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6 BEFORE THE HEARING EXAMINER
7 CITY OF SEATTLE

8 In the Matter of the Appeal of:
9 DAVID M. MOEHRING,
10 from a decision issued by the Director,
11 Department of Construction and Inspections.

Hearing Examiner File:
MUP-17-023

Department Reference: 3026908
1532 NW 60th Street

12 APPLICANT'S MOTION TO
13 DISMISS LAND USE APPEAL

14 COMES NOW the applicant, Blueprint Capital ("Blueprint"), by and through its
15 undersigned attorneys, Brandon S. Gribben and Samuel M. Jacobs of Helsell Fetterman
16 LLP, and moves the Hearing Examiner to dismiss this land use appeal with prejudice.

17 **I. INTRODUCTION AND RELIEF REQUESTED**

18 This matter concerns an appeal of Seattle Department of Construction and
19 Inspections ("SDCI") Director's Decision (the "Decision")¹ that approved the proposed
20 short subdivision under permit #3026908 (the "Permit" or "Site") for the property located at
21 1532 NW 60th Street (the "Property"). The Permit sought to subdivide the Property into two
22 parcels of 3,149 square feet and 1,601 square feet. SDCI approved the Permit on May 25,
23 2017. David M. Moehring ("Appellant") filed an appeal of the Decision (the "Appeal")² on
24

25 ¹ The Decision is attached as Exhibit A.

² The Appeal is attached as Exhibit B.

APPLICANT'S MOTION TO DISMISS
LAND USE APPEAL - 1

**HELSELL
FETTERMAN**
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1 June 8, 2017. The Appellant, however, does not have standing to bring this Appeal and
2 failed to comply with the pleading requirements of HER 3.01. Hence, the Appeal must be
3 dismissed with prejudice.

4 II. STATEMENT OF FACTS

5 The Property is zoned Multifamily Lowrise 1 (LR1). On January 26, 2017,
6 Blueprint submitted the Permit to SDCI to subdivide one parcel into two separate lots. On
7 February, 6, 2017, SDCI posted the Notice issued for Land Use application. The Site went
8 through a period of public comments that ended on February 21, 2017. After the public
9 comment period and review by SDCI and other city departments, the SDCI Director issued
10 the Decision on May 25, 2017. On June 8, 2017, the Appellant filed the Appeal.

11 The Appellant has extensive experience appealing SDCI land use decisions having
12 appealed at least four separate decisions (including this one).³ He is familiar with the
13 pleading requirements set forth in HER 3.01, including the requirement that an appellant
14 must provide his address. In fact, the Appellant recently filed an appeal for the property
15 located at 3447 22nd Avenue West that included his address and other contact information
16 required by HER 3.01(d)(5), which states that an appeal must be in writing and contain the
17 following: "Signature, address, telephone and facsimile numbers, and electronic mail
18 address of the appellant and the appellant's designated representative, if any."⁴ In that
19 appeal, the Appellant listed his residential address as 3444 23rd Avenue West, which is
20 located directly adjacent to the project he appealed in that other matter.⁵ In this Appeal,
21 however, the Appellant failed to comply with HER 3.01(d) by omitting, among other
22 required information, his residential address. In addition, the Appeal fails to identify how
23

24 ³ The Appellant has also appealed permit numbers 30207730, 3026716 and 3027558.

25 ⁴ The Appeal for permit number 3020730 is attached as Exhibit C.

⁵ A map detailing the location of the Appellant's home, and the site for the prior appeal is attached as Exhibit D.

1 the Appellant is significantly affected by or interested in the Permit. Consequently, the
2 Appeal is ripe for dismissal because the Appellant lacks standing and failed to comply with
3 HER 3.01.

4 5 **III. STATEMENT OF ISSUES**

6 1. Should the Appeal be dismissed where the Appellant has failed to allege,
7 much less demonstrate, standing? Yes.

8 2. Should the Appeal be dismissed where the Appellant has failed to comply
9 with the pleading requirements for filing an Appeal under HER 3.01? Yes.

10 **IV. EVIDENCE RELIED UPON**

11 This motion is based upon the Decision, the Appeal, the file in this matter and the
12 exhibits attached hereto.

13 **V. AUTHORITY**

14 Under SMC 23.76.022.C, HER 3.01, and other applicable authority, there are several
15 basis for dismissing this Appeal. However, the simplest and the most compelling reason is
16 that the Appellant lacks standing to bring this land use appeal because he is not significantly
17 affected by or interested in the Permit authorizing the short subdivision. The Appellant has
18 also failed to comply with the pleading requirements of HER 3.01.

19 The Appeal should be dismissed because the Appellant lacks standing to maintain
20 this action. *See Friends of N. Spokane Cty. Parks v. Spokane Cty.*, 184 Wn. App. 105, 115,
21 336 P.3d 632, 636 (2014). Under SMC 23.76.022.C.2, “[a]ppeals may be initiated by any
22 person *significantly affected by or interested in the permit*” (emphasis added). Similarly,
23 HER 3.01(d)(2) requires that the appeal statement include “[a] brief statement as to how the
24 appellant is *significantly affected by or interested in the matter appealed*” (emphasis added).
25

1 The Appellant has failed to allege that he is either (a) significantly affected by, or (b)
2 interested in the Permit.

3 In addition, HER 3.01(d) provides in relevant part, that:

4 (a) Compliance with Rules. *All appeals must comply with these Rules* and with
the requirements established in the law under which the appeal is filed.

5 (d) Contents. *An appeal must be in writing and contain the following:...(5)*
6 *Signature, address, telephone and facsimile numbers, and electronic mail*
7 *address of the appellant* and the appellant's designated representative, if any.
(emphasis added)

8 While the Appellant signed the Appeal, he failed to provide any of the other information that
9 is required, including his address, presumably because it was so far removed from the
10 Property. Regardless, the Appellant's address is required to be listed in the Appeal because
11 it is necessary to demonstrate standing.

12 The Appeal alleges that the Appellant has the following interest in the Decision
13 being appealed:

14 1. Assuring the neighborhood density is regulated and limited to the intent of
the Code in terms of the number of dwellings and separate living units.

15 2. Assuring the privacy of the neighboring properties will not be encroached
16 by the overdevelopment of an individual property.

17 3. As stated by a 60th Street residents during the February 2017 comment
18 period, this development lot is allowed up to three dwellings/townhomes. Plans
19 were requested with the proposed subdivision to provide comment. No plans
20 were made available during the comment period (Exhibit 3). The neighbors
21 requested to be fully informed as to the intent of the subdivision, especially if
more than three units would be proposed as a result of the subdivision (Exhibit
22 4). The decision for this subdivision has been made applying the criteria
without full disclosed to the intended land use.

23 Each of these statements fail to demonstrate that the Appellant is significantly affected by or
24 interested in the Permit, which is required to demonstrate standing. The Appellant is in
25 essence trying to assert the legal rights of the neighbors to the Property, a group to which the
Appellant does not belong.

1 **A. The Appellant cannot establish standing by attempting to assure that the**
2 **neighborhood density is regulated and limited to the intent of Code.**

3 In the Appeal, the Appellant states that his first interest is to “[a]ssur[e] the
4 neighborhood density is regulated and limited to the intent of the [Seattle Municipal] Code
5 in terms of the number of dwellings and separate living units.” Raising issues with
6 “neighborhood density” and the “intent of the Code” is not a valid basis for establishing
7 standing. The SMC is clear that an appellant must allege and demonstrate that he is
8 significantly affected by or interested in the *Permit*, not a general interest in a particular
9 issue. Every appellant has an interest in a code or policy issue, otherwise there would be no
10 reason to appeal. To have standing, the appellant must have some relationship to the Permit,
11 beyond what any member of the public might have. The term “significantly” in SMC
12 23.76.022.C must be given meaning, and the logical inference is that an appellant must have
13 some interest or relationship to the permit, beyond what any member of the public might
14 have.

15 Even if the Appellant’s interest was specifically related to the Permit, the Appellant
16 still would not have standing to appeal because the Property is simply too far removed from
17 his residence. The Appellant’s residence (3444 23rd Ave W, #B, Seattle, WA 98199) is
18 more than 2 miles from the Project’s location at 1532 NW 60th St, Seattle, WA 98107; he
19 does not abut nor live in close proximity to the Project.⁶ *See London v. City of Seattle*, 93
20 Wn.2d 657, 660–61, 611 P.2d 781, 784 (1980). This distance alone is determinative of the
21 ultimate issue that the Appellant is not significantly affected by or interested in the Permit.
22 In addition, the Appellant has not provided any information related to his interests or the
23 alleged effects on him or his property. As a result, the Permit is not of significant interest to
24 the Appellant and does not significantly affect him.

