

**FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

**CF 311812**

**SCOTT ROBERTS**

for a contract rezone of property addressed as  
2615 and 2715 25<sup>th</sup> Avenue South

DPD Project Nos.:  
3012217 and 3012417

**Introduction**

The applicant, Scott Roberts, for Trenton Associates McClellan LLC, seeks a contract rezone of approximately 67,919 square feet of property from Single Family 5000 to Seattle Mixed/Residential with a 65-foot height limit.

The public hearing on this application was held on January 28, 2013, before the undersigned Deputy Hearing Examiner. The Director's SEPA determination on the proposal was not appealed. Represented at the hearing were the Director, Department of Planning and Development (DPD), by Michael Dorcy, Senior Land Use Planner; and the applicant, by Jessica Clawson, attorney at law. The record was held open after the hearing for purpose of receiving additional information from the applicant on January 29, 2013, as requested by the Examiner at hearing, and for the Examiner's inspection of the site on February 2, 2013.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code"), as amended, unless otherwise indicated. After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

**Findings of Fact**

**Site and Vicinity**

1. The site consists of two parcels, which are addressed as 2615 and 2715 25<sup>th</sup> Avenue South. The parcels are located north of the intersection of South McClelland Street and 25<sup>th</sup> Avenue South. The parcels are legally described as Lots 1 through 8, Block 5 of McArthur's Addition, and Lots 1 through 14, Block 2 of McArthur's Addition, to the City of Seattle. The site is approximately 67,919 square feet in size.
  
2. The site is currently zoned Single Family 5000 (SF 5000), and is located in the North Rainier Hub Urban Village. The Comprehensive Plan Future Land Use Map was amended in 2010 to change the designation of this site from single family to multifamily residential.

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3. The zoning to the north is a mixture of Neighborhood Commercial 3-65 (NC3-65) and Commercial 1-65' (C1-65). The zoning to the east across 25<sup>th</sup> Avenue South is NC3P-65 and NC3-65. Zoning to the east across S. McClellan Street is C2-65. The zoning immediately to the south is Lowrise Residential 2. West of the site, the zoning is SF 5000.

4. There is one single family structure located on one of the lots. Four additional structures that were previously located on the site were demolished.

5. Two lots immediately adjacent to the site, at the southwest corner of this block, are occupied by a minor communication utility (a cell tower) owned and operated by Verizon. Other uses and development near the site include the City-owned Cheasty Greenspace immediately to the west, and a QFC and Rite Aide pharmacy store immediately to the east. Further east across Rainier Avenue South is a Lowe's home improvement store, and a number of commercial uses operate along Rainier Avenue. The Mount Baker Light Rail Station is located four blocks away. See Ex. 2, page 3 for an aerial view of the neighborhood.

### **Proposal**

6. The proposed contract rezone would change the two parcels from their current zoning of SF 5000 to Seattle Mixed/Residential with a 65-foot height limit (SM/R 65). The applicant proposes to develop the site with two seven-story residential structures, with a total of 307 residential units. Parking for 222 vehicles will be provided below grade. The project design is described in more detail in the file for this matter; Ex. 2, Ex. 13. (The proposal initially called for more parking stalls, but was reduced to the current 222 proposed stalls during the design review process.) The project and proposed rezone are described in detail in the exhibits submitted for this application.

7. The applicant has identified three project goals, which are to (1) provide transit-oriented development as the first new development project in the Mount Baker Station TOD area; (2) to strengthen the North Rainier neighborhood identity; and (3) to propose a strong public connection with the Cheasty Greenbelt. Ex. 2. At hearing, the applicant noted that coordination with and approval by other City entities is needed for the pedestrian access path from S. McClelland Street to the Cheasty Greenbelt. The applicant has proposed either developing the pedestrian path on its property, or providing easements across its property to allow the Parks and Recreation Department to create its own path.

### **Design Review**

8. The Southeast Design Review Board held a public meeting on June 28, 2011, to consider initial design schemes for the project and to take public comments. The Board also heard from DPD concerning the proposed zoning changes as a result of the future adoption of the Mount Baker Town Center Urban Design Framework, which would

likely designate the site as SM or NC3-65. The Board identified the guidelines of highest priority for the project, as noted in the Director's Analysis at pages 25-29.

