



DATE: May 1, 2014

INTRODUCTION

The Eastlake Community Council ("ECC") appeals the Analysis and Decision by the Department of Planning and Development approving the proposed congregate housing project at 2820 Eastlake Avenue under Master User Permit application 3014488, including the Determination of Non-significance. The DNS is in error because the proposed project would have significant adverse impacts to the environment. ECC believes that the information considered and the analysis conducted by DPD were not reasonably sufficient to evaluate the legislation's impacts under the State Environmental Policy Act. ECC asks the Hearing Examiner to find the DPD decision to be clearly erroneous and to remand the proposal for further environmental analysis, including the preparation of an environmental impact statement.

APPELLANT INFORMATION

Name of Appellant: Appellant is the Eastlake Community Council, a Washington non-profit corporation. Address is 117 E. Louisa St. #1, Seattle, WA 98102-3278

Name of Appellants' Authorized Representative: Chris Leman, President, Eastlake Community Council. Address is 2370 Yale Avenue, Seattle, WA 98102-3310. Additional contact information: info@eastlakeseattle.org; (206) 322-5463.

DECISION BEING APPEALED

1. Decision: SEPA Threshold Determination for Master Use Permit application 3014488
2. Address: 2820 Eastlake Avenue East
3. Type of issue being appealed: Adequacy of analysis underlying the SEPA Threshold Determination (DNS).

APPEAL INFORMATION

1. Appellants' Interest in the Appeal.

The Eastlake Community Council is a membership organization (<http://eastlakeseattle.org>) composed of people who live, work, or own property in the Eastlake neighborhood, whose boundaries include the subject property. The proposed building project would directly and adversely affect the lives, livelihoods, and properties of ECC's members by exacerbating traffic and parking congestion and creating unmitigated population pressures upon local transit, area parks, and other public facilities. The City's failure to conduct an adequate analysis of the environmental impacts of the proposal harms

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the procedural interests of ECC and its members by approving the proposal without adequate environmental review.

2. Objections to the decision being appealed

ECC believes that the information considered and the analysis conducted by DPD were not reasonably sufficient to evaluate the legislation's environmental impacts. ECC also believes that the proposed project would have a range of significant environmental impacts that DPD must reduce or mitigate before it considers granting a Master Use Permit to the project. Consequently, ECC suggests that DPD's issuance of the DNS does not meet the standards that SEPA requires for issuance of a DNS. Prior to preparing the Determination of Nonsignificance for the proposed project, the City did not do an adequate analysis to determine the probable environmental effects of the proposed project.

Probable negative significant impacts that the City overlooked or did not adequately study include:

- 1. Increased environmental, public health, and fire protection impacts from cooking in the 115 separately leased units, from such features as (a) public health, fire, and explosion risk from the decision to provide sinks only in the bathrooms and to provide inadequate ventilation in the cooking areas of each unit; and (2) fire risk in the common kitchens; and (3) risk to public safety from a lack of fresh air and adequate egress routes, including from deep light wells and below-grade windows.**
- 2. Public safety and neighborhood impacts from the transient nature of many of the proposed building's residents. The City has erroneously accepted the proponents' claim that all residents would be "non-transient."**
- 3. No measures are proposed that would make the building proposal compatible with existing and projected land uses and plans, including the Eastlake Neighborhood Plan.**
- 4. Negative impacts arise regarding safety and functionality for motor vehicles, bicycles, and pedestrians, upon the adequacy of on-street parking spaces and opportunities for loading, and upon delivery and service vehicles (including passenger taxis and vans), because the SEPA analysis fails in these ways:**
 - (a) overstates the availability of bus service and underestimates the level of car ownership and the number of car trips by future residents;**
 - (b) underestimates the occupancy of the building;**
 - (c) underestimates the project's negative impacts upon on-street parking supply because of the proposed building's lack of any on-site parking spaces or loading because of its residents' use of Restricted Parking Zone permits, and for other reasons;**
 - (d) fails to analyze and mitigate the proposed project's traffic impacts on the narrow and one-way alley abutting the property and the many nearby streets and intersections whose operation would be negatively affected by trips to and from the proposed project;**
 - (e) fails to analyze the negative impacts of locating the mail box lobby at the proposed building's alley entrance, instead of taking the design review board's recommendation that the mail box lobby be located at its Eastlake Avenue entrance.**
 - (f) inadequate and poorly located bicycle parking**

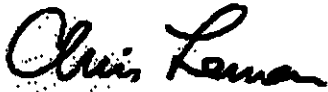
5. Failure to adequately assess the probable negative environmental consequences of the project's impacts on slope stability. There is a history of sliding and of hidden springs at the site, as well as along the rest of the hillside. Projects built nearby have experienced slide and groundwater problems during construction and thereafter. DPD was also clearly in error in granting the site an exemption from review for Environmentally Critical Areas.

6. Emblematic of the many shortfalls in DPD consideration of this project proposal is that all of its summaries (including in all public notices and in the Analysis and Decision) have inaccurately described the numbers and types of units in the project. The Analysis and Decision states [p. 1] that this project is a "congregate residence with 113 bedrooms (sharing two kitchens) and two separate dwelling units." Yes, this is what the developer claims (on the January 23, 2014 plan set's front page, in the "Project Information" section). But (without our conceding that DPD's classifications are valid) an actual count shows that the project actually has 115 bedrooms and what separate "dwelling units."

