

#13

C.F. 313457

FINDINGS, CONCLUSIONS, AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the Matter of the Appeal of)	
)	
Bob McCullough)	Clerk File 313457
)	
On the Office of Housing's denial of a)	FINDINGS, CONCLUSIONS,
Multi-Family Property Tax Exemption)	AND DECISION
application for the property located at)	
4742 20 th Avenue Northeast)	

I. Introduction and Overview

This matter involves an appeal filed with the City Council ("Council") by Mr. Bob McCullough ("McCullough") in response to the Office of Housing's ("Housing") decision to deny a Multi-Family Property Tax Exemption ("tax exemption") application for a development project at 4742 20th Avenue Northeast (the "project").

A. *A building permit is sought from the Department of Planning and Development ("DPD")*

On May 9, 2013, DPD received a building permit application for the project. On the application coversheet, McCullough variously identified the project as a 20-room congregate residence, a congregate residence with 20 proposed new dwelling units, and a congregate residence with a total of one dwelling unit. On page two of the application, McCullough described the project as a 20-dwelling unit congregate residence for State Environmental Policy Act ("SEPA") exemption purposes.

The project floor plans attached to the application coversheet show the project to have 40 bedrooms or sleeping rooms with a private bathroom attached to most of the sleeping rooms. None of the 40 sleeping rooms are shown on the floor plans as

containing food preparation areas of any kind. Instead, a single “kitchen/laundry” room is shown on the project’s basement-level floor plan.

An asterisk on page 2 of the application denotes that the 20 dwelling unit count cited on that page was calculated according to DPD Director’s Rule 12-2012. The Director’s Rule provides that for the purpose of determining if a project is exempt from environmental review under SEPA, each sleeping room in a congregate residence project shall be counted as one-half of one dwelling unit:

For residential units not readily described as a discrete number of units, including nursing homes and congregate residences, the exemption will be based on a comparison of sleeping rooms (functionally equivalent to bedrooms) to dwelling units. Each bedroom will be counted as one-half of one dwelling unit in these cases.

On August 23, 2013, DPD issued a building permit for the project. The permit identified the project as having 20 “residential units.” The DPD land use planner that reviewed the building permit application for the project stated in his declaration that he “entered the number 20 because [he] understood that this was the number used to determine if the project would be exempt from SEPA review.”

B. *A tax exemption is sought from Housing*

On August 23, 2013, the same day that DPD issued the building permit, a tax exemption application for the project was submitted to Housing. In the tax exemption application, the project was described as a “40-unit apartment building” and not a 20-room congregate residence, a congregate residence with 20 proposed new dwelling units, a congregate residence with a total of one dwelling unit, or a congregate residence determined to have 20 dwelling units for SEPA exemption purposes, as the project was variously described in the building permit application.

Housing reviewed the tax exemption application and on September 3, 2013, notified McCullough by email of two potential problems. First, the 40 dwelling unit count listed on the project's tax exemption application did not match what was described in the building permit application. Housing Director's Rule 01-2013 states that "the number and size of dwelling units for purposes of property tax exemption for Multifamily Housing shall be identical to the number and size of dwelling units authorized by the building permit(s) for the Multifamily Housing." Second, the project was described on the building permit application as a congregate residence, a type of residential development that does not include multiple dwelling units. Tax exemption eligibility is only available to qualifying projects that contain four or more dwelling units.

Housing asked McCullough to respond to these problems at his earliest convenience. Housing did not state that McCullough's tax exemption application was incomplete at any time, let alone within 28 days of the application being filed as provided for in SMC 5.72.050.C.

On December 13, 2013, McCullough submitted a revised tax exemption application that changed the description of the project from a "40-unit apartment building" to an "apartment building" and changed the number of dwelling units listed on the application from 40 to 20.

C. *DPD revised the dwelling unit count from 20 to one*

On November 25, 2013, DPD notified McCullough and Housing that DPD was reprinting the building permit for the project to show a revised "residential units" count of one. In her declaration, the DPD senior land use planner that directed that the unit count on the project's building permit be changed from 20 to one stated that DPD did not consider the

project to have any dwelling units as that term is defined in the SMC; however, she did not believe DPD's permitting software would accept zero as a valid number of units. The planner also stated that "the change in the unit count number, from 20 to 1, did not in any way limit the applicant's right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed by the applicant."

D. *Housing denies the tax exemption application because the project does not contain at least four dwelling units*

Also on November 25, 2013, Housing notified McCullough by email that the project did not qualify for the tax exemption. Housing then sent a letter to McCullough on December 10, 2013, denying the application. The letter cited the inconsistent dwelling unit numbers included in the building permit and tax exemption applications, and the project's failure to meet the tax exemption program requirement that eligible projects contain at least four dwelling units.

E. *The tax exemption application denial is appealed to the Council*

On January 10, 2014, McCullough appealed Housing's denial of the tax exemption application to the Council. In the appeal, McCullough raised two objections to Housing's decision to deny the tax exemption application: the application was not complete and, therefore, Housing's decision violates the tax exemption application procedures in SMC 5.73.050; and Housing lacks the authority to deny a tax exemption application based on Housing Director's Rule 01-2013.

The City Clerk filed the appeal in Clerk File 313457. The Council introduced Clerk File 313457 on January 21, 2014, and referred it to the Council's Committee on Housing Affordability, Human Services, and Economic Resiliency (the "Committee"). On February 10, 2014, Housing filed with the City Clerk a response to the appeal and a request to

supplement the record established in Clerk File 313457. On February 18, 2014, McCullough filed a reply to Housing's response.

This matter first came before the Committee on March 6, 2014. At that meeting, Committee members considered and voted to grant Housing's request to supplement the record. On April 3, 2014, the Committee considered the merits of the appeal and heard oral argument from both McCullough and Housing. The Committee voted on April 17, 2014, to recommend denial of the appeal to the full Council.

II. Findings of Fact and Conclusions

A. On December 10, 2012, DPD issued Director's Rule 12-2012 that states, for the purpose of determining if a project is exempt from environmental review under SEPA, each sleeping room in a congregate residence project shall be counted as one-half of one dwelling unit.

B. On March 12, 2013, Housing issued Housing Director's Rule 01-2013 that states "the number and size of dwelling units for purposes of property tax exemption for Multifamily Housing shall be identical to the number and size of dwelling units authorized by the building permit(s) for the Multifamily Housing."

C. On May 9, 2013, McCullough submitted a building permit application to DPD for the project.

D. The application coversheet variously identifies the project as 20-room congregate residence, a congregate residence with 20 proposed new dwelling units, and a congregate residence with a total of one dwelling unit.

E. An asterisk on page two of the building permit application denotes that the 20 dwelling unit count cited on that page was calculated according to DPD Director's Rule 12-2012 that counts each sleeping room in a congregate residence as one-half of one dwelling unit for the purpose of determining if a project is exempt from SEPA review.

F. The project floor plans attached to the building permit application show the project to have 40 sleeping rooms, most with an attached bathroom. The floor plans do not show that any of the sleeping rooms contain food preparation areas. Instead, a single "kitchen/laundry" room is shown on the project's basement level floor plan.

G. On August 23, 2013, DPD issued a building permit for the project. The permit identifies the project as having 20 "residential units." In his declaration, the DPD land use planner that reviewed the building permit application stated that he "entered the number 20 because [he] understood that this was the number used to determine if the project would be exempt from SEPA review."

H. On August 23, 2013, a tax exemption application for the project that described the project as a "40-unit apartment building" was submitted by McCullough to Housing.

I. Housing consults with DPD to inform Housing's determination of what constitutes a dwelling unit.

J. On September 3, 2013, Housing notified McCullough by email of two potential problems with the tax exemption application. First, the number of dwelling units listed on the project's building permit and tax exemption applications did not match. Second, the project was described on the building permit application as a congregate

residence, a type of development that does not include multiple dwelling units. The tax exemption is only available to qualifying projects that contain four or more units.

K. Under SMC 5.72.050.C, a tax exemption application is deemed complete if Housing has not notified the applicant within 28 days of the application being submitted that the application is incomplete. In the September 3, 2013, email to McCullough, Housing did not state that McCullough's tax exemption application was incomplete. Instead, Housing asked McCullough to address at his earliest convenience the building and tax exemption application unit count discrepancy, and the building permit's description of the project as a congregate residence.

L. On November 25, 2013, DPD notified McCullough and Housing that DPD was reprinting the building permit for the project in order to change the count of "residential units" listed on the permit from 20 to one. In her declaration, the DPD senior land use planner that directed that the unit count number on the project's building permit be changed stated that DPD did not consider the project to have any dwelling units as that term is defined in the SMC; however, she did not believe DPD's permitting software would accept zero as a valid number of units.

M. Also on November 25, 2013, Housing notified McCullough by email that the project did not qualify for the tax exemption. Housing then sent a letter to McCullough on December 10, 2013 that denied the application. The letter cited the inconsistent dwelling unit numbers included in the building and tax exemption permit applications, and the project's failure to meet the tax exemption program requirement that eligible projects contain at least four dwelling units.

N. After the tax exemption application was denied, McCullough submitted a revised tax exemption application on December 13, 2013, that changed the description of the project from a “40-unit apartment building” to an “apartment building” and changed the number of dwelling units listed on the application from 40 to 20.

O. On January 10, 2014, McCullough appealed Housing’s denial of his original tax exemption application to the Council.

P. When denials of tax exemption applications are appealed to the Council, SMC 5.73.060.F provides that Housing’s decisions on such applications “will be upheld unless the Owner can show that there is no substantial evidence in the record to support the [Housing] Director's decision.”

Q. McCullough’s two objections to Housing’s decision to deny the tax exemption are: the tax exemption application was not complete and, therefore, Housing’s decision violates the tax exemption application procedures set out in SMC 5.73.050; and Housing lacks the authority to deny a tax exemption application based on Housing Director’s Rule 01-2013.

R. SMC 5.73.050.C states that any tax exemption application received by Housing shall be deemed complete after 28 days if Housing does not, by the end of that 28 day period, notify the applicant in writing that their application is incomplete. Further, “a determination of completeness does not preclude the [Housing] Director from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in [SMC Chapter 5.73].” As Housing’s September 3, 2013, email to McCullough was not a notice regarding the completeness of the tax exemption application for the project, and Housing provided no other notice to McCullough

related to the completeness of the application, the Council finds that the application was complete when the tax exemption application was filed on August 23, 2013.

S. Under SMC 23.84A.032, "congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family dwelling units for which special or reasonable accommodation has been granted.

T. Under SMC 23.84A.008, a "dwelling unit" is defined as a room or rooms intended to be occupied by not more than one household as living accommodations independent from any other household. The presence of a food preparation area within the room or rooms provides evidence of a dwelling unit.

U. By its definition, a congregate residence is a distinct form of housing that is not comprised of conventional dwelling units. This distinction is reflected in the project floor plans attached to the building permit application that show 40 sleeping rooms, some attached to private bathrooms and some sharing bathrooms, and none that contain a food preparation area.

V. As to whether Housing has the authority to deny a tax exemption application based on Housing Director's Rule 01-2013, even if the Director's Rule were considered unlawful, and it is not, there is no substantial evidence in the record to suggest that the sleeping rooms in the project are dwelling units when, according to McCullough's building permit application, the sleeping rooms do not contain food preparation areas and the project is a congregate residence.

W. The Council makes the finding that the project is a congregate residence and the sleeping rooms are not dwelling units despite McCullough variously describing the

project in the building permit application as: a 20-room congregate residence; a congregate residence with 20 proposed new dwelling units; a congregate residence with a total of one dwelling unit; and, on page two of the application, as a congregate residence calculated to have 20 dwelling units for SEPA exemption purposes. Further, the determination under Director's Rule 12-2012 that 40 sleeping rooms in a congregate residence may be considered 20 dwelling units for SEPA exemption purposes does not change the project into a "40-unit apartment building" with 40 dwelling units as McCullough indicated on the original tax exemption application or an "apartment building" with 20 dwelling units as was indicated on the revised tax exemption application McCullough submitted after his original application was denied on December 10, 2013.

III. Decision

The Council finds that the project is a congregate residence that has zero dwelling units and is ineligible to receive a tax exemption. The Council, therefore, DENIES the appeal and upholds Housing's denial of the tax exemption application.

Dated this ____ day of April, 2014.

City Council President



**Legislative Department
Seattle City Council**

**BEFORE THE COMMITTEE ON HOUSING AFFORDABILITY, HUMAN SERVICES,
AND ECONOMIC RESILIENCY
SEATTLE CITY COUNCIL**

In the Matter of the Appeal of

C.F. 313457

Bob McCullough

On the Office of Housing's denial of a
Multi-Family Property Tax Exemption
application for the property located at
4742 20th Avenue Northeast

And the Request of

The Office of Housing

To supplement the record established
in C.F. 313457

Order on Motions

The Committee on Housing Affordability, Human Services, and Economic Resiliency, having considered the motion by the Office of Housing to supplement the record, grants the motion. All evidence and exhibits submitted to the City Council on February 10, 2014, as part of the Office of Housing's request to supplement the record are considered to be part of the substantive record in this quasi-judicial matter.

Sally J. Clark, Chair of the Committee on Housing Affordability, Human Services, and
Economic Resiliency

Signed by me this 6 day of March, 2014

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CITY OF SEATTLE
18 4:03 A.M.
2014 FEB 27 AM 11:44 CW

CITY CLERK

BEFORE THE CITY COUNCIL
FOR THE CITY OF SEATTLE

In the Matter of the Application of
BOB MCCULLOUGH
for a Multi-Family Tax Exemption

Clerk File No. 313457

**Applicant's Reply to Office of Housing's
Response re Denial of MFTE Application**

INTRODUCTION

This document is the Applicant/Appellant's response to the Office of Housing's response to the appeal. In sum, this case involves DPD and OH coordinating behind the scenes to deny MFTE to an eligible project that provides valuable affordable housing in the University District. The City Council must grant this appeal and allow the project to obtain the MFTE.

- i. The MFTE application was consistent with the number of "dwelling units" applied for at DPD.**

The Office of Housing's ("OH's") response includes a lengthy background of the policies and different standards applied by DPD to define "dwelling unit." The discussion states the various DPD and OH policies related to MFTE and dwelling units and states that OH "recognized that certain developers were describing the number of dwelling units differently for purposes of their application for a tax exemption than they were for their applications to DPD for

development permits” mainly to avoid design review or SEPA review. OH Response, pp. 4-5. Notably, OH’s brief does not state that Mr. McCullough’s project is not one of these projects. In fact, Mr. McCullough’s application matches his DPD application for 20 dwelling units, which is the correct number of dwelling units for SEPA purposes and for design review purposes. Mr. McCullough was not attempting to “game the system” by reducing the number of dwelling units at DPD to avoid certain levels of review and then obtaining MFTE on the full number of units. Instead, Mr. McCullough applied for MFTE for the same number of units (20) as was applied for SEPA and design review thresholds. Mr. McCullough’s project is completely consistent with the number of units applied for for both MFTE and DPD permits. For this reason, the City Council must grant this appeal as the project is eligible for MFTE.

ii. Mr. McCullough’s MFTE status should not be penalized for DPD’s confusion over the definition of “dwelling unit.”

OH’s brief states that it relies on DPD’s determination of what a dwelling unit is, and that it was simply responding to DPD’s determination of dwelling unit. However, throughout this process, DPD has been unable to determine how many dwelling units are in this project. DPD even “reissued” a building permit after the building was constructed in order to ensure that Mr. McCullough’s project would not be eligible for MFTE. Mr. McCullough should not be penalized for the failure of DPD to determine the number of dwelling units in this project.

First, DPD wrongfully reissued a building permit after the project was already constructed to “clarify” how many units existed on the project. It is questionable legally whether DPD can reissue a building permit under state law.¹ Nevertheless, the reissuance of the building permit was the trigger for the denial of the MFTE application. At the time of application, Mr.

¹ The timing of the reissuance of the building permit is also questionable—it was during the MFTE application process and appears to have been communicated to OH prior to the applicant learning of the reissuance.

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1 McCullough's MFTE application was entirely consistent with the DPD building permit—DPD
2 issued a building permit for 20 units, which matches the MFTE application. It was only after
3 DPD wrongfully reissued the building permit and changed the dwelling unit count to 1 unit that
4 OH denied the application. Mr. McCullough's application complies with the MFTE
5 requirements, including the OH Director's Rule, and should therefore be granted.
6

7 DPD's reissuance of the building permit only underscores DPD's internal confusion
8 related to dwelling units. OH's response outlines no fewer than four different ways this project
9 could count dwelling units. It could be counted as the total number of bedrooms (40). It could
10 be counted under the definition of DR 12-2012, so that design review and SEPA thresholds are
11 consistent with MFTE (20). It could be counted as one, consistent with Ms. Mosteller's
12 reissuance of the building permit at the end of this project. Incredibly, DPD has found another
13 way of counting this project—as zero dwelling units, "because the rooms in this project do not
14 meet the Land Use Code's definition of dwelling unit." OH Response, p. 7.
15

16 Mr. McCullough should not be penalized for DPD's internal confusion. Mr. McCullough
17 applied for MFTE for 20 units, which is consistent with DR 12-2012 and the design review and
18 SEPA thresholds for this project. It is consistent with DPD's understanding at one time of the
19 number of units for this project. *See* Declaration of Ndifon. It is consistent with Mr.
20 McCullough's building permit application. The City Council should therefore grant this appeal
21 and allow the project to obtain the MFTE.
22

23 **iii. OH failed to follow proper procedure in review of this permit.**
24

25 OH disputes that improper procedure was followed in review of this permit, because Mr.
26 Kent's request for additional information did not constitute a "notification that the project was
27 incomplete" under SMC 5.73.050. OH attempts to make a distinction without a difference. Mr.
28

1 Kent's email clearly asked for additional information because he felt he could not process the
2 application as presented, also known as an incomplete application.

3 It makes sense that the MFTE application should remain pending and incomplete: as
4 stated above, DPD was still trying to determine what a "dwelling unit" was, and was still
5 responding to the inquiry whether DPD could legally "reprint" a permit. Thus, a determination
6 of completeness would have been premature and unwarranted—OH simply did not have the
7 information required to make a final determination regarding this matter. The code requires that
8 OH issue a Determination of Completeness if the Office has asked for additional information.
9 OH did not do this, and therefore its denial of the MFTE application violates SMC 5.73.050.
10

11 **iv. The Office of Housing lacks the power to deny an MFTE application based on**
12 **Director's Rule 1-2013.**

13 OH fails to respond to this argument, other than by saying that if OH lacks the authority
14 to deny an application based on DR 1-2013, then it is up to the City Council to determine the
15 definition of dwelling unit. The argument remains--OH may not rely upon a Director's Rule to
16 deny an application.
17

18 Chapter 5.73 SMC very clearly outlines the requirements for MFTE eligibility and denial
19 or approval of application. Although Chapter 5.73 SMC does not cite to a Director's Rule as a
20 criterion for eligibility or approval, the Municipal Code does give the Office of Housing the
21 general ability to create a Director's Rule:
22

23 SMC 3.14.740 In order to carry out office functions, the Director of Housing shall have
24 the power to: G. Promulgate and amend, in accordance with the City Administrative
25 Code to the extent applicable, rules, regulations, and policies to carry out Office of
26 Housing activities, provided that no such rule, regulation or policy shall confer any rights
27 to entitlement upon any person, entity, class or group, nor undertake any legal duty to any
28 person, entity, class or group.

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1 Director's Rule 1-2013, and the Office of Housing's reliance upon this rule to deny the
2 application, clearly is in violation of SMC 3.14.740. The Director's Rule gives the Office of
3 Housing the authority to deny an MFTE application for the number of dwelling units listed on a
4 building permit not matching the number of dwelling units on an MFTE permit. *See Exhibit E.*
5 The rule adds additional application approval or disapproval criteria to a process and criteria not
6 mentioned in Chapter 5.73 SMC. Thus, the Director's Rule confers rights and duties, in
7 violation of SMC 3.14.740. The Office of Housing must base its approval or denial of the
8 application upon the criteria stated in Chapter 5.73 SMC alone; reliance on the Director's Rule
9 violates SMC 3.14.740 and is an illegal delegation of legislative authority, as the legislative body
10 has already spoken regarding the application approval criteria in SMC 5.73.060.
11
12

13 RELIEF REQUESTED

14 The Appellant respectfully asks the City Council to grant this appeal and to overturn the
15 Office of Housing's denial of the Project's MFTE permit. Substantial evidence in the record
16 before the Office of Housing, and before the City Council, shows that the MFTE application was
17 consistent with the building permit and included an application for 20 units, DPD wrongfully
18 reissued a building permit for 1 unit after the project was constructed (and incredibly has now
19 stated that the project actually does not contain *any* dwelling units), the Office of Housing did
20 not follow required procedures related to a complete application, and the denial was based upon
21 a Director's Rule that violates SMC 3.14.740 and is an illegal delegation of legislative powers.
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MCCULLOUGH HILL LEARY, P.S.

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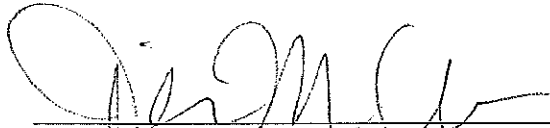
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1 Dated this 17th day of February, 2014.

2 Respectfully submitted,

3 McCULLOUGH HILL LEARY, P.S.

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6 Jessica M. Clawson, WSBA No. 36901
7 Attorneys for Appellant
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18 4:03 P.M.
2014 FEB 21 AM 11:44 CW
CITY CLERK

BEFORE THE CITY COUNCIL
FOR THE CITY OF SEATTLE

In the Matter of the Application of

Clerk File No. 313457

BOB MCCULLOUGH

CERTIFICATE OF SERVICE

for a Multi-Family Tax Exemption

I, Laura D. Counley, declare as follows:

I am employed with McCullough Hill Leary, P.S., which represents Bob McCullough. I served a copy of the APPLICANT'S REPLY TO OFFICE OF HOUSINGS'S RESPONSE RE DENIAL OF MFTE APPLICATION via hand delivery on the following party:

Robert D. Tobin
Seattle City Attorney
600 Fourth Ave., 4th Floor
P.O. Box 94769
Seattle, WA 98124-4019

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 21st day of February, 2014.


Laura D. Counley

MCCULLOUGH HILL LEARY, P.S.

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2014 FEB 10 PM 1:36

CITY CLERK

BEFORE THE CITY COUNCIL
FOR THE CITY OF SEATTLE

In the Matter of the Application of) Clerk File No. 313457
BOB MCCULLOUGH)
for a Multi-Family Tax Exemption) THE OFFICE OF HOUSING'S REQUEST
TO SUPPLEMENT THE RECORD

Pursuant to City Council's quasi-judicial rule VB, the Office of Housing (OH) requests to supplement the record with the declarations of Christopher Ndifon and Cheryl Mosteller. The two declarations are attached to this request.

1. Declaration of Christopher Ndifon

Christopher Ndifon is the land use planner for the Department of Planning and Development (DPD) who reviewed the applicant's (Juno) development permit application that was submitted to DPD for the Juno Studios project. Mr. Ndifon entered information on the development permit that approved Juno's application. Mr. Ndifon entered the number "20" in the box on the permit entitled "Residential Units this Permit." Mr. Ndifon's declaration explains that he entered that number because he understood it to represent the number of "dwelling units" that were identified for purposes of determining whether the proposed project was exempt from

REQUEST TO SUPPLEMENT THE RECORD - 1

ORIGINAL

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Seattle City Attorney
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Seattle, WA 98124-4769
(206) 684-8200

1 SEPA review. This fact is important because this matter concerns differences between the unit
2 count numbers shown on Juno's DPD permit and the numbers shown on Juno's application to
3 OH for a property tax exemption, and the meaning of those numbers.

4 Mr. Ndifon's understanding of the purpose of that number was not a fact that was known
5 or considered by OH at the time it made its decision to deny the property tax exemption.

6 **2. Declaration of Cheryl Mosteller**

7 Cheryl Mosteller is a senior land use planner at DPD, and Mr. Ndifon's supervisor. Ms.
8 Mosteller's declaration explains why the DPD permit approved for the Juno project, which
9 initially showed the number "20" in the box on the permit entitled "Residential Units this
10 Permit," was revised to show the number "1" rather than the number "0."

11 Because this matter involves the meaning of the numbers entered in that box and the
12 reasons for their entry, and the differences between that number and the unit count numbers
13 contained in Juno's application to OH for the tax exemption, Ms. Mosteller's declaration
14 explains why the numbers on the DPD permit were changed as they were.

15 Although Ms. Mosteller's explanation of the change in the number from 20 to 1 was
16 known to OH when OH denied the property tax exemption, as shown by Ms. Mosteller's email
17 of November 25, 2013 attached to her declaration, the reason the revised number was shown as 1
18 rather than "0" was not a fact known to OH when OH made its decision denying the tax
19 exemption requested by Juno.

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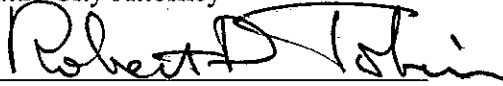
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1 For the reasons described above, OH requests that the City Council allow the record to be
2 supplemented with the declarations of Christopher Ndifon and Cheryl Mosteller.

3 DATED: February 10, 2013.

4 PETER S. HOLMES
Seattle City Attorney

5 By:


6 ROBERT D. TOBIN, WSBA #7517
7 Assistant City Attorney
8 *Attorneys for Respondent*
9 *Seattle Office of Housing*
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Jessica M. Clawson
McCullough Hill Leary, PS
701 Fifth Ave., Suite 6600
Seattle, WA 98104-7006
Attorneys for Appellant

<u> X </u>	Via hand delivery (ABC-Legal Messengers, Inc.)
<u> </u>	Via U.S. Mail, 1 st Class, Postage Prepaid
<u> </u>	Via Facsimile
<u> </u>	Via Email

DATED: February 10, 2014, at Seattle, Washington.

Rosie Lee Hailey
ROSIE LEE HAILEY

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6 BEFORE THE CITY COUNCIL
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Application of) Clerk File No. 313457
9)
10 **BOB MCCULLOUGH**)
11) DECLARATION OF
12) CHRISTOPHER NDIFON
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I, CHRISTOPHER NDIFON, declare as follows:

1. I am a land use planner for the Seattle Department of Planning and Development and have been employed at DPD since 1999. I am over the age of eighteen years and am competent to testify to the following matters.
2. I reviewed the application for the Juno Studios project, DPD permit No. 6356092. I also entered information on the electronic permit form, including the number that goes in the box on the form labeled "residential units this permit." I entered the number "20" because I understood that this was the number used to determine if the project would be exempt from SEPA review. That number is the same number that the applicant put in his permit application describing the number of units for purposes of the DPD's SEPA Director's rule, 12-2012.

DECLARATION OF CHRISTOPHER NDIFON - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 Executed this 6 day of February, 2014, at Seattle, Washington.

4
5 
6 CHRISTOPHER NDIFON

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6 BEFORE THE CITY COUNCIL
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Application of) Clerk File No. 313457
9)
10 BOB MCCULLOUGH)
11) DECLARATION OF
12) CHERYL MOSTELLER
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)

13 I, CHERYL MOSTELLER, declare as follows:

- 14 1. I am a land use planner for the Seattle Department of Planning and Development and
15 have been employed at DPD since 1989. I am over the age of eighteen years and am
16 competent to testify to the following matters.
- 17 2. I was involved with processing and reviewing the application and permit for the Juno
18 Studios project, DPD permit No. 6356092. In the course of that review, I became
19 aware of the need to correct the unit count identified on the permit, for the reasons
20 described in my November 25, 2013 email to Juno personnel. A copy of my email is
21 attached to this declaration.
- 22 3. I directed that the unit count number on the permit be changed from 20 to 1. The
23 reason the new number was changed to "1" was based upon my understanding that

DECLARATION OF CHERYL MOSTELLER - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
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1 the computer software would not accept the number "0", which is the number that
2 should have been entered based upon DPD's determination that this congregate
3 facility contained no dwelling units as that term is defined in the Seattle Land Use
4 Code. However as explained in my email of November 25, 2013, the change in the
5 unit count number, from 20 to 1, did not in any way limit the applicant's right to build
6 the structure as configured on the approved plans, or occupy it as a congregate
7 residence, as proposed by the applicant.

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.

10 Executed this 6th day of February, 2014, at Seattle, Washington.

11
12 Cheryl Mosteller
13 CHERYL MOSTELLER
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Tobin, Bob

From: Mosteller, Cheryl
Sent: Monday, November 25, 2013 9:52 AM
To: mperry@dimensions.com
Cc: Jessica Clawson; bob@meridianbi.com; McKim, Andy; Roskin, Miriam; Kent, Mike
Subject: Permit 6356092
Attachments: Permit.pdf

Good Afternoon Mike,

I wanted to let you know that DPD became aware of an issue with the unit count reflected on permit 6356092. As such we have reprinted the permit with a corrected unit count that is consistent with the approved plans. The 20 units originally shown reflects the unit count for purposes of the SEPA exemption determination only, as under Director's Rule 12-2012 for congregate residences each bedroom in a congregate residence is counted as one-half of a dwelling unit for purposes of determining whether a development is exempt from SEPA review. A unit count of 20 was not otherwise applied in our review, for example for purposes of density standards or determining whether Design Review is required. The reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected. This does not in any way limit the right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed.

Thank you.

Cheryl Mosteller

Land Use Planner Supervisor
Department of Planning and Development
700 Fifth Ave, Suite 2000
Seattle, WA 98104-5070
cheryl.mosteller@seattle.gov
(206) 684-5048

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2014 FEB 10 PM 1:36

CITY CLERK

BEFORE THE CITY COUNCIL
FOR THE CITY OF SEATTLE

In the Matter of the Application of) Clerk File No. 313457
)
BOB MCCULLOUGH) Response of the Office of Housing to the
) applicant's appeal of the Office of Housing's
) denial of its application for a property tax
for a Multi-Family Tax Exemption) exemption for a congregate residence called
) the Juno Studios project
)

This document is the Office of Housing's response to the document entitled "Applicant's Appeal of Office of Housing's Denial of MFTE Application," which was filed with the City Clerk on January 10, 2014.

1. General background

RCW Chapter 84.14 authorizes certain cities to grant a limited property tax exemption for certain new or rehabilitated multi-family housing containing four or more "dwelling units." RCW 84.14.020. The tax exemption is authorized for 12 years if at least 20% of the units are "affordable" to low or moderate income households, regardless of whether the remaining units are affordable. The City of Seattle enacted SMC Chapter 5.73 to implement the state statute. Neither that statute nor Seattle's ordinance define the term "dwelling unit."

1 In the absence of a definition, the Seattle Office of Housing (OH), which is responsible
2 for determining a development project's eligibility for the tax exemption, necessarily must
3 employ some definition of the term in order to determine whether a proposed project contains
4 "dwelling units" and is therefore eligible for the exemption. OH consults with the City's
5 Department of Planning and Development (DPD) to help inform OH's decision whether a
6 proposed project contains dwelling units. DPD applies the Land Use Code's definition of
7 dwelling unit in a variety of regulatory contexts. That code defines a dwelling unit as

8 a room or rooms located within a structure, designed, arranged,
9 occupied or intended to be occupied by not more than one
10 household as living accommodations independent from any other
11 household. The existence of a food preparation area within the
12 room or rooms shall be evidence of the existence of a dwelling
13 unit. SMC 23.84A.008.

14 Although this definition has been relatively easy for DPD to apply to traditional housing
15 projects such as apartment buildings, DPD has grappled with the application of the definition to
16 certain forms of residential housing. In particular, certain housing developers have in recent
17 years proposed unconventional forms of multi-family housing, including housing called "micro-
18 units." Typically the developer will configure the housing in a manner that creates "pods" of up
19 to 8 rooms, referred to here as "micro-units," each including a bedroom and private bathroom.
20 Typically the micro-units lack built-in ranges or other kitchen appliances that are characteristic
21 of conventional apartments, but each pod includes a common kitchen that is available for use by
22 the occupants of the micro-units within the pod. These micro-units are rented separately. The
23 developer characterizes each pod as one "dwelling unit" for purposes of permit applications
submitted to DPD.

1 Using this approach, certain developers have structured their projects in a manner that
2 allows them to avoid forms of public and regulatory review that are triggered by the number of
3 "dwelling units" in the building. This includes review of environmental impacts pursuant to the
4 State Environmental Policy Act (SEPA)¹ and design review pursuant to the City's design review
5 ordinance.² By configuring the project in this manner, a housing project that contains, for
6 example, 64 micro-units is claimed to have only 8 "dwelling units" (8 micro-units per pod x 8
7 "dwelling units" = 64 micro-units).

8 A form of multi-unit housing that is somewhat similar to micro-units is a congregate
9 residence. Traditional forms of congregate residences include college dormitories, sororities and
10 fraternities, half-way houses and some senior or special needs housing. A recent off-shoot of the
11 micro-unit concept is a form of congregate residence. The individual rooms within these
12 facilities are similar to those in the micro-unit model described above but the rooms are not
13 grouped within a pod and a shared full kitchen is not always provided. A comparison of these
14 forms of housing is described in OH Exhibit 1 (DPD graphic).

15 DPD recognized that applying the Land Use Code definition of dwelling unit to these
16 distinctive housing types, for certain purposes, required a tailored regulatory approach.
17 Accordingly, for example, DPD adopted Director's Rule 12-2012, which addresses the
18 application of SEPA. Juno Exhibit A. That rule recognizes that certain residential uses are ill-
19 suited to the standard methodology used to determine if proposed development projects are
20 exempt from SEPA review. The rule states,

21 For residential uses not readily described as a discrete number of
22 units, including nursing homes and congregate residences, the
exemption will be based on a comparison of sleeping units

23 ¹ RCW 43.21C.

² SMC 23.41.

1 (functionally equivalent to bedrooms) to dwelling units. Each
2 bedroom will be counted as one-half of one dwelling unit in these
cases.

3 In response to the emerging forms of multi-family housing such as micro-units, DPD
4 evaluated proposed projects in various regulatory contexts based upon the specific characteristics
5 and configurations of the project. In some cases DPD concluded that rooms in a project
6 qualified as dwelling units and in other cases did not. In response to the proliferation of micro-
7 unit projects in certain neighborhoods, and later, certain congregate residence projects, citizens
8 began to complain to the City that developers were exploiting "loopholes" in the City's
9 regulatory scheme and avoiding public and regulatory review as a result.

10 In recognition of the vexing regulatory issues presented by these emerging forms of
11 housing, and in response to the public controversy surrounding the regulation of micro-units,
12 DPD prepared legislation to clarify the regulation of these housing types. A description of the
13 proposed legislation is contained in the DPD Director's Report for that legislation. OH Exhibit
14 2. The City Council has yet to consider that legislation, however, because neighborhood interest
15 groups opposed to micro-unit projects appealed DPD's SEPA decision regarding the legislation
16 to the Seattle Hearing Examiner. On February 4, 2014, the Hearing Examiner affirmed DPD's
17 "Determination of Nonsignificance" that no environmental impact statement is required before
18 the City Council may consider the proposed micro-housing/congregate legislation.

19 Because OH has relied upon DPD's interpretation and application of the term "dwelling
20 unit" to help decide if a housing project qualifies for the property tax exemption, OH's decision
21 process is coordinated with DPD's permit process. And like DPD, OH recognized that the
22 micro-unit concept was presenting new issues in the application of the tax exemption program.
23 Specifically, OH recognized that certain developers were describing the number of dwelling

1 units differently for purposes of their application for a tax exemption than they were for their
2 applications to DPD for development permits. For example, a developer of a micro-housing
3 project might claim in the DPD application to have only 10 "dwelling units," thereby avoiding
4 SEPA review and design review in a zone where the trigger for those reviews is 20 dwelling
5 units, even though each of the ten "dwelling units" includes eight separate micro-units.

6 At the same time, however, the developer might claim, in its application to OH to obtain
7 the property tax exemption, to have 80 dwelling units. SMC 5.73 establishes a maximum
8 household income and rent level for the 20% of dwelling units set aside as affordable. Were the
9 developer to claim only 10 units, as done for purposes of the development permit application
10 submitted to DPD, the developer would have to aggregate the income of all the residents within
11 each "dwelling unit" and charge the group of residents no more than the maximum rent
12 established under SMC 5.73 for a dwelling unit of two or more bedrooms. By asserting different
13 dwelling unit counts for the same project to two separate City departments (DPD and OH), the
14 developer is able to "cherry pick" the effects of those different counts: he or she gains the
15 benefit of the tax exemption but avoids the regulatory burden (e.g., SEPA and design review)
16 that might otherwise apply.

17 To address such discrepancies between the developers' applications to OH and DPD and
18 to help prevent such maneuvers, OH proposed the adoption of a Director's Rule. OH
19 memorandum to Mayor's Office, December 17, 2012, OH Exhibit 3. After receiving direction
20 from Mayor McGinn, OH adopted Director's Rule 01-2013 on March 12, 2013. Juno Exhibit E.
21 The rule provides that the number of units approved by the DPD development permit must match
22 the number of units contained in the developer's application for the property tax exemption.
23 Although the OH Director's Rule frames the issue mechanically by seeking numerical

1 consistency between the number of units identified in the DPD and OH applications, the purpose
2 of the rule is to ensure that the number of "dwelling units" identified in the application for the tax
3 exemption coincides with the number of "dwelling units" authorized by the DPD development
4 permit, if any. If DPD determines that a proposed housing project does not contain "dwelling
5 units" as that term is defined in the Land Use Code, then it is OH's position that the project does
6 not contain dwelling units for purposes of the property tax exemption.

7 **2. The Juno Studios project**

8 **2.1 Juno's development permit application to DPD**

9 On May 9, 2013, a development permit application was submitted to DPD for the Juno
10 Studios project, the project that is the subject of this appeal. OH Exhibit 4. The project
11 description on the applicant's (Juno) cover sheet characterized the project as a "20 room
12 congregate residence," but later on the same page states that "20 dwelling units" are proposed.
13 The actual floor plan sheets attached to the cover sheet show 40 residential rooms. An asterisk
14 on page 2 of the application indicates that the number 20 reflects the number of units Juno
15 identified for purposes of determining whether the proposed congregate facility is exempt from
16 SEPA review pursuant to DPD Director's Rule 12-2012, described above. A project that
17 contains 20 or fewer dwelling units is exempt from SEPA review. SMC 25.05.800 (A) (2) (a).

18 DPD issued the development permit for the Juno project on August 23, 2013, approving
19 the proposed congregate residence "per plans." Juno Exhibit C. On the face of the permit the
20 number of "residential units" in the project was identified as 20, because the zoning reviewer
21 understood that to represent the number of "dwelling units" for purposes of determining if the
22 project was exempt from SEPA review, per DR 12-2012. Declaration of Christopher Ndifon,
23 OH Exhibit 5. However, DPD reviewed and approved the project as a congregate residence

1 containing 40 bedrooms, as reflected in the applicant's detailed plans, and applied Land Use
2 Code development standards accordingly. Juno Exhibit F; OH Exhibit 6.

3 Subsequently, DPD revised the number shown in the "residential units" box on the permit
4 from 20 to 1, because DPD determined that the bedrooms did not constitute "dwelling units" for
5 any purpose other than application of the SEPA exemption determination. This revision was
6 described to Juno in an email from DPD's Cheryl Mosteller on November 25, 2013. Juno
7 Exhibit F. However, the correct number should have been zero, because DPD's view is that the
8 project is not comprised of any dwelling units as that term is defined in the Land Use Code.
9 DPD staff entered the number "1" rather than "0" because it initially understood that the
10 computer program would not accept "zero." Declaration of Cheryl Mosteller, OH Exhibit 7.
11 This was incorrect; the correct number should have been zero because the rooms in the project
12 do not meet the Land Use Code's definition of dwelling unit. OH Exhibit 6. Regardless of the
13 numbers shown in the "residential units" box, however, DPD approved the project that Juno
14 proposed, a congregate residence containing 40 bedrooms, and that project is now under
15 construction.

16 Although DPD approved the project as proposed, Juno then attempted to appeal DPD's
17 change in the number shown in the "residential units" box on the permit to the Director of DPD
18 under the appeal provisions of the Seattle Building Code. Juno Exhibit K. DPD rejected the
19 appeal because the determination of the number of residential units was a "Type 1" decision
20 under the Land Use Code. OH Exhibit 6. Appeals of Land Use Code decisions, if available,
21 must occur pursuant to the procedures of the Land Use Code, not the Seattle Building Code. The
22 Land Use Code does not authorize administrative appeals of Type 1 permit decisions. SMC
23 23.76.004 (B).

2.2 Juno's application to OH for a property tax exemption

Juno submitted an application for a property tax exemption to OH on August 23, 2013, the same day the DPD development permit was issued. In that application Juno described its project as a "40 unit apartment building." Juno Exhibit B. OH (Mike Kent) reviewed the application and initially identified two potential problems with the application. Mr. Kent phoned Juno and followed up with an email to Juno on September 3, 2013. Juno Exhibit D. First, OH noted the apparent discrepancy between the number of dwelling units identified in the DPD application (20) and the number of dwelling units identified in Juno's application to OH for the tax exemption (40). Second, OH noted that the tax exemption program is reserved for multifamily housing projects but that the DPD permit authorized construction of a congregate residence, which OH understood at that time to entail a single dwelling unit under the Land Use Code. As noted above, the tax exemption is available only if a project contains four or more dwelling units. OH asked Juno to respond to the identified problems.

When Mr. Kent did not receive a response, Mr. Kent contacted Juno in early October, 2013, and was told that Juno was still working on the issues that Mr. Kent had identified. Mr. Kent contacted Juno again in early November, 2013 and Juno's lawyer, Ms. Jessica Clawson, called Mr. Kent on November 8, 2013 to discuss the issues identified in Mr. Kent's September email. On November 25, 2015, Ms. Mosteller notified Juno and OH via email that DPD was reprinting the development permit to show a corrected unit count (from 20 to 1), and then Mr. Kent notified Ms. Clawson and Mr. McCullough via email the same day that the Juno project did not qualify for the property tax exemption. Juno Exhibit G. On December 3, 2013, Ms. Clawson responded via email to Mr. Kent asking that OH delay issuing a formal eligibility decision letter denying Juno's application. OH Exhibit 8.

1 On December 10, 2013, OH sent a formal letter to Juno denying the application for the
2 property tax exemption.³ Juno Exhibit I. The letter explained that the application was denied for
3 two reasons. First, the application was denied per OH Director's Rule 01-2013 because of the
4 apparent discrepancy between the number of units identified in the DPD and OH applications.
5 Second, the application was denied because OH understood at that time that DPD considered a
6 congregate residence to comprise only one dwelling unit (regardless of the number of bedrooms)
7 but that four dwelling units are required to qualify for the tax exemption.

8 On December 16, 2013, OH received a revised application from Juno for the Juno
9 Studios project, now asserting that the project contained 20 dwelling units rather than the 40
10 dwelling units identified in Juno's original application. Juno Exhibit J. In all other respects, the
11 revised application is nearly identical to the first,⁴ including the fact that the project contains 40
12 rooms that are to be rented to 40 or more residents. OH has not yet formally acted upon the
13 revised application. However, because the configuration of the rooms is identical to that
14 described in Juno's original application, and because DPD has concluded that those rooms are
15 not dwelling units as defined in the Land Use Code, OH's position is that the project does not
16 qualify for the property tax exemption.

17 Juno appealed OH's denial of the property tax exemption to the City Council on January
18 10, 2014.

22 ³ SMC 5.73.060 (A) requires OH to approve or deny an application within 90 days.

23 ⁴ The revised application included a copy of the DPD Director's Report regarding DPD's proposed legislation for micro-housing and congregate residences, dated October 1, 2013. That report was not included in Juno's original application to OH.

1 **3. Argument**

2 **3.1 OH's decision to deny the property tax exemption should be affirmed**
3 **because substantial evidence exists in the record that the rooms in the Juno**
4 **project do not constitute dwelling units.**

5 SMC 5.73.060 (F) provides that the OH Director's decision is to be upheld unless the
6 applicant "can show that there is no substantial evidence in the record to support the Director's
7 decision." "Substantial evidence" is described as evidence that a reasonable mind might accept
8 as adequate to support a conclusion, and is more than a scintilla of evidence but less than a
9 preponderance of evidence. Woodsum v. Astrue, 711 F. Supp. 2d 1239, 1245 (W.D. Wash.,
10 2010).

11 The Council's decision entails a legal determination by the Council regarding the
12 meaning of "dwelling unit" for purposes of SMC 5.73, and the application of that meaning to
13 Juno's proposed project. If the Council finds that substantial evidence exists that the rooms in
14 Juno's project are not dwelling units, then the Council should affirm OH's denial of the permit.

15 On the other hand if the Council finds that substantial evidence does not exist supporting
16 OH's decision, then the Council should reverse OH's denial of the tax exemption. A potential
17 consequence of such a decision may be to effectively nullify OH Director's Rule 01-2013, thus
18 enabling developers to obtain the property tax exemption yet evade public and regulatory review
19 pursuant to the Land Use Code.

20 As stated previously, the City's Land Use Code defines a "dwelling unit" as

21 a room or rooms located within a structure, designed, arranged,
22 occupied or intended to be occupied by not more than one
23 household as living accommodations independent from any other
 household. The existence of a food preparation area within the
 room or rooms shall be evidence of the existence of a dwelling
 unit. SMC 23.84A.008.

1 The floor plans submitted by Juno generally show that the rooms contain a small sink
2 adjacent to a toilet in a bathroom area, but no area described or equipped as a kitchen with a
3 cookstove, refrigerator, kitchen sink, dishwasher or similar features. OH Exhibit 4. However,
4 the basement floor plan shows an area described as the "Kitchen/Laundry" area, and showing
5 what appears to be a cookstove. That floor plan also shows rooms described as an "Exercise
6 Room" and a "Library/Study."

7 Like rooms in other types of congregate residences, the rooms depicted in the floor plans
8 do not resemble conventional apartments. In particular, the rooms lack the kitchen facilities that
9 are typically found in apartments. Rather, the rooms are similar to rooms that may be found in
10 other types of congregate residences, such as dormitory rooms. Although one may find
11 microwave ovens or mini-refrigerators in a dorm room, dorm rooms are not functionally
12 equivalent to conventional apartments. Moreover, the rooms were not represented as separate
13 dwelling units in the project application that was submitted to DPD. Indeed, Juno admits in this
14 appeal that it proposed "a congregate residence consisting of 40 sleeping rooms."⁵ (Emphasis
15 added.) These facts are substantial evidence that the rooms in the Juno congregate residence are
16 not "dwelling units." Therefore, the Council should affirm OH's decision denying the property
17 tax exemption for the Juno project.

18 3.2 Response to Juno's argument

19 In this appeal, Juno makes two inconsistent arguments. First, Juno argues that the
20 Council should reverse OH's denial of the tax exemption, and grant the exemption.⁶ Juno argues
21 that OH Director's Rule 1-2013 is unlawful and may not be applied to an application for a tax
22 exemption. Juno argues that the decision whether to grant the exemption must be based solely

23 ⁵ Juno's appeal, p. 1.

