



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Project Number: 3008802

Address: 4145 Beach Drive SW

Applicant: Robbin Gray, Arellano-Christofides Architects, for Mike and Pat Filer

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two residential structures within the Shoreline Overlay District (Urban Residential) and within an environmentally critical area (Shoreline Habitat Buffer). The applicant proposes demolition of the two existing structures on site and development of three residential units, two of which will be attached in a single structure with one unit within a freestanding structure. One parking space will be provided for each residential unit and will be contained within the proposed structures. A unit lot subdivision is planned at the appropriate time to create three separate ownership parcels.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

Shoreline Substantial Development - Chapter 23.60

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION:

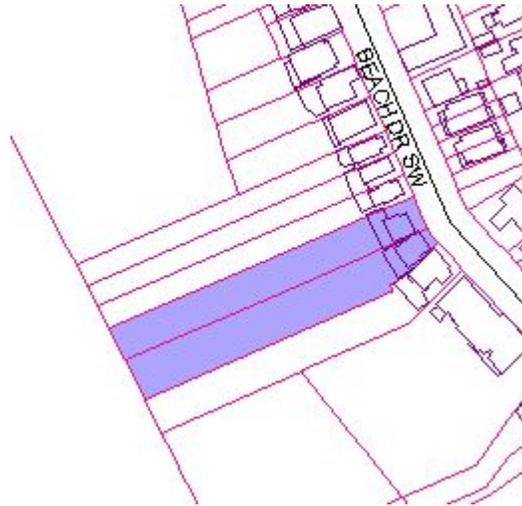
Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND INFORMATION:

The subject site is located along Beach Drive SW on the shoreline of West Seattle, adjacent to Puget Sound. The building site slopes towards the west from the street with a drop of approximately eight feet from sidewalk level to the terrace and bulkhead that marks the waterline. The development site consists of two platted lots, currently occupied by two single-family homes that have been converted to multifamily residences. The site is zoned L-2 UR (Lowrise 2, and within the urban residential shoreline environment). It is located within a shoreline habitat environmental critical area.



The character of the neighborhood is generally residential with homes and apartments oriented to the water. Garages and on-site parking typically abut the streets and existing buildings are often set closer streetwards than the current Code would allow. The shoreline lots are generally narrow and extend a considerable distance into the tidelands, with limited dry-land for actual development. The neighborhood is well established but is undergoing infill redevelopment and redevelopment of existing structures.

PROPOSALS

The applicant proposes demolition of the existing structures on site and development of three homes, which, in the preferred scheme, would consist of two attached and one freestanding structure. One parking space will be provided for each residential unit. A unit lot subdivision is planned at the appropriate time to create three separate ownership parcels.

Three conceptual designs have been presented by the architect. One of the schemes shows a row of three townhouses, within a single structure, set close to the south property line with surface parking provided adjacent the north property line of the development site. Another of the schemes separates a single residential unit along the south property line from a two-unit structure situated to provide a view corridor on either side. Access to parking would though the southern view corridor. While concealed from street view, the parking level would provide a blank façade to the beach, since it would not be buffered by other occupied space as viewed from there.

The preferred design option, while similar in some respects to the second alternative, would require a departure from front setback requirements. This would allow, as presented by the architect, for an intervening use between the parking and beach, and would allow for an integration of stoops, porches, terraced planters, and individualized entries, providing for greater front façade modulation and an enhanced pedestrian experience along Beach Drive SW in front of the units.

Public Comments:

One public comment was received during the comment period which ran through April 2nd, 2008. See below, under Design review Analysis, for a fuller description of the comment which was focused on design elements. The comment from a neighbor on the opposite side of Beach Drive SW indicated that the neighbor had no objection to the design departure request for a reduction in front yard setback, but expressed a wish that the views of the water from upland lots be impacted as little as possible by placement of the new homes. The design of the homes themselves should be as pleasing to the eye as possible.

There was some concern expressed about the two-family townhouse structure absorbing much of the current view corridor and rising higher than what is there now. The question was asked whether consideration been given to putting the two-unit townhouse on the southern part of the property, so that the "newer" single family houses would constitute a continuous row. In addition, the comment favored the intent of using native plants and pervious surfaces where possible and the intent to create substantial modulation along the front façade. There was a hope expressed that the choice of exterior paint color would be within a more neutral palette so that the eye could be more easily drawn away from the new structures and to the water beyond.

