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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In re the Matter of the Appeal of

KATHERINE M. LANDOLT, *ET AL.*

from a SEPA Determination of Non-significance and Contract Rezone Recommendation issued by the Director, Seattle Department of Construction and Inspections.

Hearing Examiner File:

Department Reference: 3033517-LU

Clerk File: 314441

DECLARATION OF AARON M. LAING

AARON M. LAING, being first duly sworn upon oath, deposes and says:

1. I am over the age of 18, and competent to testify as to the matters asserted herein. I am a land use attorney at Schwabe, Williamson & Wyatt, P.C. in Seattle, WA.
2. I have served as legal counsel for Wallace Properties – Park at Northgate LLC, the subject property owner and underlying applicant (Paroline & Associates is the permit coordinator and owner’s agent for permit processing purposes) on the subject contract rezone application, SDCI file 3033517-LU (“Application”), process for the entirety of the process dating back to early-2019. As legal counsel for the application, I am copied on nearly all application-related correspondence, and I regularly review materials available through the City’s online permit portal, <https://cosaccela.seattle.gov/Portal/Welcome.aspx>.
3. Attached hereto as **Exhibit A** are true and correct copies of SDCI online permit records for 3033517-LU.
4. As shown in **Exhibit A**, SDCI required that the site be posted with four large signs to provide public notice of the Application. The large signs were posted on December 2,

1 2019 as a prerequisite to the City issuing mailed notice and notice through the Land Use
2 Information Bulletin. True and correct copies of the large sign photos taken on December 5,
3 2019 and associated notice map identified in **Exhibit A** are attached hereto as **Exhibit B**.

4 **5.** Attached hereto as **Exhibit C** are true and correct copies of SDCI's December
5 5, 2019 Notice of Application for Project 3033517-LU published through the City's Land Use
6 Information Bulletin ("LUIB"), including a copy of the mailed notice.

7 **6.** The Application's large notice signs, LUIB notice and mailed notice all set a
8 comment deadline of December 18, 2019.

9 **7.** As shown in **Exhibit A**, SDCI received three public comments on the
10 Application between December 11, 2019 and January 11, 2020. True and correct copies of the
11 three public comments identified in **Exhibit A** are attached hereto as **Exhibit D**.

12 **8.** The City did not receive any other public comments or requests for
13 interpretations prior to issuance of the Decision. SDCI Planner Carly Guillory, who has been
14 assigned to the Application, has confirmed that no other comments were received. Attached
15 hereto as **Exhibit E** is a true and correct copy of a September 22-23, 2021 email exchange
16 between Ms. Guillory and Andrew Paroline of Paroline & Associates confirming this fact.

17 **9.** None of the nine individuals identified as appellants in this appeal submitted
18 comments on the Application. As of this writing, seven of the nine individuals identified as
19 appellants in this appeal have confirmed in writing that they did not submit comments.
20 Attached hereto as **Exhibit F** are true and correct copies of September 22-23, 2021 emails
21 between the undersigned and appellants Landolt, Robbins, Johnson, Durney, Jacobsen,
22 Dietrichson and Joseph confirming this fact.

23 **10.** SDCI's September 9, 2021 SEPA DNS and the associated recommendation on
24 Applicant's proposed contract rezone ("Decision") does not include any Type II decisions or
25 interpretations.
26

1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct to the best of my knowledge and belief.
3

4 DATED this 24th day of September, 2021, at Bellevue, Washington.
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7 AARON M. LAING
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EXHIBIT A

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Permit and Property Records

[Help](#)

Search by Record Number

Record # (eg, Permit, License, Case, Building):

Search by Address

Street address within Seattle:

This project is located at: 10713 Roosevelt Way NE

Document	Size	Date	Record #	Record Type
Approved PreSub Notes from 1/13/19	128 KB	11/18/19	3033517-LU	Master Use Permit
Billing Invoice	59 KB	09/01/20	3033517-LU	Master Use Permit
Billing Invoice	494 KB	09/01/21	3033517-LU	Master Use Permit
Billing Invoice	59 KB	02/01/21	3033517-LU	Master Use Permit
Billing Invoice	59 KB	04/01/21	3033517-LU	Master Use Permit
Billing Invoice	59 KB	05/01/21	3033517-LU	Master Use Permit
Billing Invoice	494 KB	08/01/21	3033517-LU	Master Use Permit
Billing Invoice	59 KB	06/01/21	3033517-LU	Master Use Permit
Billing Invoice	494 KB	07/01/21	3033517-LU	Master Use Permit
Billing Invoice	59 KB	06/01/20	3033517-LU	Master Use Permit

Document	Size	Date	Record #	Record Type
Billing Invoice	59 KB	05/01/20	3033517-LU	Master Use Permit
Billing Invoice	37 KB	03/01/20	3033517-LU	Master Use Permit
Billing Invoice	37 KB	02/01/20	3033517-LU	Master Use Permit
Billing Invoice	37 KB	04/01/20	3033517-LU	Master Use Permit
Billing Invoice	37 KB	01/01/20	3033517-LU	Master Use Permit
Billing Invoice	59 KB	03/01/21	3033517-LU	Master Use Permit
Billing Invoice	59 KB	02/01/21	3033517-LU	Master Use Permit
Contract REZONE Submittal Information	4 MB	02/25/20	3033517-LU	Master Use Permit
Correction Letter-ECA Wetland-Cycle1	192 KB	12/03/19	3033517-LU	Master Use Permit
Correction Letter-Land Use-Cycle1	241 KB	05/22/20	3033517-LU	Master Use Permit
Correction Letter-Land Use-Cycle2	242 KB	01/05/21	3033517-LU	Master Use Permit
Correction Letter-Transportation DPD-Cycle1	145 KB	02/13/20	3033517-LU	Master Use Permit
Correction Letter-Transportation DPD-Cycle2	168 KB	12/09/20	3033517-LU	Master Use Permit
Correction Response_Cycle2	37 MB	10/21/20	3033517-LU-002	Upload Documents
Correction Response_Cycle3	142 KB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	3 MB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	5 MB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	3 MB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	290 KB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	96 KB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	353 KB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	1188 KB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	37 KB	02/08/21	3033517-LU-003	Upload Documents
Correction Response_Cycle3	25 MB	02/08/21	3033517-LU-003	Upload Documents
Departments-Other	91 KB	12/05/19	3033517-LU	Master Use Permit
Departments-Other	98 KB	12/18/19	3033517-LU	Master Use Permit

Document	Size	Date	Record #	Record Type
Drainage Report	5 MB	10/22/19	3033517-LU-001	Application Intake
Geotechnical Report	2 MB	10/22/19	3033517-LU-001	Application Intake
Historic Preservation Appendix A information	246 KB	10/22/19	3033517-LU-001	Application Intake
Inspection Map	388 KB	09/09/21	3033517-LU	Master Use Permit
Large Sign	182 KB	11/20/19	3033517-LU	Master Use Permit
Large Sign	2 MB	11/20/19	3033517-LU	Master Use Permit
Large Sign photos	1831 KB	12/11/19	3033517-LU	Master Use Permit
Large Sign photos	2 MB	12/11/19	3033517-LU	Master Use Permit
Large Sign photos	2 MB	12/11/19	3033517-LU	Master Use Permit
Large Sign photos	2 MB	12/11/19	3033517-LU	Master Use Permit
MHA-Other Documentation	779 KB	10/22/19	3033517-LU-001	Application Intake
MHA-Other Documentation	814 KB	10/22/19	3033517-LU-001	Application Intake
MHA-Other Documentation	1118 KB	10/22/19	3033517-LU-001	Application Intake
Miscellaneous Site	4 MB	10/22/19	3033517-LU-001	Application Intake
Miscellaneous Site	1006 KB	10/22/19	3033517-LU-001	Application Intake
Miscellaneous Site	684 KB	10/22/19	3033517-LU-001	Application Intake
Miscellaneous Site	632 KB	10/22/19	3033517-LU-001	Application Intake
Miscellaneous Site	364 KB	10/22/19	3033517-LU-001	Application Intake
Miscellaneous Site	4 MB	10/22/19	3033517-LU-001	Application Intake
Notice Map	365 KB	11/20/19	3033517-LU	Master Use Permit
Optional Applicant Upload	1191 KB	12/11/20	3033517-LU	Master Use Permit
Optional Applicant Upload	399 KB	12/11/20	3033517-LU	Master Use Permit
Phase I Environmental Site Assessment	11 MB	06/02/21	3033517-LU	Master Use Permit
Phase I Environmental Site Assessment	205 KB	10/28/19	3033517-LU-001	Application Intake
Plan Set - Land Use	589 KB	10/22/19	3033517-LU-001	Application Intake
Pre-Submittal Conference/Coaching Application	125 KB	12/18/18	3033517-LU	Master Use Permit

