

Hearing Examiner Exhibit

Applicant
Department ADMITTED
Public DENIED
FILE # CF-314356

54

From: Karen
To: Examiner, Hearing
Cc: PRC
Subject: Comment on Shared Roof- HE File Number CF-314356, SDCI Record Number 3023260-LU
Date: Monday, May 07, 2018 1:47:26 PM

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

From: Patrick Eggers
To: [PRC](#)
Subject: Public Meeting, #3023260
Date: Monday, May 07, 2018 3:42:19 PM

When is the public meeting to discuss the project the above project? There is nothing on the sign other than the notice that it will occur. If I try to look it up on the internet, I keep getting referred to a new portal which looks like it is still under construction and has limited information which does not include the meeting date, time, or location.

3023260
Shared Roof
7009 Greenwood Avenue N
Seattle, WA 98103

Thank You,
Patrick

From: ronrobl@aol.com
To: PRC
Subject: Project 3023260
Date: Monday, May 07, 2018 4:31:20 PM

Shared Roof
Project 3023260

City of Seattle
Department of Construction and Inspections
Hearing Examiner
700 5th Avenue, Suite 2000,
P.O. Box 34019

I want to thank you and the City for recommending approval of the above project. Here are some of my thoughts since attending the hearing on Monday April 30th.

We bemoan the country's polarization on the national scene but it certainly seems that some members of the Phinney-Ridge community are becoming a microcosm of this polarization.

Their strident and uncompromising position, often quoting chapter and verse land use codes, mimics what they say they are fighting at City Hall, i.e. Phinney Flats. Paradoxically, height aside, Shared roof is offering what most have been fighting for.

Some of these local 'Land Use Junkies' seem unwilling or perhaps are just unable to accept some common sense requests for changes in zoning.

For many of us living near the Shared Roof project we feel this is a well-structured development blending effectively the new with the older. It's not the Holy Grail but rather a reasonable approach that can add much to the Phinney/Greenwood Urban Village concept.

As you are aware the Shared roof Developer has been willing to work with and listen to the Community. Here are some of the trade-offs for what many of us consider is by far the best multifamily development this community has had.

- <!--[if !supportLists]-->• <!--[endif]-->Underground Parking
- <!--[if !supportLists]-->• <!--[endif]-->Family size Units, a rarity but much needed.
- <!--[if !supportLists]-->• <!--[endif]-->Affordable housing units
- <!--[if !supportLists]-->• <!--[endif]-->Superior design with a central Atrium.
- <!--[if !supportLists]-->• <!--[endif]-->Excellent retail layout, thinking outside the box.
- <!--[if !supportLists]-->• <!--[endif]-->Excellent access on Greenwood Ave and NW 70th.
- <!--[if !supportLists]-->• <!--[endif]-->Underground Utilities.
- <!--[if !supportLists]-->• <!--[endif]-->More.

This is a recent quote from a member of our community that certainly rings true with this project.

"I would think any up-zone, MHA or not, should depend upon the individual characteristics of any particular Urban Village and the impact such would have on the surrounding neighborhood, all Urban Villages are not created equally."... Nor is every project equal.

In Seattle we often prided ourselves as being willing to listen, willing to accept change and compromise. It's time that the nay-sayers look at the overall objectives about density and growth in our city and support those developments that will add to their community

Shared Roof will enrich our community.

Thank you,
Ron Lewis
6801 Greenwood Ave No. #403
Seattle, Washington 98103

From: [Garrett, Tami](#)
To: [Matt Currey](#)
Cc: [PRC](#)
Subject: RE: Support of project 3023260 approval (7009 Greenwood)
Date: Tuesday, May 08, 2018 10:56:26 AM

Hello Matt:

Thank you for your comments.

I am forwarding your email to the SDCI Public Resource Center (PRC) to allow for it to be added to the project's electronic file and be available for others to review this information.

Tami Garrett – Tami.Garrett@seattle.gov
P 206-233-7182 F 206-233-7902
City of Seattle, Seattle Department of Construction and Inspections (SDCI)
Send me US Mail at:
PO Box 34019
Seattle, WA 98124-4019
Visit me at:
Seattle Municipal Tower
700 5th AV, #1900

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

From: Matt Currey <mcurrey@shaw.ca>
Sent: Sunday, April 29, 2018 9:17 PM
To: Garrett, Tami <Tami.Garrett@seattle.gov>
Subject: Support of project 3023260 approval (7009 Greenwood)

Hi Tami,

I know there's a vocal minority of people who are still fighting this. I see in the latest public notice instructions for how to file an appeal, but it's not clear to me how to show support. I'm hoping you can direct my note here to the right place. As a side note to my comment below, can you clarify if the 5th floor will be required to be setback on the eastern side (facing Greenwood Ave)? Some people have been saying different things and it's nearly impossible for average people like me to keep up on all the documents, approvals, etc. For many reasons, I hope it is.

I live and own a home nearby (on 8th Avenue NW), and support this project as it's currently proposed. I encourage the hearing examiner to let this project proceed and I'm looking to city council to approve the rezone. I have absolutely no relationship, financially or otherwise, to the project or the developer. I support livable, well-designed density that includes parking along Phinney Ridge.

Thank you,

Matthew Currey

Vancil, Ryan

From: Scott Amick <scott.amick@gmail.com>
Sent: Saturday, April 07, 2018 8:39 AM
To: Vancil, Ryan
Subject: 5201 Rainier rezone clarification

Deputy HE Vancil,

I noticed the applicant submitted a memo yesterday (4/6/18) attempting to clarify a few items. One critical item is this sentence: "The applicant also completed design review before the City released its preferred alternative for the HALA rezone." This sentence is true but avoids a very important fact.

Formal Draft HALA rezone maps were released in October 2016 with the same 55' height limit as the preferred alternative HALA rezone plan released 11/9/17. SDCI staff was very well aware of the applicant's hoped for rezone but still did not find good basis to recommend such an increase in height. Please keep this in mind as you evaluate this case. Below is a timeline of Design Review and HALA rezone with links to HALA dates.

EDG #1 - Tuesday, August 11, 2015
Planner: Tami Garrett

EDG #2 - Tuesday, February 09, 2016
Planner: Tami Garrett

EDG #3 - Tuesday, April 26, 2016
Planner: Tami Garrett

Draft HALA rezone maps were issued in October 2016:
<http://www.seattle.gov/hala/focus-groups>

Recommendation meeting - Tuesday, May 23, 2017
Planner: Carly Guillory

HALA preferred alternative zoning released on November 9, 2017:
<http://westseattleblog.com/2017/11/hala-upzoning-citys-proposal-due-out-today-in-final-environmental-impact-statement/>

-Scott

Scott Amick
206-914-4648

Vancil, Ryan

From: Matt Currey <mcurrey@shaw.ca>
Sent: Sunday, April 29, 2018 9:17 PM
To: Garrett, Tami
Subject: Support of project 3023260 approval (7009 Greenwood)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tami,

I know there's a vocal minority of people who are still fighting this. I see in the latest public notice instructions for how to file an appeal, but it's not clear to me how to show support. I'm hoping you can direct my note here to the right place. As a side note to my comment below, can you clarify if the 5th floor will be required to be setback on the eastern side (facing Greenwood Ave)? Some people have been saying different things and it's nearly impossible for average people like me to keep up on all the documents, approvals, etc. For many reasons, I hope it is.

