



Appellant: Neighbors of 3447-9 22nd Ave West  
c/o Mr. and Mrs. David Moehring  
3444 23<sup>rd</sup> Ave W, #B  
Seattle, Washington 98199

*26 August, 2016*

Applicant: Mr. Rob McVicars Manager BuildSound, LLC 1941 35th Avenue W Seattle, Washington 98199	Applicant Reprehensive: Samuel M. Jacobs Hellsell Fetterman 1001 4th Ave, Suite 4200 Seattle, Washington 98154 E-mail: <a href="mailto:sjacobs@hellsell.com">sjacobs@hellsell.com</a>
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Hearing Examiner: Sue A. Tanner c/o Tiffany Ku Office of Hearing Examiner P.O. Box 94729 Seattle, Washington 98124-4729 E-mail: <a href="mailto:Tiffany.Ku@seattle.gov">Tiffany.Ku@seattle.gov</a>	Department Director: Breanne McConkie Seattle Dept. of Construction & Inspections PO Box 34019 Seattle, Washington 98124 E-mail: <a href="mailto:Breanne.McConkie@seattle.gov">Breanne.McConkie@seattle.gov</a>
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**RE: Parcel 2770601540 50'x120' proposed subdivision; Application Numbers: 3020730;  
Response to Applicant's Motion to Dismiss the Appeal to Master Use Permit MUP-16-016  
(W), dated 19 August 2016.**

Recorded Date of Application: 07/07/2015

Description of Application: *"Land Use Application to allow one, 2-unit townhouse and two single family residences in an environmentally critical area. Parking for four vehicles to be provided. Existing structure to be demolished. Environmental Review includes future unit lot subdivision."* per published July 13, 2015 "Notice of Application" (EXHIBIT 'AA')

1 On behalf of the Appellants, the Neighbors of 3447-9 22<sup>nd</sup> Ave. West, please consider the  
2 following clarifications and response to the Applicant's Motion to Dismiss the Appeal to Master  
3 Use Permit MUP-16-016 (W). We are addressing herein the proposed dismissal by a review of  
4 the relevant considerations de novo as follows:

- 5 • A. Understanding the breadth and scope of the appeal;
- 6 • B. Summary of the evidence which warrants the appeal;
- 7 • C. Responses to the applicants motion to dismiss the Land Use Appeal.

8 In the conclusion, we will summarize our refute to the motion for dismissal and ask for the  
9 evidence and testimony to be presented at the scheduled September 13<sup>th</sup> hearing date. Contingent  
10 on decision by the Hearing Examiner to the motion of dismissal, we intend to move for the  
11 Hearing Examiner to visit the site in advance of the hearing. There exists numerous relative  
12 components of the appeal that have not been conveyed on documents by the Applicant's  
13 consultants. These missing components may only be recognized by observing site conditions.

14 **A. Understanding the breadth and scope of the appeal:**

15 The proposed motion of dismissal by the Applicant appears to suggest that there is no correlation  
16 between the Land-Use Approval and the components of the Appeal. As such, it is necessary to  
17 demonstrate within this response the validity of the Appeal by reiterating the breadth and scope  
18 of the Land Use Application and the components that influence its approval.

19 Item A1- Components of Appeal. The submitted appeal application initiated on July 29, 2016  
20 was relevant to the decision of application #3020730 and MUP-16-016 (W). As evident in the  
21 attached EXHIBIT 'AC': "Summary of Land Use Appeal" dated 7/28/2016, the Appellant had  
22 marked the following elements of decision to be included within the appeal:

- 23 • SEPA
- 24 • Subdivision
- 25 • Environmentally Critical Area Exception
- 26 • Environmental Critical Area
- 27 • Design Review.

28 The components of the appeal application are significantly broader in scope than just the SEPA  
29 component that was published in the subsequent Notice of the Appeal. Therefore, we ask the  
30 Hearing Examiner to include as submitted all five elements of the appeal. To assist in this  
31 determination, we are identifying herein where in the appealed Land Use document, dated July  
32 18, 2016 SDCI Notice of Decision, has referenced the stated elements:

1 (a) For SEPA-

- 2 • Already acknowledged by the Office of the Hearing Examiner in the Notice of  
3 Appeal. [25.09.360 - *State Environmental Policy Act.*]  
4 • SEPA references beginning at Page 2 last paragraph.

5 (b) For Subdivision of Property:

- 6 • The decision states (page 2): “Land Use Application to allow four single family  
7 residences in an environmental critical area.” Currently, the parcel consists of a  
8 nominal 50-foot by 120-foot property. The MUP decision, therefore, encompasses  
9 the proposed subdivision by the Applicant from one property into four properties.

10 (c) For Environmentally Critical Area Exception:

- 11 • Limited exception to the ECA is indicated on page 2, last paragraph.

12 (d) For Environmental Critical Area:

- 13 • The ECA is mostly referenced on page 2 paragraph 2; and referenced again on  
14 page 4 paragraph 1;

15 (e) For Design Review:

- 16 • The Municipal Building Code is referenced on Page 3 paragraphs 3 and 4; and  
17 Page 4 paragraphs 2 and 3.  
18 • By ‘design review’, this appeal is limited to just those items of code compliance  
19 for which the SEPA evaluation must consider directly and indirectly. Refer to  
20 application submittal requirements in SMC 25.09.330 (EXHIBIT ‘AD’)  
21 • Building permit documents are submitted concurrently with the Land-Use permit:  
22 “*A valid and fully complete building permit application is filed, as determined*  
23 *under [Section 106](#) of the Seattle Building Code or [Section R105](#) of the Seattle*  
24 *Residential Code”*. This common practice assures an approved Land Use does not  
25 advocate uses beyond zoning limitations, and it avoids approving land uses that  
26 result could in health and life safety risks.  
27 • Accordingly, the Applicant involvement to this appeal goes beyond geo-technical  
28 engineering, but also involves the design services provided by the Architect,  
29 Structural Engineer, and Arborist.  
30 • Elements within the design that influence the environmental conditions resulting  
31 from the proposed development are grading, trees and planting, dwelling-to-site  
32 density, accessibility, off-street parking, light and glare control. (Reference SMC  
33 Sections 25.09.015, 25.09.045, and 25.09.055.)

34 Therefore, per SMC 23.76.018, C. 5. “Hearing Examiner Appeal Procedures”, the scope of this  
35 appeal shall be inclusive to the components identified in the appeal application of July 28, 2016.  
36 Accordingly, the Hearing Examiner is asked to entertain those issues cited in the written appeal  
37 that relate to compliance with the procedures for Type IV Council land use decisions as required  
38 in Chapter 23.76. The key purpose is to examine the adequacy of the environmental  
39 documentation upon which the environmental determination was made.

1 **B. Summary of the evidence that warrants the appeal:**

2 Brief description of the site: The site for transforming an existing single-building duplex  
3 into the proposed four (4) Single Family Residences (SFR) has unique features. The  
4 western third of this 50' (north-south) by 120' (east-west) property includes grade slopes  
5 in the range of 25 to 40 percent. In addition, the pitched portion of the site is entirely  
6 planted with approximately ten trees supporting a habitat of birds and small animals. The  
7 Seattle ROW alley behind the site continues with the sloping grade and trees; it also  
8 appears to include a storm water aquifer that continues onto the west slope of this  
9 property. The 22<sup>nd</sup> Avenue street ROW features a rock wall to elevate the dwelling living  
10 level over existing parking garages. There are existing rock walls ranging from three to  
11 five feet in height both along the northern edge of the site for the adjacent properties'  
12 driveway; as well as a rock wall running north-to-south behind the existing duplex at the  
13 foot of the hill that slopes up to the west.

14  
15 The City has stated the basis of the Land Use Notice of Decision includes the following:

- 16 (a) Review of a completed environmental checklist,  
17 (b) Applicant's geotechnical report, and  
18 (c) other information on file with the lead agency (i.e., permit application drawings,  
19 arborist inventory.

20  
21 The purpose of the appeal is to review with the Hearing Examiner the short-comings of  
22 the information provided to the SDCI. We believe such short-comings, if left  
23 unaddressed, will potentially risk structural and environmental damages to adjacent  
24 properties. Assuring the accountability by the Applicant, the Applicant's professionals,  
25 the City approvers, and the future home owners is paramount. With risk to our property  
26 integrity and potential perceived home value, the Appellants have reviewed the  
27 information on file since posting initial public comments back in July 2015.

28  
29 For the purposes the Hearing Examiner's determination on the motion to dismiss the  
30 appeal, the list of items (B1 to B5) below summarize some of the concerns that will be  
31 supplemented with relevant evidence during the hearing. These items all reflect the  
32 validity of the Appellants' concerns and why the hearing must proceed to protect those  
33 involved.

34  
35 As follows:

36 Item 'B1': Errors in environmental checklist:

37 As the SDCI has referenced the checklist (EXHIBIT 'AF') as a basis to waive  
38 requirements of the ECA and Environmental Impact Statement (EIS), the checklist  
39 responses should be reconsidered relative to the magnitude of incorrect or incomplete  
40 information:



1  
2 Whereas Line A. 11: indicates only 3 structures verses the pending approved 4  
3 structures on site.

4  
5 Whereas Line B. 1. a: indicates only moderate slope, yet the western third of the  
6 site has a significant slope ranging from 25% to 40%.

7  
8 Whereas Line B. 1. b: indicates only 21% average grade from east ROW to west  
9 ROW.

- 10
- 11 • Grade at Seattle curb ROW to east on 22<sup>nd</sup> Avenue= 63'
  - 12 • Grade at Seattle unimproved alley to west = 90' to 92'
  - 13 • East-West Length of property = 120'
  - 14 • Average slope =  $(90'-63')/120' = \text{calculated } 27.5 \text{ percent} > 21\%$ .

15  
16 Whereas Line B. 1.e. indicates only 400 cubic yards (CY) of excavation for slab  
17 on grade. With a building and paved surfaces coverage of approximately 400  
18 square yards (95'x40'), the cut and fill average of 1-yard on a site with an average  
19 grade of 27.5% must be reviewed again with the architect. This calculation is  
20 especially doubtful given the proposed south shoring wall will be exposed from 5  
21 to 12 feet based on the Geotech Engineers' May 26, 2016 Plan Review and  
22 comment letter. (We suggest that cut-and-fill calculations be submitted for  
23 proposed plan revision 4.)

24  
25 Whereas Line B. 1. f. indicates "*Yes- Erosion is a potential concern in any*  
26 *grading proposal.*" This does not answer the question: 'If so, generally describe'

27  
28 Whereas Line B. 1. g. indicates 60% of site will be covered with impervious  
29 surfaces. However, drawing A1.0 revised 05.11.16 indicates impervious coverage  
30 of 4030SF on a 6000SF lot. That equates to **67 percent > 60%**.

31  
32 Whereas Line B. 1. h. comments from City requires meeting Grading Code and  
33 Stormwater Code.

- 34 • There is no indication of treating managing groundwater and  
35 surface water from the high end of the site, especially from the aquifer at  
36 top of steep slope within the unimproved alley.
- 37 • There are no details of the proposed "Bio-retention planter system"  
38 identified on Drainage Standard Plan drawings'
- 39 • The entire Section III on Drainage Standard Plan drawing  
40 (calculates required plantings) has not been completed by Applicant.



