

SDCI Project Numbers: 3032857-LU (and related)
Applicant Name: Andy McAndrews, Terrane Inc.
Addresses of Proposal: 3422 23rd Ave W

The subject of this administrative appeal to the Office of the Hearing Examiner has been quoted from the Seattle Department of Construction and Inspections (SDCI or the Department) as follows:

"Land Use Application to subdivide one parcel into two parcels of land. Existing building to be demolished.

This is an administrative appeal to a Type II decision by the Director of the Seattle Department of Conditions and Inspections (SDCI) on a **Short Subdivision** - to create two parcels of land."

- "The proposed Short Subdivision is **CONDITIONALLY GRANTED**."
- The Department's Recommended Conditions to the Short Subdivision for the Life of the Project: "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."
- "Project Number: 3032857-LU"
- "Address of Proposal: 3422 23rd Ave W"
- "Applicant Name: Andy McAndrews, Terrane, Inc"
- "Project Area: 5,999 square feet (sq. ft.)¹"
- "Site Zone: Lowrise 1 (LR-1)"
- "Environmental Critical Areas: Steep Slope Potential Slide Area"
- Related approvals relative to the condition of "non-appealable site stabilization":
 - Pending SEPA Environmental Determination 3032941-LU for 3420 23RD AVE W (east half)
 - Pending SEPA Environmental Determination 3032878-LU for 3422 23RD AVE W (west half)²
 - Important notice: these two pending functionally-related SEPA approvals *assume the approval of* this appealed short plat (Emphasis added). At the same
 - for 3422 23RD AVE W and 3032941-LU for 3420 23RD AVE W

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

It is the intent to this appeal is to have the Hearing Examiner remand the Director of the Department of Construction and Inspections to apply all of the conditions required to make their decision without bias or favoritism. Foremost, the decision significantly circumvents the allowable number of dwelling units established by the land-use code for low-rise multifamily zoning, LR1, applicable to this site. As a consequence of the department's unjustified leniencies, life-safety risks are benefiting a short-term developer within a neighborhood of long-term residents including the Appellants.

The published criteria of the Short Plat states that "Pursuant to SMC 23.24.040, the Director shall, *after conferring with appropriate officials, use the following criteria* to determine whether to grant, condition, or deny a short plat." (Emphasis Added). As identified within this appeal, instead we find a non-compliant short plat subdivision which attempts to bypass at least five (5) of the listed decision criteria.

As summarized within the first section of this appeal, a notice has been re-issued on June 6th as the "CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS" on SDCI Project Number 3032857-LU for 3422 23RD AVE West.

¹ Per the decision published May 28, 2019 included within the Appeal Attachment 'F'. Note that this decision was re-noticed several times.

² Included in Appeal Attachment 'A' the Notice of Applications for SEPA Environmental Determination of two functionally-related lots.

The Owner of this property is the same developer of two adjacent properties immediately located to the south. All three are owned by Mirra 111 LLC per the December 12, 2018 refiling correction found in the King County parcel records (gismaps.kingcounty.gov/parcelviewer2/)³. Further approvals are still required and conditions have been placed on the short plats relative to existing ECA on both lots. It is curious to find this single development has split up into three separate applications. The street addresses of the two other parallel proposals are 3410, (3412), 3416 and 3418 23rd Avenue West. It is also curious that all three functionally-related lots are seeking a short plat prior to completing the required SEPA determination currently in progress. Not only is this appeal concerned about the short plat taking place prior to the SEPA determination, we are also concerned that the decision includes conditions that require environmental remediation of the site and declaration that such remediation may not be appealed after the approval of the three short plats. The Applicant's motive is simply to reduce the SEPA evaluation and Design Review thresholds of an existing overall development of 18,000 square feet including a total of fifteen (15) rowhouses / townhouse (reference the architect's rendering submitted under SDCI 3032878-LU in Figure 1 below). Instead, the Department is looking to evaluate six separate subdivided lots with 2 to three dwellings in each – sharing parking and other easements – to circumvent traditional design and SEPA reviews.

