City of Seattle

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

CITY OF SEATTLE
ANALYSIS AND SUBSTANTIVE CONDITIONING OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

DPD Project Number: 3012914, 3013346 (CF #~~311872~~) 312299

Applicant Name: Pam Erstad for King County

Address of Proposal: 9921 Triton Dr. NW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to expand a public facility by allowing a 1,900 square-foot ancillary mechanical building in an environmentally critical area on the existing North Beach Pump Station site to support the support the King County North Beach Combined Sewer Overflow Project. Review includes related project for construction access under 3013346. Determination of Non-Significance and associated Addendum have been prepa red b y King County.

The following approvals are required:

Shoreline Substantial Development Permit to allow expansion of a utility service in the Urban Residential (UR) Shoreline Environment.

City Council Land Use Action to allow a public facility in a Single Family zone pursuant to SMC 23.51A.002 (B) (4) and modification of Single Family front and side yard setbacks.

SEPA – Conditioning Only - Chapter 25.05, Seattle Municipal Code.

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

[X] DNS with conditions

BACKGROUND, SITE AND PROPOSAL

King County Department of Natural Resources, Wastewater Treatment Division (County), is proposing upgrades to the North Beach Pump Station (pump station) located at 2458 N.W. Blue Ridge Drive. The purpose of the upgrades is to prevent combined sewage overflows into Puget Sound and to fulfill pe[illegible] requirements of the

B

City of Seattle Hearing Examiner
EXHIBIT
Appellant ___
Respondent ___ ADMITTED ✓
Department ✓ DENIED ___
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National Pollutant Discharge Elimination System. In 2008, the County reported that the North Beach Combined Sewer Overflow (CSO) facility had ten overflows per year on average, discharging a total of 2.2 million gallons of untreated stormwater and wastewater annually into Puget Sound. The County will build an underground storage facility within the Right-of-Way (ROW), modify the existing pump station, and build new ancillary equipment facilities in order to fulfill requirements that allow no more than one untreated discharge per location per year on average established by the Washington State Department of Ecology (DOE).

More specifically, King County proposes to construct a wastewater storage facility in street ROW adjacent to the existing North Beach Pump Station and associated facilities on the King County-owned pump station property. In addition to the storage facility, the proposed project would include construction of a new diversion structure and ancillary equipment facility. All flows will continue to be conveyed to the pump station as currently configured. Flows would be routed through a new diversion weir within the pump station to the new storage facility.

Above-grade structures will include a new 624 square-foot electrical/mechanical building (approximately 52 feet long x 12 feet wide). Below-grade structures will include a 525 square-foot mechanical room, and a 432 square-foot odor control vault. This equipment will be used to control and monitor the flows in the underground storage facility that will be approximately 230 feet in length constructed underground primarily in the rights of way of Triton Drive NW and NW Blue Ridge Drive. The electrical/mechanical building will be located on the existing pump station property, partially within an Urban Residential Shoreline Environment.

There is an existing 18-inch diameter influent sewage pipe located on the pump station property that will need to be up-sized to a 36-inch pipe. Minor piping reconfiguration will occur with the new influent sewage pipe consisting of: pipe, precast manholes, and a cast-in-place overflow structure. All components will be below grade. Currently, this pipe carries sewage from local (city) sewer lines to the pump station where it is then pumped, conveyed, and eventually treated at the West Point Treatment Plant.

The up-sizing of the existing 18-inch influent pipeline will require excavation, primarily within the Urban Residential zone although there may be some minor over-excavation that will carry into the Conservancy Recreation (CR) zone. Work within the CR zone will be used primarily to operate the equipment for excavation. The work area within the CR zone will encompass approximately 2,940 sq. ft. (20-ft. wide by 147-ft. long).

An easement will be obtained from the Blue Ridge Club Inc. (Club) for work in the CR Environment although the majority of excavation will occur within the Urban Residential zoning classification and will be temporary in nature.

