

Laurelhurst Community Club  
Minutes for September 14, 2009  
St. Stephen's Church, Seattle WA

Meeting called to order by Jeannie Hale at 7:05 PM

Trustees Attending: Emily Dexter, Jeannie Hale, Marian Joh, Cary Lassen, Colleen McAlleer, Brian McMullen, Stan Sorscher, Don Torrie, Mark Trumbauer, Maggie Weissman, Adrian Whorton

Excused: Kirsten Curry, Len Nelson, Leslie Wright

Guests: Diane Sugimura, Director, Department of Planning and Development; Liz Ogden, Michael Adler, David Barnes, Kristin Born, Tom and Berta Cohen, Brian and Sheila Cooper, Marian Goddard, Meredith Han, Peter Han, Bob and Cornie Hull, Paul Klemond, Michel Lebas, Sue Lesprance, Susan Marten, Mary McGuire, Marie McKinley, Sara and Paul Mockett, Heather Newman, Barb Ragee, Ken and Barbara Requa, Brooks and Jim Romano, Kay Stimson, Kathy Trumbauer, Melissa Underhill, Shawn Whitcomb, Ed and Marie Wilson

Several neighbors, mostly from the Town of Yesler, introduced themselves.

Mega houses in the Town of Yesler: Recently, neighbors in the Town of Yesler received a flyer about the new construction located at 4316 36<sup>th</sup> Avenue NE, across the street from the 13-bedroom rooming house behind the business district. In response to concerns from neighbors, LCC invited Diane Sugimura, the director of the Department of Planning and Development (DPD), to update LCC on this project and the earlier rooming house.

Ms. Sugimura attended LCC trustee meetings in June 2005 and February 2008. On both occasions, she addressed the Laurelhurst "rooming house" on NE 44<sup>th</sup> St. between 36<sup>th</sup> Ave NE and 37<sup>th</sup> Ave NE. In 2005, LCC had received many complaints about the rooming house under construction. The four-story house appeared to exceed the 30-foot limit in single-family zones. There were concerns about lot coverage, setbacks and lack of parking. At that meeting, it was reported that according to the plans, the house has nine bedrooms and nine bathrooms and two kitchen areas. The development included an accessory dwelling unit on the main floor (includes one of the bedrooms and one of the kitchen areas).

At that time, Ms. Sugimura agreed that this design of the mega-house was not a typical single family unit. DPD recognized that the owner took full advantage of several loopholes in the code, to expand lot coverage, height, provide no parking, and create the possibility of very high number of occupants.

The owner of the mega-structure listed the property for sale, advertising it as a "rooming house" with 10 units. There were concerns about the Code allowing only 8 unrelated people to live in one dwelling. There were also concerns about the owner occupancy requirement for the accessory dwelling unit on the first floor.

In 2008, Ms. Sugimura explained that owner occupancy requirements are enforceable. An inspector visited the site and issued a Notice of Violation. The notice cited a falsely certified ADU and violation of conditions of the permit regarding an auxiliary dwelling unit in an area zoned for single-family housing. Also, the building permit expired, although that is something that can be extended easily.

DPD Staff contacted the realtor to object to false advertisement by referring to the unit as a rooming house. The Realtor said the "seller's package" states it must be owner-occupied. At that time, the realtor said the seller's application must be taken at face value. They assert that it is the use of the property that triggers a violation.

When a Notice of Violation is issued, the owner has 15 days to comply. The owner must discontinue using the property as boarding house. Falsely certifying the owner is living there carries a penalty of \$5,000. The realty advertisement should be withdrawn. Up to eight unrelated adults can live in the building, and the owner must live in the building at least half-time. This is very difficult to prove.

The last that LCC heard was that a Notice of Violation (file no. 1014892) was issued on February 11, 2008. At that time, LCC was told that the property remains out of compliance and the file had been referred to the Law Department for a civil penalties action to be filed. To our knowledge, the house is not occupied.

Now, there is another mega structure being built across the street. Ms. Sugimura is here to address both properties.

