

ORDINANCE No. 116143

COUNCIL BILL No. 109087

The City

AN ORDINANCE relating to land use and zoning; accepting an amended property use and development agreement for Pacific Medical Center (formerly Seattle Public Health Hospital) to address an unintended omission and to revise ambiguous wording.

Honorable President:

Your Committee on Growth

to which was referred the within Co report that we have considered the

COMPTROLLER FILE No. _____

Introduced: APR 5 1992	By: STREET
Referred: APR 6 1992	To: Growth Policies & Regional Affairs
Referred:	To:
Referred:	To:
Reported: APR 13 1992	Second Reading: APR 13 1992
Third Reading: APR 13 1992	Signed: APR 13 1992
Presented to Mayor: APR 14 1992	Approved: APR 13 1992
Returned to City Clerk: APR 14 1992	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council on

land use, zoning

Seattle Public C

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Committee President:

Committee on

Growth Policies & Regional Affairs

was referred the within Council Bill No.

109087

that we have considered the same and respectfully recommend that the same:

Pass

3-0

all Council vote *8-0*

4/7/92

and use, zoning, Pacific Medical Center

Seattle Public Health Hospital, Ord. 114475



Committee Chair

ORDINANCE 116143

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4 AN ORDINANCE relating to land use and zoning; accepting an amended property use
5 and development agreement for Pacific Medical Center (formerly Seattle Public
6 Health Hospital) to address an unintended omission and to revise ambiguous wording.

7 WHEREAS, in October 1989, as part of a legislative process to adopt new major
8 institution policies and code, the City Council passed Ordinance 114745, rezoning the
9 Pacific Medical Center campus to Commercial 1 (C-1) and accepting a property use
10 and development agreement governing future development on the property; and

11 WHEREAS, the property use and development agreement accepted by Ordinance 114745
12 controls future development by restricting development on the green commons,
13 imposing setback and landscaping buffer requirements, and limiting traffic volume to
14 and from the site; and

15 WHEREAS, when the City Council passed Ordinance 114745, it concluded that these
16 controls were sufficient, and it decided against imposing floor area ratio (FAR)
17 restrictions in addition to these controls; and

18 WHEREAS, in January 1992, the City Council passed Ordinance 116055, imposing
19 additional controls upon the Pacific Medical Center site and buildings as a Landmark
20 designated by the Landmarks Preservation Board under SMC ch. 25.12, and adding
21 Pacific Medical Center to the Table of Historical Landmarks contained in SMC ch.
22 25.32; and

23 WHEREAS, SMC 23.47.012.B imposes floor area ratio (FAR) restrictions in Commercial
24 1 (C-1) zones with 85', 125', and 160' height limits; and

25 WHEREAS, the City Council's intent in passing Ordinance 114745 and accepting the
26 property use and development agreement was that no floor area ratio (FAR)
27 restrictions would apply on the Pacific Medical Center site; and

28 WHEREAS, SMC 23.32.004.B provides that an ordinance accepting a property use and
development agreement may waive bulk requirements; and

WHEREAS, the wording of the last sentence of Section 3 of the property use and
development agreement accepted by Ordinance 114745 is unclear, and might be
construed as in conflict with Section 1.C of the agreement which provides for limited
exceptions to the 160-foot height limit; and

WHEREAS, SMC 23.76.058.B.2 provides a process for the Council to consider and
approve amendments to a property use and development agreement that are within the
spirit and general purpose of the prior Council decision, including written notice to
interested citizens and an opportunity to comment; and

WHEREAS, the Council has followed the process specified in SMC 23.76.058.B.2 to
amend the property use and development agreement; NOW, THEREFORE,

1 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:
2

3 Section 1. The City Council, having carefully reviewed the contract rezone of the
4 Pacific Medical Center (formerly Seattle Public Health Hospital) site effected in Ordinance
5 114745 and the property use and development agreement accepted by the City, concludes
6 that the development controls imposed by the property use and development agreement are
7 sufficient to control future development. The Council further determines that waiving the
8 floor area ratio (FAR) restrictions of SMC 23.47.012.B is within the spirit and general
9 purpose of the prior decision and is necessary to achieve a better development than would
10 otherwise result on the site, and that a waiver will not be materially detrimental to the
11 public welfare or injurious to the site or property in the vicinity of the site.

