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To: Building Services Division Manager
King County Department of Development and Environmental Services
Building Services Division - Permit Service Center
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

RECEIVED
SEP 03 1998

From: Daniel R. Olsen (Appellant)
6504 Northeast 196th Street
Seattle, WA 98155-3462

Date: 09/03/98

Re: Statement of Appeal: Lake Pointe Commercial Site Development Permit (B96CS005) and Master Plan (A95P0105) Approvals by the King County Department of Development and Environmental Services, Building Services Division

In accordance with the Lakepointe Mixed Use Development - Commercial Site Development Permit, Attachment C ("Right to Appeal"), with this statement I appeal approval of the above permits for reasons listed below.

1) REASONS THE DECISION SHOULD BE REVERSED OR MODIFIED

The Lakepointe Mixed Use Development - Commercial Site Development Permit and the Lakepointe Master Plan must comply with Road Adequacy Standards¹ in the King County Public Rules and Regulations, specifically Sec. 6.2, "Application of Road Adequacy Standards"².

For example, traffic forecasts in the Final Supplemental Environmental Impact Statement (SEIS) of July, 1998, Page 3-61³, indicate level of service (LOS) resulting from the Project that constitute infractions of the Road Adequacy Standards.

Secondly, the P-suffix conditions in the Report for the Lakepointe Mixed Use Development - Commercial Site Development Permit state:

The Transit and Transportation Circulation mitigation shall be implemented through the approved Transportation Mitigation Agreement.

These P-suffix conditions include: Condition 4. Transit and Transportation Circulation Conditions and Condition 7. Vehicular Access and Circulation Conditions. The Transportation Mitigation Agreement provides insufficient improvement over the proposed Mitigating Measures documented in the Final Supplemental Environmental Impact Statement (SEIS) of July, 1998, Page 3-67, which ends with the statement, "...the Proposed Action is likely to result in a significant adverse impact that cannot be mitigated". (Page 3-70)

¹ Document Code No.: PUT 10-1 (PR)

² 1.0 SUBJECT TITLE: Procedures for implementing the Road Adequacy Standards contained in Chapter 21.49 of the King County Code

³ Tables 31A and 32A

Further, the Lakepointe Transportation Management Plan (TMP)⁴ targets a minimum 15 percent reduction in projected vehicle trip generation two years after the TMP is implemented. Based on Project analyses and review of current peak hour levels of service compared to LOS with the Project, a 15 percent reduction over two years will not correct adverse impacts from the Project.⁵

The studies, analyses, and P-suffix actions in the Lakepointe project, documented in the Final Supplemental Environmental Impact Statement and the Reports for the Lakepointe Mixed Use Development - Commercial Site Development Permit and Master Plan, do not achieve compliance with the Road Adequacy Standards. Additional mitigation is required that addresses the documented certain further deterioration in environmental conditions resulting from the Project.

2) THE HARM SUFFERED OR ANTICIPATED INCLUDES, BUT IS NOT LIMITED TO:

A. Infractions of King County Road Adequacy Standards as documented in the Final Supplemental Environmental Impact Statement (SEIS) of July 1998, Page 3-61.

B. Additional instances of unacceptable LOS resulting from the Lakepointe Project as noted in the Final Supplemental Environmental Impact Statement (SEIS) of July 1998:

a) Decreased traffic level of service - Page 3-62 regarding 68th Ave NE at NE 170th St:

The intersection of 68th Ave NE at NE 170th St would operate at LOS E in the AM peak hour without the proposal and LOS F with the proposal in 2005. Although the intersection would operate at LOS F in the PM peak hour both with and without the proposal, **with the Proposed Action, delay would increase significantly more. The proposed addition of a westbound right-turn signal phase overlap would improve operations slightly, but not enough to bring it above LOS F.** The area around the intersection is built out with no apparent additional capacity available without significant right-of-way purchases.

b) Increased traffic queues - Page 3-63 regarding SR 522 at SR 104:

For the AM peak, the westbound through movement with the project is anticipated to exceed capacity by 34 percent (439 vehicles versus storage for 321), and extend back beyond the 61st Ave NE intersection. This is reflected by the poor level of service at 61st Ave NE with the Proposed Action. Without the proposal, none of the queues are forecast to exceed capacity.

c) Increased traffic queues - Page 3-65, regarding SR 522 at 80th Ave NE:

During the PM peak with the project, extensive queuing is projected for the westbound through movement. **The eastbound left turn is projected to exceed capacity by 40 per cent (148 vehicles versus storage for 106), and the southbound queue would exceed capacity by 27 vehicles).**

⁴ Final Supplemental Environmental Impact Statement (SEIS) of July, 1998, Exhibit B

⁵ See also below under "The Harm Suffered or Anticipated".

d) Increased traffic congestion - Pages 1-4, 1-5:

Data from the queuing analysis and the LOS analysis indicates that in the year 2005, without the project PM peak-hour traffic returning eastbound on SR 522 to Kenmore may back up to the Acacia Park Cemetery. **With the project, PM peak-hour delay at SR 522/61st Ave NE would be greater than without the project, and traffic may back up to the intersection of SR 522/NE 145th at the Seattle/Lake Forest Park city limits.** Without the project, PM peak-hour traffic at 68th Ave NE/NE 170th St travelling into Kenmore may back up one-quarter to one-half mile. **With the project, PM peak-hour delay would be greater than without the project, and traffic may back up on-half mile to almost one mile.**

In fact, it is my own experience that PM eastbound traffic on SR 522 is already frequently backed up to 145th until 6:30 PM Monday through Friday.

While results of the Project analyses display some improvements in traffic conditions with the Lakepointe Project, 23 more traffic movements will have adverse impacts than those having improvements (37 adversely affected, 14 positively affected⁶). This does not include the adverse impacts from two new roadways, Lakepointe Way and Lakepointe Boulevard.

We who use roadways near the proposed Lakepointe Project as routes for traveling to and from work daily deserve a more satisfactory design for incorporating solutions to adverse effects on traffic before permit approval is granted. Dealing with the issues as a prerequisite to permit approval will prevent future added expenses when conditions leave no choice but to address the issues.

3) RELIEF SOUGHT

Condition approval of the Commercial Site Development Permit and Master Plan, until mitigation alleviating the above-listed adverse impacts is ensured, potentially including, but not limited to the following:

- Acquisition of necessary properties to implement mitigation achieving compliance with Road Adequacy Standards in the King County Public Rules and Regulations, specifically Sec. 6.2, "Application of Road Adequacy Standards" and addressing a majority of the adverse impacts on traffic conditions.
- Reduction of adverse traffic impacts from the Lakepointe Project by scaling down the project or altering the mix of uses to achieve compliance with Road Adequacy Standards in the King County Public Rules and Regulations.

If solutions are already in progress, this appeal could be satisfied through sufficient information in explanation of such solutions.

⁶ Final Supplemental Environmental Impact Statement (SEIS) of July, 1998, Page 3-61, Tables 31A and 32A

Without specific plans to avoid inevitable increased traffic congestion from the Project as predicted in the SEIS, permission to proceed with the Commercial Site Development Permit and Master Plan constitutes documented certain further deterioration in environmental conditions for residents, as well as for anyone traveling through the area surrounding the project. Until a strategy that speaks to these issues is in place, this appeal calls for prevention of increased traffic hardships from the Project through postponement of permit approval for the Lakepointe Commercial Site Development Permit and Master Plan.

Sincerely,

Daniel R. Olson