

Honorable Ken Schubert

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KING COUNTY SUPERIOR COURT

IRENE WALL and ROBERT MORGAN,  
Petitioners,  
v.

NO. 18-2-21317-7 SEA

ORDER GRANTING PETITIONERS'  
MOTION FOR RECONSIDERATION  
AND AMENDING THE ORDER OF  
REMAND

CITY OF SEATTLE, a Washington  
Municipal Corporation; and 70<sup>th</sup> &  
GREENWOOD AVE, LLC and OJD, LLC,  
Washington limited liability companies,  
Respondents.

This matter comes before the Court upon Petitioners' Motion for  
Reconsideration. The Court considered the Petitioners' Motion and briefing of  
the parties and hereby grants Petitioners' Motion. Now therefore,

IT IS HEREBY ORDERED:

ORDER GRANTING PETITIONERS' MOTION FOR  
RECONSIDERATION AND AMENDING THE ORDER  
OF REMAND - 1

LAW OFFICES OF  
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1. Paragraph 1 on Page 3 of the Order of Remand dated March 5, 2019 is replaced in its entirety with the following:

“Pursuant to RCW 36.70C.140, the contract rezone approval and Property Use and Development Agreement are hereby remanded to the City Council to address compliance with SMC 23.34.009.D.2, which requires that ‘[a] gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection [23.34.008.E.2] ,are present,’ in the area where the commercial Lot 287710-4100 shares a rear boundary line with the single family residential Lot 287710-4120 at 7010 Palatine Avenue North.”

2. In all other respects the Findings and Conclusions of the March 5, 2019 Order remain the same.

Done this 27<sup>th</sup> day of March 2019.

E-signature on following page

\_\_\_\_\_  
Honorable Ken Schubert  
Superior Court Judge

LAW OFFICES OF  
JEFFREY M. EUSTIS, PLLC

/s/ \_\_\_\_\_  
Jeffrey M Eustis, WSBA #9262  
Attorney for Petitioners

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CITY OF SEATTLE  
CITY ATTORNEY'S OFFICE

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Patrick Downs, WSBA No. #25276  
Attorneys for Respondent City of Seattle

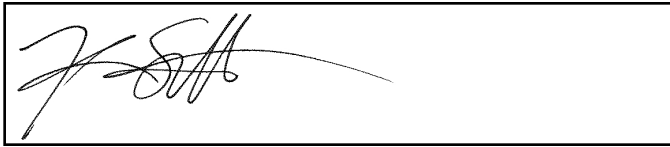
MCCULLOUGH HILL LEARY, PS

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Katie Kendall, WSBA #48164  
Attorneys for Respondents  
70<sup>th</sup> & Greenwood Ave, LLC and OJD, LLC

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 18-2-21317-7  
Case Title: WALL ET ANO VS SEATTLE CITY OF ET AL  
Document Title: ORDER GRANTING MTN FOR RECONSIDERATION  
Signed by: Ken Schubert  
Date: 3/27/2019 9:00:00 AM

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to be 'K. Schubert'.

Judge/Commissioner: Ken Schubert

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 20DA9CAD30E9A356B2B090778A254A4188865BEC  
Certificate effective date: 11/13/2018 11:21:11 AM  
Certificate expiry date: 11/13/2023 11:21:11 AM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Ken Schubert:  
EPj/VAvS5hGqrSf3AFk6yQ=="