



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: 3007888 (3007887 and 3007889)

Applicant Name: Terry Beals for Central Puget Sound Regional Transit Authority (“Sound Transit”)

Address of Proposal: 100 Broadway East
1830 Broadway East
1827 Broadway East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow essential public facility/light rail transit facility construction staging area for future station (Sound Transit’s Capitol Hill Station). Review includes demolition of 17 buildings (84,816 sq. ft of retail and restaurant uses, 81 residential units and 116 parking spaces) and excavation of 133,530 cu. yds. of material. Final Environmental Impact Statement (November 1999) and the North Link Final Supplemental Environmental Impact Statement (April 2006) prepared by Sound Transit.

This analysis and decision cover three related applications:

- MUP #3007888 (100 Broadway East);
- MUP #3007887 (1830 Broadway East); and
- MUP #3007889 (1827 Broadway East).

The following approvals are required:

Temporary Use Permit - to support construction of a light rail transit facility pursuant to SMC 23.42.040.F

SEPA – to approve condition or deny pursuant to SMC 25.05.660.

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [X] EIS*
[] DNS with conditions
[] DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

BACKGROUND DATA

Site Location and Zoning

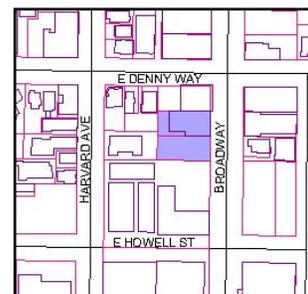
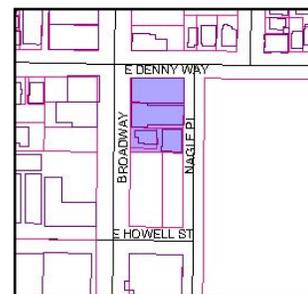
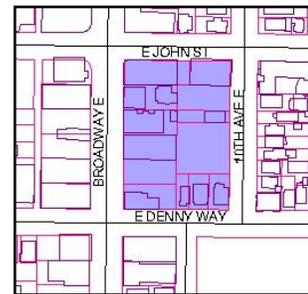
The project sites are located in the Capitol Hill neighborhood at the intersection of Broadway and East Denny Way.

All of the staging areas are zoned Neighborhood Commercial 3, with a height limit of 40 feet (and 65 feet for those parcels within a half block of Broadway). All of the sites are also located within the Capitol Hill urban village and the Capitol Hill Station Area Overlay District. Those parcels along Broadway also have a Pedestrian 1 designation (NC3-40 P1). The southernmost parcel of Site C is also located within the Major Institution Overlay for Seattle Central Community College.

Existing Site Conditions

The site includes 19 separate parcels within the Capitol Hill project site area. Existing rights-of-way (Broadway and East Denny Street) divide the project area into three non-contiguous groups of parcels. The three sites are as follows:

- 1) Site “A” (top image) – the entire city block bounded by Broadway to the west, Nagle Place to the east, East Denny Way to the south and East John Street to the north;
- 2) Site “B” (middle image) – Four parcels located immediately to the south of East Denny Way, between Broadway and Nagle Place; and
- 3) Site “C” (bottom image) – two mid-block parcels located on the west side of the Broadway approximately 60 feet south of East Denny Way.



None of the parcels include mapped or observed environmentally critical areas on the site. All of the parcels are relatively flat. There are eight Shore Pine trees growing along the site’s 10th Avenue East street frontage; none of these trees has been identified as “exceptional” by the City’s Urban Forester.

* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November of 1999. North Link Final Supplemental Environmental Impact Statement issued April 2006.

There are a total of 17 existing structures, three commercial parking lots and one accessory parking lot to be demolished within the project area. All of the existing structures will be demolished to provide areas for construction staging.

Development and Zoning in the Vicinity

Zoning in the vicinity both along Broadway and to the west of the site is primarily NC3, with a Pedestrian 1 designation along Broadway; zoning to the east of the Broadway sites is Lowrise 3; and zoning to the west of the Broadway site is Midrise.

