



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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

Application Numbers: 3008164

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

Addresses of Proposal: 3900 Montlake Boulevard NE

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow an approximately 6-acre temporary construction staging area both inside and outside the shoreline area and construction of two, 550 ft. light rail tunnels within a shoreline area on both the north and south sides of Montlake Cut including underneath the Montlake Cut. Temporary Use Permit to allow the construction staging area both inside and outside the shoreline area. Excavation of 2,500 cu. yds. of material also to be included. Central Link Final Environmental Impact Statement (November 1999) and the North Link Final Supplemental Environmental Impact Statement (April 2006) prepared by Sound Transit.

The following approvals are required:

Shoreline Substantial Development Permit to allow development in the CM, CN and UR Shoreline Environments.

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

SEPA - Conditioning pursuant to Seattle’s SEPA policies. Chapter 25.05, Seattle Municipal Code.

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

*Central Link 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.

BACKGROUND DATA

Site and Vicinity Description

The project site consists of approximately 6 acres in order to establish a construction staging area which is located along the northern shore of the Montlake Cut, on University of Washington property south of the Husky Stadium. The project also includes tunneling in the shoreline zones on the north and south sides Montlake Cut as well as underneath Montlake Cut. The shoreline portion of the site is located within a Major Institution Overlay (MIO) zone (with a structure height limit of 37 feet), an underlying Lowrise (L-1) zone, as well as the Conservancy Management (CM) Shoreline Environment. The upland portion of the staging area located outside the shoreline area is located within the MIO zone (with a structure height of 160 feet) and an underlying Midrise (MR) zone. The proposed tunnels will pass underneath the Montlake Cut (Conservancy Navigation-CN), the 200-foot shoreline environment on the north side of the Montlake Cut (CM), and the 200-foot shoreline environment on the south side of the Montlake Cut (Urban Residential-UR).

The location of the construction staging area is within a much larger University of Washington site (approximately 476 acres) that spans north to 45th Avenue NE and wraps around Union Bay. The southern portion of the University site is currently developed with Husky Stadium and surface parking lots, as well as several structures ancillary to the stadium functions. The shoreline ECA habitat boundary is the southernmost 100 feet of the site along the canal and the shoreline zone boundary extends an additional 100 feet to the north. No at or above grade construction work is proposed to occur within the shoreline ECA habitat.

Proposal Description

The proposed development and uses in the shoreline zone are for Central Puget Sound Regional Transit Authority's (Sound Transit's) proposed construction and operation of a north extension to its Central Link light rail project with the ultimate goal of providing urban transportation improvements in the Central Puget Sound Metropolitan region. University Link is a 3.15-mile light rail extension that would run in twin-bored tunnels from downtown Seattle northward to the University of Washington, with stations at Capitol Hill and on the University of Washington campus near Husky Stadium. University Link would serve the three largest urban centers in Washington: downtown Seattle, Capitol Hill, and the University District.

To construct the light rail tunnel and station, a construction staging area would be located around the University of Washington Station site. Approximately 34,500 square feet of the total 395,500 square foot staging area would be located within a City of Seattle Conservancy Management shoreline zone. All other work within the shoreline zone would occur below ground, underneath the Montlake Cut and underneath the shoreline environments on the north and south sides of the Cut. The shoreline environments impacted by the project include the Conservancy Management zone (north side of Montlake Cut), the Conservancy Navigation zone (underneath Montlake Cut), and Urban Residential zone (south side of Montlake Cut).

The proposed development in the Conservancy Navigation zone consists of two parallel tunnels that would be bored beneath the Montlake Cut just east of the Montlake Bridge. The tunnels would be bored by earth pressure balance tunnel boring machines. When finished, each tunnel would be approximately 21 feet in diameter (external), and they would be separated by a distance

of approximately 20 feet. The tunnels will be beneath the “mud layer” (a fine sediment layer, approximately five feet thick, on top of the harder earthen and bedrock substrates underlying the Montlake Cut) and their depth would progressively increase from the north side of the Montlake Cut to the south side. The minimum depth of the tunnel at the north side of the Montlake Cut would be approximately 15 feet below the mud layer. The depth below the mud layer incrementally increases to a maximum depth of 19 feet on the south side of the Montlake Cut. All the work for the proposed tunneling would be accomplished underground; no in-water work would occur. The tunnel boring machines would be launched from the University of Washington Station construction staging area outside of the shoreline zone.

The proposed development in this Conservancy Management shoreline zone consists of the following:

- Clearing of vegetation and tree removal;
- Paving;
- Excavation of approximately 1,750 cubic yards of soil for interim parking access to Husky Stadium;
- Construction of an access road; and
- Installation of a stormwater vault.

Other activities that may occur in this Conservancy Management shoreline zone include the following:

- Installation of temporary office trailers, contractor parking, access roads, spoils stockpiles, material/supply storage and laydown, utilities, and a temporary construction wall for noise and visual attenuation (maximum of 12 feet in height);
- Storage and operation of construction equipment and vehicles;
- Tunneling, using slurry wall equipment including bentonite tanks and a separator plant, dewatering wells, a shotcrete plant, and a concrete batch plant;
- Installation of support wall tie backs; and
- Storage of tunnel liner segments.

Proposed development in the Urban Residential shoreline zone consists only of underground tunneling work.

The proposed staging area would be 100 percent impervious. There are currently 108,500 square feet of pervious surface and 287,000 square feet of impervious surface where the staging area is proposed. Of the 108,500 square feet of pervious surface, 34,500 square feet is within the shoreline zone. When work within the staging area is complete, the 34,500 square foot area within the shoreline zone would be restored to its original pervious state. The remaining 74,000 square feet of pervious surface not located within the shoreline zone is in design under a separate contract (U250) for the future transit station. The existing impervious surface area would remain impervious.

