



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

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

**Application Number:** 3004405

**Applicant Name:** Bob Stuart, Geomatrix Consultants for the University of Washington

**Address of Proposal:** 1200 NE Pacific St (Boat Street Marina)

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to construct 15,552 sq. ft. of new over water docks in an existing recreational marina (Boat Street Marina). Existing 16,500 sq. ft. of docks to be removed. Project includes 120 linear feet of shoreline restoration and bulkhead demolition. Parking to be restriped to provide 43 parking spaces. Determination of Non-Significance prepared by the University of Washington.

The following approvals are required:

**Shoreline Substantial Development Permit** – To allow construction in an Urban Stable (US) shoreline environment, SMC [23.60.020](#).

**SEPA – substantive conditioning pursuant to [25.05.660](#)** – Seattle Municipal Code (SMC) Chapter [25.05](#)

**SEPA DETERMINATIONS:** [ ] Exempt [X] DNS<sup>1</sup> [ ] MDNS [ ] EIS

[X] DNS with conditions

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

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<sup>1</sup> DNS issued by the University of Washington on January 6, 2006.

## **BACKGROUND DATA**

### Site and Vicinity Description

The project site is located within the University of Washington (UW) campus, in an area referred to as the South/Southwest campus. This particular site generally identified as 1401 NE Boat Street; it is bounded by NE Boat Street on the northeast, the submerged street end of Brooklyn Ave NE on the northwest, Portage Bay on the southwest, and an adjacent site to the southeast.



**Figure 1.** Aerial view (2005)

The University's [Campus Master Plan](#) (2003) contemplates “repair of the University-owned marina, called University Boat Mart, to accommodate a mixture of University and privately-owned vessels.” In addition, the plan illustrates the “Portage Bay Vista”, which aligns views from the Physics/Astronomy buildings to Portage Bay across the site.

The site is occupied by a marina, a restaurant and kayak rental (Agua Verde) and associated surface parking. The majority of the University's campus is to the north and east of the site. North of the site are two nonarterial intersections, where NE Boat St connects with 15<sup>th</sup> Ave NE and Brooklyn Ave NE. To the east beyond the new Foege Building is the UW Medical Center. NE Boat St ends in a circle to the southeast, terminated by a gatehouse for the UW Medical Center. To the east is the Jensen Motor Boat Company. To the north across NE Boat St is the West Campus garage. To the northwest of the site is the Sakuma Viewpoint at the Brooklyn Ave street end. To the northwest of the site are academic buildings devoted to computing and marine studies. Further to the north Brooklyn and 15<sup>th</sup> Avenues NE cross NE Pacific St, all principal arterials. To the north across NE Pacific St is the Burke Gilman Trail.

The University of Washington Campus Master Plan and the City's Land Use Map identify this area as having a Major Institution Overlay with a height limit of 37 feet (MIO-37). The underlying zoning is Industrial Commercial with a height limit of 45' (IC-45), applied to development not associated with the Major Institution. The site is also subject to the limits of the Urban Stable shoreline environment.

Adjacent rights of way are improved with hard surface roadways, curbs, gutters and sidewalks. There are street trees along NE Boat St (Red Maples) which are to remain. Landscaping on the site includes a few deciduous trees, though there is no significant vegetation.

The site is irregularly shaped and measures roughly 380' by 360', including the submerged land. The site's dry land portion ranges from 60' to 80' wide. On dry land, it is occupied by a principal structure (Agua Verde), surface parking, and landscaping. Over water, there is a series of piers and floating docks, and a floating marina office. Along its eastern boundary the site also encompasses a floating home moorage, which is unaffected by this application.

A portion of the dry-land site is designated as Environmentally Critical Area (shoreline). There is some planted vegetation on site; most of the dry-land portion is paved.

Proposal (adapted from applicant's statement)

Subsequent to consultation with permitting agencies, the applicant has updated the proposal to address any outstanding concerns and to provide additional mitigations. The following describes the updated project.

The University owns two existing recreational boat marinas located at 1401 and 1101 NE Boat Street, in the southwest campus. Together the two sites are operated and managed by a marina manager hired by the University Real Estate Office. This project includes the replacement of the entire marina located at 1401 NE Boat Street.