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- Page 8, last paragraph – ...provide recommendations for long-term slope stability;
  - Page 10, second paragraph – ...consult with structural engineer regarding work at existing retaining walls;
  - Page 10, second last paragraph, ...provide evaluation of subsurface drainage;
  - Page 11,... provide site observation during pavement preparation;
  - Page 12, second paragraph, ...provide recommendations for grading near existing slope and neighboring properties;
  - Page 12, ...provide site observation during foundation work.
- Nelson Geotechnical Engineers’ subsequent May 26, 2016 Plan Review and comment letter also makes recommendations that are not conveyed in the permit drawings:
    - Page 3, second paragraph – indicates property will be regraded to gentler slopes when the drawing sections actually show steeper slopes along the west portion of the site after construction is complete.
    - Page 4, last paragraph – only repeats the recommendation which is to continue with geotech engineering services. In other words, we should conservatively assume the recommendations are inconclusive and unanticipated events may occur requiring geo-technical resolution.

Whereas Line B. 10 b. Aesthetics: indicates “*NONE*” for views within the immediate vicinity that would be altered or obstructed. However, residential living floors of the following neighboring buildings would have obstructed views of the Fremont waterfront and Queen Anne west slope as a result of this project:

- 3451 22nd Ave. W. #A (reference Figure 3A)
- 3453 22nd Ave W #A
- 3443 22nd Ave W
- 3444 23rd Ave W #A
- 3444 23rd Ave W #B
- 3442 23rd Ave W, #B

1           Whereas Line B. 11 a. and d, Light and Glare considers relative vehicle headlights  
2           that will impose into neighboring property living space windows as a result of a  
3           proposed driveway and four parking garages (Figure 4B). SMC requires screening  
4           from this type of light source, which has not been identified on drawings, even  
5           though the response suggests a fence will be provided.  
6

7           Whereas Line B. 14 c. Indicates that *4 additional parking spaces* will be created.  
8           The existing building has two parking garages (Figure 1). The proposed drawings  
9           do not show parking for 6 cars as suggested by the checklist.



Figure 1- Initial photo of home showing two garages and rockwalls and trees on slopes behind house.

10  
11           Whereas Line B. 14 h. Indicates bike storage will be provided. However, drawing  
12           A2.0 revised 05.11.16 indicates only 2 of the 4 SFR have been provided with bike  
13           storage. Every home should have sufficient space for secured bike storage.  
14

15           As summarized herein, the Appellants have no confidence that the Land Use approval  
16           following the waived ECA and EIS Environmental requirements is trustworthy. We need  
17           to know if the Applicant will be financial insured should the basic level of geotechnical  
18           evaluation that was provided result in substantial changes or damages to adjacent  
19           properties or the Seattle Right-of-Way (ROW).  
20

21           (Continued next page)

Item 'B2': Incorrect representation of the grades at the ECA:

In response to the April 26, 2016 ECA Slide Correction #3, the Applicants' professionals misrepresented the site slope properties, showing the grade pitching down to alley rather than upward to the alley. Cross section 'B' location was skewed from being perpendicular to the contours, thereby calculating to a slope less than the threshold of 40%. (see Figure 2 below as annotated by the Appellant from EXHIBIT 'AB', pages 4 and 5).

This error suggests the professional who responded to the city may not have been familiar with the site; and did not provide the City with accurate information to complete their risk assessment.

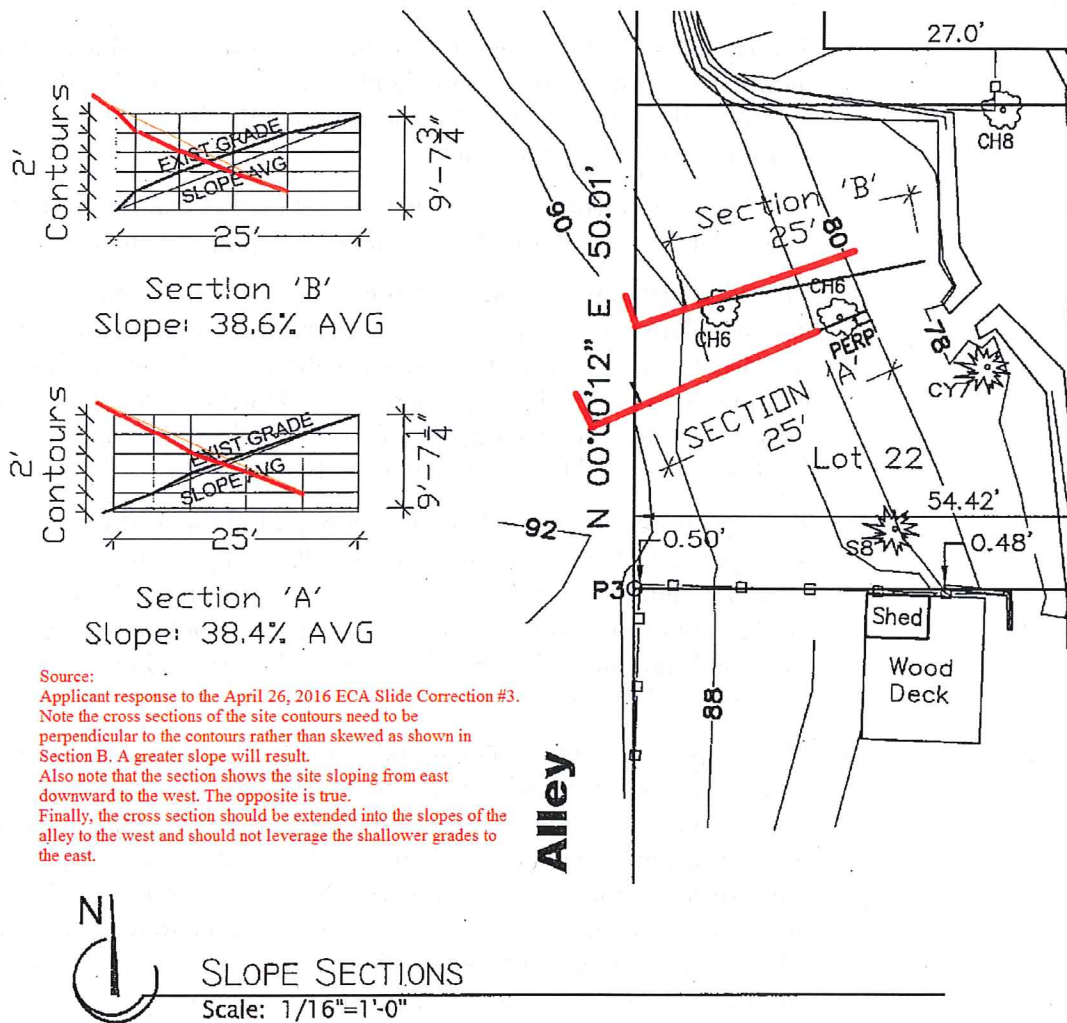


Figure 2- Red lines showing necessary corrections to ECA Slide Review responses.



1           Item 'B3': Incomplete analysis of trees relative to Soil Stabilization:

2           The Arborist and Architect need to coordinate to provide a completed survey that  
3           accurately identifies trees at their actual locations – especially near property lines and  
4           within critical slide areas.

5                     There are seven (7) trees identified in the Arborist Report, whereas there are only  
6                     five (5) existing trees shown on the survey and site plan. There are more than two  
7                     (2) trees are missing from the submitted drawings; as an observation of the site  
8                     would suggest there are at least 10 trees with trunk diameters of 6 inches or more.  
9                     (Reference Figure 3B below).

- 10                    • The Appellant requests that the Applicant identify surveyed property  
11                    boundaries.
- 12                    • The Appellant further requests that an arborist is engaged to complete  
13                    their report. The arborist report should show all trees within the site and  
14                    including those that are just outside the property line. This was requested,  
15                    as well, during an SDCI review.
- 16                    • The Appellant further requests that the Arborist documentation of the  
17                    trees' diameter is measured and clearly photographed and catalogued.
- 18                    • The Appellant further requests that the Arborist address the health of each  
19                    tree; and delineate accordingly for each tree what protection is required of  
20                    the trees that are to remain. Particularly there must be protection for trees  
21                    within 4+/- feet outside the property line. Damaged trees – including root  
22                    damage that leads to eventual tree failure – will require replacement in  
23                    kind or as intended by SEPA and the City regulations.
- 24                    • The Applicant must provide written approval of the Seattle Department of  
25                    Transportation for existing trees, rockwalls, and plantings that are to be  
26                    altered within the ROW. (This approval is noted on the drawing permit set  
27                    but has not been confirmed by SDOT --- they do not know of this project.)  
28                    The Applicant must identify who the City Arborist is identified on the  
29                    drawings and who has approved the specific Seattle ROW Work.
- 30                    • Most importantly, the Appellant further requests an analysis of trees  
31                    relative to soil stabilization in the environmentally critical area. The act of  
32                    removing existing trees and their root systems has not been evaluated by  
33                    the geo-technical engineer with the assistance of the arborist. Several trees  
34                    with trunk at least 6" in diameter are within the environmentally critical  
35                    area. Falling of existing trees whose roots extend into the alley and  
36                    adjacent properties will likely result in damages to areas outside the  
37                    Applicants' property. These trees are to be protected from damage.



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Figure 3A & 3B-Neighboring properties above. Below, As many as 17 tree root and driplines may fall within the property (reference map from <http://gismaps.kingcounty.gov/parcelviewer2/>)



1 Item 'B4': Changes to Residential Development Scope without Public Notification:

2 Amongst the neighbors to the property, a formidable concern is the change from a 3-  
3 building subdivision into a 4-building subdivision without required public notification.  
4 The timeline of this change may be summarized as follows:

- 5     ▪ 5/26/2015 Preliminary Application A site plan dated 5/26/2015 showing a  
6 duplex and two SFR
- 7     ▪ 7/07/2015 application           Date application submitted  
Description of Application: "*Land Use Application to allow one, 2-unit  
townhouse and two single family residences in an environmentally critical area.  
Parking for four vehicles to be provided. Existing structure to be demolished.  
Environmental Review includes future unit lot subdivision.*" per published July 13,  
2015 "Notice of Application" (EXHIBIT 'AA')

Description of SEPA checklist, Item 11: "Demolish existing structure. Construct  
(2) unit townhouse and (2) SFR with parking per plan. Street access required, as  
alley is unusable and unimproved." Dated July 1, 2015.

- 8     ▪ 7/13/2015 Notice                Notice of Application to Public for Comment
- 9     ▪ 8/05/2015 applica. accepted Construct single family dwelling unit 3, per plan.
- 10    ▪ 8/10/2015 Code Revision        Seattle Municipal Code takes into effect changes to  
11 Table A for 23.45.512, Single Family Residences and the high Townhouse  
12 Development density limits.
  - 13       ○ As a result of over-development in Seattle neighborhoods within low-rise  
14 residential zones, the SMC is revised such that lots sized less than 6,160  
15 square feet are only permitted to construct 3 dwellings.
- 16    ▪ 4/06/2016 Plan revisions        Applicant seeks to potentially increase home sales  
17 value and avoids the shared driveway permit process by reconfiguring from the 3-  
18 building configuration to 4 SFR. Plan Set Version 3 submitted with revisions to  
19 every permit drawing eight months after the original submission (dated 3.21.16).
- 20    ▪ 4/11/2016 applica. accepted    SDCI noticed the change and requested the project  
21 description to be changed accordingly (Nov 19, 2015 Zoning Notice 2)  
22 Code Compliance Description on Sheet A1.0 revised 05.11.16 indicates  
23 "Proposed: (2) SFR + (2) townhouse. Yet, Project and its Project Description  
24 revised on this date to: "Demolish existing structure. **Construct (4) SFR with**  
25 **parking per plan. Street access required, as alley is unusable and unimproved.**"

26  
27 The appeal will further review the evidence indicating a substantial change in scope  
28 above year-old density limits. Such changes were made without revising public notice,  
29 land-use application, or the SEPA checklist. As of August 10, 2015 (Version 2 draft  
30 dated May 8, 2014), the current city code for LR-1 zones allows only 3 dwellings on a lot

1 of approx. 6,000 square feet. Original permit submission had a duplex townhouse and 2  
2 single-family homes. The latest submittal shows 4 single-family homes. If the City is  
3 unable to enforce the code at the time of the March 21, 2016 completely revised  
4 submission (maximum of three single-family homes); then the Hearing Examiner should  
5 review why public notification is not necessary when changing from the original density  
6 of 1 duplex and 2 single-family. In principle, the change here is no more acceptable than  
7 an original submission of a 50-story high-rise building being modified after the public  
8 notice period has expired to a 60-story high-rise.

