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SEATTLE HEARING EXAMINER

In the Matter of the Appeal of
EASTLAKE COMMUNITY COUNCIL
From a Determination of Nonsignificance
issued by the Director, Department of
Planning and Development

Hearing Examiner File
NO. MUP-14-002(W)
DPD Reference: 3014488
OPPOSITION BY EASTLAKE
COMMUNITY COUNCIL TO
APPLICANT'S MOTION TO DISMISS
ISSUES

Johnson Carr, LLC moves to dismiss appellant's issues 1, 2, 3, 5 (in part) and 6 on the asserted grounds that none of those issues sets forth claims on which the Examiner has jurisdiction to grant relief. Applicant's Motion at 2-3. In effect, Johnson Carr asks for judgment on the pleadings. By reference to the Superior Court Civil Rules as persuasive authority,¹ a motion to dismiss for failure to state a claim "should be granted only if the plaintiff cannot prove any set of facts which would justify recovery."² In resisting a motion to dismiss for failure to state a claim "any hypothetical situation

¹ See HER 1.03(c).

² See *Postema v. Pollution Control Hearings Bd.*, 142 Wn.2d 68, 122, 11 P.3d 726 (2000) (noting that a motion to dismiss pursuant to CR 12(b)(6) should be granted only if the plaintiff cannot prove any set of facts that would justify recovery).

1 conceivably raised by the complaint [may] defeat ... the motion if it is legally sufficient to
2 support plaintiff's claim."³ Because it denies a party's ability to present its claim, such a
3 motion "should be granted only sparingly and with care."⁴ A motion to dismiss for failure
4 to state a claim may only be granted if "it appears beyond doubt that the plaintiff can
5 prove no set of facts, consistent with the complaint, which would entitle the plaintiff to
6 relief."⁵ Johnson Carr's motion fails to meet this high burden.

7
8 Because Johnson Carr has asked for dismissal for failure to state a claim and
9 because appellant has not completed its discovery, Eastlake Community Council
10 ("Eastlake") bases its response upon the pleadings and hypothetical facts that would
11 support its claims.

12 **A. Issue 1 should not be dismissed.**

13 At Issue 1 Eastlake alleges the DNS to be in error as follows:

14 Probable negative significant impacts that the City overlooked or did not
15 adequately study include:

16 Increased environmental, public health, and fire protection impacts from
17 cooking in the 115 separately leased units, from such features as (a)
18 public health, fire, and explosion risk from the decision to provide sinks
19 only in the bathrooms and to provide inadequate ventilation in the cooking
20 areas of each unit; and (2) fire risk in the common kitchens; and (3) risk to
21 public safety from a lack of fresh air and adequate egress routes,
22 including from deep light wells and below-grade windows.

23
24 Notice of Appeal at 2. Johnson Carr at 3-4 moves for dismissal on the asserted grounds
25 that "public health" and "public safety" are not elements of the environment and that the

³ *Halvorson v. Dahl*, 89 Wn.2d 673, 674, 574 P.2d 1190 (1978).

⁴ *Haberman v. Wash. Public Power Supply Sys.*, 109 Wn.2d 107, 120, 744 P.2d 1032 (1987).

⁵ *Corrigal v. Ball & Dodd Funeral Home, Inc.*, 89 Wn.2d 959, 961, 577 P.2d 580 (1978).

1 city's construction codes are presumed to adequately mitigate impacts in those areas.
2 Johnson Carr's motion is not well-founded.

3 Eastlake alleges that DPD has entered its determination without giving adequate
4 consideration to, or having adequate support or study of, the project's impacts upon
5 public health, fire, and risk of explosion. These claims lie within the Examiner's
6 jurisdiction under SEPA.

7 In rendering a threshold determination, DPD has three duties: to give "actual
8 consideration to environmental factors";⁶ to base its determination upon information
9 reasonably sufficient to evaluate the proposal's impacts,⁷ and to consider mitigation of
10 significant impacts.⁸

12 Issue 1 properly alleges claims cognizable under SEPA. The "risk of explosion",
13 "potential releases ... affecting public health" and impacts to such public services as
14 those addressing "fire" are all elements of the environment. SMC 25.05.444.B.1.b&c
15 and 444.B.4.a. Regardless of whether construction codes address those risks, DPD has
16 a duty to give "actual consideration" to those impacts prior to rendering a threshold
17 determination. From the pleadings before the Examiner, it does not appear that DPD
18 gave actual consideration to these factors. While the risk of fire and the safety of
19

21 ⁶ *Norway Hill v. King County*, 87 Wn.2d 267, 275, 552 P. 2d 674 (1976).

22 ⁷ *Boehm v. City of Vancouver*, 111 Wn. App. 711, 718, 47 P. 3d 137 (2002).

23 ⁸ SMC 25.05.330.A:

24 In making a threshold determination, the responsible official shall ...

25 3. Consider mitigation measures which an agency or the applicant will implement as part
of the proposal, including any mitigation measures required by the City's development
regulations or other existing environmental rules or laws.[Emphasis added.]

1 residents was raised by community comments, see Analysis and Decision at 5, no part
2 of the decision shows how those potential impacts were considered, weighed, or
3 addressed. The pleadings before the Examiner show that with respect to risks of
4 explosion and fire and risks to human safety, the DPD failed to consider environmental
5 factors "in a manner sufficient to amount to prima facie compliance with the procedural
6 requirements of SEPA ..."⁹

7 Johnson Carr's motion to dismiss Issue 1 should be denied.

8 **B. Issue 2 should not be dismissed.**

9 At Issue 2 Eastlake alleges the DNS to be in error as follows:

10 Probable negative significant impacts that the City overlooked or did not
11 adequately study include ...

12 Public safety and neighborhood impacts from the transient nature of many
13 of the proposed building's residents. The City has erroneously accepted
14 the proponents' claim that all residents would be "non-transient."

15 Johnson Carr at 5-6 moves for dismissal of this issue on the asserted grounds that
16 public safety and neighborhood impacts are not of the "physical environment" so need
17 not be considered. The applicant reads SEPA too narrowly.

18 The elements of the environment are not limited to the so-called "physical
19 environment", but include the "built environment" which includes impacts to such
20 elements as a proposal's "relationship to existing land use plans and to estimated
21 population." SMC 25.05.444.B.2.a. A SEPA determination must also consider whether
22 the proposal would "[c]onflict with local, state, or federal laws or requirements for the
23
24

25 ⁹ *Norway Hill* at 276.

1 protection of the environment.” The claim that DPD failed to consider the transient
2 nature of the building’s prospective residents properly lies within the Examiner’s
3 jurisdiction under SEPA.

4 The City’s Land Use Code distinguishes among various building occupancies.
5 Among those, is the distinction between “congregate residence” (rooms provided for
6 “non-transient” persons)¹⁰ and “lodging use” (“the provision of rooms to transients”)¹¹
7 While congregate housing is permitted in LR3, lodging use is not.¹² The pleadings
8 before the Examiner show that DPD approved a proposal consisting of two residential
9 dwelling units, 113 bedroom units without cooking or food preparation facilities and just
10 two common kitchens of roughly 200 square feet each¹³ to service those 113 bedroom
11 units. Analysis and Decision at 1. Eastlake supports its claims of DPD’s inadequate
12 consideration of the nature of the housing proposed on the following hypothetical facts,
13 which it will support at the hearing:
14

15 residents of housing claimed to be congregate must also eat;

16 meals purchased at restaurants and prepared food purchased at grocery
17 stores cost more than raw food purchased at grocery stores and prepared
18 at home;

19
20
21 ¹⁰ SMC 23.84A.032.

22 ¹¹ SMC 23.84A.024.

23 ¹² SMC 23.45.504 (permitted and prohibited uses).

24 ¹³ See Plan Set 5 for MUP 3014488, pages 9 (Floor Plan for Level 1) and 13 (Floor Plan for Level 5)
25 available at <http://www.seattle.gov/dpd/toolsresources/Map/detail/default.htm?lat=47.646143&lon=-122.324991&addr=2820...EASTLAKE.AVE.E>. Copies of the selected pages are set forth at Attachment A to this memorandum.

