



**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:** 3017159

**Applicant Name:** Andrew Mitton

**Address of Proposal:** Washington Park Arboretum, 2300 Arboretum Dr E

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Application to install a 1.2 mile multi-use trail, replace existing parking lot and add 13 parking spaces for a total of 45 spaces in an environmentally critical area (Arboretum). Review includes restoration of wetland, stream, and riparian habitat, including the daylighting of several sections of Arboretum Creek. Vegetation restoration plan has been submitted. Review also includes 9,325 cu. yds. of grading (6,240 cu. yds. cut, 3,085 cu. yds. fill).

Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit:** to allow trail improvements and vegetation restoration in a Conservancy Preservation (Section 23.60.020 Seattle Municipal Code).

**SEPA – Environmental Determination.** (Chapter 25.05 Seattle Municipal Code)

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

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

## **BACKGROUND DATA**

The Washington Park Arboretum (WPA) is located on the shores of Lake Washington just east of downtown Seattle and south of the University of Washington. It is Washington's official State Arboretum and contains internationally recognized woody plant collections on 230 acres. Noteworthy are North America's largest collection of Sorbus and Maple, the second largest collection of species Hollies and significant collections of oaks, conifers and camellias.

The Washington Park Arboretum was established in 1934 by an agreement approved by both the University of Washington and the City of Seattle (City Council/Mayor). The City of Seattle held title to a 200+ acre park known as Washington Park located in a central portion of the city. It agreed that the University could design, construct, plant, and manage an Arboretum and Botanical Garden in this park. The Arboretum Foundation was founded in 1935 and has been an active support group ever since. The University of Washington Botanic Gardens manages the plant collections while the City of Seattle holds title to most of the land and buildings. Seattle Parks and Recreation manages the park functions of the Arboretum. The Arboretum Foundation is the support organization for the Arboretum and provides membership and volunteering opportunities, and is raising money for the implementation of the Arboretum Master Plan.

In 1936, the Seattle Garden Club donated \$3,000 to hire James F. Dawson and Frederick Law Olmsted, Jr. of the Olmsted Brothers landscape firm to design the first planting plan. Mr. Dawson was the chief designer of the plan. During those early years when the nation was in deep depression, 500 men in the Public Works Administration constructed many of the historical features; e.g., the Stone Cottage, and Azalea Way. The Dawson plan followed the typical phylogenetic progression of families from primitive to advanced, as accepted in that day. However, the majority of the accessions to the collections occurred during the years after World War II, when the late Brian O. Mulligan was director. His modifications to the original design led to many plants being culturally better sited, and gardens, such as the Winter and Woodland Gardens, with an emphasis on design focus.

During the 1970's, disagreements arose regarding the roles and interests of the University, the City, and the Arboretum's immediate neighborhood. As a result, the University and City negotiated a more detailed working partnership, summarized in 1974 in a Letter of Clarification to the 1934 Agreement. In 1980, the University reaffirmed its managerial role by establishing the Center for Urban Horticulture (CUH) at Union Bay, at a campus site only 1.5 miles from the Arboretum. Establishment of the Center, to provide physical facilities, programs, and staff that could not be accommodated within the Arboretum grounds, was essential to fulfilling its larger mission, and was mandated by the 1978 Master Plan Update. Today, the Arboretum is managed in association with the University's Center for Urban Horticulture which has continued to clarify and expand the Arboretum's aims and programs.

In the late 1980's, discussion intensified about the future of the Arboretum itself, including the need for a new strategic Master Plan. A new collections policy had been enacted, the educational and interpretation programs were greatly expanded, new facilities at both the Union Bay and Arboretum sites had been constructed, and the use of the plant collections by the University and other area educational institutions had greatly increased. The age of the collections, the location within an affluent urban area and the need for diversification of public programs were key elements for future planning.