9  
10 In accordance with the provisions of RCW 19.27.031 and 19.27.074, an applicant's rights  
11 shall vest when a fully complete building permit application is filed. A fully complete  
12 building permit application is an application executed by the owners of the property for  
13 which the application is submitted or the duly authorized agent(s) for such owners,  
14 containing each and every document required under the terms of these ordinances and the  
15 IBC [International Building Code] and is substantially complete *in all respects*. It is  
16 anticipated that *minor changes or revisions* may be required and are frequently made in  
17 the course of any building application review process, and such minor revisions or  
18 changes shall not keep an application from being deemed complete if a good faith attempt  
19 has been made to submit a substantially complete application containing all required  
20 components. We believe this is the case with the Applicant, as well, who has  
21 implemented more than just minor changes.

22  
23 This appeal references *Lauer v. Pierce County*, 173 Wn.2d 242 (2011), overruling *Lauer*  
24 *v. Pierce County*, 157 Wn. App. 693 (2010) – The court concluded that the applicant's  
25 2004 building permit application, which contained *knowing misrepresentations and*  
26 *omissions of material fact*, did not vest because it was not valid and did not comply with  
27 the regulations in place at the time it was submitted.

28  
29 The appeal suggests that the Hearing Officer will review the evidence that demonstrates a  
30 major change in the proposed subdivision from 3 buildings to 4 buildings impacts the  
31 Master Use Permits. An application for approval of a subdivision or short subdivision of  
32 land shall be considered under the Land Use Code and other land use control ordinances  
33 in effect when a *fully complete application* for such approval that satisfies the  
34 requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030  
35 (short subdivision) is submitted to the Director.

1           Item 'B5': Other Code requirements required for land use approval  
2           (reference also EXHIBIT 'AD');

3           The appeal challenges the code compliance of additional items as referenced above and  
4           as follows:

5           (a)     Appellant requests that the Applicant's consultants demonstrate with an  
6           engineered drawing vehicle maneuvers arriving and departing from the garages to assure  
7           4-cars will park within the garages on the site. (Reference Figure 4A on page that  
8           follows.)

9           (b)     Applicant's architect to verify required exterior window area is achieved.

10          (c)     Applicant to provide fencing (or trees and shrubs) of sufficient size to provide  
11          visual barrier to adjacent property walls. SMC 23.45.534 - Light and glare standards  
12          prevents vehicle lights from affecting adjacent properties. Driveways and parking areas  
13          for more than two vehicles shall be screened from abutting properties.

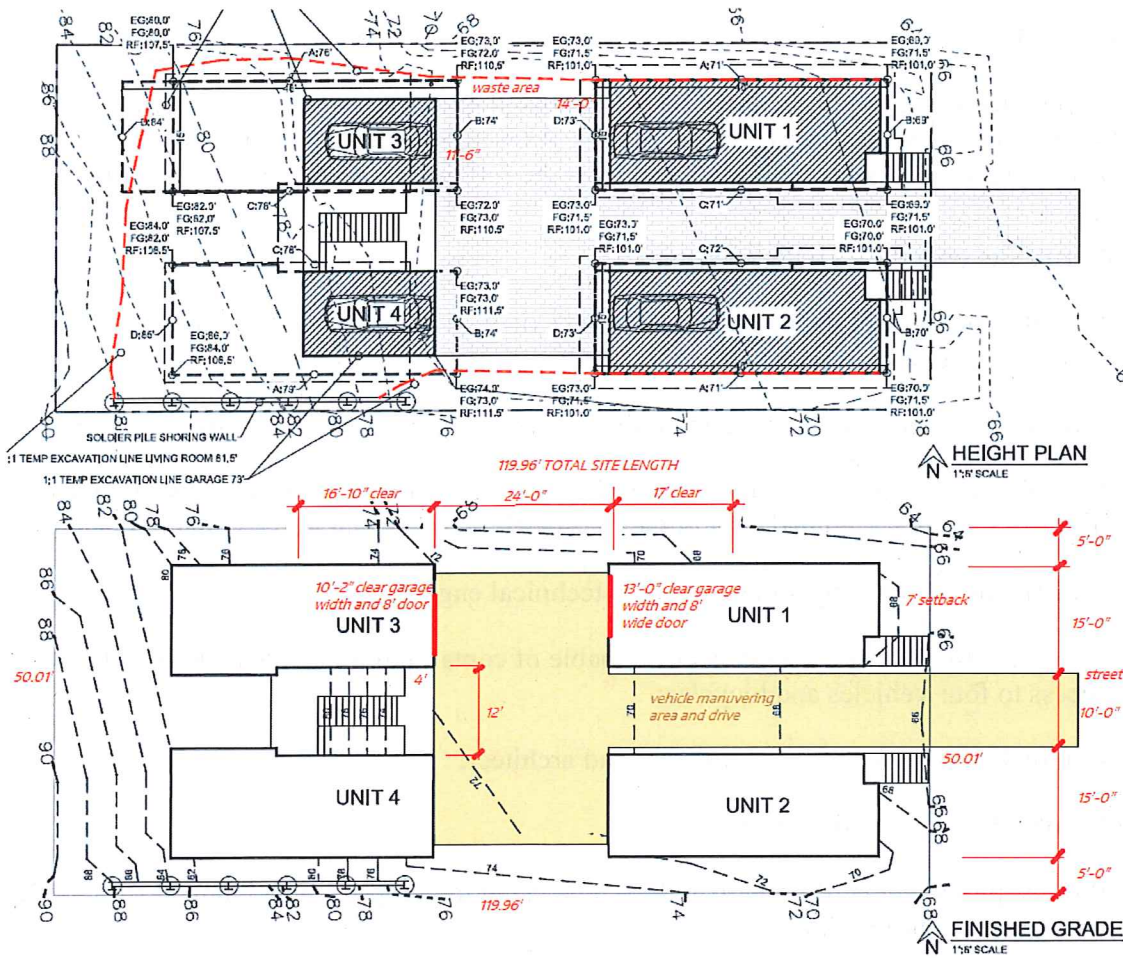
14          (d)     In changing to four (4) dwellings, Applicant's architect is yet to verify that one  
15          SFR is to be barrier free per SRC R320 (this code section was attached to the appeal).

16          (l)     Work in Seattle Right of Way has not been reviewed or approved, and is not  
17          known to comply. Work should not proceed within the ROW without written approval. A  
18          call has been placed to SDOT Urban Forestry regarding existing ROW trees that are to be  
19          protected.

20  
21       **C. Response to the applicants' motion to dismiss the Land Use Appeal:**

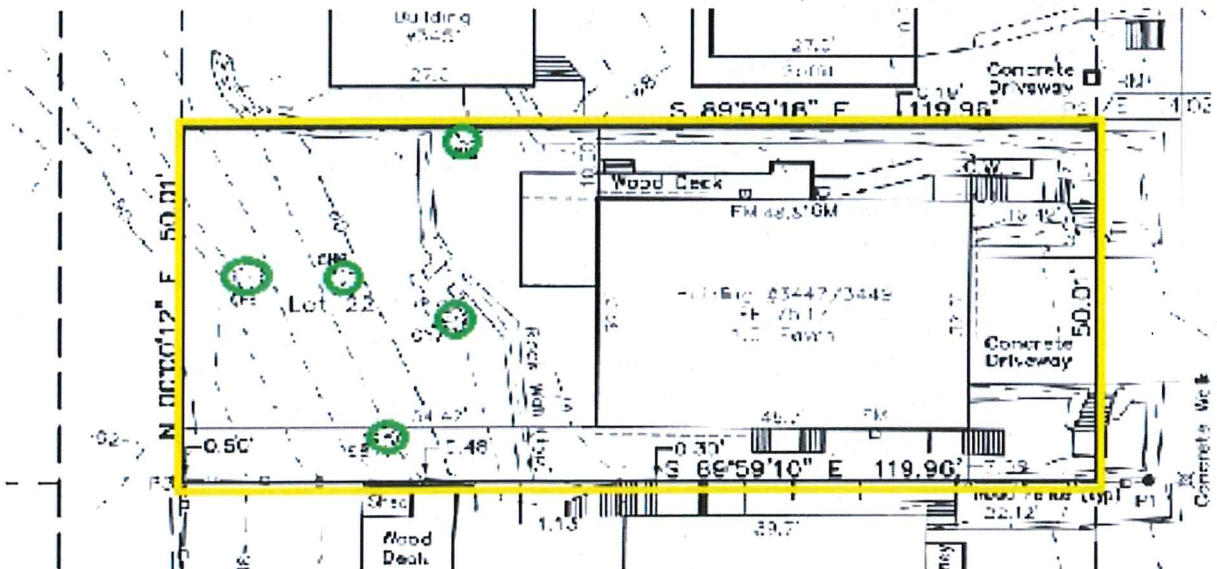
22               We understand the Applicant's eagerness to begin this project that has been with the  
23               SDCI for corrections since July 2015, and then more recent substantial resubmission in  
24               April 2016. The Applicant's basis of dismissal indicates there is not significant evidence  
25               to warrant a review by the Hearing Examiner. As the representative to the Appellants, I  
26               believe we have over thirty facts and evidence that supports the appeal, in addition to  
27               testimony that would take place during the hearing. The content of this motion response  
28               will hopefully support the validity of our appeal. I do apologize if the appeal was not  
29               communicated with the information that is required for these type of matters. Do note  
30               that when an appeal as ours is made on-line, we are limited to 3,000 characters stating our  
31               objections; and then we are limited to another 3,000 characters in the relief sought. It was  
32               our understanding that the evidence is provided during the hearing. It would be premature  
33               if we attempted to include within the 3,000 character limit of the late July appeal request.





SMC 23.54.030 Minimum parking space shall be 8 feet in width and 16 feet in length

Figure 4A (above) and 4B (below) - Proposed site plan with permeable surfaces to four inaccessible parking garages.



1 **D. Conclusions**

2 The motion to dismiss the appeal cannot be substantiated given the risks to neighboring  
3 properties have not been adequately accounted for. As we prepare for a hearing at the decision  
4 of the Hearing Examiner, we would like to suggest the following steps toward a resolution:  
5

- 6 (a) Verify site boundaries with surveyor;
- 7 (b) Visit the site prior to the hearing to observe existing conditions and to become familiar  
8 with what is being proposed to be modified;
- 9 (c) Provide the corrected information on the ECA Checklist for review by the Director;
- 10 (d) Identify protocol to address responsible parties to soil or tree failures that would have  
11 otherwise not occurred had environmental conditions and policies been maintained;
- 12 (e) Completing the investigations of the geotechnical engineer;
- 13 (f) Demonstrating the site is logistically capable of containing four SFR including the  
14 access to four vehicles and bicycles;
- 15 (g) Complete the work of a civil engineer and architect;
- 16 (h) Resolve Code Compliance issues;
- 17 (i) Provide public notice if scope is indeed increasing the scope of development from three  
18 buildings to four buildings.

