



City of Seattle

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: 3003957
Applicant Name: Randall Spaan for Martin Bumstead
Address of Proposal: 2318 – Perkins Lane West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 1,462-square-foot single family residence in an environmentally critical area (steep slope, landslide prone hazard area, and wetland).

The following approvals are required:

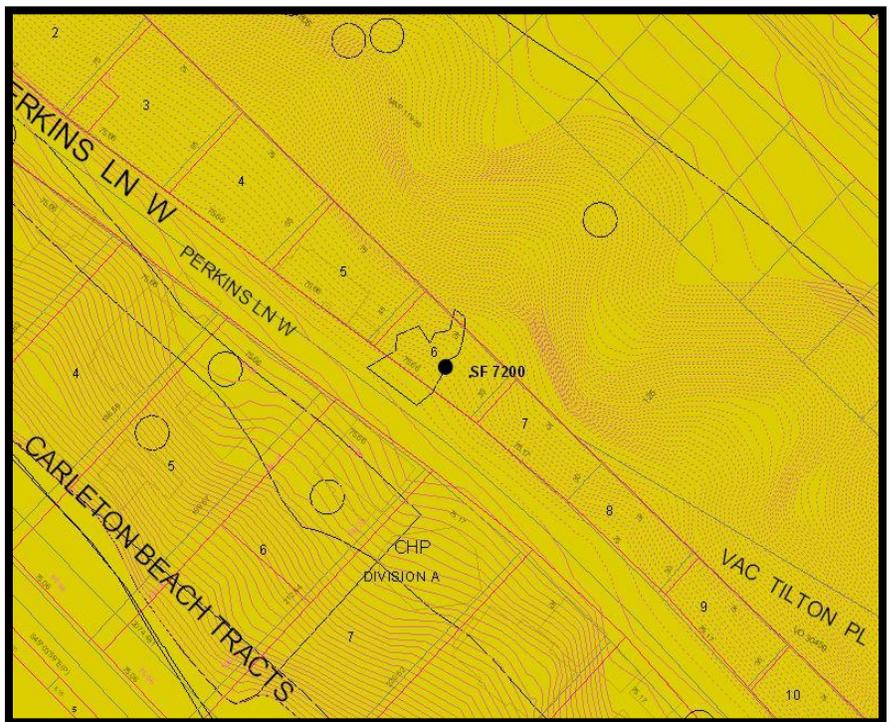
Environmentally Critical Areas Exception: - to allow land disturbing activity in excess of 30% (2,090 sq. ft., or 74.6% of the steep slope) in a steep slope critical area SMC 25.09.300.

BACKGROUND DATA

Site and Vicinity

The subject property is a vacant lot zoned SF 7200: Single-Family Residential, with a required minimum lot size of 7,200 square feet. The property is described as Lot 6, Block O, Carleton Beach Tracts Addition (hereafter referred to as Lot 6). Lot 6 is located on the northeast side of Perkins Lane West in the Magnolia neighborhood of Seattle. The site is approximately rectangular in shape, with 75.67 feet of frontage along Perkins Lane West on the southwest side. It is about 35 feet deep on the southeast side and 45 feet deep on the northwest side. Lot 6 has a total area of 3,000 square feet.

Most of the site, about 2,802 square feet out of the total area of 3,000 square feet, is characterized by steep slopes of 40% average slope or greater, which are designated as “steep slope critical areas” under the Seattle Regulations for Environmentally Critical Areas, Seattle Municipal Code (SMC) Chapter 25.09. The steep slope area is thus about 93% of the entire lot. Lot 6 ranges in elevation from a low elevation



of about 501 at the Perkins Lane right of way to a maximum elevation of about 549 in the southeast corner of the lot, uphill from Perkins Lane. According to the Geotechnical Engineering Study prepared by Creative Engineering Options, Inc., dated April 7, 2005 (supplemented on December 12, 2005 and April 18, 2008), the site has a vertical topographic change of about 36 feet over a distance of 50 feet, or about a 72% slope. According to the Geographic Information Service (GIS) land use maps maintained by DPD and the Creative Engineering Options report, the site is also entirely within a landslide-prone area. According to a Wetland and Site Evaluation prepared by del Moral and Associates and dated December 6, 2007, there is also a wetland in the approximate center of Lot 6, with an area of about 709 square feet, or about 24% of the site. The only portion of Lot 6 that is relatively level, near Perkins Lane West, is occupied by the wetland.

