



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

Project Number: 3033697-LU
Applicant Name: David Graves
Address of Proposal: 1222 Harbor Ave SW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development application to remove and replace existing boat ramp, associated piles and floating docks (Don Armeni Boat Ramp, Seattle Parks and Recreation).

The following approvals are required:

Shoreline Substantial Development Permit to allow development in the Conservancy Management (CM) Shoreline Environment.

Substantive SEPA Review - to conditionally approve, condition or deny pursuant to SMC 25.05.660.

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

PROPOSAL SUMMARY

Seattle Parks and Recreation is proposing to replace the existing wood floats (approximately 1869 square feet) and eight 12-inch diameter creosote-treated pilings with a new floating dock system engineered for site conditions at the Don Armeni boat ramp adjacent to Elliott Bay in West Seattle. The new docks will enable the public to launch and land boats throughout the year whereas in the past they have been more limited by the weather and the deteriorating conditions of the existing docks. The new floating docks will be fabricated off-site and fixed in place with eight new 16-inch diameter steel piles. The new concrete docks will result in an increase in overwater coverage of approximately 691 square feet, which will be mitigated by removal of overwater coverage and piling at Pier 63 (owned by Seattle Parks) along the Central Waterfront, as described in more detail in the application material and mitigation plan.

Public Comment

No public comments were received during the public comment period that ended on May 1, 2020.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section [23.60A.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: “The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:”

1. *Is consistent with the policies and procedures of RCW 90.58.020;*
2. *Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;*
3. *Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and*
4. *If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.*

These criteria are analyzed below:

1. Is consistent with the policies and procedures of RCW 90.58.020;

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 project has been reviewed by SDCI and determined to be consistent with all applicable use and development standards in the City’s Shoreline Master Program, as discussed in more detail below. The subject application is consistent with the procedures outlined in RCW [90.58](#).

2. Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;

The proposed project is a replacement and reconfiguration of an existing boat ramp in the Commercial Management (CM) Shoreline Environment (SMC 23.60A.482) and the underlying residential zone. The proposal does not constitute a change of use from the existing recreational use as a boat ramp.

3. Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted;

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 [23.60A](#) 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 and subsequent development 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 location criteria for each shoreline environment must be considered and this project was found to comply. The Shoreline Policies in the Comprehensive Plan support public access to the shoreline and shoreline recreational uses of the shoreline by the public. The purpose of the CM Environment is to “provide for water-dependent infrastructure, such as navigational locks, that provide a substantial public benefit and recreational facilities, such as marinas and parks,” which is consistent with this public boat ramp proposal. A proposal must also be consistent with the general development standards of SMC 23.60A.152, the specific standards of the applicable shoreline environments and underlying zoning designation, which is discussed below.

SMC 23.60A.152 - Development Standards for all Environments

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. Compliance with applicable codes and ordinances for construction of the project will reduce or eliminate most potential adverse long-term impacts to the shoreline environment. The applicant will implement Best Management Practices during development to ensure protection of water quality. The project will result in an overall increase in overwater coverage but a reduction in overwater coverage in the nearshore area compared to existing condition, which is critical migration habitat for salmonids, and include removal of creosote-treated piling and some light transmission in new decking to allow natural light penetration to the water below, which will benefit migrating salmonids and other aquatic species at this location. The project also includes off-site habitat mitigation to address project’s increase in overwater coverage in the form of overwater coverage and piling removal at Pier 63, also in Elliott Bay, that is owned by Seattle Parks and Recreation.

Standards for CM Shoreline Environment and the underlying zone.

The project will be located in the Conservancy Management Urban Shoreline Environment. The existing boat ramp use, which is not proposed to change with this project, is allowed in the CM Shoreline Environment per SMC 23.60A.224 and the underlying zone.

The project has been reviewed by SDCI staff and found to be consistent with all applicable development standards in the SMP, such as height, lot coverage, and setbacks, as well as standards for overwater structures in SMC 23.60A.187.

The applicant submitted an analysis of the project's consistency with applicable shoreline development standards, which is available in the project file.

4. **If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.**

The proposed project does not require a shoreline variance permit or conditional use or special use approval.

ANALYSIS – SEPA

A. Procedural SEPA

Environmental review resulting in a Threshold Determination was made by Seattle Parks and Recreation Department on October 25, 2018 as required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle-SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant. The Seattle Department of Construction and Inspections has analyzed the checklist; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency and SDCI with the review of similar projects form the basis of this analysis and decision.

B. Substantive SEPA (Seattle Department of Construction and Inspections)

The Seattle SEPA Code provides substantive authority to require mitigation of adverse environmental impacts resulting from a proposal (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may only be imposed to the extent that a given impact is attributable to a proposal, and to the extent that the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be imposed only when based on policies, plans, and regulations referenced in SMC 25.05.665 to SMC 25.05.675 (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may not be necessary.

The Seattle Department of Parks and Recreation identified short-term impacts due to construction but no long-term impacts. SDCI is conducting substantive SEPA review of the proposal to determine whether additional mitigation is warranted by the City's SEPA policies found in SMC 25.05.665-675.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship among codes, policies, and environmental review. Specific policies for specific elements 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: "[W]here 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) additional mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

As the proposed project will take place in Elliott Bay, there exists the potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) will be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work, including project specific Temporary Erosion and Sediment Control (TESC) plans. These and BMPs are described in more detail in application material, including the JARPA application. Proper implementation of construction BMPs, including conditions of Hydraulic Project Approval from Washington Department of Fish and Wildlife, are a condition of this permit.

Long-term Impacts

No change of use of this area is proposed as part of this project and compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. The overall project will result in an increase in overwater coverage, which will be mitigated with off-site removal of overwater coverage and pilings as described in the application material and mitigation plan. Aquatic habitat in this location will be improved by removal of treated piling. As proposed and conditioned below, the applicant proposes use of appropriate Best Management Practices during operation of the marina, consistent with standards in SMC 23.60A.152 and SMC 23.60A.200, for protection of aquatic habitat and water quality. No further conditioning for long-term impacts are required.

DECISION SEPA

The *environmental checklist*, technical reports, application materials, Master Use Permit plans and responses to requests for information all comprise Seattle Department of Construction and Inspection's (SDCI) record. Pursuant to SMC 25.05.600.D.1, SDCI relies on the environmental determination (*MDNS*), documents and technical reports prepared by the Parks Department in their role as lead agency. The conditions listed below are warranted as a result of SDCI's substantive SEPA review imposed based on Seattle's SEPA policies.

The proposed action is APPROVED WITH CONDITIONS.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

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

CONDITIONS – SEPA AND SHORELINE

Prior to Building Permit Issuance

- 1) Applicant shall place on building permit plans Best Management Practices for construction consistent with standards in SMC 23.60A.152.
- 2) Applicant shall place on building permit plans all conditions of approved Hydraulic Project Approval from Washington Department of Fish and Wildlife.

During Construction

- 3) Project shall be implemented consistent with appropriate Best Management Practices for protection of water quality and aquatic habitat and applicable standards in SMC 23.60A.152 as well as HPA conditions for protection of fish and wildlife.

Prior to Building Permit Final

- 4) Applicant shall provide documentation to SDCI that all overwater structures proposed to be removed and demolished have been demolished.

For the Life of the Project

- 5) Boat ramp shall be managed consistent with all applicable standards in SMC 23.60A.200 and SMC 23.60A.152.

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

Date: December 27, 2021