



City of Seattle
Edward B. Murray, Mayor

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: 3017309
Applicant Name: Clayton Antieau for Seattle Public Utilities (SPU)
Address of Proposal: 299 R Lakeside Ave S

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow the replacement of a 325 linear foot 8 inch diameter pipe Combined Sewer Outfall (water/sewer pipe) to store excess stormwater (CSO outfall 31). A Determination of Non-Significance Dated December 19, 2013, has been prepared by City of Seattle, Seattle Public Utilities.

- **Shoreline Substantial Development Permit (SSDP)** — to allow the replacement of a utility line in the Conservancy Recreation (CR) and Urban Stable (US) environments. Chapter 23.60
- **Shoreline Special Use** — to allow the replacement of a utility line in the Conservancy Recreation (CR) environment. Chapter 23.60.364 C (criteria for Special Use Approvals)
- **State Environmental Policy Act (SEPA)** Chapter 25.05 (substantive conditioning)

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

PROPOSAL and BACKGROUND

Location of the Proposal

The project is in the Leschi neighborhood, with the CSO Outfall 31 located south of the Leschi Park and Marina, north of the intersection of South Leschi Place and Lakeside Avenue South — in a shoreline street end. Most of the project would be situated entirely within the improved street right-of-way for South Main Street, but construction staging is expected to be located in

approximately 1,000 square feet of Park's parking lot in Leschi Park approximately 225 feet north of the South Main Street right-of-way and along the existing landscaping in Leschi Park. The project is located in the Cedar/Sammamish Water Resource Inventory Area (WRIA 8)

Background

The City of Seattle's wastewater collection system includes separate, partially separated, and combined sewer areas. In areas of the City where there are separate sewers, stormwater runoff flows to a storm drainage system, while sanitary sewage and industrial wastewaters are conveyed through sewers to regional wastewater treatment facilities owned and operated by King County. In the partially separated areas of the City, storm drain separation projects were built during the 1960s and 1970s to divert street runoff to the storm drainage system while allowing rooftop and other private property drainage to flow into the sewers. In the combined areas of the City, sewage, industrial wastewater, and stormwater are conveyed in combined sewers to King County's wastewater treatment facilities.

During storm events, the quantity of stormwater runoff flowing into the wastewater collection system sometimes exceeds capacities of the partially separated and combined sewer systems. When this happens, the wastewater collection system overflows at combined sewer overflow (CSO) outfall structures designed for this purpose. There are currently 87 outfalls in the City of Seattle where CSOs can occur. SPU's CSO Outfall Rehabilitation Program rehabilitates these outfalls as necessary.

The State of Washington Department of Ecology has included requirements and timelines to rehabilitate specific CSO outfalls in SPU's CSO System National Pollutant Elimination Discharge System (NPDES) Permit (No. WA0031682) issued on October 27, 2010 and modified on September 13, 2012. SPU's Outfall Rehabilitation Program staff conducted condition assessments and analyzed options for rehabilitating seven outfalls, including three that must be rehabilitated by December 31, 2014 and four that must be rehabilitated by November 1, 2015. This Environmental Checklist analyzes environmental effects of the proposed rehabilitation project at CSO Outfall 31, which is among the outfalls that must be rehabilitated by November 1, 2015.

In this case, combined sewage from the tributary area flows to an overflow structure located in maintenance hole (MH) 046-033, the nearest principal structure upstream of CSO Outfall 31. That structure is located in the northbound travel lane of Lakeside Avenue South north of the intersection with South Leschi Place. During rain events, when flows in the area's wastewater collection system exceed its capacity, combined sewage flows over a weir in MH 046-033, through CSO Outfall 31, and into Lake Washington. Based on 2008 - 2012 flow monitoring, this currently happens an average of eight times per year.

CSO Outfall 31 was originally designed to extend 321 feet from MH 046-033. When it was constructed in 1931, the outfall was comprised of approximately 70 feet of 8-inch diameter vitrified clay pipe on the landward end, transitioning to approximately 251 feet of 8-inch diameter cast iron pipe. MH 046-033 is about 127 feet landward of the present-day ordinary high water mark (OHWM) elevation of Lake Washington. The original outfall extended approximately 80 feet into what is believed to be state-owned aquatic lands under the jurisdiction of WDNR.

