



November 21, 2016

Dan Sharpe
Atkinson Construction
708 S. Grady Way, Suite 500
Renton, WA 98057

Subject: Hearing Examiner's Final Decision
RE: WSDOT I-405/SR 167 Direct Connect Project (LUA-16-000770)

Dear Mr. Sharpe:

The City of Renton's Hearing Examiner has issued a Final Decision dated November 20, 2016. This document is immediately available:

- Electronically online at the City of Renton City Clerk Division website at www.rentonwa.gov/cityclerk. Click the "Hearing Examiner Decisions" link on the right side of the screen located under the section titled, "Helpful Links." The Hearing Examiner Decisions are filed by year and then alphabetical order by project name.
- To be viewed at the City Clerk's office on the 7th floor or Renton City Hall, 1055 South Grady Way, between 8 am and 4 pm. Ask for the project file by the above project number; and
- For purchase at a copying charge of \$0.15 per page. The estimated cost for the **Hearing Examiner Documents** is \$1.65, plus a handling and postage cost (this cost is subject to change if documents are added).

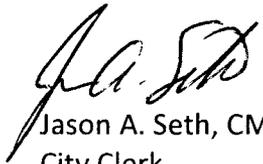
APPEAL DEADLINE: RMC 4-8-080 provides that the final decision of the Hearing Examiner is subject to appeal to the Renton City Council. RMC 4-8-110(E)(14) requires appeals of the Hearing Examiner's decision to be filed within fourteen (14) calendar days from the

date of the hearing examiner's decision. Appeals must be filed in writing together with the required fee to the City Council, City of Renton, 1055 South Grady Way, Renton, WA 98057. Additional information regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall - 7th Floor, (425) 430-6510.

RECONSIDERATION: A request for reconsideration to the Hearing Examiner may also be filed within this 14 day appeal period as identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). Reconsiderations must be filed in writing to the Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. Additional information regarding the reconsideration process may be obtained from the City Clerk's Office, Renton City Hall - 7th Floor, (425) 430-6510. A new fourteen (14) day appeal period shall commence upon the issuance of a reconsideration decision.

I can be reached at (425) 430-6510 or jseth@rentonwa.gov. Thank you.

Sincerely,



Jason A. Seth, CMC
City Clerk

cc: Hearing Examiner
Rohini Nair, Civil Engineer III
Jennifer Henning, Planning Director
Vanessa Dolbee, Current Planning Manager
Brianna Bannwarth, Development Engineering Manager
Craig Burnell, Building Official
Sabrina Mirante, Secretary, Planning Division
Julia Medzegian, City Council Liaison
Parties of Record (7)

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November 21, 2016

Dan Sharpe
Atkinson Construction
708 S. Grady Way, Suite 500
Renton, WA 98057

Subject: Hearing Examiner's Final Decision
RE: WSDOT I-405/SR 167 Direct Connect Project (LUA-16-000770)

Dear Mr. Sharpe:

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Denis Law Mayor



City Clerk - Jason A. Seth, CMC

November 21, 2016

CERTIFICATE OF MAILING

STATE OF WASHINGTON)
) §
COUNTY OF KING)

JASON A. SETH, City Clerk for the City of Renton, being first duly sworn on oath, deposes and says that he is a citizen of the United States and a resident of the State of Washington, over the age of 21 and not a party to nor interested in this matter.

That on the 21st day of November, 2016, at the hour of 4:30 p.m. your affiant duly mailed and placed in the United States Post Office at Renton, King County, Washington, by first class mail the Hearing Examiner's Final Decision RE: WSDOT I-405 (Noise Variance) LUA-16-000770 to the attached parties of record.

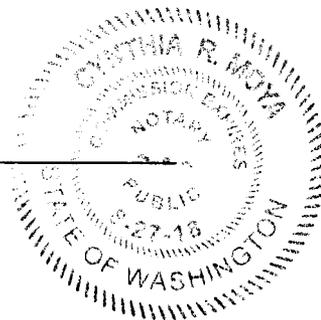


Jason A. Seth, City Clerk

SUBSCRIBED AND SWORN TO BEFORE me this 21st day of November, 2016.



