



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3013738
Applicant Name: Suzanne Tomassi
Address of Proposal: 12271 B Corliss Ave N.

SUMMARY OF PROPOSED ACTION

Land Use Application to remove a 40 ft. portion of existing 140 ft. dock, relocate and reconfigure a portion of remaining 100 ft. dock.

Seattle Municipal Code (SMC) requires the following approvals:

SEPA – Environmental Determination. (Chapter 25.05 Seattle Municipal Code)

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

PROJECT DESCRIPTION AND BACKGROUND

Site Location and Description

The subject site is a waterfront lot located on the southeast shore of Haller Lake. The property is zoned Single Family 7200. The property is developed with a single family residence and pier. The site is bounded by single-family residences to the north, south and east, and Haller Lake to the west.

The Proposal

The applicant proposes to reduce the size of the existing dock (i.e. pier) that is nonconforming with respect to length and distance from a side lot line. Two piles will be removed, and the dock will be reduced in length from 140 to 100 feet (from Ordinary High Water to end). The reduced dock will utilize four of six existing piles, keeping the first 60 feet of existing dock in place and constructing the remaining length with two turns in it so that it complies with the current 15-foot side setback requirement. The existing first 60 feet of dock is legally nonconforming with respect to the side setback requirement as it pre-dates that standard.

The two outermost piles will be cut two feet below the substrate and capped with gravel. A two-foot deep hole will be hand dug around each pile to be removed, and the cut piles will be topped with gravel up to the surrounding substrate surface level. The length of the dock will be 100 feet from OHW to end, and a ten-foot by ten-foot float will be attached perpendicularly to the end of the dock. No new piles will be installed. Portions of the existing floating dock will be reused. The project includes 167 sq. ft. of new native vegetation along the shoreline.

Background

The applicant obtained a permit in 2004 to rebuild their existing dock (DPD Project No. 2402189). In 2011, in response to complaints that the dock exceeded the permitted length, the Department investigated and issued a Notice of Violation (Case No. 1026679). By Order of the Director dated March 30, 2012, the applicant was directed to either reduce the dock to its former size or obtain a permit for the work that was actually performed. The work that was actually performed exceeded applicable development standards, and the applicant has opted to apply for a permit for a pier meeting code standards.

PUBLIC COMMENT

Public notice of the applications was published on September 13, 2012. The required public comment period ended on September 26, 2012. No written public comments were received during that period. One person asked to be added to the mailing list.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the Environmental Checklist (dated June 27, 2012). The information in the checklist, the supplemental information in the file and on the plans, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines and displacement of some fish wildlife species due to increased water turbidity levels and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for the identified construction impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); State Air Quality Codes administered by the Puget Sound Clean Air Agency (air quality); and the Seattle Environmentally Critical Areas Ordinance. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

No SEPA conditioning of potential short-term impacts is warranted because impacts from the short term construction impacts will be mitigated through other codes, ordinances and regulations.

Long-term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: an increase in over-water coverage in the form of a pier and pier platform and an increase in structures in the lake environment. These long-term impacts are potentially adverse without mitigation; therefore, a more detailed discussion of the impacts and the proposed mitigation is warranted.

Plants and Animals

Haller Lake is regulated as a Riparian Corridor Environmentally Critical Area (ECA) pursuant to the Seattle ECA Ordinance at SMC 25.09.200.A.2.b, as follows:

“On Haller and Bitter Lakes, piers are regulated pursuant to the development standards for similar structures in the Seattle Shoreline Master Program, Chapter 23.60, Part X, The Urban Residential Environment. If a pier is allowed, access to it through the riparian management area is also allowed, provided the impact on the naturally functioning condition of the riparian management area from the pier's location, method of construction, and construction materials is kept to a minimum.”

The dimensions of the proposed pier are consistent with the applicable development standards for residential piers found in SMC 23.60.204.

The applicant has proposed the planting of 167 sq. ft. of new native vegetation near the shoreline, as shown on the plans, which is consistent with the general development standards for environmental critical areas per SMC 25.09.060.

In addition, Hydraulics Project Approval (HPA) will be required from the Washington State Department of Fish and Wildlife Habitat (WDFW). The use of native vegetation and compliance with requirements of the HPA will be sufficient to mitigate any long term impacts of the proposal. No additional mitigation under Seattle's SEPA Ordinance is warranted or required.

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 requirements 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 significant adverse impacts 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

None.

Signature: _____ (signature on file) Date: March 4, 2013
Molly Hurley, Land Use Planner, Supervisor
Department of Planning and Development

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