

February 1, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Resolution 32079: King County Alki Transformer Term Permit Conceptual Approval

On Tuesday, February 7, 2023, the Transportation and Seattle Public Utilities Committee (Committee) will consider [Resolution 32079](#). This resolution would grant conceptual approval for a new “significant structure” term permit to King County’s Wastewater Treatment Division, allowing them to take steps to locate an electrical transformer and retaining wall to support their Combined Sewer Overflow (CSO) system in the Beach Drive SW right-of-way in the Alki neighborhood, Council District 1.

The transformer would support a generator that will provide back-up power to the Alki [Wet Weather Treatment Station](#) (WWTS) and the 63rd Avenue Pump Station in case the electrical system fails. The Alki WWTS is a CSO facility that operates only after heavy rainfall. The 63rd Avenue Pump Station sends flows to the Alki WWTS in the event of heavy runoff.

Because the proposed transformer would occupy part of the city street, approval must be granted by the City Council pursuant to [Seattle Municipal Code \(SMC\) Chapter 15.65 – Significant Structure Term Permits](#). Conditional conceptual approval of the term permit is the first step in approving the use of the street for this purpose. Resolution 32079 would grant conceptual approval to King County for the installation of the transformer and would direct the Seattle Department of Transportation (SDOT) to negotiate final approval of a term permit.

This memorandum summarizes the term permit approval process and describes the conditions of approval under Resolution 32079.

Significant Structure Term Permits

Significant structures are structures that have “a long-anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in right-of-way; and overhead structures attached to buildings. SMC Chapter 15.65 establishes the procedures and criteria for approval of term permits for significant structures.

[SMC 15.65.040.C](#) identifies ten issues that are considered when reviewing whether to approve a significant structure:

1. Adequacy of horizontal, vertical, and other clearances.
2. View blockage and impacts due to reduction of natural light.
3. Construction permit review is at 60% conceptual approval.
4. Interruption or interference with existing streetscape or another street amenities.
5. Effect on pedestrian activity;
6. Effect on commerce and enjoyment of neighboring land uses;
7. Availability of reasonable alternatives;
8. Effect on traffic and pedestrian safety;
9. Accessibility for the elderly and handicapped; and
10. The public benefit mitigation elements provided by the proposal, to the extent required based on the nature of the structure.

Once the SDOT Director reviews a term permit petition, the director transmits a recommendation to the City Council for conceptual approval. The Council's review of the proposal considers the ten items noted above in order to determine whether the structure is in the public interest and no reasonable alternative to the structure exists. The Council may provide conceptual approval, conditional conceptual approval or deny the term permit through a resolution.

If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT forwards a bill to the City Council for its final decision to grant or deny the application for a proposed new structure permit. Generally, the City grants approval for a 15-year term, renewable once for a total term of 30 years but the Council may approve a different term.

King County Alki Generator

The Wastewater Treatment Division of King County's Department of Natural Resources and Parks operates the Alki WWTS at 3350 Beach Drive SW, south of Benton Place SW. The WWTS is located one block southwest of the intersection of Beach Drive SW and Alki Avenue SW. It is across the street from the [Charles Richey Sr Viewpoint](#), a City park. The WWTS provides "primary treatment (physical settling of solids), disinfection (usually chlorination), and dechlorination of CSOs" during heavy rainfall.

King County is installing a high-capacity standby generator for both the Alki WWTS and the 63rd Avenue Pump Station at 3535 Beach Drive SW. These facilities currently do not have full-time permanent back up power. The project involves trenching the transmission wires in SW Hinds Street, SW Wilton Court, 64th Avenue SW, and Beach Drive SW (approximately 0.25 miles). The project requires the installation of two transformers to regulate voltage between the facilities

and the subterranean duct bank. One transformer will be located at the Alki WWTS. The transformer for the 63rd Avenue Pump Station Facility will be in right-of-way and is the subject of this petition.

Beach Drive SW, including the section between SW 63rd Street and SW 64th Street, is a "[Healthy Street](#)." SDOT is currently exploring permanent improvements to this block.

Resolution 32079 would grant conditional conceptual approval for a term permit to King County for a transformer in the Beach Drive SW right-of-way. King County would need to meet the following conditions outlined in the resolution before SDOT recommends approval and King County receives a term permit:

1. Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation ("SDOT"), which the Director will circulate to other City departments and any public and private utilities affected by the installation of the Transformer;
2. Provide a surety bond, covenant agreement, and public liability insurance naming the City as an additional insured or self-insurance, as approved by the City's Risk Manager;
3. Obtain a Revocable Use Permit from Seattle Parks & Recreation for the conduit connecting to the Transformer;
4. Pay all City permit fees;
5. Obtain all other necessary permits;
6. Maintain and inspect the Transformer; and
7. Remove the Transformer and restore the right-of-way to in as good condition for public use as existed prior to construction of the Transformer and in at least as good condition in all respects as the abutting portions of the public place as required by SDOT right-of-way restoration standards upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

The resolution directs SDOT to draft a term permit bill that reflects these conditions for Council consideration. If Council approves the bill, King County would have the right to build and use the transformer.

Next Steps

If the Committee recommends adoption of the resolution at its meeting on February 7, final adoption could occur as early as the City Council meeting on February 14. Once the resolution is adopted and King County meets the conditions listed above, SDOT would begin to draft a bill to approve the term permit.

cc: Esther Handy, Director
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