

DPD

Director's Rule 7-2007

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| Applicant: | Page | Supersedes: |
| City of Seattle Department of Planning and Development | 1 of 8 | 4-89 |
| | Publication: 3/26/07 | Effective: 4/18/07 |
| Subject: Determination of Residential Setbacks in the Shoreline District | Code and Section Reference: Seattle Shoreline Master Program Section 23.60.198 SMC | |
| | Type of Rule: Code Interpretation | |
| | Ordinance Authority: SMC 3.06.040 | |
| Index: Land Use - Technical Requirements | Approved <u>(signature on file)</u> Diane M. Sugimura, Director, DPD | Date <u>4/14/07</u> |

PURPOSE

Residential Setbacks in the Shoreline District are regulated by the Environmental Critical Areas (ECA) code as well as the Shoreline Master Program (SMP). These regulations can be found in SMC 25.09 and SMC 23.60, respectively. All residences and attached decks must meet the setback requirements of both the Environmentally Critical Areas Code and the Shoreline Master Program. The SMP states that in the event of a conflict between the ECA Code and SMP, the most restrictive provisions apply. ECA regulations are primarily intended to protect the environmental function of shoreline habitat, while SMP regulations for residential setbacks also work to preserve and enhance views of the water and maintain existing residential character. Together, these statutes work to accommodate development in a manner that does not compromise the environmental and scenic legacy of Seattle's shorelines.

Section 25.09.200.B of the ECA code establishes a minimum residential setback of twenty-five (25) feet. This section also establishes a one hundred (100) foot buffer from the ordinary high water mark of all shoreline habitat, within which any land disturbance must be mitigated as outlined in SMC 25.09.200.B.4 d & e.

The Seattle SMP provides additional setback requirements. Section 23.60.198.B.1 states that, "Residences on waterfront lots shall not be located further waterward than adjacent residences. If a required setback exceeds seventy-five (75) feet from the line of ordinary high water, the Director may

reduce the setback to no less than seventy-five (75) feet if it does not adversely impact the shoreline environment and if views of the shoreline from adjacent existing residences are not blocked. If there are no other residences within one hundred (100) feet, residences shall be located at least twenty-five (25) feet back from the line of ordinary high water." This regulation provides view protections which respond to local conditions.

The purpose of this Director's Rule is to provide guidance on how to integrate these two standards as well as setting uniform techniques to determine the minimum residential setbacks established by the SMP.

RULE

In order to meet the requirements of both the ECA and SMP codes, residences and attached decks shall only be allowed as follows:

A. New Structures

1. Within twenty-five (25) feet of the shoreline
 - i. No new residences are permitted, per ECA code. Residences include attached structures such as decks.
2. More than twenty-five (25) feet from the shoreline
 - i. New residences must meet the SMP setback requirements outlined in Section C.

B. Additions to an Existing Residence or Deck

1. Within twenty-five (25) feet of the shoreline
 - i. No additional footprint or overhang is allowed within twenty-five (25) feet of the shoreline, per ECA code.
 - ii. Additions that will not result in additional footprint or overhang but will increase heights within twenty-five (25) feet of the shoreline must meet the SMP setback requirements outlined in Section C.
2. More than twenty-five (25) feet from the shoreline
 - i. Additions must meet the SMP setback requirements outlined in Section C.

C. SMP Setback Requirements

In addition to the ECA setback requirements in sections A and B above, no residence or portion thereof shall be located shoreward of a residential setback line and no deck or portion thereof shall be located shoreward of a deck setback line required by the SMP and interpreted in this rule. The following methods shall be used in determining the residential setback line and deck setback line required by the SMP.

1. Method when there are no adjacent residences.
 - i. The residential setback line and deck setback line shall be twenty-five (25) feet from the shoreline. See Diagram 1.
2. Method when there are adjacent residences on each side and the shoreline is regular.
 - i. The residential setback line required by the Shoreline Master Program shall be determined by drawing a line between the nearest shoreside corners of the closest adjacent residences located on either side of the site, provided, however, that when such building faces are irregular, the line shall be drawn between the corners located closest to the shoreline. See Diagram 2.