12 Section 2. Based on the conclusions stated in Section 1, the City waives the floor
13 area ratio (FAR) restrictions imposed by SMC 23.47.012.B for the C-1 85', C-1 125',
14 and C-1 160' zones on the Pacific Medical Center site.

15 Section 3. To incorporate the waiver described above into the property use and
16 development agreement, and to clarify the intent of Section 3 of the agreement, the City
17 accepts the amended property use and development agreement submitted by the owners of
18 Pacific Medical Center, with a new Section 1.M and a revised Section 3, recorded in the
19 records of the Director of Records and Elections of King County and filed herein. The
20 City Clerk is hereby authorized and directed to file a copy of the amended property use
21 and development agreement in C.F. 296889, and to deliver copies to the Director of
22 Construction and Land Use and the Director of the Department of Neighborhoods.

23 Section 4. This Ordinance shall take effect and be in force thirty days from and after
24 its passage and approval, if approved by the Mayor; otherwise it shall take effect at the
25 time it shall become a law under the provisions of the city charter.
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1 PASSED by the City Council the 13th day of April, 1992, and
2 signed by me in open session in authentication of its passage this 13th day of
3 April, 1992.

4 Tom Thak
5 President of the City Council

6 Approved by me this 15th day of April, 1992.

7 Norman B. Pree
8 Mayor

9 Filed by me this 16th day of April, 1992.

10
11 ATTEST: Norward J. Brooks
12 City Comptroller and City Clerk

13 By: Margaret Carter
14 Deputy

15 (SEAL)

16 Published _____

ORDINANCE 116143

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WHEREAS, in October 1989, as part of a legislative process to adopt new major institution policies and code, the City Council passed Ordinance 114745, rezoning the Pacific Medical Center campus to Commercial 1 (C-1) and accepting a property use and development agreement governing future development on the property; and

WHEREAS, the property use and development agreement accepted by Ordinance 114745 controls future development by restricting development on the green commons, imposing setback and landscaping buffer requirements, and limiting traffic volume to and from the site; and

WHEREAS, when the City Council passed Ordinance 114745, it concluded that these controls were sufficient, and it decided against imposing floor area ratio (FAR) restrictions in addition to these controls; and

WHEREAS, in January 1992, the City Council passed Ordinance 116055, imposing additional controls upon the Pacific Medical Center site and buildings as a Landmark designated by the Landmarks Preservation Board under SMC ch. 25.12, and adding Pacific Medical Center to the Table of Historical Landmarks contained in SMC ch. 25.32; and

WHEREAS, SMC 23.47.012.B imposes floor area ratio (FAR) restrictions in Commercial 1 (C-1) zones with 85', 125', and 160' height limits; and

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WHEREAS, the Council has followed the process specified in SMC 23.76.058.B.2 to amend the property use and development agreement; NOW, THEREFORE

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FILED
CITY OF SEATTLE
JUN - 2 PM '92
CS 19.2

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4 Tom Park
5 President ~~Pr. o. Tem~~.... of the City Council

6 Approved by me this 15th day of April, 1992.

7 Norman B. Fies
8 Mayor

9 Filed by me this 16th day of April, 1992.

10 ATTEST: Norward J. Brooks
11 City Comptroller and City Clerk

12 By: Margaret Carter
13 Deputy

14 (SEAL)

15 Published _____

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21 STATE OF WASHINGTON)
22 COUNTY OF KING) SS
23 CITY OF SEATTLE)
24 I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle,
do hereby certify that the within and foregoing is a true and correct copy of
the original instrument as the same appears on file, and of record in this
department.