⁶ Juno's appeal, pages 6-7.

1 upon the provisions of SMC 5.73. Even if one assumes that Juno's argument regarding the
2 alleged illegality of Director's Rule 1-2013 is correct (and OH believes that Juno's argument is
3 not correct), that still leaves the City Council with the task of determining whether substantial
4 evidence exists that the rooms in the Juno project do not constitute "dwelling units" for purposes
5 of Chapter 5.73. For the reasons described above, OH contends that substantial evidence exists
6 that the rooms should not be considered to be dwelling units.

7 Second, Juno argues, inconsistently,⁷ that it is premature for the Council to decide this tax
8 appeal. Juno argues that the appeal is premature because OH allegedly determined that Juno's
9 application for a tax exemption was incomplete. However, OH did not find that Juno's
10 application was incomplete, and Juno has not identified any document from OH stating that the
11 application was incomplete.

12 Juno appears to refer to Mr. Kent's email to Juno on September 3, 2013 as notice that the
13 application was incomplete. However, as Juno admits, Mr. Kent was "asking him (Mr.
14 McCullough) questions about the number of units..."⁸ and "seeking additional information to
15 complete its review..."⁹ Rather than deny Juno's application outright on the basis of OH's DR
16 01-2013, which Mr. Kent might have done, Mr. Kent was affording Juno an opportunity to
17 explain the apparent discrepancy between the unit counts contained in Juno's application for the
18 tax exemption and the development permit issued to Juno by DPD. Mr. Kent's questions were a
19 request for "additional information during the review process if more information is needed to
20 evaluate the application according to the criteria in the chapter," as authorized by SMC 5.73.050.
21 The email was not a notice to Juno that its application was incomplete.

22 ⁷ It is inconsistent for Juno to argue that it is premature for the Council to hear this appeal because it lacks necessary
information, but then argue that the Council should hear the appeal and grant the tax exemption.

23 ⁸ Juno's appeal, p. 2.

⁹ Juno's appeal, p. 5.

1 Further, SMC 5.73.050 states that any application that has not been deemed incomplete
2 after a period of 28 days is considered complete. OH did not deem Juno's application to be
3 incomplete within 28 days, or at any time, and therefore Juno's application was complete.
4 Juno's argument that this appeal is premature because OH allegedly found Juno's application to
5 be incomplete is without merit.

6 Juno also argues that this appeal is premature because Juno's attempted appeal of the
7 DPD permit "revision" was pending when Juno filed this appeal on January 10, 2014.¹⁰ DPD
8 denied Juno's attempted appeal of the DPD permit revision on January 16, 2014, and the DPD
9 letter states that the 40 rooms approved for this congregate residence do not constitute "dwelling
10 units" as defined in the Land Use Code. OH Exhibit 6. Remanding this appeal to OH would
11 accomplish nothing because DPD has rejected Juno's attempted appeal of the DPD permit
12 revision. The issue whether the rooms are dwelling units for purposes of SMC Chapter 5.73 is
13 ripe for a decision by the Council.

14 OH had, and the Council has, all the information needed to decide the issue. And the
15 issue is not the fluctuating inconsistencies between the unit numbers identified in Juno's request
16 for a tax exemption and the DPD permit, in the application of OH Director's Rule 1-2013, but
17 whether substantial evidence exists that the "sleeping rooms" in the Juno project are not dwelling
18 units.

19 **4. Conclusion**

20 OH believes that substantial evidence exists to support OH's decision that the 40 sleeping
21 rooms being constructed in the Juno project do not constitute "dwelling units" for purposes of
22

23

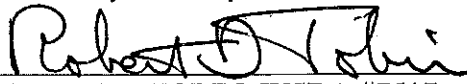
¹⁰ Juno's appeal, pages 5-6.

1 SMC 5.73. Therefore, OH requests that its decision denying Juno's request for a property tax
2 exemption be affirmed.

3 DATED: February 10, 2013.

4 PETER S. HOLMES
Seattle City Attorney

5 By:



6 ROBERT D. TOBIN, WSBA #7517

7 Assistant City Attorney

Attorneys for Respondent

Seattle Office of Housing

1 **CERTIFICATE OF SERVICE**

2 I certify under penalty of perjury under the laws of the State of Washington that, on this
3 day, I caused to be served upon the following party, at the address stated below, via the method
4 of service indicated, a true and correct copy of the foregoing document:

5 Jessica M. Clawson X Via hand delivery (ABC-Legal Messengers, Inc.)
6 McCullough Hill Leary, PS Via U.S. Mail, 1st Class, Postage Prepaid
7 701 Fifth Ave., Suite 6600 Via Facsimile
8 Seattle, WA 98104-7006 Via Email
9 *Attorneys for Appellant*

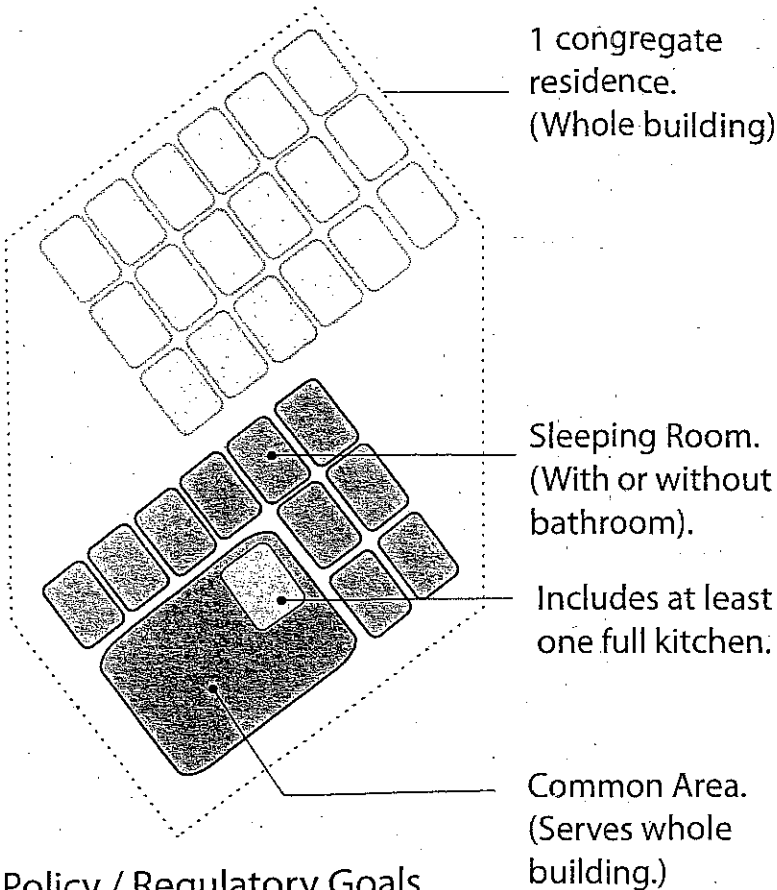
10 the foregoing being the last known address of the above-named party.

11 DATED: February 10, 2014, at Seattle, Washington.

12 
13 ROSIE LEE HAILEY

Congregate Residence

- A high level of group or 'congregate' living is expected by residents.
- Typical Examples: dormitories, sororities, halfway houses, some senior or special needs housing (not assisted living), some recent private market development.
- Any number or grouping of small sleeping rooms.
- Sleeping rooms may or may not have individual bathrooms.
- Sleeping rooms may not have a bathroom and a full kitchen (with both they would be dwelling units.).
- Generous common spaces have facilities and functions for all residents of the building such as kitchens, lounges, dining halls, or other.



Key Policy / Regulatory Goals

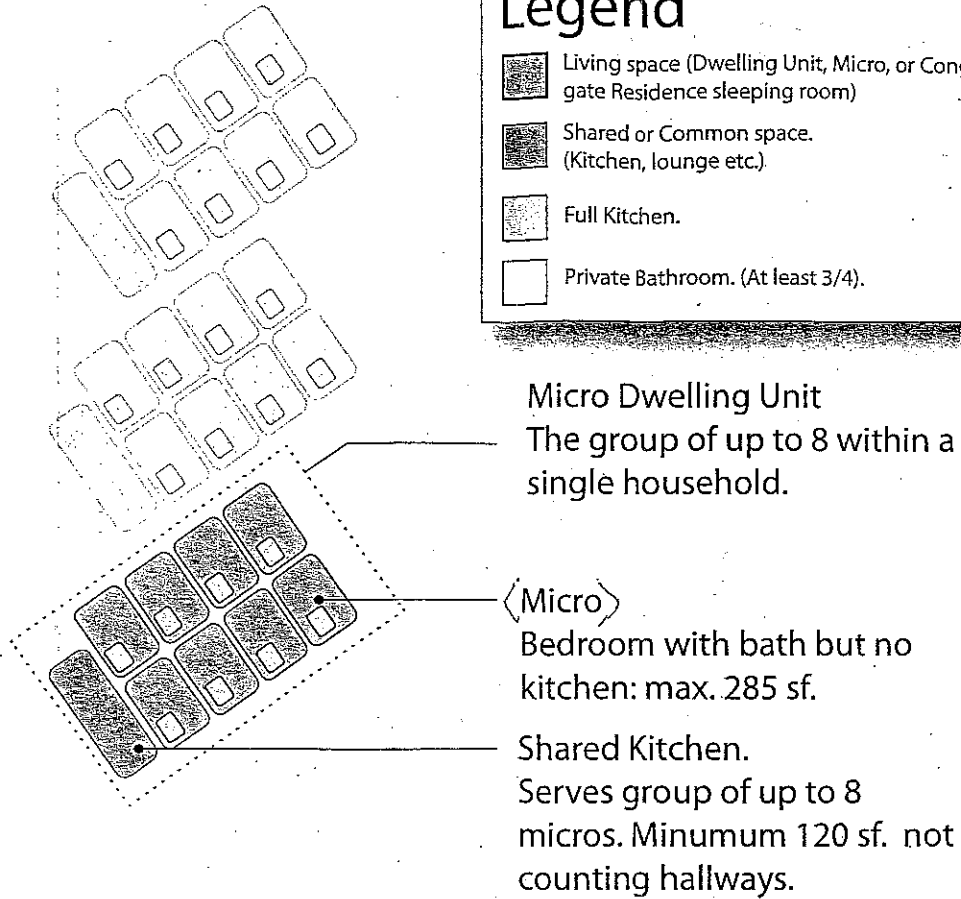
- Fire and life safety
- Encourage appropriate location in multifamily areas and urban villages / centers.
- Apply design and environmental review at appropriate scale to ensure compatibility in neighborhoods.
- Make sure common / shared spaces are adequate for healthy living conditions.
- Preserve appropriate tool for permitting special purpose housing.



New University of Washington off campus student housing. Has a range of sleeping room sizes and types, a shared lounge/kitchen on the first floor, and shared study rooms on each floor.

Micro Dwelling Units

- A moderate level of group living within the micro dwelling unit is expected by residents.
- An affordable housing alternative to conventional dwelling unit housing.
- Typical Examples: Apodments (tm) and similar recent development formats.
- Groups of up to 8 Micros with a shared kitchen.
- Each micros has an individual bathroom.
- Micros may not have a bathroom and a full kitchen (or they would be dwelling units.).
- Common kitchens provide shared space for each Micro Dwelling Unit of 8.



Key Policy / Regulatory Goals

- Fire and life safety
- Encourage appropriate location in multifamily areas and urban villages / centers.
- Apply design and environmental review at appropriate scale to ensure compatibility in neighborhoods.
- Make sure common kitchens and other shared areas are adequate for healthy living conditions.
- Preserve the opportunity for an affordable housing alternative to conventional dwelling units.



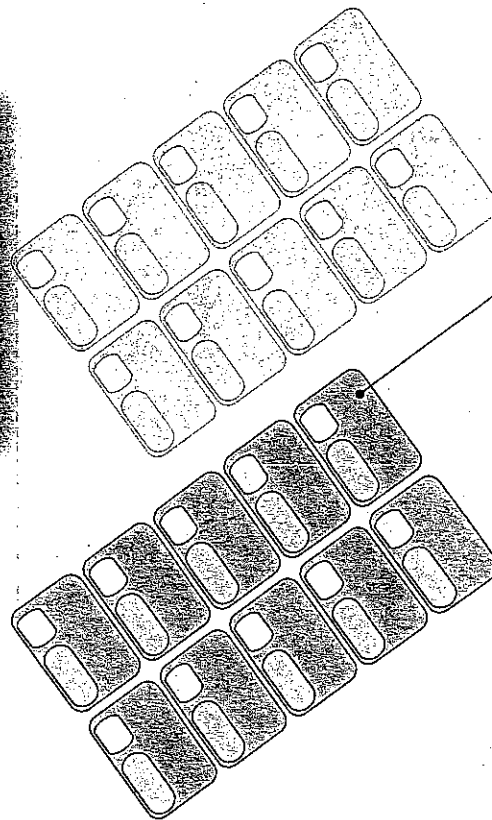
Micro Dwelling Unit in a townhouse format on Capitol Hill. Micro Dwelling Units can be configured in a range of housing types, from townhouses to midrise apartment buildings.

Legend

- Living space (Dwelling Unit, Micro, or Congregate Residence sleeping room)
- Shared or Common space. (Kitchen, lounge etc.)
- Full Kitchen.
- Private Bathroom. (At least 3/4).

Dwelling Units (Conventional multifamily housing.)

- Primarily independent living expected by residents or households.
- Typical Examples: Conventional apartment and condominium development.
- Each dwelling unit has a bathroom and full kitchen.



Key Policy / Regulatory Goals

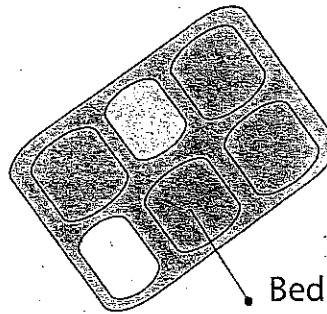
- Fire and life safety
- Varies depending on location in the city and wide range of housing types.
- Provide for a broad spectrum of housing choices.

A conventional multi-family development on Capitol Hill. Dwelling Units (apartments) are located over ground floor retail uses.



Single Family Dwelling Unit (Single Family Zones.)

- Intended for one family or household with 8 persons or less.
- May include a large number of bedrooms, but may not be designed so each bedroom has an individual bathroom for the creation of separate living quarters.
- Micro Dwelling Units are proposed to be prohibited in SF zones.





City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

SEPA Draft

Director's Report and Recommendation Micro-housing and Congregate Residences October 1, 2013

Purpose

In recent months there has been extensive public dialogue about micro-housing (and congregate residences, a similar form of housing)*, including a Council Transportation Committee sponsored brown bag meeting on April 18, 2013, a community meeting on Capitol Hill on May 6th, 2013, and a briefing of the City Council Planning Land Use and Sustainability (PLUS) committee on June 28th. The Department of Planning and Development (DPD) has been tracking micro-housing production in Seattle for roughly two years, and has provided periodic communication with elected officials.

The City recognizes micro-housing and congregate residences as viable, emerging forms of housing, that can help achieve goals and policies of the Comprehensive Plan. In particular micro-housing and congregate residences directly address the following goals and policies:

**Micro-housing and congregate residence are defined on page 5 of this report.*

City of Seattle Comprehensive Plan

Housing Goal 4: Achieve a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household types, household sizes, and cultural backgrounds.

Housing Goal 11: Implement strategies and programs to help ensure a range of housing opportunities affordable to those who work in Seattle.

Housing Policy 20: Promote and foster, where appropriate, innovative and non-traditional housing types such as co-housing, live/work housing and attached and detached accessory dwelling units, as alternative means of accommodating residential growth and providing affordable housing options.

Housing Goal 13: Provide new low-income housing through market-rate housing production and assisted housing programs.

Housing Goal 5: Provide for lower off-street parking requirements in locations where car ownership rates are low for resident populations, to help reduce housing costs and increase affordability.

Land Use Goal 12: Promote a residential development pattern consistent with the urban village strategy, with increased availability of housing at densities that promote walking and transit use near employment concentrations, residential services and amenities.

Each of the policies or strategies listed above is supported by micro-housing and congregate residence production. We recognize that the evolution of micro-housing and congregate residence production in Seattle over the last several years was not fully anticipated by existing land use regulations. The format is an innovation in housing design, development and operation in response to market conditions. Our observation is that the housing is embraced by willing renters and appears to be fulfilling a marketplace need. Other major cities including San Francisco, New York City and Boston are experiencing similar demand for micro-housing and are taking initiative to support it. We note that the micro-housing format occurring in Seattle has the unique characteristic of being grouped around a shared kitchen or common space. The housing type is responsive to emerging contemporary lifestyles choices, including increased personal mobility and the high desirability of urban neighborhoods to certain demographic segments.

For these reasons and consistency with established city policies, DPD recommends formally recognizing micro-housing as a viable form of housing and we recommend continuing to permit it to be built in appropriate locations. However, we also understand there are strong public opinions on this emerging form of housing and acknowledge a need to clarify regulations and processes for permitting. Therefore DPD is proposing legislation that would clarify regulation of micro-housing, and ensure that the appropriate reviews and standards are in place to adequately address micro-housing and related forms of development including congregate residences. In addition to the proposed legislation, some of the recommendation discussed in this report would be achieved with procedures or Director's Rules.

Process & Next Steps

DPD presented preliminary recommendations to the City Council Planning Land Use and Sustainability Committee (PLUS) on June 28, 2013. The PLUS committee directed DPD to prepare legislation to enact the recommendations. Between June 28 and the present, DPD developed draft legislation and environmental review, pursuant to the State Environmental Policy Act (SEPA) for potential environmental impacts, and considered public comments. At present, DPD is releasing draft legislation, this Director's Report and Recommendation, and a SEPA determination of non-significance (DNS) on the proposed legislation.

Guiding Principles

Below are the guiding principles we've used to develop these recommendations. The principles respond to citizen expressed concerns, as well as consistency with broader policies in the Mayor's Housing Strategy, the City's Comprehensive Plan, other City policies, and direction from the City Council:

- Preserve affordability – continue to support micro-housing and congregate residences as housing options in Seattle
- Ensure basic health and safety of all housing
- Provide consistent treatment and classification of micro-housing and congregate residences across all city departments and programs
- Improve tracking and awareness of micro-housing development
- Regulate micro-housing and congregate residences similarly to other types of new development as warranted based on empirical performance aspects such as:
 - The scale and design of the buildings
 - Intensity of uses and activities in the buildings
 - Transportation mode choice of residents

Background

Background information and tracking materials for micro-housing are included in a series of appendices to the recommendations. Please see the list of appendices and materials at the end of this report.

Proposed Actions

DPD proposes the following 10 actions to clarify regulation and better achieve the guiding principles listed above:

1. Define "micro-housing" and "micro" under Residential Use within the Land Use Code.
2. Prohibit micro-housing developments in single-family zones.
3. Apply a design review threshold for micro-housing and congregate residences by the size of the building (not number of dwelling units).
4. Update development standards for micro-housing and congregate residences to add a minimum size requirement for shared kitchens and common areas.
5. Limit kitchen components in individual micros and sleeping rooms to differentiate from dwelling units.
6. Update development standards to ensure appropriate size of refuse collection areas in micro-housing and congregate residence developments.
7. Update development standards for quantity of required vehicle and bicycle parking in micro-housing and congregate residence developments.
8. Clarify eligibility for Restricted Parking Zone (RPZ) passes for occupants of micro-housing and congregate residences.
9. Account for micro-housing and congregate residence sleeping rooms in progress towards residential growth targets.

10. Deepen the required affordability levels for participation in incentive zoning for affordable housing for projects with micro-housing or congregate residences, and for very small studio apartments.

1. Define "Micro-housing" and "Micro" within the Land Use Code

Currently, micro-housing is not defined or distinguished from other dwelling units in the Land Use Code. Doing so would allow the City to apply appropriate development standards and clarify the regulation of micro-housing production. To this point, DPD has in most instances permitted the type of housing within an allowed dwelling unit with up to eight sleeping rooms. Typically the housing is a cluster of up to eight sleeping rooms each with individual bathrooms and bedrooms, around a shared kitchen within a townhouse dwelling unit or apartment dwelling unit.

The city's longstanding definition of "household" in Land Use Code Section 23.84A.016 is:

"Household" means a housekeeping unit consisting of any number of related persons; eight or fewer non-related, non-transient persons; eight or fewer related and non-related non-transient persons, unless a grant of special or reasonable accommodation allows an additional number of persons."

So the code limit on the number of roommates, friends, or boarders who are legally allowed to live together in a household is 8. And this 8 person household limit is reflected in the definition of "Dwelling Unit" - the defined term used as the basis for a wide range of zoning standards and land use thresholds. Per Section 23.84A.008 (underline added):

"Dwelling Unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

When any new development occurs, a land use (zoning) review determines whether the application meets standards for items such as required parking (bicycles and vehicles) if any, size standards of refuse storage areas, and whether environmental review (pursuant to SEPA) or design review is required. Thresholds for any parking requirements or review processes are based on the quantity of "dwelling units." In the absence of a sub-classification of micro-housing DPD has no mechanism to identify and apply land use (zoning) standards specifically aimed at this form of housing.

Therefore, the proposal is a new definition of "micro-housing" that would be an additional sub-classification of residential use in the code. Additionally, DPD proposes to define "micro" as the component sleeping quarters or room for an individual within micro-housing. In this way, DPD can identify "micro-housing" development, and can also enumerate the quantity of "micros" in order to apply standards and thresholds, as well allow for accurate and regular tracking in permits. The new "micro-housing" and "micro" definitions would include specific features to ensure housing of this type adheres to allowable formats and can be distinguished from other types of residential use.

The definitions would include the following:

"Micro-housing" - means a format of multi-family housing in which the dwelling unit is composed of up to eight rooms each meeting the definition of a micro pursuant to SMC 23.84A.032.22, and with a common kitchen at least 120 square feet in size that is shared by each micro within the dwelling unit.

"Micro" – means a room or rooms within micro-housing and having all of the following characteristics:

- a. contains 285 square feet or less;
- b. contains a bathroom with a toilet, bathing facility, and sink;
- c. does not contain a food preparation area or kitchen;
- d. no sink is located outside of the bathroom within the micro.

A key indicator of the presence of a food preparation area or kitchen for plan review and enforcement purposes is the presence of a stove or range, or the requisite wiring for 220V electrical service or a gas supply line. Additional specificity on interpretation of the presence of a kitchen and determination as micro-housing would be contained in an associated DPD Director's Rule, if needed.

If not all components of the micro-housing definition are present in a housing proposal it would not be classified as micro-housing. The applicant would either have to revise proposed plans to conform to the definitional features, or conform the development proposal to another multi-family housing type. For example, if a proposed Micro contained a kitchen or more than 285 sf, it would not be considered as micro-housing. DPD would direct the applicant to remove the elements of a kitchen, reduce the size of the micro below 285sf, or to pursue another housing format such as congregate housing, or conventional apartment dwelling units. It is also important to note that any grouping of more than 8 Micros would trigger classification as a congregate residence and associated standards. (See below)

Congregate Residences: The Land Use Code already contains defined terminology for Congregate Residence, Assisted Living Facility, Nursing Home and others categories of multi-family residential land uses. Some recent forms of development with similarities to the form of housing referred to as micro-housing are classified as congregate residences. Historically, the congregate residence classification was most commonly used to permit student dormitories, sororities/fraternities or similar uses. Congregate residences are composed of any number of sleeping rooms of 9 or more within a single congregate residence that contains shared or common elements to the living arrangement. The congregate residence definition, included below, will continue to be applied and factors into the discussion in this report of certain standards and reviews.

"Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family dwelling units for which special or reasonable accommodation has been granted.

2. Prohibit new micro-housing development in single-family zones (or other specific zones.)

Congregate residences are already not allowed in single-family zones. DPD proposes an amendment to prohibit new construction or remodeling of buildings to create an explicit configuration as micro-housing in single-family zones.







It is legal and common for a group of roommates to rent rooms in an existing single family home, and such a practice could continue. The limitation on occupation of a single family home by a group of roommates is per the household limit of 8 unrelated persons. So, a group of this size may inhabit a conventional home, which typically has bedrooms of a variety of sizes, not all of which have bathrooms. The proposed additional regulation of micro-housing would grant DPD the authority to identify new construction or major renovation of homes in single-family zones specifically for creation of micro-housing formats. Therefore, if a proposed new development or major renovation in a single family zone has characteristics making it substantially similar to Micro-Housing, DPD could determine it to be a Micro-Housing residential use and disallow it in the single family zone. DPD would make the interpretation based on the internal configuration of rooms and spaces in the home. The types of specific factors DPD would consider to indicate the presence of micro-housing in a single-family zone include the ratio of bedrooms to bathrooms, and the percentage of non-bedroom living spaces (ie. living and dining rooms) to bedrooms.

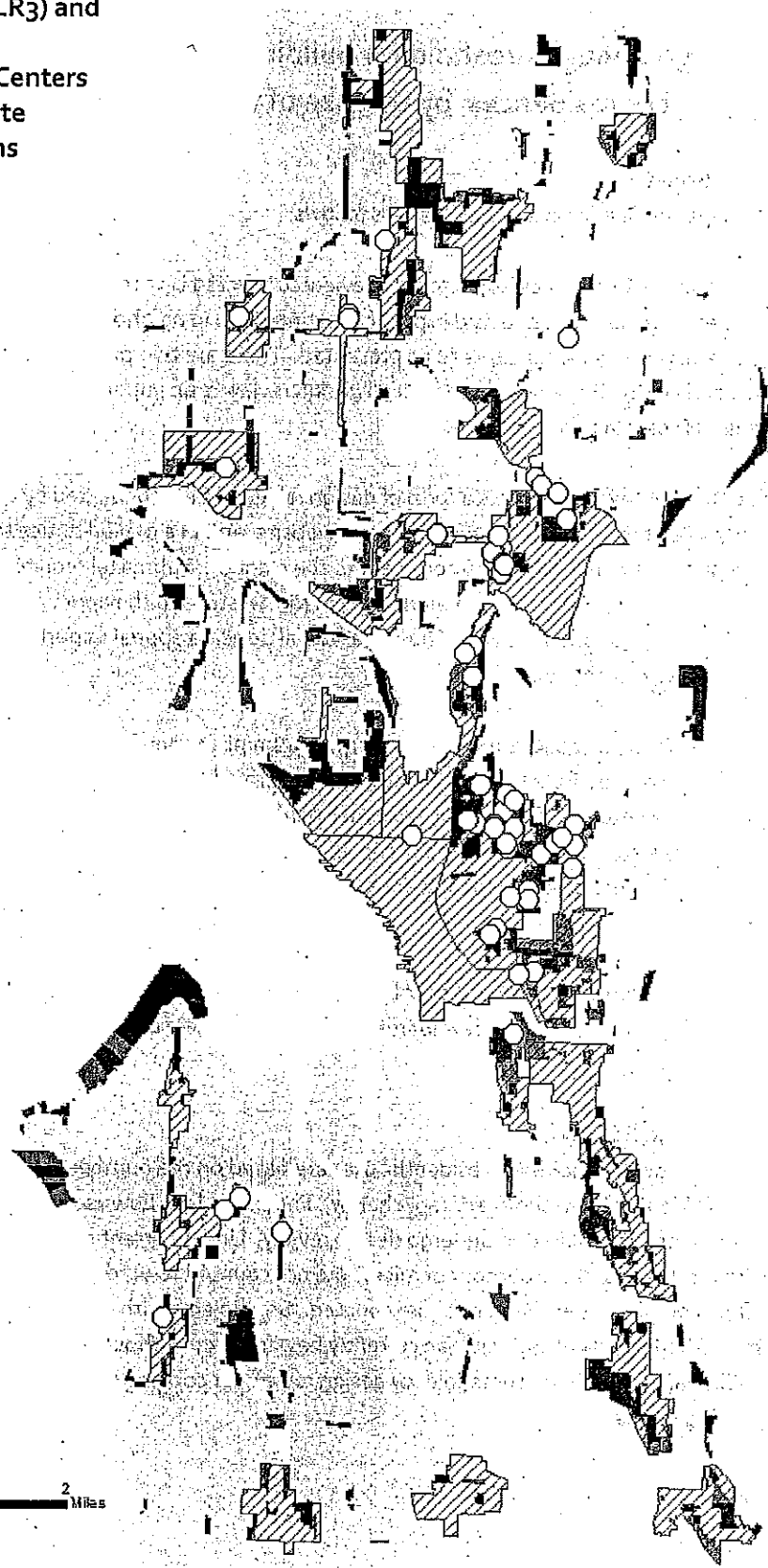
Some have suggested prohibiting micro-housing in other zones, such as Lowrise 1 (LR1) and Lowrise 2 (LR2). This is a topic we propose to continue monitoring, and do not recommend additional geographic limitation of micro-housing at this time. According to DPD's tracking list (September, 2013) micro-housing production has not occurred in the Lowrise 1 zone (0 projects currently identified), and is only slightly more prevalent in Lowrise 2 zones (3 projects currently identified). Where LR1 and LR2 zones are located within urban centers and urban villages well served by transit our observation is that micro-housing can be appropriately sited. DPD also observes that where LR1 and LR2 zones are located outside of urban centers or urban villages vehicle parking requirements are in effect (and would be increased pursuant to action 7 below). An integral part of the observed micro-housing development model is to produce housing without vehicle parking on site. Therefore the frequency of transit service (and presence or absence of parking requirements) is in the majority of cases influencing micro-housing location away from LR1 and LR2 zones that are generally outside of urban centers and urban villages with frequent transit service, where parking would be required. (See also Action 7 parking and associated map.)

The map on the following page illustrates the location of all Lowrise 1 (LR1), Lowrise 2 (LR2), Lowrise 3 (LR3) and Midrise (MR) zones in the city, along with the location of urban villages and urban centers. The map displays the location of micro-housing and congregate residence development on the city's tracking list (September, 2013). We can see from the map that of the 58 projects identified only 5 are outside of an urban village or urban center. With the overwhelming majority of this development focused on urban villages and centers DPD does not propose additional geographic limits as they are not necessary.

Lowrise Zones (LR1, LR2, LR3) and
Midrise Zones (MR)
Urban Villages and Urban Centers
Micro-housing & Congregate
Residence Project Locations

Legend

-  Micro-Apartment
Project Location
-  Urban Village or
Urban Center
-  Lowrise 1 (LR1) zone
-  Lowrise 2 (LR2) zone
-  Lowrise 3 (LR3) zone
-  Midrise (MR) zone



3. Apply a design review threshold for buildings with micro-housing, and for congregate residences by the size of the building

Types of Design Review

There are three types of design review processes as follows:

Design Review using the Design Review Board is a review conducted by 5 member appointed citizen design review boards. Design review is conducted in public meetings held in neighborhood locations. The process requires three alternative design concepts to be presented. There are two principal steps, Early Design Guidance (EDG) and Design Recommendation. Full design review is an appealable decision to the city's hearing examiner. (Type II land use decision.)

Administrative Design Review (ADR) is a form of design review that is conducted by a DPD design review planner. Public notice of the project is provided on the website, and in a mailed notice to nearby residences. Members of the public have the chance to comment to the planner. Submittal requirements for three alternate design schemes are required and there are two formal steps to the approvals process (Early Design Guidance, and Design Recommendation). There is a formal decision appeal opportunity to the hearing examiner (Type II land use decision).

Streamlined Design Review (SDR) is a simplified form of administrative design review that is conducted by a DPD design review planner. Public notice of the project is provided on the website, and in a mailed notice to nearby residences. Members of the public have the chance to comment to the planner. Applicant submittal requirements are reduced and the number of approval steps is more limited than Administrative or Full Design Review. There is no formal decision appeal opportunity to the hearing examiner (Type I land use decision).

The type of design review that is required (or voluntarily available) is generally based on the scale of the proposed development. Larger scaled development undergoes review by the board and administrative forms are used for other projects.

Applicability of Design Review

Currently design review thresholds for residential uses are based on the number of dwelling units in the project. (See DPD Tip #238 and summary table below). For example in Lowrise 3 zones, projects with nine or more dwelling units are required to undergo design review. Under current practices (without a formal definition of "micro-housing") the number of micros are not counted toward the design review threshold individually. Only complete "dwelling units" are counted. So, projects with a large number of micros (up to 8 within each micro-housing dwelling unit) can currently be permitted without triggering a design review requirement. Similarly, there is no threshold for design review for congregate residences that addresses the number of sleeping rooms.

Summary of Current Design Review Treshholds
Residential Development (Excerpted from DPD Tip#238)

Full Design Review (Board)	
Zone / Location	Threshold
Lowrise 3	9 or More Dwelling Units
Midrise	20 or More Dwelling Units
Neighborhood Commercial Zones (NC1, NC2, NC3) Commercial Zones (C1, C2 – certain locations)	4 or More Dwelling Units
Administrative Design Review (ADR)	
Projects under the mandatory design review thresholds seeking development standard departures may voluntarily submit for ADR. A development standard departure allows a project design to achieve flexibility in the application of prescriptive land use standards, provided the applicant can demonstrate that it would result in a development that meets or exceeds the intent of design guidelines.	
Streamlined Design Review (SDR)	
Zone / Location	Threshold
Townhouse development in any zone	3 or more townhouse housing units

DPD proposes to identify all development projects containing micro-housing and any congregate residence project, and make the threshold for design review for these forms of development based on the size of the building in gross square feet (GSF), rather than by number of dwelling units. The design review threshold for this form of housing would apply in any zone across the city. The thresholds are scaled to be similar to the physical size and scale at which other conventional housing developments would undergo design review based on the dwelling unit thresholds.

The proposal for building size thresholds are summarized in the following table:

Proposed design review thresholds for developments with Micro-Housing, and Congregate Residences all zones citywide		
Building Size Gross Square Feet (GSF) Non-Exempt Floor Area	Type of Design Review	Building Size Benchmark
6,000 to 11,999 GSF	Streamlined Design Review (SDR)	<ul style="list-style-type: none"> Approximate size of 3 to 8 unit townhouse development currently required to undergo SDR Size of typical Lowrise zone (LR) development on 1 commonly platted city lot
12,000 to 19,999 GSF	Administrative Design Review (ADR)	<ul style="list-style-type: none"> Approximate size of 9 unit townhouse or lowrise development currently required to undergo design review in Lowrise 3 (LR3) zone Size of typical Lowrise zone (LR) development on 2 commonly platted city lots
> 20,000 GSF	Full Design Review Board Design Review	<ul style="list-style-type: none"> Approximate size of 20 unit conventional apartment development in the MR zone – existing threshold for MR design review Approximate size of development at full development capacity on 1 commonly platted city lot in the MR zone, and the majority of all developments on 2 commonly platted lots in the MR zone Approximate size of smaller end mixed use buildings commonly constructed in Neighborhood Commercial (NC) zones

Streamlined Design Review (SDR): Currently in all zones a townhouse project with 3 to 8 townhouse units must undergo SDR. Such a project would commonly contain between 6,000 and 16,000 gsf assuming an average townhouse unit size of 2,000 gsf. DPD also observes that the physical size of development at this scale is commonly configured on one typical platted residential lot (often 50 x 100 or similar dimensions, or about 5,000 sf.). Considering a maximum Floor Area Ratio (FAR) of between 1.0 and 2.0 allowed in lowrise multi-family zones, a development in lowrise zones on a typical 5,000 sf lot would yield between 5,000 (5,000sf lot x 1.0) and 10,000 gsf (5,000sf lot x 2.0). A development with an FAR of 1.2 on a 5,000sf lot would produce a 6,000 gsf project. So, we can assume that most new micro-housing developments in lowrise zones that do not underbuild the allowable floor area on one platted lot would trigger SDR at a threshold of 6,000 – 11,999 gsf.

Administrative Design Review (ADR): The proposed 12,000-19,999 gsf threshold for ADR approximates the scale at which the smallest apartment buildings normally built in Lowrise, Midrise, and Commercial Zones would be required to undergo design review. Between 2011 and the summer of 2013, there were 113 multi-family residential projects required to undergo design review in the LR, MR, NC and C zones, most of which were apartments or mixed-use development. Of these 113 design review projects, only 3 were below the 12,000 gsf threshold. A list summarizing the 25 smallest multi-family projects to undergo design review from 2011 to the summer of 2013 is provided following the image examples below. So the 12,000 gsf threshold is a size limit that would require ADR for micro-housing projects of the same size and scale as the vast majority of all multi-family apartment buildings that are currently required to undergo design review.

We also observe that the physical size of development at this scale is commonly configured on two typical platted residential lots (often around 10,000 sf.). Considering a maximum Floor Area Ratio (FAR) of between 1.0 and 2.0 allowed in lowrise multi-family zones, a development in lowrise zones on two typical lowrise zone lots would yield 12,000 gsf at an FAR of 1.2. So we can assume that most new micro-housing developments in lowrise zones that do not underbuild to the allowable floor area on two platted lots would trigger ADR at a threshold of 12,000+ gsf.

Full Design Review Board Review: The proposed 20,000+ gsf threshold for Design Review Board review approximates the scale of a Midrise (MR) zone development of 20 conventional dwelling units—the current threshold for design review in the MR zone. For example a conventional apartment development with 20,000 gsf would typically include approximately 25% of the area in lobbies and corridors etc. This would leave 15,000 sf for units, which would produce 20 conventional apartment dwelling units at 750 sf in size. The 20,000 gsf threshold also reflects the size of a typical development in the MR zone on one commonly platted lot, when the development approaches the zone's maximum 4.25 FAR. ($5,000 \times 4.25 = 21,250$ gsf). Therefore micro-housing or congregate residence development projects in the MR zone on one lot, developed to full capacity, and the vast majority of projects on more than one lot, would trigger design review using the Board. We also note that 20,000 gsf is roughly equivalent to the scale of smaller mixed-use development projects in neighborhood business districts in Neighborhood Commercial (NC) zones. Development of a scale found in the Midrise and Neighborhood Commercial zones is appropriate for Design Review Board review.

Recommendations for Type of Design Review: The above recommendations for type of design review (SDR, ADR, and Design Review Board review) are based on the building size benchmarks indicated in the table, and also on an assessment of cost factors and design review board workload levels. As a general principle, the cost and time associated with a design review requirement should be in proportion to the scale of the development project. A project with the budget of a small lowrise multi-family development should not be subject to the same design review process as a downtown highrise tower. With cost proportionality in mind, DPD recommends forms of design review most appropriate for the scale of the development proposal.

In addition there are workload constraints on the seven appointed, volunteer Design Review Boards. In general, each of the boards meets regularly every two weeks to review projects. Typically no more than 2 projects are reviewed during any given meeting. So, there is a maximum feasible pace of review that can be achieved by the boards. During high volume development periods, lead times for design review board appointments can occur. Therefore, DPD recommends using SDR and ADR instead of the board review process for smaller and intermediate scale micro-housing developments. The department has more flexibility to adjust staffing levels for undertaking administrative reviews than it does to increase the capacity and structure of the citizen design review boards.

Application of Proposed Design Review Threshold*

Applying these proposed design review thresholds to the micro-housing projects DPD has observed on its tracking list (September, 2013) would result in the following.

- Of 58 total projects that would have been classified as having micro-housing or as congregate residences...
 - 27 would have undergone SDR (47% of total projects)
 - 17 would have undergone ADR (29% of total projects)
 - 7 would have undergone full Design Review board review (12% of total projects)
 - 7** would have undergone no design review (12% of total projects)

* For the purpose of this analysis, for projects that have not yet identified building square footage amounts in permitting documents, we have made building size assumptions based on the project lot size and allowable FAR.

**It should be noted that several of the 7 projects that are below any design review threshold are renovations of existing single family home type structures located within Lowrise zones.

For reference, exhibits on the following pages provide examples of projects at about 6,000 gsf about 12,000 gsf, and about 20,000 gsf to depict the scale of micro-housing or congregate residence buildings that would be required to undergo SDR, ADR and full design review respectively.

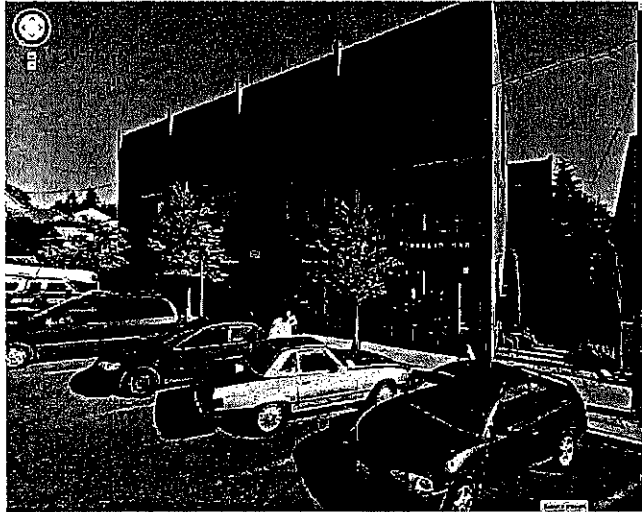
Example 1: A development with about 6,000 GSF. All new buildings that include micro-housing or congregate residences larger than this would be required to undergo Streamlined Design Review (SDR).



5,950 GSF project
4 townhouse units
6,000 sf lot
Underwent Streamlined Design Review (SDR)
Located in LR1 Zone
Located in lower Magnolia



Example 2: A development with slightly more than 12,000 GSF. All new buildings that include micro-housing or congregate residences of this size or larger would be required to undergo Administrative Design Review (ADR).



12,952 SF project
8 LiveWork Units
9,300 SF Lot
Columbia City Historic Review Board project
Located within the NC2-40 zone



Example 3: A development with approximately 20,000 GSF. All new buildings this size or larger with micro-housing or congregate residences would be required to undergo Design Review Board review.



20,022 GSF total
25 apartment units
Capitol Hill
Historic Apartment Building (Built 1910)
Located within the LR₃ zone
Project pre-dates design review



Example 4: A micro-housing development that did not undergo any design review. The development contains more than 12,000 gsf in all three buildings, so it would have been required to undergo Administrative Design Review (ADR) if these recommendations had been enacted at the time.



13,848 GSF in all three buildings
8 Townhouse style dwelling units
56 Micro-apartments
Capitol Hill
Located within the LR3 zone
Project did not undergo design review

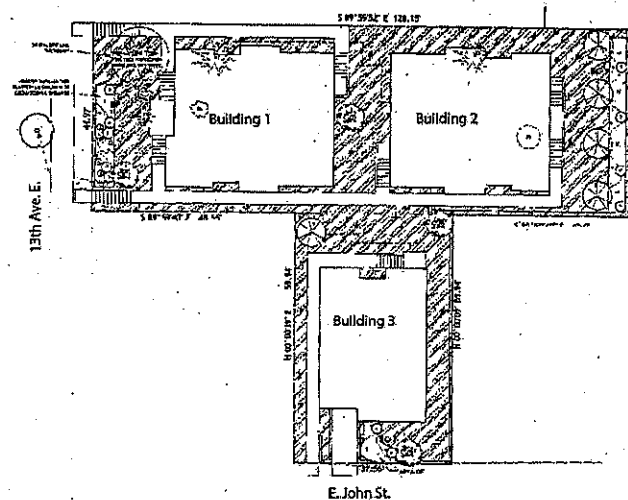


Table: Design Review of Multi-family Apartment Projects. The table below summarizes the 25 smallest apartment development projects required to undergo design review between 2011 and May of 2013. It shows that exceedingly few multi-family apartment projects smaller than the threshold proposed for micro-housing design review are required to undergo design review. Or that the proposed thresholds for micro-housing are on par with design review requirements for other kinds of apartment development.

2011- May 2013
25 Smallest Multifamily Apartment Projects
That Underwent Design Review

ADDRESS	Zone (s)	Dwelling Units	Approx. GSF	Description
12350 33RD AVE NE	LR3, NC2-40	23	3,850	Four-story, 23-unit residential building with one live-work unit.
355 15TH AVE	NC1-30	8	6,742	Two, three-story structures for eight live-work units.
717 3RD AVE N	LR3	20	10,380	Three-story, 20 unit residential structure.
11714 PINEHURST WAY NE	NC2-40	12	14,637	Four-story structure with 12 residential units over 1,400 sq. ft. of commercial space.
4558 7TH AVE NE	MR	24	14,785	Six-story structure with 24 residential units.
160 20TH AVE	LR2	16	15,784	Two 3-story structures containing a total of 16 low income residential units.
1814 12TH AVE S	LR3	22	15,943	Five-story structure containing 22 residential units.
3829 CALIFORNIA AVE SW	LR3	29	15,999	A three-story structure containing 29 residential units.
109 12TH AVE E	LR3	23	17,509	Four-story structure containing 23 residential units.
6818 62ND AVE NE	LR3	15	18,550	Three-story structure containing 15 low income residential units.
1366 31ST AVE S	NC1-30	18	20,042	3 story building, containing 18 residential units above 5,178 sq. ft. of retail.
12517 33RD AVE NE	C1-65, NC3P-85	21	20,400	Four-story residential structure with 21 units above a 1,500 sq. ft. community center at ground level.
6401 32ND AVE NW	NC1-30	18	21,089	Three-story structure containing 18 residential units above 5,001 sq. ft. of retail.
8026 15TH AVE NW	NC2-40	24	22,032	Four-story structure containing 24 residential units and one live-work unit.
521 2ND AVE W	NC3-40	30	22,550	A four-story structure containing 30 residential units and three live work units.
2200 24TH AVE E	LR1, NC1-30	24	23,427	Three-story building with 24 residential units, one live-work unit (1,031 sq. ft.) and retail and office use (4,926 sq. ft.)
1711 12TH AVE	NC3-40	35	23,578	A four-story building with 35 residential units and two live/work units.
1406 E REPUBLICAN ST	LR3	35	25,900	A 4-story structure containing 35 residential units.
4111 STONE WAY N	NC2-40	27	27,050	A four-story structure containing 27 residential units over 1,560 sq. ft. of retail/commercial space.
1600 E JOHN ST	LR3	15	27,766	A 17,000 sq. ft. 4-story structure containing 15 residential units.
1823 18TH AVE	LR3	32	28,807	A four-story residential structure containing 32 units.
2034 NW 56TH ST	NC3-65	18	36,664	Two structures, one, 4-story with 18,505 sq. ft. of office and retail and one, 5-story with 18 residential units.
6404 24TH AVE NW	NC1-65	25	37,060	Five-story addition to a structure, contains 25 residential units above 3,665 sq. ft. of ground level retail.
127 BROADWAY E	NC3P-40	24	43,229	Add three stories to existing building for a total of six stories and allow 24 residential units with 3,328 sq. ft. of retail at ground floor.
9051 20TH AVE SW	C1-40	35	49,769	A three to four-story structure containing 2,095 sq. ft. of retail space, four livework units and 35 residential units above.
6950 SAND POINT WAY NE	LR3	20	61,568	A three-story structure containing 39 low income residential units.

88 larger projects underwent design review during the timeframe in addition to these 25 smallest.

