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BEFORE THE HEARING EXAMINER CITY OF SEATTLE

In the Matter of the Appeal of:

LAUREN CARTER,

from a decision issued by the Director, Department of Construction and Inspections. Hearing Examiner File: MUP-18-012

Department Reference: 3028174

APPLICANT'S MOTION TO DISMISS LAND USE APPEAL

COMES NOW the applicant, Dave Biddle of Blueprint Capital Services ("Blueprint Capital"), by and through its undersigned attorneys, Brandon S. Gribben and Samuel M. Jacobs of Helsell Fetterman LLP, and moves the Hearing Examiner to dismiss this land use appeal with prejudice.

I. INTRODUCTION AND RELIEF REQUESTED

This matter concerns an appeal of Seattle Department of Construction and Inspections ("SDCI") Director's Decision SEPA Determination of Non-Significance (the "Decision")¹ under project #3028174 (the "Permit" or "Project") for the property located at 4300 SW Willow Street (the "Property"). The Permit seeks to allow development of a three-story, 7-unit rowhouse building, with parking for one vehicle. Lauren Carter filed an

APPLICANT'S MOTION TO DISMISS LAND USE APPEAL - 1 <u>HELSELL</u> FETTERMAN

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¹ The Decision is attached as Exhibit A.

appeal of the Decision on April 29, 2018 (the "Appeal").² The issues raised by Mrs. Carter in the Appeal are without merit on their face and woefully insufficient to refute the Decision. In addition to these substantive deficiencies, Mrs. Carter has requested relief that the Hearing Examiner does not have jurisdiction to award under SMC 23.76.022.C.6, which also mandates dismissal of the Appeal with prejudice.

II. STATEMENT OF FACTS

The Property is zoned Multifamily Lowrise 2 (LR2). It is located in West Seattle at the intersection of California Avenue SW and SW Willow Street. The Property is located in the Morgan Junction Residential Urban Village, within 1,320 feet of frequent transit, and only one block from the denser C1-30 commercial zone.

On June 13, 2017, Blueprint submitted the Permit to develop a three-story, 7-unit rowhouse building. SDCI then posted the Notice of Application. The Permit then went through a period of public comments that ended on October 9, 2017.

On November 7, 2017, SDCI issued zoning correction notice #1 that requested, in part, additional information concerning access to the parking stalls.³ Blueprint responded to correction notice #1 by notifying SDCI that the tandem parking had been removed in favor of two surface stalls.⁴ On February 21, 2018, SDCI issued zoning correction notice #2.⁵ Blueprint responded to correction notice #2 by notifying SDCI that it was removing one parking space to allow solid waste to be transported to the alley.⁶ Each of these correction notices were publicly available on SDCI's website.

After the public comment period and review by SDCI and other City departments, the SDCI Director issued the Decision on April 16, 2018. On April 29, 2018, Mrs. Carter

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² The Appeal is attached as Exhibit B.

³ A copy of zoning correction notice #1 is attached as Exhibit C.

⁴ A copy of Blueprint's response to zoning correction notice #1 is attached as Exhibit D.

⁵ A copy of zoning correction notice #2 is attached as Exhibit E.

⁶ A copy of Blueprint's response to zoning correction notice #2 is attached as Exhibit F.

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filed the Appeal. Mrs. Carter raises two issues in the Appeal: (a) that the Project will only provide a single parking space, and (b) that there was no official communication of the reduction in parking spaces from 5 to 1. The Appeal requests as its sole relief: "...that the planned parking spaces be restored to 5."

The land use hearing before the Hearing Examiner is currently scheduled for June 6, 2018. However, the Appeal is ripe for dismissal because the issues raised on appeal are outside the jurisdiction of the Hearing Examiner, the Appellant's objections to the Decision are without merit on their face, and the Hearing Examiner does not have the authority to grant the relief requested.

III. STATEMENT OF ISSUES

- 1. Should the Appeal be dismissed where it is meritless on its face? Yes.
- 2. Should the Appeal be dismissed where the Appellant has requested relief that the Hearing Examiner does not have jurisdiction to grant? Yes.

IV. EVIDENCE RELIED UPON

This motion is based upon the Decision, the Appeal, the file in this matter, the documents publicly available on SDCI's website and the exhibits attached hereto.

V. AUTHORITY

Under Hearing Examiner Rules of Practice and Procedure ("HER") 3.02(a), the Hearing Examiner has authority to dismiss the Appeal "if the Hearing Examiner determinates that it...is without merit on its face. HER 3.02(a) also provides that "[a]n appeal may be dismissed without a hearing if the Hearing Examiner determines that it fails to state a claim for which the Hearing Examiner has jurisdiction to grant relief..." The objections raised by Mrs. Carter, which will be discussed in turn below, are without merit on their face and should be dismissed. In addition, the Hearing Examiner does not have

A. The Project is not required to provide any parking because it is zoned LR2, is located in the Morgan Junction Residential Urban Village, and is within 1,320 feet of frequent transit.

