



## City of Mukilteo, Washington

### Noise Variance Notice of Approval (VAR-ADMIN-2019-001)

### for Washington State Department of Transportation

The City of Mukilteo has **APPROVED, with conditions**, a Noise Variance application (City File No. VAR-ADMIN-2019-001) from the Washington State Department of Transportation (WSDOT) under Mukilteo Municipal Code (MMC) Chapter 8.18 “Noise Control”, and Washington Administrative Code (WAC) 173-60-050, “Exemptions”. The purpose of the WSDOT Noise Variance application is to perform pedestrian bridge retrofit and upgrade ADA ramps between 2nd Street and the Mukilteo Ferry Terminal for 35 non-consecutive nights beginning March 1, 2020 and completed by December 31, 2020.

#### **APPLICANT:**

Maria Laura Musso-Escude  
Air Quality, Acoustics and Energy Specialist  
Washington State Department of Transportation  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

#### **DESCRIPTION OF PROJECT:**

WSDOT has applied for a noise variance to complete work outside of the City’s approved construction hours (seven (7) a.m. to nine (9) p.m. weekdays and nine (9) a.m. to seven (7) p.m. weekends/holidays) to rehabilitate bridge deck pavement and widen the east sidewalk along SR 525 over Bridge No. 525/010 between 2nd Street and the Mukilteo Ferry holding lanes. Additional items of work and amenities include a raised crosswalk at SR 525 and 2nd Street, stair access to and from various locations on SR 525, a path to Lighthouse Park and beach under the bridge, and an overlook plaza at the northeast corner of SR 525 and 2nd Street. Other construction activities include, but are not limited to, pavement repair, temporary erosion and sediment control, and traffic control.

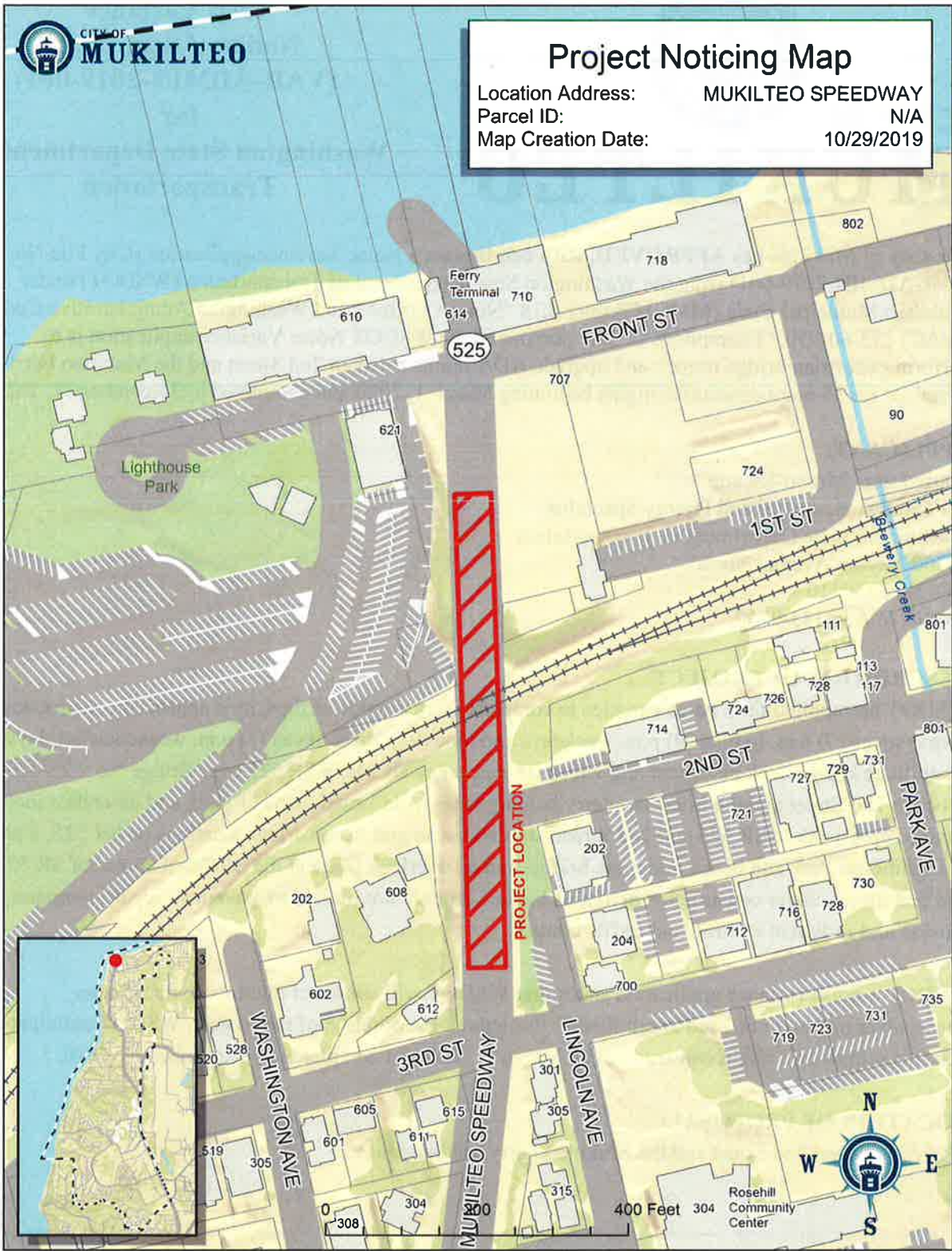
WSDOT’s noise variance application states that WSDOT will construct night work for 35 non-consecutive nights, to be used intermittently throughout the duration of the project. WSDOT anticipates that this project will begin construction by March 1, 2020 and completed by December 31, 2020.

