

SDCI Project Numbers: 3032833-LU and 3032834-LU
Applicant Name: Andy McAndrews and Mirra 111 LLC
Addresses of Proposal: 3410 and 3416 23rd Ave W

I. What is your interest in this decision? (State how you are affected by it)

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 3032833-LU and 3032834-LU. The Owner of these two properties is the same entity, Mirra 111 LLC, per the December 12, 2018 refiling correction found in the King County parcel records (gismaps.kingcounty.gov/parcelviewer2/ for parcels 277060-1480 and 277060-1475). Yet, the owner has split up the Applicant Name as both Mirra Homes and Terrane, Inc. The street addresses of the parallel proposals are 3410, (3412), 3416 and 3418 23rd Avenue West. The SUMMARY OF PROPOSED ACTION is noted for these two lots with multiple addresses as "Land Use Application to subdivide one parcel into two parcels of land". One of the two also states "Existing building to be demolished" even though both locations have existing triplex to be demolished. Each of the two lots are 6,000 square feet within a LR1 zone. The application pre-dates Seattle's revised zoning to LR1(M) resulting from a recently passed land-use ordinance for the MHA.

Further approvals are still required and conditions have been placed on the short plats relative to existing ECA on both lots.

The appellants include neighbors who reside at three properties along this east side of the street including 3404 A 23rd Avenue West, 3404 B 23rd Avenue West, and 3444 B 23rd Avenue West. All of the appellants live in townhouse plats with no more than three dwellings on the original or parent lot of 6,000 square feet – which is the normal density for developments within this lowrise multifamily zone. The development drawings and public notice indicate that there will be five dwellings on each of the original or parent lots of 6,000 square feet. We are therefore concerned that this owner is being granted special privileges to build more than the allowed number of dwellings.

Each of the appellants share the same ECA2 potential land slide area and one of the appellants share the same ECA1 Steep Slope area per the City of Seattle GIS maps (See Figure 1 on the following page):

<http://seattlecitygis.maps.arcgis.com/apps/webappviewer/index.html?id=f822b2c6498c4163b0cf908e2241e9c2>

As such, we are very interested in the overdevelopment of the three adjacent sites all owned by the same entity and being developed simultaneously. We have attached site surveys, geotechnical report images, plans, and site cross-sections in Appeal Attachments E, F, G and H to document the concerns.

The development lots currently do not have an improved alley. Therefore, we are concerned how will fire trucks, ambulances, delivery vehicles, and resident automobiles that need various degrees of turn-around space be possible with a dead-end unimproved alley condition. A gravel and dirt path from West Bertona Street serves as far north as 3417 and 3421 22nd Avenue West, terminating in their respective backyards (per Figure 1 and photos in Appeal Attachment C). Because of the steep slopes within the alley right-of-way, the gravel and dirt path does not continue north to W. Ruffner Street.

We have also concerned about the special conditions applied to this development being unresolved (see the Appeal Attachments A and B) stating 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 Appeal Attachment D includes fifteen pages of 'red flags' correction comments that would suggest that the short plat should only be done after a SEPA determination of environmental conditions has verified the properties are safe to subdivide with no significant environmental impacts.

