

Response letter to Community Members of NE 155th Street

Community Comment:

Council members,
I'm speaking to you on behalf of a significant portion of the community adjacent to the proposed apartment complex development at 3803 NE 155th Street. Whether by error or procedural shortcoming, the community was informed of this development very late in the process. This is unfortunate as many reasonable community concerns are being swept aside in a stream of activity designed only to support approval of the development as proposed.

We're raising these concerns to you tonight in an attempt to 1. Ask for your advocacy on our behalf, and 2. Get clarity on process and deliver concerns quickly and effectively in order to proceed with a development that balances the needs of all affected. This document I'm sharing with you tonight represents a consolidated (but not exhaustive) summary of concerns that residents of 155th and 153rd street have about this project. These fall primarily in to three categories: Traffic, Environmental concerns and Quality of Life. We ask that you review these concerns and engage with the community in the interest of seeing them shared with the developer and addressed.

While the council and city government have made themselves available, we are frustrated with a general lack of partnership in helping assure our concerns are addressed. Notably, we were recently told by the planning department that quote "the comment and appeal periods are being extended for this SEPA determination ... we can assure you that the extensions will last beyond the end of March." only to be told 5 days later that (Again quote) "there is not a mechanism for a lead agency to simply extend a comment period." This misinformation resulted in focus being placed elsewhere, reducing our ability to affect a

Planning Department Response: Information regarding review for SEPA; Community Site Development (CSD); and Major Sensitive Area Work permit (SAMJ)

Dear City Council and Community Members,

This combination of SEPA, CSD, and SAMJ review for the AML proposal at 3803 NE 155th Street has required a conceptual site plan supported by expert studies submitted. This enables the City to make a determination on the environmental impact that the proposal may have, beyond the ability of our code to mitigate for any concerns throughout the permitting process.

SEPA review occurs early in the process. The fact that this is a conceptual plan being reviewed by experts who can anticipate how future review can potentially meet the current standards and code makes it difficult to convey how the determination conclusion has been reached. The SEPA process also enables the developer to gauge feasibility on balance with required mitigation. This reference to mitigation is related to what the City is empowered to require according to state regulations. Permit applications reviewed according to the City Municipal Code may require mitigation when appropriate, according to code and regulations that are used for review.

As SEPA Administrator, the LFP Planning and Building Director is responsible for reviewing a project while the proposal is in a conceptual state as to whether it is in compliance with state regulations. Once that determination is made, the City is required to share that with many agencies of jurisdiction, including the Department of Ecology, the Department of Fish and Wildlife, local Native American tribes, neighboring cities, water districts, fire departments, etc. The City has not received any comments from agencies of jurisdiction for this proposal.

positive outcome. I've included the verbatim of that exchange in the document I'm sharing with you this evening.

Tonight we are appealing to the council and planning department to think beyond the simple legality of the proposed development to represent the substantial financial and social investment the residents of the community surrounding Bschet'la creek already have. Greater still we ask that you recognize the collective impact that moments like these have in shaping the long-term future of Lake Forest Park, and make an extended effort to help balance commercial interests with those of the community. Thank you for your time.

Attachments:

P.2-3: Concerns collated from 28+ community members session held on 3/5/2016

P.4: Excerpt from mail exchange with Ande Flower, providing contradictory guidance for community feedback.

CONCERNS COLLATED FROM 28+ COMMUNITY MEMBERS SESSION HELD ON 3/5/2016

1. TRAFFIC

The community wants visibility and input in to the way traffic impact is measured.

The development will substantially increase the number of vehicles needing to use already-difficult entrance/exit to 155th St. (a dead-end street, with no stoplight and only right-turn access to Bothell Way.) The increase will impact intersections in adjacent neighborhoods as more drivers perform U turns to reverse direction on Bothell Way.

2. EMERGENCY/DELIVERY VEHICLE ACCESS

A plan to keep emergency and delivery vehicle service to the community unimpeded must be in place.

Increased congestion and street parking density, (including temporary spikes such as visitor parking during events,) will make

A Major Sensitive Area Work Permit request for a buffer reduction requires submittal of an expert report by a geo-tech engineer. The required geo-tech report must conclude that the conceptual proposed plan may move forward with additional permit reviews prior to construction approval. All recommendations given within a geo-tech report are considered with all subsequent permit reviews, and are inherently included with conditions of approval for future permits, as well as, standards for inspection.

A Commercial Site Development review process assesses whether the City finds that a conceptual site plan can potentially meet all standards and codes adopted by the City. This is the initial site plan review process for a complex proposal such as this mixed-use development. A detailed set of civil drawings has not yet been submitted for this proposal. Following SEPA approval and prior to CSD approval, the applicant will be required to submit detailed infrastructure plans for PACE to review.

