

Reference #: 3032834-LU and 30328

Create Date: May 10, 2019 7:50 AM
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Status: Pending Acceptance
Type: Land Use Appeal
Contact Method: Email Attachment

Appeal Details

Address:
Decision Elements: Environmentally Critical Area Exception; Short Plat; Subdivision;

Interest: See attached appeal. It is the intent, per the attachments A-H, to appeal this single-owner and functionally-related adjacent developments as one appeal (at the Hearing Examiner's discretion.) A simultaneous notice has been issued by the "CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS" on both SDCI Project Numbers 3032834-LU and 3032833-LU. The Owner of the two properties is the same entity, Mirra 111 LLC by Dec 12, 2018 refiling correction, per King County records (gismaps.kingcounty.gov/parcelviewer2/ parcels 277060-1480 277060-1475). Yet, the owner has split up the Applicant Name as both Mirra Homes and Terrane, Inc. The address of the parallel proposals are 3410 to 3418 23rd Ave W. The SUMMARY OF PROPOSED ACTION is noted for both as "Land Use Application to subdivide one parcel into two parcels of land" and one of two also states "Existing building to be demolished" even through both locations have existing triplex to be demolished. Each lot is 6,000 square feet within a LR1 zone. The application pre-dates revised zoning to LR1(M) resulting from a recently passed land-use ordinance. Further approvals are still required and conditions have been placed on the short plats relative to existing ECA on both lots.

Objections: See attachments and forthcoming appeal document. In summary, applications fail to demonstrate compliance with Short Subdivision - to create two parcels of land. (Chapter 23.24, Seattle Municipal Code) and associated landuse Title 23 codes. LR1 zoned lots as this are limited to maximum number of 1 dwelling for every 2,200 square feet or 1 dwelling for every 1,600 square feet if meeting all exceptions for green performance, parking locations, and alley improvements. Yet, these two developments are proposing ten marketrate 3-story townhouses on 12,000 sq ft of land. As such, the density average of 1,200 sq ft of land area for each primary residence exceeds the allowable Floor Area Ratio by at least 33 percent. Accordingly, these applications fail to achieve stated general short subdivision standards per SMC 23.24.040, and the SDCI Director has failed to follow the necessary criteria to determine whether to grant, condition, or deny a short plat: Criteria 1: Has failed to demonstrate full conformance and apply conditions to the applicable Land Use Code provisions, as modified by SMC 23.24; Criteria 2: Has failed to demonstrate full conformance and apply conditions for adequate access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005 Access to lots; Criteria 4: Has failed to demonstrate serving the public use and interests by permitting the proposed division of land; Criteria 5: Has failed to demonstrate full conformance and apply conditions to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas; and Criteria 6: Whether the proposed division of land is designed to maximize the retention of existing trees. The condition of approval requires that for the Life of the Project (duration ambiguous) is that "New construction on the upslope lot (Parcel B) should only be allowed if site stabilization is installed on the downslope lot (Parcel A). Therefore, the short plat will be approved with the condition to require a non-appealable site stabilization wall per description above and per SMC 25.09.080 A & B." The Department cannot make this determination without a SEPA review on the functionally-related sites. This Short Plat decision is out-of-sequence should the SEPA analysis indicate conditions that are not able to be mitigated.

Desired Relief: Hearing Examiner to return to the SDCI Director in order to meet the criteria and apply all necessary conditions. Hearing Examiner to request a decision to be made on the Short Plat following a review of the Environmental conditions with a fully completed SEPA-checklists for all functionally-related sites, including yet to be decided proposal for the adjacent Parcel 2770601470 at 3420 23rd Ave West. Hearing Examiner to return to the SDCI Director requiring all associated landuse codes be followed to avoid this proposal seeking to circumvent allowable number of dwellings by an unwritten Department policy contradicting landuse code SMC 23.84A. Decisions made with this Short Plat will be applied to subsequent approvals as Department "approval" to proceed. See attached appeal document issued before the May 13th appeal deadline.

Contacts

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Uploaded Material

1. **3410 3416 Appeal AttachmentsA-H-reduced.pdf**
Upload Date: May 10, 2019 10:08 AM
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