



**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 AND DEVELOPMENT**

**Application Number:** 3016775

**Applicant Name:** Ana Buttrey of A.N.A. Design & Permit, LLC

**Address of Proposal:** 838 28<sup>th</sup> Avenue South

**SUMMARY OF PROPOSAL**

Land Use Application to allow a four unit rowhouse with parking for four vehicles in ground floor garages in an environmentally critical area. Review includes future unit lot subdivision.

The following approval is required:

SEPA Environmental Threshold Determination (Seattle Municipal Code (SMC) 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

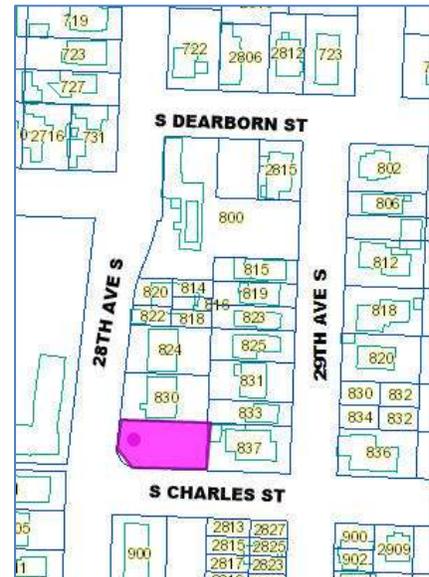
Zoning: Lowrise 2 (LR2)  
Project Site Size: 6,640 square feet (sq. ft.)  
Existing Uses: Vacant  
Environmental Critical Areas: Steep Slope

### Current and Surrounding Development

The subject site is currently vacant. Development in the area is of similar scale and includes single- and multiple-family structures.

### Public Comment

The comment period ended on February 26, 2014. Comment letters received expressed concerns about the existing street trees adjacent the site, recommending they remain.



## ANALYSIS – SEPA (WAC 97-11 and SMC 25.05)

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 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), 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 Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. 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.

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).

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the following: *ECA Ordinance* (SMC 25.09); *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170); *Street Use Ordinance* (SMC Title 15); *Seattle Building Code*; and *Noise Control Ordinance* (SMC 25.08). The Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

### **Short Term Impacts**

The temporary or construction-related impacts on the environmentally critical area anticipated. Examples of impacts may include temporary soil erosion and/or increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope.

### **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. No mitigation of air quality is warranted pursuant to the SEPA policy (SMC 25.05.675.A).

### **Earth**

The *Stormwater, Grading and Drainage Control Code* (SGDCC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three-feet in height or grading greater than 100 cubic yards of material. The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. There are many additional requirements for erosion control including a provision for implementation of best management practices which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The SGDCC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### **Long Term Impacts**

Long term or use-related impacts of ECA are also anticipated as a result of this proposal, including increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. No additional SEPA conditioning is warranted.

### **Air Quality/Greenhouse Gas Emissions**

Operational activities, primarily vehicular trips associated with the project and 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. No mitigation is warranted pursuant to the SEPA policy (SMC 25.05.675.A).

### **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 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 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.

**CONDITIONS – SEPA**

None.

Signature: retagonzales-cumneutabby for \_\_\_\_\_ Date: October 22, 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.