City of Seattle
Gregory J. 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: 3008655

Applicant Name: Aaron Mollick for Daniel Ederer

Address of Proposal: 4919 N.E. Laurelcrest Lane

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 449 sq. ft. of disturbance in an environmentally critical area for construction of a new retaining wall with additional height for "catchment", at the western edge of an existing access easement. The project involves removal of an existing retaining wall, excavation of 98.1cu yards of earth and additional paving.

The following approvals are required:

SEPA – Environmental Determination (Seattle Municipal Code Chapter 25.05)

ECA Variance – to allow reduction of a steep slope buffer and limited intrusion into a steep slope for development (5.6% proposed disturbance) per Section 25.09.180.E

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Vicinity and Site Description

The subject site is a waterfront lot located south of Laurelhurst Beach Club, accessed via a private easement. There is only one lot further south than the subject site on the private easement. The public portion of N.E. Laurelcrest Lane (prior to the easement) is a one lane roadway that includes street lights, curbs, drainage and 18 feet of asphalt paving. The portion of the access to the site that

is now private easement was vacated by the city in 1927 and does not have curbs or street lights. The easement has a paved width of approximately 16 feet.

Zoning for the site and surrounding parcels in the vicinity is Single Family residential with a 9600 square foot minimum lot size (SF9600). Surrounding development generally consists of one and two story single family structures with attached or detached garages.

On the subject site (a 20,750 square foot parcel) there is an existing one story single family residence with a 2,706 sq. ft. footprint, located at the center of the lot, which includes a daylight basement and an attached two car garage. The structure sets back toward the water to the east of the edge of the paved easement. The entire footprint of the existing principal structure is outside of the steep slope area. There is a 5 foot high brick wall in front of the residence along the eastern edge of the easement and a 5 foot high retaining wall at the western edge of the easement paving (at the toe of the slope).

The entire area of the lake front property west of the easement that bisects the site contains steep slope. Approximately 7,937 sq. ft. or 38% of the entire lot area has slopes greater than 40% slope. This portion of the lot contains several mature native and non-native trees, shrubs, and non-native groundcover (ivy). The eastern portion of the lot is lawn and landscaping typical of a single family residence

Proposed Project

The initial application proposed encroaching 28 feet in the steep slope to allow for construction of a 30 foot high retaining wall and a two story, two car, detached garage with additional surface parking for guests, including 1,020 cubic yards of grading. Following a correction cycle the scope of the project was revised to reduce encroachment into the steep slope. The revised proposal includes a 12 to 15 foot high retaining and "catchment" wall encroaching approximately 3 to 6 feet into the slope which will allow additional surface parking and turn around options. The project would involve a total of 449 sq. ft. of disturbance in the steep slope including excavation of 98.1 cu yards of material and an additional 387 sq. ft. of paving within the easement.

Public Comment

Notice of the proposal was issued on June 19, 2008. The comment period was extended, by request, for two additional weeks and ended July 16, 2008. Twelve (12) comment letters were received. Seven (7) letters expressed support for the proposed project and five (5) letters questioned the impacts to the steep slopes. Generally, neighbors favored the project as a means of stabilizing the slope and allowing additional ease of access for emergency vehicles and solid waste disposal trucks. Neighbors along E. Laurelhurst Drive N.E., at the top of the slope, were concerned about the impacts to the stability of the slope from construction and a potential change to drainage patterns. Comments included requests for mitigation to prevent accidental slope failure; a hydrologic analysis and erosion control; and inclusion of more detailed information on the design of the retaining wall and additional insurance requirements for the benefit of upslope properties. In addition, a neighbor hired Earth Solutions NW to review and comment (July 15, 2008) on the geo-technical report prepared for the applicants, by Geotech Consultants Inc. and the following comments were offered: design of the shoring system as a permanent system; limiting wall deflection of the shoring to less than one inch; a slope stability analysis prior to construction; and a maintenance plan for removal of slide debris from behind the catchment wall.

ANALYSIS – SEPA

Due to the presence of environmentally critical areas steep slopes (over 40% slope) and potential landslide, the application is subject to SEPA review. 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.

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 May 27, 2008). The information in the checklist, project plans, the information provided in a geo-technical study, prepared for the applicant, by Geotech Consultants Inc. (dated December 21, 2007) and supplemented by an addendum (dated May 23, 2008*)* and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, along with certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. Pursuant to SMC Section 25.05.908 B, this review is limited to: 1) Documenting whether the project is consistent with Seattle Municipal Code; and 2) Evaluating for any significant impacts that may not be addressed by adopted ordinances, including identification of mitigations.

