



City of Seattle

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**

DPD Application Number: 3012748
Clerk's File Number: 312087
Applicant Name: Luis Ramirez - Seattle Public Utilities (SPU)
Address of Proposal: 5080 Beach Dr SW

SUMMARY OF PROPOSED ACTION

Council Land Use Application to allow an expansion of an existing public facility (Pump Station #39) in an Environmentally Critical Area (ECA). Project includes the installation of a 40 sq. ft. emergency generator on a 228 sq. ft. concrete pad and 20 cu. yds. of grading. Determination of Non-Significance prepared by Seattle Public Utilities.¹

The following Land Use approvals are required:

- **STATE ENVIRONMENTAL POLICY ACT (SEPA)**
[Chapter 25.05](#) – Seattle Municipal Code (substantive conditioning)¹
- **COUNCIL LAND USE DECISION –**
[Chapter 23.51A.002](#) – Seattle Municipal Code
 - *Waiver or modification of development Standards for City facilities*

SEPA DETERMINATION Exempt DNS MDNS EIS
 DNS with conditions
 DNS with conditions involving non-exempt grading or demolition or involving another agency with jurisdiction.¹

¹ DNS published by SPU on 9/12/2011.

BACKGROUND AND PROPOSAL

The 7,200 sq ft site is located in West Seattle and is zoned Single Family 7200 (SF 7200) and is within the Green/Duwamish and Central Puget Sound Water Resource Inventory Area (WRIA 9). Predominantly Single Family zoning and structures are within the vicinity, the area is clearly residential in nature. The site is located within the Shoreline District (within 200') and has the shoreline designation Urban Residential (UR). The project was found to be exempt from a Shoreline Substantial Development Permit. Existing pump station 39 (PS# 39) is located completely underground within the Beach Drive SW right of way just adjacent to the site.



Site Area Map

The SPU owned site is an interior rhombus shaped lot with 68' of street frontage on Beach Dr SW. Current development on the site is minimal consisting of a parking area for three vehicles serving and accessed from the abutting northerly property (5068 Beach Dr SW) via an existing curb cut. There are no existing structures on the subject property. Existing grade of the lot slopes upwardly from the street with approximately 34' of elevation gain from Beach Dr SW to the rear (east) property line. The site contains three Environmentally Critical Areas: Steep Slope, Potential Slide and Liquefaction. SPU issued an exemption from ECA requirements and it is located in the project file.

The proposed project would install a permanent, above-ground electrical generator at PS #39 so that this pump station functions normally during power outages by providing continuous wastewater conservancy and improved reliability, thereby avoiding the environmental and public health dangers associated with sewage backups on private property and sewer overflows into nearby Puget Sound. SPU is required to install this generator to comply Deliverable 31 of the U.S. Environmental Protection Agency—*SPU Request for Information and Compliance Order by Consent (December 31, 2009)*. SPU's response report provides the reasoning, timing, criteria and background for the need of the overall Pump Station upgrades throughout the city. SPU's *Pump Station Report* identified 9 pump stations sites that are critical and require installation of a permanent on site generator. These 9 sites have been broken up into two phases; with PS #39 being part of Phase I. EPA's *SPU Request for Information and Compliance Order by Consent* and SPU's response *Pump Station Backup Generator Evaluation Report* are located in the project file.

This project would excavate and grade to accommodate 3 reinforced concrete retaining walls and a reinforced concrete pad for a total footprint 19' by 12'. The concrete pad is proposed at sidewalk level. The north and south retaining walls would be 5' tall and the eastern wall 7' as measured from the supporting concrete pad which mirrors sidewalk grade. The diesel-fueled emergency standby generator would be affixed to the concrete pad and is approximately 10' wide, 4' deep and 8' high. The generator would be located behind a wood screening fence located 1'-8" from the right-of-way to the west. Disturbed areas beyond the north, east, and south retaining walls would be landscaped with native plants capable of visually screening the installed generator.

As authorized by Seattle Municipal Code Sections 23.51A.002 and 23.76.036-C.4, public facilities in Single Family zones including but not limited to utility services uses may be permitted as a Type V Council Land Use Decision. In this case, according to Section 23.51A.002-C, the proposal is considered a Minor Expansion of uses in public facilities (the adjacent, existing PS 39) because the expansion would not exceed either 750 sq. ft. or 10 percent of the area of the existing PS 39. Minor Expansions of public facilities in the Single Family zones may be permitted under a Type 1 Master Use Permit when the development standards of the zone in which the public facility is located are met.

Section 23.51A.002.B requires that the proponent of any such proposed public facilities use in the single family zones demonstrate the existence of a public necessity for the public facility use. In addition, the public facility use shall be developed according to the development standards for Institutions in Single Family zones, per Section 23.44.022, unless the City Council makes a determination to waive or modify applicable development standards according to the provisions of Chapter 23.76.