25

6 A map detailing the location of the Appellant’s residence and the Site is attached as Exhibit E.

1 Likewise, having an interest in the proper application of the Seattle Municipal Code
2 is not a basis to establish standing unless the appellant has some relationship to the permit in
3 which that code provision is being applied.

4 Furthermore, the Appellant is required to clearly allege facts demonstrating that he is
5 a proper party to invoke judicial type review. *Friends of N. Spokane Cty Parks*, 184 Wn.
6 App. at 115. The fact that the Appellant resides over 2 miles from the Site demonstrates that
7 he lacks standing. *Id.* Put simply, the fact that the Appellant may disagree with how the
8 Code has been interpreted with respect to the Site is not enough to establish standing if he is
9 not in proximity to or has some other specific relationship to the Site. *See Greater Harbor*
10 *2000 v. City of Seattle*, 132 Wn.2d 267, 282, 937 P.2d 1082 (1997) (stating that merely
11 disagreeing with a decision based upon a person's interpretation of the SMC is not a
12 sufficient basis for standing).

13 **B. The Appellant's interest to protect the privacy of the neighboring properties is**
14 **insufficient to establish standing.**

15 The Appellant also claims to have an interest in "[a]ssuring the privacy of the
16 neighboring properties will not be encroached by the overdevelopment of an individual
17 property." As stated above, the Appellant is not immediately adjacent to, or in close
18 proximity of, the Project. His property is not a neighboring property as it is located over 2
19 miles away and separated by Salmon Bay. In addition, the Appellant has not established
20 that he has a unique legal right or privilege that was violated by the Decision. *Greater*
21 *Harbor 2000*, 132 Wn.2d at 282 (holding that the appellant had no standing because the
22 appellant did not present any argument establishing that it had a unique legal right or
23 privilege which was violated by the decision of the Seattle City Council.). Instead, the
24 Appellant is trying to assert the legal rights and privacy of others who live in the
25 neighborhood where the Site is located. Washington courts have clearly stated that a person

1 cannot assert the legal rights of another. *Id.* at 281. Thus, the privacy of other persons is not
2 sufficient to invoke Appellant's standing.

3 **C. The Appellant's interest as to what the Project's neighbors stated during the**
4 **comment period is inadequate to establish standing.**

5 The Appellant also claims to have an interest in the Permit because the Project's
6 neighbors purportedly were not informed of the intended development of the Property.
7 Similar to the Appellant's prior two attempts to demonstrate standing, the Appellant is once
8 again trying to assert the rights of other individuals. This assertion does not demonstrate
9 standing. *Greater Harbor 2000*, 132 Wn.2d at 281. The Appellant's allegation that the
10 comments made by the "60th Street residents" and "[t]he neighbors" were not addressed in
11 the Decision, establishes that the interest he is trying to protect are not his personal rights
12 and privileges. As a result, the third interest claimed by Appellant does not establish
13 standing.

14 **D. The Appellant did not comply with HER 3.01(d) by, among other things, failing**
15 **to state his residential address.**

16 Even if the Hearing Examiner determines that the Appellant has standing, the Appeal
17 must be dismissed because the Appellant failed comply with the pleading requirements of
18 HER 3.01. The SMC requires that "[i]n form and content, the appeal shall conform with the
19 rules of the Hearing Examiner." SMC 23.76.022.C.b. The Hearing Examiner Rules
20 mandate that the appeal must be in writing and contain, among other information, the
21 appellant's "signature, address, telephone and facsimile numbers, and electronic mail
22 address of the appellant..." HER 3.01(d)(5). The Appellant failed to include in the Appeal
23 his address, telephone and facsimile number, and his electronic mail address as required by
24 HER. Given Appellant's prior appeals of a project essentially adjacent to his residence in
25 Permit more than two miles from his residence, raises the issue of whether the failure to

1 include his address here was more than an oversight. Regardless, the Appellant's failure to
2 comply with the pleading requirements of HER 3.01(d)(5) is fatal and warrants dismissal of
3 his Appeal.

4 VI. CONCLUSION

5 The Appellant has woefully failed to demonstrate standing: The Appeal fails to
6 demonstrate that the Appellant is significantly affected by or interested in the Permit for the
7 short subdivision. In addition, the Appellant failed to comply with the pleading
8 requirements set forth in HER 3.01(d)(5). Each of these deficiencies is sufficient to warrant
9 dismissal of the Appeal. Thus, it is respectfully requested that the Hearing Examiner
10 dismiss the entire Appeal with prejudice.

11 Respectfully submitted this 22nd day of June, 2017.

12
13 HELSELL FETTERMAN LLP

14 By: s/ Brandon S. Gribben

15 Brandon S. Gribben, WSBA No. 47638

16 Samuel M. Jacobs, WSBA No. 8138

17 Attorneys for Applicant Blueprint Capital
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EXHIBIT A



City of Seattle

Edward B. Murray, Mayor

Department of Construction and Inspections

Nathan Torgelson, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3026908
Applicant Name: Dave Biddle
Address of Proposal: 1532 NW 60th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 3,149 sq. ft. and B) 1,601 sq. ft. Existing structure to be demolished.

The following approvals are required:

Short Subdivision - to create two lots. (Chapter 23.24, Seattle Municipal Code).

SITE AND VICINITY

Site Zone: Multifamily Lowrise 1 (LR1)

Public Comment:

The public comment period ended on February 21, 2017. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to compliance with zoning requirements and future development plans. Comments were also received that are beyond the scope of this review and analysis per SMC 23.24.



I. ANALYSIS – SUBDIVISION

General short subdivision standards: Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions, as modified by Chapter 23.24;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
3. *Adequacy of drainage, water supply and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of single-family dwelling units, townhouse, rowhouse, cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
8. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
 - d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall either have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the proposed new lot or lots to the alley that meets access standards for the zone in which the property is located.*

Conclusion

Based on information provided by the applicant, referral comments from SDCI and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The short plat application has been reviewed by Seattle Public Utilities and a *Water Availability Certificate* (WAC) was issued on February 12, 2017 (WAC ID No. 20170143). The site is not subject to the provisions of Section 25.09.240 since it is not located in a riparian corridor, wetland, wetland buffer, or steep slope area. There does not appear to be any reasonable alternative configuration of this plat that would better maximize the retention of trees than the proposed plat. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **GRANTED**.

CONDITIONS – SHORT SUBDIVISION

None.

Allison Whitworth
Seattle Department of Construction and Inspections

Date: May 25, 2017

AW:rgc
3026908.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.

EXHIBIT B

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In Re the Matter of the Appeal of:

DAVID M. MOEHRING, in the interest of
the neighbors to 1532 NW 60th Street,

From a Short Subdivision Decision Issued by
the Director, Department of Construction and
Inspections.

Hearing Examiner File No. MUP-17-____

SDCI Project No. 3026908

1532 NW 60th Street
1534 NW 60th Street

LAND USE DECISION APPEAL

COMES NOW the Appellant, David M. Moehring, in the interest of the neighbors to 1532 NW 60th Street and hereby files this land use decision appeal of the grant of a short subdivision to subdivide one parcel into two parcels of land. The 4,750 sq. ft. parcel to be subdivided is owned by Ecoworks Homes Inc. and recorded by King County as Parcel #: 2767603335 (hereafter “parent lot” or “Subject Property”). The proposed parcel sizes are: 3,149 sq. ft. (hereafter “Lot A”) and 1,601 sq. ft. (hereafter “Lot B”). Existing structure to be demolished. As recorded by the SDCI, the purpose of the short subdivision is to build a row house development of three (3) dwellings on Lot A and build one (1) dwelling on Lot B.

1 On May 25, 2017, the Seattle Department of Construction and Inspections (SDCI) issued
2 a land use decision to grant a short subdivision creating two lots from the parent lot on behalf of
3 Ecoworks Homes Inc. as submitted by David Biddle of Blueprint Capital (Exhibit 1). On the
4 same date, the SDCI posted the basis to grant the subdivision which requires applying all of the
5 criteria as listed in the "City of Seattle Analysis and Decision of the Director of the Seattle
6 Department of Construction and Inspections" (Exhibit 2).

