



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 3010690 and 3011478 (CF # 311027)
Applicant Name: King County (Pamela Erstad)
Address of Proposal: 8953 Fauntleroy Way SW

SUMMARY OF PROPOSED ACTION

Council Land Use Action to expand and upgrade the Barton Street Pump Station (King County Wastewater Treatment) located in the western street right-of-way abutting an eastern improved roadway (Fauntleroy Way SW). Project includes the addition of a 1,760 sq. ft. one-story building and a generator structure. Project also includes temporary use of single family residence at 8923 Fauntleroy Way SW as administrative office for the duration of the project. Determination of Non-Significance has been prepared by King County.

The following approvals are required:

Council Land Use Action to allow a public facility in a single-family (SF5000) zone — pursuant to Seattle Municipal Code (SMC) 23.51A.002 C.1.

Shoreline Substantial Development Permit to allow a major expansion of a public facility in the Urban Residential (UR) environment — pursuant to SMC 23.60.550 C.1.

SEPA – for conditioning — pursuant to SMC 25.05.

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

[X]* DNS with conditions

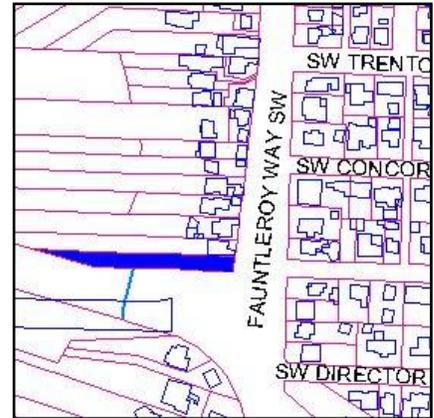
[X]* DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

*King County's Wastewater Treatment Division has acted as the lead agency and issued its SEPA threshold determination on May 27, 2010.

BACKGROUND DATA

Site Description

The site is located north of the Fauntleroy Ferry dock in West Seattle in a Single Family 5000 zone (SF 5000) and the Conservancy Recreation (CR) Urban Residential (UR) shoreline environments. The environmentally critical areas mapping shows the site located within a riparian corridor, liquefaction area, flood prone area, and the 100 foot shoreline habitat buffer. The site is located within the street right-of-way at the intersection of Fauntleroy Way SW and SW Barton Street. The site slopes down from the street and an existing pump station is located at or below grade.



Area Development

Development in the vicinity consists primarily of single family residences. Fauntleroy Way SW carries vehicle traffic to the ferry dock and the neighboring residences.

Description of Proposal

King County proposes to expand and upgrade the existing Barton Pump Station. The upgrade will include installation of a new stand-by power (“back-up”) diesel engine generator and underground diesel fuel storage tank, a new odor control system, and new raw sewage pumps, discharge piping and valve system. The existing pump station will be modified and two new partially underground rooms will be constructed to house this equipment. The proposed project will also include replacement of the pump station’s electrical and mechanical equipment; upgrade of the heating, ventilation and air condition (HVAC) system; structural modifications to raise the pump station’s operating level, reinforce existing walls and raise the roof and restoration of the street-end park damaged during the 2006 emergency repair of the Barton force main.

The proposed upgrade will improve the reliability, operability and safety of the Barton Street Pump Station and extend the useful life of the facility. The back-up generator will provide power to the pump station and the adjacent Fauntleroy ferry terminal in the event that those facilities’ primary power source fails. The new odor control system will reduce wastewater related odors in the vicinity of the pump station and make the facility safer for employees by improving ventilation in the wet well. The new valve system will connect the pump station’s two discharge pipes to two downstream force mains providing more options for managing wastewater flow. After the valve system is installed, wastewater can be routed through one force main, leaving the other force main accessible for inspection, maintenance and repair. The two new raw sewage pumps will increase the pumping capacity of the pump station from its current 26 million gallons per day (mgd) to 33 mgd, which allows optimized use of the two downstream force mains’ combined capacity to 33 mgd. The pumps will use variable frequency drives and can be operated so that they do not increase the frequency of outflow events downstream of the pump station.