She reviewed the code issues, going through single-family zoning conditions that have been in effect since 1982

- Maximum height 30 feet - 35 to the pitch of the roof from existing grade
- 35% lot coverage limit, generally
- Setbacks 5 ft on side; 20 ft in front; something in the back
- No limit on number of bedrooms
- Each habitable sleeping room must have windows for egress and minimum floor footage - potentially many sleeping rooms per building.
- Maximum 8 unrelated adults in a single household.
- ADUs may be attached to the house (allowed since about 1994) - owner must live in ADU or main house. Total occupancy is still 8 overall for house and ADU combined.
- Detached ADU's - demonstration ordinance in 1998 allows detached ADU - allowed in South Seattle since 2006 - Council is considering extending DADUs throughout the city - still 35% lot coverage and 8 adults max for the property. DADU - maximum 800 square feet total floor space
- Grandfathering for existing dwellings - some exceptions in the code for remodeling.

Enforcement of 8-unrelated adults condition: requires approval of the owner or a tenant to inspect the residence. It's very difficult to verify who is a resident. A resident of the home can testify against others.

The first megahouse at 3608 NE 44<sup>th</sup> St. received its Notice of Violation based on work of inspectors and neighbors, and it was advertised as a boarding house. DPD sent the evidence to "law" for action based on non-compliance. Law dropped the case because the house was not in use, so no case.

Q: Setbacks - same for DADU as for main dwellings?

A; Will check.

Q: Is the house at 3608 NE 44<sup>th</sup> St currently fit for occupancy?

A: Will check for certificate of occupancy.

Q: Can anything be done to prevent the house from being occupied?

Q: More developers will take advantage of the code. What changes to code would restrict this?

Q: Reasonable additions are denied for other houses in the neighborhood, but this dorm housing is allowed.

Q: Documents posted on the DPD web site for remodel of the house at 4316 36<sup>th</sup> Ave NE mischaracterize the nature of the remodel. That said, some architectural features are OK.

Q: Suppose the owner is in compliance, and 8 people live at the house. Where do they park?

A: SFH requires one parking space, and an ADU requires one parking space. Enforcement can deal with parking on the yard.

Q: The owner was been cutting down the hedge between the house and neighbors to the east. Some hostile behavior regarding hedge issue.

A: Residents can get an order of no trespass, which is enforceable by police.

Q: Megahouse at 3608 NE 44<sup>th</sup> St. has multiple electrical meters.

A: Diane will look at the issues of multiple electrical meters.

Q: Next steps for the boarding house at 4316 36h Ave NE.

A: Calls from neighbors to DPD. Plans are available from DPD. If the house is not being built to plan, call DPD.

Q: What about a trigger for notifying neighbors about proposed construction? Allow comments from neighbors before plans can be approved?

Q: How can we change land use rules, to limit mini-dorms? Who sets rules?

A: Direction from Mayor or City Council, then DPD writes new rules, approved by Council. Diane talked to Sally Clark about this recently.

Q: Regarding the DPD approval process, how much discretion or toughness is allowed in approving designs. Can the City say, "This looks like a rooming house so I won't approve it?"

A: No. That's not grounds for disapproving.

Q: What can we do right now?

Q: Can the house be plumbed and wired for 8 or 12 bathrooms, and washers and dryers, and kitchen appliances?

A: Will check.

Jeannie offered to gather questions and pass them to Diane. Diane can investigate and respond.

Waterway No. 1: Neighbors were invited to comment on the Environmental Checklist for the Declaration of Non-significance for two leases on Waterway No. 1. The two proposed permits do not expand the current private uses of public property, which were permitted by the City years ago and established by prior owners of the property.

The leases are revocable upon 90 days notice for non-compliance with the terms of the lease. Or, the leases can be revoked if a higher priority use is approved by the Department of Natural Resources (DNR).

