



**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:** 3023663  
**Applicant Name:** Greg Bjarko  
**Address of Proposal:** 127 N 35<sup>th</sup> St

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Application to allow an 821 sq. ft. addition to existing storage shed and to change the use to a 1,431 sq. ft. eating and drinking establishment. The project includes a 1,251 sq. ft. rooftop deck addition. Covenant parking for 13 vehicles to be located at 311 N 36th St.

The following approvals are required:

**Shoreline Substantial Development - (Seattle Municipal Code 23.60A)**

**SITE AND VICINITY**

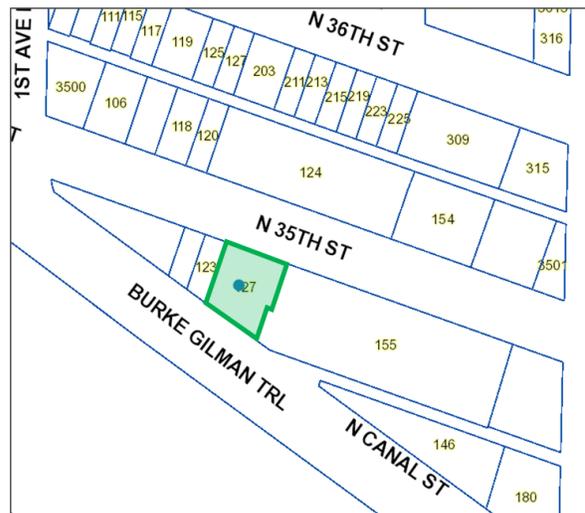
**Site Zone:** General Industrial 2 U/65

**Nearby Zones:** North: – IG2 U/65  
South: – IG2 U/65  
East: IG2 U/65  
West: – IG2 U/65

**Site Size:** 8,940 sq. ft.

**Overlay:**

Shoreline Environments – Urban General  
Urban Village – Hub Urban Village



PUBLIC COMMENT:

The public comment period ended on April 08, 2016. Comments were received and considered, to the extent that it raised issues within the scope of this review. These areas of public comment related to a request to extend the comment period and concerns about inadequate parking.

**I. ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT**

Section [23.60A.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: “The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:”

1. *Is consistent with the policies and procedures of RCW 90.58.020;*
2. *Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;*
3. *Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and*
4. *If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.*

**1. Is consistent with the policies and procedures of RCW 90.58.020;**

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 addition to existing storage shed and the change of use to an eating and drinking establishment will result in no direct impacts to the nearby Ship Canal as a result of using appropriate Best Management Practices during construction for protection of the aquatic habitat, and therefore will not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline. The subject application is consistent with the procedures outlined in RCW [90.58](#).

**2. Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;**

The proposed project, eating and drinking establishment and accessory uses are a permitted use in the IG2 U/65 underlying zone (SMC 23.50.012) and the Urban General Environment overlay (SMC 23.60A.402.A).

**3. Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted;**

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 [23.60A](#) that also incorporates the provisions of Chapter [173-27](#), WAC. [Title 23](#) of the Municipal Code is also referred to as the Land Use and Zoning Code. 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 which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use and subsequent development meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle [Comprehensive Plan](#), and the purpose and location criteria for each shoreline environment must be considered and this project with its upland location was found to comply. The purpose of the UG Environment (SMC 23.60A.220.D.7) is to provide for economically viable use of commercial and industrial areas that are not suited for water-dependent uses due to limited or no water access and to protect existing ecological function. A proposal must also be consistent with the general development standards of SMC [23.60A.152](#), the specific standards of the shoreline environment (SMC 23.60A.406) and underlying zoning designation, which is discussed below.

**SMC [23.60A.152](#) - Development Standards for all Environments**

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. Compliance with applicable codes and ordinances for construction of the project (e.g., Building Code, Stormwater Code) will reduce or eliminate most potential adverse long-term impacts to the shoreline environment. The applicant will implement Best Management Practices during development to ensure, in part, protection of water quality and potential adverse impacts to the shoreline environment and nearby Ship Canal during construction.

**Standards for UG Environment.**

The subject property is classified as an upland lot and located within an Urban General (UG) Environment, as designated by the Seattle Shoreline Master Program. Pursuant to SMC 23.60A.402, commercial use (eating and drinking establishment) is permitted outright on upland lots in the UG Environment. The project has been reviewed by Seattle DCI staff and found to be consistent with all applicable use and development standards such as height, lot coverage, and view corridor. The commercial office use is also consistent with all applicable standards in the underlying zone (SMC 23.50.012) where this project will be located.

4. **If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.**

The proposed project does not require special use approval, a shoreline conditional use permit or a shoreline variance permit.

### **Conclusion**

SMC Section [23.60A.063](#) 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 [23.60A](#), and with RCW [90.58.020](#) (State policy and legislative findings). The project as proposed meets the development standards and requirements of the underlying the IG2 U/65 underlying zone and Urban Residential environment overlay, and therefore should be approved.

Therefore as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

### **CONDITIONS – SHORELINE**

#### **During Construction**

- 1) The owner(s), builder(s), and all responsible party(s) shall follow the best management practices as carried over to the approved construction set of plans. These BMPs shall be in place to prevent any excessive sedimentation and other deleterious material from entering the surface water during the proposed construction.

David Landry, AICP, Land Use Planner  
Seattle Department of Construction and Inspections

Date: August 29, 2016

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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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.