



HENRY MCGUIRE  
ATTACHMENTS 'GG'

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## Re: Illegal Dwelling Units Behind Rowhouses 3011 & 3015 30th Ave West

**From:** "Hank McGuire" <hankmcguire@seanet.com>  
**To:** "Torgelson, Nathan" <Nathan.Torgelson@seattle.gov>  
**Cc:** "Moseley, David" <David.Moseley@seattle.gov>, "Whitworth, Allison" <Allison.Whitworth@seattle.gov>, "Lofstedt, Emily" <Emily.Lofstedt@seattle.gov>  
**Date:** Jul 23, 2018 8:26:14 PM

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Thanks for getting in touch with me on this Director. Note that the project has 4 row houses not 3 but I understand your argument. I disagree with it but I understand it. Hank

On 7/23/18 3:25 PM, Torgelson, Nathan wrote:  
Hi Mr. McGuire:

David Moseley asked me to respond to your email about this development proposal in Magnolia.

Density is applied to each multifamily zoned lot per the Multifamily section of the Land Use Code (Table A, footnote 7, SMC 23.45.512). The Rowhouses (3 proposed) (3015 30<sup>th</sup> Ave W and 3,534 square feet) have no density limit when the square footage of the lot is greater than 3,000 square feet. In addition, they can qualify for a higher Floor Area Ratio (FAR) in SMC 23.45.510.C.

The townhouses (2 proposed) (3011 30<sup>th</sup> Ave W and 2,962 square feet) have a 1 unit per 1,600 square feet density when they qualify for the higher FAR in SMC 23.45.510.C. When the density calculation results in a fraction of a unit, any fraction over 0.85 constitutes one additional unit (foot note 2 of Table A of SMC 23.45.512.B). To qualify for the higher FAR you must meet the green building standard, alley improvements, parking location and access to parking.

It appears that these proposals will meet these requirements.

The proposal is also currently under review for potential adverse land use impacts under the State Environmental Policy Act (SEPA), which gives you the opportunity to appeal the decision to the City's Hearing Examiner.

A public meeting is being held on these projects tomorrow evening (July 24) at 6pm at the Magnolia Library (2801 34<sup>th</sup> Ave W)

During the last several years, the questions you have raised about platting smaller lots and various configurations have been contemplated by City staff and the City Council and some changes to the code have been made. I appreciate that the City's Land Use Code is very complex. The Seattle Comprehensive Plan anticipates the need to absorb more housing as the city and the region grows. Much of that housing is planned to occur in Multifamily and Neighborhood commercial zones (and not in single family zones), and City staff and our civic leaders try hard to balance the need to support the creation of more housing while also recognizing that new denser development is changing our neighborhoods.

Sincerely,  
Nathan



Nathan Torgelson  
Director  
Seattle Department of Construction and Inspections

O: 206-684-0343 | M: 206-255-2911 | [nathan.torgelson@seattle.gov](mailto:nathan.torgelson@seattle.gov)  
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*As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety, and health in our communities.*

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**From:** Hank McGuire <[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)>

**Sent:** Friday, July 13, 2018 2:38 PM

**To:** Durkan, Jenny <[Jenny.Durkan@seattle.gov](mailto:Jenny.Durkan@seattle.gov)>; Johnson, Rob <[Rob.Johnson@seattle.gov](mailto:Rob.Johnson@seattle.gov)>; O'Brien, Mike <[Mike.O'Brien@seattle.gov](mailto:Mike.O'Brien@seattle.gov)>; Herbold, Lisa <[Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)>; Harrell, Bruce <[Bruce.Harrell@seattle.gov](mailto:Bruce.Harrell@seattle.gov)>; Bagshaw, Sally <[Sally.Bagshaw@seattle.gov](mailto:Sally.Bagshaw@seattle.gov)>; Juarez, Debora <[Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)>; Mosqueda, Teresa <[Teresa.Mosqueda@seattle.gov](mailto:Teresa.Mosqueda@seattle.gov)>; Sawant, Kshama <[Kshama.Sawant@seattle.gov](mailto:Kshama.Sawant@seattle.gov)>; Torgelson, Nathan <[Nathan.Torgelson@seattle.gov](mailto:Nathan.Torgelson@seattle.gov)>; Danny Westneat <[dwestneat@seattletimes.com](mailto:dwestneat@seattletimes.com)>; Harmston, Katelyn <[Katelyn.Harmston@seattle.gov](mailto:Katelyn.Harmston@seattle.gov)>; Joe3 Veyera <[qamagnews@nwlink.com](mailto:qamagnews@nwlink.com)>; P-I City Desk <[citydesk@seattlepi.com](mailto:citydesk@seattlepi.com)>; shsieh@thestranger.com; John Fox <[jvf4119@gmail.com](mailto:jvf4119@gmail.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>; Nicole Kiro Radio <[nthompson@bonneville.com](mailto:nthompson@bonneville.com)>; bdudley@seattletimes.com; sfg@seattlefairgrowth.com; David Moehring <[dmoehring@consultant.com](mailto:dmoehring@consultant.com)>; Moseley, David <[David.Moseley@seattle.gov](mailto:David.Moseley@seattle.gov)>; KUOW <[newsroom@kuow.org](mailto:newsroom@kuow.org)>; Komo Radio <[tips@komonews.com](mailto:tips@komonews.com)>; Kimo Hunter <[kimo@windermere.com](mailto:kimo@windermere.com)>; Strauss, Daniel <[Daniel.Strauss@seattle.gov](mailto:Daniel.Strauss@seattle.gov)>; Baker, Roberta <[Roberta.Baker@seattle.gov](mailto:Roberta.Baker@seattle.gov)>; Clardy, Alex <[Alex.Clardy@seattle.gov](mailto:Alex.Clardy@seattle.gov)>; Levy, Susie <[Susie.Levy@seattle.gov](mailto:Susie.Levy@seattle.gov)>; Williams, Spencer <[Spencer.Williams@seattle.gov](mailto:Spencer.Williams@seattle.gov)>; Michael Stewart <[mbstewart@yahoo.com](mailto:mbstewart@yahoo.com)>; Kate <[kngbrown@seanet.com](mailto:kngbrown@seanet.com)>; Reiter, Cody <[Cody.Reiter@seattle.gov](mailto:Cody.Reiter@seattle.gov)>; Noel Frame <[noel.frame@leg.wa.gov](mailto:noel.frame@leg.wa.gov)>

**Subject:** Re: Illegal Dwelling Units Behind Rowhouses 3011 & 3015 30th Ave West

Thanks David. I can't imagine what Director Torgelson will say. I pasted the letter he sent to me April 4 2018 where he explains exactly how his Department is breaking the law with LBA's with respect to dwelling units behind rowhouses at 1829 11th Ave W. Also attached is a letter from Roberta Baker of 4/10/18 explaining in greater detail how the Zoning Code is being circumvented by applying the Blind Eye Protocol.

It has been pointed out to me that allowing dwelling units behind rowhouses has been brought before Hearing Examiners and can not be appealed because it is a Type I decision. Type I decisions are totally under the discretion of the SDCI Director. Nathan Torgelson.

I look forward to his call and hearing his more detailed explanation of what is going on.

Thanks again David for your prompt action on this important issue facing the City's Administration.

Hank

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On 7/13/18 12:54 PM, Moseley, David wrote:

Thank you Hank. I will ask Nathan Torgelson to be in contact with you about this. David

Sent from my iPhone

On Jul 13, 2018, at 12:08 PM, Hank McGuire <[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)> wrote:

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Dear Mr. McGuire,

Thank you for your emails about the proposed development at 1829 and 1831 11<sup>th</sup> Avenue West in Queen Anne.

Your emails mentioned your opposition to variances that would allow increased development on the subject

sites. The applicant has not requested any variances or upzones from the development standards of the underlying Lowrise 1 (LR1) zoning. The proposals must meet the Land Use Code. We have written to the applicant and requested changes and clarifications to the proposal in order to comply with the Code. We are waiting for the applicant to revise their application to show how they meet code requirements.

The proposal is also currently under review for potential adverse land use impacts under the State Environmental Policy Act (SEPA), which was the subject of last week's public meeting. The overall proposal includes a lot boundary adjustment (LBA) to reconfigure the two existing legal lots. If the LBA is approved, the Seattle Land Use Code will allow development of rowhouses along 11<sup>th</sup> Avenue West on one lot and a single-family residence on the other lot along the alley. This is allowed in the Lowrise 1 (LR1) zoning district which is a multifamily zone and has been the zoning designation for this property for many years.

In reference to your comment about the rights of residents, the Code includes opportunities for public comment and discussion, and SDCI values the information and insight garnered from public meetings held at public request and from letters and emails. Your comment letters will be added to the record and considered.

If you have further concerns about the proposed projects, feel free to contact the SDCI project planner Charles Benson ([Charles.Benson@Seattle.gov](mailto:Charles.Benson@Seattle.gov)) or his supervisor, Jerry Suder ([Jerry.Suder@Seattle.gov](mailto:Jerry.Suder@Seattle.gov)). Thank you for reaching out to us and expressing your passion for your neighborhood and the City.

Sincerely,

Nathan Torgelson



Nathan Torgelson

Director

[Seattle Department of Construction and Inspections](#)

O: 206-684-0343 | M: 206-255-2911 | [nathan.torgelson@seattle.gov](mailto:nathan.torgelson@seattle.gov)

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*As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety, and health in our communities.*

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On 4/10/18 11:01 AM, Baker, Roberta wrote:

Mr. McGuire,

Nathan Torgelson is currently out of the office, so I am responding to the email you sent to him on Monday, April 9<sup>th</sup>, 2018. I'm sorry to hear that you perceive that the City is conspiring with the developer to defraud a property owner, as this is not the case. I also want you to know that Director Torgelson's response was not intended to take advantage of you in any way. His intent was to share general information about the project in question and to answer the key questions you were asking, as he understood them.

SDCI has a responsibility to review permit applications to ensure that developers follow the development regulations that are in place at the time they apply for permits. The regulations we enforce encompass construction codes that provide standards for life safety, as well as land use regulations that govern the use and size of development private property. Property owners have a right to develop land if that development complies with applicable regulations.