25 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal
of The City of Seattle, this 21st day of April, 1992

26 NORWARD J. BROOKS
Comptroller and City Clerk
27 By: Margaret Carter
28 Deputy Clerk

AMENDED PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (herein called "City"), by the undersigned owner of the within described property (herein called "Owner"):

WITNESSETH:

WHEREAS, Owner is vested with a fee simple title in the following described property, (herein called the "Property"):

All of Blocks 4, 5, and 8, Golf Heights Addition to the City of Seattle as recorded in Volume 24 of Plats, page 12, records of King County, Washington,

TOGETHER WITH portions of South Norman Street, 13th Avenue South and alleyways vacated under Ordinance 59530, and along with a portion of South Judkins Street vacated under Ordinance 62723,

LESS that portion of said Block 5 dedicated for general street purposes; and

WHEREAS, the Mayor and the chair of the City Council's Land Use Committee have jointly proposed new major institution policies which would among other things amend the definition of "major institution," remove Pacific Medical Center from the list of designated major institutions and rezone its campus to the Commercial 1 (C-1) Zone; and

WHEREAS, the Mayor and the Chair of the City Council's Land Use Committee have recommended that the Property be rezoned to the Commercial 1 (C-1) Zone with structure height limits which vary by location on the site as shown on the attached map (Exhibit A) subject to the execution and recording of an agreement with the City pertaining to the use and development of

COPY OF ORIGINAL FILED
APR 9 1992
Director of Records & Elections

FILED
CITY OF SEATTLE
1992 APR 20 AM 10:53

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the Property, relating to the preservation of existing structures, traffic circulation, buffer landscaping, and guidelines for new development and its relation to multi-family areas, which conditions will further minimize the non-conformity of existing uses within the zoning designation;

NOW, THEREFORE Owner covenants, bargains and agrees on behalf of itself and its successors and assigns that it will comply with the following conditions if the Property is rezoned to the Commercial 1 (C-1) Zone classification:

Section 1. Development of the Property shall be accomplished in accordance with the following conditions:

A. The architectural design and character of the original six low-rise structures fronting on 12th Avenue South, South Judkins Street and 14th Avenue South, and of the main tower structure shall be maintained to the maximum extent feasible, as provided by Owner's Quit-claim Deed, dated November 24, 1981 and recorded in the records of King County under file No. 8112010772. Review and comment on any proposed exterior architectural or rehabilitation plans shall be made by the State Historic Preservation officer, State of Washington, prior to issuance of permits.

B. Major additions or alterations on the south facade of the main tower building shall not be permitted. The north facade may only be added to or modified as part of a program to bring the structure into conformance with present Building Code (seismic) requirements. Further, any additions or modifications

to the north facade shall be architecturally compatible with and enhance the original design. Exterior changes to the north facade shall not alter the silhouette (outline) of the facade as viewed from the north within a range of 65 degrees centered on the north-south axis at the existing north facade of the tower. the silhouette of the north facade to be preserved shall be that portion of the tower above the seventh floor level, elevation 351.0 feet.

Potential impacts to the silhouette of the north facade shall be determined by visual analysis illustrating the existing main tower with any proposed additions. A finding that no change will occur to the silhouette when viewed from Yesler Way at the center of the I-5 overpass and from the intersection of Yesler Way and Sixteenth Avenue shall constitute compliance with this condition.

C. Exceptions to the 160 foot height limit may be granted only as part of a program to achieve Building Code compliance. There shall be no architectural design limitations for the remaining structures on the site.

D. Primary vehicular access shall be limited to locations that will minimize adverse traffic circulation impacts on adjacent residential areas. No primary egress/ingress shall be located within 200 feet of South Judkins Street. Vehicular access shall not be allowed from South Judkins Street.

E. The existing landscape buffering shall be maintained along all perimeter streets. Significant reduction of existing

landscaping on the site shall not be allowed. Further extension of the buffer, as appropriate, shall be provided in new development. A landscaped area at least twenty feet width shall be maintained along all property lines. Exceptions shall be allowed for driveways and walkways to the Property.