In May 2001, the Seattle City Council approved the current long-range master plan for the Washington Park Arboretum that will serve as a road map for improvements at the Arboretum for the next 20 years. Seattle Parks and Recreation, the University of Washington and the Arboretum Foundation developed the plan over the period from 1994 to 2001. The master plan ensures the Washington Park Arboretum will effectively fulfill three primary purposes—conservation, recreation and education—for decades to come. Key elements include renovation of 30 existing plant exhibits and creation of 21 new plant exhibits; reorientation of some pedestrian trails; construction of a pedestrian/bicycle trail along Lake Washington Boulevard, which is the subject of this environmental analysis; renovation and expansion of existing facilities in the vicinity of the Graham Visitors Center; construction of a new pavilion and entrance to the Japanese Garden; addition of two pedestrian overpasses, one across Lake Washington Blvd. and one across Foster Island Drive; traffic flow improvements; and other minor modifications.

The plan results from collaboration among Seattle Parks and Recreation, the University of Washington, and the Arboretum Foundation, and the Arboretum's neighbors and supporters. The plan was the subject of extensive public review and comment. Between 1994 and 2001, more than 4,500 citizens commented through public workshops and meetings, focus groups, forums, open houses, public hearings and the environmental review process – and all of these comments have helped shape the final plan. The master plan responds to a host of issues that have arisen during the past 20 years concerning collections, traffic, conservation, education, public safety, recreation, and visitor services. Some of the original plant collections have matured and many trees are dying. These natural resources require improved conditions and special care to thrive. Barrier-free access to public spaces needs to be updated to meet legal requirements. Visitor services, security, and educational and community programs are essential to the Arboretum's public service mission.

There are identified Environmentally Critical Areas (ECAs) within the proposed multi-use trail corridor that are protected under the Seattle Municipal Code (SMC) including Fish and Wildlife Conservation Areas, Washington State designated Priority Habitat and Species (PHS), Riparian Corridors, Shoreline Habitat, Wetlands and Geologic Hazard Areas. Arboretum Creek and its tributaries flow through the proposed trail corridor adjacent to Lake Washington Boulevard.

Arboretum Creek originates within WPA just north of the Japanese Garden, and flows through the WPA for less than 1 mile to discharge into Willow Bay, part of Union Bay, and Lake Washington near Foster Island. Sections of the creek flow through a narrowly incised channel, and other sections flow through broader wetland swales. An approximately 440-foot-long section of the creek flows underground through a 24-inch-diameter pipe (270 linear feet of pipe to manhole storm drain, 170 linear feet to outfall), starting just south of the Wilcox footbridge. The creek daylight north of Lake Washington Boulevard East, discharging through a 24-inch outfall into the existing downstream creek channel. Arboretum Creek does not have sufficient year-round flow to currently support fish, especially upstream of the existing culvert under Lake Washington Boulevard. Due to its connection and proximity to Lake Washington, fish, including ESA-listed species, may use the creek's downstream reach below the culvert.

## **PROPOSAL DESCRIPTION**

The subject proposal is Phase 1 of a large reconstruction project at the north entry of the WPA associated with WSDOT's reconstruction of SR520. Phase 1 work includes:

- Construction of a 1.2 mile multi-use trail along Arboretum Creek including grading and the removal of culverts;
- Improvement of an existing gravel surface lot to a 59 stall paved parking lot;
- One stairway construction;
- Construction of three (3) pedestrian bridges; and,
- Additional improvements include upgrades of existing crushed rock pathways to make connections to the surrounding neighborhood. Benches, trash receptacles, interpretive and way finding signs, and various seating areas are planned.

The trail itself will likely be porous asphalt, ten (10) feet in width with a (2) foot shoulder on one side; the trail may narrow down to eight (8) feet in width with a (2) foot shoulder in limited spots to accommodate existing trees or other features. Wetland and stream enhancement and restoration are included in the project. A boardwalk is also being studied for the crossing of one wetland.

Phase 2 of the overall North Entry Project is linked to the SR 520 construction and will be completed between 2018 and 2020 pending funding. Phase 2 includes day lighting a 445 lineal feet portion of Arboretum Creek associated with roadway work adjacent to Lake Washington Boulevard; re-alignment of Lake Washington Boulevard to its historic location, including a round-about to control and calm traffic; and, additional pedestrian and parking improvements. This Phase 2 work is currently unfunded and the timing is dependent on the highway reconstruction schedule. The Phase 2 work will be the subject of a separate environmental analysis at the time the project moves forward.

