City of Seattle

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:	3012197
Applicant Name:	Hilton Smith
Address of Proposal:	2441 N Northlake Way

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow a passenger terminal and two floating docks, one 6' x 65' and one 5' x 40'-4", in an existing marina in Waterway #17. (Seattle Marina/Waterways Cruises and Events). One existing 2'x40'-4"finger pier will be removed.

The following approvals are required:

Shoreline Substantial Development Permit: For development in the shoreline environment. (Section 23.60.020 Seattle Municipal Code)

Shoreline Conditional Use Permit: To allow a passenger terminal in the Conservancy Waterway (CW) Shoreline Environment. (Section 23.60.034 Seattle Municipal Code)

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION:

[ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

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

BACKGROUND DATA

Site Location and Description

The subject site is located at 2401 N Northlake Way on the north shore of Lake Union. The property is zoned Industrial Buffer (IB U/45'). The dry land portion of the site is located within the Urban Maritime (UM) shoreline environment and the submerged portion is located in the Conservancy Waterway (CW) shoreline environment. The applicant is leasing a portion of a larger site which is operated as a marina.

Proposal Description

The applicant proposes to establish a passenger terminal use (Waterway Cruises) at an existing marina (to remain). The proposal includes the installation of two floating piers, one 6' x 65'and one 5' x 40'-4". Both of the new piers will be grated and attached to existing piles. One existing 2' x 40'-4" finger pier will be removed. The project has been slightly modified since the original application to include the replacement of the existing solid 2' x 40'-4" finger pier with a new floating and grated 5' x 40'-4" finger pier. The total increase in overwater coverage is 510.99 sq. ft.

The piers will be located on the northern half of Waterway 17. According to the plan, the passenger terminal will utilize approximately 1,500 sq. ft of existing structures on the dry land portion of the lot, and will have an outdoor waiting area of 1,435 sq. ft. No new structures are proposed for the dry-land portion of the site. Parking for 14 vehicles will be provided.

Public Comment

The public comment period ended on December 9, 2011. Several comments were received.

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 Chapter 23.60; 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.

A. The Policies and Procedures of Chapter 90.58 RCW

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 aims 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 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 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 insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines 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. 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. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. The Regulations of Chapter 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program". In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60.004, meets the development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

The site is classified as a waterfront lot (SMC 23.60.924). The shoreline designations for the site are Urban Maritime (UM) for the portion of the site that is on dry land and Conservancy Waterway (CW) for the submerged portion of the site (SMC 23.60.720 and 480). The underlying zoning for the entire site is Industrial Buffer (IB U45). The portion of the Waterway where the piers will be located is leased from the Department of Natural Resources (DNR).

Passenger terminals which are water-dependent are permitted outright on waterfront lots in the UM shoreline environment and are permitted outright in the underlying IB zone. In the CW environment, uses that are neither public nor nonprofit are only permitted only when accessory to or associated with abutting uses (SMC 23.60.480). The proposed piers will be accessory to the abutting water-dependent passenger terminal use. Per SMC 23.60.034, uses that are permitted in the underlying zone and are not prohibited in the Shoreline District may be approved, approved with conditions, or denied as a Shoreline Conditional Use subject to applicable criteria. The passenger terminal use requires Shoreline Conditional use approval in the CW shoreline environment.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The purpose of the UM and CW environments are stated in SMC 23.60.220.C 9 and C 5, respectively. The applicable sections of these regulations to the current proposal are: in the Urban Maritime environment, to preserve areas for water-dependent and water-related uses while still some views of the water from adjacent streets and upland residential streets and in the Conservancy Waterway environment to encourage economically viable water-dependent uses to meet the needs of waterborne commerce.

SMC 23.60.064. - Procedures for Obtaining Shoreline Substantial Development Permits

The proposed project is a conditional use in the CW environment (SMC 23.60.032 and 23.60.480) and a permitted use in both the UM (SMC 23.60.720) and the underlying Industrial Buffer (IB U/45) zoning district (SMC 23.50). As designed, the proposal conforms to the general development standards and the requirements of the underlying IB and UM shoreline overlay zones. An evaluation of the criteria by which the project conforms to a conditional use in the CW environment is found in the Analysis of Conditional Use section of this decision.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environment. 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 activity. All shoreline development and uses must in part:

1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected;

2) control erosion during project construction and operation;

3) 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;

4) 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;

5) be designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area;

6) 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.

The proposed change-of-use from marina to water-dependent passenger terminal on the dry land portion of the site is consistent with these general standards for development within the shoreline area, thereby minimizing any adverse impact to the shoreline environment, to water quality, to the natural shoreline processes, and the surrounding land and water uses.

An existing solid 2' by 40'-4" finger pier will be removed (80.66 sq. ft.); the new piers (591.65 sq. ft. total) will be grated with "thru-flow" decking allowing 43% light penetration. The total increase in over-water coverage is 510.99 sq. ft. Impacts on the fish habitat and the aquatic environment will be mitigated through a number of proposed measures: The piers will be required to be grated to increase light penetration; two cubic yards of submerged debris will be removed from the area north of the new piers (between the piers and the shore) which will also improve the aquatic habitat for Chinook salmon; and, three 16 sq. ft. planter boxes will be placed at the water's edge and planted with native shrubs, as shown on the plans to increase the allochthonous input to lake.

This area of Lake Union is utilized by migrating juvenile Chinook salmon. Impacts to the shoreline will be mitigated through measures discussed above.

SMC 23.60.750 and SMC 23.60.510 - Development Standards for the UM and CW Environments

The development standards for the UM and CW environments pertinent to this proposal concern the addition of new piers and removal of an existing pier in the CW environment.

All structures in the CW environment must be floating except for piling necessary to secure floating structures and public access improvements located on dry land portions of waterways (SMC 23.60.512). The proposed new and replacement piers are floating and will be attached to existing piles. At about 1'-3" to 2' above the water level, they are well below the 15-foot maximum height limit, and the standards for lot coverage and view corridors are also met (SMC sections 23.60.514, 516 and 518). An open water area with a width of not less than 50 feet for the length of the waterway shall be provided and maintained to provide access for public navigation (SMC 23.60.520). This standard is also met as shown on the plans.

Development standards for developments in the UM environment are found in SMC 23.60.750. No new structures are proposed for the UM portion of the site.

C. The Provisions of Chapter 173-27 WAC

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). Since the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58. As discussed in the foregoing analysis, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

ANALYSIS - SHORELINE CONDITIONAL USE

Section 23.60.034 of the Seattle Municipal Code provides criteria for review of a shoreline conditional use and reads: *Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.*

WAC 173-27-160 explains the purpose of a conditional use permit and provides a system within the City's master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and local master program. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates that it meets the criteria set forth in WAC 173-27-160. Below is the evaluation of these criteria in relation to the proposed project.

1) **The proposed use is consistent with the policies of RCW 90.58.020 and the master program**. RCW 90.58.020 states in part, that in the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. This shoreline was altered before the enactment of the Shoreline Management Act, therefore was not originally reviewed for its impacts on the shoreline environment. The proposed water-dependent passenger terminal is consistent with preferred uses of the shoreline. Additionally as part of the project two cubic yards of submerged debris will be removed from the area north of the new piers (between the piers and the shore) which will improve the aquatic habitat for Chinook salmon and three 16 sq. ft. planter boxes will be placed at the water's edge and planted with native shrubs, as shown on the plans to increase the allochthonous input to lake.

2) **The proposed use will not interfere with normal public use of the public shorelines**. The proposed use is a water-dependent passenger terminal which will allow access to the water for customers of the terminal operator. The standards for development in waterways are met and there will be no interference in public use and enjoyment of the shorelines of the area.

3) **The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned in the area under the comprehensive plan and shoreline master program**. The proposal is a water-dependent passenger terminal. Use of the site as a passenger terminal is consistent with the zoning classification (Industrial Buffer IB U45) and with the Urban Maritime shoreline environment, whose purpose is to: "… preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets." (SMC 23.60.220.B.9) The use and proposed maintenance project are also consistent with the Conservancy Waterway (CW) environment, whose purpose is to: "… preserve the waterways for navigation and commerce, including public access to and from water areas." (SMC 23.60.220.B.5).

4) **The proposed use will cause no significant adverse effects to the shoreline environment in which it is located**. The project is expected to have temporary or construction-related impacts (which may include a temporary increase in noise, water turbidity levels, dust and fumes from construction equipment) that due to their temporary nature and limited scope are not considered significant. (See SEPA analysis, below.) The project also incorporates design elements intended to mitigate adverse impacts including grated pier decking which will reduce shading associated with the 510 sq. ft. of increased over-water coverage. In addition, two cubic yards of submerged debris will be removed from the area north of the new piers (between the piers and the shore) which will improve the aquatic habitat for Chinook salmon. The project includes the addition of three 16 sq. ft. planter boxes to increase allochthonous input to the lake. These measures will improve the aquatic habitat at this site for juvenile salmonids. With these mitigation measures, no significant adverse impacts are anticipated from the proposal.

5) **The public interest suffers no substantial detrimental effect.** The proposed water-dependent passenger terminal is consistent with the intent, use and development standards of the designated shoreline environments and is not anticipated to have any significant adverse effects on the environment, as discussed above. Therefore, the project will have no detrimental effect to the public interest.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development and the Shoreline Conditional Use are **CONDITIONALLY GRANTED**. Conditions are listed at the end of this report.

ANALYSIS - SEPA

Disclosure of the potential impacts from this project was made in the Environmental Checklist dated June 15, 2011. The information in the SEPA checklist, supplemental information in the file, 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, and 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 or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines and displacement of some fish wildlife species due to increased water turbidity levels and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Air Pollution Control Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The proposed construction work is limited to the installation of floating piers that will be attached to existing piles. It is likely that the piers will be at least partially assembled elsewhere and construction activities will be largely limited to assembly. However, with the proposed work taking place in and adjacent to Lake Union, there is potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) should be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work. A boom should be deployed around the construction area to contain any debris that enters the water during construction. At a minimum the floating debris that enters the water during construction should be collected once per day. This material should be contained on site and then disposed of at the appropriate upland facility. General in water construction activity will be restricted to in-water work windows established by the Washington Department of Fish and Wildlife and documented in the Hydraulic Project Approval for this project.

Construction material and equipment pose some potential danger of water and near shore contamination and shoreline erosion. The contamination from spills could lead to both water quality and aquatic habitat damage. In order to be prepared to provide a fast and effective response to spills or other actions which cause new contaminants to be introduced into the shoreline environment, it is necessary to condition the project to require that prior to commencing construction an emergency containment plan and procedures be developed and all necessary equipment be stocked on the site. It is also warranted to require the use of BMPs to minimize erosion along the shoreline caused by storage and staging construction material in this area.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

Long Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include an increase in traffic and parking demand and overwater coverage. These long-term impacts are potentially significant without mitigation; therefore, merit a detailed discussion of the impacts and the required mitigation.

Traffic and Parking

Waterfront Cruises has been in operation for 18 years, and has provided data from 2011 as a basis for assessing traffic and parking impacts. The company also has facilities in Kirkland and Renton, where passenger boarding occurs, but this analysis will focus solely on data from the Seattle location.

The applicant states that about 95 percent of passengers arrive by car with an average of 3 passengers per car and about 5 percent arrive by bus (usually charter buses). In 2011, 22,386 passengers were served on 385 cruises out of Seattle, for an average of 58 passengers per cruise. The highest passenger load was 207 passengers; the lowest was 15. This resulted in the following traffic generation:

Monday – Friday before 5 PM: 3978 passengers on 72 cruises averaging 55 passengers, for an average of 18 cars per cruise. Peak passenger load was 132 passengers on one cruise.

Monday – Friday after 5PM: (usual departure time was between 6:30 and 7:00 PM) 7,300 passengers on 138 cruises averaging 53 passengers per cruise. Cars generated – an average of 18 cars per cruise. Peak passenger load was 130 passengers on three cruises.

Saturday and Sunday: 11,108 passengers on 175 cruises averaging 63 passengers per cruise. Cars generated - an average of 21 cars per cruise. Peak passenger load was 207 passengers on one cruise.

Maximum usage of the passenger terminal would be three cruises occurring simultaneously. The applicant indicates that this "rarely, if ever" happens because the departure times are staggered by 30 minutes and the company also boards passengers from other locations in Kirkland and Renton.

The proposed project would result in a net increase in overall traffic volumes generated at the site compared to existing conditions. However, given both the fairly low traffic volumes generated by a cruise and that the peak hours of traffic generation for the proposal do not coincide with peak hours for commuters, the project is not expected to result in significant adverse impacts to traffic volumes. Traffic mitigation is not warranted.

Regarding parking, the land use code requirement for the project is one parking space for each 100 feet of passenger waiting area for a total of 14 spaces. Thirty-two spaces are required to be provided for the existing marina use, for a total of 46 spaces required for the entire property for both uses. Based on plans on file, there are a minimum of 45 spaces available on-site. The applicant estimates that available on-site parking would be 75 spaces, if valet parking was used.

Valet parking could be used on-site on an as-needed basis for special events. There are an additional 42 spaces available on the street adjacent to the property.