7. Relief requested

Appellant respectfully requests that regarding the Determination of Nonsignificance for the 2820 Eastlake Avenue project, the Hearing Examiner find the City analysis and decision, as well as the official notice thereof, were clearly erroneous. Appellants also respectfully request that the Hearing Examiner remand the matter to DPD for additional analysis under SEPA, including the preparation of an Environmental Impact Statement; and that in any case, the Hearing Examiner require DPD to reissue the decision with a notice that does not (as does the present one), inaccurately state the nature and number of units in the project.

Sincerely,



Chris Leman (206) 322-5463
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117 E. Louisa St. #1
Seattle, WA 98102-3278
info@eastlakeseattle.org



Seattle Department of Planning and Development

D. M. Gujra, Director

April 17, 2014

Notices of Decisions

The Director of Planning and Development has reviewed the Master Use Permit application(s) below and issued the following decisions. Interested parties may appeal these decisions.

Hearing Examiner Appeals

To appeal to the City's Hearing Examiner, the appeal MUST be in writing. Appeals may be filed outside of the City's hearing hours... Hearing Examiner's Office also provides a Public Guide to Appeals and Hearings...

Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by a \$25.00 filing fee in the form of a check payable to the City of Seattle or a credit/debit card (VISA and MasterCard only) payment made in person or by telephone at 206-684-6521.

The appeal must identify all the specific Master Use Permit component(s) being appealed, specify reasons or objections to the decision, and the relief sought. Appeals to the Hearing Examiner must contain in content and form to the Hearing Examiner's rules governing appeals. A copy of the Hearing Examiner Rules is available for \$1.75 from DPO. The Hearing Examiner's Office also provides a Public Guide to Appeals and Hearings...

Interpretations

Issues concerning the proper application of any development regulation in the Land Use and Zoning Code (Title 23) or regulations for Environmentally Critical Areas (Chapter 24.09) cannot be raised as part of this appeal. These issues can be considered in an interpretation, which may be appealed by the Hearing Examiner. Interpretations may be requested by any interested person. Requests for interpretations must be filed in writing prior to 5:00 P.M. on the appeal deadline indicated below and be accompanied by a \$2,000.00 fee payable to the City of Seattle. This fee covers the first thirty hours of review. Additional hours will be billed at \$250.00. Requests must be submitted to the Department of Planning and Development, Code Interpretation and Implementation Section, 700 5th Ave Ste 2000, PO Box 34019, Seattle WA 98124-4019. Questions regarding how to apply for a formal interpretation may be asked by phone by calling (206) 684-6487.

Shoreline Decisions

An appeal from a shoreline decision is made to the State Shorelines Hearing Board. It is NOT made to the City Hearing Examiner. The appeal must be in writing and filed within 21 days of the date the DPO decision is received by the State Department of Ecology (DOE). The DPO decision will be sent to DOE by the date of business on the Friday of this week. If the Shoreline decision involves a shoreline variance or shoreline conditional use, the appeal must be filed within 21 days after DOE has made their decision. The information necessary for DOE to make their decision will be sent to them by the date of business on the Friday of this week. The beginning of the appeal period may also be provided to you by calling (206) 884-8487. The minimum requirements for the content of a shoreline appeal and all the parties who must be served within the appeal period cannot be summarized here but written instructions are available at the Department of Planning and Development (Code Assistance Section 2303, 700 5th Ave Ste 2000, PO Box 34019, Seattle, WA 98124-4019, (206) 684-8487 or contact the Shorelines Hearing Board at (206) 468-6527. Failure to properly file an appeal within the required time period will result in dismissal of the

appeal. In cases where a shoreline and environmental decision are the only components, the appeal for both shall be filed with the State Shorelines Hearing Board. Where a decision has been made on a shoreline application with environmental review and other applicable land use components, the appeal of the environmental review must be filed with both the State Shorelines Hearing Board and the City of Seattle Hearing Examiner.

Comments

When specified below written comments will be accepted. Comments should be addressed to: Department of Planning and Development, 700 5th Ave Ste 2000, PO Box 34019, Seattle, WA 98124-4019.

Information

For additional information, to obtain a copy of the decision or to learn if a decision has been appealed, contact the DPO Public Resources Center, Seattle Municipal Tower, 700 Fifth Avenue, Suite 2000 20th Floor, (206) 684-8487. A copy fee will be charged. (The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.)

Decision

Arvin Downey-Central Address: 2820 EASTLAKE AVE E Project: 3014003 2 street, SCENIC VIEW WITHIN 100 FT., LOWERISE 3 RESIDENTIAL COMMERCIAL, LANDMARK, STEEP SLOPE (L-4039), URBAN VILLAGE OVERLAY, KNOWN SLICE AREA

Decision Order 04917/2014

Consultant: JAY JANNETTE - (206) 919-2824 x Planner: Bruce Ripa - (206) 614-1392

Land Use Application to allow a composite residence with 113 bedrooms and two dwelling units in an environmentally critical area. No parking is proposed. The two existing structures are to be demolished.

The following appealable decisions have been made based on unsubmitted plans:

Determination of Non-Significance with conditions (no environmental impact statement required). Environmental review completed and project conditioned as applicable. This DWS is amending the original DWS process in WAC 197.11.305 and SMC 23.09.056. The comment period was originally published on December 26, 2013 and there is no further comment period on this DWS. Conditions: Conditions have been placed on this project. You may view the decision through our web-based Land Use Information Portal, or contact either the assigned planner whose name and phone number appears above, or contact the Public Resource Center (206) 684-8487, 206Seattle.gov.

Appeals of this decision must be received by the Hearing Examiner no later than 04/22/2014.

Handwritten note: (206) 684-8487