Modifications to the North Beach Pump Station site would include the following items: 1) the existing access road will be replaced and extended to loop around to the north end of the pump station property. This will avoid maintenance vehicles from having to back up onto the street and allow operations access to the storage facility drain pumps,

2) the existing fence that surrounds the pump station site would be restored or replaced to restrict public access during construction and after project completion, 3) bioretention facilities would be installed to treat stormwater runoff, and 4) the existing rockery retaining wall along the southwestern boundary would be modified or replaced to facilitate site grading and construction.

Public Comment

The DPD comment period for this proposal ended on June 4th, 2012. During the public comment period, DPD received no public comment letters.

ANALYSIS — SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A substantial development permit shall be issued only when the development proposed is consistent with:

A. The policies and procedures of Chapter 90.58 RCW;

B. The regulations of this Chapter; and

C. The provisions of Chapter 173-27 WAC.

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

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 effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, 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 and other jurisdictions with shorelines, adopted a local 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.

The proposal is subject to the Shoreline Policies of SMC 23.60.004 because the site is located within the shoreline district and the cost of the project exceeds $6,614. The proposed development has been designed to ensure minimum impact to the public health, land and waters of the state, and their aquatic life. The location of the proposed work on the shoreland will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. Therefore, the subject application is consistent with the procedures outlined in RCW 90.58.

A. THE REGULATIONS 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 SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special requirements use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064).

Pursuant to SMC 23.60.064C, 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 the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational 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 Shoreline Goals and Policies are located in Section C-4 of the Land Use Element. There are three goals specific to the protection of the shoreline and aquatic environment: LUG 43, "Protect those areas of shoreline that are geologically dangerous or fragile, or biologically fragile."; LUG 48, "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.": and LUG 49, "Insure that all future uses will preserve and protect environmental systems, including wild and aquatic life." The overall project purpose is to prevent combined sewage overflows into Puget Sound and to fulfill requirements of the National Pollutant Discharge Elimination System. The project will enable the County to capture and direct untreated flows into a new storage pipe instead of Puget Sound, which will improve water quality and shoreline habitat in this area and Puget Sound, and is consistent with the Land Use goals cited above for protection of the natural shoreline environment.

The existing North Beach Pump Station and the proposed upgrades at and adjacent to the station are located partially within the Urban Residential and Conservancy Recreation Shoreline Environments. Pursuant to SMC 23.60.220, the purpose of the UR Environment is to protect residential uses. The purpose of the CR Environment is to preserve, protect, restore , or enhance certain areas which are particularly biologically or geologically fragile and to encourage the enjoyment of those areas by the public. The overall project purpose is to prevent combined sewage overflows into Puget Sound and to fulfill requirements of the National Pollutant Discharge Elimination System. The project will enable the County to capture and direct untreated flows into a new storage pipe instead of Puget Sound, which will improve water quality and shoreline habitat in this area and Puget Sound. Public access to the shoreline will remain unchanged following the project. The proposed mechanical building and other upgrades and best management practices that will be employed during construction described above and/or in more detail in the application serves the overall project purpose use as well as the purpose of the UR and CR Shoreline Environments.

Development Standards

The proposal would constitute utility service use and utility lines. Utility lines are permitted as special use in the CR environment, while both uses are permitted outright in the UR Environment. Pursuant to the Seattle Shoreline Master Plan, the proposed action is therefore subject to:

Development Standards

1. *the general development standards (SSMP 23.60.152);*

2. *the development standards for uses in the UR and CR environments (SMC 23.60.570 – .578 and SMC 23.60.390-.400).*

1. *General Development Standards for all Shoreline Environments (SMC 23.60.152)*

All uses and developments shall be subject to the following general development standards:

A. *The location, design, construction and management of all shoreline developments 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.*