9. The Board held its final recommendation meeting on December 13, 2011. The Board's discussion is summarized in the Director's Analysis at pages 30-31; the Board's reaction to the applicant's response to the guidelines was favorable, and the Board unanimously recommended approval of the project as presented.

#### DPD Review and decisions

10. DPD reviewed the proposal pursuant to SEPA, and issued a Determination of Nonsignificance (DNS), which was not appealed. The Director's SEPA decision included a review of the proposal's impacts related to height, bulk and scale, traffic and parking, and concluded that no conditions were required to mitigate the project's impacts. The Director also granted design review approval, with several conditions.

#### Impacts

11. The potential project impacts are described and analyzed in the Director's analysis and decision. A traffic impact analysis dated February 7, 2012, was prepared for the project, and as requested by the Director, an on-street parking analysis, dated September 7, 2012, to analyze how the project would affect on-street parking utilization rates. Ex. 12.

12. Seattle Public Utilities (SPU) has requested that a capacity analysis of the combined sewer serving the site has adequate capacity. The applicant will conduct the analysis, and proposes to provide any new sewer improvements to meet the requirements identified by SPU. The Director has recommended a condition to address the need for the capacity analysis and potential improvements.

#### Public comments

13. No public comments were presented to DPD or the Hearing Examiner on the proposed contract rezone. (Public comments offered at the design review board meetings are summarized in the Director's Analysis.)

#### Neighborhood Plan

14. The North Rainier Neighborhood Plan was adopted in 1999 as an amendment to the Comprehensive Plan. In 2011, Ordinance 123575 was adopted by City Council, which amended some of the policies in the adopted North Rainier Plan.

**Codes**

15. SMC 23.34.007 provides that *"In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions."* The section also states that *"No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion."*

16. SMC 23.34.008 states the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers, boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; the presence of overlay districts or critical areas, and whether the area is within an incentive zoning suffix.

17. SMC 23.34.126 addresses designation of the Seattle Mixed zone:

*The Seattle Mixed (SM) zone is applied to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The zone permits a wide range of uses and promotes density to encourage a mixed-use neighborhood. This zoning designation balances the need for flexibility and a variety of activities with the need to provide adequate direction to ensure the presence of housing and commercial activities critical to the success of an urban neighborhood.*

18. SMC 23.34.128 describes the function and locational criteria for the Seattle Mixed zone:

*In considering rezones to the Seattle Mixed (SM) zone designation the following function and locational criteria shall be taken into consideration:*

*A. Function. An area that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation or an area that is in transition from traditional manufacturing<sup>3</sup> or commercial uses to one where residential use is also appropriate;*

*B. Transportation and Infrastructure Capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;*

*C. Relationship to Surrounding Activity. An area that provides a transition from a densely developed or zoned neighborhood or from industrial activity;*

*D. Mix of Use. An area within the SM zone may be identified for the purposes of encouraging a primarily residential character. Such an area shall be designated as Seattle Mixed/Residential (SM/R). Within the SM/R area, nonresidential uses shall generally be of modest scale or neighborhood-serving in character;*

*E. Height. Height limits of forty (40) feet, fifty-five (55) feet, sixty-five (65) feet, seventy-five (75) feet, eighty-five (85) feet, and one hundred twenty-five (125) feet may be applied to land zoned SM. A forty (40) or fifty-five (55) foot height shall be applied to the SM/R designation, or where it is appropriate to limit the intensity and scale of new development. A sixty-five (65) foot, seventy-five (75) foot or eighty-five (85) foot height shall apply where it is appropriate to provide for a uniform and pedestrian scale. A one hundred twenty five (125) foot height may be designated to serve as transition from areas where greater heights are permitted.*

### Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on the proposed rezone to City Council, pursuant to SMC 23.76.052.
2. The Director's Analysis, Recommendation and Decision are hereby incorporated by reference and adopted herein.
3. Under SMC 23.34.007, the rezone provisions are to be weighed and balanced to determine the appropriate zone designation. No single criterion or group of criteria are to be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations unless specified by the Code. Because the site is located within the North Rainier Hub Urban Village, the proposed rezone is subject to the sections of Chapter 23.34 which apply to urban villages. The site is not within any designated shoreline environment.