Cynthia R. Moya
Notary Public in and for the State of
Washington, residing in Renton
My Commission expires: 8/27/2018



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Omar Hernandez
517 Main Ave S
Renton, WA 98057

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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: WSDOT I-405/SR 167 Direct Connect)	FINAL DECISION
Project)	
Noise and Haul Variance)	
LUA16-000770, V-H)	

Summary

The Washington State Department of Transportation (“WSDOT”) has applied for a variance from RMC 8-7-2 (noise regulations) and RMC 4-4-030©(2) and (3) (construction and hauling hours) in order to conduct construction work outside of restricted hours for 845 nonconsecutive nights from November 22, 2016 through November 21, 2019 in order to build a new flyover ramp connecting the High Occupancy Toll (HOT) lanes on SR 167 to the High Occupancy Vehicle (HOV) lanes on I-405. The variance is approved subject to conditions.

Testimony

Rohini Nair, City of Renton Civil Engineer III, summarized the proposal.

Ross Stanton, WSDOT representative, testified that numerous open houses and meetings have been held on the project starting in 2004. The project is part of a design build process.

Gil McNabb, project engineer, summarized the project delivery method. The contract was executed in July, 2016. WSDOT has designed approximately 30% of the project. WSDOT specifies the concept and then the contractor completes the design and construction. A big advantage of design build is the speed of delivery is greatly increased since construction work can be done at the same time as design. One of the primary goals of the project has been mitigation to the local community, which includes

1 noise, vibration and dust. One of the primary results from that goal was the relocation of the noise
2 wall located along the Talbot community. The noise panels of the noise wall will be relocated to the
3 edge of the widening project as one of the first steps of the project.

4 Work has to be done at night to minimize disruption to the travelling public. Night work will also
5 create safe work zones for daytime work. WSDOT is optimistic that it won't need to use all of the
6 requested variance days. Some of the work may not be done near any sensitive noise receptors. The
7 work is always moving so the impacts won't be focused on any one area. In response to examiner
8 questions, Mr. McNabb noted that the Talbot community will likely be the most affected. Work there
9 also involves utility work. The closest residents will be 300 feet. In addition to the noise walls, there
10 are also trees buffering the Talbot residents. WSDOT will be adding trees to the Talbot buffer area.
11 The proposed door hangers will provide notice of specific phases of the project as opposed to
12 providing notice of the entire three year project up front.

13 In response to examiner questions, Greg Smiley, WSDOT public information officer, noted that the
14 WSDOT project website is updated weekly and identifies road closures and provides push
15 notifications. Communities affected by high impact days will be directly notified. The WSDOT
16 noise mitigation program involves first notifying affected persons of impacts, then white noise
17 machines and ear plugs are provided if necessary. If nothing else works hotel accommodations are
18 provided.

19 Stuart Moore, project contractor, stated work would begin in December 2016 and January 2017 and
20 the initial night-time work would be primarily composed of installing barriers and creating work
21 zones with a little bit of field investigation work. In February 2017 the first work activity will be
22 doing landscaping north of Talbot in Benson Hill. In March and April 2017 there will be minor
23 traffic shifts and destruction/construction of barriers. After the Talbot noise barrier is relocated a
24 retaining wall will have to be removed over two nights, which is a high noise event. Local door
25 hangers will be distributed advising of that work. In response to examiner questions, Mr. Moore
26 noted that the two-night retaining wall work will probably be the most impactful work to the Talbot
residents. Continuing from 2017-2019 there will be night time work involving traffic switches,
barrier replacement, paving and restriping, and hauling earth material. Work will be 24 hours a day,
seven days a week. A lot of it won't be very impactful. Work won't occur on the holidays. If noise
complaints are received, mitigation protocols will be implemented.

21 Linda Cooley, WSDOT representative, noted that since the application was submitted six weeks ago
22 the noise monitoring plan and equipment list has been refined. The revised noise monitoring plan is
23 more specific. In response to examiner questions, Mr. Cooley noted that equipment added to the
24 equipment list has raised the maximum noise levels of the project to 90 dBA. There has been a slight
25 change to the monitoring plan. In the new plan, noise monitoring will only be required every time
26 project work is moved to a new location, new equipment is used or there are complaints. The
original noise monitoring plan requires monitoring every night. In response to examiner questions,
Ms. Nair noted that the revisions were acceptable.

