



September 30, 2013

Via e-mail and regular mail

City of Seattle, Dept. of Planning and Development
Attn: John Shaw, Senior Transportation Planner
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Re: **Comments on the Draft EIS (DEIS) for Proposed Seattle Arena
DPD project #3014195**

Dear Mr. Shaw:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Seattle Arena. As noted below and in the attached matrix, Attachment A, the port is concerned with numerous potential negative effects on marine cargo and industrial uses and activities in south Elliott Bay, adverse effects of which may be irreversible, due to the proposed arena. These impacts will harm our ability to create and sustain jobs in the maritime and industrial sectors, ultimately weakening our region's economy.

The Port of Seattle Commission has also outlined its concerns in a letter to Seattle Mayor Mike McGinn, Attachment B.

Summary of the Port of Seattle's Comments on the DEIS

Port of Seattle marine cargo facilities in south Elliott Bay are critically located in the center of the city's maritime and industrial area and are essential to the region's trade and shipping economy. Port cargo terminals, related marine industrial uses, and surrounding industrial locations in the Duwamish industrial area rely on existing and future improvements of public and private infrastructure. The "Regional Transportation Hub" (Attachment C) demonstrates that the proposed arena's site is located amidst land devoted to Port uses (dark blue for port terminals, rail yards, warehouses and transloading facilities) and passenger transportation facilities (green for Metro, Sound Transit commuter and light rail, and Amtrak). Along with investments by other stakeholders supporting the industrial and maritime sector, the Port has invested more than \$1 billion in the past 15 years to redevelop, improve, and increase the utility and efficiency of

marine shipping facilities in south Elliott Bay and in the Duwamish Manufacturing/Industrial Center (MIC) to support international trade and export Washington goods.

As part of the Port's Century Agenda, a twenty-five year vision, we intend to increase marine cargo volume to 3.5 million TEUs (twenty-foot equivalent units) and significantly increase the value of export cargo creating thousands of new jobs in the region through re-investment in export/import shipping and transportation needs. The present and long-term future economic health and sustainability of cargo facilities and the surrounding industrial area must not be jeopardized. Present marine cargo and industrial area uses and activities in south Elliott Bay are a principal contributor to the city, and the region's economy, including:

- The City of Seattle's Manufacturing and Industrial Sector accounts for 36% of the city's annual sales tax receipts and 38% of the City's total B&O tax revenue.
- Two-way trade flowing through the Port of Seattle, valued at \$38.4 billion in 2012, depends on efficient port facilities as an essential gateway for international trade.
- Port of Seattle container terminals support 30,000 direct jobs.
- The marine-cargo business adds \$3 billion to our economy annually.
- Approximately 100,000 jobs are located in south Elliott Bay, comprising 80% of Seattle's industrial area, with an annual payroll exceeding \$2.5 billion.
- According to the Washington Council on International Trade, 4 in 10 jobs in Washington depend on international trade.

Attachment A, "Port of Seattle's Matrix of Comments on Arena Draft EIS," includes an extensive number of issues the Port has identified in review that emphasize deficiencies with the DEIS analysis that must be addressed before the City makes further decisions regarding this project. This cover letter emphasizes the most critical matters raised by locating a sports and entertainment arena in an existing industrial area. The table/matrix has many additional substantive comments that the City should have addressed in the DEIS and should respond to in the Final EIS (FEIS).

The DEIS considers five alternatives. Two of the Arena alternatives under consideration are located in the SoDo neighborhood, which is part of the designated Duwamish Manufacturing/Industrial Center (MIC), and at the junction of heavy vehicle and rail freight infrastructure critical to marine cargo and industrial use. The DEIS fails to provide sufficient information for elected officials to make an informed decision to locate the proposed arena in SoDo for the following reasons.

1. The SoDo location would encourage further incursion of incompatible land uses into the industrial area, a decision that is counter to prior policies established to protect Seattle's port and industrial facilities. This situation would be exacerbated by the probable significant adverse effects created by the project for which the DEIS does not offer sufficient mitigation. The negative effects of this project will jeopardize the future of the Port of Seattle.
2. The DEIS identifies substantial direct and secondary impacts from the proposed development, but fails to adequately evaluate potential negative effects, and does not

include numerous additional potential adverse effects. Irreversible impacts which cannot be mitigated (negative project effects which cannot be avoided or minimized) are associated with incompatible land use, increased acute and chronic traffic congestion, and substantial negative effects on rail operations and public safety. The Port of Seattle asserts that some of the impacts cannot be mitigated and will create severe effects on the Port of Seattle, which the DEIS does not address.

3. Because the City improperly characterized the Arena project as a private project, instead of a public project, the DEIS fails to fully evaluate alternative sites (including sites outside of Seattle) that would have likely avoided impacts to the industrial area.
4. However, if Seattle chooses to approve the SoDo location, then the proponent must be required to implement extensive mitigation in order to off-set and minimize many of the identified negative effects to traffic and freight mobility. Necessary mitigation actions are not adequately identified in the DEIS and specific implementation commitments are not identified. Since necessary mitigation actions are not adequately identified and specific implementation commitments are absent, decision makers cannot reach conclusions regarding mitigation given the current level of analysis provided.