### General rezone criteria

4. Effect on zoned capacity. SMC 23.34.008.A requires that, within the urban center or urban village, the zoned capacity taken as a whole shall be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The Comprehensive Plan has targeted the North Rainier Hub Urban Village to receive 900 households. The proposed contract rezone would increase the zoned capacity and add 307 residential units to this urban village.

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5. In order to meet the growth target of the Comprehensive Plan, the density in the North Rainier Hub Urban Village would need to increase from four dwelling units per acre, to five dwelling units per acre. The proposed rezone would increase the zoned capacity of the urban village, and this increase would be consistent with SMC 23.34.008.A.2, which states that the zoned capacity for this urban village and for residential villages as a whole, shall not be less than the densities established in the Urban Village element of the Comprehensive Plan.

6. Match between zone criteria and area characteristics. The most appropriate zone designation is that for which the provisions for designation of the zone type and the locational criteria for the specific zone, match the characteristics of the area to be rezoned better than any other designation.

7. The area does not closely match the functional and locational criteria set out in SMC 23.34.011 for single family zones. The site is not in an area that is predominately single family homes; the existing single family neighborhoods are located further west beyond the Cheasty Greenbelt and uphill from the site. The closest development is predominately commercial or multifamily development, and the area does not consist of blocks with 70 percent of existing structures in single family residential use. The area is not designated by an adopted neighborhood plan for single family use, and no trend toward single family residential use has been demonstrated either in the area. The area does not appear to meet any of the locational criteria for single family zones, and does not match the size criteria of SMC 23.34.011.C; the area is not 15 contiguous acres or more, and does not display strong single-family use trends or potentials. The site is essentially isolated by location, topography and the greenbelt from other single family development, and its proximity to commercial development along Rainier Avenue South and to the Mount Baker Light Rail Station are characteristics which do not mesh well with the single family zone criteria.

8. SMC 23.34.128 describes the Seattle Mixed zone function and criteria. The site is within an area that provides for a wide range of uses, including commercial and multifamily and the light rail station. The commercial strip development along Rainier Avenue South is expected to transition to more of mixed-use environment as the area near the light rail station is redeveloped.

9. The SM/R-65 criteria matches the area's current characteristics to some extent, with the potential to mesh closely with the future character of the area. Because of the presence of the Mount Baker Light Rail Station and the recent Comprehensive Plan designation of this area as multifamily, it appears that the area characteristics will trend towards an even closer match with the zoning criteria. The proposed SM/R-65 zoning for this project, as conditioned, is the best match for the site.

10. Under SMC 23.34.010.A, single-family zoned areas may be rezoned to more intense zones if located within certain designated areas, including urban villages if the Comprehensive Plan Future Land Use Map designation is a designation other than single

family. The project site here is located within the North Rainier Hub Urban Village, and is designated multifamily residential in the City's Comprehensive Plan Future Land Use Map. The proposed rezone from SF 5000 to SM/R-65 would be consistent with this Code section.

11. Zoning history and precedential effect. The subject parcels have been zoned single family for at least 85 years, according to the history of zoning contained in the Director's report. The Director found no rezones granted in the general vicinity of the North Rainier Hub Urban Village in recent years. The properties east of the site which were facing Rainier Avenue South began to be rezoned to commercial designations in the 1950s and 1960s, and properties south of S. McClellan Street were zoned to multifamily in the 1960s. Currently, properties to the north and east of the site are zoned C1-65 and NC3-65. Properties south of S. McClellan Street are zoned LR2.

12. The precedential effect of the proposed rezone is difficult to assess. Because of the steep topography and presence of the designated Cheasty Greenbelt near the site, it is not clear how the proposed rezone might influence rezoning of other nearby sites. The proximity to the Mount Baker Light Rail Station and the Land Use Map designation of the area as multifamily, would seem to encourage future rezones to higher density residential zoning designations. The zoning history of the area and precedential effect of the proposed rezone do not appear to be factors that would affect the rezone decision here.

