

# EMERALD POINTE ON THE SOUND

## Final Environmental Impact Statement

*Prepared for:*

City of Burien  
15811 Ambaum Blvd. SW (Suite C)  
Burien, Washington 98166-3066

*Prepared by:*

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June 2008

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# FACT SHEET

## Project Title

Emerald Pointe on the Sound

## Project Description and Alternatives

The Proposed Action is a gated multi-family residential development with up to 200 condominium units, including a supporting clubhouse, with primary access from SW 136<sup>th</sup> Street in Burien. The Project site is bordered by a proposed western extension of SW 136<sup>th</sup> Street to the south and 12<sup>th</sup> Avenue SW to the east. Burien's Seahurst Park abuts the site to the west, and an existing multi-family residential development is located to the north. Buildings proposed for the development range from three to five stories in height. Currently, the Project site is undeveloped.

The Draft Environmental Impact Statement (DEIS) analyzed three land use alternatives. The action alternatives proposed for the Emerald Pointe on the Sound Project include Alternative 1, known as the "carrying capacity" alternative (because it was used to test the maximum feasible level of development on the site), providing 200 market-rate condominium dwelling units; and Alternative 2, which includes the construction of 178 market-rate condominium dwelling units (the Preferred Alternative). Residential units in both action alternatives would be contained within a number of multi-story buildings. A clubhouse building for residents of the development and an additional manager's residence would also be included. Steep slopes and other critical areas on the site were considered in determining the layout of the two action alternatives. In a third No Action Alternative, no new uses are proposed for the site and it would remain undeveloped.

This Final EIS (FEIS) contains revisions to the DEIS text where they are required in response to public comments on the DEIS or because of a clarification or correction by the City of Burien (City) or Applicant. The alternatives analyzed in the DEIS have not been modified, except that pedestrian access through the site to Seahurst Park has been modified under Alternative 2.

## Project Location

13401 12<sup>th</sup> Avenue SW in Burien

## Proponent

Nizar Sayani/Westmark Development Corporation

## File Number

King County Project number ENV 95-04  
Burien Project #PLA-06-0365  
The Project was originally filed prior to City incorporation and is vested under certain specific King County planning and code requirements.

<b>Date of Implementation</b>	Construction is anticipated to begin in 2009
<b>Lead Agency</b>	City of Burien, Department of Community Development
<b>City of Burien Responsible SEPA Official</b>	Scott Greenberg, AICP, Director of Community Development City of Burien 15811 Ambaum Blvd. SW (Suite C) Burien, WA 98166
<b>City of Burien Contact Person</b>	Betsy Geller AHBL 1200 6 <sup>th</sup> Avenue, Suite 1620 Seattle, WA 98101-3123 (206) 267-2425 <a href="mailto:bgeller@ahbl.com">bgeller@ahbl.com</a>
<b>Required Permits</b>	Building, Electrical, Plumbing, Mechanical, Clearing and Grading (as part of building permit, or separately if sought prior to building permit issuance), Right-of-Way, and Washington Department of Ecology Stormwater permits.
<b>Authors and Principal Contributors</b>	EDAW, Inc. 815 Western Avenue, Suite 300 Seattle, WA 98104 <ul style="list-style-type: none"><li>• <i>Overall SEPA coordination, Land Use, Public Services, Wetlands, and Critical Areas</i></li></ul> ESM Consulting Engineering 20021 120th Avenue NE, #103 Bothell, WA 98011-8203 <ul style="list-style-type: none"><li>• <i>Grading, Water Quality, Water Supply, Stormwater, Utilities</i></li></ul> The Transpo Group 11730 118th Avenue NE, Suite 600 Kirkland, WA 98034 <ul style="list-style-type: none"><li>• <i>Transportation and Parking</i></li></ul> PanGeo Incorporated 3414 NE 55th St. Seattle, WA 98105 <ul style="list-style-type: none"><li>• <i>Earth and Geotechnical Engineering</i></li></ul>

**Prior Environmental Review**                      *June 19, 1991* – King County issued a SEPA DS on the Project, based on the completion of a SEPA Checklist  
*August 17, 1996* – The City of Burien issued a SEPA DS for the Project based on review of the Applicant’s original SEPA Checklist  
*August 21, 2007* – Emerald Pointe DEIS issued  
*September 18, 2007* – Public Hearing on DEIS  
*August 21 to October 5, 2007* – Public Comment Period on DEIS

**Date of FEIS Issuance**                              June 10, 2008

**Type and Timing of Subsequent Environmental Review**      This is a Project-level EIS. No further SEPA review is anticipated.