Sometime after 1931, the outfall pipe was severed approximately 82 feet from the shoreline, a point approximately 111 feet short of its design terminus. This damage is assumed to have been caused by the installation of wooden pilings (date unknown), and a subsequent replacement of those pilings with aluminum pilings (date unknown), for the south breakwater of Parks' nearby Leschi Marina. This damage was confirmed by underwater inspection during a 2006 outfall evaluation (Herrera Environmental Consultants 2006) and by dye-testing and an additional dive inspection in 2011. Closed-circuit television video (CCTV) inspections in 2006 and 2011 also revealed the land-based reach of the outfall pipe is in otherwise very poor condition, showing significant intrusion by tree roots, interior pipe erosion, and misaligned pipe segments of such severity that the surrounding ground is visible through some joints (in the CCTV record).

The Proposal

This proposed project would rehabilitate CSO Outfall 31 by installing approximately 325 feet of new 8 inch diameter butt-fused SDR-17 High Density Polyethylene (HDPE) pipe. The land-based portion of the new HDPE pipeline would be installed in the same horizontal and vertical alignments as the existing vitrified clay portion of the outfall pipe using trenchless pipe-bursting technology. In this technique, a conical bursting head and its accompanying borehole expansion collar lead would be attached to the new HDPE pipe. The head/pipe assembly would then be pulled into the existing pipeline via an "injection pit" located at the shoreline. The head assembly would crack, shatter, and displace the existing pipe outward into surrounding soil. The force required for this operation would be exerted via a heavy cable, linked rods, or pneumatic methods routed down the existing pipeline from an "extraction pit" excavated at the proposed pipeline's upstream end.

After the HDPE pipeline emerges from the shoreline into Lake Washington (where it is still within the existing outfall alignment), it would curve slightly to the north to avoid the pilings of the existing aluminum breakwater. Upon clearing the pilings, the HDPE pipeline would re-curve back toward the breakwater and terminate at a point as nearly coincident with the original outfall terminus as is practicable (given the presence of the breakwater, which was absent in 1931).

Because the HDPE pipeline would be neutrally buoyant when submerged, an anchoring system is required to fix the pipeline in position on the bed of Lake Washington. This would be accomplished by affixing the pipe to approximately eleven approximately 560 pound precast concrete anchor blocks at approximately 16 foot (center-to-center) spacing. The total weight of the anchoring system would be designed to provide a 1.5 safety factor to ensure the pipeline remains anchored during a worst-case maintenance operation that requires plugging the outlet of the pipeline and then jetting and back-flushing the pipe. The anchor blocks would be designed so that the total weight of the pipeline and anchor blocks would depress the lakebed sediment no more than 1 inch at any one anchor block location.

Excavation of the upstream pipe-bursting extraction pit may require demolition of a concrete walkway and two street panels. Construction of the injection pit would require demolition of a section of a 1 foot tall concrete retaining wall along the shoreline of Lake Washington. Any demolished concrete structures would be replaced in-kind. All disturbed ground would be restored to match existing grade and then revegetated.

In the future, the rehabilitated pipeline may need to be cleaned and inspected. For purposes of evaluating environmental impacts of that activity, SPU estimates that inspection and cleaning would not occur more frequently than once every 5 years over the expected lifespan of the pipe

(estimated to be 60 years). Routine cleaning events would be conducted using land-based “vactor” equipment deployed at the MH 046-033 structure. Pipe contents would be jetted into Lake Washington under the provisions of any required permits. Following cleaning, the pipe would be inspected by CCTV to document condition and serviceability. CCTV inspections would be conducted by land-based equipment using the MH046-033 structure.

Public Notice and Comment Period

The public comment period for this project ended on July 11th 2014. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

The State Shoreline Management Act (SMA) and the City of Seattle’s Shoreline Master Program (SMP) regulate activity within 200 feet of the ordinary high-water mark (OHWM) of shorelines of the state. Seattle Public Utilities (SPU) has applied to DPD for a Shoreline Permit to construct its proposed rehabilitation of the existing Combined Sewer Outfall 31 in Lake Washington, which is a Significant Shoreline of the state.

The project would install approximately 325 feet of new 8 inch diameter butt-fused High Density Polyethylene (HDPE) pipe to replace the existing failing pipe within submerged and non-submerged street right-of-way. Approximately 180 linear feet of HDPE pipe would be placed and anchored slightly north of the original outfall alignment on the bed of Lake Washington. Terminating at a depth of over 20 feet, the outlet of the outfall would be fitted with a flap gate to prevent the entry of fish. To construct the project, an existing concrete retaining wall and riprap shoreline armoring along the Lake Washington Shoreline would be removed. All work would be required to be performed with an approved construction erosion, sedimentation, and turbidity control plan, while also meeting National Pollutant Discharge Elimination System construction stormwater permit requirements. Disturbed shoreline areas would be revegetated with live stakes. All trash and derelict concrete/debris along the along the lakeshore found within the project area would be disposed of properly.

