

May 31, 2023

## MEMORANDUM

**To:** Transportation & Seattle Public Utilities Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120585: West Seattle Wet Weather Term Permit

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On June 6, 2023, the Transportation & Seattle Public Utilities Committee (Committee) will receive a briefing on [Council Bill \(CB\) 120585](#). The bill would grant final approval to King County Department of Natural Resources and Parks' Wastewater Treatment Division (WTD), allowing them 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).

Conditional conceptual approval for the term permit was granted under [Resolution 32079](#) on February 14, 2023. The Seattle Department of Transportation (SDOT) has negotiated the provisions of CB 120585 to provide for a term permit that is consistent with the conditions of Resolution 32079. The proposed bill would approve the permit for as long as King County operates the Alki Wet Weather Treatment System and the 63rd Avenue Pump Station.

This memorandum summarizes the term permit approval process and describes the conditions of approval under the proposed bill.

### Significant Structure Term Permits

[Seattle Municipal Code Chapter 15.65](#) establishes the procedures and criteria for approval of term permits for significant structures. A significant structure is a structure that has “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; privately maintained public plazas located in the right-of-way; and overhead structures attached to buildings.

[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 review is at 60 percent conceptual approval;
4. Interruption or interference with existing streetscape or other 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 Director of SDOT reviews the term permit petition and determines that approval is appropriate, SDOT transmits a recommendation to the City Council for conceptual approval. Council's review of the proposal considers the ten items noted above 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.

Conceptual approval allows the petitioner to proceed with developing final construction plans. If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT forwards a bill to the Council for its final decision to grant or deny the application for a proposed new structure permit. Council's decision to grant or deny the application must be grounded in whether the final plans are consistent with the conditional approval.

### **King County Wastewater Transformer**

WTD seeks to place a transformer and retaining wall in 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, in the West Seattle neighborhood. The transformer would support a high-capacity generator that is intended to provide consistent power for the Alki Wet Weather Treatment Facility and the 63rd Avenue Pump Station in the event of power outages, avoiding raw wastewater overflows that would result from power failures. The transformer would be approximately six feet tall and sit above a retaining wall, which would keep the transformer above the high-water mark. No alternative location was identified for the transformer.

Installation of conduits that would connect the transformer to the Alki Wet Weather Treatment Station would require trenching in Beach Drive SW, SW Wilton Ct and 64<sup>th</sup> Avenue SW. King

County anticipates that they will generally be able to keep at least one lane of traffic open on these streets during that work, but that parking may be impacted while the street is open. Work on connecting the transformer may require closure of the intersection at Beach Drive SW and 63<sup>rd</sup> Avenue SW for one or two days. All work must occur before the rainy season.

SDOT has determined that WTD has met the following conditions from Resolution 32079 and recommends that the Council adopt the bill, granting final approval for a term permit to WTD, allowing them to install the transformer in the right-of-way:

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.

WTD has met conditions 1 through 5. Provisions in CB 120585 would ensure that WTD would meet conditions 6 and 7 if the bill is adopted.

### **Next Steps**

The Committee is anticipated to consider and may vote on the proposed bill at its June 6 meeting. The bill could be considered by the City Council as early as June 13.

cc: Esther Handy, Director  
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Yolanda Ho, Supervising Analyst