



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

Project Number: 3038365
Applicant Name: Robert Hutchison
Address of Proposal: 2950 Fairview Avenue East

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development application to allow a 3-story, 3-unit building with retail. No parking provided. Existing building to be demolished.

The following approval is required:

Shoreline Substantial Development Permit – to allow development in an Urban Commercial Shoreline Environment.

BACKGROUND

The applicant proposes to construct a 3-story, mixed use building with 3 residential units (4280 square feet total) and a commercial space (292 square feet). No parking proposed. Existing building on lot will be demolished. The project is located in the Shoreline District and does not meet criteria for a shoreline permit exemption therefore a Shoreline Substantial Development Permit is required.

Public Comment:

The public comment period ended on May 17, 2022. One comment was received, which is available in the project file on the SDCI website.

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.*

These criteria are analyzed below:

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 project has been reviewed by SDCI and determined to be consistent with all applicable use and development standards in the City's Shoreline Master Program, as discussed in more detail below. 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 is construction of a mixed used building (3 residential units and one commercial space) on an upland lot in the Urban Commercial (UC) Shoreline Environment and the underlying low rise (LR2/RC) zone. The proposal is consistent with Uses allowed at this location pursuant to SMC 23.60A.383 and the underlying zoning.

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. Shoreline Policy (SAP4) promotes the use of upland lots for a wider range of uses in order to allow for water dependent and water related uses on waterfront lots. The development of this upland lot for residential uses is consistent with this policy. The purpose of the UC Environment is to “allow limited nonwater-oriented uses and development where they would not displace water-oriented uses”, which is consistent with this proposal on an upland lot. A proposal must also be consistent with the general development standards of SMC [23.60A.152](#), the specific standards of the applicable shoreline environments 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 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 protection of water quality and potential adverse impacts to the shoreline environment and revegetate with native vegetation as proposed and conditioned below.

Standards for UC Shoreline Environment and the underlying zone.

The project will be located in the Urban Commercial Shoreline Environment. The proposed residential use is allowed in the UC Shoreline Environment per SMC 23.60A.383 and the underlying low rise (LR2/RC) zone.

The project has been reviewed by SDCI staff and found to be consistent with all applicable development standards in the SMP, such as height, setbacks and lot coverage.

- 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 a shoreline conditional use or shoreline variance permit or special use approval.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED.**

Shoreline Condition

Prior to Building Permit Issuance

- 1) Building permit plans shall include detailed landscape plan consistent with applicable standards in SMC 23.60A.190 and SMC 23.60A.158.

Ben Perkowski, Sr. Land Use Planner _____ Date: December 12, 2022
Seattle Department of Construction and Inspections

BP:bg

Perkowski/3038365-LU Decision