



neighborhoods of Queen Anne Hill to the east and Magnolia bluff to the west. The property is within an Urban Industrial (UI) shoreline environment and is zoned General Industrial I with a 45-foot height limit (IG-1/U45).

Terminal 91 is the Port's largest and most diversified marine terminal, covering approximately 215 acres (including aquatic area) with approximately 9,200 lineal feet of deep-water moorage. Existing tenants and operations currently employ approximately 2,000 persons with seasonal variations. Terminal 91 supports a high-value and high-employment cargo handling facility for fruit, automobiles and fish products; serving as the West Coasts premier factory trawler homeport and support facility; with major cold storage warehouses, distribution and seafood processing plant; an industrial marine fuel distribution facility; and short and long-term moorage for tugs and other large vessels. Upland from Terminal 91 is a storage yard area north of the Garfield Street (Magnolia) Bridge. Surrounding the perimeter of the terminal and the Smith Cove Waterway is a bicycle pathway.



**Figure 1.** Berths C & D of Pier 91  
At Terminal 91, circa 1999.

Surrounding uses include the Elliot Bay Marina to the west, commercial and industrial uses to the east along both 16<sup>th</sup> Avenue West and Elliott Avenue; Burlington Northern rail yards, the National Guard Armory, and the Interbay golf course to the north; Elliott Bay Park is to the south.

### Project Description

**Current Proposal** - The Port of Seattle proposes to construct a facility for custom fabrication of fish processing equipment on Pier 91 at Terminal 91 and to upgrade utilities on the pier to support current maritime uses, vessel support, and future maritime uses on the pier.

The fabrication facility will be a new approximately 160-foot by 312.5-foot by 45-foot high pre-engineered steel building located at the north end of Pier 91. The building floor will be a 6-inch reinforced concrete slab on spread footings. The new building will contain 48,600 square feet of enclosed manufacturing floor. In addition, the first level will include an entry lobby, storage and breakroom. On the south side of the manufacturing space, there will be a mezzanine providing office space for the fabrication support personnel. The mezzanine will consist of two levels with 4,400 square feet (net) of office space on each level. Parking on the site will consist of a 71 space paved parking area for employees adjacent to the new building. No parking is proposed over water.

Fabrication of custom fish processing equipment will occur within the new building. Staging and installation of the processing equipment will occur on vessels moored adjacent to the building on Pier 91. No in-water construction is required for the project.

A new utility corridor will be constructed along the entire length of the west side of Pier 91 and within the Short Fill area (the area between Pier 91 and the West Garfield Street viaduct). The following utilities will be upgraded and extended within the utility corridor: water mains for potable water and fire protection, sanitary sewer (including up to 2 new lift stations), storm sewer, natural gas, electric/power/duct banks (including up to 2 new electric substations), and telecommunication lines. Branch mains and connection from the new utility corridor to existing utilities will also be made. The utilities will support the new general manufacturing building as well as future maritime development on Pier 91 and on the Short Fill.

### **Construction**

Construction Staging – A construction storage and lay down area will be provided for the contractor's use near the project site, on Port property, for the duration of the work. Space will also be provided for the contractor to locate a temporary construction office trailer. Utility connections to the trailer and job site will be temporary and connected only if required. Construction material will be delivered to and removed from the site via existing roadways.

Construction Schedule – Construction is expected to begin in the fall of 2005 and be completed by September of 2006.

### **Public Comment**

The public comment period closed October 7, 2005. DPD received no comments related to the proposal.

### **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 Pier 91 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) and located within an Urban Industrial (UI) shoreline environment. The proposed improvements are associated with a general manufacturing facility and as such are a permitted use in the UI shoreline environment and the underlying IG-1 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 and encourage the establishment of water-dependent and water-related uses on Pier 91 at Terminal 91 (please refer to Land Use Policies L339 and L342). An area objective for this portion of the Elliott Bay is to reserve waterfront lots for major port terminals while at the same time to protect and enhance migratory fish routes and feeding areas (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 marine facilities, such as Terminal 91.

The proposed improvements to Terminal 91 would facilitate the construction of a facility for custom fabrication of fish processing equipment to support current maritime uses, vessel support, and future maritime uses on the pier; 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 construction of a facility for custom fabrication of fish processing equipment and to upgrade utilities on the pier to support current maritime uses, vessel support, and future maritime uses on the pier will increase operational efficiency and enhanced 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 removal and installation of pilings, installation of the concrete apron and new utilities, the potential exists for impacts to Elliott Bay 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 23.60.870 – 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 July 14, 2005 and threshold determination for this project dated July 14, 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 an industrial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

Port documents indicate minor to negligible impacts related to traffic generated by construction workers and transport of materials associated with the project. Terminal 91 is served by W Garfield St (a.k.a. Magnolia Bridge), which the Seattle Department of Transportation (SDoT) classifies as a minor arterial. Construction vehicle access to Pier 91 at Terminal 91 will be via the Elliott Av W and W Galer Street entrance. Adequate capacity is available on these streets to accommodate the anticipated minimal increase in vehicular traffic associated with the proposal and no further mitigation pursuant to SEPA for this short term impact is warranted.

The construction plans will be reviewed for stability and soils considerations by DPD's Geotechnical Engineer and the Building Plans Examiner, who will also require any additional soils-related information, recommendations, 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 Elliott Bay.

#### *During Construction*

2. The owner(s) and/or responsible party(ies) shall take care to prevent debris from entering the water during demolition/construction and to remove debris promptly if it does enter the water. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.
  - a. An oil/debris containment boom should be employed during all demolition and construction activities. The boom will serve to collect any floating debris, which may result during demolition/construction. Oil absorbent materials must be employed if floating oil sheen is observed. The boom should remain in place until all oily material and floating debris have been collected and sheens dissipate. Used absorbent materials should be disposed of in an appropriate upland facility.
  - b. The appropriate equipment and material for hazardous material cleanup must be kept at the site.
3. All demolition/construction waste materials, including grading/sediment materials must be disposed of in a landfill which meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.
4. Catchbasins should be protected during demolition/construction operations to prevent any deleterious material from entering the water.

### **CONDITIONS - SEPA**

None.

Signature: (signature on file) Date: November 7, 2005  
Colin R. Vasquez, Senior Land Use Planner