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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In Re: Appeal of the City of Seattle’s
Department of Planning and
Development’s SEPA Mitigated
Determination of Non-Significance for
Proposal #3014675, to be located at
2414-2424 55th Avenue Southwest

No.

DECLARATION OF MARTIN E.
McQUAID IN SUPPORT OF
ALKI NEIGHBORHOODS FOR
SENSIBLE GROWTH’S
SEPA APPEAL STATEMENT

ALKI NEIGHBORHOODS FOR
SENSIBLE GROWTH, a Washington
Unincorporated Association,

Appellants,

v.

CITY OF SEATTLE, a Washington
Municipal Corporation;

Respondent,

and

ALLOY DESIGN GROUP, LLC, a
Washington Limited Liability Company;

Applicant,

and

PLUMA HOMES, LLC, a Washington
Limited Liability Company;

Property Owner.

1 1. I, Martin McQuaid, am a resident of 2430 55th Ave. SW in Seattle, Washington
2 and am competent to make the following declaration upon personal knowledge. The
3 proposed multi-family housing complex is located at 2414-2424 55th Ave. SW
4 immediately adjoining my home and property.

5 2. Alki Neighborhoods for Sensible Growth (“ANSG” or the “Association”) is an
6 unincorporated association of more than 25 current residents seeking to protect their
7 homes from the impacts of misguided development decisions and specifically in
8 opposition to MUP #3014675 the proposed development as it is now configured (the
9 “Project” or the “Proposal”). I am the acting Manager of the Association and make this
10 declaration on behalf of myself and the entire Association.

11 3. *Standing.* All members of the Association reside in the immediate vicinity of the
12 Project and have a very real interest in the Project, as they will experience negative
13 impacts to their homes and properties if the Project is allowed to proceed. Members of the
14 Association, including myself, participated in and attended the SEPA Environmental
15 Determination Public Meeting (the “Meeting”), or submitted written and verbal comments
16 to Seattle Department of Planning and Development (“DPD”), host of the Meeting.

17 4. *Failure to Provide Notice of Project Decisions and Area Zoning.* Throughout the
18 SEPA Meeting, all members were advised that each would receive notice of any DPD
19 decision in a timely manner sufficient to allow administrative appeals as necessary.
20 Subsequent to the Meeting, *and without notice of any type to any member or myself*, DPD
21 approved a Lot Boundary Adjustment (“LBA”), which reconfigured the parcels in a
22 bizarre manner and created small lots out of normal-sized lots in an effort to make the
23 property appear to qualify for rowhouse development, and thereby achieve greater height,
24 scale and density under the Land Use Code. This action dramatically changed our
25

1 neighborhood and what could be built here, which now is completely different from what
2 was permitted in the past.

3 5. Just as important, no notice of the recent zoning change of our neighborhood was
4 received by myself or any ANSG member with whom I have spoken. The change of
5 zoning to our singlefamily area to permit the Project was a surprise to residents of the
6 neighborhood. The position that “zoning allows the Project” rings hollow when the
7 zoning is changed with no opportunity for input or challenge.

8 6. DPD’s failure to provide adequate notice to our community also carried over to
9 project-specific posted notices in the neighborhood. DPD has published regulations
10 addressing proper notice for land use applications. Specifically, Notice Boards are to be
11 positioned as near the middle of the project as possible in a position to be viewed from the
12 affected streets. DPD is supposed to monitor and approve signage. However, the Notice
13 Board for this Proposal was placed on only one of the adjacent streets, to the far left side
14 of the north parcel of three parcels involved, behind a tree limb, seemingly situated
15 purposefully in an area in which it could not be seen well and certainly positioned in a
16 way that it did not apprise anyone that the adjoining 3 lots were involved. No signage was
17 provided on the other adjacent street. This signage was completely ineffective at
18 providing notice and did not comply with regulatory requirements.