Mrs. Carter objects to the Decision on the basis that the Project will only provide one parking space for 7 units. This is not a valid objection. The Property is zoned LR2 and is located in the Morgan Junction Residential Urban Village. Below is the City's GIS map detailing the location of the property in an LR2 zone and Urban Village.



Seattle Municipal Code ("SMC") 25.05.675.M.2.b.2.c provides that:

No SEPA authority is provided for the decision maker to mitigate the impact of development on parking availability for residential uses located within: (c) portions of urban villages within 1,320 feet of a street with frequent transit

APPLICANT'S MOTION TO DISMISS LAND USE APPEAL - 4

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lot line of the lot;

service, measured as the walking distance from the nearest transit stop to the

It is undisputed that the Property is located in an Urban Village. It is equally undisputed that the Property is located within 1,320 feet of frequent transit.⁷ Thus, SDCI does not have any authority to require the Project to provide *any* parking for the development. And Appellant's objection is without merit.

B. SDCI is not required to provide any "official" notice when there is a minor change to a project.

Mrs. Carter's second and final objection to the Decision is that there was no official communication of the reduction in parking spaces from five to one. There is no requirement that SDCI provide any notice when there is a reduction of parking spaces and Mrs. Carter does not identify any such requirement. Regardless, SDCI's zoning correction notices and Blueprint's correction responses, all of which were publicly available, provide notice that the parking spaces were being reduced from five spaces to one. Mrs. Carter was clearly aware of the parking space reduction because that is the sole basis for her Appeal.

Not only is there no requirement that an "official" notice be provided when there is a reduction in parking, but even if there was, objections to notice requirements are outside the Hearing Examiner's authority to review. SMC 23.76.022.C.6 – Scope of review – sets forth the Hearing Examiner's authority to review the appeal of a Type II MUP. SMC 23.76.022.C.6 states that:

Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal that relate to compliance with the procedures for Type II decisions as required in this Chapter 23.76, compliance with substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which the decision was made, or failure to properly approve, condition, or deny a permit based on disclosed adverse environmental impacts,

⁷ A copy of the frequent transit study, which demonstrates that the Property is located within 1,320 feet of frequent transit, is attached as Exhibit G.

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and any requests for an interpretation included in the appeal or consolidated appeal pursuant to Section 23.88.020.C.3. (emphasis added)

This is the Hearing Examiner's sole authority to review the Decision under the Land Use Code. Conspicuously absent from the scope of review is any mention of providing notice of any change to a project. Mrs. Carter has failed to raise any valid objections to the Appeal and it should be dismissed.

C. The Hearing Examiner does not have authority to require the Project to increase the amount of parking spaces that it contains.

It is axiomatic that the Hearing Examiner does not have any more authority to condition a project than SDCI. In its determination of non-significance, SDCI did not have authority, much less jurisdiction, to require the Project to provide additional parking. In fact, SDCI did not have authority to require the Project to provide any parking. Hence, the Hearing Examiner does not have the authority to award the relief requested – provide 5 parking space instead of 1 – because the SMC does not require that the project provide any parking at all.

VI. CONCLUSION

HER 3.02(a) allows the Hearing Examiner to dismiss an appeal prior to the hearing if the appeal fails to state a claim for which the Hearing Examiner has jurisdiction to grant relief, is without merit on its face, is frivolous or is brought merely to secure delay. The Appeal fails to raise a valid objection to the Decision, is without merit on its face, and requests relief that the Hearing Examiner lacks jurisdiction to award. Accordingly, it is respectfully requested that the Hearing Examiner dismiss the entire Appeal with prejudice.

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Respectfully submitted	this 11 ^t	th day of May,	2018.
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HELSELL FETTERMAN LLP

By: s/Brandon S. Gribben

Samuel M. Jacobs, WSBA No. 8031

Attorneys for Applicant Blueprint Capital

Brandon S. Gribben, WSBA No. 47638

APPLICANT'S MOTION TO DISMISS LAND USE APPEAL - 7

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CERTIFICATE OF SERVICE

2	The undersigned hereby certifies	that on May11, 2018, the foregoing document was
3	sent for delivery on the following party in	n the manner indicated:
4 5 6	Appellant Contact: Lauren Carter 4329 SW Willow Street Seattle, WA 98136	 □ Via first class U. S. Mail □ Via Legal Messenger □ Via Facsimile ☑ Via Email to lcarter@uw.edu
7 8 9 10	Hearing Examiner Office of Hearing Examiner 700 Fifth Avenue, Suite 4000 Seattle, WA 98104	☐ Via first class U. S. Mail ☐ Via Legal Messenger ☐ Via Facsimile ☐ Via Email to Alayna.johnson@seattle.gov
11 12 13 14	Department Contact: Abby Weber SDCI PO Box 34019 Seattle, WA 98124	☐ Via first class U. S. Mail ☐ Via Legal Messenger ☐ Via Facsimile ☐ Via Email to abby.weber@seattle.gov
15		s/Kyna Gonzalez
16 17		Kyna Gonzalez, Legal Assistant
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APPLICANT'S MOTION TO DISMISS LAND USE APPEAL - 8

