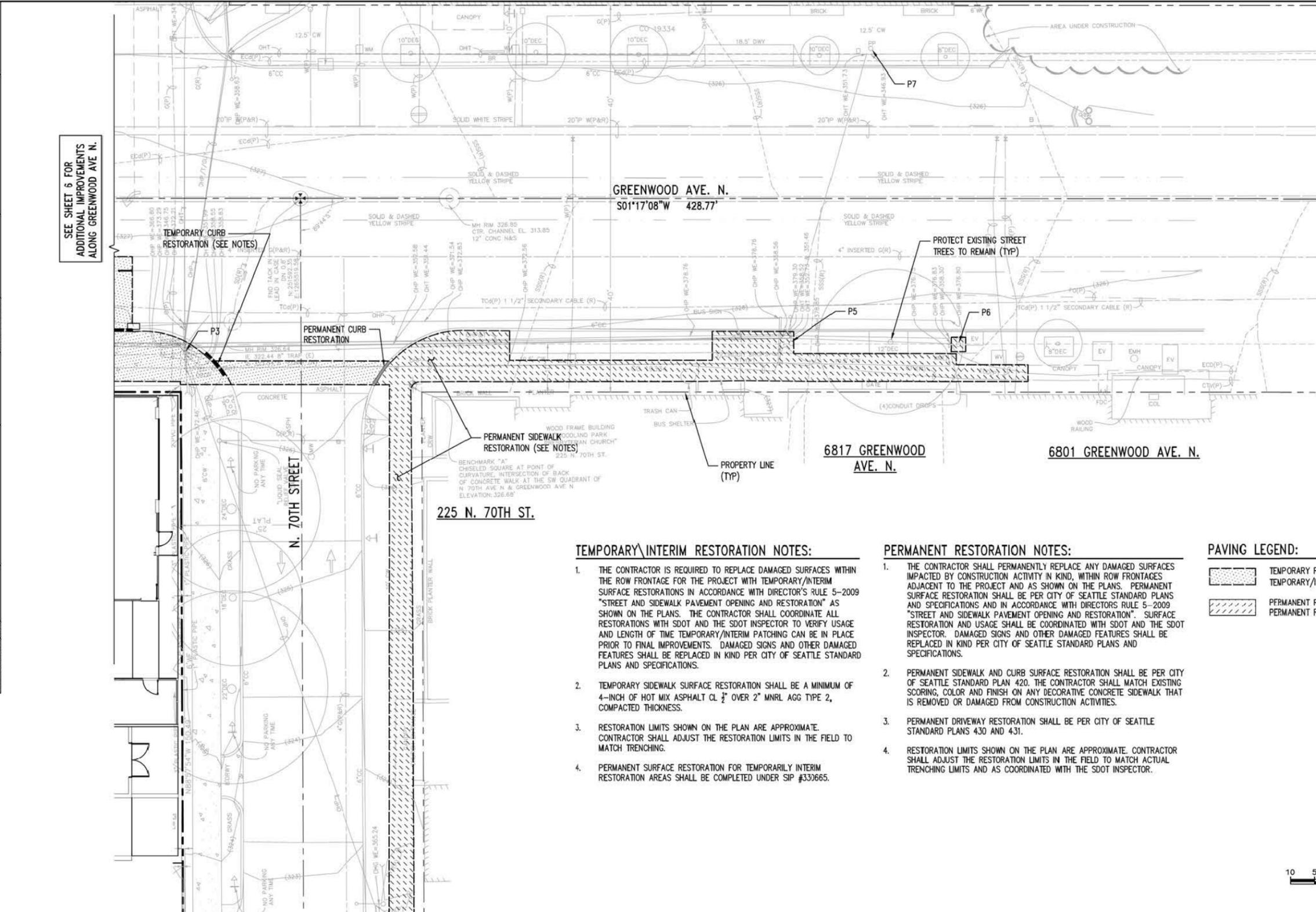
SIP PROJECT #330655 SDCI PROJECT #3023260

709 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
GREENWOOD AVENUE N (NORTH) - PAVEMENT RESTORATION PLAN

SDOT PROJECT NO. XXXXXX
VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX
SHEET 6 OF 8

Date	Name	60% SIP Approval Review Groups
	SIP Project manager	SIP Project manager
	SPU Real Estate Services	SPU Real Estate Services
	SPU Sewer/Drainage	SPU Sewer/Drainage
	SPU Water	SPU Water
	Street Lighting and Signal Design	Street Lighting and Signal Design
	Traffic Operations	Traffic Operations
	Urban Forestry	Urban Forestry

Date	Name	60% SIP Approval Review Groups
	King County Metro	Neighborhood Traffic
	Neighborhood Traffic	Pavement Management
	Ped & Bike	Roadway Structures
	Soil Engineering (PRT)	Soil Engineering (PRT)
	Soil Street Lighting	Soil Street Lighting



SEE SHEET 6 FOR
ADDITIONAL IMPROVEMENTS
ALONG GREENWOOD AVE N.

TEMPORARY/INTERIM RESTORATION NOTES:

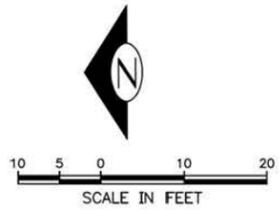
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3. RESTORATION LIMITS SHOWN ON THE PLAN ARE APPROXIMATE. CONTRACTOR SHALL ADJUST THE RESTORATION LIMITS IN THE FIELD TO MATCH TRENCHING.
4. PERMANENT SURFACE RESTORATION FOR TEMPORARILY INTERIM RESTORATION AREAS SHALL BE COMPLETED UNDER SIP #330665.

PERMANENT RESTORATION NOTES:

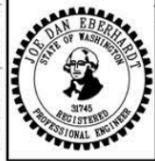
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PAVING LEGEND:

- TEMPORARY RESTORATION, SEE TEMPORARY/INTERIM RESTORATION NOTES.
- PERMANENT RESTORATION, SEE PERMANENT RESTORATION NOTES.



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REVIEWED BY SPU/WATER ENGINEERING	20.....
REVIEWED BY SPU/DRAINAGE	20.....
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED ATT 02-07-17	REVIEWED:
CHECKED JDE 02-07-17	PROJECT MANAGER
DRAWN KWP 02-07-17	REVISED AS-BUILT
CHECKED ATT 02-07-17	
DESIGN REVIEW	

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. _____ APPROVED: _____
FUND: _____
SCALE: _____ INSPECTOR'S BOOK: _____

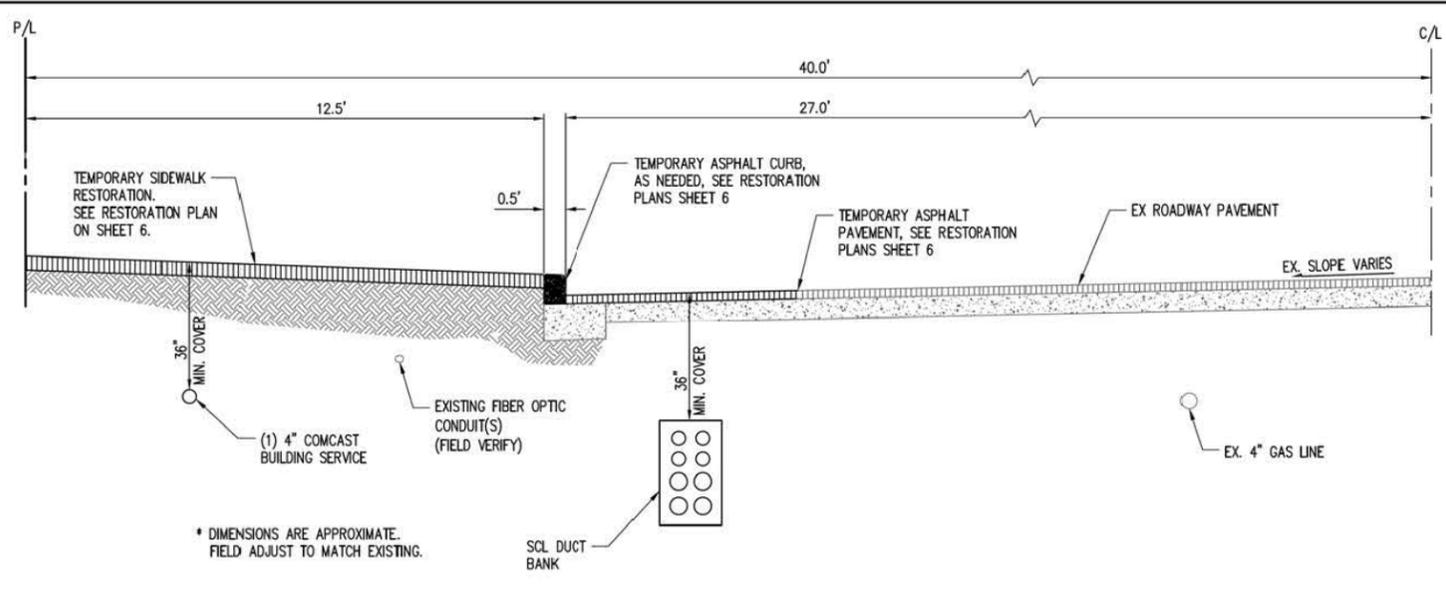
SIP PROJECT #330655 SDCI PROJECT #3023260

7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
GREENWOOD AVENUE N (SOUTH) - PAVEMENT RESTORATION PLAN

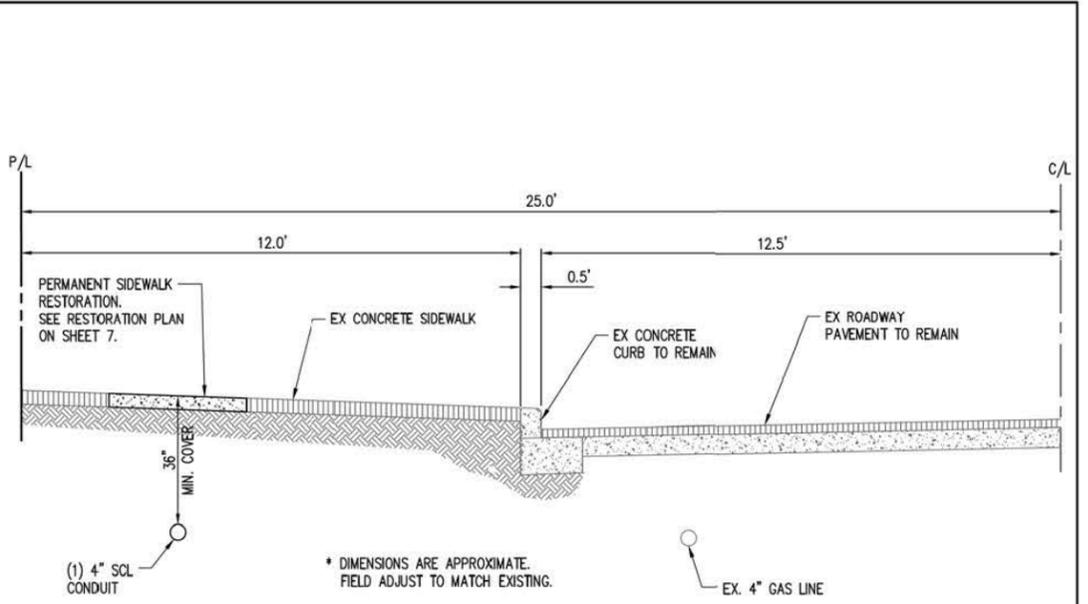
SDOT PROJECT NO. XXXXXX
VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX
SHEET 7 OF 8

File: 02_2017_609pm Rev: 2\160001-160099\1600110 (greenwood & 70th)\0400\Design\Map\3p-nlfr-nr_03.dwg, 7 Pl, SDCI

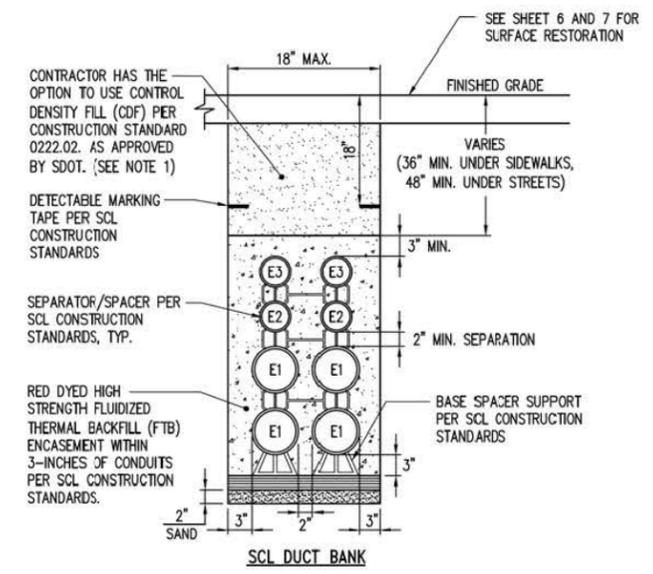
Date	Name	60% SIP Approval Review Groups
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	Neighborhood Traffic	Pavement Management
	Ped & Bike	Roadway Structures
	SCL Engineering (PRT)	SCL Street Lighting
DATE	MARK	NATURE
DATE	MARK	REVISIONS
DATE	MARK	REVISIONS



TYPICAL SECTION - GREENWOOD AVENUE N. (A)
SCALE: 1"=2'



TYPICAL SECTION - N. 70TH STREET (B)
SCALE: 1"=2'



CONTRACTOR HAS THE OPTION TO USE CONTROL DENSITY FILL (CDF) PER CONSTRUCTION STANDARD 0222.02. AS APPROVED BY SDOT. (SEE NOTE 1)

DETECTABLE MARKING TAPE PER SCL CONSTRUCTION STANDARDS

SEPARATOR/SPACER PER SCL CONSTRUCTION STANDARDS, TYP.

RED DYED HIGH STRENGTH FLUIDIZED THERMAL BACKFILL (FTB) ENCASUREMENT WITHIN 3-INCHES OF CONDUITS PER SCL CONSTRUCTION STANDARDS.

BASE SPACER SUPPORT PER SCL CONSTRUCTION STANDARDS

FINISHED GRADE

VARIABLES (36" MIN. UNDER SIDEWALKS, 48" MIN. UNDER STREETS)

3" MIN. SEPARATION

2" MIN. SEPARATION

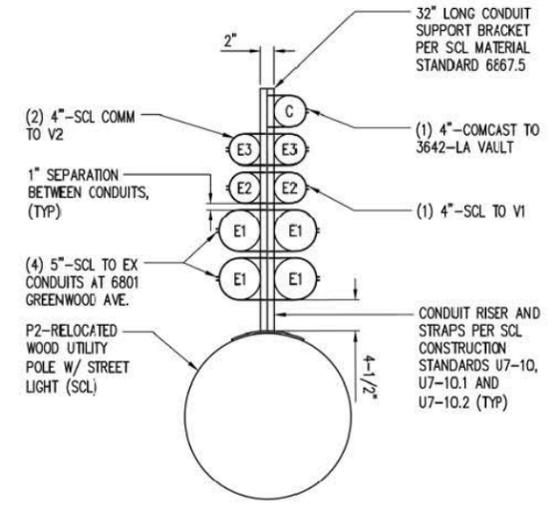
3"

2"

SAND

SEE SHEET 6 AND 7 FOR SURFACE RESTORATION

DUCT BANK TRENCH DETAIL (C)
NTS



32" LONG CONDUIT SUPPORT BRACKET PER SCL MATERIAL STANDARD 6667.5

(1) 4"-COMCAST TO 3642-LA VAULT

(1) 4"-SCL TO V1

CONDUIT RISER AND STRAPS PER SCL CONSTRUCTION STANDARDS U7-10, U7-10.1 AND U7-10.2 (TYP)

P2-RELOCATED WOOD UTILITY POLE W/ STREET LIGHT (SCL)

4-1/2"

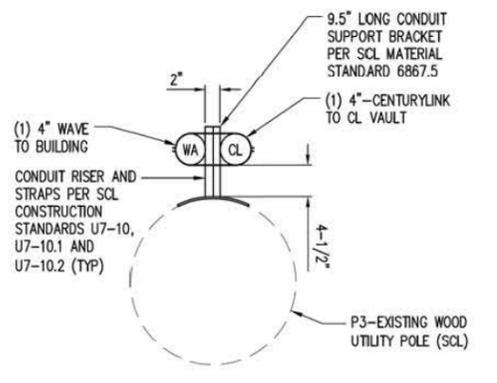
2"

1" SEPARATION BETWEEN CONDUITS, (TYP)

(2) 4"-SCL COMM TO V2

(4) 5"-SCL TO EX CONDUITS AT 6801 GREENWOOD AVE.

P2 - RISER DETAIL (RELOCATED SCL POLE) (1)
NTS



9.5" LONG CONDUIT SUPPORT BRACKET PER SCL MATERIAL STANDARD 6867.5

(1) 4"-CENTURYLINK TO CL VAULT

(1) 4" WAVE TO BUILDING

CONDUIT RISER AND STRAPS PER SCL CONSTRUCTION STANDARDS U7-10, U7-10.1 AND U7-10.2 (TYP)

P3-EXISTING WOOD UTILITY POLE (SCL)

4-1/2"

2"

EX P3 - RISER DETAIL (EX SCL POLE) (2)
NTS

CONDUIT LEGEND	
(E1)	PVC SCH 40 CONDUIT (5"), SCL (CONDUCTORS BY SCL)
(E2)	PVC SCH 40 CONDUIT (4"), SCL (CONDUCTORS BY SCL)
(E3)	PVC SCH 40 CONDUIT (4"), SCL COMM (CONDUCTORS BY SCL)
(CL)	PVC SCH 40 CONDUIT (4"), CENTURYLINK
(C)	PVC SCH 40 CONDUIT (4"), COMCAST
(WA)	PVC SCH 40 CONDUIT (4"), WAVE
NOTES	
1.	CONTRACTOR IS RESPONSIBLE FOR ENSURING THE BOTTOM, SIDE AND TOP MINIMUM ENCASUREMENT DIMENSIONS ARE OBTAINED. ENCASUREMENT OVERPOUR SHALL NOT EXCEED 6", UNLESS SPECIFICALLY NOTED.
2.	NUMBER OF CONDUITS CAN VARY. SEE PLANS FOR LOCATIONS AND DUCT BANK CONDUIT ROUTING.
3.	REFER TO SCL CONSTRUCTION STANDARDS 0751.60 SECTION 13.2 & 13.3, 0222.02, U2-10 & U2-11.40 FOR ADDITIONAL DUCT BANK TRENCH REQUIREMENTS.
4.	SEE SHEETS 6 AND 7 FOR SURFACE RESTORATION PLAN.

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REVIEWED BY SPU/WATER ENGINEERING	20.....	NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED ATT	02-07-17	CHECKED JDE	02-07-17
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DESIGN REVIEW	20.....	REVISED AS-BUILT	
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....	All work done in accordance with the City of Seattle Standard Plans and Specifications in effect on the date shown above, and supplemented by Special Provisions.	

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. APPROVED:

FUND:

SCALE:

INSPECTOR'S BOOK:

SIP PROJECT #330655 SDCI PROJECT #3023260

7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
SECTIONS AND DETAILS

SDOT PROJECT NO.	XXXXXX
VAULT PLAN NO.	
VAULT SERIAL NO.	XXX-XXX
SHEET	8 OF 8

File: 07_2017_4:09pm Rev: 2\160001-160099\1600110 (greenwood & 70th)\0400\Design\Map\3p-utility-07_04.dwg, 8.0'

LETTER OF TRANSMITTAL

Date: March 15, 2017
Project: 7009 Greenwood Ave N, DPD Project Number 3023260
To: Seth Amrhein (POTECH)
From: David Fuchs
Re: Correction Notice #1: Tree Protection

Response to City Light Correction #1 (January 18, 2017):

- 1) Reference the updated L0.00 Existing Tree Plan for the requested tree species and treatment (attached for reference). Tree 10 is "exceptional", and will be removed pursuant to arborist recommendation dated 2/15/2017 (see attached).

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



Memorandum

TO: Chad Dale
 SITE: 7009 Greenwood Ave. N, Seattle, WA
 RE: Tree ID #7, 8, 9, 10
 DATE: February 15, 2017
 PROJECT ARBORIST: Holly Iosso, ASCA Registered Consulting Arborist # 567
 ISA Certified Arborist PN- 6298A
 ISA Qualified Tree Risk Assessor

This memo outlines my site inspection on Monday, February 13, 2017. I was asked to measure, identify and assess four trees along the eastern property line of 7010 Palatine Ave, which shares a partial property line with 7009 Greenwood Ave. N. The details of these trees are noted in Figure 1: Tree Inventory.

Figure 1: Tree Inventory

Tree No.	Common Name	Botanical Name	DSH *	General Health	Exceptional	Proposed Action	Notes
7	Japanese camelia	<i>Camelia japonica</i>	3.3, 3.5, 3.5, 4.1	Good	No	Remove	
8	Flowering pear	<i>Pyrus calleryana</i>	5.5	Fair	No	Remove	
9	Japanese maple	<i>Acer palmatum</i>	11.8	Fair	No	Remove	Measured at 24-in, smallest part below union
10	Plum	<i>Prunus domestica</i>	15.2, 17.8", 3", 2", 2", 3.5", 3"	Fair Condition, Poor Structure	Yes	Remove	<i>Ganoderma applanatum</i> conks at base, exceptional threshold 22.9"

*Diameter at Standard Height (inches)

According to Seattle Director's Rule 16-2008, tree #10 qualifies as exceptional. It is a multi-stem tree with three live stems growing from the base. Two of these stems have failed within the last five to eight years, with water sprouts growing upright from the trunks. Two ganoderma conks in two locations on the base indicate internal decay at the base. Both failed stems are being supported by the wood fence. If the fence is removed, both stems will likely fall to the ground.

This tree is in fair health with some necrotic trunk tissue and twig dieback.

It is in poor structural condition with one upright trunk and two adjacent trunks which have failed. There is associated decay present at the base where these two stems pulled away from the trunk. The tree was likely a multi-stem tree which had its base buried during the installation of a small rockery on its west side. Adding soil to the base of this tree likely expedited the decay at these two unions. The tree has been repeatedly pruned in the past. There was some associated decay with these pruning wounds. Pruning was likely performed with the intention of limiting the canopy overhanging the adjacent property, or to remove dead wood.

Construction plans include removing the fence, which currently supports the two failed stems and protects the upright tree from exposure to wind and sunlight. While the risk from this tree is low per the TRAQ method, the long-term prognosis of this tree as an upright tree is poor. Increased exposure to sunlight, wind and temperature variations with the fence removal increases the likelihood of entire tree failure for the final upright stem.

I consider tree #10 to be in declining health and the likelihood of survival after construction (as a tree with an upright trunk) is low. If it does survive, it will likely survive as water sprouts, similar to how the northern most stem is surviving now.

In my opinion, new buildings should not be modified to accommodate this tree.

Respectfully submitted,

Holly Iosso
Sr. Associate

Site Map and Photographs

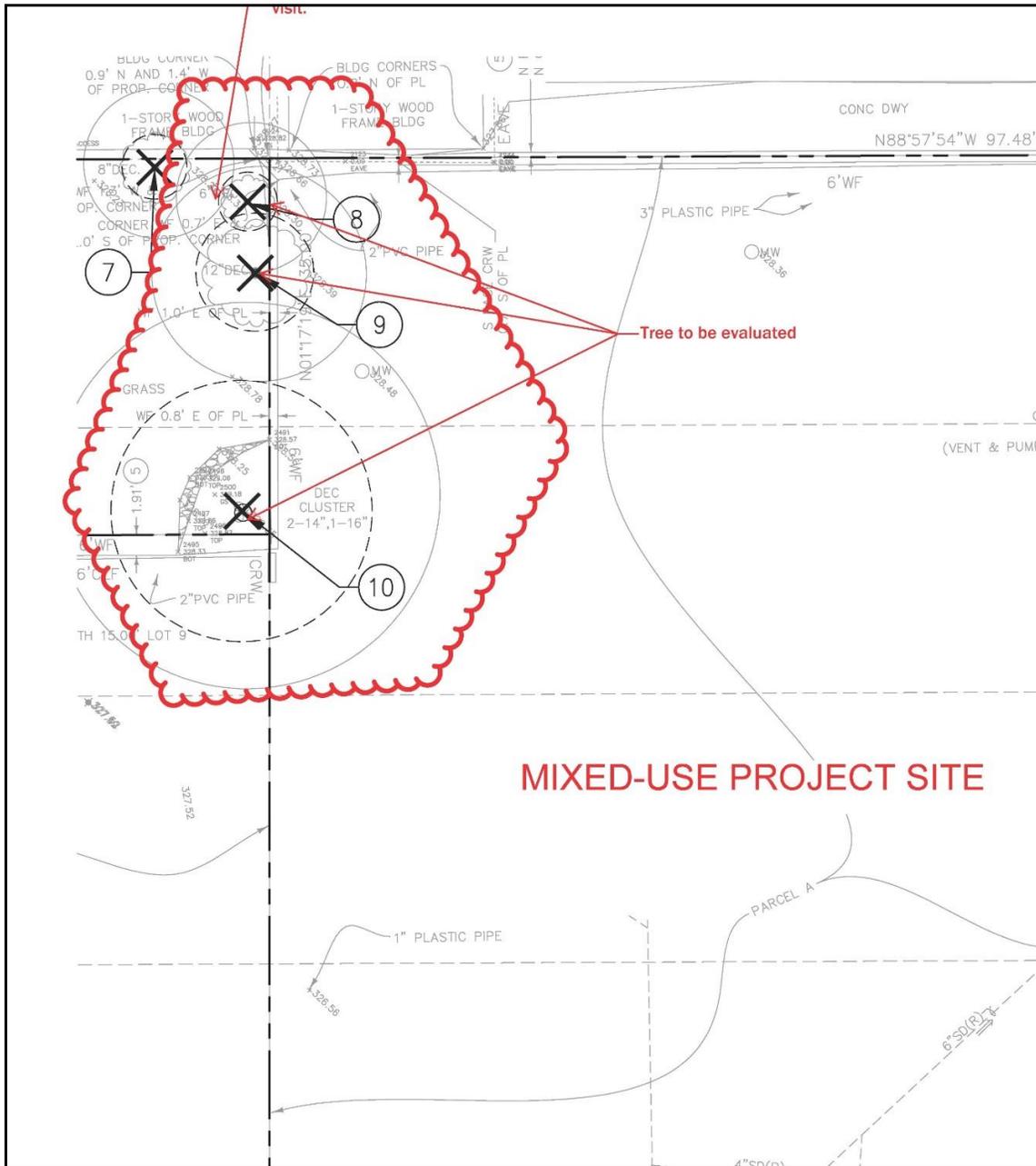


Figure 2: Partial Site Map as provided by Site Workshop dated 12.06.2017.



Second ganoderma conk

First ganoderma conk

Photo 1: View of tree #10 looking east. Note the southern-most stem is supported by the fence. (photo credit: Holly Iosso, 02.13.2017)



Second ganoderma conk

Advanced decay on stump indicates it was cut several years ago

Photo 2: View of base. Orange arrows indicate location of two main stem failures where they pulled away from the central trunk several years ago. (photo credit: Holly Iosso, 02.13.2017)



Photo 3: Ganoderma conk on southern-most stem (photo credit: Holly Iosso, 02.13.2017)



Photo 4: View of north-most stem shows necrotic tissue (photo credit: Holly Iosso, 02.13.2017)

Appendix A - Assumptions & Limiting Conditions

1. Consultant assumes that any legal description provided to Consultant is correct and that title to property is good and marketable. Consultant assumes no responsibility for legal matters. Consultant assumes all property appraised or evaluated is free and clear, and is under responsible ownership and competent management.
2. Consultant assumes that the property and its use do not violate applicable codes, ordinances, statutes or regulations.
3. Although Consultant has taken care to obtain all information from reliable sources and to verify the data insofar as possible, Consultant does not guarantee and is not responsible for the accuracy of information provided by others.
4. Client may not require Consultant to testify or attend court by reason of any report unless mutually satisfactory contractual arrangements are made, including payment of an additional fee for such Services as described in the Consulting Arborist Agreement.
5. Unless otherwise required by law, possession of this report does not imply right of publication or use for any purpose by any person other than the person to whom it is addressed, without the prior express written consent of the Consultant.
6. Unless otherwise required by law, no part of this report shall be conveyed by any person, including the Client, the public through advertising, public relations, news, sales or other media without the Consultant's prior express written consent.
7. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event or upon any finding to be reported.
8. All photographs included in this report were taken by Tree Solutions Inc. during the documented site visit, unless otherwise noted.
9. Sketches, drawings and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by Consultant as to the sufficiency or accuracy of the information.
10. Unless otherwise agreed, (1) information contained in this report covers only the items examined and reflects the condition of the those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring. Consultant makes no warranty or guarantee, express or implied, that the problems or deficiencies of the plans or property in question may not arise in the future.
11. Loss or alteration of any part of this Agreement invalidates the entire report.

LETTER OF TRANSMITTAL

Date: March 15, 2017
Project: 7009 Greenwood Ave N, DPD Project Number 3023260
To: Lindsay M King (LAND USE)
From: David Fuchs
Re: Correction Notice #1: Land Use

Response to Land Use Correction #1 (February 23, 2017):

Note: DRP = Design Review Packet Draft submitted along with our Responses to Correction Notice #1.

- 1) Rezone Criteria
 - a) As no new single-family house is allowed to be built on the lot to the west, that lot shall remain an open space to provide a $\pm 53'$ wide buffer zone. Landscape and screening will be designed to create privacy from neighbors along Palatine Ave N (see pages 44 & 50 of the DRP). A DADU may be constructed on the lot, but is planned as far west as possible. The house to the northwest (also part of the development site) is $\pm 39'$ away, also providing a buffer zone. Furthermore, a "No-Build" Easement is being proposed between the NC- and SF-zoned parcels to formalize a transition zone. See Sheet A100.
 - b) Since the original proposal which was approved at the Early Design Guidance Meeting, the project has removed the 6th story and reduced our height from 65' to 55'. The zoning to the north, south, and west is all one zone lower (NC-40), which will be up-zoned to NC-55 upon the adoption of HALA proposal. To the north, the parcel includes 3 structures on it, including a 40' tower. To the south, the nearest lot is separated by a 50'-wide Right-of-Way buffer zone (N 70th St). To the east, the nearest lot is separated by a 70'-wide Right-of-Way buffer zone (Greenwood Ave N). In addition, the current zoning of the lot is NC-40, which allows a 44' tall structure (4' bonus for ground-level retail); our proposal is 11' taller, which is a gradual transition. Furthermore, we have changed the exterior materials of the entire top floor all around the building to minimize its presence and appear lighter and focus attention up to first 40'. At the northwest corner, closest to any neighboring single-family lots, we are setting back the building 4'-6" from the north and 6'-0" from the west (see sheet A205 and sections on page 18 of the DRP).
- 2) To reduce the mass of the building, the building height has been reduced to 55'. Furthermore, there is a material setback and overall change in material and color at the 5th floor along Greenwood Ave N. The heavy brick cornice at the top of the building has been removed to lighten up the building and minimize its appearance along both frontages. Modulation has been used to mirror key elements of the context (the jog at N 70th St) and to reduce bulk and scale (the building feels like 2 brick building with a reveal between them – see East Elevation on page 37 of the DRP). The project also uses high-quality materials (e.g. brick, wood) and careful detailing to create visual interest along the lengths of the façades to break-up the sense of scale. The color palette, use of transparent storefront, lighting, and recess created by the open public entry court is designed to emphasize the retail level at grade.



along Greenwood Ave N (see page 14 of the DRP) shows that little of the north façade is visible from grade. Along the north façade, we have placed setbacks and material changes in key locations, including at the top level and along the midline. The stair core has been setback to break down the scale of that façade. Furthermore, we are proposing artwork on a banner to reduce the scale of the blank façade and add visual interest (see page 38 of the DRP). To ensure privacy, a window adjacency study has been done as well (see page 19 of the DRP). In addition to a setback on L5 to the northwest, a trellis with vegetative screening has been added for privacy from that deck. Planting has also been added along the north edge of the roof deck to keep people from overlooking the adjacent house (see Sections on page 18 of the DRP and Roof Plan on page 17 of the DRP). The material treatment of the northwest corner also now wraps along the north façade until it reaches the stair penthouse (see 4/A310 and page 38 of the DRP).

- 4) The building height has been reduced to 55'. Rooftop equipment and stair/elevator towers have been moved away from western edge to reduce mass near the single-family structures (see page 10 of DRP). The solar array is located along the more commercial Greenwood Ave N, which aims to be an educational aspect of the project, highlighting the sustainable features of the project (see page 52 of the DRP). Such features are a pride of the proposal and are rare for multi-family projects. We believe these are an important precedent to set for future project to follow.
- 5) See landscape plan on pages 44 of the DRP.
- 6) See page 19 of the DRP for window adjacency studies, as well as a perspective of existing tree canopy to show privacy from house to the northwest.
- 7) Brick details are currently being reviewed and will be included in the presentation to the Design Review Board at the Recommendation meeting. Ideas include changing the brick color at the corners, transitioning the color brick of brick from dark-dominant at L1 to light-dominant at L4, and having a painted wood brick-mould at window trim. See pages 37 & 38 of the DRP for updated color building elevations.
- 8) The corbelled brick cornice has been removed from the project. See updated elevations on Sheet A310 and A302.
- 9) Answers below
 - a) See page 35 of the DRP for comparably-sized micro-retail spaces, as well as a quotation from a business owner on the need for such spaces
 - b) See page 36 of the DRP for more information and possible layouts of amenity spaces.
 - c) Single-family lot is proposed to remain an open space for tenants, with the possibility of a DADU in the future.
 - d) No work is proposed on the existing single family structure currently, though the addition of a second-story in the future is possible.
- 10) Answers below
 - a) See updated Landscape Plan and images on pages 44-49 of the DRP for more information on the interior courtyard.
 - b) See pages 40 (architectural) and 45 (landscape) of the DRP for more information on materials.
 - c) See page 40 of the DRP for images and materials of the garage and trash room doors.
- 11) No Further Action (NFA) letter from the State of Washington Department of Ecology dates April 13, 2015 is attached.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 13, 2015

Ms. Sue Woolenberg
Estate of John E. Barnett
13537 Streamside Dr.
Lake Oswego, OR 97035

Re: No Further Action at the following Site:

- **Site Name:** 7009 Greenwood Ave (AKA Heavens Supply)
- **Site Address:** 7009 Greenwood Ave North, Seattle, WA 98103
- **Facility/Site No.:** 644282
- **VCP Project No.:** NW1698

Dear Ms. Wollenberg:

The Washington State Department of Ecology (Ecology) received your request for an opinion on the independent cleanup of the 7009 Greenwood Ave (AKA Heavens Supply) facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Tetrachloroethylene in groundwater
- Tetrachloroethylene in soil
- Tetrachloroethylene in indoor air.
- Trichloroethylene in groundwater



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Page 2

- Trichloroethylene in soil
- Trichloroethylene in indoor air
- Cis-1,2-dichloroethene in groundwater
- Cis-1,2-dichloroethene in soil
- Cis-1,2-dichloroethene in indoor air
- Vinyl chloride in groundwater
- Vinyl chloride in soil
- Vinyl chloride in indoor air

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the documents listed in **Enclosure B**. Those documents are kept in the Central Files of the Northwest Regional Office of Ecology NWRO for review by appointment only. You can make an appointment by calling the NWRO resource contact at 425-649-7239.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

The site has been characterized for:

- Tetrachloroethylene in Ground Water
- Tetrachloroethylene in soil
- Tetrachloroethylene in indoor air
- Trichloroethylene in soil
- Trichloroethylene in indoor air
- Cis-1,2-dichloroethene in indoor air
- Vinyl chloride in indoor air.

The results of characterization are depicted and described in **Enclosure A** and within the documents listed in **Enclosure B**.

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2. Establishment of cleanup standards.

a. Cleanup levels

Ecology has determined the cleanup levels you established for the site meet the substantive requirements of the Model Toxics Control Act (MTCA) under Method A for unrestricted land use.

• Tetrachloroethylene in groundwater	5 ug/L
• Tetrachloroethylene in soil	0.05 mg/kg
• Tetrachloroethylene in indoor air.	9.6 ug/m ³
• Trichloroethylene in groundwater	5 ug/L
• Trichloroethylene in soil	0.03 mg/kg
• Trichloroethylene in indoor air	0.37 ug/m ³
• Cis-1,2-dichloroethene in groundwater	70 ug/L
• Cis-1,2-dichloroethene in soil	0.350mg/kg
• Cis-1,2-dichloroethene in indoor air	n/a
• Vinyl chloride in groundwater	0.2 ug/L
• Vinyl chloride in soil	0.0013 mg/kg
• Vinyl chloride in indoor air	2.8 ug/m ³ (screening level)

b. Points of compliance

Ecology has determined the standard points of compliance you established for the Site meet the substantive requirements of MTCA.

- Groundwater: From the uppermost level of the saturated zone extending vertically to the lowermost depth which could be potentially affected by the site.
- Soil: From the ground surface to the uppermost groundwater
- Direct Contact: from ground surface to 15 feet below ground surface and represents that depth where future re-development or renovations or utility upgrades may encounter contaminated soils/groundwater
- Indoor Air: All indoor air spaces throughout the site.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

Shallow soil excavating on the property removed contamination above cleanup levels to meet the substantive requirements of MTCA.

Electrical Resistance Heating on the former Heavens Supply Company Property and on the City of Seattle Right-of-Way removed the soil vapor pathway to meet the substantive requirements of MTCA,

Soil vapor extraction removed residual soil contamination on the property and removed the soil vapor to meet the substantive requirements of MTCA. Performance and Confirmation Monitoring results of groundwater, soil and indoor air, and soil vapor supports that the cleanup meets the substantive requirements of MTCA. These results are found on the figures and table in **Enclosure A** and in document No. 1 of **Enclosure B**.

The cleanup action meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site. Details to the cleanup action are shown on the figures and table in **Enclosure A** and the documents in **Enclosure B**.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

The cleanup consisted of the following:

Shallow soil excavating on the property to remove contamination beneath the driveway on the southern end of the property (February 2013).

Electrical Resistance Heating (ERH) on the former Heavens Supply Company Property (March through July 2013 and the City of Seattle Right-of-Way (May through August 2014).

Soil vapor extraction for engineering controls and to remove residual contamination on the Smith Property (March through November 2013) and areas adjacent to the ERH treatment areas (March through November 2013 and May through August 2014).

Performance and Confirmation Monitoring results of groundwater, soil and indoor air, and soil vapor supports that the cleanup meets the substantive requirements of MTCA. These results are found in the figures and table of **Enclosure A** and in Document No. 1 in **Enclosure B**

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

Ms. Sue Woolenberg
April 13, 2015
Page 5

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project # NW1698.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at 360-407-7239 or e-mail at mkun461@ecy.wa.gov.

Sincerely,



Michael Kuntz
HQ Toxics Cleanup Program

Enclosures: A - Description and Diagrams of the Site
 B - Basis for the Opinion: List of Documents

cc: Aaron Smith
 Tad Shimazu, City of Seattle
 Piper Roelen, Landau Associates
 Mindy De Young, Riddell Williams
 Dolores Mitchell (without enclosures)

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Enclosure A

Description and Diagrams of the Site

Site Description and History

The Site designated as the 7009 Greenwood Avenue (VCP # NW 1698) is also known as the Heavens Supply Site. This site prior to active remediation is shown in Figure No. 1. The source of the Tetrachloroethylene (PCE) and other contaminants of concern originated from the former Heaven's Supply Company at 7009 Greenwood Avenue that operated between 1964 and 1983 (please refer to Document No. 1 in Enclosure B).

Company operations included a laundry and dry cleaning supply company. During this time PCE was stored and distributed on the company property in a 10,000 gallon above ground storage tank. Historically, the property was operated as an auto service and maintenance company in the 1930's and 1940's. From the mid 1980's until the 2011 a large building on the property housed an outlet store for a bakery company. The building was demolished in August 2011 (please refer to Document No. 1 in Enclosure B)

Figure No. A	Surveyor's Map and Tax parcel Map of site
Figure No. 1	Vicinity Map
Figure No. 2	Heavens Supply Cleanup Boundary
Figure No. 3	Deep Aquifer Groundwater Elevations
Figure No. 4	Pre-Remediation Extent of PCE in Soil
Figure No. 5	Pre-Remediation PCE Concentrations in Groundwater
Figure No. 6	Pre -Remediation Indoor Air VOC Concentrations
Figure No. 7a	ERH and SEV System Layout- Heavens Supply Property
Figure No. 7b	ERH System Layout- Right-of-Way
Figure No. 8	Interim Soil Performance Sampling Results
Figure No. 9	Conformation Soil Sampling Results
Figure No. 10	Groundwater Conformation Sampling Results
Figure No. 11	Conformation Indoor Air Sampling Results
Figure No. 12	Conformation Soil Vapor Sampling Results- Smith Property
Table No. 1	Shallow Groundwater Sampling Event Summary

Legal Description

LOTS 1,2,3,4,5, AND 6 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, EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY, CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19344, AND THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 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, SUBJECT TO EASMENTS, RESTRICTIONS, AND RESERVATIONS AND COVENANTS OF RECORD, IF ANY. ALSO THE PORTION OF GREENWOOD AVENUE NORTH, WITH KING COUNTY IDENTIFICATION NUMBERS 12503ROAD AND 062504ROAD, ADJOINING AND EXTENDING APPROXIMATELY 60 FEET EAST OF LOTS 1,2,3,4,5, AND 6 IDENTIFIED ABOVE, AND THE PORTION OF NORTH 70TH STREET, WITH KING COUNTY IDENTIFICATION NUMBER 12503ROAD, ADJOINING AND EXTENDING APPROXIMATELY 25 FEET SOUTH OF LOT 1 AND THE EAST 53 FEET OF LOT 12 IDENTIFIED ABOVE

Please refer to Figure No. A for surveyor's map corresponding to legal description.

The legal description and map in Figure No. A do not depict that portion of the site that contains City of Seattle property. The description of the city property given on the King County Department of Assessments webpage (King County website 2014) follows:

Greenwood Avenue North right-of-way (ROW; ROW identification numbers 012503ROAD & 062504ROAD); the portion of the ROW adjacent to the east of and extending approximately 60 ft from the property at 7009 Greenwood Avenue North.

North 70th Street ROW (ROW identification number 012503ROAD); the portion of the ROW adjacent to the south of and extending approximately 25 ft. from the property at 7009 Greenwood Avenue North.

Please refer to Figure No.2 for ROW's within the site

Tax Parcels

The site includes the following tax parcels in King County:

287710-4110	Aaron Smith Property
287710-4100	Former Heaven's Supply Company Property
287710-4127	Former Heaven's Supply Company Property
287710-4100	Former Heaven's Supply Company Property

Please refer to Figure No. A for surveyor's map corresponding to tax parcels.

Enclosure B

Basis for the Opinion: List of Documents

1. Letter Request for No Further Action Determination Heavens Supply Cleanup Site, Landau Associates, January 23, 2015
2. Engineering Design Report, Former Heaven's Supply Company Property 7009 Greenwood Avenue North, Landau Associates, December 4, 2014
3. July 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, August 15, 2014
4. June 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, July 11, 2014
5. May 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, June 18, 2014
6. Summary of Indoor Air Data - Former Heavens, Supply Site May 2014 Monthly Remediation Progress Report –Right-of-Way Cleanup Former Heavens, Supply Company Site, Landau Associates, June 18, 2014
7. Application for No Further Action Determination, 7013 Greenwood Ave. North, March 4, 2014
8. Cleanup Action Plan\Engineering Design Addendum Former Heavens Supply Company Property, Landau Associates, December 27, 2013
9. Conformational Sampling Plan for Heavens Supply Site/Smith Properties Revision 1 Former Heavens Supply Company Site, 7009 Greenwood Avenue North Landau Associates, November 15, 2013
10. Technical Memorandum Soil Conformational Sampling Results Former Heavens, Supply Company Site 7009 Greenwood Avenue North, Landau Associates, November 13, 2013
11. Technical Memorandum Soil Conformational Sampling Results Former Heavens, Supply Company Site 7009 Greenwood Avenue North, Landau Associates, September 13, 2013
12. July Monthly Remediation Progress Report Former Heavens, Supply Company Site 7009 Greenwood Avenue North, Landau Associates, August 15, 2013

13. Technical Memorandum Soil Conformationals Sampling Plan Former Heavens Supply Site
7009 Greenwood Avenue North, Landau Associates,, July 26, 2013
14. June Monthly Remediation Progress Report Former Heavens, Supply Company Site 7009
Greenwood Avenue North, Landau Associates, July 15, 2013
15. May Monthly Remediation Progress Report Former Heavens, Supply Company Site 7009
Greenwood Avenue North, Landau Associates, June 15, 2013
16. April 2013 Monthly Remediation Progress Report Former Heavens, Supply Company Site
7009 Greenwood Avenue North, Landau Associates, May 15, 2013
17. March 2013 Monthly Remediation Progress Report Former Heavens, Supply Company Site
7009 Greenwood Avenue North, Landau Associates, April 15, 2013
18. Engineering Design Report, Former Heaven's Supply Company Property, Landau
Associates, December 27, 2012
19. Final Cleanup Action Plan (Revision 1) Former Heavens Supply Company Property, Landau
Associates, November 7, 2012
20. Request for Contained in Determination Former Heaven Supply Site, Landau Associates,
November 5, 2012
21. Response to Ecology Comments on Cleanup Action Plan, Former Heavens Supply
Company Site, 7009 Greenwood Avenue North Landau Associates, May 11, 2012
22. Heavens Supply Tree Mitigation Plan, Landau Associates, May 6, 2012
23. Final Cleanup Action Plan Former Heavens, Supply Company Property Former Heavens,
Supply Company Property, Landau Associates, April 6, 2012
24. Final Additional Site Characterization Report 7009 Greenwood Avenue North, Landau
Associates, March 22, 2012
25. Additional Site Characterization Report, 7009 Greenwood Avenue North, Landau
Associates, March 6, 2012
26. FINAL Additional Site Characterization Work Plan and Project Planning Report, 7009
Greenwood Avenue North, Landau Associates, January 12, 2012
27. VCP Project/Account NW1698 - Estate of John Barnet- Access Agreement, Riddell Williams
P.S., October 27, 2011

Ms. Sue Woolenberg
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28. Report Second Supplemental Remedial Investigation, 7009 Greenwood Avenue North
Former Heavens Supply Company, Landau Associates, October 21, 2011
29. Second Supplemental Remedial Investigation Work Plan Former Heavens Supply Company
Site, 7009 Greenwood Avenue North Landau Associates, July 7, 2011
30. Cleanup Action Plan, Former Heavens Supply Company Property, 7009 Greenwood
Avenue North, Landau Associates, July 7, 2011
31. Indoor Air Vapor Reduction Interim Action Former Heavens Supply Company Site, 7009
Greenwood Avenue North Landau Associates, November 15, 2010
32. Feasibility Study Former Heavens Supply Site 7009 Greenwood Avenue North, Landau
Associates, October 8, 2010
33. Supplemental Remedial Investigation Report, 7009 Greenwood Avenue North, Landau
Associates, March 5, 2010
34. Work Plan Supplemental Remedial Investigation Heavens, Supply Company, Landau
Associates, June 30, 2009
35. Remedial Investigation Former Heavens Supply Company, Landau Associates, March 9,
2009

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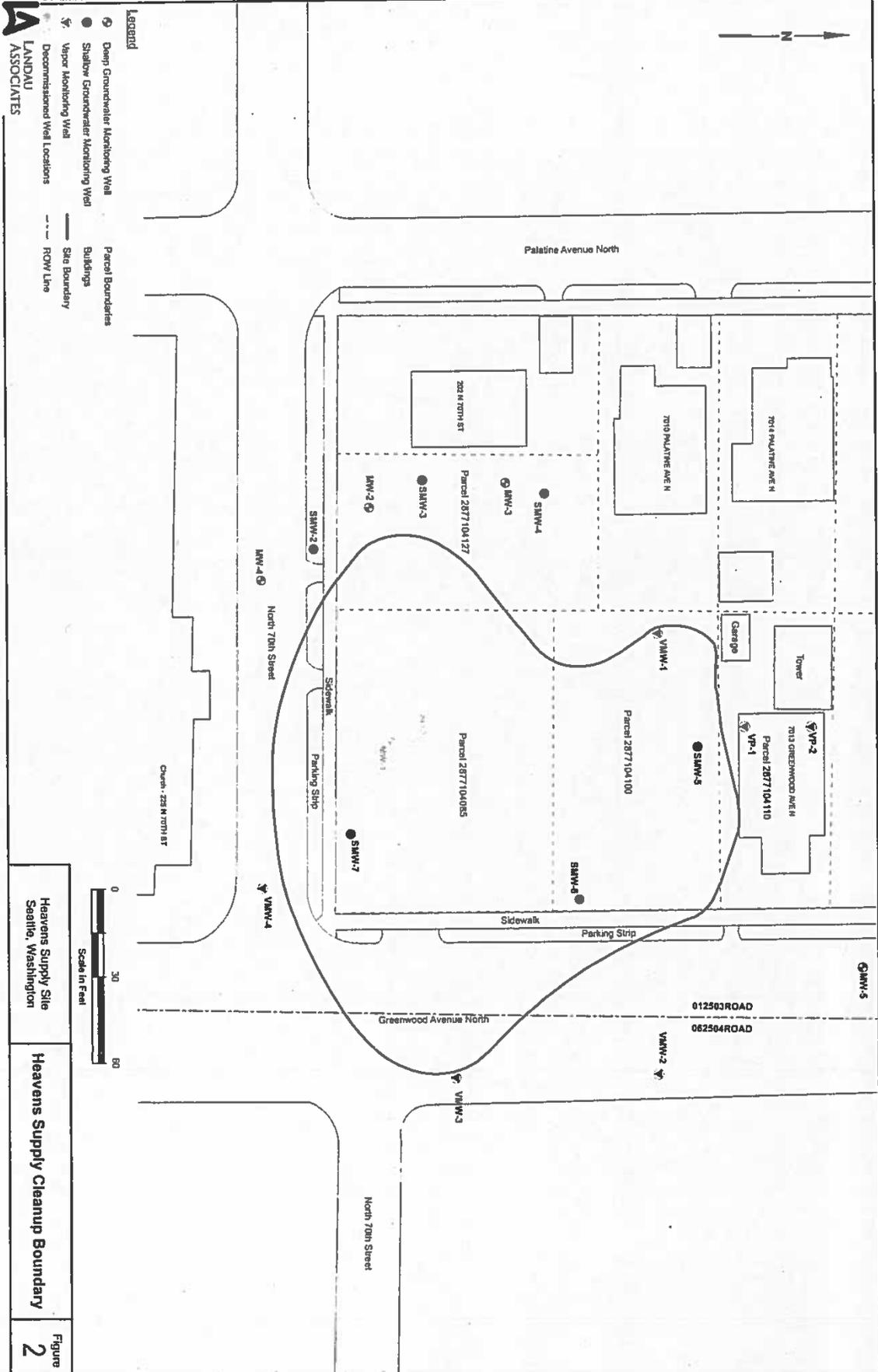
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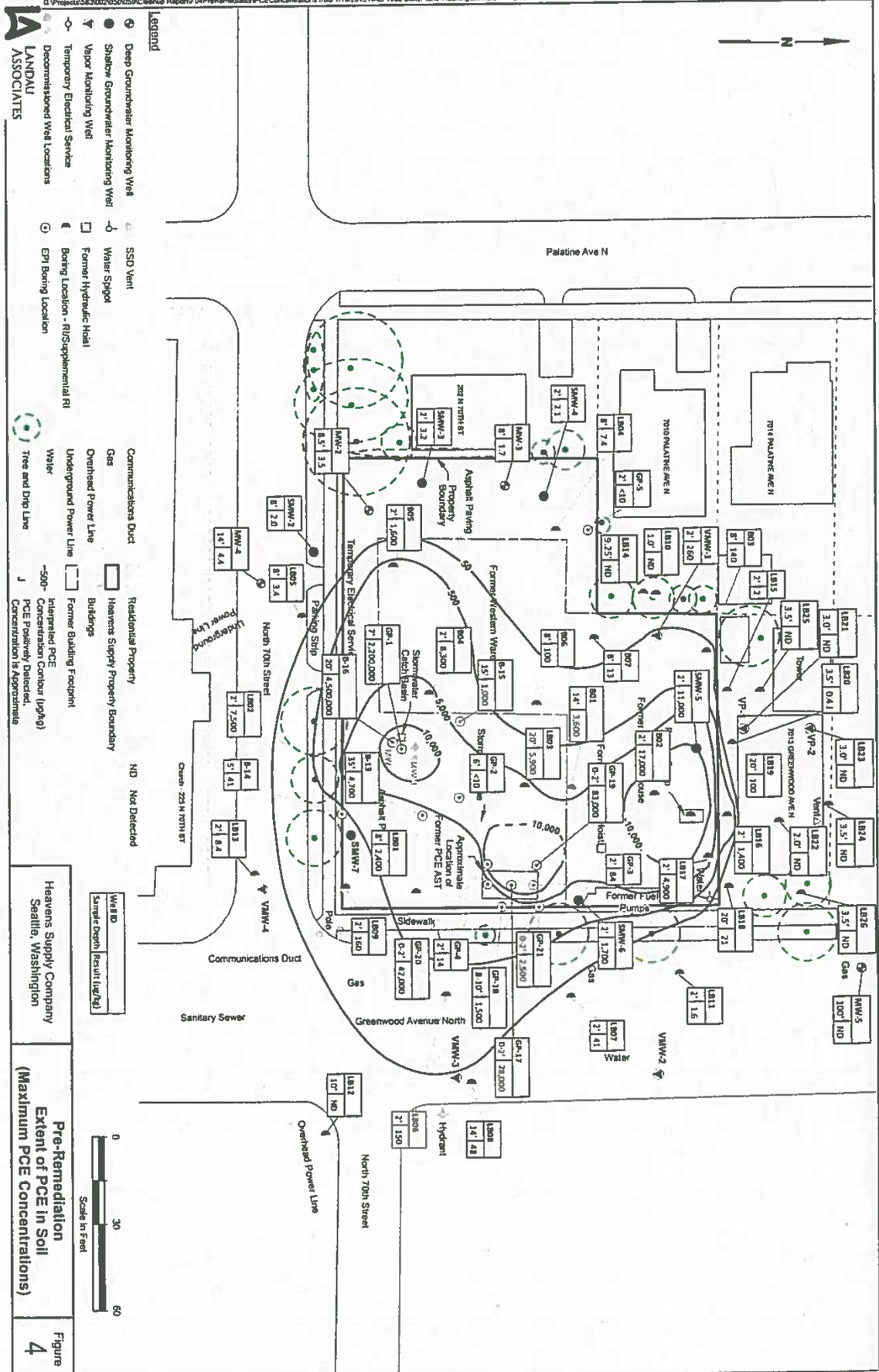
Heavens Supply Site
Seattle, Washington

