

Wednesday April 20th, 2016

Appellant

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Decision Appealed

Approval of Project #3020119 (1716 2nd Ave N)

Elements of Decision Being Appealed

Adequacy of Conditions
Other

Appeal Information

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

We own and live full time in the house that is closest in proximity to All Saints Church (The Site), sharing the longest property line, a sewer line, and positioned with all of the bedrooms in our house just 8 feet from The Site. During the day, we are concerned that our two year old son is home and is asleep for 4 hours of the proposed new business hours at The Site. During pick-up/drop-off times at The Site we are concerned about two things: 1) Our daughter walks to and from school amidst already high-traffic/low-visibility intersections, and 2) We both work standard business hours and would be significantly impacted in our ability to leave from and return to our home.



We did author an objection to the original Proposed Land Use notice, and have, in reviewing the approval decision found no significant remediation for the concerns and reasonable proposed solutions we raised. The following are the same concerns and remediations with further detail and supporting evidence, now with a formal request to reverse the decision as appropriate remediation has not been presented.

Objection 1: Noise

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

Our home - and most significantly, our infant's bedroom window - is located 8 feet from the proposed daycare. When the existing church is in session, we can clearly hear it in our home. We are thus very reasonably concerned that the noise of 37 children will keep our son from napping, and negatively impact his health and well being.

The approval states that the only additional noise generated will be during playtime/recess, and thus the only required remediation is a fence that abuts our existing backyard fence. This is not only incorrect, but the remediation is completely inadequate. We regularly hear noise inside our house, both from the parking lot and from inside the church particularly when the windows are open in the warmer months just 8 feet from where our child is sleeping.



The Church basement (proposed location of the daycare center) has 7, windows that stay open for ventilation/cooling during the day (there is no air conditioning in the basement). There is no effective noise mitigation at all along the property line between our two structures. There will be significant noise impact from a 7am-6pm 5-day-a-week childcare center operating in the basement.

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

We want the decision to be reversed.

In the event that the decision is upheld, we would expect that to address the problems with noise carrying both from the outdoor play area and through the windows to the inside of our house, the design be amended to add a 12 foot, sound absorbing barrier *along the entirety of the property line* between our two structures. Our neighbors across the street have a fine example of what would be appropriate for the neighborhood:



Objections 2 & 3: Traffic & Parking

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

Traffic: *During the Spring of 2014 we registered a request with the City of Seattle to amend the traffic flow at the 2nd and Blaine intersection after witnessing several near accidents, learning of a significant history of accidents, and having vehicles travel at unsafe speeds through the*

intersection and in front of our home where our children frequently cross the road, get in/out of the car, and play with their friends. The addition of 44 vehicles moving through this intersection twice per day puts all of the 11 children who live between 2nd and 3rd on Blaine street - not to mention the hundreds of others who pass through this intersection on their way to school every day- in danger.

Parking: *Current church-goers predominantly park and use the church entrance on Blaine Street. On Sunday mornings residents are frequently left with nowhere to park within a block of their homes. With 44 vehicles parking at the proposed daycare twice per day, current residents will be unable to park within a reasonable distance of their homes, as none of the homes on this street have access to private driveways or garages.*

The approval comments state that the current parking deficiency of 29 spaces is acceptable because Church and Childcare activities will not overlap. Not only is this incorrect as the Church has other tenants and conducts other events and activities during the week, it also completely disregards the dramatic difference in impact on the neighborhood.

The code cited in the application to support this deficiency, was altered to omit the second half of the code, which reads:

[This subsection will not be construed to permit a parking deficit caused by the failure to satisfy conditions of a reduced parking requirement for any use or structure.](#)

There is no reduced parking requirement exception in residential areas. Here is the entirety of the pertinent code:

[Transit reduction.](#)

[a.](#)

[In multifamily and commercial zones, the minimum parking requirement for all uses is reduced by 50 percent if the use is located within 1,320 feet of a street with frequent transit service. This distance will be the walking distance measured from the nearest transit stop to the lot line of the lot containing the use.](#)

[b.](#)

[In industrial zones, the minimum parking requirement for a nonresidential use is reduced by 15 percent if the use is located within 1,320 feet of a street with peak transit service headways of 15 minutes or less. This distance will be the walking distance measured from the nearest transit stop to the lot line of the lot containing the use.](#)

(Reference [here](#), section 23.54.013)

Not being able to park at our house on Sundays when we return with groceries and a toddler is an annoyance. Not being able to get out of our parking spots every weekday the morning, or park near our home when we return from work every weekday evening is unacceptable, and in no way comparable to the impact of the current shortfall.