Land Use Issues

The DEIS fails to adequately discuss and analyze consistency of the proposed arena with applicable land use plans, including the City's Comprehensive Plan.

The Growth Management Act (GMA) requires the City to conform to its requirements. RCW 36.70A.040(1). The purpose of the City's Land Use Code is "to protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are consistent with and implement the City's Comprehensive Plan." Seattle Municipal Code Section (SMC) 23.02.020(A). The contents of the DEIS are required to include

A summary of existing plans (for example: land use and shoreline plans) and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them...

SMC 25.05.440(E)(4)(a). The DEIS did not discuss how locating a new arena in SoDo would be inconsistent with applicable plans such as the City of Seattle Comprehensive Plan (specifically related to the Container Port Element and other container port references), regional freight mobility plans, the Duwamish Manufacturing/Industrial Center Neighborhood Plan and other relevant plans and policies.

One of the main purposes of a draft EIS is to help decision-makers choose among alternatives. SMC 25.05.440(D)(3)(e). These decisions should take into account which of the alternatives has the least probable significant adverse environmental impacts, either as a result of the scope of the proposal, or as a result of proposed and required mitigation. SMC 25.05.440(D)(3)(f). Local, state, and regional entities and their stakeholders put significant time and effort to provide plans and policies for future land use for their constituencies. The decision made on the proposal

described in this DEIS will have substantial impact on a major economic hub in the region and thus demands a robust and objective discussion of concerns that the Port of Seattle, as submitted to the scoping process on November 30, 2012.

At a minimum, the following land use policies and adopted plans and recommendations should have been included in the DEIS land use analysis:

1. City of Seattle Comprehensive Plan, including the Container Port Element, Land Use element (Section B-4, Industrial Areas) and Industrial Use Policies
2. Greater Duwamish Manufacturing and Industrial Center Neighborhood Plan
3. Seattle Planning Commission, "Review of the Proposed Sport Arena in the Duwamish Manufacturing and Industrial Center, "July 2012"
4. Seattle Planning Commission, "Future of Seattle's Industrial Lands," 2007
5. Seattle Center Century 21 Master Plan
6. Key Arena Subcommittee Report
7. Port of Seattle Century Agenda, 2012
8. Port of Seattle Seaport Shoreline Plan, 2008
9. King County Countywide Planning Policies
10. Puget Sound Regional Council VISION 2040
11. Container Port provisions of the Growth Management Act (GMA), 2009

All of these plans and policies are relevant to the discussion and analysis of the proposal in the DEIS, yet only two were given consideration; the DEIS provided a cursory review of the City of Seattle Comprehensive Plan and the Seattle Center Century 21 Plan. Since the latter mainly applies to Alternatives 4 and 5, the DEIS actually contains more extensive plan consistency review for the Seattle Center sites than for the SoDo site, which is identified as the preferred alternative. Since the preferred alternative proposes to locate the arena in SoDo, there is a greater need for reconciliation of the proposal with adopted plans for SoDo than with adopted plans for Seattle Center. The City adopted the Seattle Center Century 21 Master Plan which includes a goal of attracting an NBA team to the Key Arena site. The DEIS should acknowledge this goal and provide analysis of how locating an NBA team in the SoDo area is consistent or inconsistent with the existing Seattle Center Century 21 Master Plan and provide analysis of impacts for not adhering to this goal.

The DEIS failed to analyze whether the proposal was consistent with the King County Countywide Planning Policies (CPPs).

CPPs

The CPPs provide a countywide vision and serve as a framework for each jurisdiction to develop its own comprehensive plan, which must be consistent with the overall vision for the future of King County. A regional concern and major objective of the Countywide Planning Policies is the protection and management of resource lands, including manufacturing and industrial:

"Manufacturing/Industrial Employment Centers are key components of the regional economy. These areas are characterized by a significant amount of manufacturing, industrial, and

advanced technology employment. They differ from other employment areas, such as business/office parks in that a land base and the segregation of major non-manufacturing uses are essential elements of their operation.”

The Duwamish Manufacturing/Industrial Center is a designated center in the CPPs. Here, the DEIS failed to consider whether the proposal to locate the arena in SoDo is consistent with the King County CPPs. Since the arena is proposed to be located in King County and King County has committed to contributing significant financing toward the arena, the DEIS should have analyzed the consistency of the proposed arena’s location with the CPPs.

The DEIS failed to adequately analyze the consistency of the proposal with the City’s Comprehensive Plan policies.

The GMA requires the City to conform to its requirements. RCW 36.70A.040(1). The purpose of the City’s land use code is to implement the comprehensive plan. SMC 23.02.020(A). In addition to reducing sprawl and focusing the development of necessary infrastructure in urban centers, the GMA defines Regional Manufacturing and Industrial Centers as having statewide importance under GMA.

