



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:** 3005473  
**Applicant Name:** April House for Cobb Construction  
**Address of Proposal:** 3726 Beach Drive Southwest

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to establish use for future construction of a one, one (1)-unit ground related structure and one, three (3)-unit townhouse structure in an environmentally critical area. Parking for four vehicles will be located within the structures. One existing single family residences will be removed under separate permit.

The following approvals are required:

- **Shoreline Substantial Development Permit** to establish use for a one-unit ground related structure and a three-unit townhouse structure with accessory parking in an Urban Residential (UR) Environment. (SMC Chapter 23.60.540).
- **SEPA - Environmental Determination**  
(Chapter 25.05, Seattle Municipal Code).

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

**BACKGROUND DATA**

Site and Vicinity Description

The development site is located near Alki Point, in the 3700 block of Beach Drive Southwest, in West Seattle. The site is located within a Multifamily Lowrise Two (L2) zone with a minimum density requirement of one unit per 1,200 square feet of lot area. Additionally, a significant portion of the site is located in the Shoreline, Urban Residential (UR) environment, within 200 feet from the Puget Sound Shoreline edge (ordinary high water mark). The site is irregular in shape that comprises a land area of approximately 5,376 square feet, and fronts on two streets;

Beach Drive SW to the west and 60<sup>th</sup> Avenue SW to the east. The development site has a lengthwise orientation along the east/west axis, with an average lot depth of approximately 107 feet. The existing residential structure addressed at 3726 Beach Drive Southwest, slated for demolition, is a modest one-story duplex structure constructed in 1918. The existing structure is oriented towards Beach Drive on a relatively flat lot with parking accessed off Beach Drive. The development site has potential panoramic views of the Olympic Mountains and Puget Sound. Beach Drive SW is a fully improved street with curbs, sidewalks, and gutters; while 60<sup>th</sup> Avenue Southwest is partially improved with an asphalt roadway separated by a landscaped berm running down the middle of the street right-of-way.



The development site contains a designated Environmental Critical Areas (ECA); Liquefaction areas. Existing vegetation on the subject property is modestly dense, typical of the surrounding area.

### Vicinity Description

Zoning in the area is predominately residential with (L2) running along Beach Drive providing the highest concentration of residential use. To the east across the centerline of 60<sup>th</sup> Avenue, residential density becomes less intensive within the Single family 5,000 (SF 5000) zone. Housing stock within the L2 area features a variety of structures from three-story concrete apartment buildings to single-story wood frame structures. Across Beach Drive an apartment building (Harbor West) extends out over the water approximately 350 feet. Due north of Harbor West, a small waterfront park (Seattle Park's Cormorant Cove Park) provides an intimate shelter from high activity areas. Topographically, the SF 5000 zone abruptly ascends upwards in excess of 40% to the top of bank, some 200 feet above the development site to the east. Though this area is dominated by the slope, nevertheless the area is well developed with single family housing.

### Proposal Description

The applicant proposes to construct two residential structures, one containing a three-unit townhouse, the other a single unit ground related use. The townhouses are proposed to be oriented along Beach Drive, with each unit stepping back to maximize views. The single-unit structure will have its frontage along 60<sup>th</sup> Avenue. Access to parking will be off 60<sup>th</sup> Avenue, near the site's southeast corner. The driveway will continue along the south property line to a parking aisle set between the two structures, with each unit maintaining a separate garage entry. The primary pedestrian entries to the buildings are proposed to be located adjacent to each unit's respective street frontage. Residential open space is proposed in four locations at ground level, between each unit's front entry and the street right-of-way. Additional landscaping is proposed to be arrayed upon the development site in an around the side setbacks. Future building related activities at the development site include submitting an application for a Unit Lot Subdivision.

Public Comment:

Date of Notice of Application:	August 3, 2006
Date End of Comment Period:	September 1, 2006
# Letters	0

No public comments were received during the public comment period, which ended on September 1, 2006.

**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 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 seeks to protect 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 generally 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 proposed demolition of one existing residential structure to allow construction of two structures, one housing a one-unit ground related building, the second containing a three-unit townhouse structure would not adversely impact the state-wide interest of protecting the resources and ecology of the upland shoreline environment, and the redevelopment would increase residential housing stock with enhanced views of the shoreline in the State of Washington. The subject lot is located across Beach Drive Southwest, a 60 foot wide right-of-way adjacent to beachfront residential property. As previously mentioned, the site is located within an ECA liquefaction overlay, and is relatively flat topographically. Codes and development regulations applicable to this proposal will provide sufficient measures to safeguard the public interest and protect the ECA that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW [90.58](#).

