

BERTSCHI'S FEB 15TH "UPDATE" — THE REST OF THE STORY

Greetings from Friends of North Broadway District – FNBD (<http://www.fnbd.org/> and <http://www.northbdr.com/>)

Bertschi School's February 15th "Dear Neighbors" update (copy on reverse) on their campus project missed the target on most "facts." This short flyer is intended to give you the rest of the story on the top three issues.

First, most of the school's "project" plans – to double its footprint, add an out-sized gymnasium and auditorium, triple playground and outdoor event space, and add yet another 10% to its enrollment – have been put on hold because of strong legal protests. The City's Department of Planning & Development (DPD) issued permits to demolish the Reid Court Apartments and to "remodel" the Hooper House (the residential property just south of current Administration Building), but only after a protracted 7-month FNBD appeal before the Hearing Examiner. What the school didn't reveal was that the decision of the Hearing Examiner, and thereby all permits, have been appealed to the King County Superior Court. The hearing is scheduled for March 20, 2006 at 9:30 am at the King County Courthouse in downtown Seattle. Public attendance is permitted and neighborhood attendance is strongly encouraged. Come hear the fate of your neighborhood debated. A copy of the Land Use Petition and the Petitioner's Brief for the hearing is posted on our website: <http://www.fnbd.org/> (click on "Rest of the Story")

Second, the school fails to even mention the existing Code violations that have been reported to DPD. As you may recall, our preparation for the Hearing Examiner involved a comprehensive investigation as to the status of the school's existing operating permits. At issue are the permits issued by the City that must be in place to allow for the "conditional use" when a commercial institution, such as Bertschi, is allowed to operate in a residential zone that is designated exclusively for "single or multi-family housing" units. The results were astonishing: The Bertschi School has, for years, and continues to operate well outside the prescriptive codes established under the Land Use Code (e.g. staff parking required at the ratio of one for one, but school has 43 staff and only 4 spaces). Equally problematic, DPD has allowed this aberrant behavior to continue. These findings were presented to the Hearing Examiner who ruled that the scope of the appeal could only look at the "new" expansion project. The Examiner ordered that all matters related to Code compliance of existing operations be presented to DPD for code enforcement.

During the Examiner proceedings we took the time to re-assemble the reference material and documented 12 individual code compliance complaints to DPD on August 12, 2005. A summary of the complaints is posted on our FNBD website. Sadly DPD has done little. The initial excuse for non-action: they were waiting for the Examiner's decision but no additional excuse has been given since the October decision notwithstanding numerous requests. We have recently elevated our request for Code enforcement to Mayor Nickels and the City Council (see letters on website). The Mayor and Council have respond promptly, see Mayor Nickels January 27, 2006 letter on our website. Council has requested that City Auditor initiate a "performance audit" to look specifically at "code enforcement." Code enforcement would dramatically change the operational profile of school operations.

Third, the school reports that the Seattle Department of Transportation (SDOT) was out "last week" (actually it was January 31st) to look at the morning drop-off procedure. At the start of the new school year, the school began using the parking strip along 10th Avenue East to accommodate its morning drop. Since its inception in 1981, the school has used its own drive-through loop to provide a safe unloading area for students arriving by car. The drive-through was never expanded as enrollment grew from 40 to 220 students, although the City prescribed plans. Today over 80% arrive by single-student private vehicles, totaling 750 vehicle trips per day, with 85% in a 25-minute cluster of time. Huge drive-through improvements were proposed in the new project, then pulled 5 months after plans were submitted to City. The excuse: the landlord of the leased Admin building nixed the idea after he discovered it in the proposal. Now all unloading and all loading and 99% of the school's vehicle parking is conducted on neighborhood public streets. This adverse and disproportionate "share" of the neighborhood's limited traffic and parking resources is the basis for the Code compliance complaints and the appeal to the Superior Court. It is also the basis for our appeal of SDOT's curbside use change. See our website for Position Paper provided to SDOT during their site visit – we were there, after all we asked for the site visit!

This is "the rest of the story." It concerns us all. Hope to see you on March 20th. Larry Hettick, FNBD 2.20.06