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 two structures would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued residential uses in the designated Urban Residential overlay 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 proposal is subject to the Shoreline Policies of Seattle Shoreline Management Program (SSMP) [23.60.004](#), because the site is located within the shoreline district and the cost of the project exceeds \$2,500. Single-family structures and multifamily structures are permitted uses within the Urban Residential (UR) shoreline environment. The two proposed structures have been designed and mitigated to ensure minimum impact to the public health, land, and the waters of the state, and their aquatic life. The location and design of the two residential structures will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses.

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 SSMP [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 (SSMP 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SSMP [23.60.004](#), and meets the criteria and development standards for the shoreline environment in which the site is located; any applicable special approval criteria; general development standards; and the development standards for specific uses.

The proposal is to allow one single-family residence and a two-unit townhouse structure on two lots currently occupied by two legally non-conforming structures, a structure built in 1907 and containing two residential units and another structure built in 1908, containing four residential units. The area of construction lies within the designated Shoreline Habitat buffer which extends one hundred feet from the ordinary high water mark and is subject to the development standards

for Shoreline Habitat as specified in SMC 25.09.200 B. The proposal for development of two new structures after demolition of the existing two structures has undergone the Administrative Design Review process SMC 23.41.016 (see analysis below), meets the development standards of the Lowrise 2, multifamily zone (SMC 23. 45.008—with a Design Review departures granted for a reduction in the front setback), and meets the shoreline policies of the City of Seattle.

The subject property is classified as a waterfront lot (SSMP 23.60.924) and is located within an Urban Residential (UR) environment, as designated by the Seattle Shoreline Master Program. The principal use on this waterfront lot is residential.

The proposed project must meet the standards of the underlying Residential zone, the development standards for the UR shoreline environment (SSMP 23.60.600) and the general development standards for all shoreline environments (SSMP 23.60.152). The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SSMP 23.60.064).

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 policies recognize the existing areas developed for residential use while calling for the protection of the fragile ecology of fish migration routes (please refer to Area Objectives for Shorelines of Statewide Significance, Land Use Policies LU 269). SMC 25.09.200 B sets forth the development standards for Shoreline Habitat buffers. The purpose of the Urban Residential (UR) environment as set forth in Section [23.60.220 C6](#) is to protect residential areas while preserving and enhancing views of the water.

The proposed new structures will continue the residential use on the two lots. The proposed increase in setbacks from the ordinary high water mark, the proposed decrease in pervious surface adjacent the bulkhead and the proposed addition of native plantings in the waterwards area that currently enjoys none will provide for a greater attenuation of environmental impacts to the Shoreline Habitat. The residential use 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. The standards 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. SSMP [23.60.152](#) sets forth the general development standards with which all uses must comply, including best management practices. The two new structures will be consistent with these development standards since any permits to be issued for the construction of the approved two structures will be required to demonstrate best management practices to protect the water quality of the Shoreline Habitat during construction and to prevent wastes or untreated effluents from entering the water. The reduction in existing impervious surfaces along the shoreline and the addition of native plantings waterwards of the structures is calculated to provide for a continuing enhancement of the shoreline environment.

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.

ANALYSIS—DESIGN REVIEW

Early Design Guidance

Public Comments:

One public comment was received during the comment period which ran through April 2nd, 2008. That comment, from a neighbor on the opposite side of Beach Drive SW, indicated that the neighbor had no objection to the design departure request for a reduction in front yard setback, but expressed a wish that the views of the water from upland lots be impacted as little as possible by placement of the new homes. The design of the homes themselves should be as pleasing to the eye as possible.

There was some concern expressed about the two-family townhouse structure absorbing much of the current view corridor and rising higher than what is there now. The question was asked whether consideration been given to putting the two-unit townhouse on the southern part of the property, so that the "newer" single family houses would constitute a continuous row. In addition, the comment favored the intent of using native plants and pervious surfaces where possible and the intent to create substantial modulation along the front façade. There was a hope expressed that the choice of exterior paint color would be within a more neutral palette so that the eye could be more easily drawn away from the new structures and to the water beyond.

PRIORITIES:

Having visited the site, and after studying the development objectives and schematic proposals contained in the Early Design Guidance packet, DPD agreed that the architect's preferred alternative should receive further design development. DPD indicated it was inclined to grant the requested departure, provided the project design responded to the following guidelines and guidance and was able to demonstrate that the departure from the Land Use Code requirement would result in a development that better meets the intent of the adopted design guidelines DPD has identified below as being of highest priority from among those found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*":

A. Site Planning

A-1 Responding to Site Characteristics.