- ii. The deck setback line required by the Shoreline Master Program shall be determined by drawing a line between the nearest shoreside corners of existing or approved decks of the closest adjacent residences located on either side of the site. See Diagram 2. Where there is an existing or approved deck on only one side of the site, the deck setback line shall be drawn from the nearest corner of that deck to the nearest shoreside corner of the wall of the other adjacent residence. See Diagram 3. When neither adjacent residence has a shoreside deck, the deck setback line shall be the residential setback line. When building or deck faces are irregular, the line shall be drawn between the deck or structure corners located nearest the shoreline.
 3. Method when there is an adjacent structure on one side and the shoreline is regular.
 - i. The residential setback line required by the Shoreline Master Program shall be drawn so that the proposed residence is no nearer the shoreline than any point of the principal structure of the closest adjacent residence. See Diagram 4.
 - ii. The deck setback line required by the Shoreline Master Program shall be drawn so that the proposed deck is no nearer the shoreline than any point of the closest adjacent residence's shoreside deck. If the adjacent residence has no shoreside deck, the deck setback line shall be the same line as the residential setback line. See Diagram 4.
 4. Method when the shoreline projects at the site. For purposes of this rule, a projection means a land mass extending into the water that is no wider on its landward side than the lot itself together with the abutting lot on either side.
 - i. When there is an adjacent residence on each side of the site, the residential setback line and deck setback line required by the Shoreline Master Program shall be drawn as set forth in section C2 of this Rule. See Diagram 2.
 - ii. When there is an adjacent residence on only one side of the site, the residential setback line required by the Shoreline Master Program shall be drawn by extending the shoreside wall of the principal portion of the adjacent structure across the site of the proposed structure, perpendicular to the side lot line. If the side lot line is skewed, the residential setback line shall be determined by the Director, after consideration of the Shoreline goals and policies. See Diagram 5.
 - iii. When there is an adjacent residence on only one side of the site, the deck setback line required by the Shoreline Master Program shall be drawn by extending the shoreside face of the deck of the adjacent residence across the site of the proposed structure, perpendicular to the side lot line. If the adjacent residence has no deck, the deck setback line shall be the same as the residential setback line. If the side lot line is skewed, the deck setback line shall be determined by the Director, after consideration of the Shoreline goals and policies. See Diagram 5.
 5. When the shoreline is irregular on the site and/or within 100 feet of the site such as in the case of a cove, the Director shall determine the SMP residential and deck setback lines consistent with the intent of the SMP regulations and the standards outlined in this Director's Rule.
 6. If residences are not permitted to be located over water on the site, no over water structure corner or face of an adjacent residence shall be used to draw a residential setback line or deck setback line. In these cases, the residential setback line or deck setback line required by the Shoreline Master Program shall be drawn from that point on dry land that is nearest the building or deck corner prescribed in subsections C1-C5 of this Rule. See Diagrams 7 and 8.
 7. If a setback determination method results in a residential or deck setback line that is either partially or entirely over water where a residential use is not permitted, additions to an existing residence or deck may be built up to the edge of the shoreline except as limited by subsection C8

of this Rule.

8. The Director may require that residences be further set back from the line determined by this Rule in order to provide for the construction of erosion control devices behind the residential setback line.
9. Eaves that project no more than eighteen inches are allowed under SMP setback requirements. All other architectural projections must meet the SMP setback requirements.
10. Additions to existing residences that are located entirely land-ward of the existing residence, do not increase the width of the existing residence parallel to the shoreline, are no higher than that portion of the existing residence that is on its waterward side, and are determined by the Director to not obscure shoreline views from adjacent residences are allowed.
11. If a setback required by the SMP exceeds seventy-five (75) feet from the shoreline, the Director may reduce the setback to no less than seventy-five (75) feet if it does not adversely impact the shoreline environment and if views of the shoreline from adjacent existing residences are not blocked.

