



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3022084
Applicant Name: Jim Sussex
Address of Proposal: 6501 1st Ave S

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow a new public utility; combined sewer outfall and conveyance pipelines in the Duwamish Waterway (outfall portion of Georgetown Wet Weather Treatment Station under related project 3021372). Review includes shoreline mitigation and restoration. The project includes removing sunken dock, existing pilings and installing a new air/vent structure. Determination of Non-significance issued by King County.

The following approvals are required:

Shoreline Substantial Development Permit: to allow development in an Urban Industrial (UI) Shoreline Environment.

Shoreline Conditional Use: to allow shoreline modification for utility service use in the Urban Industrial Shoreline Environment.

SEPA - Conditioning pursuant to Seattle's SEPA policies. Chapter 25.05.660, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

Background, Summary of Proposal

King County WTD proposes to build a new combined sewer overflow (CSO) known as the Georgetown Wet Weather Treatment Station (GWWTs). The primary elements of the

GWWTs project include construction of the wet-weather treatment station (approximately 1,300 feet upland and northeast of the Lower Duwamish Waterway (LDW) on the northwest corner of South Michigan Street and 4th Avenue South, a regulator structure, modifications to regulator stations, associated conveyance pipelines, and a new outfall structure to convey and treat CSOs prior to discharge into the LDW. The treatment station, regulator structure, regulator stations, and most of the conveyance pipelines are not within the Shoreline District. Those elements are being reviewed by Seattle DCI under project number 3021372.

The GWWTs is expected to treat up to approximately 70 million gallons of combined rain and wastewater per day that would otherwise have discharged directly to the LDW without treatment during storm events.

The GWWTs project will be designed to comply with the following CSO control requirements:

- **Existing outfalls:** Control the existing Brandon Street and South Michigan Street CSOs to along- term average of no more than one untreated discharge per year per outfall, based on a 20-year moving average.
- **Treated CSO discharge at the proposed outfall:** Comply with technology-based and water quality-based effluent limits that will ensure that the treated discharge does not cause or contribute to the exceedance of water or sediment quality standards.

The proposed conveyance system within the Shoreline District consists of a single 60-inch-inside-diameter pipeline, and associated facilities, constructed primarily within the right-of-way of 1st Avenue South and South River Street to convey treated flows from the treatment station to the proposed outfall.

Approximately 290 lineal feet of conveyance pipeline is proposed within the Shoreline District. Most of the pipeline will be buried below-ground; however, an approximately 34-foot-long portion near the connection to the proposed outfall will be above-grade and enclosed within an air structure (concrete vault or ecology block wall; described in more detail below).

The proposed 54-inch-inside-diameter outfall would begin on a Seattle Department of Transportation (SDOT) owned upland parcel that houses Seattle Public Utilities (SPU) water facilities and will terminate at a multi-port diffuser at -19 feet MLLW in the LDW. The proposed outfall would also be located within and adjacent to the Washington State Department of Transportation (WSDOT) right-of-way of the SR 99 /SR 509 Bridge (First Avenue South Bridge). The Port of Seattle owns the submerged aquatic lands within the proposed work area in the LDW. Boathouses and slips west (downstream) of the outfall in the LDW are rented out by the adjacent property owners.

A new outfall pipe is required to convey treated discharge flows to the LDW. A 54-inch-outside-diameter high-density polyethylene (HDPE) pipe with bolted-on precast concrete weights will be installed, starting at the terminus of an upland conveyance pipe and air structure located near the southbound span of the First Avenue South Bridge.

Outfall construction in the LDW will include three trench sections of pipe (nearshore/intertidal, transition, and an above-grade section) built out waterward from the upland area and described in more detail in the application material, including construction methods.