7 The basis of this appeal is that, by code, this property can only be subdivided when all
8 of the Criteria has been met. Pursuant to the Seattle Municipal Code (SMC) section 23.24.040,
9 the following criteria have not been applied by the Director relative to this subdivision:

10 *1. The proposed subdivision yields the non-conformance to the applicable Land Use*
11 *Code provisions, as modified by Chapter 23.24; and*

12 *4. The proposed subdivision has not demonstrated how the public use and interests are*
13 *served by permitting the proposed division of land.*

14
15 Therefore, we, the Appellant, submit this appeal as a Type II decision to the Hearing Examiner,
16 who has the authority to consider the short plat subdivision decision and its impacts as outlined
17 in the Seattle Municipal Code Section 23.24.045 and other related land use codes.

1 As requested in a typical appeal form, the decision being appealed is included within the header
2 above; the name(s) of the Appellant and Authorized Representative are listed at the end of the
3 document; and appeal information has been provided in the following three sections:

- 4 ○ Section [A] – What is our interest in the decision (how affected by it?)
5
- 6 ○ Section [B] – What are our objections to the decision (errors, omissions, and
7 problems with the decision.)
- 8 ○ Section [C] – What relief do we want from the Hearing Examiner?
9

10
11 **APPEAL INFORMATION:**

12 A. Appellant interest in the decision. The Appellant, as expressed in the public comment
13 period for the proposed short subdivision to 1532 NW 60th Street, has the Following
Interest in the SDCI decision that improperly granted a Short Subdivision.

- 14 1. Assuring the neighborhood density is regulated and limited to the intent
of the Code in terms of the number of dwellings and separate living units.
- 15 2. Assuring the privacy of the neighboring properties will not be encroached
by the overdevelopment of an individual property.
- 16 3. As stated by a 60th Street residents during the February 2017 comment
17 period, this development lot is allowed up to three dwellings/ townhomes.
Plans were requested with the proposed subdivision to provide comment.
18 No plans were made available during the comment period (Exhibit 3).
The neighbors requested to be fully informed as to the intent of the
19 subdivision, especially if more than three units would be proposed as a
result of the subdivision (Exhibit 4). The decision for this subdivision has
20 been made applying the criteria without full disclosed to the intended land
use.

1 B. Appellant objections to the decision. In error, the City is seeking to approve a Short
2 Subdivision without fully applying the criteria to make such a decision.

3 The Subject Property subject to the appeal of the proposed land use short plat subdivision
4 decision is a Type II land use decision pursuant to SMC 23.76.002(G)(2). A Type II decision
5 made by the Director may be appealed to the hearing examiner. Therefore, this is a proper land
6 use appeal of the grant of the short subdivision into two parcels.

- 7 i. The SDCI decision to subdivide the property suggests that the owner / developer
8 has the right to build a residential dwelling on the parent lot behind three (3)
9 rowhouses, In fact, such as decision does not meet the criteria for short
10 subdivisions. Per SMC 23.24.040 - Criteria for approval - The SDCI Director
11 shall, after conferring with appropriate officials, use the following criteria to
12 determine whether to grant, condition, or deny a short plat:

13 (1) Conformance to the applicable Land Use Code provisions, as modified by
14 this Chapter 23.24.

- 15 ii. The SDCI decision is not conditional. It allows nonconformance with the SMC
16 23.84A.032(R)(20) regarding "*Rowhouse development*" which sets clear limitations
17 on multifamily residential use in which all principal dwelling units on the [parent]
18 lot must meet the following six (6) conditions. The decision, therefore, must stipulate
19 these conditions in the proposed lot subdivision. At least four (4) stipulated rowhouse
20 development conditions have been omitted from the land use decision. Specific
21 evident concerns of nonconformance to the Land Use Code 23.24 should be applied
22 in the criteria in the analysis of the Applicant's current submission includes rowhouse
23 development criteria as follows:

- 1 (1) each dwelling unit is attached along at least one common wall to at least one
2 other dwelling unit, with habitable interior space on both sides of the common
3 wall, or abuts another dwelling unit on a common lot line;
- 4 (2) the front of each dwelling unit faces a street lot line;
- 5 (3) each dwelling unit provides pedestrian access directly to the street that it
6 faces; and perhaps the most relevant,
- 7 (4) no portion of any other dwelling unit (except for an attached accessory
8 dwelling unit) is located between any dwelling unit and the street faced by
9 the front of that unit. This last paragraph, SMC 23.84A.032(R)(20)(f),
10 stipulates that rowhouses may not be located in front of others dwellings on
11 the same parent lot.

12 Without this criteria, there would not be
13 any way to discern a rowhouse
14 development to be different from a
15 townhouse development. This lot
16 subdivision is a precursor to the
17 Applicant's purpose to build a housing
18 unit behind the three (3) rowhouses.

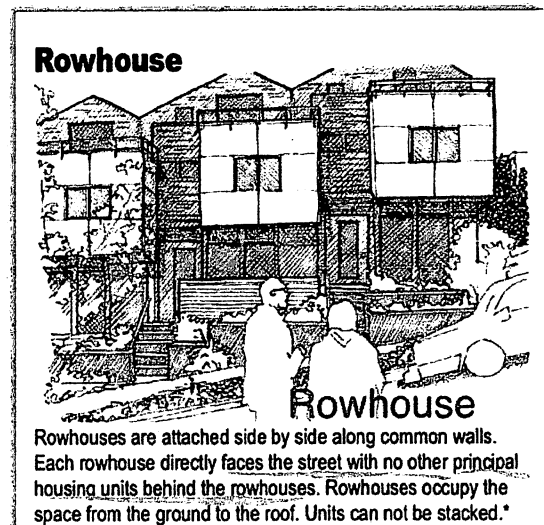


Figure 1- Excerpt diagram from the SDCI - for reference only - not binding to the code.

- 19
- 20 iii. The SDCI decision was based on an incomplete application. Under SMC
- 21 23.76.004(G)(2), a separate application is required for a short subdivision of
- 22 property in the City of Seattle. Under both the Code and state law, an application

1 for a short plat is not vested until the application is decreed complete by the City.
2 SMC 23.76026(b); RCW 58.17.033. The specific land use decision being appealed
3 is the Director's May 25, 2017 approval of the short subdivision of 1532 NW 60th
4 Street into two lots. (Exhibit 1)

5 iv. As referenced by SMC 23.24.045.C. Subsequent platting actions, additions or
6 modifications to the structure(s) may not create or increase any nonconformity of
7 the parent lot.

8 v. The permit and application history is relevant in demonstrating the lack of complete
9 information with the submissions and subsequent decision as recorded on the
10 public SDCI web site. this application may be summarized as follows:

- 11 1) On January 26, 2017, a Plan Set was issued to the SDCI showing the existing
12 parent lot to be subdivided. An existing early 1900's house and addition was
13 shown. The existing heritage house straddles both sides of the proposed
14 subdivision (reference site plans dated 1/24/17 in Exhibit 5, page 3 and 4).
- 15 2) On January 31, 2017, a Land Use application was submitted to the SDCI to
16 subdivide one parcel into two parcels of land.
- 17 3) On January 31, 2017, the Application was deemed complete by SDCI, despite no
18 information was provided on the intended change of use of the Subject Property
19 from a duplex to three rowhouses and a single-family residence.
- 20 4) On February 6, 2017, the Notice issued for Land Use application was posted by
21 the SDCI, stating only the following: "*Land Use Application to subdivide one
22 parcel into two parcels of land. Proposed parcel sizes are: A) 3,149 sq. ft. and
23 B) 1,601 sq. ft. Existing structure to be demolished.*" (Exhibit 6)

- 5) Between February 16 and March 15, 2017 Pubic Comments submitted by 3 individuals. No responses to these comments have been acknowledged or recorded.
- 6) On February 16, 2017 (before the close of public comment period), the SDCI creates a second address of 1534 NW 60th Street to existing address of 1532 NW 60th Street (Exhibit 7). This suggests the decision to accept the application for short subdivision has already been accepted.
- 7) As a point of reference, February 21, 2017 was the last day for public comments to be submitted on the Land Use application.