The following are just two of the many instances we were parked in so closely by church-goers that we were unable to leave our house due to their parking deficiency.

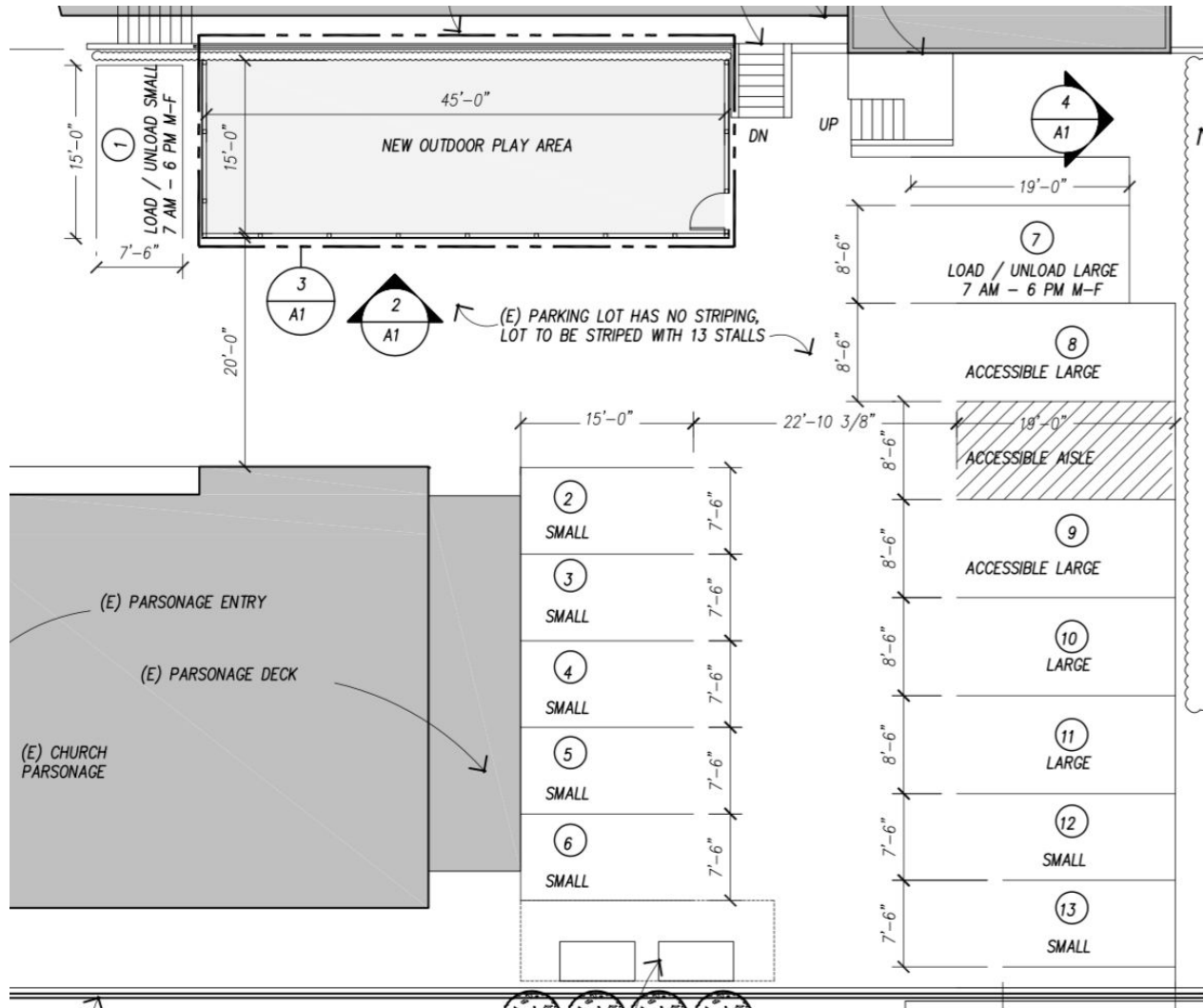
Sunday, November 15th, 2016



Sunday, March 6th, 2016



To compound the issue further, in order to maintain even the existing number of parking spaces, 10 spaces will now supposedly be allocated to the south-east corner of the parking lot, per the most recent design plan (below).



Any reasonable assessment of this plan would reveal that the physical space allotted will in no way accommodate 10 cars. There would be no maneuvering space to park and turn, meaning that people will take the easier option and park on the street instead. We see this happen every Sunday when the Church is in service, and during other activities. Delivery trucks and other commercial vehicles do the same thing. The Church has already given "No Church Parking" signs to some of the houses on Blaine St to help some families stop cars from parking on the streets – so even the Church acknowledges that current parking arrangements are insufficient. We are also not a recipient of one of these signs, and neither is our neighbor directly to the east leaving our side of the block out of luck. 8 objections to the original submission flagged on-street parking as a concern, and no reasonable remediation has been made in the approved plan.

Since the childcare opens at 7am and closes at 6pm, these cars will be parking on the quiet surrounding streets and generating noise from slamming car doors, young children, engines running, etc. This is all noise that is not generated at these times by the existing institution. The

houses on our block are located close to the front of the street and so are sensitive to the noise generated by this activity. We, in particular, have dogs that are agitated by slamming doors, and an influx as proposed would place an undue burden on our family.

There is already a sign on the Church side of Blaine Street saying "5 minute parking only" with a picture of a tow-truck. On Sundays and Wednesdays, people attending the Church consistently park there for the duration of their visit. The sign is ignored and not enforced, or is not enforceable by the city. There is also a sign on the Blaine St side of the intersection saying "No Parking within 30 feet of intersection" – this is also routinely ignored by people attending Church on Sunday, creating serious safety issues at the intersection due to lack of visibility. The following are photo evidence of both:



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

We want the decision to be reversed.

In the event the decision is upheld, we would expect that at the very least a traffic study and subsequent mitigation plan be conducted in full compliance with the following Mitigation Payment System and Intersection Standards code:

6.2.3 Intersection Improvements. Developments which will create a traffic safety or operational problem according to their traffic impact studies, or which will result in or add to a LOS "F" condition at intersections providing direct access, will be subject to the following conditions for final development approval:

* **Conformance with Road Standards.** The applicant will fund or provide for the improvements needed to conform to the Road Standards; Meet Level of Service "E." The applicant will fund or provide for the intersection improvements needed to achieve LOS "E" or return to its pre-project condition;

* **Reducing Traffic Impacts.** The applicant may reduce the traffic impacts of the proposed development by reducing the size of the project, by altering the mix of uses in the project, or by using approved transportation demand management strategies to reduce the number of new peak hour direction trips; and
* **Fair Share Contribution.** The applicant will contribute a fair share of the costs to complete the needed intersection improvements as determined by the traffic impact study and the Director.

6.2.4 Exceptions

Our recommended mitigation would include signs placed on the 200 block of Blaine St to indicate that it is resident-only parking, and for that signage to be enforceable and enforced by the city, in addition to and all-way stop at the intersection of 2nd Avenue and Blaine Street.

CONCLUSION

We want to see the decision reversed based on completely inadequate remediation of reasonable concerns given the considerable impact on what is currently a quiet, and highly sought-after neighborhood - two things that those of us who have purchased homes in the neighborhood expected to continue in perpetuity given the residential zoning of the neighborhood. The considerable degradation of both of these attributes the current decision supports is not only a "significant adverse impact" to our family and neighborhood, but to the City of Seattle as well.

We are available and willing to comment further, as needed.

Lauren M. Sato

Steven A. Lattin