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). Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The Stormwater, Grading and Drainage Control Code regulates site excavation and requires that soil erosion control techniques be initiated for the duration of construction.

- The Building Code provides for construction measures in general including insurance and bonding for excavation.
- The Environmentally Critical Area Regulations (SMC 25.09) provide for general standards and specific measures applied to steep slopes undergoing development.

SMC 25.09.360 references Chapter 25.09 for the minimum standards to be applied to ECA steep slopes and compliance with these applicable codes and ordinances will reduce or eliminate most impacts to the environment. It also clarifies the relationship between SMC Chapter 25.09 (ECA) and SMC 25.05 (SEPA). Under certain limitations (found in SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the short and long term impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion. These impacts are not considered significant because they are temporary and/or minor in scope.

Earth

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Earth Policy (SMC 25.05.675.D) allows the City to protect life and property from loss or damage by landslides, strong ground motion and soil liquefaction, accelerated soil creep, settlement and subsidence, abnormal erosion, and other hazards related to earth movement and instability.

The decision maker may condition or deny projects to mitigate impacts related to earth movement or earth instability consistent with the Overview Policy set forth in SMC Section 25.05.665; provided, that in addition to projects which meet one (1) or more of the threshold criteria set forth in the Overview Policy, projects located in environmentally sensitive areas and areas tributary to them may be conditioned or denied. Mitigating measures may include:

- Reducing the size or scope of the operation or project;
- Limiting the duration of the project or the hours of operation;
- Requiring landscaping, the retention of existing vegetation or revegetation of the site;
- Requiring additional drainage-control measures or drainage facilities;
- Requiring water quality and erosion controls on or off site to control earth movement; and
- Requiring additional stabilization measures.

As discussed in the Geotech Consultants Inc. report (page 2 of the report dated December 21, 2007), there have been recorded slides in the area since 1930. The slide occurrence closest to the subject site, (at 3431 E Laurelcrest Dr N.E., approx 35 feet from the northeastern corner of the lot and abutting the right-of-way Laurelhurst Drive N.E.) happened in July of 1968 and is attributed to a broken sump pump at the site of the slide. The earliest recorded slide near the subject site occurred in 1950 (at 4939 E Laurelcrest Dr. N.E., approx 120 feet northeast of the subject site) and two more slides occurred at the same site in 1990. Several other slides have occurred still further north, along the same slope, up to 180 feet away from the subject site. ***No slides have occurred on the subject site.***

The original scope of the project was reduced to limit the impact to the Steep Slope. The original project proposed a cut 28 feet into the slope which would have required a 30 foot high wall to protect the cut and provide for "catchment". The revised proposal includes a 12 to 15foot high retaining and "catchment" wall encroaching approximately 3 to 6 feet into the slope. 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

material. The current proposal involves excavation of approximately 98.1 cubic yards of material and a cut of up to 8.8 foot high, removal of a 5 foot high brick retaining wall, additional paving and construction of a 12 to 15 foot high retaining and catchment wall.
Provisions in the Building code provide authority to require liability insurance for excavation work, the Stormwater, Grading and Drainage Control code provides provisions for erosion control during construction; and the Environmental Critical Area code provisions for establishing a non-disturbance line before construction begins assure safe construction techniques are used.

The geotechnical report by Geotech Consultants Inc., provided with the initial application together with an addendum addressing the revised scope of the project, provide for the appropriate "best management practices" (BMP's) specific to the site including drainage and earth stabilization, as well as design and installation of the retaining wall. Specifically the proponents' geotechnical report provides recommendations for photo documentation and establishing a series of survey reference points on the hillside prior to any work at the site and ongoing inspections by the Geotechnical Engineer during construction (pg. 13 Geotech Consultants report December 21, 2007). DPD's Geotechnical review concurred with the recommendation of Earth Solutions NW (July 15, 2008) for a slope stability analysis, prior to issuance to of a building permit, to inform the design of the retaining wall and final height of the catchment wall.