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).

¹ <http://www.seattle.gov/dpd/toolsresources/default.htm>

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) and Urban Stable (US) 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 Conservancy Recreation (CR) and the Urban Stable (US) environments are stated in SMC 23.60.220-C.3. and SMC 23.60.220-C.7.:

The proposal is located Landward of the Ordinary High Water Mark (OHWM) within the Urban Stable (US) and Waterward of the OHWM within the Conservancy Recreation (CR) Shoreline Environment. The purpose of the Urban Stable (US) Environment is to (1) provide opportunities

for substantial numbers of people to enjoy the shorelines by encouraging water-dependent recreational uses and by permitting non-water dependent commercial uses if they provide substantial public access and other public benefits; (2) preserve and enhance views of the water from adjacent streets and upland residential areas; and (3) support water-dependent uses by providing services such as marine-related retail and moorage. Utility lines are a use permitted outright in the US environment. The purpose of the CR Environment is to protect areas for environmentally related purposes such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes. Utility lines are not a use permitted outright in the CR environment. As a result, the proposed utility line requires SMP special use approval.

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. Best management practices that will be employed during construction described above and/or in more detail in the application serve the overall project purpose use as well as the purpose of the US 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 CR Shoreline Environment (SMC 23.60.390-.400) and US Shoreline Environment (SMC 23.60.630 - .642)

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

SMC 23.60.600 – Uses Permitted Outright in the US Environment

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

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.

DECISION - SHORELINES

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

ANALYSIS - SHORELINE SPECIAL USE

Seattle Municipal Code (SMC) 23.60.364-C (Special Uses in the CR Environment) and SMC 23.60.032 (Criteria for Special Use Approvals).

Uses identified as requiring special use approval in a particular environment may be approved, approved with conditions, or denied by the Director of DPD. The Director may approve or conditionally approve a special use only if the applicant can demonstrate that the proposed use meets all five of the Shoreline Conditional Use Criteria set forth in WAC 173-27-160 and SMC 23.60.032. Each of these Criteria is addressed for the proposed use in the paragraphs below.

A. That the proposed use would be consistent with the policies of RCW 90.58.020 and the policies of the Seattle Shoreline Master Program.

RCW Chapter 90.58 (the Washington State Shoreline Management Act of 1971) establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the SMA. Seattle's SMP provides goals, policies and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of RCW 90.58.

Some of the policies of RCW 90.58.020 are to foster "all reasonable and appropriate uses;" protect against adverse effects to the public health, the land and its vegetation and wildlife; and give priority to single-family residences and appurtenant structures in authorizing alterations to the natural condition of the shoreline. As a water-dependent use critical to the public health and associated shoreline development, a combined stormwater outfall is a reasonable use. As described above, and for Criterion D below, the proposal incorporates conditions that address erosion, sediment, and turbidity control; disposal of construction debris and disturbance of vegetation; and site restoration that will protect against adverse impacts to the shoreline environment and water quality in Lake Washington.

The SMP contains policies and regulations that apply to all uses in the shoreline management district, including, for example, archaeological and historic resources; natural resources; flood hazard reduction; public access; and water quality and quantity. The SMP also contains policies to encourage recreational development and regulations to ensure ecological restoration and public access.

The proposed use would be consistent with SMA and SMP goals to protect the character of the shoreline environment, its resources, and its ecology. Utilities are allowed uses in the US environment and are allowed as a special use in the CR environment. The proposed use would comply with the all of the SMP's development standards for outfalls (SMC 23.60.194 Standards for intakes and outfalls); utility lines (SMC 23.60.192 Standards for utility lines); and general development (SMC 23.60.152 General development) except for provision 23.60.152-B (discharge of untreated effluents) because of the nature of combined sewer outfalls. However, the proposed use would not alter the volume, duration, timing, or quality of effluent flows as these currently exist.

The proposed project is part of the drainage and sewer systems that serve this neighborhood and would contribute to prolonging the functional life of these critical public utilities that support other established uses of the shoreline environment. No archaeological sites have been identified in the project area. The proposed outfall would be buried for most of its length and anchored to the bed of Lake Washington and so would not be visible from land. SPU conducted environmental review under the State Environmental Policy Act (SEPA) and issued a Determination of Non-significance (DNS), which was not appealed.