D. DEFINITIONS

1. "Adjacent Residence" means any existing or approved principal structure(s), located both within the Shoreline District (within 200' of the shoreline) and within one hundred feet of any portion of the subject residence. Existing or approved residences located on the same lot as the subject residence or site shall not be classified as adjacent for the purposes of this Rule. When there is more than one principal structure on a lot, the adjacent residence for setback determination purposes, shall be the principal structure closest to the shoreline, or as determined by the Director.
2. "Deck" means an unenclosed platform any portion of which extends more than eighteen inches from a structure and at least eighteen inches above the level of existing or finished grade, whichever is lower. A deck may be cantilevered or connected to the ground by posts and may have steps or ramps to the ground and a door to the structure. A deck with an open railing forty-two inches or less in height shall be considered unenclosed. Platforms less than eighteen inches above grade shall be disregarded in determining the deck setback for adjacent lots.
3. "Deck Setback Line" means the closest distance to the shoreline permitted for new decks or additions to decks.
4. "Director" means the Director of the Department of Planning and Development or his or her designee.
5. "Residence" means the principal structure(s) on a lot as distinguished from any separate structures or buildings housing accessory uses. The Director shall determine which structure or building is the principal structure or building in the Shoreline District. The residence includes attached structures such as decks.
6. "Residential Setback Line" means the closest distance to the shoreline permitted for new residences or additions to residences, excluding the portion of the residence that is the deck.
7. "Shoreline" means the ordinary high water mark of the waters of Puget Sound, Lake Washington, the Lake Washington Ship Canal, Lake Union, Green Lake, and the Duwamish River.

