

Clerk File No. 309287

Clerk File No. 309287

Petition of Ken McBride to rezone 34,472 sq. ft. of land at 11340 Corliss Avenue North from Single Family 7,200 to Single Family 5,000 (Project No. 3008747, Type IV).

The City of Seattle - Legislative Department

Clerk File sponsored by: No Sponsor Required

Committee Action:

Date	Recommendation	Vote
3/25/09	NO APPROVE GRANT	2-1 (NO)
	SC, TD	TR
3/10/10	APPROVE AS APPROVED	2-0
	SC, SB	

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
4-6-09	Deny	5-4 (Yes - TB, SC, SC, RC) (No - NL, RM, TR, SD, DH)
4-13-09	New Findings Signed	8-0 (RM Lexwood)

Related Legislation File: _____

Date Introduced and Referred: 4.14.08	To: (committee): Planning, Land Use & Neighborhoods (PLUNC)
Date Re-referred: 3.8.10	To: (committee): Built Environment
Date Re-referred:	To: (committee):
Date of Final Action: 4.6.09	Disposition: Deny

April 8, 2008

Date Filed with City Clerk

[Signature]
By

FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition)	
of)	
Ken McBride)	C.F. 309287
)	DPD Project 3008747
To rezone 34,472 square)	
feet of land located at)	FINDINGS, CONCLUSIONS
11340 and 11334 Corliss)	AND DECISION
Avenue North from SF)	
7200 to SF 5000)	

Introduction

This matter involves a request by Ken McBride (McBride) to rezone approximately 34,472 square feet of property located at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). Attachment A shows the area to be rezoned.

On November 13, 2008, the Director of the Department of Planning and Development (DPD) recommended approval of the rezone. After holding an open-record hearing on January 6, 2009, the Hearing Examiner issued Findings and Recommendations recommending approval. The Council received no appeals of the Hearing Examiner's recommendation.

The matter came before the Planning, Land Use, and Neighborhood Committee (Committee) on March 25, 2009. At that meeting, the Committee considered the merits of the application and voted to recommend approval to the full Council.

The full Council considered the matter on April 6, 2009, and voted 5 to 4 to deny the proposed rezone on the grounds that it conflicted with Land Use Goal 9 in Seattle's

Comprehensive Plan, which emphasizes maintaining the character of single family zones. The Council also concluded the rezone could set a precedent and compromise the single-family character of the surrounding neighborhood by encouraging other homeowners to pursue rezones of their properties.

McBride subsequently filed a Land Use Petition in King County Superior Court challenging the Council's decision. On January 27, 2010, the Court found that the Council erred in denying the rezone and issued an order granting McBride's petition, vacating the Council's decision, and remanding the rezone to the Council for further action consistent with the Court's order.

In response to the Court order, the full Council referred C.F. 309287 to the Committee on the Built Environment on March 8, 2010. At its March 10, 2010, meeting, the Built Environment Committee discussed the Court order and voted to recommend approval of the rezone to the full Council.

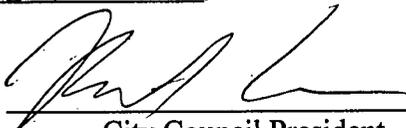
Findings of Fact and Conclusions

The Council adopts the Hearing Examiner's Findings of Fact, Conclusions and Recommendations for C.F. 309287 dated January 14, 2009.

Decision

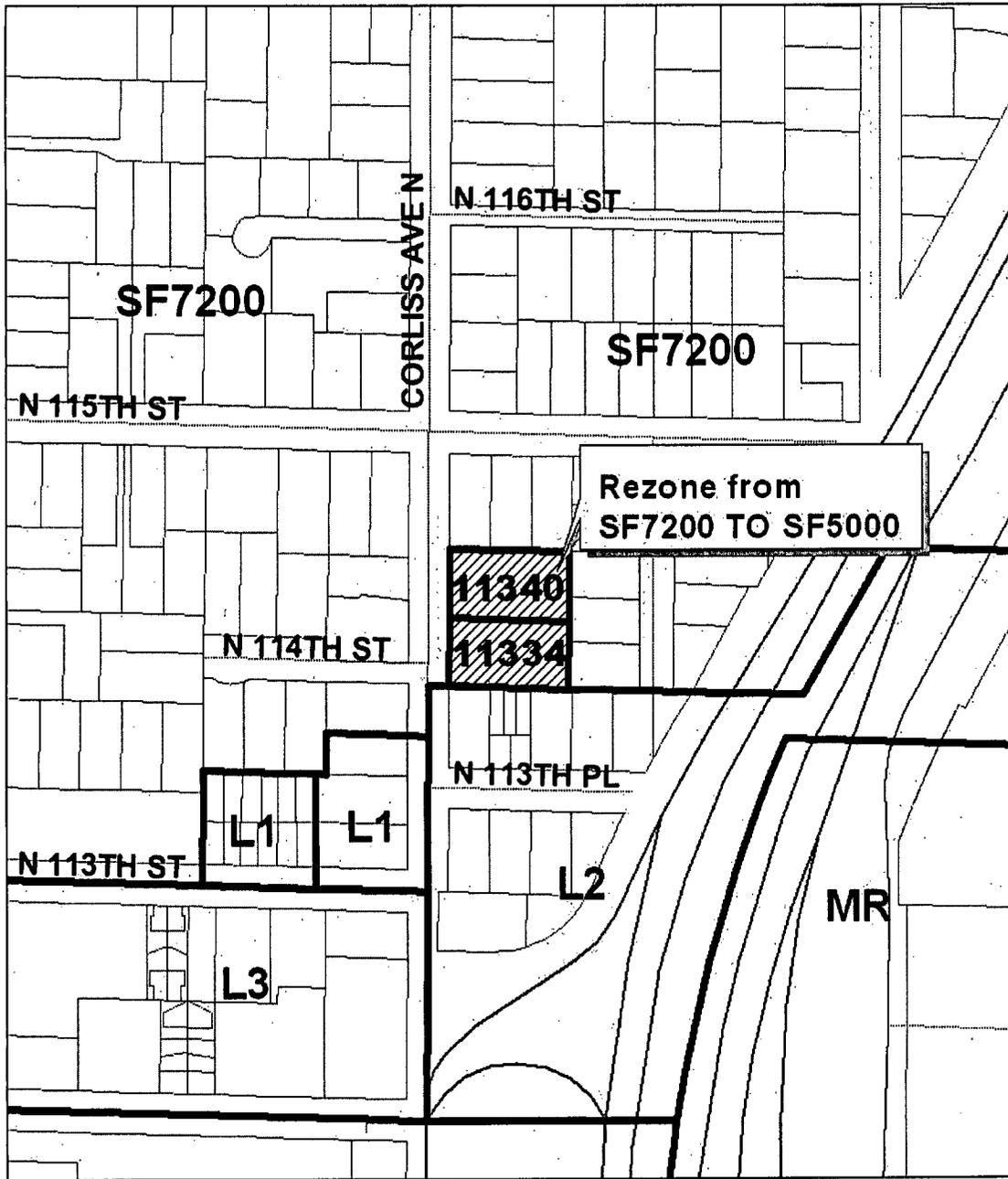
The Council GRANTS a rezone of the property from SF 7200 to SF 5000 as described above and found in Attachment A.

Dated this 22nd day of March, 2010.



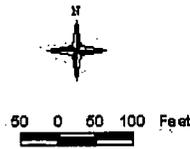
City Council President

ATTACHMENT A



**11340 & 11334
 Corliss Ave N
 Rezone**

- Zoning Outlines
- Streets
- Arterials
- Interstate Freeway
- Parcels



No warranties of any sort including accuracy, fitness, accompany this product.

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 City of Seattle.
 Prepared Mar. 16, 2009
 by C. McCoy

**City of Seattle
Legislative Department
Office of the City Clerk**

Carol Shenk, City Clerk



March 23, 2010

PARTIES OF RECORD

Petition to Rezone - Clerk File No. 309287

Dear Sir or Madam:

The City Council at its meeting on March 22, 2010, adopted the recommendation of its Committee on the Built Environment on Clerk File No. 309287, entitled:

Petition of Ken McBride to rezone 34,472 sq.ft. of land at 11340 Corliss Avenue North from Single Family 7,200 to Single Family 5,000 (Project No. 3008747 (Type IV).

The Committee recommendation was as follows:

That the Rezone be granted.

Judicial review of this decision may be sought in King County Superior Court under the Land Use Petition Act (RCW 36.70C). To be timely, an appeal must be filed with the court and served on all parties of record within 21 days of the date the decision is issued. The date of issuance is the date the City Council passed the rezone ordinance, March 22, 2010. For further information please see RCW 36.70C.040

Sincerely,

A handwritten signature in cursive script that reads "Carol Shenk".

Carol Shenk
City Clerk

Enclosure

cc: Sally Clark, Councilmember
Ketil Freeman, Council Central Staff
Sara Belz, Council Central Staff
Rebecca Herzfeld
Sue Putnam, DPD
Hearing Examiner
Parties of Record



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STEPHENS & KLINGE** LLP
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TELEPHONE
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March 8, 2010

Via Hand Delivery

Seattle City Council
Committee on the Built Environment
PO Box 34025
Seattle, WA 98124-4025

Re: Clerk File 309287 and Council Bill 116808: Petition of Ken McBride to rezone 34,472 square feet of land at 11340 Corliss Avenue North and 11334 Corliss Avenue North from Single Family 7200 to Single Family 5000 (Project No. 3008747, Type IV)

Dear Councilmembers:

We represent Ken McBride and present this letter in support of McBride's above-referenced rezone petition. The purpose of this letter is to provide written argument based on the existing record, which is specifically allowed by the City code in quasi-judicial matters such as this. Seattle Municipal Code (SMC) 23.76.050(F). This letter does not add new facts, but simply discusses the issues based on the already established facts. We urge the Committee to give a strong recommendation of approval for the rezone application, and thus correct the errors made in the prior proceedings.

We have reviewed the Council Central Staff memo regarding the petition, and while it is largely correct as far as it goes, certain points bear some elaboration and emphasis.

- First, the Superior Court did not simply vacate the Council's prior denial of McBride's petition and remand without any guidance. Rather, it held that the Council's formerly stated reasons for the denial were both legally untenable and unsupported by the record, and that further consideration of the rezone petition must be guided by the "existing legislative standards" set forth in the City Code – not anyone's individual policy preferences.
- Second, and perhaps more importantly, the "existing legislative standards" in the City Code overwhelmingly support the approval of the rezone – a fact that is supported by both the documentary record and the expert testimony in this matter.

Both of these points are discussed in greater detail below.

Summary of the petition and previous proceedings before the Council. As noted in the staff memo, McBride's rezone petition originally came before this committee early last year. The two lots subject to the petition encompass 34,472 square feet and are located on Corliss Avenue North between North 113th Place and North 115th Street – about five blocks northwest of Northgate Mall and less than two blocks from Interstate 5. Immediately to the south and southwest of the subject properties, several parcels are zoned Multifamily Lowrise 1 and Multifamily Lowrise 2. McBride's rezone petition requests that the properties be rezoned from Single Family 7200 to Single Family 5000. The practical result is to allow construction of two additional houses than would be allowed under the current zoning, with the two existing houses to remain.

McBride submitted his application in March 2008. Thereafter, the City received public comment and extensive expert testimony from Robert Thorpe of R.W. Thorpe and Associates and others. After considering all of this information, the Planning Director, Hearing Examiner, and this committee all recommended that McBride's rezone petition be approved.

Nonetheless, the full Council denied the petition by a five to four vote, with discussion at the meeting touching irrelevant matters and not really looking at the expert testimony by Bob Thorpe and others in support of the rezone. In its Findings, Conclusions and Decision, the Council based its denial on the grounds that McBride's rezone purportedly "conflicts with Land Use Goal 9 in Seattle's Comprehensive Plan," and that "it would be inconsistent with the character of single family zones and could set a precedent in the neighborhood and encourage other homeowners to pursue rezones of their single family zoned properties." Findings, Conclusions & Decision, Seattle City Council File No. 309287, at 2 (Apr. 13, 2009).

The Superior Court reversed the Council's decision. McBride appealed the Council's decision under the Land Use Petition Act, chapter 36.70C RCW. After extensive briefing and two hearings, the Court held that the City's decision was both legally flawed and unsupported by the record.

- Improper reliance on the Comprehensive Plan. First, the Court noted that, under the City Code and Supreme Court case law, the City is barred from using the provisions of the City's Comprehensive Plan as a basis for denying a rezone application. *See Findings, Conclusions, & Order Granting Land Use Petition (Order), McBride v. City of Seattle*, King Co. Super. Ct. No. 09-2-17965-4, at 5 (Jan. 27, 2010). The Comprehensive Plan is a general guide – a goals and policies document – which is implemented through the specific provisions of the City Code. The Comprehensive Plan is too general to be used to judge a site-specific project such as the rezone at issue here. Instead, the City must apply its existing zoning and other development regulations to the record before it, *see Order at 5*, which strongly supports approving McBride's rezone petition.
- The facts in the record did not support the denial. The Court also held that "[t]he Council erred by concluding that McBride's proposed rezone 'would be inconsistent with maintaining the character of single family zones.'" *Id.* The Court noted that this

conclusion was not supported by substantial evidence in the record, and was in fact contradicted by the record the Council's other findings and conclusions. *Id.* at 5-6. Moreover, the Court held that the "Council erred by determining that the rezone 'could set a precedent in the neighborhood and encourage other homeowners to pursue rezones of their single family rezoned properties.'" *Id.* at 6. The Court again noted that this determination was not supported by substantial evidence, and was contradicted by the record and the Council's other findings and conclusions. *Id.* at 6-7.

Given all of this, the Court granted McBride's Land Use Petition, vacated the Council's decision, and remanded McBride's rezone petition to the City for further proceedings consistent with the Court's order. *Id.* at 7.

The record and applicable criteria in the City Code support approving the rezone. As just noted, the Court held that the City must apply its relevant zoning and other development regulations to the record in making its decision on McBride's rezone petition. The applicable criteria are set forth in SMC 23.34.007 and .008. These provisions state that the criteria must be weighed and balanced together, and that no single criterion may be applied as an absolute requirement. *See* SMC 23.34.007(A) and (B). Thus, in assessing the rezone petition, one must review the relevant criteria and the record as a whole. Doing so strongly supports the conclusion that the rezone petition should be approved, as found by the planning staff, the expert testimony of Bob Thorpe, and the Hearing Examiner.

- For example, SMC 23.34.008(D) states that neighborhood plans that apply to the area should be taken into consideration. Here, both the Northgate Area Comprehensive Plan and the Broadview-Bitter Lake-Haller Lake Neighborhood Plan apply. And, in keeping with the provisions of those plans, McBride's rezone would retain single-family zoning designations on the subject properties and thus would maintain the single-family character of the neighborhood.
- SMC 23.34.008(C) states that previous and potential zoning changes both in and around the area proposed for rezone shall be examined. After reviewing the record, both the Planning Director and the Hearing Examiner concluded that McBride's rezone would have no direct precedential effects.
- SMC 23.34.008(E)(1) provides that a gradual transition between zoning categories is preferred. Currently, the zoning shifts sharply from Northgate's Multifamily Lowrise designations immediately to the south to the Single Family 7200 designation currently carried by the subject properties and other properties to the north. The McBride rezone, as noted by the Planning Director, would provide a modest transition or buffer between the more intense multifamily uses to the south and the SF 7200 zones to the north.
- SMC 23.34.008(F) provides that environmental impacts must be considered. The record demonstrates that the rezone would not produce any adverse environmental impacts.

- SMC 23.34.008(F)(1)(a) provides that positive impacts on housing, and particularly low-income housing, should be considered. The record demonstrates that the McBride rezone would create new opportunities for affordable, single-family housing in the area, given the smaller parcels that could be created under the new zoning designation.

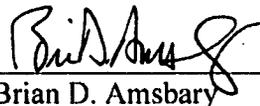
Other criteria set forth in SMC 23.34.008 are either inapplicable or applicable only indirectly.

In short, the law and facts overwhelmingly support approval of McBride's rezone petition. The Superior Court found that the prior decision denying the rezone was flawed, and the record – which is now closed under the terms of the City Code – strongly supports approving the rezone. McBride respectfully requests the Council to correct its earlier mistake and approve the rezone.

Very truly yours,

GROEN STEPHENS & KLINGE LLP
Charles A. Klinge
Brian D. Amsbary

By:



Brian D. Amsbary
Attorneys for Ken McBride

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

⊗ Planning • Landscape • Environmental • Economics ⊗

PRINCIPALS:

Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA, Of Counsel

ASSOCIATES:

Barbara Baker, AICP
Lindsay Diallo, RLA – Landscape Architect
Lee A. Michaelis, AICP

Date: March 8, 2010

via Hand Delivery

To: City of Seattle

Committee on Built Environment: Sally Bagshaw, Tim Burgess, & Sally Clark,

P.O. Box 34025
Seattle, WA 98124-4025

From: R.W. Thorpe & Assoc, Inc – Agent for the Applicant

Subject: **DPD Project 3008747 – Summary of Key Points in McBride Rezone Record: Please note that no new information is being added to the record in the following discussion.**

The applicant, Ken McBride, applied for a modest rezone of two parcels, (located at 11340 and 11334 Corliss Avenue N, Seattle, Washington) on March 24, 2008. **The request was for a rezone from Single Family 7,200 square feet per lot, to Single Family 5,000 square feet per lot. Please note that this was not a rezone request for multifamily zoning.**

The site location is west of I-5, one block off the freeway near Northgate, at the north boundary of the Northgate Urban Village. The rezone would accommodate the creation of two additional single family lots for a total of six rather than four single family parcels.

The RWT/A Staff, with 3 AICP members and 33 years of practice in Seattle provided the record of application for approval. In summary it was determined that:

The Functional & Locational Criteria of the Single Family Zone fits and remains the same for the site. (SMC 23.34.011)

The rezone is consistent with the Broadview-Bitter Lake-Haller Lake Neighborhood Plan and the Northgate Area Comprehensive Plan. The rezone will not change the character of the single family zone and does not conflict with any of the policies

A SEPA Determination of Nonsignificance was granted and was not appealed.

The service capacities for the area (SMC23.34.008 f) e.g. public services, pedestrian safety, would not suffer a significant adverse impact from the addition of two single family lots.

Centered on these facts and those presented by the staff in their report of November 13, 2008, the Director of the Department of Planning and Development Diane M. Sugimura, recommended APPROVAL of the Rezone from SF 7200 to SF 5000.

On January 6th 2009 the Hearing Examiner held an open record hearing on McBride's application and issued finding and conclusions, recommending that the application be approved. The recommended APPROVAL of the Rezone was based on the SMC 23.34.008 which sets out the general criteria for a rezone.

On March 25th 2009 after no appeals of the Hearing Examiner's decision the subject went before the "Planning Land Use and Neighborhood Committee." In a vote of two to one the rezone was recommended for approval by the Council committee, one year after the application was made.

The full City Council at its meeting(s) on April 6th , & 13, 2009 entered its Findings, Conclusions and Decision that adopted the entirety of the Examiners recommendation as its own decision with two exceptions.

The Councils Decision hereby substitutes the following conclusion: The proposed rezone conflicts with Land Use Goal 9 in Seattle, Comprehensive Plan which emphasizes maintaining the character of single family zones including "use, development, and density characteristic."

In addition, the Council substitutes the following Conclusion of Law as Conclusion of law 12: 12. Although the proposed rezone would be consistent with some of the applicable criteria, it would be inconsistent with maintaining the character of single family zones and could set a precedent in the neighborhood for encourage other home owners to pursue; rezone of their single family zone properties. Therefore the rezone should be denied.

Upon denial of the Rezone, the applicant filed an appeal of the decision to King County Superior Court under Land Use Petition Act.

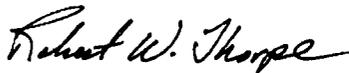
In the Superior Court of Washington for King County Case no. 09-2-17965-4, the Court found that the City Council was in error by identifying the inconsistency with Land Use Goal 9, because site specific land use proposals are governed by zoning and development regulations, not the Comprehensive Plan. Further the Court found that the City Council was in error by determining that the rezone "could set a precedent in the neighborhood & encourage other homeowners to pursue rezones of their single family zoned properties" because it was speculative, and that each application like McBride's should be decided on its own merits under the relevant standards.

By adopting the entire Hearing Examiner's Findings, Conclusions and Decisions in its entirety but for the two exceptions, the Council set up a contradiction that McBride's proposed rezone would be inconsistent with maintaining the character of a single family zone, when in fact the rezone was to still be a single family designation. SMC 23.34.011 identifies the function and locational criteria for single family zone but does not address the minimum lot size within the single family zone. Both 7,200 sq. ft. and 5000 sq. ft. lots exist in single family zoning classification.

In addition to the internal conflict and error of the City Council cited by the Court, it is our opinion that there was also a **misapplied objection to lowrise development which was ascribed to this property**. During the City Council discussion on April 6th among council members, letter(s) were cited from persons who were against multifamily zoning. We believe that their discussion led to confusion as their opposition was taken out of context; the **neighbors were not opposed to the single family zoning change, they were opposed to multifamily**.

After review of the conclusions and findings of the Court, we remain as we were at first, convinced that the rezone should be granted.

Respectfully Submitted,
R.W. Thorpe & Associates, Inc



Robert Thorpe, AICP
President

Respectfully Submitted,
R.W. Thorpe & Associates, Inc



Barbara Baker, AICP
Associate

CC: Charles Klinge, LLP
Ken McBride



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STEPHENS & KLINGE LLP
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March 8, 2010

Via Hand Delivery

Seattle City Council
Committee on the Built Environment
PO Box 34025
Seattle, WA 98124-4025

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We have reviewed the Council Central Staff memo regarding the petition, and while it is largely correct as far as it goes, certain points bear some elaboration and emphasis.

- First, the Superior Court did not simply vacate the Council's prior denial of McBride's petition and remand without any guidance. Rather, it held that the Council's formerly stated reasons for the denial were both legally untenable and unsupported by the record, and that further consideration of the rezone petition must be guided by the "existing legislative standards" set forth in the City Code – not anyone's individual policy preferences.
- Second, and perhaps more importantly, the "existing legislative standards" in the City Code overwhelmingly support the approval of the rezone – a fact that is supported by both the documentary record and the expert testimony in this matter.

Both of these points are discussed in greater detail below.

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Nonetheless, the full Council denied the petition by a five to four vote, with discussion at the meeting touching irrelevant matters and not really looking at the expert testimony by Bob Thorpe and others in support of the rezone. In its Findings, Conclusions and Decision, the Council based its denial on the grounds that McBride's rezone purportedly "conflicts with Land Use Goal 9 in Seattle's Comprehensive Plan," and that "it would be inconsistent with the character of single family zones and could set a precedent in the neighborhood and encourage other homeowners to pursue rezones of their single family zoned properties." Findings, Conclusions & Decision, Seattle City Council File No. 309287, at 2 (Apr. 13, 2009).

The Superior Court reversed the Council's decision. McBride appealed the Council's decision under the Land Use Petition Act, chapter 36.70C RCW. After extensive briefing and two hearings, the Court held that the City's decision was both legally flawed and unsupported by the record.

- Improper reliance on the Comprehensive Plan. First, the Court noted that, under the City Code and Supreme Court case law, the City is barred from using the provisions of the City's Comprehensive Plan as a basis for denying a rezone application. *See* Findings, Conclusions, & Order Granting Land Use Petition (Order), *McBride v. City of Seattle*, King Co. Super. Ct. No. 09-2-17965-4, at 5 (Jan. 27, 2010). The Comprehensive Plan is a general guide – a goals and policies document – which is implemented through the specific provisions of the City Code. The Comprehensive Plan is too general to be used to judge a site-specific project such as the rezone at issue here. Instead, the City must apply its existing zoning and other development regulations to the record before it, *see* Order at 5, which strongly supports approving McBride's rezone petition.
- The facts in the record did not support the denial. The Court also held that "[t]he Council erred by concluding that McBride's proposed rezone 'would be inconsistent with maintaining the character of single family zones.'" *Id.* The Court noted that this

conclusion was not supported by substantial evidence in the record, and was in fact contradicted by the record the Council's other findings and conclusions. *Id.* at 5-6. Moreover, the Court held that the "Council erred by determining that the rezone 'could set a precedent in the neighborhood and encourage other homeowners to pursue rezones of their single family rezoned properties.'" *Id.* at 6. The Court again noted that this determination was not supported by substantial evidence, and was contradicted by the record and the Council's other findings and conclusions. *Id.* at 6-7.

Given all of this, the Court granted McBride's Land Use Petition, vacated the Council's decision, and remanded McBride's rezone petition to the City for further proceedings consistent with the Court's order. *Id.* at 7.

The record and applicable criteria in the City Code support approving the rezone. As just noted, the Court held that the City must apply its relevant zoning and other development regulations to the record in making its decision on McBride's rezone petition. The applicable criteria are set forth in SMC 23.34.007 and .008. These provisions state that the criteria must be weighed and balanced together, and that no single criterion may be applied as an absolute requirement. *See* SMC 23.34.007(A) and (B). Thus, in assessing the rezone petition, one must review the relevant criteria and the record as a whole. Doing so strongly supports the conclusion that the rezone petition should be approved, as found by the planning staff, the expert testimony of Bob Thorpe, and the Hearing Examiner.

- For example, SMC 23.34.008(D) states that neighborhood plans that apply to the area should be taken into consideration. Here, both the Northgate Area Comprehensive Plan and the Broadview-Bitter Lake-Haller Lake Neighborhood Plan apply. And, in keeping with the provisions of those plans, McBride's rezone would retain single-family zoning designations on the subject properties and thus would maintain the single-family character of the neighborhood.
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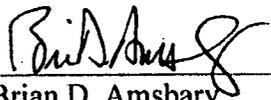
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Very truly yours,

GROEN STEPHENS & KLINGE LLP
Charles A. Klinge
Brian D. Amsbary

By:



Brian D. Amsbary
Attorneys for Ken McBride

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

⊗ Planning • Landscape • Environmental • Economics ⊗

PRINCIPALS:

Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA, Of Counsel

ASSOCIATES:

Barbara Baker, AICP
Lindsay Diallo, RLA – Landscape Architect
Lee A. Michaelis, AICP

Date: March 8, 2010

via Hand Delivery

To: City of Seattle
Committee on Built Environment: Sally Bagshaw, Tim Burgess, & Sally Clark,

P.O. Box 34025
Seattle, WA 98124-4025

From: R.W. Thorpe & Assoc, Inc – Agent for the Applicant

Subject: **DPD Project 3008747 – Summary of Key Points in McBride Rezone Record:
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The rezone is consistent with the Broadview-Bitter Lake-Haller Lake Neighborhood Plan and the Northgate Area Comprehensive Plan. The rezone will not change the character of the single family zone and does not conflict with any of the policies

A SEPA Determination of Nonsignificance was granted and was not appealed.

The service capacities for the area (SMC23.34.008 f) e.g. public services, pedestrian safety, would not suffer a significant adverse impact from the addition of two single family lots.

Centered on these facts and those presented by the staff in their report of November 13, 2008, the Director of the Department of Planning and Development Diane M. Sugimura, recommended APPROVAL of the Rezone from SF 7200 to SF 5000.

On January 6th 2009 the Hearing Examiner held an open record hearing on McBride's application and issued finding and conclusions, recommending that the application be approved. The recommended APPROVAL of the Rezone was based on the SMC 23.34.008 which sets out the general criteria for a rezone.

On March 25th 2009 after no appeals of the Hearing Examiner's decision the subject went before the "Planning Land Use and Neighborhood Committee." In a vote of two to one the rezone was recommended for approval by the Council committee, one year after the application was made.

The full City Council at its meeting(s) on April 6th , & 13, 2009 entered its Findings, Conclusions and Decision that adopted the entirety of the Examiners recommendation as its own decision with two exceptions.

The Councils Decision hereby substitutes the following conclusion: The proposed rezone conflicts with Land Use Goal 9 in Seattle, Comprehensive Plan which emphasizes maintaining the character of single family zones including "use, development, and density characteristic."

In addition, the Council substitutes the following Conclusion of Law as Conclusion of law 12: 12. Although the proposed rezone would be consistent with some of the applicable criteria, it would be inconsistent with maintaining the character of single family zones and could set a precedent in the neighborhood for encourage other home owners to pursue; rezone of their single family zone properties. Therefore the rezone should be denied.

Upon denial of the Rezone, the applicant filed an appeal of the decision to King County Superior Court under Land Use Petition Act.

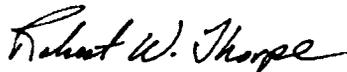
In the Superior Court of Washington for King County Case no. 09-2-17965-4, the Court found that the City Council was in error by identifying the inconsistency with Land Use Goal 9, because site specific land use proposals are governed by zoning and development regulations, not the Comprehensive Plan. Further the Court found that the City Council was in error by determining that the rezone "could set a precedent in the neighborhood & encourage other homeowners to pursue rezones of their single family zoned properties" because it was speculative, and that each application like McBride's should be decided on its own merits under the relevant standards.

By adopting the entire Hearing Examiner's Findings, Conclusions and Decisions in its entirety but for the two exceptions, the Council set up a contradiction that McBride's proposed rezone would be inconsistent with maintaining the character of a single family zone, when in fact the rezone was to still be a single family designation. SMC 23.34.011 identifies the function and locational criteria for single family zone but does not address the minimum lot size within the single family zone. Both 7,200 sq. ft. and 5000 sq. ft. lots exist in single family zoning classification.

In addition to the internal conflict and error of the City Council cited by the Court, it is our opinion that there was also a **misapplied objection to lowrise development which was ascribed to this property**. During the City Council discussion on April 6th among council members, letter(s) were cited from persons who were **against multifamily zoning**. We believe that their discussion led to confusion as their opposition was taken out of context; the **neighbors were not opposed to the single family zoning change, they were opposed to multifamily**.

After review of the conclusions and findings of the Court, we remain as we were at first, convinced that the rezone should be granted.

Respectfully Submitted,
R.W. Thorpe & Associates, Inc



Robert Thorpe, AICP
President

Respectfully Submitted,
R.W. Thorpe & Associates, Inc



Barbara Baker, AICP
Associate

CC: Charles Klinge, LLP
Ken McBride

CF_309287 - 7



CF_309287



FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition)	C.F. 309287
of)	DPD Project 3008747
)	
Ken McBride)	FINDINGS, CONCLUSIONS
)	AND DECISION
To rezone 34,472 square)	
feet of land located at)	
11340 and 11334 Corliss)	
Avenue North from SF)	
7200 to SF 5000)	
)	

Introduction

This matter involves the petition of Ken McBride (the “Proponent”) to rezone approximately 34,472 square feet of property located at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). Attachment A shows the area to be rezoned.

On November 13, 2008, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone. After holding an open record hearing on January 6, 2009, the Hearing Examiner issued Findings and Recommendations recommending approval. The Council received no appeals of the Hearing Examiner’s recommendation.

The matter came before the Planning, Land Use and Neighborhood Committee (PLUNC) on March 25, 2009. At that meeting, PLUNC took up the merits of the petition. On that date, PLUNC discussed the proposed rezone and voted 2-1 to recommend approval to the full Council.

Findings of Fact and Conclusions

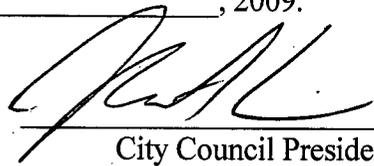
The Council hereby adopts the Hearing Examiner's Findings of Fact and Conclusions of Law 1-11 for C.F. 309287 dated January 14, 2009, except for the last sentence of Conclusion of Law 6. For the last sentence of Conclusion of Law 6, the Council hereby substitutes the following conclusion: The proposed rezone conflicts with Land Use Goal 9 in Seattle's Comprehensive Plan, which emphasizes maintaining the character of single family zones including "use, development, and density characteristics." In addition, the Council substitutes the following Conclusion of Law as Conclusion of Law 12:

12. Although the proposed rezone would be consistent with some of the applicable criteria, it would be inconsistent with maintaining the character of single family zones and could set a precedent in the neighborhood and encourage other homeowners to pursue rezones of their single family zoned properties. Therefore, the rezone should be denied.

Decision

The Council hereby DENIES a rezone of the property described above and found in Attachment A, from SF 7200 to SF 5000.

Dated this 13th day of April, 2009.



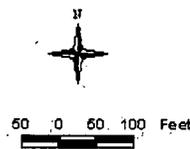
City Council President

ATTACHMENT A



**11340 & 11334
 Corliss Ave N
 Rezone**

-  Zoning Outlines
-  Streets
-  Arterials
-  Interstate Freeway
-  Parcels



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 City of Seattle.
 Prepared Mar. 18, 2009
 by C. McCoy

FILED
CITY OF SEATTLE

2009 APR 14 AM 10:08

CITY CLERK



**City of Seattle
Legislative Department
Office of the City Clerk**

Judith E. Pippin, City Clerk

April 14, 2009

PARTIES OF RECORD

Petition to Rezone - Clerk File No. 309287

Dear Sir or Madam:

The City Council at its meeting on April 6, 2009, voted not to adopt the recommendation of its Planning, Land Use and Neighborhoods Committee on Clerk File No. 309287, entitled:

Petition of Ken McBride to rezone 34,472 sq.ft. of land at 11340 Corliss Avenue North from Single Family 7,200 to Single Family 5,000 (Project No. 3008747 (Type IV).

At its meeting on April 13, 2009, the City Council voted to adopt findings, conclusions and a decision to deny the rezone. The City Council decision was as follows:

That the rezone be denied.

Judicial review of this decision may be sought in King County Superior Court under the Land Use Petition Act (RCW 36.70C). To be timely, an appeal must be filed with the court and served on all parties of record within 21 days of the date the decision is issued. The date of issuance is three days after the written decision is mailed; the mailing date is April 14, 2009. For further information please see RCW 36.70C.040.

Sincerely,

Carol Shenk
Acting City Clerk

Enclosure

cc: Sally Clark, Councilmember
Sara Belz, Council Central Staff
Sue Putnam, DPD
Hearing Examiner
Parties of Record

600 Fourth Avenue, Floor 3, PO Box 94728, Seattle, Washington 98124-4728

(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025

Internet Address: <http://www.seattle.gov/leg/clerk>

An EEO employer. Accommodations for people with disabilities provided upon request.

FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition)	C.F. 309287
of)	DPD Project 3008747
)	
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feet of land located at)	
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Avenue North from SF)	
7200 to SF 5000)	
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Introduction

This matter involves the petition of Ken McBride (the "Proponent") to rezone approximately 34,472 square feet of property located at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). Attachment A shows the area to be rezoned.

On November 13, 2008, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone. After holding an open record hearing on January 6, 2009, the Hearing Examiner issued Findings and Recommendations recommending approval. The Council received no appeals of the Hearing Examiner's recommendation.

The matter came before the Planning, Land Use and Neighborhood Committee (PLUNC) on March 25, 2009. At that meeting, PLUNC took up the merits of the petition. On that date, PLUNC discussed the proposed rezone and voted 2-1 to recommend approval to the full Council.

Findings of Fact and Conclusions

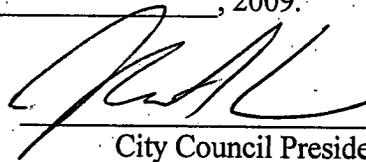
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12. Although the proposed rezone would be consistent with some of the applicable criteria, it would be inconsistent with maintaining the character of single family zones and could set a precedent in the neighborhood and encourage other homeowners to pursue rezones of their single family zoned properties. Therefore, the rezone should be denied.

Decision

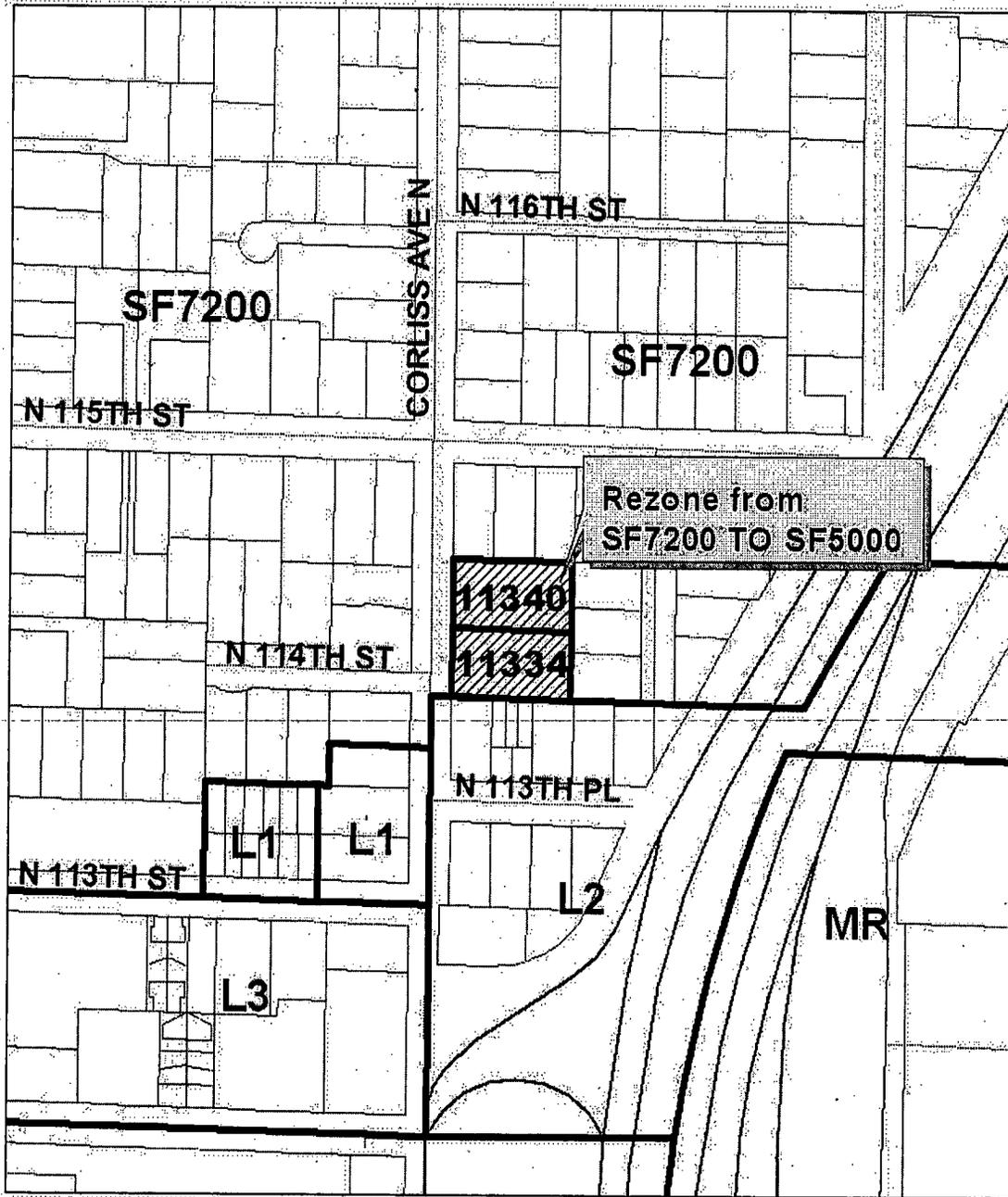
The Council hereby DENIES a rezone of the property described above and found in Attachment A, from SF 7200 to SF 5000.

Dated this 13th day of April, 2009.



City Council President

ATTACHMENT A



**11340 & 11334
 Corliss Ave N
 Rezone**

-  Zoning Outlines
-  Streets Arterials
-  Interstate Freeway
-  Parcels



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 City of Seattle
 Prepared Mar. 18, 2009
 by C. McCoy

Rezone Information Form

Please provide complete and accurate information as requested below. Use additional paper if necessary.

1. Project number 3008747 Ken McBride
(This number will be assigned at your pre-submittal conference)

2. Subject property address 11340 Corliss Ave North

3. Existing zoning classification SF 7,200 Proposed change to SF 5,000

4. Approximate size of property/area to be rezoned 98.93' x 351.6' square feet 34,472 sq ft

5. Legal description of property to be rezoned (attach additional sheet if necessary)
SEE ATTACHED – TWO PARCEL NO. 2926049175 & 2926049188

6. Present use of property The two parcels are both oversized lots with one single family unit ea.

7. What structures, if any, will be demolished or removed? None at this time – ultimately 2 garages may be removed
The existing homes (2) will remain, be remodeled, and or improved at some time in the future.