Notes:

Relevant zones only. Excludes downtown zones and South Lake Union

Project identification was made based on number of multifamily dwelling units. (Some small commercial/office only projects may be excluded from the analysis)

4. Add a minimum size for shared kitchen space in micro-housing and congregate residences.

Currently there is no Land Use Code minimum size of shared kitchen / common area, nor is there a minimum apartment size. The Seattle Building Code includes minimum requirements on the size and floor area of habitable spaces. (SMC 22.206.020) These Building Code requirements control the minimum sizes of micros in micro-housing and sleeping rooms in congregate residences. Minimum building code standards include (summary):

- Every dwelling unit shall have at least one habitable room with not less than 120 sf floor area
- No habitable room may be less than seven feet in any floor dimension
- Every room used for sleeping purposes shall have not less than seventy (70) square feet of floor area

DPD proposes to continue to rely on building code standards to provide adequate minimum sizes of micros in micro-housing. In practice, micros have commonly ranged from about 120 sf of floor area to 185 sf of floor area based on a review of plans for most micro-housing developments on the DPD tracking list. DPD has not encountered substandard living conditions or other health and safety concerns that would suggest requiring a larger minimum size for micros.

However, DPD has identified examples in some recent projects where space provided in the shared kitchen/common area appears to be smaller than a functional minimum for this type of shared space. Fourteen micro-housing projects were identified as having at least one shared kitchen smaller than 120sf, with a few proposed shared kitchens sized as small as 50 sf. The shared kitchen/common area within micro-housing, which is expressly designed to contain up to 8 micros, should be sized and available for use by a multiple person household. DPD therefore recommends that a new requirement be added in the Code that a micro-housing dwelling unit shall include a shared kitchen/common area not less than 120 square feet. A 120 square foot kitchen (i.e. 10'x12' or 8'x15') is a size that can be used for cooking by more than one person at a time, and is likely to include adequate space for a table and chairs for eating meals. The 120 square foot requirement is also consistent with the building code requirement for at least one room in the dwelling unit of this size. Our observation of a need for a minimum useable kitchen/shared space is also based on field visits and tours to micro-housing.

DPD also proposes a requirement for a minimum quantity of communal area within congregate residences for similar reasons and to provide consistency. Currently certain special classes of housing such as Assisted Living Facilities include standards for shared communal areas (required 5% of total floor area in assisted living units or 25% of the lot area, whichever is less). No similar standard is in place for congregate residences. As a benchmark to develop a standard, DPD reviewed recently permitted off-campus student housing at the University of Washington located on Campus Parkway. Spruce and Alder Halls are congregate residence structures, in which small sleeping rooms for one student are arranged along corridors, with each sleeping room having an individual private bathroom and no kitchen. The halls have many parallels to privately produced congregate housing. A review of plans indicates that common areas including lounges and cafeterias are equal to approximately 11% of the floor area in the sleeping rooms.

Based on this review and other research DPD proposes that a 10% communal area requirement be added for all congregate housing.

In the case of both the proposed minimum shared kitchen size in micro-housing, and the minimum required communal area in congregate residences, these spaces may not also count towards otherwise required Residential Amenity Area. Residential Amenity Area requirements in the LR and MR zones may be a blend of outdoor and indoor common and open spaces. This proposal would ensure that the required residential amenity area is in place, and additionally, adequate shared kitchen and interior communal areas are provided to serve residents' needs, when not designed as more traditional apartment units.

5. Limit kitchen components in individual micros and sleeping rooms to differentiate from dwelling units.

The proposed legislation would limit the amount of kitchen components that could be located in individual micros (for micro-housing), or sleeping rooms (for congregate residences). The purpose of this is to differentiate the housing type from conventional dwelling units.

In micro-housing, the shared kitchen for a grouping of up to 8 micros is a defining element of the housing type. Limiting kitchen features to the shared kitchen, and not allowing kitchen features to be constructed within individual micros, ensures that the housing type is truly distinct from conventional dwelling units. This proposal would disallow plumbed sinks from being placed within the bedroom portion of the micro – requiring that the plumbed sink be placed in the bathroom enclosure. The proposal also clarifies that a gas or electric stove or cooktop can't be located in an individual micro. Under the new proposal, plumbed sink and stove are the primary indicators of a food preparation area or kitchen – and without these features it is unlikely that a true kitchen or food preparation area would be present.

A congregate residence is defined by the presence of 9 or more sleeping rooms organized in a building with shared or 'congregate' features. As with micros, placing a limit on the amount of food preparation areas or kitchens that can be constructed within individual sleeping rooms ensures that the housing type is truly distinct from a series of conventional dwelling units. Therefore the proposal would place limits on plumbed sinks and gas or electric stoves or cooktops within the sleeping rooms. However, in contrast to micro-housing, congregate housing commonly and customarily includes a variety of sleeping room formats and configurations. For example, contemporary student housing is often built with a mix of some sleeping rooms with kitchen areas targeted to graduate or more senior students, and some sleeping rooms with no kitchens for undergraduate students. Similarly, in some transitional senior housing arrangements that do not qualify as Assisted Living or Nursing Homes, there may be a range of sleeping room formats – some with kitchens and some without. To account for a variety of formats and still allow DPD to distinguish from conventional dwelling units, we propose a percentage limit of no more than 25% of sleeping rooms in congregate residence allowed to have food preparation or kitchen areas. Additionally, we propose code language that would give the Director flexibility to consider an increase in the percentage to up to 75% while still considering a proposal to be a congregate residence, if the housing is affiliated with a university or college,

or if it includes other clear factors evidencing it as a shared or common living arrangement. In this way, the congregate residence format allows a greater degree of flexibility in the overall configuration and arrangement of sleeping rooms, as well as variety of shared or communal spaces.

6. Update development standards for solid waste storage areas in micro-housing and congregate residences developments

There currently are standards for the sizing of refuse collection storage areas, as well as standards for the size of refuse receptacles themselves. When new development occurs, DPD regulates the required size of solid waste materials storage areas in the building in consultation with Seattle Public Utilities (SPU). The Land Use Code requirement for size of refuse collection area is based on the number of dwelling units (see Table A below).

Table A for 23.54.040: Shared Storage Space for Solid Waste Containers

Residential Development	Minimum Area for Shared Storage Space
2-8 dwelling units	84 square feet
9-15 dwelling units	150 square feet
16-25 dwelling units	225 square feet
26-50 dwelling units	375 square feet
51-100 dwelling units	375 square feet plus 4 square feet for each additional unit above 50
More than 100 dwelling units	575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C

In addition to the DPD code requirement, SPU provides standards for the size of the actual solid waste receptacle in three components summarized below. SPU also exercises discretion in working with new developments to make sure the design sizing and location of refuse receptacles are adequate. To date SPU's review has resulted in adequate refuse collection areas in existing micro-housing projects. When a building has solid waste overflow, SPU addresses this on a case by case basis. One solution is to require more frequent pick-up. SPU practices and requirements are summarized as follows:

- Garbage - divide the number of residential units by 10 to get the cubic yards of weekly garbage service.
<http://www.seattle.gov/util/MyServices/Garbage/BldgOwnersManagers/ChoosingaDumpsterSize/index.htm>
- Recycling - will need the same amount of cubic yards as garbage, but recycling will vary from building to building.
- Food waste – container size is based on the total dwelling units of the building
http://www.seattle.gov/util/MyServices/FoodYard/BldgOwnersManagers_FoodYard/CartCostSize/index.htm

Additionally, there are requirements for container/cart/dumpster storage including:

- Storage has to be on the property, not public ROW. If the property size is too small to store waste in a location accessible for the garbage pickup, then it will need on-site management to bring garbage out for pickup.
- Refuse has to be close and easy enough for containers to be picked up by the waste collection company
- If there is not enough capacity, SPU will require more frequent pickup, which will increase the cost to the building owner.

As a precautionary measure DPD proposes additional authority for SPU to consider the quantity of micros or sleeping rooms in congregate residences in its plan review for determining the appropriate recycling and waste storage square footage area and access.

7. Update development standards for amount of required bicycle and vehicle parking in micro-housing and congregate residence developments

Bicycle Parking: Currently the amount of off street bicycle parking required for residential uses is one bicycle parking space for every four dwelling units in multifamily housing, and one bicycle parking space for every 20 residents in congregate residences. (Table E, SMC 23.54.015) These quantities may not result in adequate off-street bicycle parking for micro-housing because up to eight micros may be located within a dwelling unit. Since most developments with micro-housing in recent years have been built with few or no vehicle parking spaces there is added importance to providing storage space for bicycles.

DPD proposes to increase the requirement for off-street bicycle parking for development including micro-housing and for congregate residences. DPD recommends a new requirement for off-street bicycle parking space of one secure bicycle parking space for every 4 micros or sleeping rooms in a congregate residence. This quantity reflects the expected high demand for bicycle storage for this form of development relative to other forms of development citywide. We also note that in the survey of tenant demographics provided by operators of Apodments®, 25% of tenants said they commute by bicycle. This suggests that at a minimum one in four residents of micros own a bicycle – with the actual bicycle ownership percentage likely to be higher when non-commuter bike owners are reflected. In tours of micro-housing developments DPD observed, in some cases, undersized spaces for bicycle parking.

Vehicle Parking: Seattle Municipal Code 23.54.015 provides minimum parking requirements for vehicles. In Table B below are requirements for vehicular parking for residential uses. Required vehicle parking for multi-family residential uses is generally 1 required parking space for each dwelling unit in areas where parking is required. (SMC 23.54.015 I). As noted for other topics above, this requirement would apply to one “dwelling unit” which could contain up to eight micros. Note that for Congregate Residences, and for Assisted Living Facilities the vehicle parking requirement is one space for each 4

residents. DPD proposes to add a vehicle parking requirement for micro-housing to SMC 23.54.015 that would be equal to the 1:4 ratio currently required for Congregate Residences and Assisted Living quarters.

Specific Areas Where No Vehicle Parking Is Required: Per Table B for 23.54.015 there is no minimum vehicle parking requirement for residential uses in areas that are either: 1) within urban centers or within the Station Area Overlay District; or 2) in commercial and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within 1,320 feet of a street with frequent transit service. In these locations, which are planned to be the city's most compact, walkable and transit-rich, the City has adopted policies not to mandate new vehicle parking.

In keeping with existing vehicle parking policies we recommend treating micro-housing equally to other forms of multi-family housing, and not adding a new parking requirement specifically for micro-housing. DPD proposes to continue allowing parking exemptions for specific areas per 23.54.015 L. and M. below to be available to micro-housing along with other forms of housing.

Note: The table below is shown with the proposed change to add a parking requirement for micro-housing.

Table B for 23.54.015: PARKING FOR RESIDENTIAL USES		
Use		Minimum parking required
I. General Residential Uses		
A.	Adult family homes	1 space for each dwelling unit
B.	Artist's studio/dwellings	1 space for each dwelling unit
C.	Assisted living facilities	1 space for each 4 assisted living units; plus
		1 space for each 2 staff members on-site at peak staffing time; plus
		1 barrier-free passenger loading and unloading space
D.	Caretaker's quarters	1 space for each dwelling unit
E.	Congregate residences <u>and micro-housing</u>	1 space for each 4 residents <u>sleeping rooms or micros</u>
F.	Cottage housing developments	1 space for each dwelling unit
G.	Floating homes	1 space for each dwelling unit
H.	Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
I.	Multifamily residential uses, except as provided in Sections II or III of this Table B for 23.54.015.(1)	1 space per dwelling unit.
J.	Nursing homes(2)	1 space for each 2 staff doctors; plus
		1 additional space for each 3 employees; plus
		1 space for each 6 beds
K.	Single-family dwelling units	1 space for each dwelling unit

II. Residential Use Requirements For Specific Areas		
L.	All residential uses within urban centers or within the Station Area Overlay District(1)	No minimum requirement
M.	All residential uses in commercial and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use.(1)	No minimum requirement
N.	Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015(1)	1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus
		1.5 spaces per dwelling units with 2 or more bedrooms; plus
		.25 spaces per bedroom for dwelling units with 3 or more bedrooms
O.	Multifamily dwelling units, within the Alki area shown on Map B for 23.54.015(1)	1.5 spaces for each dwelling unit
III. Multifamily Residential Use Requirements with Income Criteria		
P.	Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income(3), for the life of the building(1)	0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
Q.	Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income(3), for the life of the building(1)	0.75 spaces for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
R.	Low-income disabled multifamily residential uses(1) (3)	1 space for each 4 dwelling units
S.	Low-income elderly/low-income disabled multifamily residential uses (1) (4)	1 space for each 5 dwelling units
T.	Low-income elderly multifamily residential uses(1) (3) not located in urban centers or within the Station Area Overlay District	1 space for each 6 dwelling units

Recent Vehicle Parking Related Policies: Several recent policy or legislative actions have affirmed the City's commitment to allowing the market, rather than vehicle parking minimums to dictate the

amount of parking provided in urban centers, and urban villages with frequent transit service. Policy initiatives include the following:

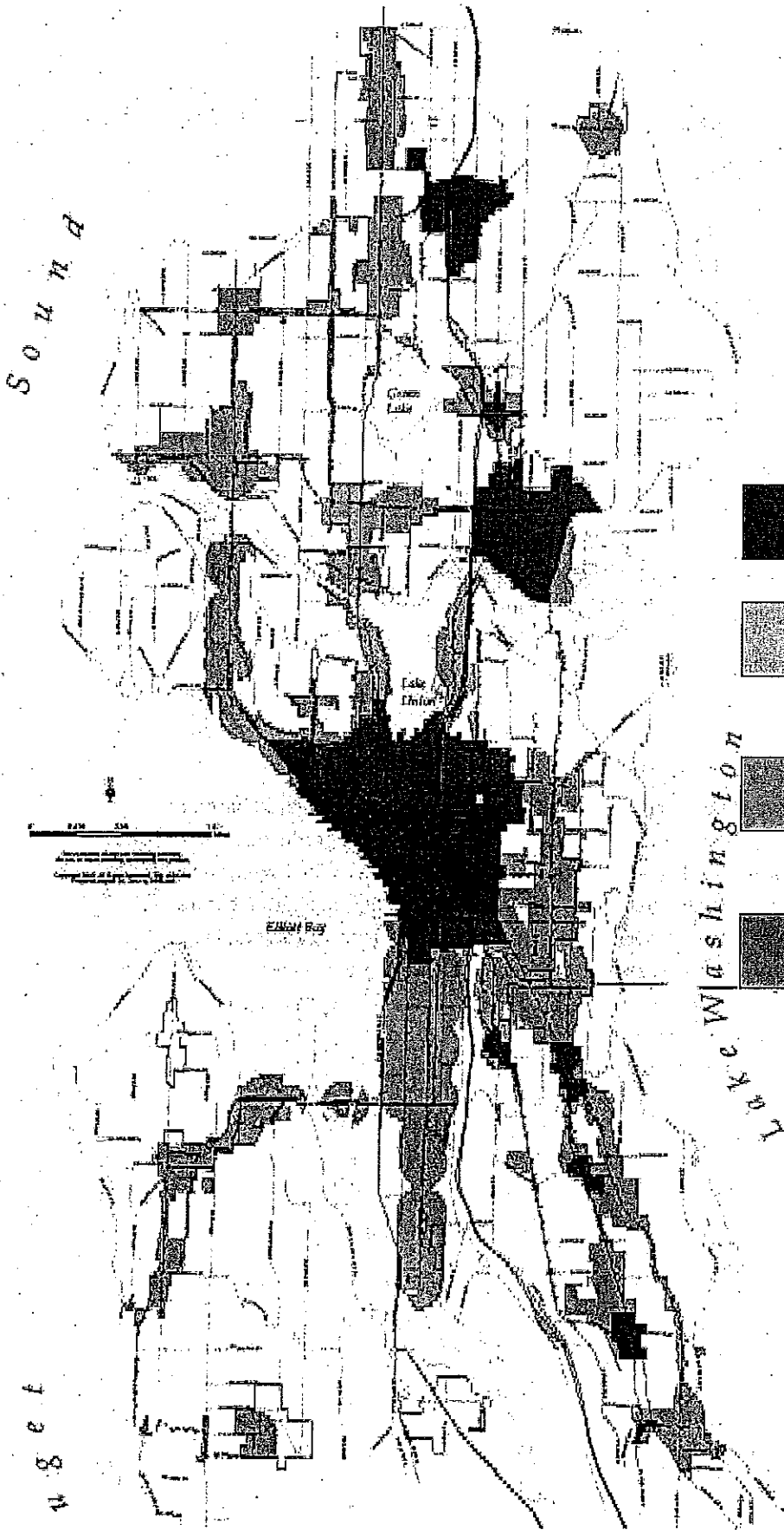
- **Lowrise Multifamily Code Update (2010):** Ordinance 123495, passed December, 2010 by 9-0 vote adopted new zoning regulations for Lowrise zones including no required parking in urban village areas within ¼ mile of frequent transit. This follows similar approaches to parking policy with the adoption of Midrise and Highrise zoning in 2010 and new Commercial zoning in 2006.
- **Climate Action Plan (2013):** Approved by City Council in spring 2013 recognizes that 40% of all Green House Gas Emissions in Seattle are from passenger vehicle emissions. Numerous actions aimed at outcomes of "trending away from single-occupant vehicles".
- **Seattle Transit Communities Policy (2013):** Added into the City of Seattle Comprehensive Plan in May 2013 with numerous goals and policies to reduce reliance on automobile travel including "Land Use Goal – 61: Reduce dependence on automobile transportation and reduce greenhouse gas emissions by supporting transit communities."

Observed Micro-Housing Vehicle Parking:

In a survey of tenant demographics provided by operators of Apodments® (as of June, 2013), 32% of tenants said they commute by car at least occasionally. This finding reveals that about one third of micro-housing residents appear to own or have access to an automobile.

Of the 58 micro-housing or congregate residence projects on DPD's tracking list only 3 buildings provide on-site vehicle parking. Micro-housing developers have taken advantage of parking exemptions for urban centers and urban villages by providing no vehicle parking in the majority of projects. Micro-housing has been located in neighborhoods with the highest walkscores (Capitol Hill: 97 and University District: 92 – both "walker's paradise"). In most cases, residents of micro-housing who own cars park their vehicle in a private parking lot, or on the street. (See RPZ action below.)

Locations where parking is required: The map below summarizes locations citywide where parking is required with new development. Locations where parking is not required are where almost all development of buildings with micro-housing has occurred.



LEGEND



No parking minimum for all uses except hospitals (Urban Centers, Station Area Overlays)



No parking minimum for all uses except hospitals if frequent transit is available within 1/4 mile (Urban Villages)



Can reduce required parking by 50% if frequent transit is within 1/4 mile. Multifamily and commercial zones. (see 23.54.020.F)



Can reduce required parking by 15%* if frequent transit is within 1/4 mile. (see 23.54.020.F).

*Use of additional strategies in 23.54.020.F allows a maximum of up to 50% reduction.

8. Clarify regulations for how amount of restricted parking zone (RPZ) passes are tabulated for micro-housing and congregate residences

The Seattle Department of Transportation (SDOT) administers the RPZ program. Pursuant to SMC 11.16.315 there is a limit to the number of RPZ passes – which allow overnight and extended on-street parking hours in RPZ zones – that may be obtained by the resident of a home in the area. The current limit is that one “eligible household unit” is entitled to have no more than four RPZ permits at any one time. In addition an eligible household unit may obtain one guest RPZ pass.

SDOT and DPD have encountered at least one instance where a resident of a micro-housing project has obtained RPZ passes by positing the micro as the eligible household unit. SDOT now limits the number of RPZ permits issued to 4 per “dwelling unit.” So that a “dwelling unit” with 8 micros would only be eligible for a maximum of 4 RPZ passes. This does not require legislative change. Legislative changes that define “micro-housing” and “micro” allowing DPD to formally identify and track in permitting systems will facilitate SDOT’s administration of the RPZ program.

9. Account for micro-housing and congregate residences in progress towards growth targets

Currently, accounting of progress toward Comprehensive Plan growth targets are calculated based on dwelling units for all types of housing. The City tracks the quantity of dwelling units produced as an indicator of how growth is occurring for comparison with goals set in long range plans such as the Comprehensive Plan. Dwelling units (or households) are used for growth tracking purposes not only in Seattle, but also in regional planning, including countywide planning policies. Growth targets are planning goals and are not regulatory maximums. The Washington State Growth Management Act (GMA) requires each jurisdiction to demonstrate that it has the zoning capacity and infrastructure to accommodate its share of population growth that the state forecasts for each county over the next 20 years. The growth target is the minimum amount that each jurisdiction must take in order to meet the countywide forecast.

In addition to citywide planning goals, the City considers whether certain neighborhoods have met or exceeded their growth targets in determining the setting of SEPA thresholds in particular neighborhoods. If the neighborhood has not yet exceeded its growth target, SEPA thresholds are higher, and when a neighborhood exceeds its growth target, SEPA thresholds are brought to lower levels.

Solely for the purposes of tracking growth in the city and in neighborhoods, DPD proposes accounting for micro-housing and congregate residence sleeping rooms using a ratio of every four (4) micros or sleeping rooms in congregate residences to count as one (1) dwelling unit equivalent. Our analysis suggests a 4:1 ratio based on intensity of use and occupancy factors.

If we apply the proposed growth-tracking approach to the micro-housing projects on the tracking list (September, 2013) the following would result: under current practices the 58 projects with micro-housing or

congregate residences on the tracking list are contributing 303 additional dwelling units (households) to the city. Under the proposed method, the same 58 projects would have contributed a total of 700* households to the city for growth tracking purposes.

* For the purpose of this analysis projects that have not identified a proposed number of congregate residence sleeping rooms in permitting documents are not included in the tabulation.

10. Increase the required affordability levels for participation in incentive zoning for affordable housing, for projects with micro-housing or congregate residences, and for small studio apartments.

In March of 2013, the Seattle Office of Housing (OH) issued Director's Rule 01-2013 regarding micro-housing eligibility to participate in the Multi-Family Property Tax Exemption program (MFTE). The Director's Rule clarifies that the number of dwelling units in a building must be reported consistently between application to DPD and OH. In this way, a developer could not access the MFTE program by reporting micros as affordable 'units' – if the developer had also indicated that a grouping of up to 8 micros was the dwelling unit in a permit application to DPD. This Director's Rule has clarified application of the MFTE program with regard to micro-housing. However, there are similar issues that need correction related to the City's incentive zoning program for affordable housing, that are proposed to be fixed as a part of this legislation.

Certain zoning designations and geographic areas include incentive zoning provisions that allow for increased floor area and/or building height to be constructed if a developer provides a specified amount of affordable housing. SMC Chapter 23.58A specifies affordability levels in terms of "income eligible households" and specifies the amount of affordable housing that has to be provided in order to achieve the additional development potential.

Examples of areas that have access to incentive zoning for affordable housing are Midrise (MR) zones, where the maximum Floor Area Ratio (FAR) can be increased from 3.2 to 4.25 and allowable height can be increased from 60 to 75 feet if affordable housing is provided. Other areas include neighborhoods such as the West Seattle Triangle and Roosevelt which have undergone recent legislative rezones that include incentive zoning provisions.

Currently, "income-eligible" households are those that earn 80% of Area Median Income (AMI). A developer would have to provide housing that is affordable to persons earning 80% AMI, currently an income of \$45,100 per year. The quantity of the affordable housing required to participate in the program is 14% of the bonus floor area gained. Developers also have the option of providing affordable housing equal to only 8% of the bonus floor area gained if the housing is available to persons earning 50% AMI or less.

DPD and the Office of Housing are suggesting that while these affordability levels may be appropriate to receive a bonus for conventional dwelling unit apartments, they may not be adequate to ensure affordability beyond market rate levels for micro-housing, congregate residences, or for very small conventional dwelling unit studio apartments. For example, an apartment affordable to a single person at the current 80% AMI requirement results in a monthly rent of \$1,127 dollars. DPD and OH have observed market rate rents for micros in the range of \$650 - \$800, well below the 80% AMI rent level. So clearly the 80% AMI level would

not increase affordability beyond market levels for micros. A similar case applies for very small studio apartment dwelling units below 400 sf.

DPD and OH recommend that there is public benefit to be accessed by continuing to allow projects with micro-housing, congregate residences and very small studio apartments to participate in the incentive zoning program if affordability levels are deepened for these types of housing. DPD and OH recommend that in order for any project with micro-housing, a congregate residence, or any studio apartment below 400 sf in size to be eligible for the incentive zoning, the micro, sleeping room or small studio apartment must be affordable at 40% AMI. This equates to a single person earning \$24,280 per year, which translates to a maximum monthly rent of \$607 per month. \$607 per month is at or slightly below the low end of current rents for micros, and below market rents for very small studio apartments.

Production of affordable micros, sleeping rooms, and small studio apartments under the incentive zoning program has the benefits of: helping to ensure the micros are made available to low income persons (as opposed to renters of a second 'in-city' home, or transitional space); and requiring a 50 year affordability term that would be subject to replacement requirements.

Appendices to the Director's Report and Recommendation Micro-housing and Congregate Residences

- 1. Micro-housing Project List**
- 2. Micro-housing Project Map**
- 3. Micro-housing Project Examples**
- 4. Micro-housing volumes and expected development capacity**
- 5. Memo on Fire and Life Safety– Building Code**
- 6. Relevant Definitions and Standards**
- 7. Multifamily Property Tax Exemption (MFTE) Program**
- 8. Different Cities' Strategies on Micro-housing**



City of Seattle
Office of Housing

Date: December 17, 2012

To: Ethan Raup and Darryl Smith, Mayor's Office

From: Rick Hooper

cc: Alison Van Gorp, Mayor's Office; Miriam Roskin, OH; Diane Sugimura, DPD;
Mike Podowski, DPD

Subject: Request for Direction – Microhousing Eligibility for MFTE

Issue to Be Resolved

Recent discussion concerning microhousing has raised questions about the appropriateness of these projects' eligibility for the Multifamily Tax Exemption (MFTE). Under DPD's permitting process, microhousing developers have typically obtained permits for a number of dwelling units, usually stopping below thresholds for environmental (SEPA) and design review. These dwelling units house multiple tenants in microunits that DPD considers to be "sleeping rooms." The number of sleeping rooms typically tops out at eight, which is the number of unrelated adults considered a household.

In contrast, the developers' MFTE applications have depicted the proposed projects' unit counts as the microunits themselves (e.g., 50 units proposed for MFTE could equate to 7 units for purposes of permitting), and we have approved them accordingly. If developers presented OH with the lower number of DPD-designated "dwelling units," it is likely the combined income of all the tenants occupying one permitted dwelling unit would exceed MFTE standards.

Until recently, we have approved MFTE applications based on the number of "units" that developers have presented to us. As the discrepancies between the developer applications to us and to DPD have come to light, we now believe that OH and DPD need to be consistent on what is considered a "unit." We also have sufficient data to confirm that market-rate rents for microunits are typically lower than levels required under the MFTE program.

We seek the Mayor's direction on two specific questions:

1. Should new MFTE applications be approved for microhousing projects?
2. Should future-year tax exemptions for previously approved projects be revoked?

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Background

The MFTE Program offers developers 12 years of residential property tax exemption when they commit to renting 20% of their units to income-eligible tenants and restricting rents accordingly over that same 12-year time frame. For studios, the limit is set to 65% of area median income, or about \$40,000 for one person; the associated rent limit is about \$1,000 per month.

As of today, 18 microhousing projects have been approved for participation in the MFTE program; these projects are proposed to contain 911 microunits (or 112 dwelling units as presented to DPD). Most are still under construction and have yet to receive a certificate of exemption. Since September, OH has received applications for an additional six microhousing projects; we have held these applications pending resolution of this issue.

Due to their small size, microunits command rents that are considered affordable to people with incomes between 40% and 60% of area median – well below the MFTE threshold of 65% AMI for a studio. The building owners' commitment to meeting MFTE requirements for 12 years thus yields little "extra" public benefit.

Based on our understanding of these projects' economics and the robust demand for microunits, we believe that these microhousing projects would almost certainly still be built in the same number regardless of the tax exemption.

Options and Recommendation

Question 1: Should new MFTE applications be approved for microhousing projects?

Options	Advantages	Disadvantages
A. Maintain current process	<ul style="list-style-type: none">Ensures that 20% of units are legally restricted to tenants with incomes below \$40,000 per year (though evidence shows that most microunit tenants are income-eligible anyway)	<ul style="list-style-type: none">Offers a tax exemption in exchange for no apparent extra public benefit
B. Prohibit microhousing developments from accessing the MFTE Program	<ul style="list-style-type: none">Legally eliminates tax exemption for developers who are providing no extra public benefit (beyond what would occur absent the exemption)	<ul style="list-style-type: none">Requires Council action (and associated delay)
C. Allow developers to access the tax exemption only when presenting the same number of "units" to DPD and OH	<ul style="list-style-type: none">Effectively eliminates tax exemption for developers who are providing no extra public benefit (beyond what would occur absent the exemption)Ensures consistency in DPD and OH processes	<ul style="list-style-type: none">None identified

We recommend Option C: Approve MFTE applications from microhousing developers only in cases where they have presented the same number of "dwelling units" to DPD and OH. While this would still permit microhousing developers to obtain the tax exemption for projects that increase the number of "dwelling units" that they present to DPD, we think that outcome is very unlikely. We do not believe that it is necessary to take the issue to Council, given that there is an easy administrative solution.

Question 2: Should future-year tax exemptions for previously approved projects be revoked?

Option	Advantages	Disadvantages
A. No – Grandfather in existing participants	<ul style="list-style-type: none"> • Simple – requires no action • Grandfathering existing participants avoids any risk that they will challenge the legality of revoking a prior agreement 	<ul style="list-style-type: none"> • Permits an ongoing tax exemption for participants who are providing no extra public benefit • Continues to either shift or forgo more than \$100,000 per year in property tax (City-share only) in the coming 10-12 years (depending on when the project came on line)*
B. Yes – revoke future-year exemptions	<ul style="list-style-type: none"> • Upholds our position that developers should not present their projects differently to DPD and OH – not now, not then 	<ul style="list-style-type: none"> • Could attract a challenge from existing program participants.

*The extent to which exempted taxes are shifted to other taxpayers or forgone altogether depends on when the King County Assessor places the appraised value of the "new construction" on the tax rolls. New construction allows total revenue collections to increase; to the extent that the owner is tax-exempt, that revenue burden is shifted to other taxpayers. However, if the new construction is assessed after such time as the owner is identified as tax-exempt, the value of the new construction never bumps up total allowable collections, and the associated revenue is forgone for the full period of the exemption. We estimate that the one-year value of the exemption would total around \$300,000-\$350,000 for projects proposed through present-day, with a City share of about \$100,000-\$110,000.

We recommend Option B, pending further guidance from the Law Department: Notify all existing participants that, unless they presented the same number of units to DPD as part of the permitting process, we will reconfirm their MFTE eligibility based on the lower number of DPD-recognized "dwelling units;" if they no longer qualify for MFTE we will ask King County to place the properties back on the tax rolls. This is a closer call, in our mind, but on balance we believe that the value of maintaining a consistent position outweighs the value of grandfathering existing participants.

Request for Guidance

Please let us know if you agree with our recommendations or would like more information. While the decision is not necessarily time-critical, we are steadily receiving both new MFTE applications and public inquiries on this issue, and would like to get direction as soon as possible. If you'd like to discuss this further or have any questions, please contact Miriam Roskin at 206-733-9077 (miriam.roskin@seattle.gov).

INSTRUCTIONS: Complete all areas of sections 1 - 7 that pertain to your project. Please note that sections 8 - 14 are to be completed by DPD staff.

1. APPLICANT INFORMATION

PROJECT ADDRESS: 4742 20th Ave NE PROJECT #: 6356092

DESCRIPTION OF WORK: Demolish existing 2 story over basement residence and build a 4 story over basement 20 room congregate residence meeting full Green 4 Star requirements.

OWNER: Bob McCollough ADDRESS: 6606 Woodlawn Ave NE #110 Seattle, WA 98115

PHONE: 206-686-4880 E-MAIL: bob@mcclough.com

CONTACT PERSON: Mike Perry c/o Dimensions, Inc. ADDRESS: 2820 Northrup Way #140 Bellevue, WA 98004

PHONE: 425-827-9293 FAX: 425-827-9219 E-MAIL: mperry@dimensionsinc.com

PREVIOUS RELATED MUPs: _____

RELATED STANDARD PLANS: _____

2. LAND USE CODE INFORMATION

ZONE: LRS ASSESSOR'S PARCEL NO.: 0825049230 DESIGN REVIEW? ☐ Yes ☒ No

OVERLAY ZONING: University NW Urban Center Village

HISTORIC OR LANDMARK DISTRICT: N/A

SHORELINE ZONE: N/A

SEPA: ☐ Exempt ☐ Requires Shoreline review

EXISTING USE: Single Family SQ. FT.: 2240 PROPOSED USE: Congregate Residence SQ. FT.: 8943

DEPARTMENT OF NEIGHBORHOODS CERTIFICATE OF APPROVAL REQUIRED? ☐ Yes ☒ No

STREETCARTWAY IMPROVEMENTS OR WORK IN THE RIGHT OF WAY REQUIRED? ☐ Yes ☒ No

PARKING SPACES: Existing: 0 Onsite: 0 Offsite: 0 Accessible: 0 Proposed: 0 Onsite: 0 Offsite: 0 Accessible: 0

Offsite Location: _____

3. HOUSING UNIT OCCUPANCY

DEFINITION: Housing unit means any dwelling unit, housekeeping unit, guest room, dormitory, or single room occupancy unit, and may include a residential unit in a commercial building, an artist's studio dwelling unit, or a live/work unit.

CHECK ONLY ONE BOX BELOW TO INDICATE HOUSING OCCUPANCY AT DATE OF PERMIT APPLICATION.

☐ Unit(s) unoccupied ☐ Unit(s) occupied by residential tenant

☐ Unit occupied by property owner ☐ Do not know

☐ No units on property ☐ Refer to property owner/tenant assistance

☐ Unit(s) on property not affected by permit scope

I certify, under penalty of perjury under the laws of the State of Washington, that the above information is true and correct.

Mike Perry Mike Perry May 8, 2013 Bellevue, WA

Owner/Applicant Signature Printed Name Date Place

4. GROUND DISTURBANCE

GROUND DISTURBANCE: ☒ Yes ☐ No Excavation - cubic yards: 245 Maximum height: 6'

DISPOSAL SITE: ☒ Outside City of Seattle Fill - cubic yards: 22 Minimum height: 6'

☐ Inside City of Seattle Address and/or permit #: 180

Erosion control is required PRIOR to any ground disturbance. Please refer to Temporary Erosion and Sediment Control (TESC) Plan.

CUSTOMER ALERT!

Site Inspection Required Prior to First Ground Disturbance - Call (206) 854-8990

A DPD site inspection is required prior to any ground disturbance related to this permit, including clearing, grubbing or grading.

Preconstruction Conference: When Required - Call (206) 854-8990

A DPD preconstruction conference should be scheduled prior to beginning work. A conference is required for the following types of work:

- When any special inspections are indicated on the plan.
- When bond use or design review conditions are indicated on the plan.
- When a DPD plans examiner specifies on plans unusual or complex inspection or occupancy requirements.

Rules for User Grounds - Call (206) 854-8363

If you have any questions or concerns regarding the rules (206) NEC for installation of user grounds, please contact DPD's Bedrock Technical Backup Monday - Friday, 7:00 a.m. to 4:30 p.m.

Required SDOT Permits and Inspections

Street Tree Inspections

Protection and/or planting/removal of street trees requires Seattle Department of Transportation (SDOT) inspection and approval. Call prior to construction: Commercial/Community Zones, (206) 854-5653

Single Family Zones, (206) 854-7957

Street Use Permits

Call prior to construction: (206) 854-5283

Water Service Inspection by SPU Required

All water service piping on property must be inspected prior to backfilling trench. For information and inspection, call Seattle Public Utilities (SPU) at (206) 854-5600. For water quality backflow protection information and inspection, call SPU at (206) 854-5335.

5. BUILDING CODE INFORMATION

MULTIPLE BUILDINGS IN THIS PROJECT? ☐ Yes ☒ No

CODE USED FOR DESIGN (select one)

☒ 2009 Seattle Building Code

☐ 2009 Seattle Residential Code

☐ 2009 SDO (adopt) and 2009 SRC (adopt)

PROVIDE THIS INFORMATION FOR EVERY BUILDING IN YOUR PROJECT

DFD building ID: _____ (see building data sheet)

Existing # of above-grade stories: 2 Proposed # of above-grade stories: 4 Mezzanines? ☐ Yes ☒ No

Existing # of below-grade stories: 1 Proposed # of below-grade stories: 1 Location: _____

Building code type of construction: VA Sprinklered

FLOOR LEVEL	GROUP	OCCUPANCY/USE	FLOOR AREA	SPRINKLER (Y/N)	OTHER FIRE PROTECTION
Basement	R-2	Congregate Residence	1,755	Yes	
1st Floor	R-2	Congregate Residence	1,987	Yes	
Second Floor	R-2	Congregate Residence	1,987	Yes	
Third Floor	R-2	Congregate Residence	1,987	Yes	
Fourth Floor	R-2	Congregate Residence	1,987	Yes	

Parade: Construction project value: \$ 785,000.00

Sprinklers: ☒ NFPA 13 ☐ NFPA 13 R ☐ Partial system ☐ Fire alarm ☐ Other system Type: _____

Change of occupancy: ☐ Yes ☒ No From: _____ To: _____

Permitted occupancy: RD

EMERGENCY SYSTEMS PROVIDED

☐ Elevator pressurization ☐ Exit and hallway lighting ☐ Stairway pressurization ☐ Smoke removal system ☐ Emergency generator

6. ENERGY/MECHANICAL CODE

SCOPE OF MECHANICAL WORK DESCRIPTION

RELATED BUILDING PERMIT PROJECT # _____

LOCATION OF DUCTWORK OR MECHANICAL EQUIPMENT

Interior: ☒ Yes ☐ No Exterior wall: ☐ Yes ☒ No Rooftop: ☐ Yes ☒ No

MECHANICAL-ONLY PERMIT Project value: \$ _____

APPLICABLE OCCUPANCY

☐ Single-family/duplex ☒ Multi-family ☐ Non-residential

BUILDING ENVELOPE COMPLIANCE

Existing envelope - no change: ☐ HEATED ☐ SEMI-HEATED

Existing envelope - altered: ☐ HEATED ☐ SEMI-HEATED

New envelope: ☒ HEATED ☐ SEMI-HEATED

Compliance method: ☐ System analysis ☐ Target UAW/GHGCAVTA ☒ Prescriptive - Group R Provide option # _____

HVAC MECHANICAL SYSTEM

☒ Not included with this application (if match drawings are included with plans, please stamp "for reference only")

☐ Included with this application (see scope description for details)

Heating fuel type: Single-family/duplex: ☐ Electric ☐ Other

Multi-family: ☒ Electric ☐ Other

Non-residential: ☐ Electric ☐ Other

OTHER MECHANICAL EQUIPMENT INCLUDED IN THIS APPLICATION

☐ Commercial kitchen hood exhaust system ☐ Furnace hood

☐ Spray paint booth ☐ Other Specify: _____

DOCUMENTS INCLUDED

☒ Residential equipment sizing calc (per city req)

☐ Non-residential cooling and heating load (per city req)

☐ Target UAW/GHGCAVTA calculation

☐ Structural load calculation (per mechanical equipment)

SINGLE-FAMILY/DUPLEX

Min equipment size: _____ Max equipment size: _____ Gas or oil heating AFUE: _____ Tat

Separate permits are required for lighting, plumbing, gas piping, boiler, and refrigeration systems.

7. PRIORITY GREEN
(www.seattle.gov/dpd/prioritygreen)

PRIORITY GREEN EXPEDITED

Screening required prior to building permit intake appointment.

Rating anticipated:

Built Green

☒ 4 star

☐ 5 star

LEED

☐ Gold

☐ Platinum

DPD Alternative Path for Single Family

☐ Using 3 credits for SEC Table 5-1

PRIORITY GREEN FACILITATED

Screening required prior to building permit intake appointment.

Rating anticipated:

☐ Priority Green Building Matrix

☐ Living Building Challenge

☐ Built Green 5 Star + 2030 CH

☐ LEED Platinum + 2030 CH

8. LAND USE CONDITIONS (DPD staff use only)

Assigned planner: _____ Phone: _____

10. DRAINAGE & SEWER REVIEW (DPD staff use only)

DPD SEWER AND DRAINAGE REVIEW DESK (206) 854-5362

DRAINAGE REVIEW REQUIRED? ☒ Yes ☐ No

☐ Flow control required

☒ No flow control required

☒ Impervious surface this project (new or replaced) in sq. ft. 3643

☐ CSI # 54 per plan to the combined

NOTE: The drainage system shown in these plans may be changed at the time of side sewer permit issuance to meet standard plans and methods.

☐ Route for drainage review: _____

SIDE SEWER REVIEW REQUIRED? ☒ Yes ☐ No

☐ No conflict with side sewer

☐ Construction conflicts with applicant's side sewer. Contact Public Health Department at (206) 235-7914

☐ Construction conflicts with side sewer serving another property. Contact DPD Sewer and Drainage Review Desk at (206) 854-5362

☐ Construction conflicts with public utility main (requires buildover). Contact SPU at (206) 594-7663

Reviewed by: Edo Canting Date: 7-30-13

NOTE: A separate side sewer permit is required from DPD for ALL new drainage and sewer installations. For more information, call the Sewer and Drainage Review Desk at (206) 854-5362.

