



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:** 3005419  
**Applicant Name:** Rossi Architecture  
**Address of Proposal:** 2411 Alaskan Way

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development to allow alterations to an existing porte-cochere (entry drive through). Project includes new roof top trellis, exterior gas fire place, and reflecting pool. No change in number of existing parking stalls.

The Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit** – To allow the remodel of an existing hotel in an Urban Harbor front (UH) Shoreline Environment - (SMC 23.60.660).

**SEPA - Environmental Determination** - (SMC 25.05).

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

**BACKGROUND DATA**

Existing Site & Vicinity Description

The proposal site is a large waterfront lot on Elliot Bay located on the west side of Alaskan Way at the north end of Seattle's Central Waterfront area. The site is developed with a four story hotel, restaurant and accessory parking supported over the water on two wood piling and concrete piers, Piers 67 and 68, on land leased from the State Department of Natural Resources. The site is zoned Downtown Harbor front 1 with a 45 foot height limit (DH1-45) and is located in the Urban Harbor front (UH) shoreline environment. The site is located in a liquefaction-prone Environmentally Critical Area (ECA).

Open water of Elliot Bay is located to the west of site. Zoning to the north and south along the west, waterfront side of Alaskan Way is DH1-45 and development consists of similar pier structures with harborfront uses such as ferry and cruise ship terminals, warehouse and storage facilities and related offices. Zoning on the east, upland side of Alaskan Way is Downtown Harborfront 2 with a 65 foot height limit (DH2-65) and development consists of railroad tracks, parking and other commercial uses.

Proposal

The applicant proposes to renovate the existing porte-cochere, adding an exterior natural gas fireplace and a reflecting pond.

Public Comment

None.

**ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

Substantial Development Permit Required

The proposal is located within an Urban Harborfront Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). This program, Section 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts, to implement the policy and provisions of the Shoreline Management Act of 1971, and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. 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 contemplates protecting 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 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 insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173.27 WAC. 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.

The proposal to remodel the entrance of the hotel as described above is consistent with the policies and procedures of Chapter 90.58 RCW and the provisions of Chapter 173-27 WAC in terms of encouraging a use allowed and anticipated for in the Urban Harborfront (UH) shoreline environment.

**B. THE REGULATIONS CHAPTER 23.60**

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district and; 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

SSMP 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 locational 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 proposal site is located in an area designated as Urban Harborfront, the purpose of which is to encourage economically viable water-dependent uses to meet the needs of waterborne commerce, facilitate the revitalization of Downtown's waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve and enhance elements of historic and cultural significance and preserve views of Elliot Bay and the land forms beyond. Locational criteria for UH environments include areas where the underlying zoning is a Downtown zone; areas in or adjacent to a State Harbor area; and, areas where the water area is developed with finger piers and transit sheds.

Goals for Shoreline use in the Seattle Comprehensive Plan include encouraging uses that result in long-term over short-term benefits, and the integration and location of compatible uses within segments of the shoreline. The goals for economic development include encouraging economic activity of water-dependent uses. The proposed construction of the port-cochere would allow the hotel to maintain and expand its operations, and support economic development of water-dependent uses along the Urban Harborfront.

### Development Standards

The proposal to remodel the entrance (no expansion of use is proposed) of an existing over water hotel is permitted outright in SMC 23.60.660 governing the UH shoreline environment. The proposed action is therefore subject to:

1. the general development standards for all shoreline environments (SSMP 23.60.152);
2. the development standards for uses in the UH environment (SSMP 23.60.660); and,
3. the development standards for Downtown Harborfront 1 zones (SMC 23.49.300).

1. General Development Standards for all Shoreline Environments (SSMP 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline.

General development standards (SSMP 23.60.152) state that Best Management Practices (BMP's) shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land or water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. Therefore, approval of the substantial development permit will be conditioned to require application of construction BMP's.

The proposed project's design is consistent with the requirements of this section.

2. Development Standards for UH Shoreline Environment (SSMP 23.60.690)

The height, side setbacks and view corridor are all conforming and will not change as a result of this proposal. The building is legally non-conforming with respect to lot coverage and the site is not located within the Historic Character Area. A moorage feasibility analysis for this site was performed during review of DPD Project No. 8802084/Permit No. 641087 and it was determined that compliance with this development standard is not feasible. It has been determined that public access is not required for this minor architectural feature addition.

3. Development Standards for Downtown Harborfront 1 zones (SSMP 23.49.300 – 306)

The development standards in SMC 23.49.300 – 23.49.306 relate to general provisions, transfer of development rights and parking in the Downtown Harborfront 1 zone. Each of these provisions has either been met or is not affected by the proposal.

### **C. THE PROVISIONS OF CHAPTER 173-27 WAC**

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

## **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The proposed action is **GRANTED**. (Shoreline Substantial Development conditions – None - follow SEPA Analysis.)

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant. 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 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 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### **Short-term Impacts**

The following temporary or construction/demolition-related impacts are expected: minor decreased air quality due to suspended particulate from building and demolition activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts. No conditioning pursuant to SEPA authority is warranted.

#### **Long-term impacts**

None anticipated.

### **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 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] 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.

**CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

None.

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

Date: April 5, 2007