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December 10, 2010

Via messenger with copy by e-mail

Angela Freudenstein
AWV Environmental Manager
AWV Project Office
999 Third Avenue, Suite 2424
Seattle, WA 98104-4019

Re: Comments on Supplemental Draft Environmental Impact Statement
Alaskan Way Viaduct Replacement Project

Dear Ms. Freudenstein:

The Bill & Melinda Gates Foundation (the "Foundation") provides the following comments on the Supplemental Draft Environmental Impact Statement (SDEIS) dated October 2010 for the Alaskan Way Viaduct Replacement Project (AVWR).

General Comments

C-003-001

We support the choice of the Curved Sixth Avenue as the identified preferred option for the north portal area. In reviewing the two options for possible future connection of Sixth Avenue N. between Harrison Street and Mercer Street, the SDEIS tends to understate the likely impacts associated with the Straight Sixth Avenue option. The Curved Sixth Avenue option satisfies all of the key functions desired for the extension of Sixth Avenue N. and the new intersection of Sixth Avenue N. and Mercer Street while it minimizes the effects on the Gates Foundation campus and avoids high rights-of-way acquisition costs for the City of Seattle that would arise with the Straight Sixth Avenue option.

The SDEIS should note that the City of Seattle (City) and IRIS Holdings, LLC (IRIS), the sole member of which is the Foundation, have entered into an agreement dated November 30, 2010 (the "Agreement") regarding the extension of Sixth Avenue N. in the vicinity of the Gates Foundation Campus as part of the City's Mercer West Project. The Agreement, authorized under Ordinance 123418 which passed by unanimous vote of the City Council, provides for coordination of the City's and IRIS' construction projects and for an exchange of property between the City and IRIS if the Curved Sixth Avenue option is selected. It provides the City the rights necessary to implement the Curved Sixth Avenue option.

C-003-001

Thank you for your support of the Curved Sixth Avenue option for the preferred Bored Tunnel Alternative. The Straight Sixth Avenue option is no longer being considered for this alternative. The Final EIS acknowledges that impacts with the Straight Sixth Avenue option for the Cut-and-Cover Tunnel and Elevated Structure Alternatives would be substantially greater than the Curved Sixth Avenue option. Appendix D, Land Use Discipline Report, addresses the impacts of each build alternative on the Bill and Melinda Gates Foundation Campus property.

C-003-001

Coordination and joint funding by the City and IRIS of certain construction activities as provided for in the Agreement will minimize construction impacts and result in significant savings in both cost and time for the City's Mercer West Project if the Curved Sixth Avenue option is selected. The coordination plan also allows IRIS to proceed with the construction of its planned third building without delays from the planned Mercer West roadway changes, while fully preserving the City's ability to extend Sixth Avenue N in the future. Under the plan described in the Agreement, IRIS will perform certain work for the City and help the City avoid some costs that would otherwise have been necessary. The City has calculated this coordination will reduce the cost of the City's Mercer West Project by \$8.4 million, which we believe to be a conservative estimate.

In addition, the Agreement contemplates an exchange of property between the City and IRIS that would provide, at no out-of-pocket cost to the City, the IRIS-owned property along the current edge of the Gates Foundation campus necessary for construction of the Curved Sixth Avenue option. Under the Agreement, IRIS will convey the property required for the Curved Sixth Avenue option in exchange for a triangular portion of City property adjacent to the southeastern edge of the Gates Foundation campus that is expected to be vacated by the City upon the backfilling and closing of Broad Street between Ninth Avenue N. and Taylor Avenue N., as described in the SDEIS. The exchange will occur upon approval of the Broad Street vacation by the City Council.

There is no similar agreement for the City to acquire the property that would be required for the Straight Sixth Avenue option, and any attempt to do so would come at significant cost to the City. The Straight Sixth Avenue option would require considerably more land from the Gates Foundation campus property than the Curved Sixth Avenue option, and the land required would need to come from the center of the campus and not its edge. The take would divide the campus in two, impede internal circulation, reduce the utility of the eastern part of the campus, increase the costs of design and construction, and necessitate an extensive sky bridge over Sixth Avenue N. to restore campus connectivity. The sky bridge would have the effect of placing Sixth Avenue N. in a narrow tunnel.