B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*

C. *Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels.*

D. *The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of*

leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

E. *All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.*

F. *All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*

G. *All shoreline developments and uses shall control erosion during project construction and operation.*

H. *All shoreline developments and uses shall 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.*

I. *All shoreline developments and uses shall 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.*

J. *All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*

K. *Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.*

L. *All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*

M. *All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.*

N. *All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*

O. *Navigation channels shall be kept free of hazardous or obstructing development or uses.*

P. *No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.*

The Stormwater Code (SMC 22.800) 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 sheet (Sheet S 1). These measures, including required temporary erosion and sediment control measures for construction as described in the SEPA checklist and application material, will be adequate to ensure protection of the shoreline area from the construction that is proposed, and will be required to be implemented during construction as a condition of approval.

Following construction of the proposed project, stormwater runoff on the pump station site would be directed to new bioretention facilities on the property, which will help protect shoreline resources.

As described above, the completed project will result in reduced volumes of untreated stormwater and sanitary sewage that is discharged to Puget Sound at this location, which will contribute to long term improvements in water quality and habitat quality at this location and in Puget Sound.

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

The development standards set forth in the Urban Residential (UR) Shoreline Environment and Conservancy Recreation (CR) relate to critical habitat protection, height, lot coverage, view corridors, setbacks, water-related uses on waterfront lots and public access. The proposal conforms to all applicable development standards for the UR and CR environments.

Development Standards for Public Facilities in Single Family Zones (SMC 23.51A.002)

Land Use Code requires that utility service uses be developed to the institution standards, unless modified by the City Council. See Council Conditional Use section below.

SMC 23.60.540 – Uses Permitted Outright in the UR Environment

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

SMC.23.60.364 - Special Uses in the CR Environment.

The proposal includes work in the CR Environment related to the installation of a utility pipe, which requires special use approval pursuant to SMC 23.60.364 C, as analyzed below.

ANALYSIS – SHORELINE SPECIAL USE

Utility lines are permitted as a Special Use in the CR environment pursuant to SMC 23.60.364 C, if "no reasonable alternative location exists" and the special use criteria of Section 23.60.032 are met, as analyzed here:

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

- Recognize and protect the statewide interest over local interest

  As mentioned above, the project was initiated to meet regulatory requirements from DOE to reduce untreated sewage overflows into Puget Sound. The proposed project will improve water quality in Puget Sound, identified as a Shoreline of Statewide Significance, by reducing untreated sewage/stormwater overflows from approximately 10 overflows per year on average to no more than one overflow per year on average.

- Preserve the natural character of the shoreline

  The natural character of the shoreline will be preserved. Once the existing pipe is replaced, excavated soils will be backfilled and surface grades and landscaping will be restored. Because there will be no above-ground structures, views will not be impeded.

- Result in long term over short term benefit

  The project will result in long-term benefits because the existing pipe will be up-sized to accommodate higher flows of sewage and stormwater runoff. Currently, untreated runoff goes directly into Puget Sound during storm events. Once the project is complete, the runoff will be directed into a large storage pipe in the right-of-way where it will be stored and eventually treated at the West Point Treatment Plant.

- Protect the resources and ecology of the shoreline

  The ecology of the shoreline will be improved once the project is complete. Replacing and up-sizing the pipe will enable the County to capture and direct untreated flows into a new storage pipe instead of Puget Sound. Nearshore critical habitats will be improved through better water quality.

- Increase public access to publicly owned areas of the shorelines

  Public access to shorelines will remain unchanged after the project is complete. The location of work will be on the eastern edge of the Shoreline Designation and will only extend 15-ft. into the Shoreline Designation boundary. The proposed work area is located within a gated private park owned by the Club - access to the park is restricted to members only. The County has been working with board members who are amenable to providing a temporary easement for the work. Once the work is complete, the site will be restored to its original condition.

  Westward of the gated park is the Burlington Northern Santa-Fe Railway track which is immediately adjacent to Puget Sound. Work will occur no closer than 185-ft. from the mean higher high water line.