1 In rebuttal, Ms. Nahir noted that the WSDOT proposal reviewed by staff was for work between 8 pm
2 and 5 am. WSDOT is now talking about 24-hour work. Ms. Nair proposed to provide a revised staff
3 report addressing the changes in the proposal. A city engineer clarified that regulated night time
4 hours under the Renton code is 10 pm to 7 am and that the original WSDOT request was only to have
5 a variance to 5 am. Staff needs to revise its recommendation to address the expansion of the variance
6 requests to 7 am. Construction night hours are also limited to from 7 am to 8 pm on week days, 9 am
7 to 8 pm on Saturdays and prohibited on Sundays.

6 Exhibits

7 The November 1, 2016 Staff Report Exhibits 1-7 identified at page 3 of the Staff Report were
8 admitted into the record during the hearing. In addition, the following exhibits were admitted during
9 the hearing.

- 10 Exhibit 8: Staff power point presentation
11 Exhibit 9: Revised equipment list.
12 Exhibit 10: Revised noise monitoring plan.
13 Exhibit 11: Omar Hernandez letter dated November 1, 2016.
14 Liz Irvine letter dated November 2, 2016
15 City responses to Hernandez and Irvine letters.
16 Exhibit 12: Amended staff report dated November 9, 2016.
17 Exhibit 13: WSDOT response to amended staff report dated November 10, 2016.

16 FINDINGS OF FACT

17 Procedural:

18 1. Applicant. WSDOT

19 2. Hearing. A hearing was held on the subject application on November 8, 2016 at 12:00 pm in
20 the City of Renton Council Chambers. The record was left open through November 9, 2016 for the
21 City to provide a supplement to the staff report and WSDOT was given until November 11, 2016 to
22 respond.

23 Substantive:

24 3. Project Description. The Washington State Department of Transportation (“WSDOT”) has
25 applied for a variance from RMC 8-7-2 (noise regulations) and RMC 4-4-030©(2) and (3) (hauling
26 hours) in order to conduct construction work outside of restricted hours for 845 nonconsecutive
nights from November 22, 2016 through November 21, 2019 in order to build a new flyover ramp

1 connecting the High Occupancy Toll (HOT) lanes on SR 167 to the High Occupancy Vehicle (HOV)
2 lanes on I-405. The work includes construction & hauling over a 36-month period at different
3 locations along the project limits. Construction work will be conducted 24 hours a day, seven days a
4 week during the 36 month period. The construction area includes SR 167 from milepost (MP) 24.5 at
5 S 180th St to MP 27.3, and on I-405 from MP 1.3 to MP 4.3 at N 4th St. The project also includes
work on S 14th St., and on small portions of Smithers, Morris, Whitworth and Shattuck near S 14th
Street.

6 The proposed work includes geotechnical drilling, demolition, building a fly-over ramp, rebuilding
7 existing on and off-ramps, reconstructing portions of nearby local streets, relocating a noise wall,
8 adding a raised earthen berm, ditches, culverts, catch basins, storm water facilities, water facilities,
9 pavement markings, traffic signals, signs, ramp meters, and rebuilding electrical cabinetry and
wiring. Noise levels resulting from the project's construction activities will generate peak noise levels
of 64 to 90 dBA as perceived at 50 feet from the WSDOT property line.

10 The variance to RMC 8-7-2 is necessary because that regulation adopts WAC 197-60-040, a state
11 regulation that imposes a series of maximum noise levels for construction work between the hours of
12 10 pm and 7 am. The noise maximum is dependent upon the affected land use (e.g. residential,
13 commercial and industrial), but the maximum levels overall range from 50 to 60 dBA from a freeway
construction site. Since the applicant will be using equipment with noise levels reaching levels of 90
dBA, a variance is necessary to do construction work during night time hours.

