

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE
LIST OF EXHIBITS**

In the Matter of the Appeal of

Hearing Examiner Files

KELLYN VANDENBURG

No. **S-16-006**

From a Code Interpretation
issued by the Director,
Department of Construction
and Inspections

(SDCI PROJECT No. 3024188)

LIST OF EXHIBITS

All exhibits compiled on DVD. Exhibits that state specifically, “compiled on DVD” have not been printed.

Exhibit (1): Director's Rule 13-87

Exhibit (2): Ordinance 114875- **Compiled on DVD**- also contains exhibits 3 & 4

Exhibit (3): Council Bill 107099- proposed amendments dated December 18, 1989 & December 13, 1989- extracted from Exhibit 2

Exhibit (4): DCLU- Memorandum 840210- attached is the Director's Report for the Proposed Land Use Code Amendments Child Care Facilities- October 1988- Extracted from Exhibit 2.

Exhibit (5): Letter form Diane Davis- DPD Code Enforcement. Letter addressed to Kiki Vandenburg, dated October 30, 2015. Subject: 4620 South Findlay Street

Exhibits 6, 7, & 8 are stapled together

Exhibit (6): Request for Code Interpretation submitted by Kellyn Vandenburg- dated March 23, 2016

Exhibit (7): Email from Andrew McKim- Seattle DCI dated March 26, 2016. Response

to Request for Code Interpretation. Subject Line: Land Use Code interpretation relating to 4620 South Findlay Street

Exhibit (8): Email from Kellyn Vandenburg to Andrew McKim- dated March 29, 2016- Response to Andrew McKim's email dated March 26, 2016. Subject line: Land Use Code interpretation relating to 4620 South Findlay Street Email contains attachments- which are herein described as Exhibits 5, 9, 10, 11.

Exhibit (9): Scans of Historical Permits for the Magic Lantern Montessori child care center- 2001- **Compiled on DVD**

Exhibit (10): Additional permit information for Magic Lantern Montessori child care center- 2001- **Compiled on DVD**

Exhibit (11): Plan set for Permit No. 6317228. Note the exclusions or misleading information on page 2. "No changes to building use", "No changes to occupant load". Declines to mention the changes in site use or to adequately represent site conditions.- **Compiled on DVD**

Exhibit (12): Plan set for Variance Project No. 3021776- **Compiled on DVD**

Exhibit (13): Kellyn Vandenburg variance pre-submittal conference notes- original. Submitted for approval on December 16, 2015

Exhibit (14): Pre-submittal Conference Notes approved by DPD, Dated January 6, 2016

Exhibit (15): Variance questionnaire SDCI Project # 3021776, Dated February 1, 2016

Exhibit (16): Hearing Examiner File MUP-01-039

Exhibit (17): Magic Lantern Montessori Child Care Center's Occupancy Permit 2013

Exhibit (18): Email correspondence with Tom Bradrick, Diane Davis, Eric Jenkins, Eric Fleigel- South Precinct CPT- Email Subject Line: Regarding 4620 S. Findlay. Emails dated May 20, 2016 3:33 PM, May 26, 2016 1:36 PM, May 26 2016 4:30 PM, June 2, 2016 8:22 PM, June 2, 2016 7:10 PM. *Included with this exhibit are comments attached to the electrical permit that was likely issued to modify the exterior lighting and correct the "violation".

- Exhibit (19): Email correspondence between Diane Davis and Tom Bradrick -Subject Line "FW: 4620 S Findlay St" Dated March 20, 2015 8:32 AM, Email correspondence between Tom Bradrick, Alan Oiye and Diane Davis- Subject Line "RE: Question", Dated April 9, 2015 8:04 AM, Dated April 3, 2015 8:42 AM
Email Correspondence between Tom Bradrick and Kiki (Kellyn) Vandenburg- Dian Davis receives emails forwarded from Tom Bradrick- Subject Line "RE: Plans for permit 6317228", Dated April 15, 2015 12:57 PM, March 23, 2015 7:56 AM, April 22, 2015 8:57 AM, April 17, 2015 PM, April 22, 2015 9:26 AM.
- Exhibit (20): Email from Tom Bradrick re Sunday school- attached 2013 C of O. Email subject line is "An update". Dated March 19, 2015 2:47 PM
- Exhibit (21): SDCI Project # 3024188 site visit incomplete/not scheduled
- Exhibit (22): SDCI Project # 3021776- site visit completed- "no notes"
- Exhibit (23): Email between Arlinda Garcia and Dori Leslie re C of O- SFD- Subject Line "RE: 4620 S Findlay St"- Dated March 2, 2015 10:27 AM. Kiki (Kellyn) Vandenburg copied on email Dated March 5, 2015 10:22 AM
- Exhibit (24): Email thread "3021776 Fence Height Variance" between Carly Guillory and Kellyn Vandenburg, dated December 16, 2015 4:15 PM, December 17, 2015 12:08 PM, & December 17, 2015 12:08 PM
- Exhibit (25): Notice of Appeal Hearing- Hearing Examiner Files: MUP-16-021 (V) and S-16-006 (S), Dated November 1, 2016.
- Exhibit (26): Letter from the P-Patch Trust to Magic Lantern Montessori dated December 17, 2010. Clarifies oral license agreement and terms.
- Exhibit (27): Letter from Brenda Matter working with the P-Patch Trust to resolve the issues of the playground area- mentions an agreement with the church to develop the side yard.
- Exhibit (28): An outline developed in May 2007 highlighting the issues of where to locate Magic Lantern Montessori play area.
- Exhibit (29): Email from Ray Schutte "the trust is not responsible for the School". Additional letter from Ray Schutte outlining insurance coverage requirements.

