



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3014488  
**Applicant Name:** Jay Janette for Micro Housing LLC  
**Address of Proposal:** 2820 Eastlake Avenue East

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a congregate 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 approval is required:

**SEPA – Environmental Determination-** Chapter 23.05 Seattle Municipal Code

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

Proposal

The applicant proposes to design and construct a seven level congregate residence with 113 bedrooms (sharing two kitchens) and two separate dwelling units. A single family house and multi-family structure are proposed to be demolished.

### Project History

The applicant initially applied for an Early Design Guidance (EDG) meeting as the project met the design review threshold for an apartment project. DPD conducted an EDG meeting on April 3, 2013. The applicant proceeded to apply for a Master Use Permit (MUP) on June 21, 2013. During the review process, citizens petitioned DPD for a SEPA public meeting. The department held the meeting on October 29, 2013 at the Pocock Rowing Center in the Eastlake neighborhood. See below for a summary of the public meeting. The applicant revised the MUP from apartments to congregate housing with the exception of two units. The revised MUP notice was published on December 26, 2013. Based on the land use code SMC 23.84008D, a congregate residence does not constitute a dwelling unit. The proposal meets the threshold for SEPA determined by Director's Rule 12-2012 Section I.E. However, it doesn't qualify for design review. Based on request, DPD extended the comment period to February 6, 2014

### Site & Area Description

The site comprises two parcels containing 11,000 square feet along Eastlake Avenue East approximately midway between East Hamlin Street on the south and East Shelby Street on the north. The property sits on the east side of Eastlake Ave E. with an alley bordering the subject site on the east. The site lies within a Lowrise Three Residential Commercial (LR3 RC) zone that extends north from the site to E. Shelby. To the south and west, the properties possess a Neighborhood Commercial Three (NC3) with a 40 foot height limit classification. South along Eastlake Ave E. a pedestrian overlay augments the zoning. To the east, the zones include Lowrise Three and Lowrise Two (LR2).

A single family house and a small apartment building occupy the southern and northern parcels respectively. The grade rises roughly 38 feet from Eastlake to the alley. The site contains a mapped steep slope area with a known slide event.

The Eastlake Ave corridor between University Bridge and Hamlin St. possesses an eclectic array of commercial and residential buildings and uses. On the avenue's eastside, a series of linear buildings form a variegated wall along Eastlake. At their best, the buildings house commercial storefronts and residential units with upper level residential balconies that engage with the streetscape. On the opposite side of the street, the urban form remains less distinct with some thin or linear buildings and, directly across from the site, thick three-story office buildings. The newer residential and commercial buildings on the west side of Eastlake have small plazas. Fairview Park and smaller scale one and two story, residential and commercial buildings continue north toward the bridge with some newer mixed use buildings. South of E. Hamlin St., where Eastlake bends, the buildings and the streetscape retain a finer grain with small retail and older housing stock mixed together to create a vital pedestrian corridor.

Public Comment:

DPD received over 60 emails and letters during the public comment period, which ended on February 6<sup>th</sup>, 2014. The correspondence addresses many issues concerning the potential impact of the proposal on the Eastlake neighborhood. The authors' salient issues included the following:

*Parking*

- The lack of any parking for the residents. Residents will be forced to find on-street parking.

*Traffic*

- An inadequate transportation and traffic study.
- The transportation analysis is insufficient. It underestimates car ownership and overstates the frequency of bus service.

*Transit*

- There is inadequate transit service for Eastlake. Buses are at capacity.

*Alley*

- The possibility that vehicles will load and unload in the alley which would block access for properties that depend upon the alley.
- The alley is too narrow.
- Safety concerns in the alley and the amount of traffic looking for parking.

*Programming*

- The lack of enough kitchens in the complex.
- Location of the main building entrance on the alley.
- The use of light wells in the proposal.
- Congregate housing will attract transients.

*Height, Bulk and Scale*

- The scale of the building is monstrous.
- The building is out of scale.

*Slope / Critical Area*

- The stability of the slope is questionable.
- The loss of impervious surface.

*Other*

- The city hasn't looked at cumulative impacts.
- Fire safety issues with tenants cooking in kitchens without adequate amenities.

A few letters supported the project. One letter noted that large size projects existed to the north and across Eastlake Ave from the proposal. The proposed scale of the building was in keeping with development along Eastlake.

DPD also conducted a SEPA public meeting on October 29, 2013. Speakers raised the following concerns:

*Parking*

- There is no on-street parking at night in the neighborhood.
- Don't provide Zone 8 parking permits to the residents of the building.
- Most of the residents will have their own cars and won't be taking public transit which will produce parking problems.

