



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2409588
Applicant Name: David McCraney for the Port of Seattle
Address of Proposal: 3225 East Marginal Way South, Terminal 25

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit for future construction of a refrigerated warehouse, marine operations center with surface parking for 186 vehicles in a General Industrial zone.

The following approvals are required:

- **Substantial Shoreline Development Permit**, - Chapter 23.60, Seattle Municipal Code (SMC)
- **SEPA – Conditioning Only** – Chapter 25.05, Seattle Municipal Code (SMC)*

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

*The Port of Seattle, acting as lead agency, issued a SEPA Threshold Determination on August 31, 2004.

BACKGROUND DATA

Site and Vicinity

The proposal site is the southern portion of the Port of Seattle's 42-acre, Terminal 25. The terminal is located on the east side of the East Duwamish waterway in south Seattle. Vehicle and rail access is via East Marginal Way South which, at this location, is a five-lane principal arterial. Adjacent sites are zoned IG1 and are developed with industrial uses. The proposal site

was formerly occupied by the Rainier Cold Storage building, which has recently been demolished (MUP 2400789).

The site is located in an Urban Industrial (UI) shoreline environment and is zoned General Industrial 1 with an 85-foot height limit (IG-1/U85). The site is flat, composed almost entirely of imported fill and mostly covered with concrete and asphalt.

Terminal 25 is devoted to shipping functions, involving the berthing, loading and unloading of cargo vessels, as well as the storage of cargo containers, their transfer to trucks and rail, and the warehousing of goods. A paved wharf runs the northern length of the terminal and is the interface between the dry land and the east waterway. Three, fifty foot gauge, cranes serve ships berths at the site.

Proposal Description

The applicant proposes to construct a new 355,977 square foot public refrigerated warehouse facility at the southern portion of the site to serve tenants requiring both chilling and freezing services. The warehouse will import frozen food and freezer trawler product from Washington, Alaska, and Canadian fisheries and will be positioned for the export of food products overseas.

The warehouse and the container apron area located directly north of the proposed building together will function as an integrated water-dependent food handling cold storage/trans-load facility for the transfer of food product from ship to rail or truck and food storage.

The proposal would include:

- Construction of approximately 311,630 square feet of Public Refrigerated Warehouse (Freezer, Chill and Trans-Load Dock) with a height of approximately 45-50 feet.
- A Marine Operations Center which is proposed to be a three-story structure with a total of approximately 21,000 square feet. The building will serve as the operations center of the cold storage warehouse. It will provide management offices, customer service offices, information technology and visual access to vessel loading and unloading. It will provide homeland security services for the marine import-export operation in coordination with the Customs-Trade Partnership Against Terrorism program.
- Placement of approximately 300 cubic yards of riprap fill behind the existing seawall to prevent flooding at high tide. Material would be brought in to elevate the dock area high enough for trucks and to eliminate the tidal flooding area. The project proposes to extend the riprap behind the seawall by 3 to 3.5 feet. The fill would not touch the water's edge and would be above the MHHW line.
- Construction of two new guard kiosks, one at each project site driveway entrance.
- Site fill and grading to level the grade across the project site. Up to 50,000 cubic yards of material may be imported to accomplish this grading.

- Transportation changes including moving an existing curb cut, installation of a new sidewalk along East Marginal Way South, and adding a second driveway to allow access to the site. In addition, the existing signalized Terminal 25 driveway entrance at S. Hanford Street and East Marginal Way South, will be utilized to accommodate trans-load facility operations.

Additional site improvements include construction of a new rail spur line to serve the project site in East Marginal Way South, signage, and the possible relocation of utility poles and guy wires to accommodate existing and future electrical service requirements and building construction.

Public Comments

No public comments were received during the official public comment period.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The subject property is located within the Urban Industrial, or UI Shoreline Overlay. Due to the overlay on this site and the scope of the proposed development, a Substantial Shoreline Development Permit is required, per SMC 23.60.020.

Substantial Development Permit Required

Section 23.60.020, Seattle Shoreline Master Program (SSMP), requires that a shoreline substantial development permit be obtained prior to the undertaking of any substantial development within a shoreline environment. Section 23.60.030, SMC includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

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

A. Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act. It is the policy of the state to provide for the management of its shorelines 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, as much 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 act primarily in a supportive and review

capacity, with an emphasis on insuring compliance with the policies 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, 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. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. Regulations of Chapter 23.60: Shoreline District

Chapter 23.60 of the Seattle Municipal Code implements the City's Shoreline Master Program. In evaluating requests for substantial shoreline development permits, a proposed use must meet the approval criteria set forth in SMC 23.60.030 (cited above), and be consistent with the shoreline policies established in SMC 23.60.004. Development standards of the shoreline environment and underlying zone must be considered and a determination made of any special requirements. Required mitigation measures, if any, must be identified.

SMC 23.60.064 provides authority for issuance of Shoreline Substantial Development permits as necessary to carry out the spirit and purpose of and assure compliance with SMC 23.60 and RCW 90.58. The regulations of Section 23.60.064 require that the proposed use:

- 1) *be permitted in the shoreline environment and the underlying zoning district*
- 2) *conform to all applicable development standards of both the shoreline environment and underlying zoning; and*
- 3) *satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.*

The proposed building at this site requires a shoreline substantial development permit. In evaluating an application for development, the Director may attach to the permit any conditions necessary to carry out the spirit and purpose of, and assure compliance with, this chapter and the RCW regulations (Section 23.60.064 E).

