



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

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,



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