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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of the:

**QUEEN ANNE COMMUNITY
COUNCIL**

of the Final Environmental Impact
Statement for the Citywide Implementation
of ADU-FEIS.

Hearing Examiner File W-18-009

DECLARATION OF ALY PENNUCCI
IN SUPPORT OF SEATTLE CITY
COUNCIL'S MOTION FOR PARTIAL
DISMISSAL

I, Aly Pennucci, declare and state as follows:

1. I am over eighteen years of age, have personal knowledge of the matters herein, and am competent to testify regarding all matters set forth herein.

2. I am a Policy Analyst with the Seattle City Council ("Council") Central Staff in land use, housing, and economic development. I am familiar with the proposal that is the subject of the Final Environmental Impact Statement ("FEIS") at issue in this appeal. The Council was the lead agency for the FEIS. I acted as project lead on the preparation of the subject FEIS on behalf of the Council. I am specifically familiar with the Council's public notice and outreach efforts. The Council took several actions to comply with the requirements of the Seattle Municipal Code ("SMC") regarding notice of environmental review.

3. The Council prepared and issued a determination of significance ("DS") for the subject proposal, published notice of the DS, and requested comments on the scope of the forthcoming EIS (the "DS Notice") on October 2, 2017, in the Seattle Department of Construction and Inspection's ("SDCI") Land Use Information Bulletin ("LUIB"), the

1 SEPA Public Information Center, and the Daily Journal of Commerce. The City provided
2 the DS Notice to the Washington State Department of Ecology (“Ecology”) for
3 publication, and Ecology published the DS Notice in the State SEPA Register on October
4 2, 2017. The City also circulated the DS to the following entities, which are the agencies
5 with jurisdiction and expertise and potentially affected tribes: the City of Seattle Office of
6 Emergency Management, Seattle City Light, Department of Parks and Recreations,
7 Department of Transportation, Seattle Fire Department, Seattle Office for Civil Rights,
8 Office of Economic Development, Office of Housing, Seattle Police Department,
9 Department of Neighborhoods-Historic Preservation Program, Seattle Public Utilities and
10 Seattle School District; King County Department of Transportation Metro Transit; Sound
11 Transit; Suquamish Tribe; Washington State: Department of Archaeology and Historic
12 Preservation, Department of Ecology NW Regional Office, Department of Ecology SEPA
13 Unit, and the Department of Transportation.

14 4. The DS Notice announced a public comment period that would expire on
15 November 1, 2017, and two public scoping meetings to be held on October 17 and
16 October 26, 2017. The DS Notice also provided links to a project website and online
17 scoping comment form.

18 5. Before the scheduled end of the comment period on November 1,
19 Appellant requested that the City extend the scoping comment period. In response to
20 Appellant’s request, the Council announced that it would extend the comment period 15
21 days ending on November 16, 2017.

22 6. Additionally, the City communicated the availability of the DS Notice and
23 the scoping comment period using various communication tools, including email
24 announcements to individuals on a listserv that the Office of Planning and Community
25 Development maintains and to local media outlets, and postings in department

1 newsletters, Facebook, and Twitter. The City later used these same additional
2 communication tools to provide notice of the Draft EIS and the FEIS.

3 7. The City held two scoping meetings on October 17 and October 26, 2017,
4 at High Point Community Center in West Seattle and Hale's Ales in Ballard, respectively.
5 At the scoping meetings, the City disseminated information about the proposal and the
6 environmental review process on several visual aids and through a presentation. The City
7 also distributed an informational handout and scoping comment form. The visual aids,
8 handout, and form were all available online at the project website during the entire
9 scoping period. The City uploaded onto its website a video recording of the presentation at
10 the first scoping meeting.

11 8. Following completion of the Draft EIS, on May 10, 2018, the City issued a
12 "Notice of Availability of Draft Environmental Impact Statement" ("Draft EIS Notice")
13 and filed and published the notice on the LUIB, the SEPA Public Information Center, and
14 the Daily Journal of Commerce. The City also provided the notice to the Ecology for
15 publication, and Ecology published the notice in the State SEPA Register on May 10,
16 2018.