PASV - 6584024
1532 NW 60th Street
and
PASV - 3026908
Short Plat
for 1534 NW 60th Street

LEGAL DESCRIPTION: PARCEL A OF CITY OF SEATTLE
 SHORT PLAT NO. 3026908

TAX ID NUMBER: 2767603335

ZONE: LR1

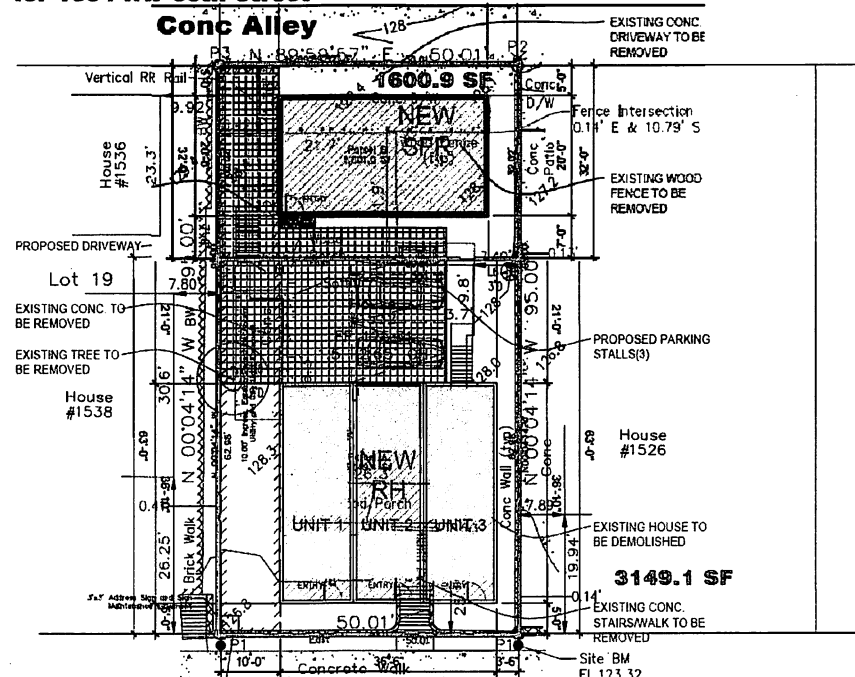


Figure 2- Full intent of the development was not disclosed with the application despite requests made by neighbors during the public comment period. The attached drawing above is a compilation of two (2) separate drawings submitted in piecemeal to the SDCI at different times. The square foot of the proposed subdivisions have been added to this compilation drawing for reference only.

- 1 8) On March 2, 2017, before a decision is determined, the Applicant submits a new
2 site plan with three (3) rowhouses. No public notice was provided with this
3 application, despite the requests for such information by the neighbors. This
4 submission of three rowhouses is only compliant with SMC 23.84A.032(R)(20)
5 if the rowhouses are not located between the street and any other dwellings within
6 the Subject Property.
- 7 9) One day later, on March 3, 2017 and under a separate address of 1534 NW 60th
8 Street, the Applicant submits a new site plan with a new single family home.
9 Again, no public notice was provided with this application. This submission was
10 made simultaneously with the three rowhouses, and is not compliant with
11 rowhouse developments per SMC 23.84A.032(R)(20).
- 12 10) On March 20, 2017, before the decision was determined on the lot subdivision,
13 the Applicant submitted for permit to “Demolish existing SFR. Construct new
14 three unit rowhouse with parking per plan.”
- 15 11) On March 25, 2017, also before the land-use decision was determined, the SDCI
16 accepted the application #6584024 to permit the Construction and Development
17 to “Establish use as rowhouses and construct townhouses, per plans.”
- 18 12) Finally, on May 25, 2017, the City issues a public notice regarding the Land Use
19 Application to subdivide one parcel into two parcels of land, and to demolish the
20 existing building. No notice is provided regarding the submission to add three (3)
21 row-houses and one (1) single family home on this site.

- 1 vi. The above notices and submissions appear to deceive the public as to the purpose
2 of the subdivision and noncompliance with SMC 23.24.040, SMC
3 23.84A.032(R)(20), SMC 23.24.045.C, and other applicable land use codes.
- 4 vii. The Subject Property is situated in the LR1 zone and per SMC23.45.512 as
5 amended in August 2015, only allows three dwellings within the parent lot of 4,750
6 square feet. Under SMC 23.45.512, Table A, the proposed short subdivision of the
7 parent lot that will accommodate three (3) townhouses on the original parent lot of
8 4,750 square feet. As such, the rowhouses and single family home may not be
9 labeled as townhouses and comply with the land use ordinances (Figure 3 below).
10 Footnote (1) of Table A for SMC 23.45.512 states: "When density calculations
11 result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero
12 additional units and any fraction over 0.85 constitutes one additional unit."
13 Therefore, it is clear from Table A that a site of 4,750 square feet, which describes
14 the subject property, may only be subdivided for three dwellings rather than four
15 rowhouse and single-family dwellings as apparent by the Applicant's overlapping
16 submissions. The math performed under the LR1 zoning table is 4,750 square feet
17 divided by 1,600 equals 2.97 units. Under the LR1 zoning code this is rounded
18 down to three units under the authority of SMC23.45.512(1).

23.45.512 - Density limits—LR zones

A. The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments, is shown on Table A for 23.45.512, except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and 23.45.512.G.

Table A for 23.45.512 Density Limits in Lowrise Zones				
Zone	Units allowed per square foot of lot area by category of residential use ⁽¹⁾			
	Cottage housing development ⁽²⁾ and single-family dwelling unit ⁽⁶⁾	Rowhouse development	Townhouse development ⁽⁴⁾	Apartment ⁽⁵⁾
LR1	1/1,600	1/1,600 or No limit ⁽³⁾	1/2,200 or 1/1,600	1/2,000 Duplexes and Triplexes only
LR2	1/1,600	No limit	1/1,600 or No limit	1/1,200 or No limit
LR3	1/1,600	No limit	1/1,600 or No limit	1/800 or No limit

Footnotes for Table A for 23.45.512

⁽¹⁾ When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

⁽²⁾ See Section 23.45.531 for specific regulations about cottage housing developments.

⁽³⁾ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.

⁽⁴⁾ For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

⁽⁵⁾ For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

⁽⁶⁾ One single-family residence meeting the standards of subsection 23.45.510.C and Section 23.45.526 may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.

Figure 3 - SMC 23.45.512 DENSITY LIMITS IN LR ZONES as adopted on August 10, 2015

- viii. Per SMC 23.22.054 regarding “Public use and interest”, “the Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication.” The ‘Livable Ballard’ organization has already determined that the housing goals set by the city for this area have been achieved. Nothing will be gained in overlooking the rowhouse development zoning criteria with this subdivision.

1
2 C. Relief Appellant seeks from the Hearing Examiner. The proposed decision by the
3 Director as issued and described herein should be reversed given the criteria to
approve cannot be based on incomplete and non-compliant to zoning standards.

4 Under SMC23.76.026(B), an application for approval of a short subdivision of land
5 “shall be considered under the land use code and other land use control rises in affect when a
6 fully completed application for such approval that satisfies the requirements of section
7 23.22.020(subdivision) or sections 23.24.0420 and 23.24.030(short subdivision) is submitted to
8 the Director.” Under the LR1 zoning in effect on the date of the application, only three
9 dwellings are allowed for a 4,750 square foot parent lot, not the four being sought by the
10 applicant.

11 Furthermore, RCW 58.17.030 is relevant here. RCW 58.17.03(1) states in relevant part:

12 A proposed division of land, as defined in RCW 58.17.020, shall
13 be considered under the subdivision or subdivision ordinance, and
14 zoning or other land use control ordinances, in effect on the land
at the time a fully completed application for preliminary plat
approval of the subdivision, or shorter plat approval of the short
subdivision, has been submitted to the appropriate county, city, or
town official.

15 In summary, the Director’s land use decision to subdivide the subject property into four
16 lots does not meet all of the required criteria to be applied by the Director pursuant to
17 SMC23.24.040. Thus, the hearing examiner should rule that the application is should be
18 conditional and is entitled to a three dwellings on the Subject Property, or resubmit the complete
19 intent of the developments proposed in compliance with the Land Use Codes.

20 The intentional manipulation of the code limits on low-rise multi-family density through
21 the subdivision of a parent lot must not be condoned by the SDCI Director and, as a reaction to
22

1 this appeal, by the Hearing Examiner. The selective application of the criteria for subdivision is
2 not permitted. In this case.

3 Based on the above arguments and submissions and exhibits, the appellant seeks the
4 following relief from the hearing examiner.

- 5 1. Reverse the decision to approve the land use given its noncompliance
6 with the zoning code for allowable dwelling units and configuration of
7 dwellings within a rowhouse development.
- 8 2. Request that development documents be submitted in their entirety for
9 the proposed short subdivision.
3. Access an appeal hearing for the review of all evidence in this matter.

