



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:** 3008686 and 3008963

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

**Address of Proposal:** 919 Pine Street  
901 Howell Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow essential public facility/light rail transit facility construction staging areas. Review includes grading of approximately 6,000 cu. yds. of material. Central Link Final Environmental Impact Statement (FEIS) (November 1999) and the North Link Final Supplemental Environmental Impact Statement (FSEIS) (April 2006) prepared by Sound Transit.

This analysis and decision cover two related applications:

- MUP #3008686 (919 Pine Street); and
- MUP #3008963 (901 Howell Street).

The following approvals are required:

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

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

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

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\* 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**

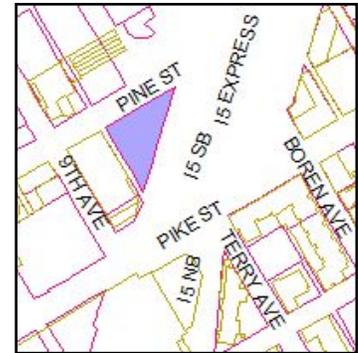
### *Site Location and Zoning*

The project sites are located in the downtown neighborhood near the intersections of 9<sup>th</sup> Avenue and Pine Street and 9<sup>th</sup> Avenue and Olive Way. Both of the staging areas are zoned Downtown Mixed Commercial (DMC), with a height limit of 340/290-400 feet within the Denny Triangle Urban Center Village.

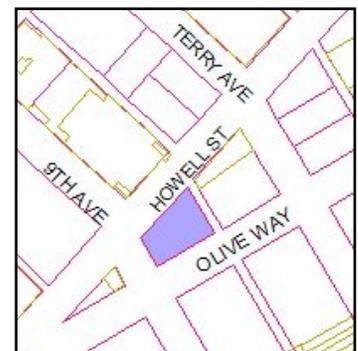
### *Existing Site Conditions*

The site includes two separate parcels within the Denny Triangle project site area. Existing rights-of-way divide the project area into two non-contiguous parcels. The two sites are as follows:

- 1) Site “A” (top image) – A triangular lot bounded by 9<sup>th</sup> Avenue to the west, the I-5 corridor to the east and south and Pine Street to the north. Since 2004, the site has been used as a construction staging area to support the construction of the Pine Street Stub Tunnel (MUP #2303928). A vent shaft for the tunnel is located in the northwest corner of the site and is setback approximately ten feet from Pine Street property line. This vent shaft will remain and be protected during the use of the subject site as a construction staging area. A series of three metal art statue art pieces are located immediately adjacent to and north of the vent shaft. The art pieces will be temporarily removed and will be replaced immediately after use of the site as a staging area. Site A contains a steep slope adjacent to the Interstate 5 Convention Center exit ramp retaining wall. This slope was created by legal grading activities for the construction of I-5 and therefore qualifies for a steep slope exemption per SMC 25.09.045. There are two street trees along Pine Street that are proposed to be removed and replaced.



- 1) Site “B” (bottom image) – One parcel bounded to the west by 9<sup>th</sup> Avenue, to the north by Howell Street and to the south by Olive Way. The site is an existing surface parking lot and does not contain any structures. An advertising billboard (Registration #291) will remain on the site during its use as a construction staging area. Site B is relatively flat and does not include mapped or observed environmentally critical areas on the site. There are two existing street trees on 9<sup>th</sup> Avenue that are to remain.



### *Development and Zoning in the Vicinity*

The DMC zoning extends generally to the north and south of the sites. Across I-5 to the east, the zoning changes to Neighborhood Commercial 3 with an 85-foot height limit (NC3-85). To the west, the zoning changes to Downtown Office Core 2 (DOC2 500/300-500).

Adjoining land uses to Site A include the Paramount Theater directly across the alley to the southwest, the Convention Place Station of the Downtown Transit Tunnel directly across Pine Street to the northwest and I-5 borders the northeast and southeast property lines.

Adjoining land uses to Site B include restaurants and a used car sales/storage surface parking lot to the east, the Convention Place Station directly across Olive Way to the south and a variety of commercial/office buildings to the north and west.

