

Appeal addressed to:

City of Seattle Office of Hearing Examiner, P.O. Box 94729, Seattle WA 98124-4729
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APPELLANT INFORMATION

#1. Appellant(s)

1. Seattle Committee to Save Schools
2. Robert Femiano, 9302 46th Ave SW, Seattle WA 98136, femiano@copper.net, 206-937-8739
3. Chris Jackins, P.O. Box 84063, Seattle WA 98124; 206-521-3288
4. Rex Long, 10403 35th Ave SW, Seattle WA 98146; 206-696-2588
5. Rose Long, 10403 35th Ave SW, Seattle WA 98146; rosereyeslong@gmail.com; 206-696-2588

#2. Authorized Representative

Chris Jackins, Coordinator, Seattle Committee to Save Schools, P.O. Box 84063, Seattle WA 98124; 206-521-3288

DECISION BEING APPEALED

#1. Decision being appealed: Decision of Department of Planning and Development (DPD) to approve MUP # 3015968 on October 23, 2014, with appeals due no later than November 6, 2014

#2. Property address: 3701 SW 104th St, Seattle (Arbor Heights school)

#3. Elements of decision being appealed:

X - Adequacy of conditions X - Departures from zoning Code X - Other - See our objections to the decision

APPEAL INFORMATION

#1. What is your interest in this decision? How are you affected by it? Our group is concerned about preserving historic schools, and providing a good environment for education and neighborhoods; we include taxpayers of the Seattle School District, the City of Seattle, and the State of Washington; we include alumni, parents, and guardians of children of the Seattle School District; we include people who have historic, cultural, and educational connections to the site; we include people who live or work in neighborhoods who are affected by construction, traffic, parking, etc, impacts.

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

1. The City construction permit covers relocating two 24-inch Douglas firs and mitigation for the removal of the Pacific madrone Exceptional Tree, allowing digging in an area of "*both Moderate Risk and Moderately Low Risk for encountering precontact cultural resources*", and four "departures" from the zoning code: (1) On-site parking of 55 spaces, instead of the required 71 spaces; (2) On-street bus loading on SW 104th Street and some special education buses on SW 105th Street, instead of on-site; (3) A changing-image reader board sign; (4) Less than required "structure modulation".
2. We ask that the two 24-inch Douglas firs not be relocated and that specific mitigation be established for the removal of the Pacific madrone Exceptional Tree, that the Duwamish Tribe be involved before any digging, and that all of the departures from zoning code be denied because the project is unreasonably large for the site. Alternatively, if the departures are not simply denied, we ask that the City require more on-site parking, further mitigation for traffic impacts on SW 105th Street, and further mitigation for the electronic sign.
3. The DPD Decision is in error with regard to allowing the relocation of two 24-inch Douglas firs toward the east end of SW 104th Street. [page 15] Finding #8 of the City Hearing Examiner Decision on the appeal of the demolition permit for Arbor Heights, project # 3015968 and Hearing Examiner File MUP-14-011(W), states "*Testimony from the arborist also confirmed that two 24-inch Douglas fir trees located in the northeast area of the site are not candidates*

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for transplanting and can be saved." The Pacific madrone Exceptional Tree on SW 105th Street has already been removed. The Decision states "Mitigation for its removal is under discussion with the City." Rather than being left to further "discussion", this mitigation should be settled and confirmed by the Hearing Examiner with the decision on the construction permit.

4. Consult the Duwamish Tribe PRIOR to any digging at the site, rather than just if and when a backhoe runs into some artifact, as digging will occur in an area of "both Moderate Risk and Moderately Low Risk for encountering precontact cultural resources". It would be reasonable and respectful for the District to at least send a letter to the Duwamish Tribe describing the project and the potential risks to "precontact cultural resources".
5. The District's original environmental review (prior to appellants providing evidence at the DNS appeal hearing) did not realize that the private Westside School, which is currently leasing the E.C. Hughes school site from the Seattle School District at 7740 34th Avenue SW, had already received permits to remodel and move into (by the 2016/2017 school year) a former church building at 10404 34th Avenue SW, on the corner of SW 104th Street and 34th Avenue SW, very close to Arbor Heights school (at 3701 SW 104th Street). The Westside analysis notes that "The Westside School is being designed with a capacity of 390 students with 55 to 57 staff." [page 1, Westside Traffic Impact Analysis] The Arbor Heights project would add 276 students to the same neighborhood. [See Table 5, page 17, Arbor Heights Traffic Impact Analysis] We ask that all of the departures therefore be denied per SMC 23.79.008(C)(1): "a minimal amount or no departure from development standards may be allowed if the anticipated impacts are significant and cannot be satisfactorily mitigated". [page 4]
6. If the departures are not simply denied, we ask that the City require more on-site parking, further mitigation for traffic impacts on SW 105th Street, and further mitigation for the electronic sign.
 - A. 63 stalls, NOT 55 stalls. The DPD Decision correctly notes that the Departures Advisory Committee "noted that the proposal increases on-site parking from five to 63" as the factual basis for allowing the departure, NOT 55 stalls. [page 6] This matches the Departure Committee Report [page 9], and supports a recommendation of 63 stalls, NOT 55. The reference to the current parking of five stalls supports an interpretation that the reference to "55" was an attempt to compute the INCREASE in parking to 63 stalls.
 - B. Further mitigation is needed on SW 105th Street. The parking lot one-way drive-through area at the east edge of the site, with traffic only entering from SW 104th Street and only exiting onto SW 105th Street, is part of what accounts for the traffic impacts that call for a new four-way stop at 35th Avenue SW and SW 104th Street. But to avoid impacts north of the site, this same traffic will ALL be funneled on exit onto SW 105th Street, an even MORE cramped locale. The current SW 105th Street is very narrow and has no sidewalks – even with the proposed street widening, some of which will be swallowed by a sidewalk, the result looks problematic, with special education buses also proposed to load on SW 105th Street. Yet there is no action proposed at 35th Avenue SW and SW 105th Street to match the proposed action at 35th Avenue SW and SW 104th Street. As City Code calls for school buses to load on-site, on-site seems the logical place to require loading and unloading of special education buses. A sequence of several four-way stops on 35th Avenue SW may seem cumbersome, but the impacts on SW 104th Street are similar to those on SW 105th Street, and such impacts are a sign of the problems with locating a public mega-school very nearby to a private school.
 - C. Restrict electronic sign messages to those stated in the Departure Report. The Departure Committee Report [page 11] states that the proposed use of the electronic changing-image sign is for: "Providing updates on school activities and evening events. Inform neighbors of upcoming events that could result in parking issues. Announce student, staff and school achievements throughout the year, helping to build school spirit with the school community. Display PTSA messages that would include requests for volunteer help, announce upcoming meeting times, and further encourage involvement in school events." The messages displayed should therefore be restricted to these uses, with a specific notation that commercial advertising is not among these uses.

#3. **What relief do you want?** Provide mitigation and conditions as noted. Condition or deny approval of the project, including as consistent with SMC 25.05.670 A and B.

Signed: Chris Jenkins Date: 11/6/14
(Appellant or Authorized Representative)