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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

HOLLYWOOD HILL NEIGHBORS,  
  
Petitioner,  
  
v.  
  
KING COUNTY; TODD LEVITT;  
KEESLING HOLLYWOOD HILL MAN;  
KEESLING HOLLYWOOD HILL MGT  
  
Respondents.

NO.  
  
LAND USE PETITION

1. Names and Mailing Addresses of the Petitioners

The names and mailing address of the petitioner is Hollywood Hill Neighbors, c/o Eric Greenwood, 15220 NE 156th St., Woodinville, WA 98072.

2. Name and Mailing Address of the Petitioners' Attorney

The names and mailing address of the petitioners' attorneys are David A. Bricklin and Alex Sidles, Bricklin & Newman, LLP, 1424 Fourth Avenue, Suite 500, Seattle, WA 98101, telephone 206-264-8600, [bricklin@bnd-law.com](mailto:bricklin@bnd-law.com), [sidles@bnd-law.com](mailto:sidles@bnd-law.com).

1 3. The Name and Mailing Address of the Local Jurisdiction Whose Land Use Decision is at Issue

2 The name and address of the local jurisdiction whose land use decisions are at issue is King  
3 County, 516 3rd Ave., Seattle, WA 98104.

4 4. Identification of the Decision-Making Body or Officer

5 This lawsuit challenges King County's approval of two boundary lot adjustments, BLAD21-  
6 0005 and BLAD21-0006. BLAD21-0005 was approved in writing on November 10, 2021, pursuant  
7 to the attached notice letter. The status of BLAD21-0006 is unclear. If it was approved, it was not  
8 approved in writing. However, Hollywood Hill Neighbors appeals BLAD21-0006 on the same  
9 grounds as BLAD21-0005, if it was approved.  
10

11 5. Respondents and Identification of Each Person to be Made a Party Under RCW  
12 36.70C.040(2)(b)-(d)

13 King County  
14 516 3<sup>rd</sup> Ave.  
Seattle, WA 98104

15 Todd Levitt  
16 Murray Franklyn  
17 14410 NE Bel-Red Road  
Bellevue, WA 98007

18 Keesling Hollywood Hill Man  
19 1661 Harbor Ave SW #502  
Seattle, WA 98126

20 Keesling Hollywood Hill Mgt  
21 1661 Harbor Ave SW #502  
22 Seattle, WA 98126

23 6. Facts Demonstrating that the Petitioner Has Standing to Seek Judicial Review

24 6.1 The Hollywood Hill Neighbors is an unincorporated group of homeowners who reside  
25 in the immediate vicinity of the parcels subject to the two challenged boundary lot adjustments. Each  
26 boundary lot adjustment will create new single-family housing lots of a size smaller than that allowed

1 by the County code. The result of this increased density will be more traffic, more noise, worse views,  
2 less available on-street parking, and less wildlife habitat.

3           6.2     These impacts will worsen the quality of life of the Hollywood Hill Neighbors  
4 members, because they currently enjoy relatively light traffic, a quiet environment, beautiful natural  
5 views, ample on-street parking, and substantial wildlife habitat on the affected lots, which the  
6 Hollywood Hill Neighbors members enjoy watching.

7  
8           6.3     If this Court reverses the BLAs, the developer will either A) leave the lots  
9 undeveloped; B) attempt to develop the existing lots (which cannot be done, since the existing lots are  
10 substandard in size); or C) submit a plat application instead of BLAs to create the new lots. Option A  
11 will redress the harms of the BLAs in that the status quo on the lots will be preserved. Option B will  
12 redress the harms, in that development of the existing lots cannot occur. Option C will redress the  
13 harms, in that a plat application will have to include larger, code-compliant lots, thus preserving the  
14 existing low density. A plat also would have to make adequate provision for open space, critical areas,  
15 and other amenities, all of which would benefit the Hollywood Hill Neighbors' members.

16  
17           6.4     Under the King County code, no administrative appeal of a BLA is possible, so  
18 petitioner was not required to exhaust administrative remedies prior to seeking judicial review. RCW  
19 36.70C.060(2)(d).

20  
21 7.     A Separate and Concise Statement of Each Error Alleged to Have Been Committed and the  
22     Facts Upon Which the Petitioner Relies to Sustain the Statements of Error

23     **A.     The BLAs Will Unlawfully Result in Lots that Do Not Qualify as Building Sites.**

24           7.1     A BLA cannot be approved if it will “result in a lot that does not qualify as a building  
25 site pursuant to this title.” KCC 19A.28.020.D.2.

1           7.2     A building site means a lot or portion of a lot that is “Capable of being developed under  
2 current federal, state, and local statutes, including zoning and use provisions, dimensional standards,  
3 minimum lot area, **minimum lot area for construction, minimum lot width**, shoreline master  
4 program provisions, critical area provisions and health and safety provisions” or a lot that is “currently  
5 developed.” KCC 19A.04.060 (emphasis added).  
6

7           7.3     The proposed lots in both BLAD21-0005 and BLAD21-0006 do not qualify as  
8 building sites, because some or all of them lack the minimum lot area. The minimum lot area in the  
9 RA 2.5 zone is 1.875 acres. KCC 21A.12.030.A. Some or all of the proposed lots in each BLA are  
10 smaller than this.