Construction walls would be installed along the section of staging area facing Montlake Boulevard and on the south side of the staging area facing the Montlake Cut. The walls would be a maximum of twelve-feet high and constructed of suitable building materials. The construction walls would reduce visual and noise impacts from the construction activities. An agreement between the University of Washington and Sound Transit would clarify maintenance responsibilities for the walls. The University of Washington has been given approval authority

for the final finish of the walls. It is anticipated that the wall finish would include some display artwork or promotional messages similar to the display on the Beacon Hill Station wall. The location of the walls is shown on Figures C-3 and C-4 and the cross section is shown on C-5. A chain link fence, also shown on Figure C-3, would be installed around the interior perimeter of the site. A small section of chain link fence would also be located near the south entrance to the staging area along Montlake Boulevard.

Stormwater drainage from the staging area would be directed to a stormwater vault located partially within the shoreline zone at the southeastern extent of the staging area. Tunneling would occur on a 24-hour basis with truck activity in the staging area limited to a shorter period during the day. Tunnel spoils would be removed from the station location outside of the shoreline and trucked offsite to an approved disposal site or facility. The primary truck haul routes to be used during excavation are shown on figure C-11 Maintenance of Traffic Haul Route.

The staging area would be required for approximately six years.

An exemption (per (SMC 23.60.020 C13 and SMC 23.60.020 A) to allow temporary instruments to be located within the ECA shoreline habitat zone has been permitted with conditions under this same project number. Specifically, the exemption is for the installation of temporary geotechnical exploratory monitoring instruments on University of Washington property along the north and south shoreline of the Montlake Cut and City of Seattle property on the south shoreline of the Montlake Cut to monitor ground settlement and earth movement during construction of the Sound Transit Link light rail tunnel. The exemption includes the construction of a temporary 174-foot, 6-foot wide gravel path on an existing mowed grass area to connect Husky Stadium parking lot (E-12) to an existing gravel path for general pedestrian use during construction. The path would be removed following construction (est. 5 years) and the area would be re-vegetated.

An ECA steep slope exemption was approved (Project 3008164) for those activities that are within the existing steep slope ECA including a 12,000 square foot area within the staging area, as well as the 174-foot long temporary gravel path and exploratory geotechnical monitoring instruments described above. These activities are permitted by an ECA exemption (SMC 25.09.180 B) that was approved on February 12, 2008.

In addition, two existing buildings that are located outside the shoreline area are subject to separate demolition permits: a stadium ticket office/ (3,500 square feet) and concessions/restrooms (1,600 square feet). Demolition Permit #'s 6190498 and 6190499 were approved and issued by DPD on August 7, 2008.

Public Comments

The official comment period for this project ended on February 15, 2008. One public comment was received requesting additional information regarding the removal and replacement of the parking, as well as the duration of construction.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is located within the following Shoreline Environments as designated by the Seattle Shoreline Master Program (SSMP): Conservancy Management (CM), and Conservancy Navigation (CN). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. 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

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and for the protection of the resources and ecology of the shoreline over the long term. 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. The Shoreline Management Act of 1971 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 adopted a local shoreline master program, 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.

The City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate 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.

As discussed below, the City's Shoreline policies encourage public access and discourage disrupting the shoreline environment. This proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of SSMP Section 23.60.064 require that the proposed use: 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required and 4) SMC 23.60.014 C. for standards applicable to environmentally critical areas as provided in Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, shall apply in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall apply.

The proposed construction of a light rail transit facility is permitted outright in all zones and shoreline environments within the City of Seattle (per SMC 23.80.004).

SMP 23.60.004 - Shoreline Policies

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan. Seattle's Comprehensive Plan Shoreline Goals and Policies encourage improved public access along shorelines. Goal LUG 46 promotes development of "a transportation network that supports and enhances use of and access to the shorelines." The proposed light rail transit station to be located on this site following the tunnel staging activities will allow for greater opportunities for the public to access and enjoy the shoreline environment along the Montlake Cut. Furthermore, by tunneling the rail system below the shoreline, the project will not disrupt the functional or aesthetics qualities of the shoreline environment (LUG 47).

Developments subject to permitting and approvals under the SMA and the City's Master Program must be consistent with the policies and procedures of the SMA, chapter 90.58 RCW. 90.58.020 articulates the following policies.

- 1. Recognize and protect the state-wide interest over local interest;*

The proposed uses, a temporary light rail construction staging area and light-rail tunnels, are part of the Central Link Light Rail Transit Project (Link). Link is a regional transit project that would connect Washington State's highest employment center, highest density residential area, and highest regional transit ridership area. Link will support comprehensive land use and transportation planning consistent with the policies of the Washington State Growth Management Act and is the initial phase of a regional transit system, with future phases extending to the north, east, and south.

- 2. Preserve the natural character of the shoreline;*

There will be no permanent impacts to the natural character of the shoreline as a result of the staging area use within the shoreline. The shoreline section of the staging area will be restored and replanted at the completion of construction. (See Temporary Use condition). No impacts would occur to the natural character of the shoreline as a result of construction or operation of the tunnels, which will be well below the shoreline surface.

3. Result in long term over short term benefit;

The long-term benefit of the project will be the operation of the Central Link Light Rail Transit Project, which will connect the region's major activity centers and expand transit capacity within this dense and congested corridor.