10 DATED this eighth day of June, 2017.

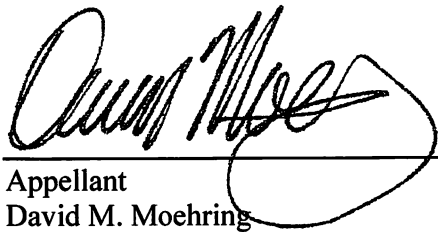
11 By 
12 Appellant
13 David M. Moehring

EXHIBIT C

Reference #: 3020730

Create Date: Jul 28, 2016 9:37 AM
Submit Date: Jul 28, 2016 5:46 PM
Status: Pending Acceptance
Type: Land Use Appeal
Contact Method: Email Attachment

Appeal Details

Address: 3447 22nd Avenue W
Decision Design Review; Environmentally Critical Area; Environmentally Critical Area Exception;
Elements: Subdivision; SEPA;

Interest: 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 adjacencies 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.

The neighboring properties object to land-use approval to (1)the proposed density; (2)misled waiver of soil stabilization areas 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

Objections: 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.

Desired Relief: 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

Contacts

1. **Appellant**
Name: David Moehring
Email: dmoehring@consultant.com
Phone: (312) 965-0634
Fax:
Address: 3444 23rd Ave W, #B , Seattle, WA, 98199
-

Uploaded Material

1. **Neighbors to BuildSound 3447 22nd 2016Jul27 signed.pdf**
Upload Date: Jul 28, 2016 5:24 PM
Submit Date: Jul 28, 2016 5:46 PM
 2. **Ganoff 7 17 15.pdf**
Upload Date: Jul 28, 2016 5:25 PM
Submit Date: Jul 28, 2016 5:46 PM
 3. **July 18 Notice and errored slope section.pdf**
Upload Date: Jul 28, 2016 5:27 PM
Submit Date: Jul 28, 2016 5:46 PM
 4. **Plan SetV4 comment22June.pdf**
Upload Date: Jul 28, 2016 5:28 PM
Submit Date: Jul 28, 2016 5:46 PM
 5. **Townhouses must be barrier-free SBC Summary.pdf**
Upload Date: Jul 28, 2016 5:32 PM
Submit Date: Jul 28, 2016 5:46 PM
 6. **DPD Low-rise Density May 2014.pdf**
Upload Date: Jul 28, 2016 5:35 PM
Submit Date: Jul 28, 2016 5:46 PM
-

FINAL

Hand-delivered on
July 29, 2016

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

July 25, 2016

Mr. Rob McVicars
Manager
BuildSound, LLC
1941 35th Avenue W
Seattle, Washington 98199

RE: Parcel 2770601540 50'x120' proposed subdivision

Dear Mr. Rob McVicars:

As neighbors to the property at 3447-9 22nd Avenue W, we mutually appreciate your company's investment and upgrades to Seattle's aged housing stock. Like you, we are interested in the long-term vitality and character of this area of Magnolia. Some of us have been in this neighborhood four decades, and others of us who have been more recently drawn to the admirable features of this community. Collectively, we are writing to share our thoughts about the pending land use and building permit that would *remove all existing trees* from the property while replacing the existing 1950's duplex with four stand-alone homes.

As such, we would like to appeal to you, as the owner and the builder of the above indicated property, to consider revising the proposed plans for this site considering the following:

- Careful reconsideration to save the existing trees between the alley and the street curb;
- Planting an equitable number and quality of replacement trees for those removed;
- Salvaging and protecting existing plantings and rock walls bordering the property;
- Avoid any alterations within the critical slope areas;
- Replacing concrete and asphalt with landscape and permeable paving;
- Reducing unfavorable building adjacencies; and
- Careful placement of windows for privacy with neighboring homes.

Mr. Rob McVicars

July 25, 2016

Page 2

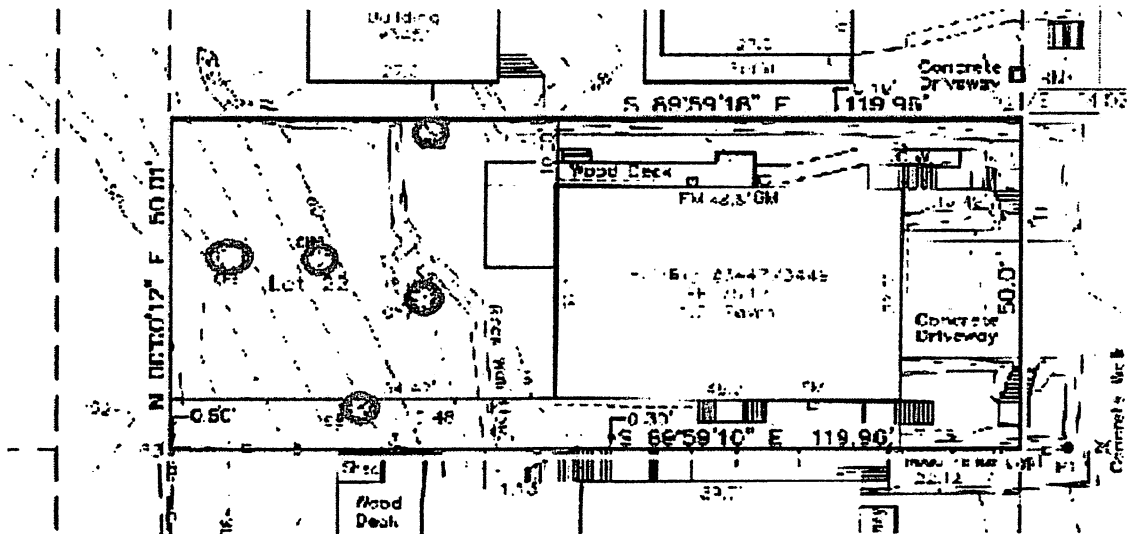
EXISTING TREES:

[Item T1] There are seven (7) existing trees listed on the Site Plan arborist report, yet the drawings only show five (5) existing trees (see Figure 1 on following page). Trees listed by arborist:

- 1.) 45' tall Engelmann spruce, 20' Drip Line
- 2.) 24' tall American plum, 20' Drip Line
- 3.) 30' tall Bermuda cedar, 20' Drip Line
- 4.) 24' tall Douglas fir, 8' Drip Line
- 5.) Two (2) 30' tall wild cherry trees, 18' Drip lines
- 6.) 15' tall apple tree, 20' Drip Line
- 7.) Other trees not identified on site plans.

[Item T2] Of the five trees shown on the Site Plan, *all are indicated to be removed* regardless of their relationship to proposed building locations. Given the contributions of trees to the areas eco-system, we (the neighbors) would like to save as many trees as possible. This will involve reconsidering the temporary excavations as currently shown on the site plan.

[Item T3] Thankfully, the property is a major contributor to trees within the area. The City of Seattle *Office for Sustainability of Environment* issued a 2007 **Tree Canopy** map demonstrating this asset (see Figure 2 on following page). Unnecessary removal of trees will adversely affect bird habitats and insect control, soil stability, air quality and carbon levels (a single growing tree can absorb CO₂ at a rate of 48 lb. per year). In addition, given the proximity of the BNSF railway, lush trees are a known means of dampening noise of the nearby trains. Accordingly, the proposed clear-cutting of trees and planting within this residential site will render a significant reduction in value to the proposed homes on the property as well as to us neighbors.



