

areas shall be minimized. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.

BACKGROUND DATA

Existing Conditions

The proposal site is located within the Urban Residential (UR) shoreline environment in the Laurelhurst neighborhood. The rectangular property is zoned Single-Family Residential 9600 (SF 9600). It has 60 feet of frontage along East Laurelhurst Drive Northeast and extends approximately 200 feet to the western shore of Lake Washington. A three-level, single family residence is located on the western portion of the property which has a moderate slope resulting in approximately 18 feet elevation change from the street property line to the rear of the house. Then the site declines more steeply for approximately 80 feet, dropping approximately 24 feet in elevation. In addition to the house on the site there are several large trees, several medium sized shrubs and lawn. A flat area extends east of the toe of the slope for 30 feet to the shore of Lake Washington. This area consists mainly of grass with few shrubs and trees

Area Development

The proposal site is zoned SF 9600 and is within the UR shoreline environment. There are single family homes located along the shore to the north and south of the project site. The development of the vicinity is exclusively single-family residential.

Proposal

The applicant proposes to grade 400 c.y of material and install retaining walls in the area of the property that is immediately behind the single family resident and extends shoreward for 80 feet.

Access to the site will be from the street. Staging will occur in the front yard of the residence. Construction sequence will move from the area closest to the water and progress toward the street.

Public Comment

No comments were received during the public comment period, which ended on May 27th, 2005.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is subject to the Shoreline Policies of SMC [23.60.004](#), because the site is located within the shoreline district and the proposed grading exceeds 2,500 cubic yards and the grading is not incidental to the construction of the residence.

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*

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 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](#). 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. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW [90.58](#).

The regulations of Chapter [23.60](#)

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC [23.60.220](#) must be considered in making all decisions in the shoreline district. The purpose of the UR environment as set forth in SMC [23.60.220 C6](#), most applicable to the current proposal is to *protect residential areas in a manner consistent with the Single-family and Multifamily Residential Area Policies*.

The proposed grading and construction of the retaining walls and installation of is consistent with the Single-family Residential Area Policies. Specifically, SMC [23.12.050](#), Single-family Land Use Policies, states that the purpose of single family zones is to "preserve and maintain the physical character of Single-family Residential Areas in a way that encourages rehabilitation..." of single family homes. Further, the policy states that "the types of use and activities associated with single household residential living shall be regulated primarily by performance standards and City ordinances protecting privacy, health, safety and general welfare of its citizens." The proposed development is consistent with the character of the surrounding neighborhood. The development standards for structures in single family zones limit the height and bulk of structures and establish requirements for yards. The project, as designed, is consistent with the development standards of a single family zone.

SMC 23.60.064 – Procedures for Obtaining Shoreline Substantial Development Permits

The proposed project involves improvements that are all contemplated as accessory to a permitted use in the UR environment (SMC [23.60.540](#)) and the underlying Single Family 9600 zoning district (SMC [23.44.040](#)). As designed, the proposal conforms to the general development standards of the UR environment and the underlying SF 9600 zone.

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 must, in part: 1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected; 2) 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; 3) be located, constructed, and operated so as not to be a hazard to public health and safety; 4) 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.

The following conditions will ensure that the development will be designed consistent with the above development standards within the shoreline area:

1. In order to reduce the impacts of the increase in impervious surface 10 additional native shrubs and five additional native trees shall be planted at the shoreline.
2. The planting plan shall be revised to include 50 percent native trees for the portion of the property shown on sheet L-4
3. A catch basin will be installed to filter out toxins before the stormwater enters Lake Washington.

SSMP 23.60.152 sets forth the general development standards with which all uses must comply, including Temporary Erosion and Sedimentation Control measures (TESC) and best management practices. These measures should provide sufficient mitigation during construction activities. However, failure of these measures could result in impacts to water quality which could potentially affect the lake's ecosystem including Chinook salmon habitat, a species listed as threatened under the Endangered Species Act (SMC 25.05.675 N2a). Therefore, the following construction-related conditions must be imposed on the project to ensure that it will be consistent with the above development standards within the shoreline area:

4. The applicant in consultation with DPD Site inspection and Planning staff, shall develop a written construction schedule, phasing and erosion control inspection plan. This plan must include schedule of deliveries of material. This plan must also include regular reporting on

the condition of the BMPs and TESC measures to DPD. This plan will also describe the maintenance of the BMPs and TESC measures and the process by which deficiencies in these measures are corrected.

5. A pre-construction conference with the appropriate construction personnel and DPD Site inspection and Planning staff will be required.
6. All construction staging and storage of materials must occur in the front yard of the residence as indicated on plans.
7. During construction, to prevent debris, wastes or untreated effluents from entering the water, all construction activities shall occur on the dry portion of the parcel. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.

The following conditions for the life of the project will ensure that the development will be consistent with the above development standards within the shoreline area:

8. The approved stormwater treatment system (the Stormwater 360 system) must remain in place for the life of the project. Regular maintenance must be provided for the system to ensure its proper operation.
9. For the life of the project, use of fertilizers and pesticides for the proposed landscaping along and at the toe the slope must be avoided in order to minimize adverse impacts and protect the fish and wildlife habitat conservation areas.
10. In order to mitigate increased impervious surface and vegetation removal impacts on the shoreline environment and the fish and wildlife conservation areas, additional native trees and shrubs shall be planted at the site in the vicinity of the water. No pesticides, herbicides or chemical fertilizers should be applied to this vegetation.

SMC 23.60.198 – Development Standards for Residences Other than Floating Homes

SMC [23.60.198 B2](#) allows fences, freestanding walls and other accessory structures to be located in the residential shoreline setback, provided that the proposed structures result in no view blockage from adjacent existing residences. The greatest height of the proposed structure is 4-ft and as such will not affect views to the water from adjacent dwellings. Due to the pronounced grade, paired with a significant expanse of flat space at the toe of the slope, views to the water's edge are well above any of the development proposed by this application.

SMC 23.60.570-578 – Development Standards for the UR Environment

The subject lot is considered a waterfront lot as defined in SMC [23.60.924](#). Development standards for waterfront lots in the UR environment address height limits, lot coverage, view corridors and public access with certain exceptions. The proposal meets the lot coverage requirements of this shoreline designation. The requirements for creating view corridors and public access on waterfront lots do not apply to single family lots. The standards for building height do apply to this development and the design clearly adheres to those standards.

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](#).

DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED**.

CONDITIONS – SHORELINE

1. There is an addition of 2,479 s.f. of impervious surface. In order to reduce the impacts of this impervious surface additional native trees shall be planted and a catch basin will be installed to filter out toxins before the stormwater enters Lake Washington.

Prior to Issuance of a Construction Permit

2. The applicant in consultation with DPD Site inspection and Planning staff, shall develop a written construction schedule, phasing and erosion control inspection plan. This plan must include schedule of deliveries of material. This plan must also include regular reporting on the condition of the BMPs and TESC measures to DPD. This plan will also describe the maintenance of the BMPs and TESC measures and the process by which deficiencies in these measures are corrected.
3. A pre-construction conference with the appropriate construction personnel and DPD Site inspection and Planning staff will be required.

During Construction

4. All construction staging and storage of materials must occur in the front yard of the residence as indicated on plans.
5. During construction, to prevent debris, wastes or untreated effluents from entering the water, all construction activities shall occur on the dry portion of the parcel. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.

For the Life of the Project

6. The approved stormwater treatment system (the Stormwater 360 system) must remain in place for the life of the project. Regular maintenance must be provided for the system to ensure its proper operation.