17 9. The Draft EIS Notice included: the date by which comments on the Draft
18 EIS were due; instructions on how to submit comments; information regarding an open
19 house and public hearing to accept verbal comments to be held on May 31, 2018; and
20 information about where to obtain an electronic or hard copy of the Draft EIS.

21 10. The City distributed two copies of the Draft EIS to the Department of
22 Ecology (which received two copies). The City distributed copies of the Draft EIS to the
23 following Tribes, which represent the potentially affected tribes: Duwamish Tribe;
24 Muckleshoot Indian Tribe; Suquamish Tribe; Tulalip Tribes of Washington; United
25 Indians of all Tribes Foundation. The City distributed the Draft EIS to the following

1 agencies which represent all the federal agencies with jurisdiction over the proposal or
2 potential state or federal agencies with jurisdiction or environmental expertise on the
3 proposal: National Oceanic & Atmospheric Administration Fisheries, National Marine
4 Fisheries Service; U.S. Army Corp of Engineers; U.S. Department of Agriculture,
5 Wildlife Services Division; U.S. Department of Ecology, Northwest Regional Office; U.S.
6 Department of Fish & Wildlife Services; U.S. Department of Fish & Wildlife Services,
7 EIS Reviews; U.S. Department of Housing & Urban Development; U.S. Environmental
8 Protection Agency; Washington State Department of Archaeology & Historic
9 Preservation; Washington State Department of Commerce, Growth Management Services;
10 Washington State Department of Community Development; Washington State
11 Department of Ecology; Washington State Department of Ecology, SEPA Unit;
12 Washington State Department of Fish & Wildlife; Washington State Department of
13 Health; Washington State Department of Natural Resources; Washington State
14 Department of Social & Health Services; Washington State Department of Transportation.
15 The City distributed copies of the Draft EIS to the following regional, county and City
16 agencies, which includes agencies of counties in which adverse environmental impacts
17 may occur or those whose services would be changed as a result of the proposal: King
18 County Department of Design & Environmental Services; King County Department of
19 Natural Resources, Parks Division; King County Department of Public Health; King
20 County Department of Transportation; King County Executive's Office; King County
21 Housing & Community Development; King County Land Use Services Division; King
22 County Metro Transit; King County Regional Water Quality Committee; King County
23 Wastewater Treatment Division; Port of Seattle Environmental Management; Public
24 Health—Seattle & King County; Puget Sound Clean Air Agency; Puget Sound Regional
25 Council of Governments; Sound Transit; City of Seattle Department of Education & Early

1 Learning; City of Seattle Department of Neighborhoods; City of Seattle Department of
2 Neighborhoods, Historic Preservation Program; City of Seattle Department of Parks &
3 Recreation; City of Seattle Department of Transportation; City of Seattle Landmarks
4 Preservation Board; City of Seattle Office of Emergency Management; City of Seattle
5 Office of Housing; City of Seattle Office of Planning & Community Development; City of
6 Seattle Police Department; City of Seattle School District; Seattle City Council; Seattle
7 City Light; Seattle Housing Authority; Seattle Indian Services Commission; Seattle Public
8 Library, Public Review Documents; and Seattle Public Utilities. These recipients
9 represent all of the entities identified in SMC 25.05.455. In addition, the City made
10 available electronic and hard copies of the Draft EIS at SDCI and at six branches of the
11 Seattle Public Library.

12 11. The City held its hearing on the Draft EIS on May 31, 2018, at Seattle City
13 Hall. The City also accepted comments by mail and electronically through June 25, 2018.

14 12. Following completion of the FEIS, on October 4, 2018, the City issued a
15 “Notice of Availability of Final Environmental Impact Statement” (“FEIS Notice”). The
16 City published the notice on the LUIB, the SEPA Public Information Center, and the
17 Daily Journal of Commerce. Ecology also published the notice in the State SEPA Register
18 on October 4, 2018. The notice provided information about where to obtain a copy of the
19 FEIS and how to appeal the environmental determination.