I live and own a home nearby (on 8th Avenue NW), and support this project as it's currently proposed. I encourage the hearing examiner to let this project proceed and I'm looking to city council to approve the rezone. I have absolutely no relationship, financially or otherwise, to the project or the developer. I support livable, well-designed density that includes parking along Phinney Ridge.

Thank you,

Matthew Currey

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

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

policies which are embedded in the Comprehensive 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.

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: Esther Bartfeld <ebartfeld@comcast.net>
Sent: Friday, May 04, 2018 1:15 PM
To: Examiner, Hearing
Subject: Followup to 7009 Greenwood rezone hearing (#314356), Electronic copies of Ex1
Attachments: 7009 - Cover Sheet for Exhibts at 4.30.18 rezone hearing.pdf; Greenwood Phinney UV Map.pdf; SMC 23.47A.014 [for 7009] Setback violations.pdf; Application of Contract Rezone Criteria in SMC 23.pdf

Dear Hearing Examiner Vancil:

This is Esther Bartfeld, one of the speakers at the Public Hearing on the contract rezone proposed for 7009 Greenwood. (case #314356)

At the hearing, I offered extensive analysis to show that the proposed rezone request should be denied because:

(1) it does not meet the criteria in SMC 23.34.007 - .009;

(2) it seeks a rezone to a zone that has not been codified as to specific requirements (other than FAR), has not been defined or applied in the Phinney Ridge area as it has in other areas, and the whole MHA draft legislation is still in the "listening tour" phase as the Council holds public hearings around the city, and the MHA EIS is in litigation;

3) it violates numerous provisions of SMC 23.47A.014 that requires setbacks on commercial lots that abut lots in a residential zone because the proposed building is built right on the platted lot line separating the two NC parcels proposed for rezone from the two legally separate lots in the single family zone to the west when the Code requires specified setbacks in that situation.

My testimony is at 9:25:57a.m. - 9:37:37 a.m. according to the Hearing Minutes posted on the Hearing Examiner website for this case.

At the close of my testimony I gave you a packet of material that offered support for my testimony. You market that material as Exh. 1. I offered to provide (and you requested) an electronic copy of that material, and I am providing that here. Specifically I am attaching the following documents that I provided in hard copy at the hearing:

1. Cover sheet with index (1 page);
2. Map showing Greenwood Phinney Urban Village, wht the 7009 Greenwood site marked at the southern end of the "Phinney tail" (1 page);
3. A chart I prepared showing how the prposed rezone does not meet the specified criteria in SMC 23.34.007-.009, and where SDCI erred in its analysis (6 pages); and
4. A document titled "Setback Violations of 7009 Greenwood Proposal" that shows the numerous violations of SMC 23.47A.014 that are present because the proposed building is built right on the platted lot line (which is also the zoning line) that separates the two NC parcels that are proposed for rezone from the 2 separate lots that are in the single-family zone (SF5000). SDCI relied on the invented fiction of a so-called "development site" that is not defined in the Land Use Code and failed to apply the clear and unambiguous defined terms of the Code that require setbacks between "lots."

After reviewing this material again, I realized I should have provided an illustration to show you exactly what is going on because it is hard to discover in the various plan sets. I am hoping to submit additional information before you close the record after Monday May 7, 2018, but meanwhile I would like to direct you to pages 2-3 of the SDCI decision where you will see maps and information identifying the four separate lots that comprise this so-called "development site."

Page 2 of the SDCI decision shows an area map with the "development site" highlighted. Page 3 is the critical page that shows the fatal flaw in SDCI's analysis. In the map you will see a dark line separating the NC2-40 zoning of the two

commercial lots facing Greenwood from the two legally separate lots in the SF zone. You will see four tax parcel numbers written in the bottom four lots of that map. Those are the four parcels included in the so-called "development site" that you see on Page 2 of the Decision. The contract rezone application applies only to the two parcels zoned NC2-40 (237710-4100, and 287710-4085; see rezone application at Page 3). Keep these maps in mind when you review the detailed plan sets and whatever drawings the applicant provided at the hearing.

If you look at the plan set drawings, e.g., G002 (Code Site Diagram) you will see that the building is right on the property line. See also A100 and A200-206 (where "zoning boundary" is also the "lot line" from which a setback is required). In other words, the building consumes almost the entirety of the 2 NC parcels shown on the map on Page 3 of the SDCI Decision.

And if you look at the L1.00, L1.10, L1.11 you will see that the "setback" of approximately 10-feet along the whole west side is carved out of the SF properties (e.g., see the "Zoned SF-5000" arrows). There is no setback on the west side of the NC240 parcels.

These maps collectively illustrate the points I made at the hearing, specifically that there are zero setbacks on the NC240 parcels where the Code imposes numerous setback requirements as indicated in the material I submitted.

Thank you for your careful consideration of these issues and the defined terms in the Code (many of which are the same as you reviewed in the Phinney Flats Decision (6726 Greenwood) where you reversed SDCI's Code Interpretation) regarding setbacks.

-Esther Bartfeld

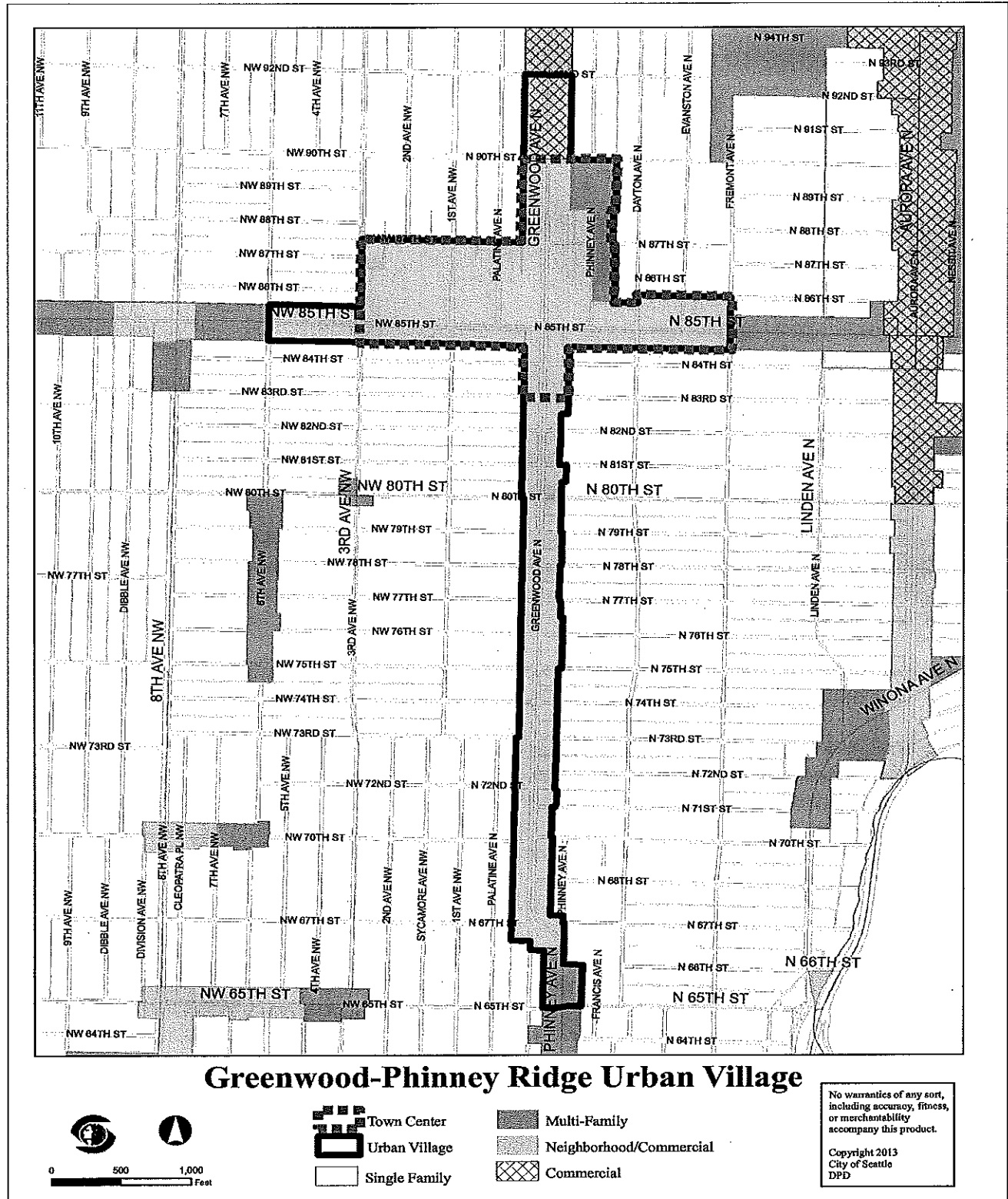
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**Public Hearing for 7009 Greenwood Ave N Contract
Rezone, #314356
April 30, 2018**