Seattle Parcel #2770601540

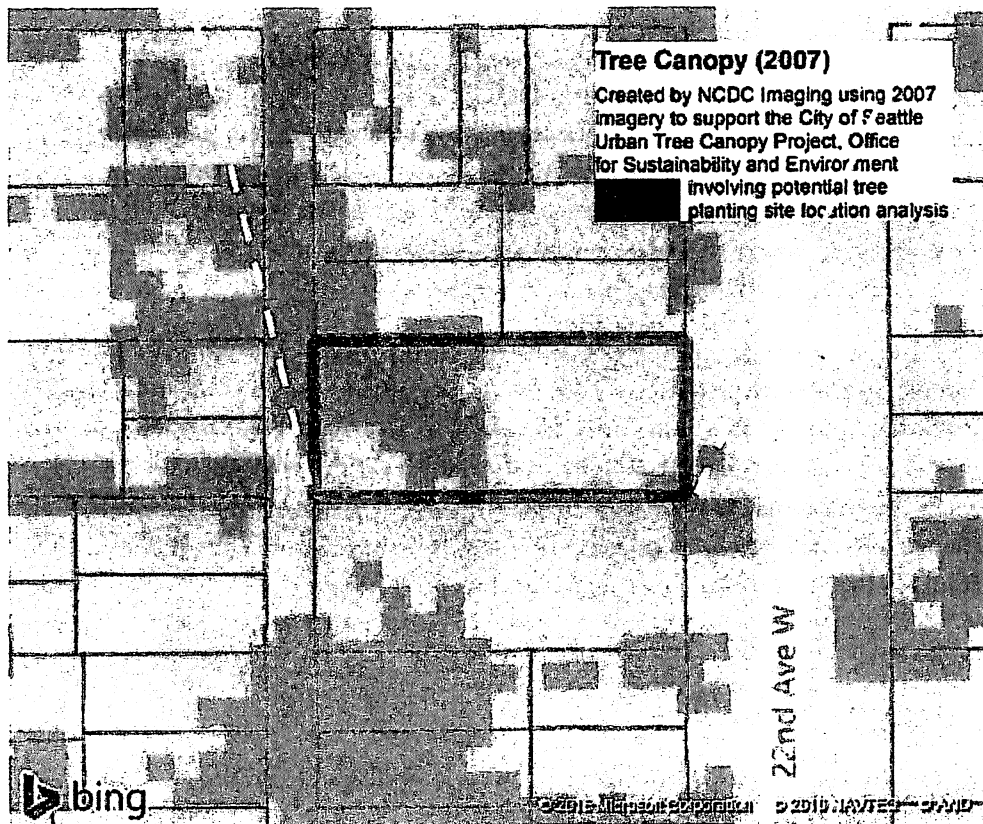


Figure 1 and 2: Existing Site Plan with only 5 of 7 arborist-indicated existing trees shown (above). And (below) the Seattle 2007 Tree Canopy map with property outlined in red.

Mr. Rob McVicars

July 25, 2016

Page 4

[Item T4] There exists at least two trees, noted as CH8 and S8, which are within close proximity of along the property boundary that should *not* be removed and should be protected from root or limb damage during construction.

[Item T5] There exists a tall tree at the street (not shown, but close to the property within Seattle Right-Of-Way) that is in good condition and that should be saved and protected during construction.

[Item T6] There exists at least two trees, both labeled as CH6, that are within the critical slope area (as shown within hatched area of Site Plan) that should *not* be removed. The new buildings are not within this portion of the site, and there appears to be no apparent reason to remove the trees within this area.

[Item T7] We understand the planting in the adjacent alley is undeveloped land that will not be harmed during excavation. This includes plantings being negatively affected by improper site grading or lack of erosion control. An arborist should be engaged with the contractors on site before construction begins. Those trees close to the property line should have their roots carefully pruned before excavation so the existing tree will survive. An arborist will likely indicate that such pruning take place only between the months of November to April in order to reduce possible exposure to bark beetle (pine) or other diseases.

[Item T8] One site plan drawing shows six (6) new trees being planted whereas other drawings only show four (4). In either case, for the reasons stated above, the number of trees replanted should at least be equitable relative to the trees that might be removed. The shrubs and bamboo potentially reaching 24-36" in height should *not* be considered equitable planting for this site and Magnolia region. We would ask that the proposed new Magnolia trees planted are of sufficient size and trunk diameter; and that a landscaper is designated to regularly care for new trees and plantings within the first year after construction to ensure their survival.

SOIL STABILIZATION:

[Item S1] There are existing rock walls running along the Seattle Right-Of-Way, as well as through the site, as well as along the north adjacent properties' common driveway easement. We trust it is BuildSound's intent to protect and maintain these existing rock walls. The drawing is unclear how these walls and steep grade changes are to be treated during and at the completion of construction.

[Item S2] We would like to keep any alterations within the site outside of critical slope areas as defined by the City. We are concerned about properties located up the hill directly to the west of the proposed temporary excavations, and especially within existing critical slope areas. Critical slope areas are best to be left undisturbed relative to possible seismic and mud-slide risks.

[Item S3] The drawing sections show the new soil / grade pitching at steeper slopes than the existing grade at buildings 3 and 4. The City should review not only existing pre-construction slopes, but also new slopes, as well.

LOW-RISE RESIDENTIAL DENSITY:

Some of the recent development along 22nd and 23rd avenues are unfortunate examples of *residential over-development* and the apparent disregard to livable, environmentally sustainable communities that Seattle residents have long cherished. As such, the City of Seattle has reduced its allowed density for properties such as this within low-rise residential lots.

[Item D-1] We understand that the density of four homes on this 1575-1600 square foot lot exceeds current code limits for these LR1 areas. Therefore, it is recommended to examine the market value of three homes on this site rather than the four 1460-1520 SF homes being proposed.

[Item D-2] Due to the close proximity of the proposed homes, privacy is a real concern. The window locations shown for the four properties within the site indicate bedroom floors looking directly across into other bedroom floors. The drawings also show large master bedroom windows (above tree heights) looking directly into the master bedrooms to the west properties. With shades drawn for privacy, windows will be ineffective in bringing daylight into the homes.

[Item D-3] The proposed homes includes a parking garage for each of the four properties. However, given the proximity of the buildings, it is unlikely that the occupants in buildings 1 and 2 will be able to reasonably maneuver their vehicles into their respective garages.

[Item D-4] The parking access to buildings 3 and 4 is not much better than the two buildings directly to the east within this property. The access to the garages of buildings 3 and 4 may be easier if these two buildings were located abutting each other rather than separated by the narrow 10-foot distance. In turn, building these two as abutting homes (as done in the existing townhomes to the north) would reduce the visual privacy issues, reduce the cost of exterior windows and siding, and would increase the ability to save existing trees near the north and south property lines.

Mr. Rob McVicars

July 25, 2016

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We recognize that this is your company's property and that BuildSound is permitted to build what the City finds acceptable relative to the requirements of the code. We have offered the above suggestions to maintain the living quality of this area so that people like yourself will make Magnolia their home for years to come. Please do not hesitate to contact us with your concerns regarding our questions.

Sincerely,

As follows, the Neighbors of 3447-9 22nd Ave West

Printed Name (s): David & Burcin Moehring
Signature(s): *David Moehring*
Resident/ owner address: 3444 23rd Ave W, #B, Seattle

Printed Name (s): Lewis P. Latimer
Signature(s): *Lewis P. Latimer*
Resident/ owner address: 3450 23RD AVE W., Seattle

98199

Printed Name (s): Katherine Walton
Signature(s): *K Walton*
Resident/ owner address: 3444 23rd Ave W #A, Seattle

(continued on next page)

Mr. Rob McVicars

July 25, 2016

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Printed Name (s): Nichelle Baxter

Signature(s): Nichelle Baxter

Resident/ owner address: 3443 22nd Ave. Seattle, Seattle

Printed Name (s): JOHN TUSHER

Signature(s): [Signature]

Resident/ owner address: 3453 22ND AVE W #A SEATTLE WA 98149, Seattle

Printed Name (s): ALICE LAURENS

Signature(s): [Signature]

Resident/ owner address: 3453 22nd Ave W Unit B, Seattle

Printed Name (s): Deborah Alt

Signature(s): [Signature]

Resident/ owner address: ~~3451~~ 3451 22nd Ave W #B, Seattle

Printed Name (s): Kristin & Ryan Cieslak

Signature(s): [Signature]

Resident/ owner address: 3451A 22nd Ave W, Seattle

Camacho, Rudy

From: Kristen Ganoff <kganoff@gmail.com>
Sent: Friday, July 17, 2015 9:21 AM
To: PRC
Subject: Project No. 3020730

This lot has large evergreen trees on it and directly adjacent to it. These trees were not mentioned in the SEPA checklist on the city permit website. Will they be evaluated by a city arborist and protected during construction?

--

Kristen Ganoff
(407) 473-1372

Seattle Department of Construction and Inspections

Nathan Torgelson, Director

July 18, 2016



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, 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.

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. 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 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. (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, 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). 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 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/. 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/ 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, 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.)

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

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

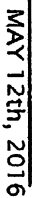
Sheet A1.0. Please adjust the Steep Slope Critical Area to be consistent with that shown on the attached site plan. Label this area as "Steep Slope Critical Area."
- 2 SMC 25.09.330 B.6. and SMC 22.170.070 B.2.c. Site Grading

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.





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

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

Dear Mr. Novlon,

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 standard 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.

Project# 3020730, Correction Notice# 3
Page 1 of 2

- 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.
it is at the end of the set, as DCI procedure requires for new sheets...see labels for unit number.
- 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.

