



City of Seattle

Department of Planning & Development
Diane M. Sugimura, Director

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

Application Number: 3010418

Applicant Name: Doug Leigh, Mithun Architects,
for Duwamish Properties, LLC

Address of Proposal: 910 SW Spokane Street

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to construct a two story, 9,000 square foot shop building, a 45,000 square foot 4-story accessory office building, and a 1,600 square foot addition to an existing accessory office building at an existing 140,200 square foot tugboat services facility (Harley Marine Services, Inc.). Parking for 122 vehicles will be located on the site. The existing shop building and a portion of the existing office building will be demolished

The following approvals are required:

Shoreline Substantial Development Permit – To allow the expansion of a marine tugboat and barge facility in an Urban Industrial (UI) shoreline environment pursuant to SMC 23.60.020 and 23.60.840.

SEPA – Environmental Determination pursuant to SMC 25.05.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

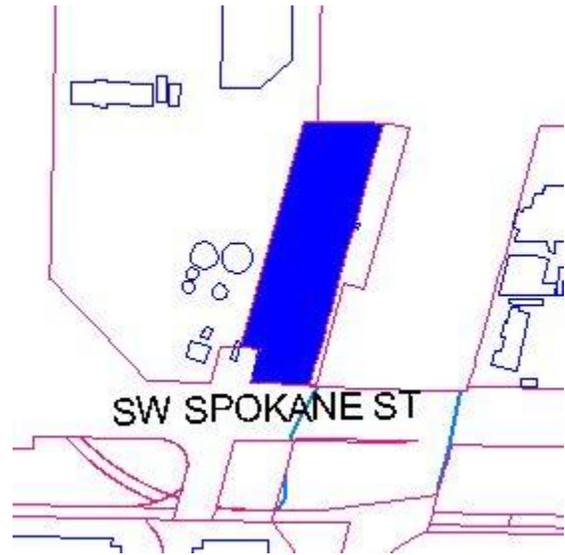
[] DNS with conditions

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

BACKGROUND DATA

Site Location and Zoning Designations

The Harley Marine Services facilities are located along the eastern edge of Harbor Island at the mouth of the Duwamish River where it empties into Puget Sound. Access to the site for vehicular and pedestrian traffic is from SW Spokane Street. The property is within an Urban Industrial (UI) shoreline environment and an underlying General Industrial Zone (IG1 U/85) with a 85-ft height limit.



The project is located within the Harbor Island Superfund Site managed by EPA Region 10. As such, EPA will be provided copies of plans related to all subsurface work for the agency's review. From a geotechnical perspective the site is constituted as a filled former tideland area of the Duwamish River estuary. The fill is made up of sediments dredged from the former surrounding tidelands area and the types of soil in the fill vary greatly. A substrate of marine deposits, consisting of fine sands and silts, underlays the fill material. As a former tidelands area, soils at the site are subject to liquefaction and the area is so designated in the City of Seattle Environmentally Critical Area maps.

The project site is occupied by Harley Marine Services, an international tug and barge company founded in 1987 which consolidated its moorage, shops, and office at this current site in 1996. Tug and barge moorage is provided along the East Duwamish Waterway through a lease provided by the Washington Department of Natural Resources. The lease began in February 1999, was renewed in 2002 and again in 2009. The lease will be renewed again in 2014.

Project Description

The proposal consists of the following components:

A new, two-story 9,000 square foot shop building is proposed to replace an existing shop building on site. The shop building, to be located to the south of the current shop building, will consist of 6,000 square feet of work bays and parts storage on the ground floor with 3,000 square feet of management offices, locker and break-room space on the second floor.

The proposed accessory office component will be housed in a proposed four-story, 45,000 square foot office structure to be constructed at the northern end of the site. An additional office renovation component will consist in the demolition of the south wing of the existing accessory office building at the south end of the site which will be replaced by a two-story addition which will expand the existing structure by approximately 1,600 square feet.