SPU has been challenged in identifying a feasible siting location for this generator. There are no suitable siting options within nearby or adjacent street rights-of-way and there are no other vacant, available parcels near PS# 39.

SPU originally planned on siting the generator in the principal building area (not within the required front yard) of the subject parcel to comply with all applicable development standards. This option would have not required Council Action.

However, both abutting residential property owners to the north and south were strongly opposed to this siting option because of potential impacts related to noise and views. These two abutting property owners preferred the currently proposed siting option in the front yard along the street because the facility would be partially hidden by the sloping topography and proposed fencing and would sit lower in elevation than would siting the generator in the principal building area complying with development standards.

SPU is pursuing this siting option largely to accommodate both abutting property owners, although there are other benefits described later.

Public Comment

The DPD comment period for this proposal was from April 19th to May 16th, 2012, which was extended an additional two weeks by public request. During the public comment period, DPD received public comments from six property owners in the area, one of which abuts the proposal site.

The public comment summarily opposes the project as a whole and the following concerns:

- *Questions regarding the validity of SPU's SEPA Declaration of Non-Significance determination and process. An EIS should have been required.*
- *Why isn't SPU constructing the generator underground?*
- *Why is the proposal planned on a Scenic Route under SEPA policies?*
- *The noise, air, odor and visual impacts from a diesel generator have not been addressed.*
- *The SEPA checklist omitted an American Eagle tree nest and otter habitat.*

ANALYSIS – COUNCIL LAND USE ACTION

Recommendation criteria to Council are outlined in [SMC 23.76.050-A](#) and require the Director to draft an evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable City policies. Seattle's [Comprehensive Plan](#) identifies policies that speak to various issues addressed by the proposed pump station emergency generator.

Report of the Director

1. *The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;*

DPD did not solicit input from other City agencies due to the project's limited size and scope. SPU maintains 68 wastewater pump stations and 15 of them have existing permanent on site generators. Most of the existing generators are located in the right of way and receive permits through Seattle Department of Transportation. This site is the only generator located on private property requiring review by DPD. Any work including the known staging area within Beach Dr SW will require a street use permit, so comment is not necessary at this time.

No other City agencies will be affected by the proposed.

2. *Responses to written comments submitted by interested citizens;*

Question regarding the validity of SPU's SEPA Declaration of Non-Significance determination and process. Contends an EIS should have been required.

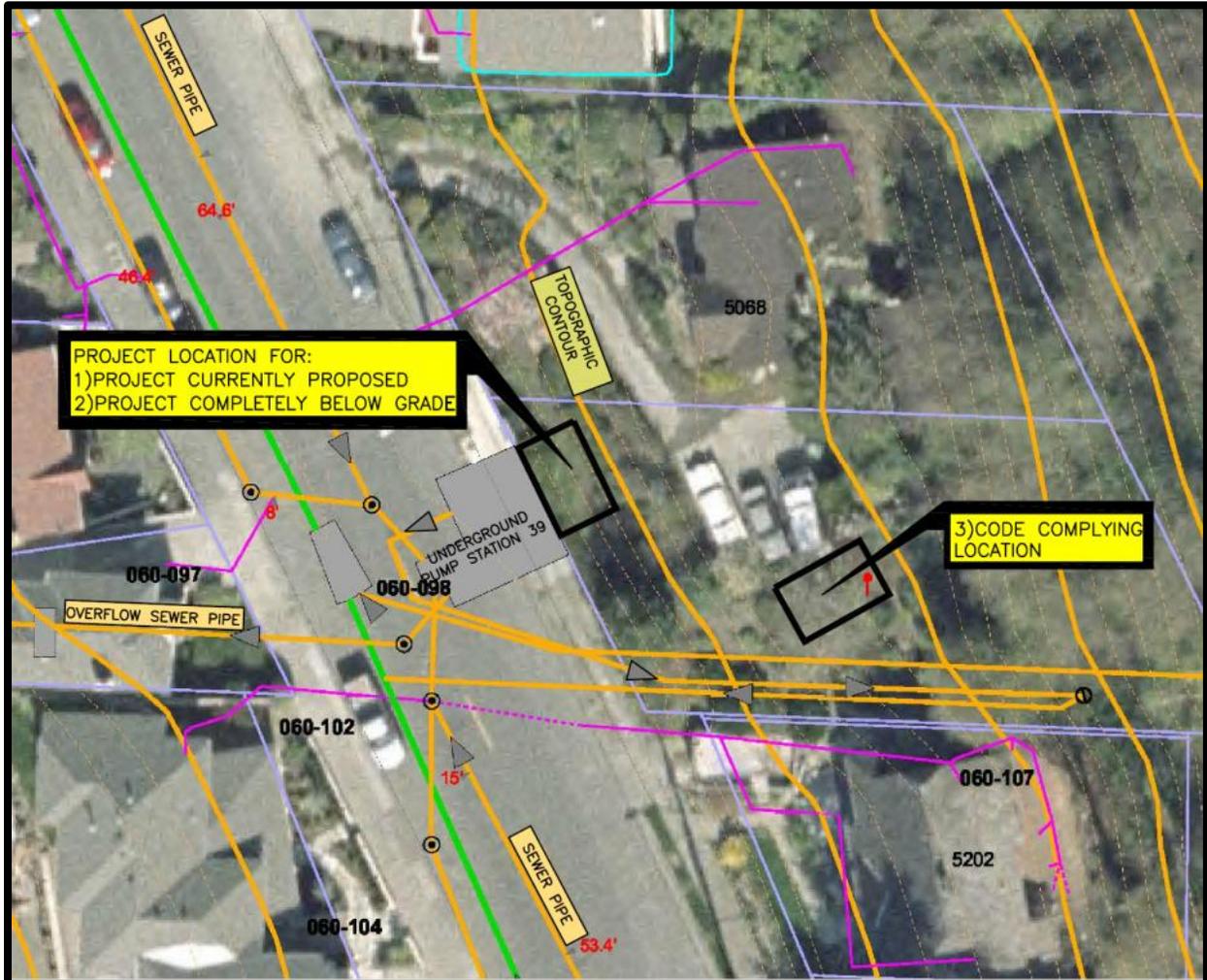
SPU is lead agency for SEPA on this proposal and issued the DNS for the application. Based on SPU's submitted DNS and SEPA closeout memo located in DPD's project file, it appears requirements for SPU's SEPA DNS determination were followed.

