

From: [Clay Larson](#)
To: [Jeff Bond](#); [Anne Hersch](#)
Subject: Safeway Project and ZO Section 20.24.070 B.3.
Date: Monday, April 23, 2012 7:27:32 AM

Jeff, Anne;

I see that the new Safeway project design still doesn't address the setback and daylight plane requirements of Section 20.24.070 B.3. of the Zoning ordinance. The requirements here apply to properties in the SC district with exterior lot lines on streets that intersect Solano Ave., where the properties directly across the street are located in a residential district. Buildings here must be set back 15' from the property line with an additional setback of any portion of the building extending above 28' defined by a 45-degree daylight plane line. The requirements of Section 20.24.070 B.3 apply to most of the proposed Safeway development on Curtis and Nielson Streets.

To date, none of the proposed Safeway designs has addressed the setback requirements. I presume that Safeway understands our ordinance and is aware of the development regulations. Perhaps the plan here is to address the non-compliance issues (heights and setbacks) by seeking exceptions via a PUD. I think that this needs to be discussed by the Planning Commission. I'm not sure that all of the commissioners are even aware of the aforementioned setback and daylight plane requirements and accordingly are not able to competently evaluate the project. I would like to see a full discussion of the requirements here in the next staff report on the Safeway project. If this is not possible, then I would like a copy of this email to be included in the commissioner's packets for the meeting when Safeway is discussed.

Clay