In summary, the FSEIS should acknowledge the following issues associated with the Straight Sixth Avenue option:

- Both the Curved Sixth Avenue option and Straight Sixth Avenue option will provide satisfactory accommodation of vehicular, bicycle and pedestrian access and travel.
- The Curved Sixth Avenue option roadway will be landscaped and open to the sky. A large part of the Straight Sixth Avenue option would be in a narrow tunnel under buildings – a less desirable environment and travel experience.
- It is probable that with final engineering, the Straight Sixth Avenue option would have a steeper grade and tighter turning radii at Mercer Avenue and Republican

C-003-001

Street than the Curved Sixth Avenue option, making it less desirable for freight traffic.

- The Straight Sixth Avenue option would have major negative impacts to the development of the Gates Foundation campus, as noted above.
- The costs associated with property acquisition and impact compensation for the Straight Sixth Avenue option would be significantly greater than for the Curved Sixth Avenue option.
- As noted above, the City of Seattle has executed an agreement with IRIS Holdings, LLC, the wholly-owned entity of the Foundation, which will result in significant practical and financial advantages to the public if the Curved Sixth Avenue option is selected. These include resolution of the needed property acquisition at no cost, preservation of the City's and State's ability to complete the extension of Curved Sixth Avenue option indefinitely, coordination of the needed utility and roadway improvements, and significant overall project cost reductions.

The FSEIS should acknowledge these considerations and more properly reflect the adverse impacts associated with the Straight Sixth Avenue option when compared with the preferred Curved Sixth Avenue option.

Specific Comments

Our more specific comments on the SDEIS and its Appendices are set forth in the attached document.

We appreciate the opportunity to provide these comments on the SDEIS. Please do not hesitate to contact us if you have any questions about these comments.

Sincerely,

BILL & MELINDA GATES FOUNDATION

By: 
Martha Choe
Its: Chief Administrative Officer

Attachment: Specific Comments (including GeoEngineers memorandum, of 11/30/10)

**AWVR Draft Supplemental EIS
Specific Comments of Bill & Melinda Gates Foundation**

December 10, 2010

DSEIS

	<i>Document Location</i>	<i>Comment</i>
C-003-002	Page 14 (exhibit 2-4)	Both drawings in this exhibit (as well as other exhibits throughout the DSEIS) incorrectly imply that Republican Street extends through the Gates Foundation campus. The street in that area has been vacated for many years.
C-003-003	Page 14	Description of Curved Sixth Avenue option should note there will be a half signal at Mercer allowing all vehicle movements except left turn from westbound Mercer onto southbound Sixth.
C-003-004	Page 26 (exhibit 2-23):	The predicted dates shown in this table for the Mercer Street widening and overcrossing construction activities are significantly different from schedule information obtained separately from SDOT. The FSEIS should provide updated schedule information for this exhibit.
	Page 27 (exhibit 2-24):	The predicted dates shown in this table for the Mercer Street widening and overcrossing roadway closure and restriction activities are significantly different from schedule information obtained separately from SDOT. The FSEIS should provide updated schedule information for this exhibit.
C-003-005	Page 29	The Stage 5 revision to Mercer Street described on this page should be indicated in exhibit 2-23 and 2-24.
C-003-006	Page 96	Description of Curved Sixth Avenue option should note there will be a half signal at Mercer Street allowing all vehicle movements except left turn from westbound Mercer Street onto southbound Sixth Avenue.
	Page 112	Description of Curved Sixth Avenue option should note there will be a half signal at Mercer Street allowing all vehicle movements except left turn from westbound Mercer Street onto southbound Sixth Avenue. Also, the description of access to southbound SR-99 from westbound Mercer Street should be changed to note the following routes: Left turn to southbound Dexter Avenue, right to westbound Harrison Street, right to northbound Sixth Avenue and onto southbound SR-99, and alternatively, right turn to

C-003-002

The mapping has been corrected for the Final EIS. The base mapping used for the Supplemental Draft exhibits shows the historical layout of the City's street grid and is not intended to imply that Republican Street extends through the Bill and Melinda Gates Foundation Campus.