Why isn't SPU constructing the generator underground?

SPU cites two main issues with constructing the facility undergrounding, cost and maintenance. Undergrounding the structure is anticipated to cost approximately three times the amount compared with the requested front yard location and nearly twice the amount if constructed in a code complying location. Along with the additional cost, maintenance of the generator would be more difficult with a code complying or underground location.

DPD requested the cost analysis from SPU based on three possible locations: 1) Proposed Front Yard location; 2) Underground location and 3.) Code complying location. The cost analysis provided (located in the project) file shows estimate likely costs for the three options as follows:

- 1) Proposed Front Yard Location: \$349,777
- 2) Underground Location: \$1,247,117
- 3) Code Complying Location: \$508,389



Three Generator Siting Options

Why the proposal is planned on a Scenic Route pursuant to SEPA policies?

The proposal is located along a SEPA scenic route, Beach Dr SW, as noted by SMC 25.05.675-P and Exhibit 25.05.675-1S, but the proposal is located on the east side of the street which is opposite of Puget Sound, the protected view. This cited provision protects views of Puget Sound from Beach Dr SW. Since the proposal is not located between Beach DR SW and Puget Sound the proposal will not have adverse impact on views of Puget Sound. The proposal site's location along the non-water side of Beach Dr SW together with the proposed small scale and height of the walls, fencing and generator make the proposal compliant with View Protection SEPA policies.

The noise, air, odor and visual impacts from a diesel generator have not been addressed.

DPD requested study of possible noise impacts and requested analysis from an acoustical engineer. SPU hired a consultant picked by from a DPD approved list (supplied by DPD's noise abatement team). SPU also proposes a Level II enclosure for the generator, the best pre-assembled sound attenuated enclosure by the manufacturer Cummins. With an additional cost of \$50,000, a custom designed enclosure by Cummins could provide the greatest sound attenuation reasonably possible. A custom enclosure would represent a 130% increase in costs over the proposed generator and enclosure.

SPU originally proposed to test the generator once a week for 30 minutes, which is the standard testing schedule for all other SPU generators in the city. During review SPU determined, at DPD request, that the testing schedule could be reduced. After consideration and discussion with the manufacturing SPU now proposes testing once a month for 30 minutes around noon, which is the recommended minimum testing by the manufacturer.

Seattle Design Commission did provide recommendation on the proposal's fencing as analyzed below and DPD did require a revised access (slider opposed to a swing) door and landscaping. As a result SPU now proposes a wood fence as opposed to the standard chain link with slat fence uses for generator's at other locations. The additional landscaping proposed by SPU is an improvement from the original submittal and will further assist in screening and softening the generator.

The project SEPA checklist omitted a nearby Eagle nest and otter habitat.

SPU responded directly to this public comment in an email to DPD during project review and is located in the project file. SPU did indicate that Puget Sound is mapped by Washington Department of Fish and Wildlife Habitat (WDFW) as "Priority Anadromous Fish Presence" and "Priority Resident Fish Presence" for the project area. SPU maintains that they do not possess nor ever have possessed any information or have access to information that a Bald Eagle's nest is or was within 100 or 150 feet of the site. SPU received no public comment or comment from WDFW (they were included in SPU's SEPA distribution list) regarding any Priority Habitat Species for the project. SPU maintains no eagle nests were ever seen during multiple site visits. SPU consulted WDFW's most current Bald Eagle nest mapping locations, the closest mapped nest is Lincoln Park.