Construction of the new outfall in the LDW also requires other in-water work, including the following;

- 1) Construction of sediment and erosion control measures and a temporary bypass for stormwater entering an existing swale located north of the proposed outfall pipeline;
- 2) Potential construction of a temporary over-water structure (work trestle) in the river;
- 3) Installation of a sheet pile in-water isolation enclosure, and appropriate silt curtains, in conjunction with the over-water work structure, along the alignment of the new outfall pipeline in the LDW;
- 4) Trench excavation predominantly within a sheet pile and/or silt curtain enclosure;
- 5) Installation of the outfall pipe and diffuser using excavators or cranes located on the temporary work trestle and/or anchored barges;
- 6) Backfill of the outfall pipe trench with imported aggregate bedding and cover materials (clean, crushed gravel);
- 7) Substrate restoration to final grade with fish habitat aggregates, and
- 8) Installation of shoreline habitat enhancements.

One or two existing boathouses and adjoining boat slips directly adjacent to the outfall alignment may be temporarily moved removed for construction of the proposed outfall.

All in-water work (below MHHW) will occur within the allowable in-water work window as specified in the Hydraulic Project Approval (HPA) for this project. Although the HPA has not yet been issued, it is anticipated that the window will be between October 1 and February 15 of any given year. Upland and in-water construction activities are expected to have a duration of approximately 3 months.

King County issued a Determination of Non-Significance for this project on March 11, 2016.

Public Comment

The public comment period began on December 31, 2015, and ended on January 29, 2016. No comments were received.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60A.020, Seattle Municipal Code (SMC), requires that a shoreline substantial development permit be obtained prior to the undertaking of any substantial development within a shoreline environment. Section 23.60A.030, SMC, includes criteria for evaluating a shoreline permit. The development must be consistent with:

- A. *The policies and procedures of [Chapter 90.58 RCW](#);*
- B. *The regulations of this chapter, [Chapter 23.60A SMC](#), and;*
- C. *The provisions of [Chapter 173-27 WAC](#).*

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

The Policies and Procedures of [Chapter 90.58 RCW](#)

Chapter 90.58 of the Revised Code of Washington (RCW) is known as the Shoreline Management Act of 1971 (SMA). It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The 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 SMA to local governments. The Department of Ecology is to primarily operate in a supportive and review capacity, with emphasis on ensuring compliance with the policy and provisions of the SMA. As a result of this Act, the City of Seattle adopted the Seattle Shoreline Master Program, codified in the Seattle Municipal Code, Chapter 23.60A. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the SMA, and with the local master program. The SMA sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposal for development would be consistent with the policies and procedures of Chapter 90.58 RCW. The proposed use would promote water dependent and water related uses in the Duwamish Waterway area; impacts to the shoreline environment would be minimized and mitigated where necessary; and no interference with waterborne traffic would result. The proposed use can be accomplished in a manner that is consistent with RCW 90.58 and City of Seattle shoreline policies. Consistency with Seattle shoreline regulations is discussed in more detail below.

The Regulations of [SMC Chapter 23.60A](#)

Chapter 23.60A of the Seattle Municipal Code is known as the Seattle Shoreline Master Program (SSMP). In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60A.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 (SMC 23.60A.063).

In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60A.004; meets development standards for all shoreline environment established in SMC 23.60A.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.

The proposed project will be located on a waterfront lot in the Urban Industrial Shoreline Environment. The utility service use is allowed outright on waterfront lots in the Urban Industrial (UI) shoreline environment, while the outfall (unlisted shoreline modification) requires a shoreline conditional use, which is analyzed below.

SMC 23.60A.004 - Shoreline District Goals and Policies

The Shoreline District Goals and Policies are part of the Seattle Comprehensive Plan's Land Use Element. The purpose and location criteria for each shoreline environment designation contained in SMC 23.60A.220, such as the Urban Industrial (UI) Shoreline Environment, must be considered in making all discretionary decisions in the shoreline district. *LUG48 states the goal to "preserve, protect and restore areas such as those necessary for the support of wild and aquatic life or those identified as having geological or biological significance.* The overall project will reduce the amount of untreated wastewater entering the Lower Duwamish Waterway (LDW) through the two existing CSO outfalls by 95 percent, significantly improving the water quality and providing a benefit to the environment.

LU269(1)(d) states the goal to "preserve the statewide interest by encouraging industrial and port uses in this area [Duwamish area], where such uses are already concentrated, while also protecting migratory fish routes" The project activities within the shoreline are near areas developed with industrial uses, and are compatible with such uses. Migratory fish routes will be improved through habitat enhancements proposed as part of the overall project as well as improved water quality. The construction schedule will be coordinated with Tribal fishing requirements.

