



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 3012660
Applicant Name: Craig Hammett
Address of Proposal: 1652 SW Lander St

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow replacement of an existing two tiered timber bulkhead (368 lineal ft.). Project also includes 925 cubic yards of grading (fill only).

The following approvals are required:

Shoreline Substantial Development Permit - to allow a replacement of an existing bulkhead accessory to a bulk fuel storage and distribution center in an Urban Industrial (UI) shoreline environment. (Section 23.60.840, Seattle Municipal Code)

Shoreline Special Use - to allow landfill which creates dry land in the UI environment. (SMC 23.60.842)

SEPA - Environmental Determination - (SMC Chapter 25.05)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Site and Vicinity Description

The subject site is a waterfront lot located at 1652 SW Lander St. on Harbor Island. The property is zoned Industrial General-1 (IG1 U-85') and the shoreline portion of the site is within the Urban Industrial (UI) Shoreline Environment. The property is currently used as a bulk fuel storage and distribution center that has been operating at this location since the 1930s. Existing

development includes a pier, pipelines, above ground storage tanks, truck loading areas and roadways, warehouse with accessory office and support/security facilities and accessory parking. The subject property consists of King County Parcel Identification No. (PIN) 766670-2900 and adjacent leased State aquatic leased area.

In 1983, the Environmental Protection Agency (EPA) placed Harbor Island on the National Priorities List as a Superfund Site. As such, activities within the project area are subject to EPA and Washington State Department of Ecology oversight. As described in project documents (available in the project file) the site has been subject to remediation, and is subject to ongoing monitoring and containment activities.

Proposal Description

The applicant proposes to replace an existing two-tier timber crib bulkhead system that fronts the western property line adjacent to the West Waterway of the Duwamish River. According to information in the project file, the existing bulkhead may be original to the construction of Harbor Island, which was developed in the early 1900s. The existing bulkhead has deteriorated, is at risk of failure, and is in need of seismic upgrades. Anticipated impacts of bulkhead failure could include loss of upland infrastructure and release of contaminated soils in the Duwamish waterway.

The existing bulkhead will be replaced with an anchored wall system constructed waterward of and parallel to the existing lower tier bulkhead wall. The wall system will consist of a single vertical sheet pile wall and a series of tieback ground anchors that will be installed on the landward side. Upon completion, the top and toe of the wall will be located at approximately +16-feet MLLW and -60 feet MLLW, respectively.

The project will include placement of approximately 925 cubic yards of clean, structural fill meeting engineered design specifications between the existing upper tier bulkhead wall and the landward side of the replacement bulkhead. As measured between the ordinary high water mark and the centerline of the replacement wall, approximately 1,379 square feet (372 cubic yards) and 2,827 square feet (552 cubic yards) of fill will be placed above and below mean high water (MHHW), respectively. The total fill area will be approximately 4,206 square feet (0.097 acre). All imported fill materials will be clean structural fill meeting engineering specifications and will be obtained from an approved source.

Landfill which creates dry land requires Special Use approval in the Urban Industrial (UI) shoreline environment, as discussed below.

The project includes temporary modification of the existing concrete dock access way and temporary removal of existing pipelines (to be replaced in-kind at project completion) and modifications to an existing walkway/apron and walkway supports. To prevent corrosion, a cathodic protection system will be installed.

The applicant proposes to mitigate anticipated project-related impacts to the aquatic environment with the on-site removal of approximately 217 square feet of concrete debris and the enhancement of not less than 8,262 square feet of nearshore habitat in the Duwamish River subbasin, or its ecological equivalent, through an agreement with King County's Mitigation Reserves Program and detailed in several documents submitted by the applicant, including the King County Mitigation Reserves Program In-Lieu Fee Use Plan and Agreement on Transfer of Mitigation Obligations for this project as well as the JARPA for this project and SEPA Checklist.

Public Comment

The public comment period ended on January 13, 2012. One comment was received.

ANALYSIS — SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

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.

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 effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, 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.

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 proposal is subject to the Shoreline Policies of SMC 23.60.004 because the site is located within the shoreline district and the cost of the project exceeds \$5,780. The proposed development has been designed to ensure minimum impact to the public health, land and waters of the state, and their aquatic life. The location of the proposed work on the shoreland will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. Therefore, the subject application is consistent with the procedures outlined in RCW 90.58.

A. THE REGULATIONS OF CHAPTER 23.60

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 requirements use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064).

Pursuant to SMC 23.60.064C, in evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

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 locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. An economic objective for the shoreline is to “Encourage economic activity and development of water-dependent uses by supporting the retention and expansion of existing water-dependent businesses and planning for the creation of new developments in areas now dedicated to such use.” (Please refer to Economic Development Goals, Policy LUG51). An area objective for this portion of the Duwamish Waterway, including Harbor Island, is to “encouraging industrial and port uses in this area, where such uses are already concentrated, while also protecting migratory fish routes.” (Please refer to Area Objectives for Seattle’s Shorelines, Policy LU269 1d). The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60.220.C.11 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 public lands or in conformance with an area-wide Public Access Plan”.

