



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

**Project Number:** 3036550  
**Applicant Name:** Jill Macik for SDOT  
**Address of Proposal:** 5101 R Shilshole Ave NW

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development to allow right of way improvements within the Shoreline District between multiple intersections. The Burke-Gilman Trail Missing Link Project is a proposal to connect two existing portions of the regional, multi-use facility. The project was redesigned in 2021.

The following approvals are required:

**Shoreline Substantial Development Permit** to allow development in the Urban Industrial (UI), Shoreline Environment.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

Proposal Summary

The Seattle Department of Transportation (SDOT) proposes to complete the Missing Link segment of the Burke-Gilman Trail (BGT). The BGT is a regional trail that runs east from Golden Gardens Park in Seattle and connects to the Sammamish River Trail in Bothell, except for a missing segment through the Ballard neighborhood of Seattle. Currently, the regional trail ends at 30<sup>th</sup> Ave. NW by the Hiram M. Chittenden (Ballard) Locks on the west and begins again at the intersection of 11<sup>th</sup> Ave. NW and NW 45<sup>th</sup> St on the east. SDOT proposes to connect these two segments of the BGT with a marked, dedicated route that would serve all users of the multi-use trail.

SDOT has now redesigned the project while still meeting the project purpose of completing the 1.4-mile multi-use trail.

In summary, the design revision:

- Maintains all driveway crossings and trail-related safety improvements;
- Eliminates all active railroad track relocation;

- Retains NW 45<sup>th</sup> St as a one-way street;
- Reduces new paving areas on Shilshole Ave NW and NW 45<sup>th</sup> St;
- Maintains most of the existing Shilshole Ave NW channelization;
- Adjusts intersection stop controls (use flashing beacons versus signals);
- Modifies pedestrian improvements on the non-trail side of Shilshole; and
- Modifies the trail within standards.

The portions of the Project within the Shoreline District fall within the Urban Industrial (UI) shoreline environment and will be constructed within the existing public rights-of-way for NW Market St, 24<sup>th</sup> Ave NW, Shilshole Ave NW, and NW 45<sup>th</sup> St. The existing vehicular travel lanes will generally be in the same location, but in some areas will shift slightly away from the shoreline. The Project adds the multi-use trail adjacent to but separated from vehicular lanes by a curb and buffer area.

Beginning at the western terminus of the trail at the Ballard Locks, the proposed trail would run west along the south side of NW Locks Place until it turns into NW Market Street. The trail would continue along the south side of the NW Market Street, until the intersection with 24<sup>th</sup> Avenue NW. At the intersection of NW Market Street and 24<sup>th</sup> Avenue NW, the proposed project would head south on the west side of 24<sup>th</sup> Avenue NW for approximately 125 feet before the intersection with the south side of Shilshole Ave NW. The proposed project would then cross 24<sup>th</sup> Avenue NW and proceed along the south side of Shilshole Avenue NW, continuing on the south side of NW 45<sup>th</sup> Street to 11<sup>th</sup> Avenue NW, where it would connect to the eastern terminus of the existing trail.

### Public Comment

Public comments received during the project comment period, which ended May 20, 2022, are available in the project file.

### **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 (the Act). 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 below. The subject application is consistent with the procedures outlined in the Act.

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

The proposed project is permitted as a street use as well as a parks and open space use in the UI Shoreline Environment (SMC 23.60A.483).

**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 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 the Act, the City 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 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 the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions that 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 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 also be considered and this project was found to comply. However, the Shoreline Goals and Policies do not constitute regulations, per SMC 23.60A.004. Shoreline Area (SA) Goal (G)6 states a goal of the Comprehensive Plan is to "maximize public access—both physical and visual—to Seattle's Shorelines," which is consistent with the goals, purpose, and design of the Missing Link project as it will enhance public access and recreational enjoyment of numerous shoreline destinations and views by pedestrians and other non-motorized users throughout the Burke-Gilman Trail network. For similar reasons, the following goals and policies are also consistent with the proposed project: SA G8 states a goal of the Comprehensive Plan is to "provide a transportation network that

supports and enhances use of and access to the shorelines;” SA Policy (P)15 states a policy of the Comprehensive Plan is to “provide public transportation convenient to the shoreline” and Shoreline Goal (SA G 22) states as a goal to “allow increased opportunities for the public to enjoy water-dependent recreation, including boating, fishing, swimming, diving, and enjoyment of views.” The applicant has provided further analysis of the consistency with the Goals and Policies in the application material.

Pursuant to SMC 23.60A.220, the purpose of the UI Shoreline Environment is to: (1) Provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses, and to allow for warehouse uses that are not water-dependent or water-related where they currently exist; (2) Provide public access on public lands or in conformance with an area-wide Public Access Plan; (3) Accommodate ecological restoration and enhancement where reasonable; and (4) Allow limited nonwater-oriented uses and development where they would not displace water-oriented uses and, if located on waterfront lots, where they achieve another goal of the Act, such as protection or improvement of ecological functions or public access.” As an allowed street use and transportation facility in the UI Shoreline Environment that has been determined by SDCI to be consistent with applicable use and development standards for the UI Environment in SMC 23.60A, and given the extensive analyses contained in the application material to address potential impacts on other allowed uses in the vicinity of the proposed trail, the proposed project is consistent with the purpose of the UI Shoreline Environment.

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 potential adverse long-term impacts to the shoreline environment. The applicant will implement Best Management Practices (BMPs) during development to ensure protection of water quality and potential adverse impacts to the shoreline environment and a shoreline habitat during construction. The project will follow the City’s Standard Specifications for Municipal Construction along with NPDES Construction Stormwater General Permit requirements, which require a Stormwater Pollution Protection Plan be developed that lists the BMPs the contractor will use to control stormwater and erosion to protect water quality. SDOT has designed the project consistent with the Stormwater Code. More details on these BMPs and the project’s consistency with these general development standards are contained in the application material.

#### Standards for UI Shoreline Environment zone.

The project will be located in existing rights-of-way in the UI Shoreline Environment. A street use and a parks and open space use are both allowed in an upland lot in the UI Shoreline Environment per SMC 23.60A.483.

The project, including an analysis of the project's consistency with applicable shoreline development standards from the applicant, has been reviewed by SDCI staff and found to be consistent with all applicable development standards in the SMP, including standards for streets in SMC 23.60A.213.

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 variance permit or conditional use permit or special use approval.

### **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 contractor and SDOT shall be responsible for implement BMPs for protecting aquatic and shoreline habitat.

Ben Perkowski, Land Use Planner  
Seattle Department of Construction and Inspections

Date: October 11, 2022