

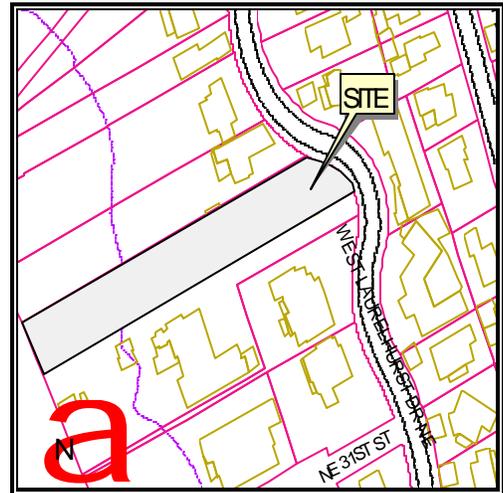


City of Seattle

Greg Nickels, Mayor
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: 3005218
Applicant Name: Nanda Patel
Address of Proposal: 3129 West Laurelhurst Drive NE



SUMMARY OF PROPOSED ACTION

Land Use Application to allow grading of 219 cubic yards of material in an environmentally critical area. The project includes installation of landscaping and other site improvements.

The following approval is required:

SEPA – Chapter 25.05 Seattle Municipal Code for excavation and construction in an Environmentally Critical Area.

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 Description

The site is a rectangular shaped lot with the easterly property line following the curvature of West Laurelhurst Drive NE and Lake Washington abutting to the west. The property is developed with an existing single-family home towards the easterly portion of the site, zoned Single Family 9,600 (SF 9600) and contains areas of steep slope. The site slopes down from east to west. The westerly portion of the site has a shoreline overlay Urban Residential designation

and a 100-foot Shoreline Habitat Buffer. The proposal was granted an exemption from obtaining a Shoreline Management Act Substantial Development Permit on June 2, 2006.

Surrounding Area Description

The surrounding area is zoned SF 9600, developed with a variety of single-family homes and is characterized by steep slopes. This surrounding area of land juts out into Lake Washington.

Project Description

The applicants are proposing site improvements which require the grading of 219 cubic yards of material in an environmentally critical area. The project includes the installation of landscaping, a hot tub, low stone walls, paved terraces and site grading. The applicants have indicated the trees along the northerly property line will not be harmed due to construction related activity nor will the proposal destabilize the areas around the existing concrete driveway. The following is the location and approximate quantity of soil to be cut and/or filled: 16.3 cubic yards of cut in the front garden; 85.55 cubic yards of cut and 117.81 cubic yards of fill in the back garden. The applicant indicates approximately 15.96 cubic yards of planting soil will be brought from off site. The soil will be brought in and demolition debris will be removed via a water construction barge off Lake Washington. The applicant obtained a Limited Exemption from the Environmentally Critical Areas Regulations for Steep Slopes. The Limited Exemption requires ECA review but waives the restriction of the development level of 30 percent of the Steep Slope Critical Area.

Public Comments

The application was deemed complete on June 6, 2006 and notice of application was sent on June 29, 2006. The 14 day public comment period ended on July 12, 2006. Several public comments were submitted and the issues were the following:

- Concern the proposed soil cut along the northerly property line may injure existing trees and negatively impact the stability of the concrete driveway of the abutting neighbor.
- General concerns about appropriate management practices are in place to protect the shoreline and existing vegetation throughout the proposal area.
- Concern the proposal will create storm water drainage problems for the abutting properties.

ANALYSIS – SEPA

The proposal site is located in a steep slope critical area and a Shoreline Habitat, 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 area 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 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 and dated April 19, 2006. The information in that checklist, public comment, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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 public comments received through the public notice process. As indicated in the checklist, 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 23.05.665) 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. Under such limitations/circumstances (SMC 25.05.665.D. 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate

Short -Term Impacts

The following temporary construction-related impacts are expected: 1) temporary soils 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 25.05794).

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction); 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas; and 4) Stormwater, Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation).

Earth

The ECA Ordinance and Director's Rule (DR) 3-94 require submission of a soils report to evaluate the site conditions and provide recommendation for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Geotechnical Engineering Services and dated May 19, 2006. The report evaluates the soil and site conditions;

the design of landscaping; the design of shallow foundations for support of retaining and low stone walls; provides recommendations for erosion and drainage controls, slope stability, grading and earthwork. The construction/grading plans, including erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the ECA Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code 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 materials. The Stormwater, Grading and Drainage Control Code 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.

Animal

The proposal includes grading, removal of existing vegetation and landscaping within the 100-foot Shoreline Habitat Buffer. The vegetation to be removed within the 100-foot buffer consists of various shrubs and bushes. The applicant proposes to replant this same equivalent area with a variety of trees, shrubs and bushes, which in turn will provide a similar ecological function. No additional impervious areas are to be added within the 100-foot buffer area. A 20-foot buffer strip consisting of native plants along the shoreline is a condition of the exemption from the Substantial Development Permit. The 20-foot buffer condition also serves as a mitigating factor found consistent with SMC 25.09.200.B Development Standards for Shoreline Habitat to allow the proposed work. Due to no increase in impervious area, a proposed landscaping plan in the impacted area and a proposed 20-foot landscaping strip running parallel with the shoreline within the 100-foot buffer, no substantial impacts are expected to the shoreline fish and wildlife habitat.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces (outside 100-foot shoreline habitat buffer). This long-term impact is not considered significant because the impacts are minor in scope.

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 (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 EIA is not required under RCW 43.21C.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).

CONDITIONS – SEPA

None.

**NON APPEALABLE SHORELINE SUBSTANTIAL DEVELOPMENT EXEMPTION
CONDITIONS**

1. Comply with all the conditions of approval found in the letter, “EXEMPTION FROM SHORELINE MANAGEMENT ACT SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT” dated June 2, 2006.

Signature: _____ (signature on file) Date: October 12, 2006
Mark Taylor, Land Use Planner
Department of Planning and Development
Land Use Services