19 Respectfully responding this 26<sup>th</sup> Day of August, 2016,  
20  
21

22 The Appellants – Neighbors to 3447-3449 22<sup>nd</sup> Ave W, Seattle, Washington:

- 23 • David & Burcin Moehring, [dmoehring@consultant.com](mailto:dmoehring@consultant.com), 3444 23<sup>rd</sup> Ave W, #B; for:
  - 24 • Heather Chen [Qchen97755@yahoo.com](mailto:Qchen97755@yahoo.com)., 3451A 22nd Ave. W.  
25 [Occupants: Kristin & Ryan A. Cieslak; [kmains@gmail.com](mailto:kmains@gmail.com); [ryancieslak@gmail.com](mailto:ryancieslak@gmail.com)]
  - 26 • Deborah Alt; [altdeborah@yahoo.com](mailto:altdeborah@yahoo.com) , 3451 22nd Ave W, #B
  - 27 • Katie and Marshall Harnish; [Aslocal@gmail.com](mailto:Aslocal@gmail.com), [katie.harnish@gmail.com](mailto:katie.harnish@gmail.com) ; 3453  
28 22nd Ave W #A  
29 [Occupants John Tusher and Nicole Fye , [johntusher@gmail.com](mailto:johntusher@gmail.com) , [nfye7@yahoo.com](mailto:nfye7@yahoo.com) ]
  - 30 • Alice Laurens (owner), [a.laurens@icloud.com](mailto:a.laurens@icloud.com) , 3453 22nd Ave W unit B
  - 31 • 3443 22nd Ave W [Occupants: Eric and Michelle Buxton, [ericbuxton@gmail.com](mailto:ericbuxton@gmail.com)]
  - 32 • Jacob Pratt & Katherine Walton, [waltonkc@gmail.com](mailto:waltonkc@gmail.com) ,3444 23<sup>rd</sup> Ave W #A
  - 33 • Lewis and Polly Latimer, owners, [pllatimer@comcast.net](mailto:pllatimer@comcast.net), Owners, 3450 23rd Ave W

3447- 3449 22<sup>nd</sup> Avenue West,  
Seattle, Washington  
Parcel 2770601540

Application Numbers: 3020730

Appellant's Response to  
Applicant's 19 August 2016  
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MUP-16-016 (W)

EXHIBIT

AA









Questions about the projects listed in this bulletin can also be directed to the Public Resource Center at the email and US mail address listed above. To the extent known by the Department, other necessary government approvals or permits not included in the application will also be listed. When a building permit is listed as being necessary, this may include associated electrical, plumbing, mechanical, elevator, and other similar permits.

DPD is now using the Early Review Determination of Non-significance (DNS) process for all applications requiring a threshold determination when DPD has reasonable basis to believe that significant adverse impacts are not likely, and the Director expects to issue a DNS for the proposal. The DNS is not final until it is published following consideration of all comments received during the comment period.

The comment period for a project subject to an Early Review DNS may be the only opportunity to submit comment on the environmental impacts of the proposal. Mitigation measures may be imposed on projects subject to the Early Review DNS process. After the close of the comment period, DPD will review any comments and will either issue a DNS followed by an opportunity to appeal, or, if significant environmental impacts are identified, a DS/Scoping notice. Copies of the subsequent threshold determination for the proposal may be obtained upon request or from our electronic library at [web6.seattle.gov/dpd/edms/](http://web6.seattle.gov/dpd/edms/).

Numbers used in project descriptions are approximations. The final approved plans will control.

### **Interpretations**

A formal decision as to the meaning, application or intent of any development regulation in Title 23 (Land Use Code) or Chapter 25.09 (Regulations for Environmentally Critical Areas) is known as an "interpretation". Examples include questions of how structure height or setback is properly measured, or how a proposed use should be categorized.

Interpretation may be requested by any party during the comment period as determined above. The request must be in writing, and accompanied by a \$2,500.00 minimum fee payable to the City of Seattle (This fee covers the first ten hours of review. Additional hours will be billed at \$250.00.). Interpretations on some issues may also be requested later, during the appeal period, if the project decision is appealed. Failure to request an interpretation can preclude raising the issue on appeal. Questions regarding the interpretation process may be sent to [PRC@seattle.gov](mailto:PRC@seattle.gov) (please include "Interpretation Information" in the subject line) or by calling the message line at (206) 684-8467. Requests for interpretation may be submitted to the **Department of Planning and Development, Code Interpretation and Implementation Group, 700 5th Av Ste 2000, P.O. Box 34019, Seattle, WA 98124-4019.**

**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.**

3447- 3449 22<sup>nd</sup> Avenue West,  
Seattle, Washington  
Parcel 2770601540

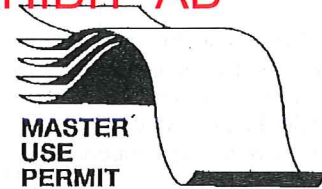
Application Numbers: 3020730

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EXHIBIT

AB





# Seattle Department of Construction and Inspections

Nathan Torgelson, Director

July 18, 2016

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## Notice of Decision

The Director of the Seattle Department of Construction and Inspections 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 [www.seattle.gov/examiner/efile.htm](http://www.seattle.gov/examiner/efile.htm), delivered in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mailed to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729. (Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.) An appeal form is available at [www.seattle.gov/examiner/LANDUSEAPLFORM.pdf](http://www.seattle.gov/examiner/LANDUSEAPLFORM.pdf).

Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by an \$85.00 filing fee. The fee may be paid by 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. The Hearing Examiner Rules and "Public Guide to Appeals and Hearings Before the Hearing Examiner" are available at [www.seattle.gov/examiner/guide-toc.htm](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

The subject matter of an appeal of a discretionary decision is limited to the code criteria for that decision, and generally may not include other arguments about how the development regulations of the Land Use Code or related codes were applied. However, in conjunction with an appeal, a Land Use Code interpretation may be requested to address the proper application of certain development regulations in the Land Use Code (Title 23) or regulations for Environmentally Critical Areas (Chapter 25.09) that could not otherwise be considered in the appeal. For standards regarding requests for interpretations in conjunction with an appeal, see Section 23.88.020.C.3.c of the Land Use Code.

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 \$2,500.00 minimum fee payable to the City of Seattle. (This fee covers the first ten hours of review. Additional hours will be billed at \$250.00.) **Requests must be submitted to the Seattle Department of Construction and Inspections, Code Interpretation and Implementation Section, 700 5th Av Ste 2000, PO Box 34019, Seattle WA 98124-4019.** A copy of the interpretation request must be submitted to the Seattle Hearing Examiner together with the related project appeal. Questions regarding how to apply for a formal interpretation may be sent to [PRC@seattle.gov](mailto:PRC@seattle.gov). (Please include "Interpretation Information" in the subject line.) You may also call the message line at (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 Seattle DCI decision is received by the State Department of Ecology (DOE). The Seattle DCI 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 contacting the PRC at [PRC@seattle.gov](mailto:PRC@seattle.gov), or by calling the message line at (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 in Seattle DCI's TIP 232 ([web6.seattle.gov/dpd/cams/CamList.aspx](http://web6.seattle.gov/dpd/cams/CamList.aspx)). Copies of TIP 232 are also available at the Seattle DCI Applicant Services Center, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019. You may also 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 sent to: [PRC@seattle.gov](mailto:PRC@seattle.gov) or mailed to Seattle Department of Construction and Inspections, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019. All correspondence is posted to our electronic library.

### Information

The project file, including the decision, application plans, environmental documentation and other additional information related to the project, is available in our electronic library at [web6.seattle.gov/dpd/edms/](http://web6.seattle.gov/dpd/edms/). Public computers, to view these files, are available at the Seattle DCI Public Resource Center, 700 Fifth Avenue, Suite 2000. 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.

To learn if a decision has been appealed check the website at [web6.seattle.gov/DPD/PermitStatus/](http://web6.seattle.gov/DPD/PermitStatus/) and click on the Land Use tab in the lower half of the screen for any Hearing date and time. You may also contact the PRC at [prc@seattle.gov](mailto:prc@seattle.gov), 700 Fifth Avenue, Suite 2000, 20th Floor or call our message line at (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.)

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### Decision

**Area:** Magnolia/Queen Anne **Address:** 3447 22ND AVE W  
**Project:** 3020730 **Zone:** LOWRISE 1, POTENTIAL SLIDE AREA, ARTERIAL WITHIN 100 FT., AIRPORT HEIGHT DISTRICT

**Decision Date:** 07/18/2016

**Contact:** EINAR NOVION - (206)851-7922

**Planner:** BreAnne McConkie - (206) 684-0363

Land Use Application to allow four single family residences in an environmentally critical area. Parking for four vehicles to be provided. Existing structure to be demolished. Environmental Review includes future unit lot subdivision.

The following appealable decisions have been made based on submitted plans:

**Determination of Non-Significance** (no environmental impact statement required). Environmental review completed and no conditions imposed. This DNS is issued using the optional DNS process in WAC 197.11.355 and SMC 25.05.355. The comment period was originally published on **July 13, 2015** and there is no further comment period on this DNS.

Appeals of this decision must be received by the Hearing Examiner no later than 8/1/2016.





**City of Seattle**  
**Department of Construction and Inspections**  
**Engineering Services**

EINAR S NOVION  
3316 NE 120th St  
Seattle, WA 98125

**Re: Project# 3020730**

**Correction Notice #3**

<b>Review Type</b>	ECA SLIDE	<b>Date</b>	April 26, 2016
<b>Project Address</b>	3447 22nd Ave W	<b>Contact Phone</b>	(206) 851-7922
<b>Contact Email</b>	novion.e@gmail.com	<b>Contact Fax</b>	
<b>SDCI Reviewer</b>	Dean Griswold	<b>Address</b>	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
<b>Reviewer Phone</b>	(206) 233-7862		
<b>Reviewer Fax</b>			
<b>Reviewer Email</b>	dean.griswold@seattle.gov		
<b>Owner</b>	ROB MCVICARS		
<b>Related Projects</b>	6484714		

**Applicant Instructions**

Please see the attached flyer to learn "[How to Respond to a SDCI Correction Notice](#)".  
If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

**Codes Reviewed**

This project has been reviewed for conformance with one or more of the following codes: Grading Code; Environmentally Critical Areas Regulations (ECA).

**Corrections**

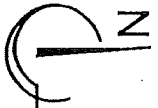
- 1 SMC 25.09.020 A.3.b.5 and 25.09.180.C. Environmentally Critical Areas Designation  
  
Sheet A1.0. Please adjust the Steep Slope Critical Area to be consistent with that shown on the attached site plan. Label this area as "Steep Slope Critical Area."
- 2 SMC 25.09.330 B.6. and SMC 22.170.070 B.2.c. Site Grading

### Repeated Items

Provide a temporary excavation plan demonstrating that adjacent properties will be protected during construction activities. The excavation plan does not need to be at final design level for this phase of permitting.

