

SHORELINE SUBSTANTIAL DEVELOPMENT EXEMPTION WORKSHEET

Project Information

Date	September 5, 2018
Project Name	Eagle Harbour Condos Building Renovation
Project Location	400 and 428 Harborview Dr. SE
Project Parcel Number	8050-000-000-0002 & 8021-000-000-0008
Project Number	PLN50953 SPR and SSDE
Planner Assigned	Ellen Fairleigh

Project Description

The project consists of the repair and reclad of both condo buildings. The SSDE application and site plan are provided in Attachment A. This project is being processed in conjunction with a Site Plan Review (PLN50953 SPR).

Compliance with the Washington State Shoreline Management Act (SMA)

WAC 173-27-040(1)	<p>Certain developments as listed in WAC 173-27-040 and Chapter 90.58 RCW are exempt from the substantial development permit process of the SMA. A project must meet both the general exemption criteria and all criteria for a specific listed exemption. Compliance with the application and interpretation of exemptions per WAC 173-27-040(1) is as follows:</p> <ul style="list-style-type: none"> A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process. As proposed, the project meets the precise terms of a listed exemption (normal maintenance or repair of existing structures or developments – WAC 173-27-040(2)(b)). B. An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master
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	<p>program, such development or use can only be authorized by approval of a variance.</p> <p>As conditioned, the project is in compliance with the Bainbridge Island SMP. A conditional use permit and/or variance are not required.</p> <p>C. The burden of proof that a development or use is exempt from the permit process is on the applicant.</p> <p>The applicant has provided sufficient proof that the project is in compliance with WAC 173-27-040. This includes the SSDE application with applicable submittal requirements.</p> <p>D. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.</p> <p>As proposed, all parts of the project are eligible for exemption.</p> <p>E. Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and the local master program.</p> <p>Conditions of approval are attached to the approval of the shoreline exemption and outlined below.</p>
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Site Characteristics

Shoreline Designation	Urban		
Aquatic Designation	Aquatic		
Geomorphic Shoretype	High Bluff		
Shoreline buffer	30 feet		
Zone 1	30 feet		
Zone 2	0		
Zoning Designation	R-14		
Dimensional Standards	<i>Required</i>	<i>Existing (as applicable)</i>	<i>Proposed</i>
30% Side Yard	N/A for Urban Designation		
Side Yard	N/A No change		
Front	N/A No change		
Height	N/A No change		
Lot Coverage	N/A No change		

Environmental Impacts (SMP Section 4.1.2)

Type	<input checked="" type="checkbox"/> Vegetation Disturbance: Existing vegetation/landscaping will be removed within 15-20 feet of the buildings as necessary to provide safe access to the work area. Salvageable vegetation will be preserved and replanted at the conclusion of the work. <input type="checkbox"/> Net New Impervious Surface Area <input type="checkbox"/> Fill Below OHWM <input type="checkbox"/> Aquatic Habitat Disturbed <input type="checkbox"/> Other
No Net Loss Demonstration	<input type="checkbox"/> SF Manual <input checked="" type="checkbox"/> Site Specific Impact Analysis

Proposed Mitigation	<p>All proposed shoreline development, uses and activities must utilize the required mitigation sequence of SMP Section 4.1.2.6. Mitigation sequencing includes the steps taken during project planning and implementation that are meant to find the least environmentally damaging practicable alternative to achieve a project need. Appropriate use of mitigation sequencing for the proposed project is described in the Site Specific Impact Analysis submitted with the application.</p> <p>Avoid:</p> <ul style="list-style-type: none"> • The structure will not be altered or extend from the existing footprint. • Removal of landscaping for safe access and construction movement around the buildings is unavoidable. <p>Minimize:</p> <ul style="list-style-type: none"> • Necessary access to the structure's exterior does not allow for minimization of impacts. <p>Rectify:</p> <ul style="list-style-type: none"> • Does not apply to this project. <p>Reduce:</p> <ul style="list-style-type: none"> • Landscape maintenance will be maintained to current schedules and protocols. <p>Compensate:</p> <ul style="list-style-type: none"> • Buildings will be landscaped post construction. <p>Monitor:</p> <ul style="list-style-type: none"> • No monitoring is necessary upon completion of the project. <p>Proposed mitigation measures to compensate for vegetation removal:</p> <ul style="list-style-type: none"> • A Habitat Management Plan submitted by the applicant proposes a 72 square foot Vegetation Management Area (VMA) along the shoreline in the Zone 1 buffer area. This area is equal to the amount that the building located at 428 Harborview Dr. SE encroaches into Zone 1. The plantings in the VMA will be a combination of multistoried, diverse, and native species. <p>As conditioned, the proposal will result in no net loss of shoreline ecological function and process and have beneficial project impacts because:</p> <ul style="list-style-type: none"> • Development is occurring within an already developed area with no increase to the existing building footprint. Replanting will provide a multistoried area of vegetation once work on the buildings is complete in accordance with the submitted Habitat Management Plan and landscaping plan.
Mitigation Surety and Assurances	<input checked="" type="checkbox"/> Notice to Title <input checked="" type="checkbox"/> Performance Assurance

