GRAHAM & DUNN PC

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Elliott Bay Seawall Scoping Comments
c/o Tetra Tech, Inc.
1420 Fifth Avenue, Suite 550
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Re: Scope of the EIS for the Elliott Bay Seawall Replacement

Thank you for the opportunity to comment on the scope of the EIS for the Elliott Bay Seawall Replacement.

These comments are submitted on behalf of Waterfront Landings Condominium. Waterfront Landings is a 232-unit residential condominium community with an aggregate value of over $125 million, located on Alaskan Way between Pine and Lenora Streets. The Waterfront Landings community includes 376 residents for whom the waterfront is their home. A significant number of residents are retirees, which means that they are affected not only by impacts of construction during evening hours but by impacts on a 24-hour basis. The majority of the units in Waterfront Landings are not air conditioned, which means that during sunny days all year long it is essential that the residents be able to open their windows, without having their living space become filled with dust or be too noisy for normal living. Waterfront Landings' parking garage is accessed from Pine Street and Lenora. The units face to Puget Sound, or for a significant number of units, to the southeast and the Central Waterfront, overlooking the parking lot at the base of Pike and Pine Streets that was mentioned as a potential staging yard for construction activities when the Alaskan Way Viaduct replacement was considering major construction on the waterfront, and which could be considered as a staging yard for seawall replacement construction.

The residents of Waterfront Landings recognize that the Elliott Bay Seawall must and will be replaced. Once the seawall replacement is completed, the project will have relatively little impact on them, other than, of course, providing security against catastrophic failure in the case of an earthquake. The construction process, by contrast, will have significant adverse impact on the residents of Waterfront Landings. Recognizing that there is some level of disruption that they will simply be required to endure, their concern is that the replacement process not make their homes inaccessible or uninhabitable. Because they are directly in harm's way during the construction process, it is critical to them that the impacts of the construction process be carefully disclosed in the EIS, and that the mitigation for those impacts be considered and

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disclosed in the draft EIS as well, so that they have an opportunity to comment on the adequacy of that mitigation as part of the EIS process.

IDENTIFICATION OF ALTERNATIVES

During the many years of debate over whether the Alaskan Way Viaduct should be replaced with a cut and cover tunnel along the waterfront or with a rebuilt viaduct, seawall replacement was inextricably bound to the viaduct replacement. The first phase of the seawall replacement was from South Washington Street to Pine Street because that was the stretch that had to form the west wall of the cut and cover tunnel and the support for the tunnel as it came out of the ground below the Pike Place Market. Concerns about apples-to-apples cost comparisons between the cut and cover tunnel and the rebuild dictated that the same stretch of seawall be replaced under either alternative. And since either the cut and cover tunnel, or the rebuild, was potentially devastating to the homes and businesses along the waterfront, the fact that the selected approach to rebuilding the viaduct was extremely disruptive was not an issue that drew much consideration. No consideration was given to prioritizing areas of the seawall for replacement based on risk of failure, or the consequences of failure of the seawall. Replacement of the seawall north of Pine Street was left for some indefinite future not because of any reasoned decision that it was less at risk than areas to the south, but rather because once funding for the viaduct replacement was exhausted, there was no strategy for where funds might be found to do any more.

With the selection of a deep bore tunnel to replace the viaduct, Waterfront Landings urges the seawall project team to approach the issue of how to replace the seawall with fresh eyes. In the interim as the viaduct debate raged on, the Seattle Art Museum showed at the Olympic Sculpture Park that at least in some circumstances it may be possible to replace the seawall at far lower cost and at minimal disruption than has been assumed. We cannot speak to whether the Art Museum's approach is viable elsewhere or whether there are other equally distinct approaches that might be viable elsewhere. But we urge the project team to reexamine the schedule, priorities and methods of replacing the seawall based on primary consideration of risk, minimization of disruption to the waterfront and total cost, including mitigation cost. While the seawall and the viaduct removal are still in the same vicinity, any connection between the construction of the two should be based on a clear showing that combining the two minimizes disruption and cost.

IMPACTS

All prior discussions of the seawall have been linked to the viaduct replacement, and have proposed a construction process that was to be highly disruptive, with impacts having the potential to make Waterfront Landings uninhabitable for periods of months or years. Now that the seawall replacement is separate from the viaduct, we would hope that an approach can be

found that is far less disruptive and impactful. Until we know more about exactly what is being proposed, it is impossible to be certain what issues will be important in the environmental analysis. Based on the prior approaches, the topics of greatest concern to Waterfront Landings are likely to be noise, vibration, light and glare, dust and air quality, access for vehicles and emergency services, and parking. Mitigation of those impacts may still be critical to the goal of Waterfront Landings residents that their homes remain habitable through the seawall replacement process. They would be happy to meet with members of the project team to provide further information or to discuss mitigation measures.