The marina, located at the 1401 address, is more than 70 years old and consists of both floating and fixed-pier structures. The University has determined that most of the in-water structures at the marina need to be replaced, and that the current configuration of the marina does not provide sufficient maneuvering for vessels in channels or waterways.

The 1401 NE Boat Street marina currently has about 800 linear feet of side-tie moorage, approximately 100 slips totaling approximately 3,600 linear feet of moorage, and a floating marina office. Slips range in size from about 16 to 42 feet with about 70 percent of the slips less than 30 feet in length. The marina is constructed of decked floats on cedar logs supported by 156 wood piles. The overwater footprint of the existing docks and floats is approximately 13,700 square feet. The marina office is also supported on cedar logs and has an overwater coverage of approximately 2,800 square feet. The existing office building is only used for marina-related office functions. Total overwater coverage of the existing marina and office is approximately 16,500 square feet. No boat-fueling facilities currently exist at the marina and none are planned for the future marina.

The proposed new marina will use high-density polyethylene (HDPE) pipe floats with grated [Thruflow](#)<sup>TM</sup> decking supported by about 62 steel piles (22 at 10.75-inch diameter, 19 at 12.75-inch diameter, and 21 at 14.75-inch diameter [a reduction from 156 wood piles]). Access ramps for the main dock, kayak dock, and car-top boat launch will all be grated. The proposed marina configuration will have 71 slips (down from 100) ranging in size from 25 to 50 feet (16 to 42 feet in existing marina) with 274 linear feet of side-tie moorage, 2,415 linear feet of slip moorage, including 19 kayak slips. The 19 kayak slips are for day use only. Kayaks will not be moored or stored in the slips. The floating marina office is to be removed as mitigation. A blackwater-pumpout station will be constructed near the space currently occupied by the existing marina office. The overwater footprint of the new marina will be approximately 11,900 square feet, approximately 4,600 square feet less than the existing marina, a 28 percent reduction in total overwater coverage.

Restroom facilities were proposed to be located on one of the marina floats to replace those in the marina office. Under updated plans, restrooms will be relocated to a shore-side location in the Agua Verde restaurant.

Approximately 122 feet of concrete bulkhead located near the southeast area of the marina will be removed for shoreline restoration. After removal of the bulkhead, the shoreline will be regraded to a 3:1 slope and riparian vegetation will be planted to enhance the shoreline in this area.

It is the intent that all existing docks (whether floating or fixed), piling, and in-water structures will be demolished and/or removed as part of this redevelopment. However, removal and replacement of the bulkhead finger piers, as well as the northwestern-most piers (proposed kayak dock), will be put out as bid options, such that their removal and replacement will be contingent upon cost. If the cost of removal and replacement of these structures exceeds available budget, then they will remain in their current configuration.

The proposed car-top boat launch floating dock will be added at the approximate location of the existing "A" Dock and will be used as a hand-carried, small-boat-launch facility (e.g., kayaks). This float will also be covered with HDPE-pipe floats with Thruflow™ decking.

The original concept of this project, as presented to the agencies during the pre-application meeting, had the following elements:

- Removal of all existing docks at 1401 NE Boat Street;
- Replacement of marina facilities at 1401 NE Boat Street with a new configuration of floating docks, including grated docks throughout the marina for light penetration (conservation measure); and
- Retention of the existing concrete bulkhead.

The University subsequently determined that the functions of the overwater building did not have to be retained and that the building could be removed as mitigation. Therefore, the overwater building is being removed as mitigation in addition to that of the shoreline restoration proposed initially. The overwater building occupies an area of 2,800 square feet.

All existing docks (whether floating or fixed), piling, and in-water structures will be demolished and/or removed as part of this redevelopment, excluding the existing floating building. All new utilities, piling, and docks will be installed. The docks consist of HDPE-pipe frames with grated HDPE-Thruflow™ decking supported on the HDPE-pipe dock structure.