The zoning of the surrounding properties adjacent to Perkins Lane West is SF 7200. There is a ridge of steep slope that includes Lot 6 and runs northeast of Perkins Lane in a northwest to southeast direction. This ridge separates the SF 7200 zone area along Perkins Lane from another area at the top of the ridge that is zoned SF 5000: Single Family Residential, with a required minimum lot size of 5,000 square feet. Development in the vicinity of Lot 6 consists primarily of single-family residences. Platting patterns along Perkins Lane are irregular, and lot sizes and shapes vary. In general, the lots on the downhill side of Perkins Lane, to the southwest, are larger than the zone minimum of 7200 square feet and developed with relatively large single family residences. According to King County Assessor’s records, the size of the residences on these downhill lots ranges from less than 1,500 square feet up to nearly 6,000 square feet in the immediate vicinity of Lot 6. The lots on the uphill side of Perkins Lane are generally smaller than the zone minimum. Most are undeveloped, but a few are developed with residences generally smaller than those on the downhill side of Perkins Lane, ranging in size from a little more than 1,500 square feet up to 2,850 square feet.

Proposal Description

The applicant proposes to construct a new four-story single family residence (including the basement level that daylight on the southwest side facing Perkins Lane) with a rooftop deck. According to a letter from the applicant received by DPD on September 24, 2009, the total living

area of the proposed structure is 5,043 square feet. According to plan sheet 4, a one-car garage about 260 square feet in area and a storage area of about 240 square feet are also proposed. According to the September 24, 2009 letter, roof decks would constitute an additional 1,423 square feet, but revisions to the drawing dated June 2010 have removed some of the proposed decks, and total deck area appears to be about 1,300 square feet.

According to the site plan (plan sheet 1), the proposed structure will occupy 1,450 square feet of the site. The proposed lot coverage is thus 1,000 square feet plus 15 percent of the total lot area (3,000 square feet times .15 equals 450), and thus the proposal would comply with the regulations for lot coverage for lots with less than 5,000 square feet of area, as set forth in SMC Section 23.44.010.C. The proposed development would disturb approximately 74.6% (2,090 square feet) of the steep slope area on the site.¹ Under SMC Sections 25.09.160 and 25.09.180, the proposal is required to comply with requirements of the Regulations for Environmentally Critical Areas (ECA) for wetlands, wetland buffers, steep slope and steep slope buffer areas.

Accordingly, the current project includes the application for an ECA exception approval to allow development in excess of 30% disturbance of the steep slope. Although the proposal would also disturb the wetland and wetland buffer, an exception from the ECA wetland standards is not required. On October 16, 2009, DPD issued a determination that the wetland on the property was a 709-square-foot Category 4 wetland, noting that the wetland was accurately documented by the del Moral and Associates wetland and site evaluation report. The DPD determination concludes that Category 4 wetlands less than 1,000 square feet in size do not require a protective buffer and further that approval to develop in such wetlands may be granted if mitigation is provided in accordance with SMC Section 25.09.160.C.3.

Public Comments

Thirteen written comments were received during the public comment period that ended on March 1, 2006. The comments expressed concern about the effects of new construction on stability of the slope uphill from Perkins Lane, increased traffic and parking, whether development standards including lot coverage, height, and yard standards were met by the project, whether the size of the lot meets Code requirements, and concerns about damage to Perkins Lane from construction equipment moving on and off the site. Some of the comments asserted that the public notice was insufficient, as it described only the lot coverage of the proposed development but not its total size.² Two letters noted that the proposed house was much larger than most other houses in the neighborhood. There were also two comments in support of the proposed development, including one from the adjoining neighbor to the north, noting that the proposed new construction could add stability to the slope and questioning the validity of concerns expressed by comments in opposition.

¹ The proposed disturbance includes not only building footprint but also impervious surface for driveways, proposed walls, and disturbance for construction.

