

Re:

Type I-A Commercial Design Review) **File No.** **LUP25-024**
Minor Shoreline Substantial Development Permit) **LUP25-025**
Expansion of Bayview Restaurant
To Be Constructed On C-II Property

Application of:

P & A Anthony LLC, Property Owner) **FINDINGS,**
Parcel Number 989-701-502) **CONCLUSIONS AND**
O.T. BLK 15 Lots 2, 4, 6, 7, 8 TL DIST 78 & 80 &) **FINAL DECISION**
VAC BENTON ADJ 7 & 8)

SUMMARY OF APPLICATIONS AND DECISION

Date: January 12, 2026

Applications: Type I-A Commercial Design Review (CDR) pursuant to PTMC 17.46. (LUP25-024)
Minor Shoreline Substantial Development Permit (SSDP) pursuant to SMP Chapter 10, section 4 (LUP25-025)

Proposal: The applicant proposes to construct an expansion of the Bayview Restaurant on their C-II zoned property which includes the existing building addressed at 1539 Water Street.

Location: The subject property is located directly adjacent to Water Street, abutting Port Townsend Bay, approximately 730 feet Southwest of the intersection of Water Street and the Ferry Terminal. The Parcel Number is 989-701-502, and the legal description is Port Townsend O.T. BLK 15 Lots 2, 4, 6, 7, 8 TL DIST 78 & 80 & VAC BENTON ADJ 7 & 8.

Staff: Jacob Gates, Associate Planner,
Planning and Community Development Department

Decision: The application(s) are **CONDITIONALLY APPROVED** by
Emma Bolin, Director of Planning and Community Development (PCD)

After respectful consideration of the above referenced application, the City's Planning and Community Development (PCD) Director adopts the following Findings, Conclusions and Decision:

FINDINGS OF FACT

Introduction

1. The applicants, with permission of the owner, propose minor construction and use of an existing building that meets the definition of Minor Shoreline Substantial Development under the City's Shoreline Master Program (SMP). The subject proposal chiefly involves exterior alterations/expansion to the building's northeast-facing façade together with interior renovations that would support a walk-in cooler and mezzanine. The project also requires review under the City's Critical Areas Ordinance (PTMC 19.05). The SMP request is consolidated with the Design review in this decision.
2. **Associated Permits/Applications:**
 - CAM24-026: Customer Assistance Meeting to discuss replacement of a walk-in cooler unit for kitchen and add storage mezzanine above.
 - PRE24-009: Further discussion of refrigeration replacement and storage addition of the restaurant, with both design review and permitting questions.
 - BLD25-0168: Building permit to replace walk-in cooler/freezer and add storage mezzanine.

Commercial Design Review (LUP25-025)

3. Commercial Design Review (CDR) is required for new construction exceeding 1,000 square feet. Projects under 4,000 square feet are processed in accordance with the Type I-A Administrative Review process¹.

Commercial Design Review Analysis:

4. The City's adopted commercial, mixed use and multi-family architectural and site design standards guidelines are found at Port Townsend Municipal Code (PTMC) Chapter 17.44 Departures, and relief from some adopted design standards can be sought as part of the CDR process (see PTMC 17.46.080.B. for a list). Staff reviewed the applicant's application for compliance with the applicable CDR standards (Exhibit A - *LUP25-024 Design Review for Bayview Mezzanine Checklist*). The Director accepts the analysis in Exhibit A as additional Findings of this decision. In sum, proposed departures are compliant with applicable CDR standards.
5. The proposed renovation involves changes to shake siding and inclusion of corbel bracing for the new expansion and mezzanine, which the siding could be considered a possible

¹ PTMC 17.46.030.A

departure under PTMC 17.44.130.A.4 which requires similar material on all sides of the building, and the siding would be located on specific parts of the building.

6. The proposed renovation materials and uses, regardless of being departures or not, were deemed acceptable because of adherence to PTMC 17.46.080.B., which requires any departure from development standards to be in the public interest. The shake siding and corbel bracing proposed both echo Victorian motifs and early twentieth century vernacular architecture, the proposed departures create visually interesting features that reference Port Townsend's rich Victorian history.
7. All other Design Criteria were found to be met under the PTMC 17.44.130.