A car-top boat-launch facility has been added to the 1401 NE Boat Street location to facilitate kayak and canoe launching as part of an existing agreement between the City of Seattle and the University. This will be added at the southeastern corner of the marina in about the location of the current "A" Dock of the existing marina. The low-level floating dock at this site would be used as a public hand-carried small-boat-launch facility (e.g., kayak-launch dock). In addition, 19 kayak-launch slips will be created on the new dock adjacent to Agua Verde at the west end of the marina.

Dredging is not a part of the project.

Steel piling will be used, ranging in diameter from 10.75 to 14.75 inches. A vibratory driver will be used unless hard driving conditions are encountered. A bubble curtain could be used for impact hammer driving. If hard driving conditions are encountered, an impact hammer may be required. Old piling will be vibrated out and removed in their entirety. If a piling breaks during removal, the piling will be cut off 2 feet below the mudline and the hole will be backfilled with clean sand. Old piling will be disposed of at an authorized upland disposal site.

Heavy equipment that will be used at the site includes work barges to haul away demolished material, tugs to move marine equipment around, and work scows. Very limited work will be done from the shore, with the exception of the shoreline restoration. The majority of the work will be done from the water side.

No on-site refueling is proposed for the project area. Only activities necessary to maintain operation of the marina construction equipment will occur during construction.

All in-water construction is proposed to occur within the in-water work window of October 1, 2007, through April 15, 2008.

Conservation measures associated with the project are listed below:

- Removal of all existing docks at 1401 NE Boat Street;
- Replacement of marina facilities at 1401 NE Boat Street with a new configuration of floating docks, including grated docks throughout the marina for light penetration;
- Replacement of "A" Dock with a short, low-level float with grated decking for a car-top boat launch;
- Removal of the 2,800-square-foot floating building;
- Reduction in overwater coverage from 16,500 square feet to approximately 11,900 square feet (a 28 percent reduction);
- Removal of approximately 122 feet of concrete bulkhead and shoreline restoration of this area;
- Removal of existing marine rail system;
- Reduction in the total number of pilings from 156 treated-wood piles to 62 steel piles, a 60 percent reduction in the total number of pilings in the water;
- Usage of grated decking for docks, resulting in a net reduction in effective shading of approximately 40 percent in comparison to the existing facilities at 1401 NE Boat Street;
- Restriction of all in-water work to the allowable work window of October 1 to April 15;
- Supplying all heavy equipment used in the water (barges, tug boats, derricks, etc.) with spill-prevention kits and not allowing refueling to occur in the action area;
- Usage of best management practices (BMPs) during construction and by the marina after construction; and
- Inclusion of a blackwater-pumpout station in the new marina.
- Relocation of proposed restrooms from an overwater location to a shore-side location in the existing Agua Verde restaurant.

The table below compares the key components of the existing marina with those of the proposed marina.

| <b>Comparison of Existing Marina to Proposed Marina</b> |                             |   |   |
|---|-----------------------------|---|---|
| <b>Component</b>  | <b>Existing</b>             | <b>Proposed</b>                                   | <b>Difference</b>   |
| Piles   | 156 wood                    | 62 steel  | -94<br>(60% reduction)  |
| Overwater coverage                                      | 16,500 square feet          | 11,900 square feet                                | -4,600 square feet  |
| Decking   | Solid wood                  | Thruflow™ grated decking                          | Increased light transmission with new marina                                |
| Slips   | 100<br>(16 feet to 42 feet) | 71<br>(25 feet to 50 feet)                        | -26   |
| Moorage   | 3,600 linear feet           | 2,689 linear feet                                 | -911 linear feet  |
| Floating office   | Occupies 2,800 square feet  | Removed   | Contributes to reduction in overwater coverage                              |
| Shoreline restoration                                   | Concrete bulkhead           | Remove 122 feet of bulkhead and restore shoreline | -122 feet of bulkhead and improved nearshore habitat along restoration area |
| Blackwater-pumpout station                              | 0                           | 1   | +1  |

Public Comment

DPD received no comments from the public.

**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*

*Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.*

**RCW Policies and WAC provisions.** 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 proposed improvements generally would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements seek to provide for the continued operation of a facility that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW [90.58](#).