14 The variance to RMC 4-4-030(C)(2) and (3) is necessary because that regulation limits construction
15 hauling hours between eight-thirty (8:30) a.m. and three-thirty (3:30) p.m., Monday through Friday
16 and nonresidential construction work to the hours between seven o'clock (7:00) a.m. and eight
17 o'clock (8:00) p.m., Monday through Friday. Work on Saturdays is restricted to the hours between
18 nine o'clock (9:00) a.m. and eight o'clock (8:00) p.m. and no work permitted on Sundays. Since the
applicant proposes construction and hauling work to be done 24 hours a day, seven days a week, a
variance is necessary to construct the proposed hauling and construction work outside of authorized
hours.

19 In order to mitigate noise levels, WSDOT has proposed that all vehicles shall be equipped with
20 ambient sensitive backup warning devices. To the extent possible, stationary equipment will be
21 located away or shielded from sensitive receptors such as residences. The construction of new noise
22 wall shafts will be scheduled prior to removing the existing noise wall along the Talbot
23 neighborhood. In addition, the proponent proposes to implement other measures to mitigate noise
24 impacts. Truck tailgate banging will be prohibited. A WSDOT complaint number as well as a list of
designated contact persons for forwarding complaints will be provided to the residents affected by the
project. The project also requires Street Use and detour permits.

25 The applicant has proposed a change in construction hours that differs from that advertised for the
26 proposal. Since the change is modest and within the scope of impacts assessed in the advertised
proposal, the modification is approved as part of this decision. The newspaper publication for notice

1 of the application identified the proposed work schedule as 24 hours per day and seven days per
2 week. After the publication was sent to the newspaper, the applicant informed the City that the 24
3 hour 7 days a week work schedule was incorrect, and revised the project work schedule to Monday
4 through Sunday from 8:00pm to 5:00 am and stated that work would not be done on the following
5 seven holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day,
6 the day after Thanksgiving, and on December 25th. The project postings, mailings to the residents,
7 and staff report to the Hearing Examiner were prepared with the revised project schedule as requested
8 by the applicant. Subsequent to the postings, mailings, and sending the staff report to the Hearing
9 Examiner, the applicant requested that the work schedule be changed back to the 24-hour, 7 days a
10 week schedule. The formal request was presented by the applicant at the Hearing on November 8,
11 2016.

12 Ultimately, the revision to the project hours does not constitute a substantial change to the advertised
13 proposal. The night time hours noise variance is simply expanded from its end at 5 am to 7 am.
14 Similarly, the construction and hauling variance proposed night time hours is expanded from ending
15 at 5 am to 7:00 am on week days and to 9:00 am on Saturdays. The changes to the construction and
16 hauling hours are also similarly modest. Given that the change in morning hours is during rush hour
17 on the freeway, it isn't likely that the change would be very noticeable given the high background
18 noise of morning traffic. The greatest impact in the revision to proposed working hours is working
19 on Sundays in violation of RMC 4-4-030(C)(2) and (3). It's possible but not likely that members of
20 the public may have reacted differently had they been notified of the Sunday construction work.
21 Since the work is already being done every other day of the week for most day and night time hours,
22 the added Sunday work does not represent a significant change in overall impacts. Further, the added
23 public cost and additional traffic congestion and delays that would be caused by a re-advertising of
24 the application outweighs the public inconvenience caused by the modestly inaccurate public notice
25 for the application. For these reasons, the modifications will be accepted and approved without any
26 re-advertising.

18 4. Neighborhood Characteristics. Surrounding areas that will be potentially affected by the noise
19 and construction/haul variances are zoned Commercial Office (CO), Medium Industrial (IM),
20 Commercial Downtown (CD), Commercial Arterial (CA), Residential du/ac (R-6, R-8, R-10),
21 Residential Multi-Family (RMF).

22 5. Adverse Impacts. The noise generated by the proposal will be mitigated as much as
23 reasonably practicable. WSDOT has significant experience in mitigating noise impacts and has
24 developed a fairly good mitigation program that notifies potentially affected residents and tenants of
25 upcoming noise impacts. Residents and tenants are provided a complaint phone number. If the
26 residents and tenants are experiencing noise problems, WSDOT will provide white noise machines
and ear plugs. If that doesn't work, WSDOT will provide hotel accommodations. As outlined in Ex.
3 and 9 and Finding of Fact No. 3, WSDOT is also including in its proposal various measures to
reduce noise levels at the work site, such as relocating the Talbot noise wall outside the construction
zone prior to construction, requiring ambient sensitive back up alarms, prohibiting tailgating banging,
and installing temporary noise shields where feasible. The applicant will also be required to comply

