

LAND USE/SEPA DECISION APPEAL FORM

We request a hearing to appeal the January 8, 2009 decision by the Seattle Department of Planning and Development (DPD) regarding a master use permit for a proposed development in the northeast area of the city at 6515 Brooklyn Ave NE, **project number 3004423.**

APPELLANT INFORMATION

1. Appellant:

Name (*several individuals are appealing together- see appendix 1*)

Address _____

Phone: Work: _____ Home: _____

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2. Authorized Representative:

Name Paul J Wiesner
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DECISION BEING APPEALED

- 1. **Decision appealed:** MUP Project# 3004423
- 2. **Property address** of decision being appealed: 6515 Brooklyn Ave NE
- 3. **Elements of decision being appealed.** Check one or more as appropriate:
 - Adequacy of conditions Variance
 - Design Review and Departure Adequacy of EIS
 - Conditional Use Interpretation ()
 - EIS not required Short Plat
 - Major Institution Master Plan Rezone
 - other (specify:
 - 1. Adequacy and appropriateness of the SEPA and Design Review.
 - 2. SDOT jurisdiction, not DPD jurisdiction
 - 3. Exceptional Tree Ordinance

APPEAL INFORMATION

What is your interest in this decision?

We are residents of the Roosevelt neighborhood in the City of Seattle. The unnecessary removal of an "Exceptional" Western Red Cedar is a major environmental loss to our neighborhood and the city. We support the appropriate housing density in our urban village but believe that such density can be accomplished without sacrificing this magnificent tree. As are all residents, we are entitled to a fair and consistent application of city procedures, ordinances and rules.

What are your objections to the decision?

We challenge the Department of Planning and Development (DPD)'s decision regarding Project Number 3004423. DPD has decided to allow the removal of an "Exceptional" tree, a ninety-plus

foot high Western Red Cedar to accommodate proposed development. According to Director's Rule 6-2001: "An Exceptional Tree is a tree that:

1. Is designated by Plant/Amnesty in partnership with City of Seattle as a Class AAA-1 Heritage Tree; or
2. Is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, and/or age as determined by one of the following two methods depending upon whether it is non-native or native tree."

This particular tree has been demonstrated to meet the definition of an "Exceptional" tree.

In addition, we challenge the adequacy and appropriateness of the SEPA and Design Review of this project.

Our challenge has four major objections:

1. Since this magnificent tree straddles the property line demarcating the publicly owned right of way and the privately owned property being considered for development, **it is appropriately under the jurisdiction of the city of Seattle and its Department of Transportation (SDOT) and, therefore, not subject to the DPD rules.**
2. The decision about the tree is contrary to the City's SEPA policy on plants and animals in that **the tree can be preserved and the target density achieved with modest redesign of the proposed development.** The decision by DPD is based on a false dichotomy in the choice between the tree and adequate density proposed for this development.
3. The late-stage significant increase in number of units calls into question **(1) the appropriateness and adequacy of the SEPA and Design Review for this project, as well as (2) due process regarding public notification and fairness to neighborhood.**
4. There were **serious procedural flaws in the execution of the Design Review process** leading up to this decision.

What relief do you want?

Regarding our first objection, the property rights of the city (and its residents) should be reestablished. The tree should return to the protective authority of SDOT who has guarded this

exceptional tree from harm over the years. This would treat the tree as other trees straddling property lines, thus allowing SDOT to permit discrete pruning for utilities and to assure that it is not dangerous to the public's safety. This would also allow for continued protection of the public's enjoyment of this exceptional tree.

Regarding the second objection, the decision of DPD to allow removal of the "Exceptional" tree should be reversed and a reasonable Tree Protection Zone (TPZ) should be established and the development redesigned to achieve the stated desired density of between 39 and 42 residential units.

For the third objection, the entire SEPA process and Design Review should be reopened to evaluate the late-stage expansion of the project. The SEPA review for this project was based on a 39-unit project, but the Decision authorizes a 54-unit project, representing a 39% increase in units (a significant change in scope of project) without reopening SEPA review or notification.

The last issue need only be addressed if none of the preceding remedies is ordered by the Hearing Examiner. Absent these remedies, a public hearing at a re-convened Design Review Board should be required so that the public's voice can be heard regarding whether the tree can be preserved and at the same time the target density achieved. DPD should benefit from the Design Review Board's advice regarding the approach to the tree.

Signature _____

Date 01/21/2009

Appellant or Authorized Representative Paul J Wiesner MD

Appendix 1 List of Appellants

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