

From: [Esther Bartfeld](#)
To: [Dorcy, Michael](#); [Baker, Roberta](#); [PRC](#)
Subject: comments on MUP application for #3020114
Date: Wednesday, March 30, 2016 11:02:18 PM
Attachments: [6726 Greenwood MUP comment ltr.pdf](#)

Dear Michael, Roberta, and PRC:

Attached please find my comments on the MUP application for Project #3020114, a 6726 Greenwood Ave N. The comment period was extended through today, March 30, 2016.

Sincerely,
Esther Bartfeld

PO. Box 31932
Seattle, WA 98103
March 30, 2016

DPD, via email

Re: Comments on MUP application for #3020114, 6726 Greenwood Ave N

Dear DPD:

Please enter these comments in the record for Project #3020114, the micro-unit project proposed for 6726 Greenwood Ave N. These comments also incorporate by reference my comments submitted on January 11, 2016 after the 2nd EDG meeting for this project.

1. DPD must require comprehensive soil sampling because this site has been previously occupied by a cleaners and is potentially contaminated.

The applicants' Appendix A, which lacks a title but appears to be the Historic Building report identified in the SEPA checklist, reveals at page 6 that a space in the existing building was occupied by cleaners from 1937 through at least 1942. The presence of a cleaner in that era makes it highly likely that the site is contaminated with PERC and other dry-cleaning toxins frequently used at that time. Moreover, this same report, at page 6-7 indicates there was a dentist from at least 1937-53, which raises the possibility of mercury contamination. Other tenants included a chemical lab and electric company contractors, all of whom could have easily used, stored, and improperly disposed of hazardous materials that contaminated the site.

The entire back half of the property is and always has been a parking lot, which would have been an easy place for tenants to store and dispose of dry-cleaning chemicals, or dental mercury or other hazardous materials. Yet the applicants evidently chose to ignore this history when they stated in their SEPA checklist "none known" in response to the question about known or possible contamination at the site from present or past uses (SEPA checklist 7a, page 14). That answer is not accurate. DPD must require extensive and comprehensive soil sampling before any excavation or demolition is allowed and before granting this permit. See e.g., SEPA, SMC 25.05.675.F (Environmental Health).

In fact, Phinney Ridge commercial sites are frequently found to be contaminated with PERC from former dry cleaners. The last time a developer in Phinney Ridge tried to ignore the implications of a former dry cleaner occupant by providing a similar answer for SEPA checklist #7a, neighbors alerted DPD and Ecology to this oversight, and soil sampling was required. See the 6010 Phinney project (#3006773, in 2009). After the required soil sampling revealed extensive contamination, remediation was required, and the building site entered into the VCP

program at Department of Ecology. The applicants never did required remediation and their permit was withdrawn. In addition to the extensive contamination at 6010 Phinney, there was extensive PERC and other contamination at 7009 Greenwood, a site that historically stored dry-cleaning chemicals. This site underwent extensive, multi-year remediation after contamination was discovered.

The 6726 Greenwood site is likely contaminated as well. The applicants cannot ignore the site's history by claiming there is "none known" possible contamination at the site.

2. The 10-foot rear setback in the northern portion of the building violates the upper level setbacks required by SMC 23.47A.014. This project requires minimum of 15-foot upper level setbacks.

SMC 23.47.014.B.3 requires 15-foot upper level setbacks when a parcel zoned NC2-40 abuts a split-zoned parcel in a residential zone. In this case, the rear property line of 6726 abuts a single family residence zoned predominantly SF5000. Accordingly, a 15-foot upper level setback is required and this project must be redesigned with the appropriate setback.

Project #3020114 has an application date of September 3, 2015. The applicable zoning code at that time stated that "If more than one early design guidance public meeting is held, then a complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect at the time of the first meeting, . . ." SMC 23.76.026.C.2.

The first EDG meeting for this project was October 19, 2015. At the conclusion of that meeting, the Design Review Board required an additional meeting because the submission materials were woefully inadequate. Accordingly, the applicant was required to submit a MUP that complied with the Land Use Code in effect on that date. The applicable upper-level setback code on October 19 required 15-foot upper level setbacks: "For a [commercial] structure containing a residential use, a setback is required along any side or rear lot line that abuts a lot in a residential zone or that abuts a lot that is zoned both commercial and residential if the commercial zoned portion of the abutting lot is less than 50% of the width or depth of the lot...". The single-family homes that abut the rear property line of 6726 Greenwood have far less than 50% of their properties in the NC zone.

DPD erroneously applied retroactively the version of SMC 23.76.026.C.2 that took effect after the application date and allowed the applicant to submit a MUP that complied with the Land Use Code in effect on the application date.

In this case, however, even the version of SMC 23.47A.014 in effect on the application date required a 15-foot setback: "For a [commercial] structure

containing a residential use, a setback is required along any side or rear lot line that abuts a lot in a residential zone . . .” The 6726 Greenwood parcel abuts two lots in a residential zone. It doesn’t matter that the single family homes along the rear property line have a few feet of their parcel technically within the NC2-40 zone.

Those homes are “lots” (a defined term in SMC 23.84), and they are clearly in a “residential zone” and could only be developed pursuant to the single-family zoning code. DPD had misapplied this provision in the past to allow zero setbacks, but that doesn’t mean it could continue to misapply it after the error was brought to its attention (an error that resulted in the clarifying code change that took effect September 21, 2015).

These issues have already been raised in more detail in correspondence with DPD in October and November 2015, and at both EDG meetings, and are incorporated here by reference.

