



**City of Seattle**  
Edward B. Murray, Mayor

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

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

**Application Number:** 3016238  
**Applicant Name:** Alan Lord for Seattle Public Utilities (SPU)  
**Address of Proposal:** 6612 R 57<sup>th</sup> Ave S

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Application to modify an existing public utility and to allow two sewage pipelines (40 linear ft. by 96 in.) and 10 linear ft. by 24 in.) under 57th Avenue South ROW connecting to existing system. Review includes grading of 1,700 cu. yds. of material. Project includes landscaping and 1,400 sq. ft. of pavement replacement. A Determination of Non-Significance Dated April 2, 2012, and a SEPA Addendum Dated September 30, 2013, prepared by City of Seattle, Seattle Public Utilities have been submitted.

- **Shoreline Substantial Development Permit (SSDP)** — to allow a public facility and utility lines in the Conservancy Recreation (CR) and Urban Residential (UR) environments Chapter 23.60
- **Shoreline Conditional Use** — to allow a utility service use in the CR environment Chapter 23.60<sup>1</sup>
- **State Environmental Policy Act (SEPA) Chapter 25.05** (substantive conditioning)<sup>1</sup>

**SEPA DETERMINATION:** [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS  
[X] DNS with conditions ( )

**PROPOSAL and BACKGROUND**

Seattle Public Utilities (SPU) is proposing to construct improvements to the combined sewer overflow (CSO) system in the 57th Avenue South street right-of-way, located near Martha Washington Park in south Seattle. An overflow from a combined sewer system occurs when the flow volumes exceed the capacity of the system causing a combination of sewage and stormwater to discharge into receiving water bodies through outfalls. The goals of the project are to improve water quality in Lake Washington, protect public health, and improve the environment by reducing CSOs to a long-term average of one overflow or less per year per outfall as required by state law.

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<sup>1</sup> Project relies on Ordinance #124023, which allows utility service use in CR Environments as a shoreline conditional use.

Henderson Basin 44 drains toward Seward Park and then south to King County's Pump Station #10, located at the eastern end of 57th Ave. S. Henderson Basin 45 also drains to Pump Station #10, which then pumps the combined flows south to King County's Henderson Pump Station near the corner of Seward Park Ave. S. and S. Henderson St. in Rainier Beach. The Henderson Pump Station ultimately conveys the flows to a King County wastewater treatment plant.

For Henderson Basin 45, SPU initially examined numerous options and selected two storage alternatives as the top alternatives: storage under private property at South Holly Street and 57th Avenue South (the Private Property Alternative) and storage within Martha Washington Park (the Park Alternative). SPU selected and previously analyzed the Private Property Alternative.

In the course of advancing the project designs for SPU's Basin 44 and 45 CSO reduction projects, an analysis showed certain design modifications could improve the performance and cost-effectiveness of SPU's CSO reduction effort. Specifically, SPU determined that, with certain modifications including a hydraulic control gate (called the "Lake Line Control Gate") and the addition of real time controls and a slight increase in the size of the underground storage tank in Seward Park, SPU could operate the two basins as a single system and eliminate the need for a separate storage tank in Basin 45. Essentially, SPU would merge the Basin 45 CSO effort into the existing Basin 44 CSO effort and the existing proposal to construct an underground storage tank at a location within Seward Park. The Seward Park portion of the overall project is under review under a separate application (DPD project number 3015640).

Basins 44 and 45 are adjacent to one another and connected by the existing Lake Line. Combined sewage flows are conveyed via the Lake Line from Basin 44 in Seward Park to Basin 45. Installation and operation of the Lake Line Control Gate on the Lake Line in Basin 44 would allow SPU to retain more combined sewage within Basin 44 and reduce the amount of combined sewage that would flow from Basin 44 to Basin 45. Additional hydraulic modeling of the proposed Lake Line Control Gate indicated that, in order for SPU to operate the two basins as a single system, the storage volume in Basin 44 would need to be increased from 2.4 million gallons to 2.65 million gallons, and the storage volume in Basin 45 could be decreased from 200,000 gallons to 16,000 gallons. This reduced storage volume in Basin 45 would be contained within a storage pipe and associated maintenance holes in the street right-of-way, thus eliminating the need for an underground storage tank on the residential property (the Private Property Alternative).

