

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

SUSAN LUPKES

FILE NO. W-78-012

from an environmental determination  
of Department of Community Development

The determination of the Department of Community Development is affirmed and the appeal is DENIED.

#### Introduction

The appellant, Susan Lupkes, filed an appeal from a declaration of non-significance by the Department of Community Development with regard to a proposed action to extend 41 finger piers 10 feet at the Lakewood Moorage at 4500 Lake Washington Boulevard South.

The appellant exercised her right to appeal pursuant to Section 20, Ordinance 105735.

This matter was heard before the Hearing Examiner on July 11, 1978.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

#### Findings of Fact

1. The project proponent, the manager of the Lakewood Boat House, proposes to extend 41 finger piers from 20 feet to 30 feet, at the Lakewood Marina which is leased from the Department of Parks and Recreation. An earlier proposal to add floats was eliminated.

2. The moorage has 120 slips on two docks. Those on "B" dock have 20 feet piers. The proponent's experience has been that the demand for moorage is for boats larger than 20 feet. Smaller boat owners generally use moorage only for the summer months, if at all. Therefore, the 20 foot slips are occupied by boats longer than 20 feet which is considered unsafe. The proposed extension would provide slips of adequate size to accomodate the boats presently moored there.

3. The proposal would involve the driving of a maximum of 41 pilings. A number of new pilings would be required because of deterioration even if the piers were not to be extended. The precise number will be determined by inspection.

4. The appellant and supporters of the appeal contend that the proposed action would increase traffic, demand for parking, noise, decrease water quality (oil, gas, human wastes, turbidity), and disrupt marsh and bottom flora and fauna. There was dissatisfaction expressed with the lack of public information provided and public input invited by the Department of Parks and Recreation and Community Development with regard to the proposal.

5. The Department of Community Development found that there would be no noticeable disruption of the shoreline and that if there were the marsh is not unique; that the efforts of driving the piles on turbidity would be temporary; that the effect on parking would be minor since the proposal does not involve increase in the number of slips; that the increase in noise and traffic should be slight.

6. Most of the slips are now occupied by boats over 20 feet long but lengthening the slips to 30 feet is not expected to attract boats longer than that because the slips are only 9½ feet wide. Most boats with moorage there are sailboats and that pattern is expected to continue because of the width of the slips.

7. A parking area for 119 vehicles is provided for the marina. The zoning ordinance requires 60 spaces for 120 slips. Parking areas in the vicinity do fill and overflow onto the streets on weekends. The increase in slip length is not anticipated to attract much larger boats. The impact on parking should be negligible.

8. No appreciable permanent deterioration of water quality is reasonably foreseeable since no increase in the number, expected size or type of boats to be accommodated will result. Turbidity will increase during and for a short time after pile driving. The extension of the piers would result in boats maneuvering into the slips coming closer to the shoreline but no damage to the shoreline, flora or fauna is foreseen. No dredging is contemplated under this proposal so impacts of dredging were not assessed.

#### Conclusions

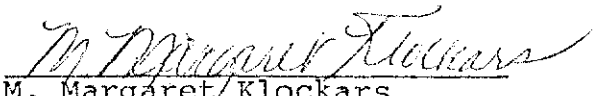
1. A determination of the Department of Community Development pursuant to Ordinance 105735 in issuing a declaration of non-significance is regarded as correct on its face. The record in this case supports that determination in that the physical changes in themselves would not have a significant adverse impact nor would they result in any substantial change in the use of the marina. The appellant did not establish that the determination was incorrect.

2. One of the primary purposes of the State Environmental Policy Act (SEPA) is to require the city to consider environmental factors when taking "major actions significantly affecting the quality of the environment". RCW 43.21C030(2)(c). The declaration of non-significance provides a full disclosure of the anticipated impacts. Other concerns regarding public input, terms of the lease, rules of the marina and policies are outside the scope of the SEPA appeal provision and are more appropriately addressed to the Department of Parks and Recreation.

#### Decision

The determination of the Department of Community Development is affirmed and the appeal is DENIED.

Entered this 26th day of July 1978.

  
M. Margaret Klockars  
Deputy Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.