



City of Seattle
Edward B. Murray, 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**

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 Denny Substation Site and affected public rights-of-way. This variance application pertains to the above-ground and below-ground construction activities that need to take place during nighttime hours, as those hours are defined in SMC 25.08.

Project No.: 3018259

Site Address: 1250 Denny Way

Applicant: Seattle City Light (SCL)

SUMMARY OF PROPOSED ACTION

The Denny Substation Program will be a new electrical substation which will provide 13.8kV electrical underground distribution circuits which extend into the Denny Triangle area and the South Lake Union area to serve new and increasing electrical loads. The substation is located between Denny Way and John Street, and Minor Avenue and the alley west of Yale Avenue. The section of Pontius Avenue within the described area is planned to be vacated to provide adequate space for the substation. The area shown in blue in the Figure below indicates the extent of the electrical distribution circuits and these circuits will be located within the street right-of-way.

The blue area north of Denny Way is Denny Network Phase 1. The blue area south of Denny Way is Denny Network Phase 2.



For the purposes of this MPPCNV Application, the Denny Substation Program comprises the following three Projects:

- Denny Substation;
- Denny Network Phase 1;
- Denny Network Phase 2.

All three Projects may involve nighttime construction, and a MPPCNV from the City of Seattle Noise Code is being sought for all three Projects.

On February 12, 2015, the applicant submitted a complete application for this MPPCV to DPD. 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 (Lmax) generated to 75 dBA (85 dBA is proposed).

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 application materials submitted for this MPPCV identify the following activities that may occur during nighttime hours and may exceed the allowable nighttime construction noise limits:

Substation

- Street-utility relocation (estimated 40 working days);
- Off-site duct banks (estimated 140 working days);
- Asphalt paving on City streets (estimated 80 working days);
- Delivery of Major Equipment (estimated to be completed in over 4-10 night(s)).

Denny Network Phase I

- Sawcutting/breaking concrete, pavement removal;
- Excavation, duct-bank installation, encasement/backfill, and vault installation;
- Surface restoration

It is anticipated that a given city block would be under construction over an estimated 40 working day period and several blocks could be active simultaneously. Construction activities would be concentrated at vault areas for periods of 18 working days. Concentration of activity would also occur during rebuilding of intersections, for periods of 15 working days, and at track crossings on Terry Ave N at Harrison Street and Thomas Street, for periods of 12 to 20 working days.

Denny Network Phase 2

- Sawcutting/breaking concrete, pavement removal;
- Excavation, duct-bank installation, encasement/backfill, and vault installation;
- Surface restoration

It is anticipated that a given city block would be under construction over an estimated 48 to 60 working day period and several blocks could be active simultaneously. Construction activities would be concentrated at vault areas for periods of 18 working days. Concentration of activity would also occur during rebuilding of intersections, for periods of 18 to 30 working days.

In the application materials submitted for this MPPCV, the applicant identified the closest residential uses 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.

Seattle City Light'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_{max} 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 limits on the use of impact tools, maintaining minimum distances to noise-sensitive receivers or using portable noise barriers, lining haul truck beds, prohibiting the use of compression brakes and tonal backup alarms, using radios for all long-range communication, and requiring the Contractor to use the quietest equipment available based on industry standard practice. (See Table 4-17, Noise Variance Application)

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 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 February 23rd 2015, to take public comment on the variance application. As required by DPD Director's Rule 3-2009, Section D.2, notice of the February 23rd public meeting was published in the Seattle Times more than 21 days prior to the meeting. Notice of the meeting also was published in DPD's Land Use Information Bulletin on January 29th 2015. 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 proposed by the applicant regarding nighttime construction activities were considered only in relation to the noise impacts of the proposed activities.

DPD retained the services of The Greenbusch Group Inc. (Greenbusch) to assist in reviewing and analyzing the variance application. Greenbusch reviewed the MPPCV application and the written public comments, and provided comments and recommendations to DPD.

Seattle City Light is the lead agency for purposes of SEPA compliance. A Final Environmental Impact Statement (FEIS) was issued by Seattle City Light on January 22 , 2015 for the Denny Substation and Denny Network Phase 1. The actions associated with two of the projects proposed in this application (i.e., nighttime project sound levels during the construction phase for the Denny Substation Project and the Denny Network Phase 1 Project) were disclosed and evaluated in the FEIS. The Denny Network Phase 2 Project is SEPA-exempt.

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 Greenbusch and has been determined to be accurate and complete.

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

As noted above, the construction activities planned would generate nighttime noise above the limits specified in the City's Noise Ordinance, and are the subject of the proposed variance. The Technical Noise Analysis developed by BRC Acoustics identified the following construction equipment as likely to be used at night: concrete saw, auger drill, excavator, roller, concrete mixer, mobile crane, dozer, paver, backhoe, haul truck, pavement scarifier, and vacuum truck. The MPPCV application lists the anticipated sound

levels produced by the nighttime equipment that will be used on the site, as well as predicted nighttime project sound levels at nearby residential and commercial receiving sites and the pre-construction ambient sound levels at these sites. The existing nighttime ambient conditions and the predicted project sound levels are described below.

The applicant took measurements of existing ambient sound levels at the sites identified as representative of nighttime noise – sensitive land uses close to each construction area.

The sound levels listed in this section are without additional noise mitigation.