13. The adopted North Rainier Neighborhood Plan does not identify specific policies which are to guide future rezones. However, a number of policies reference the goal of a "Town Center" which is close to the light rail station, and there are a number of policies encouraging the creation of higher density residential development near the "Town Center;" e.g., NR-P2. NR-P10 references "the single-family area located between 24<sup>th</sup> Ave. S. and 25<sup>th</sup> Ave. S. north of S. McClellan" and calls for supporting "a multifamily zoning designation for the area." Other relevant policies are identified in the Director's Analysis at pages 8-9 and the 2011 amendments contained in the Comprehensive Plan. The project is consistent with the adopted neighborhood plan.

14. Zoning principles. Zoning principles are to be considered, including impacts on less intensive zones and transitions, physical buffers, and zone boundaries. The proposed rezone from SF 5000 to SM/R-65 would result in a more intense zone being located next to the existing SF 5000 zone to the west. However, that property is the Cheasty Greenbelt, a forested area owned by the City as park. The park and the area topography will provide a substantial buffer between the rezone site and the developed single family residential areas located uphill to the west of the greenbelt. To the east and north, the zoning is C1-65, NC3-65, NCP-65 and to the south across S. McClellan Street (including the light rail station site) the zoning is LR2. The proposed SM/R-65 zone would provide a transition between the commercial uses to the east and north, and the lowrise and single family uses west and south.

15. Physical buffers separating the proposed use from other uses include the Cheasty Greenbelt to the west, which separates the rezone site from single family properties further west. The topography of the area is marked by steep slopes, providing clear separation between the site and the single family areas to the west. S. McClellan Street is a minor arterial, which separates the rezone site from the LR2-zoned properties to the south (the light rail station is also located within the LR2 zone). The distinct street layout, which includes several unimproved and unopened rights-of-way surrounding the site, provides additional separation between adjacent uses.

16. The proposed zone boundaries take into consideration the presence of the Cheasty Greenbelt and the area topography. The proposed rezone would follow platted lot lines and street centerlines. The Code expresses a preference for boundaries between commercial and residential areas to be such that commercial uses face each other across the street on which they are located, but the existing zoning lines do not follow this pattern (i.e., existing SF 5000 zone is adjacent to commercial zoning which tends to face towards Rainier Avenue South. The project design has been oriented in accordance with the direction of the Design Review Board, taking into account the surrounding commercial and multifamily districts, as described in the Director's report at pages 23-31.

17. The Code also expresses a preference for height limits greater than 40 feet to be limited to urban villages. The proposed height limit of 65 feet here would be located within the North Rainier Hub Urban Village.

18. The proposed contract rezone would be consistent with the zoning principles identified above.

19. Impact evaluation. The possible positive and negative impacts of a proposed rezone are to be considered, with regard to several factors. The project proposal would create multifamily housing within close proximity to the Mount Baker Light Rail Station, a positive impact, although the housing is not identified as low-income housing.

20. Additional demand for public services, e.g., fire and police service, is likely on account of the additional 307 residential units proposed, but Director's SEPA analysis found no significant impacts on public services.

21. Environmental impacts, such as noise, air and water quality, light and glare, shadows, are expected to be caused by the 307-unit multifamily project. The SEPA analysis concluded there would be no significant impacts concerning any of the factors identified in SMC 23.34.008.

22. Pedestrian safety is expected to be positively affected by the proposed improvements to South Lander Street and 25<sup>th</sup> Avenue South (which are currently unimproved) and the pedestrian connections proposed to the Cheasty Greenbelt.

23. No manufacturing activity is proposed, nor does the change in zoning (from SF 5000 to SM/R-65) affect manufacturing capacity. No direct impacts on employment activity are anticipated either, although the creation of new housing in this area may increase the demand for services and thereby indirectly affect employment within the area.

24. The site is not located near an area of architectural or historic value (the larger North Rainier neighborhood itself contains some historic structures, e.g., Franklin High School, but these are not affected by this proposal). The site is not within or near a shoreline environment.

25. Service capacities, including street access, street capacity, transit service, parking capacity, utility and sewer capacity, are to be considered. As to sewer capacity, the applicant has agreed to perform a capacity analysis of the public wastewater infrastructure currently serving the site, to determine whether improvements to the sewer system are required to support the proposal. The improvements would not affect the design of the site, and DPD has recommended a condition to the rezone to address the capacity analysis. Electrical service upgrades are expected to need upgrading in order to provide adequate electricity to the area, but the capacity exists to serve the site.