**Location of Background Data**              Background data for this DEIS and FEIS are available at the following locations:

- EDAW, Inc., 815 Western Avenue, Suite 300, Seattle, WA 98104
- City of Burien, Department of Community Development, 15811 Ambaum Blvd SW, Burien, WA 98166
- AHBL, 1200 6th Avenue, Suite 1620, Seattle, WA 98101-3117
- R.W. Thorpe & Associates, 705 2nd Ave Ste 710, Seattle, WA 98107

The following background documents are available for review:

- Terra Associates, Inc., Slope Stability Analysis (1990)
- Beak Consultants Inc., Emerald Pointe Apartments Wildlife Technical Report (1991)
- Terra Associates, Inc., Wetland Evaluation (1991)
- Transportation Planning & Engineering, Emerald Pointe Apartments Project Traffic Impact Analysis (1992)
- Raedeke Associates, Sensitive Species Assessment (1992)
- Touma Engineers, Phase I Storm Drain Level I Report (2006)
- The Riley Group, Inc., Stream Analysis (2005)
- The Riley Group, Inc., Stream Analysis Addendum (2008)

**Cost to the Public  
for Copy of FEIS**

Copies of the DEIS and FEIS are available for review at the following locations:

Burien City Hall  
15811 Ambaum Blvd. SW (Suite C)  
Burien, WA 98166

Burien Public Library  
14700 6<sup>th</sup> Avenue SW  
Burien, WA 98166

Burien Community Center  
425 SW 144<sup>th</sup> Street  
Burien, WA, 98166

Copies of the FEIS may be purchased for \$45.00 + tax per hard copy or \$14.00 + tax per CD and can be ordered/picked up at the following location:

Roadrunner Print & Copy  
120 SW 153rd Street  
Burien, WA 98166  
Telephone: (206) 242-4042

**How to file an  
appeal of this EIS**

Please refer to the applicable provisions of State law and the Burien Municipal Code for the requirements for an appeal. The City has concluded that State law and the Burien Municipal Code do not provide for an administrative appeal for the FEIS and that a judicial appeal will be governed by RCW 43.21C and WAC 197-11-680.

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## **REFERENCES**

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## ACRONYMS AND ABBREVIATIONS

ASL	above sea level
BMC	Burien Municipal Code
BMP	Best Management Practices
City	City of Burien
Corps	U.S. Army Corps of Engineers
County	King County government
CSA	Certificate of Sewer Availability
dbh	diameter at breast height
DEIS	Draft Environmental Impact Statement
DS	Determination of Significance
du	dwelling unit
EIS	Environmental Impact Statement
ESA	federal Endangered Species Act
FEIS	Final Environmental Impact Report
GMA	Growth Management Act
KCC	King County Code
LOS	level of service
MDNS	Mitigated Determination of Non-Significance
OFM	Office of Finance and Management
RCW	Revised Code of Washington
ROW	right-of-way
RS	Residential Single-Family Zone
SEPA	State Environmental Policy Act
SR	state route
SWPPP	Storm Water Pollution Prevention Plan
SWSSD	Southwest Suburban Sewer District
TES	Threatened, Endangered, and Sensitive
TESC	temporary erosion and sediment control plan
TIR	Technical Information Report
USFWS	U.S. Fish and Wildlife Service
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WRIA	Watershed Resource Inventory Area

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## 1.0 SUMMARY

Where this chapter of the Final Environmental Impact Statement (FEIS) includes clarifications or corrections to the Draft Environmental Impact Statement (DEIS) (whether in response to public comments on the DEIS, or based on clarifications or corrections by the City of Burien [City], its consultants, or the Applicant), the changes are identified in this FEIS using underlined text (underlined) for additions and strikethrough text (strikethrough) for deletions. However, minor non-substantive edits—such as punctuation, grammar, structure of citations, or use of abbreviations and capitalization—have been made without using underline/strikethrough in the text.