3. The ground floor setback should be increased to comply with the Design Guidelines that require sensitive transitions between NC and SF zones.

The ground floor 13-foot wall is only three feet from the rear property line at each end, with the middle portion slightly deeper at 5.5 feet from the property line. At the design review meeting, the southern portion was set back 5-feet from the line. The new four-story building going up at 6800 Greenwood Ave N, immediately across N. 68th Street from 6726 Greenwood, is setback 10-feet from the rear property line at ground level, and its upper story is 15-feet back. No other multi-unit building in Phinney has built so obnoxiously close to the single-family homes in the rear. What good is design guidance if it can be flouted as blatantly as it is in the 6726 project? *See also* SEPA 25.05.675.G (Height, Bulk, Scale).

The Design Review Board specifically noted that the transition between this building and the adjacent single family yards in the rear (east) needed more attention. The appropriate “further attention” is to require the entire building to be set farther back from the property line so the backyard single-family homeowners don’t have a 13-foot wall at arms length from their rear boundary. In addition, with a building set farther back from the property line, there will be more light and air and green space for neighbors and others walking along that street.

4. The east facing second floor windows on the units in the NE portion of the building should be required to have windows that do not provide rooftop access to the protruding 1st floor roof right outside the windows.

In Appendix B, Response 3A, the applicant claims it removed the decks from these units that it had shown during design review to respond to criticism from the Design Review Board. Those decks would have allowed the occupants to hover right at the rear property line of the adjoining single family homes, a clear violation of the design guidelines. The only way to prevent this same use of the rooftop is to

prevent access to that rooftop area by requiring windows that only open in the top portion and cannot be opened in a manner that allows the occupants to climb out onto the roof and make their own decks.

5. The applicant's statement in Appendix B, Response 3A, that only the top 1.5 stories of the south wall are visible is false.

The applicant has proposed a blank 40+ foot south wall along the entire south side of the building, and no amount of wishful thinking can disguise that. The Design Review Board specifically commented that that wall needed attention. There is currently an 8-foot green space between the south wall of 6726 Greenwood and the neighboring property to the south, and so the entire south wall from ground floor to roofline is visible. A blank 40-foot south wall should not be allowed. Moreover, the applicant has added an even taller extension in the middle of the south wall, extending above the roofline, a feature that was not present in the drawings shown to the design review board. This adds even more blank-wall prominence to this building, making it even more of an eyesore as people enter the neighborhood from the south. This extra-height feature should be removed.

6. The clerestories should not be allowed.

This building sits at a highpoint on the ridge. Adding four feet to the roofline along almost the entire frontage on Greenwood Avenue with unnecessary clerestories increases the height and bulk of the building and blocks out additional light. *See also* SEPA 25.05.675.G (Height, Bulk, Scale).

7. The total height of the rooftop features is excessive.

The SEPA checklist (#10, page 23) indicates the total height of 56 feet above grade. One of the rooftop features extends 16 feet above the roofline. The rooftop protrusion on the south wall was not disclosed at design review. It has a significant impact on the already unacceptable blank south wall. This south-wall rooftop extension should not be allowed and the center one should be shorter.

8. Parking should be required for this building given the excessive number of units proposed and the at-capacity parking in the surrounding area

No other mixed use project in Phinney Ridge has proposed so many units crammed into a small site, and not other mixed use project has proposed zero parking. The SEPA parking mitigation exemption for parcels located with urban villages within 1,320 feet of a bus stop on a route with allegedly frequent transit service, does not apply here because that exemption is subject to the cumulative effects policy in SMC 25.05.675, which applies here. In addition, that exemption, even if it applied, is overly broad and ignores the at-capacity parking issues that occur in an urban village canyon such as Phinney Ridge when the residential streets

are already parked up and the commercial streets limit daytime parking. And if the current code does in fact prohibit DPD from requiring parking mitigation, then the code conflicts with state SEPA requirements to mitigate the adverse impact of projects including cumulative impacts.

It is a fallacy that people living in this building won't have cars. This isn't a 100% walkable neighborhood like portions of Ballard, University District or Capitol Hill. For example, there is no laundromat on the ridge, only a drycleaner, and the tiny sub-200 foot microunits of 6726 Greenwood do not have room for laundry facilities, nor is there a residential amenity area proposed for the building. How are occupants going to do their laundry without a car?

Next, there is inadequate parking in the vicinity to accommodate the cars from this project. I live near the proposed project and every time I go by the site, virtually all street parking is filled up. The applicants' self-serving statement in their SEPA checklist (p28) that this project will have "no anticipated reduction to current on-street parking inventory" is false. There are 55 units proposed. Even if only half the residents have cars, that is more cars than parking spaces on the entire block behind this building, a block that is already almost completely parked up all the time. The applicant's parking study is incomplete and incorrect.

The applicants' statement about the impacts of this project on public transit is also misleading (p30 of SEPA checklist). There is one bus route (#5) that runs down Greenwood and Phinney Ave. In the 20+ years I have lived in Phinney Ridge, this bus route has become increasingly crowded. Now there is regularly standing-room only availability even after the rush hour. I recently boarded the #5 bus at 59th at 9:30 a.m., and it was standing-room only there. The bus could barely accommodate the remaining riders before entering Aurora Ave in Fremont. The Phinney Flats proposal will house almost twice the applicants as any other mixed use building in the area. Micro-units of this scale were not anticipated in the comprehensive plan. What happens to the viability of bus commuting with each new mixed use building that adds dozens more people? If the buses can't accommodate people, then only people with cars will live here, and if the City continues to allow buildings without parking, where will people park?

Sincerely,
/s/
Esther Bartfeld