The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60A.220.C.9 is to "provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Views shall be secondary to industrial development and public access shall be provided mainly on public lands or in conformance with an area-wide Public Access Plan".

The utility service use at this location allows for and supports the industrial and water dependent and water-related uses in this area of the Duwamish Waterway, while resulting in improved water quality and shoreline habitat through reduced CSOs and stormwater treatment, and therefore is supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

SMC 23.60A.064 - Procedures for Obtaining Shoreline Substantial Development Permits

SMC 23.60A.064 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 23.60A, and with RCW 90.58.020 for allowing variances to proposals that do not meet the development standards.

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 use is not prohibited in the shoreline environment and in the underlying zone;

2. The development meets the general development standards and any applicable specific development standards set forth in SMC 23.60A.152; the development meets the development standards for the shoreline environment in which it is located; and the development meets the development standards of the underlying zoning, except where a variance from a specific standard has been applied for, and;
3. If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in SMC Sections 23.60A.034, 23.60A.036, or 23.60A.032, respectively (discussed in more detail below).

If the development or use is a permitted use and meets all the applicable criteria and standards, or if it can be conditioned to meet the applicable criteria and standards, the Director shall grant the permit or authorization (SMC 23.60A.064).

Development Standards

The proposed use is permitted outright in SMC 23.60A.482 governing the UI shoreline environment and is therefore subject to:

1. *the general development standards for all shoreline environments (SMC 23.60A.152);*
 2. *the development standards for uses in the UI environment (SMC 23.60A.486); as well as*
 3. *the development standards for General Industrial zones (SMC 23.50).*
1. *General Development Standards for all Shoreline Environments (SMC 23.60A.152)*

These general standards apply to all uses in the shoreline environments. The standards 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. The Stormwater, Grading and Drainage Control Code places considerable emphasis on protecting water quality. This generally takes the form of best management practices being required on building permits. The applicant has provided a construction best management practices plan and detailed responses in application for consistency with these general development standards (SMC. 23.60A.152). The proposed best management practices will be adequate to ensure protection of the shoreline from the construction that is proposed, and will be required to be implemented during construction as a condition of approval.

In addition, the applicant is proposing a number of post-construction actions to restore/enhance the nearshore area and improve habitat functions in this area. The specific proposed mitigation actions, discussed in greater detail in the Mitigation and Monitoring Plan (March 2016) submitted for the project and summarized below. These mitigation measures are consistent with general development standards for protection of the shoreline environment and mitigation where impacts cannot be avoided.

Habitat Impacts and Mitigation

The placement of the outfall pipe through the outfall the lower portion of the swale will require significant excavation and disturbance of the swale, during which the swale work area will be isolated from the mainstem LDW. After construction, the lower portion of the swale will be

repaired and rehabilitated as shown in the submitted plan sets. This part of the project will involve regrading the outlet mouth to a more stable and natural configuration that will reduce or eliminate future erosion, as compared to pre-project description. The shoreline immediately upstream and downstream of the swale mouth will also be stabilized using mats or light rip-rap, which will replace the assortment of concrete rubble/waste and shotcrete that currently armors the bank in these locations.

Although the lower portion of the swale will provide ecological functions at a similar level, or likely even a greater level, than existing conditions, this action is considered repair or rehabilitation because the area will undergo significant disturbance due to the project.

In order to install the new outfall pipe, the project requires excavation of substrate below the OHWM of the LDW. All excavated areas will be backfilled with clean, imported materials. This will maintain or enhance sediment quality functions as compared to existing functions. In addition, fish habitat mix will be installed to a minimum depth of at least 12-inches. The fish habitat mix will be installed within and adjacent to the sheet pile cofferdam below an elevation of +2 MLLW and extending waterward of MLLW. The installation of this material will maintain, or likely enhance, long-term substrate functions through introducing some heterogeneous substrate that can potentially be utilized by macroinvertebrates.