4. Protect the resources and ecology of the shoreline;

No permanent impacts to the shoreline resources or ecology will result from the use of the staging area. All disturbed portions of the shoreline zone used as part of the staging area will be restored and replanted at the completion of construction. The tunnels will not impact the resources or ecology of the shoreline.

5. Increase public access to publicly owned areas of the shorelines

Public access to the shoreline along the Montlake Cut and the Montlake Cut itself will be maintained throughout the construction period. The tunnels will not affect public access. The light rail service could increase public access to publicly owned shorelines in the vicinity of the University of Washington Station.

6. Increase recreational opportunities for the public in the shoreline;

The proposed project will not result in an increase or decrease in recreational opportunities in the project area. However, the light rail trains passing beneath the shoreline area could provide increased access to shoreline recreational resources near the University of Washington Station area.

7. Provide for any other element as defined in RCW 90.58. 100 deemed appropriate or necessary.

Sound Transit will comply with any element defined in RCW 90.58.100 as deemed appropriate or necessary.

Effective Date of Shoreline Permit

SMC 23.60.074.A states that

Upon finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of WAC 173-27 and this chapter, the Director may adopt different time limits from those set forth ...this section ... as part of the decision on a shoreline substantial development permit... "Good cause, based on the requirements and circumstances of the project," means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

The applicant has requested an extension to the standard time limits applicable to shoreline substantial development permits. The Code requires that a project must be completed within five years after the effective date of the permit. Given to the scope of the proposed project, the estimated timeline for construction of the tunnel and active use of the staging area within the shoreline area is to run from approximately late 2009 until fall of 2015. Due to the unusual scale and complexity of constructing a light rail transit facility, it is determined that the proposed extension of the time line is granted.

1. Per SMC 23.60.074 and the WAC 173-27-090, the life of the shoreline substantial development permit shall be extended from five years to six years measured from the date when all project permits have been secured.

Shoreline Development Standards

The proposed shoreline development is located in the CM, CN and UR Shoreline Environments. Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to the:

1. general development standards (SMC 23.60.152);
2. development standards for uses in the CM, CN and UR environments (SMC 23.60.270 SMC 23.60.450 and SMC 23.60.570).

1. SMC 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards 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, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- 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.*

Stormwater management will be provided in accordance with applicable requirements. Sound Transit expects to use existing stormwater facilities on the staging area site and will implement water quality best management practices in order to prevent contamination of land or water.

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

Best management practices will be implemented to prevent such discharges. All tunneling will occur below the Montlake Cut; no in-water-work will be required. See conditions listed at end of this section.

- 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 leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*

The release of such materials onto or into the water shall be prohibited. Equipment in use at the staging area site will be maintained in a safe and leak-proof condition and will be inspected regularly. Appropriate repairs will be made to prevent the release of such materials. The construction of the tunnel below the Montlake Cut will not result in such releases. See conditions listed at end of this section.

- 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.*

Stormwater management will be provided at the staging area site in accordance with applicable requirements. Current plans provide for the use of existing stormwater facilities. See conditions listed at end of this section.

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

The portion of the staging area located within the shoreline environment will be paved or graveled for the duration of construction. Permeable surfacing will be used if practicable. All surfaces within the shoreline environment will be restored and replanted following the completion of construction. See condition listed in the Temporary Use section. The tunnels will not require surfacing in the shoreline environment.

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

Sound Transit shall provide for the implementation of best management practices in order to control the potential for erosion at the staging area site. The tunnels will not result in potential shoreline erosion impacts. See conditions listed at end of this section.

- 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.

No impacts to fish and wildlife conservation areas are expected. See conditions listed at end of this section and SEPA discussion.

- 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.*

Neither the tunnel construction nor the staging area use will require above-ground permanent development in the shoreline environments. The staging area will be designed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes. See conditions listed at end of this section.

- 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.*

No permanent development will occur in the above-ground shoreline environment as part of the tunnel or staging area use. The staging area will be designed and managed to minimize impacts to surrounding land and water uses. Efforts to minimize potential impacts are described in the accompanying land use application materials. See conditions listed at end of this section.

- 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.*

The tunnel construction will not require land clearing or other land alteration activities. The use of the staging area, however, will require the clearing and paving in the CM environment. Removal of the three trees (two Sawara false cypresses and one honey locust) in the shoreline zone is necessary due to the requirement for a truck entrance into the site. (Note: The honey locust tree labeled "Tag 203" on Sheet C-6 is located within the City right-of-way.) The proposed construction access at the intersection of NE Pacific Street would not be sufficient for large trucks entering the site from the south due to its inadequate turning radius. Therefore, the additional southern entrance is needed and would serve as the main truck entrance for trucks traveling north on Montlake Boulevard. The location of this entrance would allow trucks to make a right-turn into the site. After reviewing several different alternatives with SDOT engineers, this entry point was determined to be the preferred approach because it is the only alternative that can fully incorporate the required traffic design elements while also limiting the loss of existing shoreline trees.

Two of the three trees proposed for removal are directly in the route of the proposed access road and would need to be removed. The third tree labeled "Tag 202" on sheet C-6 is located outside of the limits of the proposed access road but would be disturbed from associated grading. The associated grading would result in a cut of approximately 2-3 feet directly north of the tree, and the subsequent re-grading to match the existing grades on the site would create a slope of disturbance that would pass directly through the tree, therefore it would also be removed.