NOISE

To properly understand the impacts of the construction process, it is important to start with an accurate understanding of the existing environment. In that regard, some of the baseline information that has been developed for the Alaskan Way Viaduct Replacement Project was based on false assumptions and should be discarded. Noise readings for the baseline noise environment of Waterfront Landings appear to have been taken at the noisiest exterior location of the Waterfront Landings buildings – at the rear of the building where the train tunnel and the viaduct cross – and then the anticipated construction noise was compared to the existing noise at that location. The baseline noise level was assumed to be an L_{eq} and L_{dn} of 80, or the equivalent of a vacuum cleaner at 3 feet. Such a high baseline meant that the increased noise from the construction process was anticipated to be relatively small. Not surprisingly (since a baseline noise level of 80 dBA would not be an acceptable level of residential noise), that is a misleading characterization of the baseline noise as it is experienced by residents of Waterfront Landing, and thus led to a completely flawed analysis of the impact of construction noise for the viaduct replacement. We urge you not to make the same mistake, and to conduct your analysis of projected noise impacts based on a realistic understanding of the baseline.

The developer of Waterfront Landings invested in substantial sound insulation on the rear face of the building. The rear face has no windows, and no units are on that face. The common hallway is the only interior feature along the east face of the building, and it is insulated so that neither the train nor the viaduct is audible from inside the building. The residential units face to Puget Sound, the Central Waterfront and the Olympic Mountains, where the environment is far quieter, and consistent with residential noise standards for high quality urban areas. Construction activities for the seawall replacement will presumably generate noise from directions that the Waterfront Landings units face. The EIS must start by accurately describing the existing noise environment as it is experienced by residents now, and then describe the change in that noise environment that will occur during construction. That requires exterior noise measurements of the existing environment to be taken outside the windows and balcony doors of representative units within the building.

The environmental review for the viaduct replacement has also been deficient because it failed to disclose the mitigation that would be provided for the noise impact. Instead, the viaduct EISs said that would be worked out as part of obtaining necessary variance permits from the City of Seattle. That is not acceptable to the residents of Waterfront Landings. SEPA requires that the EIS discuss mitigation that is included as part of the proposal, WAC 197-11-440((5)(c)(i) and mitigation measures that would significantly mitigate the impacts of the proposed action, WAC 197-11-440(6)(c)(iii) and (iv). The proposed mitigation needs to be addressed in the draft EIS, so that the affected public has the opportunity to comment on it. In 2009 the City of Seattle provided for a "major public project construction variance" from its noise ordinance, which makes reliance on the City's noise ordinance inappropriate as a form of mitigation for noise impacts of the project.

VIBRATION

Until more is known about what exactly is being proposed for the seawall replacement it is impossible to know the extent of vibration impacts that may be experienced. The viaduct replacement EISs tended to give vibration short shrift, but depending on the construction techniques used, vibration could be a serious issue as the seawall is replaced in the vicinity of Waterfront Landings. Waterfront Landings is built on piles because the ground underneath the buildings is soft fill, which makes the buildings quite subject to movement. The sound insulation that protects the buildings from noise to their rear appears to have no impact on vibration, and the buildings experience vibration from the trains that pass behind them. Extended exposure to vibration from equipment used in the seawall replacement construction may make it very difficult to live in the buildings.

LIGHT AND GLARE

When the viaduct replacement was linked to the seawall reconstruction, the project team proposed two or three shifts of construction work throughout the period of waterfront construction. While Waterfront Landings understood the desire to accomplish the work as quickly as possible, that threatened to make it impossible to sleep in any of the units fronting on the construction area, at least during months when it is essential that the units be able to open their windows. Obviously the seawall replacement may or may not have similar impacts now. But in preparing the EIS, the project team should recognize that the level of lighting that is essential for safe nighttime construction work is inconsistent with a residential area. During winter months, some mitigation may possible with adequate shades or drapes. In the warmer months when windows need to be open, that won't work.

DUST AND AIR QUALITY

As described above, most of the units at Waterfront Landings are not air conditioned, and need to be able to open their windows. They will thus be exposed to dust and air pollution from construction in the vicinity of the building. The DSEIS needs to describe the air quality impacts of the construction process and describe the mitigation that will be implemented. The DSEIS needs to disclose the expected benefits of the proposed mitigation and provide for further action if the mitigation becomes inadequate.

ACCESS

Alaskan Way presents unique access limitations that need to be taken into account as the project team plans lane closures for the seawall replacement. Alaskan Way to the north of Waterfront Landings has severe limitations. First, emergency vehicle access must be from the south. Any access from the north can be restricted for long periods of time by trains on the Burlington Northern tracks. Second, when cruise ships are docked at Pier 66, Alaskan Way becomes severely congested in front of Pier 66 as a result of passengers embarking and disembarking and the significant number of semitrailer truck deliveries that are needed to provision the cruise ships. Thus access to Waterfront Landings along Alaskan Way to the south is critical and any restriction on that access must be mitigated.

Any part of the seawall replacement that is not completed before the viaduct is removed will need to consider the significant additional traffic from the Ballard/Magnolia/Interbay area that is anticipated on Alaskan Way once the Elliot/Western access points to SR 99 are no longer functioning.

PARKING

The limited supply of on-street parking on Alaskan Way is an essential component of making Waterfront Landings work as a home for many of its residents. Without that parking, guests, often including elderly family members, are not able to visit. There is effectively no transit service on Alaskan Way, so having visitors arrive by transit is not an option, particularly for guests who are not able walk long distances. Thus any reduction in the available parking as a result of seawall construction must be mitigated.

Again, we appreciate the opportunity to comment on the scope of the EIS, and would welcome the opportunity to meet with the project team at any time when they need additional information or would like to discuss proposed mitigation.

Sincerely,

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Elaine L. Spencer

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