LCC has been working since at least 1999 on transforming the waterway into a community amenity. In cooperation with the City and DNR, LCC adopted policies over a two-year period that provide incentives for removal of the private uses of public property through permitting and lease fees both at the local and state level. Most recently LCC has entered into a Right of Entry Agreement with DNR to move forward with a Waterway No. 1 Enhancement Project, approved by DNR. With the involvement of the City and DNR, neighbors approved a design concept plan at a community meeting in 2005. The first phase of the plan has been implemented. It involved installation of large, granite slip resistant rocks at the water's edge to improve safety for those launching non-motorized boats. As part of that project and the permitting conditions, shrubs were installed on the steep bank to ensure bank stabilization and to protect fish habitat. Up above at the water's edge, several Rosa Rugosa bushes were installed as another condition of the permit to guard against children falling over the embankment onto to cement municipal sewer outlet below. Unfortunately, vandals removed this landscaping.

Both adjacent property owners pay regulatory fees to the City for their private use of public property and have done so for a few years. Now, the DNR is exercising its proprietary authority and will charge lease fees based upon the fair market value of the lease area (appraisals have been undertaken). The lease fee is adjusted each year based upon the CPI. The rate for the lease relating to the dock is reduced because that is a water-dependent use and the law provides for a reduction in the fee for this purpose.

While a few people who submitted comments on the DNS addressed items in the Environmental Checklist, most commented on the propriety of DNR leasing of public property. This was likely based upon a flyer that was widely distributed in the neighborhood that described the issue as a referendum on DNR leasing, rather than an opportunity to comment on the DNS.

LCC's position has always been that the best use of waterways and shoreline street ends is for public enjoyment and access. But, both the city and the state have had to deal with the existing encroachments. They have done so in a way that provides incentives for the removal of the encroachments and involves the community in developing plans to improve the area.

The way the city addresses shoreline street ends is to allow encroachments by abutting property owners if those uses are permitted. If a community group has a plan to improve the public space that is approved by SDOT and maintenance is a part of the plan, then the encroachments must be removed at the abutter's expense. If there is no plan, the encroachments remain and the city collects the annual fees. The overriding policy is that the highest and best use of street ends is for public use. This policy is also part of LCC's position on shoreline street ends and state waterways.

New encroachments on shoreline street ends are strongly discouraged in the law and there must be a public process before they are authorized. The challenge for the city was dealing with the two-thirds of the shoreline street ends that were unmarked, overgrown or had existing private encroachments. The way the law was structured was, as noted above, to provide incentives for removal of the encroachments and to encourage community groups to get involved to improve the public space. If fees are not paid, the encroachments must be removed. If there is a community plan then the encroachments must be removed.

At its April 10, 2006 meeting, LCC passed a motion affirming its support for the proposed beautification project at Waterway No. 1 as described in the site plan and project description posted on LCC's website and write a letter to DNR and SDOT confirming this support.

Liz Ogden noted that the waterway issue has been contentious over the years with infighting among a few neighbors and hedge chopping contrary to permits authorized by SDOT. She noted that SDOT characterized the difficulties as a "Hatfields and McCoy's" situation with a small minority in the neighborhood in continual contact with SDOT and DNR. Ogden pointed out that no other community has the community access to public water areas that Laurelhurst has.

Ogden pointed out that several years ago LCC asked SDOT and DNR to address the encroachment issue. Those with encroachments should be required to pay fees and this is happening. The waterway in Madison Park has been an example of how the process works. She added that there is no right or wrong answer in addressing the issue. The public should have access to its public waterways and DNR has bent over backwards to address the issue and work with the community.

The board agreed that an LCC subcommittee would be set up and continue to work on the matter with LCC trustee Mark Trumbauer. Neighbor Kay Stimson spoke up on behalf of LCC and its efforts to work with neighbors to address the issue in a cooperative manner.

#### ADMINISTRATION

Minutes: The board reviewed past minutes. (January 12, May 11, June 8, July 13, June 17 annual meeting) **Motion** by McAleer, seconded by Dexter to approve the January 12, 2009 minutes. *Motion passed unanimously.* **Motion** by McMullen, seconded by Trumbauer to approve the May minutes with the correction to reflect that Trumbauer was at the meeting. *Motion passed with all voting yes and Whorton abstaining as he was not on the board at the time.* **Motion** by McAleer, seconded by Dexter to approved the June minutes as presented. *Motion passed with all voting yes and Whorton abstaining.* **Motion** by Trumbauer, seconded by McMullen to approve the July minutes as presented. *Motion passed unanimously.*

Treasurer's Report: Marian Joh provided a brief verbal treasurer's report and responded to a question from a neighbor.