After all avoidance, minimization, and restoration measures are applied, several project activities will generate impacts that require additional compensatory mitigation measures to offset. When complete, the total area of pipeline, concrete anchors and bedding exposed on the bottom will be approximately 1,200 square feet. In addition, temporary over water coverage of up to 2,900 square feet will be in place during construction of the new outfall structure. The over water coverage will be temporary (up to approximately 3 months). The hardened structures that will be exposed on the river bottom will likely be at least partially covered with fine sediment over time, as, as the large amount of sediment transported by the LDW will likely deposit finer sediment over the rock substrate, resulting in a substrate profile that is at least somewhat similar to existing conditions. This would likely occur over a relatively short timeframe (likely less than 1 year after installation). The overwater coverage and installation of benthic fill cannot be avoided, but the temporary impacts to aquatic functions can be compensated for through application of appropriate measures

To compensate for this addition of non-natural benthic substrate and a temporary increase in overwater coverage, the following mitigation actions are proposed:

- **Removal of Sunken Dock/Concrete Debris** – Permanent removal of the sunken dock structure and assorted pieces of concrete debris. These actions will serve to offset and mitigate for the alteration of LDW substrates due to the placement of the outfall diffuser and associated structures, by providing fish and aquatic macroinvertebrates access to river substrates which are now covered by man-made structures.

- **Removal of Existing Creosote Piles** - Permanent removal of up to 13 creosote treated piles. This action will serve to offset and mitigate for any temporary degradation of water quality (turbidity or contaminants) that result from excavation within the LDW, by improving long-term water quality functions through the removal of structures that contain creosote, a known aquatic toxicant that can have direct and indirect negative physiological and behavioral effects on fish and other aquatic life. The removal of the piles will also partially offset the temporary effects from the presence of the sheet pile cofferdam (removal of vertical man-made structures) and the

impacts from benthic fill placement (access to river substrates which are now covered by man-made structures).

• **Grading and Riparian Planting in Lower Drainage Swale** – The placement of the outfall pipe through the outfall the upper portion of the swale (upstream of the outfall pipe crossing) will not require excavation and disturbance of the swale. However, in order to provide increased water quality and habitat functions within the LDW, this area will be enhanced and improved. These actions will result in this portion of the swale providing increased habitat for birds and small mammals and improvements to water quality of the stormwater entering the swale (through reduced erosion and increased treatment from vegetation on the terrace). The improvements within the upper swale will fully offset the temporary effects from clearing of the shoreline to allow for construction access, and will provide a pocket of native riparian vegetation in an area that currently comprised by lack of vegetation and presence of non-native/invasive vegetation.

2. *Development Standards for UI Shoreline Environments (SMC 23.60A.486)*

The development standards set forth in the Urban Industrial (UI) Shoreline Environment relate to 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 UI environment.

SMC 23.60A.482 – Uses Permitted Outright in the UI Environment

The proposed utility service use is consistent with allowed uses in the Urban Industrial environment. The proposed outfall is considered an unlisted shoreline modification and therefore triggers requirement for shoreline conditional use pursuant to SMC 23.60A.034, which is analyzed below.

3. *Development Standards for Industrial Zone Uses (SMC 23.50)*

The project proposal also conforms with applicable development standards of the underlying General Industrial 1 (IG1) zone

Analysis: Shoreline Conditional Use

Pursuant to SMC 23.60A.034, the outfall is proposed waterward of the MHHW and its use is considered an unlisted shoreline modification in the UI Environment (SMC 23.60A.172) and as such is processed as a Shoreline Conditional Use. The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:

(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;

RCW 90.58.020 states that "*Permitted uses in the shorelines of the state 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.*"

This project will help protect the Lower Duwamish Waterway (LDW) from CSOs. During heavy rainstorms, the new station will treat excess sewage and stormwater before it enters the LDW. The GWWTs will reduce the amount of untreated wastewater entering the LDW through the two existing CSO outfalls by 95 percent, significantly improving the water quality and providing a benefit to the environment.

