

January 25, 2016

Seattle City Council
Planning, Land Use and Zoning Committee
c/o Seattle City Clerk
600 Fourth Avenue, Third Floor
Seattle, WA 98104

RE: Clerk File # 314127, DPD Ref# 3016024
Barrientos LLC contract rezone, 2203-2209 Eastlake Avenue East

Dear Seattle City Councilmembers:

2016 JAN 25 AM 11: 00
CITY CLERK

This letter appeals the "Corrected Findings and Recommendation" of the Hearing Examiner, dated January 11, 2016, in the matter of a contract rezone application by Barrientos LLC for property located at 2203-2209 Eastlake Avenue East, and is timely filed 14 days later on January 25, 2016 (SMC 23.76.054.B).

Appellants have been assured by DPD that ALL submissions on the DPD website for Project #3016024 would be submitted to the Hearing Examiner as part of the record for the rezone. The Hearing Examiner indicated that all records of the design review appeal and rezone recommendation COMBINED hearings would be part of the record of the rezone, so we were prohibited from repeating in the rezone public hearing what was testified to in the design review appeal public hearing. All exhibits referred to or provided in this letter appeal are part of the rezone record as here described.

Barrientos LLC proposes to build a massive, mixed-use, five-story behemoth of a building on the corner of East Boston Street and Eastlake Avenue East (Attachment #1, red building). The project requires the combination of two lots and a zoning change to increase the building height from 30 feet to 40 feet, though the building will be much taller than 40 feet in some places. Well over 100 residents have stepped up to oppose this inappropriate, massive structure in their neighborhood, though the building is supported mainly by businesses that

seek to increase zoning all along Eastlake Avenue East. A neighborhood group, Mid-Eastlake Neighbors, has come forward to lead the opposition to this inappropriate development.

The objections that follow come from Mid-Eastlake Neighbors as a group and as individuals, who have previously provided written or oral comments to DPD and/or the Hearing Examiner (SMC 23.76.054.A). Appellants are listed at the end of this letter.

Specific Objections to Hearing Examiner Recommendations & Relief Sought (SMC 23.76.054.C)

Summary

Objections:

- (1) the City Council considered and REJECTED almost this exact rezone in its 1986 legislative zoning of Eastlake; it's inappropriate to use a quasi-judicial process to overturn a legislative process;
- (2) the developer's supporters and the Hearing Examiner are trying to use this contract rezone as a precedent to create rezoning up and down Eastlake Avenue East; it's inappropriate to use a quasi-judicial process to create an area-wide rezone, which is a legislative act;
- (3) the rezoning sought is claimed as necessary to meet Eastlake growth targets that have already been met and FAR EXCEEDED;
- (4) the most appropriate zoning is the current, City Council legislated, zoning that was an agreement between the neighborhood and the City Council based on broad public participation; a broad-based neighborhood petition shows neighbors still support the agreement;
- (5) this rezone has no substantial public benefit; there is no evidence that the affordable housing promised will be built;

(6) numerous errors of the Hearing Examiner call into question the accuracy of the Hearing Examiner's recommendation report.

Relief Sought:

The contract rezone should be denied and the project remanded to DPD to revise the proposed building to fit within the current zoning that was mutually agreed to by the City Council and the Eastlake Neighborhood.

SPECIFIC OBJECTIONS

Objection #1: The rezoning sought by Barrientos LLC was specifically rejected by the City Council acting in its legislative capacity based on neighborhood input.

In 1985, the Mayor recommended that the four corners of Eastlake Avenue East and East Boston Street be rezoned to NC2/40. That Mayor's request included the 2203-2209 Eastlake Avenue East properties that are the subject of the current developer's NC2/40 rezone application (Attachment #2).

The Eastlake Community Council opposed rezoning to NC2/40 claiming that an NC2/30 height limit would "result in structures of a more reasonable scale that will have less negative impact on the Eastlake Community in terms of parking, view blockage and streetscape, and will help to promote the types of neighborhood serving businesses desired for the community," and that would "help preserve and strengthen the residential neighborhood scale and character of Eastlake" (Attachments #3 & #4).

The Eastlake Community Council continues to oppose the rezone for similar reasons that the City Council accepted when the property was last zoned. Attachment #5 is the first

two pages of a letter the Eastlake Community Council submitted opposing this rezone, which also explains the history of zoning on this property.

The City Council considered the rezoning in the developer's application back when the property was last rezoned. The City Council specifically considered and rejected zoning the property for 40-foot tall buildings, instead zoning the property for 30-foot tall buildings. Since legislative intent based on a full, broad-based public process is to limit the height of the buildings at 2203-2209 Eastlake Avenue East to 30 feet, it's inappropriate to use a quasi-judicial process, which is limited to applying current law to specific situations, to overturn a legislative act. If the developer wants to overturn the legislative act that limited zoning to 30 feet, the developer must apply to the City Council as a legislative body for an area-wide rezone, which would involve broad, neighborhood involvement.

Objection #2: The rezoning sought by Barrientos LLC is an undisguised effort to accomplish an area wide rezone, a legislative act involving much more public involvement, by shortcutting the process with an inappropriate contract rezone.

