



**City of Seattle**  
Edward B. Murray, Mayor

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**Seattle Department of Construction and Inspections**  
Nathan Torgelson, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Application Number:** 3017965  
**Applicant Name:** Hui Tian  
**Address of Proposal:** 4134 Beach Drive SW

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Application to allow a three story, 9-unit residential structure. Parking for nine vehicles to be provided below grade. Existing structures to be demolished.

The following approvals are required:

**Shoreline Substantial Development Permit** to allow development in the Urban Residential (UR) shoreline environment. – (SMC Chapter 23.60)

**SEPA – Environmental Determination** – (SMC Chapter 25.05)

**SEPA Determination:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

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

**Proposal Description**

The applicant proposes to demolish a 2-story single family residence and building a three-story, nine-unit residential structure (6,500 square feet). Parking for nine vehicles to be provided below grade. The project location is in a Lowrise Residential (LR2) zone and is classified as an upland lot in the Urban Residential Shoreline Environment.

**Public Comment**

The public comment period for this proposal ended on October 24, 2014. Two public comments were received and are included in the project file.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

Section [23.60A.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. Construction of the addition will result in no additional overwater coverage and, using appropriate Best Management Practices during construction for protection of the aquatic habitat, will not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline. 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 [23.60A](#) 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 [23.60A.152](#), the specific standards of the shoreline environment (SMC [23.60A.540](#)) and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

### Seattle Comprehensive Plan - Shoreline Policies

The proposal is subject to the Shoreline Policies of (SSMP) [23.60A.004](#), because the site is located within the shoreline district and requires a Shoreline Substantial Development Permit because the cost of the project exceeds \$6,416.00. The purpose of the Urban Residential (UR) environment as set forth in Section [23.60A.220.C.11](#) allows for multifamily residential development in this environment when allowed in the underlying LR2 zone, which it is.

The proposed project must meet the standards of the underlying zone, the general development standards for all shoreline environments (SSMP 23.60A.152) and the development standards for the UR shoreline environment. 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 23.60A.063).

### SMC [23.60A.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. Compliance with applicable codes and ordinances for construction of the project (e.g., Building Code, Stormwater Code, Grading Code) will reduce or eliminate most potential adverse long-term impacts to the shoreline environment. The applicant will implement Best Management Practices during development to ensure, in part, protection of water quality and potential adverse impacts to fish and wildlife of Puget Sound during construction.

### SSMP [23.60A.540](#) - Development Standards for UR Environment

Pursuant to SSMP 23.60A.540, multi-family residences are permitted outright on upland lots in the UR Environment. The subject property is classified as an upland lot and is located within an UR Environment, as designated by the Seattle Shoreline Master Program. All development must conform to the development standards in the UR shoreline environment, as well as the underlying zone. Standards such as height, lot coverage, view corridors have been met or are not affected by this proposal.

The proposed development will result in no substantial impacts to the shoreline environment and has been designed and conditioned to ensure minimum impact to the public health, land, and the waters of the state, and their aquatic life.

### 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 [23.60A.063](#) 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 [23.60A](#), and with RCW [90.58.020](#) (State policy and legislative findings).

To be consistent with shoreline general development standards for protection of the aquatic environment (SMC 23.60A.152), the project will be required to employ Best Management Practices during construction and installation to protect the shoreline environment.

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 ANALYSIS**

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 August 27, 2014. 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 Seattle Department of Construction and Inspections 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. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

The SEPA Overview Policy (SMC 25.05.665.D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D.1) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate

### **Short - Term Impacts**

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site;

increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many of these impacts are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

### Air Quality Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:\

- Erosion from excavation and storm water impacts from ground clearing;
- Increased noise levels;
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

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 prevent 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 cleanup 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 prior to any demolition on site. If any 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 themselves will generate minimal direct impacts. However the indirect impact of 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 due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

### Earth

The subject property is designated as Liquefaction Prone area in the City's Environmentally Critical Areas (ECA) maps. The applicant has submitted a Geotechnical Engineering Report addressing soil composition for the development proposal featuring excavation for an underground parking garage, site preparation, grading, erosion and groundwater control, and drainage recommendations. The report concluded that subsurface explorations encountered competent soil at shallow depths. These conditions are conducive to the use of conventional foundations for building support. Groundwater was encountered about 10 feet below surface grades, which is within about 4 feet of the proposed basement floor elevation of about 17½ feet (NAVD88). Depending on the time of construction, temporary dewatering may be needed during foundation excavations, especially when excavating for the elevator pit. Waterproofing measures should be included for the elevator pit, which will likely extend slightly below the anticipated groundwater level.

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.

### **Long-term Impacts**

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's 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.

### Transportation

The proposed projects would increase traffic in the area insignificantly. The project trips would add miniscule delays to the area intersections. No off-site transportation mitigation is required to accommodate the development.

Archaeology

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Historic Preservation Policy (SMC 25.05.675 H) allows the reviewing agency to mitigate impacts associated with a potentially significant archaeological site. Since excavation is proposed, pursuant to SEPA and Director's Rule 2-98, conditioning will be required to mitigate adverse impacts to any inadvertently discovered archaeologically significant resource.

**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 agency decisions pursuant to SEPA.

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 2c.

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 2c.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment and complies with ECA regulations. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**CONDITIONS – SEPA and SHORELINE**

Prior to Issuance of SSDP

- 1) The applicant is required to create an Inadvertent Discovery Plan to be prepared and kept onsite during ground disturbing for the project. The owner and/or responsible parties shall provide Seattle DCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations and the Inadvertent Discovery Plan.

During Construction

- 2) The owner(s), builder(s), and all responsible party(s) shall follow the best management practices as carried over to the approved construction set of plans. These BMPs shall be in place to prevent any toxic materials, petrochemicals and other pollutants from entering enter the surface water during the proposed construction.

- 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 Seattle DCI (Ben Perkowski 206.684.0347) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). 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.
- 4) All construction workers and responsible parties 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, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Ben Perkowski, Land Use Planner  
Department of Planning and Development

Date: May 26, 2016

BP:bg

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## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.