20 13. The City distributed two copies of the FEIS to the Department of Ecology.
21 The City distributed copies of the Draft EIS to the following Tribes, which represent the
22 potentially affected tribes: Duwamish Tribe; Muckleshoot Indian Tribe; Suquamish Tribe;
23 Tulalip Tribes of Washington; United Indians of all Tribes Foundation. The City
24 distributed the Draft EIS to the following agencies which represent all the agencies with
25 jurisdiction or that commented on the Draft EIS: National Oceanic and Atmospheric

1 Administration Fisheries, National Marine Fisheries Service; U.S. Army Corp of
2 Engineers; U.S. Department of Agriculture, Wildlife Services Division; U.S. Department
3 of Ecology, Northwest Regional Office; U.S. Department of Fish and Wildlife Services;
4 U.S. Department of Fish and Wildlife Services, EIS Reviews; U.S. Department of
5 Housing and Urban Development; U.S. Environmental Protection Agency; Washington
6 State Department of Archaeology and Historic Preservation; Washington State
7 Department of Commerce, Growth Management Services; Washington State Department
8 of Community Development; Washington State Department of Ecology; Department of
9 Ecology, SEPA Unit; Washington State Department of Fish and Wildlife; Department of
10 Health; Washington State Department of Natural Resources; Washington State
11 Department of Social and Health Services; Washington State Department of
12 Transportation. The City distributed copies of the Draft EIS to the following regional,
13 county and City agencies, which includes agencies of counties in which adverse
14 environmental impacts may occur or those whose services would be changed as a result of
15 the proposal:: King County Department of Design and Environmental Services; King
16 County Department of Natural Resources, Parks Division; King County Department of
17 Public Health; King County Department of Transportation; King County Executive's
18 Office; King County Housing and Community Development; King County Land Use
19 Services Division; King County Metro Transit; King County Regional Water Quality
20 Committee; King County Wastewater Treatment Division; Port of Seattle Environmental
21 Management; Public Health—Seattle and King County; Puget Sound Clean Air Agency;
22 Puget Sound Regional Council of Governments; Sound Transit; City of Seattle
23 Department of Education and Early Learning; City of Seattle Department of
24 Neighborhoods; City of Seattle Department of Neighborhoods, Historic Preservation
25 Program; City of Seattle Department of Parks and Recreation; City of Seattle Department

DECLARATION OF ALY PENNUCCI IN SUPPORT OF
MOTION FOR PARTIAL DISMISSAL - 6

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1 of Transportation; City of Seattle Landmarks Preservation Board; City of Seattle Office of
2 Emergency Management; City of Seattle Office of Housing; City of Seattle Office of
3 Planning and Community Development; City of Seattle Police Department; City of Seattle
4 School District; Seattle City Council; Seattle City Light; Seattle Housing Authority;
5 Seattle Indian Services Commission; Seattle Public Library, Public Review Documents;
6 and Seattle Public Utilities. Additionally, the City made the FEIS available online,
7 provided electronic and hard copies at SDCI Public Resources Center and at the Central
8 Library branch of the Seattle Public Library, and distributed a copy to the SEPA Public
9 Information Center.

10 14. I am also familiar with the City's earlier Determination of Nonsignificance
11 ("DNS") for the proposal that Appellant Queen Anne Community Council appealed in
12 Hearing Examiner File No. W-16-004. The proposal analyzed in the FEIS and that which
13 was the subject of the earlier DNS consist of the same primary elements. In particular,
14 while the three action alternatives differ in the scale and focus of the proposed code
15 changes, all three action alternatives in the FEIS include the same primary elements as the
16 Proposal that was the subject of the DNS, with Alternative 2 of the FEIS bearing the most
17 direct correlation.

18 I declare under the penalty of perjury under the laws of the State of Washington
19 that the foregoing is true and correct.

20 EXECUTED in Seattle, Washington, this 30th day of November, 2018.

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22
23 
24 Aly Pennucci, Declarant