## **ANALYSIS – SEPA**

Initial disclosure of potential impacts from this project was made in the applicant's Environmental Checklist, dated December 10, 2012. The basis for this analysis and decision is formed from information in the Checklist, familiarity with the site and the lead agency's experience with review of similar projects.

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the proposal. The City codes and requirements, including the Stormwater Code, Land Use Code, Building Code and other construction codes and the City's Environmentally Critical Areas Ordinance are expected to mitigate potential environmental impacts.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "[w]here City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation". The Policies also discuss in SMC 23.05.665 D1-7, that in certain circumstances it may be appropriate to deny or mitigate a project

based on adverse environmental impacts. This may be specified otherwise in the policies for specific elements of the environment found in SMC 25.05.675. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

### Short Term Impacts

#### Construction

As noted in the checklist, grading will be required to construct a multi-use trail that complies with the most current edition of the AASHTO guide for the development of bicycle facilities. Grading includes: resurfacing/ reconfiguration of an existing gravel parking lot, required wetland restoration and enhancement work, excavation for bridge abutments, and the roadway grading and resurfacing. Cut is estimated at 6,240 cubic yards and fill is estimated at 3,085 cubic yards resulting in an export of 3,155 cubic yards. All clearing and grading construction would be in accordance with City of Seattle Clearing & Grading permit conditions and shall comply with erosion and sediment control measures detailed in Seattle's Stormwater code SMC 22.800 – 22.808 and Seattle's Grading Code SMC 22.170. Standard best management practices (BMPs) will be used before and during construction to minimize erosion and sedimentation. BMPs include, but are not limited to, use of silt fences, and compliance with a timing restriction to coincide with the summer low-rain and low-flow period, and storage of materials away from wetlands, streams, and steep slopes. Following grading, disturbed soils will be mulched and hydro seeded with grass seed and/or restored with native vegetation.

There are adequate areas on-site parking for the construction crews and equipment. The site is adjacent to an arterial which provides convenient truck access consistent with the requirements of the Street Use Ordinance. Given the amount of grading proposed, there will be materials exported from the sited. Lake Washington Boulevard is adjacent to the construction area and will provide access to State Route 520 and City arterials on which to haul materials. Construction traffic and haul route(s) will be designated, and notices and signage will alert pedestrians and drivers to times of day and peak activities as part of Parks' standard specifications.

#### Noise

Construction activities will be confined to a typical construction schedule; construction will likely only take place during the week. Hours of construction are limited by the Seattle Noise Ordinance, SMC 25.08, to 7:00 a.m. and 7:00 p.m. on weekdays (SMC 25.08.425). The reality of the local construction industry is that contractors typically work from 7 a.m. to 4 p.m.; the likelihood that any construction activities will occur up to 7 p.m. is slight. The Noise Ordinance also regulates the loudness (dB) of construction activities, measured fifty (50) feet from the subject activity or device. The City has dedicated noise inspectors to monitor construction activities and respond to construction complaints. Compliance with the City's Noise Ordinance will prevent any significant adverse short term noise impacts and thus no further conditioning is necessary or warranted.

#### Environmentally Critical Areas

As noted in the Checklist, streams in the Arboretum include Arboretum Creek and several small unnamed tributaries of the creek. The City's critical areas mapping (City 2011) shows Arboretum Creek and its buffer as a riparian corridor; the small tributaries are not identified,

with the exception of one unnamed tributary. Arboretum Creek originates within the Arboretum and flows for less than 1 mile to its discharge point at Willow Bay near Foster Island. The creek does not have sufficient year-round flow to currently support fish and it is assumed that the creek would be classified non-fish bearing. However, juvenile salmonids may use the creek's downstream reach below the culvert.

