



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

Application Number: 3010620
Applicant Name: Michael Troyer for Stuart Silk Architects
Address of Proposal: 522 McGilvra Blvd East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story 5,908 sq. ft. single family structure and 5,797 square feet for driveways and landscaping in an environmentally critical area. Existing structures to be demolished.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, 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

Site Location: The subject site is located on McGilvra Blvd E south of the intersection of McGilvra and 39th Avenue East.
Zoning: Single Family 7200 (SF7200),
Parcel Size: 15,788 sq. ft.
Existing Use: Single family residence.
Proposal Description: To demolish an existing single family structure and construct one single family residence.



Public Comment: The public comment period ended on September 30, 2009. No comments were received.

ANALYSIS – SEPA

SEPA required allowing 11,000 square feet of developmental coverage to include a new 5,908 square feet single family residence on a site with Environmentally Critical Areas (steep slopes). The construction is proposed to be outside of the Environmentally Critical Area and buffer.

However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 27, 2009. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and 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 Overview Policy states, in part, “*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected; 1) construction noise.

Construction Noise

It is the City's policy to minimize temporary adverse noise impacts associated with construction activities. The Seattle Noise Ordinance (SMC 25.08) limits noise levels and hours of construction.

DECISION

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 (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 43.21.030(2) (c).

CONDITIONS

None required.

Signature: _____ (signature on file) Date: November 30, 2009
Holly J. Godard, Land Use Planner
Department of Planning and Development

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