

LAND USE/SEPA DECISION APPEAL FORM

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

APPELLANT INFORMATION (Person or group making appeal)

1. **Appellant:**

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

RECEIVED BY
2018 MAR 26 PM 3:42
OFFICE OF
HEARING EXAMINER

Name 98 Union Homeowners Association
Address 98 Union Street
Seattle, WA 98101
Phone: Work: 2066249923 Home: _____
Fax: _____ Email Address: Kelly@98union.com

2. **Authorized Representative:**

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name John Gleason, President
Address 98 Union Street, #307
Seattle, WA 98101
Phone: Work: 2067998177 Home: _____
Fax: _____ Email Address: john.g@secprop.com

DECISION BEING APPEALED

1. **Decision appealed** (Indicate MUP #, Interpretation #, etc.): MUP # 3029782
2. **Property address** of decision being appealed: Unaddressable
3. **Elements of decision being appealed.** Check one or more as appropriate:

<input checked="" type="checkbox"/> Adequacy of conditions	<input checked="" type="checkbox"/> Variance
<input checked="" type="checkbox"/> Design Review and Departure	<input checked="" type="checkbox"/> Adequacy of EIS
<input checked="" type="checkbox"/> Conditional Use	____ Interpretation (See SMC 23.88.020)
____ EIS not required	____ Short Plat
____ Major Institution Master Plan	____ Rezone
<input checked="" type="checkbox"/> Other (specify: <u>Inadequate consideration</u>)	

(over)

APPEAL INFORMATION

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

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

See Exhibit A

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

See Exhibit A

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

See Exhibit A

98 Union Home Owners Association

Signature

John Shearman, President

Date 3/26/18

Appellant or Authorized Representative

JS

Deliver or mail appeal and appeal fee to:

**City of Seattle
OFFICE OF HEARING EXAMINER
P.O. Box 94729
Seattle WA 98124-4729**

**SEATTLE MUNICIPAL TOWER - 700 5th Avenue, Suite 4000
Phone: (206) 684-0521 Fax: (206) 684-0536
www.seattle.gov/examiner**

Exhibit A

98 Union Home Owners Association Appeal of Viaduct Demolition Noise Ordinance Variance MUP #3029782

1. WHAT IS YOUR INTEREST IN THE DECISION? (STATE HOW YOU ARE AFFECTED BY IT.)

- a. 98 Union Home Owners Association is an association of 75 residential condo owners who are located at the intersection of First Ave & Union Street. Our proximity to the Alaskan Way Viaduct and the two ramps (at Seneca & Columbia Streets) will mean that work will be occurring in our vicinity for an extended period. We believe that the variance to the noise ordinance allowing late night work, left unmodified, will result in our owners' inability to sleep.

2. WHAT ARE YOUR OBJECTIONS TO THE DECISION? (LIST AND DESCRIBE WHAT YOU BELIEVE TO BE THE ERRORS, OMISSIONS, OR OTHER PROBLEMS WITH THIS DECISION.)

- a. When granting the variance, the Director failed to adequately consider that the ambient noise drops to zero normally during the early morning hours and thus the introduction of frequent spikes throughout the night of construction trucks, generators, equipment staging, debris moving, etc. relative to the background noise will be much greater and more apparent than during the time of day than when the background noise is routinely high (traffic, sirens, various construction projects, home appliances, etc.). The failure of the Director to consider this will result in months of thousands of people unable to sleep in hotel rooms, apartments, and condos that populate the vicinity of the Viaduct & Seneca/Columbia ramps.

3. WHAT RELIEF DO YOU WANT? (SPECIFY WHAT YOU WANT THE EXAMINER TO DO: REVERSE THE DECISION, MODIFY CONDITIONS, ETC.)

- a. No "impact work" to occur between the hours of 2200 and 0700.
- b. The demolition of the two ramps to occur simultaneously to minimize the duration of the noise in the community.
- c. Prohibit occurrence of work between the hours of 2200 and 0700 that is louder than inspections, worker assembly, safety briefings, briefings, utility locating, etc.
- d. Establish a City of Seattle "Hotline" (phone, email, & online form) to which people can report noise ordinance violations.
- e. Dedicate a City of Seattle ombudsperson to be available each night between the hours of 2200 and 0700 to investigate complaints in real time.
- f. Provide for fines for violations that are increasingly punitive for the contractor(s) found violating the noise ordinance.
- g. Provide quarterly updates to residents by post cards and reiterate the HOTLINE and the number of violations and sum of fines during the prior month and project to date. The quarterly update would also present the updated schedule and identify the areas in the path of impact in the coming quarter.
- h. Post weekly updates on a website reporting the progress, the seven day look forward construction work.