- Increase recreational opportunities for the public in the shoreline

  Overall, recreational opportunities for the public will be the same once the project is complete although from a public health and safety perspective, there will be improvements. Club members own a portion of the beach fronting Puget Sound and have access via a path. The general public also has access to the beach within the vicinity of the park via Golden Gate Park. As mentioned above, there are approximately 10 CSO overflows per year on average going out into Puget Sound. Once the overall project is complete, it is anticipated that CSO overflow will be reduced to no more than one per year on average. Public use of the beach will be safer because untreated discharges will be greatly reduced.

- Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary

  See below.

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

There will be short-term impacts for recreational opportunities within the private park during the proposed work, approximately 4-10 months. The 2,940 sq. ft. area where equipment will operate will be fenced to exclude park members from entering the work site. Impacts will be minimized because the fenced work area will be along the eastern-most edge of the park; the picnic shelter and playground area are located north of the proposed work area and will remain open to Club members. Required signage will be installed to ensure public safety and the County will be working with the Club to install additional signage as needed.

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

The proposed work within the CR zone will not affect future compatibility with other permitted uses within the area and will be used primarily for operation of equipment associated with the installation of the pipeline. All work areas will be restored to existing conditions once work is complete.

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

Please refer to bulleted items above.

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

There will be short-term minor detrimental impacts to the community due to noise, dust, and traffic during construction. Although the work will be conducted within a park designated as a CR zone, impacts to the public at-large will be minor because work will be temporary and only Club members have access to the park. As mentioned above, the Club Board has expressed that they would be amenable to allow the County to conduct the work within their property.

Therefore, the proposal meets the criteria for Special Use approval.

CONCLUSION - SHORELINE SPECIAL USE

DPD recommends approval of the proposed shoreline special use for the utility line use in the CR Environment.

B. 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). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of the SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Summary

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC and RCW and with the regulations of Chapter 23.60 of the Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the UR and CR environments. It also conforms to the general development standards, as well as the requirements of the underlying zone.

The Director's authority under Seattle's Shoreline Master Program is to ensure that development proposals are consistent those policies and procedures, and conforms to specific development standards of the underlying zones. Having established that the proposal is consistent with the Seattle Shoreline Program, it is hereby conditionally approved.

RECOMMENDED DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Director recommends that the Shoreline Substantial Development Permit be **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

ANALYSIS – COUNCIL CONDITIONAL USE

According to SMC 23.44.036 (Public Facilities in Single-Family Residential zones), public facilities are allowed as a Council Conditional Use under SMC 23.51A.002, provided construction is consistent with development standards under SMC 23.44.022 (development standards for Institutions). Pursuant to SMC 23.51A.002 B (4), utility service uses in public facilities in Single Family zones may be permitted by the City Council, according to the provisions of Chapter 23.76

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a Single Family zone. The public facility use shall be developed according to the development standards for institutions (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, Subchapter III, Council Land Use decisions, with public projects considered Type IV quasi-judicial decisions.

Pursuant to SMC 23.76.058 D, the City Council may waive or modify applicable development standards, accessory use requirements, special use requirements, and conditional use criteria for public projects. King County seeks Council approval to waive development standards for front and side setbacks, driveway width and parking, as analyzed below.

SMC 23.76.050 requires the DPD Director to draft a written report on Type IV decision, which includes the following analysis and information:

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

DPD did not receive any comments or recommendations from other City departments or governmental agencies as a result of the public comment period.

King County Department of Natural Resources and Parks, Wastewater Treatment Division, issued a DNS dated April 21, 2011, which analyzed the probable impacts of the proposal and determined that none of the impacts were significant or warranted additional conditions.

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

DPD did not receive any public comments in response to the notice of application. King County did not indicate that they received any public comments in response to the DNS.