This is not just a short plat of three adjacent properties into six lots. Dwelling layouts have been prepared for the three adjacent lots of 6,000 square feet each as the Developer seeks an application to pre-date Seattle's recently revised zoning to LR1(M) resulting from the recently passed land-use ordinance for the MHA.



From the SDCI EDMS website for Plan Set Revision 1 dated 05.09.2019 for "MUP CORRECTIONS 1", Sheet A1.2

Figure 1- Architect's rendering of 5 of the 9 street-facing row-houses. Townhouses along the proposed alley are not shown.

The appellants include neighbors who reside at properties along this east side of the street including 3444 B 23rd Avenue West. This side of the block are 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 low-rise multifamily zone. The other west side of the block are larger 7000 square foot lots with a steep slope up from the street to the front of the properties. 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 concerned that this owner is being granted special privileges to build more than the allowed number of dwellings.

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 2 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 for record of the intended development and use of the lot.

³ Appealed with cases MUP-19-019 and MUP-19-020. The Hearing has been established for mid-August of 2019.
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The approval; conditions of a Short Plat include required pedestrian and vehicle access. 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. Because of the steep slopes within the alley right-of-way, the gravel and dirt path does not continue within the alley right-of-way, nor does the gravel and dirt path continue any further north to intersect with W. Ruffner Street.

We have also concerns about the special conditions applied to this development being unresolved 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 Attachments 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. Again, a SEPA evaluation must be made prior to a short plat subdivision what includes conditions of retaining structural elements.