Document	Size	Date	Record #	Record Type
Public Comment: L. Webster Comment Letter 01-09-2020.	87 KB	01/09/20	3033517-LU	Master Use Permit
Public Comment: Morgan 12/15/19	49 KB	12/18/19	3033517-LU	Master Use Permit
Public Comment: VanderMeer 12/11/19	45 KB	12/18/19	3033517-LU	Master Use Permit
PUBLISHED Decision/Recommendation	524 KB	09/09/21	3033517-LU	Master Use Permit
Record Snapshot	216 KB	11/27/19	3033517-LU	Master Use Permit
SEPA Checklist	357 KB	10/22/19	3033517-LU-001	Application Intake
SEPA Checklist-Annotated	5 MB	08/24/21	3033517-LU	Master Use Permit
Shadow Study	1117 KB	10/22/19	3033517-LU-001	Application Intake
Site Photos	37 MB	12/18/18	3033517-LU	Master Use Permit
Site Plan	1531 KB	12/18/18	3033517-LU	Master Use Permit
Site Plan	589 KB	10/22/19	3033517-LU-001	Application Intake
Survey	3 MB	10/22/19	3033517-LU-001	Application Intake
Traffic Report	627 KB	10/22/19	3033517-LU-001	Application Intake
Wetlands Report	1516 KB	10/22/19	3033517-LU-001	Application Intake

76 documents found



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Find Public Notices

Click Search to view the most recent notices.

Comment: See our web site for details about [How to Comment on a Project](#) and [How to Appeal a Decision](#).

Subscribe: Visit our [Public Resource Center](#) web page to sign up to receive the twice-weekly Land Use Information Bulletin.

Print: View and print a [Public Notices Summary](#) by publish date.

To view Street Use projects and proposals currently open for public comment, please visit SDOT's [Public Comment](#) page.

Address Range: -
Prefix:
Street Name:
Type:
Suffix:

Publish Date - From:
Publish Date - To:

Project Number:

Area (Data available from 8/30/2018 forward):

[Search](#) [Clear](#)

2 records match your search results.

Click any of the results below to view more details.

Showing 1-2 of 2 | [Download Results](#)



<input type="checkbox"/>	09/09/2021	001045-21PN	10713 ROOSEVELT WAY NE SEATTLE	Director's Analysis, Decision and Recommendation for project 3033517-LU	Council Land Use Action to allow a contract rezone for a parcel of land from Lowrise 3 (M) (LR3 (M)) to Midrise (M1) (MR (M1)).
<input type="checkbox"/>	12/05/2019	002151-19PN	10735 ROOSEVELT WAY NE SEATTLE	Application for project 3033517-LU	Council Land Use Action to contract rezone a parcel of land from Lowrise 3(M) (LR3 (M)) to Midrise (M1) (MR (M1)).