Substation Project

- Street-utility relocation (estimated 40 working days):

Resulting sound levels are shown in Table 4-6.

TABLE 4-6 CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA SUBSTATION PROJECT STREET UTILITY RELOCATION						
Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Coldwell Apartments	65 (76-99)	62 (70-93)	71 (72)	68 (69)	85 (100)	60 (75)
Alley 24 South Tower	66 (65-92)	61 (70-78)	88¹ (93)	85 (88²)	85 (100)	60 (75)
SCCA	66 (72-95)	61 (66-74)	84 (89)	83 (89²)	85 (100)	60 (75)
Brewster Apartments	64 (76-95)	63 (68-82)	91¹ (92)	88 (91²)	85 (100)	60 (75)
Mirabella	67 (76-99)	64 (72-82)	86¹ (92)	84 (89²)	85 (100)	60 (75)
¹ Sound levels without mitigation exceed City of Seattle daytime noise limits.						
² Sound levels without mitigation exceed proposed Variance Noise Limits.						

- Off-site ductbanks (estimated 140 working days):

Resulting sound levels are shown in Table 4-7.

TABLE 4-7 CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA SUBSTATION PROJECT OFF-SITE DUCTBANKS						
Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Coldwell Apartments	65 (76-99)	62 (70-93)	82 (89)	82 (89²)	85 (100)	60 (75)
Alley 24 South Tower	66 (65-92)	61 (70-78)	65 (67)	65 (67)	85 (100)	60 (75)
SCCA	66 (72-95)	61 (66-74)	71 (71)	71 (71)	85 (100)	60 (75)
Brewster Apartments	64 (76-95)	63 (68-82)	76 (83)	76 (83)	85 (100)	60 (75)
Mirabella	67 (76-99)	64 (72-82)	72 (74)	72 (74)	85 (100)	60 (75)
² Sound levels without mitigation exceed the proposed Variance Noise Limits						

- Asphalt paving on City Streets (estimated 80 working days):

Resulting sound levels are shown in Table 4-8.

TABLE 4-8 CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA SUBSTATION PROJECT ASPHALT PAVING ON CITY STREETS						
Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Coldwell Apartments	65 (76-99)	62 (70-93)	69 (70)	69 (70)	85 (100)	60 (75)
Alley 24 South Tower	66 (65-92)	61 (70-78)	85 (88)	85 (88 ²)	85 (100)	60 (75)
SCCA	66 (72-95)	61 (66-74)	84 (87)	84 (87 ²)	85 (100)	60 (75)
Brewster Apartments	64 (76-95)	63 (68-82)	73 (74)	73 (74)	85 (100)	60 (75)
Mirabella	67 (76-99)	64 (72-82)	86 ¹ (87)	86 (87 ²)	85 (100)	60 (75)

¹Sound levels exceed City of Seattle daytime noise limits.
²Sound levels exceed proposed Variance Noise Limits.

- Delivery of Major Equipment (estimated to be completed in 4 - 10 nights)

Resulting sound levels are shown in Table 4-9.

TABLE 4-9 CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA SUBSTATION PROJECT DELIVERY OF MAJOR EQUIPMENT						
Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Coldwell Apartments	65 (76-99)	62 (70-93)	64 (67)	64 (67)	85 (100)	60 (75)
Alley 24 South Tower	66 (65-92)	61 (70-78)	63 (66)	63 (66)	85 (100)	60 (75)
SCCA	66 (72-95)	61 (66-74)	63 (69)	63 (69)	85 (100)	60 (75)
Brewster Apartments	64 (76-95)	63 (68-82)	66 (72)	66 (72)	85 (100)	60 (75)
Mirabella	67 (76-99)	64 (72-82)	61 (68)	61 (68)	85 (100)	60 (75)

The calculated sound levels from most construction activities in the Denny Substation Project exceed the City of Seattle nighttime noise limits. In the worst case of street utility relocation, asphalt paving, and installation of off-site ductbanks in the immediate vicinity of nearby receivers, the exceedances are up to 28 dBA (Leq) and 16 dBA (Lmax) without mitigation. The primary sources of the nighttime exceedances are concrete saw-cutter, milling-machine, dump-truck, and concrete-mixer operations when equipment is located within 25 feet of nearby buildings. Noise mitigation measures are listed in Section 4.2.

Denny Network Phase 1 and Phase 2

Duct-bank construction for the Denny Network Projects consists of three main tasks:

- Task 1 – Sawcutting/breaking concrete, pavement removal;
- Task 2 – Excavation, duct-bank installation, encasement/backfill, and vault installation;
- Task 3 – Surface restoration.

In the Denny Network Phase-1 area, it is anticipated that a given city block would be under construction over an estimated 40 working day period and several blocks could be active simultaneously. Construction activities would be concentrated at vault areas for periods of 18 working days. Concentrations of activity would also occur during rebuilding of intersections, for periods of 15 working days, and at track crossings on Terry Ave. N. at Harrison and Thomas Streets, for periods of 12 to 20 working days.

In the Denny Network Phase-2 area, it is anticipated that a given city block would be under construction over an estimated 48 to 60 working day period and several blocks could be active simultaneously. Construction activities would be concentrated at vault areas for periods of 18 to 30 working days.

Predicted sound levels from daytime and nighttime activities in the Denny Network Phase-1 area are listed in Tables 4-10 to 4-12.

Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Alcyone Apartments	63 (69-99) ¹	54 (59-79) ¹	84 (86)	82 (86 ³)	85 (100)	60 (75)
Alley 24 North Tower	66 (65-92) ¹	61 (70-78) ¹	84 (88)	82 (83 ⁴)	85 (100)	60 (75)
AMLI Apartments	59 (65-88) ¹	56 (61-73) ¹	86 ² (87)	85 (86 ^{3,4})	85 (100)	60 (75)
215 Pontius Ave. Apts.	66 (72-95) ¹	61 (66-74) ¹	77 (81)	74 (75)	85 (100)	60 (75)
219 Pontius Ave. Apts.	66 (72-95) ¹	61 (66-74) ¹	89 ^{2,4} (96)	83 (85 ⁴)	85 (100)	60 (75)
502 Minor Ave. Apts.	63 (70-93) ¹	60 (62-79) ¹	84 (85)	83 (84)	85 (100)	60 (75)
Casa Pacifica Apts.	63 (70-93)	60 (62-79)	90 ² (93)	89 (90 ³)	85 (100)	60 (75)
Cascade Housing Apts.	63 (70-93) ¹	60 (62-79) ¹	78 (81)	75 (76)	85 (100)	60 (75)
Cascade Playground	63 (69-99)	54 (59-79)	73 (74)	72 (73)	85 (100)	60 (75)
Daycare	66 (72-95) ¹	61 (66-74) ¹	74 (75)	73 (74)	85 (100)	60 (75)
Lakeview Apts.	63 (70-93) ¹	60 (62-79) ¹	88 ^{2,4} (89)	87 (88 ^{3,4})	85 (100)	60 (75)
Stack House Apts.	59 (65-88)	56 (61-73)	89 ^{2,4} (91)	87 (91 ^{3,4})	85 (100)	60 (75)
Veer Lofts Condo	--	--	84 ⁴ (85)	83 (85 ⁴)	85 (100)	60 (75)

¹Extrapolated from measured ambient levels at the nearest property.
²Sound levels without mitigation exceed City of Seattle daytime noise limits.
³Sound levels without mitigation exceed proposed Variance Noise Limits.
⁴Vacuum Truck without mitigation exceeds limit for sources with pure-tone component (80 dBA).

TABLE 4-11
CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA
DENNY NETWORK PHASE 1
TASK 2 – EXCAVATION, DUCT-BANK INSTALLATION

Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Alcyone Apartments	63 (69-99) ¹	54 (59-79) ¹	82 (83)	81 (82)	85 (100)	60 (75)
Alley 24 North Tower	66 (65-92) ¹	61 (70-78) ¹	81 (82)	80 (81)	85 (100)	60 (75)
AMLI Apartments	59 (65-88) ¹	56 (61-73) ¹	84 (85)	84 (85)	85 (100)	60 (75)
215 Pontius Ave. Apts.	66 (72-95) ¹	61 (66-74) ¹	65 (66)	65 (66)	85 (100)	60 (75)
219 Pontius Ave. Apts.	66 (72-95) ¹	61 (66-74) ¹	79 (80)	78 (79)	85 (100)	60 (75)
502 Minor Ave. Apts.	63 (70-93) ¹	60 (62-79) ¹	83 (84)	82 (83)	85 (100)	60 (75)
Casa Pacifica Apts.	63 (70-93)	60 (62-79)	90² (91)	90 (91³)	85 (100)	60 (75)
Cascade Housing Apts.	63 (70-93) ¹	60 (62-79) ¹	78 (79)	78 (79)	85 (100)	60 (75)
Cascade Playground	63 (69-99)	54 (59-79)	72 (73)	71 (72)	85 (100)	60 (75)
Daycare	66 (72-95) ¹	61 (66-74) ¹	74 (75)	73 (74)	85 (100)	60 (75)
Lakeview Apts.	63 (70-93) ¹	60 (62-79) ¹	85 (86)	85 (86³)	85 (100)	60 (75)
Stack House Apts.	59 (65-88)	56 (61-73)	87² (88)	87 (88³)	85 (100)	60 (75)
Veer Lofts Condo	--	--	80 (81)	80 (81)	85 (100)	60 (75)

¹Extrapolated from measured ambient levels at the nearest property.

²Sound levels without mitigation exceed City of Seattle daytime noise limits.

³Sound levels without mitigation exceed proposed Variance Noise Limits.