DIAGRAM 1: NO ADJACENT STRUCTURE

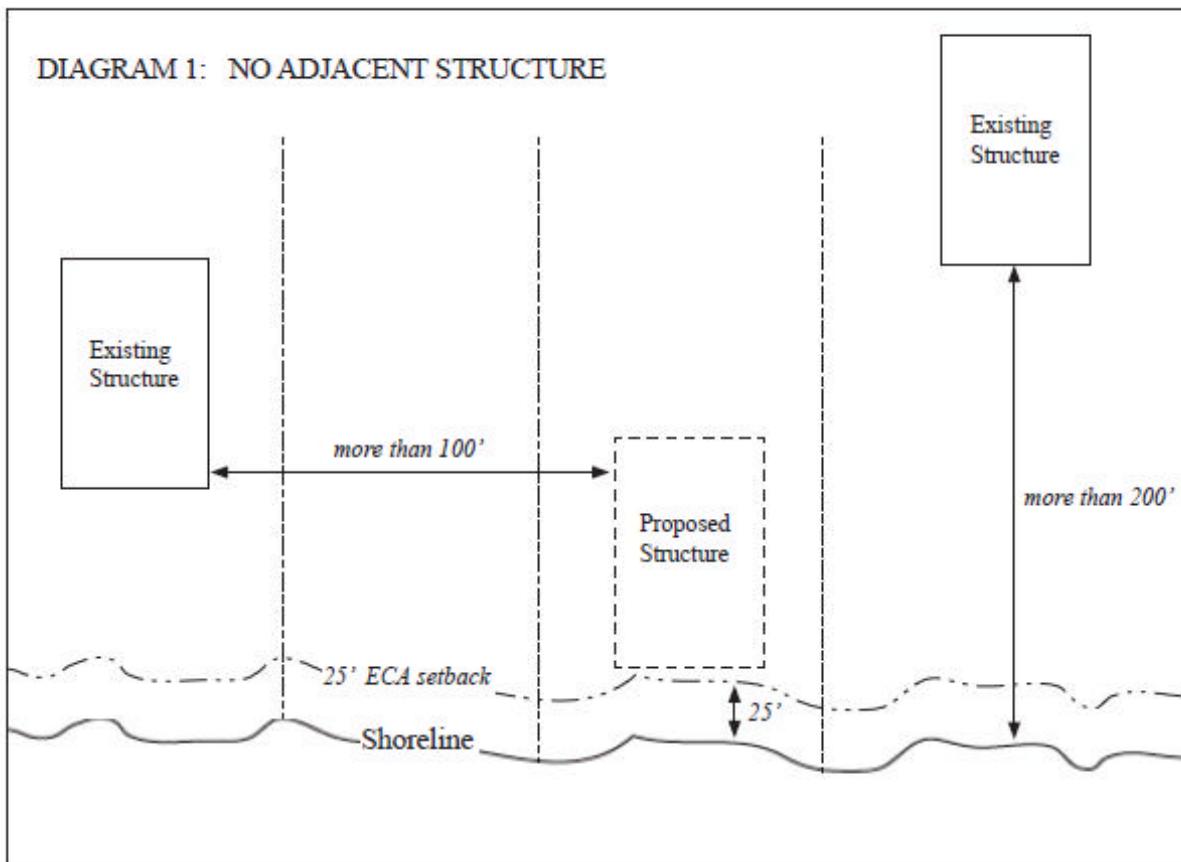
