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PUBLIC HEARING ON THE  
APPLICATION OF DAVID FUCHS  
FOR JOHNSTON ARCHITECTS FOR A REZONE OF  
7009 Greenwood Avenue North, Seattle, Washington

FILE NUMBER CF 314356

APPLICATION NUMBER 3023260

APRIL 30, 2018

RYAN VANCIL, HEARING EXAMINER

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22  
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24  
25

TABLE OF CONTENTS

PAGE

PUBLIC COMMENT:

John Kennedy	3
Jeff Reibman	5
Irene Wall	7
Ron Lewis	10
Henry Brandis	12
Esther Bartfeld	14
Neal Shay	21
Jan Weldin	23

APPLICANT'S COMMENTS:

Shannon Loew	28
Ray Johnston	59
Jessica Clawson	69

DEPARTMENT'S COMMENTS:

Lindsay King	77
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EXHIBITS:

Admitted

Applicant's Exhibits No. 1 - 48	27
Public's Exhibit No. 49	27
Applicant's Exhibit No. 50	27
Applicant's Exhibit No. 51	55
Department's Exhibit No. 52	87

1 HEARING EXAMINER: I'll call to order this Monday, April  
2 30, 2018 session before the Seattle Hearing Examiner. My name is  
3 Ryan Vancil, and I'm the Hearing Examiner that will be presiding  
4 over the matter. This is a public hearing on the application of  
5 David Fuchs for Johnston Architects for a rezone. The file number  
6 is CF 314356, and the application number is 3023260. The property  
7 is addressed as 7009 Greenwood Avenue North.

8 The Director of the Department of Construction and Inspections  
9 has recommended approval of the rezone. The Director also  
10 conducted a review under the State Environmental Policy Act, and  
11 issued design review approval. Neither of those decisions were  
12 appealed. And so the only decision -- the only item that's before  
13 us today is the actual rezone application, which we'll be taking  
14 testimony on.

15 The authority of the Hearing Examiner to hold this public  
16 hearing and to establish the record for this application is  
17 pursuant to Seattle Municipal Code 23.76.052. And the hearing will  
18 be conducted in accordance with those rules, and the Hearing  
19 Examiner rules.

20 The order of presentation will proceed first with public  
21 testimony. If you've signed in already, then we have you here, and  
22 we may have time after. If there's anyone who hasn't, please  
23 indicate that and we'll make sure that we get you in. After we  
24 hear public testimony there'll be a presentation from the  
25 Department, and then from the Applicant.

1           In speaking, please make sure that it's one at a time. You'll  
2 come forward. All testimony will be taken under oath or  
3 affirmation. You don't have to be right up on top of the  
4 microphone. This is not to amplify your voice, it's to make sure  
5 that your voice is recorded for the purposes of the hearing. And  
6 of course, only one at a time. We'll call you forward if you're  
7 signed in.

8           Within 15 days of the close of the record on this matter I'll  
9 issue a final decision. All attendees and the Department and the  
10 Applicant will receive a copy of that recommendation to the  
11 Council, and information on how to appeal that, because there is an  
12 opportunity to appeal this recommendation to Council, will be  
13 included in that recommendation. Are there any procedural matters  
14 we need to address before we get started?

15           MS. CLAWSON: Yes. This is Jessica Clawson for the  
16 Applicant. And Ms. King and I have coordinated last week. We  
17 would -- the Applicant would like to do a presentation with the  
18 developer's representative and the architect to kind of orient  
19 everybody to the project first. So I guess I'm asking for a change  
20 in order, if that's okay with you.

21           HEARING EXAMINER: Between the Department and the  
22 Applicant only?

23           MS. CLAWSON: Yeah, uh huh.

24           HEARING EXAMINER: Yes, that's fine.

25           MS. CLAWSON: Okay, great. Thank you.

1 HEARING EXAMINER: Were you suggesting that there would be  
2 any of that before public testimony?

3 MS. CLAWSON: No.

4 HEARING EXAMINER: All right. We'll proceed then with  
5 public testimony in order. And I have the first individual signed  
6 up is John Kennedy. And I'll try to call you forward the best I  
7 can, reading your writing and my understanding of the name. Each  
8 individual will be asked to state your name and spell it for the  
9 record.

10 MR. KENNEDY: My name is John Kennedy, J-O-H-N  
11 K-E-N-N-E-D-Y.

12 HEARING EXAMINER: And do you swear or affirm the  
13 testimony you provide in today's hearing will be the truth?

14 MR. KENNEDY: I do.

15 HEARING EXAMINER: Thank you.

16 MR. KENNEDY: Thanks for having me. I'm a neighbor.  
17 Twenty-five years ago I bought my house just south of the project  
18 at 65<sup>th</sup> and Greenwood. And I have a lot of errors when I go do home  
19 projects, so I end up walking by this site to go to the hardware  
20 store, at least five times on a Saturday when I'm trying to do a  
21 project. And so I've kind of watched the site over the -- over  
22 these past 25 years go from kind of an odd bakery that didn't make  
23 much sense to me, that got torn down. And it's a blank empty lot,  
24 which is just sort of a missing tooth in the neighborhood.

25

1           And I'm looking forward to seeing what gets built there. A  
2 lot of times I'll testify against projects that tear down nice old  
3 restaurants like Chef Liao, or the Stumbling Goat, that are going  
4 away, are good restaurants. But in this case, it's a dead site  
5 that needs to come to life and become a pedestrian benefit to the  
6 neighborhood.

7           I read through the DRB proposal, and I was pleasantly  
8 surprised to see that there's an interior courtyard that the  
9 project has set back from the residential neighborhood on the west  
10 side, which is always the biggest impact, and has controlled a  
11 couple of those residential lots so that they're not affected. The  
12 parking seems about right for this project. I know a lot of  
13 projects have had no parking in this neighborhood and have had  
14 issues from the neighbors with that.

15           But I think most importantly I'm happy to see sort of  
16 multi-family residences that make sense for young families in the  
17 neighborhood. And I look forward to having them be sort of in our  
18 neighborhood, part of our neighborhood. I doubt that I would be  
19 able to afford my house now, if I had to pay for the current rates,  
20 given my salary over the past 25 years, and the rate my house has  
21 gone up, which is great for me. But I want to see other people be  
22 in our neighborhood and enjoy it.

23           Anyway, I fully support the project and hope you will to.  
24 Thank you.

25

1 HEARING EXAMINER: Thank you. Next Jeff Reibman,  
2 R-E-I-B-M-A-N, or V-A-V, I'm not sure which.

3 MR. REIBMAN: Excellent job with both the pronunciation  
4 and reading my handwriting, thank you. Yes, my name is Jeff  
5 Reibman, R-E-I-B-M-A-N. I --

6 HEARING EXAMINER: And I'll swear you in. Do you swear or  
7 affirm the testimony you provide in this morning's hearing will be  
8 the truth?

9 MR. REIBMAN: I do.

10 HEARING EXAMINER: Thank you.

11 MR. REIBMAN: Again, my name is Jeff Reibman. I am a  
12 neighbor of the project. I live across the street from the single  
13 family parcel that is a part of the project site at 7015 Palatine  
14 Avenue North. I am also an architect. I am the partner in charge  
15 of our affordable housing in mid-rise multi-family work at Weber  
16 Thompson, where I do this type of project extensively throughout  
17 the City for many years. I'm also a member of the Capitol Hill  
18 Housing Foundation Board of Directors, and I'm a member of the  
19 Phinney Ridge Community Council Board of Directors, although I have  
20 to stress that the Council has not taken a position on this. I'm  
21 speaking strictly as a neighbor in this case. So I'm very  
22 experienced and knowledgeable about this type of work.

23 I've reviewed the plans a little bit and believe the project  
24 to be code compliant and to have followed all the procedures that

25

1 it's supposed to follow to get to this point. And I believe that  
2 the Department's recommendation to approve is correct.

3 I'd also like to say as a neighbor that I'm excited about the  
4 project, I'm excited about the design, and about the way that it's  
5 incorporating family sized units, parking and just generally a  
6 quality approach to the site. And I'm excited, as Mr. Kennedy was,  
7 to see this long vacant site filled in. It's been a bit of a  
8 missing tooth in the urban fabric of the neighborhood.

9 As an architect and a member of the design community, I'm  
10 excited to see the project committing ahead of time to the  
11 mandatory housing affordability. The Department, specifically the  
12 Director's rule the Department has issued, has made it clear that  
13 it's supporting contract rezones in advance of mandatory housing  
14 affordability. I've been sad to see a lot of projects that come  
15 through my office vesting ahead of that legislation. And I think  
16 it's a real lost opportunity for the City to address our  
17 affordability issues. So it's nice to see a project actually being  
18 proactive and going down that path.

19 I'm also particularly excited about it because I think that  
20 the NC2-40 zone has been deeply flawed in terms of the economics in  
21 this cycle. And we have really not seen any variety of  
22 development. We've seen pretty much exclusively single studio, no  
23 parking buildings. I'm not opposed to those, but I don't think a  
24 mono-culture of them is a good idea. And I think that that's the  
25 economic reality of the zone and that the NC-55 zone will improve



1 that by changing economics and allowing for more variety and more  
2 family housing. So I would urge you to support the rezone. Thank  
3 you.

4 HEARING EXAMINER: Thank you. Irene Wall. Please state  
5 and spell your name for the record.

6 MS. WALL: I-R-E-N-E W-A-L-L.

7 HEARING EXAMINER: Do you swear or affirm that the  
8 testimony you provide in this morning's hearing will be the truth?

9 MS. WALL: I do. Thank you. My name is Irene Wall, and I  
10 live in the Phinney Ridge neighborhood, and I have for decades. At  
11 this point in time I ask that you not approve the rezone petition  
12 because it does not meet the rezone criteria. It's not a bad  
13 project, but being good, bad, or unique does not factor into a  
14 rezone decision. The parcel is not located at the edge of a zone  
15 that's suggesting a rezone for continuity's sake. It is 15 blocks  
16 away from the Greenwood Town Center where the code and our  
17 neighborhood plan intended taller buildings. The only building  
18 developed to that taller height is at 87<sup>th</sup> Street. The rezone  
19 decision suggests that this is nearby, but clearly it is not.

20 The surrounding area is still largely single story buildings,  
21 suggesting an abundant development capacity still exists under the  
22 current NC2-40 zone. So an upzone on this parcel is not needed to  
23 meet any growth goals under the comprehensive plan.

24 The property can be developed largely as designed, with very  
25 large apartments for the owner investors on the top two floors with

1 spectacular views from the roof at 40' height, on top of a ridge in  
2 the current NC2-40 zone. This just occurred at the Henden  
3 Condominiums one block away, and of course at the now infamous  
4 Phinney Flats proposed under the same NC2-40 zone height.

5 That the developers have a different vision and financial  
6 requirements for a taller building is fine, but that is not a  
7 rezone criteria. The main justification for this upzone is the  
8 expectation that the area will develop in the future at 55' level  
9 when the Council approves the MHA upzone Citywide, but this has not  
10 occurred yet.

11 Where the MHA has been authorized with the 55' zone, the  
12 ordinance has been drafted to acknowledge specific use and  
13 development standards for each of those neighborhoods, which  
14 include West Seattle Junction, Bitter Lake, Roosevelt, Lake City,  
15 Ballard, the three nodes of the Central District, Uptown,  
16 International District, and the University District. This has not  
17 yet occurred for the Greenwood/Phinney Urban Village. But our  
18 urban village also has unique features which require refinement in  
19 the development standards. Before MHA process is complete, we  
20 expect that to happen.

21 Our urban village has abrupt transitions between taller  
22 commercial zoning and single family zoning. This proposal is  
23 seeking to escape from required setbacks between NC2-40 and SF  
24 lots, which is objectionable and sets a precedent for other  
25 projects to demand similar treatment. Therefore the approval of

1 this project before our addition to 23.47A.009 is premature because  
2 those standards applicable to specific areas are not defined yet  
3 for properties in our urban village. The rezone criteria  
4 acknowledges consideration of neighborhood plans, and notes that  
5 the Greenwood/Phinney Neighborhood Plan lacks explicit height  
6 recommendations that relate to future rezones.

7 I was a member of the committee that wrote the  
8 Greenwood/Phinney Neighborhood Plan. We were advised by the City  
9 that no zoning changes would occur, so we had no reason to develop  
10 rezone criteria. And frankly, we were discouraged from making any  
11 zone change recommendations at that time. To now use this as  
12 justification for an anomalous upzone is a dis-service to the  
13 neighborhood plan, and points out where an update to our plan is  
14 needed before MHA or upzones are authorized.

15 And I have one additional request. I would like to have the  
16 record kept open for a period of time, ideally a week, because over  
17 the weekend when a lot of people would have been seeking to look at  
18 the details of this project, the application and the drawings were  
19 unavailable because SDCI was at that time changing their website  
20 and none of these documents were available. Thank you very much.

21 HEARING EXAMINER: Thank you. Ron Lewis. Please state  
22 your name and spell it for the record.

23 MR. LEWIS: Ron Lewis.

24 HEARING EXAMINER: And spell it.

25 MR. LEWIS: R-O-N L-E-W-I-S. Couldn't remember that.

1                   HEARING EXAMINER: Doing better than I am. Do you swear  
2 or affirm the testimony you provide in this morning's hearing will  
3 be the truth?

4                   MR. LEWIS: I do.

5                   HEARING EXAMINER: Thank you.

6                   MR. LEWIS: I do. Well my name is Ron Lewis. I've been a  
7 member of many organizations in the Greenwood/Phinney area for  
8 many, many years. I too was a member, with my friend -- and I call  
9 Irene a friend, although we differ on this project -- of the  
10 Greenwood/Phinney Neighborhood Comp Plan, putting it together. And  
11 I can remember meeting in my backyard, on a sunny day when that  
12 happened, and it was rough.

13                   I do disagree with Irene in the sense that this was all new  
14 ground that we were covering at that time. And nothing was set in  
15 concrete. Yes, I -- and I won't go into specifics, because you're  
16 going to hear all those details as we go along. I had at that time  
17 a business on 68<sup>th</sup> and Greenwood, which was -- you heard a little  
18 bit about it a moment ago from the fellow, John Kennedy, who walked  
19 by -- walks by this particular property to the hardware store that  
20 I used to own for 22 years.

21                   I've looked at this project from a prospective of what would I  
22 want if I were moving into the area as an entrepreneur. I looked  
23 at that courtyard idea, I looked at the layout of it. I think that  
24 is one hell of a -- one heck of a nice project. I would be proud

25

1 to have a business there. I think that it adds a great deal to this  
2 neighborhood.

3 I also own some property down in the heart of Greenwood, and  
4 Irene acknowledged that the center of town is down on 85<sup>th</sup>. That is  
5 NC2-40 also. It's about the same size as what this project will  
6 be. We are not developing. I look at our building built in 1913,  
7 and I look what Shared Roof is doing, and I go, I'm jealous. That  
8 would be a wonderful addition to any building down in our area. As  
9 you all know, we are having a building boom in the City.

10 Jan Weldin and Irene, and Esther will all be testifying. And  
11 they are wonderful people, and I support their opposition to what's  
12 happening on 68<sup>th</sup> and Greenwood. There will be other folks here --  
13 and we live on across from the Phinney Flats. And they have been  
14 such troopers on trying to stop this silliness that I believe is  
15 happening in our City.

16 So anyway, I think you're getting kind of the picture. I  
17 think highly of these folks. I think they're great citizens, they  
18 worked hard. I just happen to disagree with them on the opposition  
19 to what I truly believe is going to be a wonderful addition. And  
20 my perspective is from marketing, from business, from living there.