Development in the area appears to be consistent with the zoning. There is a mix of commercial uses and buildings with both commercial and multifamily residential uses along Broadway and primarily multifamily and single-family residential uses to the east of the sites.

Description of Proposal

The Capitol Hill Station is a component of Sound Transit's University Link project. The station would provide access to passengers down to the light rail line located under Capitol Hill. The tunnel is proposed as a 3.15 mile twin-tube that runs from the Pine Street Stub Tunnel to the University of Washington campus. The subject application is limited to review of proposed demolition, excavation and temporary staging areas necessary to facilitate development activities associated with the Capitol Hill Station.

Sites B and C would both be used as temporary staging areas accessory to the Capitol Hill Station development (on Site A). All of the existing buildings on the all three sites would be demolished, and all three sites will be utilized for construction staging and support for the future transit station, above ground station entrances and tunnel boring operations.

Surrounding land uses includes a mixture of commercial and multi-family residential uses to the north and west, single and multi-family residential uses and a public park to the east, a funeral home and other commercial uses to the south and a community college to the southwest.

Public Comments

The public comment period ended December 26, 2007. The department did not receive any written comments during the comment period or during the subsequent review.

ANALYSIS – TEMPORARY USE PERMIT

SMC 23.42.040.F states that "A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of this subsection ..."

1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.

The City Council adopted Resolution No 30993, approving the alignment, station locations and maintenance base location for the Central Link project, including the Capitol Hill station. On September 24, 2007, the City Council passed Ordinance No. 122504 authorizing the Director of SDOT to execute an amendment to the “Agreement Between the City of Seattle and Sound Transit for Grant of Non-Exclusive Use of a Light Rail Transit Way as Related to the Central Link Light Rail Transit Project”. This Amended Agreement reflects the Council’s approval of the Capitol Hill station.

2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the MUP.

The proposed staging area will exist on the proposed sites until the tunnel construction and Capitol Hill Station and station entrances have been completed, approximately eight years following demolition of the existing structures.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:

This MUP application contains plans showing the general location and establishment of the temporary construction uses and facilities at the subject site. (See Drawing Sheet No. MUP3007888-13 and -14.) Section 5.5 of the Master Use Permit Application document (in project file) identifies the types of construction activities and equipment expected to be utilized at the site. Although, the contractor will determine the actual specific layout of the construction staging area, the types of construction activities and equipment is not expected to vary from that stated herein.

Surrounding land uses include a mixture of commercial and multi-family residential uses to the north and west, residential (single-family and multi-family) uses and a public park to the east, a funeral home and other commercial uses to the south, and a community college to the southwest. Potential short term construction-related impacts and proposed mitigation measures specifically related to this project are discussed in Section 4.17 (Construction Impacts) and 4.18.19 (Cumulative Construction Impacts) of the FSEIS. Per the ROD, Sound Transit is committed to ongoing outreach and assistance, and coordination of contractor activities, to accommodate needs of people and businesses within the vicinity of the construction area.

a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).

As stated in the FSEIS, Sound Transit will be required to obtain a Technical Noise Variance (TNV) from the City of Seattle in order to allow certain work on the University Link Tunnel between the hours of 10:00 p.m. and 7:00 a.m, and before 9:00 a.m. on weekdays and after 10:00 p.m. on weekends and/or on holidays. The key component of the TNV to be requested by Sound Transit is for the future construction contractor to implement a detailed noise control and monitoring plan that would be reviewed and approved by DPD as part of the TNV application process. The need or requirement to install a noise barrier wall prior to construction at the Capitol Hill Station site will also be determined by DPD through the TNV application process. Noise mitigation measures may include, but are not limited to, installation of a noise barrier wall, restrictions on back-up truck alarms, use of low noise emission equipment, and implementation of a noise control and monitoring plan.