19 7. *Significant Adverse Environmental Impacts.* Contrary to DPD’s Decision, the
20 likely adverse environmental impacts of this Proposal on the surrounding community
21 would be significant. Just to cite a few:

22 (a) *Light, View Airflow and Privacy.* The absence of any meaningful front yard
23 setbacks is a real problem here. The proposal will put at least two homes in a dark shadow
24 by virtue of the height and close proximities to adjacent homes. No privacy will remain
25 for the neighboring properties. Although the developer has stated that views would not be

1 destroyed, this is grossly misleading. The neighborhood enjoys “view corridors” to Alki
2 Beach and the water, which will be destroyed by the Proposal. In fact, the proposal will
3 create a dark shadow over one home entirely , and block critical air flow for cooling and
4 vegetation. The proposed project will create a wide and tall towering wall the entire length
5 of the neighboring property, cutting it off from the rest of the neighborhood and
6 destroying the patio, deck and outdoor living areas of the neighboring properties. Property
7 behind the proposed project that now enjoys sunshine on its community garden will not
8 get sunshine again as the project will block daylight completely and put the street of
9 Wickstrom Place mostly in shadow. This partial and complete shadow effect will
10 eliminate air flow, light and views, not to mention the open air available for the entire
11 neighborhood. It will destroy the neighborhood feel and the community garden which, of
12 course, zoning is specifically designed to encourage.

13 (b) *Storm Water Flooding.* Calculations of storm water runoff and the additional
14 burden to the storm drainage system serving the subject property demonstrate a serious
15 problem will result from the proposed development. Already any below-grade areas are
16 flooded during large runoffs since the existing sewer cannot handle the load. Moreover,
17 the runoff is intended to go directly to Puget Sound a few hundred feet away, thereby
18 degrading water quality. During overflows, the combined sewer system discharges raw
19 sewage, polluting the Sound even more. What ANSR members know all too well from
20 experience is that flooding already occurs, and approval of this development will
21 substantially add to the problem and likely lead to more flooding of homes adjoining the
22 development, as well as more significant adverse water quality impacts to the waters off
23 Alki Beach.

24 (c) *Parking & Pedestrian Dangers.* The proposed development will house 11
25 new families with automobiles. Currently, residents must often park blocks away from

1 their homes – undesirable in the dark return from work. The Alki area is known for its
2 parking problems and is a destination park area for Seattle residents and visitors. The
3 Developer has convinced DPD that planned endtoend parking spaces will be sufficient.
4 This is misleading. The tandem parking is not used as such by most residents. While the
5 spaces may fit two cars, the impracticality of coordinated parking prevents these spaces
6 from housing two cars. Hence, the already very bad parking problem is made considerably
7 worse by adding (assuming no visitors or children with cars) from 11 to 22, or even more
8 cars, looking for space on the street. The situation is already dangerous due to cars being
9 routinely parked on corners, near stop signs, on the wrong sides of streets. However, this
10 development will make things even worse in terms of parking. The ability to see around
11 these parked cars is limited. This type of development will only invite more accidents (we
12 have already seen several) and will demonstrate that DPD is contributing to the traffic
13 problem by approving more development of this nature in this already overburdened area
14 of Alki.

15 (d) *Dangerous Traffic Movements.* Since the area is a commuter area with little
16 public transit support by Metro bus, nearly all residents must drive to work. The
17 automobiles from the proposed development will generate a significant number of
18 additional trips to already congested streets. To the extent the developer is proposing
19 parking with ingress and egress on 55th Ave. SW, this will create a very dangerous
20 situation for the many pedestrians walking Alki Ave. SW and 55th Ave. SW. Where the
21 developer’s cars will enter and exit will be across the crosswalk. The nature of the
22 building proposed will block the view of both the drivers and pedestrians using the
23 adjoining sidewalk. It will only be a matter of time before a pedestrian is hit by a car
24 leaving the proposed housing complex.