8. Reason for the requested change in zoning classification and/or new use The density increase to SF 5000 will allow the two oversized parcels to be divided in a manner that retains their single family criteria; while allowing the once residual land to contribute to parcels available for new residential construction. The two parcels abut the Northgate Urban Village. The rezone to SF 5000 will allow a transition between L-3 & SF 7200 where one does not exist now.

9. Anticipated benefits the proposal will provide An increase of density will meet Seattle UGA goals of 4 to 8 units per acre. More Single Family lots will be added to the buildable lands inventory without sprawl. Implementation of the City of Seattle "Northgate Traffic Improvement Plan" will support development within the area. Helping Northgate meets it's housing and employment targets for 2010. Infill development requires new investment in the neighborhood which will improve the quality of the City.

10. Summary of potential negative impacts of the proposal on the surrounding area _____
A portion of the growth could be diverted to other neighborhoods within the City, or to other cities in the region affecting the need for transportation improvements within those areas. Greater development pressure could also occur on rural lands.

11. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation)
None at this time, an application for the sub-division of the land will occur at a later time.

Owner/Applicant(s) Ken McBride
(signature)

(signature)

Name(s) (printed) Ken McBride

Address c/o R. W. Thorpe & Assoc. Inc. 206-624-6239 fax 206-625-0930

City/State 705 2nd Ave Suite 710 Zip 98104
Seattle WA

ELIZABETH KING
23423 BRIER ROAD
BRIER, WA 98036
(425) 398-1917 / (206) 992-7977
elizabeth.king@yahoo.com

March 18, 2008

TO:
R.W. Thorpe & Associates, Inc.
705 2nd Ave. Ste 710
Seattle, WA 98104-1717

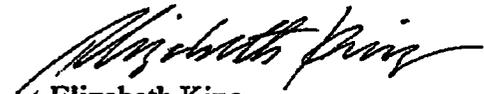
ATTN: Barbara Baker

Dear Barbara,

This letter is to confirm my interest and support of the rezone that you are pursuing with the City of Seattle which involves my property, at 11334 Corliss Ave. N., and Mr. McBride's property, at 11340 Corliss Ave. N. I agree to include my property in the rezone that Mr. McBride has initiated with you, and authorize you to convey information about my property to the City of Seattle and Mr. McBride to obtain the rezone.

Please feel free to contact me if you need any additional information. Thank you for your assistance in this matter.

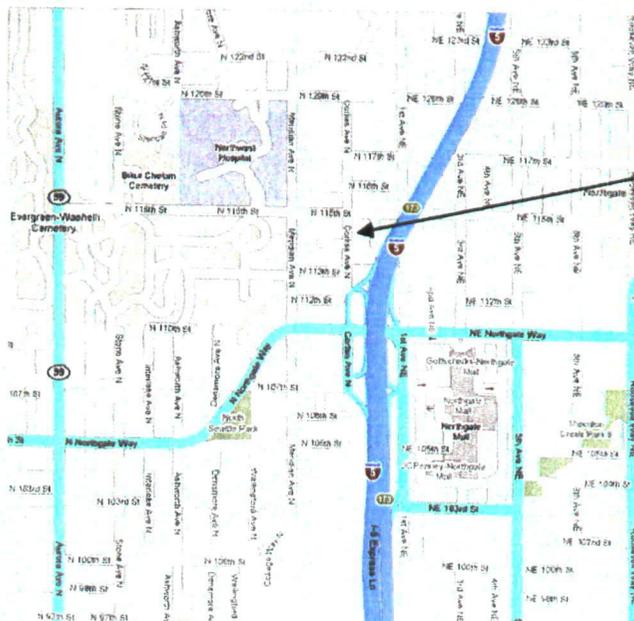
Sincerely,


Elizabeth King

CURRENT ZONING: SINGLE FAMILY 7,200

REZONE REQUEST/ CHANGE TO: SINGLE FAMILY 5,000

APPLICANT	ADDRESS	PARCEL	City of Seattle Project Number	AREA In Square Feet
McBride	11340 Corliss Ave North	2926049-175	3008747	17,229
	11334 Corliss Ave North	2926049-188		17,243

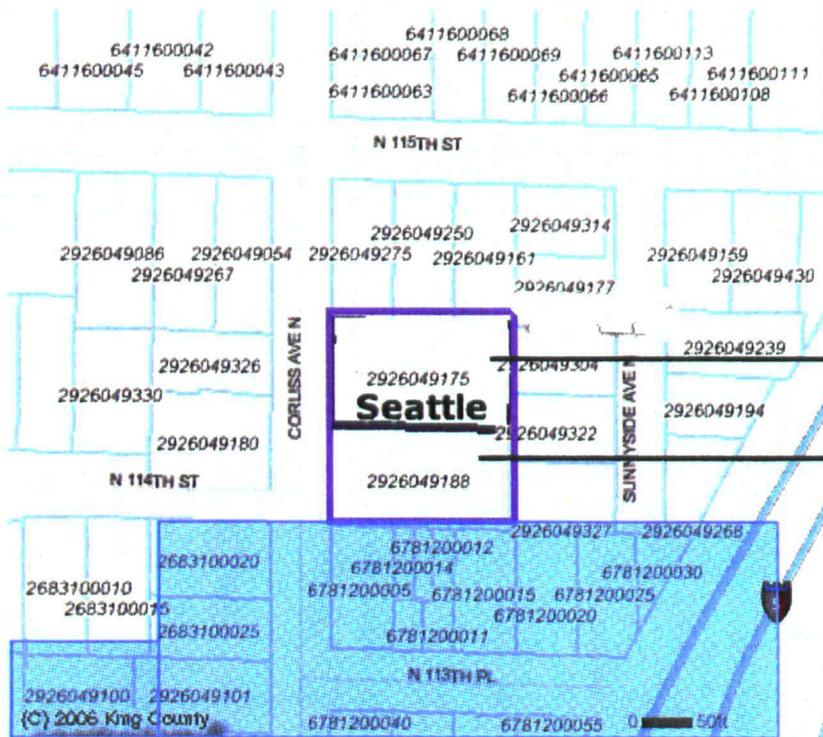


SITE LOCATION

The Possible number of Lots at Single Family 7,200 is 2 parcels each site.

The possible number of Lots if rezone to Single Family 5,000 is 3 parcels each site.

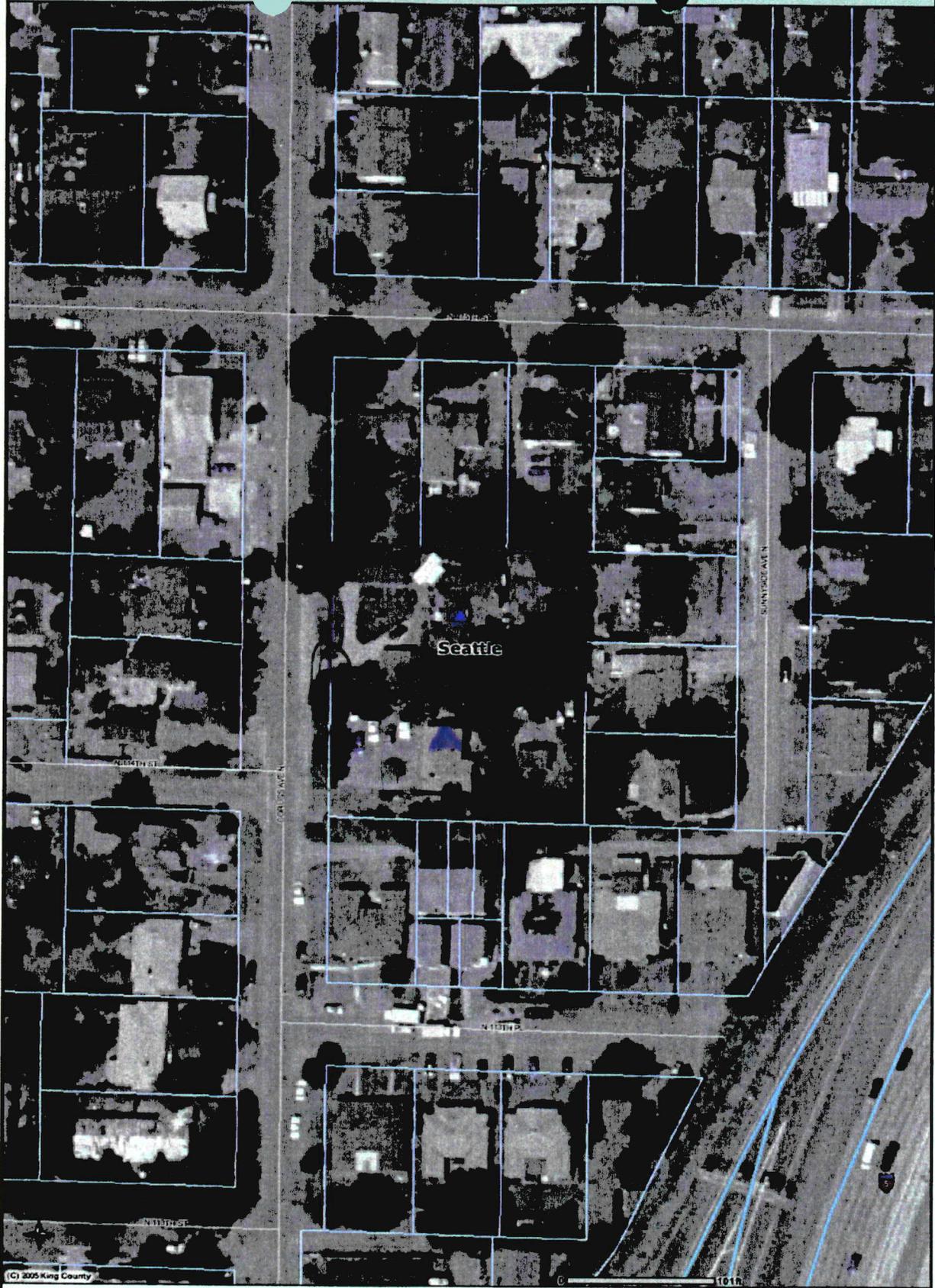
The south parcel boundary is the "Urban Center" boundary for the Northgate Neighborhood. This shaded area is zoned Lowrise 1, 2 and Lowrise 3



McBride

King

IMAP



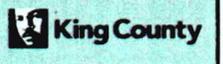
(C) 2005 King County

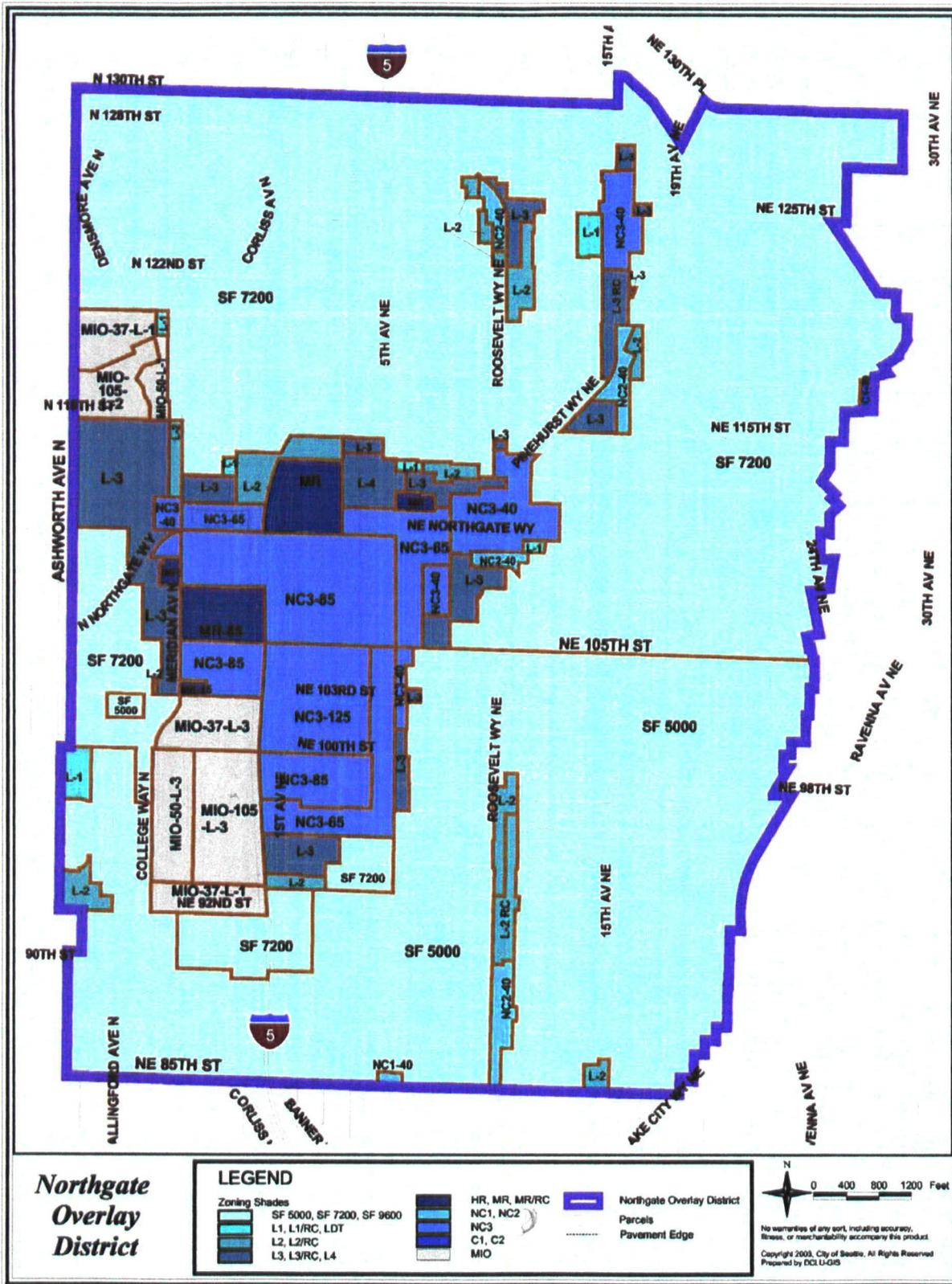
 Highlighted Feature	 Incorporated Area	Legend	 Local
 County Boundary	 Streets	 Parcels	 2005 Color Aerial Photos
 Mountain Peaks	 Highway	 Shaded Relief	
 Highways	 Arterials (cont)		

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 12/5/2007

Source: King County IMAP - Sensitive Areas (<http://www.metrokc.gov/GIS/IMAP>)





A

comfort, visual interest and activity for the pedestrian

Northgate Overlay District

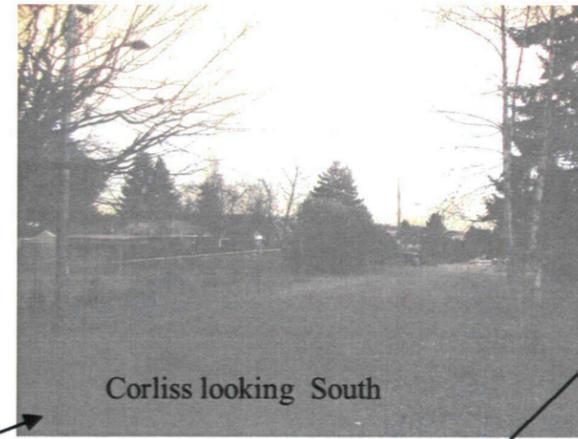
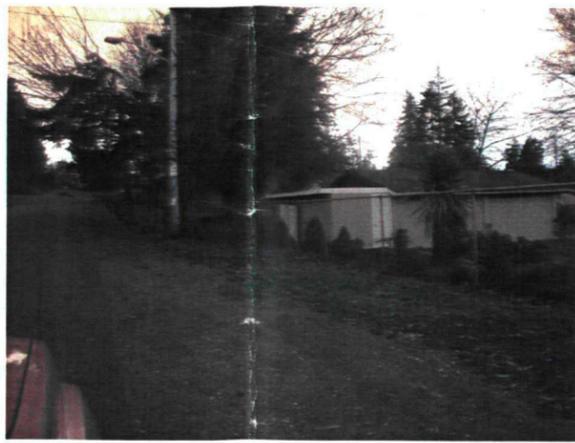
LEGEND		
	HR, MR, MR/RC	
	NC1, NC2	
	NC3	
	C1, C2	
	MIO	

0 400 800 1200 Feet

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Prepared by DCLUGS

**Figure 1:
Northgate Urban Center
and Overlay District**

Zone Designations:
SF 5000 (Single Family), **LDT** (Lowrise, Duplex, Triplex), **L1, L2, L3** (Lowrise 1, 2 and 3),
MR (Midrise), **RC** (Residential Commercial), **NC2, NC3** (Neighborhood Commercial 2, 3),
C1 (Commercial 1), **MIO** (Major Institution Overlay)

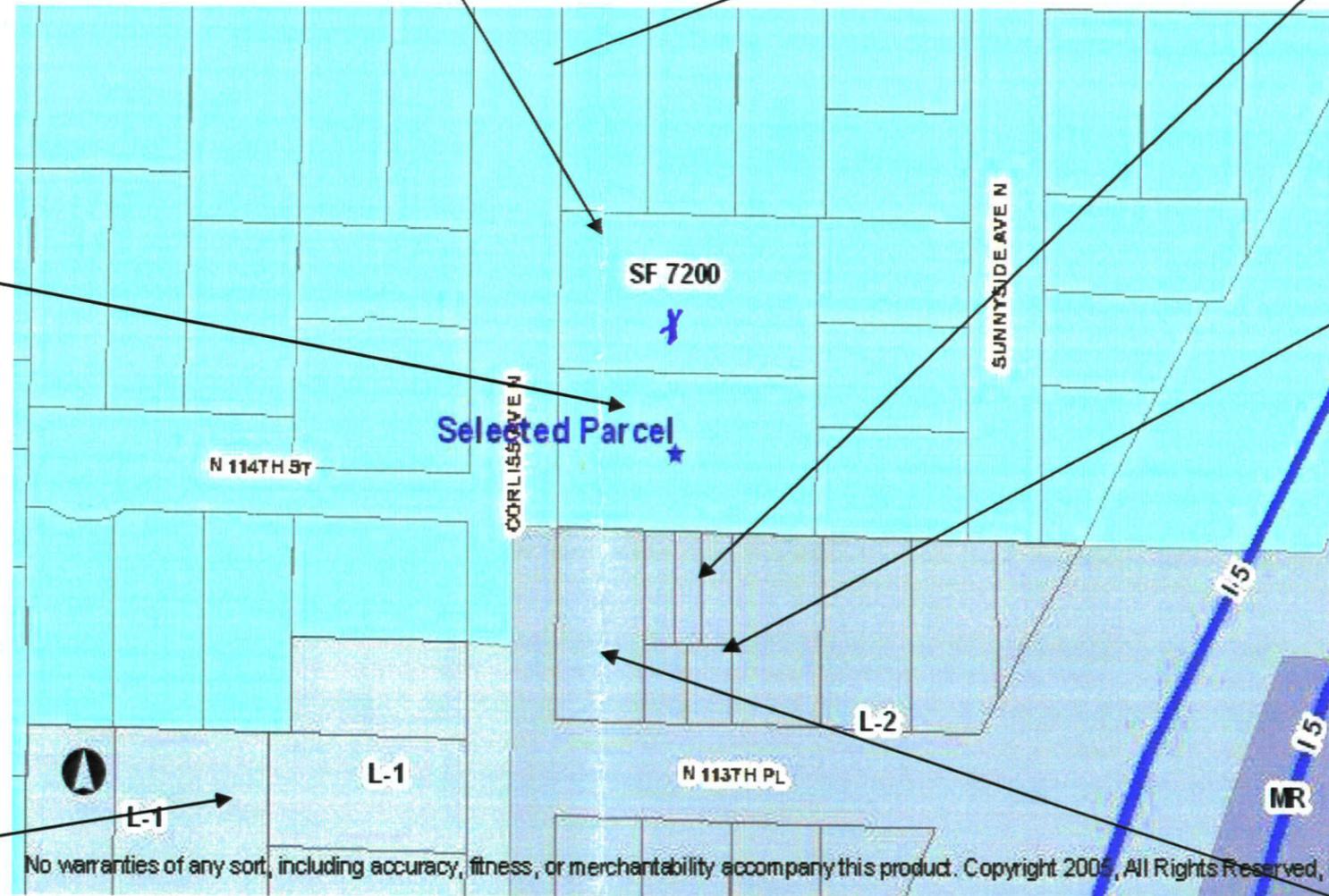


11340 Corliss Ave North

Corliss looking South



11334 Corliss Ave



TOPOGRAPHIC & BOUNDARY SURVEY
 NW 1/4 OF THE SW 1/4 OF SEC. 29, TWP. 26N., RGE. 4E., W.
 CITY OF SEATTLE, KING COUNTY, WA.

LEGAL DESCRIPTION:
 THE SOUTH 88.00 FEET OF THE NORTH 381.00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST, T.26N., R.4E., IN KING COUNTY, WASHINGTON, EXCEPT THE EAST 123.00 FEET THEREOF, AND EXCEPT PORTION FOR CORLISS AVENUE NORTH.

VERTICAL DATUM: (VISITED 01/16/2008)
 (NAVD 88)

BEARING MERIDIAN:
 ASSUMED

LEGEND

- ⊕ FOUND MONUMENT AS NOTED
- ⊙ FOUND REBAR & CAP AS NOTED
- ⊚ FOUND TACK IN LEAD AS NOTED
- UTILITY POLE
- ⊙ SANITARY SEWER MANHOLE
- * FINISHED FLOOR ELEVATION
- X SPOT ELEVATION
- ⊕ WATER METER
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ▨ ASPHALT SURFACE
- ▨ RET. WALL
- ▨ CONC SURFACE
- ▨ STAIRS
- ▨ GRAVEL SURFACE
- ▨ GAP BETWEEN PROPERTY AND PLAT
- - - CARPORT
- BUILDING LINE
- CENTERLINE OF ROAD
- ROCKERY
- CHAIN LINK FENCE
- WOOD FENCE
- TOP/TOE OF SLOPE AS NOTED
- EAVES
- D.M. APRON DRIVEWAY ACCESS
- CONC CONCRETE
- R-O-W RIGHT-OF-WAY
- () RECORD
- ⊙ DECIDUOUS TREE (NOT SHOWN TO SCALE)
TRUNK DIA SHOWN IN INCHES.
- ⊙ CONIFER TREE (NOT SHOWN TO SCALE)
TRUNK DIA SHOWN IN INCHES.
- ⊙ MAPLE TREE (NOT SHOWN TO SCALE)
TRUNK DIA SHOWN IN INCHES.

SURVEYOR'S NOTES:

- THE TOPOGRAPHIC SURVEY SHOWN HEREON WAS PERFORMED IN JANUARY OF 2008. THE FIELD DATA WAS COLLECTED AND RECORDED ON MAGNETIC MEDIA THROUGH AN ELECTRIC THEODOLITE. THE DATA FILE IS ARCHIVED ON DISC OR CD. WRITTEN FIELD NOTES MAY NOT EXIST. CONTOURS ARE SHOWN FOR CONVENIENCE ONLY. DESIGN SHOULD RELY ON SPOT ELEVATIONS.
- SUBJECT PROPERTY TAX PARCEL NO. 292604-9188.
- SUBJECT PROPERTY AREA PER THIS SURVEY IS 17,243 SQ. FT. ±.
- A TITLE REPORT WAS NOT FURNISHED AND THEREFOR, EASEMENTS IF ANY, NOT SHOWN ON THIS MAP.
- THE BURIED SANITARY SEWER INFO SHOWN ON THIS MAP IS AN APPROX. LOCATION ONLY PER SANITARY SEWER CARD NO. LC-1709. UPON CONSTRUCTION IF ANY, PLEASE CALL A UTILITY UNDERGROUND LOCATION SERVICE.

METHOD OF SURVEY:
 INSTRUMENTATION FOR THIS SURVEY WAS A LEICA ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE DIRECT AND REVERSE ANGLES, NO CORRECTION NECESSARY. MEETS, KING COUNTY AND STATE STANDARDS SET BY MAC 332-130-090.

NOTE:
 THERE IS A GAP BETWEEN THE SOUTHLINE OF THE PROPERTY AND THE NORTH LINE OF THE PLAT TO THE SOUTH.

KENNETH PIERSON ADDITION
 VOL. 48, PAGE 3

TOPOGRAPHIC & BOUNDARY SURVEY

KING RESIDENCE
 11334 CORLISS AVENUE N.
 SEATTLE, WA. 98133

DWN. BY T.J.B.	DATE 01/24/2008	JOB NO. 8010
CHKD. BY E.J.G.	SCALE 1"=10'	SHEET 1 OF 1

GeoDimensions

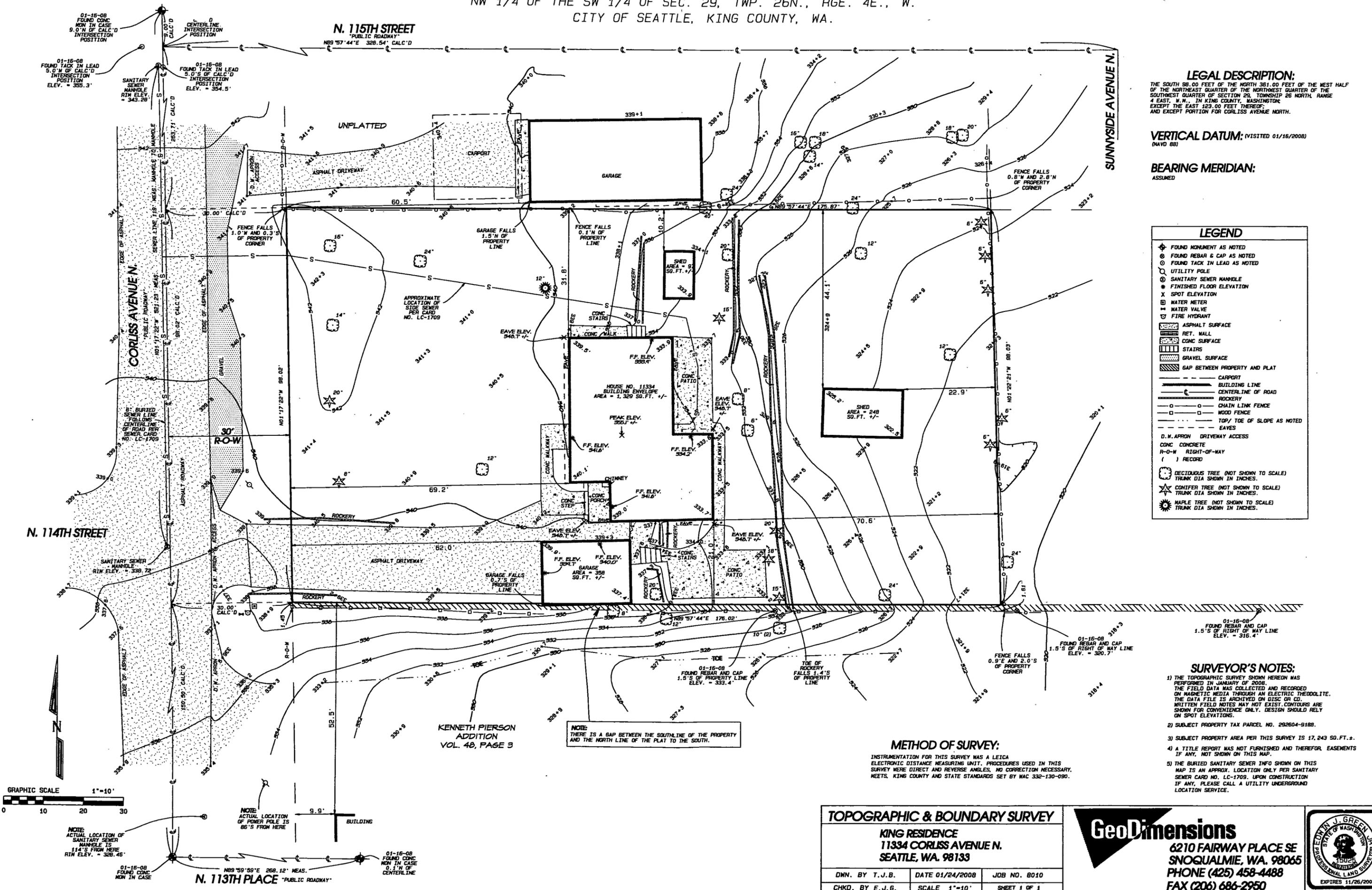
6210 FAIRWAY PLACE SE
 SNOQUALMIE, WA. 98065
 PHONE (425) 458-4488
 FAX (206) 686-2950



NOTE:
 ACTUAL LOCATION OF SANITARY SEWER MANHOLE IS 114' S FROM HERE RIM ELEV. = 326.46'

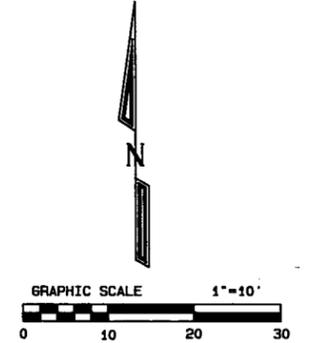
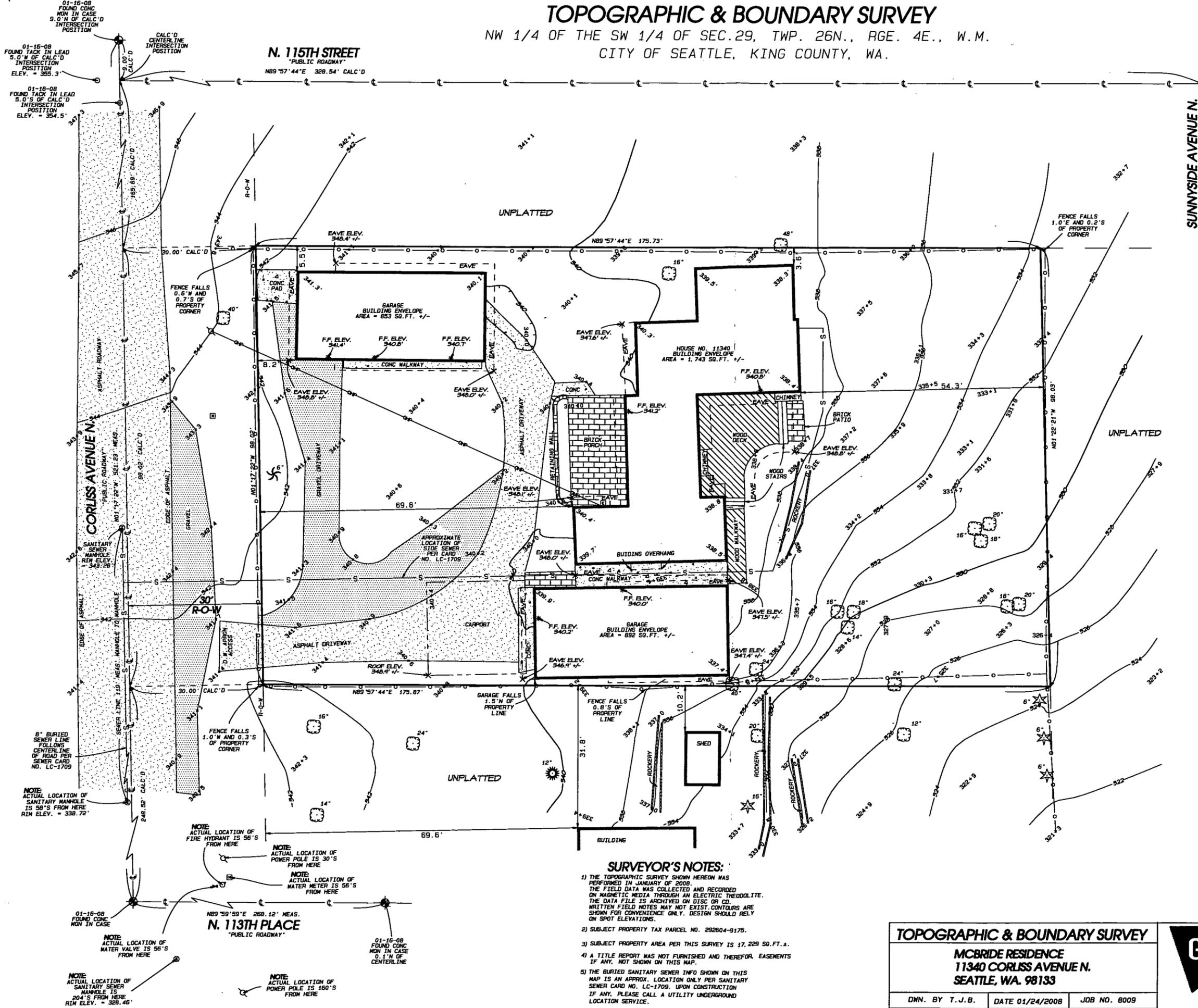
NOTE:
 ACTUAL LOCATION OF POWER POLE IS 66' S FROM HERE

NOTE:
 01-16-08 FOUND CONC MON IN CASE 0.1' N OF CENTERLINE



TOPOGRAPHIC & BOUNDARY SURVEY

NW 1/4 OF THE SW 1/4 OF SEC. 29, TWP. 26N., RGE. 4E., W.M.
CITY OF SEATTLE, KING COUNTY, WA.



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VERTICAL DATUM: (VISITED 01/16/2008)
(NAVD 88)

BEARING MERIDIAN:
ASSUMED

LEGEND	
	FOUND MONUMENT AS NOTED
	FOUND TACK IN LEAD AS NOTED
	UTILITY POLE
	SANITARY SEWER MANHOLE
	FINISHED FLOOR ELEVATION
	SPOT ELEVATION
	ELECTRIC METER
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	D.M. APRON DRIVEWAY ACCESS
	CONC. CONCRETE
	R-O-W RIGHT-OF-WAY
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	DECIDUOUS TREE (NOT SHOWN TO SCALE) TRUNK DIA SHOWN IN INCHES.
	CONIFER TREE (NOT SHOWN TO SCALE) TRUNK DIA SHOWN IN INCHES.
	PALM TREE (NOT SHOWN TO SCALE) TRUNK DIA SHOWN IN INCHES.
	MAPLE TREE (NOT SHOWN TO SCALE) TRUNK DIA SHOWN IN INCHES.

SURVEYOR'S NOTES:

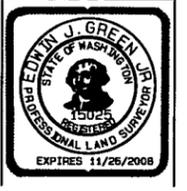
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TOPOGRAPHIC & BOUNDARY SURVEY		
MCBRIDE RESIDENCE 11340 CORLISS AVENUE N. SEATTLE, WA. 98133		
DWN. BY T.J.B.	DATE 01/24/2008	JOB NO. 8009
CHKD. BY E.J.G.	SCALE 1"=10'	SHEET 1 OF 1

GeoDimensions
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Title 23 - LAND USE CODE
Subtitle III Land Use Regulations
Division 1 Land Use Zones
Chapter 23.34 - Amendments to Official Land Use Map (Rezoning)
Subchapter II Rezone Criteria

SMC 23.34.008 General rezone criteria.

<p>A. To be approved a rezone shall meet the following standards:</p>	
<p>1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.</p>	<p><i>The site adjoins the Northgate Urban Village but in outside the boundary. It is in the Northgate neighborhood planning area</i></p>
<p>2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.</p>	<p><i>NA - The sites abut the boundary of the urban village but do not qualify for Small Lot, L-1,2 or 3 due to the Location criteria and the Northgate Neighborhood Plan does not have areas designated for Residential Small Lot such as RSL, - RSL/T Tandem Housing or RSL/C Cottage Housing. Therefore rezone for density is allowed to occur only from SF 7200 to SF 5,000.</i></p>
<p>B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be 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 zone designation.</p>	<p><i>The site meets the Single Family Zone Classification.</i></p> <p><i>The current Zone is Single Family 7200</i></p> <p><i>The request is to change the 7200 minimum lot area to 5,000</i></p>
<p>C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.</p>	<p><i>The 1993 Northgate Neighborhood Plan Ord. 116770 appendix C & F</i> <i>SMC 23.71.030</i> <i>"Transition"</i> <i>Implementation Guideline 5.1: The intent is to promote a compatible physical relationship between uses on both sides of a zoning boundary, while permitting different scales and intensities of development. This will provide light, air, and solar access and privacy to properties in abutting residential areas.</i></p>
<p>D. Neighborhood Plans.</p>	<p><i>The Northgate Neighborhood Plan does not have areas designated for Residential Small Lot such as RSL, - RSL/T Tandem Housing or RSL/C Cottage Housing. Therefore rezone for density is allowed to occur only from SF 7200 to SF 5,000.</i></p>
<p>1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.</p>	<p><i>This rezone application does not modify the requirements in the main body of the land use code in relationship to location criteria for Single Family Zones with the Northgate Neighborhood Plan.</i></p>
<p>2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.</p>	<p><i>"Demographic Snapshots by City of Seattle Department of Design, Construction and Land Use - Monitoring Our Progress page 5 & 6 state that 25% of the Comprehensive Plan Share of Housing is to occur outside of Urban Centers</i></p>

	<p>and Villages. Given the age of the surrounding neighborhoods there is little if any large lots with the ability to accommodate growth at this percentage. Rezone to SF 5,000 will work.</p> <p>When and where it can occur the Northgate Neighborhood is ready for new investment. Examples: Library, Community Center and Park Construction Underway - Mayor Nickels leads Northgate groundbreaking ceremony 03/19/05</p> <p><i>The Northgate Stakeholders Group was formed as a result of the agreement reached in December 2003 by Mayor Nickels, the Seattle City Council, and members of the Northgate community, and represents a wide range of interests in the revitalization of Northgate.</i></p> <p><i>The first charges for the group are to advise the City on a plan for open space and pedestrian connections, the Coordinated Transportation Investment Plan, the Fifth Avenue NE Streetscape Design, and planning for large developments. Large developments for the Northgate area include the Lorig development, the City's project for open space and a storm water feature to benefit Thornton Creek, King County's transit-oriented project, and expansion of Northgate Mall.</i></p>
<p>3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.</p>	<p>SMC 23.24.040 The subject properties would provide adequate buildable area to meet applicable yard, lot coverage requirements and other applicable Land Use Code development standard within the Northgate Area at SF5,000.</p> <p>This rezone process would increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed rezone would create capacity in the <u>Single Family Zone</u> which is diminishing due to lack of parcels undeveloped.</p>
<p>4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.</p>	<p>NA This is not part of a Council adopted required rezone.</p>
<p>E. Zoning Principles. The following zoning principles shall be considered:</p>	<p>Currently there is no transition between Lowrise 2 and the Single Family 7200 zone.</p> <p>A transition to SF 5,000 on this ½ block would cause new Single Family development and re-investment to occur. NG-P7 and NG-P8</p> <p>Ord 116770 Ord, 116795 SMC 23.71.030</p>
<p>1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.</p>	
<p>2. Physical buffers may provide an effective separation between different uses and</p>	<p>The use remains the same, the density would allow the one oversized lot to be subdivided into</p>

intensities of development. The following elements may be considered as buffers:	3 (5,000 sq foot lots) which are adjacent to the urban village L2. This would allow a transition between levels of intensity, while remaining single family.
a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;	There are no natural features which act as a physical buffer.
b. Freeways, expressways, other major traffic arterials, and railroad tracks;	Interstate 5 is east of this single family neighborhood. And is currently a buffer between the Commercial development at Northgate and the west side of the freeway.
c. Distinct change in street layout and block orientation;	The subject property is one of only two properties which fronts on the 113th block of Corliss Ave North. Both parcels are oversized lots, both lots are asking for an increase in density from SF 7200 to SF 5,000 in this action.
d. Open space and green spaces.	
3. Zone Boundaries.	The area is urban in nature and the lots adjoin the Northgate Urban Village.
a. In establishing boundaries the following elements shall be considered:	Addressed above
(1) Physical buffers as described in subsection E2 above;	
(2) Platted lot lines.	
b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.	NA This is a density change only. Not a change of land use classifications
4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.	There is no change of height requirements in the Single Family zone requested in this action.
F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.	The cumulative impacts of Planned growth have been evaluated previously and considered in the EIS for the City's Comprehensive Plan and are not evaluated again for this request. Adopted regulations for noise, air quality, stormwater and circulation are addressed in the adopted regulations within the Development Standards for Single Family zones. No change of these standards is being requested. If implemented the possible negative impacts would be those attributed to traffic and circulation generated by the addition of two lots above the number now allowed. New and reinvestment to this pocket area of the Northgate Neighborhood will have a positive impact on the visual inventory and diversity of housing options.
1. Factors to be examined include, but are not limited to, the following:	
a. Housing, particularly low-income housing;	Buildable land will be added which in Single

	Family by infill development. This is consistent with the Goals and Policies of GMA. Limiting the size of the home which can be constructed on a 5000 square foot lot vs. a lot of 7200, will result in an opportunity for lower priced home.
b. Public services;	The area is served by all Public Services. Water, sanitary sewer, and storm drain facilities by the City of Seattle are available. Standard conditions for utility extension can be achieved.
c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;	Their will be no action needed to mitigate the change of density. The minimal degree of change will not affect air, noise, or water quality. The increase of density will not change any environmental condition adversely. Reduction of sprawl is a benefit,
d. Pedestrian safety;	Pedestrian Safety will not be adversely affected above a non action alternative. The addition of side walks to the ½ block will increase safety.
e. Manufacturing activity;	NA – no manufacturing activity
f. Employment activity;	NA – not a job related action
g. Character of areas recognized for architectural or historic value;	The character of the area is not recognized for any architectural or historic features or value. The “Northgate Elementary” school 2 blocks away at 11725 1st Ave North will remain as an anchorage for the single family zone; weather SF5000 or SF 7200
h. Shoreline view, public access and recreation.	This is not view property with a shoreline nor does it have any area where public recreational opportunity is desirable. The street (113th) ends where it meets the freeway
2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:	The Northgate Coordinated Transportation Investment Plan proposes 68 improvements that address all components of the transportation system. It is anticipated that there will be no change in LOS by allowing a density change of this limited magnitude
a. Street access to the area;	There is no change to access
b. Street capacity in the area;	LOS will not be affected. There is considerably less than 25 vehicle trips in any one pm peak hour period generated by this proposal.
c. Transit service;	The Northgate Neighborhood is anticipating the Sound Transit Link Light Rail station on 1st Ave NE and NE 103rd. Transit service /center For King County Northgate Park and Ride Facility located at the intersection of 5th Avenue NE and NE 112th Street
d. Parking capacity;	SMC is 2 parking units per household / this is achievable. The City of Seattle is currently allowing reduction in minimum parking requirements for residential uses to reduce the impact of development on access and parking requirements.
e. Utility and sewer capacity;	Available
f. Shoreline navigation.	NA
G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall	The zoning in the area was adopted prior to 1985. The 1993 Northgate Area Comprehensive Plan Policies and the Jan 2005 Neighborhood planning element remain active and still applicable. The opportunity to leverage oversized parcels to generate new capacities for

<p>be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.</p>	<p><i>an existing neighborhood without changing its character is desirable.</i></p>
<p>H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.</p>	<p><i>Northgate</i></p>
<p>I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.</p>	<p><i>There is no effect on critical areas.</i></p>

<p></p>	
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City of Seattle Legislative Information Service Seattle Municipal Code

Information retrieved February 6, 2008 11:56 AM

Title 23 - LAND USE CODE

Subtitle III Land Use Regulations

Division 1 Land Use Zones

Chapter 23.34 - Amendments to Official Land Use Map (Rezones)

Subchapter II Rezone Criteria

SMC 23.34.011 Single-family zones, function and locational criteria.