F. Any development in the central landscaped common open area south of the main tower entry shall not exceed an elevation of 284.00' (the elevation of the existing lawn). Exceptions shall be permitted for unenclosed structures not to exceed 500 square feet per structure and a cumulative total of 10% of the open area, when such structures will facilitate the use of the open space.

G. Signs or other displays of commercial uses shall not be permitted along South Judkins Street.

H. The following C-1 uses are prohibited: automotive retail sales and services; marine retail sales and service; principal use parking; mini-warehouses; warehouses; recycling collection station; recycling center; outdoor storage; mobile home park; mortuary services; major durables sales, service, and rental; fast-food restaurant (over 750 square feet); brewpub; sales, service, and rental of commercial equipment and construction materials; sale of heating fuel; heavy commercial services; spectator sports facility; wholesale showroom; passenger terminal; transit vehicle base; helistop; and park and pool/ride lot.

I. The following C-1 uses shall be subject to the maximum size limits listed for total gross area of the use permitted on the Property:

- (1) Personal and household retail sales and services - 15,000 sq. ft.
- (2) Eating and drinking establishments - 15,000 sq. ft.
- (3) Entertainment facilities - 30,000 sq. ft.
- (4) Transportation facilities - 5,000 sq. ft.
- (5) Utilities - 3,000 sq. ft.
- (6) Motion picture theater - 75 seats.

J. General manufacturing uses are prohibited, except that production of pharmaceuticals is permitted as a conditional use. Non-household sales and service uses shall be permitted outright, up to a total gross area of 15,000 sq. ft.; above that size, conditional use approval is required. All conditional uses are subject to the following provisions:

(1) Conditional uses shall meet the development standards for uses permitted outright, as set forth in the Land Use Code and Section 1, subsection A through H and subsection L of this agreement.

(2) The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination whether the proposed use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

(3) In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

(4) The Director shall issue written findings of fact and conclusions to support the Director's decision.

(5) Any authorized conditional use which has been discontinued shall not be reestablished or recommended except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

(a) A permit to change the use of the property has been issued and the new use has been established; or

(b) The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use.

(6) The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or

berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.

(7) A transportation plan shall be required, or if there is an existing transportation plan for the Property in place, that plan shall be modified to accommodate the proposed use. Consideration of the following elements and other similar factors may be required:

(a) Traffic. Number of staff during normal working hours; users, guests and other regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant;

(b) Parking Area. Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb cuts; accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks;

(c) Parking Overflow. Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed use; opportunities available to

share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant.

(d) Safety. Number of driveways which cross pedestrian walkways; location of passenger loading areas;

(e) Availability of Mass Transportation. Bus route location and frequency of service; private transportation programs, including carpools and vanpools, to be provided by the applicant.

The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to, the following:

(a) Implementing the institution's transportation plan to encourage use of public or private mass transit;

(b) Increasing on-site parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply;

(c) Changing access and location of parking;

K. The Owner and/or responsible parties shall follow the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67) on any proposed alterations and/or new construction. Every effort shall be made to preserve and protect character-defining architectural features.

L. No development of the Property will be undertaken if the PM peak hour vehicle trips to or from the Property exceed or will exceed 1000, as determined by the DCLU Director, until an

amendment to this agreement is considered and approved. The City Council may approve an amendment to permit further development of the site only after a review of the impacts of such development on the adjacent residential neighborhood and the North Beacon Hill community, and after notice to and comments from residents and business and property owners of said neighborhood and community. Any amendment to this agreement shall be based upon a five-year projection of anticipated development of the Property and in the North Beacon Hill area and an evaluation of factors which shall include, but not be limited to:

(a) the level of service LOS at the intersection of Golf Drive South, and 12th Avenue South;

(b) total daily traffic volumes in the vicinity of the site;

(c) spillover parking impacts from the site to the adjacent neighborhood;

(d) safety of pedestrians relative to traffic generated by development of the site; and

(e) land use impacts on the adjacent neighborhood, particularly along the edge of the site.