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EXHIBIT A



CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number:

3028174

Applicant Name:

Dave Biddle

Address of Proposal:

4300 SW Willow Street

SUMMARY OF PROPOSAL

Land Use Application to allow a three-story, 7-unit rowhouse building. Parking for one vehicle will be provided. Existing structures to be demolished.

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION

Determination of Non-Significance (DNS)

No mitigating conditions of approval are imposed.

Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND

The proposed development was noticed on October 2, 2017. At that time, the project description indicated parking would be provided for 5 vehicles. The project description has since been revised to provide parking for one vehicle.

SITE AND VICINITY

Site Zone: Lowrise 2 (LR2)

Vicinity Zoning: North: LR2

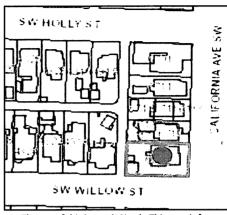
East: Lowrise 3 (LR3)

South: LR2

West: Single Family 5000 (SF 5000)

Environmental Critical Areas (ECAs): There are no known ECAs onsite.

Site Description: The site is located at the northwest corner of the intersection California Ave SW and SW Willow St within the Morgan Junction Residential Urban Village; an alley is located along west property line. The rectangular site is approximately 6,001 SF, and slopes about 6-feet from the northeast to the southwest corner.



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 SDCI's files will control

PUBLIC COMMENT

The public comment period ended on 10/16/2017. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to parking, light and glare, height bulk and scale, and density. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 9/8/2017 (revised 2/8/18). The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

SHORT TERM IMPACTS

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas emissions, construction traffic and parking impacts, and environmental health, as well as mitigation.

Greenhouse Gas Emissions

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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

However, the amount of excavation and size of construction will result in a small and temporary increase in truck trips and demand for on-street parking. Any closures of the public right of way will require review and permitting by Seattle Department of Transportation. Additional mitigation is not warranted per SMC 25.05.675.B.

Environmental Health

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of

fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, historic preservation, height bulk and scale, and parking warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project's energy consumption, are expected to 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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Preservation

The existing structures on site are more than 50 years old. These structures were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 102-year-old structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 139/18). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

Section 25.05.675.G describes SEPA policies for height, bulk, and scale. The proposal was not subject to design review. The site is located within a LR2 on the eastern edge of a SF 5000 zone; an existing north-south alley adjacent to the site provides a buffer between the two zones. Existing development in the SF 5000 zone consists of 1 and 2-story single family structures, however, the maximum height allowed is 30-feet. The maximum height allowed in LR2 zones is also 30-feet. Some exceptions to this maximum height are permitted, including stair penthouses; the applicant has shifted the stair penthouse of the western-most townhouse unit away from the west property line to reduce height, bulk and scale impacts on adjacent sites.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 7 residential units with 1 off-street vehicular parking space. The Institute of Transportation Engineers (ITE) Parking Generation manual (4th Edition) indicates a peak parking demand of approximately 7-14 vehicles for the proposed development. This estimate is based on Residential Condominium/Townhouse uses in a suburban location and therefore may provide an inflated estimate of parking demand. The King County Right Size Parking Calculator indicates a peak parking demand approximately 7 vehicles. The Calculator provides a more realistic parking estimate for multi-family developments within urban areas as it is based on local data of actual parking use.

The proposed development peak demand of 7 parking spaces would not be accommodated by the singular proposed parking off-street space, resulting in a spillover demand of 6 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking availability.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in Urban Villages within 1,320 feet of frequent Transit service. This site is located within the Morgan Junction Residential Urban Village within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

<u>DECISION – SEPA</u>

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

None.

Abby Weber, Land Use Planner Date: April 16, 2018
Seattle Department of Construction and Inspections

AW:bg

Weber/3028174

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at <u>prc@seattle.gov</u> or to our message line at 206-684-8467.

