



**Snohomish County  
Planning and Development Services**

Dave Somers  
County Executive

Barbara Mock, Director  
3000 Rockefeller Avenue M/S #604  
Everett, WA 98201-4046  
(425) 388-3311

May 10, 2017

Gary D. Huff  
Karr Tuttle Campbell  
Via Email: [GHuff@KarrTuttle.com](mailto:GHuff@KarrTuttle.com)

**Subject: Point Wells April 2017 Resubmittal and Preliminary Review Comments**

Dear Mr. Huff,

This letter follows up on the PDS letter dated November 15, 2016. The purpose of this letter is to recognize PDS receipt of BSRE's revised submittal and to identify preliminary issues with the revised submittal. In addition, I have attached some preliminary review comments concerning the April 17, 2017, resubmittal.

For background, PDS originally sent a review completion letter to BSRE on April 12, 2013, identifying numerous internal inconsistencies and conflicts with the County Code. Until just recently PDS had not received a revised submittal from BSRE addressing these inconsistencies and conflicts. The information sought in the April 12, 2013, review letter is significant because PDS needs the information to determine whether the proposed development can comply with County Code provisions, which is also crucial to the environmental review process. Therefore, PDS staff scheduled a meeting with BSRE staff on September 20, 2016, in which PDS conveyed to BSRE that a revised submittal was needed before PDS could proceed with further preparation of the DEIS. In a letter to BSRE dated November 15, 2016, PDS identified six areas of "necessary revisions" and four areas of "recommended revisions" that were needed in order to continue with further preparation of the DEIS.

The letter from PDS to BSRE dated November 15, 2016, provided in relevant part:

If a revised submittal or alternative information addressing the [requested information] is not received on or before May 15, 2017, PDS will assume that the applicant wishes the County to proceed with concluding environmental review under SEPA and processing the permit applications for hearing or decision based on the current application submittals.

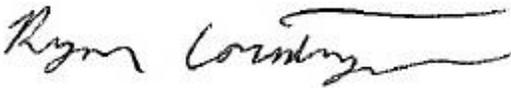
On April 17, 2017, PDS received a revised submittal from BSRE. On its face, the revised submittal appears to respond to the six identified areas of “necessary revisions” and three of the four areas of “recommended revisions.” PDS is still reviewing the revised submittal and has not reached a determination as to whether it adequately addresses all the substantive concerns outlined in the November 15, 2016, letter.

However, as a courtesy PDS is providing BSRE with advance notice of significant deficiencies with the site plan and other aspects of the project application that were discovered upon initial review. Thus, PDS has included with this letter an “Attachment A”, which identifies several preliminary concerns with the revised submittal. Please be aware that under SCC 30.61.130(3)(e), PDS has the authority to refuse to further process or consider an application until the applicant provides adequate information or data necessary for preparation of the DEIS. Therefore, it is crucial that BSRE address and respond to these issues so environmental review can proceed in a timely manner on any proposed revisions by BSRE.

At this time, PDS will continue with review of the revised submittal and will provide detailed review comments as soon as review of the revised submittal is complete. Please also be aware of the timelines associated with this development proposal. As noted in our letter dated May 2, 2017, the project will expire on June 30, 2018, unless BSRE requests and the PDS director grants a further extension.

Please let us know if you have any questions.

Respectfully,



Ryan Countryman, Permitting Supervisor and SEPA Designated Official

Copy via email:

Ze'ev Stein, CEO, BSRE, [zeevs@bsre.co.il](mailto:zeevs@bsre.co.il)

Doug Luetjen, Karr Tuttle Campbell, [dluetjen@karrtuttle.com](mailto:dluetjen@karrtuttle.com)

Gretchen Brunner, EA Engineering, [gbrunner@easest.com](mailto:gbrunner@easest.com)

Rich Schipanski, EA Engineering, [rshipanski@eaest.com](mailto:rshipanski@eaest.com)

Tom Rowe, Special Projects Director, Snohomish County Executive, [tom.rowe@snoco.org](mailto:tom.rowe@snoco.org)

Barbara Mock, Director, Snohomish County PDS, [barb.mock@snoco.org](mailto:barb.mock@snoco.org)

Mike McCrary, Deputy Director, Snohomish County PDS, [mike.mccrary@snoco.org](mailto:mike.mccrary@snoco.org)

Michael Dobesh, Permitting Manager, Snohomish County PDS, [michael.dobesh@snoco.org](mailto:michael.dobesh@snoco.org)

Paul MacCready, Principal Planner, Snohomish County PDS, [paul.maccready@snoco.org](mailto:paul.maccready@snoco.org)

Matt Otten, Deputy Prosecuting Attorney, Snohomish County, [matt.otten@snoco.org](mailto:matt.otten@snoco.org)

Mohammed Uddin, Supervisor, Snohomish County Public Works, [mohammad.uddin@snoco.org](mailto:mohammad.uddin@snoco.org)

Erik Olson, Transportation Specialist, Snohomish County Public Works, [erik.olson@snoco.org](mailto:erik.olson@snoco.org)

Rachael Markle, Planning Director, City of Shoreline, [rmarkle@shorelinewa.gov](mailto:rmarkle@shorelinewa.gov)

Eric Faison, Town Administrator, Town of Woodway, [eric@townofwoodway.com](mailto:eric@townofwoodway.com)

Attachments: Attachment A: Preliminary Review Comments

## **Attachment A: Preliminary Review Comments (as of May 5, 2017)**

Compliance with all applicable requirements – e.g. Snohomish County Code, State Law, and agreements with other jurisdictions and relevant private parties – is necessary to provide adequate environmental protection and to identify appropriate mitigation measures. Among other things, the project design and mitigation must address impacts to critical areas, drainage and other regulations in addition to meeting traffic impact requirements.

Please be advised that the comments in an email that Ryan Countryman sent to Gary Huff, Gretchen Brunner, Rich Schipanski, and Paul MacCready on November 17, 2016, still apply. In that that email, we wrote:

Snohomish County is not a party to the MOU [i.e. the Memorandum of Understanding between Blue Square Real Estate and the City of Shoreline] establishing 11,587 average daily trips as a limit. We have agreed – for impact study purposes only – to assumptions such as a 38% internal capture rate. This and a series of other assumptions, including a 15% transit ridership level, suggest that it might be possible for the proposed redevelopment to remain under the 11,587 average daily trips. While each individual assumption may be plausible, the compounding effect of possible but unprecedented assumptions results in an overall traffic study that represents a best-case scenario. In other words, substantial uncertainty exists concerning traffic assumptions and the likelihood that the project would not exceed the trip limit at buildout.

Significant impacts beyond those studied in the DEIS would occur if actual traffic exceeds the trip limit. Because of this and the best-case assumptions used in the analysis, Snohomish County must make clear in its comments and in the DEIS itself that substantial uncertainty exists regarding the traffic assumptions (WAC 197-11-080(2)). If work by Snohomish County proceeds on the DEIS without a revised application and new alternative, then we are required to indicated in the appropriate environmental documents, i.e. our comments on the preliminary DEIS, our worst case analysis and the likelihood of occurrence as well as discussion of the possible severity of adverse impacts not disclosed by the traffic study (WAC 197-11-080(3)(b)).

When the project goes to hearing, it is the applicant's burden to prove that the EIS addresses the probable significant impacts of the project. If we are required to prepare an EIS that states that the impacts and mitigation therein represent a best-case scenario only, then the applicant will be assuming the risk of needing to defend that position at hearing.

We therefore suggest that when revising the project application to comply with the November 15, 2016 letter, the applicant team should also consider whether traffic assumptions for the new alternative in the EIS should be the same as those used for other alternatives. The applicant, rather than Snohomish County, will need to defend the position that the EIS represents the probable impacts, not just a best-case scenario.

The April 17, 2017, revised submittal constitutes a revision to the application, but the traffic study is unchanged. Further, the revised site plan itself does not support the assumptions used in the traffic study, or in other supporting documents. Several of the following issues relate to this point. Other

issues apply to the disclosure of other, non-traffic, impacts to the environment. Some issues affect both traffic and non-traffic environmental impacts. Keep in mind that these illustrate discovery to date of issues with the design; issues of equal or greater concern may arise as we continue our detailed review.

**Traffic Assumption Issues:** The traffic study includes a 38% internal capture assumption, i.e. that residents will make frequent use of commercial services on site without leaving the project area. See Site Plan Issues 1, 2, 5, and 6 below.

The Snohomish County Department of Public Works (DPW), since review of the initial 2011 submittal, through the April 17, 2017 resubmittal, has had and continues to concerns with the 38% internal capture rate you initially proposed and have not addressed in any resubmitted traffic study. DPW also has had and continues to have concerns with the assumption that 15% of the trips leaving the site will be by transit.

**Site Plan Issue #1:** Someone living in the North Village (where there are no commercial services) would need to walk more than ¼ mile to reach the Urban Plaza where the largest share of services would be located. The greater the distance and inconvenience, the less frequently people choose to walk. Sheet A-200 indicates that 539 of the 903 units in the North Village are for seniors only. Snohomish County is not prepared to defend a 38% internal capture assumption for such seniors.

**Site Plan Issue #2:** If a resident wishes to walk to the southern retail building in the Urban Plaza, they will not be able to access the building entrance. As shown on Figure 1, below, the Plaza floor elevation is 55', including the elevation in front of the north retail building. The elevation at Richmond Beach Drive is 35'. The sidewalk will need to ramp up from Richmond Beach Drive to the Plaza Level. Because the south retail building sits adjacent to this ramping sidewalk, there is no way to enter the building directly from the sidewalk and no elevator entry to the building either.

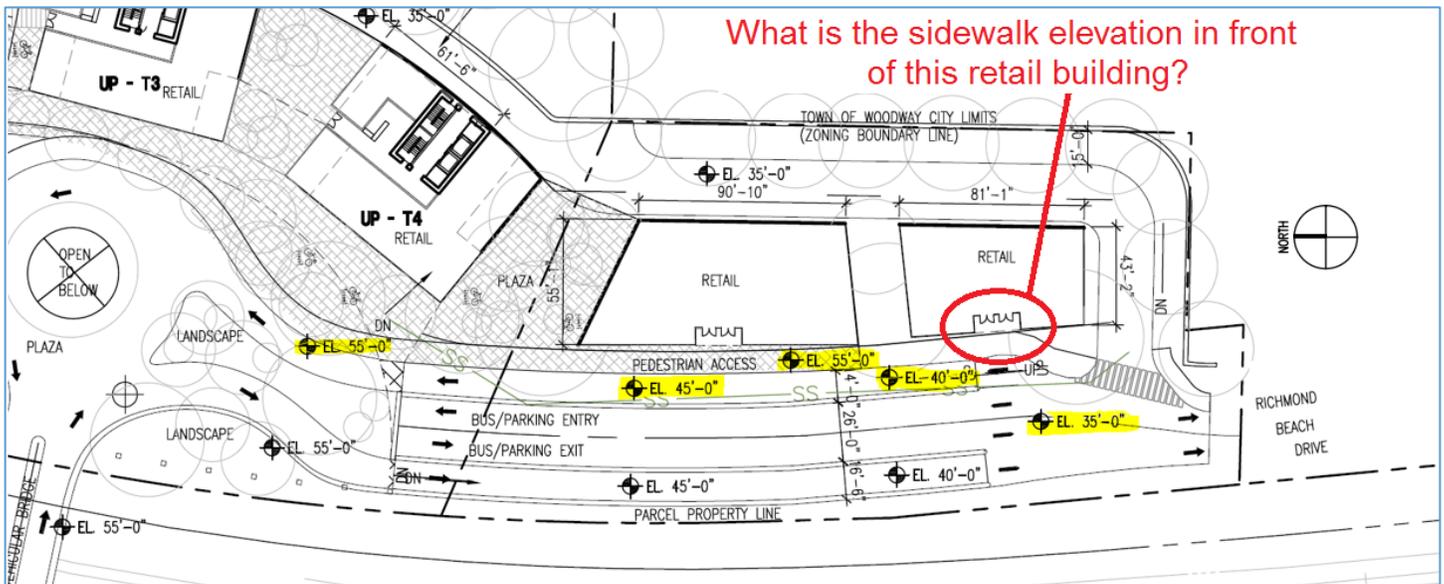


Figure 1 – Pedestrian Access Problem to Southern Retail Building  
(Adapted from Sheet A-100 [2017])

Since the site plan does not provide access to the south retail building, this building cannot count as a service that would help intercept trips that would otherwise go offsite. Accordingly, the 38% internal capture rate would need downward revision. Additional issues<sup>1</sup> with the design of the Urban Plaza would make it impossible for us to recommend approval of this plan with a condition for a simple correction. Therefore, in a recommendation to the Hearing Examiner, PDS could not be supportive of the site plan or traffic assumptions as provided by the applicant.

