



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND SUBSTANTIVE CONDITIONING OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

DPD Project Number: 3014060 & 3014061

Applicant Name: Eric Mendenhall for King County

Address of Proposal: 322 W Ewing St. (3014060); 215 NW 36th St. (3014061)

SUMMARY OF PROPOSED ACTION

3014060 (322 W. Ewing): Shoreline Substantial Development Application to replace utility service lines in an environmentally critical area and allow two, new 435 linear foot micro-tunnels, 60" in diameter beneath the Lake Washington Ship Canal connecting at 215 NW 36th St. Project includes grading of 6,900 cu. yds. of material (4,725 cut and 2,175 fill). Environmental review includes related Application #3014061. Determination of Non-Significance prepared by King County.

3014061 (215 NW 36th St.): Shoreline Substantial Development Application to replace a combined sewer outfall and allow a new 900 sq. ft. odor control building in an environmentally critical area. Project includes 6,600 cu. yds. of grading (4,800 cut and 2,800 cu. yds. fill) in addition to new utility service line from 332 W Ewing to this site. Existing warehouse to be demolished. Environmental review conducted under #3014060. Determination of Non-Significance prepared by King County.

The following approvals are required:

Shoreline Substantial Development Permit to allow utility service use and utility line in the Urban General (UG) Shoreline Environment. SMC 23.60.780

Shoreline Substantial Development Permit to replace a utility line in the Conservancy Navigation (CN) Shoreline Environment. SMC 23.60.242

Shoreline Substantial Development Permit to allow utility service use and utility line in the Urban Industrial (UI) Shoreline Environment. SMC 23.60.840

SEPA – Conditioning Only - Chapter 25.05, Seattle Municipal Code.

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 \$6,614. 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.

The Shoreline Goals and Policies are located in Section C-4 of the Land Use Element. There are three goals specific to the protection of the shoreline and aquatic environment: LUG 43, "Protect those areas of shoreline that are geologically dangerous or fragile, or biologically fragile."; LUG 48, "Preserve, protect and restore areas such as those necessary for the support of wild and aquatic life or those identified as having geological or biological significance."; and LUG 49, "Insure that all future uses will preserve and protect environmental systems, including wild and aquatic life." The overall project purpose is to replace the existing Fremont Siphon, which is a critical conveyance line that carries wastewater from county's northeastern service area. The current siphon was installed in the early 1900s and has provided wastewater conveyance service for almost 100 years but requires replacement due to age and deterioration. Without replacement, there is the risk of failure of the Fremont Siphon, which could result in the discharge of untreated wastewater to the Ship Canal.

Given the project's goals and design to avoid and minimize impacts to the Ship Canal and its associated aquatic habitat, the project is consistent with these Shoreline Goals and Policies.

The purpose of the CN Environment is preserve open water for navigation. The portion of the project in the CN Environment will be underground beneath the Ship Canal and therefore will have no impact on navigation. The purpose of the UG Environment is to provide for the economic use of commercial and manufacturing areas which are not suited for full use by water-dependent businesses. The purpose of the UI Environment is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses.

The project's proposed odor control facility and other upgrades and best management practices that will be employed during construction (described above and/or in more detail in the application) serves the overall project purpose to reduce the risk of failure of an existing wastewater conveyance as well as the purpose of the UI, UG and CN Shoreline Environments.

Development Standards

The proposal would constitute utility service use and utility lines. Utility lines are permitted as special use in the CN environment, while both uses are permitted outright in the UI and UG Shoreline Environments. Pursuant to the Seattle Shoreline Master Plan, the proposed action is therefore subject to:

Development Standards

1. *the general development standards (SMC 23.60.152);*
2. *the development standards for uses in the UG, UI and CN environments (SMC 23.60.570 – .578 and SMC 23.60.390-.400).*

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 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 Best Management Practices (BMPs) proposed by the applicant, including required temporary erosion and sediment control measures for construction as described in the SEPA checklist and application material, will be adequate to ensure protection of the shoreline area from the construction that is proposed.