Wetlands within the project area are summarized below. All of these drain into Arboretum Creek:

Wetland	Area(SF)	Hydrogeomorphic Classification used for rating	Ecology Habitat Score	Rating - (City and Ecology)	City Buffer Width (feet)
A	1,360	Riverine	Low	III	60
B	7,110	Riverine	Low	III	60
C	44,780	Riverine	Moderate	II	110
D	136,250	Riverine	Moderate	II	110
E	40,052	Riverine	Moderate	II	110
F	1,970	Riverine	Low	III	60
G	1,870	Riverine	Low	III	60
H	2,747*	Depressional	Moderate	II	110

\* Portion of wetland within study area; wetlands beyond study area

Proposed construction will occur primarily within the wetland and creek buffers to build the multi-use trail and related support facilities. Direct disturbance will occur within the boundaries of several wetlands as described below. All disturbed areas will receive restoration plantings.

- Wetland A will be crossed with a bridge and no direct impact.
- Wetlands B and C will be impacted by the removal of approximately 800 lineal feet of culverts to daylight the stream with trail construction in the buffers. The daylighting work will occur below the OHW elevation of the creek channel. This work will be accomplished in the dry stream flow and the stream will be temporarily diverted into a pipe. A new bridge will be constructed to carry the trail over the creek. Construction of an improved parking area will also in the buffer to the creek and wetland.
- Wetland D will have a direct impact as the trail crosses through the interior of the wetland to connect the trail to the north.
- Wetland E will have minimal impacts to the buffer to construct the multi-use trail.
- Wetlands F and G will have minimal impacts to construct a trail, and will receive restoration and buffer plantings.

The excavation of approximately 540 cubic yards of material and placement of approximately 4 tons of streambed substrate are associated with the daylighting of the creek sections currently in culverts; quantities represent early stage conservative estimates. No fill is anticipated to be placed directly in wetlands.

All stream improvements carried out below OHW are assumed to be accomplished within the fish window of one construction season, to the extent that WDFW will impose in-water work limitations. In-water work may occur to reconnect the new day lit channel with the existing

channel; additional in-water work is associated with the stream enhancements within the lower reach of Arboretum Creek.

The project will provide landscape restoration of all disturbed areas. Plantings will be selected to enhance the adjacent collection goals of the areas that are currently represented within the Arboretum. Plantings will be predominately native (80/20) to achieve this goal. Additional specifics of plant types that will be provided are as follows:

- 81,000 sq. ft. of Buffer Enhancement planting;
- 10,900 sq. ft. of Wetland Enhancement planting;
- 21,500 sq. ft. of Wetland Restoration planting;
- 2,400 sq. ft. of Stream Enhancement planting; and,
- 867 sq. ft. of Stream Restoration of planting.

### Historic Preservation

The Wilcox Bridge is listed on the National Register of Historic Places (1982 #82004229). It is also a City Landmark (#106070). The bridge was built from 1910-1912 and includes a sewer trunk line that passes over Lake Washington Boulevard. There are several other Works Progress Administration era structures in the arboretum. These do not currently have landmark status, but are eligible for nomination. The Stone Cottage is one of these, and is present at the south end of the project. It was built CA 1938 and is currently not registered. The “Barn” is near the Graham Visitors Center that was built in 1935. It was built as a maintenance facility, and continues to function as such at present. Lake Washington Boulevard through the Washington Park Arboretum was originally designed and laid out by the Olmsted Brothers. It is not currently a registered landmark, but is eligible.

The Project is being designed in a manner that honors the historic character and goals of the arboretum. Materials are being selected that are compatible with adjacent structures and honors the work done of the past. The project meets regularly with Friends of Seattle Olmsted Parks for guidance on project elements that are sensitive to the historic nature of the site.

### Recreation

Arboretum visitors will experience minor disruption of their visits during construction. The existing gravel parking area will be closed while it is being reconstructed. Portions of the Arboretum may be closed adjacent to the construction zone(s) as the work on the multi-use trail progresses. Visitors may notice the construction noise associated with the project. That said, the Arboretum is a 194 acre facility and the majority of the Arboretum will be undisturbed by the proposed construction. Parks will post appropriate signage to alert visitors of any closure and direct them to other more quiet areas consistence with Parks’ standard procedures when improvements are being made to a park.

No short term adverse environmental impacts are anticipated. Potential project impacts are adequately addressed by City codes and policies. No additional conditioning is necessary or warranted.