3. *An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies;*

The following is a summary of those standards and their evaluation based on City Policies:

- Recommendation/Comment from Seattle's Design Commission.
- Analysis of the Land Use Code and Council Waivers Requested.
- Analysis under Seattle's ECA Code SMC 25.09.
- Analysis under Seattle's Comprehensive Plan.

Seattle Design Commission Review

The Design Commission has reviewed the proposal and provided design recommendation regarding possible fencing types. The preference of the Design Commission is to use a wood fence without lattice work, based on three wood fence designs proposed by SPU at DPD’s request. The three fence designs are shown below. The Design Commission recommends against fence option #2 below and commented that a wood fence is great improvement over a chain link option. Conditioning is warranted to ensure the wood fence design is included in the building permit (recommended condition #2). Design Commission’s email is in the project file.



Fence Options

#1



#2



#3

SPU has confirmed that the Design Commission preferred wood fence can be accommodated with the proposal and has vetted the wood fence type with SPU maintenance crews.

DPD has reviewed the proposal for compliance with applicable standards of the Land Use Code (SMCs 23.44.008-.016 + 23.44.022). The proposal is not compliant with the following four (4) applicable development standards and as a result council waivers are required.

Land Use Code Waiver Requests

DEVELOPMENT STANDARD	CODE REQUIREMENT	PROPOSED
1) Front Yard (SMC 23.44.014-A.1)	20’ front yard setback minimum for generator.	5’-7” front yard proposed for the actual generator.
2) Height of Fence in Yard (SMC 23.44.014-D.10)	6’ average height.	8’ average height.
3) Location of Fence/Wall in Yard (Utility Services Uses) (SMC 23.44.022-K.2)	Fences and freestanding walls to be no closer than 10” to the street lot line.	Portions of north and south retaining walls are proposed within 10’ of the street lot line and western fence are proposed 1’-8” from street lot line.
4) Landscaping (Utility Services Uses) (SMC 23.44.022-K.2)	Landscaping required between street lot line and fence.	Provide landscaping between street lot line and fence except in the 6’ access path and door from Beach Dr SW.

1) Front Yard

General Provisions for Institutions as a conditional use (Section 23.44.022-D.1) require that new or expanding Institutions in single family zones meet development standards for uses permitted outright in sections 23.44.008 - 23.44.016. Section 23.44.014-A.1 requires the front yard to be either the average of the front yards of the single family residences on either side or twenty (20) feet, whichever is less. In this case, the generator would be sited adjacent to the street right-of-way and there would be a front yard that is 5’-7” inches measured to the generator and enclosure.

The rear yard would exceed 25 feet, the minimum required by Section 23.44.014-B. The side yards (10.62' north and 29.77' south) would be more than the required 5 feet, the minimum width required by SMC 23.44.014-C. Refer to sheet 13 of 15 for site plan details.

2) Height of Fence in Yard

Section 23.44.014-D.10 requires that fences in yards be no higher than 6' feet on average measured from existing grade. The western fence along the street is proposed to average 8' in height and is proposed 1'-8" from the street lot line. An 8' fence would match the height of the generator above sidewalk grade and allow effective screening of the generator with the shortest fence height possible.

3) Location of Fence/Wall in Yard (Utility Services Uses)

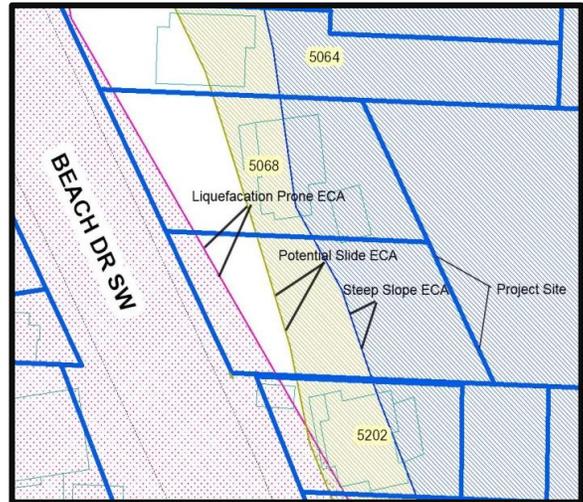
Section 23.44.022-K.2 requires that bulkheads and fences for Utility Services Uses be no closer than 10 feet to the street lot line. Portions of the proposed north and south retaining walls (bulkheads) and western fence are proposed to be located within 10' of the street lot line. The north and south retaining walls in the 10' setback area run perpendicular to street lot line and are approximately 1' thick and 5' high. The western fence wall (main screening) is proposed 1'-8" from and runs parallel to the Beach Dr SW lot line.