Industrial Areas, Land Use Goals, City Comprehensive Plan - The proposal to locate the arena in SoDo contradicts a number of the City’s Comprehensive Plan policies and elements. For example:

LUG24: Preserve industrial land for industrial uses and protect viable marine and rail-related industries from competing with non-industrial uses for scarce industrial land. Give special attention to preserving industrial land adjacent to rail or water-dependent transportation facilities.

Section B-4 Industrial Areas, Goal LUG24. The proposal to locate the arena in SoDo will create new pressures to gentrify industrial land near Terminal 46 and Terminal 30 and convert scarce industrial land for commercial uses.

Container Port Element, City Comprehensive Plan - In 2009, the Washington State legislature amended the GMA to require a “port element” be added to GMA comprehensive plans because

...container port services are increasingly challenged by the conversion of industrial properties to nonindustrial uses, leading to competing and incompatible uses that can hinder port operations, restrict efficient movement of freight, and limit the opportunity for improvements to existing port-related facilities.

It is the intent of the legislature to ensure that local land use decisions are made in consideration of the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and to ensure that container ports continue to function effectively alongside vibrant city waterfronts.

RCW 36.70A.085 (legislative findings (2) and (3)). The City of Seattle adopted the container port element of the comprehensive plan with a number of policies designed to respond to the legislature's findings. See City of Seattle Ordinance #123854, Container Port Element, Land Use CP 1- 18. For example, Land Use Policy, CP 3 provides

Discourage non-industrial land uses, such as retail and residential, in industrially-zoned areas to minimize conflicts between uses and to prevent conversion of industrial land in the vicinity of cargo container terminals or their support facilities.

The proposal to locate the arena in SoDo is inconsistent with CP 3 as well as the other land use policies in the port element because it would encourage new non-industrial land uses in this area, create conflicts between the arena and neighboring industrial uses, and encourage the conversion of industrial land near Terminals 30 and 46.

2008 Port of Seattle Seaport Shoreline Plan - The Port of Seattle Seaport Shoreline Plan was developed in 2008 to identify the long term business goals for each of the Port properties in the Seattle Harbor. The plan expresses the Port's commitment to maintain industrial uses on all Harbor Island-area properties including Terminal 30 and 46 near the Proposed Project. The DEIS neglects to discuss this important land use plan or acknowledge that locating the proposed Seattle Arena in SoDo would be contrary to this plan.

Port of Seattle Century Agenda - The Century Agenda is a 25-year vision developed by the Port of Seattle. In addition to providing for the aggressive cargo growth goal mentioned previously, the Century Agenda also endeavors to help anchor industrial land use in the region to prevent sprawl to areas that have not already developed a sufficient level of supporting infrastructure.

Seattle Planning Commission Reports - Two reports by the Seattle Planning Commission speak directly to the need to preserve industrial land as scarce resource. "The Future of Seattle's Industrial Lands," July 2007, deals with the citywide issue of loss of industrial land. "Review of the Proposed Sports Arena in the Duwamish Manufacturing and Industrial Center," July 2012 speaks to the Proposed Project in particular and finds that it creates land use conflicts. It is ironic that these two plans were generated by the City, yet ignored in the DEIS.

Duwamish Manufacturing and Industrial Center Neighborhood Plan - The Duwamish Manufacturing and Industrial Center Neighborhood Plan was adopted in 2000 and is an appendix to the Seattle Comprehensive Plan. It concludes that the viability of the Center is threatened by pressure to develop non-industrial uses within it. Despite the Plan being developed with extensive stakeholder participation, the DEIS ignores the conclusions of this important planning document and proposes to locate the arena, which is a non-industrial use, within the Plan area.

The DEIS fails to adequately analyze how the proposed arena is consistent with existing land uses.

The DEIS fails to provide an analysis that is sufficiently robust to enable the public to understand why the City believes the SoDo site is the preferred alternative. The DEIS analysis touches on some of the important questions listed below, but in a non-cohesive way:

- To what extent do the different site alternatives contradict these same existing land use and other policies for the area?
- To what extent does the proposed use preclude other uses or encourage related development? What impact will the proposal have on current uses? How do the alternatives differ in their impact on the operation of current uses?
- To what extent do the different alternatives displace existing businesses or uses, and can such displacement be mitigated?
- How do alternatives compare in their impacts of the area and to what extent can those impacts be mitigated?

Substantive and Organization Deficiencies - The DEIS separates the overall discussion and analysis by including a section called the “Regulatory Framework” in addition to the Land Use section, even though both sections appear to cover Land Use. As a result of this segmentation, the reader is forced to go back and forth between the two sections to piece together information on existing land use, affected environment, impact analysis, and proposed mitigation. In addition, much information related to land use is actually found in the Economic Impact appendix. The inclusion of land use issues in three different sections of the DEIS forces the reader to review all three sections in order to find enough information to consider whether the land use analysis is complete, whether the information is internally consistent, and then to reach conclusions as to a preferred alternative. Table 1-1 provides an opportunity to summarize land use information from the separate sections to form conclusions, but is not successful in doing so.