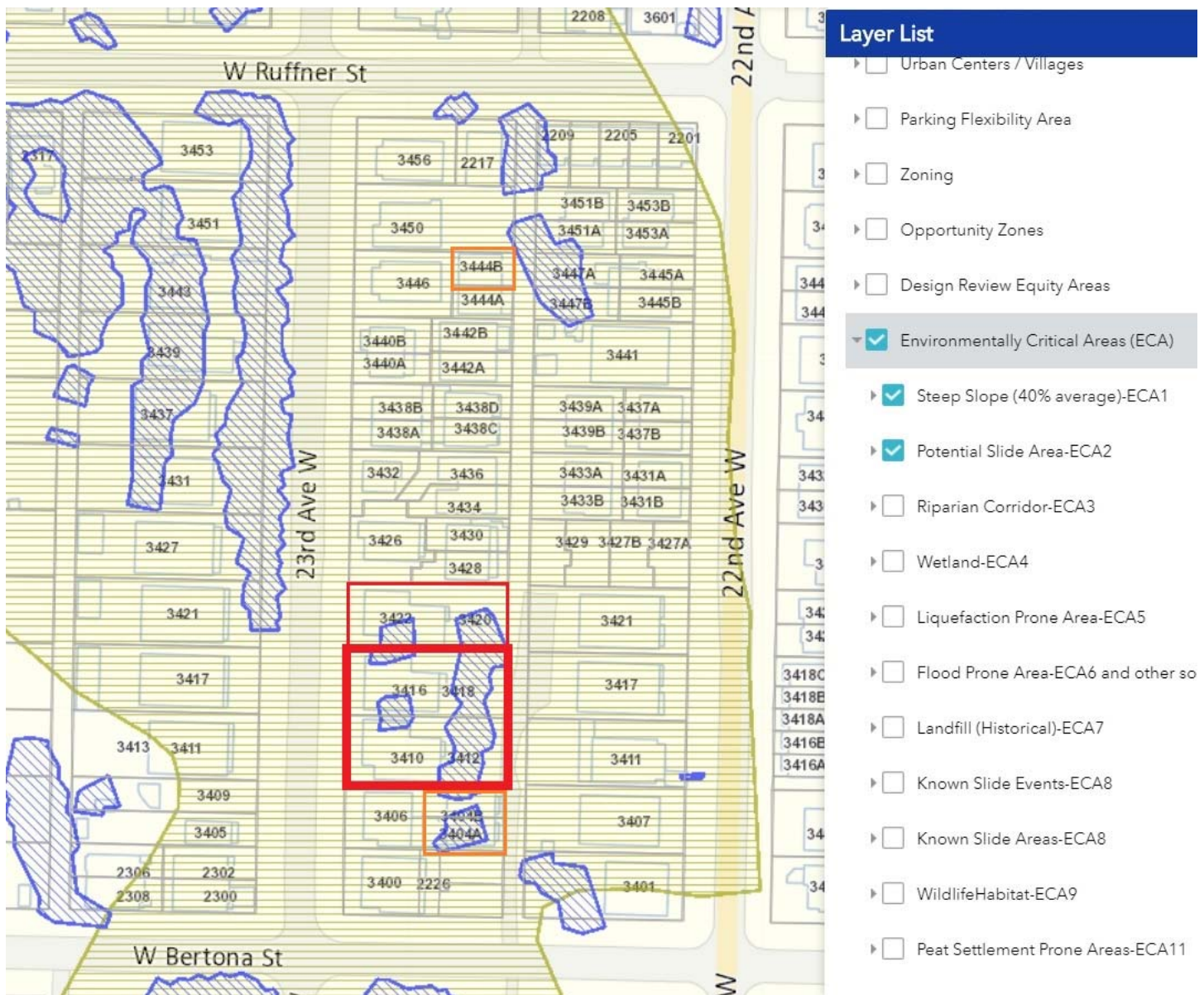


Figure 1- Seattle Department of Construction & Inspections GIS interactive map. Area of development outlined in red.

In summary, we believe the proposed short plat is a result of submitted development plans that will adversely impact the block's soil integrity and occupants' health safety. The over-development will impact the neighboring properties availability to light and air and privacy. As the existing parking for the development is accessed off the street rather than the unimproved alley, we are concerned about the maneuverability and safety of those using the alley after being surcharged with parking for 15 new dwellings.

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

See attachments and appeal documentation herein. 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.
- As stated above, 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.

- A. The Analysis and Decision is based on an erroneous application of the short plat subdivision approval criteria SMC 23.24.040.A including:
 - a. Failure to demonstrate full conformance and apply conditions to the applicable Land Use Code provisions, as modified by SMC 23.24 as identified herein.
 - b. Failure to provide adequacy of adequate access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005 Access to lots;
 - c. Failure to provide an access easement meeting minimum width and height clearance requirements.
 - d. Failure to demonstrate serving the public use and interests by permitting the proposed division of land;
 - e. Failure to achieve conformance and apply conditions to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas; and
 - f. Failure of the proposed division of land to be designed to maximize the retention of existing trees.
- B. As per correction notice #1 for Project #3032940-LU at 3410 23RD AVE W on street trees: "As you are proposing the required street trees to be within the first 5-feet of your property abutting the right-of-way, those trees must be approved by SDOT Urban Forestry. Please reach out to them and submit any emails or letters stating the type and number of trees required to meet their street tree requirements."
- C. As per correction notice for SDCI Project #3032876-LU at 3412 23rd AVE W relative to SMC 25.09.080: "The slope stability analysis indicates that complete stabilization for the proposed development is dependent on the installation of the proposed permanent anchored soldier pile wall. Consequently, it appears that the wall must be completed before other construction is completed upslope of the wall for Lots A and B. Please provide a geotechnical report addendum detailing the construction sequencing needed to provide complete stabilization during and after construction. Correct the plans to show the location of the wall, the required sequencing, and conceptual wall details." As well as SMC 25.09.080 B. that requires the plans to show that pile foundations are required for the townhomes

What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

The relief requested shall include:

- A. Vacation of the Analysis and Decision for short plat approval;
- B. The imposition of conditions requiring an access easement to provide exclusive access to east lot subdivisions given there exist no improved alleyway with the capacity to accommodate emergency vehicles.
- C. The imposition of conditions requiring an improved alley with adequate turnaround access that does not impose on neighboring properties.

- D. The imposition of conditions to assure compliance with the Land Use code relative to other parking and access requirements for multifamily developments per SMC 23.84A and conformance with 23.24.045 given the subdivision is for the purposes of creating separate lots of record.
- E. The imposition of conditions to assure compliance with the Land Use code relative to multifamily residential standards and Rowhouse Development Rules which prohibit primary dwellings behind row-houses.
- F. For such other relief as may be warranted by the appeal.

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.



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