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

Application Number:	3018300 & 3018878
Applicant Name:	Gayle Zeller for Central Puget Sound Regional Transit Authority ("Sound Transit")
Address of Proposal:	1000 NE 45th Street 1050 NE 45th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow temporary construction staging areas for Sound Transit Link Light Rail. Review includes 6,200 cu. yds. of grading (3,100 cu. yds. of cut and 3,100 cu. yds. of fill); soil remediation; removing underground storage tanks; and demolishing an existing building (3,400 sq. ft. office and awning). A 5,760 sq. ft. temporary office trailer and 26 parking spaces will be installed. Central Link Final Environmental Impact Statement (FEIS) (November 1999) and the North Link Final Supplemental Environmental Impact Statement (FSEIS) (April 2006) prepared by Sound Transit.

This analysis and decision cover two related applications:

- MUP #3018300 (1000 NE 45th Street); and
- MUP #3018878 (1050 NE 45th Street).

The following approvals are required:

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

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

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

[ ] DNS with conditions

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

BACKGROUND DATA

Site Location and Zoning

The project sites are located in the University District neighborhood on the north side of NE 45th Street between Roosevelt Way and 11th Avenue NE. Both of the staging areas are zoned Neighborhood Commercial 3 with an 85-foot height limit (NC3-85) within the University District Urban Center Village.

Existing Site Conditions

The site includes two separate parcels, divided by an alley. The western parcel (1000 NE 45th Street) is bounded by Roosevelt Way NE to the west, NE 45th Street to the south, the alley to the east, and private development to the north. The eastern parcel (1050 NE 45th Street) is bounded by the alley to the west, NE 45th Street to the south, 11th Avenue to the east, and private development to the north. The western parcel includes a building and awning, previously used as a drive-through bank, which has been vacant for several years. The eastern parcel currently is used as a parking lot for approximately 11 vehicles. Together, the two sites slope gradually from northwest to southeast, with a grade change of roughly 8-10 feet across the two sites. Neither site contains mapped or observed environmentally critical areas.

Prior to the drive-through bank facility, a gas station was located on the western parcel. A laundry that may have included dry cleaning was located on the eastern parcel. Based on these two former uses, Sound Transit considered it highly likely that the sites contain underground storage tanks and associated contaminated soils that need to be removed. A Phase II Environmental Site Assessment covering both parcels was submitted as part of the MUP application.

Development and Zoning in the Vicinity

The NC3-85 zoning extends generally to the north, south, and east of the sites. Southwest of the sites, the zoning changes to Commercial 1 with a 65-foot height limit (C1-65). Nearby land uses include a variety of retail, office, and multifamily residential developments and parking in surface lots and structures.

Description of Proposal

The proposed construction staging areas are a component of Sound Transit's Northgate Link Extension Light Rail project. Sound Transit proposes to allow construction contractors to utilize the two sites for staging and support for the U District Station currently under construction at 4300 Brooklyn Avenue NE, approximately two blocks away, and other construction activities

* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November of 1999. North Link Final Supplemental Environmental Impact Statement issued April 2006.

supporting the Northgate Link Extension Light Rail project. Activities that can be expected to occur within the construction staging areas may include, but are not limited to, the following:

- Demolition of existing structures
- Grading and/or fill
- Utility capping and relocations
- Installation of gravel or paved surfaces
- Delivery and storage of construction materials and equipment
- Access, egress, parking and storage of various types and sizes of vehicles
- Temporary construction contractor trailers/offices
- Final site restoration and landscaping

After the existing structures are demolished, a security chain link fence will be installed around the perimeter of the site. A temporary office trailer will be installed on the west site (1000 NE 45th Street), and existing curb cuts on Roosevelt Way NE and 11th Avenue NE will be utilized for ingress and egress. Upon completion of the U District station, the temporary construction area will be restored.

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

Public Comments

The public comment period ended June 18, 2008. The Department received two written comments on the temporary staging area proposals; one noted the need for continuing public use of the alley between the properties, and the other expressed concern over potential nighttime noise from these construction activities.

ANALYSIS – TEMPORARY USE PERMIT

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

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

The City Council adopted Resolution No. 30993, approving the alignment, station locations and maintenance base location for the Central Link project. On September 24, 2007, the City Council passed Ordinance No. 122504 authorizing the Director of SDOT to execute an amendment to the "Agreement Between the City of Seattle and Sound Transit for Grant of Non-Exclusive Use of a Light Rail Transit Way as Related to the Central Link Light Rail Transit Project". Minor revisions were approved by the City Council under Resolution No. 31465 and Ordinance 124289 on September 16, 2013.

2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the MUP.

