



City of Seattle

Gregory J. Nickels, 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: 3003894
Applicant Name: Greg Ashley for 506 Lakeside LLC
Address of Proposal: 508 Lakeside Ave South

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to replace existing pier and modify existing bulk head to create a beach cove, accessory to multifamily residential building. Over water coverage will be reduced from 405 square feet to 143 square feet and pier piles to be reduced from 8 to 3.

The following Master Use Permit components are required:

Shoreline Substantial Development Permit – to allow replacement and modification of an existing pier and bulkhead in an Urban Residential (UR) Shoreline Environment. - (SMC 23.60.540A4).

SEPA – Environmental Determination – (Chapter 25.05 SMC).

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

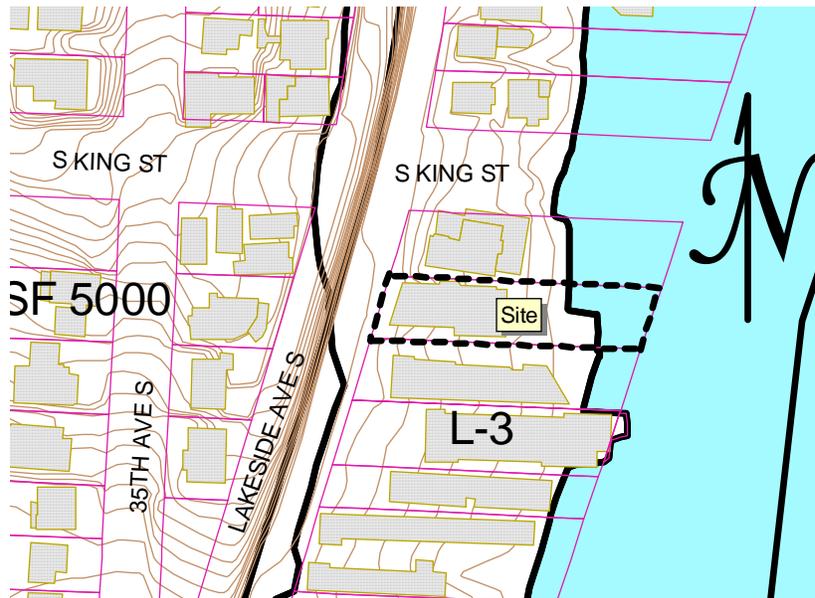
BACKGROUND DATA

Existing Conditions

The subject site is located on Lake Washington in an Urban Residential (UR) shoreline environment on Lakeside Ave S. between S. King St. and S. Lane St.

The zoning designation of the site is Lowrise Multifamily Residential 3 (L3). This zoning continues to the north and south. Zoning to the west is Single Family 5000 (SF 5000). A Potential Slide Environmentally Critical Area is located to the west of the site, but doesn't overlap any portion of the subject property.

The site is currently occupied by a multifamily residential building, surrounded by predominantly other multi-family buildings to the north and south. Single family development is located to the west. A small commercial area is located two blocks north of the site. The existing pier is located on the south side of the lot and measures 15' deep by 27' wide.



Proposal

The applicant proposes to repair the existing pier, reconfigure the outer rectangular portion of the pier to three smaller piers to reduce over water coverage, remove the northern portion of the existing bulkhead to create a coved beach area, and place decking over an existing walkway in the shoreline area.

Public Comment

Public notice of the proposal was issued on March 9, 2006. No comment letters were received.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Substantial Development Permit Required

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A substantial development permit shall be issued only when the development proposed is consistent with:

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of SMC, Section 23.60.064 require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) are permitted in the shoreline environment and the underlying zoning district and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The policies support and encourage the establishment of water dependent uses. Docks and piers are designated as a water dependent use. Water dependent uses are listed as a high priority for land use in shoreline areas. The proposal site is located in an area designated as Urban Residential. This designation is listed in the Seattle Municipal Code and referenced in the Comprehensive Plan and is intended to protect residential areas in a manner consistent with the Single-family and Multi-family Residential Area Policies. Therefore, the proposed project would conform to the policies of the comprehensive plan and would be consistent with the purpose of the UR designation.

Development Standards

The applicant proposes to remove part of the bulkhead, reconfigure and reduce the over water coverage of the existing pier, and place decking over an existing walkway, all of which is accessory to an existing multifamily residential structure. This activity is permitted outright in SMC 23.60.540 governing the UR shoreline environment. The proposed action is therefore subject to:

1. *General development standards for all shoreline environments (SMC 23.60.152);*
2. *Development standards for piers and docks accessory to residential use (SMC 23.60.204);*
3. *Development standards for uses in the UR environment (SMC 23.60.540);*
4. *Development standards for Lowrise zones (SMC 23.45).*

1. General Development Standards for all Shoreline Environments (SMC 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must:

1. Minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected;
2. Be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and
3. Be located, constructed, and operated so as not to be a hazard to public health and safety.

Disturbance of the lakebed sediments is expected because mooring piles will be driven and removed. There is also the potential for construction debris to enter the water during construction, so care will have to be taken to prevent this from occurring.