21 And I live two blocks away, and we are -- the top of that  
22 building -- I did a little -- on the Phinney Flats. Did a little  
23 sight line vision. And I think with what they've added with the  
24 elevated living, that runs about 58' high. So I'm going, hey, come  
25 on, guys. Let's take what they think is lemons and turn it into

1 lemonade, and let's have a really nice development. Thank you for  
2 your time.

3 HEARING EXAMINER: Thank you. Henry Brandis.

4 MR. BRANDIS: Morning.

5 HEARING EXAMINER: Please state your name and spell it for  
6 the record.

7 MR. BRANDIS: Henry, H-E-N-R-Y, Brandis, B-R-A-N-D-I-S.

8 HEARING EXAMINER: And do you swear or affirm that the  
9 testimony you'll provide in this morning's hearing will be the  
10 truth?

11 MR. BRANDIS: I do.

12 HEARING EXAMINER: Thank you.

13 MR. BRANDIS: As I say, my name is Henry Brandis. I've  
14 been a resident of Phinney Ridge for 27 of the last 40 years in  
15 Seattle. I'm here to speak because I think, from my perspective,  
16 the rezone request for this project is reasonable.

17 I'll start out by saying I'm not sure I can argue against some  
18 of the positions that Irene Wall put forward. But I can say that  
19 while the neighborhood is perhaps divided on support versus  
20 non-support for this project, there are a lot of people who support  
21 it. And I think it's because of the design and the precedents that  
22 it could set in the neighborhood. This is especially true given  
23 the fact that most of us do believe that we're going to end up with  
24 an NC-55 rating in our urban village. And we want to make sure we

25

1 set the best precedent possible for those properties that might be  
2 coming.

3 I would just list quickly a couple of the aspects of this  
4 design that I think are pertinent from that precedent setting  
5 perspective that we do not see in a number of our developments in  
6 the area, especially as has been said before, the Phinney Flats  
7 development.

8 Family sized units are very high on the list. We do not have  
9 those. We're discouraging families from moving in to these urban  
10 villages because of a lack of housing, and this helps pave the way  
11 for that to happen more. It's important that this development has  
12 parking. Despite the City's change in urban village parking  
13 requirements, the fact remains that transit is still a challenge in  
14 Seattle, and will be for quite awhile, and parking is very much  
15 appreciated.

16 Micro-retail in the design is very important because with  
17 larger retail spaces in the developments in an urban village like  
18 we have, we end up with mostly restaurants. And we need actual  
19 retail shops and micro-retail helps encourage that.

20 We appreciate the fact that this design is limiting it's roof  
21 height prior to permitted rooftop add-ons to 55' rather than trying  
22 for 59', with that extra 4' that you get at a 40' threshold. We  
23 also appreciate the MHA contributions that are part of this  
24 development. And not just a pay in funding, but to actually  
25 provide units, meeting that requirement. And we appreciate the

1 neighborhood engagement from the developers again, which has been a  
2 dramatic contrast with some of the other developments in our  
3 neighborhood.

4 As such, we think that this would be a significant addition to  
5 our neighborhood. It'd be great if it could be 40'. It's not  
6 obvious that that's a possibility for this type of design right now  
7 financially. Thank you very much.

8 HEARING EXAMINER: Thank you. Esther Bartfeld. Please  
9 state and spell your name.

10 MS. BARTFELD: Esther Bartfeld, E-S-T-H-E-R, Bartfeld,  
11 B-A-R-T-F-E-L-D.

12 HEARING EXAMINER: And do you swear or affirm the  
13 testimony you'll provide in this morning's hearing will be the  
14 truth?

15 MS. BARTFELD: I do.

16 HEARING EXAMINER: Thank you.

17 MS. BARTFELD: So my name is Esther Bartfeld, and I've  
18 lived in the Phinney Ridge neighborhood for over 25 years actually  
19 now. And I've been following this project since it's inception,  
20 mainly because of the potential impact it has on our neighborhood.  
21 And I've provided a lot of comments along the way.

22 Years ago I was on the PRCC Board, but now I'm just speaking  
23 on behalf of myself. And I know from my conversations in the  
24 neighborhood that a lot of people share these same concerns.

25



1 I want to say at the outset that there are a lot of really  
2 nice features about this building that are really great. But it's  
3 the wrong building for this time in this spot. And the reason is  
4 we're talking about upzoning one of the largest parcels in this  
5 area of what we call the Phinney Tail. I'll leave you with some  
6 material afterwards that has the urban village in that area. It's  
7 a mile long area that it's one block wide of an urban village, it's  
8 all zoned NC2-40, it's all consistent. And this project is asking  
9 to pull out one parcel at the southern end of it that Irene  
10 mentioned, it's 15 blocks to the nearest NC2-65 zone.

11 A lot of the comments today are talking about how great the  
12 building is, what a good value, what a good addition it would be to  
13 the neighborhood. And that's right, except for the fact that their  
14 criteria for the rezone, and those criteria are not being met here.  
15 And I was just really disappointed the SDCI didn't say no to this  
16 one for a lot of reasons. And so what I want to do is go through  
17 briefly some of the rezone criteria that are not met, and also  
18 focus on why are we asking to rezone to a zone that doesn't exist  
19 yet because we don't know what we're comparing it to. And also  
20 talk about some of the setback problems that we have with this  
21 building.

22 So with the rezone criteria there's provisions that are  
23 weighed and balanced, and nothing is supposed to be the sole  
24 arbiter of whether a rezone applies. But it's obvious when you  
25 look at SDCI's recommendation and you look at the application that

1 this is all about HALA upzones and jump starting the process,  
2 because this whole area is scheduled to be -- recommended to be  
3 upzoned in HALA. But it's not now, and there is nothing in there.

4 And so the biggest concern that I and a lot of people have is  
5 the precedential effect of this. If we take one parcel in a  
6 uniformly zoned area and upzone it by saying well someday maybe the  
7 City is considering upzoning this whole area, then everywhere in  
8 Phinney Ridge would be here looking to upzone before HALA takes  
9 effect. Anyone in the City could take their parcel and say you  
10 know what? The City shows my parcel on an upzone map, so I should  
11 be upzoned.

12 All of the things about how wonderful a building it is, it  
13 provides parking, larger units, don't factor in at all to a rezone  
14 decision.

15 So I want to look at a couple other of the criteria. They're  
16 talking about the section 23.34.008 talks about the need for  
17 buffers, and there are no buffers in this project. It is a four  
18 story, actually five story building right on the property line  
19 where the NC2 parcels join the SF zoned. And if you look closely  
20 at the drawings, you'll see that all of the buffers are the single  
21 family lots. They're not part of the rezone request, they're not  
22 part of the PUDA, they're independent legal lots that could be sold  
23 off or redeveloped at any point, regardless of what is stated now.  
24 And they're not a buffer as an intent for what is meant to buffer  
25 between two of the zones.

1           There's material that I'll leave you. I went through  
2 specifically where to look in the plans to see that. And I won't  
3 take the time to do that now.

4           The biggest elephant in the room is the changed circumstances  
5 criteria. That is the huge focus of the application. And when  
6 SDCI wrote its first recommendation, it focused on the fact of the  
7 future HALA upzones as a reason to support upzoning this now. And  
8 all of a sudden in this new one, it says there are no changed  
9 circumstances in that one place. But throughout the material, they  
10 make clear that this complies with the potential of a HALA upzone.

11           So I don't think we should be in the business of upzoning to  
12 something that doesn't exist. That circumstance hasn't occurred,  
13 and it might not occur.

14           The other big problem is the height limits. SMC 23.34.009  
15 talks about height limits and the need to consider compatibility.  
16 And it requires a gradual transition in height and scale, unless  
17 there is a major physical buffer. And as we mentioned, there is no  
18 buffer. All the adjoining properties are NC2-40. To the north and  
19 across the street to the south and east, and to the west, the  
20 entire backyard is single family. And so a lot of this just  
21 doesn't pass the smell test for an upzone.

22           The next question is why are we now looking to upzone to  
23 NC2-55 when it doesn't exist. Irene talked about some of those  
24 issues. Originally this was a proposal to upzone to NC2-65,  
25 self-limited to 55'. And then all of a sudden before the hearing

1 was supposed to happen last February, this got changed to an  
2 application to rezone to the NC2-55(M). But we don't know those  
3 features, we don't know if it'll be applied in Phinney Ridge, we  
4 don't know how it would be applied in Phinney Ridge. So how do you  
5 know if you grant this that what occurs here would occur if that  
6 zone happened in the future.

7 One of the things that I did discover when I looked at the  
8 Director's rule on the affordable housing, it's 14-2016, the  
9 application of the MHA for Residential Developments and Contract  
10 Rezones. There's an interesting thing that happens when you switch  
11 from NC2-65 to 55, and that is the developer saves, or reduces its  
12 MHA obligation by 20%. If you jump up from NC2-40 to 65, you  
13 switch categories, and so you would have -- in that case you would  
14 have an obligation of 3% of your units are \$20 per square foot.  
15 But if you go from NC2-40 to 55, you stay in the same category, so  
16 you only have an obligation of 2% of your units, or 1325 per square  
17 foot. So I have no idea if that's a reason, but it's a very real  
18 outcome of this switch.

19 And the last point is this violates a number of the setback  
20 provisions in 23.47A.014. This was the same provision where you  
21 reversed SDCI in the Phinney Flats case. It's a different angle on  
22 this. If you look at the plan sets on page G-002 you'll see that  
23 the developer says that they bought the adjacent parcels, single  
24 family parcels. So they call this all one development site. And  
25 they say that therefore, these setback requirements don't apply.

1 But the problem here is development site is not defined in the  
2 code. There's no exemption in the code for requirements for  
3 parcels in different zones that have the same owner. And the  
4 specific setback requirements are based on lots and lot lines,  
5 which are defined terms. And it's undisputed that there's four  
6 separate legal lots at issue here. Two NC lots are part of the  
7 rezoned, the two single family ones are not.

8 And so the three problems here are the upper level setback.  
9 There's supposed to be an upper level setback on all floors above  
10 the first floor of 15', up to a 40' height, and then a gradual  
11 increasing setback above that. And here we have four floors are  
12 right on the property line, and the fifth floor is set back a  
13 little bit. Interestingly the southwest corner is built to the  
14 line, even though the Design Review Board said it shouldn't be.  
15 And that's in the recommendations that you can see.

16 There's also a 425 square foot greenhouse on the roof that's  
17 too close to the line. The other requirement is another section of  
18 the code prevents any structures within a 15' corner triangle when  
19 the rear yard of a commercial lot abuts a side lot line in a  
20 residential zone. So this is the area of the driveway in this  
21 building. That whole southwest corner shouldn't be there.

22 And again, my material has the specific sites in that that  
23 I'll leave with you. And the last problem here is the code also  
24 prevents, or prohibits windows and doors within 5' of a residential  
25

1 zone. And every part of this building on the west side is within  
2 5' of a residential zone.

3 So I hope you'll take a look at the language of the code and  
4 recognize that there's no exception for common ownership, there's  
5 no exception for this invented development site. And also notice  
6 that the whole block has the same zoning. It's a straight  
7 north-south line that separates the NC parcels on Greenwood from  
8 the single family on Palatine. And so if this is built here, it's  
9 going to block the light and air corridor for the entire block.

10 So I guess what I want to say is I really wanted to like this  
11 building, and I really hope that after all this process the  
12 applicant would realize that this building isn't appropriate for  
13 this site, but they didn't. And on more than one occasion I asked  
14 the representative, you know, why can't this be a four story  
15 building, and I was told well, the numbers don't work out. So it's  
16 a great building, it's a nice building. But every developer has  
17 financial constraints. But the object of the code is to protect  
18 the public interest, not the developer's bottom line. And so if  
19 this really isn't buildable at four stories, then it shouldn't be  
20 here, or it should be shopped to another location where it can fit.

21 So I hope that both the applicant will listen to these  
22 comments and revise it, and that you will take a look at the  
23 criteria of the code and look at what matters and what doesn't for  
24 a rezone and the precedent it would set by rezoning this. So I  
25 have material that I want to leave you. And I can get you this

1 later. I'm sorry, I didn't have enough time to print everything  
2 before hand, but I'd be happy to give it to whoever wants this.  
3 But I'll give this to you. Do you need an electronic copy 'cause I  
4 can send that later. I just didn't have time.

5 HEARING EXAMINER: If you could send an electronic copy,  
6 that'd be helpful.

7 MS. BARTFELD: Okay, thank you.

8 HEARING EXAMINER: Thank you. Neal last name S-H and I  
9 can't read the rest of it. Please state and spell your name for  
10 the record.

11 MR. SHAY: Neal Shay, N-E-A-L S-H-A-Y.

12 HEARING EXAMINER: Do you swear or affirm the testimony  
13 you provide in this morning's hearing will be the truth?

14 MR. SHAY: I do.

15 HEARING EXAMINER: Thank you.

16 MR. SHAY: Sorry for the bad penmanship. My name is Neal  
17 Shay and I have lived in the Greenwood/Phinney Ridge neighborhood  
18 for 23 years. I've lived in Seattle since 1950. And I've seen a  
19 lot of changes go on in this City, and most for the good, some not  
20 for the good. And I truly believe, and I consider myself a native  
21 Seattleite that this project is a good project. It's going to be  
22 beneficial to the neighborhood.

23 And setting aside some of the issues, no building is perfect.  
24 No building will be done to everybody's specifications. All in all  
25 it gives us the best of everything, or most everything; parking,

1 design, enhancing the neighborhood. And I feel that this is  
2 affordable housing, parking, good design.

3 And I live in a condominium just to the south, 51 units with  
4 commercial obviously on the bottom floor. And I live in the  
5 southwest corner. And I'm going to be looking at, every morning,  
6 every day and every night, Phinney Flats, or as I like to call  
7 them, the Phinney tenements. And that is not the type of building  
8 we want in our neighborhood.

9 And I feel that if this type of project is not approved, we  
10 will be getting more of those type of projects in our neighborhood.  
11 And instead of the twenty-some units, the 30 units, I forget how  
12 many -- 35 -- instead of 35 we'll get a building with a hundred,  
13 150 units at 250 square feet, with no design, with no courtyard,  
14 nice shopping, everything like that.

15 The benefits of this building far outweigh any negatives. And  
16 I do want to say that I am the Board President of the Phinney  
17 Condominium. And most people in our building support this project.  
18 Not everybody, of course. And most everybody that I talked to in  
19 the neighborhood support this project. And I'm hoping that  
20 everything -- that this project gets approved because it will  
21 enhance our neighborhood. Thank you.

22 HEARING EXAMINER: Thank you. Jan, possibly Weldin.

23 MS. WELDIN: Good guess.

24 HEARING EXAMINER: Please state and spell your name for  
25 the record.



1 MS. WELDIN: Jan Weldin, J-A-N W-E-L-D-I-N.

2 HEARING EXAMINER: And do you swear or affirm that the  
3 testimony you provide in this morning's hearing will be the truth?

4 MS. WELDIN: I do.

5 HEARING EXAMINER: Thank you.

6 MS. WELDIN: I've lived on Phinney Ridge for close to 40  
7 years. I was a young pup when I moved there. And I was a member  
8 of Livable Phinney, I was active in the Phinney Flats appeal, and  
9 have put in a lot of time in the neighborhood and got to know a lot  
10 of people. I mean I know all the people who have spoken here.

11 And I -- on this issue I'm really concerned about the  
12 precedent that it sets for Phinney Ridge for the height. As other  
13 people have spoken, that -- that the code is not -- MHA hasn't  
14 passed and what is going to happen here is not yet determined.  
15 And -- I mean there are a lot of things I like about this building,  
16 like other neighbors have spoken about.

17 But Livable Phinney fought for setbacks on the Phinney Flats  
18 project and I'm surprised that there is no setbacks on the west  
19 side of this building abutting the single family lot line here.  
20 And that was overturned for the Phinney Flats issue.

