



City of Seattle
Gregory J. Nickels, Mayor

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

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004498
Applicant Name: Evan Wehr for Boatworld Marina
Address of Proposal: 2144 Westlake Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to remove 11 floating piers and 4 timber pilings (3,442 square feet of over water coverage). Installation of a 6' by 388' main pier, a 6' by 172' extension, six 4' by 60' finger piers, and one 4' by 30' finger pier (1,124 lineal feet of moorage), for an over-water coverage total of 4,811 square feet. Project includes thirty-four 12" steel pilings. No additional parking proposed.

The following approvals are required:

Variance: to reduce the number of required parking spaces to zero. (SMC 23.54.015)

Shoreline Substantial Development Permit: to allow the construction of piers and floats in an Urban Stable (US) Shoreline Environment. (Section 23.60.020A Seattle Municipal Code)

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Site Location and Description

The 167,065 square foot subject site is located on Westlake Avenue North between McGraw Street and Crockett Street. Westlake Ave N is on the western shore of Lake Union.

Only 8,806 square feet of the subject property is located on dry land. The remaining 158,259 square feet is composed of submerged lands.

The zoning in this area is Commercial (C2-40). The site is located in the Urban Stable (US) shoreline environment. Immediately east of the site is the Conservancy Navigation (CN) shoreline environment.

Less intensive commercial zoning (C1-40) is located to the west across Westlake Ave N, with Lowrise Multi-family Residential zoning (L-2) located west of that. C2-40 zoning continues north and south of the subject property.

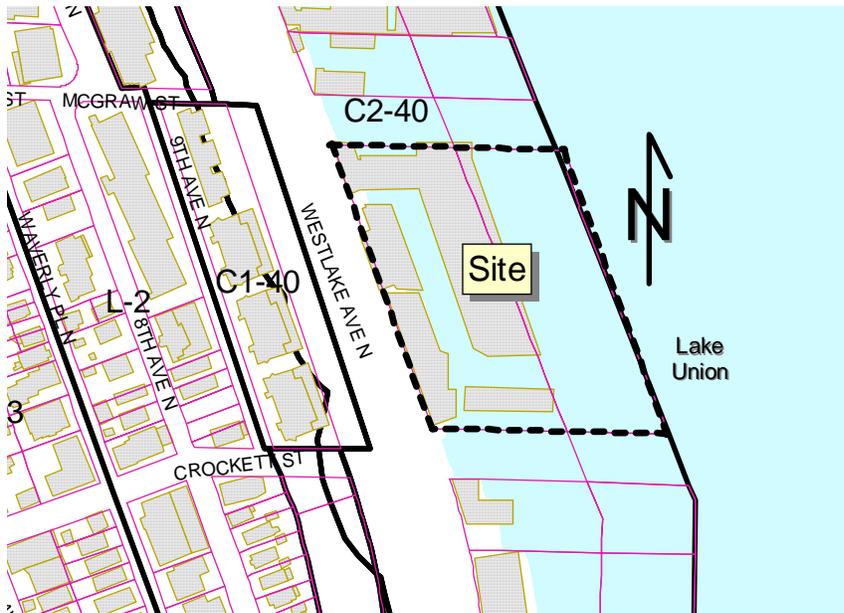
The site contains Boatworld Marina, which is a recreational marina including multiple floats, piers and buildings located on pilings. Other uses at the site include marine retail sales and service, office, and eating/drinking establishment. A nonconforming set of piers is located near and over the south property line. 863 square feet of these piers will be removed under a separate code enforcement action (#1007445).

Nearby uses include floating homes in Lake Union, multi-family residential development in the areas west of Westlake Ave N, and marinas and other commercial uses on the western shores of Lake Union.

The site is located within the designated “Shoreline Habitat” environmentally critical area. The property is also mapped as a Potential Slide area, however, no soil disturbance is proposed as part of the proposal.

Description of Proposal

The applicant proposes to remove an existing wood float (approximately 2,579 square feet with 610 lineal feet of moorage) and construct a new grated float (approximately 4,811 square feet with 1,384 lineal feet of moorage). The applicant proposes a variance to allow no additional parking beyond the current conditions.



The applicant also proposes to remove existing illegally nonconforming floats associated with code enforcement action 1007445 (approximately 1,403 square feet).

Public Comment

Notice of the proposal was issued on October 5th, 2006 and notice of a revised application to include the requested parking variance was issued on August 9th, 2007. No comment letters were offered.

I. ANALYSIS – VARIANCES FROM 23.54

The applicant has requested a variance from the number of parking spaces required per SMC 23.54.015.

SMC 23.44.014 and 23.40.020. Variances.

C. Variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and***

The subject property is located predominantly over water, as described in the Site Location and Description section above. The dry land portions of this site are occupied almost entirely by building and pedestrian access structures. Additional on site parking would require additional structures over the water, which is in conflict with the requirements to protect the shoreline environment.

A large area of parking in the public right of way is located adjacent to the west property line of the site, between the subject property and Westlake Ave N. Many businesses on the east side of Westlake Ave N take advantage of these parking areas to meet parking demand. Due to the over water platting in the area, providing on site parking is rare and would often conflict with protection of the shoreline environment.

Therefore, the subject property exhibits unusual conditions of being mostly over water, and strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and***

The amount of parking required by the existing development is 67 spaces. There are currently no on-site or covenanted parking spaces provided with the development; therefore the development has a deficit of 67 parking spaces that would be allowed to continue with the expanded use.

The proposed expansion would result in a total parking requirement of 74 parking spaces. With the permitted deficit, the applicant would be required to provide 7 parking stalls on site. The applicant has requested a variance to not provide these 7 off-street parking spaces.

Given the adjacent extensive parking areas and the use of these parking areas by adjacent businesses, the proposed variance does not go beyond the minimum necessary to afford relief and does not constitute a special privilege inconsistent with neighboring properties.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

As described above, there is a large area of parking in the public right of way between the subject property and Westlake Ave N. The requirement for 7 additional parking spaces would not place a disproportional burden on the existing available on-street parking. Not granting the variance would require the applicant to create additional over water structure to accommodate 7 parking spaces. The shoreline code and Environmentally Critical Areas code require protection of the shoreline areas and minimal impacts to over water and near shore areas. Granting the variance will reduce the amount of structure required over water and near the shoreline.

Therefore, the granting of the variance will not be materially detrimental to the public welfare or injurious to nearby properties or improvements.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

As described above, the existing site is characterized mostly by submerged lands. There is little if any dry land area not currently occupied by buildings and pedestrian access to the dock areas. Providing 7 on site parking spaces would require either demolishing existing structures or adding over water coverage, which is inconsistent with the shoreline code and environmentally critical areas code. Therefore, strict application of the parking requirement would cause undue hardship and/or practical difficulties.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purposed of SMC 23.54.015 is to provide parking opportunities in response to parking demand. The existence of on-street parking areas in the area between the commercial properties on the western shore of Lake Union and the vehicular travel areas of Westlake Ave N provide parking opportunities in response to the parking demand of the commercial properties. Granting the variance also prevents additional over water coverage. The requested variance is therefore consistent with the spirit and purpose of the Land Use Code regulations.

DECISION - VARIANCES

The variance for reduced front and side yards is **GRANTED**.

II. ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Substantial Development Permit Required

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.

A. 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 of Washington to provide for the management of all shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology acts 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, as well as other local jurisdictions, adopted a local shoreline master program, which for the City, is codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. 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.

Per SMC 23.60.936, "Shorelands" or "shoreland areas" means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of this title; the same to be designated as to location by the Department of Ecology."

Because the proposed development is located over water and includes development in excess of \$10,000, the project is not exempt and a shoreline substantial development permit is required. As modified and conditioned through this analysis, as well as the SEPA environmental review below, the project would provide a recreational marina opportunity and would not interfere with the public's use of the water.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of SMC, Section 23.60.064 require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) are permitted in the shoreline environment and the underlying zoning district; and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be 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 policies support and encourage the establishment of water dependent uses. Recreational marina floats and piers are designated as water dependent uses. Water dependent uses are listed as a high priority for land use in shoreline areas. The proposal site is located in an area designated as Urban Stable. This designation is listed in the Seattle Municipal Code and the area is referenced in the Comprehensive Plan. The designation is intended to provide opportunities for substantial numbers of people to enjoy the shoreline by encouraging water-dependent recreational uses and public benefits, preserve and enhance views of the water from adjacent streets and upland residential areas, and support water dependent uses by providing services such as marine retail and moorage (SMC 23.60.220.B.7). Therefore, the proposed project would conform to the policies of the comprehensive plan and would be consistent with the purpose of the US designation.

Development Standards

The applicant proposes to remove 4,884 square feet of legally conforming over water coverage (float and piers) and build 4,811 square feet of new over water coverage (float and piers). The proposal also includes removal of debris from an area of the lake bed measuring approximately 2560 square feet, located below the covered moorage area.