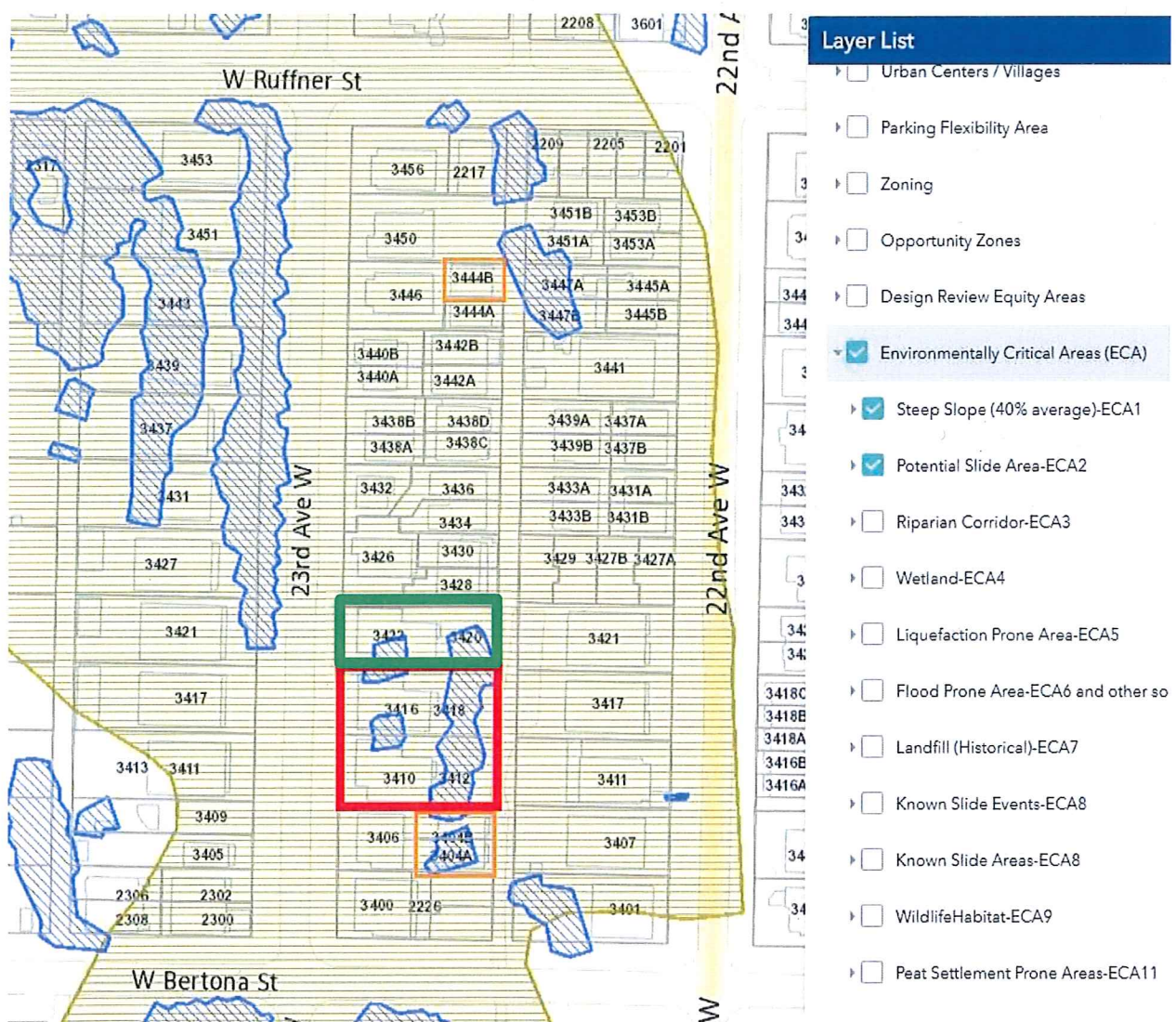


Figure 2- Seattle Department of Construction & Inspections GIS interactive map. Area of development outlined in green with the concurrent appealed development lots to the south outlined in red.

What if these retaining structures are within an ECA and potential landslide area that would require the conditioned short plat to be cancelled or revised? **This approval is, therefore, of sequence and needs to be re-submitted after the SEPA determination is complete.**

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.



Figure 3- King County Parcel viewer showing the 2017 configuration of the unimproved right-of-way located near the east side of the Subject Property.

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. This submittal does include required emergency access easements.
- a. The survey sheet 5 of 5 identifies only 3 easements:
 - i. Easement No. 1 – Exclusive Electrical Easement
 - ii. Easement No. 2 – Pedestrian and Non-Exclusive Utility Easement
 - iii. Easement No. 3 – 1'x3' Address Signage Easement
 - iv. No emergency of vehicle easements are included to serve this parent lot or any other lot along the alley right-of-way.
 - b. The Fire Department has not granted any approvals for access. There is a review comment recorded on November 1, 2019 that states the fire department's concern that this project is not approved "if the approved fire apparatus access road does not meet the distance requirements set forth in SFC Section 503.1.1." The 'access road' pertains to the criteria of the short plat as indicated in the appeal.
 - c. The Department has erroneously approved of the short plat without any conditions in regards to emergency access. The Director did not follow that criteria. A recent correspondence received by the Appellant from the Public Records Request to the Fire Department indicate that the Fire Department were unable to respond because the Fire Department has no records for this and the two adjacent properties. Yet, the Fire Marshall's Office does indeed have at least one document that is relevant to the criteria issues raised in the Appeal that has not been released by the Public Records Request.
 - 1. Erroneously, emergency vehicle access easements has not been provided as required for lots without access to a street as required by SMC 23.53.025. Erroneously, there is no emergency access easement for the proposed subdivision's rear lot.
 - 2. The easement for the rear lot (serving one or more dwellings) must be at least 10 feet wide – or 12 feet wide if required by the fire code - and 16.5 feet high (reference SMC Exhibit 23.53.025 A).
 - 3. Vehicle access easements serving at least three family units must be at least 20 feet wide. There has been no conditions made or easements shown on the development limits of the proposed east lot subdivision.
 - 4. Some indication has been suggested in Figure 4 of a turnaround partially below two new townhouses. Figure 4 as provided herein is cropped from the Applicant's geotechnical report. The figure shows a comprehensive diagram of the intent for two of the three adjacent Mirra Homes developments⁴. Note the location of the proposed emergency vehicle access turnaround has been crosshatched probably for clarity of clearances purposes.
 - 5. Notice that the turnaround area is overlapped by the proposed building locations marked as numbers '14' and '15'.
 - 6. There currently does not appear to be an improved alley within the 16-foot wide right-of-way abutting the eastern edge of the Subject Properties and the two Mirra Homes developments to the south. Even if there was, the 16-foot provided is inadequate to meet the code requirement of 20 feet. There are new structures built at the south end of

⁴ The full diagram of the comprehensive 3-lot development is provided within the Appeal Attachment G.
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this alley that restricts the alley right-of-way from being widened from 16 to 20 feet in clear width.

