



**CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE
DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Major Public Project Construction Noise Variance

Application: Request for a Major Public Project Construction Noise Variance (“Noise Variance”) from the maximum permissible sound level requirements of the Noise Control Code, Seattle Municipal Code (“SMC”) Chapter 25.08, during construction of the State Route 520 Bridge Replacement and HOV program. This Noise Variance application pertains only to construction activities that need to take place during nighttime hours as those hours are defined in SMC 25.08.

Project No.: 3030792

Site Address: State Route 520

Applicant: Washington State Department of Transportation (“WSDOT”)

SUMMARY OF PROPOSED ACTION

WSDOT has requested a Major Public Project Construction Noise Variance (Noise Variance) for the ongoing SR 520 Replacement Project, Montlake Phase.

The next SR 520 project phase, the Montlake Phase, includes constructing the West Approach Bridge South, Montlake lid and interchange, and a bicycle/pedestrian land bridge over the highway. Construction of the next phase of the I-5 to Lake Washington Project known as the “Rest of the West” is scheduled to begin in 2018.

The existing SR 520 west approach bridge is built on hollow columns, which are vulnerable to a catastrophic failure during a large earthquake, and the roadway has narrow shoulders and lacks transit/HOV lanes. The West Approach Bridge South (WABS) is a companion to the nearly completed West Approach Bridge North (WABN) and will connect eastbound traffic from Montlake to the new floating bridge. It will also feature a dedicated transit/HOV lane that will provide improved mobility for buses and carpools as they access the new floating bridge and continue to the Eastside.

The new Montlake interchange and lid is proposed to include direct-access connections for transit and HOV in addition to new bicycle and pedestrian connections to existing regional and local trails and routes. The Montlake lid is intended to be a hub for local and regional transportation connectivity, and will include multifunctional open spaces, urban trails, under-crossings, a segment of the regional shared-use path adjacent to SR 520, and transit connections. The land bridge includes a bicycle/pedestrian path over SR 520 that provides a north-south local trail connection across the highway between the Washington Park Arboretum and points north.

The Montlake Phase also includes constructing storm water treatment sites that will capture and naturally filter highway runoff to help protect the environment.

The Montlake Phase will be a design-build contract. WSDOT has reviewed the work to be built as part of this contract and has developed an expected list of construction activities and an estimated schedule for this work. The following list of activities is from the revised application:

- Waterline installation, estimated 5 to 7 months;
- Demolition of the existing Montlake Boulevard bridge, estimated 1 month;
- Demolition of the existing 24th Avenue Bridge, estimated 1 month;
- Demolition of the existing West Approach Bridge, estimated 4 to 6 months;
- Temporary work bridge construction, estimated 5 to 7 months;
- Drilled shafts for WABS, estimated 12 to 16 months;
- Bridge substructure and superstructure construction for WABS, estimated 14 to 20 months;
- Construction of Montlake lid, estimated 48 to 60 months;
- Traffic shifts, estimated 48 to 60 months;
- Utility relocation, estimated 48 to 60 months;
- Temporary shoring wall construction, estimated 48 to 60 months; and
- WABN widening, estimated 48 to 60 months.

On March 6, 2017, WSDOT submitted a complete application, Project No. 3027364, for this Noise Variance to the Seattle Department of Construction and Inspections (SDCI); on July 6, 2017, a revised application was submitted (collectively the “application”). That application was withdrawn by WSDOT, revised, and then resubmitted to SDCI on January 17, 2018. The Noise Variance was requested pursuant to SMC 25.08.590 and 25.08.655 to allow construction noise generated on site, and in areas around the site, to exceed the maximum permissible sound level during nighttime hours between 10:00 p.m. and 7:00 a.m. on weekdays and between 10:00 p.m. and 9:00 a.m. on weekends and legal holidays as specified in SMC 25.08.410 - 25.08.425. These provisions of the Code limit nighttime project sound levels (hourly Leq) generated and received in residentially-zoned districts to 45 dBA.

