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Appeal Details

Address:	3038 39th Ave SE
Decision	Interpretation: Special Expontion:
Elements:	Interpretation; Special Exception;

The Petitioners are a community of homeowners, led by Lisa Parriott, who live across the street from the property that is the subject of this appeal. Petitioners object to the City of Seattle Department of Construction and Permits ("Department")'s issuance of a Master Use Permit ("MUP") in Project No. 3024037. This MUP permits the project developer to subdivide the currently single lot located at 3038 39th Avenue SW into two lots, one of which is smaller than what the current zoning code permits. The Department's decision to approve the MUP was based on the Department's application of the so-called "Historic Lot Exception." SMC 23.44.010(B)(3). Petitioners believe that the Department's application of the Historic Lot Exception to this MUP constituted legal error and is a Type II land use decision that is directly appealable to the Hearing Interest: Examiner Petitioners acknowledge that the Department is taking the position that its application of the Historic Lot Exception to this MUP is a Type I land use decision that is not directly appealable to the Hearing Examiner, and that the proper procedure for the Petitioners is to first file a Request for a Code Interpretation with the Department. Petitioners disagree with the Department's position that the application of the Historic Lot Exception was a Type I land use decision. Accordingly, to preserve its rights and to ensure that it has not failed to exhaust its administrative remedies, Petitioners are filing a Request for a Code Interpretation simultaneously with the filing of this direct appeal to the Hearing Examiner. The Petitioners will coordinate with the Department on the most efficient and productive way to process these two matters. The Department made the following errors when it approved the MUP for this project: A) The Department's application of the Historic Lot Exception was a Type II land use decision. The Department asserts in email correspondence that its finding of the MUP's Historic Lot Exception is a Type I decision—a decision on a use permitted outright or in development standards. But the land use code calls for Type II special exception review, not Type I, when a Historic Lot Exception is granted for a lot under 3,200 square feet, which this lot is. See SMC 23.44.010(B)(3). The code does not limit the Type II special exception review only to the special exception criteria relating to windows and lot depth; the code calls for the entire project to be reviewed under the Type II special exception standard, including the finding of the Historic Lot Exception. B) The Department's finding of a Historic Lot Exception is not supported by substantial evidence. The Department claims that a building permit from 1930 for the southern half of this lot permits a "reasonable inference" that the 1930 property owner had "an expectation" of building a second house on the northern half of the lot someday. See Legal Building Site Letter, at 2. In reality, the 1930 building permit contains no indication of what the 1930 owner's intentions may have been. He may have had any number of reasons not to mention the northern half. In the absence of Objections: additional information, the Department's "inference of an expectation" is without substantial basis in evidence, as required for factual findings such as drafter's intent. The Historic Lot Exception demands that a separate building site be "established in the records," not that a separate building site merely be conceivable. It was an error of law to conflate the two. C) The Department's decision that a 1930s building permit for the existing house on this lot that did not refer to the portion of this lot that was deemed a "historic lot" was wrong as a matter of law and was arbitrary and capricious. The City's reasoning not only wrongly dismissed evidence tending to show that the northern half of this lot is not a separate building site but the Department ignored facts showing that there is not a separate building site, including but not limited to the following: The history of tax records for this site; the absence of any previous building on this site; the deeds that describe this lot as a single lot; the porch that extends onto this lot; the selling price of the lot; the lack of barrier between the lot halves; the small size of the proposed house for this project; a porch that extends onto the northern half of the lot; the ahistorical use of the terms "Lot A" and "Lot B." By refusing to consider these points of evidence, and instead only considering evidence it believes favors the finding of a separate building site, the Department failed to give due consideration to all relevant factors.

A) We seek a declaration that the City Hearing Examiner's determination that the Department's application of the Historic Lot exception was a Type II land use decision is reviewable de novo by the Hearing Examiner. SMC 23.44.010(B)(3) permits special exception review for this project, because as a Historic Lot Exception whose area is under 3,200 square feet and this project requires legal interpretation and application of an exception to an exception. It should be reviewed under the standards of SMC 23.76.022(C)(7). We request permission to submit written briefing on this issue, as permitted in HER 2.11(g). B) In addition to this notice of appeal, we have submitted a request for a code interpretation to the Department, asking it to reverse its finding of a Historic Lot Exception. We believe the code interpretation is not required, but have sought it out of an abundance of caution. If that code interpretation is issued in a manner that we seek to appeal the code interpretation, we request permission to consolidate any appeal of the code interpretation with this appeal, as permitted in SMC 23.88.020(A); (C)(3)(c). We also request permission to submit written briefing to the Hearing Examiner on any issues that arise in the code interpretation in the event that we do appeal the code interpretation. C) We request the Hearing Examiner to reverse the Department's finding of a Historic Lot Exception, as provided in SMC 23.76.022(C)(10). The Department failed to provide substantial evidence and behaved in an arbitrary and capricious manner. We request permission to submit written briefing on this issue. D) We request the Hearing Examiner to order the Department to refund our code interpretation fee and waive the costs of defending its code interpretation in the event we appeal the code interpretation. If the Department is unwilling to bear those costs itself, we ask that the costs be allotted to the developer of this proposed project as the ultimate requestor o

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Relief:

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Petitioner's Opening Brief

Project No. 3024037

INTRODUCTION

In a face-to-face conversation with the clerk at the Hearing Examiner's office the afternoon of October 18, 2016, Petitioner learned that the Hearing Examiner could issue an early ruling on the question of whether the Historic Lot Exception in this case, a sub-3,200 square foot lot that merits special exception review under the land use code, was a Type I or Type II decision. The clerk stated that Petitioner could submit briefing on this issue to obtain a ruling on the decision typing issue by October 19. A ruling that this particular Historic Lot Exception was a Type II decision would save Petitioner from having to file a \$2,800 code interpretation request with the Department of Construction, so Petitioner is anxious to brief this issue fully. However, the clerk also informed Petitioner that there was a limit to the amount of briefing Petitioner could submit, and the decision typing issue is not Petitioner's only issue in this case. Petitioner therefore respectfully submits this brief detailing *all* of the issues relating to this project, not just the Type II question.

Petitioner respectfully requests a prehearing conference to more fully discuss the Type II issue and the other issues contained in this brief.

This appeal concerns Department of Construction project number 3009800071. Petitioner believes that the City's decision on this project (its finding that the subject lot is sub-dividable under the "Historic Lot Exception") was in fact and law a "Type II" land use decision, a decision that is subject to direct appeal to the City of Seattle Hearing Examiner without a request for a code interpretation. Accordingly, because Petitioner believes this request is not required as a pre-condition for an appeal, petitioner has filed a direct appeal of the Historic Lot Exception decision before the City's Hearing Examiner.¹

On January 5, 2016, the Department made a finding, at the request of project proponent Clifford Low, that Lot "B", the northern-most part of the existing lot located at 3038 39th Avenue SW, was allowed by the Historic Lot Exception in its Legal Building Site. Petitioner's Exhibit A, at 2. On October 6, 2016, over the numerous letters and meetings objecting to the decision, the Department issued a Notice of Decision approving the Master Use Permit ("MUP") application for project 3024037. *See* Petitioner's Exhibit B, Notice of Decision.²

Our argument in support of this appeal is summarized as follows: The Department misapplied the Historic Lot Exception of the Seattle Land Use Code, SMC 23.44.010(B)(1)(d). The Historic Lot Exception states, in relevant part, that a Historic Lot Exception shall be granted only if a building permit *establishes* a separate building site on the lot prior to July 24, 1957

¹ As required by the Land Use Decision framework, petitioner Lisa Parriott has filed an appeal of this project with the Hearing Examiner. *See* SMC 23.76.004(B). In the event the City's code interpretation reverses the Department's finding of an Historic Lot Exception, Petitioner Parriott will consider withdrawing her Type II appeal filed directly with the Hearing Examiner. On the other hand, if the City affirms the Department's finding of a Historic Lot Exception, Petitioner Parriott will code interpretation to the Hearing Examiner, and request that the appeal of the code interpretation will be consolidated with the appeal already filed before the Hearing Examiner. *See* SMC 23.88.020(F)(3). We welcome a discussion with the City on which matter, the Code Interpretation or the appeal to the Hearing Examiner, should be addressed by the City first.

² The Notice of Decision did not discuss the Historic Lot Exception identified in the Legal Building Site Letter, but because the project as a whole was approved, it must be presumed that the Historic Lot Exception finding was undisturbed.

(emphasis added). Here, no building permit or lot line *established* a separate building site on the lot at issue. Instead, the Department is permitting a landowner, today, to sub-divide a lot into two lots, one of which (the so-called "Lot B") is sub-standard. The Department's finding of a Historic Lot Exception should be reversed.

This appeal is timely. Type II special exception MUPs, such as the one at issue in this case, specify an appeal period of 14 days, during which time this request must be received by the Department. *See* 23.76.022. Because this MUP was issued on October 6, 2016, this request is timely because it was filed electronically on October 18, 2016.

FACTS

The Historic Lot Exception was intended to permit lot owners to develop a building on an undersized lot only when the undersized lot had, in fact, been *already* created or "established." The Exception does not permit developers, however, to *create* an undersized lot today. It only permits a developer to *use* an undersized lot today if the developer meets all of the criteria in the Historic Lot Exception ordinance. This appeals also requires the Hearing Examiner to determine whether evidence that a lot was intended to be reserved as a future building lot can be inferred from the fact that a building permit for an adjacent lot did not refer to this lot, and whether this inference can be overcome by multiple facts, including that the lot has in fact been used for decades as a single lot and is a single lot in the eyes of the King County Assessor's office.

The original 1906 plat for this area of Seattle demonstrates that an early Seattle developer divided what is now 39th Avenue SW into lots 25 feet wide and 95 feet long. *See* Legal Site Building Letter Package, received by the Department on November 18, 2015, and attached as Petitioner's Exhibit C, at page 4; *see also* Legal Building Site Letter, at page 1.

In 1913, four of these lots, Lots 13–16, were conveyed by Agnes to Coulthard. *See* Legal Site Building Letter Package at 4. On July 19, 1930, Coulthard obtained a building permit for all of Lot 16 (the southernmost lot) and 8 1/3' of Lot 15. *See* Legal Building Site Letter at 2. This is the source for the Department's claim that the southern half of the lot should today be called Lot A. The southern half is 33 1/3' wide. The 1930 building permit was silent as to what was to be done with the northern half, or indeed any other portion of the property. *Id.* at 2. (This same transactions is identified by the Department as having occurred on July 15, 1930. *See* Legal Building Site Letter at 2.)

On December 12, 1930, Coulthard conveyed by deed to Arkell all of Lot 13 (the northernmost lot) and 8 1/3' of Lot 14. *See* Legal Site Building Letter Package at 2. This created the modern-day lot, 33 1/3' wide, today owned by Hugh and DJ to the north of Lot B. Id. at 2.

These two 1930 transactions resulted in:

1) A 33 1/3' parcel at the north end of the property, where Arkell built his house and where Hugh and DJ now live.

2) A 33 1/3' parcel in the middle of the property, where no one ever built a house and where the ponderosa pine exists. This is the southern half of the lot at issue in this case.

3) A 33 1/3' parcel at the south end of the property, where Coulthard built his house and where Cliff Low now owns the rental house. This is the northern half of the lot at issue in this case.

The single large lot was then sold many several times over the decades from 1930 until now. But in each case, it was always sold as a single, large parcel, not two parcels. *See* Legal Building Site Letter at 2. Prior to 2015, when Mr. Cliff Low severed them, King County also treated the two lots as a single tax parcel. *See* King County Parcel Viewer Property Report for

tax parcels 3009800070 and 3009800071, attached as Petitioner's Exhibits D and E. The very names Lot A and Lot B, the Department's terms for the southern and northern half, are post-2015 constructions.

On May 5, 1931, Coulthard sold the lot to Rose in a single transaction as a single lot. *See* Legal Building Site Letter at 2.

On August 8, 1937, Rose conveyed the lot as a single unit to Costello. *See* Legal Building Site Letter at 2.

On September 9, 1942, Costello conveyed the two properties as a single unit to the Butlers. *See* Legal Building Site Letter at 2.

The Butlers retained the property until 1965, past the cut-off point for the creation of Historic Lot Exceptions. At this point, the Department's Legal Building Site Letter ceases to track the changes in ownership. But even from 1965 until the most recent transfer of the property to Mr. Low in 2015, the property consisting of the so-called Lots A and B continued to be treated as a single unit, just as it had been before 1965. *See* Legal Building Site Letter at 2.

In sum, the subject property has changed hands a minimum of ten times, adding the six transfers in the Legal Building Site Letter to the four post-1993 transfers documented by searching for the property's tax parcel number (3009800070) on the King County Recorder's website. Indeed, there may be more than ten transfers, because there is a gap between the 1965 cut-off of the history documented in the Legal Building Site Letter and the beginning of the 1993 online records. Regardless, in the 103 years since the first transfer of this property, none of the ten or more owners has ever attempted to build a house on the northern half, so-called Lot B. *See* Legal Building Site Letter at 2.

On November 12, 2015, Mr. Low, evidently a "spec" developer, purchased the lot located at 3038 39th Avenue SW for \$505,000. *See* King County Parcel Viewer Sales History for tax parcel 3009800070, attached as Petitioner's Exhibit F, at page 2.

In a November 15, 2015 letter to the Department, Mr. Low formally requested a Legal Building Site Letter. In this request, he identified the 1930 transactions as the source of a Historic Lot Exception. *See* Legal Site Building Letter Package.

Emails on November 6, 2015 between Department officials Michael Ravenscroft and Andy McKim discuss the possibility of a Historic Lot Exception for this property, again pointing to the 1930 transactions. *See* Legal Site Building Letter Package at 13. It is not clear what occasioned these email discussions, given that they occurred before the November 15 request for the Legal Building Site Letter.

On January 5, 2016, the Department issued its Legal Building Site Letter, finding a Historic Lot Exception for the northern half of the lot, the so-called Lot B. The Legal Building Site Letter found the July 15, 1930 building permit for the southern half, Lot A, "suggest[s] that Lot B was not included in the development site of the adjacent residence." On this basis, the Department found that "it can be reasonably inferred" that the 1930 property owner had an expectation that the remainder of the property could be separately developed. Accordingly, the Department made a finding of a Historic Lot Exception. *See* Legal Building Site Letter at 2. Although the letter characterizes this finding as preliminary, in reality, the Department has never formally re-examined the issue, and the Legal Building Site Letter operates as its final conclusion. In fact, Mr. Low began moving forward with his development plans on the strength of the letter.

On May 18, 2016, Mr. Low applied for a MUP to construct a house on the northern portion of the lot, which the Department and Mr. Low called "Lot B." *See* Notice of Application, May 26, 2016. The MUP application called for the removal of a large ponderosa pine on Lot B, a tree considered "exceptional" under Seattle code. *See* Arborist Report, dated December 7, 2015, attached as Petitioner's Exhibit G, at page 4.

In June and July of 2016, dozens of neighboring citizens submitted comments to the Department, opposing the subdivision of Lot B. On October 6, 2016, the Department issued its Notice of Decision, sustaining the application of the Historic Lot Exception. The Department's Decision and Recommendation contains no discussion of the Historic Lot Exception. *See* Petitioner's Exhibit H.

ARGUMENT IN FAVOR OF REVERSING THE DEPARTMENT'S FINDING THAT THE HISTORIC LOT EXCEPTION APPLIES

The Historic Lot Exception permits residential development on smaller than usual lots only if both of the following two conditions are met: 1) the lot must be at least 2,500 square feet in area; and 2) the lot must have been *established* as a "separate building site" in the public records of the county or city by deed, platting, or building permit. SMC 23.44.010(B)(1)(d) (emphasis added).

The northern portion of the lot, the so-called Lot B, is 3,166 square feet in area. *See* Legal Building Site Letter at 1. It therefore satisfies condition 1 of the Historic Lot Exception.

The so-called Lot B, however, does not satisfy condition 2 of the Historic Lot Exception. Petitioner believes that Lot B has not been "established," because the legal lot does not exist today, and because the totality of the circumstances reflects that this lot has always been used as a large lot for one home. Put differently, Petitioner does not believe the Historic Lot Exception permits the *creation* of a new sub-sized lot; it only permits use of such a sub-sized if and only if this lot was created and existed prior to 1957.

The Department admits that no deed or plat establishes Lot B as a separate building site and no one contends that Lot A or B had ever been conveyed separately from one another. *See* Legal Building Site Letter at 2. The only remaining possible way to satisfy condition 2 of the Historic Lot Exception is by inferring an intent to create or reserve a separate building lot from the building permit that had been approved for the 1930 home in the southern portion of the lot, the so-called Lot A. The Department reasons that it "can be reasonably inferred" that the 1930 property owner had an "expectation" that the remainder of the property "could be separately developed later."

I. <u>The finding of a separate building site on the northern portion is wrong as a matter of</u> law, or in the alternative, is not supported by substantial evidence, because the 1930 building permit for the southern portion of the lot does not establish a building site at the northern portion.

The Department contends that the 1930 building permit is evidence of the 1930 property owner's "expectation" one day to establish a separate building site at what is today called Lot B. The question of the 1930 property owner's intent to establish a separate building site at Lot B is a question of fact, not law. *See Wilkinson v. Chiwawa Communities Ass'n*, 180 Wn.2d 241, 250 (2014) ("While interpretation of the covenant is a question of law, the drafter's intent is a question of fact"). Because the Department admits it is attempting to draw reasonable inferences about the 1930 owner's intent—and not simply applying some explicitly stated intent—the entire Historic Lot Exception must stand or fall on the question of what, exactly, was in the 1930 owner's mind when he drafted his building permit. This question is a factual inquiry.

In order to comply with principles of administrative law, the Department must show that its finding of fact regarding the historic owner's intent to establish a separate building site is

supported by substantial evidence. The land use code does not formally specify substantial evidence as the standard of review for findings of fact, but substantial evidence is the usual standard in administrative law for agency findings of fact, and the Hearing Examiner has examined findings of fact in previous land use code cases under the substantial evidence standard. *See, e.g., In Re Seattle Committee to Save Schools*, MUP-01-007, Conclusion of Law No. 2 (Seattle Hearing Examiner, March 23, 2001).

"Under the substantial evidence standard, there must be a sufficient quantum of evidence in the record to persuade a reasonable person that the declared premise is true." *In Re Eitel Building*, No. LP-10-001, Conclusion of Law No. 3 (Seattle Hearing Examiner, June 9, 2010) (citing *Wenatchee Sportsmen Ass'n v. Chelan Cy.*, 141 Wn.2d 169, 176 (2000)).

The Department's finding that the 1930 owner must have "had an expectation" to develop a house on Lot B is not supported by substantial evidence. None of the historic documents, including the Lot A building permit, refer to Lot B. In fact, Lot B did not exist as a separate parcel until Mr. Low created tax parcel 3009800071 in 2015, 85 years after the 1930 permit. The 1930 owner's supposed "expectation" for Lot B is not documented anywhere in the building permit for Lot A. It exists only as a result of the inference the lot was intended made by the Department.

Inferences made out of thin air are not sufficient evidence to "establish" a separate building site. There are numerous reasons why the 1930 owner would have decided to mention only the southern 33 1/3' of his lot in the 1930 building permit instead of the entire lot: perhaps he intended to build a chicken coop next to the house; perhaps he intended to put a garden there; perhaps he wanted to lower his property taxes by making his yard appear smaller; perhaps he wanted to build a separate garage in the future. None of these hypothetical intentions is

supported by substantial evidence, of course, but neither is the hypothetical inference that the owner intended to reserve Lot B as a home site. The record simply does not contain enough evidence to say what the 1930 owner's intentions were. There were many possible futures for this property in 1930, and on the strength of the evidence before us today, it is impossible to know what future the owner had in mind.

The Department took a piece of evidence that did not *foreclose* the potential creation of a future, separate building site and used it to find *positive intention* to create a separate building site. But the Historic Lot Exception requires that the public records of the county or city must "establish" a separate building site. SMC 23.44.010(B)(1)(d). The homeowner's potential right to perhaps build a future home on Lot B does not affirmatively "establish" a separate building site.

A historic building site cannot be "conceivable;" it must have been affirmatively "established." In *R/L Associates, Inc. v. City of Seattle*, 61 Wn. App. 670 (1991), the Court drew a distinction between separate sites and separate building sites:

On their face, the deeds do not demonstrate whether either conveyance was made for the express purpose of establishing a "separate building site." Similarly, the Title Report, 1988 tax statement, and real estate information services documentation which R/L also relies upon, reveal nothing about the status of the property as a separate building site. We agree with the City that the term "building" must be presumed to have some meaning independent of the term "site." 61 Wn. App. at 674 (emphasis added).

The Department's finding that Lot A and Lot B are separate sites of any kind is already a stretch, given the scant evidence from the 1930 building permit and the fact that the two lots were not actually made separate parcels until Cliff Low processed the tax parcel severance in 2015. The additional finding that Lot B was not only intended to be a separate site but was also intended to be a separate building site is not substantiated by any evidence at all. An

unsubstantiated site cannot meet the legal requirement of "establishing" a separate building site in the records.

II. <u>The Department's finding of the Historic Lot Exception is wrong as a matter of law, or in</u> <u>the alternative, is arbitrary and capricious.</u>

The Department's reasoning underlying its Historic Lot Exception decision is subject to reversal if it was arbitrary and capricious. Arbitrary and capricious is the well-established standard of judicial review for the reasoning of agencies, even agencies not subject to the state's Administrative Procedure Act ("APA"). *See, e.g., Saldin Securities, Inc. v. Snohomish Cty.*, 134 Wn.2d 288, 294 (1998) ("We have consistently held that any arbitrary and capricious action is subject to [judicial] review, never indicating that additional extraordinary circumstances must exist").

"Arbitrary and capricious has a well-established meaning in this state. It refers to willful and unreasoning action, taken without regard to or consideration of the facts and circumstances surrounding the action. Where there is room for two opinions, an action taken after due consideration is not arbitrary and capricious, even though a reviewing court may believe it to be erroneous." *Abbenhaus v. Yakima*, 89 Wn.2d 855, 858–859 (1978) (discussing the arbitrary and capricious standard of review as applied in non-APA, quasi-judicial proceedings like the Seattle Hearing Examiner).

"Due consideration of all the facts and circumstances" requires a weighing of all relevant information, including any contradictory information that would tend to cut against the agency's final decision. The mere existence of contradictory information does not render an agency decision arbitrary and capricious, but the contradictory information must still be considered. Failure to consider the contradictory information renders the agency decision arbitrary and capricious. *See, e.g., Squaxin Island Tribe v. Wash. State Dept. of Ecology*, 177 Wn. App. 734, 743 (2013). Here, there is no affirmative evidence regarding the 1930 owner's intentions for reserving Lot B as a separate lot. Indeed, there were many conceivable alternative uses for Lot B, including a large backyard for Lot A, a garden, a chicken coop, a tax-reducing severance, and so forth. Faced with these myriad possible futures, the Department simply selected house-building as the most likely future. There was no discussion of the other possible futures. Indeed, it was arbitrary and capricious for the Department not to consider evidence that contradicts the existence of a separate building site in the mind of the 1930 owner, which includes but is not limited to the following:

1) Lot B is too small to support a normal-sized house. Mr. Low's plans call for a tall, skinny, unusual-looking house that at 1,470 square feet is scarcely larger than an accessory dwelling unit. Even at this tiny size, it squeezes uncomfortably between the houses to its north and south with scarcely enough room along the sides to permit fire department access. *See* Plan Set V3, added to comment docket July 11, 2016, and attached as Petitioner's Exhibit I. The plans for this house have had to be amended numerous times in response to public comments, because this house is right at the upper limit of what the tiny lot can accommodate. Such a malproportioned, miniature house would not have been contemplated in 1930, because houses were not built that way in those days. The construction of such a house cannot have been the 1930 owner's intention. The houses that were actually built in 1930 are half again as large as the house Mr. Low plans to build: The Lot A house from July 15, 1930 is 2,340 square feet; and Hugh's house to the north of Lot B from December 12, 1930 is 2,160 square feet. *See* King County Parcel Viewer Property Report for tax parcels 3009800070 and 3009800065, Petitioner's Exhibits D and J. It is not reasonable to think the 1930 owner intended to use the Lot B space to

build a miniature house whose dimensions are totally out of character with the actual houses that were built in 1930.