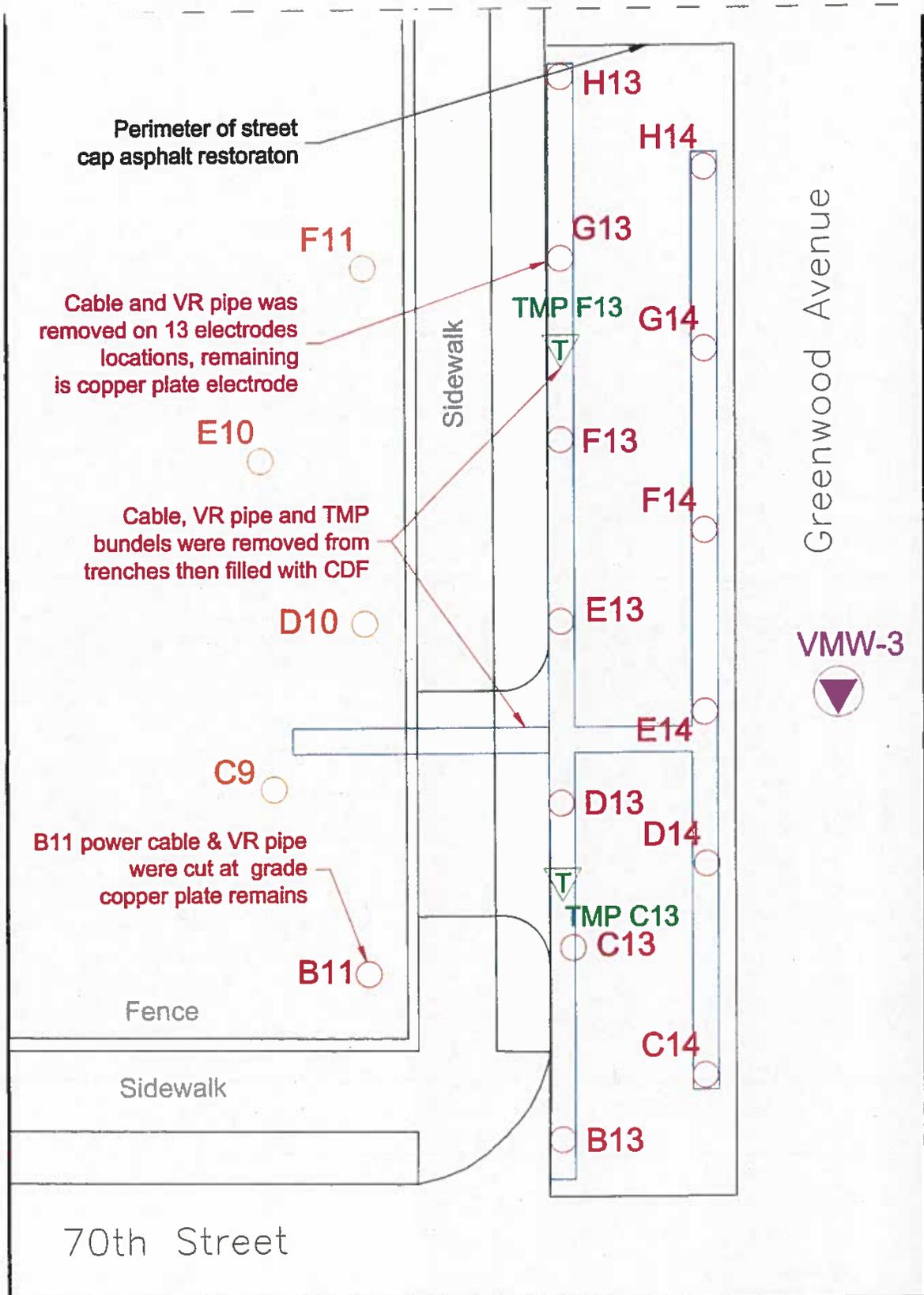
Vicinity Map

Figure
1



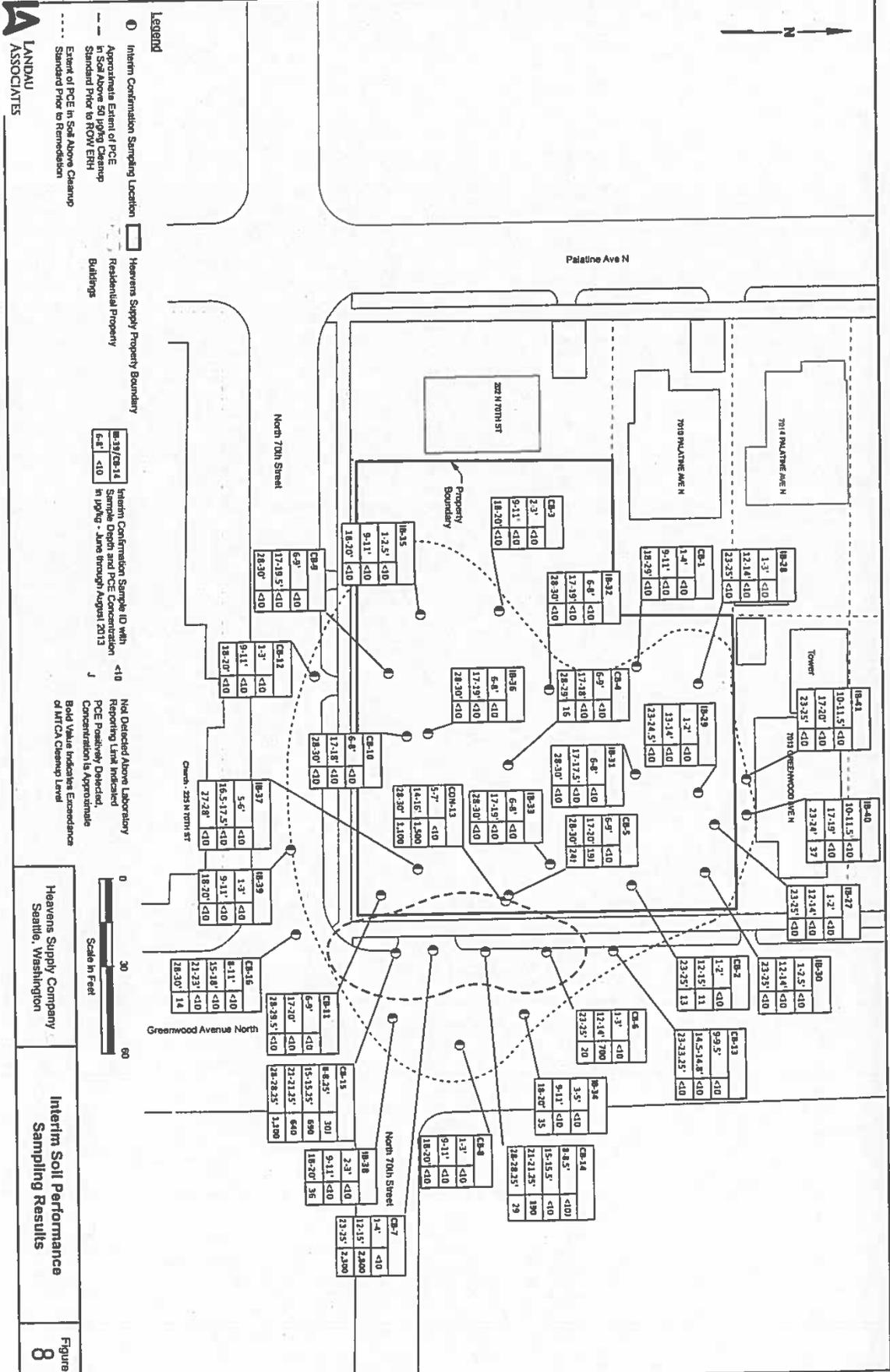


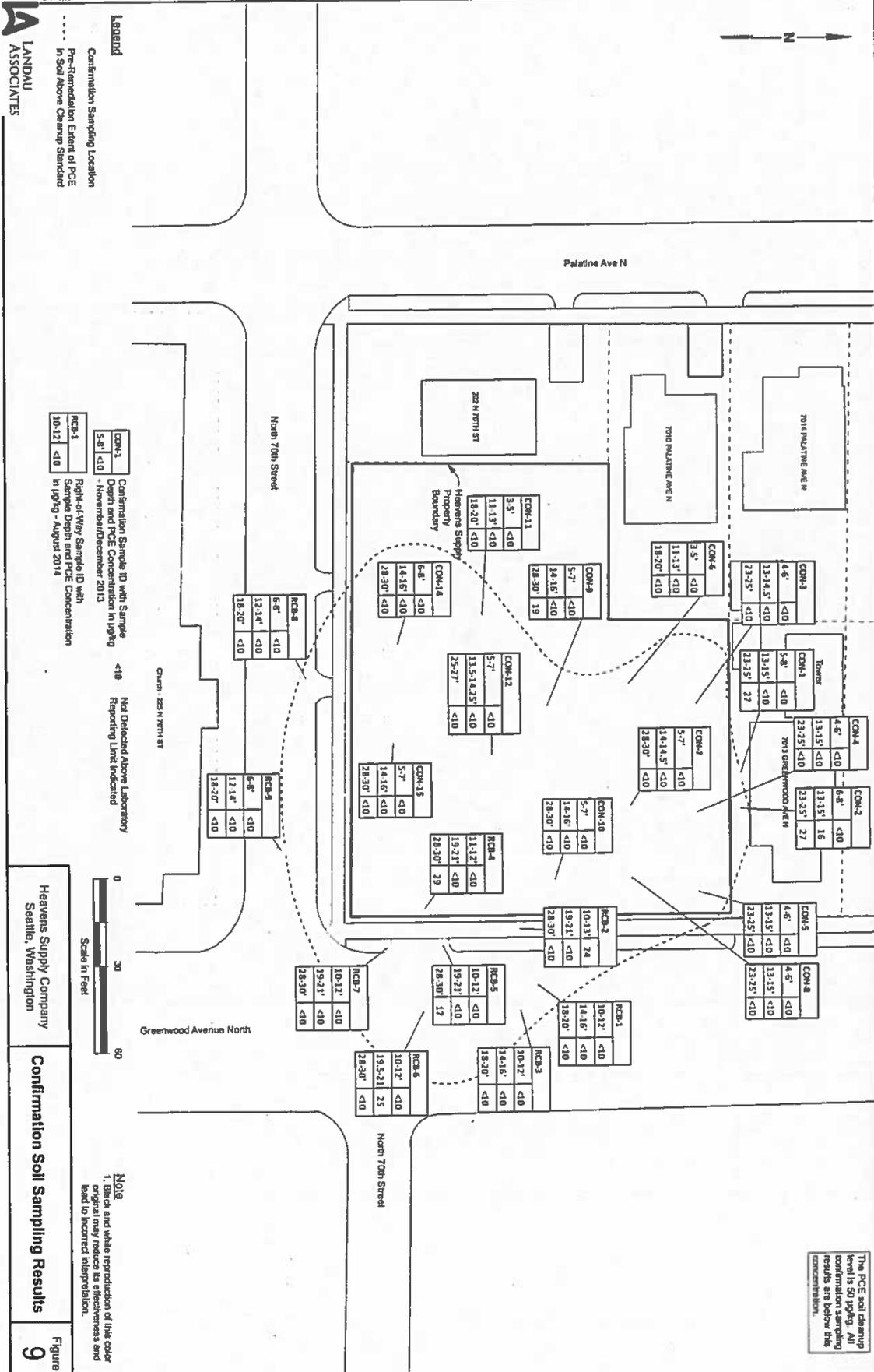


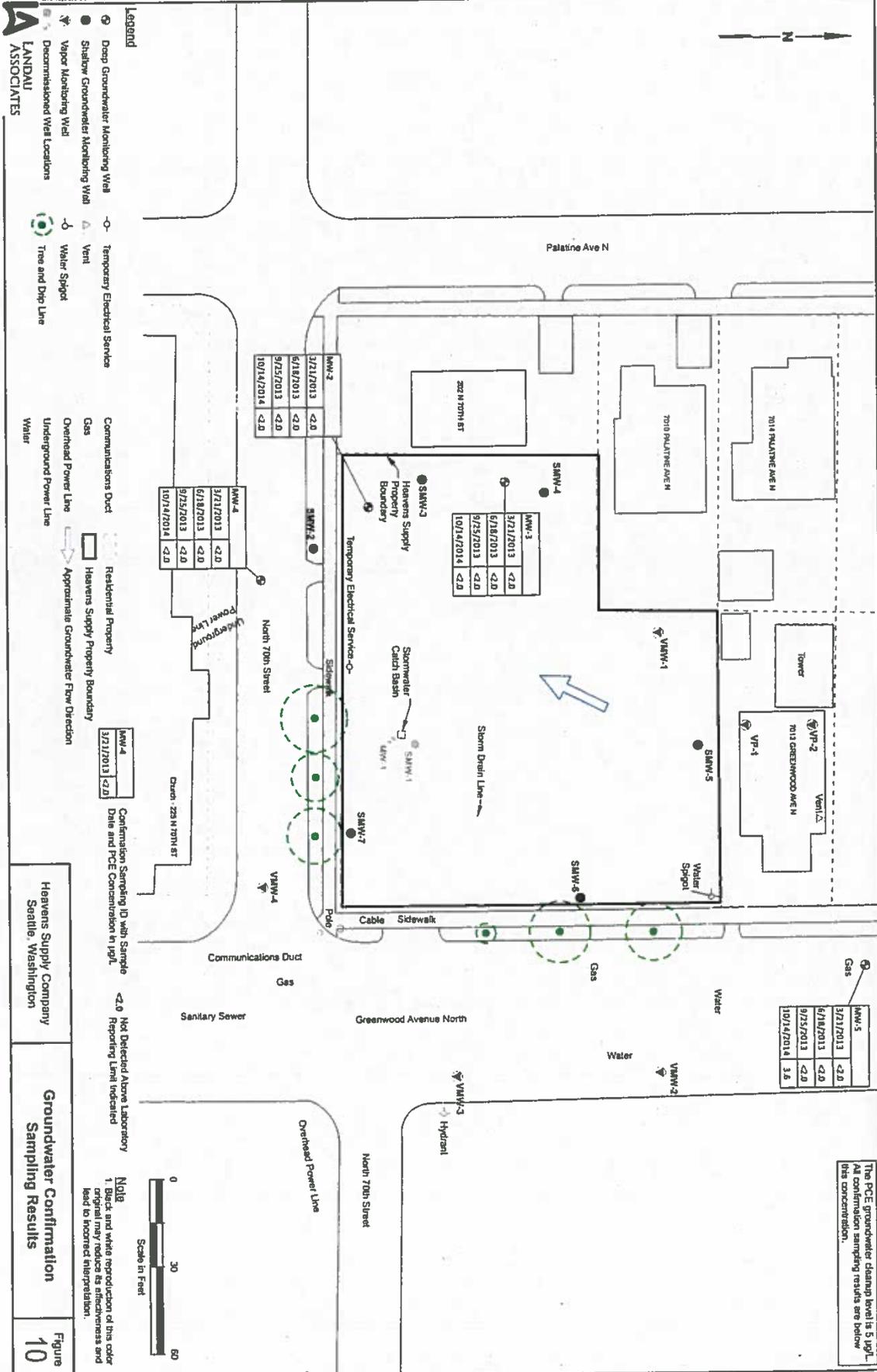


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DESIGNED BY D. SEILER	FOR HEAVEN SUPPLY SEATTLE, WASHINGTON
DRAWN BY C. BADERER	ERH SYSTEM LAYOUT - RIGHT-OF-WAY
CHECKED BY TRB	
PROJECT MANAGER L. STALUCH	
APPROVED FOR IMPLEMENTATION	DATE 01/10/2016 PROJECT 85418 ROW
BY _____	DATE _____
FOR _____	SHEET FIGURE 7b







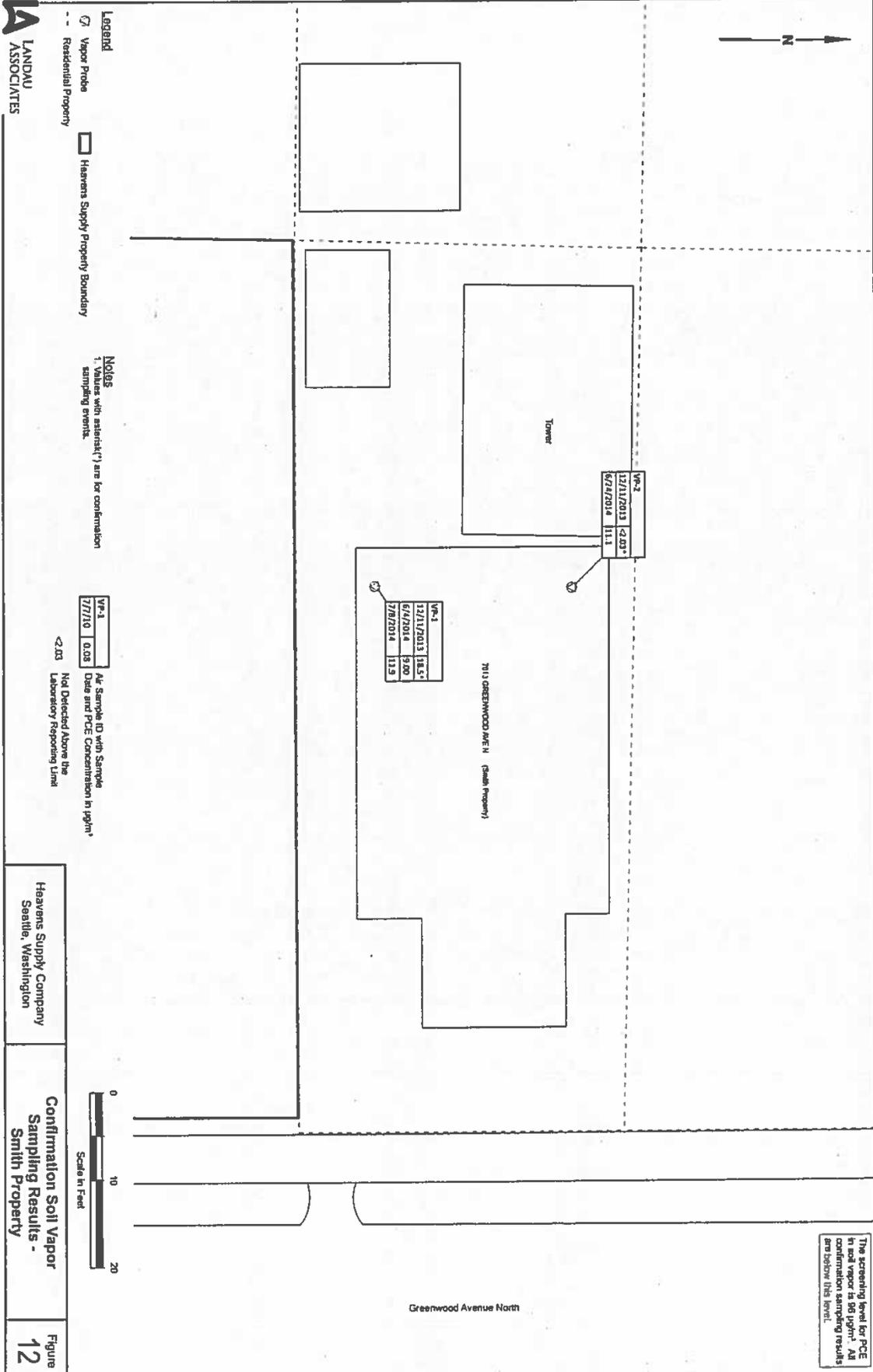


TABLE 1
SHALLOW GROUNDWATER SAMPLING EVENT SUMMARY
FORMER HEAVENS SUPPLY COMPANY SITE
SEATTLE, WASHINGTON

Date	SMMW-1	SMMW-2	SMMW-3	SMMW-4	SMMW-5	SMMW-6	SMMW-7
11/19/2008	Dry	Not yet installed	Not yet installed	Not yet installed	Not yet installed	Not yet installed	Not yet installed
11/25/2008	Dry						
12/5/2008	Dry						
1/7/2009	Sampled (140,000 µg/L)						
7/20/2009	Dry						
8/3/2009	Dry						
8/26/2009	Not Measured						
10/28/2009	Dry	Dry	Dry	Dry	Dry	Dry	
12/22/2009	Insufficient to Sample	Insufficient to Sample	Dry	Dry	Dry	Dry	Dry
1/4/2010	Insufficient to Sample	Insufficient to Sample	Dry	Dry	Dry	Dry	Dry
1/27/2010	Dry	Sampled (3.0 µg/L)	Dry	Dry	Dry	Dry	Dry
3/19/2010	Sampled (160,000 µg/L)	Sampled (3.0 µg/L)	Sampled (4.5 µg/L)	Sampled (2.0 µg/L)	Dry	Dry	Dry
9/1/2011	Decommissioned	Dry	Dry	Dry	Dry	Dry	Dry
3/6/2013		Sampled (4.4 µg/L)	Sampled (9.8 µg/L)	Sampled (4.2 µg/L)	Dry	Dry	Dry
6/18/2013		Dry	Dry	Dry	Dry	Dry	Dry
9/25/2013		Dry	Dry	Dry	Dry	Dry	Dry
10/14/2014		Dry	Dry	Dry	Dry	Dry	Dry

Site Cleanup Level is 5 µg/L.
µg/L = Micrograms per liter

LETTER OF TRANSMITTAL

Date: March 15, 2017
Project: 7009 Greenwood Ave N, DPD Project Number 3023260
To: Michael Houston (TRANSPORT)
From: David Fuchs
Re: Correction Notice #1: Transportation

Response to City Light Correction #1 (December 29, 2016):

- 1) See updated Parking Study from the Tilghman Group dated 2.15.17 attached.
- 2) See updated Traffic Memo from the Tilghman Group dated 2.15.17 attached.
- 3) See updated Traffic Memo from the Tilghman Group dated 2.15.17 attached.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



MEMO

To: Shannon Loew, FIX
Chad Dale
Andrea Dobihal, Brass Tacks, NW

From: Ross Tilghman

Date: 15 February 2017

Subject: Parking Supply and Demand for 7009 Greenwood Avenue N. -- Revised

This memo updates my previous one dated 5 December 2016 to address requests from the City of Seattle to include a project at 6528 Phinney Ave. N. in the cumulative analysis and to confirm demands from a project at 6726 Greenwood Ave. N.

This memo evaluates parking conditions for the proposed mixed-used development at 7009 Greenwood Avenue N. in Seattle. The project would contain 33 apartment units (of which 2 would be affordable units) and 4,830 square feet of restaurant space with seating for approximately 100 persons. A total of 24 standard and 2 tandem parking spaces would be built in an underground garage for residents. Table 1 summarizes the range of apartment units and the expected population of residents, employees and patrons.

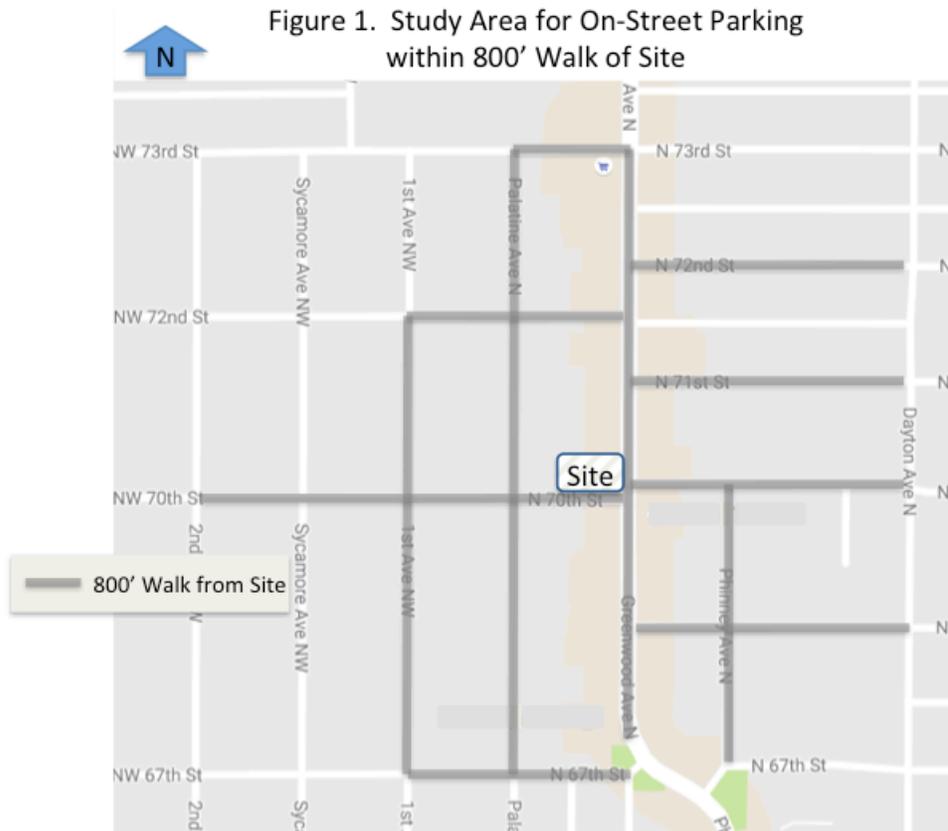
Table 1. Project Population

Use	Units	Estimated Persons/Unit	Total Persons
Studio	2	1	2
1-bedroom	9	1.5	14
2-bedroom	13	2.2	29
3-bedroom	8	3.25	26
4-bedroom	1	4.0	4
Residential Total	33		75
Restaurant Staff	4,830 sq. ft.	3.50	17
Restaurant Patrons	100 seats	4.10 turns/day	410

Source: Tilghman Group

Study Area

Figure 1 shows the area studied for on-street parking conditions. It reflects parking within approximately 800 feet walking distance from the site.



On-Street Parking Supply

Curbside parking was measured to determine the legal parking supply according to City of Seattle procedures described in its publication Tip 117. Table 2 provides details about the existing, legal parking supply in the study area, and what appears to be the effective supply.

Table 2. Number of On-Street Parking Spaces

	Un-Restricted	1-Hour 7am - 6pm	2-hour 7am - 6pm	30-Min. Load 7am - 6pm	30-Min. Truck Load 7am - 4pm	3-Min. Passenger Load 7am - 6pm	TOTAL
Legal Supply	295	60	14	6	2	2	379
Effective Supply	334	67	17	7	4	2	431

Source: Tilghman Group

The *effective* parking supply offers more spaces than the legal supply. This occurs for a variety of reasons:

- Some driveways are no longer (or at least not currently) used as driveways, so residents park in front of them. This adds approximately 4 spaces to the effective supply.
- At least one load zone on N. 73rd St. immediately west of Greenwood Ave. N. runs right up to the stop sign, even though code prohibits parking with 30-feet of a stop sign. This adds 2 spaces to the effective supply.
- The code requirement to leave 20 feet clear next to a crosswalk appears to be rarely enforced and frequently ignored. To the extent that it is ignored, an additional 46 spaces become available.



Current Use of On-Street Parking

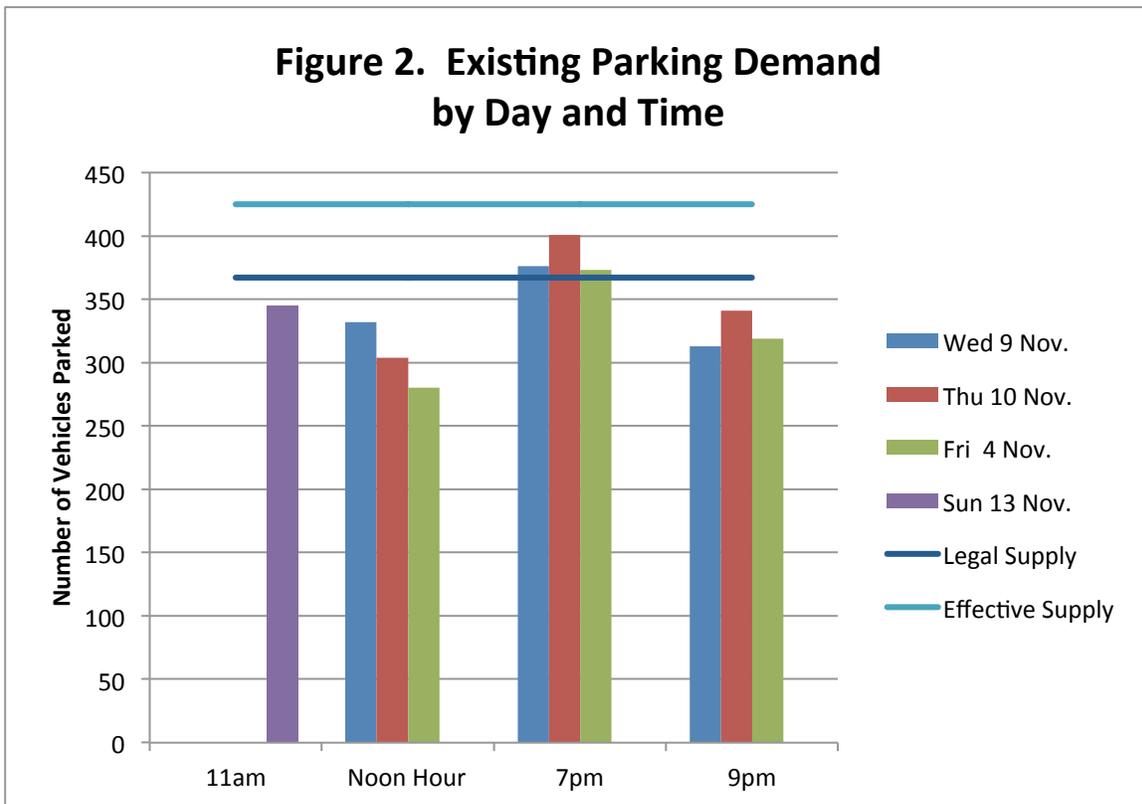
The number of vehicles parking on the street was counted at different times to determine variations in demand by hour of day and day of week. Recognizing that the neighborhood has numerous restaurants, counts were taken at approximately 12:30 p.m., 7:00 p.m., and 9:00 p.m. on Friday, Nov. 4, Wednesday, Nov. 9, and Thursday, Nov. 10., to capture typically busy periods for restaurants. Additionally, parking was counted on Sunday, Nov. 13 at 11:30 a.m., to measure the demand during church services, since Woodland Park Presbyterian Church and the Rock of Ages Lutheran Church are both within one block of the site.

Table 3 summarizes parking demand for the count periods. Figure 2 shows the relation of each period's count to both the legal and effective supply. See Appendix A for inventory and utilization by block face.

Table 3. Existing On-Street Parking Demand

						Available Spaces			
						Legal Supply	% Occp'd	Effective Supply	% Occp'd
Vehicles Parked									
	Wed 9 Nov.	Thu 10 Nov.	Fri 4 Nov.	Sun 13 Nov.	Average				
						367		425	
11am				345	345	28	94%	80	81%
Noon Hour	332	304	280		314	59	86%	111	74%
7pm	376	401	373		383	-10	104%	42	90%
9pm	313	341	319		324	49	88%	101	76%

Source: Tilghman Group



Demand clearly peaks in the early evening around 7:00 p.m., equaling or slightly exceeding the legal parking supply. Due to church activities, demand on Wednesday evenings equaled that of a Friday evening and was only slightly lower than a Thursday evening. Both evening periods exceed 85% occupancy of the legal spaces, the level typically viewed as “practical” capacity, meaning that parking appears full since the last remaining spaces can be difficult to find. When considering the effective parking supply, demand exceeds 85% only at 7:00 p.m., with a total of 90% occupancy.

Instances of blatantly illegal parking involved vehicles parking too close to stop signs (1 vehicle on N 67th St. immediately west of Greenwood Ave.), vehicles parking on the planting strip (2 vehicles on N. 68th St. east of Greenwood Ave.), vehicles parking so as to block the crosswalk (1 vehicle on N. 70th St at Palatine Ave.), and vehicles blocking access to a fire hydrant (1 vehicle on N. 73rd St. west of Greenwood Ave.). Those types of illegal parking involved approximately 1% of all vehicles parked.

Employees and customers from commercial uses clearly park on residential streets. This is most apparent with the first block east and west of Greenwood Ave. However, parking occupancy runs somewhat higher east of Greenwood Avenue than west of it. Table 4 shows average occupancy east and west of Greenwood Avenue. At all times measured, occupancy was lower west of Greenwood where the site is located.

Table 4. Parking Occupancy (Average) East and West of Greenwood Avenue North

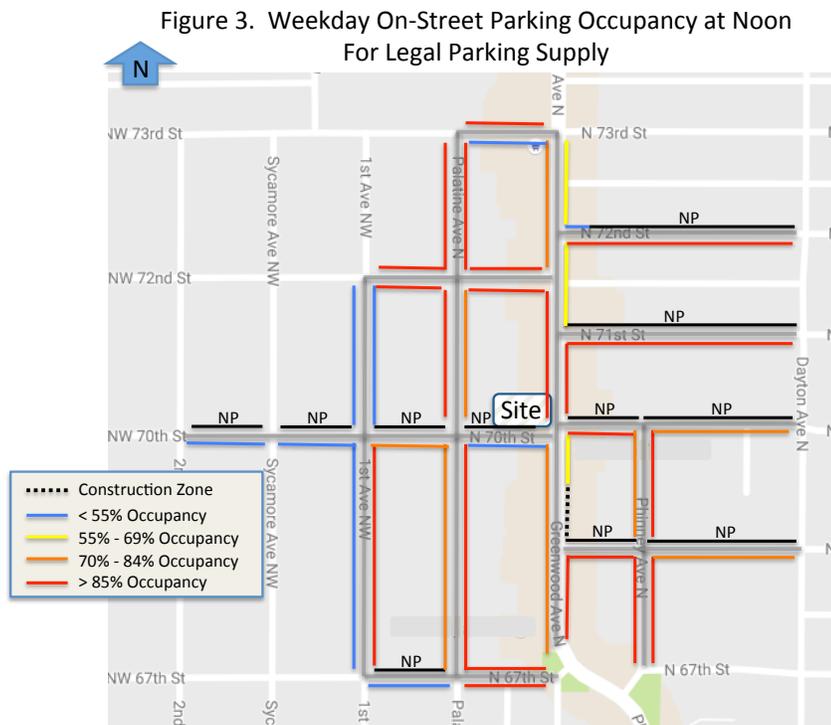
	Legal Supply		Effective Supply*	
	West	East	West	East
11am - Sunday	88%	101%	77%	90%
Noon Hour	79%	93%	69%	82%
7pm	98%	112%	86%	99%
9pm	81%	98%	71%	87%

* Without 20' clearance from sidewalks

Source: Tilghman Group

Anecdotally, a neighborhood resident indicated that some commuters park in the neighborhood for free and then ride the bus to work. This resident also indicated that the neighborhood is used by some for long-term parking when travelling out of town, again taking advantage of free parking and a bus ride. While likely, it is unknown to what extent such parking behavior influences occupancy on a daily basis.

Figures 3, 4 and 5 illustrate occupancy by block face for the Noon, 7:00 p.m. and 9:00 p.m. counts, respectively.



Source: Tilghman Group

Figure 4. Weekday On-Street Parking Occupancy at 7:00 p.m.
For Legal Parking Supply



Figure 5. Weekday On-Street Parking Occupancy at 9:00 p.m.
For Legal Parking Supply



Source: Tilghman Group

Added Parking Demand from Other Projects

Demand for on-street parking will increase prior to development of the proposed project with completion of project planned at 6528 Phinney, one at 6726 Greenwood Avenue and one now under construction at 6800 Greenwood Avenue. Table 5 presents anticipated spillover parking demands from those projects (see Appendix B for those parking demand calculations) using information provided by each project’s own parking analysis and adjusted to account for the share of spillover expected within the study area.

Table 5. Spillover Parking Demand from Other Projects in Study Area

Project	Spillover Demand in Study Area at:		
	Noon	7:00 p.m.	9:00 p.m.
6528 Phinney	1	1	1
6726 Greenwood	5	6	7
6800 Greenwood	3	3	2
Total	9	10	10

Source: Gibson Traffic Consultants; Tilghman Group

Parking Demand for 7009 Greenwood Ave. N.

Parking demand for the apartments was determined using King County’s Multi-Family Residential Parking Calculator. Unlike many apartment buildings offering small units, primarily studio and 1-bedroom units, where the Parking Calculator frequently estimates demand ranging from 0.6 to 0.7 vehicles per unit, the project offers the majority of its units with 2, 3 and 4 bedrooms. Consequently, more residents per unit are expected than would occur in smaller units, resulting in a calculated demand of 1.09 vehicles per unit. With 33 apartments, that demand rate yields a total of 36 resident vehicles.

Restaurant parking demand has been calculated using its expected employee and patron population and their mode of travel choices. Table 6 summarizes their demand.

Table 6. Restaurant Parking Demand

	Population (Daily)	Max. % Present at One Time	% Auto	Average Vehicle Occupancy	Peak Demand (Vehicles)	Demand at Noon	Demand at 7:00 p.m.	Demand at 9:00 p.m.
Staff	17	66%	65%	1.04	7	6	7	5
Patrons	410	15%	41%	1.70	15	8	15	10
TOTALS						14	22	15

Source: Tilghman Group

Key assumptions

- *% Auto for restaurant staff* – the assumption is derived from employer survey data collected by Tilghman Group in Seattle’s Columbia City neighborhood for restaurant employees. Even with high levels of transit service available, a majority of restaurant employees drive to work, in part due to late work hours when transit service is less frequent and when greater concerns for personal safety in the dark arise.
- *% Auto – for restaurant patrons*, the assumption reflects data obtained by the Seattle Department of Transportation’s *Green Lake Neighborhood Intercept Survey, December 2015* that found how visitors from the neighborhood and other areas traveled to Green Lake

businesses. Neighborhood residents accounted for 55% of visitors and primarily walked to businesses with only 25% driving while those from elsewhere mainly drove (69%). For the 7009 Greenwood Ave. project, it is assumed that 65% of restaurant patrons come from the neighborhood with the balance from outside the neighborhood, and that they would have similar travel habits to Green Lake visitors. Table 7 shows both the Green Lake visitor travel data and the derivation of expected travel modes for the project’s restaurant patrons.

Table 7. Green Lake Neighborhood Visitor Travel Characteristics

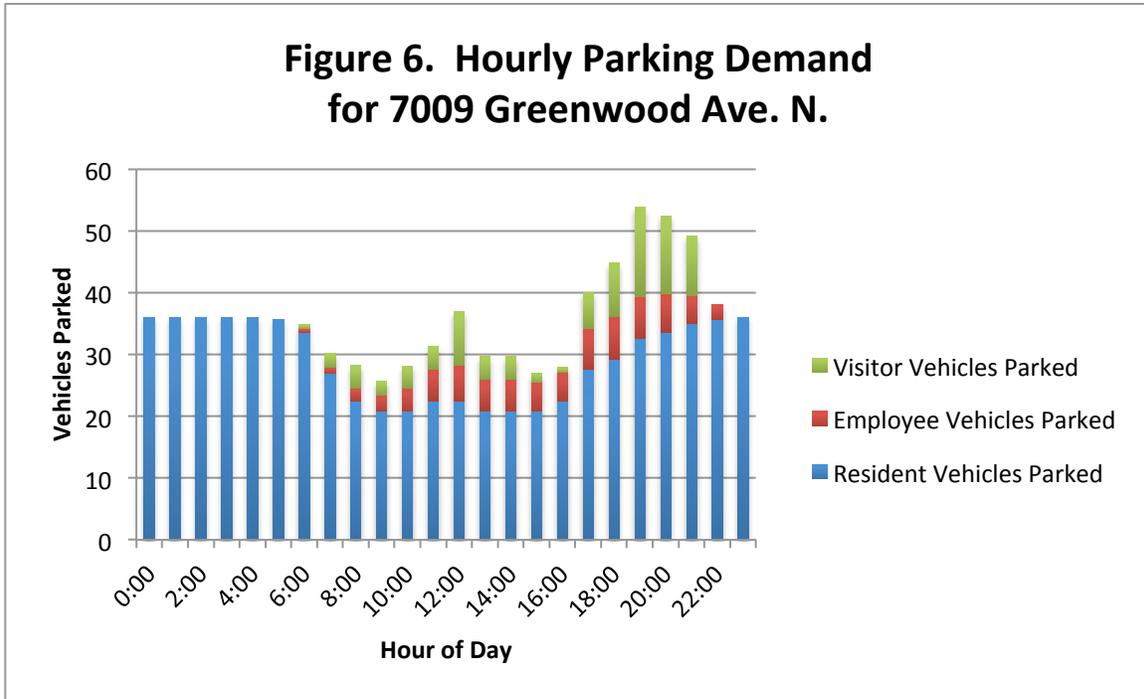
Green Lake Neighborhood Visitor Intercept Data						
	Share of Visitors	Mode of Access				Total
		% Auto	Transit	Walk/Bike/ Other		
Neighborhood Residents	55%	25%	12%	63%	100%	
Non-Neighborhood Residents	45%	70%	13%	17%	100%	
Weighted Average	100%	45%	12%	42%	100%	

For 7009 Greenwood Ave N						
	Assumed Share of Visitors	Mode of Access				Total
		% Auto	Transit	Walk/Bike/ Other		
Neighborhood Residents	65%	25%	12%	63%	100%	
Non-Neighborhood Residents	35%	70%	13%	17%	100%	
Weighted Average	100%	41%	12%	47%	100%	

Source: SDOT; Tilghman Group

Figure 6 shows how parking demand for the entire project is expected to vary by hour of the day. Demand is expected to peak between 7:00 p.m. and 8:00 p.m. when most residents are home and the restaurant is busiest.

Figure 6. Hourly Parking Demand for 7009 Greenwood Ave. N.

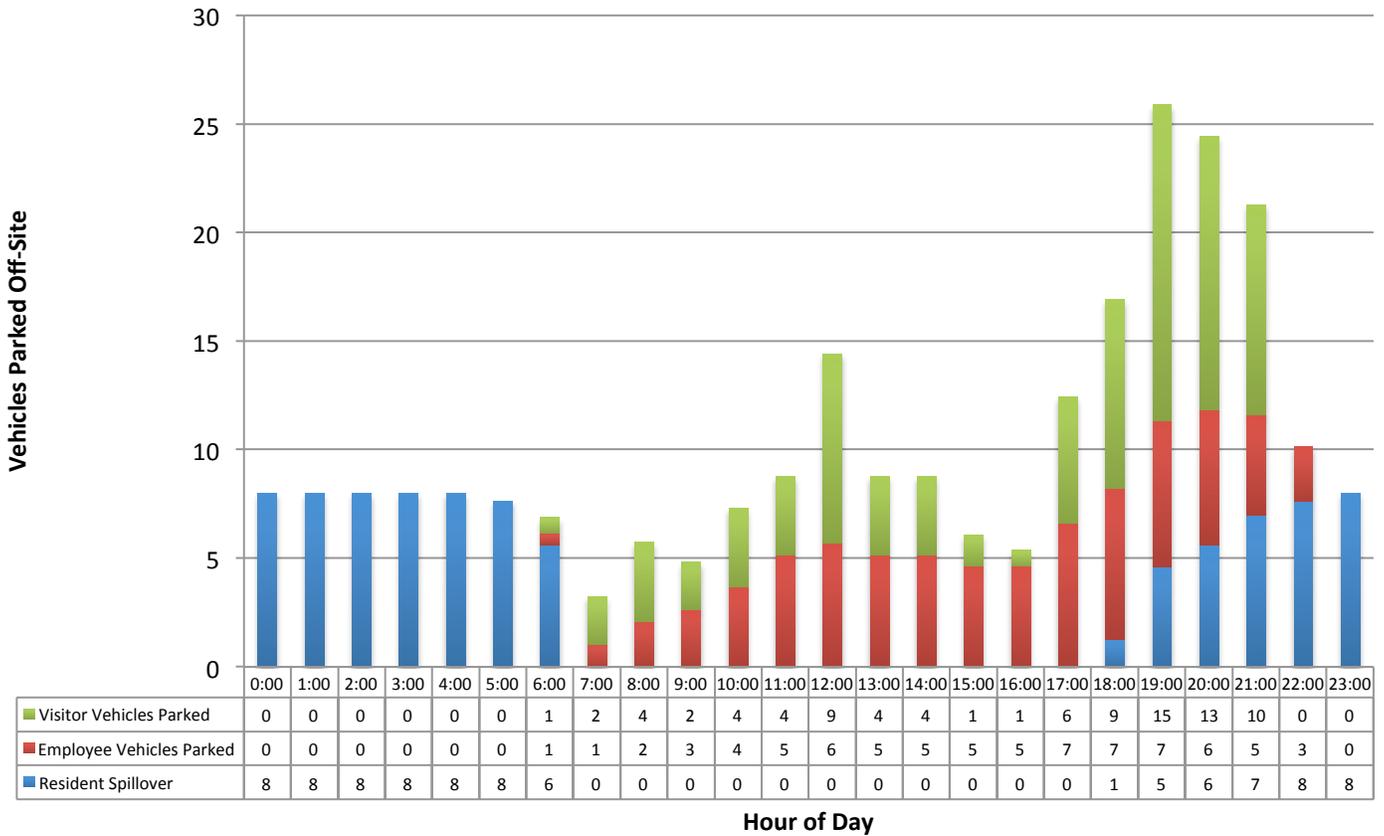


Source: Tilghman Group

The underground garage will provide 24 standard spaces and 2 tandem spaces, for a total capacity of 27 cars (city code recognizes tandem stalls as providing 1.5 spaces, although in practice they could each accommodate 2 vehicles). Under Seattle City code, this development is not required to provide parking given its location in an Urban Village and within one-quarter mile of frequent transit service (meaning a minimum of 15-minute service frequency). The project’s site lies within the Greenwood—Phinney Ridge Hub Urban Village, and is adjacent to Greenwood Avenue N that has 15-minute bus service on Route 5 throughout the day (see Appendix C for the frequent transit service bus schedules).

Figure 7 shows the amount of spillover demand by hour to be accommodated on the street. Spillover will peak when demand peaks with 27 vehicles seeking on-street parking. The majority of that spillover will be restaurant patrons. Overnight, resident spillover will be 8 vehicles.

Figure 7. Parking Spillover by Hour on a Weekday



Source: Tilghman Group

Future On-Street Parking Occupancy

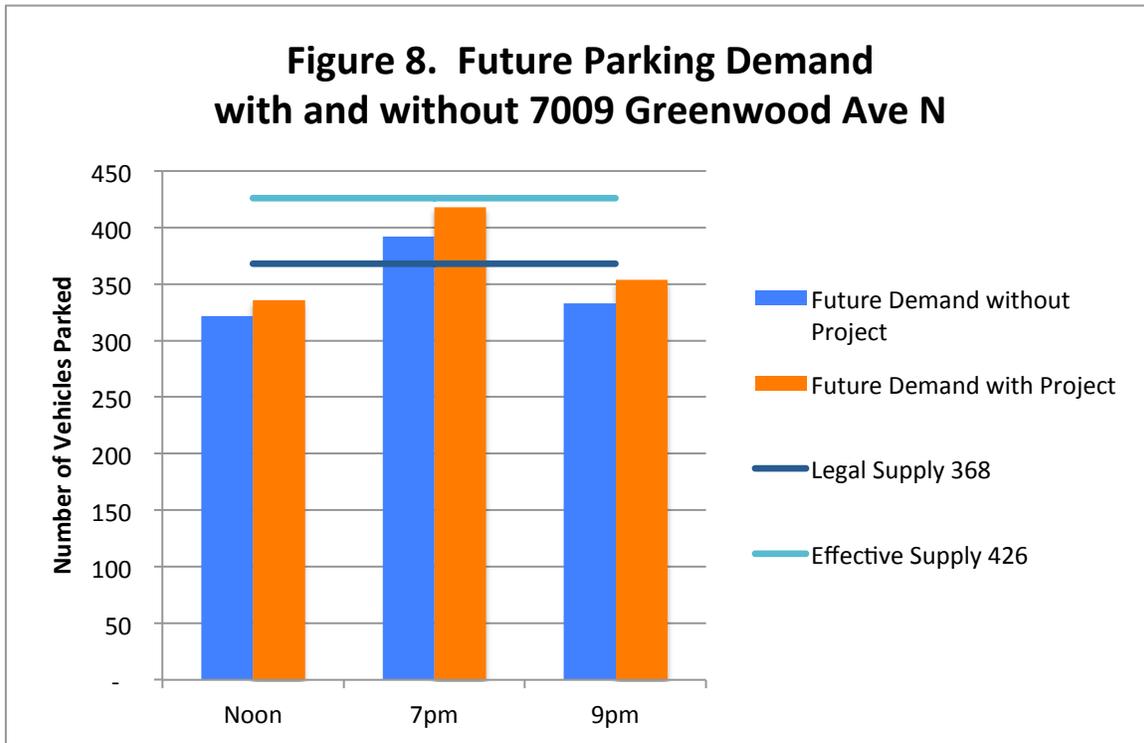
Table 8 shows how the addition of new parking demand from the area’s developments will affect occupancy. Figure 8 compares future occupancy with and without development of 7009 Greenwood Ave.

Table 8. Future Parking Demand and Occupancy

	Existing Demand	Spillover from Project	Spillover from Other Projects	Total Future Demand	Future Utilization Legal Supply	Future Utilization Effective Supply
					368 spaces	426 spaces
Noon	314	14	9	337	92%	79%
7pm	383	27	10	420	114%	99%
9pm	324	22	10	356	97%	84%

Source: Tilghman Group

The pattern of peak times remains the same as it is today with the period of highest demand occurring around 7:00 p.m. Future demand is anticipated to exceed the legal supply both before and after the project is occupied. At the 7:00 p.m. peak, demand with the completed project will virtually saturate even the effective supply within 800 feet of the site. By 9:00 p.m., a small surplus will exist with the effective supply.



Source: Tilghman Group

The consequence of the additional demand for parking will be that more vehicles park farther from the site and from Greenwood Avenue at the busiest times. Legal curbside space is available but neighbors will notice more vehicles on streets including 1st Ave. N, Sycamore, 70th and 72nd to the west, and Dayton to the east. Spillover from 7009 Greenwood Ave. would be expected to favor parking west of Greenwood Ave. for an easier walk to the site.

Summary of Findings

Development and occupancy of the planned mixed-use project at 7009 Greenwood Avenue North will create spillover parking demand ranging from 8 vehicles overnight to 27 vehicles in the early evening. The majority of residents' vehicles will park in an underground garage (with capacity for 27 vehicles), while restaurant staff and patrons who drive will park in the neighborhood. Curbside parking within approximately an 800-foot walk of the site has limited availability for additional vehicles. Within this area, the legal supply offers 367 spaces, while demand already exceeds 85% of capacity, known as practical capacity, the point at which parking typically appears full. However, the legal supply assumes a mix of vehicles that may be longer than those actually parking, and does not recognize un-used driveways or the habits of drivers accustomed to parking in tight conditions. The area's effective parking supply is 52 spaces greater. With the addition of new demand from other area developments and 7009 Greenwood Ave., the area's occupancy will exceed the legal supply at the busiest time (around 7:00 p.m.) and nearly reach capacity of the effective supply. Consequently, it is anticipated that more vehicles will seek parking farther from the site, especially to the west. Neighbors will experience greater competition for curb space on streets including 1st Ave. N, Sycamore, 70th and 72nd to the west, and Dayton to the east.

Appendix A: Parking Inventory & Utilization

- Noon
- 7:00 p.m.
- 9:00 p.m.
- Sunday 11:00 a.m.

Appendix B: Parking Spillover from Other Projects

Appendix C: Route 5 Bus Schedules – Frequent Transit Service

7009 Greenwood Ave N

Parking Inventory & Utilization

Street	Between	Side	TOTAL	Noon			Average	Utilization
				Wed	Thu	Fri		
1st Ave N	N 67th and N 70th St	E	15	15	12	14	13.7	91%
1st Ave N	N 67th and N 70th St	W	20	9	9	9	9.0	45%
1st Ave N	N 70th and N 72nd St	E	12	7	4	4	5.0	42%
1st Ave N	N 70th and N 72nd St	W	13	4	6	4	4.7	36%
Palatine Ave N	N 67th and N 70th St	E	15	15	13	15	14.3	96%
Palatine Ave N	N 67th and N 70th St	W	21	21	14	18	17.7	84%
Palatine Ave N	N 70th and N 72nd St	E	10	9	6	8	7.7	77%
Palatine Ave N	N 70th and N 72nd St	W	11	10	10	12	10.7	97%
Palatine Ave N	N 72nd and N 73rd St	E	9	13	13	12	12.7	141%
Palatine Ave N	N 72nd and N 73rd St	W	10	10	11	9	10.0	100%
Greenwood Ave N	N 67th and N 68th St	E	6	8	6	6	6.7	111%
Greenwood Ave N	N 67th and N 70th St	W	15	15	7	10	10.7	71%
Greenwood Ave N	N 68th and N 70th St	E	6	5	2	5	4.0	67%
Greenwood Ave N	N 70th and N 71st St	E	7	8	8	6	7.3	105%
Greenwood Ave N	N 70th and N 72nd St	W	8	7	8	7	7.3	92%
Greenwood Ave N	N 71st and N 72nd St	E	6	4	5	3	4.0	67%
Greenwood Ave N	N 72nd and N 73rd St	E	3	4	2	0	2.0	67%
Greenwood Ave N	N 72nd and N 73rd St	W	13	9	11	12	10.7	82%
Phinney Ave N	N 67th and N 68th St	E	7	10	7	8	8.3	119%
Phinney Ave N	N 67th and N 68th St	W	7	8	10	10	9.3	133%
Phinney Ave N	N 68th St and N 70th St	E	9	8	9	7	8.0	89%
Phinney Ave N	N 68th St and N 70th St	W	9	9	7	3	6.3	70%
N. 67th St.	1st Ave and Palatine	N	0					
N. 67th St.	1st Ave and Palatine	S	8	3	3	4	3.3	42%
N. 67th St.	Palatine and Greenwood	N	6	6	7	6	6.3	106%
N. 67th St.	Palatine and Greenwood	S	6	7	6	7	6.7	111%
N 68th St.	Dayton and Phinney	N	0					
N 68th St.	Dayton and Phinney	S	12	10	9	7	8.7	72%
N 68th St.	Phinney and Greenwood	N	0					
N 68th St.	Phinney and Greenwood	S	3	5	5	4	4.7	156%
N 70th St.	2nd Ave and Sycamore	N	0					
N 70th St.	2nd Ave and Sycamore	S	7	1	2	2	1.7	24%
N 70th St.	Sycamore and 1st Ave	N	0		1		1.0	
N 70th St.	Sycamore and 1st Ave	S	7	2	4	1	2.3	33%
N 70th St.	1st Ave and Palatine	N	0					
N 70th St.	1st Ave and Palatine	S	4	2	4	4	3.3	83%
N 70th St.	Palatine and Greenwood	N	0					
N 70th St.	Palatine and Greenwood	S	7	7	2	1	3.3	48%
N 70th St.	Greenwood and Phinney	N	0					
N 70th St.	Greenwood and Phinney	S	3	3	3	3	3.0	100%
N 70th St.	Phinney and Dayton	N	0					
N 70th St.	Phinney and Dayton	S	7	5	4	7	5.3	76%
N 71st St.	Greenwood and Dayton	N	0					
N 71st St.	Greenwood and Dayton	S	17	17	18	19	18.0	106%
N 72nd St.	1st Ave and Palatine	N	6	4	7	6	5.7	94%
N 72nd St.	1st Ave and Palatine	S	8	8	8	7	7.7	96%
N 72nd St.	Palatine and Greenwood	N	6	8	8	7	7.7	128%
N 72nd St.	Palatine and Greenwood	S	4	7	6	7	6.7	167%
N 72nd St.	Greenwood and Dayton	N	1	1	0	missing	0.5	50%
N 72nd St.	Greenwood and Dayton	S	25	24	22	missing	23.0	92%
N 73rd St.	Palatine and Greenwood	N	3	4	5	6	5.0	167%
N 73rd St.	Palatine and Greenwood	S	2	0	0	0	0.0	0%
			374	332	304	280	314	84%
			Utilization	88.8%	81.3%	74.9%		

7009 Greenwood Ave N

Parking Inventory & Utilization

Street	Between	Side	TOTAL	7:00 PM			Average	Utilization
				Wed	Thu	Fri		
1st Ave N	N 67th and N 70th St	E	15	18	22	18	19.3	129%
1st Ave N	N 67th and N 70th St	W	20	13	18	13	14.7	73%
1st Ave N	N 70th and N 72nd St	E	12	6	6	3	5.0	42%
1st Ave N	N 70th and N 72nd St	W	13	6	8	6	6.7	51%
Palatine Ave N	N 67th and N 70th St	E	15	21	17	16	18.0	120%
Palatine Ave N	N 67th and N 70th St	W	21	20	20	19	19.7	94%
Palatine Ave N	N 70th and N 72nd St	E	10	10	11	10	10.3	103%
Palatine Ave N	N 70th and N 72nd St	W	11	12	12	7	10.3	94%
Palatine Ave N	N 72nd and N 73rd St	E	9	11	12	10	11.0	122%
Palatine Ave N	N 72nd and N 73rd St	W	10	10	9	11	10.0	100%
Greenwood Ave N	N 67th and N 68th St	E	6	8	9	7	8.0	133%
Greenwood Ave N	N 67th and N 70th St	W	15	17	17	17	17.0	113%
Greenwood Ave N	N 68th and N 70th St	E	6	6	8	10	8.0	133%
Greenwood Ave N	N 70th and N 71st St	E	7	7	8	9	8.0	114%
Greenwood Ave N	N 70th and N 72nd St	W	8	10	11	10	10.3	129%
Greenwood Ave N	N 71st and N 72nd St	E	6	8	9	8	8.3	139%
Greenwood Ave N	N 72nd and N 73rd St	E	3	3	5	4	4.0	133%
Greenwood Ave N	N 72nd and N 73rd St	W	13	13	13	14	13.3	103%
Phinney Ave N	N 67th and N 68th St	E	7	12	10	12	11.3	162%
Phinney Ave N	N 67th and N 68th St	W	7	10	10	11	10.3	148%
Phinney Ave N	N 68th St and N 70th St	E	9	10	9	9	9.3	104%
Phinney Ave N	N 68th St and N 70th St	W	9	9	10	9	9.3	104%
N. 67th St.	1st Ave and Palatine	N	0					
N. 67th St.	1st Ave and Palatine	S	8	5	6	6	5.7	71%
N. 67th St.	Palatine and Greenwood	N	6	8	8	9	8.3	139%
N. 67th St.	Palatine and Greenwood	S	6	9	9	8	8.7	144%
N 68th St.	Dayton and Phinney	N	0					
N 68th St.	Dayton and Phinney	S	12	9	12	12	11.0	92%
N 68th St.	Phinney and Greenwood	N	0					
N 68th St.	Phinney and Greenwood	S	3	6	5	5	5.3	178%
N 70th St.	2nd Ave and Sycamore	N	0					
N 70th St.	2nd Ave and Sycamore	S	7	4	3	7	4.7	67%
N 70th St.	Sycamore and 1st Ave	N	0					
N 70th St.	Sycamore and 1st Ave	S	7	2	3	3	2.7	38%
N 70th St.	1st Ave and Palatine	N	0					
N 70th St.	1st Ave and Palatine	S	4	5	5	3	4.3	108%
N 70th St.	Palatine and Greenwood	N	0					
N 70th St.	Palatine and Greenwood	S	7	10	9	7	8.7	124%
N 70th St.	Greenwood and Phinney	N	0					
N 70th St.	Greenwood and Phinney	S	3	3	4	4	3.7	122%
N 70th St.	Phinney and Dayton	N	0					
N 70th St.	Phinney and Dayton	S	7	6	7	8	7.0	100%
N 71st St.	Greenwood and Dayton	N	0					
N 71st St.	Greenwood and Dayton	S	17	19	18	19	18.7	110%
N 72nd St.	1st Ave and Palatine	N	6	3	6	4	4.3	72%
N 72nd St.	1st Ave and Palatine	S	8	5	5	5	5.0	63%
N 72nd St.	Palatine and Greenwood	N	6	9	9	9	9.0	150%
N 72nd St.	Palatine and Greenwood	S	4	5	6	6	5.7	142%
N 72nd St.	Greenwood and Dayton	N	1	0	0	0	0.0	0%
N 72nd St.	Greenwood and Dayton	S	25	19	23	17	19.7	79%
N 73rd St.	Palatine and Greenwood	N	3	6	6	5	5.7	189%
N 73rd St.	Palatine and Greenwood	S	2	3	3	3	3.0	150%
			374	376	401	373	383	102%
			Utilization	100.5%	107.2%	99.7%		