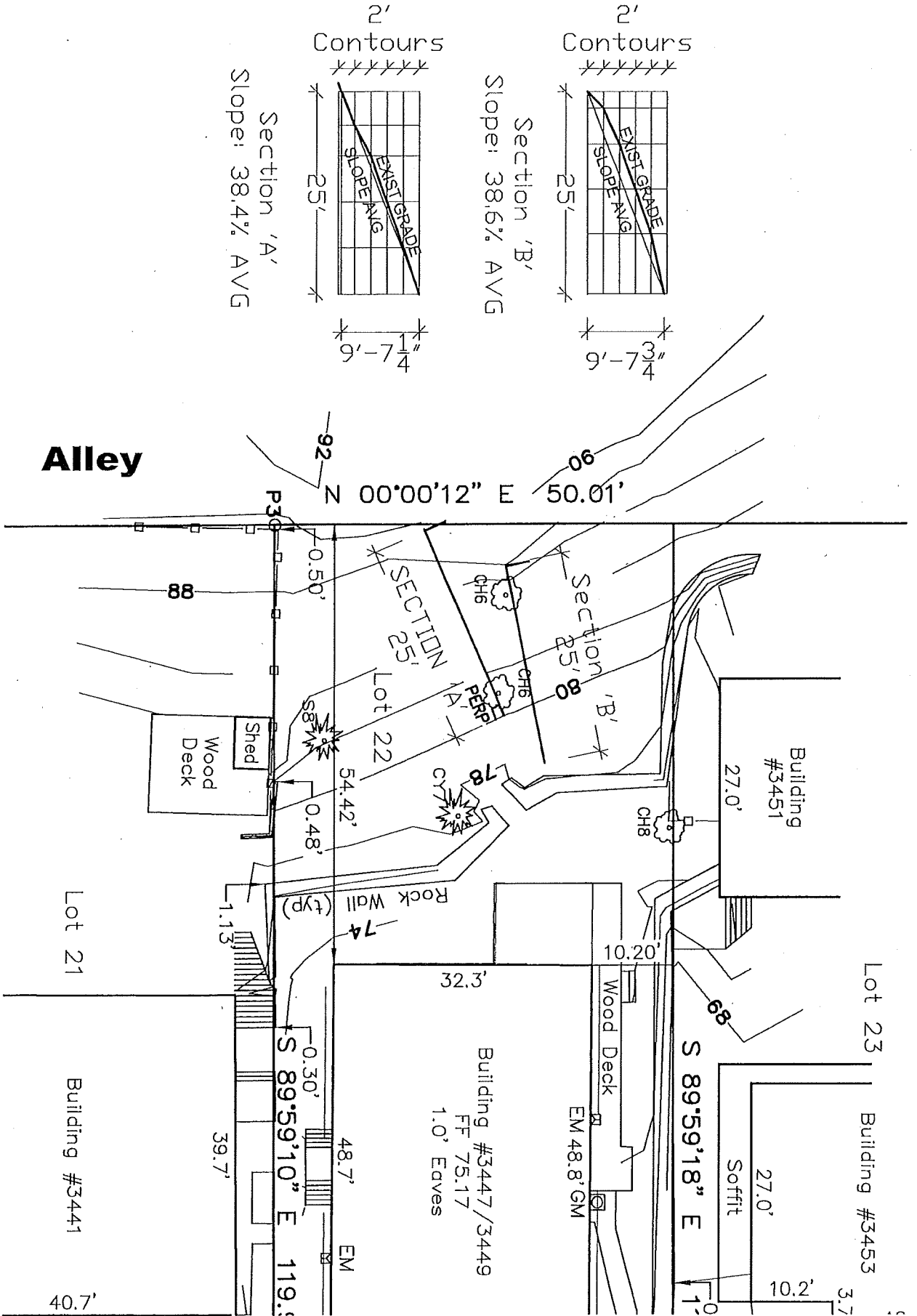
Show on the plans the permanent proposed grade contours. The final grade contours need to match the existing grade contours, as shown on the topographic survey, at the property lines.

1. REVISED TO SHOW REVIEWER DELINEATION. ALSO ATTACHED ARE GEOTECH ASSESSMENT, WHICH SHOWS THAT THE GENERAL SLOPE ON THE LOT IS NOT 40% (SEE ATTACHED BELOW). IT WOULD APPEAR THAT THE NEIGHBOR'S WALL TO THE NORTH HAS CREATED THE STEEP SLOPE SITUATION...WE REQUEST A STEEP SLOPES EXEMPTION TO TO THAT MAN MADE CONDITION.
2. A1.2 revised with a finished grade plan, showing every 2' contours connection with it's respective grades at property line.



SLOPE SECTIONS  
Scale: 1/16" = 1'-0"

MAY 12th, 2016





**City of Seattle**  
**Department of Construction and Inspections**  
**Land Use Review**

EINAR S NOVION  
 3316 NE 120th St  
 Seattle, WA 98125

**Re: Project# 3020730**

**Correction Notice #3**

<b>Review Type</b>	ZONING	<b>Date</b>	April 14, 2016
<b>Project Address</b>	3447 22nd Ave W	<b>Contact Phone</b>	(206) 851-7922
<b>Contact Email</b>	novion.e@gmail.com	<b>Contact Fax</b>	
<b>SDCI Reviewer</b>	David Graves	<b>Address</b>	Seattle Department of Construction and Inspections 700 5th Ave Suite 2000 PO Box 34019 Seattle, WA 98124-4019
<b>Reviewer Phone</b>	(206) 615-1492		
<b>Reviewer Fax</b>			
<b>Reviewer Email</b>	David.Graves3@seattle.gov		
<b>Owner</b>	ROB MCVICARS		
<b>Related Projects</b>	6484714		

Dear Mr. Novion,

The following corrections need to be addressed as a result of zoning review of your application. I would be happy to discuss this further if you wish.

**Applicant Instructions**

Please see the attached flyer to learn "How to Respond to a SDCI Correction Notice".  
 If the 3-step process outlined in the aforementioned document is not followed, it is likely that there will be a delay in permit issuance and there is a potential for penalty fees.

**Corrections**

- 1 The project description on Sheet A1.0 states that this project is to "construct (2) unit townhouse and (2) SFR." The online description of work says "Construct 4 single family dwellings." Please make sure these match and clarify which is correct. A1.0 revised
- 2 It appears the garages have been excluded from the FAR calculation. They are not exempt unless they extend no more than 4 feet above existing or finished grade, whichever is lower. It is difficult to tell from the elevation drawings if they meet this standard. Please give clear dimensions and label the garages in the elevation drawings to determine if this standards is met. Also, provide a statement in the FAR calculation on Sheet A2.4 listing any FAR exemptions you are claiming, including the garages if so.

See A2.4 - the clouded portion called "basement" is the basement garages.  
 We are not using exemptions.



- 3 There are 3 different sets of elevation drawings, but 4 units. Is one missing? If so, which one? Please clearly label which units the elevation drawings refer to.
- 4 The Height Plan on Sheet A1.2 is confusing. It appears two drawings are on top of each other. It is difficult to understand your calculations and determine if the structures comply with the height requirements. Please fix this.  
A1.2 revised to remove accidental overlap
- 5 According to Sheet A2.3, your roof area calculation is done without mechanical. Pursuant to 23.45.514.J.4, the total of all rooftop features can be a maximum of 15% when excluding mechanical, not 20%. Therefore, the max allowed would be 119.85 square feet. Please correct the plans to meet the requirements of this section of the code.  
A2.3 revised with note to indicate area of screened mechanical
- 6 The calculations for the amenity area in the rear of the lot appears incorrect on Sheet A1.1. According to the dimensions provided, a 16' x 25' area is 400 square feet, not 472.5 as shown. Regardless, the amenity area amount meets the code. However, please label each amenity area as private or common to demonstrate compliance with 23.45.522.D.  
plus the 72.5sf (14.5x5) shown between per unit equals 472.5sf. A1.1 revised to indicate private.
- 7 It appears to meet the requirements of the code, but please provide the length of the garages in Units 1 and 2 to demonstrate compliance.  
A2.0 revised with dimensions
- 8 Please show the dimensions and location of the solid waste and recyclable materials storage and access areas pursuant to the standards of 23.54.040.  
A1.0 revised with waste storage location and dimensions
- 9 Please provide further details about the stairway between Units 3 and 4, including detailed dimensions showing its height and location. Is it meant to connect the 2 units as a 2 unit townhouse or merely as a stairway slightly above grade that provides access to 2 single family residences?  
It is just retaining walls and concrete stair to make the grade works to access the units...the intent is that they are two single family. Notes have been added to plans and elevation to the effect. Dimensions added in plans.



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EXHIBIT

AC





**EXHIBIT 'AC'****Summary of Land Use Appeal: 3020730**

Submitted on 7/28/2016 5:46:05 PM

**Decision appealed:**

3020730

**Property address:**

3447 22nd Avenue W

**Elements of decision being appealed:**

- SEPA
- Subdivision
- Environmentally Critical Area Exception
- Environmentally Critical Area
- Design Review

**What is your interest in this decision?**

This appeal represents the interests of 8 neighboring properties: • 3443 22nd Ave W • 3453 22nd Ave W, #A • 3453 22nd Ave W, #B • 3451 22nd Ave W, #A • 3451 22nd Ave W, #B • 3444 23rd Ave W, #A • 3444 23rd Ave W, #B • 3450 23rd Ave W These residential properties will be affected in the following ways: • Proposed 4 units on 5750-6000 SF property exceeds allowed 3 units per SMC 23.45.512 (Note: March 26, 2016 resubmission to 4 separate buildings) • Clear-cutting of at least 7 existing trees from unimproved alley to curb; • Inadequate submission for equitable replacement trees and plantings; • Additional storm water on surface due to concrete and asphalt replacing existing landscape and permeable surfaces; • No indication of salvaging and protecting existing rock walls bordering the property; • Proposed building and tree removal on existing critical slope areas (section and calculation errors); • Reducing site inefficiencies and unfavorable building adjacency within and outside property, this includes maneuverable access to 4 vehicles required to be parked off the street; and • Placement of proposed windows for does not consider home privacy within and outside property.

**What are your objections to the decision?**

The neighboring properties object to land-use approval to (1)the proposed density; (2)misled waiver of soil stabilization area relative to steep slope areas; and (3)proposed clear-cutting of site trees. DENSITY: A. The City of Seattle has responded to recent over-development of low-rise residential relative to site size by reducing its allowed density for properties in low-rise 'LR1' zones. The dwelling density limit of 1/1600 calculates to 3.75 units this approx. 50x120' property. The current code (initiated prior to the purchase on May 8, 2014) indicates that only fractions over .85 can be rounded up per Footnote 1 for Table A for SMC 23.45.512. As such, only 3 units would be allowed on the property instead of the 4 shown in the March 2016 land/use submission to the City. B. The density of the proposed homes is based on a parking garage for each of the properties. However, given the close proximity of the buildings, it is very unlikely that the occupants in buildings 1 and 2 will be able to reasonably maneuver their vehicles into their respective garages. Buildings 3 and 4 garage access is questionable. As a likely result, the owners will not be able to park their vehicles off the street. STABILIZED SOIL: C. Proposed density assumes that structures may be erected over and near critical slope areas of pitch 40% and over. The diagrams sent to the City on May 12, 2016 are incorrect in several ways: • Section shows the site pitching to the west rather than to the east. This suggests that the soils engineer who prepared the drawings has not identified existing conditions. • Cross section B is not running perpendicular to the grad contour lines, which calculates into soil pitches at a shallower angle than they actually are. • Cross section B is shown too far to east as it should start at the steeply-pitched grade bordering the alley property line. This section need not be spread into shallower-pitched areas of the site. It appears the engineer may have misrepresented a proper section and slope direction in order to calculate a 38.6% slope within an area that is certainly over the 40% critical slope threshold. • The building sections show the new grade pitching at steeper slopes than the existing grade at buildings 3 and 4. The City should review not only pre-construction slopes, but proposed critical slopes. D. There are existing rock retaining walls running through the site, along the sidewalk, as well as bordering the north side of the property along an adjacent properties' common driveway easement. There is no indication on to protect and maintain these walls. TREES: E. There are 7 existing trees listed on the arborist report, yet drawings show 5 trees. At least 2 trees (CH6) are within the critical slope area that should not be removed. F. The City of Seattle Office for Sustainability of Environment 2007 Tree Canopy map shows this site with significant trees within the local area.

