City of Seattle
Gregory J. Nickels, Mayor

**Department of Planning and Development**
Diane M. Sugimura, Director

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

**Application Number:** 3008056

**Applicant Name:** Matthew Blinstub

**Address of Proposal:** 901 SW Spokane St

## SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to allow a vehicular overpass over railroad lines. The proposal includes realignment of sidewalks and other street improvements in an environmentally critical area. (SDOT/Port of Seattle Terminal 104). Environmental review by the Port of Seattle.

The Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit** - To allow a vehicular overpass in an Urban Industrial (UI) shoreline environment pursuant to Seattle Municipal Code. (SMC 23.60.020 and 23.60.870)

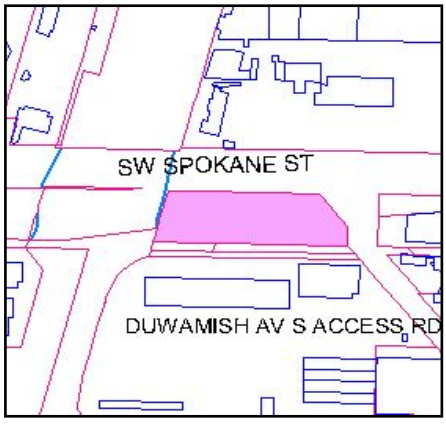
**SEPA - Environmental Determination** pursuant to SMC 25.05

**SEPA DETERMINATION**: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

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

## BACKGROUND DATA




Current use of property and existing improvements.

The project area is a major regional highway and railroad corridor. It is under the intersection of the elevated north-south SR 99 and the east-west Spokane Street Viaduct, where it intersects on the west with the West Seattle Bridge. At grade level, East Marginal Way runs north-south and S. Spokane St. runs east-west; Duwamish Ave. S. runs on a diagonal between these two arterials. Also in the project area are railroad spurs

leading to and serving Harbor Island and West Seattle. The proposed work within the 200' Shoreline District will take place on public right-of-way, and on Port property on which roadway easements already exist.

The overall East Marginal Way Grade Separation Project Site encompasses approximately 14.7 acres (AC), mostly bounded by the rights-of-way of S. Spokane Street, East Marginal Way/Alaskan Way, and Duwamish Ave. S. The acreage of the Tax Parcels on which the proposed work within the 200' Shoreline District will take place (primarily the northern portion of the Port's T104 Site, at 901 SW. Spokane St.) is approximately 2.5 AC. The actual work area within the 200' Shoreline District, however, totals less than 9,000 sq. ft. The City of Seattle owns the NW corner of T104, which is currently developed with a Park that includes a Public Parking Lot and a hand boat launch facility. No changes to the existing parking lot are proposed, though the location of the driveway entrance to the park is to be cut back several feet.

The Port demolished three buildings under Project Numbers #3006525 & #3006527, consisting of one 20,000 sq. ft. Sawdust Supply Building on TPN7666700275, at 15 S. Spokane St., and two International Belt & Rubber Supply Buildings on TPN7666700325, at 3687 & 3693 Duwamish Ave. S. (50,100 sq. ft. & 3,900 sq. ft., respectively). The W-2 warehouse building, consisting of about 20,606 sq. ft., which was located at 3629 Duwamish Ave. S. (TPN 7666700315), on the Port's Terminal 104, was approved for demolition under Permit #6091324. In terms of the 5 buildings identified for potential demolition in the applicant's SEPA DNS (Figure 9, on Page 17), this leaves only the Andrews Machinery Warehouse building at 3631-33 East Marginal Way S. However, after the project DNS was prepared, the configuration of the proposed improvements was modified slightly to eliminate the need to demolish the Andrews Machinery Warehouse building.

Site Description

The portion of the Duwamish Waterway that is adjacent to the area of work within the 200 ft. shoreline boundary is at the mouth of the Duwamish River, in the historic intertidal area that was largely filled during the 20th Century and converted to industrial use. Today, the Duwamish River flows north, and divides near SW Spokane St. into the East and West Waterways that border Harbor Island and flows into Elliott Bay. The proposed area of work is on the East shoreline of the entrance to the East Waterway. Due to the filling of the historic delta in the area, the Duwamish was channelized, and the shoreline near the area of work now consists of rock riprap slopes. The Duwamish, adjacent to the area of work, is also subject to tidal influences.

The property is within an Urban Industrial (UI) shoreline environment and is zoned General Industrial 1 with an 85-foot height limit (IG 1 U/85).

Proposed Development or Construction and the Proposed Use of the Property.

Construction of an overpass to carry vehicular traffic over railroad lines to eliminate surface traffic congestion as part of the Freight Activity Strategic (FAST) Corridor Partnership, on land owned by the Port of Seattle & SDOT. This joint City/Port Project uses contributions from the City, Port, State Transportation Improvement Bd. (TIB), Freight Mobility Strategic Investment Board (FMSIB), Federal Hwy. Authority (FHWA), & the Union Pacific & Burlington Northern

Santa Fe Railroads. Proposed work within the 200' Shoreline consists of the approach to the New Spokane St. Structure, and involves realigning sidewalk, curb & gutter; adjusting the location & elevation of the driveway entrance to an existing city park that provides a hand boat launch facility; re-paving and re-striping roads; and relocating overhead power facilities, including the construction of a wood power pole. The preliminary project plan submitted with the Pre-Application Site Visit Request in September, 2007, included the construction of a 30' X 182' Storm Drainage vault and related storm drainage pipes, manholes, and catch basins, with associated excavation, shoring, & backfilling within the 200' Shoreline District. However, subsequent discussions and negotiations with Seattle Public Utilities resulted in agreement on an alternative design and location for the Storm Drainage vault, outside of the 200' Shoreline District.