EXHIBIT B

Reference #:

3028174

Create Date: Submit Date: Apr 26, 2018 4:15 PM Apr 29, 2018 4:52 PM

Status:

Pending Acceptance Land Use Appeal

Type: **Contact Method:**

Email Attachment

Appeal Details

Address: **Decision**

4300 SW Willow St

Elements:

Interest:

SEPA:

This appeal is pertaining to the reduction of planned parking spaces from 5 to 1, with no communication of that decision to affected individuals. I am a resident of Willow St, since 2003. Both my husband and I cannot commute by mass transit to our workplaces, so we both have cars and must park one on the street. The same is true for many residents in the surrounding area. In recent years, four separate multi-unit buildings have been constructed, only two of which have dedicated parking. While there are bus stops within walking distance, the reduction in frequency of the 22 route along with Metro's recent admission of lack of capacity do not make mass transit a

reliable option for most residents. https://www.seattletimes.com/seattle-news/transportation/metrocant-add-all-the-bus-service-seattle-wants-to-buy-to-improve-service/

There was no official communication of the reduction in parking from 5 to 1. Extremely limited time frame for appeal. Several key City officials have been out of town/unavailable for discussion during the limited time available for appeal. Current rough approximation of available parking: Willow St

Objections: (California to Fauntleroy) 24 homes 51 street parking spaces California (Holly to Willow) 14 homes 8 now, with one to be replaced by 7 townhomes, for a total of 14 10 street parking spaces

California (Willow to Mills) 43 homes 8 street parking spaces Total for three blocks: 81 homes 69

street parking spaces

Desired Relief:

I would request that the planned parking spaces be restored to 5.

Contacts

1.

Appellant Name: Lauren Carter lcarter@uw.edu Email: Phone: (206) 595-4527

Address: 4329 SW Willow St , Seattle, WA, 98136

Uploaded Material

No documents available.

EXHIBIT C

DAVE B BIDDLE Po Box 16438 Seattle, WA 98116

Re: Project# 3028174

Correction Notice #1

Review Type ZONING **Date** November 07, 2017

Project Address 4300 SW Willow St Contact Phone (206) 829-3128

Contact Email dave@blueprintcap.com Contact Fax (206) 285-0856

SDCI Reviewer Travis Saunders Address Seattle Department of

Reviewer Phone (206) 386-1357 Construction and Inspections

Reviewer Fax 700 5th Ave Suite 2000

PO Box 34019

Reviewer Email Travis.Saunders@Seattle.gov Seattle, WA 98124-4019

Owner ELLIOT EASTON

I have completed the initial round zoning review for the subject project, and have identified the following items to be resolved prior to approval. Additional notices may follow depending on response to this correction notice.

Applicant Instructions

Please see the attached flyer to learn "<u>How to Respond to a SDCI Correction Notice</u>". If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

1 Front Setback –A retaining wall is proposed parallel to the front property line, ranging from the existing sidewalk grade, up to 4 feet above sidewalk grade. Per 23.45.518.H.5, unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line. Please demonstrate the proposed porches/steps do not exceed 4 feet in height measured from existing grade where within 4 feet of the street lot line.

- 2 FAR -Thanks for providing FAR diagrams. Please fully dimension the diagrams so they can be verified.
- **3 FAR** –Thanks for providing a green building commitment. Please provide it in the plans, using the agreement in Director's Rule 12-2016.
- **4** Amenity Area —Thanks for providing an amenity area plan. Please fully the dimension the plan so it can be verified.
- **Green Factor** –The green factor score sheet indicates 6 inches existing trees will be preserved. Please demonstrate the preserved trees qualify as a "large tree" or remove credit from the worksheet and adjust the calculation accordingly.
- **Green Factor** –The score sheet indicates Planting Area 1 will have 3 trees, but it appears only 2 trees are provided. Please clarify or revise the plan so there is consistency between the plans and the score sheet.
- **7 Light and Glare** Please demonstrate how the light and glare standards in 23.45.534 will be met, particularly for keeping vehicle lights from affecting the property to the north.
- **8 Parking Screening** –A portion of parking stalls 1 and 5 appear to be visible from SW Willow St. Please screen per 23.45.536.D.
- **9 Frequent Transit Service** –Sheet A1.1 indicates that a parking reduction is requested due to frequent transit service, but no analysis was provided. Please provide an analysis in the plans that demonstrates the site qualifies for a parking reduction.
- **Parking** Patios that are open on one side and inset to the building are proposed that could be mistaken for covered parking areas due to their size and connectivity to the alley. In order to ensure these patios are not utilized for parking, please place a physical barrier such as a curb or bollard between each patio and the vehicular use area. For clarity, please also label each patio on the site plan with, "No parking permitted".
- **Parking** –In the plans, please provide a vehicle maneuvering analysis for a standard vehicle in order to demonstrate vehicles can enter and exit their stalls. Please keep in mind 23.54.030.C, which requires adequate ingress and egress to stalls without having to move another vehicle, and prohibits backing of a vehicle more than 50′ for lots with 3 or more stalls.
- **Parking Aisle** Parking stall 1 does not appear to have a 22' wide parking aisle per 23.54.030.E. Please clarify and revise as necessary.
- **Bicycle Parking** –Please provide bicycle parking per 23.54015.K. Please also provide manufacturer's specifications in the plans per 23.54.015.K.2.
- **14 Solid Waste Storage** –Please provide solid waste storage per 23.54.040.
- **Solid Waste Storage** Please show the designated pick-up site on the plans, demonstrating that it does not conflict with proposed landscaping, per 23.54.040.G.3.