7. The cross-hatched area would require further expansion of the alley toward the north and into the neighbor's property. The Figure 4 below shows two of the five dead-end fire apparatus access road turnaround requirements. Such requirements or easements have not been included with the short plats, making the proposed lots non-compliant to the code. https://codes.iccsafe.org/content/IFC2018/APPENDIX-D-FIRE-APPARATUS-ACCESS-ROADS?site_type=public

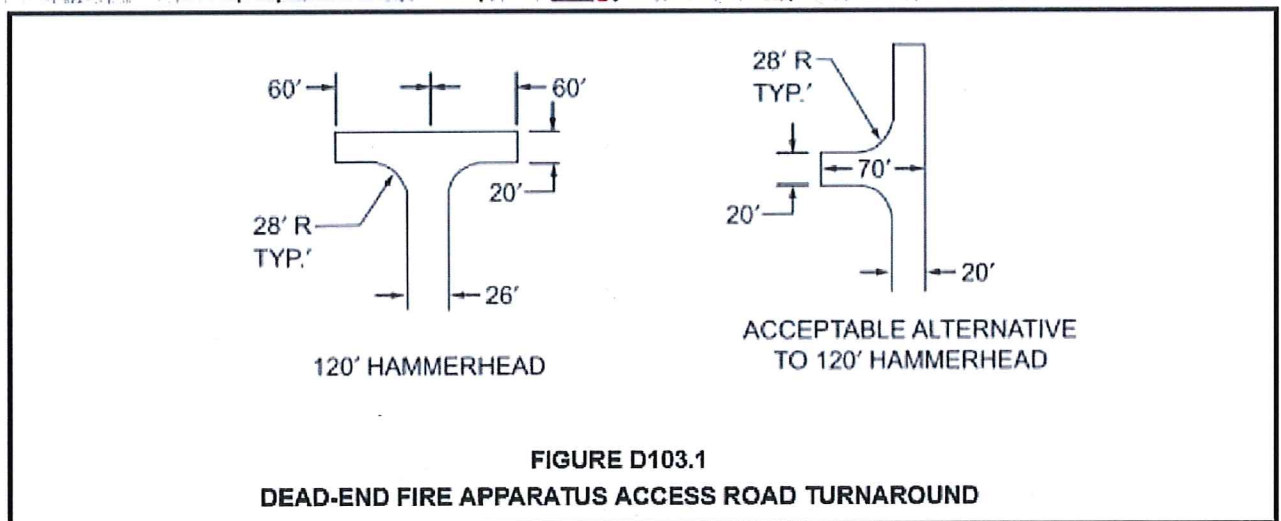
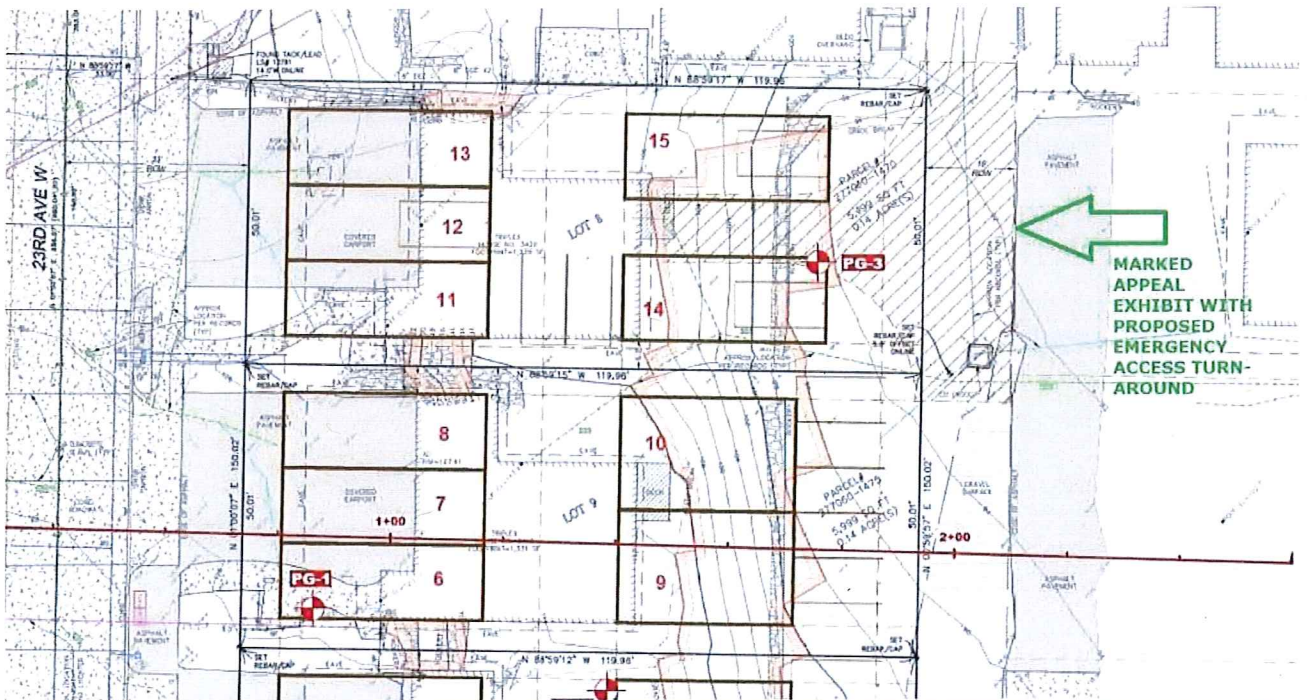