11           7.4     In addition, the proposed lots in both BLAD21-0005 and BLAD21-0006 do not qualify  
12 as building sites, because some or all of them lack the minimum lot width. The minimum lot width in  
13 the RA 2.5 zone is 135 feet. KCC 21.A.12.30.A. This width is measured by “scaling a circle of the  
14 applicable diameter within the boundaries of the lot.” KCC 21A.12.050.B. Some or all of the proposed  
15 lots in the two BLAs cannot accommodate a circle with a 135-foot diameter.  
16

17           **B.     The BLAs Unlawfully Create Additional Lots and Additional Building Sites.**

18           7.5     A BLA cannot be approved if it will “result in the creation of an additional lot or the  
19 creation of more than one additional building site.” KCC 19A.28.020.  
20

21           7.6     A lot is “a physically separate and distinct parcel of property that has been created  
22 pursuant to the provisions of this title, or pursuant to any previous state or local laws governing the  
23 subdivision, short subdivision or segregation of land.” KCC 19A.04.210

24           7.7     Some or all of the existing so-called lots do not qualify as lots, because they were never  
25 lawfully established pursuant to state or local laws. Thus, because the BLAs propose the creation of  
26

1 new lots, the BLAs unlawfully propose the creation of *additional* lots, since the existing number of  
2 lawfully established lots is smaller than the number of new lots proposed in the BLA.

3           7.8     In addition, none of the existing lots qualify as building sites, because they lack the  
4 required minimum lot size and lot width. Thus, even if the new lots proposed in the BLAs were of  
5 lawful size and width to be legal building sites (which is not the case, as discussed in the previous  
6 section), the BLAs are unlawful because the number of existing building sites is zero, so any increase  
7 over that number constitutes the unlawful creation of an additional building site.

9           **C.     The BLAs Unlawfully Circumvent the Subdivision Statute.**

10           7.9     The code prohibits BLAs that “Circumvent the subdivision or short subdivision  
11 procedures set forth in this title. Factors which indicate that the boundary line adjustment process is  
12 being used in a manner inconsistent with statutory intent include ... a large number of lots being  
13 proposed for a boundary line adjustment.” KCC 19A.28.020.7.

14           7.10    The two BLAs propose a large number of lots. They do not include any provision for  
15 open spaces or other amenities, public facilities and public services required by the subdivision  
16 procedures. Thus, they unlawfully circumvent the subdivision procedures.

17           **D.     The BLAs Were Unlawfully Approved without SEPA Review.**

18           7.11    Development projects in King County are generally required to undergo  
19 environmental review pursuant to the State Environmental Policy Act (SEPA), unless an exemption  
20 applies. *See* KCC Ch. 20.44.

21           7.12    King County provides a SEPA categorical exemption for the “construction or location  
22 of any residential structures of twenty [or fewer] dwelling units within the boundaries of an urban  
23 growth area, or of any residential structures of eight [or fewer] dwelling units outside of the boundaries  
24 of an urban growth area.” KCC 20.44.040.1.a.  
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7.13 Neither BLA has undergone SEPA review.

7.14 The properties at issue lie outside the urban growth area.

7.15 Each BLA provides for the siting of more than eight houses, thus each BLA is subject to SEPA review.

7.16 The two BLAs collectively provide for the siting of more than eight houses, and the two BLAs are physically and functionally related, and the two BLAs together may have probable significant, adverse environmental impacts on the surrounding neighborhoods. Thus, even if each BLA were categorically exempt on its own, the two BLAs together are not categorically exempt. *See* WAC 197-11-305(1)(b)(ii).

8. Request for Relief

Petitioner respectfully requests that the Court issue an order or orders under the Land Use Petition Act, RCW 36.70C.130(1), which:

8.1 Finds that each BLA violates the County code;

8.2 Vacates King County’s decision to approve each BLA;

8.3 Directs the County to use the subdivision process to approve future modifications of the lots at issue;

8.4 Directs the County to conduct SEPA review of future modifications of the lots at issue;

8.5 Awards petitioner its reasonable attorney fees and costs; and

8.6 Provides such other relief as is just and equitable under the circumstances.

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Dated this 29th day of November, 2021.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP



By:

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Alex Sidles, WSBA No. 52832  
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Seattle WA 98101  
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[sidles@bnd-law.com](mailto:sidles@bnd-law.com)  
(206) 264-8600  
*Attorneys for Petitioner Hollywood Hill  
Neighbors*

**ATTACHMENT**





**King County**  
**Department of Local Services**  
**Permitting Division**

35030 SE Douglas Street, Suite 210  
Snoqualmie, WA 98065-9266  
**206-296-6600** TTY Relay: 711  
[www.kingcounty.gov](http://www.kingcounty.gov)

November 10, 2021

Todd Levitt  
Murray Franklyn  
14410 NE Bel-Red Road  
Bellevue, WA 98007

RE: Boundary Line Adjustment Application (BLAD21-0005)

Dear Mr. Levitt -

This letter is notification the review of boundary line adjustment application BLAD21-0005 is complete. The final survey must be signed and recorded consistent with K.C.C. 19A.28.030. This notice of decision is the final decision on your application for purposes of any appeal.

If you have any questions regarding this letter, please contact me by telephone at (206) 477-0385, or via email at [jim.chan@kingcounty.gov](mailto:jim.chan@kingcounty.gov).

Sincerely,

**DocuSigned by:**

*Jim Chan*

Jim Chan

EC2F534DA3A54B8...  
Division Director

King County Department of Local Services, Permitting Division

cc: Doug Dobkins, Product Line Manager, Permitting Division