² Response letters signed by DPD Director Diane Sugimura indicated that sufficient public notice was provided. Even though total proposed floor area was not described in the notice, the mailed notice clearly stated the purpose of the application was for an exception to exceed site disturbance limits of the ECA regulations, and a sufficient description of the proposed disturbance was provided by the public notice.

Environmentally Critical Areas Regulations

Seattle Municipal Code (SMC) Sections 25.09.040 and 25.09.060 establish standards that apply to all development within designated Environmentally Critical Areas, including submittal requirements for verifying the location of all such areas. SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development is prohibited in steep slope areas and steep slope buffers.

Conditions imposed as a means of compliance with the ECA ordinance are reviewable through a request for interpretation under Section 23.88.020 pursuant to Section 25.09.017.F. General requirements and standards described in Section 25.09.060 include the recording of conditions of approval and of the identified ECA areas in a permanent covenant with the property, as well as specific construction methods and procedures.

Seattle Municipal Code (SMC) Section 25.09.300 authorizes exceptions to ECA development standards. A standard may be reduced, waived or modified only if strict application of the standard is unreasonable, and a standard may be modified only to the extent necessary to allow reasonable use of the property in light of the facts and circumstances of a particular case. Application of the relevant criteria will be discussed below.

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS (ECA) EXCEPTION

Seattle Municipal Code Section 25.09.300.A only allows an applicant to apply for an ECA exception for modification of ECA development standards if the Director concludes that no other applicable administrative remedies in SMC Chapter 25.09 (ECA regulations) or in SMC Title 23 (Seattle Land Use Code) will provide sufficient relief. Pursuant to SMC Sections 25.09.300.C and 25.09.300.D, the Director may modify or waive an ECA development standard and/or front and rear yard requirements when an applicant demonstrates by clear and convincing evidence that: (1) strict application of the development standards would not permit any reasonable use of the property and that development undertaken pursuant to the modified or waived standards would not cause significant injury to occupiers of the land, to other properties, and to public resources or to the environment; and (2) the relief granted by reduction, waiver, or modification of an environmental critical areas development standard or the front or rear yard standards shall be the minimum to allow reasonable use of the property. Preference shall be given to modifying or waiving the yard standards. In modifying a regulation, the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified or waived regulation was intended to prevent or mitigate.

The proposed development of a single family residence on Lot 6 is limited by the existing steep slope and steep slope buffer covering 93% of the site. The standards of SMC Sections 25.09.180.B and C.2 prohibit development in a steep slope and steep slope buffer. The ECA provisions of SMC Section 25.09.180.B and C are applicable to the subject site.

There is a process for applying for a variance from the steep slope and steep slope buffer standards of Section 25.09.180.B and C.2. If the applicant meets the standards for obtaining a variance in SMC Section 25.09.180.E, the maximum relief available is an intrusion into the

buffer and not more than 30% of the steep slope area. The variance process allows the Director to grant buffer reduction or development in the critical area that is the minimum necessary to afford relief from the hardship.

Here, the applicant proposes to disturb up to 74.6% of the steep slope through the exception process. The applicant has provided a site plan on plan sheet 2 showing a single family residence that could be constructed within the variance standards. The plan shows that a grant of the variance would allow a building footprint of approximately 624 square feet, plus additional disturbance area of 414.6 square feet, or about 1,038.6 square feet of total disturbance area. The 624-square-foot area would allow construction of a single family structure, including a single car garage, on three levels, with a total living area of about 1,500 square feet, plus a rooftop deck space. As explained below, there is an insufficient demonstration that reasonable use of the property requires the proposed exception instead of the variance process that is a Code remedy. Accordingly, the exception to construct the preferred proposal disturbing 2,300 square feet of the property (2,090 square feet of steep slope plus the entire non-steep slope portion of the lot) is denied.

The analysis of the exception criteria follows:

- 1. The Director may modify an environmentally critical areas development standard and/or the yard and setback standards for front or rear setbacks when an applicant demonstrates by clear and convincing evidence that strict application of the development standards would not permit any reasonable use of the property and that development undertaken pursuant to the modified or waived standards would not cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment.***

Lot 6 is located on an ECA steep slope area that occupies approximately 93% of the site or 2,790 square feet. The approximately 210 square feet of the site that is outside the steep slope is confined to an area adjacent to the Perkins Lane right of way. The 210 square feet area near the street is the only area outside the steep slope that can be developed without intruding into the steep slope. The applicant has provided a plan that shows a 126-square-foot building footprint in this area, which is likely not sufficient area for a viable residence and, in any case, would still not comply with steep slope buffer standards. Therefore, the applicant has demonstrated that development potential outside of the steep slope and steep slope buffer would not permit reasonable use of the property.

