



City of Seattle
Edward B. Murray, Mayor

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: 3015872
Applicant Name: Troy Hussing
Address of Proposal: 101 NE Northlake Way

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow a marine service station use and a 2-story, 1,671 sq. ft. building containing non-water dependent commercial uses. Project includes a 158 linear ft. pier and ramps with boat fueling and pump-out stations, a 455 sq. ft. concrete pad for two above-ground fuel tanks, installation of three boat loaders and the removal of four dolphins.

The following Master Use Permit components area required:

Shoreline Substantial Development Permit: to allow development in the Urban Maritime (UM) Shoreline Environment.

Shoreline Conditional Use: to allow non-water dependent commercial use in the Urban Maritime (UM) Shoreline Environment.

SEPA Environmental Review – Seattle Municipal Code Section 25.05

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

Background

The subject site is located on a waterfront parcel along N. Northlake Way between 2nd Avenue NE and Eastern Avenue N (the street name prefix east of 1st Avenue NE is NE Northlake Way and NE Pacific Street). The site is zoned Industrial Buffer with a height limit of 45 feet for non-industrial uses (IB U/45) and is within an Urban Maritime (UM) shoreline environment.

North Northlake Way is designated as a minor arterial and is improved with a paved roadway, curb, angled parking, and a pedestrian walkway. Second Avenue NE abuts the property to the east and is an unimproved dead end street. Waterway 16 abuts the property to the east of the subject site's submerged portion. Eastern Avenue N. does not abut the subject site. The 1st Avenue NE. right of way does not go through the site in that the street has been vacated at that location.

The existing use is dry boat storage, utilizing five 35-foot high rack-style open storage structures and boat loader stations, and is operated by Seattle Boat Company. This use will not change as part of this proposal.

Proposal

The applicant proposes to install 3 (three) new 10' x 16' boat loader stations, remove an existing pier structure (approximately 325 square feet) and associated piles, remove 2 (two) existing 6 (six) pile dolphins, one 3 (three) pile dolphin and one 5 (five) pile dolphin and 4 (four) single mooring piles as well as concrete and steel debris within the water. The proposal includes installation of a new fully grated pier structure (approximately 1680 square feet) and associated piles that will be used as a fueling dock and pump out station for recreational vessels. The proposal includes two new fully grated ramps to the new pier structure and two new above-ground fuel tanks to be installed on a new concrete pad. Proposal also includes a new two-story accessory building for administrative offices and storage for the existing dry dock use and the marine service station use, as well as a concession area for marina, boat-related products and associated eating establishment. Project includes revegetation along the shoreline with native plants as part of the overall habitat mitigation program for the project.

Public Comment: The public comment period began on April 10, 2014 and ended on May 9, 2014. Public comment regarding the adequacy of the notice sign led to a second comment period, which began on June 5, 2014 and ended on July 4, 2014. A number of public comments were received and are contained in the DPD file for this application.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

The entire proposed project area is within the Shoreline District and the Urban Maritime (UM) Shoreline Environment. The Shoreline Master Program (SMP), Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's Shoreline District in order to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a Shoreline Environment. SMC 23.60.030 includes criteria for evaluating a shoreline permit. 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 Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and for the protection of the resources and ecology of the shoreline over the long term. 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. The Shoreline Management Act of 1971 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 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 policies of the Act regarding preferences for uses in the Shoreline District are articulated in RCW 90.58.020. These use preferences include the preference for development that “increase(s) recreational opportunities for the public in the shoreline.”

The proposed fueling and pump out station along the shoreline of Lake Union, along with the retail establishment for boaters will increase recreational opportunities for the public to enjoy boating activities in the public waters of Lake Union and beyond. This proposal is consistent with the policies of the RCW Chapter 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. Development standards of the shoreline environment and underlying zone must be considered as well as any conditioning that may be 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,

and meet 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.

Each of these elements is evaluated below in the order they are listed in the Shoreline Master Program. The shoreline designation for the area of this project within the Shoreline District is the Urban Maritime (UM) Shoreline Environment.

SMC 23.60.004 - Shoreline Policies

The purpose of the UM Shoreline Environment as described in SMC 23.60.220.C.9 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. Public access shall be second in priority to water-dependent uses unless provided on street ends, parks or other public lands.

The proposed uses are consistent with these goals.

In the City of Seattle's Comprehensive Plan, Goal LUG 44 promotes development that provides for "the optimum amount of public access – both physical and visual – to the shorelines of Seattle." LU258 promotes development that results in an "increase opportunity for the public to enjoy water-dependent recreation including boating, fishing, swimming, diving and enjoyment of views." LU260 promotes development that provides for "recreational boating facilities including terminals, moorage and service facilities on publicly owned land and encourage(s) the provision of such facilities on private property, if the environmental impact is acceptable." LU269 describes area objectives for different shoreline locations throughout Seattle, including Lake Union (the location of this proposal and use), and promotes development that retains "the working character of Lake Union by reserving those areas of the lake's shorelines that are suitable for water-dependent uses for the use of marine businesses" and "prohibit new residential uses on industrial shorelines."

The proposed marine service station (fuel and pump out) and the building and structures accessory to this use and the established dry dock use will allow opportunities for the public to access and enjoy the shoreline environment of Lake Union, which is consistent with the goals and policies mentioned above. The proposed design of the project will allow visual access and views to the lake as well as provide native vegetation along the shoreline that will benefit migrating salmonids and the overall nearshore water quality and habitat conditions.

SMC 23.60.064 - Procedures for Obtaining Shoreline Substantial Development Permit

This application has followed the procedural requirements for a Master Use Permit as specified in subsection A of SMC 23.60.064. This section also 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.

SMC 23.60.064.C. In evaluating whether a development that requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:

- 1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located.*

The proposed project is not a prohibited use in the Urban Maritime Shoreline Environment. The proposed uses for this project are the same as the current use (dry boat storage) as well as marine sales and service and non-water dependent commercial use and are described in more detail above. The project uses are consistent with dry boat storage permitted outright in the UM Shoreline Environment pursuant to SMC 23.60.720.B.5 and marine sales and service permitted outright pursuant to SMC 23.60.720A.1. The proposed non-water-dependent commercial use requires a conditional use approval pursuant to SMC 23.60.724.B, which is analyzed below. The proposed project is not prohibited in the underlying zone either.

2. *The development meets all applicable development standards of both the shoreline environment and underlying zone.*

The conformance of the project with the general development standards and development standards in the shoreline environment in which the project is located is discussed below.

3. *If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Section 23.60.034, 23.60.036 or 23.60.032, respectively.*

The proposal does require a shoreline conditional use approval, which is analyzed below.

Shoreline Development Standards

The project is located in the Urban Maritime Shoreline Environment. Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to the:

1. general development standards (SMC 23.60.152);
2. development standards for uses in the UM Shoreline Environment (SMC 23.60.720).

1. SMC 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- *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.*
- *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*
- *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 leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

- *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.*
- *All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*
- *All shoreline developments and uses shall control erosion during project construction and operation.*
- *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.*
- *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.*
- *All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*
- *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.*
- *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.*

This project is proposed to occur in the aquatic and shoreline environment of Lake Union that provides habitat for Chinook salmon. The project site serves as a migration corridor as well as potentially rearing area for juvenile Chinook salmon from the Cedar River and other water bodies in Water Resource Inventory Area 8. Additionally, predators of juvenile Chinook are known to inhabit areas under overwater structures and may use these areas as cover while preying on juvenile Chinook. Overwater coverage reduces the amount and quality of natural habitat of juvenile Chinook salmon and provides habitat for predator species of juvenile Chinook.

The project proponent has agreed to a mitigation plan that includes the removal of existing overwater coverage, in-water structures, man-made submerged debris along the subject site and native vegetation planting along the shoreline, as shown and described in submitted plan set (Sheets 1-3) and application material. Submerged debris in the nearshore environment of Lake Union is known to provide habitat for predators of migrating salmon in this area. The removal of this debris and in-water structures along with the native vegetation planting along the shoreline will improve habitat conditions for migrating salmonids and adequately mitigate for the project's impacts.

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

SMC 23.60.720 - Development Standards in the UM Environment

The development standards set forth in the Urban Maritime Shoreline Environment relate to height, maximum size limits, lot coverage, view corridors, regulated public access, and location of uses (SMC 23.60.720). The proposed development has been reviewed and is consistent with these development standards, where applicable (See Sheets A1.0 and A1.1 in submitted plan sets for further details on consistency with these development standards).

The proposed uses for this project in the UM Environment are described in more detail above and are consistent with marine sales and services uses, which are permitted outright in the UH Shoreline Environment pursuant to SMC 23.60.720 A.1. The non-water-dependent commercial uses proposed for the new building require a conditional use approval pursuant to SMC 23.60.724.B, as analyzed below.

Analysis of Shoreline Conditional Use Criteria

The UM environment allows non-water-dependent commercial uses as a shoreline conditional use (SMC 23.60.724.B) subject to the criteria for conditional use approval that are described in WAC 173-27-160.

WAC 173-27-160 provides that uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- A. *That 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. 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.

The existing dry boat storage uses and proposed marine sales and service uses, including fuel dock and waste pump out station, is part of the preference of uses such as marinas, piers and services that allow public to enjoy the shorelines and its amenities. The conditional use for the eating and drinking establishment and non-water dependent commercial will provide amenities for people using the fuel dock and pump out facilities. Additionally as part of the project addition, pile sizes are being kept to a minimum and pile spans are being kept to a maximum, which will lessen the impact to the shoreline environment. The existing 352-square-foot solid wood decked pier and associated piles

will be removed from the nearshore area. Four existing dolphins will also be removed from the nearshore area. A new shoreline planting plan consisting of 304 lineal feet and 4093 square feet of native vegetation will be implemented along the shoreline, providing enhanced shoreline habitat conditions and increased allochthonous input for migrating salmonids and other species that utilize the shoreline environment. The pier structure and ramps will be fully grated to allow the maximum light transmittal, which will help minimize impacts to migrating salmon.

B. That the proposed use will not interfere with the normal public use of public shorelines;

The proposed retail area and eating and drinking establishment within the new building will service boaters using the fueling and pump out station as well as the dry boat storage users and will not interfere with existing public use and enjoyment of the shorelines of the area.

C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

The proposal is compatible with the existing dry boat storage use at the site other water-dependent and water-related uses in the vicinity of this location, as well as other allowed uses in the UM Shoreline Environment. The conditional use required for the non-water-dependent commercial use is analyzed here. The discussion above addresses the proposed uses with respect to the City's Comprehensive Plan and the goals for the UM Shoreline Environment.

D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

The non-water-dependent uses proposed will be within the new building on dry land and will cause no significant adverse effects to the shoreline environment. The project includes extensive native vegetation planting along the shoreline in part to address impervious surface impacts of the new building. Best Management Practices to be implemented during construction will address potential temporary impacts to the shoreline environment caused by work near the shoreline.

E. That the public interest suffers no substantial detrimental effect.

The proposed non-water-dependent commercial uses are compatible with existing uses at this site and will provide a service to recreational boaters using the shoreline environment. These uses will have no substantial detrimental effect to the public interest.

In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

The proposed conditional use portion of the project for non-water-dependent commercial uses is consistent the development standard in SMC 23.60.724.B.2 that states that the non-water-dependent uses are permitted on dry land when:

- a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry land area of the lot, except that when the lot provides more than 9,000 lineal feet of moorage for commercial vessels, the non-water dependent commercial uses may occupy up to twenty percent of the dry-land area of the lot -- Calculations provided by the applicant show that

the proposed non-water-dependent uses will occupy less than two (2) percent of the dry-land area of the lot (See Sheet A 1.0 in submitted plan set).

- b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot -- The proposed project includes no manufacturing uses. The proposed non-water-dependent commercial use will occupy less than two (2) percent of the dry-land area of the lot. (See Sheet A 1.0 in submitted plan set).
- c. The uses are located on site to accommodate water-dependent or water-related uses on site -- The uses in the proposed building (offices, storage, eating and drinking establishment and retail) will serve users of the established dry boat storage use and the proposed fueling and pump out station, which are clearly water related or water dependent uses.

Given the project's consistency with these standards (actually, substantially below the 10 percent standard) that function to limit the extent and impact of non-water-dependent commercial uses in the UM Environment, as well as the mitigation provided in this project for the habitat impacts, if similar additional permits were granted in the shoreline environment and similar additional mitigation were proposed with those permits there would not be a substantial adverse effect to the shoreline environment.

Uses that are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

The proposed conditional use portion of this project is not prohibited and is subject to conditional use approval pursuant to SMC 23.60.724.B.

Decision – Shoreline Conditional Use Approval

The proposed shoreline conditional use approval to allow non-water-dependent commercial use in the UM Shoreline Environment is **CONDITIONALLY GRANTED.**

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit is **CONDITIONALLY GRANTED.**

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated March 14, 2014). A revised checklist was submitted on July 25, 2015. The Department of Planning and Development has analyzed the environmental checklists submitted by the project applicant; reviewed the project plans, any additional information in the file and comments that have been received regarding this proposed action. This action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.554D) 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15, the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

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 includes removal and installation of in-water structures. 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) will be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work. 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 a spill prevention and 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.

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery; and the movement of vehicles — 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.

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 overwater coverage. These long-term impacts are potentially significant without mitigation; therefore, merit a detailed discussion of the impacts and the required mitigation.

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 for this project. Overwater coverage creates shading that 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. 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 (more details are included on plans, including Sheets 1, 2 and 3, and submitted application material) in the project to offset the impacts of the proposed work, including:

- Removal of existing pier structure (approximately 325 square feet) and associate piling.
- Removal of four dolphins and associated piling and four single mooring piles.
- Removal of man-made submerged debris along property
- Removal of one existing wooden 2' x 40' -4" finger pier.
- Removal of invasive vegetation species along shoreline.

- Revegetation along shoreline with native plant species, per submitted mitigation plan.
- New pier and ramp will be fully grated for natural light penetration to water below.
- All pier lighting will be covered and directed down onto pier to minimize light spillage into water.

Each of these mitigation measures 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 shoreline vegetation at the water's edge will increase the allochthonous input of insects and detritus to the lake providing food for juvenile salmonids and nutrients for other aquatic organisms.

Environmental Health

The installation of the fuel tanks and pump-out station pose long-term environmental risks due to potential for releases of toxic or harmful chemicals to the environment from fire or other unexpected events such as leaks or spills. The fuel tanks will be designed to meet all applicable fire safety standards in the Seattle Building Code and Seattle Fire Code and have been reviewed by a Seattle Fire Department official. Best Management Practices for the use of the fuel tanks and pump-out station have been developed by the applicant and will be implemented to address and minimize environmental risks posed by these facilities, as proposed and conditioned below. These BMPs, including a Spill Prevention and Containment Plan will be required to be provided on building permit plans and implemented for the life of the project. No further SEPA

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. The intent of this declaration is to satisfy the requirement 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 a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] 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 2c.

SEPA AND SHORELINE CONDITIONS

Prior to Building Permit Issuance

- 1). Provide detailed landscape mitigation plan on building permit plans consistent with approved mitigation plan. Plan shall show location, size, quantity and species of proposed plants.
- 2). Provide Best Management Practices on building permit plans for construction and operation of fuel tanks, fueling station and pump out station, including Spill Prevention and Containment Plan.

Prior to Building Permit Final

- 3). Complete implementation of approved mitigation plan, including all proposed vegetation removal and revegetation with native species.
- 4). Provide before and after photo documentation to DPD for removal of submerged and nearshore debris and structures as part of the approved habitat mitigation pan.

During Construction

- 5). The Applicant/Agent for this project shall be required to read, sign, and follow the Best Management Practices plan that has been developed for this project.

Life of the Project

- 6). Implement operational BMPs, including Spill Prevention and Containment Plan, to ensure safe operation of fuel and pump out stations, including fuel tank management and maintenance, consistent with all applicable local, state and federal regulations.
- 7). Maintain function of all pier and ramp grating by removing any debris or other material that would inhibit light passage through to the surface of the water.
- 8). Maintain all vegetation approved as part of habitat mitigation plan, including revegetation to address mitigation requirements for DPD Project #2207908. Dead plants shall be replaced with the same or similar native species. No herbicides, pesticides or chemical fertilizers shall be used in the mitigation planting area, without prior approval from DPD.

Signature: _____ (signature on file) Date: October 23, 2014
Ben Perkowski, Land Use Planner III
Department of Planning and Development

BP:drm