C-003-003

In the Final EIS, the updated intersection analysis of Sixth Avenue at Mercer Street includes the signal operation that allows northbound left-turns from Sixth Avenue onto Mercer Street. Please refer to the Final EIS Appendix C, Transportation Discipline Report, for the updated analysis.

C-003-004

The Summary and Chapter 3 of the Final EIS contain updated schedule information on construction activities and roadway closures, restrictions, and detours.

C-003-005

The EIS text contains additional details about construction. The exhibits in the Final EIS have been updated to reflect current construction information for the alternatives.

C-003-006

The updated intersection analysis of Sixth Avenue at Mercer Street, in the Final EIS, includes the signal operation that allows northbound left-turns from Sixth Avenue onto Mercer Street. Updated traffic analysis of this intersection, discussions about travel routes and impacts to freight can be found in the Final EIS, Chapter 5 of Appendix C.

C-003-006		northbound Taylor Avenue, right turn to eastbound Roy Street, and onto southbound SR-99. The discussion of added travel time and difficulty for truck traffic is misleading.
C-003-007	Page 112	Correct Gates Foundation property acquisition areas are: Straight option 0.8 acre; Curved option 25,040 sf & 0.6 acre.
	Page 117 (exhibit 5-38):	The correct Gates Foundation property acquisition areas are: Straight Sixth Avenue option 35,875 sf; Curved Sixth Avenue option 25,040 sf. The total would change accordingly.
	Page 118	The correct Gates Foundation property acquisition areas are: Straight Sixth Avenue option 35,875 sf, about 0.8 acre; Curved Sixth Avenue option 25,040 sf, about 0.6 acre. The total in the preceding paragraph would change accordingly.
C-003-008	Page 137 (exhibit 6-4):	The predicted dates shown in this table for the Mercer Street widening and overcrossing roadway closure and restriction activities are significantly different from schedule information obtained separately from SDOT. The FSEIS should provide updated schedule information for this exhibit.
C-003-009	Page 142	It is not correct that one building would need to be acquired if the Curved Sixth Avenue option is implemented. (The building in that area was previously demolished.)

Appendix A – Public Involvement

C-003-010	Page 2	Description of Curved Sixth Avenue option should note there will be a half signal at Mercer allowing all vehicle movements except left turn from westbound Mercer onto southbound Sixth.
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Appendix B - Alternatives

C-003-011	Page A-6 (attachment A):	The construction/implementation dates for the full Gates Foundation Master Plan are 2008-2021. The construction referred to in the first paragraph is for the first phase and an additional phase could be built over a 10-year period. The total employees when the campus is fully built out will be approximately 2,250 people.
C-003-012	Page 59 (exhibit 4-8):	The north portal description at Republican Street and Sixth Avenue North is worded differently than the description in the

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C-003-007

A straight Sixth Avenue option is no longer carried forward as a part of the Bored Tunnel Alternative. The precise amount of property that would be acquired for the Curved Sixth Avenue option will be determined during the final design process.

C-003-008

The Summary and Chapter 3 of the Final EIS contain updated schedule information on construction activities and roadway closures, restrictions, and detours.

C-003-009

The Final EIS has been revised to state that no building demolitions would occur on the Gates Foundation Campus with the Curved Sixth Avenue configuration.

C-003-010

In the Final EIS, the updated intersection analysis of Sixth Avenue at Mercer Street includes the signal operation that allows northbound left-turns from Sixth Avenue onto Mercer Street. Please refer to the Final EIS Appendix C, Transportation Discipline Report, for the updated analysis.

C-003-011

Comment noted. The description of the Gates Foundation campus buildout in Attachment A of Appendix B, Alternatives Description and Construction Methods Discipline Report, has been revised in this Final EIS.

