



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 3014128
Applicant Name: Mary Jo Lux
Address of Proposal: 4455 Shilshole Avenue NW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to expand an existing institution and allow a new 24,930 sq. ft. classroom and 346 sq. ft. storage building for Seattle Community College, Maritime Training Center. Project includes a 734 sq. ft. addition to existing classroom building. Parking for 34 vehicles and six boats are proposed in the adjacent right-of-way. Environmental documents prepared by Seattle Community College.

The following Master Use Permit component is required:

Shoreline Substantial Development Permit to allow expansion of a water related education facility in the Urban Industrial (UI) Shoreline Environment — Seattle Municipal Code (SMC) 23.60.020

SEPA – Conditioning Only - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions (*)
 DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

The development site at 4455 Shilshole Avenue NW in the Ballard neighborhood of Seattle encompasses approximately 1.17 acres and is bound by the Ship Canal (Salmon Bay) on the south, 14th Avenue NW to the east, Shilshole Avenue to the north and the elevated 15th Avenue NW right-of-way directly west. There is a mix of commercial and industrial businesses in the vicinity of the project location in addition to the maritime and recreational uses of the Ship Canal. The site is zoned IG1-U/65 and is within the Urban Industrial (UI) Shoreline Environment.

(*) *Determination of Non-Significance published by Seattle Community College, issued on June 7, 2013.*

The Marine Technology Building on the development site is approximately 4,500 square feet in size and serves as classroom, lab, and office space for the Seattle Maritime Academy. The Academy trains students for a variety of careers in the maritime industry. Students train both in classrooms and on a small fleet of ships and workboats that use piers at the site and the adjacent Ship Canal.

Proposal

The project consists of two phases: 1) Construction of a new 24,930-square-foot building and 2) remodeling at the existing Marine Technology Building, including a 734 square-foot addition to the structure. Other work includes changes to vehicular and pedestrian access at the 1.17-acre site, landscaping, street frontage changes, water and soils improvements, utility upgrades and other improvements to amenities on the site for the new and renovated campus buildings, which are shown on submitted plans for the project.

The new building will include a reception and administration area, offices, kitchen and lounge areas, general classrooms, simulation classrooms, lecture hall, computer lab, and library. Access and functionality of the Marine Technology Building, vessels, and all docks will be maintained throughout construction.

On-site grading will consist of approximately 1,670 cubic yards of cut and approximately 2,000 cubic yards of fill. The site will be graded to slightly lower the elevation along Shilshole Avenue while filling toward waterfront to slightly raise that portion of the site. No fill and/or dredge material will be placed in or removed from Salmon Bay.

Notice and Comment Period

The public comment period started on February 28, 2013 and ended on March 29, 2013. No public comments were received.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

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.

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 contemplates protecting against effects to public

health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, 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.

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.

The proposal is subject to the Shoreline Policies of SMC 23.60.004 because the site is located within the shoreline district and the cost of the project exceeds \$6,416.00. The proposed development has been designed to ensure minimum impact to the public health, land and waters of the state, and their aquatic life. The location of the proposed work on the shoreland will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. Therefore, the subject application 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 requirements use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064).

Pursuant to SMC 23.60.064C, in evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

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. An economic objective for the shoreline is to "Encourage economic activity

and development of water-dependent uses by supporting the retention and expansion of existing water-dependent businesses and planning for the creation of new developments in areas now dedicated to such use.” (Please refer to Economic Development Goals, Policy LUG51). An area objective for this portion of the Ship Canal is to “retain and encourage the important role that the Ship Canal plays in state, regional and local fisheries by reserving the Ship Canal primarily for water-dependent and water-related uses.” (Please refer to Area Objectives for Seattle’s Shorelines, Policy LU269 2.a.). The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60.220.C.11 is to “provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Views shall be secondary to industrial development and public access shall be provided mainly on public lands or in conformance with an area-wide Public Access Plan”.

A water-dependent institution shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses (SMC 23.60.840 H). As such, the proposal would be supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

Development Standards

The existing institutional use is permitted outright in SMC 23.60.840 governing the UI shoreline environment. The proposed action is therefore subject to:

1. *the general development standards for all shoreline environments (SSMP 23.60.152);*
2. *the development standards for uses in the UI environment (SSMP 23.60.870); as well as*
3. *the development standards for General Industrial zones (SMC 23.50).*

1. General Development Standards for all Shoreline Environments (SSMP 23.60.152)

All uses and developments shall be subject to the following general development standards:

- 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.*
- 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.*

Site grading and preparation for construction may expose soil leading to increased potential for soil erosion and sedimentation. However, required compliance with the Grading Code (SMC Chapter 22.170) will ensure that soil erosion control techniques are in place for the duration of the land disturbing activities until the site is permanently re-stabilized. In addition, the Stormwater Code (SMC Chapter 22.800) requires developments to implement stormwater management measures to protect receiving waters from pollution, mechanical damage, excessive flows and other conditions that could be detrimental to water resources and aquatic life.

