



**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 & DEVELOPMENT**

**Application Number:** 3017233  
**Applicant Name:** Jodi Patterson-O'Hare for Permit Consultants NW  
**Address of Proposal:** 6559 35<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to alter and change the use of an existing three-story, 63,084 sq. ft., 54 room congregate residence (The Theodora) to a 62 unit apartment building, and to allow a 23,947 sq. ft., three-story addition containing 36 units for a total of 98 units. Parking for 31 vehicles to be provided below grade.

The following Master Use Permit components are required:

**SEPA-Environmental Determination** (Seattle Municipal Code 25.05)

**SEPA DETERMINATION:**

Determination of Non-Significance

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

**Site:**

Site Zone: Lowrise 2 (LR2)

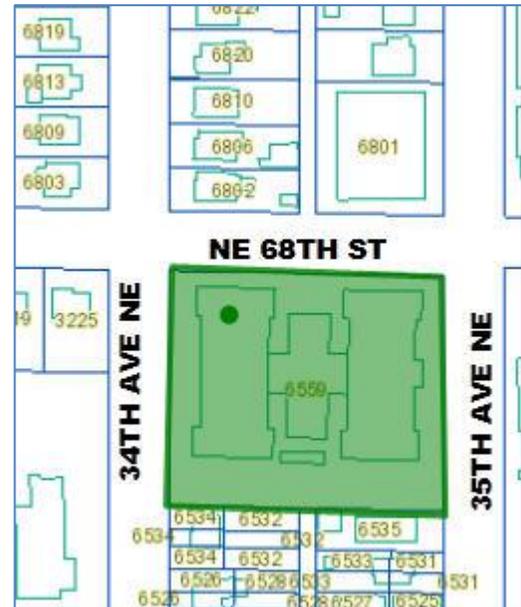
Nearby Zones: (North) Single Family 5000 (SF5000)  
(South) LR2  
(East) LR2  
(West) SF5000

Lot Area: 64,040 square feet

Current Development:

The site is currently occupied by an existing three-story congregate residence with 54 rooms (the Theodora). Surface parking is located at the south portion of the site, and a number of Exceptional trees line the south, east, and west property lines. The existing structure has been nominated as a landmark structure. The Department of Neighborhoods is in the process of reviewing a Certificate of Approval for the site.

Environmentally Critical Areas: None



**SEPA ANALYSIS**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The DPD has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature or limited effects, the impacts are not expected to be significant.

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, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The *SEPA 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 (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts may include the *Stormwater Code* (SMC 22.800-808), the *Grading Code* (SMC 22.170), the *Street Use Ordinance* (SMC Title 15), the *Seattle Building Code*, and the *Noise Control Ordinance* (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

PUBLIC COMMENT:

The SEPA public comment period ended July 9, 2014 after a request for an extension. A number of comments were received expressing concern about: displacement of existing residents; loss of affordable housing; removal of existing trees; increase in on-street parking; and an increase in traffic.

A petition with at least 50 signatures was submitted, requesting a public meeting pursuant to SMC 23.76.015. A public meeting was held August 14, 2014. Comments from the meeting are documented in the file, and include concern about displacement of existing residents, loss of affordable housing, removal of existing trees, increase in on-street parking, and an increase in traffic.

A. SHORT-TERM IMPACTS

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site, increased noise and/or vibration from construction operations and equipment, increased traffic and parking demand from construction personnel traveling to and from the work site, consumption of renewable and non-renewable resources, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air Quality/Greenhouse Gas Emissions

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 due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* (SMC 25.05.675.A.).

Construction Impacts: Parking and Traffic

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities. The *Street Use Ordinance* contains regulations that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through the City of Seattle Department of Transportation (SDOT).

Approximately 1,909 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on site, requiring disposal off site. Excavation and fill activity will require approximately 190 round trips with 10-yard hauling trucks or 96 round trips with 20-yard hauling trucks. Compliance with the *Street Use Ordinance* is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal. No further mitigation is warranted pursuant to *SEPA Policy SMC 25.05.675.B*.

## B. LONG-TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment; however, height, bulk and scale, historic preservation, public view protection, and parking and traffic warrant further analysis.

### Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the projects' 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 due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy SMC 25.05.675.A*.

### Historic Preservation

The existing structure on site was nominated as a Landmark Structure and is in the process of obtaining a Certificate of Approval from the Department of Neighborhoods. The review includes consideration of the proposed new development on this site and potential impacts to the existing structure. The existing policies and codes are presumed to be sufficient to mitigate impacts to historic landmarks, assuming the applicant obtains a Certificate of Approval from the Department of Neighborhoods for the proposal. Evidence of the Certificate of Approval will be required prior to issuance of a Master Use Permit. No further mitigation is warranted per *SEPA Policy SMC 25.05.675.H.2.b*.

### Housing

Demolition or rehabilitation of low-rent housing units or conversion of housing for other uses can cause both displacement of low-income persons and reduction in the supply of housing. It is the City's policy to encourage preservation of housing opportunities, and to ensure that persons displaced by redevelopment are relocated. The project proposes a change of use from a 54 room congregate residence to a 98 unit apartment building. A tenant relocation assistance license (SMC 22.10) for the relocation of existing residents was issued in December 2014 (case #1031578). Compliance with legally valid City ordinance provisions relating to housing relocation, demolition and conversion shall constitute compliance with this housing policy. No further mitigation is warranted pursuant to *SEPA Policy SMC 25.05.675.I*.

Parking and Traffic

The SEPA Checklist estimates that the project will generate approximately 575 daily trips. The net new daily trips from the site (as a result of the change of use) is estimated to be 274 daily trips. Estimated PM peak hour trips are 53, with a net new of 28 trips. It is anticipated that the project could increase the overall traffic volumes in the vicinity of the subject site; however, because the new increase in vehicular trips for the project is modest, it is expected that the amount of traffic generated by the project is within the capacity of the roadway network within the immediate vicinity. No additional mitigation is warranted pursuant to *SEPA Policy SMC 25.05.675*.

**DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)**

This decision was made after review by the responsible official on behalf of the lead agency of a 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 (Revised Code of Washington (RCW) 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21.030(2)(c).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the *Optional DNS Process* in WAC 197-11-355 and *Early Review DNS Process* in SMC 25.05.355. There is no further comment period on the DNS.

**SEPA - CONDITIONS OF APPROVAL**

Prior to Issuance of the Master Use Permit

1. The applicant shall provide a copy of the Certificate of Approval, approved by Seattle Department of Neighborhoods.

For the Life of the Project

2. The project's exterior materials and landscape shall be consistent with the final Certificate of Approval materials approved by the Department of Neighborhoods. Any changes in the proposed design, including materials, shall require a DON Certificate of Approval, in consultation with the DPD Land Use Planner (Carly Guillory 206-684-0720 carly.guillory@seattle.gov).

Signature: Denise R. Minnerly for Date: September 17, 2015  
Carly Guillory, Land Use Planner  
Department of Planning and Development

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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.