Based on the current anticipated construction schedule, nighttime construction activities are expected to occur for approximately 60 months, starting in 2018, with an estimated completion date in 2023. Consequently, WSDOT is requesting a 60-month Noise Variance starting from the date that nighttime construction activities start on the site to allow for potential schedule delays.

BACKGROUND

The intent of the Noise Control Code, Chapter 25.08 SMC, is 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 in SMC 25.08.590, and the standards for issuing a major public project construction variance

are in SMC 25.08.655. SDCI's rule governing the issuance of noise variances are in Director's Rule 3-2009.

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

- Demolishing structures;
- Constructing lid walls (adjacent or over traffic);
- Installing West Approach Bridge South shafts;
- Delivering equipment or material;
- Relocating utilities;
- Making traffic shifts and adjustments to ramps and roadways; and
- Paving operations on City streets.

WSDOT has stated that limiting Montlake Phase construction to daytime hours only would be unreasonable considering public and worker safety and would render the project economically and functionally unreasonable. WSDOT has stated many work activities for this project cannot be completed over or adjacent to active traffic. It would also require closure of SR 520, Montlake Boulevard, and Lake Washington Boulevard during peak traffic periods, which would result in:

- Extensive delays to the traveling public;
- Increased traffic volumes on City streets and nearby highways; and
- A potential increase in the number of accidents in the project work zone.

In the application materials submitted for this Noise Variance, WSDOT 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.

WSDOT's application includes a preliminary Noise Management and Mitigation Plan (NMMP) required by SMC 25.08.590.D. The NMMP includes a description of the anticipated 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 Leq that would be established through the Noise Variance process.

Once a design-build contractor is chosen and the contract is awarded, a new NMMP shall be developed and submitted for approval.

The NMMP includes prescriptive specifications for noise control at the construction sites that require WSDOT's contractor to implement measures to establish compliance with the nighttime noise limits established in the Noise Variance application. Mitigation measures include

prohibiting the use of compression brakes and tonal backup alarms, paving access roads, using radios for all long-range communication, not allowing equipment to idle unused for longer than five minutes, and requiring the contractor to use sand-, rubber-, or plastic-lined truck beds for all haul trucks. Potential additional mitigation measures include using electric welders, critical or double mufflers on equipment such as cranes, and noise blankets for mobile equipment. WSDOT's proposal also includes procedures for effectively monitoring public complaints and taking appropriate corrective measures. A 24-hour construction hotline shall be maintained by WSDOT. A Nighttime Noise Monitor shall act as an independent third party and provide oversight on nighttime work to represent the public's interest and to determine that the contractor strictly adheres to the Noise Control Code and permit conditions.

Public Comment and Meetings

SDCI held 2 public meetings; one April 6, 2017 and the other on February 15, 2018. These meetings were held for public comment on the Noise Variance application. As required by SDCI Director's Rule 3-2009, Section D.2, notice of the April 6 public meeting was published in the Seattle Times on March 9, more than 21 days before the April 6 meeting. On January 25, 2018 notice was published in the Seattle Times, 21 days before the February 15 meeting.

Notice of the meeting also was published in SDCI's Land Use Information Bulletin on March 9, 2017 for the April 6 meeting, and again on January 25, 2018 for the February 15 meeting. Notices were mailed to residents within the immediate vicinity of the sound sources covered by the application. Notices were also posted per Director's Rule 3-2009.

Public comments and letters were received and considered during preparing this Analysis and Decision. Copies of all written public comments received by SDCI are in the SDCI file and posted on the Public Resource Center webpage:

<http://web6.seattle.gov/dpd/edms/> (enter the SDCI Project Number 3030792 or 3027364)

Public comments on the Noise Variance application proposed by the applicant regarding nighttime construction activities were considered in relation to the noise impacts of the proposed activities.

Consultant Review

SDCI retained BRC Acoustics and Audiovisual Design ("BRC") to assist in reviewing and analyzing the Noise Variance application. BRC reviewed the application, the revised application, and the written public comments. BRC provided comments and recommendations to SDCI.