1 with its proposed noise monitoring program, Ex. 10. If noise levels exceed proposed levels and/or
2 the applicant fails to comply with the conditions of this decision, the City is authorized to revoke the
3 approval of the variances. The mitigation measures have been reviewed by City staff and staff did
4 not find any other mitigation beyond that required by this decision that could be reasonably imposed.
5 The project will already take three years to complete. Imposing any additional restrictions on hours
or equipment would only create further delay and create further traffic congestion in an area
desperately in need of traffic improvements. No additional mitigation can be reasonably required.

6 Affected property owners submitted two letters of concern, Ex. 11. Liz Irvine expressed concern
7 over coal mine hazards, dust and damage to homes. Those issues are beyond the scope of the
8 variances subject to this decision. Omar Hernandez noted in his letter that he lives close to I-405 and
9 that past I-405 work has made living in his residence unbearable. Mr. Hernandez inquired whether a
10 relocation fund could be established to enable adversely affected property owners to move away
11 during the construction work. As noted in the City response to Mr. Hernandez's letter, Ex. 11, no
12 major work is anticipated near Mr. Hernandez's residence and the work is mobile such that no
13 specific area is anticipated to suffer from major noise for any extended period of time. Further,
WSDOT does have a hotel voucher program to address situations where noise cannot be adequately
mitigated. It is expected and anticipated that WSDOT will follow through on its commitment to
ensure that City residents can reasonably enjoy the comforts of their home during the construction
project. The conditions of approval give the City sufficient flexibility to address the situation if this
commitment is not adequately pursued.

14 **Conclusions of Law**

15 1. Authority. Variances to RMC 8-7-2 in excess of two days in duration are subject to a public
16 hearing and Hearing Examiner review (RMC 8-7-8(A) and (C)). The variance to RMC RMC 4-4-
17 030(2) and (3) has been consolidated with the noise variance application. . RMC 4-8-080(C)(2)
18 requires consolidated permits to each be processed under "the highest-number procedure," which in
this case is hearing examiner review.

19 2. Review Criteria. Variance criteria for variance to RMC 8-7-2 governed by RMC 8-7-8(D).
20 Variance criteria to variances to RMC 4-4-030(2) and (3) are governed by RMC 4-9-250(B)(5). All
21 applicable criteria are quoted below in italics and applied through corresponding conclusions of law.

22 **RMC 8-7-8(D)(1):** *That the applicant suffers practical difficulties and unnecessary hardship and the*
23 *variance is necessary because of special circumstances applicable to the applicant's property or*
24 *project, and that the strict application of this Chapter will deprive the subject property owner or*
applicant of rights and privileges enjoyed by others.

25 **RMC 4-9-250(B)(5)(a):** *That the applicant suffers practical difficulties and unnecessary hardship*
26 *and the variance is necessary because of special circumstances applicable to subject property,*
including size, shape, topography, location or surroundings of the subject property, and the strict

1 application of the Zoning Code is found to deprive subject property owner of rights and privileges
2 enjoyed by other property owners in the vicinity and under identical zone classification;

3 3. The criterion is met. The special circumstances are the proximity of SR 167 and I-405 to
4 adjoining homes and other affected properties. The proposed construction work cannot be done
5 anywhere else and is critically important to reducing severe traffic congestion in the I-405 and SR
6 167 corridors. In addition, work must be done outside of the restricted hours specified by RMC 8-7-2
7 and 4-4-030 in order to complete the project in a reasonable amount of time. The project will
8 already take three years to complete. Limiting the number of hours at night will extend the project
9 timeframe even longer, will exacerbate daytime congestion by increasing daytime lane closures, will
10 make the project take longer to complete and thereby increase the length of time that area residents
11 suffer from traffic construction and congestion, and will increase the safety risk to workers by forcing
12 them to do more of their work during heavy traffic periods.