1 bedroom units with rental rates of \$800 to \$1000 per month that require
2 residents to obtain their food preparation needs elsewhere do not meet
the residential needs of long term residents;

3 the target population of the proposed housing and similar facilities in the
4 Eastlake neighborhood operated by Johnson Carr is transient;

5 Johnson Carr's proposed building is to create a form of lodging that
conflicts with adopted codes and plans; and

6 The character of the population to be served and the conflict with adopted
7 codes and plans are elements of the environment whose consideration is
8 required by SEPA.

9 Apart from the question of the permissibility of lodging use within the LR3 zone, the
10 inconsistency of the proposed use with adopted codes is an issue for consideration
11 under SEPA.

12 The applicant's motion to dismiss Issue 2 should be denied.

13 **C. Issue 3 should not be dismissed.**

14 At Issue 3 Eastlake alleges the DNS to be in error:

15 Probable negative significant impacts that the City overlooked or did not
16 adequately study include ...

17 No measures are proposed that would make the building proposal
18 compatible with existing and projected land uses and plans, including the
19 Eastlake Neighborhood Plan.

20 Johnson Carr at 6-7 argues that the Eastlake Plan may only be used for
21 mitigation where it either identifies unusual circumstances that result in significant
22 adverse impacts not anticipated by the land use code or establishes a different balance
23 than does the land use code. Johnson Carr's motion for dismissal of Issue 3 rests upon
24 its reading of the SEPA Overview Policy, but that policy does support dismissal of this
25 issue.

1 Issue 3 challenges the DNS for DPD's failure to discharge each of its three
2 duties in issuing a threshold determination: to give "actual consideration" to the
3 elements of the environment (on this issue, the proposal's "relationship to existing land
4 use plans," SMC 25.05.444.B.2.a); to base its determination on information sufficient to
5 evaluate the proposal's impacts; and to consider mitigation of those impacts. *Supra* at
6 3. Johnson Carr bases its motion to dismiss Issue 3 only on the claim that the third
7 threshold determination duty is precluded by the Overview Policy. Eastlake's challenges
8 to DPD's failure to give "actual consideration" to the policies of the Eastlake Plan and to
9 base its determination on sufficient information of the proposal's impacts to the plan lie
10 within the Examiner's jurisdiction, are not addressed by Johnson Carr's motion and still
11 stand.
12

13 As regards the ground on which Johnson Carr seeks dismissal of Issue 3 – that
14 DPD's lack of consideration of measures to make the proposal consistent with the
15 Eastlake Plan is barred by the Overview Policy – the Examiner's jurisdiction over this
16 issue is established through the following hypothetical facts, which Eastlake will support
17 through evidence deduced at the hearing:
18

19 A neighborhood plan may be used as a basis for mitigation to the extent that the
20 plan identifies "unusual circumstances" exceeding those anticipated by zoning, or
21 "the plan establishes a different balance of environmental ... goals than is
characteristic of the land use code as a whole." SMC 25.05.665.C.

22 The Goals and Policies of the Eastlake Neighborhood, adopted by City Council
23 Resolution 26072 on May 7, 1979 do recognize that "each neighborhood is
24 unique and has significant characteristics of its own which contribute to its
25 identity within the City[,]" and therefore do identify "unusual circumstances" within
the Eastlake neighborhood that may exceed those anticipated by zoning.

1 Under the category of housing and zoning, the ten objectives listed in the
2 resolution include:

- 3 (4) Increased owner-occupancy;
- 4 (5) Retention and rehabilitation of low income housing which would ensure
5 livability for those on fixed or low incomes;
- 6 (6) Oppose and eliminate developments which are purely speculative and
7 which can lead to adverse changes in residential patterns;
- 8 (7) Development of multifamily residential structures which include
9 storefronts that provide services and retail goods for Eastlake and abutting
10 neighborhoods.

11 Under the category of housing and zoning, the 14 policies include the following:

- 12 (6) The City of Seattle, working with the Eastlake Community Council,
13 should encourage the location of new low-income housing that is
14 dispersed, low-profile, and compatible with the surrounding character of
15 the community.¹⁴

16 These goals and policies for Eastlake do establish a different balance than is
17 characteristic of the land use code as a whole. Among others, the land use code
18 seeks "to achieve an efficient use of the land without major disruption." SMC
19 23.02.020.

20 Unlike the Eastlake Goals and Policies, the Land Use Code does not set goals to
21 increase owner-occupancy, to rehabilitate existing house, to oppose speculative
22 developments, to create retail storefronts and to create low-income housing that
23 is disperse and low-profile.

24 Johnson Carr's proposal would conflict with each of these objectives as the
25 proposed development: is not for owner-occupancy; would destroy, rather than
rehabilitate existing housing; is speculative in nature; lacks a retail storefront; and
would not be low-profile.

The proposed development conflicts with policies that respond to the "unusual
circumstances" of the Eastlake neighborhood and strike a "different balance"
than does the land use code as a whole.

Application of the Overview Policy therefore supports use of the Goals and
Policies of the Eastlake Neighborhood to guide mitigation.

¹⁴ A copy of Resolution 26072 as available from the City Clerk is set forth at Attachment B to this memorandum.

1 The portion of Eastlake's Issue 3, which challenges the DNS for failure of DPD to
2 even consider mitigation responsive to the Goals and Policies of the Eastlake
3 Neighborhood, clearly lies within the Examiner's jurisdiction and should not be
4 dismissed.

5 **D. Eastlake withdraws the portion of Issue 5 seeking to challenge the**
6 **granting of a critical areas exemption.**

7 At Issue 5 Eastlake alleges:

8 Probable negative significant impacts that the City overlooked or did not
9 adequately study include ...

10 Failure to adequately assess the probable negative environmental
11 consequences of the project's impacts on slope stability. There is a
12 history of sliding and of hidden springs at the site, as well as along the rest
13 of the hillside. Projects built nearby have experienced slide and
14 groundwater problems during construction and thereafter. *DPD was also
clearly in error in granting the site an exemption from review for
Environmentally Critical Areas.* [Emphasis added.]

15 Johnson Carr at 7 moves for dismissal of the last sentence of this issue on
16 grounds that approval of a critical areas exemption is not appealable to the Hearing
17 Examiner. Eastlake would concur and therefore withdraws the last sentence of Issue 5.

18 **E. Eastlake withdraws the portion of Issue 6.**

19 DPD and the applicant have alternately described the proposal as:

20 115 congregate units; occupy as a boarding house. Environmental
21 Checklist at 3 (January 13, 2013)(excerpt provided);

22 Congregate residence with 115 bedrooms, Notice of Application (July 11,
23 2013);

24 Congregate residence with 113 bedroomns and two separate dwelling
25 units, Revised Notice of Application, page 1 (December 26, 2013).

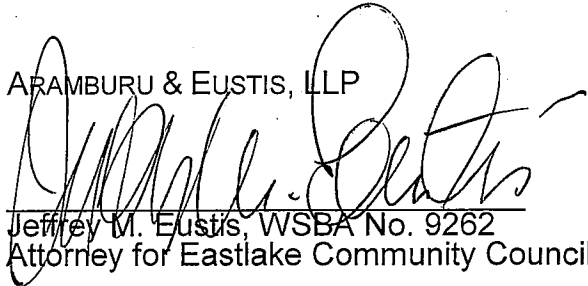
1 Copies of these documents are set forth at Attachments C-E to this opposition. These
2 documents have caused confusion over what is being proposed, a boarding house, only
3 a single congregate residence, or a congregate residence and apartments. Since the
4 Analysis and Decision was rendered upon what appears to be the applicant's current
5 proposal, Eastlake withdraws Issue 6 as an issue in this appeal.