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EXHIBIT B

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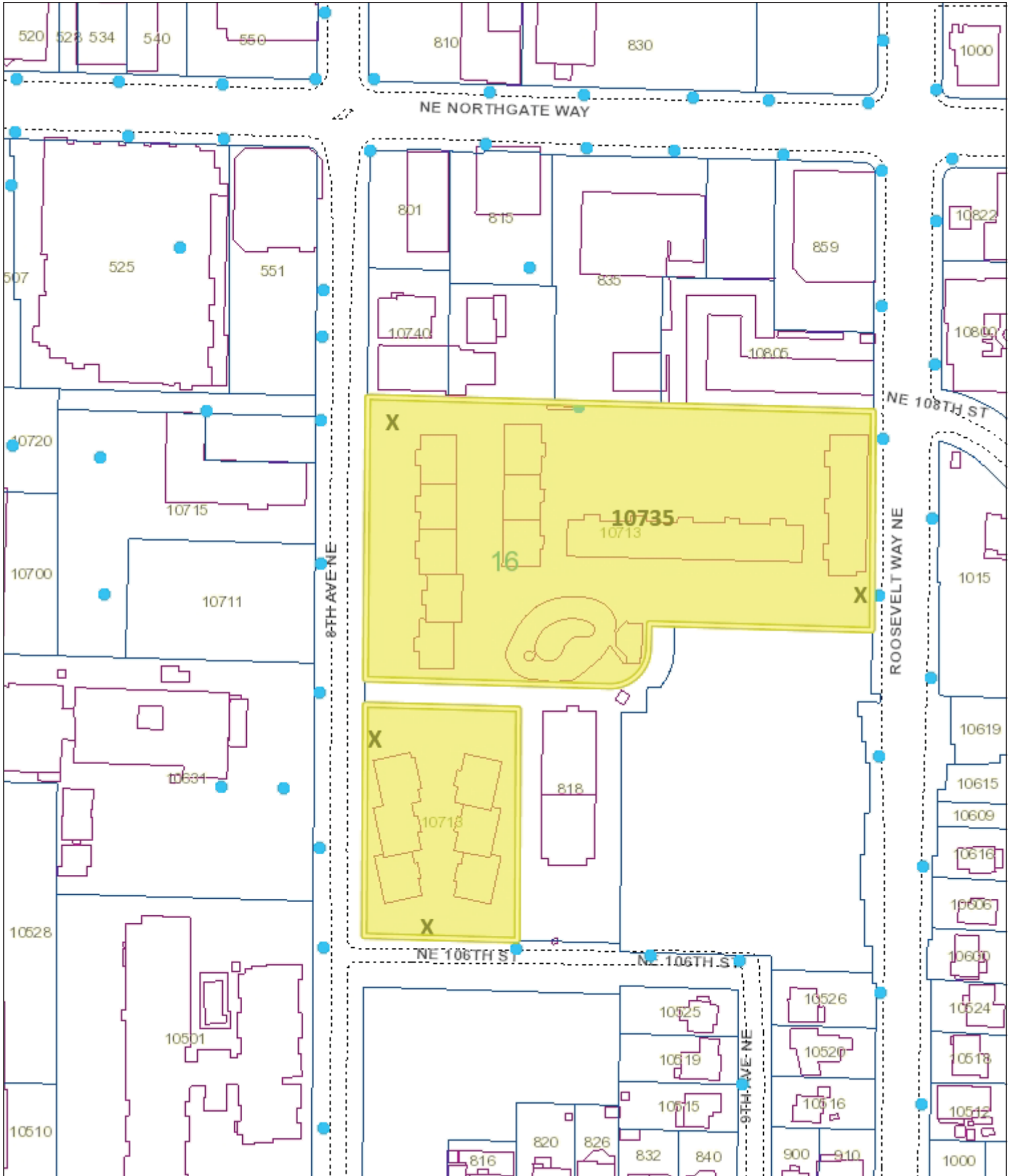


3033517-LU

10735 ROOSEVELT WAY NE
MAP 16



Feet
0 150



Seattle Department of Construction and Inspections is reviewing

REZONE

Project:
3033517-LU

What is it?