- Parking is going to get worse.
- There should be a legal contract that the building will not generate parking.
- The lack of parking is a significant concern.
- If the RPZ in the area is expanded, this project should not be included.
- The residents subsidize parking for developments such as this.
- There is no parking for the disabled in Eastlake.
- Parking is fundamental to the quality of life in the neighborhood.
- More on-street parking will be lost.
- People won't use the kitchens forcing tenants to use their cars to drive to restaurants.

*Traffic*

- Traffic is a problem.
- Don't allow construction traffic to block the sidewalk.
- It is unrealistic to think that the project will produce zero trips. There will be a significant number of car trips.
- Eastlake is very contained. One can only stuff so much in this neighborhood. This leads to traffic safety issues. Other projects have imposed upon the neighborhood as well.
- Accessibility is not safe for pedestrians.

*Transit*

- Transit is inadequate. Express buses don't make stops.
- The city doesn't have an adequate transit system.
- The city must take a comprehensive approach to transit.
- Bus service is failing.

*Alley*

- Fire and emergency access issues on the alley.
- The alley is one-way and full of potholes.
- The alley is narrow and one-way going south. It is difficult and dangerous to access the alley.
- The alley is unsustainable for a project of this size.
- There is a circuitous route to the alley.

*Programming*

- Don't let the developers create a tenement.
- What kind of people would live in a place with just two kitchens?
- Short-term residents will negatively impact the neighborhood.
- The marketplace should determine the type of housing.
- The project does not have enough bike racks.
- The proposal isn't congregating a special population.
- There aren't enough mail boxes. Why is the mailroom on the 4<sup>th</sup> floor? It must comply with postal regulations.
- There is no loading within the building. Fire, police and garbage haulers must have a loading or parking spaces.
- There are health concerns due to the kitchen being shared by 50 people.

*Height, Bulk and Scale*

- The project is out of scale with the neighborhood.
- The building looks too upscale. It needs to fit into the neighborhood.
- The project needs additional setbacks and more landscaping.

*Environment & critical area.*

- The proposal will destroy the sloping site.
- What is the impact of oil run-off on the streets?

*Infrastructure*

- Can the local neighborhood infrastructure support this project?
- How has the proposal addressed stormwater runoff?
- What happens to the local infrastructure? What are the impacts on water pressure and the sewers?

*Quality of Life*

- Existing renters want to leave the neighborhood
- The project will contribute to the loss of green space.
- This is an unsustainable project that creates disorder, crime and noise.
- This project is the beginning of the ruin of the Eastlake neighborhood.
- This project does not represent affordable housing. \$800/month is not affordable.
- People feel screwed over and angry.
- More density generates more violent behavior.
- The project should respect the neighborhood. It should enhance the quality of life not subtract from it. The project will change the demeanor of the streetscape.

*Cumulative Impacts*

- Consider the following SEPA issues: study crime in the area (review the number of 911 calls) which are unusually high; fire safety (floors 4-7 won't have normal safety elements with dangerous exit routes; and produce a cumulative transportation study.
- What are the cumulative effects of the impacts: traffic, run-off, air quality? (Mentioned by several speakers.)

*Other*

- Don't grant departures from the land use code.
- University of Washington dorm rooms have more space than this. U.W. has more parking as well.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

### Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction workers' vehicles, and increases in greenhouse gas emissions. Existing City codes and ordinances applicable to the project such as: The Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several excavation-related impacts.

Following is an analysis of the air, water quality, streets, grading, parking, and construction-related noise impacts as well as mitigation.

### Air Quality

Excavation and construction activities are expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition.

### Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Although there is adjacency to residential uses, the Noise Ordinance is found to be adequate to mitigate the potential noise impacts.

### Grading

Excavation will consist of approximately 4,500 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Traffic and Parking

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction, a temporary increase in traffic volumes to the site will occur, due to travel to the site by excavation workers and the transport of construction materials. Approximately 4,500 cubic yards of soil are expected to be excavated from the project site. The soil removed for excavation will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 450 round trips with 10-yard hauling trucks or 225 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM. Truck access to and from the site has been documented in a construction traffic management plan submitted to DPD and SDOT. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

The Street Use Ordinance also includes regulations that mitigate dust, and mud. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; and increased demand for parking.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, greenhouse gas emissions, traffic, parking impacts and historic preservation warrant further analysis.