The bulk fuel storage and distribution center (marine service use and outdoor storage) at this location, which is not changing as part of this proposal, is a water dependent use. The proposed replacement bulkhead serves this use and therefore is supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

Development Standards

The proposal is permitted outright in SMC 23.60.840 governing the UI shoreline environment and is therefore subject to:

- 1. the general development standards for all shoreline environments (SMC 23.60.152);*
- 2. the development standards for uses in the UI environment (SMC 23.60.870); as well as*
- 3. the development standards for General Industrial zones (SMC 23.50).*

1. General Development Standards for all Shoreline Environments (SMC 23.60.152)

All uses and developments shall be subject to the following general development standards:

- 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 paving and berming of drum storage areas, 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, 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 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.*

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on protecting water quality. This generally takes the form of best management practices being required on building permits. The applicant has provided a construction best management practices plan sheet (Sheet C4). The proposed BMPs include compliance with existing site management measures previously approved by the Washington State Department of Ecology, and an existing Spill Containment and Prevention Plan, and other construction-related BMPs noted on Sheet C4. These measures will be adequate to ensure protection of the shoreline from the construction that is proposed, and will be required to be implemented during construction as a condition of approval.

In addition, the applicant proposes to mitigate anticipated project-related impacts to the aquatic environment with the on-site removal of approximately 217 square feet of concrete debris and the enhancement of not less than 8,262 square feet of nearshore habitat in the Duwamish River subbasin, or its ecological equivalent, through an agreement with King County's Mitigation Reserves Program and detailed in several documents submitted by the applicant, including the King County Mitigation Reserves Program In-Lieu Fee Use Plan and Agreement on Transfer of Mitigation Obligations for this project as well as the JARPA for this project and SEPA Checklist.

2. Development Standards for UI Shoreline Environments (SMC 23.60.870)

The development standards set forth in the Urban Industrial (UI) Shoreline Environment relate to critical habitat protection, height, lot coverage, view corridors, setbacks, water-related uses on waterfront lots and public access. The proposal conforms to all applicable development standards for the UI environment.

SMC 23.60.840 – Uses Permitted Outright in the UI Environment

The proposal does not change the current use of the property and is consistent with allowed uses in the Urban Industrial environment.

3. *Development Standards for Industrial Zone Uses (SMC 23.50)*

The project proposal also conforms with applicable development standards of the underlying General Industrial 1 (IG1) zone.

B. 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 the SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Summary

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC and RCW and with the regulations of Chapter 23.60 of the Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the UI environment. It also conforms to the general development standards, as well as the requirements of the underlying zone.

The Director's authority under Seattle's Shoreline Master Program is to ensure that development proposals are consistent those policies and procedures, and conforms to specific development standards of the underlying zones. Having established that the proposal is consistent with the Seattle Shoreline Program, it is hereby conditionally approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED**

CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

(Noted at the end of this document)

ANALYSIS – SHORELINE SPECIAL USE

Landfill that creates dry land is permitted as a Special Use in the UI environment. The criteria for Special Use (SMC 23.60.032) set forth the analysis necessary to receive a special use approval in a particular environment, as follows:

A. *That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;*

The policies of the RCW 90.58.020 provide for management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses, while allowing development in a manner which will promote the public interest. It states, in part: “. . . permitted uses in the shorelines of the state 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 bulkhead repair/replacement allows continuation of a use which is important to the continued use of harbors and waterways for commerce. The planned seismic upgrades will have the benefit of enhancing protection against failure of the bulkhead and possible release of contaminated soils in to the Duwamish Waterway.

The purpose of the UI shoreline environment is to: “. . . provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses.” The proposal is consistent with that purpose. Thus, the proposal would be consistent with the policies of RCW 90.58.020, and the Seattle Shoreline Master Program.

B. That the proposed use will not interfere with the normal public use of public shorelines;

The subject site is located on Harbor Island, an industrial area devoted primarily to water-dependent and water-related industrial uses. The continued use of the site as a bulk fuel storage and distribution center will not interfere with the normal public use of public shorelines.

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

The continued use of the site as a bulk fuel storage and distribution center is expected to remain compatible with other permitted uses in the area.

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

As noted above, the applicant proposes to mitigate anticipated project-related impacts to the aquatic environment with the on-site removal of approximately 217 square feet of concrete debris and the enhancement of not less than 8,262 square feet of nearshore habitat in the Duwamish River subbasin, or its ecological equivalent, through an agreement with King County's Mitigation Reserves Program and detailed in several documents submitted by the applicant, including the King County Mitigation Reserves Program In-Lieu Fee Use Plan and Agreement on Transfer of Mitigation Obligations for this project as well as the JARPA for this project and SEPA Checklist.