In the 8/23/13 Pre-submittal Conference Application (Attachment #6), the developer indicates that the purpose of the application is to extend NC2-40 zoning throughout the "Eastlake corridor." On page 4 of 6, it reads, "Past Contract Rezone at 2234 Eastlake Ave E to NC2-40 (Vinemapple) sets precedence for the city to continue the NC2-40 zoning designation through the corridor." The notes show that during the pre-submittal conference the developer brought up this exact point about continuing the NC2-40 zoning throughout the corridor (Attachment #7).

Most of the letters in support of the project are from businesses. A number of those letters make clear that what's being proposed is increased zoning height not just for the 2203-

2209 parcels, but throughout the corridor. Here are a few of the letters specifically suggesting the project is rezoning the corridor:

A.L. Wahe of 2821 Eastlake Avenue E. writes: "Currently the Eastlake community has inconsistent zoning ranging from low-rise 2 zoning to NC3-65 zoning. The neighborhood is ripe for a complete up zone similar to those provided at South Lake Union, Broadway Avenue, Market Street in Ballard, University Way and several other major arterials in the University District and the likely proposed up-zoning in Uptown Queen Anne." (Attachment #8)

Ross Candoo of Candoo Associates writes: "As more properties like the one proposed develop in the Eastlake neighborhood are finding that 40 to 65 ft development standards help attract the development dollars and type of iconic projects that transform neighborhoods in a positive way. Eastlake simply has not kept up with the rest of Seattle." (Attachment #9)

And as Brian J. Bergman of 2810 Eastlake Avenue E. writes: "Eastlake is one of the only neighborhoods that I know in Seattle that does (sic) have uniform zoning codes. For instance, on Eastlake Ave E north of Fred Hutch, there are NC 30, NC 40, LR, IG, and C1 zones and many of these different zones are adjacent to one another along Eastlake Ave E. In my opinion, all of these properties from Eastlake Ave E to their alleys should be NC 40 zoning or higher," (Attachment #10).

At Conclusion #18 on page 9, the Hearing Examiner also indicated that she intended that "the proposal could serve as a precedent for requested rezones to redevelop the underdeveloped property located within the same block and on the northeast corner and possibly the southwest corner of the intersection of Eastlake Avenue East and East Boston Street." In other words, the Hearing Examiner interprets City Council approval of this rezoning application as an area-wide rezoning overturning the agreement between the neighborhood and

the City Council, without any corresponding public process that originally established the current zoning.

Though the developer and supporters have a right to seek higher density zoning through what they call the "Eastlake corridor," they don't have a right to use a quasi-judicial contract rezone to accomplish a legislative area-wide rezone. The area-wide rezone throughout some of the corridor was rejected in the earlier 1985/1986 zoning (Attachment 2). This attempt to use a quasi-judicial rezone as a sort of creeping area-wide rezone must be rejected.

Objection #3: The rezoning sought is portrayed as necessary to meet Eastlake's 2005-2024 growth targets, but Eastlake has already met more than double those targets and, if permitted projects are included, Eastlake has met more than triple those targets.

At Conclusion #5 on page 7 under "Effect on Zoned Capacity," the Hearing Examiner implies that this rezone is necessary to contribute to Eastlake meeting its necessary zoned capacity: "SMC 23.34.008.A requires that...the zoned capacity, taken as a whole, is to be no less than 125 percent of the applicable adopted growth target... The adopted growth target for the Eastlake Residential Urban Village is for 250 additional dwelling units between 2004 and 2024...The proposed rezone would increase both zoned capacity and zoned density."

What the Hearing Examiner neglects to report is that Eastlake already FAR EXCEEDS its growth capacity targets. As of January 2016, of the 250 additional dwelling units required from 2004 to 2024, Eastlake already has 555 units or 222% of Eastlake's 2024 target. If PERMITTED, but not yet built, units are included, Eastlake already has an additional 271 units, totaling 330% of Eastlake's 2024 growth target.

The Hearing Examiner's claim that the rezone "meets the requirements of SMC 23.34.008.A" is false because that requirement for Eastlake was met long ago and has been far exceeded and tripled without this proposed rezone.

We sent this information to the Hearing Examiner, but on recent examination of the Clerk File, we were unable to find the letter we sent.

Objection #4: The most appropriate zoning is the way the property is currently zoned at a maximum height of 30 feet.

The Hearing Examiner doesn't acknowledge that it was the City Council in negotiations with the Eastlake Neighborhood that determined that the lower intensity use was appropriate for the "four corners" intersection of Eastlake Avenue East and East Boston Street (Findings 7 & 8 on page 2), but does acknowledge that there are no city-initiated zoning changes proposed to change the City Council-Eastlake Neighborhood agreed to zoning for the project site and its surround (Finding 9 on page 3).

The Hearing Examiner doesn't appear to have read the public comment, but appears to have only read comments "summarized in the Director's Report" (Findings 24-25 on page 5). The Hearing Examiner doesn't acknowledge that the Eastlake Community Council opposes the rezone and that over 100 Eastlake neighbors have signed a petition opposing the rezone project.

The Hearing Examiner was unable to find any significant changed circumstances that affect the site (Conclusion 27 on page 11). As pointed out elsewhere in this appeal letter, the adopted 2024 growth targets for Eastlake have already been met and TRIPLED, so this rezone is unnecessary to meet adopted Eastlake growth targets mentioned by the Hearing Examiner.