Other site improvements accessory to the above components include surface parking for 122 vehicles, paved circulation driveways for cars, trucks and operations equipment, infrastructure, landscaping, storage and miscellaneous operations-support facilities. There is no in-water work

as a part of this proposal. All the new development and construction will occur outside the sixty foot setback from the water. Best Management Practices (BMPs) will be employed to prevent any materials on the site from entering the water.

Public Comment

No public comment letters were received during the public comment period.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030A 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:*

1. *The policies and procedures of Chapter 90.58 RCW;*
2. *The regulations of this Chapter; and*
3. *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.

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 to the Harley Marine site would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued operation of a facility that cannot occur economically without use of the water adjacent to the site. 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 act primarily 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. The Shoreline Goals and Policies, 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.

The proposed development actions occur on land classified as a waterfront lot (SMC 23.60.924) and is located within an Urban Industrial (UI) shoreline environment. The proposed improvements are associated with an existing marine tug and barge facility and as such may be authorized in the UI shoreline environment.

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 goals and policies support the retention and expansion of existing water-dependent businesses such as the existing Harley Marine Services. Land Use Goal 51 is to "encourage economic activity and development of water-dependent businesses..." An economic development policy applicable to the Duwamish Waterway is to "concentrate industrial and commercial shoreline uses by supporting the retention and expansion of existing water-dependent businesses..." (please refer to Land Use Policy LU254). The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60.220 C10 is "to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses," such as marine-related and moorage and support facilities at the Harley Marine Services site.

The proposed expansion of the Harley Marine Services would facilitate the continued and enhanced operations of the existing water-dependent tugboat and barge services, a use supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

SMC 23.60.152 - Development Standards for all Shoreline Environments

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 (BMPs) for the specific use or activity. All shoreline development and uses are subject to the following:

- 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

(BMPs) such as... fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- 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.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.
- 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.

- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- 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.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed and as conditioned below, the project complies with the above shoreline development standards. It should be noted, regarding item "F," that 100 percent of the site is now covered with impervious surfaces and that after construction 100 percent of the site will continue to be covered with impervious surfaces per EPA requirements for the Harbor Island Superfund Site.

There will be disturbance of the existing soils under the existing pavement in order to install proposed utility connections generally extending from SW Spokane Street or on-site points to the new building platforms. Additionally, soil is likely to be excavated to provide foundations under the proposed building platforms. In all, up to 6,000 cubic yards of soil may be excavated from the site for the utility trenching and building foundations. A construction Storm Water Pollution Prevention Plan (SWPPP) will be produced and submitted to the EPA and other appropriate agencies prior to the disturbance of soils under the existing pavement.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort; DPD developed a Director's Rule 2009-15, 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 adjacency of the Duwamish Waterway, and the proposed work associated with demolition and construction of structures, the potential exists for impacts to adjacent waters during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction Best Management Practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in

the attachment shall constitute compliance with Best Management Practice (BMP) measures. As conditioned, the short-term construction related activities should have minimal effects on migratory fish routes.

SMC 23.60.870 – Development standards for the UI Environment

The proposal is subject to the development standards for the UI environment. DPD has determined that the proposal comports with these standards.

Chapter 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, the criteria and procedures of SMC Chapter 23.60 are consistency with WAC 173-27 and RCW 90.58.

SMC 23.60.872 – Height in the UI Environment

Structures accessory to a water-dependent or water-related use which require additional height because of intended use may be authorized by the Director up to eighty feet in the Duwamish area when the views of a substantial number of upland residences would not be blocked by the increased height (SMC 23.60.872 B2). The height of the proposed new accessory office structure has been proposed at 65 feet in height. There will be no view impact from existing conditions along SW Spokane Street and the territorial views from adjoining neighborhoods are not obscured as has been illustrated in view shed analyses submitted for review by the applicant. The view analysis indicates little or no view impact from residences, the nearest of which is located 2,900 feet from the site. The view corridor required by SMC 23.60.876 will be adhered to for all new construction. The Director hereby authorizes the requested additional height for consolidation and energy efficiencies in the new accessory office structure which the applicants intend to construct to LEED Gold standards.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITONALLY GRANTED** subject to the condition noted at the end of this document.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist, dated April 28, 2010, submitted by the applicant's agent and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “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 some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-Term Impacts