E. That the public interest suffers no substantial detrimental effect.

The bulkhead repair/replacement project will allow for continued use of the site as a bulk fuel storage and distribution center and will not cause detrimental effects on the public interest.

In addition to the general criteria for a Special Use, SMC 23.60.842.D.3.b.1 states:

If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

1) No reasonable alternative to the exists,

According to information provided by the applicant, construction of the replacement bulkhead must be offset waterward of the existing bulkhead system to allow construction without first removing the existing bulkhead. The existing bulkhead must remain intact during construction to maintain structural support for the upland areas (including existing office/warehouse structures and pipelines) and cannot be demolished until a replacement wall is in place to prevent

site instability. The offset is designed to provide the minimum amount of space necessary to install the sheet pile wall without disturbing the existing bulkhead. Upon completion, the area behind the replacement wall will be backfilled with engineered fill to provide added stability for upland areas that have previously demonstrated signs of soil displacement and/or loss (e.g. sink holes, undermined foundations).

The applicant provided an analysis of design alternatives (Project Narrative and the Bulkhead Replacement Feasibility Memorandum, submitted December 5, 2011). According to that analysis (available in the project file), the proposed approach represents the most reasonable alternative given existing site, environmental, operational and seismic design considerations.

2) The landfill provides a clear public benefit, and

The proposed fill, in combination with the replacement bulkhead, will serve to minimize potential risk of upland site instability in the vicinity of existing infrastructure and operations areas located directly adjacent to the project corridor. If a failure were to occur between the existing upper timber bulkhead wall and the replacement wall, soils displacement could result in damage to upland operations and/or destabilization of previously stabilized remedial site containment. The proposed minimization of risk to site stability and improved containment of contaminated soils adjacent to the Duwamish River provides a clear public benefit.

3) The landfill is not located in Lake Union or Portage Bay.

The project site is not located in Lake Union or Portage Bay.

DECISION - SHORELINE SPECIAL USE

The proposed shoreline special use permit for the landfill which creates dry land is **GRANTED**.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist 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 25.05.554D) 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 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines and displacement of some fish wildlife species due to increased water turbidity levels and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Clean Air Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The proposed construction work will take place in the waters of the Duwamish Waterway and in the near shore environment. With the proposed work taking place in and near water, there exists the potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) should be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work. A floating silt curtain should be deployed around the construction area to contain the turbid water and any debris that enters the water during construction. At a minimum the floating debris that enters the water during construction should be collected once per day. This material should be contained on site and then disposed of at the appropriate upland facility.

The applicant has proposed appropriate construction BMPs as shown on Sheet C4 of the plans.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery; and the movement of vehicles — 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

Long-term Impacts

No change to use of the facility is proposed as part of this project and no long-term or use-related impacts are anticipated as a result of approval of this proposal. However, the proposed bulkhead repair/replacement project includes the placement of approximately 925 cubic yards of fill between the existing upper tier bulkhead and the landward side of the replacement bulkhead, resulting in a total fill area of approximately 4,206 square feet.

The applicant proposes to mitigate anticipated project-related impacts to the aquatic environment with the on-site removal of approximately 217 square feet of concrete debris and the enhancement of not less than 8,262 square feet of nearshore habitat in the Duwamish River subbasin, or its ecological equivalent, through an agreement with King County's Mitigation Reserves Program and detailed in several documents submitted by the applicant, including the King County Mitigation Reserves Program In-Lieu Fee Use Plan and Agreement on Transfer of Mitigation Obligations for this project as well as the JARPA for this project and SEPA Checklist.

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

DECISION - SEPA

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 43.21C.030 (2)(C).

CONDITIONS – SHORELINE AND SEPA

During Construction

1. The proposed construction best management practices (BMPs) which include compliance with existing site management measures previously approved by the Washington State Department of Ecology, and an existing Spill Containment and Prevention Plan, and other construction-related BMPs shown on Sheet C4 shall be implemented during constructed.

Prior to Building Permit Issuance

2. The Agreement on Transfer of Mitigation Obligations between BP West Coast Products, LLC and the Mitigation Reserves Program of the Water and Land Resources Division of the King County Department of Natural Resources and Parks for this project must be signed by both parties and copy provided to Seattle DPD for confirmation that Agreement is consistent with mitigation obligations in draft Agreement provided by King County for the enhancement of not less than 8,262 square feet of nearshore habitat in the Duwamish River subbasin, or its ecological equivalent.

During Construction

3. Applicant shall remove approximately 217 square feet of concrete debris from nearshore area at subject site as part of overall mitigation plan as described in application material.

Signature: retagonzales-cunneutabby for _____ Date: April 2, 2015
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development

BSP:rgc
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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.