TABLE 4-12
CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA
DENNY NETWORK PHASE 1
TASK 3 – SURFACE RESTORATION

Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Alcyone Apartments	63 (69-99) ¹	54 (59-79) ¹	81 (82)	81 (82)	85 (100)	60 (75)
Alley 24 North Tower	66 (65-92) ¹	61 (70-78) ¹	81 (82)	81 (82)	85 (100)	60 (75)
AMLI Apartments	59 (65-88) ¹	56 (61-73) ¹	84 (85)	84 (85)	85 (100)	60 (75)
215 Pontius Ave. Apts.	66 (72-95) ¹	61 (66-74) ¹	64 (65)	64 (65)	85 (100)	60 (75)
219 Pontius Ave. Apts.	66 (72-95) ¹	61 (66-74) ¹	78 (79)	78 (79)	85 (100)	60 (75)
502 Minor Ave. Apts.	63 (70-93) ¹	60 (62-79) ¹	83 (84)	83 (84)	85 (100)	60 (75)
Casa Pacifica Apts.	63 (70-93)	60 (62-79)	88² (90)	88 (90³)	85 (100)	60 (75)
Cascade Housing Apts.	63 (70-93) ¹	60 (62-79) ¹	78 (79)	78 (79)	85 (100)	60 (75)
Cascade Playground	63 (69-99)	54 (59-79)	73 (74)	73 (74)	85 (100)	60 (75)
Daycare	66 (72-95) ¹	61 (66-74) ¹	73 (74)	73 (74)	85 (100)	60 (75)
Lakeview Apts.	63 (70-93) ¹	60 (62-79) ¹	85 (86)	85 (86³)	85 (100)	60 (75)
Stack House Apts.	59 (65-88)	56 (61-73)	88² (89)	88 (89³)	85 (100)	60 (75)
Veer Lofts Condo	--	--	79 (81)	79 (81)	85 (100)	60 (75)

¹Extrapolated from measured ambient levels at the nearest property.

²Sound levels without mitigation exceed City of Seattle daytime noise limits.

³Sound levels without mitigation exceed proposed Variance Noise Limits.

The calculated sound levels from most construction activities exceed the City of Seattle nighttime noise limits. In the worst case of equipment located in the immediate vicinity of the AMLI, Casa Pacifica, Lakeview, Alcyone, and Stack House Apartments, the exceedances are up to 30 dBA (Leq) and 16 dBA (Lmax) without mitigation. The noise sources primarily responsible for the nighttime

Lmax exceedances are the concrete saw cutter and milling machine in Task 1, crane, dump trucks, mixer, and excavator in Task 2, and dump truck, roller, paver, and concrete mixer in Task 3, when located within 25 feet of affected buildings. Noise mitigation measures are listed in Section 4.2.

Predicted sound levels from daytime and nighttime activities in the Denny Network Phase-2 areas are listed in Tables 4-13 to 4-15.

TABLE 4-13 CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA DENNY NETWORK PHASE 2 TASK 1 – SAWCUTTING, PAVEMENT REMOVAL						
Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Cosmopolitan Condo	65 (67-98)	65 (71-88)	84 (85)	83 (85 ⁵)	85 (100)	60 (75)
Via ⁶ Apartments	70 (74-101)	56 (66-84)	89² (92)	86 (92³)	85 (100)	630 (75)
Balfour Apartments	65 (71-101) ¹	62 (66-97) ¹	84 (87)	81 (82)	85 (100)	60 (75)
Aspira Apartments	69 (75-104)	66 (70-97)	81 (85)	80 (85)	85 (100)	60 (75)
Harbor House	65 (71-101)	62 (66-97)	82 (85)	79 (82)	85 (100)	60 (75)
Stewart Court	64 (73-98)	59 (69-95)	81 (83)	79 (80)	85 (100)	60 (75)
Hotel Max	64 (73-98) ¹	59 (69-95) ¹	81 (83)	80 (83 ⁵)	85 (100)	60 (75)
Metropolitan Towers ⁴	70 (74-97)	59 (68-83)	79 (80)	77 (78)	85 (100)	60 (75)
Westin Hotel North Tower	70 (74-101) ¹	56 (66-84) ¹	77 (79)	75 (76)	85 (100)	60 (75)
Westin Hotel South Tower	70 (74-101) ¹	56 (66-84) ¹	71 (72)	69 (70)	85 (100)	60 (75)
Julie Apartments	65 (67-98) ¹	65 (71-88) ¹	78 (81)	75 (76)	85 (100)	60 (75)
Larned Apartments	70 (74-101) ¹	56 (66-84) ¹	89² (93)	87 (93^{3,5})	85 (100)	60 (75)
Westlake Hotel	70 (74-101) ¹	56 (66-84) ¹	86² (90)	83 (90³)	85 (100)	60 (75)
¹ Extrapolated from measured ambient levels at the nearest property. ² Sound levels without mitigation exceed City of Seattle daytime noise limits. ³ Sound levels without mitigation exceed proposed Variance Noise Limits. ⁴ Monitored on weekdays only. ⁵ Vacuum Truck exceeds limit for sources with pure-tone component (80 dBA).						

**TABLE 4-14
CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA
DENNY NETWORK PHASE 2
TASK 2 – EXCAVATION, DUCT-BANK INSTALLATION**

Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Cosmopolitan Condo	65 (67-98)	65 (71-88)	82 (84)	82 (84)	85 (100)	60 (75)
Via ⁶ Apartments	70 (74-101)	56 (66-84)	89² (90)	89 (90³)	85 (100)	60 (75)
Balfour Apartments	65 (71-101) ¹	62 (66-97) ¹	83 (84)	83 (84)	85 (100)	60 (75)
Williamsburg Apts.	69 (75-104) ¹	66 (70-97) ¹	82 (83)	82 (83)	85 (100)	60 (75)
Harbor House	65 (71-101)	62 (66-97)	83 (84)	83 (84)	85 (100)	60 (75)
Stewart Court	64 (73-98)	59 (69-95)	79 (80)	78 (80)	85 (100)	60 (75)
Hotel Max	64 (73-98) ¹	59 (69-95) ¹	80 (82)	80 (82)	85 (100)	60 (75)
Metropolitan Towers ⁴	70 (74-97)	59 (68-83)	78 (79)	77 (78)	85 (100)	60 (75)
Westin Hotel North Tower	70 (74-101) ¹	56 (66-84) ¹	76 (77)	76 (77)	85 (100)	60 (75)
Westin Hotel South Tower	70 (74-101) ¹	56 (66-84) ¹	70 (71)	69 (70)	85 (100)	60 (75)
Julie Apartments	65 (67-98) ¹	65 (71-88) ¹	77 (78)	77 (78)	85 (100)	60 (75)
Larned Apartments	70 (74-101) ¹	56 (66-84) ¹	88² (89)	87 (88³)	85 (100)	60 (75)
Westlake Hotel	70 (74-101) ¹	56 (66-84) ¹	85 (89)	85 (89³)	85 (100)	60 (75)