**Supporting Documents for Esther Bartfeld
testimony**

1. Greenwood / Phinney Urban Village Map (1 page)
2. Table showing application of Contract Rezone Criteria and why Rezone should be DENIED (6 pages);
3. Violations of setbacks in SMC 23.47A.014.B.1 (5 pages)

Map 2: Greenwood-Phinney Ridge Urban Village



Note: Design Review does not apply to all zones. See the Seattle Municipal Code, section 23.41.004 for more details. Additionally, zoning areas shown on this map are for general reference only. For confirmation of a specific property's zoning, contact the Department of Planning and Development.

Application of Contract Rezone Criteria in SMC 23.34.007, 008, 009 shows Rezone should be DENIED

Rezone Criteria	Analysis	SDCI errors
23.34.008A – zoned capacity standards	Irrelevant – project doesn't affect zoned capacity	SDCI arbitrarily claims that the project would lead to an "increase in zoned capacity" because if the 5 th floor was removed there would be 6 fewer units. By that rationale every rezone proposal "increases" zoned capacity. This project could provide the same number of units on 4 floors.
23.34.008B – Match between established locational criteria and area characteristics	Irrelevant, no change to NC zone designation	n/a
23.34.008C – Zoning history and precedential effect	The zoning history shows that this area along <u>Greenwood</u> has <u>always been zoned consistently</u> , regardless of the height. No parcel has ever been singled out for upzoning. The precedential effect of upzoning a single parcel in a uniformly-zoned area where the nearest parcel with a height greater than 40 feet is 15 blocks away cannot be underestimated. Every other parcel on Phinney would be vulnerable to upzoning before HALA is even finalized, and likely every other parcel in the city would be as well.	SDCI discussion of MHA financial requirements and MHA areawide zoning proposals is irrelevant to this criteria
23.34.008D – Neighborhood plans	The Greenwood Phinney neighborhood plan did not anticipate a 55 foot zone and it did not anticipate any variation to the uniform zoning in this area where all parcels are zoned the same height	SDCI correctly notes that the property is covered by the Phinney Greenwood Neighborhood Plan and that the Plan did not identify any specific areas or policies for rezones. <u>In its revised Decision, SDCI (curiously) removed its conclusion that the proposed rezone is "consistent</u>

Rezone Criteria	Analysis	SDCI errors
<p>23.34.008E - Zoning Principles</p>		<p>with the density anticipated in and around the [UV] as contemplated in the Seattle Comprehensive Plan” and that “the proposal will facilitate future development that will best accomplish the City’s planning objectives.” See p29 of 1.18 Decision.</p>
<p>1. Minimize the impact of commercial zones on other zones by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred</p>	<p>There is <u>NO</u> transition between the NC parcels proposed for rezone and the SF parcels that share the rear boundary of the NC parcels. The five story building would be built right on the property line. See plan set pages G002,</p>	<p>SDCI claims that there are some instances in the Greenwood Phinney Ridge neighborhood where a 65’ zone is adjacent to a SF zone, but fails to identify any such location or note that the nearest 65’ zone is on the north side of 84th street, 15 blocks (almost one mile) from the 7009 site. See p29 SDCI acknowledges that a gradual transition between zoning categories would NOT occur between the rezoned property and the SF properties to the west but then misleadingly claims that this would allow for a “55’ height zone in proximity to a single family zone” instead of admitting that it would allow for a 55’ zone adjacent to a SF zone. See p.31 SDCI’s so-called “summary” ignores the impact of having a large NC parcel upzoned to 55 feet with a 5-story building right on the property line</p>
<p>2. Physical buffers may provide an effective separation Buffers include open space and greenspace</p>	<p>There are <u>NO</u> BUFFERS. The building is right on the property line that separates NC from SF zones. See plan set pA100. The so-called buffers are <u>all</u> exclusively on / in the SF-zoned parcels that are NOT part of the rezone parcel and are entirely separate legal lots, and not subject to any PUDA. See SMC 23.34.004.</p>	<p>SDCI acknowledges that the NC255 zone would be adjacent to the NC240 zones to the north, south, and east, but once again refuses to acknowledge that it would be adjacent to the SF zone on the west. (SDCI says it would be “in proximity” to SF zone). P32 SDCI offers an almost indecipherable explanation for insisting that the vacant SF lot is a buffer: “[A] 55’ wide buffer exists between the zoning designation line and the shared property line</p>

Rezoning Criteria	Analysis	SDCI errors
	<p>Some drawings show a 10-foot wide strip with a concrete wall on the west side to separate it from the rest of the SF parcels. See e.g., plan set pages L1.10, L1.11, L5.0</p> <p>Earlier iterations claimed this buffer would be a "no-build - access" easement, but it is unclear whether that is still proposed. As of 4.29.18, there was nothing recorded on the 7010 Palatine property.</p> <p>In addition, both SDCI and the applicant claim that the 53 foot wide, vacant SF lot on N. 70th is a "buffer" although both erroneously claim it is 55-ft wide. See e.g., survey on plan set page C-100.</p> <p>This separate, legal lot in the SF zone is not a "buffer" nor is it "open space" for purposes of this analysis because it could be developed at any point regardless of what the owners say now.</p>	<p>between the development site and the neighboring property to the west...". This area is planned to be a landscaped open space. p32.</p> <p>This is a tortured way of claiming the legally separate, vacant SF lot on 70th Street as a "buffer" when it is not.</p> <p>The applicant also claims, misleadingly and incorrectly, that there is a 55-foot wide buffer along the entire western edge. See p10 of application.</p> <p>There is not. There is a 53-foot wide, vacant SF lot in the southern 2/3 of the west side, and the remainder of the west side is a SF lot with a craftsman home on it that is closer than 55 feet to its rear boundary. See unlabeled page of 7010 Palatine survey preceding page c100 survey</p> <p>The applicant also claims that the vacant lot "will remain an open lawn" but it has no legal obligation to leave any more lawn than necessary on a SF parcel that could easily be developed just like any other SF parcel. See Application, p11.</p>
<p>3. Zone Boundaries - consider physical buffers and platted lot lines</p>	<p>The proposal follows platted lot lines: 2 commercial parcels are proposed for upzone; 2 SF parcels are not part of the rezoning proposal (although the applicant claims they are part of a so-called "development site," a stunt they claim gets them out of complying with the required setbacks between zones.</p> <p>The new NC55 zone would be adjacent to 2 SF parcels along the rear property line and adjacent to a NC240 parcel on the north</p>	<p>SDCI erroneously claims there would be "some physical buffers." There would be no physical buffers.</p> <p>SDCI fails to acknowledge that there are 4 separate lots in the so-called "development site" and it is the 2 commercial lots that would be upzoned, leaving no buffers to the NC240 parcel to the north or the 2 SF parcels to the west</p>

