

#3020860

LAND USE/SEPA DECISION APPEAL FORM

You do not have to use this form to file an appeal. However, if you do not use it, please make sure that your appeal includes all the information requested on this form. The appeal, along with any required filing fee, must reach the Office of Hearing Examiner, no later than 5:00 p.m. of the last day of the appeal period.

APPELLANT INFORMATION (Person or group making appeal)

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

2

Immediate Neighbors

1. **Suzanne Lasser M.D. (Representative)/Stephen Burns M.D. -2 adults;3 minors**
533 18th Ave East Seattle WA 98112

2. **Margaret Kineke/Dennis West-2 adults;1 minor**
607 18th Ave East, Seattle, WA 98112

3. **6.St. Joseph School-Patrick Fennessy, Principal**
Enrollment:600 students;458 families;75 staff
700 18th Ave. East, Seattle, WA 98112

4. **Patricia Wendt/Joe Wendt-4 adults**
601 18th Ave E., Seattle, WA 98112

5. **Jen Campbell/Mike Zak-2 adults;2 minors**
602 18th Ave East Seattle WA 98112

6. **Charlene Hampton-1 Seattle Housing Authority renter**

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1821 E. Mercer St.#7, Seattle, WA 98112

7. Samuel and Daniel Kiflu
1821 E. Mercer St, Seattle, WA 98112
Seattle Housing Authority renter

8. Mark Aalfs
523 18th Ave East Seattle WA 98112
aalfs@yahoo.com

9. Erika Tone
528 18th Ave East Seattle WA 98112
Erika.sophie.t@gmail.com

10. Kathrynne Torras
608 18th Ave East Seattle WA 98112

11. Alaine Nijenhuis 1715 East Mercer Street Seattle WA 98112

12. Kim Teraberry 532 18th Ave East Seattle WA 98112

13. Anne Guilfoyle 1701 East Mercer Street Seattle WA 98112
Apt 3

14. Monica Drummey 623 18th Ave East Seattle WA 98112

15. Judy Hirning 1710 East Mercer Street Seattle WA 98112

Representative #1: Suzanne Lasser M.D.
suzlasser@hotmail.com 206-595-8765

533 18th Ave East Seattle WA 98112

Representative #2 (alternate): Dennis West
west_dennis@comcast.net

607 18th Ave. East Seattle, WA 98112

DECISION BEING APPEALED

1830 E MERCER ST Seattle WA 98112

Project: 3020860 Zone: NEIGHBORHOOD COMMERCIAL 1-40',

Decision Date: 09/01/2016

Contact: KEVIN TABARI - (206)316-2647 x1 Planner: Beth Hartwick -
(206) 684-0814

- Adequacy of conditions
- Design Review and Departure
- Conditional Use
- EIS not required
- Major Institution Master Plan
- Other (specify: ADA compliance; Fire lane access and safety; safety of pedestrian exits and entrances; delivery truck entrance and exit safety to building; safety of vehicles needing ADA parking for building)
- Variance
- Adequacy of EIS
- Interpretation (See SMC 23.88.020) Short Plat
- Rezone

APPEAL INFORMATION

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

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

We are immediate neighbors and a school adjacent to the proposed 32-unit urban village.

We will be adversely affected by design flaws related to entrances and exits. The current design of exits and entrances to the apartment endangers pedestrians and may result in

unsafe vehicle drop offs and deliveries. The design is not up to current ADA standards. Also, we are concerned about property devaluation, construction disruption, renters' and retail traffic congestion.

Additionally, we are concerned about the omission of discussion of height/bulk/scale. We want public disclosure of proposed exits and entrances to the building and safe traffic flow plans of delivery trucks to the building, especially to the commercial spaces. We request further review of the decision to remove an exceptional tree.

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

1. Omission of Design Review Board to Address the Height/Bulk/Scale

According to the 9/1/2016 summary report of Beth Harwick Design Review Planner, the Design Review Board “failed to address the massing” of the new building and the transition of the building on the west side to a single family home neighborhood. All current buildings on 19th Ave East and nearby blocks are no taller than 4 stories. The most recently built commercial building is 4 stories tall (houses Cone and Steiner/ on 19th and East Mercer St.) A proposed urban village building (Project # 3019411) that will house Country Doctor Clinic and apartments on 19th Ave East between East Mercer St and East Republican Street plans to be 4 stories (and 8 apartments), more in scale with the neighborhood. The Design Review Board refused to allow the public to voice concerns on the bulk and massing of the building in public meetings. The Design Review Board did not comment on the height, bulk/ scale issue in their formal report. Immediate neighbors are upset about this omission because commenting on

the Bulk/Height/Scale is part of the Design Review Board's mission statement.