¹Extrapolated from measured ambient levels at the nearest property.

²Sound levels without mitigation exceed City of Seattle daytime noise limits.

³Sound levels without mitigation exceed proposed Variance Noise Limits.

⁴Monitored on weekdays only

**TABLE 4-15
CALCULATED SOUND LEVELS, HOURLY Leq (Lmax), dBA
DENNY NETWORK PHASE 2
TASK 3 – SURFACE RESTORATION**

Receiver Property	Existing Ambient		Calculated		SMC Noise Limit	
	Day	Late Night	Day	Night	Day	Night
Cosmopolitan Condo	65 (67-98)	65 (71-88)	81 (84)	81 (84)	85 (100)	60 (75)
Via ⁶ Apartments	70 (74-101)	56 (66-84)	85 (87)	85 (87³)	85 (100)	60 (75)
Balfour Apartments	65 (71-101) ¹	62 (66-97) ¹	83 (84)	83 (84)	85 (100)	60 (75)
Aspira Apartments	69 (75-104)	66 (70-97)	80 (84)	80 (84)	85 (100)	60 (75)
Harbor House	65 (71-101)	62 (66-97)	83 (84)	83 (84)	85 (100)	60 (75)
Stewart Court	64 (73-98)	59 (69-95)	77 (78)	77 (78)	85 (100)	60 (75)
Hotel Max	64 (73-98) ¹	59 (69-95) ¹	77 (78)	77 (78)	85 (100)	60 (75)
Metropolitan Towers ⁴	70 (74-97)	59 (68-83)	78 (79)	78 (79)	85 (100)	60 (75)
Westin Hotel North Tower	70 (74-101) ¹	56 (66-84) ¹	76 (77)	76 (77)	85 (100)	60 (75)
Westin Hotel South Tower	70 (74-101) ¹	56 (66-84) ¹	70 (71)	70 (71)	85 (100)	60 (75)
Julie Apartments	65 (67-98) ¹	65 (71-88) ¹	76 (77)	76 (77)	85 (100)	60 (75)
Larned Apartments	70 (74-101) ¹	56 (66-84) ¹	85 (90)	85 (90³)	85 (100)	60 (75)
Westlake Hotel	70 (74-101) ¹	56 (66-84) ¹	82 (87)	82 (87³)	85 (100)	60 (75)

¹Extrapolated from measured ambient levels at the nearest property.

²Sound levels without mitigation exceed City of Seattle daytime noise limits.

³Sound levels without mitigation exceed proposed Variance Noise Limits.

⁴Monitored on weekdays only

The calculated sound levels from most construction activities exceed the City of Seattle nighttime noise limits. In the worst case of equipment located in the immediate vicinity of the Via6, Larned Apartments and the Westlake Hotel, the exceedances are up to 29 dBA (Leq) and 18 dBA (Lmax)

without mitigation. The noise sources primarily responsible for the nighttime Lmax exceedances are the concrete saw cutter in Task 1, excavator, mixer, and crane in Task 2, and concrete mixer and roller in Task 3, when located within 30 feet of affected buildings. Noise mitigation measures are listed in Section 4.2.

Exterior Sound Level Limits Proposed for the Variance

The proposed Noise Variance limits are expressed as hourly Lmax. The proposed criteria for Noise Monitoring and Compliance Tracking, presented in Sections 5.0 and 6.0, apply the proposed noise-limit values to the measured hourly L1. The rationale for selecting the descriptors for the Variance Application is explained in detail in the project NMMP prepared by BRC Acoustics.

Table 4-16 shows the proposed limits on the Lmax from nighttime construction activities within the scope of the MPPCNV. The table also shows the range of existing Lmax sound levels measured in the project areas, and nighttime noise limits applicable to the hourly Lmax in the absence of a MPPCNV.

TABLE 4-16			
PROPOSED NIGHTTIME VARIANCE SOUND-LEVEL LIMITS			
Lmax, Fast (dBA)			
Project	Existing Baseline Late-Night	City of Seattle Nighttime Noise Limits	Proposed Variance Noise Limits
Substation	66-93	75	85
Denny Network Phase 1	59-79	75	85
Denny Network Phase 2	66-88	75	85

The proposed limits fall within the range of Lmax sound levels measured during the quietest hours of midnight to 5 a.m. in the Substation and Denny Network Phase-2 areas, and exceed the sound levels during the quietest hours by up to 6 dBA in the Denny Network Phase-1 area.

The sound-level limits shown in Table 4-16 apply at the nearest affected property lines or the worst-case façade point of affected buildings, whichever *sound level* is greater. During several construction scenarios, the point of compliance may be closer than 50 feet to the nearest construction noise source.