Environmental Impact Statement and Record of Decision

In May 2011, a Final Environmental Impact Statement ("FEIS") was jointly issued by the Federal Highway Administration ("FHWA"), and WSDOT, for the SR 520, I-5 to Medina: Bridge

Replacement and HOV Project. The actions proposed in this application, extended hours of construction, and increased noise levels were disclosed and evaluated in the FEIS. In August 2011, the FHWA issued its Record of Decision (“ROD”) approving the preferred alternative. This Analysis and Decision is consistent with FEIS and ROD. The FEIS refers WSDOT to a City noise variance if WSDOT chooses to seek relief from SMC 25.08

FINDINGS

Under DPD Director's Rule 3-2009, Section E, the following standards for a Noise Variance were considered in reviewing the application. SDCI comments follow each rule section.

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 SDCI and BRC and has been determined to be accurate and complete.

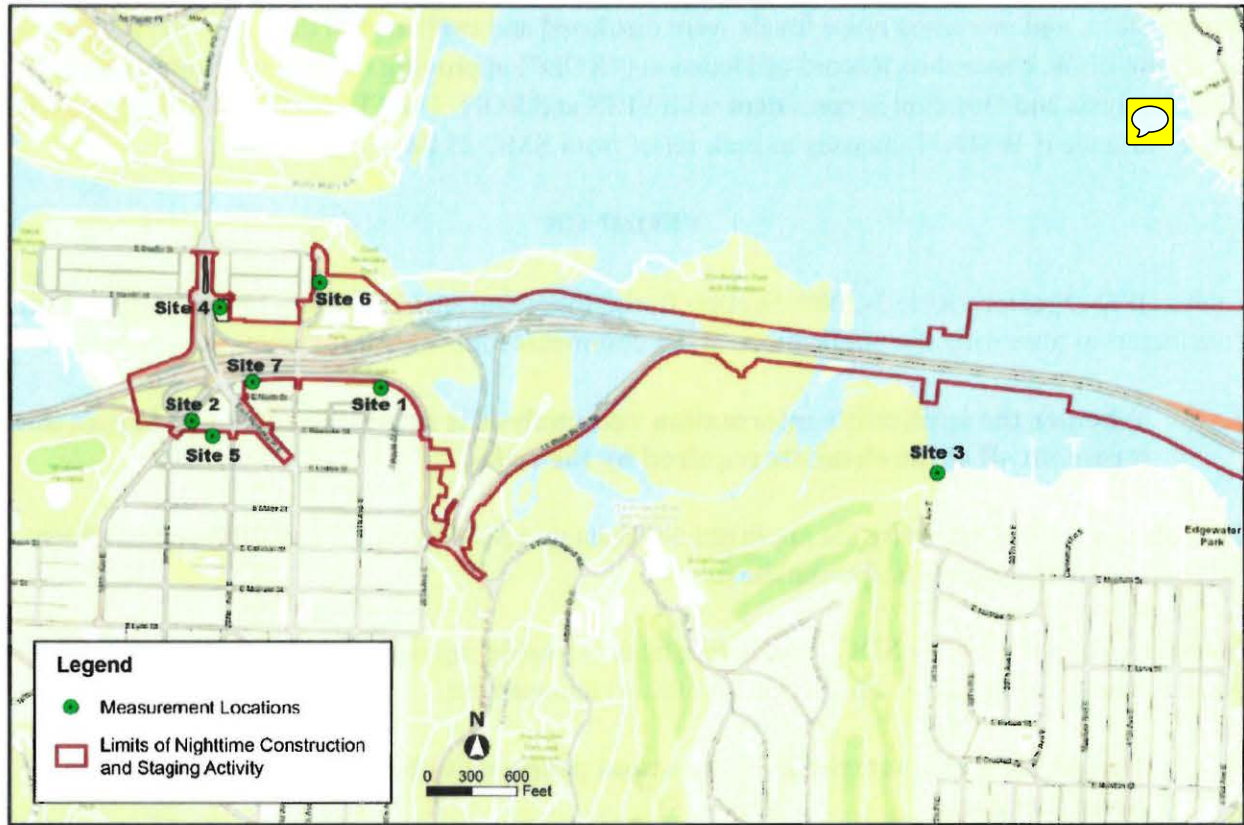
In response to a request by SDCI, supplemental noise modeling was provided by WSDOT for noise impacts from road reconstruction and utility replacement.