**What relief do you want?**

Reverse the decision based on inadequate documentation. G. The original application showed 3 structures on the site. We request the City enforce SMC 23.45.512 yielding no more than 3 dwellings or vindicate allowing this builder an exception as the submitted revision 4 configuration that exceeds healthy L1 residential development. H. There are proposed window locations on the 4 homes with bedroom floors looking directly across into other bedroom floors 10-12 feet away. Large master bedroom windows (above tree heights) look west directly into the master bedrooms of the adjacent properties on 23rd. The

location and height of these windows must be coordinated with adjacent homes to respect privacy. J. Drawings show two windows in elevation but not on the floor plan (top floor opening into a master closet). K. Provide vehicle access and turning diagrams for townhouse-sized vehicle into the proposed garages. One diagram must be for each of the 4 garages with marked dimensions while demonstrating the approach both entering and backing away from the garage to the street. L. Given the above, buildings 3 and 4 should be reconfigured into 1 home or as a row-house with abutting walls rather than a 10'-gap. This would reduce privacy issues, differentiate entrances, and save existing 30'-tall trees near the north and south property lines. M. We need assurance that concerns of the soil stability raised with Nelson Geotechnical Associates (posted May 26, 2016) are demonstrated to be addressed rather than requesting variances. Drawing slope diagrams must be corrected and verified with actual conditions. N. Temporary excavations within critical slope areas endanger adjacent properties already within City-designated mud-slide hazard areas. Revise the location of the red line excavation to be equidistant from the edge of proposed buildings (excluding proposed central drive area). P. Maintain or provide detail on temporary and permanent soil retention. Submit drawings / calculations how

**Appellant:**

David Moehring  
3444 23rd Ave W, #B  
Seattle, WA 98199

Email: [dmoehring@consultant.com](mailto:dmoehring@consultant.com)  
Phone: (312) 965-0634  
Fax:

**Authorized Representative:**

Same as Appellant

**Documents:**

- Neighbors\_to\_BuildSound 3447\_22nd\_2016Jul27\_signed.pdf
- Ganoff 7\_17\_15.pdf
- July 18 Notice\_and\_errored\_slope\_section.pdf
- Plan SetV4\_comment22June.pdf
- Townhouses must be barrier-free\_SBC\_Summary.pdf
- DPD\_Low-rise\_Density\_May\_2014.pdf

**Contact Method:**

Email Attachment

[Return to e-File Home](#)

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EXHIBIT

AD





### 25.09.330 - Application submittal requirements

All activities identified in [Section 25.09.015](#) and not exempt from permit application requirements under Sections [25.09.045](#), [25.09.055](#), and subsections 25.09.200.A.4 and 25.09.320.A.3 shall meet the following application submittal requirements in addition to the application submittal requirements specified in other codes:

A. Topographic Survey. A topographic site plan, prepared and stamped by a State of Washington licensed surveyor, is required for sites that include landslide-prone, flood-prone, riparian corridor, wetland or its buffer, and steep slope *areas* or their buffers. The topographic site plan shall include the following existing physical elements:

1. Existing topography at two-foot (2') contour intervals on-site, on adjacent lands within twenty-five feet (25') of the site's property lines, and on the full width of abutting public and private rights-of-way and easements;
2. Terrain and stormwater-flow characteristics within the site, on adjacent sites within twenty-five feet (25') of the site's property lines, and on the full width of abutting public and private rights-of-way and easements;
3. Location of *areas* with significant amounts of vegetation, and specific location and description of all *trees* with trunks six inches (6") or greater in diameter measured four feet, six inches (4'6") above the ground, and noting their species;
4. Location and boundaries of all existing site improvements on the site, on adjacent lands within twenty-five feet (25') of the site's property lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amounts of developmental coverage, including all impervious surfaces (noting total square footage and percentage of site occupied);
5. Location of all grading activities in progress, and all natural and artificial drainage control facilities or systems in existence or on adjacent lands on the site, within twenty-five feet (25') of the site's property lines, and in the full width of abutting public and private rights-of-way and easements;
6. Location of all existing utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet (25') of the site's property lines and in the full width of abutting public rights-of-way; and
7. Such additional existing physical elements information for the site and surrounding *area* as required by the Director to complete review of a project subject to the standards of [Chapter 25.09](#).

B. Additional Site Plan Information. The following site plan information shall also be required for sites that include landslide-prone, flood-prone, riparian corridor, wetland, and steep slope *areas* or their buffers. Information related to the location and boundaries of *environmentally critical areas* and required buffer delineations shall be prepared by qualified professionals with training and experience in their respective *area* of expertise as demonstrated to the satisfaction of the Director.

1. Location and boundaries of all *critical areas* on the site and on adjacent lands within twenty-five feet (25') of the site's property lines, noting both total square footage and percentage of site;
2. Location and identification of all riparian corridors and wetlands within one hundred feet (100') of the site's property lines;
3. Location and boundaries of non-disturbance *areas* on the site that have been required by previous approvals.
4. Proposed location and boundaries of all required undisturbed fenced *areas* and buffers on the site and on adjacent lands within twenty-five feet (25') of the site's property lines;
5. Location and boundaries of all proposed site improvements on the site, on adjacent lands within twenty-five feet (25') of the site's property lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amount of proposed land disturbing activities, including amounts of developmental coverage, impervious surfaces and construction activity *areas* (noting total square footage and percentage of site occupied);
6. Location of all proposed grading activities and all proposed drainage control facilities or systems on the site or on adjacent lands within twenty-five feet (25') of the site's property lines, and on the full width of abutting public and private rights-of-way and easements;
7. Location of all proposed utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet (25') of the site's property lines, in the full width of abutting public rights-of-way, and any proposed extension required to connect to existing utilities, and proposed methods and locations for the proposed development to hook-up to these services; and
8. Such additional site plan information related to the proposed development as required by the Director to complete review of a project subject to the standards of this chapter.

C.

Technical Reports. Technical reports and other studies and submittals shall be prepared as required by the Director detailing soils, geological, hydrological, drainage, plant ecology and botany, and other pertinent site information. The reports, studies and submittals shall be used to condition development to prevent potential harm and to protect the *critical* nature of the site, adjacent properties, and the drainage basin.



3447- 3449 22<sup>nd</sup> Avenue West,  
Seattle, Washington  
Parcel 2770601540

Application Numbers: 3020730

Appellant's Response to  
Applicant's 19 August 2016  
Motion to Dismiss the Appeal to  
the  
Master Use Permit  
MUP-16-016 (W)

EXHIBIT

AE





Breanne McConkie  
Seattle Dept. of Construction and Inspections  
PO Box 34019  
Seattle, WA 98124

August 15, 2016

Dear Ms. McConkie,

My name is Deborah Alt. I reside at 3451 22<sup>nd</sup> ave West, Seattle. My property is on the north side of parcel 2770601540 (3447 22<sup>nd</sup> ave west). It is my understanding that my property, and the adjoining properties are in an area designated by the city of Seattle as slide areas. Maps available on line show that slides have occurred multiple times in this area between 22<sup>nd</sup> and 23<sup>rd</sup> avenue west. On the map- areas immediately around my home are marked as 40% slope, potential slide areas, or known slide events.

City documents state that the applicant has been given a limited steep slope exemption an Aug 5<sup>th</sup> because "the steep slope critical area is less than 20 feet in height and more than 30 feet from other steep slope critical areas." I feel this to be incorrect, as the slope of the adjacent "unimproved alley" was not reported. The "alley" is in fact - not an alley, but an extremely steep slope with mature native plants and trees. In addition to the steep slope, neighbors have seen evidence of a small spring on the embankment. I feel that it is critical for slide prevention to preserve the trees on the embankment and the buffer area adjacent.

I do not believe that the developer should be allowed to follow the regulations for tree removal that apply to non-slide prone areas or non-environmentally critical areas. In the tree mapping there are 7 trees on the west end of the property along the steep slope. They include a Spruce tree towering 45 feet tall, a Fir tree 24 feet tall and a Cedar tree 30 feet tall. These trees provide tremendous help in protecting against mud slide. Planting new trees in other locations to replace these tree- while better than nothing- entirely misses the point that the existing trees with their extensive root systems are stabilizing the hillside. You cannot plant a new tree to do the work of a 45 foot tall tree.

I have reviewed the geotechnical engineering report by Nelson Geotechnical Associates dated May 22, 2015. This company was hired by Sound Build to do this "preliminary evaluation." At the time of their report they were not provided with any plans from the builder documenting the planned location or size of buildings to be placed on the property. They did NOT make measurements or comment on the city property to the west ( the unimproved alley).

Nelson Geotechnical Associates did take care to document some serious trouble areas for the site- including:

“a high potential for a perched groundwater condition “

“The soils encountered on this site are considered moisture-sensitive, and will disturb when wet. We recommend that construction take place during drier summer months.”

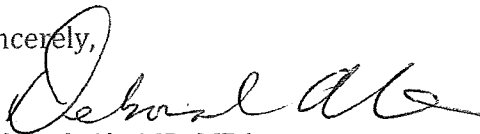
“Undocumented fill could be encountered in the unexplored areas of the site , especially adjacent to the basement walls. This condition...would require deeper excavation in foundation, slab, and pavement areas to remove unsuitable soil.”

The geotechnical engineers also made general recommendations regarding soil, slopes, retaining walls, foundation support, slab and subgrade preparation, and erosion control. However, the report is limited by the fact that they are not working with any definitive plan for building size or location. The documented requirements to build on this site were extensive, but It was repeatedly pointed out in the report that the recommendations were preliminary.

I received notification from the city that there was a building application for this site. The paperwork mailed to me included 3 buildings on the site -not four. The buildings presented were much closer to the front of the property .I object to allowing the builder to change the application to four buildings in this critical slide area .I do not think he should be allowed to cut into the toe of the existing slope or disturb the critical plant life in this area. I believe this to be a substantive change in the application. I also think it is a substantive change that his initial paperwork failed to document that the area was a critical area because of slide risk.

I beg the city planners to take another look at this property. I do not think that the addition of one more housing unit in the city of Seattle is adequate justification for disturbing the trees and other vegetation on the west side of this property. Those trees and other plants are needed to stabilize this slide prone area. There is no question that this area is at risk- just look at the city map. And remember- it is not only my property that is at risk here. Slides do not come with advance warnings. My family, friends, neighbors, as well as myself could be injured or killed. So please proceed in a manner that is the most likely to prevent future problems in our neighborhood.

