



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: 3003983
Applicant Name: R. G. Satterwhite, Architect
Address of Proposal: 5517 Seaview Avenue NW

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of a 2,072 sq. ft. retail, restaurant and administrative office building to single family residence with an accessory dwelling unit. One parking space will be located within the structure and a second in the public right-of-way. Project includes a second story addition and a 424 sq. ft. ground floor addition to existing structure.

The following approval is required:

Shoreline Conditional Use - To allow single purpose residential use on waterfront lot in a US Environment.
(SMC 60.604) (WAC 173.27.160)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

The subject site is located on the west side of Seaview Avenue NW, a waterfront lot, on Shilshole Bay. The site is zoned Commercial 1 with a 30-foot height limit (C1-30) and is within an Urban Stable (US) Shoreline Environment. The site is developed with an existing 2,072 square foot building containing 413 square feet of retail, 440 square feet of restaurant, 872

square feet of administrative office on floor 2, and 760 square feet of another administrative office on floor 3. The existing site abuts railway tracks formerly owned by the Burlington Northern and Santa Fe Railway Company, which is adjacent to Seaveiw Avenue NW to the north. Access to the site is from Seaview Avenue NW from an asphalt rail crossing at the end on 34th Avenue NW to a narrow roadway that runs westwards towards the site. A 6-foot solid wood fence separates the site from the abutting lots to the west and to the east. Development in the vicinity consists of a mixture of commercial and residential uses.

Proposal

The proposal is to change the use of a 2,072 square feet retail, restaurant and administrative office building to single family residence with an accessory dwelling unit. One parking space will be located within the building and a second parking space will be located on a portion of the right-of-way, which abuts on the site's north property line. Prior to construction of the garage on the right-of-way, the applicant must have a street permit from Seattle Department of Transportation (SDOT). The project includes a second story addition and 424 square feet ground floor addition to the existing building.

Public Comment

The public comment period started on May 25, 2006 and ended on June 9, 2006. No comment letter was received.

ANALYSIS – SHORELINE CONDITIONAL USE

According to SMC Section 23.60.604, in an Urban Stable (US) Shoreline Environment, single family residential uses on waterfront lots may be authorized by the Director, with the concurrence of Department of Ecology, as either principal or accessory uses if the criteria for conditional use in WAC 173-27-160 are satisfied.

The purpose of conditional use permit under WAC 173-27-160 is:

To allow greater flexibility in varying the application of the use regulation of the master program in a manner consistent with the policies of RCW 90.58.020: Provided, that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of a policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant can demonstrate all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of the master program.

The policies of RCW 90.58.020 provide for management of the shoreline of the state by planning for and fostering all reasonable and appropriate uses, allowing development in a manner which will promote the public interest. It states, in part: that “permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as possible, 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 single-family residence with the accessory dwelling unit will increase the use and enjoyment of the shoreline by the residents of the single family home and would not interfere with other uses.

The Seattle Shoreline Master Program (SSMP) Implementation Guidelines state that the purpose of the Urban Stable (US) Shoreline Environment is to provide: A) opportunity for substantial numbers of people to enjoy the shoreline by permitting non water-dependent commercial uses if they provide substantial public access and other public benefits; B) preserve and enhance views of the water from adjacent streets and upland residential areas; C) support water-dependent uses by providing marine-related retail and moorage. The proposal does not conform to any of these generally stated purposes.

However, the policy on uses in the US shoreline environment further states, in part, that: on waterfront lots on dry land, new ground level residences shall be prohibited except in the Seaview area. The Shilshole Area objectives which, pertains to this development proposal, include permitting new residential uses when proposed adjacent to existing residences, while protecting fish migration routes. Although water-dependent recreational uses and their supporting services are the preferred uses for this area, the policies clearly contemplate some residential development in this portion of the shoreline environment. The residential use, therefore, can be seen as consistent with the spirit and intent of the SSMP, subject to the criteria for approval of the shoreline conditional use permit and the approval of the Department of Ecology (DOE).

(b) That the proposed use will not interfere with the normal public use of public shorelines:

The proposal will not interfere with the normal public use of the public shoreline. The proposed use would be located on the dry land portion of the waterfront lot and will not impair physical access to the shoreline or use of the water.

SMC Section 23.60.636A, View Corridors in the Urban Stable Shoreline Environment, requires that view corridors be provided and maintain not less than thirty five (35) percent of waterfront lots. However, SMC Section 23.60.636B, states that view corridors are not required for single-family residential development.

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline program:

The proposed use of the site and design of the project is compatible with the variety of residential uses and structures on dry land in the area, such as single family residences to the east and single family and multifamily residences to the west of the site consisting of waterfront lots in the Seaview Area. The site is zoned C1-30 and the steep slope of the shoreline does indeed make water-dependent or water-related uses unsuitable. The area has no water-dependent recreational uses or viable water-dependent commercial opportunities. The single-family use is more compatible with nearby shoreline residences and residences across Seaview Avenue NW than commercial uses. Therefore, the single family being proposed will be compatible with nearby single-family residences.

(d) The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located: and

The single-family use will have lower impacts on the water and endangered species than the commercial use. The proposal is expected to have less noise, less possible pollutants, less light and glare and less physical involvement with the water.

(e) That the public interest suffers no substantial detrimental effect.

The proposed development would not interfere with the public access to the shoreline. The proposed development will reduce minor views of the water from the north; however the project is consistent with the shoreline designation and could be located in the zone if the criteria of an administrative conditional use approval are satisfied. View corridors are not required by the shoreline master program for single family residence.

2. *In granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for the other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.*

There are a number of single-family residential uses in the vicinity on similar waterfront lots. However, giving the location of the shoreline and the designated waterfront properties in the vicinity, it is probable that the proposal would have negligible cumulative impacts for additional requests in the area regarding adverse effects to the shoreline environment.

3. *Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided that applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.*

The proposed single family residential use met the criteria for conditional use permit as required, therefore, the use has demonstrated to be consistent with the requirements of the shoreline master program.

4. *Uses, which are specifically prohibited by the master program, may not be authorized pursuant to either subsection (1) or (2) of this section.*

This provision is not applicable.

DECISION – SHORELINE CONDITIONAL USE

The Shoreline Conditional Use to allow single-family residence on waterfront lot in An Urban Stable (US) Environment is **GRANTED.**

CONDITION – SHORELINE CONDITIONAL USE

None.

Signature: _____ (signature on file)
Christopher A. Ndifon, Land Use Planner

Date: February 19, 2007

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