- 2. Omission of Design Review Board comments on both pedestrian entrances and exits, vehicle and delivery truck traffic flow to businesses on the property and the impacts of these flows in our immediate neighborhood in the formal report. No mention of citizen and Design Review Board members' concern about current office building ADA noncompliance. Immediate neighbors shared these concerns with the Design Board by letters, verbal discussion and emails.**

Although Design Review Board members verbally expressed safety concern about the pedestrian and vehicle entrances and exits of the proposed development during the #2 Public Design Review Board meeting (under the supervision of Bruce ~~Ames~~ ^{Rifes}), there is no documentation of this discussion in the formal report. The owner, Amanda Twiss admitted verbally to an immediate neighbor Suzanne Lasser MD, that the current office building on property (1818 East Mercer St) is ADA noncompliant. With the construction of a new apartment building, the proposed main access to medical and orthodontist offices in the existing building would require climbing at least 13 stairs on 19th Ave East. Immediate residents were concerned that clients, including children visiting the orthodontist office would access the building unsafely via the alley through back entrances. The alley abuts our single resident homes and St Joseph's School/Church property. We are worried about parents dropping off kids on a regular basis to the orthodontist office through the unsafe alley. There have already been issues cited of unsafe pedestrian conditions in the area; the existence of a school with 600 children and 75 employees exacerbates the situation. No mention about our entrance and exit design concerns or suggestions for corrections were mentioned in the Design Review Board summary.

The existing 1818 East Mercer Street office building is not required to

be ADA compliant due to its age but it has functioned as an ADA accessible building due to parking lot access. The solution proposed by the developer/architect is to have those clients needing ADA access to be routed to the apartment entrance. Then clients would need to be personally escorted by a tenant through the apartment building. This appears to be an onerous burden for both the existing business and those needing access who need to visit the businesses.

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

We believe reversal of the decision is needed followed by neighborhood engagement and public disclosure a new design for the exits and entrances. We request a new Design Review Board that is sensitive to ADA issues and pedestrian safety. We insist on public disclosure and discussion of the plans for delivery truck traffic flow to the building, including restaurant supply trucks, Amazon.com delivery and UPS trucks. Current delivery trucks illegally park in a fire lane on 19th Ave East (where the proposed bulb and expanded sidewalk will be) or in the alley. We would like trucks to have a prescribed parking spot and for the owners and future tenants to enforce these traffic plans. The building is in a school zone and immediate neighbors are worried about pedestrian safety and fire lane access from the current and future parking violations.

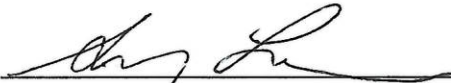
We also would like public discussion and Design Review Board comment on the height/bulk and scale of the building. We believe that with the removal of the exceptional tree and loss of visual green respite for immediate neighbors and the imposition of more traffic and green gas emissions to our families and school children compromise is needed. We would like a smaller scale building that could provide larger and wider ADA compliant parking spaces for office clients in the alley (identical to the parking spaces provided in the back of 19th and East Mercer St) Tallulah/Cone and Steiner building. We are very concerned that because the building

is in a school zone, that children and pedestrians may get hurt by the design flaws of entrances and exits.

Please note that we received advice from Disability NW and the City ADA Coordinator Holly Delcambre in April 2016. Both advised that we can file a Dept of Justice complaint based on our concerns about the entrances and exits. Pasted below is an excerpt of Holly Delcambre's e-mail to appellant Suzanne Lasser M.D. about this issue:

Regarding ADA access concern to a commercial building. Holly Delcambre Title II ADA Coordinator Holly.Delcambre@seattle.gov 206.615.0509 From: Delcambre, Holly Sent: Wednesday, April 20, 2016 8:15 AM To: 'suzanne lasser' Subject: RE: Inq 2016-00880 (1830 East Mercer St development) Commercial buildings fall under Title III of the ADA which prohibits discrimination, based on disability, in public accommodations.

From: suzanne lasser Sent: Tuesday, April 19, 2016 5:33 PM To: Delcambre, Holly Subject: Re: Inq 2016-00880 (1830 East Mercer St development) Current building is 1818 East Mercer St Seattle WA 98112 and is a private commercial building owned by Amanda Twiss and Glenn Macdonald. It houses a chiropractor, orthodontist, acupuncturist, and construction company. The owners plan to develop a 32 unit apartment building on 1818 East Mercer St's parking lot. Current building is not ADA accessible for all businesses and will become more inaccessible based on Design plans if new apartment (1830 East Mercer) is built on the parking lot. I was advised by Disability NW to file a complaint with the DOJ. Feel free to call me at 2065958765 to discuss Suzanne Lasser MD Sent from my iPhone On Apr 19,

Signature  Suzanne Lassar MO

Date 9/11/2016
Appellant or Authorized Representative

Deliver or mail appeal and appeal fee to:

City of Seattle

OFFICE OF HEARING EXAMINER

P.O. Box 94729

Seattle WA 98124-4729

SEATTLE MUNICIPAL TOWER - 700 5th Avenue, Suite 4000

Phone: (206) 684-0521 Fax: (206) 684-0536 www.seattle.gov/examiner



19th + East Mercer Building parking (alley)
Example of good design - safe alley
parking spaces



19th & East Mercer Building
Example of generous parking spaces
&
safe



Alley between 18th & 19th Ave East
Illegal delivery parking spot on a
regular basis.



Alley between 18th & 19th AVE East

19th Ave East
Illegal parking
along Finland



19th AVE EAST
Illegal parking along
Fire lane



19th AVE EAST
Regular illegal parking
by trucks along fire lane