SMC 23.34.009.C requires that the “height limits established in the current zoning in the area shall be given consideration,” and that “permitted height limits shall be compatible with the predominant height and scale of existing development...” Zoning immediately to the north and south of the project is limited to 30 feet. That the proposed project height is incompatible with surrounding development is obvious from the figure provided by the developer (Attachment #1).

Objection #5: There is NO substantial public benefit

The application and DPD’s recommendation report both indicate that affordable housing is NOT included in this project. Yet, the Hearing Examiner claims that there will be nine units of affordable housing (Finding 12 at page 3), indicating that is shown at Clerk’s File Exhibit R29.

Exhibit R29 is dated September 22, 2015, and indicates that the developer applied for and was granted a Multifamily Property Tax Exemption that includes affordable housing. However, this is a letter only. The letter indicates there would be an agreement to be signed by the owner and Director of Housing – this document is NOT part of the record.

Given that the application and DPD recommendation report, which ARE part of the record, indicate the project does NOT include affordable housing, there is really no evidence that affordable housing will be included in the project.

There appears to be no substantial public benefit. If there is a benefit of affordable housing, the developer should be required to commit to that benefit.

Objection #6: Numerous errors made by the Hearing Examiner

There are numerous errors in the Hearing Examiner’s “Corrected” Findings and Recommendation report:

(a) at Finding 4 on page 2, the Hearing Examiner claims that there is a “four-story multifamily structure across the alley to the west.” In fact, the structure across the alley to the west is ONLY A TWO-STORY STRUCTURE;

(b) at Finding 6 on page 2, the Hearing Examiner claims that “East Boston Street...is designated a collector arterial east of Eastlake Avenue East...” This is obviously false to anyone who has visited the project site as the Hearing Examiner claimed she was going to do. It’s true that well EAST of Interstate 5, East Boston Street has a more intensive use, but the project is WEST of Interstate 5 where East Boston Street is NOT a collector arterial;

(c) at Finding 13 on page 3, the Hearing Examiner claims, “The structure will be set back 75 feet from Eastlake Avenue East, 60 feet from East Boston Street, and 20 feet from the alley to the west...” The Hearing Examiner is confusing the setbacks with the widths of the Eastlake Avenue East, East Boston Street, rights of way (Finding 6 on page 2). The actual setbacks are considerably smaller than those described by the Hearing Examiner.

These Hearing Examiner errors, exaggerating the size of a surrounding building, exaggerating the intensity of East Boston Street, and exaggerating the setbacks, makes the proposed building appear much more compatible with its surroundings that it actually is. In fact, the massive, five-story building is incompatible with its surrounding (Attachment #1) as indicated by the over 100 people who either signed the petition objecting to the project and/or provided written comments and oral testimony.

RELIEF SOUGHT

The current zoning resulted from a negotiated agreement between the City Council and Eastlake neighbors, including representation by the Eastlake Community Council. The rezone proposed by the developer and recommended by the Hearing Examiner was specifically

REJECTED by the City Council. It's indisputable based on the record that the developer, business supporters, and the Hearing Examiner are trying to use this quasi-judicial contract rezone to accomplish a legislative area-wide rezone in violation of the SMC. A rezone is NOT needed to meet Eastlake housing unit targets because those targets have already been met and doubled, and then tripled. This project carries no substantial public benefit, and there are substantial errors in the Hearing Examiner's report that exaggerate the compatibility of the building with its surrounding and undermine the recommended approval of this project.

We respectfully request that this inappropriate rezone be REJECTED by the City Council and the project be remanded to DPD for modification to meet current zoning requirements.

Respectfully submitted for Mid-Eastlake Neighbors and the individuals listed below:



Sandra Wheeler

List of appellants as Mid-Eastlake Neighbors and as themselves individually:

Name	Mailing Address
Sandra Wheeler	201 East Boston Street, #2200, Seattle WA 98102
Charles Wheeler	201 East Boston Street, #2200, Seattle WA 98102
Sarah Armstrong	201 East Boston Street, #3100, Seattle WA 98102
Lydia Brennan	2228 Eastlake Avenue East, Apt 6, Seattle WA 98102
Scott Brennan	2228 Eastlake Avenue East, Apt 6, Seattle WA 98102
Raymond W. Baalman, Jr.	P.O. Box 2713, Pasco, WA 99302
Elizabeth Baxter-Baalman (owners 201 E Boston #3200)	P.O. Box 2713, Pasco, WA 99302
Karen Appelman	2226 Eastlake Avenue East, #304, Seattle WA 98102
Ira Appelman	2226 Eastlake Avenue East, #304, Seattle WA 98102
Kathy Jendrick	2020 Yale Avenue East, Seattle WA 98102
Michelle Solon	2020 Yale Avenue East, Seattle WA 98102
Dannette Sullivan	2348 Yale Avenue East, #302, Seattle, 98102
Chris Leman	117 East Louisa Street, #1, Seattle, 98102.

doubled and tripled. This project carries no substantial public benefit, and there are substantial errors in the Hearing Examiner's report that bear on the recommended approval of this project.