C-003-012

Appendix B, Alternatives Description and Construction Methods, of the Final EIS includes updated descriptions for each alternative's configuration and information on each construction plan.

C-003-012

	SDEIS page 26, exhibit 2-23. The latter appears more correct as it implies construction of the extension of Sixth Avenue North would occur during this Stage 7 and not just the ramp to SR-99.
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Appendix C – Transportation

C-003-013

Page 17	In two places on this page, please note that the Curved Sixth Avenue option will have a half-signal at Mercer. In two places on this page, please note that other routes for westbound traffic accessing southbound SR-99 is to turn south onto Dexter, west onto Harrison Street and then north onto extended Sixth Avenue, or alternatively, from westbound Mercer Avenue turn north onto Taylor Avenue, then east onto Roy Street.
Page 19	Preliminary engineering has found that the grades at the Straight Sixth Avenue option would be similar to or possibly steeper than the grades at the Curved option because of the necessity to provide emergency vehicle access from Sixth Avenue to the Gates Foundation campus a short distance south of Mercer Street in the Straight Sixth Avenue option.
Page 19	The planned Curved Sixth Avenue option half signal at Sixth Avenue and Mercer Street will allow left turn movement from northbound Sixth Avenue to westbound Mercer Street.
Page 19	There will be a half-signal at Curved Sixth Avenue option Sixth Avenue and Mercer Street (but without crosswalks across Mercer, so the conclusions are correct).
Page 182 (first bullet regarding intersection LOS):	Please review the conclusion that Straight Sixth Avenue option intersection level-of-service (LOS) would be better than the Curved Sixth Avenue option in light of the following: (i) SDOT now plans a half signal at Sixth Avenue and Mercer Street for the Curved Sixth Avenue option that will allow left turn movement from northbound Sixth Avenue to westbound Mercer Street, and (ii) there are alternative routes for traffic westbound on Mercer Street to reach southbound SR-99. These alternatives would not utilize the Fifth Avenue and Mercer Street intersection and seem unlikely to impact LOS at that intersection or other heavy traffic intersections. Also, please note the text on page 347 indicating “delays for affected intersections under the Curved option would not be expected to change noticeably compared to the Straight option...”

C-003-013

The Curved Sixth Avenue at Mercer Street configuration has been analyzed in the Final EIS as part of the preferred alternative. Please refer to Appendix C, Transportation Discipline Report, for updated analysis.

C-003-013

Page 189 (exhibit 5-32):	Same comment as for page 182.
Page 202-203:	Same comments as for pages 17 and 182.
Page 204	Same comments as for page 202.
Page 259	Same comments as for page 202.
Page 231	Same comment as for page 19 regarding grade comparisons for the Sixth Avenue options.
Page 233	Same comment as for page 19 regarding grade comparisons for the Sixth Avenue options.
Page 247	The planned Curved Sixth Avenue option half signal at Sixth Avenue and Mercer Street will allow left turn movement from northbound Sixth Avenue to westbound Mercer Street.
Page 266	Please review the statements about the Curved Sixth Avenue option now that SDOT plans a half signal at Sixth Avenue and Mercer Street for the Curved Sixth Avenue option that will allow left turn movement from northbound Sixth Avenue to westbound Mercer Street and that there are alternative routes for traffic westbound on Mercer Street to reach southbound SR-99.
Page 269 & subsequent pages:	The predicted dates shown in this Chapter 6 for the Mercer Street widening and overcrossing construction and the roadway closure and restriction activities are significantly different from schedule information obtained separately from SDOT. A schedule discrepancy may also be the case for the May 2013 date for the permanent closure date for Broad Street described on pages 275 and 276. The FSEIS should provide updated schedule information on these items.
Page 278 (exhibit 6-7):	The north portal description at Republican Street and Sixth Avenue North is worded differently than the description in the SDEIS page 26, exhibit 2-23. The latter appears more correct as it implies construction of the extension of Sixth Avenue North would occur during this Stage 7 and not just the ramp to SR-99. The FSEIS should provide updated schedule information for the construction of Sixth Avenue North between Harrison Street and Mercer Street.
Page 347:	Please review and revise the statements on this page in light of SDOT's plans for a half signal at Sixth Avenue and Mercer Street for the Curved Sixth Avenue option that will allow left turn

C-003-014

C-003-015

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C-003-014

The Summary and Chapter 3 of the Final EIS contain updated schedule information on construction activities and roadway closures, restrictions, and detours.

