



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane Sugimura, Director

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

**Application Number:** 2504125  
**Applicant Name:** Stefan Wynn  
**Address of Proposal:** 2555 Westlake Avenue North

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit change use of an existing structure from warehouse and caretaker quarters to two live work commercial units (4,326 total sq. ft.). Parking for two vehicles is to be provided off site.

The following Master Use Permit components are required:

**Shoreline Substantial Development** – to allow alteration of a building in the US environment.

**SEPA** - (SMC Chapter 25.05)

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

**BACKGROUND DATA**

Site & Vicinity

The subject site is located on an upland lot on the west side of Lake Union on the west side of Westlake Avenue North along the base of Queen Anne Hill. The subject 5,879 sq. ft. property is developed with a three-story warehouse building and a caretaker's quarter.

Zoning on the property is Commercial 2 with a 40-foot height limit (C-2/40') and is designated as an Urban Stable (US) shoreline environment. Development in on the site and on adjoining sites to the south is close to the street with a steep, wooded slope rising to the west. Across Westlake Ave. N. there is an area of surface parking in the right-of-way and commercial development along the shore of Lake Union with moorages over the water adjacent to shore.

Westlake Avenue North at this location is a four-lane major arterial serving properties along the western edge of Lake Union. The non-roadway portion of the right of way has been recently improved with pavement, sidewalk, public parking and landscaping.

### Proposal

The proposal is to convert and existing two and a half story warehouse and care takers quarters building into two live work units. Live work units are considered commercial uses and permitted in the C2 zone. The Seattle Shoreline Code (SMC 23.60.608) allows a wide range of commercial uses on upland lots in the US environment. The Seattle Land Use Code defines live work units in part as “a structure or portion of a structure that combine a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business” (SMC 23.84.024). The specific commercial uses which may take place within the proposed live work units will be limited by use restrictions of the C2 zone and further limited by the restrictions placed on uses allowed in the US shoreline environment.

The proposed structural changes are entirely within the foot print of the existing structure on site. They would involve internal, structural alterations and increased height of the top (third story) with a new roof line and increased wall height. Issued plans at DPD, from earlier permits, show the third story covering approximately half the building. Currently, the top story covers most, if not all, of the building footprint. The proposal would have a third floor covering the entire building foot print.

### Public Comment

No comment letters were received from the public. The comment period ended on September 16, 2005.

## **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*

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 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 [23.60](#). 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.

The proposal is subject to the Shoreline Policies of SSMP [23.60.004](#), because the site is located within the shoreline district and the cost of the project exceeds \$5,000. The proposed construction is minor in scope in that most of the project improvements are considered substantial development but do not significantly affect the buildings impact on the shoreline environment.

The proposed action, to renovate and change the use of an existing building on an upland lot without increasing lot disturbance of coverage would have limited environmental effect upon the shoreline of Lake Union which is across Westlake Ave. N on the far side of an existing parking lot. Erosion control and construction waist control measures will need to be implemented during construction to insure mitigation of environmental impacts to the waters of Lake Union.

Uses proposed on the upland lot, a combination of residential and commercial use, are consistent with the kinds of activities envisioned for the US environment.

The subject application is consistent with the policies and procedures outlined in RCW [90.58](#).

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 cited in SSMP [23.60.004](#), and meets the criteria and development standards for the shoreline environment in which the site is located; any applicable special approval criteria; general development standards; and the development standards for specific uses.

The subject property is classified as a upland lot (SSMP [23.60.924](#)) and is located within an Urban Stable (US) environment, as designated by the Seattle Shoreline Master Program. The principal use on this waterfront lot is warehouse and caretakers quarters. A change of use to live work units is requested with this application.

The proposed project must meet the standards of the underlying Commercial-2 zone, the development standards for the US shoreline environment (SSMP [23.60.630-642](#)) and the general development standards for all shoreline environments (SSMP [23.60.152](#)). 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](#)).

### Development Standards

All development must conform to the development standards in the US shoreline environment, as well as the underlying Commercial zone. The proposal would comply with development standards of both the C2 zone and the US shoreline environment.

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](#).

The proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

### Conclusion

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 conforms to specific development standards of the underlying zone, the non-conforming standards, and having established that the use and development are allowed under the provisions of the Shoreline Master Program, the proposal is hereby approved.

## **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

Granted.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 7, 2005. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SSMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SSMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during, construction; increased noise and vibration from construction operations and equipment; slightly increased traffic and parking demand from construction personnel traveling to and from the work site.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

It is anticipated that construction for this project will begin in summer of 2006 and is expected to be minor and of short duration. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

### Long-term Impacts

No long-term impacts are anticipated as a result of this proposal.

## **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 requirements of the State Environmental Policy Act (RCW43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non Significance. The proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.C.030 2C.

**CONDITIONS – SEPA**

Prior to Issuance of a Building Permit

The applicant/owner shall:

1. Submit a Best Management Plan that details the method of containment and removal of any debris or material that may enter Lake Union during construction. Said Plan shall be incorporated as construction notes on the final building permit plan sets.

Signature: (signature on file)  
Scott Kemp, Senior Land Use Planner  
Department Planning and Development

Date: July 13, 2006