



Eastin, Darryl

From: White, Clay
Sent: Monday, March 03, 2014 10:48 AM
To: Eastin, Darryl
Subject: FW: Point Wells Scoping Comments
Attachments: Scoping Comments re DEIS .pdf

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From: Traci Shallbetter [mailto:traci@shallbetterlaw.com]
Sent: Monday, March 03, 2014 10:13 AM
To: White, Clay
Subject: Point Wells Scoping Comments

Clay,
Please confirm receipt of the attached comments being submitted on behalf of Richmond Beach Advocates. Thanks.

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March 3, 2014

Snohomish County Planning and Development Services
Attn. Clay White
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Everett, WA 98201-4046

Re: Comments on Scoping and Alternatives for Point Wells EIS

I have been retained by the Richmond Beach Advocates (“RBA”) to provide counsel and representation throughout the permitting process of the Point Wells development (“Project”). The RBA is a newly formed entity consisting of numerous residents of the Richmond Beach community.

RBA has reviewed the application materials, including the SEPA Checklist for the Point Wells Development Urban Center, and contained herein are RBA’s comments on: (1) the scope of the EIS for the Project, and (2) the alternatives proposed for analysis in the EIS.

I. SUMMARY

RBA’s comments on EIS Scoping (Part II, *infra*) detail the specific elements of the environment that RBA believes must be included in the EIS in order to comply with the mandate of SEPA. Without seeking to minimize the magnitude of all impacts discussed in Part II, those impacts of greatest concern to RBA pertain to:

- Impacts on Existing Residential Development and Land Use due to the scale of the Project (i.e., change in character of neighborhoods, inconsistency with City of Shoreline land use and zoning, light/glare, noise, traffic, litter, aesthetics, views, safety).
- Traffic Impacts, including increased traffic, delays, and impairment of pedestrian and nonmotorized uses.
- Construction Impacts (i.e., noise, dust, traffic, delays, safety).
- Impacts (i.e. public safety, congestion) owing to the Single Point of Access for the Project.

RBA also recommends, as discussed in greater detail in Part III, *infra*, that the EIS include as an alternative for evaluation in the EIS: “The site would be developed a mixed-use, environmentally sustainable community, consistent with the City of Shoreline Subarea Plan for Point Wells.” RBA further recommends that the existing “Alternative 2” for consideration in the EIS be modified to eliminate the proposed reduction in open space and parks, as no indication exists that such a reduction is necessary to support BSRE’s objectives.

II. COMMENTS ON SCOPE OF EIS

A. Impacts to Built Environment.

The following elements of the built environment need to be evaluated, with attention given to the specific issues set forth below.

1. Environmental Health (WAC 197-11-444(2)(a)(i))

a. Noise (WAC 197-11-444(2)(a)(i))

The noise impacts to the surrounding community—most notably during the multi-year construction process—must be thoroughly evaluated. Such analysis needs to consider the noise (and other) impacts associated with the truck and heavy equipment traffic that will be on roads and on-site during the construction period.

b. Releases to the Environment (WAC 197-11-444(2)(a)(iii))

The EIS needs to consider the likely releases to the environment during construction and at build-out. Such releases include dust and particles associated with site development, construction, and hauling during construction. The EIS also needs to evaluate the likelihood of and impacts associated with toxic or hazardous releases from the site in light of its current and historical use.

2. Land and Shoreline Use Impacts (WAC 197-11-444(2)(b))

a. Existing Land Use Plans and Population (WAC 197-11-444(2)(b)(i))

The Project will perpetually and significantly alter the character of the surrounding land uses and neighborhoods. These impacts will be most heavily felt in the City of Shoreline, and directed most intensely to the areas along the Richmond Beach waterfront and Richmond Beach road corridors. The EIS needs to evaluate the extent to which the Project, and the alternatives to the Project, will result in inconsistencies with the existing land use plans of the City of Shoreline. It also needs to specifically address the extent and manner in which the Project will alter the feel, function, and land uses for the Richmond Beach neighborhood. Specifically, the following impacts need to be evaluated—both with respect to the Project as it exists at completion, and as to the Project and impacts associated with construction and build-out:

- *Inconsistency with Comprehensive Plans and Zoning of City of Shoreline.* It is indisputable that the adverse impacts of the Project will most heavily fall on the City of Shoreline and its residents. SEPA require that the EIS identify and evaluate such impacts, and the manner in which they will be inconsistent with (i.e., their relationship to) the existing land use plans of Shoreline.
- *Alteration of Neighborhood Environments.* The manner and extent to which existing neighborhoods will be changed by the Project needs to be evaluated. How will the feel, nature, and purposes of various residential neighborhoods be altered with the increase of traffic, light, noise, litter, emissions, obstruction, and activity of the Project?
- *View Blockage.* The must evaluate the extent to which the Project will obstruct or interfere with existing views from individual residences and public areas. Actual view corridor modeling and on-the-ground reference points should be required.
- *Construction Impacts.* The EIS needs to evaluate the impacts that will occur in the neighborhoods during construction—specifically pertaining to noise, glare, dust, litter, traffic/haul-routes, pot-holes and road damage, public safety, and delays.

b. Housing (WAC 197-11-444(2)(b)(ii))

The impacts of the Project on existing housing developments—both during construction and at full build out—need to be evaluated in the EIS. By way of example, the EIS should evaluate the impacts—during construction and at full build out—likely to result to individuals’ use and enjoyment of their existing residences.

c. Light and Glare (WAC 197-11-444(2)(b)(iii))

The light and glare impacts of the Project will be significant. At minimum, the following light and glare impacts need to be evaluated.

- *Traffic headlights, particularly during dark hours.* The Project presents a likelihood of thousands of vehicles traveling through residential neighborhoods during dark hours, with headlights glaring. Such headlights may flash directly into the homes of residents (light trespass) or generate light and glare generally in residential neighborhoods. These impacts are likely to be significant and must be thoroughly evaluated in the EIS.
- *Interior Lighting.* The EIS needs to evaluate impacts of interior lights within the proposed residential, commercial, and office uses.

- *Exterior Lighting.* The EIS needs to evaluate the impacts of parking lot lights, exterior building lights, and other lighting associated with the Project.
- *Glare.* The impacts associated with glare from the new structures and impervious surfaces needs to be evaluated. This includes an identification and location of sources that will produce glare (including nature of proposed surfaces/window coverage, etc.), along with an identification of the properties most likely to experience the glare impacts.
- *Dark Skies Standards and Downlighting.* Anticipating that, absent mitigation, the lighting impacts will not be able to be mitigated below a level of significance, RBA recommends that the EIS include in its mitigation, compliance with lighting standards of the International Dark Sky Association and use downlighting.

d. Recreation (WAC 197-11-444(2)(b)(v))

The Project, primarily through its increased traffic on roads, is likely to interfere with pedestrian, bicycling, and other recreational uses. In a similar fashion, traffic is likely to make it more difficult for individuals to safely access parks and recreational area. Separately, or in conjunction with the traffic impact analysis, the EIS must consider impacts to recreation.

3. Transportation (WAC 197-11-444(2)(c))

The *entirety* of traffic from the Project will pass along NW Richmond Beach Drive between the Woodway City limits and 20th Ave NW, thereby most significantly impacting and changing the character of that neighborhood. The rest of the Richmond Beach community will experience slightly fewer, but equally disruptive ADT impacts. The additional traffic will indisputable alter the entire nature and quality of the Richmond Beach community, and question exists whether it is even possible to mitigate the traffic impacts of the Project below a level of significance without dramatically reducing the scope and scale of the Project.

In addition to the general impacts on LOS and neighborhoods associated with the increased traffic, the following transportation impacts must be evaluated in the EIS:

- *Intensity, Speeds, Cut-Through Traffic—Impacts to Neighborhoods*
Existing cut-through traffic should be identified in a manner to help accurately predict future cut-through traffic from the Point Wells development. The increased likelihood of accidents (vehicle/vehicle, vehicle/pedestrian, vehicle/pets, vehicle/nonmotorized) needs to be evaluated, as well as the increased impacts on neighborhoods resulting from cut-through traffic, and intensified traffic.

- *Single point of ingress/egress*
The single point of ingress/egress to Point Wells, exacerbated by the stretch of 45' right-of-way on Richmond Beach Drive, presents a grave danger to public safety. It is a virtual certainty (albeit, likely infrequent), that: (a) a traffic, construction, or emergency blockage will occur at the northern end of Richmond Beach Drive thereby precluding egress from Point Wells, or (b) an event within Point Wells will transpire which necessitates a mass and immediate exodus from the Point Wells development. At full build out of Point Wells, a blockage on the northern portion of Richmond Beach Drive would likely result in *tens of thousands*¹ of individuals occupying or visiting the Point Wells development being trapped on the Point Wells site, with no readily available means of egress. Similarly, an emergency could occur within the Point Wells project (fire, terrorist, robbery, gunman, earthquake, landslide, tsunami, etc.) that necessitates the rapid evacuation of residents and patrons of Point Wells. The notion of a ferry or helicopter is not a feasible mitigation or alternative when considering the potential for thousands, to tens of thousands, of people being trapped on the site and needing to exit.