C-003-015

The updated intersection analysis of Sixth Avenue at Mercer Street, in the Final EIS, includes the signal operation that allows northbound left-turns from Sixth Avenue onto Mercer Street.

C-003-015		movement from northbound Sixth Avenue to westbound Mercer Street.
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Appendix D – Visual

C-003-016	Page 73	Please revise the statement about the visual difference between the two Sixth Avenue alignment options. The Straight Sixth Avenue option would be in a narrow tunnel under buildings for about a third of its length, but the Curved Sixth Avenue option would be open to light and air with landscaping on both sides.
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Appendix G – Land Use

C-003-017	Page 41 (exhibit 4-9):	The Scartle Center 5 th Avenue North Garage is shown in the wrong location. It is located one block farther north than shown, on the north side of Harrison Street and the east side of Fifth Avenue.
C-003-018	Page 42	Two minor corrections to the description of the Gates Foundation campus are that the total area is approximately 900,000 square feet of office space and the completion of the third building will likely be by 2014-2017.
C-003-019	Page 49	For accuracy, the sentence beginning with "Access" should be restated as follows: "Vehicular and Pedestrian access to the property east of Sixth Avenue N. will be materially compromised by the Straight Sixth Avenue option. A combination of subterranean vehicular access beneath 6 th Avenue and/or on 6 th Avenue for service and parking will need to be added together with pedestrian access over Sixth Avenue."
C-003-020	Page 50	The correct Gates Foundation property acquisition areas are: Straight Sixth Avenue option 35,875 sf; Curved Sixth Avenue option 25,040 sf. The total would change accordingly.
	Page 54	Same comment as for Page 50.
	Page 55 (exhibit 5-3):	The correct Gates Foundation property acquisition areas are: Straight Sixth Avenue option 35,875 sf; Curved Sixth Avenue option 25,040 sf. This needs to be corrected in two places and may change the total. Also, the zoning for the Gates Foundation property should be Neighborhood Commercial 3.

C-003-016

The preferred alternative for Sixth Avenue is the Curved Sixth Avenue configuration, which would be open to air and light with landscaping on both sides. The Straight Sixth Avenue configuration is analyzed with the Cut-and-Cover Tunnel and the Elevated Structure Alternatives in this Final EIS.

C-003-017

The map showing development activity in the study area has been updated and revised in Appendix G, Land Use Discipline Report, of the Final EIS.

C-003-018

The text has been revised in Appendix G, Land Use Discipline Report, in the Final EIS.

C-003-019

The Straight Sixth Avenue option is no longer part of the Bored Tunnel Alternative. The text commented on has been removed from Appendix G, Land Use Discipline Report, in the Final EIS.

C-003-020

The straight Sixth Avenue option is no longer part of the Bored Tunnel Alternative in the Final EIS. The precise amount of property that would be acquired for the Curved Sixth Avenue option will be determined during the final design process. The zoning for the Gates Foundation Campus property has been revised in Appendix G, Land Use Report, of the Final EIS.

C-003-021

Page 56 (exhibit 5-4):	This exhibit (as well as other exhibits throughout the DSEIS discipline reports) incorrectly implies that Republican Street currently extends through the Gates Foundation campus. Both Republican Street and Sixth Avenue have been vacated for many years in this area.
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Appendix H – Social

C-003-022

Page 42	For accuracy and consistency with other corrections, the description of the Bill and Melinda Gates Foundation Campus starting on the 5 th line from the bottom of the page should be modified to. “The first phase of the proposed Bill and Melinda Gates Foundation Campus (approximately 900,000 square feet of office space at full build-out) at 500 Fifth Avenue N. currently under construction will have about 1200 occupants in spring 2011, many of them currently occupying buildings along Eastlake Avenue N. The final phase will be completed in the 2014-2017 timeframe.”
Page 134	The third building on the Gates Foundation campus may be completed in the 2014 – 2017 timeframe.