With regard to drainage, the Contractors will be required to comply with all applicable City requirements. The Contractor will be required to comply with applicable Federal, State, and local laws, orders, and regulations concerning the prevention, control, and abatement of water pollution; and, the placement of temporary erosion control measures will comply with the standards adopted by the City of Seattle.

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

Lighting on the staging area will be shielded and directed away from adjoining properties. In addition, a construction wall to be installed around the perimeter of the site will provide shielding of light from the project at street grade level. The height of the wall will be determined as part of the Technical Noise Variance application process.

c. Best Management Practices. Construction activities on the site must comply with Director's Rule #6-93, Best Management Practices for Construction Erosion and Sedimentation Control Plans.

Construction activities on the site shall comply with the current Director's Rule on best management practices.

d. Parking and Traffic.

(1) Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction-worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.

(2) Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of SMC 23.54.030.

Truck haul routes from the Capitol Hill Station construction staging area provide access to the I-5 corridor, as directly as possible using collector and arterial streets (See Drawing

Sheet No. MUP3007888-17). Final haul routes and associated mitigation will be reviewed and approved by SDOT.

Please see the Traffic and Parking analysis of the SEPA review for further discussion of the parking impacts.

The contractor will be responsible for providing parking areas for construction workers as part of a Parking Construction Management Plan – see SEPA Parking analysis and related condition. There are several options available for the contractor to accomplish this: providing parking within limited areas of the construction staging area, establishing satellite parking lots and shuttling workers to the construction site, and encouraging and/or providing incentives to construction workers to utilize carpools, vanpools and public transportation that lessen the demand for vehicular parking.

e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.

Approximately thirty-four businesses will be displaced within the site area. Sound Transit is assisting those displaced businesses pursuant to state and federal requirements. Pedestrian and auto access to local businesses along Broadway and Broadway East will be maintained throughout the construction period. This will be accomplished with signage and flaggers added as needed on a daily basis. Sound Transit will be available for direct contact with all local businesses at all times, will provide advance notice of construction activities, and will work with local businesses to modify measures to limit disruption as much as possible during construction.

f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.

A wall with a gate will be constructed around Sites A and B of the construction staging areas. A security fence will likely be constructed around Site Area C on the west side of Broadway. The site will be guarded twenty-four (24) hours a day. All visitors will be required to check in at the construction field office. Access to the construction staging area, as well as the tunnel, without log in/out and safety training procedures will be strictly prohibited.

g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.

Two streets will be closed to pedestrians and vehicles throughout most of the construction phase, from January 2010 to mid-2015: E. Denny Way between Broadway and 10th Avenue E, and Nagel Place between south of Howell Street and E. Denny Way. Portions of each of

these rights-of-way lie directly over the cut and cover station box and therefore are needed for construction staging. Site entrances to the staging areas are proposed to be located to minimize conflict with pedestrian and vehicular traffic. Final review and approval of the ingress and egress to the site will be made by SDOT.

The wall constructed around the perimeter of the Site Areas A and B should be adequate to appropriately screen construction activities, including storage areas, on the sites from surrounding streets and properties. Less intensive construction activities and staging requirements are anticipated for Site Area C so that a wall is not required at this site. A chain link security fence will likely be erected around the perimeter of Site Area C.

h. Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems.

Sound Transit has begun a multi-faceted community outreach program for the University Link Project. Over the past year, Sound Transit has held numerous public meetings regarding the Capitol Hill Station. These include one informational open house meeting on the Capitol Hill Station, five meetings with the Capitol Hill Chamber of Commerce, a Capitol Hill 30% station design open house meeting, and two meetings with the Seattle Design Commission. Staff has also held numerous meetings with individual property owners, businesses and tenants. Public outreach and meetings with the Capitol Hill community and stakeholders will continue through design and construction. A 24-hour construction hotline phone number will also be maintained for the duration of the construction.

i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.

Temporary construction management trailers are built to State of Washington Building Code standards, and are constructed to withstand inclement weather. Building permits will be obtained by the contractor prior to their siting and placement, and the trailers will be anchored to an approved temporary foundation.