21 So I don't have a lot more to say. There are a lot of good  
22 things about this building, but I'm concerned about the setbacks,  
23 the height, and the precedent that it sets for Phinney Ridge  
24 becoming a canyon. And I think the impact of light and air for the  
25 neighbors in that block are significant. The end.

1 HEARING EXAMINER: Thank you. I noticed a couple other  
2 individuals entered the room. Was there any additional public  
3 testimony? Thank you. Then we'll proceed with the applicant.

4 MS. CLAWSON: Great. This is Ms. Clawson for the  
5 Applicant. I think what I would like to do is hand you over a  
6 massive binder, if you wouldn't mind. So these are all of, save  
7 one, of our rezone Exhibits, essentially the project file. That's  
8 pretty heavy. Then I will hand you our presentation in paper form.  
9 So at the beginning of the binder there's a table of contents with  
10 all of the Applicant's Exhibits labeled with their description, and  
11 then numbers, Exhibit numbers. We will refer to those, and I'll  
12 probably do some prompting of our witnesses. So that's how I will  
13 refer to these, just for the record, so you know.

14 HEARING EXAMINER: Is this in order of presentation?

15 MS. CLAWSON: It is not in order of presentation. The  
16 color 11 x 17 booklet is our presentation. And then the other  
17 documents are kind of just supporting documents, essentially the  
18 project file, the project record, and then letters of support that  
19 we've added.

20 HEARING EXAMINER: Are there any of these that you  
21 anticipate may not get entered?

22 MS. CLAWSON: No, they will all be entered.

23 HEARING EXAMINER: All right.

24 MS. CLAWSON: Or we would have them all be entered.

25 HEARING EXAMINER: Right.

1 MS. CLAWSON: Yes. We would move for that at some point.

2 HEARING EXAMINER: Okay.

3 MS. CLAWSON: So --

4 HEARING EXAMINER: Just before we get started then on  
5 housekeeping, we're marking and admitting as Exhibit 1 testimony  
6 from Esther Bartfeld. So we're starting with Exhibit 1 there.

7 MS. CLAWSON: Okay. I will add one to each.

8 HEARING EXAMINER: Right. If you're going to refer to  
9 your numbers, I would simply for the purposes of the record, call  
10 them out as Applicant --

11 MS. CLAWSON: Perfect.

12 HEARING EXAMINER: -- Exhibit 1 --

13 MS. CLAWSON: Great.

14 HEARING EXAMINER: -- or something along those lines so  
15 that it's clear in the record when we're referring to the actual  
16 record and your own labeling system.

17 MS. CLAWSON: Great. I will do so.

18 HEARING EXAMINER: It seems like we can't label these  
19 until after they've been used --

20 MS. CLAWSON: That's fine.

21 HEARING EXAMINER: -- because we don't know what order  
22 they're going to come in.

23 MS. CLAWSON: Yeah.

24 HEARING EXAMINER: Okay. No --

25

1 MS. CLAWSON: Well I guess we won't be admitting them, you  
2 know, in a -- in an appeal setting normally what we do is we'll  
3 enter documents in through a witness. We're just going to give you  
4 these. So some of these we will talk about and some of them we  
5 won't because you know, it is the project file. So it won't be --  
6 there won't be any order of entering, I guess is what I'm saying.  
7 This is the order.

8 HEARING EXAMINER: Okay.

9 MS. CLAWSON: Is that acceptable? I can -- we can --

10 HEARING EXAMINER: Yeah.

11 MS. CLAWSON: -- do it a different way.

12 HEARING EXAMINER: What I'm trying to do is just match  
13 getting them labeled.

14 MS. CLAWSON: Yeah.

15 HEARING EXAMINER: We could simply go with these as  
16 Exhibits 1 through 48. And for purposes of the record, that might  
17 be easier.

18 MS. CLAWSON: I think that might be.

19 HEARING EXAMINER: Then every one when you refer to it is  
20 going to -- it'll be the same for the final record.

21 MS. CLAWSON: Yeah.

22 HEARING EXAMINER: So I'll rescind that. And what I've  
23 labeled Exhibit 1, testimony from Ms. Bartfeld, that will be  
24 Exhibit 49.

25 MS. CLAWSON: Great.

1 HEARING EXAMINER: And if someone will introduce any  
2 Exhibit that isn't, could we do that at least at the end, just for  
3 clarity?

4 MS. CLAWSON: We will, yes. And I guess the only other  
5 Exhibit is the colored 11 x 17 packet. And I guess we can enter  
6 that now as Exhibit 50 --

7 HEARING EXAMINER: Yes.

8 MS. CLAWSON: -- perhaps.

9 HEARING EXAMINER: We'll do that.

10 MS. CLAWSON: And then we can refer to it in that way.  
11 And it does have page numbers, so we can say, you know, Exhibit 50,  
12 page 12 or whatever.

13 HEARING EXAMINER: All right. So we have now marked as  
14 Exhibit 55 the hearing examiner presentation from the Applicant.

15 MS. CLAWSON: Great, Exhibit 50?

16 HEARING EXAMINER: 50.

17 MS. CLAWSON: Great.

18 HEARING EXAMINER: And I'm admitting Exhibits 1 through  
19 50.

20 Applicant's Exhibits No. 1  
21 through 48, Public's Exhibit  
22 No. 49 and Applicant's No. 50  
are admitted into evidence.

23 MS. CLAWSON: Great.

24 HEARING EXAMINER: On the assumption that someone will  
25 introduce them at some point.

1 MS. CLAWSON: If we need to go through every one, I'm  
2 happy to be the person.

3 HEARING EXAMINER: And that can be counsel.

4 MS. CLAWSON: Procedural person.

5 HEARING EXAMINER: If at the end there's five or six or 10  
6 that you haven't touched on, we'll just do that then.

7 MS. CLAWSON: Great. Okay. So at this time I would like  
8 to introduce Shannon Loew who is our developer's representative for  
9 the project. And he is going to walk through the project,  
10 potentially with some prompting from me. And then Ray Johnston,  
11 our architect, will follow-up on Shannon's presentation to go over  
12 kind of the more architectural details of the project.

13 HEARING EXAMINER: Okay.

14 MS. CLAWSON: All right.

15 MR. LOEW: I'm Shannon Loew.

16 HEARING EXAMINER: Can you please spell your name as well?

17 MR. LOEW: Yeah, of course. S-H-A-N-N-O-N, last name is  
18 L-O-E-W.

19 HEARING EXAMINER: Mr. Loew, do you swear or affirm the  
20 testimony you'll provide in today's hearing will be the truth?

21 MR. LOEW: I do. So as Jessie mentioned, I'm a  
22 developer's representative for the owner, and collection of owners.  
23 And I'd like to walk you through this -- my '17 presentation,  
24 Exhibit 50, as a way of orienting you to the neighborhood and to  
25 what the owners are intending, as well as discuss how we are

1 addressing all the requirements for the contract rezone. I'm going  
2 to do that with Jessie catching me where I might miss something,  
3 and then Ray, the architect, will also help. So I don't know if  
4 you need to swear him in at the moment or --

5 HEARING EXAMINER: When he's ready, we'll get to that.

6 MR. LOEW: Okay, all right. Thank you. So I'm going to  
7 push to page 3 of that document. The first two is just the cover,  
8 and the second page is the table of contents. So this is just a  
9 project summary. It's been referred to as the Shared Roof. That's  
10 what the owners have referred to it as.

11 The owners are a collection of friends and families. This is  
12 not a corporate development entity of any sort. These are friends  
13 who have been for a long time speaking with one another about what  
14 it might be like to live with a stronger sense of community in a  
15 more efficient way, where they might be able to raise their  
16 families in Seattle without having to move away from one another,  
17 and provide for the needs that they have without the cost, or  
18 burden, and complexity of home ownership in a traditional sense of  
19 a single family house.

20 And their visioning predates all of this work that we've all  
21 been doing together as consultants for a number of years. And it's  
22 more or less outlined here, which is a culmination here. And we'll  
23 talk more about the vision in a few pages. But it is effectively  
24 creating a multi-family building that provides about 20% of the  
25 units reserved as affordable, and that's using the MFTE program.

1 That's in addition to the MHA. So the Multi-Family Tax Exemption  
2 Program. And that's affordability at somewhere between 60 to 80%  
3 AMI, depending on the bedroom size. That's prescribed by King  
4 County's program.

5 It's within the Phinney/Greenwood Urban Village, which is a  
6 frequent transit zone. And it's using an empty lot, which was  
7 formerly contaminated and cleaned up with no further action issued  
8 by Department of Ecology.

9 There are 35 units ranging from studios through to four  
10 bedrooms. On average, 60% of the -- or excuse me, on average, the  
11 units in this building are approximately 20% larger than what are  
12 being constructed today. For example, 60% of our units are two  
13 bedrooms or larger. So that's sort of demonstrating the commitment  
14 to providing family oriented housing.

15 The owner group also believes pretty deeply in sustainability.  
16 And so they have put quite a bit of effort and resources toward  
17 achieving LEED Platinum; LEED being one of our -- as a development  
18 community, our sort of gold standard of sustainability. And  
19 they're going for the highest level, which is platinum. So pretty  
20 strong commitment to that.

21 There's 2100 square feet of publicly accessible courtyard  
22 space. And we can show you where that is. And there are 26  
23 parking stalls below ground, which nets out to a parking ratio of  
24 .74.

25



1           In addition the owners have decided to voluntarily underground  
2 the power and upgrade SCLs infrastructure in our frontage, and  
3 approximately 60' to our south. That's under agreement with  
4 Seattle City Light.

5           And we're asking, of course, for the contract rezone from  
6 NC2-40 to NC2-55(M), which affords us a single floor of additional  
7 height -- a single story that is. And within that story is an  
8 additional six units of family housing.

9           So I might move on more quickly through the next couple of  
10 slides. Page 4 simply orients us in terms of where we are within  
11 the City. This is just as one metric, 28 minutes from City Center  
12 by the number 5 bus. Page 5 shows us in the Greenwood Avenue  
13 corridor, that is the urban village between 85<sup>th</sup> and 70<sup>th</sup>. Page 6  
14 states the same thing, more or less, but this is using the City's  
15 map of where the urban village actually is. So you see a pink line  
16 running down Greenwood Avenue is the urban village. I point that  
17 out simply because one of the important criteria for the rezone, of  
18 course, is the adherence to the comprehensive plan. And so when we  
19 understand GS-23 to be about locating within the urban village,  
20 this is squarely occurring within that.

21           I think it's worth also noting that GS-24 also talks about  
22 reducing displacement. You'll see, and we've already referenced,  
23 this site is currently empty. There's nothing on this site but  
24 concrete, which is a remnant from the environmental remediation  
25 that was done by the prior owners.

1 MS. CLAWSON: And I'm sorry to cut in. This is  
2 Ms. Clawson. When you're referring to GS-23 and 24, what are  
3 those?

4 MR. LOEW: Sorry, that's the growth strategy in the  
5 Comprehensive Plan.

6 MS. CLAWSON: Great.

7 MR. LOEW: The Seattle -- yeah, Comprehensive Plan. And  
8 then also GS-24 talks about reducing social disparity. And so the  
9 owners have, as part of their vision, talked about the importance  
10 for mixed income living. And so hence, the dedication not only to  
11 the MHA, which is a requirement, of course, to the rezone, but also  
12 to the Multi-Family Tax Exemption Program for providing 20%  
13 affordability.

14 The next page, page 7, shows similar documents from the City,  
15 which is the Mandatory Housing Affordability maps, the MHA maps,  
16 and shows the site to be within the proposed rezone for this  
17 neighborhood. And again, that rezone would be to the same zone  
18 that we are currently asking for our contract rezone.

19 Page 8 just gives a little bit of understanding of the amount  
20 of density and infrastructure and businesses that are within the  
21 neighborhood. So green, you can see, is public infrastructure.  
22 There's the Phinney Neighborhood Association, the fire station 21,  
23 there are some schools, the public library, and the new Greenwood  
24 park, a number of apartment buildings, the Ridgemont, the Aspen,  
25 the Phinney Flats, which is proposed 55 units, and the Phinney

1 condominium, which is just to our south, 54 units. Just again as a  
2 point of comparison, we are 35 units in our proposal, just to sort  
3 of talk about comparable scale.

4 So it's here that you might get the context for what's  
5 happening. And you might refer to 23.34.009 A, talking about  
6 compatibility of the zone, where we're putting density within the  
7 urban village to be compatible with existing activity proposed for  
8 an urban village. As well as 23.34.076 E. which talks about  
9 consistency of growth and location of density within the  
10 Comprehensive Plan.

11 So page 9 is a close-up --

12 HEARING EXAMINER: I see on your page 8 you've got  
13 different colors. Are those keyed?

14 MS. CLAWSON: Yeah.

15 MR. LOEW: Apologies, no legend on the slide. The green  
16 was public, although I'm noticing that the Lutheran Church is  
17 listed there. That's obviously not public, per se. The pinkish  
18 color are retail. So for example, HomeStreet Bank, Umpqua Bank,  
19 True Value Hardware, Red Mill Burger. And then blue is the  
20 residential. Thank you.

21 Page 9 is a close-up of the site itself. Again referring to  
22 this as the voluntary clean-up program that was achieved by the --  
23 or volunteered into by the prior owners. No further action letter  
24 from the Ecology was listed in 2015. You might see some structures  
25 or what have you on the site there. That material is no longer

1 there. Those were transformers and equipment associated with the  
2 clean-up itself. The site is currently nothing more than concrete  
3 pad with a fence around it.

4 MS. CLAWSON: I will note that the no further action  
5 letter from Ecology was Exhibit 39 in our binder.

6 MR. LOEW: Page 10 starts to explain, Mr. Hearing  
7 Examiner, some of the subtleties around this that I think are  
8 important to recognize. So forgive me, I don't know the format  
9 here. But obviously ask questions if anything's confusing. But  
10 we're trying to explain --

11 HEARING EXAMINER: I will.

12 MR. LOEW: Okay.

13 MS. CLAWSON: I forgot to tell you that part.

14 MR. LOEW: I've gathered, but -- so we need to make sure  
15 we explain exactly what's happening with the various parcels that  
16 comprise our site, if only so that we might refer to some of the  
17 public testimony that you've already heard. Our site is  
18 effectively comprised of three parcels; parcel 1 is squarely within  
19 the NC zoning, and within the urban village. And that's noted in  
20 the green, and it's listed as number 1. Also part of our site are  
21 parcels labeled as 2 and 3 in blue. And those are SF 5000. We are  
22 proposing no change to the single family zoned lots. We are only  
23 asking for an upzone for the lot that is within the urban village  
24 and is currently as NC2-40.

25

1 MS. CLAWSON: I'm sorry, this is Ms. Clawson again. I'm  
2 going to ask a question. We own lots 2 and 3, correct?

3 MR. LOEW: Yes.

4 MS. CLAWSON: Okay.

5 MR. LOEW: So 1, 2 and 3 are all under the same ownership.  
6 And they are in fact referred to as the development site. The  
7 development site is what the Seattle Department of Construction and  
8 Inspections requires -- the definition of this, so that they may  
9 make clear understanding in rulings of how we are treating our  
10 proposed building. And I'll let Lindsay King when she speaks  
11 explain that more technically as needed.

12 Page 11 is also DCI's map. This is just lifted from their  
13 site. It's showing the Greenwood/Phinney Urban Village, all of  
14 which is comprised of NC2-40. And again, we're proposing to  
15 NC2-55(M).

16 While a little redundant, page 12, the next page, just shows  
17 even more clearly how our site is bifurcated by the NC2-40, and  
18 that we are only asking for upzone for the portion that is within  
19 the NC2 zone. And that we are not asking for a change to the  
20 underlying zoning on NC2. It's simply the NC2-40 to NC2-55, which  
21 now has a designation of (M).