As a result of the deficiencies described above, the DEIS fails to adequately address many of the major land use plans and other policies for the area. Many of the essential issues and questions stated above are not discussed with sufficient depth to reach any conclusion as to a preferred alternative in the DEIS. Moreover, the DEIS fails to offer a conclusion as to whether the project proponent will implement mitigation that could reduce or eliminate the probable significant adverse impacts of the proposal. In short, the DEIS fails in its most essential purpose which is to provide a decision-maker with the necessary information to reach an informed decision.

The DEIS Land Use section should be thoroughly revised to include a detailed analysis of the proposal’s compatibility with existing and project land uses and plans, the City’s comprehensive plan and the required analysis of consistency under the GMA. RCW 36.70B.040. The DEIS land use analysis should have addressed the types of existing land use; level of development, such as units per acre or other measures of density; infrastructure, including public facilities and services needed to serve the development; and characteristics of the development, such as development standards.

Locating the arena in SoDo will induce new and competing land uses that will raise the value of land in the existing industrial district and threaten the viability of existing industrial uses.

SEPA requires that the likely adverse cumulative impacts of the proposal be considered in the DEIS. SMC 25.05.792 (3)(c). The cumulative impacts of the proposal are the “past, present, and reasonably foreseeable impacts” of the proposal. 40 C.F.R. 1508.7. Among the cumulative impacts that the DEIS should have considered, but failed to consider, are the reasonably

foreseeable cumulative impacts of land use changes that locating the arena in SoDo would likely induce. The pattern of new uses raising the value of land in existing industrial districts due to projects such as the present proposal has been documented in numerous locations (Seattle Planning Commission, "Future of Seattle's Industrial Lands," 2007). Alternatives 2 and 3 will likely catalyze new commercial development and contradicts the assertion that locating the arena in SoDo is compatible with applicable plans.

Locating the arena in SoDo will induce land use changes between the proposed arena location and WSA Properties LLC's neighboring properties.

Various newspaper articles have reported on ArenaCo representative Chris Hansen's interest in an "entertainment district" near the proposed arena

Hansen outlined his vision for the area around Seattle's existing professional sports stadiums in the SoDo neighborhood, where he wants to build a professional basketball arena. "That's plenty of space," said Hansen. He said the district would go "hand in hand" with his arena plans, and he pointed out that his consultants are discussing the district with the operators of Safeco Field and CenturyLink Field. Hansen said he won't be building the entire district, but wants to help create it. "We would be very happy if other people can make some money off of it too. We just want to make sure it's done right." *Puget Sound Business Journal*, 10/16/2012.

While the DEIS speaks to ownership of other properties by ArenaCo, and notes that no development has been proposed for these properties, (p. 3.6-5), Mr. Hansen's comments show that it is reasonably foreseeable that ArenaCo purchased these neighboring properties in order to redevelop them for entertainment uses to support the arena.

The analysis should have included the nearby land holdings of WSA Properties LLC, the development of the properties listed in Exhibit RE-23 "New Construction Permits Issued" in the Economic Impact appendix (p. 122), and other projects in the vicinity that are currently undergoing permit review at the City DPD (reference Comment 11 attached). The analysis should have also included the construction permits issued or currently being processed by the City of Seattle in the areas of the alternatives including the 44,000 sq. ft. mixed-use development proposal at 2225 1st Avenue South, the 5-story office building 1526 1st Avenue South, the 15,000 sq. ft. of retail and office building at 2727 6th Avenue South and any other newly permitted projects in the immediate vicinity of any of the alternatives. The analysis should have further listed other major projects for the area including the major transportation improvements proposed for the Seattle waterfront and the regional public transportation system. With the inclusion of appropriate development proposals, the cumulative impacts would have been better analyzed. In addition, the DEIS incorrectly states the arena is "north of the industrial center," when in fact it is proposed for location within the Duwamish MIC.

Locating the arena in SoDo will induce land use changes to the Greater Duwamish MIC.

The DEIS also neglects to consider the likely adverse cumulative impacts for Alternatives 2 and 3, of developing another large spectator sports facility adjacent to the two existing facilities, in the industrial center. If the proposed arena is located in SoDo, land uses outside the Stadium Transition Area Overlay District (STAOD) would likely change to serve the expanding needs and more commercial character of the Stadium District. As noted already, these land uses would conflict with the Industrial-Commercial and General Industrial character of the Port and the Greater Duwamish MIC (P. 1-54).

Acknowledging the pressure of these competing land uses, the DEIS suggests that stricter land use controls could be developed to protect against the incursion of incompatible uses on industrial areas. Instead of attempting to develop new land use controls to address the problem, the DEIS should have acknowledged the inherent conflict that the proposed stadium presents with the existing industrial uses. The better approach, which would be consistent with SEPA's directives to first avoid creating probable adverse environmental impacts, would be to avoid the siting the arena in SoDo so that the pressure to introduce competing land uses is not created. Meanwhile, the land use studies called for in the City/ County/ArenaCo Memorandum of Agreement would accelerate the incursion of incompatible uses because the proposed staff recommendations of the Stadium District Land Use Advisory Committee call for allowing hotels and residential in a portion of the STAOD.