ARCHITECTURAL NOTES:

(THE FOLLOWING APPLY UNLESS NOTED OTHERWISE ON THE PLANS)

1. ALL MATERIALS, WORKMANSHIP, DESIGN, AND CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, AND THE FOLLOWING APPLICABLE CODES USED IN THE DESIGN:

2012 SEATTLE RESIDENTIAL CODE
2012 WASHINGTON STATE ENERGY CODE
2012 SRS M1507 WHOLE HOUSE VENTILATION
SEATTLE STORMWATER, GRADING AND DRAINAGE CONTROL CODE

2. CONTRACTOR: SHALL VERIFY ALL EXISTING DIMENSIONS, MEMBER SIZES, AND CONDITIONS PRIOR TO COMMENCING ANY WORK. ALL DIMENSIONS OF EXISTING CONSTRUCTION SHOWN ON THE DRAWINGS ARE INTENDED AS GUIDELINES ONLY AND MUST BE VERIFIED.

3. CONTRACTOR: SHALL PROVIDE TEMPORARY BRACING FOR THE STRUCTURAL COMPONENTS UNTIL ALL FINAL CONNECTIONS HAVE BEEN COMPLETED IN ACCORDANCE WITH THE PLANS.

4. CONTRACTOR: SHALL BE RESPONSIBLE FOR ALL SAFETY PRECAUTIONS AND THE METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES REQUIRED TO PERFORM THE WORK.

5. DRAWINGS: INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION. WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAILS SHOWN, SIMILAR DETAILS OF CONSTRUCTION SHALL BE USED, SUBJECT TO REVIEW AND APPROVAL BY THE ARCHITECT/DRAWER.

6. ALL WOOD PLATES IN DIRECT CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESSURE-TREATED WITH AN APPROVED PRESERVATIVE. PROVIDE 2 LAYERS OF ASPHALT IMPREGATED BUILDING PAPER BETWEEN UNTREATED LEDGERS, BLOCKING, ETC., AND CONCRETE OR MASONRY.

7. PRESSURE TREATED LUMBER: ALL FASTENERS AND CONNECTORS THAT ARE IN CONTACT WITH PRESSURE TREATED LUMBER SHALL BE HOT DIPPED GALVANIZED WITH A MINIMUM COATING OF 0.00 (0.0004) PER ASTM A123 AND/OR ASTM A153. 304 OR 316 STAINLESS STEEL MAY BE SUBSTITUTED IN LIEU OF GALVANIZED PRODUCTS. NO STAINLESS STEEL PRODUCTS SHALL COME IN CONTACT WITH GALVANIZED PRODUCTS.

8. SECURITY FROM CRIMINAL ACTIVITY: DEAD BOLT (MIN. 1/2" THROWN) AND VIEWPOINT REQUIRED @ EXTERIOR DOORS. WINDOWS AND SLIDING DOORS WITHIN 10' OF GRADE SHALL BE PROVIDED WITH LATCHING DEVICES. ALL LOCKS SHALL BE OPENABLE WITHOUT SPECIAL KNOWLEDGE OR EFFORT.

9. CONSTRUCTION EROSION CONTROL MEASURES: MUST BE IN PLACE AND APPROVED BY DPO PRIOR TO ANY EARTH DISTURBANCE. CALL 624-8850 TO SCHEDULE AN INSPECTION APPOINTMENT.

10. NO SEDIMENT SHALL BE TRACKED INTO THE STREET OR ONTO PAVED SURFACES. SEDIMENT SHALL BE REMOVED FROM TRUCKS AND EQUIPMENT PRIOR TO LEAVING THE SITE. IN THE EVENT OF FAILURE OF EROSION CONTROL SYSTEM RESULTING IN SEDIMENT BEING TRACKED ONTO PAVED SURFACES, THE CONTRACTOR SHALL IMMEDIATELY IMPLEMENT MEASURES TO CORRECT THE SITUATION, AND STREET SWEEPING SHALL BE EMPLOYED ON AN EMERGENCY BASIS. IF STREET SWEEPING VEHICLES ARE UTILIZED, THEY SHALL BE OF THE TYPE THAT ACTUALLY REMOVES SEDIMENT FROM THE PAVEMENT.

LIST OF DRAWINGS
A1.0 GENERAL NOTES/LOT PLAN
A1.1 LANDSCAPE/PAVEMENT
A1.2 HEDRIT CALC. PLAN
A2.0 FLOOR PLAN
A2.1 FLOOR PLAN
A2.2 FLOOR PLAN
A2.3 FAR DIAGRAM
A3.0 ELEVATIONS
A3.1 ELEVATIONS
A3.2 ELEVATIONS
A4.0 BUILDING SECTION
A5.0 DETAILS

CSC CONSTRUCTION STORMWATER CONTROL
DCP DRAINAGE CONTROL PLAN

SURVEY
STRUCTURALS

TEAM NOTES

OWNER:
BUILD SOUND, LLC
1941 5TH AVE W
SEATTLE, WASHINGTON 98199
425.804.187

ARCHITECT/APPLICANT:
ENAR NOVON
3318 NE 120TH ST
SEATTLE, WA 98125
206.851.7922

LOT DATA

PROJECT ADDRESS:
3447 22ND AVE W
SEATTLE, WA 98199
PARCELS: 877601540
LEGAL DESCRIPTION:
GILMAN'S ADD
PLAT BLOCK 11
PLAT LOT 22
ZONE: LR1
LOT SQ FT: 00035F

PROJECT DESCRIPTION:
DEMOLISH EXISTING STRUCTURE. CONSTRUCT
(A) SFR WITH PARKING PER PLAN. STREET
ACCESS REQUIRED, AS ALLEY IS UNUSABLE
AND IMPROVED.

OPDR: 30297326484714

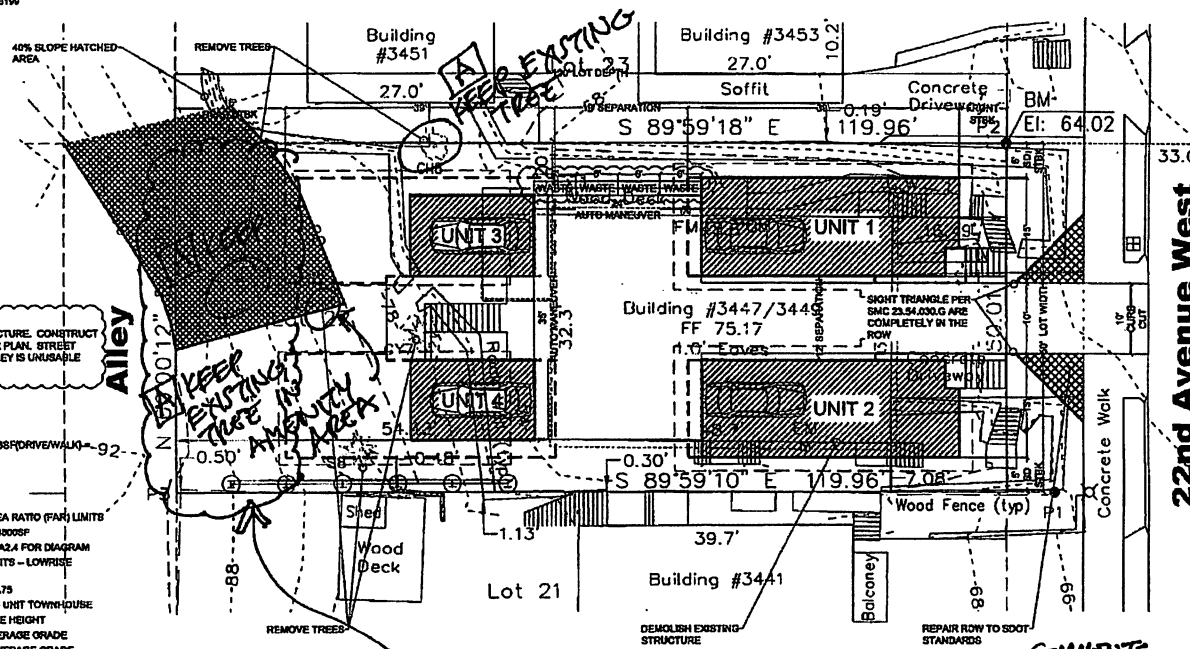
IMPERVIOUS COVERAGE:
22476F (BUILDING) + 17835F (DRIVE/WALK) = 92.30F
40305F

CODE COMPLIANCE:

SMC 23.45.510 FLOOR AREA RATIO (FAR) LIMITS
ALLOWED: 1.1 * 00035F = 000385F
PROPOSED: 6218.9 * SEE A2.4 FOR DIAGRAM
SMC 23.45.512 DENSITY LIMITS - LOWRISE
ZONES
ALLOWED: 6000/1800 = 3.33
PROPOSED: (2) SFR + (2) UNIT TOWNHOUSE
SMC 23.45.514 STRUCTURE HEIGHT
ALLOWED: 30' FROM AVERAGE GRADE
PROPOSED: 30' FROM AVERAGE GRADE
SMC 23.45.518 SETBACKS AND SEPARATIONS
REQUIRED FRONT: 7' AVG; 6' MIN
PROPOSED FRONT: 7' MIN
REQUIRED REAR: 7' AVG; 6' MIN
PROPOSED REAR: 16' MIN
REQUIRED SIDE: 5' NORTH; 6' SOUTH
PROPOSED SIDE: 5' NORTH; 6' SOUTH
SMC 23.45.527 STRUCTURE WIDTH/FACADE
LENGTH
ALLOWED WIDTH: 60'
PROPOSED WIDTH: 40'
ALLOWED LENGTH: 85' 120 = 75'
PROPOSED LENGTH: 75'

TREE ID FROM ARBORIST REPORT
1.) Prunus avium - wild cherry: 8.25" Diameter Breast
Height, 30' Tall, 10' Drip Line.
Not Exceptional
2.) Prunus americana - american plum:
8.25" Diameter, 24' Tall, 20' Drip Line
Not Exceptional
3.) Juniperus horizontalis - horizontal cedar:
5.175" Diameter, 30' Tall, 20' Drip Line
Not Exceptional
4.) Pseudotsuga monticola - douglas fir:
8.25" Diameter, 24' Tall, 8' Drip Line
Not Exceptional
5.) Prunus avium - wild cherry: 11.2" Diameter,
30' Tall, 10' Drip Line
Not Exceptional
6.) Malus domestica - apple tree: 8.81 Diameter,
10' Tall, 10' Crown, 20' Drip Line
Not Exceptional
7.) Picea engelmannii - Engelmann spruce: 11.82
Diameter, 45' Tall, 20' Drip Line
Not Exceptional

CURRENT: VERSION 4



SITE IS DESIGNATED AS ENVIRONMENTALLY CRITICAL DUE TO POTENTIAL SLIDE AREA DUE TO GEOLOGIC CONDITIONS AND STEEP SLOPE

GRADING MUST BE STABILIZED BY OCTOBER 31ST, AND NO EXCAVATION OR FILL PLACEMENT BE PERFORMED BETWEEN OCTOBER 31ST AND APRIL 1ST.

REPAIR ROW TO SOOT STANDARDS
STREET TREES UNDER SEPARATE DOT PERMIT AND CONFORMED WITH CITY ARBORIST

COMMENTS
JUNE 22, 2016

WHY DISTURB/REPLACE MATURING TREES IN THIS PART OF SITE WITH NO NEW CONSTRUCTION & NO NEW RETAINING WALLS?

SEE A1.1 & TOP SURVEY OF CHERRY OR APPLE TREES THAT SHOULD REMAIN

SEE SHEET A1.2 FOR EXCESSIVE TEMPORARY EXCAVATION LINES. INSTEAD, WHY ARE TEMP. EXCAVATIONS DEEP ON WEST END & SHALLOW ON NORTH PLAN SOUTH?

WORKSHOP
i.p.b.

SEATTLE
UNIVERSITY
OF WASHINGTON
SCHOOL OF ARCHITECTURE

3447 22ND AVE W
SEATTLE, WA 98199

DATE: PRELIM 05.26.16
SEPA 07.22.16
INTAKE 08.04.16
REVISED 09.14.16
REVISED 02.21.16
REVISED 02.11.16

SITE PLANS

A1.0

1"=30' SCALE

308.4

adjacent to doors (24") and glaz-
floor – see code for other haz-
s.

nt to stairs and stair landings.

HT REQUIREMENTS

303

r natural light must be 8 percent
ception for artificially

REQUIREMENTS

806

ng per 150 sq. ft. of area to be
in be reduced to 1/300 if ventila-
ed in the upper portion of this
ed.

- Minimum floor area for sleeping room is 70 sq. ft.
- 7' minimum width for habitable room.

8. TOWNHOUSES

- SRC R105.5.2.2 – Townhouses will require preparation by a licensed design professional.
- SRC R302.2 – Townhouses shall be separated by two one-hour fire-resistive walls or a common two-hour fire-resistive wall that contains no plumbing or mechanical equipment.
- SRC R320 – Townhouse structures having four or more dwelling units are subject to barrier-free provisions of Chapter 11 of the IBC.

9. MISCELLANEOUS REQUIREMENTS

Attic Access

Reference: SRC R807

- Opening to be 22" x 30" minimum.
- Attic headroom to be 30" at access.

((Table A for 23.45.512: Density Limits in Lowrise Zones))

Table A for 23.45.512 Density Limits in Lowrise Zones				
Zone	Units allowed per square foot of lot area by category of residential use (1)			
	Cottage Housing Development ((+)) (2) and Single-family Dwelling Unit	Rowhouse Development (3)	Townhouse Development ((2)) (4)	Apartment ((3)) (5)
LR1	1/1,600	<u>1/1,600</u> or No limit.	1/2,200 or 1/1,600	1/2,000 Duplexes and Triplexes only
LR2	1/1,600	No limit.	1/1,600 or No limit	1/1,200 or No limit
LR3	1/1,600	No limit.	1/1,600 or No limit	1/800 or No limit

Footnotes for Table A for 23.45.512

(1) When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

~~((+))~~ (2) See Section 23.45.531 for specific regulations about cottage housing developments.

(3) The density limit for rowhouse development in LR1 zones shall apply only on lots less than 5,000 square feet in size.

~~((2))~~ (4) For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

~~((3))~~ (5) For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.



Neighbors to builder regarding 3447 22nd Ave W four homes

From: "David Moehring" <dmoehring@consultant.com>
To: "Rob McVicars" <rob@buildsound.com>
Cc: "David Moehring" <dmoehrin@uw.edu>, "Eric Buxton" <ericbuxton@gmail.com>, "Katherine Walton" <waltonkc@gmail.com>, pclatimer@comcast.net, altdeborah@yahoo.com, ryancleslak@gmail.com, kmains@gmail.com, "John Tusher" <johntusher@gmail.com>, "Peter Weiss" <peter04@comcast.net>, "Kristen Ganoff" <kganoff@gmail.com>, burchdave@aol.com, BreAnne.McConkie@seattle.gov, "Graves, David" <David.Graves3@seattle.gov>
Date: Aug 1, 2016 9:00:24 AM

Good morning, Rob-

Thank you for meeting with me on Friday. It is unfortunate that this permit has taken as long as it has, as you are very eager to move forward, I know.

Although I am not directly aware of the circumstances, the immediate neighborhood has had unpleasant experiences with builders in the recent past due to construction "field work" that has inconvenienced their families/ properties. Even after construction, several of us are seeking some means of reducing the longer-term implications to the development of this property. Collectively, we are not convinced the property is aligned with Seattle codes and SDOT requirements. That is why I have decided to appeal the notice of decision sent to us a couple weeks ago.

I am confident that you are a builder with integrity as evident from our walk through. We believe the best way to avoid confrontations with your builders is to address and clarify the drawing ambiguities ahead of time. There appears to be too many questions regarding the Seattle requirements and undefined soil stabilization issues in the latest set of permit documents. Perhaps it would be good, if in your mutual interest, to meet with interested neighbors and go over the concerns identified in the letter to BuildSound.

Summary of concerns include:

1. Original permit submission had a duplex and 2 single-family homes. The latest submittal shows 4 single-family homes. Yet, the current city code for LR-1 zones allows only 3 dwellings on a lot of approx. 6,000 square feet. We would like to see only 3 single-family homes; or, if allowed by City rulings, return to the original density of 1 duplex and 2 single-family.
2. Show proposed vehicle maneuvering arriving and departing from the garages to assure 4-cars will park within the site.
3. Stake property boundaries and engage arborist and show all trees on the floor plans, saving trees bordering adjacent properties; save plantings and retaining stone walls on Seattle ROW; and revisit the site to mark all plantings to remain and the pruning strategies. This would include protecting roots of existing trees could be damaged during excavation – especially at soil stabilization, and critical slope areas.
4. It appears the proposed piling along the south property line should be moved to north and additional piling may be needed between the amenity area and the western most foundations. Falling of trees whose roots extend into the alley and adjacent properties will likely result in damages to areas outside your property.
5. Identify who the City Arborist is identified on the drawings and the approved Seattle ROW work. How is your SDOT contact familiar with the project #3020730?
6. Revise proposed window locations and sizes looking into adjacent bedrooms.

Sincerely,
David Moehring
3444 23rd Ave W, #B
Seattle

Attachments

- Neighbors_to_BuildSound 3447_22nd_2016Jul27_signed.pdf

EXHIBIT D

EXHIBIT E

