



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE

ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Major Public Project Construction Variance

Application: Request for a Major Public Project Construction Variance (“MPPCV”) from the maximum permissible sound level requirements of the Noise Control Code, Seattle Municipal Code (“SMC”) Chapter 25.08, during construction of the Mercer Corridor Improvement Project. This variance application pertains only to construction activities that need to take place during nighttime hours, as those hours are defined in SMC 25.08. This work will be performed by a contractor under contract with the Seattle Department of Transportation.

Project No.: 3011335

Site Address: Mercer and Valley Streets, between I-5 and Dexter Avenue

Applicant: Seattle Department of Transportation (SDOT)

SUMMARY OF PROPOSED ACTION

The proposed action involves widening and reconfiguration of Mercer Street between Fairview Avenue N and Dexter Avenue N, narrowing and reconfiguration of Valley Street between Fairview Avenue N and Dexter Avenue N, widening and reconfiguration of the I-5 on- and off-ramps, and improvements to other area arterials. In general, the project improvements consist of pavement reconstruction, overlay of existing pavements, upgrading utilities, undergrounding overhead utilities (including transmission, distribution and communication lines), drainage structures, sewer and water lines, grading, sidewalks, signalization, signing (including DMS signs), street and pedestrian lighting, landscaping, pedestrian amenities, retaining walls, and removal and reuse of preload materials.

On August 5, 2010, the applicant submitted a complete application for this MPPCV to DPD. The applicant submitted additional information on September 3, 2010. This MPPCV is requested pursuant to SMC 25.08.590 and 25.08.655 to allow construction noise generated on site to exceed the maximum permissible sound level during nighttime hours (between 10:00 p.m. and 7:00 a.m. on weekdays and between 10:00 p.m. and 9:00 a.m. on weekends and legal holidays) as specified in SMC 25.08.410 - 25.08.425. These provisions of the Code limit nighttime project sound levels (hourly L_{eq}) to 60 dBA in receiving areas zoned as "Commercial" and 65 dBA in receiving areas classified as "Industrial".

Based on the most current anticipated construction schedule provided by SDOT, the duration of the requested variance involving nighttime construction activities is expected to extend over an approximate 36-month period, starting in early 2011 and ending in early 2014.

BACKGROUND

It is the express intent of the City as stated in the Noise Control Code to "control the level of noise in a manner that promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment." SMC 25.08.010. The standards for issuing a noise variance are stated in SMC 25.08.590, and the specific standards for issuing a MPPCV are stated in SMC 25.08.655. DPD's rules governing the issuance of noise variances are set forth in DR 3-2009.

In their application materials submitted for this MPPCV, the applicant identified the closest residential and hotel structures likely to be affected by the nighttime noise, presented data on existing sound levels and projected construction sound levels, provided documentation of sound levels for specific activities and equipment, and outlined required noise mitigation proposals to be followed by the contractor. The application materials noted that the project's needs for complex utility and road construction in a highly traveled area provide the basis for the MPPCV request. Allowing work at night would minimize impacts to the traveling public, including 80,000 vehicles a day that use Mercer Street, and would enhance public safety by reducing the pedestrian and traffic densities within and adjacent to the project during construction activities.

Section 3.5 of SDOT's application comprises the Noise Management and Mitigation Plan ("NMMP") required by SMC 25.08.590D. The applicant's NMMP includes a description of the type of construction activities and equipment that will generate noise during nighttime hours. The NMMP describes how the exterior sound level limits of the Code (pertaining to L_{max}) will be exceeded by not more than 10 dBA at properties closest to the construction site. The NMMP also includes prescriptive specifications for noise control at the construction site that require the applicant's contractor to implement measures to establish compliance with the nighttime noise limits established in the variance application. Mitigation measures include portable local noise barriers; limitations on truck operations and site equipment; potential noise curtains for certain properties; and periodic sound level monitoring. The applicant's proposal also includes procedures and programs for effectively monitoring, evaluating and resolving public complaints by taking appropriate corrective measures. A 24-hour construction hotline will be maintained by the applicant. A Nighttime Noise Monitor will act as an independent third party and provide oversight on night-time work to ensure that the public's interest is represented and that the contractor strictly adheres to the Noise Control Code and permit conditions.

DPD held a public meeting on September 20, 2010 to take public comment on the variance application. As required by DPD Director's Rule 3-2009, Section D.2, notice of the September 20th public meeting was published in the Seattle Times on August 27, 2010 (more than 21 days prior to the meeting). Notice was also published in DPD's Land Use Information Bulletin on August 30, 2010. At the same time notice was mailed to residents within the immediate vicinity of the sound sources covered by the application.

Public comments and letters from citizens were received and considered during the preparation of this Analysis and Decision. Copies of all written public comments received by DPD are contained in the DPD file. Public comments on the variance application were considered only in relation to the noise impacts of the proposed activity.

DPD retained the services of BRC Acoustics and Technology Consulting ("BRC") to assist in reviewing and analyzing the variance application. BRC reviewed the MPPCV application and reviewed the written public comments. BRC prepared several written reports to DPD, documenting the results of their reviews of the application materials.

The Seattle Department of Transportation is the "lead agency" for purposes of SEPA compliance. An Environmental Assessment was issued by SDOT on December 30, 2008. The Federal Highway Administration, acting as lead agency under the National Environmental Policy Act, issued its Finding of No Significant Impacts on May 12, 2009.

FINDINGS

In accordance with DPD Director's Rule 3-2009, Section E, the following standards for a MPPCV were considered in reviewing the application.

1. Whether the applicant's information and analysis is accurate and complete (i.e., does it contain all of the elements required by the code).

The information submitted by the applicant, including the technical analysis submitted by the applicant's noise consultant, The Greenbusch Group, Inc. has been reviewed by DPD and BRC and has been determined to be accurate and complete.

2. The physical characteristics of the sound proposed to be emitted pursuant to the variance.

The project will consist of four phases of work, covering different areas of the corridor. Specific proposed activities for each phase are outlined in the following table:

Phase	Activity Location and Description
1	Creation of westbound Mercer Street lanes. Underground infrastructure, crossing of utilities on Fairview and Mercer. Grading and paving. Sewer work on 9 th Avenue from Republican to Aloha. Re-routing of traffic from I-5.
2	Eastbound Mercer Street lanes. Underground infrastructure, crossing of utilities on Fairview and Mercer. Grading and paving. Re-routing I-5 on/off ramp.
3	Valley and Westlake. Underground infrastructure, crossing of utilities on Fairview and Mercer. Grading and paving. Routing traffic to Mercer.
4	Fairview. Underground infrastructure, crossing of utilities on Fairview and Mercer. Grading and paving.

Similar construction activities are proposed for each phase. These have been identified as installation of underground infrastructure, underground ducts and vaults, water mains, sewer and drainage facilities, signalization, illumination, excavation, grading, and concrete and asphalt paving. Anticipated major nighttime work includes traffic rerouting on the I-5 on/off ramps and crossing of utilities on Mercer and Fairview. Some nighttime work is anticipated to occur in all phases, but the bulk of the nighttime work will be in the first three phases.

The MPPCV application, which includes a detailed technical noise study, lists the anticipated sound levels produced by the nighttime equipment that will be used in the corridor. The application also includes predicted nighttime project sound levels at nearby residential and commercial receiving sites. The existing nighttime ambient conditions and the predicted project sound levels are summarized below.

During the period of April 8 to April 12, 2010, the applicant took measurements of existing ambient sound levels at three sites identified as representative of nighttime noise – sensitive land uses close to the construction corridor. These sites are located in commercial and industrial zones. One location was a multi-family development (Pete Gross House) at 525 Minor Avenue N. The other two locations were hotels, one at 925 Westlake Avenue N (Courtyard Marriott) and one at 800 Fairview Avenue N (Residence Marriott). The results of these measurements are set forth in the MPPCV application and technical report dated August 5, 2010, and summarized in Table 1 below.

Table 1. Existing Ambient Sound Levels – Mercer Corridor, Hourly L_{eq} , dBA re: 20 μ Pa

<i>Location</i>	<i>Average Daytime Noise Level (7:00 a.m. – 10:00 p.m.) L_{eq}</i>	<i>Average Nighttime Noise Level (10:00 p.m. – 7:00 a.m.) L_{eq}</i>
925 Westlake Ave N, rooftop	68 ¹	63 ¹
800 Fairview Ave N, rooftop	65	63
525 Minor Ave N, rooftop	66	62

1. Average values calculated by The Greenbusch Group; see Table 5.1 in August 5, 2010 report.

Based on the applicant's August 5, 2010, submittal, the applicant proposes to mitigate construction sounds through the use of portable local noise barriers 10' – 12' in height, to be installed around noisy activities. Additional mitigation measures, such as noise curtains, would be made available for nearby properties where mitigated interior maximum sound levels exceed 10 dBA above ambient conditions for buildings occupied during nighttime hours.

The applicant proposes that the variance allow exterior project sound to exceed City of Seattle nighttime noise limits pertaining to L_{max} by no more than 10 dBA when measured with the L_{01} descriptor. The requested variance limits are 10 dBA above code limits, 85 dBA at commercial properties and 90 dBA at industrial properties. These proposed limits are set forth in the last two columns of Table 2 below. In addition, the applicant proposes to offer noise curtains for residential properties where mitigated interior nighttime sound levels (L_{max}) exceed 10 dBA above ambient conditions.

Table 2. Proposed Variance for Nighttime Hourly Sound Level, dBA re: 20 µPa

Location	Code Level, Leq (Lmax)	Predicted Maximum Project Sound Level, Leq (Lmax)				Existing Ambient Nighttime Level, L01	Proposed Variance Project Sound Level, L01
		Phase 1A	Phase 1B	Phase 2B	Phase 3		
Immediately south of Mercer (Commercial Properties)	60 (75)	78 (83)	78 (83)	78 (83)	60 (64)	63-73	85
Immediately south of Mercer (Industrial Properties)	65 (80)	78 (84)	78 (84)	78 (84)	70 (75)	63-73	90
Courtyard Marriott	60 (75)	63 (66)	63 (66)	63 (66)	53 (56)	63-73	85
Residence Marriott	60 (75)	65 (70)	66 (72)	65 (71)	65 (70)	63-73	85
Mercer View Apartments	60 (75)	73 (79)	77 (82)	82 (87 ¹)	73 (80)	63-73	85

Source: Mercer Corridor Improvements Noise Management and Mitigation Plan, The Greenbusch Group, August 5, 2010 and Mercer Corridor Improvements NMMP Addendum #1, The Greenbusch Group, September 3, 2010.

¹ Exceeds proposed variance limit.

Table 2 summarizes the information from Tables 7.5 through 7.8 of the Greenbusch analysis prepared for the Mercer Corridor NMMP application, as updated in the Greenbusch NMMP Addendum #1. Table 2 indicates that the maximum sound levels generally will occur during the first three phases of the project, and that sound levels typically will be below the variance levels. However, sound levels in Phase 2B may exceed the proposed variance levels. This phase includes equipment in areas of the work site very near receiving properties, which presents a conservative result. The contractor may need to maintain a certain distance between noisy equipment and nearby buildings during Phase 2B nighttime work to comply with the proposed variance limit.

3. The proposed times and proposed duration of the sound to be emitted.

The Seattle Department of Transportation is requesting a variance for on-site construction-related noise producing activities from 10 p.m. to 7 a.m. on weekdays and from 10 p.m. to 9 a.m. on weekends and legal holidays for work associated with the construction of the Mercer Corridor. The construction work is anticipated to be completed over a three-year period. Within these three years, the nighttime construction activity would be limited to tasks essential to minimizing daytime road closures, such as utility work and street paving. It is expected that nighttime construction would occur for no more than 140 nights, or approximately 13 percent of the three-year construction period. As required by SMC 25.08.655D, the MPPCV will be subject to review by DPD after one year of operation with an opportunity for public comment.

4. The topography and population density of the area in which the sound is proposed to be emitted.

The topography of the project area includes a slope from north (low) to southwest, south, and southeast (high). Elevations at the western end of the site are somewhat higher than those at the eastern end. Lowest elevations (about 20 feet above sea level) are located adjacent to Lake Union; elevations near the southeastern and southwestern corners of the project boundary vary from about 60 to 70 feet above sea level.

Seattle Mixed is the primary zoning for most of the Mercer Corridor area. Several blocks of Industrial Commercial zoning occur south of Mercer, from a half-block west of Terry Avenue N to a half-block east of Fairview Avenue N. Seattle Mixed Residential zoning is located east of the Industrial Commercial zoning. Property located north of Valley Street and (east of Fairview Avenue N) north of the I-5 on/off ramps is zoned Commercial 1. Properties near the project site primarily are office commercial, with other commercial and light industrial properties as well. A small number of apartment units on commercially zoned properties are near the project site.

5. Whether the public health and safety is endangered.

It is generally accepted that very high levels of noise have adverse physical impacts on humans including, but not limited to, hearing damage. Many standards apply to occupational exposures at high levels for prolonged periods of time. For example, the Occupational Safety and Health Act mandate a hearing conservation program by employers if sound levels exceed 85 dBA continuously over an 8-hour workday. If sound levels exceed 90 dBA continuously over an 8-hour workday, hearing protection is required. The project sound level limits anticipated by this Variance Application would maintain sound levels well below the 90 dBA level for all adjacent properties and, with one exception, below the 85 dBA level for likely sensitive receptors. This exception would occur during Phase 2B. This phase includes equipment in areas of the work site very near receiving properties, which presents a conservative result. The contractor may need to maintain a certain distance between noisy equipment and nearby buildings during Phase 2B nighttime work to comply with the proposed variance limit.

The amount of noise that can cause sleep disruption or deprivation can vary significantly from person to person. The results of the Federal Aviation Administration Report No. F.AA-EE-85-2, titled Aviation Noise Effects, show that 10% of the studied population experienced awakening from sleep at single-event maximum sound levels of 50 dBA and experienced a change in sleep state at single-event maximum sound levels of 39 dBA. Since typical northwest residential construction affords approximately 25 dBA of noise reduction between exterior and interior sound levels, the corresponding exterior sound levels that would have produced sleep disturbance in the FAA study are single-event maximum sound levels of 75 dBA and 64 dBA, respectively. It should be noted that these studies involved aviation rather than construction noise and responses to construction noise may differ.

The increases from on-site nighttime project sound levels that are sought by the applicant and the resulting noise levels will likely affect some people but are not expected to cause a danger to public health or safety. For the most affected receivers, such as the Mercer View Apartments, the Variance Application proposes to address impacts on interior sound levels by offering noise curtains to occupants of nearby residential land uses where mitigated interior L_{max} sound levels exceed 10 dBA above ambient conditions. Ambient conditions need to be established without construction activities. Therefore, the project must document interior sound levels at potentially affected sites prior to the beginning of nighttime construction. It is anticipated that the noise curtains would provide an appropriate approach to resolve the 2-dBA exceedence over Variance Noise limits that is predicted for the Mercer View Apartments during Phase 2B nighttime activities.

6. Relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public.

The interests of the applicant in the construction of this proposed essential public facility are described in the application. The Mercer Corridor serves as a vital part of the transportation grid in and around Lake Union. With over 80,000 vehicles a day using Mercer Street, installation of utilities, reconstruction of major arterial streets and rebuilding the on and off ramps to I-5 will require substantial coordination and planning. Nighttime and weekend work is necessary to accomplish these tasks with minimal traffic impacts. Noise generated by these activities cannot comply with the nighttime sound level limits required by the Noise Control Code.

While the conditions imposed on this variance will require additional cost, effort and flexibility on the part of the applicant, they are not expected to cause undue hardship. The applicant appropriately identifies several affected receiving properties: the Mercer View Apartments and the Courtyard Marriott and Residence Marriott hotels. Mitigation described elsewhere in this analysis, including portable noise walls and noise curtains in close proximity to the nighttime construction sites, are expected to substantially reduce impacts to these and other affected properties.

The interests of the general public also will be served by the safe completion of this transportation project and by the shorter overall construction period that nighttime construction will make possible. Specifically, allowing nighttime work will reduce utility service impacts to Seattle customers, minimize traffic and transit impacts in the Mercer Corridor area, and reduce impacts to pedestrians and bicyclists.

7. Whether the proposed noise mitigation approaches are likely to be effective.

The applicant's NMMP includes mitigation that will be implemented during the proposed nighttime construction activities. DPD will provide oversight of the night-time work to ensure that the public interest is protected and that the contractor strictly adheres to the Noise Control Code and the conditions imposed by this Analysis and Decision. DPD will assign a Noise Program Specialist who will serve as the city's primary contact for noise related issues at this site. Representatives of the applicant with authority to stop work will be present on the project site during all work hours to ensure that mitigation measures are being followed. The applicant will also implement and maintain the public outreach and community involvement provisions described in the NMMP, including a 24-hour construction hotline to be answered by a live person.

DPD's noise consultant, BRC, concurs that the applicant's proposed noise walls around the perimeter of the construction, noise curtains for occupants of certain nearby residential land uses, and other on-site mitigation described in the MPPCV application, will be effective in reducing project sound levels such that impacts to the surrounding residential uses will be substantially reduced.

In addition to the requirements of DR 3-2009 that are discussed above, an applicant for a MPPCV must demonstrate that the standards in SMC 25.08.655A are met:

- A. The Administrator may grant a major public project construction variance to provide relief from the exterior sound level limits established by this chapter during the construction periods of major public projects. A major public project construction variance shall provide relief from the exterior sound level limits during the construction or reconstruction of a major public project only to the extent the applicant demonstrates that compliance with the levels would:
1. Be unreasonable in light of public or worker safety or cause the applicant to violate other applicable regulations, including but not limited to regulations that reduce impacts on transportation infrastructure or natural resources; or
 2. Render the project economically or functionally unreasonable due to factors such as the financial cost of compliance or the impact of complying for the duration of the construction or reconstruction of the major public project.

With regard to subsection 1, the applicant has demonstrated that it is not possible to operate the equipment necessary to support nighttime construction activities without violating the nighttime noise limits in SMC 25.08.410 and 420. Without nighttime work, construction in the Mercer Corridor would occur more frequently during heavy travel times, increasing safety concerns both for workers and for the public in the vicinity of the project. Limiting nighttime work also would extend the project duration, further increasing safety impacts. With regard to subsection 2, the applicant has demonstrated that, without nighttime construction, substantial delay in completion of the Mercer Corridor project will result; this will substantially increase costs to the public.

CONCLUSIONS

1. Findings numbers 1 through 7 above are adopted as Conclusion number 1.
2. Proper notice was given of the proposed variance and the required public meeting took place.
3. Requiring the Seattle Department of Transportation to comply with the nighttime noise limits in SMC 25.08.410 and 420 would be unreasonable in light of the increased risks to both worker safety and public safety that would result from increased daytime construction on and around the Mercer Corridor and the I-5 on/off-ramps. The delay and increased cost that would result from compliance with SMC 25.08.410 and 420 would render the project economically and functionally unreasonable.
4. Practical known and available mitigation measures for reducing the nighttime project sound levels and their effects on nearby residents are described in the application and will be incorporated into the project.

5. Chapter 25.08 provides adequate authority to mitigate the impacts of nighttime construction activity at the subject site and, pursuant to the SEPA Overview Policy in SMC 25.05.665; no additional mitigation is required pursuant to SEPA.
6. Based upon the written information submitted by the applicant and interested citizens, statements made at the public meeting, federal guidelines and the current body of scientific knowledge, there is no known danger to public health and safety if mitigating measures are put in place and followed, as provided in this Decision and Order.

DECISION AND ORDER

This variance is GRANTED for the noise related to the nighttime construction activities described in this Analysis and Decision and the applicant's submittal of August 5, 2010, subject to the following:

1. This variance is subject to the conditions set forth below and to all requirements, specifications, standards, limits, and other mitigation measures identified by the applicant in its original application submitted on August 5, 2010, as revised in its submittals dated September 3 ("MPPCV Addendum #1") and September 14 ("MPPCV Addendum #2"), collectively "the application". Specifically, the applicant, the primary contractor, and any subcontractors are required to fully follow and execute all of the noise control measures identified in the application and its appendices and attachments in addition to the provisions set forth in this Decision and Order. If there is a conflict between the noise mitigation and control requirements or specifications of the application and this Decision and Order, the requirements of this Decision and Order shall be followed.
2. Nighttime project sound levels shall not exceed the proposed limits specified in Table 2 of this Analysis and Decision. These sound level limits are intended to ensure that nighttime project sound levels will not exceed City of Seattle nighttime noise limits pertaining to L_{max} at residential properties by more than 10 dBA (L_{01}) during the following schedule:
 - Weekdays 10:00 p.m. to 7:00 a.m.
 - Weekends (including legal holidays) 10:00 p.m. to 9:00 a.m.
3. All noise barriers proposed by the applicant shall be installed per SDOT's Noise Management and Mitigation Plan (dated August 5, 2010) and prior to commencement of nighttime noise-producing construction activities as necessary to meet the sound levels permitted by this variance. The heights of the walls shall be those specified in the report dated August 5, 2010.
4. Additional mitigation options, such as noise curtains, will be made available for nearby properties where mitigated interior sound levels exceed 10 dBA (L_{max}) above ambient conditions for buildings occupied during nighttime hours. These buildings shall include, but need not be limited to, the Mercer View Apartments, the Carlton Apartments, and the caretaker's unit at Shurgard Storage. It also is anticipated that the noise curtains would provide an appropriate approach to resolve the 2-dBA exceedence over Variance Noise limits that is predicted for the Mercer View Apartments during Phase 2B nighttime activities. To determine locations where construction noise may exceed 10 dBA above ambient interior conditions, these interior conditions must be measured to establish a baseline prior to the start of nighttime noise-producing construction activities.

5. As noted in the Contract Specifications (Section 4.1) of the August 5, 2010 report, the contractor shall take all reasonable measures for the suppression of noise resulting from work operations, trucks, diesel powered equipment, generators, compressors, and similar equipment. Conditions listed in this section are incorporated by reference into this decision.
6. Public notification and communication will occur as described in the NMMP dated August 5, 2010.
7. Periodic noise monitoring will occur consistent with Director's Rule 3-2009. Specifically, monitoring for this project will occur as described in the August 5, 2010, Variance Application, and as supplemented in a September 14, 2010, memorandum from Robert Joyner to David George titled "Mercer Corridor Improvements, MPPCV Addendum #2". Although these documents provide steps generally consistent with Director's Rule 3-2009, greater specificity is needed in several areas to meet the requirements of the Director's Rule and to enhance the monitoring of and responses to potential violations of the noise variance thresholds. Specifically:
 - a. Construction-related noise complaints, including noise complaints, should be responded to immediately. Responses may include an immediate site visit;
 - b. The NMMP should specify that the Resident Engineer and the Independent Monitor will be notified of any noise complaint within 45 minutes of receipt of such complaint;
 - c. The NMMP should clearly indicate that the reporting schedules identified in Director's Rule 3-2009, Section C2 will be followed; the text of these reporting requirements should be incorporated into a revised NMMP.
 - d. The modified contract specifies (described in Addendum #2) that "the Contractor and its Acoustic Specialist shall coordinate with the Resident Engineer in order to implement corrective action if variance exceedences are documented". As noted in Director's Rule 3-2009, Section B3, DPD has an explicit role in such modifications, and should be identified as such. Also, this section should describe a more explicit process to implement corrective action, if such is needed.
 - e. The Sound Level Monitoring Section (5.1) should be modified to incorporate the following:
 - (i) a reference to the specific reporting timelines in D.R. 3-2009;
 - (ii) a reference that DPD (as noted in 7d, above) would be involved in any modification to variance mitigation measures;
 - (iii) a statement (as noted in D.R. 3-2009, Section B4) that DPD will have physical and/or electronic access to the monitoring equipment at all times;
 - (iv) a statement (as noted in 7a, above) that non-compliance with applicable variance limits may require an immediate site visit.
8. Fourteen (14) days prior to the commencement of the construction that is subject to this variance, the applicant shall provide notice of such commencement to the Administrator and to those community members who were notified of the original application. The form and content of the notification must be approved by the Administrator.

9. The applicant or its Contractor shall be responsible for the implementation of the Noise Management and Mitigation Plan. Implementation of this plan includes adherence to the NMMP by all contractor and sub-contractor work affiliated with this application. The applicant or its Contractor shall be responsible for all equipment being used on site whether being used by the Contractor or sub-contractor. If barriers are used to mitigate sound, the Contractor shall be responsible for the provision of such barriers.
10. This variance shall expire thirty-six (36) months from the commencement of nighttime construction.
11. Violation of any condition of this variance will result in a review of the conditions imposed by this variance, and possible imposition of new conditions or revocation of this variance.

Dated the 7th of February 2011

(signature on file)

Diane Sugimura, Director
Department of Planning and Development
& Administrator, Chapter 25.08 of the Seattle Municipal Code

APPEAL

The Noise Control Code SMC 25.08 provides that any person aggrieved by the denial, approval, or the terms and conditions imposed on a variance or by the extension of a variance by the Administrator, may appeal such decision to the City of Seattle. Hearing Examiner pursuant to the provisions of the Seattle Municipal Code Section 25.08.610.

Appeals of this decision must be received by the Hearing Examiner no later than ten days following the date of the decision and be accompanied by a check for \$50 made payable to the City of Seattle.