



City of Seattle
Edward B. Murray, 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: 3017445
Applicant Name: John Deforest for Stowe Talbot
Address of Proposal: 3121 West Laurelhurst Drive Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story, 6,876 square foot single family residence and attached three car garage in an environmentally critical area. The existing single family dwelling is to be demolished. Two accessory structures to remain.

The following approvals are required:

SEPA - Environmental Determination – SMC Chapter 25.05

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 location and description:

The subject site, located at 3121 W. Laurelhurst Dr. NE on Webster Point on the shore of Lake Washington, possesses a Single Family 9600 zoning classification. The submerged portion of this site is located in the Conservancy Recreation (CR) shoreline environment. The dry land portion of the site within 200 feet of ordinary high water is located in the Urban Residential (UR) shoreline environment. The property has an existing single family residence on the dry land portion.

The panhandle shaped site, bounded by single-family residences to the north and south, occupies approximately 38,441 sq. ft. of land. It features 25 feet of frontage along W. Laurelhurst Drive NE and a depth of roughly 470 feet which extends to the shoreline of Lake Washington. The northern upland portion of the lot covers over half the property and possesses a declension of approximately 40 feet toward the lake. The area has mapped steep slopes in the pan handle area.

DPD concludes that the steep slope area along the east property line is in an area of existing development. Consequently, the project qualifies for the Relief From Prohibition On Steep Slope Development criteria, as described in SMC 25.09.180 B2a. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply. The property has six exceptional trees along the northern boundary.

Proposal Description:

The proposal for the upper region of the property includes demolishing the existing house with attached garage and the construction of a new 2-story, 6,876 sq. ft. single family residence with a three car attached garage in an environmentally critical area. The existing single family house and attached garage is to be demolished. The applicant proposes new landscaping for the lower region of the property to include extensive native plant re-vegetation as well as installation of hardscape and walkways.

A shoreline substantial development permit is not required for this proposal because the project is exempt from obtaining a shoreline substantial development permit per SMC 23.60.020 C.6

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) due to the fact that the total proposed development coverage of this project exceeds 9,000 square feet and cannot be categorically exempt from SEPA review per SMC 25.09.908 C 1 and the presence of ECAs.

Public Comment:

The comment period for this proposal began on August 14, 2014 and ended August 27, 2014. DPD did not receive comments.

ANALYSIS - SEPA

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 August 1, 2014. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The development site is located within one Environmentally Critical Area (ECAs), 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 areas shall be limited to:

- 1) Documenting whether the proposal is consistent with the City's ECA regulations in SMC 25.09; and

This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws. Environmental impacts of the project that may affect the geologically hazardous area include an increased rate of stormwater runoff, loss of vegetation and increased water pollution.

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,

certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, that "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 D1-7) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts are expected: risk of erosion during periods of earth disturbance and temporary loss of vegetation.

Several adopted codes and Director's Rules provide mitigation for some of the identified impacts. Under SMC 25.09.060 G grading in environmentally critical areas is limited to a window between April 1st and October 31st. Due to the fact that grading will be undertaken during construction, additional analysis of earth impacts is warranted.

Earth/Soils

Based on a review of the submitted information and the city of Seattle GIS system, DPD staff concludes that the steep slope area along the east property line is in an area of existing development. The project qualifies for the Relief from Prohibition on Steep Slope Development criteria, as described in SMC 25.09.180B.2.a.

Long-term Impacts

Long-term or use related impacts are also anticipated from the proposal and include an increased surface water runoff due to greater site coverage by impervious surfaces and reduced canopy coverage until the replacement trees have achieved a mature size.

The project will result in the removal of vegetation and an increase in impervious surface in specific areas in the shoreline buffer near Lake Washington which can have negative impacts on the near shore habitat of Lake Washington as well as water quality. However, the project includes native vegetation plantings that will mitigate for these impacts as consistent with habitat mitigation requirements in SMC 23.60 and SMC 25.09.200.

Greenhouse Gas Emissions and other Impacts

Emissions from the generation of greenhouse gas gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

Plants and Animals

Tree Solutions Inc.'s, the consulting arborist, report identifies six exceptional trees on the site among a total of 30 trees. These exceptional trees include a Sawara Cyprus (labeled #54 in the arborist's report and the MUP plans), Western Red Cedar (#63), Sawara Cyprus (#64), Beech (#69), Weeping Willow (#72) and Deodor Cedar (#77). All but the Weeping Willow will be retained and protected during construction. The Weeping Willow has numerous structural defects and represents a moderate hazard. Prior to and during construction, the five exceptional trees will need to be protected based on the specifications outlined in the arborist's memorandum dated October 15, 2014 and as indicated in the "general arborist notes on L1 of the MUP plans.

DECISION

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 43.21.030(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 Issuance of Any Construction Permits and During Construction

The owner and/or responsible party shall:

1. Protect all trees to be retained pursuant to Tree Protection plan show on sheet L1 of the MUP plans and the specifications outlined in the arborist’s memorandum dated October 15, 2014.

Signature: (signature on file) Date: December 29, 2014
Bruce P. Rips, Land Use Supervisor
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.