As mentioned before, this permit application is currently under review by department staff. Staff are responsible for checking to ensure that what is being proposed meets the applicable codes. I understand that some plan corrections have already been requested, however, if plans are eventually resubmitted, and reflect compliance with all codes that our department enforces, we will have a legal obligation to grant approval for the development, by issuing the requested permit.

Through the questions you have raised in your last email, the primary concern appears to be whether our regulations, as they are currently written, allow developers to gain more density on a piece of property by using

Short Plats or Lot Boundary Adjustments (LBA's) to reconfigure land. The single family zones are the only zones that have code language that governs a minimum lot size – all other zones allow a piece of land to be subdivided into smaller parcels with no codified limit on how small the parcel can be. In this case, because it is a multifamily zone, reconfiguring the existing land is allowed, and a back-lot configuration is also allowed. Once a separate parcel is created, development standards are applied to that parcel alone, and if a proposed development can demonstrate that it meets all the regulations on that parcel, then it can be approved. Since two legal lots already existed as part of the original parcel for this project, a lot boundary adjustment was the mechanism to reconfigure their size and orientation.

The existing Lowrise 1 zone is meant to act as a transition between the single family zone to more intense multifamily and commercial zoning to the north. Our Land Use Code applies development standards to manage the scale and form of new development, while limiting height to what's currently allowed in the Single Family zone (30-feet) to the south.

In addition, during the last several years, the questions you have raised about platting smaller lots and various configurations have been contemplated by City staff and the City Council and some changes to the code have been made. The Seattle Comprehensive Plan anticipates the need to absorb more housing as the city and the region grows. Much of that housing is planned to occur in Multifamily and Neighborhood commercial zones, and City staff and our civic leaders try hard to balance the need to support the creation of more housing while also recognizing that new denser development is also changing our neighborhoods.

Respectfully,



Roberta Baker  
Land Use Division Director

City of Seattle [Department of Construction and Inspections](#)

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*"As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety and health in our communities."*

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#### Attachments

- image002.png
- image003.png
- image004.png



## Illegal Rowhouse Development, Fraud and Fake Affordable Housing

**From:** "Hank McGuire" <hankmcguire@seanet.com>

**To:** "jenny.durkan@seattle.gov" <jenny.durkan@seattle.gov>, "rob.johnson@seattle.gov" <rob.johnson@seattle.gov>, "mike.obrien@seattle.gov" <mike.obrien@seattle.gov>, "Lisa.Herbold@seattle.gov" <Lisa.Herbold@seattle.gov>, "Bruce.Harrell@seattle.gov" <Bruce.Harrell@seattle.gov>, "sally.bagshaw@seattle.gov" <sally.bagshaw@seattle.gov>, "Debora.Juarez@seattle.gov" <Debora.Juarez@seattle.gov>, "Teresa.Mosqueda@seattle.gov" <Teresa.Mosqueda@seattle.gov>, "Sawant, Kshama" <Kshama.Sawant@seattle.gov>, "nathan.torgelson@seattle.gov" <nathan.torgelson@seattle.gov>, "cynthia.phillips@seattle.gov" <cynthia.phillips@seattle.gov>, "katelyn.harmston@seattle.gov" <katelyn.harmston@seattle.gov>, "Joe3 Veyera" <qamagnews@nwlink.com>, "citydesk@seattlepi.com" <citydesk@seattlepi.com>, "shsieh@thestranger.com", "John Fox" <jvf4119@gmail.com>, "mhk@martinhenrykaplan.com", "Nicole Kiro Radio" <nthompson@bonneville.com>, "bdudley@seattletimes.com" <bdudley@seattletimes.com>, "sfg@seattlefairgrowth.com" <sfg@seattlefairgrowth.com>, "David Moehring" <dmoehring@consultant.com>, "Michellef Butler" <Michelle.Butler@leg.wa.gov>, "KUOW News" <newsroom@kuow.org>, "Komo Radio" <tips@komonews.com>, "Kimo Hunter" <kimo@windermere.com>, "Daniel Strauss" <Daniel.Strauss@seattle.gov>, "Baker, Roberta" <Roberta.Baker@seattle.gov>, "Alex Clardy" <alex.clardy@seattle.gov>, "Susie Levy" <Susie.Levy@seattle.gov>, "Spencer Williams" <spencer.williams@seattle.gov>, "Michael Stewart" <mbstewart@yahoo.com>, "kohl-welles.jeanne@leg.wa.gov", "Kate" <knbrown@seanet.com>, "Danny Westneat" <dwestneat@seattletimes.com>

**Date:** Jun 27, 2018 8:05:17 AM

### Press Release and Story

6/27/18

#### Another Illegal Rowhouse Development, Fraud and Fake Affordable Housing

##### Content:

- A) The Zoning Code prevents housing units being built behind rowhouses. City hiding development information from citizens.
- B) Fraud against selling property owners.
- C) Increased risk of death by fire for families in new homes behind new rowhouses.
- D) Illegal single lot upzoning: Ridiculous SDCI explanation for allowing single lot upzoning and homes behind rowhouses.
- E) Response from elected officials. Is there criminal intent?
- F) Fake Affordable housing, developer tax breaks and *Affordability Agents*.
- G) Property taxes forcing families out of their homes and California's Proposition 13.

**Here we go again. This development is at 3015 30th Ave West in the Magnolia neighborhood.**



As you can see there are 4 rowhouses and two illegal additional houses behind them. Why is this illegal?

#### **Our City Officials Are working For Developers Not Us**

1) Developer buys a lot with a home on it and tears the home down. Certain developers are good at this scenario.

2) This lot is wide enough to build 4 rowhouses on it. **But our Zoning Code prohibits dwellings behind rowhouses.**  
(See [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TIT23LAUSCO\\_SUBTITLE\\_IVAD\\_CH23.84ADE\\_23.84A.032R.f](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IVAD_CH23.84ADE_23.84A.032R.f))

3) The developer applies for approval of a plan with 6 homes on it. But 5 & 6 are not permitted by code.

4) The SDCI, Seattle Department of Construction & Inspections) plans to hold a public meeting to present the illegal project to the neighborhood to sell the developers idea. Here the City represents the developer and not us citizens by not denying the two illegal dwelling units outright which is the legislative intent.

5) This is single lot upzoning. Single lot upzoning is illegal for obvious reasons discussed below.  
Here this one lot has greater density than permitted in the Zone.

*Have questions on the zoning revisions or unofficial single-lot 'upzoning'?*

**If you are doing something wrong, hide it!**

One other important point. SDCI has recently redesigned its website. Before a concerned citizen could get information on a project easily. Now it is almost impossible. I wonder just what additional suspect activities are being covered up? Maybe the problem will go away!

#### **Fraud Against The Original Owner**

Is there fraud against the original land owner? Did the original property owner know the City would consider allowing 6 units on this property? Or did that owner think it could only have 4 rowhouses on it as provided by law?

Has the City, in what looks like collusion with the developer, ripped off the original owner? What is the difference in sales



price between land that can have 4 units on it compared to one that can have 6 units on it? The price difference between land that can have 4 dwelling units and the same land that can have 6 is what; \$100,000 to \$200,000.00. More!

### **It is that difference in selling price that constitutes the fraud**

That difference in price multiplied over many projects constitutes substantial fraud against the sellers. So certain developers who know the score reap windfall profits. Smart business decisions and savvy or collusion and fraud. What does it look like to you?

### **The families living in the houses on the alley are being put at risk of death by fire**

The Seattle Fire Department finds access from alleys not acceptable. The project at 3015 30th Ave West has 4 row houses facing the street with no way for the Fire Department to get emergency vehicles to a fire in the two house on the alley.

**1) access for emergency vehicles** from alleys are not acceptable; and  
**2) 5' wide sidewalk access from street to back homes with alleys are okay IF the back building has installed a sprinkler system**; or

**3) a 16.5' clear height dedicated emergency vehicle access** easement is provided from the street to the rear dwelling(s).

**4) And the City acknowledges this online with its own Vehicle Access Easement Standards** (See <http://buildingconnections.seattle.gov/2017/10/31/vehicle-access-easement-standards/> ). Document pasted at end of this release.

**5) If a person dies in a fire in one of these illegal units will the City be culpable? Will the City pay for our elected official's duplicity? Come on, the elected officials won't pay. We the taxpayers will pay as we always do.**

### **Illegal Single Lot Upzoning**

Single lot upzoning is illegal. Just think what a developer with political connections could do. Find a big enough lot for say 4 rowhouses knowing the City would go along with additional houses behind the rowhouses in violation of the Zoning Code. You get the property cheap. Lots of money is made. A developer's dream come true!

This is happening all over the City. Is there any other way to look at this other than fraud by our City officials? This is why reason why single lot upzoning is illegal. Not to mention density over and above what is allowed in the Zone where it is built.

### **Can anyone find out why this is being allowed?**

Here is what I think SDCI is saying. While the Zoning Code does prohibit dwelling units behind rowhouses built on a lot, it no longer applies when the rowhouses are plated into different lots. Now it is no longer the original single lot.

**The explanation is ridiculous but it is making developers very rich. And our City leaders are allowing it. What do our elected officials get out of it?**

To date Councilman Rob Johnson, Chair of the Planning, Land Use & Zoning Committee (206-684-8808), has not responded to my email letter informing him of the violations. And there are the other letters to SDCI and the press releases copied to everyone too. His aid, Spencer, told me they make the laws and the Seattle Department of Construction and Inspection enforces and interprets the law. **What kind of pass the buck answer is this? And is the ridiculous explanation above OK? Does SDCI's interpretation represent the legislative intent? Does SDCI have the same authority as the Courts to determine the meaning and interpretation of legislative laws?**

By the way, SDCI's Director Nathan Torgelson did reply as did Director of Land Use Roberta Baker explaining how the Department uses Short Plats, Lot Boundary Adjustments and Easements to violate their own Zoning Code. Again, is this the legislative intent of saying no dwelling units behind rowhouses?

Mike O'Brien's aid Susie was very nice but didn't think Mike would be open to my complaints and questions.