The new approximately 1,760 square foot generator and odor control rooms will be constructed on the east side of the pump station. They will be bordered to the north by an existing City of Seattle 72-inch diameter storm sewer outfall pipe, the east by Fauntleroy Way SW's western sidewalk, and to the south by pump station's existing 60-inch diameter influent pipe. The generator room will house a stand-by generator and a 200-gallon diesel fuel day tank. A 2,500-gallon underground diesel fuel storage tank will be installed in the northeast corner of the pump station site. An approximately 12-foot tall fuel vent stack will be located above ground on the southeast corner of the pump station site. The odor control room will house a new odor control unit, new supply and exhaust fans, and a foul air mist eliminator.

The new approximately 495-square foot valve room will be constructed on the west side of the pump station. The room's lower level will contain the pump station's two new 24-inch diameter force mains. The room's upper level will contain electrical panels, control panels, and a restroom.

A temporary pumping system will be installed on convey sewage around the pump station's dry well when construction is being performed in those areas. The system will consist of two submersible pumps and two surface mounted back-up diesel engine driven pumps. Sewage will be pumped from the wet well and/or the pump station's influent chamber to access points in two downstream force mains located west of the pump station. It is estimated that the temporary pumping system will be required for approximately 20 months.

Electrical utility relocation will be required for the project and a temporary electrical control panel will be housed in a trailer on the project site during construction. Electrical utility relocation may be completed by Seattle City Light prior to the summer 2012.

Construction of some parts of the proposed project will require use of the north Fauntleroy Ferry Terminal access lane. Construction tasks that require use of the lane include driving sheet piles and excavating at the southeast and southwest corners of the project site, moving electrical utilities, and installing pump station anchors. Any tasks requiring continuous use of the north access lane will be performed during the ferry terminal's off-peak season to minimize impact to ferry operations and traffic.

The parcel of land immediately north of the pump station site will be used for construction staging and the house on the parcel will be used as a construction office. During construction, public access to this parcel and pump station site will be prohibited. It is anticipated that it will take 30-36 month to complete the proposed project.

A Determination of Non-Significance was prepared by King County Wastewater Treatment Division.

Notice of Application and Comment Period

Public notice of the Land Use Application was given on July 26, 2010. The public comment period ended on August 24, 2010. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

ANALYSIS — COUNCIL LAND USE ACTION

Section 23.51A.002 B. of the Seattle Municipal Code provides that *Utility Services uses may be permitted by the City Council, according to the provisions of Chapter 23.76, Procedures for Mater User Permits and Council Land Use Decisions.*

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a single-family zone. The public facility use shall be developed according to the development standards for institutions (Section 23.44.022), unless the City Council makes a determination to waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

The Barton Street Pump Station (King County Wastewater Treating) public facility already exists at this location within the single-family zone. Such facility's are essential for the protection of property and the health of the community and must be located in specific areas to adequately manage wastewater. The proposed upgrade will improve the reliability, operability and safety of the Barton Street Pump Station and extend the useful life of the facility.

C. Expansion of Uses in Public Facilities.

- 1. Major Expansion. Major expansion may be permitted to uses in public facilities allowed in subsections 23.51.002.A and B according to the same provisions described in these subsections. A major expansion of a public facility use occurs when the propose expansion would not meet development standards or would exceed 750 square feet or 10 percent of its existing area, whichever is greater, including gross floor area and areas devoted to acting outdoor uses other than parking.*

The proposed expansion would exceed 750 square feet or 10 percent of its existing area, whichever is greater, including gross floor area and areas devoted to acting outdoor uses other than parking.

The application also includes a request to temporarily use a single family residence at 8923 Fauntleroy Way SW as an administrative office accessory to the public facility for the approximately 30 to 36 month duration of the project.