12. SHOP DRAWINGS, KEY AREA INSPECTION & BUILDING CONDITIONS (DPD staff use only)

Sprinkler drawings required for: ☐ NFPA 13 ☐ NFPA 13 R ☐ Partial system Location: _____ Fire alarm: _____

Required shop drawings/ key area inspections: _____

13. PERMIT ISSUANCE AUTHORIZATION (DPD staff use only)

REVIEW LOCATION	APPROVAL INITIALS	DATE	NOTES
ZONING (incl. street improvements)	LAH	7-29-13	
CURB CUT			
ORDINANCE	NH	8-8-13	
STRUCTURAL	NH	8-8-13	
ENERGY	PM	7-19-13	
MECHANICAL			
DRAINAGE	SW	7-30-13	
ECA			
GRADING			
WATER (SPU)			
FIRE	YH	8-14-2013	
HEALTH (King County)			
NOISE			
CONVEYANCE/ELEVATOR			
SHORING (SDOT)			
STREET IMPROVEMENT (SDOT)			
PARKS			
PROTECTED DISTRICTS (DON)			
SEPA EXEMPTION			
LAND USE			

CITY OF SEATTLE
DEPT. OF PLANNING AND DEVELOPMENT
DEVELOPMENT

ISSUED BY: _____ DATE: 8-23-13

APPROVED Subject to State and City Codes

By: N. Sarmiento

BUILDING PLANS EXAMINER MECHANICAL PLANS EXAMINER DATE RECEIVED AT INTAKE

11. ENVIRONMENTALLY CRITICAL AREAS INFO (DPD staff use only)

ENVIRONMENTALLY CRITICAL AREAS (ECA)

☐ Site is not located in ECA

☐ Mapped ECA designation: 1 2 3 4 5 6 7 8 9 10 11

☐ ECA identified by pre-application site visit report as: _____

☐ ECA exemption (see review details in Hansen): _____

Reviewed by: _____ Date: _____

☐ Denied ☐ Granted Type: _____

☐ Small project waiver

New development coverage this permit (sq. ft.): _____

Previous development coverage (after 10/31/09) Permit # _____ Sq. ft. _____

Permit # _____ Sq. ft. _____

Total: _____

14. DEPARTMENT SIGN OFFS (DPD staff use only)

ISSUED BY: _____ DATE: 8-23-13

APPROVED Subject to State and City Codes

By: N. Sarmiento

BUILDING PLANS EXAMINER MECHANICAL PLANS EXAMINER DATE RECEIVED AT INTAKE

green queue

green queue

green queue

DEMO FIELD \$0 4742 20TH AVE NE 2 of 4
APR 15/2013 Filed at: _____
Demolition of existing 2-story house (SIT) per plans.
Parcel: 0825049230 Related MUP: 3013061 Filed MUP: 3013061
BUILDING PERMIT 6356092
CITY OF SEATTLE
DEPT. OF PLANNING AND DEVELOPMENT
BUILDING PLANS EXAMINER MECHANICAL PLANS EXAMINER DATE RECEIVED AT INTAKE
5/30 0506092

Exhibit 4

JUNO RESIDENCES 4742 20TH AVE NE SEATTLE WA 98105

20 DWELLING UNIT CONGREGATE RESIDENCE* BUILT GREEN 4 STAR

* (PER DR 12-2012 TABLE A - EXEMPT UNITS 20, EXEMPTION E "EACH BEDROOM WILL BE COUNTED AS 1/2 OF 1 DWELLING UNIT")

PROJECT INFORMATION

ABBREVIATIONS										GENERAL NOTES										PROJECT TEAM										SHEET INDEX																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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CURB</td></tr><tr><td>ACQST.</td><td>ACOUSTICAL</td><td>DR.</td><td>DOOR</td><td>G.C.</td><td>GENERAL</td><td>NO.</td><td>NUMBER</td><td>TEL.</td><td>TELEPHONE</td></tr><tr><td>A.F.F.</td><td>ABOVE FINISHED FLOOR</td><td>D.S.</td><td>DOWN SPOUT</td><td>CONTRACTOR</td><td></td><td>N.T.S.</td><td>NOT TO SCALE</td><td>T. & G.</td><td>TONGUE AND GROOVE</td></tr><tr><td>AGGR.</td><td>AGGREGATE</td><td>DWG.</td><td>DRAWING</td><td>GL.</td><td>GLASS</td><td>O.C.</td><td>ON CENTER</td><td>THK.</td><td>THICK</td></tr><tr><td>ALUM.</td><td>ALUMINUM</td><td>E.</td><td>EAST</td><td>GND.</td><td>GROUND</td><td>O/O</td><td>OVER</td><td>T.O.P.</td><td>TOP OF PLATE</td></tr><tr><td>ANOD.</td><td>ANODIZED</td><td>E.A.</td><td>EACH</td><td>GR.</td><td>GRADE</td><td>O/</td><td>OPPOSITE</td><td>T.P.</td><td>TOP OF</td></tr><tr><td>APPROX.</td><td>APPROXIMATE</td><td>E.I.F.S.</td><td>EXTERIOR INSULATION FINISH SYSTEM</td><td>G.W.B.</td><td>GYP.SUM WALL BOARD</td><td>OPF.</td><td></td><td>PAVEMENT</td><td></td></tr><tr><td>ARCH.</td><td>ARCHITECTURAL</td><td>E.I.</td><td>EXPANSION JOINT</td><td>GYP.</td><td>GYP.SUM</td><td>PL.</td><td>PLATE</td><td>T.M.</td><td>TOP OF WALL</td></tr><tr><td>ASPH.</td><td>ASPHALT</td><td>EL.</td><td>ELEVATION</td><td></td><td></td><td>P.P.</td><td>PLYMND.</td><td>TYP.</td><td>TYPICAL</td></tr><tr><td></td><td></td><td>BL.</td><td>ELECTRICAL</td><td></td><td></td><td>P.P.</td><td>PLYMND.</td><td></td><td></td></tr><tr><td>BD.</td><td>BOARD</td><td>ELEC.</td><td>ELEVATOR</td><td>HDWR.</td><td>HARDWARE</td><td>PLAM.</td><td>PLASTIC LAMINATE</td><td>U.B.G.</td><td>UNIFORM BUILDING CODE</td></tr><tr><td>BLDG.</td><td>BUILDING</td><td>ELEV.</td><td>ELEVATOR</td><td>HDCP.</td><td>HANDICAP</td><td></td><td></td><td>UNF.</td><td>UNFINISHED</td></tr><tr><td>BLK.</td><td>BLOCK</td><td>ENCL.</td><td>ENCLOSURE</td><td>HDCP.</td><td>HANDICAP</td><td></td><td></td><td>U.O.N</td><td>UNLESS OTHERWISE NOTED</td></tr><tr><td>BLK'G.</td><td>BLOCKING</td><td>EP.</td><td>ELECTRICAL PANEL</td><td>H.B.</td><td>HOSE BIBB</td><td>R.</td><td>RADIUS OR RISER</td><td></td><td></td></tr><tr><td>BM.</td><td>BEAM</td><td>EQ.</td><td>EQUAL</td><td>H.C.</td><td>HOLLOW CORE</td><td>RD.</td><td>ROOF DRAIN</td><td></td><td></td></tr><tr><td>BOT.</td><td>BOTTOM</td><td>EQUIP.</td><td>EQUIPMENT</td><td>H.M.</td><td>HOLLOW METAL</td><td>REG.</td><td>RECOMMENDED</td><td></td><td></td></tr><tr><td>BUR.</td><td>BUILT UP ROOF</td><td>EXST.</td><td>EXISTING</td><td>H.M.</td><td>HOLLOW METAL</td><td>REF.</td><td>REFERENCE</td><td></td><td></td></tr><tr><td></td><td></td><td>EXPO.</td><td>EXPOSED</td><td>HORIZ.</td><td>HORIZONTAL</td><td>REINF.</td><td>REINFORCED</td><td></td><td></td></tr><tr><td></td><td></td><td>EXT.</td><td>EXTERIOR</td><td>HT.</td><td>HEIGHT</td><td>REQD.</td><td>REQUIRED</td><td>VERT.</td><td>VERTICAL</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>RM.</td><td>ROOM</td><td></td><td></td></tr><tr><td>CAB.</td><td>CABINET</td><td></td><td></td><td></td><td></td><td>S.</td><td>SOUTH</td><td>W.</td><td>WEST</td></tr><tr><td>C.B.</td><td>CATCH BASIN</td><td>F.O.I.C.</td><td>FURNISHED BY OWNER</td><td>INST.</td><td>INSTALL</td><td>S.C.</td><td>SOLID CORE</td><td>W.</td><td>WOOD</td></tr><tr><td>CEM.</td><td>CEMENT</td><td></td><td></td><td>INSUL.</td><td>INSULATION</td><td>SCHED.</td><td>SCHEDULE</td><td>W.D.</td><td>WINDOW</td></tr><tr><td>CH.</td><td>CHANNEL</td><td>CONTRACTOR</td><td></td><td>INT.</td><td>INTERIOR</td><td>SHT.</td><td>SHEET</td><td>W/O</td><td>WITHOUT</td></tr><tr><td>C.J.</td><td>CONTROL JOINT</td><td></td><td></td><td></td><td></td><td>SHT'G.</td><td>SHEATHING</td><td>W.P.</td><td>WATERPROOF</td></tr><tr><td>CLG.</td><td>CEILING</td><td>F.D.</td><td>FIRE DRAIN</td><td></td><td></td><td>SIM.</td><td>SIMILAR</td><td>W.R.</td><td>WATER</td></tr><tr><td>CLR.</td><td>CLEAR</td><td>F.E.</td><td>FIRE EXTINGUISHER</td><td>LAM.</td><td>LAMINATED</td><td>SPEC.</td><td>SPECIFICATIONS</td><td>WECT.</td><td>WEIGHT</td></tr><tr><td>C.O.</td><td>CLEAN OUT</td><td>F.H.</td><td>FIRE HYDRANT</td><td>LOC.</td><td>LOCATION</td><td>STD.</td><td>STANDARD</td><td>NT.</td><td>NOT</td></tr><tr><td>COLM.</td><td>COLUMN</td><td>FIN.</td><td>FINISH</td><td></td><td></td><td>STL.</td><td>STEEL</td><td></td><td></td></tr><tr><td>CONC.</td><td>CONCRETE</td><td>FLASH.</td><td>FLOOR FLASHING</td><td>MATL.</td><td>MATERIAL</td><td>STR.</td><td>STRUCTURAL</td><td></td><td></td></tr><tr><td>CONN.</td><td>CONNECTION</td><td>FLR.</td><td>FLOOR</td><td>MAX.</td><td>MAXIMUM</td><td>SUSP.</td><td>SUSPENDED</td><td></td><td></td></tr><tr><td>CONTR.</td><td>CONSTRUCTION</td><td>FOUND.</td><td>FOUNDATION</td><td>MFR.</td><td>MANUFACTURER</td><td></td><td></td><td></td><td></td></tr><tr><td>CONT.</td><td>CONTINUOUS</td><td>FRMS.</td><td>FRAMING</td><td>M.H.</td><td>MAN HOLE</td><td></td><td></td><td></td><td></td></tr><tr><td>C.T.</td><td>CERAMIC TILE</td><td></td><td></td><td>MECH.</td><td>MECHANICAL</td><td></td><td></td><td></td><td></td></tr><tr><td>CTR.</td><td>CENTER</td><td></td><td></td><td>MIN.</td><td>MINIMUM</td><td></td><td></td><td></td><td></td></tr><tr><td>CTSK.</td><td>COUNTER SINK</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										1	AND	DBL	DOUBLE	FT.	FOOT OR FEET	MISC.	MISCELLANEOUS	SVC.	SERVICE	0	ANGLE	DEPT.	DEPARTMENT	FTG.	FOOTING	MTD.	MOUNTED	SYM.	SYMMETRICAL	1	DIAMETER OR ROUND	DET.	DETAIL	FURR.	FURRING	MTL.	METAL	S/M	SIDWALK	2	PERPENDICULAR	DIA.	DIAMETER							3	POUND OR NUMBER	DM.	DIMENSION	G.A.	GAUGE	N.	NORTH	T.	THREAD	AB.	ANCHOR BOLT	DN.	DOWN	GALV.	GALVANIZED	N/C	NOT IN CONTACT	T.C.	TOP OF CURB	ACQST.	ACOUSTICAL	DR.	DOOR	G.C.	GENERAL	NO.	NUMBER	TEL.	TELEPHONE	A.F.F.	ABOVE FINISHED FLOOR	D.S.	DOWN SPOUT	CONTRACTOR		N.T.S.	NOT TO SCALE	T. & G.	TONGUE AND GROOVE	AGGR.	AGGREGATE	DWG.	DRAWING	GL.	GLASS	O.C.	ON CENTER	THK.	THICK	ALUM.	ALUMINUM	E.	EAST	GND.	GROUND	O/O	OVER	T.O.P.	TOP OF PLATE	ANOD.	ANODIZED	E.A.	EACH	GR.	GRADE	O/	OPPOSITE	T.P.	TOP OF	APPROX.	APPROXIMATE	E.I.F.S.	EXTERIOR INSULATION FINISH SYSTEM	G.W.B.	GYP.SUM WALL BOARD	OPF.		PAVEMENT		ARCH.	ARCHITECTURAL	E.I.	EXPANSION JOINT	GYP.	GYP.SUM	PL.	PLATE	T.M.	TOP OF WALL	ASPH.	ASPHALT	EL.	ELEVATION			P.P.	PLYMND.	TYP.	TYPICAL			BL.	ELECTRICAL			P.P.	PLYMND.			BD.	BOARD	ELEC.	ELEVATOR	HDWR.	HARDWARE	PLAM.	PLASTIC LAMINATE	U.B.G.	UNIFORM BUILDING CODE	BLDG.	BUILDING	ELEV.	ELEVATOR	HDCP.	HANDICAP			UNF.	UNFINISHED	BLK.	BLOCK	ENCL.	ENCLOSURE	HDCP.	HANDICAP			U.O.N	UNLESS OTHERWISE NOTED	BLK'G.	BLOCKING	EP.	ELECTRICAL PANEL	H.B.	HOSE BIBB	R.	RADIUS OR RISER			BM.	BEAM	EQ.	EQUAL	H.C.	HOLLOW CORE	RD.	ROOF DRAIN			BOT.	BOTTOM	EQUIP.	EQUIPMENT	H.M.	HOLLOW METAL	REG.	RECOMMENDED			BUR.	BUILT UP ROOF	EXST.	EXISTING	H.M.	HOLLOW METAL	REF.	REFERENCE					EXPO.	EXPOSED	HORIZ.	HORIZONTAL	REINF.	REINFORCED					EXT.	EXTERIOR	HT.	HEIGHT	REQD.	REQUIRED	VERT.	VERTICAL							RM.	ROOM			CAB.	CABINET					S.	SOUTH	W.	WEST	C.B.	CATCH BASIN	F.O.I.C.	FURNISHED BY OWNER	INST.	INSTALL	S.C.	SOLID CORE	W.	WOOD	CEM.	CEMENT			INSUL.	INSULATION	SCHED.	SCHEDULE	W.D.	WINDOW	CH.	CHANNEL	CONTRACTOR		INT.	INTERIOR	SHT.	SHEET	W/O	WITHOUT	C.J.	CONTROL JOINT					SHT'G.	SHEATHING	W.P.	WATERPROOF	CLG.	CEILING	F.D.	FIRE DRAIN			SIM.	SIMILAR	W.R.	WATER	CLR.	CLEAR	F.E.	FIRE EXTINGUISHER	LAM.	LAMINATED	SPEC.	SPECIFICATIONS	WECT.	WEIGHT	C.O.	CLEAN OUT	F.H.	FIRE HYDRANT	LOC.	LOCATION	STD.	STANDARD	NT.	NOT	COLM.	COLUMN	FIN.	FINISH			STL.	STEEL			CONC.	CONCRETE	FLASH.	FLOOR FLASHING	MATL.	MATERIAL	STR.	STRUCTURAL			CONN.	CONNECTION	FLR.	FLOOR	MAX.	MAXIMUM	SUSP.	SUSPENDED			CONTR.	CONSTRUCTION	FOUND.	FOUNDATION	MFR.	MANUFACTURER					CONT.	CONTINUOUS	FRMS.	FRAMING	M.H.	MAN HOLE					C.T.	CERAMIC TILE			MECH.	MECHANICAL					CTR.	CENTER			MIN.	MINIMUM					CTSK.	COUNTER SINK									<p>DO NOT SCALE DRAWINGS.</p> <p>CONSULT WITH ARCHITECT REGARDING ANY SUSPECTED ERRORS OMISSIONS OR CHANGES ON PLANS BEFORE PROCEEDING WITH WORK.</p> <p>COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, REGULATIONS, LAWS, STANDARDS, CUSTOMS AND CRITERION.</p> <p>UNLESS OTHERWISE NOTED, PLAN DIMENSIONS ARE TO NOMINAL SURFACE OF MASONRY, FACE OF CONCRETE WALLS, FACE OF STUDS & INTERIOR AND EXTERIOR WALLS.</p> <p>VERIFY DIMENSIONS BEFORE PROCEEDING WITH WORK. (NOTIFY ARCHITECT OF ANY DISCREPANCIES.)</p> <p>VERIFY ALL ROUGH-IN DIMENSIONS.</p> <p>VERIFY ALL SIZE AND LOCATION OF AND PROVIDE ALL OPENINGS THROUGH FLOOR AND WALLS, FURRING, CURBS, ANCHORS, INSERTS, AND ROUGH DUCKS/BACKING FOR SURFACE-MOUNTED ITEMS.</p> <p>VERIFY GRADES SHOWN ON DRAWINGS.</p> <p>VERIFY ALL LOCATION OF ALL UTILITIES BEFORE PROCEEDING WITH WORK.</p> <p>VERIFY WITH OWNER ALL LANDSCAPING TO REMAIN TO BE REMOVED OR TO BE RELOCATED.</p> <p>REPEATING FEATURES ARE OFTEN DRAWN ONLY ONCE AND SHALL BE COMPLETELY PROVIDED AS IF DRAWN IN FULL.</p> <p>ALL INTERIOR FRAMED PARTITIONS ARE TO BE 2 X 4 @ 16" O.C. UNLESS OTHERWISE NOTED.</p> <p>DOORS NOT DIMENSIONALLY LOCATED SHALL BE 3" FROM STUD FACE TO EDGE OF DOOR OPENINGS OR CENTERED BETWEEN WALLS AS SHOWN.</p> <p>PROVIDE SOLID BLKS. OVER PARTITION WALLS AND BEAMS.</p> <p>EXTEND ALL FOUNDATION FOOTINGS DOWN TO FIRM AND UNDISTURBED SOIL.</p> <p>PROVIDE ALL TIEBARS AS REQUIRED TO CONCEAL MECHANICAL/ELECTRICAL HARDWARE IN FINISHED AREAS.</p> <p>"FLOOR LINE" REFERS TO TOP OF SUB-FLOOR.</p> <p>ALL ELECTRICAL WORK SHALL COMPLY WITH NATIONAL ELECTRICAL CODE 2009 AS AMENDED BY LOCAL MUNICIPALITY.</p> <p>FABRICATE ALL GUTTERS, DOWN SPOUTS AND FLASHING FROM 26 GAUGE GALVANIZED STEEL IN ACCORDANCE WITH ARCHITECTURAL SHEET METAL MANUAL.</p> <p>COORDINATE ALL NON INDICATED OR SPECIFIED ITEMS WITH OWNER INCLUDING BUT NOT LIMITED TO FINISHES, COLORS, HARDWARE, FIXTURES, SWITCHES, OUTLETS, PHONE JACKS AND CABLE OUTLETS.</p> <p>DOOR HEADERS TO BE 6" X 8" ABOVE SUBFLOOR, UNO.</p> <p>REFER TO OWNER'S SPECIFICATIONS FOR ADDITIONAL INFORMATION.</p> <p>WINDOW HEADERS TO MATCH HEIGHT OF DOORS.</p> <p>ALL FRAMING SHALL BE INTERMEDIATE FRAMING.</p> <p>ALL APPLIANCES ARE TO BE ENERGY STAR.</p> <p>ALL PLUMBING FIXTURES ARE TO BE LOW FLOW.</p> <p>VENTILATION PER PERFORMANCE MODELER.</p>										<p>Owner: Bob McCollough 6869 Woodlawn Ave NE #10 Seattle, WA 98115</p> <p>Architect: Dimensions, Inc. 2820 Northrup Way #140 Bellevue, WA 98004 Phone: (425) 827-4243 Contact: Mike Perry</p> <p>Structural: Dibble Engineers 1029 Market St. Kirkland, WA 98033 Phone: (425) 828-4200 Contact: Clint Nelson</p> <p>Energy Compliance: Abossein Engineers 2100 112th Ave NE #201 Bellevue, WA 98004 Phone: (425) 462-4441 Contact: Gary Momack</p> <p>Energy Modeler: 360 - Analytics 2411 1 Street Bellingham, WA 98225 Phone: (206) 904-0106 Contact: Lucas Hovee</p> <p>Built Green Verifier: O'Brien and Co. 811 First Ave #360 Seattle, WA 98104 Phone: (206) 621-8626 x119 Contact: Chris Edlin</p> <p>Landscaping: Varley Varley Varley 12743 NE 170th LN Woodinville, WA 98072 Phone: (425) 466-4430 Contact: Jeff Varley</p> <p>Surveyor: Chadwick & Winters 1422 NW 85th St Seattle, WA 98117 Phone: (206) 247-0946 Contact: Bob Winters</p> <p>Soils Engineer: Earth Solutions NW LLC 1805 136th Pl NE Bellevue, WA 98052 Phone: (425) 444-4104 Contact: Scott Riegel</p>										<p>ARCHITECTURAL</p> <p>A-0.0 - COVER SHEET</p> <p>- VICINITY MAP</p> <p>- GENERAL NOTES</p> <p>SURVEY</p> <p>S-1.0 - SITE PLAN, AMENITY PLANS, GRADE PLAN</p> <p>S-1.1 - CSC/SOILS PLAN</p> <p>S-1.2 - DRAINAGE PLAN</p> <p>A-2.0 - BASEMENT PLAN</p> <p>A-2.1 - FIRST FLOOR PLAN</p> <p>A-2.2 - SECOND FLOOR PLAN</p> <p>A-2.3 - THIRD FLOOR PLAN</p> <p>A-2.4 - FOURTH FLOOR PLAN</p> <p>A-2.5 - ROOF PLAN</p> <p>A-2.6 - STAIR PLANS</p> <p>A-2.7 - DOOR & GLAZING SCHEDULES</p> <p>A-2.8 - ADA</p> <p>A-3.0 - EXTERIOR ELEVATIONS</p> <p>A-3.1 - LAND USE AREA & HEIGHT CALCULATIONS</p> <p>A-4.0 - BUILDING SECTION</p> <p>A-4.1 - STAIR SECTIONS</p> <p>A-5.0 - DETAILS</p> <p>A-5.1 - DETAILS/WALL TYPES</p> <p>A-5.2 - DETAILS</p> <p>A-5.3 - DETAILS</p> <p>STRUCTURAL</p> <p>S-1.0 - STRUCTURAL GENERAL NOTES</p> <p>S-1.1 - SCHEDULES & SPECIAL INSPECTIONS</p> <p>S-2.0 - FOUNDATION & FRAMING PLANS</p> <p>S-2.1 - HOLDDOWN & SHEAR WALL PLANS</p> <p>S-3.0 - CONCRETE DETAILS</p> <p>S-3.1 - CONCRETE DETAILS</p> <p>S-3.2 - WOOD DETAILS</p> <p>S-3.3 - WOOD DETAILS</p> <p>LANDSCAPE</p> <p>LA-01 - LANDSCAPE PLAN</p> <p>LA-02 - LANDSCAPE PLAN</p> <p>STATE ENERGY CODE</p> <p>PRESCRIPTIVE II</p> <table border="0"><tr><td>MAX GLAZED AREA:</td><td>≤25%</td></tr><tr><td>MAX GLAZED U-VALUE:</td><td>0.32</td></tr><tr><td>MAX OVERHEAD:</td><td>50</td></tr><tr><td>MAX DOOR U-VALUE:</td><td>0.20</td></tr><tr><td>MIN. CEILING INSULATION:</td><td>R-48 ADV. FRAMING</td></tr><tr><td>MIN. WALL INSULATION:</td><td>R-21"</td></tr><tr><td>MIN. FLOOR INSULATION:</td><td>R-30</td></tr><tr><td>SLAB ON GRADE:</td><td>8-30</td></tr></table> <p>SITE SERVICES</p> <table border="0"><tr><td>WATER</td><td>City of Seattle</td></tr><tr><td>SEWER</td><td>City of Seattle</td></tr><tr><td>TELEPHONES</td><td>Verizon</td></tr><tr><td>ELECTRICAL</td><td>Seattle City Light</td></tr><tr><td>CABLE</td><td>Comcast</td></tr></table> <p>LEGAL DESCRIPTION</p> <p>BEGINNING AT A POINT 91.7 FT. NORTH AND 30.00 FT. EAST OF THE S.W. CORNER OF THE NORTH 1/4 OF THE S.E. 1/4 OF THE S.W. 1/4 OF SEC. 9, T. 25 N., R. 4 E., W.M. IN KING COUNTY, WA. THENCE EAST 100.00 FT.; THENCE NORTH 45 FT.; THENCE WEST 100 FT. TO THE EAST LINE OF 20TH AVE. NE.; THENCE SOUTHERLY ALONG EAST LINE 45 FEET TO THE TRUE POINT OF BEGINNING. (PARCEL # 0425044230)</p> <p>DESCRIPTION OF WORK</p> <p>DEMOLISH EXISTING TWO STORY OVER BASEMENT RESIDENCE AND BUILD A 4 STORY OVER BASEMENT 40 ROOM (20 UNIT) CONGREGATE RESIDENCE MEETING GREEN 4 STAR REQUIREMENTS.</p> <p>BUILT GREEN</p> <p>BUILDING TO COMPLY WITH BUILT GREEN PROGRAM FOR MULTI-FAMILY CONSTRUCTION.</p> <p>4-STAR GUIDELINES DATED MAY 2007 AND REVISED JUNE 2008.</p>										MAX GLAZED AREA:	≤25%	MAX GLAZED U-VALUE:	0.32	MAX OVERHEAD:	50	MAX DOOR U-VALUE:	0.20	MIN. CEILING INSULATION:	R-48 ADV. FRAMING	MIN. WALL INSULATION:	R-21"	MIN. FLOOR INSULATION:	R-30	SLAB ON GRADE:	8-30	WATER	City of Seattle	SEWER	City of Seattle	TELEPHONES	Verizon	ELECTRICAL	Seattle City Light	CABLE	Comcast
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<p>SYMBOLS</p> <p>BUILDING SECTION SECTION IDENTIFICATION LOCATED ON SHEET...</p> <p>WALL SECTION SECTION IDENTIFICATION LOCATED ON SHEET...</p> <p>DETAIL DETAIL IDENTIFICATION LOCATED ON SHEET...</p> <p>INTERIOR ELEVATION ELEVATION IDENTIFICATION LOCATED ON SHEET...</p> <p>ROOM SYMBOL ROOM NAME ROOM NUMBER CEILING HEIGHT SQUARE FOOTAGE</p> <p>GRID MARKERS</p> <p>LETTERS IN ONE DIRECTION</p> <p>NUMBERS IN THE OTHER</p> <p>DOOR SYMBOL DOOR NUMBER</p> <p>ROOM SYMBOL ROOM NUMBER</p> <p>WINDOW SYMBOL WINDOW IDENTIFICATION</p> <p>NORTH ARROW</p> <p>ELEVATION MARKER</p> <p>FINISH GRADE ELEVATION</p> <p>TOP OF CURB</p> <p>TOP OF PAVEMENT</p> <p>CENTER LINE</p> <p>PROPERTY LINE</p> <p>CENTER LINE OF STREAM</p> <p>NEW CONTOUR</p> <p>EXISTING CONTOUR</p> <p>REVISION CLOUD</p> <p>IDENTIFYING NUMBER</p>										<p>VICINITY MAP</p> <p>SCALE = NTS</p> <p>SITE LOCATION</p> <p>TAX IDENTIFICATION NUMBER 0425044230</p>										<p>SITE/AREA</p> <p>Project Location: 4742 20th Ave NE Seattle, WA 98105</p> <p>Jurisdiction: City of Seattle</p> <p>Occupancy: R-2, Congregate Residence</p> <p>Zoning: LR3</p> <p>Overlay: University NW Urban Center</p> <p>Construction: VA-SPRINKLERED</p> <p>Applicable Codes: - Seattle Building Code (2009 IRC) - Washington State Ventilation & Indoor Air Quality Code - Stormwater, Grading & Drainage Control - Seattle Energy Code</p> <p>Site Area: 4,446 SQ. FT.</p> <p>Structure:</p> <table border="0"><tr><td>Heated Area:</td><td>Net SF</td><td>Gross SF</td></tr><tr><td>Basement:</td><td>1,795 SQ. FT.</td><td>1,886 SQ. FT.</td></tr><tr><td>First Floor:</td><td>1,881 SQ. FT.</td><td>1,985 SQ. FT.</td></tr><tr><td>Second Floor:</td><td>1,881 SQ. FT.</td><td>1,985 SQ. FT.</td></tr><tr><td>Third Floor:</td><td>1,881 SQ. FT.</td><td>1,985 SQ. FT.</td></tr><tr><td>Fourth Floor:</td><td>1,881 SQ. FT.</td><td>1,985 SQ. FT.</td></tr><tr><td>Total:</td><td>9,343 SQ. FT.</td><td>9,826 SQ. FT.</td></tr></table> <p>FAR (Allowed): Built Green = 2.0 x 4,446 = 8,892 SQ. FT. Per SMC 23.45.510.C.</p> <p>Per SMC 23.45.510 E.4.a. Basement Excluded. Gross Floor Area Floors 1-4 = 7,548 SF < 8,892 SF. OK!</p> <p>Impervious Area:</p> <table border="0"><tr><td>Building/Roof:</td><td>2,420 SQ. FT.</td></tr><tr><td>Walk/Patio/Stairs</td><td>114 SQ. FT.</td></tr><tr><td>Total:</td><td>3,534 SQ. FT.</td></tr></table>										Heated Area:	Net SF	Gross SF	Basement:	1,795 SQ. FT.	1,886 SQ. FT.	First Floor:	1,881 SQ. FT.	1,985 SQ. FT.	Second Floor:	1,881 SQ. FT.	1,985 SQ. FT.	Third Floor:	1,881 SQ. FT.	1,985 SQ. FT.	Fourth Floor:	1,881 SQ. FT.	1,985 SQ. FT.	Total:	9,343 SQ. FT.	9,826 SQ. FT.	Building/Roof:	2,420 SQ. FT.	Walk/Patio/Stairs	114 SQ. FT.	Total:	3,534 SQ. FT.																																																																																																																																																																																																																																																																																																																																																																																																																																			
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Juno Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA 98105

COVER SHEET
& SITE INFO

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: RNL
Check: MCP
Revisions:
A-1-2-2013

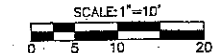
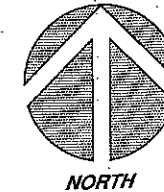
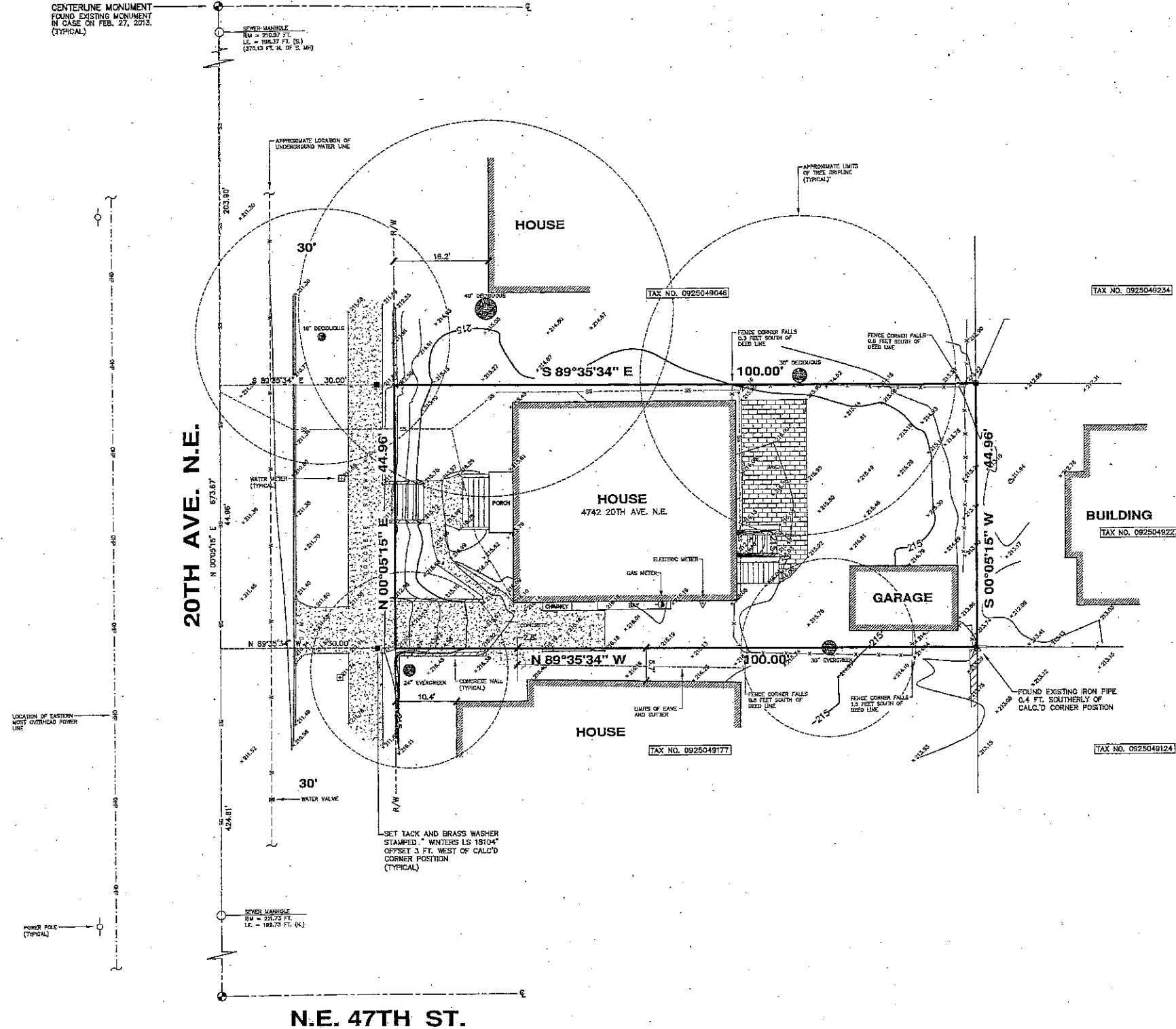
A-0.0
RECEIVED
JUL 15 2013
Dept. of Planning & Development

CENTERLINE MONUMENT
FOUND EXISTING MONUMENT
IN CASE ON FEB. 27, 2013.
(TYPICAL)

N.E. 50TH ST.

20TH AVE. N.E.

N.E. 47TH ST.



NOTES

1. THIS SURVEY WAS PERFORMED BY FIELD TRAVERSE USING A 10 SECOND "TOTAL STATION" THEODOLITE SUPPLEMENTED WITH A 100 FT. STEEL TAPE. THIS SURVEY MEETS OR EXCEEDS THE STANDARDS FOR LAND BOUNDARY SURVEYS AS SET FORTH IN WAC CHAPTER 332-130-090.
2. CONTOUR INTERVAL = 1 FT.
3. ELEVATION DATUM = NAVD'89 PER DIRECT FIELD OBSERVATION USING GPS EQUIPMENT ON FEB. 27, 2013.
4. PARCEL AREA = 4,496 SQ. FT.
5. UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS APPROXIMATE ONLY AND IS BASED UPON CITY OF SEATTLE SEWER CARD NO. 6457 AND ALSO AS PER TIES TO ABOVE GROUND STRUCTURES.
6. TAX PARCEL NO. 0925049230

PROPERTY DESCRIPTION

BEGINNING AT A POINT 91.7 FT. NORTH AND 30.00 FT. EAST OF THE S.W. CORNER OF THE NORTH 1/4 OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 9, T. 25 N., R. 4 E., W.M., IN KING COUNTY, WASHINGTON; THENCE EAST 100.00 FT.; THENCE NORTH 45 FT.; THENCE WEST 100 FT. TO THE EAST LINE OF 20TH AVE. N.E.; THENCE SOUTHERLY ALONG EAST LINE 45 FEET TO THE TRUE POINT OF BEGINNING.

CITY OF SEATTLE
DEPT. OF PLANNING
AND
DEVELOPMENT
AUG 08 2013
APPROVED Subject to Review
By *[Signature]*
Ryan S. Carlson



TOPOGRAPHIC SURVEY
4742 20TH AVE. N.E.
SEATTLE, WASHINGTON

CHADWICK WINTERS
LAND SURVEYING AND MAPPING
1422 N.W. 85TH ST., SEATTLE, WA 98117
PHONE: 206.297.0906
FAX: 206.297.0997
WEB: WWW.CHADWICKWINTERS.COM

RECEIVED
MAY 09 2013
City of Seattle
Dept. of Planning and Development

PROJECT #: 13-4556
DRAWING: 13-4556TOPO.DWG
CLIENT: BOB McCULLOUGH

LEGEND - SITE PLAN

CONCRETE

PERMEABLE PAVEMENT SURFACE

PERMEABLE PAVEMENT FACILITY

PERMEABLE PAVEMENT SURFACE (SEE DRAINAGE PLAN)

PERMEABLE PAVEMENT FACILITY (SEE DRAINAGE PLAN)

BIO RETENTION CELL

FENCE

PERMEABLE PAVEMENT SURFACE (SEE DRAINAGE PLAN)

PERMEABLE PAVEMENT FACILITY (SEE DRAINAGE PLAN)

BIO RETENTION CELL

FENCE

EXTERIOR LIGHTING LEGEND

RECESSED WALL LIGHTING FOR PATH - USE ENERGY STAR OR LIGHTS APPROVED BY WA. ENERGY CODE

WALL MOUNTED ENTRY LIGHT

RECESSED CEILING ENTRY LIGHT - USE ENERGY STAR OR LIGHTS APPROVED BY WA. ENERGY CODE

SURFACE MOUNTED DIRECTIONAL LIGHT

SITE INFORMATION

Project Location: 4742 20th Ave NE, Seattle, WA 98105

Jurisdiction: City of Seattle

Occupancy: R-2, Congregate Residence

Zoning: LR3

Overlay: University NW Urban Center

Construction: VA-SPRINKLERED

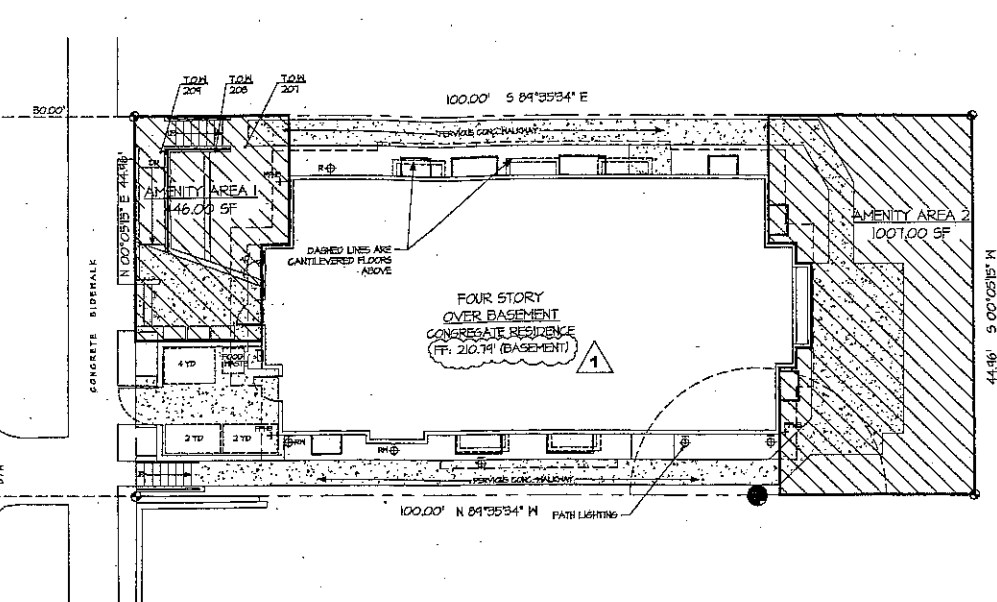
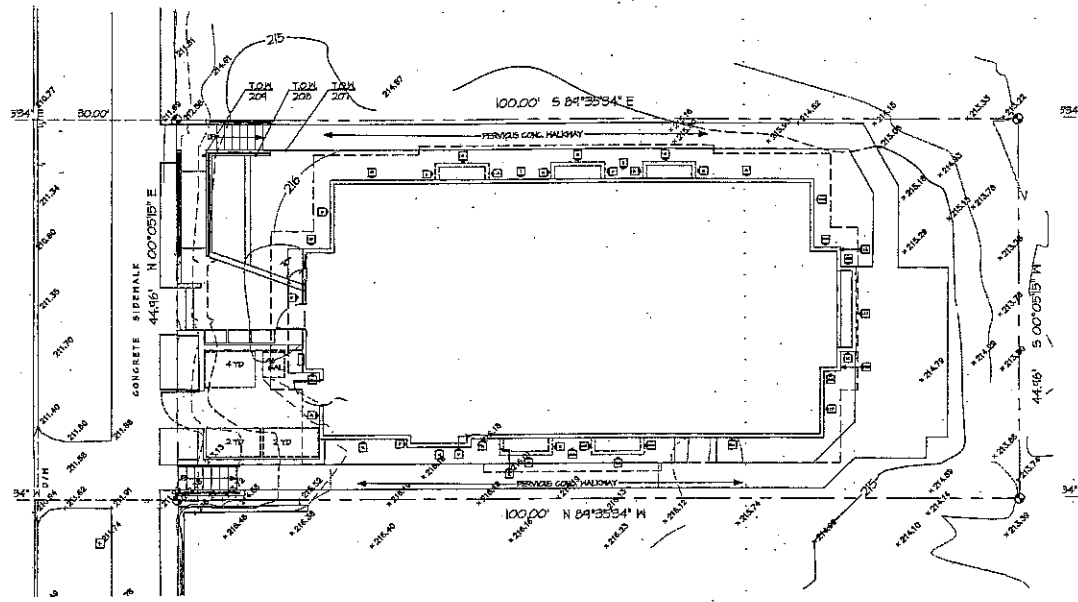
Applicable Codes: - Seattle Building Code (2009 IRC)
- Washington State Ventilation & Indoor Air Quality Code
- Stormwater, Grading & Drainage Control
- Seattle Energy Code

Site Area: 4,496 SQ. FT.

Structures:

Heated Area:	Gross SF.	Net SF.
Basement:	1,886 SQ. FT.	1,795 SQ. FT.
First Floor:	1,985 SQ. FT.	1,887 SQ. FT.
Second Floor:	1,985 SQ. FT.	1,887 SQ. FT.
Third Floor:	1,985 SQ. FT.	1,887 SQ. FT.
Fourth Floor:	1,985 SQ. FT.	1,887 SQ. FT.

Total: 9,826 SQ. FT. Total: 9,343 SQ. FT.



AMENITY AREA INFO

AMENITY AREA PER SMC 23.45.522
25X4,496 = 1,124 SF REQUIRED

AMENITY AREA 1 = 46.00 SF
AMENITY AREA 2 = 100.00 SF
TOTAL = 1,453.00 SF > 1,124 SF OK

CODE INFORMATION

THE FOLLOWING CODES PERTAIN TO THIS PROJECT:

2009 SEATTLE BUILDING CODE
2009 WASHINGTON STATE ENERGY CODE
2009 VENTILATION AND INDOOR AIR QUALITY CODE
SEATTLE STORMWATER, GRADING, AND DRAINAGE CONTROL

LEGAL DESCRIPTION

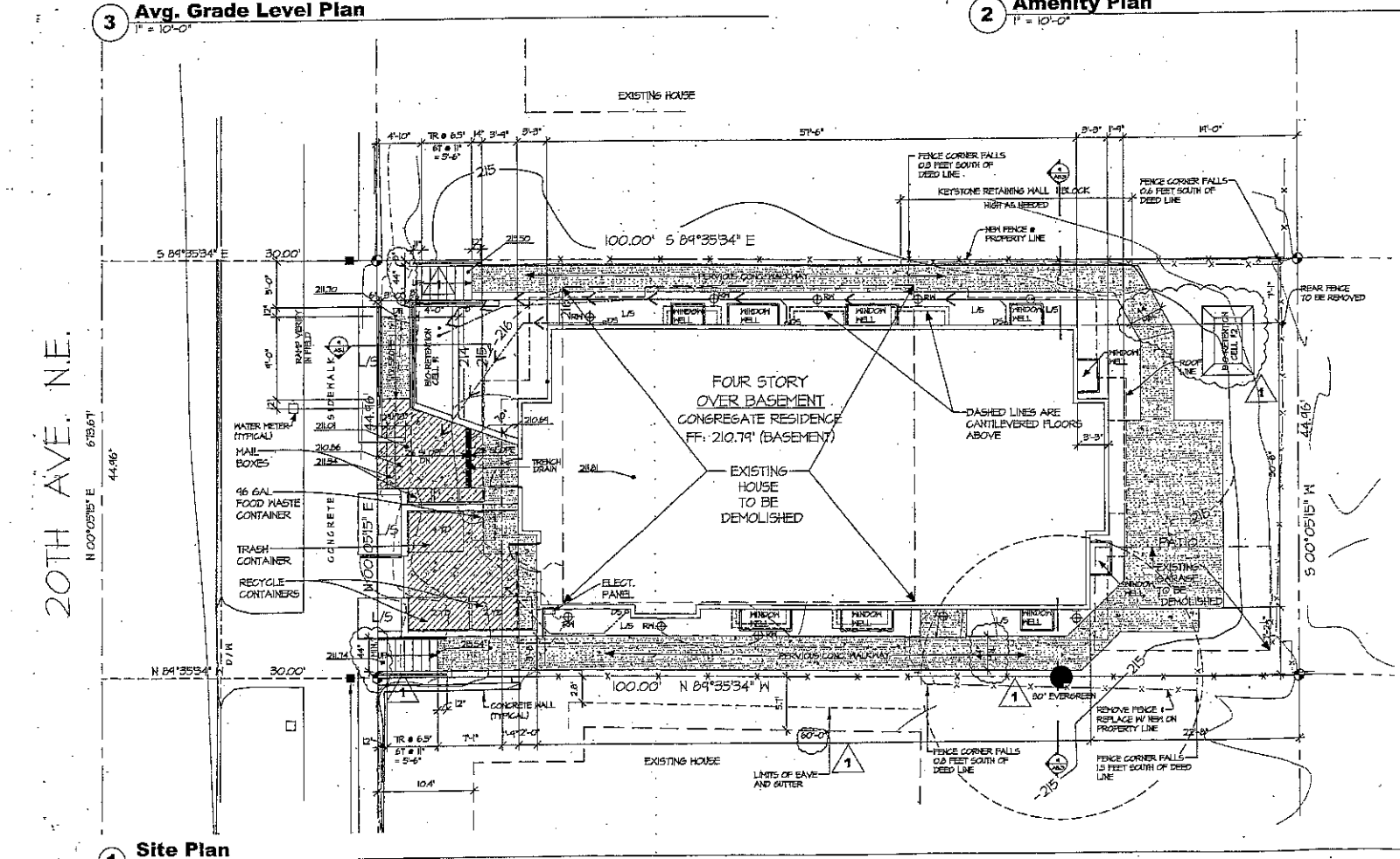
BEGINNING AT A POINT 91.7 FT. NORTH AND 30.00 FT. EAST OF THE S.W. CORNER OF THE NORTH 1/4 OF THE S.E. 1/4 OF THE S.W. 1/4 OF SEC. 9, T. 25 N., R. 4 E., W.M. IN KING COUNTY, WA. THENCE EAST 100.00 FT.; THENCE NORTH 45 FT.; THENCE WEST 100 FT. TO THE EAST LINE OF 20TH AVE. N.E.; THENCE SOUTHERLY ALONG EAST LINE 45 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL # 0925049230

AVG. GRADE LEVEL CALCULATIONS

MARK	ELEV	LENGTH	TOTAL (A)	MARK	ELEV	LENGTH	TOTAL (B)
A	215.47	x 13.90	= 3001.93	AA	216.19	x 4.5	= 972.86
B	215.85	x 2.0	= 431.70	BB	216.17	x 2.0	= 432.34
C	215.85	x 6.33	= 1366.33	CC	216.50	x 6.33	= 1370.45
D	215.80	x 2.0	= 431.60	DD	216.05	x 2.0	= 432.10
E	215.80	x 4.583	= 984.01	EE	215.90	x 21.34	= 4607.31
F	215.75	x 2.0	= 431.50	FF	215.50	x 8.0	= 1724.00
G	215.75	x 6.33	= 1365.10	GG	215.50	x 2.0	= 431.00
H	215.75	x 2.0	= 431.50	HH	215.50	x 2.33	= 502.12
I	215.70	x 7.5	= 1617.75	II	215.46	x 1.75	= 377.06
J	215.70	x 2.0	= 431.40	JJ	215.46	x 10	= 2154.60
K	215.65	x 6.33	= 1365.06	KK	215.46	x 1.75	= 377.06
L	215.65	x 2.0	= 431.30	LL	215.50	x 2.33	= 502.12
M	215.60	x 12.52	= 2699.31	MM	215.50	x 10	= 2154.60
N	215.60	x 8.0	= 1724.80	NN	215.50	x 10	= 2154.60
O	215.60	x 5	= 1078.00				
P	216.00	x 14.67	= 3166.72				
Q	216.00	x 5	= 1080.00				
R	216.00	x 8	= 1728.00				
S	216.14	x 10.42	= 2252.18				
T	216.15	x 1.0	= 216.15				
U	216.16	x 7.5	= 1621.20				
V	216.18	x 1.0	= 216.18				
W	216.18	x 3.58	= 773.92				
X	216.15	x 2.0	= 432.30				
Y	216.05	x 6.33	= 1367.60				
Z	216.15	x 2.0	= 432.30				

TOTAL LENGTH = 219.57
TOTAL COLUMN 'A+B' = 47342.84
AVG. GRADE = 215.84



Seattle Public Utilities
Pay Edition, Director

May 8, 2013

Liz Kahn, Contract Administration
Seattle Public Utilities
Utility Systems Management
P.O. Box 34018
Seattle, WA 98124-4018

This Project #6356892 at address 4742-20th Ave NE has been reviewed for adequate storage space for containers and is approved by SPU/Solid Waste Management. The space is adequate and the containers will be adjacent to the sidewalk on 20th Ave NE and available for collection by the contractor.

Liz Kahn, Solid Waste Contract Administration

Date: May 08, 2013

Office (206) 464-4166
Fax (206) 464-4706
lkahn@seattle.gov

DIMENSIONS INC.

19825 1st Avenue, Suite 100, Bellevue, WA 98004
(206) 837-9293 Fax (206) 837-9213

REGISTERED ARCHITECT
MICHAEL C. PETERSON
STATE OF WASHINGTON

Juno Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA 98105

SITE PLAN

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: RNL
Check: MGP
Revisions:
A 7-2-2013

A-1.0
RECEIVED
JUL 15 2013
Dept. of Planning & Development

CONSTRUCTION STORMWATER CONTROL (CSC)

THIS PLAN IS REQUIRED FOR ALL PROJECTS WITH GREATER THAN 100 SQUARE FEET OF LAND DISTURBING ACTIVITIES.

A FIRST GRADE DISTURBANCE INSPECTION IS REQUIRED PRIOR TO START OF WORK ON ALL SITES WITH LAND DISTURBING ACTIVITIES.

