



FOR IMMEDIATE RELEASE: July 26, 2017

Phinney Ridge Appeal Stops Building with No Onsite Parking

SEATTLE – In a decision issued July 24, 2017, Deputy Hearing Examiner Ryan Vancil reversed and remanded the City’s approval of the controversial “Phinney Flats” project, a 57-unit building with no onsite parking in the Phinney Ridge neighborhood. The project had generated unprecedented opposition in the community.

“This Decision is a game-changer for making the City accountable for applying the Land Use Code properly,” said Irene Wall, a board member of Livable Phinney, the Washington nonprofit corporation that had appealed the City’s approval of the Phinney Flats project.

The Examiner agreed with Livable Phinney that: 1) the building was too close to the rear property line and violated the required setbacks, and; 2) the building had an illegal rooftop structure that did not meet the definition of a clerestory, and that this structure was placed improperly on the rooftop. A revised building design will be required.

And, in a ruling with city-wide ramifications, the Examiner also agreed with Livable Phinney that the City was required to look at actual bus frequency, not just bus schedules, when allowing an exemption from onsite parking requirements. The Land Use Code allows a multi-use project in an Urban Village to proceed without any onsite parking, regardless of parking impacts, if the site is located within a specified

distance of “Frequent Transit Service,” which requires 15-minute intervals between buses. The City insisted that a bus schedule showing 15-minute intervals was sufficient.

But Livable Phinney presented a statistical analysis of actual Bus Route #5 bus times, derived from King County Metro data, which showed that actual intervals between buses grossly departed from scheduled intervals.

“While analysis of bus schedules might be sufficient in most circumstances, when presented with reliable data showing that bus service does not meet the definition of frequent transit service well over a third of the time over a period of months, the [City] cannot simply ignore such information,” the Examiner concluded, and remanded this issue to the City to consider the actual data.

“This is the first time that statistical evidence has been used to show that bus schedules are unreliable in the ever-increasing traffic congestion in Seattle,” Wall explained. “When transit is unreliable, the City cannot expect people to forego their cars and rely on public transportation, and people who ride the bus also own cars.” If the project site does not qualify for the “frequent transit service exemption,” onsite parking will be required. The developer’s own traffic analysis concluded that the project will generate more cars than can be accommodated on the surrounding Streets.

In addition, Wall noted, “this decision is timely in light of the city’s ongoing study of parking code changes and changes to the design review process. Despite extra review sessions, the code violations were overlooked in the case of Phinney Flats.”

Although the Examiner upheld certain aspects of the City’s decision, the Examiner’s reversal on key Land Use Code provisions halts the controversial project for now.

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