



# City of Seattle

Gregory J. Nickels, Mayor

## Department of Planning and Development

Diane M. Sugimura, Director

### CITY OF SEATTLE DETERMINATION OF NON-SIGNIFICANCE BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 2409550  
**Applicant Name:** Brittani Ard for AA Ashworth Development, LLC  
**Address of Proposal:** 3403 23<sup>rd</sup> Av W

#### SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of two two-unit townhouses in an environmentally critical area. Parking for four vehicles to be provided within the structures. Existing structures to be removed under separate permit

The following approval is required:

**SEPA - Environmental Determination** pursuant to Seattle Municipal Code (SMC) Chapter 25.05.

This review contemplates a future unit lot subdivision.

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

#### BACKGROUND DATA

**Site Location:** The site is rectangular in shape with approximately 140 feet of frontage along the northern margin of W Bertona St and 50 feet of frontage along the western margin of 23<sup>rd</sup> Ave W in the Magnolia area of Seattle.

**Zoning:** L1, Lowrise 1 Multi-family Residential

**Parcel Size:** 7,000 square feet.



Proposed Use: Two, 2-unit townhouses with 4 parking spaces within the structures.

Public Comment: Public notice of the project application was given on February 17, 2005. The extended comment period ended on March 16, 2005. DPD received two comment letters on this proposal. The comments related to surface drainage, subsurface groundwater conditions and the site's stability. Those comment letters are available for review in the Master Use Permit file available from the Public Resource Center at DPD.

### **ANALYSIS – SEPA**

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. 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 February 3, 2005. 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) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

**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: March 31, 2005  
Colin R. Vasquez, Senior Land Use Planner

CRV:bg