4) Landscaping (Utility Services Uses)

Section 23.44.022-K.2 requires landscaping between the street lot line and a fence or retaining wall. In this situation, the generator would be sited adjacent to the street lot line. SPU maintenance crews require clear level access to the generator for routine service. Since the proposal is to keep generator closer to the street, the maintenance access path with the least amount of impact and grading to the site is directly from Beach Dr SW. As a result landscaping cannot be located in the maintenance access path facing the street which is proposed at 6' in width. The generator access is proposed via a 6' wide wood fence slider door, SPU is requesting no landscaping in the 6' wide access area in front of the slider door access, the minimum clearance for maintenance access. One wood bollard is proposed directly in front of the slider access door. SPU revised their original application during review to include landscaping on either side of the access door facing the street and surrounding the generator retaining walls and fencing on the remaining sides of the generator. 10 Japanese Holly shrubs are proposed between the proposal and the street and also one removable wood bollard. Four different shrub types are proposed along the north, east and south retaining walls (45 plants), with a sum of 55 total plants proposed for the project.

Environmentally Critical Areas

The parcel contains ECAs: a Liquefaction Area on the western 1/2, a Potential Slide Area on the eastern 3/4, and Steep Slope areas on the west 1/4 and east 1/3. The existence of these ECAs creates a disagreement between the project's compliance with the City's ECA provisions and compliance with the Land Use Code applicable development standards. Placement of the project in the middle of the parcel (out of required yards) would have been fully compliant the Land Use Code standards for yards but would have directly impacted the Potential Slide Area and the 15' buffer applicable to the Steep Slope. Both of these ECAs are currently vegetated with a mature native plant community. Impacts would be associated with clearing vegetation and disturbing soils in these ECAs for the generator and new access stair.



Mapped ECAs on Project Site

Locating the project adjacent to the Beach Drive SW street right-of-way minimizes amounts of grading and impacts to ECAs but requires waiver or modification of development standards due to the front yard location as described in this analysis. The current siting location minimizes clearing of native vegetation, minimizes ground disturbance, mitigates noise and view impacts to neighbors, and incurs less cost to SPU and its ratepayers. Further, the front yard location does locate the generator's noise and exhaust farther from the abutting neighbors to the north and south who are most affected by the proposal. As currently proposed, the project would be located in a Liquefaction Area and Steep Slope Area. However, this location has been previously disturbed by removal of native vegetation, terracing, and construction of rock retaining walls. SPU processed an ECA exemption for the project contingent upon the proposed option due to its minimal intrusion to the ECAs as possible, the ECA exemption is located in the project file

SPU provided two photo simulations, the proposed front yard location (Option 1) and a Code Complying design (Option 3) (see graphics below). The underground option is not shown; but it would not be visually perceptible to do its subterranean location other than an access hatch.

Comprehensive Plan

Related to the proposal's function as a utility and City Council's required public involvement, the project meets Comprehensive Plan Goals UG1, UG2, UG3 and policies U3, U4, U6, U9, U12, U14, U16, and U17 (maintenance of utilities, reliability, and improvements to deficiencies in utility service, correcting combined sewer overflows) as well as policy U18 (Seattle Design Commission review).

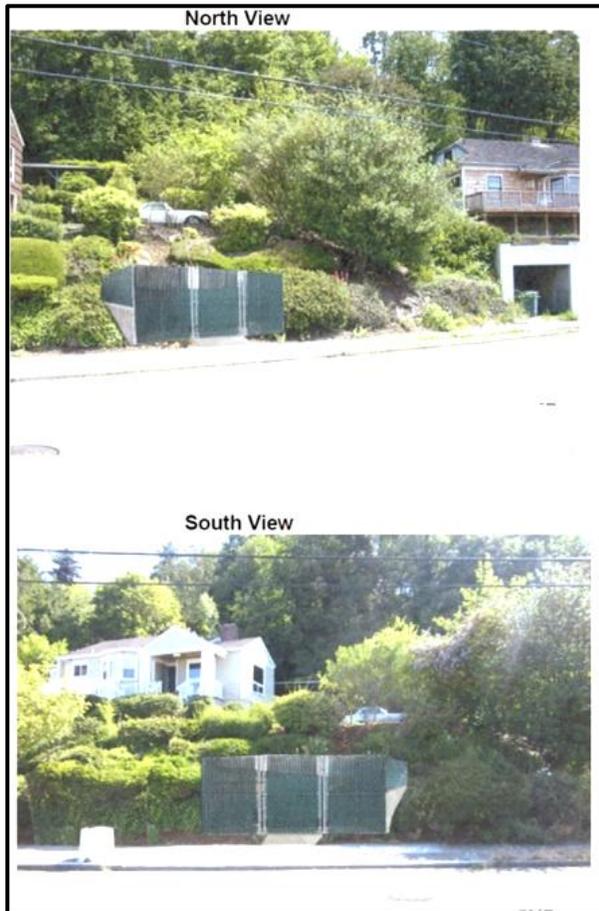


Photo simulation view of site from Beach Drive (Option 3, Code Complying Option)