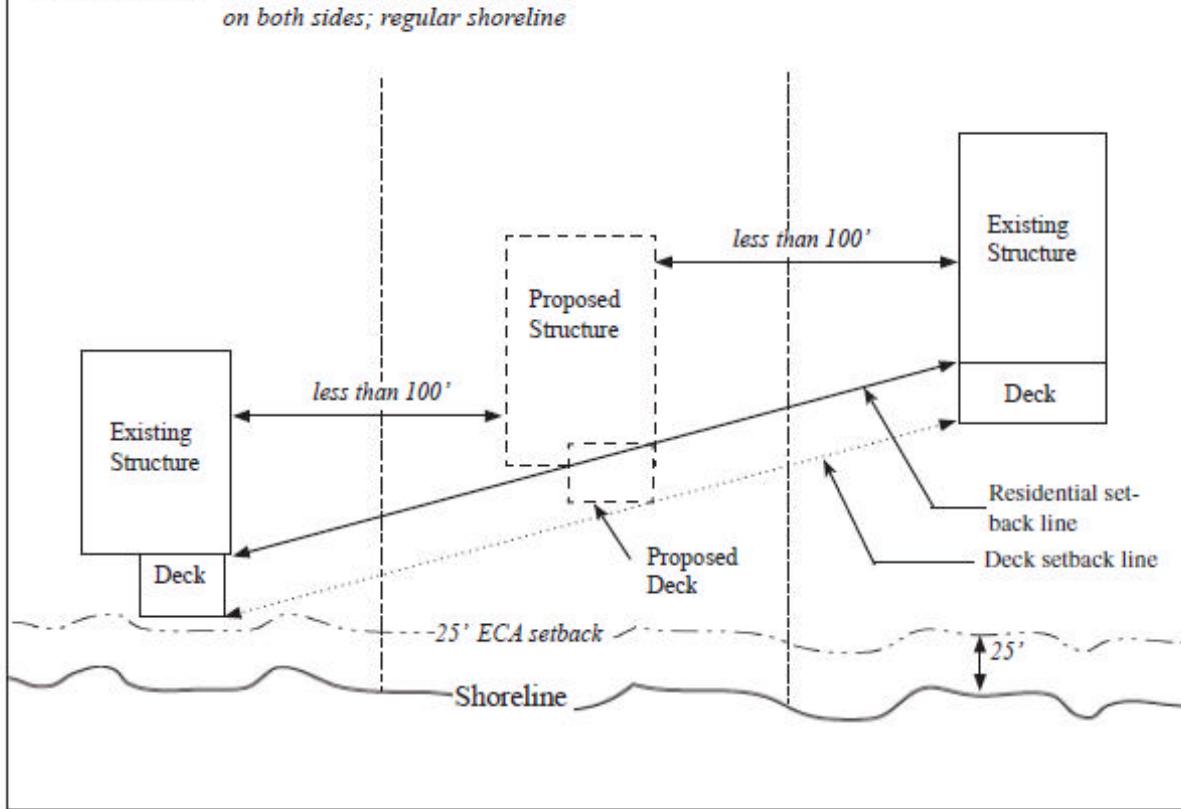
DIAGRAM 2: ADJACENT STRUCTURES
on both sides; regular shoreline

