

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

LAUREN CARTER

From a SEPA Determination of
Nonsignificance issued by the
Director, Department of
Construction and Inspections (SDCI)

Hearing Examiner File
No. **MUP-18-012 (W)**

(SDCI Project No. 3028174)

SDCI MOTION TO DISMISS

The appellant has appealed SDCI's Determination of Nonsignificance (DNS) relating to a seven-unit rowhouse development proposed at 4300 SW Willow Street. As originally proposed the project included five off-street parking spaces, but during the course of review the project was revised, reducing the proposed off-street parking to one space.

Although one parking space per dwelling unit is required in many parts of the city, no parking is required for residential uses in urban villages – if the residential use is located within 1,320 feet of a street with frequent transit service. This is based on walking distance from the site to the transit stop. (See Table B for SMC 23.54.015, line M.) The zoning reviewer determined that the project site qualified for this reduction and approved the project with reduced parking on that basis. This determination by the zoning reviewer was a Type I decision, not subject to administrative appeal absent a request for a Land Use Code interpretation. (See SMC 23.76.004.B, Table A for SMC 23.76.004, footnote 2, and SMC 23.76.006.B.1.) No such request was received.

Seattle's SEPA Ordinance, at SMC 25.05.675.M.2.b.2.c specifically states: "No SEPA authority is provided for the decision maker to mitigate the impact of development on parking availability for residential uses located within...portions of urban villages within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot."

The relief that the appellant requests, to require that additional parking spaces be provided, is beyond the Department's authority to grant through its SEPA review, and by extension, beyond the Hearing Examiner's jurisdiction to consider. The Department respectfully requests that the appeal be dismissed on that basis, pursuant to Hearing Examiner Rule 3.02(a).

Dated May 11, 2018.



Abby Weber, Land Use Planner
Seattle Department of Construction and Inspections

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **SDCI Motion to Dismiss**, via email, to each person listed below, in the matter of the appeal of **Lauren Carter**, Hearing Examiner File No. **MUP-18-012 (W)**.

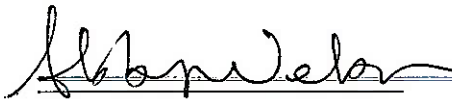
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Dated May 11, 2018.



Abby Weber, Land Use Planner
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