During high flow conditions (e.g., during a storm event), the Lake Line Control Gate would partially or fully close based on combined sewage levels within the Lake Line in Basin 45. This would limit the flow of combined sewage from Basin 44 to Basin 45. When the Lake Line Control Gate closes, flows would back up behind the gate, eventually filling the new storage tank in Basin 44. Although closing the Lake Line Control Gate would limit Basin 44 flows going to Basin 45 during a storm event, stormwater from Basin 45 would continue to enter the sewers in Basin 45. With increase in rain and stormwater runoff, flows eventually would fill the new storage pipe in Basin 45. When flow monitoring of the Lake Line in Basin 45 indicated there was capacity available in the combined sewer system, the Lake Line Control Gate would open to allow flow through the Lake Line and allow the new storage tank in Basin 44 and new storage pipe in Basin 45 to drain.

Because the proposed design changes would require less storage in Basin 45, there would be a significant reduction in temporary disturbance, construction duration and related impacts, and cost. The construction duration in Basin 45 originally was estimated to be up to 18 months, but would decrease to approximately 4 to 6 months with the proposed combined project. Based on

the design changes identified to date, SPU expects the construction cost for the overall effort to be significantly reduced.

**Specific project elements for the Basin 45 control project (DPD project 3016238):**

- Modifications to the existing combined sewer piping and a control structure to provide approximately 16,000 gallons of storage adjacent to existing Pump Station 10.
- Combined sewer modifications including addition of four maintenance holes, approximately 40 feet of 96-inch-diameter storage pipe, and smaller diameter piping (8- to 24-inch-diameter), to connect the storage pipe to the existing system.
- An above-grade local control panel (located within the existing cabinet that is approximately 60-inch wide by 24-inch deep by 72-inch high). The existing cabinet will be reused and improvements will be made to the concrete pad to accommodate new conduits.
- The existing impervious surface within the 57th Avenue South right-of-way that will be removed and replaced is approximately 1,400 square feet.
- Landscaping restoration on the edge within the street right-of-way.
- Boulders in right-of-way to be removed per Seattle Department of Transportation (SDOT) Street Improvement Permit (SIP) requirements.

There is an existing hedgerow on the southern side of the right-of-way that will be removed and replaced upon completion of construction. Additionally, all grass removed will be replaced in-kind.

**Public Comment:**

The DPD comment period for this proposal was from January 9, 2014, to February 7, 2014. DPD received a couple public comments for this application.

**ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

SMC 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 Shoreline Management Act (See recommended conditions 1-4 below).

**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 generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The 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 adopted a 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. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

*B. The Regulation 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 SSMP 23.60.030. 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 (SSMP 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 SSMP 23.60.004, and meet development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

Each of these elements is evaluated below in the order they are listed in the Shoreline Master Program. The shoreline designation for the area of work is Conservancy Recreation (CR) (23.60.360-.400) and Urban Residential (UR) shoreline environments.

*SMC 23.60.004 – Shoreline goals and 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 purpose of the CR environment is stated in SMC 23.60.220-C.3:*

The proposed upgrades are located partially within the Urban Residential and Conservancy Recreation Shoreline Environments. Pursuant to SMC 23.60.220, the purpose of the UR Environment is to protect residential uses. The purpose of the CR Environment is to preserve, protect, restore, or enhance certain areas which are particularly biologically or geologically fragile and to encourage the enjoyment of those areas by the public. The overall project purpose is to prevent combined sewage overflows into Lake Washington and to fulfill requirements of the National Pollutant Discharge Elimination System. The project will enable SPU to reduce untreated flows into Lake Washington, which will improve water quality and shoreline habitat in this area and Lake Washington. Public access to the shoreline will remain unchanged following the project. The proposed mechanical building 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 use as well as the purpose of the UR and CR Shoreline Environments.

SMC 23.60.064 - Procedures for Obtaining Shoreline Substantial Development Permits

*This application has followed the procedural requirements for a Master Use Permit as specified in subsection A. SMC 23.60.064 also 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).*

*Per SMC 23.60.064-C, 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:*

Development Standards for UR Shoreline Environment (SMC 23.60.570-.578) and CR Shoreline Environment (SMC 23.60.390-.400)

The development standards set forth in the Urban Residential (UR) Shoreline Environment and Conservancy Recreation (CR) 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 UR and CR environments.

SMC 23.60.540 – Uses Permitted Outright in the UR Environment

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

The proposed CSO facility is considered a “Utility services use” per SMCs 23.60.940 and 23.84A.040. Utility service uses (CSO facility) are permitted by Shoreline Conditional Use pursuant to SMC 23.60.365-D<sup>2</sup>.