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:

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*
- 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, catch basins 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 pier head 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. Long term effects are minor and do not warrant further conditioning.

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 demolition, crane rail replacement and other construction activities, the potential exists for impacts to the Duwamish and Elliott Bay. 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.

As referenced, the site is located in the Urban Industrial Shoreline Overlay. Accordingly, the following development standards are applicable to the project:

SMC 23.60.840 – Permitted uses on waterfront lots in the UI Environment

This section permits the outright use of structures accessory to a cargo terminal. The underlying zoning for the portion of the facility in the Shoreline is in the IG1-U/85 zone. The use is permitted in this zone, per SMC 23.49.

SMC 23.60.872 –882 Development Standards

The project meets the applicable development standards.

SMC 23.60.160 – Shoreline Public Access

Shoreline public access enhancements for this site are provided consistent with the Comprehensive Public Access Plan for the Duwamish Waterway, adopted by City of Seattle in 1985. Picnicking, parking and native landscaping, a hand-carried boat launch, and interpretive information on container operations are provided at the Jack Perry Memorial Park at the north edge of the Port's Terminal 30, located immediately north of the Terminal 25 facility. These improvements have been provided at Terminal 30 since 1987.

In addition, public shoreline access opportunities on Port properties in the immediate vicinity include the T-18 Public Shoreline Access Site on Harbor Island, which includes shoreline access, landscaped areas, picnic shelters, and a hand carried boat launch, and a shoreline walkway and viewing platforms at the Harbor Island Marina Corporate Center.

C. The Provisions of Chapter 173-27 WAC

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

SMC Section 23.60.064E provides 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 23.601 and with RCW 90.58.020 (State policy and legislative findings).

The proposal is consistent with the criteria for a shoreline substantial development permit is approved.

Summary

In conclusion, the proposed construction of a refrigerated warehouse and marine operations center and related improvements for cargo load, unload and storage in the Urban Industrial (UI) Shoreline Environment will be consistent with Chapter 23.60 SMC, also known as the Seattle Shoreline Master Program and conforms to the specific standards for development in the UI shoreline environment. Conditions to minimize the project impacts pursuant to the Director's

authority to impose conditions (SSMP 23.60.064E) under Seattle's Shoreline Management Program are not required because adverse impacts to the Shoreline are not anticipated to occur.

ANALYSIS – SEPA (for conditioning only)

The applicant submitted the environmental checklist and threshold determination for this project on January 21, 2005. The information in the checklist, construction plans, the supplemental 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.

The environmental documents indicate minor to negligible impacts related to traffic generated by construction workers and transport of materials associated with the project. Terminal 25 is served by East Marginal Way South, which the Seattle Department of Transportation (SDOT) classifies as a principal arterial street. 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 environmental documents indicate that the facility will generate employee traffic at three separate shifts. These shifts would begin at roughly 6 AM, 2 PM, and 10 PM, and last for eight hours. The busiest shift will be the third, with approximately 30 employees during that time. Shift changes are not expected to occur during peak traffic hours for the surrounding roadways, and the low volumes of employees indicate that employee traffic impacts are expected to be negligible.

The project also will generate truck traffic, with about 500 daily truck trips. The third shift is expected to generate the highest volumes of truck traffic, with approximately 260 trips. Assuming these are spread roughly evenly over the eight-hour shift, truck traffic should peak with approximately 35 – 40 trips in the busiest hour. As these would occur outside the busiest times on the surrounding roadways, the truck traffic is not expected to generate appreciable impacts. As noted above, Terminal 25 is served by East Marginal Way South, a principal arterial street. No mitigation is required for the relatively small traffic volumes on this street that would be generated by employees and truck traffic accessing the new facility.

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. Assuming successful implementation of stabilization measures approved by the DPD geotechnical review, the project will not significantly increase the risk of land instability. There would be no new over-water coverage resulting from this project.

Considering the scale of the project and site, existing codes and ordinances are adequate to mitigate adverse impacts and therefore, no mitigation is warranted.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit for construction of a refrigerated warehouse and marine operations center and related improvements for cargo load, unload and storage is **GRANTED.**

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CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT

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 00-16, (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 the Duwamish waterway and Elliott Bay.

During Construction

2. The owner(s) and/or responsible party(s) shall implement the Best Management Practices in the drainage control plan, referred to above, and the measures indicated in the submitted plans and material to prevent debris and other deleterious material from entering the water during construction.
3. If debris enters the water during the construction activities this debris shall be promptly removed, stored securely on site and disposed of at an appropriate upland facility.

4. If heavy debris enters the water and sinks the location of this debris shall be noted in a log that is kept for the duration of the project. At the completion of the project a diver shall retrieve all debris that has entered the water and sunk during construction.
5. Catch basins should be protected during repaving operations to prevent any deleterious material from entering the water.

CONDITIONS – SEPA

None.

Signature: (signature on file)
Holly J. Godard, Land Use Planner
Department of Planning and Development

Date: October 3, 2005