



City of Seattle

Gregory J. Nickels, 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: 3009541

Applicant Name: Terry Beals for Central Puget Sound Regional Transit Authority

Address of Proposal: 3900 Montlake Boulevard Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to allow five buildings accessory to a major institution (University of Washington), including: concessions, restrooms, kitchen, ticket office and offices and guest services which will support Husky Stadium. Review includes 300 cubic yards of excavation and construction of a retaining wall in an environmentally critical area. Central Link Final Environmental Impact Statement (EIS) dated November 1999 and the North Link Final Supplemental Environmental Impact Statement (FSEIS) dated April 2006 prepared by Sound Transit. An Addendum to the FSEIS was also prepared by Sound Transit dated September 2008.

The following approval is required:

SEPA - Environmental Determination for conditioning only - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.*

* Central Link 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. Addendum to the FSEIS prepared and dated September 10, 2008.

BACKGROUND DATA

Site and Vicinity Description

The project site area for this MUP application lies on the University of Washington campus, generally west and north of Husky Stadium. The entire parcel area associated with this site address is approximately 476 acres. This larger 476 acre parcel is mapped with the following Environmental Critical Areas (ECA) designations: steep slope, riparian management area, shoreline habitat, wetland, liquefaction and landfill. Based on the submitted documents, the steep slope areas adjacent to the north side of the University of Washington football stadium were created by previous grading and/or construction activities. Consequently, on September 8, 2008, DPD approved an ECA exemption for the site. The proposed construction will include an excavation into the slope and may require methane mitigation. If so, the standard approach of using perforated pipes below the slab with exterior venting appears reasonable. Compliance with all applicable ECA regulations for the University Station site were reviewed and approved by DPD under a previous MUP (#3008164) for this site.

The zoning of the project site area is regulated by the University of Washington Major Institution Overlay District (MIO-160), which allows a height limit of 160 feet. The underlying zoning is Multifamily Midrise (MR). The land uses immediately adjacent to the proposed excavation and grading all lie within the University of Washington campus and include Husky Stadium to the east, educational building and university athletic facilities to the north, an underground parking facility and plaza to the west, surface parking to the southeast, and the University Medical Center and Surgery Pavilion to the southwest. Residential land uses are located to the south across the Lake Washington Ship Canal.

Proposal

The project site area for the proposed five new structures is generally located around the perimeter of the western and northern end of the rounded stadium building. From south to north, the proposed structures are as follows: an 800 sq. ft concession building (Building #4), 770 sq. ft. restrooms (Building #1), 144 sq. ft. Guest Services Building (Building #2), 372 sq. ft. Ticket Office (Building #3), 2,375 sq. ft. Kitchen and Office Building (Building #5). Building #5 includes the construction of a 12 foot high retaining wall.

The total floor area of the proposed five buildings is approximately 4,460 square feet. These five buildings will replace two existing buildings and uses which are currently located at the west end of Husky Stadium, near the main entrance to the stadium. The total floor area of the two existing buildings is approximately 4,895 square feet. These two buildings need to be demolished to construct the new light rail transit station adjacent to Husky Stadium. Demolition of the existing buildings is scheduled for March 2009 and the start of heavy civil work for the new light rail station is anticipated to commence in early 2010. The five replacement buildings need to be constructed and operational prior to the start of the fall 2009 football season.

On October 23, 2008, DPD approved MUP Application #3008164 which included a shoreline substantial development permit to allow a temporary construction staging area, excavation of 2,500 cubic yards of material and construction of two; 300 foot long light rail tunnels within the shoreline district area. MUP #3008164 (approved) also included a temporary use permit to establish the entire six-acre staging area adjacent to Husky Stadium, including the removal of trees within the staging area. No appeals were filed on either the shoreline substantial development or temporary use permit decisions. The conditions of approval for the shoreline substantial development permit and temporary use permit under MUP #3008164 apply to the entire site that is the subject of this permit.

On February 2, 2008, DPD approved MUP Application #3008663 for future grading to allow the removal of 326,000 cu. yds. of material (deep soil excavation and shoring) for the construction of a future light rail transit facility.

In addition, demolition permits (Permit Nos. 6160498 and 6160499) for removal of the two accessory buildings to Husky Stadium referenced above were issued by DPD on August 7, 2008.

Public Comment

The public comment period ended November 3, 2008. No written comments were received.