It is standard practice in land use planning for any large scale development to have at least two means of ingress and egress. (Indeed, Chapter 3 of the County's Engineering Design and Development Standards (2009) specifically requires that a road serving more than 250 ADT shall be connected in at least two locations with another road or roads meeting the applicable standards for traffic volumes). The fact that alternative access (i.e. through Woodway) may be difficult or expensive, does not obviate the need for such access nor should it free BSRE from being required to provide a secondary means of access.

- *Construction traffic.*
Construction traffic from the Point Wells project will be the most immediate impact of the proposed development. The EIS should discuss and evaluate the nature, frequency, and routes of construction traffic associated with the Point Wells project. Such analysis should identify and estimate construction traffic based on the various development phases of the project. The analysis should include not just the number of vehicles, but the size (gross vehicle weight and axels) of vehicles that will be used, and the route of travel. BSRE shall be required to provide mitigation to address the detriment caused to roads (potholes, delays), the potential delays associated

¹ Assuming even just 2 persons occupy each of the 3081 residential units, the total residential occupants (exclusive of staff) would equal 6162 persons. Add to this the patrons and employees of the 32,262 sf of commercial space with grocery stores, professional offices and businesses, and the 94,300 sf of retail activity including restaurants, shopping and entertainment venues, and it easy to expect more than 10,000 persons on the 61-acre bottlenecked site on an average day.

with BSRE construction traffic work/flaggers, the noise and dust of the large construction trucks and equipment that may be carrying gravel, fill, or building materials, and the risks that such construction traffic will present to pedestrians and passenger vehicles.

- *Pedestrians and Nonmotorized Vehicles.*
The impacts of the increased traffic on pedestrian and nonmotorized forms of transportation need to be thoroughly analyzed. Of particular concern are access routes to and from the waterfront and parks. Mitigation must make adequate provision for pedestrians and bicycles. This includes sidewalks and bicycle lanes, as well as cross-walks, pedestrian corridors and other means of ensuring safe access along and across roadways. If existing rights-of-way preclude the establishment of sidewalks and bicycle lanes such that the traffic impacts on pedestrian and cyclist safety cannot be mitigated below a level of significance, then the scope and scale of the project should be reduced accordingly.
- *Special Event Traffic.*
Parks, community centers, and areas along the waterfront commonly are the sites of public events which events often result in abnormal traffic and back-ups along Richmond Beach Drive. The EIS should consider and evaluate the likely traffic impacts that will result from the Point Wells traffic being added to this special event traffic, and mitigation should be proposed to ensure that the addition of the Point Wells traffic does not result in unacceptable LOS standards on such roads during special events.
- *Timing of Mitigation/Road Improvements.*
The EIS should evaluate, and conditions be imposed, to ensure that the timing of road improvements is done at the most logical time, with the least unnecessary adverse impact to the neighborhood. Mitigation should be based on PM peak hour trips, with the completion of road improvements being coordinated with each phase of approved development. Road improvements should be completed prior to the date that the anticipated traffic impacts will be felt; however, road improvements shall not be made before their need is imminent.
- *Traffic Study Methodology—Offsets.*
Some suggestion has been made that the traffic counts for BSRE will be reduced in light of: (a) the potential provision of services such as a grocery store or restaurant within the Point Wells development (internal capture); and (b) the potential existence of a Sound Transit station. Both of these events are speculative and do not justify any reduction in the estimates of ADT, or serve as mitigating circumstances. The internal capture rate cannot be accurately estimated given the lack of any binding mix of uses within the development, much less the specific businesses (franchise, reputation, quality) that would be within the development. The likelihood

of a Sound Transit station is unpredictable, as is any potential for other modes of alternative transportation. The traffic analysis utilized in the EIS should not allow any offset for internal capture or speculative transit.

- *Traffic Study Methodology—LOS.*

The level of service methodology utilized in the transportation element of the EIS needs to specify: (a) the software to be used, and (b) the input criteria. Input criteria that should expressly be identified include (i) the acceptable peak-hour factors, (ii) calibration adjustments, and (iii) model seeding times. Baseline volumes should be calculated using a growth rate specific to each segment or intersection, with validity checks based on current counts or City of Shoreline pipeline projects.