Rezone Criteria	Analysis	SDCI errors
<p>4. Height limits greater than 40 feet should be in urban villages</p>	<p>Complies</p>	
<p>23.34.008F - Impact evaluation</p>		
<p>a. Housing, particularly low-income housing</p>	<p>This project has no more meaningful impact on housing than any other project built within the NC240 zone height. 12 of the 35 units are reserved for the owner / investors who intend this to be "their primary residence for decades and generations." See Application p1. The applicant promotes "family units" but reserves virtually all of the units greater than 1000 sq ft for themselves exclusively on the 4th and 5th floors. Almost every unit on the 5th floor exceeds 1100 sq ft., with one at almost 1900 sq ft on 2 floors. In contrast, the one 3-BR available to the public is only 1077 sq ft. The "studio" on the 4th floor is almost 600 sq ft (larger than many of the 1-BRs on the lower floors), but the studios on the lower floors max out at around 342 sq ft. Even the rooftop greenhouse is larger (425 sq ft). See floor plan s pages A201-206. The studios and 1-bedrooms offered in the new, 4-story building across the street are larger than those proposed for 7009.</p>	<p>SDCI erroneously claims that the project will have a "positive impact" on the housing supply by providing 35 new residential units. P33. SDCI fails to note that there will be only 23 units available to the public, fewer than are being offered at the new, four-story building right across the street.</p>
<p>c. Environmental factors, including shadows</p>	<p>A five story building casts more shadows, leaving that stretch of Greenwood in shadow more of the day. A five story building right on the property</p>	<p>SDCI claims the shadow impact would be relatively small but completely ignores the impact of a 55 foot building built within the required setback area along the east side of the property / zoning line</p>

Rezoning Criteria	Analysis	SDCI errors (p34)
<p>23.34.008G – 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 rezoning.</p>	<p>line where the Code requires setback will block light and air, and cast shadows in that stretch of land east of the zoning line. The impact would be exacerbated in the winter when the sun is in the southern sky because this parcel is at the southern end of the block</p> <p>This rezoning is obviously all about trying to get a jumpstart on the proposed MHA upzones even when the details and characteristics of the new NC55 zone have not been defined, there is no legislation proposed to implement the zone citywide or in Phinney Ridge, and the EIS is in litigation. Indeed, the applicant boasts about how it will be meeting MHA on almost every page of its application.</p> <p>But <u>the potential for an areawide upzone is not a "changed circumstance" because that "circumstance" does not exist.</u> There are an infinite number of ways the currently proposed HALA upzones could get detailed, modified, withdrawn, not applied in Phinney Ridge, or any number of other changes to the current version being floated at public meetings. Yet the dream of HALA upzoning is the obvious driver for this rezoning request.</p>	<p>SDCI showed its hand in the original January Decision when it relied on the potential for area-wide upzoning through MHA to justify this rezoning, noting specifically that the city proposals "include the rezoning site" and specifically concluding that "the proposed rezoning responds to changed circumstances for this area." P36 of 1.18 decision.</p> <p>In its revised decision, the City pretends that "there is no evidence of changed circumstances in consideration of this rezoning proposal." P36. But that new language does not free SDCI of its obvious reliance on the potential HALA SDCI neglected to cleanse the entire revised Recommendation of this argument. Just two pages later, when insisting that the proposal meets the height and scale criteria of SMC 23.34.009.C, SDCI reasons that "the proposed development would also be compatible with the anticipated proposed scale of development being contemplated for the forthcoming HALA/MHA zoning to NC2-55(M). p38. It made the same argument for SMC 23.34.009.D.</p>
<p>SMC 23.34.009 – Height limits</p>		
<p>B Topography of the area, and consider view</p>	<p>The NC240 zone requires an analysis of view blockage before adding 4 feet of extra</p>	<p>SDCI claims without any support that the rezoning "will have negligible impact beyond what would be</p>

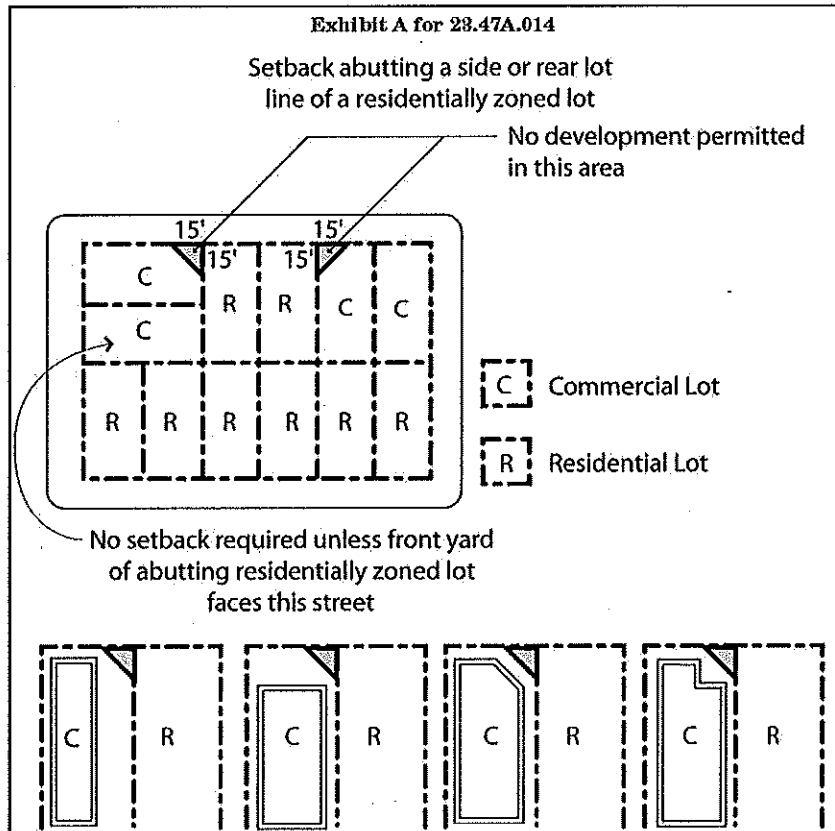
Rezone Criteria	Analysis	SDCI errors
<p>blockage</p>	<p>height. SMC 23.47A.012. The NC255 zone has not been developed, so it is unknown whether such a view study would be required. But it is obvious that a 55 foot building will block protected views from parcels across the street that will remain zoned at NC240 if this parcel gets upzoned</p>	<p>allowed under the current zoning designation. That statement is false. In the NC240 zone, a developer is required to do a view analysis before SDCI grants 4 feet in height (up to 48 feet). This building would have a rooftop of 55 feet, perimeter walls on top of that, and a 24-ft long greenhouse on the roof extending approximately 12 feet above the roof. See elevation drawings at A300-303</p>
<p>C. Height and Scale of Area</p> <ul style="list-style-type: none"> - height limits established by current zoning in the area shall be given consideration; - <u>permitted height limits shall be compatible</u> with the predominant height and scale of existing development 	<p>The 7009 site is in a stretch of Greenwood Avenue that is uniformly zoned NC240. The nearest property with a greater height limit is at Greenwood on the north side of 84th Street in the Greenwood Town Center, an area that is almost one mile north, and treated entirely differently in the neighborhood plan</p>	<p>SDCI incorrectly claims that there is a 65' zone "nearby." There is not. The closest 65' parcel is almost a mile away.</p> <p>SDCI also claims without support that the proposed development would be "compatible" with the predominant height and scale of newer development even though every commercial property within almost a mile is zoned NC240. P38</p> <p>SDCI admits that it is relying on the potential MHA upzones to justify this project. P38</p>
<p>D. Compatibility with Surrounding Area</p> <ul style="list-style-type: none"> - height limits shall be compatible with actual and zoned heights in the surrounding areas - <u>a gradual transition in height and scale and level of activity shall be provided</u> unless there are major physical buffers as in 23.34.008.E.2 	<p>The NC55 is not compatible with the actual and zoned heights in the uniformly zoned NC240 area along Greenwood or the adjacent SF zone to the west.</p> <p>This building adds a 425 sq ft greenhouse to the other rooftop features that raise the actual height to almost 70 feet in substantial portions of the roof.</p> <p>There is no "gradual transition" and indeed no transition at all between zones and there is no "major physical buffer" as required</p>	<p>SDCI claims incorrectly that the proposed rezone would be consistent with the scale of the newer developments in the area.</p> <p>The newer developments, such as the building across the street, are NC240, and they do not have a massive greenhouse on top to extend a substantial portion of their rooftop profile to almost 70 feet.</p> <p>SDCI admits that it is using the potential HALA upzones to justify this project (it would be "consistent with . . . the anticipated scale of development being contemplated for the forthcoming HALA/MHA zoning"). P38</p>