M. The floor area ratio (FAR) limits for the C-1 85', C-1 125', and C-1 160' zones shall not apply.

Section 2. This Property Use and Development Agreement (hereafter "Agreement") shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and

run with the Property and shall apply to after-acquired title of the Owners of the Property.

Section 3. This Agreement may be amended or modified by agreement between the Owner of the City; provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendment to the Zoning Ordinance or Land Use Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a Commercial 1 (C-1) Zone by the Land Use Code or by this Agreement.

Section 4. This Agreement is made for the benefit of the City and owners of property within 300 feet of the Property, and either the City or any such property owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 5. It is further expressly agreed that in the event any condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in

no way affect any other covenant, condition or restriction hereinabove contained.

DATED this 7 day of April, 1992.

OWNER:

PACIFIC HOSPITAL PRESERVATION AND DEVELOPMENT AUTHORITY

By: *Philip Sherburne*
PHILIP SHERBURNE
President and Chief Executive Officer

and

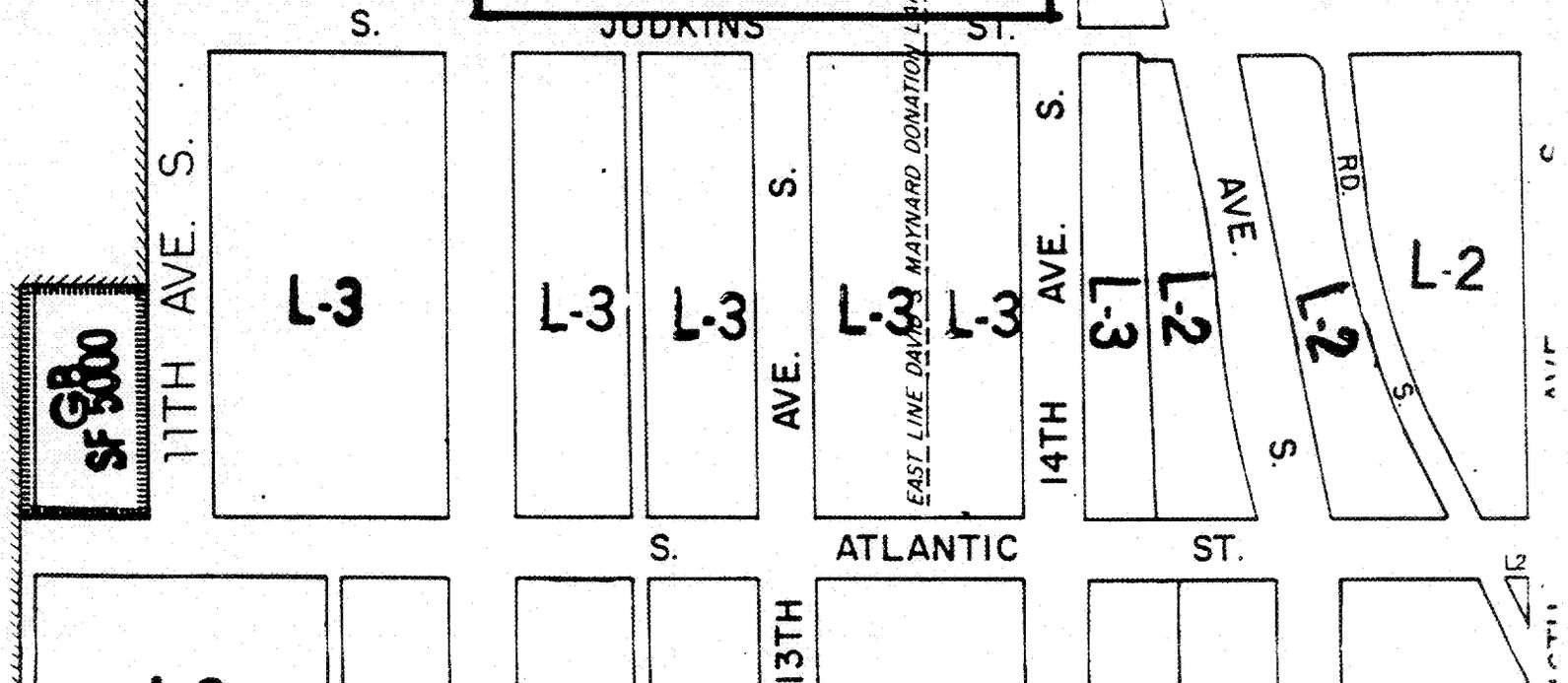
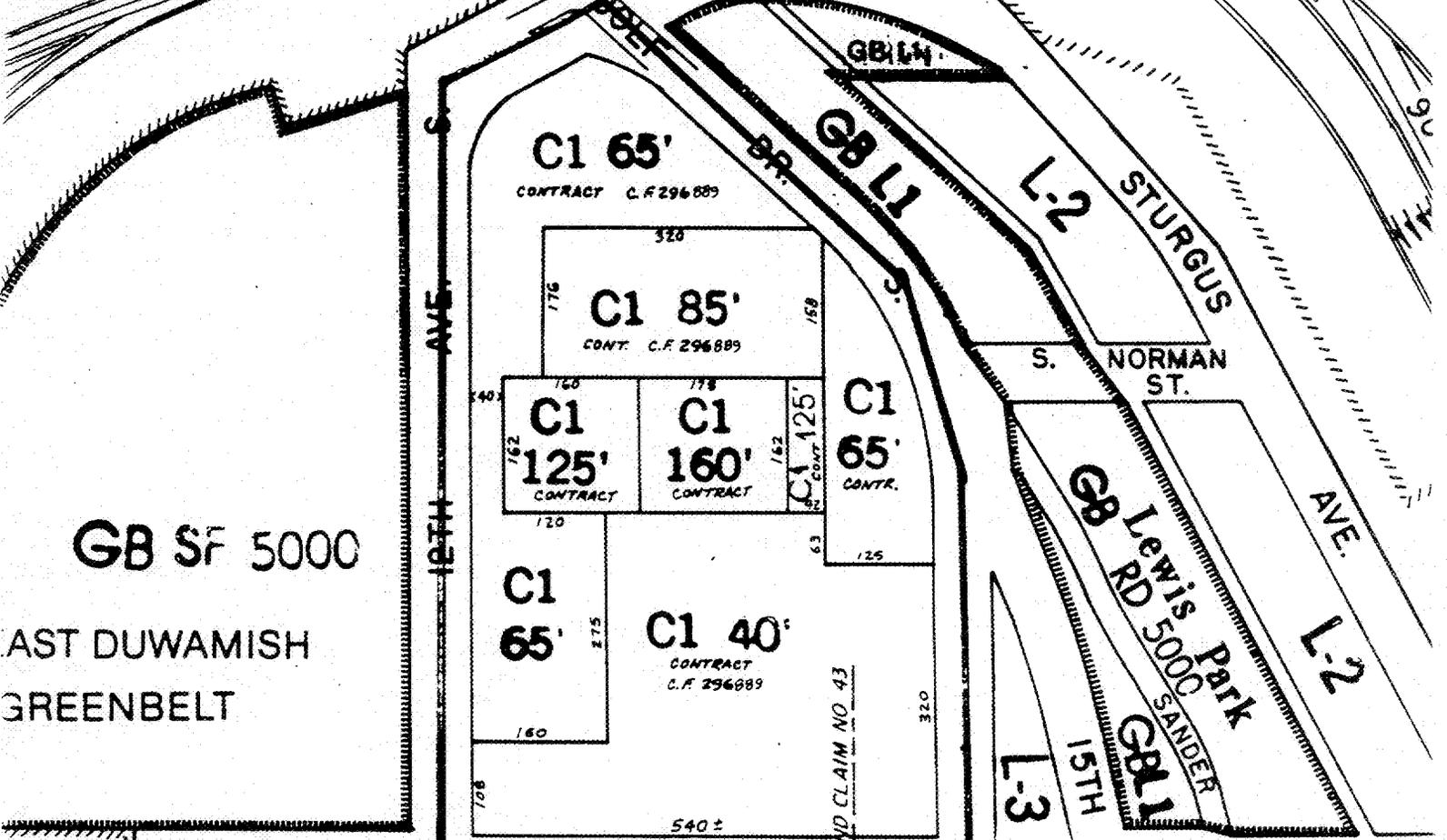
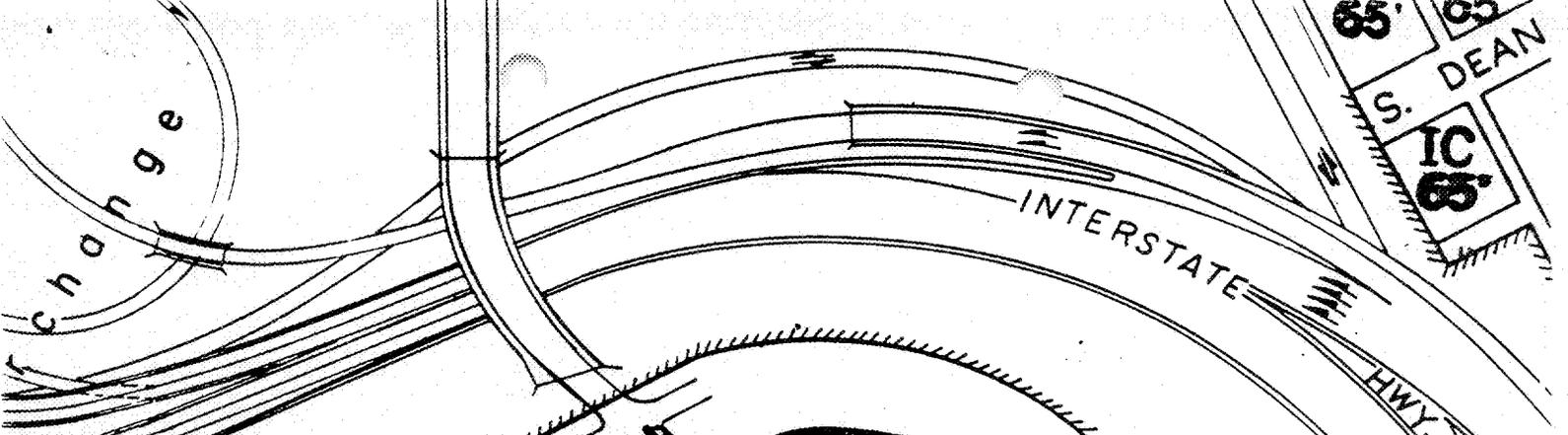
Karen Lane
KAREN LANE
Chair of Governing Council