BMPs to be employed during construction for the protection of the aquatic environment are shown on Sheets C109, C112 and C209 of the submitted plans for this project.

In addition to the BMPs that will be implemented during construction, the overall purpose of the project is to replace a critical wastewater conveyance siphon that is at the end of its service life. Failure of the Fremont Siphon could result in the discharge of untreated wastewater to the Ship Canal. The project will substantially reduce the risk of this failure, which is consistent with these shoreline general development standards for protection of aquatic and shoreline habitat.

King County has proposed native vegetation planting along the shoreline as mitigation for the increase in impervious surface area within 100 feet of the Canal that will result from this project (approximately 370 square feet). The proposed plantings and shoreline enhancement are shown on Sheets L203 and L204 of the submitted plans. This mitigation is consistent with the general development standards above for the protection of aquatic and shoreline habitat as well as required mitigation for the project impacts.

Development Standards for UG Shoreline Environment (SMC 23.60.780-.818) and UI Shoreline Environment (SMC 23.60.840-.882) and CN Shoreline Environment (SMC 23.60.240-270)

The development standards set forth in the Urban General (UG) Shoreline Environment, Urban Industrial (UI), and Conservancy Navigation (CN) 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 these shoreline environments.

SMC 23.60.780 – Uses Permitted Outright in the UG Environment

The proposal is consistent with allowed uses in the Urban General Shoreline Environment. King County's application makes it clear that this utility service use requires a shoreline location, pursuant to SMC 23.60.780 H (2).

SMC 23.60.840 – Uses Permitted Outright in the UI Environment

The proposal is consistent with allowed uses in the Urban Industrial Shoreline Environment. King County's application material makes it clear that this utility service use requires a shoreline location, pursuant to SMC 23.60.840 F (4).

SMC.23.60.242 - Special Uses in the CN Environment.

The proposal includes work in the CN Environment related to the installation/replacement of a utility line, which requires special use approval pursuant to SMC 23.60.242 B, as analyzed below.

ANALYSIS – SHORELINE SPECIAL USE

Utility lines are permitted as a Special Use in the CN environment pursuant to SMC 23.60.242 B if the special use criteria of Section 23.60.032 are met, as analyzed here:

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

The project will replace a utility line use that has been at this location for more than 100 years and is consistent with the policies of RCW 90.58.020. See discussion above regarding Shoreline Policies.

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

The utility line will be placed approximately 20 feet below the bottom of the Ship Canal and thus will have no impact on the 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 utility line will replace an existing utility line and, due to its underground location, will not affect future compatibility with other permitted uses within the area

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

Please refer to bulleted items above as well discussion of construction-related Best Management Practices elsewhere in this decision and in the application material.

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

There will be short-term minor detrimental impacts to the community due to noise, dust, and traffic during construction, but once the project is complete the impact of the utility line on the public interest will be negligible and essentially the same as the current siphon, which has operated this location for more than 100 years.

Therefore, the proposal meets the criteria for Special Use approval.

CONCLUSION - SHORELINE SPECIAL USE

DPD approves the proposed shoreline special use for the utility line use in the CN Environment.

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, UG and CN Shoreline Environments. 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 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 applicant submitted an environmental checklist and threshold determination for this project dated August 2, 2012. 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 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 King County's determination of non-significance, 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 are anticipated.

Short - Term Impacts

Construction Impacts

Construction activities for the project could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and an increase in traffic and parking impacts due to construction workers' vehicles. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

Temporary traffic impacts would result during construction for as long as 24 months. Heavy construction trucks and personal vehicles moving to and from the construction site and onto the local street system may cause temporary increases in traffic volumes and possible congestion in the area. Traffic could be periodically stopped along access roads to allow truck and trailer access to the construction site, causing delays for general purpose traffic.