How to Respond to a Seattle DCI Correction Notice

Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link: http://web6.seattle.gov/dpd/permitstatus
- All reviews must be completed before the applicant can respond, upload, or submit any correction responses.
- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
- **Paper Plans:** We will notify the primary contact for the project by email or phone when all reviews in the review cycle are complete and plans are ready to be picked up. Once you have been notified, pick up the plans at Plans Routing in the Applicant Service Center.

Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

- Describe the change
- Say where the change can be found in the plan set
- If you have not made a requested change, give a code citation or provide calculations to explain why
 not
- Coordinate responses to correction items among all designers, architects, engineers, and owners
- If you make voluntary changes to your plans, describe the changes you have made in your response letter

Correct your Plans:

- Cloud or circle all changes
- You may add new sheets to the plan set if you have new information to show

For Electronic Plans:

Always upload a complete plan set

For Paper Plans:

If you replace sheets in the paper plan sets:

- Remove the old sheets, mark them as "VOID," and include them loose at the back of each plan set
- All original sheets and plan pages must be returned to Plans Routing in the Applicant Service Center
- Insert the new sheets and staple the plan sets

If you make changes to the original paper plan sheets:

- Make all changes with ink (preferably red, waterproof ink). Do not use pencil to make changes
- Do not tape or staple anything to the plan sets

Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

Upload your corrected plan set and correction response letter through your Seattle DCI Project Portal.

Paper Plans:

Return your corrected plans and your correction response letter to Plans Routing in the Applicant Services Center.

If you don't follow these instructions:

- Plans Routing may not accept your corrected plans
- We may be delayed in starting corrected plan review, which can delay permit issuance
- We may charge a penalty fee

Plans Routing / Applicant Services Center - 700 5th Avenue, 20th Floor Hours: Monday, Wednesday, Friday: 8:00 a.m. - 4:00 p.m., Tuesday, Thursday: 10:30 a.m. - 4:00 p.m.

EXHIBIT D

DAVE B BIDDLE Po Box 16438 Seattle, WA 98116

Re: Project# 3028174

Correction Response #1

Review Type ZONING **Date** November 07, 2017

Project Address 4300 SW Willow St Contact Phone (206) 829-3128

Contact Email dave@blueprintcap.com Contact Fax (206) 285-0856

SDCI Reviewer Travis Saunders Address Seattle Department of Construction and

Reviewer Phone (206) 386-1357 Constitution and Inspections

Reviewer Fax

Reviewer Email Travis.Saunders@Seattle.gov PO Box 34019 Seattle, WA 98124-4019

Owner ELLIOT EASTON

I have completed the initial round zoning review for the subject project, and have identified the following items to be resolved prior to approval. Additional notices may follow depending on response to this correction notice.

Applicant Instructions

Please see the attached flyer to learn "<u>How to Respond to a SDCI Correction Notice</u>". If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

GENERAL RESPONSE: The building has been redesigned from initial submittal.

1 Front Setback –A retaining wall is proposed parallel to the front property line, ranging from the existing sidewalk grade, up to 4 feet above sidewalk grade. Per 23.45.518.H.5, unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line. Please demonstrate the proposed porches/steps do not exceed 4 feet in height measured from existing grade where within 4 feet of the street lot line.

700 5th Ave Suite 2000

Response: Please revise A1.1, A2.1 & A3.3 showing the highest corner area of the site (west) where a retaining wall is proposed at property line no higher than 4' and the stairs going up are no higher than 4 ft within the 1st 4ft of property line.

2 FAR –Thanks for providing FAR diagrams. Please fully dimension the diagrams so they can be verified.

Response: Please find the FAR diagrams dimensioned.

3 FAR –Thanks for providing a green building commitment. Please provide it in the plans, using the agreement in Director's Rule 12-2016.

Response: Please find the Built Green commitment letter added to sheet A1.4.