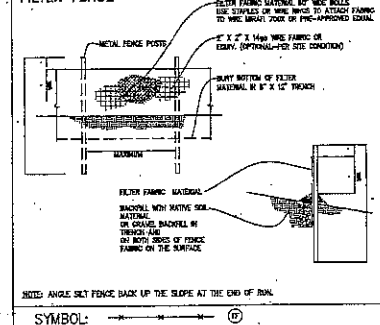
SCHEDULE A FIRST GRADE DISTURBANCE INSPECTION FOR AN ISSUED BUILDING PERMIT AT 100-100-0000 OR ONLINE AT WWW.CITYOFSEATTLE.GOV/DPD.

TEMPORARY AND PERMANENT BEST MANAGEMENT PRACTICES (BMPs) SHALL BE USED TO ACCOMPLISH THE FOLLOWING MINIMUM REQUIREMENTS. ADDITIONAL BMPs ARE REQUIRED WHEN NECESSARY TO PREVENT EROSION OR TRANSPORT OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE.

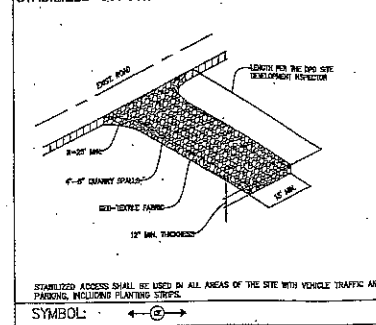
- MAINTAIN CLEARING LIMITS
- MAINTAIN ENVIRONMENTALLY SENSITIVE AREAS
- RETAIN TOP LAYER AND NATIVE VEGETATION
- ESTABLISH CONSTRUCTION ACCESS
- PROTECT DOWNSTREAM PROPERTIES AND RECEIVING WATERS
- PREVENT EROSION AND SEDIMENT TRANSPORT FROM THE SITE
- STABILIZE SOILS
- PROTECT SLOPES
- PROTECT STREAM BEDS
- STABILIZE CHANNEL AND OUTLETS
- CONTROL POLLUTIONS
- CONTROL DRAINAGE
- MAINTAIN AND INSPECT BMPs
- EXISTENCE CONSTRUCTION STORMWATER CONTROL PLAN
- MAINTAIN OPEN TRENCHES
- PHASE THE PROJECT
- INSTALL PERMANENT FLOW CONTROL AND WATER QUALITY FACILITIES

COMPLETE CONSTRUCTION STORMWATER CONTROL BMP DETAILS AND REQUIREMENTS ARE LOCATED IN DP-10-2000 VOLUME 1, CHAPTER 4 OF THE CONSTRUCTION STORMWATER CONTROL TECHNICAL REQUIREMENTS MANUAL. SHOW ALL BMPs ON THIS PLAN SHEET THAT WILL BE USED TO ACHIEVE THE REQUIREMENTS ABOVE.

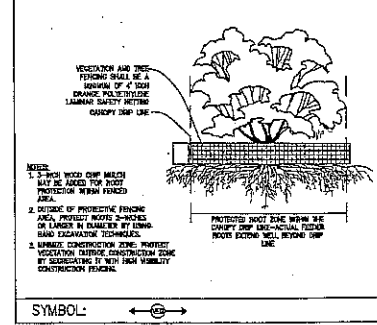
FILTER FENCE



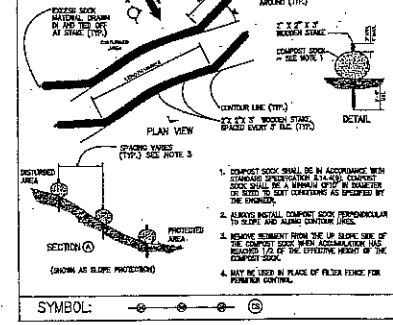
STABILIZED CONSTRUCTION ACCESS



PRESERVING VEGETATION



COMPOST SOCK



POST CONSTRUCTION SOIL MANAGEMENT PLAN

AT THE END OF PROJECT, ALL DISTURBED AREAS (D) MUST BE AMENDED WITH A MINIMUM OF 2-INCHES OF COMPOST AND PROBE TO 12-INCHES AT THE SITE FINAL INSPECTION.

REPRESENT THE SITE IN PLAN VIEW ON THIS SHEET AND LABEL ALL AREAS OF THE SITE AS ONE OF THE FOLLOWING: 1. I (IMPERVIOUS), 2. D (DISTURBED), 3. S (STABILIZED CONSTRUCTION ACCESS), 4. L (LEGACY), 5. O (OTHER). LABEL THESE AREAS AS (I), (D), (S), (L), OR (O) ON THE PLAN SHEET AND NOTE THE TOTAL SQUARE FOOTAGE ON THE COMPOST CALCULATION WORKSHEET.

COMPLETE THE POST CONSTRUCTION COMPOST CALCULATION WORKSHEET.

POST CONSTRUCTION COMPOST CALCULATION WORKSHEET:

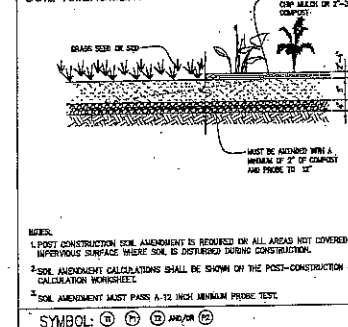
1. TOTAL SITE AREA (LOT SIZE)	4,496 SF
2. IMPERVIOUS AREA (I)	3,374 SF
3. NON-DISTURBED AREA (ND)	0 SF
4. OTHER AREA (O)	0 SF
5. ADD ITEMS 2-4	3,374 SF
6. SUBTRACT LINE 5 FROM LINE 1 [THIS EQUALS THE DISTURBED AREA (D)]	1,122 SF
7. MULTIPLY LINE 6 BY 0.0002 [THIS IS THE MINIMUM COMPOST REQUIREMENT]	0.22 SF

NOTE: RECEIPT FOR THE REQUIRED COMPOST IMPORT MUST BE SHOWN TO THE DPD SITE INSPECTOR AT THE SITE FINAL INSPECTION.

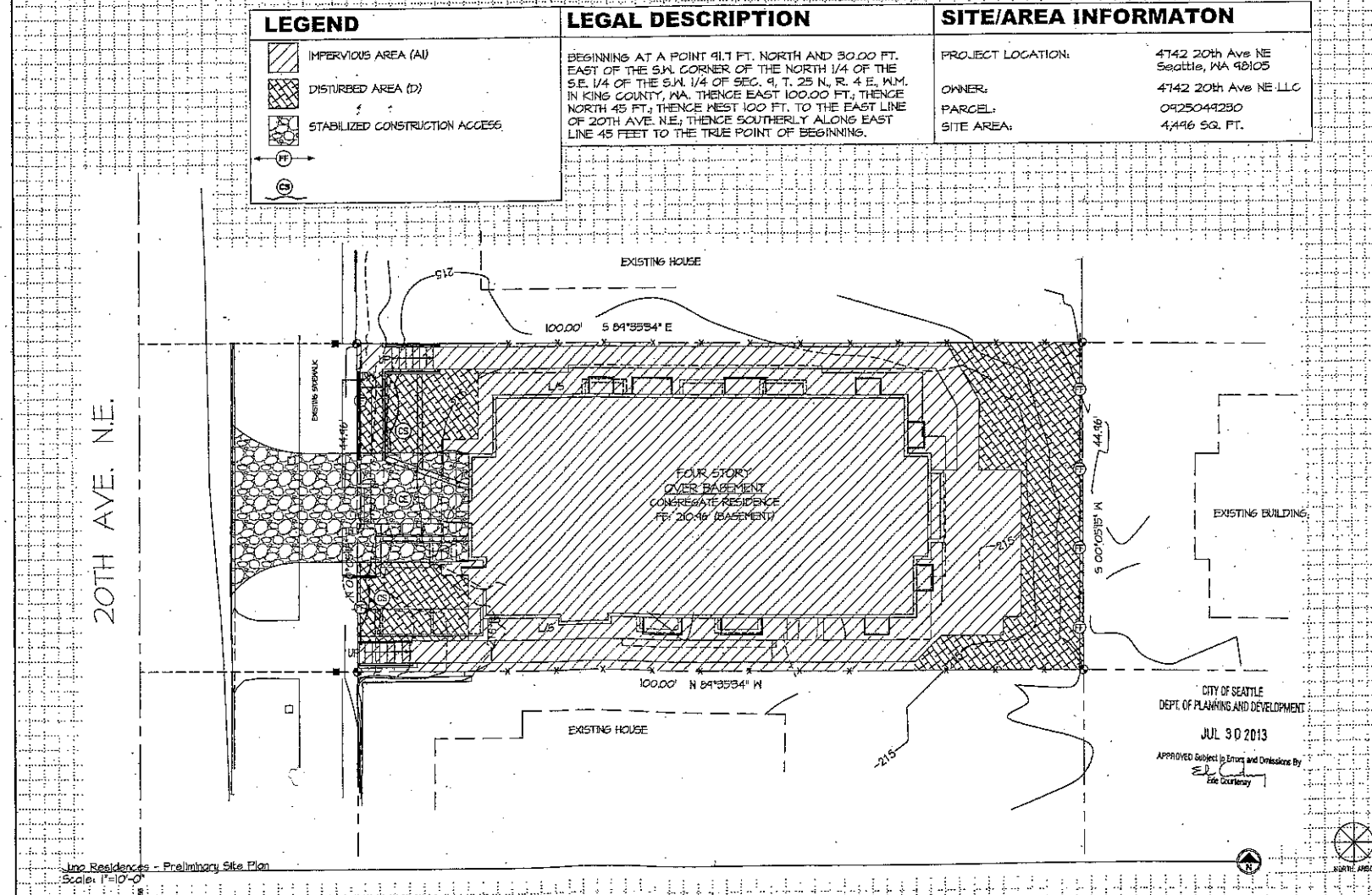
DEFINITIONS:

- TOTAL SITE AREA: SIZE OF THE LOT, EXPRESSED IN SQUARE FEET.
- IMPERVIOUS AREA (I): THE TOTAL SQUARE FOOTAGE OF NEW AND/OR REPLACED IMPERVIOUS SURFACES. IMPERVIOUS AREAS ARE THOSE THAT WILL NOT BE VEGETATED SUCH AS BUILDING ROOF AREA, DRIVEWAYS, PAVEMENT, PATIOS, ETC. LABEL THESE AREAS AS (I) ON THE PLAN SHEET AND NOTE THE TOTAL SQUARE FOOTAGE ON THE COMPOST CALCULATION WORKSHEET.
- NON-DISTURBED AREA (ND): VEGETATED AREAS THAT WILL NOT BE SUBJECT TO LAND DISTURBING ACTIVITIES (SEE DP-10-2000 VOLUME 1, CHAPTER 4 FOR DETAILS). THESE AREAS ARE CONTINUOUSLY PROTECTED THROUGHOUT CONSTRUCTION. THE PERIOD MUST BE IN PLACE AT THE FIRST GRADE DISTURBANCE INSPECTION. THIS WILL BE MONITORED BY THE DPD SITE INSPECTOR. NO DISTURBANCE INCLUDING VEHICLE TRAFFIC OR MATERIAL STORAGE IS ALLOWED IN THESE AREAS UNTIL FINAL INSPECTION. LABEL THESE AREAS AS (ND) ON THE PLAN SHEET AND NOTE THE TOTAL SQUARE FOOTAGE ON THE COMPOST CALCULATION WORKSHEET.
- OTHER (O): OTHER REPRESENTS EXISTING IMPERVIOUS SURFACES TO REMAIN, DRAINAGE FACILITIES, ENGINEERED STRUCTURAL FILL AREAS, RAIN GARDENS, ETC. LABEL THESE AREAS AS (O) ON THE PLAN SHEET AND NOTE THE TOTAL SQUARE FOOTAGE ON THE COMPOST CALCULATION WORKSHEET.
- DISTURBED AREA (D): AREA (PAVE AND LANDSCAPE) THAT MUST BE AMENDED WITH A MINIMUM OF 2 INCHES OF COMPOST AND BE LOCATED SO IT WILL PROBE TO A DEPTH OF 12 INCHES PRIOR TO SITE FINAL INSPECTION. THIS INCLUDES AREAS DAMAGED BY EROSION AND GRADING, STOCKPILING, SITE ACCESS, PATIOWAYS AND MATERIALS OR EQUIPMENT STORAGE. LABEL THESE AREAS AS (D) ON THE PLAN SHEET AND NOTE THE TOTAL SQUARE FOOTAGE ON THE COMPOST CALCULATION WORKSHEET.

SOIL AMENDMENT



CONSTRUCTION STORMWATER CONTROL & POST CONSTRUCTION SOIL MANAGEMENT PLAN



MAY 11, 2012

CONSTRUCTION STORMWATER CONTROL PLAN
AND
POST CONSTRUCTION SOIL MANAGEMENT PLAN
APPLICANT PLAN SET

CITY OF SEATTLE
DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF SEATTLE
DEPT. OF PLANNING
AND
DEVELOPMENT

AUG 08 2013

APPROVED Subject to Errors and Omissions By:

City Engineer

SHEET
CSC/SOIL
STANDARD
PLAN

RECEIVED

MAY 09 2013

City of Seattle
Dept. of Planning and Development

SECTION I: GREEN STORMWATER INFRASTRUCTURE (GSI)

The City of Seattle's Stormwater Code requires that single-family residential projects implement Green Stormwater Infrastructure (GSI) to the maximum extent feasible. GSI is a stormwater Best Management Practice (BMP) that utilizes infiltration, dispersion, evaporation, transpiration, and/or detention. The intent of GSI is to help mitigate the impacts of development. GSI provides a function in addition to stormwater management such as water reuse, open space or providing green space and/or wildlife habitat in the City. The goal is to encourage a smaller building footprint and to effectively manage stormwater runoff as close to the point of origin as possible. To meet the minimum requirement for a single-family residential project, fill out the Pre-Size Worksheet below. Refer to Director's Rule - Requirements for Green Stormwater Infrastructure for Single-Family Residential and Parcel-Based Projects for further information, Credits and Sizing Factors.

The interactive GSI calculator is located at:

http://www.seattle.gov/dpd/perm/groups/pant/pant/documents/web_informational/npdp018515.xls

SECTION II: GSI WORKSHEET

Building Permit No. _____ Project Address: 4742 20th Ave NE		Project Type: _____ New plus Replacement Impervious Area: 3,493 sq ft Area Requiring Mitigation: 3,493 sq ft	
Existing Impervious Area: 1,000 sq ft Existing Permeable Area: 1,000 sq ft Total Existing Area: 2,000 sq ft		Total Impervious Area: 3,493 sq ft Total Permeable Area: 1,000 sq ft Total Area: 4,493 sq ft	
Detention/Storage: 1,000 sq ft Infiltration: 1,000 sq ft Plantings: 1,000 sq ft		Total Detention/Storage: 1,000 sq ft Total Infiltration: 1,000 sq ft Total Plantings: 1,000 sq ft	
Total GSI: 3,000 sq ft GSI to MGP Target: 3,493 sq ft		GSI to MGP Target Achieved: YES	

SECTION III: GSI PLANTINGS

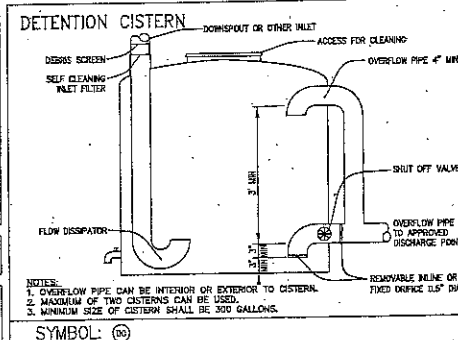
Complete the following calculator to determine the minimum number of plantings required for:

Facility Size	Multi-planting Factor	Total Number of Plants (rounded up)
Detention Cells		
Small Trees (8' used)	Bottom & Sides	0.012
Shrubs	Bottom & Sides	0.028
Groundcover/Herbaceous Plants	Bottom & Sides	0.084
Bioretention Plantings		
Small Trees (8' used)	Bottom	0.012
Shrubs	Bottom	0.028
Groundcover/Herbaceous Plants	Bottom	0.084
Green Roofs		
Groundcover/Succulent Plants	Footprint	0.088

Planting General Notes:

- For a list of approved plants, see the Seattle Green Factor plant list: <http://www.seattle.gov/dpd/perm/permtools/greenfactor/default.asp>
 - Plans shall specify that vegetation coverage of selected plants will achieve 90-percent coverage within 2 years or additional plantings shall be provided until this coverage requirement is met.
 - Plants shall be sited according to sun, soil, wind and moisture requirements.
 - At a minimum, provisions must be made for supplemental irrigation during the first two growing seasons following installation.
- Bioretention Cells and Plantings Notes:**
- Provide a minimum of three different species of shrubs and herbaceous plants.
- Green Roofs Notes:**
- Appropriate plants include succulents, grasses, herbs, and wildflowers that are adapted to harsh conditions. Plants can be installed as pre-grown mats, individual plugs, cuttings, or spread as seeds.
 - A Landscape Management Plan shall be developed and implemented.

SECTION IV: GSI STANDARD DETAILS



SECTION V: DRAINAGE CONTROL PLAN REQUIREMENTS

GENERAL REQUIREMENTS:

- Address and permit number of project.
- North arrow.
- Identification of the drawing's scale (min. 1" = 10').
- Property lines and dimensions.
- Identification of adjacent streets (by name), ditches or other adjacent public property.
- Curbs and sidewalks and street cross type, location, dimensions.
- Street and alley improvement type (concrete, concrete, gravel, etc.).
- Cracks, sidewalks or any ADA areas, per CAM 1008, if they exist on the site.
- Location and dimensions of all drainage, parking areas, and other paved areas (existing and proposed).
- General location, size and slope of any structures presently on the site and of those proposed for construction including buildings, buildings, including walls, patios, decks, porches, rockeries and driveways (existing and proposed).
- Show specific location, size and slope of all trees at least 6 inches in diameter measured 4-6 feet above the ground.
- Areas not to be disturbed by construction must be indicated.
- Ground elevations and contour lines with labeled contour intervals on sloping sites or where earth grading is proposed.
- Identify top and bottom of slopes and show dimensions from slope top/bottom to the building.
- Identify drainage ditches, natural watercourses, and culverts (near shorelines).
- Sewer mains (sanitary only [sew] and/or combined sewers [CS]).
- Storm drains [sew] and catch basins.
- Water mains, fire hydrants and water meters.
- Power poles, street lights, signs and transit poles, bus zones, street signs, etc. adjacent to the subject property.
- All other elements between the pavement edge and the property line (such as site sewer, electrical ducts and vaults, electrical conduits, manholes, storm culverts, etc.).
- On-site green stormwater infrastructure facilities. See below for further instructions.

Human Stormwater Infrastructure Requirements:

- Identify contributing areas to each GSI facility.
- Bioretention Cells and Plantings: Locations of top and bottom of cell, square footage of bottom area.
- Green Roofs: Locations and square footage.
- Detention: Locations, contributing roof area, discharge locations and lines.

Standard Drainage Features:

- Pump systems (wet wells), pump sizes, manhole holes (MHL), elevations, downspouts, catch basins and roof drains.
- Footing drain connections to on-site basins.

Sanitary Sewerage Features:

- Show the new sewer from the structure to its point of connection with an existing sewer or the public main sewer in the street, whichever is applicable.
- An increase in living units using an existing sewer will require the evaluation and certification of the existing sewer prior to drainage plan approval. See Director's Rule 4-2011-04.

SECTION VI: GSI AFFIRMATION

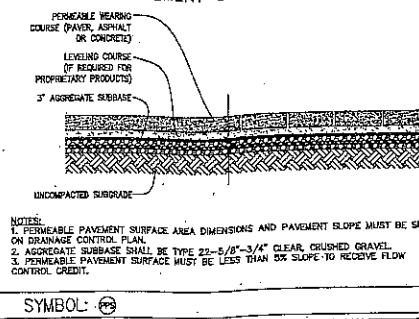
Affirmation statement for Green Stormwater Infrastructure to the Maximum Extent Feasible:

I, _____, certify that Green Stormwater Infrastructure has been implemented to the Maximum Extent Feasible for this project.

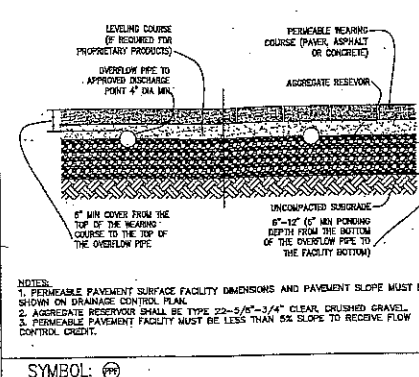
Owner/Owner's Rep Signature: _____

Date: _____

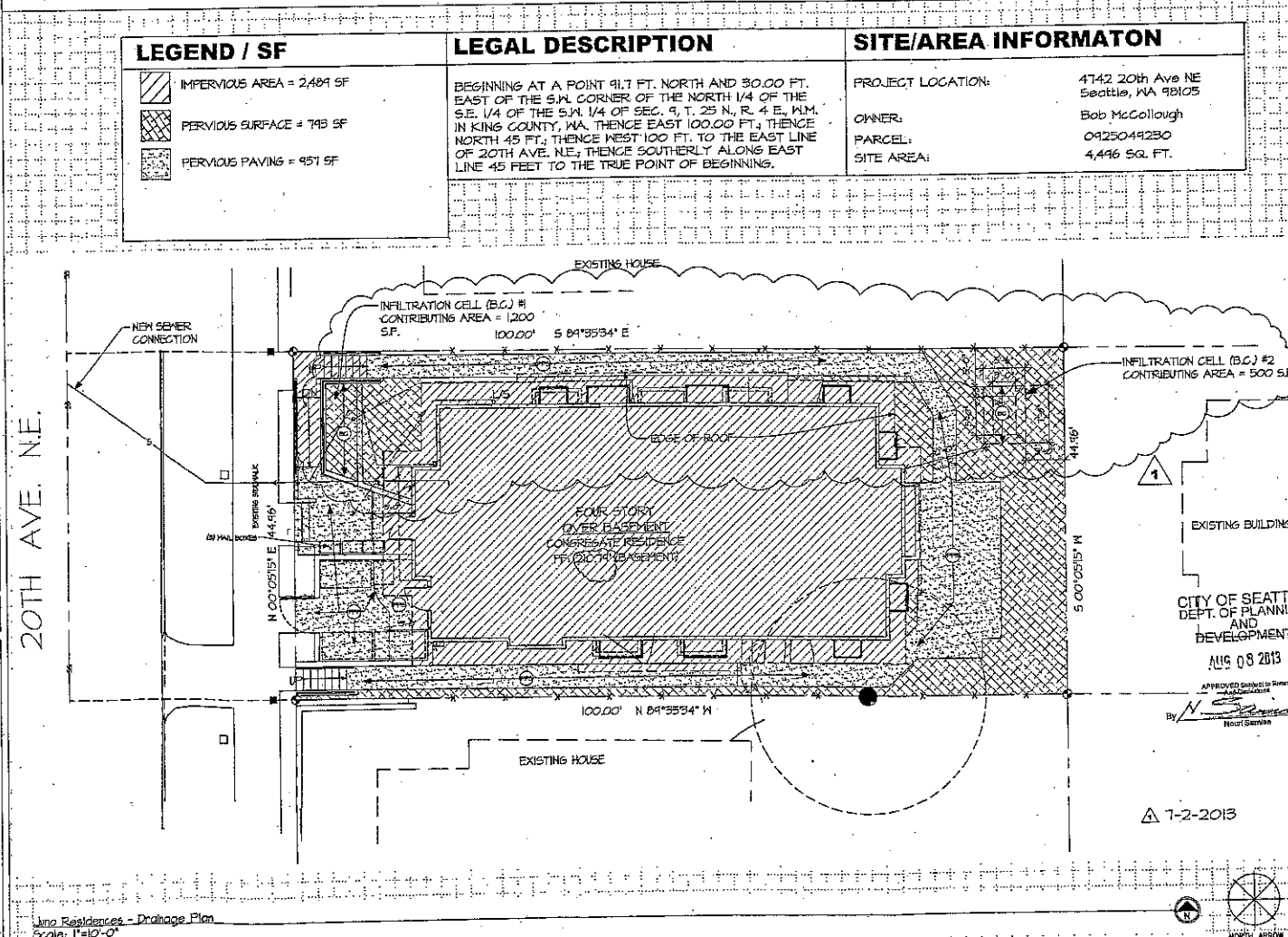
PERMEABLE PAVEMENT SURFACE



PERMEABLE PAVEMENT FACILITY



DRAINAGE CONTROL PLAN



BUILT GREEN PLAN NOTES:

- PROJECT TO MEET BUILT GREEN 4 STAR.
- WIRE ALL COMMON AREA, ENTRY VESTIBULE, KITCHEN, HALLWAYS, LAUNDRY ROOM FOR FUTURE PHOTOVOLTAIC SYSTEM OF A MINIMUM 1 KW.
- USE ONLY LOW-VOC/LOW TOXIC INTERIOR PAINTS, PRIMERS & FINISHES.
- NO CAN LIGHTS TO BE INSTALLED - ALL FIXTURES SHALL BE SURFACE MOUNTED LED OR ENERGY STAR CFL BULBS IN UNITS & COMMON AREAS.
- PLUMBING FIXTURE FLOWS SHALL BE LESS THAN STATE PLUMBING CODE SHOWN BELOW:

a) TANK-TYPE TOILET: 120 GPF	e) INSTALL SHOWER HEADS
b) LAVATORY FAUCETS: 1.5 GPM	6 GPM LESS THAN 2.5
c) KITCHEN FAUCETS: 2.0 GPM	(1.75 IS COMMON)
d) REPLACEMENT AERATORS: 2.5 GPM	
- ALL PLUMBING FIXTURES SHALL BE LABELED "WATER SENSE" TO COMPLY WITH BUILT GREEN.
- USE ENVIRONMENTALLY FRIENDLY FOAM BUILDING PRODUCTS (FORMALDEHYDE FREE, CFC-FREE, HCFC-FREE).

PLAN NOTES:

- WALL MOUNTED HEATERS TOP OF HEADER TO BE 12" FROM CEILING PER MANUFACTURERS RECOMMENDATION.
- (1) LAYER OF 5/8" TYPE 'X' GMB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.
- (2) LAYERS OF 5/8" TYPE 'X' GMB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.

GENERAL PLAN NOTES:

FIRE RESISTANCE

- PER SBC TABLE 1017.1, CORRIDOR WALLS SHALL BE 1-HOUR FIRE RATED W/ (1) LAYER 5/8" TYPE 'X' GMB EA. SIDE.
- PER SBC 419 & 704.1, WALLS SEPARATING SLEEPING UNITS SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1-HOUR.
- PER SBC 712, FLOOR ASSEMBLIES SHALL HAVE A FIRE-RESISTANCE OF NOT LESS THAN 1HR.
- PER SBC TABLE 601, 1-HR FIRE-RATING SHALL BE PROVIDED FOR THE EXTERIOR WALLS.

GUARDRAILS

- GUARDRAILS SHALL CONFORM TO SBC 1013. GUARDRAILS SHALL BE NOT LESS THAN 42" HIGH WITH NO OPENING GREATER THAN 4". STAIR HANDRAILS SHALL BE 34-36 IN. ABOVE STAIR NOSING.

EXITING (SBC 1011)

- EXIT & EXIT ACCESS DOOR SHALL BE MARKED BY AN APPROVED EXIT SIGN VISIBLE FROM ANY DIRECTION OF TRAVEL.

NOTE: EXIT SIGNS ARE NOT REQUIRED IN INDIVIDUAL SLEEPING UNITS IN GROUP R-2

VENTILATION

- EACH UNIT SHALL BE EQUIPPED WITH A WHOLE HOUSE EXHAUST FAN WITH A SONE RATING OF 1.0 OR LESS. SYSTEM WITH VENTILATION RATES AS FOLLOWS:
 - 1) WHOLE HOUSE EXHAUST FAN: 110 CFM
 - 2) SLEEPING SUITE VENTILATION SIZED USING ASHRAE STD 62.2 EQN 4.1a. FAN OPERATIONAL SETTINGS SET TO 10 CFM/SUITE
 - 3) SLEEPING SUITE VENTILATION OPERATIONAL SETTINGS SET TO VALUE SPECIFIED BY ASHRAE STD 62.2 EQN 4.1a USING SINGLE OCCUPANT ASSUMPTION.

EXAMPLE: FOR A 200SF SLEEPING SUITE - DESIGN VENTILATION OF 11 CFM/SUITE - OPERATIONAL SETTINGS SET TO 10 CFM/SUITE

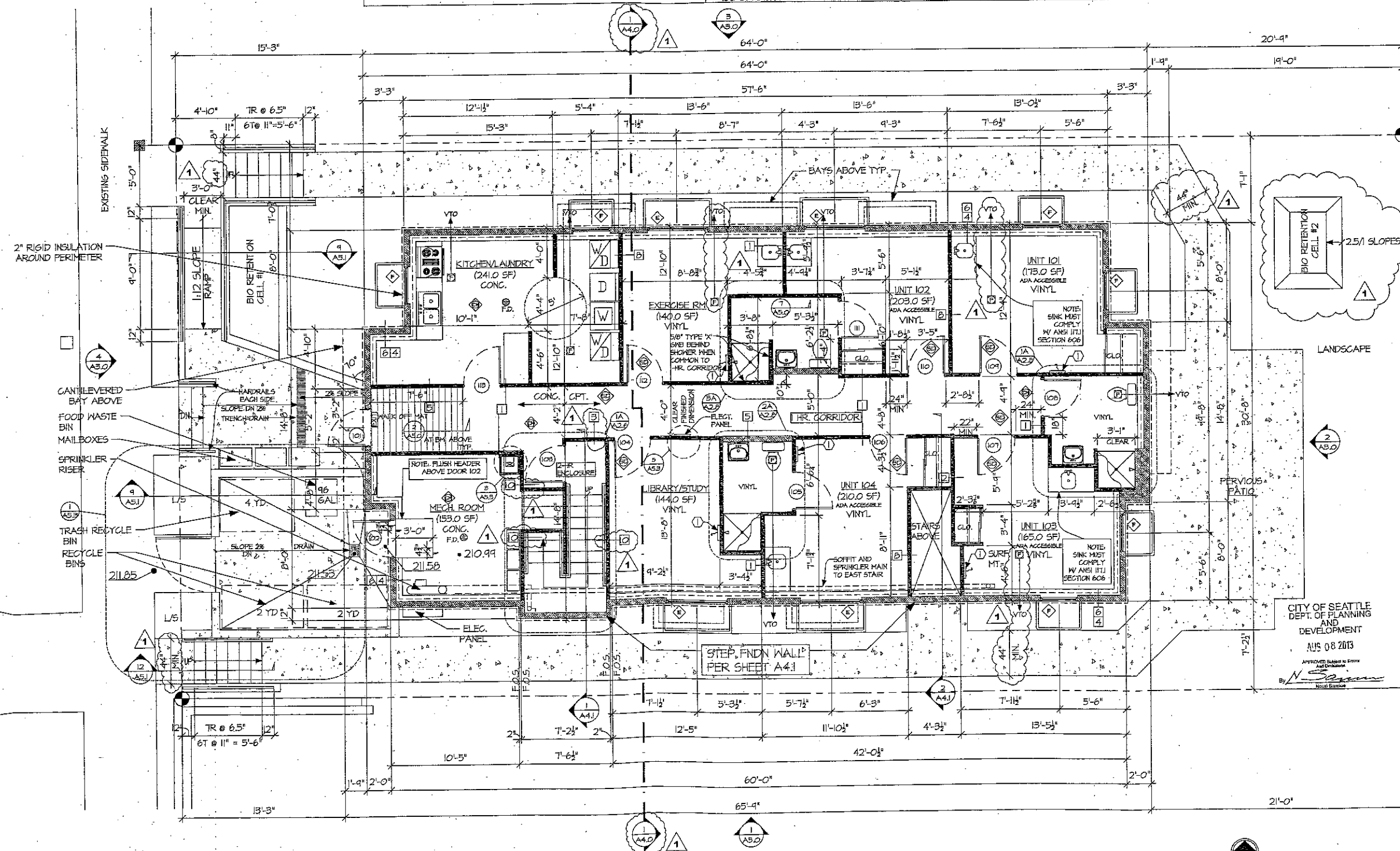
- WHOLE HOUSE EXHAUST FAN SYSTEM SHALL BE EQUIPPED WITH A CONTINUOUS 24-HR TIMER PER VIAQ 303.4.1.3
- EACH WINDOW IN EACH HABITABLE ROOM IS EQUIPPED WITH A 4 SQUARE IN. MIN. FRESH AIR PORT.
- LIMIT KITCHEN FAN TO LESS THAN 300 CFM (4-64)
- FAN EXHAUST MUST BE 3'-0" FROM AN OPERABLE WINDOW.

NOTE:

USE ONLY LOW VOC/LOW TOXIC INTERIOR PAINTS, PRIMERS, & FINISHES FOR LARGE SURFACE AREA. 50 GRAMS OR LESS FOR FLAT PAINT, 150 GRAMS/LITER FOR NON-FLAT PAINT (AFTER COLOR IS ADDED).

LEGEND

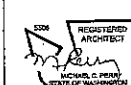
- FAN
- SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- FLOOR DRAIN
- DOOR MARK
- WINDOW MARK
- WALL TYPE - SHI. A5.1
- NEW 2X4 WALL
- NEW 2X6 OR 2X8 WALL AS NOTED



1 Basement Floor Plan

1/4" = 1'-0"

DIMENSION



Juno Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA, 98105

BASEMENT FLOOR PLAN

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: BNL
Check: MCP
Revisions:
A 7-2-2013

A-2.0
RECEIVED
JUL 15 2013
Dept. of Planning & Development

BUILT GREEN PLAN NOTES:

- PROJECT TO MEET BUILT GREEN 4 STAR.
- WIRE ALL COMMON AREA, ENTRY VESTIBULE, KITCHEN, HALLWAYS, LAUNDRY ROOM FOR FUTURE PHOTOVOLTAIC SYSTEM OF A MINIMUM 1 KW.
- USE ONLY LOW-VOC/LOW TOXIC INTERIOR PAINTS, PRIMERS & FINISHES.
- NO CAN LIGHTS TO BE INSTALLED - ALL FIXTURES SHALL BE SURFACE MOUNTED LED OR ENERGY STAR CFL BULBS IN UNITS & COMMON AREAS.
- PLUMBING FIXTURE FLOWS SHALL BE LESS THAN STATE PLUMBING CODE SHOWN BELOW.

a) TANK-TYPE TOILET: 1.28 GPF	e) INSTALL SHOWER HEADS
b) LAVATORY FAUCETS: 1.5 GPM	6PM LESS THAN 2.5
c) KITCHEN FAUCETS: 2.0 GPM	(1.75 IS COMMON)
d) REPLACEMENT AERATORS: 2.5 GPM	
- ALL PLUMBING FIXTURES SHALL BE LABELED "WATER SENSE" TO COMPLY WITH BUILT GREEN.
- USE ENVIRONMENTALLY FRIENDLY FOAM BUILDING PRODUCTS (FORMALDEHYDE FREE, CFC-FREE, HCFC-FREE).

PLAN NOTES:

- WALL MOUNTED HEATERS TOP OF HEADER TO BE 12" FROM CEILING PER MANUFACTURERS RECOMMENDATION.
- (1) LAYER OF 5/8" TYPE 'X' GNB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.
- (2) LAYERS OF 5/8" TYPE 'X' GNB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.

GENERAL PLAN NOTES:

- ### FIRE RESISTANCE
- PER SBC TABLE 1011, CORRIDOR WALLS SHALL BE 1-HOUR FIRE RATED W/ (1) LAYER 3/8" TYPE 'X' GNB EA. SIDE.
 - PER SBC 419 & 1041, WALLS SEPARATING SLEEPING UNITS SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1-HOUR.
 - PER SBC 712, FLOOR ASSEMBLIES SHALL HAVE A FIRE-RESISTANCE OF NOT LESS THAN 1HR.
 - PER SBC TABLE 602, 1-HR FIRE-RATING SHALL BE PROVIDED AT THE EXTERIOR WALLS.
- ### GUARDRAILS
- GUARDRAILS SHALL CONFORM TO SBC 1013. GUARDRAILS SHALL BE NOT LESS THAN 42" HIGH WITH NO OPENING GREATER THAN 4". STAIR HANDRAILS SHALL BE 34-38 IN. ABOVE STAIR NOSING.

NOTE:
USE ONLY LOW VOC/LOW TOXIC INTERIOR PAINTS, PRIMERS, & FINISHES FOR LARGE SURFACE AREA.

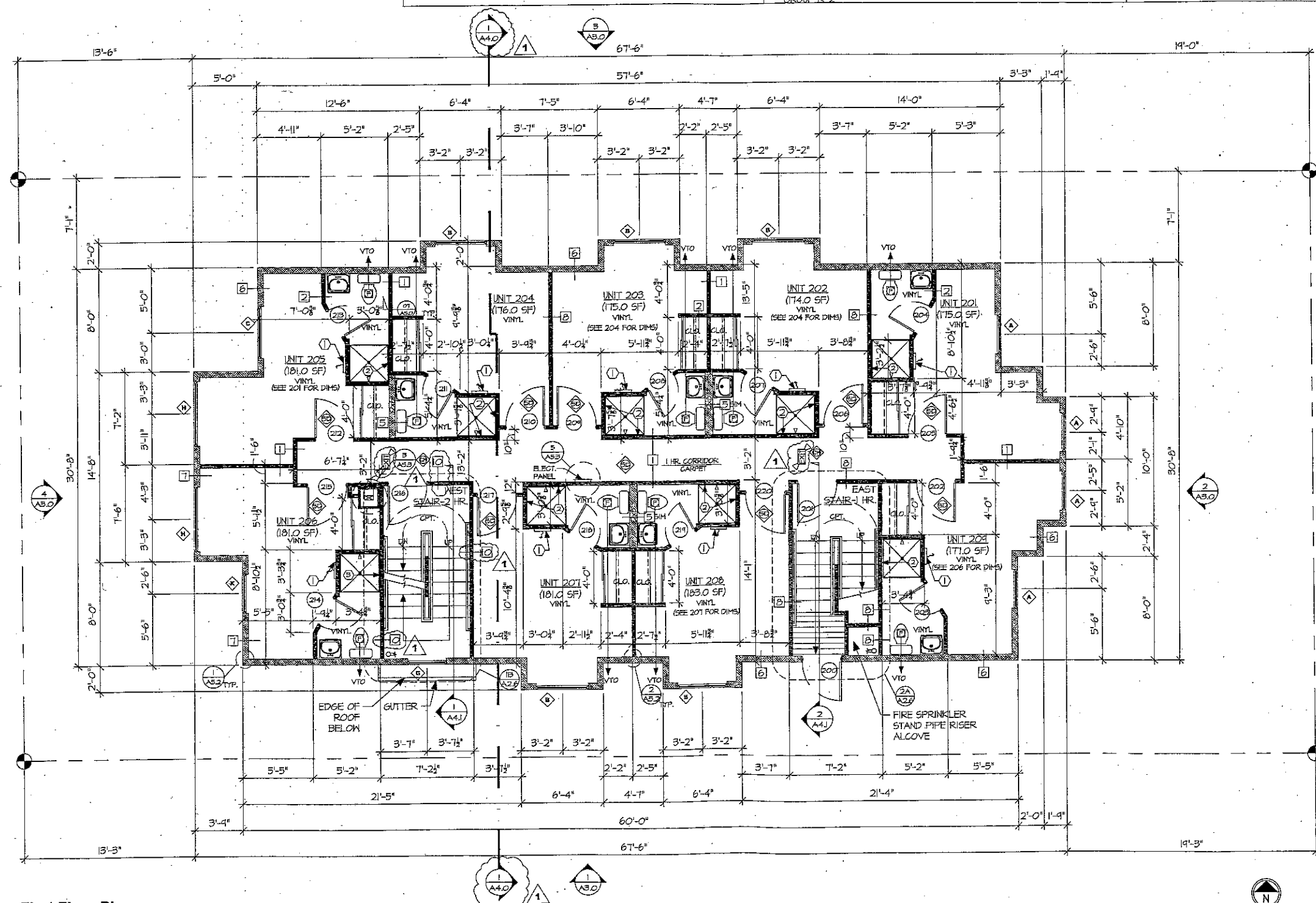
VENTILATION

- EACH UNIT SHALL BE EQUIPPED WITH A WHOLE HOUSE EXHAUST FAN WITH A SONE RATING OF 1.0 OR LESS. SYSTEM WITH VENTILATION RATES AS FOLLOWS:

1
SLEEPING SUITE VENTILATION SIZED USING ASHRAE STD 62.2 EGN 4.1a. SLEEPING SUITE VENTILATION OPERATIONAL SETTINGS SET TO VALUE SPECIFIED BY ASHRAE STD 62.2 EGN 4.1a USING SINGLE OCCUPANT ASSUMPTION. EXAMPLE: FOR A 200sf SLEEPING SUITE - DESIGN VENTILATION OF 17 CFM/SUITE - OPERATIONAL SETTINGS SET TO 10 CFM/SUITE
 - WHOLE HOUSE EXHAUST FAN SYSTEM SHALL BE EQUIPPED WITH A CONTINUOUS 24-HR TIMER PER VIAQ 303.4.13
 - EACH WINDOW IN EACH HABITABLE ROOM IS EQUIPPED WITH A 4 SQUARE IN. MIN. FRESH AIR PORT.
 - LIMIT KITCHEN FAN TO LESS THAN 300 CFM (4-69)
 - FAN EXHAUST MUST BE 3'-0" FROM AN OPERABLE WINDOW. EXITING SBC 1011
- EXIT & EXIT ACCESS DOOR SHALL BE MARKED BY AN APPROVED EXIT SIGN VISIBLE FROM ANY DIRECTION OF TRAVEL.
- NOTE: EXIT SIGNS ARE NOT REQUIRED IN INDIVIDUAL SLEEPING UNITS IN GROUP R-2

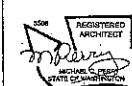
LEGEND

- FAN
- SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- FLOOR DRAIN
- DOOR MARK
- WINDOW MARK
- WALL TYPE - SHT. A5.1
- NEW 2X4 WALL
- NEW 2X6 OR 2X8 WALL AS NOTED



First Floor Plan

DIMENSIONS



Juno Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA 98105

FIRST FLOOR PLAN

CITY OF SEATTLE
DEPT. OF PLANNING
AND
DEVELOPMENT
AUG 08 2013
APPROVED Subject to Review
and Confirmation
By *N. Sam*
Project Manager

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: RNL
Check: MCP
Revisions:
A 7-2-2013

RECEIVED
JUL 15 2013
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BUILT GREEN PLAN NOTES:

- PROJECT TO MEET BUILT GREEN 4 STAR.
- WIRE ALL COMMON AREA, ENTRY VESTIBULE, KITCHEN, HALLWAYS, LAUNDRY ROOM FOR FUTURE PHOTOVOLTAIC SYSTEM OF A MINIMUM 1 KW.
- USE ONLY LOW-VOC/LOW TOXIC INTERIOR PAINTS, PRIMERS & FINISHES.
- NO CAN LIGHTS TO BE INSTALLED - ALL FIXTURES SHALL BE SURFACE MOUNTED LED OR ENERGY STAR CFL BULBS IN UNITS & COMMON AREAS.
- PLUMBING FIXTURE FLOWS SHALL BE LESS THAN STATE PLUMBING CODE SHOWN BELOW:

a) TANK-TYPE TOILET: 1.28 GPF

b) INSTALL SHOWER HEADS GPM LESS THAN 2.5 (1.75 IS COMMON)

c) LAVATORY FAUCETS: 1.5 GPM

d) KITCHEN FAUCETS: 2.0 GPM

e) REPLACEMENT AERATORS: 2.5 GPM

- ALL PLUMBING FIXTURES SHALL BE LABELED "WATER SENSE" TO COMPLY WITH BUILT GREEN.
- USE ENVIRONMENTALLY FRIENDLY FOAM BUILDING PRODUCTS (FORMALDEHYDE FREE, CFC-FREE, HCFC-FREE).

PLAN NOTES:

1

WALL MOUNTED HEATERS TOP OF HEADER TO BE 12" FROM CEILING PER MANUFACTURERS RECOMMENDATION.

2

1) LAYER OF 5/8" TYPE 'X' GMB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.

3

2) LAYERS OF 5/8" TYPE 'X' GMB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.

GENERAL PLAN NOTES:

FIRE RESISTANCE

- PER SBC TABLE 1011, CORRIDOR WALLS SHALL BE 1-HOUR FIRE RATED W/ (1) LAYER 3/8" TYPE 'X' GMB EA. SIDE.
- PER SBC 411 & 704.1, WALLS SEPARATING SLEEPING UNITS SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1-HOUR.
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- PER SBC TABLE 602, 1-HR FIRE-RATING SHALL BE PROVIDED AT THE EXTERIOR WALLS.

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SLEEPING SUITE VENTILATION OPERATIONAL SETTINGS SET TO VALUE SPECIFIED BY ASHRAE STD 62.2 EGN 4.1a USING SINGLE OCCUPANT ASSUMPTION.

EXAMPLE:
FOR A 200CFM SLEEPING SUITE -DESIGN VENTILATION OF 17 CFM/SUITE -OPERATIONAL SETTINGS SET TO 10 CFM/SUITE
- WHOLE HOUSE EXHAUST FAN SYSTEM SHALL BE EQUIPPED WITH A CONTINUOUS 24-HR TIMER PER VIAG 303.4.1.3
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- LIMIT KITCHEN FAN TO LESS THAN 300 CFM (4-64)
- FAN EXHAUST MUST BE 3'-0" FROM AN OPERABLE WINDOW.