Economic Impacts

The DEIS fails to adequately identify, quantify, and evaluate the likely adverse cumulative economic impacts of the proposal.

Economic Impact Analysis - The Economic Impact Analysis does not adequately quantify and evaluate the potential negative effects on Port and marine cargo operations and business. Although insufficient for decision-making purposes, the DEIS includes a general statement regarding the Port's competitiveness, compared with other alternative west coast export/import gateways:

To the extent that higher trucking costs and reduced trucking reliability adversely affect customer and carrier perceptions, the Port's competitive position could be diminished and the threat of carrier or cargo diversion increased. While that risk cannot be reliably quantified, the realities of port competition and the importance of customer and carrier perceptions suggest that appropriate measures to minimize the adverse impacts be considered. (Appendix F, p. xxi)

There would be additional potential impacts if Port carriers perceived reliability issues in the area and shifted cargo away from the Port of Seattle or moved to another location.

(Appendix F, p. 57). Seattle and other US West Coast ports are battling for market share in an increasingly competitive global marketplace. Ports in Canada, as well as the US Gulf and East Coasts, are expanding facilities, deepening berths, and offering tax breaks and other incentives to lure Asian cargo. At the same time, the shipping industry is consolidating into a few large

consortiums, and building significantly larger ships which require major investments by ports in deeper berths and larger cargo-handling cranes.

To compete successfully, Seattle must continue to offer shippers low-cost, efficient service with a minimum of delays in moving cargo to and from vessels, rail yards and trucks. Increased street congestion slows cargo movement; redevelopment and gentrification can lead to loss of port-dependent warehouse and distribution operations. From direct experience, marine terminal operators have expressed substantial concern about the impact of the proposed sports arena on their operations.

Without quantification, the information in the DEIS is insufficient. No mitigation is identified, nor has any mitigation committed to in the DEIS. Additional risks related to rising industrial land values and rents, gentrification, industrial conflicts with residential uses, and impacts of operational traffic, are articulated on page xxix, and discussed in Port comments 34-41, Economics, Attachment A.

An “Implications” section relates to mitigation (Appendix. F, p. 102) of the risks raised in the Economics section. Commitments to potential mitigation actions, essential to decision-making are absent, however. For example, there are no commitments to potential mitigation measures including: (1) improved communications regarding events; (2) specific event traffic control measures; (3) specific freight vehicle and rail traffic control measures to protect freight corridor movement trucks moving; and, (4) upgrades and structural improvements for specific intersections and alternative routes. The DEIS includes minimal statements illustrating potential steps to improve an unreliable transportation system in SoDo that would result from the present proposal. These small measures lack sufficient detail and are insufficient to fully off-set and mitigate the adverse impacts associated with the new arena.

Vehicle Traffic, Freight Mobility, Rail, and Pedestrian Impacts

Locating the proposed arena in SoDo will result in probable significant adverse traffic, freight mobility, rail, and pedestrian impacts which cannot be mitigated.

In Table 1-4, Summary of Significant Unavoidable Adverse Impacts, all of Traffic Volumes, Traffic Operations and the Freight and Goods Movement sections (p. 1-57) state that traffic delays would increase on event days due to Arena event traffic. While not quantified, these impacts were determined to be a significant unavoidable impact.

The vacation of Occidental Avenue to construct the Arena presents an irreversible loss of street capacity, which will forever affect traffic movements in SoDo. Currently, in the area sandwiched between the railroad facilities, there are only two north-south streets that connect between S Lander Street and SR 519: 1st Avenue S and Occidental Avenue S. The other north-south street, Utah Avenue S, has already been vacated in the segment just north of S Lander Street. If there is an incident on 1st Avenue S north of Holgate Street, there would be no escape for traffic. Therefore, vacation of Occidental Avenue will further degrade SoDo's grid system and make the system less resilient to incidents. In addition, the transportation analysis has only

evaluated impacts during the PM peak hour; however, the loss of capacity would affect all hours of the day and all days of the year, whether there is an event or not.

A new arena in SoDo will increase traffic volumes and congestion. While the volumes and congestion levels may be similar to conditions that occur for events today, the arena would increase the number of days that industrial and Port traffic would be affected. Of particular concern is the potential for dual or triple events at the three sports venues, which have substantial effect on the Port (see further detail in Comment 4 below). Will the proponent agree to not allow events to be scheduled in the proposed Arena when other sport events are scheduled? How would such an agreement be memorialized and how would the City enforce it? Such a condition should be made a condition of the Master Use Permit for the proposal.