4 Amenity Area –Thanks for providing an amenity area plan. Please fully the dimension the plan so it can be verified.

Response: Please find Amenity area dimensioned on A1.2

Green Factor –The green factor score sheet indicates 6 inches existing trees will be **preserved**. Please demonstrate the preserved trees qualify as a "large tree" or remove credit from the worksheet and adjust the calculation accordingly.

Response: Please find GF sheets revised.

Green Factor –The score sheet indicates Planting Area 1 will have 3 trees, but it appears only 2 trees are provided. Please clarify or revise the plan so there is consistency between the plans and the score sheet.

Response: Please find GF sheets revised.

7 Light and Glare –Please demonstrate how the light and glare standards in 23.45.534 will be met, particularly for keeping vehicle lights from affecting the property to the north.

Response: Please find note on A1.1 proposing a screen fence on top of the retaining wall to shield the vehicles from California Ave SW.

8 Parking Screening –A portion of parking stalls 1 and 5 appear to be visible from SW Willow St. Please screen per 23.45.536.D.

Response: See #7

9 Frequent Transit Service – Sheet A1.1 indicates that a parking reduction is requested due to frequent transit service, but no analysis was provided. Please provide an analysis in the plans that demonstrates the site qualifies for a parking reduction.

Response: See A1.4 Frequent Transit Demonstration added.

Parking – Patios that are open on one side and inset to the building are proposed that could be mistaken for covered parking areas due to their size and connectivity to the alley. In order to ensure these patios are not utilized for parking, please place a physical barrier such as a curb or bollard between each patio and the vehicular use area. For clarity, please also label each patio on the site plan with, "No parking permitted".

Response: Please see A1.1 & Floor Plan A2.1 and find note to patios mentioning "No vehicular access" allowed.

Parking –In the plans, please provide a vehicle maneuvering analysis for a standard vehicle in order to demonstrate vehicles can enter and exit their stalls. Please keep in mind 23.54.030.C, which requires adequate ingress and egress to stalls without having to move another vehicle, and prohibits backing of a vehicle more than 50' for lots with 3 or more stalls.

Response: Please see A1.1 where tandem parking has been removed in favor of 2 surface stalls with 22 ft backing.

Parking Aisle – Parking stall 1 does not appear to have a 22' wide parking aisle per **23.54.030.E.** Please clarify and revise as necessary.

Response: See #11

Bicycle Parking – Please provide bicycle parking per 23.54015.K. Please also provide manufacturer's specifications in the plans per 23.54.015.K.2.

Response: See 2 bicycle parking added with SDOT manufacturing specifications.

Solid Waste Storage – Please provide solid waste storage per 23.54.040.

Response: See 2x6 Garbage & Recycle containers inside each patio with note on Site Plan for Alley pick-up.

Solid Waste Storage – Please show the designated pick-up site on the plans, demonstrating that it does not conflict with proposed landscaping, per 23.54.040.G.3.

Response: See #14. Alley pick-up is proposed not over landscaped areas.

Thank you!

EXHIBIT E

DAVE B BIDDLE Po Box 16438 Seattle, WA 98116

Re: Project# 3028174

Correction Notice #2

Review Type ZONING **Date** February 21, 2018

Project Address 4300 SW Willow St **Contact Phone** (206) 829-3128

Contact Email dave@blueprintcap.com Contact Fax

SDCI Reviewer Travis Saunders Address Seattle Department of

Reviewer Phone (206) 386-1357 Construction and

Reviewer Fax

Inspections
700 5th Ave Suite 2000

PO Box 34019

Reviewer Email Travis.Saunders@Seattle.gov Seattle, WA 98124-4019

Owner ELLIOT EASTON

I have completed the 2nd round zoning review for the subject project, and have identified the following items to be resolved prior to approval. Additional notices may follow depending on response to this correction notice.

Applicant Instructions

Please see the attached flyer to learn "How to Respond to a SDCI Correction Notice". If the 3-step process outlined in this document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

Codes Reviewed

This project has been reviewed for conformance with the applicable development standards of the Land Use Code.

Corrections

1 Unresolved Correction 2: FAR —Thanks for providing FAR diagrams. Please fully dimension the diagrams so they can be verified.

Review Note: Please fully dimension all units. Additionally, please include the "outdoor closets" in the FAR calculation.