<p>A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.</p>	<p><i>This is the same function and location criteria. The lot size of 7200 is compatible with 5,000 and the character does not change</i></p>
<p>B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:</p>	
<p>1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or</p>	<p><i>Any new structures would be single family.</i></p>
<p>2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or</p>	<p><i>This is a area of adopted single family use</i></p>
<p>3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:</p>	<p><i>The proximity to the Urban Village Boundary results in the adjoining properties being at a density of 16 units per acre. At 7200 the density is 6 units per acre. At SF 5000 the density would be 8 units per acre; which is still consistent with single family goals of the Northgate Neighborhood Plan.</i></p>
<p>a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or</p>	<p><i>The use in the area remain single family</i></p>
<p>b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or</p>	<p><i>Rehabilitation efforts are to single family</i></p>
<p>c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or</p>	<p><i>The neighborhood is stable. The homes on these sites were constructed in 1940-1941</i></p>
<p>d. The area's location is topographically and environmentally suitable for single-family residential developments.</p>	<p><i>The site is suitable for single-family at 5,000</i></p>
<p>C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:</p>	
<p>1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-</p>	<p><i>The site is and will remain single family zone</i></p>

family zone	
2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:	Compatible ++
a. That the construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or	Compatible ++
b. That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or	Compatible ++
c. That the area's location is topographically and environmentally suitable for single-family structures, or	Compatible ++
d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units.	Rehabilitation efforts will increase if 5,000 is granted. The existing home are 67 years with minimal re-investment
D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.	Compatible ++ These two sites make up the total ½ block of this block of Corliss
(Ord. 122190 , Section 3, 2006; Ord. 117430 Section 9, 1994; Ord. 112522 Section 6(part), 1985; Ord. 110381 Section 1(part), 1982.)	



City of Seattle
Department of Planning and Development
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
(206) 684-8850

DPD Project Number

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ENVIRONMENTAL (SEPA) CHECKLIST

	Ken McBride
Company Name:	McBride Construction Resources Inc.
Address:	224 Nickerson Street
City/State/Zip:	Seattle, Washington 98109-1622
Phone:	206.283.7121
Fax:	206.284.5670

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RIGHT COLUMN FOR DPD USE ONLY.**

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant:

Kenneth W. McBride

3. Address and phone number of applicant and contact person:

224 Nickerson St.

Seattle, WA 98109

206-283-7121

Representing Agent:

R.W. Thorpe & Associates, Inc.

705 Second Ave. Suite 710

Seattle, WA 98104

206-624-6239

4. Date checklist prepared:

February 2008

5. Agency requesting checklist:

City of Seattle Department of Planning and Development

700 Fifth Ave. Suite 2000

P.O. Box 34019

Seattle, WA 98124-4019

6. Proposed timing or schedule (including phasing, if applicable):

N/A

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7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

A Subdivision application may follow within one to two years.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A critical area expedition was filed for a localized depression created by previous easement construction. The limited size results in a 15' setback buffer, as the area occurs off the site on the neighboring property to the south. See Figure A.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None.

10. List any government approvals or permits that will be needed for your proposal, if known.

None.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Rezone properties from SF7200-R to SF 5000.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

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This site is located within Section SW29 Township 26 Range 04. A site map that is attached represents the site. The site is located at 11340 & 11334 Corliss Ave N Seattle, WA 98133. Parcel #2926049175 & #2926049188.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one):
Flat, rolling, hilly, steep slopes, mountainous,
other: _____

b. What is the steepest slope on the site (approximate percent slope)?

There are no steep slopes on the properties.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

According to the 'Geologic Map of Seattle', Vashon till (Vt) is the soil type found on the site.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No.

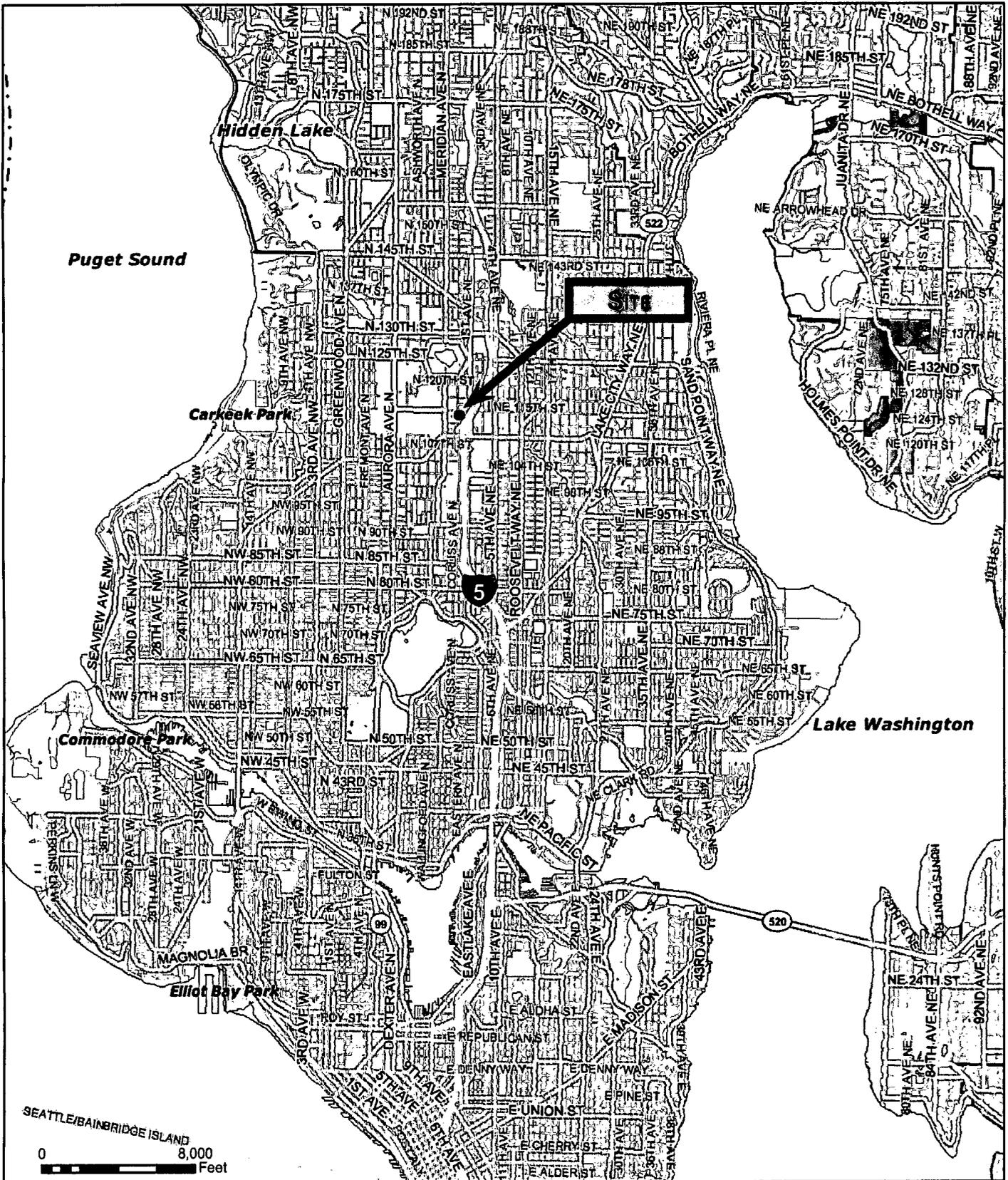
e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

None.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

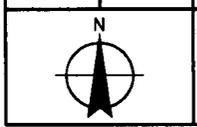


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 710 Hoge Building 705 2nd Avenue Seattle, WA 98104

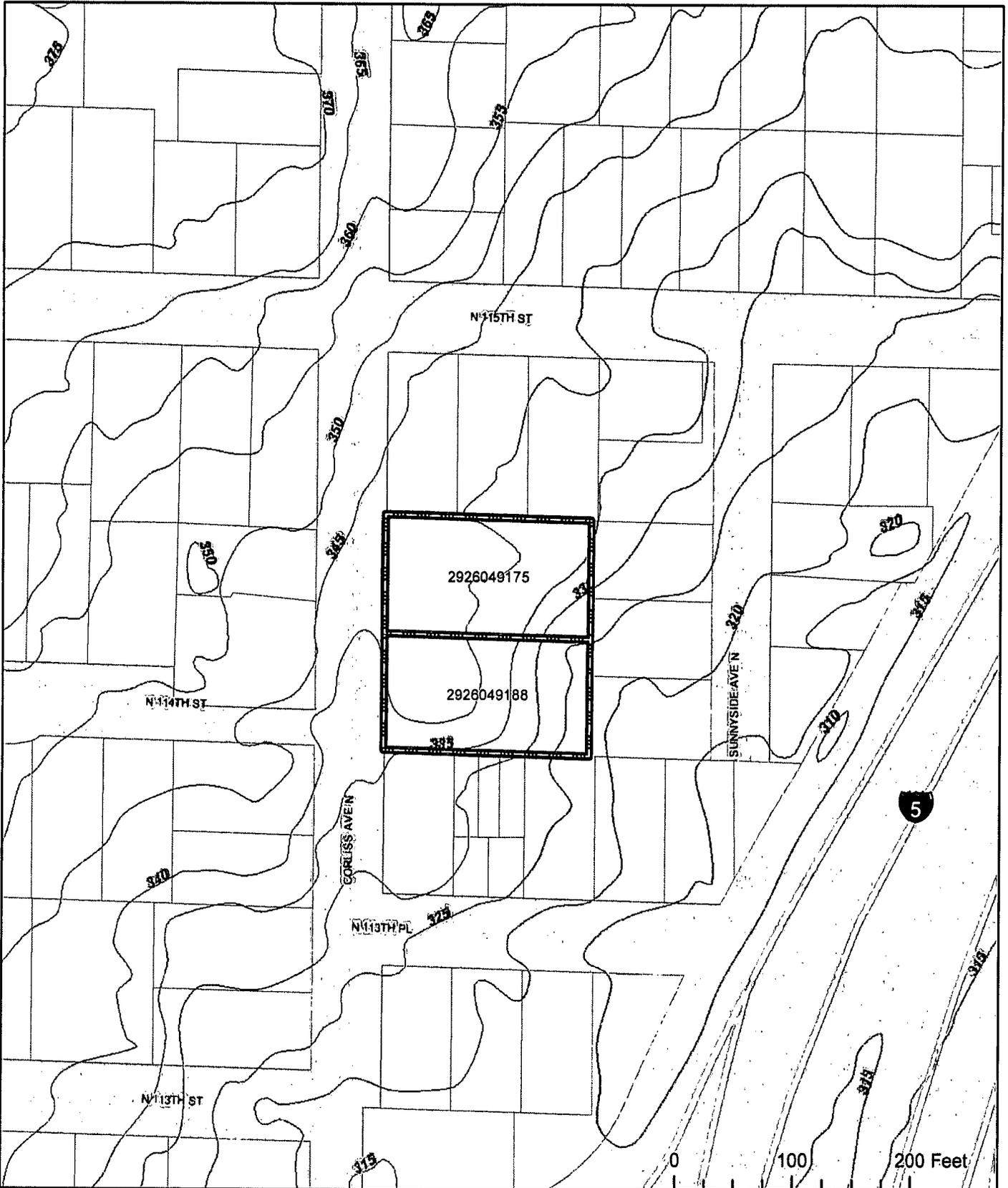
Phone: 206.624.6239
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 E-mail: planning@rwta.com
 Web: <http://www.rwta.com>

Planning
 Landscape Architecture
 Project Management
 Environmental
 Economics



McBride, Kenneth
 Seattle, WA

VICINITY MAP
 Source: King County GIS (2007)



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Mcbride, Kenneth
 Seattle, WA

TOPOGRAPHY MAP

Source: King County GIS (2007)

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Impervious surface will not exceed code requirements for the site in accordance with the City of Seattle and King County codes.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None.

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

No emissions at this time. Minimum amounts of emissions from automobiles can be expected at project phase of single-family home.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

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- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No, the project will not require work in or adjacent to any surface water body.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The subject properties do not lie within a 100-year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No.

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- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

'Storm water runoff' will be the source of water flow. It will be retained per code requirements in detention for measured infiltration, when construction of single-family home occurs.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

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water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

b. What kind and amount of vegetation will be removed or altered?
None at this time.

c. List threatened or endangered species known to be on or near the site.
None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
Native vegetation will be retained wherever possible and practical. This is an urban environment.

5. Animals

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: **None. Typical types only – Robins & Sparrows.**

mammals: deer, bear, elk, beaver,

other: **None**

fish: bass, salmon, trout, herring, shellfish,

other: **None**

b. List any threatened or endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.

No.

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- d. Proposed measures to preserve or enhance wildlife, if any:
None at this time.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Will be decided at the project phase of development. The energy needs will be met with electric and/or gas.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None considered at this phase.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No.

- 1) Describe special emergency services that might be required.

None.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None.

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b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

Interstate 5 is the current source of most all traffic noise in the area. It is not expected to affect the proposal.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from site.

Minor levels of noise would be created by residence of new homes coming and going from the site.

- 3) Proposed measures to reduce or control noise impacts, if any:

None.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

**The current use of the site is Single Family (Res Use/Zone).
The current use of adjacent properties are also Single Family (Res Use/Zone).**

- b. Has the site been used for agriculture? If so, describe.

Not to the applicant's knowledge.

- c. Describe any structures on the site.

Currently, there is a one-story residence on each parcel (1,770 living sq. ft. & 1,830 living sq. ft.).

- d. Will any structures be demolished? If so, what?

Each parcel has two small garden sheds/garages that may need to be removed at the project phase to meet requirements for backyard setbacks.

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e. What is the current zoning classification of the site?

SF 7200-R

f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation of the site is Single-Family.

g. If applicable, what is the current shoreline master program designation of the site?

Not Applicable.

h. Has any part of the site been classified as an "environmentally critical" area? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

At project phase, three homes would be able to be built on each parcel (+/- 6 persons per parcel).

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None. The proposal is currently compatible.

**LEFT COLUMN TO BE COMPLETED BY APPLICANT.
RIGHT COLUMN FOR DPD USE ONLY.**

9. Housing

- a. Approximately how many units would be provided, if any?
Indicate whether high, middle, or low-income housing.

At most, each parcel will be able to create two new single family lots. Currently the SF 7,200 zoning will allow the creation of only one new lot per parcel.

- b. Approximately how many units, if any, would be eliminated?
Indicate whether high, middle, or low-income housing.

None anticipated.

- c. Proposed measures to reduce or control housing impacts, if any:

None proposed.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

None proposed at this time. Project phase would be per code requirements.

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None.

12 ENVIRONMENTAL (SEPA) CHECKLIST

**LEFT COLUMN TO BE COMPLETED BY APPLICANT.
RIGHT COLUMN FOR DPD USE ONLY.**

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

None. Spillover freeway lighting from Interstate 5 now affects the neighborhood.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

City parks and bike paths are within the immediate vicinity of the site.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No, the proposed project would not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not applicable.

**LEFT COLUMN TO BE COMPLETED BY APPLICANT.
RIGHT COLUMN FOR DPD USE ONLY.**

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Not applicable.

- c. Proposed measures to reduce or control impacts, if any:

None.

14. Transportation

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.

Current access to the site is at Corliss Ave North.

The important nearby public streets are:

- **Corliss Ave North**
- **North 105th St.**
- **NE 92nd St.**
- **Interstate 5**

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes. There are bus stops located one block west of the site.

- c. How many parking spaces would the completed project have?

Each parcel would have 6 spaces total (3 lots @ 2 spaces each).

How many would the project eliminate? None.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

**LEFT COLUMN TO BE COMPLETED BY APPLICANT.
RIGHT COLUMN FOR DPD USE ONLY.**

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

At project phase, the amount of vehicular trips per day would be typical of single family homes.

- g. Proposed measures to reduce or control transportation impacts, if any.

None.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

No.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in immediate vicinity which might be needed.

No new service is needed. Connection to City Light, City water and sewer systems will be required at the project phase.

**LEFT COLUMN TO BE COMPLETED BY APPLICANT.
RIGHT COLUMN FOR DPD USE ONLY.**

C. SIGNATURE

The above answers are true and complete to the best of my knowledge.
I understand the lead agency is relying on them to make its decision.

Signature: Ken McBride @ RWA

Date submitted: 3-24-08

This checklist was reviewed by:

Land Use Planner, Department of Planning and Development

Any comments or changes made by the Department are entered in the
body of the checklist and contain the initials of the reviewer.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The nonproject proposal would have none of these impacts.

Proposed measures to avoid or reduce such increases are:

None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not affect animals, fish or marine life at all. Minimal affects on plants may occur.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Replanting of native vegetation will be promoted.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not expected to deplete energy or natural resources any faster than at the current rate.

Proposed measures to protect or conserve energy and natural resources are:

None anticipated at nonproject stage.

**LEFT COLUMN TO BE COMPLETED BY APPLICANT.
RIGHT COLUMN FOR DPD USE ONLY.**

4. How would the proposal be likely to use or affect environmentally critical areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

No impact.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is currently compatible.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Increased demand on transportation and utilities would be minimal. There will not be an increased demand on public services.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflicts are foreseen.



Application Form for Environmentally Critical Areas

**ECA EXEMPTION & MODIFICATIONS
 TO SUBMITTAL REQUIREMENTS REQUESTS**

TO BE COMPLETED BY APPLICANT

Dept. of Planning & Development
 Public Resource Center

FEB 06 2008

RECEIVED

TYPE OF APPLICATION

Proposed development is outside the ECA and its buffers and imposes no additional impact to the ECA [Section 25.09.045.D]

Steep Slope Exemption [Section 25.09.180.B]

Choose any that apply:

MAPPING ERROR (IN G.T.S.)

Development is located on a slope less than 20' in vertical rise, 30' or more away from other steep slopes and no adverse impacts on the ECA will occur. [B2c]

Steep slope is the result of legal grading activities. [B2b]

Proposed development is on an already developed site, with no increase in impact on the ECA. [B2a]

Application of development standards would prevent necessary stabilization of a landslide-prone area. [B2d]

Request is for modification to submittal requirements (per DPD Director's Rule 3-2007).

SITE AND PROJECT INFORMATION

Site Address: 11340 CORLISS AVENUE

Description of proposed project: SHORT SUBDIVISION

Please describe the reasons for your request: TOPOGRAPHIC SURVEY DEMONSTRATES THAT NO "STEEP SLOPES" EXIST ON OR NEAR THIS PROPERTY - SEE ATTACHED SURVEY.

*** AS ECA DEFINES THE TERM**

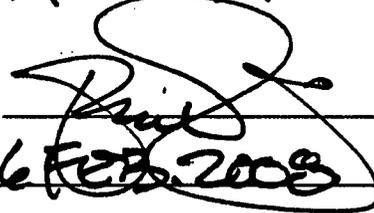
Exemption requests must be part of a specific development proposal. Please enter the assigned DPD project number here: 3008747

TO BE COMPLETED BY APPLICANT

PROPERTY OWNER/AGENT INFORMATION

Property Owner's Name: KEN MCBRIDE Dept. of Planning & Development
Residence Address: 11340 CORLISS AVE N Public Resource Center
City/State/Zip Code: SEATTLE, WA 98133 FEB 06 2008
Telephone: 206-4624-6229 RECEIVED

Agent's Name: RANDALL SPAN
Address: 3112 E PIKE ST
City/State/Zip Code: SEA WA 98122
Telephone: 206-720-0160

Applicant's Signature: 
Date of Application: 6 FEB 2008

TO BE COMPLETED BY DPD STAFF

Intake Staff: _____ Fee: _____
Analyst: _____ Date: _____
Zone: _____ Land Use Map number: _____

Type of Critical Area: _____

Result of review: DTG 2/21/2008 No ECA Rev Req'd
 Approved: _____
 Denied: _____

*See Comment Sheet
Attached*

ECA EXEMPTION DECISION

3008747; 11340 Corliss Avenue North; No ECA review is required: Based on the submitted topographic survey, no Steep Slope Critical Area exists on or adjacent to this property. DBG; February 21, 2008.



City of Seattle
Department of Planning & Development
 700 Fifth Avenue, Suite 2000, P.O. Box 34019, Seattle, WA 98124-4019

Application Form for Environmentally Critical Areas

ECA EXEMPTION & MODIFICATIONS

TO SUBMITTAL REQUIREMENTS REQUESTS

TO BE COMPLETED BY APPLICANT

TYPE OF APPLICATION

- Proposed development is outside the ECA and its buffers and imposes no additional impact to the ECA [Section 25.09.045.D]
- Steep Slope Exemption [Section 25.09.180.B]

Choose any that apply:

- Development is located on a slope less than 20' in vertical rise, 30' or more away from other steep slopes and no adverse impacts on the ECA will occur. [B2c]
- Steep slope is the result of legal grading activities. [B2b]
- Proposed development is on an already developed site, with no increase in impact on the ECA. [B2a]
- Application of development standards would prevent necessary stabilization of a landslide-prone area. [B2d]
- Request is for modification to submittal requirements (per DPD Director's Rule 3-2007).

Dept. of Planning & Development
Public

FEB 06 2003

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SITE AND PROJECT INFORMATION

Site Address: 1132A CORLISS AVE N

Description of proposed project: SHORT SUBDIVISION

Please describe the reasons for your request: PLEASE SEE ATTACHED

Exemption requests must be part of a specific development proposal. Please enter the assigned DPD project number here: 3003467

TO BE COMPLETED BY APPLICANT

PROPERTY OWNER/AGENT INFORMATION

Property Owner's Name: ELIZABETH KING
Residence Address: 11334 CORLISS AVEN
City/State/Zip Code: SEATTLE WA 98133
Telephone: 206-676-1039

Agent's Name: RANDALL SPAN
Address: 3112 E PIKE SEATTLE WA 98112
City/State/Zip Code:
Telephone: 206-720-0166

Applicant's Signature: [Signature]
Date of Application: 6 FEB 2008

Dept. of Planning & Development
Public Resource Center

FEB 06 2008

RECEIVED

TO BE COMPLETED BY DPD STAFF

Intake Staff: _____ Fee: _____
Analyst: _____ Date: _____
Zone: _____ Land Use Map number: _____

Type of Critical Area: _____

Result of review: ^{DPSG 2/21/2008}
 Approved: Steep Slope Exemption Approved. No VCA Variance Req'd
 Denied: _____

See Decision Sheet,
Attached

EXEMPTION DECISION

3003467; 11334 Corliss Avenue North; ECA review is required. ECA Steep Slope Development Standards are waived because the Steep Slope Critical Area is at the south property line, immediately adjacent to the subject property, and was created by previous grading activities. This exemption can be applied to a short plat. No ECA Steep Slope Variance is required in order to develop the buffer area of this Steep Slope feature, which is currently developed with a garage structure. DBG. February 21, 2008.

ELIZABETH KING
23423 BRIER ROAD
BRIER, WA 98036
(425) 398-1917 / (206) 992-7977
elizabeth.king@yahoo.com

March 18, 2008

TO:
R.W. Thorpe & Associates, Inc.
705 2nd Ave. Ste 710
Seattle, WA 98104-1717

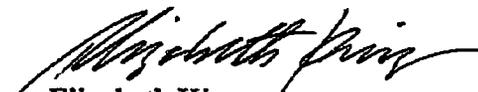
ATTN: Barbara Baker

Dear Barbara,

This letter is to confirm my interest and support of the rezone that you are pursuing with the City of Seattle which involves my property, at 11334 Corliss Ave. N., and Mr. McBride's property, at 11340 Corliss Ave. N. I agree to include my property in the rezone that Mr. McBride has initiated with you, and authorize you to convey information about my property to the City of Seattle and Mr. McBride to obtain the rezone.

Please feel free to contact me if you need any additional information. Thank you for your assistance in this matter.

Sincerely,


Elizabeth King

DATE:

RE: LANGUAGE FOR ENVIRONMENTAL SIGN

NOTICE OF PROPOSED LAND USE ACTION

Master Use Project # 3008747

Address: 11340 Corliss Ave N

Applicant Contact: Barbara Baker Phone #: (206)624-6239

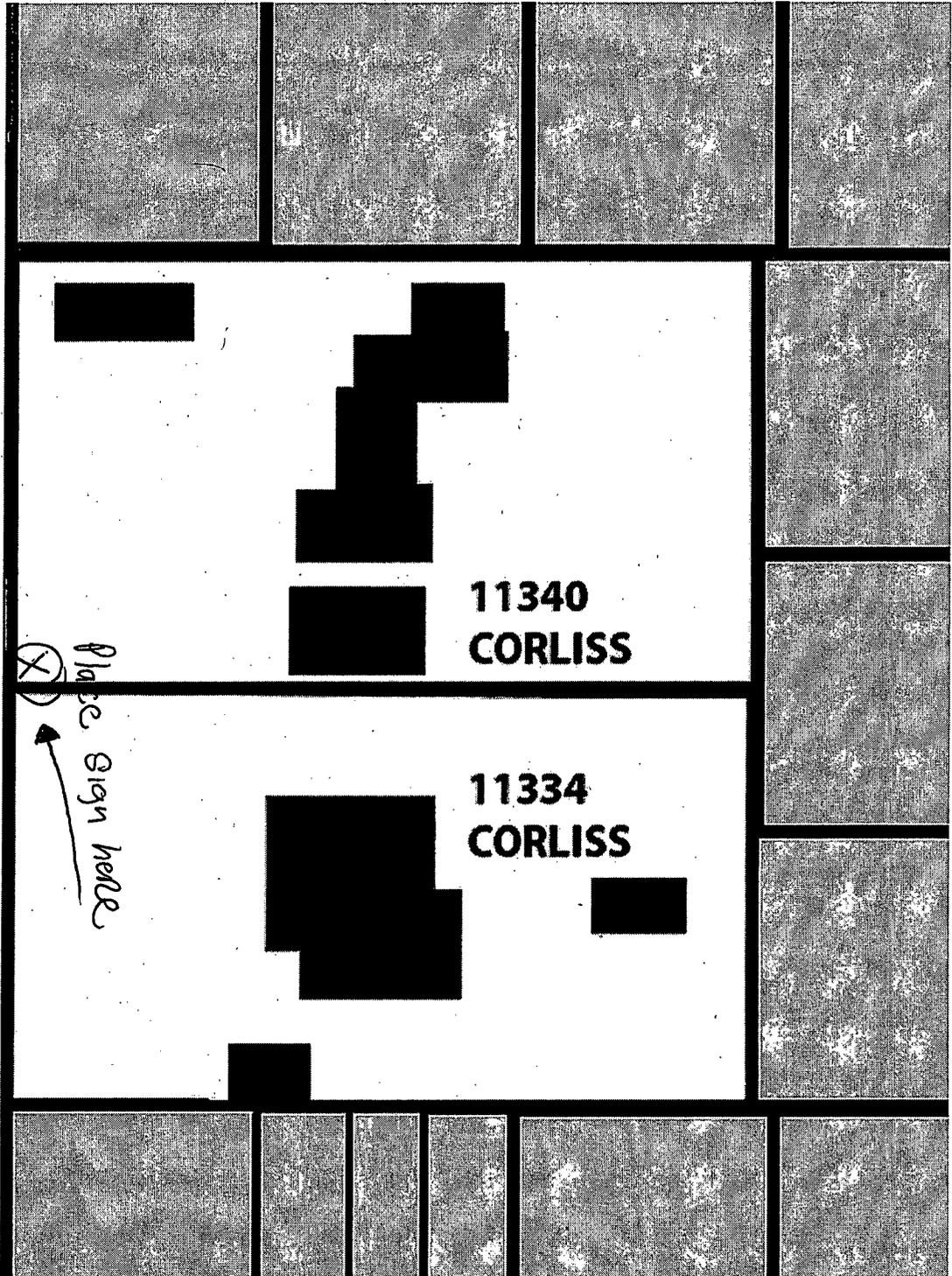
**DPD IS CONDUCTING AN ENVIRONMENTAL REVIEW OF THE
FOLLOWING PROJECT:**

Council Land Use Action to rezone two parcels, 11340 Corliss Ave N (17,229 sq. ft.) & 11334 Corliss Ave N (17,243 sq. ft.) from SF 7200 to SF 5000.

**SPACE FOR
PROJECT LOCATION
MAP**

The comment period ends _____ but may be extended to _____ by written request. To submit written comments or to obtain additional information, contact Seattle's Department of Planning and Development (DPD), 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124 -4019. Contact by phone (206) 684-8467 or email PRC@seattle.gov. Be sure to refer to Project # 3008747

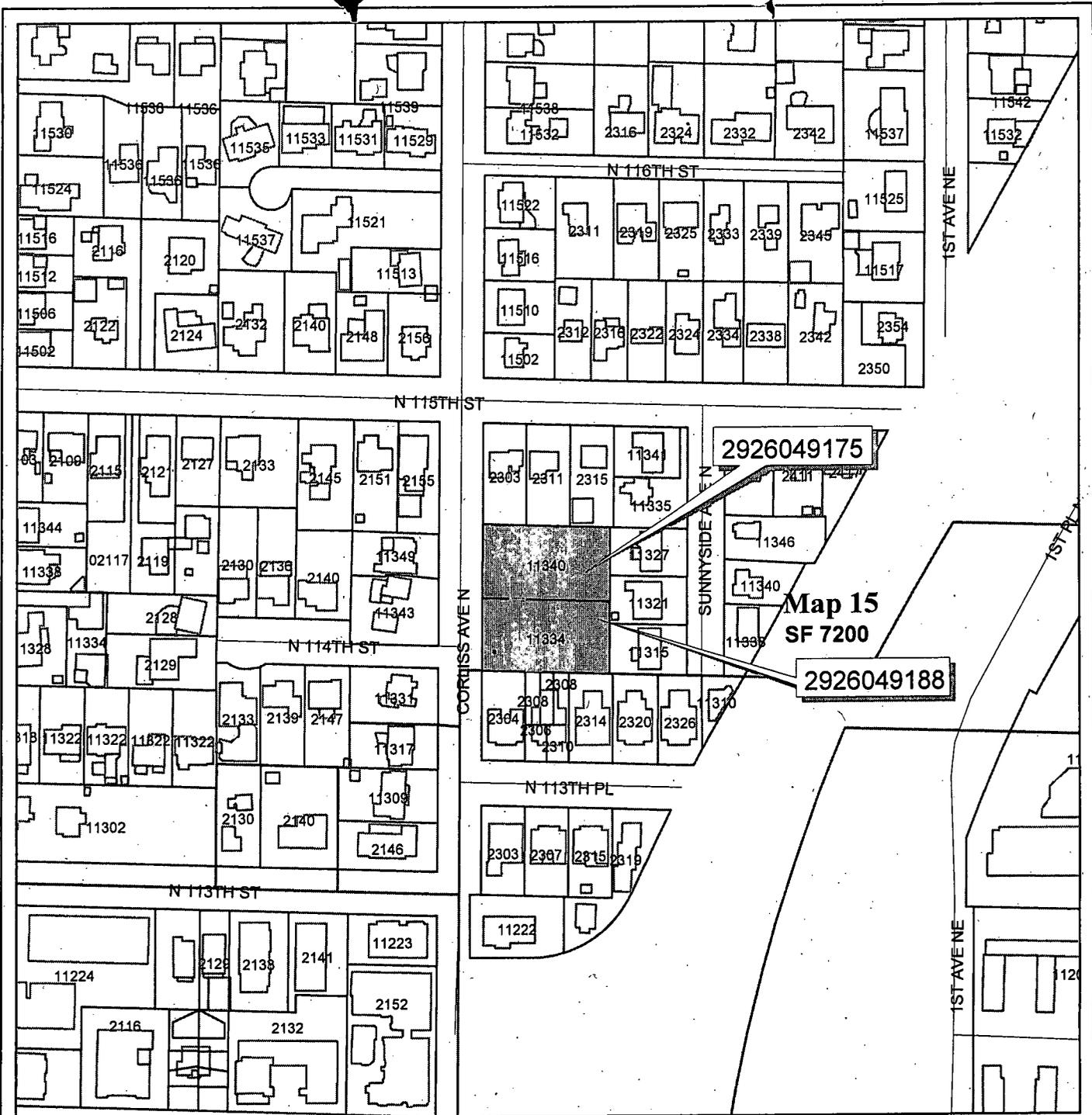
CORLISS
AVE
NORTH



11340
CORLISS

11334
CORLISS

Place sign here



3008747 - Rezone 11340 Corliss Ave N



Scale: 1" = 200'

Prepared by DPD, April 01, 2008

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

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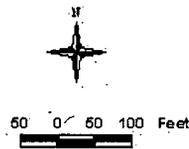
-  Building Outlines
-  Parcels
-  Zoning Outlines
-  Streets - All (SND)
-  Shoreline

ATTACHMENT A



**11340 & 11334
 Corliss Ave N
 Rezone**

-  Zoning Outlines
-  Streets
-  Arterials
-  Interstate Freeway
-  Parcels



No warranties of any sort including accuracy, fitness, accompany this product.

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 City of Seattle.
 Prepared Mar. 18, 2009
 by C. McCoy

FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition)
of)
Ken McBride)
To rezone 34,472 square)
feet of land located at)
11340 and 11334 Corliss)
Avenue North from SF)
7200 to SF 5000)
)

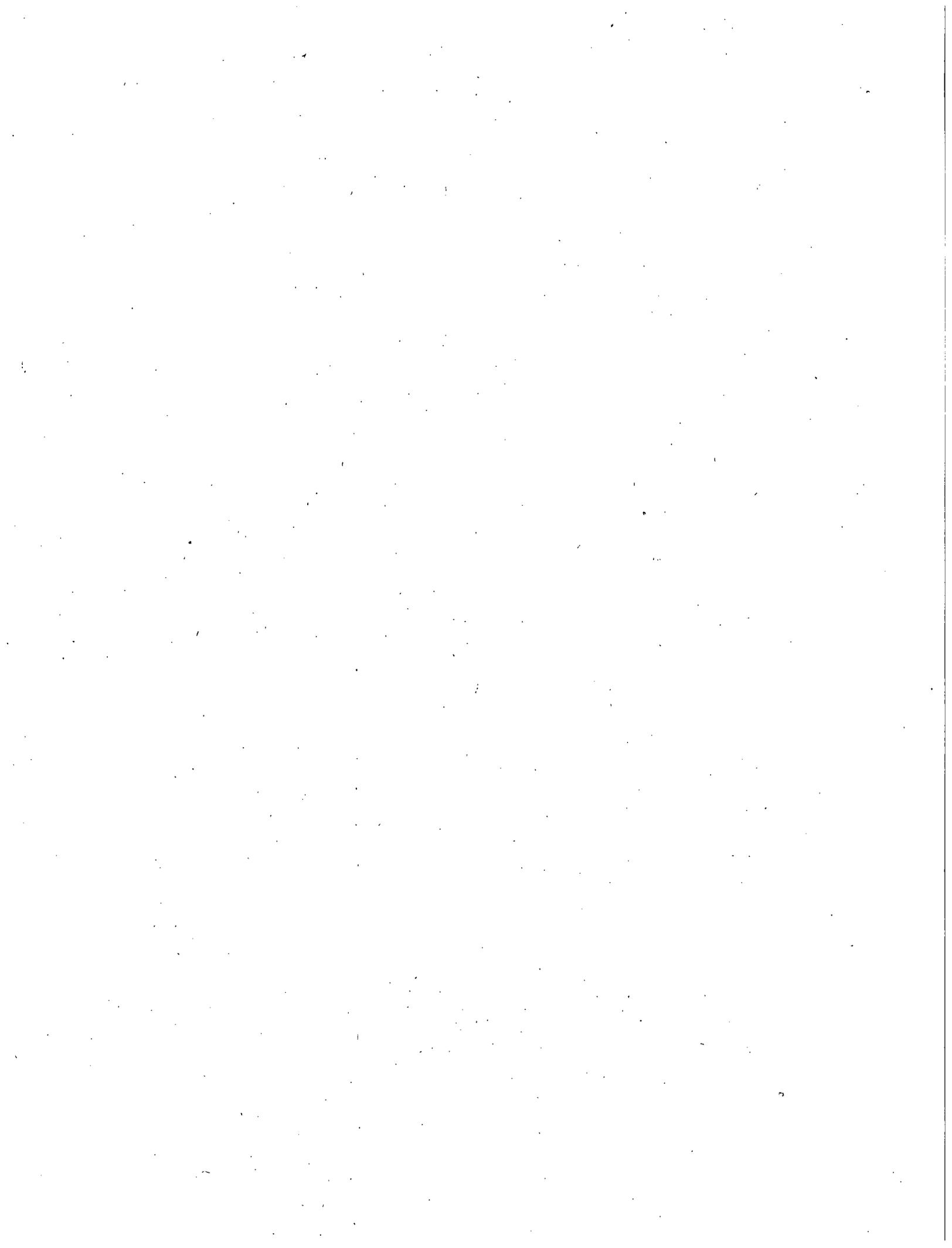
C.F. 309287
DPD Project 3008747
FINDINGS, CONCLUSIONS
AND DECISION

Introduction

This matter involves the petition of Ken McBride (the "Proponent") to rezone approximately 34,472 square feet of property located at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). Attachment A shows the area to be rezoned.