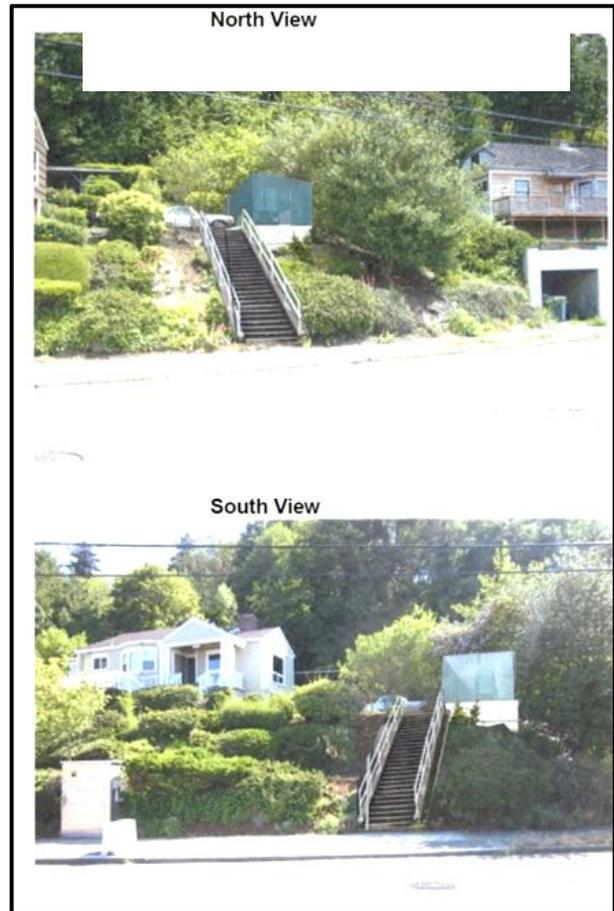


Photo simulation view of site from Beach Drive (Option 1, Proposed Front Yard Location)

SPU didn't hold its own official public meetings for the project but did meet with the abutting property owners, those who would be most affected by the proposal. DPD did publish and mail notice of application for the project. The preference of the abutting neighbors was to locate the generator at the street rather than in the principal building area (code compliant option #3).

4. *All environmental documentation, including any checklist, EIS or DNS*

DPD's SEPA for conditioning analysis and recommendation, recommendation on the City facility with requested waivers of development standard, SPU's issued SEPA DNS, SEPA checklist, EPA Order, SPU Generator Evaluation Report, Generator Options Cost Analysis, the Geotechnical Analysis, SPU's ECA Exemption, Design Commission email, Acoustical Report and the Master Use Permit plans are part of this report and will be transmitted to Council.

5. *The Director's recommendation to approve, approve with conditions, or deny a proposal.*

SPU seeks four waivers to locate the emergency generator as proposed and each request and standard evaluated above and analyzed in the table below.

DEVELOPMENT STANDARD	DPD RECOMMENDATION
1) Front Yard (SMC 23.44.014-A.1)	DPD recommends approval; the proposed front yard location minimizes visibility of the facility keeping it as low in elevation as possible on the site and minimizes earth disturbance when compared with any other option. This option minimizes noise and odor impacts to the abutting neighbors to the north and south with the proposed westerly most location on the site. With the wood residential screening fencing and landscaping proposed, visual impact is minimized while fitting in to the residential fabric to best extent practicable. The envelope of the proposal would be less but similar in scale and mass to a terraced garage which is permitted outright for single family homes with uphill yards abutting streets. The southerly abutting neighbor (5206 Beach Dr SW) is developed with such a garage.
2) Height of Fence in Yard (SMC 23.44.014-D.10)	DPD recommends approval; proposed fence height will allow the fence to reach the height of the top of the generator to ensure the entire generator will be screened from street view from north, west and south elevations.
3) Location of Fence/Wall in Yard (Utility Services Uses) (SMC 23.44.022-K.2)	DPD recommends approval, the further the generator and excavation is moved west from the street the greater the excavation amount and height of retaining walls would be needed to accommodate. The code complying option 3 would have the generator located approximately 14' above sidewalk grade, resulting in greater visibility including a new access staircase and greater amounts of excavation to construct. The proposed fence is setback 1'-8" and will accommodate landscaping in areas outside the access path. North and south retaining walls are 5' high from sidewalk grade, which is 1' less than would be permitted for a single family structure within a yard.
4) Landscaping (Utility Services Uses) (SMC 23.44.022-K.2)	DPD recommends approval; any other maintenance access path option would necessitate large amounts of excavation and would require a higher elevation more visible location as well as an access staircase. The proposal is to include landscaping in the 1'-8" fence setback from the street.