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

above diagram from 2018 international Fire Code https://codes.iccsafe.org/content/IFC2018/APPENDIX-D-FIRE-APPARATUS-ACCESS-ROADS?site_type=public

Figure 4 (Above) comprehensive diagram showing the intent for two of the three adjacent Mirra Homes development. Note the location of the proposed emergency vehicle access turnaround overlapped by the proposed building locations and requiring further expansion of the alley toward the north. (and insert Below) Two of the five dead-end fire apparatus access road turnaround requirements. https://codes.iccsafe.org/content/IFC2018/APPENDIX-D-FIRE-APPARATUS-ACCESS-ROADS?site_type=public

- C. Further, The Department SDCI publication titled "Vehicle Access Easement Standards" dated October 31, 2017 admits the Department's past errors in applying these requirements:
- Vehicle Access Easements serving one or two single-family dwelling units or one multifamily residential building with up to two units should be at least 10 feet wide, or 12 feet wide if required by the Fire Code.
 - Vehicle Access Easements serving at least three but fewer than ten single family units, or multifamily dwelling units should be at least 20 feet wide.
 - "...beginning November 1, 2017, all proposed development must be designed to meet the easement widths as indicated above."
 - Such easements with indicated vertical clearances of 16.5 feet have not been delineated within the Short Plat.
- D. Attachment A: These two documents issued November 26, 2018 demonstrate SDCI insufficient administration of the proposed project. The Notices assume the Subject Property has already been subdivided about six months before the Department Director has conducted an analysis and recommended decision on the Short Plat. These November 26 notices for a SEPA Environmental Determination and Early DNS Process (SMC 25.05.355) has not yet been decided on by the Department and by the Code must be evaluated together per the SMC as one functionally-related application. Collectively, this notice identify the breath of scope for which the Short Plat must comply with the codes, including:
- "Land Use Application to allow a 3-story, 3-unit rowhouse building. Parking for 3 vehicles proposed. Existing building to be demolished. Review includes future unit lot subdivision. To be considered with project #3032941-LU for shared access " and
 - "Land Use Application to allow a 3-story townhouse building (2 units total); parking for 2 vehicles is proposed. Existing building to be demolished. Review includes future unit lot subdivision. To be considered with project #3032878-LU for shared access."
 - As noted, the SEPA review is to include a "future unit lot subdivision". Yet the SEPA review is necessary even before the appealed short plot subdivisions given the property exists within a designated environmentally critical areas (reference Figure 2 on a prior page).

