

LAND USE/SEPA DECISION APPEAL FORM

It is not required that this form be used to file an appeal. However, whether you use the form or not, please make sure that your appeal includes all the information/responses requested in this form. An appeal, along with any required filing fee, must be received by the Office of Hearing Examiner, not later than 5:00 p.m. on the last day of the appeal period or it cannot be considered. Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.

APPELLANT INFORMATION (Person or group making appeal)

1. Appellant:

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Name See Attached List of Appellants
Address
Phone: Work: Home:
Fax: Email Address:

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: U.S. Mail Fax X Email Attachment

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2. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name Michael McQuaid and attorney to be designated
Address 1521 2nd Ave., #1801, Seattle, WA 98101
Phone: Work: 206-948-1846 Home:
Fax: Email Address: mem@mcquaidre.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: U.S. Mail Fax X Email Attachment

DECISION BEING APPEALED

1. Decision appealed (Indicate MUP #, Interpretation #, etc.): 3016702

2. Property address of decision being appealed: 1613 2nd Ave., Seattle, WA 98101

3. Elements of decision being appealed. Check one or more as appropriate:

- X Adequacy of conditions
Design Review and Departure
Conditional Use
EIS not required
Major Institution Master Plan
Other (specify:)
Variance
Adequacy of EIS
Interpretation (See SMC 23.88.020)
Short Plat
Rezone

APPEAL INFORMATION

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

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

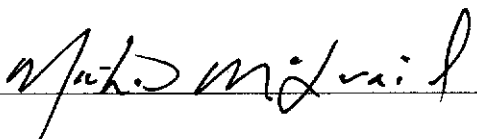
The Director's Decision ignores the public testimony, noted in the Decision numerous times, given by many neighboring property owners at two EDG meetings, one recommendation meeting and written comments to the MUP application regarding the proposed project's public safety risks from its garage access design. Testimony from neighbors/appellants stated that if the project, as designed, is approved and built, it will create a "significant safety hazard" to pedestrians walking in the neighborhood on the sidewalks of Stewart Street and Pine Street as they pass the alley adjacent to the project. These sidewalks are on Class I Pedestrian Streets and are gateways to the Pike Place Market just ½ block away. Along with the neighbors appealing the Decision, thousands of other pedestrians also use the sidewalks daily. Neighbors are also concerned about the extreme growth in unmitigated traffic congestion in the vicinity of the project and the growing dependence on the use of alleys for garage access to new developments. This will cause more vehicles queuing on to and backing up on sidewalks, clearly a hazard to pedestrians. The alleys in this neighborhood will remain too narrow to allow passing vehicles with so many existing older/historic buildings that will remain for decades and these buildings do not have loading or trash facilities within the buildings and therefore use the alleys for these functions which will add to the conflicts between vehicles and pedestrians.

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.)

The Decision did not use SEPA to condition the proposed project to mitigate the potential "significant safety hazards" from traffic that were described to the City and the many public comments. The city should have required the applicant to relocate the entry/exit for the seven level below grade parking garage at least several car lengths further South in the alley away from the sidewalk on the South side of Stewart Street. The Director should also disapprove the proposed extremely steep 20% ramp at the garage entry/exit. As currently designed and approved in the Decision, the below grade garage entry/exit is adjacent to the sidewalk on Stewart Street and would create a significant hazardous condition for several reasons: (a) the ramp is too steep for vehicles exiting safely on to the pedestrian sidewalk, (b) the code required two lane, two-way driveways are not being provided in the proposed design because vehicles entering and exiting the below grade garage must use the same driveway lane for maneuverability, creating more conflicts at the adjacent sidewalk, (c) further conflicts at the garage access/sidewalk adjacency will occur with the planned adjacent double track exclusive streetcar lines on Stewart Street. The Decision also relied on a Traffic Impact Analysis that did not address pedestrian safety at the garage access adjacent to the sidewalk and the TIA significantly underestimates by ignoring the cumulative impacts of the great number of projects planned and under construction within a two block area of the proposed project. The Appellants commissioned an independent engineering Review by TSI (Transportation Solutions, Inc.) dated 2/1/2016 (unfortunately just three days prior to the Decision published date) of the applicants garage access design and Traffic Impact Study that was used for the Decision. The appellant will provide the TSI engineering Review to the Examiner.

3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

The Examiner should reverse the Decision and remand it back to SDCI and require a redesign of the below grade garage access to be relocated several car lengths South of the Stewart Street sidewalk in order to mitigate the "significant safety hazards" to pedestrians. The Examiner should also require a Revised Traffic Impact Study with a reliable analysis of the cumulative traffic impacts on alleys which are experiencing unintended congestion resulting in significant risks to pedestrians passing the alley North and South of the projects garage alley access.

Signature 

Date 2-16-16

Deliver or mail appeal and appeal fee to:

MAILING ADDRESS:

City of Seattle
Office of Hearing Examiner P.o. Box 94729
Seattle, WA 98124-4729

PHYSICAL ADDRESS:

SEATTLE MUNICIPAL TOWER 700 5th Avenue, Suite 4000 40th Floor
Seattle, WA 98104

Note: Appeal fees may also be paid by credit or debit card over the phone (Visa or MasterCard only).

Phone: (206) 684-0521
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Attachment to Decision Appeal for Project #3016702

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