The proposed soldier pile and lagging system associated with this project mitigates possible earth movement by the installation of piling elements prior to excavation. Specific construction methods recommended by the Applicant Geotechnical Engineer will minimize impacts. Lagging will be placed as the excavation proceeds downwards, supporting the upper soil units. Ground anchors that are needed will be installed prior to reaching the full excavation depth, providing further lateral resistance against wall and slope movement. Soil disturbing activities during site excavation could result in erosion and transport of sediment. Best management practices discussed in the Stormwater, Grading and Drainage Control Code and the geo-technical report prepared by Geotech Consultants Inc. (discussed below along with drainage) provide adequate erosion control.

Other requirements found in the applicable environmental critical area, drainage, stormwater, and building codes provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are applied prior to issuance of building permits therefore the only conditioning warranted pursuant to the SEPA Construction Impacts Policies (SMC 25.05.675 B) that is warranted is to condition for limited hours of operation as described below under "Conditions".

Drainage will be directly related to the slope stability on this project and the SEPA Overview Policy (SMC 25.05.665) and the SEPA Earth Policy (SMC 25.05.675.D) allows the reviewing agency to mitigate impacts associated with drainage. A "best management practice" adopted by the City limits work on the site to the dry season (April to October). The Stormwater, Grading and Drainage Control code will also require silt fencing and on-site infiltration. The ECA code limits removal of vegetation. In addition, the Applicant's Geo-technical Engineer, Geotech Consultants, Inc. (dated 12/21/07 and supplemented by an addendum dated 5/23/08*)*, has made recommendations to prevent "ponding" and site dewatering, if indicated, prior to construction. Other recommendations made by the applicant Geotechnical Engineer for backfill are discussed below.

The applicable environmental critical area, drainage, stormwater, and building codes provide for extensive review, conditioning authority and prescriptive requirement for best management practices to assure compliance to drainage standards. These regulations will be applied to the project during review of the construction plans that will be prepared for the building permit. Adopted ordinances and the recommendations of the applicants Geotechnical Engineer provide adequate mitigation for drainage and erosion control impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

The geo-technical report prepared by Geotech Consultants Inc. states the long term impacts of providing the catchment wall include increased safety for the residents and increased slope stability. Long-term or use-related impacts associated with approval of this proposal include drainage and possible "catchment" of slide debris. Several adopted City Ordinances provide mitigation for some of the identified impacts. The Drainage code regulates the design and function of on site stormwater collection, for the life of the project. Specifically, the Stormwater, Grading and Drainage Control Code requires on-site detention of stormwater with provisions for controlled tightlined release to an approved outlet and may require additional design elements to allow for onsite infiltration to prevent isolated flooding. The ECA code provides for regulation of vegetation removal to provide for erosion control over the life of the project.

In addition the Applicant's Geo-technical engineer, Geotech Consultants, Inc., has made recommendations for long term drainage conditions including the type of the backfill (coarse, free draining, no organics) behind the retaining wall as well as the methods of installation. In order to monitor the integrity of the retaining and catchment wall the applicants Engineer recommends an inspection/assessment be made any time maintenance of the catchment wall is required (i.e. whenever slide material is to be removed from behind the catchment wall) and that a regular maintenance plan be developed to keep the catchment portion of the wall free of debris (such as soil slumps, vegetation, fallen branches, ect. These recommendations will be required as conditions of approval of this project.

Compliance with all applicable codes and ordinances along with application of the recommendations found in the applicant's geotechnical report (and required under this approval, see "SEPA Conditons") and the conditions of the Variance component of this Decision are adequate to achieve sufficient mitigation of most long term impacts. No additional conditioning is warranted pursuant to SEPA policies.

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 EIS 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).

All applicable SEPA conditions applied to the project are found under **Conditions - SEPA**, at the end of this Decision.

Environmentally Critical Areas Regulations

General requirements and standards for Environmental Critical Areas, described in SMC 25.09.060 of the ECA ordinance and discussed below, apply to the review of the proposed project. Submittal of a geo-technical report, methods and procedures related to construction, the recording of conditions of approval and the recording of the identified ECA areas in a permanent covenant are included in the general requirements. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

Landslide-prone critical areas (SMC 25.09.080)

The standards for Landslide-prone Critical Areas described in SMC 25.09.080, including site stabilization, types and methods of construction, limits and controls to avoid adverse impacts and potential harm, and bonds and insurance will apply to the proposed project All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

Trees and Vegetation (SMC 25.09.320)

The code section SMC 25.09.320 is often referenced in other Environmentally Critical Area code sections. Decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD. The applicant has proposed limited vegetation removal of non-native invasive vegetation and only in the immediate are of the proposed work. No trees will be removed and a non-disturbance area on the remainder of the hillside will be provided.