The Variance noise limits presented in Table 4-16 are proposed for non-impact construction equipment only. The permitted exceedances for impact-type equipment listed in Section 4.1.1 of this Application (SMC 25.08.425) pertain to the hours of 8 a.m. to 5 p.m. on weekdays and 9 a.m. to 5 p.m. on weekends. No nighttime use of impact-type equipment is proposed for construction of the Denny Substation Program. Furthermore, the provisions of the MPPCNV do not apply to daytime activities, which are expected to meet City of Seattle daytime noise limits with the mitigation measures described in Section 4.2.

On previous Major Public Projects covered by noise variances, DPD extended the allowable hours for impact-type equipment to 7 a.m. to 10 p.m. on weekdays and 9 a.m. to 10 p.m. on weekends, in the interest of reducing the number of days when impact equipment must be used. The noise-mitigation

measures pertaining to impact noise in Section 4.2 of this Plan were written under the assumption that impact-type equipment would be allowed on the project between 5 p.m. and 10 p.m., subject to the provisions of SMC 25.08.425C. However, SEPA analysis of impacts found that impact noise after 7:00 PM would be a probable significant adverse impact, and City Light committed to no use of impact equipment after 7:00 PM on the Denny Substation and Denny Network Phase 1 projects.

The calculated nighttime Lmax sound levels for the Substation Project, shown in Tables 4-6 to 4-9, are below the Variance noise limit to 85 dBA in most cases. Exceptions occur during shoring of the electrical vault in the alley immediately east of the site, near the Coldwell Apartments, during Street Utility Relocation and Asphalt Paving activities near the Alley 24 South Tower, SCCA Building, and Mirabella, and during Street Utility Relocation near the Brewster Apartments. The primary sources of the nighttime exceedances are concrete saw-cutter, milling-machine, dump-truck, and concrete-mixer operations when equipment is located within 25 feet of nearby buildings. During these instances, the Lmax at the lower floors of the affected buildings is expected to exceed the Variance noise limits by up to 6 dBA in the absence of noise mitigation. Noise mitigation measures for these scenarios are listed below under item 3 of the Decision and Order section and consist of maintaining minimum distances to noise-sensitive receivers or using portable noise barriers, as well as broadband back-up alarms and critical-grade engine mufflers. It is expected that, with mitigation, the Lmax will be in compliance with the Variance noise limits.

Calculated exterior Lmax sound levels from nighttime construction activities on the Denny Network Phase-1 Project (Tables 4-10 to 4-12) generally meet the proposed Variance noise limit of 85 dBA, with the exception of sound levels at Alcyone and AMLI Apartments during Task 1 and at Casa Pacifica, Lakeview, and Stack House Apartments during all three Tasks. The noise sources primarily responsible for the nighttime Lmax exceedances are the concrete saw cutter and milling machine in Task 1, crane, dump trucks, mixer, and excavator in Task 2, and dump truck, roller, paver, and concrete mixer in Task 3, when located within 25 feet of affected buildings. During these instances, the Lmax at the lower floors of the affected buildings is expected to exceed the Variance noise limits by up to 6 dBA in the absence of noise mitigation. Vacuum trucks are expected to exceed the noise limit for sources with a pure-tone component (80 dBA) when located within 25 feet of affected buildings. The highest sound levels are expected at the first- to third-story windows of the apartment buildings. Noise-mitigation measures for these construction scenarios are proposed below under item 3 of the Decision and Order section and consist of maintaining minimum distances to noise-sensitive receivers or using portable noise barriers, as well as broadband back-up alarms and critical-grade engine mufflers.

Calculated exterior Lmax sound levels from nighttime construction activities in the Denny Network Phase-2 Project (Tables 4-13 to 4-15) generally meet the proposed Variance noise limit of 85 dBA, with the exception of Via⁶ and Larned Apartments and the Westlake Hotel during all three Tasks. The noise sources primarily responsible for the nighttime Lmax exceedances are the concrete saw cutter in Task 1, excavator, mixer, and crane in Task 2, and concrete mixer and roller in Task 3, when located within 30 feet of affected buildings. Vacuum trucks are expected to exceed the noise limit for sources with a pure-tone component (80 dBA) when located within 40 feet of affected buildings. The highest sound levels are expected at the first- to third-story windows of the apartment buildings. Noise-mitigation measures for these construction scenarios are proposed in Section 4.2 and consist of

maintaining minimum distances to noise-sensitive receivers or using portable noise barriers, as well as broadband back-up alarms and critical-grade engine mufflers.

The building-exposure results presented in Tables 4-6 to 4-15 are at the worst-case points of building façades for each of the buildings near construction activities.

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

Seattle City Light is requesting a variance for 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.

Tasks that may require nighttime operation are listed below.

Substation

- Street-utility relocation (estimated 40 working days);
- Off-site duct banks (estimated 140 working days);
- Asphalt paving on City streets (estimated 80 working days);
- Delivery of Major Equipment (estimated to be completed in over 4-10 night(s)).

The work currently is expected to begin late 2015/early 2016.

Denny Network Phase 1

- Sawcutting/breaking concrete, pavement removal;
- Excavation, duct-bank installation, encasement/backfill, and vault installation;
- Surface restoration.

