



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Application Number: 3010437
Applicant Name: Paul Whitney
Address of Proposal: 3215 Alki Avenue S.W.

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development to allow a 532.2 sq. ft., second story addition above an existing garage. No change in parking. The existing duplex is to remain.

The following approval is required:

- **Shoreline Substantial Development Permit**, pursuant to Chapter SMC 23.60

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

BACKGROUND DATA

Site Description

The project is located on Alki Avenue S.W. between Point Place S.W. and Benton Place S.W. in the Alki neighborhood of West Seattle. The property has a Shoreline, Urban Residential (UR) overlay, and an Alki Parking Overlay District (AL) requiring a Substantial Shoreline Development Permit. The zoning designation for the site and surrounding area is Lowrise-Duplex –Triplex (LDT). The proposed structure is within the 200 foot Shoreline environment. There is an existing duplex and a one story garage, used for storage, on site.

Proposal Description

The applicant proposes to add a 539.2 square foot second story addition to an existing garage/storage structure on site. There are two existing parking spaces provided on site with access to Alki Avenue SW. No new parking is to be added. The second story garage addition is to be used as living quarters, accessory to one of the duplex units, and not to be used as a separate dwelling unit.

Public Comments

One comment letter was received during the comment period which ended on August 28th, 2009.

*The comment letter was from the USCG who owns the property next door and has concerns regarding the project:

- Obstruction of the view corridor and natural light at Alki Point,
- Harm to the historic resource at Alki Point,
- Harm to the Public visibility of Alki Point

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The subject property is located within the Urban Residential, or UR Shoreline Overlay. As confirmed by the survey and site plan in the MUP application, the applicants have delineated the portion of the site that falls within this designation. Due to the overlay on this site and the scope of the proposed development, a Substantial Shoreline Development Permit is required, per SMC 23.60.020.

Substantial Development Permit Required

Section 23.60.020, Seattle Shoreline Master Program (SSMP), requires that a shoreline substantial development permit be obtained prior to the undertaking of any substantial development within a shoreline environment. Section 23.60.030, SMC 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.

A. Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act. It is the policy of the state to provide for the management of its shorelines 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 generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, as much 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 act primarily in a supportive and review capacity, with an emphasis on insuring compliance with the policies 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, 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.

B. Regulations of Chapter 23.60: Shoreline District

Chapter 23.60 of the Seattle Municipal Code implements the City's Shoreline Master Program. In evaluating requests for substantial shoreline development permits, a proposed use must meet the approval criteria set forth in SMC 23.60.030 (cited above), and be consistent with the shoreline policies established in SMC 23.60.004. Development standards of the shoreline environment and underlying zone must be considered and a determination made of any special requirements. Required mitigation measures, if any, must be identified.

SMC 23.60.064 provides authority for issuance of Shoreline Substantial Development permits as necessary to carry out the spirit and purpose of and assure compliance with SMC 23.60 and RCW 90.58. The regulations of Section 23.60.064 require that the proposed use:

- 1) be permitted in the shoreline environment and the underlying zoning district; and
- 2) conform to all applicable development standards of both the shoreline environment and underlying zoning; and
- 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

The proposed second story addition above the existing garage at this residential site requires a shoreline substantial development permit. In evaluating an application for development, the Director may attach to the permit any conditions necessary to carry out the spirit and purpose of, and assure compliance with, this chapter and the RCW regulations (Section 23.60.064 E).

As referenced, the site is located in the Urban Residential Shoreline Overlay. Accordingly, the following development standards are applicable to the project:

SMC 23.60.570 - 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. This section of the shoreline chapter of the land use code regulates the allowed uses within the UR environment and outlines specific development standards. For uses which are permitted in the UR environment, they cannot be built to exceed 30 feet height, except a principle structure may exceed 30 feet with a pitched roof

up to five feet, not to exceed 35 feet, they are limited to a maximum lot coverage of 35%, and are required to provide and maintain a view corridor, except view corridors are not required for single-family dwelling units per SMC 23.60.576B. In this environment, multi-family residences are permitted outright. The proposed structure height and lot coverage are also within the allowed limits. Also, the main structure is between the addition and the water, and is higher than the addition. The public access standard of this section only applies to waterfront lots; residential uses of fewer than five (5) units are not required to provide public access on private lots. The standards for building height do apply to this development and will be reviewed for consistency with this section under the Building Permit Number 6210277.

SMC 23.60.064. - Procedures for Obtaining Shoreline Substantial Development Permits

The proposed project is an assemblage of permitted use in the UR environment (SMC 23.60.540) and the underlying Lowrise-Duplex-Triplex zoning district (SMC 23.45.008). As designed, the proposal conforms to the general development standards of the UR environment and the underlying Lowrise-Duplex-Triplex zone.

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). Since the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58. As discussed in the foregoing analysis, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

SMC 23.60.572 – Height Requirements

The underlying LDT zoning allows for the same height limit as Shoreline UR Environment does, 30-foot height limit with an extra 5 feet for a pitched roof, at this site. The portion of the site within the Shoreline Zone must comply with the 35-foot height limit pursuant to subsection (A). The determination of height is also governed by Shoreline Height Measurements in SMC 23.60.952. The applicant has documented in the plan submitted, dated September 10th, 2009, that the height of the structure within the Shoreline Overlay will not exceed the 35 foot height limit in this zone.

SMC 23.60.574 – Lot coverage in the UR Environment

The project is located on a waterfront lot. Per SMC 23.60.574A, the total lot coverage allowed is 35%. The addition is a second story, which will create no new lot coverage. Therefore, the lot coverage remains the same.

SMC 23.60.576 – View Corridors in the UR Environment

This code section requires a minimum of 35 percent of the lot devoted to view corridor. Although the existing development is non-conforming to the view corridor requirements, the 35 percent view corridor is not compromised by the addition of the accessory structure.

C. The Provisions of Chapter 173-27 WAC

Chapter WAC 173-14 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 consistent with WAC 173-27 and RCW 90.58.

Summary

In conclusion, the proposed second story addition to the garage structure (living quarters) within the Urban Residential (UR) Shoreline Environment will be consistent with Chapter SMC 23.60, also known as the Seattle Shoreline Master Program and conforms to the specific standards for development in the UR shoreline environment. The second story garage addition is to be used as living quarters, accessory to one of the duplex units, and not to be used as a separate dwelling unit. Conditions to minimize the project impacts pursuant to the Director's authority to impose conditions (SSMP 23.60.064E) under Seattle's Shoreline Management Program are not required because adverse impacts to the Shoreline are not anticipated to occur.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit to add a 539.2 sq. ft. second story addition above an existing garage is **GRANTED.**

Signature: (signature on file)
Joan Carson, Land Use Planner II
Land Use Services
Department of Planning and Development

Date: October 22, 2009