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

Vibration impacts during construction were evaluated in the FSEIS (Section 4.17). The FEIS discloses that there would be vibration from some construction activities at the site, but that it is unlikely that any structural damage to adjacent or nearby properties would occur. During high vibration-producing activities such as shoring installation, there is a potential for settlement and small movements of nearby structures. Design of suitable shoring systems will reduce the potential of settlement related damage. Pre-construction condition surveys will be completed and during-construction monitoring programs will be implemented to ensure that vibration impacts are adequately minimized and mitigated.

4. *Site Restoration.*

a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.

b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.

c. Site restoration must generally be accomplished within one hundred eighty (180) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.

d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.

The applicant proposes to submit a final site restoration plan within 180 days of cessation of temporary use after the Capitol Hill Station finishes work and systems testing are complete. Site restoration is anticipated to be removal of all structures, equipment, refuse, fencing, and lighting. Sites will be leveled if necessary to assure proper site drainage, and landscaped and hydroseeded to establish ground cover until redevelopment occurs.

1. Sound Transit shall provide a restoration plan per SMC 23.42.040.F.4.to DPD within one hundred eighty (180) days of cessation of use of the site for construction uses and activities.

5. A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.

Sound Transit has obtained sufficient funding to complete the work required to construct the University Link Project. See Attachment “B”, Financial Capacity Statement and Memorandum from SDOT dated December 7, 2007 affirming that sufficient funding is evidenced (in project file).

DECISION - TEMPORARY USE PERMIT

The proposal is **CONDITIONALLY APPROVED**.

ANALYSIS – SEPA

Sound Transit issued a Final EIS in November of 1999 and the North Link Final Supplemental Environmental Impact Statement in April 2006. Sound Transit has lead agency status on this project, and the Director hereby incorporates by reference its November 1999 FEIS and the April 2006 North Link FSEIS. The information in the EIS documents, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the City with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"[W]here 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).

The Director hereby incorporates by reference the mitigation measures described in the Federal Transit Administration Record of Decision (ROD) for the North Link Light Rail Transit Project (June 2006) and mitigation measures included in Attachment C of the ROD. These mitigation commitments were identified in the North Link Final Supplemental EIS. A summary of these mitigation measures is in the project file (Attachment E). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) additional mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased dust caused by demolition and excavation activities and potential soil erosion and disturbance to subsurface soils during grading, excavation, and general site work;
- Increased traffic and demand for parking from demolition and excavation equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration;
- Tree removal;
- Parklands; and,
- Consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable

codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. No permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos, if any, has been removed from the site. Therefore, a condition should be added requiring the applicant to submit to DPD a copy of the PSCAA demolition permit prior to issuance of the construction permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F. Compliance with PSCAA regulations would mitigate the potential adverse short term impacts to air from demolition activities.

The indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

Construction Impacts

No significant vibration impacts are anticipated to result from the demolition and excavation area. The FEIS discloses that there would be vibration from some construction activities at the site, but that it is unlikely that any structural damage to adjacent or nearby properties would occur. During high vibration-producing activities, such as shoring installation, there is a potential for settlement and minor movements of nearby structures. Designs of suitable shoring systems will reduce the potential of settlement related damage. Pre-construction condition surveys will be completed and during construction monitoring programs will be implemented to ensure that vibration impacts are adequately minimized and mitigated.

Drainage and Earth

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to issuance of any required building permits or demolition permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves grading of more than 100 cubic yards of material, and the applicant has prepared a geotechnical report for the site. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Eight non-exceptional Shore Pine trees are proposed for removal as a result of the construction activities. A Tree Replacement Plan will be required for review and approval by DPD at the time of construction permit for the station. SDOT Urban Forestry will determine which street trees shall remain and be protected based on tree condition and project impacts. No trees shall be removed without (1) SDOT approval, (2) a two-week public comment period and (3) a tree removal permit. All trees shall be fully protected from construction harm until, and if, approval to remove them is granted.