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased dust levels associated with grading and demolition activities; increased noise levels; occasional disruption of adjacent vehicular traffic, and small increase in traffic and parking impacts due to construction workers’ vehicles. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Stormwater, Grading and Drainage Control code and Street Use ordinance, and mitigating measures described above pursuant to the Shoreline Management Program) applicable to the project. Since the proposal site is located in an industrial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

Air Quality

One existing on-site building will be demolished and another partially demolished. Prior to demolition activities, the contractor will provide to Puget Sound Clean Air Agency pre-survey documentation of buildings for possible presence of asbestos and lead paint. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 square feet in coverage. OSHA requirements shall be followed to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing building, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos encountered during building demolition.

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Other than assurance that the required notice to the Puget Sound Clean Air Agency has been provided, no SEPA conditioning of air quality impacts is necessary.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased demand on public services and utilities and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

Environmental Health

Operational trips, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. An analysis of potential greenhouse gas emissions estimates that the project may result in lifespan greenhouse gas emissions of approximately 88,697 MTCO₂e². The carbon calculator utilized in this estimate does not fully factor in site location or the fact that the power will be obtained from Seattle City Light which is a carbon-neutral provider.

Traffic and Parking

Parking on site is proposed for 122 vehicles. The proposed Harley Marine Center project is not expected adversely to affect off-site traffic operations in the site vicinity and no off-site mitigation measures are warranted. The project would add traffic to the site driveway that runs through a waterside portion of the SW Spokane Street right-of-way, separated from the main roadway of SW Spokane Street. Traffic to and from the site driveway would be required to cut through the Port of Seattle Terminal 18 truck queue and across the pedestrian/bike path that is located just north of the truck queue lane. The Traffic Impact Analysis prepared for the proposal has assessed impacts of site-bound traffic on the pedestrian/bicycle path and has proposed improvements to signage and pathway that are expected to mitigate against impacts and have been incorporated into the conditions that follow this analysis. These include:

- installing mirrors so that motorists turning into the driveway can better see beyond a queued truck;
- improving the visibility of the trail crossing the driveway by painting it green, as has been done for other bike lanes in the city;
- enhancing the existing “do not block driveway signage”;
- marking the east driveway as “exit only” onto SW Spokane Street.

The project is conditioned to show these mitigation measures on the MUP plan sheets and to work with the Seattle Department of Transportation (SDOT) to determine and provide the best measure to enhance bicycle safety at this location prior to issuance of an construction permits.

Summary

In conclusion, no significant adverse effects on the environment are anticipated as a result of the proposal. Conditions are imposed as mitigation to specific impacts identified in the foregoing analysis and to control impacts not regulated by codes or ordinances, per adopted City policies.

CONDITIONS – SEPA

Prior to Issuance of MUP

1. Update plans to show proposed improvements to signage and bike/pedestrian pathway expected to mitigate against impacts from traffic entering and leaving the site.

Prior to Issuance of any Demolition or Construction Permits

2. Submit to DPD evidence of having submitted a Notice of Intent of Demolition to the Puget Sound Clean Air Agency and of having obtained any other permits required by other agencies prior to demolition or construction on site.

Prior to Issuance of Construction Permits

3. Work with the Seattle Department of Transportation (SDOT) to determine and provide the best measures to enhance bicycle safety at this location and obtain SDOT approval for these improvements.

CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

During Construction

4. The owner(s) and/or responsible party (ies) shall take care to prevent debris from entering the water during construction and to remove debris promptly if it does enter the water. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction. Appropriate equipment and material for hazardous material cleanup must be kept at the site.

Signature: Signature on File)
Michael Dorcy, Senior Land Use Planner
Department of Planning & Development

Date: October 14, 2010