**ANALYSIS - SHORELINE CONDITIONAL USE**

*The project requires a Shoreline Conditional Use approval per SMC 23.60.365-D. The criteria for Shoreline Conditional Uses are based the criteria in WAC 173-27-160:*

*The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.*

*(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:*

*(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;*

The project facilities will be located in public road right-of-way (57th Avenue South). The project spans two designated shoreline environments, Conservancy Recreation (CR) and

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<sup>2</sup> Project relies on Ordinance #124023

Urban Residential (UR). Within the CR shoreline environment, utility service uses are allowed as a conditional use. Within the UR shoreline environment, utility service uses that require a close proximity to the shoreline are allowed outright.

With the close proximity of the project to Martha Washington Park, a temporary construction easement will be obtained from Seattle Parks and Recreation Department for contractor staging and temporary construction related stormwater facilities.

Pursuant to SMC 23.84A.030, the project meets the definition of a “public facility” as it is a public project and city facility. The underlying zoning for the project site is single-family residential (SF 9600). Within the single-family zone, public facilities are allowed through a Council Concept Approval. However, this project is located within the public right-of-way and is reviewed through Seattle Department of Transportation (SDOT).

The project is designed to reduce the number of combined sewer overflows of untreated discharges and thus should result in improved water quality of Lake Washington.

The project is located within an existing, road right-of-way with only minor, temporary impacts to landscaped areas. Upon completion of construction, the road right-of-way will be restored and the disturbed areas will be landscaped in accordance with the landscaping plan. Therefore, the project will preserve the existing, natural character the shoreline.

The project site is currently a public road right-of-way adjacent to a Martha Washington Park. The project consists of underground facilities and, upon completion of construction; the project area will be restored. Therefore, public recreational opportunities will not be affected by the project.

*(b) That the proposed use will not interfere with the normal public use of public shorelines;*

There are existing utilities located under the existing 57th Avenue South right-of-way. The project includes installation of underground facilities with the exception of a local control panel that is approximately 6 feet tall; therefore, the project will not interfere with normal public use. However, during construction, there will be temporary restrictions to public access in the immediate vicinity of the project site. The public road right-of-way and the southern access to Martha Washington Park will be restored upon completion of project construction. Therefore, the project will not interfere with the normal public use of the shoreline.

*(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;*

Upon completion of the project, the site will be restored to its current use as a public road right-of-way with existing utility infrastructure (i.e. PS 10). The road right-of-way is located with the City Owned Open Space and Residential categories of future land use according to the City of Seattle Comprehensive Plan. The current use (public road right-of-way) is consistent with the comprehensive plan and Shoreline Master Program.

*(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and*

The project includes installation of underground facilities located within an existing road right-of-way that is separated from the shoreline (Lake Washington) by vegetation. The project will result in no increase to impervious surface area. The project does not include removal of trees. The shrubs that will be removed will be replaced in kind. Therefore, no significant adverse effects to the shoreline environment are anticipated.

Best management practices will be implemented during construction activities to ensure there will be no temporary, significant, adverse impacts to the shoreline environment. The temporary energy dissipation structure will be removed upon completion of dewatering.

*(e) That the public interest suffers no substantial detrimental effect.*

CSOs can create public health and safety risks. The purpose of the project is to reduce the amount of CSOs to the allowable annual threshold of one CSO event per year per outfall. Therefore, the project is a benefit to the public interest.

*(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.*

The purpose of the project is to reduce the amount of untreated CSO discharges in Lake Washington and achieve compliance with state regulations. Underground facilities similar to this project, would maintain the existing uses and would likely not have adverse impacts to the shoreline environment and the public. Therefore, this project and similar projects would be consistent with the policies of RCW 90.58.020 that include “insuring the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest, and protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.” Additionally, this project and similar projects would likely not produce substantial adverse effects to the shoreline environment.

*(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.*

The project is classified in the master program and consistency is demonstrated in the above criteria, along with the enclosed Shoreline Substantial Development and Conditional Use Application Criteria for Approval.

*(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.*

Utility service uses are allowed in the Urban Residential Shoreline Environment and in the Conservancy Recreation Shoreline Environment as a conditional use.

SMC 23.60.152 - Development Standards for all Environments

*These general standards 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 on 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 proposal, as designed and 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. No intentional release of oil, chemicals, or other hazardous materials shall occur. Erosion would not result from the development. Impacts to fish and wildlife and shoreline processes are minimized. Long-term impacts to surrounding land and water uses are also minimized. Some vegetation will be cleared with this proposal, but a re-vegetation plan part of the project. No hazard to public safety or health is proposed by this development. Navigation channels will not be affected. The proposal would not affect existing shoreline stabilization. No submerged public right-of-way or view corridors would be significantly affected. The conditions noted at the end of this report, which are based on the criteria of SSMP 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.