Parklands

On March 20, 2008, a Certificate of Approval for the removal of three trees (two Sycamore Maples and one Tree of Heaven) located on the Lincoln Park/Lincoln Reservoir/Cal Anderson Park was granted by the Landmarks Preservation Board (LPB 158/08). In a memo dated February 20, 2008, the Seattle Department of Parks and Recreation recommended mitigation for the removal of these three trees, as well as the preservation of the Chinese Scholar tree. These recommended mitigation measures shall become a condition of this project during all construction activities. Therefore, no additional mitigation is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic may increase congestion in the area. To mitigate the impacts of construction traffic, the applicant has proposed a truck haul route for disposal of excavated soils and other construction debris from the site to Interstate-5. A final truck haul route will be reviewed, finalized and approved by the Seattle Department of Transportation.

The rights-of-way closures that will occur during construction will temporarily displace on-street parking spaces to accommodate the construction staging area. Additionally, some of the properties being acquired by Sound Transit contain parking lots with parking accessory to the residential or commercial uses, as well as principal use parking. There will be a loss of 116 off-street parking spaces within the three existing parking lots proposed for demolition. Demolition of commercial and residential structures that currently are generating parking activity at these sites will reduce the current parking demand. Demolition of existing principle-use parking spaces could displace a small amount of parking demand; however, the future construction of the Capitol Hill light rail station will provide substantially greater transit service to this neighborhood and is expected to provide reasonable mitigation for any spillover parking impacts.

Unrestricted on-street parking on Capitol Hill near the site is at capacity (The 89% parking utilization rate). The on-street spaces that will be temporarily impacted by construction are all "restricted" spaces (metered or time limit). The FSEIS discusses parking loss during construction (page 4-183 – 4-190. Table 4.17-4 and text on page 4-187) and indicates that parking will be displaced during construction. Alternative B1.A has similar impacts as the Preferred Alternative and an estimate of parking spaces displaced for this alternative is provided on page 4-187.

Although the numbers provided in the application are slightly different than those stated in the FSEIS, the proposed parking displacements are within the range of impacts described in the FSEIS for construction of the station options at Capitol Hill. The amount of on-street spaces that will be replaced after construction will not be known until SDOT issues the Project Construction Permit for final street improvements around the station area.

Discussion of construction worker parking impacts is on page 4-183 of the FSEIS. Regarding project-wide mitigation for traffic impacts due to construction of light rail, the Record of Decision, on page C-15 states: "Provide construction workers designated parking on- or off site as practical, to minimize neighborhood parking impacts. Contractor parking could also be accomplished through satellite parking with a shuttle bus and/or parking management systems." Sound Transit is not proposing to provide parking for construction workers; the contractor is expected to locate and secure temporary parking areas for construction workers during construction. In the application materials, it states that Sound Transit staff will assist the contractor in locating available parking areas "to the extent feasible". In order to ensure that the construction worker parking is addressed, the contractor shall develop and submit a Construction Parking Management Plan to DPD for review and approval.

No further conditioning is warranted to mitigate short-term traffic or parking impacts.

Noise

Demolition and other construction activities will generate short-term noise. The applicant will be seeking a Technical Noise Variance from DPD for work to occur during nighttime construction activities (between 10 PM and 7 AM and/or on weekends). The Technical Noise Variance requires that Sound Transit and its contractor comply with the City's noise control ordinance (SMC Chapter 25.08). Noise mitigation measures may include, but are not limited to, installation of noise barrier walls, restrictions on back-up truck alarms, use of low-noise emission equipment and implementation of a noise control and mitigation plan. As part of the Technical Noise Variance, Sound Transit's Community Outreach Program will develop a Citizen Involvement and Public Complaint Resolution plan that requires Sound Transit to work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors and to keep the adjacent communities informed throughout construction. The outreach will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline will be established, and a record will be kept of all noise complaints. When a complaint is received, Sound Transit will use every reasonable effort to resolve it to the satisfaction of the complainant.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the project's energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Long-term or use-related impacts anticipated from the proposal include:

- Impact on the existing and/or anticipated commercial and residential uses in the vicinity of the project;
- Loss of existing structures greater than 50 years old; and
- Air quality.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of

stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, due to the nature of the proposal, some of the potential impacts warrant further analysis.

