



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: 3011896
Applicant Name: Paul Pierce
Address of Proposal: 2481 Perkins Ln W

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a single family residence in an environmentally critical area. Existing structures to be demolished.

SEPA - Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION: Exempt DNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The site is located on the west side of Perkins Lane W. in Magnolia, on a waterfront lot on Puget Sound. The site is developed with a single family house and accessory structures (to be demolished) and contains approximately 25,523 sq. ft. of dry land. The property is zoned SF 7200 (single family with a minimum lot area of 7,200 sq. ft.).

The lot is bounded on the north, south and east by other single family residences, also zoned SF 7200. Puget Sound abuts the property to the west. The property is 'flag' shaped, measuring about 150 feet along Puget Sound and for a depth of about 162 feet, then narrows down to an access lane which is about 117 feet long and has 15.97 feet of frontage on Perkins Lane West. The property is accessed via Perkins Lane West.

The property includes areas mapped as Environmentally Critical due to slopes in excess of 40 percent. However, a limited steep slope exemption was granted by a DPD Geotechnical Engineer on the basis that the area to be developed has been previously developed with landscape terraces, retaining structures, and walkways. The project was determined to qualify for the ECA Steep Slope Exemption Criteria described in SMC 25.09.180 B2a. All other ECA Submittal and Development Standards, with the exception of prohibition of development in the Steep Slope Critical Areas, still apply.

There is a known eagle nest within one half mile of the site.

Public Comment

Notice of the proposal was issued on February 10, 2011, and was extended to March 9, 2011. Two comment letters were received.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 20, 2011. The information in that checklist, associated plans and reports, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The project site is located in multiple environmentally critical areas (steep slope, known slide, potential slide, flood prone and shoreline habitat buffer) and is a single family residence exceeding 9,000 sq. ft. of development coverage, therefore, the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes evaluating the need for additional for mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and applicable environmental laws.

In addition to the limited ECA exemption described above, the project was reviewed for compliance with the Seattle Shoreline Master Program and determined to be exempt from the requirement for a Shoreline Substantial Development Permit subject to the following Best Management Practices, Conservation Measures, and conditions:

- Building plan sets must include calculations for existing and proposed impervious surface within Shoreline District and 100-foot ECA shoreline habitat buffer. Building plan sets must show delineation of ECA shoreline habitat buffer, 25-foot ECA residential setback per SMC 25.09.200, and residential and deck shoreline setbacks per Director's Rule 7-2007 and SMC 23.60.198.
- Building plan sets must show any landscaping proposed within 100 feet of shoreline and a mitigation plan in the form of a detailed landscape plan (location, size, species and quantity of vegetation) with native vegetation adjacent to shoreline for any increase in impervious surface within 100 feet of shoreline.

- Any damage to vegetation caused by construction and staging needs to be identified and mitigated/replaced at the completion of the project. These impacts (e.g., tree removals) and landscaping to address these impacts must be shown on building plan sets.
- Appropriate best management practices (BMPs) shall be employed to prevent deleterious material from entering Puget Sound during the proposed work.
- Appropriate BMPs shall be employed to minimize the amount of erosion at the shoreline caused by construction material storage and staging and the proposed construction work.
- Debris that enters the water or gets on the beach (waterward of bulkhead) during construction shall be collected and disposed of at an appropriate upland facility.
- There should be no chemical herbicides, pesticides or fertilizers used in newly planted areas.
- Mitigation planting must be maintained and dead plants replaced to ensure at least 80% survival of plants after 5 years.
- Building Permit needs to be routed for ECA Shoreline Habitat Review.

These conditions will be required to be placed on the Building Permit plan set prior to Building Permit issuance, as a condition of approval of this permit.

Based on the submitted survey, DPD also determined that the project is sufficiently outside of the floodprone area/floodplain.

Due to the proximity of a known eagle's nest, the project is required to provide a Bald Eagle Management Plan, which is shown on page A1.2 of the plan set. Implementation of the Plan will be required as a condition of approval of this permit.

In accordance with DPD Director's Rule 2-98, which clarifies the SEPA Historic Preservation Policy for potential archaeologically significant sites and requirements for archeological assessments, the applicant has provided a statement from an Assistant State Archeologist with the Washington State Department of Archaeology and Historic Preservation. The statement reads, in part: "Although the project is in a high probability area along the shoreline, the geotechnical report you provided as well as the design plans indicate that there will be little to no impact to native soils because of the depths of fill in the project area. Since this is the case, we do not recommend any archeological intervention." On this basis, no mitigation is warranted.

The Department of Planning and Development has reviewed and analyzed the environmental checklist submitted by the applicant, geotechnical report prepared by Soil and Environmental Engineers, Inc., dated December 13, 2010, supplemental information provided by the applicant and the accompanying project plans, which include a Landscaping Plan, Temporary Erosion Control Plan, and Mitigation Planting Plan, and determined that the proposal will not result in significant adverse impacts to the environmentally critical area environment. Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Codes (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

Earth

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations 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 report (S& EE, Inc., dated December 13, 2010).

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits. The applicant has provided a Temporary Erosion Control Plan and will be required to implement construction Best Management Practices required for the Shoreline Exemption, as noted above.

The Stormwater, Grading and Drainage Control Codes 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 Stormwater, Grading and Drainage Control Codes 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.

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, and 2) increased demand on public services and utilities. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Codes (storm water runoff from additional site coverage by impervious surface); and the Regulations for Environmentally Critical Areas.

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 Sate 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).

CONDITIONS – SEPA

Prior to Building Permit Issuance

1. The Best Management Practices, Conservation Measures and conditions required for the Shoreline Exemption must be shown on the Building Permit plans.

During Construction

2. The Best Management Practices, Conservation Measures and conditions required for the Shoreline Exemption must be shown on the Building Permit plans shall be implemented.
3. The Bald Eagle Management Plan shown on Sheet No. A1.2 shall be implemented.

Signature: (signature on file) Date: June 9, 2011
Molly Hurley, Senior Land Use Planner
Department of Planning and Development