#### Changes to the Agenda:

#### CALLS AND CONCERNS:

1. New neighbor: On 8/14, Gary Sherman emailed to ask how to join LCC. It was explained that he was automatically a member because he lives in the neighborhood. He was asked what kinds of projects he might like to volunteer to work on.
2. Illegal parking: On 8/14, Heather Newman updated LCC on her efforts to address the illegal parking at the end of 44<sup>th</sup>. Cars that park in that street end location block driveways.
3. Car prowling: On 8/21, Phil and Karen Kezele reported that their Explorer was prowled the previous evening. An iPod adapter, GPS and Bose headphones were stolen. This was three months after their other car, a Volvo, was prowled. This occurred the vicinity of 42<sup>nd</sup> and 43<sup>rd</sup> Avenue NE.
4. Burglaries: Rita Gill called on or about 9/5 to report burglaries in north Laurelhurst the prior weekend involving a suspicious white truck. In following up, Nancy Oblanas reported that one burglary was on 50th Avenue NE. Suspects entered the house while the owner was sleeping and took many items. The other one was on NE 44th Street. Suspects broke down a door and took valuable jewels and personal items. These homes are very close to each other. The white pickup truck was seen parked in the area. A neighbor asked the man what he was doing and he said he was waiting for a friend. The neighbor asked him to move along just as a man came around the corner and they drove off without lights so no number could be seen.

Both suspects are white and in their 20's. LCC Crime Prevention Co-chairs are following up for additional details and have alerted the police and private security patrol. On 9/10, Jean Birmingham reported that she thought someone was prowling around her house the night before as she found a gate unlatched the following morning. She reported that two other neighbors have reported some of the same suspicions. No one called 911. Birmingham and her neighbors will distribute flyers to neighbors.

5. Suspicious young man: On 8/21, Jill Carlson called to report a suspicious young man that came to her door the day before around 5 p.m. Jill's husband answered the door and the young man said he was looking for a lost golden retriever. Jill heard loud voices and apparently the young man was yelling and calling her husband and everyone in her family a nerd. They closed the door to eliminate any further confrontation. He said he lived in the neighborhood. This incident took place in the vicinity of 47<sup>th</sup> Avenue NE and 39<sup>th</sup>. Carlson reported that he was a good looking kid, white, nicely dressed in a bright red sports shirt and shorts, with a 4 o'clock shadow. Another neighbor reported to her that this person was seen walking down the middle of the street flexing his biceps as folks were going to the Beach Club barbecue. SPD thought the person might be casing houses by knocking on doors to see if anyone was home.
6. Infected crow: On 8/24, a dead crow found in Laurelhurst tested positive for West Nile virus.
7. Neighborhood solicitor: On 8/26, Kay Stimson emailed to report an aggressive soliciting in Laurelhurst (in the vicinity of 43<sup>rd</sup> Avenue NE and NE 35<sup>th</sup>) and Windermere. Stimson said the solicitor has been going into the backyards of peoples' homes. She wanted LCC's security patrol alerted. She recommended that the liaisons from the two neighborhoods coordinate. Stimson also had questions about the private security project and was referred to Brian McMullen.
8. Kudos: On 9/1, Angela Graham emailed LCC to congratulate it on its new e-newsletter format. She loved the colors, the format and the photo of the eagle. On 8/31, Sandra Counts emailed about the e-newsletter and difficulty in getting one link to work. Leslie Wright provided assistance.
9. Graffiti: On 9/2, Cary Lassen reported to Laurelhurst School that the school wall was tagged on the corner of NE 45<sup>th</sup> and 46<sup>th</sup> Avenue NE with big white letters.
10. Speeding: On 9/3, Neil Dunn contacted LCC about speed on 8/28 around 5 p.m. on NE 45<sup>th</sup> Street and NE 40<sup>th</sup> Avenue. The speeding car ran over his cat in the presence of a young girl and a grown up. Dunn suggested street marking to ensure safe crossing at this location for pedestrians and children walking to school. Lassen and Hale responded.
11. Low flying planes: A neighbor emailed on 9/4 to inquire about low flying planes two days earlier. They flew over her home at 4:20 a.m. The neighbor was notified that

the Northeast District Council will be addressing this issue and changes in flight patterns at its October meeting and that she would be kept informed.