The traffic analysis evaluated the PM peak period only; it failed to evaluate other periods, including the post-event egress period from the arena. Other critical potential traffic effects, which are essential to a thorough DEIS evaluation include: (1) effect of recirculating vehicles as motorists look for parking in a crowded system; (2) assumptions for traffic effects resulting from signal optimization (a mitigation measure requiring particular funding commitments); (3) potential for increased traffic on streets due to traffic diversion from a tolled SR99 bored tunnel; and, (4) lengthened freight travel times due to police officer traffic control of stopping pedestrian crossings, or un-managed pedestrian flows blocking intersection turning movements. As traffic volumes grow at the Port, the ability to accommodate increases in container throughput using existing marine terminal facilities may depend on extending hours of operations (i.e., extending gate operations and site access hours). The EIS does not analyze impacts of Arena traffic egress on extended port operational hours, particularly evening hours of operation as a non-structural means of deriving increased value from existing marine cargo infrastructure. The EIS does not provide mitigation for the potential that demand for Arena parking could impact SoDo overnight truck parking (ref p. 1-30).

The DEIS fails to describe impacts to the rail system from loss of rail storage area, risk of system shut down in the case of a train/pedestrian accident, and a potential for restrictions on transport of hazardous materials (reference Attachment A, comments 25-28). The availability and reliability of rail transportation is a critical link in marine export/import and industrial logistics supply chains. The DEIS should have identified, appropriate mitigation, if such mitigation can be developed.

Alternatives

The DEIS is inadequate because it erroneously considered the arena as a private, rather than a public, project.

The SEPA rules provide

When the proposal involves both private and public activities, it shall be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is an agency or from the

private sector. Any project in which agency and private interests are too intertwined to make this characterization shall be considered a public project. WAC 197-11-928.

The proposed arena is a public project because the public will provide financing in the amount of \$200 million to acquire the arena after it is constructed, because the City and County will lease the arena back to ArenaCo and because of the diversion of \$200 million from the city's tax base to repay bonds.

The distinction between private and public proposals is important because SEPA rules create different responsibilities for agencies depending upon whether the proposal is private or public. If private, the lead agency must consider the "no action" alternative and other reasonable alternatives. See WAC 197-11-440(5)(d). For this DEIS, the City has confined its consideration of alternatives to the ArenaCo property in SoDo, the Key Arena, and Memorial Stadium.

For public proposals, lead agencies are responsible for considering the reasonable off-site alternatives to the proposal. "Reasonable alternatives" are those actions capable of attaining or approximating the proposal's objectives but at a lower environmental cost or decreased level of environmental degradation. WAC 197-11-440(5)(b) and 786. As a consequence of the City erroneously identifying the proposal as a private proposal, the City failed to consider any alternative sites outside the City of Seattle, even though King County is a party to the MOU.

The DEIS fails to adequately analyze the alternatives to locating the arena in SoDo.

Moreover, the alternative sites selected within the City of Seattle were unrealistic and poorly analyzed. The "process for identifying and screening the locations for comparative environmental analysis" in Appendix A of the DEIS confined the criteria for identifying and screening alternative sites to the size of the site area (6 acres), the adequacy of the facility size (seating capacity and floor plate size), and the applicable zoning. Appendix A at A-1. Then, the DEIS analyzed the "impacts of relocation or repurposing," access to mass transit, and final screening. This narrow approach failed to analyze the possible alternatives in light of the probable adverse significant impacts as required by WAC 197-11-440(6)(a). This meant that the probable significant adverse environmental impacts of the proposed arena upon the Port's maritime industrial uses in the SoDo area were largely ignored by the City in its consideration of alternative sites. This approach further led to the consideration of such unrealistic sites as the newly constructed Bill and Melinda Gates Foundation Building, the Mariners stadium, and the Port of Seattle grain terminal property at Terminal 86

In addition, the concept that Key Arena could work as a hockey venue is lightly discarded because "...the floor plate is not large enough..." The document provides no official citation, analysis or reference for concluding that the Key Arena could not be remodeled to accommodate the NHL rink size and attendance standards; it simply states that it would be precluded. If there is adequate information to make such a conclusion, then it should be added to this analysis or cited so that the reader understands the evidence for the statement. One key source may be the Key Arena Subcommittee Final Report. The Report should be referenced in the EIS and analyzed to gain information from the extensive analysis that was accomplished on the proposals to remodel Key Arena and their report findings should be included in this DEIS analysis.

There is also no clear distinction between the differences and purposes of Alternatives 2 and 3. How were the impacts different in any significant way? These two alternatives are essentially the same. The comparison of alternatives is generally insufficient and fails to meet the standard established by SEPA rules (see WAC 197-11-440(5)). Even if the contention is accepted that this is a “private” proposal, there is not adequate evaluation of other reasonable alternatives for achieving the proposal’s objectives at the same site (WAC 197-11-44-(5)(d)).

The DEIS analysis of the Seattle Center site alternatives is inadequate and biased since it applies different assumptions for the Seattle Center site alternatives than it applies for the SoDo sites.

