

UNLAWFUL TO REMOVE



Seattle Department of
Construction & Inspections

EMERGENCY ORDER OF THE DIRECTOR TO CLOSE CASE NO. 1054629-VI

August 16, 2022

Property Owner: **126 LLC**

Property known as: **3804 23RD AVE SW**

APN: 2848700125

BLOCK 2 LOT(S) 1-2-3-4 GOTTSTEINS 1ST ADD TO W S LESS ST

126 LLC
8823 RENTON AVE S #2
SEATTLE, WA 98118

126 LLC
7912 RED WOLF DR
SACRAMENTO, CA 95829

TO ALL OWNERS, MANAGERS AND OCCUPANTS OF THE BUILDING AND PREMISES DESCRIBED ABOVE AND TO OTHER INTERESTED PARTIES:

We received a complaint about this property. Housing and Zoning Inspector **Rachel Freeman**, Rachel.Freeman@seattle.gov, investigated and identified conditions that are considered high hazard as described in Section 22.206.260 of the Seattle Housing and Building Maintenance Code. These conditions represent a threat to the safety or health of the occupants or the public, or an imminent hazard to the extent that people in or around the building are in serious jeopardy of life or limb.

BASED ON THIS FINDING, IT IS ORDERED THAT THE BUILDING BE CLOSED NO LATER THAN 8:00 AM, FRIDAY, AUGUST 19, 2022.

THE OBSERVED HIGH HAZARD CONDITIONS REQUIRING CLOSURE ARE:

VACANT BUILDING STANDARDS, Seattle Municipal Code 22.206.200
Vacant buildings must be secured against unauthorized entry. All plumbing and electrical fixtures, wiring, and service lines must either be in sound condition and good repair or removed and the service terminated in the manner prescribed by law. You may not store flammable liquids, hazardous materials or materials constituting a fire or safety hazard in a vacant building. You must remove all litter, debris and garbage from the building and premises. If any notices of violation of the Housing and Building Maintenance Code (SMC 22.206) have been issued for the property, no one may re-occupy the building, except the owner, until a Seattle DCI inspector has certified compliance with the notice(s) of violation.

1. Secure the building against unauthorized entry, including but not limited to unsecured entry doors and open/broken windows. Secure all open entry doors, windows and crawlspaces that are located within 10 feet of grade or can be accessed by stairs or walkways. **SEE NOTES 60 & 61.**
2. Secure the building against the weather, including but not limited to openings that are 10' above grade. **SEE NOTE 60.**

INADEQUATE MAINTENANCE, Seattle Municipal Code 22.206.080

Vacant buildings and structures must be reasonably weather-tight, watertight, and damp-free. All parts of the buildings must be in sound condition and good repair. Exterior wood surfaces must be painted or have an approved protective covering unless the wood is of a decay-resistant type. The premises must be graded and drained.

3. Properly apply the missing sealant, paint or other protective cover to all unprotected siding and/or trim as needed.
4. Repair or replace deteriorated and decayed downspouts in an approved manner.
5. Repair or replace deteriorated and decayed gutters in an approved manner.
6. Repair or replace deteriorated and decayed fascia in an approved manner.
7. Repair or replace deteriorated and decayed soffits (eaves) in an approved manner.
8. Repair or replace deteriorated and decayed window frames in an approved manner.
9. Repair or replace deteriorated and decayed retaining wall in an approved manner.

DUTIES OF OWNERS, Seattle Municipal Code 22.206.160

Owners are required to eliminate insects, rodents and other pests and to remove any vegetation, litter or debris constituting a public nuisance.

10. Eliminate the outdoor storage of all items in all yard areas and on any open porches, patios or decks including but not limited to vehicles, debris, rubbish and any other used or salvageable materials. **SEE NOTE 66.**
11. Remove all vehicles from the site. **SEE NOTE 65.**
12. Cut and remove all vegetation overgrowth in all yard areas to prevent rodent harborage.
13. Cut and remove all vegetation overgrowth that encroaches onto the public sidewalk. The full width of the walkway must be unobstructed. **SEE NOTE 63C.**
14. Cut and remove all vegetation overgrowth that overhangs the public sidewalk. There must be eight feet of vertical clearance above the full width of the walkway. **SEE**

NOTE 63C

15. Cut and remove all vegetation overgrowth that overhangs the public street. There must be fourteen feet of vertical clearance above the street. **SEE NOTE 63C.**
16. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance. **SEE NOTE 67.**