The proposed work has been determined to be consistent with the general standards for development within the shoreline area. General development standards (SMC 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land or water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. To ensure conformance with the standards in SMC 23.60.157, the proponent will be required to notify contractors and subcontractors of these requirements.

2. Development Standards for piers and docks accessory to residential use (SMC 23.60.204)

These standards regulate the size and location of piers for residential uses. Piers should be located generally parallel to side lot lines and perpendicular to the shoreline and the existing pier would be consistent with this code requirement. The existing pier is located eight inches (8") from the side lot line. The applicant proposes to replace the 27 foot wide existing pier in a smaller footprint with three eight foot wide piers. The proposed piers would be two feet (2') from the adjacent property line at the closest point and would not extend waterward beyond the current length of 15 feet from the shoreline.

The subject property is under review for the demolition of the existing multifamily residential building, and replacement with two three-unit multifamily residential buildings (six units total; MUP #3004924). The proposed units would qualify the site for a total of three finger piers, which is the number proposed with this application.

The proposed pier and dock structures meet the requirements of SMC 23.60.204.

3. Development Standards for UR Shoreline Environments (SMC 23.60.540)

The development standards set forth in the Urban Residential Shoreline Environment relate to height, lot coverage, view corridors and public access. Please refer to the previous section for these requirements.

4. General Development Standards for Lowrise Zone Uses (SMC 23.45.)

The primary use of this site is multifamily residential development. The proposed dock, piers, and coved beach are accessory to the primary use. There are no proposed modifications to the multifamily structures under this Master Use Permit (other revisions under review with MUP #3004924). The primary and secondary uses are permitted by this section. Development standards for piers and docks are governed under SMC 23.60.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

WAC Chapter 173-27 sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

Summary

In conclusion, no additional adverse impacts to the lakebed or water quality are expected, and the proposed addition and interior alterations at this moorage site will be consistent with the provisions set forth by 90.58 RCW, 173-27 WAC, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP), subject to the conditions listed at the end of this report.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 13, 2006. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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: “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. Thus, a more detailed discussion of some of the impacts is appropriate.

Construction Noise Impacts

The SEPA Construction Impacts Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. Proposed demolition and construction of the dock and piers, and removal and installation of pilings, may have adverse impacts on neighboring residences.

It is our conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the close proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit demolition and construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Water Quality Impacts

Disturbance of the lakebed sediments is expected because mooring piles will be driven and removed. There is also the potential for construction debris to enter the water during construction, so care will have to be taken to prevent this from occurring. There is the potential for debris to enter the water during removal and installation of the floating home, so care will have to be taken to prevent this from occurring, as conditioned below.

Historic and Cultural Preservation

The City mapping system indicates that the subject property is located within the Meander Line Buffer, which follows the original shorelines of Seattle. Given that the site is close to the original shoreline, there is a possibility that unknown resources could be discovered during excavation. Therefore, consistent with DPD Director’s Rule [2-98](#) on SEPA Environmental Review and Archaeological Resources, and in order to ensure no adverse impact would occur to an inadvertently discovered archaeological significant resource, DPD conditions the project in accordance with the Director’s Rule (condition #3).

Conclusion

In conclusion, the proposed development is consistent with the provisions of SMC 23.60, also known as the Seattle Shoreline Master Program.

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 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).

SEPA AND SHORELINE CONDITIONS

Prior to Issuance of a Construction Permit

1. Applicant shall notify in writing all contractors and sub-contractors that proposal is subject to the following conditions:
 - a. All work shall protect surface and ground water on and adjacent to the lot and reflect agencies' requirements.
 - b. Best Management Practices (BMP) shall be employed. Include on the plans a written description of the BMP to be used during the proposed work. All deleterious material entering the water during the proposed work this material shall be removed immediately and disposed of appropriately. Any sinking debris entering the water shall be entered in a log and retrieved by a diver after construction.
 - c. An emergency containment plan is required for all toxic material kept on site, including on-site containment equipment and trained personnel.

During Construction

The following conditions to be enforced during construction shall be posted at the site in a location on or near the property line that is visible and accessible to the public and to construction personnel from adjoining street right-of-way(s). The conditions will be affixed to placards prepared by DPD, to be issued along with the building permit set of plans. The placards shall remain posted on-site for the duration of the construction.

2. Construction and demolition is limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m.
3. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall stop work immediately and notify DPD (Shelley Bolser, 206-733-9067) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation, Robert Whitlam, (360) 586-3080, or the current person in the position. The procedures outlined in Appendix A of Director's Rule 2-98 for Assessment and/or protection of potentially significant

archeological resources shall be followed. The applicant(s) and/or responsible party(ies) shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44 RCW and Chapter 25.48 WAC, as applicable.

4. All involved parties shall follow Best Management Practices (BMP).
5. If there is evidence of leakage of hazardous materials to the water, the use of such equipment shall be suspended until leaking is repaired.
6. Any treated wood shall be treated using BMP (creosote or pentachlorophenol prohibited).

For the Life of the Project

7. BMP shall be followed.

Signature: (signature on file)
Shelley Bolser, Land Use Planner
Department of Planning and Development

Date: October 2, 2006