Vegetation and tree removal activities would be limited to the minimum necessary for development. Tree protection along or near the fish and wildlife habitat conservation area includes the retention of the east-west line of trees (six total) at the southern extent of the staging area. Before heavy equipment is allowed onsite, tree protection fences would be placed around all six (6) trees in this group to ensure that no equipment or storage of material enters the interior Critical Root Zone during staging and construction. Throughout the duration of the project, nothing would be stored or parked within these areas. Limbs that cross into the tree protection area would be carefully tied back or pruned under the direction of a certified arborist.

All paving and clearing in the CM environment for the construction staging area shall be limited to the minimum necessary for the project. Following the completion of construction, the area will be restored and replanted per the Temporary Use Condition for a Restoration/Re-vegetation Plan. The applicant proposes to submit a final site restoration plan within 180 days of cessation of the temporary use after the UWS finishes work and systems testing are complete. Site restoration is anticipated to include removal of all temporary structures, equipment, refuse, fencing, lighting, and replacement of all impervious surfaces associated with the staging area with pervious surfaces. See the Temporary Use Condition.

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

The development of the light rail tunnels will not result in hazards to public health and safety. The staging area will be developed and operated in accordance with applicable safety standards and regulations. The site *shall* be appropriately secured to prevent potential hazards to public health and safety. See conditions listed at end of this section.

- 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.*

Neither the tunnel development nor the staging area use will require the implementation of such measures.

- 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.*

Sound Transit will provide for the disposal of all debris and other waste material associated with the proposed facilities, including tunnel spoils, in a manner that prevents their entry into any water body. See conditions listed at end of this section.

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

No in-water work will be conducted at the staging area site.

In response to the information described above, the following conditions are imposed:

1. A Temporary Erosion and Sedimentation Control (TESC) Plan 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 Seattle Building Code SBC Section 108.9.1 for construction activity). The TESC Plan shall include Best Management Practices (BMPs). In general the TESC plan shall include BMPs that cover the following provisions:
 - A silt fence shall be deployed around the construction activity. The silt fence will serve two purposes: One, to contain turbidity in the nearshore area and two, to prevent any debris from entering the water. At a minimum any floating debris that enters the water during construction shall be collected once per day. This material shall be contained on site, secured, and then disposed of at the appropriate upland facility. If heavy debris or deleterious material enters the water and sinks, the location of the material shall be recorded in a log that is kept through the duration of the project. When construction is completed, this material/debris shall be removed by a diver and disposed of at the appropriate upland facility.
 - The contractor would prevent asphalt, uncured concrete, and any other paving materials from entering all inlets and catchments and the Montlake Cut.
 - Any debris that enters the water during construction would be collected and disposed of at an appropriate upland facility.
 - BMPs would be in place to prevent hazardous waste spills, and appropriate clean-up equipment would be kept at the staging area.
 - Prevention of solid and liquid waste from entering the water. Drainage features for the proposal must be designed to contain the anticipated surface runoff from the site features over the long term.
 - Identification of those materials prohibited from entering the water.
 - Stormwater management plan.
 - Efforts to minimize surface water runoff.
 - Erosion control measures.
 - Mitigation measures to prevent disturbances of aquatic habitat and environments.
 - Efforts to minimize land alteration activity.
 - Disposal of materials.
 - Measures to support public health and safety.
 - Other erosion control measures suitable to the site conditions must be included as part of the project design. Such measures may include construction staging barrier berms, truck wheel-wash basins, filter fabric fences, temporary sediment detention basins and use of slope coverings to contain sediment.
2. A Spill Prevention, Control and Countermeasures (SPCC) Plan 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 Seattle Building Code SBC Section 108.9.1 for construction activity). The SPCC plan shall include the following information:

- Construction planning elements.
 - Identification of all potential spill sources at the site.
 - Description of responsive actions, including notifications and reporting procedures, in the event of a spill or release of hazardous material.
 - Description of personnel responsibilities, project site security, site inspections and training of appropriate personnel.
 - Description of the measures that would be taken to prevent the release or spread of hazardous materials, either found on site and encountered during construction but not identified in the contract documents or any hazardous materials that the contractor stores, uses or generates on the construction site during construction activities. These items would include but are not limited to gasoline, oils, and chemicals. Hazardous materials would be defined consistent with RCW 70.150.010 under “hazardous substance”.
 - Plan will present procedures, including best management practices, which will be employed during construction.
3. A Sampling Analysis Plan (SAP) 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 Seattle Building Code SBC Section 108.9.1 for construction activity). The SAP plan shall include the following information:
- Determine whether contaminated soil and/or groundwater are present in proposed areas of excavation. Where contaminants are identified during the SAP, certain elements of the project may be discarded to avoid encountering hazardous materials. Where avoidance of contamination is not feasible, the volume of contaminated soil and/or groundwater encountered will be minimized to the extent possible.
 - All contaminated soil and groundwater will be disposed of following local, state, and federal regulations.

Sound Transit issued a North Link Final Supplemental Environmental Impact Statement for the proposed work in April 2006. A list of mitigation measures based on that document and the 2006 FTA Record of Decision is provided as “Attachment A” in the project file. The mitigation measures listed include the use of construction best management practices (BMPs).

4. An Excavation and Dewatering Plan 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 Seattle Building Code SBC Section 108.9.1 for construction activity). Conventional equipment will likely be used to perform the excavations. The Plan shall include the following measures:
- Proper shoring or sloping of the excavation should be performed to mitigate potential sloughing of soils and lateral movement or settlement of nearby roadway, structures, and utilities. Where excavations might extend below the groundwater table, erosion and instability of excavation sides might result.