SETBACK VIOLATIONS OF 7009 GREENWOOD PROPOSAL
 SMC 23.47A.014.B (Setback requirements for lots abutting . . . residential zones)

1. SMC 23.47A.014.B.1: No-build corner setbacks required where the rear boundary of the commercial lot abuts a side boundary of a residential parcel

CODE: A 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. The required setback forms a triangular area. Two sides of the triangle extend along the street lot line and side lot line 15 feet from the intersection of the residentially zoned lot's front lot line and the side lot line abutting the residentially zoned lot. The third side connects these two sides with a diagonal line across the commercially-zoned lot (Exhibit A for 23.47A.014).

Exhibit A for 23.47A.014
Seatabck abutting a side or rear lot line of a residentially zoned lot



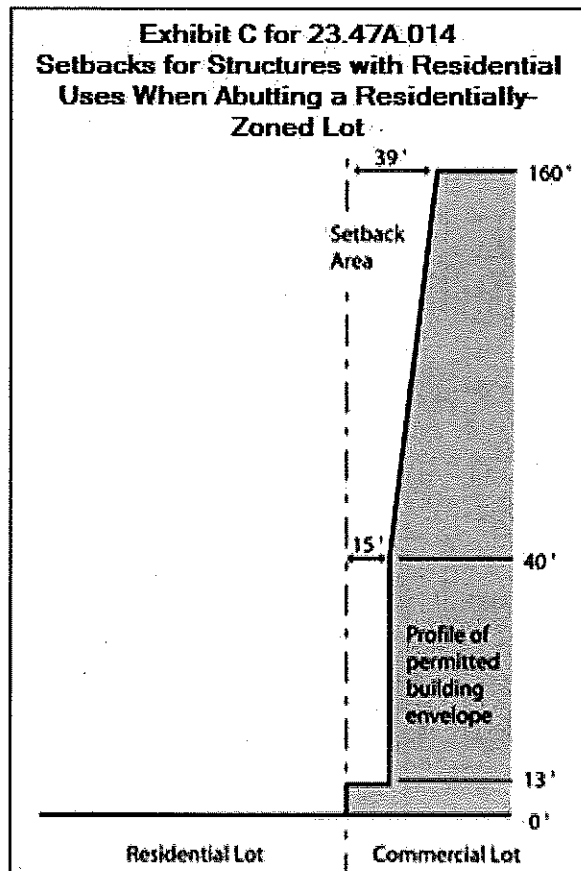
7009 violation: The southwest corner of the building comes right up to the property line in violation of SMC 23.47A.014.B.1. Various alternative design options are shown in Exhibit A to SMC 23.47A.014.B.1.

2. SMC 23.47A.014.B.3: Setbacks required on all floors above the first floor when the rear boundary of the commercial lot abuts a lot in a residential zone

CODE: For a structure containing a residential use, a setback is required along any side or rear lot line that abuts a lot in a residential zone . . . as follows:

- a. Fifteen feet for portions of structures above 13 feet in height to a maximum of 40 feet; and
- b. For each portion of a structure above 40 feet in height, additional setback at the rate of 2 feet of setback for every 10 feet by which the height of such portion exceeds 40 feet (Exhibit C for 23.47A.014).

Exhibit C for 23.47A.014 Setbacks for Structures with Residential Uses When Abutting a Residentially-Zoned Lot



7009 violation: All floors above the first floor are built within the required setback area in violation of SMC 23.47A.014.B.3. The massive greenhouse appears to be less than 15' from the line (page A206). Based on elevations shown on page A300-303, the 40 foot elevation (where even more than a 15-foot setback is required) occurs before the ceiling of the 4th floor). The greenhouse appears to be 67 feet tall.

3. SMC 23.47A.014.B.5: Prohibits entrance, window, or other opening closer than 5 feet to abutting residential lot

CODE: No entrance, window, or other opening is permitted closer than 5 feet to an abutting residentially-zoned lot.:

7009 violation: Almost the entire west side of the building violates this provision. See West elevation drawing at page A310. Most of the west side of the first floor is built

4. Other relevant Code provisions:

SMC 23.47A.014.A: Definition: For the purposes of this Section 23.47A.014, "portions of structures" include those features listed in subsection 23.47A.012.C, Rooftop features.

SMC 23.47A.012.C.6 covers greenhouses dedicated to food production, such as the one described for the 7009 project, so that structure is covered by the setback requirements of SMC 23.47A.014.B.3

SMC 23.84A.002: "Abut" means to border upon.

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.

SMC 23.84A.024 : "Lot lines" means the property lines bounding a lot.

5. Applicant's unsupported reason for ignoring setback requirements:

Applicant claims, on page G002 of the plan set that "Adjoining residential (SF5000) zoned parcels are part of the same development site (see A100 and Diagram 1 above [on G002], so no side setbacks apply at the west side." See page G002 of plan set.

Flaw in analysis:

- (1) Development site" is not defined in the Code;
- (2) A "development site" is explained in TIP247 and that requires a boundary line adjustment if "lots" are combined into a single development site, something which has not happened in 7009 project;
- (3) The setback requirements are based on "lots" and "lot lines;"
- (4) The "development site" contains 4 "lots." There are 2 commercial lots proposed for rezone and PUDA, and 2 single-family lots that are not part of the rezone and therefore would not be part of PUDA. They are, therefore, just like any 2 single family lots for purposes of sale, development, redevelopment, etc
- (5) The zoning code is not based on ownership, nor is there a provision that waives compliance when two lots are in common ownership in different zones.