26. The project would take street access from South Lander Street and 25<sup>th</sup> Avenue South, both of which will be improved as part of the project. A single access to the below-grade parking from the improved Lander Street. The SEPA review and traffic studies for the project indicate that the project will create no significant adverse transportation impacts, including impacts on street access or capacity.

27. The site is served by the Mount Baker Light Rail Station, a few hundred feet to the south, and by King County Metro Transit, which runs several bus lines with scheduled stops on Rainier Avenue South a short distance from the site.

28. Parking capacity is another factor which must be examined. In this case, the project will provide 222 on-site parking stalls for 307 residential units, a parking to unit ratio of .7:1 stalls per units. The project would also create 12 additional on-street parking stalls along the 25<sup>th</sup> Avenue South project frontage. The parking demand for the project is expected to be reduced on account of the proximity to transit. A weekday peak parking demand of 252 parking stalls is predicted, creating overflow demand for 30 on-street spaces. An on-street parking study was performed by the applicant's traffic consultant as shown in Ex. 12, showing that the parking utilization rate within 800 feet of the proposed development would be 64 percent, below the City's threshold of 75 percent capacity for mitigation. The applicant notes that it also reviewed the parking ratio at the Othello Station multifamily project, which like this proposal is located near a light rail station, and found that the parking ratio of .7:1 was used in that project. The proposal adequately addresses impacts on parking capacity in the area.

29. It appears that the area has adequate service capacities to serve the proposed rezone.

30. **Changed circumstances.** Changed circumstances are to be taken into account, but are not required to demonstrate whether a proposed rezone is appropriate. The City's Future Land Use Map was changed in 2010 to designate the area where the site is located, as suitable for multifamily residential development, and this change is a relevant consideration for this proposal. The siting of the Mount Baker Light Station is also a change that has occurred since the property was originally zoned as single family.

31. **Overlay districts.** The site is within the North Rainier Hub Urban Village overlay. The proposal would be consistent with the purpose and boundaries of the overlay, by allowing for housing densities that support pedestrian and transit use, and providing a concentration of residential development close to the village center.

32. **Critical areas.** The site includes steep slope critical area, potential slide critical area, and liquefaction critical area. The project will comply with the City's critical area regulations. The off-site Cheasty Greenbelt is wildlife critical area, and the project has been designed to avoid impacts to this habitat area.

33. The site is not located in a zone with an incentive zoning suffix, so this criterion is not applicable.

#### **Height Limits**

34. **Height limits of the proposed rezone.** Under SMC 23.34.009, additional criteria apply to this proposal, because it would change the height limit to 65 feet. The first of the criteria considers whether the height limit is consistent with the type and scale of development intended for the zone classification. Under SMC 23.34.128.E, height limits range between 40 and 125 feet in the SM/R zone. A 65-foot height limit *"shall apply where it is appropriate to provide for a uniform and pedestrian scale."* The 65-foot height proposed in this case is appropriate in light of the surrounding 65-foot height limits and to accommodate development of appropriate residential densities in proximity to the light rail station.

35. The topography of the area and its surroundings are to be considered. The proposed height limit fits the natural topography of the area. Because of the sloping topography on and surrounding the site, the project will not block views.

36. The height and scale of the area are also to be considered. The current height limits in the area include 65-foot height limits in the adjacent and nearby commercial areas, as well as the lower height limit of 30 feet in the LR2 zone to the south, and 35 feet in the SF 5000-zoned greenbelt area to the south. The compatibility of the permitted height limit with the height and scale of existing development is to be considered, where the existing development is a "good measure of the area's overall development

potential.” The commercially zoned areas nearby are not developed to the 65-foot height limit, e.g., older commercial structures and surface parking lots exist along Rainier Avenue South. Because of this fact, and the fact that the City’s policy and the Neighborhood Plan envision more intense development within proximity of the light rail station, the existing development is not a good measure of the overall development potential. The proposed 65-foot height limit does appear appropriate for the zoned height and scale of the area.

37. The proposed height limit is to be compatible with the surrounding area, excluding major institutions. There are no major institutions near the project site. The proposed height limit, together with the physical buffers (including topography and the Cheasty Greenbelt) near the site, provide a gradual transition in height and scale and activity levels between the SF 5000 zone up the hill to the west and the commercial areas along Rainier Avenue to the east.