1 8. *Inadequate SEPA Checklist and MDNS Analysis.* The Developer's SEPA
2 checklist does not adequately disclose these impacts, nor does DPD's MDNS adequately
3 analyze or mitigate them. The SEPA Checklist requires the developer to provide detailed-
4 enough information to meaningfully evaluate the impacts of the Proposal. Identified by
5 the number of the question and answer of Part B of the Checklist, DPD failed to verify
6 certain critical information and the following errors or omissions should be considered by
7 DPD:

- 8 1.g. The claim of 75% lot coverage is inconsistent with plans filed;
9 3.a.2 A portion of the site lies within the jurisdiction of Shoreline Management
10 (200 ft.) and must be reviewed/approved accordingly;
11 3.c.1 Existing sewer main cannot properly deal with the burden added by this
12 proposal;
13 5.a. Both eagle and heron reside within 50 feet of project;
14 6.b. The proposal will eliminate sunlight to adjoining and adjacent properties
15 now present;
16 7. The structures to be demolished have considerable asbestos requiring
17 special handling;
18 7.b.2 The project is in a liquefaction hazard zone and may therefore involve
19 dangerously loud installation of support poles, endangering neighboring residents
20 not equipped with headphones to protect;
21 8.j. The Developer has already displaced 3 families from the site;
22 10.b. The project will eliminate the views from adjoining and adjacent
23 properties, destroying the view corridors that have been established to preserve
24 visual access to the shoreline. In fact, the large view to the north will be destroyed
25 by a wall and views to the west are narrowed considerably. All parcels south of the

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project will be in a shadow and will lose their views of the beach and water. Currently, these adjoining properties have significant views to the north, west and south, which will be destroyed by the proposal.

9. As demonstrated by the applicant's answers to the SEPA Checklist and this effort to correct and supplement the information, this Proposal has many issues of environmental impact to adjoining properties, which require a full disclosure by applicant, and full analysis by DPD, with an effective plan to mitigate the adverse impacts. DPD must ensure this is accomplished before permitting, or as a condition to any permit issued, and should not rely solely on disclosures by applicant.

10. *Lot Line Manipulation.* The subject property does not comply with the requirements for rowhouse development. The lots, as originally shaped (through lots), would not permit this rowhouse development. The applicant's manipulation of lot lines via LBA #3014442, is an attempt to recreate the property to appear to support two rows of rowhouse development, and furthermore defeats the purpose of limitations on development related to the neighborhood and the configuration of existing parcels. The definitions and requirements of rowhouse developments are designed to restrict them to certain areas, with appropriate existing lot configurations (e.g., arterials, urban villages, commercial areas etc.), but not neighborhoods with single family residences, no public transportation and residents who commute to work by auto. When the applicant manipulates the character of the parcels to artificially create rowhouse qualifying parcels, DPD should not approve the application. This violates neighbor's rights under the Land Use Code to maintain consistency and compatibility in their neighborhoods, and to not be surprised by development that is out of character with the existing homes. When the characteristics of lots are manipulated through LBAs, the purpose of these restrictions is frustrated.

1 11. *Failure to Comply With Land Use Code Requirements.* By DPD’s own definition,
2 rowhouses shall not have residential structures behind them Yet that is exactly what this
3 development proposes – two rows of rowhouses, one directly behind the other. This does
4 not comply with the Land Use Code. If I cannot build a rowhouse on the adjacent lot
5 because someone resides behind my property, why can a Developer build a row of
6 rowhouses and then another row of rowhouses directly behind it? This is not fair. I
7 understand these are through lots with street frontage on both sides, but that is just an
8 anomaly that has been exploited by manipulating lot lines through the LBA process. This
9 anomaly does not transform our neighborhood into an appropriate area for rowhouses
10 anymore than if the lots were not through lots. The inconsistent approach of DPD, to first
11 prohibit through its Land Use Code, and then allow and permit two rows of rowhouses
12 one behind another, does not make sense and is very discriminatory. DPD’s approach
13 fails to take account of the real characteristics of the neighborhood and allows the
14 Developer to hide behind a Zoning Ordinance that is clearly misapplied here.

15 12. The undersigned certifies under penalty of perjury under the laws of the State of
16 Washington that the foregoing is true and correct, to the best of his belief and knowledge.

17 DATED: October 24, 2013 at Seattle, Washington.

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21 Martin E. McQuaid, Manager
22 Alki Neighborhoods for Sensible Growth
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