It is anticipated that a given city block would be under construction over an estimated 40 working day period and several blocks could be active simultaneously. Construction activities would be concentrated at vault areas for periods of 18 working days. Concentrations of activity would also occur during rebuilding of intersections, for periods of 15 working days, and at track crossings on Terry Ave. N. at Harrison and Thomas Streets, for periods of 12 to 20 working days. The work currently is expected to begin in mid-2015.

Denny Network Phase 2

- Sawcutting/breaking concrete, pavement removal;
- Excavation, duct-bank installation, encasement/backfill, and vault installation;
- Surface restoration.

It is anticipated that a given city block would be under construction over an estimated 48 to 60 working day period and several blocks could be active simultaneously. Construction activities would be concentrated at vault areas for periods of 18 to 30 working days.

The variance application covers 48 months to account for unanticipated delays. The work currently is expected to begin in mid-2015. As required by SMC 25.08.665 D, the MPPCV will be subject to review by DPD following 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.

Substation

The topography of the project site is relatively flat, with a slope of approximately 12 feet downward from southeast to northwest. Land use in the neighborhood around the site is a mix of multifamily residential, mixed-use residential, retail, office, institutional uses, religious facilities, and parking lots. The site and adjacent parcels to the east and west are zoned SM 240/125-400. North of the site is also zoned SM; due north of the site, across John Street, the zoning is SM/R 55/75. South of the site, across Denny Way, the zoning is DMC 240/290-400. The following (mostly high-density residential) uses are found around and adjacent to the site:

LAND USES/POPULATION DENSITY IN SUBSTATION AREA		
Location	Address	Zoning
Plymouth Housing David Coldwell Apartments	111 Yale Ave. N.	SM-125
Alley 24 South Tower1	224 Pontius Ave. N.	SM/R 55/75
Seattle Cancer Care Alliance (SCCA) House	207 Pontius Ave. N.	SM/R 55/75
Brewster Apartments	133 Pontius Ave. N.	SM-125
Mirabella Seattle	116 Fairview Ave North	SM-125

Denny Network Phase 1

The topography of the project area slopes generally downward to the northwest, with specific slope varying by block. Some streets and blocks are relatively flat; some have slopes of up to approximately 15%. Surrounding properties are zoned SM (Seattle Mixed) and SM/R (Seattle Mixed Residential).

LAND USES/POPULATION DENSITY AROUND DENNY NETWORK PHASE-1 AREA		
Location	Address	Zoning
Alcyone Apartments	301 Minor Ave. N.	SM/R 55/85
Alley 24 North Building	224 Pontius Ave. N.	SM/R 55/75
AMLI Apts.	535 Pontius Ave. N.	SM/R 55/85
502 Minor Apartment & Store	502 Minor Ave. N.	SM/R 55/85
215 Pontius Apartments	215 Pontius Ave. N.	SM/R 55/85
219 Pontius Apartments	219 Pontius Ave. N.	SM/R 55/85
Casa Pacifica Apts.	1167 Republican St.	SM/R 55/85
Cascade Apartments (Cascade Supportive Housing)	424 Minor Ave. N.	SM/R 55/85
Day Care	214 Minor Ave. N.	SM/R 55/85
Lakeview Apts.	1170 Harrison St.	SM/R 55/85
Stack House Apartments	420 Pontius Ave. N.	SM/R 55/85
Veer Lofts Condominium	401 9 th Avenue N.	SM 160/85-240

Denny Network Phase 2

The topography of this project area is relatively flat. Surrounding properties are zoned DMC (Downtown Mixed Commercial) or DOC (Downtown Office Core).

LAND USES/POPULATION DENSITY AROUND DENNY AROUND DENNY NETWORK PHASE-2 AREA		
Location	Address	Zoning
Metropolitan Towers	1942 Westlake Ave.	DOC2 500/300-500
Cosmopolitan Condominium	819 Virginia St.	DMC 240/290-400
Via ^o Apts.	2105 6 th Ave.	DOC2 500/300-500
Balfour Apts.	1820 Minor Ave.	DMC 240/290-400
Aspira Apts.	1823 Terry Avenue	DMC 340/290-400
Williamsburg Apts.	1007 Stewart St.	DMC 340/290-400
Harbor House	1930 Boren Ave.	DMC 240/290-400
Stewart Court Apts.	1831 8 th Ave.	DOC 2 500/300-500
Hotel Max	620 Stewart St.	DOC 2 500/300-500
Westin Hotel (North and South Towers)	1900 5 th Ave.	DOC 2 500/300-500
Julie Apartments	1932 9 th Ave.	DMC 340/290-400
Westlake Hotel	2008 Westlake Ave.	DOC 2 500/300-500
Larned Apts.	2030 7 th Ave.	DOC 2 500/300-500

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 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 allow excavation and the installation of ductbanks in the safest practical manner and minimize surface settlements and potential resulting damage to the built environment. Continuous excavation, duct-bank installation, encasement/backfill, vault installation and surface restoration would permit earlier completion of the proposed project and 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.

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 in section 4.0 of the application, including lining haul truck beds, prohibiting the use of compression brakes and tonal backup alarms, using radios for all long-range communication, and requiring the Contractor to use the quietest equipment available based on industry standard practice, are expected to substantially reduce impacts to these and other affected properties. The noise reduction provided by the portable noise barriers will reduce off-site noise impacts during the day as well as at night.