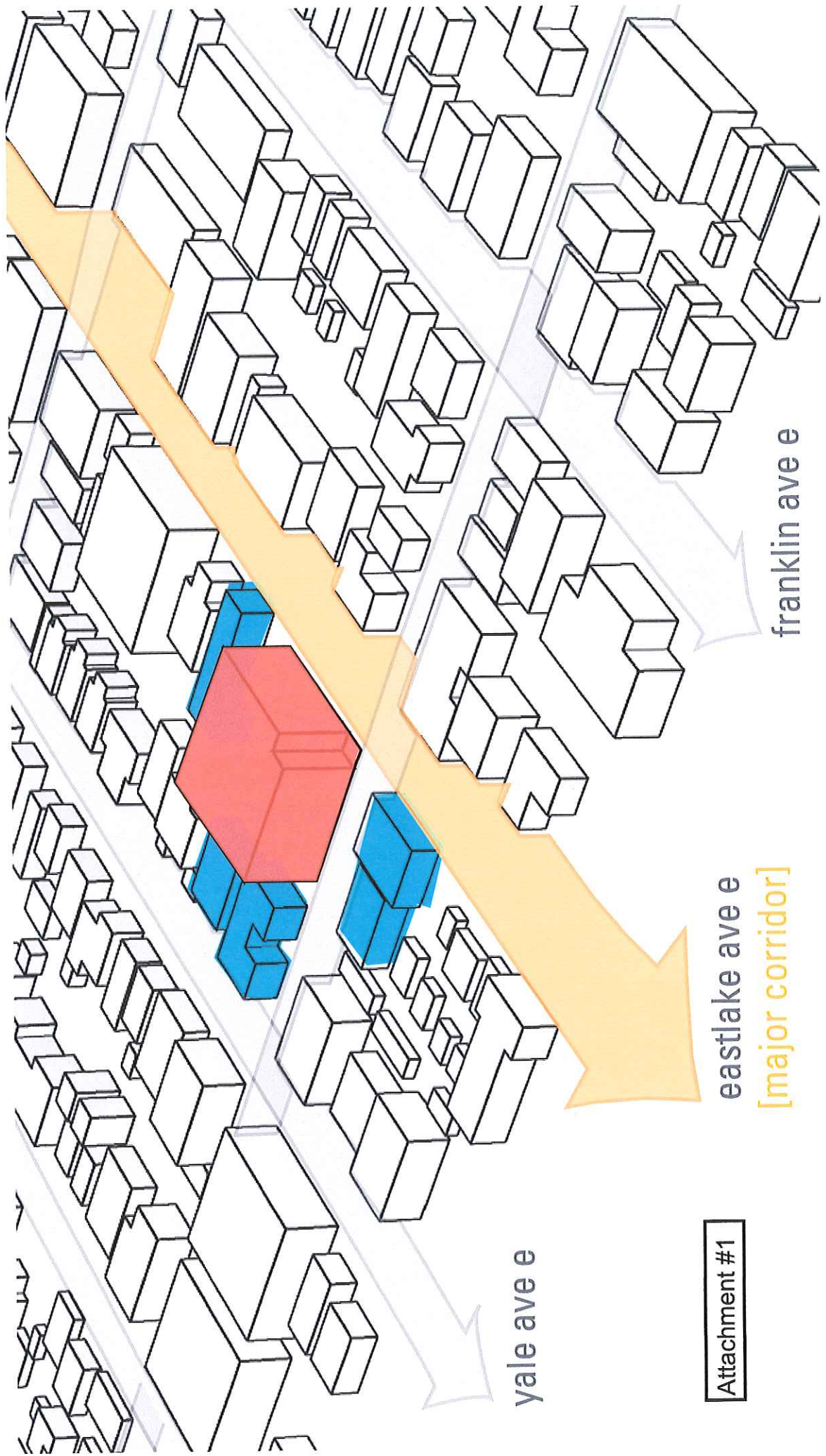
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Chris Leman	117 East Louisa Street, #1, Seattle, 98102. corrected address--2370 Yale Ave E Seattle 98102