- Exhibit (30): Letter from the P-Patch Trust to Magic Lantern Montessori outlining the issues and addressing there is no provision in the purchase and sale agreement for them to remain on their land.
- Exhibit (31): Evaluation of Smartphone Sound Measurement Applications
<http://scitation.aip.org/content/asa/journal/jasa/135/4/10.1121/1.4865269>
- Exhibit (32): Decibel reading taken on July 23, 2014- 50 ft. from the shared property line between 4608 S. Findlay St. and 4620 S. Findlay St.- first of two videos- decibel meter is on an iphone 4s.
- Exhibit (33) Decibel reading taken on July 23, 2014- 50 ft. from the shared property line between 4608 S. Findlay St. and 4620 S. Findlay St.- Second of two videos- decibel meter is on an iphone 4s.
- Exhibit (34) Decibel meter reading taken on October 6, 2016. iphone 4s is paired with sound level meter on loan from SDCI. Taken from an open window on the east side of residence located at 4608 S. Findlay St.- first of three videos
- Exhibit (35): Decibel meter reading taken on October 6, 2016. iphone 4s is paired with sound level meter on loan from SDCI. Taken from an open window on the east side of residence located at 4608 S. Findlay St.- second of three videos. This file is too large and will have to be provided on disc.
- Exhibit (36): Decibel meter reading taken on October 6, 2016. iphone 4s is paired with sound level meter on loan from SDCI. Taken from an open window on the east side of residence located at 4608 S. Findlay St.- third of three videos
- Exhibit (37): Decibel meter reading taken on June 30, 2016. iphone 4s near the 6 ft fence at the shared property line between 4608 S. Findlay St. and 4620 S. Findlay St. This video is too large and would not upload- a copy will be provided on disc.
- Exhibit (38): CAM 211A published in 1995 and 2001
- Exhibit (39): Property Data Sheet- Inspection performed by Tom Bradrick on March 11, 2015. Item is currently part of a public disclosure request as the earlier version was obscured with post it notes. Request Identification is C007676-121216- issues with processing payment- delivery delayed-

original copy supplied while waiting for clear copy.

- Exhibit (40): Photo of new council amendments to 23.44.022.D.2
- Exhibit (41): Hearing Examiner decision S-05-001
- Exhibit (42): DPD Brief in response to appellant's appeal of Land Use Code Interpretation- Project No. 2307637/Interpretation No. 04-005, HE File No. S-05-001
- Exhibit (43): Tip 118- "Making Sure Your Commercial Project Meets Seattle's Noise Ordinance Requirements
- Exhibit (44): CAM 108/Tip 108- published "Regulations Governing Child Care Centers"- published April 1991, January 1992, November 2001, October 14, 2004 and last updated March 7, 2007.
- Exhibit (45): Copies of reverse phone directories from 2000 and 2001 showing address details and associated businesses. 2000 shows listing for Rudolph Andrews III, The Counseling Place, and The Emergency Feeding Program. Listings for 2001 show no listings for Rudolph Andrews III, The Counseling Place or The Emergency Feeding Program but show one for Magic Lantern Montessori. **NOT NECESSARY TO PRINT- Compiled on DVD**
- Exhibit (46): Recent decision by DCI for an Administrative Conditional Use Permit- Project No. 302339- Address 6115 Beacon Avenue South
- Exhibit (47): Parcel data for above referenced church located at 6115 Beacon Avenue South- built in 1984
- Exhibit (48): Text between Kellyn Vandenburg and a neighbor- Diane Anderton – concerning the excessive volume of the New Light Christian Church's music on Sundays and Saturdays.
- Exhibit (49): Supporting Research/Documentation- **NOT NECESSARY TO PRINT- Compiled on DVD**

Photos from Polk Reverse phone directories dating back to 1923- no listings under parochial schools or private schools. Addressing and numbers only depict Findlay Street Christian Church as a church.

Historic Tax Rolls- show pictures of original buildings and use as

described as a church. Beginning in the 70's an exemption begins for a parsonage.

Historic photos from the Rainier Valley Historical Society. The photos all attest to the use of the building solely as a religious institution.

- Exhibit (50): Photo of an historic letter from a church located at 2508 S Graham Street describing the uses on site.
- Exhibit (51): Photo of an historic letter from a church located at 1720 S Forest Street describing the uses on site, conditions, restrictions, and limitations.
- Exhibit (52): Excerpt from SMC 25.08- Notes daytime and evening exterior sound level limits in residential zones

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KELLYN VANDENBURG

No. **S-16-006**

From a Code Interpretation
issued by the Director,
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(SDCI PROJECT No. 3024188)

LIST OF WITNESSES

Kellyn Vandenburg
4608 S. Findlay Street
Seattle, WA 98118
206-687-5351

Matthew Bartels
4608 S. Findlay Street
Seattle, WA 98118
206-680-8640

Gordon Pong
4611 S. Findlay
Seattle, WA 98118
number available upon request

* David S. George
12040 NE Lone Tree Ct
Poulsbo, WA 98370-7926
360-779-1702

* Thomas Bradrick
Inspector- Code Enforcement Division
Seattle Department of Construction and Inspections
Tom.Bradrick@seattle.gov
206-684-7689

* The appellant has contacted these witnesses but has yet to hear whether they are willing and able to testify.