Housing Types:

Development standards apply according to the following housing types: cottage housing, rowhouses, townhouses or apartments.

See SMC 23.84.032 for complete housing type definitions.

Cottage Housing



Individual cottage house structures are arranged around a common open space. 950 SF is the maximum size allowed for each cottage.

Rowhouse



Rowhouses are attached side by side along common walls. Each rowhouse directly faces the street with no other principal housing units behind the rowhouses. Rowhouses occupy the space from the ground to the roof. Units can not be stacked.*

Townhouse



Townhouses are attached along common walls. Townhouses occupy the space from the ground to the roof. Units can not be stacked. Principal townhouse units may be located behind other townhouse units as seen from the street.*

LR1 - Lowrise 1

The LR1 zone provides a transition between single family zoned areas and more intense multifamily and commercial areas. LR1 is most appropriate for areas outside of Growth Areas***. A mix of housing types similar in scale to single family homes such as cottages, rowhouses and townhouses are encouraged.

Floor Area Ratio (FAR)**	1.1	1.0 or 1.2	0.9 or 1.1
Density Limit**	1 unit / 1,600 SF lot area	1 unit / 1,600 SF lot area on lots less than 3,000 SF All others: No Limit	1 unit / 2,200 SF or 1 unit / 1,600 SF lot area
Building Height	18' + 7' for a roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch
Building Setbacks	Front: 7' Average, 5' minimum Rear: 0' with Alley, 7' no Alley Side: 5' minimum	Front: 5' minimum Rear: 0' with Alley, 7' average, 5' minimum Side: *	Front: 7' Average, 5' minimum Rear: 7' Average, 5' minimum Side: 5' if building is 40' or less in length, or 7' Average 5' min.
Building Width Limit	60'	60'	60'
Max. Facade Length	Applies to all: 65% of lot depth for portions within 15' of a side lot line that is not a street or alley lot line, and 40' for a rowhouse unit located within 15' of a lot line that abuts a lot in a single family zone.		
SDR	Optional	Optional * 0' where abutting another rowhouse, otherwise 3.5', except when abutting a single-family zone, the setback is 5'	Required for 3 or more units

LR2 - Lowrise 2

The LR2 zone provides for a variety of multifamily housing types in existing multifamily neighborhoods and along arterial streets. LR2 is most appropriate for areas within Growth Areas***. A mix of small scale to multifamily housing such as townhouses, rowhouses and apartments are encouraged.

Floor Area Ratio (FAR)**	1.1	1.1 or 1.3	1.0 or 1.2
Density Limit**	1 unit / 1,600 SF lot area	No Limit	1 unit / 1,600 SF lot area or No Limit
Building Height	18' + 7' for a roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch
Building Setbacks	Same as LR1	Same as LR1	Same as LR1
Building Width Limit	Not applicable	No Limit	90'
Max. Facade Length	Applies to all: 65% of lot length for portions of facades within 15' of a lot line that is not a rear, street or alley lot line, and 40' for a rowhouse unit located within 15' of a lot line that abuts a lot in a single family zone.		
SDR	Optional	Optional	Required for 3 or more units

* Accessory Dwelling Units (ADUs) are allowed and don't count against the density limit that applies to these housing types.

** The higher FAR and density limits apply if the project meets additional standards regarding parking location and access, alley paving, and green building performance (SMC 23.45.510.C).

*** Growth Areas include urban centers, urban villages, and station area overlay districts.

From]Seattle SDCI - Seattle's Lowrise Multifamily Zones ... - Seattle.gov : www.seattle.gov/Documents/Departments/SDCI/.../MultifamilyZoningSummary.pdf

- E. Attachment B: These three documents list all of the publically available permit and property records for applicable addresses 3420 23rd Avenue West (pages 7-9), 3420 23rd Avenue West (pages 10-12), and

3424 23rd Avenue West (pages 13-14). Within the list are files titled "Record Snapshot" that reference but do not necessary provide additional relative documents. The Appellants have submitted a timely public records request for these documents concealed from public record access. All of these documents are to be considered exhibits of evidence in this appeal demonstrating the Departments early knowledge of the Applicant's intent to circumvent rowhouse development rules of SMC 23.84A.032(20).R⁵