22 Page 13, the next page, starts to help us talk about the  
23 gradual transitions and physical buffers between zones, which is  
24 obviously an important criteria for rezone. Specifically 23.34.076  
25 D. as in delta 2. To our south -- so we're located at the corner

1 of Greenwood and 70<sup>th</sup>, specifically the northwest corner of  
2 Greenwood and 70<sup>th</sup>. To our south is 70<sup>th</sup>, which is a 50' right of  
3 way. So as a physical buffer, we have 50' to our south. And  
4 forgive me, I may come back and reference the specific code, but a  
5 physical buffer is defined in the code with streets being one of  
6 them. So I don't have that on hand right now, but I will come upon  
7 that in a moment and I can call that out for you. But this is a  
8 physical buffer to our south 50'.

9 To our east, across Greenwood, we have an 80' buffer. And  
10 each of these numbers that I'm referencing, the 50 and the 80 are  
11 lot line to lot line. So 80' to our east.

12 To the north, which we'll talk about in more detail, we are  
13 not asking for any exceptions. We are -- it's the same zone to the  
14 same zone. That is to say we are NC-40 currently, to NC-40 to our  
15 north. And we can talk about how our NC2-55 proposal relates to  
16 what is currently built and proposed for, that lot to our north.  
17 Yeah, so that's that slide.

18 So if we were then -- page 14, the next slide, still  
19 discussing transitions and buffers. You see again, our site in  
20 green and blue, where the blue represents the single family lots.  
21 The parcel of the same ownership to our west is 55' wide, providing  
22 a buffer to the next lot line of single family. This L-shaped  
23 single family lot, because it is one development site, must be  
24 treated as one site from a single family perspective. We've been  
25

1 instructed that by DCI. And again, Lindsay can speak to that in  
2 more detail.

3 And because there's already a single house on that lot to our  
4 north, the northern of the two, we are precluded from ever having  
5 another house added to that structure. So just to speak  
6 specifically to some of the public testimony you might have heard,  
7 we are not able to put another structure on that property. In  
8 perpetuity, that L-shaped blue single family area may only have one  
9 structure on it.

10 MS. CLAWSON: I have a question. So but could you  
11 demolish that structure and build something else on the single  
12 family portion?

13 MR. LOEW: I would assume yes, provided that that met all  
14 of the criteria of one single family, 5000 lot. So that is to say  
15 you could demolish that house and build another house that would be  
16 conforming with current code at the time for single family 5000.

17 MS. CLAWSON: Great. And why did you include the single  
18 family portions in your development site?

19 MR. LOEW: We were required to by DCI. There was no way  
20 to divide it otherwise. As a point of history, as you heard in  
21 public testimony, Mr. Hearing Examiner, did originally ask for, or  
22 were considering a contract rezone for NC2-65. At that time we  
23 thought that it would be advantageous to the community to provide  
24 one of the single family lots as a dedicated park. And so we were  
25 in advanced discussions with Seattle Parks and Recreation to

1 dedicate one of those two single family lots to parks. They were  
2 excited and eager for that. The community generally voiced  
3 discomfort with that. I think, if I were to generalize, the  
4 concern was around potential to attract homeless folks to the  
5 neighborhood. And with opposition to 65', we reduced our building  
6 and removed the park from the proposal. So that was sort of the  
7 initial plan for that.

8 But fundamentally, the single family lot provides a buffer.  
9 And it's the primary reason that it is in this proposal. It is the  
10 buffer from our project to the adjacent single family house, which  
11 is at the corner of Palatine and 70<sup>th</sup>.

12 MS. CLAWSON: So to be clear, SDCI didn't force you to go  
13 out and buy your neighbor's property, correct?

14 MALE VOICE: Yeah.

15 MR. LOEW: Correct.

16 MS. CLAWSON: Okay.

17 MR. LOEW: No.

18 MS. CLAWSON: I just wanted to be clear.

19 MR. LOEW: They said if this is how you're going to  
20 construct using these parcels, then you must treat it as one single  
21 development lot.

22 MS. CLAWSON: Okay.

23 MR. LOEW: So that was just their constraint.

24 MS. CLAWSON: Great, okay.

25



1 MR. LOEW: So page 15 continues the conversation of  
2 transitions, but from an elevation perspective. So here you are  
3 looking at the elevation of our building in brown in the middle of  
4 the image. And we're standing on 70<sup>th</sup> looking north. So on the  
5 right hand side you see Greenwood Avenue. I've referred to that  
6 before as 80' wide, so you see that now between property lines, 80'  
7 wide to the development that could happen across the street.

8 And then to the left of our project, or to the west, you're  
9 seeing the 55' physical buffer between our building and the  
10 existing single family home at the corner of Palatine. So that's  
11 sort of the physical buffer. And we'll continue to talk about that  
12 all throughout.

13 But I want to refer to some of the heights, just because of  
14 the transition that you might look at in heights. So you see our  
15 arrow headed to the west, dropping off in scale from what is -- you  
16 see the dashed line of the single family house at the very west, or  
17 the very left of this diagram. That is a difference -- forgive me,  
18 I should know this be heart -- but that's a difference of about  
19 15'.

20 There are a number of -- yeah, so I can do that now.

21 MS. CLAWSON: Just quickly.

22 MR. LOEW: Uh huh. Among the number of -- so we spent a  
23 number of -- well I guess now it's years -- with community  
24 feedback, going through EDG and having feedback from GRB, as well  
25 as listening to interpretations and guidance from DCI. But really

1 also sitting down with the community in a number of different  
2 formats, which I'll tell you about, and hearing feedback about the  
3 proposal. That has led to a number of adjustments and changes in  
4 the design that Ray, the architect, will walk you through in more  
5 detail, that include setbacks and reduction in massing, and overall  
6 building height in order to relate to the specific existing  
7 structures in the neighborhood to create a drop off in scale that  
8 feels to be relevant in transition from one zone to the next, and  
9 creates a strong presence on the urban village side, which is  
10 defined in the code.

11 So all of those setbacks and height adjustments, and reduction  
12 of massings are things that Ray will talk you through in more  
13 detail. But that's part of how we're relating to, among others,  
14 23.34.076 both A. and C. in the code. Again that was 23.34.076 A.  
15 and C., which is talking about providing consistent design in type  
16 and scale to the type of development intended for the NC2 zone.

17 HEARING EXAMINER: And just to make sure we're clear for  
18 the record, you mentioned the DRB and the EDG meetings. When  
19 you're going to use acronyms, it's good the first time you use  
20 them.

21 MR. LOEW: Sure.

22 HEARING EXAMINER: Just for the record we may be familiar  
23 with some of those terms, probably everyone in this room. But not  
24 necessarily someone listening to the record. So if you could  
25 please explain those acronyms, it'd be helpful.

1           MR. LOEW: Thank you, yeah. Just to step back then for a  
2 moment, Design Review Board would be the DRB, and Early Design  
3 Guidance would be EDG. Those are obviously the required meetings  
4 that we must go through in order to obtain our master use permit.  
5 We had our Early Design Guidance meeting and received feedback that  
6 we incorporated. And then were awarded the right to proceed,  
7 rather than having additional EDG meetings, and went through our  
8 Design Review Board meeting, in which we had feedback that we  
9 responded to. But were provided to proceed toward our master use  
10 permit after that one meeting. I believe both of those are within  
11 our --

12           MS. CLAWSON: Yes.

13           MR. LOEW: -- our binder.

14           MS. CLAWSON: Actually this is a good time to reference  
15 them so we can be efficient. So our Early Design Guidance  
16 Proposal, so the booklet of designs, is Exhibit 24. Our design  
17 review recommendation meeting proposals, so again, the booklet of  
18 all of our designs that we have presented, is Exhibit 25. The  
19 Design Review Board's Early Design Guidance meeting minutes are at  
20 Exhibit 27. They also show up in the analysis decision and  
21 recommendation of the Director in Exhibit 1. And as a reminder, we  
22 provided this at the beginning. But there was no appeal of the  
23 design review decision of SDCI. So that's a final decision.

24           And then the recommendation meeting minutes of the Design  
25 Review Board are at Exhibit 30.

1 MR. LOEW: Thank you for that, Mr. Hearing Examiner. So  
2 the next page, page 16, is continuing the same conversation around  
3 transitions, doing that from elevation. And so now we are on  
4 Greenwood looking west at our building in brown in the middle, and  
5 seeing the right of way of 70<sup>th</sup> that is 50' wide between us north  
6 and other projects to the south.

7 You can see at the right hand side of our building, or the  
8 northern side, a setback from the property to our north, which  
9 again --

10 MS. CLAWSON: Approximately how deep is that setback?

11 MR. LOEW: It varies, depending on where. But  
12 approximately 6'. You're also seeing the neighbor to our north,  
13 the right hand side of the page. The tallest structure there is an  
14 existing 40' tower that the current owner that we understand  
15 erected. We assume that to be residential use. But that is what  
16 that tallest structure is there. And I point that out simply  
17 because of its relative consistent height within what you might  
18 understand 23.34.076 C. to be expecting, which is consistent with  
19 existing 40 or 44' structures that exist all throughout the  
20 neighborhood.

21 Page 17, the next page, the bottom left shows the building  
22 site. You can see how it's an empty concrete pad, and you can see  
23 how it's shaped like a bit of an "L". So the portion that is not  
24 within that red building site rectangle, that is the single family  
25

1 portion. And that is the portion that will remain an open lot.  
2 Currently it will simply be landscaping.

3 The top left of the page is a plan view of our building from  
4 the rooftop view, more or less, that shows the various setbacks  
5 that we have to our neighbor to our north. And again, Ray, the  
6 architect, will talk through more of that. But you can see how  
7 we're trying to relate to that property.

8 And back to the photograph at the bottom left, you can see the  
9 40' tower that is gray with white windows, and how that is set  
10 directly up against the building to its north. And that's common,  
11 as you may know, Mr. Hearing Examiner, for this zone of NC2 that  
12 you may build to lot line. There are fire protection requirements  
13 precluding either windows or type of construction, of course, to  
14 keep the fire from leaping between buildings. But from a land use  
15 perspective, building to lot line is de rigeur and by code,  
16 permitted. So you're seeing that occur there on the neighbor to  
17 our north.

18 The top right of this image shows the various articulations of  
19 our building and where you see windows and setbacks. We have  
20 worked with both the community and with Design Review Board, as  
21 well as specifically the neighbor to our north, the owner of this  
22 property, to provide various options of what we might face this  
23 building with, how we might use landscaping, and how we might  
24 locate setbacks and windows. And taken all that into account in  
25 creating this design.

1           At the bottom right is a photograph that you see, our neighbor  
2 to the north, the left hand side of that diagram, which is Diagram  
3 C. And you see the 40' tower as well as the picture of the house.

4           MS. CLAWSON: So this would be his southern facade?

5           MR. LOEW: This would be his southern facade, which is  
6 what is up against our property line. And overlaid onto that is  
7 some orange diagrams that show where we are placing our windows.  
8 And as you can see, we've worked out how to ensure that our windows  
9 provide privacy to both our future tenants, as well as neighbor to  
10 our north, to avoid any of them looking into one another.

11           Page 18, which is the next page, really talks about the  
12 appropriateness of this type of building and the scale being on the  
13 ridge, Phinney Ridge. I think what's important to understand is  
14 that Greenwood Avenue is a ridgeline running north-south, more or  
15 less at the same elevation at the top of the ridge. And so the  
16 general architectural or development pattern has been for each side  
17 of its ridge to take most of its light and air from that side of  
18 its slope.

19           So for example, the development pattern to the west slopes  
20 downward to the west with the prevailing views all to the west.  
21 And then the east prevailing pattern slopes down the hill to the  
22 east, with all the views and light and air happening to the east.  
23 And so when you're on this ridgeline in this corridor, by building  
24 within the urban village, you are effectively not precluding  
25 someone from having any disrupted views. Obviously a building

1 that's not there compared to a building that's there has the  
2 disruption of some form of view. But the prevailing view, and the  
3 prevailing light and air come from the respective slopes, which is  
4 the other side.

5 So all of the development pattern within the urban village  
6 that runs along this Greenwood corridor are effectively not, in our  
7 opinion, blocking any significant views, or precluding light and  
8 air from entering the other lots within the area.

9 Now page 19 is our samples within our shadow studies. These  
10 are times of year and times of day that are specified and required  
11 by DCI for all projects. We're including these. They're also  
12 included within our EDG and DRB packets.

13 One of the things that we want to point out with these  
14 diagrams is -- so, sorry, the study's on the left, would be a  
15 building mass at maximum floor area ratio, FAR, at NC2-40, and then  
16 the correction diagrams on the right are our proposed project at  
17 NC2-55(M). And at key times of day and time of year, we note that  
18 the shadows are primarily falling on right of way, and not on other  
19 properties with any significant difference between the two.

20 We've worked with the community, with DCI, and DRB as well, to  
21 locate any rooftop structures inset off of the edge of the building  
22 in order to ensure that they don't exacerbate that any further as  
23 well.

24  
25

1 MS. CLAWSON: And there was a reference made to a rooftop  
2 greenhouse. Can you explain where that is, and where you located  
3 it, based on community feedback.

4 MR. LOEW: Sure, yeah. So greenhouses, by code, are  
5 permitted, provided they actually are producing food, which is the  
6 intent for this greenhouse on the roof. It's probably best seen in  
7 a prior diagram, on page 17, at the top left, which is -- well  
8 there's a lot of letters on this page, so I'm just going to refer  
9 to it as the top left. It's the plan view.

10 In that plan at the top left, there is a darker yellow  
11 structure there with bay doors on the north and south side of it,  
12 and that is the greenhouse. It's been pulled back off of the north  
13 edge by approximately 20', and off of the west property line by  
14 approximately the same amount. So that's not participating in any  
15 additional shadow concerns.

16 But maybe more importantly, to answer your question, Jessie,  
17 in addition to the greenhouse, there are a number of planters that  
18 are -- some required and some designed and optional by the owners.  
19 We have placed those at the building perimeter, particularly where  
20 we have less setback as a building form in order to ensure that  
21 people who are on the roof are not able to peer down into a private  
22 property that abuts that edge. And --

23 MS. CLAWSON: And in the upper left diagram, those would  
24 be shown in what color?

25



1           MR. LOEW: Those are in the gray. And they're labeled as  
2 unoccupied roof area.

3           So then page 20, if I may, is a photo of some of the owners,  
4 and multiple generations, obviously having a casual moment in their  
5 kitchen. And this image, probably not typical for this kind of  
6 presentation, is something that the owners have always heralded as  
7 kind of an example of the kind of energy and spirit with which they  
8 were pursuing this project.

9           So we've included it here with just one page to talk to the  
10 five values that they have been using to guide this project. And  
11 that is to live smaller and share resources. And that speaks to  
12 the growing burden that people have with single family homes,  
13 particularly maintaining them, paying property taxes, fixing roofs,  
14 etcetera, and having extra bedrooms for guests to come, but rarely  
15 ever using them, but paying for them throughout the year.

16           So living smaller and sharing resources points to the fact  
17 that folks are moving into this project are families or individuals  
18 who are going to be living smaller than they would if they were in  
19 a single family home. And rather than everyone have their own  
20 separate additional bedroom for guests, they'll be sharing amenity  
21 space to host those guests whenever they're needed.

22           Live with multiple generations. It always felt important to  
23 the owner group to have multiple generations, whether they were  
24 family or otherwise, simply for young kids to be running around and  
25 having elderly in the mix, understanding that we're having quite an

1 elephant and the snake, so to speak, of elder folks about to retire  
2 and needing alternative solutions to their housing. So this  
3 provides that with an elevator building, and single floor living.  
4 It was always important to them to provide apartments that were  
5 available to elder.