7009 Greenwood Ave N

Parking Inventory & Utilization

Street	Between	Side	TOTAL	9:00 PM			Average	Utilization
				Wed	Thu	Fri		
1st Ave N	N 67th and N 70th St	E	15	20	20	19	19.7	131%
1st Ave N	N 67th and N 70th St	W	20	14	17	14	15.0	75%
1st Ave N	N 70th and N 72nd St	E	12	8	7	5	6.7	56%
1st Ave N	N 70th and N 72nd St	W	13	5	8	8	7.0	54%
Palatine Ave N	N 67th and N 70th St	E	15	16	15	13	14.7	98%
Palatine Ave N	N 67th and N 70th St	W	21	19	16	15	16.7	79%
Palatine Ave N	N 70th and N 72nd St	E	10	10	9	10	9.7	97%
Palatine Ave N	N 70th and N 72nd St	W	11	14	12	8	11.3	103%
Palatine Ave N	N 72nd and N 73rd St	E	9	11	11	9	10.3	115%
Palatine Ave N	N 72nd and N 73rd St	W	10	7	8	10	8.3	83%
Greenwood Ave N	N 67th and N 68th St	E	6	7	6	9	7.3	122%
Greenwood Ave N	N 67th and N 70th St	W	15	10	11	14	11.7	78%
Greenwood Ave N	N 68th and N 70th St	E	6	6	7	7	6.7	111%
Greenwood Ave N	N 70th and N 71st St	E	7	5	7	5	5.7	81%
Greenwood Ave N	N 70th and N 72nd St	W	8	4	6	9	6.3	79%
Greenwood Ave N	N 71st and N 72nd St	E	6	4	7	6	5.7	94%
Greenwood Ave N	N 72nd and N 73rd St	E	3	2	2	3	2.3	78%
Greenwood Ave N	N 72nd and N 73rd St	W	13	3	7	9	6.3	49%
Phinney Ave N	N 67th and N 68th St	E	7	12	9	10	10.3	148%
Phinney Ave N	N 67th and N 68th St	W	7	8	10	9	9.0	129%
Phinney Ave N	N 68th St and N 70th St	E	9	11	9	6	8.7	96%
Phinney Ave N	N 68th St and N 70th St	W	9	7	10	6	7.7	85%
N. 67th St.	1st Ave and Palatine	N	0					
N. 67th St.	1st Ave and Palatine	S	8	4	4	4	4.0	50%
N. 67th St.	Palatine and Greenwood	N	6	6	7	6	6.3	106%
N. 67th St.	Palatine and Greenwood	S	6	6	7	5	6.0	100%
N 68th St.	Dayton and Phinney	N	0					
N 68th St.	Dayton and Phinney	S	12	11	10	10	10.3	86%
N 68th St.	Phinney and Greenwood	N	0					
N 68th St.	Phinney and Greenwood	S	3	6	5	4	5.0	167%
N 70th St.	2nd Ave and Sycamore	N	0					
N 70th St.	2nd Ave and Sycamore	S	7	4	4	5	4.3	62%
N 70th St.	Sycamore and 1st Ave	N	0					
N 70th St.	Sycamore and 1st Ave	S	7	3	4	4	3.7	52%
N 70th St.	1st Ave and Palatine	N	0					
N 70th St.	1st Ave and Palatine	S	4	5	3	3	3.7	92%
N 70th St.	Palatine and Greenwood	N	0					
N 70th St.	Palatine and Greenwood	S	7	4	4	4	4.0	57%
N 70th St.	Greenwood and Phinney	N	0					
N 70th St.	Greenwood and Phinney	S	3	2	3	2	2.3	78%
N 70th St.	Phinney and Dayton	N	0					
N 70th St.	Phinney and Dayton	S	7	5	8	9	7.3	105%
N 71st St.	Greenwood and Dayton	N	0					
N 71st St.	Greenwood and Dayton	S	17	17	20	21	19.3	114%
N 72nd St.	1st Ave and Palatine	N	6	3	4	3	3.3	56%
N 72nd St.	1st Ave and Palatine	S	8	4	4	4	4.0	50%
N 72nd St.	Palatine and Greenwood	N	6	6	7	7	6.7	111%
N 72nd St.	Palatine and Greenwood	S	4	4	5	3	4.0	100%
N 72nd St.	Greenwood and Dayton	N	1	1	0	0	0.3	33%
N 72nd St.	Greenwood and Dayton	S	25	16	21	14	17.0	68%
N 73rd St.	Palatine and Greenwood	N	3	2	5	5	4.0	133%
N 73rd St.	Palatine and Greenwood	S	2	1	2	2	1.7	83%
			374	313	341	319	324	87%
			Utilization	83.7%	91.2%	85.3%		

7009 Greenwood Ave N

Parking Inventory & Utilization

SUNDAY

Street	Between	Side	TOTAL	11:00 AM	
				Sunday	Utilization
1st Ave N	N 67th and N 70th St	E	15	19	127%
1st Ave N	N 67th and N 70th St	W	20	14	70%
1st Ave N	N 70th and N 72nd St	E	12	7	58%
1st Ave N	N 70th and N 72nd St	W	13	7	54%
Palatine Ave N	N 67th and N 70th St	E	15	19	127%
Palatine Ave N	N 67th and N 70th St	W	21	19	90%
Palatine Ave N	N 70th and N 72nd St	E	10	11	110%
Palatine Ave N	N 70th and N 72nd St	W	11	13	118%
Palatine Ave N	N 72nd and N 73rd St	E	9	10	111%
Palatine Ave N	N 72nd and N 73rd St	W	10	9	90%
Greenwood Ave N	N 67th and N 68th St	E	6	8	133%
Greenwood Ave N	N 67th and N 70th St	W	15	12	80%
Greenwood Ave N	N 68th and N 70th St	E	6	8	133%
Greenwood Ave N	N 70th and N 71st St	E	7	5	71%
Greenwood Ave N	N 70th and N 72nd St	W	8	5	63%
Greenwood Ave N	N. 71st and N 72nd St	E	6	7	117%
Greenwood Ave N	N 72nd and N 73rd St	E	3	4	133%
Greenwood Ave N	N 72nd and N 73rd St	W	13	10	77%
Phinney Ave N	N 67th and N 68th St	E	7	9	129%
Phinney Ave N	N 67th and N 68th St	W	7	9	129%
Phinney Ave N	N 68th St and N 70th St	E	9	11	122%
Phinney Ave N	N 68th St and N 70th St	W	9	8	89%
N. 67th St.	1st Ave and Palatine	N	0		
N. 67th St.	1st Ave and Palatine	S	8	5	63%
N. 67th St.	Palatine and Greenwood	N	6	4	67%
N. 67th St.	Palatine and Greenwood	S	6	3	50%
N 68th St.	Dayton and Phinney	N	0		
N 68th St.	Dayton and Phinney	S	12	10	83%
N 68th St.	Phinney and Greenwood	N	0		
N 68th St.	Phinney and Greenwood	S	3	4	133%
N 70th St.	2nd Ave and Sycamore	N	0		
N 70th St.	2nd Ave and Sycamore	S	7	3	43%
N 70th St.	Sycamore and 1st Ave	N	0		
N 70th St.	Sycamore and 1st Ave	S	7	7	100%
N 70th St.	1st Ave and Palatine	N	0		
N 70th St.	1st Ave and Palatine	S	4	5	125%
N 70th St.	Palatine and Greenwood	N	0		
N 70th St.	Palatine and Greenwood	S	7	7	100%
N 70th St.	Greenwood and Phinney	N	0		
N 70th St.	Greenwood and Phinney	S	3	5	167%
N 70th St.	Phinney and Dayton	N	0		
N 70th St.	Phinney and Dayton	S	7	9	129%
N 71st St.	Greenwood and Dayton	N	0		
N 71st St.	Greenwood and Dayton	S	17	16	94%
N 72nd St.	1st Ave and Palatine	N	6	2	33%
N 72nd St.	1st Ave and Palatine	S	8	3	38%
N 72nd St.	Palatine and Greenwood	N	6	8	133%
N 72nd St.	Palatine and Greenwood	S	4	7	175%
N 72nd St.	Greenwood and Dayton	N	1	0	0%
N 72nd St.	Greenwood and Dayton	S	25	16	64%
N 73rd St.	Palatine and Greenwood	N	3	5	167%
N 73rd St.	Palatine and Greenwood	S	2	2	100%
			374	345	92%
			Utilization	92.2%	

Other Projects -- Parking Demand and Study Area Spillover

6800 Greenwood					Estimated Parking Demand			Share in Study Area
Land Use		Rate	Peak Demand		% of Peak at Noon	Noon Demand	Spillover	
Apts	32 units	0.6	19		65%	12	0	63%
Specialty Retail	4100 sq ft	1	5		95%	5	5	
On-Site Parking	28 stalls						5	
					% of Peak at 7pm	7pm Demand	Spillover	
					97%	19	0	
					95%	5	5	
							5	3
					% of Peak at 9pm	9pm Demand	Spillover	
					99%	19	0	
					50%	3	3	
							3	2
6726 Greenwood								
Land Use		Rate	Peak Demand		% of Peak at Noon	Noon Demand	Spillover	
Apts	57 units	0.57	33		65%	21	21	44%
Specialty Retail	3298 sq ft	1	4		95%	4	4	
On-Site Parking	0 stalls						25	
Displaced Demand					Less Dispaced:			Net:
					60%	14	14	5
					% of Peak at 7pm	7pm Demand	Spillover	
					97%	32	32	
					95%	4	4	
							36	16
					Less Dispaced:			Net:
					95%	22	22	6
					% of Peak at 9pm	9pm Demand	Spillover	
					99%	33	33	
					50%	2	2	
							34	15
					Less Dispaced:			Net:
					80%	19	19	7
6528 Phinney								
Land Use		Rate	Peak Demand		% of Peak at Noon	Noon Demand	Spillover	
Apts	10 units	0.61	6		65%	4	4	15%
Specialty Retail	670 sq ft	1	1		95%	1	1	
On-Site Parking	0 stalls						5	
					% of Peak at 7pm	7pm Demand	Spillover	
					97%	6	6	
					95%	1	1	
							7	1
					% of Peak at 9pm	9pm Demand	Spillover	
					99%	6	6	
					50%	1	1	
							7	1

Spillover Summary	
Time	Spillover in Study Area
Noon	9
7pm	10
9pm	9

Metro Transit

Route 5

Downtown Seattle to Greenwood to Shoreline CC

Weekday: To Shoreline CC

Effective 9-10-16 to 3-10-17

4th Av S & S Jackson St (Island Stop)	Downtown Seattle 3rd Ave & Pine St	Aurora Ave & Denny Way	Fremont Aurora Off-Ramp & N 38th St	Phinney Ave N & N 46th St	N 85th St & Greenwood Ave N	Greenwood Ave N & N 103rd St	N 145th St & Greenwood Ave N	Shoreline Community College
5:18 AM	5:25 AM	5:31 AM	5:37 AM	5:41 AM*	5:49 AM*	5:52 AM*	6:00 AM*	6:03 AM
5:50 AM	5:57 AM	6:03 AM	6:09 AM	6:13 AM*	6:21 AM*	6:24 AM*	6:32 AM*	6:35 AM
6:21 AM	6:28 AM	6:34 AM	6:40 AM	6:44 AM*	6:52 AM*	6:55 AM*	7:03 AM*	7:06 AM
6:36 AM	6:43 AM	6:49 AM	6:55 AM	6:59 AM*	7:07 AM*	7:10 AM*	7:18 AM*	7:22 AM
6:51 AM	6:58 AM	7:04 AM	7:10 AM	7:14 AM*	7:22 AM*	7:25 AM*	7:33 AM*	7:37 AM
7:07 AM	7:14 AM	7:20 AM	7:27 AM	7:31 AM*	7:40 AM*	7:44 AM*	7:52 AM*	7:56 AM
7:23 AM	7:30 AM	7:36 AM	7:43 AM	7:47 AM*	7:57 AM*	8:01 AM*	8:09 AM*	8:13 AM
7:38 AM	7:45 AM	7:51 AM	7:58 AM	8:02 AM*	8:12 AM*	8:16 AM*	8:24 AM*	8:28 AM
7:53 AM	8:00 AM	8:06 AM	8:13 AM	8:17 AM*	8:27 AM*	8:31 AM*	8:39 AM*	8:43 AM
8:08 AM	8:15 AM	8:21 AM	8:28 AM	8:32 AM*	8:42 AM*	8:46 AM*	8:54 AM*	8:58 AM
8:23 AM	8:30 AM	8:36 AM	8:43 AM	8:47 AM*	8:57 AM*	9:01 AM*	9:09 AM*	9:13 AM
8:38 AM	8:45 AM	8:51 AM	8:58 AM	9:02 AM*	9:11 AM*	9:15 AM*	9:23 AM*	9:27 AM
8:53 AM	9:00 AM	9:06 AM	9:13 AM	9:17 AM*	9:26 AM*	9:30 AM*	9:38 AM*	9:42 AM
9:08 AM	9:15 AM	9:21 AM	9:27 AM	9:31 AM*	9:40 AM*	9:44 AM*	9:52 AM*	9:56 AM
9:23 AM	9:30 AM	9:36 AM	9:42 AM	9:46 AM*	9:55 AM*	9:59 AM*	10:07 AM*	10:11 AM
9:38 AM	9:45 AM	9:51 AM	9:57 AM	10:01 AM*	10:10 AM*	10:14 AM*	10:22 AM*	10:26 AM
9:53 AM	10:00 AM	10:06 AM	10:12 AM	10:16 AM*	10:25 AM*	10:29 AM*	10:37 AM*	10:41 AM
10:08 AM	10:15 AM	10:21 AM	10:27 AM	10:31 AM*	10:40 AM*	10:44 AM*	10:52 AM*	10:56 AM
10:23 AM	10:30 AM	10:36 AM	10:42 AM	10:46 AM*	10:55 AM*	10:59 AM*	11:07 AM*	11:11 AM
10:38 AM	10:45 AM	10:51 AM	10:57 AM	11:01 AM*	11:11 AM*	11:15 AM*	11:23 AM*	11:27 AM
10:53 AM	11:00 AM	11:06 AM	11:12 AM	11:16 AM*	11:26 AM*	11:30 AM*	11:38 AM*	11:42 AM
11:08 AM	11:15 AM	11:21 AM	11:27 AM	11:31 AM*	11:41 AM*	11:46 AM*	11:54 AM*	11:58 AM

4th Av S & S Jackson St (Island Stop)	Downtown Seattle 3rd Ave & Pine St	Aurora Ave & Denny Way	Fremont Aurora Off-Ramp & N 38th St	Phinney Ave N & N 46th St	N 85th St & Greenwood Ave N	Greenwood Ave N & N 103rd St	N 145th St & Greenwood Ave N	Shoreline Community College
11:23 AM	11:30 AM	11:37 AM	11:43 AM	11:47 AM*	11:57 AM*	12:02 AM*	12:10 PM*	12:14 PM
11:38 AM	11:45 AM	11:52 AM	11:58 AM	12:02 PM*	12:12 PM*	12:17 PM*	12:25 PM*	12:29 PM
11:53 AM	12:00 PM	12:07 PM	12:13 PM	12:17 PM*	12:27 PM*	12:32 PM*	12:40 PM*	12:44 PM
12:08 PM	12:15 PM	12:22 PM	12:28 PM	12:32 PM*	12:42 PM*	12:47 PM*	12:55 PM*	12:59 PM
12:22 PM	12:29 PM	12:36 PM	12:42 PM	12:46 PM*	12:56 PM*	1:01 PM*	1:10 PM*	1:14 PM
12:36 PM	12:44 PM	12:51 PM	12:57 PM	1:01 PM*	1:11 PM*	1:16 PM*	1:25 PM*	1:29 PM
12:51 PM	12:59 PM	1:06 PM	1:12 PM	1:16 PM*	1:26 PM*	1:31 PM*	1:40 PM*	1:44 PM
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1:22 PM	1:30 PM	1:37 PM	1:43 PM	1:47 PM*	1:57 PM*	2:02 PM*	2:11 PM*	2:15 PM
1:37 PM	1:45 PM	1:52 PM	1:58 PM	2:02 PM*	2:12 PM*	2:17 PM*	2:26 PM*	2:30 PM
1:52 PM	2:00 PM	2:07 PM	2:13 PM	2:17 PM*	2:27 PM*	2:32 PM*	2:42 PM*	2:46 PM
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2:22 PM	2:30 PM	2:37 PM	2:44 PM	2:48 PM*	2:59 PM*	3:05 PM*	3:15 PM*	3:19 PM
2:37 PM	2:45 PM	2:52 PM	2:59 PM	3:03 PM*	3:14 PM*	3:20 PM*	3:30 PM*	3:34 PM
2:52 PM	3:00 PM	3:07 PM	3:14 PM	3:19 PM*	3:31 PM*	3:37 PM*	3:47 PM*	3:51 PM
3:07 PM	3:15 PM	3:22 PM	3:30 PM	3:35 PM*	3:47 PM*	3:53 PM*	4:03 PM*	4:07 PM
3:22 PM	3:30 PM	3:37 PM	3:45 PM	3:50 PM*	4:02 PM*	4:08 PM*	4:19 PM*	4:23 PM
3:37 PM	3:45 PM	3:52 PM	4:00 PM	4:05 PM*	4:18 PM*	4:24 PM*	4:35 PM*	4:39 PM
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4:28 PM E	4:36 PM E	4:43 PM E	---	4:57 PM* E	5:12 PM* E	---	---	---
4:36 PM	4:45 PM	4:52 PM	5:00 PM	5:06 PM*	5:20 PM*	5:26 PM*	5:37 PM*	5:41 PM
4:42 PM E	4:51 PM E	4:58 PM E	---	5:12 PM* E	5:27 PM* E	---	---	---
4:51 PM	5:00 PM	5:08 PM	5:16 PM	5:22 PM*	5:36 PM*	5:42 PM*	5:53 PM*	5:57 PM

4th Av S & S Jackson St (Island Stop)	Downtown Seattle 3rd Ave & Pine St	Aurora Ave & Denny Way	Fremont Aurora Off-Ramp & N 38th St	Phinney Ave N & N 46th St	N 85th St & Greenwood Ave N	Greenwood Ave N & N 103rd St	N 145th St & Greenwood Ave N	Shoreline Community College
4:52 PM E	5:01 PM E	5:08 PM E	---	5:22 PM* E	5:37 PM* E	---	---	---
5:00 PM E	5:09 PM E	5:16 PM E	---	5:30 PM* E	5:44 PM* E	---	---	---
5:06 PM	5:15 PM	5:23 PM	5:31 PM	5:37 PM*	5:50 PM*	5:56 PM*	6:07 PM*	6:11 PM
5:08 PM E	5:17 PM E	5:24 PM E	---	5:38 PM* E	5:52 PM* E	---	---	---
5:16 PM E	5:25 PM E	5:32 PM E	---	5:46 PM* E	6:00 PM* E	---	---	---
5:21 PM	5:30 PM	5:38 PM	5:46 PM	5:52 PM*	6:04 PM*	6:09 PM*	6:19 PM*	6:23 PM
5:24 PM E	5:33 PM E	5:40 PM E	---	5:54 PM* E	6:08 PM* E	---	---	---
5:36 PM E	5:44 PM E	5:51 PM E	---	6:05 PM* E	6:19 PM* E	---	---	---
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5:51 PM E	5:59 PM E	6:06 PM E	---	6:20 PM* E	6:34 PM* E	---	---	---
5:52 PM	6:00 PM	6:08 PM	6:16 PM	6:22 PM*	6:33 PM*	6:38 PM*	6:47 PM*	6:50 PM
6:06 PM E	6:13 PM E	6:20 PM E	---	6:34 PM* E	6:48 PM* E	---	---	---
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6:53 PM	7:00 PM	7:07 PM	7:14 PM	7:19 PM*	7:29 PM*	7:33 PM*	7:41 PM*	7:44 PM
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7:23 PM	7:30 PM	7:37 PM	7:44 PM	7:49 PM*	7:58 PM*	8:02 PM*	8:09 PM*	8:12 PM
7:38 PM	7:45 PM	7:51 PM	7:57 PM	8:02 PM*	8:11 PM*	8:15 PM*	8:22 PM*	8:25 PM
7:53 PM	8:00 PM	8:06 PM	8:12 PM	8:16 PM*	8:25 PM*	8:29 PM*	8:36 PM*	8:39 PM
8:08 PM	8:15 PM	8:21 PM	8:27 PM	8:31 PM*	8:40 PM*	8:44 PM*	8:51 PM*	8:54 PM
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8:53 PM	9:00 PM	9:06 PM	9:12 PM	9:16 PM*	9:25 PM*	9:29 PM*	9:36 PM*	9:39 PM
9:07 PM	9:14 PM	9:20 PM	9:26 PM	9:30 PM*	9:38 PM*	9:42 PM*	9:49 PM*	9:52 PM

4th Av S & S Jackson St (Island Stop)	Downtown Seattle 3rd Ave & Pine St	Aurora Ave & Denny Way	Fremont Aurora Off-Ramp & N 38th St	Phinney Ave N & N 46th St	N 85th St & Greenwood Ave N	Greenwood Ave N & N 103rd St	N 145th St & Greenwood Ave N	Shoreline Community College
9:23 PM	9:30 PM	9:36 PM	9:42 PM	9:46 PM*	9:54 PM*	9:58 PM*	10:05 PM*	10:08 PM
9:37 PM	9:44 PM	9:50 PM	9:56 PM	10:00 PM*	10:08 PM*	10:11 PM*	10:18 PM*	10:21 PM
9:53 PM	10:00 PM	10:06 PM	10:12 PM	10:16 PM*	10:24 PM*	10:27 PM*	10:34 PM*	10:37 PM
10:07 PM	10:14 PM	10:20 PM	10:26 PM	10:30 PM*	10:38 PM*	10:41 PM*	10:48 PM*	10:51 PM
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11:53 PM	12:00 AM	12:05 AM	12:11 AM	12:14 AM*	12:21 AM*	12:23 AM*	12:29 AM*	12:32 AM
12:23 AM	12:30 AM	12:35 AM	12:41 AM	12:44 AM*	12:51 AM*	12:53 AM*	12:59 AM*	1:02 AM
12:58 AM	1:05 AM	1:10 AM	1:16 AM	1:19 AM*	1:26 AM*	1:28 AM*	1:34 AM*	1:37 AM

*This is an estimated time.

Related Routes



Schedule Notes

The following notes apply only if the codes are found in the schedule:

D - Leaves 1st Ave NW & NW 90th St a few minutes earlier and travels via NW 90th St, 3rd Ave NW, NW 85th St (serving N 85th St & 1st Ave N) then south on Greenwood Ave N.

E - EXPRESS

- **Southbound** makes NO STOPS after leaving N 65th St & Phinney Ave N until arriving at Aurora Ave N & Denny St, EXCEPT on Phinney Ave N at N 55th St and on N 46th St at Phinney Ave N.
- **Northbound** makes NO STOPS after leaving Aurora Ave & Denny Way until arriving at N 64th St & Phinney Ave N, EXCEPT at Phinney Ave N & N 46th St and N 55th St.

H - This trip does NOT operate on Nov. 11 & 25, Dec. 27-30, Jan. 16 and Feb. 20.

CB - Continues to Metro Base, Airport Way S & S Atlantic St

Special Service Information

- Route 355 operates express service weekday peak hours, only, and augments Route 5 service between Shoreline and Greenwood during these periods. Refer to Route 5 schedules for additional service in the mornings, middays, nights and weekends.
- **To downtown Seattle:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.
- **To Shoreline:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.

This route has improved service thanks to Seattle voters.



Metro Transit

Route 5

Shoreline CC to Greenwood to Downtown Seattle

Weekday: To Downtown Seattle

Effective 9-10-16 to 3-10-17

Shoreline Community College	N 145th St & Greenwood N	Greenwood Ave N & Holman Rd N	N 85th St & Greenwood Ave N	Phinney Ave N & N 46th St	Fremont Aurora Bridge On-Ramp	5th Ave & Wall St	Downtown Seattle 3rd Ave & Pike St	3rd Ave S & S Main St	To Route
4:45 AM	4:49 AM	4:56 AM	5:00 AM	5:08 AM	5:13 AM	5:19 AM	5:25 AM	5:31 AM	<u>Route 21</u>
5:14 AM	5:18 AM	5:25 AM	5:29 AM	5:38 AM	5:43 AM	5:49 AM	5:55 AM	6:01 AM	<u>Route 21</u>
5:43 AM	5:48 AM	5:55 AM	5:59 AM	6:08 AM	6:13 AM	6:19 AM	6:25 AM	6:32 AM	<u>Route 21</u>
---	---	---	6:13 AM D E	6:23 AM E	---	---	6:40 AM* E	6:46 AM* E	---
6:09 AM	6:14 AM	6:21 AM	6:26 AM	6:36 AM	6:42 AM	6:49 AM	6:55 AM	7:02 AM	<u>Route 21</u>
---	---	---	6:38 AM D E	6:48 AM E	---	---	7:05 AM* E	7:11 AM* E	---
6:31 AM	6:36 AM	6:43 AM	6:49 AM	6:59 AM	7:06 AM	7:14 AM	7:20 AM	7:27 AM	<u>Route 21</u>
---	---	---	6:57 AM D E	7:07 AM E	---	---	7:24 AM* E	7:30 AM* E	---
6:45 AM	6:50 AM	6:57 AM	7:03 AM	7:14 AM	7:21 AM	7:29 AM	7:35 AM	7:42 AM	Route 21
---	---	---	7:12 AM D E	7:22 AM E	---	---	7:39 AM* E	7:45 AM* E	---
6:59 AM	7:04 AM	7:12 AM	7:18 AM	7:29 AM	7:36 AM	7:44 AM	7:50 AM	7:57 AM	Route 21
---	---	---	7:22 AM D E	7:32 AM E	---	---	7:50 AM* E	7:56 AM* E	---
7:13 AM	7:19 AM	7:27 AM	7:33 AM	7:44 AM	7:51 AM	7:59 AM	8:05 AM	8:12 AM	Route 21
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7:28 AM	7:34 AM	7:42 AM	7:48 AM	7:59 AM	8:06 AM	8:14 AM	8:20 AM	8:27 AM	<u>Route 21</u>

Shoreline Community College	N 145th St & Greenwood N	Greenwood Ave N & Holman Rd N	N 85th St & Greenwood Ave N	Phinney Ave N & N 46th St	Fremont Aurora Bridge On-Ramp	5th Ave & Wall St	Downtown Seattle 3rd Ave & Pike St	3rd Ave S & S Main St	To Route
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7:43 AM	7:49 AM	7:57 AM	8:03 AM	8:14 AM	8:21 AM	8:29 AM	8:35 AM	8:42 AM	Route 21
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---	---	---	8:17 AM D E	8:28 AM E	---	---	8:47 AM* E	8:53 AM* E	CB
7:58 AM	8:04 AM	8:12 AM	8:18 AM	8:29 AM	8:36 AM	8:44 AM	8:50 AM	8:57 AM	Route 21
8:12 AM	8:18 AM	8:26 AM	8:32 AM	8:43 AM	8:50 AM	8:58 AM	9:05 AM	9:12 AM	Route 21
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8:29 AM	8:35 AM	8:43 AM	8:49 AM	9:00 AM	9:06 AM	9:13 AM	9:20 AM	9:27 AM	Route 21
8:45 AM	8:51 AM	8:59 AM	9:05 AM	9:15 AM	9:21 AM	9:28 AM	9:35 AM	9:42 AM	Route 21
9:00 AM	9:06 AM	9:14 AM	9:20 AM	9:30 AM	9:36 AM	9:43 AM	9:50 AM	9:57 AM	Route 21
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11:01 AM	11:07 AM	11:15 AM	11:21 AM	11:31 AM	11:36 AM	11:42 AM	11:50 AM	11:57 AM	Route 21
11:16 AM	11:22 AM	11:30 AM	11:36 AM	11:46 AM	11:51 AM	11:57 AM	12:05 PM	12:12 PM	Route 21
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7:22 PM	7:27 PM	7:35 PM	7:39 PM	7:47 PM	7:52 PM	7:58 PM	8:05 PM	8:12 PM	Route 21
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7:54 PM	7:58 PM	8:05 PM	8:09 PM	8:17 PM	8:22 PM	8:28 PM	8:35 PM	8:42 PM	Route 21
8:09 PM	8:13 PM	8:20 PM	8:24 PM	8:32 PM	8:37 PM	8:43 PM	8:50 PM	8:56 PM	---
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12:41 AM	12:45 AM	12:50 AM	12:53 AM	1:00 AM	1:03 AM	1:09 AM	1:15 AM	1:22 AM	Route 21

*This is an estimated time.

Related Routes



Schedule Notes

The following notes apply only if the codes are found in the schedule:

D - Leaves 1st Ave NW & NW 90th St a few minutes earlier and travels via NW 90th St, 3rd Ave NW, NW 85th St (serving N 85th St & 1st Ave N) then south on Greenwood Ave N.

E - EXPRESS

- **Southbound** makes NO STOPS after leaving N 65th St & Phinney Ave N until arriving at Aurora Ave N & Denny St, EXCEPT on Phinney Ave N at N 55th St and on N 46th St at Phinney Ave N.
- **Northbound** makes NO STOPS after leaving Aurora Ave & Denny Way until arriving at N 64th St & Phinney Ave N, EXCEPT at Phinney Ave N & N 46th St and N 55th St.

H - This trip does NOT operate on Nov. 11 & 25, Dec. 27-30, Jan. 16 and Feb. 20.

CB - Continues to Metro Base, Airport Way S & S Atlantic St

Special Service Information

- Route 355 operates express service weekday peak hours, only, and augments Route 5 service between Shoreline and Greenwood during these periods. Refer to Route 5 schedules for additional service in the mornings, middays, nights and weekends.
- **To downtown Seattle:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.
- **To Shoreline:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.

This route has improved service thanks to Seattle voters.





MEMO

To: Shannon Loew, FIX
Chad Dale
Andrea Dobihal, Brass Tacks, NW

From: Ross Tilghman

Date: 15 February 2017

Subject: Trip Generation for 7009 Greenwood Avenue N. -- Revised

This memo updates my previous memo of 29 November 2016. Revisions address City of Seattle requests regarding afternoon peak hour trip generation and traffic concurrency tests, and also reflect a minor increase in the project's commercial floor area.

I have calculated vehicle trip generation for the proposed mixed-use development at 7009 Greenwood Avenue N., in Seattle. The project would build 33 apartment units and 4,930 square feet of commercial area for food and beverage sales with seats for approximately 100 customers. Parking would be provided below grade in 24 standard and 2 tandem stalls. Two of the apartments would be offered as affordable units.

Trip Generation

Vehicle trips have been calculated based on the anticipated population for the apartments and daily patronage of the restaurants, and modes of travel for residents, employees and customers. Table 1 shows the expected populations:

Table 1. Project Population

Table with 4 columns: Use, Units, Estimated Persons/Unit, Total Persons. Rows include Studio, 1-bedroom, 2-bedroom, 3-bedroom, 4-bedroom, Residential Total, Restaurant Staff, and Restaurant Patrons.

Source: Tilghman Group

Table 2 shows the calculation of person trips and vehicle trips for a weekday. The project is expected to generate 336 new daily trips and 33 PM Peak Hour trips. Truck trips would be approximately 20 per day, reflecting 10 deliveries.

Table 2. Daily & PM Peak Hour Person and Vehicle Trips

	Persons	Trips per Persons	Total Daily	% Auto	Avg. Vehicle Occupancy	Gross Vehicle Trips	Adjust for Internal Trip Capture	Net Daily Vehicle Trips	% in PM Peak Hour (5-6 pm)	Net PM Peak Hour Vehicle Trips
Residential	75	3.0	225	55%	1.11	112	90%	101	10%	10
Restaurant Staff	17	2.0	35	65%	1.04	22	100%	22	11%	2
Restaurant Patrons	410	2.0	820	41%	1.70	198	98%	194	8%	15
Trucks						20	100%	20	0%	0
						351	96%	336	8%	28

Source: Tilghman Group

The project's maximum hourly volume would occur just after the PM peak hour of street traffic when restaurant business builds in the evening. A maximum of 39 hourly vehicle trips is expected in the 6:00 pm to 7:00 pm hour.

Key assumptions:

- *Trips per person* – Research by the Puget Sound Regional Council (*PSRC 2015 Household Travel Survey*) shows that residents make an average of 5.5 trips each per day. Approximately 55% of those trips involve home as the origin or destination. Accordingly, each resident is assumed to make 3.0 daily trips to/from the site.
- *% Auto – for residents*, The American Community Survey 5-Year Estimates for Seattle Census Tracts 28 and 29 found that 48% of commuters drive to work. However, the work-trip, which is highly amenable to transit use, accounts for only about 1 in 5 of all trips made over the day. Other shopping, recreational and personal trips may be somewhat less convenient by walking, cycling or riding the bus. The site's immediate neighborhood offers a grocery, hardware store, bank and numerous other services and restaurants that could be easily reached by walking or busing. Yet trips farther afield will certainly be more convenient when driving. Therefore, the overall share of driving is assumed to be 55%.
- *% Auto – for restaurant staff*, the assumption was derived from employer survey data collected by Tilghman Group in Seattle's Columbia City neighborhood for restaurant employees. Even with high levels of transit service available, a majority of restaurant employees drive to work, in part due to late work hours when transit service is less frequent and when greater concerns for personal safety in the dark arise.
- *% Auto – for restaurant patrons*, the assumption reflects data obtained by the Seattle Department of Transportation's *Green Lake Neighborhood Intercept Survey, December 2015* that found how visitors from the neighborhood and other areas traveled to Green Lake businesses. Neighborhood residents accounted for 55% of visitors and primarily walked to businesses with only 25% driving while those from elsewhere mainly drove (69%). For the 7009 Greenwood Ave. project, it is assumed that 65% of restaurant patrons come from the neighborhood with the balance from outside the neighborhood, and that they would have

similar travel habits to Green Lake visitors. Table 3 shows both the Green Lake visitor travel data and the derivation of expected travel modes for the project’s restaurant patrons.

- *Internal Capture* – It is assumed that 10% of the project’s residents would frequent the food and beverage services daily, if only to buy coffee. That would be equivalent to 2% of restaurant trips. Overall, internal trips represent a 4% reduction in gross vehicle trip generation.
- *Trucks* – research on a Columbia City restaurant of approximately 4,500 sq. ft. with 135 seats and hours from 8:00 a.m. to 11:00 p.m., found that truck deliveries range from 3 to 5 per day. Recognizing that multiple business owners will operate within the project’s 4,830 sq. ft. of restaurant space, and that they may not buy from the same vendors, it is assumed that truck deliveries could be two times higher, with approximately 10 daily deliveries for a total of 20 daily truck trips.
- *PM Peak Hour trips* – The share of daily trips occurring in the PM peak hour reflects data collected by the Institute of Transportation Engineers as published in the *Trip Generation Manual, 9th ed.*, for apartments and restaurants.

Table 3. Green Lake Neighborhood Visitor Travel Characteristics

Green Lake Neighborhood Visitor Intercept Data		Mode of Access			
	Share of Visitors	% Auto	Transit	Walk/Bike/Other	Total
Neighborhood Residents	55%	25%	12%	63%	100%
Non-Neighborhood Residents	45%	70%	13%	17%	100%
Weighted Average	100%	45%	12%	42%	100%

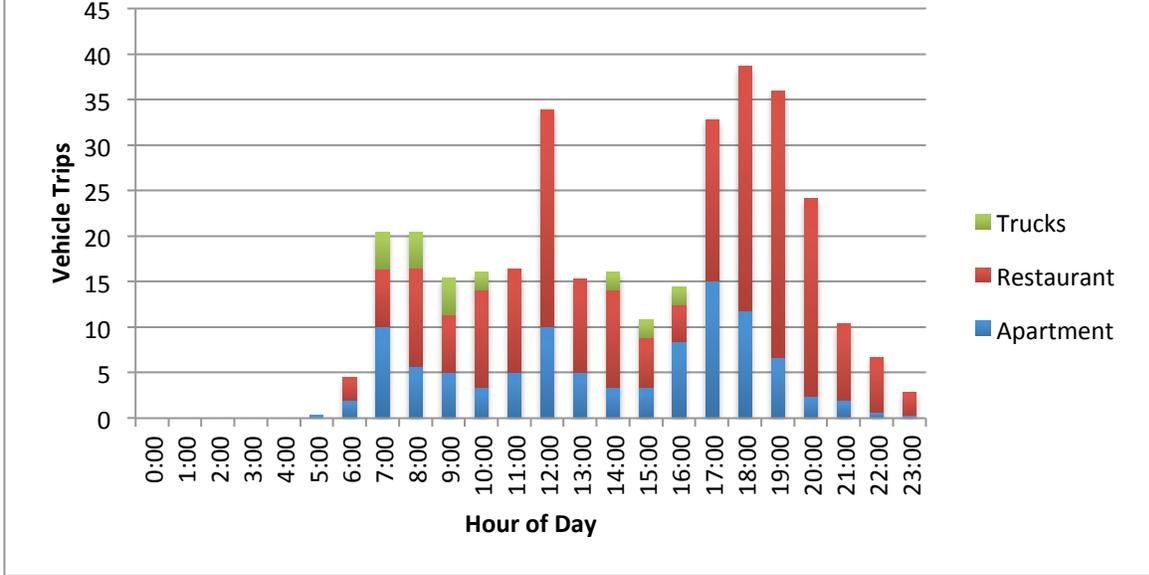
For 7009 Greenwood Ave N		Mode of Access			
	Assumed Share of Visitors	% Auto	Transit	Walk/Bike/Other	Total
Neighborhood Residents	65%	25%	12%	63%	100%
Non-Neighborhood Residents	35%	70%	13%	17%	100%
Weighted Average	100%	41%	12%	47%	100%

Source: SDOT; Tilghman Group

Figure 1 illustrates project vehicle trips for each hour of a weekday. It shows that traffic would peak in the early evening between 6:00 p.m. and 7:00 p.m., with secondary peaks occurring between 7:00 p.m. and 8:00 p.m., and over the noon hour. The maximum hourly volume would be 39 vehicle trips.

The addition of the project’s trips would increase daily traffic volume on Greenwood Avenue North by approximately 2.7%. According to SDOT’s 2014 traffic flow map, Greenwood Avenue North carries 12,200 daily vehicles in the site’s vicinity. During the afternoon peak hour, the project would add 28 vehicle trips to a background volume of 1,205 p.m. peak hour vehicles, also an increase of 2.3%.

Figure 1. Projected Vehicle Trips by Hour on a Weekday for 7009 Greenwood Ave. N. Mixed-Use Project



Source: Tilghman Group

Transportation Concurrency

Following municipal code SMC 23.52, Seattle checks to see that new vehicle trips from development projects when added to street volumes do not exceed the stated capacity of key corridors. Measurements of volume relative to capacity are made at a series of screenlines established throughout the city. Screenlines applicable to the Greenwood neighborhood are screenlines 6.12 (a line south of N. 80th Street between Greenwood and 8th Ave NW) and 7.11 (a line west of Aurora Ave. between Fremont Pl. and N. 65th St.). This evaluation of traffic concurrency follows procedures described in SDOT Director’s Rule 5-2009 determining the regional origins and destinations of project trips. Table 4 summarizes the results of the screenline analysis.

Table 4. Screenline Volumes and Capacity

Screenline	Direction	2008 PM Capacity	2008 PM Traffic Count	2008 PM V/C Ratio	LOS Standard	Project’s PM Trips	Volume with Project	V/C Ratio with Project
6.12	NB	4200	1763	0.42	1.0	2	1765	0.42
	SB	4200	1232	0.29	1.0	2	1234	0.29
7.11	EB	5430	2899	0.53	1.0	2	2901	0.53
	WB	5430	3516	0.65	1.0	4	3520	0.65

Source: SDOT; Tilghman Group

As only 35% of project trips would cross the screenlines, they make very little measurable difference in total volumes and do not alter the ratio of volume to capacity.

LETTER OF TRANSMITTAL

Date: March 15, 2017
Project: 7009 Greenwood Ave N, DPD Project Number 3023260
To: Emily Lofstedt (ZONING)
From: David Fuchs
Re: Correction Notice #1: Zoning

Response to Zoning Correction #1 (February 23, 2017):

1. Both the Overhead Weather Protection and the Structural Building Overhangs departure requests have been eliminated. 3 new departures have been requested: #1 for a square column to be located within the western driveway sight triangle; #2 for a driveway slope steeper than 15%; #3 for less Transparency along N 70th St than is allowed. See Item 16 on Sheet G002.
2. The single family zoned lots at 7010 Palatine Ave N and 7009 Greenwood Ave N are included in this proposal. The proposal has been amended to remove any future construction of a single-family house on the 7009 Greenwood Ave N parcel to meet SMC 23.44.006.A. Instead, we have added notes regarding a possible future addition of a second story to the house at 7010 Palatine Ave N and a possible future Detached Accessory Dwelling Unit (DADU) on 7009 Greenwood Ave N. See Sheet A100.
3. All references to a Pedestrian Designated Zone have been eliminated from the Zoning sheets.
4. Blank Façade calculations have been updated per your comments and our email correspondence. See Sheet G003 for diagrams and calculations.
5. SMC §23.47A.008.A.3 states that street-level street-facing facades are allowed to be located more than 10' of the street lot line if they provide wider sidewalk, plazas, or other approved landscaped or open spaces. The entry court is provided as a publicly accessible plaza. This exception shall be confirmed at the Design Review Recommendation meeting.
6. Transparency requirement along has been updated per comments. While the façade along Greenwood Ave N meets the code requirement, the façade along N 70th St does not. We shall be requested a design departure from the Design Review Board at the Recommendation meeting. See Sheet G003 for diagrams and calculations.
7. Since the adjoining residential (SF5000) zoned parcels are part of the same development site (see A100 and 1/G002), no side setbacks are needed at the west side (see 7/G002).
8. See Agenda Item No 4 (page 4) of SIP Guidance notes dated 2/2/2017 (attached) for Urban Forestry recommendations on street tree removal and replacement.
9. L1.00 has been updated to reflect Director's Rule 30-2015.
10. The non-compliant Structural Building Overhangs have been eliminated from the project. See Sheet G004 for compliant proposed cornice.
11. See new Sheet G006 for map and transit schedules.
12. Easement is in the process of being recorded and shall be completed prior to MUP issuance.



Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





DESIGN GUIDANCE MEETING NOTES

Project Information	
SDOT Permit Number	330655
Project Address	7009 Greenwood Ave N
SIP Project Manager	Christina Legazpi-Johnston

Project Description:

SDCI: (3023260) Council Land Use Action to rezone a parcel from Neighborhood Commercial 2-40' (NC2-40) to Neighborhood Commercial 2-65' (NC2-65) to allow a 5-story building containing 33 apartment units with ground level retail and below grade parking for 28 vehicles.

SDOT: The frontage improvements will be limited to new sidewalk, street trees, addition of a curb bulb, and pavement restoration for utility cuts.

Attendees are listed on attached sign in sheet for each meeting.

Meeting Log			
Mtg No	Review Number	Date	Meeting Objective
1	210529	02-02-2017	To seek guidance for a 60% approval.

Key Decisions		
No	Decision	Responsible Party
Meeting #1		
1	No 2' bulb. Keep existing curb alignment on north side of N 70 th St.	SDOT Traffic Ops
Meeting #		

Action Items

No	Action Item	Responsible Party	Due Date	Estimate: hr(s) needed to complete Action Item	Action Item Resolution	Completion Date
Meeting #						
Meeting #						



SIP DESIGN GUIDANCE MEETING MINUTES

Meeting Notes			
Meeting No	1	Date	02-02-2017
Agenda Item No	1	Agenda Item	Project Presentation
<ul style="list-style-type: none"> • Affordable apartment units will be provided as part of the development.  • Project purchased 2 more parcels to the west, off Palatine Ave N.  • Formally contaminated site. ROW cleaned up under UMP #224242. • Adding ADA ramps • Driveway to the site will be off N 70th St. • Undergrounding power along the west side of Greenwood Ave N along frontage to mitigate building clearance concerns with OH power. • Communication will stay overhead • Project would like to start construction at end of summer. • Project will no longer be placing a parklet. • 14-month construction schedule. • SIP work to be completed in the last 2 months, Summer of 2018. • Bike facilities are required by SDCI on-site, not in the ROW. 			
Agenda Item No	2	Agenda Item	SDOT Traffic Operations
<ul style="list-style-type: none"> • Remove 2' curb bulb on N 70th St.  Standard bulb size is 6'. 2' is not enough to provide public benefit to pedestrians. <ul style="list-style-type: none"> ○ In additions, N 70th St is a SFD Route, one of the main routes in and out of the neighborhood for emergency services. • ADA Ramps: <ul style="list-style-type: none"> ○ Two ADA ramps are required on the NW corner of N 70th St and Greenwood Ave N, crossing each street. ○ ADA ramps crossing Greenwood Ave N are required. <ul style="list-style-type: none"> ▪ Because of the street off set, place companion ramp on the SE corner of N 70th St and Greenwood Ave N. ○ Maintain a 1' minimum clearance between the edge of pole and the ramp. ○ Pole can be in the wing, but must be completely in the wing. • The Greenwood Ave N crossing does not meet federal warrants under the MUTCD for a marked crosswalk. • If a courtesy strip is provided, it needs to be a minimum of 18". With a 6" curb, the courtesy strip will be a total of 2' wide. • Any above grade structures, including private structures, needs to maintain a minimum clearance of 3' from the face of curb. 			

- There are plans to improve the bike lanes along Greenwood Ave N. We want to make sure anything added in the street will not impede future design, include a bike corral.
- Contact Monica DeWald with Traffic Operations' Bike Program to discuss possibility of Bike Corral. Monica can be reached at (206) 684-5374 or monica.dewald@seattle.gov.
- Note, bike corral would be added under a separate process by SDOT crews if allowed.

Agenda Item No	3	Agenda Item	SCL
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- Underground power will start in front of 6814 Greenwood Ave N, then continue to the terminal pole just north of the site.
 - This will require providing underground service to the Church and single family home next to the church along Greenwood Ave N.
- SIP Plans do not show the full extent of the undergrounding.
- Underground power will be done under a separate permit, an UMP.
- The UMP will cover some of the final restoration outside of the projects frontage area.
- Sheet 3, project proposes to move the terminal pole north, in front of neighboring property, keeping the line going across the street overhead.
- All OH power services needs to go underground with primary power service. This includes secondary and street light power.
- SCL Street Light was unable to make the meeting but did provide redlines. Redlines provided to KPFF via email prior to meeting.
 - SCL Street Light Contact is Grace Barrington. Grace can be reached at (206) 684-3389 or grace.barrington@seattle.gov.
- Reference UMP on SIP plans.
- MUP is in fail status because of clearances with existing OH power.
- SCL can approve the MUP once owner signs the construction letter that list scope, requirements, and cost.
- A Bike Corral or Parklet cannot be placed on top of the vault. Vault needs to be accessible.
- Cannot have a rectangle vault hatch in the street. It does not hold up to vehicle traffic. May need to add a 577 (smaller vault) behind the curb and a 712 in the street.
- Project needs to continue working with Tanya on determining how power will be undergrounded.

Agenda Item No	4	Agenda Item	SDOT Urban Forestry
----------------	---	-------------	---------------------

- Replace all trees on Greenwood Ave N. Even though the Horn beam is in fair condition, doubtful it will survive construction.

- Replace all trees on N 70th St. Existing trees are in bad shape.
- Plant Italian Oak or Quercus Frainetto along Greenwood Ave N.
- Along N 70th St, in the NC zone, 2 larger scale trees should fit. Recommend tulip trees. In the single family zone frontage recommend an Incense Cedar or something broader. Cedar will need time to establish before it can be limbed up.
- 5' planting strip on N 70th St to be continues.
- Street trees to be planted per COS STN PLN #100C.
- Flexi pave or porous pave can be added in the amenity zone, not in the sidewalk.

Agenda Item No	5	Agenda Item	Annual Permit
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- Show all proposed encroachment in the ROW on SIP plans.
- Project will not be moving forward with a Parklet. Parklet is not in favor by the community.
- If standard bike racks are being installed behind the curb, installation will be covered under an annual permit. No annual fee.
- We need to maintain a minimum 5' clear pedestrian corridor for any encroachment in the ROW.
 - Traffic Operations requires any encroachment in the ROW stay clear of the of the 6' sidewalk.

Agenda Item No	6	Agenda Item	SPU
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- On sheet 3, inlet needs to be replaced next to the new curb. Outfall pipe will also need to be replaced with a ductile iron pipe. The outfall pipe needs to be at a minimum 5% slope.
- Inlet will be a 250 A or B, depending on the height of the curb.
- NFA report will be provided by project team showing site and ROW is no longer contaminated.
- For drainage report, project team can email the excel spread with calcs directly to SPU.
- Move vaults out of the sidewalk and into the amenity zone.
- Maintain a minimum 2' clearance between the HH and SPU infrastructure.
- Maintain a minimum clearance of 2' between the outside wall of the water vault and face of curb.
- Provide non-skid lids that are in the sidewalk.
- WAC valid for 18' mo. for time you apply. Date on WAC shows December of 2015. Project may want to double check and make sure it's still valid.

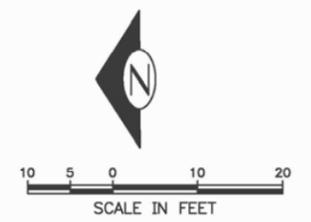
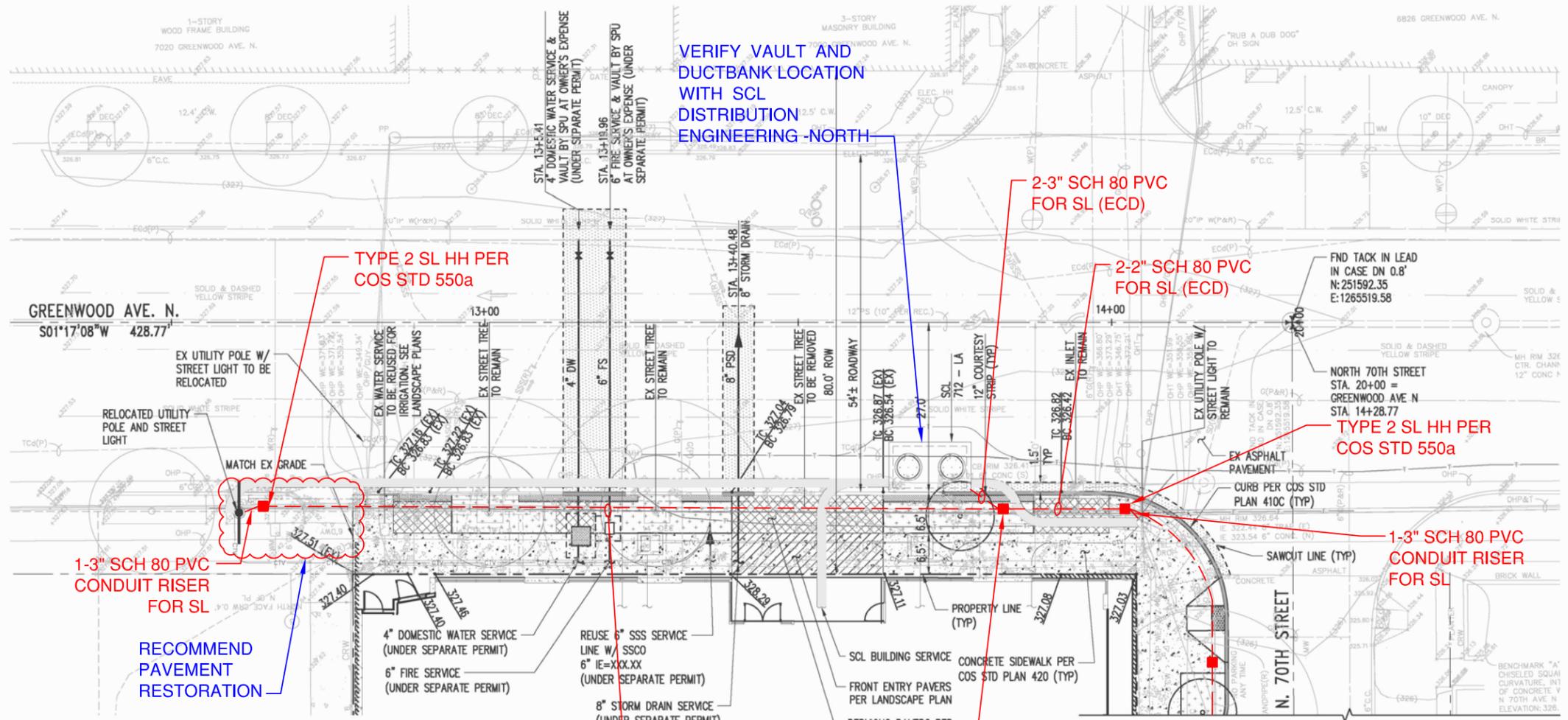
Agenda Item No	7	Agenda Item	Misc – SIP PM
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- If this project no longer triggers a SIP, frontage improvements could be done under the UMP. If GSI is triggered under storm water code, SIP is still required.

SDOT SIP DESIGN GUIDANCE MEETING SIGN IN SHEET

Project Address: 7009 Greenwood Ave N SDOT Project: 330655 Review: 210529 Date: 02-02-2017

Name	Company/ City Work Group	Office Phone / Cell Phone	Email Address
Christina Legazpi-Johnston	SDOT ST USE	(206) 684-5279	christina.legazpi@seattle.gov
Ann Albright	KPFF	720-219-8713	ann.albright@kpff.com
ALAN HALL	SCL	206-615-0670	ALAN.HALL@SEATTLE.GOV
RAY RAMOS	SCL	206-615-1193	RAY.RAMOS@SEATTLE.GOV
Lan Chau	SPU	206-727-3586	Lan.chau@seattle.gov
Cyria Robinson	SDOT Traffic	206 615 1243	Cyria.Robinson@SEATTLE.GOV
BRIAN BISHOP	SITE WORKSHOP	206.285.3026	briamb@siteworkshop.net
Miriam McKinney	McKinney & Assoc	425 929 6453	MMCKINNEY SA@MCKINASSOC.COM
STANWON LOELI	FIX (Under Rep)	617.331.2586	STANWON@FIX-WORKS.COM
ANDREW TRAN	KPFF	206.650.3676	ANDREW.TRAN@KPFF.COM
Greta Hartstrom	SDOT Annuals	206.733.9102	greta.hartstrom@seattle.gov
Shane DeWald	SDOT Urban Forestry Landscape Architect	206 684 5041	shane.dewald@seattle.gov



- NOTES:**
1. ALL UTILITY LIDS BEHIND BACK OF CURB SHALL BE ADJUSTED TO FINISH GRADE.
 2. STATION AND OFFSETS FOR CURBS ARE TO THE FACE OF CURB.
 3. ALL PAVEMENT RESTORATION SHALL BE IN ACCORDANCE WITH THE STREET AND SIDEWALK PAVEMENT OPENING AND RESTORATION, DIRECTORS RULE 5-2009.

DATE	MARK	NATURE	REVISIONS

30% Complete Street Improvement Plan-NOT FOR CONSTRUCTION

kpff
 1601 5th Avenue, Suite 1600
 Seattle, WA 98101
 206.622.5822
 www.kpff.com



REVIEWED BY SPU/WATER ENGINEERING	NAME OR INITIALS AND DATE	INITIALS AND DATE
20.....	DESIGNED ATT 12-12-16	REVIEWED:
REVIEWED BY SPU/DRAINAGE	CHECKED JDE/ICD 12-12-16	PROJECT MANAGER
20.....	DRAWN KWP 12-12-16	REVISOR AS-BUILT.....
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	CHECKED ATT 12-12-16	
20.....	DESIGN REVIEW	

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. APPROVED

FUND:

SCALE:

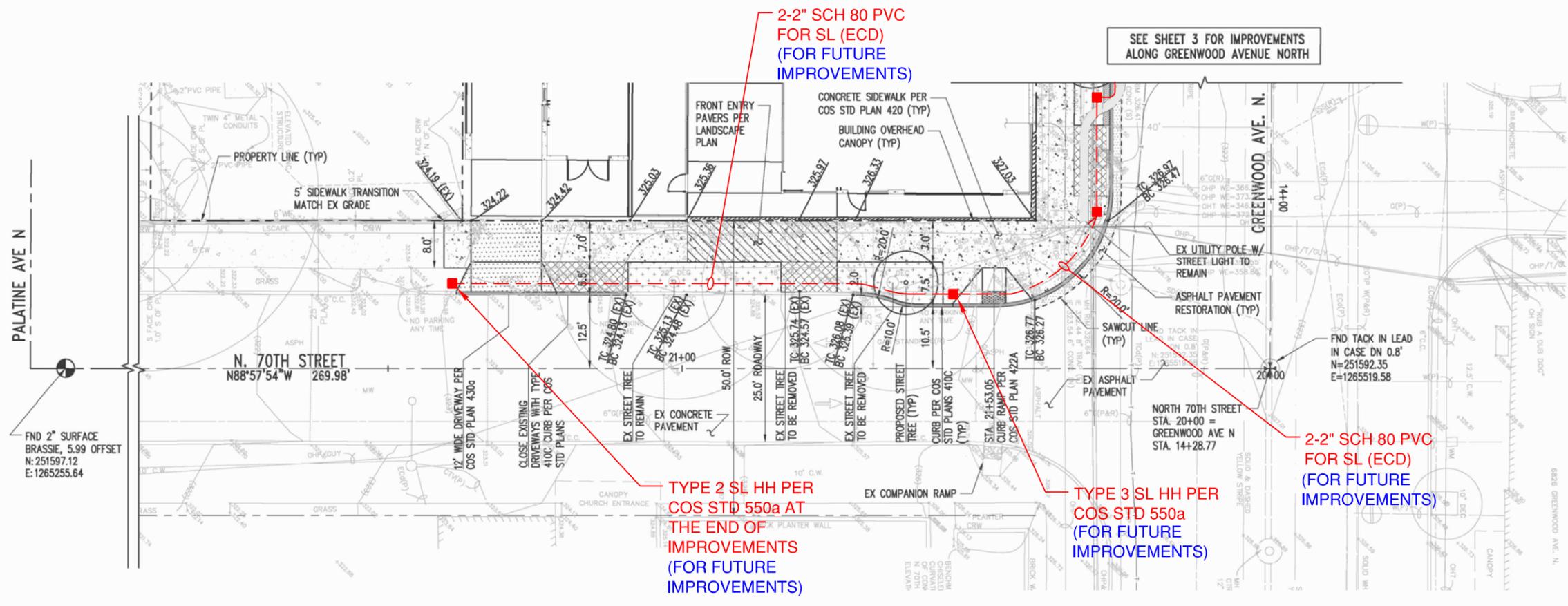
7009 AND 7005 GREENWOOD AVE N SDCI PROJECT #3023260

N 70TH STREET AND GREENWOOD AVE N
 CURB, SIDEWALK, STORM DRAINAGE AND LANDSCAPING IMPROVEMENTS

GREENWOOD AVENUE NORTH - PLAN

SDOT PROJECT NO.	XXXXXX
VAULT PLAN NO.	
VAULT SERIAL NO.	XXX-XXX
SHEET	3 OF 4

Dec 12, 2016 3:45pm Avest C:\temp\kph\station_3864\dwg-03-PP.dwg 3 PP.dwg



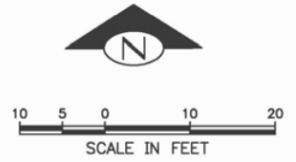
SEE SHEET 3 FOR IMPROVEMENTS
ALONG GREENWOOD AVENUE NORTH

2-2" SCH 80 PVC
FOR SL (ECD)
(FOR FUTURE
IMPROVEMENTS)

TYPE 2 SL HH PER
COS STD 550a AT
THE END OF
IMPROVEMENTS
(FOR FUTURE
IMPROVEMENTS)

TYPE 3 SL HH PER
COS STD 550a
(FOR FUTURE
IMPROVEMENTS)

2-2" SCH 80 PVC
FOR SL (ECD)
(FOR FUTURE
IMPROVEMENTS)



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30% Complete Street Improvement Plan-NOT FOR CONSTRUCTION

DATE	MARK	NATURE	MADE/CHK'D	REV'D

kpff
1601 5th Avenue, Suite 1600
Seattle, WA 98101
206.622.5822
www.kpff.com

811 Call 811
two business days
before you dig

REVIEWED BY SPU/WATER ENGINEERING	20.....
REVIEWED BY SPU/DRAINAGE	20.....
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	20.....