However, the “steep slope area variance” of Section 25.09.180.E is an alternative remedy to the exception process that could allow construction of a single family residence. The information provided by the applicant regarding a “variance alternative,” particularly plan sheet 2, shows a proposed residence that includes three bedrooms, 1.5 bathrooms, and a space for an elevator, as well as a living room and full kitchen. The information provided thus does not demonstrate, by clear and convincing evidence, that only the applicant’s preferred alternative would be a reasonable use of the property.

A conclusion that a residence constructed according to the requirements of the steep slope area variance is a reasonable use of the property is supported by analysis of the character of other residences in the neighborhood, by a review of the property owner’s reasonable development

expectations, by the economics of the proposed development, and by precedent in similar ECA exception decisions involving proposals to develop single family residences. These points are discussed in greater detail under the second criterion below.

There is no evidence that development of the subject site as recommended by the applicant's geotechnical engineer, and subject to appropriate conditioning by DPD, would cause significant injury to occupiers of land, other properties, or to public resources. The proposal will comply with Section 25.08.080 regulations for landslide prone areas as shown in the geotechnical reports dated April 7, 2005 and as supplemented on December 12, 2005 and April 18, 2008. The project is not expected to have an impact on public resources.

With respect to significant injury to the environment, the regulations in Section 25.09.180 protect the environmental function and value of reducing erosion by not disturbing land. A residence constructed according to the requirements of the steep slope area variance limits total land disturbing activity to approximately 1,038 square feet of the total site (or about 34.6% of the site), while the applicant's preferred alternative would necessitate disturbance of up to 2,300 square feet (or 76.6% of the site). The variance alternative would limit total steep slope disturbance to no more than 30%, while the preferred alternative would require disturbance of 74.6% of the steep slope. The variance alternative comports more closely to the regulatory intent of Section 25.09.180. The variance alternative better meets the criterion requiring that development on the site not cause significant injury to the environment.

2. *The relief granted by the reduction, waiver, or other modification of the environmentally critical area development standard and of the yard and setback standards for front or rear yards shall be the minimum to allow reasonable use of the property. Preference shall be given to modifying or waiving the yard or setback standards for front or rear yard or setbacks. In modifying a reduction, the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified regulation was intended to prevent or mitigate.*

The applicant has not demonstrated that the proposed 5,043-square-foot single family development on the site is the minimum development for this property to allow reasonable use, based on the facts discussed below, in addition to the facts above.

Other lots in the vicinity of similar size and site conditions are either not developed or they are developed with single family residences much smaller in bulk and scale than the proposed residence. There are 18 parcels on the uphill side of Perkins Lane, running from undeveloped tax parcel 136430-0585 at the southerly end to undeveloped tax parcel 136430-0460 at the northerly end, a distance of approximately 1,700 feet, which have conditions similar to the subject property. Four of these parcels are developed with single family residences built at various times ranging from 1932 to 2003. The existing houses have living areas of about 1,535 square feet (2324 Perkins Lane W), 1,670 square feet (2364 Perkins Lane W), 1,632 square feet (2400 Perkins Lane W) and 2,850 square feet (2434 Perkins Lane W). The house at 2434 Perkins Lane West, built in 2003, was constructed after the ECA regulations became effective in 1990.³ It was constructed on a 3,750-square-foot lot with less steep slope critical area than the

³ Prior to May 2006, the development standards for steep slope areas in SMC Section 25.09.180 allowed disturbance of up to 30% of the steep slope area on a site without a variance analysis.

subject property, and even this house is substantially smaller than the applicant's preferred project. All of these houses have been sold at various times between 1999 and the present, according to records of the King County Assessor. The 2324 structure sold in April 2004 for \$524,950, the 2364 structure sold in September 1999 for \$365,000, the 2400 structure sold in October 2005 for \$650,000, and the 2434 structure sold in December 2007 for \$1,200,000.⁴