6 Living in a mixed income community is number three. We've  
7 spoken about that already. So obviously we're adhering to the MHA  
8 requirements, but also voluntarily entering into the MFT,  
9 Multi-Family Tax Exemption program by King County, as a way of  
10 creating affordability within the project. And that's distributed  
11 throughout the building on all floors, and is a variety of unit  
12 sizes. And that's all stipulated by King County and something that  
13 the Office of Housing oversees.

14 And then to live sustainably was the fourth value that they  
15 proposed. And as I've said before already, we are on target for  
16 LEED Platinum. And forgive me, it's been too long to recall what  
17 LEED stands for. But it is one of the leading criteria by which we  
18 judge the sustainability of our buildings and certify them as such.  
19 And platinum is the highest level.

20 Our sustainability consultants and mechanical and electrical  
21 consultants have told us there aren't specific numbers on the  
22 number of LEED Platinum proposals for multi-family, but that it is  
23 extremely rare for a multi-family building to be achieving this  
24 level of sustainability.

25

1           The last value, the fifth one, is to live in a community long  
2 term. As Ray might speak to in some detail, the building is built  
3 as what's been referred to as a hundred year building. As a  
4 development consultant, I can say typically buildings are often  
5 thought of more in a commodity sense of a 40 year building, and  
6 understood that they might be traded or demolished, or need  
7 substantial renovation at that time.

8           This owner group has decided to put significant first costs  
9 forward in their budget in order to achieve a building that has a  
10 much higher quality and standard than that typical kind of  
11 multi-family exhibits that are the LEED sustainability level, but  
12 also the type of materials on the face of the building, which is  
13 brick. Brick tends to be desirable because people like its  
14 aesthetic and it's handsome. But it also tends to last longer than  
15 other materials. And as a result, the market makes you pay for it.  
16 So it's significantly more expensive than other typical building  
17 faces that would adhere for keeping the rain off the building and  
18 anything else. So they're investing in a building that is a  
19 hundred year building.

20           Page 21 is the next page. And I think I've spoken to all  
21 this, so I won't belabor it.

22           Page 22 shows the ground floor plan of the building. We  
23 wanted to call this out both 'cause it's a unique feature of the  
24 project, and probably speaks to a number of the reasons there was  
25 positive testimony in our favor. A lot of those comments were

1 about the type of pedestrian experience, the public space, the open  
2 space.

3 But more specifically code reference to 23.34.009 A.  
4 specifically asks for showing how the project is pedestrian  
5 oriented, and emphasizes this as a shopping area within the urban  
6 village. And that is consistent also with several of the  
7 neighborhood plan points as well. And while I'm at it, GS-3.14  
8 asks for walkable urban villages, and public open space, as well as  
9 retail flanking the sidewalks.

10 So what you're seeing that's working hard to propose a project  
11 that does all of that is shown in white, are the building area, the  
12 majority of which are retail spaces. And we have another plan  
13 later in the document that actually has labels on them, so  
14 apologies it's not on this one. But the corner is retail, the  
15 space on the northeast is retail, space in the middle on the west  
16 is retail, and then there are two micro-retails within the  
17 courtyard.

18 The courtyard is this brick patterning that you're seeing in  
19 brown. And that is a relatively expensive surface for that type of  
20 use. And the intention of our landscape and hardscape designers  
21 was to make sure that the public felt as though they were walking  
22 in the right of way along the sidewalk, and invited in to the  
23 public space. So again, this is privately owned, but publicly  
24 accessible courtyard space that anyone may walk into, sit down,  
25 enjoy, and frequent the retail.

1           The specifics of the retail haven't been worked out. But we  
2 do anticipate a wide range of useful retail for the neighborhood,  
3 as well as potentially some food and beverage oriented. So we can  
4 imagine people coming and sitting outside and connecting with one  
5 another. So again, this is not just an amenity for the tenants of  
6 the building, but open to the public.

7           And then to the west you see the single family lots that are  
8 shown as large areas of green. And that would just be landscaping,  
9 plus the one existing single family house at the top left.

10           Page 23, the next page, provides a little more specifics  
11 around the type of community outreach that we have done. The owner  
12 group, because they're going to be living here -- and so again,  
13 this is not a development entity or corporation that exists  
14 somewhere else, and this is not funded by some large retirement  
15 CalPERS type pension fund. But instead it's actually largely  
16 funded by the owners themselves. So because of that, they felt  
17 that it was important to get to know their community, both for  
18 feedback, but also to be neighborly.

19           And so here's one image of what we've been calling sort of the  
20 town hall meetings that we called on a voluntary basis and  
21 advertised and held at the church, just to our south. They were  
22 nice enough to lend us the space. So we had two of these type of  
23 town hall meetings where we presented our project, had a session of  
24 Q&A, and took notes, and then adjusted our building design as a  
25 result.



1 RECESS/RECONVENED

2 Hearing is reconvened.

3 HEARING EXAMINER: And we'll return to the record with the  
4 Applicant's presentation.

5 MR. LOEW: So I just continue?

6 HEARING EXAMINER: Uh huh.

7 MR. LOEW: Okay. So we're on page 23 talking about --  
8 this is Shannon Loew. We're on page 23 talking about community  
9 outreach process. Dozens of meetings that we've had with community  
10 members individually, as well as in town hall style meetings, as  
11 well as through the Phinney Ridge Neighborhood Community Council.  
12 We were very pleased with the number of positive e-mails that were  
13 submitted directly to DCI, which are already in our Exhibit.  
14 They're an Appendix to our Rezone Application, and that's Exhibit  
15 31. So it's an Appendix within Exhibit 31.

16 In addition, I'm going to be handing over a stack of letters  
17 that have come in since. And I want to just share two, because I  
18 think they highlight some important attitudes, and also some just  
19 specific design criteria that we've incorporated into our project.  
20 These are letters that range from businesses like Umpqua Bank, and  
21 Fred Meyer, and Greenwood Hardware, which are businesses within the  
22 community, as well as individual homeowners.

23 The first letter I want to share, or at least summarize  
24 briefly is a letter from Nelson Brownyn, Sandy Nelson. These are  
25 the neighbors who are directly to our west. They are the only

1 single family neighbor that we abut with our project. And --  
2 except for the ones to the north, which are unaffected by us, or  
3 the NC zone to our north.

4 And I was reminded by reading this letter that it really in  
5 some ways answers Jessie's question earlier a little bit better  
6 around why we have the single family lots at all within our  
7 project. And the owners were very intentional about figuring out  
8 how to have no effect from the neighborhood commercial building on  
9 a single family lot that wasn't their own. And so they went out  
10 and acquired the two neighboring and abutting single family lots to  
11 our west, which are the only ones abutting our property in order to  
12 have and ensure that any effect that we might be having would be  
13 only on ourselves and not on a neighbor.

14 I think that's among the reasons that Sandy Nelson writes what  
15 she has written, including appreciated the friendly and transparent  
16 approach that one of the owners and his team have brought to this  
17 process. We're also excited about the way they've talked about  
18 developing the retail space where they have experience and interest  
19 that many other developers don't.

20 We have reviewed the proposal for the Shared Roof project at  
21 70<sup>th</sup> and Greenwood and we believe it will be a positive addition to  
22 our community providing new apartments with sufficient parking  
23 spaces for the residents. This is a project that has many positive  
24 aspects for our community and it demonstrates balancing the desires  
25 of the developer with the impacts of the neighborhood. The Shared



1 Roof project is a model that we hope other developers will learn  
2 from, considering the neighbors and providing sufficient parking.  
3 We encourage the Hearing Examiner to approve its contact rezone.

4 So we were wanting to share that simply because it is the only  
5 other single family owner that is abutting our property.

6 Last highlight I'll read is from one of the businesses. It's  
7 Greenwood Hardware, who among other things says, Greenwood Hardware  
8 has been serving the Phinney Ridge community for 70 years. We have  
9 seen the neighborhood grow as Seattle has grown; participating in  
10 and benefitting from that growth. As a local business we value the  
11 diverse families and individuals that live in our community, and we  
12 welcome the increase in quality multi-family housing.

13 We have reviewed the proposal for the Shared Roof project at  
14 70<sup>th</sup> and Greenwood, and believe it will be a positive edition to our  
15 community providing 35 new apartments, and making use of a now  
16 empty lot. This is an important project for our community, and I  
17 encourage the Hearing Examiner to approve its rezone. This is from  
18 Michael Radice, the owner of Greenwood. So I'll hand that over  
19 now.

20 HEARING EXAMINER: It'll be marked and entered as Exhibit  
21 51.

22 Applicant's Exhibit No. 51 is  
23 admitted into evidence.

24 MR. LOEW: And then the last couple of slides I'll review  
25 before asking Ray to join in here are beginning on page 24, which

1 is the next page. There are three pages of the same layout.  
2 There's a column on the left, a column in the middle, and column on  
3 the right. Left is where we were with early design guidance, and  
4 then the middle is some references to contract rezone criteria and  
5 how we have then incorporated both the feedback from EDG as well as  
6 DRB, and as you know from community input, and met the criteria for  
7 contract rezone that's yielding the current proposal on the right.  
8 So I'll move quickly through this, knowing that Ray may speak more  
9 specifically to some of them.

10 Height, which is 23.34.009 A.; height shall be consistent with  
11 the type and scale development intended for each zone. We've  
12 spoken about how we reduce the building proposal by taking off an  
13 entire floor. That speaks to us specifically to how we are  
14 addressing height, and is what was requested of us between EDG and  
15 DRB. DRB approval granted to us as a result of that.

16 Bulk would be the next one, 23.34.009 D. 1.; compatibility  
17 with surrounding area. I think it's worthwhile to point out as  
18 well D. -- 23.34.076 D. 2. speaks to compatibility with predominant  
19 height and scale where existing development is a good measure of  
20 the area's overall development potential. Development potential is  
21 important, I think to understand both because even at NC2-40, this  
22 is not meeting the current growth acceleration and assumptions from  
23 the Comprehensive Plan. GS-1 considers that the Greenwood Urban  
24 Village specifically is slated for 30% growth beyond the number of  
25 housing units that are existing in 2015.

1           So when we talk about development potential, we don't yet see  
2 the area complying with the comprehensive plan. And that doesn't  
3 even yet consider the proposal that is coming before the City to  
4 move to NC2-55.

5           Scale, 23.34.009 C.2. is the last one on page 24. And this is  
6 talking about compatibility with predominate heights and scale.  
7 And we are using specific setbacks across the entire top floor, as  
8 well as key moments all throughout the elevation of the building to  
9 create building massing that is no bigger than existing typology  
10 and form of existing structures already in place, and Ray will talk  
11 to that.

12           Page 25, the next page; shadows, is addressed within 23.34.008  
13 F. as in Frank, 1.c., possible negative impacts and positive  
14 impacts among those could be shadows. And we've spoken again about  
15 how we've oriented the building, moved rooftop structures, as well  
16 as have the vast majority of our boundaries be right of way so as  
17 not to have major impacts on our neighbors with our building height  
18 through shadows.

19           Transitions is listed there. Again we've spoken about how the  
20 owners have acquired the single family lot so as to only have  
21 impacts on themselves in that transition where the NC is only one  
22 lot wide throughout the entire urban village area, and created  
23 setbacks particularly along the top floor in order to have that  
24 further create transitions to other zones.

25

1           Last on that page 25 are privacy and using diagrams like shown  
2 on the bottom right to ensure that we are not placing windows where  
3 they may be in conflict with other existing windows and other  
4 building massing that already pre-exists, like the 40' tower in our  
5 neighbor to our north, as well as rooftop structures, and railings,  
6 and setbacks of the planting strips.

7           Page 26, parking capacities referenced in 23.34.008 F. 2. d.  
8 And we are -- of course some of the positive remarks you've heard  
9 from the public testimony have been around the fact that we are  
10 providing parking, which a number of other projects are not. They  
11 are not providing parking, and are permitted to do so because of  
12 the fact that they, like us, are in an urban village and does not  
13 require parking when there's frequent transit, which is within this  
14 urban village. Nonetheless, we are parking at a ratio of .74 in  
15 order to mitigate any potential impact.

16           We went out ahead early and had a planning engineer analyze  
17 traffic patterns and parking so that we could be sure and  
18 understand what impact we might have. And he's available to speak  
19 if you have questions on that. His studies, which were also, of  
20 course, required by the contract rezone process, in addition to our  
21 voluntary studies, are all included within the Exhibits 1 through  
22 50. Specifically they are 17, 18 and 19.

23           And then lastly before turning it over to Ray, there is the  
24 requirement to take into consideration the neighborhood plan. And  
25 when we think about the Phinney Ridge Neighborhood Plan, PRG 1, PRG

1 2, and PRG 3, we believe we are helping to make a vital Greenwood  
2 commercial area with pedestrian friendly streetscape, with vital  
3 main streets, tree-lined, and integrated open spaces. So in terms  
4 of addressing neighborhood plan, goals and objectives, we feel like  
5 we're meeting that significantly with our ground floor plan that  
6 we've walked through already.

7 So that'll take you to page 27, which will kick off Ray's  
8 contribution here.

9 MR. JOHNSTON: So I'm Ray Johnston, R-A-Y  
10 J-O-H-N-S-T-O-N.

11 HEARING EXAMINER: And do you swear or affirm the  
12 testimony you provide in today's hearing will be the truth?

13 MR. JOHNSTON: I do.

14 HEARING EXAMINER: Thank you.

15 MR. JOHNSTON: I'm very honored to be working on this  
16 project. And I think it has characteristics that are rare in this  
17 City, many of which Shannon has discussed. The idea that it is a  
18 hundred year, probably more, building. So often that attention to  
19 quality is missing.

20 The idea that it is bringing to Seattle, beyond really maybe  
21 even the West Coast, more of a very old idea about buildings that  
22 have places to live, places to work, places to enjoy one's self.  
23 And it creates -- you know, this is a long strip, this tale of the  
24 NC2-55(M) zoning. And it needs places along it. It needs events

25

1 and places where community can be nurtured, and grow. And here  
2 where 70<sup>th</sup> jogs across Greenwood we have that opportunity.

3 Through the evolution of this it's a very fore-thinking  
4 development group, and very responsive to neighborhood interests.  
5 Shannon talked a little bit about the site development area,  
6 including those single family lots, so that they provide air, and  
7 light, and setbacks, and space around this facility. But then in  
8 the massing itself there's quite a bit that I'll try to walk  
9 through.

10 When we started, and as you've seen in some of the early  
11 design guidance diagrams, and I'll show you again here, the  
12 building was a fairly unarticulated mass. We looked at the  
13 neighborhood rhythm, the module of the buildings, the sizes of the  
14 building blocks, and then looked at that mass and tried to  
15 determine how we could break it down so that it fit the rhythm of  
16 the neighborhood.

17 And in this first image on 27 you see some of those  
18 techniques. This is a view looking northwest from the corner of  
19 70<sup>th</sup> and Greenwood. And you can see the single family neighborhood  
20 off to the left. And you can see how our building is set back at  
21 the top and kind of erodes away from that single family  
22 neighborhood. You can also see how there are notches in the  
23 building that break the building blocks, complements of it, into  
24 chunks that are similar in footprint with to say the church to the  
25

1 south or some of the other nice older buildings in the  
2 neighborhood.

3 And then lastly, and I'll go through this a little bit more.  
4 We did remove a floor after EDG. But then the next floor down is  
5 articulated. And in many places it's set back from the facade. In  
6 others it's a change of material and a much smaller setback. What  
7 that does is -- that combination of things accomplishes two goals.  
8 One, that line at the top of the brick respects the existing 44'  
9 tall buildings in the neighborhood. That's about where that line  
10 is. And then it also respects the potential massing of the  
11 neighborhood under the future change in zoning.

