

BEFORE THE HEARING EXAMINER

CITY OF SEATTLE

In the Matter of the Appeal of

LATONA NEIGHBORHOOD GROUP

FILE NO. MUP-84-030(W)

ORDER MODIFYING DECISION
AND DISMISSING APPEAL

from a decision of the Director
of the Department of Construction
and Land Use on a master use
permit application

A Stipulation Agreement between Jeffrey S. Garfield and Latona Neighborhood Group (Agreement) has been filed in the above-entitled matter providing for modification of the decision by imposition of certain conditions and dismissal of the appeal. The Director, Department of Construction and Land Use, by Nanette Mozeika, not objecting, the decision of the Director is hereby modified as set forth in the Agreement, attached hereto, and the appeal is hereby dismissed.

Entered this 16th day of May, 1984.

M. Margaret Klockars
M. Margaret Klockars
Deputy Hearing Examiner
Office of Hearing Examiner
400 Yesler Building, 5th Floor
Seattle, Washington 98104
Telephone: (206) 625-4197

RECEIVED

MAY 11 1984

STIPULATED AGREEMENT BETWEEN

OFFICE OF HEARING EXAMINER

JEFFREY S. GARFIELD AND LATONA NEIGHBORHOOD GROUP

RECITALS

A. JEFFREY S. GARFIELD, hereinafter referred to as "GARFIELD" has filed an Application for a Master Use Permit, No. 83-628, to modernize and expand his existing business location.

B. The LATONA NEIGHBORHOOD GROUP, hereinafter referred to as "LATONA" has filed an appeal of the decision of the Director of the Department of Construction and Land Use of the City of Seattle in regard to the aforementioned Master Use Permit Application.

C. LATONA has agreed to drop its appeal subject to the terms and conditions of this Agreement. GARFIELD has agreed to conditions contained in this Agreement.

AGREEMENT

1. Landscaping Strip. GARFIELD agrees to provide a 3' "set back" on levels 2 and 3 of the proposed project on the north side. Said set back will be provided with plants or other decorative landscaping, provided that said landscaping will conform to requirements of the City of Seattle providing for a view corridor between 32" and 72" of height.

2. Metro Bus Zone. GARFIELD agrees not to request that the Municipality of Metropolitan Seattle ("Metro") move its bus

zone north of GARFIELD's property line.

3. Restaurant Use. GARFIELD stipulates he has no current intention of establishing a restaurant use on his property, and further stipulates that no restaurant use will be allowed for a period of five (5) years from the date of this agreement.

4. Adjacent Alley. GARFIELD agrees to cooperate with LATONA in requesting that the City of Seattle establish the alley immediately adjacent to the property on the north side as an easterly one-way, as opposed to a two-way alley. GARFIELD provides no warranty that said application will be accepted by the City of Seattle.

5. North Side Siding. GARFIELD agrees that the exterior siding on the building on the north side shall conform aesthetically with the surrounding neighborhood.

6. LATONA's Agreement Not to Further Hinder Project.

LATONA agrees not to take any further action, file any Petition or Appeal, or in any other manner hinder the Master Use Permit Application, Building Permit Application, or any other action

taken by GARFIELD to complete the construction of the project, *provided*
the project is not increased in height or bulk from the present plan. 3m
LATONA further agrees, by this Agreement, to cease its appeal of the decision of the Director of the Department of Construction and Land Use on Master Use Permit Application No. 83-628.

7. Interpretation. Although the printed provisions of this agreement were drawn by GARFIELD, this Agreement shall not be construed either for or against GARFIELD or LATONA, but shall

be interpreted in accordance with the general tenor of the language in an effort to reach an equitable result.

8. Filing. LATONA and GARFIELD agree that this Agreement shall be filed with office of the Hearing Examiner of the City of Seattle, and with the Director of D.C.L.U., as an agreed condition to the issuance of a Master Use Permit by the Director of D.C.L.U.

DATED this 9th day of May, 1984.

LATONA NEIGHBORHOOD GROUP

By Frank K. Mitchell
Dr. Frank Mitchell

Jeffrey S. Garfield
JEFFREY S. GARFIELD