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). Since DOE has approved the Seattle Shoreline Master Program, any project consistent with the criteria and procedures of SMC 23.60 is also consistent with WAC 173-14 and RCW 90.58.*

**CONCLUSION**

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC, RCW and with the regulations of SMC 23.60, Seattle Shoreline Master Program. The specific standards for development in the shoreline environment will be met by the proposed development.

Pursuant to the Director's authority under Seattle's Shoreline Master Program to ensure that development proposals are consistent with the policies and procedures, and conform to specific development standards of the underlying zone, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, with the recommended conditions below the proposal is recommended for approval. Further DPD finds that the criteria found in WAC 173-27-160 are satisfied in order to allow the proposed Utility service use and the proposed development as a Shoreline Conditional Use.

**DECISION – SHORELINE CONDITIONAL USE**

The Shoreline Conditional Use is **CONDITIONALLY GRANTED**.

**DECISION - SSDP**

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

**ANALYSIS - SEPA**

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by Seattle Public Utilities. Originally, Seattle Public Utilities (SPU) examined numerous options for Basin 45 (CSO Facility 29A) project and ultimately selected two storage alternatives as the top alternatives: storage under private property at South Holly Street and 57th Avenue South (the Private Property Alternative) and storage within Martha Washington Park (the Park Alternative). Although SPU selected the Private Property Alternative and issued a SEPA Determination of Non-Significance (DNS) on April 2, 2012, the project has since been changed.

The Henderson CSO Reduction Project has advanced in design since the Basin 44 SEPA DNS was issued. The originally proposed Henderson Basin 44 and Basin 45 CSO Reduction Projects were separate projects that were evaluated under separate SEPA processes. SPU now proposes to construct a single project with real time controls that allow SPU to operate the two basins as a

single system. As a result, all work on the private parcel in Basin 45 (5560 South Holly Street) has been removed from the project scope and only piping work in 57th Avenue South remains. Therefore, a SEPA Addendum dated Sept. 30, 2013, was prepared to address proposed design changes in both basins and the resultant environmental impacts for the combined project.

Separate permits are being obtained for the project at Basin 44 as it is in a different location and on a separate parcel. See DPD Project Number [3015640](#).

The information in the checklist and addendum, 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 and annotated the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in SPU'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 (grading, shoring, tank/vault construction, pipe installation, asphalt/concrete breaking paving, landscaping and associated electrical work) for 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 a small increase in traffic and parking impacts due to construction workers' vehicles. Several construction related impacts are mitigated by existing City codes and ordinances applicable to the project, such as: Noise Ordinance; Street Use Ordinance; Stormwater Code; Grading Code; Noise Ordinance; Environmentally Critical Areas Ordinance; Tree Protection Ordinance, Land Use Code and Building Code. Following is an analysis of the applicable SEPA policies.

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 activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the 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.

SPU will maintain a website for the project to inform the public of progress and specific construction phases. The website will provide contacts for surrounding residents to communicate with the contractor during the construction process. Contacts and phone numbers will also be distributed to nearby property owners. Conditioning is warranted (see below) to ensure the public outreach plan is in place prior to the commencement of construction.

#### Construction Vehicles and Grading

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. 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).

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. 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. No additional mitigation is warranted.

#### Construction Noise

Noise associated with excavation could adversely affect surrounding uses in the area, which include residential uses.

SPU stated in SEPA checklist that “Noise from construction operations at either project may occur between the hours of 7 a.m. and 7 p.m. on weekdays and between 9 a.m. and 7 p.m. on weekends and legal holidays. Nighttime work is not currently anticipated.”

After review of the SEPA checklist and noise assessment report and 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 to surrounding residential uses. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. SPU submitted a noise assessment analysis for the project outlining code requirements, anticipated impacts and proposed mitigation measures.

#### Noise Ordinance General Limits

##### General Construction

Monday – Friday 7:00 a.m. until 10:00 p.m. Saturdays, Sundays and Holidays 9:00 a.m. until 10:00 p.m.

##### High Impact Work

Monday – Friday 8:00 a.m. until 5:00 p.m. Saturdays, Sundays and Holidays 9:00 a.m. until 5:00 p.m.

In order to mitigate the noise impacts during construction, SPU and/or responsible party(s) shall limit the hours of construction to the hours allowed by the noise ordinance (SMC 25.08) except no work shall occur on non-holiday weekdays or Saturdays past 6:00 pm and no work is permitted on Sundays.