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

Pursuant to SMC 23.51A.002 B (4), utility service uses in public facilities in Single Family zones may be permitted by the City Council, according to the provisions of Chapter 23.76

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a Single Family zone. The public facility use shall be developed according to the development standards for institutions (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, Subchapter III, Council Land Use decisions, with public projects considered Type IV quasi-judicial decisions.

The following are applicable development standards pursuant to SMC 23.44.022:

23.44.022 E. Dispersion

The North Beach CSO project is a utility service use, and neither an occupied space nor an institution. It is not within 600 feet of the lot line of any institution or public facility.

23.44.022 F Demolition

No residential structures will be demolished or their use changed to provide for parking.

23.44.022 H. Noise and Odor

Equipment fans and pumps will produce some operational noise. The impact of this noise will meet the levels provided in SMC 25.08.425 by using specialized equipment, the building structure itself, or by containing the equipment in specially constructed enclosures. The stand-by generator is exempt from daytime noise levels during emergency power outages and during periodic testing.

Noise created during construction will be mitigated by the use of equipment and methods, such as drilling instead of driving piles to meet daytime construction noise levels, and if necessary, by constructing sound walls.

The ancillary mechanical building will be equipped with odor control equipment to control odors from the CSO. The filter material will be replaced on a schedule that will prevent odors from occurring. There are no other odor generators on the site.

23.44.022 I. Landscaping

In order to integrate the property with the adjacent areas while maintaining access to the facilities, much of the pervious area will be established as sod. Sod utilized within the site will reduce the potential for erosion or extensive stormwater runoff. Low maintenance plants that are compatible with the neighborhood will be used for screening along the area fronting the street.

The flora in the surrounding neighborhood consists of a variety of plants common to residential neighborhoods. Plants selected will be low maintenance varieties compatible with the neighborhood. Screening, view preservation, ease of maintenance, and security will be elements considered for the perimeter landscaping.

Due to the small area available for work space during construction, and the inadequate screening quality of the existing landscape shrubs and two trees on the site, it is anticipated that none of the current landscaping will be retained.

Sidewalks, curbs and a planting strip are required along the frontage by SMC 23.53. SDOT will provide planting requirements for the planting strip in the right of way.

The construction of the CSO storage facility in the right of way will require removal of six Leyland Cypress trees in the street right-of-way. Trees that are removed will be replaced according to requirements provided by SDOT. An arborist will be retained to provide best management practice to avoid impacts on trees near the construction area.

23.44.022 J. Light and Glare

The ancillary mechanical building will be equipped with lighting that is shielded and directed away from residentially zoned lots. The roof of the ancillary mechanical building will be constructed of material that will not reflect light.

23.44.022 K. Bulk and Siting

The existing pump station property is not more than one acre. The pipes and structures in the right of way will all be constructed underground.

Due to the triangular shape of the lot, the property contains only three sides. The frontage on the street is the southerly boundary, and the other boundaries are west and north-west.

The ancillary mechanical building will be located to comply with the rear yard setback. In order to maintain access to both the existing pump station and the ancillary mechanical building, and minimize view impacts to the neighborhood and the neighboring property, the ancillary mechanical building is proposed to encroach into the required front and side yard setbacks as shown on the plans.

Modifications of these development standards are requested in the section below on "Requested modifications of development standards."

SMC 23.44.022 M Transportation Plan

The proposed project is not a new institution, and will not cause expansion of larger than 4,000 square feet of structure. There is no employee parking and therefore no parking spaces on the property. Sufficient area is provided for two maintenance vehicles. Therefore, a transportation plan is not required.