Given the characteristics of the houses in the immediate vicinity built on lots that are most similar to the subject property, as well as the recent sales history for the existing houses, it is reasonable that development expectations for the property would include building a house of similar size to the existing ones. In fact, property owner Marty Bumstead submitted a letter to DPD noting that, at the time he purchased the property, he felt that the house at 2434 Perkins Lane West ". . . was a good guide for what we could do with our lot." Mr. Bumstead further notes in his letter that he purchased the property in early 2005. He also notes as follows:

"It was not until after we closed the land purchase and began the design and permitting process that we came to understand the extent to which our lot presented particular geotechnical challenges. . . . We soon discovered from the geotechnical engineers that we hired that this distinguishing feature of our steep slope [a very significant groundwater seep] would require more extensive site drainage work and a deeper foundation than on 'ordinary' steep slopes. So the biggest challenge then became the development of a residential structure commensurate with a foundation and site costs. This reality is what drove the design of the 'Preferred Project' presented to DPD for approval."

The applicant has provided information about the development cost of the property that indicates foundation and excavation costs of about \$475,000 for the preferred project and about \$271,000 if a smaller structure built within the limits of a steep slope variance were constructed instead. A comparison of total costs for both projects shows that both designs would basically lose money if built, but the applicant contends that the variance alternative would lose somewhat more money under current market conditions. In 2005, when the applicant purchased the property, the real estate market was very strong, with property values and housing values increasing.

SMC Section 25.09.300.B.1.e requires an applicant to submit an explanation, with supporting evidence, of how and why compliance with all ECA development standards would not permit any reasonable use of the property. The evidence can include the date the applicant purchased the property, the price paid for it, and restrictions or conditions on use or development in existence when the applicant acquired his rights. It is clear from the property owner's statements that he purchased Lot 6 well after the ECA regulations became effective in 1990,⁵ and he either knew or should have known what the development limitations were. He also should have reasonably been expected to know what the characteristics of the other houses on similar lots were. Even considering the house at 2434 Perkins Lane West, it is clear that the applicant's preferred project is larger than any house on a similar lot in the neighborhood, and approximately 60% larger than the nearest comparative house.

⁴ Sales prices for houses on the waterward side of Perkins Lane dating between 2000 and 2009 and ranging from 1945 Perkins Lane West to 2347 Perkins Lane West show sales prices ranging from \$410,00 to \$1,234,000.

⁵ The process for allowing intrusion into the steep slope ECA and buffer was changed in May 2006. Prior to that time, development of up to 30% disturbance of the steep slope ECA could be considered as a development standard in a nonappealable decision. The current process is the steep slope area variance in Section 25.09.180.E. The standard for maximum disturbance of the steep slope area is the same as under prior Code.

If the houses and lots on the waterward side of Perkins Lane are also considered in the comparison of houses and sites, the applicant's preferred project would still be one of the largest houses in the neighborhood, on one of the smallest sites. While the homes on the waterward lots are larger, the lots are also mostly larger than the zone minimum of 7,200 square feet. There are 25 waterward lots on the downhill side of Perkins Lane ranging from tax parcel 136430-0010 on the northerly end to tax parcel 778690-0010 on the southerly end that are parallel to the 18 uphill lots. The size of the waterward parcels ranges from 5,775 square feet to 17,433 square feet, with most of the lots between 7,600 square feet and 12,000 square feet. The largest residence is about 5,740 square feet and the smallest is about 440 square feet. Most of the residences range between 2,000 square feet and 3,000 square feet. Considering that the largest house, at 1931 Perkins Lane West, is also on a 14,940-square-foot lot, the overall comparison of even the waterward lots suggests that a house of similar size on Lot 6 would not be consistent with reasonable use in comparison to other lots in the neighborhood.