## **B. The Regulations of this Chapter**

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 ensuring 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](#), that also incorporates the provisions of Chapter [173-27](#), WAC. [Title 23](#) of the Municipal Code is also referred to as the Land Use and Zoning Code. 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 which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use and subsequent development meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle [Comprehensive Plan](#), and the purpose and location criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of SMC [23.60.152](#), the specific standards of the shoreline environment (SMC 23.60. 840) and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as an upland lot (SMC [23.60.546](#)) and is located within an Urban Residential (UR) shoreline environment. The proposed redevelopment is associated with establishment of a total of four ground related residential structures and as such is a permitted use in the UR shoreline environment and the underlying Multifamily Lowrise Two zone.

### **Seattle Comprehensive Plan - Shoreline Policies**

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's [Land Use Element](#), and consideration of the purpose and location criteria for each shoreline environment designation contained in SMC [23.60.220](#). The goals and policies support and encourage the establishment and protection of non-water dependent uses on upland lots when they complement uses on adjacent waterfront lots (please refer to Land Use Policy LUG41). An area objective for this portion of the Puget Sound area is to protect areas developed for residential use in a manner consistent with the Single family and Multi-family Residential Area Policies (please refer to Area Objectives for Shorelines of Statewide Significance, Policy LU269.1.a). These multi-family policies, in turn, have objectives that include ensuring that new development is compatible with the neighborhood character and ensuring adequate capacity for future housing need. The purpose of the Urban Residential (UR) environment as set forth in Section [23.60.220 C6](#) is to protect residential areas, such as the redevelopment proposal at the development site.

The proposed multifamily redevelopment proposal would provide a total of four residential units in a neighborhood within the L2 zone undergoing transition into increased density of multifamily uses. The structure would be constructed in a manner consistent with the underlying multi-family zoning and in character with surrounding new multi-family development. The resulting residential units would have views of Puget Sound and future occupants would benefit from

direct access to shoreline public access features available along this portion of Beach Drive SW. The proposal is supported by both the purpose of the UR shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the 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 are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage.
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall 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.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regards.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed and as conditioned below, the project complies with the above shoreline development standards. Long term effects are minor and do not warrant further conditioning.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort, DPD developed a Director's Rule, 16-2000, to apply Best Management Practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to demolition, excavation and other construction activities, the potential exists for impacts to the Puget Sound. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

#### SMC 23.60.570 - Development Standards for the UR Environment

The proposal conforms to all of the development standards for the UR environment. The proposed structure height is 35 feet (top of roof ridge) which meets the maximum height established for L2 zone. Lot coverage percentage is based on the underlying zone; the proposal is less than the allowed amount for multi-family development. The proposal is not subject to view corridor development standard; therefore the standard does not apply. Since the subject lot

is privately owned and is located on an upland lot standards related to public access is not applicable. Across the street along Beach Drive's pedestrian trail considerable public access and recreational opportunities are available, no additional public access to the shore would be required.

### **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). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter [23.60](#) is also consistency with WAC [173-27](#) and RCW [90.58](#).

### **Conclusion**

SMC Section [23.60.064E](#) provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter [23.60](#), and with RCW [90.58.020](#) (State policy and legislative findings).

Thus, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

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

### **SEPA DETERMINATION**

The development site contains one designated Environmental Critical Areas (ECA); Liquefaction areas. The development site and block is relatively flat with minor landscaping. The adjacent hillside to the east, across the 60<sup>th</sup> Avenue right-of-way has slopes that exceed 40 percent and has two additional ECA designated classifications; Steep Slopes and New Potential Slides area. 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 prepared by April House and submitted on July 25, 2006. The information in the checklist, a Geotechnical Report prepared by AMEC Earth & Environment, Inc, dated April 28, 2005, supplemental Liquefaction Analysis prepared by Aspect Consulting, dated February 8, 2007, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject shoreline substantial development is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and

2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in 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, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The overview policies 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), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: 1) demolition and construction activities could result in the following adverse impacts; 2) construction dust and storm water runoff, temporary soil erosion, emissions from construction machinery and vehicles, increased particulate levels during excavation and construction, increased noise level, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation (SDOT). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

### **Earth Impacts**

The subject property is designated as a Liquefaction Area in the Environmentally Critical Areas (ECA) maps folio. The subject site is nearly level from street to street, as was previously noted, the toe of a steep slope is located further east, across 60<sup>th</sup> Avenue Southwest.