The proposed staging areas will exist on the two sites until the completion of the U District Station and operation of Northgate Link Extension light rail service, anticipated in 2021.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:

This MUP application contains plans showing the general location and establishment of the temporary construction uses and facilities at the subject sites. The types of construction activities and equipment expected to be utilized at each site are listed in the Description of Proposal, above. Although the contractor will determine the specific layouts of each construction staging area, the types of construction activities and equipment are expected to be consistent with those described above.

Surrounding land uses include a mix of retail, office, and multifamily residential uses. Potential short term construction-related impacts and proposed mitigation measures specifically related to this project are discussed in the North Link FSEIS. Per the Record of Decision (ROD) issued by the Federal Transportation Administration in June 2006, Sound Transit is committed to ongoing outreach and assistance, and coordination of contractor activities, to accommodate needs of people and businesses within the vicinity of the construction area.

a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Grading Code (SMC Chapter 22.170) and the Stormwater Code (SMC Chapters 22.800 through 22.808).

All daytime construction activities (7:00 a.m. to 10:00 p.m. Mondays through Fridays and 9:00 a.m. to 10:00 p.m. on weekends and legal holidays) are expected to comply with daytime sound level limits specified in Seattle's Noise Control Ordinance (SMC 25.08). The North Link FEIS concluded that, with mitigation, construction during the day would not exceed the noise levels in the Noise Control Ordinance. Nighttime construction activities are not anticipated at this site. Noise mitigation measures may include, but are not limited to, noise walls, low-noise emission equipment, acoustic shields or shrouds for equipment, and lined or covered storage bins, conveyors, and chutes with sound deadening material.

Pursuant to the ROD, with regard to drainage, the Contractor will be required to comply with applicable Federal, State, and local laws, orders, and regulations concerning the prevention, control, and abatement of water pollution; and, the placement of temporary erosion control measures will comply with the standards adopted by the City of Seattle.

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

Any exterior lighting on the staging areas will be shielded and directed away from adjoining properties.

c. Best Management Practices. Construction activities on the site must comply with Volume 2 of the Stormwater Director's Rules, Construction Stormwater Control Technical Requirements Manual.

Construction activities on the sites shall comply with the current Director's Rule on best management practices.

d. Parking and Traffic.

(1) Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction-worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.

(2) Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of SMC 23.54.030.

Sound Transit contract specifications require that the contractors will be responsible for providing parking areas for construction workers. These will be determined as part of a Construction Parking Management Plan. There are several options available for the contractors to accomplish this: providing parking within limited areas of the construction staging areas, establishing satellite parking lots and shuttling workers to the construction sites, and encouraging and/or providing incentives to construction workers to utilize carpools, vanpools and public transportation that lessen the demand for vehicular parking.

e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.

The proposed construction staging areas will not displace any business activity. Pedestrian access to local businesses and residential buildings along NE 45th Street, Roosevelt Way NE, and 11th Avenue NE will be maintained throughout the construction period. The alley between the two parcels will be maintained as a public alley. Sound Transit will be available for direct contact with all local businesses at all times, will

provide advance notice of construction activities, and will work with local businesses to modify measures to limit disruption as much as possible during construction.

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

A chain-link security fence with gates will be installed around the perimeter of both sites. All visitors will be required to register at the construction field office. Access to the construction staging areas will be strictly controlled.

g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.

Pedestrian access to buildings adjacent to the subject sites will be provided. Site entrances to the staging areas are proposed to be located to minimize conflict with pedestrian and vehicle traffic. Chain link security fencing is proposed around the perimeters of the sites, and is expected to be adequate to appropriately screen construction activities, including storage areas, on the sites from surrounding streets and properties.

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

Sound Transit has established a multi-faceted community outreach program for the Northgate Link Extension Project. A monthly North Link e-newspaper is distributed to approximately 1,500 subscribers, and Sound Transit's website provides updated information on Northgate Link Extension events and construction schedule. A 24-hour construction hotline phone number also will be maintained for the duration of the construction.

i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.

The temporary construction management trailer proposed to be located on the western site are built to State of Washington Building Code and Labor and Industries Factory Assembled Structures (FAS) Department standards, and are constructed to withstand inclement weather. Building permits will be obtained by the contractor prior to its placement, and the trailer will be anchored to an approved temporary foundation.

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

The construction activities anticipated at the proposed sites, such as contractor parking and storage of construction materials and equipment, are not expected to result in vibration impacts.

4. Site Restoration.

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

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

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

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

The applicant proposes to submit a final site restoration plan to DPD for review and approval. Site restoration is anticipated to include removal of all structures, equipment, refuse, fencing, and lighting. Sites will be leveled if necessary to assure proper site drainage. As conditioned, Sound Transit shall provide a restoration plan to DPD, and shall restore the sites within one hundred eighty (180) days of cessation of use of the sites for construction uses and activities.

