

Approximately 50 percent of the site is developed with a 12,528 sq. ft. concrete and wood frame warehouse building, constructed in 1977. The remainder of the parcel consists of surface parking for 21 vehicles. The total lot area is 25,185 sq. ft. The existing use is a wine making and storage facility, and restaurant with accessory office area.

The northeast tip of the building is approximately 50 feet from the edge of the Lake Washington Ship Canal. The canal is approximately 280 feet wide at this point, from the south rockery retaining wall to the north bank. The development site is separated from the canal by a narrow alley abutting the site to the north, and an abandoned railroad right-of-way since converted to an asphalt public trail that extends along the canal. There is also a small public access pocket park situated between the parcel and the canal. Direct access to the site is from Etruria Street (65 foot wide access street) and Nickerson Street (80 foot wide principal arterial).

A combination of zoning exists in the vicinity of the subject site, including the commercial zone within which the subject site is located; Commercial 2 with a height limit of forty feet (C2-40). Other zones include commercial zoning north of the site, C1-40, and a mixture of Lowrise zoning across Nickerson Street, L-1 to L-3. Most notably, the site is within the Shoreline District, specifically the Urban Stable Environment (US), which extends in an east-west direction along the waterway approximately 4,000 feet from the north portion of Westlake Ave N east to 3rd Ave W.

Proposal Description and Background

The development application is for the construction of a 582 sq. ft. enclosed patio and entry courtyard at the northwest corner of the building. The purpose of the patio is to serve as a seating area for employees and/or customers of existing wine-making facility and restaurant at this location. The existing wine making facility was established by permit as a light manufacturing use (A/P 6166817). The applicant also received a building permit in 2009 that approved a change of use from office to restaurant at this location (A/P 6223868). The applicant applied for and received a Shoreline Substantial Development Permit exemption to conduct interior improvements associated with wine-making operations (Project No. 6196145).

Public Comment

No public comments related to this land use application were offered during the comment period, which ended Oct. 29, 2010.

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*

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.

The proposal is subject to the Shoreline Policies of Seattle Shoreline Master Program or "SSMP" [23.60.004](#), because the site is located within the shoreline district and the cost of the project exceeds \$5,718. Eating and drinking establishments are a permitted use on upland lots within the Urban Stable (US) shoreline environment (SMC [23.60.608 A1](#)). The subject application is consistent with the policies and procedures outlined in RCW [90.58](#).

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 SSMP [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 (SSMP [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 cited in SSMP [23.60.004](#), 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.

The subject property is classified as an upland lot (SSMP [23.60.924](#)) and is located within an Urban Stable (US) environment, as designated by the Seattle Shoreline Master Program. The proposed project must meet the standards of the underlying Commercial-2 zone, the development standards for the US shoreline environment (SSMP [23.60.630-642](#)) and the general development standards for all shoreline environments (SSMP [23.60.152](#)). The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SSMP [23.60.064](#)).

SSMP 23.60.630-642 – Development Standards for US Environments

All development must conform to the development standards in the US shoreline environment, as well as the underlying Commercial zone. Standards such as height, lot coverage, public access and view corridors have been met or are not affected by this proposal. Where permitted by the Shoreline Code, restaurants are a permitted use in C2 zones (SMC [23.47.004](#)). Regulated public access is not required for restaurants on upland lots (SSMP [23.60.608 A1](#)).

SMC 23.60.152 - General Development Standards

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 project will result in a net reduction of impervious surface area of five (5) square feet as well as new landscaping with native vegetation totaling about 395 square feet. No adverse effects are anticipated to the shoreline environment due to the construction of this structure and associated landscaping.

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

The proposal to a construct a 582 sq. ft. enclosed patio as an addition to an existing warehouse building with a restaurant and wine-making facility at 198 Nickerson Street, conforms to the general and specific development standards for development in the US Shoreline Environment, and with the policies and procedures of Chapter 90.58 RCW and Chapter 173-27 WAC. Because it has been established that the proposed use and development conforms to the regulations of Chapter 23.60, Seattle Municipal Code, the permit shall be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

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

CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

During Construction

1. Appropriate best management practices (BMPs) shall be employed to prevent deleterious material from entering the Ship Canal during the proposed work.
2. Appropriate BMPs shall be employed to minimize the amount of erosion at the shoreline caused by construction material storage and staging and the proposed construction work.
3. Debris that enters the water during construction shall be collected and disposed of at the appropriate upland facility.
4. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
5. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
6. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

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

Date: November 18, 2010