DIAGRAM 3: TWO ADJACENT STRUCTURES,
only one deck

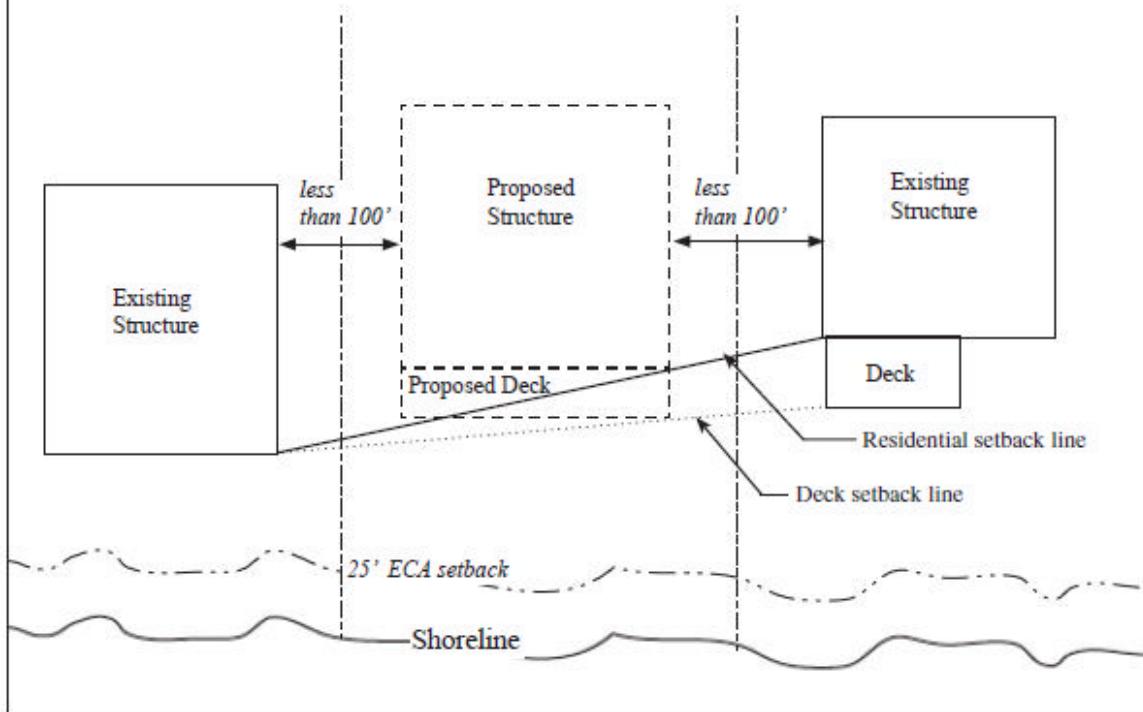


DIAGRAM 4: ADJACENT STRUCTURE
on one side; regular shoreline

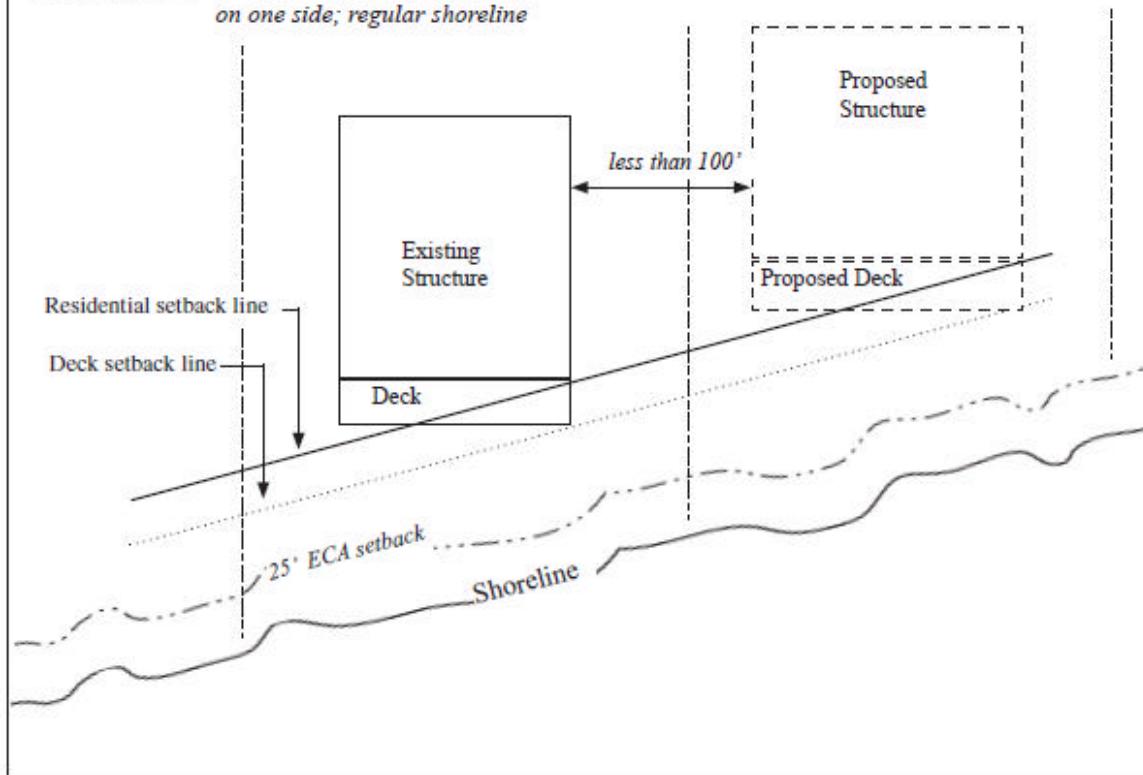


DIAGRAM 5: SHORELINE PROJECTIONS:
adjacent structure on one side.