2) Lot A and Lot B were not created in the way the Department describes. In its Legal Building Site Letter, the Department states that the 1930 building permit "creates Lot A." The Department then implies that the 1930 creation of a Lot A must also mean the 1930 creation of a Lot B. But if, in fact, a previous owner intended to reserve Lot B as a separate building lot, why did not that owner subdivide the property for all of these decades? Instead, they paid King County property taxes on only one lot. Lot A and Lot B did not exist even as separate tax parcels, much less separate lots, until 2015. *See* King County Parcel Viewer Property Report for tax parcel 3009800071, Petitioner's Exhibit E. The Department does not explain why, if the 1930 permit really did create or reserve for creation two building lots, no document anywhere in the city or county records shows two lots until 2015. Lot A and Lot B, the very terms we use to discuss this property, were the 2015 creation of Cliff Low, not an inference from a 1930 building permit. If there were truly two separate lots in existence for 86 years, we should see two separate sets of tax records for 86 years. Instead, we see one set. The Legal Building Site Letter's predating the lot creation to 1930 paints a misleading picture of the history of this property.

3) For 86 years, and through numerous changes of ownership, no homeowner until now has tried to build a house on this site. If this Lot B was ever intended to be a nest egg, it should have been hatched long before now. The failure to build is an indicator that the lot is not a legitimate building site in the minds of the people who knew the property best: its former owners. The Department's decision fails to consider the significance of the decades-long absence of building.

4) The selling price of the house in 2015 was \$505,000, which is typical for a small single family home in West Seattle. *See* King County Parcel Viewer Sales History for tax parcel 3009800070, Petitioner's Exhibit F. \$505,000 is much too low a price for a house plus a buildable lot for a second house; it is a much more reasonable price for a house on a single lot. Had the previous owner, George Manil, been aware of the potential to build two houses on his lot, he likely would have increased the price at the time of sale. Like the failure to build, the failure to charge full price is an indicator that no one other than Mr. Low and the Department thinks of this lot as a two-house lot. The Department's decision does not consider the significance of the below-market pricing.

5) The Department fails to weigh the significance of the deeds. The Historic Lot Exception ordinance identifies deeds as one of the three possible ways to find a Historic Lot Exception. As the Department itself acknowledges, the deeds in this case show the transfer of Lot A and Lot B as a single property over and over again for a period of 86 years. These numerous deeds seem to indicate the existence of a single lot. The Department does not explain why its one, unsubstantiated, permit-based inference of two lots should outweigh the much more numerous, much more substantial, deed-based inference of a single lot. It is unreasonable to allow one "silent permit" to override numerous explicit deeds. In light of the unbroken chain of deeds showing one lot, the inference from the 1930 permit of two lots is not a reasonable inference.

Ignoring these countervailing lines of evidence, while elevating the insufficient building permit line of evidence, was not an honest analysis of the totality of the evidence. The totality of the evidence tends to dis-establish a separate building site at Lot B. Ignoring countervailing evidence is the essence of an arbitrary and capricious decision.

III. <u>The Department has misconstrued the finding of this Historic Lot Exception as a Type I</u> decision, when it is actually a Type II decision.

Petitioner recognizes that the City's position is that its decision applying the Historic Lot Exception was a Type I land use decision. For the record, however, we set forth our argument why this classification is wrong as a matter of law.

A Type I land use decision is a decision involving the straightforward application of standards with little or no discretion. This includes a determination that a "proposal complies with development standards" or a decision for the "establishment or change of use for uses permitted outright." SMC 23.76.006 (B).

The Historic Lot Exception, however, is not a use permitted outright. It does not involve simply measuring the dimensions of a lot or analysis of the type of use. Rather, it is an exception within an exception. The Exception requires the City to make the discretionary decision whether, through some means, a person "established" a separate building lot over time. It is uniquely a legal decision. It applies facts to legal principles and creates an exception to the minimum size requirements for single family lots.

The SMC states, "Special exception Type II *review* is required for separate development of any lot with an area less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1. The special exception *application* shall be subject to the following provisions: [criteria relating to windows and lot depth follow.]" SMC 23.44.010(B)(3).

As the plain text of the SMC shows, the *review* of the project is not limited to any particular aspect of the project. It is the *application* that is subject to the windows and lot depth provisions, but the SMC does not limit the *review* to these provisions.

Comparing the language in the Historic Lot Exception's special exception review to the special exception review of other provisions demonstrates that the Historic Lot Exception's

special exception receives more discretionary legal review than other special exceptions. *See, e.g.,* SMC 23.64.010 ("The Director may permit a structure to exceed the limits of the Airport Height Overlay District as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. *Such an exception shall only be permitted if the Director finds that all of the following conditions exist:* [criteria follow]".

See also, SMC 23.55.050 ("The Director may authorize exceptions to the regulations for the size, number, type, height and depth of projection of on-premises signs in [various neighborhoods] as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions, except that no special exception may be authorized for a sign using video display methods. When one or more of the conditions in subsection 23.55.040.A have been met, *the characteristics described in subsection 23.55.040.B shall be used to evaluate the merits of the proposal*") (emphasis added).

The language in the above-quoted Airport Height Overlay District and the Sign Sizes sections is far narrower than the language in the Historic Lot Exception. Both the Airport Overlay language and the Sign Sizes language explicitly limit the Director's decision-making to the listed special conditions. By contrast, the Historic Lot Exception states that "special exception Type II *review* as provided for in Section 23.76.004 is required for separate development of any lot with an area less than 3,200 square feet," (emphasis added). By explicit declaration, the SMC grants the sub-3,200 Historic Lot Exception a broader scope of Type II review than the other special exceptions. The other special exceptions list only the types of criteria the Department may consider and are silent as to the scope of special exception review. The Historic Lot Exception lists the criteria the Director may consider but then states that the scope of special exception review is the project itself.

Had the city council wanted to limit Type II review in Historic Lot Exception special exceptions to only the decision criteria, it could have written the Historic Lot Exception to look more like the Airport Overlay and Sign Size special exceptions. Instead, it wrote the Historic Lot Exception differently and with a much broader scope of review. A Historic Lot Exception is already an exception, and a lot under 3,200 square feet is exceptionally small. A project like this one is thus invoking an exception within an exception, and it is a reasonable reading of the city council's intent—and the code's plain language—to say the city council wanted to subject such projects to Type II review.

IV. If a code interpretation is necessary, the Department should waive or refund the \$2,800 code interpretation fee in this case and not charge Petitioner for the costs of defending it, if required, because such fees constitute an unconstitutional barrier to justice that violates the State Constitution and LUPA.

If the Hearing Examiner rules this is a Type I decision, Petitioner will have to file a request for a code interpretation. If that becomes necessary, the Department should waive the fee for that code interpretation.

Unlike the typical requestor of a code interpretation, a person or entity seeking regulatory assurance prior to seeking a permit for a project, Petitioner would seek code interpretation because she must: it is a required "exhaustion of administrative remedies" step in the Hearing Examiner appeals process. *See* SMC 23.88.020(A). Thus, the code interpretation in this case functions as a required fee for obtaining access to a court of law.

Access to courts is a constitutional right in Washington and required fees to access courts must have a rational basis under the Washington Supreme Court case *Housing Authority of King Cty. v. Saylors*, 87 Wn.2d 732 (1976). "As the United States Supreme Court said in *Ortwein v*. *Schwab*...the rational justification test is met if the fee is **not disproportionate** and provides some revenue to assist in **offsetting operating costs**." *Id.* at 739 (citing *Ortwein v*. *Schwab*, 410 U.S. 656 (1973) (emphasis added)). Requiring the \$2,800 fee *in this case* fails the *Saylors* test. The fee is disproportionate and it does not assist in offsetting the Department's operating costs.

The fee is disproportionate as an access-to-court fee. The usual fee to file a matter in a court of law or to obtain administrative review is:

A) The Seattle Hearing Examiner requires only an \$85 fee. SMC 3.02.125(A).

B) Appeals from a court of limited jurisdiction require a \$230 fee. RCW36.18.020(2, 5).

C) Filing at a Washington State Superior Court requires a \$240 fee. RCW36.18.020(2, 5).

D) Appeals to the Washington State Court of Appeals require a \$290 fee. RCW36.18.018(2, 4).

E) Appeals to the Washington State Supreme Court require a \$290 fee. *Id.*

F) Filing a case in the U.S. District Court for the Western District of Washington requires a \$400 fee. 28 U.S.C. § 1914.

G) Appeals to the United States Court of Appeals for the Ninth Circuit require a \$505
 fee. 28 U.S.C. § 1913.

H) Appeals to the Supreme Court of the United States require a \$300 fee. Sup. Ct.Rule 38(a).

The \$2,800 fee required by the Department as part of the judicial review process is grossly out of proportion to any of the fees listed above. Unlike the owner of property who seeks clarification of a potential project, Petitioner simply seeks administrative and, if necessary, judicial review of a project the City has effectively already approved, and for which the City has already invested substantial resources in concluding that Lot B had been "established" by

building permit. The Department's code interpretation and the associated fee gives developers firm legal ground to stand on, but all it does for Petitioner is needlessly drive up the cost of Hearing Examiner or judicial review. The fee is disproportionate to the service, making it irrational under *Saylors*.

The fee in this case is also not justifiable as an offsetting of the Department's costs in this case. Prior to using the MUP here, the Department has already conducted a thorough search of the property's history and of the municipal code. The work normally funded by Petitioner's \$2,800 code interpretation fee likely has already been done. The code interpretation in this case is nothing more than a reiteration of the Department's earlier efforts. The fee unconstitutionally deprives Petitioner of access to the courts, in violation of both the State Constitution and LUPA, both of which grant citizens access to the courts. *See Saylors*; RCW 36.70C.030.

The Department has waived code interpretation fees in the past, most notably for the "Shell No" protests. Department staffer David Graves wrote in a July 18, 2016 email to one of the Friends of the Silent Giant that the Director does have the power to waive the cost of code interpretation, but he said the Director only does so in cases that receive "national attention."

The "national attention" standard is wholly undocumented anywhere in the land use code or the Department's published procedures. It is arbitrary and capricious to extend fee waivers to groups based on unpublished and seemingly ad hoc rationales. Petitioner has gained local attention in the media for this story, there is significant concern citywide with the use of historic lot exceptions to bypass the building code, and she and the public deserve to have this issue heard without undue fees. If the Hearing Examiner rules that the Historic Lot Exception is a Type I decision and requires a code interpretation, the Hearing Examiner should order the fee for the code interpretation waived.

V. The Department should waive the costs of defending its code interpretation on appeal.

The normal rule under the land use code is that the requestor of a city service incurs the cost of defending that service at the Hearing Examiner. *See* SMC 22.900C.010(A). This includes the requirement that the requestor of a MUP will bear the cost of that permit if it is appealed to the Hearing Examiner.

Here, as reflected by its issuance of the MUP, the City has already made up its mind on the Historic Lot Exception. In effect, Petitioner seeks to appeal the City's already-made decision to a Hearing Examiner and this request for a code interpretation exists solely to enable this appeal. If Mr. Low is interested in defending the Department's finding of a Historic Lot Exception (a finding which will lead to enormous financial benefit for him), fairness dictates that he, not Petitioner, bear the cost of defending that finding at the Hearing Examiner, regardless of whether the finding arrived there by way of a code interpretation. Mr. Low's MUP, and the Historic Lot Exception that underlies it, are the subjects of Petitioner's appeal. If Mr. Low's MUP ends up before the Hearing Examiner, it is up to him to pay for the defense of that MUP.

A code interpretation is *not* the decision that is being appealed; the interpretation merely serves as the "exhaustion" requirement for an appeal *of* the City's decision if the Hearing Examiner rules the Historic Lot Exception is a Type I. Mr. Low is the ultimate requestor of the city's services, not Petitioner. Petitioner only appears to be a requestor of services because she has been told repeatedly by the Department that the only way to appeal the Department's decision is to request a code interpretation. The actual service at issue is the granting of the MUP and the finding of the Historic Lot Exception.

The Department reasons that there was only a "non-decision" about a Historic Lot Exception in the Legal Building Site Letter and that this "non-decision" was simply followed by

an "actual decision" in the code interpretation that Petitioner is being forced to request, followed by an appeal of that "actual decision." This is not an honest reading of the situation. In reality, there was an "actual decision" about the Historic Lot Exception in the Legal Building Site Letter, followed by an appeal of that "actual decision" in the form of a request for code interpretation. To the extent that the Department will be forced to defend its code interpretation at the Hearing Examiner, it is because of the Department's decision in the Legal Building Site Letter, not the decision in the code interpretation.

It is unfair to allow the imposition of a code interpretation requirement to shift the cost of defense from the party that ultimately sought the city's services: Mr. Low. If the Hearing Examiner rules that the Historic Lot Exception is a Type I decision, and the Department's code interpretation agrees, Mr. Low the developer should have to bear the costs of defending the code interpretation on appeal.

Respectfully submitted,

Alex Sidles (Rule 9 Intern)

Peter Goldman, Attorney at Law (WSBA No. 14789)



City of Seattle Edward B. Murray, Mayor

Department of Construction and Inspections Nathan Torgelson, Director

January 5, 2016

Clifford Low 3807 E. Jefferson St. Seattle, WA 98122

RE: 3038 39th Avenue SW: Legal Building Site Letter (Project No. 3022995)

Dear Mr. Low:

By letter to this Department received November 18, 2015, you have requested a determination that the property described as the South 8 1/3 feet of Lot 15 and Lot 16 (hereinafter Lot A) and the South 16 2/3 feet of Lot 14 and North 16 2/3 feet of Lot 15 (hereinafter Lot B), Block 1, Hainsworth J Walther Addition to West Seattle, qualify as separate legal building sites. An existing house addressed as 3038 39th Ave SW exists solely on Lot A. Lot B is vacant.

In order to qualify as a legal building site under the Land Use Code (Title 23 of the Seattle Municipal Code), a lot must meet the minimum lot area requirement for its zone or else qualify for one of the codified exceptions to that requirement. If a lot is vacant, no portion of that lot may have been used to meet development standards for a structure on an adjacent lot. Finally, the lot must have street access meeting Code standards.

Lots A and B are in an area zoned SF 5000: Single-Family Residential, with a minimum lot size of 5,000 square feet. According to your letter and consistent with the platted dimensions, the total area of Lots A and B together is 6,333 square feet. If divided into Lot A and Lot B as described above, Lot A and Lot B would each have an area of approximately 3,166 square feet. Neither Lot A nor Lot B meet the minimum area requirement of the Land Use Code. Lot A and Lot B do not meet the minimum area requirement, but, as explained further below, appear to qualify for one of the exceptions to minimum area provided in the Code.

An exception to the minimum lot area requirement known as the "Historic Lot Exception" is provided in Section 23.44.010.B.1.d. This exception provides that a lot may be developed if it was already in existence, has an area of at least 2,500 square feet, and was established as a separate building site in the public records prior to July 24, 1957 by deed, platting or building permit, and no portion of the lot has been used to meet development standards for any house on a neighboring lot held in common ownership. The area of Lots A and B is over 2,500 square feet, as required for the exception, but in order to qualify, it must be shown that Lot A and Lot B, as currently configured, were treated as separate building sites in the public records prior to 1957, and further, that no principal structure on Lot A extends onto Lot B or uses it to meet a development standard such as a yard requirement. Based on a review of our records the property described as Lot B appears to separately qualify for an exception to



City of Seattle, Department of Construction and Inspections 700 Fifth Avenue, Suite 2000 P.O. Box 34019, Seattle, WA 98124-4019 An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request. Clifford Low January 5, 2016 Page 2 of 3

minimum area under Section 23.44.010.B.1.d. While Lot B does not meet the lot area requirement, it does meet the requirements of the Historic Lot Exception and qualifies as a separate legal building site.

Hainsworth J Walther Addition to West Seattle was first platted in 1906. Lot B, the South 16 and 2/3 feet of 14 and the North 16 and 1/3 feet of 15, does not qualify for the Historic Lot Exception on the basis of platting, since it is only a portion of the original platted Lots 14 and 15. While Lot B has an area exceeding 2,500 square feet, the property must also have been established as a separate building site in the public records prior to 1957 on the basis of either building permit history or deed records. An original building permit for the structure on Lot A has been discovered in our records, but there is no indication that any permits were issued for Lot B.

Permit No. 294395 was issued to Robert Coulthard on July 15, 1930 to construct a residence with a basement garage accessed from the alley on Lot 16 and the South 8 and 1/3 feet of Lot 15. This building permit created Lot A – the location of the house. The available permit records suggest that Lot B was not included in the development site of the adjacent residence. It can reasonably be inferred that Mr. Coulthard had an expectation that the remainder of the property, not called out in Permit No. 294395, could later be separately developed. If the intent had been for Lot B to serve simply as a yard, it would have been included in the legal description of the house on Lot A. Therefore, Lot B qualifies as a legal building site, established by the permit issued for Lot A.

The title history maintained by this Department in microfiche records of abstracts of title show that Lots A and B have been in common ownership since at least 1930. Robert Coulthard originally owned Lots 13 – 16. On December 12, 1930, Coulthard conveyed to Arkell Lot 13 and the North 8 and 1/3 feet of Lot 14. Coulthard maintained ownership of the South 16 and 2/3 feet of Lot 14, Lot 15 and Lot 16 (both Lots A and B). On May 5, 1931, Courtland conveyed to Rose the South 16 and 2/3 feet of 14 and all of 15 and 16 (both Lots A and B). On August 8, 1937, Rose conveyed to Costello the South 16 and 2/3 feet of 14 and all of 15 and 16 (both Lots A and B). On September 9, 1942, Costello conveyed to Jack F. and Ella M. Butler the South 16 and 2/3 feet of 14 and all of 15 and 16 (both Lots A and B). The Butlers held this property until 1965.

While there is no deed before 1957 showing a conveyance of Lot B independent of other contiguous property, the permit to build on Lot A does not include a description of Lot B. It is therefore concluded that Lot B was maintained in its current configuration for the purpose of potential future development as a separate building site. Based on this reasoning, we conclude that the South 16 and 2/3 feet of Lot 14 and the North 16 and 2/3 feet of Lot 15 (Lot B) qualifies for an exception to minimum lot area under Seattle's Land Use Code and can be developed as a separate building site.

Therefore, according to code, Lot A and Lot B qualify as separate legal building sites. Thirty-ninth Avenue Southwest is SW is open and improved, and satisfies the street access requirement of the Land Use Code.

The position set forth in this letter represents the preliminary opinion of the Department. This opinion is subject to administrative challenge, at any time up until issuance of a building permit, through the Land Use Code interpretation process.

Clifford Low January 5, 2016 Page 3 of 3

If I may be of any further assistance, please contact me at <u>David.Graves3@seattle.gov</u> or (206) 615-1492.

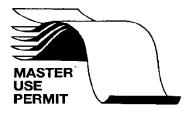
Sincerely,

Davil A. Sam

David G. Graves Senior Land Use Planner

DGG/Low

Nathan Torgelson, Director **October 6, 2016**



Notice of Decision

The Director of the Seattle Department of Construction and Inspections has reviewed the Master Use Permit application(s) below and issued the following decisions. Interested parties may appeal these decisions.

Hearing Examiner Appeals

To appeal to the City's Hearing Examiner, the appeal MUST be in writing. Appeals may be filed online at <u>www.seattle.gov/examiner/efile.htm</u>, delivered in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mailed to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729. (Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.) An appeal form is available at <u>www.seattle.gov/examiner/LANDUSEAPLFORM.pdf</u>.

Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by an \$85.00 filing fee. The fee may be paid by check payable to the City of Seattle or a credit/debit card (Visa and MasterCard only) payment made in person or by telephone at 206-684-0521. (The Hearing Examiner may waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship).

The appeal must identify all the specific Master Use Permit component(s) being appealed, specify exceptions or objections to the decision, and the relief sought. Appeals to the Hearing Examiner must conform in content and form to the Hearing Examiner's rules governing appeals. The Hearing Examiner Rules and "Public Guide to Appeals and Hearings Before the Hearing Examiner are available at <u>www.seattle.gov/examiner/guide-toc.htm</u>. To be assured of a right to have your views heard, you must be party to an appeal. Do not assume that you will have an opportunity to be heard if someone else has filed an appeal from the decision. For information regarding appeals, visit the Hearing Examiner's website at <u>www.seattle.gov/examiner</u> or call them at (206) 684-0521.

Interpretations

The subject matter of an appeal of a discretionary decision is limited to the code criteria for that decision, and generally may not include other arguments about how the development regulations of the Land Use Code or related codes were applied. However, in conjunction with an appeal, a Land Use Code interpretation may be requested to address the proper application of certain development regulations in the Land Use Code (Title 23) or regulations for Environmentally Critical Areas (Chapter 25.09) that could not otherwise be considered in the appeal. For standards regarding requests for interpretations in conjunction with an appeal, see Section 23.88.020.C.3.c of the Land Use Code.

Interpretations may be requested by any interested person. Requests for interpretations must be filed in writing prior to 5:00 P.M. on the appeal deadline indicated below and be accompanied by a \$2,500.00 minimum fee payable to the City of Seattle. (This fee covers the first ten hours of review. Additional hours will be billed at \$250.00.) Requests must be submitted to the Seattle Department of Construction and Inspections, Code Interpretation and Implementation Section, 700 5th Av Ste 2000, PO Box 34019, Seattle WA 98124-4019. A copy of the interpretation request must be submitted to the Seattle Hearing Examiner together with the related project appeal. Questions regarding how to apply for a formal interpretation may be sent to PRC@seattle.gov. (Please include "Interpretation Information" in the subject line.) You may also call the message line at (206) 684-8467.

Shoreline Decisions

An appeal from a shoreline decision is made to the State Shorelines Hearing Board. It is NOT made to the City Hearing Examiner. The appeal must be in writing and filed within 21 days of the date the Seattle DCI decision is received by the State Department of Ecology (DOE). The Seattle DCI decision will be sent to DOE by the close of business on the Friday of this week. If the Shoreline decision involves a shoreline variance or shoreline conditional use, the appeal must be filed within 21 days after DOE has made their decision. The information necessary for DOE to make their decision will be sent to them by the close of business on the Friday of this week. The beginning of the appeal period may also be provided to you by contacting the PRC at <u>PRC@seattle.gov</u>, or by calling the message line at (206) 684-8467. The minimum requirements for the content of a shoreline appeal and all the parties who must be served within the appeal period cannot

be summarized here but written instructions are available in Seattle DCI's TIP 232

(web6.seattle.gov/dpd/cams/CamList.aspx). Copies of TIP 232 are also available at the Seattle DCI Applicant Services Center, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019. You may also contact the Shorelines Hearing Board at (360) 459-6327. Failure to properly file an appeal within the required time period will result in dismissal of the appeal. In cases where a shoreline and environmental decision are the only components, the appeal for both shall be filed with the State Shorelines Hearing Board. When a decision has been made on a shoreline application with environmental review and other appealable land use components, the appeal of the environmental review must be filed with both the State Shorelines Hearing Board and the City of Seattle Hearing Examiner.

Comments

When specified below written comments will be accepted. Comments should be sent to: <u>PRC@seattle.gov</u> or mailed to Seattle Department of Construction and Inspections, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019. All correspondence is posted to our electronic library.

Information

The project file, including the decision, application plans, environmental documentation and other additional information related to the project, is available in our electronic library at <u>web6.seattle.gov/dpd/edms/</u>. Public computers, to view these files, are available at the Seattle DCI Public Resource Center, 700 Fifth Avenue, Suite 2000. The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.

To learn if a decision has been appealed check the website at <u>web6.seattle.gov/DPD/PermitStatus/</u> and click on the Land Use tab in the lower half of the screen for any Hearing date and time. You may also contact the PRC at <u>prc@seattle.gov</u>, 700 Fifth Avenue, Suite 2000, 20th Floor or call our message line at (206) 684-8467. (The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.)