13 **RMC 8-7-8(D)(2):** *That the granting of the variance will not be materially detrimental to the public
14 health, welfare or safety, or unduly injurious to the property or improvements in the vicinity of the
15 location for which this variance is sought.*

16 **RMC 4-9-250(B)(5)(b):** *That the granting of the variance will not be materially detrimental to the
17 public welfare or injurious to the property or improvements in the vicinity and zone in which subject
18 property is situated;*

19 4. As determined in Finding of Fact No. 5, as conditioned and mitigated, the noise impacts are
20 mitigated to the extent reasonably practicable under the circumstances. Ultimately, the mitigation
21 measures require the applicant to provide hotel accommodations if the noise proves too much for
22 adjoining property owners. In this regard, beyond the temporary inconvenience of relocation, the
23 noise impacts are largely mitigated and as a result, the granting of the variance would not be
24 considered materially detrimental to the public welfare or injurious to surrounding properties or
25 improvements.

26 **RMC 4-9-250(B)(5)(c):** *That approval shall not constitute a grant of special privilege inconsistent
with the limitation upon uses of other properties in the vicinity and zone in which the subject property
is situated;*

5. The City routinely approves variances for highway construction projects as there is no
reasonable alternative way to enable highway construction without creating massive traffic
congestion, increasing the costs of public highway projects and jeopardizing worker safety. No
special privilege is involved for this type of project.

RMC 8-7-8(D)(3): *That the variance sought is the minimum variance which will accomplish the
desired purpose.*

1 **RMC 4-9-250(B)(5)(d):** *That the approval is a minimum variance that will accomplish the desired*
2 *purpose.*

3 6. The applicant has taken all measures it reasonably can to reduce noise impacts as determined
4 in Finding of Fact No. 5.

5 **RMC 8-7-8(D)(4):** *That the variance contains such conditions deemed to be necessary to limit the*
6 *impact of the variance on the residence or property owners impacted by the variance. The variance*
7 *approval may be subject to conditions including, but not limited to, the following:*

- 8 a. *Implementation of a noise monitoring program;*
- 9 b. *Maximum noise levels;*
- 10 c. *Limitation on types of equipment and use of particular equipment;*
- 11 d. *Limitation on back-up beepers for equipment;*
- 12 e. *Required use of noise shields or barriers;*
- 13 f. *Restrictions to specific times and days;*
- 14 g. *Specific requirements for documentation of compliance with the noise variance*
15 *conditions;*
- 16 h. *Specific requirements for notification to nearby residents;*
- 17 i. *Required cash security to pay for inspection services to verify compliance;*
- 18 j. *Required access to the project by the City to verify compliance with the noise variance*
19 *conditions;*
- 20 k. *Specific program to allow for temporary hotel vouchers to effected residents;*
- 21 l. *Requirements for written verification that all workers understand the noise variance*
22 *conditions for the project; and*
- 23 m. *Provision allowing the City to immediately revoke the variance approval if the*
24 *variance conditions are violated.*

25 7. Many of the mitigation measures identified above are proposed and/or incorporated into the
26 conditions of approval. The applicant will provide an after-hours noise complaint phone number and
a summary of any complaints and the response provided, within 5 days of receiving the complaint. In
addition, the conditions require that the applicant provide notice to the City's project manager of the
dates of expected night work, a minimum of 24 hours in advance of the work. Noise levels and
equipment are limited to that identified in Ex. 9 and the construction schedule is limited to 36 months
and 845 days. Hotel vouchers are required if other mitigations fail to reasonably mitigate. The
conditions of approval include City authority to revoke the variances approved by this decision for
noncompliance. The mitigation measures have been reviewed by City staff. Staff did not find any
other effective mitigation beyond that required by this decision that could be reasonably imposed.
The project will already take three years to complete. Imposing any additional restrictions on hours
or equipment would only create further delay and create further traffic congestion and an area
desperately in need of improvement. No additional mitigation can be reasonably required.

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4 **RMC 8-7-8(D)(5):** *The importance of the services provided by the facility creating the noise and the*
5 *other impacts caused to the public safety, health and welfare balanced against the harm to be*
6 *suffered by residents or property owners receiving the increased noise permitted under this variance.*

7 8. As outlined in Conclusion of Law No. 3, the proposed night time and weekend work is
8 necessary and unavoidable for both safety and traffic circulation reasons. As determined in Finding of
9 Fact No. 5, the mitigation required of and proposed by WSDOT is as much as can reasonably be
10 required under the circumstances. On balance, the variance must be approved to facilitate significant
11 and necessary improvements to I-405 and SR 167.

