



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3018299
Applicant Name: Stig Carlson for Sand Point Country Club
Address of Proposal: 8333 55th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 653 sq. ft. second story addition to an existing utility building in an environmentally critical area (Sand Point Country Club).

The following approval is required:

SEPA Environmental Threshold Determination - (SMC Chapter 25.05)

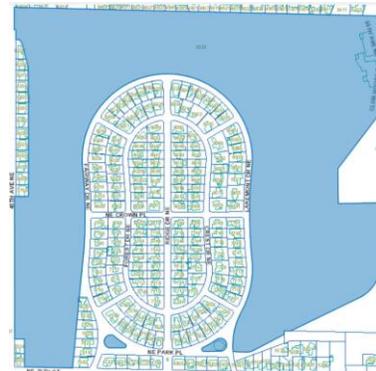
Variance - to allow expansion of a nonconforming nonresidential use in a single-family residential zone (SMC 23.42.106.D.1)

SEPA DETERMINATION

- Exempt DNS DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdictions

BACKGROUND INFORMATION

Site Location & Description: The subject site is the Sand Point Golf and Country Club, located in the View Ridge neighborhood in northeast Seattle. The site covers approximately 88 acres of land. The site is zoned Single Family 7200 (SF7200). The surrounding zoning to the north, south, east, and west is also SF 7200 with development consisting of mainly single family residences.



The site is developed with a two-story clubhouse building, driving range, golf course, detached accessory maintenance buildings, and other recreational facilities including a swimming pool and tennis courts. This existing structure is sited on the uppermost northeastern portion of the site. The topography slopes downward from the eastern portion of the Club property to the south of the clubhouse surface parking area (just east of the clubhouse building).

Access to the clubhouse is from a private drive (Club House Dr.) off of Lakemont Dr. NE.

Proposal Description:

The proposed expansion consists of a 653 square upper floor addition for a new indoor golf training facility and 543 square foot outdoor deck, to be constructed above an existing 1 story 1,002 square foot storage and mechanical building located at the northeast corner of the property. The proposed height of the building, with the second story expansion, is 30'-0". The proposal is to allow for accessibility and facility upgrades.

The Sand Point Country Club is an existing nonconformity in regards to its current use (private club) in a Single Family zone. Per SMC 23.42.106.D.1, a nonconforming nonresidential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly or disabled or as specifically permitted elsewhere in this Code.

The applicant is seeking a variance as the proposal constitutes an expansion of nonresidential nonconforming use in a single-family zone SMC 23.42.106.D).

The 543 square foot outdoor deck would be located above the existing building and does not constitute an expansion of the structure; therefore it does not require a variance from SMC 23.42.106.D.1.

Applicable Development Standards:

Code Section	Standard	Request
SMC 23.42.106.D.1	A structure occupied by a nonconforming nonresidential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly or disabled.	Allow a 653 square foot expansion of an existing storage and mechanical building.

Environmental Critical Area Regulations:

The area in which the clubhouse is located is mapped as ECA steep slope and potential landslide.

Public Comment: The public comment period ended on February 4, 2015. Seattle DCI received one comment letter. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. This area of public comment related to impacts to the Environmentally Critical Area.

ANALYSIS – VARIANCE

Pursuant to SMC 23.40.020.C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis for the variance requested follows each statement of required facts and conditions.

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The unusual conditions applicable to the property are the topography, existing location of the practice facility, and the existing nonconforming use in an existing Single Family zone.

The Sandpoint Country Club was originally constructed in 1927 before modern single-family zoning standards. As the Country Club is a legal nonconforming use, it is subject to limitations that do not apply to other properties in the same zone and vicinity.

The Club's current practice facility is located at the bottom of a ravine over 300 yards south of the existing clubhouse. Information provided by the applicant states that the access to the facility requires navigating slopes in excess of 13% by golf cart or on foot. The applicant notes that this condition presents access challenges for the Club's members, many of whom are elderly.

The Code would allow the existing practice facility to be repaired, renovated, or expanded to improve access, but the topography at this location would remain a challenge. The request for a variance to expand the nonconforming nonresidential use would allow for a new practice facility at a location without these topographical constraints.

Due to the steep topography, location of the existing practice facility, and the status of the country club as a legal nonconforming use, the strict application of the code would deprive the property of rights and privileges enjoyed by other properties to expand structures occupied by a nonconforming nonresidential use to improve access for the elderly or disabled.

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The proposal is for an upper floor addition to an existing storage and mechanical facility with no increase to the existing footprint. The applicant has stated that the 653 square foot addition is the minimum necessary to accommodate the practice and training equipment needed for an accessible indoor facility. The proposed addition has been designed to minimize visual impacts on the surrounding properties, and will comply with height and setback standards for the single-family zone. This variance does not increase the intensity of the existing use, and thus does not involve a grant of special privilege.

- 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The granting of the variances for the proposed addition is not anticipated to materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. The proposed facility expansion is physically and visually separated from neighboring uses and properties. The golf course surrounds the structure to the south, north and west. Per the Seattle DCI GIS mapping application, the structure is setback approximately 125' from the nearest residences to the north. Those residences are located about 40' lower in elevation lower than the proposed structure. No views will be blocked by the proposed project. It is expected that no major noise impacts shall occur, as the proposed practice facility will be enclosed.

The proposed addition(s) will not increase the intensity of the existing uses on site. The additional space will not require the construction of any new parking stalls and will not result in any increase in vehicle trips, and general uses are not expected to change.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The strict application of the Land Use Code would allow upgrading of the existing practice facility at its current location; however, due to the steep topography, it is not feasible to make the facility more accessible through an expansion or replacement at its current location.

The literal interpretation and strict application of the applicable provisions and requirements of the Land Use Code, which denies the applicant the ability to pursue the aforementioned expansion, would cause undue hardship or practical difficulty.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The Sand Point Golf and Country Club is seeking a variance that, if granted, would allow the expansion of a nonconforming nonresidential use. While the Land Use Code allows the expansion of nonconforming uses for improving accessibility, expanding or renovating the practice facility at its current location would not relieve the topographical constraints.

This variance application seeks to provide flexibility for constructing a new practice facility to improve accessibility in a situation constrained by the location of the existing practice facility, topography, and the status as a legal nonconforming use. These conditions were not created by the current owner or applicant. The proposed variance is consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

DECISION – VARIANCE

Based on the plans, and the above findings, and analysis of all the facts and conditions stated in the numbered criteria of SMC 23.40.020, the variance for the expansion of a nonconforming nonresidential use is **GRANTED**.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on January 14, 2015. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

City codes and/or ordinances apply to the proposal and will provide mitigation for short and or/long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170), *Street Use Ordinance* (SMC Title 15), *Seattle Building Code*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, “*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered.

Short-Term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Earth/Soils

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (*Indoor Golf Training Facility Addition*, October 20, 2014, Associated Earth Sciences, Inc.). The study has been reviewed and approved by Seattle DCIs geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs.

Greenhouse Gas Emissions

Future construction and operation activities are expected to result in an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions. No further SEPA conditioning is warranted (SMC 23.05.665).

Long -term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. No further SEPA conditioning is warranted (SMC 23.05.665).

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- 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 43.21.030(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).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the Optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – VARIANCE

None.

CONDITIONS – SEPA

None.

Katy Haima, Land Use Planner
Department of Planning and Development

Date: January 14, 2016

KH:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.