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

As noted above, WSDOT has developed expected construction activities and a schedule for the Montlake Phase. The analysis contained in the NMMP demonstrates that means and methods are available to meet the noise limits requested in this Noise Variance. The contractor will propose its own construction activities and schedule and create a detailed NMMP to meet the commitments WSDOT has made in its Noise Variance application and the Noise Variance permit conditions issued by SDCI. The design build contractor's construction activities and equipment shall be substantially similar to those identified by WSDOT.

During the fall of 2016, and early months of 2017, WSDOT took measurements of existing ambient sound levels at the following seven sites identified as representative of nighttime noise-sensitive land uses close to each construction area.

EXHIBIT 5. CONSTRUCTION AREA AND NOISE MEASUREMENT LOCATIONS



- Site 1: 2449 E. Lake Washington Boulevard
- Site 2: City of Seattle Property near Montlake Market
- Site 3: Beaver Lodge Sanctuary
- Site 4: 2740 Montlake Boulevard E.
- Site 5: 2015 E. Roanoke St.
- Site 6: 2800 block E Park Drive East and WABN construction site
- Site 7: 2209 E. Lake Washington Boulevard

The measurement results are in the Noise Variance application and summarized in Table 1.

Table 1. Average Measured Existing Nighttime Noise Levels – 1-Hour Leq (dBA)

Location	Average Late Nighttime Noise Level (midnight – 5:00 a.m.) Leq
Site 1	61
Site 2	72
Site 3	56
Site 4	60
Site 5	59
Site 6	57
Site 7	60

The nighttime code limit on construction noise in residential receiving districts is an hourly Leq of 45 dBA. Six of the seven sites listed above are in residential districts. Site 2 is in a commercial district with a nighttime hourly Leq code limit of 47 dBA.

Table 2: Ambient levels, Seattle Municipal Code limits, and Requested Nighttime Sound Levels, Hourly Leq

Receiving Residential Property	Ambient Levels	SMC Limits	Requested Limits
Site 1	61	45	67
Site 2	72	47	78
Site 3	56	45	62
Site 4	60	45	66
Site 5	59	45	65
Site 6	57	45	63
Site 7	60	45	66

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

The Noise Variance is requested for the length of time that is needed to complete substantial construction of the Montlake Phase. Nighttime construction activities requiring a Noise Variance are expected to occur intermittently throughout the project duration. Major construction is scheduled to begin in 2018, with an estimated completion date in 2023. The length of the requested Noise Variance is 5 years, which is the anticipated duration necessary to complete the major construction activities. As required by SMC 25.08.665 D, the Noise Variance shall be subject to review by SDCI 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.

This Noise Variance application proposes nighttime construction noise limits for nighttime noise-sensitive receivers in proximity to the Montlake Phase construction area. Nighttime noise sensitive receivers are generally properties where people are sleeping, such as a residence.

5. Whether the public health and safety is endangered.

It is generally accepted that very high levels of noise over long periods of time can 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 proposed by this Noise Variance application, as shown in Table 2, would maintain sound levels well below these identified levels.

The requested 6 dBA increase above the measured baseline levels that are sought by WSDOT may affect some people but is 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.

WSDOT has completed the application process for a Noise Variance because construction crews will work at night within City limits during the Montlake Phase. Nighttime construction work is necessary to avoid disrupting weekday traffic and to provide a safe environment for construction crews and the traveling public. Since nighttime work will be unavoidable; this Noise Variance shall set limits on the noise levels for nighttime construction activities.

While the conditions imposed on this Noise Variance will require additional cost, effort, and flexibility on the part of WSDOT, the conditions are not expected to cause undue hardship. WSDOT appropriately identifies several affected receiving properties. Mitigation described in this analysis, including prohibiting the use of compression brakes and tonal backup alarms, paving access roads, using radios for all long-range communication, not allowing equipment to idle unused for longer than five minutes, and requiring the contractor to use sand-, rubber-, or plastic-lined truck beds for all haul trucks are expected to substantially reduce impacts to affected properties. The interests of the public also will be served by completing this transportation project earlier and by shortening the overall construction period that nighttime construction will make possible, as a shortened construction schedule will result in cost savings and in reduced construction-related impacts.