Attachment #1

yale ave e

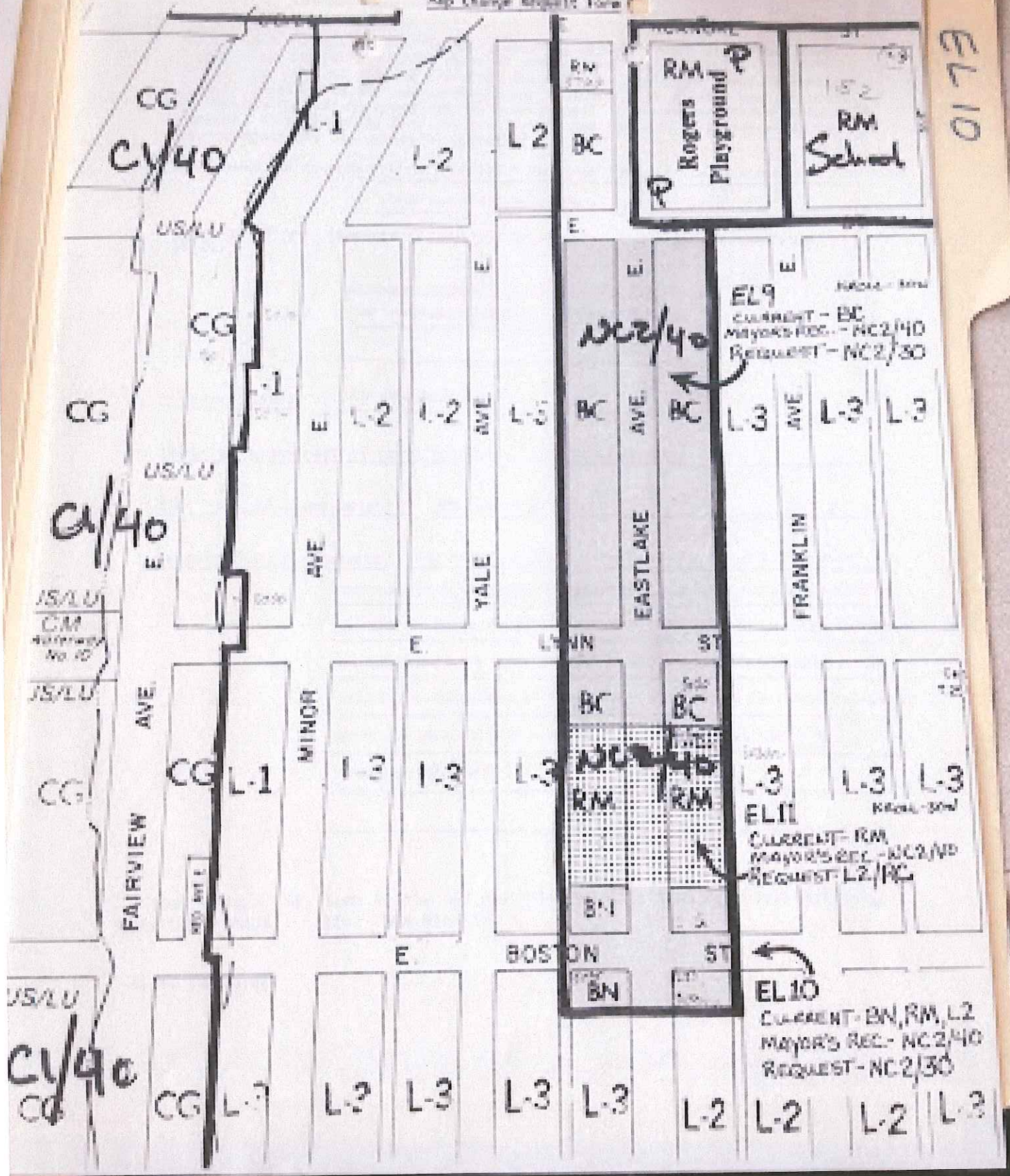
eastlake ave e
[major corridor]

franklin ave e

Attachment #2

NCA Mapping
 Rep. Change Request Form

EL10



May 31, 1985

Each corner of the intersection of East Boston Street and Eastlake Avenue East.

Current Zoning: RS, RM, L2
Mayor's Recommendation: NC2/40
Request: NC2/30

Staff Recommendation: NC2/40
Committee Recommendation:

2-1 (35, 40) NC2/40 + NC2/30 8-0
0-14-85

Existing Development:
Surrounding Area Development:

Commercial and multi-family
To the north commercial and multi-family,
to the south, east and west single and
multi-family
To the north RM(NC2/40) to the south and
west L-3, to the east L-2.

Surrounding Area Zoning:

General Area Description: Three out of the four corners have single purpose commercial uses. These include a dry cleaners, a business office and a deli/restaurant. The fourth corner is a duplex with a balloon business in it.

Reasons for Request: The Eastlake Community Council is opposed to recommendations for heights over 30 feet. They cite the following reasons: A height limit of 30 feet (potential 58 feet) will result in structures of a more reasonable scale that will have less negative impact on the Eastlake Community in terms of parking, view blockage and streetscape, and will help to promote the types of neighborhood serving businesses desired for the community.

Community Response: None.

Match With Height Locational Criteria: The height locational criteria include consideration of the scale of existing development and of surrounding development. A 40 foot height limit would be compatible with the predominant height and scale of existing development. The tallest development in the issue area is about three stories.

Staff Recommendation: Staff recommends NC2/40 for each corner of the intersection of East Boston Street and Eastlake Avenue East.

NCA Mapping

Map Change Request Form

6710

If you wish to request a different commercial zone or height limit than that recommended by the Mayor, and have not already done so, please fill out this form. Your request will be evaluated according to the Neighborhood Commercial Area Policies. You may supply additional information at a later date or speak at the public hearing scheduled for your region. It is not necessary to have complete information to turn in this form -- the location of the property and your request are the essential elements.

Your Name and Address: Carol Sychaner - Eastlake Community Council Land Use Committee
2348 Franklin Avenue East, Seattle 98102

Location of Area (address or physical description - no legal descriptions please)

Eastlake Community - generally along Eastlake
and Fairview avenues. See attached map.

Current Zoning: See attached map.

Mayor's recommendation (zone/height): see attached map.

