

Graves, Natalie (Consultant)

From: Halsted, Jesse (Consultant)
Sent: Tuesday, October 21, 2008 2:47 PM
To: Page, Heather (Consultant); Fendt, Kathy (Consultant); Hanson, Allison
Subject: RE: previous MUP discussions?
Attachments: Land Use MUP process; Fwd: Re: FW: staging outside of the ROW for the Bent 93/94 project and potential need for a land use permit; Untitled Attachment; DRAFT Meeting Notes from the September 26, 2007 Permit Coordination Meeting (Lenora to BST Project); Minutes from 9/05 Meeting; RE: Minutes from 9/05 Meeting; RE: Ordinance Proposal

Kathy's characterization is correct, the need for MUPs was something that had been identified in early strategy documents (when Sandy was leading the permit team). Later when we started to apply the issue to specific projects (and the City and State were no longer holding hands so tight) was when the issues started coming up. Some project specific notes;

- The first time MUPs really came up on a project specific basis was for Yesler Way (Bents). There was an initial suggestion from the City that a MUP would be needed for staging on a small portion of private property immediately adjacent to the project. See the attached email "Land Use MUP process" from May 07 in which I attempt to describe the issue to Paul. This boiled both internally and within the City for awhile and the eventual resolution was that the City decided they would consider this construction easement immediately adjacent to the ROW as "temporary ROW" and therefore we did not need a MUP. But they did say that we would need to evaluate staging on a case-by-case basis to see if it would be considered ROW covered by street use or a parcel needing a MUP.
 - It got side stepped when the project specific issue got resolved but this is the first indication that staging is not sufficiently defined in the City code and that the City and State (or at least the permit team) did not see eye to eye on how it should be regulated. See the attached "staging outside of the ROW..." email for a back and forth between the permit team and Sandy. Also the "untitled" email that is a word document from me that was the basis of Kathy's later email to Sandy. This issue eventually evolved into the City's proposed code amendment and DR to specifically regulate WSDOT staging that I think you, Allison, were around for.
- The second project specific MUP discussion was for Electrical. Initially the information was that because all the staging was connected or otherwise part of the construction site it would be covered by street use. See the "Minutes from 9/05 Meeting" email confirming this.
 - As part of this discussion the City did indicate that they were working on a code amendment to clarify how staging was regulated. See the "RE: Minutes..." email for more discussion. This eventually turned into the ordinance which we saw in October/November '07.
- The third project specific MUP discussion was for Lenora to BST. There was a staging area proposed that was not directly connected to the project. In this instance the City indicated that we needed to pursue a MUP because the area was not connected to the ROW where the construction was occurring. See the "DRAFT Meeting Notes..." email from Karl which contains a discussion about how one of the two staging areas was next to ROW and would be part of street use and the other would need a MUP. This unconnected staging area was either removed from the project or the idea of getting a separate MUP was carried until the project was shelved but either way the issue was side stepped again.
- That brings us to the Ordinance proposal in Oct '07. See the "RE: Ordinance Proposal" for my notes on the ordinance. You were included on Kathy's transmission of our official response to the City on 10/30 and that as they say is history, or at least history your familiar with.

Jess

From: Page, Heather (Consultant)
Sent: Tuesday, October 21, 2008 10:48 AM
To: Fendt, Kathy (Consultant); Hanson, Allison; Halsted, Jesse (Consultant)

9/22/2009

Subject: RE: previous MUP discussions?

The attached email was also guidance regarding MUPs.

From: Fendt, Kathy (Consultant)
Sent: Tuesday, October 21, 2008 10:40 AM
To: Hanson, Allison; Halsted, Jesse (Consultant)
Cc: Page, Heather (Consultant)
Subject: RE: previous MUP discussions?

Here's some history to the best of my recollection.

The Permit Strategy document that was prepared during 2006 and completed in early 2007 referenced City MUPs. WSDOT reviewed and approved that document. City staff (as a primary set of authors of that Strategy document) assumed that since Sound Transit had obtained MUPs, WSDOT would as well.

In September 2007, when the permit team started having specific permit discussions with the City about individual projects, the issue of MUPs came up again. The City (Sandy) provided a flowchart for AWW permitting that included MUPs, indicating an assumption that WSDOT would obtain them.

In late 2007 (Sept/Oct), the AG's office became involved in discussions on the City's proposed revisions to the shoreline code that would have required shoreline (land use) permitting for construction staging inside shoreline zones and outside the ROW.

In early 2008, we obtained written guidance from the AG that MUPs would not be obtained - see attached.

I do not know whether Kate ever asked for an AG opinion on appropriateness of land use (MUP) permitting with the City.

Please let me know if any other questions.

Jesse - any other specific recollections?

Kathy Fendt
Alaskan Way Viaduct and Seawall Replacement Project
Permitting Team
(206) 267-3833

From: Hanson, Allison
Sent: Tuesday, October 21, 2008 9:55 AM
To: Fendt, Kathy (Consultant); Halsted, Jesse (Consultant)
Cc: Page, Heather (Consultant)
Subject: previous MUP discussions?

Hi there,
Do either of you remember when Kate was here having discussions with the City regarding MUPs for the AWW

9/22/2009

program? I am helping Theresa to track some history on MUP discussions with the City and wanted to check in with you two to see if you have any recollection of previous MUP conversations with the City? Please let me know - thanks, Allison