



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

Application Number: 3014324
Applicant Name: Elaine Babby
Address of Proposal: 3819 Walla Walla Rd NE

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to install 1,600 feet of 4-inch natural gas main line along Walla Wall Road NE & University of Washington Parking Lot E12 to serve new Husky Stadium.

The following approval is required:

Shoreline Substantial Development Permit – (SMC Chapter 23.60) to allow a utility line in a CM (Conservancy Management) shoreline environment.

BACKGROUND DATA

Site Location: The proposal is within improved portions of Walla Walla Road which runs between Union Bay in Lake Washington and University of Washington's Husky Stadium and several other athletic facilities.

Zoning: Residential, Multifamily, Lowrise 1 (MIO-37LR1)

Shoreline Environment: Conservancy Management.

Parcel Size: Approximately 479 acres.

Existing Use: School-Public (University of Washington)

The Proposal: This project will install 1,600 linear feet of 4-inch natural gas main line along Walla Wall Road NE and University of Washington Parking Lot E12. The gas line will serve the University of Washington's newly remodeled Husky Stadium.

Public Comment: The public comment period began November 26th, 2012, and ended December 25th, 2012. No comments were received.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is located within the Conservancy Management (CM) Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. 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

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and for the protection of the resources and ecology of the shoreline over the long term. 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. The Shoreline Management Act of 1971 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 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 City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate 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.

As discussed below. This proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of SSMP Section 23.60.064 require that the proposed use: 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district; 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required; and 4) SMC 23.60.014 C. for standards applicable to environmentally critical areas as provided in Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, as applicable in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall apply.

This proposal site is located in an area designated as Conservancy Management (CM), the purpose of which is to conserve and manage areas for public purposes, recreational activities and fish migration routes. Per SMC 23.60.420 utility lines are allowed outright in the CM Environment.

Development Standards

The proposal to install 1,600 linear feet of 4-inch natural gas main is permitted outright by SMC 23.60.420. The proposed action is therefore subject to following development standards:

1. *The general development standards for all shoreline environments (SSMP 23.60.152);*
2. *The development standards for uses in the Conservancy Management (CM) Environment (SMC 23.60.450-60).*

General Development Standards for all Shoreline Environments (SMP 23.60.152)

The general standards listed in SMC 23.60.152 apply to all uses in the shoreline environment. 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. These general standards of the SMP state, in part, that all shoreline development 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.
- not release oil, chemicals or other hazardous materials onto or into the water
- 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;

- 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;
- 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
- be located, constructed, and operated so as not to be a hazard to public health and safety.

The project involves installing 1,600 feet of 4-inch natural gas main line within Walla Wall Road NE and University of Washington Parking Lot E12. This proposal is will involve minimal ground disturbance within an existing roadway and parking lot. Much of the utility line will be installed with boring equipment, thus minimizing ground disturbance and the potential for erosion impacts. All surface land disturbing activity will need to comply with the City of Seattle's Grading Code (SMC 22.170), which has development standards to minimize adverse impacts from grading activities.

Development Standards for The Conservancy Management (CM) Environment (Subchapter VIII, Part 2)

The development standards for the Conservancy Management Shoreline Environment provided under SMC 23.60.450-60 require developments in this designation to be located and designed to minimize disturbance of any critical habitat area, including salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas, and other habitats. This proposal is will involve minimal ground disturbance within an existing roadway and parking lot. No adverse impacts to the aforementioned critical habitats or other environmentally critical areas are expected. Much of the utility line will be installed with boring equipment, thus minimizing ground disturbance and the potential for erosion impacts. All surface land disturbing activity will need to comply with the City of Seattle's Grading Code (SMC 22.170), which has development standards to minimize adverse impacts from grading activities.

The new utility line section will not exceed the maximum height restriction in SMC 23.60.454.A. The maximum lot coverage standard of SMC 23.60.456.A will not be affected by installing this underground utility. The underground gas line project will also have no affect on the view corridor provision in SMC 23.60.458.A.

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 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 CM 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** subject to the conditions above and listed at the end of this report.

CONDITIONS -- SHORELINE

During Construction

1. The owner(s), builder(s), and all responsible party(s) shall follow the best management practices to prevent any toxic materials, petrochemicals and other pollutants from entering enter the surface water during the proposed repair work. Spill prevention and response procedures shall be developed and followed during all construction activities at the project site. Appropriate spill response materials shall be kept at the site for quick response to any toxic spills at the site.

Signature: _____ (signature on file)
Seth Amrhein, Senior Environmental Analyst
Department of Planning and Development

Date: January 10, 2013