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

WSDOT's "Proposed Noise Mitigation Measures," see pages 31 and 32 of the revised application and the WSDOT Technical Memorandum dated March 14, 2018, includes mitigation that shall be implemented during the proposed nighttime construction activities. WSDOT has proposed that the contractor will update the NMMP upon award of the contract. WSDOT has proposed review of the NMMP by WSDOT and submittal to SDCI.

WSDOT shall comply with Director's Rule 3-2009 by providing an Independent Noise Monitor (INM) who is independent from WSDOT's control. WSDOT shall 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.

BRC concurs that WSDOT's proposed mitigations described in the Noise Variance application and the supplemental Technical Memorandum dated March 14, 2018, 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 Director's Rule 3-2009 that are discussed above, a Noise Variance applicant must demonstrate that these standards in SMC 25.08.655.A.1 and .2 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.

Regarding subsection 1, WSDOT 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 would allow construction of the State Route (SR) 520 project in the safest way practical and minimize surface settlements and potential resulting damage to the built environment and risks to worker safety. Additionally, limiting nighttime work would extend the project duration, increasing traffic, dust, and noise impacts.

Regarding subsection 2, WSDOT has demonstrated that delay in constructing the SR 520 Project and associated increased costs will result without nighttime construction.

CONCLUSIONS

1. Findings 1, 3, 4, 5, 6, and 7 above are incorporated as Conclusion 1.
2. Addressing Finding 2, WSDOT does not adequately propose measures to ensure compliance with noise levels proposed in the application and included in Finding 2 above. The application section identified as "Compliance Monitoring and Reporting" calls for four monitor locations. The seven locations used to establish baseline sound levels are, however, necessary as measurement and recording instrument locations for the project's duration. Further, the Application is not clear how the INM will independently function from the project's production efforts. WSDOT proposed to have a trained staff member as the INM, but no means for how independence would be established.
3. Proper notice was given of the proposed Noise Variance and the required public meeting took place.

4. Requiring WSDOT to comply with the nighttime noise limits in SMC 25.08.410 and .420 would be unreasonable considering the increased risks to worker safety and public safety that would result from not allowing nighttime construction at SR 520. The delay and substantial estimated increased cost that would result from compliance with SMC 25.08.410 and .420 would render the construction of the SR 520 Project economically and functionally unreasonable.
5. Practical known and available mitigation measures for reducing the nighttime project sound levels and their effects on nearby residents are described in the Noise Variance application and shall be incorporated into the project. The contractor's construction activities, equipment, and mitigation measures shall be substantially similar to those presented in the Noise Variance application.
6. After reviewing WSDOT's submitted information, the comments made by interested residents and organizations including their statements made at the public meeting and the World Health Organization's report cited in the public comments, and the current body of scientific knowledge, SDCI found no significant or adverse impact to public health and safety if mitigating measures are put in place and followed as provided in this Decision.

DECISION

This Noise Variance is granted for 60 months starting at the beginning of nighttime construction, subject to revocation as provided for in SMC 25.08.615 for the noise related to the nighttime construction activities described in this Analysis and Decision, and WSDOT's revised submittal dated January 17, 2018.

This Noise Variance is subject to the below conditions and to all requirements, specifications, standards, limits, and mitigation measures identified by WSDOT in its application.

CONDITIONS

1. WSDOT, the primary contractor, and any subcontractors shall follow and execute all noise control measures identified in the application, appendices, and attachments, and this Decision. If there is a conflict between the application's noise mitigation and control requirements or specifications and this Decision, the requirements of this Decision shall control.
2. Nighttime project sound levels shall not exceed the proposed Noise Variance limits specified in Table 2 of this Analysis and Decision. These sound level limits are intended to ensure that nighttime project sound levels do not exceed the existing nighttime sound levels at identified receiving sites by more than 6 dBA (hourly Leq). These limits shall apply during the following schedule: weekdays 10:00 p.m. to 7:00 a.m.; and weekends (including legal holidays) 10:00 p.m. to 9:00 a.m.