38. The adopted North Rainier Neighborhood Plan does not include recommendations for height. As noted above, the proposed height limit appears generally consistent with the goals and policies of the adopted neighborhood plan.

39. The proposed 65-foot height limit would be consistent with the criteria for height designation contained in SMC 23.34.009.

40. On balance, the proposed rezone meets the provisions of Chapter 23.34. Therefore, the Examiner recommends approval of the proposed rezone with conditions set forth below.

### Recommendation

The Hearing Examiner recommends **APPROVAL** of the rezone from SF 5000 to SM/R-65, subject to the following PUDA conditions, together with the conditions that have been imposed by the Director pursuant to her SEPA and design review decisions for MUP 3012217 and 3012417:

1. Future development in the rezone area shall be those improvements circumscribed by the approved uses, structures, landscaping and street improvements, which, having undergone the Design Review Process, are set forth in the approved plan sets for MUP 3012217 and MUP 3012247, dated September 6, 2012, and as presented to the Hearing Examiner at the public hearing on January 28, 2013, except as modified by the conditions below. The future development includes the construction of two multifamily residential buildings.
2. Prior to the granting of any Certificate of Occupancy for either or both of the proposed structures, the applicant will supply, in lieu of other improvements to the 24<sup>th</sup> Avenue S. right-of-way, a plan and timetable for

development of a pedestrian access path from S. McClellan Street to the Cheasty Greenbelt, substantially as contained in the plans presented to the Hearing Examiner on January 28, 2013. Should the applicant, having otherwise met the standard requirements for a Certificate of Occupancy Occupancy for either or both of the proposed structures, be unable to secure plan approval from the Seattle Department of Transportation, the Department of Parks and Recreation, and the Department of Planning and Development, the applicant shall have the option to instead grant to the Department of Parks and Recreation an easement suitable to accommodate future development of a pedestrian access path from S. McClellan Street to the Cheasty Greenbelt where such path crosses the applicant's property. The easement must be utilized by the Department of Parks and Recreation within ten years of its granting, or the easement will expire. Should the easement be utilized by the Department of Parks and Recreation for use of the pedestrian path, the easement will remain in perpetuity.

3. In co-operation and co-ordination with Seattle Public Utilities, the applicant shall undertake a capacity analysis of the existing sewer system servicing the two development sites on either side of S. Lander Street and provide, if deemed necessary, improvements to the sewer infrastructure that are deemed adequate by the City to provide capacity to serve the proposed developments.

The following conditions were imposed by the Director pursuant to her design review decision:

*Prior to Issuance of the Master Use Permit*

Provide the planner with an addendum to the Traffic Impact Study of February 7, 2012, which addresses the impacts of spill-over parking and mitigation.

*Prior to Building Permit Issuance*

Provide the Planner with an update of negotiations between the developer and the City of Seattle Department of Parks and Recreation and Department of Transportation and any updated plans showing the proposed pedestrian connection to the Cheasty Greenbelt area.

*Prior to Issuance of a Certificate of Occupancy*

Provide the DPD planner, in lieu of other improvements to the 24th Avenue S. right-of-way, a plan and timetable for development of a pedestrian access path from S. McClellan Street to the Cheasty Greenbelt. The approved plan and timetable for implementation shall have the tentative approval of the Seattle Department of Transportation, the Department of Parks and Recreation as well as the Department of Planning and Development. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner

assigned to this project (Michael Dorcy, 615-1393). An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

*For the Life of the Project*

Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Michael Dorcy, 615-1393). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

The following condition was imposed by the Director pursuant to SEPA:

*Prior to Building Permit Issuance*

Provide the planner with an addendum to the Traffic Impact Study of February 7, 2012, which addresses the impacts of spill-over parking and mitigation.

Entered this 11<sup>th</sup> day of February, 2013.



Anne Watanabe  
Deputy Hearing Examiner

**CONCERNING FURTHER REVIEW**

NOTE: It is the responsibility of the person seeking further review to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the Hearing Examiner's recommendation to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the Hearing Examiner's recommendation, and be addressed to: Seattle City Council Planning, Land Use and Sustainability Committee, c/o Seattle City Clerk, 600 Fourth Avenue Floor 3, P.O. Box 94728. Seattle, WA 98124-4728. The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought.