



City of Seattle

Gregory J. Nickels, Mayor
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: 2503196
Applicant Name: Jennifer Grant for the Port of Seattle
Address of Proposal: 6020 West Marginal Way SW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit for rehabilitation and replacement of 1,200 lineal feet of cargo loading pier at existing Marine Cargo Terminal (Terminal 115). Project includes installation of two steel loading ramps. Existing administrative office to be removed (Bldg. I.D. #A5). A Determination of Non-Significance was prepared by the Port of Seattle.

Seattle Municipal Code (SMC) requires the following approvals:

Shoreline Substantial Development Permit - To allow development in an existing cargo terminal in an Urban Industrial (UI) shoreline environment.
(SMC 23.60.020 and 23.60.840 B)

SEPA - For conditioning only. (Chapter 25.05 Seattle Municipal Code)

SEPA DETERMINATION: [] Exempt [X] DNS¹ [] MDNS [] EIS

[] DNS with conditions

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

¹ The Port of Seattle has acted as lead agency and issued its SEPA threshold determination on April 11th, 2005.

BACKGROUND DATA

Site and Vicinity Description

The Terminal 115 project site is located on the west shoreline of the Duwamish Waterway, between river mile 2.1 and 2.4. It includes approximately 98 acres of marine cargo handling facilities. The street address is 6020-6730 West Marginal Way Southwest, in Seattle.

Terminal 115 is currently occupied by Northland Services, which primarily services container barges. The site is relatively level, paved with asphalt, and used for transportation and storage of shipping containers. Several small structures are located at various locations throughout the site. The existing apron is approximately 1,200 feet long. The closest structure to the apron is a two-story office building (No. A-5), located at about Station 7+30. One loading ramp is located at the south end of the apron, and two additional loading ramps were constructed along the apron in 2003.

Terminal 115 is composed of three main service areas, which include: 1) a concrete pier used to serve ship and barge cargoes; 2) finger pier area within the mid-section designed for barge cargo transshipment; and 3) T-dock are used for transferring seafood products.

Terminal 115 is one of six principal marine cargo facilities container cargo terminals located in industrial shoreline area in south Elliott Bay.

The property is within an Urban Industrial (UI) shoreline environment and an underlying General Industrial 1 (IG1) zone with an 85-ft height limit (IG1 U/85' UI).

Proposed Project

The Port of Seattle's marine facility at Terminal 115 proposes the restoration of the marine cargo load bearing capacity in limited portions of the 1200 foot bng concrete pier, installation of a third steel loading ramp at the south end of the concrete pier and replacement of the creosote fender piling systems in each of the pier repair areas with a steel piling fender system, and the use of grated horizontal decking.

The Port is proposing to remove five sections of the existing pier, extending from the shoreline bulkhead to the water ward fender line, and replace the demolished sections with new concrete piling and deck construction. Demolition at the north edge of the north loading ramp includes a 38 foot wide pier section. Demolition at the south side of the north loading ramp and on each side of the recently completed loading ramp in the middle of the pier will include removal of dock sections 58 feet in width. A section of concrete pier up to 155 wide will be removed at the south end of the existing concrete pier. Demolition would entail removal of all pier deck and piling structures, including creosote fender piling, extending from the existing shoreline bulkhead to the water ward edge of the pier. Up to 260, 16.5 inch diameter octagonal vertical concrete structural piling and up to 35, 16.5 inch diameter batter piling would be broken at the level of the existing under-pier rip rap slope or extracted. Up to 40 existing creosote fender

piling would be extracted and a clean sand cap six inches deep and five feet in diameter would be applied to the footprint of the extracted fender piling. A total of up to 15 cubic yards of sand cap fill would be applied in place of the extracted creosote fender piling.

The overall width of the existing concrete pier deck and continuous treated timber fender systems is 105 feet, 8 inches. The over water dimension of the concrete pier is 103 feet, 8 inches. The over water dimensions of the existing concrete cargo pier includes area extending from the Mean Higher High Water elevation at the existing vertical sheet piling bulkhead to the water ward margin of the creosote timber fender system. A total of up to 38,100 square feet of over-water concrete pier area will be removed.

Demolished sections of concrete cargo pier will be replaced with new concrete structural piling. Up to 250, 24 inch diameter concrete piling and ten, 24 inch diameter, galvanized steel batter piling would be placed in the existing rip rap slope, followed by installation of new concrete pier deck panels. The replacement concrete pier sections will be of sufficient load bearing capacity to accommodate marshalling of heavy cargo and use by cargo loading equipment. Remaining areas of the existing pier will not be repaired and will continue to be used for cargo operations with reduced weight requirements.

The repaired sections of the concrete cargo pier will receive steel fender piling and horizontal fender grating deck as an alternative to the existing creosote and ACZA piling fender system. Extracted treated wood fender piling and continuous horizontal treated wood fender decking connecting the fender piling will be replaced with up to 25 new, 24 inch diameter galvanized steel fender piling. The existing creosote timber fender systems is 2 feet, 8 inches (32 inches) in width, measured from the water ward edge of the concrete pier to the outer edge of the fender system. The replacement steel fender piling system measures 3 feet, 8 inches (44 inches) wide. The replacement steel fender system is 12 inches wider. Please note that the horizontal fender surface will consist of steel grating as an alternative to continuous steel plate, allowing for light penetration. In addition, the water ward edge of the replacement pier sections will be co-liner with adjacent pier area. The replacement pier sections will not add to the over water dimension of the pier and the area of solid surface over water coverage will diminish due to use of light passing steel grate horizontal fender plates.

Following removal of 158 linear feet of deteriorated concrete pier at the south end of the 1200 foot long cargo pier, two strengthened pier sections will be constructed measuring a total of 123 linear feet. A 32 foot wide gap will separate the repaired concrete pier sections. A steel loading ramp, 22 feet wide and 106 feet long, is proposed for this section of pier, connecting the existing bulkhead with the water ward edge of the pier. The bulkhead hinge-point for the loading ramp will be strengthened with the addition of two, 24 inch diameter, galvanized steel pipe piling installed water ward of the bulkhead. The proposed steel loading ramp will be identical to the two previously permitted and constructed barge loading ramps in the middle and north portions of the 1200 feet long pier. The functions of the steel loading ramp would be for transshipment of barge cargo, identical to the previously approved ramp structures.

No dredging or fill other than placement of clean sand cap material in sub-tidal locations, or alternations of existing bank line areas is proposed.

Public Comments

No comment letters were received during the comment period that ended on April 7th, 2005.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

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 seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting 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 proposed improvements to Terminal 115 would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued operation of a facility that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW 90.58.

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 ensuring 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. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. 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 which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as a waterfront lot (SMC 23.60.924) which is located within an Urban Industrial (UI) shoreline environment. The proposed improvements are associated with a water-dependent or water-related cargo terminal and as such are a permitted use in the UI shoreline environment and the underlying IG1 85' zone.

Shoreline Policies

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The policies support the retention and expansion of existing water-dependent businesses, and planning for the creation of new developments in areas now dedicated to such use (please refer to Land Use Policies L339 and L342). An area objective for the Duwamish Waterway is to preserve the statewide interest and port uses in this area where such uses are already concentrated while also protecting migratory fish routes (please refer to Area Objectives for Shorelines of Statewide Significance, Policy L354 1d). The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60.220 C11 is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses such as this facility at Terminal 115.

The proposed improvements to Terminal 115 would facilitate the continued and enhanced operation of a water-dependent or water-related cargo handling facility, a use supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan. The restoration of the concrete pier, and installation of the third steel loading ramp and replacement of the three timber finger piers with a single concrete piling supported dock and steel loading ramp will improve cargo handling efficiency and enhance worker safety.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable

water quality management programs and regulatory agencies. Best management practices such as... ..fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed and as conditioned below, the project complies with the above shoreline development standards. As conditioned, the short-term construction related activities should have minimal effects on migratory fish routes and do not warrant further conditioning.

The proposal is subject to a Hydraulics Project Approval (HPA) permit from the Washington State Department of Fisheries and Wildlife.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort DPD developed a Director's Rule 2000-16, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the extent of the proposed work associated with the removal of the concrete pier deck and underlying pilings and the installation of the loading ramps, the potential exists for impacts to Puget Sound during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

SMC 23.60.840 – Development standards for the UI Environment

The proposal conforms to all of the development standards for the UI environment.

Conclusion

SMC Section 23.60.064 E 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 (State policy and legislative findings).

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.

Thus, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

ANALYSIS - SEPA (for conditions only)

The applicant submitted an environmental checklist dated March 22, 2005 and threshold determination for this project dated April 11, 2005. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Department with the review of similar projects form the basis for this analysis and decision.

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased dust levels associated with grading and demolition activities; increased noise levels; occasional disruption of adjacent vehicular traffic, and small increase in traffic and parking impacts due to construction workers' vehicles. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Stormwater, Grading and Drainage Control code and Street Use ordinance, and mitigating measures described above pursuant to the Shoreline Master Program) applicable to the project. Since the proposal site is located in a commercial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

DPD's Building Plans Examiner and Geotechnical Engineer—will review the construction plans for stability and soils considerations and may require additional soils-related information, make recommendations; require declarations, covenants, and bonds as necessary in accordance with Director's Rule 3-94 prior to issuance of the Master Use Permit. Assuming successful implementation of stabilization measures approved by the DPD geotechnical review, the project will not significantly increase the risk of land instability and no mitigation is warranted.

CONDITIONS - SHORELINE

Prior to Issuance of the Building Permit

1. Submit a completed drainage control plan that complies with SMC 22.802.020 B2d and Director's Rule 2000-16, (Category 2) BMPs for Construction Erosion and Sedimentation Control Plans. Adherence to the measures outlined in the attachment shall mitigate erosion and sedimentation impacts to Puget Sound.

During Construction

2. Best Management Practices shall be employed to prevent debris from entering the water during construction and debris shall be removed promptly if it does enter the water.
3. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.
4. Piling to be removed shall be completely removed, if piles break during removal, the piling shall be cut 2-ft below the mudline and the depressions in the substrate created by the removal of the piling shall be filled with clean native substrate that is of the same size and type of the existing substrate. And a sufficient cap of clean native substrate shall be placed to prevent creosote from leaching into the water.
3. Pilings, piling stubs, and associated sediments shall be contained on a barge. A barrier such as hay or straw bales and/or filter fabric shall be placed around the perimeter of the barge to contain this material and reduce the amount of and filter the runoff, from the creosote pilings and sediment, into the aquatic environment. Used hay or straw bales and filter fabric shall be disposed of in the appropriate upland facility.
4. An oil containment boom shall be employed during all the proposed work activities. The boom shall serve to collect any floating debris, which may result from the fender pile removal. Oil absorbent materials shall be employed if floating oil sheen is observed. The boom shall remain in place until all oily material and floating debris have been collected and sheens dissipate. Used absorbents material shall be disposed in the appropriate upland facility.
5. All inlets and catchments shall be protected to prevent any concrete material from entering waters of the Puget Sound.
6. All creosote pile shall be cut into 4-ft sections and along with any pile stubs and associated sediments shall be disposed of in a landfill which meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.

7. A Spill Prevention, Control and Countermeasures (SPCC) Plan shall be prepared and include the following information:
 - Identification of potential spill sources at the site.
 - Description of responsive actions, including notification and reporting procedures, in the event of a spill or release of hazardous material.
 - Description of personnel responsibilities, project site security, site inspections and training of appropriate personnel.
 - Description of the measures that will be taken to prevent the release or spread of hazardous materials, either found on site and encountered during construction but not identified in contract documents, or any hazardous materials that the contractor stores, uses or generates on the construction site during construction activities. These items shall include but are not limited to gasoline, oils, and chemicals. Hazardous materials are defined in RCW 70.150.010 under "hazardous substance".
8. The appropriate equipment and material for hazardous material clean up shall be kept at the site.
9. All disposed materials must be deposited in a landfill, which meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.

CONDITIONS - SEPA

None.

Signature: _____ (signature on file) Date: July 20, 2006

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