- 2 Unresolved Correction 7: Light and Glare –Please demonstrate how the light and glare standards in 23.45.534 will be met, particularly for keeping vehicle lights from affecting the property to the north.
 - **Review Note:** Thanks for providing screening on the east portion of the property. Please also address the north property boundary. Additionally, the note provided regarding the fence indicates a minimum fence height, but does not state the actual or maximum height. Please state the proposed height.
- **3 Unresolved Correction 10: Parking** –Patios that are open on one side and inset to the building are proposed that could be mistaken for covered parking areas due to their size and connectivity to the alley. In order to ensure these patios are not utilized for parking, please place a physical barrier such as a curb or bollard between each patio and the vehicular use area. For clarity, please also label each patio on the site plan with, "No parking permitted".
 - **Review Note:** Thanks for updating the plan; however, access to Units A and B has not been addressed. Please revise as requested.
- **4 Unresolved Correction 14: Solid Waste Storage** –Please provide solid waste storage per 23.54.040.
 - **Review Note:** Thanks for providing solid waste storage. For clarity, please label each unit's storage, as the plans only label Units A and B.
- **Design Standards** Please demonstrate how the revised plan meets the design standards in 23.45.529.C.1, as the openings on Plane C are 8 percent of the plane. Please also demonstrate how the façade articulation standards in 23.45.529.C.2 for Plane C will be met.
- **6 Height** Please demonstrate in the plans that the proposed parapets do not exceed the height allowed in 23.45.514.J.2.
- **Solid Waste Storage -** Please demonstrate how 23.54.040.G.1 will be met, as direct access from the alley for Units C-G does not appear to be provided due to the location of vehicle parking.



How to Respond to a Seattle DCI Correction Notice

Step 1: Wait for all reviews to be completed

- You may check the status of any review at the following link: http://web6.seattle.gov/dpd/permitstatus
- All reviews must be completed before the applicant can respond, upload, or submit any correction responses.
- **Electronic Plans:** We will send correction letters to the Seattle DCI Project Portal. We will notify the primary contact for the project when all reviews in the review cycle are complete.
- **Paper Plans:** We will notify the primary contact for the project by email or phone when all reviews in the review cycle are complete and plans are ready to be picked up. Once you have been notified, pick up the plans at Plans Routing in the Applicant Service Center.

Step 2: Make Corrections

Provide a written response for each item on all correction notices. We will not accept corrected plans without written responses. Include the following information for each item:

- Describe the change
- Say where the change can be found in the plan set
- If you have not made a requested change, give a code citation or provide calculations to explain why not
- Coordinate responses to correction items among all designers, architects, engineers, and owners
- If you make voluntary changes to your plans, describe the changes you have made in your response letter

Correct your Plans:

- Cloud or circle all changes
- You may add new sheets to the plan set if you have new information to show

For Electronic Plans:

Always upload a complete plan set

For Paper Plans:

If you replace sheets in the paper plan sets:

- Remove the old sheets, mark them as "VOID," and include them loose at the back of each plan set
- All original sheets and plan pages must be returned to Plans Routing in the Applicant Service Center
- Insert the new sheets and staple the plan sets

If you make changes to the original paper plan sheets:

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- Do not tape or staple anything to the plan sets

Platting Actions: Provide new copies of the survey when responding to a correction notice for a shortplat, lot boundary adjustment, or other platting action. Provide the same number of copies that were required when you submitted the project.

Step 3: Submit Corrected Plans

Electronic Plans:

Upload your corrected plan set and correction response letter through your Seattle DCI Project Portal.

Paper Plans:

Return your corrected plans and your correction response letter to Plans Routing in the Applicant Services Center.

If you don't follow these instructions:

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- We may be delayed in starting corrected plan review, which can delay permit issuance
- We may charge a penalty fee

EXHIBIT F

DAVE B BIDDLE Po Box 16438 Seattle, WA 98116

Re: Project# 3028174

Correction RESPONSE #2

Review Type ZONING **Date** February 21, 2018

Project Address 4300 SW Willow St Contact Phone (206) 829-3128

Contact Email dave@blueprintcap.com Contact Fax

SDCI Reviewer Travis Saunders Address Seattle Department of

Reviewer Phone (206) 386-1357 Construction and Inspections

Reviewer Fax 700 5th Ave Suite 2000 PO Box 34019

Reviewer Email Travis.Saunders@Seattle.gov Seattle, WA 98124-4019

Owner ELLIOT EASTON

Corrections response

1 Unresolved Correction 2: FAR –Thanks for providing FAR diagrams. Please fully dimension the diagrams so they can be verified.

Review Note: Please fully dimension all units. Additionally, please include the "outdoor closets" in the FAR calculation.

RESPONSE: Please revise sheet A1.2 and Floor Plans A2.1 and find FAR diagram dimensioned. The doors have been removed from the outdoor closets and are part of the outdoor patio that is outside of the exterior walls and as a result, don't count in FAR.

2 Unresolved Correction 7: Light and Glare –Please demonstrate how the light and glare standards in 23.45.534 will be met, particularly for keeping vehicle lights from affecting the property to the north.

Review Note: Thanks for providing screening on the east portion of the property. Please also address the north property boundary. Additionally, the note provided regarding the fence indicates a minimum fence height, but does not state the actual or maximum height. Please state the proposed height.