12 This image also shows that streetscape. And what's really  
13 hard to render here is just the idea that you can walk around that  
14 corner block and be in the courtyard. and meet your friends. and  
15 enjoy your community in a variety of ways.

16 MS. CLAWSON: And moving to page 28.

17 MR. JOHNSTON: Page 28, the top image is a streetscape  
18 along Greenwood, and you'll see two lines there; the potential  
19 NC2-55 zoning height limit, and then the existing NC2-40 height  
20 limit. And as you look along the streetscape, you see that our  
21 building actually references both of those lines. It fills in the  
22 larger future zoning, but it also takes as the datum the height of  
23 existing buildings in the way that the materials are articulated.

24 And then you can also see the size of these building blocks  
25 I'm talking about and how they reflect the three pieces of the

1 facade. On the top image of our building reflects the size of the  
2 church, the modularity of the residential building farther south,  
3 as well as some of the buildings to the north.

4 And then if you turn the corner and look north from 70<sup>th</sup> at our  
5 building, you can really see a number of things here. One, that  
6 breakdown in scale, so it's similar in scale to all the other  
7 buildings along 70<sup>th</sup>.

8 Two, you can see what Shannon referred to as the sense that  
9 this is the top of a ridge. And it's not the top of a ridge in the  
10 sense that, you know, it looks higher than everything. It's more  
11 in the sense that you aren't really blocking anybody's view. You  
12 know, from each side of Greenwood, buildings that are built along  
13 Greenwood can pick up the view to the east or the west without  
14 blocking an essential view that happens so often on Seattle  
15 hillside neighborhoods.

16 There's one other item I want to mention here, and that's that  
17 this is really the right scale, especially for Greenwood. You  
18 know, in urban design we always look at the shape, the proportions  
19 of a streetscape, what makes them feel comfortable, what makes  
20 people slow down and look at the walls of that streetscape. And I  
21 think with an 80' streetscape, this potential future zoning is just  
22 the right thing to do to make that streetscape feel good.

23 HEARING EXAMINER: Mr. Johnston, can I ask you to pause  
24 for a moment? I'm realizing as I've heard your testimony that I

25



1 need to disclose there was a point in time where we were on the  
2 board for Futurewise together. You had --

3 MR. JOHNSTON: Oh, I thought you looked familiar.

4 HEARING EXAMINER: -- missed a lot of meetings, so --

5 MR. JOHNSTON: Yeah, I did.

6 HEARING EXAMINER: We did talk on the phone once, but that  
7 was approximately three or four years ago.

8 MR. JOHNSTON: Yeah.

9 HEARING EXAMINER: So I'm disclosing that for the record.

10 MR. JOHNSTON: Yeah. Well thank you.

11 HEARING EXAMINER: Sorry I didn't catch that earlier.

12 MR. JOHNSTON: Yeah.

13 HEARING EXAMINER: Please proceed.

14 MR. JOHNSTON: Thanks for remembering that. So on page 29  
15 you can see the early design guidance approved 65' proposal and its  
16 rough massing. And then you can see what we have -- on the same  
17 scale -- what we have arrived at in the end. In the top right  
18 image looking north from 70<sup>th</sup> you can see the notch in the middle  
19 dividing it into a three-part facade. You can see on the left part  
20 the erosion of the base for the driveway and accommodation of that  
21 sense of the presence of the single family lot next to it. And you  
22 can also see the setback at the top, and the similar setback in the  
23 middle, and on the west side.

24 I will point out that this setback in the middle is  
25 actually -- what you're seeing there in the distance is the north

1 end of the courtyard. So the front facade has, at its street  
2 setback on the west side, goes up to the fourth floor; same in the  
3 middle. And then while it goes up to the fifth floor on the east  
4 side, that top is articulated and setback a little ways from the  
5 street setback.

6 And then the image below it, similarly on the east side you  
7 see the retail spaces below the eroded corner on the right where  
8 the driveway is, three stories above that of apartments. And then  
9 that top story is mostly setback, except for one little piece  
10 closer to the south end. So at the property line, that facade is  
11 mostly those bottom four floors of the two brick colored blocks.  
12 The rest of all of that is set back.

13 And that accomplishes a couple things I'll talk a little bit  
14 more about. One of the things that occurred to us as we were  
15 exploring this on page 30 is that jog in 70<sup>th</sup>. And I think one of  
16 the things that creates a place in community is some kind of event  
17 that responds to the urban fabric. And our exploration of building  
18 blocks yielded this piece on the southeast corner that really is  
19 also a response to the jog on 70<sup>th</sup>. So as you're coming up 70<sup>th</sup>,  
20 this building will have a nicely scaled presence that will be part  
21 of your experience. And I wouldn't be surprised if it became kind  
22 of a wayfinder for people. You know, just jog around the Shared  
23 Roof building at 70<sup>th</sup> and Greenwood there.

24 The plan on the left also shows some of these setbacks. The  
25 light green is the mid-block recess; the pale salmon color are the

1 fourth floor setbacks; and then the orange is the rest of the  
2 building.

3 So if we move on and look a little more closely at the view  
4 from the single family site in the southwest --

5 MS. CLAWSON: On page 31.

6 MR. JOHNSTON: Page 31, you can see at the top the eroded  
7 corner down below, the four story block that is faced in brick that  
8 is retail at the base, and then apartments above. And then mostly,  
9 about 85% setback, I believe it's around 4', top floor and the  
10 setback of the notch partway down the block that breaks this facade  
11 down into a nice scale for the adjacent single family neighborhood.

12 You can also see the scale dropoff. And in the bottom  
13 drawing, the way that top floor sets back, and its roof above  
14 actually, their review corridor and their line of sight really is  
15 following the scale of the neighborhood and the decline in scope of  
16 buildings as you go farther west. And then this again shows that  
17 nice proportion with the 55' zoning that Greenwood develops as a  
18 streetscape.

19 The next sheet is 32. And working back over to the southeast,  
20 the image we spoke about a moment ago. And then looking at the  
21 diagram down below you can see that 40' datum and the top floor  
22 with the changed material, the mid-block break, the entry to the  
23 courtyard, and the proportions and footprint as they relate to  
24 other buildings along Greenwood.

25

1           Page 33 shows those in perspective. And you can see that 40'  
2 height and 55 above it. And these diagrams on the left I should  
3 say is where we started with the early design guidance, and then  
4 the right is where we have ended with reducing the overall height  
5 of the building, and then modulating it, setting it back, adjusting  
6 materials to provide a nice scale for pedestrians as well as people  
7 driving in the neighborhood.

8           And then those images rendered on page 34. And the top one is  
9 looking down Greenwood from the north. And I think it's important  
10 to bear in mind that these buildings I think over time will fill  
11 out to -- looks like the 55' height limit so that that north facade  
12 of our building will be occluded by future construction. The south  
13 facade will probably stay in place and not be occluded 'cause of  
14 70<sup>th</sup>, and has very nice a rhythm and relationship with the church.  
15 And if I'd zoom out farther you'd see the four story building a  
16 little bit south of the church.

17           The north facade and setback on page 36 -- you can see in the  
18 upper left hand corner there is -- whoops, did I miss one? Sorry  
19 I --

20                   MR. LOEW: Missed one, yeah.

21                   MR. JOHNSTON: I did, yeah. 35 first. This is a planned  
22 diagram from the roof on the left, and then sections that show  
23 other measure we're taking to mitigate these into the single family  
24 areas. In plan you see the property line jogging around on the  
25 upper left side, and how the building sets back. There is one

1 piece of the building that goes close to the property line on the  
2 north, and that is on the east end of the building. But the rest  
3 of it is set back at the stair and the facade of the building.

4 And then further setback with the gray colors. In terms of  
5 ability to approach the edge of the building, there's planting in  
6 there to keep people from moving too close.

7 Another technique we used in these areas that are set back  
8 from the property line, there are trellises that will block the  
9 view. And then in the section diagrams you can see the farthest  
10 south, around the middle of the building, is one of the notches and  
11 the trellis which prevents people on the roof from really looking  
12 down into the single family property on the east side on the  
13 corner.

14 And then in the next image, a little bit farther north along  
15 that same facade, but outside of the notch, you see the same affect  
16 happening and reducing the impact of especially roof turfs  
17 engagement towards the single family.

18 And then if we go around to the north facade, you see the top  
19 setback. So it's essentially against that zero lot line setback to  
20 the adjacent property, there's a four story building, and then a  
21 setback -- that is not occupied to the top floor of our building.  
22 And once again, plantings on the roof so that one can't really move  
23 that close.

24 They're a little sticky, yeah. The next image, 36, or page  
25 36, shows the plan image in the upper left. Just below it, the

1 diagram you've seen earlier of the building site. And I do want to  
2 note that two properties north we have a four story building, and  
3 then kitty-corner a little ways north, across the street, another  
4 four story building. And the house is sandwiched in between there.  
5 So I think over time it's probably a piece of property that will  
6 develop and start to match the massing and zoning that's intended  
7 for the neighborhood.

8         The images on the right show these setbacks. The upper one is  
9 the north facade units, with its materials. You can see the  
10 shuttle lines. In the middle, that's the stair, which is setback  
11 from the property line. To the left, that block with the lines  
12 going down is within a foot or so of the property line. And then  
13 on the left, which is the east. And then on the west, which is the  
14 right, this portion is set back at the top, and a little bit  
15 farther on the lower floors. Windows are organized in such a way  
16 that they won't look into the occupied spaces of the house to the  
17 north.

18         And then the last image, page 37, is just reiterating the  
19 architectural concept that we have a base that is dedicated really  
20 to community, to retail spaces. There is some community space in  
21 there, and also the courtyard, which we're real excited about the  
22 size and scale of that and how it will feel. I think it will be  
23 occupied by a variety of people at a variety of times of the year.  
24 And that the micro-retail and the other retail spaces along there  
25 will populate it and contribute to the sense of community at large,

1 as well as those who are in the building. I think that's about all  
2 I have to say, unless you have any questions.

3 HEARING EXAMINER: I have a few questions, and I'm just  
4 going to wait until after the Department's gone --

5 MR. JOHNSTON: Okay.

6 MS. CLAWSON: Oh.

7 HEARING EXAMINER: -- and I'll address them then.

8 MS. CLAWSON: Great. This is Ms. Clawson. I was just  
9 going to finish up our portion of the presentation by directing the  
10 Examiner to Exhibit 31. If you want to grab it, we can walk  
11 through it together. It's our updated contract rezone application,  
12 once we reduced the height of the building from 65' to 55'. Sorry,  
13 all right. I actually found binders that would fit --

14 HEARING EXAMINER: Everything would fit.

15 MS. CLAWSON: -- all of these things, but they area little  
16 bit cumbersome. I'm sure they make binders in all sizes.

17 HEARING EXAMINER: Okay.

18 MS. CLAWSON: Okay. So I'm going to do this very quickly,  
19 just because I don't want to belabor the point, and it would be  
20 great to get this done potentially by lunch time. So I'm going to  
21 start on page 7.

22 So the application we submitted, a contract rezone application  
23 to the Department initially, and then revised it for our 55'  
24 designation. So this application addresses the 55(M) height  
25 building. So on page 7 we talk about, you know, the general

1 criteria about 23.34.004 and contract rezones. Again, we're not  
2 asking for any waivers of anything, so that's good to note for the  
3 record.

4 Page 8 goes into the actual rezone evaluation in .34.007 and  
5 .34.008. And I think one of the members of the public noted in  
6 .007 B. -- I always like to remind everybody that no provision of  
7 the rezone criteria establishes a particular requirement or sole  
8 criterion that is of more importance than the other, and that all  
9 of these factors are balanced. So when we are looking at this and  
10 seeing if we met this criteria, that's also what we did.

11 So in .008, the general rezone criteria, A. 1 and 2 talk about  
12 the growth targets for urban centers and urban villages. And we  
13 note, and we've noted throughout the record, that this is within  
14 the Greenwood/Phinney Ridge Residential Urban Village. And we note  
15 in our response on page 8 what the density targets for that  
16 residential urban village is. And obviously the rezone helps get  
17 toward the zoned capacity. So we would say that we're compliant  
18 with that criterion.

19 And then for .008 B., whether -- the match between zone  
20 criteria and area characteristics. Again, we are not changing our  
21 zone designation. We will continue with the NC2 designation, but  
22 we are changing the height. So then we'll go into that analysis  
23 below.

24 .008 C. on page 9, the zoning history and precedential effect.  
25 There was some public testimony to this effect earlier. That



1 criterion states previous and potential zoning changes both in and  
2 around the area proposed for rezone shall be examined. So we've  
3 noted the previous zoning changes which obviously it hasn't been  
4 changed from a 40' -- I guess in 1950 there was a 60' height limit,  
5 and then it was down zoned in '88 to NC with a height limit of 40.

6 Members of the public stated that it would be inappropriate to  
7 include any analysis on the proposed HALA MHA rezone. And I guess  
8 I would disagree with that statement. The MHA rezone has actually  
9 been transmitted to the Council, so it is a proposed zoning change,  
10 a potential zoning change for this property. And .008 C. does  
11 state that it is important for the recommendation to review that  
12 potential zoning change. So I just wanted to put that there.

13 .008 D. on page 10, there's also been a statement that the  
14 Greenwood/Phinney Neighborhood Plan does not include specific  
15 guidance for rezones. I think Ms. Wall testified to that effect.  
16 That's true. And if you look at the criterion in D., if a plan  
17 does not include specific guidance for a rezone, then just the  
18 typical policies of the Neighborhood Plan should be taken into  
19 account. And we have analyzed all of those, and you heard Mr. Loew  
20 referring to those. We have a line-by-line response to the  
21 Neighborhood Plan at the end of this application, which was very  
22 fun to type up, and is at page -- it starts at page 22 and it ends  
23 at page 33 of our application. So an exhaustive review of the  
24 applicable neighborhood plan guidelines. And we do feel that we're  
25 very consistent with this neighborhood plan.

1 HEARING EXAMINER: And when you say application, that's  
2 Exhibit 31?

3 MS. CLAWSON: Yes, Exhibit 31. Zoning principles, E. So  
4 this is all about the impact of more intensive zones on less  
5 intensive zones and a gradual transition between zoning categories.  
6 So again, we're not technically changing the zoning category  
7 because we're retaining the NC2 designation. But we did in this  
8 response outline the ways in which we have responded in a  
9 transition and height, bulk and scale via our setbacks. And I  
10 think there's been voluminous testimony about that. So on pages 10  
11 and 11 we walk through how we have done it in just a bullet point  
12 form.

13 Similarly with .008 E. 2 on page 11 discussing the physical  
14 buffers that may provide an effective separation. We have two of  
15 those physical buffers on our main frontages; 70<sup>th</sup> Street, a 50'  
16 right of way, and Greenwood Avenue, which is an 80' right of way.  
17 So we would consider those to be good physical buffers between the  
18 40 and 55 proposed zone.

19 E. 3, again establishing boundaries. Platted lot lines are a  
20 place that the code finds to be a good place for zone boundaries.  
21 We are maintaining those platted lot lines as zone boundaries. We  
22 are not rezoning anything out of single family.

23 Skipping down to 4. This is an urban village, so anything  
24 taller than 40' is appropriate in the urban village.

25

1           On page 12 the impact evaluation, we have -- and that's .008  
2 F. We have outlined how we have addressed these individual  
3 impacts. And then I wanted to direct the examiner to other  
4 Exhibits, and you don't have to get them, but just for your notes,  
5 as to where the evidence for this impact evaluation exists. So for  
6 the housing, we've discussed the participation in the MHA program,  
7 plus participation in the Multi-Family Tax Exemption program in our  
8 testimony. And that is outlined -- the MFTE is outlined in our  
9 testimony. And then the MHA correction letter is at Exhibit 15.  
10 So that asks us, you know, please state how you're complying with  
11 MHA, and we responded to that correction in that place.