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](#), 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 meets the relevant criteria set forth in the Land Use Code. Section [23.60.004](#) states that the Shoreline Goals and Policies, which are part of the Seattle [Comprehensive Plan](#), and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section [23.60.152](#), the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

**Proposed uses.** The existing development and proposed project are located on property classified as a waterfront lot (SMC [23.60.924](#)) and are located within an Urban Stable (US) shoreline environment.

**Café and boat club.** The existing restaurant and boat club are to remain largely unchanged, and are affected only by the addition of restrooms, accessory to the marina.

**Recreational marina.** As a water dependent use, such a marina is a use allowed outright in the US shoreline environment and in the underlying zone.

**Floating homes.** The site includes a floating home moorage comprised of five floating homes. Floating homes are considered to be a water dependent use as defined in [23.60.944](#) and as such are allowed in the US shoreline environment as a shoreline conditional use according to SMC

[23.60.604 A3](#). While floating homes are generally not allowed in the underlying IC zone, per SMC [23.50.012](#), as uses functionally and substantively related to the major institution, floating homes and their accessory uses are allowed per SMC [23.69.008](#). Allowed uses are also described on pg 135 of the UW's [Campus Master Plan](#). No expansion or modification of the floating home moorage is proposed.

**Parking.** The existing development is served by a surface parking lot located on the dry-land portion of the site. The proposal is to restripe the existing parking lot to provide for 43 parking spaces where 44 spaces currently exist. Parking accessory to a marina is allowed, per SMC [23.60.092 B](#), in the underlying IC zone, and according to the UW Campus Master Plan. Parking accessory to the proposed floating home moorage is permitted in the US shoreline environment, subject to provisions in SMC [23.60.604 A3](#) and [23.60.092 B](#). Existing surface parking is located closer than 50' to the water's edge, though it appears to meet the intent of SMC [23.60.156B](#). As stated above, parking accessory to the floating homes is allowed per SMC [23.69.008](#), as the floating homes are functionally and substantively related to the major institution. No expansion of the parking is proposed.

**General Development Standards, SMC [23.60.152](#).** These general standards apply to all uses in the shoreline environments. They 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 activities. The section states, in part:

- A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best Management Practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*
- C. *Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....*
- D. *The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*
- F. *All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*
- G. *All shoreline developments and uses shall control erosion during project construction and operation.*

- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*

The Stormwater, Grading and Drainage Control Code (SMC [22.800](#)) places considerable emphasis on protecting water quality. In conjunction with this effort DPD developed Director's Rule [16-2000](#), to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the extent of the proposed work associated with the reconstruction of the marina, the potential exists for impacts to Portage Bay during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). BMPs to be used during construction shall be included in the construction permit plan set and shall meet the requirements of [23.60.152 N](#), ensuring that no debris or deleterious material enters the water. To ensure that these standards are conformed to, the proponent will be required to notify contractors and subcontractors of these requirements. See Conditions #5 and 6.

Moorage facilities generally have debris on the substrate. This debris degrades aquatic habitat. To meet SMC [23.60.152 H, I, J, L and N](#), all debris that is currently on the substrate in the project area shall be removed. Owner(s) and/or responsible party(ies) shall provide to DPD a Cleanup Documentation Plan that describes procedures to ensure that all debris will be removed from the substrate at the site. Additionally, before and after video shall be included as part of the documentation. See Conditions #3 and 7.

To reduce the risk of additional debris either accidentally or intentionally falling into the water the project will be conditioned to require that a BMP document be produced and distributed to moorage tenants. This plan shall include signage at the site that explains the connection between

potential impacts of the use of vessel/boat chemicals on the aquatic environment. The plan shall also include the procedures by which each moorage tenant shall be informed of the BMP document and the way by which tenants indicate that they have read and understand the BMP plan. The plan shall be approved by DPD Land Use Planner Margaret Glowacki, (206) 386-4036, or her assigned successor. The approved document shall be included with the building plan set. See Conditions #4 and 8.

