



City of Seattle

Gregory J. Nickels, Mayor

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: 3003435

Applicant Name: Arthur Skolnik

Address of Proposal: 1528 Alaskan Way

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to establish use for future addition of a third and fourth floor to an existing two story administrative office building. The additional floors are for two residential dwelling units for a total of 3,984 square feet. Project includes surface parking for ten (10) vehicles.

The following approvals are required:

Shoreline Substantial Development Permit - to allow the addition of a third and fourth floor to an existing administrative office building (two residential dwelling units for a total of 3,984 sq. ft.) in an Urban Harborfront (UH) Shoreline Environment. (SMC Chapter 23.60.660)

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.*

BACKGROUND DATA

Site

The subject parcel is located in the Downtown waterfront area of Seattle along Elliott Bay and has approximately 3,689 square feet of lot area. Zoning on this site is Downtown Harborfront (DH2-55). The site also lies within a designated shoreline Urban Harborfront (UH) environment. Currently, the site is developed with a two (2) story administrative office building, which is to remain. There is surface parking for ten (10) vehicles on site. The subject site is an irregular shaped site with the western boundary fronting on Alaskan Way.

Vicinity

Development surrounding this site consists mainly of water related uses with some smaller retail uses serving the high pedestrian activity of the area. This site sits adjacent to State Route 99 (Alaskan Way Viaduct). Waterfront Park and the Seattle Aquarium are to the south of the site. Other development in the area consists of the Waterfront Landings Condominiums across Pine Street, Piers 62 and 63 across Alaskan Way and a parking lot directly to the south of the property. Railroad tracks for the Waterfront Streetcar trolley separate the property from Alaskan Way. To the east, the Alaskan Way Viaduct rises above the property and divides it from the Pike Place Market complex.

Proposal

The applicant proposes to add a two (2) story addition to an existing administration building resulting in a four (4) story structure. The two (2) additional stories will be for the purpose of adding two (2) residential dwelling units which will total 3,984 square feet of gross floor area. There are ten (10) existing parking spaces on site which more than meet the parking requirement for the administrative office use of the building and no parking is required for downtown residential. In addition the building footprint will increase by 239 square feet to accommodate an elevator and a new stairway at the rear of the building. Project also includes a minimal amount of grading to accommodate the construction of the elevator shaft and stairway.

Public Comment

No comment letter was received during the comment period, which ended on December 16th, 2005.

ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Section 23.60.020, of the Seattle Shoreline Master Program (SSMP), requires that a substantial development permit be obtained prior to the undertaking of any substantial development within a shoreline environment. Section 23.60.030, SMC includes criteria for evaluating a shoreline permit. 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.*

A. RCW Chapter 90.58

Chapter 90.58 RCW and Chapter 173-27 WAC set forth regulations for the adoption and administration of the Shoreline Master Program which was originally adopted by the City of Seattle in 1976 and was revised in 1987. This program is codified in the Land Use Code and has been approved by the State Department of Ecology. Compliance with applicable provisions of the Land Use Code ensures that the proposed development at this site would be consistent with the policies and procedures of Chapter 90.58 RCW and the provisions of Chapter 173-27 WAC.

B. SSMP Chapter 23.60

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) be permitted in the shoreline environment and the underlying zoning district; 2) conform to all applicable development standards of both the shoreline environment and underlying zoning; and, 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required. No shoreline variances, conditional uses, or special uses are required for this proposal. In reviewing an application for shoreline development, the Director may attach to the permit any conditions necessary to carry out the spirit and purpose of, and assure compliance with, this chapter and the RCW regulations (Section 23.60.064 E).

1. General Development Standards for all Shoreline Environments (SSMP 23.60.152)

These general standards apply to all uses in the shoreline environments. 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. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments 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... ..fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....
- D. 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.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall 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.
- I. All shoreline developments and uses shall 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.
- J. All shoreline developments and uses shall 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.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. 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.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

The proposal is not expected to adversely affect the quality and quantity of surface and ground water on and adjacent to the site on a long term basis; no planned discharge of solid wastes would occur (debris waste will be trucked or barged away); spillage of petroleum products must be avoided and contained should it occur; no intentional release of oil, chemicals, or other hazardous materials is anticipated to occur.