In the shoreline district, parking requirements may be modified or waived if parking to serve the proposal is available within 800 feet of the proposed development, alternative means of transportation will meet the parking demand, and waivers will not encourage the use of scarce on-street parking. As noted above, the average number of passengers per cruise in 2011 was 58, with the highest passenger load at 207 passengers, for an average parking demand per cruise of 19 parking spaces and a peak of 69. Given that the average demand for parking may be met on site, the peak demand for parking may be met on-site if valet parking is used, and there is ample on-street parking available adjacent to the site, a waiver of one parking space is granted and no mitigation for parking impacts is warranted.

Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Lake Union including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to take place in Lake Union which is part of the migration corridor of Chinook salmon from the Cedar River and the other water bodies in Water Resource Inventory Area 8.

Clearly identified long-term impacts on juvenile Chinook salmon and the aquatic environment include the increase in over-water coverage of 511 sq. ft. Overwater coverage creates shading which provides hiding places for predators and forces juvenile salmon away from the near shore, where they are more susceptible to predation by larger fish; therefore, this decreases their survivability.

As provided by SMC 25.05.350 A, when making a threshold determination the lead agency may consider mitigation measures that the agency or applicant will implement. If the proposed measures mitigate the impacts that would allow the lead agency to issue a Determination of Non-Significance (DNS). These mitigation measures can be in the form of clarification of the proposal, changes to the proposal, or the project may be conditioned to include the mitigation measures. The applicant has included mitigation measures in the project to offset the impacts of the proposed work. DPD has imposed conditions on this project. These mitigation measures and conditions are listed below.

- Removal of one existing wooden 2' x 40'-4" finger pier.
- The piers will be required to be grated to increase light penetration.
- Two cubic yards of submerged debris will be removed from the area north of the new piers (between the piers and the shore) which will also improve the aquatic habitat for Chinook salmon.
- Three 16 sq. ft. planter boxes will be placed at the water's edge and planted with native shrubs, as shown on the plans, to increase the allochthonous input to lake.

Each of these mitigation measures and conditions are believed to minimize impacts on juvenile salmon habitat at the site and improve the aquatic habitat for juvenile Chinook salmon and other species. Collectively these measures will reduce dark areas under the floating docks and eliminate large substrate in the shallow water habitat, which should in turn allow the juvenile salmon to remain in the shallow water during their migration and reduce the juvenile Chinooks' vulnerability to predation in the Lake Union environment. Additionally, the riparian vegetation in planters at the water's edge will increase the allocthonous input of insects and detritus to the lake providing food for juvenile salmonids and nutrients for other aquatic organisms.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have significant adverse impacts upon the environment. An EIS is not required under RCW 43.21C.030. (2) (c).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS – SEPA and Shorelines

SEPA and Shoreline –Prior to Building Permit Final

1. Two cubic yards of submerged debris will be removed from the area north of the new piers (between the piers and the shore) which will improve the aquatic habitat for Chinook salmon. Removal of submerged debris must be documented in a report submitted to DPD that clearly shows photos of the debris removal process at the project location and the debris removed and provides clear descriptions of all items removed with dimensions.

SEPA and Shoreline – During Construction

2. Appropriate best management practices (BMPs) shall be employed to prevent debris and deleterious material from entering the Lake Washington Ship Canal during the proposed in- and adjacent to water. BMPs should include the deployment of a boom surrounding the construction area. The boom should remain in place for the duration of the proposed work.

    a. The boom should serve to collect any floating debris, which may enter the water during the construction activities. This floating debris should be removed from the water daily, stored on-site, and then disposed of in the appropriate upland facility.

b. If heavy (sinking) debris enters the water during the construction work, the location of the debris should be documented in a log to be kept through the duration of the project. When construction is complete a diver should retrieve all debris that has entered the water and sunk during construction.

3. Care shall be taken by the owner(s), builder(s), or responsible party(s) to prevent toxic materials, petrochemicals and other pollutants from entering surface water during the proposed work. A spill prevention and response plan and material should be kept at the site for quick response to any toxic spills, such as fuel, at the site.

4. Personnel should be trained in the plans and procedures for the prevention, containment and clean-up of toxic material.

SEPA and Shoreline – For the Life of the Project

5. The existing wooden 2' x 40'-4" finger pier shall be removed (as shown on the plans).

6. The piers shall be grated to increase light penetration (as shown on the plans).

7. The shallow water and nearshore area shall be kept clear of debris during the life of the project.

8. The three 16 sq. ft. planter boxes at the water's edge and planted with native shrubs (as shown on the plans) shall be maintained for the life of the project.

9. Personnel should be trained in the plans and procedures for the prevention, containment and clean-up of toxic material.

Signature: (signature on file) Date: August 30, 2012
Molly Hurley, Land Use Planner
Department of Planning and Development

MMH:ga
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