Your request (zone/height): See attached map.

Reasons for your request: The attached map reflects zoning changes that are
consistent with adopted community plans and goals and policies
of the Eastlake neighborhood. We feel the changes are necessary
to help preserve and strengthen the residential neighborhood
scale and character of Eastlake. A complete discussion regarding
this request will be submitted to the Council staff by
February 28, 1985.

Please return this form to the Seattle City Council, 1100 Municipal Building, Seattle 98104 -- Attn: NCA Mapping.



117 E. Louisa St. #1
Seattle, WA 98102-3278

December 3, 2014

Director, Dept. of Planning and Development
701 Fifth Avenue, #2000
PO Box 34019
Seattle, WA 98124-4019

Public Resource Center
701 Fifth Avenue
PO Box 34019
Seattle, WA 98124-4019

**REASONS WHY CITY MUST REJECT THE PROPOSED REZONE FOR THE PROJECT
PROPOSED AT 2203 AND 2209 EASTLAKE AVENUE (MUP # 3016024)**

To the DPD director and others responsible for review and action on applications:

Our Nov. 30, 2014 letter stated the Eastlake Community Council's opposition to the proposed rezone for the project proposed at 2203 and 2209 Eastlake Avenue East (MUP #3016024). The present letter details the reasons why City officials must reject this proposed rezone, which is so far from meeting the legal standard for a rezone that we believe it should not have been requested. At its end the letter also details problems and remedies in how this proposal is being considered.

ECC's authority to comment. Founded in 1971, the Eastlake Community Council is the neighborhood association for Eastlake; its membership is open to anyone who lives, works, or owns property in the Eastlake neighborhood (defined as the area between the Ship Canal and Mercer Street, and between I-5 and Lake Union). During the exercise in remapping of Seattle's commercial areas which led to the 1986 adoption of the present NC1 and L-2 zoning for these lots, ECC filed the original submissions proposing the zoning classifications that the City Council eventually adopted and that now apply to the property (more about this process below).

Under a memorandum of agreement with the City, the Eastlake Community Council also administered the City-funded process by which neighborhood stakeholders, in collaboration with DPD and other departments, produced the 1998 Eastlake Neighborhood Plan. The executive branch report to the City Council regarding this Plan stated that it was unexcelled among neighborhood plans for the quality and extent of its outreach efforts. The Eastlake Neighborhood Plan process considered and rejected zoning all changes, including at 2203 and 2209 Eastlake Ave.

Original rationale of the City Council for the current NC and L2 zoning. The current zoning for the lots at 2203 and 2209 Eastlake Avenue was adopted in the citywide commercial areas mapping process of the mid-1980s. At that time the Mayor had proposed NC2 (40 foot height) for both lots (the very zone that the applicant again proposes), but instead the City Council unanimously adopted the current

NC1 (30 foot height) for 2203 Eastlake Avenue and L2 (30 foot height) for 2209 Eastlake Avenue and adjoining lots. The rezone application acknowledges (p. 9) that this zoning decision was not the result of a mapping error. The Land Use Code does not allow the City Council to grant a rezone without a large number of other criteria being met. The current zoning for these lots should be presumed valid, with a heavy burden of proof upon anyone who proposes a rezone. Zoning should be done through citywide or neighborhood wide planning processes such as produced this particular zoning in the first place. Following is a legislative history of how the current zoning came to be, and then the rest of this letter sets forth reasons why the application to change this zoning lacks merit.

Reasons for City Council adoption of the L2 zone for the lot at 2209 Eastlake Avenue. In agreeing with the ECC request for the L2 zone for the mid-block east and west sides of Eastlake Avenue E. between E. Lynn Street and E. Boston Street, the City Council acted on the basis of the May 31, 1985 NCA Mapping Staff Report, Map Issue EL 11. This report gave the following summary of ECC's reasons for the request (quoted here verbatim):

- to downzone strip commercial areas which have not been extremely developed in commercial use
- lack of edges or buffer between residential and commercial uses
- insufficient parking in commercial zone results in parking spillover in residential streets, particularly Franklin and Yale
- concentrates commercial activity at several nodes along arterial to help eliminate the "strip" character of Eastlake
- provides for a more suitable pedestrian environment

The staff report, which the City Council evidently followed in adopting the recommended zoning, had the following analysis and recommendation (quoted here verbatim):

To rezone from RM to L2/RC fits the following RC function statements: As a means to downzone small commercial areas which have not been extensively developed in commercial uses and where commercial services are available nearby. The area meets the criteria for physical factors favoring designations as RC, "lack of edges or buffer between residential and commercial uses and streets with adequate access and circulation." An RC designation would also break up the strip commercial areas on Eastlake. Staff recommends L2/RC for mid-block east and west of Eastlake Avenue E. between E. Lynn Street and E. Boston Street.

Reasons for City Council adoption of NC1 zoning for the lot at 2203 Eastlake Avenue. In a January 14, 1986 request (a letter to City Council land use committee chair Jim Street from ECC president Carol Eychaner and vice president Lynn Howell), ECC stated: "The four corners of Boston [are] the one area along Eastlake that legitimately qualifies for NC1 as it is characterized by very small scale, neighborhood serving businesses. The ECC believes that the scale of construction allowed by NC2 would destroy the character of this corner." The City Council evidently agreed with this reasoning, because it adopted NC1 zoning for the lots at this corner, despite the fact that the Mayor had recommended NC2.