ANALYSIS – SEPA

Sound Transit issued the Central Link FEIS in November of 1999, the North Link FSEIS in April 2006 and the Addendum to the FSEIS in September 2008. The Addendum specifically provides additional information regarding the re-location of the accessory buildings supporting Husky Stadium as proposed in this MUP application. Sound Transit has lead agency status on this project, and the Director hereby incorporates by reference its November 1999 Central Link FEIS, the April 2006 North Link FSEIS and September 2008 Addendum to the 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 particular 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 caused by excavation activities and potential soil erosion and disturbance to subsurface soils during grading, excavation, 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: Stormwater, Grading and Drainage Control 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). In addition Federal and State regulations and permitting authority are effective to control short-term impacts on water quality. 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.

Construction Impacts

No significant vibration impacts are anticipated to result from the excavation. The FSEIS discloses that there would be vibration from some construction activities at the site, but that it is unlikely that any structural damage to adjacent or nearby properties would occur. During high vibration-producing activities, such as shoring installation, there is a potential for settlement and minor movements of nearby structures. Designs of suitable shoring systems will reduce the potential of settlement related damage. Pre-construction condition surveys will be completed and during construction monitoring programs will be implemented to ensure that vibration impacts are adequately minimized and mitigated.

Drainage and Earth

Additional information verifying conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of any required building permits or demolition permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic may increase congestion in the area. To mitigate the impacts of construction traffic, the applicant has proposed a truck haul route for disposal of excavated soils and other construction debris from the site to Interstate-520. A final truck haul route will be reviewed, finalized and approved by the Seattle Department of Transportation (SDOT).

Discussion of construction worker parking impacts is on page 4-186 of the FSEIS. Project-wide mitigation for traffic impacts due to construction of light rail is contained in the Record of Decision. Regarding construction parking replacement and/or contractor parking, the mitigation includes satellite parking on or off campus with a shuttle bus, parking management systems, or other measures as agreed by the University. The University of Washington's existing parking management systems, including expanded event management plans, could also be used to encourage parking users to utilize unused capacity in the University lot system or to reduce vehicle trips during construction. Either Sound Transit or its contractor is expected to locate and secure temporary parking areas for construction workers during construction. In order to ensure that the construction worker parking is addressed, the contractor shall develop and submit a Construction Parking Management Plan to DPD for review and approval.

The University of Washington will provide temporary parking replacement for parking displaced by construction of the light rail facility. Preliminary locations include new surface parking in the undeveloped area south of the existing Husky Stadium parking lots (E11 and E12) and on the surface of the Triangle Garage. In the event that these temporary parking replacement locations are not available or do not fully replace affected parking, Sound Transit will provide temporary parking replacement at alternate locations. Reducing the size or reconfiguring the construction staging area at the University of Washington Station will also be considered to reduce temporary parking loss during construction. Sound Transit has compensated the University of Washington to provide for replacement parking of up to 600 stalls taken during construction and for the 100 permanent stalls eliminated in the surface restoration plan.

A large portion of the mitigation payment was spent on funding the West Campus Parking Garage expansion project that adds 350 stalls. This garage expansion is currently under construction. UW is ultimately responsible for providing replacement parking.

No further conditioning is warranted to mitigate short-term traffic or parking impacts.

Noise

Construction activities at the project site will generate short-term noise that is expected to comply with the Noise Control Ordinance. It is anticipated that construction will take place during the day. If, however, the applicant proposes nighttime construction activities (between 10 PM and 7 AM on weekdays and/or between 10 PM and 9 AM on weekends and holidays), noise levels would exceed those specified in the Code, therefore, a Noise Variance will be required by DPD. During its review of a Noise Variance application, DPD would determine the appropriate mitigation measures to be implemented and maintained by the contractor for nighttime activities. Noise mitigation measures may include, but are not limited to, installation of noise barrier walls, restrictions on back-up truck alarms, use of low-noise emission equipment and implementation of a noise control and mitigation plan. For its other previous light rail construction projects, Sound Transit's Community Outreach Program has developed a Citizen Involvement and Public Complaint Resolution plan that requires Sound Transit to work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors and to keep the adjacent communities informed throughout construction. The outreach includes updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline has been established, and a record kept of all noise complaints. When a complaint is received, Sound Transit uses every reasonable effort to resolve it to the satisfaction of the complainant.

Long Term Impacts

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 from increased vehicle trips but also the project's energy consumption (although overall the project is estimated to reduce greenhouse gas emissions by reducing regional miles traveled), increased demand for public services and utilities; and increased area traffic and demand for parking.

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.

Plants and Animals

The tree removal plan submitted by the applicant anticipates the removal of numerous trees (Tulip, European Hornbeam and Birch). The MUP Decision for the project's temporary use permit (3008164) refers to a site restoration plan required by the Seattle Land Use Code (SMC 23.42.040F.4) which specifically addresses Light rail transit facility construction. (See Condition Nos. 14 and 15 under Master Use Permit #3008164 for the restoration plan requirements.)