Lisa Herbold's aid Alex said they could not take a side in a property dispute. It would be unethical! This was with regard to a similar project at 1829 11th Ave W on Queen Anne Hill. Well Alex there is more than one. What would be unethical about correcting SDCI's blatant disregard for the Zoning Code and legislative intent by allowing single lot upzones?

The Mayor and entire City Council have received copies of my email letters and press releases. No response from any of them to date except for an aid, Daniel, in Sally Bagshaw's office who, by phone said he would review the issue and get back to me. Also during a personal meeting with Deputy Mayor David Moseley, he said he would look into the problem and get back to me too.

### **Is there criminal intent?**

Because this subterfuge has been brought to the City's attention and because the City has chosen to ignore the problem, does it's inaction rise to the level of criminal intent? And criminal intent on who's part? Director Torgelson, Mayor Durkin, Councilman Rob Johnson; Who? Someone is going to be left holding the bag at the end of the day.

### **Fake Affordable Housing**

Lets not forget Affordable Housing. We hear about it and read about it all the time. We are getting lots of cheap light construction but is it affordable? Will it last? Actually we are getting lots of very expensive density. Let's face it properties are sold or rented at what ever the market will allow. There is a program called the MFTE (Multi-Family Tax Exemption) Program, where developers get a tax break if 20% of the units built are affordable. Are they affordable? If a renter moves will the new renter get a reduced rate? If a rowhouse sells that is supposed to be affordable will it sell at a reduced price? Even in a bidding war which drives the price up? And who determines what affordable is anyway?

If a rowhouse rents for \$3,300 a month (check out Zillow: [https://www.zillow.com/homes/for\\_rent/Seattle-WA/house/mobile/land/townhouse\\_type/16037\\_rid/47.759637,-122.108918,47.462915,-122.580643\\_rect/10\\_zm/](https://www.zillow.com/homes/for_rent/Seattle-WA/house/mobile/land/townhouse_type/16037_rid/47.759637,-122.108918,47.462915,-122.580643_rect/10_zm/) ) and the affordable unit is discounted to only 70% the house would rent for \$2,310 a month. Now that is a pretty good deal in Seattle today. But is it affordable? And affordable to who?

How much have the tax breaks to the developers cost us so far? Hey were those tax breaks for the entire development or

just for the 20% that are affordable? Where is the data on all of this? How much more tax do we pay to make up for what the developer doesn't pay?

And what about new electrical vaults to handle the increased load, the water supply to all the new dwelling units, the sewer, the more heavily used roads and more police? Who pays for all that while increasing density under the guise of affordable housing? And don't forget, the families in those affordable units will pay higher taxes for all of this too!

For more information on affordable housing contact John Fox, [jvf4119@gmail.com](mailto:jvf4119@gmail.com), of the Seattle Displacement Coalition <http://www.zipcon.net/~jvf4119/>

#### **Affordability Police**

To be sure we are not getting ripped off after giving tax breaks to the developers, we need to be sure affordable housing stays affordable. How many *Affordability Agents* will we need? How many years into the future will the City guarantee the affordability status? How will *Agents* track the affordable dwelling units? The rents? The sales prices? And how will increasing property valuations be handled?

And how much will the *Department of Affordability Enforcement* cost us year after year?

#### **Property Taxes**

Another benefit of the push for Fake Affordable Housing is the ever increasing property tax burden on existing home owners. As the density increases, the land becomes more valuable in the neighborhood. Illegal over developed property pushes valuations even higher. The result is to force families, especially retired families on fixed incomes, to sell to the very developers illegally over developing. It is a perfect storm brought to you by the currently elected City Council and Mayor. Thank you very much!

#### **California's Proposition 13**

California went through something like this in the '70's. The voters addressed the problem the elected officials didn't want to deal with. They passed, by close to two thirds of the popular vote, Proposition 13 <https://www.californiataxdata.com/pdf/Prop13.pdf>. I especially like the part that says:

**"Under Proposition 13 the property is assessed for tax purposes only when it changes ownership. As long as the property is not sold, future increases in assessed value are limited to an annual inflation factor of no more than 2%."**

Hank McGuire  
206-282-8610  
[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)

*If you would like a copy of communications between myself and the City, let*

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#### **Attachments**

- kfggjhdpebijdonf.png





## Story: Illegal Development, Tax Breaks For Developers and Age Discrimination

**From:** "Hank McGuire" <hankmcguire@seanet.com>

**To:** "jenny.durkan@seattle.gov" <jenny.durkan@seattle.gov>, "rob.johnson@seattle.gov" <rob.johnson@seattle.gov>, "mike.obrien@seattle.gov" <mike.obrien@seattle.gov>, "Lisa.Herbold@seattle.gov" <Lisa.Herbold@seattle.gov>, "Bruce.Harrell@seattle.gov" <Bruce.Harrell@seattle.gov>, "sally.bagshaw@seattle.gov" <sally.bagshaw@seattle.gov>, "Debra.Juarez@seattle.gov" <Debra.Juarez@seattle.gov>, "Teresa.Mosqueda@seattle.gov" <Teresa.Mosqueda@seattle.gov>, "Sawant, Kshama" <Kshama.Sawant@seattle.gov>, "nathan.torgelson@seattle.gov" <nathan.torgelson@seattle.gov>, "cynthia.phillips@seattle.gov" <cynthia.phillips@seattle.gov>, "katelyn.harmston@seattle.gov" <katelyn.harmston@seattle.gov>, "Joe3 Veyera" <qamagnews@nwlink.com>, "citydesk@seattlepi.com" <citydesk@seattlepi.com>, shsieh@thestranger.com, "John Fox" <jvf4119@gmail.com>, mhk@martinhenrykaplan.com, "Nicole Kiro Radio" <nthompson@bonneville.com>, "bdudley@seattletimes.com" <bdudley@seattletimes.com>, "sfg@seattlefairgrowth.com" <sfg@seattlefairgrowth.com>, "David Moehring" <dmoehring@consultant.com>, "Michelle Butler" <Michelle.Butler@leg.wa.gov>, "KUOW News" <newsroom@kuow.org>, "Komo Radio" <tips@komonews.com>, "Kimo Hunter" <kimo@windermere.com>, "Daniel Strauss" <Daniel.Strauss@seattle.gov>, "Baker, Roberta" <Roberta.Baker@seattle.gov>, "Alex Clardy" <alex.clardy@seattle.gov>, "Susie Levy" <Susie.Levy@seattle.gov>, "Spencer Williams" <spencer.williams@seattle.gov>, "Michael Stewart" <mbstewart@yahoo.com>

**Date:** Jun 20, 2018 7:33:15 AM

### Story In A Nutshell

#### Illegal Development, Tax Breaks For Developers and Age Discrimination

6/20/18

This is a little more personal than previous press releases. I bought my old beat up house on Queen Ann in 1973 for \$17,500. It was a cheap house even in those days and I was a little nervous getting into that much debt. My wife pushed me to buy the house. She has always been smarter than myself. Now we are both retired. I was a construction worker and she was an RN. Over the years we fixed the place up a little. And Seattle has been a wonderful City to live in.

Everything has changed of course. I am going to get straight to the point:

**Under cover of getting "affordable housing" our City leaders have cheated us and callously disregarded any pleas for help.** Here is what I am talking about:

#### The LR1 Development Game

##### Illegal Development Seattle Style

- 1) Developer buys an LR1 lot. For example 1829 11th Ave W on Queen Anne Hill.
  - 2) An LR1 lot allows several development options, but none of which allows dwellings behind rowhouses. That's expressly prohibited in the Zoning Code. (See [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TIT23LAUSCO\\_SUBTITLE\\_IVAD\\_CH23.84ADE\\_23.84A.032R.f](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IVAD_CH23.84ADE_23.84A.032R.f))
  - 3) The developer applies for a subdivision or LBA (Lot Boundary Adjustment). (See info on 1829 11th Ave W upon request.)
  - 4) The SDCI, Seattle Department of Construction & Inspections) approves the subdivision (**knowing the intent!**). Responses from SDCI upon request.
  - 5) The SDCI creates 2 separate addresses and separate permit applications- **But the same City Planner.**
  - 6) One development is simultaneously built and sold.
  - 7) Developer sells additional unit or two from what was originally possible (**illegal over development**).
  - 8) **SDCI claims they are benefiting affordable housing dilemma in Seattle. Prove it!**
  - 9) Property owners assume everyone is doing the right thing.
- I'm one of those property owners assuming the City is doing the right thing. The legally permitted thing. **We have all been played for fools! This is a City wide scam.**

#### Higher Risk of Death By Fire

By putting another home behind the rowhouses in violation of the Code, **families are put at greater risk of death by fire.** The Fire Department wants to fight fires from the street. The solid wall of rowhouses makes this problematic:

- 1) **access for emergency vehicles** from alleys are not acceptable; and
  - 2) 5' wide sidewalk access from street to back homes with alleys are okay **IF the back building has installed a sprinkler system;** or
  - 3) **a 16.5' clear height dedicated emergency vehicle access** easement is provided from the street to the rear dwelling(s).
  - 4) **And the City acknowledges this online with its own Vehicle Access Easement Standards** (See <http://buildingconnections.seattle.gov/2017/10/31/vehicle-access-easement-standards/>).
- You can get more detailed information from the Chairperson of the Land Use Committee from the Magnolia Community Council: architect David Moehring, AIA NCARB. Email : [UrbanMagnolia@pacificwest.com](mailto:UrbanMagnolia@pacificwest.com). Check out another suspicious development at 1526 NW 61st St.

### Affordable Housing and Tax Breaks

**The Mayor, the City Council and the SDCI are allowing this all the while talking about Affordable Housing implying a connection.** This is why all of the press releases and letters to the Mayor and City Council via email have not been answered. To be fair I spoke to Daniel Strauss in Sally Bagshaw's office and I met personally with Deputy Mayor David Moseley. Both said they would look into the matter and would get back to me. I will share what they say when they say it.

