



City of Seattle

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D.M. Sugimura, Director

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

**Application Number:** 2406063  
**Applicant Name:** Andrew Loos  
**Address of Proposal:** 2112 Alki Avenue SW

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to establish use for future construction of a three story, six-unit apartment building in an Environmentally Critical Area. Parking for 11 vehicles to be provided in a below grade garage. Project includes future demolition of existing five-unit apartment building.

The following approval is required:

- **Shoreline Substantial Development Permit** - to allow a multi-family residential structure in an Urban Residential (UR) shoreline environment. (Section 23.60.196, Seattle Municipal Code)
- **SEPA - Environmental Determination**- to allow construction of a multi-family residential structure in *Steep Slope* and *New Potential Slide* Environmentally Critical Areas. (Chapter 25.05, Seattle Municipal Code).

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

**BACKGROUND DATA**

Site and Vicinity Description

The 7,500 square foot site is located on the upland side of Alki Avenue SW in a Multifamily Lowrise 3 (L3) zone and an Urban Residential (UR) shoreline environment. The entire site is designated as an Environmentally Critical Area (ECA) – *New Potential Slide*. The rear third of the site contains ECA - *Steep Slopes*. The 150 foot long by 50 foot wide site currently contains a five-unit multi-family structure.

The surrounding parcels are similarly zoned L-3 and contain residential structures of various ages and sizes, although most are multi-family. The surrounding parcels, while flat and level where they front Alki Avenue SW, slope steeply upward in the rear. The terrain then continues upward to the plateau of the Admiral neighborhood of West Seattle.

### Proposal

The proposal is to demolish an existing five-unit apartment building and construct a six-unit multi-family residential structure with partial underground parking for nine vehicles. The project originally proposed 11 parking spaces, but has been revised.

### Public Comment

The public comment period ended February 11, 2005. No comments were received during or after that time.

## **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 200-foot Shoreline zone extends into approximately half of the lot depth. The entire lot is on the upland side of the approximately 100 foot Alki Avenue SW right of way (ROW) (i.e., the site is not adjacent to Elliott Bay and Puget Sound). The site is in an area with extensive urban development and has been occupied with a multi-family structure since 1929, which will be demolished for this project. Based on the existing conditions and proposed use, the subject application is consistent with the procedures outlined in RCW [90.58](#).

## **B. The regulations of Chapter 23.60.**

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 SMC 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 (SMC 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 SMC 23.60.004 which are found in the Seattle Comprehensive Plan, 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.

### SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan’s Land Use Element and the purpose and location criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The goals for shoreline use include long-term over short-term benefits, the integration and location of compatible uses within segments of the shoreline, and the location of all non-water dependent uses upland to optimize shoreline use and access. The goals also include providing for the optimum amount of public access – both physical and visual – to the shorelines of Seattle and the preservation and enhancement of views of the shoreline and water from upland areas where appropriate and required.

### 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 proposed development will be consistent with these development standards.

### SMC 23.60.220 – Shoreline Environments

The purpose of the Urban Residential (UR) environment as set forth in SMC 23.60.220.C.6 is to protect residential areas. This residential area would continue to be protected by allowing six new residential units with accessory parking as proposed.

### SMC 23.60.540 – Uses Permitted Outright in the UR Environment

The Urban Residential environment permits multifamily residences as a principal use. The proposed six unit structure is a principal use and meets requirements as described in the UR environment.

SSMP 23.60.570, Development Standards for UR Environments

All development must conform to the development standards in the UR shoreline environment, as well as the underlying Residential zone. All pertinent standards, such as height and lot coverage, have been met.

**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 approval, denial, or 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 proposed and analyzed above, this development 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 **GRANTED**.

**CONDITIONS - SHORELINE**

None.

**ANALYSIS - SEPA**

The proposal site contains the following types of *Environmentally Critical Areas*: *steep slope* and *new potential slide*, thus environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

SMC 25.05.908 requires that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's *Environmentally Critical Areas (ECA)* regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the *ECA* regulations. This review includes identifying additional mitigation measures needed to protect the *ECA* in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated December 30, 2004. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action will not result in adverse impacts to the environment.

The proposed development will construct a six-unit multi-family structure on a lot that is designated 100 percent *new potential slide* and contains *steep slopes* on the entire rear 50 feet. The development is proposed to be constructed within approximately 13 percent of the designated *steep slope* area.

A geotechnical report and evaluation by Geotech Consultants, Inc, and dated March 10, 2005, was submitted providing information on the site conditions and viability of constructing the structure as proposed. Review by DPD's geotechnical engineer has determined that the structure's geotechnical design and location partially within the *steep slope* and in a *new potential area* conforms to the City's Environmentally Critical Areas regulations.

Based on the above, no mitigation of this proposal under SEPA is warranted.

### **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.

- 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 (2) (C).
- 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 (2)(C).

### **CONDITIONS - SEPA**

None.

Signature: (signature on file)  
Art Pederson, Land Use Planner  
Department of Planning and Development

Date: January 12, 2006