Land Use

The temporary staging area uses would displace approximately 34 local businesses and 81 residential units. However, the applicant has worked with the local business community and residents to relocate those displaced. In addition, the applicant anticipates that the Capitol Hill Station would attract economic development to the immediate vicinity in the future. No additional mitigation is warranted pursuant to SEPA policy.

Historic Preservation

None of the existing structures are designated as Seattle Landmarks. Of the 14 structures, 12 of the structures proposed for demolition are more than 50 years old (the complete list is in the project file). Seattle landmarks staff have reviewed the information on these buildings and recommended that three of the structures should be referred to the Seattle Landmarks Board for a historic determination. Nominations were subsequently submitted by Sound Transit for these three buildings (1823 Nagle Place, 1825 Nagle Place and 118 Broadway East). The Board recommended denial of all three nominations on January 3, 2008 (LPB 4/08, 5/08 and 6/08). Therefore, no mitigation is warranted pursuant to SEPA policy.

Air Quality

The number of vehicular trips associated with the project construction is expected to increase from the amount currently generated by the various sites and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes may result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is **CONDITIONALLY APPROVED**.

CONDITIONS - TEMPORARY USE PERMIT

During Construction

1. Sound Transit shall provide a restoration plan per SMC 23.42.040.F.4.to DPD within one hundred eighty (180) days of cessation of use of the site for construction uses and activities.

CONDITIONS – SEPA

The owner(s) and/or responsible party(s) shall:

Prior to Scheduling the REQUIRED First Ground Disturbance Site Inspection (per SBC Section 108.9.1) for Demolition Activity

1. Submit to DPD a copy of the PSCAA demolition permit.
2. The demolition contractor shall develop and submit a Construction Parking Management Plan to DPD for review and approval.

Prior to Scheduling the REQUIRED First Ground Disturbance Site Inspection (per SBC Section 108.9.1) for Demolition Activity (Non-appealable)

3. A final truck haul route shall be reviewed, finalized and approved by the Seattle Department of Transportation.

During Demolition (Non-appealable)

4. In the event that a Temporary Noise Variance is needed, DPD will require a Construction Noise Plan.

Prior to Scheduling the REQUIRED First Ground Disturbance Site Inspection (per SBC Section 108.9.1) for Construction Activity

5. A Temporary Erosion Sediment Control Plan (TESC) shall be submitted to the DPD Fish Biologist Land Use Planner and Geotechnical Engineer for review and approval.

Prior to Scheduling the REQUIRED First Ground Disturbance Site Inspection (per SBC Section 108.9.1) for Construction Activity (Non-appealable)

6. SDOT Urban Forestry will determine which street trees shall remain and be protected based on tree condition and project impacts. No trees shall be removed without (1) SDOT approval, (2) a two-week public comment period and (3) a tree removal permit. All trees shall be fully protected from construction harm until, and if, approval to remove them is granted.

7. The contractor shall develop and submit a Construction Parking Management Plan to DPD for review and approval.

Prior to Scheduling Pre-Construction Conference (Non-appealable)

8. A Technical Noise Variance shall be reviewed, finalized and approved by DPD.

During Construction (Non-appealable)

9. Compliance with the Temporary Erosion Sediment Control Plan (TESC).

10. Compliance with the approved Technical Noise Variance.

11. Compliance with all mitigation recommendations made by the Seattle Parks and Recreation Department in the February 20, 2008 memo shall be followed.

Prior to Issuance of Building Permit for Future Station (Non-appealable)

12. A Tree Replacement Plan will be required for review and approval by DPD at the time of construction permit for the station.

Signature: _____ (signature on file) Date: May 12, 2008

Lisa C. Rutzick, Land Use Planner
Department of Planning and Development

LCR:lc

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