Diagrams and images showing setback violations

1. This is an image from one of the design review packets showing:

- (1) The driveway at the southwest corner and the entire southwest corner portion of the structure violates the no-build setbacks required in SMC 23.47A.014.B.1 when the rear boundary of a commercial lot abuts the side boundary of a residential lot; and
- (2) The west side of the building facing the grassy area is built right on the property / zoning line separating the commercial parcels from the single family parcels in the rear, in violation of SMC 23.47A.014.B.3. The grassy area and the walkway adjacent to the building are in the single-family zone. All floors above the first floor are required to be set back at least 15 feet from the property line.



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

To comply with SMC 23.47A.014.B.1 the entire southwest corner needs to be cut off or the building otherwise made smaller per the alternative design ideas presented in Exhibit A to SMC 23.47A.014.B.1.

To comply with SMC 23.47A.014.B.3, all floors above the first floor need to be set back 15 from the west property line for all portions of the building up to 40 feet high, with an increased setback for all portions of the building above 40 feet

2. This is another image from one of the design review packets showing the massive wall rising right on the property line separating the commercial parcels from the adjacent single family parcels.



WEST ELEVATION

The code requires all portions of the building above the first floor, and up to 40 feet to be set back 15 feet from the property line, with an increasing setback for all portions of the building over 40 feet.

Although there may be minor design changes from this image to the current plans, there has been no change to the building rising four floors right on the property line where the Code requires a minimum 15-foot setback for floors 2-4. There is only a minimal 4-6 foot setback on the 5th floor in the current version of the building (except for the SW corner where there is no setback), where the Code requires more than a 15 foot setback, at a rate of 2 feet per 10 feet above 40 feet. This would make the top of the 5th floor 18 feet from the line.

The greenhouse, which appears to be at least 12 feet tall (grey box in center of left rooftop side), is located less than 15 feet from the property line. The roof in that area should be at least 18 feet from the line.

Vancil, Ryan

From: Scott Amick <scott.amick@gmail.com>
Sent: Wednesday, April 04, 2018 8:17 AM
To: Vancil, Ryan
Subject: 5201 Rainier hearing

Deputy HE Vancil,

I listened to the full recording from Monday's hearing about 5201 Rainier Ave S contract rezone. Really interesting since I've tracked the project since before moving in to a house on 39th Ave S in 2012. I moved to West Seattle last summer.

When you do your site visit please look at the sidewalk conditions and lack of curb and gutter along 39th Ave S. The developer will certainly be improving the sidewalk adjacent to their property but they've never once contemplated even the slightest repair or improvement to other parts of 39th. The homeowners just a house or two south of the project are way too poor to fix their own sidewalks which are rubble in places. There's a neighbor who routinely uses his power wheelchair in the street to get up the hill since the sidewalk is unusable. There will be a lot more cars parked on 39th with last year's expanded RPZ on S. Dawson Street and paid parking in the CC business district. This project will exacerbate parking on 39th's curbless street edges which get muddy and slippery through much of the year.

I appreciated your questions about about the HALA proposal rezone to 55' when the applicant is seeking 65'. While the townhouses along 39th offer some relief to the height, bulk and scale of the project there is no relief along the very long Rainier elevation. I hoped the applicant would even trim back one story at the north end of the building to create a roof deck and respect the latest city staff recommendations for this area at 55'.

Finally, while the architect accurately stated the site was once zoned at 65', the most recent neighborhood plan adopted by Council in 1999 consciously and unanimously downzoned the property to 40' based on significant neighborhood feedback. The large property north of Dawson was not downzoned at this time for reasons I don't know.

Thank you for your careful review of this contract rezone.

Sincerely,
Scott

Scott Amick
206-914-4648

Herbaugh, Melinda

From: Esther Bartfeld <ebartfeld@comcast.net>
Sent: Monday, March 19, 2018 5:37 AM
To: PRC
Cc: Garrett, Tami
Subject: comments on 7009 Greenwood contract rezone (#3023260)
Attachments: 7009, comments for revised application 3.18.18.pdf

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

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 about 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

King County Parcel Viewer showing 4 separate lots, 4 separate recording numbers for lots in 7009 project

Parcel number	Address
28771041 20	7010 PALATINE AVE N 98103
28771041 90	7009 GREENWOOD AVE N 98103
28771040 85	7005 GREENWOOD AVE N 98103
28771041 27	7009 GREENWOOD AVE N 98103

Comments on revised 7009 Greenwood proposed contract rezone (#3023260)

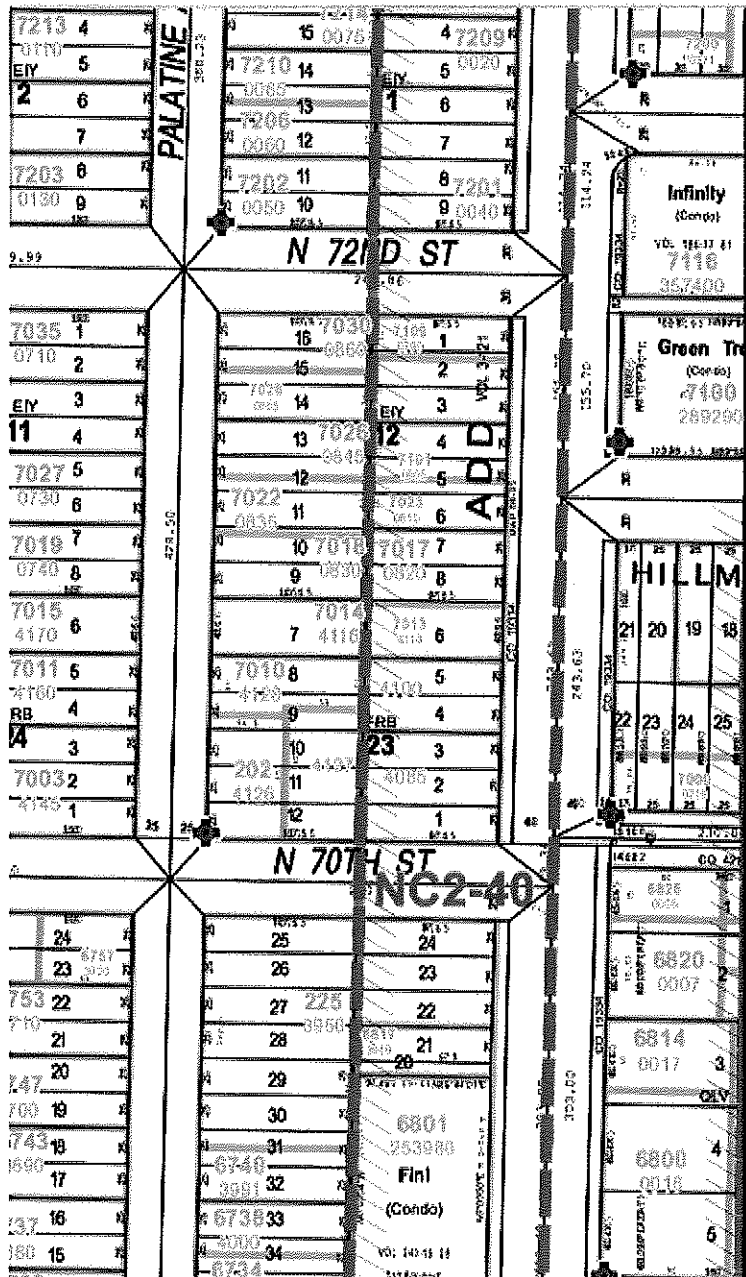
March 18, 2018

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



From: Deborah Stewart
To: [PRC](#)
Cc: info@sharedroofseattle.com
Subject: 70th and Greenwood Shared Roof project
Date: Saturday, November 05, 2016 9:05:36 AM

I am writing to support this building project. The builders are very innovative in planning for larger units in the city and also very responsive to community needs (such as shaving off the 6th floor). As a neighbor, I would welcome the building and also the prospect of some low-income units there.