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED ATT 12-12-16	REVIEWED:
CHECKED JDE/ICD 12-12-16	PROJECT MANAGER
DRAWN KWP 12-12-16	DESIGN REVIEW
CHECKED ATT 12-12-16	REVISED AS-BUILT

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. APPROVED:

FUND:

SCALE:

7009 AND 7005 GREENWOOD AVE N SDCI PROJECT #3023260

N 70TH STREET AND GREENWOOD AVE N
CURB, SIDEWALK, STORM DRAINAGE AND LANDSCAPING IMPROVEMENTS

NORTH 70TH STREET - PLAN

SDOT PROJECT NO.	XXXXXX
VAULT PLAN NO.	
VAULT SERIAL NO.	XXX-XXX
SHEET	4 OF 4

Dec 12, 2016 3:53pm Anna C:\temp\kpff\data_5881\DWG-02-PP.dwg 4 PP 70th

LETTER OF TRANSMITTAL

Date: March 23, 2017
Project: 7009 Greenwood Ave N, DPD Project Number 3023260
To: Lori Swallow (ZONING)
From: David Fuchs
Re: Correction Notice #6: Zoning

Response to Zoning Correction #6 (March 8, 2017):

Please note minor calculation updates on Sheets G003 (non-res depth), G004 (amenity area), and G006.1 (MHA tables added).

Correction Items:

1. All mentions of NC2-55 have been updated to read NC2-55 (M). See G002, A100, and A201.
2. 6/G002 has been updated with the correct FAR information to match G005.
3. Landscape drawings L1.00, L1.10, and L1.11 have been updated to show the proposed zoning of NC2-55 (M).
4. 3/G002 has been updated to include full dimensions of all features calculated in rooftop coverage.
5. All features that exceed the 55' height limit have been identified on 3/G002.
6. Shadow diagrams and sections are included on G004.1 for compliance with SMC 23.47A.012.C.7.

Please note that the parapet on the north façade and on the east and west facades within 10' of the north property line have been lowered to Maximum Building Height (see 3/G002, A300, A302, A303). Planters in both the northwest and northeast have been pulled back to the south so that the NW planter is held back 10' from the north property line (4/G04.1) and the NE planter does not cast a shadow (3/G004.1). See Shadow Diagrams 1 & 2/G004.1. 6" of insulation and accompanying metal cap flashing (coping) do exceed the Max Building Height by 6" as allowed by SMC 23.47A.012.C2 and not expressly prohibited from casting a shadow by 23.47A.012.C.7 (see Sections 3 & 4/G004.1).

Note that the planter in the SE has been enlarged to compensate for lost Green Factor (see A206). Landscape drawings and calculations (L1.00 & L1.30) have been updated accordingly.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #2

Review Type	ZONING	Date	March 30, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Emily Lofstedt	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 386-0097		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Emily.Lofstedt@Seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Dear David,
 The following corrections are required. Further corrections may follow based on information in future application materials received.
 Thank you,
 Emily Lofstedt

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Departures.** The following departures were requested. If the departure is not granted the proposal needs to be revised to meet the applicable development standard.

SMC 23.47A.008.B.2 - Transparency

SMC 23.54.030.D.2 - Driveway Slope cannot be departed from, it is a Type 1 decision, see correction below.

SMC 23.54.030.G.3 - Sight Triangle

- 2 Development Site.** Please update the lot area included in any development standard calculations.

Original Correction: Please clarify the exact development site for this proposal. Will the single family zoned lots be included in this proposal? If so, please update all the lot information to clearly match the correct development site.

Also, if you are including the single family zoned lots, please be aware that only one single family residence is allowed per lot per SMC 23.44.006.A. So, in your case, the existing single family would only be allowed to remain, no additional single family residences.

Commercial Code

- 3 Street-level street-facing façade setback. *Original Correction still applies.*** Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided per SMC 23.47A.008.A.3.

Either revise the proposal to meet this code section or provide approval for the proposed courtyard meeting one of this allowances for a larger setback.

Also, please dimension the site plan to document how all other areas of the site are meeting this code section.

- 4 Green Factor.** Please include a planting and tree type list to document how you're meeting Green Factor.

Original Correction: The green factor plans shall follow the latest Director's Rule 30-2015. Please review this Director's Rule and update where needed.

Parking Code

- 5 Frequent Transit Service Corridor.** In order to meet the frequent transit service, service headway needs to be going the same direction. Also, please include a calculation meeting the definition, not just the schedules.

Original Correction: This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.

b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

- 6 Driveway Slope.** Driveways shall not exceed 15% slope unless the Director allows more, meeting the criteria found in SMC 23.54.030.D.3.

This is not a departable item, it is a Type 1 decision. Please provide a narrative as to how this project meets the criteria and we will review to allow for more slope.

- 7 Sight Triangle. *Original Correction still applies.*** Please provide the offsite sight triangle easement required per SMC 23.54.030.G. Zoning cannot be approved until this easement has been obtained.



Step 1: Wait for all reviews to be completed

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Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

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- **We may be delayed in starting corrected plan review, which can delay permit issuance**
- **We may charge a penalty fee**

Plans Routing / Applicant Services Center - 700 5th Avenue, 20th Floor
Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.



City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101
 Attn: Tilghman Group
Re: Project# 3023260

Correction Notice #2

Review Type	TRANSPORT	Date	March 30, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Michael Houston	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 727-3885		
Reviewer Fax			
Reviewer Email	Michaelt.Houston@seattle.gov		
Owner	CHAD DALE		

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

- 1 The analysis and published decision for 6726 Greenwood Ave N (MUP #3020114) does not include a parking demand reduction for the restaurant (Ed's Kort Haus) that previously occupied the site. Please remove this reduction from the cumulative parking calculations shown in Attachment B and update the on-street utilization results as appropriate.



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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #2

Review Type		Date	April 04, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lindsay M King	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-9218		
Reviewer Fax	(206) 233-7866		
Reviewer Email	lindsay.king@seattle.gov		
Owner	CHAD DALE		

The correction items below are for land use review of the proposal.

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

- 1 Design Review. Thank you for submitting the draft Recommendation Packet. I have provided comments on the packet under separate email. Once the DRB Recommendation stage of review is complete please update the plan set to be consistent with the design review packet along with updates as necessary in response to DRB conditions of approval.
- 2 Rezone Criteria. I have reviewed the rezone criteria of SMC 23.34.002, 004, 007, 008 and 009. Thank you for the comprehensive rezone analysis. SMC 23.34.007 B states no single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zoning designation, nor is there a hierarchy or priority of the rezone considerations. Enclosed is the criteria that needs further consideration.
 - a) SMC 23.34.008 E2 Physical Buffers. The proposed rezone will allow at 65 foot zone adjacent to a single family zone. A physical buffer does not currently exist along the west zone edge. Physical

buffers may include open space or green space. Consider providing a physical buffer on the vacant single family lot consistent with the EDG proposal.

b) SMC 23.34.009 C and D. It is unclear how the proposed rezone meets this criteria. The code states permitted heights shall be compatible with predominant height and scale of existing development, actual and zoned heights in the surround areas.



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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #2

Review Type	ZONING	Date	May 04, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Emily Lofstedt	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 386-0097		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Emily.Lofstedt@Seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Dear David,
 The following corrections are required. Further corrections may follow based on information in future application materials received.
 Thank you,
 Emily Lofstedt

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Departures.** The following departures were requested. If the departure is not granted the proposal needs to be revised to meet the applicable development standard.

SMC 23.47A.008.B.2 - Transparency

SMC 23.54.030.D.2 - Driveway Slope cannot be departed from, it is a Type 1 decision, see correction below.

SMC 23.54.030.G.3 - Sight Triangle

- 2 Development Site.** Please update the lot area included in any development standard calculations.

Original Correction: Please clarify the exact development site for this proposal. Will the single family zoned lots be included in this proposal? If so, please update all the lot information to clearly match the correct development site.

Also, if you are including the single family zoned lots, please be aware that only one single family residence is allowed per lot per SMC 23.44.006.A. So, in your case, the existing single family would only be allowed to remain, no additional single family residences.

- 3 Access.** Only the single family use is allowed access on the single family portion of the lot. No access from the proposed development, including secondary access, is allowed on the Single Family zoned portion of the lot.

Please update your plans to remove any proposed access from the commercial development on the single family zoned portion of the lot.

Commercial Code

- 4 Street-level street-facing façade setback. Original Correction still applies.** Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided per SMC 23.47A.008.A.3.

Either revise the proposal to meet this code section or provide approval for the proposed courtyard meeting one of this allowances for a larger setback.

Also, please dimension the site plan to document how all other areas of the site are meeting this code section.

- 5 Green Factor.** Please include a planting and tree type list to document how you're meeting Green Factor.

Original Correction: The green factor plans shall follow the latest Director's Rule 30-2015. Please review this Director's Rule and update where needed.

Parking Code

- 6 Frequent Transit Service Corridor.** In order to meet the frequent transit service, service headway needs to be going the same direction. Also, please include a calculation meeting the definition, not just the schedules.

Original Correction: This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.

b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per

day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

- 7 Driveway Slope.** Driveways shall not exceed 15% slope unless the Director allows more, meeting the criteria found in SMC 23.54.030.D.3.

This is not a departable item, it is a Type 1 decision. Please provide a narrative as to how this project meets the criteria and we will review to allow for more slope.

- 8 Sight Triangle. *Original Correction still applies.*** Please provide the offsite sight triangle easement required per SMC 23.54.030.G. Zoning cannot be approved until this easement has been obtained.



Step 1: Wait for all reviews to be completed

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- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
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Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

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- Say where the change can be found in the plan set
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- Coordinate responses to correction items among all designers, architects, engineers, and owners
- If you make voluntary changes to your plans, describe the changes you have made in your response letter

Correct your Plans:

- Cloud or circle all changes
- You may add new sheets to the plan set if you have new information to show

For Electronic Plans:

- Always upload a complete plan set

For Paper Plans:

If you replace sheets in the paper plan sets:

- Remove the old sheets, mark them as "VOID," and include them loose at the back of each plan set
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Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #1

Review Type	ZONING	Date	May 23, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Megan Neuman	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 684-3101		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Megan.Neuman@Seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Applicant Instructions

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 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

1 Mandatory Housing Affordability.

As part of all contract rezone requests, SDCI includes a condition in the staff recommendation report that the project comply with the Mandatory Housing Affordability (MHA) framework chapters in the Land Use Code, SMC 23.58B (for commercial development) and SMC 23.58C (for residential and live-work development). Please provide documentation in the plan set showing how the project will address the affordable housing requirements using either the payment or performance options. This includes, but is not limited to, calculation of payment or performance amounts, submittal of a draft housing agreement if required, and documentation on the floor plans of any performance MHA units.

If the performance option is elected, a draft housing agreement is required prior to the issuance of the Master Use Permit. These are administered by the Office of Housing (OH). Please contact Prithy Korathu (prithy.korathu@seattle.gov) to initiate this process and complete the OH review and approvals.

Please group all FAR and MHA information together in the plans, in a consecutive series of sheets. This is required to ensure accuracy, facilitate reviews, and provide better transparency in permit plan records.

While this information is helpful in the plan set at this time, SDCI is able to review the MHA component of your project after Council considers this request. Please contact Megan Neuman, megan.neuman@seattle.gov, with questions regarding the MHA requirements for your project.



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LETTER OF TRANSMITTAL

Date: July 11, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Emily Lofstedt (ZONING)

From: David Fuchs

Re: Correction Notice #2 version 2: Zoning

Response to Zoning Correction #2 version 2 (May 4, 2017):

1. Both the Transparency and Sight Triangle departures were granted at the Design Review Recommendation Meeting (see REC Report). See Item #7 for Driveway Slope request.
2. Lot area has been updated on Sheet G002.
3. Access from the Single-Family lots to the west has been eliminated. All access and exit doors to/from the building on the NC lot to the west have been deleted, and the paved path no longer abuts the buildings perimeter. See Site Plan on A100 and Street-Level Landscape Plan L1.10.
4. All street-facing facades are located within 10' of the street lot line (see Code Site Plan, Drawing 2/G003), except for the accessways to the entry court on N 70th St and Greenwood Ave N. These open spaces were approved by the Design Review Board at the Recommendation Meeting.
5. See sheets L5.00 and L.5.01 for planting and tree type lists.
6. See Sheet G007 for updated Frequent Transit Service Corridor information.
7. The project is requesting a slope of 18% (see Sheet A401) in order to meet the direction given to us by the Design Review Board supporting views and transparency through Retail E from the public courtyard into the adjacent open space to the west. In order to provide views and transparency, a steeper ramp is required because a 15% ramp blocks the view through the space and would make Retail E less viable. Furthermore, the fenestration at the west elevation will have to be raised to accommodate the longer, higher ramp.

A Transportation Engineer has reviewed our proposed ramp (letter from Tilghman Group attached) and found the design to be completely safe. In addition, he offered two recommendations to address zoning concerns (superior friction on the ramp and ramp mirrors), both of which have been incorporated into our drawings.

Mirrors looking in both directions have been added to the top of the ramp (see A201) and looking east at the bottom of the ramp (A200). The pavement texture on the ramp has been revised from the typical parking garage call-out of "Long Broom Drag" to be "Metal-Tined Broom Drag". This will increase the coefficient of friction on the ramp, ensuring the tire will safely grip the pavement.



See Site Plan A100, Floor Plans A200 & A201, and Building Section 1/A401.

8. A Sight Triangle Easement is no longer required as the west sight triangle is on the single-family lot that is included in our development site. See Site Plan on Sheet A100.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



13 June 2017

David Fuchs
Johnston Architects, Inc.
100 NE Northlake Way, Suite 200
Seattle, Washington 98105

Re: 7009 Greenwood Ave. N. Driveway Slope

Dear David:

At your request, I have reviewed the proposed slope for the driveway to the underground parking garage for the mixed-use project to be built at 7009 Greenwood Avenue N. for its safety. The project includes 35 apartment units and 4,830 square feet of restaurant space. The single-level of below-grade parking provides 26 stalls. Only residents of the apartments will have access to the parking garage. The proposed driveway from N. 70th Street has a maximum slope of 18%, exceeding the zoning code's allowable maximum of 15%.

Dimensions and Expected Level of Use

The driveway's entire length is 60.65 feet, or about three car lengths, of which transitions at 8% slope account for 17.5 feet, leaving 43.15 feet exceeding 15% slope. It is a relatively short ramp since it needs to drop just over nine feet from the sidewalk to the parking floor. The ramp's width is 12 feet 2 inches, intended for one car up or down at a time. The garage's capacity for 27 vehicles accommodates approximately 75% of anticipated total residential parking demand for 36 spaces, so since total residential vehicle trips are projected to be 101 daily trips, the garage could be expected to carry 76 daily vehicle trips. Approximately 10% of daily traffic would occur during the peak hour, resulting in 8 vehicle trips in or out of the garage.

Safety Considerations

The driveway's safety is influenced by these points:

1. Speed – the tendency for vehicles to speed up as they drive down the ramp is partly a function of its distance. Given the short distance of 43 feet for the steepest segment, excessive speed gains seem highly unlikely to occur.
2. Driver Familiarity – The advantage of restricting garage access to residents is that they will quickly become familiar with the driveway's characteristics as well as the habits of other residential drivers. Furthermore, Seattle drivers are accustomed to driving on streets of equal or greater slopes that run for many hundreds of feet. Numerous downtown streets exceed 15% slope for one or more blocks, Queen Anne Avenue exceeds 18% slope for at least one block, and

- slope for one or more blocks, Queen Anne Avenue exceeds 18% slope for at least one block, and numerous residential streets exceed 20% slope for one or more blocks (see <https://www.seattle.gov/transportation/steepest.htm> for a list of steep streets in Seattle).
3. Surface Conditions – maintaining good traction driving either up or down the driveway requires a surface finished with appropriately rough textures to create friction for vehicle tires in both dry and wet conditions.
 4. Sight-Lines – While not specifically linked to the driveway's slope, its single-car width suggests that enhanced sight-lines would minimize head-to-head conflicts between entering and exiting vehicles, reducing the potential for a vehicle to back away from the ramp to allow an opposing vehicle to pass.

Based on those considerations, I see the proposed driveway as a safe driveway for the project's residents. Recommendations for points #3 and #4 follow.

Recommendations

- Provide superior friction on the ramp surface to maximize traction in dry and wet conditions. The contractor indicates that the concrete would be finished with a metal-tipped broom to create a higher friction surface. That broomed finish would increase friction over a smooth trowel finish.
- Consider placing mirrors at the top and bottom of the ramp to give drivers a better view of on-coming vehicles before entering the ramp.

Please let me know if you have any questions.

Sincerely,


Ross Tilghman

Tilghman Group
4618 44th Ave South
Seattle, Washington 98118
Voice & Fax: 206-577-6953

LETTER OF TRANSMITTAL

Date: July 12, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Michael Houston (TRANSPORT)

From: David Fuchs

Re: Correction Notice #2: Transportation

Response to Transportation #2 (March 20, 2017):

- 1) See updated Traffic and Parking Studies from the Tilghman Group dated 5 June 2017 attached.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





MEMO

To: Shannon Loew, FIX
Chad Dale
Andrea Dobihal, Brass Tacks, NW

From: Ross Tilghman

Date: 5 June 2017

Subject: Trip Generation for 7009 Greenwood Avenue N. -- Updated

This memo updates my previous memo of 15 February and 29 November 2016. The purpose of this update is to reflect a change in the land use program with a different mix of apartment unit sizes and the addition of two more units.

I have calculated vehicle trip generation for the proposed mixed-use development at 7009 Greenwood Avenue N., in Seattle. The project would build 35 apartment units and 4,930 square feet of commercial area for food and beverage sales with seats for approximately 100 customers. Parking would be provided below grade with 26 stalls. Two of the apartments would be offered as affordable units.

Trip Generation

Vehicle trips have been calculated based on the anticipated population for the apartments and daily patronage of the restaurants, and modes of travel for residents, employees and customers. Table 1 shows the expected populations:

Table 1. Project Population

Use	Units	Estimated Persons/Unit	Total Persons
Studio	5	1	5
1-bedroom	9	1.5	14
2-bedroom	10	2.2	22
3-bedroom	10	3.25	33
4-bedroom	1	4.0	4
Residential Total	33		75
Restaurant Staff	4,930 sq. ft.	3.50	17
Restaurant Patrons	100 seats	4.10 turns/day	410

Source: Tilghman Group

Table 2 shows the calculation of person trips and vehicle trips for a weekday. The project is expected to generate 340 new daily trips and 28 PM Peak Hour trips. Truck trips would be approximately 20 per day, reflecting 10 deliveries.

Table 2. Daily & PM Peak Hour Person and Vehicle Trips

	Persons	Trips per Persons	Total Daily	% Auto	Avg. Vehicle Occupancy	Gross Vehicle Trips	Adjust for Internal Trip Capture	Net Daily Vehicle Trips	% in PM Peak Hour (5-6 pm)	Net PM Peak Hour Vehicle Trips
Residential	78	3.0	234	55%	1.11	116	90%	105	10%	11
Restaurant Staff	17	2.0	35	65%	1.04	22	100%	22	11%	2
Restaurant Patrons	410	2.0	820	41%	1.70	198	98%	194	8%	15
Trucks						20	100%	20	0%	0
						356	96%	340	8%	28

Source: Tilghman Group

The project’s maximum hourly volume would occur just after the PM peak hour of street traffic when restaurant business builds in the evening. A maximum of 39 hourly vehicle trips is expected in the 6:00 pm to 7:00 pm hour.

Key assumptions:

- *Trips per person* – Research by the Puget Sound Regional Council (*PSRC 2015 Household Travel Survey*) shows that residents make an average of 5.5 trips each per day. Approximately 55% of those trips involve home as the origin or destination. Accordingly, each resident is assumed to make 3.0 daily trips to/from the site.
- *% Auto – for residents*, The American Community Survey 5-Year Estimates for Seattle Census Tracts 28 and 29 found that 48% of commuters drive to work. However, the work-trip, which is highly amenable to transit use, accounts for only about 1 in 5 of all trips made over the day. Other shopping, recreational and personal trips may be somewhat less convenient by walking, cycling or riding the bus. The site’s immediate neighborhood offers a grocery, hardware store, bank and numerous other services and restaurants that could be easily reached by walking or busing. Yet trips farther afield will certainly be more convenient when driving. Therefore, the overall share of driving is assumed to be 55%.
- *% Auto – for restaurant staff*, the assumption was derived from employer survey data collected by Tilghman Group in Seattle’s Columbia City neighborhood for restaurant employees. Even with high levels of transit service available, a majority of restaurant employees drive to work, in part due to late work hours when transit service is less frequent and when greater concerns for personal safety in the dark arise.
- *% Auto – for restaurant patrons*, the assumption reflects data obtained by the Seattle Department of Transportation’s *Green Lake Neighborhood Intercept Survey, December 2015* that found how visitors from the neighborhood and other areas traveled to Green Lake businesses. Neighborhood residents accounted for 55% of visitors and primarily walked to businesses with only 25% driving while those from elsewhere mainly drove (69%). For the 7009 Greenwood Ave. project, it is assumed that 65% of restaurant patrons come from the neighborhood with the balance from outside the neighborhood, and that they would have

similar travel habits to Green Lake visitors. Table 3 shows both the Green Lake visitor travel data and the derivation of expected travel modes for the project’s restaurant patrons.

- *Internal Capture* – It is assumed that 10% of the project’s residents would frequent the food and beverage services daily, if only to buy coffee. That would be equivalent to 2% of restaurant trips. Overall, internal trips represent a 4% reduction in gross vehicle trip generation.
- *Trucks* – research on a Columbia City restaurant of approximately 4,500 sq. ft. with 135 seats and hours from 8:00 a.m. to 11:00 p.m., found that truck deliveries range from 3 to 5 per day. Recognizing that multiple business owners will operate within the project’s 4,830 sq. ft. of restaurant space, and that they may not buy from the same vendors, it is assumed that truck deliveries could be two times higher, with approximately 10 daily deliveries for a total of 20 daily truck trips.
- *PM Peak Hour trips* – The share of daily trips occurring in the PM peak hour reflects data collected by the Institute of Transportation Engineers as published in the *Trip Generation Manual, 9th ed.*, for apartments and restaurants.

Table 3. Green Lake Neighborhood Visitor Travel Characteristics

Green Lake Neighborhood Visitor Intercept Data		Mode of Access			
	Share of Visitors	% Auto	Transit	Walk/Bike/Other	Total
Neighborhood Residents	55%	25%	12%	63%	100%
Non-Neighborhood Residents	45%	70%	13%	17%	100%
Weighted Average	100%	45%	12%	42%	100%

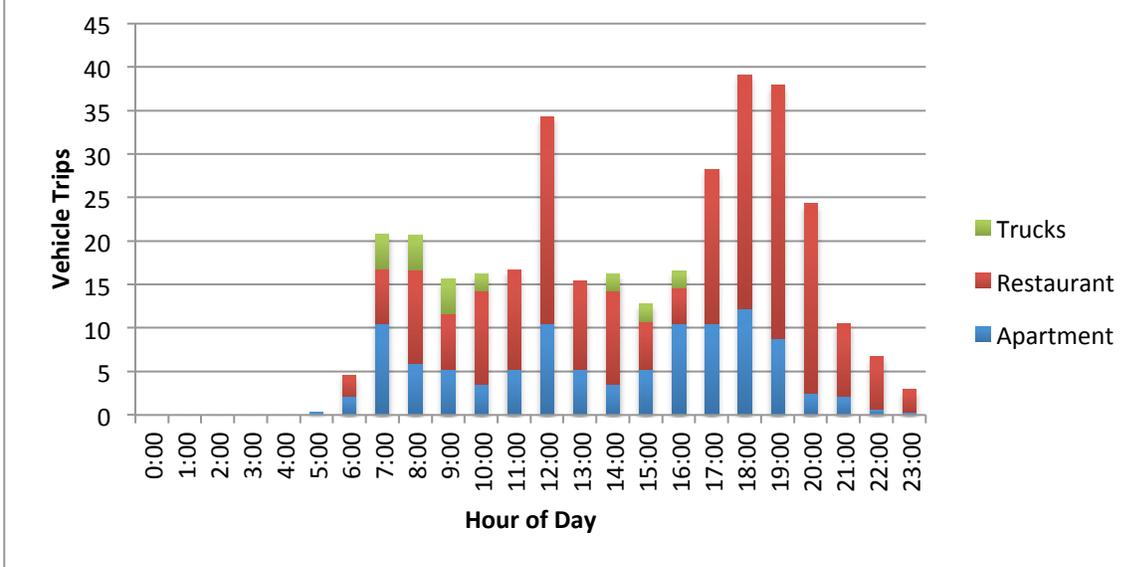
For 7009 Greenwood Ave N		Mode of Access			
	Assumed Share of Visitors	% Auto	Transit	Walk/Bike/Other	Total
Neighborhood Residents	65%	25%	12%	63%	100%
Non-Neighborhood Residents	35%	70%	13%	17%	100%
Weighted Average	100%	41%	12%	47%	100%

Source: SDOT; Tilghman Group

Figure 1 illustrates project vehicle trips for each hour of a weekday. It shows that traffic would peak in the early evening between 6:00 p.m. and 7:00 p.m., with secondary peaks occurring between 7:00 p.m. and 8:00 p.m., and over the noon hour. The maximum hourly volume would be 39 vehicle trips.

The addition of the project’s trips would increase daily traffic volume on Greenwood Avenue North by approximately 2.7%. According to SDOT’s 2014 traffic flow map, Greenwood Avenue North carries 12,200 daily vehicles in the site’s vicinity. During the afternoon peak hour, the project would add 28 vehicle trips to a background volume of 1,205 p.m. peak hour vehicles, also an increase of 2.3%.

Figure 1. Projected Vehicle Trips by Hour on a Weekday for 7009 Greenwood Ave. N. Mixed-Use Project



Source: Tilghman Group

Transportation Concurrency

Following municipal code SMC 23.52, Seattle checks to see that new vehicle trips from development projects when added to street volumes do not exceed the stated capacity of key corridors. Measurements of volume relative to capacity are made at a series of screenlines established throughout the city. Screenlines applicable to the Greenwood neighborhood are screenlines 6.12 (a line south of N. 80th Street between Greenwood and 8th Ave NW) and 7.11 (a line west of Aurora Ave. between Fremont Pl. and N. 65th St.). This evaluation of traffic concurrency follows procedures described in SDOT Director’s Rule 5-2009 determining the regional origins and destinations of project trips. Table 4 summarizes the results of the screenline analysis.

Table 4. Screenline Volumes and Capacity

Screenline	Direction	2008 PM Capacity	2008 PM		LOS Standard	Project’s PM Trips	Volume with Project	V/C Ratio with Project
			Traffic Count	2008 PM V/C Ratio				
6.12	NB	4200	1763	0.42	1.0	2	1765	0.42
	SB	4200	1232	0.29	1.0	2	1234	0.29
7.11	EB	5430	2899	0.53	1.0	2	2901	0.53
	WB	5430	3516	0.65	1.0	4	3520	0.65

Source: SDOT; Tilghman Group

As only 35% of project trips would cross the screenlines, they make very little measurable difference in total volumes and do not alter the ratio of volume to capacity.



MEMO

To: Shannon Loew, FIX
Chad Dale
Andrea Dobihal, Brass Tacks, NW

From: Ross Tilghman

Date: 5 June 2017

Subject: Parking Supply and Demand for 7009 Greenwood Avenue N. – 2nd Revision

This memo further updates my previous ones dated 5 December 2016 and 15 February 2017 to address a request from the City of Seattle in its Correction Notice #2 – Zoning and Correction Notice #2 – Transport to show consistency with parking demand assumptions for the 6726 Greenwood Ave. N. project, and proximity to frequent transit service. As discussed later, the parking assumptions lead to an over-estimation of parking demand by not accounting for displacement of Ed’s Kort Haus tavern. This revision also updates the project’s land use program that now includes two more apartment units.

This memo evaluates parking conditions for the proposed mixed-used development at 7009 Greenwood Avenue N. in Seattle. The project would contain 35 apartment units (of which 2 would be affordable units) and 4,830 square feet of restaurant space with seating for approximately 100 persons. A total of 26 parking spaces would be built in an underground garage for residents. Table 1 summarizes the range of apartment units and the expected population of residents, employees and patrons.

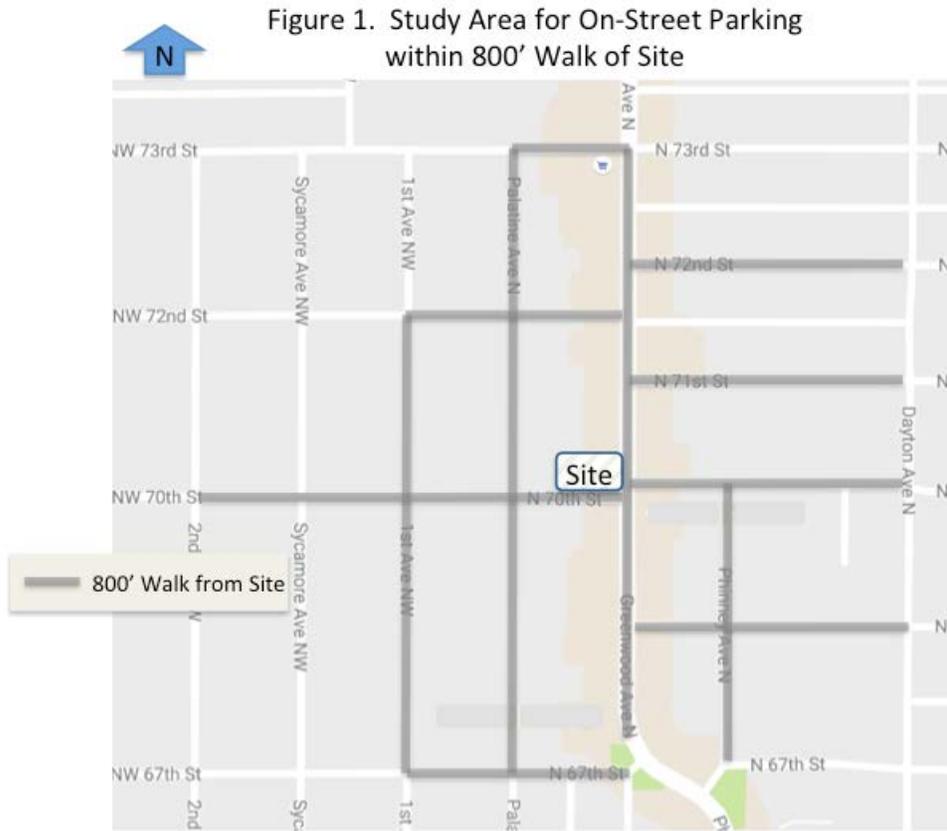
Table 1. Project Population

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4-bedroom	1	4.0	4
Residential Total	35		78
Restaurant Staff	4,830 sq. ft.	3.50	17
Restaurant Patrons	100 seats	4.10 turns/day	410

Source: Tilghman Group

Study Area

Figure 1 shows the area studied for on-street parking conditions. It reflects parking within approximately 800 feet walking distance from the site.



On-Street Parking Supply

Curbside parking was measured to determine the legal parking supply according to City of Seattle procedures described in its publication Tip 117. Table 2 provides details about the existing, legal parking supply in the study area, and what appears to be the effective supply.

Table 2. Number of On-Street Parking Spaces

	Un-Restricted	1-Hour 7am - 6pm	2-hour 7am - 6pm	30-Min. Load 7am - 6pm	30-Min. Truck Load 7am - 4pm	3-Min. Passenger Load 7am - 6pm	TOTAL
Legal Supply	295	60	14	6	2	2	379
Effective Supply	334	67	17	7	4	2	431

Source: Tilghman Group

The *effective* parking supply offers more spaces than the legal supply. This occurs for a variety of reasons:

- Some driveways are no longer (or at least not currently) used as driveways, so residents park in front of them. This adds approximately 4 spaces to the effective supply.
- At least one load zone on N. 73rd St. immediately west of Greenwood Ave. N. runs right up to the stop sign, even though code prohibits parking with 30-feet of a stop sign. This adds 2 spaces to the effective supply.
- The code requirement to leave 20 feet clear next to a crosswalk appears to be rarely enforced and frequently ignored. To the extent that it is ignored, an additional 46 spaces become available.



Current Use of On-Street Parking

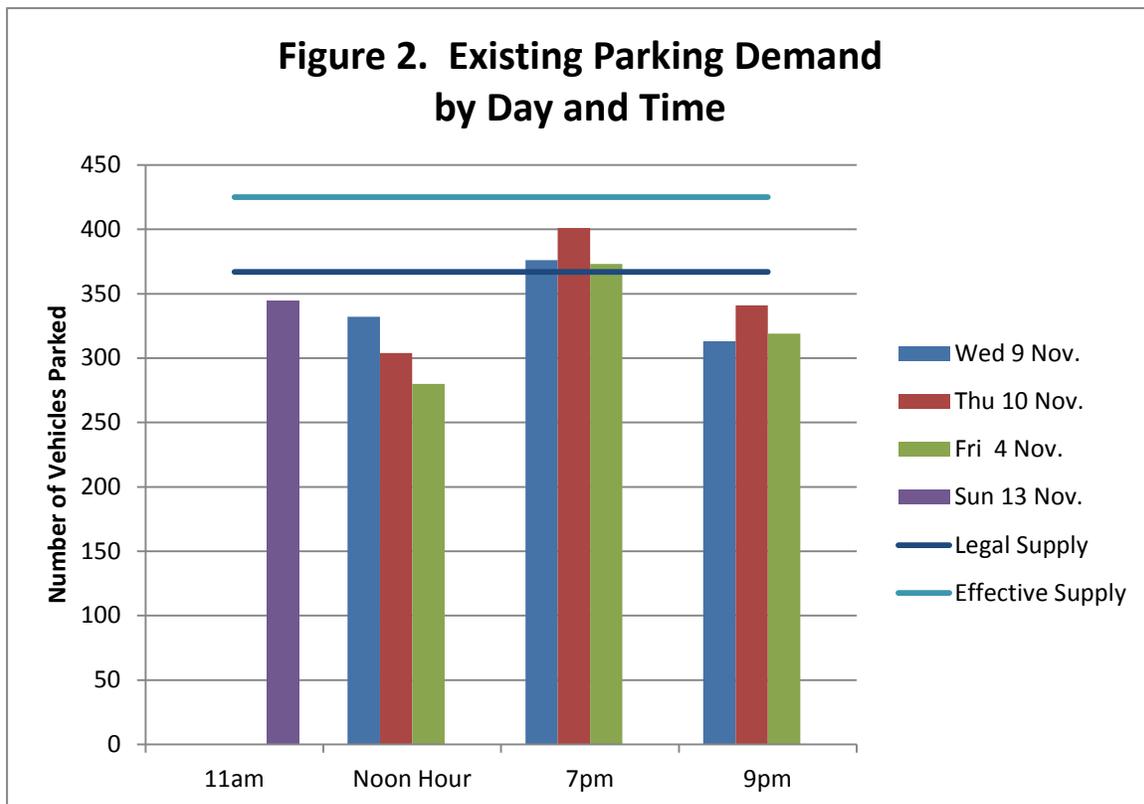
The number of vehicles parking on the street was counted at different times to determine variations in demand by hour of day and day of week. Recognizing that the neighborhood has numerous restaurants, counts were taken at approximately 12:30 p.m., 7:00 p.m., and 9:00 p.m. on Friday, Nov. 4, Wednesday, Nov. 9, and Thursday, Nov. 10., to capture typically busy periods for restaurants. Additionally, parking was counted on Sunday, Nov. 13 at 11:30 a.m., to measure the demand during church services, since Woodland Park Presbyterian Church and the Rock of Ages Lutheran Church are both within one block of the site.

Table 3 summarizes parking demand for the count periods. Figure 2 shows the relation of each period’s count to both the legal and effective supply. See Appendix A for inventory and utilization by block face.

Table 3. Existing On-Street Parking Demand

						Available Spaces			
						Legal Supply	% Occp'd	Effective Supply	% Occp'd
Vehicles Parked									
	Wed 9 Nov.	Thu 10 Nov.	Fri 4 Nov.	Sun 13 Nov.	Average	367		425	
11am				345	345	28	94%	80	81%
Noon Hour	332	304	280		314	59	86%	111	74%
7pm	376	401	373		383	-10	104%	42	90%
9pm	313	341	319		324	49	88%	101	76%

Source: Tilghman Group



Demand clearly peaks in the early evening around 7:00 p.m., equaling or slightly exceeding the legal parking supply. Due to church activities, demand on Wednesday evenings equaled that of a Friday evening and was only slightly lower than a Thursday evening. Both evening periods exceed 85% occupancy of the legal spaces, the level typically viewed as “practical” capacity, meaning that parking appears full since the last remaining spaces can be difficult to find. When considering the effective parking supply, demand exceeds 85% only at 7:00 p.m., with a total of 90% occupancy.

Instances of blatantly illegal parking involved vehicles parking too close to stop signs (1 vehicle on N 67th St. immediately west of Greenwood Ave.), vehicles parking on the planting strip (2 vehicles on N. 68th St. east of Greenwood Ave.), vehicles parking so as to block the crosswalk (1 vehicle on N. 70th St at Palatine Ave.), and vehicles blocking access to a fire hydrant (1 vehicle on N. 73rd St. west of Greenwood Ave.). Those types of illegal parking involved approximately 1% of all vehicles parked.

Employees and customers from commercial uses clearly park on residential streets. This is most apparent with the first block east and west of Greenwood Ave. However, parking occupancy runs somewhat higher east of Greenwood Avenue than west of it. Table 4 shows average occupancy east and west of Greenwood Avenue. At all times measured, occupancy was lower west of Greenwood where the site is located.

Table 4. Parking Occupancy (Average) East and West of Greenwood Avenue North

	Legal Supply		Effective Supply*	
	West	East	West	East
11am - Sunday	88%	101%	77%	90%
Noon Hour	79%	93%	69%	82%
7pm	98%	112%	86%	99%
9pm	81%	98%	71%	87%

* Without 20' clearance from sidewalks

Source: Tilghman Group

Anecdotally, a neighborhood resident indicated that some commuters park in the neighborhood for free and then ride the bus to work. This resident also indicated that the neighborhood is used by some for long-term parking when travelling out of town, again taking advantage of free parking and a bus ride. While likely, it is unknown to what extent such parking behavior influences occupancy on a daily basis.

Figures 3, 4 and 5 illustrate occupancy by block face for the Noon, 7:00 p.m. and 9:00 p.m. counts, respectively.

Figure 3. Weekday On-Street Parking Occupancy at Noon For Legal Parking Supply



Source: Tilghman Group

Figure 4. Weekday On-Street Parking Occupancy at 7:00 p.m.
For Legal Parking Supply



Figure 5. Weekday On-Street Parking Occupancy at 9:00 p.m.
For Legal Parking Supply



Source: Tilghman Group

Added Parking Demand from Other Projects

Demand for on-street parking will increase prior to development of the proposed project with completion of project planned at 6528 Phinney, one at 6726 Greenwood Avenue and one now under construction at 6800 Greenwood Avenue. Table 5 presents anticipated spillover parking demands from those projects (see Appendix B for those parking demand calculations) using information provided by each project’s own parking analysis and adjusted to account for the share of spillover expected within the study area.

Table 5. Spillover Parking Demand from Other Projects in Study Area

Project	Spillover Demand in Study Area at:		
	Noon	7:00 p.m.	9:00 p.m.
6528 Phinney	1	1	1
6726 Greenwood	11	16	15
6800 Greenwood	3	3	2
Total	15	20	18

Source: Gibson Traffic Consultants; Tilghman Group

This updated calculation of spillover demand reflects a change in assumptions requested by the City of Seattle. The change has to do with assumptions used in the transportation study for the 6726 Greenwood project that includes 57 apartment units and 3,298 sq. ft. of commercial space. That project displaces a tavern/restaurant known as Ed’s Kort Haus that closed in January 2017. The close of that business (and eventual demolition of its building) removes its parking demand. The 6726 Greenwood transportation impact analysis (dated November 2015 with a follow-up memo dated October 28, 2016) notes that the tavern would be replaced with a similarly sized bar and bistro, thus creating no change in parking demand for that use. However, despite saying that, the study’s calculations show demand for a retail space, not a restaurant. With that change of use, one would expect that parking demand for Ed’s Kort Haus would be backed out of the calculations, but that does not appear to have happened. As a result, future parking demand in the 7009 Greenwood study area is over-estimated by approximately 10 spaces at 7:00 p.m.

Parking Demand for 7009 Greenwood Ave. N.

Parking demand for the apartments was determined using King County’s Multi-Family Residential Parking Calculator. Unlike many apartment buildings offering small units, primarily studio and 1-bedroom units, where the Parking Calculator frequently estimates demand ranging from 0.6 to 0.7 vehicles per unit, the project offers the majority of its units with 2, 3 and 4 bedrooms. Consequently, more residents per unit are expected than would occur in smaller units, resulting in a calculated demand of 1.07 vehicles per unit. With 35 apartments, that demand rate yields a total of 37 resident vehicles.

Restaurant parking demand has been calculated using its expected employee and patron population and their mode of travel choices. Table 6 summarizes their demand.

Table 6. Restaurant Parking Demand

	Population (Daily)	Max. % Present at One Time	% Auto	Average Vehicle Occupancy	Peak Demand (Vehicles)	Demand at Noon	Demand at 7:00 p.m.	Demand at 9:00 p.m.
Staff	17	66%	65%	1.04	7	6	7	5
Patrons	410	15%	41%	1.70	15	8	15	10
TOTALS						14	22	15

Source: Tilghman Group

Key assumptions

- *% Auto for restaurant staff* – the assumption is derived from employer survey data collected by Tilghman Group in Seattle’s Columbia City neighborhood for restaurant employees. Even with high levels of transit service available, a majority of restaurant employees drive to work, in part due to late work hours when transit service is less frequent and when greater concerns for personal safety in the dark arise.
- *% Auto – for restaurant patrons*, the assumption reflects data obtained by the Seattle Department of Transportation’s *Green Lake Neighborhood Intercept Survey, December 2015* that found how visitors from the neighborhood and other areas traveled to Green Lake businesses. Neighborhood residents accounted for 55% of visitors and primarily walked to businesses with only 25% driving while those from elsewhere mainly drove (69%). For the 7009 Greenwood Ave. project, it is assumed that 65% of restaurant patrons come from the neighborhood with the balance from outside the neighborhood, and that they would have similar travel habits to Green Lake visitors. Table 7 shows both the Green Lake visitor travel data and the derivation of expected travel modes for the project’s restaurant patrons.

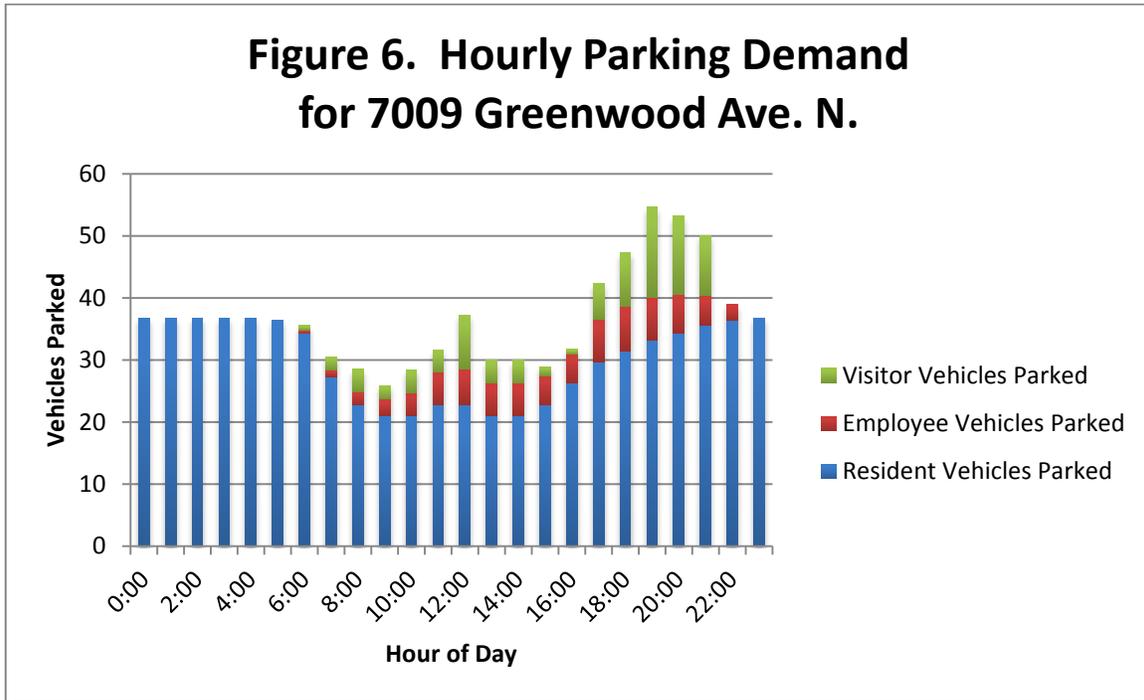
Table 7. Green Lake Neighborhood Visitor Travel Characteristics

Green Lake Neighborhood Visitor Intercept Data					
	Share of Visitors	Mode of Access			
		% Auto	Transit	Walk/Bike/ Other	Total
Neighborhood Residents	55%	25%	12%	63%	100%
Non-Neighborhood Residents	45%	70%	13%	17%	100%
Weighted Average	100%	45%	12%	42%	100%

For 7009 Greenwood Ave N					
	Assumed Share of Visitors	Mode of Access			
		% Auto	Transit	Walk/Bike/ Other	Total
Neighborhood Residents	65%	25%	12%	63%	100%
Non-Neighborhood Residents	35%	70%	13%	17%	100%
Weighted Average	100%	41%	12%	47%	100%

Source: SDOT; Tilghman Group

Figure 6 shows how parking demand for the entire project is expected to vary by hour of the day. Demand is expected to peak between 7:00 p.m. and 8:00 p.m. when most residents are home and the restaurant is busiest.

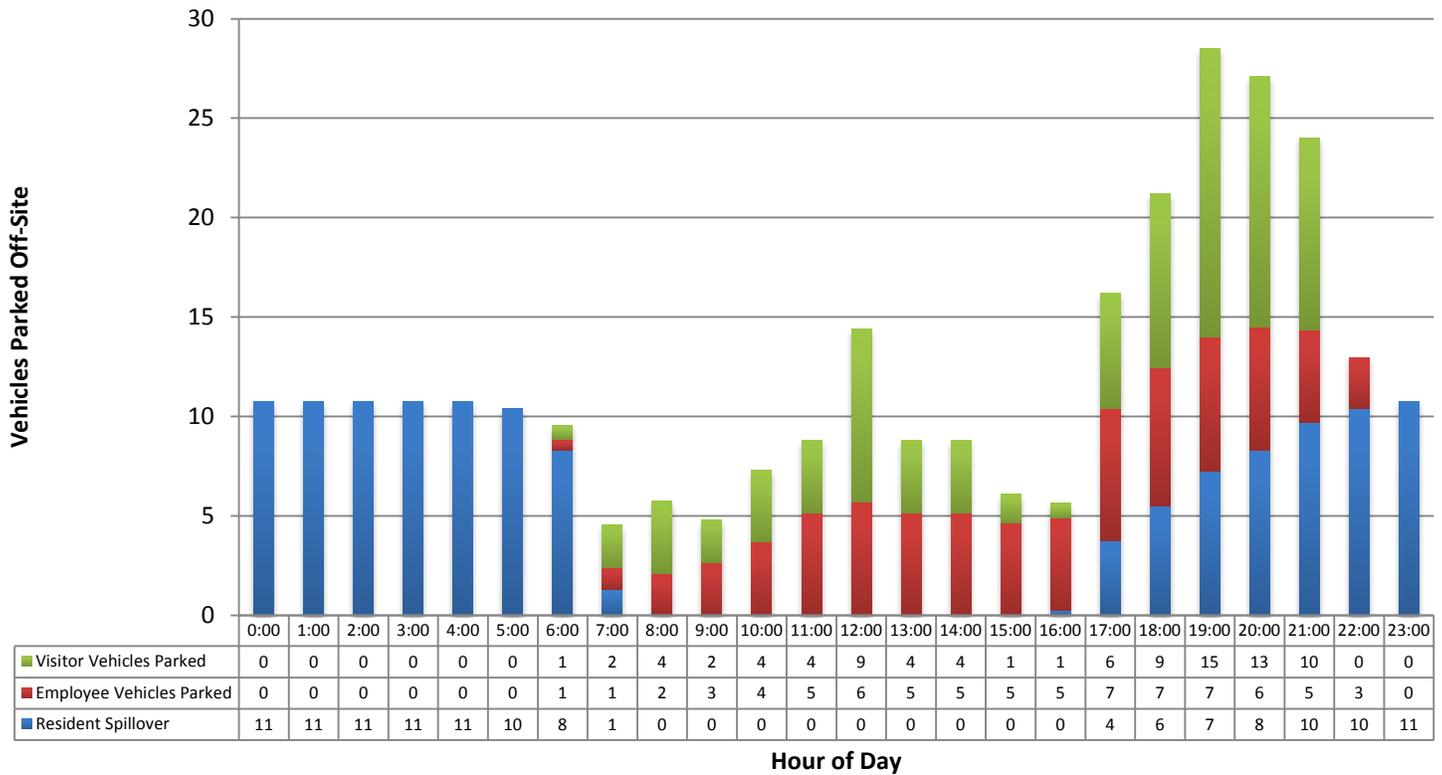


Source: Tilghman Group

The underground garage will provide 26 spaces for resident’s use. Under Seattle City code, this development is not required to provide parking given its location in an Urban Village and within one-quarter mile of frequent transit service (meaning a minimum of 15-minute service frequency). The project’s site lies within the Greenwood—Phinney Ridge Hub Urban Village, and is adjacent to Greenwood Avenue N that has 15-minute bus service on Route 5 throughout the day (see Appendix C for the frequent transit service bus schedules and headways).

Figure 7 shows the amount of spillover demand by hour to be accommodated on the street. Spillover will peak when demand peaks with 28 vehicles seeking on-street parking. The majority of that spillover will be restaurant patrons. Overnight, resident spillover will be 11 vehicles.

Figure 7. 7009 Greenwood Parking Spillover by Hour on a Weekday



Source: Tilghman Group

Future On-Street Parking Occupancy

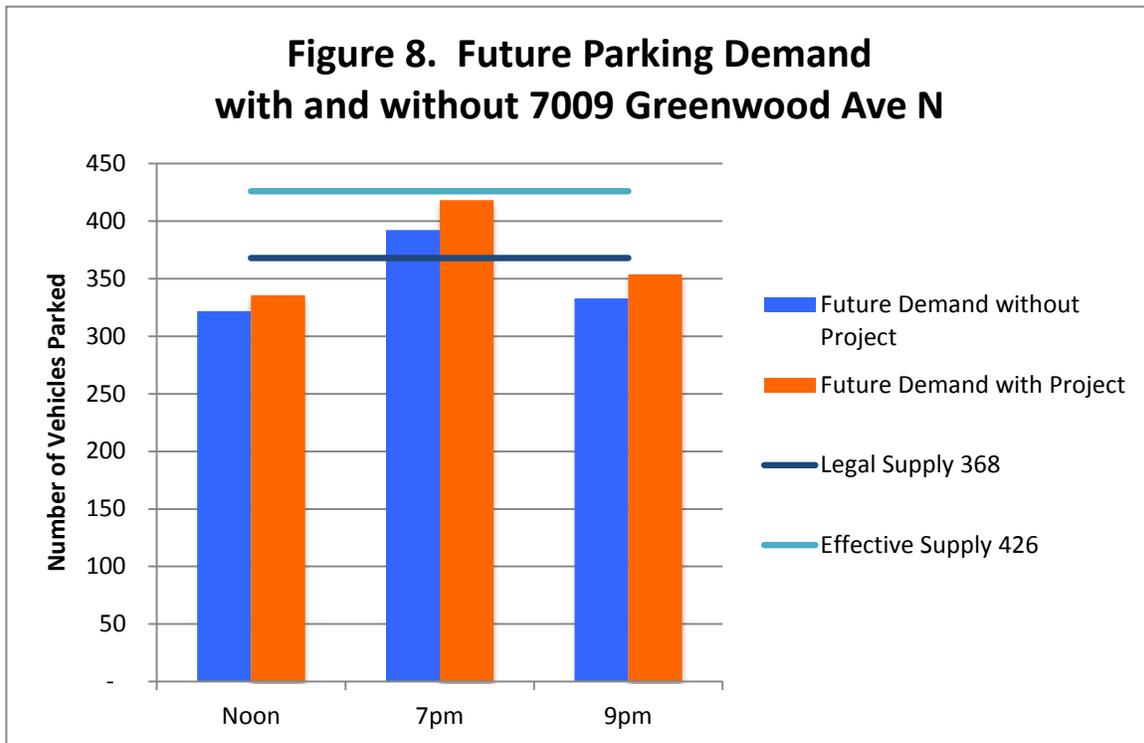
Table 8 shows how the addition of new parking demand from the area’s developments will affect occupancy. Figure 8 compares future occupancy with and without development of 7009 Greenwood Ave.

Table 8. Future Parking Demand and Occupancy

	Existing Demand	Spillover from Project	Spillover from Other Projects	Total Future Demand	Future Utilization Legal Supply	Future Utilization Effective Supply
					368 spaces	426 spaces
Noon	314	15	15	344	93%	81%
7pm	383	29	20	432	117%	101%
9pm	324	25	18	367	100%	86%

Source: Tilghman Group

The pattern of peak times remains the same as it is today with the period of highest demand occurring around 7:00 p.m. Future demand is anticipated to exceed the legal supply both before and after the project is occupied. At the 7:00 p.m. peak, demand with the completed project will saturate even the effective supply within 800 feet of the site. By 9:00 p.m., a small surplus will exist with the effective supply. As noted previously, the projections over-estimated demand by about 10 spaces due to double counting demand from Ed’s Kort Haus.



Source: Tilghman Group

The consequence of the additional demand for parking will be that more vehicles park farther from the site and from Greenwood Avenue at the busiest times. Legal curbside space is available but neighbors will notice more vehicles on streets including 1st Ave. N, Sycamore, 70th and 72nd to the west, and Dayton to the east. Spillover from 7009 Greenwood Ave. would be expected to favor parking west of Greenwood Ave. for an easier walk to the site.

Proximity to Frequent Transit Service

The project is located within 200 feet walking distance of a transit stop on Greenwood Avenue N. immediately south of N. 70th St. Metro Route 5 serves that stop for southbound trips. Route 5 operates between Shoreline Community College and downtown Seattle. The northbound stop is located in front of new apartment building at 6726 Greenwood Avenue N., approximate 385 feet walking distance from 7009 Greenwood Avenue N. See Appendix D for a map illustrating walks to transit stops.

Route 5 meets the City’s criteria for frequent transit service since it offers service with 15-minute headways southbound for 13.5 hours on weekdays and 14 hours on Saturdays, beyond the minimum requirement of 12 hours in one direction. Northbound headways are generally 15 minutes but fall short of that frequency over 12 hours since some runs have 16- and 17-minute headways.

Summary of Findings

Development and occupancy of the planned mixed-use project at 7009 Greenwood Avenue North will create spillover parking demand ranging from 11 vehicles overnight to 29 vehicles in the early evening. The majority of residents' vehicles will park in an underground garage (with capacity for 26 vehicles), while restaurant staff and patrons who drive will park in the neighborhood. Curbside parking within approximately an 800-foot walk of the site has limited availability for additional vehicles. Within this area, the legal supply offers 368 spaces, while demand already exceeds 85% of capacity, known as practical capacity, the point at which parking typically appears full. However, the legal supply assumes a mix of vehicles that may be longer than those actually parking, and does not recognize un-used driveways or the habits of drivers accustomed to parking in tight conditions. The area's effective parking supply is 52 spaces greater. With the addition of new demand from other area developments (again, over-estimated by 10 spaces) and 7009 Greenwood Ave., the area's occupancy will exceed the legal supply at the busiest time (around 7:00 p.m.) and just exceed capacity of the effective supply. Consequently, it is anticipated that more vehicles will seek parking farther from the site, especially to the west. Neighbors will experience greater competition for curb space on streets including 1st Ave. N, Sycamore, 70th and 72nd to the west, and Dayton to the east.