#### **LOCATION OF PROPOSAL:**

SR 525 between 2nd Street and the Mukilteo Ferry holding lanes.

## Project Noticing Map

Location Address: MUKILTEO SPEEDWAY  
Parcel ID: N/A  
Map Creation Date: 10/29/2019



**FINDINGS OF FACT:**

1. WSDOT submitted a noise variance application request to the City of Mukilteo on August 26, 2019.
2. WSDOT will conduct night work for 35 non-consecutive nights, to be used intermittently throughout the duration of the project. WSDOT anticipates that this project will begin construction by March 1, 2020 and will complete this work by December 31, 2020.
3. WSDOT states the majority of the work is planned during nighttime to minimize the impacts on the scheduled sailing times for the Mukilteo Ferry Terminal as well as minimize congestion and traffic overflow to local arterial and city streets. Furthermore, this is a busy and well-traveled section of highway especially with local and state travelers using the connection with the Ferry Terminal to Clinton and other Island County destinations.
4. Construction activities on the project include rehabilitating the bridge deck pavement and widening the east sidewalk along SR 525 over Bridge No. 525/010, located between 2nd Street and the Mukilteo Ferry holding lanes. Additional items of work and amenities include a raised crosswalk at SR 525 and 2nd Street, stair access to and from various locations on SR 525, a path to Lighthouse Park and beach under the bridge and an overlook plaza at the northeast corner of SR 525 and 2nd Street. Other construction activities include, but are not limited to, pavement repair, temporary erosion and sediment control and traffic control.
5. Nighttime construction work will be both stationary and mobile, depending on the work, and it will be weather dependent but no longer than a total of five nights per each activity. The longest duration of night work will be for the rehabilitation and construction of additional amenities at the pedestrian bridge. Pedestrians will be directed to the nearest ADA accessible facilities around the work zone.
6. Due to heavy high volumes of traffic from the Mukilteo Ferry Terminal and to avoid impacting ferry service, the, the majority of the work is being done at night.
7. WSDOT will utilize multiple lane closures with flagger-controlled, alternating one-way traffic strategies.
8. WSDOT anticipates Short-term detours through the City may be required for the 2nd Street closure during construction.
9. The equipment WSDOT anticipates the contractor will require includes, but may not be limited to, the following:
  1. Pavement repair and paving
    - a. Front loader
    - b. Jackhammer/Sawcutter
    - c. Paver Haul truck
    - d. Light Plant
    - e. Paver
    - f. Pavement marker /striping machine
  2. ADA/Sidewalk/overlook
    - a. Loader

- b. Trucks
- c. Light plants
- d. Crane
- e. Concrete Mixer Truck
- f. Sawcutter
- g. Compressor

- 3. Bridge retrofit
  - a. Same as item 1 and 2
  - b. Crane
  - c. Loader

10. MMC Subsection 9.46.080 (“Construction Noise”), states,

**“9.46.080 Construction noise.**

- A. Prohibited. It is unlawful for any person, firm or corporation to cause, or for any person, firm or corporation in possession of real property to permit, construction noise which is audible on residential, mixed use or retirement home property beyond the property lines of the property on which the construction activity is conducted as follows:
  - 1. Monday through Friday, prohibited before seven a.m. and after nine p.m.
  - 2. Saturdays/Sundays/holidays (defined in RCW 1.16.050), prohibited before nine a.m. and after seven p.m.
- B. “Construction noise” means any sound caused by construction activity including but not limited to site preparation, mobilization, clearing, grading, assembly, erection, demolition, substantial repair, alteration or similar action.
- C. Exemptions shall be in accordance with WAC 173-60-050 and 173-60-080 as adopted in Chapter 8.18.”

The applicant proposes to conduct construction activities outside of the hours permitted in MMC subsection 9.46.080(A). An exemption request has been requested in accordance with MMC subsection 9.46.080 (C).

11. WAC 173-60-080 “Variances and implementation schedules” states,

**“WAC 173-60-080**

**Variances and implementation schedules.**

- (1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment [encroachment] upon an existing noise source, or because of non-availability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.
- (2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.”