Further, SPU has cited the following self-mitigating specifications to reduce noise impacts.

- Ensure the adequacy of sound-control devices that are at least as effective as those on the original equipment. No equipment would have un-muffled exhaust.
- Minimize idling time of equipment and vehicle operation.
- Conduct noise monitoring to ensure compliance with the SMC if noise complaints are received during construction.
- Maintain as much of the existing vegetation around the site as possible to provide a vegetative buffer and visual screen to those residences nearest the site.

As necessary, SPU will implement appropriate additional noise measures, possibly including changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary sources of construction noise. No additional mitigation is required.

#### Long - Term Impacts

The following long-term or use-related impacts, slight increase in demand on public services and utilities; and increased energy consumption are not considered adverse; furthermore, other City Departments will review in detail the service requirements needed to meet the project impacts/demand.

#### Environmental Health

The goals of the proposed Project are to improve water quality in Lake Washington, protect the public health, improve the environment by reducing CSOs from the Henderson Basin 45 area, and meet State laws and regulations (RCW 90.48.480 and WAC 173-245-020(22)) that limit CSOs to a long-term average of no more than one untreated discharge per year per outfall .

#### Operational Noise

Based on the analysis documented in the Revised Final EIS, no significant unavoidable adverse impacts from operational noise are anticipated. As determined during project review and consultation with DPD's noise specialist, no noise generating mechanical equipment is proposed as part of this project so no noise compliance report was required and no mitigation for operational noise impacts is warranted.

### **SEPA CONDITIONING SUMMARY**

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the conditions stated below and analyzed above, the project will be compliant with SEPA policies.

Existing codes and development regulations applicable to this proposed project will provide sufficient mitigation and with analyzed and recommended conditioning the project will be compliant with SEPA policies.

This analysis was done after review by the responsible official on behalf of the lead agency of the Final EIS, Revised Final EIS and Addendum; and other information on file with the responsible department.

### **RECOMMENDED CONDITIONS – SSDP and CONDITIONAL USE**

#### *During Construction*

1. Any work water ward of ordinary high water shall be restricted to applicable work windows established by Washington Department of Fish and Wildlife.
2. Appropriate Best Management Practices (BMPs) shall be employed to prevent any debris or other deleterious material from entering Lake Washington, such as the use of a turbidity curtain and/or debris boom surrounding the project area during in-water and over-water work to contain any debris, suspended sediments, or spills caused by construction activities. Materials to be disposed of shall be contained on site and then discarded at an appropriate upland facility.
3. Any debris that enters the water during the proposed work shall be removed immediately and contained until it can be disposed of at an appropriate upland facility.

### **CONDITIONS – SEPA**

#### *Prior to Commencement of Construction*

4. Execute the public outreach plan including: a website to provide project and progress updates, obtain email list-serve for project updates, and provide project contacts (with phone numbers) for the public. These contacts should also be mailed to nearby property owners (SPU should define the appropriate area of the mailings).
5. In order to further mitigate the noise impacts during construction, SPU and/or responsible party(s) shall limit the hours of construction to the hours allowed by the noise ordinance (SMC 25.08) except no work shall occur on non-holiday weekdays or Saturdays past 6:00 pm and no work is permitted on Sundays. Work on Sundays or outside the above stated limits, but within the limits of the Noise Ordinance, may be permitted only with prior approval (3 days notice) by DPD when a Construction Management Plan is provided for the specific requested work.
6. During grading activities, watering of the site and uncovered materials in trucks shall be required to reduce construction dust.
7. The contractor shall make provisions to wash vehicle tires, wheels and exteriors leaving the site in order to prevent spillover of particulates into the adjacent rights of way.

8. For the duration of grading activity, the contractor is required to cease weekday grading truck trips during weekdays from 4:00 pm and 6:00 pm.
9. Ensure the adequacy of sound-control devices that are at least as effective as those on the original equipment. No equipment would have un-muffled exhaust.
10. Minimize idling time of equipment and vehicle operation.
11. 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 (Lucas DeHerrera 206.615.0724) and the Washington State Archaeologist at The Department of Archaeology and Historic Preservation. Follow procedures outlined in Appendix A of Director's Rule 2-98.
12. If human remains are encountered during construction or excavation, the owner and/or responsible parties shall:
  - Stop work immediately and notify the Washington State Archaeologist at The Department of Archaeology and Historic Preservation. Course of action will be determined by the appropriate regulating agency.

Signature: (signature on file) Date: May 22, 2014  
Ben Perkowski, Senior Land Use Planner  
Department of Planning and Development