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:** 3008663

**Applicant Name:** Terry Beals for Central Puget Sound Regional Transit Authority

**Address of Proposal:** 3900 Montlake Boulevard Northeast

## SUMMARY OF PROPOSED ACTION

Land Use Application for future grading to allow the removal of approximately 326,000 cubic yards of material (deep soil excavation and shoring) for future light rail transit facility. Central Link Final Environmental Impact Statement (EIS) dated November 1999 and the North Link Final Supplemental Environmental Impact Statement dated April 2006 prepared by Sound Transit.

The following approval is required:

**SEPA - for conditioning only** - Chapter 25.05.660, Seattle Municipal Code

**SEPA DETERMINATION:** [ ] Exempt [ ] DNS [ ] MDNS [X] EIS

[ ] DNS with conditions

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

## BACKGROUND DATA

Site and Vicinity Description

The project site area for the grading permit application lies on the University of Washington campus, generally south and west of Husky Stadium. The entire parcel area associated with this site address is approximately 476 acres. The total area in which the excavation and grading activities will occur is approximately six acres. The proposed excavation and grading will take place on the east side of Montlake Boulevard Northeast near the southwest end of Husky Stadium

* 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.

and will extend south and east within parking lots E-11 and E-12 located to the north of the Lake Washington Ship Canal.

The larger 476 acre parcel is mapped with the following Environmental Critical Areas (ECA) designations: steep slope, riparian management area, shoreline habitat, wetland, liquefaction and landfill. Only 6,000 square feet of the proposed construction staging area for the University Station site is within a designated critical area: an engineered steep slope associated with the stadium. All other critical areas identified on the 476 acre parcel will be avoided. On January 10, 2008, DPD approved an ECA exemption for the site. Compliance with all applicable ECA regulations for the University Station site were reviewed and approved by DPD under a previous MUP (# 3008164) for this site.

The zoning of the project site area is regulated by the University of Washington Major Institution Overlay District (MIO-160), which allows a height limit of 160 feet. The underlying zoning is Multifamily Midrise (MR). The land uses immediately adjacent to the proposed excavation and grading all lie within the University of Washington campus and include Husky Stadium to the east, educational building and 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 across the Lake Washington Ship Canal.

Proposal

The applicant proposes to excavate and grade for a below-ground light rail transit station and crossover facility at the University of Washington. The depth of the ground station excavation will vary from 114 to 117 feet. The station box is comprised of a cross-over structure at the southern portion and a platform structure at the northern portion. The entire station box structure will be approximately 800 feet in length by 70 feet in width. An estimated total of 326,000 cubic yards of material will be excavated at the site.

Approximately 245,000 cubic yards will be associated with the station box structure, structural support system and the future above ground station entrances. An additional 81,000 cubic yards will be excavated to level the site and construct access roads prior to construction of slurry walls and excavation of the box structure. (Note: An estimated 2,500 cubic yards of this site grading/excavation is located within 200 feet of the shoreline and was reviewed and approved by DPD under Sound Transit's shoreline permit in MUP No. 3008164.) The excavated spoils will be loaded onto trucks then transported off the site and disposed at an approved off-site location.

The estimated construction duration for the station and crossover structures is approximately four years.

On October 23, 2008, DPD approved MUP application 3008164 (submitted December 24, 2007) which included a shoreline substantial development permit to allow a temporary construction staging area, excavation of 2,500 cubic yards of material and construction of two, 300 foot long light rail tunnels within the shoreline district area. MUP 3008164 (approved) also included a temporary use permit to establish the entire six-acre staging area adjacent to Husky Stadium, including the removal of trees within the staging area. No appeals were filed on either the shoreline substantial development or temporary use permit decisions. The following conditions of approval for the shoreline substantial development permit and temporary use permit under MUP 3008164 apply to the entire site that is the subject of this permit:

**CONDITIONS – SHORELINE**

*For the 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 it's 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:

    - 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 waster 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 or 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.

In addition to the above-referenced MUP, demolition permits (Permit Nos. 6160498 and 6160499) for removal of two accessory buildings to Husky Stadium within or adjacent to the staging area were issued by DPD on August 7, 2008.

Public Comment

The public comment period ended April 9, 2008. No written comments were received.

## ANALYSIS – 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 particular 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 C). 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*

Additional information verifying 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 C. 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. 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 has compensated the University of Washington to provide for replacement parking of to 600 stalls taken during construction and for the 100 permanent stalls eliminated in the surface restoration plan.
A large portion of the mitigation payment was spent on funding the West Campus Parking Garage expansion project that adds 350 stalls. This garage expansion is currently under construction. UW is ultimately responsible for providing replacement parking.

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; and increased area traffic and demand for parking.

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.

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. However, all grading will be conducted outside of the shoreline district.

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.

The tree removal plan submitted by the applicant anticipates the removal of an estimated 130 trees. Within the project area, four trees are to be preserved. The city of Seattle Tree Ordinance (SMC 25.11.090) requires replacement of trees larger than 24" in diameter measured four and one-half feet above the ground. Approximately 12 of the trees meet this description. The MUP Decision for the project's temporary use permit (3008164) refers to a site restoration plan required by the Seattle Land Use Code (SMC 23.42.040F.4) which specifically addresses Light rail transit facility construction. (See Condition No. 14 stated above in the Background Section of this report for the restoration plan requirements.)

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.

## SEPA – CONDITIONS

No new conditions are required for this proposal in addition to those conditions previously imposed under MUP 3008164.

Signature: (signature on file) Date: February 02, 2009
Bruce P. Rips, AICP, Senior Land Use Planner
Department of Planning and Development

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