Additionally, the use of nighttime lighting presents potential adverse impacts to the aquatic environment. Artificial nighttime lighting into the near-shore aquatic environment has impacts on predator-prey relationships of fish that would be found at the project site. Depending upon the location and intensity of light introduced, that impact may be negative or positive to varying degrees. While further study of light impacts on salmonids is necessary, DPD conditions the project to design and implement an initial lighting plan that reduces spillover of artificial light to the greatest reasonable extent. In accordance with [23.60.152 H](#), DPD conditions the project to require that all future construction drawings include a lighting plan that minimizes to the greatest reasonable extent any spillover light onto surrounding water. Prior to approval of the construction permit, an analysis is required of the amount of light proposed, potential fish impacts on fish indicating that this condition is met is required prior to approval of the construction permit. See Condition #2.

As proposed and as conditioned below, the project complies with the above shoreline development standards.

**SMC 23.60.004 - Shoreline Policies.** All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's [Land Use Element](#) and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC [23.60.220](#). The policies support and encourage the continuance of water dependent uses, depending upon the purpose of the shoreline environment.

The project perpetuates and reinforces the existing water-dependent and water-related uses of the site, developing enhanced public access to the waterfront and providing for its continued recreational use. Through identified mitigations, the project reduces the site's current adverse impacts on native species of anadromous fish, and provides enhanced habitat compared to existing conditions. The project has no adverse effects on views to the water.

**Related permits.** The proposal is subject to a Hydraulics Project Approval (HPA) permit from the Washington State Department of Fisheries, and also requires review by the Army Corps of Engineers.

### Conclusion

SMC Section [23.60.064 E](#) provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter [23.60](#), and with RCW [90.58.020](#) (State policy and legislative findings).

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](#).

As discussed above and as conditioned at the end of this decision, the proposal is consistent with the criteria for a shoreline substantial development permit and may therefore be approved. DPD conditions the project to carry out the spirit and purpose of, and assure compliance with, the Seattle Shoreline Code.

### **DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT**

DPD **CONDITIONALLY APPROVES** the Shoreline Substantial Development component of the Master Use Permit. The project is subject to the shoreline conditions listed at the end of this report.

### **ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

DPD requires a State Environmental Policy Act (SEPA) analysis for construction over water, according to Director's Rule [23-2000](#) and SMC [25.05.800](#). The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated December 9, 2005. Supplementary documents accompanying the checklist included a Joint Aquatic Resources Permit Application (JARPA) and a draft Biological Evaluation (BE) prepared by MCS environmental, Inc, dated January 20, 2006. The University of Washington, as lead agency, issued a determination of non-significance on January 6, 2006. These materials are available in the public file or in an associated project binder. DPD received no public letters. DPD staff met with the applicant and various federal, state, and tribal officials. This information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report analyzes potential conditioning for the proposal's identified short- and long-term adverse impacts.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the sites; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, “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 limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Building Code SMC [22.100](#) (construction standards); and the Noise Ordinance, SMC [25.08](#) (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of most potential adverse impacts. Mitigation pursuant to SEPA is therefore generally not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

**Water quality.** Submitted plans indicate that the project involves installation of new over-water structures, as well as possibly new in-water structures in the form of new piling. Water quality may be impacted in the project area. Use of Best Management Practices (“BMPs”) is likely to reduce impacts as necessary. (See Conditions #5, 6, 10, 11, and 12). BMPs included as conditions of this project are:

- Installation of a silt curtain/sediment control fence at the edge of the parking level and filter fabric over existing drainage intakes to minimize the amount of sediment introduced to Portage Bay.
- Surround construction debris with the appropriate containment material so that construction debris does not enter the water.
- Dispose of all construction debris in an appropriate upland facility.
- Develop a spill prevention control and containment plan and ensure that an emergency spill-containment kit is kept at the site and is easily accessible in the event of a toxic spill of any hydraulic fluid or other petroleum products.

Additionally, to minimize construction impacts, the requirements of the US Army Corps of Engineers permit will be conditions of this permit. These requirements shall be included on the building plan set submitted for this project (see condition #1).

#### Long Term impacts

The project is largely a replacement and of existing structures with like structures occupying a diminished development footprint. Proposed uses are a continuation of existing uses at the site. Proposed mitigations adequately address restoration of shoreline habitat. No conditioning of long term impacts is necessary.

