

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of  
EASTLAKE COMMUNITY COUNCIL  
of the Determination of Nonsignificance issued  
by the Director, Department of Planning and  
Development

Hearing Examiner File:  
**MUP-14-002**  
  
(DPD File: 3014488)

**DECLARATION OF COURTNEY A.  
KAYLOR**

I, Courtney A. Kaylor, declare as follows:

1. I am one of the attorneys for Johnson Carr LLC, the applicant in this matter. I am  
competent to testify and make this declaration based on my personal knowledge.

2. Attached to this declaration are true and correct copies of the following documents:

**Exhibit A:** 12/26/13 Land Use Information Bulletin Notice, Project 3014488

**Exhibit B:** 4/17/14 Land Use Information Bulletin Notice, Project 3014488

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
30<sup>th</sup> day of May, 2014, at Seattle, Washington.

  
\_\_\_\_\_  
Courtney A. Kaylor

## **EXHIBIT A**



Dec 26, 2013  
Seattle Department of Planning and Development  
**Land Use Information Bulletin**

A Twice-Weekly Bulletin Announcing Land Use Applications, Decisions, Hearings, and Appeals  
www.seattle.gov/dpd

### Revised Notices of Applications

Project(s) and/or notices under this heading have been revised from that previously published in this bulletin. Seattle's Department of Planning and Development is currently reviewing these applications. Your written comments are encouraged and may be submitted to:

Department of Planning and Development  
700 5<sup>th</sup> Av Ste 2000  
PO Box 34019  
Seattle, Washington 98124-4019

For projects other than those requiring shoreline approvals, the comment period may be extended an additional fourteen (14) days. A written request to extend the comment period must be received by this Department within the initial 14-day comment period as published in this bulletin. For additional information, contact the Public Resource Center, Seattle Municipal Tower, 700 Fifth Avenue, Suite 2000, (206) 684-8467. The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday. Printed material in enlarged print is available upon request. A copy fee will be charged.

**Please note that "SEPA" refers to the State Environmental Policy Act. Numbers used in project descriptions are approximations. The final approved plans will control.**

**Note: The vicinity map feature added to the public notice of application is provided as an illustrative reference. It is not intended to replace the legal description and site plan included in the project file. In the event of omissions, errors or differences, the documents in DPD's files will control.**

#### Revised App

**Area:** Downtown/Central **Address:** 2820 EASTLAKE AVE E  
**Project:** 3014488 **Zone:** SCENIC VIEW WITHIN 100 FT., LOWRISE-3  
RESIDENTIAL/COMMERCL, LANDMARK, STEEP SLOPE (>=40%), URBAN VILLAGE  
OVERLAY, KNOWN SLIDE AREA  
**Notice Date:** 12/26/2013

**Contact:** JAY JANETTE - (206)919-2624  
**Planner:** Bruce Rips - (206) 615-1392  
**Date of Application:** 06/21/2013  
**Date Application Deemed Complete:** 06/21/2013

Land Use Application to allow a congregate residence with 113 bedrooms and two separate dwelling units in an environmentally critical area. No parking proposed. Existing structures (single family dwelling and a multi-family structure) to be demolished.

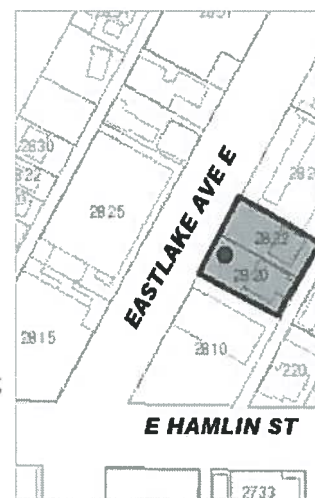
**Comments may be submitted through:** 01/08/2014

The following approvals are required:

**SEPA Environmental Determination** (This project is subject to the Optional DNS Process (WAC 197-11-355) and Early DNS Process (SMC 25.05.355). This comment period may be the only opportunity to comment on the environmental impacts of this proposal.)

Other permits that may be needed which are not included in this application:

**Building Permit**  
**Demolition Permit**



(Top of image is north.)  
Map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in DPD's files will control.

**EXHIBIT B**



Apr 17, 2014

Seattle Department of Planning and Development

## Land Use Information Bulletin

A Twice-Weekly Bulletin Announcing Land Use Applications, Decisions, Hearings, and Appeals  
[www.seattle.gov/dpd](http://www.seattle.gov/dpd)

### Notices of Decisions

The Director of the Department of Planning and Development has reviewed the Master Use Permit application(s) below and issued the following decisions. Interested parties may appeal these decisions.

