

Appeal addressed to:

City of Seattle Office of Hearing Examiner, P.O. Box 94729, Seattle WA 98124-4729
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HEARING EXAMINER

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APPELLANT INFORMATION

#1. Appellant(s)

1. Seattle Committee to Save Schools
2. Robert Femlano, 9302 46th Ave SW, Seattle WA 98136, femlano@copper.net, 206-937-8739
3. Chris Jackins
4. Rex Long, 10403 35th Ave SW, Seattle WA 98146; 206-696-2588
5. Rose Long, 10403 35th Ave SW, Seattle WA 98146; rosereyeslong@gmail.com; 206-696-2588
6. Rachel Thomas, 10245 36th Ave SW, Seattle WA 98146; rthomas825@yahoo.com; 617-455-8106

#2. Authorized Representative

Chris Jackins, Coordinator, Seattle Committee to Save Schools, P.O. Box 84063, Seattle WA 98124; 206-521-3288

DECISION BEING APPEALED

#1. Decision being appealed: Decision of Department of Planning and Development (DPD) to approve MUP # 3015968 dated June 22, 2014, with appeals due no later than July 7, 2014

#2. Property address: 3701 SW 104th Street, Seattle WA 98146 (Arbor Heights school)

#3. Elements of decision being appealed:

X - Adequacy of conditions

X - Other - See our objections to the decision, including improper application of code requirements regarding departures

APPEAL INFORMATION

#1. What is your interest in this decision? How are you affected by it? Our group is concerned about preserving historic schools, and providing a good environment for education and neighborhoods; we include taxpayers of the Seattle School District, the City of Seattle, and the State of Washington; we include alumni, parents, and guardians of children of the Seattle School District; we include people who have historic, cultural, and educational connections to the site; we include people who live or work in neighborhoods who are affected by construction, traffic, parking, etc, impacts.

#2. What are your objections to the decision? List and describe what you believe to be the errors, omissions, or other problems with this decision.

1. Approval of the demolition permit is premature. The demolition permit (#3015968) and construction permit should have been reviewed in the same DPD decision. This is what occurred on, for example, the Genesee Hill school project (MUP # 3016023 and MUP # 3015311). This allows a comprehensive review of design, impacts, and mitigation, rather than a "piecemeal" approach.
2. The District's environmental review had to add new documents during the SEPA DNS appeal hearing to try to account for not realizing that the private Westside K-8 school (whose permits are already approved) will be moving to a location two blocks away from Arbor Heights school. Westside is renovating a church building for use as a school (at 10404 34th Avenue SW). These impacts were not known prior to the zoning departure process which the DPD participates in and gives input to, and which enters into review of the construction permit and affects demolition conditions. A nearly adjacent second school decreases the size needed for the Arbor Heights

school, which would allow for less demolition and decreased site work impacts – again there is the need for the construction and demolition permits to be reviewed in a single DPD decision.

3. More conditions should be placed on construction vehicle hours of operation.
4. There should be more conditions to provide further protection for wetlands and a stream.
5. The ***“project location contains areas classified as both Moderate Risk and Moderately Low Risk for encountering precontact cultural resources”*** [page 19, Checklist]. At the Genesee Hill school project, the Duwamish Tribe requested arrangements for an observer prior to the District digging a test archeological trench. The District left a phone message for the Duwamish on a Friday, and proceeded to complete the entire test dig on the following Monday without any arrangements for observation by the Duwamish having been made. Conditions must be placed on the project to promote a more respectful process in the future.
6. The decision mentions mitigation for removal of trees, but no conditions are imposed for mitigation in the demolition permit. Tree mitigation is instead referenced as a part of construction, and a construction permit has not yet been approved. Some trees are proposed to gain SDOT jurisdiction - but apparently not under this demolition project permit. After demolition, if a new school is not built for whatever reason (for example, if funds are needed for a proposed downtown school), Arbor Heights students could remain at the proposed Boren interim site while neighbors of Arbor Heights are left with a treeless hole in the ground.
7. Possible mitigation for construction impacts including to reduce energy and waste materials that could be considered for the entire project include retaining some familiar elements of the school such as the stage or other usable portions of the school. Consideration of such mitigation would be foreclosed if demolition is separately approved.
8. Other issues: mitigation for loss of recreational opportunities and open space; mitigation for construction dust and noise; requirements to resolve flooding issues on SW 105th Street prior to adding in complicating demolition changes and impacts / mud.

#3. **What relief do you want?** Reverse the decision. Deny the permit. Remand the decision to have it include both the demolition permit and the construction permit. Various mitigations.

Signed:  Date: 7/7/14
(Appellant or Authorized Representative)