12           So then public services. The impact, or I guess lack thereof  
13 to public services can be found at Exhibit 23, which is the  
14 Preliminary Assessment Report, the PAR. It outlines that we have  
15 water availability, sewer is adequate, and stormwater are adequate.  
16 And then we also -- at Exhibit 40 we've included our Utility Major  
17 Permit Plans for Seattle City Light. So that also outlines what it  
18 is that we're planning to do with Seattle City Light and how we can  
19 be adequately served with power.

20           In 4. C. on page 13, the impact analysis related to  
21 environmental factors. So this gets more into kind of the SEPA  
22 area of the analysis, although obviously the SEPA determination is  
23 final and there was no appeal. But I'll note for the record that  
24 our SEPA Checklist and the SEPA Checklist annotated by the planner  
25 are at Exhibits 2 and 3. And then we have various supporting

1 documents to that. So we have our Traffic and Parking Study, and  
2 various data at Exhibits 17 through 19. We have an Arborist Report  
3 on Exhibit 20, which we do not have exceptional trees on the site.

4 We have a Geotechnical Report at Exhibit 21. We have our  
5 Metro Transit route number 5 schedule update showing that we are in  
6 a frequent transit area at Exhibit 22. SEPA Greenhouse Gas  
7 Emissions Worksheet at Exhibit 29. The no further action letter  
8 which I referenced from the Department of Ecology related to the  
9 environmental clean-up at Exhibit 39. And then an updated Parking  
10 Study at Exhibit 41. So those all go to kind of the environmental  
11 issues.

12 We discussed pedestrian safety in 4. D on page 13. We have  
13 our 60% SIP Guidance meeting minutes. So we're at the 60% SIP --  
14 or we're at 90% SIP now, but we included our 60% SIP meeting  
15 minutes. And that outlines the pedestrian improvements that we are  
16 going to do as part of the project. That's at Exhibit 38, yeah,  
17 okay.

18 Skipping along to the things that are relevant, I think. So I  
19 think there's been discussion about the height and bulk of the  
20 building and whether or not it fits correctly in the setting of the  
21 neighborhood. There was public comment to that effect. So if we  
22 skip ahead to page 17 of the application, the height limits of the  
23 proposed rezone criteria, 23.34.009 C. 2. So this criterion talks  
24 about that permitted height limits shall be compatible with the  
25 predominate height and scale of existing development, particularly

1 where existing development is a good measure of the area's overall  
2 development potential.

3         So I would say that along -- we have Exhibits in the record  
4 that show how along the Greenwood Avenue corridor there are several  
5 40 or 44' apartment buildings related to the existing context just  
6 next door to our building. I guess I would say that the existing  
7 development in that location is not necessarily a good measure of  
8 the area's overall development potential. I think Mr. Johnston  
9 testified to this. The area's overall development potential at  
10 this time is really a four story apartment building, or a four  
11 story type of mixed use building. And the building just right next  
12 to us at the north is not necessarily that. It does have a four  
13 story tower to the rear that has no precedent in the neighborhood.  
14 So I don't know where that came from, but it's there. So there is  
15 four stories, but it's just different.

16         But I would point to Exhibit 31 -- is it Exhibit -- yeah --  
17 oh, sorry, not Exhibit 31. Exhibit 50, so our presentation, page  
18 29, that shows a really good graphic of how everything along the  
19 close-by corridor where the 40' zoning is, and then where the  
20 potential 55' zoning is.

21                 MR. LOEW: Page 28.

22                 MS. CLAWSON: I'm sorry?

23                 MR. LOEW: Page 28.

24                 MS. CLAWSON: Yeah, page 28 of Exhibit 50. Sorry if I  
25 didn't specifically state it.

1           And then going down to, I guess, .009 D. 2, again talking  
2 about the gradual transition in height and scale and level of  
3 activity. So we're remaining the same zone, NC2. I think we match  
4 the level of activity of the surrounding zones. But you know,  
5 given the addition of the single family parcels, and kind of  
6 putting the buffer on ourselves -- I think it's Exhibit 50, page  
7 36, does a good job of describing the transition, as does page 31.  
8 So again, showing the scale drop-off of how with the single family  
9 zones to the west, we really have a nice transition, given the  
10 buffer parcel that we have.

11           So I think that is actually all I have. I just wanted to walk  
12 you through and highlight some of the portions of our application  
13 that we feel could be helpful.

14           HEARING EXAMINER: Anything further from the Applicant?

15           MS. CLAWSON: No. I will say again, I know that you  
16 intend probably to ask questions. But we do have our Traffic and  
17 Parking Engineer, Ross Tilghman in the audience. That issue didn't  
18 come up in Greenwood/Phinney today, which is great. But if you  
19 have any questions about that, he's here.

20           HEARING EXAMINER: I don't have any specific questions on  
21 traffic at this time, transportation.

22           MS. CLAWSON: Good, thanks.

23           HEARING EXAMINER: Please state your name and spell it for  
24 the record.

25

1 MS. KING: My name is Lindsay King, L-I-N-D-S-A-Y, King,  
2 K-I-N-G.

3 HEARING EXAMINER: And Ms. King, do you swear or affirm  
4 that the testimony you're providing in today's hearing will be the  
5 truth?

6 MS. KING: I do.

7 HEARING EXAMINER: Thank you.

8 MS. KING: Good morning, almost afternoon.

9 MS. CLAWSON: Yeah.

10 MS. KING: My name is Lindsay King. I'm a Senior Land Use  
11 Planner at Seattle Department of Construction and Inspections, also  
12 known as SDCI. I'll be representing the Department today.

13 First let it be known that recommendation was not produced  
14 under my name. It was produced under Tami Garrett, but I have  
15 worked closely with Tami Garrett, and also I represented the  
16 project through both the EDG and the recommendation stages of this  
17 review. So I'm well versed on the site.

18 By this point in the presentation, many of the details have  
19 gone over not once, not twice, and I'll try to do it very quickly  
20 and succinctly. But I think I do need to do cover some points as  
21 it relates to the recommendation that SDCI made.

22 What I'd like to do is provide an overview of the project that  
23 we made our recommendation on; provide a very, very brief  
24 description of site context and location; summarize the design  
25 review process and the SEPA determination; and then finally just

1 summarize our recommendation as it relates to the rezone criteria.

2 So the SDCI completed a recommendation on Project Application  
3 Number 3023260 addressed as 7009 Greenwood Avenue North. The  
4 project proposal is to construct a five story building containing  
5 35 apartments, with ground level retail and below grade parking for  
6 26 vehicles. The summary of the rezone request is to rezone 12,185  
7 square feet of the NC2 portion only of the lot to an NC2-55(M).  
8 (M) is the mandatory housing affordability suffix. The single  
9 family portion of the lot is to remain as single family.

10 The project site that was submitted for review is L-shaped,  
11 and you've seen it. It's bound by Greenwood Avenue and North 70<sup>th</sup>  
12 Street. It is comprised of four separate parcels that total 20,800  
13 square feet.

14 The key here is that two of the parcels are zoned NC2 and  
15 total 12,185 square feet, and two are single family parcels, 8,615  
16 square feet. The neighborhood commercial parcels and one single  
17 family parcel are vacant, and there's one single family house to  
18 remain. Those parcels were combined together to become one site  
19 considered for development. All development standards were applied  
20 to the totality of that site, and not the individual parcels that  
21 exist within that site. So as it relates to some of the public  
22 comment related to setbacks and also uses that could be envisioned  
23 on the single family portion, it should be noted that the zoning  
24 review and compliance with standards is for the totality of the  
25 site. And any future development standards that would be applied



1 to the site is again, on the totality of the site, not the  
2 individual parcels. They cannot be separated for purposes of  
3 ownership, and it would be envisioned that as the development site  
4 has a PUDA recorded against it, it would be under all four parcels.

5 The site is relatively flat and located on top of the Phinney  
6 Ridge. Topography slopes down, as you've seen, as the zoning  
7 transitions to the single family to the west, and again to the  
8 east.

9 This project site is surrounded by NC zoning on the north and  
10 south, across the NC portion of the site, and single family to the  
11 west. The adjacent properties are the single family in the  
12 southwest corner and the single family in the four story detached  
13 structure to the north that Jessie mentioned. The institution is  
14 to the south, and commercial development to the east. As noted,  
15 the NC2 portion is located in the Greenwood/Phinney Residential  
16 Urban Village that played a major role in the rezone analysis.

17 Greenwood Avenue North is an arterial street, a frequent  
18 transit street, and a primary commercial corridor. Generally the  
19 area of development, as you've seen, is newer development at four  
20 stories, and older development at one and two stories.

21 There were multiple public comment periods that existed for  
22 this project. The project application was originally submitted,  
23 and then revised, as you've heard. One thing worth noting is that  
24 the 55' height zone did not exist in the code as this project  
25 started. So they had to request the rezone at a 65' height, 'cause

1 that's all that code allowed, and then self-limit to 55'. Since  
2 that point in time, the code does now provide for a 55' height  
3 zone, so they have revised the application to comply with that  
4 zoning height.

5 The most recent public comment period was from February 20<sup>th</sup> of  
6 this year to March 19<sup>th</sup>. We received multiple public comments in  
7 addition to the design review process. Those related to traffic,  
8 rezone criteria, parking, height, bulk and scale, and construction  
9 related impacts. All the comments through all the public comment  
10 periods were analyzed and considered as a part of this rezone  
11 recommendation.

12 As it relates to design review, the project is required to go  
13 through design review. We went to the Early Design Guidance  
14 meeting on August 15<sup>th</sup>. And as you know -- previously noted,  
15 there's two Exhibits, Exhibit 24 which is the guidance packet --  
16 Early Design Guidance packet, and Exhibit 27, which is the Early  
17 Design Guidance meeting notes.

18 The recommendation meeting was held on May 1, 2017. And that  
19 is provided for in Exhibit 25, which is the recommendation packet.  
20 And the minutes are provided in Exhibit 30.

21 The key item to note is that the Northwest Board focused  
22 attention and direction on the design with specific strategies to  
23 mitigate the height, bulk and scales Mr. Johnston's spoke to you.  
24 These -- the key relationships that were discussed was particularly  
25 the single family zone lots to the west. There was additional

1 setbacks required as conditions of approval as it relates to the  
2 height, bulk and scale design guidelines for design review.

3 There was a number of different things that were also  
4 discussed, such as the material strategies and the material  
5 transitions and how the open space would be treated in the single  
6 family zone. A summation of the public comments and the Board's  
7 recommendation and feedback is provided within our report.

8 The Northwest Board recommended approval of the project with  
9 conditions. And we had met with the Applicant subsequent to the  
10 meeting to work through the conditions so the plan set, that was  
11 provided in Exhibit 16, now responds to all design review  
12 conditions.

13 SDCI accepted the Design Review Board's recommendations and  
14 conditionally approved the proposed design and requested departures  
15 with conditions summarized at the end of the report. No appeal was  
16 provided for design review.

17 SEPA Analysis. SEPA was also required as it relates to the  
18 Washington Administrative Code and Seattle SEPA Ordinances.  
19 Initial disclosure of potential impacts from the project was made  
20 in the Environmental Checklist submitted by the Applicant dated  
21 July 21, 2017. Exhibit No. 2 of the Applicant's binder. The  
22 information in the Checklist, and pertinent public comments, and  
23 experience of lead agency with review of similar projects formed  
24 the basis of our analysis and decision.

25

1           We analyzed the Environmental Checklist and annotated it  
2 within Exhibit No. 3 presented by Jessie and team. We reviewed the  
3 project plans, including the site survey and any additional  
4 information in the file, along with public comments.

5           Concerning the short term impacts, SDCI focused analysis on  
6 greenhouse gas, construction impacts, environmental health,  
7 including contaminated soils, as well as mitigation. We concluded  
8 that the rezone would not have any significant adverse short term  
9 impacts on the environment.

10           Concerning long term impacts, SDCI focused again on greenhouse  
11 gas, height, bulk and scale, parking and transportation SEPA  
12 policies. Jessie noted there's multiple Exhibits that supports  
13 that analysis. Again, we concluded that there are no significant  
14 adverse impacts as a part of the rezone analysis.

15           In summary, the project was determined to not have any  
16 significant adverse impacts and we published our SEPA  
17 determination.

18                   HEARING EXAMINER: I'm seeing there's a request to speak  
19 up.

20                   MS. KING: Sorry.

21                   MS. CLAWSON: Uh oh.

22                   HEARING EXAMINER: We can't --

23                   MS. KING: Oh, no.

24                   HEARING EXAMINER: We can't always --

25                   MS. CLAWSON: Just put closer.

1 MS. KING: No, this doesn't amplify.

2 HEARING EXAMINER: It does a bit. There are speakers in  
3 the background.

4 MS. KING: Okay.

5 HEARING EXAMINER: But I don't think it helps much, so do  
6 your best. If you are having a hard time hearing, you might move  
7 forward as well. Ms. King cannot treat you as the audience  
8 essentially. She'll do the best she can, but if you want to hear  
9 better, I do suggest you move forward.

10 MS. KING: Sorry. My voice goes about this far, and I  
11 have a cold, so thank you for saying something. And I'll do my  
12 best. All right, where we left off.

13 We published our SEPA determination of non-significance on  
14 April 9, 2018, and as noted previously, it was not appealed.

15 So now I'm going to go through the rezone analysis. Our  
16 recommendation is a stand alone document. I'm not going to say  
17 anything new that isn't in the recommendation, but I do want to  
18 draw our recommendation to some of the graphics that were provided  
19 from the Applicant's presentation, or any Exhibits. The  
20 Department's not submitting any other Exhibits, except one, because  
21 of their exhaustive report. This is the record as it relates to  
22 the SDCI's electronic record.

23 The one thing I will say about that is it's my understanding  
24 that you didn't want public comments submitted as a separate  
25 Exhibit, so there are no public comments being submitted, short of

1 that on the website. If you would like those, I will have them by  
2 the end of the week for you.

3 HEARING EXAMINER: I'm sorry, you'll have to rephrase  
4 that.

5 MS. KING: Sorry, sorry.

6 HEARING EXAMINER: You got a direction that we did not  
7 want public comment?

8 MS. KING: The last rezoning hearing that was attended in  
9 this room, I spoke to the planner and they understood that we are  
10 not supposed to submit public comments as a physical record to give  
11 to you in the public hearing. No, okay.

12 HEARING EXAMINER: I'm not familiar with that.

13 MS. KING: Okay.

14 HEARING EXAMINER: Generally I would like to get public  
15 comments.

16 MS. KING: Okay. Well of course.

17 HEARING EXAMINER: Maybe I'm missing something in how  
18 you're describing it.

19 MS. KING: Okay. No, I think you've made it clear that  
20 you want public comment.

21 HEARING EXAMINER: Okay.

22 MS. KING: Would you like them electronically or in paper  
23 form? And is by the end of the week sufficient?

24 HEARING EXAMINER: Yes, and the record's being left open,  
25 so --

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MS. KING: Yeah.

HEARING EXAMINER: -- you could certainly submit them during that time, and electronic would be fine.

MS. KING: Okay, thank you.

HEARING EXAMINER: Actually, no, we have to take the hard copy so that --

MS. KING: You do.

HEARING EXAMINER: -- we have the whole record stays together for purposes of appeal.

MS. KING: Okay. Thank you very much. And I apologize for any miscommunication. And it will be reconciled. Thank you.