- The contractor shall control the entry of water into excavations. Dewatering of soils within and below excavations should be performed to control inflow, remove water from excavations, and reduce hydraulic forces on shoring.
- Proper maintenance of the pumping wells shall be performed to assure that they are working as designed.
- Monitoring of the groundwater table and settlement outside of the excavation shall be performed to confirm that the dewatering system is working as designed.

2. SMC 23.60.270, 23.60.450 and 23.60.570 - Development Standards in the CN, CM and UR Environments

SMC 23.60.090.J states that light rail transit facilities approved pursuant to subsection 23.80.004 C are permitted uses in all shoreline environments, and light rail bridges and tunnels are water-dependent uses when they must cross a body of water regulated by Chapter 23.60. A temporary use that supports the construction of a light rail transit facility and that is approved pursuant to Section 23.42.04. F is permitted as a temporary use in all shoreline environments.

Development Standards in the Conservancy Navigation (CN) Environment

In addition to development standards applicable to all environments contained in the General Provisions subchapter, developments in the Conservancy Navigation Environment shall be located and designed to avoid interference with navigation. The proposed work to occur in this zone includes the construction on a tunnel well below the surface of the shoreline environment; therefore, the development standards of the CN Shoreline Environment do not apply.

Development Standards in the Conservancy Management (CM) Environment

Development standards in the CM environment regulate critical habitat protection, height, lot coverage, view corridors, and regulated public access.

Staging areas within the shoreline environment will avoid disturbance of critical habitat area and no impacts to fish and wildlife conservation areas are expected. No permanent structures will be erected in the CM shoreline environment. Temporary structures will not exceed the 30-foot height limitation. Staging area structures within this zone will not occupy more than 35 percent of the shoreline lot. A view corridor will be maintained on the staging area per the 35 percent of the lot width requirement and SMC 23.60.162. The existing public access in this area is extensive and existing access opportunities will not be eliminated.

Therefore, this project is consistent with the development standards of the CM Shoreline Environment.

Development Standards in the Urban Residential (UR) Environment

The proposed work to occur in this zone includes the construction on a tunnel well below the surface of the shoreline environment; therefore, the development standards of the UR Shoreline Environment do not apply.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC 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) 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.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit for construction staging is **CONDITIONALLY GRANTED**. Shoreline Substantial Development conditions are listed below.

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 Seattle City Council adopted Resolution No. 30993, approving the alignment, station locations, and maintenance base location for the Central Link project, including the University of Washington Station (“UWS”) site that is the subject of this MUP application. Also 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 also reflects the Council’s approval of the UWS. Further, the City’s comprehensive plan directly supports the Project. For instance, Comprehensive Plan policy T-34 calls for the City to support the development of an integrated, regional transportation system that includes light rail. Also see policies T-38.5 and 39.

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 site for approximately six years until the tunnel construction, underground station, station entrances and follow-up systems testing have been completed. Grading and excavation at the UWS site is anticipated to start in late 2009. Construction of the station is anticipated to be completed in late 2014, followed up with systems testing in 2015 through early 2016. Completion and revenue start-up of University Link light rail service is anticipated by mid-2016.

Under the Master Implementation Agreement (“MIA”) between Sound Transit and the University of Washington (“UW”), and subsequent Operating Agreements between the parties, the size of the staging area is limited to a maximum of six acres to be utilized in phases for a period of five and one-half years.

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. It is important to note that the contractor will determine the actual specific layout of the construction staging area and type of equipment used. However, the types of construction activities and equipment are not expected to vary from that stated below.

The types of construction activities and equipment expected to be utilized at the site are as follows:

- Installation of construction walls, fencing, and lighting,
- Removal of existing vegetation,
- Demolition of existing structures currently approved under DPD Permit #'s 6190498 and 6190499,
- Grading and/or fill,
- Utility relocations and/or disruptions,
- Installation of gravel and paved surfaces,
- Collection, storage, treatment, and discharge of construction water and/or ground water,
- Delivery and storage of construction materials and equipment,
- Access, egress, and storage of various types and sizes of vehicles,
- Temporary construction contractor trailers/offices,
- Construction of retaining walls and slurry walls,
- Changes to site egress and ingress,
- Temporary road, sidewalk or lane closures,
- Truck wheel washing facilities,
- Grout plant to support tunneling operations,
- Conveyor systems for excavation spoils,
- Temporary storage areas for tunnel muck/spoils.

The following equipment is likely to be found at the site:

Excavator	cranes	backhoe	auger drill	hopper
Front end loader	dump truck	dozer	generator	compressors
Pavement breaker	blower	mixer	storage bin	chute
Hydromill	fans	pump		

The land uses immediately adjacent to the UWS site are all within the University of Washington campus and include Husky Stadium to the east, educational buildings and other University athletic facilities to the north, an underground parking facility and plaza to the west, surface parking to the southeast, and the University Medical Center and Surgery Pavilion to the southwest. Residential land uses are located to the south, south of the Lake Washington Ship Canal.

Sound Transit has chosen the UWS site and construction staging area so as to minimize the duration and severity of construction impacts. 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 North Link Final Supplemental Environmental Impact Statement (“FSEIS”). Furthermore, Sound Transit is committed to ongoing outreach and assistance, and coordination of contractor activities, to accommodate needs of people, the University 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).*

The FSEIS prepared for this project concluded that, with the implementation of noise mitigation, construction during the day would not exceed the noise levels in the Noise Control Ordinance. A Noise Variance will be required for nighttime construction activities. 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. A Noise and Vibration Technical Report to the FSEIS is available upon request.