12. Waterway No. 1: On 9/7, Ann Slutsky emailed about the waterway asking whether LCC was aware of the issues. LCC sent Slutsky its letter that was submitted to DNR. Kay Stimson also called about the issue.
13. Children's: In mid-August, Paul Cressman, an attorney here in town called to congratulate LCC on the great op-ed that was in *The Times*. He said he lived in Laurelhurst near St. Stephens until 1958 and had memories of Children's and their commitment to the community to remain a cottage hospital. He mentioned someone named Tom Allen who still lives in the neighborhood and might have information to share about all of Children's broken promises. Paul Cressman is well-respected, elder statesman in the State Bar Association. On 8/20, Tracey Peschon emailed her heart felt thanks for all of LCC's work on Children's proposed expansion. She said LCC's op ed was very well written. On the same day, Maryann Spangler emailed her "congrats" stating "excellent words and philosophy stating she was so glad LCC was speaking for her. She said she would be watching the KIRO interview of Hale that evening. Michael Adler shared similar sentiments stating the op ed "hit the nail on the head." She also thanked LCC for speaking for the community.

Anna Nissen from Queen Anne emailed on 8/21 to commend LCC on its op ed. There were many others emailing and calling to compliment LCC including Helen and David Belvin, Christine Barrett, Dr. Ray Fenner, Bill Bradburd, Michael Perlman, Jean Amick, Joan and Hugh Sebaka, Rod Cameron, Bill Scott and Chuck Eck.

On 8/31, Rommie Callaghan emailed to say she does not support LCC's position on the Children's expansion. She added that she believes that LCC provides a valuable service to the community in other ways. On 9/1/, Lisa McCabe emailed to suggest neighborhood enhancements that could be negotiated with Children's due to the impacts of its proposed expansion. She suggested such items as park maintenance, new playground equipment, funds to improve street ends, etc. Her husband had earlier emailed on the same topic. Unfortunately, Children's has refused to meet with LCC to talk about settlement.

On 8/31, neighbor and Children's employee, Mark Mendelow, emailed to suggest that different points of view be provided in the newsletter regarding Children's proposed master plan.

On 9/7, Jim Madden forwarded letters to the editor and media that appeared in The Seattle Times, including the well-written, thoughtful pieces by Tonya Clegg and Scott Beck. Madden earlier had responded to Ken Shram's commentary on the issue.

14. Accountability: Susan Marten has emailed several times, most recently on 9/12 requesting a copy the agenda for the 9/14 trustee meeting. Marten would like the agendas posted on LCC's website, as well as past minutes that have not yet been approved by the board. She also suggested a community meeting on the Children's issue.

15. Tailgate parties on the Talaris property: On 9/05, Robert Cation emailed about the tailgate parties on the Talaris open space area of the Talaris property. Approximately 12 cars were parked on the property and loud, rowdy parties took place throughout the day. Neighbors had to pick up all the garbage after the game the following day. Last year, Talaris put out cones to block parking in this area that is part of the wetlands. LCC will follow up.
16. Mini-Dorm in the Town of Yesler: In the past two weeks, several neighbors have inquired about the “mini-dorm” under construction behind the Laurelhurst business district and across the street from the 13-bedroom “rooming house” and possible Code violations. These neighbors include: Barb Ragee, Heather Newman, Cornelia Hull, Paul Kelmond, Michael Adler, and Dick Startz. Startz emailed DPD and sent LCC a copy of his message of 9/13.
17. Community building: Nancy Oblanas reported today that 51<sup>st</sup> Avenue neighbors recently had their block party with over 80 percent attending. They added wine and cheese tasting and gutter boat races to the annual event this year.

