City Response to Public Comments on 2015-CSD-0002 and 2015-SEPA-0007

Dear NE 155th Community,

Following are responses to the 38 comments received during the SEPA comment period for the AML proposed mixed-use structure at 3803 NE 155th Street. Thank you for sharing your comments, concerns, and questions. What we've learned from this community will be integrated with any continued review process for this proposal. The SEPA comment period is not the only time that our department takes a community's perspective into consideration for a development review. It is our duty to follow the codes and regulations adopted by the larger community in reviewing any single proposal. When appropriate and legal, the City Planning and Building Department acts on opportunities when the needs of the community can be mitigated for with conditions of approval for development permits.

As was relayed at Tuesday night's meeting, a SEPA determination occurs early in the review for a proposal. We and our consultants review a conceptual set of documents to determine whether we believe that our adopted codes and regulations can steer the proposal towards construction of a safe and sound structure, with no significant adverse environmental effects. Those foreseen mitigation elements that rise above what our codes and regulations empower us to require, we include them with an MDNS SEPA Determination. For this proposal, the sidewalk from the proposed building to Bothell Way NE is mitigation afforded by the EIS completed prior to the Southern Gateway zone adoption.

The Planning and Building Department's role on Tuesday evening and with this communication is to share information with the public. If an appeal is submitted, then the Department's role will be to defend the determination that we've made with SEPA. SEPA Appeal is a quasi-judicial process, which will require the appellant, the City, and the Applicant to be prepared to testify during a public hearing. The City has not completed review of the AML proposal and there will be opportunities for the public to continue sharing comments with the City throughout the review period. Our consulting engineers thoroughly review civil drawings for infrastructure proposals and inspect the work as it is being constructed. When required, a geo-tech is also responsible for on-site inspections for certain stages of development.

The Applicant, Mr. Adam Lundberg, has agreed to attend public meeting(s) in the future in order to work with the community and to welcome comments for the proposed mixed-use building.

In reviewing received comments, the following themes were recognized. Responses have been grouped according to these themes.

Traffic and Parking Concerns See Comments # 1-9, 11-27, 33, 38	Stuart Strand, Marc, Jeff, and Mary Kay Snedden, Ric Robinson, Forrest and Carol Willis, Debbie Jaeger, Josh Sin, Sandy Marcus, Jim Reardon, Kathy Collins, Blaine Carpenter, Emily Gallagher, Toni McOmber, Barbara Kavanaugh, Barbara Travis, Steve Ellis, Walter and Jennie Keith, Jean Robbins _____ Please see the response to Council comments for background information. Following are updates (next page):

From Adam Lundberg, the applicant:

- Mr. Lundberg is working with his consultant, TENW, to submit a report early next week to respond to the revision request made by Gary Norris, DN Consultants.
- Requested information is primarily source verification for assumptions.

From Gary Norris, Consulting traffic engineer:

- Mr. Norris is confident that nothing revealed with the initial submitted study rises to the level of requiring a DS for SEPA, therefore, an EIS is not required.
- Mr. Norris recognizes that one of the revisions requested has already been addressed, with the SEPA DNS. Mitigation required through SEPA is that the developer construct a sidewalk to Bothell Way NE. Details for a design have not yet been submitted, nor discussed in detail.
- Mr. Norris has stated that the primary mitigation that he anticipates suggesting is a restriction of access to the Bothell Way NE left-turn pocket from NE 155th Street. He has recognized the danger that the weave for two lanes poses. This possible mitigation would require WSDOT coordination.

For the benefit of those who would like to better understand what regulation allows the City to require the parking and traffic impact analysis, following is an excerpt from our code:

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 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)

There was discussion at the Public Presentation on Tuesday, in which Robin Nelson (from PACE) attempted to distinguish between a Traffic Impact Analysis and a Traffic Capacity Analysis. What I could glean from this differentiation was that this helped explain what was considered "missing information" with public comments received. In other words, we can only require what our code allows us to require. If what the community would rather see is a traffic capacity analysis, then it would first have to be reflected in the code.

As far as the number of parking spaces, it is my understanding that according to 18.46.110 (A), 49 spaces are required. The first TENW study submitted demonstrated that 35 spaces could suffice. The more recent TENW study states that 44 spaces are now proposed, with an additional 2 spaces of on-street parking, for a total of 46 spaces. Final determination from City planner will confirm number of stalls.

- Traffic Mitigation –
    - Jurisdictional authority;
        - WSDOT for operation and maintenance of SR 522 from curb to curb.
        - City of Lake Forest Park for access onto SR 522.
    - NE 155th Street is a dead end with restricted access to Bothell Way SR 522. Access restricted to right –in and right- out. The purpose of this very restrictive is to maintain accepted levels of operation along SR 522.
    - The adopted Southern Gateway Subarea plan and Environmental Impact Statement EIS govern new development within this zone.
    - This proposed development lies within these adopted Southern Gateway zones.
    - The EIS for the Southern Gateway Subarea reviewed traffic operations, safety, circulation and other impacts associated with redevelopment within the subarea. No project actions were defined in the Sub Area plan for NE 155th Street.
    - Subarea Plan and City code does require traffic impact analysis prepared by licensed professional transportation engineer.
    - Per Code, City Planner determines whether mitigation measures proposed will prevent significant adverse impact to transportation system.
    - Analysis was completed by licensed transportation engineer referencing ITE Manual, and is a Nationally recognized guidance