As stated in the FSEIS, Sound Transit will be requesting a noise variance(NV) 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. on weekdays, and before 9:00 a.m. and after 10:00 p.m. on weekends and/or on holidays. The key component of the NV 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. A similar NV issued by DPD for Sound Transit’s Beacon Hill station construction staging site restricted nighttime noise levels to be no greater than 5 dbA above existing ambient conditions. Sound Transit intends to propose a similar nighttime noise restriction at the UWS construction staging site.

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 portions of the southern and western perimeter of the site will provide shielding of light from the project at grade level.

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 sites 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 UWS construction staging area provide access to the SR-520 and I-5 corridors via Montlake Boulevard. (See Plans, Sheet No. C-12). Final haul routes will be developed by the contractor after the spoils disposal location is known and approved by SDOT. The access and haul routes were chosen to result in minimal pedestrian/vehicle conflict, by using the most direct route through non-residential areas.

It is expected that 600 stalls will be temporarily impacted during construction, located within Lots E-11, E-12 and C-12. It is also expected that 100 stalls of the 600 would be permanently impacted at the University.

Mitigation for the parking displacement issue is covered in the MIA. The MIA states that the University accepts the responsibility to mitigate the loss of a maximum of 600 parking spaces that will be lost on a temporary basis during construction. And, the University also accepts the responsibility to mitigate up to a maximum of 100, of the 600, thought to be permanently lost. In return, Sound Transit paid the University to address parking mitigation.

The FSEIS discusses parking loss during construction on page 4-183 to 4-190. The numbers provided in the FSEIS are relatively consistent and slightly higher than the numbers included in the MIA, i.e., up to 630 spaces temporarily lost during construction and 100 to 135 spaces permanently lost. There is no impact to on-street parking because on-street parking is prohibited in the vicinity of the project on Montlake Boulevard and N.E. Pacific Place. (See Table 4.17-4.)

The FSEIS also has a discussion of the permanent loss of parking at UW on pages 3-54 to 3-56 and in Table 3.3-12b. Again, it is stated that 100 to 135 spaces would be permanently lost.

Discussion of construction worker parking impacts is on page 4-183 and 4-186 of the FSEIS. Similar to the construction of the Capitol Hill Station site, Sound Transit is not proposing to provide parking for construction workers. This will be the responsibility of the contractor. Page C-16 of the Record of Decision (“ROD”) issued for this project by the Federal Transportation Administration includes the mitigation measures concerning construction worker parking at UWS site. The ROD identifies several options, including satellite parking and or off campus parking with a shuttle bus, parking management systems, or other measures as agreed by the University.

The contractor will be responsible for providing parking areas for construction workers as part of a Parking Construction Management Plan – see related condition. There are several options available for the contractor to accomplish this: providing parking within limited areas of the construction staging areas, 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.

Pedestrian and auto access in and around the University of Washington will be maintained throughout the construction period. This will be accomplished with signage and flaggers added as needed on a daily basis. Under the MIA, Sound Transit will work closely with the University to develop 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 construction wall and/or security fence with a gate will be constructed around the perimeter of the construction staging area. 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.

Sound Transit has been working closely with Seattle DOT, Washington State DOT and the University of Washington to minimize traffic and pedestrian impacts along Montlake Boulevard and other streets in the vicinity. Final review and approval of the ingress and egress to the site will be made by SDOT.

The construction wall constructed around the southern perimeter and along Montlake Boulevard should be adequate to appropriately screen construction activities and storage areas on the site.

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.

The MIA states that Sound Transit and the University of Washington will coordinate on community outreach related to construction activities. In addition, Sound Transit will conduct its own multi-faceted community outreach to the surrounding community. 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 at 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.

University of Washington vibration sensitive research facilities could be affected from construction of the tunnel under the campus and the UWS. Pages C-20 and C-21 of the ROD provide mitigation measures for potential vibration impacts from the project.

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 trees to be removed within the staging area, both inside and outside the shoreline area, are shown on sheet C-6. The common and scientific names and sizes of the trees to be removed are shown on sheet C-7. At least four trees proposed for removal are located within the City right-of-way. Removal and replacement of these street trees is subject to review and approval by SDOT.

The staging area limits have been designed to avoid as many trees as possible and limits have been moved to stay out of critical root zones of trees to the extent practical while also providing adequate staging area to construct the University of Washington Station and tunnel.

The applicant proposes to submit a final site restoration plan within 180 days of cessation of the temporary use after the UWS finishes work and systems testing are complete. Site restoration is anticipated to include the removal of all structures, equipment, refuse, fencing, and lighting. The conditions for the Restoration Plan and Tree Protection Plan are as follows:

1. Sound Transit or its Contractor shall provide a Restoration Plan per the standards stated in SMC 23.42.040.F.4.to DPD for review and approval within one hundred eighty (180) days of cessation of use of the site for construction uses and activities. The Re-Vegetation/Restoration Plan, consistent with SMC 25.11.090, shall include the following: 1) Those areas disturbed through vegetation/tree removal shall be replanted; 2) Those areas where the addition of impervious surface that is installed within the shoreline district for the purpose of staging (approximately 34,500 square feet within the shoreline zone) shall be removed; 3) Replanting to mitigate for adverse impacts to habitat and water quality in the shoreline district per general development standards in SMC 23.60.152 and 4) Mitigation in the 100-foot Shoreline Habitat buffer shall, at minimum, be at a 1:1 ratio and achieve the ecological functions existing in the shoreline buffer at the time of development per ECA 25.09.200B, as supported in SMC 23.60.014 C.
2. Sound Transit or its contractor shall submit a Tree Protection Plan, consistent with Seattle Municipal Code (SMC) Section 25.11.070 and 23.60.152, to City of Seattle DPD for review and approval prior to site clearing

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 January 4, 2008 affirming that sufficient funding is evidenced (in project file).

