



City of Seattle

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: 3013527
Applicant Name: Susan Jones
Address of Proposal: 2157 N Northlake Way

SUMMARY OF PROPOSED ACTION

Shoreline Application to allow a change of use from water-dependent office and accessory parking to non-water-dependent office and accessory parking.

The following approvals are required:

Shoreline Conditional Use Permit: To allow a non-water-dependent commercial use on a waterfront lot in the Urban Maritime (UM) Shoreline Environment. (Sections 23.60.034 and 23.60.724, 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 DATA

Site Location and Description

The subject site is located at 2157 N Northlake Way on the north shore of Lake Union. The property is zoned Industrial Buffer (IB U/45'). The dry land portion of the site is located within the Urban Maritime (UM) shoreline environment and the submerged portion is located in the Conservancy Waterway (CW) shoreline environment. The site is currently developed and is used as the homeport for the Aleutian Spray Fisheries fleet. Aleutian Spray Fisheries is the owner and primary user of the site.

Proposal Description

The applicant proposes to change the use of 32,431 sq. ft. of water-dependent use to non-water-dependent use on a waterfront lot in the UM environment. The 32,431 sq. ft. consists of: 28,629 sq. ft. of office currently accessory to a water-dependent use to be changed to non-water-dependent principal use office; and, 3,802 sq. ft. of parking accessory to a water-dependent use to change to parking accessory to a non-water-dependent use. No increase in floor area or number of parking spaces is proposed. No portion of the project is located over water or in the CW environment. Aleutian Fisheries will remain the predominant, water-dependent use of the property.

The project originally included a change of use to non-water-dependent manufacturing but has since been revised to non-water-dependent office and accessory parking, only.

Public Comment

The public comment period ended on July 20, 2012. Several comments were received.

ANALYSIS - SHORELINE CONDITIONAL USE

Section 23.60.034 of the Seattle Municipal Code provides criteria for review of a shoreline conditional use and reads: *Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.*

WAC 173-27-160 explains the purpose of a conditional use permit and provides a system within the City's master program which allows flexibility in the application of use regulations in a manner consistent with the policies of 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 and/or to assure consistency of the project with the act and local master program. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates that it meets the criteria set forth in WAC 173-27-160. Below is the evaluation of these criteria in relation to the proposed project.

1a) The proposed use is consistent with the policies of RCW 90.58.020 and the master program.

RCW 90.58.020 states in part, that in the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural

condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

This shoreline was altered before the enactment of the Shoreline Management Act, therefore was not originally reviewed for its impacts on the shoreline environment. More recently, in 2006, MUP No. 3006767 authorized construction of the existing office building where the proposed change of use will occur. Non-water-dependent uses are permitted as shoreline conditional uses on waterfront lots under Seattle's Shoreline Master Program, pursuant to the standards found at SMC 23.60.724.B.2. The submitted plans have been reviewed and determined to meet these standards, therefore the proposed non-water-dependent use is consistent with the policies of RCW 90.58.020 and the Shoreline Master Program.

1b) The proposed use will not interfere with normal public use of the public shorelines.

The proposed use is located in an existing structure located on an industrially zoned lot on Lake Union, approximately 35 feet landward of an existing bulkhead. No changes to the bulkhead or exterior changes to the existing structure are proposed as part of this permit. Public access meeting the requirements of SMC 23.60.160 will be provided. The standards for development in the UM are met and there will be no interference in public use and enjoyment of the shorelines of the area.

1c) The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned in the area under the comprehensive plan and shoreline master program.

The proposal is a non-water-dependent office use and accessory parking. This use is consistent with the zoning classification (Industrial Buffer IB U45) and with the Urban Maritime shoreline environment, which allows non-water-dependent uses as a conditional use subject to the development standards of SMC 23.60.724. The project has been reviewed and determined to meet these standards. Seattle's Comprehensive Plan Shoreline Policies include the following: LUG52 - Allow a multi-use concept of development, provided that the major use is water-dependent and that it provides public access to the shoreline yet maintains the economic viability of the use. The proposal is consistent with the applicable code and development standards and comprehensive plan policies. Therefore, this criterion is met.