Deborah Stewart

Deborah Davis Stewart
7501 Greenwood Ave. N, # 301
Seattle, WA 98103
206-465-5616
dstewart98109@icloud.com

From: [King, Lindsay](mailto:King.Lindsay)
To: [PRC](#)
Subject: FW: Party of record for project: #3023260
Date: Monday, September 19, 2016 7:04:41 AM

From: Jen Picken [mailto:pickenjen14@gmail.com]
Sent: Saturday, September 17, 2016 11:36 AM
To: King, Lindsay <Lindsay.King@seattle.gov>
Subject: Party of record for project: #3023260

Hello,

I am requesting to be a "party of record" for this project, 7009 Greenwood Ave. N, Project #3023260.

My concern is the proposed 65' building height. I'm not sure why this proposal is even being considered based on the already established 40' zone regulation for this area.

A 65' building would affect the light within the greenwood/phinney corridor, creating a canyon affect. It would also set a precedence for future building and change the quaint aesthetic of the neighborhood (which is the reason why this area is so attractive in the first place).

The Greenwood corridor to the north on 85th allows for buildings at the larger height, as does Ballard. This particular plan should be developed in those areas rather than at the 7009 Greenwood Ave N. Site.

Thanks,
Jen Picken

Herbaugh, Melinda

From: nancy gohring <nangohring@yahoo.com>
Sent: Tuesday, November 01, 2016 7:26 PM
To: Herbold, Lisa; Harrell, Bruce; Sawant, Kshama; Johnson, Rob; Juarez, Debora; O'Brien, Mike; Bagshaw, Sally; Burgess, Tim; Gonzalez, Lorena; PRC
Subject: DENY proposed contract rezone for 7009 Greenwood (#3023260)

Dear city council members and SDCI staff,

I'm writing to urge you to not recommend or approve the proposed rezone for 7009 Greenwood Ave. N.

Nothing about this proposal meets the stringent requirements for a contract rezone in SMC 23.34.008 and .009. If the owners believe they need a 59-foot height (55-foot proposal plus the additional four feet they described they anticipate getting) to accommodate their desired project, they should be required to wait, like every other owner of NC2-40 properties throughout the City, to see if their parcel is upzoned as part of HALA. There is no reason to grant these owners special permission now, especially when the HALA upzones remain controversial and far in the future.

It is important to note that the commercial parcel alone – at 12,188 square feet – is already more than 50% larger than other NC2-40 parcels in the immediate vicinity (e.g., 6726 Greenwood at 8036 sq ft, currently undergoing design review) and would already allow a massive structure with the current NC2-40 zoning. While the owners are to be applauded for recognizing the importance of open space and larger units, they can easily build a large building with multiple family-sized units and open space on their already oversized parcel (e.g., 6800 Greenwood, currently under construction on a smaller lot, and offering 1-2 bedroom condos). Everything in the Phinney Ridge urban village is zoned NC2-40. There are no parcels of similar height anywhere in the vicinity of this project.

While this portion of the Phinney Ridge urban village is under consideration, like other urban villages, for a HALA upzone to 65 feet, that is far off in the future and controversial. There is no reason to grant these owners a premature upzone simply because that is what they claim to need to make their project viable. Indeed, if that becomes the standard, then every NC2-40 parcel in the city could be upzoned to 6 stories now. These owners can wait like everyone else.

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 upzone certain urban villages to NC2-65 is not a reason to rezone this parcel now. The current owners, who propose to live in the building with other renters, have made little effort to justify why they should be entitled to a rezone of their already oversized NC parcel, and indeed there is nothing unique about this already oversized parcel to justify such a rezone. If the mere fact of a potential HALA upzone is sufficient to grant a contract rezone to 6 stories on this parcel, then every owner of a NC2-40 parcel in an urban village throughout the city would need to be granted a similar rezone.

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 to five stories 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 five stories on this oversized parcel would create a 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. It is simply not compatible. Moreover, the height limits everywhere in the vicinity for miles to the south, and 15 blocks to the north, are 40 feet. Allowing 59 feet on this parcel is incompatible in out of character, out of scale, and inappropriate. The owners of 7009 Greenwood can build an innovative structure that satisfies their well-chosen goals of open space, light and air, ventilation, and a vibrant commercial space, within the height limits provided by the current zone. Or they can wait to see if the Phinney Ridge urban village is upzoned as part of HALA (which is hardly a given). A contract rezone to increase the height to 59 feet and allow one additional floor on this proposed building violates the applicable code and should not be allowed.

Thank you for your consideration of these comments.

Herbaugh, Melinda

From: Mary Holscher <maryholscher@mac.com>
Sent: Thursday, November 03, 2016 10:22 AM
To: PRC
Subject: Project at 70th and Greenwood (project number: 3023260).

I am writing in strong support of the Shared Home project at 70th and Greenwood (project number: 3023260). I was excited about every aspect of this project except it's 6th floor when I attended the preliminary design meeting. Now that the developers have reduced the height to 55 feet I am excited about it in every way!

I am a member of the Low Density Urban Village HALA Focus Group. I see the design of this project as perfectly aligned with the intent of HALA. In particular, it includes both family-size units, which are important in a family-oriented neighborhood like Phinney Ridge, and two affordable units, which are essential ways to contribute to economic diversity within our neighborhood. Their choice of architect and intent to use high-quality building materials means that we will get a design that can be a source of neighborhood pride. I am delighted that the developers have experience with innovative and high quality retail, with a special attention to enlivening the neighborhood. I love their idea of micro-retail rental space, as a way of making the rent affordable for very small local businesses. One of my suggestions at the last meeting is that one of the micro-retail spaces could be a rental space for "pop-ups," available for rent to neighborhood craftsman, artists and very small businesses for a month or two at a time (6-12 over the course of a year).

I hope this project is quickly approved and can efficiently move toward completion. I think it has every possibility of being a real boon to our neighborhood. Given the concerns in the neighborhood about how HALA will effect livability on Phinney Ridge, approving this building now could help it be a "positive poster child" for pleasing, community-benefiting density on Phinney Ridge after HALA is approved.

Sincerely,
Mary Holscher
6715 Phinney Ave. N.
Seattle, WA 98103
(206) 524-0704

Herbaugh, Melinda

From: Walden Barcus <nwbarcus@comcast.net>
Sent: Thursday, September 01, 2016 10:48 AM
To: PRC
Subject: Project No. 3023260 located at 7009 Greenwood Ave N

I strongly disagree with rezoning one building. Rezoning should be done on a neighborhood-wide basis. Allowing one-off rezoning will result in a hodge-podge with no consideration for the overall neighborhood impact.

I also resent that we were designated an Urban Village without neighborhood agreement, that we were assured after the fact the designation would do minimal harm to the neighborhood, and now the fact that we are already an Urban Village is being used to justify even more enormous projects.