Steep Slopes SMC 25.09.180

SMC 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers, including the general requirement that development shall be avoided in these areas whenever possible. Decisions subject to these standards (SMC 25.09.180) are non-appealable Type I decisions made by the Director (or designee) of DPD however, SMC Section 25.09.180.E authorizes variances to ECA development standards under specific conditions as discussed below.

NOTE- *the following non-appealable Type I decisions, made as part of the review of the proposal, will apply to the project:*

a) Per adopted City ordinances, prior to the issuance of the construction permit a determination will be made on the bonding and / or insurance needed for the proposed excavation and drilling, as provided for in the applicable grading and construction Code.

And as per the recommendation of Geotech Consultants Inc., including:

b) Site dewatering, if indicated, will be conducted prior to construction and "ponding" during construction will be prevented.

c) Installation of piling elements prior to excavation as proposed to enhance earth stability during construction.

d) During the review of the construction plans and during inspection of construction special attention will be paid to the backfill of voids between the excavation face and the back of the lagging and behind the wall where ever seepage is found, to the type of back fill materials used and to the method of installation of backfill as recommended by the Geotech report.

ECA Variance

SMC Section 25.09.180.E authorizes variances to ECA development standards when certain criteria are met. Development may occur in up to 30% of the steep slope area with this variance. Relevant criteria are discussed below. ECA Variance decisions are Type II decisions, subject to the provisions of SMC 23.76 and are appealable to the City Hearing Examiner.

SMC Section 25.09.180.E.1 and 2 authorizes variances to ECA development standards subject to the following criteria. SMC 25.09.180E1 states: *The Director may reduce the steep slope buffer and may authorize limited intrusion into the steep slope and steep slope buffer to the extent allowed in E2* and SMC 25.09.180.E.2 states: *If any buffer reduction or development in the critical area is authorized by a Variance under E1, it shall be the minimum to afford relief.* Relevant criteria are discussed below.

ANALYSIS – STEEP SLOPE AREA VARIANCE

Pursuant to SMC 25.09.180.E the Director may reduce the steep slope area buffer and authorize limited development in the steep slope area and buffer only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

SMC 25.09.180.
E. Steep Slope Area Variance.
1. The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:
a. the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and

A Statutory Warranty Deed was recorded with King County which indicates transfer of ownership in 1986. The Deed indicates that the lot was legally in existence prior to October 31, 1992.

b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280.B, except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.

As noted in the site description at the beginning of this Decision, the use of the property is constrained by a steep slope on the western half of the lot. In addition, the property is subject an easement that occupies a 20 foot wide band through what is approximately the center of the lot. This easement is located partially in the steep slope and the steep slope buffer. The easement provides the only access to the subject site and one additional site to the south of the subject site. The extent of the steep slope area and the previously established easement (created in 1939) is more restrictive than the front yard requirements (at the west property line along E Laurelhurst Dr. NE). Reducing the front yard would still result in an impact to the slope and buffer for the use of the access easement.

SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas.

B. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

1. The lot has been in existence as a legal building site prior to October 31, 1992.

As stated above, the subject property was in existence prior to October 31, 1992.

2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and

As found in the discussion for SMC 25.09.180.E.1.b (above); location of the steep slope and the 15 foot buffer overlap a 20ft access easement, established in 1939, and reducing the required yards will not prevent encroachment into the slope. Restricting the full use of the easement would cause unnecessary hardship.

3. The requested variance does not go beyond the minimum to stay out of the full width of the environmentally critical area or required buffer and to afford relief; and

Approximately 38% of the lot or 7,937 square foot is steep slopes. The applicant has reduced the desired scope of the project, to limit the encroachment into the slope from a cut 28 feet into the slope to a cut 6 feet into the slope. The easement paving as it exists covers the buffer and has encroached slightly into the slope. The proposed additional 6 ft of paving along the western edge of the established easement forms a reasonable limit for

encroachment into the environmentally critical area. The proposal does not go beyond the minimum to afford relief.

4. ***The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and***

   The proposed development will be subject to geotechnical and engineering review at the construction permit stage to ensure there is no impact to adjacent property. Seattle Municipal Code including; Environmentally Critical Area regulations, Building Code and Stormwater, Drainage and Grading Code provide for extensive prescriptive standards and authority to condition a project including design and construction standards, erosion control, shoring and insurance requirements.