Right now, other than a limited senior citizen and household exemption/deferral and deferral program for low income homeowners, **the only significant property tax relief in Seattle and King County goes to developers.**

**That's right. The Developers!**

**It's called the MFTE (Multi-Family Tax Exemption) Program.** According to John Fox, [jvf4119@gmail.com](mailto:jvf4119@gmail.com), of the Seattle Displacement Coalition <http://www.zipcon.net/~jvf4119/> (emphasis mine):

"Since 2012, the City of Seattle easily has given away about a half billion dollars worth of property tax breaks to a relatively small (but growing) group of developers. The program in 2017 was extended from a targeted program limited to a few areas of the city to a city-wide program so now the floodgates have been opened and just about every developer is taking advantage of MFTE. . . . **About half the value of these tax breaks are passed on in the form of higher property taxes for both homeowners and tenants** (owners of existing rentals absorb some of the cost and pass it on in the form of higher rents).

The other half of the value of these tax breaks roughly (and this was only discovered recently and 15 years after Seattle adopted the program!), represents actual loss of city and county tax revenue. We estimate the city now is losing about 5-10 million a year in tax revenue that simply vanishes for the 12 year life of the tax breaks each developer receives.

**The program is a colossal giveaway needless to say.** Developers are falling all over themselves to build in Seattle. They don't need an "incentive". And in return for millions in tax breaks, under program rules, they only are required to set aside 20 percent of their units at rents between 65-80 percent **of median** - a small percentage of what's getting built now)". . . .

**We have been able to prevent passage of bills in Olympia** extending the program to developers doing rehab of existing apartment buildings (at least for now) - **a key element of the Mayor's HALA strategy called the "Housing Preservation Tax Exemption" Program.** Frank Chopp has been instrumental in putting a stop to this." So How about it Deputy Mayor Moseley and Legislative Aid Strauss. Because of the tax breaks, the City must have the data to support this extravagance. What exactly has been accomplished thus far? Are the rents still lower in the low income units? Were some of the properties sold at lower prices and are the going to be resold at affordable prices? I would like to see a list of these properties. **This is a chance to toot you own horn! So toot it. I'll publish your accomplishments for you. Show us the data!**

**Oh yes and that tax not paid by the developers; well we property owners and renters get to pick up the slack and pay the tax not collected from them! How do you like them apples!?** I am on the outside looking in. It looks like quite the boondoggle. Quite the ripoff! Nothing but another scam by uncaring or crooked politicians.

**Well if developers are going to get special tax exemptions for developing, how about some property tax relief for us average families in upzoned neighborhoods!**

### City Sanctioned Age Discrimination

**One could argue that the City is effective engaged in age discrimination too.** As I mentioned my wife and I are retired. That means we are on a fixed income and each time our property taxes go up we have less money to live on. And boy has it has been going up and up. Everyone has experienced this, working families and retirees alike. Renters get hit with higher and higher rents too. Affordable housing! What BS!

Its tough when you have worked all you life, improved your home and settled in to enjoy what you have worked for all those many years only to be pushed out of your home and off of your land. It hurts to be forced to sell your home because you can't pay the ever increasing taxes or move because you can't afford the higher rents. **And the developers are getting tax exemptions to foster this "out with the old and in with the new" paradigm.**

Perhaps there is an under riding desire to have only young productive people living in Seattle. Get rid of the useless old people. Go live in a retirement community Eastern Washington. We don't need your kind here! No, the Mayor and City Council have not come right out and said it but that is what it feels like to me. Well shame on you elected representatives who sit back and allow this to happen.

### How To Keep Our Homes While Living Out The Rest Of Our Lives

**If developers are going to get special tax exemptions for developing and effectively getting rid of the old, perhaps we need some tax relief for existing home owners.** The Mayor and City Council are so worried about the homeless well what about us retirees? How about older renters who have been in the same apartment for a very long time? We all want to live here too! We vote, we pay taxes and we helped build this City.

California went through something like this in the '70's. The voters addressed the problem the elected officials didn't want to deal with. They passed, by close to two thirds of the popular vote, Proposition 13 <https://www.californiataxdata.com/pdf/Prop13.pdf>. I especially like the part that says:

**"Under Proposition 13 the property is assessed for tax purposes only when it changes ownership. As long as the property is not sold, future increases in assessed value are limited to an annual inflation factor of no more than 2%."**

We the people are going to protect ourselves and fight if pushed into a corner. **We are Americans. We don't let bullies, even elected bullies, shove us out of our homes and tell us where and how to live.**

**We love Seattle and we love America too.** We really believe in government by, of and for the people. Not just some people. Not just developers making a fast buck. Not just by our elected representatives when they no longer represent all of us.

**Mayor Durkin and City Council members fix this problem now!**

*If you want to do a story on this lots of background material such as letters from SDCI or supporting documentation are available upon request.*

Hank McGuire  
206-282-8610  
[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)



## Illegal Development, Fraud and the SDCI

**From:** "Hank McGuire" <hankmcguire@seanet.com>

**To:** "jenny.durkan@seattle.gov" <jenny.durkan@seattle.gov>, "rob.johnson@seattle.gov" <rob.johnson@seattle.gov>, "mike.obrien@seattle.gov" <mike.obrien@seattle.gov>, "Lisa.Herbold@seattle.gov" <Lisa.Herbold@seattle.gov>, "Bruce.Harrell@seattle.gov" <Bruce.Harrell@seattle.gov>, "sally.bagshaw@seattle.gov" <sally.bagshaw@seattle.gov>, "Debora.Juarez@seattle.gov" <Debora.Juarez@seattle.gov>, "Teresa.Mosqueda@seattle.gov" <Teresa.Mosqueda@seattle.gov>, "Sawant, Kshama" <Kshama.Sawant@seattle.gov>, "nathan.torgelson@seattle.gov" <nathan.torgelson@seattle.gov>, "cynthia.phillips@seattle.gov" <cynthia.phillips@seattle.gov>, "katelyn.harmston@seattle.gov" <katelyn.harmston@seattle.gov>, "Joe3 Veyera" <qamagnews@nwlink.com>, "citydesk@seattlepi.com" <citydesk@seattlepi.com>, shsieh@thestranger.com, "John Fox" <jvf4119@gmail.com>, mhk@martinhenrykaplan.com, "Nicole Kiro Radio" <nthompson@bonneville.com>, "bdudley@seattletimes.com" <bdudley@seattletimes.com>, "sfg@seattlefairgrowth.com" <sfg@seattlefairgrowth.com>, "David Moehring" <dmoehring@consultant.com>, "Michelle Butler" <Michelle.Butler@leg.wa.gov>, "KUOW News" <newsroom@kuow.org>, "Komo Radio" <tips@komonews.com>, "Kimo Hunter" <kimo@windermere.com>, "Daniel Strauss" <Daniel.Strauss@seattle.gov>, "Baker, Roberta" <Roberta.Baker@seattle.gov>, "Alex Clardy" <alex.clardy@seattle.gov>, "Susie Levy" <Susie.Levy@seattle.gov>, "Spencer Williams" <spencer.williams@seattle.gov>

**Date:** May 25, 2018 8:57:38 AM

**Public Letter To  
Seattle Land Use Division Director  
Roberta Baker**

5/25/18

Dear Ms. Baker:

I have put out several press releases dealing with the problems created by allowing a dwelling unit to be constructed behind a wall of row houses on the lot at 1829 11th Ave West. This is one example. There are many others as you know.

Here is my opinion of what is happening. And yes somewhere along the line money is, as most always, the motivating factor. Be that as it may, I just want the illegal development stopped. Here is how it looks to me:

**1) Citizens go to an SDCI sponsored meeting** which presents to neighbors a proposal that is upon its face illegal. You can't put a dwelling unit behind Row houses as this is prohibited in the SMC. And it is illegal without providing emergency vehicle access to that home behind the row houses. And we are not talking about ADU's here.

**2) I previously brought this problem to your attention** and to Director Torgelson's attention via email letters. Nothing has changed.

**3) The responses I received from both of you were informative but did not address my question.** And you guys are smart enough to understand the question and illegality of the development I brought to your attention.

**4) I think you are assuming that by ignoring the question it will just go away** and illegal development will proceed unimpeded. As they say, you can't fight City Hall. I think you can fight City Hall.

**5) SDCI held a public meeting to sell the illegal project to the neighbors using public money!** Why on Earth would SDCI do this? The row houses are legal. No meeting required. But the 5th home behind the row houses is not legal so it looks like you are working for the developer holding the meeting to somehow justify violating you own code and duping the neighbors to boot.

**6) It looks like definitively locking this issue down is next to impossible** because of intentional obfuscation. Not a good way for a Democracy to work.

**7) Families are put at risk of death by fire** because of your Department's capricious disregard for emergency vehicle access.

**8) There may be fraud** against the original property owner and against a family put at greater risk of death by fire.

**So I am asking again, what is your justification for violating the law with respect to placing a home behind a wall of row houses at 1829 11th Ave West?** See SMC 23.84a.032.R.20.f which prohibits this 5th home.

**23.84a.032.R.20.f.** which states "**no portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.**" (See [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TIT23LAUSCO\\_SUBTITLE\\_IVAD\\_CH23.84ADE\\_23.84A.032R](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IVAD_CH23.84ADE_23.84A.032R))

No, I am not interested in how you are complicit in violating the law using short plats and lot boundary adjustments as you presented in you letter to me (*pasted below*).

I am demanding you stop the practice now or provide reference to enabling language in the SMC, IFC, RFC, etc. that you

feel allows that home behind the row houses. And without emergency vehicle access or at least a sprinkler system. Simple question!

I'm in it for the long haul Ms. Baker. I am not going to tire of this . . . confrontation? Should I call it that? The Department must know that this day would come eventually.

Thank you for your previous response and thank you in advance for answering a question now being asked by many other people.

Sincerely,

Hank McGuire  
[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)

**PS** I should mention that you picked up on the possibility of fraud against the original property owner likely not being paid for a lot that can have 5 legal dwelling units on it. Rather one would expect the sale price to reflect the legal development of a maximum density of 4 row houses. So yes, here again, SDCI's refusal to obey its own laws may have resulted in fraud against the original seller and, dare I say, fraud against the family living in the 5th illegal dwelling unit because of the increased risk of death by fire due to inadequate emergency vehicle access provisions and/or fire suppression systems.