Long Term Impacts

In the long term, Arboretum Creek will flow in a more natural channel and Arboretum wetlands will be restored and improved. The project expands recreational opportunities by providing a multi-use trail connection from Madison Street north to intersect with the existing Wilcox Bridge and Foster Island Drive. This connection provides a loop trail system through the Arboretum. No long term adverse environmental impacts are anticipated and thus no conditioning is necessary or warranted.

**DECISION**

This decision was made after the responsible official, on behalf of the lead agency, reviewed a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and final decision on application of SEPA's substantive authority and mitigation provisions. 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).
- ( ) Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. AN EIS is required under RCW 43.21C.030(2)(C).

**ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads:

A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and Shoreline Management Act.

**A. The Policies and Procedures of Chapter 90.58 RCW**

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects

to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting 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 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (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 designations for the area of work are Conservancy Preservation (CP) (SMC 23.60.220).

### **SMC 23.60.004 - Shoreline Policies**

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and location criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The purpose of the CP environment is stated in SMC 23.60.220.C.2:

- The purpose of the CP 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 proposal is to construct a 1.2 mile, 12 foot wide multi-use trail through the Washington Park Arboretum. The proposal includes improvements to an existing parking lot and improved

crossings of Arboretum Creek. Wetland and stream restoration/enhancement is also included in the proposal. A small section of the total trail extends into the Shoreline District. Approximately 4290 square feet will be impacted for trail construction in the 100-foot shoreline habitat buffer; 4350 square feet in this buffer will be enhanced with native vegetation as mitigation.

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).

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:

1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located:

CP Environment: Pedestrian paths and viewpoints are permitted as a special use in the CP Environment. Per SMC 23.60.032, the Director may approve or conditionally approve a special use only if the applicant can demonstrate all of the following:

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

*In accordance with RCW 90.58.020, the proposed project recognizes and protects the statewide interest of the shoreline and preserves and protects the natural character, resources and ecology of the shoreline. The multi-use trail has been located to minimize disturbance to the shoreline; shoreline habitat buffer, wetland, and stream enhancement and restoration are major components of the project. The shoreline habitat will not be disturbed and the project and is not expected to adversely impact fish and wildlife species. The project will increase public access to publicly owned lands and shorelines. The trail will benefit the public by providing an off-street pedestrian and bicycle path through the Arboretum to Lake Washington; one does not currently exist.*

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

*The multi-use trail will not interfere with the normal public use of public shorelines. The trail will benefit the public by providing an off-street pedestrian and bicycle path through the Arboretum to the Graham Visitor Center near Lake Washington, thus improving public access to the shoreline. Access to this publically owned shoreline will be improved for passive open-space enjoyment, families with children, and those who require an accessible trail design.*

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

*The proposed use of the site and design of the project is compatible with the other permitted uses in the area. The site is currently managed as a public arboretum and botanic garden that is owned and maintained by the City of Seattle. The University of Washington manages the plant collections on the property. The site provides passive recreation (strolling, walking, jogging), educational and research facilities, conservation of plant materials, and wildlife habitat along the shores of Lake Washington and through the riverine habitat formed by Arboretum Creek.*

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

*The proposed use will not cause unreasonably adverse effects to the shoreline environment. The project will establish a multi-use trail from East Madison Street in the south to Foster Island Drive and the Graham Visitor Center in the north. A small section of the total 1.2-mile trail extends into the Shoreline District. Approximately 4290 square feet will be impacted for trail construction in the 100-foot shoreline habitat buffer; 4350 square feet in this buffer will be enhanced with native vegetation as mitigation for increased impervious area in this area.*

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

*The public interest suffers no substantial detrimental effect due to this project. The proposed project recognizes and protects the statewide interest of the shoreline and preserves and protects its natural character and ecology. The shoreline will not be reconfigured and the project is not expected to impact fish and wildlife species. The development has been located to minimize and reduce adverse impacts, while enhancing the public's enjoyment of the natural environments protected by the Conservancy Preservation Designation.*

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 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 proposal, as designed and conditioned below including the proposed mitigation, would not adversely affect the quality and quantity of surface and ground water on and adjacent to the site on a long-term basis. No planned discharge of solid wastes would occur. Spillage of petroleum or diesel products must be avoided and contained should it occur. No intentional release of oil, chemicals, or other hazardous materials shall occur. 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. No vegetation will be cleared with this proposal. 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 except that man-made debris on the beach will be removed near the existing bulkhead. 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.