N. Walden Barcus

Herbaugh, Melinda

From: Michael Richards <mikelrich@msn.com>
Sent: Thursday, September 01, 2016 6:21 PM
To: PRC
Cc: King, Lindsay
Subject: Project # 3023260 / 7009 Greenwood Ave. N.

65 feet is too tall. Period!

Why should the entire neighborhood and surrounding large area (Crown Hill, Ballard, Queen Anne, Wallingford, Greenlake, and much of North Seattle have to look at that building sticking up above the horizon - just so a very few, possibly very nice people, can enjoy what is sure to be a panoramic view? That building, as proposed, could probably be seen from Bainbridge Is! This area, at least the Urban Village, is zoned at 40 ft for a reason. Most folks around here would rather look at the sky, even if it's grey.

Also, the proposed parking is insufficient. The neighborhood is already over-saturated with on-street parking. Folks moving into the proposed building will have cars. Maybe even 2. Just because certain City "leaders" don't think we need cars doesn't mean we don't need or want them. This area is saturated with cars and very limited on-street space available.

Mike Richards,
30+ year Neighborhood Resident

Herbaugh, Melinda

From: Kiley Riffell <kileyriffell@gmail.com>
Sent: Tuesday, September 06, 2016 7:45 AM
To: PRC
Subject: Opposed to the rezone for 7009 Greenwood Ave

This is in regards to: <http://web6.seattle.gov/DPD/permitstatus/project.aspx?id=3023260>

I am opposed to allowing the rezone for 7009 Greenwood Ave. It violates applicable code and should not be allowed. This is too large of a building and out of scale with the character of the neighborhood and will leave the area under a dark shadow.

There are no NC2 65 parcels anywhere in the vicinity of this project. The builder does not need the additional height in order to build multiple sized units and include open space. (Please do not be fooled by an owner hoping to build his family a penthouse suite towering above single family homes, and truthfully, above all of Seattle)

We do not have the infrastructure to support the large building. Phinney Ridge is not on light rail and a light rail stop is not even being considered for this area. We do not even have Rapid Ride. We have a single bus line that only goes downtown and is already over taxed. Biking is made more difficult in this area due to our hilly location. Parking is already overwhelmed as many neighboring homes and businesses only have street parking. This project fails to satisfy the requirements of changed circumstances to warrant this rezone.

Kiley Riffell
Phinney Ridge resident

Sent from my iPhone

Herbaugh, Melinda

From: Jim Simpson <simpsonjvj@aol.com>
Sent: Tuesday, September 06, 2016 2:41 PM
To: PRC
Subject: Project # 3023260

Dear sir or madam,

I am concerned about a proposal to waive the existing height limit for construction at 7009 Greenwood Ave. N. This waiver would alter the sight scape of the street in a negative way, creating a "canyon" effect in what is basically a residential setting.

Four stories is high enough.

Sincerely,

James (Jim) Simpson
7720 Greenwood Ave. N. Apt. # 203
Seattle, WA 98103

Herbaugh, Melinda

From: King, Lindsay
Sent: Thursday, August 25, 2016 1:10 PM
To: PRC
Subject: FW: Phinney Ridge - NC2-40 to NC2-65 rezone project -- 7009 Greenwood Ave. N.

3023260

From: Aaron Smith [mailto:aasmith6@fastmail.com]
Sent: Wednesday, August 24, 2016 6:36 PM
To: King, Lindsay
Subject: Phinney Ridge - NC2-40 to NC2-65 rezone project -- 7009 Greenwood Ave. N.

Hello Lindsay -

My name is Aaron Smith, and I'm writing with three questions relating to the project that will be going up at 7009 Greenwood Avenue North - on Phinney Ridge. You and I spoke at the very very end of the night at the Ballard Community Center on Monday the 15th of this month, following a meeting with concerned citizens, the architects/developers of this project, and you and a few of your Planning Dept. cohorts.

My situation is that I share the northern boarder of this project. They are at 7009 Greenwood and my property is the next one north at 7013 Greenwood N. So, the 69 foot wall that will likely be ok'd will run directly along my southern border from Greenwood at the SE corner of my property - West for 90 feet to the SW corner of my property. My house runs the long way for 40 ft. along this same border, at a distance of only 6 feet away. It is a Classic Craftsman Bungalow, needs a roof(!) but otherwise in quite good condition.

My questions are these:

1 - Once the builders have their permits and proceed to build right to the property line with zero setbacks, as per the current plans, does this in any way alter the expected setback with regard to future building activities on my side of the property line? In other words, does the existence of their 69 ft. wall then preclude our also building along the southern border, with no setback whatsoever, to as high as we are permitted to go? Or does their building to the line with zero setback have no effect on any future plans of ours to also build to the line?

2 - We are very concerned about what we are informed will be the potential damage to our 91 year old dwelling due to the percussive pounding and drilling and new construction vibrations and activity which will occur daily over several months to years. I've been informed by engineers that, unless real, conscious care is exercised throughout the process, that cracking in the old plaster walls, and settling of our foundation resulting in sagging and possible leaning and further damage, is largely inevitable. Our question is, are there any provisions, in your permitting the developers to undertake actions which will result in damage to our primary structure, which will somehow cover our losses? Or is it completely up to us to hire lawyers and engineers and to threaten lawsuits - creating a huge mess between we neighboring property owners, simply to legitimately attempt to keep our property from being significantly compromised as a result of this project?

3 - According to the plans we, our property, has clearly been relegated to "the back" of the focus of the new property plan. Their planned upon focal orientation will be to the East, Greenwood Ave., and to the South, 70th St. These are where the entrances to the property and to the housing and businesses will be. We, our property, will be behind the highest wall of all, to the North. As such, our concern and question has to do with whether or not it is permitted for them to route apparatus having to do with air-conditioning or with run-off or effluents of any kind to "the back" .. to our property? In other words, if they need to vent a set of blowers from their many apartments, restaurants, and retail businesses, which were discussed in the meeting, will they be allowed, permitted, without restriction, to vent to our property? In our view, even if there were caveats such as, "as long as it is no lower than ..." this would create a highly unfavorable situation. Any constant humming or blowing or

ongoing noise or vibration, even at low levels, would create an entirely new and uniquely undesirable situation here that has not previously existed. And that 69 foot wall would assure our being largely 'contained' in a space where all sounds, echos and reverberations would have nowhere else to go for natural dissipation.

So, Lindsay, these are my three primary questions at this point. I did leave them for you in two phone messages at around 4PM this evening, but I wanted to clarify and send them through this means as well. I suppose my preference would be a call back to an email reply, as that may more fully assure a clear final understanding sans leftover uncertainties. But your chosen avenue of response is certainly up to you!

Thank you very much for your time and attention to this!

I'll hope to speak with or to hear from you soon -

Aaron Smith

7013 Greenwood Ave. N.

(206)753-8862

Herbaugh, Melinda

From: nielsencj50@comcast.net
Sent: Thursday, May 18, 2017 8:56 AM
To: PRC
Subject: MUP 3023260

I have great concerns about this project. Parking is already very tight in this mostly single- family home area. The idea that 20+ people without cars will rent here is pretty far fetched. I fell that any dwelling project needs at least as many off-street parking spots as dwelling units, plus a few guest spots. Also, the owners of this property need to clean up the graffiti, cut the 2'high grass, and clean up the junk hidden in the grass.

Sent from XFINITY Connect Mobile App