6 **F. Conclusion**

7 Johnson Carr's motion to dismiss should be denied. Eastlake withdraws the last
8 sentence of Issue 5 and its Issue 6.
9

10 DATED: June 16, 2014.

11 ARAMBURU & EUSTIS, LLP

12 
13 Jeffrey M. Eustis, WSBA No. 9262
14 Attorney for Eastlake Community Council

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DECLARATION OF SERVICE

I am an employee in the law offices of ARAMBURU & EUSTIS, LLP, over eighteen years of age and competent to be a witness herein. On the date below I arranged for delivery of copies of the foregoing pleading (efiled with the Seattle Hearing Examiner) to counsel of record, as follows:

Bruce Rips, Senior Land Use Planner
Seattle Department of Planning and Development
PO Box 34019
Seattle, WA 98124-4019
Bruce.Rips@seattle.gov
(206) 615-1392

- first class postage prepaid,
 email facsimile
 hand delivery / messenger

Courtney Kaylor
Jessica Clawson,
Applicant's counsel
McCullough Hill Leary, P.S.
701 Fifth Avenue, Suite 6600
Seattle, WA 98104
Courtney@mhseattle.com
Jessie@mhseattle.com
(206) 812-3388

- first class postage prepaid,
 email facsimile
 hand delivery / messenger

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

DATED: June 16, 2014.


Kathleen McLemore

OPPOSITION BY EASTLAKE COMMUNITY
COUNCIL TO APPLICANT'S MOTION TO DISMISS
ISSUES - 11

ARAMBURU & EUSTIS, LLP
720 Third Avenue, Suite 2000
Seattle, Washington 98104
Tel. (206) 625-9515 Fax (206) 682-1376

Attachment A

ABBREVIATIONS

Table with 2 columns: Abbreviation and Full Name. Includes terms like ADV, ACC, ACT, etc.

FIRE NOTES

- 1. REVIEW SPECIFICATIONS FOR THE FOLLOWING PROTECTION SYSTEMS TO THE CITY OF SEATTLE FOR PLAN APPROVAL PER THE BUILDING DEPARTMENT...

ACCESSIBILITY NOTES

- 1. REQUIRED ACCESSIBLE PURCHASE ITEMS PER SPEC. TABLE 104.5.1.1A...

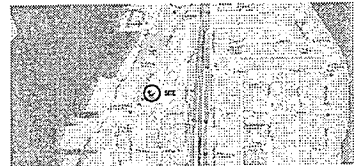
ENERGY NOTES

- 1. VERIFY THAT THE TYPICAL PERFORMANCE ENERGY RATING (TPER) COMPLIES WITH THE WASHINGTON STATE ENERGY CODE...

ELEVATOR NOTES

- 1. VERIFY THAT THE TYPICAL PERFORMANCE ENERGY RATING (TPER) COMPLIES WITH THE WASHINGTON STATE ENERGY CODE...

VICINITY MAP



PROJECT INFORMATION

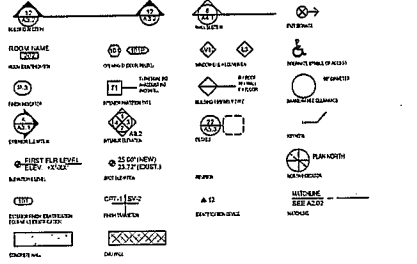
Table with 2 columns: Field Name and Value. Includes SITE ADDRESS, PROJECT NAME, OWNER, etc.

Table with 2 columns: Field Name and Value. Includes CONSTRUCTION TYPE, BUILDING DATA, etc.

GENERAL NOTES

- 1. DRAWINGS ARE TO BE PREPARED ON A STANDARD SHEET SIZE OF 11' x 17'...

REFERENCE SYMBOL INDICATORS



SHEET INDEX

Table with 2 columns: SHEET NO. and DESCRIPTION. Lists sheets 1 through 12.



JOHNSON & CARR LLC
project address:
2620 EASTLAKE
SEATTLE WA
DPO PROJECT NUMBER:
301446
824122

MUP SET



PROJECT DATA

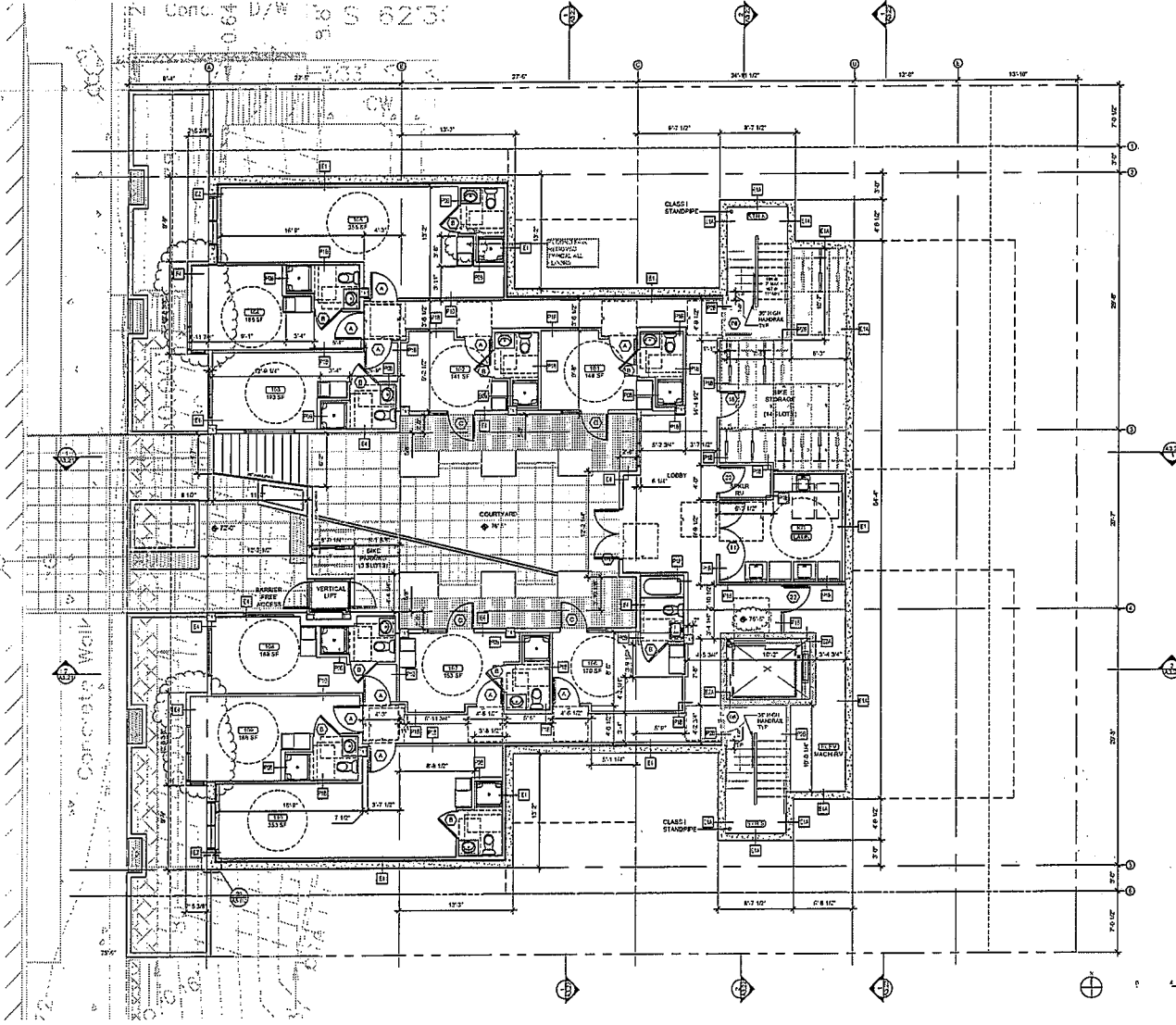
G0.01

37.50'

Z CONC. U/W 18' S 52' 31"