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. All shoreline development and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. All development and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas.

The project proposal will be consistent with these development standards for the following reasons: The Stormwater, Grading and Drainage Control Code regulates new development and land-disturbing activities and requires best management practices be used to accomplish the control of erosion and the transport of sediment from the site by mulching, matting and/or the use of silt fences; permanent stabilization of exposed soils that are not being actively worked by the installation of permanent vegetative cover and/or installation of slope protective materials; and, the control of the introduction of contaminants and pollutants, and reduction and treatment of contaminants in City systems by the regular cleaning of catch basins, gravel truck loading and heavy equipment areas, sweeping, and maintaining erosion control protective features. A drainage control plan, prepared by a licensed civil engineer in accordance with standards adopted by the Director of Department of Planning and Development may be required prior to issuance of the building permit.

SMC 23.60.660 – 23.60.704 SSMP- Development Standards for UH Environment

All development must conform to the development standards in the UH Shoreline Environment. The proposal meets the maximum height permitted on DH2/UH zoned lots as determined by the Official Land Use Map which allows a maximum height of forty-five (55) feet as the project is not located in a Historic Character area. The view corridor will not be changed as a result of the proposal as they are not required for upland lots.

The existing and proposed use is by definition a commercial office use which is allowed outright on upland lots in the UH environment. The proposal must conform to the general standards for all environments (SSMP 23.60.152) and physical development standards for uses in the UH environment (SSMP 23.60.660).

The purpose of the UH 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 (SMC 23.60.220-C8a).

Residential and Office use must meet the development standards for the UH Environment (SSMP 23.60.690-704) Historic Character Area, as well as the general development standards for all shoreline environments (SSMP 23.60.090 - 210). Additionally, the proposed project must also meet the development standards of the underlying Downtown Harborfront zone (DH2-55) (SSMP 23.49.326-332) 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).

SMC 23.60.670 Uses Permitted Outright on Upland Lots in the UH Environment

Residential use is permitted outright on upland lots in the UH environment.

SMC 23.60.692 Height

The maximum height in this portion of the UH environment is 55 feet, and the proposed 52 ft 5 $\frac{3}{4}$ inch high structure would not exceed the height limit.

SSMP 23.60.694 Lot Coverage

Structures may occupy up to one hundred 100% of an upland lot. The proposed addition will be entirely on dry land. The proposal is a third and fourth floor addition to an existing two story office building and the building footprint will only increase by 239 square feet to accommodate an elevator and a new stairway at the rear of the building. The total lot coverage will be approximately 92.97%.

SMC 23.60.698 View Corridor in the UH Environment

View Corridors are not required for upland lots.

SMC 23.49.318 – Downtown Harborfront 2

The project proposal must meet the development standards of the underlying Downtown Harborfront 2 (DH2) zone. The development proposal has been reviewed by a Land Use Plans Examiner who has determined the project complies with the required development standards. The proposal meets the 55 foot height limit, allowable uses, related setback, screening and landscaping, venting, odor, glare and access standards.

C. WAC Chapter 173-27

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

In conclusion, the proposed third and fourth floor addition and the increase of 239 square feet of building addition, to accommodate an elevator and a new stairway at the rear of the building, will be consistent with Chapter 23.60 SSMP, also known as the Seattle Shoreline Master Program, and conforms to the specific standards for development in the UH shoreline environment. Conditions to minimize the project impacts pursuant to the Director's authority to impose conditions (SSMP 23.60.064E) under Seattle's Shoreline Management Program have been imposed. Because it has been established that the proposed use and development conforms to policies and procedures of the WAC and RCW and with the regulations of Chapter 23.60 of the Seattle Municipal Code, the permit should be approved.

DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **CONDITIONALLY GRANTED.**

CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

1. Prior to issuance, please revise plans to address the issues in the Land Use Planner's (Darlene Edwards) correction letter dated February 16th, 2006.

Signature: (signature on file)
Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services

Date: April 20, 2006