



City of Seattle

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Department of Planning and Development
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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003763
Applicant Name: David Kehle for Ballard Land Management
Address of Proposal: 4126 9th Avenue NW

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of a two-story 38,794 square foot minor vessel repair building with accessory office and storage. Surface parking for 36 vehicles to be provided on site. Project includes the demolition of two existing commercial structures.

The following Master Use Permit components are required:

Shoreline Substantial Development Permit (SMC Chapter 23.60.840) to allow construction within the Urban Industrial (UI) Shoreline Environment

SEPA - Environmental Determination - (SMC Chapter 25.05)

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

*Early Notice DNS was published January 30, 2006.

BACKGROUND DATA

Site

The subject parcel, situated between the Ballard and Fremont neighborhoods of Northwest Seattle, is 2.5 acres (110,330 square feet) and is part of a marine dry dock. The subject site is irregularly shaped with the southern portion fronting on the waters of the Lake Washington Ship Canal. Zoning on this site is General Industrial (IG1/U-65), with a 65-foot height limit. A portion of the site also lies within a designated shoreline environment, Urban Industrial (UI), with a 35-foot limit that can extend to 55' when accessory to water-related uses. Currently, the site is developed with four structures, two of which will remain.

Vicinity

Development surrounding this site consists mainly of marine-related industrial uses, with the exception of the Fred Meyer retail store to the north of the subject site. The site is bounded to the southwest by the waters of the Lake Washington Ship Canal. To the north is NW 42nd Street, which runs east west and separates this zone from the more intensive IG2 U/65 zone to the north across the street. This more intensive zone also abuts the subject site to the east. Access to the site may be from 9th Avenue NW from the north or NW 42nd Street from the east. Both of these streets, however, terminate at their point of intersection forming an L-shaped road.

Proposal

The applicant proposes to construct a two-story, L-shaped 38,794 square foot marine retail sales and services use, specifically for minor vessel repair with accessory office and storage uses, as well as administrative office uses. The proposed structure is located towards the northeastern corner of the subject site. Approximately 16,824 square feet (the first floor) will be designated to vessel repair. The second floor will contain approximately 2,000 square feet of office use accessory to minor vessel repair, 14,447 square feet for office use and an associated 5,523 square feet of storage use at the mezzanine level. The proposed marine sales and service use is permitted outright in the General Industrial and Urban Industrial Shoreline zones. The administrative office uses, located on the second floor, are located outside of the shoreline zone and are permitted outright in the General Industrial zone.

Two existing single-story structures will remain on the site; one contains 3,321 square feet of vessel repair and the other containing 6,854 square feet of a machine shop. The project includes the demolition of two existing commercial structures (11,000 square feet) and relocation of a 3,200 square foot repair shop. Surface parking for 36 vehicles to be provided on site. The proposed structure reaches a maximum height of 40 feet.

Public Comment

No comments were received during the public comment period, which ended on February 28, 2006.

Other Agency Comment

The State Department of Ecology has reviewed the proposal and offered the following comment: Coverage under the General Boatyard National Pollutant Discharge Elimination System Permit is required unless boatyard activities are conducted exclusively indoors.

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.*

A. RCW Chapter 90.58

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 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 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 proposed building has been designed and mitigated to ensure minimum impact to the public health, land, and the waters of the state, and their aquatic life. The location and the design of the building 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 policies and procedures outlined in RCW 90.58.

B. SSMP 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 SSMP 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SSMP 23.60.064).

The proposal is subject to the Shoreline Policies of the Seattle Shoreline Management Program (SSMP) 23.60.004, because the site is located within the shoreline district and the cost of the project exceeds \$2,500. Additionally, the applicant must show that the proposal meets the criteria and development standards for the shoreline environment in which the site is located (SSMP Section 23.60.090); any applicable special approval criteria; general development standards; and the development standards for specific uses.

The purpose of the UI Environment is to provide efficient use of industrial shorelines for water-dependent and water-related industrial uses. The code allows marine retail sales and services uses, including the proposed minor vessel repair use, as permitted outright as the principal use on an upland lot within the Urban Industrial (UI) Shoreline Environment (SSMP 23.60.840).

The proposed project includes accessory office use, which is incidental to a permitted use, only if clearly incidental and necessary for the operation of a permitted principal use (SMC 23.60.092.B). The proposed use will include the same building tenants that currently occupy the existing buildings. These tenants include three fishing companies, a ship repair business and a marine electrical contractor. These uses shall be considered water-related uses as defined by SSMP 23.60.944. The office uses which are accessory to the water-related uses and affiliated with the existing tenants, to be relocated within the proposed structure, have been located within those portions of the building which lie within the shoreline designation.

Marine retail sales and services must meet the development standards for the UI Environment (SSMP 23.60.870), as well as the general development standards for all shoreline environments (SSMP 23.60.600). Additionally, the proposed project must also meet the development standards of the underlying General Industrial (IG1 U/65) zone (SMC 23.50.015). The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SSMP 23.60.064).

SMC 23.60.152 - General Development Standards

These general standards apply to all uses in the shoreline environments. The standards require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses shall minimize any increase 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. All development and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas.

The project proposal will be consistent with these development standards for the following reasons: The Stormwater, Grading and Drainage Control Code regulates new development and land-disturbing activities and requires best management practices be used to accomplish the control of erosion and the transport of sediment from the site by mulching, matting and/or the use of silt fences; permanent stabilization of exposed soils that are not being actively worked by the installation of permanent vegetative cover and/or installation of slope protective materials; and, the control of the introduction of contaminants and pollutants, and reduction and treatment of contaminants in City systems by the regular cleaning of catch basins, gravel truck loading and heavy equipment areas, sweeping, and maintaining erosion control protective features. A drainage control plan and grading plan, prepared by a licensed civil engineer in accordance with standards adopted by the Director of Planning and Development (DPD), are required with submittal of the building permit. The proposal will not require any work within the waters of Puget Sound.

SMC 23.60.870 - Development Standards for UI Environment

All development must conform to the development standards in the UI Shoreline Environment. The proposal meets the maximum height permitted on upland lots as determined by the Official Land Use Map, which allows a maximum height of 55 feet. Structures accessory to a water-dependent or water-related use...which require additional height because of intended use may be authorized by the Director up to fifty-five (55) feet in the Ship Canal...when the views of a substantial number of upland residences would not be blocked by the increased height (SMC

23.60.872.B2). The proposed structure reaches a height of 40 feet including a pitched roof. Due to the location of the proposal relative to upland residences, the Director has determined that the additional five feet in height may be permitted.

The new building will occupy approximately 24 percent of the lot and the UI Environment allows structures to occupy up to 100 percent of an upland lot. A minimum view corridor is not required for a waterfront lot developed with water-related uses. A 60-foot setback from the water's edge is required. The existing wood shop structure, which is to remain, is 65 feet from the water's edge, while the proposed structure, at its closet point, is 46 feet, six inches from the water's edge (Ship Canal). Regulated public access is not required for the proposed water-related use located on private property. The proposal, as designed, meets the development standards of the UI Environment.

SMC 23.50.015 - Industrial Development Standards

The project proposal must meet the development standards of the underlying General Industrial 1 zone. The development proposal has been reviewed by a Land Use Plans Examiner who has determined the project complies with the required development standards. The proposal meets the 65-foot height, setback, screening and landscaping, venting, odor, glare and access standards.

C. WAC Chapter 173-27

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 SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Conclusion

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

The project as proposed meets the specific standards for development in the Urban Industrial Environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, and 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 to specific development standards of the underlying zone, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal, is hereby approved. Thus, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 5, 2006. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic due to construction-related vehicles, and increased noise during construction. Due to the temporary nature and limited scope of these impacts, they are not considered to be significant (SMC 25.05.794).

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates new development and land-disturbing activities and requires best management practices be used to accomplish the following: control of erosion and the transport of sediment from the site by mulching, matting and/or the use of silt fences; permanent stabilization of exposed soils that are not being actively worked by the installation of permanent vegetative cover and/or installation of slope protective materials; and, the control of the introduction of contaminants and pollutants, and reduction and treatment of contaminants in City systems by the regular cleaning of catch basins, gravel truck loading and heavy equipment areas, sweeping, and maintaining erosion control protective features. A drainage control plan and grading plan, prepared by a licensed civil engineer in accordance with standards adopted by the Director of DPD, is required with submittal of the building permit(s).

Title 15, Street and Sidewalk Use, regulates construction activities within the public right-of-way. In addition, compliance with the Building Code which regulates construction measures in general; the Energy Code which requires energy conservation measures; and the Noise Ordinance which regulates construction noise, will, with the exception of construction impacts, reduce or eliminate short-term impacts to the environment to the extent that they will be sufficient without conditioning pursuant to SEPA policies. Further analysis and/or conditioning of some of the short-term impacts are warranted.