These different assumptions include

- Primary parking area assumed for the Seattle Center is substantially smaller than assumed for the SoDo site resulting in a conclusion that makes the impact for Seattle Center seem worse than SoDo.
- Future parking supply increases in the Seattle Center neighborhood are not included in the analysis but are included for SoDo site, again making the parking impact at the Seattle Center seem worse than SoDo.
- Denny Way is described as a barrier to walking near the Seattle Center sites by virtue of its two-way traffic and high traffic volume. That same analogy is **not** applied to the many busy arterials in SoDo, including SR 519, 1st Avenue S, 4th Avenue S, S Lander Street and others, nor is crossing the railroad tracks listed as a barrier.
- Transit services are excluded from the Seattle Center sites analysis as being too distant, including light rail at Westlake Center. Yet, Westlake Center is nearly as close to the Seattle Center as the International District station is to the SoDo site (about 5200 feet vs. about 5000 feet); and
- The number of events that could occur at the SoDo site could be limited by event management requirements imposed as a result of proximity to Safeco Field and CenturyLink Field; limitations would not likely be as restrictive for the Seattle Center option and the Pro Forma analysis should consider the differences in Arena revenue if such restrictions are imposed at the SoDo site.

Unmitigated Significant Adverse Traffic Impacts

The proposed mitigation in the DEIS for pedestrian impacts at the S Holgate Street railroad crossings is inadequate and significantly increased safety risks.

If the City of Seattle chooses to approve the SoDo location for the arena after reviewing the environmental documents, then the proponent must be required to implement extensive mitigation to lessen some of the impacts. Since necessary mitigation actions are not adequately identified and specific implementation commitments are absent, decision makers cannot reach conclusions regarding mitigation given the current level of analysis provided.

The EIS summary text on page 1-47 states that “*Increased active traffic and pedestrian management during pre-and post-event conditions to assist in helping pedestrians navigate the*

many railroad crossing points along with enhance surface management of railroad crossing through the implementation of additional crossing gates for pedestrians together with the development of wider sidewalks to accommodate surges in pedestrian demands before and after events and the associated pedestrian queuing.” However on page 1-34 of that same summary the text stated, *“The S. Holgate Street corridor has multiple at-grade rail crossings closely spaced in the immediate vicinity of the site and pedestrian gates may not be feasible or appropriate.”* The potential surges in post-event pedestrian flows as well as the number of train crossings and potential blockage times have been substantially underestimated (see detail in attached comments). Therefore, the potential safety implications have also been understated.

In addition to the potential tragedy that can occur with conflicts between pedestrians and railroad equipment, increased, un-managed pedestrian traffic can result in substantial adverse impacts to existing rail operations and result in future rail operational changes, including limitations in use, reduction in rail marshaling area, and potential costly future rail line and rail crossing improvements. BNSF, Amtrak and Sound Transit rail equipment crosses Holgate Street round the clock. Just one pedestrian accident at any of the many railroad crossings would create a significant disruption to freight and passenger rail services along what is the state’s primary rail corridor. Stopping or delaying freight operations on this corridor to deal with an accident would affect Port operations. If the Arena project intends to rely on parking supply and transit services located east of the railroad tracks, but does not commit to constructing a pedestrian bridge at Holgate Street, significant adverse impacts to pedestrian safety and rail operations would likely occur. Such significant adverse impacts would increase the potential likelihood that the BNSF Railway and/or Amtrak move to close Holgate Street to all crossing traffic, a scenario that would have further significant adverse impacts to overall traffic circulation in the neighborhood. For these reasons, the pedestrian bridge must be included as a mitigation measure, not as an option to be “considered.”

Additional dual event scenarios created by the proposed arena are unacceptable significant adverse environmental impacts; an event management strategy must be adopted to prevent these risks.

The transportation section evaluated various combinations of event cases, and implies that those cases are similar to the large events that already occur at CenturyLink Field. The largest events that now occur at CenturyLink typically occur on a Sunday and have limited effect on the Port. When a large event does occur on a weeknight, such as a Monday Night Football game or a large soccer match, it severely disrupts Port operations beginning with disruptions of freight traffic by midday. With the expectation that over 120 events per year at the new Arena could have 10,000 or more attendees, there would be many more weeknights each year that experience dual events. The Port is also already substantially affected by daytime events, which is why the Mariners are limited to the number of day games that can occur per year.

The Port understands the logistical difficulties of managing events at multiple arenas. The Mariners for example have no control related to their daily game schedule. Yet the basketball and hockey schedules would be set before baseball. An event management agreement must include sufficient detail and commitments for implementation. Key elements of an event management agreement include:

- a) Seek to reschedule to a different day large (14,000 or more attendees) weeknight events at the Seattle Arena when they would otherwise occur concurrent with a major league sporting or concert event at either of the other two stadiums,
- b) If rescheduling to a different day is not possible, then the event start time at the new Arena must be changed to begin at least one hour later in the evening than the other concurrent event, and
- c) Under no circumstances shall the scheduling conflict be resolved by changing the start time of one or more events to occur before 4:00 P.M. on a weekday because of the impact on freight traffic.