- F. Attachment C: These pages have been extracted from those public records listed within Attachment A including annotations made during the public comment period for this application. Although a Short Plat has not been reviewed or recommended as a discretionary decision by the Director, the functionally-related development project scope has been dispersed in a piecemeal manner among three different addresses in effort to conceal required review and code thresholds including design, environment and residential multifamily limits. This attachment also includes annotated photos submitted as public comment prior to this decision.
- G. Attachment D: Several city comments document the administrative errors in this application:
 - a. As per correction notice #1 for Project #3032857-LU at 3422 23rd Ave. W., the Department is assigning addresses to piecemeal the submissions prior to the discretionary approval of the Short Plat of the parent lot.
 - b. As per correction notice #1 for Project # 694812-EX within the same development at 3424 23rd Ave. W., lists the Project Description as "DEMO TRIPLEX, CONSTRUCT (2) TOWNHOUSES WITH (2) OPEN PARKING STALLS. FUTURE UNIT LOT SUBDIVISION. FUNCTIONALLY RELATED TO #3032878-LU, OFFSITE PARKING FOR 3420 23RD AVE WEST LOCATED ON 3424 23RD AVE WEST." This correction also denied the "Relief from Prohibition on Steep Slope Development" on the basis that the steep slopes on and adjacent to the subject property are less than 20 feet in height and at least 30 feet from other steep slope areas (SMC 25.09.090.B2c) because toes of the western steep slopes (flanking the existing building) are within 30 feet of the crest of the eastern steep slope.
 - c. As per November 26, 2018 correction notice #1 for Project #6688712-CN within the same development at 3424 23rd Ave. W., identifies that the "utilities for this project have been routed in a different location than the easement provided in the short subdivision." and to "Complete a new easement for the sanitary..."
- H. 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."
- I. 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.
- J. The appellants request that no more dwellings should be allowed on the 6,000 square foot lot than what is allowed by the Code. The submissions by the developer indicate 5 dwellings (reference Figure 5 at the end of the appeal.) The Department is not following the first criteria to assure "Conformance to the applicable Land Use Code provisions, as modified by this chapter." (Appeal Attachment F). The proposal with two townhouses behind three row-houses does not comply with the applicable multifamily-zone code requirements of Title 23. Per these requirement, row-houses may not be constructed between other dwellings (other than accessory dwelling units) and the street [SMC 23.84A.032.R.20 rowhouse development rules]. Requirement of King County Title 19 (which has not been superseded by contrary requirements of the Seattle Municipal Code) that lot segregation may not be used as a means to circumvent the allowable density limits for a property which is established by its zoned use. Prior to the 2019 lowrise multifamily code requirements being changed with the MHA ordinance, LR1 was limited to one (1) multi-family dwelling for every 1,600 square feet of lot area. This proposal submitted an

⁵ [Seattle SDCI - Seattle's Lowrise Multifamily Zones ... - Seattle.gov](http://Seattle.SDCI-Seattle'sLowriseMultifamilyZones...-Seattle.gov)
www.seattle.gov/Documents/Departments/SDCI/.../MultifamilyZoningSummary.pdf

application for the front portion of the lot in order to circumvent the in-lieu-of-fees associated with market-rate multifamily development. The development drawings indicate that there will be three rowhouse dwellings on the street-facing side of the 6,000 square foot lot. In addition, they show two townhouse dwellings on the eastern portion of the lot. Except for a corner lot where row-houses are allowed to face the long direction of a rectangular lot, nowhere within this LR1 zoned block has the possible number of dwellings exceeded 4 units. This owner is being granted special privileges to build more than the allowed number of dwellings for an LR1-zoned lot of this size. The Short Plat is being used as a Department policy to explain the illegal contract re-zoning practice. This practice must be remanded by the Hearing Examiner under the criteria of the short plat to comply with the applicable code of SMC Title 23.

- K. The Appellant's Unit Lot and the Subject Property share the same ECA2 potential land slide area per the City of Seattle GIS maps (See Figure 4 on the following pages):
<http://seattlecitygis.maps.arcgis.com/apps/webappviewer/index.html?id=f822b2c6498c4163b0cf908e2241e9c2>
- L. 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.