The proposed outfall will not interfere with the public's use of the water, as it will be buried below the seabed, and will be located within the footprint of the WSDOT First Avenue South Bridge and associated pier/fender structures. Other proposed activities, including the air structure and conveyance, will not affect the public's use of the water as they are located upland and within areas of limited public access under and adjacent to the First Avenue South Bridge.

The Shoreline Goals and Policies are part of the Land Use Element of Seattle's Comprehensive Plan. This project complies with the following Shoreline Goals and Policies:

LUG48 states the goal to "preserve, protect and restore areas such as those necessary for the support of wild and aquatic life or those identified as having geological or biological significance." The overall project will reduce the amount of untreated wastewater entering the LDW through the two existing CSO outfalls by 95 percent, significantly improving the water quality and providing a benefit to the environment.

LU248 requires "that all commercial, industrial or other high activity uses provide means for treating natural or artificial urban run-off to acceptable standards. Developments with industrial and commercial uses that use or process substances potentially harmful to public health and/or aquatic life shall provide means to prevent, to the extent possible, point and non-point discharge of the harmful substances.

During heavy rainstorms, the new station will treat excess sewage and stormwater before it enters the LDW, improving the water quality and providing a benefit to the environment.

The existing WSDOT drainage swale will be restored by this project and biofiltration will improve by removing invasive vegetation and replanting with appropriate native vegetation. This will result in improved stormwater runoff quality after project completion.

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

The proposed outfall will not interfere with the public's use of the water, as it will be below the water surface and buried below or along the riverbed, and will be located within the footprint of the WSDOT First Avenue South Bridge and associated pier/fender structures.

Other proposed activities, including the air structure and conveyance, will not affect the public's use of the water as they are located upland and within areas of limited public access on SDOT- and WSDOT-managed parcels under and adjacent to existing infrastructure.

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;

Installation of the conveyance pipeline within the shoreline district would take place mostly within WSDOT right-of-way beneath SR 99/First Avenue South Bridge and SDOT right-of-way along a portion of South River Street. Access to adjacent businesses and by general traffic along South River Street may be intermittently disrupted during construction. A traffic control plan will be implemented to maintain access to the area. No structures will be demolished, and impacts will be temporary. No change to land uses along the conveyance alignment is anticipated from construction of the proposed project because of the short duration of construction in any one location.

The above-ground air structure is located on an SDOT-owned parcel that currently contains other above- and below-ground utilities; and as such would be consistent with surrounding developments.

The outfall will be located in an industrial area of the Georgetown neighborhood that currently contains an SPU utility shaft. The outfall will be below the water surface of the LDW. The outfall has been designed to have no utility conflicts with existing SPU water infrastructure.

Construction will necessitate work within a WSDOT drainage swale, which is located on the SDOT parcel. The drainage swale does not appear to have been fully maintained in recent years, and it is heavily overgrown with invasive plants. A temporary bypass will be established during construction in this area to allow stormwater flows to continue discharging to the river. The outfall will be buried along this alignment, and the swale will be restored to a more functional condition with additional mitigation if required.

Construction work will cause temporary disturbances and noise over a period of 3 to 4 months; however, the area already experiences high levels of continuous noise from traffic on the adjacent bridge and roadways, and from nearby industrial and commercial operations during the daytime. No structures on the site will be demolished. A traffic control plan will be implemented to maintain access to the Muckleshoot Indian Tribe's boat yards and the public boat ramp east of the First Avenue South Bridge.

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

Based on the criteria responses included in this document, the proposed uses within the shoreline will not cause significant adverse effects to the UI Environment. A Mitigation Plan and Monitoring Plan (March 2016) has been submitted for the project consistent with mitigation development standards in SMC 23.60A.158 and will be implemented to address unavoidable impacts to the aquatic and nearshore environment. Mitigation measures are summarized in discussion above.

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

The purpose of the project is to reduce the amount of untreated discharges (CSOs) occurring annually which will reduce public health and safety risks. The GWWTS will reduce the amount

of untreated wastewater entering the LDW by 95 percent, providing public and environmental benefits.

(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.