On 4/10/18 11:01 AM, Baker, Roberta wrote:

Mr. McGuire,

Nathan Torgelson is currently out of the office, so I am responding to the email you sent to him on Monday, April 9th, 2018. I'm sorry to hear that you perceive that the City is conspiring with the developer to defraud a property owner, as this is not the case. I also want you to know that Director Torgelson's response was not intended to take advantage of you in any way. His intent was to share general information about the project in question and to answer the key questions you were asking, as he understood them.

SDCI has a responsibility to review permit applications to ensure that developers follow the development regulations that are in place at the time they apply for permits. The regulations we enforce encompass construction codes that provide standards for life safety, as well as land use regulations that govern the use and size of development private property. Property owners have a right to develop land if that development complies with applicable regulations.

As mentioned before, this permit application is currently under review by department staff. Staff are responsible for checking to ensure that what is being proposed meets the applicable codes. I understand that some plan corrections have already been requested, however, if plans are eventually resubmitted, and reflect compliance with all codes that our department enforces, we will have a legal obligation to grant approval for the development, by issuing the requested permit.

Through the questions you have raised in your last email, the primary

concern appears to be whether our regulations, as they are currently written, allow developers to gain more density on a piece of property by using Short Plats or Lot Boundary Adjustments (LBA's) to reconfigure land. The single family zones are the only zones that have code language that governs a minimum lot size – all other zones allow a piece of land to be subdivided into smaller parcels with no codified limit on how small the parcel can be. In this case, because it is a multifamily zone, reconfiguring the existing land is allowed, and a back-lot configuration is also allowed. Once a separate parcel is created, development standards are applied to that parcel alone, and if a proposed development can demonstrate that it meets all the regulations on that parcel, then it can be approved. Since two legal lots already existed as part of the original parcel for this project, a lot boundary adjustment was the mechanism to reconfigure their size and orientation.

The existing Lowrise 1 zone is meant to act as a transition between the single family zone to more intense multifamily and commercial zoning to the north. Our Land Use Code applies development standards to manage the scale and form of new development, while limiting height to what's currently allowed in the Single Family zone (30-feet) to the south.

In addition, during the last several years, the questions you have raised about platting smaller lots and various configurations have been contemplated by City staff and the City Council and some changes to the code have been made. The Seattle Comprehensive Plan anticipates the need to absorb more housing as the city and the region grows. Much of that housing is planned to occur in Multifamily and Neighborhood commercial zones, and City staff and our civic leaders try hard to balance the need to support the creation of more housing while also recognizing that new denser development is also changing our neighborhoods.

Respectfully,



Roberta Baker

Land Use Division Director

City of Seattle [Department of Construction and Inspections](#)

P.O. Box 34019, Seattle, WA 98124-4019

P: 206.684.8195 | [roberta.baker@seattle.gov](mailto:roberta.baker@seattle.gov)

*"As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety and health in our communities."*

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**Attachments**

- dipegnikaipglooj.png





## Families living in ADU's behind row houses are being put at risk of death by fire

**From:** "Hank McGuire" <hankmcguire@seanet.com>

**To:** "jenny.durkan@seattle.gov" <jenny.durkan@seattle.gov>, "rob.johnson@seattle.gov" <rob.johnson@seattle.gov>, "mike.obrien@seattle.gov" <mike.obrien@seattle.gov>, "Lisa.Herbold@seattle.gov" <Lisa.Herbold@seattle.gov>, "Bruce.Harrell@seattle.gov" <Bruce.Harrell@seattle.gov>, "sally.bagshaw@seattle.gov" <sally.bagshaw@seattle.gov>, "Debora.Juarez@seattle.gov" <Debora.Juarez@seattle.gov>, "Teresa.Mosqueda@seattle.gov" <Teresa.Mosqueda@seattle.gov>, "Sawant, Kshama" <Kshama.Sawant@seattle.gov>, "nathan.torgelson@seattle.gov" <nathan.torgelson@seattle.gov>, "cynthia.phillips@seattle.gov" <cynthia.phillips@seattle.gov>, "katelyn.harmston@seattle.gov" <katelyn.harmston@seattle.gov>, "Joe3 Veyera" <qamagnews@nwlink.com>, "citydesk@seattlepi.com" <citydesk@seattlepi.com>, shsieh@thestranger.com, "John Fox" <jvf4119@gmail.com>, mhk@martinhenrykaplan.com, "Nicole Kiro Radio" <nthompson@bonneville.com>, "bdudley@seattletimes.com" <bdudley@seattletimes.com>, "sfg@seattlefairgrowth.com" <sfg@seattlefairgrowth.com>, "David Moehring" <dmoehring@consultant.com>, "Michelle Butler" <Michelle.Butler@leg.wa.gov>, "KUOW News" <newsroom@kuow.org>, "Komo Radio" <tips@komonews.com>, "Kimo Hunter" <kimo@windermere.com>, "Daniel Strauss" <Daniel.Strauss@seattle.gov>

**Date:** May 23, 2018 9:19:10 AM

### Press Release

#### What do citizens do if Seattle Violates Its Own Laws?

5/23/18

What recourse does a citizen have if the City allows something in the Municipal Code that is not allowed in a different section of the same Code?

The City should remove the conflicting section that is not wanted right? But what if the conflicting section is there to protect families endangered by fire?

Nationally our Government is removing regulations of every kind. But not all regulations are bad. Here in Seattle we have a law that says you can't build a home behind row houses that are facing the street. The row houses already increase the density. And the City Code says you can't put another home behind them. But the City wants to allow ADU's or Accessory Dwelling Units, homes, in the back yard behind row houses so we have more housing.

The City even had two staff members present the developer's illegal plan to the neighborhood for comment. It is illegal so why spend our money on this meeting?

The Fire Department wants a sprinkler system in the ADU because they want to fight a fire from the street and the ADU isn't readily accessible from the street. Hard to fight the fire if the house is behind the row houses facing the street.

Our City does not require the sprinkler system assuming that every home, including ADU, will be readily accessible from the street. Is that theory possible with a dwelling behind a solid wall of row houses?

The Mayor and City Council want the ADU's behind the row houses even though families living in ADU's are at greater risk of death by fire.

Legislating isn't easy. Our leaders say we need more housing but allowing that housing by disregarding safety is irresponsible. And allowing Code sections to remain in conflict is disingenuous at best.

Please help by publishing an article about this issue so more people know about the problem and motivate the Mayor and City Council to work to correct the conflict and protect families from death by fire.

Hank McGuire  
1526 11th Ave W  
Seattle, WA 98119  
206-282-8610  
[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)

### Detailed information

#### The families living in the house on the alley are being put at risk of death by fire

The Seattle Fire Department finds access from alleys not acceptable. The project at 1829 11th Ave W has 4 row houses facing the street with no way for the Fire Department to get emergency vehicles to a fire in the 5th house on the alley.

**1) access for emergency vehicles** from alleys are not acceptable; and

**2) 5' wide sidewalk access from street to back homes with alleys are okay IF the back building has installed a sprinkler system**; or

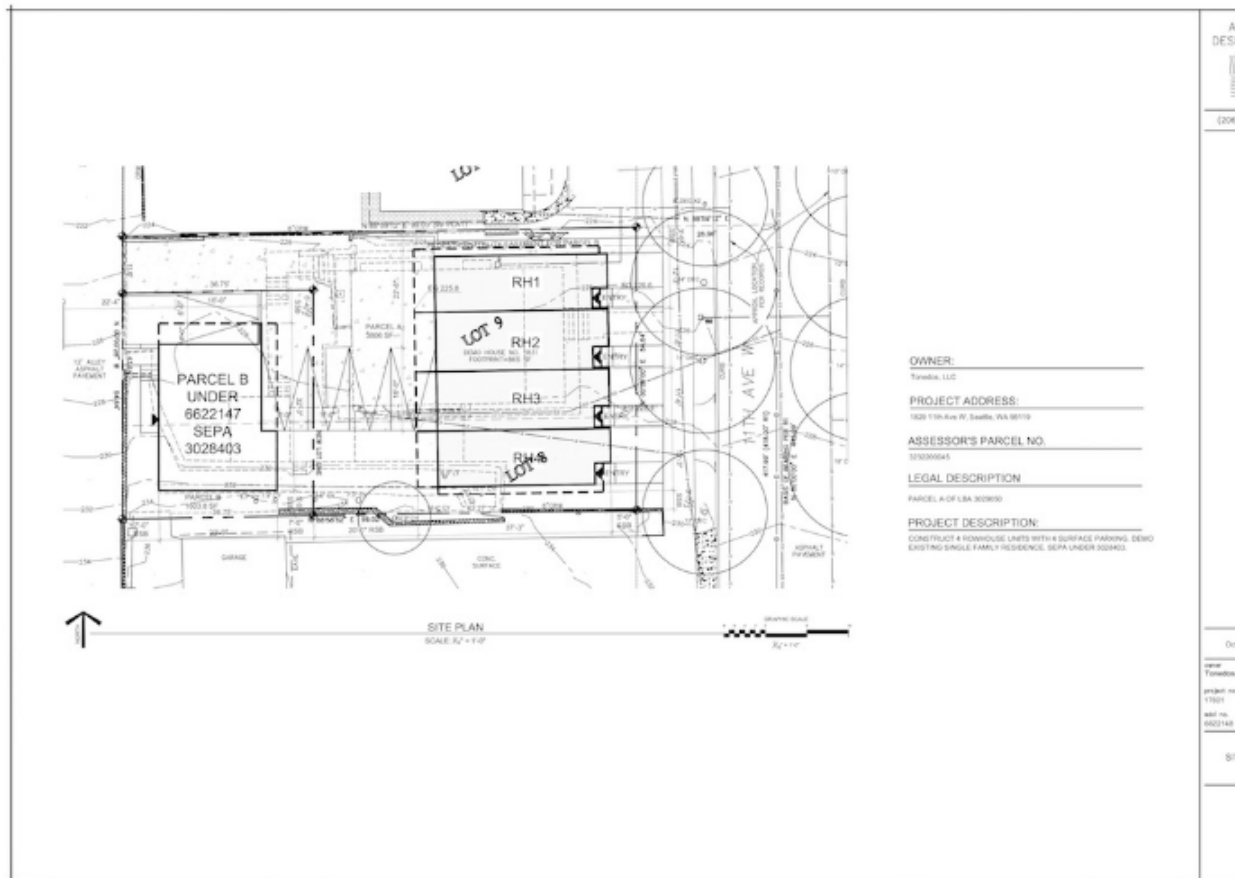
3) a 16.5' clear height dedicated emergency vehicle access easement is provided from the street to the rear dwelling(s).