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NOTE: EXIT SIGNS ARE NOT REQUIRED IN INDIVIDUAL SLEEPING UNITS IN GROUP R-2

LEGEND

FAN

SMOKE DETECTOR

CARBON MONOXIDE DETECTOR

FLOOR DRAIN

DOOR MARK

WINDOW MARK

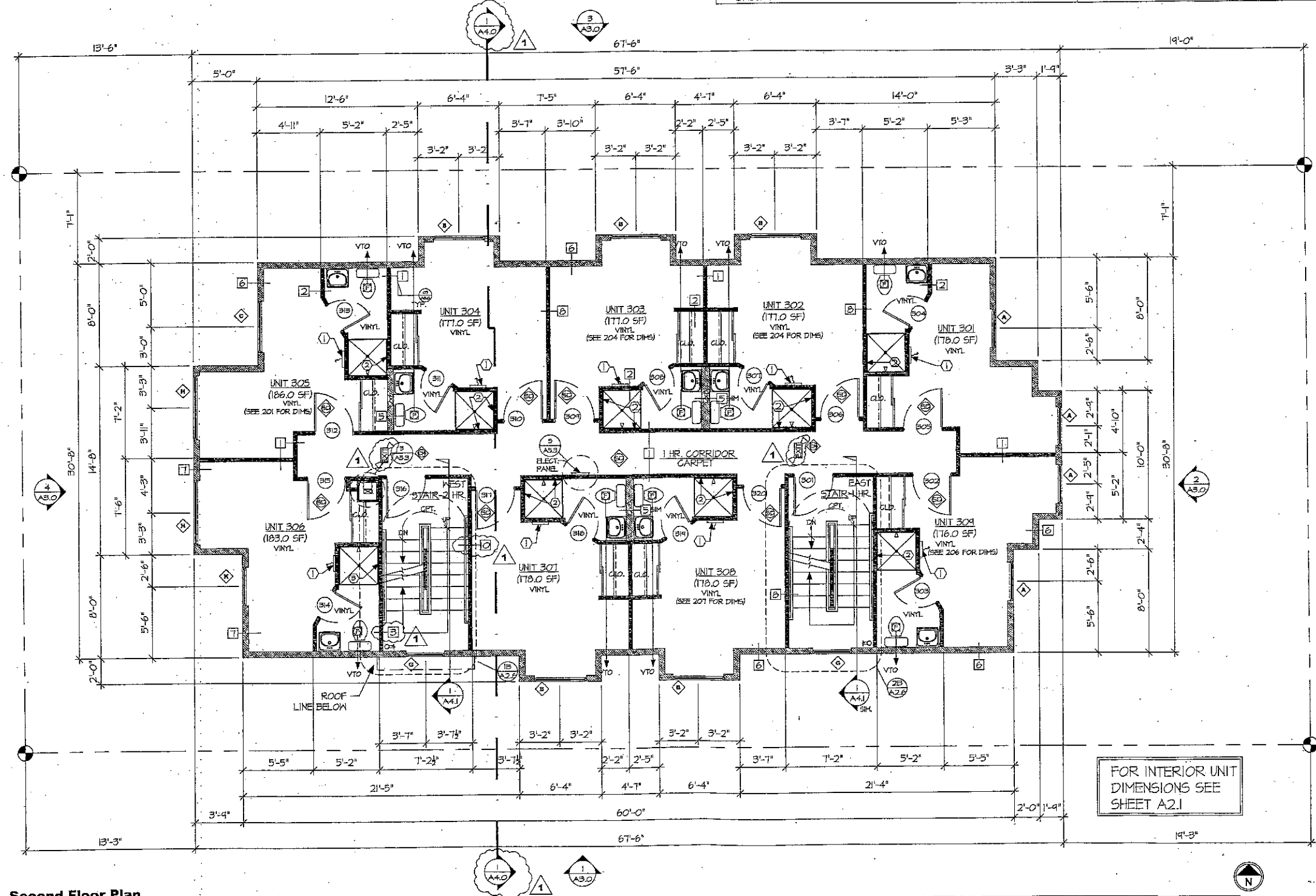
WALL TYPE - SHT. A5.1

FLOOR DRAIN

NEW 2X4 WALL

NEW 2X6 OR 2X8 WALL AS NOTED

EXIT SIGN W/ EMERGENCY LIGHTING

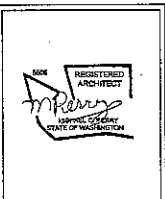


1 Second Floor Plan
1/4" = 1'-0"

CITY OF SEATTLE
DEPT. OF PLANNING
AND
DEVELOPMENT
AUG 08 2013
APPROVED: [Signature]
[Signature]
[Signature]

FOR INTERIOR UNIT
DIMENSIONS SEE
SHEET A2.1

DIMENSIONS
3820 Northrup Way, #140 Bellevue, WA 98004
(425) 827-9553 Fax (425) 827-9515



Juro Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA 98105

SECOND
FLOOR PLAN

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: BKL
Check: MCP
Revisions:
A 7-2-2013

A-2.2
RECEIVED
JUL 15 2013
Dept. of Planning & Development

BUILT GREEN PLAN NOTES:

- 1) PROJECT TO MEET BUILT GREEN 4 STAR.
- 2) WIRE ALL COMMON AREA, ENTRY VESTIBULE, KITCHEN, HALLWAYS, LAUNDRY ROOM FOR FUTURE PHOTOVOLTAIC SYSTEM OF A MINIMUM 1 KW.
- 3) USE ONLY LOW-VOC/LOW TOXIC INTERIOR PAINTS, PRIMERS & FINISHES.
- 4) NO CAN LIGHTS TO BE INSTALLED - ALL FIXTURES SHALL BE SURFACE MOUNTED LED OR ENERGY STAR CFL BULBS IN UNITS & COMMON AREAS.
- 5) PLUMBING FIXTURE FLOWS SHALL BE LESS THAN STATE PLUMBING CODE SHOWN BELOW:

a) TANK-TYPE TOILET: 1.28 GPF	e) INSTALL SHOWER HEADS 6PM LESS THAN 2.5 (1.75 IS COMMON)
b) LAVATORY FAUCETS: 1.5 GPM	
c) KITCHEN FAUCETS: 2.0 GPM	
d) REPLACEMENT AERATORS: 2.5 GPM	
- ALL PLUMBING FIXTURES SHALL BE LABELED "WATER SENSE" TO COMPLY WITH BUILT GREEN.
- 6) USE ENVIRONMENTALLY FRIENDLY FOAM BUILDING PRODUCTS (FORMALDEHYDE FREE, CFC-FREE, HCFC-FREE).

PLAN NOTES:

- 1) WALL MOUNTED HEATERS TOP OF HEADER TO BE 12" FROM CEILING PER MANUFACTURERS RECOMMENDATION.
- 2) 1) LAYER OF 5/8" TYPE 'X' GNB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.
- 3) 2) LAYERS OF 5/8" TYPE 'X' GNB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.

GENERAL PLAN NOTES:

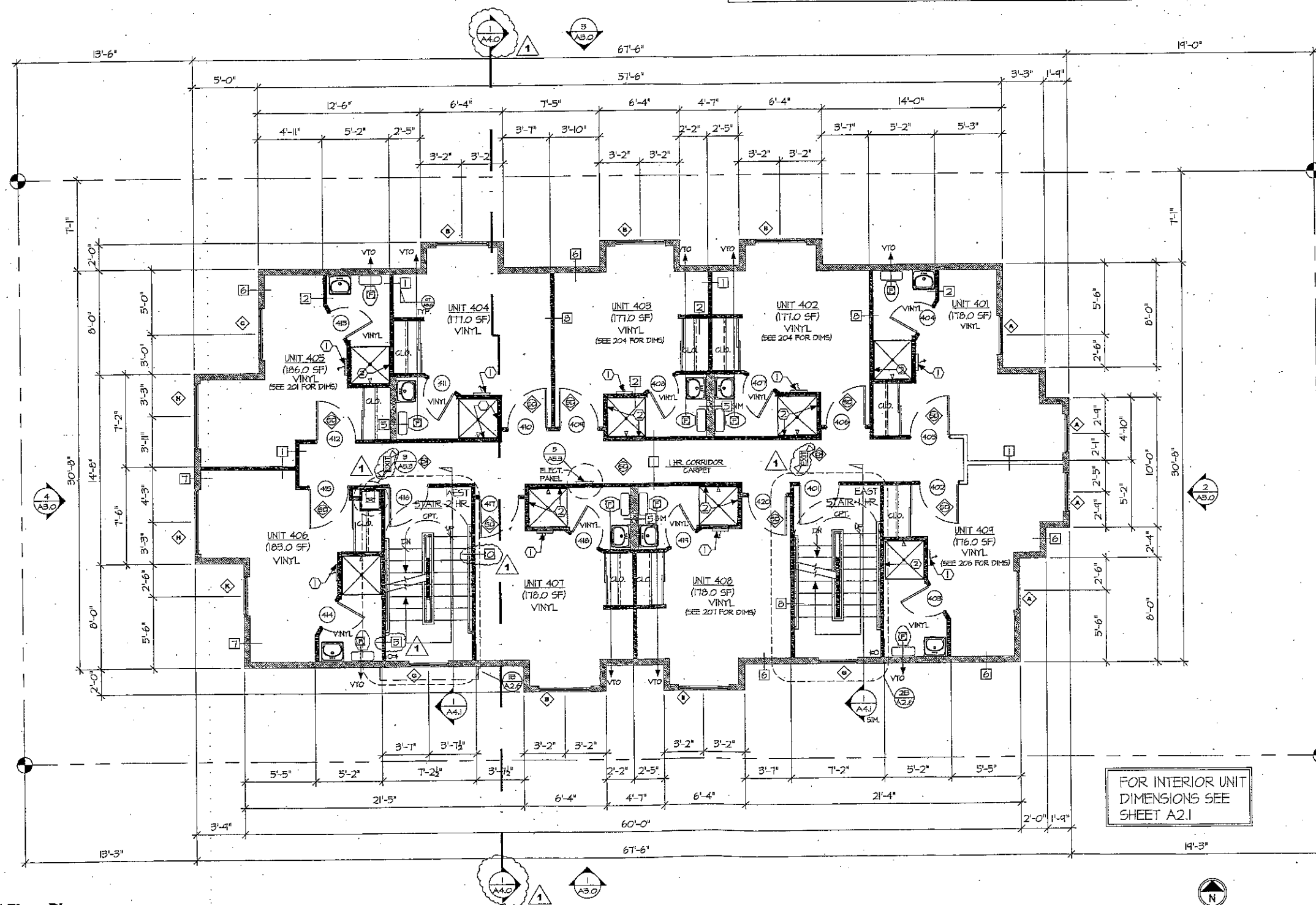
- FIRE RESISTANCE**
- 1) PER SBC TABLE 1017.1, CORRIDOR WALLS SHALL BE 1-HOUR FIRE RATED W/ (1) LAYER 3/8" TYPE 'X' GNB EA. SIDE.
 - 2) PER SBC 419 & 709.1 WALLS SEPARATING SLEEPING UNITS SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1-HOUR.
 - 3) PER SBC 712, FLOOR ASSEMBLIES SHALL HAVE A FIRE-RESISTANCE OF NOT LESS THAN 1HR.
 - 4) PER SBC TABLE 602, 1-HR FIRE-RATING SHALL BE PROVIDED AT THE EXTERIOR WALLS.
- GUARDRAILS**
- 1) GUARDRAILS SHALL CONFORM TO SBC 1013. GUARDRAILS SHALL BE NOT LESS THAN 42" HIGH WITH NO OPENING GREATER THAN 4". STAIR HANDRAILS SHALL BE 34-38 IN. ABOVE STAIR NOSING.
- NOTE:**
- USE ONLY LOW VOC/LOW TOXIC INTERIOR PAINTS, PRIMERS, & FINISHES FOR LARGE SURFACE AREA.

VENTILATION

- EACH UNIT SHALL BE EQUIPPED WITH A WHOLE HOUSE EXHAUST FAN WITH A SONE RATING OF 1.0 OR LESS, SYSTEM WITH VENTILATION RATES AS FOLLOWS:
- 1) SLEEPING SUITE VENTILATION SIZED USING ASHRAE STD 62.2 EGN 4.1g. SLEEPING SUITE VENTILATION OPERATIONAL SETTINGS SET TO VALUE SPECIFIED BY ASHRAE STD 62.2 EGN 4.1g USING SINGLE OCCUPANT ASSUMPTION. EXAMPLE: FOR A 200SF SLEEPING SUITE -DESIGN VENTILATION OF 17 CFM/SUITE -OPERATIONAL SETTINGS SET TO 10 CFM/SUITE
 - 2) WHOLE HOUSE EXHAUST FAN SYSTEM SHALL BE EQUIPPED WITH A CONTINUOUS 24-HR TIMER PER VIAG 303.4.1.3
 - 3) EACH WINDOW IN EACH HABITABLE ROOM IS EQUIPPED WITH A 4 SQUARE IN MIN. FRESH AIR PORT.
 - 4) LIMIT KITCHEN FAN TO LESS THAN 300 CFM (4-64)
 - 5) FAN EXHAUST MUST BE 3'-0" FROM AN OPERABLE WINDOW.
- EXITING (SBC 1011)**
- 1) EXIT & EXIT ACCESS DOOR SHALL BE MARKED BY AN APPROVED EXIT SIGN VISIBLE FROM ANY DIRECTION OF TRAVEL. NOTE: EXIT SIGNS ARE NOT REQUIRED IN INDIVIDUAL SLEEPING UNITS IN GROUP R-2

LEGEND

- FAN
- SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- FLOOR DRAIN
- DOOR MARK
- WINDOW MARK
- WALL TYPE - SHT. A5.1
- NEW 2X4 WALL
- NEW 2X6 OR 2X8 WALL AS NOTED



Third Floor Plan

CITY OF SEATTLE
DEPT. OF PLANNING
AND
DEVELOPMENT
MAY 08 2013
APPROVED: [Signature]
N. [Signature]
North Arrow

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: BWJ
Check: MCP
Revisions:
A-2-2013

RECEIVED
JUL 15 2013
Dept. of Planning & Development

THIRD
FLOOR PLAN

Juno Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA, 98105

DIMENSIONS
INC.
1800 N. 10th St., Suite 100
Seattle, WA 98107
(206) 467-8215

BUILT GREEN PLAN NOTES:

- PROJECT TO MEET BUILT GREEN 4 STAR.
- WIRE ALL COMMON AREA, ENTRY VESTIBULE, KITCHEN, HALLWAYS, LAUNDRY ROOM FOR FUTURE PHOTOVOLTAIC SYSTEM OF A MINIMUM 1 KW.
- USE ONLY LOW-VOC/Low TOXIC INTERIOR PAINTS, PRIMERS & FINISHES.
- NO CAN LIGHTS TO BE INSTALLED - ALL FIXTURES SHALL BE SURFACE MOUNTED LED OR ENERGY STAR CFL BULBS IN UNITS & COMMON AREAS.
- PLUMBING FIXTURE FLOWS SHALL BE LESS THAN STATE PLUMBING CODE SHOWN BELOW:

a) TANK-TYPE TOILET: 1.28 GPF
 b) LAVATORY FAUCETS: 1.5 GPM
 c) KITCHEN FAUCETS: 2.0 GPM
 d) REPLACEMENT AERATORS: 2.5 GPM

e) INSTALL SHOWER HEADS 6PM LESS THAN 2.5 (1.75 IS COMMON)

ALL PLUMBING FIXTURES SHALL BE LABELED "WATER SENSE" TO COMPLY WITH BUILT GREEN.

- USE ENVIRONMENTALLY FRIENDLY FOAM BUILDING PRODUCTS (FORMALDEHYDE FREE, CFC-FREE, HCFC-FREE).

PLAN NOTES:

- WALL MOUNTED HEATERS TOP OF HEADER TO BE 12" FROM CEILING PER MANUFACTURERS RECOMMENDATION.
- (1) LAYER OF 5/8" TYPE 'X' GMB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.
- (2) LAYERS OF 5/8" TYPE 'X' GMB INSTALLED BEHIND SHOWER BEFORE SHOWER UNIT IS INSTALLED.

GENERAL PLAN NOTES:

FIRE RESISTANCE

- PER SBC TABLE 1017.1, CORRIDOR WALLS SHALL BE 1-HOUR FIRE RATED w/ (1) LAYER 3/8" TYPE 'X' GMB EA. SIDE.
- PER SBC 419 & 109.1, WALLS SEPARATING SLEEPING UNITS SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1-HOUR.
- PER SBC 712, FLOOR ASSEMBLIES SHALL HAVE A FIRE-RESISTANCE OF NOT LESS THAN 1HR.
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- GUARDRAILS SHALL CONFORM TO SBC 1013. GUARDRAILS SHALL BE NOT LESS THAN 42" HIGH WITH NO OPENING GREATER THAN 4". STAIR HANDRAILS SHALL BE 34-38 IN. ABOVE STAIR NOSING.

NOTE:
USE ONLY LOW VOC/Low TOXIC INTERIOR PAINTS, PRIMERS, & FINISHES FOR LARGE SURFACE AREA.

LEGEND

- FAN
- SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- FLOOR DRAIN
- DOOR MARK
- WINDOW MARK
- WALL TYPE - SHT. A5.1
- NEW 2X4 WALL
- NEW 2X6 OR 2X8 WALL AS NOTED

VENTILATION

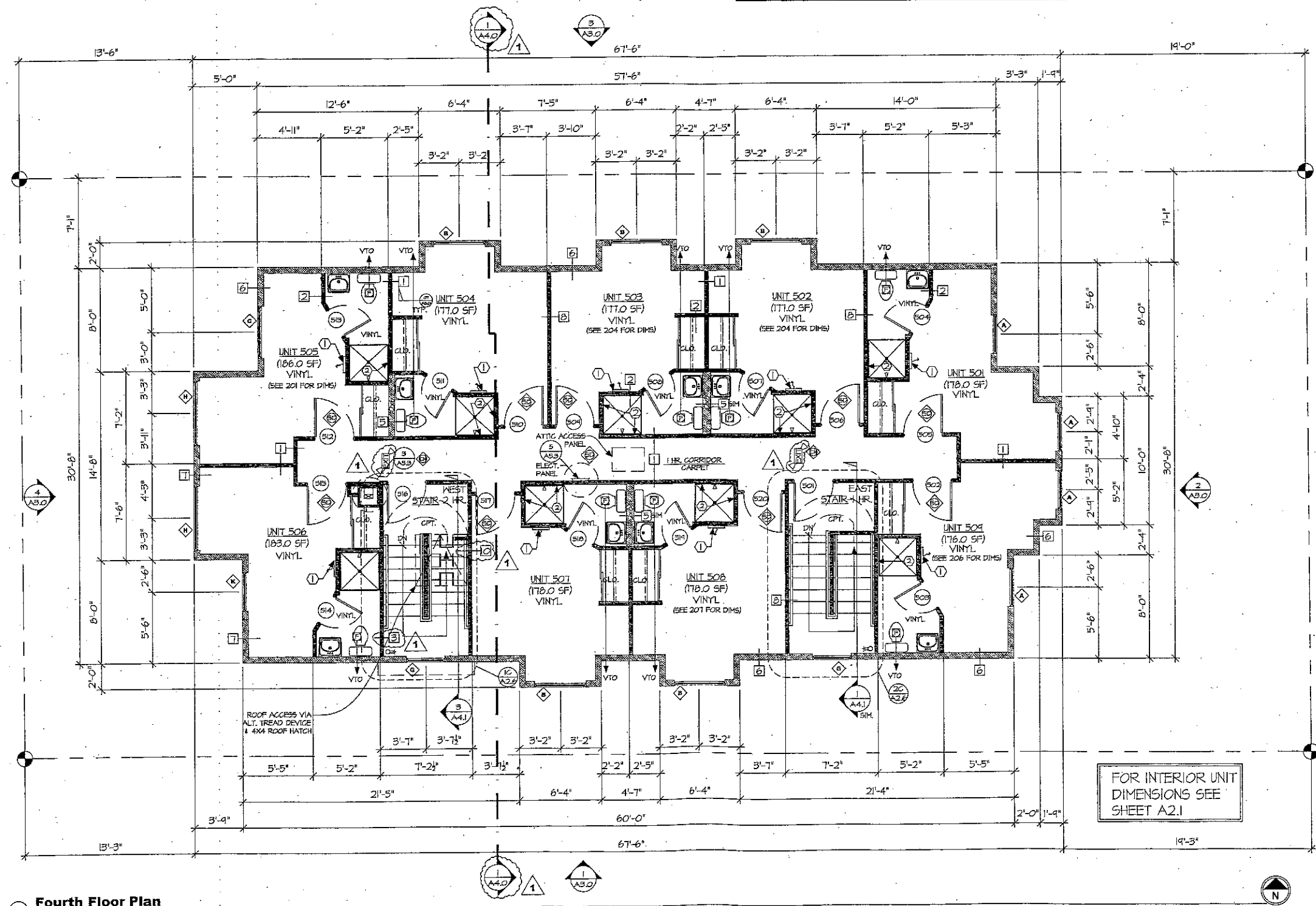
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- LIMIT KITCHEN FAN TO LESS THAN 300 CFM (4-69)
- FAN EXHAUST MUST BE 3'-0" FROM AN OPERABLE WINDOW.

EXITING (SBC 1011)

- EXIT & EXIT ACCESS DOOR SHALL BE MARKED BY AN APPROVED EXIT SIGN VISIBLE FROM ANY DIRECTION OF TRAVEL.

NOTE: EXIT SIGNS ARE NOT REQUIRED IN INDIVIDUAL SLEEPING UNITS IN GROUP R-2



CITY OF SEATTLE
DEPT. OF PLANNING
AND
DEVELOPMENT
AUG 08 2013
APPROVED Subject to Errors
and Omissions
North Arrow

FOR INTERIOR UNIT
DIMENSIONS SEE
SHEET A2.1

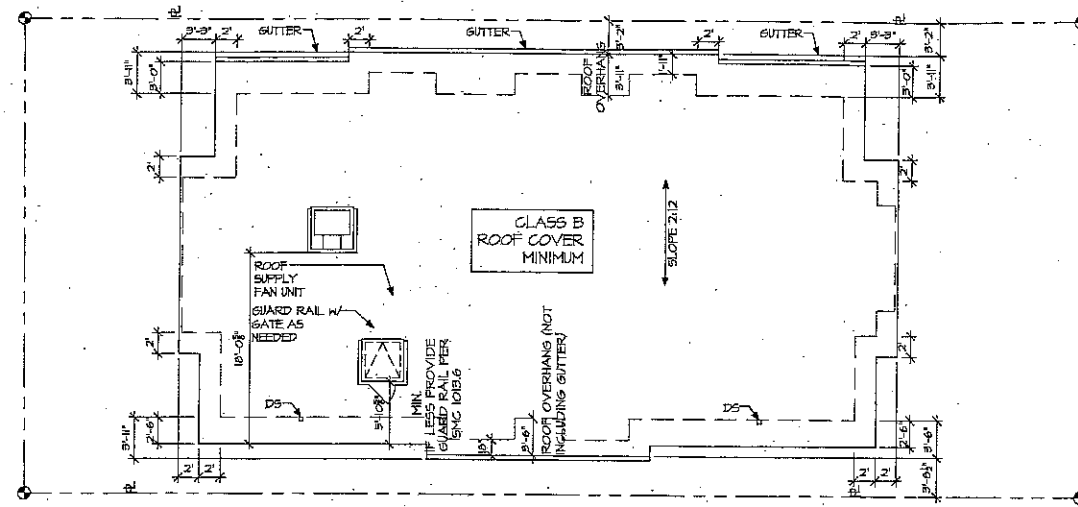
FOURTH FLOOR PLAN

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: BJJ
Check: MCP
Revisions:
A 1-2-2013

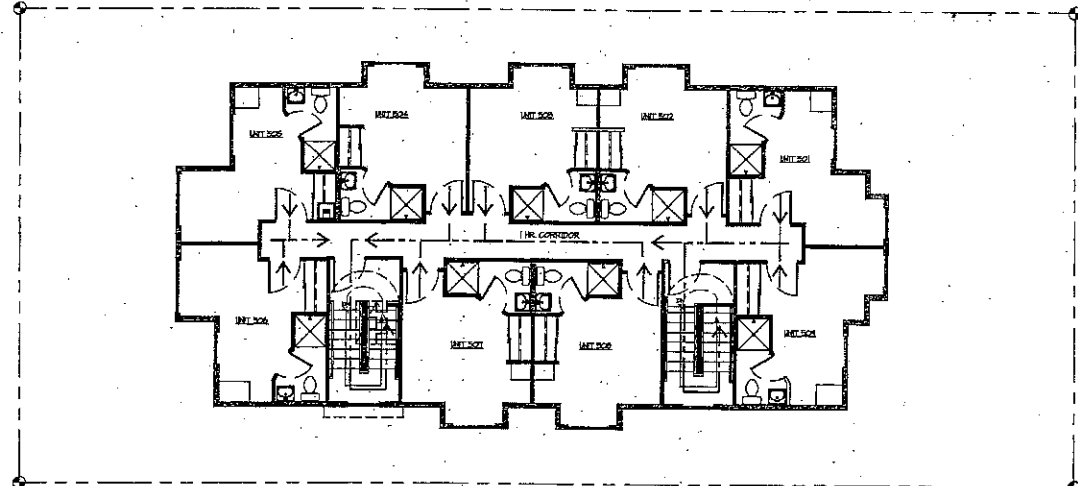
A-2.4
RECEIVED
JUL 15 2013
Dept of Planning & Development

Juno Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA, 98105

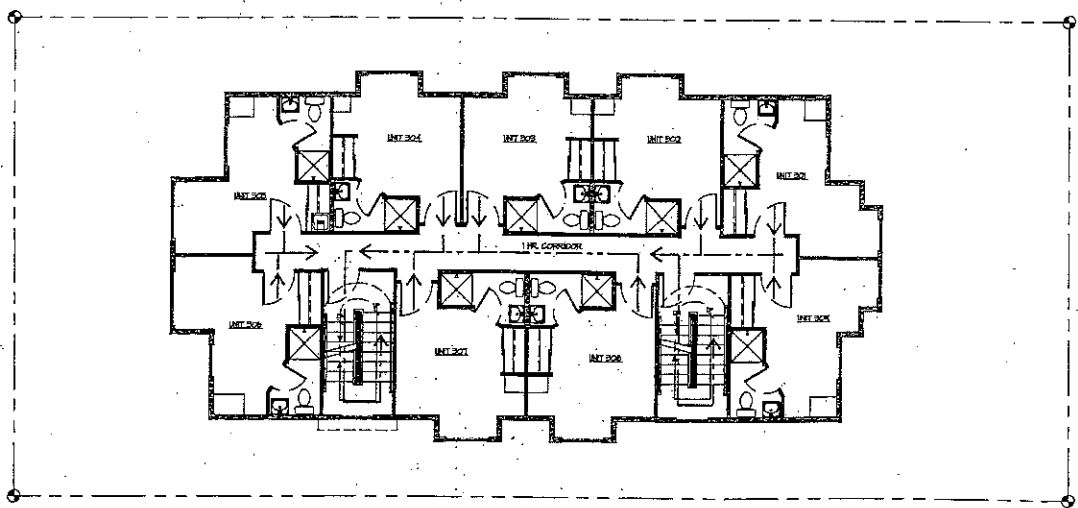
DIMENSIONS
2820 Northrup Way, #140, Bellevue, WA 98004
(425) 827-5285 Fax (425) 827-9215



5 Roof Plan
1/8" = 1'-0"



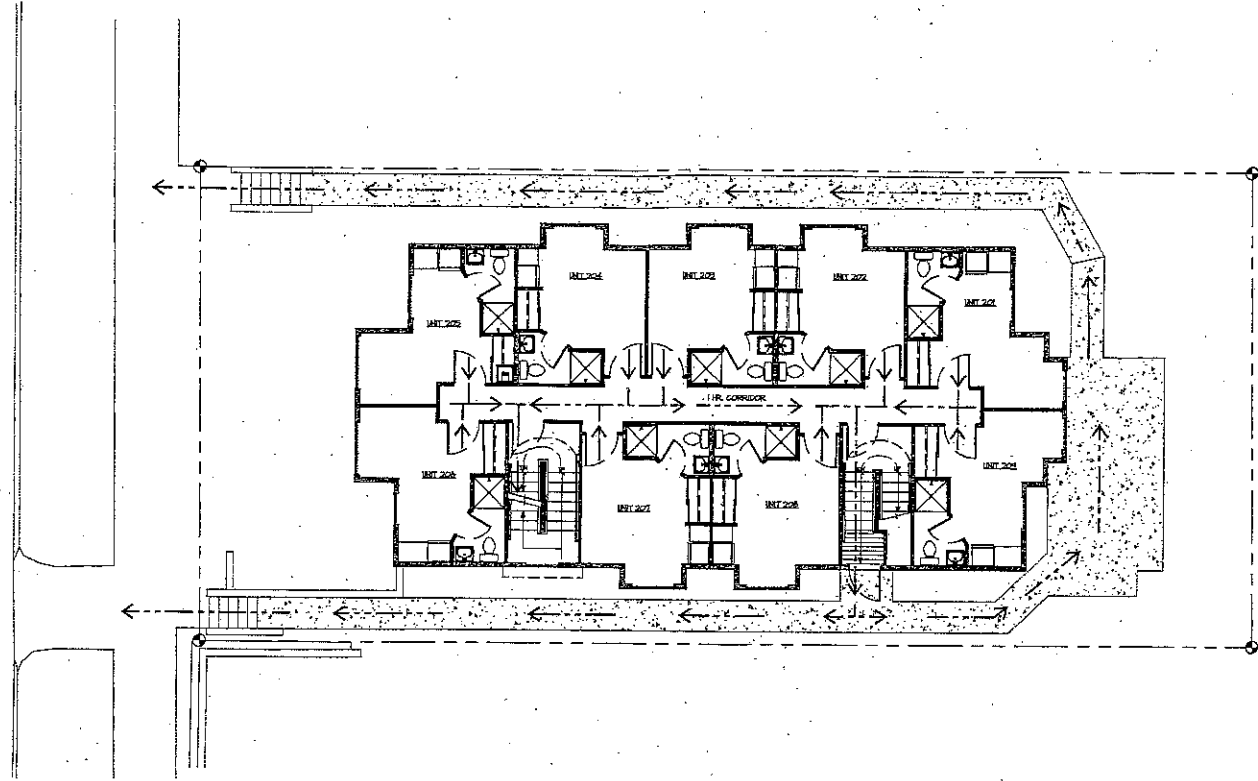
4 Fourth Floor Exiting Plan
1/8" = 1'-0"



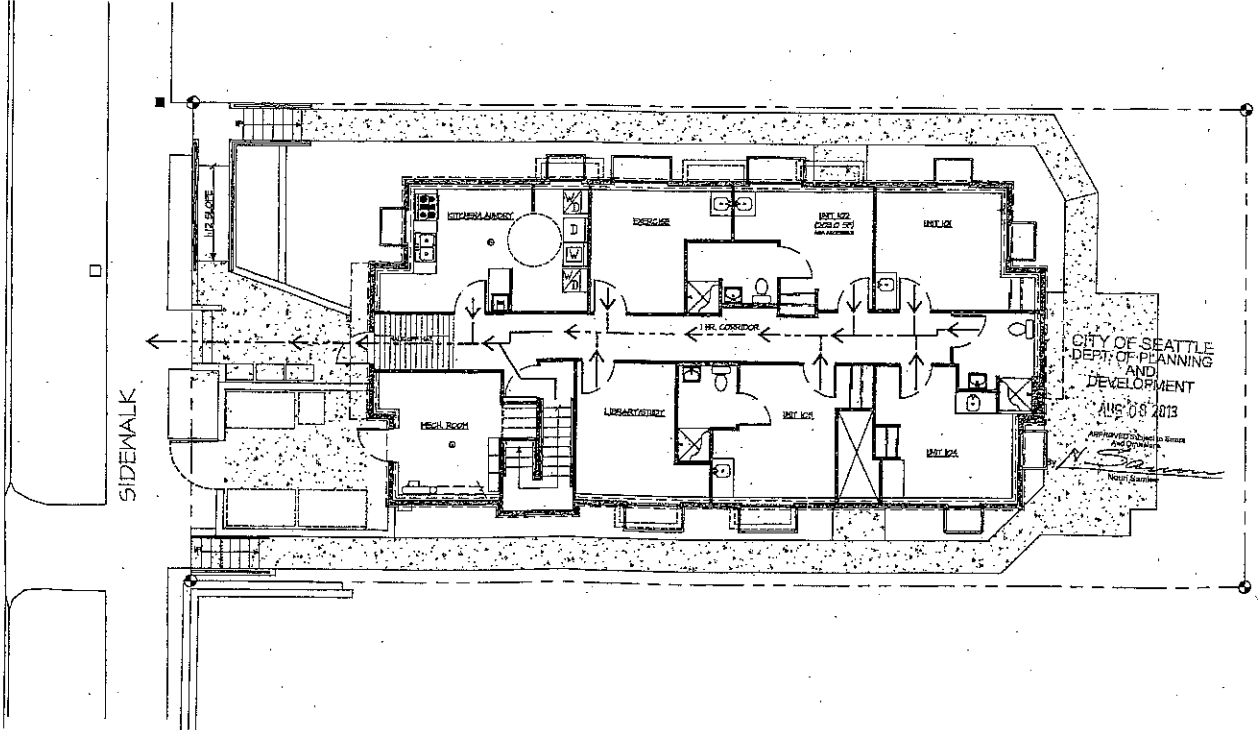
3 Second & Third Floor Exiting Plan
1/8" = 1'-0"

20TH AVE. NE.

20TH AVE. NE.



2 First Floor Exiting Plan
1/8" = 1'-0"



1 Basement Floor Exiting Plan
1/8" = 1'-0"

DIMENSIONS
INC.

3008 Northup Way, #302 Bellevue, WA 98004
(206) 837-0203 Fax (206) 837-0218

WESTERN
ARCHITECT

2000 1st Ave. S.E. Suite 100
Bellevue, WA 98004

Juno Residences
Congregate Residence
4742 20th Ave NE
Seattle, WA 98105

ROOF PLAN & EXITING PLANS

Date: 5/8/13
Job #: 2013-05
Scale: As Shown
Drawn: RML
Check: MCP
Revisions:

A-2.5
RECEIVED
MAY 09 2013
City of Seattle
Dept. of Planning and Development

1
2
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5
6 BEFORE THE CITY COUNCIL
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Application of) Clerk File No. 313457
9)
10 **BOB MCCULLOUGH**)
11) DECLARATION OF
12) CHRISTOPHER NDIFON
13)
14)
15)
16)
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21)
22)
23)

13 I, CHRISTOPHER NDIFON, declare as follows:

- 14 1. I am a land use planner for the Seattle Department of Planning and Development and
15 have been employed at DPD since 1999. I am over the age of eighteen years and am
16 competent to testify to the following matters.
- 17 2. I reviewed the application for the Juno Studios project, DPD permit No. 6356092. I
18 also entered information on the electronic permit form, including the number that
19 goes in the box on the form labeled "residential units this permit." I entered the
20 number "20" because I understood that this was the number used to determine if the
21 project would be exempt from SEPA review. That number is the same number that
22 the applicant put in his permit application describing the number of units for purposes
23 of the DPD's SEPA Director's rule, 12-2012.

DECLARATION OF CHRISTOPHER NDIFON - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 Executed this 6 day of February, 2014, at Seattle, Washington.

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6 CHRISTOPHER NDIFON
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City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

January 16, 2014

Ms. Jessica M. Clawson
Attorney at Law
McCullough Hill Leary, PS
701 Fifth Avenue, Suite 6600
Seattle, WA. 98104

RE: Your letter of December 19, 2013 regarding a proposal to construct a congregate residence facility at 4742 - 20th Avenue NE (Permit No 6356092; Juno Studios project)

Dear Ms. Clawson:

In response to your letter of December 19, 2013, the application to construct the proposed congregate residence facility contains conflicting information. The project description on the applicant's cover sheet characterizes the project as a "20 room congregate residence," but later on the same page states that "20 dwelling units" are proposed. The actual floor plan sheets attached to the cover sheet show 40 bedrooms. An asterisk on page 2 of the application indicates that the number 20 reflects the number of units the applicant identified for purposes of determining whether the proposed congregate facility is subject to environmental review under the State Environmental Policy Act (SEPA).

Under Seattle's SEPA ordinance, the categorical exemption from SEPA review for residential developments is determined based upon the number of "dwelling units" proposed for the development. However certain types of residential uses, such as nursing homes and congregate facilities, are not configured as multiple, separate dwelling units. DPD addressed the application of SEPA to those uses in Director's Rule 12-2012. That rule states that:

For residential uses not readily described as a discrete number of units, including nursing homes and congregate residences, the exemption will be based on a comparison of sleeping units (functionally equivalent to bedrooms) to dwelling units. Each bedroom will be counted as one-half of one dwelling unit in these cases.

DR 12-2012 relates solely to the SEPA exemption determinations. Therefore solely for the purposes of the SEPA exemption determination, 40 bedrooms are counted as 20 "dwelling units."

Relying on the submitted plans, DPD believed that a 40-bedroom congregate facility was proposed rather than a 20-bedroom congregate facility or 20 identifiable separate dwelling units, and approved the permit "per plans" accordingly. The project depicted in the approved plans is not configured as 20 independent spaces that meet the Land Use Code definition of "dwelling unit." Your letter confirms that your client proposed a congregate residence having 40 bedrooms rather than a housing project having 20 discrete dwelling units.

Jessica Clawson
January 16, 2014
Page 2

The face of the permit contains a computer box "field" entitled "Residential Units this Permit." The zoning reviewer entered the number 20 in that box because that number reflects the number of "dwelling units" he identified for the purposes of SEPA review, which coincides with the number 20 that your client identified on the plan cover sheet as described above. Although SEPA employs the "dwelling unit" nomenclature to determine whether a project is subject to SEPA review, that does not mean that bedrooms in a congregate facility or nursing home are "dwelling units" for purposes of the Land Use Code, for purposes of the Multifamily Property Tax Exemption ordinance, SMC 5.73, or otherwise. To be correctly applied, regulatory terminology must be read in the regulatory context in which it appears. The problem here, I believe, is that your client is attempting to assert that because the SEPA exemption determination is framed in terms of the number of "dwelling units," the project therefore contains "dwelling units" for purposes of analysis in other regulatory contexts, i.e., for purposes of the Land Use Code and application of the Multifamily Property Tax Exemption. That is a misapplication of the term because it ignores the differing regulatory contexts in which the term appears.

The Juno project was not reviewed as a 20-unit building for purposes of any other development regulations such as density standards or the application of Design Review. Rather, it was reviewed and approved as a congregate residence facility containing 40 bedrooms. This information was conveyed to you and your clients on November 25, 2013 in an email from DPD's Cheryl Mosteller, copy attached for your ease of reference.

The proposed use and number of rooms that were shown on the proposed plans and approved by the "combined" Master Use Permit, which is a permit that contains both Land Use Code and Building Code components, reflect a "Type I" regulatory decision made under the Land Use Code. Type I decisions are not subject to administrative appeal pursuant to section 23.76.006 of the Land Use Code. Because a Type I decision is not a decision that is made pursuant to the Seattle Building Code, your request to file an administrative appeal pursuant to section 103.10.1 of the Seattle Building Code has no legal basis.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,

Andrew S. McKim
Land Use Planner – Supervisor

cc: Miriam Roskin, Seattle Office of Housing

encl: Mosteller email dated November 25, 2013

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6 BEFORE THE CITY COUNCIL
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Application of) Clerk File No. 313457
9 BOB MCCULLOUGH)
10 for a Multi-Family Tax Exemption) DECLARATION OF
11) CHERYL MOSTELLER
12)

13 I, CHERYL MOSTELLER, declare as follows:

- 14 1. I am a land use planner for the Seattle Department of Planning and Development and
15 have been employed at DPD since 1989. I am over the age of eighteen years and am
16 competent to testify to the following matters.
17 2. I was involved with processing and reviewing the application and permit for the Juno
18 Studios project, DPD permit No. 6356092. In the course of that review, I became
19 aware of the need to correct the unit count identified on the permit, for the reasons
20 described in my November 25, 2013 email to Juno personnel. A copy of my email is
21 attached to this declaration.
22 3. I directed that the unit count number on the permit be changed from 20 to 1. The
23 reason the new number was changed to "1" was based upon my understanding that

DECLARATION OF CHERYL MOSTELLER - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

Exhibit 7

1 the computer software would not accept the number "0", which is the number that
2 should have been entered based upon DPD's determination that this congregate
3 facility contained no dwelling units as that term is defined in the Seattle Land Use
4 Code. However as explained in my email of November 25, 2013, the change in the
5 unit count number, from 20 to 1, did not in any way limit the applicant's right to build
6 the structure as configured on the approved plans, or occupy it as a congregate
7 residence, as proposed by the applicant.

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.

10 Executed this 6th day of February, 2014, at Seattle, Washington.

11
12 *Cheryl Mosteller*
13 CHERYL MOSTELLER
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23

Tobin, Bob

From: Mosteller, Cheryl
Sent: Monday, November 25, 2013 9:52 AM
To: mperry@dimensions.com
Cc: Jessica Clawson; bob@meridianbl.com; McKim, Andy; Roskin, Miriam; Kent, Mike
Subject: Permit 6356092
Attachments: Permit.pdf

Good Afternoon Mike,

I wanted to let you know that DPD became aware of an issue with the unit count reflected on permit 6356092. As such we have reprinted the permit with a corrected unit count that is consistent with the approved plans. The 20 units originally shown reflects the unit count for purposes of the SEPA exemption determination only, as under Director's Rule 12-2012 for congregate residences each bedroom in a congregate residence is counted as one-half of a dwelling unit for purposes of determining whether a development is exempt from SEPA review. A unit count of 20 was not otherwise applied in our review, for example for purposes of density standards or determining whether Design Review is required. The reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected. This does not in any way limit the right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed.

Thank you.

Cheryl Mosteller

Land Use Planner Supervisor
Department of Planning and Development
700 Fifth Ave, Suite 2000
Seattle, WA 98104-5070
cheryl.mosteller@seattle.gov
(206) 684-5048

Kent, Mike

From: Jessica Clawson <Jessica@mhseattle.com>
Sent: Tuesday, December 03, 2013 2:42 PM
To: Kent, Mike; bob@meridianbi.com
Cc: Roskin, Miriam; Hooper, Rick; Mosteller, Cheryl; McKim, Andy
Subject: RE: Permit 6356092

Hi Mike,

We obviously disagree with DPD's determination and will address this with them. We would very much appreciate you holding the formal eligibility letter for now (I understand it's been drafted and is on Rick's desk for signature) while we work this out with DPD. I am fairly confident that we will be able to work this out with DPD; I have a call into Cheryl Mosteller to discuss.

Thanks.

Jessica M. Clawson
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS
701 FIFTH AVENUE, SUITE 6600
SEATTLE, WA 98104
TEL: 206.812.3388
DIRECT: 206.812.3378
FAX: 206.812.3389
jclawson@mhseattle.com
www.mhseattle.com

NOTICE: This communication may contain privileged or confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Kent, Mike [<mailto:Mike.Kent@seattle.gov>]
Sent: Monday, November 25, 2013 10:05 AM
To: Jessica Clawson; bob@meridianbi.com
Cc: Roskin, Miriam
Subject: FW: Permit 6356092

Jessie and Bob,

As per the email from Cheryl Mosteller at DPD, Juno is permitted for one residential unit. As the MFTE requires that eligible buildings contain 4 or more dwelling units, Juno will not qualify for the MFTE. A formal eligibility determination letter from our office will be forthcoming. Please let me know if you have any questions.

Mike



Mike Kent
Community Development Specialist
City of Seattle Office of Housing
PO Box 94725, Seattle, WA 98124-4725
700 5th Ave, 57th Floor, Seattle, WA
O: 206.684.0262 | mike.kent@seattle.gov

Exhibit 8

From: Mosteller, Cheryl

Sent: Monday, November 25, 2013 9:52 AM

To: mperry@dimensions.com

Cc: jclawson@mhseattle.com; bob@meridianbi.com; McKim, Andy; Roskin, Miriam; Kent, Mike

Subject: Permit 6356092

Good Afternoon Mike,

I wanted to let you know that DPD became aware of an issue with the unit count reflected on permit 6356092. As such we have reprinted the permit with a corrected unit count that is consistent with the approved plans. The 20 units originally shown reflects the unit count for purposes of the SEPA exemption determination only, as under Director's Rule 12-2012, for congregate residences each bedroom in a congregate residence is counted as one-half of a dwelling unit for purposes of determining whether a development is exempt from SEPA review. A unit count of 20 was not otherwise applied in our review, for example for purposes of density standards or determining whether Design Review is required. The reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected. This does not in any way limit the right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed.

Thank you.

Cheryl Mosteller

Land Use Planner Supervisor
Department of Planning and Development
700 Fifth Ave, Suite 2000
Seattle, WA 98104-5070
cheryl.mosteller@seattle.gov
(206) 684-5048

Received
JAN 10 2014
City of Seattle
Office of the City Clerk

BEFORE THE CITY COUNCIL
FOR THE CITY OF SEATTLE

In the Matter of the Application of

BOB MCCULLOUGH

for a Multi-Family Tax Exemption

**Applicant's Appeal of Office of Housing's
Denial of MFTE Application**

INTRODUCTION

On May 9, 2013, Bob McCullough applied for a building permit to construct a congregate residence consisting of 40 sleeping rooms that are intended to be rented to 40 individuals ("Project"). The Project site is located at 4742 20th Avenue Northeast, in the University District of Seattle. The Project replaced a dilapidated structure that for years had housed substandard student boarding rooms.

The building permit application submitted to DPD by Mr. McCullough's architect stated that the congregate residence would consist of "20 dwelling units." The Project's architect submitted the applications with this number of dwelling units due to DPD Director's Rule 12-2012 that states: "For residential uses not readily described as a discrete number of units, including nursing homes and congregate residences, the exemption will be based on a comparison of sleeping units (functionally equivalent to bedrooms) to dwelling units. Each

MCCULLOUGH HILL LEARY, P.S.

701 Fifth Avenue, Suite 6600
Seattle, WA 98104
206.812.3388
206.812.3389 fax

1 bedroom will be counted as on-half of one dwelling unit in these cases.” Exhibit A. At the time
2 of submittal, DPD did not question the number of dwelling units stated in the building permit
3 application.

4 On August 23, 2013, Mr. McCullough submitted an application to the Department of
5 Housing for a Multifamily Tax Exemption for the Project. The application stated that the
6 application was for a “40-unit apartment building,” and the number of rental dwelling units
7 proposed was 40 units. Exhibit B. The Office of Housing does not define “dwelling unit” in any
8 applicable code or Office of Housing publication. Mr. McCullough paid the \$3,000 application
9 fee to the Office of Housing, and supplied all of the necessary documents as attachments to the
10 application.
11

12 Also on August 23, 2013, DPD issued a building permit for the Project.¹ DPD issued the
13 building permit for 20 dwelling units. Exhibit C. Project construction started on September 5,
14 2013.
15

16 On September 3, 2013, Mike Kent of the Office of Housing emailed Mr. McCullough
17 asking him questions about the number of units proposed in the Project versus the MFTE
18 application. Exhibit D. Mr. Kent referenced the Department of Housing’s Director’s Rule 1-
19 2013 which states that “the number and size of dwelling units verified by the Owner in the
20 application for property tax exemption for Multifamily Housing shall be identical to the number
21 and size of dwelling units contained in the Owner’s application to the DPD for a building permit
22 for the multifamily housing, a copy of which shall be provided to OH...an application for tax
23 exemption containing numbers and sizes of dwelling units that do not match the building permit
24
25
26

27 ¹ SMC 5.73.040.D requires that an MFTE application be submitted prior to the first building permit under Chapter
28 22 (the building code) is issued.

McCULLOUGH HILL LEARY, P.S.

701 Fifth Avenue, Suite 6600
Seattle, WA 98104
206.812.3388
206.812.3389 fax

1 application shall be denied.” Exhibit E. Mr. McCullough did not receive notice that his
2 application was complete at any time during the application process.