In the granting of all conditional use permits by the local government, Washington Administrative Code (WAC) 173-27-160 (2) calls for consideration of the cumulative impact of additional requests for like actions in the area. The proposed outfall structure for the Georgetown Wet Weather Treatment Station is beneath the First Avenue South Bridge between S. Front Street and S. River Street, within the shoreline and waters of the Lower Duwamish Waterway. The proposed outfall site and upland lots in the area are zoned IG1 U/85 (general industrial with an 85-foot height limit). Including the subject site, the area is generally built out with older structures and utilities. Uses include outdoor storage, light industrial, manufacturing, equipment rental, commercial services, and offices.

The primary objective of the Georgetown Wet Weather Treatment Station Project is to control the existing Brandon St and S Michigan St Combined Sewer Overflows (CSO) to the Washington State Department of Ecology control standard of an average of no more than one untreated discharge per year per outfall, based on a 20-year moving average. This project is required as part of the Consent Decree between the EPA, Ecology, and the County. Without the GWWTS project, uncontrolled CSO discharges into the LDW and associated environmental impacts will continue.

King County Wastewater Treatment Division and its predecessor, Metro, have worked for more than 40 years to restore the Lower Duwamish Waterway to protect public health and the environment. The County's Regional Wastewater Services Plan (RWSP) addresses water quality management with respect to the sewer system and CSOs and serves as the overall general sewer plan for the County. The RWSP identifies wastewater projects to be built through 2030 to protect human health and the environment, serve population growth, and meet regulatory requirements. The RWSP includes a CSO control plan, which identifies 21 CSO control projects and a goal for achieving control at each CSO location by 2030. The *2012 King County Long-Term CSO Control Plan Amendment* identified the GWWTS project as the County's recommended project to control the Brandon St and S Michigan St CSO sites. This plan was approved by Ecology and EPA and is the basis of the CSO Consent Decree formalized in 2013. The GWWTS project is included in the County WTD Capital Improvement Program

The Lower Duwamish Waterway was one of the first areas chosen to address CSO's in order to support ongoing regional efforts to clean up the river. Significant changes in land use or demography are not expected in the future. Population growth is not the project driver, and there are no unsewered areas within the Brandon St and S Michigan St Basins. Therefore, it is not anticipated that residential, commercial, or industrial user changes will affect the peak flow and sizing of the proposed treatment and conveyance facilities.

If required, long-term planning efforts will be addressed through the RWSP if future work is needed in the Lower Duwamish Waterway. Consequently, the potential cumulative impacts

associated with the proposed development of the subject site are consistent with the policies of Revised Code of Washington (RCW) 90.58.020 Shoreline Management Act Use Preference and shall not, as discussed in the Shoreline Permit application prepared for the project, 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.

As provided herein the proposal meets the requirements of this section as well as the requirements for conditional uses in the master program.

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

Not applicable.

The Provisions of Chapter 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60A incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

Conclusion – Shoreline Substantial Development Permit and Conditional Use

The proposed shoreline substantial development permit is **CONDITIONALLY GRANTED**, subject to the conditions listed at the end of this report.

The Director recommends that the Shoreline Conditional Use be **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report

ANALYSIS - SEPA

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by King County. The applicant submitted an environmental checklist and threshold determination for this project issued March 11, 2016. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Seattle Department of Construction and Inspections with the review of similar projects form the basis for this analysis and SEPA conditioning.

The Department has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in the Port'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

There is potential for adverse impacts during construction activities at the subject site, such as debris or deleterious material or liquids falling or entering into the water. While these impacts are adverse, they are not expected to be significant and should be mitigated by following standard Best Management Practices, as conditioned below.

The proposed construction work will take place in the waters of the Duwamish Waterway and in the near shore environment. With the proposed work taking place in and near water, there exists the potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) will be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work. As part of these BMPs, the applicant will develop and implement an Erosion and Sedimentation Control Plan, a Stormwater Pollution Prevention Plan, and a Spill Prevention, Control and Countermeasures Plan, each of which will help prevent adverse impacts of this project during construction.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Clean Air Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

Long-term Impacts

Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

The project is proposing a number of post-construction actions to restore/enhance the nearshore area and improve habitat functions in this area. The specific proposed mitigation actions, discussed in greater detail in the Mitigation and Monitoring Plan (March 2016) submitted for the project, are summarized below.