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that PHILIP SHERBURNE and KAREN LANE signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the PRESIDENT AND CHIEF EXECUTIVE OFFICER and CHAIR OF GOVERNING COUNCIL, respectively, of PACIFIC HOSPITAL PRESERVATION AND DEVELOPMENT AUTHORITY to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: April 8th, 1992

May Thelma Apris
NOTARY PUBLIC in and for the State of Washington, residing at Seattle
My appointment expires 5.20.92



GB SF 5000

AST DUWAMISH GREENBELT

SF 5000

11TH AVE. S.

S.

JUDKINS ST.

S.

14TH AVE. S.

14TH AVE. S.

15TH ST.

S.

ATLANTIC ST.

S.

13TH

AVE.

ST.

C1 65'

CONTRACT C.F. 296889

C1 85'

CONT. C.F. 296889

C1 125'

CONTRACT

C1 160'

CONTRACT

C1 65'

CONTR.

C1 65'

C1 40'

CONTRACT C.F. 296889

GB 1/4

GB 1/2

L-2

STURGUS AVE.

S. NORMAN ST.

GB Lewis Park RD 5000 SANDER

AVE.

L-2

L-3

15TH

GB 1/2

L-3

L-3

L-3

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L-3

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L-2

To City Council's Growth Policies and
Regional Affairs Committee:

We are the concerned group of property owners and neighbors surrounding Pacific Medical Center (PMC) who originally submitted written and oral comments on PMC Property Use and Development Agreement (PUDA). While we continue to support the planned construction on the north face to seismically reinforce the PMC main tower, we object to the proposed amendment to the PMC PUDA.