On November 13, 2008, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone. After holding an open record hearing on January 6, 2009, the Hearing Examiner issued Findings and Recommendations recommending approval. The Council received no appeals of the Hearing Examiner's recommendation.

The matter came before the Planning, Land Use and Neighborhood Committee (PLUNC) on March 25, 2009. At that meeting, PLUNC took up the merits of the petition. On that date, PLUNC discussed the proposed rezone and voted to recommend approval to the full Council.



Findings of Fact and Conclusions

The Council hereby adopts the Hearing Examiner's Findings of Fact, Conclusions and Recommendations for C.F. 309287 dated January 14, 2009.

Decision

The Council hereby GRANTS a rezone of the property from SF 7200 to SF 5000, as described above and found in Attachment A.

Dated this 6ⁿ day of April, 2009.

City Council President

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

In the Matter of the Application of

KEN MCBRIDE

for a rezone of property addressed as
11340 and 11334 Corliss Avenue North

CF 309287

DPD Project No:
3008747

CITY CLERK

2009 JAN 14 PM 4: 37

FILED
CITY OF SEATTLE

Introduction

The applicant, Ken McBride, seeks a rezone of two parcels of land, from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000).

The public hearing on this application was held on January 6, 2009, before the undersigned Deputy Hearing Examiner. No member of the public appeared or offered testimony. 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 Catherine McCoy, Land Use Planner, and the applicant, Ken McBride, by Barbara Baker and Robert Thorpe.

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 subject site is comprised of two parcels, which are addressed as 11340 and 11334 Corliss Avenue North. The site is on the east side of Corliss Avenue North, mid-block between North 113th Place and North 115th Street. The two parcels total 34,472 square feet in size.
2. The property is zoned Single Family with a minimum lot size of 7200 square feet (SF 7200). Immediately south of the property, the zoning is Multifamily Lowrise 2 (L2), and west of this L2 zone is property zoned L1. Property to the north, east and west of the site is zoned SF 7200. The zoning in the vicinity is shown in the exhibits on file.

3. The property lies immediately outside the boundary line of the Northgate Urban Center/Village (the site's southern property line is the northern boundary of the Northgate Urban Center). The site is located within the boundaries of two neighborhood planning areas: the Broadview-Bitter Lake-Haller Lake Neighborhood Plan and the Northgate Area Comprehensive Plan.

4. Development in the SF 7200-zoned properties to the west, north and east of the site consists of single family structures, primarily older one- and two-story residences with large yards. Parcel sizes in the surrounding area range from 1,655 square feet to over 35,000 square feet. According to DPD, of 1,424 SF-zoned parcels located north and northeast of the rezone site (within the area depicted in Figures 3-5, Director's Report at page 4), 31 percent of the parcels are less than 7200 square feet in area. Figures 6-8 also show the sizes of parcels closer to the site.

5. South of the subject property, within the Northgate Urban Center area, development within the L2 zone is a mixture of single- and multifamily residential and commercial development. Further to the west are Northwest Hospital and Medical Center, and the Evergreen Washelli Memorial Park. Haller Lake is located to the north.

6. A steep slope environmentally critical area (ECA) is located on the southernmost parcel, running along the south property line. This steep slope area has been deemed by DPD to have been created during the construction of an adjacent 14-foot wide unimproved private driveway which runs from Corliss Avenue North to Sunnyside Avenue North. DPD granted ECA Limited Exemption approval for the site on February 21, 2008. Thus, no steep slope variance would be required to develop the buffer area for the steep slope.

Proposal

7. The proposal is to rezone the two parcels from SF 7200 to SF 5000. The rezone would accommodate the creation of two additional parcels on the site, or a total of six parcels (rather than the four that can be created under the existing zoning). The applicant intends to retain the two existing houses.

Site history

8. The site and the larger Haller Lake area have been designated residential since being annexed to the City in 1954. The subject property was designated as "First Residence District, Area District A" until 1957, when it was zoned RS 7200 (single family residence, medium density). In 1982, the zoning designation was changed to SF 7200.

9. According to DPD's permit records, the following development activities have occurred in the nearby area: two demolition permits for single family residences; two

new construction permits for single family structures; one plat application; and two rezone applications (including this proposal). Exhibit 1, page 11.

Director's Review

10. The Director reviewed the proposed rezone pursuant to the applicable criteria of Chapter 23.34. The Director recommends approval of the rezone. The Director also reviewed the proposal pursuant to SEPA, and issued a Determination of Nonsignificance, which was not appealed.

Public Comments

11. DPD received five written comments on the proposed rezone. The comments raised questions and concerns about demolition of the existing houses, creation of apartments or condominiums at the site, increased density and impacts from development. No other public comments or public testimony was received by the Hearing Examiner.

12. SMC 23.34.007 provides in part:

A. The provisions of this chapter apply to all rezones except correction of mapping errors. 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. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. 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.

13. SMC 23.34.008 sets out the general criteria for a rezone.

Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on the proposed contract rezone to City Council, pursuant to SMC 23.76.052.

2. Under SMC 23.34.007, the rezone provisions are to be weighed and balanced to determine the appropriate zone designation, and none of the criteria are to be applied as absolute requirements. The general rezone criteria are set forth in SMC 23.34.008. The

site is not located within an urban center or urban village, so SMC 23.34.008.A does not apply.

3. Match between zone criteria and area characteristics. Under this criterion, 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 zone designation.

4. SMC 23.34.011 identifies the function and locational criteria for single family zones; the criteria do not address the minimum lot size within a single family zone. The proposed rezone would allow the retention and creation of single family structures, including the detached dwellings on the site, on lot sizes that are within the range of lot sizes that currently exist in this area. The area would thus continue to match the criteria for a single family zone.

5. Zoning history and precedential effect. The site has been designated with a minimum lot size of 7200 since 1957. No direct precedential effects from the proposed rezone have been identified, but it is possible that other property owners would wish to pursue rezoning to create 5000-square foot lots.

6. Neighborhood plans. The site is within the boundaries of the Broadview-Bitter Lake-Haller Lake Neighborhood Plan and the Northgate Area Comprehensive Plan. The adopted portions of these plans do not specifically address rezoning of this site. The Director's report references policies from these plans which may be relevant to the rezone; the policies generally address maintaining the character of existing single family areas and preserving single family zones. The proposed rezone does not conflict with any of these policies.

7. The general zoning principles enumerated in SMC 23.34.008.E include the need for transition between zones, the presence of physical buffers, and the setting of zone boundaries. The rezone would create the potential for two additional single family dwelling units at the property and does not change the use at the property from single family residential. Thus, physical buffers or transition zones would not be needed in this case.

8. Impact evaluation. In its SEPA review, DPD determined that the proposal would have no significant adverse impacts. None of the factors listed in SMC 23.34.008.F (e.g., public services, pedestrian safety, views) or the service capacities for the area, would seem to be affected by the rezone of this property and the potential addition of two single family dwellings at this site. In the event that the property is subdivided, further consideration would be given to any impacts related to the need for street or sidewalk improvements.

9. Changed circumstances. Under SMC 23.34.008.G, changed circumstances are not a requirement for a rezone, but relevant changes in circumstance are to be considered. There are no changed circumstances that apply to this proposal.

10. Overlay Districts. The property is within the Northgate Overlay District. The District boundaries and policies support intense uses in the District's commercial core while protecting the character of existing residential neighborhoods. The proposed rezone would be consistent with the District purposes and boundaries, and would preserve the property as single family residential.

11. Critical areas. The steep slope environmentally critical area on the south parcel is subject to the City's existing Codes, and the rezone action does not have any direct impacts relative to the ECA. A limited ECA exemption already granted by DPD would allow the buffer area to be developed without an ECA variance.

12. The proposed rezone would be consistent with the applicable criteria, and should be approved. No conditions are recommended.

Recommendation

The Hearing Examiner recommends **APPROVAL** of the requested rezone from SF 7200 to SF 5000. No conditions are recommended.

Entered this 14th day of January, 2009.



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 or interested in the Hearing Examiner's recommendation may submit in writing an appeal of the recommendation to City Council and, if desired, a request to supplement the record. No appeals of a DNS, or the determination that an EIS is adequate, will be accepted. The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and the relief sought.

Appeals of the Hearing Examiner's recommendation shall be filed with the City Clerk by five (5:00) p.m. of the fourteenth (14th) calendar day following the date of issuance of the Hearing Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period runs until five (5:00) p.m. on the next business day.

Mailing list for CF #309287
3008747

Sandy Watson
Law Department
CH-04-01

Robert Thorpe
R.W. Thorpe & Associate, Inc.
705 Second Avenue
Suite 710
Seattle WA 98104

Ketil Freeman
City Council
CH-02-10

Barbara Baker
R.W. Thorpe & Associate, Inc.
705 Second Avenue
Suite 710
Seattle WA 98104

Kenneth McBride
224 Nickerson Street
Seattle WA 98109

Fritzie Gibbons
224 Nickerson Street
Seattle WA 98109

John Nugent
Nugent GIS & Environmental Svcs.
2303 N. 115th Street
Seattle WA 98133

Catherine McCoy
DPD
SMT-18-00

Diane Sugimura
Director
DPD
SMT-18-00

City Clerk
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City Council
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**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

**CERTIFICATE OF SERVICE
BY MAILING**

I, Alvia N. Williams, certify that on the 14th day of January, 2009, I deposited in the mail of the United States (with postage prepaid) and in the City's Mail/Messenger Service (used for City personnel only) a sealed envelope containing the attached FINDINGS AND RECOMMENDATION addressed to each person listed on the back of this affidavit or on the attached mailing list, in the matter of KEN MCBRIDE. Hearing Examiner file: CF #309287, 3008747.

I further certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this certificate of service was executed this 14th day of January, 2009, at Seattle, Washington.



Name: Alvia N. Williams

Title: Paralegal

Findings and Recommendation of the Hearing Examiner
APPLICATION OF KEN MCBRIDE
CF #309287
Application No. 3008747

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Forwarded to the City Clerk on January 14, 2009

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Section 3	-	Correspondence from the Hearing Examiner, and Documents from DPD
Section 4	-	CD of hearing held on January 6, 2009 Minutes of Hearing

Description	<p>MINUTES Tuesday, January 6, 2009 Kenneth McBride CF #309287, Project No. 3008747 11340 and 11334 Corliss Avenue Time: 9:00 a.m. Hearing Examiner: Anne Watanabe Assistant: Alvia Williams</p> <p>Party Representatives:</p> <p>Applicant Representative: Robert Thorpe and Barbara Baker RW Thorpe & Associate, Inc. 705 Second Avenue Suite 710 Seattle WA 98104</p> <p>Kenneth McBride, applicant McBride Construction Resources Inc. 224 Nickerson Street Seattle WA 98109-1622</p> <p>Catherine McCoy, representing Director DPD SMT-18-00</p>
	<p>Date 1/6/2009 Location LARGE HR</p>

Time	NOTE	Additional Info
9:01:57 AM	Introduction of hearing by the Hearing Examiner	
9:04:06 AM	Hearing Examiner indicates that no one from the public is present to testify	
9:05:11 AM	Identification of party representatives	
9:05:12 AM	Hearing Examiner states that Catherine McCoy, DPD Planner, submitted Department's exhibit to the Hearing Examiner office earlier, they were labeled as: <u>Exhibit 1</u> , Director's Recommendation Report - MUP 3008747, <u>Exhibit 2</u> , Development Proposal Plan Set - March 24, 2008, <u>Exhibit 3</u> , SEPA Checklist - Annotated by the Project Planner, <u>Exhibit 4</u> , Applicant Rezone Information Form, <u>Exhibit 5</u> , Applicant Response to General Rezone Criteria (SMC 23.34.008), <u>Exhibit 6</u> , Supplemental Maps - Prepared by the Project Planner, <u>Exhibit 7</u> , Geotechnical Report - ECA Exemption Decision for 11340 and 11334 Corliss Avenue North, <u>Exhibit 8</u> , Public Comment, <u>Exhibit 9</u> , Timeline Document - DPD Document Prepared by the Project Planner	
9:06:02 AM	Oath administered to <u>Catherine McCoy</u> , Land Use Planner, DPD. She gives presentation and testifies	
9:18:33 AM	Hearing Examiner question McCoy	
9:19:25 AM	Oath administered to <u>Barbara Baker</u> , RW Thorpe, 705 2nd Avenue, Suite 710, Seattle WA 98104. She Testifies and offers <u>Exhibit 10</u> , Resume and Areas of Expertise of R. W. Thorpe & Associates, Inc.	
9:22:41 AM	Oath administered to <u>Robert Thorpe</u> , R. W. Thorpe, 705 2nd Avenue, Suite 710, Seattle WA 98104. He testifies	
9:28:56 AM	Comment by McCoy	
9:29:51 AM	Question by Robert Thorpe of the Hearing Examiner	
9:30:15 AM	Hearing adjourned	

CF #309287, Project No. 3008747

Exhibit List

1. Director's Recommendation Report – MUP 3008747
 2. Development Proposal Plan Set – March 24, 2008
 3. SEPA Checklist – Annotated by the Project Planner
 4. Applicant Rezone Information Form
 5. Applicant Response to General Rezone Criteria (SMC 23.34.008)
 6. Supplemental Maps – Prepared by the Project Planner
 7. Geotechnical Report – ECA Exemption Decision for 11340 and 11334 Corliss Avenue North
 8. Public Comment
 9. Timeline Document – DPD Document Prepared by the Project Planner
 10. Summary of Services and Area of Expertise of R.W. Thorpe & Associates, Inc.
-



City of Seattle
 Gregory J. Nickels, Mayor
 Department of Planning and Development
 Diane M. Sugimura, Director

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**CITY OF SEATTLE
 ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
 OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3008747
Applicant Name: Barbara Baker for Ken McBride
Address of Proposal: 11340 Corliss Avenue North
 11334 Corliss Avenue North

SUMMARY OF PROPOSED ACTIONS

Council Land Use Action to rezone two parcels of land from Single Family 7,200 to Single Family 5,000 (SF 7200 to SF 5000). The total land area to be rezoned is 34,472 sq. ft.

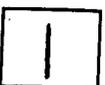
The following approvals are required:

Rezone - To rezone two parcels of land from Single Family with a minimum lot area of 7,200 square feet (SF7200) to Single Family with a minimum lot area of 5,000 square feet (SF5000) - Seattle Municipal Code 23.34.

SEPA - Environmental Determination - Seattle Municipal Code Chapter 25.05.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

City of Seattle Hearing Examiner
EXHIBIT
 Appellant _____
 Respondent _____ ADMITTED _____
 Department DENIED _____
CF #309287, Project No. 3008747



BACKGROUND DATA

Site and Vicinity Description

The subject site is located in North Seattle immediately north of the Northgate Urban Center/Village and west of Interstate 5 (I-5), in Seattle's Haller Lake community.

Surrounding keystones include the Northwest Hospital and Medical Center and the Evergreen-Washelli Cemetery to the west, Haller Lake and Northacres Park north of the site, and Northgate Urban Center/Village south of the subject site.

The proposed rezone site consists of two adjoining parcels comprising 34,472 sq. ft. in land area. The lots are located on the east side of Corliss Avenue North, midblock between North 113th Place and North 115th Street. Each lot is developed with one single family structure with accessory structures, and is held in separate private ownership. A steep slope environmentally critical area (ECA) exists for a short distance along the south property line of the southern-most property under review (11334 Corliss Ave N). Also adjacent to the southern-most property, and related to the above-mentioned ECA, is a 14 foot wide unimproved private driveway extending from Corliss Avenue North to Sunnyside Avenue North. The identified steep slope conditions are a result of the private driveway construction, and a limited ECA exemption was granted for the property, dated Feb. 21, 2008.

The two parcels are zoned single family with a minimum lot area of 7,200 square feet (SF 7200). This single family zone classification covers a broad area north and east of the subject site to North 145th Street (Seattle city limits). But for two smaller sections of land between the subject site and North 145th Street, and east to Lake Washington, all single family properties north and due east of the subject site are zoned SF 7200.

Immediately south of the two parcels, along the southern property line of 11334 Corliss Avenue North, the zoning increases in intensity ranging from multifamily lowrise to commercial zoning (L-1 to NC3-125). Although the subject parcels lie outside the Northgate Urban Center/Village boundary area (the southern property line of 11334 Corliss Avenue North is also the northern boundary of the Northgate

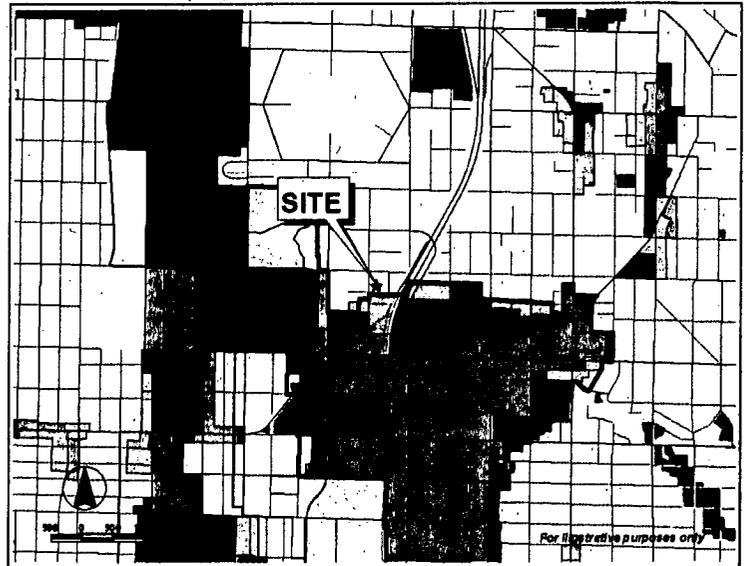


Figure 1 Area Map

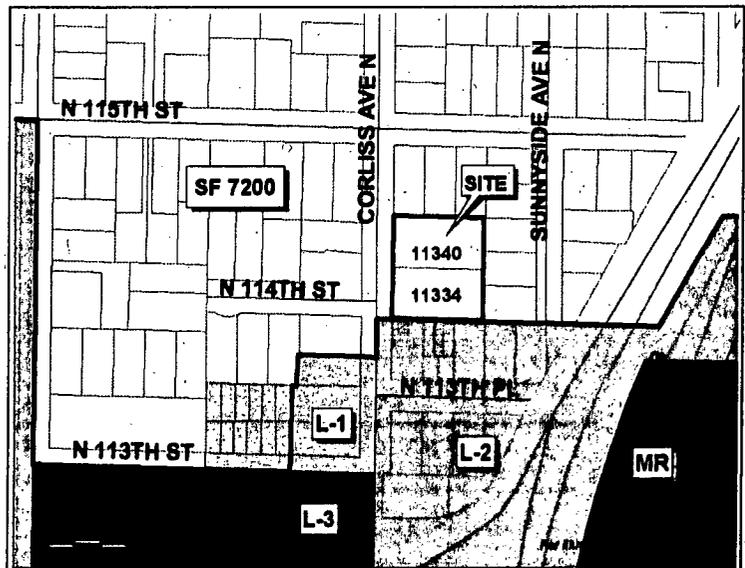


Figure 2 Site Map

Urban Center/Village), the parcels are within the Northgate Overlay District, and are within two planning area boundaries: The Northgate Area Comprehensive Plan, and the Broadview-Bitter Lake-Haller Lake Neighborhood Plan Areas (Figures 9 and 10).

The existing pattern of development corresponds with established zoning insofar as properties to the west, north, and east of the subject rezone site are developed with single family residential structures - large lots, large yards, mature vegetation, and older one and two-story single family homes. Properties south of the site in the Northgate Urban Core are more intensely developed with single and multifamily residences, and commercial development. A Lowrise 2 multifamily residential zone (L-2) is situated between the single family zones to the north and the commercial and highrise zones south within the Northgate Urban Center.

The north and northeast areas of Seattle, formerly known as the Greenwood District, the Pinehurst District and the Lake City District, were among the last areas to be annexed to the City (1952 to 1954). According to HistoryLink.org, a community-based encyclopedia of history, the lands were originally platted into large one to 10 acre lots, primarily for farmland and summer cabins, beginning in the late 1860s. Orchards, dairy farms, chicken farms and grazing land were scattered across the landscape until the 1950s when the region saw a significant increase in growth and development (and out-migration of the center-city), such as when the Northgate Mall opened in 1950. The subject parcels, and those within the broad Haller Lake community, have been designated residential since the Greenwood District was annexed to the City in 1954, initially designated as First Residence District, District A (RI-A).

Based on a survey of 1,424 single family zoned parcels (SF 7200) north and northeast of the proposed rezone parcels, parcel sizes within the broader Haller Lake community currently range in size from 1,655 square feet to over 35,000 square feet in. At present, 31% of the properties zoned single family in this northeast quadrant of the City are less than 7,200 square feet in land area (Figures 3-5). A closer look at properties surrounding the subject parcels indicates that 26% of the properties are less than 7,200 square feet in land area (Figures 6-8). These figures illustrate the wide range of parcel sizes that currently exist in this expansive SF 7200 zone, all of which support the strong residential character of the area.

Proposal Description

The applicant has submitted an application, with supporting documentation per SMC 23.76.040 D, for an amendment to the Official Land Use Map. The proposal is to rezone two parcels of land from Single Family with a minimum lot area of 7,200 sq. ft. to Single Family with a minimum lot area of 5,000 sq. ft. (SF 7200 to SF 5000). Parcel sizes are as follows: 1) North parcel, 11340 Corliss Avenue North, 17,229 square feet; 2) South parcel, 11334 Corliss Avenue North, 17,243 square feet. The applicant has indicated that the owners of the two subject parcels are in support of the rezone application, and anticipate future subdivision of the parcels. Both existing single family residences are to remain.

The Land Use Code, section SMC 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

Parcels within the Broader Single Family 7200 Zone (selected parcels in yellow)

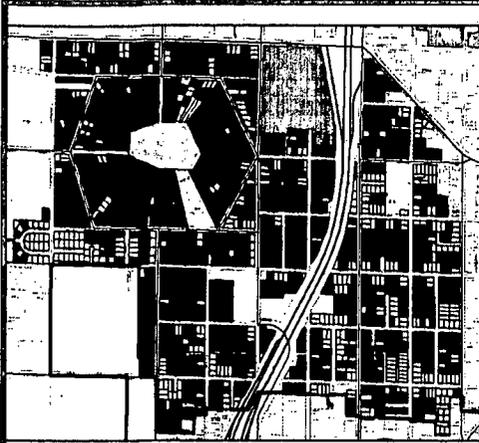


Figure 3 Less than 7,200 sf – 31%

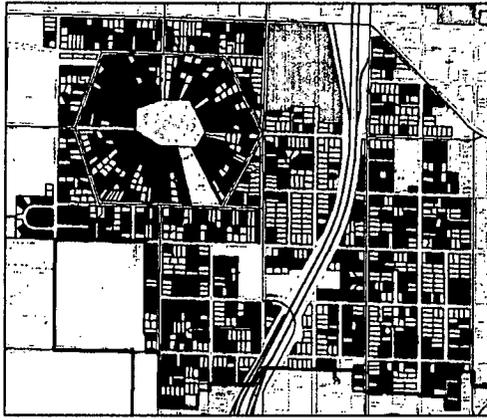


Figure 4 7,200 to 10,000 sf – 21%

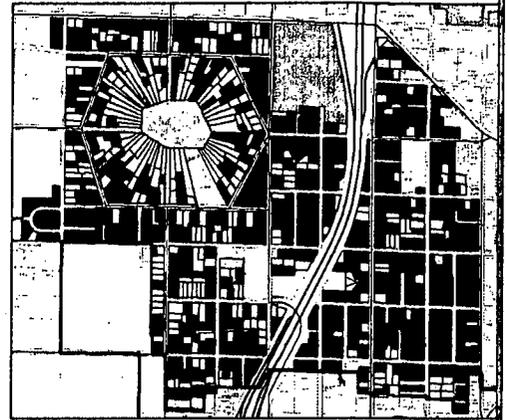


Figure 5 More than 10,000 sf – 48%

Parcels in Closer Proximity to the Subject Rezone Site (selected parcels in yellow)



Figure 6 Less than 7,200 sf – 26%

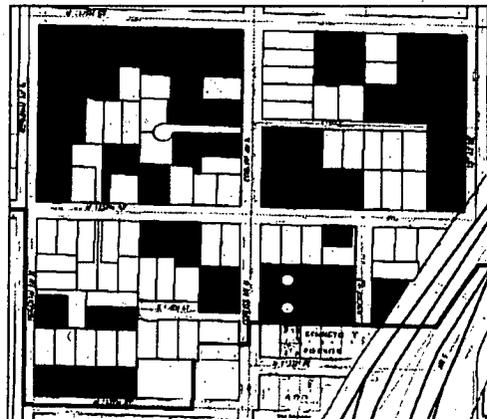


Figure 7 7,200 to 10,000 sf – 52%



Figure 8 More than 10,000 sf – 22%

Public Comments

Notice of the proposed action was published on April 10, 2008. The public comment period ended April 24, 2008. During the comment period the Department received five comment letters. Comments centered on potential negative impacts of future construction, and on prohibiting other than single family residential development in the neighborhood.

Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (PRC).

ANALYSIS - REZONE

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighed and balanced together to determine which zone or height designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

The two parcels are currently zoned single family (SF 7200), and as such, the Department of Planning and Development (DPD) concludes that Seattle Municipal Code (SMC) Sections 23.34.007 and 23.34.008 apply to this land use proposal.

General Rezone Criteria (SMC 23.34.008)

General rezone criteria are set forth in Seattle Municipal Code (SMC) 23.34.008. Subsection SMC 23.34.008.B states as follows: "The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation."

A. To be approved a rezone shall meet the following standards:

- 1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The subject site is not within an Urban Center or Urban Village identified in the Seattle Comprehensive Plan, or as amended by subsequent ordinances. This criterion does not apply to the proposed rezone application.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be 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 zone designation.

The City of Seattle has three residential single family zone designations: Single Family 9600, Single Family 7200, and Single Family 5000. The proposal is to rezone two parcels of land currently designated single family to a single family zone of slightly greater intensity – SF 7200 to SF 5000.

The function of single family zones is to provide predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of the single-family neighborhood (SMC 23.34.011). The rezone proposal meets this criterion. SMC Section 23.34 does not provide locational criteria for different single family minimum lot sizes. The zone designation will remain the same, as will the potential number of dwelling units per lot, and the development standards for the new zone, though the minimum lot area per site is proposed to decrease from 7,200 square feet to 5,000 square feet. The parcels will continue to provide detached single-family structures on lots compatible with the existing pattern of development and character of the single-family neighborhood.

C. Zoning History and Presidential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The two parcels associated with the subject rezone have been designated residential since before the City of Seattle annexed the Greenwood District, 7.87 square miles of land area, in January, 1954. Zoning maps dating from 1947 indicate the two parcels were zoned First Residence District, Area District A (RI-A) until 1957 when the zone was updated to single family residence medium density zone (RS 7200), and again in 1982 to single family with a minimum lot area of 7,200 sq. ft. (SF7200). This pattern of single family residential zoning extends north and east covering the majority of single family land area to Lake Washington on the east, and to the City limits north of the site.

Zoning changes, previous and potential, since July, 2000:

- **Previous:** SF 7200 to L-1, 2140 N 113th Street; Ordinance 122206, August of 2006. Petition of Howland Homes, LLC, Council File 307285, Project No. 2500126; approximately 250 feet southwest of the subject rezone site and outside of the Northgate Urban Center/Village. The Department determined that this site did not meet the single family locational criteria.
- **Potential:** SF 7200 to L-3, 13726 15th Avenue Northeast; MUP No. 3003300; approximately 1.5 miles northeast of the subject rezone site in a small mixed residential-commercial node close to the northern border of the Seattle city limits.
- **Potential:** The Northgate Area Rezone Proposal – In conjunction with the Northgate community and in alignment with the Northgate Area Comprehensive Plan, the City is proposing to change the zoning on up to 98 acres of land in the Northgate Urban Center. Notice of the Northgate Urban Center Rezone Draft EIS was published May 1, 2008, Northgate Revitalization. The rezone proposal is intended to accelerate lagging development in the commercial core area of the Northgate Urban Center, generally along Northgate Way.

The rezone proposal, in and of itself, does not have a presidential effect. However, other similar properties may opt to submit similar land development proposals.

D. Neighborhood Plans.

1. *For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
2. *Council adopted neighborhood plans that apply to the area proposed for rezones shall be taken into consideration.*

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.
4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

The subject rezone site falls within two neighborhood planning areas:

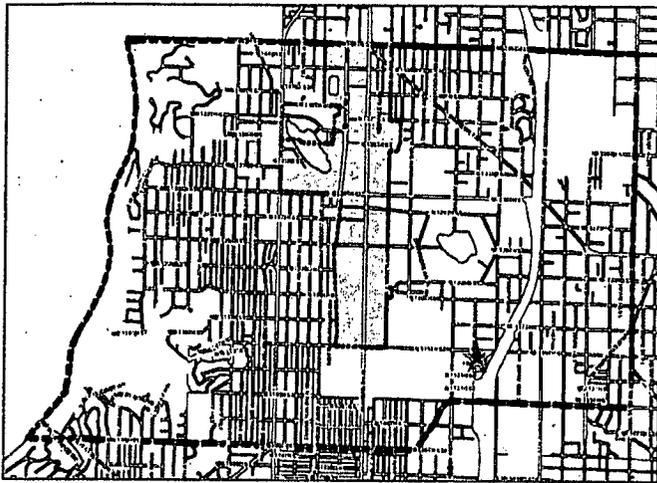


Figure 9 Broadview-Bitter Lake-Haller Lake NP

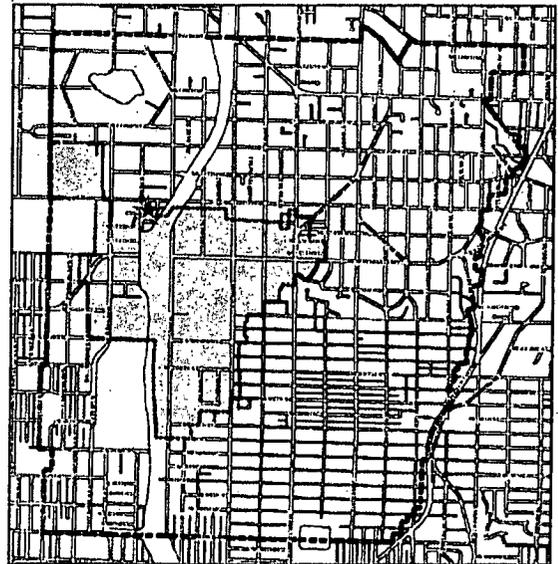


Figure 10 Northgate Area Comprehensive Plan

The Department, as a function of the analysis of this rezone proposal, found each of the following neighborhood and comprehensive plan goals and policies pertinent to the current proposal (enumerated items are from the Seattle Comprehensive Plan, *Towards a Sustainable Seattle*, 2006).

Northgate Area Comprehensive Plan (Plan Adopted 1993):

- NG-G2: A thriving, vital, mixed-use center of concentrated development surrounded by healthy single-family neighborhoods transformed from an underutilized, auto-oriented office/retail area;
- NG-G3: The surrounding neighborhoods are buffered from intense development in the core, but have ready access to the goods, services, and employment located in the core via a range of transportation alternatives including walking, bicycling, transit, and automobile;
- NG-G4: The most intense and dense development activity is concentrated within the core;
- NG-P6: Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas;
- NG-P7: Reduce conflict between activities and promote a compatible relationship between different scales of development by maintaining a transition between zones where significantly different intensities of development are allowed;

- **NG-P8:** Maintain the character and integrity of the existing single-family zoned areas by maintaining current single family-zoning on properties meeting the locational criteria for single-family zones¹.

Broadview-Bitter Lake-Haller Lake Neighborhood Plan (Adopted 1999):

- Areas zoned for single family residential use shall be protected from the impacts of nearby commercial and higher density residential uses;
- New single family homes will be designed and sited to fit in with the surrounding neighborhoods;
- **BL-P14:** Seek to minimize the impacts of commercial and higher density residential uses on single family residential areas.

Seattle Comprehensive Plan, *Towards a Sustainable Seattle* (January, 2006):

- **UVG29:** Support and maintain the positive qualities of areas outside of urban centers;
- **UV35:** Provide that the area of the city outside urban centers and villages remain primarily as residential and commercial areas with allowable densities similar to existing conditions, or as industrial areas, or major institutions;
- **UV36:** Protect single-family areas, both inside and outside of urban villages. Allow limited multifamily, commercial, and industrial uses outside of villages to support the surrounding area or to permit the existing character to remain;
- **LU5:** Consider, through neighborhood planning processes, recommendations for the revision of zoning to better reflect community preferences for the development of an area, provided that consistency between the zoning and this Plan is maintained. Consider relevant goals and policies in adopted neighborhood plans when evaluating a rezone proposal;
- **LUG9:** Preserve and protect low-density, single-family neighborhoods, that provide opportunities for home-ownership, that are attractive to households with children and other residents, that provide residents with privacy and open spaces immediately accessible to residents, and where the amount of impervious surface can be limited;
- **LUG9:** Preserve the character of single-family residential areas and discourage the demolition of single-family residences and displacement of residents, in a way that encourages rehabilitation and provides housing opportunities throughout the city. The character of single-family area includes use, development, and density characteristics;
- **LUG10:** Provide for different intensities of single-family areas to reflect differences in the existing and desired character of single-family areas across the city. Allow development that is generally consistent with the levels of infrastructure development and environmental conditions in each area. Include opportunities for low-cost subsidized housing single-family areas;
- **LU57:** Designate as single-family residential areas, those areas that are predominantly developed with single-family structures and area large enough to maintain a low-density development pattern.

The adopted portions of the two neighborhood plans do not provide direction as to the rezoning of this particular site. However, they speak clearly to maintaining the existing single family character of the site and surrounding area, and to protecting and preserving properties currently zoned as single family. The proposed rezone responds to the goals and policies stated in the above plans.

¹ Comprehensive plan language amended by Ordinance 121701, 2005.

E. Zoning Principles. *The following zoning principles shall be considered:*

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*
2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
 - c. *Distinct change in street layout and block orientation;*
 - d. *Open space and greenspaces.*
3. *Zone Boundaries;*
 - a. *In establishing boundaries the following elements shall be considered:*
 - i. *Physical buffers as described in subsection E2 above;*
 - ii. *Platted lot lines.*
 - b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*
4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban village where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The impact of a more intensive single family zone on the existing single family zone is based on the potential for subdividing to create two additional parcels of land, for a combined total of six parcels of land; three parcels, each with a minimum of 5,000 square feet, subdivided from one of the two existing lots (Table 1). Along with the potential of creating six parcels of 5,000 square feet each, comes the potential for developing four, rather than two, single family housing units (as stated earlier, the two existing single family residences are proposed to remain). The proposed rezone would provide ample developable area for potential homes, per the Land Use Code's Single Family development standards (SMC 23.44). Additionally, the proposed rezone offers a modest zone transition and buffer from the intense zones extending from the urban center boundary south of the subject, as does I-5 provide a buffer to the more intensive development east of I-5.

	Existing SF 7200	Rezone SF 5000
North Parcel 11340 Corliss Ave N 17,229 sq. ft.	$17,229/7200 = 2.4$ 2 lots with a min. area of 7,200 sq. ft.	$17,229/5000 = 3.4$ 3 lots with a min. area of 5,000 sq. ft.
South Parcel 11334 Corliss Ave N 17,243 sq. ft.	$17,243/7200 = 2.4$ 2 lots with a min. area of 7,200 sq. ft.	$17,243/5000 = 3.4$ 3 lots with a min. area of 5,000 sq. ft.
Total Parcels N & S	4	6

Table 1 Existing and Potential Parcels/Dwelling Units

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

- 1. Factors to be examined include, but are not limited to, the following:*
 - a. Housing, particularly low-income housing;*
 - b. Public services;*
 - c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
 - d. Pedestrian safety;*
 - e. Manufacturing activity;*
 - f. Employment activity;*
 - g. Character of areas recognized for architectural or historic value;*
 - h. Shoreline view, public access and recreation.*
- 2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
 - a. Street access to the area;*
 - b. Street capacity in the area;*
 - c. Transit service;*
 - d. Parking capacity;*
 - e. Utility and sewer capacity;*
 - f. Shoreline navigation.*

The increase in development potential from the proposed rezone from SF 5000 to SF 7200 may result in perhaps two additional dwelling units. The level of traffic on the surrounding streets would increase, though not in a manner that would have a substantial impact on existing infrastructure resources or services. The level of noise generated in the neighborhood would increase, though not to a level that would exceed standard noise levels in single family neighborhoods, or exceed levels related to the spillover from Interstate 5.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designation in this chapter.

Based on an analysis of several indicators, listed below, single family residential development is the primary form of land use development that continues to occur in the immediate vicinity of the subject parcels, and throughout the broader Haller-Lake community. The trend of single family residential uses and development has changed little in the zone over the past 8 years.

Between the years 2000 and 2008, covering an area of 1,424 SF 7200 single family owned properties north and northeast of the subject site (including the subject site), and using DPD's permit tracking Activity Locator (Activity Locator), the following development actions have occurred:

- Demolition permits issued: 2 – both to demolish a single family residence and construct new single family residences;
- (New) Construction permits issued:
 - Single Family – 2 new single family structures per plan
 - Multifamily – Ø (none)
- Land Use Platting Actions: Issued – Ø (none)
 - Applications accepted – 1
- Council Actions: 2 applications for rezone (includes the current proposal under review)

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The subject site is within the Northgate Overlay District (SMC 23.71), the purpose of which is to implement the Northgate Area Comprehensive Plan (Ordinance 116795). Development standards established in the district are geared to channel the highest intensity uses to the commercial core area and protect the character of the existing residential neighborhoods. Unless specifically modified by SMC 23.71, land area within the Northgate Overlay District is subject to the regulations of the underlying zone. The proposed rezone maintains the single family designation, and in this way supports the intent of the overlay district.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

A steep slope environmentally critical area (ECA) has been identified on the south parcel, 11334 Corliss Avenue North, due to previous grading activities. An ECA *Limited Exemption* application was submitted to DPD and granted, February 21, 2008. ECA review will be required concurrent with (any) future building permit applications. As a result of the limited ECA exemption, no ECA steep slope variance is required in order to develop the buffer area of the steep slope feature. The exemption may be applied to (any) future short plat development applications.

Rezone Evaluation (SMC 23.34.007)

- A. The provisions of this chapter shall apply to all rezones except correction of mapping errors. 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. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*
- B. 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.*
- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the Purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Subsection 23.60.060 B3.*

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.*
- E. The procedures and locational criteria for shoreline environment re-designations are located in Sections 23.60.060 and 23.60.220 respectively.*
- F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The above analysis considered the foregoing criteria. Given the circumstances of the subject properties, the history of zoning, and the goals and policies of neighborhood and comprehensive planning, the Single Family 5000 zone (SF 5000) appears to be as suitable a zoning designation for the property as is the existing Single Family 7200 zone (SF 7200).

The zone designation of SF 5000 would support and protect the predominant character of the neighborhood north of the Northgate Urban Center/Village boundary. The zone designation of SF 5000 would provide new opportunities for single family home ownership, and encourage reinvestment in the residential quality of the neighborhood. The SF 5000 designation would add further value to the vicinity by providing a modest buffer between the less intense single family zone to the north and the multifamily and commercial zones south of the urban center boundary. The compatible scale of development would persist with the rezone, and the SF 5000 zone designation is not expected to burden the existing infrastructure or services currently offered in the area.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated March 24, 2008, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of same project form the basis for this analysis and decision.