After all avoidance, minimization, and restoration measures are applied (described in details in the Mitigation Plan), several project activities will generate impacts of a magnitude and severity to require additional compensatory mitigation measures to offset. When complete, the total area

of pipeline, concrete anchors and bedding exposed on the bottom will be approximately 1,200 square feet. In addition, temporary over water coverage of up to 2,900 square feet, will be in place during construction of the new outfall structure. The over water coverage will be temporary (up to approximately 3 months). The hardened structures that will be exposed on the river bottom will likely be at least partially covered with fine sediment over time, as, as the large amount of sediment transported by the LDW will likely deposit finer sediment over the rock substrate, resulting in a substrate profile that is at least somewhat similar to existing conditions. This would likely occur over a relatively short timeframe (likely less than 1 year after installation). The overwater coverage and installation of benthic fill cannot be avoided, but the temporary impacts to aquatic functions can be compensated for through application of appropriate measures

To compensate for this addition of non-natural benthic substrate and a temporary increase in overwater coverage, the following mitigation actions are proposed:

- **Removal of Sunken Dock/Concrete Debris** – Permanent removal of the sunken dock structure and assorted pieces of concrete debris. These actions will serve to offset and mitigate for the alteration of LDW substrates due to the placement of the outfall diffuser and associated structures, by providing fish and aquatic macroinvertebrates access to river substrates which are now covered by man-made structures.

- **Removal of Existing Creosote Piles** - Permanent removal of up to 13 creosote treated piles. This action will serve to offset and mitigate for any temporary degradation of water quality (turbidity or contaminants) that result from excavation within the LDW, by improving long-term water quality functions through the removal of structures that contain creosote, a known aquatic toxicant that can have direct and indirect negative physiological and behavioral effects on fish and other aquatic life. The removal of the piles will also partially offset the temporary effects from the presence of the sheet pile cofferdam (removal of vertical man-made structures) and the impacts from benthic fill placement (access to river substrates which are now covered by man-made structures).

- **Grading and Riparian Planting in Lower Drainage Swale** – The placement of the outfall pipe through the outfall the upper portion of the swale (upstream of the outfall pipe crossing) will not require excavation and disturbance of the swale. However, in order to provide increased water quality and habitat functions within the LDW, this area will be enhanced and improved. These actions will result in this portion of the swale providing increased habitat for birds and small mammals and improvements to water quality of the stormwater entering the swale (through reduced erosion and increased treatment from vegetation on the terrace). The improvements within the upper swale will fully offset the temporary effects from clearing of the shoreline to allow for construction access, and will provide a pocket of native riparian vegetation in an area that currently comprised by lack of vegetation and presence of non-native/invasive vegetation.

Full implementation of the Mitigation and Monitoring Plan (March 2016) is a condition of this permit. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the City's SEPA Conditioning Authority (SMC 25.05.660).

Conclusion - SEPA

Environmental impacts for the proposal were identified and analyzed in the SEPA Checklist and DNS issued by King County. While Seattle DCI has the authority to mitigate impacts pursuant to the city's SEPA practices, existing City codes and regulations and conditions below are adequate to achieve sufficient mitigation for the proposal's environmental impacts. No additional SEPA conditions are required.

SHORELINE and SEPA CONDITIONS

During Construction

1. The proposed construction best management practices (BMPs), which include an Erosion and Sedimentation Control Plan, a Stormwater Pollution Prevention Plan and a Spill Prevention, Control and Countermeasures Plan as described in application material, and other construction-related BMPs shown on plans and described in environmental documents submitted by King County, shall be implemented.
2. In-water construction shall follow applicable work windows established by Washington Department of Fish and Wildlife and Army Corps of Engineers for protection of fish. Conditions of Hydraulic Permit Approval from WDFW for this project shall be followed.

For Life of Project

3. Applicant shall fully implement Mitigation and Monitoring Plan submitted for this project (dated March 2016).

Ben Perkowski, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: May 2, 2016

BP:drm

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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 Seattle DCI 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 or to our message line at 206-684-8467.