3. All impact noise in and around the project shall be limited to that allowed in the Seattle Noise Code, SMC 25.08.425.
4. As noted in the January 17, 2018 application, WSDOT shall require the contractor and all subcontractors to use its equipment and trucks in a manner that minimizes the sound that is generated. Specific measures are identified as “Minimum Mitigation Measures” and “Additional Noise-control Measures.” Measures listed under these headings are incorporated into this Decision here:

Required Minimum Mitigation Measures

5. The contractor shall perform the following minimum mitigation measures to minimize nighttime construction noise, except in the case of emergency, as defined by SMC 25.08, whenever the contractors work between 10 p.m. and 7 a.m. Monday through Friday, or between 10 p.m. and 9 a.m. Saturday through Sunday and legal holidays, and exceeds the local ordinance noise levels.

Further the contractor shall:

- Meet the noise levels limits established in this Noise Variance decision;
- Use broadband or strobe backup warning devices or use backup observers in lieu of backup warning devices for all equipment, in compliance with Washington Administration Code Sections 296-155-610 and 296-155-615. For dump trucks, if the surrounding noise level is so loud that broadband or strobe backup warning devices are not effective, then an observer shall be used (WAC 296-155-610). This condition shall apply to activity conducted between 10 p.m. and 7 a.m., Monday through Friday, and between 10 p.m. and 9 a.m. on Saturday, Sunday, and legal holidays. No pure-tone backup warning devices shall be used after 10 p.m. and before 7 a.m. weekdays or after 10 p.m. and before 9 a.m. weekends and legal holidays;
- Use compressors with a measured noise levels of 71 dBA at 50 feet or less for areas where modeling showed mitigation for compressors was needed to reduce noise levels below the noise level limit. The contractor will have an option to propose alternative mitigation methods providing equivalent sound attenuation, such as surrounding the compressor with a temporary noise wall or baffle system to meet the noise level limits;
- Pave construction access roads and haul routes near residences where possible to reduce dust and noise;
- Securely fasten dump truck tailgates;
- Use sand-, rubber- or plastic-lined truck beds for all haul-trucks to reduce noise, unless an exception is approved by SDCI.

- Not use compression brakes;
- Not leave equipment to idle for longer than five minutes; and
- Use temporary noise mitigation shields, enclose, or use low noise-generating stationary equipment, such as light plants, generators, pumps, and air compressors near residences where practical.

Additional Noise-Control Measures

6. The contractor shall submit to WSDOT an updated NMMP to reflect their specific construction means and methods and shall detail the additional mitigation measures needed to meet the noise level limits established in the Noise Variance. Once WSDOT has reviewed and accepted the NMMP, the contractor shall submit it to SDCI for its review and approval. Additional mitigation measures that the contractor could also use includes:
 - Equipping nighttime surface equipment with high-grade engine-exhaust silencers and engine-casing sound insulation;
 - Using electric welders powered from utility main lines instead of gas, diesel, or internal combustion generators/welders;
 - Using critical or double mufflers where practicable on machinery for off-road use, such as cranes;
 - Using noise blankets, skirts, or other available means for mobile equipment to mitigate noise that does not unreasonably interfere with the operation of the engine;
 - Using temporary mobile noise barriers in the immediate vicinity of loud activities nearby residences;
 - Using temporary noise barriers;
 - Providing earplugs and white noise machines to residents near the project area;
 - Installing temporary sound dampening drapes for residents; and
 - Providing hotel rooms for residents during high impact or extremely noisy operations.
7. All seven monitoring locations used as baseline measurement locations shall be equipped with permanent monitoring devices. If WSDOT is unable to obtain rights of entry to any of these locations, it will coordinate with SDCI to develop substitute locations for which it can obtain rights of entry. Substitute locations shall be reasonably close to the locations that would be replaced.