### Earth

The subject site includes areas that are environmentally critical. The ECA Steep Slope development standards were waived for this project under an exemption (#6334523) on October 9, 2012. While the Steep Slope development standards were due to previous development on the site, the ECA landslide hazard and general submittal standards still apply to the project. The applicant has provided a geotechnical report that indicates the proposal is feasible and will not adversely impact other properties if the recommendations in the report are followed. This report will continue to be reviewed by DPD staff in conjunction with construction documents during construction permit review. Further mitigation and/or more detailed geotechnical analysis may be required during construction plan review to ensure compliance with Regulations for Environmentally Critical Areas (SMC 25.09). However, no additional compliance with ECA Code is needed during this review and no SEPA conditioning is warranted.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Historic Preservation

The existing buildings on the subject site were reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing structures would meet the standards for designation as an individual landmark.

### Scenic View

Subject to SMC 25.05.675P views from established scenic routes shall be minimally impacted or mitigated as required by the regulatory provisions. Eastlake Ave E. at this location is a designated scenic route with Lake Union and Gas Works Park as subject views. The subject site lies on the east side of Lake Union and would not impact views to Lake Union or the park from Eastlake Ave E. There are no significant impacts to the scenic view produced by the proposal.

### Traffic and Transportation

Gibson Traffic Consultants, Inc, the applicant's traffic and parking consultant, estimates that the residential units would generate an average of 438 net new daily trips including 31 net new AM peak hour trips and 41 P.M. peak hour trips. Trip distribution and traffic assignments for the development are based on Trip Distribution Origin and Destination Areas Map and Trip Distribution Tables by Land Use Type provided by the City of Seattle for residential uses. It is anticipated that 45 percent of the development traffic would travel to and from the south along Eastlake Ave. E., 15 percent would use I-5 to the south and another 15 percent would utilize 10<sup>th</sup> Ave E. to the south. An additional ten percent of the development traffic would travel to and from the north on Eastlake Ave E. and five percent would use I-5 to the north. The remaining ten percent will travel to and from the east on SR-520.



The addition of the vehicle trips would not cause any study intersections to degrade to an unsatisfactory level of service (LOS).

No SEPA mitigation of traffic impacts to the nearby intersections is warranted.

Public comment noted inadequacy of transit in the Eastlake Ave corridor as one reason for tenants' dependence on their own vehicles. King County Department of Transportation provided ridership information to Gibson which shows that during the AM and PM peaks the four bus routes that utilize Eastlake Ave E. (70, 71, 72, and 73) have adequate seating capacity to accommodate the new riders anticipated by this development. The capacity counts do not include standing room which would provide additional capacity.

### Parking

Based on Gibson's research and DPD's analysis of the type of residential use, the proposal may generate a parking demand in the range of 0.33 to 0.66 vehicles per bedroom. With 113 bedrooms and two dwelling units, the project would create a demand between 38 and 76 parking spaces. The consultant determined that the study area contains 627 legal on-street parking spaces. The analysis relates that in October 2013 57 to 58 percent of the spaces were occupied between 9 PM and 10 PM leaving capacity for 268 vehicles. This number of parking spaces would sufficiently accommodate the higher end of the demand generated by the project.

During the comment period and the SEPA public meeting, citizens raised concerns about vehicular movement in the alley particularly loading and unloading of vehicles such as mail trucks and tenant moving activities. The applicant has indicated that their intention is to have loading and unloading activity occur in front of the building on Eastlake. In addition, the applicant has received pre-approval from SDOT to obtain a loading zone permit for loading and unloading along Eastlake Ave E. In order to help ensure that loading and unloading does not occur in the alley, DPD requires the installation of signage on the owner's property directing delivery persons, residents and guests to use the loading zone on Eastlake in front of the building designated for loading.

### **CONCLUSION - SEPA**

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

## **SEPA CONDITIONS**

### *During Construction*

1. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M:
  - A. Surveying and layout.
  - B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
  - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
2. In addition to the Noise Ordinance, requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
  - A. Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
  - B. Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
  - C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
  - D. Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
3. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM.

### *Prior to Building Permit Final*

4. Design of sign facing the alley stating, "No parking, loading or unloading in alley". The design and placement of the sign shall be consistent with SDOT standards.

*Permanent for the Life of the Project*

5. Ensure permanent placement of sign along the alley stating, “No parking, loading or unloading in alley”.

Signature: \_\_\_\_\_ (signature on file) Date: April 17, 2014  
Bruce Philip Rips, Senior Land Use Planner  
Department of Planning and Development

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