Proposed rezone fails to meet Land Use Code requirements. Sections SMC 23.24.008 and 009 of the Land Use Code impose a high threshold for approval of a rezone, a threshold which this request does

PROJECT DESCRIPTION:

Please provide a brief description of the project (example: "To Build a 4-story mixed-use building with 20 residential units and ground floor commercial space") followed by a more detailed narrative on the scope of the proposal. List questions about your project that you would like answered. Attach additional sheets as needed.

Establish use for a 4 story, 40 unit, mixed use building with 1800 sf of commercial and below grade parking for 22 vehicles. The site is split zoned NC1P-30 on the south 60 feet and LR2-RC on the north 20 feet of the property. The proposed project would include an application for a contract rezone from NC1P-30 and LR2-RC to NC1-40 for the whole site.

1. Verify that live-work, not listed as a use in 23.47A.005 D.1, is limited to 20% of the street-facing, street-level facade on Eastlake. If the work portion of the live-work unit, between the sidewalk and the residential area of the unit, is designated as one of the uses listed in 23.47A.005 D.1 can live-work units occupy more than 20% of the facade on Eastlake?
2. Verify that E Boston is not required to meet the street-facing, street-level use and pedestrian requirements (23.47A.005) and development standards (23.47A.008) because it is not a principal street and a sloping site makes street-level commercial unlikely.
3. Verify that LR2 and LR3 zones qualify as residential zones that require a commercial setback per 23.47A.014.
4. Discuss the possibility and process for a contract rezone from split zone of NC1P-30/LR2-RC to NC1-40 (Remove P Designation). There is no P designation directly to the north, until you get to the next block which is a continuous overlay. This property/intersection is isolated from the other P designated properties. There are no properties designated as pedestrian south of here. Talking Points:
 - Predominance of NC2P-40 and NC3P-40 along the Eastlake Ave E corridor, especially the west side of Eastlake.
 - Past Contract Rezone at 2234 Eastlake Ave E to NC2-40 (Vinemable) sets precedence for the city to continue the NC2-40 zoning designation through the corridor.
 - The proposal is consistent with development in the area.

designated as one of the uses listed in 23.47A.005 D.1 can live-work units occupy more than 20% of the façade on Eastlake?"

Both live-work and residential units are limited to 20% of the street-facing, street-level façade on Eastlake per Sec. 23.47A.004 G and 23.47A.005 D.

2. "Verify that E Boston is not required to meet the street-facing, street-level use and pedestrian requirements (23.47A.005) and development standards (23.47A.008) because it is not a principal street and a sloping site makes street-level commercial unlikely."

Residential or live-work uses are not limited to 20% of the street-facing, street-level façade on E Boston because it is not a principal pedestrian street in a pedestrian designated zone. Development on Boston is required to meet street-level standards per 23.47A.008. Note how building floor levels should step down on Boston per Sec. 23.86.023

3. "Verify that LR2 RC and LR3 zones qualify as residential zones that require a commercial setback per 23.47A.014."

Yes, the 15 foot triangular setback at Eastlake per 23.47A.014 B.1 and the side and rear yard setbacks in 014 B.3.a and B.4 apply to this property. The RC commercial designation for the adjacent LR2 property does not remove the need for a setback from residential property.

4. "Discuss the possibility and process for a contract rezone from split zone of NC1P-30/LR2-RC to NC1-40 (Remove P Designation). There is no P designation directly to the north, until you get to the next block which is a continuous overlay. This property / intersection is isolated from the other P designated properties. There are no properties designated as pedestrian south of here. Talking points for the meeting: a) Predominance of NC2P-40 and NC3P-40 along the Eastlake Ave E corridor, especially the west side of Eastlake; b) Past Contract Rezone at 2234 Eastlake Ave E (Vinemaple property) to NC2-40 sets precedence for the city to continue the NC2-40 zoning designation through the corridor; c) The proposal is consistent with development in the area."
 - *Taking the pedestrian designation off during the rezone may be difficult for DPD to support. There was some staff feedback that the pedestrian designation on Eastlake should stay.*
 - *The 20% live-work / residential unit limit for street-facing, street-level uses could be increased as a design deviation through Design Review. Instead of removing the P designation from the zone, work through the issues using design departures. For the Design Review Board, it's important for the applicant to identify what the live-work unit would look like and it's relationship to the sidewalk on Eastlake.*
 - *Contact Tom Hauger, DPD Comprehensive Planning, regarding whether there is any long-range plan to up-zone the LR2 on Eastlake. Also verify there are no changes necessary to the Comprehensive Plan for this site in order to review a Rezone application.*
 - *Take advantage of the area's topography when looking at the impacts of increasing height from 30 to 40 feet. Buildings on the east side of Eastlake will have a height advantage over your site due to topography.*
 - *DPD is not put off by the proposal, but we're inclined to keep the pedestrian designation.*
 - *At the time of MUP submittal a thorough analysis of all rezone criteria in SMC 23 34 will be necessary.*

This concludes the meeting notes for the Pre-Submittal Conference.