The facility proposal is consistent with the City's applicable land use policies, in that it seeks to ensure proper functioning of an existing public facility (PS #39). DPD and the Design Commission worked with SPU to revise the design of the proposal to fit with the residential character as much as possible. SPU was required by EPA to generate a report on existing pump stations and need for emergency generators. SPU determined that this pump station requires a back up generator based on criteria in the report. The proposal will offer protection from Combined Sewer Overflows due to power failure at this pump station in accordance with the EPA. The proposed location option accomplishes many objectives, minimizes ground disturbance to the site, and minimizes view impacts due to the street level and within hillside location. The proposal is also the most cost effective solution as analyzed by SPU. The testing schedule has been greatly reduced, further mitigating any noise impacts.

RECOMMENDED DECISION – COUNCIL CONCEPT APPROVAL

DPD recommends that City Council *grant* the proposal along with the four requested waivers as analyzed above.

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](#)).

Disclosure of the potential impacts from this project is made in the environmental checklist submitted by the applicant dated August 21st, 2011. DPD has analyzed the environmental checklist, reviewed the project plans and the supporting information in the file. As indicated in the information, this action may result in some adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant with conditioning. A discussion of these impacts, short and long term, is warranted.

Short - Term Impacts

Construction Impacts

Construction activities (grading, wall construction, generator installation, landscaping, fence construction 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; Grading and Drainage 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. The project is anticipated to take 26 days to complete construction.

An issue not addressed in other city code requirements is dirt/dust created by excavation materials onto the adjacent streets system and surrounding residences. Considering 20 cu yds of grading proposed and its proximity to single family homes and the right of way, SEPA conditioning is warranted to mitigate the impact of dust particulates in the air. During construction repeated wetting of the soils during grading activities and in uncovered trucks to keep dirt and dust impacts to a minimum is required (recommended SEPA condition #5).

Construction Noise

Noise associated with excavation could adversely affect surrounding uses in the area, which include residential uses. Due to the proximity of the project site to residential uses, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), mitigation is warranted.

In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to between 8:00 a.m. and 5:00 p.m. on non-holiday weekdays. Construction activities outside the above stated limits, but within the limits of the Noise Ordinance, may be authorized by DPD when a Construction Management Plan is provided and approved (recommended condition #4).

SPU stated in the SEPA checklist that construction is only anticipated on non-holiday weekdays between 7:00 am and 6:00 pm, except for unforeseen emergencies.

Construction Vehicles

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 ([Section 25.05.675 SMC](#)).

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.

For the duration of the grading activities, DPD recommends that the contractor be required to cease grading truck trips during the hours between 4:00 pm and 6 pm (recommended condition #6). This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity.

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. Additional land use and parking/traffic impacts which may result in the long-term are analyzed below.

Environmentally Critical Areas (ECA)

Contained in the development area are three ECAs: Steep Slope, Potential Slide and Liquefaction. As stated, an ECA exemption was granted by SPU based on the proposal and is located in the project file. The proposal minimizes impacts to the Steep Slope and Potential Slide ECAs by proposing the facility as far west away from those ECAs as much as possible while still considering the development standards applicable to the generator.

Air Quality and Environmental Health

Operational activities of the diesel generator (testing and active use), vehicular trips associated with the maintenance and the projects' 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 due to the relatively small contribution of greenhouse gas emissions from this project due to its function and as an emergency generator.

Noise

A noise analysis was conducted by BRC Acoustics & Audio Visual Design at DPD's request to analyze impacts of the generator during active use and provide an overall analysis and recommendations. The report determined the following:

"The exterior sound level limits (Noise Ordinance) are 55 dBA during daytime hours and 45 dBA during nighttime." "The proposed emergency generator is a Cummins Power Generation Model DSFAE 80 kW generator with a Level II enclosure. The manufacturer published sound level rating is 72 dBA at a distance of 7 meters, equating to a sound level of 65 dBA normalized to a distance of 50 feet. Operations from the proposed emergency generator equipment are expected to include testing of the generator only and will occur once per month for 30 minutes with a start time around noon. The generator is expected to be a constant steady-state noise source when operating, and is exempt from noise code requirements during emergency operations.