12. On October 4, 2019, the City of Mukilteo provided notice to property owners in the area of the proposed noise variance work.
13. One written comment was received from the General Manager of Silver Cloud Inn regarding their ability to provide a comfortable and restful overnight stay for any of their guests with construction noise occurring so near to their property. The General Manager also stated during the construction project there will be no way to insulate Silver Cloud’s guests from the noise of a large overnight construction project and the dissatisfaction it will provoke in their guests may have a lasting effect on their business. Additionally, without a timeframe more specific than a nine month period, there is the possibility for all or some of the project to occur in the middle of the summer season which would have the greatest effect Silver Cloud’s business.
14. In accordance with WAC 173-60-080, the City finds that:
  - a) WSDOT has requested the construction noise variance and has submitted the information necessary to review the request.
  - b) WSDOT has requested this variance as night work to minimize roadway hazards to workers and the traveling public through the construction zone and minimize traffic backups and delays.
  - c) WSDOT has provided a schedule for its construction activities. The noise variance is being granted for a 35-day non-consecutive period between the dates of March 1, 2020, through December 31, 2020.
15. WSDOT has proposed and will be implementing the following mitigation measures during construction:
  - a) The contractor shall distribute nighttime work mail notification to residents within 500 feet of the work zone. The City shall review and approve the form and content of any notification, prior to distribution by the contractor. The contractor shall provide the notification draft to the City for review at least 24 *calendar* days prior to start of the nighttime work.
  - b) Truck tailgate banging is prohibited. All trucks shall be secured to prevent excessive noise from banging.
  - c) All trucks performing export haul shall have well maintained bed liners as inspected and approved by WSDOT’s engineer.
  - d) A copy of this noise exemption shall be kept on the project site at all times.

- e) Provide a WSDOT complaint number as well as a list of designated contact persons for the purpose of forwarding complaints.
  - f) Stationary equipment, such as light plants, generators, and compressors shall utilize WSDOT approved noise mitigation shields, noise blankets, skirts or other means available as approved by the WSDOT engineer.
16. The Mukilteo Community Development Director may grant a variance to the construction noise regulations in accordance with MMC subsection 9.46.080(C) (under the section entitled “Construction Noise”) and finds the improvements to the State corridor to be essential to the operation of the overall highway system.

**PROJECT DECISION:**

The project was reviewed for consistency with the standards and regulations of the City of Mukilteo and State of Washington Administrative Code and is hereby **APPROVED** subject to the following conditions:

1. WSDOT shall provide residents and businesses within 500 feet of the work zone with at least ten (10) *calendar* days notification prior to the beginning of any work.
  - a. The notification shall provide a name and contact number for residents/businesses to call in case they have questions or complaints.
  - b. The notice shall be issued for each type of nighttime work if they are not constructed simultaneously.
  - c. The City shall have the opportunity to review and comment on the form and content of the notification identified in item 1 above, prior to distribution. A draft notification shall be provided to the City for review at least 24 *calendar* days prior to start of the nighttime work.
2. Prior to the initiation of any nighttime work authorized by this decision, WSDOT shall reach out to the General Manager of Silver Cloud and discuss options to minimize the impact of the nighttime construction. WSDOT shall provide in writing to the City the results of their outreach efforts with the General Manager of Silver Cloud.
3. Truck tailgate banging is prohibited. All trucks shall be secured to prevent excessive noise from banging.
4. All trucks performing export haul shall have well maintained bed liners as inspected and approved by the engineer.
5. A copy of this noise exemption shall be kept on the project site at all times.
6. The public shall be provided with a WSDOT complaint number as well as a list of designated contact persons for the purpose of forwarding or responding to questions or complaints.
7. Stationary equipment, such as light plants, generators, and compressors shall utilize WSDOT approved noise mitigation shields, noise blankets, skirts or other means available as approved by the WSDOT engineer.

**APPEALS:**

Any person aggrieved by the granting of this variance may appeal the decision to the Pollution Control Hearings Board, pursuant to RCW 43.21B under the procedures of WAC 371-08.

Copies of the Notice of Approval are available from the City of Mukilteo, Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275. Contact: Linda Ritter, Senior Planner (425) 263-8043.

**CONTACT PERSON:**

Linda Ritter  
Senior Planner  
City of Mukilteo  
11930 Cyrus Way  
Mukilteo, WA 98275  
(425) 263-8043

**WSDOT CONTACT:**

Maria Laura Musso-Escude  
Air Quality, Acoustics and Energy Specialist  
Washington State Department of Transportation  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710  
(206) 440-8799

**DATE OF ISSUANCE:**

November 1, 2019

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

NOV 1, 2019

David Osaki  
Community Development Director

PC:      Applicant                      Community Development Director      Police Chief                      File Copy (2)  
         Parties of Record              Fire Chief                      Permit Services Assistant (2)