12 **RMC 8-7-8(D)(6):** *The availability of practicable alternative locations or methods for the proposed*
13 *use which will generate the noise.*

14 9. As noted in the staff report, there are no alternative locations available.

15 **RMC 8-7-8(D)(7):** *The extent by which the prescribed noise limitations will be exceeded by the*
16 *variance and the extent and duration of the variance.*

17 10. As determined in Finding of Fact No. 5, noise levels will reach levels of up to 90 dBA and the
18 work will occur over a 36 month period on 845 nonconsecutive nights.

19 **DECISION**

20 As conditioned below, the noise and construction variances are approved:

21 1. The applicant shall provide the City of Renton project manager with the phone number for
22 after-hours noise complaints prior to commencement of construction. Any complaints within the
23 Renton city limits will be summarized and reported to the City's project manager within 5 days of the
24 complaint.

25 2. The applicant shall implement proposed noise mitigation measures to diminish or eliminate
26 noise during construction. Additional mitigation measures to diminish or eliminate noise during
construction are to be provided by the applicant as necessary.

3. The applicant shall notify the City of Renton project manager with the date and areas of
expected night work prior to commencement of night work, a minimum of 24 hours in advance of the
work.

4. If noise complaints are received by the City and/or WSDOT for nighttime work operations,
the applicant shall implement the project's noise monitoring plan for nighttime construction. Noise
monitoring shall include measuring of existing preconstruction ambient noise levels and

1 measurement of noise levels at the onset of a new nighttime construction activity with a potential
2 to create high noise levels. The noise measurements for the construction activities should be taken at
3 the time that represents the highest noise levels for that activity and the measurements shall be
4 provided to the City project manager.

5 5. The applicant shall provide temporary motel vouchers to affected residents for the nights of
6 the proposed noise variance work when noise impacts cannot be reasonably mitigated (by ear plugs
7 or white noise generators) to levels that enable the residents to reasonably sleep at their homes.

8 6. The portion of the project work located within the City limits that requires an approved city
9 construction or building permit, shall not be allowed on the following seven holidays: New Year's
10 Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving,
11 and on December 25th, to prevent hardship to the residents.

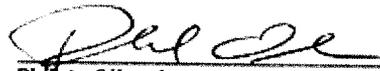
12 7. If complaints are received by WSDOT and/or the City regarding the permitted construction or
13 building work within city limits, on Saturdays and Sundays in a residential zone within 300 feet of
14 the project, and if the applicant does not satisfactorily address the concerns mentioned in the
15 complaint, then the City may consider a reduction in work hours.

16 8. Advance notification of the construction work should be provided to the residents two weeks
17 ahead of the work by door hangers and/or mailings.

18 9. For the work on City streets, traffic control plans are to be submitted by the contractor and
19 approved by the City Transportation section prior to start of construction work. If any complaints are
20 received from residents, the contractor along with WSDOT will propose measures to the City to
21 minimize the disruption.

22 10. The City may immediately revoke the approvals granted by this decision if WSDOT fails to
23 comply with these conditions of approval, exceeds proposed noise levels or engages in violations of
24 RMC 8-7-2 and RMC 4-4-030©(2) and (3) for the WSDOT I-405/SR 167 Direct Connect Project
25 beyond those authorized by this decision.

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DATED this 20th day of November, 2016.


Phil A. Olbrechts

City of Renton Hearing Examiner

Appeal Right and Valuation Notices

RMC 8-7-8(F) and RMC 4-8-080 provide that the final decision of the Hearing Examiner is subject to appeal to the Renton City Council. RMC 8-7-8(F) and RMC 4-8-110(E)(14) requires appeals of the Hearing Examiner's decision to be filed within fourteen (14) calendar days from the date of the Hearing Examiner's decision. Additional information regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7th floor, (425) 430-6510.

1 Affected property owners may request a change in valuation for property tax purposes
2 notwithstanding any program of revaluation.
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