Appendix A: Parking Inventory & Utilization

- Noon
- 7:00 p.m.
- 9:00 p.m.
- Sunday 11:00 a.m.

Appendix B: Parking Spillover from Other Projects

Appendix C: Route 5 Bus Schedules and Calculation of Frequent Transit Service

Appendix D: Walking Distance to Frequent Transit Service

7009 Greenwood Ave N

Parking Inventory & Utilization

Street	Between	Side	TOTAL	Noon			Average	Utilization
				Wed	Thu	Fri		
1st Ave N	N 67th and N 70th St	E	15	15	12	14	13.7	91%
1st Ave N	N 67th and N 70th St	W	20	9	9	9	9.0	45%
1st Ave N	N 70th and N 72nd St	E	12	7	4	4	5.0	42%
1st Ave N	N 70th and N 72nd St	W	13	4	6	4	4.7	36%
Palatine Ave N	N 67th and N 70th St	E	15	15	13	15	14.3	96%
Palatine Ave N	N 67th and N 70th St	W	21	21	14	18	17.7	84%
Palatine Ave N	N 70th and N 72nd St	E	10	9	6	8	7.7	77%
Palatine Ave N	N 70th and N 72nd St	W	11	10	10	12	10.7	97%
Palatine Ave N	N 72nd and N 73rd St	E	9	13	13	12	12.7	141%
Palatine Ave N	N 72nd and N 73rd St	W	10	10	11	9	10.0	100%
Greenwood Ave N	N 67th and N 68th St	E	6	8	6	6	6.7	111%
Greenwood Ave N	N 67th and N 70th St	W	15	15	7	10	10.7	71%
Greenwood Ave N	N 68th and N 70th St	E	6	5	2	5	4.0	67%
Greenwood Ave N	N 70th and N 71st St	E	7	8	8	6	7.3	105%
Greenwood Ave N	N 70th and N 72nd St	W	8	7	8	7	7.3	92%
Greenwood Ave N	N 71st and N 72nd St	E	6	4	5	3	4.0	67%
Greenwood Ave N	N 72nd and N 73rd St	E	3	4	2	0	2.0	67%
Greenwood Ave N	N 72nd and N 73rd St	W	13	9	11	12	10.7	82%
Phinney Ave N	N 67th and N 68th St	E	7	10	7	8	8.3	119%
Phinney Ave N	N 67th and N 68th St	W	7	8	10	10	9.3	133%
Phinney Ave N	N 68th St and N 70th St	E	9	8	9	7	8.0	89%
Phinney Ave N	N 68th St and N 70th St	W	9	9	7	3	6.3	70%
N. 67th St.	1st Ave and Palatine	N	0					
N. 67th St.	1st Ave and Palatine	S	8	3	3	4	3.3	42%
N. 67th St.	Palatine and Greenwood	N	6	6	7	6	6.3	106%
N. 67th St.	Palatine and Greenwood	S	6	7	6	7	6.7	111%
N 68th St.	Dayton and Phinney	N	0					
N 68th St.	Dayton and Phinney	S	12	10	9	7	8.7	72%
N 68th St.	Phinney and Greenwood	N	0					
N 68th St.	Phinney and Greenwood	S	3	5	5	4	4.7	156%
N 70th St.	2nd Ave and Sycamore	N	0					
N 70th St.	2nd Ave and Sycamore	S	7	1	2	2	1.7	24%
N 70th St.	Sycamore and 1st Ave	N	0		1		1.0	
N 70th St.	Sycamore and 1st Ave	S	7	2	4	1	2.3	33%
N 70th St.	1st Ave and Palatine	N	0					
N 70th St.	1st Ave and Palatine	S	4	2	4	4	3.3	83%
N 70th St.	Palatine and Greenwood	N	0					
N 70th St.	Palatine and Greenwood	S	7	7	2	1	3.3	48%
N 70th St.	Greenwood and Phinney	N	0					
N 70th St.	Greenwood and Phinney	S	3	3	3	3	3.0	100%
N 70th St.	Phinney and Dayton	N	0					
N 70th St.	Phinney and Dayton	S	7	5	4	7	5.3	76%
N 71st St.	Greenwood and Dayton	N	0					
N 71st St.	Greenwood and Dayton	S	17	17	18	19	18.0	106%
N 72nd St.	1st Ave and Palatine	N	6	4	7	6	5.7	94%
N 72nd St.	1st Ave and Palatine	S	8	8	8	7	7.7	96%
N 72nd St.	Palatine and Greenwood	N	6	8	8	7	7.7	128%
N 72nd St.	Palatine and Greenwood	S	4	7	6	7	6.7	167%
N 72nd St.	Greenwood and Dayton	N	1	1	0	missing	0.5	50%
N 72nd St.	Greenwood and Dayton	S	25	24	22	missing	23.0	92%
N 73rd St.	Palatine and Greenwood	N	3	4	5	6	5.0	167%
N 73rd St.	Palatine and Greenwood	S	2	0	0	0	0.0	0%
			374	332	304	280	314	84%
			Utilization	88.8%	81.3%	74.9%		

7009 Greenwood Ave N

Parking Inventory & Utilization

Street	Between	Side	TOTAL	7:00 PM			Average	Utilization
				Wed	Thu	Fri		
1st Ave N	N 67th and N 70th St	E	15	18	22	18	19.3	129%
1st Ave N	N 67th and N 70th St	W	20	13	18	13	14.7	73%
1st Ave N	N 70th and N 72nd St	E	12	6	6	3	5.0	42%
1st Ave N	N 70th and N 72nd St	W	13	6	8	6	6.7	51%
Palatine Ave N	N 67th and N 70th St	E	15	21	17	16	18.0	120%
Palatine Ave N	N 67th and N 70th St	W	21	20	20	19	19.7	94%
Palatine Ave N	N 70th and N 72nd St	E	10	10	11	10	10.3	103%
Palatine Ave N	N 70th and N 72nd St	W	11	12	12	7	10.3	94%
Palatine Ave N	N 72nd and N 73rd St	E	9	11	12	10	11.0	122%
Palatine Ave N	N 72nd and N 73rd St	W	10	10	9	11	10.0	100%
Greenwood Ave N	N 67th and N 68th St	E	6	8	9	7	8.0	133%
Greenwood Ave N	N 67th and N 70th St	W	15	17	17	17	17.0	113%
Greenwood Ave N	N 68th and N 70th St	E	6	6	8	10	8.0	133%
Greenwood Ave N	N 70th and N 71st St	E	7	7	8	9	8.0	114%
Greenwood Ave N	N 70th and N 72nd St	W	8	10	11	10	10.3	129%
Greenwood Ave N	N 71st and N 72nd St	E	6	8	9	8	8.3	139%
Greenwood Ave N	N 72nd and N 73rd St	E	3	3	5	4	4.0	133%
Greenwood Ave N	N 72nd and N 73rd St	W	13	13	13	14	13.3	103%
Phinney Ave N	N 67th and N 68th St	E	7	12	10	12	11.3	162%
Phinney Ave N	N 67th and N 68th St	W	7	10	10	11	10.3	148%
Phinney Ave N	N 68th St and N 70th St	E	9	10	9	9	9.3	104%
Phinney Ave N	N 68th St and N 70th St	W	9	9	10	9	9.3	104%
N. 67th St.	1st Ave and Palatine	N	0					
N. 67th St.	1st Ave and Palatine	S	8	5	6	6	5.7	71%
N. 67th St.	Palatine and Greenwood	N	6	8	8	9	8.3	139%
N. 67th St.	Palatine and Greenwood	S	6	9	9	8	8.7	144%
N 68th St.	Dayton and Phinney	N	0					
N 68th St.	Dayton and Phinney	S	12	9	12	12	11.0	92%
N 68th St.	Phinney and Greenwood	N	0					
N 68th St.	Phinney and Greenwood	S	3	6	5	5	5.3	178%
N 70th St.	2nd Ave and Sycamore	N	0					
N 70th St.	2nd Ave and Sycamore	S	7	4	3	7	4.7	67%
N 70th St.	Sycamore and 1st Ave	N	0					
N 70th St.	Sycamore and 1st Ave	S	7	2	3	3	2.7	38%
N 70th St.	1st Ave and Palatine	N	0					
N 70th St.	1st Ave and Palatine	S	4	5	5	3	4.3	108%
N 70th St.	Palatine and Greenwood	N	0					
N 70th St.	Palatine and Greenwood	S	7	10	9	7	8.7	124%
N 70th St.	Greenwood and Phinney	N	0					
N 70th St.	Greenwood and Phinney	S	3	3	4	4	3.7	122%
N 70th St.	Phinney and Dayton	N	0					
N 70th St.	Phinney and Dayton	S	7	6	7	8	7.0	100%
N 71st St.	Greenwood and Dayton	N	0					
N 71st St.	Greenwood and Dayton	S	17	19	18	19	18.7	110%
N 72nd St.	1st Ave and Palatine	N	6	3	6	4	4.3	72%
N 72nd St.	1st Ave and Palatine	S	8	5	5	5	5.0	63%
N 72nd St.	Palatine and Greenwood	N	6	9	9	9	9.0	150%
N 72nd St.	Palatine and Greenwood	S	4	5	6	6	5.7	142%
N 72nd St.	Greenwood and Dayton	N	1	0	0	0	0.0	0%
N 72nd St.	Greenwood and Dayton	S	25	19	23	17	19.7	79%
N 73rd St.	Palatine and Greenwood	N	3	6	6	5	5.7	189%
N 73rd St.	Palatine and Greenwood	S	2	3	3	3	3.0	150%
			374	376	401	373	383	102%
			Utilization	100.5%	107.2%	99.7%		

7009 Greenwood Ave N

Parking Inventory & Utilization

Street	Between	Side	TOTAL	9:00 PM			Average	Utilization
				Wed	Thu	Fri		
1st Ave N	N 67th and N 70th St	E	15	20	20	19	19.7	131%
1st Ave N	N 67th and N 70th St	W	20	14	17	14	15.0	75%
1st Ave N	N 70th and N 72nd St	E	12	8	7	5	6.7	56%
1st Ave N	N 70th and N 72nd St	W	13	5	8	8	7.0	54%
Palatine Ave N	N 67th and N 70th St	E	15	16	15	13	14.7	98%
Palatine Ave N	N 67th and N 70th St	W	21	19	16	15	16.7	79%
Palatine Ave N	N 70th and N 72nd St	E	10	10	9	10	9.7	97%
Palatine Ave N	N 70th and N 72nd St	W	11	14	12	8	11.3	103%
Palatine Ave N	N 72nd and N 73rd St	E	9	11	11	9	10.3	115%
Palatine Ave N	N 72nd and N 73rd St	W	10	7	8	10	8.3	83%
Greenwood Ave N	N 67th and N 68th St	E	6	7	6	9	7.3	122%
Greenwood Ave N	N 67th and N 70th St	W	15	10	11	14	11.7	78%
Greenwood Ave N	N 68th and N 70th St	E	6	6	7	7	6.7	111%
Greenwood Ave N	N 70th and N 71st St	E	7	5	7	5	5.7	81%
Greenwood Ave N	N 70th and N 72nd St	W	8	4	6	9	6.3	79%
Greenwood Ave N	N 71st and N 72nd St	E	6	4	7	6	5.7	94%
Greenwood Ave N	N 72nd and N 73rd St	E	3	2	2	3	2.3	78%
Greenwood Ave N	N 72nd and N 73rd St	W	13	3	7	9	6.3	49%
Phinney Ave N	N 67th and N 68th St	E	7	12	9	10	10.3	148%
Phinney Ave N	N 67th and N 68th St	W	7	8	10	9	9.0	129%
Phinney Ave N	N 68th St and N 70th St	E	9	11	9	6	8.7	96%
Phinney Ave N	N 68th St and N 70th St	W	9	7	10	6	7.7	85%
N. 67th St.	1st Ave and Palatine	N	0					
N. 67th St.	1st Ave and Palatine	S	8	4	4	4	4.0	50%
N. 67th St.	Palatine and Greenwood	N	6	6	7	6	6.3	106%
N. 67th St.	Palatine and Greenwood	S	6	6	7	5	6.0	100%
N 68th St.	Dayton and Phinney	N	0					
N 68th St.	Dayton and Phinney	S	12	11	10	10	10.3	86%
N 68th St.	Phinney and Greenwood	N	0					
N 68th St.	Phinney and Greenwood	S	3	6	5	4	5.0	167%
N 70th St.	2nd Ave and Sycamore	N	0					
N 70th St.	2nd Ave and Sycamore	S	7	4	4	5	4.3	62%
N 70th St.	Sycamore and 1st Ave	N	0					
N 70th St.	Sycamore and 1st Ave	S	7	3	4	4	3.7	52%
N 70th St.	1st Ave and Palatine	N	0					
N 70th St.	1st Ave and Palatine	S	4	5	3	3	3.7	92%
N 70th St.	Palatine and Greenwood	N	0					
N 70th St.	Palatine and Greenwood	S	7	4	4	4	4.0	57%
N 70th St.	Greenwood and Phinney	N	0					
N 70th St.	Greenwood and Phinney	S	3	2	3	2	2.3	78%
N 70th St.	Phinney and Dayton	N	0					
N 70th St.	Phinney and Dayton	S	7	5	8	9	7.3	105%
N 71st St.	Greenwood and Dayton	N	0					
N 71st St.	Greenwood and Dayton	S	17	17	20	21	19.3	114%
N 72nd St.	1st Ave and Palatine	N	6	3	4	3	3.3	56%
N 72nd St.	1st Ave and Palatine	S	8	4	4	4	4.0	50%
N 72nd St.	Palatine and Greenwood	N	6	6	7	7	6.7	111%
N 72nd St.	Palatine and Greenwood	S	4	4	5	3	4.0	100%
N 72nd St.	Greenwood and Dayton	N	1	1	0	0	0.3	33%
N 72nd St.	Greenwood and Dayton	S	25	16	21	14	17.0	68%
N 73rd St.	Palatine and Greenwood	N	3	2	5	5	4.0	133%
N 73rd St.	Palatine and Greenwood	S	2	1	2	2	1.7	83%
			374	313	341	319	324	87%
			Utilization	83.7%	91.2%	85.3%		

7009 Greenwood Ave N

Parking Inventory & Utilization

SUNDAY

Street	Between	Side	TOTAL	11:00 AM	
				Sunday	Utilization
1st Ave N	N 67th and N 70th St	E	15	19	127%
1st Ave N	N 67th and N 70th St	W	20	14	70%
1st Ave N	N 70th and N 72nd St	E	12	7	58%
1st Ave N	N 70th and N 72nd St	W	13	7	54%
Palatine Ave N	N 67th and N 70th St	E	15	19	127%
Palatine Ave N	N 67th and N 70th St	W	21	19	90%
Palatine Ave N	N 70th and N 72nd St	E	10	11	110%
Palatine Ave N	N 70th and N 72nd St	W	11	13	118%
Palatine Ave N	N 72nd and N 73rd St	E	9	10	111%
Palatine Ave N	N 72nd and N 73rd St	W	10	9	90%
Greenwood Ave N	N 67th and N 68th St	E	6	8	133%
Greenwood Ave N	N 67th and N 70th St	W	15	12	80%
Greenwood Ave N	N 68th and N 70th St	E	6	8	133%
Greenwood Ave N	N 70th and N 71st St	E	7	5	71%
Greenwood Ave N	N 70th and N 72nd St	W	8	5	63%
Greenwood Ave N	N. 71st and N 72nd St	E	6	7	117%
Greenwood Ave N	N 72nd and N 73rd St	E	3	4	133%
Greenwood Ave N	N 72nd and N 73rd St	W	13	10	77%
Phinney Ave N	N 67th and N 68th St	E	7	9	129%
Phinney Ave N	N 67th and N 68th St	W	7	9	129%
Phinney Ave N	N 68th St and N 70th St	E	9	11	122%
Phinney Ave N	N 68th St and N 70th St	W	9	8	89%
N. 67th St.	1st Ave and Palatine	N	0		
N. 67th St.	1st Ave and Palatine	S	8	5	63%
N. 67th St.	Palatine and Greenwood	N	6	4	67%
N. 67th St.	Palatine and Greenwood	S	6	3	50%
N 68th St.	Dayton and Phinney	N	0		
N 68th St.	Dayton and Phinney	S	12	10	83%
N 68th St.	Phinney and Greenwood	N	0		
N 68th St.	Phinney and Greenwood	S	3	4	133%
N 70th St.	2nd Ave and Sycamore	N	0		
N 70th St.	2nd Ave and Sycamore	S	7	3	43%
N 70th St.	Sycamore and 1st Ave	N	0		
N 70th St.	Sycamore and 1st Ave	S	7	7	100%
N 70th St.	1st Ave and Palatine	N	0		
N 70th St.	1st Ave and Palatine	S	4	5	125%
N 70th St.	Palatine and Greenwood	N	0		
N 70th St.	Palatine and Greenwood	S	7	7	100%
N 70th St.	Greenwood and Phinney	N	0		
N 70th St.	Greenwood and Phinney	S	3	5	167%
N 70th St.	Phinney and Dayton	N	0		
N 70th St.	Phinney and Dayton	S	7	9	129%
N 71st St.	Greenwood and Dayton	N	0		
N 71st St.	Greenwood and Dayton	S	17	16	94%
N 72nd St.	1st Ave and Palatine	N	6	2	33%
N 72nd St.	1st Ave and Palatine	S	8	3	38%
N 72nd St.	Palatine and Greenwood	N	6	8	133%
N 72nd St.	Palatine and Greenwood	S	4	7	175%
N 72nd St.	Greenwood and Dayton	N	1	0	0%
N 72nd St.	Greenwood and Dayton	S	25	16	64%
N 73rd St.	Palatine and Greenwood	N	3	5	167%
N 73rd St.	Palatine and Greenwood	S	2	2	100%
			374	345	92%
			Utilization	92.2%	

Other Projects -- Parking Demand and Study Area Spillover

Revised: 30 May 2017

6800 Greenwood					Estimated Parking Demand			Share in Study Area
Land Use		Rate	Peak Demand		% of Peak at Noon	Noon Demand	Spillover	
Apts	32 units	0.6	19		65%	12	0	63%
Specialty Retail	4100 sq ft	1	5		95%	5	5	
On-Site Parking	28 stalls						5	
					% of Peak at 7pm			3
					97%	19	0	
					95%	5	5	
					% of Peak at 9pm			3
					99%	19	0	
					50%	3	3	
					% of Peak at Noon			2
							3	2
6726 Greenwood					% of Peak at Noon			44%
Land Use		Rate	Peak Demand		Noon	Noon Demand	Spillover	
Apts	57 units	0.57	33		65%	21	21	11
Specialty Retail	3298 sq ft	1	4		95%	4	4	
On-Site Parking	0 stalls						25	
Displaced Demand					Less Displaced:			Net: 11
		% Auto	AVO		60%	0	0	
Ed's Kort Haus estimate:	1800 sq. ft. 40 seats 5 staff	75% 80%	1.5 1.1		% of Peak at 7pm			
					97%	32	32	
					95%	4	4	
<i>Displacement no longer counted given City's acceptance of Gibson TIA that claimed no net displacement despite TIA tables using retail instead of restaurant rates</i>					Less Displaced:			Net: 16
					95%	0	0	
					% of Peak at 9pm			
					99%	33	33	
					50%	2	2	
					Less Displaced:			Net: 15
					80%	0	0	
6528 Phinney					% of Peak at Noon			15%
Land Use		Rate	Peak Demand		Noon	Noon Demand	Spillover	
Apts	10 units	0.61	6		65%	4	4	1
Specialty Retail	670 sq ft	1	1		95%	1	1	
On-Site Parking	0 stalls						5	
					% of Peak at 7pm			1
					97%	6	6	
					95%	1	1	
					% of Peak at 9pm			1
					99%	6	6	
					50%	1	1	
					% of Peak at Noon			1
							7	1

Spillover Summary	
Time	Spillover in Study Area
Noon	15
7pm	20
9pm	18

Metro Transit

Route 5

Downtown Seattle to Greenwood to Shoreline CC

Weekday: To Shoreline CC

Effective 9-10-16 to 3-10-17

4th Av S & S Jackson St (Island Stop)	Downtown Seattle 3rd Ave & Pine St	Aurora Ave & Denny Way	Fremont Aurora Off-Ramp & N 38th St	Phinney Ave N & N 46th St	N 85th St & Greenwood Ave N	Greenwood Ave N & N 103rd St	N 145th St & Greenwood Ave N	Shoreline Community College
5:18 AM	5:25 AM	5:31 AM	5:37 AM	5:41 AM*	5:49 AM*	5:52 AM*	6:00 AM*	6:03 AM
5:50 AM	5:57 AM	6:03 AM	6:09 AM	6:13 AM*	6:21 AM*	6:24 AM*	6:32 AM*	6:35 AM
6:21 AM	6:28 AM	6:34 AM	6:40 AM	6:44 AM*	6:52 AM*	6:55 AM*	7:03 AM*	7:06 AM
6:36 AM	6:43 AM	6:49 AM	6:55 AM	6:59 AM*	7:07 AM*	7:10 AM*	7:18 AM*	7:22 AM
6:51 AM	6:58 AM	7:04 AM	7:10 AM	7:14 AM*	7:22 AM*	7:25 AM*	7:33 AM*	7:37 AM
7:07 AM	7:14 AM	7:20 AM	7:27 AM	7:31 AM*	7:40 AM*	7:44 AM*	7:52 AM*	7:56 AM
7:23 AM	7:30 AM	7:36 AM	7:43 AM	7:47 AM*	7:57 AM*	8:01 AM*	8:09 AM*	8:13 AM
7:38 AM	7:45 AM	7:51 AM	7:58 AM	8:02 AM*	8:12 AM*	8:16 AM*	8:24 AM*	8:28 AM
7:53 AM	8:00 AM	8:06 AM	8:13 AM	8:17 AM*	8:27 AM*	8:31 AM*	8:39 AM*	8:43 AM
8:08 AM	8:15 AM	8:21 AM	8:28 AM	8:32 AM*	8:42 AM*	8:46 AM*	8:54 AM*	8:58 AM
8:23 AM	8:30 AM	8:36 AM	8:43 AM	8:47 AM*	8:57 AM*	9:01 AM*	9:09 AM*	9:13 AM
8:38 AM	8:45 AM	8:51 AM	8:58 AM	9:02 AM*	9:11 AM*	9:15 AM*	9:23 AM*	9:27 AM
8:53 AM	9:00 AM	9:06 AM	9:13 AM	9:17 AM*	9:26 AM*	9:30 AM*	9:38 AM*	9:42 AM
9:08 AM	9:15 AM	9:21 AM	9:27 AM	9:31 AM*	9:40 AM*	9:44 AM*	9:52 AM*	9:56 AM
9:23 AM	9:30 AM	9:36 AM	9:42 AM	9:46 AM*	9:55 AM*	9:59 AM*	10:07 AM*	10:11 AM
9:38 AM	9:45 AM	9:51 AM	9:57 AM	10:01 AM*	10:10 AM*	10:14 AM*	10:22 AM*	10:26 AM
9:53 AM	10:00 AM	10:06 AM	10:12 AM	10:16 AM*	10:25 AM*	10:29 AM*	10:37 AM*	10:41 AM
10:08 AM	10:15 AM	10:21 AM	10:27 AM	10:31 AM*	10:40 AM*	10:44 AM*	10:52 AM*	10:56 AM
10:23 AM	10:30 AM	10:36 AM	10:42 AM	10:46 AM*	10:55 AM*	10:59 AM*	11:07 AM*	11:11 AM
10:38 AM	10:45 AM	10:51 AM	10:57 AM	11:01 AM*	11:11 AM*	11:15 AM*	11:23 AM*	11:27 AM
10:53 AM	11:00 AM	11:06 AM	11:12 AM	11:16 AM*	11:26 AM*	11:30 AM*	11:38 AM*	11:42 AM
11:08 AM	11:15 AM	11:21 AM	11:27 AM	11:31 AM*	11:41 AM*	11:46 AM*	11:54 AM*	11:58 AM

4th Av S & S Jackson St (Island Stop)	Downtown Seattle 3rd Ave & Pine St	Aurora Ave & Denny Way	Fremont Aurora Off-Ramp & N 38th St	Phinney Ave N & N 46th St	N 85th St & Greenwood Ave N	Greenwood Ave N & N 103rd St	N 145th St & Greenwood Ave N	Shoreline Community College
11:23 AM	11:30 AM	11:37 AM	11:43 AM	11:47 AM*	11:57 AM*	12:02 AM*	12:10 PM*	12:14 PM
11:38 AM	11:45 AM	11:52 AM	11:58 AM	12:02 PM*	12:12 PM*	12:17 PM*	12:25 PM*	12:29 PM
11:53 AM	12:00 PM	12:07 PM	12:13 PM	12:17 PM*	12:27 PM*	12:32 PM*	12:40 PM*	12:44 PM
12:08 PM	12:15 PM	12:22 PM	12:28 PM	12:32 PM*	12:42 PM*	12:47 PM*	12:55 PM*	12:59 PM
12:22 PM	12:29 PM	12:36 PM	12:42 PM	12:46 PM*	12:56 PM*	1:01 PM*	1:10 PM*	1:14 PM
12:36 PM	12:44 PM	12:51 PM	12:57 PM	1:01 PM*	1:11 PM*	1:16 PM*	1:25 PM*	1:29 PM
12:51 PM	12:59 PM	1:06 PM	1:12 PM	1:16 PM*	1:26 PM*	1:31 PM*	1:40 PM*	1:44 PM
1:07 PM	1:15 PM	1:22 PM	1:28 PM	1:32 PM*	1:42 PM*	1:47 PM*	1:56 PM*	2:00 PM
1:22 PM	1:30 PM	1:37 PM	1:43 PM	1:47 PM*	1:57 PM*	2:02 PM*	2:11 PM*	2:15 PM
1:37 PM	1:45 PM	1:52 PM	1:58 PM	2:02 PM*	2:12 PM*	2:17 PM*	2:26 PM*	2:30 PM
1:52 PM	2:00 PM	2:07 PM	2:13 PM	2:17 PM*	2:27 PM*	2:32 PM*	2:42 PM*	2:46 PM
2:07 PM	2:15 PM	2:22 PM	2:28 PM	2:32 PM*	2:43 PM*	2:49 PM*	2:59 PM*	3:03 PM
2:22 PM	2:30 PM	2:37 PM	2:44 PM	2:48 PM*	2:59 PM*	3:05 PM*	3:15 PM*	3:19 PM
2:37 PM	2:45 PM	2:52 PM	2:59 PM	3:03 PM*	3:14 PM*	3:20 PM*	3:30 PM*	3:34 PM
2:52 PM	3:00 PM	3:07 PM	3:14 PM	3:19 PM*	3:31 PM*	3:37 PM*	3:47 PM*	3:51 PM
3:07 PM	3:15 PM	3:22 PM	3:30 PM	3:35 PM*	3:47 PM*	3:53 PM*	4:03 PM*	4:07 PM
3:22 PM	3:30 PM	3:37 PM	3:45 PM	3:50 PM*	4:02 PM*	4:08 PM*	4:19 PM*	4:23 PM
3:37 PM	3:45 PM	3:52 PM	4:00 PM	4:05 PM*	4:18 PM*	4:24 PM*	4:35 PM*	4:39 PM
3:52 PM	4:00 PM	4:07 PM	4:15 PM	4:20 PM*	4:33 PM*	4:39 PM*	4:50 PM*	4:54 PM
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4:12 PM E	4:20 PM E	4:27 PM E	---	4:41 PM* E	4:55 PM* E	---	---	---
4:22 PM	4:30 PM	4:37 PM	4:45 PM	4:50 PM*	5:04 PM*	5:10 PM*	5:21 PM*	5:25 PM
4:28 PM E	4:36 PM E	4:43 PM E	---	4:57 PM* E	5:12 PM* E	---	---	---
4:36 PM	4:45 PM	4:52 PM	5:00 PM	5:06 PM*	5:20 PM*	5:26 PM*	5:37 PM*	5:41 PM
4:42 PM E	4:51 PM E	4:58 PM E	---	5:12 PM* E	5:27 PM* E	---	---	---
4:51 PM	5:00 PM	5:08 PM	5:16 PM	5:22 PM*	5:36 PM*	5:42 PM*	5:53 PM*	5:57 PM

4th Av S & S Jackson St (Island Stop)	Downtown Seattle 3rd Ave & Pine St	Aurora Ave & Denny Way	Fremont Aurora Off-Ramp & N 38th St	Phinney Ave N & N 46th St	N 85th St & Greenwood Ave N	Greenwood Ave N & N 103rd St	N 145th St & Greenwood Ave N	Shoreline Community College
4:52 PM E	5:01 PM E	5:08 PM E	---	5:22 PM* E	5:37 PM* E	---	---	---
5:00 PM E	5:09 PM E	5:16 PM E	---	5:30 PM* E	5:44 PM* E	---	---	---
5:06 PM	5:15 PM	5:23 PM	5:31 PM	5:37 PM*	5:50 PM*	5:56 PM*	6:07 PM*	6:11 PM
5:08 PM E	5:17 PM E	5:24 PM E	---	5:38 PM* E	5:52 PM* E	---	---	---
5:16 PM E	5:25 PM E	5:32 PM E	---	5:46 PM* E	6:00 PM* E	---	---	---
5:21 PM	5:30 PM	5:38 PM	5:46 PM	5:52 PM*	6:04 PM*	6:09 PM*	6:19 PM*	6:23 PM
5:24 PM E	5:33 PM E	5:40 PM E	---	5:54 PM* E	6:08 PM* E	---	---	---
5:36 PM E	5:44 PM E	5:51 PM E	---	6:05 PM* E	6:19 PM* E	---	---	---
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5:51 PM E	5:59 PM E	6:06 PM E	---	6:20 PM* E	6:34 PM* E	---	---	---
5:52 PM	6:00 PM	6:08 PM	6:16 PM	6:22 PM*	6:33 PM*	6:38 PM*	6:47 PM*	6:50 PM
6:06 PM E	6:13 PM E	6:20 PM E	---	6:34 PM* E	6:48 PM* E	---	---	---
6:08 PM	6:15 PM	6:23 PM	6:31 PM	6:37 PM*	6:48 PM*	6:53 PM*	7:02 PM*	7:05 PM
6:23 PM	6:30 PM	6:37 PM	6:45 PM	6:50 PM*	7:01 PM*	7:05 PM*	7:13 PM*	7:16 PM
6:38 PM	6:45 PM	6:52 PM	6:59 PM	7:04 PM*	7:14 PM*	7:18 PM*	7:26 PM*	7:29 PM
6:53 PM	7:00 PM	7:07 PM	7:14 PM	7:19 PM*	7:29 PM*	7:33 PM*	7:41 PM*	7:44 PM
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7:38 PM	7:45 PM	7:51 PM	7:57 PM	8:02 PM*	8:11 PM*	8:15 PM*	8:22 PM*	8:25 PM
7:53 PM	8:00 PM	8:06 PM	8:12 PM	8:16 PM*	8:25 PM*	8:29 PM*	8:36 PM*	8:39 PM
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8:37 PM	8:44 PM	8:50 PM	8:56 PM	9:00 PM*	9:09 PM*	9:13 PM*	9:20 PM*	9:23 PM
8:53 PM	9:00 PM	9:06 PM	9:12 PM	9:16 PM*	9:25 PM*	9:29 PM*	9:36 PM*	9:39 PM
9:07 PM	9:14 PM	9:20 PM	9:26 PM	9:30 PM*	9:38 PM*	9:42 PM*	9:49 PM*	9:52 PM

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9:23 PM	9:30 PM	9:36 PM	9:42 PM	9:46 PM*	9:54 PM*	9:58 PM*	10:05 PM*	10:08 PM
9:37 PM	9:44 PM	9:50 PM	9:56 PM	10:00 PM*	10:08 PM*	10:11 PM*	10:18 PM*	10:21 PM
9:53 PM	10:00 PM	10:06 PM	10:12 PM	10:16 PM*	10:24 PM*	10:27 PM*	10:34 PM*	10:37 PM
10:07 PM	10:14 PM	10:20 PM	10:26 PM	10:30 PM*	10:38 PM*	10:41 PM*	10:48 PM*	10:51 PM
10:23 PM	10:30 PM	10:36 PM	10:42 PM	10:46 PM*	10:54 PM*	10:57 PM*	11:04 PM*	11:07 PM
10:37 PM	10:44 PM	10:50 PM	10:56 PM	11:00 PM*	11:08 PM*	11:11 PM*	11:18 PM*	11:21 PM
10:53 PM	11:00 PM	11:06 PM	11:12 PM	11:16 PM*	11:24 PM*	11:27 PM*	11:34 PM*	11:37 PM
11:07 PM	11:14 PM	11:20 PM	11:26 PM	11:30 PM*	11:38 PM*	11:41 PM*	11:48 PM*	11:51 PM
11:23 PM	11:30 PM	11:36 PM	11:42 PM	11:46 PM*	11:54 PM*	11:57 PM*	12:03 AM*	12:06 AM
11:53 PM	12:00 AM	12:05 AM	12:11 AM	12:14 AM*	12:21 AM*	12:23 AM*	12:29 AM*	12:32 AM
12:23 AM	12:30 AM	12:35 AM	12:41 AM	12:44 AM*	12:51 AM*	12:53 AM*	12:59 AM*	1:02 AM
12:58 AM	1:05 AM	1:10 AM	1:16 AM	1:19 AM*	1:26 AM*	1:28 AM*	1:34 AM*	1:37 AM

*This is an estimated time.

Related Routes



Schedule Notes

The following notes apply only if the codes are found in the schedule:

D - Leaves 1st Ave NW & NW 90th St a few minutes earlier and travels via NW 90th St, 3rd Ave NW, NW 85th St (serving N 85th St & 1st Ave N) then south on Greenwood Ave N.

E - EXPRESS

- **Southbound** makes NO STOPS after leaving N 65th St & Phinney Ave N until arriving at Aurora Ave N & Denny St, EXCEPT on Phinney Ave N at N 55th St and on N 46th St at Phinney Ave N.
- **Northbound** makes NO STOPS after leaving Aurora Ave & Denny Way until arriving at N 64th St & Phinney Ave N, EXCEPT at Phinney Ave N & N 46th St and N 55th St.

- H** - This trip does NOT operate on Nov. 11 & 25, Dec. 27-30, Jan. 16 and Feb. 20.
- CB** - Continues to Metro Base, Airport Way S & S Atlantic St

Special Service Information

- Route 355 operates express service weekday peak hours, only, and augments Route 5 service between Shoreline and Greenwood during these periods. Refer to Route 5 schedules for additional service in the mornings, middays, nights and weekends.
- **To downtown Seattle:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.
- **To Shoreline:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.

This route has improved service thanks to Seattle voters.



Metro Transit

Route 5

Shoreline CC to Greenwood to Downtown Seattle

Weekday: To Downtown Seattle

Effective 9-10-16 to 3-10-17

Shoreline Community College	N 145th St & Greenwood N	Greenwood Ave N & Holman Rd N	N 85th St & Greenwood Ave N	Phinney Ave N & N 46th St	Fremont Aurora Bridge On-Ramp	5th Ave & Wall St	Downtown Seattle 3rd Ave & Pike St	3rd Ave S & S Main St	To Route
4:45 AM	4:49 AM	4:56 AM	5:00 AM	5:08 AM	5:13 AM	5:19 AM	5:25 AM	5:31 AM	<u>Route 21</u>
5:14 AM	5:18 AM	5:25 AM	5:29 AM	5:38 AM	5:43 AM	5:49 AM	5:55 AM	6:01 AM	<u>Route 21</u>
5:43 AM	5:48 AM	5:55 AM	5:59 AM	6:08 AM	6:13 AM	6:19 AM	6:25 AM	6:32 AM	<u>Route 21</u>
---	---	---	6:13 AM D E	6:23 AM E	---	---	6:40 AM* E	6:46 AM* E	---
6:09 AM	6:14 AM	6:21 AM	6:26 AM	6:36 AM	6:42 AM	6:49 AM	6:55 AM	7:02 AM	<u>Route 21</u>
---	---	---	6:38 AM D E	6:48 AM E	---	---	7:05 AM* E	7:11 AM* E	---
6:31 AM	6:36 AM	6:43 AM	6:49 AM	6:59 AM	7:06 AM	7:14 AM	7:20 AM	7:27 AM	<u>Route 21</u>
---	---	---	6:57 AM D E	7:07 AM E	---	---	7:24 AM* E	7:30 AM* E	---
6:45 AM	6:50 AM	6:57 AM	7:03 AM	7:14 AM	7:21 AM	7:29 AM	7:35 AM	7:42 AM	Route 21
---	---	---	7:12 AM D E	7:22 AM E	---	---	7:39 AM* E	7:45 AM* E	---
6:59 AM	7:04 AM	7:12 AM	7:18 AM	7:29 AM	7:36 AM	7:44 AM	7:50 AM	7:57 AM	Route 21
---	---	---	7:22 AM D E	7:32 AM E	---	---	7:50 AM* E	7:56 AM* E	---
7:13 AM	7:19 AM	7:27 AM	7:33 AM	7:44 AM	7:51 AM	7:59 AM	8:05 AM	8:12 AM	Route 21
---	---	---	7:34 AM D E	7:44 AM E	---	---	8:02 AM* E	8:08 AM* E	CB
---	---	---	7:42 AM D E	7:52 AM E	---	---	8:10 AM* E	8:16 AM* E	---
7:28 AM	7:34 AM	7:42 AM	7:48 AM	7:59 AM	8:06 AM	8:14 AM	8:20 AM	8:27 AM	<u>Route 21</u>

Shoreline Community College	N 145th St & Greenwood N	Greenwood Ave N & Holman Rd N	N 85th St & Greenwood Ave N	Phinney Ave N & N 46th St	Fremont Aurora Bridge On-Ramp	5th Ave & Wall St	Downtown Seattle 3rd Ave & Pike St	3rd Ave S & S Main St	To Route
---	---	---	7:52 AM D E	8:02 AM E	---	---	8:21 AM* E	8:27 AM* E	---
7:43 AM	7:49 AM	7:57 AM	8:03 AM	8:14 AM	8:21 AM	8:29 AM	8:35 AM	8:42 AM	Route 21
---	---	---	8:04 AM D E	8:15 AM E	---	---	8:34 AM* E	8:40 AM* E	CB
---	---	---	8:17 AM D E	8:28 AM E	---	---	8:47 AM* E	8:53 AM* E	CB
7:58 AM	8:04 AM	8:12 AM	8:18 AM	8:29 AM	8:36 AM	8:44 AM	8:50 AM	8:57 AM	Route 21
8:12 AM	8:18 AM	8:26 AM	8:32 AM	8:43 AM	8:50 AM	8:58 AM	9:05 AM	9:12 AM	Route 21
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Shoreline Community College	N 145th St & Greenwood N	Greenwood Ave N & Holman Rd N	N 85th St & Greenwood Ave N	Phinney Ave N & N 46th St	Fremont Aurora Bridge On-Ramp	5th Ave & Wall St	Downtown Seattle 3rd Ave & Pike St	3rd Ave S & S Main St	To Route
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7:37 PM	7:41 PM	7:48 PM	7:52 PM	8:00 PM	8:05 PM	8:11 PM	8:18 PM	8:24 PM	---
7:54 PM	7:58 PM	8:05 PM	8:09 PM	8:17 PM	8:22 PM	8:28 PM	8:35 PM	8:42 PM	Route 21
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12:41 AM	12:45 AM	12:50 AM	12:53 AM	1:00 AM	1:03 AM	1:09 AM	1:15 AM	1:22 AM	Route 21

*This is an estimated time.

Related Routes

 21

 355

Schedule Notes

The following notes apply only if the codes are found in the schedule:

D - Leaves 1st Ave NW & NW 90th St a few minutes earlier and travels via NW 90th St, 3rd Ave NW, NW 85th St (serving N 85th St & 1st Ave N) then south on Greenwood Ave N.

E - EXPRESS

- **Southbound** makes NO STOPS after leaving N 65th St & Phinney Ave N until arriving at Aurora Ave N & Denny St, EXCEPT on Phinney Ave N at N 55th St and on N 46th St at Phinney Ave N.
- **Northbound** makes NO STOPS after leaving Aurora Ave & Denny Way until arriving at N 64th St & Phinney Ave N, EXCEPT at Phinney Ave N & N 46th St and N 55th St.

H - This trip does NOT operate on Nov. 11 & 25, Dec. 27-30, Jan. 16 and Feb. 20.

CB - Continues to Metro Base, Airport Way S & S Atlantic St

Special Service Information

- Route 355 operates express service weekday peak hours, only, and augments Route 5 service between Shoreline and Greenwood during these periods. Refer to Route 5 schedules for additional service in the mornings, middays, nights and weekends.
- **To downtown Seattle:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.
- **To Shoreline:** Makes no stops between N 85th & Wallingford Ave N and Shoreline Community College, EXCEPT on N 85th St at Aurora Ave N and Fremont Ave N; on Greenwood Ave N at N 85th, N 87th, N 97th St, N 100th St, N 103rd St, N 110th St, N 117th St, N 125th St, N 130th St, N 134th St, N 143rd St, N 145th St and N 160th St.

This route has improved service thanks to Seattle voters.



7009 Greenwood Avenue N.

Metro Route 5 -- Shoreline CC to Greenwood to Downtown Seattle

Nearest Timestop: Greenwood Ave N/N 85th St

WEEKDAYS				SATURDAYS			
To Downtown Seattle		To Shoreline CC		To Downtown Seattle		To Shoreline CC	
Leave	Headway (minutes)	Leave	Headway (minutes)	Leave	Headway (minutes)	Leave	Headway (minutes)
5:00		5:49		5:36		6:36	
5:30	0:30	6:21	0:32	6:06	0:30	7:06	0:30
5:59	0:29	6:52	0:31	6:36	0:30	7:36	0:30
6:13	0:14	7:07	0:15	7:04	0:28	8:06	0:30
6:26	0:13	7:22	0:15	7:19	0:15	8:39	0:33
6:38	0:12	7:40	0:18	7:34	0:15	8:54	0:15
6:50	0:12	7:57	0:17	7:49	0:15	9:09	0:15
6:57	0:07	8:12	0:15	8:04	0:15	9:24	0:15
7:02	0:05	8:27	0:15	8:19	0:15	9:40	0:16
7:11	0:09	8:42	0:15	8:34	0:15	9:55	0:15
7:15	0:04	8:57	0:15	8:49	0:15	10:10	0:15
7:22	0:07	9:11	0:14	9:04	0:15	10:25	0:15
7:27	0:05	9:26	0:15	9:18	0:14	10:40	0:15
7:32	0:05	9:40	0:14	9:33	0:15	10:56	0:16
7:39	0:07	9:55	0:15	9:48	0:15	11:11	0:15
7:46	0:07	10:10	0:15	10:03	0:15	11:26	0:15
7:51	0:05	10:25	0:15	10:17	0:14	11:41	0:15
7:57	0:06	10:40	0:15	10:32	0:15	11:56	0:15
8:03	0:06	10:55	0:15	10:47	0:15	12:11	0:15
8:08	0:05	11:11	0:16	11:02	0:15	12:28	0:17
8:15	0:07	11:26	0:15	11:17	0:15	12:43	0:15
8:20	0:05	11:41	0:15	11:31	0:14	12:58	0:15
8:28	0:08	11:57	0:16	11:46	0:15	13:13	0:15
8:35	0:07	12:12	0:15	12:01	0:15	13:28	0:15
8:46	0:11	12:27	0:15	12:16	0:15	13:43	0:15
8:55	0:09	12:42	0:15	12:31	0:15	13:58	0:15
9:05	0:10	12:56	0:14	12:46	0:15	14:13	0:15
9:20	0:15	13:11	0:15	13:01	0:15	14:28	0:15
9:35	0:15	13:26	0:15	13:16	0:15	14:43	0:15
9:49	0:14	13:42	0:16	13:31	0:15	14:58	0:15
10:04	0:15	13:57	0:15	13:46	0:15	15:13	0:15
10:19	0:15	14:12	0:15	14:01	0:15	15:27	0:14
10:34	0:15	14:27	0:15	14:16	0:15	15:42	0:15
10:49	0:15	14:43	0:16	14:31	0:15	15:57	0:15
11:04	0:15	14:59	0:16	14:46	0:15	16:12	0:15
11:21	0:17	15:14	0:15	15:01	0:15	16:27	0:15
11:36	0:15	15:31	0:17	15:16	0:15	16:42	0:15
11:51	0:15	15:47	0:16	15:31	0:15	16:57	0:15
12:06	0:15	16:02	0:15	15:46	0:15	17:12	0:15
12:21	0:15	16:18	0:16	16:01	0:15	17:27	0:15
12:35	0:14	16:33	0:15	16:16	0:15	17:42	0:15
12:49	0:14	16:43	0:10	16:31	0:15	17:57	0:15
13:04	0:15	16:48	0:05	16:46	0:15	18:11	0:14
13:19	0:15	16:55	0:07	17:01	0:15	18:25	0:14
13:34	0:15	17:04	0:09	17:16	0:15	18:40	0:15
13:49	0:15	17:12	0:08	17:33	0:17	18:55	0:15
14:04	0:15	17:20	0:08	17:48	0:15	19:10	0:15
14:19	0:15	17:27	0:07	18:03	0:15	19:25	0:15
14:34	0:15	17:36	0:09	18:18	0:15	19:40	0:15
14:49	0:15	17:37	0:01	18:34	0:16	19:55	0:15
15:04	0:15	17:44	0:07	18:49	0:15	20:10	0:15
15:20	0:16	17:50	0:06	19:04	0:15	20:25	0:15
15:34	0:14	17:52	0:02	19:19	0:15	20:40	0:15
15:48	0:14	18:00	0:08	19:35	0:16	20:55	0:15
16:03	0:15	18:04	0:04	19:50	0:15	21:09	0:14
16:18	0:15	18:08	0:04	20:05	0:15	21:23	0:14
16:33	0:15	18:19	0:11	20:20	0:15	21:38	0:15
16:48	0:15	18:33	0:14	20:35	0:15	21:53	0:15
17:03	0:15	18:34	0:01	20:50	0:15	22:06	0:13
17:18	0:15	18:48	0:14	21:05	0:15	22:23	0:17
17:34	0:16	19:01	0:13	21:20	0:15	22:36	0:13
17:49	0:15	19:14	0:13	21:35	0:15	22:51	0:15
18:04	0:15	19:31	0:17	21:50	0:15	23:03	0:12
18:20	0:16	19:46	0:15	22:05	0:15	23:21	0:18
18:35	0:15	19:58	0:12	22:17	0:12	23:34	0:13
18:53	0:18	20:11	0:13	22:29	0:12	23:51	0:17
19:08	0:15	20:25	0:14	22:44	0:15	0:21	0:30
19:23	0:15	20:40	0:15	22:59	0:15	0:51	0:30
19:39	0:16	20:55	0:15	23:29	0:30	1:26	0:35
19:52	0:13	21:09	0:14	23:59	0:30		
20:09	0:17	21:25	0:16	0:29	0:30		
20:24	0:15	21:38	0:13				
20:29	0:05	21:54	0:16				
20:39	0:10	22:08	0:14				
20:54	0:15	22:24	0:16				
21:09	0:15	22:38	0:14				
21:24	0:15	22:54	0:16				
21:39	0:15	23:08	0:14				
21:54	0:15	23:24	0:16				
22:12	0:18	23:38	0:14				
22:27	0:15	23:54	0:16				
22:42	0:15	0:21	0:27				
22:57	0:15	0:51	0:30				
23:12	0:15	1:26	0:35				
23:42	0:30						
0:13	0:31						
0:53	0:40						
			16:47				
Hours with 15 min or less Headways:	13:32		10:40		14:06		12:18
Hours with 30 min or less Headways:	18:42		19:02		18:53		17:27





King County Multi-Family Residential Parking Calculator

TOOLS TO BALANCE SUPPLY

CALCULATOR

Parking/Unit Ratio (Number of Stalls)



1 Parcel Selected

Parking/Unit Ratio

1.05



Building & Parking Specifications

Location Characteristics

Parking Impacts

The preset values below represent regional average values (from field work) for building and parking specifications. These represent the default values for which all parking use ratios are estimated. See below the break for guidance on unbundled and affordable housing options.

	NUMBER OF UNITS	AVERAGE RENT (\$)	RESIDENTIAL AREA (SQ FT)
STUDIOS:	5	\$1,595	455
1 BEDROOMS:	9	\$1,920	582
2 BEDROOMS:	10	\$3,490	1057
3+ BEDROOMS:	11	\$4,450	1348
TOTAL:	35	\$3,117	32,911

NUMBER OF AFFORDABLE UNITS:

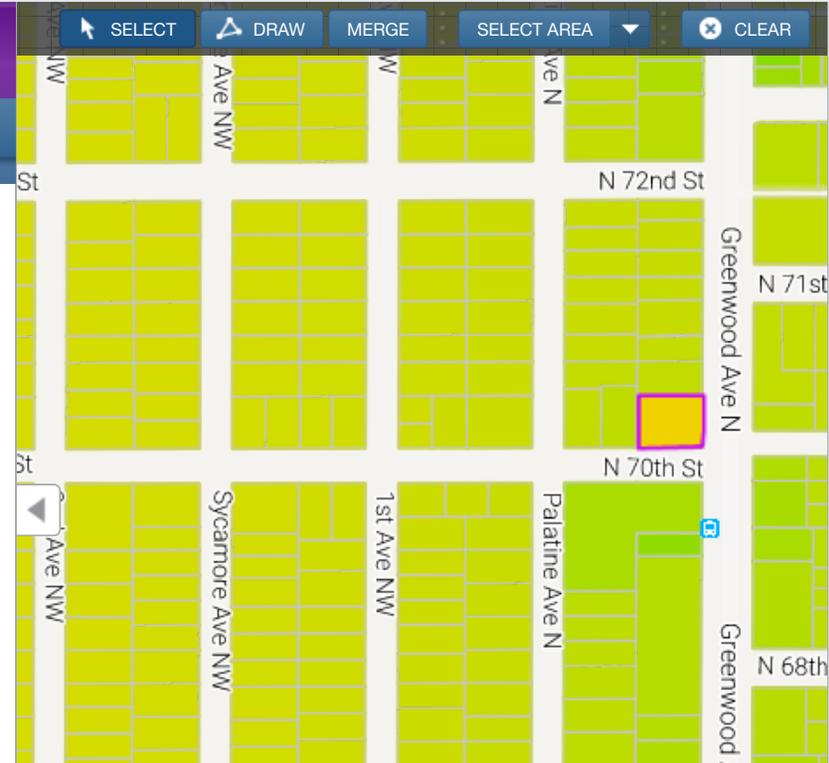
2

MONTHLY PRICE PER STALL: (\$)

\$125

UPDATE

RESET



Google

Map dReport a map error

Selection Info

LETTER OF TRANSMITTAL

Date: July 12, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Megan Neuman (POLICY & TECHNICAL)

From: David Fuchs

Re: Correction Notice #1: PoTech

Response to PoTech Correction #1 (May 23, 2017):

1. Mandatory Housing Affordability:

The project will comply with the in-lieu Payment Option of the MHA. However, we are choosing not to provide the information at this time but shall as required by SDCI.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



JOHNSTON ARCHITECTS LLC

LETTER OF TRANSMITTAL

Date: July 12, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Lindsay M King (LAND USE)

From: David Fuchs

Re: Correction Notice #2: Land Use

Response to Land Use Correction #1 (April 04, 2017):

Please note the following changes to the drawings:

- The greenhouse has moved $\pm 2'-6"$ to the east and the PV array has moved 2'-6" to the west (both away from the lot lines) in order to reduce their visibility from the street. The angle of the PV array has also been reduced from 45° to 10° for the same reason.
- Brick has been removed from the center portion of the north façade at Level 1 (see A300). It has been added on the west façade on Levels 2-4 south of the gasket to align with the brick at Level 1 (see A303). This moved the brick, a high-quality material, from the lesser-seen north façade to the more public west façade.
- 12" "popouts" have been added on the west side of the entry court on Levels 2-5; this is the area only visible from inside the courtyard, not the street. Previously, it was a plumb wall 45'-0" tall (all other facades in the entry court have elevated walkways at every level). The team felt that added some playfulness along that wall would liven up the courtyard space. See sheets A202-A205 and 2/A304.

- 1) At the Design Review Board Recommendation Meeting on July 18, 2016, the board recommended approval subject to the following conditions: (our response to each is shown below)

- a. *Provide an additional setback in the SW corner of the structure, consistent with the northwest corner, at a minimum of 4 feet in depth.*

Response: The west façade of the SW block has been set back to 4' in depth with the exception of the corner. At the Recommendation Meeting, the Design Review Board recommended both to add a setback of 4' at the SW corner, as well as to keep the South (N 70th St) Elevation unchanged. Although these two instructions seem to be contradictory, we feel we accomplished both with our changed design. The strong SW corner has been kept to retain a stacked and balanced composition on the South façade, while everything but the southernmost 11' of the west façade has been set back the required 4' (see Sheets A205 and A301).

- b. *Maintain the vertical gasket at the existing depth of 6'2.*

Response: Noted; the vertical gasket's depth has not been changed.

- c. *Maintain the wood soffit and use of wood in the interior.*

Response: Noted; the wood soffit and siding in the interior court has not been changed.



JOHNSTON ARCHITECTS LLC

- d. *Design the gate for both entries to the commercial courtyard to express either an artful or architectural composition, integrated into the overall building design concept.*

Response: The gates at both interior court entries have been deleted from the project due to cost and complexity.

2) Rezone Criteria

a. *Physical Buffers:*

Response: The single-family lot to the west, which is part of the development site, shall remain an open space. It will provide a 53' wide buffer zone consistent with SMC 23.34.008.E.2.d, which considers open space a physical buffer that provides an effective separation.

b. *Compatible Heights:*

The zoning to the north, south, and west is all one zone lower (NC-40), which may be up-zoned to NC-55 upon the adoption of HALA proposal. To the north, the parcel includes 3 structures on it, including a 40' tower. To the south, the nearest lot is separated by a 50'-wide Right-of-Way buffer zone (N 70th St). To the east, the nearest lot is separated by a 70'-wide Right-of-Way buffer zone (Greenwood Ave N). In addition, the current zoning of the lot is NC-40, which allows a 44' tall structure (4' bonus for ground-level retail); our proposal is 11' taller, which is a gradual transition. Furthermore, we have changed the exterior materials of the entire top floor all around the building to minimize its presence and appear lighter and focus attention up to first 40'. The upper level all along the west façade has been set back a minimum of 4'-0" to provide a smooth transition to the Single-Family Zone to the west. At the northwest corner, this set back increases to 6'-2" as we move away from the busier right-of-way at N 70th St. This 4'-0" setback was determined by the Design Review Board (DRB) at the Recommendation Meeting to be an appropriate transition between the two zones, and was therefore fully implemented as directed into the project. (The SW corner does not have a setback on the west side for the southernmost 11', as the DRB determined that it was an essential part of the south façade). See 1/A205 for plan and 1/A403 and 1/A404 for Building Sections.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





City of Seattle
Seattle Department of Construction and Inspections
Land Use Review

Capstone Commercial Real Estate Advisors
8221 5th Ave NE
Suite 1
Seattle, WA 98115

Re: Project #3023260-LU

Correction Notice #2

Review Type ZONING
Project Address 7010 PALATINE AVE N
SEATTLE, WA 98103
Contact Email tammy@capstonerea.com
SDCI Reviewer Megan Neuman
Reviewer Phone (206) 684-3101
Reviewer Fax
Reviewer Email Megan.Neuman@Seattle.gov
Owner

Date July 25, 2017
Contact Phone (206) 324-6563

Address Seattle Department of Construction and
Inspections
700 Fifth Ave
Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Corrections also apply to Project(s)

Applicant Instructions

Please click on the following link to learn "[How to Respond to a SDCI Correction Notice](#)". If the 3-step process outlined in this document is not followed, there may be a delay in permit issuance and there is a potential for penalty fees.

For instructions on **uploading corrected plans through your portal**, follow this link: [How to Upload a Document to an Existing Permit](#)

Note that you will not be able to upload corrected plans until all reviews are completed and the project's status is "Corrections Required".

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

1. Mandatory Housing Affordability.

You have elected to defer review of the MHA component until after Council action on this project. I will review the floor area diagrams and the associated MHA calculations for Chapter 23.58B and Chapter 23.58C during the final review stage of this project. Please include your calculations and detailed, dimensioned floor area diagrams showing chargeable floor area in commercial use and total gross floor area in residential and live-work use (if applicable).

The following is a repeat correction for reference:

As part of all contract rezone requests, SDCI includes a condition in the staff recommendation report that the project comply with the Mandatory Housing Affordability (MHA) framework chapters in the Land Use Code, SMC 23.58B (for commercial development) and SMC 23.58C (for residential and live-work development). Please provide documentation in the plan set showing how the project will address the affordable housing requirements using either the payment or performance options. This includes, but is not limited to, calculation of payment or performance amounts, submittal of a draft housing agreement if required, and documentation on the floor plans of any performance MHA units.

If the performance option is elected, a draft housing agreement is required prior to the issuance of the Master Use Permit. These are administered by the Office of Housing (OH). Please contact Prithy Korathu (prithy.korathu@seattle.gov) to initiate this process and complete the OH review and approvals.

Please group all FAR and MHA information together in the plans, in a consecutive series of sheets. This is required to ensure accuracy, facilitate reviews, and provide better transparency in permit plan records.

Please contact Megan Neuman, megan.neuman@seattle.gov, with questions regarding the MHA requirements for your project.