DOWNGRADE

CONCRETE Walk



Jonette
ARCHITECTS
3000 1st Avenue
Seattle, WA 98101
206.461.2121

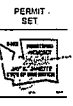
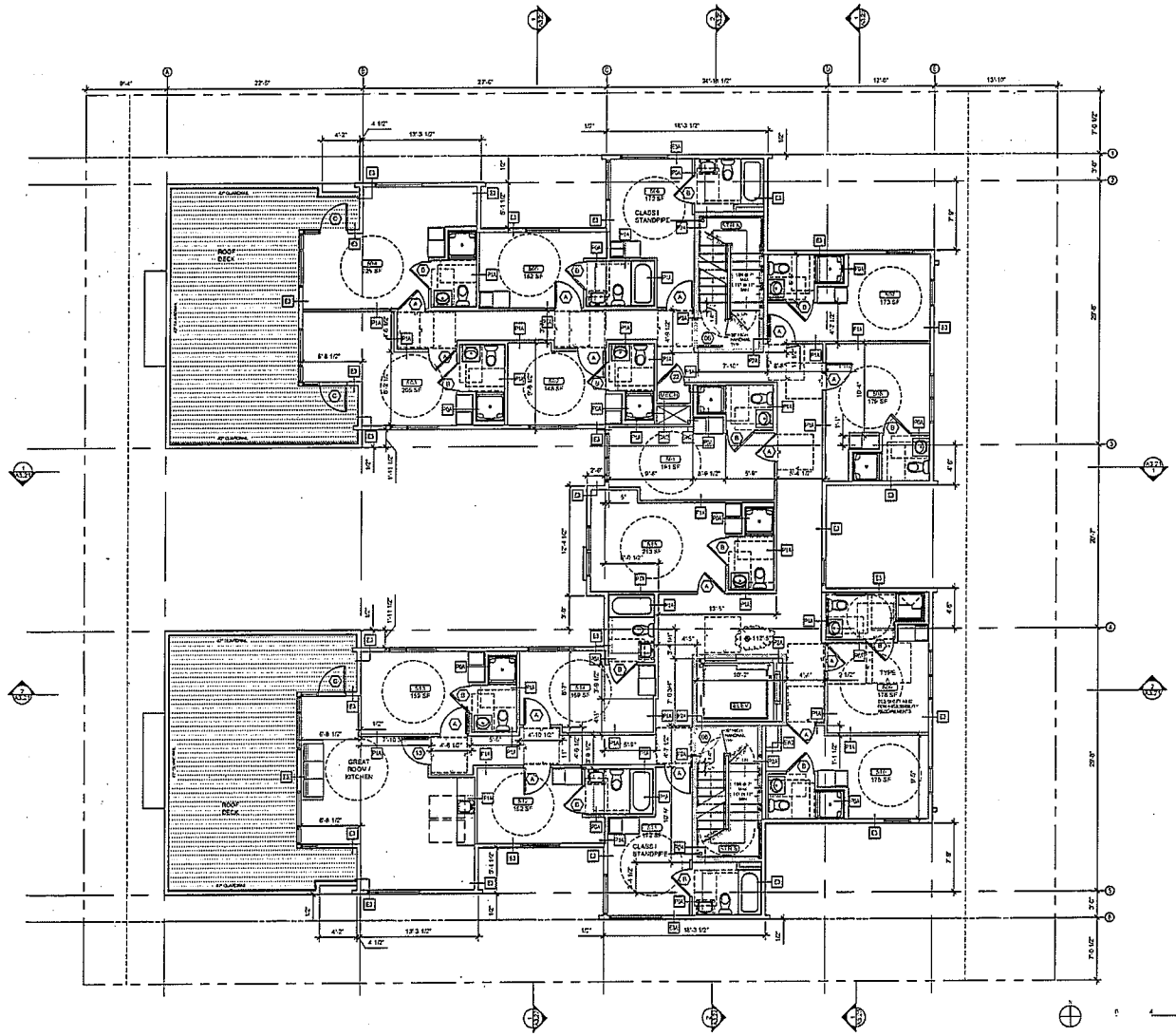
JOHNSON
& CARP LLC
PROJECT ADDRESS:
2820 EASTRAKE
SEATTLE WA
DPO PROJECT NUMBER:
201408
431425



LEVEL 1
FLOOR
PLAN

A2.11

0.5 MILLIMETER





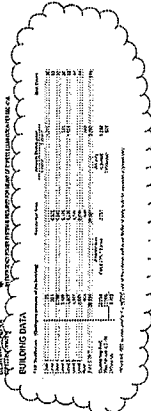
HUNT & HUNT
 ARCHITECTS
 1000 EAST 10TH AVENUE
 DENVER, CO 80202
 (303) 733-1100
 WWW.HUNTANDHUNT.COM



VELOCITY MAP

PROJECT INFORMATION
 PROJECT NAME: [REDACTED]
 PROJECT NUMBER: [REDACTED]
 PROJECT ADDRESS: [REDACTED]
 PROJECT CITY: [REDACTED]
 PROJECT STATE: [REDACTED]
 PROJECT ZIP: [REDACTED]
 PROJECT CLIENT: [REDACTED]
 PROJECT ARCHITECT: [REDACTED]
 PROJECT ENGINEER: [REDACTED]

BUILDING DATA
 BUILDING TYPE: [REDACTED]
 BUILDING AREA: [REDACTED] SQ. FT.
 BUILDING HEIGHT: [REDACTED] FT.
 BUILDING USE: [REDACTED]
 BUILDING OCCUPANCY: [REDACTED]
 BUILDING ZONING: [REDACTED]
 BUILDING PERMIT NUMBER: [REDACTED]



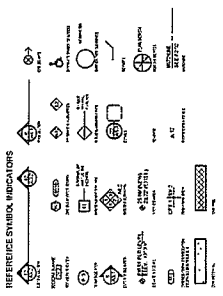
- FIRE NOTES**
1. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC).
 2. ALL BUILDINGS SHALL BE CONSTRUCTED TO RESIST FIRE FOR THE DESIGNATED PERIOD OF TIME.
 3. ALL BUILDINGS SHALL BE CONSTRUCTED TO RESIST FIRE FOR THE DESIGNATED PERIOD OF TIME.
 4. ALL BUILDINGS SHALL BE CONSTRUCTED TO RESIST FIRE FOR THE DESIGNATED PERIOD OF TIME.
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 19. ALL BUILDINGS SHALL BE CONSTRUCTED TO RESIST FIRE FOR THE DESIGNATED PERIOD OF TIME.
 20. ALL BUILDINGS SHALL BE CONSTRUCTED TO RESIST FIRE FOR THE DESIGNATED PERIOD OF TIME.