In pre-application discussions with DPD (Colin Vasquez) regarding this Shoreline Permit Application, it was made clear to the Port that Shoreline Permit Review would focus only on the proposed work within the 200' Shoreline District. Thus, City review and approval of the Storm Drainage vault (now to be located outside the 200' Shoreline District) will be via the Permit(s) required by SDOT, the approval of which will include reviews & approvals by other City Departments, including SPU. However, this Shoreline Permit does not include review & approval of the proposed Storm Drainage vault, or the remainder of the overpass structure, as the remainder of the overpass project consists of street improvements only. Therefore, because the proposed ground disturbance to construct the Storm Drainage vault is no longer to take place within the 200' Shoreline District, the subject Shoreline Permit will not include analyses of ground disturbance or review of the proposed vault.

Public Comment

Public notice of the Land Use Application was given on January 15, 2009. The public comment period ended on February 13, 2009. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000 (http://web1.seattle.gov/dpd/luib/Default.aspx).

## 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, as conditioned, to Terminal 104 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 is located within an Urban Industrial (UI) shoreline environment. The proposed improvements are associated with a major regional highway and railroad corridor and as such are a permitted use in the UI shoreline environment and the underlying General Industrial 1 (IG 1 U/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 encourage and support the retention and expansion of existing water-dependent businesses uses at Terminal 104. An area objective for this portion of the Duwamish Waterway is to encourage industrial and port uses in this area, where such uses are already concentrated, while also protecting migratory fish routes (please refer to Land Use Policies LU231 – LU270). 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. Views shall be secondary to industrial development and public access shall be provided mainly on publish lands or in conformance with an area-wide Public Access Plan.

The proposed improvements to Terminal 104 would facilitate the continued and enhanced operations of the existing marine retail sales and service uses, as supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan. Installation of the vehicular overpass over the railroad lines will enhance user safety and increase operational efficiency.

**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 to 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 installation of the vehicular

overpass, the potential exists for impacts to the Duwamish Waterway 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 Urban Industrial (UI) Environment**

The proposal conforms to all of the development standards for the Urban Industrial (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**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 10, 2004 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, 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) 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 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary construction-related impacts are expected on this site: temporary soils erosion; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to this proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation) and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliatives, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained within a temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. It is anticipated that demolition and decommissioning will take two months to complete. The impacts associated with the construction are expected to be minor and of short duration. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from grading and clearing and hydrocarbon emissions from construction vehicles and equipment; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; increases in carbon dioxide and other greenhouse gas emissions and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Environmentally Critical Areas (ECA) ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA's with identified geologic hazards. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, some impacts warrant further discussion.

*Air*

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this specific project. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

*Noise*

Noise associated with construction of the project could adversely affect surrounding uses in the area throughout the duration. Due to the proximity of the project site to these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M., Saturdays and holidays between 9:00 A.M. and 6 P.M.

DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis. As conditioned, impacts to nearby uses are considered adequately mitigated.

*Air Quality*

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles. City Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded, uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site. In addition, watering of the site and uncovered materials in trucks shall be required to reduce construction dust during grading. Federal auto emission controls will adequately mitigate air quality impacts from motor vehicles. See SMC §25.05.675 (Air Quality Policy). Lastly, to mitigate spillover onto the adjacent street systems, the wheels of construction vehicles leaving the construction site shall make provisions to wash vehicle tires, wheels and exteriors in order to prevent spillover of particulates into the adjacent rights-of-way. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

*Stormwater Runoff*

The Stormwater, Grading and Drainage Control Code provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. The project will comply with the requirements of this Code and with any conditioning imposed on the grading permit. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

*Construction (Traffic)*

Construction traffic includes trucks removing earth from the site, other construction vehicles and construction workers' vehicles. The SEPA checklist for the project states that initial estimates an excavation 29,000 cubic yards of materials, with a total quantity of fill to be 32,400 cubic yards[1]. The grading and infrastructure phase timeline has not been established and no dump truck trips appear to be required. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. The timing and duration of these closures would be coordinated with the City of Seattle to ensure minimal disruptions. The proposal will not represent a significant impact to the street system when meeting the conditions of City Code (SMC 11.62), no further mitigation is warranted.

Long-Term Impacts

Potential long-term or use impacts anticipated by this proposal include: loss of the site for commercial/industrial use(s); increased ambient noise associated with human activity and vehicular movement; minor increase in light and glare from vehicle traffic (headlights); increased parking demand due to a loss of the site for employees and visitors; and increased airborne emissions resulting from additional traffic. These long-term impacts are not considered significant because they are minor in scope.

[1] p. 7 of 50, Cut and Fill, SEPA Environmental Checklist, May 10, 2004.

*Greenhouse Gas Emissions and other Impacts*

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by conditioning.

## DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[**X**] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

## 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 Duwamish Waterway.

*During Construction*

2. The owner(s) and/or responsible party(ies) shall take care to prevent debris from entering the water during 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 containment boom should be employed during all activities. The boom will serve to collect any floating debris generated. 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 has 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 materials and associated sediments 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 and construction to prevent any deleterious material from entering the drainage system.

## CONDITIONS – SEPA

*During Construction*

5. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M., Saturdays and holidays between 9:00 A.M. and 6 P.M.

   DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis.

Signature: (signature on file) Date: February 16, 2009
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

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