



City of Seattle

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**Department of Planning and Development**  
Diane M. Sugimura, Director

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

**Project Number:** 3011593  
**Applicant Name:** Sarah Telschow, Realcom Associates, for Verizon Wireless  
**Address of Proposal:** 2100 Alaskan Way

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Application to allow a minor communication utility consisting of 16 panel antennas and nine new equipment cabinets (Verizon). To be located on the rooftop of an existing hotel (Marriott).

Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit:** to allow a minor telecommunication utility in the Urban Harborfront (UH) shoreline environment. (Section 23.60.020 Seattle Municipal Code)

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

**BACKGROUND INFORMATION**

**Site Location:** The proposal is located on the rooftop of the existing Marriott Hotel located on the east side of Alaskan Way across the street from Pier 66 and south of the vacated Blanchard Street right-of-way and north of the vacated Lenora Street right-of-way.

**Zoning:** Downtown Harborfront 2/85 (DH2-85).

**Shoreline Environment:** Urban Harborfront (UH).

Environmental Critical Areas: The property is mapped as Liquefaction Prone Soils.

Parcel Size: 64, 261 square feet.

Existing Use: Hotel (permitted on upland lots in the Urban Harborfront environment).

Public Comment: The public comment period began February 24, 2011 and ended on March 25, 2011. No comments were received.

The Proposal: The proposal will include the installation of 16 panel antennas and nine equipment boxes on the rooftop of an existing structure. The new facility will be located at the northwest corner of the building and be constructed on a raised platform measuring 21.4 feet by 27.6 feet. An open stair will provide access to the equipment platform from the rooftop. The facility, excluding the staircase, will be entirely enclosed to screen the antennas and equipment. The structure will measure 15 feet above the existing roof. The new structure will be 4.5 feet higher than the existing mechanical penthouse located at the center and east edge of the existing structure. The area of the new facility measures approximately 1.5 percent of the total rooftop area of the existing structure. In accordance with the Land Use Code the facility will be integrated with the design of the building to provide an appearance compatible with the existing structure.

## **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 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 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 insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a 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. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

**RCW 90.58.320** states, no permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

Residences are located uphill from the hotel structure primarily in high rise apartment and condominium structures that are east of the viaduct. Residences potentially impacted by the screening are not located within or adjacent to the shoreline environment. The original construction of the hotel was approved under MUP 9703234. The analysis at that time concluded the hotel as designed would be consistent with the policies and procedures of the Seattle Shoreline Master Program and Chapter 90.58 RCW, which included an analysis of RCW 90.58.320. DPD concluded that a handful of units within structures east of the viaduct could have views affected to the degree that views of the seawall and/or views of the near-shore area could be blocked by the hotel structure, but the panoramic views of the Bay, Puget Sound, West Seattle and the Olympic Mountains would remain intact. The new facility will require screening that will extend upward an additional 15 feet from the roof top of the existing structure for a total of 90 feet above existing grade; however the area of the new structure represents less than 2 percent of the entire roof area, and less than six percent of the total lineal feet of the hotel's width measured from the northeast to the southeast building corner. The new facility will be located sixty feet from the existing mechanical penthouse. The new facility is not considered substantial in relationship to the existing hotel structure and will not further obstruct views of the near-shore area or obstruct panoramic views of the Bay, Puget Sound, West Seattle and the Olympic Mountains on a substantial number of residences.

## **B. The Regulation 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 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 established in SSMP 23.60.004, and meet development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

Each of these elements is evaluated below in the order they are listed in the Shoreline Master Program. The shoreline designation for the area of work is Urban Harborfront (SMC 23.60.220).

**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. Relevant Goals and Policies of the Comprehensive Plan state:

- LUG43 Protect those areas of shoreline that are geologically dangerous or fragile, or biologically fragile.
- LU246 Protect natural environment through use and development standards governing shoreline activities including best management practices.
- LU269 Harborfront (Central Waterfront)
- Encourage economically viable marine 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.
- Preserve views of Elliott Bay and the land forms beyond.

The purpose and locational criteria of the Urban Harborfront (UH) environment is stated in SMC 23.60.220.C.8. The purpose states:

The purpose of the UH shoreline environment 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 Elliott Bay and the land forms beyond.

The locational criteria states:

- Areas where the underlying zoning is Downtown,
- Areas in or adjacent to a State harbor Area,
- Areas where the water area is developed with finger piers and transit sheds.

The proposal is to establish a minor telecommunication facility on the rooftop of an existing upland structure. The facility will not obstruct views of Elliott Bay and landforms beyond from public street ends and parks in the vicinity. The facility is not located within the Historic Character Area. No ground disturbance or changes to the shoreline environment are proposed.

SMC 23.60.064 - Procedures for Obtaining Shoreline Substantial Development Permits

This application has followed the procedural requirements for a Master Use Permit as specified in subsection A. SMC 23.60.064 also provides authority for 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).

SMC 23.60.064C. In evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:

1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located;
2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III, the development standards for the shoreline environment in which it is located, and any applicable development standards of the underlying zoning, except where a variance from a specific standard has been applied for; and
3. If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Sections 23.60.034, 23.60.036 or 23.60.032, respectively.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environment. They 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. These general standards of the SMP state, in part, that all shoreline development and uses shall:

- protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- not release oil, chemicals or other hazardous materials onto or into the water.
- be located, designed, constructed, and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas, including but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes;

- be located, designed, constructed and managed to minimize interference with, or adverse impacts to, beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion;
- be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area; and
- be located, constructed, and operated so as not to be a hazard to public health and safety.

#### SMC 23.60.660 Part 2- Development Standards for UH Environment

The development standards set forth in the Urban Harborfront Environment regulate height, lot coverage, setbacks, view corridors, moorage, public access and historic character.

The proposal is to establish a minor telecommunication facility on the rooftop of an existing upland structure. The facility will not obstruct views of Elliott Bay and landforms beyond from public street ends and parks in the vicinity. No ground disturbance or changes to the shoreline environment are proposed.

The proposal must comply with the Land Use Code and Building Code. No conditional use or variance is required. The proposal meets the development standards of the UH environment. Therefore the proposal meets the general development standards, specific development standards set forth in Subchapter III, development standards of the shoreline environment and applicable development standards of the underlying 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 DOE has approved the Seattle Shoreline Master Program, any project consistent with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58.

#### **CONCLUSION**

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC, RCW and with the regulations of Chapter 23.60, Seattle Shoreline Master Program. The specific standards for development in the shoreline environment will be met by the proposed development.

Pursuant to the Director's authority under Seattle's Shoreline Master Program to ensure that development proposals are consistent with the policies and procedures, and conform to specific development standards of the underlying zone, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal is approved.

**DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit, as detailed in plans submitted to DPD dated October 18, 2011, is **GRANTED**.

Signature: (signature on file)  
Stephanie Haines, Senior Land Use Planner  
Department of Planning and Development

Date: November 3, 2011