The floats and piers are accessory to a recreational marina. The applicant also proposes to remove existing illegally nonconforming floats and piers associated with code enforcement action 1007445 (approximately 1,403 square feet). This activity is permitted outright in SMC 23.60.600 governing the US shoreline environment. The proposed action is therefore subject to:

1. *General development standards for all shoreline environments (SMC 23.60.152);*
2. *Development standards for recreational marinas (SMC 23.60.200);*
3. *Development standards for uses in the US environment (SMC 23.60.600);*
4. *Development standards for Commercial zones (SMC 23.47A).*

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

The following general standards are applicable to the potential impacts of the proposed demolition and construction use of new piers and piling. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must:

1. Minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected;
2. Be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and
3. Be located, constructed, and operated so as not to be a hazard to public health and safety.

Disturbance of the lakebed sediments is expected due to driving steel piles for the new floats and proposed mitigation in the form of removal of debris from the lake bed. There is also the potential for construction debris to enter the water during demolition and construction of the floats and piers, so care will have to be taken to prevent this from occurring.

The proposed work has been determined to be consistent with the general standards for development within the shoreline area. General development standards (SMC 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land or water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. To ensure conformance with the standards in SMC 23.60.157, the proponent will be required to notify contractors and subcontractors of these requirements.

2. Development Standards for recreational marinas (SMC 23.60.200)

These standards regulate the size and location of recreational marinas. Recreational marinas generally need to include facilities for marina users and public access to the waterfront. The proposed development has been reviewed and approved for compliance with the zoning code requirements.

3. Development Standards for US Shoreline Environments (SMC 23.60.600)

The development standards set forth in the Urban Stable Shoreline Environment relate to height, maximum size, lot coverage, view corridors, public access, and location.

The proposed development includes removal of existing piers and floats and construction of new piers and floats, and does not include any additional structure height. The maximum size of non water-related uses is regulated by this code section. There are no proposed changes to the non water-related uses at this site.

The proposed lot coverage is 42% of the submerged areas, which is within the maximum permitted 50% coverage of submerged areas.

There are no existing or proposed view corridors or public access due to the existing structures on the lot. All proposed development would be done at the water level and below existing structures.

4. General Development Standards for Commercial Zone Uses (SMC 23.47A)

The primary uses at this site are recreational marina, marine retail sales and service, office, and eating and drinking establishments. The proposed floats and piers are accessory to the primary uses. There are no proposed modifications to the buildings or mix of uses under this Master Use Permit. The primary and accessory uses are permitted by this section. Development standards for floats and piers are governed under SMC 23.60.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

WAC Chapter 173-27 sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

Summary

In conclusion, no additional adverse impacts to the lakebed or water quality are expected, and the proposed alterations to the moorage at this site will be consistent with the provisions set forth by 90.58 RCW, 173-27 WAC, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP), subject to the conditions listed at the end of this report.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

III. ANALYSIS – SEPA

Disclosure of the potential impacts from this project was made in the following documents: the Environmental Checklist dated September 20, 2006 and the Joint Aquatic Resource Permit application (JARPA) dated December 20, 2005. The information in the SEPA checklist, the supplemental information described above, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected from proposed construction over the water: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines, aquatic habitat and displacement of some fish and wildlife species due to the disturbance from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and further discussion is warranted below

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code that requires that soil erosion control techniques, the Seattle Noise Ordinance (construction noise), the Building Code that provides for construction measures and life safety issues, and State Air Quality Codes administered by the Puget Sound Air Pollution Control Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

Construction

The proposed construction work will take place in the waters of Lake Union. The applicant proposes to demolish part of the existing float and pier system, construct new floats and piers, and remove debris from the lake bed within the property lines of the site. The applicant notes that “a majority of the proposed project (the float) is to be built off site and barged into place in order to minimize time at the actual site and to reduce impacts to the environment and adjacent properties.”

Construction material and equipment pose some potential danger of water contamination and potential shoreline erosion. The contamination from spills could lead to both water quality and aquatic habitat damage. In order to be prepared to provide a fast and effective response to spills or other actions which cause new contaminants to be introduced into the shoreline environment, emergency containment procedures shall be developed and all necessary equipment stocked on site prior to commencing construction.

Best management practices (BMPs) should be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work. A boom should be deployed around the construction area during float and pier removal and construction to contain any debris that enters the water during construction. At a minimum the floating debris that enters the water during construction should be collected once per day. This material should be contained on site and then disposed of at the appropriate upland facility. Additional conditions will apply, as imposed by other agencies with jurisdiction.

Noise

In water pile driving will be required for the new floats. Nearby floating homes could be affected by noise associated with pile driving and construction of the piers. The applicant notes, “A bubble curtain and wood block will be used as a sound attenuation device when driving the new piles.” Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found 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. The hours of construction activity shall be as conditioned below.

Long-term Impacts

Long-term or use related impacts are also anticipated from the proposal, including parking and traffic impacts, increased drainage runoff from additional over water coverage, and impacts to the fish and wildlife in the shoreline environment. Existing codes address impacts from drainage, impacts to public services, and grading. Although not significant, some of these impacts are adverse and warrant further discussion below.

