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May 19, 2017

Ms. Sue Tanner  
Seattle Hearing Examiner  
700 5<sup>th</sup> Avenue, Suite 4000  
Seattle WA 98104

Re: Hearing Examiner File MUP-17-019(DR)  
Motion to Intervene by Richard Aramburu

Dear Ms. Tanner:

The undersigned moves for an order allowing his intervention into the foregoing appeal, based on the following.

The moving party has resided at 2201 Third Avenue, Apartment Number 2506 for nearly thirty years. The moving party's residence is within one block of the proposed development at 2031 Third, which would be plainly visible from the moving party's residence. See Departure Request, page 12, "View North on Third," attached hereto as Attachment A.

Further, as described herein, the moving party frequently walks in the vicinity of the project and uses nearby public spaces. The moving party filed comments on the application and opposed the issuance of any departures. See Attachment B. The appeal filed by Jack Nikfard challenges a departure from the requirements of SMC 23.49.058.E, which code provision limits the width of towers in certain downtown zones.

The criteria for intervention are found in Section 3.09(b) of the Seattle Hearing Examiner Rules:

The request must state how the person or entity making it is affected by or interested in the matter appealed and must demonstrate a substantial interest that is not otherwise adequately represented.

The moving party meets the standards of Section 3.09(b) for the following reasons.

1. **INTEREST IN THE MATTER APPEALED.**  
The proposed development will impact the views from the moving party's

residence that is about one block away. In addition, the moving party regularly and frequently uses public spaces in the vicinity of the proposed project by walking in the area, using public transportation and using and enjoying public spaces, including the park at the south side of the property at 2101 Fourth Avenue. The increase in the width of the building permitted by the departure from the Land Use Code will create view and aesthetic impacts and increased shadows on public places within the vicinity of the project, used by the moving party.

2. INTEREST NOT ADEQUATELY REPRESENTED BY THE EXISTING APPELLANT.

The appellant, Jack Nikfard, is an owner of a business, Swifty Printing, at 2001 Third. He represents commercial interests as a nearby business owner and plainly has standing to appeal.

The moving party's interests differ from those of the existing appellant. First, the residential interest described herein in the Belltown neighborhood, as to views and residential character, differs from that of a commercial property owner. Second, the moving party, as a frequent user of the local streets, transit and other public spaces, can address shadow, bulk and scale and aesthetic interests, especially those that would occur outside of commercial business hours. The construction of a building that is not compliant with basic code requirements for bulk and scale will adversely impact the residential and public interests of the moving party.

3. TIMELY APPEAL WITH NO DELAY OR PREJUDICE.

As indicated during the prehearing conference, the moving party meets the requirements of Section 3.09(c) of the Seattle Hearing Examiner Rules. Intervention will not delay the hearing process as the moving party accepts the schedule found in the Prehearing Order (PHO) issued in this case on May 17, 2017. The intervention motion is timely because it is submitted well before the deadline found in Section 3.09(b) of ten business days prior to the scheduled hearing (June 28, 2017). As described in the PHO, the applicant will have sufficient time to respond to the intervention motions. The moving party will endeavor to coordinate with other prospective intervenors to use hearing time efficiently. The rights of the applicant are not prejudiced as it will have sufficient time to respond to issues raised by the appellant and intervenors supporting their positions.

Based on the foregoing, the Hearing Examiner should grant the moving party's motion to intervene in this appeal.

Sincerely,



J. Richard Aramburu  
Applicant for Intervention