The monitors shall provide real-time accessible data to SDCI. Additional monitoring stations shall be provided. One station between map locations 4 and 6 where a sound limit of 63 dBA hourly Leq will apply, and two additional stations between map locations 1 and 7 where 66 dBA hourly Leq will apply.

8. Moveable or permanently-mounted noise monitors shall be stationed at the residential receivers nearest the road relocation and utility relocation work for the periods they are occurring.

The allowable Noise Variance limits for this work shall be the same as at sites 4 and 7.

9. Demolition of the Montlake Market buildings and the Union 76 Gas Station structures shall occur only during regular working hours of 7:00 a.m. to 10:00 p.m. weekdays and 9:00 a.m. to 10:00 p.m. weekends and legal holidays. Any impact noise shall be limited to that allowed in the Seattle Noise Code, SMC 25.08.425.
10. All repaving of City street activities taking place past 10:00 p.m. shall comply with the noise limits in Table 2 of Finding #2 of this Decision. Temporary sound-attenuating barriers shall be used around stationary equipment. Additional sound attenuating barriers shall be placed between roadwork and residential receivers as necessary to mitigate sound generated by equipment used for these activities.
11. The 54-inch water main replacement work shall comply with the noise limits established in Table 2 of Finding #2 of this Decision. Temporary sound-attenuating barriers shall be used around stationary equipment. Additional sound attenuating barriers shall be placed between utility work and residential receivers as necessary to mitigate sound generated by equipment used for these activities.
12. The independence of the INM shall be established by WSDOT and approved by SDCI prior to starting nighttime construction. WSDOT shall provide an organizational chart to show a separate reporting structure for the INM outside of Construction Management.
13. SDCI shall provide oversight of the nighttime work to ensure that the public interest is protected, and the contractor and subcontractors strictly adhere to the Noise Control Code and the conditions imposed by this Decision. SDCI shall assign a Noise Control Program Specialist who shall serve as the City's primary contact for noise-related issues at this site. WSDOT representatives with authority to stop work shall be present on the project site during all work hours to ensure that mitigation measures are being followed. Periodic noise monitoring shall occur consistent with Director's Rule 3-2009. Specifically, monitoring for this project shall occur as described in the January 17, 2018 Noise Variance application.
14. Fourteen days before the start of construction that is subject to this Noise Variance, WSDOT shall provide notice of the start of construction activity. Notification shall be made to the Administrator and to community members who were notified of the January 17, 2018 Noise Variance application.

15. WSDOT, its contractor, and subcontractors shall be responsible for implementing and adhering to the NMMP. WSDOT, its contractor, and subcontractors shall be responsible for all equipment used on site whether being used by the contractor or sub-contractor. If noise barriers are used to mitigate sound, the contractor or subcontractor shall be responsible for providing the barriers. Where necessary due to repeated non-compliance with sound levels established in this Noise Variance, substantial sound walls shall be erected to provide effective barriers between the project and adjacent residents.
16. Under SMC 25.08.655.D, the Administrator shall conduct a one-year review and may modify the terms and conditions of the Noise Variance, Decision, or NMMP if it is determined that the terms or conditions of the Noise Variance, Decision, or NMMP are not adequately protecting public health and safety or reasonably controlling or mitigating the construction noise, or that more reasonable methods of mitigating the construction noise should be implemented.
17. After the one-year review provided for in SMC 25.08.655.D, subsequent annual evaluations shall be performed of the track record on noise compliance and effectiveness of construction noise mitigating conditions in place. If necessary, new or modified conditions may be imposed to improve compliance results.
18. Violating any condition of this Noise Variance or Decision shall result in a review of the conditions imposed by this Noise Variance and may result in modifying the conditions or revoking this Noise Variance as allowed by SMC 25.08.615.

Dated the 26th day of April 2018



Nathan Torgelson, Director
City of Seattle Department of Construction and Inspections
Administrator, Chapter 25.08 SMC

APPEAL

The Noise Control Code, Chapter 25.08 SMC, provides that any person aggrieved by the denial, approval, or the terms and conditions imposed on a Noise Variance or by the extension of a Noise Variance by the Administrator, may appeal the 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 \$85 made payable to the City of Seattle.