City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #2

Review Type	ZONING	Date	July 25, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Megan Neuman	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 684-3101		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Megan.Neuman@Seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

1 Mandatory Housing Affordability.

You have elected to defer review of the MHA component until after Council action on this project. I will review the floor area diagrams and the associated MHA calculations for Chapter 23.58B and Chapter 23.58C during the final review stage of this project. Please include your calculations and detailed, dimensioned floor area diagrams showing chargeable floor area in commercial use and total gross floor area in residential and live-work use (if applicable).

The following is a repeat correction for reference:

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If the performance option is elected, a draft housing agreement is required prior to the issuance of the Master Use Permit. These are administered by the Office of Housing (OH). Please contact Prithy Korathu (prithy.korathu@seattle.gov) to initiate this process and complete the OH review and approvals.

Please group all FAR and MHA information together in the plans, in a consecutive series of sheets. This is required to ensure accuracy, facilitate reviews, and provide better transparency in permit plan records.

Please contact Megan Neuman, megan.neuman@seattle.gov, with questions regarding the MHA requirements for your project.



Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link: <http://web6.seattle.gov/dpd/permitstatus>
- All reviews must be completed before the applicant can respond, upload, or submit any correction responses.
- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
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Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

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Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

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Plans Routing / Applicant Services Center - 700 5th Avenue, 20th Floor
Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.



City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #3

Review Type		Date	July 28, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lindsay M King	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 684-9218		700 5th Ave Suite 2000
Reviewer Fax	(206) 233-7866		PO Box 34019
Reviewer Email	lindsay.king@seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

The correction items below are for land use review of the proposal.

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

- 1 Design Review. Please provide a materials board with physical samples for all materials used on the building. Each material on the color elevation drawing should be provided with consistent names, colors and finish.



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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #3

Review Type	ZONING	Date	August 17, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Emily Lofstedt	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 386-0097		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Emily.Lofstedt@Seattle.gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Dear David,
 The following corrections are required. Further corrections may follow based on information in future application materials received.
 Thank you,
 Emily Lofstedt

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Access and Storage.** Please remove any access/no build easement from the site plan (A100) and landscape plans. Also remove tenant storage space from the single family zoned portion of the lot as it is not an accessory use allowed.

Original Correction: Only the single family use is allowed access on the single family portion of the lot. No access from the proposed development, including secondary access, is allowed on the Single Family zoned portion of the lot.

Please update your plans to remove any proposed access from the commercial development on the single family zoned portion of the lot.

Parking Code

- 2 Frequent Transit Service Corridor.** In order to meet the frequent transit service, service headway needs to be going the same direction. Also, please include a calculation meeting the definition, not just the schedules.

Original Correction: This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

- a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.
- b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.



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Step 3: Submit Corrected Plans

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Paper Plans:

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Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.

LETTER OF TRANSMITTAL

Date: August 18, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Megan Neuman (POLICY & TECHNICAL)

From: David Fuchs

Re: Correction Notice #2: PoTech

Response to PoTech Correction #2 (July 25, 2017):

- 1. Mandatory Housing Affordability:**
No response required.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



JOHNSTON ARCHITECTS LLC

LETTER OF TRANSMITTAL

Date: August 18, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Lindsay M King (LAND USE)

From: David Fuchs

Re: Correction Notice #3: Land Use

Response to Land Use Correction #3 (July 28, 2017):

- 1) A Material Board, including physical samples of all materials, will be dropped off on the 31st floor today. Color elevations can be found on Sheets A310 and A311 for reference.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



LETTER OF TRANSMITTAL

Date: August 18, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Emily Lofstedt (ZONING)

From: David Fuchs

Re: Correction Notice #3: Zoning

Response to Zoning Correction #3 (August 17, 2017):

1. All reference to a no-built easement has been removed from the Site Plan (A100) and the Landscape Plans (L1.10 & L1.11). A planting strip has been located at the east edge of the single-family lot adjacent to the new building to prevent any access between the two lots. Tenant storage at P1 has been removed entirely (see Plan on Sheet A200 and Building Sections on A403 & A404).
2. Frequent Transit Service Corridor calculations can be found on sheet G007. These include the schedules and calculated intervals for both directions separately.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



JOHNSTON ARCHITECTS PLLC

p 206.523.6150 • f 206.523.9382
www.johnstonarchitects.com
100 NE Northlake Way, Suite 200 • Seattle, WA 98105



002011



City of Seattle

Department of Construction and Inspections

Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #4

Review Type	ZONING	Date	October 02, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lori L Swallow	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-5627		
Reviewer Fax			
Reviewer Email	Lori.Swallow@Seattle.Gov		
Owner	CHAD DALE		

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Access and Storage.** Please remove any access/no build easement from the site plan (A100) and landscape plans. Also remove tenant storage space from the single family zoned portion of the lot as it is not an accessory use allowed.

Original Correction: Only the single family use is allowed access on the single family portion of the lot. No access from the proposed development, including secondary access, is allowed on the Single Family zoned portion of the lot.

Please update your plans to remove any proposed access from the commercial development on the single family zoned portion of the lot.

Correction 10/2/17

Please provide the zoning line and label the zones on each side of the line on all plans (site plan, landscape drawings etc). Access to or from the commercial development cannot be taken over any portion of the the Single Family zoned portion of the site. It appears there is a retail use (Retail Space E) and a workshop to the north of retail space E that both contain garage type doors and next to these areas is a walkway that appears to provide access to and from the retail space. Please provide what type of permanent physical obstacles (fencing, wall etc) and their details to show how any portion of the Single Family zoned areas cannot physically be used or accessed by the Commercial zoned portion of the lot.

Parking Code

- 2 Frequent Transit Service Corridor.** In order to meet the frequent transit service, service headway needs to be going the same direction. Also, please include a calculation meeting the definition, not just the schedules.

Original Correction: This project appears to utilize the parking reduction in [SMC 23.54.020.F.2.a](#) for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

- a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.
- b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

3 Correction 10/2/17

Please provide updated Transit Schedule (changes took place on 9/23/17) and include the Sunday schedule. The 18 hours of 30 minute headways is required all days of the week so Sunday must be included. Also, only one direction needs to be provided. It appears the northbound schedule from Seattle does not meet the headways during the weekdays so you will want to remove the northbound schedules. Please see correction #2 above.

Also, please dimension the entire walking distance (including right of ways) on the map provided for transit reduction.

4 Correction 10/2/17.

Please remove all future information from plans unless specifically requested by Tami Garrett.

5 Correction 10/2/17

Please remove all parcel lines and statements about neighboring lots for the lots that are included in the development site. These are all part of the site and no longer separate sites.

6 Correction 10/2/17.

Please fully dimension the rooftop amenity areas.

7 Correction 10/2/17.

There appears to be some kind of planting area next to the commercial structure along the west side. There is a PA acronym in that area. Please provide a legend for this acronym and any others located within the plan set. Also, it is not clear if this area is being counted in the Green Factor calculations. Please clearly identify how this area is being used and if it is being used to meet the Green Factor requirement.

8 Correction 10/2/17.

Please provide the most recent SIP drawings to show that all proposed work including tree removal and landscaping required for Green Factor in the right of way has been approved (or will be approved).

9 Correction 10/2/17.

Sheet G002. Please dimension the portions of the canopies that project over the property lines and show that they comply with 23.53.035 (required to be six feet from the curb).



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- Coordinate responses to correction items among all designers, architects, engineers, and owners
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Step 3: Submit Corrected Plans

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City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #4

Review Type	ZONING	Date	October 02, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lori L Swallow	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-5627		
Reviewer Fax			
Reviewer Email	Lori.Swallow@Seattle.Gov		
Owner	CHAD DALE		

Dear David,
 The following corrections are required. Further corrections may follow based on information in future application materials received.
 Thank you,
 Emily Lofstedt

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Access and Storage.** Please remove any access/no build easement from the site plan (A100) and landscape plans. Also remove tenant storage space from the single family zoned portion of the lot as it is not an accessory use allowed.

Original Correction: Only the single family use is allowed access on the single family portion of the lot. No access from the proposed development, including secondary access, is allowed on the Single Family zoned portion of the lot.

Please update your plans to remove any proposed access from the commercial development on the single family zoned portion of the lot.

Correction 10/2/17

Please provide the zoning line and label the zones on each side of the line on all plans (site plan, landscape drawings etc). Access to or from the commercial development cannot be taken over any portion of the the Single Family zoned portion of the site. It appears there is a retail use (Retail Space E) and a workshop to the north of retail space E that both contain garage type doors and next to these areas is a walkway that appears to provide access to and from the retail space. Please provide what type of permanent physical obstacles (fencing, wall etc) and their details to show how any portion of the Single Family zoned areas cannot physically be used or accessed by the Commercial zoned portion of the lot.

Parking Code

- 2 Frequent Transit Service Corridor.** In order to meet the frequent transit service, service headway needs to be going the same direction. Also, please include a calculation meeting the definition, not just the schedules.

Original Correction: This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

- a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.
- b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

3 Correction 10/2/17

Please provide updated Transit Schedule (changes took place on 9/23/17) and include the Sunday schedule. The 18 hours of 30 minute headways is required all days of the week so Sunday must be included. Also, only one direction needs to be provided. It appears the northbound schedule from Seattle does not meet the headways during the weekdays so you will want to remove the northbound schedules. Please see correction #2 above.

Also, please dimension the entire walking distance (including right of ways) on the map provided for transit reduction.

4 Correction 10/2/17.

Please remove all future information from plans unless specifically requested by Tami Garrett.

5 Correction 10/2/17

Please remove all parcel lines and statements about neighboring lots for the lots that are included in the development site. These are all part of the site and no longer separate sites.

6 Correction 10/2/17.

Please fully dimension the rooftop amenity areas.

7 Correction 10/2/17.

There appears to be some kind of planting area next to the commercial structure along the west side. There is a PA acronym in that area. Please provide a legend for this acronym and any others located within the plan set. Also, it is not clear if this area is being counted in the Green Factor calculations. Please clearly identify how this area is being used and if it is being used to meet the Green Factor requirement.

8 Correction 10/2/17.

Please provide the most recent SIP drawings to show that all proposed work including tree removal and landscaping required for Green Factor in the right of way has been approved (or will be approved).

9 Correction 10/2/17.

Sheet G002. Please dimension the portions of the canopies that project over the property lines and show that they comply with 23.53.035 (required to be six feet from the curb).



Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link: <http://web6.seattle.gov/dpd/permitstatus>
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Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

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City of Seattle

Department of Construction and Inspections

Land Use Review

DAVID FUCHS
100 NE Northlake Way, Suite 200
Seattle, WA 98101

Re: Project# 3023260

Correction Notice #4

Review Type	LAND USE	Date	October 03, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Tamara Y Garrett	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 233-7182		
Reviewer Fax			
Reviewer Email	Tami.Garrett@Seattle.Gov		
Owner	CHAD DALE		

Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65') to allow a 5-story building containing 36 apartment units with ground level retail and below grade parking for 26 vehicles.

Applicant Instructions

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If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

Rezone

- 1 The submitted rezone written analysis mentions the exploration with SDOT of a new curb bulb and crosswalk along Greenwood Avenue North and North 70th Street (SMC 23.34.008.F.1.d). Please explain the status of said determinations from SDOT and, if applicable, where they are documented by SDOT in writing.

State Environmental Policy Act (SEPA)

- 2 It appears that the "60% SIP Guidance Meeting Notes" document in the project's electronic file includes edits/comments from members of the applicant team. Consequently, it is not clear to me if this is the final draft of this document. Please upload the final document to the project file or

provide written correspondence from the SDOT project lead (Christina L-Johnston) that concurs that said edits to this document have been approved by her.

- 3** Some of the public comment infers that a high level of accidents occurs at or near the intersection of Greenwood Avenue North/North 70th Street. It appears that the submitted traffic studies do not include commentary that speak to this concern. Please have your transportation consultant provide accident collision history from SDOT for said/applicable intersection(s) and commentary that evaluates how the future traffic movements associated with the proposed development may/or may not impact pedestrian safety in the immediate site area. I will consult with the SDCI Senior Transportation Planner (John Shaw) once this information has been submitted to me.
- 4** Please outline the status of SDOT's SIP review and incorporate the most current version (60% or 90%) of the SIP drawings (including the Utility Major Permit drawings) with the MUP set.
- 5** FYI – I am unable to complete my analysis and decision until all applicable reviews have been completed and/or conditional approval has been granted for your project. Once all other reviews are finished, I will be able to prepare the Director's decision unless subsequent analysis shows that further information from you is required.



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JOHNSTON ARCHITECTS LLC

LETTER OF TRANSMITTAL

Date: October 4, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Tamara Y Garrett (LAND USE)

From: David Fuchs

Re: Correction Notice #4: Land Use

Response to Land Use Correction #4 (October 3, 2017):

- 1) A new curb bulb and crosswalk were explored with SDOT; however, SDOT found both undesirable (see Agenda Item No 2 on pages 3 & 4 of the 60% SIP Guidance Minutes attached). To quote: "The Greenwood Ave N crossing does not meet federal warrants under the MUTCD for a marked crosswalk."
- 2) Final minutes from Christina Legazpi-Johnston, SIP Project Manager, are attached.
- 3) See attached Pedestrian Safety Memo dated October 3, 2017 from our Transportation Engineer that addresses these concerns.
- 4) Our 60% SIP Drawings and 90% UMP Drawings are attached. Our SIP Project Manager expects review of the 60% SIP to be finished this week without any major changes required. When the updated 90% Drawings are submitted, we will send those to you.
- 5) Noted – the response to the Zoning Correction Letter, the only other outstanding review, is being submitted at the same time.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





MEMO

To: Shannon Loew, FIX
Chad Dale

cc: Lori L. Swallow, SDCI

From: Ross Tilghman

Date: 3 October 2017

Subject: Pedestrian Safety for 7009 Greenwood Ave. N., MUP #3023260

This memo reviews pedestrian safety and traffic accident history for the past 5 years in the vicinity of 7009 Greenwood Ave. N. in Seattle, where a mixed-use residential and restaurant project is proposed. Traffic and parking conditions were evaluated separately in previous memos.

Summary

The project's neighborhood offers safe pedestrian conditions. Considering the complete sidewalk system that is in fair to good condition, the lack of reported pedestrian accidents over the last 5.75 years, and the modest volume of new pedestrian trips from the project, future pedestrian conditions with the project are anticipated to be good. The project's design improves the pedestrian environment along its frontage by adding street level activity, light and many eyes to the corner of Greenwood Ave. N. and N. 70th Street. Its driveway, serving only 26 residential parking spaces, has been designed with adequate sightlines where it meets the sidewalk on N. 70th Street. Although the project proposed adding a marked crosswalk at Greenwood Ave. N./N. 70th St., SDOT found that a crosswalk was not warranted in that location, believing an unmarked crossing safer.

5-Year Accident History

Collision data for streets within approximately 1,000 feet of 7009 Greenwood Ave. N. were obtained from the City of Seattle's Open Data Program. Records from January 2012 through September 2017 were reviewed for the location, type and severity of collisions. Table 1 summarizes collision types.

**Table 1. 5-Year Collision Summary
(Jan. 2012 to Sept. 2017)**

Type of Collision	Number	% of Total
Parked Car	32	40%
Rear Ended	8	10%
Sideswipe	3	4%
Angles	3	4%
Cycles	3	4%
Head On	1	1%
Other	9	11%
Not Specified	21	26%
Total	80	100%

Source: SDOT; Tilghman Group

No fatalities occurred on area streets during that 5.75-year period.

One accident involved a pedestrian and three involved bicycles. Each of those occurred on Greenwood Ave. N. The pedestrian accident was related to a daytime, head-on collision between vehicles that involved a driver speeding under the influence of drugs or alcohol. It resulted in the only serious injury reported over the last 5.75 years. Two of the bicycle collisions occurred near Greenwood Ave. N./N. 67th, one in the dark, where a vehicle hit the cyclist. The third bicycle accident happened when a cyclist rear-ended a vehicle in the dark.

Pedestrian Walkways and Traffic

Sidewalks exist along both sides of all streets in the site’s vicinity. On Greenwood Ave. N., the sidewalk is generally 10 feet wide, with street trees planted along many but not all blocks. Walkway widths on side streets are typically 6 feet separated from the street by a planting strip approximately 4 feet wide. Accessible curb ramps are located at all intersections on Greenwood and at intersections west of the site on N. 70th St. According to SDOT’s inventory, those ramps and sidewalks are in fair to good condition.

Marked crosswalks across Greenwood Ave. N. are located at N. 71st St and at N. 73rd St. A marked crosswalk also exists on Phinney Ave. N. just south of N. 67th St.

Greenwood Ave. N. has two travel lanes plus bike lanes and a center turn lane. Daily traffic volumes have been steady for the last 15 years on Greenwood Ave. N., with 13,000 daily vehicles in 2015 compared to 12,500 in 2000. Although the project proposed adding a marked crosswalk at Greenwood Ave. N./N. 70th St., SDOT found that a crosswalk was not warranted in that location, believing an unmarked crossing safer.

The proposed development at 7009 Greenwood Ave. N. will generate new walking trips in the area. The mix of residential apartments and restaurants will create walking trips to transit, to retail stores in the area, to street-side parking, and to other residences in the neighborhood. An estimated 460 walking trips would be added daily, the bulk of those generated by the restaurants. Restaurant trips would occur mainly around the noon hour and in the late afternoon through early evening. This pattern would be similar to that of other nearby restaurants on Greenwood Ave. N.



DESIGN GUIDANCE MEETING NOTES

Project Information	
SDOT Permit Number	330655
Project Address	7009 Greenwood Ave N
SIP Project Manager	Christina Legazpi-Johnston

Project Description:

SDCI: (3023260) Council Land Use Action to rezone a parcel from Neighborhood Commercial 2-40' (NC2-40) to Neighborhood Commercial 2-65' (NC2-65) to allow a 5-story building containing 33 apartment units with ground level retail and below grade parking for 28 vehicles.

SDOT: The frontage improvements will be limited to new sidewalk, street trees, addition of a curb bulb, and pavement restoration for utility cuts.

Attendees are listed on attached sign in sheet for each meeting.

Meeting Log			
Mtg No	Review Number	Date	Meeting Objective
1	210529	02-02-2017	To seek guidance for a 60% approval.
2	237352	05-04-2017	To seek 60% SIP approval and 90% UMP approval.

Key Decisions		
No	Decision	Responsible Party
Meeting #1		
1	No 2' bulb. Keep existing curb alignment on north side of N 70 th St.	SDOT Traffic Ops
2	Ductbank south of N 70 th St needs to be moved out into the street unless project can show SDOT that a ductbank under the sidewalk will not create future development constraints.	SDOT Street Use
Meeting #		

Action Items

No	Action Item	Responsible Party	Due Date	Estimate: hr(s) needed to complete Action Item	Action Item Resolution	Completion Date
Meeting #2						
1	Would like to keep ductbank under the sidewalk south of N 70 th St. Will escalate to supervisor.	SIP PM			If the project can provide a section and site plan that shows typical services and appropriate street trees can fit with the duct bank under the sidewalk, on the west side of Greenwood Ave N south of N 70 th St, with no future street trees and utility services constraints, then SDOT can reconsider placement of the ductbank under the sidewalk.	05-05-2017
2	Will provide new redline with new street light conduit alignment.	SCL Street Light			See agenda item #2.	05-11-2017
3	Collected and verify tree clearances.	SIP PM/SDOT Urban Forestry			See agenda item #3A.	05-17-2017
4	SPU will follow up with minimum vertical clearances between power and SPU infrastructure.	SPU			See agenda item #4A.	05-17-2017
Meeting #						



SIP DESIGN GUIDANCE MEETING MINUTES

Meeting Notes			
Meeting No	1	Date	02-02-2017
Agenda Item No	1	Agenda Item	Project Presentation
<ul style="list-style-type: none"> • Affordable apartment units will be provided as part of the development. • Project is comprised of one NC lot and one SF lot adjacent directly to west. That SF lot fronts 70th. Owner has since purchased one additional SF lot to west that front Palatine. All three lots combined are defined as the Development Site and outlined in our MUP application. • Formally contaminated site. ROW cleaned up under UMP #224242. Both the project site and ROW have an NFA from Ecology. • Adding ADA ramps • Driveway to the site will be off N 70th St. • Undergrounding power along the west side of Greenwood Ave N along frontage to mitigate building clearance concerns with OH power. • Communication will stay overhead • Project would like to start construction at end of summer. • Project will no longer be placing a parklet. • 14-month construction schedule. • SIP work to be completed in the last 2 months, Summer of 2018. • Bike facilities are required by SDCI on-site, not in the ROW. 			
Agenda Item No	2	Agenda Item	SDOT Traffic Operations
<ul style="list-style-type: none"> • Remove 2' curb bulb on N 70th St. <ul style="list-style-type: none"> ○ Standard width of a curb bulb is 6'. While SDOT standard, existing conditions may require us to consider a wider curb bulb or one that is more narrow. ○ N 70th St is a designated Seattle Fire Department Route, meaning it's one of the main routes in and out of the neighborhood for emergency services. A curb bulb at the intersection on the non-approach side is not desirable because of fire truck turning movements. ○ A 2' at this intersection is not enough to provide public benefit for pedestrians. • ADA Ramps: <ul style="list-style-type: none"> ○ Two ADA ramps are required on the NW corner of N 70th St and Greenwood Ave N, crossing each street. ○ ADA ramps crossing Greenwood Ave N are required. <ul style="list-style-type: none"> ▪ Because of the street off set, place companion ramp on the SE corner 			

of N 70th St and Greenwood Ave N.

- Maintain a 1' minimum clearance between the edge of pole and the ramp.
- Pole can be in the wing, but must be completely in the wing.
- The Greenwood Ave N crossing does not meet federal warrants under the MUTCD for a marked crosswalk.
- If a courtesy strip is provided, it needs to be a minimum of 18". With a 6" curb, the courtesy strip will be a total of 2' wide.
- Any above grade structures, including private structures, needs to maintain a minimum clearance of 3' from the face of curb.
- There are plans to improve the bike lanes along Greenwood Ave N. We want to make sure anything added in the street will not impede future design, include a bike corral.
- Contact Monica DeWald with Traffic Operations' Bike Program to discuss possibility of Bike Corral. Monica can be reached at (206) 684-5374 or monica.dewald@seattle.gov.
 - Installation is done by SDOT crews under a separate process. If a bike corral will be installed by the project, show on SIP plans and call out "Installed Under Separate Permit".
- Note, bike corral would be added under a separate process by SDOT crews if allowed.

Agenda Item No	3	Agenda Item	SCL
<ul style="list-style-type: none">● Underground power will start from the existing vault south of the site (near 6801-6817 Greenwood Ave N), then continue north to the terminal pole just north of the site.<ul style="list-style-type: none">○ This will require providing underground service to the Church and single family home next to the church along Greenwood Ave N.○ The existing OH service to the east of Greenwood Ave N (6814) was granted an exception to remain OH.● SIP Plans do not show the full extent of the undergrounding.● Underground power will be done under a separate permit, an UMP.● The UMP will cover some of the final restoration outside of the projects frontage area.● Sheet 3, project proposes to move the terminal pole north, in front of neighboring property. This has been coordinated with SCL engineering.● All OH power services needs to go underground with primary power service. This includes secondary and street light power.● SCL Street Light was unable to make the meeting but did provide redlines. Redlines provided to KPFF via email prior to meeting.<ul style="list-style-type: none">○ SCL Street Light Contact is Grace Barrington. Grace can be reached at (206) 684-3389 or grace.barrington@seattle.gov.			

- Reference UMP on SIP plans.
- MUP is in fail status because of clearances with existing OH power.
- SCL can approve the MUP once owner signs the construction letter that list scope, requirements, and cost.
- A Bike Corral or Parklet cannot be placed on top of the vault. Vault needs to be accessible.
- Cannot have a rectangle vault hatch in the street. It does not hold up to vehicle traffic. May need to add a 577 (smaller vault) behind the curb and a 712 in the street or try to accommodate the 712 in the planting strip.
- Project needs to continue working with Tanya on determining how power will be undergrounded.

Agenda Item No	4	Agenda Item	SDOT Urban Forestry
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- Remove (2) existing trees on Greenwood --current condition compromised by clearance pruning under existing powerlines.
- Provide Italian Oak (20- 30' o.c.) as replacement trees on this frontage for optimum canopy cover compatible with the plan to remove overhead powerlines.
- Remove (3) Existing trees due to fair to poor condition on N 70th Street
- Provide Emerald City Tulip Tree (20- 30' o.c.) in 5' planting strip – Provide Incense Cedar for s.f. residential frontage to the west.
- Prepare planting strip per COS Standard Plan #100C
- Consider Flexible Porous Surface Treatment (per new /2017 Standard Specifications) for unplanted surfaces in the amenity zone (between curb and sidewalk).

Agenda Item No	5	Agenda Item	Annual Permit
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- Show all proposed encroachment in the ROW on SIP plans.
- Project will not be moving forward with a Parklet.
- If standard bike racks are being installed behind the curb, installation will be covered under an annual permit. No annual fee.
- We need to maintain a minimum 5' clear pedestrian corridor for any encroachment in the ROW.
 - Traffic Operations requires any encroachment in the ROW stay clear of the of the 6' sidewalk.

Agenda Item No	6	Agenda Item	SPU
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- On sheet 3, inlet needs to be replaced next to the new curb. Outfall pipe will also need to be replaced with a ductile iron pipe. The outfall pipe needs to be at a minimum 5% slope.
- Inlet will be a 250 A or B, depending on the height of the curb.
- NFA report will be provided by project team showing site and ROW is no longer

contaminated.

- For drainage report, project team can email the excel spread with calcs directly to SPU.
- Move vaults out of the sidewalk and into the amenity zone.
- Maintain a minimum 2' clearance between the HH and SPU infrastructure.
- Maintain a minimum clearance of 2' between the outside wall of the water vault and face of curb.
- Provide non-skid lids that are in the sidewalk.
- WAC valid for 18' mo. for time you apply. Date on WAC shows December of 2015. Project may want to double check and make sure it's still valid.

Agenda Item No	7	Agenda Item	Misc – SIP PM
<ul style="list-style-type: none"> • If this project no longer triggers a SIP, frontage improvements could be done under the UMP. If GSI is triggered under storm water code, SIP is still required. • SPU Survey Redlines provided with final DG notes. Please update the SIP plan's basemap and survey with the corrections. 			

Meeting No	2	Date	05-04-2017
Agenda Item No	1	Agenda Item	SDOT SIP PM
<ul style="list-style-type: none"> • Underground power south of N 70th St needs to be moved into the street. The ROW area behind the curb needs to be preserved for future ROW Improvements, like street trees, and Private Development Improvements, such as new utility connection that are similar to the projects. • To avoid cuts in a wheel path, full lane surface restoration is required in the street, specifically grind and overlay. • ACTION ITEM: Project would like to keep it under the sidewalk and request SDOT reconsiders. Will escalate to supervisor. 			
Agenda Item No	1A	Agenda Item	Action Item Complete

From: Legazpi, Christina

Sent: Friday, May 05, 2017 4:29 PM

To: 'Shannon Loew' <shannon@fix-works.com>; Chad Dale <chaddale@gmail.com>

Cc: 'Andrew Tran' <Andrew.Tran@kpff.com>; Robertson, Sean <Sean.Robertson@seattle.gov>

Subject: SDOT Permit #330655 & 336490- 7009 Greenwood Ave N- Duct Bank Alignment South of N 70th St

Good Afternoon,

As discussed in yesterday's meeting, the ductbank, south of N 70th St, must be moved into the street. We need to preserve the ROW area behind the curb for future Improvements, such as street trees, water and sidesewer services, and even power service. While we can be flexible on placement of utilities and trees along your Greenwood Ave N frontage, we can't do this along neighboring frontages. It's not fair to create future development constrains along neighboring frontage if we can avoid it.

However, after speaking with my supervisor Sean Robertson, if the project can provide a section and site

plan that shows typical services and appropriate street trees can fit with the duct bank under the sidewalk, south of N 70th St, with no future street trees and utility services constraints, then SDOT can reconsider placement of the ductbank under the sidewalk.

Remember, no bends in the waterline (per standard), sidesewer connections must have a gravity flow system (per standard), and trees need 500 cubic feet of continuous soil.

I will complete the meeting notes next week when I return.

- Christina



Christina Legazpi-Johnston

Project Manager

Major Permits Section – Street Use Division

City of Seattle Department of Transportation

O: 206.684.5279 | christina.legazpi@seattle.gov

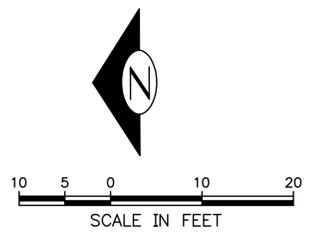
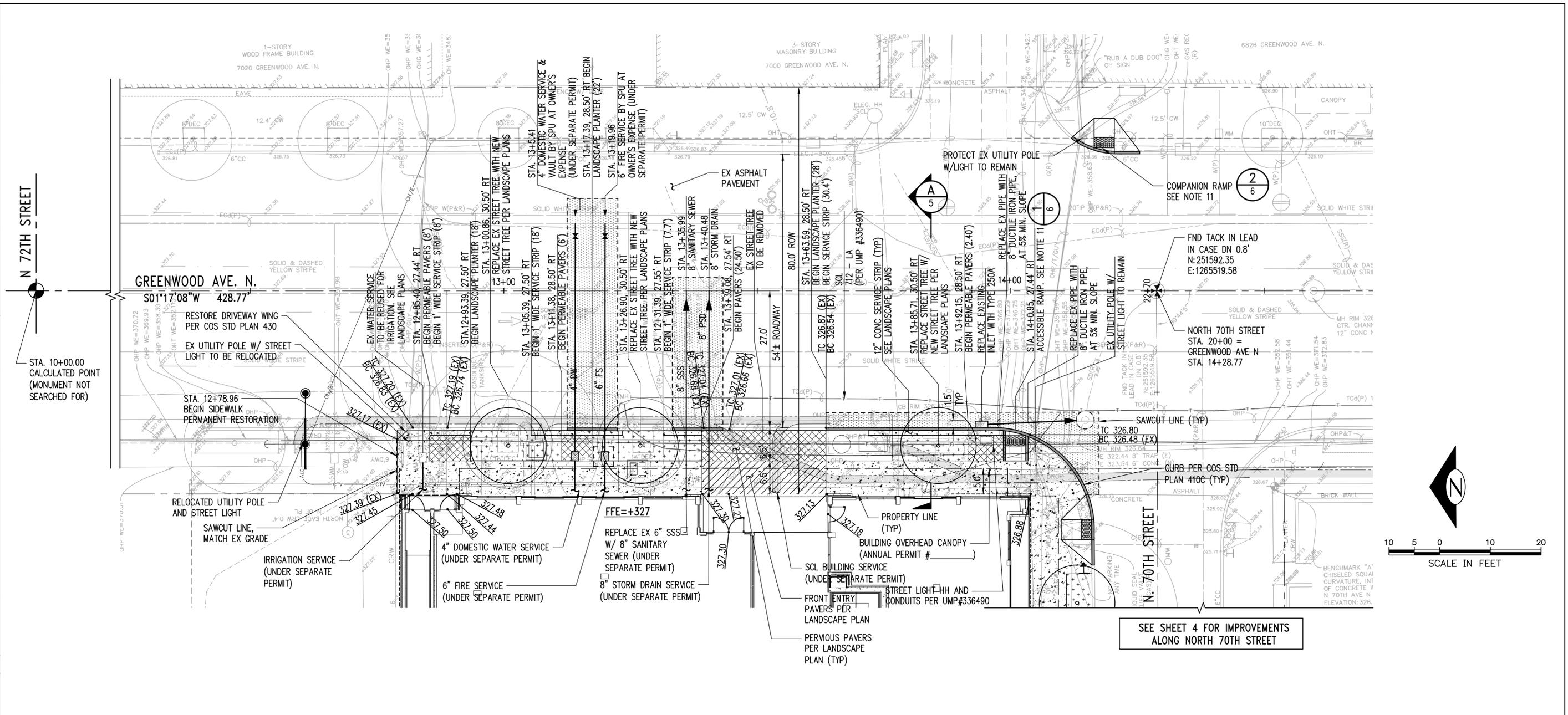


Agenda Item No	2	Agenda Item	SCL Plan Review and SCL Street Light
SCL Plan Review			
<ul style="list-style-type: none">Project team is working with SCL, outside of the SIP Project, to see if secondary OH power can remain south of N 70th St.<ul style="list-style-type: none">It's bad engineering practice to leave one overhead span of primary lines between poles, this is why SCL is requiring the project to underground primary lines south of N 70th St. The same engineering requirement would also apply to other projects.Project needs to look closer at the clearance between the hatch, opening, and curb. What shown on plans does not work.The hatch cannot be in the gutter. Concerns with water collection.Project team will plan to meet with Ray, Stephanie, and Tanya to further discuss vault.Per SCL standard 0222.02, ductbank to be encased in high strength FTB and backfilled to street subgrade w/low strength FTB.			
SCL Street Light			
<ul style="list-style-type: none">The following redline plan was discussed at the meeting. This is a shorter run along the project's frontage.  336490- 60% Plans_SL Comments_2The SCL Street Light conduit route may change if the ductbank route changes.SCL Street Light still needs to verify the existing SLHH east.A minimum 1' clearance is needed between the distribution power ductbank and the street light conduits.			

Agenda Item No	3	Agenda Item	SDOT Urban Forestry
<ul style="list-style-type: none"> • Reference COS STN PLN #103 for a 5' planting strip. • 500 cubic feet of continues soil is required for each new tree. • Tree needs to be a minimum of 2' from sidewalk and 3.5' from face of curb. • Generally, spacing for street trees with no overhead power on center is 25', dependent on existing conditions and tree species. • Action Item: SIP PM will follow up with SDOT Urban Forestry to verify tree clearances. 			
	3A		SDOT Urban Forestry Action Item
<ul style="list-style-type: none"> • Minimum tree clearances: <ul style="list-style-type: none"> ○ 2' from a duct bank that has a minimum 36" of soil cover over the FTB. <ul style="list-style-type: none"> ▪ 36" of Type 17 cover over FTB is ok under the sidewalk. ○ 5' from water, sewer, and drainage infrastructure ○ 10' from utility poles ○ 20' from street lights ○ 7.5' from driveways 			
Agenda Item No	4	Agenda Item	SPU
<ul style="list-style-type: none"> • The proposed duct bank under the sidewalk, south of N 70th St, conflicts with future water and side sewer services. • Side sewer must have a gravity flow system. • No bends allowed in the water service lines that is owned and maintained by SPU, from the watermain to the water vaults. <ul style="list-style-type: none"> ○ Bends create weak points and maintenance issues. • Maintain a minimum 5' horizontal clearance power and SPU infrastructure. • Action Item: SPU will follow up with minimum vertical clearances between power and SPU infrastructure. • A drainage report is required. 			
Agenda Item No	4A	Agenda Item	SPU Action Item
<ul style="list-style-type: none"> • Per Std plan 350, minimum vertical clearance between the bottom of the water pipe bedding to the top of the FTB fill shall be 12". <ul style="list-style-type: none"> ○ For fluidized thermal backfill (FTB) or CDF crossing of metallic pipe, increase class B sand depth & cover to 12" & encase metallic pipe in 8 MIL polyethylene encasements for full trench width. • SPU would like the proposed duct to be installed in the street and the Planting Strip to be reserved future water meter vaults and other utilities. <ul style="list-style-type: none"> ○ A water meter vault for a 6-inch domestic water service requires a 5 ft wide X 11 feet X 6 feet deep space and takes the whole Planting strip width 			

Agenda Item No	5	Agenda Item	SDOT Traffic Operation
<ul style="list-style-type: none"> • Move water vault closer to the curb, out of the sidewalk, and further into the amenity zone. • Can remove companion ADA ramp on the SE corner of Greenwood Ave N and N 70th St from scope of work. • Extend sidewalk so that it includes the wing for the ADA ramp on NE corner, crossing Greenwood Ave N. • Ok to remove a wing on the curb ramp crossing N 70th St on the west side of Greenwood Ave N, and add a curb to extend the planting strip along the north side of N 70th St. • The one Greenwood Ave N crossing as shown is ok. 			
Agenda Item No	6	Agenda Item	Misc – SIP PM
<ul style="list-style-type: none"> • Show proposed bike racks, include annual permit for bike rack installation, on SIP plans. • Double check grades at north building entrance. Can't warp the ROW to accommodate the building entrance. Any warping needs to be done on private property. • On sheet 5, show 410C curb on the Typical Greenwood Typical Section with a 30" rat slab with a 1' minimum asphalt T Cut as shown in the examples. <div data-bbox="121 1008 1421 1354"> <p>The left diagram is a plan view showing a sidewalk layout. It includes a 'PROPOSED STREET TREE' with a canopy, a '3' SETBACK AND SIDEWALK EASEMENT PER REC. NO. 20140429001080', and a 'BUILDING OVERHANG' with a '5' MAX.' setback. The sidewalk is labeled '5.5' PLANTING STRIP' and '6.0' SIDEWALK'. It shows 'EXIST. AC ON CEMENT CONC. ROAD' and 'RESTORATION WHERE SHOWN PER COS. STD. PLAN 402B'. Materials include '2" MIN. HMA CL. 1/2" OR MATCH EXIST. DEPTH IF GREATER', '12" PCC', and '6" MIN. COMPACTED TYPE 2 MINERAL AGGREGATE'. The right diagram is a cross-section labeled 'SECTION' with a scale of '1"=2"'. It shows an 'EXISTING ROADWAY SECTION' with a '1' MIN.' gap, a '6" CURB COS TYPE 410C' with a 'CURB DOWEL', 'CONCRETE SIDEWALK PER COS' STD. PLAN 420' with a 'S= 2% MAX.' slope, an 'EXPANSION JOINT', and 'MATCH GRADE BACKFILLED SURFACE'. A note says 'SAW CUT REMOVE AND REPLACE MINIMUM 3' ROADWAY SECTION PER COS STD. PLAN 402B, HMA AND CONCRETE THICKNESS TO MATCH EXISTING'. The 'PROPERTY LINE / CITY OF SEATTLE R.O.W.' is shown at the right edge.</p> </div>			
<ul style="list-style-type: none"> • Change the title of the project on the SIP plans to the property's address. 			
Agenda Item No	7	Agenda Item	Next Step
<ul style="list-style-type: none"> • Project to resubmit 60% SIP Plans and 90% UMP plans that match, do not conflict with each other, and with all 60% commits met. 			

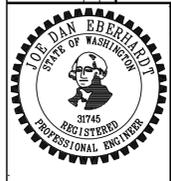
60% SIP Approval Review Groups	Name	Date
SIP Project manager		
SPU Real Estate Services		
SPU Sewer/Drainage		
SPU Water		
Street Lighting and Signal Design		
Traffic Operations		
Urban Forestry		
60% SIP Approval Review Groups	Name	Date
King County Metro		
Neighborhood Traffic		
Pavement Management		
Ped & Bike		
Roadway Structures		
SCL Engineering (PRT)		
SCL Street Lighting		



SEE SHEET 4 FOR IMPROVEMENTS ALONG NORTH 70TH STREET

- NOTES:**
- UTILITY LIDS AFFECTED BY THESE IMPROVEMENTS SHALL BE ADJUSTED TO FINISH GRADE.
 - STATION AND OFFSETS FOR CURBS ARE TO THE FACE OF CURB.
 - SEE LANDSCAPE PLANS FOR PLANTINGS, JOINTING, SCORING, PAVEMENT COLOR, AND FURNISHINGS.
 - STREET TREE SPECIES FOR THE FOLLOWING STREET ARE SHOWN BELOW:
 - GREENWOOD AVENUE NORTH
 - SCIENTIFIC NAME/Common NAME
 - PROTECT EXISTING CONCRETE PANEL IN ROADWAY WHERE NEW CURB IS SHOWN.
 - PLANTING AREAS SHALL BE AMENDED PER COS STD PLAN 142.
 - UNDERGROUND CONDUITS, HANDHOLES AND VAULTS UNDER SEPARATE UTILITY MAJOR PERMIT #336490.
 - ALL PAVEMENT RESTORATION SHALL BE IN ACCORDANCE WITH THE STREET AND SIDEWALK PAVEMENT OPENING AND RESTORATION, DIRECTORS RULE 01-2017.
 - PAVEMENT RESTORATION FOR UTILITY TRENCHING IN ACCORDANCE WITH COS STD PLAN 404A FOR RIGID PAVEMENT.
 - CONCRETE SIDEWALK PER COS STD PLAN 420.
 - ALL ACCESSIBLE AND COMPANION RAMP ARE PER COS STD PLAN 422A.

60% Complete Street Improvement Plan-NOT FOR CONSTRUCTION



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APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	DRAWN <u>KWP/AST</u> 06-15-17	PROJECT MANAGER
	CHECKED <u>ICD</u> 06-15-17	REVISED AS-BUILT.....
	DESIGN REVIEW	

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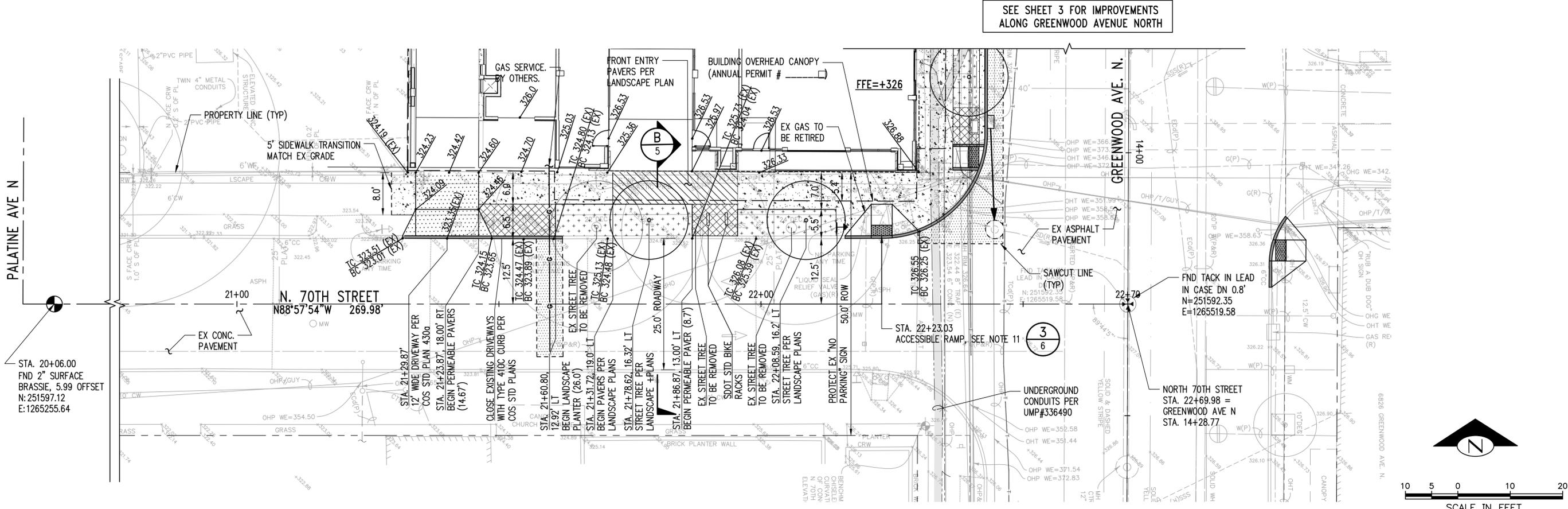
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7005 AND 7009 GREENWOOD AVE N
CURB, SIDEWALK, STORM DRAINAGE AND LANDSCAPING IMPROVEMENTS
GREENWOOD AVENUE NORTH - PLAN

UMP PROJECT #336490	SDCI PROJECT #3023260
SDOT PROJECT NO. 330655	VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX	SHEET 3 OF 8
	02037

All work done in accordance with the City of Seattle Standard Plans and Specifications in effect on the date shown above, and supplemented by Special Provisions.

DATE	MARK	NATURE	REVISIONS
		MADE	CHK'D
		REV'D	
60% SIP Approval Review Groups King County Metro Neighborhood Traffic Pavement Management Ped & Bike Roadway Structures SCL Engineering (PRT) SCL Street Lighting			
Name SPU Project manager SPU Real Estate Services SPU Sewer/Drainage SPU Water Street Lighting and Signal Design Traffic Operations Urban Forestry			
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Date Date Date Date			



SEE SHEET 3 FOR IMPROVEMENTS
ALONG GREENWOOD AVENUE NORTH

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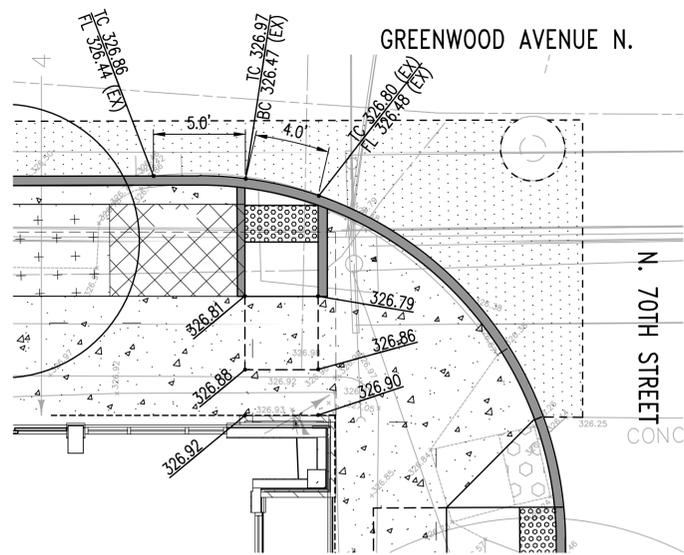
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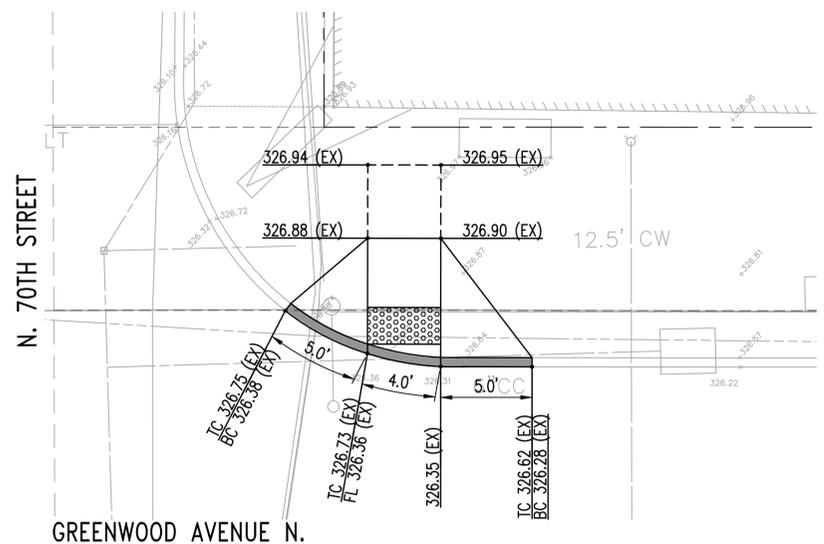
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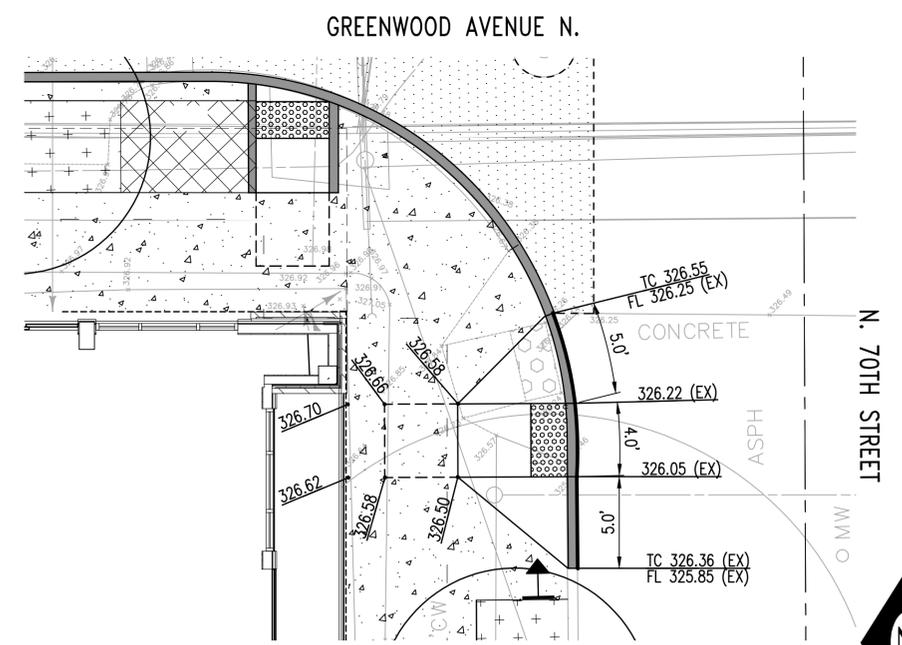
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		REV'D	



ACCESSIBLE RAMP GRADING DETAIL
GREENWOOD AVE. N. & N. 70TH ST (NW CORNER) 1
SCALE: 1" = 5'

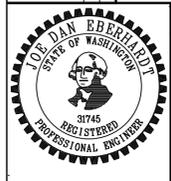


COMPANION RAMP GRADING DETAIL
GREENWOOD AVE. N. & N. 70TH ST (SE CORNER) 2
SCALE: 1" = 5'



INTERSECTION GRADING DETAIL
GREENWOOD AVE. N. & N. 70TH ST (NW CORNER) 3
SCALE: 1" = 5'

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..... 20.....	DESIGN REVIEW	

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CURB RAMP GRADING DETAILS

UMP PROJECT #336490 SDCI PROJECT #3023260

SDOT PROJECT NO. 330655
VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX
SHEET 6 OF 8

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Date	Name	60% SIP Approval Review Groups	Date	Name	60% SIP Approval Review Groups
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					MADE/CHK'D/REV'D
					NATURE REVISIONS
					DATE MARK

GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE 2017 EDITION OF CITY OF SEATTLE STANDARD SPECIFICATIONS, THE 2014 EDITION OF THE CITY OF SEATTLE STANDARD PLANS, AND SEATTLE DEPARTMENT OF TRANSPORTATION DIRECTOR'S RULE 01-2017 FOR RIGHT-OF-WAY OPENING AND RESTORATION. A COPY OF THESE DOCUMENTS SHALL BE ON SITE DURING CONSTRUCTION.
- A COPY OF THE APPROVED PLAN MUST BE ON SITE WHENEVER CONSTRUCTION IS IN PROGRESS.
- ERRORS AND OMISSIONS ON THE PERMITTED PLANS MUST BE CORRECTED BY THE ENGINEER AND APPROVED BY THE CITY OF SEATTLE.
- ALL PERMITS REQUIRED FOR WORK WITHIN THE PUBLIC RIGHT OF WAY MUST BE OBTAINED PRIOR TO THE START OF CONSTRUCTION.
- PRIOR TO THE START OF CONSTRUCTION WITHIN THE RIGHT OF WAY, THE PERMITTEE SHALL SCHEDULE AND ATTEND A PRECONSTRUCTION MEETING WITH THE CITY OF SEATTLE DEPARTMENT OF TRANSPORTATION.
- PERMITTEE SHALL CONTACT SEATTLE DEPARTMENT OF TRANSPORTATION, STREET USE INSPECTOR A MINIMUM OF 2 BUSINESS DAYS PRIOR TO NEEDING AN INSPECTION.
- ALL DAMAGE TO CITY INFRASTRUCTURE CAUSED BY THE CONSTRUCTION SHALL BE REPAIRED AS REQUIRED BY THE SEATTLE DEPARTMENT OF TRANSPORTATION.
- THE APPROVED PLANS SHOW THE APPROXIMATE AREA OF PAVEMENT RESTORATION BASED ON THE DEPTH OF UTILITY CUTS AND/OR THE AREA OF CURB AND/OR PAVEMENT TO BE REMOVED AND REPLACED. THE ACTUAL LIMITS OF THE PAVEMENT RESTORATION SHALL BE PER THE STREET AND SIDEWALK PAVEMENT OPENING AND RESTORATION DIRECTOR'S RULE 05-2009 AND WILL BE DETERMINED IN THE FIELD BY THE SEATTLE DEPARTMENT OF TRANSPORTATION STREET USE INSPECTOR PRIOR TO THE PAVEMENT RESTORATION. SEE RESTORATION PLANS FOR MORE INFORMATION.
- DATUM: NAVD 88 AND NAD83 (1991).
- SURVEYING AND STAKING OF ALL IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY SHALL BE COMPLETED PRIOR TO CONSTRUCTION. SURVEY CUT SHEETS MUST BE SUBMITTED AND APPROVED BY THE SEATTLE DEPARTMENT OF TRANSPORTATION AT LEAST 5 DAYS PRIOR TO CONSTRUCTION.
- IF AN EXISTING CURB IS TO BE REMOVED AND REPLACED IN THE SAME LOCATION THE PERMITTEE SHALL PROVIDE THE STREET USE INSPECTOR A PLAN WITH EXISTING FLOW LINE AND TOP OF CURB ELEVATIONS IDENTIFIED. PERMITTEE TO STAKE THE LOCATION OF THE EXISTING CURB PRIOR TO DEMOLITION.
- THE PERMITTEE SHALL BE RESPONSIBLE FOR REFERENCING AND REPLACING ALL MONUMENTS THAT MAY BE DISTURBED, DESTROYED OR REMOVED BY THE PROJECT AND SHALL FILE AN APPLICATION FOR PERMIT TO REMOVE OR DESTROY A SURVEY MONUMENT WITH THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES, PURSUANT TO RCW 58.24.040(B).
- THE PERMITTEE SHALL SUBMIT ALL APPLICABLE DOCUMENTS REQUIRED UNDER SECTION 1-05.3 OF THE STANDARD SPECIFICATIONS PRIOR TO CONSTRUCTION. A MATERIAL SOURCE FORM FOR ALL MATERIALS TO BE PLACED IN THE RIGHT OF WAY AND MIX DESIGNS FOR ALL ASPHALT, CONCRETE AND AGGREGATES TO BE PLACED IN THE RIGHT OF WAY MUST BE SUBMITTED TO THE SEATTLE DEPARTMENT OF TRANSPORTATION FOR REVIEW AND APPROVAL PRIOR TO BEGINNING CONSTRUCTION. A REVISED MATERIAL SOURCE FORM AND MIX DESIGNS MUST BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO PLACEMENT OF ANY SUBSTITUTE MATERIALS.
- THE PERMITTEE SHALL NOTIFY THE SEATTLE FIRE DEPARTMENT DISPATCHER (206-386-1495) AT LEAST TWENTY-FOUR (24) HOURS IN ADVANCE OF ALL WATER SERVICE INTERRUPTIONS, HYDRANT SHUTOFFS, AND STREET CLOSURES OR OTHER ACCESS BLOCKAGE. THE PERMITTEE SHALL ALSO NOTIFY THE DISPATCHER OF ALL NEW, RELOCATED, OR ELIMINATED HYDRANTS RESULTING FROM THIS WORK.
- THE PERMITTEE SHALL LOCATE AND PROTECT ALL CASTINGS AND UTILITIES DURING CONSTRUCTION.
- THE PERMITTEE SHALL CONTACT THE UNDERGROUND UTILITIES LOCATOR SERVICE (1-800-424-5555) AT LEAST TWO BUSINESS DAYS PRIOR TO CONSTRUCTION.
- ALL LOCATIONS OF EXISTING UTILITIES AND SITE FEATURES SHOWN WITHIN THE SURVEY LIMIT HAVE BEEN ESTABLISHED BY FIELD SURVEY OR OBTAINED FROM AVAILABLE RECORDS AND SHOULD THEREFORE BE CONSIDERED APPROXIMATE ONLY AND NOT NECESSARILY COMPLETE. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO INDEPENDENTLY VERIFY THE ACCURACY OF ALL UTILITY LOCATIONS AND OTHER SITE FEATURES SHOWN AND TO FURTHER DISCOVER AND AVOID ANY ELEMENTS NOT SHOWN OR INACCURATELY SHOWN HEREON WHICH MAY BE AFFECTED BY THE IMPLEMENTATION OF THIS PLAN
- THE PERMITTEE SHALL ADJUST ALL EXISTING MANHOLE RIMS, DRAINAGE STRUCTURE LIDS, VALVE BOXES, AND UTILITY ACCESS STRUCTURES TO FINISH GRADE WITHIN AREAS AFFECTED BY THE PROPOSED IMPROVEMENTS.
- SPU-DWW MUST PERFORM ALL CORE DRILL OPERATIONS INTO EXISTING MAINS OR STRUCTURES. CONTRACTORS ARE NOT ALLOWED TO CORE INTO MAINS OR STRUCTURES WITHOUT PRIOR APPROVAL FROM SPU-DWW. TO SCHEDULE CORE CUTS CONTACT SPU-DWW AT 206-615-0511 A MINIMUM OF TWO BUSINESS DAYS IN ADVANCE.
- UTILITY SERVICE CONNECTIONS SHOWN ON THIS PLAN REQUIRE SEPARATE PERMITS AND ARE TO BE MAINTAINED PRIVATELY AND NOT BY THE CITY OF SEATTLE.
- THE PERMITTEE SHALL PROVIDE FOR ALL TESTING AS REQUIRED BY THE STREET USE INSPECTOR.
- BACKFILL MATERIAL USED IN PUBLIC RIGHT-OF-WAY SHALL MEET STANDARD SPECIFICATIONS AND SHALL BE APPROVED BY SEATTLE DEPARTMENT OF TRANSPORTATION.
- INSPECTION AND ACCEPTANCE OF ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE DONE BY REPRESENTATIVES OF THE CITY OF SEATTLE. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO COORDINATE AND SCHEDULE APPROPRIATE INSPECTIONS ALLOWING FOR PROPER ADVANCE NOTICE. THE SEATTLE DEPARTMENT OF TRANSPORTATION STREET USE INSPECTOR MAY REQUIRE REMOVAL AND RECONSTRUCTION OF ANY ITEMS PLACED IN THE RIGHT OF WAY THAT DO NOT MEET CITY STANDARDS OR THAT WERE CONSTRUCTED WITHOUT APPROPRIATE INSPECTIONS.
- THE PERMITTEE SHALL PROVIDE AND MAINTAIN TEMPORARY EROSION CONTROL AND SEDIMENTATION COLLECTION FACILITIES TO ENSURE THAT SEDIMENT-LADEN WATER DOES NOT ENTER THE NATURAL OR PUBLIC DRAINAGE SYSTEM PER SECTION 8-01. AS CONSTRUCTION PROGRESSES AND UNEXPECTED (SEASONAL) CONDITIONS DICTATE, ADDITIONAL CONTROL FACILITIES MAY BE REQUIRED. DURING THE COURSE OF CONSTRUCTION IT SHALL BE THE OBLIGATION AND RESPONSIBILITY OF THE PERMITTEE TO ADDRESS ANY NEW CONDITIONS THAT MAY BE CREATED BY THE PERMITTEE'S ACTIVITIES AND TO PROVIDE ADDITIONAL FACILITIES THAT MAY BE NEEDED TO PROTECT ADJACENT PROPERTIES.