Decision

Area: WEST SEATTLE Address: 3036 39TH AVE SW Project: 3024037 Zone: SINGLE FAMILY 5000

Decision Date: 10/06/2016

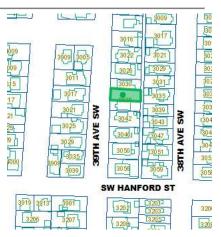
Contact: YUEANN WU - (206) 707-1406 Planner: CRYSTAL TORRES - (206) 684-5887

Land Use Application to allow a two-story, single family residence with attached two car garage.

The following appealable decisions have been made based on submitted plans:

Grant - Special Exception to allow a new single family dwelling unit on a lot less than 3,200 sq. ft.

Appeals of this decision must be received by the Hearing Examiner no later than 10/20/2016.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in Seattle DCI's files will control.



Attn: Public Resource Center City of Seattle Department of Planning and Development (DPD) 700 Fifth Ave., Suite 2000 P.O. Box 34019 Seattle, WA 98124-4019

Phone: 206-684-8467 E Mail: prc@seattle.gov www.seattle.gov/dpd

DPD Project #

(DPD Use Only)

Request for DPD Services

Related to DPD Pr Property Address: Assessor's Parcel	3038 391 Ave SW	
Applicant Name: Mailing Address: City, State, Zip	Low, clifford 3807 E. Defferson St Saythe WA 98/22	Dept. of Planning & Development Public Resource Center NOV 1.8 2015
Email Address: Phone Number:	(206) 293-2233	RECEIVED
Service Requeste	ed & Initial Fees required:	

Land Use Code Interpretation (\$2500 min. for the first 10 hrs)*

Legal Building Site letter (\$1000 for first 4 hrs)*

Development Potential letter (\$1000 for the first 4 hrs)*

Transfer of Development Rights letter (\$1000 for the first 4 hrs)*

Reasonable Accommodation request (\$1000 for the first 4 hrs)*

Special Accommodation request (\$1000 for first 4 hrs)*

Surplus State Property letter (\$1000 for first 4 hrs)*

Open Space Remainder Lot letter (\$1000 for first 4 hrs)*

Detailed Zoning Analysis (\$1000 for the first 4 hrs)*

Preliminary Zoning Analysis letter (\$250 for the first hour)* on a single development standard prior to project application intake. Examples include:

- Decisions on alley vs. street access to off-street
- o Measurement of single family garage width on facades
- Determining queuing spaces for drive-in businesses
- o Departures from street-level development standards in commercial zones

Public School Departure w/o SEPA (\$2500 min. for the first 10 hrs)*

Parks/DPD SEPA Review Parks Dept. Use Only (\$250 for the first hour)*

Rebuild letter aka Zoning Verification (1 x DPD base fee)**

Tow Lot/Salvage Confirmation (1 x DPD base fee)**

Records Research (1 x DPD base fee)**

Zoning History (no cost)

*Payment of the initial minimum fee for the service requested must accompany a request for any of the services above. The request will not be processed until payment is made. Some services will require more research or follow-up time, which will be charged to the financially responsible party at the current Land Use rate of \$250/hr, as shown in the DPD Fee Ordinance, section 22.900.C010 and Table C-1. All **Requests must be accompanied by a completed, signed "Statement of Financial Responsibility/Agent Authorization" form.** This form can be found on the DPD Website at: http://www.seattle.gov/dpd/Publications/Forms/Land_Use/default.asp

**The current fee ordinance can be found on the DPD Website at:

http://www.seattle.gov/dpd/About/Fees/default.asp. The fee ordinance is updated annually and is normally effective January through December of each calendar year.

Description of Service Request (include related code section and drawings, survey or plans if applicable):

Revised: 4/16/2015

3807 E. Jefferson Street Seattle, Washington 98122

November 15th 2015

Dept of Planning & Development Public Resource Center NOV 18 2015 RECEIVED

Andy Mckim, Bill Mills, and David Graves Department of Construction and Land Use 700 5th Avenue #2000 Seattle, Washington 98104

RE: Opinion Letter for 3038 39th Ave SW, Seattle 98116

Dear Mr. McKim, Mr. Mills, or Mr. Graves

I have a copy of the Warranty Deed for the above property for a purchase by my wife Hyun Ju and myself. I believe the property contains two separate historical lots with a home that resides completely on one of them. I will send you an electronic copy of the recoded deed once I get it back from escrow to satisfy any questions you may have with regards to its legal owner.

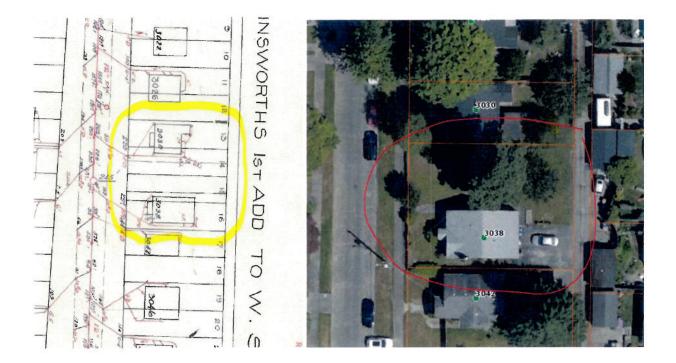
This is a formal request to determine if under the current Land Use Code that both historical lots exists and that they are both buildable.

Property Details

The property is at 3038 39th Ave SW The Property id is 3009800070 and the abbreviated legal description is: S 16 2/3 FT OF 14 & ALL 15-16 of Block 1 of Hainsworths J Walter Addition

Currently the property comprises of two historically plated lots and a portion of another (Lot B - The South 16 2/3 feet of Lot 14 and the North 16 2/3' of lot 15 TGW Lot A – South 8 1/3 feet of 15 & all of 16). The lots are Zoned Single Family 5,000, According to KC the lot is 6,365sqf. The portion of lot 14 is 16 2/3 ' by 95' and Lots 15&16 are both 25'x95'. Lot B is around 3,166sqf and Lot A is around 3,156sqf and the total for both lots are around 6,333sqf. The current home was built in July 1930 and it is two story with a basement. The total square footage of the home according to King County records is 1,320sqf with the main floor (foot print) being 1020sqf.

There is established parking pad on the east side of the home accessing the alley. Both Lots have access from both 39th Ave SW and from the alley to the East.



There is one single family home that rests entirely on Lot A and does in any way encroach onto Lot B. The permit to build this house called out the south 8 1/3' of lot 15 and all of lot 16. There is no physical evidence or permit history that indicates that there has ever been a principal structure that has straddled over the S 8' 1/3' of lot 15.

Dept. of Planning & Development Public Resource Center

NOV 18 2015

RECEIVED

Permit, Deed, and Contract Sequence

- In December of 1913 Agnes conveyed to Coulthard all of Lots 13-16.
- In July of 19th 1930 Coulthard built the home at 3038 using a permit calling out the South 8 1/3' of 15 and all of 16. This clearly carved out Lot A carving it out of lots 13,14, and the north 16 2/3' of 15.
- In.
- That same year December of 1930 Coulthard also conveyed Lot 13 and the North 8 1/3 feet of 14 to Arkell. This I believe this legally created Lot B since Coulthard held back that portion in addition to Lot A that he already been established by building permit.
- In May 1931 Coulthard conveys both Lot A and B in one transaction to Rose
- In August 1937 Rose conveys both Lot A and B in one transaction to Costello
- In December 1937 there is some type of contract recorded where Costello calls out just Lot A while at the same time owning B. This further establishes the intent of the owner that lot A and Lot B were separate lots.
- No other permits were found
- Attached survey confirms that no principal structure crosses the boundaries between Lot A & B

Email from Andy McKim

I have also attached a copy of Andy McKim. This conclusion is consistent with his quick assessment of the deeds and permits.

If you have any questions please don't hesitate to contact me.

Respectfully

Cliffer Low

Clifford Low Nehem Properties (206)293-2233

Dept. of Planning & Development Public Resource Center

Filed for Record at Request of Hecker Wakefield & Feilberg, P.S. Escrow Number: 2015390RH NOV 18 2015 RECEIVED

Statutory Warranty Deed

Assessor's Tax Parcel Number(s): 300980-0070-03

THE GRANTOR George E. Manil, an unmarried individual for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Cliff Low and Hyun Ju Low, husband and wife the following described real estate, situated in the County of King, State of Washington.

The South 16 2/3 feet of Lot 14, and all of Lots 15 and 16, Block 1, J. Walter Hainsworth's First Addition to the City of West Seattle, according to the plat thereof, recorded in Volume 13 of Plats, page 45, records of King County, Washington.

Subject to easements, restrictions, reservations, covenants, and conditions of record as shown on attached **Exhibit A**, by this reference made a part hereof.

Dated November 12, 2015

George E. Manil

STATE OF _______ SS:

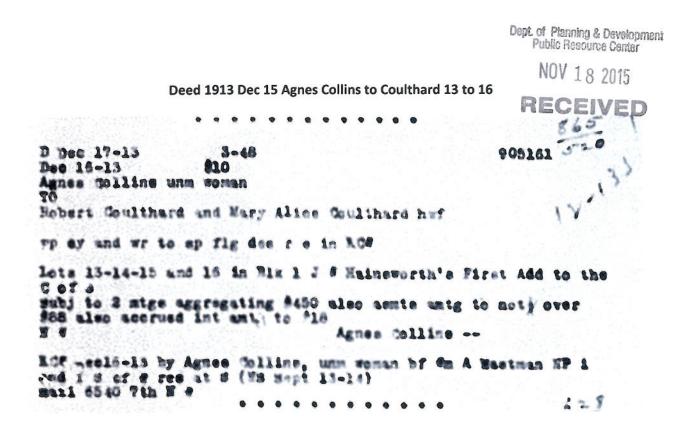
I certify that I know or have satisfactory evidence that George E. Manil

the person who appeared before me, and said person acknowledged that <u>he/she</u> signed this instrument and acknowledge it to be <u>his/her</u> free and voluntary act for the uses and purposes mentioned in this instrument.

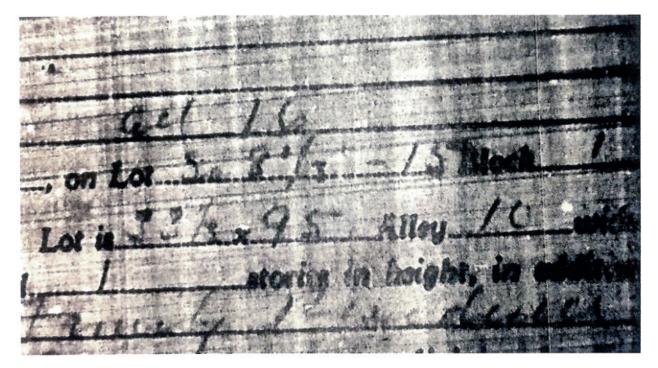
Dated:

Notary Public in and for the State	of
Residing at	
My appointment expires:	

LPB-10



July 7th 1930 Building Permit 294395 to build 3038 39th Ave SW (Partial)



Dept. of Planning & Development Public Resource Center

/ED Application is h 02MT # 29439 all. Block on Lot 10 Alley wide Addition. Lot in. storiss in height, in eddition Building will be basement. Occupancy will be to inches to any adjoining for lin No part of the building may be no er shion. sches about the ground. The under side of the joists must be at la Owner . Address Contractor Phone. Architect (Owner) 19 Bu Application made ____ Permission is hereby given to do the above described work, according to the conditions hereon and to the appropriate plane and the containing thereto, subject to compliance with the Out of City of Stattle. ing to the approved p of the City of Seattle. Permit issued REINFORCING STREE MUST BE INSURCEME after plasing and before covaring. BE SURE YOU ARE FULLY INCOMMENT OF THE FULLDING AND SOMING LAWS bet in theory Report and recommendational

July 7th 1930 Building Permit 294395 to build 3038 39th Ave SW (Full)

NOV 18 2015

Dept. of Planning & Development Public Resource Center NOV 18 2015 Deed 1930 Dec 5 Coulthard to Arkell 13 & N 8 1-3 of 14 RECEIVED 2645909 D Dec 6 30 110 Des 3 30 Robert Coulthard and Mary Alice Coulthard hus and wy to Secie Arkell fp oy and war to opfig des ro alt inkew: Let 15 and the H 8 1/3 ft of lot 14, blk 1, J Walter Hainsworth's First add to the an cityof West pattle, vol 15 platspg 45, rees of tes RobertCoulthard Mary Alice Coulthard kew Des 5 30 by RobertCoulthard and Mary Alice Coulthard. 5 s and wf bf J A Hokes up Warss at s(MBsept 15 34) ml f r davis 2609 58th

Deed 1937 Aug 5 Rose to Costello 16 2/3 feet of 14 and 15

83

D Aug 13 1937 Aug 5 1937 #4550 #2.56 irs and st x Marion Rose, and Benjamin Rose, hh, of the cs kew; /747 to John Costello and Anny Costello hus and wf fp oy and war to sp fdid in How;

south 16 2/3 ft of lot 14, and all of lots 15 nd 16, blk 1 J Walter Hainsworth's First add to the city of west 3 accdg to plat thof reedd in vol 15 of plats pg 45 rees of sd co

subj to a mtg to the Seattle Frust Company a wash corp ased to the Metropolitan Life Insurance Company, a MY Corp with a bel stRll due to dt, incl accruedint in the ant of WEBBL.80; this mtg the purches assumeand agree to pay accdg to the terms of sd Stg Benjamin Rose

Marion hose

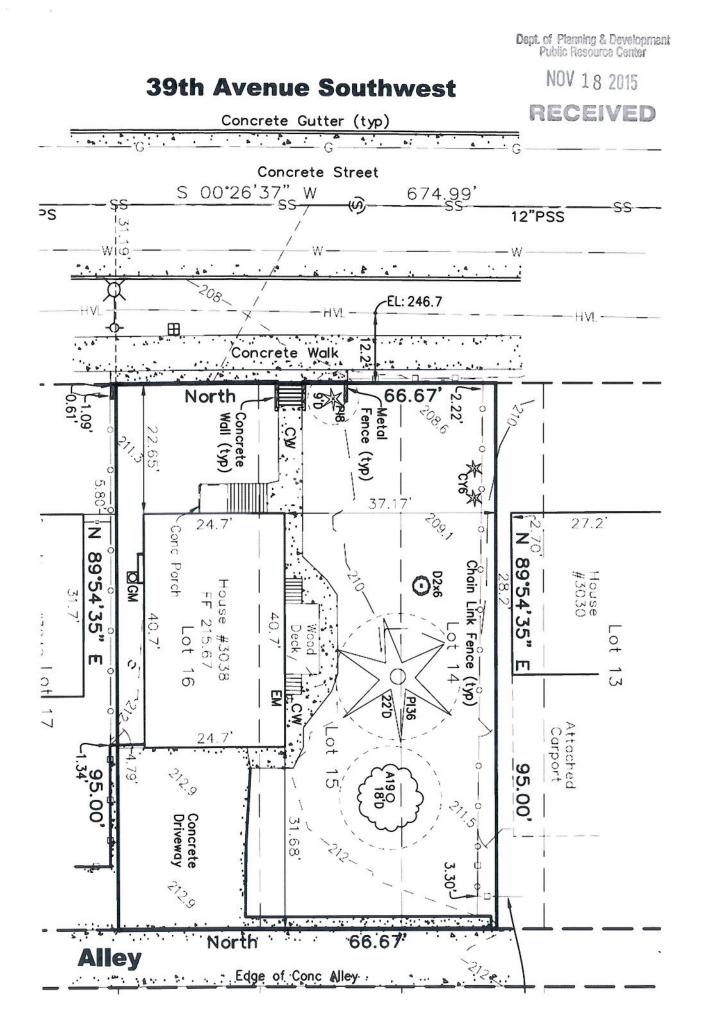
kow Aug 5 1937 by Marica Rose, and Benjamin Rose hh bef Wa La Nott, n p for wh res at s n sees Sept 25 1937 fld by sp 6324 40th ave sw

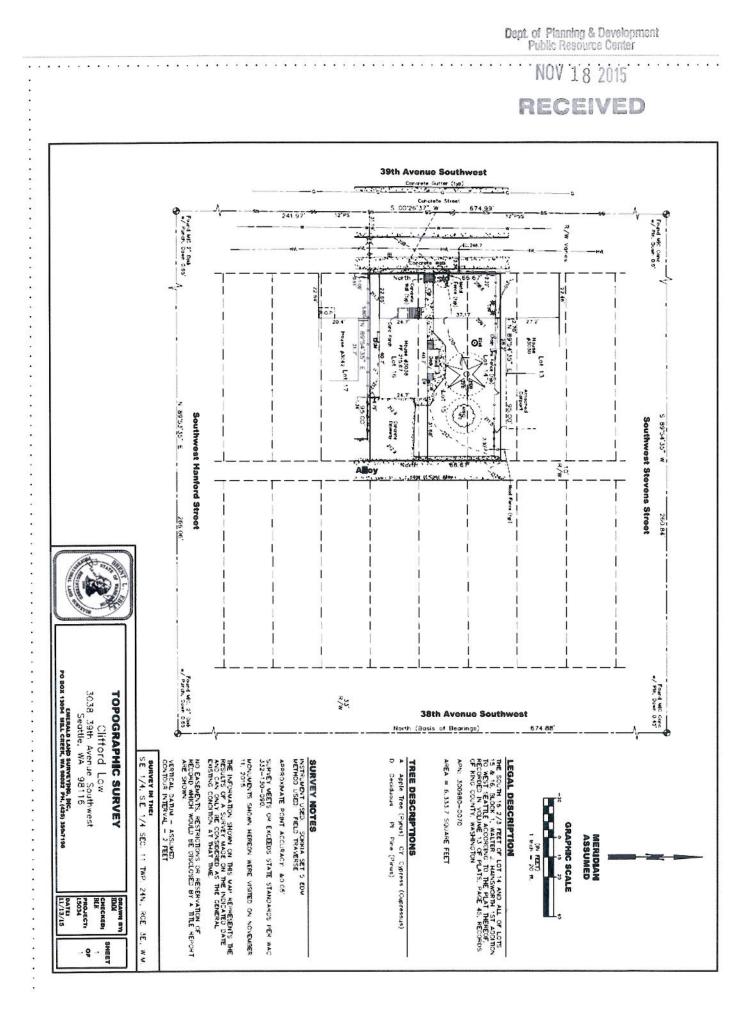
Dept. of Planning & Development Public Resource Center

NOV 1 8 2015 RECEIVED

Contract 1937 Dec 13 Costello Lot 16 and S 8 & 1/3 lot 15

14 2977158 Modfa sart Des 13 1937 -- 30 and Anne Castello fp add Metropolitan -ife Insurance Company, NY . n; corp sp John fp re the owners of fold in Kow; lot 16, and the so 8 1/3' of lot 15 blk 1 J Walter Hainsworth's lat add; ap is theowner -- sm as 155 above -- 2623877 --- \$1311.82 ---614 per an fr 9-1-37 - --- \$30 or more per mth incl int at 5%--Jan 1 1938 -- fors fows to: as pringally written sp hby consents to the foregoing modifa John Costello Anne Costello Metropolitan Life Insurance Company by J D Craig, vice pres by John & Rogers, ast seey (corp sl) kew Nov 17 1937 by John and Anne Costelle bef L F Eshom mp for wm res at s m s Apr 8 1940 fld by sti de .13 ---





Email from Andy McKim

Dept. of Planning & Development Public Resource Center

NOV 18 2015

RECEIVED

From: Andy.McKim@seattle.gov To: mikerave@msn.com; William.Mills@seattle.gov Date: Fri, 6 Nov 2015 16:27:43 -0800 Subject: RE: Question Legal lot

Hi, Michael.

Based on the facts you describe, I think there is a middle lot that can separately qualify as a building site, effectively carved off by the conveyance along with the two 1930 building permits, assuming no later permits for additions to the house to the south that might have reconsolidated that lot with the middle one. From the aerial photo, it doesn't look as if there was any addition that did that. The middle lot would be the north 16'8" of Lot 15 and the south 16'8" of Lot 14.

Andy McKim Land Use Planner – Supervisor

From: Michael Ravenscroft [mailto:mikerave@msn.com] Sent: Friday, November 06, 2015 4:03 PM To: Mills, William; McKim, Andy Subject: Question Legal lot

Hi Andy and Bill,

Trying to figure out if this fits under the new rules. The middle lot (North 16.7 ft of lot 15 and the south 16.7 ft of lot 14) is just under 3200 sf according to our calculations so we're aware of the rules under 3200 sf.

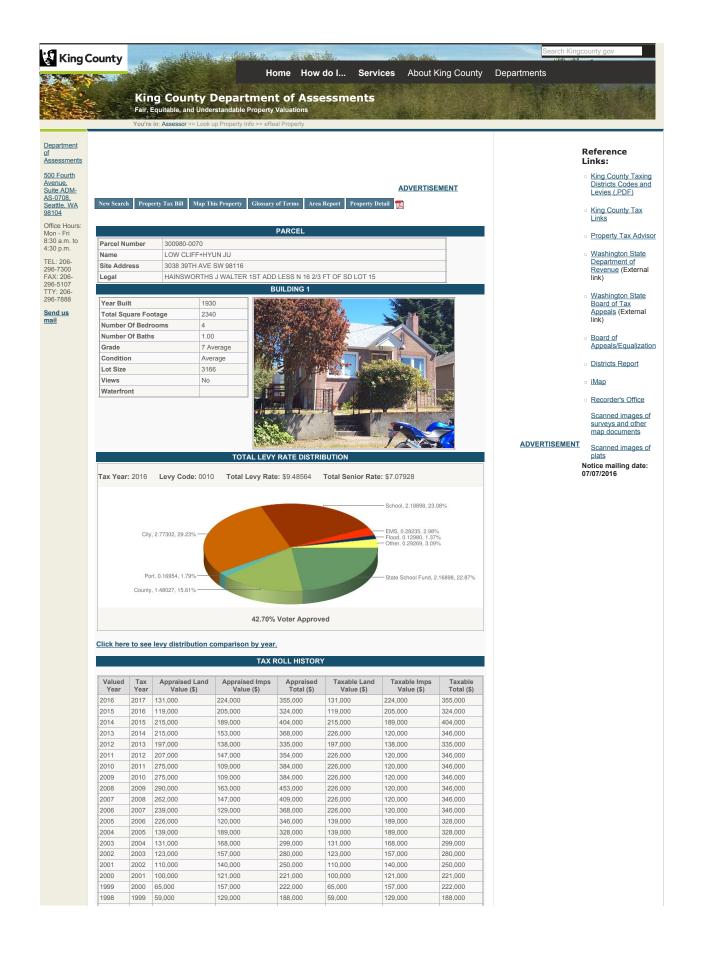
I wrote a chronology of the transfers at the bottom of the sketch but wanted to pass by you first to see get your take on whether its worth pursuing. If it looks like it has a possibility we'll submit the full package.