Sincerely,



Deborah Alt, MD, MBA  
3451 22<sup>nd</sup> Avenue W  
Seattle, WA 98199



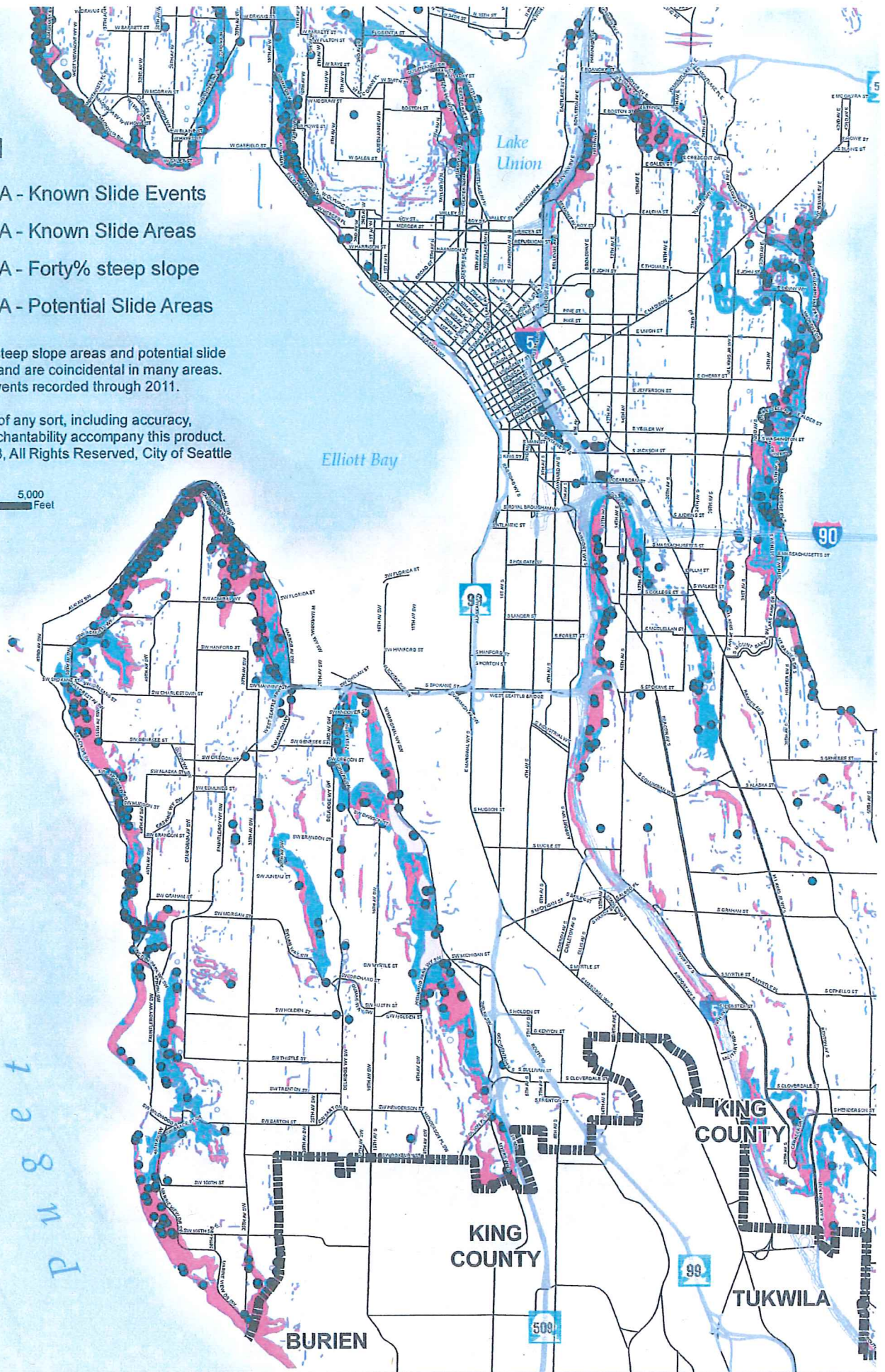
# Legend

- ECA - Known Slide Events
- ECA - Known Slide Areas
- ECA - Forty% steep slope
- ECA - Potential Slide Areas

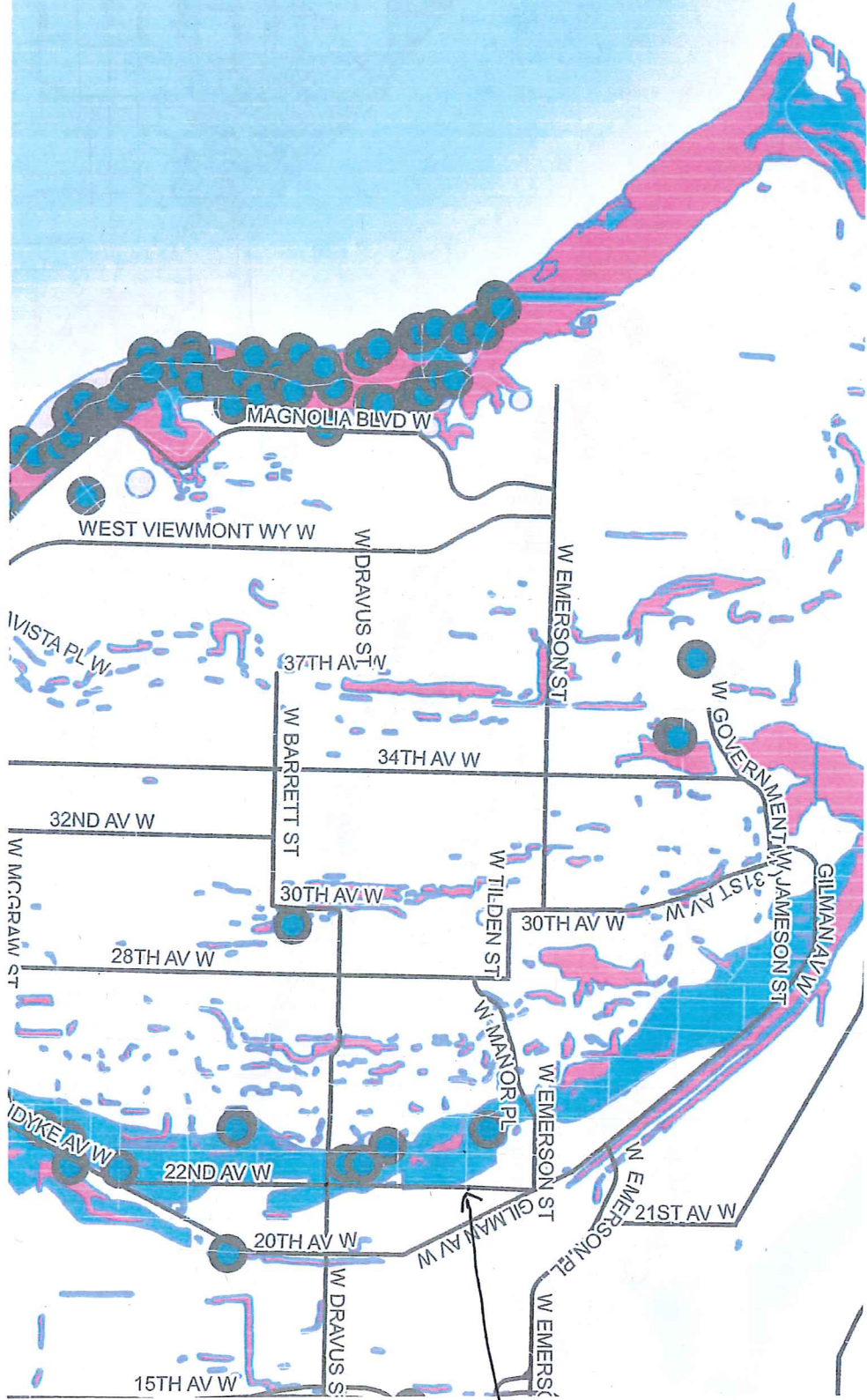
Forty percent steep slope areas and potential slide areas overlap and are coincidental in many areas. Known slide events recorded through 2011.

No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2008, All Rights Reserved, City of Seattle

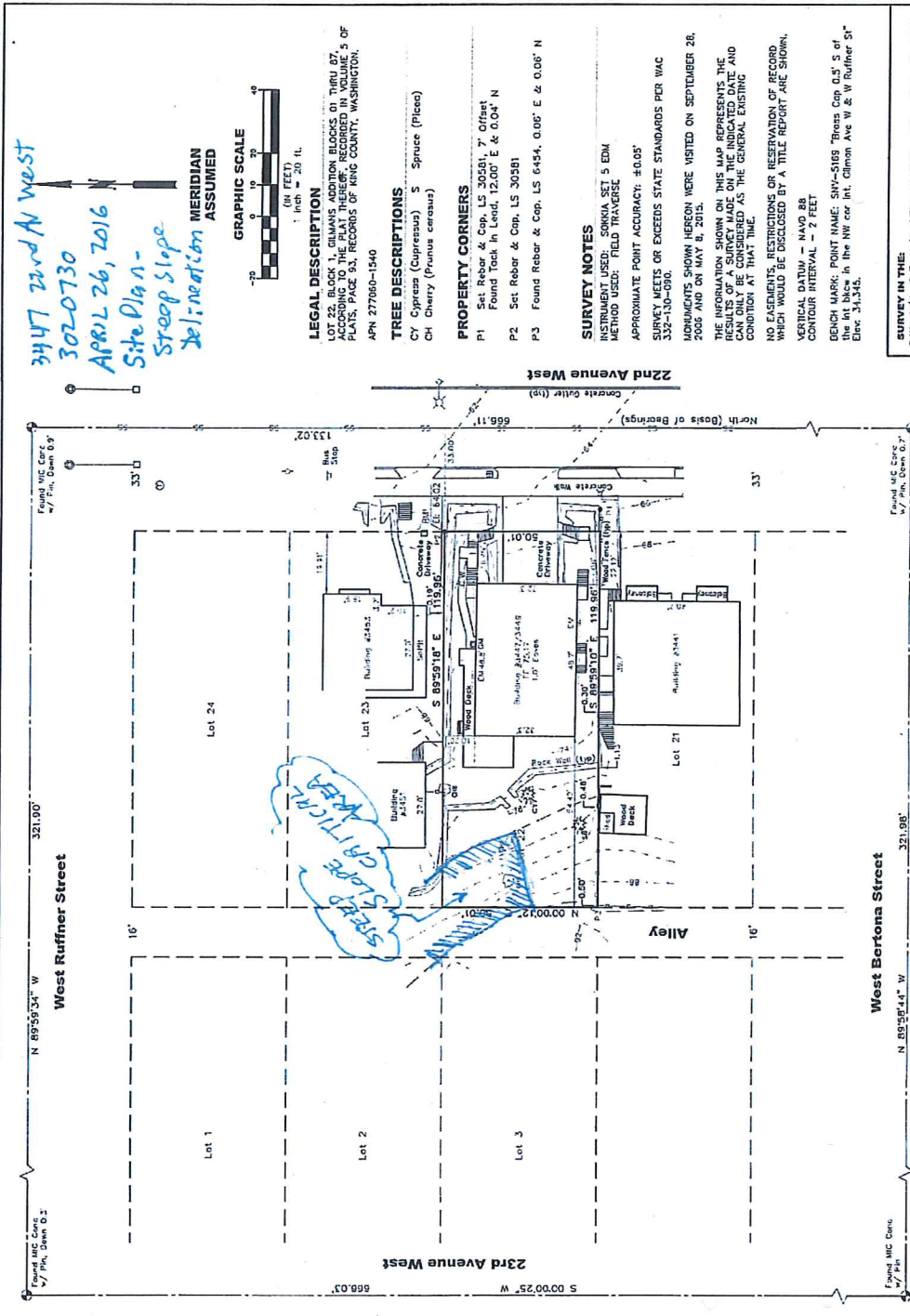
0 1,250 2,500 5,000 Feet







Ruffner



3447 22nd Avenue West  
 302-0730  
 APRIL 26, 2016  
 Site Plan -  
 Steep Slope  
 delimitation  
 MERIDIAN ASSUMED