4) And the City acknowledges this online with its own Vehicle Access Easement Standards (See <http://buildingconnections.seattle.gov/2017/10/31/vehicle-access-easement-standards/> ). \* Document pasted at end of this release.

The City is violating Seattle Municipal Code 23.84a.032.R.20.f. which states "no portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street faced by the front of that unit." (See [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TIT23LAUSCO\\_SUBTITLE\\_IVAD\\_CH23\\_84ADE\\_23\\_84A.032R](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IVAD_CH23_84ADE_23_84A.032R) )

There is no exception to subsection F requiring sprinklers in the Code. What is being allowed is illegal even with sprinklers. Why would the City place itself in a position to be sued for wrongful death and property loss?

While this is not about whether we should or should not upzone the neighborhoods, what is being allowed is "upzoning" for a single lot and a single developer. This is also illegal. Why are our elected leaders allowing, perhaps encouraging, unprofessional and illegal activity?



You can see on the Site Plane above the 4 row houses facing the street and the 5th illegal house on the alley in back of them .



Assessor's parcel number Parcel 3232200045, <http://gismaps.kingcounty.gov/parcelviewer2/> (put in parcel number)

**We are a nation of laws are we not?** Those laws keep us safe and allows our Democracy to prosper and every citizen to pursue happiness. If the City will not follow it's own laws, what are residents of the City supposed to think or do for that matter? How do we protect ourselves from uncaring and disdainful elected officials?

To date Councilman Rob Johnson, Chair of the Planning, Land Use & Zoning Committee (206-684-8808), has not responded to my email letter informing him of the violations. And there are the other letters to SDCI and the press releases copied to everyone too. His aid, Spencer, told me they make the laws and the Seattle Department of Construction and Inspection enforces and interprets the law. What kind of answer is this?

Mike O'Brien's aid Susie was very nice but didn't think Mike would be open to my arguments and questions.

Lisa Herbold's aid Alex said they could not take a side in a a property dispute. It would be unethical! Ignoring the problem is unethical Alex.

The Mayor and entire City Council have received copies of my email letters and press releases. No response from any of them to date except for an aid, Daniel, in Sally Bagshaw's office who said he would review the issue.

#### More detailed professional information

Have questions on the zoning revisions or unofficial single-lot 'upzoning'?

***If you would like a copy of communications between myself and the City, let***

#### Elected City Officials Not Responding To This Issue

Mayor Jenny Durkin

(206) 684-4000 [jenny.durkan@seattle.gov](mailto:jenny.durkan@seattle.gov)

Rob Johnson chair Planning, Land Use & Zoning

206-684-8808 [rob.johnson@seattle.gov](mailto:rob.johnson@seattle.gov)

Mike O'Brien Planning, Land Use & Zoning  
206-684-8800 [Mike.OBrien@seattle.gov](mailto:Mike.OBrien@seattle.gov)

Lisa Herbold Planning, Land Use & Zoning  
206-684-8803 [Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)

#### **Departments Continuing To Violate The Law**

Seattle Department of Construction & Inspections  
Director Nathan Torgelson  
206 684-0343 [Nathan.torgelson@seattle.gov](mailto:Nathan.torgelson@seattle.gov)

\* **"4) And the City acknowledges this online with its own Vehicle Access Easement Standards**(See <http://buildingconnections.seattle.gov/2017/10/31/vehicle-access-easement-standards/> ). Document below."

Seattle.gov

## Building Connections

Seattle Department of Construction &amp; Inspections

# Vehicle Access Easement Standards

October 31, 2017 by [SDCI Community Engagement](#)

SDCI receives many multifamily and commercial short plat and lot boundary adjustment applications proposing ten-foot-wide vehicle access easements for lots with no street frontage. These proposals base the width of the vehicle access on the number of parking spaces. However, Seattle's Code (SMC 23.53.025) requires vehicle access widths to be based on the number of dwelling units being served, not the number of parking spaces being provided. (Under the code, the access requirements are distinct from driveway standards, which are based in part on the number of parking spaces served.)



Seattle's code requires:

- 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.
- Driveways serving ten or more residential units must at least 32 feet wide.

We require projects to meet these standards even if the developments do not require or provide parking. Even if the development does not have parking, projects need to provide adequate access for emergency vehicles.

Please keep in mind that when an easement serves fewer than 10 residential units and crosses a residentially zoned lot, portions of structures may be above the easement. Those portions of the structure must have a minimum vertical clearance of 16 ½ feet above the surface of the easement roadway.

Our customers have expressed confusion over how the easement standards apply to projects with little or no parking. SDCI will continue to process applications that we have already accepted. However, beginning November 1, 2017, all proposed development must be designed to meet the easement widths as indicated above.

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**Attachments**

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- gomdicjnjdokok.png



## Seattle SDCI Disregards Law. Why?

**From:** "Hank McGuire" <hankmcguire@seanet.com>  
**To:** "jenny.durkan@seattle.gov" <jenny.durkan@seattle.gov>, "rob.johnson@seattle.gov" <rob.johnson@seattle.gov>, "mike.obrien@seattle.gov" <mike.obrien@seattle.gov>, "Lisa.Herbold@seattle.gov" <Lisa.Herbold@seattle.gov>, "Bruce.Harrell@seattle.gov" <Bruce.Harrell@seattle.gov>, "sally.bagshaw@seattle.gov" <sally.bagshaw@seattle.gov>, "Debora.Juarez@seattle.gov" <Debora.Juarez@seattle.gov>, "Teresa.Mosqueda@seattle.gov" <Teresa.Mosqueda@seattle.gov>, "Sawant, Kshama" <Kshama.Sawant@seattle.gov>, "nathan.torgelson@seattle.gov" <nathan.torgelson@seattle.gov>, "cynthia.phillips@seattle.gov" <cynthia.phillips@seattle.gov>, "katelyn.harmston@seattle.gov" <katelyn.harmston@seattle.gov>, "Joe3 Veyera" <qamagnews@nwlink.com>, "citydesk@seattlepi.com" <citydesk@seattlepi.com>, shsieh@thestranger.com, "John Fox" <jvf4119@gmail.com>, mhk@martinhenrykaplan.com, "bdudley@seattletimes.com" <bdudley@seattletimes.com>, "sfg@seattlefairgrowth.com" <sfg@seattlefairgrowth.com>, "David Moehring" <dmoehring@consultant.com>, "Nicole Kiro Radio" <nthompson@bonneville.com>, Michelle.Butler@leg.wa.gov  
**Date:** Apr 26, 2018 11:53:37 AM

### Press Release

For some reason the Seattle Department of Construction and Inspection, SDCI, is willfully and blatantly violating its own Zoning Code. Why?

The problem came to light with the proposal of a project at 1829 11th Ave W on Queen Anne Hill. Here are the facts as I understand them:

The lot at 1829 11th Ave W is 5300 sq ft in size and zoned L1.  
 Zoning allows a developer to put 4 row houses on the lot.  
 The developer asks for special "adjustments" to allow a 5th home to be built behind the 4 row houses.  
 Adding the 5 dwelling unit behind the row houses is prohibited by the City's own Code.  
 Here the Seattle Municipal Code 23.84A.032.R.20.f. states *"no portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street faced by the front of that unit."*

See [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TIT23LAUSCO\\_SUBTITLE\\_IVAD\\_CH23.84ADE\\_23.84A.032R](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IVAD_CH23.84ADE_23.84A.032R)

The 5th separate house has the 4 row houses between it and the street. Not legal!

Why Would the City even consider violating its own zoning code with various "adjustments"?

The Fire Department does not want to fight a fire from an alley they want to fight it from the street.  
 These "adjustments" additionally include parking on an adjacent lot violating SMC 23.45.536.B.1.  
 Access easement is 11' wide when it should be 20' wide and inadequate turning radius is provided for access.  
 Two parking spaces may violate SMC 23.54.030.C.2 requiring baking up 50' to the alley.  
 SDCI holds a neighborhood meeting to gather comments from neighbors who are adversely affected by this over development.  
 Why should the City spend our tax dollars to push "adjustments" to the Code to allow a developer to add an illegal 5th home?

I have been told this is happening all over the City. If the City wants to allow this type of development shouldn't it change the Code instead of letting SDCI decide on its own what laws to enforce and what laws to ignore?

SDCI talks about lot boundary adjustments, short plats and reconfiguration of the lot. Sounds very professional. So show us all where it says in the code that subsection "f" does not apply in L1 zones. Simple!

Was the original land owner effectively defrauded by the developer together with the City by allowing the 5th dwelling?

The original owner got the best price possible for land that can legally have 4 dwelling units on it.  
 But the SDCI decides on its own to allow "adjustments" so the developer can build 5 dwelling units.  
 What is the difference in price between property that can have 4 dwelling units and one that can have 5 dwelling units?

The appearance of fairness is thrown out the window. Why would SDCI put itself in this position? It doesn't make sense. People say when things look strange like this to always follow the money.

I asked SDCI how to obtain raw data and how much it would cost. How many new developments have relied on "adjustments" over the past 5 years? Are there certain developers who seem especially adept at getting these exceptions, variances, or "adjustments". To date my requests have been ignored.

We are a Nation of laws. Why the subterfuge using "adjustments" to violate the existing Code? Did the developer know in advance that the City would find a way to allow the 5th unit when the property was purchased?

I have contacted the City Council, the Mayor and SDCI. Only SDCI has responded and my letters and SDCI's letters are



available for background. I originally thought this was part of upzoning but now I am not so sure that is the full story.

I think the only way to move forward at this issue is to get the problem out in public view. Thank you for considering this story.

Hank McGuire  
1526 11th Ave W  
Seattle, WA 98119  
206-282-8610  
[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)

Have questions on the zoning revisions or unofficial single-lot 'upzoning' relative to you or your neighborhood?



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## Re: New proposed construction at 1829 11TH AVE W Appearance of Fairness

**From:** "Hank McGuire" <hankmcguire@seanet.com>  
**To:** "Baker, Roberta" <Roberta.Baker@seattle.gov>  
**Cc:** "Durkan, Jenny" <Jenny.Durkan@seattle.gov>, "Johnson, Rob" <Rob.Johnson@seattle.gov>, "O'Brien, Mike" <Mike.O'Brien@seattle.gov>, "Herbold, Lisa" <Lisa.Herbold@seattle.gov>, "Harrell, Bruce" <Bruce.Harrell@seattle.gov>, "Bagshaw, Sally" <Sally.Bagshaw@seattle.gov>, "Juarez, Debora" <Debora.Juarez@seattle.gov>, "Mosqueda, Teresa" <Teresa.Mosqueda@seattle.gov>, "Sawant, Kshama" <Kshama.Sawant@seattle.gov>, "Phillips, Cynthia" <Cynthia.Phillips@seattle.gov>, "Harmston, Katelyn" <Katelyn.Harmston@seattle.gov>, "qamagnews@nwlink.com" <qamagnews@nwlink.com>, "P-I City Desk" <citydesk@seattlepi.com>, "The Stranger" <editor@thestranger.com>, "John Fox" <jvf4119@gmail.com>, "Brier Dudley" <bdudley@seattletimes.com>, "Benson, Charles" <Charles.Benson@seattle.gov>, "sfg@seattlefairgrowth.com" <sfg@seattlefairgrowth.com>, "David Moehring" <dmoehring@consultant.com>, "Kaplan, Martin" <mhk@martinhenrykaplan.com>, Mimi <mimib2002@hotmail.com>, "Torgelson, Nathan" <Nathan.Torgelson@seattle.gov>  
**Date:** Apr 16, 2018 8:35:14 AM

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Dear Ms. Baker:

Thank you for your thoughtful letter. We are having a problem in communication of ideas. This will seem at first a bit off subject but give me a chance. We live in a Democracy and we have government by, of and for the people. We have regulations, the Code, to provide for the prosperity and protection of all the people. Your Department, in context, is serving a sector of the people. Namely folks who want to build things on a daily basis. But you are not dealing with people like me on a daily basis. Over time I suspect a bias is baked into the system so the Department begins to be an advocate for developers.

In the case discussed here, 1829 11th Ave W, it is not unexpected for SDCI to help the developer with "adjustments" because you are being helpful to the developer. Remember the property has already been allowed Short Plats to allow for the 4 row houses. From my perspective as a member of a class of citizens, you are disregarding our interests in being protected from over development beyond what is permitted outright. With various "adjustments" the developer is asking to be allowed to build, via an additional Short Plat behind the permitted 4 row houses, which is beyond what is a normal permitted use. Just the Fire Department's access being limited to the alley for the alley facing lot, rather than the street should be enough to put an end to all of this.

I am arguing that in this case those "adjustments" hurt other citizens in proximity to the development at 1829 11th Ave W. They are hurt the same way they would be hurt if we didn't have building codes. Your job, from my perspective, is primarily to protect the public first and serve the interests of the developer second.

As you mentioned all of this is under review. If "adjustments" are allowed it does a disservice to adjacent property owners. It also effectively defrauded the original property owner who could have sold his property to the developer at a higher price. What is the price difference between property that can support 4 dwelling units as opposed to 5 dwelling units?

Surely you are not suggesting that property owners anticipate higher property value because "adjustments" are effectively considered the same as an outright permitted use.

I understand that the City is overbuilt with no consideration of how to get employees to the jobs created by new buildings. This lack of foresight has created a housing vacuum. And yes the politicians, who are supposed to represent all of us, are in a scramble to provide a solution to this problem by upzoning the City neighborhoods. Again working for the developers of those buildings after the fact.

It sounds like you are suggesting that Mayor Durkan has directed SDCI to override the Code with "adjustments" and effectively defraud original property owners for the prosperity of developers taking advantage of the upzoning.

I am asking you to disallow the "adjustments" sought by the developer in the interest of fairness and protection of the general public.

Your Truly,

Hank McGuire  
1526 11th Ave W  
Seattle, WA 98119

CC: See email addressed above.

On 4/10/18 11:01 AM, Baker, Roberta wrote:  
**Mr. McGuire,**

Nathan Torgelson is currently out of the office, so I am responding to the email you sent to him on Monday, April

9th, 2018. I'm sorry to hear that you perceive that the City is conspiring with the developer to defraud a property owner, as this is not the case. I also want you to know that Director Torgelson's response was not intended to take advantage of you in any way. His intent was to share general information about the project in question and to answer the key questions you were asking, as he understood them.

SDCI has a responsibility to review permit applications to ensure that developers follow the development regulations that are in place at the time they apply for permits. The regulations we enforce encompass construction codes that provide standards for life safety, as well as land use regulations that govern the use and size of development private property. Property owners have a right to develop land if that development complies with applicable regulations.

As mentioned before, this permit application is currently under review by department staff. Staff are responsible for checking to ensure that what is being proposed meets the applicable codes. I understand that some plan corrections have already been requested, however, if plans are eventually resubmitted, and reflect compliance with all codes that our department enforces, we will have a legal obligation to grant approval for the development, by issuing the requested permit.

Through the questions you have raised in your last email, the primary concern appears to be whether our regulations, as they are currently written, allow developers to gain more density on a piece of property by using Short Plats or Lot Boundary Adjustments (LBA's) to reconfigure land. The single family zones are the only zones that have code language that governs a minimum lot size – all other zones allow a piece of land to be subdivided into smaller parcels with no codified limit on how small the parcel can be. In this case, because it is a multifamily zone, reconfiguring the existing land is allowed, and a back-lot configuration is also allowed. Once a separate parcel is created, development standards are applied to that parcel alone, and if a proposed development can demonstrate that it meets all the regulations on that parcel, then it can be approved. Since two legal lots already existed as part of the original parcel for this project, a lot boundary adjustment was the mechanism to reconfigure their size and orientation.

The existing Lowrise 1 zone is meant to act as a transition between the single family zone to more intense multifamily and commercial zoning to the north. Our Land Use Code applies development standards to manage the scale and form of new development, while limiting height to what's currently allowed in the Single Family zone (30-feet) to the south.

In addition, during the last several years, the questions you have raised about platting smaller lots and various configurations have been contemplated by City staff and the City Council and some changes to the code have been made. The Seattle Comprehensive Plan anticipates the need to absorb more housing as the city and the region grows. Much of that housing is planned to occur in Multifamily and Neighborhood commercial zones, and City staff and our civic leaders try hard to balance the need to support the creation of more housing while also recognizing that new denser development is also changing our neighborhoods.

Respectfully,



Roberta Baker  
Land Use Division Director

City of Seattle [Department of Construction and Inspections](#)

P.O. Box 34019, Seattle, WA 98124-4019

P: 206.684.8195 | [roberta.baker@seattle.gov](mailto:roberta.baker@seattle.gov)

*"As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety and health in our communities."*

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**From:** Torgelson, Nathan  
**Sent:** Tuesday, April 10, 2018 10:49 AM  
**To:** Baker, Roberta <[Roberta.Baker@seattle.gov](mailto:Roberta.Baker@seattle.gov)>  
**Subject:** FW: New proposed construction at 1829 11TH AVE W Appearance of Fairness

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**From:** Hank McGuire <[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)>  
**Sent:** Monday, April 09, 2018 8:43 AM  
**To:** Durkan, Jenny <[Jenny.Durkan@seattle.gov](mailto:Jenny.Durkan@seattle.gov)>; Johnson, Rob <[Rob.Johnson@seattle.gov](mailto:Rob.Johnson@seattle.gov)>; O'Brien, Mike <[Mike.O'Brien@seattle.gov](mailto:Mike.O'Brien@seattle.gov)>; Herbold, Lisa <[Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)>; Harrell, Bruce <[Bruce.Harrell@seattle.gov](mailto:Bruce.Harrell@seattle.gov)>; Bagshaw, Sally <[Sally.Bagshaw@seattle.gov](mailto:Sally.Bagshaw@seattle.gov)>; Juarez, Debora <[Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)>; Mosqueda, Teresa <[Teresa.Mosqueda@seattle.gov](mailto:Teresa.Mosqueda@seattle.gov)>; Sawant, Kshama <[Kshama.Sawant@seattle.gov](mailto:Kshama.Sawant@seattle.gov)>; Phillips, Cynthia <[Cynthia.Phillips@seattle.gov](mailto:Cynthia.Phillips@seattle.gov)>; Harmston, Katelyn <[Katelyn.Harmston@seattle.gov](mailto:Katelyn.Harmston@seattle.gov)>; [qamagnews@nwlinc.com](mailto:qamagnews@nwlinc.com); P-I City Desk <[citydesk@seattlepi.com](mailto:citydesk@seattlepi.com)>; The Stranger <[editor@thestranger.com](mailto:editor@thestranger.com)>; John Fox <[jvf4119@gmail.com](mailto:jvf4119@gmail.com)>; Brier Dudley <[bdudley@seattletimes.com](mailto:bdudley@seattletimes.com)>; Benson, Charles <[Charles.Benson@seattle.gov](mailto:Charles.Benson@seattle.gov)>; [sfg@seattlefairgrowth.com](mailto:sfg@seattlefairgrowth.com); David Moehring <[dmoehring@consultant.com](mailto:dmoehring@consultant.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>; Mimi <[mimib2002@hotmail.com](mailto:mimib2002@hotmail.com)>  
**Subject:** Re: New proposed construction at 1829 11TH AVE W Appearance of Fairness

Dear Director Torgelson:

Thank you for taking the time to respond to my letter. However, I think you have taken advantage of my naiveté. And my apology makes me look like quite the fool. Shame on you.