   The applicant has also provided a geotechnical report (Geotechnical Engineering Study, December 21, 2007 report by Geotech Consultants and Addendum to Geotechnical Engineering Study, May 23, 2008, Geotech Consultants) which has been reviewed by DPD geotechnical staff, that provides for site specific mitigation, design and construction procedures.

   Subject to conditions of approval of this Master Use Permit and the review of associated plans for the grading and construction permits, granting the variance to minimally intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity.

5. ***The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and***

   The yards will not be reduced. The proposed paving of the remainder of the existing easement is similar to what exists on other lots that use the access. In the absence of formal sidewalks, allowing for development of the full width of the easement will allow for additional maneuvering between vehicle and pedestrian use of the easement. The revised scale preserves all of the existing mature trees and creates a non-disturbance area in the remainder of the ECA.

   The 12 to 15 foot retaining wall height is the minimum necessary to protect the cut in the slope and to allow for the recommended 6 feet of "catchment" wall. The additional paving of the easement and the proposed height, bulk and scale of the retaining wall will not result in materially detrimental effects to the character, design, and streetscape of the surrounding neighborhood.

6. ***The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.***

   The environmentally critical policies and regulations were created to preserve existing environmentally critical areas while allowing reasonable use of existing parcels. The applicant proposes full use of an existing easement and a catchment wall to increase safety

and stability of the slope with minimal intrusion into environmentally critical area, as well as keeping all mature trees. The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations, subject to the Conditions required below.

C. When an environmentally critical areas variance is authorized, the Director may attach conditions regarding the location, character and other features of a proposed development to carry out the spirit and purpose of this chapter.

Conditions are needed to clearly identify the ECA on the plans and to identify a non-disturbance area specific to the site. A condition will also be added to the project to assure that any future applications for construction at the site include all of the findings of this Decision. They are listed in the "**Conditions -** Variance**"** section below.

SMC 25.09.180.E. Steep Slope Area Variance.

2. If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:

a. reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;
b. reduce the steep slope area buffer;
c. allow an intrusion into not more than thirty percent (30%) of the steep slope area.

a) The front yard, rear yard, and side yards are less restrictive than the ECA requirements and the existing easements on the site, so reducing the required yards would not provide adequate relief.
b) The steep slope buffer was essentially reduced to zero by the previous development of the easement and the construction of the existing six foot retaining wall. It would not be possible to achieve full use of the easement without intrusion into the slope.
c) The proposed additional grading paving and catchment wall in a portion of the steep slope will impact 449 sq. ft. or 5.6% of the total steep slope area. The reduction of the project scope overall is designed to minimize intrusion into the steep slopes to the minimum required to allow for use of the easement.

The proposed development follows the sequence of priority and does not create an intrusion of more than 30% of the steep slope area. The proposal therefore meets this criterion.

3. The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.

The Applicant has reduced the scope of the project; conditions have been applied that are specific to the site and the revised scope of the project.

DECISION – STEEP SLOPE AREAS VARIANCE

The applicant has followed the sequence of priority for development in a critical area.

The ECA Variance to allow development in up to 5.6 % of the areas measured over 40% steep slope and to place development in the steep slope buffer is **CONDITIONALLY GRANTED.**

CONDITIONS –SEPA

Prior to Issuance of Any Construction Permits

1. Conduct a slope stability analysis and submit a report to DPD's Geotechnical Engineer for review. The study should include any mitigation and / or design recommendations to be applied to the construction permit.

2. A Maintenance Plan for the catchment wall shall be provided to the Land Use Planner.

For the life of the project

3. A Maintenance Plan for the catchment wall shall be provided to the Land Use Planner.

CONDITIONS --VARIANCE

Prior to Issuance of a Master Use Permit

4. Revise the site plan to provide hatching to indicate the area identified by the ECA markers established at the edge of the existing retaining wall, in accordance with description contained in Director's Rule 4-2207, as the non-disturbance area as identified on the approved Survey found in the ECA Covenant.

Prior to Issuance of Any Construction Permits

The owner and/or responsible party shall:

5. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and area of steep slope which is to be left undisturbed.

For the life of the project

6. The owner(s) and/or responsible party(s) shall attach a copy of the recorded Variance to all plans for any permit application.

Signature: (signature on file) Date: April 13, 2009
Justina Guyott, Land Use Planner
Department of Planning and Development

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