5. A Master Use Permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.

Sound Transit has obtained sufficient funding to complete the work required to construct the Northgate Link Extension Project, as documented in a letter from Joni Earl of Sound Transit to Peter Hahn of SDOT, dated June 21, 2011 (in project file).

DECISION - TEMPORARY USE PERMIT

The proposal is **CONDITIONALLY APPROVED**. See conditions of approval below.

ANALYSIS – SEPA

Sound Transit issued the Central Link FEIS in November of 1999 and the North Link FSEIS in April 2006. Sound Transit has lead agency status on this project, and the Director hereby incorporates by reference its November 1999 Central Link FEIS and the April 2006 North Link

FSEIS. The information in the EIS documents, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the City with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

> "[W]here City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

The Director hereby incorporates by reference the mitigation measures described in the Federal Transit Administration ROD for the North Link Light Rail Transit Project (June 2006) and mitigation measures included in Attachment C of the ROD. These mitigation commitments were identified in the North Link FSEIS. Under certain limitations/circumstances (SMC 25.05.665 D 1-7) additional mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- Decreased air quality due to suspended particulates (dust) from excavation, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased dust and potential soil erosion and disturbance to subsurface soils during grading and general site work;
- Increased traffic and demand for parking from excavation equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration; and,
- Consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Grading Code and Stormwater Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts are further discussed below.

Air Quality

The indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the

relatively minor contribution of greenhouse gas emissions from this project and therefore air quality mitigation is not necessary.

Drainage and Earth

As noted above, Sound Transit submitted a Phase II Environmental Site Assessment covering both parcels as part of the MUP application, based on the potential for soil contamination from prior site uses. Two contaminated areas have been identified, one each on the east parcel and the west parcel, as well as several underground storage tanks. Because a portion of the site is associated with a former dry cleaning operation, handling and disposal of soil and water generated during site investigation and remediation will require compliance with the Resource Conservation Recovery Act. As any necessary mitigation will be required as part of the building permit review, no SEPA conditions are warranted.

Traffic and Parking

Construction traffic may increase congestion in the area. The Record of Decision (ROD) notes that "mitigation measures will comply with local regulations governing construction traffic control and construction truck routing. Sound Transit will finalize detailed construction mitigation plans in coordination with local jurisdictions, WSDOT, King County Metro, the University of Washington, and other affected agencies and organizations" (p. C-14). As necessary, Sound Transit will follow standard construction safety measures, such as installation of advance warning signs, highly visible construction barriers, and the use of flaggers. SDOT will review and approve any work in the right-of-way as part of a Street Use Permit.

Unrestricted on-street parking in the University District near the sites is near or at capacity. However, it is not expected that any on-street spaces will be impacted by use of either site as construction staging areas. The eastern parcel contains a parking lot with principal use parking for about 11 vehicles. Removal of these parking spaces is anticipated to have a minimal impact on parking availability in the vicinity of the project given existing area off-street supplies.

No additional conditioning beyond that identified in the ROD is warranted to mitigate short-term traffic or parking impacts.

Noise

The North Link FEIS concluded that, with mitigation, construction during the day would not exceed the noise levels in the Noise Control Ordinance. Noise mitigation measures may include, but are not limited to, noise walls, low-noise emission equipment, acoustic shields or shrouds for equipment, and lined or covered storage bins, conveyors, and chutes with sound deadening material. No nighttime work (between 10 PM and 7 AM and/or between 10 PM and 9 AM on weekends and holidays) is proposed on these sites.

Long-term Impacts

A small number of long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the project's energy consumption, and increased demand for public services and utilities. Several adopted City codes and/or ordinances provide mitigation for

some of the identified impacts. Potential long-term or use-related impacts anticipated from the proposal include:

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

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

Land Use

The temporary staging area use will displace one principal use parking lot with 11 stalls. Given existing supplies of public off-street parking in the University District, no additional mitigation is warranted pursuant to SEPA policy.

Air Quality

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

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the FEIS and FSEIS issued by Sound Transit. While DPD has the authority to mitigate impact pursuant to the city's SEPA practices, existing City codes and regulations are adequate to achieve sufficient mitigation for the proposal's environmental impacts. Therefore, no additional SEPA conditions are required and the proposal is **APPROVED**.

CONDITIONS - TEMPORARY USE PERMIT

During Construction

1. Sound Transit shall provide a restoration plan per SMC 23.42.040.F.4.to DPD, and shall restore the sites within one hundred eighty (180) days of cessation of use of the sites for construction uses and activities. Site restoration is anticipated to include removal of all structures, equipment, refuse, fencing, and lighting. Sites will be leveled if necessary to assure proper site drainage.

Signature: Denise R. Minnerly for Date: April 16, 2015
John Shaw, Senior Transportation Planner
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.