The proposal will result in an increase in impervious surface within the Shoreline District that will be mitigated by planting an area of approximately 350 square feet of native vegetation adjacent to the shoreline (as detailed on plan set sheets A 1.3 and L 1.1).

The proposal meets the development standards for the shoreline environment.

2. *Development Standards for UI Shoreline Environments (SSMP 23.60.870)*

The development standards set forth in the Urban Industrial Shoreline Environment relate to critical habitat protection, height, lot coverage, view corridors, setbacks, water-related uses on waterfront lots and public access. The proposal conforms to all of the development standards for the UI environment

3. *Development Standards for Industrial Zone Uses (SMC 23.50)*

The project proposal must meet the development standards of the underlying General Industrial 1 (IG1) zone. The development proposal complies with the required development standards, except the project as proposed does not provide required parking on-site pursuant to parking standards in SMC 23.54 and therefore has requested a waiver from this standard.

In the Shoreline District, the DPD Director may waive or modify required parking spaces subject to the following (per SMC 23.60.156A.):

- 1) if alternative means of transportation will meet the parking demand of the proposed development in lieu of such off-street parking or loading requirements;
or
- 2) if parking to serve the proposed uses is available within eight hundred (800) feet of the proposed development and if pedestrian facilities are provided. Waivers shall not be granted if they encourage the use of scarce, on-street parking in the neighborhood surrounding the development.

The proposed project would formally stripe parking spaces adjacent to the site along Shilshole Avenue NW in the same area where 30 informal spaces were observed. Based on coordination between the applicant and Seattle Department of Transportation, 37 vehicles would be accommodated as compared to the 30 vehicles that are accommodated by the current parking situation. With the proposed added spaces, a total parking supply of 139 spaces would be located within 800 feet of the Seattle Maritime Academy.

Based on the applicant's Transportation Impact Analysis and follow-up memo based on SDOT's requirements as a street use permit is required, the Academy has an existing parking demand of

29 vehicles and is estimated to generate an additional 45 vehicles as a result of the proposed project, bringing total demand to 74 vehicles. The parking analysis provided by the applicant and reviewed by DPD's Transportation Planner found that the Academy's parking demand would continue to be fully accommodated on-street. For these reasons, the requested waiver of the requirement to provide required parking on-site is granted.

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). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of the SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Summary

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC and RCW and with the regulations of Chapter 23.60 of the Seattle Shoreline Master Program.

The proposal meets the specific standards for development in the UI environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, therefore should be approved.

Pursuant to the Director's authority under Seattle's Shoreline Master Program, to ensure that development proposals are consistent with the policies and procedures, and conforms with specific development standards of the underlying zones, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal, as conditioned below, is hereby conditionally approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

(As noted at the end of this document)

ANALYSIS - SEPA

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by Seattle Central Community College. The applicant submitted an environmental checklist and threshold determination for this project with an issued date of June 7, 2013. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Department with the review of similar projects form the basis for this analysis and SEPA conditioning.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in Seattle Central Community College's determination of non-significance, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts are anticipated.

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to the increase dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; and 4) consumption of renewable and non-renewable resources. These impacts are not significant.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general, including best management practices). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: potentially increased marine traffic in the area and potentially increased activity related to the new crane. These impacts are minor in scope and appear capable of being easily absorbed in the industrial maritime area. They do not warrant conditioning pursuant to SEPA policies.

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery; and the production of biodiesel — 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 due to the increased contribution of greenhouse gas emissions from this project.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the self-imposed mitigation commitments listed in the applicant's SEPA checklist and Determination of Non-Significance and analyzed above, the project will be consistent with applicable SEPA policies.

CONDITIONS – SHORELINE

The owner(s) and/or responsible party(s) shall:

Prior to Building Permit Issuance

1. Plans shall include a copy of the best management practices to be used for protection of the aquatic environment at this location.

During Construction

2. The owner(s), builder(s), and all responsible party(s) shall follow the best management practices as carried over to the approved construction set of plans. These BMPs shall be in place to prevent any toxic materials, petrochemicals and other pollutants from entering the surface water during the proposed repair work. The spill prevention and response procedures developed for this project shall be followed and the appropriate material shall be kept at the site for quick response to any toxic spills at the site.

For the Life of the Project

3. The development, including landscaping and mitigation plantings, shall be maintained per plan.

Signature: _____ (signature on file) Date: September 9, 2013
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development
Land Use Services

BP:bg

Perkowski/3014128FINAL.docx