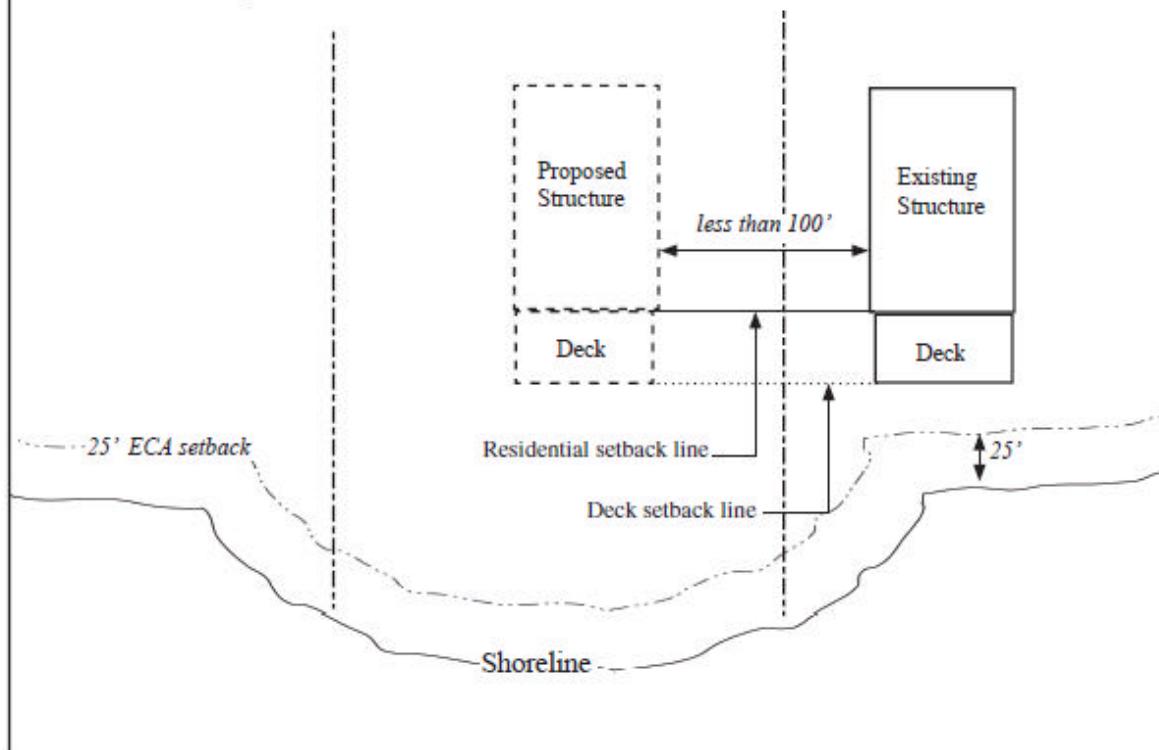


DIAGRAM 6: MORE THAN ONE ADJACENT PRINCIPAL STRUCTURE
ON GIVEN LOT
(see definition of "Adjacent Residence")