DECISION - TEMPORARY USE PERMIT

The proposal is **CONDITIONALLY APPROVED**. See conditions of approval below.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

Sound Transit issued the Central Link FEIS in November of 1999 and the North Link FSEIS in April 2006. Sound Transit has lead agency status on this project, and the Director hereby incorporates by reference its November 1999 Central Link 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 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 FSEIS. A summary of these mitigation measures is in the project file (Attachment A). 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, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased dust caused by 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 excavation equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration; 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). In addition Federal and State regulations and permitting authority are effective to control short-term impacts on water quality. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts are further discussed below.

Air Quality

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 and therefore air quality mitigation is not necessary.

Construction Impacts

No significant vibration impacts are anticipated to result from the excavation. The FSEIS 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) will 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 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.

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-520. A final truck haul route will be reviewed, finalized and approved by the Seattle Department of Transportation (SDOT).

Discussion of construction worker parking impacts is on page 4-186 of the FSEIS. Project-wide mitigation for traffic impacts due to construction of light rail is contained in the Record of Decision and summarized in Attachment A. Regarding construction parking replacement and/or contractor parking, the mitigation includes satellite parking on or off campus with a shuttle bus, parking management systems, or other measures as agreed by the University. The University of Washington's existing parking management systems, including expanded event management plans, could also be used to encourage parking users to utilize unused capacity in the University lot system or to reduce vehicle trips during construction. Either Sound Transit or its contractor is expected to locate and secure temporary parking areas for construction workers during construction. 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.

The University of Washington will provide temporary parking replacement for parking displaced by project construction. Preliminary locations include new surface parking in the undeveloped area south of the existing Husky Stadium parking lots (E11 and E12) and on the surface of the Triangle Garage. In the event that these temporary parking replacement locations are not available or do not fully replace affected parking, Sound Transit will provide temporary parking replacement at alternate locations will be considered. Reducing the size or reconfiguring the construction staging area at the University of Washington Station will also be considered to reduce temporary parking loss during construction. Sound Transit would compensate the University of Washington to provide for replacement parking. Any on-campus parking replacement shall be negotiated and agreed to with the University of Washington.

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

Noise

Construction activities at the project site will generate short-term noise that is expected to comply with the Noise Control Ordinance. If, however, the applicant proposes nighttime construction activities (between 10 PM and 7 AM on weekdays and/or between 10 PM and 9 AM on weekends and holidays), noise levels would exceed those specified in the Code, therefore, a Noise Variance will be required by DPD. During its review of a Noise Variance application, DPD would determine the appropriate mitigation measures to be implemented and maintained by the contractor for nighttime activities. 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. For its other previous light rail construction projects, Sound Transit's Community Outreach Program has developed 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 includes updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline has been established, and a record kept of all noise complaints. When a complaint is received, Sound Transit uses 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 from increased vehicle trips but also the project's energy consumption (although overall the project is estimated to reduce greenhouse gas emissions by reducing regional miles traveled), 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. Potential long-term or use-related impacts anticipated from the proposal include air quality and plants and animals.

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.

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. However, long term operation of the project is estimated to provide a net reduction in greenhouse gas emissions by reducing regional vehicle miles traveled.

Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit the Montlake Cut including the proposed project area. This area 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 nearshore environment and adjacent to waters of the Montlake Cut, which serves as a migration corridor as well as rearing area for Chinook salmon from the Cedar River and other water bodies in Water Resource Inventory Area 8.

Sound Transit, as the lead agency, included mitigation measures for this project within the FSEIS and summarized in Attachment A (see project file). Under these SEPA policies, the impacts to the aquatic habitat are not expected to be sufficiently adverse to warrant further mitigation by conditions.

Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Air Pollution Control Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic; increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the FEIS and FSEIS issued by Sound Transit and the NEPA Record of Decision. While DPD has the authority to mitigate impacts pursuant to the city's SEPA practices, existing City codes and regulations are adequate to achieve sufficient mitigation for the proposal's environmental impacts. Therefore, no additional SEPA conditions are required and the proposal is **APPROVED**.

CONDITIONS –SHORELINE

For Life of the Project

1. Per SMC 23.60.074 and the WAC 173-27-090, the life of the shoreline substantial development permit shall be extended from five years to six years measured from the date when all project permits have been secured.

Prior to Scheduling the REQUIRED First Ground Disturbance Site Inspection (per SBC Section 108.9.1) for Construction Activity, Sound Transit or its Contractor shall submit the following items to the DPD Fish Biologist, Land Use Planner, and Geotechnical Engineer for review and approval:

Prior to Building Permit Issuance

2. A Temporary Erosion and Sedimentation Control (TESC) Plan. The TESC Plan 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 Seattle Building Code SBC Section 108.9.1 for construction activity). The TESC Plan shall include Best Management Practices (BMPs). In general the TESC plan shall include BMPs that cover the following provisions:
 - o A silt fence shall be deployed around the construction activity. The silt fence will serve two purposes: One, to contain turbidity in the nearshore area and two, to prevent any debris from entering the water. At a minimum any floating debris that enters the water during construction shall be collected once per day. This material shall be contained on site, secured, and then disposed of at the appropriate upland facility. If heavy debris or deleterious material enters the water and sinks, the location of the material shall be recorded in a log that is kept through the duration of the project. When construction is completed, this material/debris shall be removed by a diver and disposed of at the appropriate upland facility.