### 1.1 Introduction

The City of Burien prepared this ~~Draft~~ Environmental Impact Statement (DEIS) to identify and address the potential environmental impacts associated with a proposed Project to develop a multi-family development within the City. The Project, known as Emerald Pointe on the Sound (Emerald Pointe), was originally submitted to King County (County) on February 15, 1990, and it is vested under the County land use regulations in place at the time (see Section 1.3, Project History, for more information). February 15, 1990, is the date of Project vesting. In 1993, the City of Burien incorporated and the Emerald Pointe application was transferred to the City. In August 1996, the City of Burien issued a State Environmental Policy Act (SEPA) Determination of Significance (DS) for the Project, based on a review of the Project's SEPA checklist and the City's conclusion that the proposed Project could create a significant adverse impact to some elements of the environment. In addition, a Scoping Notice that established the alternatives and elements reviewed in this DEIS was issued on April 30, 1997. The City of Burien's DS followed the issuance of a DS by King County in June 1991, when the Project was still under the jurisdiction of the County. In response to the DS determination by the City, this EIS has been developed to evaluate two alternative development scenarios that would implement the Proposed Action on the Emerald Pointe site. In addition, a No Action Alternative, in compliance with SEPA and Revised Code of Washington (RCW) Chapter 43.21C, is also analyzed.

As stipulated in the RCW, the potential impacts of the Proposed Action alternatives have been evaluated in this document for circulation for public and agency review. Impacts identified herein are defined as either “adverse” or “significant.” Significant, as used in the context of SEPA, means “reasonable likelihood of more than a moderate adverse impact on environmental quality” (SEPA Rules, Washington Administrative Code [WAC] Section 197-11-794(1)). Significance involves both context (physical setting) and intensity (magnitude and duration of an impact). The SEPA Rules also note that “an impact may be significant if its chance of occurrence is not great, but that resulting environmental impact would be severe if it occurred” (WAC Section 197-11-794(2)).

This section presents the purpose and need for the Project, reviews significant events in the Project's history, generally describes the Project site, and lists the individual elements of the environment that are analyzed in depth in Chapter 3 of the DEIS. With this information as

general background, an overview of the three alternatives and the associated impacts identified in subsequent sections is also provided.

## **1.2 Purpose and Need for the Project**

The primary purpose of the Project is to develop a new multi-family condominium development, to be known as Emerald Pointe on the Sound, within the Burien city limits. Two action alternatives are proposed that would provide either 178 or 200 units of market-rate housing, plus an additional manager's unit, in accordance with applicable regulations. These alternatives aim to provide market-rate housing opportunities to existing and new Burien residents, while allowing the property owner to develop his property. The action alternatives discussed below, and their proposed residential densities, are consistent with the land use requirements of the vested 1990 King County Development Code. Under the vested code, the Project site is split between the RM-1800 and RM-2400 zoning designations. These zoning designations allow for high-density multi-family residential and medium-density multi-family residential uses, respectively. Additional objectives of the development include recognizing and accommodating the development constraints and opportunities of the site and mitigating potential environmental impacts, particularly to sensitive environmental features such as streams and wetlands.

Since the City of Burien incorporated in 1993, most of its population increase has come from annexation. In 1999, the City annexed the Manhattan area (south Burien), adding approximately 2,500 residents. Since that time, the population of the City of Burien has remained relatively stable. Between 2000 and 2005, the City's population fluctuated between approximately 31,000 and 32,000 residents. Washington's Office of Financial Management (OFM) estimated Burien's population in 2006 to be 31,080, down from a high of 31,881 in 2000 (OFM 2006). The provision of new housing serves to accommodate this expanding population with adequate housing opportunities, as established in *The Burien Plan* housing goals and policies (City of Burien 2006).

## **1.3 Project History**

Since the submittal of the original Emerald Pointe building permit application and permit fees to King County in 1990, the Project has been subject to a number of important events and jurisdictional decisions that set the stage for the preparation of the EIS. Key events in the process leading up to the preparation of this EIS include:

- (1) *February 15, 1990* – The Applicant submitted the original Emerald Pointe building permit application and fees to King County. The original site plan for the Project proposed a total of 216 units. This submittal represents the “vesting” date of the Project (see below for more discussion of vesting).
- (2) *June 19, 1991* – King County issued a SEPA DS on the Project, based on the completion of a SEPA Checklist. The County's issuance of a DS for the Project required the preparation of an EIS.
- (3) *May 18, 1992* – The Applicant submitted an addendum to the original SEPA Checklist that reduced the size of the proposed Project to 178 units. After reviewing the addendum, King County maintained its requirement of an EIS for the Project.

- (4) *February 28, 1993* – The City of Burien, previously part of unincorporated King County, officially incorporated, establishing a separate jurisdictional entity. As a result of an interlocal agreement between King County and the City of Burien, lead agency status on the Emerald Pointe Project (and a number of other projects) was transferred to the City of Burien. With this, the City assumed the responsibility for the Project’s compliance with SEPA.
- (5) *August 17, 1996* – The City of Burien issued its DS for the proposed Emerald Pointe Project based on its review of the Applicant’s original SEPA Checklist. In its DS, the City recognized King County’s previous identification of “a series of natural and built environment issues to be considered along with appropriate alternatives to the Project proposal...requiring additional environmental analysis.” The City determined that these environmental issues would still require environmental review in an EIS.
- (6) *September 3, 1996* – The Applicant filed an appeal of the City’s DS (an amended Notice of Appeal was submitted to the City on May 12, 1997 after the EIS scoping process).
- (7) *March 21, 1997* – The City of Burien issued a notice soliciting public comment on the scope of the Emerald Pointe EIS. The City issued the final scope of the EIS on April 30, 1997.
- (8) *January 14 and 20, 1998* – The City of Burien Hearing Examiner held hearings to make a decision on the Applicant’s appeal of the City’s DS determination. Due to ongoing litigation between the Applicant and the City and the potential for a settlement, the Hearing Examiner did not make a decision at the time (for more information on the legal aspects of the Project, see below).
- (9) *September 23, 2003* – The City withdrew the 1996 DS and issued a Mitigated Determination of Non-Significance (MDNS) based on the mitigation measures proposed by the Applicant in its submittal materials.
- (10) *October 14, 2003* – William Taylor appealed the City’s withdrawal of the DS and issuance of an MDNS to the City of Burien Hearing Examiner.
- (11) *February 18, 2004* – The City of Burien Hearing Examiner held a public hearing on the Taylor appeal.
- (12) *April 19, 2004* – The City of Burien Hearing Examiner issued a decision on the Taylor appeal, withdrawing the MDNS and reinstating the DS.
- (13) *October 18, 2005* – After an extended period due to litigation, the City of Burien Hearing Examiner denied the Applicant’s appeal. As a result of the Hearing Examiner’s denial of the appeal, completion of the current EIS was required for the Project application to proceed.

A major issue for the Project has been “vesting.” Based on State of Washington case law, vesting refers to the “notion that a land use application, under the proper conditions, will be considered only under the land use statutes and ordinances in effect at the time of the applicant’s submission” (*Friends of the Law v. King County* [1994]). The Applicant

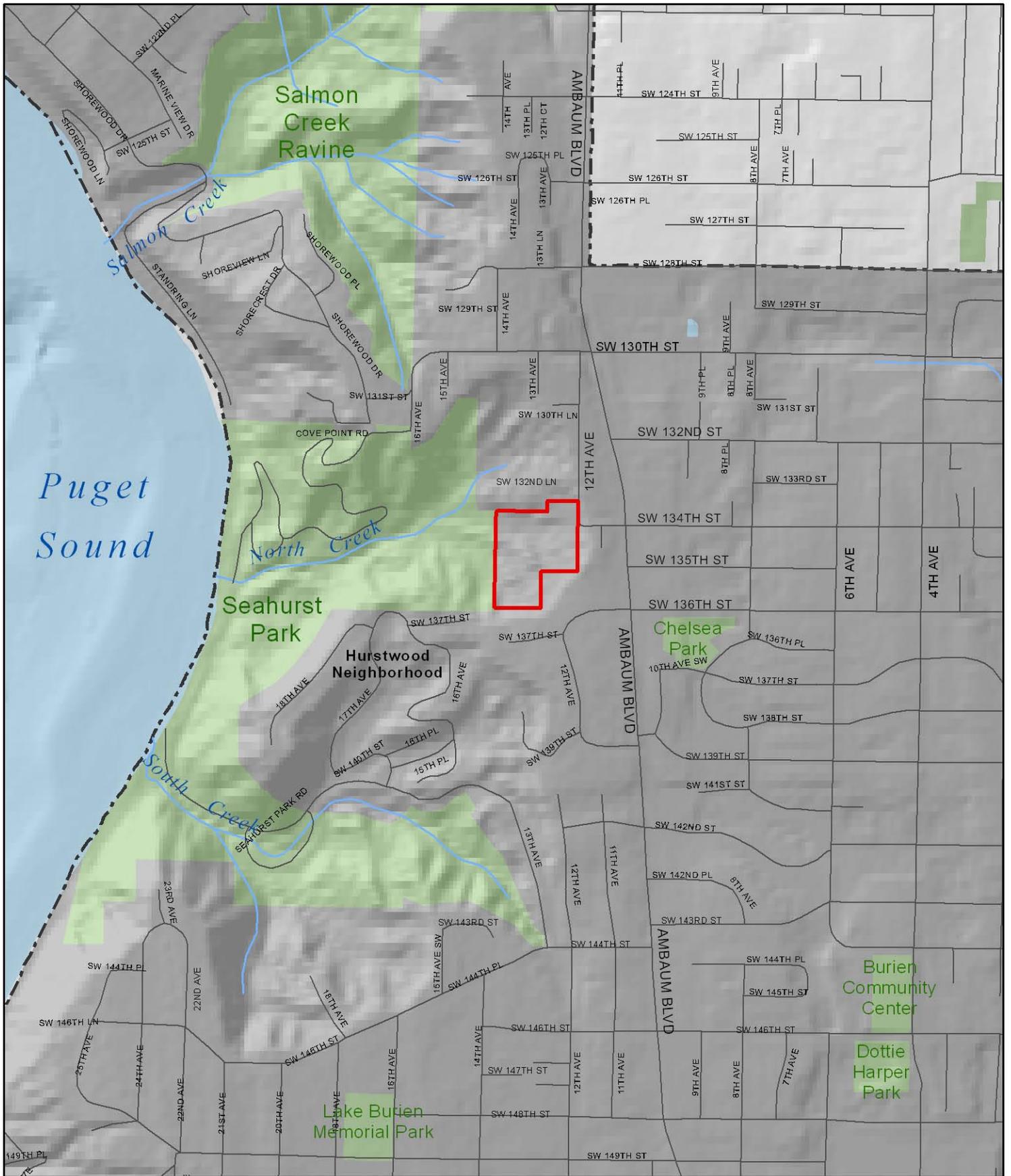
originally filed a complete building permit application for the Emerald Pointe on the Sound Project in King County on February 15, 1990, because at the time of its original filing, Burien was not an incorporated city. As such, the Project is vested under 1990 King County land use regulations and must comply with the requirements contained in those regulations.