ANNOUNCEMENTS: Please see the NEDC announcement handout.

#### REPORTS/ACTION:

Crime Prevention: McMullen reported that overall car prowls are up for August after a fairly quiet summer. Laurelhurst has had a wave of car prowls and burglaries near the intersection of NE 41st Street and 50<sup>th</sup> Avenue NE (at the top of the road that goes down to the beach club). LCC will be sending an alert out to the Security Patrol and the neighborhood using our new Constant Contact database.

Lassen reported on the recent NPAC meeting. Concern was expressed at the NPAC meeting over the loss of one officer serving the area from the Department of Corrections. Lassen has not heard that any officers assigned to the North Precinct will be cut in the upcoming budget process. There is concern about SPD Crime Prevention Representative Diane Horswill because stimulus money was not provided for her funding. Mayoral candidates will attend the next NPAC meeting.

**Motion** by Lassen, seconded by Trumbauer to reaffirm LCC’s support for adequate funding for public safety and crime prevention. *Motion passed unanimously.*

Magnuson Park Update: Emily Dexter updated the board about the Parks Superintendent’s proposal to establish an official advisory committee for Magnuson Park, something LCC and other groups have suggested for many years.

The Magnuson Park Advisory Committee will hear presentations and conduct reviews on every aspect of Warren G. Magnuson Park, including its management, development and use, shall advise and make recommendations to the Superintendent of Seattle Parks and Recreation on said matters, and oversee the communication of such matters to the public. The Committee will hold public meetings open to the public on a regular basis and conduct open houses whenever necessary on issues and topics of

widespread interest. The 13-member advisory committee would include four community representatives (one appointed by NEDC, one by Magnuson Environmental Stewardship Alliance, one appointed by Friend of Magnuson Park Liaison Committee, and one by the presidents of View Ridge, Windermere North, LCC and Hawthorne Hills).

Dexter and Lynn Ferguson from Windermere North attended the September 10 park board meeting where this issue was presented. Some commissioners expressed concern that the advisory would preempt the work of the park board. Ferguson tried to make the point that this was a site committee to deal with daily issues like parking and a way for the various involved groups to communicate. The Superintendent did as well. It was clear from the meeting that the park board has little understanding of Magnuson Park issues and projects. Dexter will attend the September 24 park board meeting.

SR 520 Update: Colleen McAleer updated the board. Two upcoming SR 520 Legislative Workgroup events are planned. As directed by the Governor and the Legislature, the SR 520 Legislative Workgroup is meeting several times this year to discuss design options and financing recommendations for the SR 520 program. There are two upcoming meetings open to the general public:

- Westside Subgroup meeting #1: Tuesday, September 15, 9 a.m. – noon, Seattle Center Northwest Rooms, Fidalgo Room. At this meeting, subgroup members will discuss westside design options with community stakeholders and state and federal environmental resource agencies.
- SR 520 Legislative Workgroup meeting #2: Tuesday, September 22, 10 a.m. – 1 p.m., Puget Sound Regional Council, 1011 Western Avenue, Suite 500. At this meeting, the full workgroup will review westside design options with the resource agencies and community members and discuss preliminary financing strategies for the SR 520 program.

Colleen McAleer gave a report of the rebuild of SR520 which is morphing into new versions. The Plan K supported by LCC has changed, and now has a surface grade off ramp from SR 520 eastbound exit at the Montlake Interchange. It will serve vehicles going southbound. Northbound traffic will be studied for a surface crossing to the north (as is now) across the Montlake Bridge, versus continuing to use the tunnel passing under the Montlake cut to travel northbound. This new version of the Hybrid K plan was presented to Governor Gregoire on September 10<sup>th</sup> and she was receptive initially to the plan.

In addition, Plan K supporters met with Congressman Jim McDermott on September 3<sup>rd</sup> to ask for assistance and funding options at the federal level. McDermott offered both some history and advice with the possibility of transit assistance to the project.

MEETING ADJOURNED: 9:29 p.m.

Minutes by Stan Sorscher, Jeannie Hale, Cary Lassen, Colleen McAleer and Brian McMullen