- From Lowrise 3 (M) to Midrise (M1)

Required approvals:

- Environmental Review
- **Council** Action

Submit comments to:

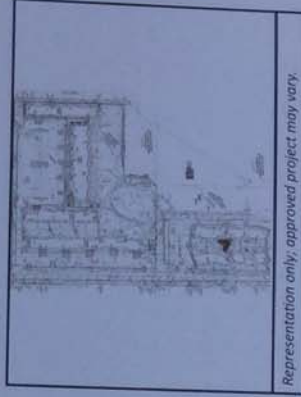
- Email: PRC@seattle.gov
- Mail: SDCI/PRC, P.O. Box 34019
Seattle, WA 98124-4019

Include the project number and address.

(The comment period may be extended by written request prior to the date below. The comment period for shoreline applications cannot be extended.)

Submit comments by 12-18-19.
All comments are posted on our website in their entirety.

10735 Roosevelt Way NE



Seattle Department of Construction and Inspections is reviewing

REZONE

What is it?

- From Lowrise 3 (M) to Midrise (M1)

Submit comments to:

- Email: PRC@seattle.gov
- Mail: SDCI/PRC, P.O. Box 34019
Seattle, WA 98124-4019

Include the project number and address.

(The comment period may be extended by written request prior to the date below. The comment period for shoreline applications cannot be extended.)

Submit comments by 12-18-19.

All comments are posted on our website in their entirety.

Project:
3033517-LU

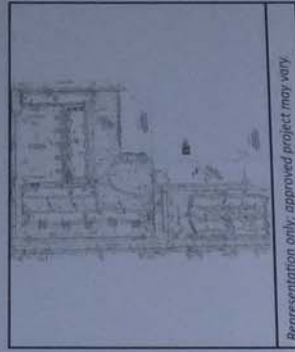
Required approvals:

- Environmental Review
- **Council** Action

More information:

- Online: enter project number **3033517-LU**
at www.seattle.gov/dpd/documentlibrary
- Phone: (206) 684-8467 (message line)

10735 Roosevelt Way NE



Representation only, approved project may vary.



Seattle Department of Construction and Inspections is reviewing

REZONE

Project:
3033517-LU

What is it?

- From Lowrise 3 (M) to Midrise (M1)

Required approvals:

- Environmental Review
- **Council** Action

Submit comments to:

- Email: PRC@seattle.gov
- Mail: SDCI/PRC, P.O. Box 34019
Seattle, WA 98124-4019

Include the project number and address.

(The comment period may be extended by written request prior to the date below. The comment period for shoreline applications cannot be extended.)

Submit comments by 12-18-19

All comments are posted on our website in their entirety.

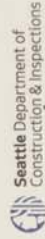
10735 Roosevelt Way NE



Representation only, approved project may vary

More information:

- Online: enter project number **3033517-LU**
at www.seattle.gov/dpd/documentlibrary
- Phone: (206) 684-8467 (message line)



Seattle Department of Construction and Inspections is reviewing

REZONE

Project:
3033517-LU

What is it?

- From Lowrise 3 (M) to Midrise (M1)

Required approvals:

- Environmental Review
- **Council** Action

Submit comments to:

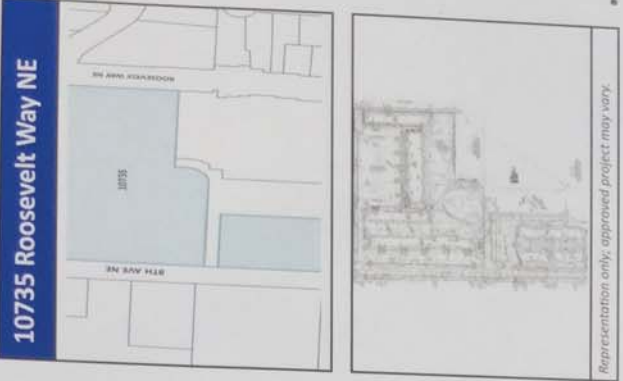
- Email: PRC@seattle.gov
- Mail: SDCI/PRC, P.O. Box 34019
Seattle, WA 98124-4019

Include the project number and address.
(The comment period may be extended by written request prior to the date below. The comment period for shoreline applications cannot be extended.)

