



City of Seattle  
Gregory J. Nickels, Mayor

**Department of Planning and Development**  
Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Numbers:** 3004412  
**Applicant Name:** Ed Solseng  
**Address of Proposal:** 5915 Beach Drive SW

**SUMMARY OF PROPOSED ACTIONS**

Land Use Approval to subdivide one parcel into two parcels of land in an Environmentally Critical Area (ECA). The proposed parcel sizes are: A) 5,891 square feet; and B) 5,479 square feet. The existing on-site is proposed to be demolished.

The following approvals are required:

**State Environmental Policy Act (SEPA)** – to approve or condition pursuant to 25.05.660 – Seattle Municipal Code (SMC) Chapter 25.05

**Short Subdivision** – to subdivide one existing parcel into two lots as a short subdivision. (Chapter 23.24 Short Plats, Seattle Municipal Code)

**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 Description and Area Development

The subject property is located in the West Seattle area south of Alki Beach and fronts Beach Drive SW, extending downslope to the west to a concrete bulkhead retaining wall above the Puget Sound shoreline. The land portion of the rectangular subject property measures approximately 75 feet wide (north-south) by about 152 feet long (east-west). The remainder of the subject property extends into Puget Sound to the mean low tide line.



The subject property is zoned Single Family 5,000 (SF5000) and is landscaped with lawns and ornamental plants and shrubs. The yard west of the existing on-site residence is mostly lawn that extends down to the 14-foot high concrete bulkhead along the Puget Sound shore.

The site is bordered on the north and south by single-family residences (SFRs), on the east by Beach Drive SW and adjacent SFRs, and on the west by Puget Sound. The vicinity of the site was residentially developed predominantly between the 1930s and 1960s. Many of the older SFRs in this study area have been extensively remodeled or razed to build new homes in the past few years.

The existing SFR was constructed in a cut into the west-facing slope that extends to the aforementioned bulkhead wall. The subject property ranges in elevation from approximately 28 feet next to Beach Drive SW, extending down to the backyard behind the house at an elevation of approximately 20 feet. The grade change from this location averages approximately 10 percent towards the bulkhead wall.

City of Seattle GIS data identifies that west of the existing structure is a mapped Flood Prone Area. The entire subject property is mapped as a Liquefaction-Prone Area, while the western approximately two-thirds of the subject property is identified as Shoreline Habitat. These identified areas are subject to the regulations for Environmentally Critical Areas.

#### Future Construction Proposal

The subject property currently contains an SFR on the eastern portion of the site, which will be demolished. Proposed on the easternmost portion of the parcel A (the northern subdivided parcel) is a three-story SFR with parking located within the structure for two vehicles.

#### Short Subdivision Proposal

The applicant proposes to short subdivide one parcel into two parcels of land in an Environmentally Critical Area (ECA). Proposed parcel sizes are: A) 5,891 square feet and B) 5,479 square feet.

#### Public Notice and Comment Periods

Public notice of the project applications was given on July 26, 2007 and the comment period was scheduled to end on August 8, 2007; however, an extension to the period was granted until August 22, 2007. DPD received two comment letters opposing the proposed subdivision.

#### **ANALYSIS – SEPA**

The proposal site is located in a designated Environmentally Critical Area (ECA), 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 of Seattle's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. 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 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 July 12, 2007 and annotated by the assigned Land Use Planner. The information in the checklist, pertinent public comments, 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 (DPD) has analyzed the environmental checklist submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in this analysis, 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.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

#### Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

The applicant submitted a Geotechnical Report prepared by Geotech Consultants Inc., dated November 14, 2006, which provides recommendations for safe construction. In addition, DPD staff will review subsequent building permit(s) for consistency with the ECA Regulations (SMC 25.09) and the Stormwater, Grading and Drainage Control Code (SMC 22.800). The existing Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

#### Construction Noise Impacts

Excavation will be required to prepare the building sites and foundations for the new buildings. Additionally, as development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m., Saturdays from 9:00 A.M. to 6:00 P.M. This

condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work (e.g., installation of landscaping) after approval from DPD (3 days advance notice required).

