



City of Seattle

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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**

**Project Number:** 3012844  
**Applicant:** Mark Haizlip, Alloy Design Group for Roger Penner  
**Address of Proposal:** 3438 23<sup>rd</sup> Ave W

**SUMMARY OF PROPOSAL**

Land Use Application to allow two, 2-unit townhouse structures (totaling four units) with parking for four vehicles located within the structures in an environmentally critical area. Existing structures to be demolished.

The following approvals are required:

**SEPA Environmental Threshold Determination** - (SMC Chapter 25.05)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

**SITE AND VICINITY**

**Site Location:** The site is located midblock along 23<sup>rd</sup> Ave West between West Bertona Street to the South and West Ruffner Street to the North.

Zoning: Lowrise 1 (LR1)

Environmentally Critical Areas: The western one-third of the site is located within a potential slide area.

Parcel Size: 5,998 square feet.

Existing Use: Residential.

Public Comment: The Notice of Application comment period ended on April 25, 2012. Two written comments on the SEPA ECA were received.

### **ANALYSIS - SEPA**

Due to mapped environmentally critical areas on site, Potential Slide Area, the application is subject to SEPA review. 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 included identifying if any mitigation measures are needed in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant on February 28, 2012. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans, including site survey, and any additional information in the file, including the February 17, 2012 Geotechnical Engineering Report prepared by PanGeo, Inc.; and, reviewed the proposal for consistency with ECA regulations. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. Codes and development regulations applicable to this proposed project, including the Environmentally Critical Areas Ordinance, Tree Protection Ordinance, Seattle Building Code, Stormwater Code, and Grading Code will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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 SEPA Overview Policy (SMC 25.05.665 D) 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).

### **DECISION - 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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 EIS is not required under RCW 43.21C.030 2c.

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 2c.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment and complies with ECA regulations. 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.

### **CONDITIONS - SEPA**

None required.

Signature: \_\_\_\_\_ (signature on file)  
Lisa Rutzick, Senior Land Use Planner  
Department of Planning and Development

Date: June 7, 2012

LCR:drm

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