Further, while market conditions are a factor to be considered in evaluating reasonable use, the Code does not require that DPD provide a means, through its permit process, to allow a property owner or developer to make money from developing a site in a critical area. In fact, to the contrary, the Code indicates that date of purchase and the price paid, as well as restrictions or conditions on use or development in existence at the time of purchase, must all be considered. The ECA regulations for steep slopes and wetlands were in place when the property owner bought the land in 2005. While the owner indicates that geotechnical information about development cost became available after purchase, this information could have been obtained prior to purchase. King County Assessor information shows that Mr. Bumstead paid a total of \$500,000 for the subject property and two larger lots on the waterward side of Perkins Lane. The largest lot, addressed as 2315 Perkins Lane West, is 7,295 square feet in area and is developed with a 2,870-square-foot single family residence. The King County Assessor's records show that the undeveloped 2318 Perkins Lane parcel is currently assessed at a value of \$21,000. The developed 2315 Perkins Lane Parcel is assessed at \$530,000, and the undeveloped third parcel adjacent to the shoreline is assessed at \$1,000.⁶ Given the total price paid for all three lots, the existence of regulations, and the ability to learn about the site conditions in advance of purchase, it is not credible that the property owner would have expected to build what would be one of the largest houses in the neighborhood, and easily the largest for a lot only 3,000 square feet in size.

Economic conditions may be such that a smaller house, if built at the present time, would not bring a return on investment. Yet the applicant's information shows the larger preferred house would not yield a profit either. The property owner has the option of waiting for better market conditions, and DPD is not required to assist him in recovering his investment costs through its permit process.

The property owner has not been denied reasonable use of the property merely because the type of house that can be built under an ECA variance without approval of this ECA exception is relatively small in comparison to the preferred project. It is commensurate in size with other

⁶ The 2004 values for these parcels, prior to the current owner's January 2005 purchase, were \$10,000 for the 2318 parcel, \$289,000 for the 2315 parcel, and \$27,000 for the third parcel adjacent to the shoreline.

houses in the neighborhood, and in fact is more comparable to other houses in the neighborhood than the 5,000-square-foot preferred project.

A decision by the City of Seattle Hearing Examiner, In the Matter of the Appeal of Michael Girton (MUP-97-024), is instructive. In that decision, the Examiner notes, in Conclusion 3, in part as follows:

“Whether the footprint is 1,045 or 1,465 square feet, a three-story house could still be constructed, and there is nothing in the record to show that such a home would be substantially smaller than homes in the neighborhood or in other SF 5000 zones, or that a home with this footprint would otherwise be unusable as a single family home because of its size. Although the appellant has argued that the impact of this footprint on the internal configuration of the rooms within the home would be unacceptable to the appellant, the record does not demonstrate that this footprint would render the internal spaces unusable, although the rooms may be smaller or have fewer views available. The appellant did not submit design information to DCLU or at hearing to show that the alternate footprint forces a specific internal configuration that is unusable. It cannot be concluded that the strict application of the ECA standards would result in a house so small as to be an unreasonable use.”

The Examiner further notes in Conclusion 8 as follows:

“The appellant has argued that it places the appellant in a "catch-22" to judge what is a reasonable use or not, only on the basis of development that has occurred after the passage of the ECA standards. The appellant argues that no one will be able to obtain an exception from the ECA standards, if a reasonable use is not judged by existing, pre-ECA development patterns, since post-ECA development will have to comply with ECA standards. The decision here does not require putting the appellant into a "catch-22." It does seem that a determination of what is reasonable could take into account some consideration of existing patterns or types of development in a neighboring area, even if such development pre-dated the ECA standards. This is not to say that an applicant for an exception would be entitled to what was available prior to ECA, but the reasonableness of a use could be determined in light of several factors, including existing development. However, in this case, the house that could be built on the alternate footprint was not shown to be so different from other houses in the vicinity so as to be unreasonable.”

The Girton decision supports the conclusion that the 1,500-square-foot house described by the applicant in his “variance alternative” is a reasonable use of the property, as the decision suggests that in considering reasonable use it is appropriate to evaluate whether the proposed house is of similar size to other homes in the neighborhood and has a footprint and design that is useable as a single family house. The floor plans presented for the variance alternative show that it has all the amenities to be expected of a single family residence and is comparable to other homes in the immediate neighborhood and built on similar lots. The Girton decision further suggests that it is appropriate to consider existing development built both before and after the ECA standards became effective in determining reasonable use. Again, the proposed variance alternative would be comparable to houses of varying ages and design already built in the Perkins Lane neighborhood. Since the Code would clearly allow review and approval of such a design, it is the minimum to allow reasonable use of the property.