Conclusion

The City Council must make a determination if it will allow the northern adjacent single-family residential structure use as an administrative office accessory to a public facility for the duration of the project. Waiving or modifying applicable development standards shall be in accordance with the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions. Since this proposal includes Type II decisions for SEPA conditioning and Shoreline Substantial Development Permit, those decisions will also be made by City Council simultaneous with the Type IV decision for the public facility per SMC 23.76.A.

RECOMMENDATION — COUNCIL APPROVALS

DPD **recommends approval** of the expansion and upgrades to the existing Barton Pump Station and for the use of the adjacent single-family residential structure as an administrative office accessory to a public facility for the duration of the project.

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.

A. The policies and procedures of Chapter 90.58 RCW;

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 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 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 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 insuring compliance with the policy 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 at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. 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.

The proposed new addition and installation of a back-up emergency generator will further the public interests of protecting the shorelines, and will not interfere with the public's use of the water. The emergency back-up generator will be used to prevent overflows in the event of a power outage. The subject application is consistent with the procedures outlined in RCW 90.58.

B. The regulations of this Chapter; and

Chapter 23.60 of the Seattle Municipal Code is known as the “Seattle Shoreline Master Program”. In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60.004 which are found in the Seattle Comprehensive Plan, and meets the criteria and development standards for the shoreline environment in which the site is located; any applicable special approval criteria; general development standards; and the development standards for specific uses.

Shoreline Environment: Development Standards

The subject property is classified as a waterfront lot (SMC 23.60.924) and is located within the Urban Residential (UR) shoreline environment as designated by the Seattle Shoreline Master Program. The proposal is subject to the Shoreline Policies of SMC 23.60.004 since the subject property is located within a shoreline environment. The proposed expand and upgrade the pump station requires a Shoreline Substantial Development Permit, pursuant to SMC 23.60.020. It is part of a public facility permitted in the UR shoreline environment SMC 23.60.840, and must meet the standards for the UR environment (SMC 23.60.570).

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan’s Land Use Element and the purpose and location criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The goals for shoreline use include long-term over short-term benefits, the integration and location of compatible uses within segments of the shoreline, and the location of all non-water dependent uses upland to optimize shoreline use and access. The goals also include providing for the optimum amount of public access – both physical and visual – to the shorelines of Seattle and the preservation and enhancement of views of the shoreline and water from upland areas where appropriate.

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 must: 1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected; 2) 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; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety.

The City's Stormwater Code (SMC 22.800- 22.808) places considerable emphasis on the quality and quantity of stormwater runoff. In conjunction with this effort a Director's Rule, 16-2009, was developed to present approved methods, criteria, details and general guidance for preventing contaminants from leaving a site during construction. Due to the location of the proposed work, the potential exists for negative impacts to the Puget Sound during construction. To avoid this, the applicant should take measures to prevent contamination of land or water and use materials and construction methods which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction, and prevent any construction debris from entering the water. SMC Section 23.60.064E 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).

The proposal, as conditioned below, would not adversely affect the quality and quantity of surface and ground water on and adjacent to the site on a long-term basis. No planned discharge of solid wastes would occur. Spillage of petroleum or diesel products must be avoided and contained should it occur. No intentional release of oil, chemicals, or other hazardous materials shall occur. Permeable surfaces would not be affected. Erosion would not result from the development. No impacts to fish and wildlife would occur. Natural shoreline processes would not be adversely affected. No long-term adverse impacts to surrounding land and water uses would occur. No vegetation will be cleared with this proposal. No hazard to public safety or health is posed by this development. Navigation channels would not be affected. The proposal would not affect existing shoreline stabilization and no submerged public right-of-way or view corridors would be significantly affected.

These conditions, which are based on the criteria of SMC 23.60.152, ensure that the project conforms to the goals and regulations of the Seattle Shoreline Master Program. The public interest suffers no substantial detrimental effect from the proposal.