All right. Rezone discussion. So I'm going to power through this. Per SMC 23.34, City Council is allowed to approve a map amendment per the procedures of 23.76. The Applicant has made an application, submitted it as Exhibit 4 and 31, with supporting documentation per SMC 23.76.040 D. for an amendment to the official land use map.

The rezone application and Departmental recommendation are based on four code sections: 23.34.004, titled Contract Rezones; 23.34.007, titled Rezone Evaluation; 23.34.008, titled General Rezone Criteria; and 23.34.009, titled Height Limits of Proposed Rezone.

SDCI has reviewed the proposal against the criteria of 23.34.004. This proposal is subject to the requirements of 23.58 B. and C., the Mandatory Housing Affordability for Commercial and

1 Residential Development. Furthermore, an MHA suffix of (M) will be  
2 added to the zoning designation; NC2-55(M).

3 Section 23.34 affords that this should be added to the PUDA,  
4 which we've provided as a condition of approval, or recommended as  
5 a condition of approval.

6 SDCI reviewed the proposal against the criteria found in  
7 23.34.007, and per the analysis stated in the Director's Report,  
8 concluded that it met the requirements in these sections.

9 Now section 23.34.008 and .009 have multiple pieces that have  
10 been talked about at length today. And I'll draw attention to a  
11 few pertinent points.

12 As it relates to subsection A. of 23.008, the change to the  
13 NC2 zone height is consistent with the density anticipated in and  
14 around the residential urban village, as contemplated by the  
15 Seattle Comprehensive Plan, and is consistent with adopted portions  
16 of the Greenwood/Phinney Ridge Neighborhood Plan.

17 There are no changes proposed to the single family zone, and  
18 there is no change to the underlying zoning designation of NC2.  
19 And so therefore, it meets the criteria of subsection B. as well.

20 Jessie commented at length that SMC 23.34.008 requires the  
21 Department to look at any previous and future upzones. As noted,  
22 the City is proposing an area-wide upzone to implement MHA. The  
23 proposed rezone as submitted under this project number is  
24 consistent with the Citywide rezone proposal, as demonstrated on  
25 page 7 of the Applicant's presentation.



1           There are no specific neighborhood policies to guide rezones  
2 within the Greenwood/Phinney Ridge neighborhood. And therefore,  
3 they meet the criteria of subsection D. as well.

4           Okay. I'm going to jump to E. I had to do a lot of things  
5 there. Transitions. The code requires that the impact of more  
6 intensive zones and less intensive zones shall be minimized by the  
7 use of transitions or buffer. A gradual transition between zoning  
8 categories and height limits is preferred. This is where I'll  
9 submit the map that was provided within SDCI's recommendation, but  
10 a larger version of it.

11                       HEARING EXAMINER: Be marked and entered as Exhibit 52.

12                                       Department's Exhibit No. 52 is  
13                                       admitted into evidence.

14           MS. KING: Thank you. The existing pattern of NC in  
15 single family zoning will continue to exist. The property is shown  
16 very -- at the bottom of the page with the dot. So you'll see the  
17 cross streets of Greenwood and -- it's not very visible, but North  
18 West 70<sup>th</sup> -- North 70<sup>th</sup> Street as well.

19           The rezone proposal is to change the existing height from 45  
20 to 55'. The predominate zoning pattern is the 40' height adjacent  
21 to the single family zone for the majority of the Greenwood  
22 corridor. There are no examples of a 40' height located next to a  
23 55' height. There are examples of a 40' next to a 65', and  
24 examples of 40 and 65' adjacent to low rise and single family zone  
25 in proximity. You'll see where that is evident at North 85<sup>th</sup>

1 Street, where the zoning provides changes from 40 to single family  
2 and 65 to 40 in single family as well.

3 In some instances those transitions include right of way,  
4 streets and alleys. In other instances those transitions occur on  
5 a shared property, as is in this case on this property.

6 The proposed rezone will result in zoning transitions that  
7 currently exist in the vicinity of the project site. The proposed  
8 rezone from 40' to 55' will allow for gradual transitions between  
9 the property zone, NC2-40 to the north, east and west -- no,  
10 sorry -- north, south and east. So there is going to be a 15'  
11 approximate height difference between the existing zoning allowance  
12 and the proposed. A gradual transition between zoning categories  
13 would not occur between the NC portion and the site of the single  
14 family zone to the west. But we can talk about the use of buffers  
15 next.

16 So once you get through the use of transitions, the code  
17 provides buffers. Physical buffers can provide an effective  
18 separation between different uses and intensities of developments.  
19 The code provides examples for those buffers, including topography,  
20 right of way, and open space.

21 So we look to each of the shared property lines to find out  
22 what buffers may exist. The proposed rezone -- and I guess what I  
23 would like to do is go to page 14 of the Applicant's presentation,  
24 it's a graph. Okay. The proposed rezone will result in a zone  
25 edge condition of the NC2-55 adjacent to NC2-40 for properties to

1 the north, east and south. And 55' to single family zone to the  
2 west. To the east, the existing commercial buildings are built at  
3 one and two story. However Greenwood Avenue North, a principle  
4 arterial street, provides an 80' arterial right of way, which is  
5 considered a buffer. To the south, while zone NC2 institutional  
6 use, occupies the site, the 50' right of way provides a buffer to  
7 the south. To the north, as noted previously, is the two story  
8 single family house and the four story detached structure. No  
9 physical buffer exists to the north, but it does occur on a platted  
10 lot line. To the west, and this is what we discussed at length,  
11 the site will be incorporating two single family parcels, with one  
12 single family house. The vacant parcel will remain vacant,  
13 effectively functioning as a landscaped open space as part of this  
14 proposal. Because it's a landscaped open space, effectively a 55'  
15 buffer exists between the zoning designation and the shared  
16 property line with the neighboring property to the west, address of  
17 202 North 70<sup>th</sup> Street.

18 The key here is that any future development on any portion of  
19 the blue site is limited at this point to one single family, and  
20 one ADU. They cannot build another single family house under  
21 current code on that site.

22 The rezone maintains an existing pattern of commercially zoned  
23 properties fronting one another along Greenwood Avenue North,  
24 consistent with the code. And the proposed rezone includes  
25 specific strategies, as discussed through the design review

1 process, to mitigate the impacts of height, bulk and scale, and to  
2 provide some coherent cohesion with the adjacent properties and  
3 scale of development.

4 The Applicant did a very thorough presentation of what their  
5 strategies are, but the key strategies mainly included upper level  
6 setbacks and material transitions of the upper part of the  
7 property -- of the building.

8 So in summary, the existing single family commercial rezoning  
9 pattern will continue to exist. There are no examples of 40 to 55'  
10 height zoning, or single family to 55' height zoning transition.  
11 But there are examples of 40 to 65, and single family to 40 and 65.  
12 There is some effective separation from the right of way and open  
13 space, but there is no buffer along the north lot line. The  
14 project does include design strategies to mitigate the height, bulk  
15 and scale.

16 Jessie went through the impact analysis of 23.34.008 and  
17 submitted all the Exhibits that we used to make that analysis. But  
18 we will make a couple comments.

19 The proposed rezone will allow development of a mixed two  
20 structure that will positively contribute to the supply of housing  
21 with the City. The building will result in minor shadow impacts to  
22 the surrounding properties, as represented on page 19 of the  
23 Applicant's presentation. And the proposal will not block any  
24 additional views, but will -- that would be allowed under current  
25 zoning. And that is evident on page 15 of the Applicant's

1 presentation. The 40' height would block all views from Greenwood  
2 Avenue; the 55' height does not change that.

3 Height; essentially 23.34.009. In an analysis of height the  
4 Director found that the project is within the Greenwood/Phinney  
5 Residential Urban Village. The rezone will allow increased density  
6 in the urban village, consistent with the Seattle Comprehensive  
7 Plan policies. The site is generally flat on the top of Phinney  
8 Ridge with no additional views blocked beyond what would be allowed  
9 under current height.

10 The proposed development would be compatible with the overall  
11 height and scale of nearby newer development, which is  
12 representative of the development potential. And Jessie pointed to  
13 page 28 of the Applicant's presentation.

14 The existing development on Greenwood Avenue is not  
15 representative of the zoning height capacity. The one and two  
16 story development is currently under-developed.

17 The additional height increase would result in a zoning change  
18 of NC2-40 to NC-55 would meet the criteria of 23.34.009, as  
19 discussed in the Director's recommendation.

20 In a summary, the code states that no single criterion shall  
21 be applied as an absolute requirement or test. SDCI's  
22 recommendation includes a thorough analysis of the applicable  
23 zoning criteria of 23.34. The recommendation and SEPA decision  
24 have been offered as Exhibits.

25

1           After weighing and balancing all of the provisions of 23.34,  
2 the Director recommends that the proposed rezone from NC2-40 to  
3 NC2-55(M) be conditionally approved, subject to the conditions  
4 summarized at the end of the report. Those two conditions are that  
5 the PUDA be updated, and that the property be subject to the  
6 Mandatory Affordable Housing provisions of 23.58 B. and 28.58 C.  
7 And the development shall be in substantial conformance with the  
8 approved plans for the Master Use Permit 3023260.

9           FEMALE VOICE: I can't hear.

10          FEMALE VOICE: We can't hear.

11          HEARING EXAMINER: Please take my invitation to move  
12 forward.

13          MS. KING: I'm -- I'm --

14          HEARING EXAMINER: And we're just about done. So please  
15 move forward.

16          MS. KING: I apologize.

17          MALE VOICE: That's okay.

18          HEARING EXAMINER: There is a recording of it. I can hear  
19 her.

20          MS. KING: And I --

21          HEARING EXAMINER: And if you don't want to move forward,  
22 I can't do much to help you.

23          MS. KING: I would say that I haven't offered any  
24 testimony that was not already in our recommendation. So if it is  
25

1 in writing in the recommendation, that is all that was voiced here  
2 today for the Hearing Examiner.

3 MALE VOICE: No problem.

4 HEARING EXAMINER: All right. I think that's all we can  
5 do to address that. Is there anything further from the City?

6 MS. KING: Not at this time, no.

7 HEARING EXAMINER: All right. I just have a few  
8 questions. Most of them have been answered by the Applicant, or  
9 the City, or through testimony from the public. So these are in no  
10 particular order, or indication of an issue. There's an indication  
11 in the plans of rooftop plantings along the -- I believe the north  
12 edge to enhance privacy for the homes on that side from the roof  
13 view. Is that correct?

14 MR. LOEW: Yes.

15 MR. JOHNSTON: Yes.

16 HEARING EXAMINER: And is that -- and reference Exhibit 16  
17 as the plans, but we haven't gone through those. Are those  
18 plantings part of that plan? So in other words, is that  
19 essentially a condition that's approved with the proposal?

20 MS. KING: They are in the plan site, yes.

21 MS. CLAWSON: And I would -- sorry, this is Ms. Clawson.  
22 In Exhibit 16 --

23 HEARING EXAMINER: Uh huh.

24 MS. CLAWSON: -- you go to sheet number L1.30, there is  
25 the Level Roof Landscape Plan.

1 HEARING EXAMINER: Did you say L1? They all look like J.

2 MS. CLAWSON: Oh, keep going. They're at the back.

3 HEARING EXAMINER: Okay.

4 MS. CLAWSON: Yeah, I had to flip back. About a little  
5 bit more than halfway.

6 HEARING EXAMINER: Number -- are you looking in the lower  
7 right?

8 MS. CLAWSON: Yes, lower right.

9 HEARING EXAMINER: Okay.

10 MS. CLAWSON: So there's L1 --

11 HEARING EXAMINER: Oh, I see it.

12 MS. CLAWSON: -- .30.

13 HEARING EXAMINER: L1, all right.

14 MS. CLAWSON: Yeah, Level Roof Landscape Plan. There's a  
15 black and white copy as the first L1.30. And then the second L1.30  
16 is a green copy, or a color copy. So that shows our roof plan.  
17 And then on -- if you go forward a couple more pages, on L5.01,  
18 that's Planting Plan with actual types of plants --

19 HEARING EXAMINER: All right.

20 MS. CLAWSON: -- on that.

21 HEARING EXAMINER: Thank you. We see some of these  
22 rezones coming toward us are clearly anticipating MHA being passed.  
23 Have any of these been contingent on MHA approval?

24 MS. KING: Not to date, no.

25



1 HEARING EXAMINER: Uh huh. And for the shadow analysis,  
2 is this more of a SEPA analysis or a zoning criteria for height  
3 impact analysis, or both?

4 MS. KING: Well it was offered as a part of the design  
5 review process, but there is the impact analysis of the rezone  
6 criteria within .00--

7 HEARING EXAMINER: And in the City's view of that, is that  
8 analysis taking more into account -- or does it take into account  
9 existing conditions as opposed to existing zoning?

10 MS. KING: For the rezone analysis we would be most  
11 interested in the delta of shadow between what would be allowed  
12 under current zoning, and what would be allowed under the proposed  
13 rezone. So an analysis would consider what would be allowed under  
14 a 40' height, or a 44' height, versus what we allowed under 55'  
15 height, and what the sliver of shadow difference is between the  
16 two.

17 HEARING EXAMINER: Okay.

18 MS. KING: Does that --

19 HEARING EXAMINER: Yeah.

20 MS. KING: -- answer --

21 HEARING EXAMINER: All right. I don't have any further  
22 questions about this. I do want to make sure I understand, at some  
23 DCI thought that we didn't want to get public comments in rezones?  
24 Was that --

25

1 MS. KING: No, the public comment should be a part of the  
2 record that --

3 HEARING EXAMINER: Right.

4 MS. KING: -- for some reason it did not need to be  
5 submitted as a paper hard copy in this meeting.

6 HEARING EXAMINER: Oh, I see.

7 MS. KING: Yeah. The public comment should always be a  
8 part --

9 HEARING EXAMINER: Right.

10 MS. KING: -- of the public record.

11 HEARING EXAMINER: Right. Yeah, and the record is hard  
12 copy.

13 MS. KING: Okay.

14 HEARING EXAMINER: So I think we'll have to continue that.  
15 I'm not sure where that came from.

16 MS. KING: Okay. Well thank you for the clarification.  
17 And I'm happy to do that.

18 HEARING EXAMINER: Not a bit. There's other Hearing  
19 Examiners in here too, so I just make sure we'll do that from now  
20 on. I don't have anything further. Anything further from the  
21 Applicant, or --

22 MS. CLAWSON: I did want to ask, if it would be helpful to  
23 the Examiner, we did not -- and sometimes we include a thumb drive,  
24 and I'm sorry, I forgot that this time, as including all of our  
25

1 Exhibits electronically. Would you like us to submit that, since  
2 the record is open until Friday? Would that be helpful?

3 HEARING EXAMINER: No.

4 MS. CLAWSON: Oh.

5 HEARING EXAMINER: No, I'll be looking at the hard  
6 copies --

7 MS. CLAWSON: Oh.

8 HEARING EXAMINER: -- since we've already got them here.

9 MS. CLAWSON: All right.

10 HEARING EXAMINER: Yeah, there's no -- that's not --

11 MS. CLAWSON: Okay.

12 HEARING EXAMINER: This is already here. There's no need  
13 for that.

14 MS. CLAWSON: Good, less work.

15 HEARING EXAMINER: Okay. The record will remain open for  
16 public comment through Friday, May 4 at 5:00 p.m. Again, there's  
17 no particular announcement of that. So those who are interested in  
18 seeing additional comments come in should disseminate that  
19 extension to the public. And otherwise, the hearing is ended for  
20 the day. Thank you.

21 MS. CLAWSON: Thank you.

22 MR. LOEW: Thank you.

23 MR. JOHNSTON: Thank you.

24 MS. CLAWSON: One minute before noon.

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CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

*Sheri K Escalante*  
Sheri K. Escalante, Transcriber

DATED: October 31, 2018