



City of Seattle
Edward B. Murray, Mayor

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: 3020750
Applicant Name: Hugh Schaeffer
Address of Proposal: 111 E Hamlin St

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow a two unit townhouse structure with parking for two vehicles in an environmentally critical area. Existing structure to be demolished. Review includes future unit lot subdivision.

The following approvals are required:

Shoreline Substantial Development Permit - to allow development in an Urban Commercial (UC) shoreline environment

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

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND AND PROPOSAL

The property is located in a Low Rise (LR3 RC) underlying zone and in an Urban Commercial (UC) Shoreline Environment. The applicant proposes to demolish and remove an existing two-story single family residence (approximately 1410 square feet) and construct a three-story townhouse duplex. The project will include below grade parking, an amenity area and private roof decks for each unit.

Public Comment

Notice of the proposed project was published on November 23, 2015. The public comment period ended on December 22, 2015. No public comments were received during the comment period. One comment was received after the comment period had ended.

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.380) 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 Commercial (UC) environment as set forth in Section [23.60A.220.C.6](#) is to provide a mix of water-oriented uses and development. Multi-family residences are allowed outright in the UC shoreline environment.

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 UC 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 Lake Union during construction.

SSMP [23.60A.382](#) - Development Standards for UC Environments

Pursuant to SSMP 23.60A.382, multi-family residences are permitted outright on upland lots in the UC Environment. The subject property is classified as an upland lot and is located within an UC Environment, as designated by the Seattle Shoreline Master Program. All development must conform to the development standards in the UC 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 November 14, 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 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.

Earth

It is not anticipated that perched groundwater will be encountered during the minor amount of excavation required for the project; any construction dewatering can be handled with ditching and sumps within the excavation. The Seattle Stormwater Grading and Drainage Control Code requires that water released from the site be clean and limits the amount of suspended particles therein. Specifically, the ordinance provides for Best Management Practices to be in place to prevent any of the water or spoil resulting from excavation or grading to leave the site. No SEPA policy based conditioning of earth impacts during construction is necessary.

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.

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.

Earth

The applicant filed a request for Relief from Prohibition On Steep Slope Development. Based on a review of the submitted information and the City GIS system, SDCI concluded the proposed development qualified for the criteria established in the Critical Areas Regulations, SMC 25.09.180.B2a and b (June 25, 2015). All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development. No further conditioning under SEPA authority is warranted.

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.

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).

SHORELINE CONDITIONS

During Construction

1. The owner(s), builder(s), or responsible party(s) shall follow a Best Management Practices developed to prevent debris and other deleterious material from entering the water during construction.

For Life of Project

2. Vegetation installed as part of project shall be maintained and any dead plants shall be replaced with the same or similar species.

Ben Perkowski, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: May 23, 2016

BP:drm

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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 or to our message line at 206-684-8467.