### Description of Proposal

The proposed construction staging areas are a component of Sound Transit's University Link project. The subject application is to establish interim construction staging areas to support the construction, excavation and tunneling operations for the future below-ground light rail transit system, including systems installations and light rail vehicle testing. The proposal also includes grading and excavation of approximately 6,000 cubic yards of materials for a shaft to retrieve a tunnel boring machine (TBM). Two non-contiguous sites are proposed as construction staging areas with associated grading and excavation work to occur on of the sites as described below:

Site A at 919 Pine Street will be utilized to support a variety of construction-related activities, including, but not limited to the tunneling operations under the existing I-5 underground cylinder pile structures, storage and retrieval of the TBM and other materials and vehicle storage as needed during construction and systems testing. A 30-foot by 30-foot shaft, approximately 80-feet deep, will be excavated at this site to facilitate retrieval of the TBM. Approximately 6,000 cubic yards of materials will be excavated for this shaft. The shaft will be backfilled with Control Density Fill materials following the removal of the TBM.

Site B at 901 Howell Street will be utilized for construction management field offices and for contractor parking as needed during construction and systems testing. Equipment and materials may also be stored at this site.

It is estimated that the construction staging areas would remain in operation for approximately eight years, throughout the completion of the underground transit facility and the final installation and testing of the finishes and systems.

### Public Comments

The public comment period ended June 18, 2008. The Department did not receive any written comments during the comment period or during the subsequent review.

### ANALYSIS – TEMPORARY USE PERMIT

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

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

The City Council adopted Resolution No. 30993, approving the alignment, station locations and maintenance base location for the Central Link project. 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”.

*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 areas will exist on the two sites for only so long as required to support construction, testing and completion of the light rail transit system, approximately until 2016.

*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 sites. Section 5.3 of the Master Use Permit Application document (in project file) identifies the types of construction activities and equipment expected to be utilized at each site. Although, the contractor will determine the actual specific layout of the construction staging area, the types of construction activities and equipment are not expected to vary from that stated herein.

Surrounding land uses include a mixture of downtown commercial uses. Potential short term construction-related impacts and proposed mitigation measures specifically related to this project are discussed in Section 4.17 (Construction Impacts) and 4.18.19 (Cumulative Construction Impacts) of the FSEIS. Per the Record of Decision (ROD) issued by the Federal Transportation Administration in June 2006, , Sound Transit is committed to ongoing outreach and assistance, and coordination of contractor activities, to accommodate needs of people and businesses within the vicinity of the construction area.

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

No significant noise impacts have been identified at Site B in the FSEIS. However, for Site A, the FSEIS concluded that, with the implementation of noise mitigation, construction during the day would not exceed the noise levels in the Noise Control Ordinance. 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.

As stated in their application, Sound Transit indicates that there is a possibility that a minimal amount of nighttime work will be conducted for the I-5 undercrossing work adjacent to the Pine Street site and for retrieval of the TBM at Site A. Such nighttime work is not expected to last for more than two weeks at any one time. Construction activity between the hours of 10:00 p.m. and 7:00 a.m., on weekdays and/or before 9:00 a.m. and after 10:00 p.m. on weekends and/or holidays would require a Noise Variance from the Noise Control Ordinance, to be applied for a later date by Sound Transit or its contractor. The Noise Variance would be subject to review and approval by DPD. A key component of the Noise Variance application is a detailed noise control and monitoring plan that will be developed and implemented, and updated on an as-needed basis by the contractor during any nighttime construction work. The contents of the noise control and monitoring plan, as well as the need or requirement to install a noise barrier wall prior to construction and other noise mitigation measures will also be determined by DPD through the Noise Variance application process.

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 areas will be shielded and directed away from adjoining properties.

*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.*

The proposed truck haul route for Site A results in minimal pedestrian/vehicle conflict, by using the most direct route to arterials through non-residential areas to the I-5 corridor (see Drawing Sheet No. 8). Final haul routes and associated mitigation will be reviewed and approved by SDOT and WSDOT.

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

The contractor will be responsible for providing parking areas for construction workers as part of a Parking Construction Management Plan – see SEPA Parking analysis and related condition. There are several options available for the contractor to accomplish this: providing parking within limited areas of the construction staging 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 to local businesses in the vicinity of the construction staging sites will be maintained throughout the construction period. This will be accomplished with signage and flaggers added as needed on a daily basis. Sound Transit will be available for direct contact with all local businesses at all times, will provide advance notice of construction activities, and will work with local businesses to modify measures to limit disruption as much as possible during construction.

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

A construction wall and/or security fencing wall will be installed around the Pine Street site (Site A). All visitors will be required to check in at the construction field office located at the Howell Street site (Site B). Access to the construction staging area without log in/out and safety training procedures will be strictly prohibited. Security fencing at the Howell Street site (Site B) is not deemed necessary at this time; however, should the need arise, security fencing may be installed.