Appendix L – Economics

C-003-023

Page 30	For accuracy and consistency with other corrections, the first sentence in the paragraph describing the Bill and Melinda Gates Foundation campus should be modified to say that the first phase of the campus will open in the spring of 2011. The second sentence should be modified to say “The new campus <i>at full build out</i> ”, the total area changed to <i>approximately 900,000 square feet of office space</i> and the total employees and partners <i>at full-build out to approximately 2,250</i> . The 15,000 square foot visitor center is part of the first phase.
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Appendix P – Earth

C-003-024

Page 53	The agreement between SDOT and the Gates Foundation eliminates the need for the “retained cut” and new retaining walls on the south side of Mercer Street between Fifth Avenue and Aurora, and for the Curved Sixth Avenue option only, eliminates
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C-003-021

The base maps used for exhibits in Appendix G, Land Use Discipline Report, have been revised in the Final EIS to no longer show Republican Street extending through the Gates Foundation Campus.

C-003-022

Thank you for the information about the Bill and Melinda Gates Foundation Campus. As appropriate, this information has been incorporated into Appendix H, the Social Discipline Report, and the Final Environmental Impact Statement.

C-003-023

The text has been revised in Appendix L, Economics Discipline Report, of the Final EIS as requested.

C-003-024

The text of Appendix P has been revised.

C-003-024

	the need for the "retained cut" and retaining walls on most of the west side of extended Sixth Avenue between Harrison Street and Mercer Street. (The Straight Sixth Avenue option would require the retained cuts and retaining walls.)
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Appendix Q – Hazardous Materials

More specific comments on the discussion of Hazardous Materials in the SDEIS are set forth in the attached GeoEngineers memorandum dated November 30, 2010.

C-003-025

Page 7	The Straight Sixth Avenue option would also require the acquisition of a large parcel of property that has known significantly contaminated soil. The Curved Sixth Avenue option does not require the acquisition of a building (the building was recently demolished). Considerable site investigation has recently been completed by the Gates Foundation campus consultants on the parcel of property that would need to be acquired for the Curved Sixth Avenue option and that information has been shared with SDOT.
Page 27	The Curved Sixth Avenue option does not require the acquisition of a building (the building was recently demolished).
Page 93 (exhibit 4-6, parcel 40.1-1):	Considerable site investigation has recently been completed by the Gates Foundation campus consultants on the parcel of property that would need to be acquired for the Curved Sixth Avenue option and that information has been shared with SDOT. Contamination does exist on that site. In the right column of this exhibit, the Straight Sixth Avenue option would also require the acquisition of a large parcel of property that is known to contain significantly contaminated soil.
Page 94 (exhibit 4-6):	Same comments as for page 93.
Page 132	Same comment as for page 27.
Page 133	Same or similar comments as for pages 7 and 93.
Page 135	Same or similar comments as for page 93.
Page 140	Same comment as for page 27.
Page E-7 (block 40.1):	The depicted building has recently been demolished. See comment for page 27.

C-003-025

Appendix Q, Hazardous Materials Discipline Report, has been modified to reflect the recent demolition of the sports training facility near Mercer Street. The number of buildings potentially impacted by the project has been updated throughout the report.

The *Soil and Groundwater Characterization Study, 500 Fifth Avenue North Property, Phase 2 Campus Report* from August 2010 was not available at the time the 2010 Supplemental Draft EIS Appendix Q was prepared. Information in the Final EIS and Appendix Q of the Final EIS has been updated to describe the widespread historic contamination that would be encountered for along Sixth Avenue between Harrison and Mercer Streets.