Minor Shoreline Substantial Development Permit Review (LUP25-024)

8. The applicants, with permission of the owner, propose minor construction and use of an existing building that meets the definition of Minor Substantial Development under the City's Shoreline Master Program (SMP). The proposal involves exterior alterations to the buildings' northeastern, downtown-facing façade together with interior renovations that would support a replacement freezer and storage mezzanine. The SMP request is consolidated with the Commercial Design Review in this decision.
9. Each Minor Shoreline Substantial Development request is considered a Type II application under Port Townsend Municipal Code (PTMC, Chapter 20.01). PCD staff processes and reviews each Type II shoreline request and prepares a recommendation for consideration by the City's Shoreline Administrator, who renders a final decision. Appeals of the Shoreline Administrator's decision are heard by the City's Hearing Examiner.
10. The project site lies within the Urban environmental designation of the City's Shoreline Master Program (SMP). The purpose of the Urban Designation is to provide for commercial and recreational uses, limited residential and transient uses and public land uses while seeking opportunities for protection and restoration of ecological functions. Because few water-dependent or water-related uses are suitable in this designation, to be consistent with the policy of the Act, shorelines within the Urban designation may also be used in ways that provide opportunity for the public use and enjoyment of this shoreline. The Urban designation is appropriate for shoreline areas that currently support or are planned for general commercial development and are located landward of the ordinary high watermark. Per DR-5.10.2 and .5 The restaurant is an allowed use in the Urban designation as it is classified as a "water-enjoyment" use.
11. Pursuant to PTMC Title 17.22, the underlying zoning of the site is C-II – General Commercial. The C-II zone accommodates a wide range of general commercial uses which serve a local

or city-wide market area. The district provides for those commercial uses and activities which are most heavily dependent on convenient vehicular access and is located on sites having safe and efficient access to major transportation routes. Uses allowed within this district include retail businesses, professional offices, hotels, restaurants, and personal services shops. Upper-story residential uses are permitted outright; however, in the event of a conflict between zoning regulations and the SMP, the provisions of the SMP prevail.

12. The 5-foot additional height is less than the maximum of 40-feet, the maximum established for expanded structures outside of the Special Height Overlay District (DR-5.10.8).
13. The following sections of the Port Townsend Shoreline Master Program (SMP) were reviewed as part of the requested use:

- 4.2 Shoreline Use Element
- 5.10 Urban Designation
- 8.6 Commercial Development
- 9.2 General Policies and Regulations

Shoreline Master Plan Applicable Policy Analysis:

14. **Policy 4.2.4** *Protect existing shoreline and water views, promote public safety, and avoid adverse impacts to marine bluffs and nearshore habitat in designing new residential development.*

The proposed expansion of the Bayview Restaurant does not impede shoreline or water views, it maintains almost the exact same building footprint and increases height by less than 5 feet, which would still place the overall height below 20 feet. In addition, there are no businesses or residences at ground level away from the shoreline. Past the abutting road is the face of the bluff, which extends to above 70 feet. Ultimately, there is no impact whatsoever on the shoreline views of nearby residences because of these circumstances.

15. **Policy 4.6.2** *Provide a balance of passive and active, recreational and open spaces.*

The Bayview Restaurant is an example of a passive recreational use, one that enjoys the shoreline through observation alone. The proposed expansion would enhance the restaurant and therefore improve the passive enjoyment for patrons.

16. **Policy 5.10.7** *Protect view corridors identified in Appendix B through appropriate design*

(e.g., modulation of building heights and massing) of new development. Designs shall protect views of the water and the bluff as viewed from onshore and from offshore.

As stated in Findings of Fact nos. 14, 18, and 19, the proposed expansion is well within the limits of the view corridor and the proposed increase in height is deemed acceptable.

17. Policy 8.6.1 *Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline.*

The proposed addition of a storage mezzanine and walk-in freezer replacement will allow the restaurant to better and more efficiently serve more guests, which will increase the number of people able to passively enjoy the shoreline.

18. Policy 8.6.3 *Design commercial uses in a manner that provides physical and visual access to the water.*

The proposed expansion and construction of the mezzanine is well within the height limits for the area, and because of the significant height of the bluff directly across the road, visual impacts to the shoreline for the public are negligible at best, see also Findings of Fact nos. 14, 16, and 21.

19. DR-8.6.3 *All commercial development/redevelopment requiring a Substantial Development or Conditional Use Permit within shoreline jurisdiction shall provide for public visual and physical access to the shoreline in accordance with Chapter 7, Public Access, taking into consideration constitutional and statutory limitations. Such provisions could be the preservation of shoreline views, the establishment of public access easements across and to the shoreline, enhancement of an adjacent street-end or park or other consideration commensurate with the degree of impact caused by the development*

The proposed renovation does not impede public access to the shoreline or visual access as previously discussed in Findings of Fact nos. 14, 16, 20, and 21. The pedestrian pathways to the shore will remain unaffected and visual impacts are heavily mitigated by the adjacent bluff.

20. Policy 9.2.1 *Locate and design all new development in a manner that prevents or minimizes the need for shoreline modifications.*

The proposed addition of a mezzanine and cooler creates no expansion of the footprint for the restaurant, therefore minimizing additional impacts to the area, see also Findings of Fact nos. 14, 16 and 21.

