



City of Seattle

Edward B. Murray, Mayor

Seattle Department of Construction and Inspections

Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3021530
Applicant Name: Jennifer Grant for Port of Seattle
Address of Proposal: 2201 Alaskan Way

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development application to change the use of a 49,904 sq. ft. museum, retail and marine related office to allow expansion of existing passenger terminal (Port of Seattle, Pier 66). The project includes installing a 19,900 sq. ft. 2nd floor addition within the existing structure. Determination of Non-Significance prepared by the Port of Seattle.

The following approvals are required:

Shoreline Substantial Development Permit: to allow development in an Urban Harborfront (UH) Shoreline Environment.

Shoreline Conditional Use: to allow change of use from one nonconforming use to another nonconforming use in the Urban Harborfront Shoreline Environment

Shoreline Variance: to allow a structure to exceed the maximum lot coverage allowed on dry land in the Urban Harborfront Shoreline Environment

SEPA - Conditioning pursuant to Seattle's SEPA policies. Chapter 25.05.660, 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, Summary of Proposal

The Pier 66 Cruise Terminal (Pier 66 Terminal) was the Port of Seattle's first cruise terminal, beginning operations in 1999 with six vessel calls. Since then, cruise lines have responded to increased public interest in northwest and Alaska tour/cruise opportunities by increasing the number and size of ships homeporting at the Pier 66 cruise Terminal. Cruise Terminals of America (CTA), the tenant operating the terminal since 1999, has made adjustments to landside operations to accommodate larger capacity ships, improve efficiencies, and reduce impacts to traffic operations on Alaskan Way.

In 2017, a new 4,500-passenger ship is scheduled to start calling at the Pier 66 cruise terminal. The proposed interior cruise terminal modifications are intended to improve the terminal's efficiency and its ability to accommodate passengers. Passengers that disembark and embark on a cruise are not allowed to mix within the terminal until they have cleared customs and immigrations. In order to separate passengers at the existing Pier 66 terminal, disembarking and embarking operations occur at different times during the day. Passengers disembark in the morning, and only after the ship and terminal have cleared, are embarking passengers processed into the terminal area. All passengers now enter and exit the terminal at the north end of the cruise terminal building.

The proposed improvements would repurpose space within the building formerly used for exhibit/museum activities and change internal disembark/embark passenger circulation. With the changes, disembarking passengers could be processed simultaneously as embarking passengers without mixing within the building. Passengers would enter the terminal through the south end and exit at the north end. Distribution of passenger disembark/embark and luggage screening and handling activities is also intended to reduce peak loads in the terminal. Concurrent operations would allow arrivals and departures to be spread out over a longer period of time. A transportation analysis conducted for the project determined that planned service by a 4,500-passenger ship at this terminal would add fewer than 10 vehicles during the peak hours to Alaskan Way.

Project actions include removal of several non-structural interior partition walls, ceilings and flooring finishes on Floors 1 and 2 of the existing passenger terminal in order to create larger open spaces for the purpose of improving passenger flow through the terminal and providing efficient luggage screening and handling.

Improvements to the interior space will follow the demolition phase and will include drywall repairs, ceiling repairs, and replacement of affected flooring finishes. In addition, mechanical, electrical, plumbing and fire protection systems will receive modifications and improvements to coordinate with the modified building configuration. New casework will be installed to accommodate additional passenger screening and check-in needs. A baggage conveyor system will be installed within the existing building.

Construction activities will include the addition of four new elevators (two exterior of the building footprint at street-side and two interior of the terminal on the south end), one new interior escalator, and one new interior stair. With the exception of the street-side elevators, no building envelope modifications or expansion are planned.

The proposal also requires the conversion of 30,553 square feet existing interior building exhibit/museum area to passenger terminal operations. A portion of this change of use occurs overwater (approximately 2,500 square feet interior building area, water-ward of the existing

under-pier bulkhead) where both uses are now prohibited, under the new Shoreline Code. Accordingly, a shoreline conditional use application is required in order to change one nonconforming use (exhibit/museum) to another nonconforming use (passenger terminal) pursuant to SMC 23.60A.122.D. The project also includes the addition of approximately 19,900 square feet of second floor slab within the existing building envelope, filling out the floor area of an existing partial mezzanine within the existing exhibit/museum space.

Self-powered, mobile boarding gangway equipment will be purchased and placed into operation on the dock, replacing existing gangway equipment.

Public Comment

Two public comments were received during the public comment period that began on November 19, 2015, and ended on December 18, 2015.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60A.020, Seattle Municipal Code (SMC), requires that a shoreline substantial development permit be obtained prior to the undertaking of any substantial development within a shoreline environment. Section 23.60A.030, SMC, includes criteria for evaluating a shoreline permit. The development must be consistent with:

- A. *The policies and procedures of [Chapter 90.58 RCW](#);*
- B. *The regulations of this chapter, [Chapter 23.60A SMC](#), 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.

The Policies and Procedures of [Chapter 90.58 RCW](#)

Chapter 90.58 of the Revised Code of Washington (RCW) is known as the Shoreline Management Act of 1971 (SMA). 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 policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the SMA to local governments. The Department of Ecology is to primarily operate in a supportive and review capacity, with emphasis on ensuring compliance with the policy and provisions of the SMA. As a result of this Act, the City of Seattle adopted the Seattle Shoreline Master

Program, codified in the Seattle Municipal Code, Chapter 23.60A. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the SMA, and with the local master program. The SMA sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposal for development and at an existing cruise ship passenger terminal facility would be consistent with the policies and procedures of Chapter 90.58 RCW. The proposed use would promote water dependent and water related uses at the pier, the shoreline ecology would not be affected, and no interference with waterborne traffic would result. The proposed use can be accomplished in a manner that is consistent with RCW 90.58 and City of Seattle shoreline policies. Consistency with Seattle shoreline regulations is discussed in more detail below.

The Regulations of SMC Chapter 23.60A

Chapter 23.60A of the Seattle Municipal Code is known as the Seattle Shoreline Master Program (SSMP). In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60A.030. 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 23.60A.063).

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 23.60A.004; meets development standards for all shoreline environment established in SMC 23.60A.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 proposed Urban Harborfront site is classified as a waterfront lot on Elliott Bay, designated as a Shoreline of Statewide Significance. The passenger terminal use is allowed outright on waterfront lots in the Urban Harborfront (UH) shoreline environment, while the passenger terminal use overwater requires a shoreline conditional use, which is analyzed below.

SMC 23.60A.004 - Shoreline District Goals and Policies

The Shoreline District Goals and Policies are part of the Seattle Comprehensive Plan's Land Use Element. The purpose and location criteria for each shoreline environment designation contained in SMC 23.60A.220, such as the Urban Harborfront (UH) environment, must be considered in making all discretionary decisions in the shoreline district. The shoreline policies support the establishment of passenger terminals along the central waterfront. The [Seattle Comprehensive Plan Toward a Sustainable Seattle, Land Use Element, Section C-4 Shorelines](#), states in part: *In conformance with the goals of the State Shoreline Management Act, the Seattle Shoreline Master Program accommodates a variety of functions and activities unique to shoreline areas, especially water-dependent businesses and*

shoreline recreation activities, and protects and enhances public access, natural areas, and views of the water. Policy LU257-6 further adds: Passenger Terminal: Maintain and expand the opportunity for residents and visitors for convenient travel by ship to local and distant ports. Encourage more passenger-only ferry and cruise ships on the Central Waterfront.

Seattle Municipal Code 23.60A.220 C8 encourages economically viable water-dependent uses to meet the needs of waterborne commerce, and to facilitate the revitalization of Downtown's waterfront. The proposed canopy addition to the Pier 66 Cruise Terminal Building would improve passenger throughput for large cruise vessels, and allow the existing passenger terminal to operate more efficiently and safely. This in turn furthers the goals and objectives for development of Seattle's Central Waterfront.

SMC 23.60A.064 - Procedures for Obtaining Shoreline Substantial Development Permits

SMC 23.60A.064 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 23.60A, and with RCW 90.58.020 for allowing variances to proposals that do not meet the development standards.

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:

1. The use is not prohibited in the shoreline environment and in the underlying zone;
2. The development meets the general development standards and any applicable specific development standards set forth in SMC 23.60A.152; the development meets the development standards for the shoreline environment in which it is located; and the development meets the development standards of the underlying zoning, except where a variance from a specific standard has been applied for, and;
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 SMC Sections 23.60A.034, 23.60A.036, or 23.60A.032, respectively (discussed in more detail below).

If the development or use is a permitted use and meets all the applicable criteria and standards, or if it can be conditioned to meet the applicable criteria and standards, the Director shall grant the permit or authorization (SMC 23.60A.064).

SMC 23.60A.152 - Applicable Development Standards

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60A.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.

A number of Best Management Practices (BMPs) will be employed during the implementation of this project to address potential risks to the shoreline environment, including those risks posed by stormwater runoff and erosion during construction activities. These BMPs are shown on the plans and contained in the application material, including the SEPA Checklist. Erosion control measures will be addressed in a Temporary Erosion and Sediment Control (TESC) Plan prepared by the contractor and adhered to during construction. The project is designed to meet the City's Stormwater Code and Drainage Code. The project will result in no increase in overwater coverage.

The project as proposed and conditioned below meets the applicable general development standards for the shoreline environment.

SMC 23.60A.446 - Development Standards for the UH Environment

The development standards set forth in the Urban Harborfront (UH) Environment relate to height, lot coverage, setbacks, moorage, public access, etc. (SMC 23.60A.446). The project has been reviewed by Seattle DCI and determined to be consistent with all applicable development standards, except lot coverage (SMC 23.60A.448), which requires a shoreline variance, which is analyzed below.

SMC 23.60A.036 –Shoreline Variance Analysis

The project includes a proposal for a 1,011-square-foot elevator addition at the southern end of the terminal building on Alaskan Way. The site is a waterfront lot in the UH Shoreline Environment. The total dryland area of the lot is 85,560 square feet. The applicant requests an increase in the total dryland lot coverage of 1.9%. The proposal would increase the area of dryland coverage from 69,974 square feet to 70,985 square feet, for a lot coverage of 82.97%. The amount is already well over the requirement of 50% of the dryland of the lot (SMC 23.60A.448) pursuant to previously approved shoreline variance requests at this location. The request is a nominal increase over what has already been approved in previous permits and meets shoreline variance criteria, as analyzed below.

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

RCW 90.58.020 prioritizes, amongst other uses, ports, public access to shorelines of the state and marine dependent industrial and commercial developments. Appropriate shoreline uses are allowed if development reduces and minimizes adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life.

The size of the site is constrained, in part, because Elliott Bay exists due west of the project site and Alaskan Way right-of-way lies immediately east of the property, representing a limited developable building envelope. The public interest will be protected in that the proposed improvement is part of terminal renovation that will both improve passenger security and increase pedestrian safety during passenger loading and unloading, keeping pedestrians out of vehicle lanes and vehicle drop-off areas.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

The primary approved use of the property is for operation of a passenger terminal for cruise ship homeporting in Seattle. The purpose of the second elevator core is to allow for concurrent embarkation and disembarkation activities. Currently, such activities must occur at different times in order to comply with Homeland Security requirements prohibiting the mixing of embarking and disembarking passengers. The added elevator will allow embarking passengers to enter the building and proceed to boarding without overlapping with disembarking passengers.

Strict application of the shoreline regulation requiring no more than 50 percent of lot coverage of the dry land portion of the site would significantly interfere with continued use of the facility as a fully functioning, Homeland Security compliant, cruise terminal, able to accommodate modern-day 4,500-passenger ships. The current variance request is necessary to accommodate a modern facility that fully separates embarking and disembarking activities, including separated passenger waiting areas, baggage handling capabilities, and provisioning operations. Strict application of the lot coverage standard would interfere with the terminal's ability to accommodate today's larger ships, and require a significant re-design of the project in a manner that could be more detrimental to shoreline resources than the present proposal, and severely complicates the project's ability to comply with federal security requirements.

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

The project is constrained by a code requirement to retain 50 percent of the dryland area unencumbered by structures. Pier 66 is unique in that the dryland available for construction was created by the filling activity undertaken by the City of Seattle at the turn of the 20th century. Any dryland that was available years ago that functioned as a shoreline environment has not existed for decades. The only land now available on which to construct this proposal is all fill and has been historically 100 percent impervious surfaces.

No change in the overwater coverage of this facility and the resulting habitat impacts would occur as a result of this proposal.

(c) That the 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 and will not cause adverse impacts to the shoreline environment;

There will be no new negative effects to the aquatic environment, no changes in parking, no changes to public access, no impacts to view corridors, and no changes in building height. The proposed design is compatible with other permitted activities in the area and the existing terminal facility and would not cause adverse effect to adjacent properties or the shoreline environment.

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

The applicant is not asking for any additional property rights or privileges that are not enjoyed by other properties in the vicinity. Granting this variance will not grant a special privilege exclusively to the applicant. The addition of an exterior elevator along Alaskan Way does not change the current uses of the property, nor does it change other permitted uses associated with the approved development of the Pier 66 Cruise Ship Terminal Building.

(e) That the variance requested is the minimum necessary to afford relief;

The proposed elevator is the minimum necessary to add an elevator connection to the second floor disembarkation area to allow the required separate processing of embarking and disembarking passengers.

(f) That the public interest will suffer no substantial detrimental effect.

The public interest will not suffer any detrimental effect as a result of variance approval. The proposed external addition is a necessary programmatic design element that will a sterile disembarkation process. The proposal is consistent with shoreline policies, and all other development requirements in the UH shoreline environment are met with the design of the project.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

It is not anticipated that additional variances to exceed lot coverage would be granted to other developments in the area since Pier 66 is a unique site and no other sites in the area have similar circumstances. Cumulative impacts are constrained by lack of developable area related to shorelines. The Pier 66 complex is largely built-out, as are other waterfront properties.

No cumulative adverse impacts are anticipated from granting this variance request. The project as proposed is consistent with RCW 90.58.020 and supports the shoreline policies. The expanded and continued operation of the Cruise Ship Terminal is consistent with Central Waterfront Planning and would meet all the planning goals for the area. Thus, variance approval would advance both State and City shoreline policies.

Analysis: Shoreline Conditional Use

The proposal involves the change of use of the Odyssey maritime museum to passenger terminal use for expanded cruise operations. A portion of the area associated with the change of use occurs overwater, and while both uses (museum and passenger terminal) were legally permitted at the time of the building's construction, they are no longer permitted overwater in the UH, pursuant to SMC 23.60A.450 and 23.60A.090. (Passenger terminal use is permitted outright elsewhere on the waterfront lot.) The area of the use occurring overwater is 2,587 sf.

SMC 23.60A.122.D

A use that was legally permitted at the time of construction, but no longer conforms to code is a legally nonconforming use. A change of use of one nonconforming use to another nonconforming use is authorized as a shoreline conditional use pursuant to SMC 23.60A.122.D, which is analyzed below.

D. Change of one nonconforming use for another nonconforming use

1. The change of one nonconforming use to another use not allowed in the shoreline environment may be authorized as a shoreline conditional use by the Director, with the concurrence of Ecology, if the area occupied by the nonconforming use does not expand and the Director determines that:

a. The existing use at this location development is unsuited for a reasonably economically viable use allowed in the environment; and

The Odyssey museum was constructed in the late 1990's as part of the reconstruction of Pier 66 under the Central Waterfront Project planning process. The museum was to be a public private project with a goal of being educational institution focused on building public awareness of maritime activities in the Puget Sound region; however, since its inception the museum has lost money due to low attendance numbers and been unable to pay its rent. Significant back-rent has been owed to since at least 2005, despite massive subsidies by the Port and taxpayer assistance. A key goal of the UH environment is to promote economically viable uses:

“The purpose of the UH Environment is to encourage economically viable water-dependent and water-related uses to meet the needs of waterborne commerce, facilitate the revitalization of the city's central waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve elements of historic and cultural significance and protect ecological functions.” 23.60A.220.D.8

The museum is not economically viable and does not further the goals of the UH environment.

b. The new use is no more detrimental to ecological functions and to property in the vicinity than the existing use;

The cruise terminal at Pier 66 is more appropriate as a use adjacent to the water than the current use. The proposed change of use occurs entirely within an existing building. The proposal is thus no more harmful to ecological functions or neighboring vicinity than the present use. The

cruise terminal is a positive economic presence on the waterfront, bringing in millions of dollars to the region's economy with each ship.

c. For uses located in structures located over water:

1) First, no reasonable economic alternative exists for locating the use on the dry land portion of the lot and outside the setback to the maximum extent reasonable; and

The subject change of use in the existing building is mostly on dry land; however, a small portion of the existing space is over submerged land and within the setback. Alternatives for expanding the passenger terminal at the site outside the footprint on dry land are minimal. The exterior dry land portion of the site outside of the setback is already consumed by the existing building and exceeds lot coverage limits. The only remaining exterior dry land area is a small parking and loading area on the street side of the building. Expansion of the building into this area would be theoretically feasible, but not economically reasonable as cost to the project costs would roughly double. Further, expansion of the building into this area would not be code compliant as it would exceed lot coverage limits (cause the site to be virtually 100% covered on the dry land side), requiring a shoreline variance to allow the expansion.

Most areas within the building that are outside of the setback are either already committed to passenger terminal functions or are tied up by other tenants. The museum space is the only area in the building available for use by the cruise terminal. Of the alternatives available, locating the passenger terminal inside of the building in the museum space, with only a small portion overwater, is the most economically reasonable option, with no lot coverage or bulk and scale impacts.

2) Second, no reasonable economic alternative exists for locating the use on the dry land portion of the lot to the maximum extent reasonable; and

Passenger terminal use is already located on the dry land portion of the lot to the maximum extent reasonable. There is no more available space the dry land portion of the lot.

d. For uses in structures located within the required shoreline setback no reasonable alternative exists for locating the use wholly outside of the setback; if the use cannot be located wholly outside the setback it shall be located outside the setback to the maximum extent reasonable.

The proposal is located outside of the setback to the maximum extent feasible. Use of the building within the setback is needed in order to accommodate passengers approaching the gangways which lead to and from the ship. The proposal is located in an existing building that is already in the setback.

2. If the Director determines that a nonconforming use in a structure over water and/or within the required setback may be changed, the Director shall require the applicant to provide an area of ecological restoration equivalent to the gross floor area of the use that is nonconforming.

The Port of Seattle will provide ecological restoration consistent with this requirement prior to building permit final for this project, as conditioned below.

3. *The area converted to passenger terminal use will retain its nonconforming use for the purpose of SMC 23.60A.122.A through 23.60A.122.D.*

SMC 23.60A.034

A. The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:

1. *Complies with the criteria in WAC 173-27-160 and the Shoreline Policies in the Comprehensive Plan;*

The Shoreline Policies support the retention and expansion of water-dependent businesses (LU 254) and passenger terminals (LU 257). The SMC 23.60A.220.D.8 encourages economically viable water-dependent uses to meet the needs of waterborne commerce, and to facilitate the revitalization of Downtown's waterfront. See responses to WAC 173-27-160 criteria below.

2. *Complies with standards in Section 23.60A.030;*

Complies. See above.

3. *Complies with all additional shoreline conditional use criteria in this Chapter 23.60A for the specific use or shoreline modification listed as a shoreline conditional use; and*

Complies. See above.

4. *Can achieve no net loss of ecological functions, unless the applicant obtains a variance from this requirement under subsection 23.60A.036.C.*

There is no degradation of habitat associated with the proposal. The proposed use occurs inside of an existing building and the project does not result in any increase in overwater coverage.

WAC 173-27-160 Criteria Responses

(1) 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;

The proposal is consistent with RCW 90.58.20 and the master program which aims to preserve and protect existing shorelines. The proposed use overwater (2,587 sf) is a small percentage of the overall development. The proposal as conditioned complies with all applicable development standards of the Ch. 23.60.A.

(b) That the proposed use will not interfere with the normal public use of public shorelines;

The proposed change of use involves interior alterations only and will not interfere with public use of the shoreline. The site provides more than the required shoreline public access at the adjacent Bell Harbor Marina. Ample views to Elliott Bay will be maintained.

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 consistent with the area's mix of uses, which contains water-related and water dependent uses, as well as entertainment, retail, residential, hotel, and passenger terminal (Clipper).

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

The proposal is located interior to an existing building. The proposal has met all zoning and environmental standards, and is subject to construction best practices to prevent adverse construction contingencies. The project as proposed will cause no significant adverse effect to the shoreline environment in which it is located.

(e) That the public interest suffers no substantial detrimental effect.

The public interest will be served by the improvements to improve the efficiency of cruise loading and unloading and security processes. The improvements will largely eliminate the need for passenger queuing on the City sidewalk, thus improving public and pedestrian safety on Alaskan Way.

(2) 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. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Passenger terminal use requires a waterfront location. The four block segment of Alaskan Way extends between Wall Street on the north and Lenora Street (vacated) to the south. The waterfront lots in this stretch are zoned DH1/45' and within the UH shoreline overlay. Except for the subject site, the area is generally built out with newer structures or older substantial buildings. Their uses include water related office, hotel, marina, entertainment, and restaurant. All waterfront parcels in the vicinity have already been built out. Therefore, it is unlikely that other sites will be similarly developed in the area due to the unavailability of land for such development. The proposal at the subject site remains consistent with the policies of RCW 90.58.020 and shall not, as discussed earlier, produce substantial adverse effects to the shoreline environment.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

As provided herein the proposal meets the requirements of this section as well as the requirements for conditional uses in the master program.

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

Not applicable.

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 23.60A 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.

Conclusion – Shoreline Substantial Development Permit

The proposed shoreline substantial development permit is **CONDITIONALLY GRANTED**. Shoreline Substantial Development condition is listed below.

ANALYSIS - SEPA

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by the Port of Seattle. The applicant submitted an environmental checklist and threshold determination for this project dated October 29, 2015. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Seattle Department of Construction and Inspections with the review of similar projects form the basis for this analysis and SEPA conditioning.

The Department 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 the Port'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

Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. The project will not result in any permanent increase in overwater coverage. A traffic report was prepared for the project for Port of Seattle by Heffron Transportation (Draft Transportation Analysis. Pier 66 Cruise Terminal) dated Oct. 9, 2015. The project will not add or eliminate parking spaces. Parking demand generated by the terminal employees is not expected to change due to the proposed project. Planned service by a 4,500-passenger ship at the terminal would add fewer than 10 vehicles during the peak hours to Alaskan Way, according to the transportation analysis.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the City's SEPA Conditioning Authority (SMC 25.05.660).

Conclusion - SEPA

Environmental impacts for the proposal were identified and analyzed in the SEPA Checklist and DNS issued by Port of Seattle. While Seattle DCI has the authority to mitigate impacts pursuant to the city's SEPA practices, existing City codes and regulations are adequate to achieve sufficient mitigation for the proposal's environmental impacts. No additional SEPA conditions are required.

SHORELINE CONDITIONS

Prior to Building Permit Final

1. The Port of Seattle shall provide ecological restoration as determined by Director per SMC 23.60A.122.D with respect to the gross floor area of non-conforming use (2,587 square feet) that will result due to this project.

Ben Perkowski, Senior Land Use Planner
Department of Construction and Inspections

Date: March 14, 2016

BP:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.