*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.*

Temporary partial closures may be necessary along Pine Street for the excavation of shafts to retrieve the TBM. Ingress and egress to the Site A staging area is proposed to be located

to minimize conflict with pedestrian and vehicular traffic. Final review and approval of the ingress and egress to Site A will be made by SDOT. No change to the existing site access for Site B is proposed.

A construction wall is proposed around portions of the perimeter of Site A and should be adequate to appropriately screen construction activities, including storage areas, on the site from surrounding streets and properties.

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

Sound Transit has begun a multi-faceted community outreach program for the University Link Project. 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.*

The temporary construction management trailers proposed to be located on Site B 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.*

Only minor construction activity, such as contractor parking and material laydown is proposed for Site B. No vibration impacts are expected. Vibration impacts during construction at Site A were evaluated in the FSEIS (Section 4.17). 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 small movements of nearby structures. Design of suitable shoring systems will reduce the potential of settlement related damage. Pre-construction condition surveys will be completed and during-construction monitoring programs will be implemented to ensure that vibration impacts are adequately minimized and mitigated.

4. *Site Restoration.*

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

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

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

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

The applicant proposes to submit a final site restoration plan within 180 days of cessation of the temporary use and completion of follow-on light rail vehicle systems testing. Site restoration is anticipated to be removal of all structures, equipment, refuse, fencing, and lighting. Sites will be leveled if necessary to assure proper site drainage, and landscaped and hydroseeded to establish ground cover until redevelopment occurs.

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

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

*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 May 13, 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 – 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 D). 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). 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 area on Site A. 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 current proposal involves grading of approximately 6,000 cubic yards of material at Site A, and the applicant has submitted a geotechnical report for the site. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### 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 Site A to Interstate-5. A final truck haul route will be reviewed, finalized and approved by the Seattle Department of Transportation (SDOT).

A portion of the Pine Street right-of-way adjacent to Site A will be temporarily impacted during excavation of the TBM retrieval shaft. SDOT will review and approve any work in the right-of-way as part of a Street Use Permit.

Unrestricted on-street parking in Denny Triangle near the site is at capacity. However, it is not expected that any on-street spaces will be impacted by use of either Site A or Site B as a construction staging area. Site B, which is currently owned by Sound Transit, contains a parking lot with principal use parking for 27 stalls which has existed on the site for many years. Removal of

parking spaces are minimal given area supply. Further, principal use parking is not an outright permitted use in the DMC zone, and it is not encouraged via Comprehensive Plan policies for the downtown area.

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

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

### Noise

Construction activities on Site A 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 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 primarily from increased vehicle trips but also the project's energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Potential long-term or use-related impacts anticipated from the proposal include:

- Impact on the existing and/or anticipated commercial and residential uses in the vicinity of the project;
- Historic Preservation; and
- Air quality.

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

#### Land Use

The temporary staging area use will displace one principal use parking lot with 27 stalls (Site B). No additional mitigation is warranted pursuant to SEPA policy.

#### Historic Preservation

No demolition is proposed at either site. However, Site A is adjacent to the Paramount Theater, which is listed as a City of Seattle landmark, as well as in the National Registry of Historic Places. No impact on this adjacent landmark is anticipated to occur as part of the proposed construction activities. Therefore, no additional mitigation is warranted pursuant to SEPA policy.

#### Air Quality

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

### **DECISION - SEPA**

Environmental impacts for the proposal were identified and analyzed in the FEIS and FSEIS issued by Sound Transit. While DPD has the authority to mitigate impact 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 - TEMPORARY USE PERMIT**

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

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

During Construction

1. The contractor shall develop and submit a Construction Parking Management Plan to DPD for review and approval.
2. A final truck haul route shall be reviewed, finalized and approved by the Seattle Department of Transportation.
3. A Temporary Erosion Sediment Control Plan (TESC) shall be submitted to the DPD Geotechnical Engineer for review and approval.
4. SDOT Urban Forestry will determine which street trees shall remain and be protected based on tree condition and project impacts. No trees shall be removed without (1) SDOT approval, (2) a two-week public comment period and (3) a tree removal permit. All trees shall be fully protected from construction harm until, and if, approval to remove them is granted.
5. Compliance with the Temporary Erosion Sediment Control Plan (TESC).
6. 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.
7. Sound Transit shall provide a restoration plan per SMC 23.42.040.F.4.to DPD within one hundred eighty (180) days of cessation of use of the site for construction uses and activities. This plan shall include a Tree Replacement Plan for the removed street trees.

Signature: \_\_\_\_\_ (signature on file) Date: September 29, 2008  
Lisa C. Rutzick, Land Use Planner  
Department of Planning and Development

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