The SEPA Overview Policy clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665 D). Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under certain limitations and/or circumstances mitigation may be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Although no development of the site is proposed, the rezone would potentially allow construction of two additional dwelling units on the subject parcels. Based on the potential addition of two parcels and possibly two additional housing units, the following temporary or construction-related impacts would be expected with future development: decreased air quality due to suspended particulates from building activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources.

Further, construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions that might result from development of single family housing units in these two parcels of land. Therefore, no conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, similar in type and level of impacts stated above (Short-term Impacts). Increasing the potential density of the rezone area from 4 to 6 dwelling units may result in increased height, bulk and scale, increased pedestrian and vehicular traffic in the area, increased demand for parking, increased light, glare and noise, and increased demand for public services and utilities. The impacts are anticipated to be minor in scope, however, and do not warrant SEPA mitigation.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

RECOMMENDATION – REZONE

The Director of the Department of Planning and Development recommends that the proposed rezone to SF 5000 be **APPROVED**.

CONDITIONS - SEPA

None.

Signature: (signature on file)
Catherine McCoy, Land Use Planner
Department of Planning and Development
Land Use Services

Date: November 13, 2008

CM:ga
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City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

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**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3008747
Applicant Name: Barbara Baker for Ken McBride
Address of Proposal: 11340 Corliss Avenue North
11334 Corliss Avenue North

SUMMARY OF PROPOSED ACTIONS

Council Land Use Action to rezone two parcels of land from Single Family 7,200 to Single Family 5,000 (SF 7200 to SF 5000). The total land area to be rezoned is 34,472 sq. ft.

The following approvals are required:

Rezone - To rezone two parcels of land from Single Family with a minimum lot area of 7,200 square feet (SF7200) to Single Family with a minimum lot area of 5,000 square feet (SF5000) - Seattle Municipal Code 23.34.

SEPA - Environmental Determination - Seattle Municipal Code Chapter 25.05.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.

City of Seattle Hearing Examiner
EXHIBIT
Appellant _____
Respondent _____ ADMITTED _____
Department DENIED _____
CF #309287, Project No. 3008747

BACKGROUND DATA

Site and Vicinity Description

The subject site is located in North Seattle immediately north of the Northgate Urban Center/Village and west of Interstate 5 (I-5), in Seattle's Haller Lake community.

Surrounding keystones include the Northwest Hospital and Medical Center and the Evergreen-Washelli Cemetery to the west, Haller Lake and Northacres Park north of the site, and Northgate Urban Center/Village south of the subject site.

The proposed rezone site consists of two adjoining parcels comprising 34,472 sq. ft. in land area. The lots are located on the east side of Corliss Avenue North, midblock between North 113th Place and North 115th Street. Each lot is developed with one single family structure with accessory structures, and is held in separate private ownership. A steep slope environmentally critical area (ECA) exists for a short distance along the south property line of the southern-most property under review (11334 Corliss Ave N). Also adjacent to the southern-most property, and related to the above-mentioned ECA, is a 14 foot wide unimproved private driveway extending from Corliss Avenue North to Sunnyside Avenue North. The identified steep slope conditions are a result of the private driveway construction, and a limited ECA exemption was granted for the property, dated Feb. 21, 2008.

The two parcels are zoned single family with a minimum lot area of 7,200 square feet (SF 7200). This single family zone classification covers a broad area north and east of the subject site to North 145th Street (Seattle city limits). But for two smaller sections of land between the subject site and North 145th Street, and east to Lake Washington, all single family properties north and due east of the subject site are zoned SF 7200.

Immediately south of the two parcels, along the southern property line of 11334 Corliss Avenue North, the zoning increases in intensity ranging from multifamily lowrise to commercial zoning (L-1 to NC3-125). Although the subject parcels lie outside the Northgate Urban Center/Village boundary area (the southern property line of 11334 Corliss Avenue North is also the northern boundary of the Northgate

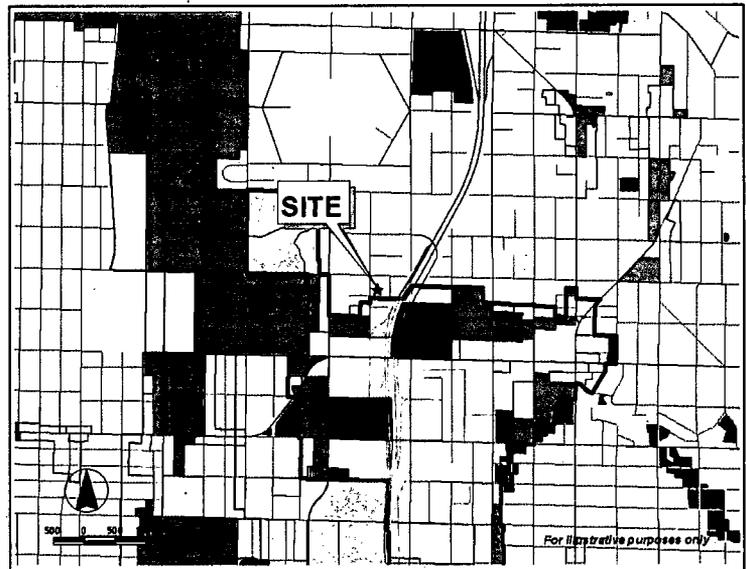


Figure 1 Area Map

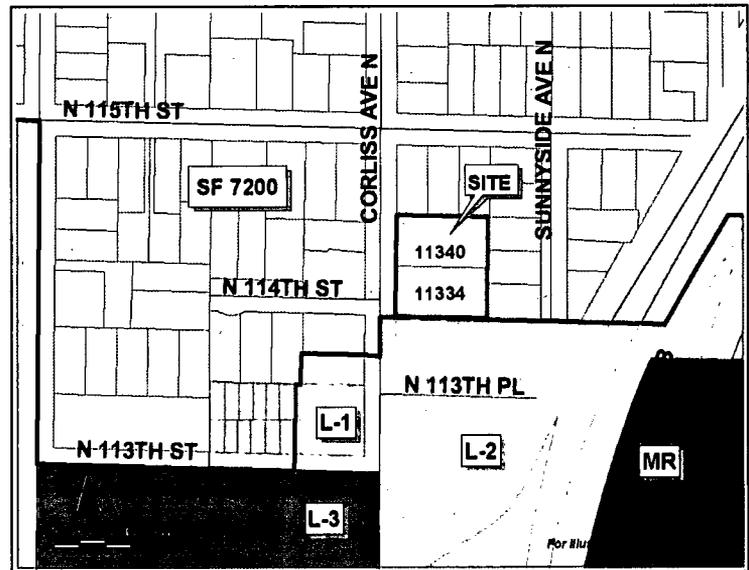


Figure 2 Site Map

Urban Center/Village), the parcels are within the Northgate Overlay District, and are within two planning area boundaries: The Northgate Area Comprehensive Plan, and the Broadview-Bitter Lake-Haller Lake Neighborhood Plan Areas (Figures 9 and 10).

The existing pattern of development corresponds with established zoning insofar as properties to the west, north, and east of the subject rezone site are developed with single family residential structures - large lots, large yards, mature vegetation, and older one and two-story single family homes. Properties south of the site in the Northgate Urban Core are more intensely developed with single and multifamily residences, and commercial development. A Lowrise 2 multifamily residential zone (L-2) is situated between the single family zones to the north and the commercial and highrise zones south within the Northgate Urban Center.

The north and northeast areas of Seattle, formerly known as the Greenwood District, the Pinehurst District and the Lake City District, were among the last areas to be annexed to the City (1952 to 1954). According to HistoryLink.org, a community-based encyclopedia of history, the lands were originally platted into large one to 10 acre lots, primarily for farmland and summer cabins, beginning in the late 1860s. Orchards, dairy farms, chicken farms and grazing land were scattered across the landscape until the 1950s when the region saw a significant increase in growth and development (and out-migration of the center-city), such as when the Northgate Mall opened in 1950. The subject parcels, and those within the broad Haller Lake community, have been designated residential since the Greenwood District was annexed to the City in 1954, initially designated as First Residence District, District A (RI-A).

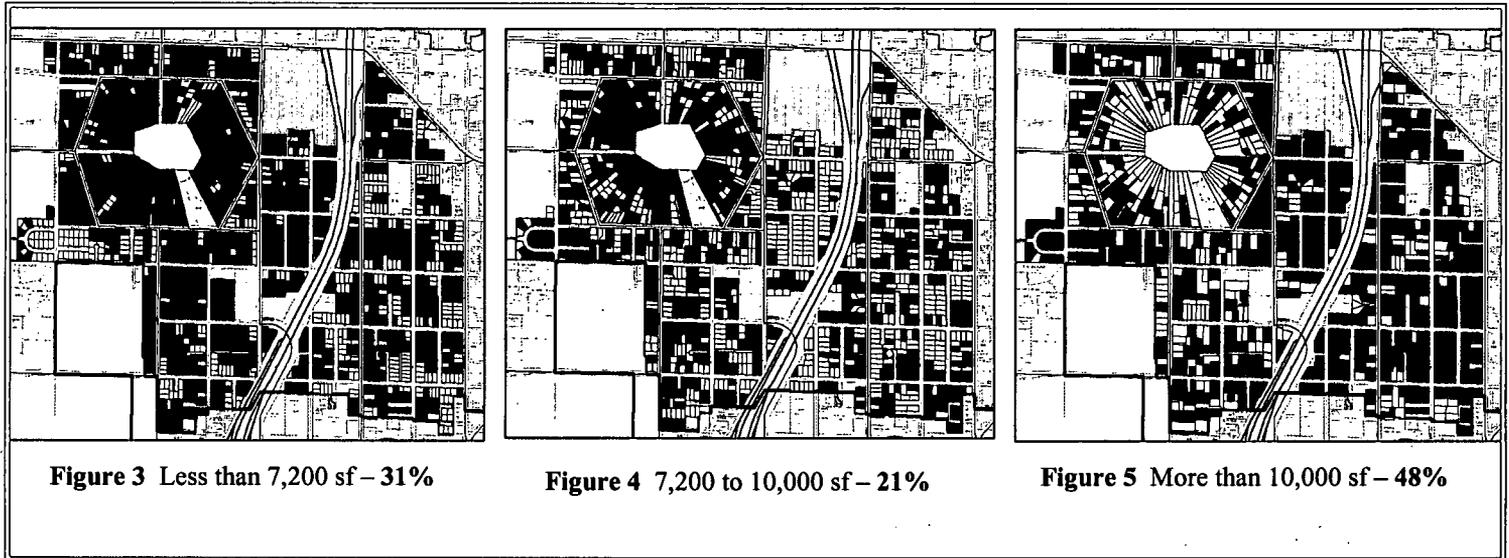
Based on a survey of 1,424 single family zoned parcels (SF 7200) north and northeast of the proposed rezone parcels, parcel sizes within the broader Haller Lake community currently range in size from 1,655 square feet to over 35,000 square feet in. At present, 31% of the properties zoned single family in this northeast quadrant of the City are less than 7,200 square feet in land area (Figures 3-5). A closer look at properties surrounding the subject parcels indicates that 26% of the properties are less than 7,200 square feet in land area (Figures 6-8). These figures illustrate the wide range of parcel sizes that currently exist in this expansive SF 7200 zone, all of which support the strong residential character of the area.

Proposal Description

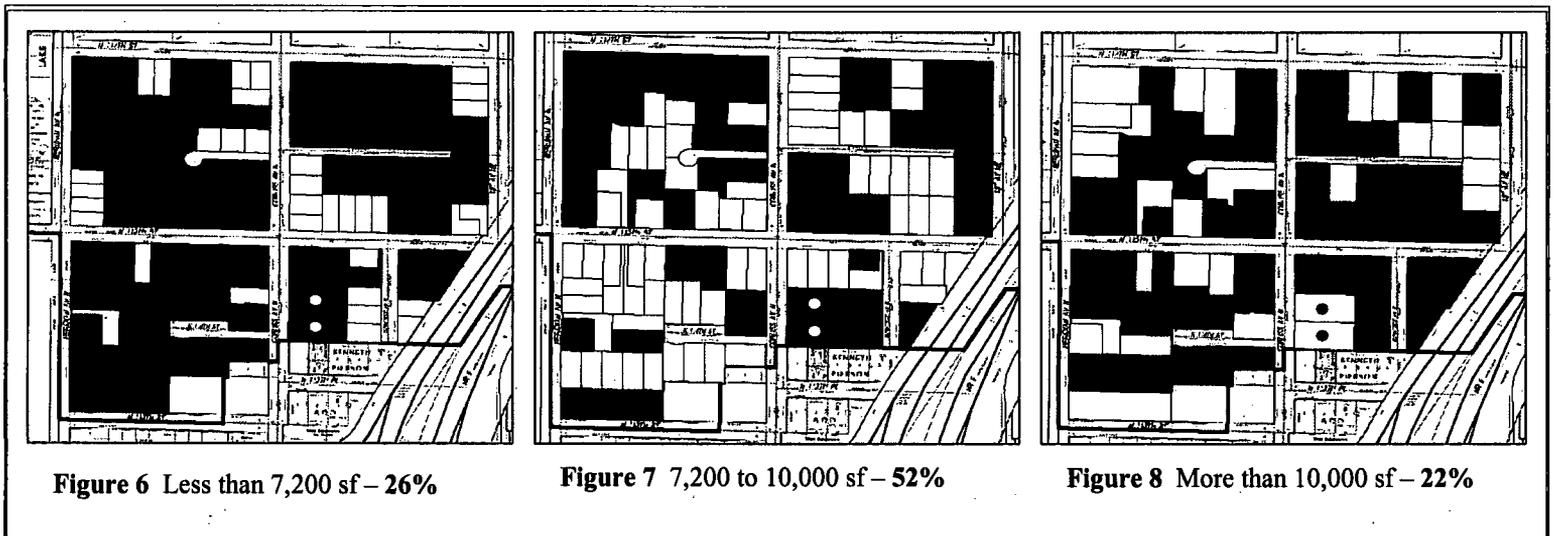
The applicant has submitted an application, with supporting documentation per SMC 23.76.040 D, for an amendment to the Official Land Use Map. The proposal is to rezone two parcels of land from Single Family with a minimum lot area of 7,200 sq. ft. to Single Family with a minimum lot area of 5,000 sq. ft. (SF 7200 to SF 5000). Parcel sizes are as follows: 1) North parcel, 11340 Corliss Avenue North, 17,229 square feet; 2) South parcel, 11334 Corliss Avenue North, 17,243 square feet. The applicant has indicated that the owners of the two subject parcels are in support of the rezone application, and anticipate future subdivision of the parcels. Both existing single family residences are to remain.

The Land Use Code, section SMC 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

Parcels within the Broader Single Family 7200 Zone (selected parcels in yellow)



Parcels in Closer Proximity to the Subject Rezone Site (selected parcels in yellow)



Public Comments

Notice of the proposed action was published on April 10, 2008. The public comment period ended April 24, 2008. During the comment period the Department received five comment letters. Comments centered on potential negative impacts of future construction, and on prohibiting other than single family residential development in the neighborhood.

Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (PRC).

ANALYSIS - REZONE

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighed and balanced together to determine which zone or height designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

The two parcels are currently zoned single family (SF 7200), and as such, the Department of Planning and Development (DPD) concludes that Seattle Municipal Code (SMC) Sections 23.34.007 and 23.34.008 apply to this land use proposal.

General Rezone Criteria (SMC 23.34.008)

General rezone criteria are set forth in Seattle Municipal Code (SMC) 23.34.008. Subsection SMC 23.34.008.B states as follows: "The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation."

A. To be approved a rezone shall meet the following standards:

- 1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The subject site is not within an Urban Center or Urban Village identified in the Seattle Comprehensive Plan, or as amended by subsequent ordinances. This criterion does not apply to the proposed rezone application.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be 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 zone designation.

The City of Seattle has three residential single family zone designations: Single Family 9600, Single Family 7200, and Single Family 5000. The proposal is to rezone two parcels of land currently designated single family to a single family zone of slightly greater intensity – SF 7200 to SF 5000.

The function of single family zones is to provide predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of the single-family neighborhood (SMC 23.34.011). The rezone proposal meets this criterion. SMC Section 23.34 does not provide locational criteria for different single family minimum lot sizes. The zone designation will remain the same, as will the potential number of dwelling units per lot, and the development standards for the new zone, though the minimum lot area per site is proposed to decrease from 7,200 square feet to 5,000 square feet. The parcels will continue to provide detached single-family structures on lots compatible with the existing pattern of development and character of the single-family neighborhood.

C. Zoning History and Presidential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The two parcels associated with the subject rezone have been designated residential since before the City of Seattle annexed the Greenwood District, 7.87 square miles of land area, in January, 1954. Zoning maps dating from 1947 indicate the two parcels were zoned First Residence District, Area District A (RI-A) until 1957 when the zone was updated to single family residence medium density zone (RS 7200), and again in 1982 to single family with a minimum lot area of 7,200 sq. ft. (SF7200). This pattern of single family residential zoning extends north and east covering the majority of single family land area to Lake Washington on the east, and to the City limits north of the site.

Zoning changes, previous and potential, since July, 2000:

- **Previous:** SF 7200 to L-1, 2140 N 113th Street; Ordinance 122206, August of 2006. Petition of Howland Homes, LLC, Council File 307285, Project No. 2500126; approximately 250 feet southwest of the subject rezone site and outside of the Northgate Urban Center/Village. The Department determined that this site did not meet the single family locational criteria.
- **Potential:** SF 7200 to L-3, 13726 15th Avenue Northeast; MUP No. 3003300; approximately 1.5 miles northeast of the subject rezone site in a small mixed residential-commercial node close to the northern border of the Seattle city limits.
- **Potential:** The Northgate Area Rezone Proposal – In conjunction with the Northgate community and in alignment with the Northgate Area Comprehensive Plan, the City is proposing to change the zoning on up to 98 acres of land in the Northgate Urban Center. Notice of the Northgate Urban Center Rezone Draft EIS was published May 1, 2008, Northgate Revitalization. The rezone proposal is intended to accelerate lagging development in the commercial core area of the Northgate Urban Center, generally along Northgate Way.

The rezone proposal, in and of itself, does not have a presidential effect. However, other similar properties may opt to submit similar land development proposals.

D. Neighborhood Plans.

1. *For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
2. *Council adopted neighborhood plans that apply to the area proposed for rezones shall be taken into consideration.*

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
4. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The subject rezone site falls within two neighborhood planning areas:

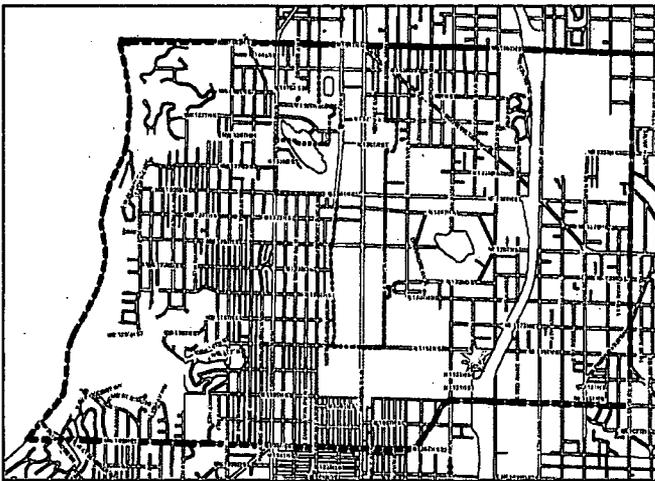


Figure 9 Broadview-Bitter Lake-Haller Lake NP

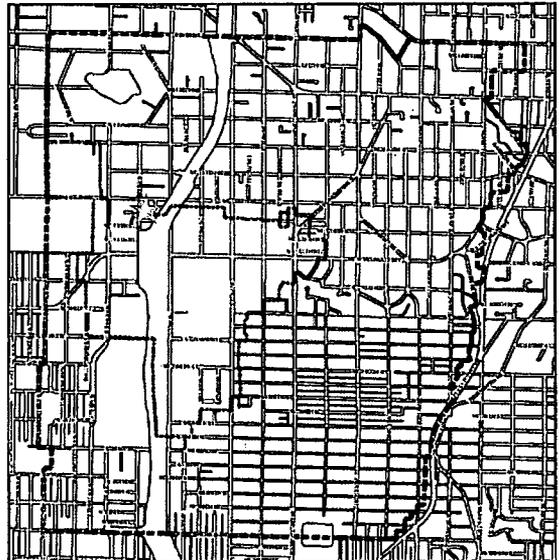


Figure 10 Northgate Area Comprehensive Plan

The Department, as a function of the analysis of this rezone proposal, found each of the following neighborhood and comprehensive plan goals and policies pertinent to the current proposal (enumerated items are from the Seattle Comprehensive Plan, *Towards a Sustainable Seattle*, 2006).

Northgate Area Comprehensive Plan (Plan Adopted 1993):

- **NG-G2:** A thriving, vital, mixed-use center of concentrated development surrounded by healthy single-family neighborhoods transformed from an underutilized, auto-oriented office/retail area;
- **NG-G3:** The surrounding neighborhoods are buffered from intense development in the core, but have ready access to the goods, services, and employment located in the core via a range of transportation alternatives including walking, bicycling, transit, and automobile;
- **NG-G4:** The most intense and dense development activity is concentrated within the core;
- **NG-P6:** Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas;
- **NG-P7:** Reduce conflict between activities and promote a compatible relationship between different scales of development by maintaining a transition between zones where significantly different intensities of development are allowed;

- **NG-P8:** Maintain the character and integrity of the existing single-family zoned areas by maintaining current single family-zoning on properties meeting the locational criteria for single-family zones ¹.

Broadview-Bitter Lake-Haller Lake Neighborhood Plan (Adopted 1999):

- Areas zoned for single family residential use shall be protected from the impacts of nearby commercial and higher density residential uses;
- New single family homes will be designed and sited to fit in with the surrounding neighborhoods;
- **BL-P14:** Seek to minimize the impacts of commercial and higher density residential uses on single family residential areas.

Seattle Comprehensive Plan, *Towards a Sustainable Seattle* (January, 2006):

- **UVG29:** Support and maintain the positive qualities of areas outside of urban centers;
- **UV35:** Provide that the area of the city outside urban centers and villages remain primarily as residential and commercial areas with allowable densities similar to existing conditions, or as industrial areas, or major institutions;
- **UV36:** Protect single-family areas, both inside and outside of urban villages. Allow limited multifamily, commercial, and industrial uses outside of villages to support the surrounding area or to permit the existing character to remain;
- **LU5:** Consider, through neighborhood planning processes, recommendations for the revision of zoning to better reflect community preferences for the development of an area, provided that consistency between the zoning and this Plan is maintained. Consider relevant goals and policies in adopted neighborhood plans when evaluating a rezone proposal;
- **LUG9:** Preserve and protect low-density, single-family neighborhoods, that provide opportunities for home-ownership, that are attractive to households with children and other residents, that provide residents with privacy and open spaces immediately accessible to residents, and where the amount of impervious surface can be limited;
- **LUG9:** Preserve the character of single-family residential areas and discourage the demolition of single-family residences and displacement of residents, in a way that encourages rehabilitation and provides housing opportunities throughout the city. The character of single-family area includes use, development, and density characteristics;
- **LUG10:** Provide for different intensities of single-family areas to reflect differences in the existing and desired character of single-family areas across the city. Allow development that is generally consistent with the levels of infrastructure development and environmental conditions in each area. Include opportunities for low-cost subsidized housing single-family areas;
- **LU57:** Designate as single-family residential areas, those areas that are predominantly developed with single-family structures and area large enough to maintain a low-density development pattern.

The adopted portions of the two neighborhood plans do not provide direction as to the rezoning of this particular site. However, they speak clearly to maintaining the existing single family character of the site and surrounding area, and to protecting and preserving properties currently zoned as single family. The proposed rezone responds to the goals and policies stated in the above plans.

¹ Comprehensive plan language amended by Ordinance 121701, 2005.

E. Zoning Principles. The following zoning principles shall be considered:

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*
2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
 - c. *Distinct change in street layout and block orientation;*
 - d. *Open space and greenspaces.*
3. *Zone Boundaries;*
 - a. *In establishing boundaries the following elements shall be considered:*
 - i. *Physical buffers as described in subsection E2 above;*
 - ii. *Platted lot lines.*
 - b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*
4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban village where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The impact of a more intensive single family zone on the existing single family zone is based on the potential for subdividing to create two additional parcels of land, for a combined total of six parcels of land; three parcels, each with a minimum of 5,000 square feet, subdivided from one of the two existing lots (Table 1). Along with the potential of creating six parcels of 5,000 square feet each, comes the potential for developing four, rather than two, single family housing units (as stated earlier, the two existing single family residences are proposed to remain). The proposed rezone would provide ample developable area for potential homes, per the Land Use Code's Single Family development standards (SMC 23.44). Additionally, the proposed rezone offers a modest zone transition and buffer from the intense zones extending from the urban center boundary south of the subject, as does I-5 provide a buffer to the more intensive development east of I-5.

	Existing SF 7200	Rezone SF 5000
North Parcel 11340 Corliss Ave N 17,229 sq. ft	$17,229/7200 = 2.4$ 2 lots with a min. area of 7,200 sq. ft.	$17,229/5000 = 3.4$ 3 lots with a min. area of 5,000 sq. ft.
South Parcel 11334 Corliss Ave N 17,243 sq. ft.	$17,243/7200 = 2.4$ 2 lots with a min. area of 7,200 sq. ft.	$17,243/5000 = 3.4$ 3 lots with a min. area of 5,000 sq. ft.
Total Parcels N & S	4	6

Table 1 Existing and Potential Parcels/Dwelling Units

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. *Factors to be examined include, but are not limited to, the following:*
 - a. *Housing, particularly low-income housing;*
 - b. *Public services;*
 - c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
 - d. *Pedestrian safety;*
 - e. *Manufacturing activity;*
 - f. *Employment activity;*
 - g. *Character of areas recognized for architectural or historic value;*
 - h. *Shoreline view, public access and recreation.*
2. *Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
 - a. *Street access to the area;*
 - b. *Street capacity in the area;*
 - c. *Transit service;*
 - d. *Parking capacity;*
 - e. *Utility and sewer capacity;*
 - f. *Shoreline navigation.*

The increase in development potential from the proposed rezone from SF 5000 to SF 7200 may result in perhaps two additional dwelling units. The level of traffic on the surrounding streets would increase, though not in a manner that would have a substantial impact on existing infrastructure resources or services. The level of noise generated in the neighborhood would increase, though not to a level that would exceed standard noise levels in single family neighborhoods, or exceed levels related to the spillover from Interstate 5.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designation in this chapter.

Based on an analysis of several indicators, listed below, single family residential development is the primary form of land use development that continues to occur in the immediate vicinity of the subject parcels, and throughout the broader Haller-Lake community. The trend of single family residential uses and development has changed little in the zone over the past 8 years.

Between the years 2000 and 2008, covering an area of 1,424 SF 7200 single family owned properties north and northeast of the subject site (including the subject site), and using DPD's permit tracking Activity Locator (Activity Locator), the following development actions have occurred:

- Demolition permits issued: 2 – both to demolish a single family residence and construct new single family residences;
- (New) Construction permits issued:
 - Single Family – 2 new single family structures per plan
 - Multifamily – Ø (none)
- Land Use Platting Actions: Issued – Ø (none)
 - Applications accepted – 1
- Council Actions: 2 applications for rezone (includes the current proposal under review)

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The subject site is within the Northgate Overlay District (SMC 23.71), the purpose of which is to implement the Northgate Area Comprehensive Plan (Ordinance 116795). Development standards established in the district are geared to channel the highest intensity uses to the commercial core area and protect the character of the existing residential neighborhoods. Unless specifically modified by SMC 23.71, land area within the Northgate Overlay District is subject to the regulations of the underlying zone. The proposed rezone maintains the single family designation, and in this way supports the intent of the overlay district.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

A steep slope environmentally critical area (ECA) has been identified on the south parcel, 11334 Corliss Avenue North, due to previous grading activities. An ECA *Limited Exemption* application was submitted to DPD and granted, February 21, 2008. ECA review will be required concurrent with (any) future building permit applications. As a result of the limited ECA exemption, no ECA steep slope variance is required in order to develop the buffer area of the steep slope feature. The exemption may be applied to (any) future short plat development applications.

Rezone Evaluation (SMC 23.34.007)

- A. The provisions of this chapter shall apply to all rezones except correction of mapping errors. 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. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*
- B. 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.*
- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the Purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Subsection 23.60.060 B3.*

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.*
- E. The procedures and locational criteria for shoreline environment re-designations are located in Sections 23.60.060 and 23.60.220 respectively.*
- F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The above analysis considered the foregoing criteria. Given the circumstances of the subject properties, the history of zoning, and the goals and policies of neighborhood and comprehensive planning, the Single Family 5000 zone (SF 5000) appears to be as suitable a zoning designation for the property as is the existing Single Family 7200 zone (SF 7200).

The zone designation of SF 5000 would support and protect the predominant character of the neighborhood north of the Northgate Urban Center/Village boundary. The zone designation of SF 5000 would provide new opportunities for single family home ownership, and encourage reinvestment in the residential quality of the neighborhood. The SF 5000 designation would add further value to the vicinity by providing a modest buffer between the less intense single family zone to the north and the multifamily and commercial zones south of the urban center boundary. The compatible scale of development would persist with the rezone, and the SF 5000 zone designation is not expected to burden the existing infrastructure or services currently offered in the area.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated March 24, 2008, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of same project form the basis for this analysis and decision.

The SEPA Overview Policy clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665 D). Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under certain limitations and/or circumstances mitigation may be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Although no development of the site is proposed, the rezone would potentially allow construction of two additional dwelling units on the subject parcels. Based on the potential addition of two parcels and possibly two additional housing units, the following temporary or construction-related impacts would be expected with future development: decreased air quality due to suspended particulates from building activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources.

Further, construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions that might result from development of single family housing units in these two parcels of land. Therefore, no conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, similar in type and level of impacts stated above (Short-term Impacts). Increasing the potential density of the rezone area from 4 to 6 dwelling units may result in increased height, bulk and scale, increased pedestrian and vehicular traffic in the area, increased demand for parking, increased light, glare and noise, and increased demand for public services and utilities. The impacts are anticipated to be minor in scope, however, and do not warrant SEPA mitigation.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

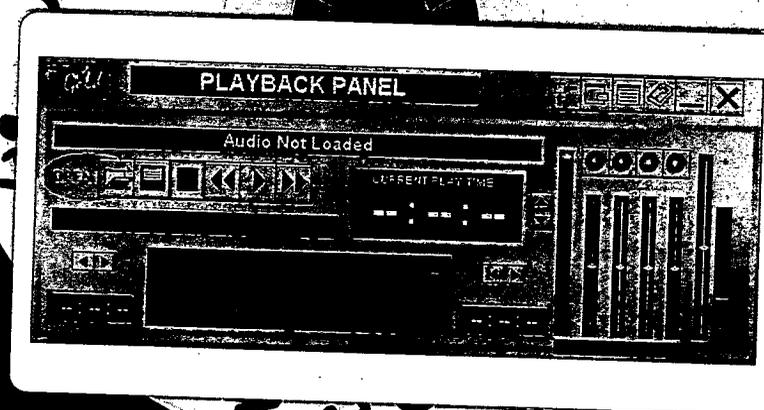
RECOMMENDATION - REZONE

The Director of the Department of Planning and Development recommends that the proposed rezone to SF 5000 be **APPROVED**.

Find full instructions on how to listen to a CD of your hearing instructions visit: <http://www.seattle.gov/examiner/faqs.htm>

Download Player Plus at www.fortherecord.com. Click on the tab that says **Products**; follow link 1 to **FTR Gold**, and link 2 to **FTR Player Plus**. Select the **Player Plus Download compatible with your computer**. Complete registration to finalize the download and installation process.

Launch the Player from your desktop. Click file open and select the CD Drive, and then select your audio file. The Audio will load in the player; now press play to begin listening.





City of Seattle
 Department of Planning and Development
 700 Fifth Avenue, Suite 2000
 P.O. Box 34019
 Seattle, WA 98124-4019
 (206) 684-8850

File copy

DPD Project Number

3	3	0	8	7	4	7
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ENVIRONMENTAL (SEPA) CHECKLIST

	Ken McBride
Company Name:	McBride Construction Resources Inc.
Address:	224 Nickerson Street
City/State/Zip:	Seattle, Washington 98109-1622
Phone:	206.283.7121
Fax:	206.284.5670

RECEIVED BY
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 OFFICE OF
 HEARING EXAMINER

City of Seattle Hearing Examiner
EXHIBIT

Appellant
 Respondent ADMITTED
 Department DENIED

3

CF #309287, Project No. 3008747

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant:

Kenneth W. McBride

3. Address and phone number of applicant and contact person:

224 Nickerson St.

Seattle, WA 98109

206-283-7121

Representing Agent:

R.W. Thorpe & Associates, Inc.

705 Second Ave. Suite 710

Seattle, WA 98104

206-624-6239

4. Date checklist prepared:

February 2008

5. Agency requesting checklist:

City of Seattle Department of Planning and Development

700 Fifth Ave. Suite 2000

P.O. Box 34019

Seattle, WA 98124-4019

6. Proposed timing or schedule (including phasing, if applicable):

N/A

Barbara Baker

*Approx
1 year*

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7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

A Subdivision application may follow within one to two years.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A critical area expedition was filed for a localized depression created by previous easement construction. The limited size results in a 15' setback buffer, as the area occurs off the site on the neighboring property to the south. See Figure A.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None.

10. List any government approvals or permits that will be needed for your proposal, if known.

None.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Rezone properties from SF7200-R to SF 5000.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

*Pvt easement
ROW S of S
parcel*

*SF 7200 →
SF 5000*

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This site is located within Section SW29 Township 26 Range 04. A site map that is attached represents the site. The site is located at 11340 & 11334 Corliss Ave N Seattle, WA 98133. Parcel #2926049175 & #2926049188.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one):

Flat, rolling, hilly, steep slopes, mountainous,
other: _____

- b. What is the steepest slope on the site (approximate percent slope)?

There are no steep slopes on the properties.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

According to the 'Geologic Map of Seattle', Vashon till (Vt) is the soil type found on the site.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No.

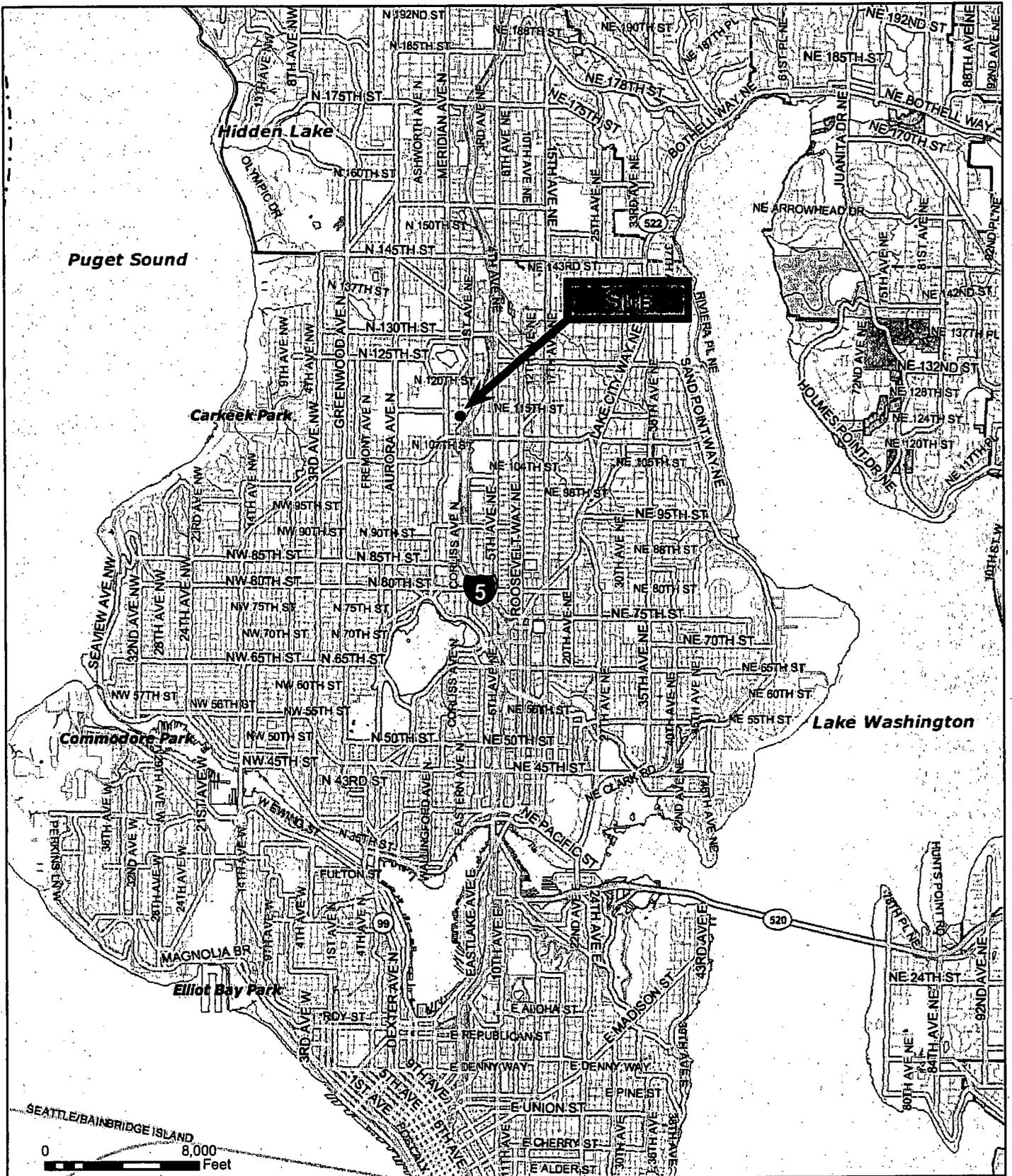
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

None.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

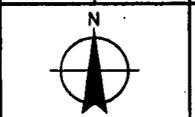


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Job	date
0708082	02/04/08

R.W. Thorpe & Associates, Inc.
 Seattle / Anchorage / Denver / Winthrop
 710 Hoge Building 705 2nd Avenue Seattle, WA 98104

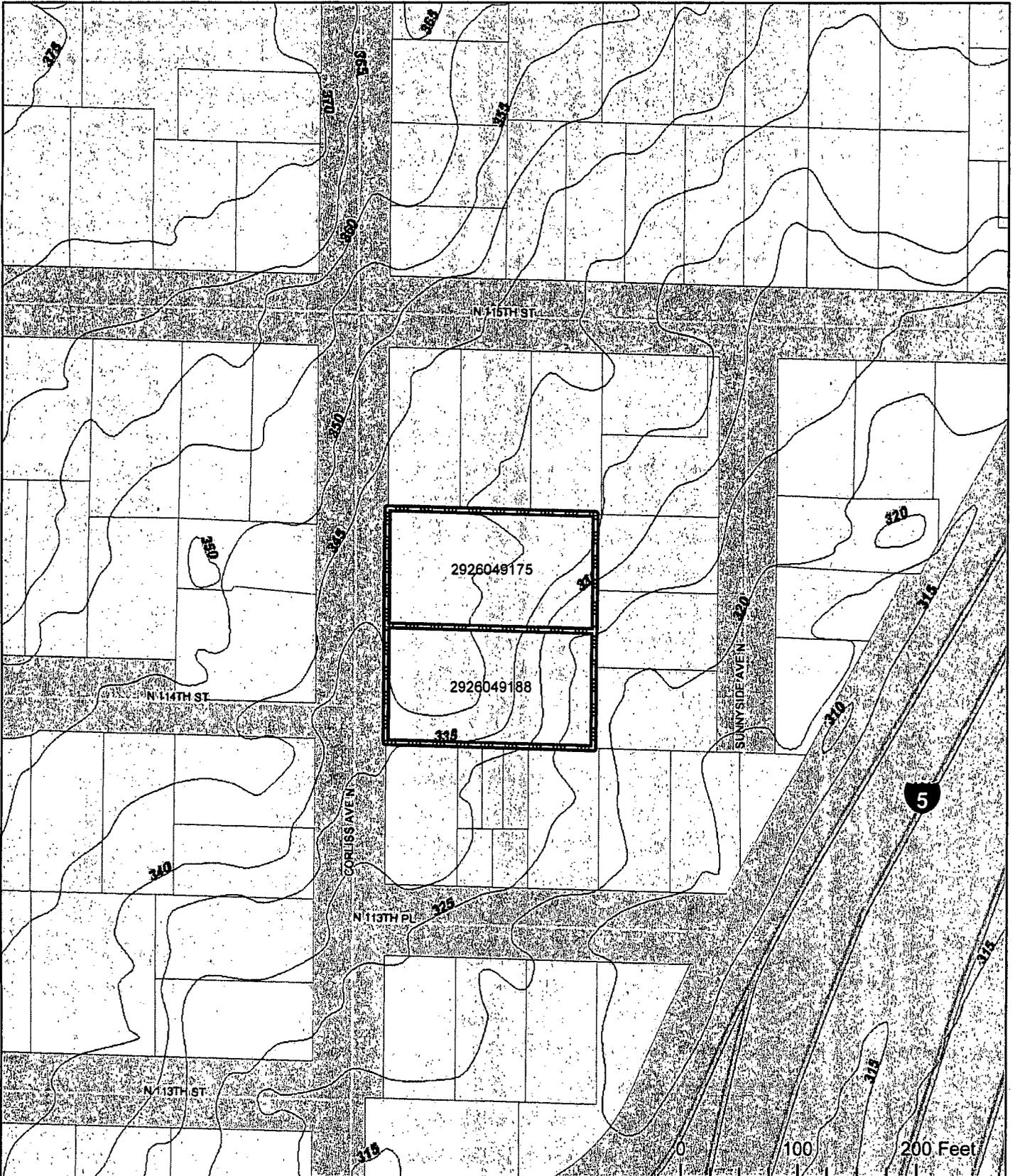
Phone: 206.624.6239
 Fax: 206.625.0930
 E-mail: planning@rwta.com
 Web: <http://www.rwta.com>

Planning
 Landscape Architecture
 Project Management
 Environmental
 Economics



McBride, Kenneth
 Seattle, WA

VICINITY MAP
 Source: King County GIS (2007)



drn	ckd
JH	app'd
Job	date
0708082	02/04/08

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Planning
 Landscape Architecture
 Project Management
 Environmental
 Economics



McBride, Kenneth
 Seattle, WA

TOPOGRAPHY MAP

Source: King County GIS (2007)

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Impervious surface will not exceed code requirements for the site in accordance with the City of Seattle and King County codes.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None.