1d) The proposed use will cause no significant adverse effects to the shoreline environment in which it is located.

As noted above, the building in which the proposed change of use will occur was reviewed and approved in 2006 under MUP No. 3006767. That proposal was subject to review as a Shoreline Substantial Development Permit and under Seattle's SEPA Ordinance. The proposed change of use from accessory to principal use office is not anticipated to have

significant adverse effects to the shoreline environment. However, to ensure continued compatibility with the applicable shoreline and environmental policies the following conditions of approval of MUP 3006767, which were required for the life of that project, will be required as conditions of approval of this permit as well. Those conditions of MUP 3006767, modified to include a reference to the newly provided public access, are found below:

The owner(s) and/or responsible party(s) shall:

1. Maintain a stormwater collection system to separate oil and other petrochemicals from the stormwater from the site before it is discharged off the site.
2. No herbicides, pesticides or chemical fertilizers shall be used in areas where the stormwater runoff discharges to the Lake Washington Ship Canal.
3. Extreme care shall be taken to ensure that no petroleum products, other toxic substances, including herbicides pesticides, chemical fertilizers, miscellaneous debris and/or other deleterious materials are allowed to enter or leach into the lake.
4. Maintain the lighting as approved by the lighting plan.
5. Maintain the view corridor and public access as approved and indicated on the project plans.

With these mitigation measures no significant adverse impacts are anticipated from the proposal.

1e) The public interest suffers no substantial detrimental effect.

The proposed non-water-dependent office and accessory parking is consistent with the use and development standards of the designated shoreline environments and is not anticipated to have any significant adverse effects on the environment, as discussed above. Therefore, the project will have no detrimental effect to the public interest.

2) In the 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 other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW [90.58.020](#) and shall not produce substantial adverse effects to the shoreline environment.

This requirement for consideration of the cumulative impacts applies to all Shoreline Conditional Use applications in all shoreline environments. However, the conditional use criteria that allow non-water-dependent uses on waterfront lots in the UM environment (SMC 23.60.724) specifically limit the non-water-dependent use to a percentage of the dry-land area of the lot. For those proposals that also meet all of the other applicable Shoreline Conditional Use criteria, the restriction on the percentage of allowed non-water-dependent uses serves as a limiting factor on cumulative impacts of non-water-dependent uses on waterfront lots in UM environments. The UM environment itself is limited to relatively few areas of Seattle's shoreline including areas along the north end of Lake Union, an area on the east side of Lake Union, and a third area found on the south side for the Lake Washington Ship Canal.

The combined factors of the limited percentage of non-water-dependent uses allowed on waterfront lots in the UM through shoreline conditional use, and the limited area of Seattle's shoreline with the UM designation act together to limit potential cumulative impacts of similar projects. Since the Seattle Master Program is assumed to be consistent with the policies of RCW 90.58.020, these limitations ensure that the total of the conditional uses subject to this specific limitation will remain consistent with the policies.

DECISION - SHORELINE CONDITIONAL USE

The Shoreline Conditional Use is **CONDITIONALLY GRANTED**. Conditions are listed at the end of this report.

CONDITIONS – Shoreline Conditional Use

For the Life of the Project

The owner(s) and/or responsible party(s) shall:

1. Maintain a stormwater collection system to separate oil and other petrochemicals from the stormwater from the site before it is discharged off the site.
2. No herbicides, pesticides or chemical fertilizers shall be used in areas where the stormwater runoff discharges to the Lake Washington Ship Canal.
3. Extreme care shall be taken to ensure that no petroleum products, other toxic substances, including herbicides pesticides, chemical fertilizers, miscellaneous debris and/or other deleterious materials are allowed to enter or leach into the lake.
4. Maintain the lighting as approved by the lighting plan.
5. Maintain the view corridor and public access as approved and indicated on the project plans.

Signature: _____ (signature on file) _____ Date: October 25, 2012
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

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