- The contractor would prevent asphalt, uncured concrete, and any other paving materials from entering all inlets and catchments and the Montlake Cut.
 - Any debris that enters the water during construction would be collected and disposed of at an appropriate upland facility.
 - BMPs would be in place to prevent hazardous waste spills, and appropriate clean-up equipment would be kept at the staging area.
 - Prevention of solid and liquid waste from entering the water. Drainage features for the proposal must be designed to contain the anticipated surface runoff from the site features over the long term.
 - Identification of those materials prohibited from entering the water.
 - Stormwater management plan.
 - Efforts to minimize surface water runoff.
 - Erosion control measures.
 - Mitigation measures to prevent disturbances of aquatic habitat and environments.
 - Efforts to minimize land alteration activity.
 - Disposal of materials.
 - Measures to support public health and safety.
 - Other erosion control measures suitable to the site conditions must be included as part of the project design. Such measures may include construction staging barrier berms, truck wheel-wash basins, filter fabric fences, temporary sediment detention basins and use of slope coverings to contain sediment.
3. A Spill Prevention, Control and Countermeasures (SPCC) Plan. The SPCC Plan 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 Seattle Building Code SBC Section 108.9.1 for construction activity). The SPCC plan shall include the following information:
- Construction planning elements.
 - Identification of all potential spill sources at the site.
 - Description of responsive actions, including notifications and reporting procedures, in the event of a spill or release of hazardous material.
 - Description of personnel responsibilities, project site security, site inspections and training of appropriate personnel.
 - Description of the measures that would be taken to prevent the release or spread of hazardous materials, either found on site and encountered during construction but not identified in the contract documents or any hazardous materials that the contractor stores, uses or generates on the construction site during construction activities. These items would include but are not limited to gasoline, oils, and chemicals. Hazardous materials would be defined consistent with RCW 70.150.010 under “hazardous substance”.
 - Plan will present procedures, including best management practices, which will be employed during construction.
4. A Sampling Analysis Plan (SAP). The SAP 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 Seattle Building Code SBC Section 108.9.1 for construction activity). The SAP plan shall include the following information:

- Determine whether contaminated soil and/or groundwater are present in proposed areas of excavation. Where contaminants are identified during the SAP, certain elements of the project may be discarded to avoid encountering hazardous materials. Where avoidance of contamination is not feasible, the volume of contaminated soil and/or groundwater encountered will be minimized to the extent possible.
 - All contaminated soil and groundwater will be disposed of following local, state, and federal regulations.
5. An Excavation and Dewatering Plan. This Plan 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 Seattle Building Code SBC Section 108.9.1 for construction activity). This Plan shall identify conventional equipment that will likely be used to perform the excavations. The Plan shall also include the following measures:
- Proper shoring or sloping of the excavation should be performed to mitigate potential sloughing of soils and lateral movement or settlement of nearby roadway, structures, and utilities. Where excavations might extend below the groundwater table, erosion and instability of excavation sides might result.
 - The contractor shall control the entry of water into excavations. Dewatering of soils within and below excavations should be performed to control inflow, remove water from excavations, and reduce hydraulic forces on shoring.
 - Proper maintenance of the pumping wells shall be performed to assure that they are working as designed.
 - Monitoring of the groundwater table and settlement outside of the excavation shall be performed to confirm that the dewatering system is working as designed.

During Construction

6. All Shoreline Conditions specified above shall be enforced during construction and 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. 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.

CONDITIONS - TEMPORARY USE PERMIT

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

7. The contractor shall develop and submit a Construction Parking Management Plan to DPD for review and approval.
8. The contractor shall develop and submit a final truck haul route to the Seattle Department of Transportation for review and approval.

9. SDOT Urban Forestry will determine which street trees shall remain and be protected based on tree condition and project impacts. No street trees shall be removed without (1) SDOT approval, (2) a two-week public comment period and (3) a tree removal permit. All street trees shall be fully protected from construction harm until, and if, approval to remove them is granted.
10. Sound Transit or its contractor shall submit a Tree Protection Plan, consistent with Seattle Municipal Code (SMC) Section 25.11.070 and 23.60.152, to City of Seattle DPD for review and approval prior to site clearing.

During Construction

11. Compliance with the Temporary Erosion Sediment Control Plan (TESC).
12. Compliance with the Tree Protection Plan.
13. In the event that a Noise Variance is required for nighttime construction activity, Sound Transit or its contractor shall be required to submit a Construction Noise Plan with the Noise Variance Application. The contractor shall be responsible for compliance with any approved Noise Variance.
14. Sound Transit or its Contractor shall provide a Restoration Plan per the standards stated in SMC 23.42.040.F.4.to DPD for review and approval within one hundred eighty (180) days of cessation of use of the site for construction uses and activities. The Re-Vegetation/Restoration Plan, consistent with SMC 25.11.090, shall include the following:
1) Those areas disturbed through vegetation/tree removal shall be replanted; 2) Those areas where the addition of impervious surface that is installed within the shoreline district for the purpose of staging (approximately 34,500 square feet within the shoreline zone) shall be removed; 3) Replanting to mitigate for adverse impacts to habitat and water quality in the shoreline district per general development standards in SMC 23.60.152 and 4) Mitigation in the 100-foot Shoreline Habitat buffer shall, at minimum, be at a 1:1 ratio and achieve the ecological functions existing in the shoreline buffer at the time of development per ECA 25.09.200B, as supported in SMC 23.60.014 C.

Prior to Issuance of Building Permit for Future Station

15. 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)
Lisa Rutzick, Land Use Planner
Department of Planning and Development

Date: October 23, 2008