It appears the owner at the time, Courthan (not sure of correct spelling) owned lot 13-16. In July 1930 he permitted 3038 39th Ave SW on lot 16 and South 1/3 of lot 15. In December 1930 he sold off lot 13 and the North 1/3 of lot 14 to Arkell which immediately was built on (3030 39th Ave SW)

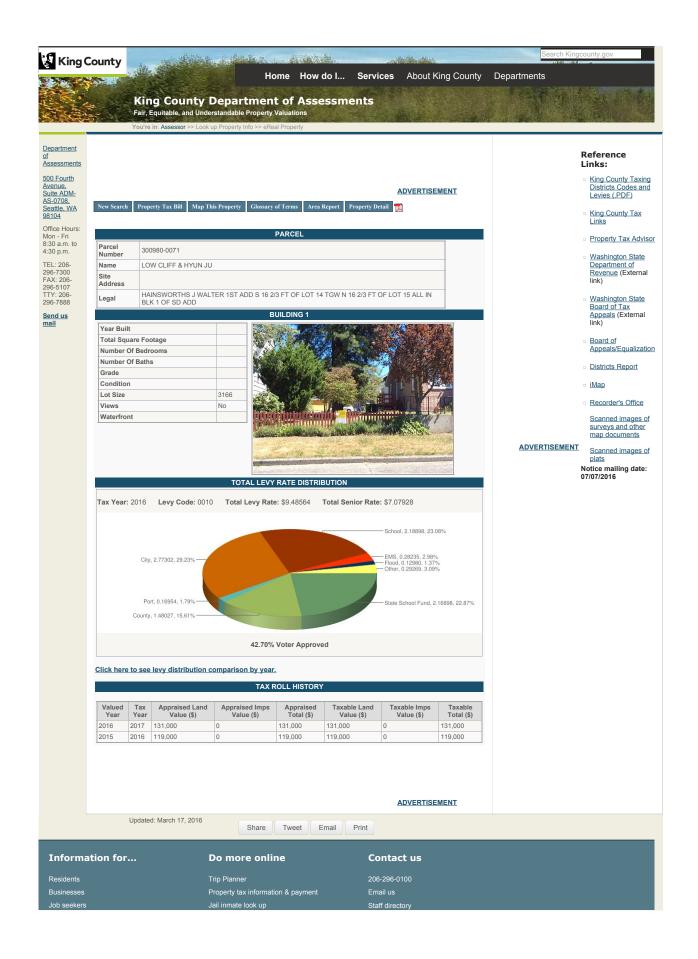
Our question is this: Does this leaves the North 16.7ft of lot 15 and the south 16.7 feet of lot 14 as a legal parcel?

Thanks for your time

Michael Ravenscroft 206-372-8151



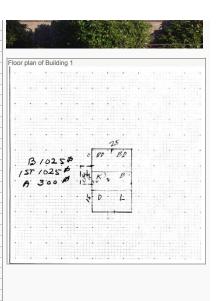
	1997	1998	0	0	0	51,000	111,000	162,000	
	1996	1997	0	0	0	50,000	97,800	147,800	
	1994	1995	0	0	0	50,000	97,800	147,800	
	1992	1993	0	0	0	55,800	84,500	140,300	
	1990	1991	0	0	0	51,200	77,500	128,700	
	1988	1989	0	0	0	33,100	48,200	81,300	
	1986	1987	0	0	0	31,500	41,500	73,000	
	1984	1985	0	0	0	28,000	38,200	66,200	
	1982	1983	0	0	0	28,000	38,200	66,200	
			d: March 17, 2016	Sha	((Email	1	SEMENT	
Inform	ation fo	r		Do more o	online		Contact us		
Residents				Trip Planner			206-296-0100		
Businesses				Property tax info	ormation & paymer	nt	Email us		
Job seekers	s			Jail inmate look	up		Staff directory		
Volunteers				Parcel viewer of	· iMap		Customer service		
				Public records			Report a problem		
King Count	King County employees					report a problem			
King County	y employees			More online too			Subscribe to alerte		
King Count	y employees		St	More online too	's 'iew King County s	ocial media	Subscribe to alerts		
	King C	ount	_		ïew King County s	_		ccessibility Terms of use	



Volunteers King County employees	Parcel viewer or iMap Public records	Customer service Report a problem
	More online tools	Subscribe to alerts
	Stay connected! View King County social medi	a
💱 King County	© King Co	ounty, WA 2016 Privacy Accessibility Terms of use
Information for Contact us	Do more online	

and the		Home How do I Servi	i ces About King Co	ounty Departments	
		nt of Assessments			
	I Understandable Proper	「「「「「「「」」」という。「「「」」」			S. S. 72
You're in: Assessor >	> Look up Property Info >> e	Real Property			
					Referenc _inks:
					King Cour
			ADVERTISEMENT		Links
New Search Property Tax Bill	Map This Property Glossa	rry of Terms Area Report Print Property	Detail 📆		Property 1
	F	ARCEL DATA			 Washington
Parcel 30		Jurisdiction	SEATTLE		Departme Revenue
	W CLIFF+HYUN JU	Levy Code	0010		link)
Site Address 30	38 39TH AVE SW 98116	Property Type	R		 Washingt
	8-006 (WC Appraisal strict)	Plat Block / Building Number	1		Board of Appeals (
Property Name	Stricty	Plat Lot / Unit Number Quarter-Section-Township-	15 & 16		link)
		Range	<u>SE-11-24-3</u>		Board of
Legal Description		5			Appeals/E
HAINSWORTHS J WALTER 1S PLat Block: 1	T ADD LESS N 16 2/3 FT	OF SD LOT 15			- Districts I
Plat Lot: 15 & 16					 Districts F
					□ <u>iMap</u>
		LAND DATA			Recorder
Highest & Best Use As If Vaca	nt SINGLE FAMILY	Percentage Unusable	0		Scanned surveys a
Highest & Best Use As Improved	PRESENT USE	Unbuildable	NO		map docu
	Single Family(Res	Restrictive Size Shape	NO		Scanned
Present Use	Use/Zone)	Zoning	SF 5000		<u>plats</u>
Land SqFt	3,166	Water Sewer/Septic	WATER DISTRICT PUBLIC	0	Notice mail 07/07/2016
Acres	0.07	Road Access	PUBLIC	ADVERTISEMENT	
		Parking	100210		
		Street Surface	PAVED		
Vie	WS	Water	front		
Rainier		Waterfront Location			
Territorial		Waterfront Footage	0		
Olympics Cascades		Lot Depth Factor Waterfront Bank	0		
Seattle Skyline		Tide/Shore			
Puget Sound		Waterfront Restricted Access			
Lake Washington		Waterfront Access Rights	NO		
Lake Sammamish		Poor Quality	NO		
Lake/River/Creek		Proximity Influence	NO		
Other View Design	nations	Nuisa	nces		
Historic Site		Topography			
Current Use	(none)	Traffic Noise			
Nbr Bldg Sites		Airport Noise			
Adjacent to Golf Fairway	NO	Power Lines	NO		
Adjacent to Greenbelt	NO	Other Nuisances	NO		
Other Designation	NO	Problem			
Deed Restrictions Development Rights Purchase	NO d NO	Water Problems Transportation Concurrency	NO		
Easements	NO	Other Problems	NO		
Native Growth Protection	NO	Environ			
Easement		-			
DNR Lease	NO	Environmental	NO		
		L			
		BUILDING			
Building Number	1	Click the camera to see more p	pictures.		
Year Built	1930	Picture of Building 1			
Year Renovated	0				
Stories	1.5		-		
Living Units Grade	1 7 Average			5	
Grade Variant	0				
Condition	Average				
Basement Grade					
	4.000				
1st Floor	1,020		The second se		
1st Floor 1/2 Floor 2nd Floor	300 0				

Finished Basement	0
Total Finished Area	1,320
Total Basement	1,020
Basement Garage	0
Unfinished 1/2	0
Unfinished Full	0
AGLA	1,320
Attached Garage	0
Bedrooms	4
Full Baths	1
3/4 Baths	0
1/2 Baths	0
Heat Source	Oil
Heat System	Forced Air
Deck Area SqFt	100
Open Porch SqFt	0
Enclosed Porch SqFt	0
Brick/Stone	100
Fireplace Single Story	1
Fireplace Muilti Story	0
Fireplace Free Standing	0
Fireplace Additional	0
AddnlCost	0
Obsolescence	0
Net Condition	0
Percentage Complete	0
Daylight Basement	
View Utilization	



Account	Valued Year	Tax Year	Omit Year	Levy Code	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total Value (\$)	New Dollars (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total Value (\$)	Tax Value Reason
300980007003	2016	2017		0010	131,000	224,000	355,000	0	131,000	224,000	355,000	
300980007003	2015	2016		0010	119,000	205,000	324,000	0	119,000	205,000	324,000	
300980007003	2014	2015		0010	215,000	189,000	404,000	0	215,000	189,000	404,000	
300980007003	2013	2014		0010	215,000	153,000	368,000	0	226,000	120,000	346,000	FS
300980007003	2012	2013		0010	197,000	138,000	335,000	0	197,000	138,000	335,000	FS
300980007003	2011	2012		0010	207,000	147,000	354,000	0	226,000	120,000	346,000	FS
300980007003	2010	2011		0010	275,000	109,000	384,000	0	226,000	120,000	346,000	FS
300980007003	2009	2010		0010	275,000	109,000	384,000	0	226,000	120,000	346,000	FS
300980007003	2008	2009		0010	290,000	163,000	453,000	0	226,000	120,000	346,000	FS
300980007003	2007	2008		0010	262,000	147,000	409,000	0	226,000	120,000	346,000	FS
300980007003	2006	2007		0010	239,000	129,000	368,000	0	226,000	120,000	346,000	FS
300980007003	2005	2006		0010	226,000	120,000	346,000	0	139,000	189,000	328,000	FS
300980007003	2004	2005		0010	139,000	189,000	328,000	0	139,000	189,000	328,000	
300980007003	2003	2004		0010	131,000	168,000	299,000	0	131,000	168,000	299,000	
300980007003	2002	2003		0010	123,000	157,000	280,000	0	123,000	157,000	280,000	
300980007003	2001	2002		0010	110,000	140,000	250,000	0	110,000	140,000	250,000	
300980007003	2000	2001		0010	100,000	121,000	221,000	0	100,000	121,000	221,000	
300980007003	1999	2000		0010	65,000	157,000	222,000	0	65,000	157,000	222,000	
300980007003	1998	1999		0010	59,000	129,000	188,000	0	59,000	129,000	188,000	
300980007003	1997	1998		0010	0	0	0	0	51,000	111,000	162,000	
300980007003	1996	1997		0010	0	0	0	0	50,000	97,800	147,800	
300980007003	1994	1995		0010	0	0	0	0	50,000	97,800	147,800	
300980007003	1992	1993		0010	0	0	0	0	55,800	84,500	140,300	
300980007003	1990	1991		0010	0	0	0	0	51,200	77,500	128,700	
300980007003	1988	1989		0010	0	0	0	0	33,100	48,200	81,300	
300980007003	1986	1987		0010	0	0	0	0	31,500	41,500	73,000	
300980007003	1984	1985		0010	0	0	0	0	28,000	38,200	66,200	
300980007003	1982	1983		0010	0	0	0	0	28,000	38,200	66,200	

Excise Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
2767913	20151123000670	11/12/2015	\$505,000.00	MANIL GEORGE E	LOW CLIFF+HYUN JU	Statutory Warranty Deed	None
1989142	20030919000202	6/21/2003	\$0.00	RIDDERBUSCH PENNY F	MANIL GEORGE E	Quit Claim Deed	Divorce Settlement
1318888	199307132675	11/17/1982	\$0.00	DAVISON RICHARD T+JANICE M	RIDDERBUSCH PENNY F+MANIL	Warranty Deed	Correction (refiling)

PERMIT HISTORY

Permit Number		Type Issue Date	Permit Issuing Reviewed Value Jurisdiction Date	
<u>6521303</u>	Interior alteration to 2nd floor (adding bathroom ar closet), subject to field inspection,	d Remodel 2/29/2016	\$5,000 SEATTLE 7/29/2016	
	HOME IMPRO	VEMENT EXEMPTION	· · · · · · · · · · · · · · · · · · ·	
New Search	h Property Tax Bill Map This Property Glossary	of Terms Area Report	Print Property Detail 👳	
			ADVERTISEMEN	T
			ADVERTISEMEN	L
	Updated: March 17, 2016 Share	Tweet Email	Print	
			- · ·	
Information for	Do more onli	ıe	Contact us	
Information for Residents	Do more onli i Trip Planner	ıe	Contact us 206-296-0100	
Residents	Trip Planner		206-296-0100	
Residents Businesses	Trip Planner Property tax informati	on & payment	206-296-0100 Email us	
Residents Businesses Job seekers	Trip Planner Property tax informati Jail inmate look up	on & payment	206-296-0100 Email us Staff directory	
Residents Businesses Job seekers Volunteers	Trip Planner Property tax informati Jail inmate look up Parcel viewer or IMap	on & payment	206-296-0100 Email us Staff directory Customer service	
Residents Businesses Job seekers Volunteers	Trip Planner Property tax informati Jail inmate look up Parcel viewer or IMap Public records	on & payment	206-296-0100 Email us Staff directory Customer service Report a problem Subscribe to alerts	
Residents Businesses Job seekers Volunteers King County employees	Trip Planner Property tax informati Jail inmate look up Parcel viewer or iMap Public records More online tools Stay connected! View K	on & payment	206-296-0100 Email us Staff directory Customer service Report a problem Subscribe to alerts	
Residents Businesses Job seekers Volunteers	Trip Planner Property tax informati Jail inmate look up Parcel viewer or iMap Public records More online tools Stay connected! View K	on & payment	206-296-0100 Email us Staff directory Customer service Report a problem Subscribe to alerts	lity Terms of use
Residents Businesses Job seekers Volunteers King County employees	Trip Planner Property tax informati Jail inmate look up Parcel viewer or iMap Public records More online tools Stay connected! View K	on & payment ing County social med	206-296-0100 Email us Staff directory Customer service Report a problem Subscribe to alerts	lity Terms of use
Residents Businesses Job seekers Volunteers King County employees	Trip Planner Property tax informati Jail inmate look up Parcel viewer or iMap Public records More online tools Stay connected! View K	on & payment ing County social med	206-296-0100 Email us Staff directory Customer service Report a problem Subscribe to alerts	lity Terms of use

3038 39th Ave SW 12/7/2015 Steep Slope Tree Consulting, LLC

John Kenney

ISA Certified Arborist/ Municipal Specialist # PN-6601AM

ISA Qualified Tree Risk Assessor #510

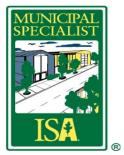
Certificate in Stream Restoration

Certificate in Project Management

(206) 547-1177

john.kenney123@gmail.com





To: Nehem Properties LLC 3807 E. Jefferson St Seattle 98122 Attn:Cliff

Job Site: 3038 39th Ave SW, Seattle, WA

Date: 12/7/2015

Prepared By: John Kenney, Owner, Steep Slope Tree Consulting ISA Certified Arborist/ Municipal Specialist # PN-6601AM

ISA Qualified Tree Risk Assessor #510

Contents

Summary Assignment & Scope of Report Methods Observations Conclusions Glossary Assumptions and Limiting Conditions 3038 39th Ave SW 12/7/2015 Steep Slope Tree Consulting, LLC

Summary

I was asked to produce a tree inventory report before proposed development.

Assignment & Scope of Report

This report outlines the site inspections by John A. Kenney, of Steep Slope Tree Consulting, LLC.

Methods

What I did do

I documented the diameter and species of each significant tree on site or close border tree. I then referenced The City of Seattle Director's rule 16-2008 and noted if any trees measured are Exceptional. I also looked for any tree grove's that would make trees Exceptional. I then documented the diameter and species of each significant tree on site or close border tree. Border

I then documented the diameter and species of each significant tree on site or close border tree. Border trees and trees on adjacent property's from the work site were estimated.

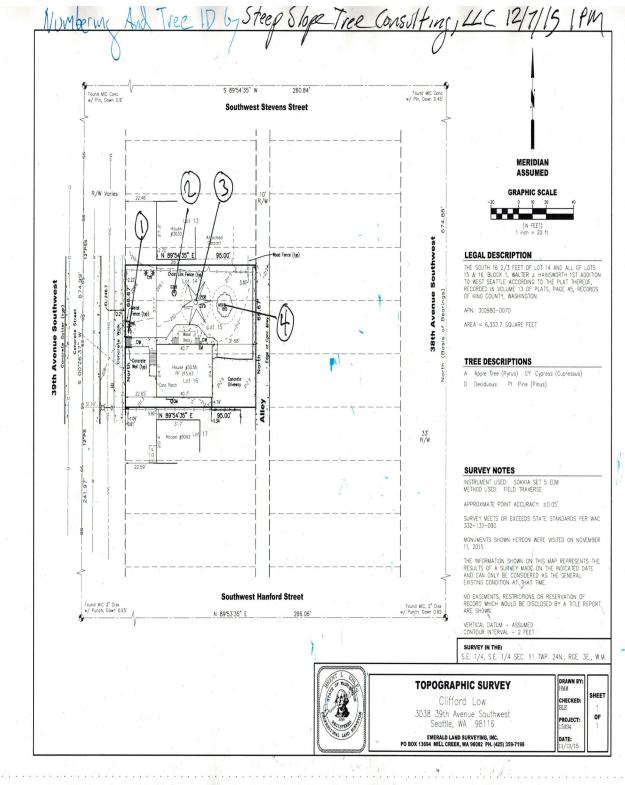
Previous tree measurements and ID from the surveyor were ignored, locations were used. I measured the drip lines of all Exceptional trees and most border trees. All tree diameter measurement in inches.

What I did not do

Shrubs defined in the book Trees and Shrubs by Philip Edinger and published by Sunset Books, were not measured because they are not considered trees. I did not use GPS or GIS. I did not trespass. I did not assess any tree for risk.

Tree Numbers and Locations

Observations



Tree #	Species (federal code)	Size inches	Exceptional	Drip line radius all sides unless noted in feet (For Exceptional and border trees only)	Tree condition poor,fair, good
1	shore pine, <i>Pinus contorta</i> 'contorta'	9	No		poor
2	shore pine, <i>Pinus contorta</i> 'contorta'	6,6	Dead		Dead
3	Ponderosa pine, <i>Pinus</i> <i>ponderosa</i> ,	42.3	Yes	25	good
4	apple tree, <i>Malus spp</i>	19,12	Yes	12	poor

Conclusions

Two Exceptional trees were found on site Tree# 3 and 4.

Glossary

DBH: diameter at breast height: the diameter of the trunk measured at 54 inches (4.5 feet) above grade.

John Ving

3038 39th Ave SW 12/7/2015 Steep Slope Tree Consulting, LLC

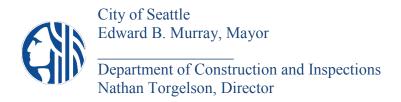
John Kenney

Owner Steep Slope Tree Consulting ISA Certified Arborist/ Municipal Specialist # PN-6601AM ISA Qualified Tree Risk Assessor #510 Certificate in Stream Restoration Certificate in Project Management (206) 547-1177 john.kenney123@gmail.com

Assumptions and Limiting Conditions

- 1. A Field examination of the site was made 12/7/2015. My observations and conclusions are as of that date.
- 2. Any legal description provided to the consultant is assumed to be correct. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations. No responsibility is assumed for legal matters.
- 3. Care has been taken to obtain all information from reliable sources. However, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.

- 4. The consultant shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made, including additional fees.
- 5. This report and any values expressed herein represent the opinion of the consultant, and the consultant fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
- 6. All trees possess the risk of failure. Trees can fail at any time, with or without obvious defects, and with or without applied stress.
- 7. Drawings and information contained in this report may not be to scale and are intended to be used as points of reference only. The reproduction of information generated by other consultants is for coordination and ease of reference. Inclusion of such information does not constitute a representation by the consulting arborist, as to the sufficiency or accuracy of the information.
- 8. Unless expressed otherwise, information in this report covers only items that were examined, and reflects the condition of those items at the time of inspection. The inspection is limited to visual examination of accessible items without laboratory analysis, dissection, excavation, probing, or coring, unless otherwise stated.
- 9. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
- 10. The consultant's role is only to make recommendations; actions or inaction's on the part of the client are not the responsibility of the consultant.
- 11. Loss or alteration of any part of this report invalidates the entire report.



CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number:	3024037
Applicant Name:	Yueann Wu
Address of Proposal:	3036 39 th Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story, single family residence with attached two car garage.

The following approvals are required:

Special Exception - to allow development of a qualified lot less than 3,200 sq. ft. in area in a Single Family zone (SMC 23.44.010.B.3).

BACKGROUND

The subject property is located in the West Seattle Neighborhood on the east side of 39th Ave SW and south of SW Stevens Street. The property is zoned Single Family 5000 (SF 5000) and is surrounded by SF 5000 zoning as well. The City has determined that the property qualifies as a separate legal building site under exceptions to the minimum lot area requirement set forth in SMC 23.44.010.B.1 (Opinion letter dated January 5, 2016, under project 3022995).

The site includes an Exceptional Tree as defined in SMC 25.11. Removal of the tree has been identified in building permit application 6513178.

Removal of the tree will be reviewed under the building permit application.

Site and Vicinity

Site Zone: Single Family 5000

Nearby Zones: North: SF 5000 South: SF5000 West: SF 5000 East: SF5000

ECAs: There are no mapped ECAs.



Application No. 3024037 Page 2

Public Comment

The public comment period ended on June 22, 2016. Comments that raised issues within the scope of this review related to:

• Proposed location of windows in relation to privacy

Additional comments were received that are beyond the scope of this review and analysis per SMC 23.44.010.B.3.

ANALYSIS - SPECIAL EXCEPTION

The Land Use Code provides a Special exception review process for lots less than 3,200 square feet in area (SMC 23.44.010.B.3). A special exception Type II review as provided for in Section 23.76.004 is required for separate development of any lot with an area less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1. The special exception application shall be subject to the following provisions:

- a. The depth of any structure on the lot shall not exceed two times the width of the lot. If a side yard easement is provided according to subsection 23.44.014.D.3, the portion of the easement within 5 feet of the structure on the lot qualifying under this provision may be treated as a part of that lot solely for the purpose of determining the lot width for purposes of complying with this subsection 23.44.010.B.2.c.
- b. Windows in a proposed principal structure facing an existing abutting lot that is developed with a house shall be placed in manner that takes into consideration the interior privacy in abutting houses, provided that this provision shall not prohibit placing a window in any room of the proposed house.
- c. In approving a special exception review, additional conditions may be imposed that address window placement to address interior privacy of existing abutting houses.

Review and analysis of the information provided by the Applicant demonstrates compliance with the provisions regulating review for lots less than 3,200 square feet.

The structure on the lot has a proposed depth of 63 feet with a 66.67 foot wide lot and as such, does not exceed two times the width of the lot.

The applicant provided a window study and privacy analysis for the adjacent properties located at 3026 39th Ave SW and 3022 39th Ave SW. The proposed window placement in relation to the adjacent neighbor's windows are located strategically to minimize overlapping views and maintain privacy for adjacent residencies. Based on the window study privacy analysis and public comments, it appears that windows in the proposed principal structure have been located in a manner to address interior privacy of existing abutting homes.

Public comments identified abutting windows across from proposed roof deck, however, the applicable criteria do not address outdoor gathering areas or roof decks in relation to window locations on abutting lots.

Application No. 3024037 Page 3

The proposal has been reviewed and complies with provisions regulating development on qualified lots under 3,200 square feet under SMC 23.44.010.B.3.

DECISION – SPECIAL EXCEPTION

The proposed Special Exception is **GRANTED**.

CONDITIONS OF APPROVAL

None.

Crystal Torres, Land Use Planner Seattle Department of Construction and Inspections Date: <u>October 6, 2016</u>

CT:rgc 3024037.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at <u>prc@seattle.gov</u> or to our message line at 206-684-8467.

GENERAL NOTES

- These notes are in abbreviate form. The intent is to further define those areas of work not clearly delineated on the drawings. The quality of workmanship throughout shall be first class and all materials shall meet or exceed the normal industry standards applicable in each case.
- All work is to be performed in strict compliance with the 2012 International Residential Code (SRC) for the Designerural part, the 2012 International Building Code (IBC) for the structural part, the 2012 Washington State Energy Code, Residential Provisions, and all applicable provisions of prevailing local, state, and federal codes and ordinances, including appropriate licensing laws including any local amendments. In Seattle, I.B.C. = S.B.C. and I.R.C = S.R.C. and compliance with the Land Use Code / Zoning Ordinance is required.
- C. Notify and consult with Designer if discrepancies are found between drawings and site conditions and/or building or zoning requirements prior to start of work. Any consequences resulting from these discrepancies will be the Contractors sole responsibility and expense if Designer is not consulted before area in question is constructed.
- Contractor shall verify field conditions prior to start of work. If measurements or conditions differ from drawings, notify Owner prior to start of work. Bring any conflicts to the attention of the Designer whereupon a final decision will be made.
- E. Dimensional strings are generated by a computer drafting program that usually rounds the dimension to the nearest $\frac{1}{8}$ of an inch. Therefore, it would be possible that a string of multiple dimensions and an overall dimensions of the same string could vary by $\frac{1}{8}$ of an inch. Please notify the Designer whether a verification of a dimension is needed or dimensions to $\frac{1}{16}$ are required.
- Do not scale drawing. During the reprographic process, proportions may have been altered. Use written dimensions. Where conflicts exist, notify the Designer immediately.
- G. Contractor to maintain in force at all times, insurance as required by Article II of the General Conditions of the Contract for Construction, AIA Document A201. Certificates evidencing said insurance shall be provided to the Owner, prior to commencement of any work.
- Contractor is solely responsible for all construction means and methods and shall maintain the structural integrity of any construction until all final lateral and vertical load carrying systems are completed - approvals from the Designer do not extend to approval of construction means and methods
- Drawings are for a complete installation with full-functional assemblies contractor is to field verify all dimensions and conditions prior to any work and shall be responsible for all work and materials including those finished by subcontractors.