The AML CSD application was originally submitted on November 5, 2015. The City accepts expert reports drafted within one year of application. Review of this conceptual site proposal has been ongoing by the City and PACE since the submittal date. The AML proposal is reviewed as a Type III decision instead of a Type I decision, which requires an open-record public hearing, because the AML proposal is under the size threshold. The following code excerpt describes the criteria for this distinction:

18.46.150 Administration.

The provisions of this chapter and the [southern gateway – corridor and transition zones design guidelines](#) shall be administered via a commercial site development permit (CSDP) issued pursuant to Chapter [18.48](#) LFPMC, as follows:

- A. If the proposed development is: (1) less than 30,000 square feet in total building footprint, and (2) less than 45,000 square feet in total property area, and (3) involves only one building, and (4) does not involve phased

emergency and delivery vehicle access to residents more difficult, and could block access completely.

3. PARKING

Any new facility must include enough non-resident parking to accommodate visitor/guest vehicles on site.

155th Street has limited surface parking, and no capacity to handle an increase in visitor/guest parking.

4. PEDESTRIAN/RESIDENT SAFETY

Pedestrian use of 155th must be appropriately studied and a plan for reasonable foot-traffic safety on 155th

" must be in place as a requirement for approval of the development. 155th St. is a residential street abutting a state highway. With no sidewalks, children and pedestrians on 155th' must use the street to travel on foot. An increase in traffic will increase the likelihood of pedestrian/vehicle accidents.

5. ENVIRONMENT

Any development must include a comprehensive plan for neutralizing invasives and removing existing pollution to the creek/ravine. The health of the Bschet'la Creek/ravine has been compromised by almost a century of neglect, bearing not only critical mass of invasive plants, but years of homeowner debris. The proposed development site has been used as a dumping ground for a large quantity of commercial plumbing waste. The creek and ravine are a community asset.

6. SITE INSTABILITY

Given known stability issues with this slope, no easement reductions should be allowed, and extra measures should be taken to establish site stability at the standard setback. The parcel below the proposed development suffered a catastrophic landslide in 1997, causing a building collapse which sent large amounts of building debris in to the stream below. The resulting burst caused damage to multiple community homes, the subject of a lawsuit. Substantial debris

development (over more than two years), the CSDP shall be decided upon by the code administrator as a Type III administrative decision under LFP MC [16.26.030\(C\)](#), [16.26.180](#) and [16.26.190](#).

1.) TRAFFIC (AND PARKING)

Following are the requirements found in our City code, which must be met for the eventual building permit application, as well as the initial CSD application prior to approval. The applicant has submitted traffic and parking analysis which has been reviewed by the City's consulting engineers. Revisions have been requested; though impacts are not expected to rise to the threshold for which the City would consider a DS necessary, therefore, an EIS is not required.

18.46.110 Parking requirements and traffic impact mitigation.

A. All parking in the southern gateway – corridor shall be provided in accordance with the following:

1. Provide one stall for every 250 square feet of commercial space.
2. Provide 1.25 stalls for every dwelling unit. Where the total quota results in a fraction, the next highest full unit shall be provided.
3. The applicant may apply for a parking reduction for conditions that reduce the actual parking need such as joint use, special populations, etc. The code administrator may allow a parking reduction if it is justified by a parking occupancy analysis prepared by a licensed transportation planner with special qualifications in parking analysis.

B. The applicant shall submit to the city a traffic and parking impact analysis identifying the increases in traffic and off-site parking demand. The analysis shall be prepared by a licensed professional transportation engineer. The applicant shall be responsible for implementing both on-site and off-site mitigation measures that the code administrator determines necessary to

from this landslide still pollutes the ravine.

7. WATER/RUNOFF

No increase in runoff water from the proposed site should be directed to the ravine. No detectible increase in runoff should be present on surface streets or properties of the homeowners below.

8. QUALITY OF LIFE

The community expects elected officials to balance the commercial interests of the single developer against the collective interests of the households already financially and emotionally invested in the immediate community. The community bordering Bschet'la Creek/Ravine on 1551h, 153'd and Beach Drive is cherished by current residents for being established, safe, private, quiet and diverse. A Development of the proposed scale would place these important qualities at risk.

9. PROCESS+ COMMUNITY INVOLVEMENT

The community wants the process timeline of proposal, input and decisionmaking to be clearly articulated and openly shared. The members of the community at 1551th/153rd and Beach Drive who would be impacted by such a large-scale development expects to work with the city and developer to play an active role in shaping what is ultimately built on the proposed site.