- ABBREVIATIONS**
- AC - AIR CONDITIONING
 - AD - ADJUSTABLE DAMPER
 - AE - AIR EXHAUST
 - AF - AIR FILTER
 - AG - AIR GATE
 - AH - AIR HANDLING UNIT
 - AI - AIR INLET
 - AL - ALUMINUM
 - AM - AIR MOUNTED
 - AN - AIR NOZZLE
 - AO - AIR OUTLET
 - AP - AIR PORT
 - AR - AIR REGISTER
 - AS - AIR SUPPLY
 - AT - AIR TERMINAL
 - AV - AIR VALVE
 - AW - AIR WAY
 - AX - AIR EXHAUST
 - BA - BALANCE AIR
 - BB - BALANCE BURNER
 - BC - BALANCE CONTROL
 - BD - BALANCE DAMPER
 - BE - BALANCE EXHAUST
 - BF - BALANCE FILTER
 - BG - BALANCE GATE
 - BH - BALANCE HANDLE
 - BI - BALANCE INLET
 - BJ - BALANCE JUNCTION
 - BK - BALANCE KNOB
 - BL - BALANCE LEVER
 - BM - BALANCE MOTOR
 - BN - BALANCE NOZZLE
 - BO - BALANCE OUTLET
 - BP - BALANCE PORT
 - BR - BALANCE REGISTER
 - BS - BALANCE SUPPLY
 - BT - BALANCE TERMINAL
 - BV - BALANCE VALVE
 - BW - BALANCE WAY
 - BX - BALANCE EXHAUST
 - CA - CALIBRATION AIR
 - CB - CALIBRATION BURNER
 - CC - CALIBRATION CONTROL
 - CD - CALIBRATION DAMPER
 - CE - CALIBRATION EXHAUST
 - CF - CALIBRATION FILTER
 - CG - CALIBRATION GATE
 - CH - CALIBRATION HANDLE
 - CI - CALIBRATION INLET
 - CJ - CALIBRATION JUNCTION
 - CK - CALIBRATION KNOB
 - CL - CALIBRATION LEVER
 - CM - CALIBRATION MOTOR
 - CN - CALIBRATION NOZZLE
 - CO - CALIBRATION OUTLET
 - CP - CALIBRATION PORT
 - CR - CALIBRATION REGISTER
 - CS - CALIBRATION SUPPLY
 - CT - CALIBRATION TERMINAL
 - CV - CALIBRATION VALVE
 - CW - CALIBRATION WAY
 - CX - CALIBRATION EXHAUST
 - DA - DAMPER AIR
 - DB - DAMPER BURNER
 - DC - DAMPER CONTROL
 - DD - DAMPER DAMPER
 - DE - DAMPER EXHAUST
 - DF - DAMPER FILTER
 - DG - DAMPER GATE
 - DH - DAMPER HANDLE
 - DI - DAMPER INLET
 - DJ - DAMPER JUNCTION
 - DK - DAMPER KNOB
 - DL - DAMPER LEVER
 - DM - DAMPER MOTOR
 - DN - DAMPER NOZZLE
 - DO - DAMPER OUTLET
 - DP - DAMPER PORT
 - DR - DAMPER REGISTER
 - DS - DAMPER SUPPLY
 - DT - DAMPER TERMINAL
 - DV - DAMPER VALVE
 - DW - DAMPER WAY
 - DX - DAMPER EXHAUST
 - EA - EXHAUST AIR
 - EB - EXHAUST BURNER
 - EC - EXHAUST CONTROL
 - ED - EXHAUST DAMPER
 - EE - EXHAUST EXHAUST
 - EF - EXHAUST FILTER
 - EG - EXHAUST GATE
 - EH - EXHAUST HANDLE
 - EI - EXHAUST INLET
 - EJ - EXHAUST JUNCTION
 - EK - EXHAUST KNOB
 - EL - EXHAUST LEVER
 - EM - EXHAUST MOTOR
 - EN - EXHAUST NOZZLE
 - EO - EXHAUST OUTLET
 - EP - EXHAUST PORT
 - ER - EXHAUST REGISTER
 - ES - EXHAUST SUPPLY
 - ET - EXHAUST TERMINAL
 - EV - EXHAUST VALVE
 - EW - EXHAUST WAY
 - EX - EXHAUST EXHAUST
 - FA - FAN AIR
 - FB - FAN BURNER
 - FC - FAN CONTROL
 - FD - FAN DAMPER
 - FE - FAN EXHAUST
 - FF - FAN FILTER
 - FG - FAN GATE
 - FH - FAN HANDLE
 - FI - FAN INLET
 - FJ - FAN JUNCTION
 - FK - FAN KNOB
 - FL - FAN LEVER
 - FM - FAN MOTOR
 - FN - FAN NOZZLE
 - FO - FAN OUTLET
 - FP - FAN PORT
 - FR - FAN REGISTER
 - FS - FAN SUPPLY
 - FT - FAN TERMINAL
 - FV - FAN VALVE
 - FW - FAN WAY
 - FX - FAN EXHAUST
 - GA - GATE AIR
 - GB - GATE BURNER
 - GC - GATE CONTROL
 - GD - GATE DAMPER
 - GE - GATE EXHAUST
 - GF - GATE FILTER
 - GG - GATE GATE
 - GH - GATE HANDLE
 - GI - GATE INLET
 - GJ - GATE JUNCTION
 - GK - GATE KNOB
 - GL - GATE LEVER
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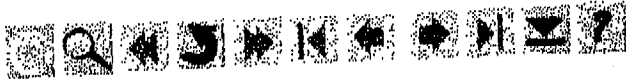
HUNT & HUNT
 ARCHITECTS
 1000 EAST 10TH AVENUE
 DENVER, CO 80202
 (303) 733-1100
 WWW.HUNTANDHUNT.COM

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- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC).
 2. ALL WORK SHALL BE CONSTRUCTED TO RESIST FIRE FOR THE DESIGNATED PERIOD OF TIME.
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Attachment B



City of Seattle Legislative Information Service

Information retrieved on June 16, 2014 3:32 PM

Resolution Number: 26072

A RESOLUTION recognizing the Goals and Policies of the Eastlake Neighborhood.

Status: Adopted

Date adopted by Full Council: May 7, 1979

Vote: 7-0

Date introduced/referred to committee: April 30, 1979

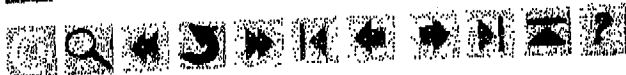
Committee: Urban Development Housing

Sponsor: EXECUTIVE REQUEST

Index Terms: EASTLAKE, NEIGHBORHOOD-PLANS, COMPREHENSIVE-PLAN, LAND-USE-PLANNING

Fiscal Note: (No fiscal note available at this time)

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RESOLUTION

A RESOLUTION recognizing the Goals and Policies of the Eastlake Neighborhood.

WHEREAS, each neighborhood is unique and has significant identifying characteristics; and

WHEREAS, neighborhoods have a basic right to voice their concerns regarding proposed government decisions and actions affecting their interests and to attempt through legitimate means to influence those decisions and actions; and

WHEREAS, the goals and concerns expressed by neighborhoods regarding development and related activities may be a point of view which differs from the point of view held by the City and its Departments; and

WHEREAS, a mechanism does not yet exist which requires the City, its Departments and Agencies to acknowledge and respond to each neighborhood's point of view in their decision-making processes; and

WHEREAS, the Goals and Policies of the Eastlake Community represent a statement made by Eastlake Neighborhood regarding its future development and interests; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

That the attached Appendix A constitutes the Eastlake Neighborhood Goals and Policies which were written and approved by the Neighborhood as the Neighborhood's objectives for their community and suggestion for official City actions; and

BE IT FURTHER RESOLVED:

That the Eastlake Goals and Policies be distributed by the Office of Policy Planning to the Office of the Mayor, the City Council, City Departments and Agencies for their information and consideration.

ADOPTED by the City Council of the City of Seattle this _____ day of _____, 1979, and signed by me in open session in authentication of its adoption this _____ day of _____, 1979.

President of the City Council

Filed by me this _____ day of _____, 1979.

ATTEST:

City Comptroller and City Clerk

BY:

Deputy

I CONCUR:

Charles Royer, Mayor

APPENDIX A

EASTLAKE NEIGHBORHOOD GOALS AND POLICIES

A. Citizen Participation

Citizen involvement in social, economic, and governmental processes; and planning that includes and is responsive to residents, landowners, and business people.

Objectives:

1. The City of Seattle should expand the existing Citizen Participation Ordinance to include greater citizen participation for planning projects and studies sponsored by the City Engineering and Building Departments.
2. The Eastlake Community Council should facilitate cooperative efforts between business and residents to work together on positive programs of community interest and concern.

Policies:

1. The Eastlake Community Council should be notified in writing by the City of Seattle at least thirty days in advance of any municipal decision relevant to the following concerns:
 - a. land use, zoning changes
 - b. building permits, conditional use permits, variances
 - c. shoreline permits
 - d. any other actions, plans or studies conducted by the City or private parties which have potential environmental impact on the Eastlake community;
 - e. environmental review pursuant to the State Environmental Policy Act, SEPA
2. The City, working with the inner-city community councils, should establish a City ordinance directing the Building Department to implement comprehensive notification procedures prior to the issuance of demolition and building permits.
3. The City should involve citizens at all levels of decision-making through public notices and public meetings when developing public improvement programs.
4. The City's Office of Policy Planning should establish a regular policy of conducting work sessions prior to the submitting of any major land use, housing, or transportation policies to the Planning Commission and the City Council.
5. The establishment of a City ordinance implementing zoning procedural reform which limits the conditions under which variances can be granted, requiring the Hearing Examiner to adhere to principle uses outlined within the City of Seattle Comprehensive Plan and by

requiring public notification of the majority of surrounding residences within the affected community.