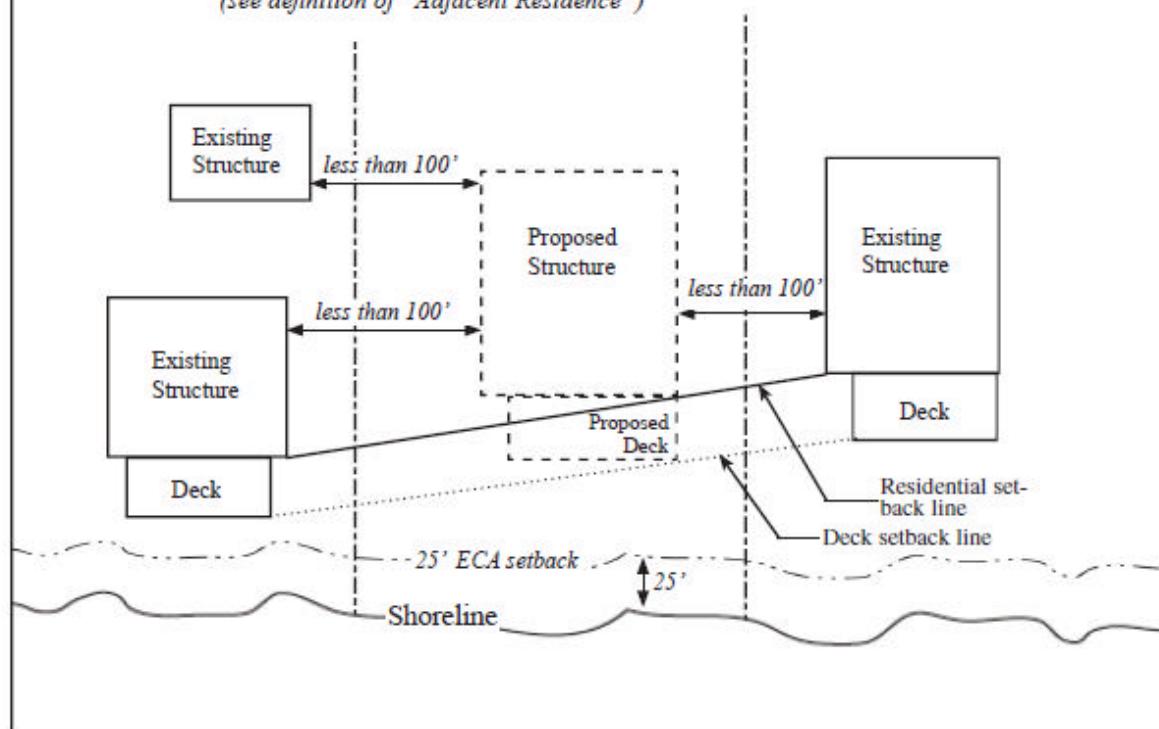


DIAGRAM 7: RESIDENTIAL AND DECK SETBACK LINES

when an adjacent residence is located over water and over-water residences are not permitted on the subject lot.

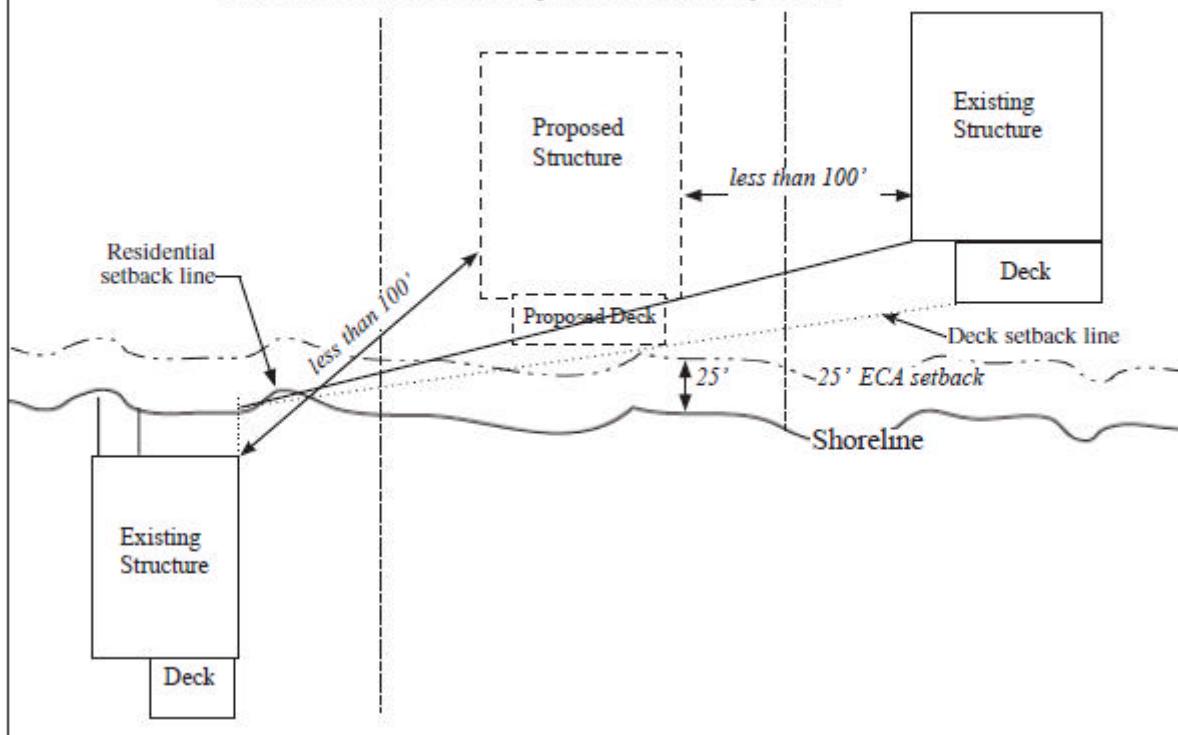


DIAGRAM 8: RESIDENTIAL AND DECK SETBACK LINES

when an adjacent residence is located partially over water and over water residences are not permitted on the subject lot.