Therefore, the proposed “preferred alternative” exceeds the minimum necessary to allow reasonable use of the subject property and cannot be approved.

DECISION – ENVIRONMENTALLY CRITICAL AREAS EXCEPTION

ECA Exception to allow land disturbing activity in excess of 30% (837 square feet) of the area measured over 40% steep slope on the site is **DENIED**. A separate steep slope variance application is required.

CONDITIONS – ECA EXCEPTION

Although the exception is denied, if the applicant were to receive approval for the proposal, the following conditions would be required.

Prior to Issuance of a Master Use Permit

1. Limit disturbance of steep slope to 2,090 square feet as proposed on the plans sheet 1 received by DPD on July 13, 2010.
2. Limit proposal to the single family residence as shown on all plans received by DPD July 13, 2010.
3. To indicate compliance with structure height measurement on lots with unusual topographic conditions, as set forth in DPD Director’s Rule 12-2005, the applicant shall provide a single drawing depicting the pre-development topography of the property and the current topography in two different colors, to clearly show the adjustment of grade proposed and how the adjustment affects height measurement of the proposed structure. The applicant shall also address Section A 2 of DR 12-2005, demonstrating that no more development would be allowed by application of the rule than if the subject lot were flat.

(ECA conditions subject to administrative review through interpretation, apply to all the lot. These conditions include, but are not limited to, the following items):

4. Show on the site plan the location of permanent ECA markers.
5. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and steep slope buffer which are to be left undisturbed. (SMC Section 25.09.060)
6. Provide a wetland mitigation plan that complies with the requirements of SMC Section 25.09.160.C.3.

Prior to Issuance of Any Building Permits

The owner and/or responsible party shall:

7. Place permanent visible markers along the edge of the no disturbance area as proposed on the site plan. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the edge of the no disturbance line where the line changes direction. Markers must be in place before issuance of a building permit. Markers should be detailed in accordance with description contained in Director's Rule 4-2007.
8. Show on building plans the location and boundaries of ECA's on the site. Use the contours on the topographic survey to delineate the steep slope critical area on the building plans. The steep slope areas are at least 10 feet in height and average at least 40%. Provide area calculations for the steep slope delineation.
9. Provide a note on the building plans indicating that landslides occurred on the subject site. (25.09.060A.2.a)
10. Provide on building plans calculations for developmental coverage and impervious surface, and show the construction activity area for the proposal on building plans. (25.09.060)
11. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and steep slope buffer which are to be left undisturbed. (25.09.060)
12. Show on building plans the existing and proposed final grade contours.
13. Show on building plans the location of the stormwater control system and the connection to the public system.
14. Provide on building plans a Best Management Practices plan to include temporary and permanent drainage and erosion control.
15. Provide note on building plans indicating that grading must be stabilized by October 31st, and no excavation to be performed between October 31st and April 1st. (25.09.060C.9)
16. Show on building plans the location of permanent visible markers to delineate existing (pre-construction) steep slopes and associated buffers. The buffer from the edge of the steep slope should be at least 15 feet. The markers must be arranged to delineate the buffers and existing steep slope area on the property. Markers should be detailed in accordance with description contained in Director's Rule 4-2007. See also Condition 1 above.
17. ECA Covenant. Provide names of owner(s) of property and their relationship (single man or woman, marital community, partnership, corporation, etc.) so we can incorporate this information into the ECA Covenant document. We will also include the number of permanent markers (see previous item). The ECA Covenant form will be provided during review of corrected building plans. Note that the ECA Covenant is not the same as the Geologic Hazard Covenant.

18. Provide a construction activity schedule for the earthwork and foundation work. The schedule should include type of equipment, installation of BMP measures and temporary/permanent storm water controls, and other pertinent information. (25.09.060C11)
19. Provide a note on building plans that a pre-construction meeting is required between owner's representatives and DPD. (25.09.060C11)
20. Bonds and insurance are required by the ECA Regulations because the excavation below a 45°-degree projection from the property line is deeper than 4 feet.

Signature: _____ (Signature on File)
William K. Mills, Senior Land Use Planner
Department of Planning and Development

Date: September,23 2010