Submit comments by 12-18-19
All comments are posted on our website in their entirety.

More information:

- Online: enter project number **3033517-LU** at www.seattle.gov/dpd/documentlibrary
- Phone: (206) 684-8467 (message line)



Seattle Department of
Construction & Inspections

Representation only; approved project may vary.

EXHIBIT C

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Notice of Application for Project 3033517-LU

Seattle Department of Construction and Inspections (Seattle DCI) is currently reviewing the Master Use Permit application described below.

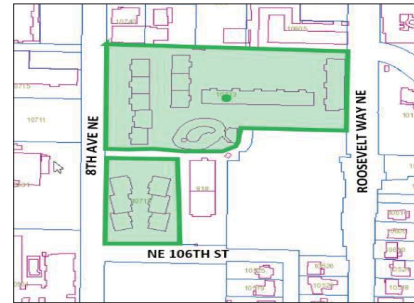
Project Number: 3033517-LU

Address: 10735 ROOSEVELT WAY NE
Area: NORTHEAST
Zone: LR3 (M)

Date of Application: 11/18/2019
Date Application Deemed Complete: 11/27/2019

Applicant Contact: AARON LAING - (206) 407-1553
Seattle DCI Planner: TAMI GARRETT - (206) 233-7182

Council Land Use Action to contract rezone a parcel of land from Lowrise 3(M) (LR3 (M)) to Midrise (M1) (MR (M1)).



The top of this image is north.
This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in Seattle DCI's files will control.

Comments may be submitted through: 12/18/2019

The following approvals are required:

Council Action to rezone from Lowrise 3(M) (LR3 (M)) to Midrise (M1) (MR (M1)).

SEPA Environmental Determination - (This project is subject to the Optional DNS Process (WAC 197-11-355) and Early DNS Process (SMC 25.05.355). This comment period may be the only opportunity to comment on the environmental impacts of this proposal.

Other permits that may be needed which are not included in this application:

Building Permit

Your written comments are encouraged and should be submitted to:

PRC@seattle.gov
Department of Construction & Inspections
ATTN: Public Resource Center
P.O. Box 34019
Seattle, WA 98124-4019

Commenters providing an email address or return US mail address will be sent notice of any public meetings or hearings and notice of the SDCI decision with information on the right to appeal. All correspondence will be posted to our electronic library.

Applications requiring shoreline approvals are subject to an initial 30-day comment period. All other land use approvals listed below are subject to an initial 14-day comment period. A 14 day comment period may be extended an additional 14 days provided a written request to extend the comment period is received by this Department within the initial 14-day comment period as published in this bulletin. Any comments filed after the end of the official comment period may be considered if pertinent to the review being conducted.

The project file, including application plans, environmental documentation and other additional information related to the project, is available in our electronic library at [Seattle Services Portal](#). Public computers, to view these files, are available at the SDCI Public Resource Center, 700 Fifth Avenue, Suite 2000. The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.

Questions about the projects listed in this bulletin can also be directed to the Public Resource Center at the email and US mail address listed above. To the extent known by the Department, other necessary government approvals or permits not included in the application will also be listed. When a building permit is listed as being necessary, this may include associated electrical, plumbing, mechanical, elevator, and other similar permits.

SDCI is now using the Early Review Determination of Non-significance (DNS) process for all applications requiring a threshold determination when SDCI has reasonable basis to believe that significant adverse impacts are not likely, and the Director expects to issue a DNS for the proposal. The DNS is not final until it is published following consideration of all comments received during the comment period.

The comment period for a project subject to an Early Review DNS may be the only opportunity to submit comment on the environmental impacts of the proposal. Mitigation measures may be imposed on projects subject to the Early Review DNS process. After the close of the comment period, SDCI will review any comments and will either issue a DNS followed by an opportunity to appeal, or, if significant environmental impacts are identified, a DS/Scoping notice. Copies of the subsequent threshold determination for the proposal may be obtained upon request or from our electronic library at [Seattle Services Portal](#).