Sincerely,

Neal Thompson
Roger H. Newell, AIA



January 20, 2015

Lindsay King
Department of Planning and Development
700 Fifth Avenue, Ste. 2000
P.O. Box 34019
Seattle, WA 98124-4019

Re: Rezone Support Letter for Project 3016024 – 2203 and 2209 Eastlake Avenue East.

Dear Ms. King,

I am writing in support of the proposed mixed-use 45-unit development on the corner of Boston Street and Eastlake Avenue at 2203 and 2209 Eastlake Avenue East – project #3016024. I also support the proposed rezone of the project to NC2P-40. The rezone is necessary to make this project a reality.

The University of Washington – the 3rd largest employer in the state of Washington and one of the largest recipients of health grants in the United States – sits at the N end of the Eastlake urban hub connecting South Lake Union, Fred Hutch, the biotech cluster and booming Amazon.

The Eastlake community connects two vital adjacent hubs and a natural candidate for further housing density and related retail services. The community is served by Metro Bus Routes 66 and 67 including electric overhead trolley providing essential transportation to support increased living density in the neighborhood.

This increased density also fits well as part of the City of Seattle's and goal of contributing to the comprehensive plan which is part to the Washington State Growth Management Act.

Currently the Eastlake community has inconsistent zoning ranging from low-rise 2 zoning to NC3- 65 zoning. The neighborhood is ripe for a complete up zone similar to those provided in South Lake Union, Broadway Avenue, Market Street in Ballard, University Way and several other major arterials in the University District and the likely proposed up-zoning in Uptown Queen Anne.

A rezoning of Eastlake Avenue E. will not change the charm, character and eclectic nature of the mostly single family, smaller, multi-plex and apartment inventory on Fairview, Minor, Yale, Franklin and Boylston Avenues and their East/West connecting side streets.

As a side note I live in the Eastlake neighborhood in a house boat, so I am not just making a pitch for a certain development that will not have some effect on my own life as to traffic and density, I am for apt. developers in the city but with one requirement and that is parking, they must have parking or no new project should happen.

THANK YOU.
Arthur L. Walsh
ARTHUR L. WALSH
2821 EASTLAKE AVE E #2
SEATTLE, WASH
98102

December, 17, 2014

Attachment #9

Lindsay King
Department of Planning and Development
700 Fifth Avenue, Ste. 2000
P.O. Box 34019
Seattle, WA 98124-4019

Re: Rezone Support Letter for Project 3016024 – 2203 and 2209 Eastlake Avenue East.

Dear Ms. King,

I am writing in support of the proposed mixed-use 45-unit development on the corner of Boston Street and Eastlake Avenue at 2203 and 2209 Eastlake Avenue East – project #3016024. I also support the proposed rezone of the project to NC1P-40. The rezone is necessary to make this project a reality and allow and will help the Eastlake Community achieve its vision and neighborhood plan.

Up until 18 months ago I conducted my commercial real estate business from an office in the Eastlake neighborhood. Currently I am working in the Greenlake neighborhood and was drawn here largely due to the walkability and convenient services that are provided in the new upscale mixed-use properties that had recently been built in the area.

As more properties like the one proposed develop in the Eastlake neighborhood it will become a more pedestrian friendly and commercially vibrant neighborhood. Many other neighborhoods are finding that 40 to 65 ft development standards help attract the development dollars and type of iconic projects that transform neighborhoods in a positive way. Eastlake simply has not kept up with the rest of Seattle.

John Links has already addressed neighborhood concerns through the Early Design Guidance process and has a long standing reputation in Seattle as a high quality developer who creates structures that stand the test of time.

In sum, the proposed development at 2203 and 2209 Eastlake Avenue East will benefit the neighborhood. The project is contingent on the pending contract rezone to an NC1P-40, and I strongly urge the City of Seattle to approve the rezone.

Sincerely,



Ross Candoo
206.818.4715

Brian J. Bergman
2810 Eastlake Ave E
Seattle WA 98102
206-799-7799

December 15, 2014

Ms. Lindsay King
Department of Planning and Development
700 Fifth Ave, Ste. 2000
Seattle, WA 98124

Re: Rezone Support Letter for Project 3016024
2203 & 2209 Eastlake Avenue East

Dear Ms. King,

I support the above-referenced proposed development. I have worked in the Eastlake neighborhood for the past 14 years and know it well. Eastlake is one of the only neighborhoods that I know of in Seattle that does have uniform zoning codes. For instance, on Eastlake Ave E north of Fred Hutch, there are NC 30, NC 40, LR, IG, and C1 zones and many of these different zones are adjacent to one another along Eastlake Ave E. In my opinion, all of these properties from Eastlake Ave E to their alleys should be NC 40 zoning or higher.

I know the developer John Links, both personally and professionally and can attest to the caliber of his developments; he not only builds aesthetically pleasing buildings, he creates cutting edge interiors that residents crave. The Eastlake Community should support this development.

Additionally, the Eastlake neighborhood needs more mixed use properties. Having more retail options would reduce the dependence on cars as Eastlake doesn't have the services residents deserve, especially compared to other nearby neighborhoods.

Sincerely,



Brian J. Bergman