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

No emissions at this time. Minimum amounts of emissions from automobiles can be expected at project phase of single-family home.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

*See G116
wksht*

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- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No, the project will not require work in or adjacent to any surface water body.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The subject properties do not lie within a 100-year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No.

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- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

'Storm water runoff' will be the source of water flow. It will be retained per code requirements in detention for measured infiltration, when construction of single-family home occurs.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

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water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None at this time.

c. List threatened or endangered species known to be on or near the site.

None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Native vegetation will be retained wherever possible and practical. This is an urban environment.

5. Animals

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: **None. Typical types only – Robins & Sparrows.**

mammals: deer, bear, elk, beaver,

other: **None**

fish: bass, salmon, trout, herring, shellfish,

other: **None**

b. List any threatened or endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.

No.

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- d. Proposed measures to preserve or enhance wildlife, if any:
None at this time.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Will be decided at the project phase of development. The energy needs will be met with electric and/or gas.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None considered at this phase.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No.

- 1) Describe special emergency services that might be required.

None.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None.

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b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

Interstate 5 is the current source of most all traffic noise in the area. It is not expected to affect the proposal.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from site.

Minor levels of noise would be created by residence of new homes coming and going from the site.

- 3) Proposed measures to reduce or control noise impacts, if any:

None.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

**The current use of the site is Single Family (Res Use/Zone).
The current use of adjacent properties are also Single Family (Res Use/Zone).**

- b. Has the site been used for agriculture? If so, describe.

Not to the applicant's knowledge.

- c. Describe any structures on the site.

Currently, there is a one-story residence on each parcel (1,770 living sq. ft. & 1,830 living sq. ft.).

- d. Will any structures be demolished? If so, what?

Each parcel has two small garden sheds/garages that may need to be removed at the project phase to meet requirements for backyard setbacks.

Historic evidence of ag use.

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e. What is the current zoning classification of the site?

SF 7200-R

SF 7200

f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation of the site is Single-Family.



g. If applicable, what is the current shoreline master program designation of the site?

Not Applicable.

h. Has any part of the site been classified as an "environmentally critical" area? If so, specify.

No.

An ECA exists @ the S border of the S parcel
11334

i. Approximately how many people would reside or work in the completed project?

At project phase, three homes would be able to be built on each parcel (+/- 6 persons per parcel).

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None. The proposal is currently compatible.

9. Housing

- a. Approximately how many units would be provided, if any?
Indicate whether high, middle, or low-income housing.

At most, each parcel will be able to create two new single family lots. Currently the SF 7,200 zoning will allow the creation of only one new lot per parcel.

- b. Approximately how many units, if any, would be eliminated?
Indicate whether high, middle, or low-income housing.

None anticipated.

- c. Proposed measures to reduce or control housing impacts, if any:

None proposed.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

None proposed at this time. Project phase would be per code requirements.

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None.

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- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

None. Spillover freeway lighting from Interstate 5 now affects the neighborhood.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

City parks and bike paths are within the immediate vicinity of the site.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No, the proposed project would not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not applicable.

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- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Not applicable.

- c. Proposed measures to reduce or control impacts, if any:

None.

14. Transportation

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.

Current access to the site is at Corliss Ave North.

The important nearby public streets are:

- **Corliss Ave North**
- **North 105th St.**
- **NE 92nd St.**
- **Interstate 5**

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes. There are bus stops located one block west of the site.

- c. How many parking spaces would the completed project have?

Each parcel would have 6 spaces total (3 lots @ 2 spaces each).

How many would the project eliminate? None.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

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**D. SUPPLEMENTAL SHEET FOR NONPROJECT
ACTIONS**

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The nonproject proposal would have none of these impacts.

Proposed measures to avoid or reduce such increases are:

None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not affect animals, fish or marine life at all. Minimal affects on plants may occur.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Replanting of native vegetation will be promoted.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not expected to deplete energy or natural resources any faster than at the current rate.

Proposed measures to protect or conserve energy and natural resources are:

None anticipated at nonproject stage.

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4. How would the proposal be likely to use or affect environmentally critical areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

No impact.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is currently compatible.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Increased demand on transportation and utilities would be minimal. There will not be an increased demand on public services.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflicts are foreseen.



Application Form for Environmentally Critical Areas
ECA EXEMPTION & MODIFICATIONS
TO SUBMITTAL REQUIREMENTS REQUESTS

TO BE COMPLETED BY APPLICANT

Dept. of Planning & Development
 Public Resource Center

TYPE OF APPLICATION

FEB 06 2008

RECEIVED

- Proposed development is outside the ECA and its buffers and imposes no additional impact to the ECA [Section 25.09.045.D]
- Step Slope Exemption [Section 25.09.180.B]**
 Choose any that apply: **MAPPING ERROR (IN G.T.S.)**
 - Development is located on a slope less than 20' in vertical rise, 30' or more away from other steep slopes and no adverse impacts on the ECA will occur. [B2c]
 - Steep slope is the result of legal grading activities. [B2b]
 - Proposed development is on an already developed site, with no increase in impact on the ECA. [B2a]
 - Application of development standards would prevent necessary stabilization of a landslide-prone area. [B2d]
- Request is for modification to submittal requirements (per DPD Director's Rule 3-2007).

SITE AND PROJECT INFORMATION

Site Address: 11340 CORLISS AVENUE

Description of proposed project: SHORT SUBDIVISION

Please describe the reasons for your request: TOPOGRAPHIC SURVEY DEMONSTRATES THAT NO "STEEP SLOPES" EXIST ON OR NEAR THIS PROPERTY - SEE ATTACHED SURVEY.

* AS ECA DEFINES THE TERM

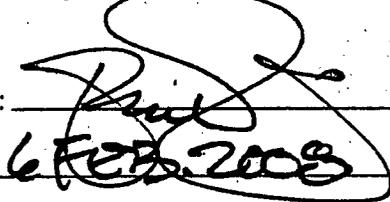
Exemption requests must be part of a specific development proposal. Please enter the assigned DPD project number here: 3008747

TO BE COMPLETED BY APPLICANT

PROPERTY OWNER/AGENT INFORMATION

Property Owner's Name: KEN MCBRIDE Dept. of Planning & Development
Residence Address: 11340 CORLISS AVE N Public Resource Center
City/State/Zip Code: SEATTLE, WA 98133 FEB 06 2008
Telephone: 206 4624-6277 RECEIVED

Agent's Name: RANDALL SPAN
Address: 3112 E PIKE ST
City/State/Zip Code: SEATTLE WA 98122
Telephone: 206 720-0166

Applicant's Signature: 
Date of Application: 6 FEB 2008

TO BE COMPLETED BY DPD STAFF

Intake Staff: _____ Fee: _____
Analyst: _____ Date: _____
Zone: _____ Land Use Map number: _____
Type of Critical Area: _____

Result of review: DOB 2/21/2008 No ECA Rev Req'd
 Approved: _____
 Denied: _____

*See Comment Sheet
Attached*

ECA EXEMPTION DECISION

3008747; 11340 Corliss Avenue North; No ECA review is required. Based on the submitted topographic survey, no Steep Slope Critical Area exists on or adjacent to this property. DBG; February 21, 2008.



Application Form for Environmentally Critical Areas

**ECA EXEMPTION & MODIFICATIONS
 TO SUBMITTAL REQUIREMENTS REQUESTS**

TO BE COMPLETED BY APPLICANT

TYPE OF APPLICATION

Proposed development is outside the ECA and its buffers and imposes no additional impact to the ECA [Section 25.09.045.D]

Steep Slope Exemption [Section 25.09.180.B]

Choose any that apply:

Development is located on a slope less than 20' in vertical rise, 30' or more away from other steep slopes and no adverse impacts on the ECA will occur. [B2c]

Steep slope is the result of legal grading activities. [B2b]

Proposed development is on an already developed site, with no increase in impact on the ECA. [B2a]

Application of development standards would prevent necessary stabilization of a landslide-prone area. [B2d]

Request is for modification to submittal requirements (per DPD Director's Rule 3-2007).

Dept. of Public

FEB 06 2003

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SITE AND PROJECT INFORMATION

Site Address: 1132A CORLISS AVENUE

Description of proposed project: SHORT SUBDIVISION

Please describe the reasons for your request: PLEASE SEE ATTACHED

Exemption requests must be part of a specific development proposal. Please enter the assigned DPD project number here: 3002467

TO BE COMPLETED BY APPLICANT

PROPERTY OWNER/AGENT INFORMATION

Property Owner's Name: ELIZABETH KING
Residence Address: 11334 CORLISS AVEN
City/State/Zip Code: SEATTLE WA 98133
Telephone: 206-674-0229

Agent's Name: RANDALL SPAN
Address: 3112 E PIKE SEATTLE 98122
City/State/Zip Code: _____
Telephone: 206-725-0166

Applicant's Signature: [Signature]
Date of Application: 6 FEB 2008

Dept. of Planning & Development
Public Resource Center

FEB 06 2008

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TO BE COMPLETED BY DPD STAFF

Intake Staff: _____ Fee: _____
Analyst: _____ Date: _____
Zone: _____ Land Use Map number: _____

Type of Critical Area: _____

Result of review: DTSG 2/21/2008
 Approved: steep slope Exemption Approved. No VCA Variance Req'd
 Denied: _____

See Decision Sheet,
Attached

EXEMPTION DECISION

3003467; 11334 Corliss Avenue North; ECA review is required. ECA Steep Slope Development Standards are waived because the Steep Slope Critical Area is at the south property line, immediately adjacent to the subject property, and was created by previous grading activities. This exemption can be applied to a short plat. No ECA Steep Slope Variance is required in order to develop the buffer area of this Steep Slope feature, which is currently developed with a garage structure. DBG. February 21, 2008.

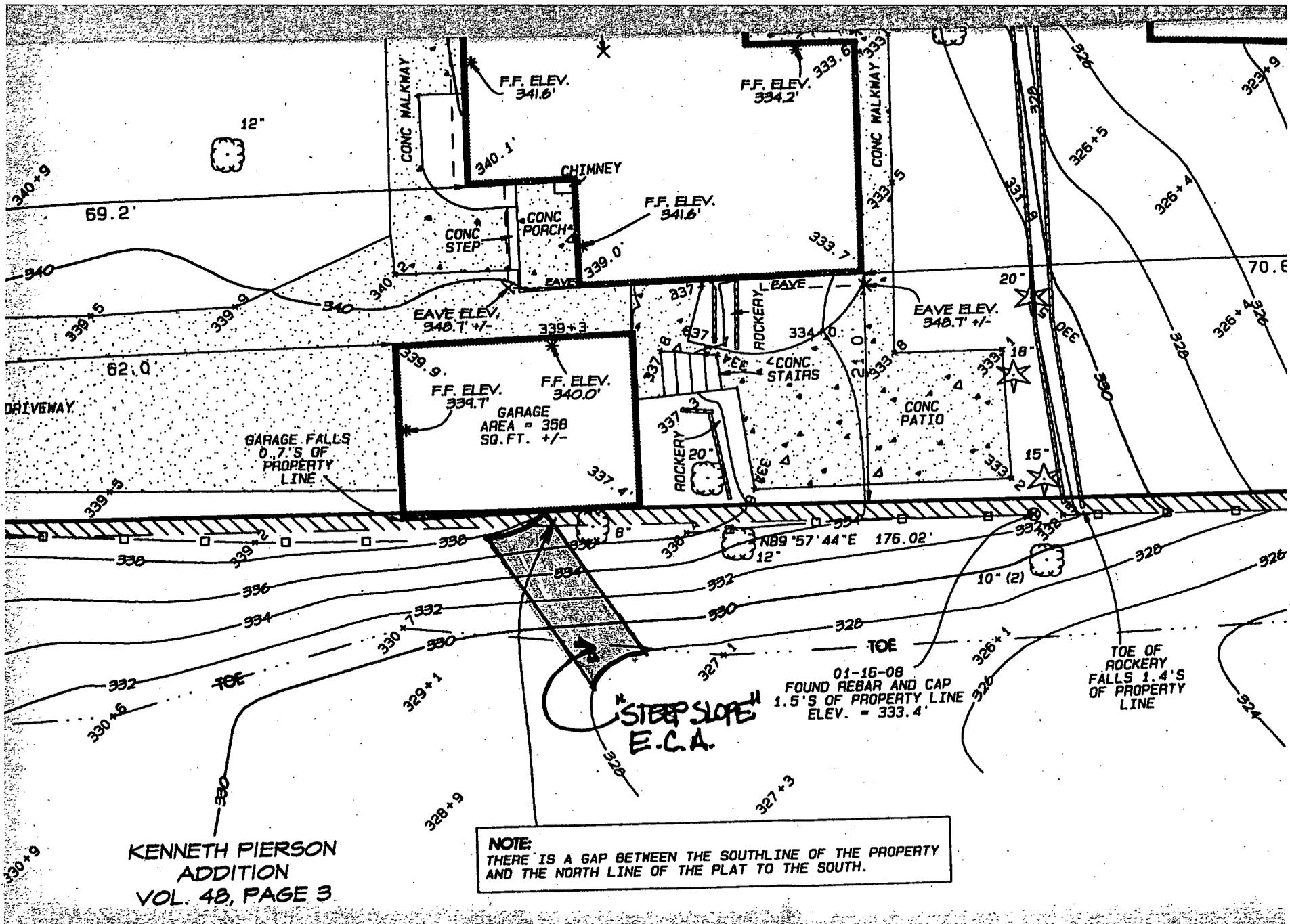


Figure A

KENNETH PIERSON
ADDITION
VOL. 48, PAGE 3

NOTE:
THERE IS A GAP BETWEEN THE SOUTHLINE OF THE PROPERTY
AND THE NORTH LINE OF THE PLAT TO THE SOUTH.

ELIZABETH KING
23423 BRIER ROAD
BRIER, WA 98036
(425) 398-1917 / (206) 992-7977
elizabeth.king@yahoo.com

March 18, 2008

TO:
R.W. Thorpe & Associates, Inc.
705 2nd Ave. Ste 710
Seattle, WA 98104-1717

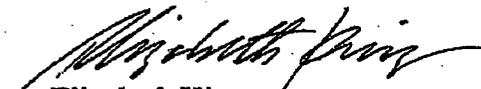
ATTN: Barbara Baker

Dear Barbara,

This letter is to confirm my interest and support of the rezone that you are pursuing with the City of Seattle which involves my property, at 11334 Corliss Ave. N., and Mr. McBride's property, at 11340 Corliss Ave. N. I agree to include my property in the rezone that Mr. McBride has initiated with you, and authorize you to convey information about my property to the City of Seattle and Mr. McBride to obtain the rezone.

Please feel free to contact me if you need any additional information. Thank you for your assistance in this matter.

Sincerely,


Elizabeth King

Section I: Buildings

Type (Residential) or Principal Activity (Commercial)	# Units	Square Feet (in thousands of square feet)	Emissions Per Unit or Per Thousand Square Feet (MTCO _{2e})			Lifespan Emissions (MTCO _{2e})
			Embodied	Energy	Transportation	
Single-Family Home.....	5		98	672	792	7809
Multi-Family Unit in Large Building	0		33	357	766	0
Multi-Family Unit in Small Building	0		54	681	766	0
Mobile Home.....	0		41	475	709	0
Education		0.0	39	646	381	0
Food Sales		0.0	39	1,541	282	0
Food Service		0.0	39	1,994	561	0
Health Care Inpatient		0.0	39	1,938	582	0
Health Care Outpatient		0.0	39	737	571	0
Lodging		0.0	39	777	117	0
Retail (Other Than Mall).....		0.0	39	577	247	0
Office		0.0	39	723	588	0
Public Assembly		0.0	39	733	150	0
Public Order and Safety		0.0	39	899	374	0
Religious Worship		0.0	39	339	129	0
Service		0.0	39	599	266	0
Warehouse and Storage		0.0	39	352	181	0
Other		0.0	39	1,278	257	0
Vacant		0.0	39	162	47	0

Section II: Pavement.....

Pavement.....		4,176.00				208800
---------------	--	----------	--	--	--	--------

Total Project Emissions:

218609

*SEPA # 3008747
Worksheet*

File Copy

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2008 DEC 31 AM 11:49

Rezone Information Form

OFFICE OF HEARING EXAMINER

Please provide complete and accurate information as requested below. Use additional paper if necessary.

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2008 DEC 31 AM 11:49
OFFICE OF HEARING EXAMINER

1. Project number 3008747 Ken McBride
(This number will be assigned at your pre-submittal conference)

2. Subject property address 11340 Corliss Ave North

3. Existing zoning classification SF 7,200 Proposed change to SF 5,000

4. Approximate size of property/area to be rezoned 98.93' x 351.6' square feet 34,472 sq ft

5. Legal description of property to be rezoned (attach additional sheet if necessary)
SEE ATTACHED - TWO PARCEL NO. 2926049175 & 2926049188

6. Present use of property The two parcels are both oversized lots with one single family unit ea.

7. What structures, if any, will be demolished or removed? None at this time - ultimately 2 garages may be removed
The existing homes (2) will remain, be remodeled, and or improved at some time in the future.

8. Reason for the requested change in zoning classification and/or new use The density increase to SF 5000 will allow the two oversized parcels to be divided in a manner that retains their single family criteria; while allowing the once residual land to contribute to parcels available for new residential construction. The two parcels abut the Northgate Urban Village. The rezone to SF 5000 will allow a transition between L-3 & SF 7200 where one does not exist now.

9. Anticipated benefits the proposal will provide An increase of density will meet Seattle UGA goals of 4 to 8 units per acre. More Single Family lots will be added to the buildable lands inventory without sprawl. Implementation of the City of Seattle "Northgate Traffic Improvement Plan" will support development within the area. Helping Northgate meets it's housing and employment targets for 2010. Infill development requires new investment in the neighborhood which will improve the quality of the City.

10. Summary of potential negative impacts of the proposal on the surrounding area
A portion of the growth could be diverted to other neighborhoods within the City, or to other cities in the region affecting the need for transportation improvements within those areas. Greater development pressure could also occur on rural lands.

11. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation)
None at this time, an application for the sub-division of the land will occur at a later time.

Owner/Applicant(s) Ken McBride EA RWA
(signature)

(signature)

Name(s) (printed) Ken McBride

Address c/o R. W. Thorpe & Assoc. Inc. 206-624-6239 fax 206-625-0930

City/State 705 2nd Ave Suite 710

Seattle WA Zip 98104

LEGAL DISCLAIMER: This Client Assistance Memo (CAM) should not be used as a substitute for responsible for compliance with all code and rule requirements, whether or not described in this C

City of Seattle Hearing Examiner
EXHIBIT

Appellant	_____	<input checked="" type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	<div style="border: 1px solid black; width: 40px; height: 40px; text-align: center; line-height: 40px; font-size: 24px;">4</div>
Respondent	_____		
Department	_____		
CF #309287, Project No. 3008747			

CURRENT ZONING: SINGLE FAMILY 7,200

REZONE REQUEST/ CHANGE TO: SINGLE FAMILY 5,000

APPLICANT	ADDRESS	PARCEL	City of Seattle Project Number	AREA In Square Feet
McBride	11340 Corliss Ave North	2926049-175	3008747	17,229
	11334 Corliss Ave North	2926049-188		17,243

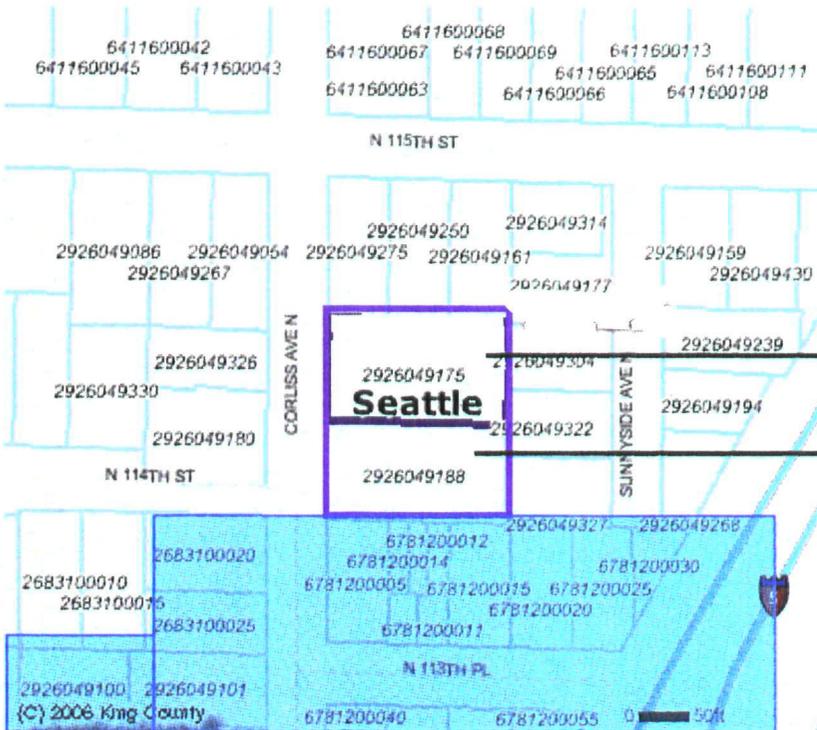


SITE LOCATION

The Possible number of Lots at Single Family 7,200 is 2 parcels each site.

The possible number of Lots if rezone to Single Family 5,000 is 3 parcels each site.

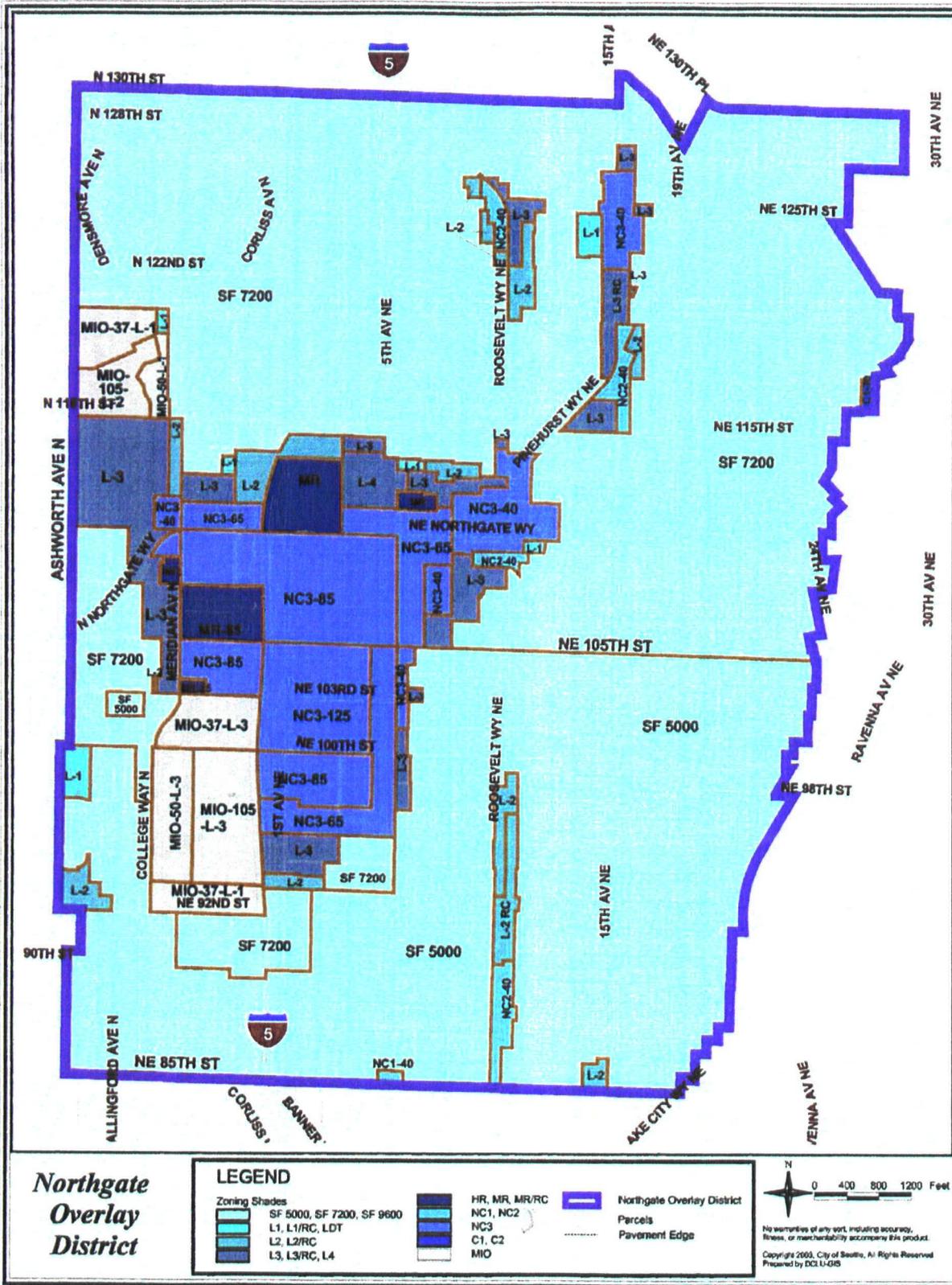
The south parcel boundary is the "Urban Center" boundary for the Northgate Neighborhood. This shaded area is zoned Lowrise 1, 2 and Lowrise 3



McBride

King

© 2006 King County



comfort, visual interest and activity for the pedestrian

Figure 1:
Northgate Urban Center and Overlay District

Zone Designations:
SF 5000 (Single Family), **LDT** (Lowrise, Duplex, Triplex), **L1, L2, L3** (Lowrise 1, 2 and 3), **MR** (Midrise), **RC** (Residential Commercial), **NC2, NC3** (Neighborhood Commercial 2, 3), **C1** (Commercial 1), **MIO** (Major Institution Overlay)

EXHIBIT

Appellant _____
 Respondent _____ ADMITTED _____
 Department DENIED _____

5

CF #309287, Project No. 3008747

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 OFFICE OF
 HEARING EXAMINER

Title 23 - LAND USE CODE
Subtitle III Land Use Regulations
Division 1 Land Use Zones
Chapter 23.34 - Amendments to Official Land Use Map (Rezoning)
Subchapter II Rezone Criteria

SMC 23.34.008 General rezone criteria.

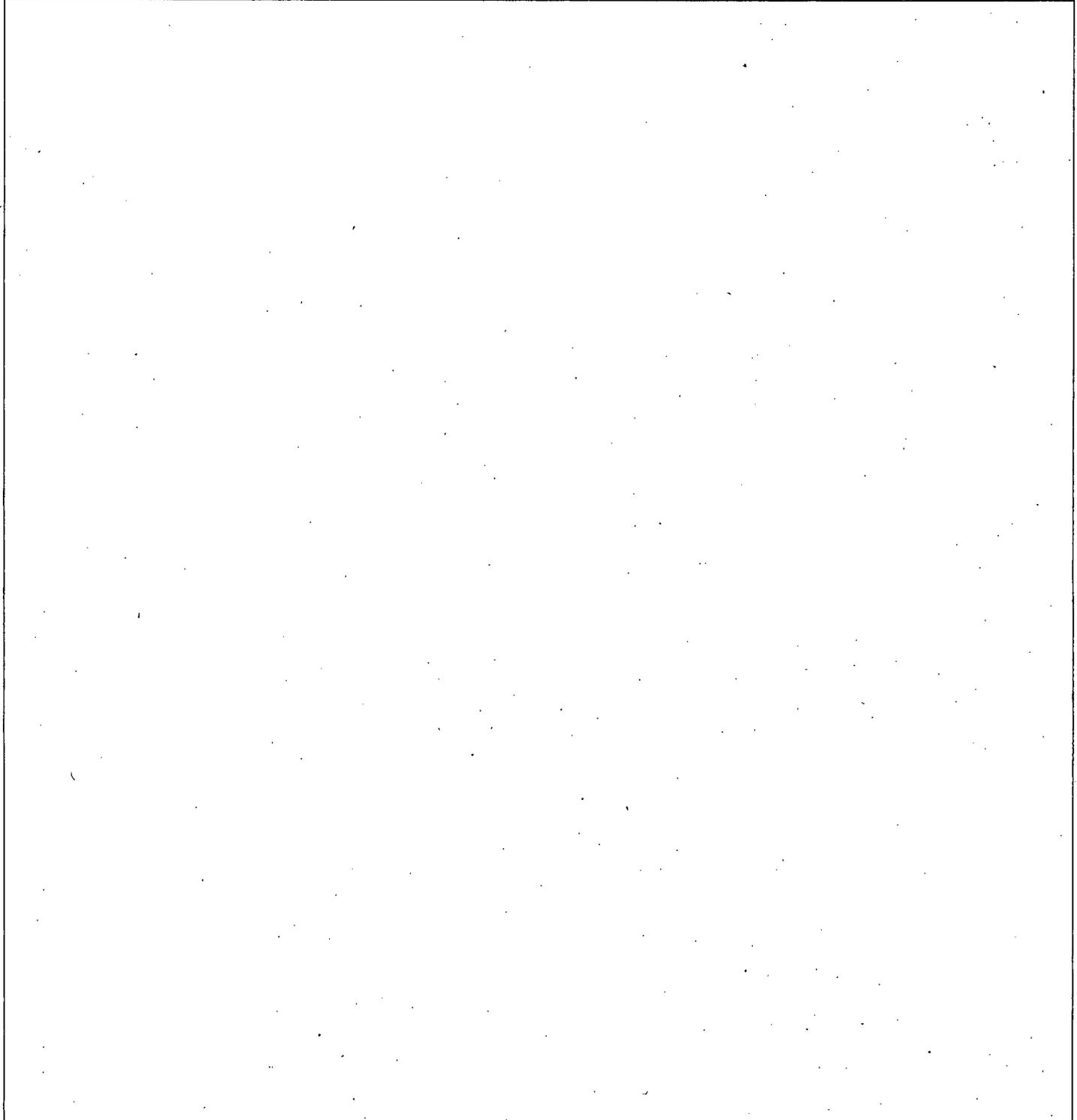
<p>A. To be approved a rezone shall meet the following standards:</p>	
<p>1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.</p>	<p>The site adjoins the Northgate Urban Village but in outside the boundary. It is in the Northgate neighborhood planning area</p>
<p>2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.</p>	<p>NA - The sites abut the boundary of the urban village but do not qualify for Small Lot, L-1,2 or 3 due to the Location criteria and the Northgate Neighborhood Plan does not have areas designated for Residential Small Lot such as RSL, - RSL/T Tandem Housing or RSL/C Cottage Housing. Therefore rezone for density is allowed to occur only from SF 7200 to SF 5,000.</p>
<p>B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be 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 zone designation.</p>	<p>The site meets the Single Family Zone Classification.</p> <p>The current Zone is Single Family 7200</p> <p>The request is to change the 7200 minimum lot area to 5,000</p>
<p>C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.</p>	<p>The 1993 Northgate Neighborhood Plan Ord. 116770 appendix C & F SMC 23.71.030 "Transition" Implementation Guideline 5.1: The intent is to promote a compatible physical relationship between uses on both sides of a zoning boundary, while permitting different scales and intensities of development. This will provide light, air, and solar access and privacy to properties in abutting residential areas.</p>
<p>D. Neighborhood Plans.</p>	<p>The Northgate Neighborhood Plan does not have areas designated for Residential Small Lot such as RSL, - RSL/T Tandem Housing or RSL/C Cottage Housing. Therefore rezone for density is allowed to occur only from SF 7200 to SF 5,000.</p>
<p>1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.</p>	<p>This rezone application does not modify the requirements in the main body of the land use code in relationship to location criteria for Single Family Zones with the Northgate Neighborhood Plan.</p>
<p>2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.</p>	<p>"Demographic Snapshots by City of Seattle Department of Design, Construction and Land Use - Monitoring Our Progress page 5 & 6 state that 25% of the Comprehensive Plan Share of Housing is to occur outside of Urban Centers</p>

	<p>and Villages. Given the age of the surrounding neighborhoods there is little if any large lots with the ability to accommodate growth at this percentage. Rezone to SF 5,000 will work.</p> <p>When and where it can occur the Northgate Neighborhood is ready for new investment. Examples: Library, Community Center and Park Construction Underway - Mayor Nickels leads Northgate groundbreaking ceremony 03/19/05</p> <p><i>The Northgate Stakeholders Group was formed as a result of the agreement reached in December 2003 by Mayor Nickels, the Seattle City Council, and members of the Northgate community, and represents a wide range of interests in the revitalization of Northgate.</i></p> <p><i>The first charges for the group are to advise the City on a plan for open space and pedestrian connections, the Coordinated Transportation Investment Plan, the Fifth Avenue NE Streetscape Design, and planning for large developments. Large developments for the Northgate area include the Lorig development, the City's project for open space and a storm water feature to benefit Thornton Creek, King County's transit-oriented project, and expansion of Northgate Mall.</i></p>
<p>3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.</p>	<p>SMC 23.24.040 The subject properties would provide adequate buildable area to meet applicable yard, lot coverage requirements and other applicable Land Use Code development standard within the Northgate Area at SF5,000.</p> <p><i>This rezone process would increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed rezone would create capacity in the Single Family Zone which is diminishing due to lack of parcels undeveloped.</i></p>
<p>4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.</p>	<p>NA This is not part of a Council adopted required rezone.</p>
<p>E. Zoning Principles. The following zoning principles shall be considered:</p>	
<p>1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.</p>	<p>Currently there is no transition between Lowrise 2 and the Single Family 7200 zone.</p> <p>A transition to SF 5,000 on this ½ block would cause new Single Family development and re-investment to occur. NG-P7 and NG-P8</p> <p>Ord 116770 Ord, 116795 SMC 23.71.030</p>
<p>2. Physical buffers may provide an effective separation between different uses and</p>	<p>The use remains the same, the density would allow the one oversized lot to be subdivided into</p>

intensities of development. The following elements may be considered as buffers:	3 (5,000 sq foot lots) which are adjacent to the urban village L2. This would allow a transition between levels of intensity, while remaining single family.
a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;	There are no natural features which act as a physical buffer.
b. Freeways, expressways, other major traffic arterials, and railroad tracks;	Interstate 5 is east of this single family neighborhood. And is currently a buffer between the Commercial development at Northgate and the west side of the freeway.
c. Distinct change in street layout and block orientation;	The subject property is one of only two properties which fronts on the 113th block of Corliss Ave North. Both parcels are oversized lots, both lots are asking for an increase in density from SF 7200 to SF 5,000 in this action.
d. Open space and green spaces.	
3. Zone Boundaries.	The area is urban in nature and the lots adjoin the Northgate Urban Village. .
a. In establishing boundaries the following elements shall be considered:	Addressed above
(1) Physical buffers as described in subsection E2 above;	
(2) Platted lot lines.	
b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.	NA This is a density change only. Not a change of land use classifications
4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.	There is no change of height requirements in the Single Family zone requested in this action.
F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.	The cumulative Impacts of Planned growth have been evaluated previously and considered in the EIS for the City's Comprehensive Plan and are not evaluated again for this request. Adopted regulations for noise, air quality, stormwater and circulation are addressed in the adopted regulations within the Development Standards for Single Family zones. No change of these standards is being requested. If implemented the possible negative impacts would be those attributed to traffic and circulation generated by the addition of two lots above the number now allowed. New and reinvestment to this pocket area of the Northgate Neighborhood will have a positive impact on the visual inventory and diversity of housing options.
1. Factors to be examined include, but are not limited to, the following:	
a. Housing, particularly low-income housing;	Buildable land will be added which in Single

	<i>Family by infill development. This is consistent with the Goals and Policies of GMA. Limiting the size of the home which can be constructed on a 5000 square foot lot vs. a lot of 7200, will result in an opportunity for lower priced home.</i>
b. Public services;	<i>The area is served by all Public Services. Water, sanitary sewer, and storm drain facilities by the City of Seattle are available. Standard conditions for utility extension can be achieved.</i>
c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;	<i>Their will be no action needed to mitigate the change of density. The minimal degree of change will not affect air, noise, or water quality. The increase of density will not change any environmental condition adversely. Reduction of sprawl is a benefit,</i>
d. Pedestrian safety;	<i>Pedestrian Safety will not be adversely affected above a non action alternative. The addition of side walks to the ½ block will increase safety.</i>
e. Manufacturing activity;	<i>NA – no manufacturing activity</i>
f. Employment activity;	<i>NA – not a job related action</i>
g. Character of areas recognized for architectural or historic value;	<i>The character of the area is not recognized for any architectural or historic features or value. The “Northgate Elementary” school 2 blocks away at 11725 1st Ave North will remain as an anchorage for the single family zone; weather SF5000 or SF 7200</i>
h. Shoreline view, public access and recreation.	<i>This is not view property with a shoreline nor does it have any area where public recreational opportunity is desirable. The street (113th) ends where it meets the freeway</i>
2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:	<i>The Northgate Coordinated Transportation Investment Plan proposes 68 improvements that address all components of the transportation system. It is anticipated that there will be no change in LOS by allowing a density change of this limited magnitude</i>
a. Street access to the area;	<i>There is no change to access</i>
b. Street capacity in the area;	<i>LOS will not be affected. There is considerably less than 25 vehicle trips in any one pm peak hour period generated by this proposal.</i>
c. Transit service;	<i>The Northgate Neighborhood is anticipating the Sound Transit Link Light Rail station on 1st Ave NE and NE 103rd. Transit service /center For King County Northgate Park and Ride Facility located at the intersection of 5th Avenue NE and NE 112th Street</i>
d. Parking capacity;	<i>SMC is 2 parking units per household / this is achievable. The City of Seattle is currently allowing reduction in minimum parking requirements for residential uses to reduce the impact of development on access and parking requirements.</i>
e. Utility and sewer capacity;	<i>Available</i>
f. Shoreline navigation.	<i>NA</i>
G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall	<i>The zoning in the area was adopted prior to 1985. The 1993 Northgate Area Comprehensive Plan Policies and the Jan 2005 Neighborhood planning element remain active and still applicable. The opportunity to leverage oversized parcels to generate new capacities for</i>

be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.	<i>an existing neighborhood without changing its character is desirable.</i>
H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.	<i>Northgate</i>
I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.	<i>There is no effect on critical areas.</i>



City of Seattle Legislative Information Service Seattle Municipal Code

Information retrieved February 6, 2008 11:56 AM

Title 23 - LAND USE CODE

Subtitle III Land Use Regulations

Division 1 Land Use Zones

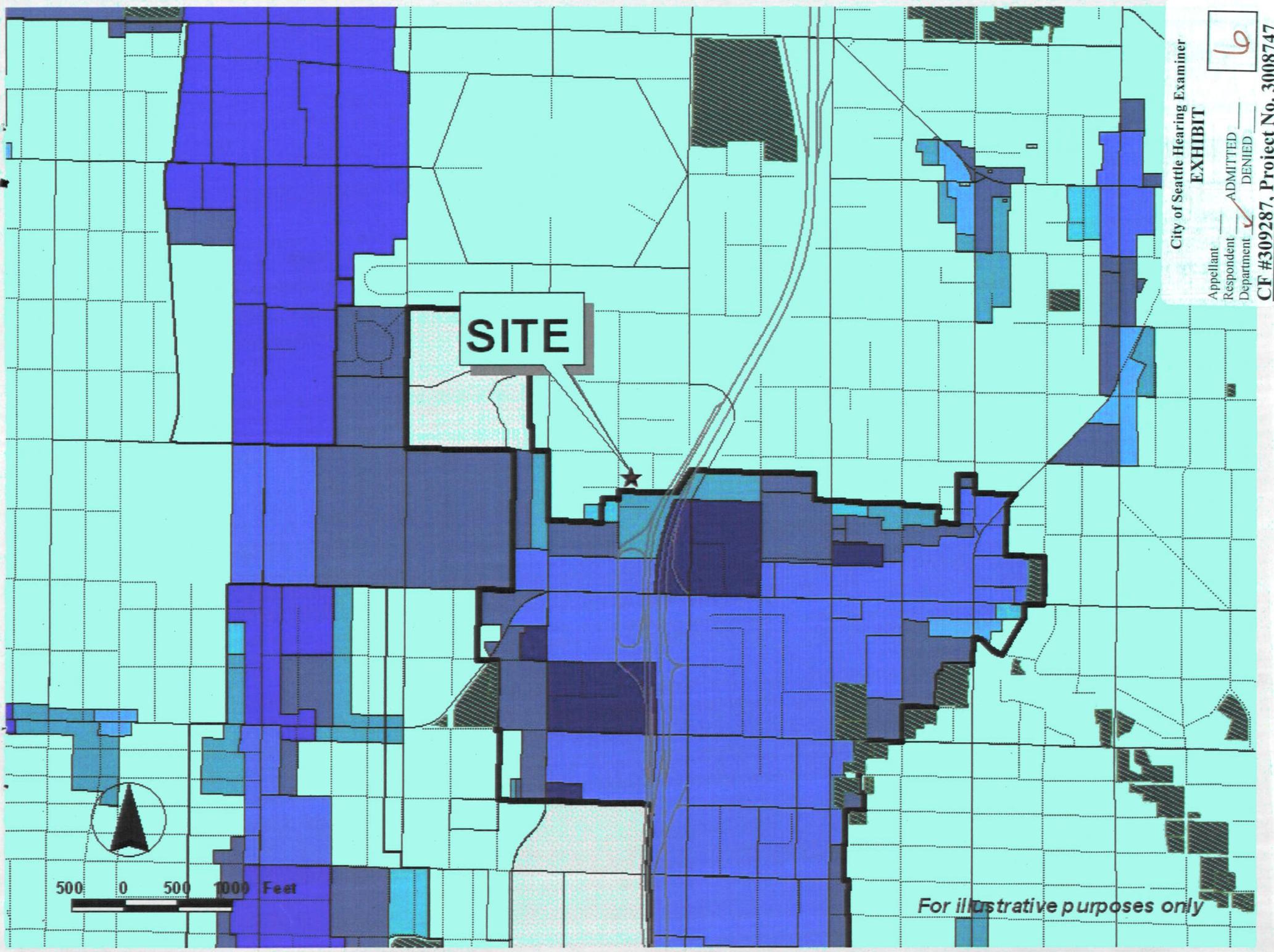
Chapter 23.34 - Amendments to Official Land Use Map (Rezoning)

Subchapter II Rezone Criteria

SMC 23.34.011 Single-family zones, function and locational criteria.