Requested Modifications of Development Standards

Pursuant to SMC 23.76.058 D, the City Council may waive or modify applicable developments standards, accessory use requirements, special use requirements, and conditional use criteria for public projects. King County seeks Council approval to modify/waive the following development standards as summarize in Table A:

Table A

Code Section	Requirement	Provided
SMC 23.44.022 K	10 foot side yard setback	Above-ground portion of mechanical building would have five-foot setback (includes a one-foot-wide arbor to screen adjacent building)
SMC 23.44.022	20 foot front yard setback`	Above-ground portion of mechanical building would encroach 10 feet into 20-ft setback
SMC 23.54.030	Minimum width standards for driveway of 15 feet to 20 feet	Portions of new extended driveway at north end of site would range from 15-feet wide to 8.5-feet wide
SMC 23.54.015	Parking standards	Waive requirement for additional parking beyond existing

SMC 23.44.022 - Side-yard setback

The side-yard setback for institutions in Single Family zones is ten feet. SMC 23.44.022.K.2 states the Director may reduce this setback to five feet provided the reduced setback will not significantly increase impacts to the surrounding community.

King County is requesting a waiver to reduce the setback to six feet (plus a 1-ft. arbor that will be used to screen the adjacent residential garage) for construction of a new above-ground ancillary mechanical/electrical building and a five-foot waiver for the proposed below-ground ancillary equipment building and vault. King County states that the project could not achieve setback requirements because the existing driveway is immediately adjacent to the proposed building; also, there are many underground pipes and ancillary utilities at the site that excluded other potential areas under consideration for locating new facilities at the existing pump station.

SMC 23.44.022 - Front-yard setback

The above-ground portion of the ancillary mechanical structure, excluding the bioretention planter, will encroach 10 feet into the 20 foot front-yard setback. The structure needs to be located partially in the front yard setback in order to provide access for equipment to service both the new and existing buildings. In addition, locating the structure in the set-back will permit light and air to the property to the south, which would otherwise be impacted. All other improvements within the front yard setback will be at or below grade, including the fuel storage tank, piping, a portion of the underground CSO storage structure, and driveway improvements.
A new decorative fence will be installed along the front of the property. King County has been working closely with the community at North Beach and a landscape architect retained by King County has provided several designs from which to choose from. The community chose the fence design (rendering included with application materials) and it will be replaced in its current location on the lot line perimeter. The height will also remain the same - eight-feet tall. Street frontage improvements, including a planting strip, are required pursuant to SMC 23.53, providing landscaping and visual interest facing the street; King County has included a landscape and planting plan for approval by SDOT.

SMC 23.54.030 – Minimum driveway widths

There is an existing driveway at the site. Currently, when a maintenance vehicle is present on site, the vehicle must back up onto the street. For safety, King County is proposing to extend the driveway so it can loop back onto the road at the north end of the site. This will also allow access to pumps located in the CSO drain vault for operation and maintenance activities.

According to SMC 23.54.030, the proposed driveway at the southern end of the site will meet the minimum width requirements of 15-20 feet; however, the new extended driveway at the north end of the site will be below minimum width standards along some areas, ranging from 15 feet wide down to 8.5 feet wide along a short portion at the west end of the site. Potential impacts of the reduced driveway widths along the north should be minimal for several reasons: 1) the driveway is used infrequently, normally no more than once per week, and 2) there will be no need for standard maintenance vehicles to back out of the driveway thereby reducing/eliminating safety concerns regarding vehicle turn-arounds.

SMC 23.54.015 H – Parking standards

There are currently no designated parking spaces at the pump station. The existing and proposed ancillary mechanical/electrical buildings are used for maintenance purposes only and are used infrequently. County equipment for the purpose of routine maintenance will be on the site during the day for short durations and there is an adequate area for two vehicles. Because the site currently has no designated parking spaces at the site and because the site is gated with no public access, the applicant requests that no new parking be required.

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

King County Department of Natural Resources and Parks, Wastewater Treatment Division, issued a DNS dated April 28, 2011, which analyzed the probable impacts of the proposal and determined that none of the impacts were significant or warranted additional conditions. The Environmental Checklist with the DNS lists additional environmental information/documents on pages 2 and 3.

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

DPD recommends approval of this public facility in a Single Family zone.

