

**BEFORE THE HEARING EXAMINER
City of Seattle**

In the Matter of the Appeal of)	Hearing Examiner File:
)	
DENNIS SAXMAN, et al.)	W-13-008
)	
From a SEPA Determination by the Director,)	Appellants' submission of
)	exhibit and request for DPD
)	response
Department of Planning and Development)	
)	
)	
_____)	

Appellants respectfully offer the attached exhibit, "Cycle 2 corrections for ZONING[1]". We offer a description of the exhibit, and then an explanation for why it is needed, and a request for a timely DPD explanation.

DESCRIPTION OF THE EXHIBIT

The exhibit (dated Dec. 5, 2013) is a DPD zoning examiner's direction to the project applicant for the congregate housing project proposed for 2820 Eastlake Avenue. The key part is as follows:

As currently proposed, each sleeping room has an associated bathroom including a sink, and a separate sink outside the bathroom. We have concluded that spaces configured in this way are designed and arranged as separate dwelling units, and the building, as proposed, is subject to review as a 115-unit apartment building. In order for DPD to regulate the proposal as a congregate residence, one of the sinks associated with each sleeping room must be eliminated.

EXPLANATION OF THE NEED FOR THE EXHIBIT

During the Jan. 9 hearing before the Examiner, the DPD witness surprised the Appellants with the assertion that there is no limit on the number of sleeping rooms in congregate housing that may have kitchens. It has been our understanding that there is a limit, or a prohibition, on kitchens or sinks being in the sleeping rooms of congregate housing projects (DPD requires sinks in kitchens). The exhibit submitted here directly contradicts this DPD testimony, as it states that the 2820 Eastlake Avenue project cannot

be regulated as congregate housing unless all sinks in the sleeping rooms are removed from the plans.

While this document was available prior to the Dec. 16 deadline for submitting their exhibits, the appellants became aware of it only yesterday. Also, we did not know until Jan. 9 that the DPD witness would on that day assert a DPD policy directly contradicting what we understood to be the DPD policy allowing sinks or kitchens in congregate housing sleeping rooms. We are submitting this document now in order to be able to give both ourselves and DPD the opportunity to address this apparent contradiction in our final briefs.

Also, please note that a rendering, a site photo, and cross section drawing of the proposed congregate housing project at 2820 Eastlake Avenue are in the exhibit called "Brown Bag Lunch" that is in both the Appellants' and DPD's set of exhibits.

REQUEST FOR A DPD RESPONSE ON THE APPARENT CONTRADICTION

In preparing their final brief which is due tomorrow, the applicants need to know which of the two DPD policies described above are effect, or if in fact both are in effect in different parts of DPD. We thus request that in a filing today (Jan. 22) or early tomorrow (Jan. 23) DPD explain to us and the Hearing Examiner the apparent contradiction so that we can incorporate their response into our brief. If they are unwilling or unable to provide this response prior to our filing the final brief, we still request that the Hearing Examiner allow the exhibit, and we ask DPD to support its admission.

Respectfully submitted,



Chris Leman, Authorized Representative for Appellants
January 22, 2014