RESPONSE: Please revise sheet A1.1 and find note revised to mention a Max 6FT Tall screening fence on North & a portion of the East sides per 23.45.534.

3 Unresolved Correction 10: Parking —Patios that are open on one side and inset to the building are proposed that could be mistaken for covered parking areas due to their size and connectivity to the alley. In order to ensure these patios are not utilized for parking, please place a physical barrier such as a curb or bollard between each patio and the vehicular use area. For clarity, please also label each patio on the site plan with, "No parking permitted".

Review Note: Thanks for updating the plan; however, access to Units A and B has not been addressed. Please revise as requested.

RESPONSE: Please revise sheet A1.1 and find wheel stop added at the entry of each patio also each are labeled "No parking permitted"

4 Unresolved Correction 14: Solid Waste Storage –Please provide solid waste storage per 23.54.040.

Review Note: Thanks for providing solid waste storage. For clarity, please label each unit's storage, as the plans only label Units A and B.

RESPONSE: Please revise sheet A1.1 and A2.1 and find all solid waste spaces labeled inside each patio.

5 Design Standards - Please demonstrate how the revised plan meets the design standards in 23.45.529.C.1, as the openings on Plane C are 8 percent of the plane.

RESPONSE: Please see revised sheet A1.3 and find opening % revised. Willow has 39.6 transpareancy and California has 25% openings, well exceeding the code requirements.

Please also demonstrate how the façade articulation standards in 23.45.529.C.2 for Plane C will be met.

RESPONSE:

Rationale for waiver of California Ave SW facade articulation requirements per 23.45.529-C.3: C.3.a - The black cladded first floor stacking on top of the white cladded top two levels reinforces the stacking of stories meeting c.3.a. The large black belly band also helps meet this standard. C.3.b - Please see colored elevations on a0.0 and a1.3 that show a modern architectural expression with a white modern frame along sw willow st that transitions and is complemented by the bookend design of the east façade;

C.3.c- A large roof deck/balcony and recessed stair tower beyond, visually enhance the street corner meeting c.3.b.

C.3.d- To further meet the intent of 23.45.529.-E.2, the design now provides larger windows meeting the 25% listed in subsection C.3.d.

As a result of the above design elements, the design meets the intent of SMC 23.45.529-E.3 and also meets subsections C.3.a, b, c and d are met, when only one of the subsections is required for exception from the prescriptive standards.

6 Height - Please demonstrate in the plans that the proposed parapets do not exceed the height allowed in 23.45.514.J.2.

RESPONSE: Please revise all elevations and find parapet to comply with 23.45.514.J.2.

7 Solid Waste Storage - Please demonstrate how 23.54.040.G.1 will be met, as direct access from the alley for Units C-G does not appear to be provided due to the location of vehicle parking.
RESPONSE: Please revise sheet A1.1 and find one car parking removed to allow solid waste to be transported to the alley.

Thank you!

EXHIBIT G

OneBusAway

Calendar

August 2017 Sun Mon Tue Wed Thu Fri Sat

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Sun Mon Tue Wed Thu Fri Sat

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California Ave SW & Fauntleroy Way SW Stop # 19790 - N bound

Schedule for August 11, 2017. For real-time arrival info, click here.

Jump to route: 22, 128, 773, C Line

C Line - South Lake Union Downtown Seattle

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Search for another stop

= Total 15 minute consecutive service = 976 minutes or 16:16 hours
= Total 30 minute consecutive service = 1,162 minutes or 19:22 hours

15 minute service for 12 hours satisfied = 16:16 hours Total 30 minute service for 18 hours satisfied = 19:22 hours

OneBusAway

Calendar

August 2017 Sun Mon Tue Wed Thu Fri Sat 4 5

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California Ave SW & Fauntleroy Way SW

Stop # 19790 - N bound

Schedule for August 12, 2017. For real-time arrival info, click here.

Jump to route: 22, 128, C Line

C Line - South Lake Union Downtown Seattle

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= Total 30 minute consecutive service = 1,149 minutes or 19:09 hours

15 minute service for 12 hours satisfied = 17:27 hours Total 30 minute service for 18 hours satisfied = 19:09 hours

OneBusAway

Calendar

August 2017 Sun Mon Tue Wed Thu Fri Sat 4 5

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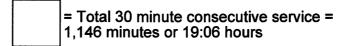
California Ave SW & Fauntleroy Way SW Stop # 19790 - N bound

Schedule for August 13, 2017. For real-time arrival info, click here.

Jump to route: 22, 128, C Line

C Line - South Lake Union Downtown Seattle

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	4:	11						
Searc	Search for another stop							



15 minute service not required on 7th day Total 30 minute service for 18 hours satisfied = 19:06 hours