The interests of the general public also will be served by the earlier completion of this 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. Seattle City Light will comply with DR 3-2009 by providing an Independent Noise Monitor who is independent from Seattle City Light. 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, Greenbusch, concurs that the applicant's proposed mitigation described in the MPPCV application, will be effective in reducing project sound levels such that impacts to the surrounding 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. Nighttime work for the street-utility relocation, duct bank installation, and street paving would avoid potential vehicle/pedestrian impacts. Nighttime work would allow construction of the substation and network in the safest way practical and minimize potential resulting damage to the built environment. Limiting nighttime work would extend the project duration, increasing traffic, dust, and noise impacts. With regard to subsection 2, the applicant has demonstrated that delay in construction of the Denny Substation and Network would increase costs 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 Seattle City Light to comply with the nighttime noise limits in SMC 25.08.410 and 420 would be unreasonable in light of the increased risks to public safety related to transportation disruptions that would result from not allowing nighttime construction at the Denny Substation and along the Denny Network Phase 1 and Denny Network Phase 2. The delay and increased cost that would result from compliance with SMC 25.08.410 and 420 would render the construction project functionally unreasonable.
4. Practical known and available mitigation measures for reducing the nighttime project sound levels and their effects on nearby uses 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, 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, 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 application submitted, 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 note above of this Analysis and Decision. These sound level limits are intended to ensure that nighttime project sound levels will not exceed the Code limit at identified receiving sites by more than 10 dBA (Lmax). These limits will apply 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. As noted in Section 4.1.4. of the July 14, 2014 report, Seattle City Light shall require the Contractor to follow noise mitigation measures included in Section 1-07.5(4) of the project Bid Documents.
 - The Contractor shall take all reasonable measures for the suppression of noise resulting from work operations, mobile engine-driven cranes, excavators, and similar material-handling equipment.
 - On the Denny Substation and Denny Network Phase 1 projects and in keeping with the findings of the EIS, impact tools such as hoe rams and jackhammers can be used during the hours of 8 a.m. to 7 p.m. on weekdays and 9 a.m. to 7 p.m. on weekends and Holidays, subject to the limits of SMC 25.08.425. On the Denny Network Phase 2 project, impact tools such as hoe rams and jackhammers can be used during the hours of 8 a.m. to 10 p.m. on weekdays and 9 a.m. to 10 p.m. on weekends and Holidays, subject to the limits of SMC 25.08.425. The practice of shaking the auger drill bit to remove stuck-on debris also falls into this category of impact tools.
 - The Contractor shall notify Seattle City Light's community-outreach staff 10 days in advance of initiating new phases of construction work that will generate noise at high levels and prior to work that will occur during nighttime hours when a noise variance is in effect.

The following measures apply to nighttime construction work:

- All trucks performing export hauls between the hours of 10 p.m. and 7 a.m. Monday through Friday and 10 p.m. to 9 a.m. on Saturday and Sunday shall be lined with sound deadening material or maintain a one-foot layer of soil in the truck bed upon return, in order to mitigate the sound of material impacting the empty metal truck bed.
- All backup warning devices shall be the ambient-sensitive, broadband type, or the Contractor may use a backup observer in lieu of backup warning devices as allowed by WAC 96-155-610 (2)(e).
- Compression brakes shall not be used on site.
- Equipment shall not idle unused for longer than 5 minutes.
- Diesel engines operating between the hours of 10 p.m. and 7 a.m. Monday through Friday and 10 p.m. to 9 a.m. on Saturday and Sunday shall be equipped with exhaust and air-intake silencers designated for the maximum degree of silencing. The type of silencer required is that for use in critical noise problem locations such as high-density residential, hotel, and hospital areas.
- Lighting and other stationary equipment such as generators, air compressors, or any other similar equipment used for nighttime work shall be directed away from residences, and shall be shielded.
- Generators and compressors can be used between the hours of 10 p.m. and 7 a.m. Monday through Friday and between the hours of 10 p.m. and 9 a.m. Saturday and Sunday, provided approved mitigation shields are used during these hours of work.
- Radios shall be used for all long-range communication during the contract.
- Exercise care in lowering and placing steel plates, steel shoring piles, and other large steel objects onto the pavement. Avoid dropping objects onto hard surfaces.
- Any material or debris that spills on the pavement shall be removed by hand or by sweeping. The contractor shall employ no scraping-type equipment or activity to clean pavement surfaces.
- Moveable local noise barriers will be required to mitigate noise levels from some equipment operating within 30 or 40 feet of sensitive receivers (residential uses in commercial zones) during nighttime work and some daytime work in commercial areas to meet interior noise-level requirements for commercial districts set forth in SMC 25.08.425C. The specific situations in which barriers are required are listed in Table 4-17.

4. Public notification and communication will occur as described in the NMMP dated February 11th 2015.

5. 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 Control 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. Periodic noise monitoring will occur consistent with Director's Rule 3-2009. Specifically, monitoring for this project will occur as described in the Variance Application and the accompanying Noise Management & Mitigation Plan.
6. 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.
7. 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.
8. This variance shall expire forty-eight (48) months from the commencement of nighttime construction.
9. 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.
10. 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 28th of May, 2015

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 the last day of the appeal period and be accompanied by the filing fee, see <http://www.seattle.gov/examiner/contact.htm>