**So I will ask you again: Hasn't the City effectively acted in conspiracy with the developer to defraud the original property owner who sold at the best price they could get only to have the City "adjust" (up-zone) their lot, qualifying for 4 dwelling units, making it more valuable after the sale by allowing 5 dwelling units via Short Plat "adjustments"?**

You are correct. There were no variances applied for. However, you knew what I was getting at. There are proposed deviations from what is allowed by code. In fact the wavers, exceptions, special exceptions, dispensations, favors, lot boundary adjustments or what ever your Department calls what it is doing directly contradicts a prohibited use in the Code; building a 5th dwelling unit behind the proposed 4 row houses on a 5,409 sq ft lot effectively spot up-zoning 1829 11th Ave W.

What could possibly be the justification for even considering let alone holding a community meeting for a "adjustment" that directly contradicts a prohibition against adding a 5th dwelling unit behind the proposed 4 row houses in the SMC Section [23.84A.032 - "R"](#). Are you suggesting that by using a lot boundary adjustment or a Short Plat, you now have separate lots and by configuring these new or modified lots with the rowhouses on the front lot, you are pretending the back lot is in compliance with the rowhouse development rules of SMC 23.84A.032.R. Just because we are ordinary citizens do you think this is clever enough to pull the wool over our eyes? Are you suggesting this is ethical and is in compliance with the intent of the law? Come now!

Director will you delay your Department's deviation from code for 1829 11th Ave W?

From the standpoint of the "appearance of fairness," how do these "adjustments" or single lot up-zone via Short Plats look to you?

From the standpoint of the "appearance of fairness," how does your letter to me look? (see below)

Are these Short Plat "adjustments" being made in other zones including L1?

How many "adjustments" of this type have been granted over the last 5 years?

Is the distribution of these "adjustments" spread out evenly across all developers or are some developers especially adept at using this process?

Should the original property owners be compensated for their loss by the City?

Is intrinsic value *taken* from neighbors when spot up-zoning like this is allowed and should those neighbors be compensated too?

Were you directed by your supervisor to take these actions?

Thank you for reconsidering your position.

Sincerely,

Hank McGuire  
1526 11th Ave W  
Seattle, WA 98119

PS: I was thinking of the property tax implications. The property tax will be higher for this property with 5 dwelling units. This will be averaged in and cause some increase in L1 Zone areas. Assessments have placed greater value on the land and very little value on the structure. Eventually owners of duplexes, single family homes, and triplexes will have to raise rents or perhaps eventually be taxed out of their investments.

CC:

Mayor Jenny Durkin,  
The Honorable Rob Johnson, Chair of Planning, Land Use & Zoning Seattle City Council  
The Honorable Mike O'Brien  
The Honorable Lisa Herbold  
The Honorable Lorena Gonzalez  
The Honorable Sally Bagshaw,  
The Honorable Lorena Gonzalez  
The Honorable Debora Juarez  
The Honorable Teresa Mosqueda  
The Honorable Lorena Gonzalez  
The Honorable Kshama Sawant  
Seattle Customer Service Bureau, Manager Cynthia Phillips  
Complaint Investigator, Katelyn Harmston  
Seattle Displacement Coalition, John Fox  
Marty Kaplan QA CC  
David Manning  
Mimi  
Queen Anne & Magnolia News, Editor Joe Veyera  
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Seattle Times, Brier Dudley  
The Stranger [editor@thestranger.com](mailto:editor@thestranger.com)  
KIRO Radio, Dori Monson

On 4/5/18 4:55 PM, Torgelson, Nathan wrote:

Dear Mr. McGuire,

Thank you for your emails about the proposed development at 1829 and 1831 11<sup>th</sup> Avenue West in Queen Anne.

Your emails mentioned your opposition to variances that would allow increased development on the subject sites. The applicant has not requested any variances or upzones from the development standards of the underlying Lowrise 1 (LR1) zoning. The proposals must meet the Land Use Code. We have written to the applicant and requested changes and clarifications to the proposal in order to comply with the Code. We are waiting for the applicant to revise their application to show how they meet code requirements.

The proposal is also currently under review for potential adverse land use impacts under the State Environmental Policy Act (SEPA), which was the subject of last week's public meeting. The overall proposal includes a lot boundary adjustment (LBA) to reconfigure the two existing legal lots. If the LBA is approved, the Seattle Land Use Code will allow development of rowhouses along 11<sup>th</sup> Avenue West on one lot and a single-family residence on the other lot along the alley. This is allowed in the Lowrise 1 (LR1) zoning district which is a multifamily zone and has been the zoning designation for this property for many years.

In reference to your comment about the rights of residents, the Code includes opportunities for public comment and discussion, and SDCI values the information and insight garnered from public meetings held at public request and from letters and emails. Your comment letters will be added to the record and considered.

If you have further concerns about the proposed projects, feel free to contact the SDCI project planner Charles Benson ([Charles.Benson@Seattle.gov](mailto:Charles.Benson@Seattle.gov)) or his supervisor, Jerry Suder ([Jerry.Suder@Seattle.gov](mailto:Jerry.Suder@Seattle.gov)). Thank you for reaching out to us and expressing your passion for your neighborhood and the City.

Sincerely,

Nathan Torgelson



Nathan Torgelson

Director

Seattle Department of Construction and Inspections

O: 206-684-0343 | M: 206-255-2911 | [nathan.torgelson@seattle.gov](mailto:nathan.torgelson@seattle.gov)

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*As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety, and health in our communities.*

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**From:** Hank McGuire <[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)>

**Sent:** Monday, April 02, 2018 7:49 AM

**To:** Torgelson, Nathan <[Nathan.Torgelson@seattle.gov](mailto:Nathan.Torgelson@seattle.gov)>

**Cc:** Harrell, Bruce <[Bruce.Harrell@seattle.gov](mailto:Bruce.Harrell@seattle.gov)>; P-I City Desk <[citydesk@seattlepi.com](mailto:citydesk@seattlepi.com)>; Phillips, Cynthia <[Cynthia.Phillips@seattle.gov](mailto:Cynthia.Phillips@seattle.gov)>; Juarez, Debora <[Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)>; The Stranger <[editor@thestranger.com](mailto:editor@thestranger.com)>; Durkan, Jenny <[Jenny.Durkan@seattle.gov](mailto:Jenny.Durkan@seattle.gov)>; Harmston, Katelyn <[Katelyn.Harmston@seattle.gov](mailto:Katelyn.Harmston@seattle.gov)>; Sawant, Kshama <[Kshama.Sawant@seattle.gov](mailto:Kshama.Sawant@seattle.gov)>; Herbold, Lisa <[Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)>; Gonzalez, Lorena <[Lorena.Gonzalez@seattle.gov](mailto:Lorena.Gonzalez@seattle.gov)>; Gonzalez, Lorena <[Lorena.Gonzalez@seattle.gov](mailto:Lorena.Gonzalez@seattle.gov)>; O'Brien, Mike <[Mike.O'Brien@seattle.gov](mailto:Mike.O'Brien@seattle.gov)>; [qamagnews@nwlink.com](mailto:qamagnews@nwlink.com); Johnson, Rob <[Rob.Johnson@seattle.gov](mailto:Rob.Johnson@seattle.gov)>; Bagshaw, Sally <[Sally.Bagshaw@seattle.gov](mailto:Sally.Bagshaw@seattle.gov)>; Mosqueda, Teresa <[Teresa.Mosqueda@seattle.gov](mailto:Teresa.Mosqueda@seattle.gov)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>

**Subject:** New proposed construction at 1829 11TH AVE W permit #'s 3030042, 6634436 and 6622148

Dear Director Torgelson:

I copied you on two letters I emailed to the City Council regarding variances at 1829 11th Ave W. Here the developer buys two properties, I assume at highest and best use prices, and then asks the City to use the variance process to change the property to a higher and better use via variances than allowed by existing statute.

I originally thought this was just mission creep. City employees want to serve the public and help them achieve what they desire. This is a great policy by the way. So a developer comes in and talks to friendly civil servants with whom a relationship has been established. "We have a project here which is just not quite possible without a variance."

I'm 73 years old and obviously living in the past. Perhaps I just don't understand things and I've got it all wrong and you can explain it to me so I just go away. I did a little homework over the weekend and here is what I think now:

So the City in its zeal to provide more density, allows single lot up-zones via variances before the area is actually up-zoned. This will likely go to substantiate further the need for more density.

Do we have any rights as citizens and residents of the City in all of this? I expect the City to reasonably enforce building and zoning codes but it is effectively nullifying its own laws with single lot up-zones.

From the standpoint of the "appearance of fairness," how does single lot up-zones via variances look to you?

How many single lot variances have been granted over the last 5 years? Is the distribution of these variances spread out evenly across all developers or are some developers especially adept at using this process?

There may be legal grounds to argue against the single lot up-zoning via variances. For example, hasn't the City effectively acted in conspiracy with the developer to defraud the original property owners who sold at the best price they could get only to have the City up-zone their lot making it more valuable after the sale. The variance makes a quick buck for the developer. Should the original property owners be compensated for their loss by the City? Furthermore I think intrinsic value is taken from neighbors when spot up-zoning is allowed and I think those neighbors should be compensated too.

Director will you delay the variances for 1829 11th Ave W?

How do you view all of this? Is single parcel up-zoning City policy? What is your department's legal authority to do this? Do you feel there is an uncompensated taking of intrinsic value from neighbors when spot up-zoning is allowed? Do you think original property owners who sell their lot to a developer have a right to be compensated for having their property's made more valuable by the City after the sale?

I realize the City can change zoning. I am not so sure about single lot up-zoning. There may be substantial liability here every time this policy is implemented. What do you think?

Yours Truly,

Hank McGuire  
1526 11th Ave W  
Seattle, WA 98119  
206-282-8610

CC:

Mayor Jenny Durkin,

The Honorable Rob Johnson, Chair of Planning, Land Use & Zoning Seattle City Council

The Honorable Mike O'Brien

The Honorable Lisa Herbold

The Honorable Lorena Gonzalez

The Honorable Sally Bagshaw,

The Honorable Lorena Gonzalez

The Honorable Debora Juarez

The Honorable Teresa Mosqueda

The Honorable Lorena Gonzalez

The Honorable Kshama Sawant

Seattle Customer Service Bureau, Manager Cynthia Phillips  
Complaint Investigator, Katelyn Harmston

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**Attachments**

- image004.png
- image003.png