	manuals for trip generation, which is standard practice in the industry. o The March 7, 2016 traffic analysis concluded that the net change in redevelopment is not expected to generate any significant adverse traffic impacts. o The City's consultant review of this TIA does request additional information be provided to support this conclusion. ▪ Justification of project trip generation to support analysis ▪ U-Turn accessibility on SR 522. ▪ Consider pedestrian pathway/sidewalk connecting development to SR 522. (This has been addressed with the mitigation required with the MDNS SEPA determination) o The developer's transportation engineer will be required to respond to the City's review comments for further consideration by the City Planner. o City Planner will include any appropriate mitigation in this MDNS determination. An applicant is required to mitigate for all necessary parking within their site. As you can see with the above code excerpt, the City has discretion to require mitigation measures in order to prevent significant adverse impacts to the surrounding area. Comments received from the community help the City to carry out this opportunity most effectively.
Slope Stability and Water Runoff See Comments # 1, 2, 8, 10, 14, 17, 20, 23, 25-28, 30, 32-38	Barbara Kavanaugh, Jeff and Marc Snedden, Debbie Jaeger, Sandy Marcus, Kathy Collins, Toni McOmber, Walter and Jennie Keith, Steve Ellis, Jean Robbins, Joleen Borgerding, Ryan Wiedermann, Joseph and Neville Ann Kelly, Peter Miles, Blaine Carpenter, Emily Gallagher, Tammy Taecker, David Alskog, Stuart Strand _____ A question was asked on Tuesday night: "Can any site be built?" In short, the answer is: With the appropriate engineering, yes. According to national laws, the City has a duty to provide a path for any site to be built. This is why we have a process called Reasonable Economic Use. The REU process is quasi-judicial and requires many studies to accompany a proposal to construct an appropriate structure on a site otherwise encumbered with sensitive areas. An appropriate structure is related to the uses allowed for a particular zone. In an SF zone, it would be a 1200 sf single-family house. For this zone, SG-C, it would be a mixed-use building. Though, for this site, a buildable area was realized. The buffer reduction allowed for a slightly larger buildable area. It was suggested that the proposed building is inside the new buffer. This is not the case. The buffer is 25' and the building setback is an additional 15'. The applicants' drawings have these two areas combined and labeled "buffer". Parking is allowed within the building setback, as long as there are no walls in that area that is 4' above ground.

	<u>Slope Stability:</u>
	• The conceptual design for building close to the ravine has been recommended by the applicant's geo-tech. It was then reviewed and approved by the City consulting engineers.
	• The codes and regulations used to review engineering for a proposal like this require that there be no net increase in slope instability.
	• Future inspections would also include participation by the geo-tech.
	• Final construction drawing review will include the following design elements:
	  o Compact loose soils under building footprint.
	  o Replace excavated native soils with imported structural fill under new building.
	  o Structural walls designed to act as retaining walls.
	  o Building will be auger-cast pile supported.
	  o Piles extended through loose soils (30' – 40') into dense underlying soils.
	  o The piles will be embedded approximately 20' into dense soil lense.
	  o Auger-cast pile lengths will range 50 to 60 feet in length.
	  o Building design loads will bridge native soils, while the auger-cast piles transfer building loads to dense soils.
	
	<u>Water Run-off:</u>
	• The submitted Surface Water Technical Information Report (TIR) was prepared by licensed professional civil engineer. The report addressed all requirements of the King County Surface Water Design Manual and City Code.
	• It was then reviewed and approved by the City consulting engineers.
	• Surface runoff will be detained and released at predeveloped rates.
	• The proposed concrete detention vault located in parking garage
	• All stormwater from building discharges into storm drainage on NE 155th Street and not onto steep slopes.
	• There will not be an increase in peak surface water flows leaving this site.

Emergency Vehicle Access See Comments 6, 27, 32, 33	Jeff and Marc Snedden, Jean Robbins, Peter Miles Most of these comments focused on concern for access when cars are parked on the street. A proposal will have to mitigate for all parking within the site. If possible, the Planning and Building Department will consider including additional mitigation measures to deter parking on the street by future tenants and their guests. If excessive parking on the street does become an issue, then the City, the LFP Police Department, and Northshore Fire Marshall will work with the community to resolve any access concerns. Parking of any construction vehicles would be monitored, and to the extent possible, the Planning and Building Department requires construction vehicles to be parked within the property of the construction site.

Noise See Comments # 1, 12, 20, 32	Barbara Kavanaugh, Jeff Snedden, Toni McOmber, Peter Miles _____ The City of Lake Forest Park has a noise ordinance. All residents must adhere to the noise restrictions.
Lack of Low Income Units See Comment # 15	Jim Reardon _____ In the recent Comprehensive Plan update 2015, the City has begun to embrace housing diversity options, including those related to affordability concerns. However, there is currently no mechanism in place in Lake Forest Park to require development to either build or mitigate for affordable housing.
Ability to change the scope of this proposal See Comment # 29	Toni McOmber _____ This proposal does not reflect the highest density possible for this site in this zone. As long as all of the codes and regulations are met for this proposal, then the City is not empowered to require a smaller development.