Excerpt from mail exchange with Ande Flower, providing contradictory guidance for community feedback:
Ande 3/3/2016:

"In light of the large response to the notice, the comment and appeal periods are Being extended for this SEPA determination. The new deadlines have not yet been determined, though we can assure you that the extensions will last beyond the end of March. The City will post the new deadlines by Thursday, March 10 on site and will also publish a notice of the extended

prevent significant adverse impacts to transportation systems and the surrounding area. Specifically, necessary mitigation measures, such as on-site and off-site traffic calming measures, must be taken to prevent cut-through traffic and additional parking demand on streets in the surrounding area. (Ord. 1057 § 2, 2013)

2.) EMERGENCY/ DELIVERY VEHICLE ACCESS

The applicant will be required to meet all parking requirements on site. The Planning and Building Department has, when circumstances dictate, required all construction-related vehicles be parked on site as a condition of approval for construction permits. If this condition is recommended by PACE, then it will be included with conditions of approval for permits at this location. All proposed construction is required to be reviewed by our Fire Marshall, Jeff LaFlam.

3.) PARKING (SEE #1 ABOVE)

4.) PEDESTRIAN/ RESIDENTIAL SAFETY

Mitigation has been required to directly respond to the need for greater pedestrian safety, integral to the SEPA determination. The Planning and Building department is empowered via 2013 EIS for Southern Gateway zone adoption to require AML to construct a sidewalk connection from the subject site to Bothell Way NE. The specific design for this requirement has not yet been proposed, nor reviewed, though this is listed as mitigation related to the City issued SEPA determination. PACE Engineers will ensure that the sidewalk proposal meets King County standards.

The Planning and Building department is not empowered to require off-site sidewalk improvements additional to one that will be required for the length of the subject site and its connection to Bothell Way NE.

5.) ENVIRONMENT

The applicant requested a buffer reduction from a steep slope.

deadlines in the Seattle Times on that same date."

Ande 3/9/2016:

"In an earlier e-mail, I stated that the comment and appeal periods might be extended for the City's Mitigated Determination of Non-significance (MDNS) that was issued on February 29, 2016 for proposed mixed use building at the address above. However, after consulting with the City Attorney, we have discovered that there is not a mechanism for a lead agency to simply extend a comment period."

The City Sensitive Area Chapter 16.16 does not require mitigation for steep slope buffer reductions other than to meet all requirements included within the required geo-tech report. Following is an excerpt of the specific code language for this review:

16.16.290 Landslide hazard areas – Development standards – Permitted alterations.

A. A minimum buffer of 50 feet shall be established from all edges of the landslide hazard area. Buffer widths shall be extended or adjusted as needed to mitigate a steep slope or erosion hazard or to promote the health and safety of the public. The buffer may be reduced to a minimum of 25 feet when a qualified professional demonstrates to the planning director's satisfaction that the reduction will adequately protect the proposed development, adjacent developments, and uses and the landslide hazard area.

16.16.300 Seismic hazard areas – Development standards – Permitted alterations.

Development proposals for developments other than single-family residences may require review standards of critical facilities based on larger earthquake recurrence intervals and implementation of measures to mitigate the risk are implemented that meet accepted engineering standards for safety. (Ord. 930 § 2, 2005)

16.16.310 Steep slope hazard areas – Development standards – Permitted alterations.

A. Buffer Width Requirements. A minimum buffer shall be established at a horizontal distance of 50 feet from the top, toe and along all sides of any slope 40 percent or greater. The buffer may be reduced to a minimum of 25 feet when a qualified professional demonstrates to the planning director's satisfaction that the reduction will adequately protect the proposed development, adjacent developments, uses and the steep slope hazard area.

A stream is present at the base of the ravine. The applicant has submitted a study which states that Bsche'tla Creek is considered a Type 2 stream at this location. The proposed building site lies outside of the standard buffer and building setback for type 2 streams. If a buffer reduction was requested from the stream, then mitigation would be required, which would likely have included invasive plant removal and native plantings.

It is at the property owner's discretion that any sensitive area restoration take place in the future at this location.

6.) SITE STABILITY

The applicant submitted an expert report which assessed the stability of the slope and recommended specific structural methods in order to accommodate the proposal at the site. This geo-tech report has been reviewed by PACE and the recommendations will be referenced with all subsequent reviews and inspections.

7.) WATER/ RUNOFF

PACE and the City will accept no net increase in water run-off from this site with any proposed development. All proposals in Lake Forest Park must meet current King County Storm Water Manual standards, as well as, Municipal Code regulations for storm water.

8.) QUALITY OF LIFE

The Lake Forest Park Southern Gateway Zoning and Design Guidelines, adopted in 2013, allows for a proposal like the AML mixed-use building to be considered for approval as a CSD permit at this conceptual stage. The zoning in place dictates what uses are allowed and what standards must be met for a proposal to be considered approvable. Zoning regulations provide predictability for property owners and neighbors to understand vested rights for development. Deviation from the standards in place would expose the City to legal risk.

9.) PROCESS+ COMMUNITY INVOLVEMENT

All documents related to this proposal are a matter of public record. Permit review is based on the codes and standards adopted by the City. Anyone interested in learning more about the review process for this project can request to see documents at the LFP Planning and Building department, or may contact a planner in the department to discover the current phase of review and types of documents available for review.

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