SMC 23.60.330 – Shoreline Environments

The purpose of the Urban Residential (UR) environment as set forth in SMC 23.60 220 C.6. is to protect residential areas. The purpose of the abutting Conservancy (CR) environment as set forth in SMC 23.60.220 C.3. is to: "Protect areas for environmentally related purposes, such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes. While the natural environment is not maintained in a pure state, the activities to be carried on provided minimal adverse impact. The intent of the CR environment is to use the natural ecological system for production of food, for recreation, and to provide access by the public for recreational use of the shorelines. Maximum effort to preserve, enhance or restore the existing natural ecological, biological, or hydrological conditions shall be made in designing, developing, operating and maintaining recreational facilities."

This proposal will prevent overflows in the event of a power outage. The addition and installation of an emergency back-up generator accessory to an existing sewer facility would replace generators that are old and not dependable. New code requirements prevent the replacement generator from being located inside the existing structure.

SMC 23.60.550 and 23.60.370 – Pubic Facilities in the UR Environment

The UR environments permit's public facilities not meeting development standards by Requiring City Council Approval and a Major Expansion of a Public Facilities is allowed by the same provisions and procedural requirements. The Single Family 5000 (SF 5000) zone cross-references to the SMC 23.60 uses and submittal requirements and review criteria.

The proposed project is accessory to a principal use as described in the SF 5000 zone and in the UR environment.

SMC 23.60.570 – Development Standards for the Urban Residential (UR) Environment

This proposal would not expand or extend pre-existing conditions. No additional massing or height is proposed to the existing underground structure. No additional views of the shoreline would be blocked.

In summary, as designed, the proposal is supported by both the purpose of the UR and the abutting CR shoreline environments and the policies set forth in the Comprehensive Plan. The principal use would remain consistent with the underlying zoning and in character with surrounding development, and conforms to the general development standards and the requirements of the underlying SF 5000 zone.

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.

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

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).

RECOMMENDED DECISION — SHORELINE SUBSTANTIAL DEVELOPMENT

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

ANALYSIS — SEPA

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by King County's Wastewater Treatment Division. The applicants submitted an environmental checklist dated May 25, 2010 and a threshold determination for this project dated May 27, 2010. 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 SEPA conditioning.

The proposal site is located in an environmentally critical area due to the location within 100 feet of the shoreline. Therefore, the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 25, 2010. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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, and 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. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical areas are anticipated.

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to the increase dust and other suspended particulates from construction/building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Greenhouse Gases

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Long-term Impacts

Long-term or use-related impacts are also anticipated and included: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Summary

In conclusion, the proposal has minimal effects on the environment. As designed specific impacts are mitigate and address conditions not adequately regulated by codes or ordinances, per adopted City policies.

RECOMMENDED CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT

Prior to Construction

The owner(s) and/or responsible party(s) shall:

1. Notify in writing all contractors and sub-contractors of the general requirements of the Seattle Shoreline Master Program (SMC 23.60.152) including the requirements set forth in condition 2.

Conditions of Approval During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions shall be printed legibly on placards available from the Department of Planning and Development (DPD), shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

2. In addition to compliance with the applicable provisions of Seattle Municipal Code (SMC) 23.60.152 (also known as, the Seattle Shoreline Master Program), the owner(s) and/or responsible party(s) shall exercise care to prevent debris from entering the water during construction and to remove debris promptly if it does enter the water. The applicants shall implement Best Management Practices (BMP) approved and/or required by the State Department of Ecology (DOE) and the DPD construction inspector to minimize the amount of erosion caused by construction and operations at the site. Materials and construction methods shall be used which prevent toxic materials, debris, waste material, concrete slurry, petrochemicals, and other pollutants from entering surface water during and after construction. All debris and other waste shall be disposed of in such a way as to prevent entry into Puget Sound.

RECOMMENDED CONDITIONS – SEPA

None.

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

Date: February 24, 2011