Regarding the process by which the committee is seeking Public comment on the proposed amendment, we do not find "that the proposed amendment is within the spirit and general purpose of the original PUDA," but that it is a major change to the PUDA. The proposed amendment does not conform with the purpose of the original which states in section 3 "nothing in this agreement is intended to authorize any use or dimension not otherwise permitted in a Commercial (C-1) Zone."

We also question why the Growth Policies and Regional Affairs Committee is considering this amendment rather than the Land Use Committee that structured the original PUDA and rezone.

The PUDA allows that an exception to the C-1 Zoning Floor Area Ratio (FAR) limits shall be granted only to the extent required to achieve Land Use and Building code seismic compliance.

Considering the time and energy put into the formulation of the original PUDA and C-1 zoning agreements we do not feel they should be so handily abandoned. We support waiver of the C-1 Zoning FAR limits ONLY for the construction of the planned north tower. We OPPOSE waiver for any other future development.

Karen Knefel-Winterscheid

Karen Knefel-Winterscheid 1316 13th Ave S. 98144

John O. Winterscheid

John O. Winterscheid

Sandra Steed

SANDRA STEED 1317 13th AVE. S. 98144

Richard Dobbins

RICHARD DOBBINS 1317 13th AVE S 98144

Ronald Shonk

RONALD SHONK 1317 13th AVE S. 98144

Molly Herbert

Molly Herbert 1303 13th Ave S. 98144

Frank Kamin

Frank Kamin 1311 13th Ave S 98144

Kirk Freeman

~~W. Kirk Freeman~~ 1311 13th Ave S 98144

Jack Thapsa

Jack Thapsa 1311-13th Ave S 98144

Carrie Chambers

Carrie Chambers 1311-13th Ave S 98144

Debra P. Ross

Debra P. Ross 1312-13th Ave S. 98144

Kristine E. Kallander

Kristine E. Kallander 1312 13th Ave. S. 98144

Diane Passmore

Diane Passmore " " " "

Dawn Thomas

DAWN THOMAS 1323 13th AVE S. 98144

Janifer Hamez

JENIFER HAMEZ 1323 13th AVE. 98144

~~Janifer Hamez~~

Brian T. Finney " "

Elizabeth Ann Hese

~~Janifer Hamez~~ 1326 13th Ave S. 98144

Patrick LaBrego

Patrick LaBrego " "

Stephen R. Meyer

Stephen R. Meyer 1100 S. Massachusetts 98134

Uta Meyer

Uta Meyer 1100 S. Massachusetts 98134

Sharmeka Stubblefield

Sharmeka Stubblefield 1309 12th Ave S. #1 grnd 98144

Tina Caparas

Tina Caparas 1316 12th Ave S. #4 98144

Debra J. Schafer Debra Schafer 1332 13th Ave. S. 98144

Robert A Svendsen R A Svendsen 1349-13th S "

Bred Barrick Bred Barrick 1311 12th Ave. S 98144

Cheryl Strong CHERYL STRONG 1308 12TH AVES. 98144

Jim Pullen Jim Pullen 1331 13th South 98144

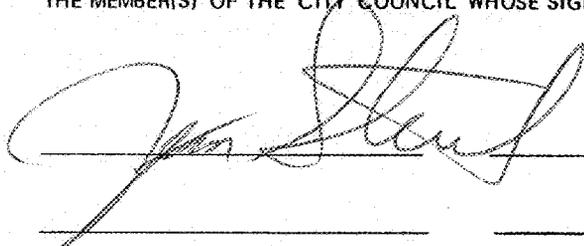
Pedro JIMENEZ ~~Jim Pullen~~ 1331 13th South 98144

Donald Crespinel DONALD CRESPINEL 1341-13th 80

Keith C Murray KEITH C MURRAY 1341 13th Av S.

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