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

Beach front houses often present a back door feel to their street-facing facades. The design of the proposal should rise to the challenge of contributing substantially to a desirable and comfortable streetscape. The schematic preferred option presents a more desirable face to the street and the design should maintain this desirable element with ample fenestration at all levels of the front façade so as to achieve "eyes on the street" as well as eyes-on-the water. The private open space for each unit should provide for a sensitive transition to the water's edge, one that acknowledges the "shoreline habitat" nature of this edge.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The structures should display a sense of proportion within facades and between the structures and the street. The presence of more than one curb cut and driveway will clearly undermine pedestrian comfort along Beach Drive SW. Fence lines should be considered anathema, or if proposed should be as transparent as possible. The combined height of wall and top of fence along the sidewalk should in no case exceed a height of five feet.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

The residential entrance off Beach Drive should seek for subtle singularity and distinctiveness.

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The front facades and entrances to buildings on the street should be visually accessible from the street and sidewalk. Landscaping should be kept relatively low to maintain a clear and direct visual connection between the street, sidewalk and structure. Fencing and high hedges should be eschewed.

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The obvious location of open space for each of the residential units is away from the street in areas waterwards and with views of the water. These should be carefully integrated with the residential and units designed with a sensitive respect for the shoreline environment.

A-8 Parking and vehicle access.

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The design development should continue to display the sensitivity to minimizing the impact of parking as shown in the location of driveway and parking in the preferred option.

B-1 Height, Bulk and Scale Compatibility

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated developments of the adjacent zones.

Although the site does not mark a zone transition edge, the location of the structures forward on the lot, enabled by means of a departure from development standards, may increase their perceived height and bulk. Design development should continue to evaluate the proper fit with the structures along the existing streetfront and the siting of the structures should evidence a sensitivity to providing appropriate view corridors.

C. Architectural Elements and Materials

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Take clues from the desirable character of other well-designed buildings in the neighborhood. Pay particular attention in this regard to such things as the rhythm of windows and the detailing of front and side facades.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The use of quality exterior materials is of high priority for this site.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Maintain and enhance the pedestrian environment along Beach Drive SW. Taking vehicular access off this street from more than one point would be highly detrimental to maintaining a desirable pedestrian environment. The proposed stoops and individual pedestrian pathways to each entry, on the other hand, are desirable features and to be commended. Design of the small front yard for each unit should receive attention to landscaping detail.

D-3 Retaining Walls

Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible....and should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape. right-of-way.

The areas behind the retaining walls should provide opportunities for planting low growing native plants and plant materials that might overhang the walls.

D-5 Visual Impacts of Parking Spaces

The visibility of ...parking structures ...should be minimized.

The parking should be hidden from view as intended in the preferred scheme and efforts undertaken to insure that the driveway functions as a true view corridor to the water.

E. Landscaping

E-2 Landscaping to Enhance the Building and/or Site

Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The landscaping for this project, both on site and any in the adjacent right-of-way should be carefully designed with the neighborhood in mind and integrated with the proposed structure to enhance the overall effect of the project. A continuity of shoreline native plants within the overall landscape design is strongly recommended.

E-3 Landscape Design to Address Special Site Conditions
The landscape design should take advantage of special on-site conditions such as...natural areas....

Reduce the existing impervious surfaces on site, in particular those adjacent the shoreline, and integrate native shoreline plantings with permeable pavers in the terrace areas to create an ecologically friendlier shoreline environment.

SUMMARY OF DEPARTURE REQUESTS

The applicant requested a departure from the requirement that the front setback be determined by averaging the front setbacks of the two developments on either side of the development site (SMC 23.45.014). DPD indicated it would view favorably the request for a departure to allow an 8-foot front setback as shown in the preferred scheme, provided the project conveyed a successful overall design that better met the intent of the guidelines and guidance stated above.