- THE PERMITTEE SHALL KEEP ALL PAVED SURFACES IN THE RIGHT OF WAY CLEAN BY SWEEPING PER SECTION 8-01.3(16).
- ALL DISTURBED SOILS MUST BE AMENDED PER STANDARD PLAN 142 AND SECTION 8-02 OF THE STANDARD SPECIFICATIONS UNLESS WITHIN ONE FOOT OF A CURB OR SIDEWALK, THREE FEET OF A UTILITY STRUCTURE (E.G. WATER METER, UTILITY POLE, HAND HOLE, ETC.), OR THE DRIPLINE OF AN EXISTING TREE.
- ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE CITY OF SEATTLE TRAFFIC CONTROL MANUAL FOR IN-STREET WORK. AN APPROVED TRAFFIC CONTROL PLAN WILL BE REQUIRED FOR ALL ARTERIAL STREETS PRIOR TO BEGINNING CONSTRUCTION.
- PERMITTEE SHALL COORDINATE ANY CONSTRUCTION OR INSTALLATION ACTIVITIES AFFECTING TRANSIT OPERATIONS OR FACILITIES THROUGH METRO TRANSIT CONSTRUCTION INFORMATION CENTER FOURTEEN DAYS IN ADVANCE OF ANY IMPACT. FOR NOTIFICATION INFORMATION AND GUIDELINES, PLEASE VISIT: [HTTP://WWW.KINGCOUNTY.GOV/TRANSPORTATION/KCDOT/METROTRANSIT/CONSTRUCTION.ASPX](http://www.kingcounty.gov/transportation/kcdot/metrotransit/construction.aspx) OR CONTACT CONSTRUCTION COORDINATORS AT 206-684-2732 OR 206-684-2785.
- COORDINATE SIGN AND PAY STATION AND/OR PARKING METER HEAD REMOVAL AND INSTALLATION WITH SEATTLE DEPARTMENT OF TRANSPORTATION AT 684-5370. SIGNPOSTS ARE TO BE INSTALLED IN ACCORDANCE WITH STANDARD PLANS 616, 620, 621A, 621B, 625, & 626.
- ALL STREET NAME SIGNS MUST BE INSTALLED BY SEATTLE DEPARTMENT OF TRANSPORTATION AT THE PERMITTEE'S EXPENSE.
- ALL WORK PERFORMED BY SEATTLE CITY LIGHT, SEATTLE PUBLIC UTILITIES, AND OTHER UTILITIES TO REMOVE OR RELOCATE EXISTING UTILITIES SHALL BE DONE AT THE PERMITTEE'S EXPENSE.
- PERMITTEE MUST CONTACT THE SEATTLE DEPARTMENT OF PARKS AND RECREATION TO APPLY FOR A SEPARATE PERMIT IF WORKING WITHIN A DESIGNATED PARK BOULEVARD.
- CARE SHALL BE EXERCISED WHEN EXCAVATING NEAR EXISTING CHARGED WATER MAINS.
- PERMITTEE SHALL CONTACT SEATTLE DEPARTMENT OF TRANSPORTATION, STREET USE INSPECTOR A MINIMUM OF 2 BUSINESS DAYS PRIOR TO PLANTING FOR INSPECTION OF STREET TREES AND LANDSCAPING.
- NO WORK WITHIN 10 FEET OF ENERGIZED TROLLEY LINES BY UNQUALIFIED PERSONNEL PER WAC 296-155. CONTACT LABOR AND INDUSTRIES FOR MORE INFORMATION.

STREET LIGHTING GENERAL NOTES:

- ALL DISCONNECTIONS, TEMPORARY CONNECTIONS AND FINAL SERVICE CONNECTIONS WILL BE MADE BY SEATTLE CITY LIGHT (SCL) AT CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL COORDINATE WITH SCL FOR REMOVING FLOOD LIGHTS AND STREETLIGHTS FROM EXISTING POLES PRIOR TO POLE REMOVAL AND THE DELIVERY OF ALL THE SALVAGED STREETLIGHT RELATED MATERIALS TO SEATTLE CITY LIGHT SALVAGE YARD AT 4TH AVE SOUTH AND SOUTH SPOKANE ST.
- CONTRACTOR SHALL MAINTAIN EXISTING STREET LIGHTING SYSTEM DURING CONSTRUCTION.
- WORK SHALL BE SCHEDULED SUCH THAT NO TWO (2) ADJACENT OR OPPOSITE STREET LIGHTS ARE DISABLED AT ANY ONE TIME.
- ANY EXCAVATION IN PROXIMITY TO AN EXISTING STREETLIGHT POLE MUST BE DONE WITHOUT UNDERMINING ITS STABILITY. CONTRACTOR IS RESPONSIBLE FOR TEMPORARY SUPPORT WHICH MAY BE REQUIRED TO STABILIZE THE POLE.
- STREETLIGHT SYSTEM GROUNDING AND BONDING SHALL BE PER SEATTLE CITY LIGHT (SCL) CONSTRUCTION STANDARD 1710.50.
- ALL WIRING, INCLUDING STREET LIGHTING, PEDESTRIAN LIGHTING AND FESTOON LIGHTING CIRCUITS SHALL BE CLEARLY LABELED PER SEATTLE CITY LIGHT (SCL) CONSTRUCTION STANDARD 1714.10.
- EACH LUMINAIRE SHALL BE FUSED PER SEATTLE CITY LIGHT (SCL) CONSTRUCTION STANDARD 1730.00.
- CONTRACTOR SHALL CALL FOR AN INSPECTION OF THE STREET LIGHTING SYSTEM AT VARIOUS STAGES OF INSTALLATION/CONSTRUCTION OR AS INSTRUCTED BY THE SCL INSPECTOR.
- FOR STREET LIGHTING INSPECTIONS CONTACT ASSIGNED SCL ELECTRICAL REVIEWERS, TOMMY EDWARDS AT (206) 730-1070, MARY KRONAU AT (206) 730-1066 OR RICK MONTEMAYOR AT (206) 730-1098.
- CONTRACTOR WILL ASSIST THE INSPECTOR DURING THE INSPECTION, COMMISSIONING, AND FINAL CONNECTION PHASES OF THE PROJECT AS INSTRUCTED BY THE INSPECTOR. SUCH ASSISTANCE WILL INCLUDE, BUT NOT BE LIMITED TO, OPENING HANDHOLES, MANHOLES AND VARIOUS ACCESS COVERS, DISCONNECTING AND RECONNECTING FUSE HOLDERS AND MECHANICAL SPLICE CONNECTIONS, VERIFYING CONDUIT RUNS, ETC.
- CONTRACTOR SHALL PROVIDE AN OPERATOR AND MAN LIFT TRUCK FOR USE DURING INSPECTION OF INSTALLED STREETLIGHT FACILITIES.
- CONTRACTOR SHALL CORRECT ALL PUNCH LIST ITEMS AND CALL FOR A RE-INSPECTION WHERE REQUIRED BY THE INSPECTOR.
- UPON COMPLETION OF WIRING THE STREETLIGHT SYSTEM, THE CONTRACTOR SHALL PREPARE AN AS-BUILT WIRING DIAGRAM. THE DIAGRAM SHALL INCLUDE WHICH DUCT IS USED IN EACH DUCT BANK. CONTRACTOR SHALL PROVIDE THE AS-BUILT TO SCL ELECTRICAL INSPECTOR PRIOR TO REQUESTING FINAL STREETLIGHT SERVICE CONNECTION.
- COORDINATE ALL ENERGIZING AND DE-ENERGIZING OF STREET LIGHTING SERVICE WITH SCL ELECTRICAL SERVICE REPRESENTATIVE TEN (10) WORKING DAYS IN ADVANCE.
- VACANT CONDUIT SHALL BE STUBBED IN HANDHOLE. STRING SHALL BE BLOWN THROUGH THE CONDUIT AND IT SHALL BE CAPPED.

SEATTLE CITY LIGHT GENERAL NOTES

- THE CONTRACTOR SHALL BE LICENSED AND BONDED WITH THE CITY OF SEATTLE, AND SHALL OBTAIN ALL PERMITS REQUIRED FOR WORK WITHIN THE PUBLIC RIGHT-OF-WAY. PROVIDE THE PERMIT NUMBER TO SCL, AS SCL CREW WILL BE WORKING UNDER THIS PERMIT NUMBER.
- EXCAVATING NEAR SCL FACILITIES: ALL EXCAVATIONS ADJACENT TO SCL POLES OR OTHER FACILITIES (VAULTS, HANDHOLES, ETC.) SHALL COMPLY WITH WASHINGTON ADMINISTRATIVE CODE, WAC 296-155, PART N "EXCAVATION, TRENCHING AND SHORING". THE CONTRACTOR SHALL SUBMIT A POLE PLAN TO SCL FOR REVIEW (20 DAYS ADVANCE NOTICE) WHEN TRENCHING WITHIN 10' OF SCL POLES. POLE PROTECTION/SUPPORTING SYSTEMS USED WHILE EXCAVATING SHALL COMPLY WITH WAC 296-155-655 "GENERAL PROTECTION REQUIREMENTS, ITEM 9" AND SHALL NOT AFFECT THE STRUCTURAL INTEGRITY OF POLES WHILE THE SYSTEMS ARE IN PLACE OR AFTER THE SYSTEMS HAVE BEEN REMOVED. DO NOT TRENCH WITHIN 10-FEET OF THE NEW POLE UNTIL IT HAS BEEN SET BY SEATTLE CITY LIGHT (SCL).
- CONSTRUCTION MATERIALS INSPECTION: ALL MATERIALS AND WORK ASSOCIATED WITH THE SEATTLE CITY LIGHT UNDERGROUND SYSTEM SHALL CONFORM TO SCL CONSTRUCTION & MATERIAL STANDARDS, UNLESS NOTED OTHERWISE ON THE PLANS OR REQUIRED BY THE SCL INSPECTOR. AT A MINIMUM, REFER TO SCL MATERIAL STANDARDS 7015.05, 7020.05 AND 7050.05 FOR A LIST OF SCL APPROVED CONDUIT MANUFACTURERS. USE CITY LIGHT APPROVED CONDUIT MANUFACTURERS ONLY. NOTE MANUFACTURER LIMITATIONS FOR PVC FEMALE ADAPTERS GIVEN ON THE MATERIAL STANDARDS. PHONE SCL ELECTRIC SERVICE REPRESENTATIVE (BILL DANBOM 206-386-1797) IN ADVANCE OF PURCHASING OR INSTALLING CONSTRUCTION MATERIALS FOR SCL APPROVAL OF THE SELECTED MANUFACTURER.
- VAULT AND CONDUIT INSTALLATION INSPECTION: CONTACT SCL SERVICE REPRESENTATIVE (BILL DANBOM 206-386-1797), AT LEAST 2 BUSINESS DAYS IN ADVANCE OF POURING PAD, SETTING VAULT STRUCTURES, AND BEFORE BACKFILLING TRENCHES, TO SCHEDULE INSPECTION AND OBSERVATION OF CONSTRUCTION. NO INSPECTION WILL BE MADE UNLESS SHORING FOR EXCAVATION COMPLIES WITH WAC 296-155, PART N, "EXCAVATION, TRENCHING AND SHORING". THE INSPECTOR MUST INSPECT ALL ASPECTS OF ENCLOSURES AND VAULTS, INCLUDING, BUT NOT LIMITED TO, ACCESS, WALLS/FLOOR/CEILING CONSTRUCTION, CONDUIT PENETRATIONS, GROUNDING, AND SECONDARY BUS BARS BEFORE THE ENCLOSURES AND VAULTS WILL BE APPROVED FOR SERVICE. THE SCL INSPECTOR MUST INSPECT AND APPROVE THE CONDUIT TRENCH, TRENCH BEDDING, AND CONDUITS, BEFORE ENCASEMENT AND COVERING TRENCH.
- CAP STUBBED CONDUITS, CLEAN AND MANDREL ALL CONDUITS AND CONDUIT BENDS, AND JET ROD ALL DUCTS 5" AND LARGER PER SCL CONSTRUCTION STANDARD U2-11.40. OBTAIN APPROVAL FROM THE SCL INSPECTOR PRIOR TO BACKFILLING THE TRENCH. INSTALL MARKING TAPE AND PULLING HANDLINES PER SCL CONSTRUCTION STANDARDS.
- SEATTLE CITY LIGHT WILL TAKE OVER THE INSTALLATION AND PULLING OF THE CONDUCTORS AFTER CONDUITS AND VAULTS ARE INSTALLED PER SCL STANDARDS, AND INSPECTED AND APPROVED BY THE SCL INSPECTOR.
- ALL VAULTS AND HANDHOLES SHALL BE ADJUSTABLE TO FINAL STREET GRADE PER SEATTLE DEPARTMENT OF TRANSPORTATION REQUIREMENTS.
- HIGH VOLTAGE WORKING CLEARANCE: STATE LAW REQUIRES ALL CONSTRUCTION WORKERS, THEIR TOOLS, MACHINERY, TEMPORARY STRUCTURES, EQUIPMENT AND MATERIALS TO MAINTAIN A MINIMUM 10-FOOT CLEARANCE FROM POWER LINES (WAC 296-24-960). SCL TRANSMISSION LINES REQUIRE EVEN GREATER CLEARANCE. THE CONTRACTOR SHALL CONTACT SCL IN ADVANCE OF ANY WORK IN PROXIMITY TO ANY ENERGIZED LINES SO SCL CAN DE-ENERGIZE AND GROUND OR TEMPORARILY RELOCATE LINES.
- PREVENT WATER FROM ENTERING CUSTOMER SERVICE EQUIPMENT OR BUILDING FROM TRANSFORMER PAD/VAULT THROUGH CUSTOMER'S LOW-VOLTAGE SERVICE CONDUITS OR BUS GUTTER, AND CONDUIT'S/GUTTER'S WALL/FLOOR/CEILING PENETRATIONS. INSTALL CONDUITS AND EQUIPMENT AT ELEVATIONS THAT WILL PREVENT WATER FROM ENTERING THE BUILDING.
- CONTACT SCL ELECTRIC SERVICE REPRESENTATIVE (BILL DANBOM 206-386-1797) WITH ANY DESIGN, CONSTRUCTION CHANGES OR QUESTIONS REGARDING THE INSTALLATION. ANY CHANGE IN DESIGN WILL REQUIRE SCL ENGINEERING REVIEW AND APPROVAL.
- EXTENSIVE 26KV UNDERGROUND POWER IN AREA. CONTRACTOR TO HAND EXPOSE TO VERIFY DEPTH AND LOCATION. CONTACT SCL ENGINEERING FOR STANDBY AS NEEDED.
- CONTACT SCL ENGINEERING IF VAULT/HAND HOLE COVERS NEED TO BE RESET TO NEW GRADES.
- UNESCORTED ENTRY INTO ENERGIZED FACILITIES IS PROHIBITED. OBSERVE ALL OSHA REGULATIONS WHILE WORKING IN OVERHEAD AREAS.
- PRE-CAST VAULTS
 - VAULT LOCATION: LOCATE VAULTS AT THE LOCATION SHOWN ON THE PLANS. LOCATION AND INSTALLATION SHALL COMPLY WITH SCL CONSTRUCTION STANDARD U2-10, U2-14.2, U2-15.1 & U10-7. ALL VAULTS AND HANDHOLES SHALL BE ADJUSTED TO FINAL STREET GRADE PER SEATTLE DEPARTMENT OF TRANSPORTATION REQUIREMENTS. SEAL THE VAULT PER SCL CONSTRUCTION STANDARDS U2-15.1.
 - VAULT SUMP: THE VAULT SUMP SHALL BE LOCATED BELOW THE ENTRANCE HATCH PER SCL AND THE VAULT FLOOR MUST SLOPE ONE INCH IN TEN FEET TOWARD THE SUMP.
 - VAULT GROUNDING: FURNISH AND INSTALL GROUNDING ELECTRODE SYSTEM PER SCL CONSTRUCTION GUIDELINE U2-15.1, ITEM 9.
 - VAULTS WITH TRANSFORMERS: THE VAULT VENT OR VAULT PERSONNEL HATCH MUST BE A MINIMUM OF 10 FEET FROM A WINDOW, DOOR, OR FLAMMABLE SURFACE AND 2 FEET FROM A THREE-HOUR FIRE RESISTANT NON-COMBUSTIBLE STRUCTURE.
- FOR UNDERGROUND DISTRIBUTION SYSTEM CONDUITS:
 - CONDUIT DEPTH: CONDUITS MUST HAVE 48" MINIMUM COVER IN ROADWAYS AND 36" MINIMUM COVER ELSEWHERE IN THE RIGHT-OF-WAY, EASEMENT AREAS, AND ON PRIVATE PROPERTY. OBSERVE SPECIFICATIONS DETAILED IN SCL CONSTRUCTION GUIDELINES 0214.00 AND 0222.02. THE SCL INSPECTOR MUST INSPECT CONDUIT TRENCH, TRENCH BEDDING, AND CONDUITS BEFORE COVERING.

- THERE MUST BE NO MORE THAN TWO 90 DEGREE BENDS IN ANY RUN OF CONDUIT BETWEEN ACCESS POINTS, UNLESS OTHERWISE APPROVED BY SCL ENGINEER.
- CLEAN AND MANDREL CONDUITS, AND PROVIDE AND INSTALL PULL TAPE WITH SEQUENTIAL FOOTAGE MARKINGS AND MARKING TAPE PER SCL CONSTRUCTION STANDARDS U2-11.40.
- CONDUIT STRAIGHT: PROVIDE AND INSTALL PVC SCHEDULE 40 CONDUITS AS SHOWN ON PLANS AND PER SCL STANDARDS 0751.60 SECTION 13 AND MATERIAL STANDARD 7015.05.
- HORIZONTAL CONDUIT SWEEPS: SHALL HAVE A 12-FOOT MINIMUM BENDING RADIUS AND BE RIGID GALVANIZED STEEL PER SCL CONSTRUCTION STANDARD 0222.02 AND SCL MATERIAL STANDARD 7050.05, UNLESS OTHERWISE SPECIFIED OR APPROVED BY SCL ENGINEER.
- CONDUIT POLE RISERS: INSTALL RIGID GALVANIZED STEEL CONDUITS 10 FEET UP CITY LIGHT POLE PER SCL STANDARDS U7-10, U7-10.2 AND SCL MATERIAL STANDARDS 0750.05. RIGID GALVANIZED STEEL CONDUIT RISER BENDS SHALL HAVE A MINIMUM 36-INCH RADIUS FOR 3-INCH CONDUITS, 48-INCH RADIUS FOR 4-INCH CONDUITS, AND MINIMUM 60-INCH RADIUS FOR 5-INCH CONDUIT. BRACKETS FOR POLE RISER CONDUITS SHALL BE PER SCL MATERIAL STANDARD 6867.5.
- CONDUIT END BELLS: FURNISH AND INSTALL END BELLS FLUSH WITH THE INTERIOR WALLS ON ALL CONDUITS ENTERING THE VAULT. THE CONDUITS MUST BE GROUDED, BOTH INSIDE AND OUTSIDE OF THE VAULT OPENINGS, AND THE CONDUITS MUST ENTER OR LEAVE THE VAULT, ACCORDING TO SCL CONSTRUCTION STANDARD 0222.02.
- DUCT BANKS SHALL BE INSTALLED PER SCL CONSTRUCTION STANDARDS SECTIONS 0214.00, 0222.02, U2-11.40, AND 0751.60 SECTION 13. CONDUITS SHALL BE ENCASED IN RED DYED CONCRETE ENCASEMENT WITHIN 3-INCHES OF CONDUITS PER SCL CONSTRUCTION STANDARDS. USE 4 POUNDS RED CONCRETE DYE PER CUBIC YARD. CONTRACTOR TO CONTACT SCL ELECTRIC SERVICE REPRESENTATIVE (BILL DANBOM 206-386-1797) TO COORDINATE.
- CONDUITS SHALL ENTER THE VAULT NO MORE THAN 18 INCHES FROM THE CORNER AND CONDUITS ENTERING AT THE SAME CORNER ON OPPOSITE WALLS SHALL NOT ENTER AT THE SAME HEIGHT PER SCL CONSTRUCTION GUIDELINE 0222.02.
- EXISTING POWER TRANSITE CONDUITS, CONTAINING ASBESTOS, SHALL BE ABATED BY CERTIFIED CONTRACTOR(S).

CENTURYLINK GENERAL NOTES

- CENTURYLINK HAND HOLES, VAULTS, LIDS AND CONDUITS SHALL BE INSTALLED IN ACCORDANCE WITH SCL CONSTRUCTION GUIDELINES EXCEPT THAT CONDUIT BENDS SHALL BE PVC.
- CONTRACTOR SHALL PROVIDE ALL VAULTS, HAND HOLES, LIDS AND CONDUITS NECESSARY FOR THE CONSTRUCTION OF THE CENTURY LINK FRANCHISE UTILITIES. CENTURYLINK CREWS WILL PULL CABLES AND MAKE REQUIRED CONNECTIONS.
- ALL CENTURYLINK CONDUITS SHALL BE CLEANED AND MANDRELLED, AND SHALL INCLUDE A PULL STRING PER CENTURYLINK REQUIREMENTS.
- CONTRACTOR SHALL CONTACT KAYVAN FASSNACHT @ (425) 213-9378 C. (206) 345-5479 O. (Kayvan.Fassnacht@Centurylink.com) A MINIMUM OF THREE WEEKS IN ADVANCE TO COORDINATE CABLE INSTALLATION AND ASSOCIATED WORK PERFORMED BY CENTURYLINK CREWS AND ONE WEEK IN ADVANCE TO COORDINATE ANY REQUIRED INSPECTION AND AS-BUILT OF CONTRACTOR INSTALLED CENTURYLINK SYSTEM.

COMCAST GENERAL NOTES

- COMCAST HAND HOLES, VAULTS, LIDS AND CONDUITS SHALL BE INSTALLED IN ACCORDANCE WITH SCL CONSTRUCTION GUIDELINES EXCEPT THAT CONDUIT BENDS SHALL BE PVC.
- CONTRACTOR SHALL PROVIDE ALL VAULTS, HAND HOLES, LIDS AND CONDUITS NECESSARY FOR THE CONSTRUCTION OF THE COMCAST FRANCHISE UTILITIES. COMCAST CREWS WILL PULL CABLES AND MAKE REQUIRED CONNECTIONS.
- ALL COMCAST CONDUITS SHALL BE CLEANED AND MANDRELLED, AND SHALL INCLUDE A PULL STRING PER COMCAST REQUIREMENTS.
- CONTRACTOR SHALL CONTACT MICHAEL DALE @ (425) 263-5361 (michael_dale@cable.comcast.com) and MIKE FONTENOT @ (425) 263-5482 (Michael.Fontenot@cable.comcast.com), A MINIMUM OF THREE WEEKS IN ADVANCE TO COORDINATE CABLE INSTALLATION AND ASSOCIATED WORK PERFORMED BY COMCAST CREWS AND ONE WEEK IN ADVANCE TO COORDINATE ANY REQUIRED INSPECTION AND AS-BUILT OF CONTRACTOR INSTALLED COMCAST SYSTEM.

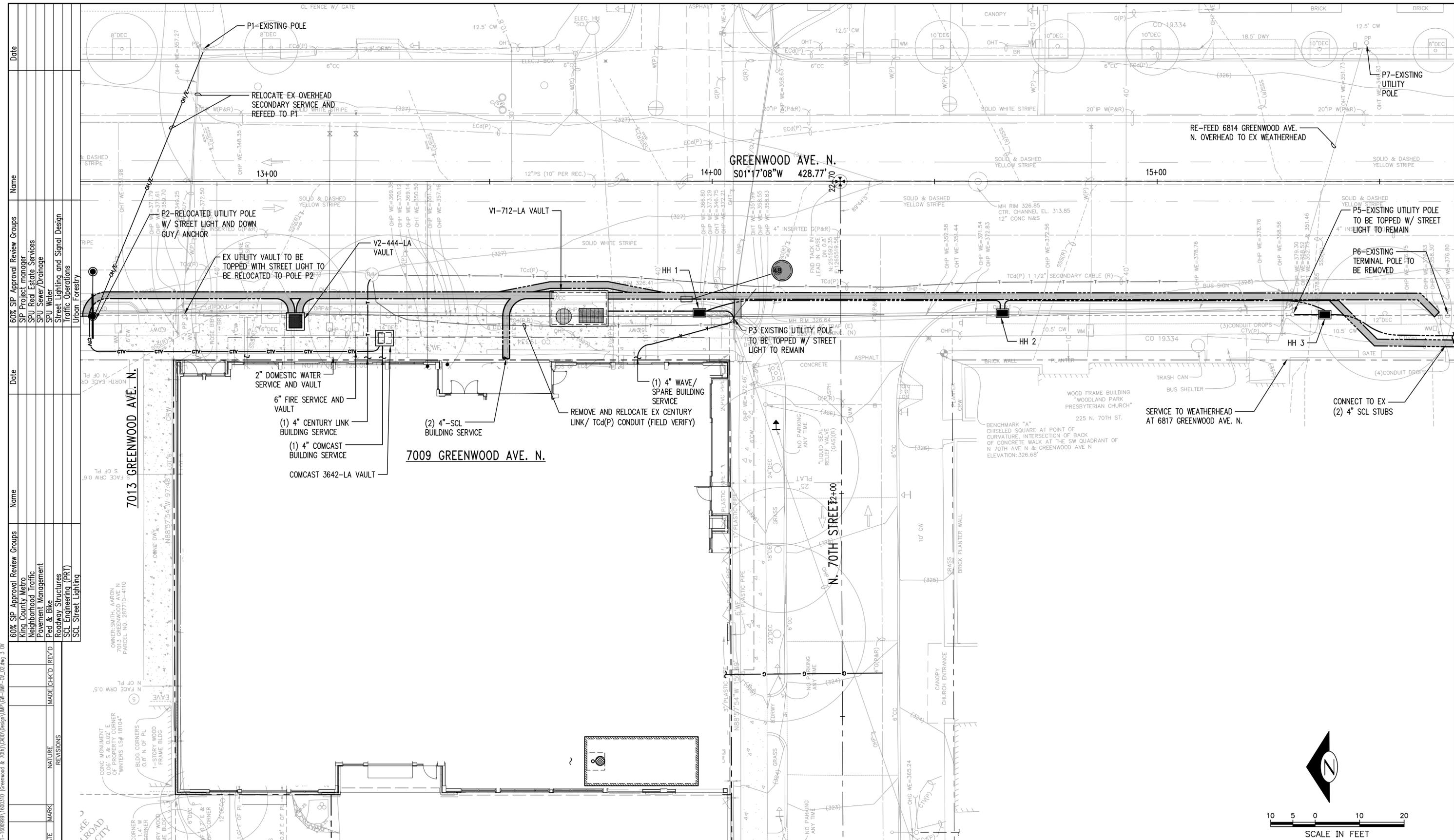
WAVE BROADBAND GENERAL NOTES

- WAVE HAND HOLES, VAULTS, LIDS AND CONDUITS SHALL BE INSTALLED IN ACCORDANCE WITH SCL CONSTRUCTION GUIDELINES EXCEPT THAT CONDUIT BENDS SHALL BE PVC.
- CONTRACTOR SHALL PROVIDE ALL VAULTS, HAND HOLES, LIDS AND CONDUITS NECESSARY FOR THE CONSTRUCTION OF THE WAVE FRANCHISE UTILITIES. WAVE CREWS WILL PULL CABLES AND MAKE REQUIRED CONNECTIONS.
- ALL WAVE CONDUITS SHALL BE CLEANED AND MANDRELLED, AND SHALL INCLUDE A PULL STRING PER WAVE REQUIREMENTS.
- CONTRACTOR SHALL CONTACT GARY CARLIE @ 206-454-9166 (gcarlie@wavebroadband.com) A MINIMUM OF THREE WEEKS IN ADVANCE TO COORDINATE CABLE INSTALLATION AND ASSOCIATED WORK PERFORMED BY WAVE CREWS AND ONE WEEK IN ADVANCE TO COORDINATE ANY REQUIRED INSPECTION AND AS-BUILT OF CONTRACTOR INSTALLED WAVE SYSTEM.

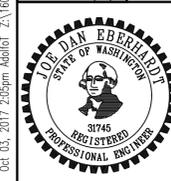
90% Utility Major Permit Plan - NOT FOR CONSTRUCTION

 <p>1601 5th Avenue, Suite 1600 Seattle, WA 98101 206.622.5822 www.kpff.com</p>	 <p>Call 811 two business days before you dig</p>	REVIEWED BY SPU/WATER ENGINEERING DESIGNED ATT 10-02-17 CHECKED JDE 10-02-17 20.....	NAME OR INITIALS AND DATE DESIGNED ATT 10-02-17 CHECKED JDE 10-02-17 20.....	INITIALS AND DATE REVIEWED: PROJECT MANAGER 10-02-17 10-02-17	 <p>City of Seattle Seattle Department of Transportation</p>	<p>7009 GREENWOOD AVENUE NORTH UTILITY MAJOR PERMIT PLANS GENERAL NOTES</p>	SIP PROJECT #330655 SDCI PROJECT #3023260	SDOT PROJECT NO. 336490
		APPROVED BY SDOT STREET IMPROVEMENT PERMITTING 20.....	DESIGN REVIEW REVISED AS-BUILT..... All work done in accordance with the City of Seattle Standard Plans and Specifications in effect on the date shown above, and supplemented by Special Provisions.	ORDNANCE NO. APPROVED. FUND: SCALE: INSPECTOR'S BOOK.				VAULT PLAN NO. VAULT SERIAL NO. XXX-XXX SHEET 2 OF 8

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90% Utility Major Permit Plan - NOT FOR CONSTRUCTION



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REVIEWED BY SPU/WATER ENGINEERING	DESIGNED ATT 10-02-17	INITIALS AND DATE
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20.....	CHECKED ATT 10-02-17	
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	DESIGN REVIEW	REVISED AS-BUILT.....
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All work done in accordance with the City of Seattle Standard Plans and Specifications in effect on the date shown above, and supplemented by Special Provisions.

City of Seattle
Seattle Department of Transportation
 ORDINANCE NO. APPROVED
 FUND:
 SCALE: INSPECTOR'S BOOK

SIP PROJECT #330655 SDCI PROJECT #3023260
7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
OVERALL PLAN

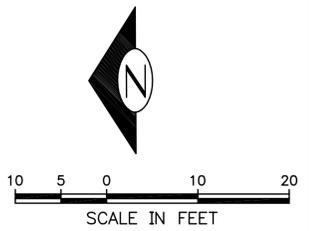
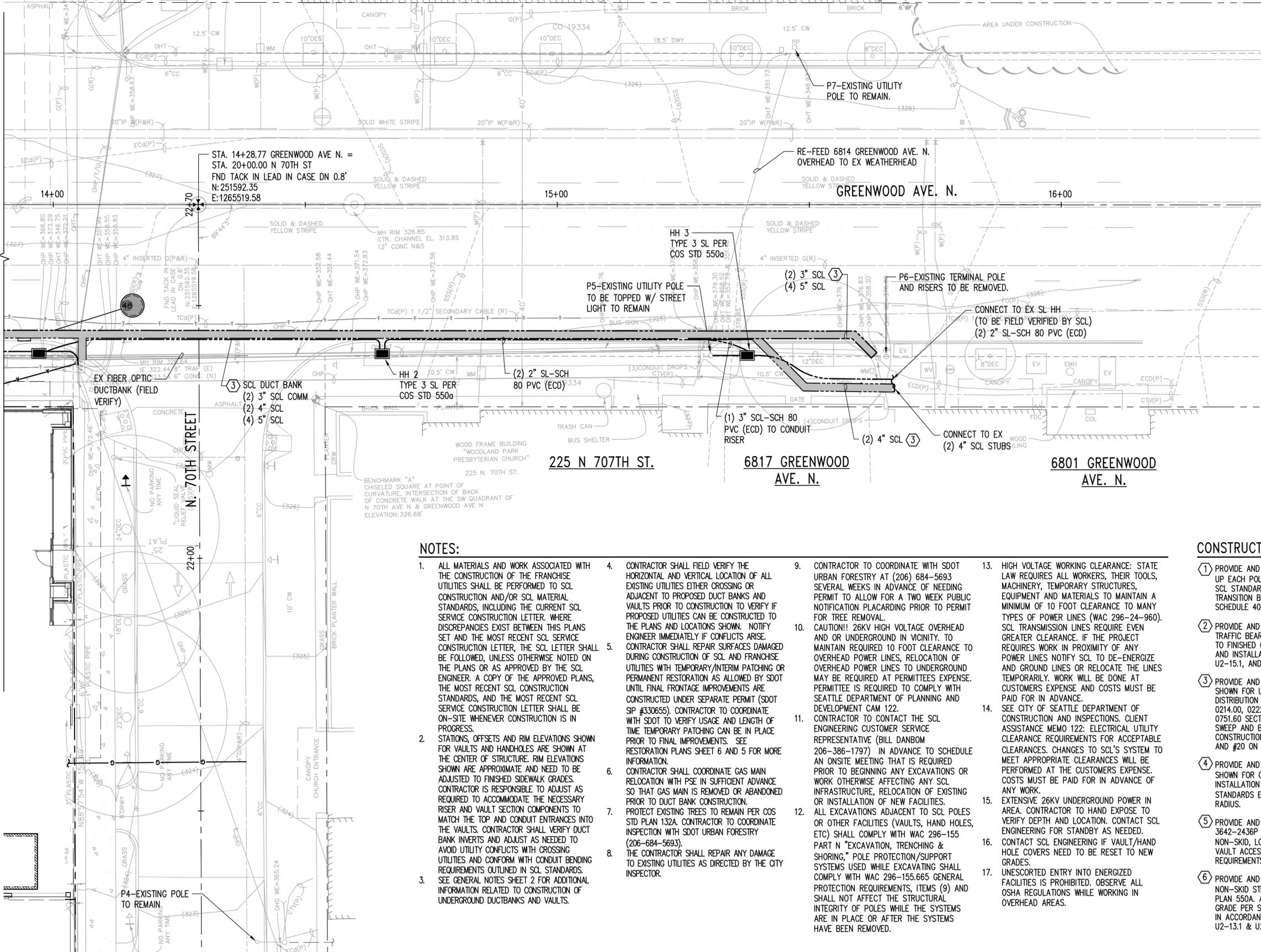
SDOT PROJECT NO. 336490
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VAULT SERIAL NO. XXX-XXX
SHEET 3 OF 8

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Date	Name	60% SIP Approval Review Groups
	SIP Project manager	SIP Project manager
	SPU Real Estate Services	SPU Real Estate Services
	SPU Sewer/Drainage	SPU Sewer/Drainage
	SPU Water	SPU Water
	Street Lighting and Signal Design	Street Lighting and Signal Design
	Traffic Operations	Traffic Operations
	Urban Forestry	Urban Forestry

Date	Name	60% SIP Approval Review Groups
	King County Metro	King County Metro
	Neighborhood Traffic	Neighborhood Traffic
	Pavement Management	Pavement Management
	Ped & Bike	Ped & Bike
	Roadway Structures	Roadway Structures
	SCL Engineering (PRT)	SCL Engineering (PRT)
	SCL Street Lighting	SCL Street Lighting

SEE SHEET 4 FOR ADDITIONAL IMPROVEMENTS ALONG GREENWOOD AVE N.



NOTES:

- ALL MATERIALS AND WORK ASSOCIATED WITH THE CONSTRUCTION OF THE FRANCHISE UTILITIES SHALL BE PERFORMED TO SCL CONSTRUCTION AND/OR SCL MATERIAL STANDARDS, INCLUDING THE CURRENT SCL SERVICE CONSTRUCTION LETTER. WHERE DISCREPANCIES EXIST BETWEEN THIS PLANS SET AND THE MOST RECENT SCL SERVICE CONSTRUCTION LETTER, THE SCL LETTER SHALL BE FOLLOWED, UNLESS OTHERWISE NOTED ON THE PLANS OR AS APPROVED BY THE SCL ENGINEER. A COPY OF THE APPROVED PLANS, THE MOST RECENT SCL CONSTRUCTION STANDARDS, AND THE MOST RECENT SCL SERVICE CONSTRUCTION LETTER SHALL BE ON-SITE WHENEVER CONSTRUCTION IS IN PROGRESS.
- STATIONS, OFFSETS AND RIM ELEVATIONS SHOWN FOR VAULTS AND HANDHOLES ARE SHOWN AT THE CENTER OF STRUCTURE. RIM ELEVATIONS SHOWN ARE APPROXIMATE AND NEED TO BE ADJUSTED TO FINISHED SIDEWALK GRADES. CONTRACTOR IS RESPONSIBLE TO ADJUST AS REQUIRED TO ACCOMMODATE THE NECESSARY RISER AND VAULT SECTION COMPONENTS TO MATCH THE TOP AND CONDUIT ENTRANCES INTO THE VAULTS. CONTRACTOR SHALL VERIFY DUCT BANK INVERTS AND ADJUST AS NEEDED TO AVOID UTILITY CONFLICTS WITH CROSSING UTILITIES AND CONFORM WITH CONDUIT BENDING REQUIREMENTS OUTLINED IN SCL STANDARDS. SEE GENERAL NOTES SHEET 2 FOR ADDITIONAL INFORMATION RELATED TO CONSTRUCTION OF UNDERGROUND DUCTBANKS AND VAULTS.
- CONTRACTOR SHALL FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES EITHER CROSSING OR ADJACENT TO PROPOSED DUCT BANKS AND VAULTS PRIOR TO CONSTRUCTION TO VERIFY IF PROPOSED UTILITIES CAN BE CONSTRUCTED TO THE PLANS AND LOCATIONS SHOWN. NOTIFY ENGINEER IMMEDIATELY IF CONFLICTS ARISE.
- CONTRACTOR SHALL REPAIR SURFACES DAMAGED DURING CONSTRUCTION OF SCL AND FRANCHISE UTILITIES WITH TEMPORARY/INTERIM PATCHING OR PERMANENT RESTORATION AS ALLOWED BY SDOT UNTIL FINAL FRONTAGE IMPROVEMENTS ARE CONSTRUCTED UNDER SEPARATE PERMIT (SDOT SIP #330655). CONTRACTOR TO COORDINATE WITH SDOT TO VERIFY USAGE AND LENGTH OF TIME TEMPORARY PATCHING CAN BE IN PLACE PRIOR TO FINAL IMPROVEMENTS. SEE RESTORATION PLANS SHEET 6 AND 5 FOR MORE INFORMATION.
- CONTRACTOR SHALL COORDINATE GAS MAIN RELOCATION WITH PSE IN SUFFICIENT ADVANCE SO THAT GAS MAIN IS REMOVED OR ABANDONED PRIOR TO DUCT BANK CONSTRUCTION.
- PROTECT EXISTING TREES TO REMAIN PER COS STD PLAN 132A. CONTRACTOR TO COORDINATE INSPECTION WITH SDOT URBAN FORESTRY (206-684-5693).
- THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITIES AS DIRECTED BY THE CITY INSPECTOR.
- CONTRACTOR TO COORDINATE WITH SDOT URBAN FORESTRY AT (206) 684-5693 SEVERAL WEEKS IN ADVANCE OF NEEDING PERMIT TO ALLOW FOR A TWO WEEK PUBLIC NOTIFICATION PLACARDING PRIOR TO PERMIT FOR TREE REMOVAL.
- CAUTION!! 26KV HIGH VOLTAGE OVERHEAD AND OR UNDERGROUND IN VICINITY. TO MAINTAIN REQUIRED 10 FOOT CLEARANCE TO OVERHEAD POWER LINES, RELOCATION OF OVERHEAD POWER LINES TO UNDERGROUND MAY BE REQUIRED AT PERMITTEES EXPENSE. PERMITTEE IS REQUIRED TO COMPLY WITH SEATTLE DEPARTMENT OF PLANNING AND DEVELOPMENT CAM 122.
- CONTRACTOR TO CONTACT THE SCL ENGINEERING CUSTOMER SERVICE REPRESENTATIVE (BILL DANBOM 206-386-1797) IN ADVANCE TO SCHEDULE AN ONSITE MEETING THAT IS REQUIRED PRIOR TO BEGINNING ANY EXCAVATIONS OR WORK OTHERWISE AFFECTING ANY SCL INFRASTRUCTURE, RELOCATION OF EXISTING OR INSTALLATION OF NEW FACILITIES.
- ALL EXCAVATIONS ADJACENT TO SCL POLES (OR OTHER FACILITIES (VAULTS, HAND HOLES, ETC) SHALL COMPLY WITH WAC 296-155 PART N "EXCAVATION, TRENCHING & SHORING," POLE PROTECTION/SUPPORT SYSTEMS USED WHILE EXCAVATING SHALL COMPLY WITH WAC 296-155.665 GENERAL PROTECTION REQUIREMENTS, ITEMS (9) AND SHALL NOT AFFECT THE STRUCTURAL INTEGRITY OF POLES WHILE THE SYSTEMS ARE IN PLACE OR AFTER THE SYSTEMS HAVE BEEN REMOVED.
- HIGH VOLTAGE WORKING CLEARANCE: STATE LAW REQUIRES ALL WORKERS, THEIR TOOLS, MACHINERY, TEMPORARY STRUCTURES, EQUIPMENT AND MATERIALS TO MAINTAIN A MINIMUM OF 10 FOOT CLEARANCE TO MANY TYPES OF POWER LINES (WAC 296-24-960).
- SCL TRANSMISSION LINES REQUIRE EVEN GREATER CLEARANCE. IF THE PROJECT REQUIRES WORK IN PROXIMITY OF ANY POWER LINES NOTIFY SCL TO DE-ENERGIZE AND GROUND LINES OR RELOCATE THE LINES TEMPORARILY. WORK WILL BE DONE AT CUSTOMERS EXPENSE AND COSTS MUST BE PAID FOR IN ADVANCE.
- SEE CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS. CLIENT ASSISTANCE MEMO 122: ELECTRICAL UTILITY CLEARANCE REQUIREMENTS FOR ACCEPTABLE CLEARANCES. CHANGES TO SCL'S SYSTEM TO MEET APPROPRIATE CLEARANCES WILL BE PERFORMED AT THE CUSTOMERS EXPENSE. COSTS MUST BE PAID FOR IN ADVANCE OF ANY WORK.
- EXTENSIVE 26KV UNDERGROUND POWER IN AREA. CONTRACTOR TO HAND EXPOSE TO VERIFY DEPTH AND LOCATION. CONTACT SCL ENGINEERING FOR STANDBY AS NEEDED.
- CONTACT SCL ENGINEERING IF VAULT/HAND HOLE COVERS NEED TO BE RESET TO NEW GRADES.
- UNESCORTED ENTRY INTO ENERGIZED FACILITIES IS PROHIBITED. OBSERVE ALL OSHA REGULATIONS WHILE WORKING IN OVERHEAD AREAS.

CONSTRUCTION NOTES:

- PROVIDE AND EXTEND RIGID GALVANIZED STEEL RISERS 10' UP EACH POLE. ATTACH TO/PROVIDE SCL BRACKET PER SCL STANDARDS GUIDELINES U7-10, AND U7-10.2. ALL 90° TRANSITION BENDS SHALL BE RIGID STEEL FOR SCL, PVC SCHEDULE 40 FOR COMCAST, CLINK, AND WAVE.
- PROVIDE AND INSTALL SCL VAULT (SIZE PER PLAN) WITH TRAFFIC BEARING, NON-SKID COVER. ADJUST VAULT COVER TO FINISHED GRADE PER SDOT REQUIREMENTS. MATERIAL AND INSTALLATION SHALL BE PER SCL STANDARDS 0214.00, U2-15.1, AND U10-7.
- PROVIDE AND INSTALL SCHEDULE 40 PVC CONDUIT AS SHOWN FOR UNDERGROUNDING OF SCL EXISTING OVERHEAD DISTRIBUTION LINES PER SCL CONSTRUCTION STANDARDS 0214.00, 0222.02, 0224.05, 0231.01, U2-11.40, AND 0751.60 SECTION 13. CONTRACTOR SHALL MAINTAIN CONDUIT SWEEP AND BENDING REQUIREMENTS OUTLINED IN SCL CONSTRUCTION STANDARDS AND SCL GENERAL NOTES #19 AND #20 ON SHEET 2.
- PROVIDE AND INSTALL SCHEDULE 40 PVC CONDUITS AS SHOWN FOR CENTURYLINK (CLINK), COMCAST AND WAVE. INSTALLATION SHALL BE PER SCL CONSTRUCTION STANDARDS EXCEPT ALL BENDS SHALL BE PVC WITH 36" RADIUS.
- PROVIDE AND INSTALL 3642-LA COMCAST VAULT WITH 3642-2436P GALVANIZED STEEL, TRAFFIC-BEARING, NON-SKID, LOCKING COVER MARKED "COMCAST". ADJUST VAULT ACCESS HATCH TO FINISHED GRADE PER SDOT REQUIREMENTS.
- PROVIDE AND INSTALL 233-LA SCL HANDHOLE AND NON-SKID STEEL COVER MARKED "SCL" PER C.O.S. STD PLAN 550A. ADJUST VAULT ACCESS HATCH TO FINISHED GRADE PER SDOT REQUIREMENTS. VAULT TO BE INSTALLED IN ACCORDANCE WITH SCL CONSTRUCTION GUIDELINES U2-13.1 & U2-14.2.

90% Utility Major Permit Plan - NOT FOR CONSTRUCTION

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 www.kpff.com

811 Call 811
 two business days
 before you dig

REVIEWED BY SPU/WATER ENGINEERING	NAME OR INITIALS AND DATE	INITIALS AND DATE
20.....	DESIGNED ATT 10-02-17	REVIEWED: JDE 10-02-17
REVIEWED BY SPU/DRAINAGE	CHECKED ATT 10-02-17	PROJECT MANAGER
20.....	DRAWN KWP 10-02-17	CHECKED ATT 10-02-17
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	DESIGN REVIEW	REVISED AS-BUILT
20.....		

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED ATT 10-02-17	REVIEWED: JDE 10-02-17
DRAWN KWP 10-02-17	PROJECT MANAGER
CHECKED ATT 10-02-17	
DESIGN REVIEW	REVISED AS-BUILT

City of Seattle
Seattle Department of Transportation
 ORDINANCE NO. _____ APPROVED _____
 FUND: _____
 SCALE: _____ INSPECTOR'S BOOK _____

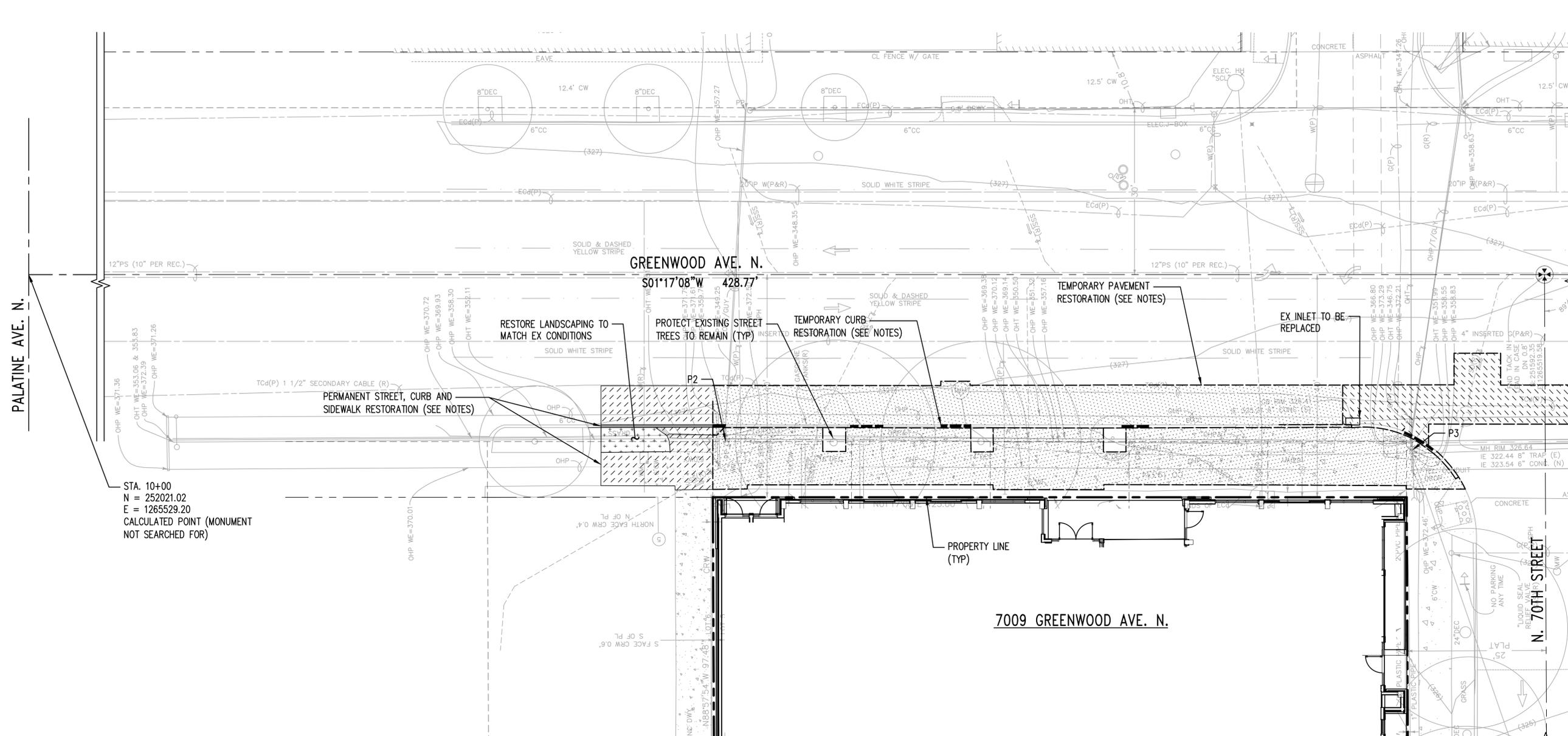
SIP PROJECT #330655 SDCI PROJECT #3023260

7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
GREENWOOD AVENUE N (SOUTH) - FRANCHISE UTILITY PLAN

SDOT PROJECT NO. 336490
VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX
SHEET 5 OF 8

Oct 03, 2017 2:05pm Adibid: 2\1600001-1600655\Greenwood & 70th\CADD\Design\WIP\DWG-IMP-PV-03.dwg 6 PV_NORTH

Date	Name	60% SIP Approval Review Groups
	King County Metro	SIP Project manager
	Neighborhood Traffic	SPU Real Estate Services
	Pavement Management	SPU Sewer/Drainage
	Ped & Bike	SPU Water
	Roadway Structures	Street Lighting and Signal Design
	SQL Engineering (PRT)	Traffic Operations
	SQL Street Lighting	Urban Forestry



STA. 10+00
 N = 252021.02
 E = 1265529.20
 CALCULATED POINT (MONUMENT
 NOT SEARCHED FOR)

TEMPORARY/INTERIM RESTORATION NOTES:

- THE CONTRACTOR IS REQUIRED TO REPLACE DAMAGED SURFACES WITHIN THE ROW FRONTAGE FOR THE PROJECT WITH TEMPORARY/INTERIM SURFACE RESTORATIONS IN ACCORDANCE WITH DIRECTOR'S RULE 5-2009 "STREET AND SIDEWALK PAVEMENT OPENING AND RESTORATION" AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL COORDINATE ALL RESTORATIONS WITH SDOT AND THE SDOT INSPECTOR TO VERIFY USAGE AND LENGTH OF TIME TEMPORARY/INTERIM PATCHING CAN BE IN PLACE PRIOR TO FINAL IMPROVEMENTS. DAMAGED SIGNS AND OTHER DAMAGED FEATURES SHALL BE REPLACED IN KIND PER CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS.
- TEMPORARY SIDEWALK SURFACE RESTORATION SHALL BE A MINIMUM OF 4-INCH OF HOT MIX ASPHALT CL 3/4" OVER 2" MNRL AGG TYPE 2, COMPACTED THICKNESS.
- RESTORATION LIMITS SHOWN ON THE PLAN ARE APPROXIMATE. CONTRACTOR SHALL ADJUST THE RESTORATION LIMITS IN THE FIELD TO MATCH TRENCHING.
- PERMANENT SURFACE RESTORATION FOR TEMPORARILY INTERIM RESTORATION AREAS SHALL BE COMPLETED UNDER SIP #330655.

PERMANENT RESTORATION NOTES:

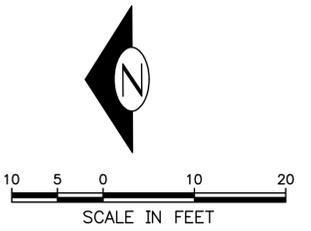
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- PERMANENT SIDEWALK SURFACE RESTORATION SHALL BE PER CITY OF SEATTLE STANDARD PLAN 420. THE CONTRACTOR SHALL MATCH EXISTING SCORING, COLOR AND FINISH ON ANY DECORATIVE CONCRETE SIDEWALK THAT IS REMOVED OR DAMAGED FROM CONSTRUCTION ACTIVITIES.
- PERMANENT DRIVEWAY RESTORATION SHALL BE PER CITY OF SEATTLE STANDARD PLANS 430 AND 431.
- RESTORATION LIMITS SHOWN ON THE PLAN ARE APPROXIMATE. CONTRACTOR SHALL ADJUST THE RESTORATION LIMITS IN THE FIELD TO MATCH ACTUAL TRENCHING LIMITS AND AS COORDINATED WITH THE SDOT INSPECTOR.

LEGEND:

- TEMPORARY RESTORATION, SEE TEMPORARY/INTERIM RESTORATION NOTES.
- PERMANENT RESTORATION, SEE PERMANENT RESTORATION NOTES
- PERMANENT LANDSCAPE RESTORATION

SEE SHEET 7 FOR ADDITIONAL IMPROVEMENTS ALONG N. 70TH STREET

SEE SHEET 7 FOR ADDITIONAL IMPROVEMENTS ALONG GREENWOOD AVE N.



90% Utility Major Permit Plan - NOT FOR CONSTRUCTION

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206.622.5822
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Call 811
two business days
before you dig

REVIEWED BY SPU/WATER ENGINEERING	DESIGNED ATT 10-02-17	INITIALS AND DATE
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REVIEWED BY SPU/DRAINAGE	DRAWN KWP 10-02-17	PROJECT MANAGER
20.....	CHECKED ATT 10-02-17	
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	DESIGN REVIEW	REVISED AS-BUILT.....
20.....	All work done in accordance with the City of Seattle Standard Plans and Specifications in effect on the date shown above, and supplemented by Special Provisions.	

City of Seattle
**Seattle Department
of Transportation**

ORDINANCE NO. APPROVED.
 FUND:
 SCALE: INSPECTOR'S BOOK.

SIP PROJECT #330655

7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
GREENWOOD AVENUE N (NORTH) - PAVEMENT RESTORATION PLAN

SDCI PROJECT #3023260

SDOT PROJECT NO. 336490

VAULT PLAN NO.