6. The City of Seattle (including the Mayor, City Council, Planning Commission, and City Departments), Metro, the Port Authority, Harbor Lines Commission, the Army Corps of Engineers, the State Highway Department, the Seattle Housing Authority, the Seattle School Board, should involve the community in any decisions or programs which would affect Eastlake.
7. The Eastlake Community Council should create and maintain mechanisms such as its newsletter and public meetings which facilitate community involvement in all relevant issues with respect to community-wide impacts.

B. Housing and Zoning

A wide variety of housing alternatives to accommodate people of diverse ages, incomes, lifestyles, household sizes and ethnic origins should be provided and maintained within the Eastlake community.

Objectives:

1. Provide for a variety of housing styles, sizes and types.
2. Maintenance and rehabilitation of existing housing in multifamily, business, and manufacturing zones.
3. Special attention should be directed towards the preservation of all structurally sound single family homes.
4. Increased owner-occupancy.
5. Retention and rehabilitation of low income housing which would ensure liveability for those on fixed or low incomes.
6. Oppose and eliminate developments which are purely speculative and which can lead to adverse changes in residential patterns.
7. Development of multifamily residential structures which include storefronts that provide services and retail goods for Eastlake and abutting neighborhoods.
8. An active financial community committed to the preservation of the existing inner-city housing stock and willing to extend mortgage and rehabilitation loans to creditworthy people, community organizations and small businesses.
9. The cooperation of financial and government institutions, business and industry and community groups in the pursuit of housing goals and objectives which we share.
10. New zoning mechanisms designed to protect "least economic uses" especially within RM, CG and BC zones where more intensive development is warranted and where diversity and balance is threatened.

Policies:

1. The City of Seattle and the Eastlake Community Council working together should establish a Neighborhood Improvement Plan for Eastlake, geared to the preservation of existing single-family and low-density multiple structures; and which ensures a balance of housing types and lifestyles. The plan should address the following issues:
 - a. downzoning where it can be shown to be a feasible approach to the protection of lesser economic uses.
 - b. the development of zoning code text changes which preserve community balance through the establishment of density limitations which restrict future growth.
2. Changes in the zoning code should be made in order to develop land-use controls which include the following:
 - a. enhance the privacy and appearance of residential properties
 - b. preserve and enhance existing views and vistas of Lake Union
 - c. in multi-family residential developments, provide special bonuses for developers to provide private and/or public amenities, either on or off site, at locations that benefit the community.
 - d. establish design and performance guidelines and standards which moderate or eliminate negative impacts and ensure compatible, harmonious growth
3. The Eastlake community should be included in a Block Grant Community Development Area in order for the Eastlake community to have access to all available local and federal housing programs.
4. Seattle should lobby the Federal Government for an elimination of those regulations that impede the allocation of Section 8, 312, 235, and 202 housing assistance monies.
5. The City of Seattle should lobby the State for changes in the State Constitution which would allow municipalities the power to lend credit for housing and small businesses.

- 6. The City of Seattle, working with the Eastlake Community Council, should encourage the location of new low-income housing that is dispersed, low-profile, and compatible with the surrounding character of the community.
- 7. Until the housing assistance needs of all low-income households is guaranteed, the City must revise the current housing code so that it is sensitive to low-income homeowners and tenants. Specifically, a new housing code should include provisions which:
 - a. provide systematic enforcement of fire safety regulations of all income producing residential structures and impose criminal sanctions for any violations/gross violations of that part of the Code.
 - b. allow tenants an option to withhold rents from any landlord who will not make necessary repairs.
- 8. The City of Seattle should implement a City ordinance which would establish regulatory measures regarding floating home moorage fees.
- 9. The Eastlake Community Council and the Seattle Department of Consumer Affairs should both be responsible for the dissemination of information which insures that all residents are aware of their housing rights as guaranteed under the Landlord-Tenant Act and the Seattle Housing Code which also outlines appropriate means for effective redress when problems occur.
- 10. The Eastlake Community Council, working with Seattle's Building Department, should establish a neighborhood home improvement plan which would offer community assistance to homeowners experiencing difficulty in obtaining home improvement loans. That plan should include:
 - a. a tool cooperative
 - b. a cooperative for aggregate buying of materials
 - c. home improvement workshops as well as advice relating to financial assistance.
 - d. community advisory inspections providing homeowners with an idea of potential Code problems, costs of repair, and access to necessary funding.
- 11. Until the Eastlake community has developed a Neighborhood Improvement Plan, the City of Seattle should not issue any permit allowing the destruction of existing physically sound single-family residential housing.
- 12. The City should implement a comprehensive public disclosure ordinance which includes disclosure by deposit, number of rejected loan applications, retroactive disclosure, and breakdown of loans rejected and extended to neighborhood businesses and community organizations. The City should also disclose where its funds are invested.
- 13. The Eastlake Community Council should meet with neighborhood lending institutions to discuss Eastlake's lending needs and to establish records for guaranteeing that those needs are met.
- 14. The City of Seattle should lobby the State and federal governments for new methods of taxation based on current use rather than "highest and best" use, which would (1) rely less on residential property, (2) reduce property taxes generally, (3) distribute the tax burden based on one's ability to pay, and (4) provide incentives for housing rehabilitation.

C. Economic Development

A healthy and diverse business community, compatible with residential uses, in a pollution-free environment.

Objectives:

- 1. Increased awareness and cooperation among Eastlake's business, industrial, and residential components of the community.
- 2. The location of neighborhood business along Eastlake Avenue, serving the needs of Eastlake and abutting neighborhoods.
- 3. Commercial development in manufacturing zones with aesthetically pleasing site development and which does not require the demolition of existing residential housing currently within M zones and which does not encroach nor require the demolition of singlefamily homes.
- 4. Adherence to shoreline uses which are consistent with the Seattle Shoreline Master Program.
- 5. Encourage the location of small neighborhood oriented business and labor intensive economic development that will provide jobs for the neighborhood's unemployed.

Policies:

- 1. The City of Seattle should revise the Seattle Shoreline Master Program so that:
 - a. heights will be allowed only to 35' with no City Department Director discretion in permitting heights of 35-55' on S Lake Union.
 - b. PUD's shall not be allowed on any part of Seattle's shoreline, and especially on Lake Union.

- c. restaurants should be made a "conditional use" requiring a public hearing process pursuant to the allowance of such a use.
2. The City, the FAA, the Department of Ecology and all other appropriate agencies, working in cooperation with the ECC must establish new guidelines which control and wherever possible eliminate existing litter, noise, air and water pollution.
3. The Eastlake Community Council, property owners, local business people and industry should work together with the City of Seattle staff to establish a "site development plan" to include the following:
 - a. provisions which guarantee the maintenance and enhancement of existing commercial structures and sites
 - b. the location of retailing and other neighborhood oriented businesses concentrated nodally along Eastlake Avenue at Lynn, Hamlin, and Harvard/Allison which would provide services and employment opportunities for Eastlake residents.
 - c. existing development south of Newton Street along Fairview Avenue E should reflect the character of an industrial park which could be developed jointly through Block Grant monies and private reinvestment to provide landscaping, bikeways, sidewalk and various aesthetic architectural changes.
 - d. changes in the zoning code text should be made to include:
 - 1) the implementation of a zoning text change for RM zones which would restrict retail, professional and other commercial uses to arterials and exclude them from other areas that are zoned RM.
 - 2) a text change to the zoning code that would provide bonuses to developers who locate mixed-use buildings on arterials, thereby encouraging multi-family residences above storefronts providing essential neighborhood services.
4. Developers should be provided with bonuses as an incentive to provide public amenities, either on-or-off site, at locations that benefit the community.
5. The City of Seattle working with the Eastlake community should establish guidelines for signing, parking and landscaping for the major economic areas within the community.
6. The City of Seattle should prohibit the erection of off-premise signs.
7. The zoning code should be amended to include a mixed-use concept to allow for combined business/commercial and residential uses within the same structure.
8. All CG and BC zones along the Eastlake Avenue corridor should be downzoned to RM except within 400 feet of either side of Hamlin, Lynn, and Harvard/Allison Streets where zoning would reflect a neighborhood business orientation.
9. Provisions for joining public-private programs along Eastlake Avenue which provide pedestrian and bicycle amenities such as display cases and windows, arcades and awnings, and benches, bus shelters, bicycle racks, street furniture, etc.
10. The City Council and Seattle City Light should include Eastlake in the Capitol Hill Program which has been established for the purposes of undergrounding utilities so that utilities along Eastlake and Fairview Avenue E can be undergrounded.
11. The Eastlake Community Council, in cooperative with the City, should immediately undertake the development of a site alternative plan for the existing NOAA site at Fairview Avenue E and Howe Street.
12. The Eastlake Community Council should oppose the development of large commercial centers, institutions and/or parking lots which overwhelm land use capacity and endanger the neighborhood.