Existing Sound Levels

A site visit was conducted on Wednesday, August 29th to observe site orientation relative to the adjacent receiving property and measure existing sound levels. Sound levels were measured continuously for 15 minutes between 12:45 pm and 1:00 pm at the proposed emergency generator installation location. The overall Leq sound level was 58 dBA for the measurement period. Primary noise sources were local vehicular traffic on Beach Drive SW (measured vehicle drive-by event sound levels up to 69 dBA) and large aircraft flyovers (measured aircraft flyover event sound levels up to 46 dBA). Without active vehicle or aircraft events, measured sound levels were 39-43 dBA.

Analysis

The proposed generator installation pad is approximately 10'-8" from the nearest point on the adjacent property line. The generator pad is to be surrounded by a fence on 3 sides, open to the street on the west. The east side top-of-fence elevation is 7' above ground level while the top-of-fence elevation on the north and south sides is 5' above ground level. The residential structure is approximately 31' from the northeast corner of the proposed generator installation fence. The nearest corner of the generator is located approximately 5'-6" from the northeast corner of the fence. Sound levels from the proposed daytime operations of the emergency generator equipment were calculated at the property line and residential structure façade with results summarized in Table 3.

As shown on Table 3, calculated sound levels from emergency generator daytime operations exceed the City of Seattle noise control regulations by 12 dBA at the property line and by 7 dBA when evaluated at the nearest residential structure façade.

Table 3 Emergency Generator Daytime Operations Summary of Calculated Sound Levels at Receivers (One-hour Leq)		
Equipment	North Property Line	North Residential Structure Façade
Emergency Generator	67 dBA (16'-2")	62 dBA (36'-5")
<i>Allowed Daytime</i>	<i>55 dBA</i>	<i>55 dBA</i>

Relating the emergency generator calculated sound levels to measured existing sound levels, emergency generator sound levels are approximately equivalent to sound levels frequently produced by vehicles traveling on Beach Drive SW.

Requirements for Meeting City of Seattle Noise Code

For property line compliance with the City of Seattle Noise Code, noise mitigation measures that attenuate 12 dBA must be in place for the proposed monthly daytime 30-minute generator operations. This level of attenuation can be provided by an alternate generator enclosure offered by Cummins for an additional cost of approximately \$50,000 over the proposed model. The additional cost represents a 130% increase in cost over the proposed model generator and enclosure.”

DPD Analysis

Considering the information and conclusions in the report and the unlikely noise impacts, DPD recommends the generator be permitted as proposed with the Level II enclosure and once a month testing near noon. Anticipated noise impacts will not reach levels or frequency that would require the custom designed enclosure. Conditioning is warranted to ensure that SPU maintains the testing at once a week as proposed around the noon hour (recommended condition #1).

Plants and Animals

The location of the project and disturbance area will require removal of some non native vegetation on site, but no trees will be removed as noted SPU’s SEPA checklist. No conditioning is warranted or necessary.

Public comment cited an American Eagle’s nest and otter habitat in the area. SPU responded directly to the public comment in an email to DPD during project review and is located in the project file. SPU did indicate that Puget Sound is mapped by Washington Department of Fish and Wildlife Habitat (WDFW) as “Priority Anadromous Fish Presence” and “Priority Resident Fish Presence” for the project area. SPU maintains that they have never possessed any information nor have access to information that a Bald Eagle’s nest is or was within 100 or 150 feet of the site. SPU received no public comment or comment from Washington Department of Fish and Wildlife (included in SPU’s SEPA distribution list) regarding any Priority Habitat Species for the project. No conditioning is warranted or necessary.

Historic and Cultural Preservation

Cited in the SEPA checklists, SPU found no indications that the site contains places or objects listed on, or proposed for, national, state, or local preservation registers known to be next to the site.

Even though documentation doesn't show indication of places or objects, conditioning is required per City of Seattle [Director's Rule 2-98](#) to require that any city or contracted employee should be made aware of what cultural resources might be encountered pursuant to [Director's Rule 2-98](#) as well as if resources of potential archaeological significance are encountered during construction or excavation (see recommended conditions 3, 7, 8 and 9).

RECOMMENDATION - SEPA CONDITIONING SUMMARY

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

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

This analysis was done after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes DPD's substantive SEPA conditioning and recommendation to City Council.

RECOMMENDED CONDITIONS – TYPE V COUNCIL LAND USE DECISION

For Life of the Project

1. Maintenance testing of the proposed generator shall only occur once a month for 30 minutes around the noon hour. SPU may request additional times for testing from DPD if needed for emergencies or unforeseen circumstances. DPD will evaluate any requests. Any future generator's testing times and frequencies shall be the minimum amounts recommended by the manufacturer.

Prior to Issuance of the Building Permit and For Life of the Project

2. SPU shall use one of the wood fence designs chosen by The Design Commission and the specific design shall be provided in the building permit plans.

RECOMMENDED CONDITIONS - SEPA

Prior to Issuance of the Master Use Permit – Council Land Use Decision

3. The project owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources and that construction crews will be required to comply with those regulations, including the following:

