



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 North Access 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, as well as impact work occurring between 5 p.m. and 10 p.m. subject to noise level limits described in the application. This work will be performed by a contractor under contract with the Washington State Department of Transportation.

Project No.: 3012629

Site Address: North Portal: Battery St to N Roy St and 5th Ave N to Dexter Ave N. (South Portal: Alaskan Way S from S King St to S Atlantic St. dropped from proposal)

Applicant: Washington State Department of Transportation (WSDOT)

SUMMARY OF PROPOSED ACTION

The proposed action covers a portion of the Alaskan Way Viaduct Replacement Project; work covered under this MPPCV would reconnect the street grids at the north end of the tunnel. As originally noticed, this Major Public Project Construction Variance (MPPCV) would cover four distinct segments of the Alaskan Way Viaduct Replacement Project: (1) S Holgate Street to S King Street Stage 3 Atlantic Bypass Project; (2) South Access Project; (3) North Access Project; (4) North Surface Street Project. Following public notice of this application, the first, second, and fourth segments were withdrawn from the application, and are being processed as Temporary Noise Variances. The remaining segment, the North Access Project, is the subject of this MPPCV analysis and decision.

The North Access Project will construct the northbound and southbound roadways from the tunnel portal at Harrison Street to Mercer Street, ramps to Aurora Avenue including a bridge over the northbound roadway, various walls required by the differing road grades, a Sixth Avenue extension between Harrison Street and Mercer Street including an on-ramp to the southbound roadway, and the northbound off-ramp to Republican Street. The Broad Street bridge on SR 99 will be demolished. Utilities will be installed on Republican Street and on

Harrison Street between Dexter Avenue and Sixth Avenue. Utilities will be removed from Aurora Avenue N. The noisiest construction activities will be installing shoring and excavating, and constructing a bridge over the SR 99 northbound lanes that connects SR99 and Aurora Avenue N via left-hand on- and off-ramps.

Construction of the North Access Project is anticipated to begin in October 2013. Work may be conducted up to 24 hours a day, 7 days a week for some stages of construction. Based on the current anticipated construction schedule provided by WSDOT, the duration of the requested variance involving nighttime construction activities is expected to last approximately 33 months. Additional time is included in the variance request to complete project closeout, including cleanup, dismantling of staging areas, and restoration where required by permit conditions.

On August 3, 2011, the applicant submitted a complete application for this MPPCV to DPD; a revised application was submitted on November 2. 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, and to permit impact work between 5 p.m. and 10 p.m. subject to noise level limits described in this application. These provisions of the Code limit nighttime project sound levels (hourly L_{eq}) generated in Commercial districts to 47 dBA in Residential receiving districts, 60 dBA in Commercial receiving districts, and 65 dBA in Industrial receiving districts.

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.

The MPPCV would apply to construction-related, noise-producing activities at the site on weekdays between the hours of 10 PM and 7 AM and on weekends and legal holidays between the hours of 10 PM and 9 AM. The MPPVC also would apply to impact activities at the site between 5 PM and 10 PM.

In the 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 note that scheduling construction activities at night will allow the project to be completed in a more timely, safe, and cost-effective manner. Specifically, lower traffic volumes at night result both in fewer slow-downs and less construction-related congestion and in fewer safety risks for workers on the roadway and the traveling public. The lower traffic volumes may allow more lanes to be closed at night than during the day, further reducing safety risks by increasing the distance

between construction and traffic. Daytime roadway closures often are more difficult to set up and take down, and typically are shorter in duration due to restrictions on closures during peak traffic hours, resulting in reduced efficiency. Additionally, it is expected that multiple projects related to the Alaskan Way Viaduct Replacement Project will be under construction at the same time. Providing contractors with the ability to reschedule work during nighttime hours would allow for more efficient operations than if they are limited by the combined operations of the project during daytime hours. Early completion of the North Access Project could result in cost savings for the overall AWV Program.

WSDOT's application includes the Noise Management and Mitigation Plan ("NMMP") required by SMC 25.08.590D. The NMMP includes a description of the type of construction activities and equipment that will generate noise during nighttime hours. It also describes the expected exterior sound levels at each of the receiving sites, and compares these to the nighttime hourly L_{eq} and nighttime maximum noise levels (hourly L_1) that would be established through the variance process.

The NMMP includes prescriptive specifications for noise control at the construction sites 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 ensuring noisy equipment meets identified noise limits and is properly maintained and operated; construction of a minimum 8' high noise barrier on the south and east sides of the construction site, to be lined with noise-absorbing materials (including gates and/or doors); use of warning devices other than pure-tone backup warning devices; prohibiting jack hammering and impact pile driving from 10 p.m. to 8 a.m. on weekdays and 10 p.m. to 9 a.m. on weekends and legal holidays; and prohibiting public address systems during nighttime hours. Potential additional mitigation measures could include movable noise barriers, noise control curtains, and high-grade engine-exhaust silencers and engine-casing sound insulation. 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 noise monitoring and reporting on nighttime 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 December 7, 2011, to take public comment on the variance application. As required by DPD Director's Rule 3-2009, Section D.2, notice of the December 7th public meeting was published in the Seattle Times on November 14, 2011. Notice of the meeting also was published in DPD's Land Use Information Bulletin on November 14, 2011. At that 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 the written public comments, and provided comments and recommendations to DPD.

The National Environmental Policy Act/State Environmental Policy Act (NEPA/SEPA) 2010 Supplemental Draft Environmental Impact Statement (EIS) and 2011 NEPA/SEPA Final EIS both analyzed the Bored Tunnel Alternative. The Final EIS was published in July 2011, completing the SEPA process. The lead agencies (Federal Highway Administration, WSDOT, and the City of Seattle) have identified the Bored Tunnel Alternative as the preferred alternative to replace the Alaskan Way Viaduct. The issuance of the Record of Decision, which completes the NEPA process, was published in August 2011.

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 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.

Dump trucks, backhoe and front-end loaders, crawler cranes, concrete trucks, hydraulic excavators, air compressors and concrete pumps will be used during various stages of the project, and will be common sources of construction noise. During shoring and excavation, a vibratory driver will be used until 10 p.m.; auger cast piles may be used between 10 p.m. and 8 a.m.

The MPPCV application, which includes a detailed technical noise study, lists the anticipated sound levels produced by the nighttime equipment that will be used at the construction sites. 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 described below.

During February and March 2010 and February and March 2011, the applicant took measurements of existing ambient sound levels at the following sites identified as representative of nighttime noise – sensitive land uses close to the North Access construction area. These sites are located in commercial zones:

- Seattle Pacific Hotel, 325 Aurora Avenue N.
- Holiday Inn Express, 226 Aurora Avenue N.
- Marselles Condominiums, 699 John Street.

The results of these measurements are set forth in the MPPCV application and summarized in Table 1 below.

Table 1. Average Measured Existing Nighttime Noise Levels – 1-Hour L_{eq} (dBA)

<i>Location</i>	<i>Average Nighttime Noise Level* (midnight – 5:00 a.m.) L_{eq}</i>
Seattle Pacific Hotel, rooftop	67
Holiday Inn Express, rooftop	67
Marselle Condominiums, rooftop	70

* Average nighttime noise-level limit based on the energy average of the 1-hour equivalent noise levels (L_{eq}) from midnight to 5 a.m.

The applicant proposes that the variance allow the one-hour equivalent nighttime noise-level limit (L_{eq}) to exceed the ambient noise levels at identified receiving sites by no more than 6 dBA, and that the nighttime allowable noise limit (L_1 based on a slow-response A-weighted level) be set at 10 dBA above the one-hour equivalent nighttime noise-level limit (L_{eq}) to account for potential short-term noises. However, L_1 would not exceed the daytime construction noise-level limit of 85 dBA. These proposed limits and the anticipated peak nighttime noise levels are set forth in Tables 2-4, below, for each of the three phases of the North Access Project.

Table 2: Predicted Noise Levels (dBA) for North Access Project: Install Shoring and Excavate and Construct Bridge Over SR99

Location	Average Nighttime Noise Level (L_{eq})	Nighttime Noise-Level Limit established by variance		Peak Nighttime One-Hour Construction Noise Level (L_{eq})	Peak Nighttime Maximum Construction Noise Level (L_1)
		L_{eq}	L_1		
Seattle Pacific Hotel	67	73	83	77	79
Holiday Inn Express	67	73	83	63	65
Marselle Condominiums	70	76	85	60	63

Even with the noise barriers in place, noise levels at the Seattle Pacific Hotel are expected to exceed the one-hour equivalent nighttime noise level (L_{eq}) variance limit by up to 4 dBA during this segment. Additional mitigation measures will be necessary to reduce nighttime construction noise. Supplemental mitigation measures that could be implemented to meet the noise variance nighttime limits may include:

- Temporary noise barriers around equipment or construction activities;
- Use of high-grade engine-exhaust silencers, engine-casing sound insulation and noise blankets or skirts for nighttime equipment, or use of specific equipment models known to generate less sound emissions;
- Use of noise-control curtains at the Seattle Pacific Hotel.

Table 3: Predicted Noise Levels (dBA) for North Access Project: Construction of the Northbound Detour Roadway

Location	Average Nighttime Noise Level (Leq)	Nighttime Noise-Level Limit established by variance		Peak Nighttime One-Hour Construction Noise Level (Leq)	Peak Nighttime Maximum Construction Noise Level (L1)
		Leq	L1		
Seattle Pacific Hotel	67	73	83	75	77
Holiday Inn Express	67	73	83	60	62
Marselle Condominiums	70	76	85	52	54

Even with the noise barriers in place, noise levels at the Seattle Pacific Hotel are expected to exceed the one-hour equivalent nighttime noise level (Leq) variance limit by up to 2 dBA during this segment. Also, there will be a 200-foot gap on the east side of the noise barrier for 12 months; the modeling results above reflect expected noise levels with this gap. Additional mitigation measures will be necessary to reduce nighttime construction noise. Supplemental mitigation measures that could be implemented to meet the noise variance nighttime limits may include:

- Temporary noise barriers around equipment or construction activities;
- Use of high-grade engine-exhaust silencers, engine-casing sound insulation and noise blankets or skirts for nighttime equipment, or use of specific equipment models known to generate less sound emissions;
- Use of noise-control curtains at the Seattle Pacific Hotel.

Table 4: Predicted Noise Levels (dBA) for North Access Project: Construction of Southbound SR 99 Cut-and-Cover to 6th Avenue Ramp and Construction of 6th Avenue from Thomas Street to Harrison Street

Location	Average Nighttime Noise Level (Leq)	Nighttime Noise-Level Limit established by variance		Peak Nighttime One-Hour Construction Noise Level (Leq)	Peak Nighttime Maximum Construction Noise Level (L1)
		Leq	L1		
Seattle Pacific Hotel	67	73	83	76	79
Holiday Inn Express	67	73	83	60	62
Marselle Condominiums	70	76	85	59	62

Even with the noise barriers in place, noise levels at the Seattle Pacific Hotel are expected to exceed the one-hour equivalent nighttime noise level (L_{eq}) variance limit by up to 3 dBA during this segment. Also, there will be a 80-foot gap located on the eastern wall at Republican Street for 9 months during the construction of the ramp to Republican Street; the modeling results above reflect expected noise levels with this gap. Additional mitigation measures will be necessary to reduce nighttime construction noise. Supplemental mitigation measures that could be implemented to meet the noise variance nighttime limits may include:

- Temporary noise barriers around equipment or construction activities;
- Use of high-grade engine-exhaust silencers, engine-casing sound insulation and noise blankets or skirts for nighttime equipment, or use of specific equipment models known to generate less sound emissions;
- Use of noise-control curtains at the Seattle Pacific Hotel.

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

The Washington State Department of Transportation is requesting a variance to allow construction noise generated on-site to exceed the sound level limit from 10 p.m. to 7 a.m. on weekdays and from 10 p.m. to 9 a.m. on weekends and legal holidays, and to allow noise from impact activities to exceed the sound level limit from 5 p.m. to 10 p.m. The construction work is anticipated to be completed over a two and a half year period, including cleanup, dismantling of staging areas, and restoration where required by the permit conditions.

4. The topography and population density of the area in which the sound is proposed to be emitted. The area of the North Access Project is roughly 100 feet above sea level, with a gentle slope up from northeast to southwest. Most of the area is within the Seattle Mixed zone, with Neighborhood Commercial 3 zoning northwest of Broad Street. A mix of uses are located within and near the North Access Project work area, including commercial, residential, hotels, and the recently-constructed Gates Foundation headquarters.

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 mandates 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 these identified levels, as shown in tables 2-4; the modeled peak maximum nighttime noise limit is 79 dBA. The absolute maximum variance limit would be no greater than 85 dBA for likely sensitive receptors.

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.

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. Permitting construction 24 hours a day would accelerate completion of the proposed project and result in substantial cost savings for the public due to reduced administrative expenses, reduced length of construction time needed for equipment and personnel, and savings on the inflation that would otherwise compound the cost of construction in later years. The condensed construction schedule would lessen the duration of construction impacts, including traffic, dust, and noise. In particular, allowing nighttime work would lessen the extent of traffic restrictions and numbers of lane closures during busier daytime hours, reducing traffic congestion and increasing construction worker and public safety, relative to conditions with no MPPCV.

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. Mitigation described elsewhere in this analysis, including noise walls, use of appropriate warning devices, and prohibitions on jack hammering and impact pile driving (after 10 p.m.) and public address systems during nighttime hours are expected to substantially reduce impacts to these and other affected properties.

The interests of the general public also will be served by the earlier completion of this transportation project and by the shorter overall construction period that nighttime construction will make possible, as a shortened construction schedule will result in both cost savings and in reduced construction-related impacts.

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 nighttime 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, as well as other 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 nighttime construction activities will increase public and worker safety relative to construction that would occur without the MPPCV. Additionally, limiting nighttime work would extend the project duration, further increasing traffic, dust, and noise impacts. With regard to subsection 2, the applicant has demonstrated that increased construction time of the Alaskan Way Viaduct Replacement Project and associated increased costs will result without nighttime construction.

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 Washington State 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 not allowing nighttime construction at the North Access Project site. The delay and increased cost that would result from compliance with SMC 25.08.410 and 420 would render the construction of the North Access Project economically and functionally unreasonable due to impacts of compliance for the duration of construction.
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 3, 2011, as revised in the submittal of November 2, 2011, 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 3, 2011, as revised in its submittal received November 2, 2011, collectively "the application". Specifically, the applicant, the primary contractor, and any subcontractors are required to fully follow and execute all of the mandatory 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 Tables 2-4 of this Analysis and Decision. These sound level limits are intended to ensure that nighttime project sound levels will not exceed ambient noise levels at identified receiving sites by more than 6 dBA (L_{eq}), and that the nighttime allowable noise limit (L_1 based on a slow-response A-weighted level) be 10 dBA above the one-hour equivalent nighttime noise-level limit (L_{eq}) to account for potential short-term noises, with a maximum of 85 dBA, 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. Jack hammering and impact pile driving between 5:00 p.m. and 10:00 p.m. will be avoided to the greatest extent possible. Such work will be subject to a noise-level limit of 5 dBA above the energy average of existing ambient hourly L_{eq} between the hours of 5:00 p.m. and 10:00 p.m. Parties of record shall be notified prior to scheduled jack hammering or impact pile driving between 5:00 p.m. and 10:00 p.m.
4. All noise barriers proposed by the applicant shall be installed per WSDOT's Noise Management and Mitigation Plan (dated November, 2011) 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 November 2011 NMMP, or as modified by a supplemental NMMP.
5. As noted in Section 3.5.2 of the November 2011 report, the contractor shall implement all reasonable measures for the suppression of noise resulting from work operations, trucks, diesel powered equipment, generators, compressors, and similar equipment as necessary to meet Variance limits. Measures listed in this section are incorporated by reference into this decision.
6. As noted in the NMMP, exceedences of the noise limits established by the variance are anticipated during construction of the North Access Project. The NMMP identifies additional potential mitigation that could reduce the noise generated at these sites to the levels approved in

this variance. Although the additional mitigation measures are reasonable, they have not been tested for this particular project. Therefore, the WSDOT Contractor must provide their own NMMP prior to starting any of the activities listed in this item #6 to demonstrate how the noise limits established in this variance will be met. This Contractor-supplied NMMP must identify the selected additional mitigation measures and provide calculations demonstrating that the measures will be effective in meeting the variance noise limits. If noise curtains are chosen as an additional mitigation measure, interior conditions at the affected receiving sites must be measured to establish a baseline prior to the start of the particular nighttime noise-producing construction activities, or the effectiveness of noise curtains must be established through some other means, such as modeling.

7. Public notification and communication will occur as described in the NMMP dated November 2011.
8. Periodic noise monitoring will occur consistent with Director's Rule 3-2009. Specifically, monitoring for the North Access Project will occur as described in the November 2011 Variance Application and the accompanying Noise Management & Mitigation Plan (November 2011).
9. 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.
10. 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.
11. This variance shall expire thirty-three (33) months from the commencement of nighttime construction.
12. 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.
13. Pursuant to SMC 25.08.655 D, the Administrator shall conduct a one-year review and may modify the terms and conditions of the variance or the NMMP as needed if it is determined that the current variance, the conditions of the variance, or the NMMP are not adequately protecting the public health and safety or reasonably controlling or mitigating the construction noise, or that there are more reasonable methods of doing so.

Dated the 20th of February, 2012

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.