D. Traffic and Transportation

Reduction of automobile dependency and consequent congestion, improved pedestrian and bicyclist safety, and expanded public transportation.

Objectives:

1. Increased usage of transit, carpooling and alternative modes of transportation by Eastlake residents and visitors, as well as employees and customers of local businesses and industries.
2. Reduced speed and volume of automobile traffic on residential streets.
3. The availability of parking which does not exceed land use capacity nor exacerbate onstreet congestion.
4. Joint use of existing parking facilities in business, commercial and manufacturing areas to include night time use by residents.
5. The elimination of commercial parking lots as a principal use in business zones and as a conditional use in RM zones.
6. Improved pedestrian facilities.

7. Adequately marked and signed bicycle routes which allow for safe commuting and recreation.

Policies:

1. The Eastlake Council, working with other communities, must encourage the City to develop an adequately funded City-wide plan to orient all thru traffic to arterial streets and to develop means of discouraging traffic on residential streets.
2. The City and inner-city community councils should lobby Metro for the establishment of transit service in an east-west direction linking the Eastlake community to the Seattle Center, Queen Anne, Fremont, and Capitol Hill.
3. The City, working with the Eastlake Community Council and other lakeside communities, should amend the Shoreline Master Program to prohibit additional restaurants and other non-water related uses which impose excessive parking demands on upland areas.
4. Lighting on neighborhood streets and alleys should be improved by the City.
5. The City of Seattle should implement a zoning text change that limits the size of driveways and restricts curb cuts in all residential zones in order to retain off-street parking.

E. Recreation

Usable open space, walkways, bicycle paths, plazas, parks (and other features) add to the community's recreational opportunities while enhancing the quality of the neighborhood.

Objectives:

1. Recreational space should be accessible to all community residents and should be both active and passive in its design.
2. A community center for the Eastlake community.
3. Improved community access to Lake Union.
4. Improved water quality of Lake Union.

Policies:

1. The City should develop public improvement programs addressing the parks and recreation needs of the Eastlake community.
2. The City should recognize and preserve existing natural areas and physical assets for community use.
3. The City should establish a fund for the development of all currently unimproved street-ends and waterways.
4. The City and the Eastlake Community Council should support programs aimed at improving the water quality of Lake Union.

F. Human Resources

Meet the human needs of the community by exploring available resources, and providing information and access to them.

Objectives:

1. Seward Elementary School should be kept open as an elementary facility for children within Eastlake.
2. Improvement of the community's school facilities and programs, especially increased utilization of facilities with programs for all age levels.
3. Reduction of fire danger.
4. Reduction of the community's susceptibility to crime, and a fostering of good relations between the citizenry and their law enforcement officers.
5. Informed residents, involved in neighborhood programs and activities.
6. Block Grant monies should be obtained in order to provide social services for the elderly and handicapped within the Eastlake community.

Policies:

1. The Eastlake Community Council, the PTA, the City, and the School Board, working together with school staff, should establish new means of community involvement in the education process.
2. The Eastlake Community Council, in cooperation with the City's Crime Prevention staff, should establish and maintain a neighborhood Block Watch program in addition to similar efforts to organize neighbors for crime prevention.

3. The Eastlake Community Council should continue to present programs about public safety, fire prevention, and social services to meet specific community needs.
4. The Eastlake Community Council should initiate contacts with various service and outside agency resources to meet community needs.
5. The Eastlake Community Council should establish an annual community cleanup program within the Eastlake neighborhood.
6. The Eastlake Community Council should continue to hold an annual community street fair.
7. The Eastlake Community Council and the City of Seattle should oppose any expansion or revision of Highway 520 and the "Roanoke Weave" that goes beyond normal maintenance and that encroaches in any way upon the Eastlake community or its environs. Specifically, the Eastlake Community Council will oppose any proposals that would call for the extension of exit ramps onto Eastlake Avenue or into any part of Eastlake and its environs such as Portage Bay or the Roanoke Neighborhoods.
8. The City of Seattle should make available Block Grant monies for social services in Eastlake, serving the needs of low and fixed income residents.

Attachment C



ENVIRONMENTAL (SEPA) CHECKLIST

(Revised 2/2/2008)

Purpose of Checklist

The State Environmental Policy Act (SEPA), Chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from your proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Nonproject Proposals

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply". IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D). For nonproject actions, the references in the checklist to the words "project", "applicant", and "property or site" should be read as "proposal", "proposer", and "affected geographic area", respectively.

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

A. BACKGROUND

1. Name of proposed project, if applicable:
Eastlake Residential Community
2820 Eastlake Ave E

2. Name of applicant:
Johnson Carr, LLC

3. Address and phone number of applicant and contact person:
9827 51st Ave. S.W.
Seattle, WA 98136
Mobile 206.715.0798

4. Date checklist prepared:
06.10.2013

5. Agency requesting checklist:
city of seattle

6. Proposed timing or schedule (including phasing, if applicable):
Construction to start winter/spring 2014.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Geotechnical analysis
Historical Structure report
Scenic Route preservation analysis

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.
No.

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

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

Master Use permit

Building permit

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.)

Establish use and construction for 115 congregate units

Occupy as boarding house

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.

2820 Eastlake Avenue East

See A1.00 for additional information

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

Flat, rolling, hilly, steep slopes, mountainous,

other: consistent slope to the west, steep slope at the west edge

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

50% +/-

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.

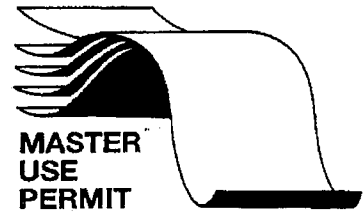
glacially consolidated soil

Attachment D

Seattle Department of Planning and Development

D. M. Sugimura, Director

July 11, 2013



Notice of Application

Seattle's Department Planning and Development is currently reviewing the Master Use Permit applications described below.

Area: Downtown/Central **Address:** 2820 EASTLAKE AVE E

Project: 3014488 **Zone:** SCENIC VIEW WITHIN 100 FT.,
LOWRISE-3 RESIDENTIAL/COMMERCL, LANDMARK,
STEEP SLOPE (>=40%), URBAN VILLAGE OVERLAY,
KNOWN SLIDE AREA

Notice Date: 07/11/2013

Contact: JAY JANETTE - (206) 919-2624

Planner: Bruce Rips - (206) 615-1392

Date of Application: 06/21/2013

Land Use Application to allow a congregate residence with 115 bedrooms in an environmentally critical area. No parking proposed. Existing structures (single family dwelling and a multi-family structure) to be demolished.

Comments may be submitted through: 07/24/2013

The following approvals are required:

Design Review

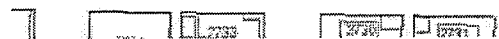
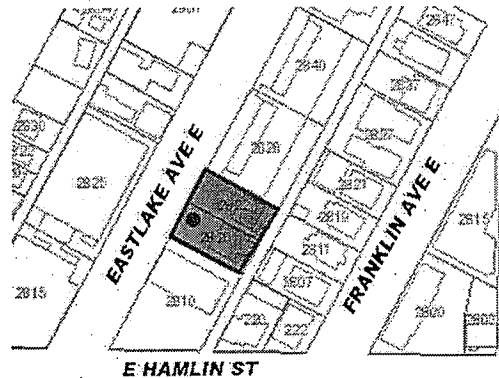
SEPA Environmental Determination (This project is subject to the Optional DNS Process (WAC 197-11-355) and Early DNS Process (SMC 25.05.355). This comment period may be the only opportunity to comment on the environmental impacts of this proposal.)