B. The proposed use would not interfere with the normal public use of public shorelines.

The proposed use is a combined sewer outfall that would replace the existing outfall. The pipe would be buried for most of its length but would emerge into Lake Washington about 80 feet from the OHWM in approximately 8 feet of water during low-water seasons. As with any new construction, there would be temporary impacts to the shoreline environment in constructing the project. A construction staging area would close a small area of the parking lot for the City of Seattle's Leschi Marina. Also, while the project is located in street right-of-way, the landward portion of this project area is used as if part of adjacent Leschi Park, which would thus be impacted by construction.

Pedestrian, bike, and vehicle detour routes would be provided during construction. SPU would obtain necessary permits and would coordinate with property owners and Park/Marina users to minimize disruptions. Adequate parking is available within the adjacent Marina parking lot. SPU or its contractor would provide advanced notice of upcoming construction detours and closures. Construction would not interfere with any tribal fishing or lake access, or with boating activity associated with the adjacent marina.

Once construction ends, the landward portion of the project area would be restored to existing conditions (turf), the shoreline would be restored to original grades and by replacing the concrete bulkhead and the lakebed would be restored to original grades and improved by the placement of fish-suitable substrate and appropriate riparian vegetation. The completed outfall would not be visible from the land and no views would be affected. The completed project would not interfere with boating activity associated with the adjacent marina because the outfall would be anchored to the bed of Lake Washington. No previously existing and normal public use of this public shoreline would be changed once the project is constructed.

C. The proposed use of the site and the design of the project would be compatible with other permitted uses within the area.

The project area is located within the Low-Rise Multifamily (LR3 RC) and Single Family (SF 5000) zoning districts, which provides for a variety of single and multifamily housing types in

existing residential neighborhoods of moderate scale. The neighborhood is a mix of small to large scale single family and multifamily housing and includes apartments, condominiums, and townhouses. The proposed project is part of the drainage and sewer systems that serve this neighborhood and would contribute to prolonging the functional life of these critical public utilities.

D. The proposed use would cause no unreasonable adverse effects to the shoreline environment designation in which it is to be located.

The SMP designates the project area as US and CR environments. SPU issued a SEPA DNS with no mitigating conditions after reviewing the environmental impact of the proposal and determining that the proposed development would not have a probable significant adverse impact on the environment. By using the existing utility infrastructure (landward of the OHWM) for pipe bursting, the project minimizes the potential for impacts. All work would be required to be performed with an approved construction erosion, sedimentation, and turbidity control plan, while also meeting National Pollutant Discharge Elimination System construction stormwater permit requirements. The project would comply with the terms, conditions, and provisions of federal Nationwide Permits 7 and 33 (for the Clean Water Act and Rivers and Harbors Act) and the project's Washington State Hydraulic Project Approval. The completed project would have a fish entry barrier (flap-gate) fitted to the outlet of the outfall and would additionally improve fish and wildlife habitat by incorporating fish-suitable aggregate and riparian plants that are not currently present. The proposed use would have no permanent impact on terrestrial or aquatic recreational opportunities or activities for the public along the existing shoreline. No additional impervious surface would result from project construction. Neither project construction nor the completed project would interfere with tribal fishing or lake access, or with boating activity associated with the adjacent marina.

E. The public interest would suffer no substantial detrimental effects from the proposed project.

The proposed project would rehabilitate a portion of the drainage and sewer systems that serve this neighborhood and would contribute to prolonging the functional life of these critical public utilities. The proposed use would not alter the volume, duration, timing, or quality of effluent flows as these currently exist. The project would have no substantial detrimental effects on the public interest.

DECISION – SHORELINE SPECIAL USE

The Shoreline Special Use is **GRANTED**.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and Seattle's SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

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.

Disclosure of the potential impacts from this project is made in the submittal materials by the applicant. The Department of Planning and Development has analyzed the environmental information submitted by the project applicant; and reviewed the project plans and any additional information provided. As indicated in SPU’s determination of non-significance, this action will result in adverse impacts to the environment. A discussion of these impacts, short and long term, is warranted.

Short - Term Impacts

Construction Impacts

Construction activities (grading, shoring, 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.

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.

Greenhouse Gas Emissions

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.

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 .

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation 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 the project will be compliant with SEPA policies.

Existing codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy ([SMC 25.05.665](#)).

CONDITIONS – SHORELINES

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.

Life of the Project

4. The outlet of the outfall shall be fitted with a flap gate to prevent the entry of fish.

CONDITIONS – SEPA

During Construction

5. During grading activities, watering of the site and uncovered materials in trucks shall be required to reduce construction dust.
6. 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.
7. 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.
8. 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.
9. Minimize idling time of equipment and vehicle operation.
10. 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 (Colin R. Vasquez, colin.vasquez@seattle.gov or 206-684-5639) 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.
11. 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: August 14, 2014
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development