21. Policy 9.2.4 *Limit alteration of the natural landscape to the minimum necessary to accommodate the shoreline development or a landscape scheme developed in conjunction with the shoreline development.*

The proposed use, as stated in Findings of Fact nos. 14, 16, and 19, the effort to keep the proposed expansion with the footprint of the existing building is consistent with limiting alterations to the natural landscape as much as possible.

State Environmental Policy Act (SEPA) review and Critical Areas

22. The project is exempt from environmental review and threshold determination under the State Environmental Policy Act (SEPA), per WAC 197-11-800(1).

23. In addition, according to the City's critical area map the site does contain a Critical Aquifer Recharge area regulated under PTMC Chapter 19.05.070 Critical Areas.

24. The impact on the Critical Aquifer Recharge area is determined to be very low because of a lack of change in building footprint, which therefore will not increase impervious surface area leading to more runoff, and the use being an already established existing use which is not defined as being high risk under PTMC 19.05.070.C.1.

CONCLUSIONS

1. Consistent with adopted code, staff analyzed the application for consistency with adopted guidelines (Exhibit A). Staff hereby recommends approval of the proposal based on previous analysis and most recent associated submittals.
2. The Director finds that the proposal and most recent associated submittals are consistent with the underlying C-II zone, Design Review code, and Shoreline Substantial Development Permit code and may be built subject to this associated permit approval.
3. Construction of the applicant's project is exempt from review under the State Environmental Policy Act (SEPA). There are no affected critical areas that require city permitting for the project. See Findings of Fact nos. 18 and 19.

4. PCD Director has reviewed the staff's recommendations and concurs with the conclusions, subject to certain conditions as set forth below.

DECISION

Based on the foregoing Findings and Conclusions, Commercial Design Review application LUP25-024 and Minor Shoreline Substantial Development Permit LUP25-025 to construct an expansion to the Bayview Restaurant and Mezzanine are **APPROVED** subject to compliance **with the following CONDITIONS:**

1. Construction of the expansion must be consistent with the latest approved plans submitted for BLD25-168 with the latest changes submitted on December 12, 2025, except where otherwise noted or modified by this decision.
2. After project completion, subsequent changes to any regulated design features for the building or site (such as signage, and changes to exterior light fixtures) must demonstrate compliance with this approval and PTMC 17.46 – Commercial and Mixed-Use Design Standards.
3. Pursuant to SMP chapter 10.17, the construction authorized under this permit is valid for a period of five (5) years from the date of issuance. Construction, or substantial progress toward completion, must begin with two (2) years after the date of issuance.
4. The City may, at its discretion, with prior notice to parties of record and the Department of Ecology, extend the two-year time period for the demonstration of substantial progress for a reasonable time, up to one year, based on factors including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.
5. If construction has not been completed within five (5) years of approval by the City of Port Townsend, the City will review the Permit and, upon showing of good cause, either extend the Permit for one additional year, or terminate the Permit. Prior to the City authorizing any Permit extensions, it shall notify any parties of record and the Department of Ecology. Note: Only one single extension is permitted.
6. If the applicant changes their plans again and wishes to seek a departure from the referenced guidelines, the PCD Director may require further review through a Type II process.

7. The applicant must fulfill the requirements of Building Permit BLD25-168 and the submitted revisions to construct an expansion to the Bayview Restaurant and Mezzanine, and any public works permits and requirements.

Emma Bolin

Digitally signed by Emma Bolin
DN: C=US, E=ebolin@cityofpt.us,
CN=Emma Bolin
Date: 2026.01.23 16:41:00-08'00'

Emma Bolin, Director
Planning and Community Development Department

January 23, 2026

Date

EXHIBIT(S)

Exhibit A – *LUP25-024 Design Review for Bayview Mezzanine Checklist*

APPEALS

Pursuant to PTMC Chapter 20.01, Article V, Type I-A decisions of the Planning and Community Development Director may be administratively appealed to the City's Hearing Examiner. Such appeal must be filed with the Planning and Community Development (PCD) Department within 14 calendar days after the date of the decision and must contain items required by PTMC 20.10.310.B. A notice of appeal shall be delivered to PCD by mail or personal delivery and must be received by 4 p.m. on the last business day of the 14-day appeal period, together with the required appeal fee.

Local appeals of Type II decisions by the Shoreline Administrator shall be filed pursuant to the procedures and timelines of PTMC 20.01.290 - 330. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the hearing examiner; provided that a written appeal in conformance with Chapter 1.14 PTMC is filed within 14 calendar days after the notice of the decision. A notice of appeal shall be delivered to PCD by mail or personal delivery and must be received by 4 p.m. on the last business day of the 14-day appeal period, together with the required appeal fee.