**Site Plan Issue #3:** The fire code requires two accesses to the site and within major portions of the site. The April 17, 2017, resubmittal attempts to meet this requirement by adding a second access road to the site. Unfortunately, the redesign of the main access on Richmond Beach Road means that the entrance to the Urban Plaza no longer qualifies as a fire lane. Fire lanes need to be at least 20-feet wide (see SCC 30.53A.512 Fire Apparatus Access Roads). In the 2011 version of the site plan, the fire lane would have been 24-feet wide (the 14-foot wide travel lane plus the 10-foot sidewalk on the ramp up from Richmond Beach Drive to the Plaza Level). In the 2017 version, the sidewalk and ramp up are no longer at the same elevation (see Figure 1, previous page). Therefore, the application cannot meet fire lane width requirement by combining the travel lane and the sidewalk.<sup>2</sup>

**Site Plan Issue #4:** The April 17, 2017, resubmittal includes a new request for a variance from the requirement to locate parking within 300 feet of the entrance to a building. Specifically, SCC 30.26.020 [2007] requires that parking at Point Wells shall be “within 300 feet of and on the same lot or building site with the building it serves.” Given that most of the parking will be in four garages under each major phase, PDS interprets this code section as meaning that the parking for each phase shall be located in the same phase. Each building must have access directly to the garage or access from a building within 300 feet that does access the garage.

In your variance request (PFN 11-101457 VAR, received April 17, 2017), the applicant argues that a surplus of parking in the Central Village means that the total project meets the overall parking requirements. The applicant also intends to reduce the total parking required as allowed through a shared parking study.

PDS notes that it has yet to receive such shared parking study from the applicant even though the 2011 application referred to a shared parking study as well. Absent this promised parking study and compliance with all of the variance decision criteria in SCC 30.43B.100, we cannot recommend approval of the variance request. If PDS does not agree with the proposed parking, we cannot recommend approval of the site plan.

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<sup>1</sup> Among other things, the sidewalk grade in this area would far exceed the maximum required for ADA compliance. The turning radius in the Service Drive is too tight, precluding use of the parking garage as loading area for the commercial uses on the plaza. There is not enough sight distance for vehicles to safely park in the police/fire station or ENVAC areas below the retail buildings. In short, the Urban Plaza phase requires substantial redesign.

<sup>2</sup> To be clear, this discussion is not saying that Snohomish County would have given approval to the 2011 version as a fire lane. There were concerns with two design aspects. 1) Is 24-feet adequate for the type of ladder trucks necessary to serve the site? 2) If 24-feet were adequate, would the fire service provider agree to use an up ramp as egress from the site (i.e. would they agree to a fire lane where the direction of travel leaving the site was against oncoming one-way traffic)? These questions are temporarily moot until the applicant proposes a new plan for access to the site, when it may be necessary to revisit these questions.

**Site Plan Issue #5:** There are additional problems with parking involving SCC 30.26.020 [2007]. Figure 2 highlights the locations of stairwells and elevators in the 20 buildings of the Central Village (see below). All 20 buildings are on top of a single garage.

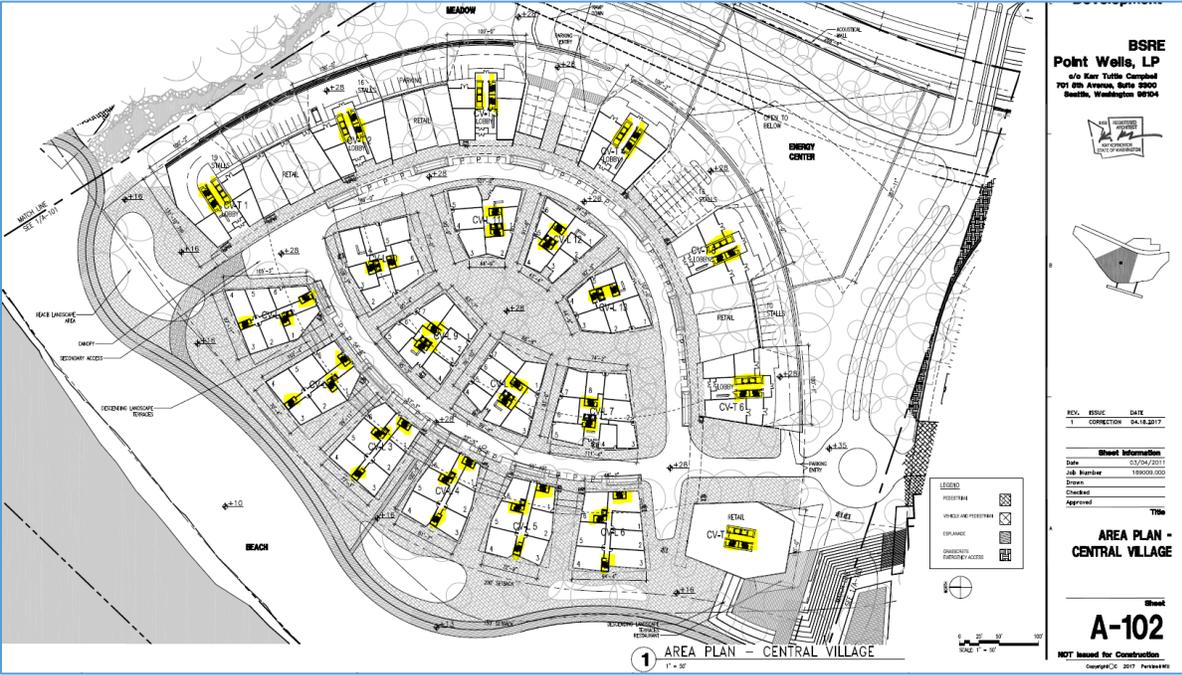


Figure 2 – Central Village Area Plan with Elevators and Stairwells Highlighted (Adapted from Sheet A-102 [2017])

The seven tower buildings each have elevators and stairwells accessing the garage, yet none of the 13 low-rise buildings have direct garage access, see Figure 3, below. From the garage, residents of the low-rise building must take an elevator up to the ground floor of a tower building and then walk at the surface level to reach their own building.

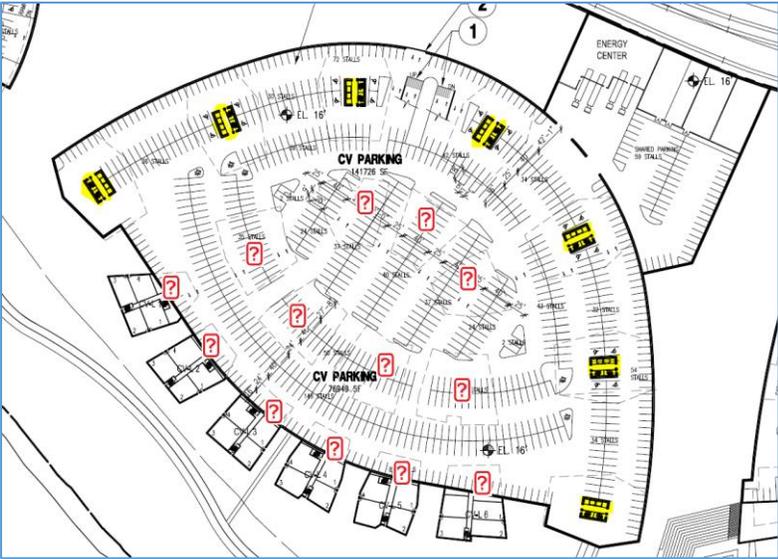


Figure 3 – Central Village Parking Plan with Elevators and Stairs Highlighted and Approximate Location of Missing Access Points (Adapted from Sheet A-054 [2017])

Walking access to buildings CV-L3 and CV-L4 is more than 300 feet from the nearest tower elevator. While Sheets A-053 [2017] (not depicted here) and A-102 [2017] (Figure 2) show these buildings as having elevators, the location of elevators depicted on these sheets would include areas on Sheet A-054 (Figure 3) that are taken up by parking, the exterior wall of the garage, and underground areas outside of the garage. Therefore, we can only assume that the elevators go from ground level to the upper floors of these two buildings and that the buildings have no access to the garage.

A similar assumption applies to all of the low-rise elevators in the Central Village—they can only be above ground elevators because if these buildings were to connect down into the garage, the layout of parking and drive aisles would need complete redesign. The boxes with question marks in Figure 3 illustrate this problem. Each box represents the approximate area that providing access to the building above would be require from the garage below. Providing this direct access would impact your ability to maintain the number of required parking stalls.

**Site Plan Issue #6:** The plan to centralize parking far away from housing is not consistent with the traffic study. The variance would mean that a senior living in the North Village may need to walk as much as 1,000 feet from the nearest elevator in the Central Village parking (where there may be a surplus of parking) to their own building in a different phase of the project (because all other phases have a deficit of parking). Housing for seniors who are this active does not meet the definition of senior housing used in the traffic study. The traffic study assumes that people living in senior-only units are consistent with people living in buildings studied by the Institute of Transportation Engineers (ITE) as senior housing; i.e. buildings full of retirees who leave home much less often than active seniors or non-seniors. Unless the applicant revises the site plan to locate parking and services in convenient proximity to the units identified as senior-only housing, we would have to recommend denial and argue at hearing that the traffic study should not have assumed that these units would generate the lower level of traffic associated with ITE's definition of senior housing.

**Site Plan Issue #7:** A second access road appears on the revised site plan. This responds to, but may not adequately alleviate a major concern with the 2011 application, i.e. two adequate fire apparatus access roads (aka fire lanes) are required. However, the location of the second access creates at least one new problem: consistency with critical areas requirements. As shown on Figure 4, next page, the second access road would cross Chevron Creek and go through part of the buffer of a sloping wetland. Shown elsewhere, but not in Figure 4, these features are also in the landslide hazard area.

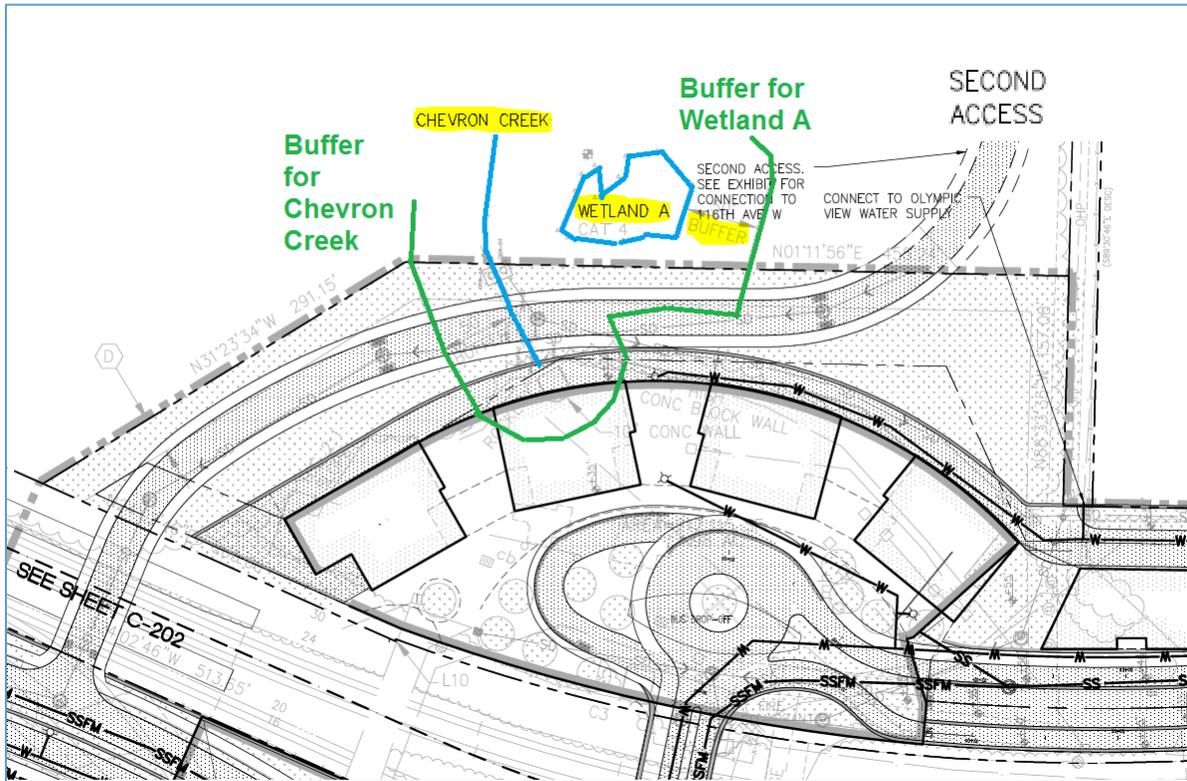


Figure 4 – Stream and Wetland Buffer Impacts of Second Access Road  
(Adapted from Sheet C-200 [2017])

With proper mitigation and engineering, it is possible that this second access road could be acceptable. However, the request for Innovative Development Design (relief from standard critical area requirements) in the revised submittal does not adequately address these impacts. The Critical Areas Report<sup>3</sup> and Targeted Drainage Report – both updated with the revised submittal to address other issues – both also fail in addressing issues with the second access road. There have been no updates to the Geotechnical Engineering Study since before the 2011 application. This report must address the second access road.<sup>4</sup>

**Site Plan Issue #8:** The April 17, 2017 resubmittal improves on the depiction of the landslide hazard area as shown in the 2011 applications, but the new depiction is still inadequate. It adds a landslide hazard area at the Central and North Villages and does a better job of depicting the area on the Urban Plaza. Figure 5, next page, highlights these landslide hazard areas on the resubmittal. However, these lines must connect as they do on Figure 6, next page, which I emailed to you and others on your team on September 19, 2016. Note that Figure 6 was a comment on the 2011 version of the application.

<sup>3</sup> Critical Areas Report also does not provide the required Habitat Management Plan (HMP) per SCC 30.62A.140 mitigation plans, nor does it provide accurate ratings for all streams or a plan for the mitigation of impacts as required by this same section.

<sup>4</sup> There must also be updates to the Geotechnical Engineering Study to address the landslide hazard areas that appear on the 2017 resubmittal that were omitted in the study and the 2011 applications, see discussion in Site Plan Issue #8.