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

Building Permit
Demolition Permit

Your written comments are encouraged and may be submitted to:

Department of Planning and Development
ATTN: Public Resource Center or Assigned Planner
700 5th Av Ste 2000
PO Box 34019
Seattle WA 98124-4019
FAX 206-233-7901
PRC@seattle.gov



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 DPR's files will control.

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. The comment period may be extended an additional 14-days. A written request to extend the comment period must be 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 review yet to be conducted. The project file, environmental documentation and other additional information related to the project can be found at the Public Resource Center, 700 Fifth Avenue, Suite 2000 (206) 684-8467. 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 via e-mail. **The e-mail address is PRC@seattle.gov.** For future updates include your US postal address.

To the extent known by the Department, in addition to the project permits included in each of the land use applications described below, other government approvals or permits that may be necessary, that are not included in the applications, 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.

The City Council amended the City's SEPA (State Environmental Policy Act) Ordinance effective on November 1, 1998. The amendments included the Early Review Determination of Non-significance (DNS) Process, which DPD is now using for all applications for projects requiring a threshold determination when DPD 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. Projects subject to the Early Review DNS process may include mitigation measures under applicable codes and ordinances, and after comment and review occurs they may incorporate or require additional mitigation measures regardless of whether or not an Environment Impact Statement is required.

A copy of the application and the environmental checklist prepared by the applicant will be sent to agencies with jurisdiction, the Department of Ecology, affected tribes and local agencies whose public services would be changed as a result of the proposal. After the close of the comment period, DPD 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.

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. An interpretation may be requested by any party during the comment period as determined above. The request must be in writing, and accompanied by a \$1,500.00 fee payable to the City of Seattle. (This fee covers the first six hours of review. Additional hours will be billed at \$250.00.) 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 asked by phone by calling (206) 684-8467. Requests for interpretation may be submitted to the Department of Planning and Development, Code Interpretation and Implementation Group, 700 5th Av, Ste 2000, PO Box 34019, Seattle, WA 98124-4019.

Note: The vicinity map feature added to the public notice of application is provided as an illustrative reference. It is not intended to replace the legal description and site plan included in the project file. In the event of omissions, errors or differences, the documents in DPD's files will control.

.3014488 POR CREATED 4-5-13BK
PLANNER BPR *Notice of
Application & Checklist ** & Others
Notice of Application sent 7/11/13 rgc

**JAY JANETTE
JANETTE ARCHITECTURE
5215 BALLARD AVE NW #4
SEATTLE WA 98107

**JOHNSON CARR, LLC
9827 51ST AVE SW
SEATTLE, WA 98139

**TYLER CARR
MICRO HOUSING LLC
1817 12TH AVE
SEATTLE, WA 98122

RIC COCHRANE
PRESERVATION GREEN LAB
1429 12TH AVE STE D
SEATTLE WA 98122

NATALIE GUALY
1126 16TH AVE E
SEATTLE WA 98112

CHP WALL
615 E PIKE ST
SEATTLE WA 98122

TOM & JENN PARR
2819 FRANKLIN AVE E
SEATTLE WA 98102

DAWN BUSHNAQ
5007 S GENESSE ST
SEATTLE WA 98118

CARL WINTER
611 MALDEN AVE E APT D
SEATTLE WA 98112

JEFFREY COOK
303 13TH AVE E #103
SEATTLE WA 98102

WOLF SAAR
1517 17TH AVE E
SEATTLE WA 98112

ROGER SAURUSAITIS
2727 FRANKLIN AVE E #202
SEATTLE WA 98102

MIKE YUKEVICH
2811 FAIRVIEW AVE E #1002
SEATTLE WA 98102

JULES JAMES
2616 FRANKLIN AVE E
SEATTLE WA 98102

JESSIE CLAWSON
701 5TH AVE #7220
SEATTLE WA 98104

ENVIRONMENTAL REVIEW
SECTION*
DEPARTMENT OF ECOLOGY
PO BOX 47703
OLYMPIA WA 98504 7703
(continued on page 2)

GARY KRIEDT*
KC METRO TRANSIT
ENVIRON PLNG
201 S JACKSON ST MS KSC
TR 0431

PUGET SOUND CLEAN AIR
AGENCY*
1904 3RD AVE STE 105
SEATTLE WA 98101 3317

KELLY COOPER*
DEPT OF HEALTH -
ENVIRONMENTAL HEALTH DIVISION
PO BOX 47820
OLYMPIA WA 98504 7822

MR. RAMIN PAZOOKI*
WSDOT - NORTHWEST
REGION
15700 DAYTON AVE N
SEATTLE WA 98133

*MUCKLESHOOT TRIBE FISHERIES
DEPT
39015 172ND AV SE
AUBURN WA 98092

*SUQUAMISH TRIBE
PO BOX 498
SUQUAMISH WA 98392

PUBLIC REVIEW
DOCUMENTS*
QUICK INFORMATION
CENTER
SEATTLE PUBLIC LIBRARY

*UNITED INDIANS OF ALL
TRIBES
PO BOX 99100
SEATTLE WA 98199

Email -
lakeunionmail@juno.com

Attachment E

Seattle Department of Planning and Development

D. M. Sugimura, Director

December 26, 2013



Revised Notice of Application

Project(s) and/or notices under this heading have been revised from that previously published in this bulletin. Seattle's Department of Planning and Development is currently reviewing these applications. Your written comments are encouraged and may be submitted to:

Department of Planning and Development
700 5th Av Ste 2000
PO Box 34019
Seattle, Washington 98124-4019

For projects other than those requiring shoreline approvals, the comment period may be extended an additional fourteen (14) days. A written request to extend the comment period must be received by this Department within the initial 14-day comment period as published in this bulletin. For additional information, contact the Public Resource Center, Seattle Municipal Tower, 700 Fifth Avenue, Suite 2000, (206) 684-8467. 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. Printed material in enlarged print is available upon request. A copy fee will be charged.

Please note that "SEPA" refers to the State Environmental Policy Act. Numbers used in project descriptions are approximations. The final approved plans will control.

Note: The vicinity map feature added to the public notice of application is provided as an illustrative reference. It is not intended to replace the legal description and site plan included in the project file. In the event of omissions, errors or differences, the documents in DPD's files will control.

Revised Application

Area: Downtown/Central **Address:** 2820 EASTLAKE AVE E
Project: 3014488 **Zone:** SCENIC VIEW WITHIN 100 FT.,
LOWRISE-3 RESIDENTIAL/COMMERCL, LANDMARK,
STEEP SLOPE ($\geq 40\%$), URBAN VILLAGE OVERLAY,
KNOWN SLIDE AREA

Notice Date: 12/26/2013

Contact: JAY JANETTE - (206) 919-2624
Planner: Bruce Rips - (206) 615-1392

Date of Application: 06/21/2013

Date Application Deemed Complete: 06/21/2013

Land Use Application to allow a congregate residence with 113 bedrooms and two separate dwelling units in an environmentally critical area. No parking proposed. Existing structures (single family dwelling and a multi-family structure) to be demolished. (Design Review no longer required.)

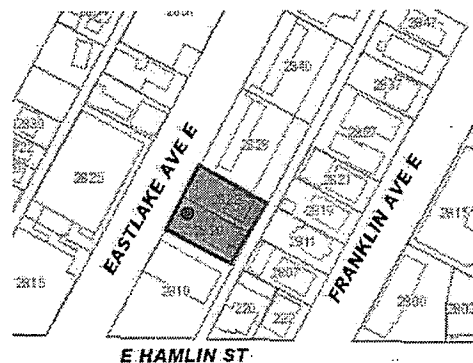
Comments may be submitted through: 01/08/2014

The following approvals are required:

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
Demolition Permit



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 DPD's files will control.