3 On November 25, 2013, Cheryl Mosteller from DPD emailed Mr. McCullough’s
4 architect and stated that DPD had “reprinted” the building permit for the Project. The building
5 permit was reprinted to reflect that DPD considered congregate residences to be only one
6 dwelling unit. Exhibit F. Mr. Kent, and Mr. Kent’s boss, Miriam Roskin, were copied on the
7 email from Ms. Mosteller. DPD and the Office of Housing clearly coordinated to discuss this
8 Project.
9

10 Also on November 25, 2013, Mr. Kent forwarded Ms. Mosteller’s email to Mr.
11 McCullough stating that because the Project was considered to be one unit, the Project did not
12 qualify for the MFTE program. Exhibit G. Mr. McCullough’s attorney called Mr. Kent at this
13 time. Among other things, Mr. Kent stated that a reason for denial of the application was
14 because the Office of Housing must act on an application within 90 days. See SMC 5.3.060.
15

16 On December 12, 2013, Mr. McCullough’s attorney sent an email to Andy McKim of
17 DPD questioning the legality of DPD’s “reprinting” of a building permit, citing to *Chelan*
18 *County v. Nykreim*, 146 Wn.2d 904 (2002). Exhibit H. Mr. McKim responded to a second
19 request on December 18, 2013 for additional information that DPD would be “discussing this
20 with Law next Monday.” *Id.*
21

22 On December 12, 2013, Mr. McCullough’s attorney received a letter denying the
23 Project’s MFTE application, for two reasons: first, the number of dwelling units on the MFTE
24 application did not match the building permit application; and second, the Project was ineligible
25
26
27
28

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1 for MFTE because DPD "reprinted" the building permit to state that the building was only one
2 unit.² Exhibit I.

3 On December 16, 2013, Mr. McCullough submitted a revised application for MFTE to
4 the Office of Housing revising the number of dwelling units from 40 to 20. Exhibit J.

5 On December 21, 2013, not having heard from DPD regarding the "reprinting" of the
6 building permit, Mr. McCullough's attorney filed a request for administrative review of DPD's
7 decision to reprint the building permit. Exhibit K. The request for review alleges that DPD's
8 action is inconsistent with City Codes and State Law, and is inconsistent with several rulings of
9 the Washington State Supreme Court. As of the date of this filing, no formal response from
10 DPD regarding the request for administrative review has been received.
11

12 On December 23, 2013, Mr. Kent forwarded the denial of the MFTE application via
13 email to Mr. McCullough, as it was returned on the Office of Housing as undeliverable. Exhibit
14 L.
15

16 The denial of the MFTE application will cost the Project between \$130,000 and \$300,000
17 in lost property tax exemption, and \$3000 in application fee. In addition, the denial of the MFTE
18 application results in fewer units of housing affordable to people with incomes of 60-80%.
19

20 SPECIFIC OBJECTIONS

21 SMC 5.73.060.F states that an Owner may appeal the Director's denial of an MFTE
22 application by filing an appeal to the City Council with the City Clerk within 30 days of the
23 receipt of the denial. The appeal before the City Council will be based on the record before the
24 Director, and the Director's decision will be upheld unless the Owner can show that there is no
25

26
27 ² The letter is dated December 10, 2013, but was not received by Mr. McCullough's attorney until December 10,
28 2013.

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1 substantial evidence in the record to support the Director's decision. The appellant's specific
2 objections follow:

- 3 1. **The project application was not complete and therefore the Office of Housing's**
4 **denial violates application procedures stated in SMC 5.73.050.**

5 SMC 5.73.050 outlines the specific procedure for MFTE application. SMC 5.73.050.C
6 requires that the City:

7
8 Notify the Owner within 28 days of the application being filed if the Director determines
9 that an application is not complete and shall identify what additional information is
10 required before the application will be complete. Within 28 days of receiving additional
11 information, the Director shall notify the Owner in writing if the Director determines that
12 the application is still not complete, and what additional information is necessary. An
13 application shall be deemed to be complete if the Director does not notify the Owner in
14 writing by the deadlines in this section that the application is incomplete; however, a
15 determination of completeness does not preclude the Director from requiring additional
16 information during the review process if more information is needed to evaluate the
17 application according to the criteria in the chapter.

18 The MFTE application in this case was never deemed to be complete by the Office of
19 Housing. On September 3, 2013 Mr. Kent asked for additional information related to the number
20 of units. Once the Office of Housing notified Mr. McCullough that the application was
21 incomplete, and Mr. Kent needed additional information to complete its review, SMC 5.73.050
22 requires that the Office of Housing affirmatively give notice once it determines that the
23 application is complete. The Office of Housing did not do this, and therefore its denial was
24 unwarranted, premature, and in violation of MFTE procedures contained in SMC 5.73.050.

25 It makes sense that the MFTE application should remain pending and incomplete: as
26 stated above, decisions related to how dwelling units are determined and whether DPD could
27 legally "reprint" a permit are pending. Administrative appeals related to this issue also remain
28 pending. Mr. McCullough resubmitted his MFTE application on December 16, 2013, to cure the

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dwelling unit discrepancy. Thus, a determination of completeness would have been premature and unwarranted—the Office of Housing simply did not have the information required to make a final determination regarding this matter. The code requires that the Office of Housing issue a Determination of Completeness if the Office has asked for additional information. The Office of Housing did not do this, and therefore its denial of the MFTE application violates SMC 5.73.050.

2. The Office of Housing lacks the power to deny an MFTE application based on Director's Rule 1-2013.

The Office of Housing cited to Director's Rule 1-2013 as one of the reasons the MFTE application was denied. The Office of Housing may not rely upon a Director's Rule to deny an application.

Chapter 5.73 SMC very clearly outlines the requirements for MFTE eligibility and denial or approval of application. Although Chapter 5.73 SMC does not cite to a Director's Rule as a criterion for eligibility or approval, the Municipal Code does give the Office of Housing the general ability to create a Director's Rule:

SMC 3.14.740 In order to carry out office functions, the Director of Housing shall have the power to: G. Promulgate and amend, in accordance with the City Administrative Code to the extent applicable, rules, regulations, and policies to carry out Office of Housing activities, provided that no such rule, regulation or policy shall confer any rights to entitlement upon any person, entity, class or group, nor undertake any legal duty to any person, entity, class or group.

Director's Rule 1-2013, and the Office of Housing's reliance upon this rule to deny the application, clearly is in violation of SMC 3.14.740. The Director's Rule gives the Office of Housing the authority to deny an MFTE application for the number of dwelling units listed on a building permit not matching the number of dwelling units on an MFTE permit. *See Exhibit E.* The rule adds additional application approval or disapproval criteria to a process and criteria not

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1 mentioned in Chapter 5.73 SMC. Thus, the Director's Rule confers rights and duties, in
2 violation of SMC 3.14.740. The Office of Housing must base its approval or denial of the
3 application upon the criteria stated in Chapter 5.73 SMC alone; reliance on the Director's Rule
4 violates SMC 3.14.740 and is an illegal delegation of legislative authority, as the legislative body
5 has already spoken regarding the application approval criteria in SMC 5.73.060.
6

7 RELIEF REQUESTED

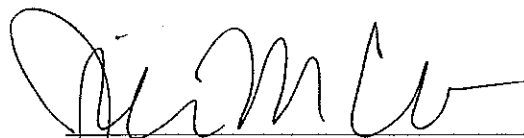
8 The Appellant respectfully asks the City Council for leave to submit a memorandum to
9 set forth the key facts contained in the record and to present argument as to the key legal issues
10 pertaining to the appeal. The Appellant asks the Council to identify a date by which the
11 memorandum should be submitted, as well as a date of hearing.
12

13 As to the merits, the Appellant respectfully asks the City Council to overturn the Office
14 of Housing's denial of the Project's MFTE permit. Substantial evidence in the record before the
15 Office of Housing, and before the City Council, shows that the denial was premature, the Office
16 of Housing did not follow required procedures related to a complete application, and the denial
17 was based upon a Director's Rule that violates SMC 3.14.740 and is an illegal delegation of
18 legislative powers.
19

20 Dated this 10th day of January, 2014.

21
22 Respectfully submitted,

23 McCULLOUGH HILL LEARY, P.S.

24
25 

26 Jessica M. Clawson, WSBA No. 36901
27 Attorneys for Appellant
28

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DPD		Director's Rule 12-2012	
Applicant: City of Seattle Department of Planning and Development		Page 1 of 14	Supersedes: DR 17-2008
		Publication: 12/10/2012	Effective: 1/14/2013
Subject: State Environmental Policy Act (SEPA) Exemptions From Environmental Review Requirements When Establishing, Changing or Expanding A Use		Code and Section Reference: SEPA Sections 25.05.800 and 25.05.908	
		Type of Rule: Code Interpretation	
		Ordinance Authority: SMC 3.06.040	
Index: City of Seattle State Environmental Policy Act (SEPA) Ordinance		Approved (Signature on file) Diane M. Sugimura, Director, DPD	Date 1/9/2013

BACKGROUND:

Compliance with the State Environmental Policy Act (SEPA), Revised Code of Washington Chapter 43.21C, and the City's SEPA Ordinance, Seattle Municipal Code Chapter 25.05, is required when establishing a new use or changing or expanding an existing use. State SEPA regulations provide certain standards for "categorical exemption" of certain types of action from compliance with SEPA's procedural requirements related to environmental review, and Seattle's SEPA Ordinance provides more detail on how categorical exemptions apply in Seattle, in areas where the state regulations are flexible. The purpose of this Director's Rule is to provide further interpretation of the categorical exemptions associated with establishing a new use or changing or expanding an existing use. In other words, this rule helps determine when SEPA environmental review is required and when it is not.

Tables A and B for Section 25.05.800, showing the exemption levels for residential and non-residential uses, are referenced in this Rule as Table A.

TABLE A
SEPA Environmental Review Exemption Levels for
Establishing a New Use with New Construction
(SMC 25.05.800)

Residential Uses			
Number of Exempt Dwelling Units			
Zone			
	Outside of Urban Centers and Urban Villages Containing a Station Area Overlay District	Within Urban Centers, or Urban Villages Containing a Station Area Overlay District	Within Urban Centers, or Urban Villages Containing a Station Area Overlay District, if Growth Targets Have Been Exceeded
SF, RSL	4	4	4
LR1	4	200 ⁽¹⁾	20
LR2	6	200 ⁽¹⁾	20
LR3	8	200 ⁽¹⁾	20
NC1, NC2, NC3, C1, C2	4	200 ⁽¹⁾	20
MR, HR, SM	20	200 ⁽¹⁾	20
Downtown zones	Not Applicable	250 ⁽¹⁾	20
Industrial zones	4	4	4

Notes: SAOD = Station Area Overlay District. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

1) Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in an urban center, or in an urban village that contains a SAOD, is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i. **See Director's Rule 9-2012** (or successor rule). For purposes of this distinction, a "mixed use development" means a development having two or more principal uses, one of which is a residential use comprising 50 percent or more of the gross floor area.

The presence of environmentally critical areas and lands covered by water may also affect which exemption level applies. See Sections I.C, II.F, and III.C of this Rule for new uses, changes-of-use, and expansions of uses, respectively. Also, see Section I.E regarding counting residential units in uses such as nursing homes and congregate residences.

Table A (continued)
SEPA Environmental Review Exemption Levels for
Establishing a New Use with New Construction
(SMC 25.05.800)

Zone	Non-Residential Uses		
	Exempt Area of Use (square feet of gross floor area)		
	Outside of Urban Centers and Urban Villages Containing a Station Area Overlay District	Within Urban Centers, or Urban Villages Containing a Station Area Overlay District	Within Urban Centers, or Urban Villages Containing a Station Area Overlay District, if Growth Targets Have Been Exceeded
SF, RSL, LR1	4,000	4,000	4,000
LR2, LR3	4,000	12,000 ⁽¹⁾ or 30,000	12,000
MR, HR, NC1, NC2, NC3	4,000	12,000 ⁽¹⁾ or 30,000	12,000
C1, C2, SM zones	12,000	12,000 ⁽¹⁾ or 30,000	12,000
Industrial zones	12,000	12,000	12,000
Downtown zones	Not Applicable	12,000 ⁽¹⁾ or 30,000	12,000
Notes: SAOD = Station Area Overlay District. Urban centers and urban villages are identified in the Seattle Comprehensive Plan. 1) New nonresidential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center, or in an urban village that contains a SAOD, is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i. See Director's Rule 9-2012 (or successor rule).			

See Sections I.C, II.F, and III.C of this Rule for more information on how these exemption levels relate to environmentally critical areas and lands covered by water.

RULE:

This Rule provides information on SEPA environmental review exemptions of the following types of actions:

- I. Establishing a New Use with New Construction
- II. Change of Use in an Existing Structure
- III. Expansion of an Existing Use or Structure
- IV. Other

Section I. Exemptions for Establishing a New Use with New Construction

- A. *Exemption levels for new uses shown in Table A.* Table A summarizes the highest levels of proposed development that are categorically exempt from SEPA environmental

review when a new use is established as the result of the construction of a new building or structure, or as the result of certain new uses of outdoor areas. These are also referred to as the "SEPA thresholds" because above these threshold levels SEPA environmental review will be required.¹ Other text in Section I provides further details, including thresholds for parking use in Section I.B. Also, see **Director's Rule 9-2012** for more information on Urban Centers, Urban Villages with light rail station areas, and their status with respect to growth monitoring and the higher "infill development" threshold levels. For purposes related to these thresholds, the term "infill development" refers to single-purpose residential development, or mixed-use development that contains residential use in at least 50% of its gross floor area, and one or more legal non-residential uses, when located in an Urban Center, or an Urban Village that contains a Station Area Overlay District.

- B. *Parking.* In all zones, construction or addition of parking spaces up to the threshold level of 40 parking spaces is exempt from SEPA review.² Larger amounts of parking are exempted when accessory to "infill development" in an Urban Center, or Urban Village that contains a Station Area Overlay District. Also see other rules on thresholds for expansion of parking in Section II.D and III.E (pages 9 and 11) in this Rule.

Parking thresholds are evaluated differently for uses, such as the following, that entail the storage and parking of automobile, bus and truck vehicles as an intrinsic element of the use:

- Towing service
- Major vehicle repair
- Sales and rental of motorized vehicles
- Outdoor parking areas for two or more fleet vehicles of more than 10,000 pounds gross vehicle weight

For such uses, thresholds of SEPA review will be based on square footage of the use, including outdoor lot area in active use, rather than the number of parking spaces.

- C. *Environmentally Critical Areas.* In Environmentally Critical Areas, lower thresholds for environmental review of non-residential uses apply, and vary depending on, among other factors, the environmental features of the site. The exemptions in Table A do not apply when uses are in certain Environmentally Critical Areas as specified in SMC Section 25.05.908.A (landslide-prone areas, steep slopes, riparian corridors, wetlands, and fish and wildlife habitat conservation areas), with the following exception: Establishing one single-family dwelling, when under 9,000 square feet of development coverage, is exempt from SEPA. For this purpose, "development coverage" means all disturbed land within a site that is planned for development or redevelopment. Newly disturbed areas within the abutting right-of-way, when associated with a development proposal are counted towards the proposal's total development coverage. Also see

¹ Other criteria in this rule, addressing situations such as proposed changes in land use and expansions of existing uses, may also lead to a determination that SEPA environmental review is required.

² SMC 25.05.800 sets exempt levels for a parking lot designed for 40 "automobiles." For the purposes of this Rule, DPD considers "automobiles" to include other vehicles to be consistent with the Land Use Code definition of a parking area, which is an area "for the parking of vehicles."

SMC Chapter 25.09, Regulations for Environmentally Critical Areas. If a site is determined to be fully exempt from Environmentally Critical Areas review, then non-Environmentally Critical Areas thresholds apply.

Lands covered by water. On lands covered by water, any new construction, regardless of the number of units, gross floor area, or number of parking spaces proposed is subject to environmental review. See SMC 25.05.908 and Chapter 25.09, Regulations for Environmentally Critical Areas.

- D. *Mixed-use buildings.* For buildings containing both residential and non-residential uses, residential uses will be evaluated according to number of dwelling units, and non-residential uses will be evaluated according to square footage of gross floor area in the determination of exemption from environmental review. For example, if a development proposal in an NC3 zone **outside** an Urban Center and outside an Urban Village containing a Station Area Overlay District will contain 3,800 square feet of non-residential area and up to four dwelling units it will be exempt from SEPA review, even though the total floor area of all uses in the development proposal exceeds 4,000 square feet. Similarly, on a site in a Seattle Mixed (SM) zone **within** an Urban Center, or within an Urban Village with a Station Area Overlay District, a development proposal containing 29,900 square feet of non-residential area and up to 200 dwelling units (or 250 units in Downtown) may be exempt from SEPA review. Please note:
- floor area associated with residential uses is not counted as part of non-residential uses' gross floor area; and
 - the total combined non-residential gross floor area in a development proposal is the relevant measure, not floor area per individual business or any other such division of the non-residential gross floor area.
- E. *Determining total number of units.* The exemption is based on the total number of units on a development site or project, not on the number of units per structure. For residential uses not readily described as a discrete number of units, including nursing homes and congregate residences, the exemption will be based on a comparison of sleeping units (functionally equivalent to bedrooms) to dwelling units. Each bedroom will be counted as one-half of one dwelling unit in these cases.
- F. *Non-residential thresholds for "live-work" uses.* Live-work uses will be evaluated subject to the thresholds for non-residential uses.
- G. *Series of exempt structures or actions.* Pursuant to SMC 25.05.305, a series of exempt structures, or a series of exempt actions (i.e., approvals), may require environmental review if they are physically or functionally related to each other and together may have a probable significant adverse environmental impact, or if they are proposals or a series of actions that are related to each other closely enough to be considered a single course of action. This will be determined on a case-by-case basis by the Director.
- H. *Accessory uses.* An accessory use (other than parking) is considered part of the principal use, so the establishment of an accessory use in floor area that is already occupied by the principal use is exempt.

- I. *Area of use.* For uses located in buildings, "area of use" shall mean gross floor area. For uses located outdoors, "area of use" shall mean the area devoted to that use. Examples of such outdoor uses include, but are not limited to, the following:

- Outdoor storage
- Outdoor sales areas
- Outdoor seating for restaurants, if outdoor seating area exceeds 750 square feet
- Outdoor sports and recreational facilities
- Salvage yards
- Towing company impound lots
- Gas station canopies
- Car washes

For public parks, the "area of use" shall include gross floor area of structures together with outdoor areas improved for active recreational uses, such as athletic fields.

Section II. Exemptions for Change of Use in an Existing Structure

A. A proposal to change a use within an existing building requires SEPA review, regardless of the actual area being changed, when the change results in a building that, if built new, would have required SEPA review under Section I of this Rule.

B. Residential Uses

1. SEPA review is required for proposals involving residential uses if a change of use:
 - adds or eliminates (e.g., by remodel or demolition) more than the exempt number of dwelling units for the zone (based on Section I, Table A of this Rule), or
 - increases or decreases the number of dwelling units by more than 50 percent (if the total unit count is already over the exempt level for the zone), or
 - increases the number of dwelling units such that the resulting total exceeds the exemption level for the first time (refer to Table A and Section II.A above), or
 - increases the number of dwelling units at all if the site is in an Environmentally Critical Area.

C. Non-Residential Uses

1. For the purpose of these standards, actively used outdoor areas, as described in Section I.I above ("Area of Use"), shall be regulated in the same manner as floor area in a building.
2. Except as provided in Paragraph 3 below, there is a "change of use" subject to this Section (Section II) of the Rule, if:

- a. A new use is proposed to be established in an existing building (or actively used outdoor area) where the use does not now exist; OR
 - b. An increase is proposed in the area occupied by an existing use, replacing a different use.
3. Non-residential land uses are sorted into four categories, based on their intensity, in Table B. For the purposes of this rule, conversion of existing floor area from one use to another in a different category under Table B shall be considered a "change of use," and shall require SEPA review, except in industrial zones. In industrial zones, a change of use of existing floor area to a use in an adjacent category (for example, a change from a use in Category 3 to a use in Category 2 or 4) shall not require SEPA review. Uses listed in Table B are as defined in Chapter 23.84A of the Land Use Code. Uses not specifically listed in Table B will be considered to belong to the category containing the uses most similar in nature and/or relative intensity, in the judgment of the Director.
4. Subject to Sections II.C.1, 2, and 3 above, and except as specifically provided in Sections II.D, E and F below, a change of use of an area requires SEPA review if and only if the resulting use is non-residential and the change involves an area larger than the exempt area provided for the zone under Section I, Table A of this Rule.
5. *Changes within past two years are evaluated cumulatively.* The two-year past record of changes-in-use (from date of application) will be considered in determining whether SEPA review is required for a current proposal. If past changes-of-use in that timeframe, combined with a current proposal for change-of-use, add up to a change that involves an area that would require SEPA review if undertaken in a single proposal, SEPA review will be required for the current proposal.

TABLE B
Exemptions for Change of Use From One Non-residential Use to
Another Non-residential Use in an Existing Building

USE CATEGORIES
<p>Category 1. The following uses:</p> <ul style="list-style-type: none">• Offices• Research and development labs• Business incubators• Eating and drinking establishments• Retail sales and service uses• Automotive retail sales and service• Sales and rental of motorized vehicles• Lodging• Medical offices and services• Nursing homes• Schools• Religious facilities• Major Institutions• Theaters, lecture and meeting halls, spectator sports facilities• Libraries, museums, community clubs and centers• "Live-work" units• Indoor participant sports and recreation uses
<p>Category 2. The following uses:</p> <ul style="list-style-type: none">• Gas stations• Towing services• Custom and craft work• Food processing for human consumption• Animal shelters and kennels• Rail transit facilities• Passenger terminals• Marine sales and services• Mini-warehouses• Utility services
<p>Category 3. The following uses:</p> <ul style="list-style-type: none">• Adult motion picture theaters, adult panorams, adult cabarets• Heavy commercial sales and services• Major automotive vehicle repair• Vehicle storage and maintenance• Warehouse• Wholesale showroom• Light manufacturing• General manufacturing• Cargo terminals• Dry boat storage• Construction services

Category 4. The following uses:

- Salvage yards
- Heavy manufacturing
- Major communication utility
- Jails
- Work-release centers
- High-impact uses
- Power plants
- Recycling
- Sewage treatment plant
- Solid waste management

Notes: If a use is not listed in this table, it will be categorized according to its relative intensity compared to other uses listed in these categories, in the judgment of the Director.

- D. *Parking.* Except where parking is exempted from SEPA review because it is accessory to an otherwise exempt "infill development" in an Urban Center, or an Urban Village that contains a Station Area Overlay District, a change of use that is an increase of more than 40 parking spaces will require SEPA review. An increase in parking that causes the total parking quantity to surpass 40 spaces for the first time will require SEPA review, regardless of the number of parking spaces added, unless it is part of an "infill development" located in an Urban Center, or an Urban Village that contains a Station Area Overlay District.³
- E. *Landmarks.* If the subject property includes a landmark, a change of use may require SEPA review. Refer to CAM 3000 for more information.
- F. If located over water or in an Environmentally Critical Area listed in SMC 25.05.908A (including landslide-prone areas, riparian corridors, wetlands, and fish and wildlife habitat conservation areas), any change of use will require SEPA review.

Section III. Exemptions for Expansion of an Existing Use or Structure

- A. *SEPA Review Exemptions for Expansions Described in Table C.* The exemptions in Table C relate to physical expansions in uses or structures (including more floor area, larger building footprint and/or increased parking), which may or may not relate to increased total dwelling unit counts.⁴

Any expansion up to the amount shown on Table C does not require SEPA review, unless located over water or in an Environmentally Critical Area. See Section III.C below.

- B. *Based on Entire Development at the Site.* Exemptions from SEPA will be based on the area and number of units in the entire development on the site, rather than based on the area and number of units in individual structures.

³ Refer to Section I.B about uses for which parking thresholds are measured according to square footage.

⁴ Refer to Section II for guidance on changes in use in an existing structure if that is applicable.

TABLE C
Exemptions from SEPA Review for Expansions of Existing Uses or Structures, Not Including Expansions on Lands Covered by Water or in Environmentally Critical Areas

Use/Zone	Level of expansion exempt from SEPA
RESIDENTIAL USES	
Single Family Residence	All expansions are exempt, except as further limited on lands covered by water and for certain expansions in Environmentally Critical Areas.
Expansion of multifamily structure without adding units	If the total number of units remains less than the exempt number of units for a new building in the zone according to Section I of this Rule, then any structural addition is exempt from SEPA review. If the total number of units is already over the exempt number of units under Section I, an expansion of the structure is exempt from SEPA review if it does not add dwelling units.
Addition of units to a multifamily or mixed-use development	If the total number of dwelling units remains less than the exempt number of units for a new building in the zone according to Section I of this Rule, then a structural addition that adds units is exempt from SEPA review. If a development already exceeds the applicable threshold, an increase of no more than 50 percent in the total number of units in the development on the site is exempt from SEPA review, unless the number of units added itself exceeds the categorical exemption for the zone.
NON-RESIDENTIAL USES	
Applicable to all zones where non-residential uses are allowed	If existing gross floor area in non-residential use in a development is below the applicable threshold, an increase in gross floor area is exempt if it doesn't bring the total non-residential gross floor area of the development over the applicable threshold for the first time. If an existing development already exceeds the applicable threshold, an increase of up to 50 percent of the existing gross floor area is exempt if the floor area increase itself is no more than the applicable threshold. (Refer to the thresholds in Table A of this Rule.)
Parking	40 parking spaces. See Section III.E for more guidance.

- C. *Environmentally Critical Areas.* In certain Environmentally Critical Areas (known and potential landslide areas, steep slope areas, riparian corridors, wetlands, and fish and wildlife habitat conservation areas, as regulated under SMC Chapter 25.09), physical expansion of a single family residential development, including accessory structures and site work, is categorically exempt from SEPA review if development coverage does not exceed 9,000 square feet. (See definition of "development coverage in Section I.C of this Director's Rule, and the definition of "development" in SMC 25.09.520). Expansion of any other building or any outdoor area devoted to active use requires SEPA review if the site is in one of the listed Environmentally Critical Areas, provided that if the site qualifies for an exemption from Environmentally Critical Areas review such that the site

is treated as non-critical, it shall be treated as a non-critical area for purposes of determining SEPA exemption levels.

- D. *Lands Covered by Water.* Physical expansion of structures on or over lands covered by water shall require SEPA review.
- E. *Parking.* Refer to Sections I.B and II.D for parking thresholds that also relate to expansions of uses, including for uses that may involve outdoor parking or storage of vehicles. The SEPA review exemption for parking that is accessory to "infill development" in an Urban Center, or an Urban Village containing a Station Area Overlay District, as mentioned in Sections I.A and I.B of this Rule, also will apply to expansions of uses as long as they qualify as this type of "infill development."

Parking expansions within past five years are evaluated cumulatively. The five-year past record of parking expansions (from date of application) will be considered in determining whether SEPA review is required for a current proposal. If past parking expansions in that timeframe, combined with a current proposal for parking expansion, add up to an expansion of more than 40 parking spaces that would require SEPA review if undertaken in a single proposal, SEPA review will be required for the current proposal (unless it is undertaken as part of an expansion of use that qualifies as "infill development" in an Urban Center, or an Urban Village containing a Station Area Overlay District).

- F. *Mixed-use buildings.* For buildings containing both residential and non-residential uses, residential uses will be evaluated according to number of dwelling units, and non-residential uses will be evaluated according to square footage of gross floor area in the determination of exemption from environmental review. Refer to Section I.D for further description, and Section I.F regarding "live-work" uses.

Section IV. Other Exemptions and Thresholds

- A. *Lot Boundary Adjustments.* Lot boundary adjustments do not require SEPA review.
- B. *Short Plats.* Short subdivision of land, in areas not covered by water and not designated as Environmentally Critical Areas, does not require SEPA review. Pursuant to SMC 25.05.908, short platting in Environmentally Critical Areas is not exempt from environmental review, even if the result is to create only one additional lot. SEPA review is required for short subdivision of lands covered by water.
- C. *Repair or Minor Alteration of Structures.* The repair, remodeling, maintenance, enclosure or minor alteration of existing structures, or of portions of existing structures, is exempt from SEPA so long as it does not result in a material expansion or change of use. The following list contains examples of accessory features that, when altered, repaired, maintained or added to an existing structure located outside of any Environmentally Critical Area or any lands covered by water, are exempt from SEPA review:
 - 1. Stairways and stairwells
 - 2. Heating and air conditioning equipment

3. Porches and decks
4. Canopies, awnings and marquees
5. Fences
6. Landscaping
7. Signs, other than billboards
8. Doors, entrances, and windows
9. Roofing or siding
10. Painting
11. Transformer vaults
12. Mechanical penthouses
13. Restrooms
14. Barrier-free access

- D. *Tanks.* Installation of one or more underground tanks is exempt from SEPA review unless the total capacity of the tank or tanks exceeds 10,000 gallons. Installation of cisterns to hold rainwater or other above-ground tanks will be evaluated for their relationship to SEPA exemptions by considering them as structures or parts of structures and counting their footprint coverage area as part of gross floor area. Such coverage will be evaluated against the non-residential use exemption levels in Section I, Table A of this Rule.
- E. *Grading.* The grading of less than 500 cubic yards in areas other than those designated as Environmentally Critical Areas or lands covered by water is exempt from SEPA review.
- F. *Interior Demolition and Structural Reinforcement.* In nonexempt projects, interior demolition and structural reinforcement activities shall be considered exempt activities and shall be permitted under SMC 25.05.305 unless:
1. The activities may alter designated or eligible historical features; or
 2. The activities will eliminate the effective maintenance of a use in the current use category. The approval of these exempt activities does not constitute approval of nonexempt activities.
- G. *Accessory Communication Devices.* The following accessory communication devices qualify as "minor accessory facilities" under SMC 25.05.800 B.4 and are categorically exempt from SEPA review:
1. Satellite dish antennas that transmit and receive if:
 - accessory to a use located on the same site,
 - 6 feet or less in diameter, and
 - use no more than 2 watts of power.
 2. Point-to-point dish and panel antennas that transmit as well as receive, if:
 - accessory to a use located on the same site, and
 - no more than 4 feet in diameter or 15 square feet.
 3. Receive-only dish and panel antennas, if
 - accessory to a use located on the same site, and

- no more than 12 feet in diameter or 38 square feet.

H. *Minor Antennas.* The following shall be categorically exempt from SEPA review:

- "Whip" antennas: Tubular antennas (resembling flagpoles) if they are 4 inches or less in diameter.
- GPS (global positioning satellite) antennas: Small, round antennas (resembling hockey pucks) that are typically placed on roofs of buildings.
- "Test mobile" antennas: Small, prism-shaped antennas that are mounted near other antennas to act as monitors.

I. *Addition of Antennas to Existing Transmission Towers.* Addition of one or more antennas to an existing transmission tower shall be categorically exempt from SEPA review unless the addition constitutes "physical expansion of a communication utility" as defined at SMC 23.84.006.

J. *Satellite Earth Station Antennas.* The following standards shall govern whether SEPA review is required for satellite earth station antennas (which are dishes or similar antennas pointed up at satellites in geostationary orbit):

1. *Antennas one meter (3.28 feet) or smaller in diameter:* SEPA review shall be required only if the antenna is to be located in a historic district or on a site or structure designated as a historic landmark.
2. *Antennas two meters (6.56 feet) in diameter or smaller, but larger than one meter in diameter:* SEPA review is required for those antennas to be located in residential zones (including single family, multifamily, DMR and IDR). SEPA review is not required for those antennas to be located in other downtown zones or in commercial or industrial zones.⁵
3. *Antennas larger than two meters in diameter:* SEPA review is required unless the antenna qualifies for an exemption under another section of this Rule.

K. *Video Programming Antennas.* Video programming antennas are "over-the-air reception" antennas that allow people to receive satellite television signals. Some video programming antennas are also satellite earth stations, which may qualify for exemption under Section IV.I of this Rule. No SEPA review is required for installation of the following types of antenna, unless the antenna is to be located in a historic district or on a site or structure designated as a historic landmark:

1. TBS: An antenna designed to receive television broadcast services.
2. DBS: An antenna, one meter or less in diameter, designed to receive direct broadcast satellite service, including direct-to-home satellite service.
3. MMDS: An antenna, one meter or less in diameter or on the diagonal, designed to receive video programming services via multi-point distribution services.

⁵ Taken together, paragraphs J1 and J2 of this Section reflect an anomaly in federal law that the City remains bound to uphold: If the site is a historic landmark or is in a historic district, and the zoning is not residential, an antenna up to one meter in diameter would require SEPA review, while an antenna that is greater than one meter in diameter but less than two meters in diameter would not require SEPA review. (Compare 47 CFR 25.104 and 47 CFR 1.4000.)

- L. *Microcells and Other Personal Wireless Communication Service Antennas.* The following standards govern whether personal wireless service facilities are exempt from SEPA review:
1. Microcells: A facility is exempt from SEPA review if:
 - it is a microcell and
 - it is to be attached to an existing structure that does not contain a residence or a school.
 2. Other personal wireless service antennas: A facility is exempt from SEPA review if:
 - it includes personal wireless services antennas, other than a microcell, and
 - it will be attached to an existing structure (which may be a tower) that does not contain a residence or a school, and
 - it is located in a Commercial, Downtown, or Industrial zone.
 3. Towers (including monopoles): A facility is exempt from SEPA review if:
 - it is a personal wireless service tower less than 60 feet in height and
 - it is located in a Commercial, Downtown, or Industrial zone.
- M. *Key Definitions in State Law.* State law defines "personal wireless services" as "commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, as defined by federal laws and regulations." (RCW 43.21C.0384(3)(a).) Cellular telephone facilities fall under the category of commercial mobile services.
- "Microcell" is defined as "a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length." (RCW 43.21C.0384 (3)(c).) The exemption for a microcell is limited to facilities with no more than one microcell antenna. If an applicant proposes to add two or more microcell antennas at a single site, the exemption does not apply. If a proposed facility will consist of more than one microcell, or both a microcell and other personal wireless service antennas that do not meet the definition of "microcell," whether the facility is exempt from SEPA review shall be determined according to Section IV.L, paragraph 2 ("Other personal wireless service antennas") of this Rule. If it is attached to an existing structure that does not contain a residence or a school, and it is located in a Commercial, Downtown, or Industrial zone, it qualifies for an exemption from SEPA review.
- N. *Farmer's Markets.* An intermittent retail sales use occurring not more often than two days per week, providing opportunities for residents to purchase produce, art/craft items, and similar goods from temporary facilities such as tables and covered areas, is exempt from SEPA review, based on interpretation of the intent of SMC 25.05.800.N.3-4, which indicate that licenses to operate or engage in charitable or retail sales and service activities, including but not limited a wide variety of shops (in N.4) and entertainment activities (in N.3) are exempt.



City of Seattle
Office of Housing

FORM OF APPLICATION

Multifamily Housing Property Tax Exemption Program

Please read the following before filling out the application:

1. Applications must be submitted any time **prior** to issuance of the first building permit by DPD for the project described in this application. Permits may be picked up any time after the Owner submits an application to the Office of Housing.

2. One copy of the application, including program fee, should be submitted to:

Office of Housing
Seattle Municipal Tower
700 Fifth Avenue, 57th floor
PO Box 94725
Seattle, WA 98124-4725

Current Fee Schedule: \$3,000 for residential-only project; \$3,400 for mixed-use project.

3. Answers to commonly asked questions:

- A. Affordable unit rent limits represent the maximum that can be charged for rent plus utilities.
- B. A charge for parking does not count toward the maximum rent for affordable units as long as the charge is optional;
- C. The mix and configuration of affordable units must be proportional to the mix and configuration of the total units in a project; for example, if studios are 30% of total units, no more than 30% of the affordable units can be studios.

Questions? Contact Mike Kent at (206) 684-0262 or mike.kent@seattle.gov.

APPLICATION

Multifamily Housing Property Tax Exemption (Pursuant to Chapter 5.73 of the Seattle Municipal Code)

Applicant's Information

Owner:

JUND LLC

Address:

3704 EAST HOWE ST SEATTLE, WA 98112

Phone:

206-954-3010

FAX:

E-mail:

peter-jones@msn.com

Owner's

Representative:

ROBERT MCCULLOUGH

(If applicable),

Address:

6869 WOODLAWN AVE NE # 110

Phone:

206-255-5119

FAX:

206-686-4770

Email:

bob@meridianbi.com

Contact name and number:

ROBERT MCCULLOUGH 206-255-5119

Note: This application is intended to be signed by the building owner of record. The application may be rejected or additional documentation required if the signer is other than the building owner of record.

Property Information

Interest in property:

☒ Fee Simple ☐ Contract purchase ☐ Other (describe) _____

County Assessor's parcel account number(s):

092504-9230

Street Address:

4742 20TH AVE NE SEATTLE, WA 98105

Legal Description (Attach separate sheet if needed):

BEG 91.78 FT N & 30 FT E OF
SW COR OF N 1/4 OF SE 1/4 OF SW 1/4 TH E 100 FT
TH N 45 FT TH W 100 FT TO 20TH AVE NE TH S 45 FT TO

Residential Targeted Area (See SMC 5.73.030(D)):

UNIVERSITY DISTRICT NW

BEG

Form of Application: Multifamily Housing Property Tax Exemption Program
City of Seattle Office of Housing

Project Information

Project Name or Designation: JUNO STUDIOS

Brief written description of the project (preliminary conceptual design, description of unit finishes, site plan and floor plans of the units and structure must be submitted with this application):

40 - UNIT APARTMENT BUILDING

Type of Project (check all that apply):

☒ Residential Rental [] Residential For-Sale [] Mixed Use

Number of Dwelling Units Proposed: Rental 40 For Sale _____ Total _____

Floor area: Building total (sq. ft.) 9,826 For permanent residential occupancy (sq. ft.)* 9,826

If there are multiple buildings, please list them separately.

*Include residential common areas, circulation and mechanical space, and residential parking in calculation of residential square footage. Exclude dwelling units offered for rent for periods of less than one month. "Residential parking" includes: (1) parking required by the Seattle Land Use Code as accessory to residential use; (2) resident parking included in lease or sale price of residential units; (3) parking restricted by agreement to use by residential owners or tenants.

Unit Information

Unit Type (# BRs)	Total # of units	Approx. avg. sf.	Projected rent or sales price – market rate units	# of units – affordable	Projected rent or sales price – affordable units
STUDIO	40	180		40	\$ 700.00
Total	40			40	\$ 700.00

Form of Application: Multifamily Housing Property Tax Exemption Program
City of Seattle Office of Housing

Non-residential Space (if applicable)

Description _____ Floor Area (sq. ft.) _____

Affordability. To be granted the tax exemption, the owner must agree to meet the following requirements: (please affirm by checking one).

☒ For Rental Projects: at least 20% of the units affordable at or below 65% of median income for studios, at or below 75 % of median for 1-bedroom units, and at or below 85% of median for 2-bedroom and larger units.

☐ For Homeownership Projects: units affordable at or below 100% of median income for studios, at or below 100% for 1-bedroom units, and at or below 120% of median for 2-bedroom and larger units are eligible for consideration. The units must be identified.

Construction costs and permit status:

Projected total cost of new construction/rehabilitation: \$ 1,500,000

If mixed use, projected cost of residential improvements: \$ _____

Estimated construction start date: 9/3/13 Estimated completion date: 4/1/14

List permits (with permit numbers) and approvals obtained as of the date of tax exemption application:

Form of Application: Multifamily Housing Property Tax Exemption Program
City of Seattle Office of Housing

CHECK ALL THAT APPLY:

☒ **New Construction.** Will any occupied housing units be demolished? [] YES ☒ NO

Were any occupied housing units demolished in the past [] months on this site? [] YES ☒ NO

Date of demolition (if known): _____

of existing units to be demolished _____ # of units demolished in past [] months _____

If yes, will any residents be displaced, or have any residents been displaced, as part of this project?
[] YES [] NO

[] **Other City of Seattle Programs.** Do you intend to apply to any other City of Seattle incentive programs? [] YES ☒ NO

If yes, please state the incentive program and the status of that application:

[] **Rehabilitation of Vacant Units.** # of vacant housing units _____

Date units last occupied: _____ Building [] is [] is not in compliance with applicable building and housing codes.

- Sign (before a Notary Public) the Rehabilitation of Vacant Building Affidavit (form available from Office of Housing) and attach to this Application if you are rehabilitating a vacant multifamily housing structure.
- Attach verification from the Department of Planning and Development if building is not in compliance with building and housing codes.

[] **Rehabilitation of Occupied Units.** Will four or more additional units be created as part of a rehabilitation project? [] YES [] NO

If yes, will any residents be displaced as part of this project? [] YES [] NO

Attachments to Application

Please attach and check the following:

- ☐ Preliminary conceptual design, including site plan and floor plans of the multifamily units and the overall structure.
- ☐ A current title report.
- ☐ Copies of documents evidencing the type of Owner entity or entities and organizational structure, such as operating agreements, incorporation documents or partnership agreements.
- ☐ A sample signature block for the Owner entity.
- ☐ Evidence of authority of the person or persons signing the application.
- ☐ A market study, that includes comparable rents in other nearby housing projects.
- ☐ For rehabilitation of an existing vacant structure, verification from DPD of non-compliance with applicable building and housing codes.
- ☐ Application fee of \$3,000 for residential use building, or \$3,400 for mixed residential and non-residential use building. Checks should be made payable to the City of Seattle.
- ☐ If applicable, Rehabilitation of Vacant Building Affidavit (form available from Office of Housing), filled out and signed by Owner before a Notary Public.

Statement of Potential Tax Liability

If the exemption is canceled for non-compliance an additional tax will be imposed that includes:
(a) the difference between the tax paid and the tax that would have been owed if it had included the value of the non-qualifying improvements dated back to the date that the improvements became non-qualifying; (b) a penalty of 20% of the difference; (c) interest at the statutory rate on the tax and penalties calculated from the date the tax would have been due without penalty if the improvements had been assessed without regard to the exemptions provided by Chapter 84.14 RCW and Chapter 5.73 SMC.

Owner's Initials: PT

Certification

As owner(s) of the land described in this application, I/We hereby indicate by my/our initials below that I/we are aware of the additional tax liability to which the property will be subject if the exemption authorized by Chapter 84.14 RCW and Chapter 5.73 SMC is canceled.

Owner's Initials: PT

I/We declare under penalty of perjury under the laws of the State of Washington that the information contained in this Application and any attachments are accurate and correct to the best of my/our knowledge.

Peter Jones

Owner's Signature

8/1/13

Date

Peter Jones, member, JUNO LLC

Print Name

Title

Owner's Signature

Date

Print Name

Title

Permit Number:

6356092



CITY OF SEATTLE

Construction Permit

EXHIBIT C
Department of Planning
and Development
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
(206) 684-8600

DISTRICT 3

APN #:
092504-9230

Site Address: 4742 20TH AVE NE, SEATTLE, WA

Building ID: 000031863 - CONGREGATE RESIDENCE

Location:

Legal Description: BEG 91.78 FT N & 30 FT E OF SW COR OF N 1/4 OF SE 1/4 OF SW 1/4 TH OF SEC 9-25-4 E
THE E 100 FT TH N 45 FT TH W 100 FT TO 20TH AVE NE TH S...(see file)

Records Filed At: 4742 20TH AVE NE

OWNER

BOB MCCULLOUGH
6869 WOODLAWN AVE NE 110
SEATTLE, WA 98115
Ph: (206) 255-5119

CONTRACTOR

Application Date: 05/09/2013

Issue Date: 08/23/2013

Expiration Date: 02/23/2015

Fees Paid: \$12,439.25

As of Print Date: 08/23/2013

Description of Work: Construct congregate residence and establish use as a residential building and occupy, per plans.

Permit Remarks:

Building Code: SBC 2009

DPD Valuation: \$983,534

Occupancy Cert Required: Y

Special Inspections: Y

Land Use Conditions: N

Building Information:

Basements: 1

Stories: 4

Mezzanines: 0

Residential Units this Permit:

Added: 20

Removed: 0

Total: 20

Zoning/Overlays:

Lowrise-3

Occupancy per Building Code

Floors	Type	Occupancy Group	Occupancy	Assembly Load	Fire
All Floors	VA	R-2 Other	Congregate Residence.	N/A	13

Approved Use per Land Use Code

Use	Location
Congregate Res	

A/P #	Related Cases/Permits
6364740	Demolition Permit

Project Contacts	Name	Phone
Ordinance Reviewer	NOURI SAMIEE-NEJAD	(206) 733-9057
Structural Reviewer	CORNELL BURT	(206) 684-7844
Zoning Reviewer	CHRISTOPHER NDIFON	(206) 233-7938
Primary Applicant	MIKE PERRY	(425) 827-9293

Applicant Signature:

Date: 8/23/13

Permitted work must not progress without prior inspection approval. When ready for inspection, make request with the Department of Planning and Development at (206) 684-8900 or on the internet at: www.seattle.gov/dpd/permits/inspections/. Provide the permit number, site address, and contact phone. Permission is given to do the above work at the site address shown, according to the conditions hereon and according to the specification pertaining thereto, subject to compliance with the Ordinances of the City of Seattle. Correct information is the responsibility of the applicant. Permits with incorrect information may be subject to additional fees.

THIS PERMIT MUST BE CONSPICUOUSLY POSTED AT THE WORK SITE

PERMIT # 6356092

City of Seattle
Department of Planning and Development
700 Fifth Ave., Suite 2000

POST THIS SIDE OUT: THIS PERMIT MUST BE CONSPICUOUSLY POSTED AT THE WORK SITE TO THE CONTRACTOR/OWNER.

Additional permits may be required for work occurring under this permit. This permit does not authorize Sewer, Public Right-of-Way, Shoring, Drainage and Street Use, Fire Department, Boiler, Electrical, Elevator, Furnace, Gas Piping, Plumbing, or Sign permits. If other permits are required, they must be applied for separately from this permit. The requirements for all other permits related to this Permit must be completed prior to the Final Inspection of this permit.

This Permit's Final Inspection is required. The premises must not be occupied until the Final Inspection is provided and occupancy is authorized by the Seattle Department of Planning and Development.

ISSUED PERMIT STATUS: You can check the status of issued permits on the internet at: www.seattle.gov/dpd

INSPECTION REQUESTS: Please clarify which inspections your project requires before proceeding with your project.

You may request an inspection on the internet or by phone. Inspection requests received before 7:00 AM are scheduled for the same working day. Inspection requests received after 7:00 AM are scheduled for the next working day. Inspectors are available between the hours of 7:30 AM and 8:30 AM.

- A) Internet: www.seattle.gov/dpd/permits/inspections/ Under *Scheduling an Inspection* click *Requesting an inspection online*.
B) 24 hour inspection request line at (206) 884-8900, cell phones are discouraged due to frequent connection problems.
C) Customer Service at (206) 684-8950 between the hours of 7:30 AM and 4:30 PM.