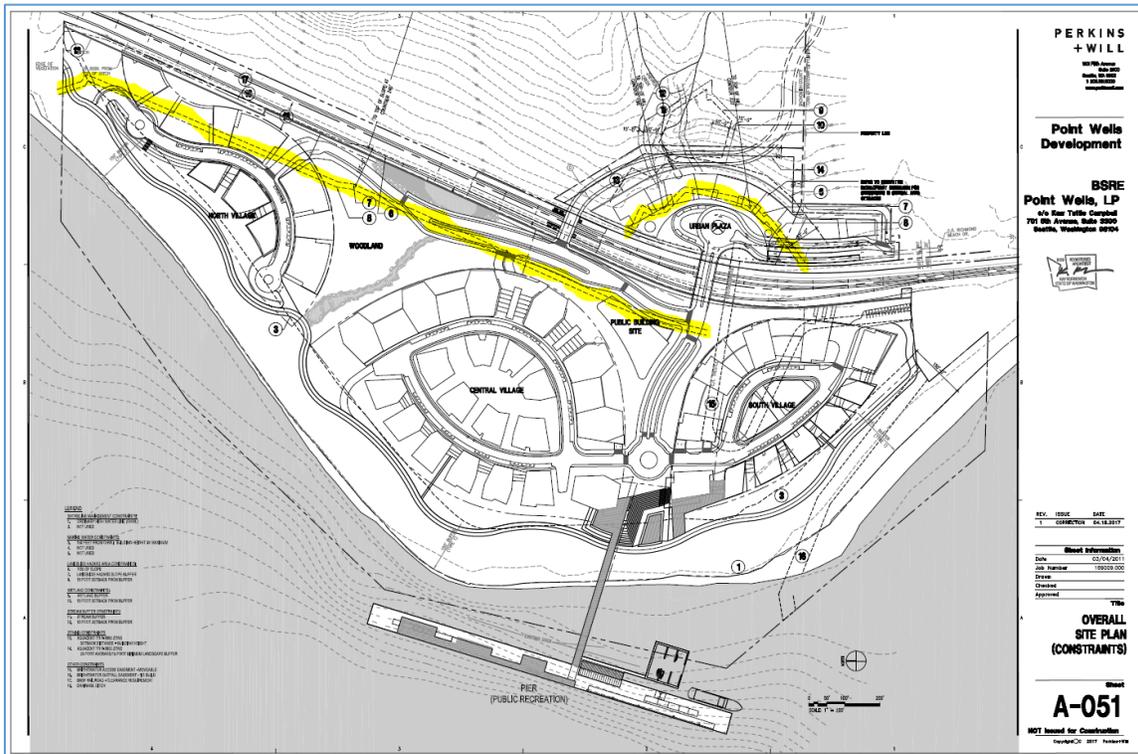


Figure 5 – Landslide Hazard Areas Highlighted on the April 2017 Resubmittal

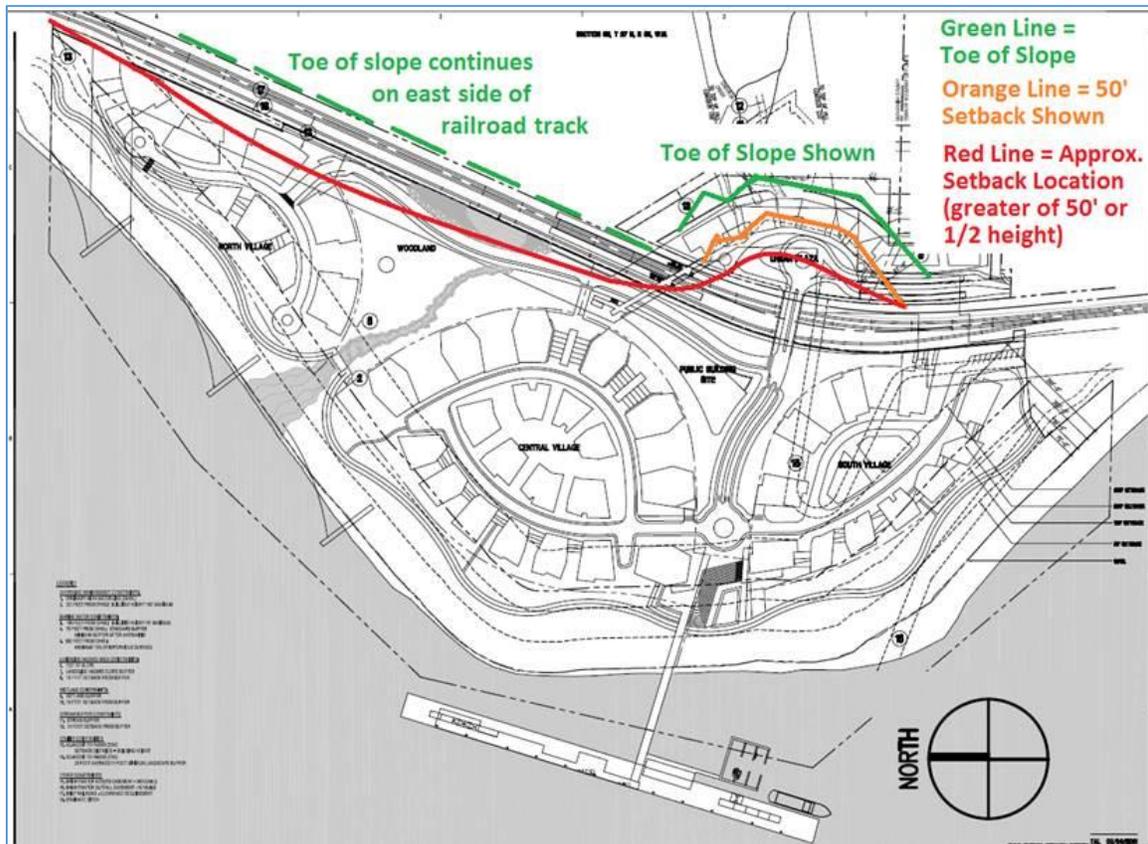


Figure 6 – Landslide Hazard Issues as Identified on 2011 Submittal Drawing

**Conclusion of Preliminary Review:** The revised application appears unable to satisfy certain County Code requirements and still contains many internal errors and omissions. Several of the supporting reports must be updated before the DEIS can adequately identify mitigation measures for the project. Adequate assessment of probable impacts and identification of mitigation measures cannot take place unless future resubmittal(s) by BSRE include far fewer internal inconsistencies. Such action is necessary because correction of inconsistencies by BSRE may necessitate changes to the proposed development and site plan which have not been reviewed or evaluated, including whether the changes satisfy County Code requirements, whether there has been disclosure of probable environmental impacts, or identification of appropriate mitigations measures.