Parking

There will be a small increase in parking demand created by the project. There is no existing off-street parking at this location, but there is a large area of on-street parking between the subject property and the travel area on Westlake Ave N. There is approximately 3,485 square feet of existing lineal feet of moorage at the site. After the proposed construction, there would be approximately 4,259 lineal feet of moorage at the site, which is a net increase of 774 lineal feet or 22%. The current arrangement of moorage appears to allow 10 berths in the area that will be replaced with approximately 15 berths.

The Institute of Transportation Engineers (ITE) Parking Manual indicates that a net increase of 5 berths would generate peak demand for approximately 3 additional parking spaces at peak hours. Although no parking will be provided with this development, plentiful nearby on-street parking and transit meets this additional parking demand. Thus, the noted parking-related impacts of the proposed completed project are not considered adverse and no further mitigation is warranted under SEPA (SMC 25.05.675.M).

Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Lake Union including the proposed project area. Lake Union is also designated critical habitat for Chinook salmon under ESA (2004 or 2005). Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to occur in the waters of Lake Union, which is designated critical habitat of Chinook salmon. The project site serves as a migration corridor as well as rearing area for juvenile Chinook salmon from the Cedar River and other water bodies in Water Resource Inventory Area 8.

The applicant has proposed mitigation in the form of removing 4,884 square feet of legally conforming over water coverage (float and piers) and removal of debris from an area of the lake bed measuring approximately 2560 square feet, located below the covered moorage area. The proposal includes 4,811 square feet of grated piers and floats, which is a net reduction in the total over water coverage. Removal of debris from the lake bed is also proposed.

Collectively these measures will reduce overwater coverage, which will in turn allow the juvenile salmon to remain in the shallower water during their migration. The measures will also remove debris from the nearshore lake bed environment, eliminating nesting habitat of small mouth bass, which are predators of chinook salmon. These measures will allow the juvenile fish to remain in the shallow water during their migration and rearing, reducing the juvenile chinooks' vulnerability to predation in the nearshore environment. No additional mitigation is necessary. Thus, the noted plant and animal-related impacts of the proposed completed project are not considered significant and no further mitigation is warranted under SEPA (SMC 25.05.675.N).

Traffic

The Institute of Transportation Engineers (ITE) Parking Manual indicates that a net increase of 5 berths would generate approximately 32 additional peak hour trips. Given the high traffic volumes on the adjacent Westlake Ave N, this is an imperceptible increase in traffic trips. Thus, the noted traffic-related impacts of the proposed completed project are not considered adverse and no further mitigation is warranted under SEPA (SMC 25.05.675.R).

DECISION - SEPA

This decision was made 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 the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have significant adverse impacts upon the environment. An EIS is not required under RCW 43.21C.030.(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT AND SEPA

Prior to Issuance of the Construction Permit

1. Revise official plan sets to reflect the following:
 - a. Best Management Practices shall be employed during the proposed construction work as necessary to keep debris and deleterious material out of the water.
 - b. Prior to commencing construction a spill prevention and emergency containment plan shall be developed and all necessary equipment be stocked on the site. A sufficient number of personnel, both during construction and during on-going operations, shall be trained in the proper implementation of this plan.
 - c. The owner(s) and/or responsible party(ies) shall notify in writing all contractors and sub-contractors of the general requirements of the Seattle Shoreline Master Program (SSMP 23.60.152), including the requirements set forth in conditions of the MUP.
2. Spill prevention and response procedures shall be developed prior to commencement of construction and the appropriate material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site. This information shall be provided on the construction plan set.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

3. Appropriate best management practices (BMPs) shall be employed to prevent debris and deleterious material from entering Lake Union during the proposed work and future repairs to the bulkhead. BMPs shall include the deployment of a boom surrounding the construction area. The boom shall remain in place for the duration of the proposed work.
 - a. The boom shall serve to collect any floating debris, which may enter the water during the construction activities. This floating debris shall be removed from the water daily, stored on-site, and then disposed of in the appropriate upland facility.
 - b. If heavy (sinking) debris enters the water during the repair work, the location of the debris shall be documented in a log to be kept through the duration of the project. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during construction.
4. BMPs shall be in place to prevent any toxic materials, petrochemicals and other pollutants from entering the surface water during the proposed repair work. The spill prevention and response procedures developed for this project shall be followed and the appropriate material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site.
5. Personnel shall be trained in the plans and procedures for the prevention, containment and clean-up of toxic material.
6. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov) when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: _____ Date: October 18, 2007
Shelley Bolser, AICP, Land Use Planner
Department of Planning and Development

SB:lc