Excavation hauling and delivery of concrete and fill material would require approximately 3,300 one-way truck trips on the north side of the Ship Canal and approximately 2,100 one-way truck trips on the south side of the Ship Canal. Approximately 20 parking spaces would be temporarily eliminated for approximately 20 years along West Ewing Street during construction of the proposed project on the south side of the Ship Canal. An additional 15 parking spaces used by Seattle Pacific University on West Ewing Street would be temporarily eliminated for approximately six months of construction on the south side of the Ship Canal. Five parking spaces in the parking lot that is currently on the private property on the north side of the Ship Canal that would be acquired by King County would be eliminated. Measures for transportation-related mitigation are discussed in King County's proposal and SEPA checklist and include:

- Using flaggers if necessary to manage traffic during construction.
- Developing a traffic control plan describing detour routes, lane closures, sidewalk closures, signage, flagging, hauling routes, etc. for approval by the City of Seattle prior to construction.
 - To the extent practicable, scheduling construction traffic to avoid peak commuter hours and try to minimize weekday truck traffic during rush hours.
 - Requiring construction vehicles to follow major arterial routes to the maximum extent practicable.
 - During the academic year, requiring trucks to use a haul route that minimizes potentially dangerous encounters between Seattle Pacific University students and construction traffic.
 - Performing work that would eliminate Seattle Pacific University parking on West Ewing Street outside of the academic year, to the extent feasible.
 - Requiring construction workers to park off-site and carpool to the construction areas.
 - Working with the US Army Corps of Engineers and the U.S. Coast Guard to minimize disruption of boat traffic in the Ship Canal.
 - Sections of streets in which pavement is removed to construct the proposed project would be repaved and restored in accordance with City of Seattle requirements.
 - All parking spaces that are temporarily eliminated during construction would be restored following construction.

Work in the Ship Canal would be required to replace the in-water portion of the SPU-owned CSO outfall. A temporary coffer dam would be established around an approximately 625-square-foot area in the canal, most likely by vibrating in sheet piles. The area within the coffer dam would be dewatered to create a dry work area and isolate impacts to the Ship Canal during construction. An approximately 20-foot-long section of the splash wall would be breached and a trench excavated so that the existing CSO outfall pipe could be removed and a new CSO outfall pipe installed. After the pipe is installed, it would be covered with rip rap and the splash wall would be repaired. Construction activities in the Ship Canal would be performed from the shore and an approximately 100' x 40' barge in the canal. In-water work to replace the CSO outfall is anticipated to occur in summer 2014 or 2015 and take approximately six to eight weeks to complete. This work would most likely be completed in dry summer months when CSOs are least likely to occur.

King County has submitted a Utility Major Permit (#196005), which is currently under review by Seattle Department of Transportation (SDOT), who is addressing how construction activities such as road closures and temporary traffic re-channeling will be reviewed for the related piping in adjacent rights of way. As part of the required street use permit, a traffic control plan will be submitted to SDOT and approved prior to commencing any construction activities. As a result no conditioning is necessary related to these specific activities.

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project, such as: Noise Ordinance; Street Use Ordinance; Grading and Drainage Code; Environmentally Critical Areas Ordinance, Land Use Code and Building Code.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation.

Construction is expected to temporarily add some particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (SMC 25.05.675-A.2).

Existing City code (SMC 11.62) requires truck activities to use arterial streets within the City to every extent possible. Prior to construction approval SDOT will review and approve a specific traffic control plan for the proposed project, therefore, no conditioning is necessary from DPD.

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 en route to or from a site.

King County is proposing to implement a number of Best Management Practices to control dust during construction, including street sweeping, watering exposed soil surfaces, and covering soil stockpiles to help minimize the amount of fugitive dust and particulate pollution to the surrounding areas.