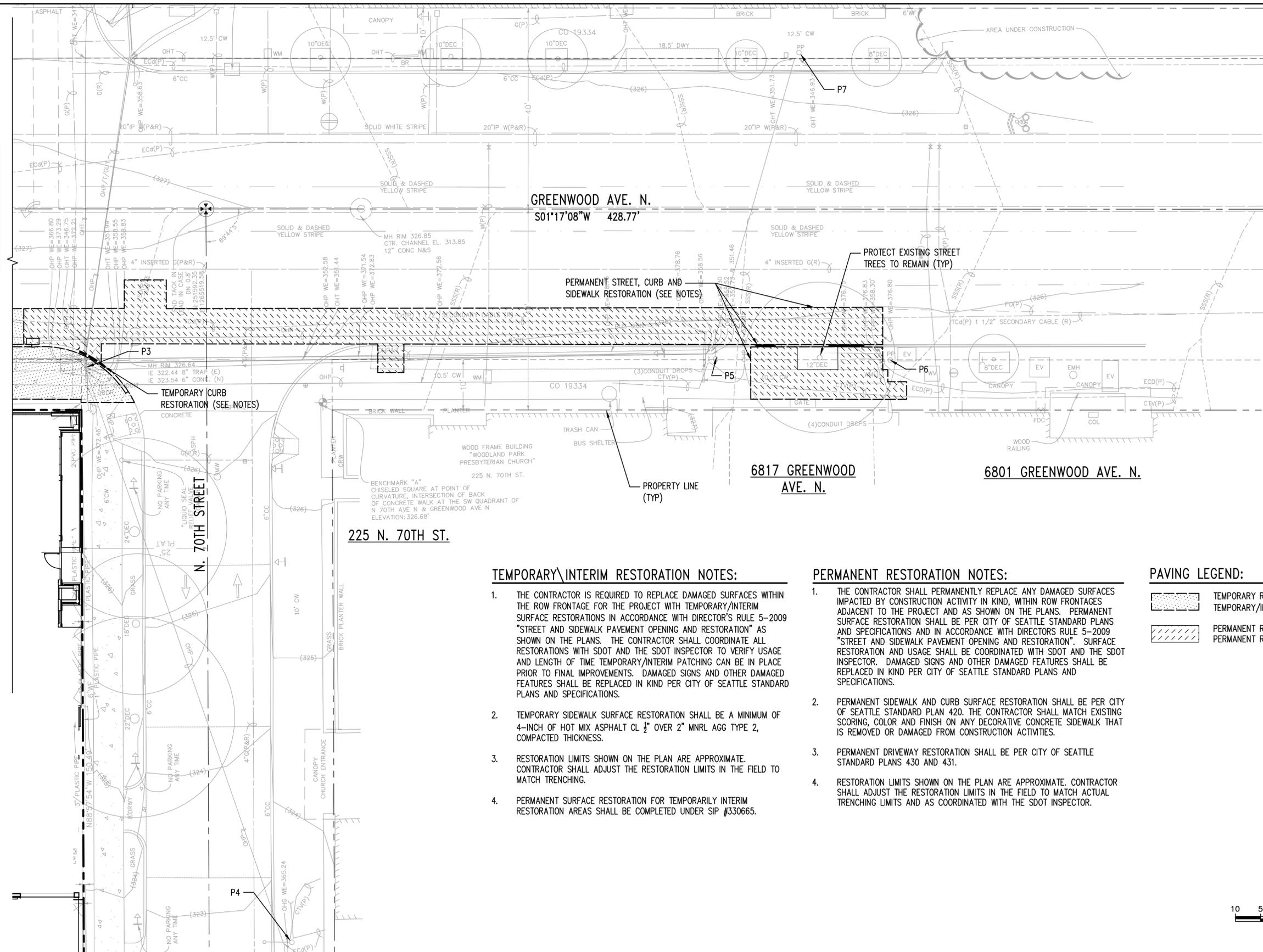
VAULT SERIAL NO. XXX-XXX

SHEET 6 OF 8

Oct 03, 2017 2:05pm Adobit Z:\1600001-1600099\1600310 (Greenwood & 70th)\CAD\Design\WIP\GW-IMP-PV-03.dwg 7_PV_0301.d

Date	Name	60% SIP Approval Review Groups
	King County Metro	SPU Project manager
	Neighborhood Traffic	SPU Real Estate Services
	Pavement Management	SPU Sewer/Drainage
	Ped & Bike	SPU Water
	Roadway Structures	Street Lighting and Signal Design
	SCL Engineering (PRT)	Traffic Operations
	SCL Street Lighting	Urban Forestry

SEE SHEET 6 FOR ADDITIONAL IMPROVEMENTS ALONG GREENWOOD AVE N.



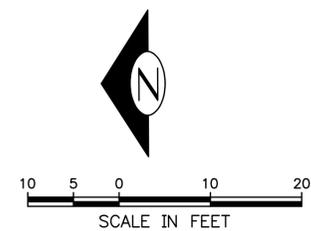
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2. TEMPORARY SIDEWALK SURFACE RESTORATION SHALL BE A MINIMUM OF 4-INCH OF HOT MIX ASPHALT CL ½" OVER 2" MNRL AGG TYPE 2, COMPACTED THICKNESS.
3. RESTORATION LIMITS SHOWN ON THE PLAN ARE APPROXIMATE. CONTRACTOR SHALL ADJUST THE RESTORATION LIMITS IN THE FIELD TO MATCH TRENCHING.
4. PERMANENT SURFACE RESTORATION FOR TEMPORARILY INTERIM RESTORATION AREAS SHALL BE COMPLETED UNDER SIP #330665.

PERMANENT RESTORATION NOTES:

1. THE CONTRACTOR SHALL PERMANENTLY REPLACE ANY DAMAGED SURFACES IMPACTED BY CONSTRUCTION ACTIVITY IN KIND, WITHIN ROW FRONTAGES ADJACENT TO THE PROJECT AND AS SHOWN ON THE PLANS. PERMANENT SURFACE RESTORATION SHALL BE PER CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS AND IN ACCORDANCE WITH DIRECTOR'S RULE 5-2009 "STREET AND SIDEWALK PAVEMENT OPENING AND RESTORATION". SURFACE RESTORATION AND USAGE SHALL BE COORDINATED WITH SDOT AND THE SDOT INSPECTOR. DAMAGED SIGNS AND OTHER DAMAGED FEATURES SHALL BE REPLACED IN KIND PER CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS.
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3. PERMANENT DRIVEWAY RESTORATION SHALL BE PER CITY OF SEATTLE STANDARD PLANS 430 AND 431.
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PAVING LEGEND:



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REVIEWED BY SPU/WATER ENGINEERING	NAME OR INITIALS AND DATE	INITIALS AND DATE
20.....	DESIGNED ATT 10-02-17	REVIEWED:
REVIEWED BY SPU/DRAINAGE	CHECKED JDE 10-02-17	PROJECT MANAGER
20.....	DRAWN KWP 10-02-17	REVISED AS-BUILT.....
APPROVED BY SDOT STREET IMPROVEMENT PERMITTING	CHECKED ATT 10-02-17	
20.....	DESIGN REVIEW	

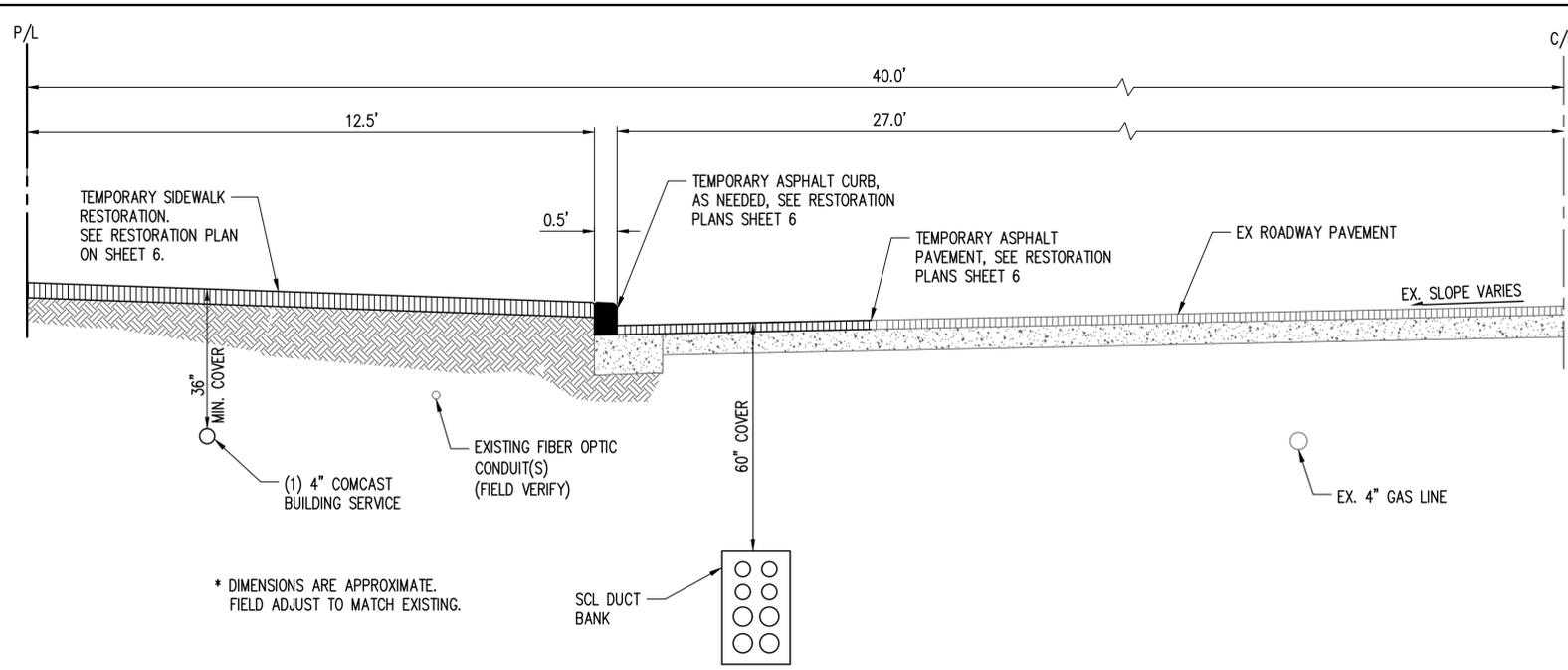
City of Seattle
Seattle Department of Transportation

ORDINANCE NO. APPROVED.
 FUND:

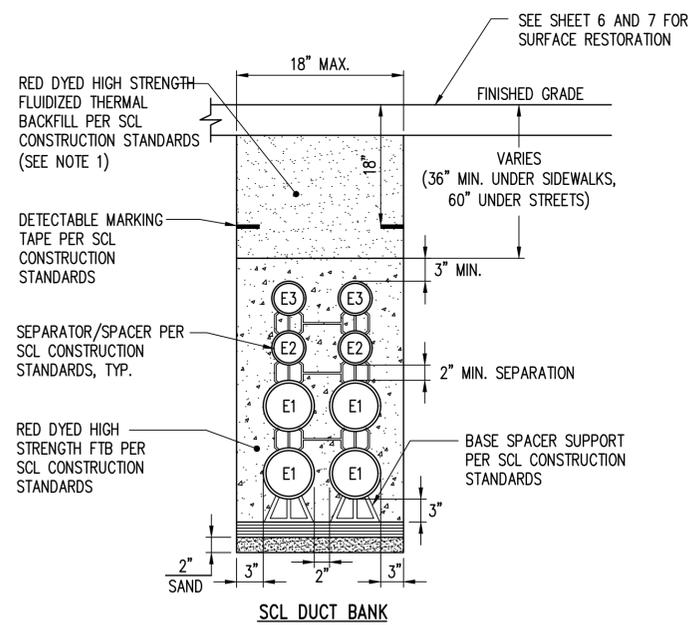
7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
GREENWOOD AVENUE N (SOUTH) - PAVEMENT RESTORATION PLAN

SIP PROJECT #330655	SDCI PROJECT #3023260
SDOT PROJECT NO. 336490	Vault Plan No.
Vault Serial No. XXX-XXX	SHEET 7 OF 8

Date	Name	60% SIP Approval Review Groups
	SIP Project manager	SPU Real Estate Services
	SPU Sewer/Drainage	SPU Water
	Street Lighting and Signal Design	Traffic Operations
	Urban Forestry	
Date	Name	60% SIP Approval Review Groups
	King County Metro	Neighborhood Traffic
	Pavement Management	Ped & Bike
	Roadway Structures	SCL Engineering (PRT)
	SCL Street Lighting	
DATE	MARK	REVISIONS
		MADE CHK'D REV'D

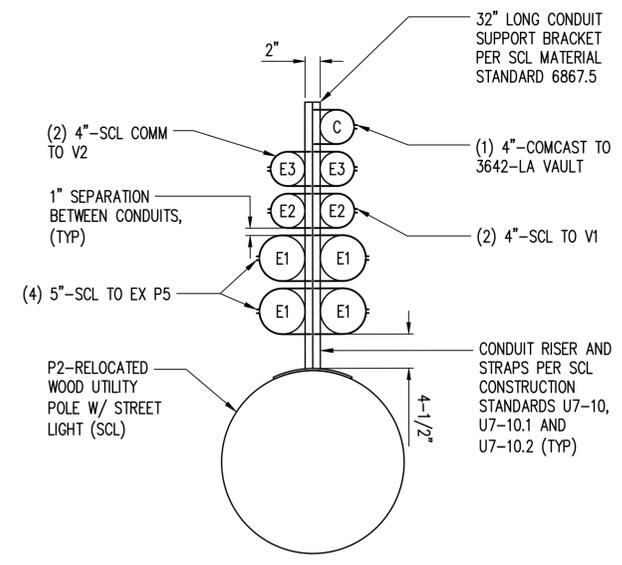


TYPICAL SECTION - GREENWOOD AVENUE N. A
SCALE: 1"=2'



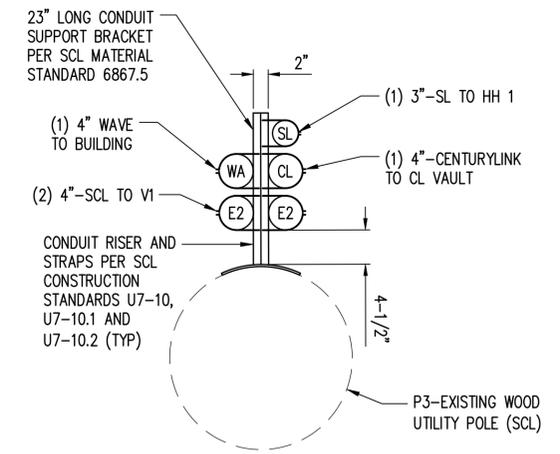
- NOTES
1. PROVIDE A MINIMUM 3.0 FEET OF NATIVE SOIL BELOW SIDEWALK GRADE FOR USE AS BACKFILL FOR SCL DUCTBANK LOCATED ADJACENT TO PLANTING STRIPS. CONTACT SDOT URBAN FORESTRY TO INSPECT NATIVE BACKFILL

DUCT BANK TRENCH DETAIL C
NTS 4, 5



NOTE:
SEE SCL CONSTRUCTION STANDARD U7-10.9 FOR GROUNDING DETAILS

P2 - RISER DETAIL (RELOCATED SCL POLE) 1
NTS 4



NOTE:
SEE SCL CONSTRUCTION STANDARD U7-10.9 FOR GROUNDING DETAILS

EX P3 - RISER DETAIL (EX SCL POLE) 2
NTS 4

CONDUIT LEGEND

- E1 PVC SCH 40 CONDUIT (5"), SCL (CONDUCTORS BY SCL)
- E2 PVC SCH 40 CONDUIT (4"), SCL (CONDUCTORS BY SCL)
- E3 PVC SCH 40 CONDUIT (4"), SCL COMM (CONDUCTORS BY SCL)
- CL PVC SCH 40 CONDUIT (4"), CENTURYLINK
- C PVC SCH 40 CONDUIT (4"), COMCAST
- WA PVC SCH 40 CONDUIT (4"), WAVE
- SL PVC SCH 80 CONDUIT (3"), SL

NOTES

1. CONTRACTOR IS RESPONSIBLE FOR ENSURING THE BOTTOM, SIDE AND TOP MINIMUM ENCASUREMENT DIMENSIONS ARE OBTAINED. ENCASUREMENT OVERPOUR SHALL NOT EXCEED 6", UNLESS SPECIFICALLY NOTED.
2. NUMBER OF CONDUITS CAN VARY. SEE PLANS FOR LOCATIONS AND DUCT BANK CONDUIT ROUTING.
3. REFER TO SCL CONSTRUCTION STANDARDS 0751.60 SECTION 13.2 & 13.3, 0222.02, U2-10 & U2-11.40 FOR ADDITIONAL DUCT BANK TRENCH REQUIREMENTS.
4. SEE SHEETS 6 AND 7 FOR SURFACE RESTORATION PLAN.

90% Utility Major Permit Plan - NOT FOR CONSTRUCTION



REVIEWED BY SPU/WATER ENGINEERING	DESIGNED ATT 10-02-17	INITIALS AND DATE
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DRAWN KWP 10-02-17	
CHECKED ATT 10-02-17	
DESIGN REVIEW	REVISED AS-BUILT.....

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. APPROVED.

FUND:

SCALE:

SIP PROJECT #330655 SDCI PROJECT #3023260

7009 GREENWOOD AVENUE NORTH
UTILITY MAJOR PERMIT PLANS
SECTIONS AND DETAILS

SDOT PROJECT NO. 336490
VAULT PLAN NO.
VAULT SERIAL NO. XXX-XXX
SHEET 8 OF 8

Oct 03, 2017 2:05pm Adibidit 2\1600001-1600099\1600310 (Greenwood & 70th)\CAD\Design\WIP\GIP-IMP-DT_04.dwg 8 DT

LETTER OF TRANSMITTAL

Date: October 4, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Lori Swallow (ZONING)

From: David Fuchs

Re: Correction Notice #4: Zoning

Response to Zoning Correction #4 (October 2, 2017):

1. The zoning line has been added to the site plan (A100) and all floor plans (A200-A207), in addition to the landscape plans.

No access between the Commercially-zoned portion and the Single Family-zoned portion is intended. At Retail Space E, the outdoor retail space accessed by the garage door is permanently separated from the Single Family-zoned portion via a 42" tall metal guardrail (see A201 for plan, 10/A931 for detail). At the garage door in the Fitness Room #112, a similar 42" tall metal guardrail (see A201 for plan, 10/A931 for detail) shall be placed to permanently separate the two zones. Railings can also be seen on the West Building Elevation Sheet A303, & West Color Elevation A310.

- 2/3. Updated Frequent Transit Service Corridor calculations and measurements can be found on sheet G007.
4. All information regarding future development has been removed from the plans (see A100).
5. All parcel lines and statements regarding neighboring (single-family) lots have been removed. See Site Plan A100 and all Landscape Plans.
6. The rooftop amenity space has been fully dimensioned on our Residential Amenity Calculations, Item 10 on Sheet G004, and the Landscape Roof Plan L1.30.
7. The Abbreviation "PA" stands for Planting Area is identified in the bottom-right of L1.00. That Planting Area is not being included in Green Factor as it is part of the Single-Family zoned area. It is intended as way to visually separate the Commercial and Single-Family areas.
8. The 60% SIP drawings are attached.
9. Canopy dimensions have been added/updated on the Canopy Site Plan, 1/G003. The minimum dimension to the curb is 6'-1½" at the SE corner on N 70th St.

Thank you,

David Fuchs



JOHNSTON ARCHITECTS PLLC

dfuchs@johnstonarchitects.com

p 206.523.6150 • f 206.523.9382
www.johnstonarchitects.com
100 NE Northlake Way, Suite 200 • Seattle, WA 98105



002050



City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #5

Review Type	LAND USE	Date	October 13, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Tamara Y Garrett	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 233-7182		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Tami.Garrett@Seattle.Gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Council Land Use Action to rezone a parcel from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40') to Neighborhood Commercial 2 with a 65 ft. height limit (NC2-65') to allow a 5-story building containing 36 apartment units with ground level retail and below grade parking for 26 vehicles.

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Corrections

State Environmental Policy Act (SEPA)

- 1 Some of the public comment infers that a high level of accidents occurs at or near the intersection of Greenwood Avenue North/North 70th Street. It appears that the submitted traffic studies do not include commentary that speak to this concern. Please have your transportation consultant provide accident collision history from SDOT for said/applicable intersection(s) and commentary that evaluates how the future traffic movements associated with the proposed development may/or may not impact pedestrian safety in the immediate site area. I will consult with the SDCI Senior Transportation Planner (John Shaw) once this information has been submitted to me.

?Update 10/13/17: Thank you for your response. FYI-I have forwarded the pedestrian safety memorandum dated 10/3/17 to the SDCI Senior Transportation Planner (John Shaw) for review and comment.

- 2** Please outline the status of SDOT's SIP review and incorporate the most current version (60% or 90%) of the SIP drawings (including the Utility Major Permit drawings) with the MUP set.

?Update 10/13/17: Thank you for your response memo dated 10/4/17 in which you note that the submitted SIP drawings are still being reviewed and finalized by SDOT. Please provide the updated SIP drawings with the MUP set.

- 3** FYI - I am unable to complete my analysis and decision until all applicable reviews have been completed and/or conditional approval has been granted for your project. Once all other reviews are finished, I will be able to prepare the Director's decision unless subsequent analysis shows that further information from you is required.



Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link: <http://web6.seattle.gov/dpd/permitstatus>
- All reviews must be completed before the applicant can respond, upload, or submit any correction responses.
- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
- **Paper Plans:** We will notify the primary contact for the project by email or phone when all reviews in the review cycle are complete and plans are ready to be picked up. Once you have been notified, pick up the plans at Plans Routing in the Applicant Service Center.

Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

- Describe the change
- Say where the change can be found in the plan set
- If you have not made a requested change, give a code citation or provide calculations to explain why not
- Coordinate responses to correction items among all designers, architects, engineers, and owners
- If you make voluntary changes to your plans, describe the changes you have made in your response letter

Correct your Plans:

- Cloud or circle all changes
- You may add new sheets to the plan set if you have new information to show

For Electronic Plans:

- Always upload a complete plan set

For Paper Plans:

If you replace sheets in the paper plan sets:

- Remove the old sheets, mark them as "VOID," and include them loose at the back of each plan set
- All original sheets and plan pages must be returned to Plans Routing in the Applicant Service Center
- Insert the new sheets and staple the plan sets

If you make changes to the original paper plan sheets:

- Make all changes with ink (preferably red, waterproof ink). Do not use pencil to make changes
- Do not tape or staple anything to the plan sets

Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

Upload your corrected plan set and correction response letter through your Seattle DCI Project Portal.

Paper Plans:

Return your corrected plans and your correction response letter to Plans Routing in the Applicant Services Center.

If you don't follow these instructions:

- **Plans Routing may not accept your corrected plans**
- **We may be delayed in starting corrected plan review, which can delay permit issuance**
- **We may charge a penalty fee**

Plans Routing / Applicant Services Center - 700 5th Avenue, 20th Floor
Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.



City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #5

Review Type	ZONING	Date	October 13, 2017
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lori L Swallow	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 684-5627		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Lori.Swallow@Seattle.Gov		Seattle, WA 98124-4019
Owner	CHAD DALE		

Please see items 3 and 8.

Applicant Instructions

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Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

- 1 Access and Storage.** Please remove any access/no build easement from the site plan (A100) and landscape plans. Also remove tenant storage space from the single family zoned portion of the lot as it is not an accessory use allowed.

Original Correction: Only the single family use is allowed access on the single family portion of the lot. No access from the proposed development, including secondary access, is allowed on the Single Family zoned portion of the lot.

Please update your plans to remove any proposed access from the commercial development on the single family zoned portion of the lot.

Correction 10/2/17

Please provide the zoning line and label the zones on each side of the line on all plans (site plan, landscape drawings etc). Access to or from the commercial development cannot be taken over any portion of the the Single Family zoned portion of the site. It appears there is a retail use (Retail Space E) and a workshop to the north of retail space E that both contain garage type doors and next to these areas is a walkway that appears to provide access to and from the retail space. Please provide what type of permanent physical obstacles (fencing, wall etc) and their details to show how any portion of the Single Family zoned areas cannot physically be used or accessed by the Commercial zoned portion of the lot.

Provided. Thank you.

Parking Code

- 2 Frequent Transit Service Corridor.** In order to meet the frequent transit service, service headway needs to be going the same direction. Also, please include a calculation meeting the definition, not just the schedules.

Original Correction: This project appears to utilize the parking reduction in SMC 23.54.020.F.2.a for properties located within 1,320 feet of a street with frequent transit service. Please provide the calculation in the plan set showing how this property is within a frequent transit service corridor:

- a) Provide a map showing the walking distance to a transit stop within 1,320 feet of the subject property. Please note, this is calculated based on the actual walking path that a person takes to the transit stop not a straight line from the site to the transit stop.
- b) Provide transit schedules for transit stops within the 1,320 foot walking distance of the property illustrating a frequent transit service area. A street with frequent transit service has transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours of every day. Averaging the departures within an hour is not acceptable; however, the required 12 hours may not be consecutive within a 24 hour period. You may also combine routes served by the same stop heading in the same direction or multiple stops within the 1320 foot walking distance with different routes heading in the same direction. Please show the actual departure times to satisfy this requirement.

- 3 Correction 10/2/17**

Please provide updated Transit Schedule (changes took place on 9/23/17) and include the Sunday schedule. The 18 hours of 30 minute headways is required all days of the week so Sunday must be included. Also, only one direction needs to be provided. It appears the northbound schedule from Seattle does not meet the headways during the weekdays so you will want to remove the northbound schedules. Please see correction #2 above.

Also, please dimension the entire walking distance (including right of ways) on the map provided for transit reduction.

Correction 10/13/17

The current schedule does not meet the requirement for meeting Frequent Transit service but I understand there will be a schedule change on Oct 20 that may change the numbers so that Frequent Transit Service will be met. Once the schedule has changed please provide an updated Frequent Transit schedule (one way only) and resubmit the drawings.

4 Correction 10/2/17.

Please remove all future information from plans unless specifically requested by Tami Garrett.

Removed. Thank you.

5 Correction 10/2/17

Please remove all parcel lines and statements about neighboring lots for the lots that are included in the development site. These are all part of the site and no longer separate sites.

Parcel lines removed. Thank you.

6 Correction 10/2/17.

Please fully dimension the rooftop amenity areas.

7 Correction 10/2/17.

There appears to be some kind of planting area next to the commercial structure along the west side. There is a PA acronym in that area. Please provide a legend for this acronym and any others located within the plan set. Also, it is not clear if this area is being counted in the Green Factor calculations. Please clearly identify how this area is being used and if it is being used to meet the Green Factor requirement.

Correction identified this acronym as Planting Area. Thank you.

8 Correction 10/2/17.

Please provide the most recent SIP drawings to show that all proposed work including tree removal and landscaping required for Green Factor in the right of way has been approved (or will be approved).

Correction 10/13/17

The SIP plans do not appear to be in the plan set.

9 Correction 10/2/17.

Sheet G002. Please dimension the portions of the canopies that project over the property lines and show that they comply with 23.53.035 (required to be six feet from the curb).

Provided. Thank you.



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JOHNSTON ARCHITECTS LLC

LETTER OF TRANSMITTAL

Date: October 23, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Tamara Y Garrett (LAND USE)

From: David Fuchs

Re: Correction Notice #5: Land Use

Response to Land Use Correction #5 (October 13, 2017):

- 1) No response required – thank you.
- 2) 90% SIP and 90% UMP drawings have been included in the latest set.
- 3) A response to the Zoning Correction Notice has been submitted concurrently.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



LETTER OF TRANSMITTAL

Date: October 23, 2017

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Lori Swallow (ZONING)

From: David Fuchs

Re: Correction Notice #5: Zoning

Response to Zoning Correction #5 (October 13, 2017):

1. No response required.
- 2/3. Per Metro's email to DCI, the bus schedule was updated on October 20, 2017 and will be circulated publicly November 4, 2017. The updated Frequent Transit Service Corridor calculations and measurements, using the newly released transit schedule, can be found on sheet G007.
4. No response required.
5. No response required.
6. No response required.
7. No response required.
8. The 90% SIP and 90% UMP drawings are included in the latest plan set.
9. No response required.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #6

Review Type	ZONING	Date	March 06, 2018
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lori L Swallow	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-5627		
Reviewer Fax			
Reviewer Email	Lori.Swallow@Seattle.Gov		
Owner	70TH & GREENWOOD AVE LLC		

Applicant Instructions

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".
 If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

Parking Code

- 1 Please update FAR information on sheet G002 #6. FAR is shown as allowing 4.75 but under the 55' height limit is limited to 3.75. This information on Sheet G005 is correct.
- 2 Please update the landscape drawings sheets L1.00 through L1.11 to show the proposed zone to be NC2-55. These sheets still show NC-65.
- 3 Please fully dimension all features calculated in rooftop coverage. Sheet G002.

- 4** Please label all features that exceed the 55' height limit; parapets, railings etc.
- 5** Please dimension all features that are required to be 10' from the north lot line. Please see 23.47A.012C7 (including parapets).

Thank you.



Step 1: Wait for all reviews to be completed

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Step 3: Submit Corrected Plans

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City of Seattle

Department of Construction and Inspections

Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #6

Review Type	ZONING	Date	March 08, 2018
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Lori L Swallow	Address	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
Reviewer Phone	(206) 684-5627		
Reviewer Fax			
Reviewer Email	Lori.Swallow@Seattle.Gov		
Owner	70TH & GREENWOOD AVE LLC		

Updated correction. See new item #1.

Applicant Instructions

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 If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

Parking Code

- 1 Please make sure plans are updated to show the proposed zoning as NC2-55 (M).
- 2 Please update FAR information on sheet G002 #6. FAR is shown as allowing 4.75 but under the 55' height limit is limited to 3.75. This information on Sheet G005 is correct.
- 3 Please update the landscape drawings sheets L1.00 through L1.11 to show the proposed zone to be NC2-55. These sheets still show NC-65.

- 4** Please fully dimension all features calculated in rooftop coverage. Sheet G002.
- 5** Please label all features that exceed the 55' height limit; parapets, railings etc.
- 6** Please dimension all features that are required to be 10' from the north lot line. Please see 23.47A.012C7 (including parapets).

Thank you.



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Capstone Commercial Real Estate Advisors
8221 5th Ave NE
Suite 1
Seattle, WA 98115

Re: Project #3023260-LU

Correction Notice #6

Review Type LAND USE
Project Address 7010 PALATINE AVE N
SEATTLE, WA 98103
Contact Email tammy@capstonerea.com
SDCI Reviewer Tamara Y Garrett
Reviewer Phone (206) 233-7182
Reviewer Fax
Reviewer Email Tami.Garrett@Seattle.Gov
Owner

Date March 09, 2018
Contact Phone (206) 324-6563

Address Seattle Department of Construction and
Inspections
700 Fifth Ave
Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Corrections also apply to Project(s)

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40) to Neighborhood Commercial 2 with a 55 ft. height limit and a mandatory housing affordability suffix of "M" (NC2-55(M)) to allow a 5-story building containing 35 apartment units with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.

Applicant Instructions

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For instructions on **uploading corrected plans through your portal**, follow this link: [How to Upload a Document to an Existing Permit](#)

Note that you will not be able to upload corrected plans until all reviews are completed and the project's status is "Corrections Required".

Corrections

DESIGN REVIEW

1. It appears that the interior courtyard facades inclusive of secondary elements (railing, fenestration, doors, color palette, etc.) have been revised after the Recommendation meeting. Please update all applicable sheets (building elevations, sections, material legend etc.) by demarcating the proposed revisions. Also, please provide a correction response memo that describes the proposed changes and how the proposed modifications are consistent with the Board's direction.
2. FYI - I am unable to complete my analysis and decision until all applicable reviews have been completed and/or conditional approval has been granted for your project. Once all other reviews are finished, I will be able to prepare the Director's decision unless subsequent analysis shows that further information from you is required.



City of Seattle
Department of Construction and Inspections
Land Use Review

DAVID FUCHS
 100 NE Northlake Way, Suite 200
 Seattle, WA 98101

Re: Project# 3023260

Correction Notice #6

Review Type	LAND USE	Date	March 09, 2018
Project Address	7009 Greenwood Ave N	Contact Phone	(206) 523-6150
Contact Email	dfuchs@johnstonarchitects.com	Contact Fax	
SDCI Reviewer	Tamara Y Garrett	Address	Seattle Department of Construction and Inspections
Reviewer Phone	(206) 233-7182		700 5th Ave Suite 2000
Reviewer Fax			PO Box 34019
Reviewer Email	Tami.Garrett@Seattle.Gov		Seattle, WA 98124-4019
Owner	70TH & GREENWOOD AVE LLC		

Council Land Use Action to rezone a 12,185 sq. ft. portion of land from Neighborhood Commercial 2 with a 40 ft. height limit (NC2-40) to Neighborhood Commercial 2 with a 55 ft. height limit and a mandatory housing affordability suffix of "M" (NC2-55(M)) to allow a 5-story building containing 35 apartment units with ground level retail and below grade parking for 26 vehicles. Single Family 5000 (SF 5000) zoned portion of land to remain the same zoning designation. Existing single family residence and detached garage to remain.

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JOHNSTON ARCHITECTS LLC

LETTER OF TRANSMITTAL

Date: March 23, 2018

Project: 7009 Greenwood Ave N, DPD Project Number 3023260

To: Tamara Y Garrett (LAND USE)

From: David Fuchs

Re: Correction Notice #6: Land Use

Response to Land Use Correction #6 (March 9, 2018):

Please note that due to changes required by Zoning (see Zoning Correction Notice #6 dated March 08, 2018, Item #6), the parapet on the north façade has been reduced in height in order to not cast a shadow to the north per SMC 23.47A.012.C.7. The parapet has been reduced to the max building height, though the insulation and coping do go 6" above max building height. The lowered parapet includes the northern-most ±10' of the east (see A302) and west (see A303) façades. Furthermore, the planters in both the northwest and northeast have been pulled back to the south to accommodate the shadows, and the planter in the SE has been enlarged to compensate for lost Green Factor (see A206, L1.00 and L1.30).

- 1) Per our conversation on March 22, 2018, the interior courtyard façades have been changed back to those seen in Plan Set #6. Changes shown in Plan Set #7 have been discarded. See sheets A304, A305, and A311.
- 2) Thank you. Our responses to the Zoning Correction Notice have been submitted at the same time.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



JOHNSTON ARCHITECTS LLC

LETTER OF TRANSMITTAL

Date: September 18, 2018

Project: 7009 Greenwood Ave N, DPD Project Number 3023260-LU

To: Tamara Y Garrett (LAND USE)

From: David Fuchs

Re: Correction Notice #9: Land Use

Response to Land Use Correction #9:

Please note the following changes to the plan set, which have been determined to be Type #1 design changes (changes consistent with the Design Review Board's guidance) per your email September 5, 2018.

- 1) Unit entry doors in all Courtyard Elevations (A311) have been revised from gray metal to wood to give them a more residential feel. See Sheets A304, A305, and A311.
- 2) The railings on the elevated walkways (1-4/A311, levels 2-Roof) have been revised from glass to metal picket (painted black) in order to give them a more traditional feel (see image attached for precedent). See Sheets A301, A304, A305, A310 and A311.
- 3) The South Stair wall on the Courtyard East Elevation (1/A311) has been revised from metal mesh to a storefront system with metal mesh infill (i.e. a metal mesh panel in place of glass panes). This was done to keep that system consistent with storefront language in the public courtyard rather than just having a sheet of metal mesh. See Sheets A305 and 1/A311.

Furthermore, the MHA calculations on Sheets G006.1 and G006.2 have been updated to comply with the PUDA.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com





Metal Railing per Item #2

LETTER OF TRANSMITTAL

Date: September 18, 2018
Project: 7009 Greenwood Ave N, DPD Project Number 3023260-LU
To: Megan Neuman (ZONING[MHA])
From: David Fuchs
Re: Correction Notice #3: Zoning (MHA)

Response to Zoning (MHA) Correction #3 (July 25, 2017):

MHA calculations on Sheets G006.1 and G006.2 have been updated to comply with the PUDA.

Thank you,

David Fuchs
dfuchs@johnstonarchitects.com



King, Lindsay

From: King, Lindsay
Sent: Wednesday, May 03, 2017 6:50 AM
To: Dale Kutzera
Subject: RE: RE Last Night's DRB

Dale,

Thank you for your questions regarding the lack of required setback at the zone change between the commercial and single family portions of the development site. The lot proposed for development combines existing parcels that are zoned commercial and single family. Once the parcels are combined for development there will no longer be a lot line at the zoning change line. The lot line will be established around the perimeter of the development site.

SMC 23.47A.014B2 states "a setback is required along any rear or side lot line that abuts a lot in a residential zone..."

The code is specific that a setback is required long a lot line, not a zoning boundary.

Since the combined parcels will remove any existing lot line at the zoning change there is no required setback between the single-family zone and the commercial zone.

Setbacks required in the Single Family zone will apply in the single family portion of the lot.

I hope this provides you clarity.

Sincerely,

Lindsay King

From: Dale Kutzera [mailto:dkutzera@gmail.com]
Sent: Tuesday, May 02, 2017 3:30 PM
To: King, Lindsay <Lindsay.King@seattle.gov>
Subject: Re: RE Last Night's DRB

Thanks for the info.

I'd welcome more information on the thought process behind that determination on the set-back. It seems the set back is based on the zone line not the property line. Does counting the parcels as one lot somehow re-zone the single family lots?

I know there are many instances in which low-rise lots are being subdivided to build townhouses, but the zoning of the original property still applied.

Dale

On Tue, May 2, 2017 at 12:51 PM, King, Lindsay <Lindsay.King@seattle.gov> wrote:

Dale,

Thank you for your leadership in last night's meeting. I will my best to answer your questions.

- The determination on whether a 15-foot zoning setback is required is made by SDCI zoning staff and leadership based on the language of the Seattle Land Use Code.
- The contract rezone is separate from the City initiated rezones considered under HALA. Should the rezone be approved there will be affordable housing required as described in the Seattle Land Use Code and [DR 14-2016](#).
- Since the Seattle Land Use Code does not have a 55-foot height zone the contract rezone is proposed to NC-65. The project is proposing to self-limit to 55 feet.
- The contract rezone process includes a recommendation from SDCI (which has not yet occurred), the project then is reviewed by the Seattle Hearing Examiner who provides a recommendation, the final decision is made of by Seattle City Council.

I hope this helps answer your questions.

Sincerely,

Lindsay King

From: Dale Kutzera [<mailto:dkutzera@gmail.com>]
Sent: Tuesday, May 02, 2017 8:10 AM
To: King, Lindsay <Lindsay.King@seattle.gov>
Subject: RE Last Night's DRB

Hi Lindsay,

Thanks for keeping us all on track last night...even if we still spilled over a bit.

For future reference, I'd appreciate some information on the process this project went through. I didn't attend the EDG for it, but was familiar with the issue of the contract rezone from 40 to 65 feet.

What I was less aware of was the setback issue on the west side. What was the process that led to the decision that the required setbacks did not apply in this situation?

I'm also curious if the contract rezone was based in part on assumed HALA upzones to that area. Does granting a rezone mean that the owners will be engaged in the HALA low-income housing program?

And lastly what is the process of obtaining a contract rezone? I take it the city council votes on each such project. So has that vote happened and the rezone for this project approved? Are they still applying for a 65' height or now a 55' height?

Thanks,

Dale

King, Lindsay

From: Baker, Roberta
Sent: Thursday, April 27, 2017 1:14 PM
To: King, Lindsay
Subject: RE: Please reschedule the Design Recommendation mtg for 7009 Greenwood (#3023260)#

Lindsay – looks like you’re out of the office tomorrow, and so is Emily. Will you have time this afternoon to discuss this quickly? Mostly I want to understand how you’ll be representing the issue to the Board so they understand that the departure isn’t required – what does your memo to the board reflect. It also seems important that the board understand the code conundrum, but also that the lot could be sold off in the future if all development standards are being met (other than this setback) on the commercial site.....

From: King, Lindsay
Sent: Tuesday, April 25, 2017 9:50 AM
To: Baker, Roberta <Roberta.Baker@seattle.gov>; Torgelson, Nathan <Nathan.Torgelson@seattle.gov>; Rutzick, Lisa <Lisa.Rutzick@seattle.gov>; Lofstedt, Emily <Emily.Lofstedt@seattle.gov>
Subject: RE: Please reschedule the Design Recommendation mtg for 7009 Greenwood (#3023260)#

Good morning all,

Enclosed is a brief response. I have also enclosed the correspondence between Esther and myself after the EDG meeting and Emily and myself after her zoning IP. This issue has come up multiple times.

Ms. Bartfeld,

Thank you for your email in which you express concerns regarding the lack of required setback at the zone change between the commercial and single family portions of the development site. The lot proposed for development combines existing parcels that are zoned commercial and single family. Once the parcels are combined for development there will no longer be a lot line at the zoning change line. The lot line will be established around the perimeter of the development site.

SMC 23.47A.014B2 states “a setback is required along any rear or side lot line that abuts a lot in a residential zone...”

The code is specific that a setback is required long a lot line, not a zoning boundary.

Since the combined parcels will remove any existing lot line at the zoning change there is no required setback between the single-family zone and the commercial zone.

We appreciate your concerns and hope that our response is clear even if it is not what you had hoped for.

Sincerely,

XXXXXX

Enclosed is the correspondence between Ms. Bartfeld and myself dated December 13, 2016:

Esther asks why a setback departure was not identified in the EDG report:

(3) Please clarify the explanation on p7-8 of the EDG Report that purports to explain why an upper setback is not required per SMC 23.47A.014. An upper level setback should be required for this project.

The setback requirement in SMC 23.47A.014 is based on "lots" not ownership. The single family parcel on 70th (originally proposed as a public park) is a discrete lot with its own tax ID number, and meets the definition of "lot" in the code. The developer now proposes to develop it in the same manner as any other single family lot. Why should the 15-foot upper level setback on the adjacent NC240 lots not apply?

My response:

The departure discusses that a setback would not be required if the single-family lot became a part of the larger building proposal. If the 'lot' now encompasses both NC and SF zoned land the lot line changes from what currently exists. If the site plan shows the NC portion of the lot and both single family lots as one development site, they have combined the lots and a lot line will no longer exist at the zoning change.

Emily concurs with this assessment after her first zoning review where she did send a correction for further clarification:

Well, in their notice and site plan they show the SF5000 zoned lots, but all their calculations only include the commercial lots. That's why I wanted a better clarification.

Setbacks are from the lot line, so if they include the SF lots then there wouldn't be setbacks on the west side.

I hope this helps!

Lindsay

From: Baker, Roberta

Sent: Tuesday, April 25, 2017 8:13 AM

To: Torgelson, Nathan <Nathan.Torgelson@seattle.gov>; King, Lindsay <Lindsay.King@seattle.gov>; Rutzick, Lisa <Lisa.Rutzick@seattle.gov>; Lofstedt, Emily <Emily.Lofstedt@seattle.gov>

Subject: RE: Please reschedule the Design Recommendation mtg for 7009 Greenwood (#3023260)#

I'm having Emily Lofstedt look at this again. If you'd like a briefing on Thursday, let us know. I could have Emily come explain, since the solution proposed is not triggering a departure.

From: Torgelson, Nathan

Sent: Monday, April 24, 2017 6:50 PM

To: Baker, Roberta <Roberta.Baker@seattle.gov>; King, Lindsay <Lindsay.King@seattle.gov>; Rutzick, Lisa <Lisa.Rutzick@seattle.gov>

Subject: FW: Please reschedule the Design Recommendation mtg for 7009 Greenwood (#3023260)#

Looping in Lisa as well.

Can one of you draft a short response for me to send?

thanks

From: Esther Bartfeld [mailto:ebartfeld@comcast.net]

Sent: Monday, April 24, 2017 6:05 PM

To: Torgelson, Nathan <Nathan.Torgelson@seattle.gov>

Cc: Baker, Roberta <Roberta.Baker@seattle.gov>; King, Lindsay <Lindsay.King@seattle.gov>

Subject: Please reschedule the Design Recommendation mtg for 7009 Greenwood (#3023260)#

Dear Mr. Torgelson:

I am writing to request that you **please RESCHEDULE the Design Recommendation meeting for project 3023260 (7009 Greenwood, contract rezone) currently scheduled for Monday May 1st.**

This project continues to have a substantial design flaw: it lacks the required setbacks where the NC parcel abuts the SF 5000 zone at the rear boundary, per SMC 23.47A.014.B.

This issue has been raised numerous times since this project was first proposed, and it remains unaddressed. That is the reason why I am bringing this to your attention.

The proposal is for a 5-story building constructed right to the property/zoning line separating the NC parcel from the abutting SF5000 parcels. The proposal includes a contract rezone to NC265, from NC240. Images from the recent design material are included below.

SMC 23.47A.014.B.3 requires a 15-foot upper level setback along any side or rear lot line that abuts a lot in a residential zone, plus an additional setback for heights over 40 feet. The proposed building is 55 feet tall. But there are no setbacks proposed at all for this project.

This project involves a 12,000 sq ft lot zoned NC2-40 that faces Greenwood Avenue on the corner of N. 70th in the Phinney Ridge neighborhood. In this area, all of the commercial lots face Greenwood Ave N, and all share a rear lot line with the SF5000 homes.

The owners/developer of 7009 Greenwood also owns the SF parcel facing 70th (currently vacant) that abuts the SW rear lot line of the NC parcel, and they recently acquired the single family home at 7010 Palatine that abuts the NW rear property line of the NC240 parcel. The zoning line separating NC240 from SF5000 runs along the property line.

When this project was first proposed, the developer requested a departure for the upper level setback. Then that departure request was removed at some point. There was an EDG meeting in August 2016. The DRB notes from that meeting indicate the Board's substantial concerns about the transitions between the commercial and SF zone and the need for a "thoughtful" transition." With zero setbacks in the current design, there is obviously no thoughtful transition as the DRB required.

I raised the upper level setback issue (SMC 23.47A.014.B.3) in an email to Lindsay King (assigned planner) on December 5, 2016.

I raised this issue again on January 25, 2017 in an email to Roberta Baker and Lindsay King during the comment period for the MUP application. I also flagged this issue in my comments opposing the proposed rezone that I submitted February 8, 2017 during the MUP comment period.

A Correction Notice issued Feb 2, 2017 identified the need for this setback (item #7). It also identified the required 15' diagonal setback where no development is allowed when a commercial lot abuts the intersection of a side lot line and front lot line in a residential zone (SMC 23.47A.014.B.1).

A Correction Notice issued Feb 23, 2017 contained those same requirements (#7 again).

On April 13, 2017, I received the notice of the upcoming DRB Recommendation meeting. I checked the SDCI website at that time and discovered a Response to Correction Notice dated March 15, 2017 that claimed that "since the adjoining residential SF5000 zoned parcels are part of the same development site, no side setbacks are needed at the west side."

Evidently that explanation was good enough for SDCI to remove the prior correction notices requiring setbacks. The SDCI website had draft plans dated March 16, 2017 that showed no setback. The other items in the correction notices, such as transparency and sight triangle, are now included as requested Departures. But there is no further mention of the setback issue.

There is a big problem here. As you can see in the images below captured from the design drawings, the alleged "development site" is three discreet parcels: (1) one NC240 parcel that they want to rezone to NC265, (2) one vacant SF5000 parcel facing N. 70th St, and (3) a SF5000 parcel (7010 Palatine) that has an existing single family home. There is no lot boundary adjustment proposed (as required in Tip 247, "Development Site Permitting Guidelines.")

Instead, the developer is proposing a 10-foot "Access / no build" easement that consumes 10 feet of the SF parcels along the property line that they are using as open space and (it appears) as access to commercial space in the NC building. Perhaps they are not doing a lot boundary adjustment because there is insufficient space in the rear yard of the Palatine home to allow this (and perhaps insufficient square footage in the vacant lot at N 70th as well). So this easement gimmick is being used instead, with the corresponding attempt to evade the setback requirements of SMC 23.47A.014.B altogether by claiming that their common ownership of three discrete lots is somehow a "development site." It is not.

If these parcels were under separate ownership, the setbacks in SMC 23.47A.014.B would be required. There is no provision in the Code that allows one owner to acquire lots in two different zones, keep those lots as entirely separate tax parcel lots, and then claim that the setback requirements at zone transitions do not apply.

The images from the March 16, 2017 draft plans clearly show what is going on here. The revised plans for the forthcoming DRB meeting, which were not posted until April 21st (a week after the notice went out), conceal a lot of what is going on. I have attached a series of images from the March 16 plans below for your review.

Note also that the zoning / property line follows the same N/S line along the shared rear lines of all parcels on that block. A five story building within the required 15-foot upper level setback on the 7009 parcel steals the light, air, and views of all parcels on that block, and interferes with the view from buildings on surrounding blocks as well.

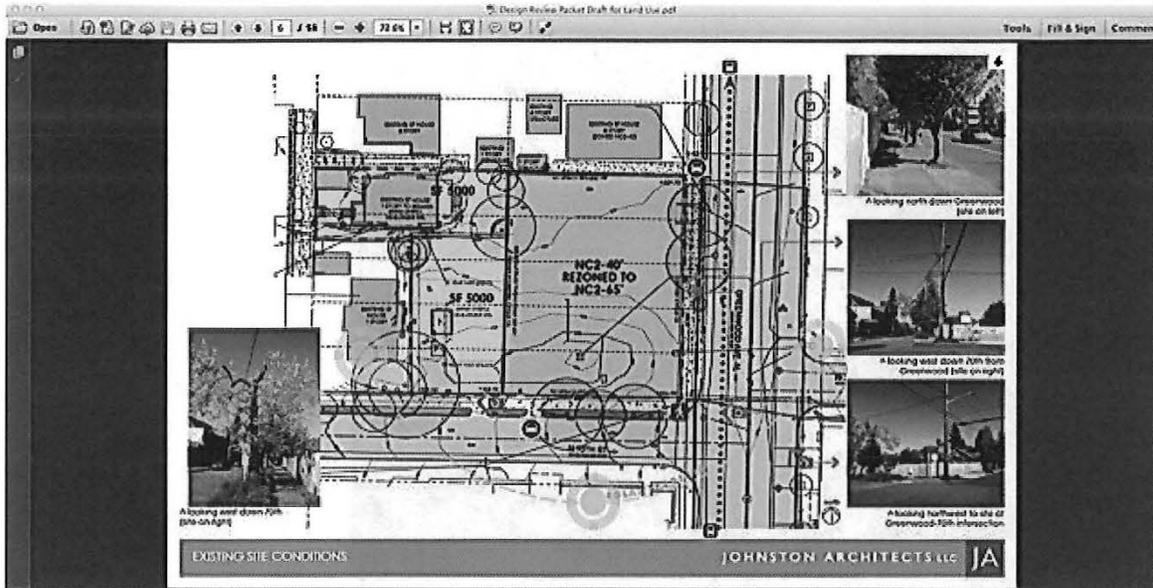
I hope you will investigate what is really going on here and POSTPONE the forthcoming Design Recommendation meeting until there is a building design that complies with required setbacks. The 12,000 sq foot commercial is already one of the largest commercial parcels in Phinney Ridge. It has ample space to accommodate a thoughtful design without unlawfully encroaching into required setback areas through the creative gimmicks being used here.

Thank you for your prompt consideration of this matter.

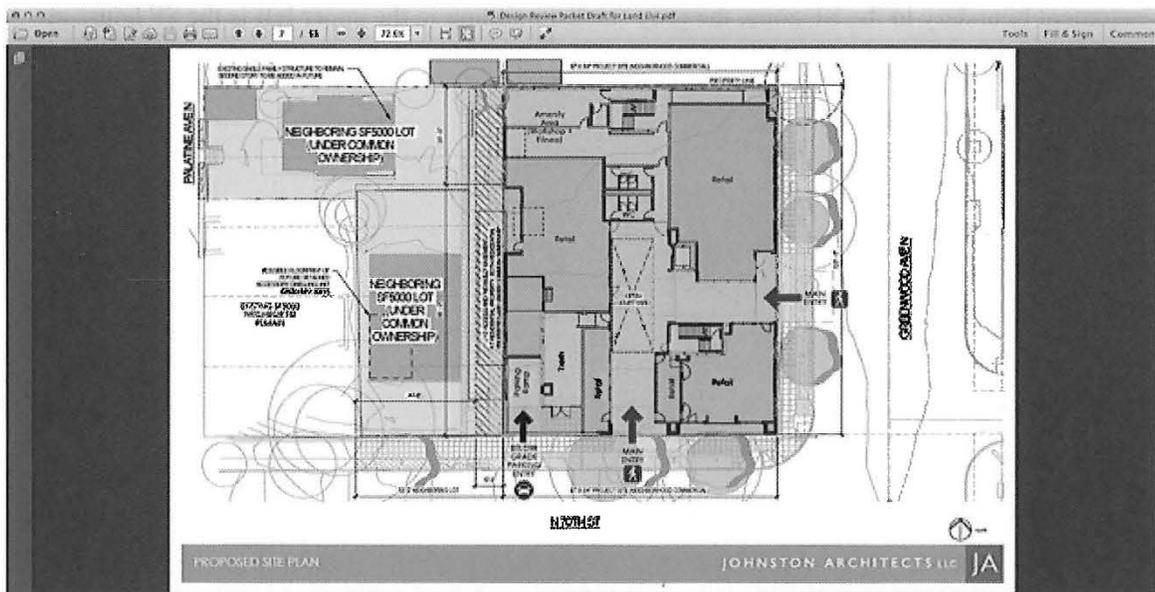
Sincerely,

Esther Bartfeld
Phinney Ridge resident, former PRCC board member

(1) This is the site plan (page 6 of 3.16.17 draft); the property line is the same as the zoning line at the color change separating SF5000 and NC240 zones:



(2) This is the site plan that shows the building right on the property line (see line at left edge of orange), along with the access easement (it is also called a “no build” easement, but the Code prohibits building in that portion of a rear SF of anyway...)



(3) This image from p11 of 3.16.17 draft shows the south side on 70th and the west massive wall that is proposed right on the property line separating NC240 and SF5000 (this is the part of the building left of the corner facing the grass; the grass is the vacant SF lot on 70th); the car / driveway / corner is within the no-development area of SMC 23.47A.014.B.1.



A looking NE to project from N 70th St with upper floor setback and mid-block modulation

(4) This drawing shows the sidewalk in the easement over the SF5000 zone, accessing the retail space of the commercial building (the property line is at the edge of the building (in white); the dashed line left of the sidewalk is the easement boundary in the SF zone, the grey shaded building in the upper left is the SF house at 7010 Palatine).

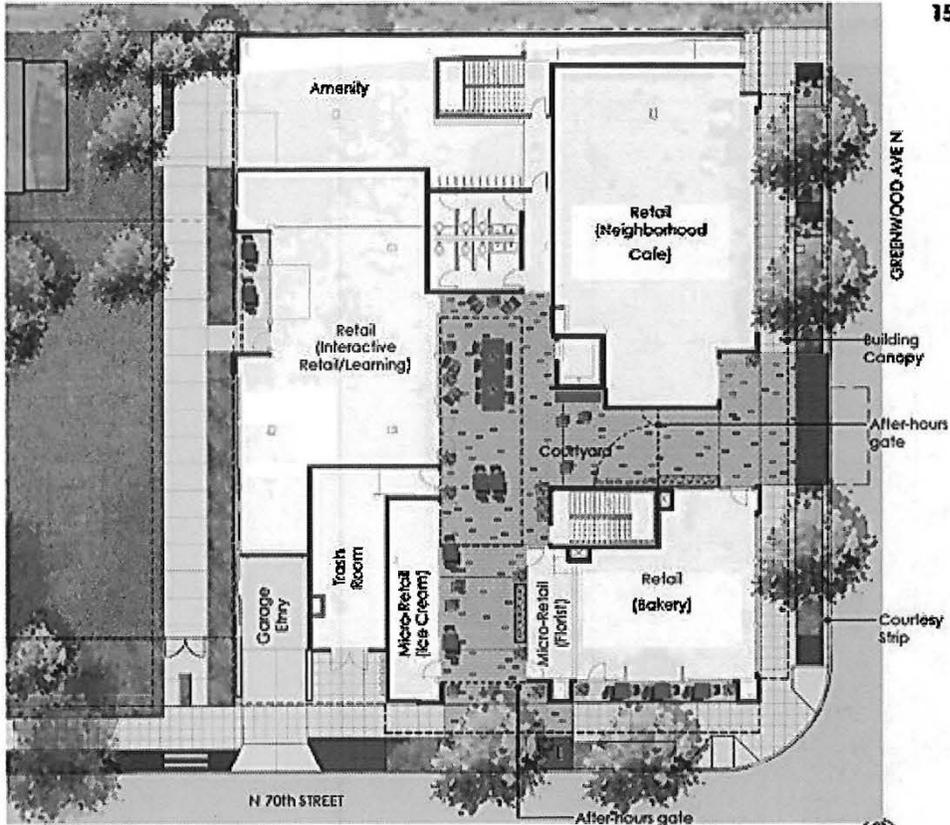
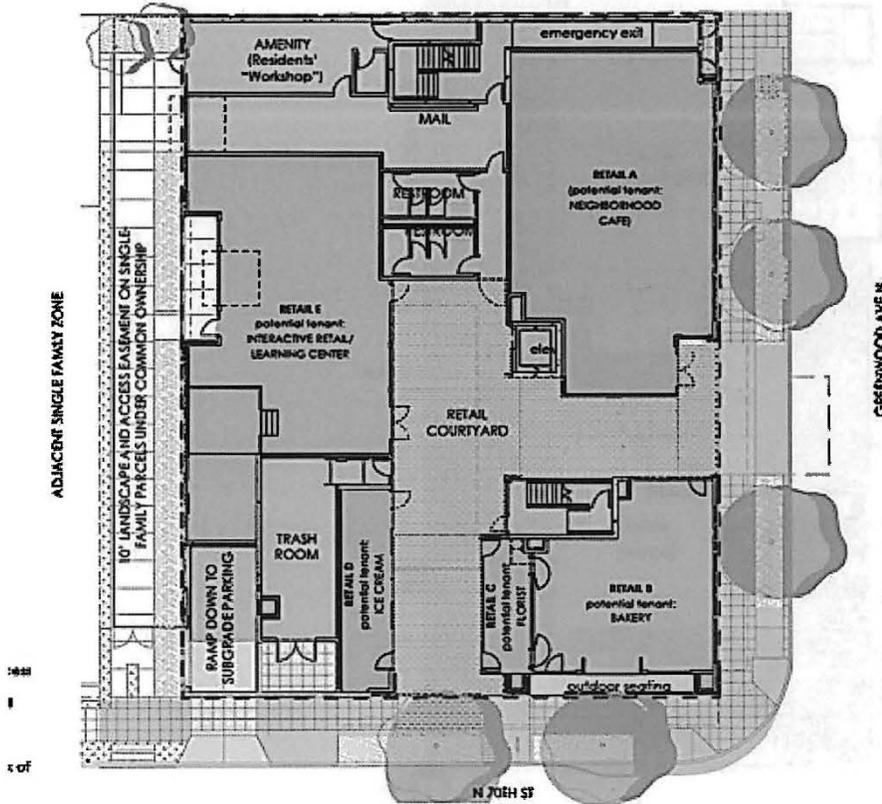


Figure-ground diagram showing proposed development within existing urban fabric

(5) This image describes the drawing above, identifying the easement



(6) This is the west side of the building (as viewed from the adjacent SF zone) that is built right on the property line of the SF zone for 4 stories, with a minimal setback at the fifth floor. Note also that the right side, where the car is entering the driveway (and for which they request a departure for that column located in the sight triangle) is within the 15-ft no-development triangle of SMC 23.47A.014.B.1.