### **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 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 43.21C.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**

#### *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 (BMPs) shall be employed. Include on the plans a written description of the BMPs 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. The hours of construction activity not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m., Saturdays from 9:00 A.M. to 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 (Mike Reid, 206-386-4646) and the Washington State Archaeologist at the 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 (BMPs).
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.

For the Life of the Project

6. BMPs shall be followed.

**ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, the following criteria have been used to determine whether to grant, condition, or deny a short plat. Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the correlating criteria:

*1. Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for SFR use, with a minimum lot size of 5,000 square feet (SF5000) or as provided in SMC 23.44.010B.1.b. The allowed use in a single-family zone is one dwelling unit per lot, with accessory uses and structures permitted in accordance with SMC 23.44.040 and 23.4.042. Maximum lot coverage within the SF5000 zone is 35 percent or 1,750 square feet, whichever is greater. Front yard setbacks are an average of the neighboring adjacent lots or 20 feet, whichever is less. The minimum side yard setback is generally five feet, while the SMC 25.09.240.B.4.b requires that each residence in the Shoreline habitat buffer be no further waterward than twenty-five feet (25') from the ordinary high water mark (OHWM). The OHWM was determined during a site visit that occurred on August 21, 2007 and included appropriate staff from the City of Seattle DPD and the State Department of Ecology (DOE). The site visit confirmed that the OHWM and location of dryland area as shown on the submitted short plat are accurate with the conditions observed at the site.

The lots created by this proposed short subdivision will conform to all development standards of the SF5000 zoning designation. In particular, development to occur of the proposed lots shall conform to the provisions of the Shoreline Master Program, SMC 23.44, and SMB 23.60.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in SMC 23.53.005;*

Proposed Parcels A and B will each have direct vehicular and pedestrian access provided from Beach Drive SW. Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. The easement as required by Seattle City Light shall be included on the final plat prior to recording. The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Please note that development proposed on the subdivided lots must also adhere to the design standards and access for off-street parking as detailed in SMC 23.54.030.D.1. This includes limitations to the number of curb cuts permissible along the lot frontage, the width of proposed driveway(s), and access to and from the site. Of particular note, vehicles may not back out of driveways directly onto arterial streets such as Beach Drive SW. Development on site shall provide sufficient space for vehicles to maneuver in a method that will allow forward exit onto Beach Drive SW.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities and Water Availability Certificate No. 20071295, issued July 26, 2007.

New construction with discharge to the sanitary sewer will require a side sewer permit. Plan review requirements regarding stormwater will need to be made at the time of the building permit application(s).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

City of Seattle GIS data identifies that west of the existing structure is a mapped Flood Prone Area. The entire subject property is mapped as a Liquefaction-Prone Area, while the western approximately two-thirds of the subject property is identified as Shoreline Habitat. These identified areas are subject to the regulations for Environmentally Critical Areas (ECAs). Accordingly, future construction is subject to the provisions of the Critical Areas Ordinance 25.09. The proposed short subdivision is also subject to the specific provisions of SMC 25.09.240.

6. *Is designed to maximize the retention of existing trees;*

City of Seattle GIS data, information provided by the applicant, and observations made during the Staff site visit indicate that neither heritage trees nor significant amount of vegetation exist on the northern portion of the site which is proposed as Parcel A. Future construction will be subject to the provisions of SMC 23.44.008 and SMC 25.11 which sets forth tree planting requirements and tree preservation regulations on single family lots.

7. *Conformance to the provisions of SMC 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit lot subdivision and, as such, is not applicable to this proposal.

**DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

**CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Pursuant to SMC 25.09.240.B.4, a condition shall be added to face of the plat restricting the development in the identified buffer to water dependent or water related uses, or to single family residential uses.
3. Submit the final recording forms for approval and any necessary fees.
4. Provide a covenant or easement on proposed Parcels A and B for the posting of the address of these lots in a manner such that the address will be visible from the Beach Drive SW right-of way. Update the proposed legal descriptions accordingly.

Signature: \_\_\_\_\_ (signature on file) Date: October 8, 2007  
Mike Reid, Land Use Planner  
Department of Planning and Development

MR:lc