**LEGAL DESCRIPTION**  
 LOT 23 BLOCK 3 BULLMAN ADDITION BLOCKS 111, TRACT 87  
 ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF  
 PLATS, PAGE 93, RECORDS OF KING COUNTY, WASHINGTON,  
 APN 277060-1540

**TREE DESCRIPTIONS**  
 CY Cypress (Cupressus) S Spruce (Picea)  
 CH Cherry (Prunus cerasus)

**PROPERTY CORNERS**  
 P1 Set Rebar & Cap, LS 300581, 7' Offset  
 Found Total N Lead, 12.00' E & 0.04' N  
 P2 Set Rebar & Cap, LS 300581  
 P3 Found Rebar & Cap, LS 6454, 0.06' E & 0.06' N

**SURVEY NOTES**  
 INSTRUMENT USED: SOKKIA SET 5 EDM  
 METHOD USED: FIELD TRAVERSE  
 APPROXIMATE POINT ACCURACY: ±0.05'  
 SURVEY MEETS OR EXCEEDS STATE STANDARDS PER WAC  
 332-130-090.  
 MONUMENTS SHOWN HEREON WERE VISITED ON SEPTEMBER 28,  
 2005 AND ON MAY 8, 2015.  
 THE INFORMATION SHOWN ON THIS MAP REPRESENTS THE  
 RESULTS OF A SURVEY MADE ON THE INDICATED DATE AND  
 CAN ONLY BE CONSIDERED AS THE GENERAL EXISTING  
 CONDITION AT THAT TIME.  
 NO EASEMENTS, RESTRICTIONS OR RESERVATION OF RECORD  
 WHICH WOULD BE DISCLOSED BY A TITLE REPORT ARE SHOWN.  
 VERTICAL DATUM - NAVD 88  
 CONTOUR INTERVAL - 2 FEET  
 BENCH MARK: POINT NAME, SHV-5168 "Besse Cap 0.5" S of  
 the Int. Bldg. in the NW cor. Int. Clifton Ave W & W Ruffner St  
 Elev. 31.345.

**SURVEY IN THE:**  
 S.W. 1/4, S.E. 1/4 SEC. 14 TWP. 25N., RGE. 3E., W.M.

**TOPOGRAPHIC SURVEY**

Build Sound, LLC  
 3447 22nd Avenue West  
 Seattle, WA 98199

ERNEST & MOHR SURVEYING, INC.  
 PO BOX 13484 MILL CREEK, WA 98032 PH: (206) 350-7198

DRAWN BY: HDAK	SHEET 1
CHECKED: BLD	OF 1
PROJECT: 15002	
DATE: 3/25/15	





3447- 3449 22<sup>nd</sup> Avenue West,  
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EXHIBIT

AF



# EXHIBIT 'AF' SEPA ENVIRONMENTAL CHECKLIST UPDATED 2014

The scope of this review is limited to:  
1) Documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and  
2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations (BM)

## Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## Instructions for applicants: [help]

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## Use of checklist for nonproject proposals: [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements -that do not contribute meaningfully to the analysis of the proposal.

## A. BACKGROUND [help]

1. Name of proposed project, if applicable: [help] 3447 22ND AVE W SEATTLE, WA 98199
2. Name of applicant: [help] EINAR NOVJON
3. Address and phone number of applicant and contact person: [help]

3316 NE 120TH ST  
SEATTLE, WA 98125  
206.851.7922

4. Date checklist prepared: [help] Jul 1, 2015

5. Agency requesting checklist: [help] DPD

6. Proposed timing or schedule (including phasing, if applicable): [help]

SEPA Intake 7/01/15  
Building permit to follow

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]

Future unit lot subdivision. SEPA review includes this action. (BM)

Building permit

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help]

Geotechnical report dated May 22, 2015 (Nelson Geotech Associates, Inc.) was submitted by applicant. (BM)

SEPA checklist  
SOILS REPORT

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help]

not known

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

Building Permit

City of Seattle Master Use Permit, Demolition Permit, Building Permit, (BM)

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

DEMOLISH EXISTING STRUCTURE, CONSTRUCT (2) UNIT TOWNHOUSE AND (2) SFR WITH PARKING PER PLAN, STREET ACCESS REQUIRED, AS ALLEY IS UNSABLE AND UNIMPROVED.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

3447 22ND AVE W  
PARCEL#: 2770601540  
LEGAL DESCRIPTION:  
GILMANS ADD  
Plat Block: 11  
Plat Lot: 22

## B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

### 1. Earth

a. General description of the site [\[help\]](#)  
(check one)  Flat,  rolling,  hilly,  steep slopes,  mountainous,

other MODERATE SLOPE

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

21% PERCENT AVERAGE GRADE UP FROM EAST ROW TO WEST ROW

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

SANDY AND SILTY

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

NOT KNOWN

The entire parcel is mapped as an ECA Potential Slide Area. A portion of the site along the western edge contains an ECA Steep Slope Critical Area. The applicant applied for and received a Limited Steep Slope Exemption on August 5, 2015. (BM)

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

400 CY OF EXCAVATION FOR SLAB ON GRADE

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

YES - EROSION IS A POTENTIAL CONCERN IN ANY GRADING PROPOSAL

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

60%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

FOLLOW PRESCRIBED METHODS FOUND IN CONSTRUCTION STORMWATER CONTROL PLAN

Required to meet Grading Code and Stormwater Code. (BM)

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

NOT KNOWN

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

NOT KNOWN

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

NOT KNOWN

GHG worksheet submitted by applicant. (BM)



3. Water

a. Surface Water: [\[help\]](#)

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

NOT KNOWN

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

NOT KNOWN

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

NOT KNOWN

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

NOT KNOWN

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

NO

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

NO

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

NO

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals, . . . ; agricultural; etc.). Describe the general size of the system, then number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

NOT KNOWN

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

GSI TO MEF STORMWATER TO BE MITIGATED ONSITE PER DCP PLAN

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

Required to meet Grading Code and Stormwater Code. (BM)

YES- ACCIDENTS DURING CONSTRUCTION COULD CONTRIBUTE WASTE MATERIALS

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Increased impervious area will result in less water percolating into the soil and more water entering the sewer system. (BM)

NO - GSI TO MEF STORMWATER TO BE MITIGATED ONSITE PER DCP PLAN

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

FOLLOW DETAILS PRESCRIBED IN DCP

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops
- wet soil plants: cattail, butternut, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

100%

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

NOT KNOWN

Trees not sufficiently identified on site plan. Additional information required per SMC 25.11, Tree Protection and Director's Rule 16-2008. (BM)

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

NOT KNOWN

e. List all noxious weeds and invasive species known to be on or near the site.

NOT KNOWN

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

- birds: hawk, heron, eagle, songbirds, other: \_\_\_\_\_
- mammals: deer, bear, elk, beaver, other: \_\_\_\_\_
- fish: bass, salmon, trout, herring, shellfish, other: \_\_\_\_\_

NOT KNOWN

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

NOT KNOWN

Landscaping required per 23.45.524. (BM)

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

NOT KNOWN

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

NOT KNOWN

e. List any invasive animal species known to be on or near the site.

NOT KNOWN

**6. Energy and natural resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

ELECTRIC - LIGHT AND APPLIANCES  
GAS - WATER HEATER AND GENERAL HEATING

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

NO

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

PRESCRIBED INSULATION VALUES IN CONSTRUCTION AND ENERGY EFFICIENT APPLIANCES

**7. Environmental health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

NOT KNOWN

1) Describe any known or possible contamination at the site from present or past uses.

NOT KNOWN

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

NOT KNOWN

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

NOT KNOWN

4) Describe special emergency services that might be required.

FIRE DEPT., POLICE DEPT., EXIT FOR COURSE OF CONSTRUCTION ACCIDENTS OR EVENTUAL OWNER USE

5) Proposed measures to reduce or control environmental health hazards, if any:

CONTRACTORS FOLLOW PRESCRIBED SAFETY PRACTICES BY LAW

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

STREET TRAFFIC

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

REGULAR INHABITATION NOISE ACCOCIATED WITH RESIDENSES

Required to meet Noise Control Ordinance (SMC 25.05) (BM)

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

INSULATION IN WALLS

**8. Land and shoreline use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

SINGLE FAMILY AND MULTIFAMILY

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land or long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

NOT KNOWN

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

NOT KNOWN

c. Describe any structures on the site. [\[help\]](#)

DUPLEX

d. Will any structures be demolished? If so, what? [\[help\]](#)

YES



e. What is the current zoning classification of the site? [\[help\]](#)

LRI

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

NOT KNOWN

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

NOT KNOWN

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

YES - POTENTIAL SLIDE

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

16

j. Approximately how many people would the completed project displace? [\[help\]](#)

0

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

PROPOSAL INCREASES DENSITY

The entire parcel is mapped as an ECA Potential Slide Area. A portion of the site along the western edge contains an ECA Sleep Slope Critical Area. The applicant applied for and received a Limited Sleep Slope Exemption on August 5, 2015. (BM)

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

BUILDING PLANS WILL FOLLOW CURRENT LANDUSE CODES AS REVIEWED BY DPD

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

NONE

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

4 MIDDLE INCOME

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

2

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

PROPOSAL INCREASES DENSITY

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

30' TO ROOF

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

NONE

c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

FOLLOWING CODE

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

REFLECTION OF SUNLIGHT OFF WINDOWS DURING THE DAY

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

NO

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

NO

d. Proposed measures to reduce or control light and glare impacts, if any:

PROPOSED EXTERIOR LIGHTS OBSCURED. VEHICLE LIGHT BLOCKED BY FENCE.

**12. Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

MAGNOLIA MANOR PARK

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

NO

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

NOT KNOWN

**13. Historic and cultural preservation**

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

NOT KNOWN

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

NOT KNOWN

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

NOT KNOWN

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

NOT KNOWN

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

22ND AVE W PROVIDES NORTH/SOUTH. W DRAVUS PROVIDES EAST/WEST

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

BUS STOPS WITHIN 500' ON CORNER OF 22ND AVE W AND W RUFNER ST

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

4

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

NOT KNOWN

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

16 OUTGOING/INCOMING TRIPS

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

NOT KNOWN

h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

BIKE STORAGE AND 4 PARKING STALLS

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

YES - INCREASED DENSITY INCREASES DEMAND ON ALL SERVICES

b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

INCREASED DENSITY CLOSER TO CORE OF URBAN FABRIC INCREASES EFFICIENCY OF EXISTING SERVICES



16. Utilities

- a. Check utilities currently available at the site: [\[help\]](#)
- electricity  natural gas  water  refuse service  telephone  sanitary sewer
  - septic system,
  - other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

SEATTLE LIGHT - ELECTRIC  
PUGET SOUND ENERGY - GAS  
SEATTLE PUBLIC UTILITIES - WATER, DRAINAGE, WASTE REMOVAL  
TBD - TELEPHONE

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: *Einar Novom*  
Name of signee: ENAR NOVOM  
Position and Agency/Organization: ARCHITECT  
Date Submitted: Jul 1, 2015

This checklist was reviewed by:  
Breanne McConkie (BM)  
Land Use Planner, Department of Planning and Development

D. Supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.