4. Public Services and Utilities (WAC 197-11-444(2)(d))

The EIS needs to evaluate the impact of the Project on *all* public services and utilities, particularly those of the City of Shoreline. Given that the Project, as proposed, can only be accessed via the City of Shoreline, over City of Shoreline infrastructure, the Project is likely to have significant impacts on Shoreline's public services and utilities, regardless of whether contractual arrangements are made with the City for provision of such services.

B. Impacts on Natural Environment (WAC 197-11-444(1))

1. Earth--Soils/Erosion/Accretion (WAC 197-11-444(1)(a))

Geologic conditions conducive to slides and erosion are known or identified as likely to occur on the project site. The EIS needs to evaluate the potential impacts that the Project will have on soils and geology in the area, including an indication as to whether the soils and geology on site present a risk to a safe and stable development. Impacts to the associated shoreline also need to be considered.

2. Air (WAC 197-11-444(1)(b))

Impacts of the Project on air quality are potentially significant, particularly in terms of dust and emissions during construction and build-out. The EIS should evaluate and address likely emission of dust and other particles and pollutants during construction, as well as the increased emissions and greenhouse gases that will be generated by the Project and its associated traffic. The EIS also should evaluate the impacts to air that will result from disturbance of soil that contains, or is likely to contain, contaminants or hazardous substances.

3. Water (WAC 197-11-444(1)(c))

In light of the Project's adjacency to a shoreline of the state, the EIS must evaluate the impacts that the Project, including construction, will have on water quality, functions, and habitat of the adjacent Puget Sound and of creeks, streams, wetlands, and aquifers.

4. Plants and Animals (WAC 197-11-444(1)(d))

The impacts of the project on nearby wetlands, streams, floodplains, and associated habitat needs to be evaluated in the EIS.

5. Energy and Natural Resources (WAC 197-11-444(1)(e))

Point Wells is situated in an area of significant scenic and natural resources—namely in the form of jawdropping views of the Puget Sound and Olympic Mountains. The impacts of the Project on this precious scenic, natural resource need to be evaluated in the EIS. The Project needs to be conditioned in such a manner as to ensure that its development does not significantly impact the availability and enjoyment of the scenic resource.

III. COMMENTS ON EIS ALTERNATIVES

SEPA directs that "alternatives to the proposed action" be included in an EIS. Also, SEPA rules mandate consideration of "reasonable alternatives," which are defined as less environmentally costly action that could feasibly attain or approximate a proposal's objectives. RCW 43.21C.110; *King County v. Cent. Puget Sound Bd.*, 138 Wn.2d 161 (1999). In such regard, the EIS must provide not just a reasonably thorough discussion of the significant aspects of the probable environmental consequences of the proposed activity, but sufficient information to allow the governmental decision maker to make a reasoned choice among alternatives.

RBA objects to current definition of "Alternative 2" insofar as it proposes a reduction in parks and open space under Urban Village zoning even though nothing about development under Urban Village zoning would necessitate fewer parks and open spaces in order to fulfill BSRE's objectives. "Alternative 2" should be revised to propose a development (2700 residential units and equal commercial/retail) consistent with Urban Village zoning *with equal parks and open space* to the Alternative 2. In defining Alternative 2 to include fewer parks and less open space than Alternative 2, BSRE unnecessarily prejudices the outcome Alternative 2.

RBA further requests that the EIS propose and evaluate the following alternative (in addition, or instead, of Alternative 2:

- The site would be redeveloped as a mixed-use, environmentally sustainable community, consistent with the City of Shoreline Subarea Plan for Point Wells.

IV. CONCLUSION

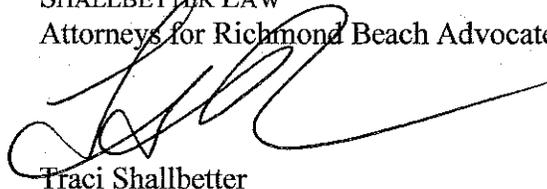
The Scoping Analysis of the EIS will be inadequate if it fails to require evaluation of all of those impacts identified above, as well as all impacts identified by the City of Shoreline in their Scoping Comments. RBA also strongly recommends including "development of Point Wells consistent with the City of Shoreline Subarea Plan for Point Wells" as an

alternative evaluated in the EIS, and modifying the existing "Alternative 2" such that the alternative includes parks and open space equal to that proposed in "Alternative 1."

RBA thanks you in advance for your attention to the contents hereof, and for your expected diligence throughout the EIS and permitting process for the Project.

Sincerely,

SHALLBETTER LAW
Attorneys for Richmond Beach Advocates



Traci Shallbetter

cc: client