Conclusion

The City Council must make a determination if it will allow the North Beach Combined Sewer Overflow Project (public facility) in a Single Family zone. Waiving or modifying applicable development standards shall be in accordance with the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions. Since this proposal includes Type II SEPA conditioning and Shoreline Substantial Development Permit, those decisions will also be made by City Council simultaneous with the Type IV decision for the public facility pursuant to SMC 23.76.A.

Recommendation – Council Approvals

DPD recommends approval of King Couny's North Beach Combined Sewer Overflow Project (public facility) in a Single Family zone and the requested waiver and modifications of development standards analyzed above.

ANALYSIS - SEPA

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by King County's Wastewater Treatment Division. The applicant submitted an environmental checklist and threshold determination for this project dated April 28, 2011. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Department with the review of similar projects form the basis for this analysis and SEPA conditioning.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in King County'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. S hort-term adverse impacts are anticipated from the proposal. No adverse long-term impacts are anticipated.

Short - Term Impacts

Construction Impacts

Construction activities for the 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 an increase in traffic and parking impacts due to construction workers' vehicles. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.
Temporary traffic impacts would result during construction for as long as 24 months. Heavy construction trucks and personal vehicles moving to and from the construction site and onto the local street system may cause temporary increases in traffic volumes and possible congestion in the area. Traffic could be periodically stopped along access roads to allow truck and trailer access to the construction site, causing delays for general purpose traffic. Excavation hauling and delivery of concrete and fill material would require approximately 1,800 truck trips, most of which will occur during the first 6 months of construction and taper off over the following months. Construction would temporarily impact residential access and parking for up to 3 residences on the north side of project and up to 3 residences on the south side of NW Blue Ridge Drive. King County has committed to discussing with each affected property owner prior to commencing construction activities. Prior to any temporary road closures, coordination would be conducted with all service providers in the area to ensure service to area residents is maintained throughout.

King County is currently under Street Improvement Plan review where SDOT is addressing how construction activities such as road closures and temporary traffic re-channeling will be reviewed for the related piping in adjacent rights of way. As part of the required street use permit, a traffic control plan will be submitted to SDOT and approved prior to commencing any construction activities. As a result no conditioning is necessary related to these specific activities.

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; Environmentally Critical Areas Ordinance, Land Use Code and Building Code.

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 is expected to temporarily add some particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles. 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-A.2).

Existing City code (SMC 11.62) requires truck activities to use arterial streets within the City to every extent possible. Prior to construction approval SDOT will review and approve a specific traffic control plan for the proposed project, therefore, no conditioning is necessary from DPD.

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.

King County is proposing to implement a number of Best Management Practices to control dust during construction, including street sweeping, watering exposed soil surfaces, and convering soil stockpiles to help minimize the amount of fugitive dust and particulate pollution to the surrounding areas.

Noise associated with the heavy construction processes and overall length of the proposed construction process could adversely affect surrounding properties in the area, which include residential and recreational uses. During construction, all activities will be performed consistent with the City of Seattle's Noise Control Ordinance. Best Management Practices will be used to minimize construction noise, such as:

- Using effective vehicle mufflers, engine intake silencers, and engine enclosures, and shutting off equipment when not in use;
- Using portable noise barriers placed around stationary equipment;
- Using broadband back-up alarms to eliminate impacts of single frequency high-pitched alarms;
- Encouraging equipment drivers to avoid backing up as much as possible to reduce use of back-up alarms;
- Locating activities away from sensitive receptors when possible;

Noise associated with excavation could adversely affect surrounding properties in the area, which include residential uses. Due to the proximity of the project site to residential uses to the east, 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), conditioning is warranted (condition #3).

In addition, it is a condition of this permit that King County establish a 24-hour construction hotline to promptly response to questions and complaints and a website with that provides regular updates on construction activities. Advance notification of activities will also include posting signage at the site, as well as written notification of the Blue Ridge Club and impacted residences.

