



City of Seattle

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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:** 3005334  
**Applicant Name:** Slawek Porowski  
**Address of Proposal:** 3638 Beach Dr. SW

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to allow one, 2-unit townhouse structure and one, 3-unit townhouse structure in an environmentally critically area. Parking for five vehicles is to be provided within the structure. The existing structures are to be demolished under separate permit.

The following approval is required:

**Shoreline Substantial Development Permit** - for the construction of a one, 2-unit townhouse and one, 3-unit townhouse in the Urban Residential (UR) Shoreline Environment. (Section 23.60.546 Seattle Municipal Code [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**

The proposal site is located in the West Seattle Neighborhood of Seattle. The property is on the upland side of Beach Dr. Southwest across the street from the Puget Sound shoreline.

The subject property is zoned Lowrise 2 with the Urban Residential Shoreline Environment designation (L2/UR). The area along Beach Dr. for several blocks and west, toward the water, is also zoned L-2. The zoning to the north, northeast of the site is all zoned Single-family (SF5000).

### Area Development

The surrounding properties are a mixture of multi-family and single-family residential use. The L-2 zoned lots, immediately surrounding the subject site, are also developed with, small to medium scale, multifamily residential structures. The zoning to the east is Single Family 5000 (SF5000) and is developed with primarily single family residences. To the west along the shoreline the beach is developed with small scale multifamily residential structures.

### Proposal Description

The applicant proposes to demolish the existing structures and construct a 2-unit townhouse structure and a 3-unit townhouse structure. Parking for five (5) vehicles will be provided in ground level garages with access from Beach Dr. Southwest.

### Public Comment

Several comment letters were received for this project which ended on August 25, 2006.

\*In summary, the comments expressed concerns about fire safety; on site parking location and access; and encroachments into the side yards. The comment letters are available in the Master Use Permit file at DPD's Public Resource Center.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

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 granted 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 adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, 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 and other jurisdictions with shorelines adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. 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**

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program". In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline goals and policies established in SMC 23.60.004, and meets the development standards for all shoreline environments established in SMC 23.60.150 as well as the criteria and development standards for the shoreline environment in which the site is located; any applicable special approval criteria; and the development standards for specific uses.

The site is classified as an upland lot (SMC 23.60.924) and the proposed residential structure and associated parking are permitted uses in the Urban Residential (UR) environment (SMC 23.60.540.A.2). The proposal is also subject to the specific development standards established in the Urban Residential (UR) shoreline environment (SMC 23.60.570 - 578).

### **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 decisions in the shoreline district. The purpose of the UR environment as set forth in SMC 23.60.220.C.6 is to *protect residential areas*.

The proposed development will create one 2-unit townhouse structure and one three-unit townhouse structure for a total of five new units. The development standards for structures in the L2 zone limit the height and bulk of structures; establish requirements for setbacks and the provision of open space. The surrounding development to this property is a mix of multi-family structures and occasional older single family structures on lots zoned Single-family (SF5000) and L2. The development standards for structures in both zones ensure that new construction will be compatible with the older surrounding single family development as well as the newer structures designed for L2 zoning requirements.

**SMC 23.60.064 - Procedures for Obtaining Shoreline Substantial Development Permits**

The proposed project is a permitted use in the UR environment (SMC 23.60.546) and the underlying Lowrise 2 zoning district (SMC 23.45.008). As designed, the proposal conforms to the general development standards of the UR environment and the underlying Lowrise 2 zone.

**SMC 23.60.152 - Development Standards for all Environments**

These general standards apply to all uses in the various shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses must: 1) minimize and control any increases in surface water runoff so that the quality of receiving waters and shore properties are not adversely affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impacts 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.

The proposed multi-family use is consistent with these general standards for development within the shoreline area. The proposal is subject to the standards established in the Stormwater, Grading, and Drainage Control Code which include provisions for erosion and sedimentation control both during construction and after occupancy of the building, thereby minimizing any adverse impact to water quality. The proposed structure design and lot location are similar to the surrounding structures and uses in the area. Finally, the building construction will be reviewed for conformity with applicable Codes governing public health and safety by an Ordinance/Structural reviewer.

**SMC 23.60.198 Residences Other Than Floating Homes and SMC 23.60.570 - Development Standards for the UR Environment**

The subject lot is considered an upland lot, not a waterfront lot as defined in SMC 23.60.924. Development standards for upland lots in the UR environment address height limits, lot coverage, view corridors and public access with certain exceptions. The proposed development is for a three unit residential townhouse structure with ground level parking. The structure height is within the height limit for the L2 zone, which is lower than the height permitted for a structure in the UR environment. This lot is considered an upland multi-family lot, and as such the lot coverage requirements of the UR environment do not apply; however, the lot coverage requirements of the L2 zone are applicable and have been met. Because this upland lot is not upland through lot as define in SMC 23.60.924, maintenance of a view corridor is not required. The public access standard of this section only applies to waterfront lots; this standard does not apply for this proposal.

### **C. The Provisions of Chapter 173-27 WAC**

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). Since the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58. As discussed in the foregoing analysis, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

### **ANALYSIS - SEPA**

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).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 3<sup>rd</sup>, 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 Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file. As indicated in the annotated checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

### **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 43.21C), 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).

**CONDITIONS - SEPA**

None required.

**DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit is **GRANTED**.

Signature: \_\_\_\_\_ (signature on file) Date: June 14, 2007  
Joan Carson, Land Use Planner II  
Department of Planning and Development

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