Architect's Response to Early Design Guidance

Arellano-Christofides Architects undertook design development and applied for a Master Use Permit on April 23, 2008. An escutcheon-shaped single-family residence, with a footprint of 766 square feet, tapering outwards from a relatively narrow front façade is proposed on the south side of the development site. Two rectangular shaped, attached townhouses, one of 691 square feet at ground level and the other 735 square feet, occupy the northerly portion of the site. A 16-foot view corridor intervenes between the two structures. The proposed structures are each pushed further away from the bulkhead than are the existing structures so that a full 25 feet is maintained from ordinary high water. The existing all-concrete patio is replaced with pervious pavers and planting beds with native plantings are interspersed in what is at present a continuous concrete surface. The ground floors of each of the structures are set at an elevation of 12.65 feet, a full two feet above the assumed elevation of the 100-year flood event. A space for a vehicle is located within and under each of the structures. Each of the residential units has an entrance clearly visible from the street. The structures are proposed with metal roofs and metal and hardi-plank siding above a concrete base. They are proposed to express a color pallet appropriate for beach houses.

In general, the proposed structures embody a handsome simplicity which in their overall composition and detailing respond to the Guidelines set forth as being of highest priority for this site. The choices made for the architectural expression of the Guidelines is commendable and the requested design departure to provide for a front setback less than otherwise required by Code is quite suitable given the need to pull the structures forward from the water to allow for a full 25-foot buffer between the water and the development.

Director's Design Review Decision

The Director **approves** the siting and the overall design of the two structures and **grants approval** of the requested departure from SMC 23.45.014 and to allow a minimum 8-foot front setback as shown on the MUP plan sets.

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 April 23, 2008. 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.

The SEPA Overview Policy (SMC 25.05.665D) 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 25.05.665D1.1) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

Noise

The SEPA Noise Policy (SMC 25.05.675B) lists mitigation measures for construction noise impacts. It is our conclusion that limiting hours of construction beyond the requirement of the Noise Ordinance is necessary to mitigate impacts to surrounding properties that will result from the proposal. This is due to the intense 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 construction activity to non-holiday weekday hours between 7:00 a.m. and 7:00 p.m. After the structure is enclosed, interior construction may be done at other times with the written approval of the Land Use Planner.

Air Quality

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust

would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Shoreline Habitat

No disturbance of the shoreline habitat is expected since all work will be done landward of the existing bulkhead. There is the potential for construction debris and contaminants to enter the water during construction, however, so care will have to be taken to prevent this from occurring. In addition to the requirements set forth by SSMP 23.60.152, specific Best Management Practices (BMP's) will be noted on all construction plans and employed during demolition/excavation/construction. Soils shall be contained and controlled on-site and excavation slopes shall be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work. This will ensure that there is no contamination of the Shoreline Habitat.

Long-term Impacts

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they 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 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 with conditions. 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).

CONDITIONS - DESIGN REVIEW

Non-Appealable Conditions-Design Review

1. Construct a building with siting, massing, materials, color and architectural details substantially the same as that presented in the approved MUP plans. Any proposed changes to the exterior of the building or to the site at the time of construction must be submitted to DPD for review and approval by the Land Use Planner (Michael Dorcy, 615-1393).

CONDITIONS – SEPA and SHORELINE

Prior to Issuance of any Demolition/Construction Permit

2. Submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction.

Prior to Issuance of a Construction Permit

3. Notify in writing all contractors and sub-contractors of the general requirements of the Shoreline Master Program (SSMP 23.60.152), and shall be 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 water quality management programs and regulatory agencies.
 - b) Best Management Practices shall be employed during the proposed over-water work as necessary to keep debris and deleterious material out of the water. The contractor shall include on the plans a written description of the BMPs that will be used during the proposed work.
 - c) Prior to commencing construction, an emergency containment plan and procedures shall be developed for all toxic material that will be kept on site. All necessary equipment for containment and clean-up of this toxic material shall be stocked on the site. A sufficient number of personnel that will be on-site during construction shall be trained in the proper implementation of this plan.

During Construction

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

4. The owner(s), builder(s), or responsible party(s) shall follow the BMPs developed to prevent debris and other deleterious material from entering the water during demolition and construction.

- a. If floating debris enters the water during the proposed work this debris shall be removed immediately and stored until it can be disposed of at an appropriate upland facility.
 - b. If heavy (sinking) debris enters the water during the proposed work the location of the debris shall be documented in a log that is kept on site for the duration of the construction work. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during the proposed work.
5. Equipment using oil, gasoline, or diesel used on site shall be checked daily for evidence of leakage, if evidence of leakage is found, further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. Equipment for the transportation, storage, handling and application of oil, chemicals, or other hazardous materials shall be maintained in a safe and leak-proof condition to prevent release of this material into the water.
6. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise interior work after the shell of the structure is enclosed. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner. (SEPA)

Signature: (signature on file)
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: August 7, 2008