	<input type="checkbox"/> Maintenance and Monitoring Assurance

Consistency Review

Section 4.1.3 Vegetation Management	<p>The subject property has a 30-foot Shoreline Buffer. Zone 1 is measured 30 feet from the ordinary high water mark (OHWM) and there is no Zone 2.</p> <p>Sections of 4.1.3.5, Regulations-General</p> <ul style="list-style-type: none"> • SMP Section 4.1.3.5.4: requires existing native groundcover, shrubs, and significant trees to be retained, unless specifically allowed. • SMP Section 4.1.3.5.5: requires new vegetation planted in the Shoreline Buffer to be native species using a native plant-community approach of multi-storied, diverse plant species. • SMP 4.1.3.5.6: retain significant trees outside of the Shoreline Buffer. <p>No significant trees will be impacted by this project. Vegetation and landscaping that is removed to allow access to the exterior of the building will be replanted.</p> <p>The project has been conditioned to require that landscaping replaced in Zone 1 be comprised of 100% native species.</p> <p>The Vegetation Management Area (VMA) will be multi-storied and include a diverse mix of native species.</p>
Section 4.1.5 Critical Areas	<div> <input type="checkbox"/> Critical Saltwater Habitat <div>N/A</div> </div> <div> <input type="checkbox"/> Wetland <div></div> </div> <div> <input type="checkbox"/> Fish and Wildlife Conservation Area <div></div> </div> <div> <input type="checkbox"/> Geologically Hazardous Area <div></div> </div>
Section 4.1.6 Water Quality and Stormwater Management	<p>The City's Development Engineer reviewed the plan and recommended approval. Approval from the City's Development Engineer verifies that the project meets the applicable requirements of SMP Section 4.1.3.6.6, including:</p> <ul style="list-style-type: none"> • All shoreline development shall minimize any increase in surface runoff through control, treatment, and release of surface water runoff so that the receiving water quality, shore properties, and features are not adversely affected, and through compliance with the standards established in the City's adopted Stormwater Management Manual in BIMC 15.20. • Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws. • Low impact development techniques shall be considered and implemented consistent with the City's adopted Low Impact Development Manual cited in BIMC 15.20.

Section 4.2 Existing Development	<p>SMP Section 4.2.1.6.4.2 allows existing primary multifamily residential structures to be reconstructed, altered, or expanded provided:</p> <p>Public Access is provided pursuant to Section 4.2.4.6, Regulations- Public Access Design and Location Standards; and</p> <p>Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).</p> <p>The proposed renovations comply with all other requirements for existing development, under SMP Section 4.2.1.6.4. A public access trail is existing on the property and will not be impacted by this project. Mitigation is proposed to ensure that the no net loss standard is met for the vegetation that will be disturbed within Zone 1.</p>
Section 5.9 Residential Development	<p>Residential development must meet the dimensional provisions of BIMC Title 18, Zoning.</p> <p>There are no proposed changes to the existing footprint of the buildings.</p> <p>In addition, SMP Section 5.9.5.8 provides shoreline-specific design standards, including:</p> <p>Side setbacks must total at least 30 percent of the lot width. This standard does not apply to the Urban shoreline designation.</p> <p>Structures in the side setbacks may not exceed four (4) feet in height from existing grade. No structures are proposed in the side setbacks.</p> <p>No more than a total of 200 square feet of impervious surface is allowed in the side yard setback outside of the shoreline buffer. No new impervious surface is proposed in the shoreline side yard setback.</p>
Section 6.2 Overwater Structures	N/A
Section 6.3 Shoreline Stabilization	N/A

Conditions of Approval

1. All Conditions of Approval for the SSDE are listed as conditions on the joint Notice of Administrative Decision for the site plan review (PLN50953 SPR).