Construction Impacts

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during earth moving activities. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the debris from the demolished structures will be removed from the site. During this removal, a single-loaded truck will hold approximately 10 cubic yards of material. This will require approximately 42 truckloads to remove approximately 420 cubic yards of material. This impact is minimal; therefore no further mitigation is warranted.

Erosion impacts during project construction will be mitigated by the use of best management practices specified in the temporary erosion and sedimentation control plan for the project, as required by the City of Seattle's Stormwater, Grading, and Drainage Control Code. Typical practices include those measures that minimize the amount of soil exposed to wind and water action, as well as construction practices that control sediment and surface water discharge onto steep slopes. These measures include control of drainage, sediment control practices such as filter fabric fences and temporary sedimentation ponds. Best management practices include the use of facilities such as temporary sedimentation basins, silt fences, diversion dikes, catch basin filters, etc. to prevent the sediment from entering the downstream surface water system. Other practices include seeding, mulching and plastic sheeting. The City's Stormwater, Grading and Drainage Control Code provides for adequate mitigation during site preparation and therefore no further mitigation is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope. Several adopted Codes and Ordinances and other agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. The potentially most adverse long-term impact is a decrease in available parking in the area. Further analysis and/or conditioning of some impacts are warranted.

Parking

SEPA Policy SMC 25.05.675M provides the authority to mitigate the impact of development on parking availability in this zone. Applying the 3RD Generation Institute of Transportation Engineers (ITE) Parking Generation Manual to a project with the proposed manufacturing and light industrial uses would result in an average parking rate of 1.48 spaces per 1,000 square feet. The project proposal will have 36 on-site parking spaces.

Use	Use Per ITE Land Use	Independent Variable (sf)	Parking Generation Rate (per 1,000 sf)	Parking Demand	15% Reduction	Parking Provided	Spillover
Existing	Industrial Park (ITE 130)	21,498 sf	1.27	27	23	22 spaces	1
Proposed	Industrial Park (ITE 130)	38,794 sf	1.27	49	42	36 spaces	6

In urban areas served by transit, the total expected parking demand may be reduced by trips made via carpooling, public transportation or other means of non-vehicular transport. Typically 85% of the total parking generation for a given development is associated with vehicular trips made by single-occupancy vehicles. Reducing the estimated 27 space parking demand for the existing development by 15% results in a net parking demand of 23spaces. Reducing the estimated parking demand for the proposed development by 15% results in a decreased parking demand of 42 spaces. The existing parking area includes 22 parking spaces resulting in a spillover of approximately one space onto the surrounding street system. The proposed parking area can accommodate parking for 36 vehicles. Subtracting the proposed parking from the expected parking demand results in a parking spillover of six spaces. Therefore, the spillover from the existing use will increase by five spaces as a result of the proposed use. A total net spillover of five parking spaces in this zone is not considered an adverse impact. Therefore no parking related mitigation is required.

Traffic

Vehicular access to the building will be from 9th Avenue NW and Eighth Avenue NW. An analysis estimating the trip generation for the existing use at the site was calculated in order to determine the net new trips generated from the site. Trip generation information was calculated using average weekday and PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation*. For the minor vessel repair portion of the proposed development, trip generation rates associated with ITE Land Use Code 130, Industrial Park was used. The results of the trip generation calculations are shown in the Table below.

Use	Use Per ITE Land Use	Independent Variable (sf)	Trip Generation Rate (per 1,000 sf)	Trips Generated	Peak Hour Trips
Existing	Industrial Park (ITE 130)	21,498 sf	6.96	150	20
Proposed	Industrial Park (ITE 130)	38,794 sf	6.96	270	35

The trip generation estimate for the existing site use per the ITE is estimated to be 150 daily trips and includes 20 PM peak hour trips. The proposal is estimated to generate 270 daily trips, which includes 35 PM peak hour trips. The net vehicular impact to the adjacent street system with the new development is an increase of approximately 120 daily trips and 15 PM peak hour trips. Increasing the total daily trips and PM peak traffic by the amount associated with the proposed use would not change the general conclusion that the proposed project does not produce any traffic impact requiring mitigation. Consequently, no conditioning or mitigation pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