#### Hearing Examiner Appeals

To appeal to the City's Hearing Examiner, the appeal **MUST** be in writing. Appeals may be filed online at <http://www.seattle.gov/examiner/efile.htm> or deliver your appeal <http://www.seattle.gov/examiner/LANDUSEAPLFORM.pdf> in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mail it to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729.

Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by a \$85.00 filing fee in the form of a check payable to the City of Seattle or a credit/debit card (Visa and MasterCard only) payment made in person or by telephone at 206-684-0521. (The Hearing Examiner may waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship).

The appeal must identify all the specific Master Use Permit component(s) being appealed, specify exceptions or objections to the decision, and the relief sought. Appeals to the Hearing Examiner must conform in content and form to the Hearing Examiner's rules governing appeals. A copy of the Hearing Examiner Rules is available for \$1.75 from DPD. The Hearing Examiner's Office also provides a "Public Guide to Appeals and Hearings Before the Hearing Examiner" <http://www.seattle.gov/examiner/guide-toc.htm>. To be assured of a right to have your views heard, you must be party to an appeal. Do not assume that you will have an opportunity to be heard if someone else has filed an appeal from the decision. For information regarding appeals, visit the Hearing Examiner's website at [www.seattle.gov/examiner](http://www.seattle.gov/examiner) or call them at (206) 684-0521.

#### Interpretations

Issues concerning the proper application of any development regulation in the Land Use and Zoning Code (Title 23) or regulations for Environmentally Critical Areas (Chapter 25.09) cannot be raised as part of this appeal. These issues can be considered in an interpretation, which may be appealed to the Hearing Examiner. Interpretations may be requested by any interested person. Requests for interpretations must be filed in writing prior to 5:00 P.M. on the appeal deadline indicated below and be accompanied by a \$2,000.00 fee payable to the City of Seattle. (This fee covers the first eight hours of review. Additional hours will be billed at \$250.00.) **Requests must be submitted to the Department of Planning and Development, Code Interpretation and Implementation Section, 700 5<sup>th</sup> Av Ste 2000,**

**PO Box 34019, Seattle WA 98124-4019.** Questions regarding how to apply for a formal interpretation may be asked by phone by calling (206) 684-8467.

### **Shoreline Decisions**

An appeal from a shoreline decision is made to the State Shorelines Hearing Board. It is NOT made to the City Hearing Examiner. The appeal must be in writing and filed within 21 days of the date the DPD decision is received by the State Department of Ecology (DOE). The DPD decision will be sent to DOE by the close of business on the Friday of this week. If the Shoreline decision involves a shoreline variance or shoreline conditional use, the appeal must be filed within 21 days after DOE has made their decision. The information necessary for DOE to make their decision will be sent to them by the close of business on the Friday of this week. The beginning of the appeal period may also be provided to you by calling (206) 684-8467. The minimum requirements for the content of a shoreline appeal and all the parties who must be served within the appeal period cannot be summarized here but written instructions are available at the Department of Planning and Development (Client Assistance Memo 232), 700 5<sup>th</sup> Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019, (206) 684-8467 or contact the Shorelines Hearing Board at (360) 459-6327. Failure to properly file an appeal within the required time period will result in dismissal of the appeal. In cases where a shoreline and environmental decision are the only components, the appeal for both shall be filed with the State Shorelines Hearing Board. When a decision has been made on a shoreline application with environmental review and other appealable land use components, the appeal of the environmental review must be filed with both the State Shorelines Hearing Board and the City of Seattle Hearing Examiner.

### **Comments**

When specified below written comments will be accepted. Comments should be addressed to: Department of Planning and Development, 700 5<sup>th</sup> Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019.

### **Information**

For additional information, to obtain a copy of the decision or to learn if a decision has been appealed, contact the DPD Public Resource Center, Seattle Municipal Tower, 700 Fifth Avenue, Suite 2000, 20<sup>th</sup> Floor, (206) 684-8467. A copy fee will be charged. (The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.)

---

### **Decision**

**Area:** Downtown/Central **Address:** 2820 EASTLAKE AVE E

**Project:** 3014488 **Zone:** SCENIC VIEW WITHIN 100 FT., LOWRISE 3

RESIDENTIAL/COMMERCL, LANDMARK, STEEP SLOPE (>=40%), URBAN VILLAGE OVERLAY, KNOWN SLIDE AREA

**Decision Date:** 04/17/2014

**Contact:** JAY JANETTE - (206)919-2624 x

**Planner:** Bruce Rips - (206) 615-1392