NOTE 60

In all vacant buildings and their accessory structures including garages, sheds or other outbuildings, all windows must be closed to weather and unauthorized entry. The windows must have intact glass, or plywood at least 1/4 inch thick, painted or treated to protect it from the elements, cut to fit the opening, and securely nailed using 6D galvanized nails or woodscrews spaced not more than 9 inches on center. (22.206.200)

NOTE 61

In all vacant buildings and their accessory structures including garages, sheds or other outbuildings, all building entry doors and service openings with thresholds located within 10 feet of grade must be secured against entry and weather. There must be at least one operable door into each building and into each housing unit. Doors must provide resistance to entry equivalent to or greater than that of a 1 3/8 inch thick single panel or hollow core door. Doors must be equipped with a suitable lock such as a hasp and padlock or a 1/2 inch throw deadbolt or deadlatch. Exterior doors, if operable, may be closed from the interior by toe nailing them to the doorframe using 10D or 16D galvanized nails. When a door cannot be made operable, it must be constructed of 3/4 inch CDX plywood or other comparable materials & equipped with a lock as described above. All locks must be kept locked. (22.206.200)

NOTE 63C

Remove vegetation & debris that is encroaching into public rights of way or in violation of Weeds and Vegetation Ordinance SMC Chapter 10.52. (22.206.160)

NOTE 65

No vehicles may be parked or stored outdoors on the property. (22.206.200)

NOTE 66

All debris, combustible materials including vegetation overgrowth, litter, and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle parts, must be removed from vacant buildings, their accessory structures, and the premises including adjoining yard areas. (22.206.200)

NOTE 67

The house or street number must be placed on the building in a conspicuous place above or near the main street entrance(s) or in some other conspicuous place. (22.206.160)

HOW TO CONTACT US DURING COVID-19 PANDEMIC:

Please note that the Applicant Services Center is closed due to the COVID-19 pandemic. If you have questions relating to the permit process, please submit them at <http://web6.seattle.gov/dpd/LUQnA/?Type=2?Type=2>.

PENALTIES, FINES, COSTS:

You may be subject to civil penalties (fines) of up to **\$1000 per day** beginning the day after the deadline above.

In addition, if corrections are not completed by the deadline above, we may take action to correct the emergency condition and will seek reimbursement from you for the costs of that action.

BUILDINGS OPEN TO ENTRY

Any vacant building or structure that remains open to entry after the closure date in a Notice of Violation or Emergency Order is considered a public nuisance under our codes. The City is authorized to abate such nuisances immediately—that is, close up and secure an open vacant building--and we will bill the owner for the cost of the closure.

OTHER ACTION

If compliance with this Order is not attained by the specified time and date, the Director may take corrective action and recover the costs of that action.

If you do not correct the violations by the deadline listed above, the City may file a lawsuit against you to collect the penalties and costs. If this case goes to court, the City would have to prove that the code violation exists/existed in order to collect any penalties.

COMPLIANCE INSPECTION CHARGES

In addition to these penalties, an inspection charge of \$231.00 will be billed for each inspection beyond the first two inspections in this case.

- The third inspection and all subsequent inspections will be charged.
- These charges are billed in addition to any per-day or other penalty charges.

MONTHLY MONITORING INSPECTIONS

If the violations are not corrected by the deadline above, the property may be placed on the Vacant Building Monitoring program.

- On this program, a vacant building will be inspected monthly to determine whether the building and premises are closed to entry and maintained as the Code requires.
- The building owner will be charged a fee for each monthly monitoring inspection.
- The monthly monitoring fee is in addition to the charges for third and subsequent inspections in any active enforcement case (see “Inspection Charges” above).
- Monitoring inspections will continue and monitoring fees will be charged until the inspector finds that the building has been properly maintained and no violations of the code have been observed for three consecutive months.
- Once the building is in compliance for three consecutive months, the building will be removed from the monitoring inspection program.

RECORDING

We may file a copy of this Emergency Order with the King County Recorder’s Office.

Obtaining Permits

You must obtain the proper permits if required by City codes for the work you are doing. If you are constructing, repairing, adding an addition to, or demolishing a building, or if you are changing or establishing a use, permits may be needed.

You may need more than one permit. Information on permits may be obtained at the Seattle DCI Applicant Services Center, 700 5th Avenue, Suite 2000, 20th Floor, Seattle Municipal Tower, or by calling 206-684-8850.

PLEASE BRING THIS DOCUMENT WITH YOU WHEN APPLYING FOR ANY PERMITS.

Even if a permit allows a longer time frame for completion of work, the compliance date in this Emergency Order takes precedence over the completion dates specified in any permit.

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If you need more information, please contact Inspector Rachel Freeman. Thank you for your attention to this matter.



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