BEFORE BEGINNING CONSTRUCTION:

- A) Before First Ground Disturbance, request an inspection of installed **Erosion Control Measures**.
B) When there is **Special Inspections**, Land Use conditions, and/or unusual design elements, a **Pre Construction Conference** is required prior to construction. Call 684-8860 to request a Pre Construction conference.
C) If this permit requires a **Soil Bearing Capacity** special inspection by a Geotechnical Engineer, that approval is required before the foundation pour. The Building Inspector will accept the Geotechnical Engineer's approval **signature below**.
D) When **Special Inspections** are required, notify the Special Inspection Agency at least 24 hours in advance.

DURING CONSTRUCTION:

DPD inspectors will provide a copy of each inspection report. These reports must either be kept with this Permit, or kept together where they can be conveniently referenced. Request an inspection for the following installations:

PROPERTY LINES MUST BE ESTABLISHED BY SURVEY STAKES PRIOR TO SETBACK/FOUNDATION INSPECTION.

a. FIRST GROUND (non disturbance areas, erosion control tree protection)	f. INSULATION (Slab, Walls, Ceiling)
b. SETBACK (Location)	g. MECHANICAL COVER (If HVAC is authorized by this permit)
c. FOUNDATION (Footings, Walls) [Soil bearing, Reinforcing steel, Foundation drainage]	h. MECHANICAL FINAL (If HVAC is authorized by this permit)
d. STRUCTURAL (Shear Wall, HD's/Straps, Diaphragms)	i. SITE FINAL (If required by this permit)
e. FRAMING (Sub floor prior to sheathing, Walls, Ceiling)	j. FINAL INSPECTION (After all other related permit requirements are completed)

PRIOR TO FINAL BUILDING APPROVAL:

Other permit approval sign-offs may be required prior to the Final Inspection of this permit. To speed-up Final approval of this permit, we recommend you acquire other permit final approvals in the signature boxes provided below.

SOIL BEARING Approved By _____ Date _____	BOILER Approved By _____ Date _____	SEATTLE FIRE DEPARTMENT Approved By _____ Date _____
ELECTRICAL Approved By _____ Date _____	ELEVATOR Approved By _____ Date _____	LAND USE/DESIGN REVIEW Approved By _____ Date _____
PLUMBING / GASPIPING / BACKFLOW Approved By _____ Date _____	SITE / SIDE SEWER Approved By _____ Date _____	SDOT - PRVT CONTRACT/ST. USE Approved By _____ Date _____
MECHANICAL / REFRIGERATION Approved By _____ Date _____	OTHER Approved By _____ Date _____	STREET TREES / ARBORIST Approved By _____ Date _____

Jessica Clawson

From: Jessica Clawson
Sent: Friday, January 10, 2014 2:08 PM
To: Jessica Clawson
Subject: FW: Juno Apartments - MFTE

From: Kent, Mike [<mailto:Mike.Kent@seattle.gov>]
Sent: Tuesday, September 03, 2013 3:03 PM
To: Bob McCullough
Subject: Juno Apartments - MFTE

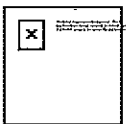
Bob,

As I mentioned a moment ago, we noticed two potential issues with the MFTE application for Juno Apartments:

- The DPD construction permit application (# 6364740) describes the approved use as "congregate residence", whereas the MFTE program is specifically designated for multifamily use. Further, congregate residential buildings typically only contain what is considered a single dwelling unit.
- The number of dwelling units on the DPD construction permit application and the MFTE application need to match identically as per Director's Rule 01-2013. The DPD construction permit application lists the number of dwelling units as 20, whereas the MFTE application lists the number of dwelling units as 40.

Please confer with your architect, as you mentioned, and get back in touch with us at your earliest convenience.

Best,
Mike



Mike Kent
Community Development Specialist
City of Seattle Office of Housing
PO Box 94725, Seattle, WA 98124-4725
700 5th Ave, 57th Floor, Seattle, WA
O: 206.684.0262 | mike.kent@seattle.gov

**THE CITY OF SEATTLE
OFFICE OF HOUSING**

DIRECTOR'S RULE

PROPERTY TAX EXEMPTION PROGRAM FOR MULTIFAMILY HOUSING

Housing Rule 01-2013

Verification of Number and Type of Dwelling Units

(1) Introduction.

SMC 5.73.020.I. defines Multifamily Housing as "a building or buildings, included associated housing improvements, having four (4) or more dwelling units in each building, designed for Permanent Residential Occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings."

SMC 5.73.040 requires: "4. For new construction, a minimum of four (4) new dwelling units must be created; for rehabilitation or conversion of existing occupied structures, a minimum of four (4) additional dwelling units must be added."

Applications for tax exemption, the contract between the City and the Owner containing the terms and conditions and eligibility for tax exemption, and the application for a Final Certificate for Tax Exemption all require information on both the number and size (studio, one-bedroom, two-bedroom, etc.) of dwelling units.

This rule explains how the number and size of dwelling units claimed by an Owner in an application for property tax exemption, in the contract between the Owner and the City containing the terms and conditions and eligibility for tax exemption, and in an application for a Final Certificate of Tax Exemption will be verified by the Office of Housing (OH).

(2) Verification of the Number and Size of Dwelling Units. The number and size of dwelling units for purposes of property tax exemption for Multifamily Housing shall be identical to the number and size of dwelling units authorized by the building permit(s) for the Multifamily Housing.

The number and size of dwelling units verified by the Owner in the application for property tax exemption for Multifamily Housing shall be identical to the number and size of dwelling units contained in the Owner's application to the Department of Planning and Development (DPD) for a building permit for the Multifamily Housing, a copy of which shall be provided to OH. If at the time of application for property tax exemption the Owner has not yet submitted a building permit application for the Multifamily Housing to DPD, then upon applying for a building permit the Owner shall notify the OH and shall provide OH with a copy of the application to DPD. An application for tax exemption containing numbers and sizes of dwelling units that do not match the building permit application will be denied. If prior to the Owner's application to DPD for a building permit for the Multifamily Housing OH approves the application for tax exemption and the Owner enters into a contract with the City containing the terms and conditions and

eligibility for tax exemption (Contract), then immediately upon applying for a building permit for the Multifamily Housing the Owner shall notify OH, shall provide OH with a copy of the application to DPD, and, if the numbers and sizes of dwelling units are not identical to the Contract numbers and sizes, shall request amendment of the Contract, which shall be amended to conform to the building permit application. If the numbers and sizes of dwelling units in the final building permit are not identical to the building permit application, then the Owner shall notify OH immediately upon receiving the building permit for the Multifamily Housing, shall provide OH with a copy of the building permit, and shall, as applicable, request to conform the application for property tax exemption or amend the Contract, which shall be amended to conform to the building permit. OH's review of eligibility for a Final Certificate of Tax Exemption will be based upon the numbers and sizes of dwelling units actually permitted by DPD for the Multifamily Housing even if the Owner has failed to provide that information to OH or to conform its application for tax exemption or seek amendment of the Contract.

(3) This Rule shall not apply in cases where the Owner has submitted a fully valid and complete application both for a building permit with DPD and for the MFTE program with OH prior to April 26, 2013. For purposes of this exception, a vested Master Use Permit may substitute for the building permit application.

(4) Capitalized terms used above and not defined shall have the meanings set forth in SMC Chapter 5.73, 2004 Multifamily Housing Property Tax Exemption Program, as amended.

Approved

Rick Hooper
Rick Hooper, Director

Effective MARCH 12, 2013

From: Mosteller, Cheryl <Cheryl.Mosteller@seattle.gov>
Sent: Monday, November 25, 2013 9:52 AM
To: mperry@dimensions.com
Cc: Jessica Clawson; bob@meridianbi.com; McKim, Andy; Roskin, Miriam; Kent, Mike
Subject: Permit 6356092
Attachments: Permit.pdf

Good Afternoon Mike,

I wanted to let you know that DPD became aware of an issue with the unit count reflected on permit 6356092. As such we have reprinted the permit with a corrected unit count that is consistent with the approved plans. The 20 units originally shown reflects the unit count for purposes of the SEPA exemption determination only, as under Director's Rule 12-2012 for congregate residences each bedroom in a congregate residence is counted as one-half of a dwelling unit for purposes of determining whether a development is exempt from SEPA review. A unit count of 20 was not otherwise applied in our review, for example for purposes of density standards or determining whether Design Review is required. The reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected. This does not in any way limit the right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed.

Thank you.

Cheryl Mosteller
Land Use Planner Supervisor
Department of Planning and Development
700 Fifth Ave, Suite 2000
Seattle, WA 98104-5070
cheryl.mosteller@seattle.gov
(206) 684-5048

Permit Number:
6356092



CITY OF SEATTLE

Construction Permit

Department of Planning
and Development
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
(206) 684-8600

DISTRICT 3

APN #:
092504-9230

Site Address: 4742 20TH AVE NE, SEATTLE, WA

Building ID: 000031863 - CONGREGATE RESIDENCE

Location:

Legal Description: BEG 91.78 FT N & 30 FT E OF SW COR OF N 1/4 OF SE 1/4 OF SW 1/4 TH OF SEC 9-25-4 E
THE E 100 FT TH N 45 FT TH W 100 FT TO 20TH AVE NE TH S...(see file)

Records Filed At: 4742 20TH AVE NE

OWNER

BOB MCCULLOUGH
6869 WOODLAWN AVE NE 110
SEATTLE, WA 98115
Ph: (206) 255-5119

CONTRACTOR

Application Date: 05/09/2013

Issue Date: 08/23/2013

Expiration Date: 02/23/2015

Fees Paid: \$12,575.00

As of Print Date: 11/22/2013

Description of Work: Construct congregate residence and establish use as a residential building and occupy, per plans.

Permit Remarks:

Building Code: SBC 2009

DPD Valuation: \$983,534

Occupancy Cert Required: Y

Special Inspections: Y

Land Use Conditions: N

Building Information:

Basements: 1

Stories: 4

Mezzanines: 0

Residential Units this Permit:

Added: 1

Removed: 0

Total: 1

Zoning/Overlays:

Lowrise-3

Occupancy per Building Code

Floors	Type	Occupancy Group	Occupancy	Asmblly Load	Fire
All Floors	VA	R-2 Other	Congregate Residence.	N/A	13

Approved Use per Land Use Code

Use	Location
Congregate Res	

A/P #	Related Cases/Permits
6364740	Demolition Permit
6387092	Side Sewer
6393101	Post Issuance Submittal

Project Contacts	Name	Phone
Ordinance Reviewer	NOURI SAMIEE-NEJAD	(206) 733-9057
Structural Reviewer	CORNELL BURT	(206) 684-7844
Zoning Reviewer	CHRISTOPHER NDIFON	(206) 233-7938
Primary Applicant	MIKE PERRY	(425) 827-9293

Applicant Signature:

Date:

Permitted work must not progress without prior inspection approval. When ready for inspection, make request with the Department of Planning and Development at (206) 684-8900 or on the internet at: www.seattle.gov/dpd/permits/inspections/. Provide the permit number, site address, and contact phone. Permission is given to do the above work at the site address shown, according to the conditions hereon and according to the specification pertaining thereto, subject to compliance with the Ordinances of the City of Seattle. Correct information is the responsibility of the applicant. Permits with incorrect information may be subject to additional fees.

THIS PERMIT MUST BE CONSPICUOUSLY POSTED AT THE WORK SITE

POST THIS SIDE OUT: THIS PERMIT MUST BE CONSPICUOUSLY POSTED AT THE WORK SITE TO THE CONTRACTOR/OWNER,

Additional permits may be required for work occurring under this permit. This permit does not authorize Sewer, Public Right-of-Way Shoring, Drainage and Street Use, Fire Department, Boiler, Electrical, Elevator, Furnace, Gas Piping, Plumbing, or Sign permits. If other permits are required, they must be applied for separately from this permit. The requirements for all other permits related to this Permit, must be completed prior to the Final Inspection of this permit.

This Permit's Final Inspection is required. The premises must not be occupied until the Final Inspection is provided and occupancy is authorized by the Seattle Department of Planning and Development.

ISSUED PERMIT STATUS: You can check the status of issued permits on the internet at: www.seattle.gov/dpd

INSPECTION REQUESTS: Please clarify which inspections your project requires before proceeding with your project.

You may request an inspection on the internet or by phone. Inspection requests received **before 7:00 AM** are scheduled for the same working day. Inspection requests received **after 7:00 AM** are scheduled for the next working day. Inspectors are available between the hours of 7:30 AM and 8:30 AM.

- A) Internet: www.seattle.gov/dpd/permits/inspections/ Under *Scheduling an Inspection* click *Requesting an Inspection online*.
 B) 24 hour inspection request line at (206) 684-8900, cell phones are discouraged due to frequent connection problems.
 C) Customer Service at (206) 684-8950 between the hours of 7:30 AM and 4:30 PM.

BEFORE BEGINNING CONSTRUCTION:

- A) Before **First Ground Disturbance**, request an inspection of installed **Erosion Control Measures**.
 B) When there is **Special Inspections**, Land Use conditions, and/or unusual design elements, a **Pre Construction Conference** is required prior to construction. Call 684-8860 to request a Pre Construction conference.
 C) If this permit requires a **Soil Bearing Capacity** special inspection by a Geotechnical Engineer, that approval is required before the foundation pour. The Building Inspector will accept the Geotechnical Engineer's approval **signature below**.
 D) When **Special Inspections** are required, notify the Special Inspection Agency at least 24 hours in advance.

DURING CONSTRUCTION:

DPD inspectors will provide a copy of each inspection report. These reports must either be kept with this Permit, or kept together where they can be conveniently referenced. Request an inspection for the following installations:

PROPERTY LINES MUST BE ESTABLISHED BY SURVEY STAKES PRIOR TO SETBACK/FOUNDATION INSPECTION.

a. FIRST GROUND (non disturbance areas, erosion control, tree protection)	f. INSULATION (Slab, Walls, Ceiling)
b. SETBACK (Location)	g. MECHANICAL COVER (If HVAC is authorized by this permit)
c. FOUNDATION (Footings, Walls) [Soil bearing, Reinforcing steel, Foundation drainage]	h. MECHANICAL FINAL (If HVAC is authorized by this permit)
d. STRUCTURAL (Shear Wall, HD's/Straps, Diaphragms)	i. SITE FINAL (If required by this permit)
e. FRAMING (Sub floor prior to sheathing, Walls, Ceiling)	j. FINAL INSPECTION (After all other related permit requirements are completed)

PRIOR TO FINAL BUILDING APPROVAL:

Other permit approval sign-offs may be required prior to the Final Inspection of this permit. To speed-up Final approval of this permit, we recommend you acquire other permit final approvals in the signature boxes provided below.

SOIL BEARING Approved By _____ Date _____	BOILER Approved By _____ Date _____	SEATTLE FIRE DEPARTMENT Approved By _____ Date _____
ELECTRICAL Approved By _____ Date _____	ELEVATOR Approved By _____ Date _____	LAND USE/DESIGN REVIEW Approved By _____ Date _____
PLUMBING / GASPIPING / BACKFLOW Approved By _____ Date _____	SITE / SIDE SEWER Approved By _____ Date _____	SDOT - PRVT CONTRACT/ST. USE Approved By _____ Date _____
MECHANICAL / REFRIGERATION Approved By _____ Date _____	OTHER Approved By _____ Date _____	STREET TREES / ARBORIST Approved By _____ Date _____

Jessica Clawson

EXHIBIT 6

From: Kent, Mike <Mike.Kent@seattle.gov>
Sent: Monday, November 25, 2013 10:05 AM
To: Jessica Clawson; bob@meridianbi.com
Cc: Roskin, Miriam
Subject: FW: Permit 6356092
Attachments: Permit.pdf

Jessie and Bob,

As per the email from Cheryl Mosteller at DPD, Juno is permitted for one residential unit. As the MFTE requires that eligible buildings contain 4 or more dwelling units, Juno will not qualify for the MFTE. A formal eligibility determination letter from our office will be forthcoming. Please let me know if you have any questions.

Mike



Mike Kent
Community Development Specialist
City of Seattle Office of Housing
PO Box 94725, Seattle, WA 98124-4725
700 5th Ave, 57th Floor, Seattle, WA
O: 206.684.0262 | mike.kent@seattle.gov

From: Mosteller, Cheryl
Sent: Monday, November 25, 2013 9:52 AM
To: mperry@dimensions.com
Cc: jclawson@mhseattle.com; bob@meridianbi.com; McKim, Andy; Roskin, Miriam; Kent, Mike
Subject: Permit 6356092

Good Afternoon Mike,

I wanted to let you know that DPD became aware of an issue with the unit count reflected on permit 6356092. As such we have reprinted the permit with a corrected unit count that is consistent with the approved plans. The 20 units originally shown reflects the unit count for purposes of the SEPA exemption determination only, as under Director's Rule 12-2012 for congregate residences each bedroom in a congregate residence is counted as one-half of a dwelling unit for purposes of determining whether a development is exempt from SEPA review. A unit count of 20 was not otherwise applied in our review, for example for purposes of density standards or determining whether Design Review is required. The reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected. This does not in any way limit the right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed.

Thank you.

Cheryl Mosteller
Land Use Planner Supervisor
Department of Planning and Development
700 Fifth Ave, Suite 2000
Seattle, WA 98104-5070

Jessica Clawson

EXHIBIT 4

From: Jessica Clawson
Sent: Wednesday, December 18, 2013 6:01 PM
To: 'McKim, Andy'
Subject: RE: Permit 6356092

Thanks Andy. Have a good evening.

Jessica M. Clawson
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS
701 FIFTH AVENUE, SUITE 6600
SEATTLE, WA 98104
TEL: 206.812.3388
DIRECT: 206.812.3378
FAX: 206.812.3389
JCLAWSON@MHSEATTLE.COM
WWW.MHSEATTLE.COM

NOTICE: This communication may contain privileged or confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: McKim, Andy [<mailto:Andy.McKim@seattle.gov>]
Sent: Wednesday, December 18, 2013 5:47 PM
To: Jessica Clawson
Subject: RE: Permit 6356092

Hi, Jessie.

We will be discussing this with Law next Monday.

Andy

From: Jessica Clawson [<mailto:Jessica@mhseattle.com>]
Sent: Wednesday, December 18, 2013 10:51 AM
To: McKim, Andy
Subject: FW: Permit 6356092

Can we discuss this sometime this week? I'm not clear on the timeline for decision here. Thanks.

Thanks.

Jessica M. Clawson
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS
701 FIFTH AVENUE, SUITE 6600
SEATTLE, WA 98104
TEL: 206.812.3388
DIRECT: 206.812.3378
FAX: 206.812.3389

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From: Jessica Clawson

Sent: Thursday, December 12, 2013 5:36 PM

To: cheryl.mosteller@seattle.gov; McKim, Andy (Andy.McKim@seattle.gov); Kent, Mike (Mike.Kent@seattle.gov); miriam.roskin@seattle.gov

Cc: 'Mike Perry'; Bob McCullough (bob@meridianbi.com)

Subject: FW: Permit 6356092

Dear Andy,

I understand that you have forwarded this issue to the law department for advisement. I don't know which attorney you are working with, so I would appreciate it if you would forward this to that person.

The reissuance of building permit 6356092 to "revise" the number of units is not permitted by Washington law. The question posed to the law department is identical to the question already answered by the Washington State Supreme Court in *Chelan County v. Nykreim*, 146 Wn.2d 904 (2002). In that case, Nykreim filed a boundary line adjustment (BLA) application, which Chelan County approved on October 9, 1997. In May 1998 Nykreim filed a conditional use permit (CUP) application to construct homes on the lots created by the BLA. In August 1998 Chelan County withdrew the certificate that had approved the BLA stating that the BLA had been approved based on erroneous information. The Washington State Supreme Court ruled that Chelan County's actions were not permitted under the Land Use Petition Act, Chapter 36.70C RCW.

The Court stated:

Before LUPA, a line of Washington cases held that an improperly approved building permit is void and may be rescinded by the agency which erroneously issued it. Those cases were based upon holdings that a building permit issued in violation of law or under mistake of fact conferred no vested right in the applicant. 146 W.2d 919 (citing *Steel v. Queen City Broad. Co.*, 54 Wn.2d 402, 341 P.2d 499 (1959); *Radach v. Gunderson*, 39 Wn. App. 392, 695 P.2d 128 (1985).

The Court applied LUPA to ministerial permits such as building permits or BLAs and declined to allow Chelan County to rescind or void its issued BLA. Instead, the Court stated that the County was required to appeal its issued permit within LUPA time periods:

To allow (the County) to challenge a land use decision beyond the statutory period of 21 days is inconsistent with the Legislature's declared purpose in enacting LUPA. Leaving land use decisions open to reconsideration long after the decisions are finalized places property owners in a precarious position and undermines the Legislature's intent to provide expedited appeal procedures in a consistent, predictable, and timely manner. 146 Wn.2d at 931.

Nykreim applies to the case currently before DPD. In this case, the City issued a building permit authorizing "20 units." The permit was issued on August 23, 2013. According to DPD's email below, the unit count reflects the unit count "for purposes of the SEPA exemption determination only" but DPD claims it was not otherwise applied in DPD's review for design review or density standards. DPD then "reprinted" the building permit to clarify the unit count on November 22, 2013. It does not appear that the City is requiring the building to go through design review.

DPD reprinted the building permit to reduce the number of units permitted in order to deny the project MFTE status. MFTE is only available for projects that produce 4 or more dwelling units. SMC 5.73.040.A.4. The applicant

submitted its MFTE application months ago, and relied on information furnished by DPD regarding how it would consider the number of dwelling units. It has relied on the building permit that was issued for 20 dwelling units. DPD's reissuance of the building permit has now pulled the rug out from under our MFTE application which is critical to our project.

The Washington State Supreme Court's ruling in Nykreim and subsequent cases does not allow DPD to "reissue" a building permit. The effect of the reissuance is purposeful, to deny the project the benefit of the MFTE. If DPD determined that the permit was issued in error, like in Nykreim, it was required to appeal its permit under LUPA. It did not do so, and the building permit issued in August for 20 dwelling units should be considered to be final, and should be considered for the project's MFTE application.

We would appreciate your confirmation regarding this issue.

Thank you for your attention. Jessie

Jessica M. Clawson
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS
701 FIFTH AVENUE, SUITE 6600
SEATTLE, WA 98104
TEL: 206.812.3388
DIRECT: 206.812.3378
FAX: 206.812.3389
JCLAWSON@MHSEATTLE.COM
WWW.MHSEATTLE.COM

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From: Kent, Mike [<mailto:Mike.Kent@seattle.gov>]
Sent: Monday, November 25, 2013 10:05 AM
To: Jessica Clawson; bob@meridianbi.com
Cc: Roskin, Miriam
Subject: FW: Permit 6356092

Jessie and Bob,

As per the email from Cheryl Mosteller at DPD, Juno is permitted for one residential unit. As the MFTE requires that eligible buildings contain 4 or more dwelling units, Juno will not qualify for the MFTE. A formal eligibility determination letter from our office will be forthcoming. Please let me know if you have any questions.

Mike



Mike Kent
Community Development Specialist
City of Seattle Office of Housing
PO Box 94725, Seattle, WA 98124-4725
700 5th Ave, 57th Floor, Seattle, WA
O: 206.684.0262 | mike.kent@seattle.gov

From: Mosteller, Cheryl
Sent: Monday, November 25, 2013 9:52 AM
To: mperry@dimensions.com

Cc: jclawson@mhseattle.com; bob@meridianbi.com; McKim, Andy; Roskin, Miriam; Kent, Mike
Subject: Permit 6356092

Good Afternoon Mike,

I wanted to let you know that DPD became aware of an issue with the unit count reflected on permit 6356092. As such we have reprinted the permit with a corrected unit count that is consistent with the approved plans. The 20 units originally shown reflects the unit count for purposes of the SEPA exemption determination only, as under Director's Rule 12-2012 for congregate residences each bedroom in a congregate residence is counted as one-half of a dwelling unit for purposes of determining whether a development is exempt from SEPA review. A unit count of 20 was not otherwise applied in our review, for example for purposes of density standards or determining whether Design Review is required. The reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected. This does not in any way limit the right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed.

Thank you.

Cheryl Mosteller

Land Use Planner Supervisor
Department of Planning and Development
700 Fifth Ave, Suite 2000
Seattle, WA 98104-5070
cheryl.mosteller@seattle.gov
(206) 684-5048



City of Seattle
Office of Housing

December 10, 2013

Juno, LLC
Attention: Robert McCullough
6869 Woodlawn Ave. NE #110
Seattle, WA 98115

RE: Multifamily Housing Property Tax Exemption, Juno Studios

Dear Mr. McCullough:

Thank you for submitting an application for the Juno Studios project, to be located at 4742 20th Ave. NE, to receive the Multifamily Housing Property Tax Exemption. During our initial review of your MFTE application, the number of dwelling units indicated in your MFTE application (40) did not match the number of dwelling units in the building permit application filed with the Department of Planning and Development (20). As we notified you in September, this mismatch triggered Housing Director's Rule 01-2013, which limits MFTE eligibility to projects where the number of dwelling units presented to OH for purposes of MFTE and identified by DPD for purposes of permitting are identical.

Subsequent to our email exchange in September, DPD revised the building permit to indicate that your building would contain only one dwelling unit. This not only furthered the discrepancy but also made the project ineligible for MFTE for a second reason: The MFTE program requires that eligible buildings contain a minimum of four dwelling units.

For these reasons, we are unable to proceed toward issuing a Conditional Certificate of Tax Exemption for the Juno Studios project. If you wish to appeal this decision, please refer to SMC 5.73.060, which details the process for filing an appeal.

Sincerely,

A handwritten signature in black ink that reads "Rick Hooper".

Rick Hooper
Director

cc: Jessica Clawson

Enclosures



FORM OF APPLICATION

Multifamily Housing Property Tax Exemption Program

Please read the following before filling out the application:

1. Applications must be submitted any time prior to issuance of the first building permit by DPD for the project described in this application. Permits may be picked up any time after the Owner submits an application to the Office of Housing.
2. One copy of the application, including program fee, should be submitted to:

Office of Housing
Seattle Municipal Tower
700 Fifth Avenue, 57th floor
PO Box 94725
Seattle, WA 98124-4725

Current Fee Schedule: \$3,000 for residential-only project; \$3,400 for mixed-use project.

3. Answers to commonly asked questions:
 - A. Affordable unit rent limits represent the maximum that can be charged for rent plus utilities.
 - B. A charge for parking does not count toward the maximum rent for affordable units as long as the charge is optional;
 - C. The mix and configuration of affordable units must be proportional to the mix and configuration of the total units in a project; for example, if studios are 30% of total units, no more than 30% of the affordable units can be studios.

Questions? Contact Mike Kent at (206) 684-0262 or mike.kent@seattle.gov.

APPLICATION

Multifamily Housing Property Tax Exemption (Pursuant to Chapter 5.73 of the Seattle Municipal Code)

Applicant's Information

Owner:

JUND LLC

Address:

3704 EAST HOWE ST SEATTLE, WA 98112

Phone: 206-954-3010 FAX: _____

E-mail: peter-jones@msn.com

Owner's

Representative:

ROBERT MCCULLOUGH

(If applicable)

Address:

6869 WOODLAWN AVE NE # 110

Phone: 206-255-5119 FAX: 206-686-4770

Email: bob@meridianbi.com

Contact name and number:

ROBERT MCCULLOUGH 206-255-5119

Note: This application is intended to be signed by the building owner of record. The application may be rejected or additional documentation required if the signer is other than the building owner of record.

Property Information

Interest in property:

☒ Fee Simple [] Contract purchase [] Other (describe) _____

County Assessor's parcel account number(s): 092504-9230

Street Address: 4742 20th AVE NE SEATTLE, WA 98105

Legal Description (Attach separate sheet if needed): BEG 91.78 FT N & 30 FT E OF
SW COR OF N 1/4 OF SE 1/4 OF SW 1/4 TH E 100 FT
TH N 45 FT TH W 100 FT TO 20TH AVE NE TH S 45 FT TO BEG

Residential Targeted Area (See SMC 5.73.030(D)): UNIVERSITY DISTRICT NW

Form of Application: Multifamily Housing Property Tax Exemption Program
City of Seattle Office of Housing

Project Information

Project Name or Designation: JUND STUDIOS

Brief written description of the project (preliminary conceptual design, description of unit finishes, site plan and floor plans of the units and structure must be submitted with this application):

APARTMENT BUILDING

Type of Project (check all that apply):

☒ Residential Rental ☐ Residential For-Sale ☐ Mixed Use

Number of Dwelling Units Proposed: Rental 20 For Sale _____ Total _____

Floor area: Building total (sq. ft.) 9,826 For permanent residential occupancy (sq. ft.) 9,826

If there are multiple buildings, please list them separately.

*Include residential common areas, circulation and mechanical space, and residential parking in calculation of residential square footage. Exclude dwelling units offered for rent for periods of less than one month. "Residential parking" includes: (1) parking required by the Seattle Land Use Code as accessory to residential use; (2) resident parking included in lease or sale price of residential units; (3) parking restricted by agreement to use by residential owners or tenants.

Unit Information

Unit Type (# BRs)	Total # of units	Approx. avg. sf.	Projected rent or sales price – market rate units	# of units – affordable	Projected rent or sales price – affordable units
STUDIO	20	180		20	\$ 700.00
Total	20			20	\$ 700.00

Jessica Clawson

From: Jessica Clawson
Sent: Saturday, December 21, 2013 9:11 AM
To: 'Sugimura, Diane'
Cc: cheryl.mosteller@seattle.gov; McKim, Andy (Andy.McKim@seattle.gov);
miriam.roskin@seattle.gov; Kent, Mike (Mike.Kent@seattle.gov)
Subject: building permit 6356092, Request for Administrative Review
Attachments: Exhibit A JUNO Original Building Permit 6356092.pdf; Exhibit B JUNO Reprinted
Building Permit 6356092.pdf; Permit 6356092; Letter Requesting Administrative
review.pdf

Hello All:

Please see our request for administrative review of the reprinting of the building permit on this matter. A hard copy has been sent to Diane today, but email seems to be a bit more efficient.

I understand the law department and DPD will be discussing this matter on Monday. I'll be in the office Monday (and tomorrow as well), so if you have any questions, please let me know.

Thanks.

Jessica M. Clawson
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS
701 FIFTH AVENUE, SUITE 6600
SEATTLE, WA 98104
TEL: 206.812.3388
DIRECT: 206.812.3378
FAX: 206.812.3389
JCLAWSON@MHSEATTLE.COM
WWW.MHSEATTLE.COM

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EXHIBIT K

McCULLOUGH HILL LEARY, PS

December 19, 2013

Diane Sugimura
Building Official
Department of Planning and Development
700 5th Avenue, Suite 1900, P.O. Box 34019
Seattle, WA 98124-4019

VIA ELECTRONIC AND U.S. MAIL

RE: Reissuance of Building Permit 6356092, Request for Administrative Review

Dear Diane:

SBC 103.10.1 states:

Administrative review by the building official. Applicants may request administrative review by the building official of decisions or actions pertaining to the administration and enforcement of [the building] code. Requests shall be addressed to the building official.

SBC 104.1 states that the Director of the Department of Planning and Development ("DPD") is the "building official."

We would like to request administrative review, per SBC 103.10.1, of a decision made by DPD to reprint a building permit, changing the number of dwelling units from 20 to 1. We request that DPD rescind its decision to issue the building permit for one unit, and reestablish the prior building permit for 20 units. The currently-known facts of the situation follow.

1. Facts.

On August 23, 2013 DPD issued a building permit for a project ("project") located at 4742 20th Avenue NE for a congregate residence including 20 dwelling units. *See Exhibit A.* The project is located in an LR3 zone within the University District Urban Center Village. It replaces a dilapidated house that was previously rented by tenants and is surrounded by dilapidated rental houses with suboptimal rental conditions. On November 22, 2013, the building permit was apparently reissued for 1 dwelling unit. *See Exhibit B.* On November 25, 2013, Cheryl Mosteller of DPD sent an email to Mike Perry, the architect for the project, stating that the building permit had been reprinted "with a corrected unit count that is consistent with the approved plans...the reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected." *See Exhibit C.* This was the first time DPD had contacted the developer team regarding this issue.

On August 23, 2013, our client submitted an application for the Multifamily Tax Exemption ("MFTE") program with the Office of Housing. The Office of Housing sent a letter dated December 10, 2013 denying the MFTE application to the developer, although this letter was not received by the developer until DATE. One of the reasons given for denial of the MFTE application is that the building permit was reissued for one unit. The MFTE program is only available to projects that create four or more new multifamily units. SMC 5.73.040.A.4. The loss of the MFTE program will cost the project approximately \$300,000.

2. DPD must rescind its decision as it is inconsistent with City Codes or State Law.

First, there is no provision in the Seattle Building Code that allows DPD to "reprint" or reissue a building permit. An act by a municipal corporation is ultra vires when it is done either without authority or in violation of existing statutes. *Dykstra v. Skagit County*, 97 Wn. App. 670, 677, 985 P.2d 424 (1999), *review denied*, 140 Wn.2d 1016 (2000). The reprinting of the building permit is ultra vires as it is without statutory authority and is in direct conflict with other Seattle Building Code provisions. For this reason, the City must withdraw its decision to reprint the building permit.

Second, the determination made by DPD to reprint the building permit to reduce the number of dwelling units from 20 to 1 was not supported by or explained using any code language. Indeed, Ms. Mosteller's email only states that the permit was reprinted to correct the unit count so that it "is consistent with approved plans." Exhibit C. In fact, the Building Code does not support DPD's statement that the project includes only one dwelling unit. The definition of dwelling unit in the Building Code states:

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

SBC Section 202.

This project includes at least 40 dwelling units, as defined by the building code. Each unit includes independent living facilities that include permanent areas for living, sleeping, eating, cooking and sanitation, thereby meeting the standards for dwelling units in the Building Code.¹ Thus, DPD's issuance of the permit for both 20 units, and the reprinting of the permit for 1 unit were both in error given the Building Code's definition of dwelling unit—the permit should have been issued for 40 units for the purposes of a building permit.

¹ Interestingly, a dwelling unit for the purposes of a building permit is not the same for the purposes of the Land Use Code. DR 12-2012 Section 1.E relates to SEPA exemptions when establishing a new use with new construction. The Rule states: "For residential uses not readily described as a discrete number of units, including nursing homes and congregate residences, the exemption will be based on a comparison of sleeping units (functionally equivalent to bedrooms) to dwelling units. Each bedroom will be counted as one-half of one dwelling unit in these cases." Thus, the determination by DPD that the project, a congregate residence with 40 bedrooms, included 20 dwelling units for the purposes of SEPA review was correct.

Third, the project is vested to those regulations in place at the time of building permit application. A permit application shall be considered under the codes, regulations, and interpretations in effect on the date a valid and fully complete building permit application is submitted. SBC 101.3. In this case, the building permit application was submitted on May 9, 2013. It is clear that DPD changed its regulations following issuance of the building permit, since it reprinted the permit to only allow 1 dwelling unit. However, DPD cannot apply different codes or regulations to the project other than those that were in effect at the date of application. DPD must rescind its decision and reissue the building permit for 20 units.

Finally, and probably most importantly, the reprinting/reissuance of a building permit is not permitted by Washington law. The issue raised in this case is identical to the question already answered by the Washington State Supreme Court in *Chelan County v. Nykreim*, 146 Wn.2d 904 (2002). In that case, Nykreim filed a boundary line adjustment (BLA) application, which Chelan County approved on October 9, 1997. In May 1998 Nykreim filed a conditional use permit (CUP) application to construct homes on the lots created by the BLA. In August 1998 Chelan County withdrew the certificate that had approved the BLA stating that the BLA had been approved based on erroneous information. The Washington State Supreme Court ruled that Chelan County's actions were not permitted under the Land Use Petition Act, Chapter 36.70C RCW.

The Court stated:

Before LUPA, a line of Washington cases held that an improperly approved building permit is void and may be rescinded by the agency which erroneously issued it. Those cases were based upon holdings that a building permit issued in violation of law or under mistake of fact conferred no vested right in the applicant. 146 Wn.2d 919 (citing *Steel v. Queen City Broad. Co.*, 54 Wn.2d 402, 341 P.2d 499 (1959); *Radach v. Gunderson*, 39 Wn. App. 392, 695 P.2d 128 (1985).

The Court applied LUPA to ministerial permits such as building permits or BLAs and declined to allow Chelan County to rescind or void its issued BLA. Instead, the Court stated that the County was required to appeal its issued permit within LUPA time periods:

To allow (the County) to challenge a land use decision beyond the statutory period of 21 days is inconsistent with the Legislature's declared purpose in enacting LUPA. Leaving land use decisions open to reconsideration long after the decisions are finalized places property owners in a precarious position and undermines the Legislature's intent to provide expedited appeal procedures in a consistent, predictable, and timely manner. 146 Wn.2d at 931.

Nykreim applies to the case currently before DPD. In this case, the City issued a building permit authorizing 20 units. The permit was issued on August 23, 2013. According to DPD's email below, the unit count reflects the unit count "for purposes of the SEPA exemption determination only" but DPD claims it was not otherwise applied in DPD's review for design review or density standards. DPD then "reprinted" the building permit to clarify the unit count to one unit on November 22, 2013.

December 19, 2013

Page 4 of 4

DPD reprinted the building permit to reduce the number of units permitted in order to deny the project MFTE status. MFTE is only available for projects that produce 4 or more dwelling units. SMC 5.73.040.A.4. The applicant submitted its MFTE application months ago, and relied on information furnished by DPD regarding how it would consider the number of dwelling units. It has relied on the building permit that was issued for 20 dwelling units. DPD's reissuance of the building permit has now pulled the rug out from under our MFTE application which is critical to our project. The loss of MFTE results in a \$300,000 loss to the project.

The Washington State Supreme Court's ruling in Nykreim and in subsequent cases does not allow DPD to "reissue" a building permit. The effect of the reissuance was purposeful, to deny the project the benefit of the MFTE. If DPD determined that the permit was issued in error, like in Nykreim, it was required to appeal its permit under LUPA. It did not do so, and the building permit issued in August for 20 dwelling units should be considered to be final, and it should be considered as 20 units for the project's MFTE application.

In sum, the reprinting of the building permit by DPD is neither supported by the Building Code nor state law. The building permit must be restored to 20 units which was the final decision by DPD, not appealed by any party. Thank you for reviewing our request for administrative review. We look forward to your response.

Sincerely,



Jessica M. Clawson

cc: Cheryl Mosteller, DPD
Andy McKim, DPD
Miriam Roskind, OH
Mike Kent, OH

Permit Number:
6356092



CITY OF SEATTLE

Construction Permit

Department of Planning
and Development
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
(206) 684-8600

DISTRICT 3

APN #:
092504-9230

Site Address: 4742 20TH AVE NE, SEATTLE, WA

Building ID: 000031863 - CONGREGATE RESIDENCE

Location:

Legal Description: BEG 91.78 FT N & 30 FT E OF SW COR OF N 1/4 OF SE 1/4 OF SW 1/4 TH OF SEC 9-25-4 E
THE E 100 FT TH N 45 FT TH W 100 FT TO 20TH AVE NE TH S...(see file)

Records Filed At: 4742 20TH AVE NE

OWNER

BOB MCCULLOUGH
6869 WOODLAWN AVE NE 110
SEATTLE, WA 98115
Ph: (206) 255-5119

CONTRACTOR

Application Date: 05/09/2013

Issue Date: 08/23/2013

Expiration Date: 02/23/2015

Fees Paid: \$12,439.25

As of Print Date: 08/23/2013

Description of Work: Construct congregate residence and establish use as a residential building and occupy, per plans.

Permit Remarks:

Building Code: SBC 2009

DPD Valuation: \$983,534

Occupancy Cert Required: Y

Special Inspections: Y

Land Use Conditions: N

Building Information:

Basements: 1

Stories: 4

Mezzanines: 0

Residential Units this Permit:

Added: 20

Removed: 0

Total: 20

Zoning/Overlays:

Lowrise-3

Occupancy per Building Code

Floors	Type	Occupancy Group	Occupancy	Assembly Load	Fire
All Floors	VA	R-2 Other	Congregate Residence.	N/A	13

Approved Use per Land Use Code

Use	Location
Congregate Res	

A/P #	Related Cases/Permits
6364740	Demolition Permit

Project Contacts	Name	Phone
Ordinance Reviewer	NOURI SAMIEE-NEJAD	(206) 733-9057
Structural Reviewer	CORNELL BURT	(206) 684-7844
Zoning Reviewer	CHRISTOPHER NDIFON	(206) 233-7938
Primary Applicant	MIKE PERRY	(425) 827-9293

Applicant Signature:

Date: 8/23/13

Permitted work must not progress without prior inspection approval. When ready for inspection, make request with the Department of Planning and Development at (206) 684-8900 or on the internet at: www.seattle.gov/dpd/permits/inspections/. Provide the permit number, site address, and contact phone. Permission is given to do the above work at the site address shown, according to the conditions hereon and according to the specification pertaining thereto, subject to compliance with the Ordinances of the City of Seattle. Correct information is the responsibility of the applicant. Permits with incorrect information may be subject to additional fees.

THIS PERMIT MUST BE CONSPICUOUSLY POSTED AT THE WORK SITE

PERMIT # 6356092

City of Seattle
Department of Planning and Development
700 Fifth Ave., Suite 2000

POST THIS SIDE OUT: THIS PERMIT MUST BE CONSPICUOUSLY POSTED AT THE WORK SITE TO THE CONTRACTOR/OWNER,

Additional permits may be required for work occurring under this permit. This permit does not authorize Sewer, Public Right-of-Way Shoring, Drainage and Street Use, Fire Department, Boiler, Electrical, Elevator, Furnace, Gas Piping, Plumbing, or Sign permits. If other permits are required, they must be applied for separately from this permit. The requirements for all other permits related to this Permit, must be completed prior to the Final Inspection of this permit.

This Permits Final Inspection is required. The premises must not be occupied until the Final Inspection is provided and occupancy is authorized by the Seattle Department of Planning and Development.

ISSUED PERMIT STATUS: You can check the status of issued permits on the internet at: www.seattle.gov/dpd

INSPECTION REQUESTS: Please clarify which inspections your project requires before proceeding with your project.

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- A) Internet: www.seattle.gov/dpd/permits/inspections/ Under **Scheduling an Inspection** click **Requesting an Inspection online.**
 B) 24 hour inspection request line at (206) 684-8900, cell phones are discouraged due to frequent connection problems.
 C) Customer Service at (206) 684-8950 between the hours of 7:30 AM and 4:30 PM.

BEFORE BEGINNING CONSTRUCTION:

- A) Before **First Ground Disturbance**, request an inspection of installed **Erosion Control Measures**.
 B) When there is **Special Inspections**, Land Use conditions, and/or unusual design elements, a **Pre Construction Conference** is required prior to construction. Call 684-8860 to request a Pre Construction conference.
 C) If this permit requires a **Soil Bearing Capacity** special inspection by a Geotechnical Engineer, that approval is required before the foundation pour. The Building Inspector will accept the Geotechnical Engineer's approval **signature below**.
 D) When **Special Inspections** are required, notify the Special Inspection Agency at least 24 hours in advance.

DURING CONSTRUCTION:

DPD inspectors will provide a copy of each inspection report. These reports must either be kept with this Permit, or kept together where they can be conveniently referenced. Request an inspection for the following installations:

PROPERTY LINES MUST BE ESTABLISHED BY SURVEY STAKES PRIOR TO SETBACK/FOUNDATION INSPECTION.

a. FIRST GROUND (non disturbance areas, erosion control, tree protection)	f. INSULATION (Slab, Walls, Ceiling)
b. SETBACK (Location)	g. MECHANICAL COVER (If HVAC is authorized by this permit)
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e. FRAMING (Sub floor prior to sheathing, Walls, Ceiling)	j. FINAL INSPECTION (After all other related permit requirements are completed)

PRIOR TO FINAL BUILDING APPROVAL:

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SOIL BEARING Approved By _____ Date _____	BOILER Approved By _____ Date _____	SEATTLE FIRE DEPARTMENT Approved By _____ Date _____
ELECTRICAL Approved By _____ Date _____	ELEVATOR Approved By _____ Date _____	LAND USE/DESIGN REVIEW Approved By _____ Date _____
PLUMBING / GASPIPING / BACKFLOW Approved By _____ Date _____	SITE / SIDE SEWER Approved By _____ Date _____	SDOT - PRVT CONTRACT/ST. USE Approved By _____ Date _____
MECHANICAL / REFRIGERATION Approved By _____ Date _____	OTHER Approved By _____ Date _____	STREET TREES / ARBORIST Approved By _____ Date _____

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6387092	Side Sewer
6393101	Post Issuance Submittal

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MECHANICAL / REFRIGERATION Approved By _____ Date _____	OTHER Approved By _____ Date _____	STREET TREES / ARBORIST Approved By _____ Date _____

Jessica Clawson

From: Mosteller, Cheryl <Cheryl.Mosteller@seattle.gov>
Sent: Monday, November 25, 2013 9:52 AM
To: mperry@dimensions.com
Cc: Jessica Clawson; bob@meridianbi.com; McKim, Andy; Roskin, Miriam; Kent, Mike
Subject: Permit 6356092
Attachments: Permit.pdf

Good Afternoon Mike,

I wanted to let you know that DPD became aware of an issue with the unit count reflected on permit 6356092. As such we have reprinted the permit with a corrected unit count that is consistent with the approved plans. The 20 units originally shown reflects the unit count for purposes of the SEPA exemption determination only, as under Director's Rule 12-2012 for congregate residences each bedroom in a congregate residence is counted as one-half of a dwelling unit for purposes of determining whether a development is exempt from SEPA review. A unit count of 20 was not otherwise applied in our review, for example for purposes of density standards or determining whether Design Review is required. The reprinting of the permit is for the purpose of clarifying the unit count, which could otherwise create confusion when the building is inspected. This does not in any way limit the right to build the structure as configured on the approved plans, or occupy it as a congregate residence, as proposed.

Thank you.

Cheryl Mosteller
Land Use Planner Supervisor
Department of Planning and Development
700 Fifth Ave, Suite 2000
Seattle, WA 98104-5070
cheryl.mosteller@seattle.gov
(206) 684-5048

EXHIBIT L

Jessica Clawson

From: Kent, Mike <Mike.Kent@seattle.gov>
Sent: Monday, December 23, 2013 8:38 AM
To: Jessica Clawson; bob@meridianbi.com
Subject: Juno - MFTE
Attachments: Juno MFTE Letter.pdf

Jessica and Bob,

Last week the letter we sent to you Bob regarding the MFTE decision for the Juno project was returned to our office, despite our having mailed it to the address listed on the MFTE application. We sent a copy of the letter to Jessica as well, and it appears she did receive it. I have attached a scan of the letter for your records.

Mike



Mike Kent
Community Development Specialist
City of Seattle Office of Housing
PO Box 94725, Seattle, WA 98124-4725
700 5th Ave, 57th Floor, Seattle, WA
O: 206.684.0262 | mike.kent@seattle.gov