The applicant has submitted a Geotechnical Engineering Report and Liquefaction Analysis addressing soil composition to evaluate development impacts associated with the construction of

four ground related units (within two structures). The purpose of the report was to determine design conclusions and recommendations concerning site preparation, excavation, foundations, floors, drainage and structural fill. The report indicated that the site is suitable for the development of the proposed ground related buildings provided that the recommendation contained within the report and supplemental liquefaction analysis documentations are implemented and observed during construction.

The subsurface investigation was performed by drilling two borings ranging in depth from 19 feet to 34 feet. Each boring was located within the footprint of each proposed structure. Boring #1 (B-1) was located near the site's northeast corner, within 20 feet of 60<sup>th</sup> Avenue Southwest. The depth of perched Groundwater was found between 5 to 18 feet below grade. Groundwater table was not encountered at the boring depth. Boring #2 (B-2) was located in the general area of the site's southwest corner, within 25 feet of Beach Drive Southwest (B-2). Depth of perched Groundwater was found at between 8 to 18 feet. The groundwater table was encountered at approximately 23.5 feet below grade. In general, subsurface soils encountered consisted of up to approximately 4.5 feet to 8 feet of loose, fine to medium sand. Below this layer, silty sandy, gravel and silty, sand with some gravel materials were found. Below this layer of Beach Deposits denser coarse sand slit and clayey interbeds were uncovered.

The soils report modified by the liquefaction analysis concluded that the proposed structures could be supported with pin piles to minimize the potential for differentiation settlement and potential need for re-leveling in the event of an earthquake. An alternative design scheme was presented that included unitized floating foundation with structural floor slab; however it would place the proposed structures at the end of practical limits for support of a building greater than three stories due to the potential need for post earthquake repairs due to differential settlement. The proposed buildings are not to exceed three stories.

Review of the submitted report and approval of the resultant plans and construction methods will be subject to the standards of the Stormwater, Grading, and Drainage Control Code, as well as the Environmentally Critical Area Ordinance. No further mitigation for the purposes of SEPA compliance is warranted.

There are no short term impacts identified with the creation of (unit lot) subdivisions. Short term impacts are associated with the construction of the structures and have been analyzed and discussed with no further conditioning is warranted.

### **Long-term Impacts**

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

### **Traffic and Parking**

The proposed four-unit development is expected to generate less than 23 daily vehicle trips (using a high estimate of 5.86 vehicle trips per pay)<sup>1</sup>. Beach Drive SW is a moderately used

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<sup>1</sup> Trip Generation, 7<sup>th</sup> Edition; prepared by the Institute of Transportation Engineers, Residential Condominium/Townhouse (land use 230).

arterial that has adequate capacity to absorb the additional vehicle trips. The street is also served by Metro Transit.

On-street parking is available on both sides of Beach Drive. During summer months, on-street parking is frequently at or above capacity, due to the proximity of Alki Point. Proposed on-site parking is at 1 stall per unit to meet the minimum zoning code requirements (at 1 stall per unit) and should be adequate to accommodate average parking demand on the property. Additionally, at least one on-street parking space will be made available along Beach Drive due to the removal of one curb cut at the development site. It is not anticipated that the resulting traffic or parking demand would adversely affect the existing street system. No mitigation is warranted.

There have been no long term impacts identified with the possible creation of a unit lot full subdivision. Long term impacts have been analyzed and discussed above with no further conditioning warranted.

### **DECISION**

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 43.21.030(2)(C).

### **SHORELINE SUBSTANTIAL DEVELOPMENT CONDITIONS**

#### *Permanent for the Life of the Project:*

1. Appropriate Best Management Practices (BMP) shall be employed during all activities at the site, including boat and ship repair work, to prevent debris, toxic material and/or other deleterious matter from entering Waterway during such activities.
2. Debris, toxic material and/or other material that enters the water during the life of the project shall be removed immediately and disposed of at the appropriate upland facility.

### **SEPA CONDITIONS**

None

Signature: \_\_\_\_\_ (signature on file) Date: October 29, 2007  
Bradley Wilburn, Land Use Planner  
Department of Planning and Development

BW:lc