Numbers used in project descriptions are approximations. The final approved plans will control.

Interpretations

A formal decision as to the meaning, application or intent of any development regulation in Title 23 (Land Use Code) or Chapter 25.09 (Regulations for Environmentally Critical Areas) is known as an "interpretation". Examples include questions of how structure height or setback is properly measured, or how a proposed use should be categorized.

Interpretation may be requested by any party during the comment period as determined above. The request must be in writing, and accompanied by a \$3,860.00 minimum fee payable to the City of Seattle (This fee covers the first ten hours of review. Additional hours will be billed at \$386.00.). Interpretations on some issues may also be requested later, during the appeal period, if the project decision is appealed. Failure to request an interpretation can preclude raising the issue on appeal. Questions regarding the interpretation process may be sent to PRC@seattle.gov (please include "Interpretation Information" in the subject line) or by calling the message line at (206) 684-8467. Requests for interpretation may be submitted to the **Seattle Department of Construction and Inspections, Code Interpretation and Implementation Group, 700 5th Av Ste 2000, P.O. Box 34019, Seattle, WA 98124-4019.**



Notice of Application for Project 3033517-LU

Seattle Department of Construction and Inspections (Seattle DCI) is currently reviewing the Master Use Permit application described below.

Project Number: 3033517-LU

Address: 10735 ROOSEVELT WAY NE
Area: NORTHEAST
Zone: LR3 (M)

Date of Application: 11/18/2019
Date Application Deemed Complete: 11/27/2019

Applicant Contact: AARON LAING - (206) 407-1553
Seattle DCI Planner: TAMI GARRETT - (206) 233-7182

Council Land Use Action to contract rezone a parcel of land from Lowrise 3(M) (LR3 (M)) to Midrise (M1) (MR (M1)).



The top of this image is north.
This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in Seattle DCI's files will control.

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EXHIBIT D

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Herbaugh, Melinda

From: Annie VanderMeer Mitsoda <blue_comics@hotmail.com>
Sent: Wednesday, December 11, 2019 8:16 PM
To: PRC
Subject: Project #3033517-LU

CAUTION: External Email

To Whom It May Concern,

I am concerned about this proposal being that I am concerned that it will involve the demolition of the current complex in favor of a larger "luxury" one. This would not only put affordable housing further out of reach for many, but the area is already densely packed with traffic, and is overburdened for parking. Additionally, this area is near a parcel of protected land (the Beaver Pond) and construction in this area would harm or eliminate entirely one of the few precious natural spots left in the area.

While I do not generally oppose higher density housing, I am concerned about this designation being that two of the complexes immediately across the street, Prism and Lane, are "luxury" and are not at capacity, and additional density does not seem either necessary or desirable for the area without significant improvements to the local infrastructure. Thus, I am against this designation, out of a concern for what that might mean for future development.

I would appreciate being kept up to speed with the decision regarding this project. Thank you.

Sincerely,
Annie VanderMeer

Herbaugh, Melinda

From: Jon Morgan <jon.morgan.1999@owu.edu>
Sent: Sunday, December 15, 2019 8:42 PM
To: PRC
Subject: 3033517-LU

CAUTION: External Email

Please keep me informed about any developments on this proposal/project. Thank you.

Jon Morgan
North San Francisco, WA

From: [Webster, Louis](#)
To: [PRC](#); [Garrett, Tami](#)
Subject: #3033517-LU
Date: Thursday, January 09, 2020 11:24:07 AM
Attachments: [image001.png](#)
[image002.png](#)

Please make SPR a party of record.



Louis Webster, AICP
Senior Real Property Agent
Pronouns: he/him/his
City of Seattle, [Seattle Parks and Recreation](#)
O: 206-684-5461 | F: 206-233-7038

Seattle Parks and Recreation, Property and Acquisition services has moved to:
300 Elliott Avenue West, Suite 100, Seattle, WA 98119