Addressing the inadequate sidewalk on 1st Avenue S between S Atlantic Street and S Massachusetts Street could substantially affect traffic operations of the 1st Avenue S/S Atlantic Street intersection.

The EIS determined that the existing sidewalk on 1st Avenue between S Atlantic Street and S Massachusetts Street would experience “severely restricted” operations with just an event at the Arena. As with the S Holgate Street crossing, we believe that the peak pedestrian flows used to reach this conclusion were likely underestimated.

The existing sidewalk on the east side of 1st Avenue S between S Massachusetts Street and S Atlantic Street already extends to the property line, and near the intersection with S Atlantic Street narrows to as little as 6-feet due to the adjacent northbound right-turn-only lane. Unless the project were to acquire the adjacent property and demolish existing buildings, it is not likely possible to widen that sidewalk without taking some of the street width now dedicated to traffic flow. Loss of a right turn lane to Atlantic Street to accommodate a wider sidewalk is unacceptable to the Port and would exacerbate already poor traffic operations through our key regional access point. The DEIS does not adequately evaluate pedestrian circulation and associated effects on vehicle movement in the area. In particular, the effect of peak egressing pedestrian volumes, combined with other events in the 1st Avenue S area must be evaluated. It is essential that single and combined pedestrian volumes do not lead to proposed foot-traffic improvements that create a permanent loss of traffic capacity due to the loss of traffic lanes on 1st Avenue S.

Examples of appropriate mitigation if the SoDo site is pursued despite insufficient analysis of probable adverse traffic impacts in the DEIS.

- A. Comments 25-30, attached, reflect Transportation Mitigation that must be included. Comments 8-9, attached, reflect mitigation related to Land Use. Additionally, the Economic Impact Analysis suggests a series of ideas to improve the perception of reliability of transportation operations: improved communications regarding events and traffic control measure, traffic control measures to keep trucks moving, and selected upgrades to impacted intersections or alternate routes (appendix. F, p. 102). These mitigation commitments should be added to Table 1.2, Mitigation.
- B. Attachment D provides a table (prepared in advance of the DEIS) of recommended Performance Measures to evaluate concerns, and Potential Mitigation if the performance demonstrated in the transportation analysis is not acceptable.

- C. To comply with the MOU's requirement to assess the economic impacts, the EIS should disclose the total cost of all mitigation, and provide a comparison among the alternatives. This analysis should detail who is responsible for cost, and whether the commitment would be for the full cost or a share of the cost. In addition, any reduction in revenue associated with event scheduling restrictions that would limit the number of events should also be disclosed.

Conclusion

The Port of Seattle remains opposed to locating the Seattle Arena in the SoDo neighborhood, and after review of the Seattle Arena DEIS, finds that it is incompatible with prior policies established to protect Seattle's port and industrial facilities. Thus, even with mitigation, the change in land use and the further gentrification of the area associated with this project cannot be mitigated and will have long-term consequences on the operation of the Port and supporting facilities such as the rail yards and warehouse/cross-dock facilities. Alternative sites were not fully evaluated which would avoid impacts to this industrial area, leaving too many unanswered questions about the project, its impact to the Port of Seattle, and the economic activity that the Port supports. Our final overarching concern is the lack of definition and commitment to the long list of "potential" mitigation measures for the project.

As they review this proposal, Seattle and King County elected leadership will be faced with important choices about whether they will strengthen or undermine the port and industrial community that on a citywide basis account for \$5 billion in annual sales and one-third of the city's retail tax revenue, and which has been the basis for our economic success for generations. We believe the choice that best meets the long-term economic needs of our community is to protect and constantly re-invest in and improve maritime and industrial activities and to follow policies that will preserve harbor access for those uses that cannot exist elsewhere. City and regional decision makers must receive objective, detailed and comprehensive analysis of project effects and outcomes through the EIS. The Draft EIS falls far short in providing regional decision makers with the critical information they need to make wise judgments about this project.

Thank you for the opportunity to provide input into the DEIS. We would be happy to work with your staff in development of the Final EIS process, in particular with regard to our comments above. Please do not hesitate to call Geri Poor at (206) 787 3778 or Joseph Gellings at (206) 787 3368 if you need any further information.

Sincerely,



Geraldine H. Poor
Regional Transportation Manager

Attachments:

- Attachment A: Port of Seattle's Matrix of Comments on Arena Draft EIS, 9/30/13
- Attachment B: Port of Seattle Commission letter, Comments on the Draft EIS for Proposed Seattle Arena, 9/30/13
- Attachment C: Regional Transportation Hub, 9/10/13
- Attachment D: Transportation Analysis Needs for New Arena EIS, 8/7/12

cc: City of Seattle: Sugimura, Foster, Hauger
Port of Seattle: Beckett, Styrk, Graves, Akiyama, Goodwin, Jones Stebbins, Merritt,
Meyer, Blomberg, Gellings, Hanson, Gedlund, Guthrie, Wolf