#### SMC 23.60.330-334-Development Standards for CP Environment

The development standards set forth in the Conservancy Preservation Shoreline Environment state all developments shall be located and designed to minimize adverse impact to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas. Development in critical natural areas shall be minimized. Remaining development standards limit height to 15 feet.

The proposal is designed to provide an ADA-compliant multi-use trail from East Madison Street in the south to Foster Island Drive and the Graham Visitor Center in the north. A small section of the total 1.2-mile trail extends into the Shoreline District. The trail has been designed to avoid and minimize impacts to wetlands, wetland buffers, shoreline habitat, and shoreline habitat buffer within the Shoreline District. In addition, a number of Conservation Measures (CMs) outlined in the Biological Evaluation for the project will be employed during construction within and outside of the Shoreline District:

- *Construction-related sediment or pollutants entering waterbodies will be prevented as follows:*
  - *Work in Arboretum Creek will be conducted in the dry to avoid long-term turbidity impacts resulting from the Project.*
  - *Erosion and water quality control devices will be placed prior to the beginning of work.*
  - *A Temporary Erosion and Sediment Control Plan will be prepared and kept on-site.*
  - *Best management practices will be implemented to prevent erosion of excavated material, including curb inlet sediment traps and geotextile filters as appropriate to capture sediment before it leaves the Project area.*
  - *Haul and access routes, staging areas, and stockpile areas will be stabilized.*

- *Erosion control materials will be kept on-site to respond to emergencies.*
- *A Spill Prevention and Control Plan will be prepared and on-site, and a spill kit will be maintained on-site.*
- *Sediment tracking onto paved streets or roadways will be minimized.*
- *Equipment wash areas will be located where washwater, sediment, and pollutants cannot enter waterbodies.*
- *If mechanized equipment is used below the Ordinary High Water Mark (OHWM), only an extension arm with bucket or similar attachment shall enter the water.*
- *Use of equipment operating below the OHWM will be confined to designated access corridors.*
- *Equipment that will work below the OHWM or in riparian areas will be cleaned prior to use.*
- *Equipment in will be fueled in staging areas.*
- *Vegetable-based hydraulic fluid will be used as practicable when equipment operates in sensitive areas.*
- *Stream and riparian crossings will be managed to minimize erosion.*
- *No wet concrete or epoxy will be allowed to come into contact with the water.*
- *After construction, and when soils have stabilized, equipment and excess supplies will be removed, work storage areas will be cleaned, and temporary erosion control measures will be removed.*
- *The area to be disturbed will be minimized as follows:*
  - *Machinery will be operated from existing roads and paved areas as practicable.*
  - *Construction impacts will be confined to the minimum area necessary, and impacts will be delineated on Project plans and on-site.*
  - *Staging and site access areas will be established along existing roadways or other disturbed areas.*
  - *Clearing and grubbing areas will be minimized to minimum required, retain vegetation to maximum extent.*
  - *Proper work area isolation measures will be followed.*
- *Measures that will be taken to minimize impact to riparian and in-stream areas include the following:*
  - *Invasive plant species will be handled carefully during their removal, taking care to prevent the spread of these species.*
  - *Large wood, vegetation, soils, and native streambed material will be salvaged as appropriate and stockpiled for establishment of staging area and site restoration.*

In addition, 4350 square feet in the shoreline habitat buffer will be enhanced through control of invasive weeds and addition of native vegetation. No structures are proposed that would exceed 15 feet in height are proposed in the Shoreline District for this project.

### **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 Chapter 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 Chapter 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, as conditioned the proposal is approved.

## **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit, as detailed in plans submitted to DPD dated March 7, 2012 is **GRANTED**.

Signature: (signature on file) Date: February 12, 2015  
Seth Amrhein, Senior Environmental Analyst  
Department of Planning and Development

SA:rgc  
K:\Decisions-Signed\3017159.docx

### **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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.