Long - Term Impacts

Air Quality, Water Quality, and Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in small 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 nature.

Odors generated within the pipeline from stored wastewater or solids not removed from the wash-down system would be mitigated through operation of the odor control facility housed in the ancillary equipment facility. The odor control system would consist primarily of a carbon adsorption scrubber vessel, mist eliminator, and fan. Gas concentrations at the odor control facility would be actively monitored to determine the functional performance of the facility and create and accurate schedule for replacement of the carbon filer media.
After the project is completed, stormwater on the pump station site would flow into new bioretention facilities on the property. The soils and plantings in the bioretention facilities would settle, absorb, and filter the stormwater runoff prior to infiltration, improving long-term surface and groundwater quality at the site.

The overall purpose of this project is to prevent combined sewage overflows into Puget Sound and to fulfill permit requirements of the National Pollutant Discharge Elimination System. In 2008, the County reported that the North Beach Combined Sewer Overflow (CSO) facility had ten overflows per year on average, discharging a total of 2.2 million gallons of untreated stormwater and wastewater annually into Puget Sound. This project is designed to meet the NPDES requirements and allow no more than one untreated discharge per location per year on average, substantially improving water quality in Puget Sound at this location compared to current conditions.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the self-imposed mitigation commitments listed in King County's SEPA checklist and Determination of Non-Significance, conditions stated below and analyzed above, the project will be consistent with applicable SEPA policies.

RECOMMENDED CONDITIONS – SEPA AND SHORELINE

Prior to Commencement of Construction

1. Execute the public outreach plan including: establishment of a website to provide project information and regular updates on construction activities, including names and contact information for project; establishment of a 24-hour construction hotline to promptly respond to questions and complaints; and provide affected public with names and contact information for project contacts. These contacts should also be mailed to nearby property owners (King County should define the appropriate area of the mailings).

During Construction

2. The hours of all major construction work should be limited to between 7:00 AM – 6:00 PM on non-City holiday (pursuant to SMC 25.08.155) weekdays and between 9:00 AM – 6:00 PM Saturdays. Work using impact types of equipment are further limited consistent with subsection SMC 25.08.425 C of the Noise Ordinance.

   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. This plan will be coordinated with the DPD Noise Abatement Office (DPD), King County, applicant and the contractor. The plan will include the following elements:

   a. Construction Communication - including a Contact and Community Liaison.

   b. Construction Hours and Sensitive Receivers - identifying demolition and construction activities within permissible construction hours.

   c. Construction Noise Requirements - all demolition and construction activities shall conform to the Noise Ordinance, except as approved through the noise variance process.

   d. Measures to Minimize Noise Impacts – list of measures to be implemented to reduce or prevent noise impacts during demolition and construction activities during standard and non-standard working hours.

   e. Construction Milestones – a description of the various phases of demolition and construction, including a description of noise and traffic generators, and anticipated construction hours for each phase.

   f. Construction Noise Management – identify techniques to minimize demolition and construction noise including: timing restrictions, noise reduction construction technologies, process modifications. These techniques may go beyond code requirements.

3. Maintain project website with regular and timely updates for potential construction impacts and generally implement public outreach plan, including maintenance of construction hotline.

4. The applicant shall implement Best Management Practices approved and/or required by the State Department of Ecology and the DPD construction inspector to minimize the amount of erosion caused by construction and operations at the site. Materials and construction methods shall be used which prevent toxic materials, debris, waste material, concrete slurry, petrochemicals, and other pollutants from entering surface water during and after construction. All debris and other waste shall be disposed of in such a way as to prevent entry into Puget Sound.

5. 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 (Ben Perkowski 206.684.0347) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

For Life of Project

6. All landscaping for project and planting in bioretention facilities shall be monitored and properly maintained.

Signature: (signature on file) Date: November 8, 2012
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development

BSP:drm

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