GENERAL REQUIREMENTS

- A. Provide all required temporary facilities and all temporary utilities as required to keep facility in operation during construction. Contractor is responsible for all costs associated with temporary facilities and temporary utilities
- B. Construction Barricades: Provide construction barricade as required to keep Public and Employees safe, following all applicable federal, state and city cods and regulations.

DRAWINGS / PERMITS BY OTHERS

It is the contractor's responsibility to provide additional drawings and permits as required to complete this project. The following list is by no means meant to be comprehensive, rather suggestive of the possible types of additional permits, drawings, and submittals that may be required during the course of the project. Depending on the project, some of the following permits, drawing, and submittals could come up including others not listed below: • Provide information to City regarding disposal of excess soil. (if any)

- Provide Design / obtain Permit for any required Shoring Work. (if any)
- Provide Drawings / obtain Permit for Plumbing Work
- Provide Drawings / obtain Permit for Electrical Work
- Obtain Permit for Storm Sewer Design & Hook-Up
- Obtain Street Use Permits for any Street Work. (if any) • Apply & pay for required Water Meters.

Any deferred submittal shall be submitted to the Building Department for review and approval. (if any)

SOILS AND SITE WORK PER 401.4 (site-specific geotechnical reports shall govern) A. Excavation cuts are to be no steeper than 1:1, horizontal to vertical.

- B. Fill to be free of debris, organic contaminants and rock fragments larger than 6 inches. Use free-draining sand or sand and gravel conditioned to appropriate moisture content for adequate compaction. Fill shall contain no more than 5% fines relative to the fraction passing the $\frac{3}{4}$ " sieve. For house, slab or pavement areas, compaction of fill to be at least 95% of the maximum dry density (MDD) per ASTM D-1557 testing procedures. Utility trench backfill in settlement-sensitive areas to be compacted at least 90% of the MDD, except for the top 2 feet which should be compacted to 95% of the MDD.
- C. Structural fill to be placed in loose layers of not more than 8" layers for heavy equipment, or 4" for lightweight compaction equipment. Fill should be conditioned to the proper moisture content for compaction. Compact each lift before placing subsequent layers
- D. For footings supported on structural fill, the zone of structural fill should extend laterally out from the looting edges a distance at least equal to the thickness of the structural fill. Structural fill placed beneath footing should be compacted to at least 95% of the MDD in accordance with ASTM D-1557.
- E. All exterior and interior footings to be at least 18" and 12" respectively below the lowest finished adjacent grade.
- F. Crawl space per R408.

FRAMING (Site-specific structural engineering shall govern)

- A. All materials and workmanship shall conform to the requirements of the drawings, notes, specifications, and all applicable codes and ordinances.
- B. All frame construction shall conform to minimum standards of IBC/IRC. Fastening requirements to be in accordance with IBC. See Structural Drawings Structural Notes, and specifications for any other notes that may relate specifically to grades and sizing of all framing member.
- C. Columns and posts located on concrete or masonry floors or decks exposed to the weather or to water splash or in basements and which support permanent structures shall be supported by concrete piers or metal pedestals projecting above floors unless approved wood of natural resistance to decay or treated wood is used. The pedestals shall project at

least 6 inches above exposed earth and at least 1 inch above such floors. Per IBCpenetrations, soffits, drop & cove ceilings Wood/Earth seperation per R317

- D. Maintain all integrity of required 1 hour separations between different Occupancy Types. See Drawings and details for Required One and Two Hour Party Walls between units. Garage/Dwelling per R302.5 & 302.6
- E. Where installation includes manufactured products, comply with the manufacturer's
- for equipment and provide buck-outs, backing and jacks as required. in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applies normal load of 50 lbs on an area equal to 1 rail and wall surface. mount between 34" and 38" off stair nosing.
- G. DECKING: All wood exposed to weather, such as wood used for deck framing including resistance to decay.
- H. Unless noted otherwise, dimensions are to face of studs, face of foundation walls, centerline of columns, centerline of doors and windows. When exterior walls rare dimensioned as 6", they include $\frac{1}{2}$ " sheathing over 2x6 studs @ 16" oc.

INSULATION AND GLAZING PER R402

TABLE R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a					
CLIMATE ZONE	5 AND MARINE 4	6			
FENESTRATION U-FACTOR ^b	0.30	0.30			
SKYLIGHT ^b U-FACTOR	0.50	0.50			
GLAZED FENESTRATION SHGC ^{b, e}	NR	NR			
CEILING R-VALUE ^k	49	49			
WOOD FRAME WALL ^{g, m,n} R-VALUE	21 int	21+5ci			
Mass Wall R-Value ⁱ	21/21 ^h	21+5 ^h			
FLOOR R-VALUE	30 ^g	30 ^g			
BELOW-GRADE ^{C, M} WALL R-VALUE	10/15/21 int + TB	10/15/21 int + TB			
SLAB ^d R-VALUE & DEPTH	10, 2 ft	10, 4 ft			

- A. Service hot water pipes shall be insulated per MIN. R-4 PER 2012 SEC R403.4.2 B. All wall and ceiling insulation shall have a vapor retarder (such as craft paper faced facing to be installed on the interior side of wall/ceiling/floor.
- C. Insulation and facing material shall have a flame spread index not to exceed 25 with smoke developed not to exceed 450 per IRC R316.
- of R-10 insulation.
- E. Section R401.3:
 - the electrical panel prior to final inspection.
- Fenestration U-factors and SHGC
- Type and efficiency of heating/cooling/service water heating equipment. Duct leakage rates and test conditions
- Blower door air leakage results (if conducted)
- -. Section 403.2.2 Sealing following:
- Post construction test: Max 4 cfm/100 sq.ft conditioned floor area at pressure differential of 0.1" w.g. (25 Pa), with registers sealed
- w.g. (25 Pa), @0.1" w.c., with registers. Max 3cfm if air handler not installed.
- official. Testing shall be performed after creation of all penetrations of the building thermal envelope.
- H. Section R403.1.1:
- Each dwelling unit is required to be provided with at least one programmable thermostat for the regulation of temperature.
- Min. weekday/weekend 5-2 programmable schedule.
- For primary system, min. 2 programmable setback periods/day.
- Heating only: temperature range= 55-70 degrees F
- Cooling only: temperature range= 78-85 degrees F Combined heating/cooling: temperature range = 55-85 degrees F.
- J. Section R404 High Efficacy Luminaries.

 75% of permanent lighting fixtures to be high efficacy lamps K. Additional Energy Efficiency Requirements R406

- Small Dwelling unit (need 0.5 points from Table R406.2): less than 1500sf conditioned floor area & less than 300 sf fenestration area
- Medium Dwelling unit (need 1.5 points from Table R406.2) • Large Dwelling unit (need 2.5 points from Table R406.2): over 5000 sf
- conditioned floor area

	Table 406.2 - Energy Credits					
Option	Description	Credit(s)				
1a	Efficient Building Envelope 1a	0.5				
1b	Efficient Building Envelope 1b	1.0				
1c	Efficient Building Envelope 1c	2.0				
2a	Air Leakage Control and Efficient Ventilation 2a	0.5				
2b	Air Leakage Control and Efficient Ventilation 2b	1.0				
2c	Air Leakage Control and Efficient Ventilation 2c	1.5				
3a	High Efficiency HVAC Equipment 3a	0.5				
3b	High Efficiency HVAC Equipment 3b	1.0				
3c	High Efficiency HVAC Equipment 3c	2.0				
3d	High Efficiency HVAC Equipment 3c: Ductless Split System Heat Pumps, Zonal Control	1.0				
4	High Efficiency HVAC Distribution System	1.0				
5a	Efficient Hot Water Heating 5a	0.5				
5b	Efficient Hot Water Heating 5b	1.5				
6	Renewable Electric Energy	0.5				

VENTING NOTES

- A. Section R806 IRC Enclosed attics and rafter spaces formed where ceilings are applied
- resistant wire mesh, with $\frac{1}{8}$ " (3.2mm) to $\frac{1}{4}$ " (6.4mm) openings. ventilated.

applicable instructions and recommendations for installation. Verify rough-in dimensions

F. All Guardrails per R312 to be 36" high minimum from finished floor line. Openings in railing assemblies are not to exceed 4" in one direction. Guardrails and handrails to withstand a 200 lb/sf concentrated load applied in any direction at any point along the top. Guardrail

square foot. This load need not be assumed to act concurrently with any other live load requirement. Handrails to be between $1\frac{1}{2}$ " dia. and 2" dia. with clearance of $1\frac{1}{2}$ " between

decking, railings, joists, beams, and posts shall be pressure treated or of wood with natural

insulation, a special interior paint, vapor retardant foil or other approved vapor retarders)

D. Int. denotes standard framing 16inches on center with headers insulated with a minimum

• A residential energy compliance certificate complying with SEC R401.3 is required to be completed by the design professional or builder and permanently posted within 3' of

Ducts to be leak tested in accordance with WSU RS-33 in accordance with either of

• Rough-in test: Max 4 cfm/100 sq.ft conditioned floor area at pressure differential of 0.1"

G. R402. Building air leakage testing, verified as having air leakage rate not exceeding 5 air changes per hour. Testing to be conducted with blower door at a pressure of 0.2 inches w.g. (50 Pascals). The written test results shall be signed by tester and provided to code

	,
ray Cradita	
rgy Credits	

directly to the underside of the roof rafters shall have cross ventilating openings protected against the entrance of rain or snow. Ventilating openings shall be provided with corrosion

B. The total net free ventilation area shall be not less than $\frac{1}{150}$ of the area of each space to be

Exception 2: the minimum net free ventialtion area shall be $\frac{1}{300}$ of the vented space provide that at least 40% and not more than 50% of the required ventilation area is provided by ventilation located in the upper portion of the attic or rafter space. Upper ventilation area is located in the upper portion and at least 3 feet above eave or comic vents with the balance being provided eave or cornice vents, or if a vapor retarder not exceeding a 1 perm rating is installed on the WARM SIDE of the insulation. See calculations in the drawings.

- C. Where vents occur, baffling of the vent opening shall be provided so as to deflect the incoming air above the surface insulation. Insulation shall not block the free flow of air. A minimum of a one inch (25.4) space shall be provided between the insulation and the roof sheathing at the location of the vent.
- D. M1507.3.4.2 Fan Noise. Whole -house fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.1 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915 home ventilating institute loudness testing and rating procedure. Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached ductwork using insulated flexible duck or other approved material.
- E. M1507.3.4.3 Fan Controls. The whole-house ventilation fan shall meet the requirements of sections M1507.3.2 and M1507.3.2.1
- F. M1507.3.4.4 Outdoor air inlets. Outdoor air shall be distributed to each habitable space by individual out door air inlets. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means. Doors shall be undercut to a minimum of $\frac{1}{2}$ inch above the surface of the finish flooring covering.

DOORS AND WINDOWS

- A. Doors as selected by Owner, but must meet code, egress, hardware, requirements as per
- B. See floor plans for sizes. Rating and required u-values shall be per plan and as set forth on this sheet. See schedules attached or in drawings. All exterior doors, windows and skylights shall be NFRC certified and shall meet 2012 SEC R303.1.3 for leakage.
- C. All Dwelling Units shall have dead-bolts that have thumb-turn to the inside.
- Electric Garage Door to be installed by Company familiar with Safety Requirements. All doors with required fire rating shall comply with provisions in this section, and shall be self closing and latching with no hold-opens. fire doors and dampers shall have an approved label or listing mark, identifying the fire-protection rating permanently affixed at the factory per IBC 715.3.3 All treated doors to have 3 hinges per leaf. When spring hinges are used for self-closing requirements, not less than half of the hinges are to be spring
- F. All glazing within 24" of a door, or within 18" from a floor surface to be tempered, including any glass shower or tub doors. Additionally, glazing within 5 feet of the bottom or top of stairways where the sill is less than 60" AFF shall be safety glazed. IRC R308.3 & 308.4 specifies other hazardous locations also requiring safety glazing.
- G. Egress windows from sleeping rooms and basements with habitable space w/o sleeping room to have a minimum net clear opening of 5.7 SF, minimum of 24" clear height, 20" minimum clear width, with maximum sill height of 44" above finished floor per IRC R310. H. SKYLIGHTS per R308.6

DRYWALL FINISH

- A. Provide $\frac{1}{2}$ " gypsum wall board for non-rated assemblies and $\frac{5}{8}$ " type "x" gypsum wall board for 1-hour rated assemblies with all exposed joints and fastener heads smooth and flush with surface of board. joints taped and prepared for application of finish. use water-resistant board at all wet areas to 4'-0" AFF.
- "Recommended Specifications for the Application and Finishing of Gypsum Board," latest edition, as published by the Gypsum Association (also published as ANSI 97.1 and "Using Gypsum Board and Ceiling," latest edition).
- C. When gypsum board is used as a base for tile or wall panels for tub, shower or water closet compartment walls, water resistant gypsum backing board shall be used per IRC section R702.4.2.

MECHANICAL

- A. HVAC and Plumbing work shall be performed in a "Bidder-Design" manner. The Contractor shall submit such systems separately for permit.
- B. It is the Contractor's responsibility to design systems that meet all requirements and codes. Contractor shall submit drawings, pay for, and obtain permit and perform work in a manner that meets or exceeds the recognized workmanship standards for the industry.
- C. All drawings are to be submitted for review and approval to the Owner before performing work.
- D. Heating is electric or gas either piping of hydronic heat or forced air via duct and furnace, to be determined. All furnaces shall be listed and labeled by an approved agency and installed per listed specifications.
- IC Chapter 24 covers fuel gas applications
- appliances intended for installation in closets, alcoves or confined spaces shall be sl listed per code, IMC.
- G. appliances installed in garages or other areas where they may be subject to mechanical damage shall be suitable guarded against such damage by being installed behind protective barriers or by being elevated or located out of the normal path of vehicles.
- H. Equipment located in a garage and capable of igniting flammable vapors shall be installed with the pilots and burners or heating elements and switches at least 18 inches above the floor level.
- Appliances designed to be in a fixed position shall be securely fastened in place. Supports for appliances shall be designed and constructed to sustain vertical and horizontal loads within the stress limitations in the building code and IMC.
- J. Verify types, Manufacturer, and locations of all plumbing fixtures and faucets with Owner prior to purchasing and/or installing.
- K. Vent outlet for gas appliances shall be 3' minimum away from operable windows, and 10' minimum away from fresh air intakes per WSEC and IRC chapter 24

WATER CONSERVATION NOTES

- A. Showers to be equipped to limit water flow to 2.5 CFM
- B. Toilets to meet State Energy Code.

FIREPLACE NOTES (see IRC Chapter 10; Pre-fab metal per R1002, R1003, R1005)

- A. Gas fireplace shall be approved by the building official as applicable for safe use or comply with applicable nationally recognized standards as evidenced by the listing and labeling by an approved agency such as the EPA.
- Instruction manuals for installation, operation repair and maintenance shall be left and attached to the appliance by the installer.
- C. Direct vent outlet for fireplace shall be 3' minimum away from operable windows, and 10' minimum away from fresh air intakes per per WSEC.

VENTILATION per SRC M1507

- Continuously operating whole house fan is proposed.
- Per table M1507.3.3(1) [3001-4500 sf dwelling unit area with 4-5 bedrooms] provide min. 90cfm continuously operating whole house fan
- B. Provide outdoor air inlet with 4 sq. in. min net free area for each habitable space.

B. SLOPED CEILINGS: Not more than 50% of the REQUIRED floor area of a room/space is permitted to have a sloped ceiling less than 7 feet or a portion less than 5 feet, (i.e. minimum REQUIRED bedroom is 70 SF per R304.3, so at least 35 SF of a bedroom needs to have ceiling heights over 7 feet and the other 35 SF over 5 feet. GARAGE requirements per R309 ATTIC ACCESS per R807

INDOOR AIR QUALITY NOTES

- A. Range exhaust & dryers: Domestic kitchen range ventilation and domestic clothes dryers shall be of metal and have smooth interior surfaces. Ducts shall be substantially airtight and shall comply with the provisions of Chapter 6 UMC. Exhaust ducts shall terminate outside the building and be equipped with back-draft dampers.
- Moisture exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a back-draft damper. Screens shall NOT be installed at the duct termination. Ducts for exhausting clothes dryers shall NOT be connected or installed with sheet metal screws or other fasteners which will obstruct the flow.
- C. Unless otherwise permitted or required by the dryer manufacturer's installation instructions and approved by the building official, dryer exhaust ducts shall not exceed a total combined horizontal and vertical length of 14 feet including two 90-degree elbows. Two feet shall be deducted for each 90-degree elbow in excess of two.

SMOKE ALARM / DETECTORS PER IRC R314

- A. Smoke alarms shall be installed in the following locations:
- 1. Each sleeping room
- 2. Outside each separate sleeping area in the immediate vicinity of the bedrooms 3. On each additional habitable story of the dwelling, including basements

B. When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed. All smoke alarms shall be listed and installed in accordance with the provisions of IRC and the household fire warning equipment provisions of NFPA 72. Primary power to come from building wiring per IRC R314 from commercial source with battery back-up.

C. Provide an approved carbon monoxide alarm on each level of the dwelling per R315.

FIRE-RESISTIVE REQUIREMENTS

A. CONSTRUCTION PER R302

• Interior & exterior bearing walls, & non-bearing walls to be type V_B construction as required

• Floors & floor/ceilings to be type VB construction

Roofs & roofs/ceilings to be type VB construction

NOTE: All garage interior walls, ceilings, structural support systems exposed therein, and voids under stairs shall be 1-hour construction per plans and details.

B. TYPES OF CONSTRUCTION: Standards of Quality - Construction materials shall be labeled appropriately, as required by the local municipality, showing that they comply with local code standards for such materials as building paper, decking material, foam plastics, wall and roofing materials.

C. FIRE RESISTIVE MATERIALS & SYSTEMS: Fire resistance ratings of walls, floors, roof assemblies shall meet criteria set forth in IBC or based on submitted information showing equivalent fire resistive rating.

D. FIRE BLOCKING AND DRAFTSTOP per R302.11, R302.12, 502.12 and R602.8 E. PROTECTION OF STRUCTURAL MEMBERS: Thickness of protection over structural members shall be as per IBC. See wall types and sections in these drawings for specifics. F. COLUMN JACKETING: Where fire resistive covering on columns is exposed to injury from moving vehicles or other means, contractor shall protect area from damage and deterioration.

ELECTRICAL

A. Electrical work shall be performed in a "Bidder-Design" manner. The contractor shall submit such systems separately for permit

B. It is the Contractor's responsibility to design systems that meet all requirements and codes. contractor shall submit drawings, pay for, and obtain permit and perform work in a

manner that meets or exceeds the recognized workmanship standards for the industry. C. All drawings are to be submitted for review and approval to the Owner before performing work. Specific attention is to be paid regarding Owner-requested locations of electrical, phone and computer cabling port locations.

D. Proper protection shall be provided around recessed light fixtures per manufacturer's recommendations so that overheating will not occur. Recessed light fixtures to be IC rated. E. At least 75% of permanent lighting fixtures to be high efficacy lamps - WSEC R404

STAIRS

A. IRC R311.7, min 36" wide, max riser = $7\frac{3}{4}$ ", min tread = 10". Hand rails shall not project more than $4\frac{1}{2}$ " into the 36" clear pathway on either side.

B. LANDINGS: There shall be a floor of landing at the top and bottom of each stairway except a door swinging except a door swinging away from the stairs is ok for interior stairs. The width of each landing shall not be less then the width of the stairway served, min 36" in the direction of travel. Max 2% slope.

C. HANDRAILS: 34" to 38", min $1\frac{1}{2}$ " clear from wall, continuous from full-length of flight where risers are. Handrail ends shall be returned or terminate in newel posts or safety terminals. new posts can interrupt handrails at turns. The lowest tread may have a volute, turnout or newel. Handrails shall be of the two type listed in IRC 311.7 or provide equivalent graspability.

SECURITY per Seattle Residential Code Section R329

A. Provide building entrance locks and observation ports at approx. 60" AFF in accordance with this section.

SOUND TRANSMISSION CONTROL per Seattle Residential Code section R330

- A. Assemblies separating dwelling units shall provide:
 - At walls: airborne sound insulation at STC 45 per, ASTM E 90.

• At floor-ceiling airborne and impact sound insulation at an "Impact Insulation Class" (IIC) or min. 50 per ASTM E 492

B. Fire-resistive integrity shall be maintained.

- MINIMUM AREAS FOR HABITABLE ROOMS per R304:
 - Common room: 120 SF; Cooking + Living or Living + Sleeping:
 - 150 SFKitchens are exempt from minimum area and dimensions. • IRC DEFINITION OF HABITABLE SPACE: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

CEILING HEIGHT per IRC R305

A. Habitable spaces/rooms, hallways, corridors, bathroom, toilet rooms, laundry rooms and basements shall have a ceiling height not less than 7 feet measured from FINISH floor to FINISH ceiling. Beams at least 4 feet on center can project into space 6 inches.

WEATHER PROTECTION per R703 & R903



1941 1st avenue s / suite 3e seattle, washington 98134 p: 206.707.1406

e: yueann@arraybuild.com w: www.arraybuild.com

KEY PLAN:

PROJECT: **3036 SW HOUSE**

PROJECT ADDRESS: 3036 39th AVE SW SEATTLE, WA 98116

CLIENT / OWNER: CLIFF & HYUN JU LOW

DPD NO.:

LANDUSE 3024037 BLDG 6513178

SUBMITTAL:

JAN 12, 2016	PASV
MAY 2, 2016	SPE. EXCP. II
PLOT DATE:	
DRAWN:	UN
CHECKED:	JW
PROJECT No.	120415

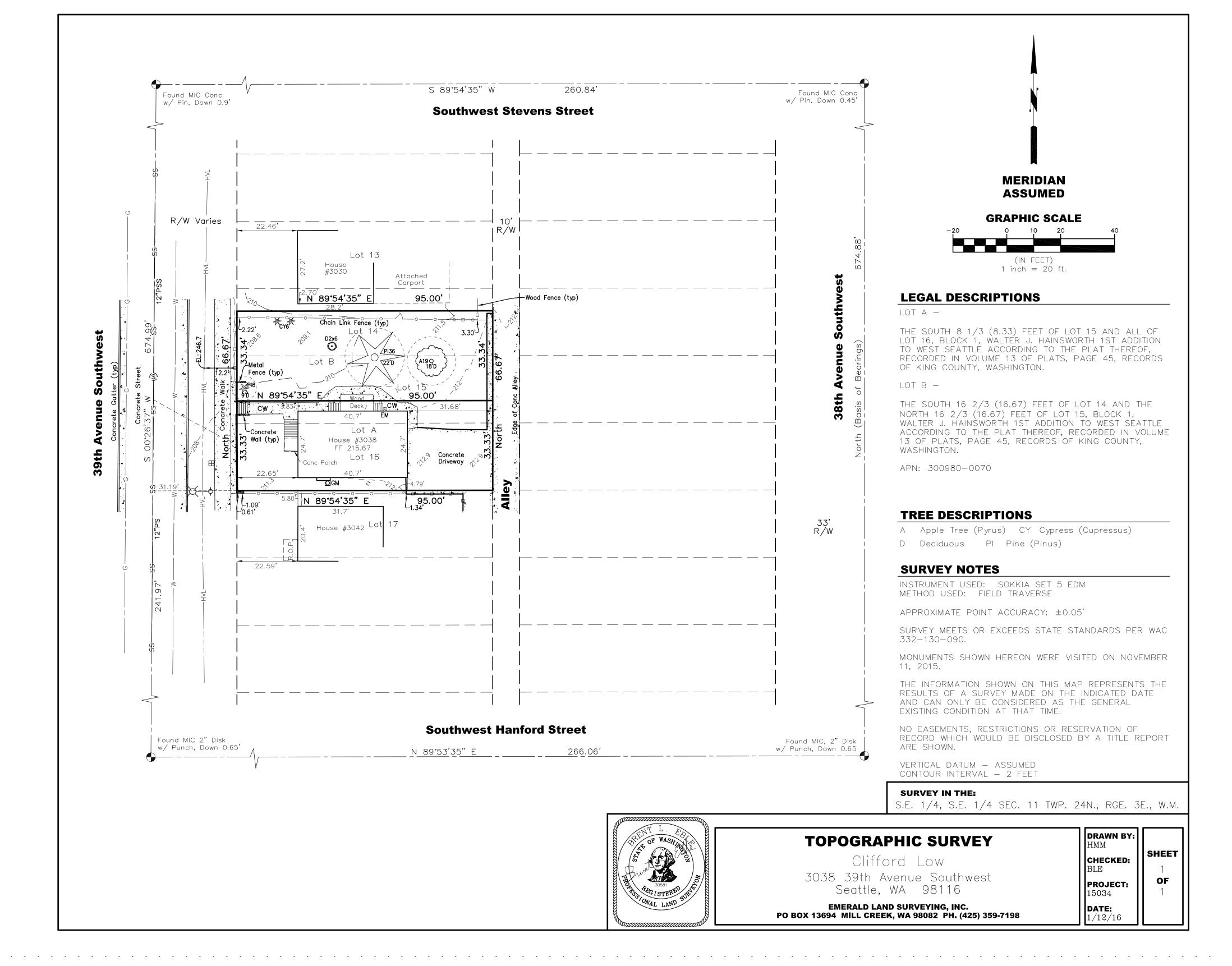
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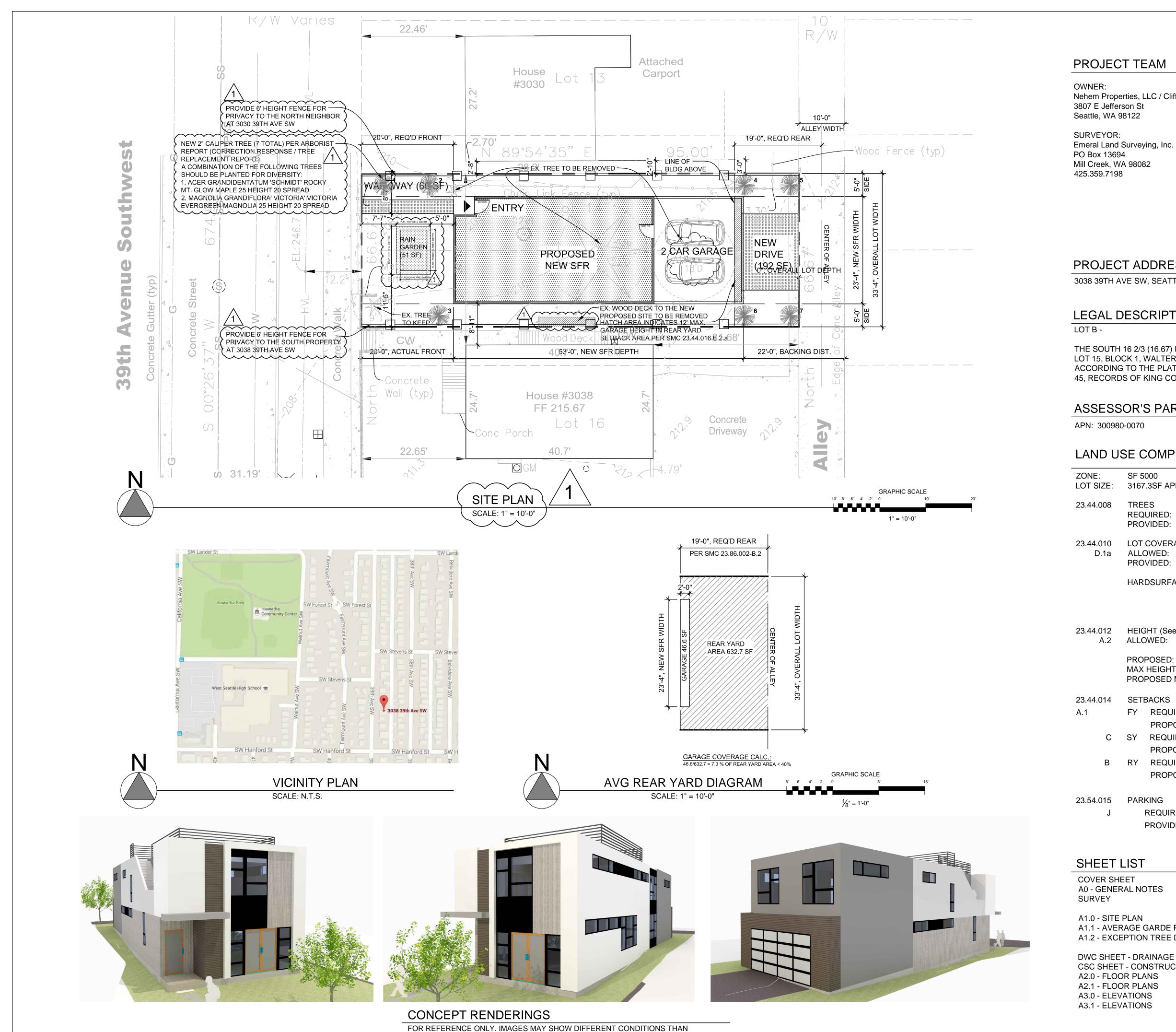
SHEET NO .:

GENERAL NOTES

COPYRIGHT ARRAY, LLC ALL RIGHTS RESERVED ORIGINAL SHEET SIZE IS 24"x36"







PLANS AND ELEVATIONS. DO NOT BUILD FROM RENDERINGS.

Nehem Properties, LLC / Cliff Low

APPLICANT: Array, LLC / Yueann Wu 1941 1st Ave S #3E Seattle, WA 98134 206.707.6764

DESIGNER: Array, LLC / Yueann Wu 1941 1st Ave S #3E Seattle, WA 98134 206.707.6764

STRUCTURAL: Carissa Farkas Structural Engineering, PLLC /Carissa Farkas

PROJECT ADDRESS

3038 39TH AVE SW, SEATTLE, WA 98116

LEGAL DESCRIPTION

THE SOUTH 16 2/3 (16.67) FEET OF LOT 14 AND THE NORTH 16 2/3 (16.67) FEET OF LOT 15, BLOCK 1, WALTER J. HAINSWORTH 1ST ADDITION TO WEST SEATTLE ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 13 OF PLATS, PAGE 45, RECORDS OF KING COUNTY, WASHINGTON.

ASSESSOR'S PARCEL NUMBER

LAND USE COMPLIANCE

SF 5 3167	000 .3SF APPROX				
- •	ES UIRED: VIDED:	•	3 SF/1000)(2 9 (9"D) = 8 (·	
ALLO	COVERAGE DWED: VIDED:	•	3 SF x 15%) ⁻ (house) + 4		-75 SF e) = 1470 SF
HAR	DSURFACE ARE	EA:	1 ROOF 3 WALK P/ 4 DRIVE TOTAL	AVER	1470.0 SF 60.0 SF <u>192.0 SF</u> 1722.0 SF
	GHT (See calcs th WED:	nis sheet	18 FT MAX		OF ABUTTING LOTS
MAX	POSED: HEIGHT ALLOW POSED MAX. H		211 FT AV	G GRADE	.3 (SEE SHEET A1.1) ROOF = 235 FT
SET	BACKS				
FY	REQUIRED:	20.0'			
SY	PROPOSED: REQUIRED:	20.0' 5'-0"			
01	PROPOSED:		S, 5'-0" N		
RY	REQUIRED:		(20% x 95')		
	PROPOSED:	19.0'			
PAR	KING				
	REQUIRED:	1 ca	ars		
	PROVIDED:	2 ca	ars, garage		
ют					
IST					
ET AL NC	DTES			A4.0 - BUI A4.1 - DET	LDING SECTION & SCHEDUL AILS
					CTURAL NOTES
PLAN AGE (GARDE PLAN				IDATION PLAN R WALLS & FRAMING PLANS
	N TREE DIAGRA	М			R WALLS & ROOF PLANS

A1.2 - EXCEPTION TREE DIAGRAM

DWC SHEET - DRAINAGE CONTROL PLAN **CSC SHEET - CONSTRUCTION STORMWATER**

ULES

- IS
- S4 SHEAR WALLS & ROOF PLANS
- S5 STRUCTURAL DETAILS

ARRAY, LLC ARCHITECTURAL DESIGN

1941 1st avenue s / suite 3e seattle, washington 98134 p: 206.707.1406

e: yueann@arraybuild.com w: www.arraybuild.com

KEY PLAN:

PROJECT: 3036 SW HOUSE

PROJECT ADDRESS:

3036 39th AVE SW SEATTLE, WA 98116

CLIENT / OWNER: CLIFF & HYUN JU LOW

DPD NO.:

LANDUSE 3024037 BLDG 6513178

SUBMITTAL:	
JAN 12, 2016	PASV
MAY 2, 2016	SPE. EXCP. II
JULY 8, 2016	BLDG CORR 2
	SDEC COPP 1

JULY 8, 2016 |SPEC. CORR 1 PLOT DATE:

DRAWN: CHECKED:

UN

JW

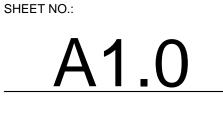
120415

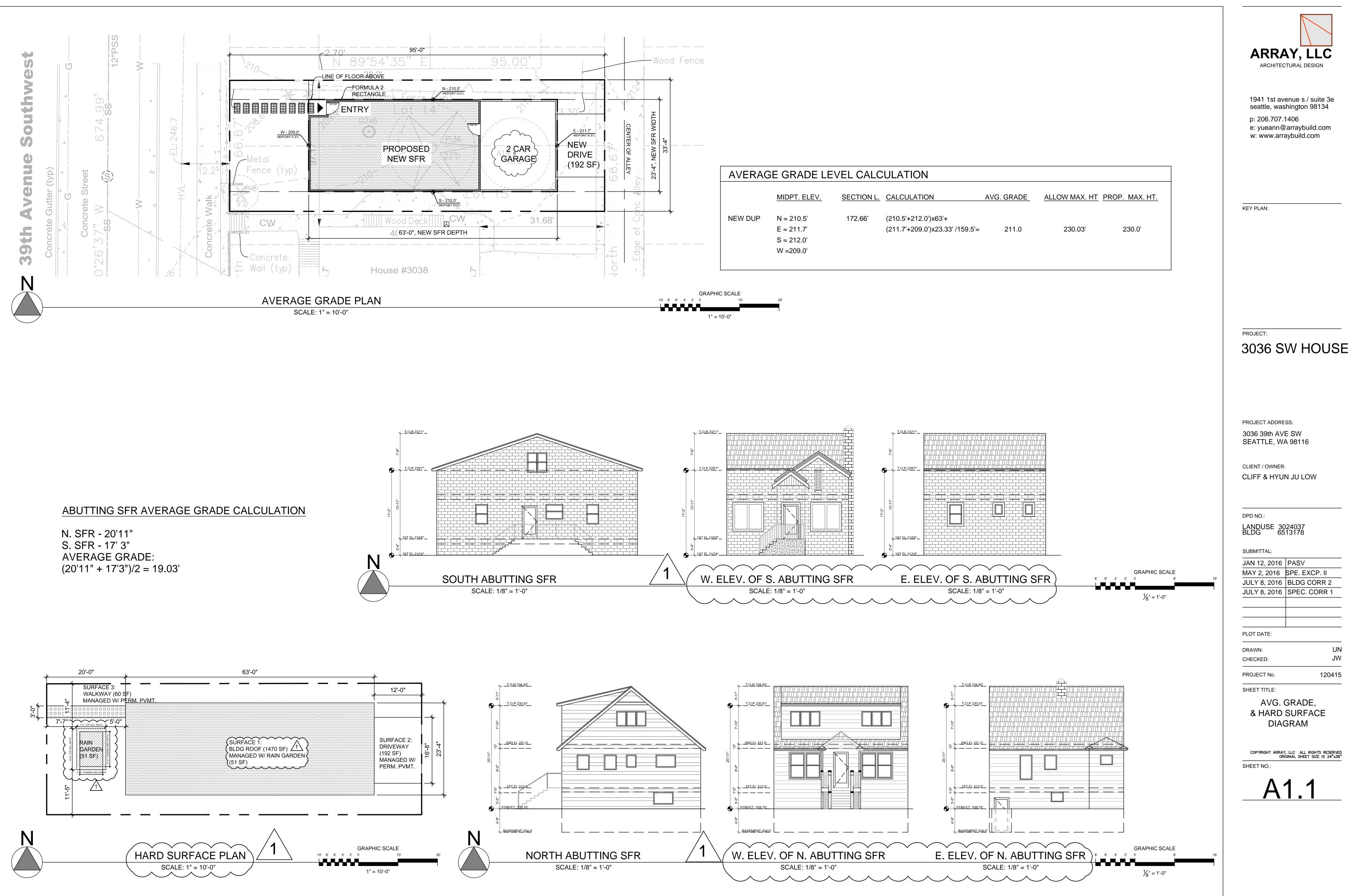
PROJECT No.

SHEET TITLE:

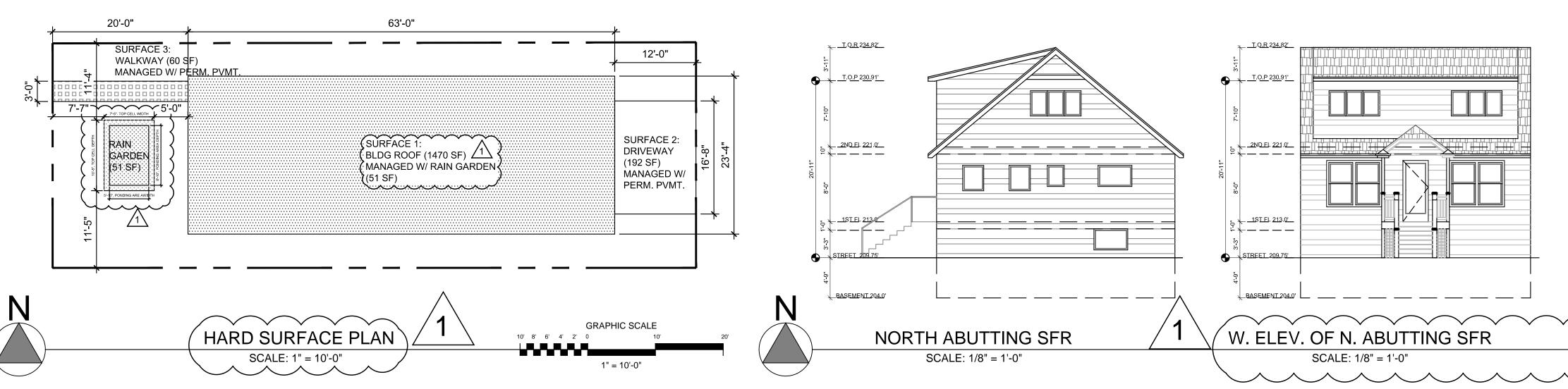
SITE PLAN

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12"PSS Southwest C 5 000 \rightarrow 46 \bigcirc \sim Avenue Gutter (typ) Street (\mathbf{S}) ()Walk crete Concrete Con U. **39th** S Co 5 \bigcirc \mathcal{O} \bigcirc ()C v 31.19' 0 \geq

Ν

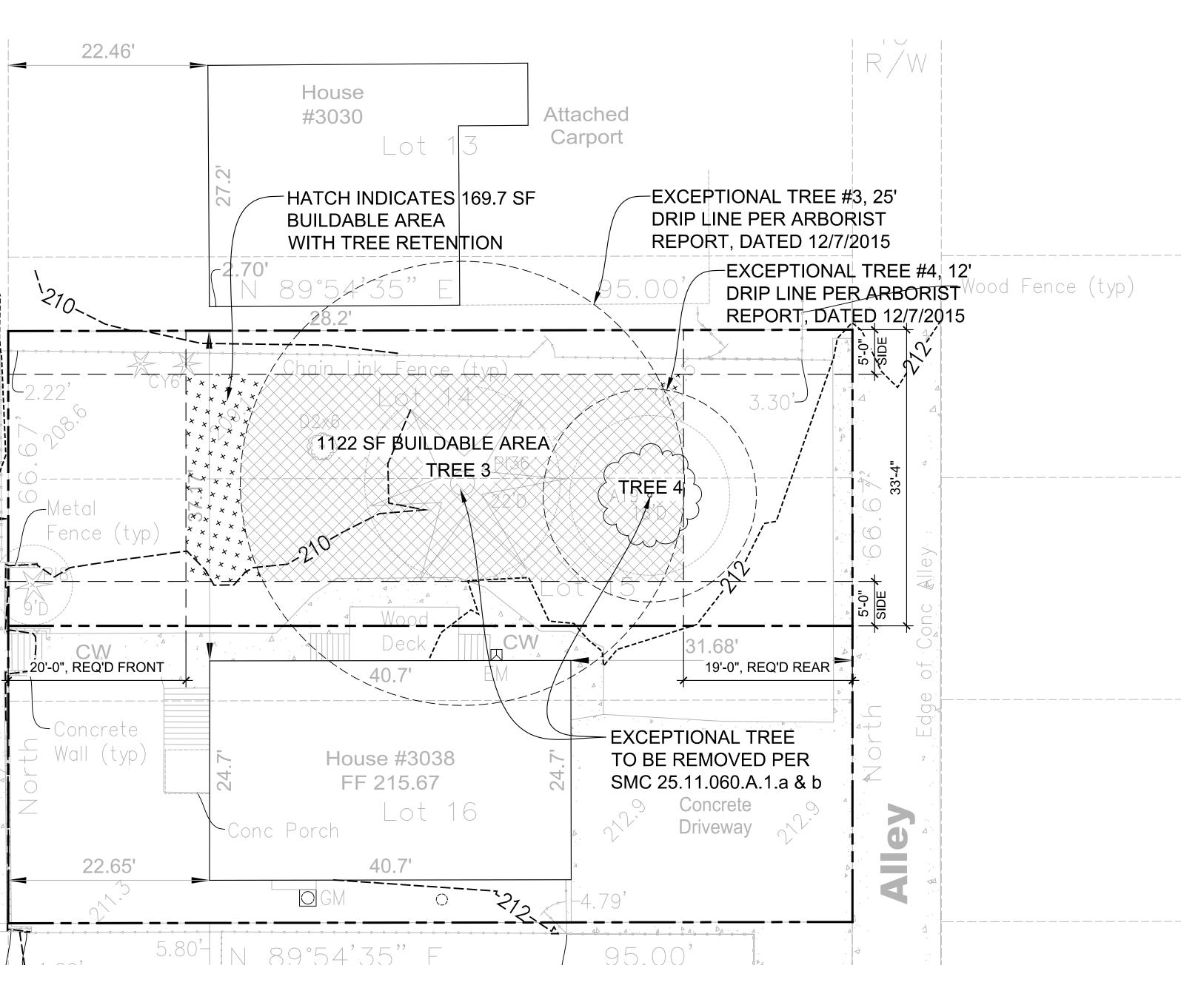
TREE #3 & #4 REMOVAL PER SMC 25.11.060.A.1.a & SMC 25.11.060.A.1.b

TREE #3 IS AN EXCEPTION PONDEROSA PINE, *PINUS PONDEROSA*, WHICH MUST BE REMOVED FOR DEVELOPMENT OF THIS LOT. TREE #4 IS AN EXCEPTION APPLE TREE, MALUS SPP, WHICH MUST BE REMOVED FOR DEVELOPMENT OF THIS LOT. SMC 25.11.060.A.1.a:

- LOT COVERAGE (SEE DIAGRAM ABOVE): - LOT SIZE: 3166.67SF
- ALLOWED LOT COVERAGE: 3166.67 x 15% +1000= 1475 SF

SMC 25.11.060.A.1.b:

(15)FEET IN WIDTH.



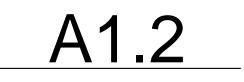
EXCEPTIONAL TREE DIAGRAM

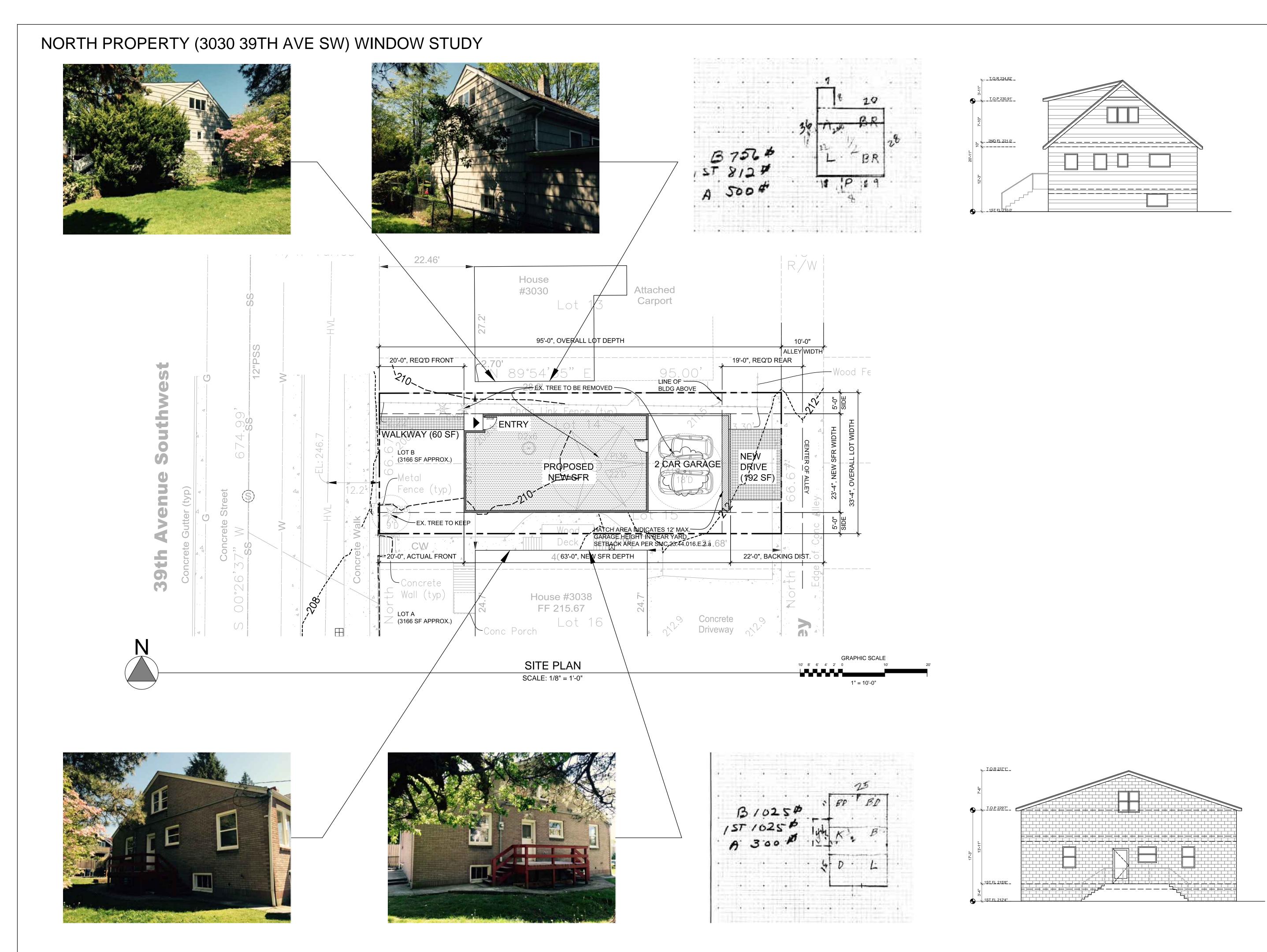
SCALE: 1" = 10'-0"

- BUILDABLE AREA WITH TREE #3 & #4 RETENTION: 169.7 SF < 1475SF (ALLOWABLE LOT COVERAGE)

AVOIDING DEVELOPMENT IN THE TREE PROTECTION AREA WOULD RESULT IN A PORTION OF THE HOUSE BEING LESS THAN FIFTEEN

ARRAY ARCHITECTUR	
1941 1st avenue seattle, washing p: 206.707.1406 e: yueann@arra w: www.arraybu	gton 98134 S aybuild.com
KEY PLAN:	
PROJECT: 3036 SW	HOUSE
PROJECT ADDRESS: 3036 39th AVE SV SEATTLE, WA 98	
CLIENT / OWNER: CLIFF & HYUN JU	JLOW
DPD NO.: LANDUSE 30240 BLDG 65131 SUBMITTAL: JAN 12, 2016 PA MAY 2, 2016 SPE	
PLOT DATE: DRAWN: CHECKED:	UN JW
PROJECT No. 	120415
EXCEPTI TREE DIA	





SOUTH PROPERTY (3038 39TH AVE SW) WINDOW STUDY

	AY, LLC CTURAL DESIGN
seattle, was p: 206.707. e: yueann@	enue s / suite 3e shington 98134 1406 2arraybuild.com aybuild.com
KEY PLAN:	
project: 3036 S	W HOUSE
PROJECT ADDRE 3036 39th AV SEATTLE, W CLIENT / OWNER CLIFF & HYU	E SW A 98116
DPD NO.: LANDUSE 30 BLDG 65 SUBMITTAL: JAN 12, 2016 MAY 2, 2016	
PLOT DATE: DRAWN: CHECKED:	UN JW
PROJECT No. SHEET TITLE: WINDC	120415 OW STUDY
COPYRIGHT ARRA OF SHEET NO.: A	r, LLC ALL RIGHTS RESERVED IGINAL SHEET SIZE IS 24"x36"



2012 SEC RESIDENTIAL PROVISIONS SECTION R406 & TABLE 406.2 - OPTION 5b - 1.5 ENERGY CREDIT

WATER HEATING SYSTEM SHALL INCLUDE GAS WATER HEATER WITH MINIMUM EF OF 0.82

PROVIDE - RINNAI RU80i (REU-KB2530OFFUD-US) NATURAL GAS FIRED TANKLESS WATER HEATER WITH 0.96 EF

CARBON MONOXIDE ALARM

•^{CO}

●^{SD}

PER SRC R315.1 AND WAC 51-50-0907 FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOM IN DWELLING UNITS WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES. SINGLE STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL 2034 AND SHALL BE INSTALLED IN ACCORDANCE WITH THIS CODE AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

SMOKE DETECTORS

A SMOKE DETECTOR SHALL BE INSTALLED IN EACH HABITABLE ROOM. A SMOKE DETECTOR SHALL BE CENTRALLY LOCATED ON EACH FLOOR. AN ADDITIONAL SMOKE DETECTOR SHALL BE INSTALLED IN EACH LOCATION WHERE THERE IS A CEILING HEIGHT CHANGE GREATER THAN 24". SMOKE DETECTORS TO BE 110v HARDWIRED, INTERCONNECTED, WITH BATTERY BACKUP PER SRC R313

VENTILATION SCHEDULE

100 CFM ON SWITCH

50 CFM ON SWITCH

90 CFM CONTINUOUSLY OPERATING WHOLE-HOUSE FAN

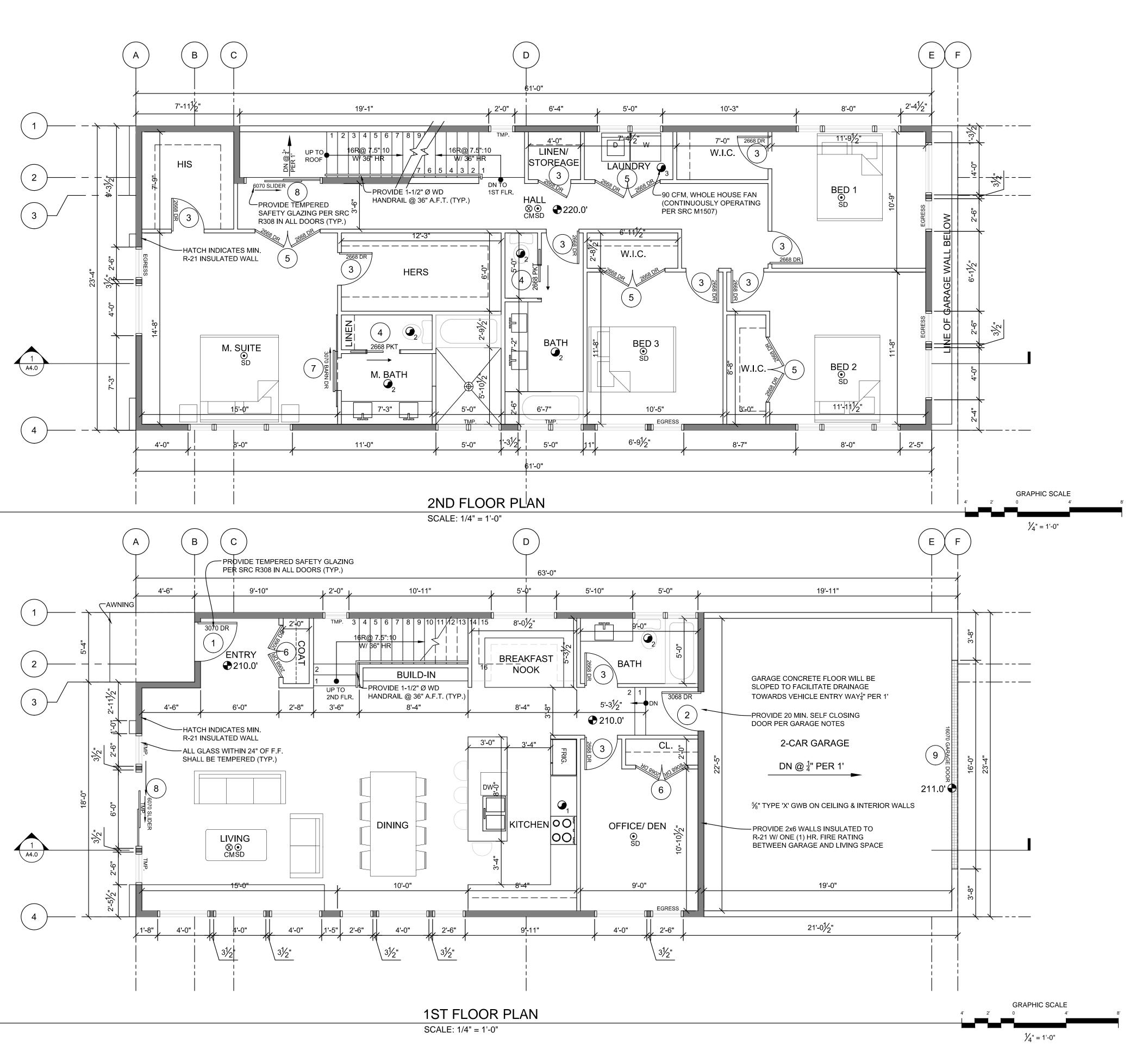
MECHANICAL VENTILATING SYSTEMS IN BATHROOMS, LAUNDRY ROOMS AND SIMILAR ROOMS SHOULD EXHAUST DIRECTLY TO THE OUTSIDE. THE POINT OF DISCHARGE OF EXHAUST AIR SHALL BE AT LEAST THREE FEET FROM ANY OPENING INTO THE BUILDING. SRC M1507

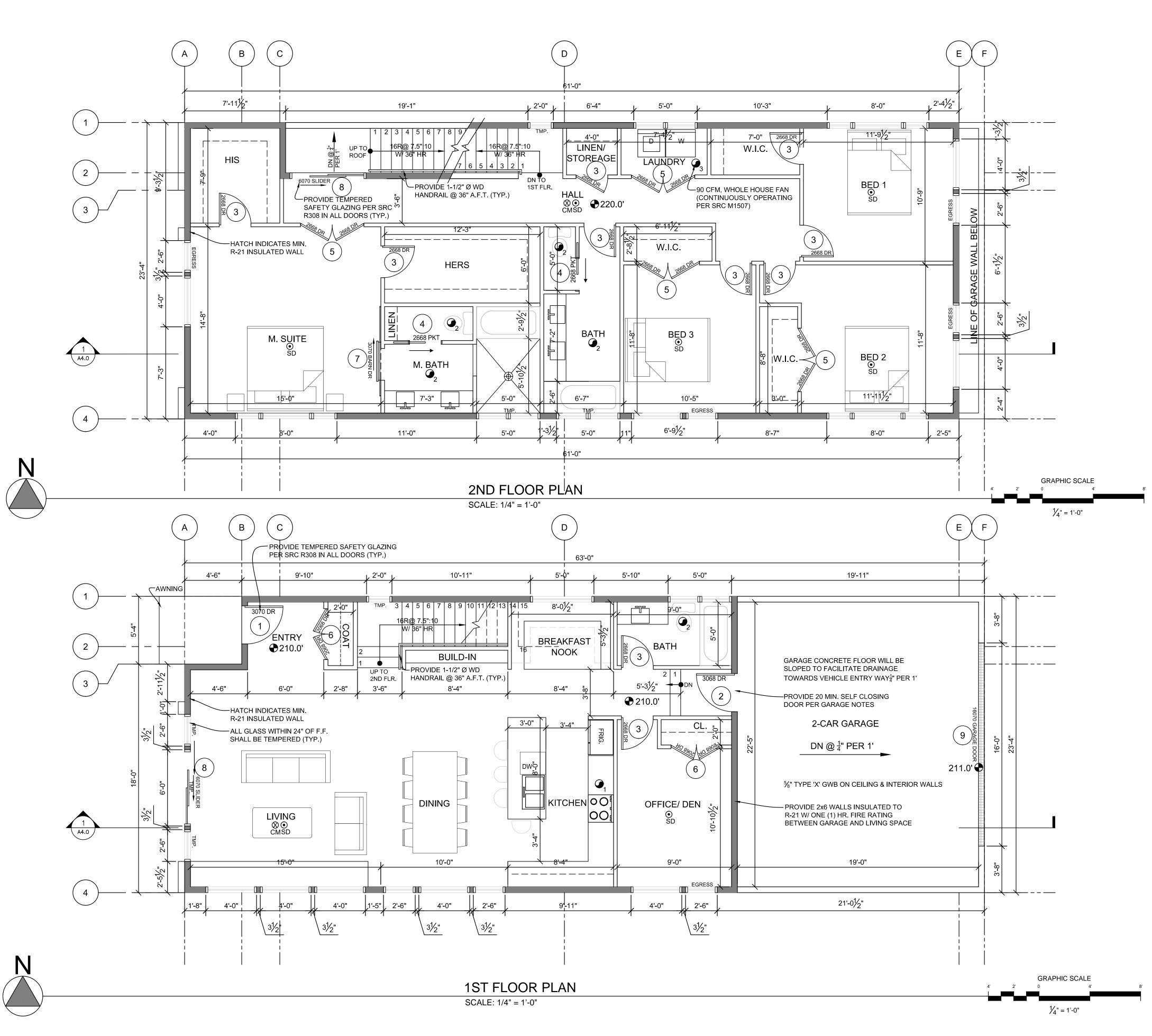
AI THRU-WALL FRESH AIR INLET -PROVIDING AT LEAST 4 si OF NET FREE OPENING AREA, SEE SHEET A0

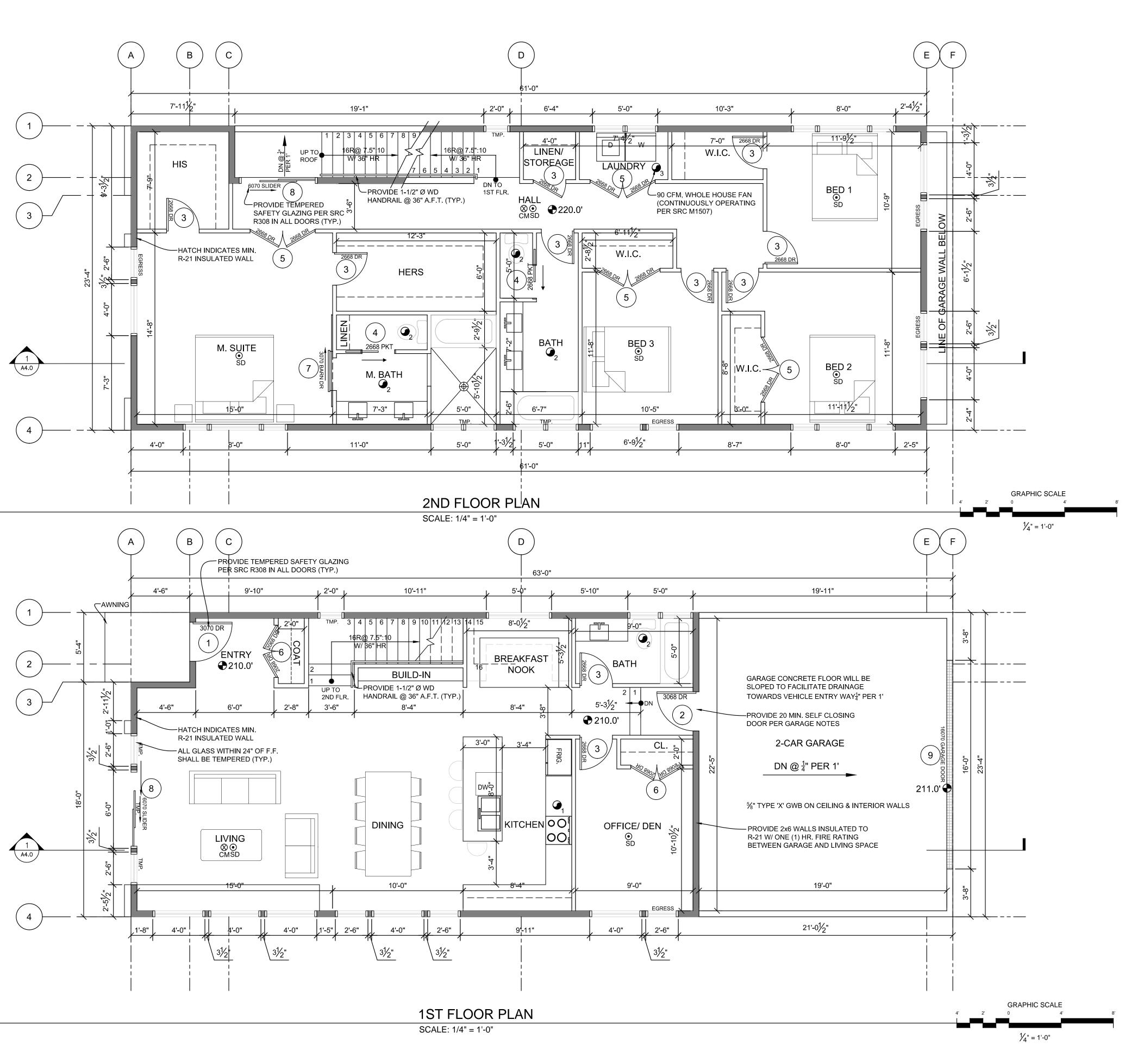
CONTINUOUS WHOLE-HOUSE MECHANICAL VENTILATION SYSTEMS AIRFLOW RATE REQUIREMENTS: - PER TABLE M1507.3.3(1) - [3001-4500 DWELLING UNIT AREA WITH 4-5 BEDROOMS] PROVIDE MIN. 90 CFM CONTINUOUSLY OPERATING WHOLE HOUSE FAN

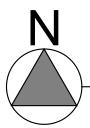
WHOLE HOUSE VENTILATION SHALL BE PROVIDED WITH A CONTINUOUSLY OPERATING EXHAUST FAN PER M1507.3.4

*SEE INTEGRATED HOLE HOUSE VENTILATION SYSTEM NOTES, SHEET A0 FOR SIZING AND DETAILS.











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PARCEL A **FLOOR PLAN**

CHECKED:	300	
PROJECT No.	120415	
SHEET TITLE:		

SHEET NO .:

JAN 12, 2016	PASV	
MAY 2, 2016	SPE. EXCP. II	
PLOT DATE:		
DRAWN:		UN
CHECKED:		JW

DPD NO.: LANDUSE 3024037 BLDG 6513178

CLIENT / OWNER: CLIFF & HYUN JU LOW

PROJECT ADDRESS: 3036 39th AVE SW SEATTLE, WA 98116

3036 SW HOUSE

p: 206.707.1406 e: yueann@arraybuild.com w: www.arraybuild.com

KEY PLAN:

PROJECT:

1941 1st avenue s / suite 3e seattle, washington 98134



*REFER TO SHEET A-0 FOR **GENERAL NOTES & CONDITIONS**

2012 SEC RESIDENTIAL PROVISIONS SECTION R406 & TABLE 406.2 - OPTION 5b - 1.5 ENERGY CREDIT

WATER HEATING SYSTEM SHALL INCLUDE GAS WATER HEATER WITH MINIMUM EF OF 0.82

PROVIDE - RINNAI RU80i (REU-KB2530OFFUD-US) NATURAL GAS FIRED TANKLESS WATER HEATER WITH 0.96 EF

CARBON MONOXIDE ALARM

•^{CO}

●^{SD}

PER SRC R315.1 AND WAC 51-50-0907 FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOM IN DWELLING UNITS WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES. SINGLE STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL 2034 AND SHALL BE INSTALLED IN ACCORDANCE WITH THIS CODE AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

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VENTILATION SCHEDULE

100 CFM ON SWITCH

50 CFM ON SWITCH

90 CFM CONTINUOUSLY OPERATING WHOLE-HOUSE FAN

MECHANICAL VENTILATING SYSTEMS IN BATHROOMS, LAUNDRY ROOMS AND SIMILAR ROOMS SHOULD EXHAUST DIRECTLY TO THE OUTSIDE. THE POINT OF DISCHARGE OF EXHAUST AIR SHALL BE AT LEAST THREE FEET FROM ANY OPENING INTO THE BUILDING. SRC M1507

AI THRU-WALL FRESH AIR INLET -PROVIDING AT LEAST 4 si OF NET FREE OPENING AREA, SEE SHEET A0

CONTINUOUS WHOLE-HOUSE MECHANICAL VENTILATION SYSTEMS AIRFLOW RATE REQUIREMENTS: - PER TABLE M1507.3.3(1) - [3001-4500 DWELLING UNIT AREA WITH 4-5 BEDROOMS1 PROVIDE MIN. 90 CFM CONTINUOUSLY OPERATING WHOLE HOUSE FAN

WHOLE HOUSE VENTILATION SHALL BE PROVIDED WITH A CONTINUOUSLY OPERATING EXHAUST FAN PER M1507.3.4

*SEE INTEGRATED HOLE HOUSE VENTILATION SYSTEM NOTES, SHEET A0 FOR SIZING AND DETAILS.

ROOF 1, 2 & 3 VENTILATION

BUILDING AREA OF FRAMING OVER UPPER LEVEL LIVING SPACE WITH 8' CEILING ROOF AREA OVER HEATED SPACE: 998 SF VENTILATION REQUIRED: (998 sf / 150) x144 si/sf = 958.08 si req'd PROPOSED ROOF VENTS: 14" MILL ROUND STEEL ROOF VENT PROVIDING 144 SI OF NET FREE AREA

WEST - 4 VENTS X 144 si = 576 si EAST - 3 VENTS X 144 si = 432 si

TOTAL VENTILATION PROVIDED: (576 +432) = 1008 si > 958.08 si

ROOF DECK VENTILATION

BUILDING AREA OF FRAMING OVER UPPER LEVEL LIVING SPACE WITH 8' CEILING

DECK AREA OVER UNHEATED SPACE: 425 SF

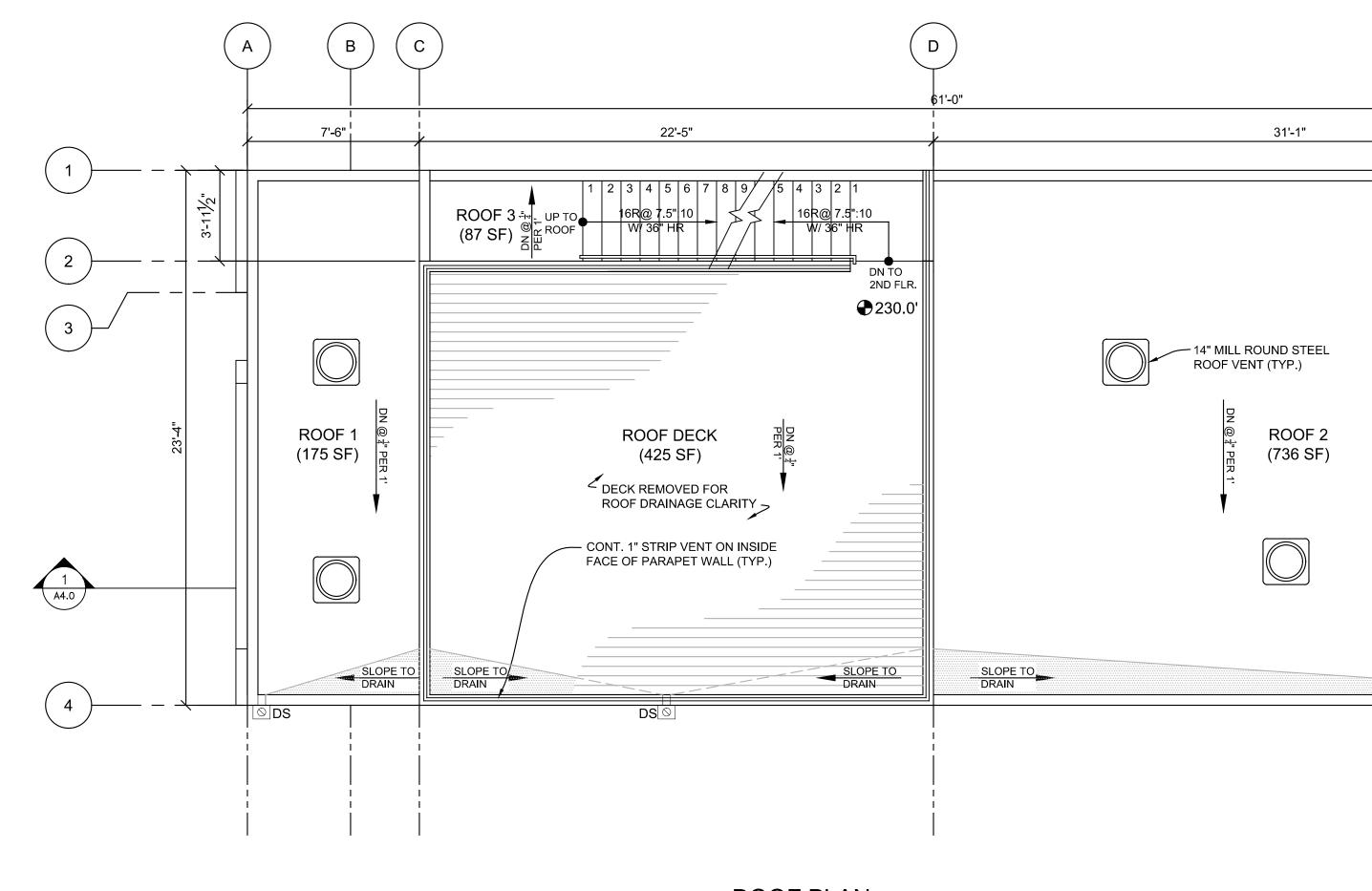
VENTILATION REQUIRED:

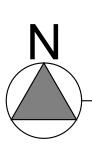
(425 sf / 150) x144 si/sf = 408 si req'd PROPOSED VENTS:

provide (3) 2.5 dia. holes/joist bay (=11.04 si/lf) at inside face east & west parapet walls (all josts shall be @16" o.c. typical per structural, notch joists at the door) SOUTH - 21 If X 11.04 si/lf = 231.84 si

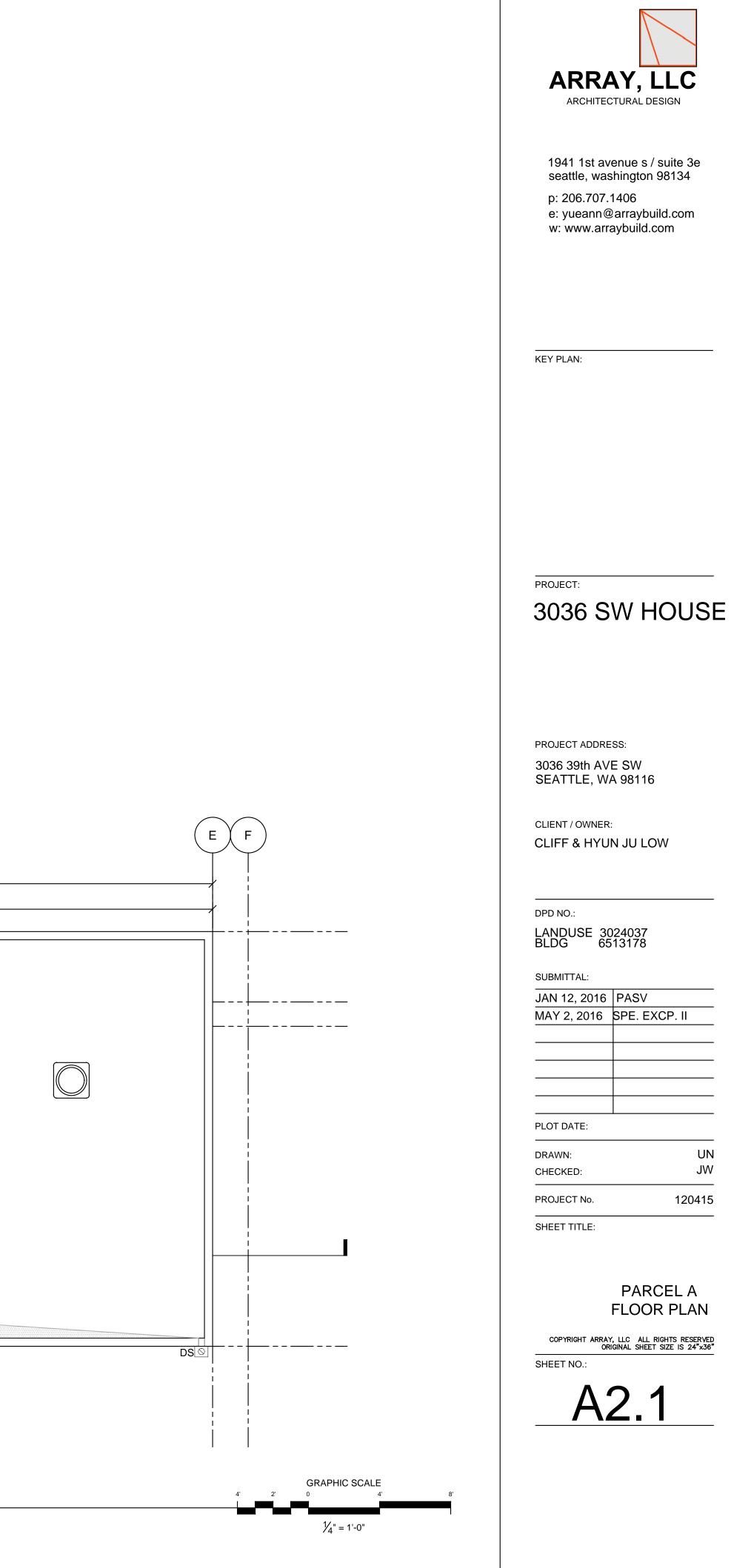
NORTH - 10 If X 11.04 si/lf = 110.4 si

TOTAL VENTILATION PROVIDED: (231.84+110.4) = 430.56 > 408 si





ROOF PLAN SCALE: 1/4" = 1'-0"



UN

JW





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ELEVATIONS

SHEET TITLE:

SHEET NO .:

SUBMITTAL:	
JAN 12, 2016	PASV
MAY 2, 2016	SPE. EXCP. II
PLOT DATE:	
DRAWN:	UN
CHECKED:	JW
PROJECT No.	120415

LANDUSE 3024037 BLDG 6513178

DPD NO.:

CLIENT / OWNER: CLIFF & HYUN JU LOW

PROJECT ADDRESS: 3036 39th AVE SW SEATTLE, WA 98116

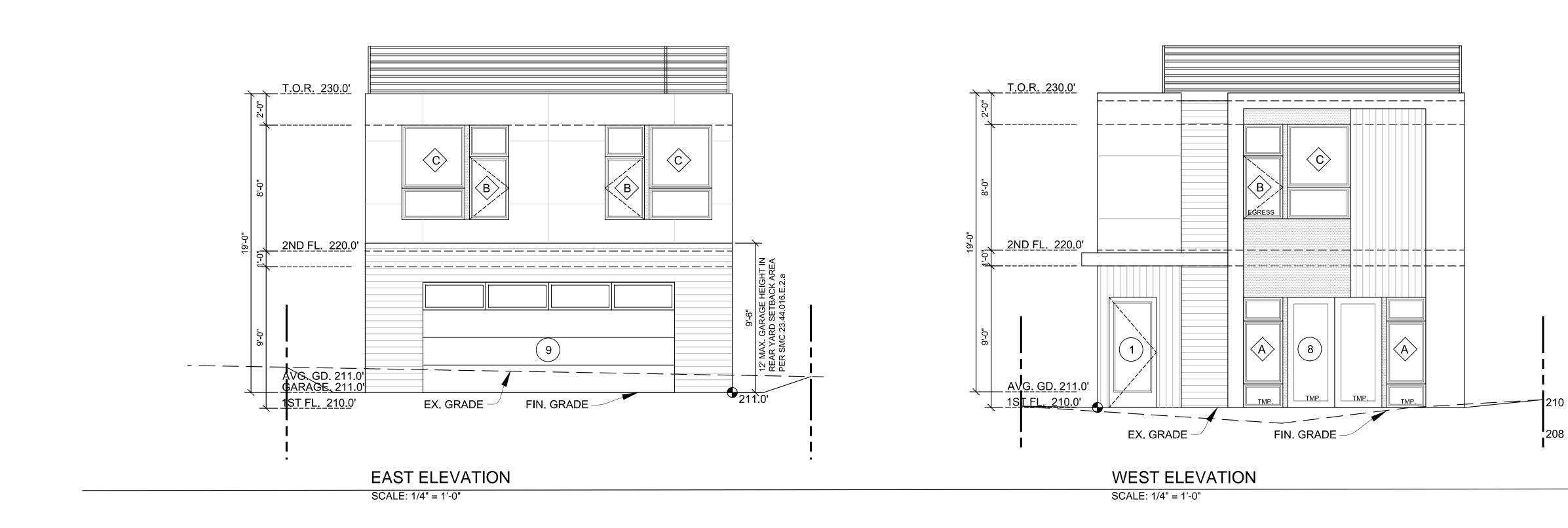
3036 SW HOUSE

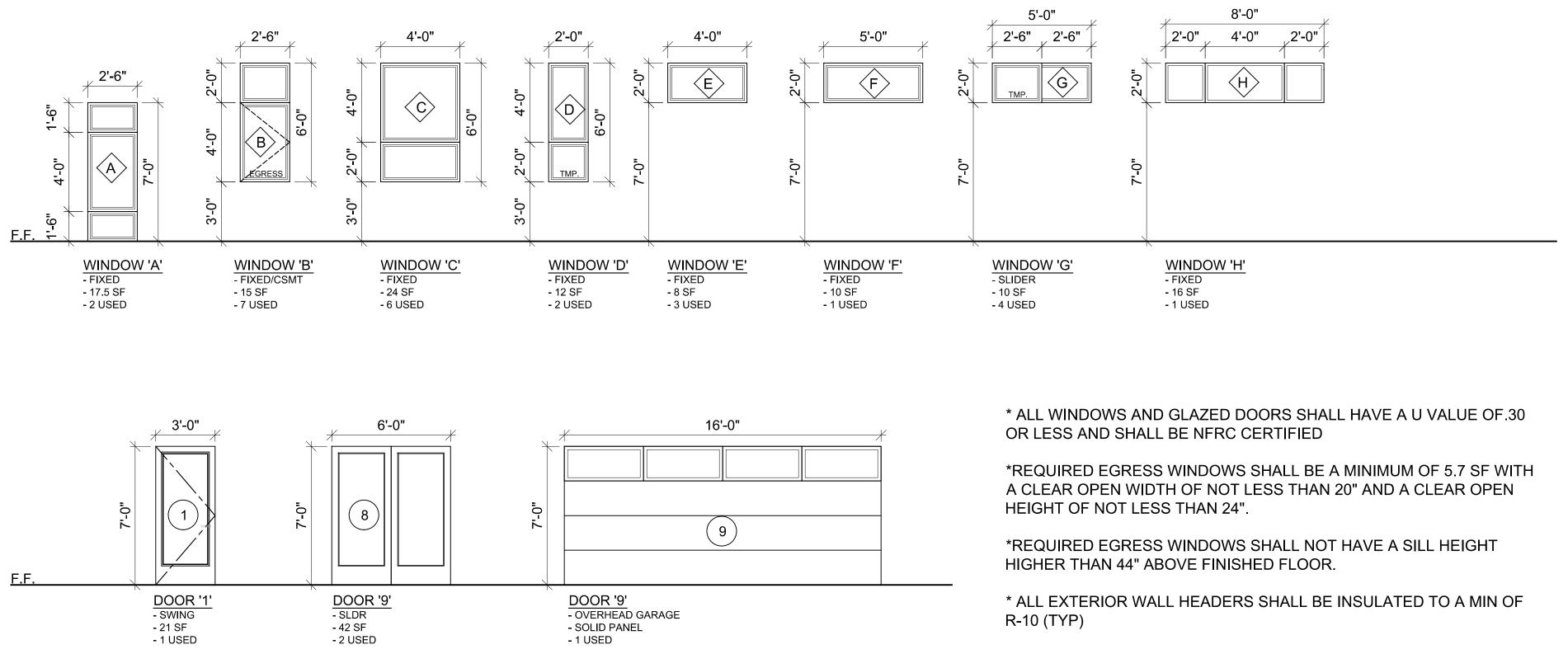
1941 1st avenue s / suite 3e seattle, washington 98134 p: 206.707.1406 e: yueann@arraybuild.com w: www.arraybuild.com

KEY PLAN:

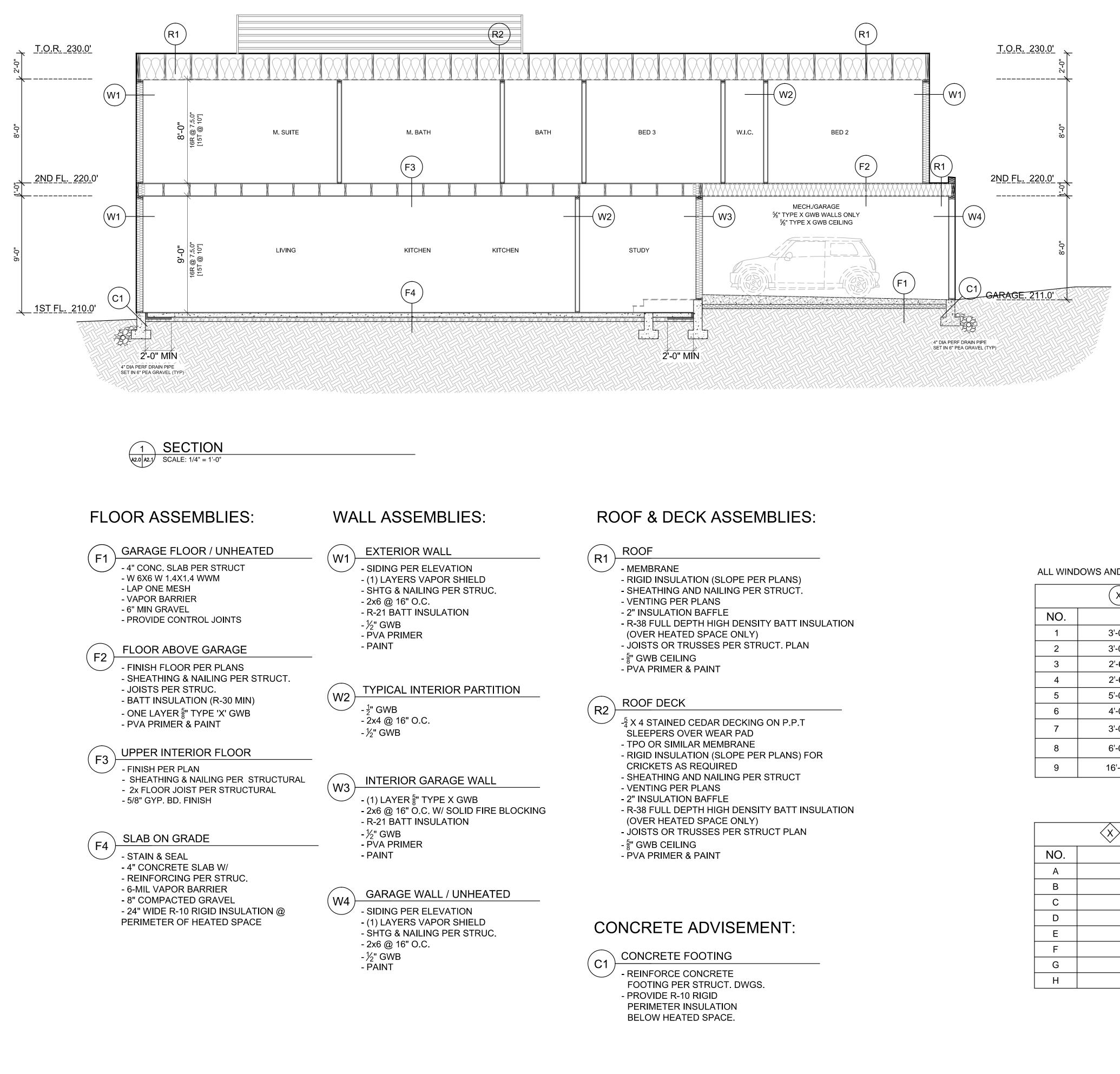
PROJECT:







	ARRAY, LLC ARCHITECTURAL DESIGN
	1941 1st avenue s / suite 3e seattle, washington 98134 p: 206.707.1406 e: yueann@arraybuild.com w: www.arraybuild.com
	KEY PLAN:
	PROJECT: 3036 SW HOUSE
GRAPHIC SCALE 4' 2' 0 4' 8'	
1⁄4" = 1'-0"	PROJECT ADDRESS: 3036 39th AVE SW SEATTLE, WA 98116
	CLIENT / OWNER: CLIFF & HYUN JU LOW
	DPD NO.: LANDUSE 3024037 BLDG 6513178
	SUBMITTAL: JAN 12, 2016 PASV
	MAY 2, 2016 SPE. EXCP. II
	PLOT DATE:
	DRAWN: UN CHECKED: JW
	PROJECT No. 120415
	SHEET TITLE:
	ELEVATIONS
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	A3.1



	× DOOR SCHEDULE\U-VALUE: 0.20				
NO.	SIZE	TYPE	MAT'L	NOTES	
1	3'-0" x 7'-0" x 1¾ "	EXT FULL LIGHT	WOOD	TMP.	
2	3'-0" x 6'-8" x 1¾ "	FLUSH	WOOD		
3	2'-6" x 6'-8" x 1¾ "	FLUSH	WOOD		
4	2'-6" x 6'-8" x 1¾ "	POCKET	WOOD		
5	5'-0" x 6'-8" x 1 ³ ⁄ ₈ "	DBL FLUSH	WOOD		
6	4'-0" x 6'-8" x 1¾ "	DBL FLUSH	WOOD		
7	3'-0" x 7'-0" x 1¾ "	BARN	WOOD		
8	6'-0" x 7'-0" x 1¾ "	SLIDER	WOOD	TMP.	
9	16'-0" x 7'-0" x 1 ³ ⁄ ₈ "	GARAGE	WOOD		

WINDOW SCHEDULE\U-VALUE: 0.30				
NO.	SIZE	TYPE	MAT'L	NOTES
A	2'-6" x 7'-0"	FIXED	VINYL	TEMP.
В	2'-6" x 6'-0"	FIXED/CSMT	VINYL	EGRESS
С	4'-0" x 6'-0"	FIXED	VINYL	
D	2'-0" x 6'-0"	FIXED	VINYL	
E	4'-0" x 2'-0"	FIXED	VINYL	
F	5'-0" x 2'-0"	FIXED	VINYL	
G	5'-0" x 2'-0"	SLIDER	VINYL	
Н	8'-0" x 2'-0"	FIXED	VINYL	

ARRAY, LLC ARCHITECTURAL DESIGN
1941 1st avenue s / suite 3e seattle, washington 98134 p: 206.707.1406 e: yueann@arraybuild.com w: www.arraybuild.com
KEY PLAN:
PROJECT: 3036 SW HOUSE
PROJECT ADDRESS: 3036 39th AVE SW SEATTLE, WA 98116
CLIENT / OWNER: CLIFF & HYUN JU LOW

ALL WINDOWS AND DOORS SHALL BE LABELED "NFRC certified".

WIN & DOOR SCHEDULE

SECTION

UN

JW

120415

DPD NO.:

SUBMITTAL:

PLOT DATE:

DRAWN:

CHECKED:

PROJECT No.

SHEET TITLE:

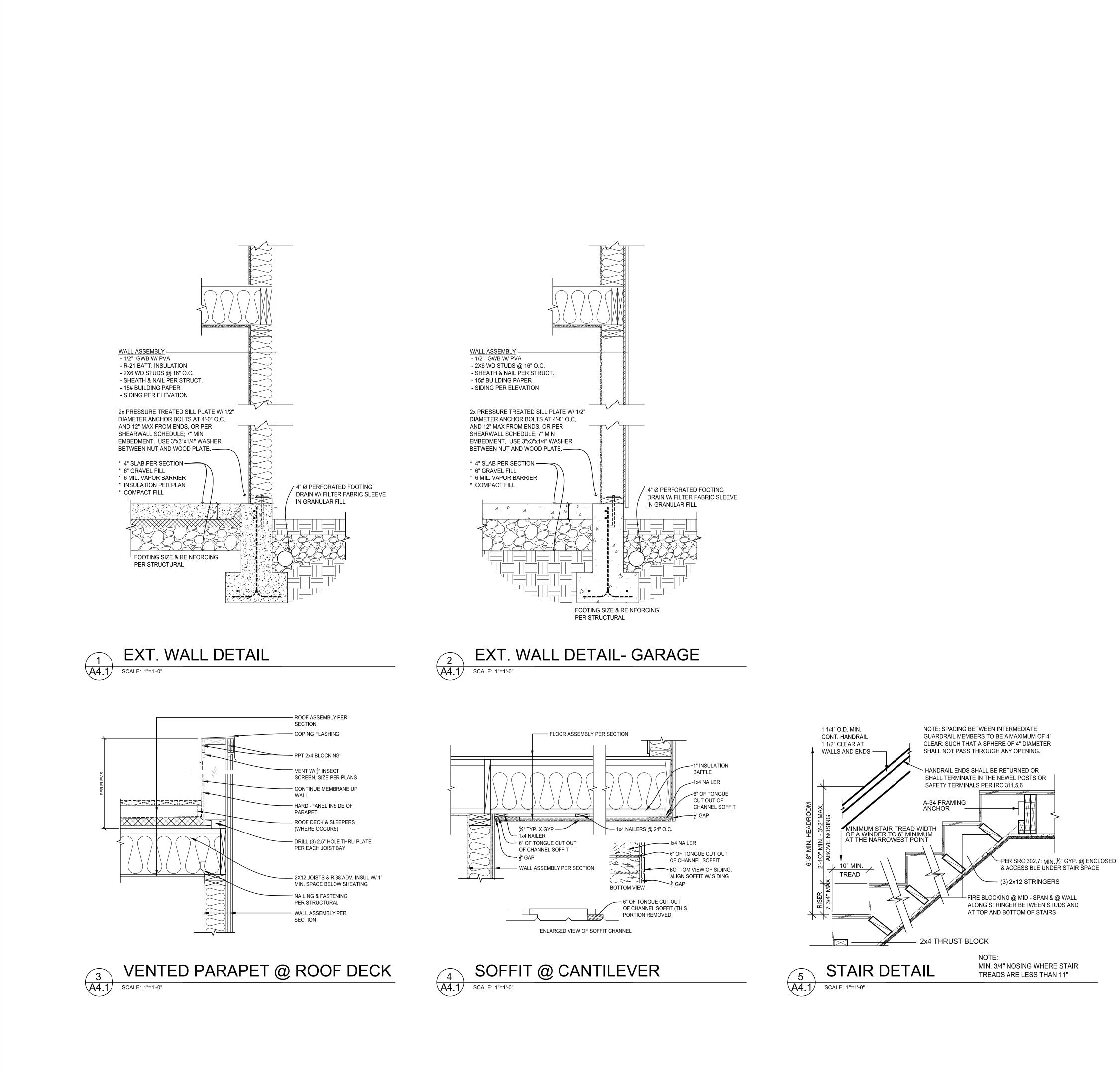
LANDUSE 3024037 BLDG 6513178

JAN 12, 2016 PASV

MAY 2, 2016 SPE. EXCP. II

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HANDRAIL @ WALL 6 HAND A4.1 SCALE: 1"=1'-0"

←1.5" Ø HANDRAIL

— 2-1/2" DIA x 1/8"

C/W 2 BOLTS AND

CINCH ANCHORS PER

PLATE FASTENED TO

WALL, MAX 3'-0"

O.C. TYPICAL

/FLOOR

(PROVIDE 1'-0" EXTENSIONS

TOP & BOTTOM) (STAINLESS

─ 5/8"ø S.S. HANDRAIL SUPPORT

STEEL IN STAIRWELL 1)

STAINLESS STEEL PLATE

A4.1

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DETAILS

SHEET TITLE:

SHEET NO .:

PASV
SPE. EXCP. II
UN
WL
120415

LANDUSE 3024037 BLDG 6513178

CLIFF & HYUN JU LOW

CLIENT / OWNER:

DPD NO.:

PROJECT ADDRESS: 3036 39th AVE SW SEATTLE, WA 98116

PROJECT: 3036 SW HOUSE

KEY PLAN:

p: 206.707.1406 e: yueann@arraybuild.com w: www.arraybuild.com

1941 1st avenue s / suite 3e seattle, washington 98134





	1997	1998	0	0	0	51,000	103,000	154.000	
	1996	1997	0	0	0	50,000	91,400	141,400	
	1994	1995	0	0	0	50,000	91,400	141,400	
	1992	1993	0	0	0	47,900	86,700	134.600	
	1990	1991	0	0	0	43,900	79,500	123,400	
	1988	1989	0	0	0	23,700	50,200	73,900	
	1986	1987	0	0	0	22,500	41,700	64,200	
	1984	1985	0	0	0	21,000	47,100	68,100	
	1982	1983	0	0	0	21,000	47,100	68,100	
Taform	ation fo		d: March 17, 20	Do more	Share Tweet	Email	_	TISEMENT	
Residents		••••		Trip Planner	onne		206-296-0100		
							Email us		
	Businesses				nformation & payment				
	Job seekers			Jail inmate look up			Staff directory		
/olunteers			Parcel viewer	or iMap		Customer service			
King Count	King County employees			Public record			Report a problem		
				More online tools			Subscribe to alerts		
				Stay connected!	View King County so	cial media			
	King C	ount	у			King County	WA 2016 Privacy	Accessibility Terms of use	
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