### **CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT**

#### Prior to issuance of any permit to demolish or construct

1. The requirements of the US Army Corps of Engineers and the Washington State Department of Fisheries permits will be conditions of this permit. These requirements shall be included on the building plan set submitted for this project.

2. The applicant shall submit drawings to include a lighting plan, to be reviewed and approved by DPD Land Use Planner Margaret Glowacki, (206) 386-4036, or her assigned successor. The design intent shall be to minimize to the greatest reasonable extent any spillover light onto surrounding water. An analysis of the design and the impacts on fish is required prior to issuance of the construction permit.
3. On plans, the applicant shall submit to DPD a Cleanup Documentation Plan that describes how foreign debris is to be removed from the site, (including moorage areas just offsite, beyond the bulkhead pierhead and state harbor line). The plan shall incorporate underwater video documentation of the area before and after cleanup. The plan shall be subject to review by DPD Land Use Planner Margaret Glowacki, (206) 386-4036, or her assigned successor.
4. Develop a Best Management Practices document that will be used for the marina tenants to ensure that no deleterious material enters the water during normal use of this area. This plan shall include signage at the site that explains the connection between potential impacts of the use of vessel/boat chemicals on the aquatic environment. The plan shall also include the procedures by which each moorage tenant shall be informed of the BMP document and the way by which tenants indicate they have read and understand the BMP plan. The plan shall be approved by DPD Land Use Planner Margaret Glowacki, (206) 386-4036, or her assigned successor. The approved document shall be included with the building plan set.
5. The applicant shall update plans to incorporate Best Management Practices acceptable to Margaret Glowacki, DPD Land Use Planner, (206) 386-4036, or her assigned successor. BMPs shall include but are not limited to the following:
  - a. install and maintain a silt curtain/sediment control fence at the edge of the parking area and filter fabric over existing drainage intakes to minimize the amount of sediment introduced to Portage Bay,
  - b. surround any stockpiled construction debris with appropriate containment material, such that construction debris does not enter the water,
  - c. dispose of all construction debris in an appropriate upland facility, and
  - d. implement the spill prevention control and containment plan and ensure that an emergency spill-containment kit is kept at the site and is easily accessible in the event of a toxic spill of any hydraulic fluid or other petroleum products.

Prior to and During Construction

6. The owner(s) and/or responsible party(ies) shall implement the program of Best Management Practices identified in condition #5 and shall take all reasonable measures to prevent deleterious material from entering Portage Bay during construction.
7. The owner(s) and/or responsible party(ies) shall implement the Cleanup Documentation Plan identified in condition #3.

For the Life of the Project

8. The owner(s) and/or responsible party(ies) shall implement the provisions of the Best Management Practices (BMPs) document identified in condition #4, to ensure that no petroleum products, other toxic substances, including vessel/boat chemicals, miscellaneous debris and/or other deleterious materials enter or leach into the lake.

**CONDITIONS – SEPA**

Prior to issuance of any permit to demolish or construct

9. On plans, the applicant shall submit for review and approval a spill prevention and control plan to DPD Land Use Planner Margaret Glowacki, (206) 386-4036, or her assigned successor. The plan shall include measures to ensure that no hazardous or toxic materials are introduced into the environment during construction. The plan shall provide for a spill protection and control kit to be located onsite. The plan shall also provide for proper training in the use of the kit for at least three (3) employees.

During Construction

10. Responsible party(ies) shall collect any debris that enters the water during construction and dispose of it at an appropriate upland facility. If heavy (sinking) debris enters the water during the proposed work, the owner(s) and/or responsible party(ies) shall document the location of this debris in a log to be kept at site for the duration of the project. Upon completion of the project, a diver shall retrieve the sunken debris, and this material shall be disposed of at an appropriate upland facility.
11. Responsible party(ies) shall regularly check on-site mechanized equipment for evidence of oil, fuel, or other petrochemical leakage. If any evidence of leakage is found, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
12. Flotation used in any of the overwater structure shall be enclosed and contained to prevent the breakup or loss of the flotation material into the water.

Signature: \_\_\_\_\_ (signature on file) Date: August 6, 2007  
Scott Ringgold, Land Use Planner  
Department of Planning and Development

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