<p>A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.</p>	<p><i>This is the same function and location criteria. The lot size of 7200 is compatible with 5,000 and the character does not change</i></p>
<p>B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:</p>	
<p>1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or</p>	<p><i>Any new structures would be single family.</i></p>
<p>2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or</p>	<p><i>This is a area of adopted single family use</i></p>
<p>3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:</p>	<p><i>The proximity to the Urban Village Boundary results in the adjoining properties being at a density of 16 units per acre. At 7200 the density is 6 units per acre. At SF 5000 the density would be 8 units per acre; which is still consistent with single family goals of the Northgate Neighborhood Plan.</i></p>
<p>a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or</p>	<p><i>The use in the area remain single family</i></p>
<p>b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or</p>	<p><i>Rehabilitation efforts are to single family</i></p>
<p>c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or</p>	<p><i>The neighborhood is stable. The homes on these sites were constructed in 1940-1941</i></p>
<p>d. The area's location is topographically and environmentally suitable for single-family residential developments.</p>	<p><i>The site is suitable for single-family at 5,000</i></p>
<p>C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:</p>	
<p>1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-</p>	<p><i>The site is and will remain single family zone</i></p>

family zone	
2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:	Compatible ++
a. That the construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing, proportionately to the total number of constructions for new uses in the area, or	Compatible ++
b. That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or	Compatible ++
c. That the area's location is topographically and environmentally suitable for single-family structures, or	Compatible ++
d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units.	Rehabilitation efforts will increase if 5,000 is granted. The existing home are 67 years with minimal re-investment
D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.	Compatible ++ These two sites make up the total ½ block of this block of Corliss
(Ord. 122190 , Section 3, 2006; Ord. 117430 Section 9, 1994; Ord. 112522 Section 6(part), 1985; Ord. 110381 Section 1(part), 1982.)	



SITE



500 0 500 1000 Feet

For illustrative purposes only

City of Seattle Hearing Examiner

EXHIBIT

Appellant _____

Respondent _____

Department ADMITTED DENIED

6

CF #309287, Project No. 3008747

N 115TH ST

CORLISS AVEN

SUNNYSIDE AVEN

11340

N 114TH ST

11334

N 113TH PL

I-5



100 0 100 Feet

For illustrative purposes only

N 115TH ST

CORLISS AVEN

SUNNYSIDE AVEN

SF 7200

SITE

11340
11334

N 114TH ST

N 113TH PL

I5 NB

N 113TH ST

L-1

L-2

MR

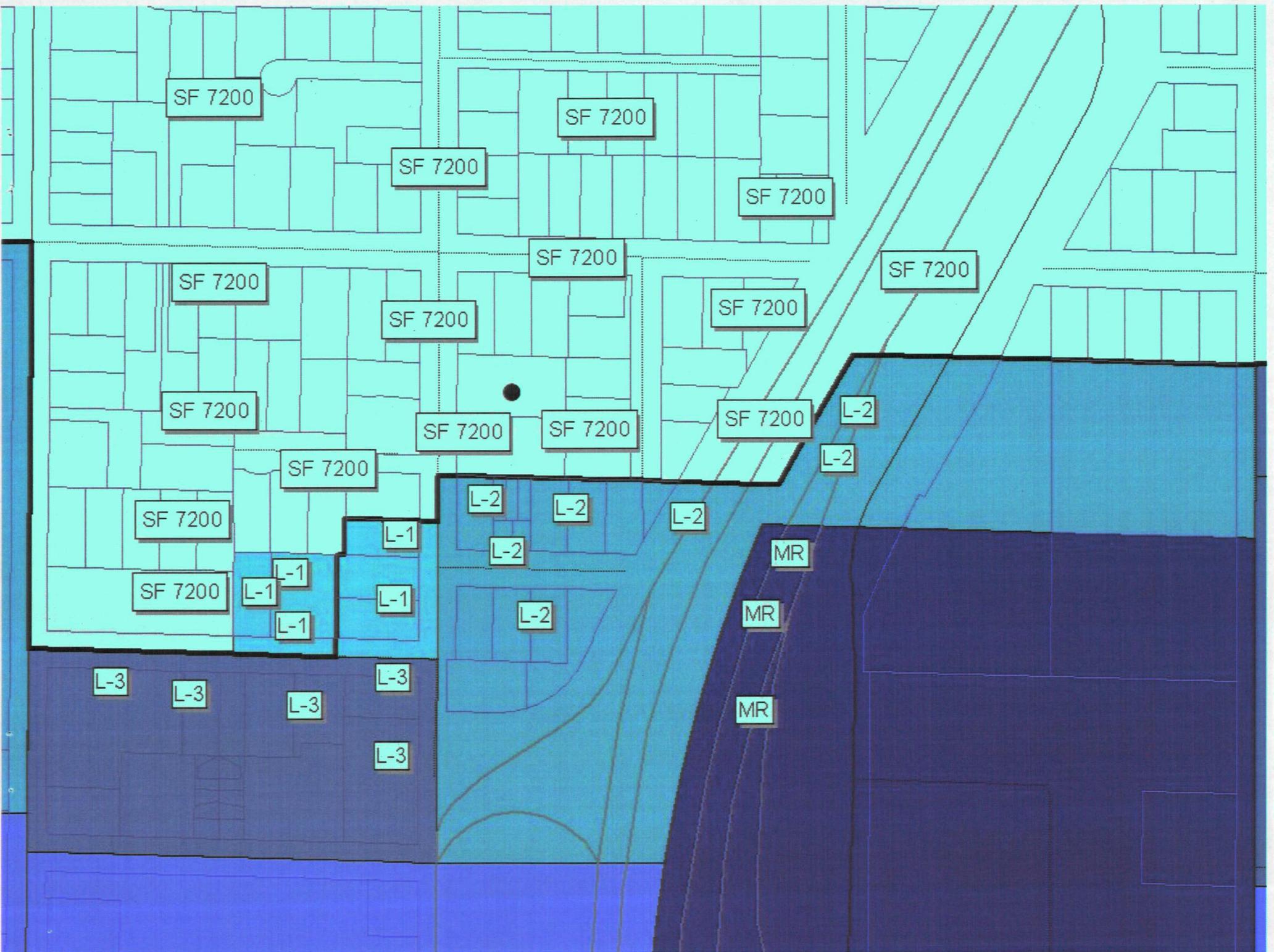
L-3



50 0 50 100 Feet



For illustrative purposes only



SF 7200

L-2

SF 7200

L-2

SF 7200

L-2

L-2

L-2

SF 7200

L-1

L-1

L-2

MR

L-1

L-1

L-2

MR

L-1

L-1

MR

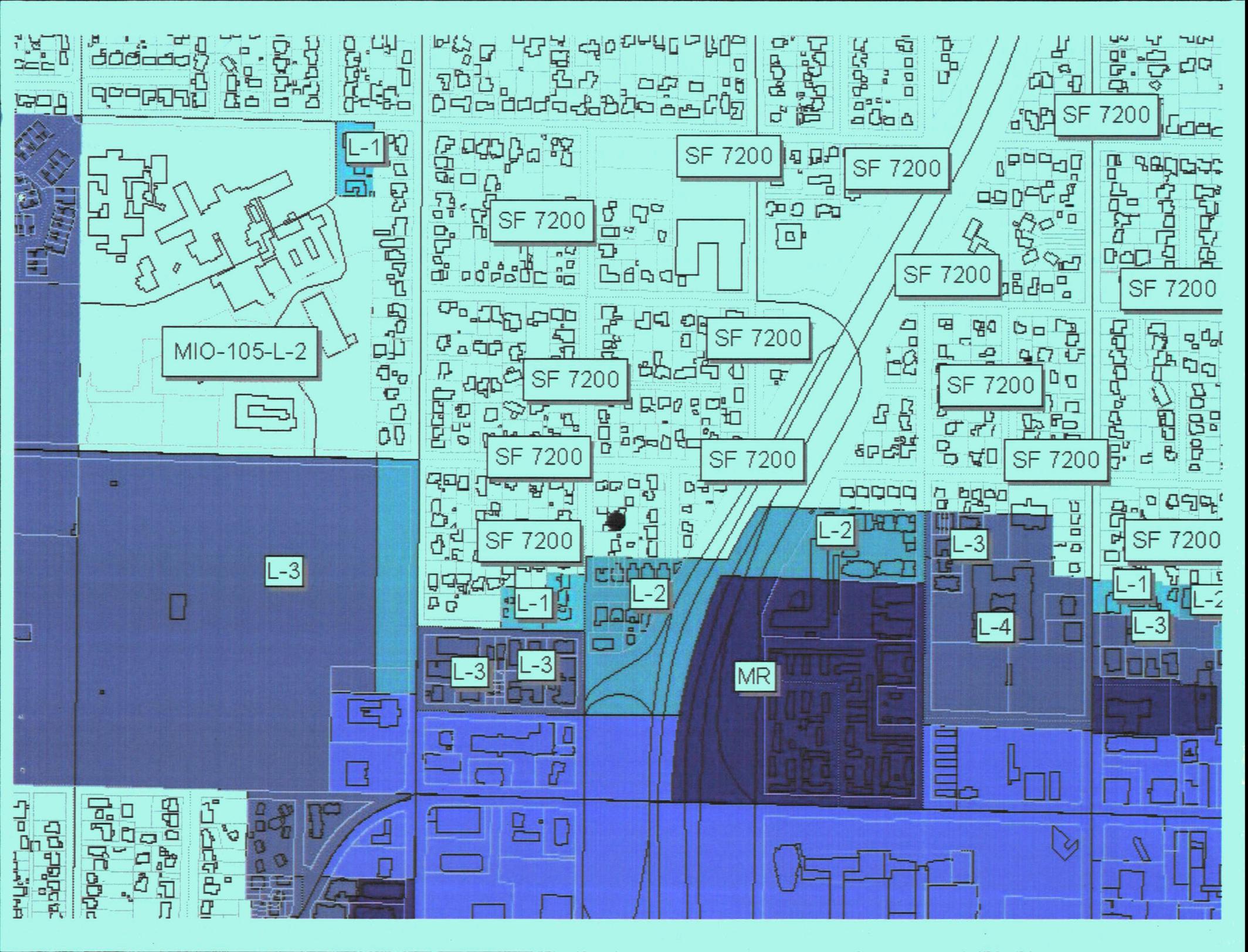
L-3

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MIO-105-L-2

L-1

L-3

SF 7200

L-2

L-3

SF 7200

L-1

L-2

L-1

L-4

L-3

L-3

L-3

MR

N 115TH ST

CORLISS AVEN

11340

SITE

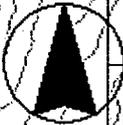
SUNNYSIDE AVEN

N 114TH ST

11334

N 113TH PL

I-5



100 0 100 Feet

For illustrative purposes only

ECA EXEMPTION DECISION

3008747; 11340 Corliss Avenue North; No ECA review is required. Based on the submitted topographic survey, no Steep Slope Critical Area exists on or adjacent to this property. DBG; February 21, 2008.

City of Seattle Hearing Examiner

EXHIBIT

Appellant _____
Respondent ADMITTED _____
Department DENIED _____

7

CF #309287, Project No. 3008747

EXEMPTION DECISION

3003467; 11334 Corliss Avenue North; ECA review is required. ECA Steep Slope Development Standards are waived because the Steep Slope Critical Area is at the south property line, immediately adjacent to the subject property, and was created by previous grading activities. This exemption can be applied to a short plat. No ECA Steep Slope Variance is required in order to develop the buffer area of this Steep Slope feature, which is currently developed with a garage structure. DBG. February 21, 2008.

file copy

City of Seattle Hearing Examiner
EXHIBIT
Appellant _____
Respondent _____ ADMITTED _____
Department DENIED _____
CF #309287, Project No. 3008747

8

Catherine,

Thank you for getting back to me. I live adjacent to the proposed rezoning project.

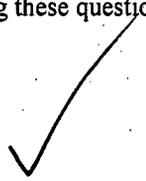
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- 1) Will the properties be subdivided? If so, how many subdivisions will there be? What will the layout of the proposed subdivisions be? Will there be 'pitchfork' or 'dumbbell' shaped lots?
- 2) What type(s) of structures are proposed for construction?
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- 6) How many square feet of impervious surface will the new construction include? Will this be an increase from the existing area of impervious surface?
- 7) How will the increased stormwater run-off be addressed?
- 8) I have seen maps of these properties that show possible hazardous slopes; will there be a potential for landslides or slumping?
- 9) Will the proposed structures be setback from the street in a manner that is consistent with the neighborhood?

I would appreciate any help you can provide in answering these questions. Thank you in advance for your time,

John Nugent



John Nugent
Nugent GIS and Environmental Services
2303 N. 115th St.
Seattle, WA 98133
(206)324-0059
(206)550-0760 (Cell)
johnnugent@earthlink.net

RECEIVED BY
2008 DEC 31 AM 11:50
OFFICE OF
HEARING EXAMINER

----- Original Message -----

From: Catherine McCoy
To: johnnugent@earthlink.net
Sent: 4/10/2008 6:29:30 AM
Subject: Re: Request for information on Project # 3008747

Hi John,

You can track project information in a couple of ways, the first of which is to come downtown to the Seattle Municipal Tower 20th floor PRC counter and request the permanent file folder, along with the plan set. The permanent folder contains everything that myself and other reviewers have been submitted. Hours and location can be found here, <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

Another way to track progress on a project is by viewing the status online, <http://www.seattle.gov/dpd/permits/> - simply type in the project number, 3008747, and go from there.

If, once you've tried those options, you have additional comments or questions, feel free to contact me directly. I am the project manager for this land use application, and will do my best to help you work

through issues related to the project.

Catherine

Catherine McCoy, Land Use Planner
Seattle Department of Planning and Development
700 5th Ave Suite 2000
PO Box 34019
Seattle WA 98124-4019

Phone: (206) 684-0532
Fax: (206) 233-7902

catherine.mccoy@seattle.gov
www.seattle.gov/dpd

>>> PRC1 4/9/2008 11:23 AM >>>
Hi John,

Your letter has been forwarded to the Planner on this project, she can answer any questions you may have about this project.

Thank you!
PRC Staff

Department of Planning & Development
Public Resource Center
700 Fifth Ave. Ste. 2000
P.O. Box 34019
Seattle, WA 98124-4019

(206) 684-8467 phone
(206) 233-7901 fax

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Tu, Th: 10:30 a.m.-4:30 p.m.

(206) 233-5180 phone microfilm library

>>> "johnjnugent@earthlink.net" <johnjnugent@earthlink.net> 4/2/2008 10:03 AM >>>
To whom it may concern,

I would like information on following rezoning proposal:

Project # 3008747
Council Land Use Action to rezone two parcels, 11340 Corliss Ave N (17,229 sq. ft.) & 11334 Corliss Ave

N (17,243 sq. ft.) from SF 7200 to SF 5000

Thank you.

John Nugent
2303 N. 115th St.
Seattle, WA 98133
(206)324-0059
(206)550-0760 (Cell)
johnnugent@earthlink.net

✓
From: "Ron Duranceau" <rdlogon2007@comcast.net>
To: <PRC@seattle.gov>
Date: 4/1/2008 3:40 PM
Subject: Land Use Action # 3008747

It would be a shame to rezone those two properties just to stuff more houses into that space! one of the very few properties with a park like atmosphere in that neighborhood, I am opposed to that move! Ron DuranceauPRS

(no address)

✓ email response sent 4/21/08

Catherine McCoy - #3008747

From: Ari <societyseccentricminds@yahoo.com>
To: <PRC@seattle.gov>
Date: 4/19/2008 1:16 PM
Subject: #3008747

Me and my family have just moved into a house on Corliss avenue because we wanted to move away from the big city and all of the construction, plus the town-homes, apartments, condos etc. When we first moved into our home, we saw this really nice house across the street from us that had a nice, big fenced in yard, with multiple garages. It was also surrounded by other nice homes. Now we have just found out that the resident in that home has moved out, and the house a notice in the front, which always leads to being torn down. Who would want that? Is this all for the money? All anyone wants is the money, and nobody stops to think about the people. A little greedy, right? Well we wont let it pass this time. Who wants these ugly condos and construction right in the middle of these nice houses? It just wont fit. Same thing goes with building a house, it's still loud and noisy, and totally unnecessary when there is already a nice house there. Please listen to the people, do what is best for all of us.

Thank you
~Ari

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(no address)

Catherine McCoy - Re: The house #3008747

*email response
4/21/08*

From: PRC1
To: arianimal_3@yahoo.com
Date: 4/21/2008 7:04 AM
Subject: Re: The house #3008747
CC: McCoy, Catherine

Your message have been forwarded to the planner assigned to this project. If you would like to receive notice of future meetings or hearings or the DPD recommendation to council, please send us your US Postal Address.

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Seattle, WA 98124-4019

(no address)

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(206) 233-5180 phone microfilm library

>>> Aryanna Nielsen <arianimal_3@yahoo.com> 4/19/2008 1:06 PM >>>
We, residents of Corliss Avenue and the rest of the neighborhood would NOT be at our happiest if the house (number 3008747) was to be torn down. We do not need any construction on our block! It is a fine house that does not need to be torn down to put up some other living facility! Listen to our emails and LET THE HOUSE BE PUT UP FOR SALE, NOT BE TORN!

~Skylar

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Catherine McCoy - Re: #3008747

✓ email response 4/21/08 ✓

From: PRC1
To: Ari
Date: 4/21/2008 7:05 AM
Subject: Re: #3008747
CC: McCoy, Catherine

This application (3008747) is for a rezone which would allow a single family residence to be built on a lot containing 5,000 sq. ft. of property rather than the current 7,200 sq. ft. of property. No multi family dwellings are proposed or anticipated.

Your comments have been forwarded to the Land Use Planner assigned to this project.

Also, if you would like to be notified of the DPD recommendation to City Council and any future meetings or hearings, please send us your US Postal Address.

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Thank you
 ~Ari

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Catherine McCoy - Project # 3008747

email response 4/24/08

From: "Sarah Benki" <benki@u.washington.edu>
To: <Catherine.McCoy@Seattle.Gov>
Date: 4/23/2008 12:02 PM
Subject: Project # 3008747
CC: <johnjnugent@earthlink.net>

✓

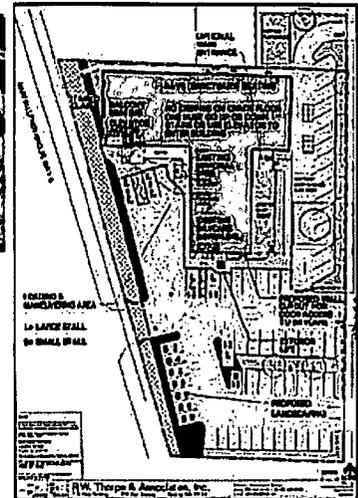
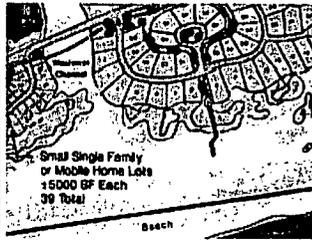
Dear Catherine,

I live adjacent to 11340 CORLISS AVE N which has been proposed for a rezone from SF 7200 to SF 5000 together with 11334 Corliss. Can you please include myself and my husband, John Nugent, (cc'd above) on the list of interested parties of record for this proposed rezone? We would also like to be an interest party for any future subdivision proposals related to these properties.

Thanks very much for your time and for the information in your previous emails.

Sarah Benki-Nugent

(no address)



R. W. Thorpe & Associates, Inc.

Seattle / Anchorage / Denver / Winthrop

Planning ~ Landscape Architecture ~ Environmental ~ Economics

~ Project Management ~

[Summary of Services](#)

[Key Personnel](#)

[Clients](#)

[References](#)

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The office of R.W. Thorpe & Associates, Inc. (RWT/A) is a well-established Northwest urban and regional planning firm with expertise in land use management, landscape design, environmental and economic analysis, permit processing and permit expediting. Since the firm's inception over 30 years ago, the firm has been involved in several large comprehensive plan contracts for public jurisdictions in Washington and Alaska. A key element in the scope of these contracts was the development and implementation of zoning, land use, critical/sensitive areas, subdivision and landscape ordinances and regulations.

RWT/A is recognized for its multi-disciplinary approach to land use planning and environmental analysis. In this capacity, the firm has prepared over 400 SEPA Environmental Impact Statements, land use and zoning feasibilities for large-scale industrial and recreational projects, successfully helped implement over 2,000 comprehensive plan amendments and rezones, numerous Planned Unit Developments, Conditional Use Permits and other land use permit applications.

Most firm members have public agency experience in writing and administering land use guidelines and regulations. All have extensive first-hand experience working with public agencies, elected officials and citizen groups, with several being qualified expert witnesses. The firm utilizes its own staff as well as on-call consultants for specialized expertise and technical research and analyses. Often the firm will take the lead on a project, ensuring efficient project management and quality control. One of our strongest attributes is the ability to assemble a team of highly qualified subconsultants whose expertise is specifically suited to best serve the needs of the project at hand. Our expertise has achieved an approval rate of over 96% in more than 4,000 land use permit applications, mediations and litigation.

Areas of Expertise

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- ◆ [Land Use / Feasibility / Permits](#)
- ◆ [Environmental Impact Statements](#)
- ◆ [Master Plans / Site Planning / Landscape](#)
- ◆ [Expert Witness](#)
- ◆ [Permits / Applications](#)
- ◆ [Golf Course and Master Plan Communities](#)
- ◆ [Project Management](#)
- ◆ [Land Economics/Condemnation](#)
- ◆ [Public Presentations](#)



E-mail [R. W. Thorpe & Associates](mailto:R.W.Thorpe@ Associates.com)

City of Seattle Hearing Examiner

EXHIBIT

Appellant

Respondent

Department

ADMITTED

DENIED

10

CF #309287, Project No. 3008747

Key Personnel

Robert W. Thorpe, AICP, Principal: With over 40 years of experience in the planning field, Mr. Thorpe has been the Principal-in-Charge on a wide range of the firm's urban and regional planning projects and environmental studies. He is involved in supervision of all firm projects. He is a certified planner and has served as SEPA Responsible Official for several communities. He was involved in the development of many unique and innovative planning programs while working at the City of Mercer Island and two large engineering/planning consulting firms. This included the development of a number of implementation tools such as SEPA Guidelines, Shorelines Management Program, Design Commission Guidelines, Zoning Codes, Master Planned Communities regulations, etc. Mr. Thorpe has extensive experience with citizen involvement and has been retained by a number of public agencies and private citizen groups as a consulting urban planner. He has served as a consulting planner to several Washington area cities, and is currently a college instructor in Urban Planning and the development process. His education includes a B.S. in Business Administration and Economics from the University of Nebraska (Minors in Architecture and Art) and Masters degrees in Urban Planning and Urban Development Economics from the University of Washington. He has also been a candidate for the MAI (Appraisal) designation, combining expertise in land economics with design and planning. Current management projects include: community and regional shopping centers, community master plans, mixed use developments, numerous rezones, and permit applications. He is a qualified expert witness in several jurisdictions and courts throughout Washington, Alaska, Colorado, Oregon, Nebraska, and Wyoming. He is a member of the American Institute of Certified Planners, the American Planning Association, and an AIA - R/UDAT Team Member. He serves on the BIAW Legal Trust Committee, has served for 3 years on the East King County Habitat for Humanity Board of Directors, the Mercer Island Boys & Girls Club, and is Past President of the Puget Sound Chapter of the American Planning Association.

Lee A. Michaelis AICP, Associate - Planning Director: Mr. Michaelis joined RWT/A in May of 2007. He has over ten years of planning experience, both in the private and public sectors. He received his degree in Community and Environmental Planning from the University of Washington in 1998 with minor studies in Architecture, Urban Planning, and Geographic Information Systems. He is also the recipient of a Land Use Law Certificate from the University of Washington. He is a member of the American Planning Association and the American Institute of Certified Planners. During his ten years experience in land development, Mr. Michaelis has served as Project Manager for major commercial and industrial land use projects, and reviewed and managed residential subdivisions and multiple family developments. As a jurisdictional planner, Mr. Michaelis has extensive experience with community outreach, the public hearing process, writing and implementing land use policies and regulations. Among other projects, he performed the economic analysis for Lynnwood's new Town Center. While working for private firms his experience has included feasibility reports, permit expediting, SEPA document preparation, and project design.

Barbara Baker, AICP, Associate - Planner/Permitting/Financial Accounting: Ms. Baker joined the firm in 2002. She holds a BA in Urban Planning - University of Washington. She is a member of the American Planning Association and the American Institute of Certified Planners. During her years with the firm Ms Baker has led project applications for residential and commercial land use entitlements with include authoring of feasibility reports, permit expediting, SEPA documents, and an Urban Growth Area expansion requests. She performs code research and applies municipal criteria to justify the receipt of both "Rezones" and Conditional Use Permits for our clients. While owner of her own firm she successfully completed interior office space planning and short plat applications. She is experienced in both public and private sector accounting, and manages the firm's business offices, overseeing support staff.

EXHIBIT

Appellant _____
Respondent _____ ADMITTED _____
Department _____ DENIED _____

8

file copy

Catherine,

CF #309287, Project No. 3008747

Thank you for getting back to me. I live adjacent to the proposed rezoning project.

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John Nugent

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Nugent GIS and Environmental Services
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Seattle, WA 98133,
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RECEIVED BY
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OFFICE OF
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Catherine

Catherine McCoy, Land Use Planner
Seattle Department of Planning and Development
700 5th Ave Suite 2000
PO Box 34019
Seattle WA 98124-4019

Phone: (206) 684-0532
Fax: (206) 233-7902

catherine.mccoy@seattle.gov
www.seattle.gov/dpd

>>> PRC1 4/9/2008 11:23 AM >>>

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Thank you!
PRC Staff

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N (17,243 sq. ft.) from SF 7200 to SF 5000

Thank you.

John Nugent
2303 N. 115th St.
Seattle, WA 98133
(206)324-0059
(206)550-0760 (Cell)
johnnugent@earthlink.net

✓
From: "Ron Duranceau" <rdlogon2007@comcast.net>
To: <PRC@seattle.gov>
Date: 4/1/2008 3:40 PM
Subject: Land Use Action # 3008747

It would be a shame to rezone those two properties just to stuff more houses into that space! one of the very few properties with a park like atmosphere in that neighborhood, I am opposed to that move! Ron DuranceauPRS

(no address)

Catherine McCoy - #3008747

↓ email
response
sent
4/21/08

From: Ari <societyseccentricminds@yahoo.com>
To: <PRC@seattle.gov>
Date: 4/19/2008 1:16 PM
Subject: #3008747

Me and my family have just moved into a house on Corliss avenue because we wanted to move away from the big city and all of the construction, plus the town-homes, apartments, condos etc. When we first moved into our home, we saw this really nice house across the street from us that had a nice, big fenced in yard, with multiple garages. It was also surrounded by other nice homes. Now we have just found out that the resident in that home has moved out, and the house a notice in the front, which always leads to being torn down. Who would want that? Is this all for the money? All anyone wants is the money, and nobody stops to think about the people. A little greedy, right? Well we wont let it pass this time. Who wants these ugly condos and construction right in the middle of these nice houses? It just wont fit. Same thing goes with building a house, it's still loud and noisy, and totally unnecessary when there is already a nice house there. Please listen to the people, do what is best for all of us.

Thank you
~Ari

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(no address)

Catherine McCoy - Re: The house #3008747*Email response
4/21/08*

From: PRC1
To: arianimal_3@yahoo.com
Date: 4/21/2008 7:04 AM
Subject: Re: The house #3008747
CC: McCoy, Catherine

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 We, residents of Corliss Avenue and the rest of the neighborhood would NOT be at our happiest if the house (number 3008747) was to be torn down. We do not need any construction on our block! It is a fine house that does not need to be torn down to put up some other living facility! Listen to our emails and LET THE HOUSE BE PUT UP FOR SALE, NOT BE TORN!

(no address)

~Skylar

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✓ email response
4/21/08 ✓

Catherine McCoy - Re: #3008747

From: PRC1
To: Ari
Date: 4/21/2008 7:05 AM
Subject: Re: #3008747
CC: McCoy, Catherine

This application (3008747) is for a rezone which would allow a single family residence to be built on a lot containing 5,000 sq. ft. of property rather than the current 7,200 sq. ft. of property. No multi family dwellings are proposed or anticipated.

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Thank you
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Catherine McCoy - Project # 3008747

email response 4/24/08

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To: <Catherine.McCoy@Seattle.Gov>
Date: 4/23/2008 12:02 PM
Subject: Project # 3008747
CC: <johnjnugent@earthlink.net>



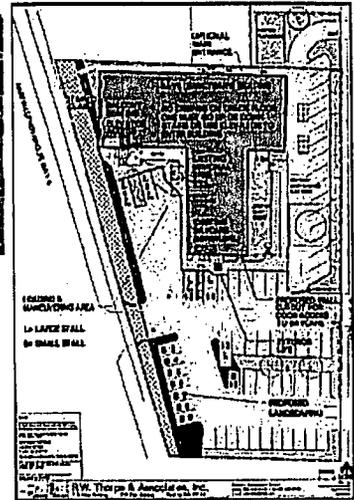
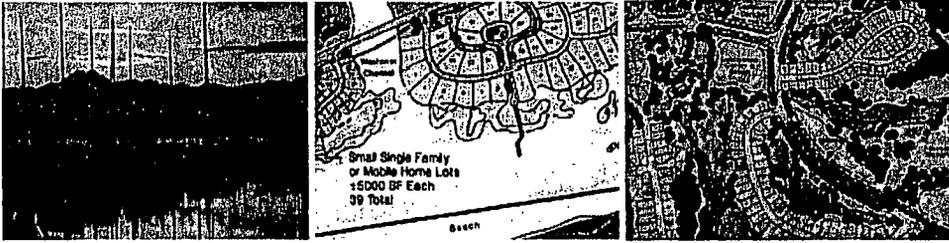
Dear Catherine,

I live adjacent to 11340 CORLISS AVE N which has been proposed for a rezone from SF 7200 to SF 5000 together with 11334 Corliss. Can you please include myself and my husband, John Nugent, (cc'd above) on the list of interested parties of record for this proposed rezone? We would also like to be an interest party for any future subdivision proposals related to these properties.

Thanks very much for your time and for the information in your previous emails.

Sarah Benki-Nugent

(no address)



R. W. Thorpe & Associates, Inc.

Seattle / Anchorage / Denver / Winthrop

Planning ~ Landscape Architecture ~ Environmental ~ Economics

~ Project Management ~

[Summary of Services](#) [Key Personnel](#) [Clients](#) [References](#) [Employment](#) [Contact Us](#)

The office of R.W. Thorpe & Associates, Inc. (RWT/A) is a well-established Northwest urban and regional planning firm with expertise in land use management, landscape design, environmental and economic analysis, permit processing and permit expediting. Since the firm's inception over 30 years ago, the firm has been involved in several large comprehensive plan contracts for public jurisdictions in Washington and Alaska. A key element in the scope of these contracts was the development and implementation of zoning, land use, critical/sensitive areas, subdivision and landscape ordinances and regulations.

RWT/A is recognized for its multi-disciplinary approach to land use planning and environmental analysis. In this capacity, the firm has prepared over 400 SEPA Environmental Impact Statements, land use and zoning feasibilities for large-scale industrial and recreational projects, successfully helped implement over 2,000 comprehensive plan amendments and rezones, numerous Planned Unit Developments, Conditional Use Permits and other land use permit applications.

Most firm members have public agency experience in writing and administering land use guidelines and regulations. All have extensive first-hand experience working with public agencies, elected officials and citizen groups, with several being qualified expert witnesses. The firm utilizes its own staff as well as on-call consultants for specialized expertise and technical research and analyses. Often the firm will take the lead on a project, ensuring efficient project management and quality control. One of our strongest attributes is the ability to assemble a team of highly qualified subconsultants whose expertise is specifically suited to best serve the needs of the project at hand. Our expertise has achieved an approval rate of over 96% in more than 4,000 land use permit applications, mediations and litigation.

Areas of Expertise

- ◆ [Comprehensive Plans /Implementation Ordinances /SMA /SEPA](#)
- ◆ [Land Use / Feasibility / Permits](#)
- ◆ [Environmental Impact Statements](#)
- ◆ [Master Plans / Site Planning / Landscape](#)
- ◆ [Expert Witness](#)
- ◆ [Permits / Applications](#)
- ◆ [Golf Course and Master Plan Communities](#)
- ◆ [Project Management](#)
- ◆ [Land Economics/Condemnation](#)
- ◆ [Public Presentations](#)

 [E-mail R. W. Thorpe & Associates](mailto:RWT@RWT.com)

City of Seattle Hearing Examiner

EXHIBIT

Appellant
 Respondent
 Department ADMITTED
 DENIED

10

CF #309287, Project No. 3008747

Key Personnel

Robert W. Thorpe, AICP, Principal: With over 40 years of experience in the planning field, Mr. Thorpe has been the Principal-in-Charge on a wide range of the firm's urban and regional planning projects and environmental studies. He is involved in supervision of all firm projects. He is a certified planner and has served as SEPA Responsible Official for several communities. He was involved in the development of many unique and innovative planning programs while working at the City of Mercer Island and two large engineering/planning consulting firms. This included the development of a number of implementation tools such as SEPA Guidelines, Shorelines Management Program, Design Commission Guidelines, Zoning Codes, Master Planned Communities regulations, etc. Mr. Thorpe has extensive experience with citizen involvement and has been retained by a number of public agencies and private citizen groups as a consulting urban planner. He has served as a consulting planner to several Washington area cities, and is currently a college instructor in Urban Planning and the development process. His education includes a B.S. in Business Administration and Economics from the University of Nebraska (Minors in Architecture and Art) and Masters degrees in Urban Planning and Urban Development Economics from the University of Washington. He has also been a candidate for the MAI (Appraisal) designation, combining expertise in land economics with design and planning. Current management projects include: community and regional shopping centers, community master plans, mixed use developments, numerous rezones, and permit applications. He is a qualified expert witness in several jurisdictions and courts throughout Washington, Alaska, Colorado, Oregon, Nebraska, and Wyoming. He is a member of the American Institute of Certified Planners, the American Planning Association, and an AIA - R/UDAT Team Member. He serves on the BIAW Legal Trust Committee, has served for 3 years on the East King County Habitat for Humanity Board of Directors, the Mercer Island Boys & Girls Club, and is Past President of the Puget Sound Chapter of the American Planning Association.

Lee A. Michaelis AICP, Associate - Planning Director: Mr. Michaelis joined RWT/A in May of 2007. He has over ten years of planning experience, both in the private and public sectors. He received his degree in Community and Environmental Planning from the University of Washington in 1998 with minor studies in Architecture, Urban Planning, and Geographic Information Systems. He is also the recipient of a Land Use Law Certificate from the University of Washington. He is a member of the American Planning Association and the American Institute of Certified Planners. During his ten years experience in land development, Mr. Michaelis has served as Project Manager for major commercial and industrial land use projects, and reviewed and managed residential subdivisions and multiple family developments. As a jurisdictional planner, Mr. Michaelis has extensive experience with community outreach, the public hearing process, writing and implementing land use policies and regulations. Among other projects, he performed the economic analysis for Lynnwood's new Town Center. While working for private firms his experience has included feasibility reports, permit expediting, SEPA document preparation, and project design.

Barbara Baker, AICP, Associate - Planner/Permitting/Financial Accounting: Ms. Baker joined the firm in 2002. She holds a BA in Urban Planning - University of Washington. She is a member of the American Planning Association and the American Institute of Certified Planners. During her years with the firm Ms Baker has led project applications for residential and commercial land use entitlements with include authoring of feasibility reports, permit expediting, SEPA documents, and an Urban Growth Area expansion requests. She performs code research and applies municipal criteria to justify the receipt of both "Rezones" and Conditional Use Permits for our clients. While owner of her own firm she successfully completed interior office space planning and short plat applications. She is experienced in both public and private sector accounting, and manages the firm's business offices, overseeing support staff.