Noise associated with the heavy construction processes, including excavation, and the overall length of the proposed construction process could adversely affect surrounding properties in the area, which include residential and recreational uses. During construction, all activities will be performed consistent with the City of Seattle’s Noise Control Ordinance. Best Management Practices will be used to minimize construction noise, such as:

- Using effective vehicle mufflers, engine intake silencers, and engine enclosures, and shutting off equipment when not in use;
- Using portable noise barriers placed around stationary equipment;
- Using broadband back-up alarms to eliminate impacts of single frequency high-pitched alarms;
- Encouraging equipment drivers to avoid backing up as much as possible to reduce use of back-up alarms;

- Locating activities away from sensitive receptors when possible;

Due to the proximity of the project site to residential uses, DPD finds the limitations of the Noise Ordinance 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), conditioning is warranted (condition #2).

Long - Term Impacts

Air Quality, Water Quality, and Environmental Health

The project will result in an increase in impervious surface area of approximately 370 square feet, which will have negative impacts on the shoreline aquatic environment due to increase to stormwater runoff and associated pollutant loading. King County will plant areas adjacent to the Canal with native vegetation as shown on Sheets L203 and L204 of the plans as mitigation for this impact to the aquatic environment.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in small 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 small contribution of greenhouse gas emissions from this project due to its function and nature.

Odors generated within the siphon would be mitigated through operation of the new odor control facility. Gas concentrations at the odor control facility would be actively monitored to determine the functional performance of the facility and create and accurate schedule for replacement of the carbon filter media. The odor control equipment will be operated, inspected, monitored and maintained according to an operation and maintenance plan developed by King County, in accordance with the manufacturer's specifications and in compliance with the Puget Sound Clean Air Agency's Regulation I, Section 5.05 (c).

The overall purpose of this project is to prevent failure of the existing siphon, which would result in discharge of wastewater to the Ship Canal.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the self-imposed mitigation commitments listed in King County's SEPA checklist and Determination of Non-Significance, conditions stated below and analyzed above, the project will be consistent with applicable SEPA policies.

RECOMMENDED CONDITIONS – SEPA AND SHORELINE

During Construction

1. The hours of all major construction work should be limited to between 7:00 AM – 6:00 PM on non-City holiday (pursuant to [SMC 25.08.155](#)) weekdays and between 9:00 AM – 6:00 PM Saturdays. Work using impact types of equipment are further limited consistent with subsection SMC 25.08.425 C of the Noise Ordinance.

Construction activities outside the above stated limits, but within the limits of the Noise Ordinance, may be authorized by DPD when a Construction Management Plan is provided and approved. This plan will be coordinated with the DPD Noise Abatement Office (DPD), King County, applicant and the contractor. The plan will include the following elements:

- a. Construction Communication - including a Contact and Community Liaison.
 - b. Construction Hours and Sensitive Receivers - identifying demolition and construction activities within permissible construction hours.
 - c. Construction Noise Requirements - all demolition and construction activities shall conform to the Noise Ordinance, except as approved through the noise variance process.
 - d. Measures to Minimize Noise Impacts – list of measures to be implemented to reduce or prevent noise impacts during demolition and construction activities during standard and non-standard working hours.
 - e. Construction Milestones – a description of the various phases of demolition and construction, including a description of noise and traffic generators, and anticipated construction hours for each phase.
 - f. Construction Noise Management – identify techniques to minimize demolition and construction noise including: timing restrictions, noise reduction construction technologies, process modifications. These techniques may go beyond code requirements.
2. Maintain project website with regular and timely updates for potential construction impacts and generally implement public outreach plan, including maintenance of construction hotline.
 3. The applicant shall implement Best Management Practices identified in the application material and on submitted plans (including sheets C109, C112 and C209). 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 the Ship Canal.

4. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify DPD (Ben Perkowski 206.684.0347) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

For Life of Project

5. All native vegetation planting proposed as mitigation as shown on Sheets L203 and L204 of plans shall be maintained.
6. The odor control equipment shall be operated, inspected, monitored and maintained according to an operation and maintenance plan in accordance with the manufacturer's specifications and in compliance with applicable regulations from the Puget Sound Clean Air Agency.

Signature: _____ (signature on file) Date: September 12, 2013
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development

BP:drm

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