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. The Short Plat is out of sequence with the environmental reviews as needed to properly apply conditions to the short plat, Request that the SEPA review be conducted before the Short Plat or that the SEPA determination include both "future short plat and unit lot subdivisions".
- G. For such other relief as may be warranted by the appeal.

The Hearing Examiner is asked to return to the SDCI Director the decision such that the Department may meet all of the criteria and apply all of the necessary conditions. The 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. It is understood that the decisions made with this Short Plat will be applied to subsequent approvals and a means for the Department to grant an "approval" to proceed based on the Short Plat approval. Hence, this erroneous decision by the Director must not be taken lightly.


Appellant Representative
David Moehring, AIA NCARB

Appellants:

DAVID and BURCIN MOEHRING
3444 B 23RD AVE W
Seattle WA 98199

Neighbors copied to this appeal:
DANIEL+KAZUYO MONAHAN
3436 23RD AVE W 98199
and
MEGAN+TIMOTHY WHALIN
3434 23RD AVE W 98199



Figure 5 - One large sign posted at each of the three contiguous properties: Calls for 5 units each and required Environmental review.

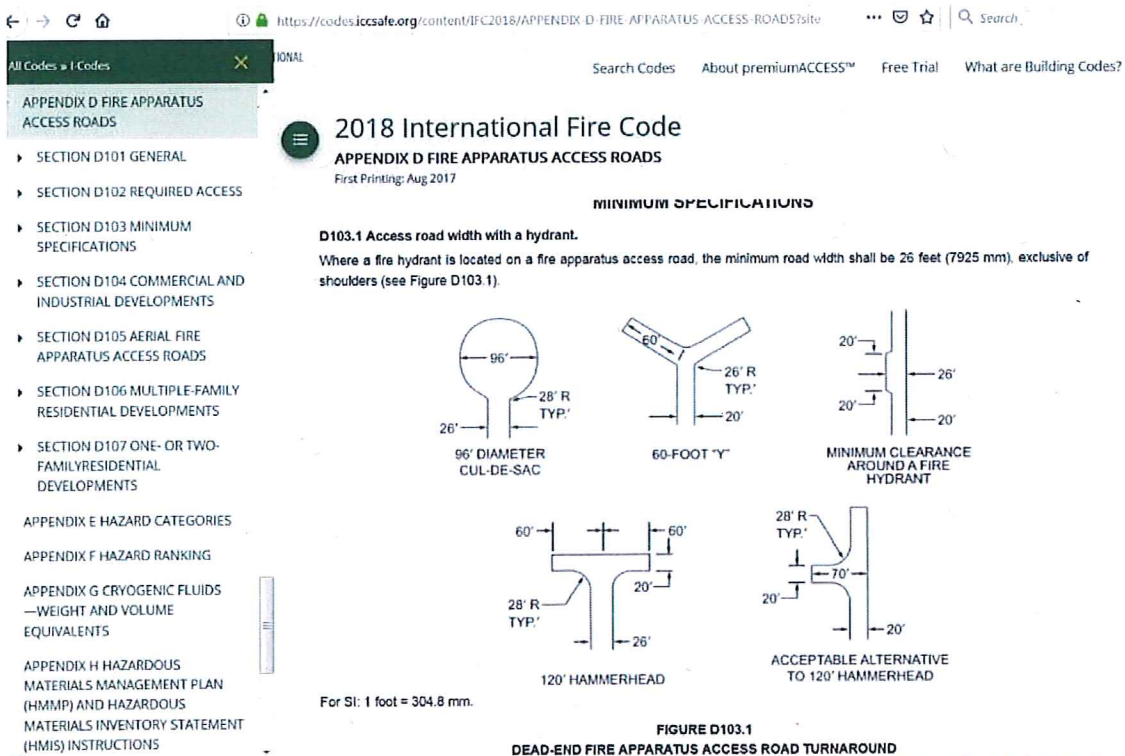


Figure 6 https://codes.iccsafe.org/content/IFC2018/APPENDIX-D-FIRE-APPARATUS-ACCESS-ROADS?site_type=public