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

RECEIVED BY
2008 DEC 31 AM 11:48

OFFICE OF
HEARING EXAMINER

McBride Rezone

11340 Corliss Ave N

DPD: MUP 3008747

Clerk File: 309287

List of Exhibits for Public Hearing

1. Director's Recommendation Report – MUP 3008747
2. Development Proposal Plan Set – March 24, 2008
3. SEPA Checklist – Annotated by the Project Planner
4. Applicant Rezone Information Form
5. Applicant Response to General Rezone Criteria (SMC 23.34.008)
6. Supplemental Maps – Prepared by the Project Planner
7. Geotechnical Report – ECA exemption decisions for 11340 *and* 11334 Corliss Ave N
8. Public Comment
9. Timeline Document – DPD document prepared by the Project Planner

From: Anne Watanabe
To: McCoy, Catherine
CC: rwta@rwta.com
Date: 1/7/2009 12:04 PM
Subject: Re: McBride rezone

Ms. McCoy,
Thank you for the prompt response.

>>> Catherine McCoy 1/7/2009 11:45 AM >>>
Madame Hearing Examiner,

- 1) The source of the information provided in Figures 3-8 is DPD's GIS data (parcel layer and associated data). That is sole source of the graphic illustrations.
- 2) The parcels selected for the analysis were parcels zoned entirely single family (all zoned SF 7200). The Department analysis was meant to pertain only to single family zoned properties in the immediate vicinity (and northeast of the subject sites). The zoning designations change south of the subject site, ranging from L-1 to NC3-125, so were not included in the analysis and are not reflected in the percentages.

I hope that helps.

Thank you,
Catherine

Catherine McCoy, Land Use Planner
Seattle Department of Planning and Development
700 5th Ave Suite 2000
PO Box 34019
Seattle WA 98124-4019

Phone: (206) 684-0532
Fax: (206) 233-7902

catherine.mccoy@seattle.gov
www.seattle.gov/dpd

>>> Anne Watanabe 1/7/2009 9:38 AM >>>
Dear Ms. McCoy,

After reviewing the materials provided at the hearing, I do have follow-up questions. Could you clarify the source of info used for Figures 3-8 in the DPD report (i.e., are the parcel sizes based on DPD's maps, or is there another source?). Also, it appears that the percentages are based on selected parcels (i.e., the ones in yellow) -if that's the case, could you explain why the other parcels were not included?

I've copied the applicant on this message as well.

Thanks in advance for your response, which will be added to the record.

Anne Watanabe
Deputy Hearing Examiner
700 Fifth Avenue, Suite 4000
P.O. Box 94729
Seattle, WA 98124-4729
(206) 684-0521
Fax: (206) 684-0536

From: Catherine McCoy
To: Watanabe, Anne
CC: Hurley, Molly; Morgan, Bob
Date: 11/5/2008 9:17 AM
Subject: McBride rezone, CF 309287, DPD MUP 3008747

Hi Anne,

Thank you for calling this morning to schedule a hearing date for the McBride rezone, **CF 309287**, DPD MUP **3008747** (11340 and 11340 Corliss Ave.). Coincidentally, the applicant called shortly after our phone call and concurred that **Jan. 6 at 9:00 a.m.** would be just fine for the hearing.

Catherine

Catherine McCoy, Land Use Planner
Seattle Department of Planning and Development
700 5th Ave Suite 2000
PO Box 34019
Seattle WA 98124-4019

Phone: (206) 684-0532
Fax: (206) 233-7902

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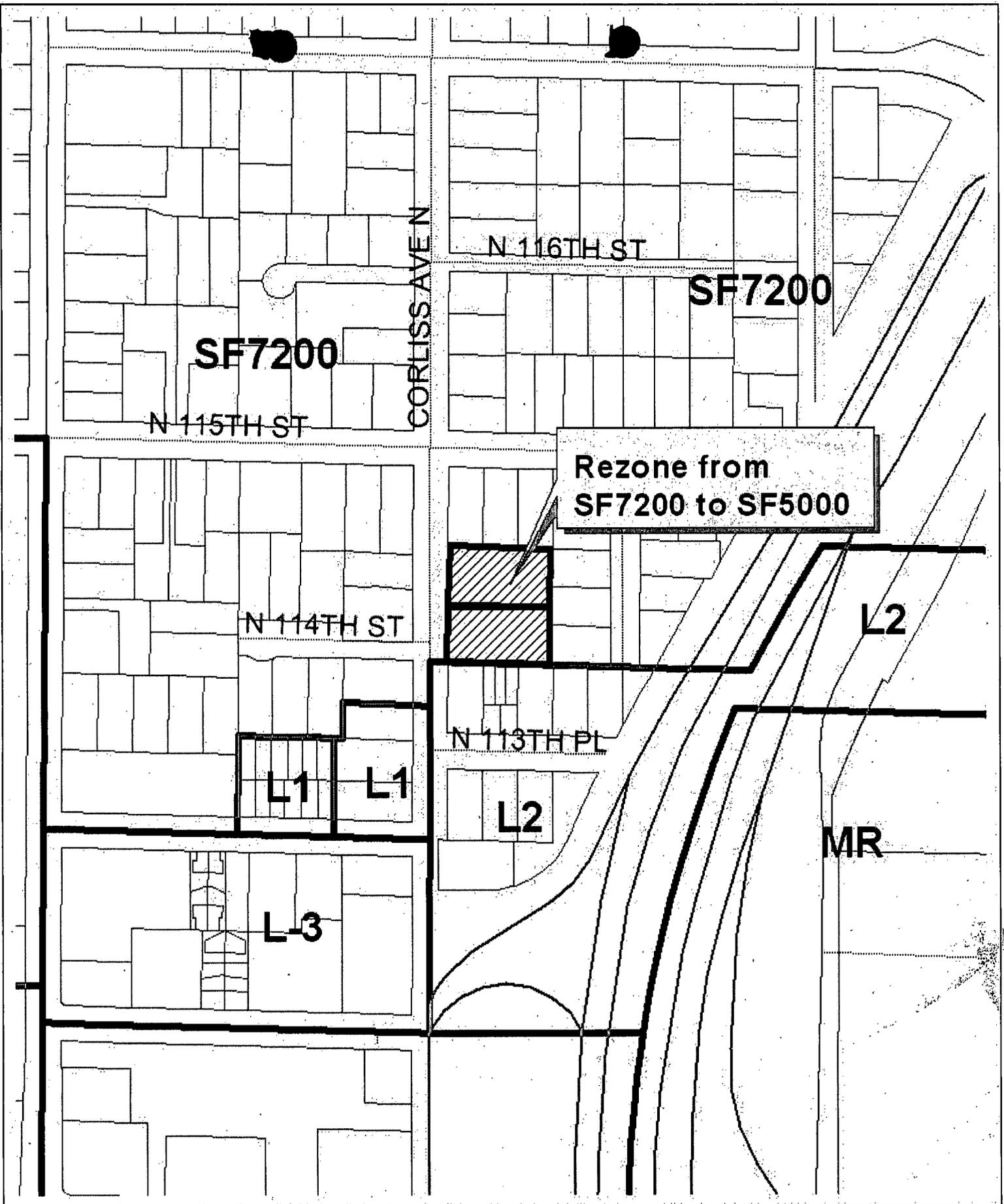
From: Sue Tanner
To: Watanabe, Anne
Date: 11/4/2008 2:25 PM
Subject: Rezone

Anne,

Catherine McCoy would like to schedule a rezone hearing. I told her it would likely not be until mid- to late December at the earliest. I said you would get back to her on scheduling when you came in on Wednesday. She's at x4-0532.

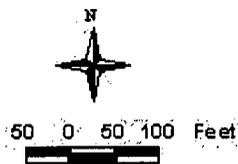
Thanks.

Sue



**11340 & 11334
Corliss Ave N
Rezone**

-  Rezone Area
-  Parcels
-  Zoning Outlines



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City of Seattle
Prepared, No v. 6, 2008,
by C. Mc Coy.

Description MINUTES

Tuesday, January 6, 2009
Kenneth McBride
CF #309287, Project No. 3008747
11340 and 11334 Corliss Avenue
Time: 9:00 a.m.
Hearing Examiner: Anne Watanabe
Assistant: Alvia Williams

Party Representatives:

Applicant Representative:
Robert Thorpe and
Barbara Baker
RW Thorpe & Associate, Inc.
705 Second Avenue
Suite 710
Seattle WA 98104

Kenneth McBride, applicant
McBride Construction Resources Inc.
224 Nickerson Street
Seattle WA 98109-1622

Catherine McCoy, representing Director
DPD
SMT-18-00

Date 1/6/2009

Location LARGE HR

Time	NOTE	Additional Info
<u>9:01:57 AM</u>	Introduction of hearing by the Hearing Examiner	
<u>9:04:06 AM</u>	Hearing Examiner indicates that no one from the public is present to testify	
<u>9:05:11 AM</u>	Identification of party representatives	
<u>9:05:12 AM</u>	Hearing Examiner states that Catherine McCoy, DPD Planner, submitted Department's exhibit to the Hearing Examiner office earlier, they were labeled as: <u>Exhibit 1</u> , Director's Recommendation Report - MUP 3008747, <u>Exhibit 2</u> , Development Proposal Plan Set - March 24, 2008, <u>Exhibit 3</u> , SEPA Checklist - Annotated by the Project Planner, <u>Exhibit 4</u> , Applicant Rezone Information Form, <u>Exhibit 5</u> , Applicant Response to General Rezone Criteria (SMC 23.34.008), <u>Exhibit 6</u> , Supplemental Maps - Prepared by the Project Planner, <u>Exhibit 7</u> , Geotechnical Report - ECA Exemption Decision for 11340 and 11334 Corliss Avenue North, <u>Exhibit 8</u> , Public Comment, <u>Exhibit 9</u> , Timeline Document - DPD Document Prepared by the Project Planner	
<u>9:06:02 AM</u>	Oath administered to <u>Catherine McCoy</u> , Land Use Planner, DPD. She gives presentation and testifies	
<u>9:18:33 AM</u>	Hearing Examiner question McCoy	
<u>9:19:25 AM</u>	Oath administered to <u>Barbara Baker</u> , RW Thorpe, 705 2nd Avenue, Suite 710, Seattle WA 98104. She Testifies and offers <u>Exhibit 10</u> , Resume and Areas of Expertise of R. W. Thorpe & Associates, Inc.	
<u>9:22:41 AM</u>	Oath administered to <u>Robert Thorpe</u> , R. W. Thorpe, 705 2nd Avenue, Suite 710, Seattle WA 98104. He testifies	
<u>9:28:56 AM</u>	Comment by McCoy	
<u>9:29:51 AM</u>	Question by Robert Thorpe of the Hearing Examiner	
<u>9:30:15 AM</u>	Hearing adjourned	

CF #309287, Project No. 3008747

Exhibit List

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8. Public Comment
9. Timeline Document – DPD Document Prepared by the Project Planner
10. Summary of Services and Area of Expertise of R.W. Thorpe & Associates, Inc.

CERTIFICATE OF MAILING

I certify under penalty of perjury under the laws of the State of Washington that on

Feb 27, _____, 2009 I sent the following documents: _____

_____ to the following listed persons by first class mail,
postage prepaid, at the addresses listed below, those addresses being the last
known post office address of each.

Signed this Feb 29 day of 2009 at Seattle, Washington.



(Signature)

Linh Huynh

(Printed Name)



Legislative Department

City Hall, Floor 2
600 4th Avenue
PO Box 34025
Seattle, WA 98124-4025

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Kenneth McBride
224 Nickerson Street
Seattle WA 98109



Legislative Department

City Hall, Floor 2
600 4th Avenue
PO Box 34025
Seattle, WA 98124-4025

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John Nugent
Nugent GIS & Environmental Svcs.
2303 N. 115th Street
Seattle WA 98133



Legislative Department

City Hall, Floor 2
600 4th Avenue
PO Box 34025
Seattle, WA 98124-4025

Robert Thorpe
R.W. Thorpe & Associate, Inc.
705 Second Avenue, Suite 710
Seattle WA 98104

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Fritzie Gibbons
224 Nickerson Street
Seattle WA 98109



**Legislative Department
Seattle City Council
Memorandum**

Date: February 26, 2009

To: Persons on the mailing list compiled at the Hearing Examiner hearing

From: Sara Belz, Legislative Analyst, Council Central Staff

Subject: Petition of Ken McBride to rezone 34,472 square feet of land at 11340 Corliss Avenue North and 11334 Corliss Avenue North from Single Family 7200 to Single Family 5000 (Project No. 3008747, Type IV)

A discussion and possible vote on this matter is scheduled for a meeting of the Council's Planning, Land Use and Neighborhoods Committee on March 25, 2009. The meeting will commence at 9:30 a.m. and will be held in City Council Chambers, 600 – 4th Avenue, 2nd Floor, in downtown Seattle. A detailed agenda for the meeting will be available on the Monday before the meeting on the Council's website: http://www.seattle.gov/council/com_assign.htm (click on "Most Current Agenda" in the section on the Planning, Land Use and Neighborhoods Committee). You can also sign up to receive agendas for Council Committee meetings via e-mail by clicking on "Sign up to Receive Agendas" on the right, just below the photographs of Councilmembers.

At the March 25 meeting, the Committee will review the record forwarded by the City's Hearing Examiner. As no requests were filed to supplement the record or appeal the Hearing Examiner recommendation, no such requests will be considered. No testimony will be permitted as the Committee's review is based solely on the record forwarded by the Hearing Examiner. The Committee will consider the merits of the proposed action and possibly vote on a recommendation on the rezone request. The Committee's recommendation will then be provided to the Full Council for a final vote.

If you have any questions, you can reach me at 684.5382 or sara.belz@seattle.gov.



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

RECEIVED BY
2008 DEC 31 AM 11:48
OFFICE OF
HEARING EXAMINER

McBride Rezone
11340 Corliss Ave N
DPD: MUP 3008747
Clerk File: 309287

List of Exhibits for Public Hearing

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7. Geotechnical Report – ECA exemption decisions for 11340 *and* 11334 Corliss Ave N
8. Public Comment
9. Timeline Document – DPD document prepared by the Project Planner

From: Anne Watanabe
To: McCoy, Catherine
CC: rwta@rwta.com
Date: 1/7/2009 12:04 PM
Subject: Re: McBride rezone

Ms. McCoy,
Thank you for the prompt response.

>>> Catherine McCoy 1/7/2009 11:45 AM >>>
Madame Hearing Examiner,

- 1) The source of the information provided in Figures 3-8 is DPD's GIS data (parcel layer and associated data). That is sole source of the graphic illustrations.
- 2) The parcels selected for the analysis were parcels zoned entirely single family (all zoned SF 7200). The Department analysis was meant to pertain only to single family zoned properties in the immediate vicinity (and northeast of the subject sites). The zoning designations change south of the subject site, ranging from L-1 to NC3-125, so were not included in the analysis and are not reflected in the percentages.

I hope that helps.

Thank you,
Catherine

Catherine McCoy, Land Use Planner
Seattle Department of Planning and Development
700 5th Ave Suite 2000
PO Box 34019
Seattle WA 98124-4019

Phone: (206) 684-0532
Fax: (206) 233-7902

catherine.mccoy@seattle.gov
www.seattle.gov/dpd

>>> Anne Watanabe 1/7/2009 9:38 AM >>>

Dear Ms. McCoy,
After reviewing the materials provided at the hearing, I do have follow-up questions. Could you clarify the source of info used for Figures 3-8 in the DPD report (i.e., are the parcel sizes based on DPD's maps, or is there another source?). Also, it appears that the percentages are based on selected parcels (i.e., the ones in yellow) -if that's the case, could you explain why the other parcels were not included?

I've copied the applicant on this message as well.

Thanks in advance for your response, which will be added to the record.

From: Catherine McCoy
To: Watanabe, Anne
CC: Hurley, Molly; Morgan, Bob
Date: 11/5/2008 9:17 AM
Subject: McBride rezone, CF 309287, DPD MUP 3008747

Hi Anne,

Thank you for calling this morning to schedule a hearing date for the McBride rezone, **CF 309287**, DPD MUP **3008747** (11340 and 11340 Corliss Ave.). Coincidentally, the applicant called shortly after our phone call and concurred that **Jan. 6 at 9:00 a.m.** would be just fine for the hearing.

Catherine

Catherine McCoy, Land Use Planner
Seattle Department of Planning and Development
700 5th Ave Suite 2000
PO Box 34019
Seattle WA 98124-4019

Phone: (206) 684-0532
Fax: (206) 233-7902

catherine.mccoy@seattle.gov
www.seattle.gov/dpd

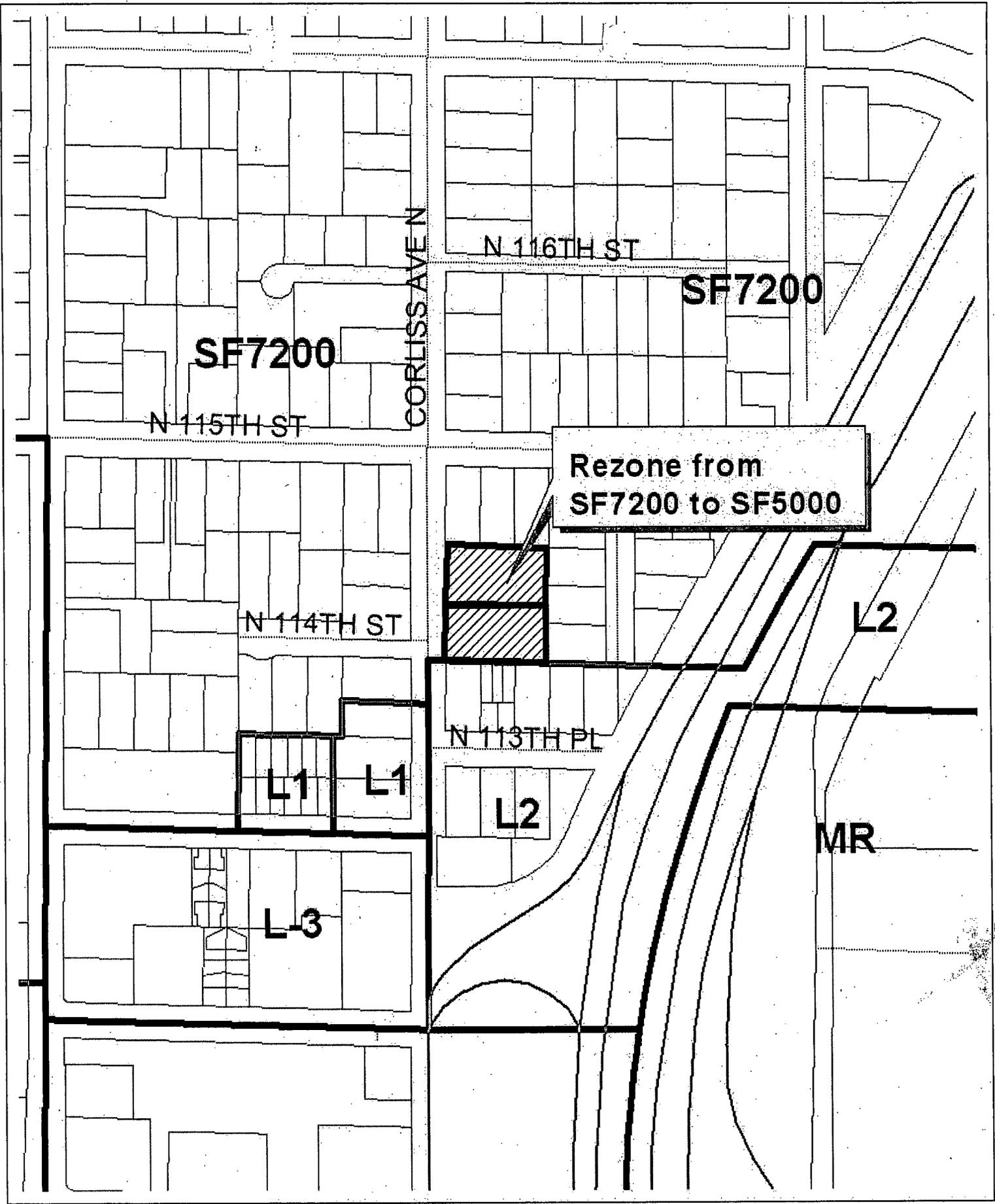
From: Sue Tanner
To: Watanabe, Anne
Date: 11/4/2008 2:25 PM
Subject: Rezone

Anne,

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Thanks.

Sue



**11340 & 11334
Corliss Ave N
Rezone**

-  Rezone Area
-  Parcels
-  Zoning Outlines



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City of Beaverton.
Prepared No. 6, 2008,
by C. McCoy.

Description MINUTES

Tuesday, January 6, 2009
Kenneth McBride
CF #309287, Project No. 3008747
11340 and 11334 Corliss Avenue
Time: 9:00 a.m.
Hearing Examiner: Anne Watanabe
Assistant: Alvia Williams

Party Representatives:

Applicant Representative:
Robert Thorpe and
Barbara Baker
RW Thorpe & Associate, Inc.
705 Second Avenue
Suite 710
Seattle WA 98104

Kenneth McBride, applicant
McBride Construction Resources Inc.
224 Nickerson Street
Seattle WA 98109-1622

Catherine McCoy, representing Director
DPD
SMT-18-00

Date 1/6/2009

Location LARGE HR

Time	NOTE	Additional Info
9:01:57 AM	Introduction of hearing by the Hearing Examiner	
9:04:06 AM	Hearing Examiner indicates that no one from the public is present to testify	
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9:06:02 AM	Oath administered to <u>Catherine McCoy</u> , Land Use Planner, DPD. She gives presentation and testifies	
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9:19:25 AM	Oath administered to <u>Barbara Baker</u> , RW Thorpe, 705 2nd Avenue, Suite 710, Seattle WA 98104. She Testifies and offers <u>Exhibit 10</u> , Resume and Areas of Expertise of R. W. Thorpe & Associates, Inc.	
9:22:41 AM	Oath administered to <u>Robert Thorpe</u> , R. W. Thorpe, 705 2nd Avenue, Suite 710, Seattle WA 98104. He testifies	
9:28:56 AM	Comment by McCoy	
9:29:51 AM	Question by Robert Thorpe of the Hearing Examiner	
9:30:15 AM	Hearing adjourned	

CF #309287, Project No. 3008747

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8. Public Comment
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10. Summary of Services and Area of Expertise of R.W. Thorpe & Associates, Inc.

CERTIFICATE OF MAILING

I certify under penalty of perjury under the laws of the State of Washington that on

Feb 27, 2009 I sent the following documents: _____

_____ to the following listed persons by first class mail,
postage prepaid, at the addresses listed below, those addresses being the last
known post office address of each.

Signed this Feb 29 day of 2009 at Seattle, Washington.



(Signature)
Linh Huynh

(Printed Name)



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600 4th Avenue
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Seattle, WA 98124-4025

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Kenneth McBride
224 Nickerson Street
Seattle WA 98109



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John Nugent
Nugent GIS & Environmental Svcs.
2303 N. 115th Street
Seattle WA 98133



Legislative Department

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PO Box 34025
Seattle, WA 98124-4025

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Robert Thorpe
R.W. Thorpe & Associate, Inc.
705 Second Avenue, Suite 710
Seattle WA 98104



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600 4th Avenue
PO Box 34025
Seattle, WA 98124-4025

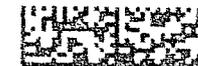
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R.W. Thorpe & Associate, Inc.
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600 4th Avenue
PO Box 34025
Seattle, WA 98124-4025

Fritzie Gibbons
224 Nickerson Street
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ZIP 98104

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**Legislative Department
Seattle City Council
Memorandum**

Date: February 26, 2009

To: Persons on the mailing list compiled at the Hearing Examiner hearing

From: Sara Belz, Legislative Analyst, Council Central Staff

Subject: Petition of Ken McBride to rezone 34,472 square feet of land at 11340 Corliss Avenue North and 11334 Corliss Avenue North from Single Family 7200 to Single Family 5000 (Project No. 3008747, Type IV)

A discussion and possible vote on this matter is scheduled for a meeting of the Council's Planning, Land Use and Neighborhoods Committee on March 25, 2009. The meeting will commence at 9:30 a.m. and will be held in City Council Chambers, 600 – 4th Avenue, 2nd Floor, in downtown Seattle. A detailed agenda for the meeting will be available on the Monday before the meeting on the Council's website: http://www.seattle.gov/council/com_assign.htm (click on "Most Current Agenda" in the section on the Planning, Land Use and Neighborhoods Committee). You can also sign up to receive agendas for Council Committee meetings via e-mail by clicking on "Sign up to Receive Agendas" on the right, just below the photographs of Councilmembers.

At the March 25 meeting, the Committee will review the record forwarded by the City's Hearing Examiner. As no requests were filed to supplement the record or appeal the Hearing Examiner recommendation, no such requests will be considered. No testimony will be permitted as the Committee's review is based solely on the record forwarded by the Hearing Examiner. The Committee will consider the merits of the proposed action and possibly vote on a recommendation on the rezone request. The Committee's recommendation will then be provided to the Full Council for a final vote.

If you have any questions, you can reach me at 684.5382 or sara.belz@seattle.gov.



**Legislative Department
Seattle City Council
Memorandum**

FILED
CITY OF SEATTLE
10 MAR -1 PM 3:51
CITY CLERK

Date: March 1, 2010
To: Persons on the mailing list compiled at the Hearing Examiner hearing
From: Sara Belz, Legislative Analyst, Council Central Staff 8B
Subject: Petition of Ken McBride to rezone 34,472 square feet of land at 11340 Corliss Avenue North and 11334 Corliss Avenue North from Single Family 7200 to Single Family 5000 (Project No. 3008747, Type IV)

A discussion and possible vote on this matter is scheduled for a meeting of the Council's Committee on the Built Environment on March 10, 2010. The meeting will commence at 9:30 a.m. and will be held in City Council Chambers, 600 - 4th Avenue, 2nd Floor, in downtown Seattle. A detailed agenda for the meeting will be available on the Monday before the meeting on the Council's website: http://www.seattle.gov/council/com_assign.htm (click on "Most Current Agenda" in the section on the Committee on the Built Environment). You can also sign up to receive agendas for Council Committee meetings via e-mail by clicking on "Sign up for Agendas" on the right, just below the photographs of Councilmembers.

In April 2009, the Council voted 5-4 to deny the proposed rezone of property at 11340 and 11334 Corliss Avenue North on the grounds that it conflicted with Land Use Goal 9 in Seattle's Comprehensive Plan, which emphasizes maintaining the character of single family zones including "use, development, and density characteristics." In addition, the Council concluded that the rezone could set a precedent and compromise the single family character of the neighborhood by encouraging other homeowners to pursue rezones of their properties. Mr. McBride subsequently chose to appeal the Council's decision by filing a Land Use Petition in King County Superior Court. In January 2010, the Court found that the Council erred in its decision to deny the rezone and issued an order (No. 09-2-17965-4) that granted Mr. McBride's Land Use Petition, vacated the Council's decision, and remanded the rezone to the Council for further action consistent with the Court's conclusions.

At the March 10 meeting, the Committee will review the court order and possibly vote on a recommendation on the rezone request. The Committee's recommendation will then be provided to the Full Council for a final vote. As the Committee's review will be based solely on the content of the court order and the record the Hearing Examiner established for this matter in 2009, no testimony will be permitted at the March 10 meeting.

If you have any questions, you can reach me at 684.5382 or sara.belz@seattle.gov.

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City of Seattle
Department of Planning and Development (DPD)

PLAN COVERSHEET

Updated 1/10/09

www.seattle.gov/dpd/publications/Forms/Coversheet.pdf

1. APPLICANT INFORMATION

INSTRUCTIONS: Fill in all areas. In sections 1-7 of the Coversheet, that pertain to your project. Please note that sections 8-14 will be filled out by DPD staff.

PROJECT ADDRESS: 11340 Cabot Ave North PROJECT # 3803747

OWNER: Ken McPhee ADDRESS: 2314 N. Greenwood St
OWNER PHONE: 206.467.7131 EMAIL: Ken.McPhee@seattle.gov

DESCRIPTION OF WORK: RC Zone Impasse
From SF 7,800 to SF 5,000

CONTACT PERSON: Debra Baker ADDRESS: 11000 1st Ave NW
PHONE: 206.467.6122 FAX: 206.467.6130 EMAIL: dbaker@seattle.gov

RELATED MAPS RELATED TO PROJECT: None

RELATED STANDARD PLANS:

2. LAND USE CODE INFORMATION

ZONE: SR-7200 Assessor's Parcel No.: 2142281115 DESIGN REVIEW? No Yes

OVERLAY ZONING: Northwest Neighbors Planning Area If yes, please provide:

HISTORIC OR LANDMARK DISTRICT: No Planner: _____

SHORELINE ZONE: No Planner phone: _____

SEPA: Simple Example Reg. Elaborate Review

EXISTING USE: 1 Single Family Home SQ. FT. _____ PROPOSED USE: 1 Single Family Home SQ. FT. _____

DEPARTMENT OF NEIGHBORHOODS CERTIFICATE OF APPROVAL REQUIRED? No Yes

STREET / ALLEY IMPROVEMENTS OR WORK IN RIGHT-OF-WAY REQUIRED? No Yes

PARKING SPACES: NUMBER OF DWELLING UNITS: _____

EXISTING # of Units: 1 Existing # of Units: 1 Proposed New: 0

DEPARTMENT OF HOUSING CERTIFICATE OF APPROVAL REQUIRED? No Yes

3. HOUSING UNIT OCCUPANCY

DEFINITION: Housing unit means any dwelling unit, including small group rooms, dormitories, or single room occupancy units, and may include a residential unit in a commercial building, an artist's studio dwelling unit, or a residential unit.

CHECK ONLY ONE BOX BELOW, INDICATING HOUSING OCCUPANCY AT DATE OF PERMIT APPLICATION.

Units where unoccupied Units where occupied by a residential tenant(s)

Unit is occupied by the owner of the property Do not know

These units are housing units on the property Refer to Property Owner's/Manager's Residence

Housing unit on property is not affected by this permit scope.

I certify, under penalty of perjury under the laws of the State of Washington, that the above information is true and correct.

Owner/Applicant Signature: _____ Printed Name: _____ Date & Place: _____

4. GROUND DISTURBANCE

GROUND DISTURBANCE: No Yes Cut: cubic yds. _____ Maximum Height: _____

DISPOSAL SITE: Outside City of Seattle Inside City of Seattle Address and/or Permit #: _____

EROSION CONTROL IS REQUIRED PRIOR TO ANY GROUND DISTURBANCE. Please refer to Temporary Erosion and Sediment Control (TESC) Plan.

CUSTOMER ALERT!

Site Inspection Required Prior to First Ground Disturbance - Call (206) 684-8900
A DPO site inspection is required prior to any ground disturbance related to this permit, including clearing, grubbing or grading.

Preconstruction Conferences, When Required - Call (206) 684-8860
A DPO PRECONSTRUCTION CONFERENCE should be scheduled prior to beginning work. A conference is required for the following types of work:

- When any special inspections are indicated on the plan
- When land use or design review conditions are indicated on the plan
- When a DPO plans examinee specifies on plans unusual or complex inspection or occupancy requirements

Rules for Uter Grounds - Call (206) 684-5353
If you have any questions or concerns regarding the rules (2005 MEC) for installation of uter grounds, please contact DPO's Electrical Technical Backlog, Monday-Friday, 7 a.m. - 4:30 p.m.

Required SDOT Permits and Inspections
STREET TREE INSPECTIONS: Protection and/or pruning/removal of street trees requires SDOT inspection and approval.

Call prior to construction: Commercial/Multifamily Zones, (206) 684-6883
Single Family Zones, (206) 684-7997

STREET USE PERMITS: Call prior to construction: (206) 684-6283

Water Service Inspection by SPU Required
All water service piping on property must be inspected prior to backfilling trench. For information and inspection, call Seattle Public Utilities (SPU) at (206) 684-6000. For water quality backflow prevention information and inspection, call SPU at (206) 684-8538.

5. BUILDING CODE INFORMATION

Multiple Buildings in this Project? No Yes Fill out separate sheets and attach. Shown on plan sheet.

Code Used For Design: (check one)
 2006 Seattle Building Code
 2006 Seattle Residential Code
 2006 IRC (Single) & 2006 SPC (Apartment)

PROVIDE THIS INFORMATION FOR EACH BUILDING IN YOUR PROJECT:

DPD Building ID(s): _____ (see Building Data Sheet)

Existing # of Above-grade stories: _____ Proposed # of Above-grade stories: _____

Existing # of Below-grade stories: _____ Proposed # of Below-grade stories: _____

Mechanical: No Yes Location: _____

Building Code Type of Construction: _____

FLOOR LEVEL: _____ GROUP: _____ OCCUPANCY / USE: _____ FLOOR AREA: _____ SPIDGLER (Y if yes): _____ OTHER FIRE PROTECTION: _____

Remodel: Construction Project Value: \$ _____

System: NFPA 13 Fire alarm: _____ Other system: _____ Type? _____

Change of Occupancy: No Yes From: _____ to: _____

EMERGENCY SYSTEMS PROVIDED: Smoke Pressurization Exit And Pathway Lighting

Sprinkler Emergency Generator

Other: _____

6. ENERGY/MECHANICAL CODE

SCOPE OF MECHANICAL WORK DESCRIPTION: _____

RELATED BUILDING PERMIT PROJECT # _____

LOCATION OF DUCTWORK OR MECHANICAL EQUIPMENT: Interior: M Y Exterior Walls: N Y Rooftop: N Y

MECHANICAL - ONLY PERMIT - Project Value: \$ _____

APPLICABLE OCCUPANCY: Group R Other than Group R

BUILDING ENVELOPE COMPLIANCE: HEATED SEMI-HEATED UNHEATED SPACE

Existing envelope - no change Existing envelope - altered

New envelope

Compliance method: System analysis Target UA Prescriptive - Group R Provide Option # _____

MECHANICAL SYSTEMS: Not included in this application (see scope description for details)

Heating Fuel Type: Group R Electric Other

OTHER MECHANICAL EQUIPMENT INCLUDED IN THIS APPLICATION: Commercial kitchen hood exhaust system

Furnace Spray paint booth Other - specify: _____

DOCUMENT SUBMITTED: Group R equipment sizing calc. sent by sub

Cooling and heating load calculation for other than Group R

Target UA calculation Structural load calculation for mechanical equipment

Note compliance report for mechanical equipment Commercial kitchen hood worksheet

Separate permits are required for: Lighting, Plumbing, Gas piping, Boilers, and Refrigeration systems.

SINGLE FAMILY/DUPLX: Min. equipment size _____

Max. equipment size _____

Gas or Oil Heating AFUE _____ %

7. GREEN BUILDING

www.seattle.gov/dpd/GreenBuilding

LEED Leadership in Energy & Environmental Design Green Building Rating System™ (LEED)

LEED for New Construction (LEED-NC) Built Green™

LEED for Core & Shell (LEED-CS) Built Green Remodeler

LEED for Commercial Interiors (LEED-CI) Built Green Home Builder

LEED for Existing Buildings (LEED-EB) Built Green Multi-Family

LEED for Homes (LEED-H) Built Green Communities

LEED for Neighborhood Development (LEED-ND) Built Green Rating Anticipated:

LEED Application Guide 1-4 Star 3 Star 4 Star 5 Star

LEED Rating Anticipated: Pending Other PROGRAMS

GreenSmart Green's Affordable Housing Later for the First Century (LEED-C)

Green Outlets for Healthcare (GCHC) ENERGY STAR® Home Label

8. LAND USE CONDITIONS (DPO staff use only; insert additional sheets if needed)

Assigned Planner: _____ Phone: _____

NEED CURB CUT REQUIRED? No Yes Residential Commercial

COMPLETED BY DPO STAFF ONLY

NEED CURB CUT REQUIRED? No Yes Residential Commercial

9. SPECIAL INSPECTIONS

(DPO staff use only; attach extra sheets as needed)

ARCHITECT: Name: _____ Phone: _____

ENGINEER: Name: _____ Phone: _____

GEOTECHNICAL INSPECTIONS: Soil Bearing Verification

Fill - Verify Structural Fill and Compaction

Excavation - Observe and Monitor Excavation

Drainage - Sub/Surface Drainage Installation

Erosion Control - Temp/Permanent

Other _____

STRUCTURAL INSPECTIONS: Concrete - Reinforced Concrete CIP

Shotcrete

Reinforced Masonry Level 1

Structural Steel Fabrication

Structural Steel Erection

Wood Seismic Resistance System (for IBC only)

Epoxy Grouting

Mechanical Anchor Bolt Installation

Epoxy Grouted Anchor Bolt Installation

Other _____

Other _____

Other _____

Code Alternative: _____ See Sheet: _____

OTHER:

Call (206) 684-8860 to schedule a pre-construction conference before the start of construction.

10. DRAINAGE & SEWER REVIEW (DPO staff use only)

DPD SEWER AND DRAINAGE REVIEW DESK: (206) 684-6382

DRAINAGE REVIEW REQUIRED? No Yes

Flow control required No flow control required

Expenses include this project (new or replaced) _____ sq. ft.

NOTE: The drainage system shown in these plans may be changed at the time of side sewer permit issuance to meet standard plans and methods.

Needs for drainage review

SIDE SEWER REVIEW REQUIRED? No Yes

No conflict with side sewer Construction conflicts with applicant's side sewer. Contact Public Health

Construction conflicts with side sewer serving another property. Contact DPO Sewer and Drainage Review Desk at (206) 684-6382.

Conflicts with public utility main (requires bid/borrow). Contact DPU at (206) 684-7303.

Reviewed by: _____ Date: _____

NOTE: A separate side sewer permit is required from DPD for ALL new drainage and sewer installations. For more information, call the Sewer and Drainage Review Desk at (206) 684-6382.

11. ENVIRONMENTALLY CRITICAL AREAS INFO

ENVIRONMENTALLY CRITICAL AREAS (ECA): Site is not located in ECA

Mapset ECA designation: 1 2 3 4 5 6 7 8 9 10

ECA identified by Preapplication Site Visit Report as:

ECA Exemption (See review details in Harmon.)

Reviewed by: _____ Date: _____

Deleted Correct Type: _____

Small Project Waiver

Mean Developmental Coverage - this permit: _____ sq. ft.

Previous Developmental Coverage after October 31, 1992:

Permit # _____ sq. ft.

Permit # _____ sq. ft.

TOTAL: _____ sq. ft.

12. SHOP DRAWINGS, KEY AREA INSPECTION & BUILDING CONDITIONS (DPO staff use only)

Shop Drawing Type Required by:

NFPA 61 NFPA 13 R

Partial system Location

Fire alarm

13. PERMIT ISSUANCE AUTHORIZATION (DPO staff use only)

Review Location: _____ Approved: _____

Initials: _____ Date: _____

Notes: _____

ZONING (incl. street improvements) _____

CURB CUT _____

ORDNANCE _____

STRUCTURAL _____

ENERGY _____

MECHANICAL _____

DRAINAGE _____

ECA _____

CHADORS _____

WATER (SPU) _____

FIRE _____

HEALTH (King County) _____

NOISE _____

CONCRETE/ELEVATOR _____

SHOULDER ROOTS _____

STREET IMPROVEMENT (SDOT) _____

PARKS _____

PROTECTED DISTRICTS (DDP) _____

SEPA ECOM _____

LAND USE REVIEW _____

14. DEPARTMENT SIGN OFFS (DPO staff use only)

ISSUED BY: Initials: _____ Date: _____

BUILDING PLANS EXAMINER _____ MECHANICAL PLANS EXAMINER _____ DATE RECEIVED AT INTAKE _____

RECEIVED BY
DEC 31 AM 11:50
OFFICE OF
INSPECTION EXAMINER

City of Seattle Planning Examiner
KESLHBT
Inspection: _____
Comments: _____
Reviewed: _____
CV #00027, Project No. 3803747

LAND USE: FULL C
SPU: Permit # 3803747
DPD: Permit # 3803747
Call (206) 684-8860 to schedule a pre-construction conference before the start of construction.
DPD: Permit # 3803747
Call (206) 684-8860 to schedule a pre-construction conference before the start of construction.

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