According to Washington case law, the “vested rights rule is generally limited to those laws which can loosely be considered ‘zoning’ laws” (*New Castle Investments v. City of Lacenter* [1999]). Therefore, a project is only vested to those regulations specifically established to control land use-related activities. Resource areas guided by the 1990 King County land use regulations include Earth, Water, Plants and Animals, Wetlands, Land Use, and Aesthetics, Light, and Glare (except for illumination standards, as explained below). Comprehensive Plan priorities and policies are not considered to be land use regulations; they may be used as guidance, but may not act as a substitute for development regulations. To ensure appropriate public safety, vesting does not apply to regulations governing health and safety. Therefore, current Burien transportation, noise, public services and utilities, and parks and recreation standards are discussed in the applicable sections. Illumination standards are also considered health and safety regulations. A matrix showing the applicable plans and regulations for each section of this EIS can be found in Appendix A of the DEIS.

## **1.4 Project Site: Location and Description**

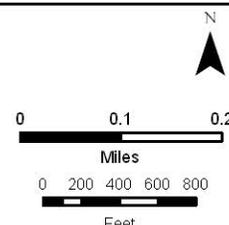
Located at 13401 12<sup>th</sup> Avenue SW, in Burien, Washington, the proposed Project site is in the north-central portion of the City of Burien (see Figure 1.4-1). The site, roughly 1 mile from downtown Burien, abuts the eastern border of Seahurst (Ed Munro) Park and encompasses three parcels, all owned by the Applicant, totaling approximately 9.8 acres. Physically, the site sits on the upper part of the Puget Sound bluff, a moderately to steeply sloped hillside facing westward toward Puget Sound. The northeast corner of the Project site is framed by the intersection of 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street. Property owned by the Highline School District—and containing the former Burien Senior Center—is directly adjacent to the southeast boundary of the site. Directly south (across an undeveloped portion of the SW 136<sup>th</sup> Street right-of-way) is the Vintage Park apartment complex. Vintage Park contains over 500 multi-family rental dwelling units. Sound Vista, a 110-unit condominium development, is located directly north of the Project site. Residential densities of these two adjacent projects are approximately 15 dwelling units per acre and 22.5 dwelling units per acre, respectively.

According to the vested 1990 King County zoning, the Project site is zoned for multi-family development. Although the entire site was zoned for multi-family use, the three parcels have different zoning designations. The zoning on the Project site is split between RM-1800 and RM-2400. The two northernmost parcels are designated RM-1800 and the southernmost parcel is designated RM-2400. These zoning designations allow high-density, multi-family residential development (one dwelling unit per 1,800 square feet) and medium-density, multi-family residential development (one dwelling unit per 2,400 square feet), respectively. On a per acre basis, these zoning designations allow a maximum of 24.2 dwelling units per acre (RM-1800) and 18.1 dwelling units per acre (RM-2400).



**Emerald Pointe EIS - Burien, WA**  
**Figure 1.4-1 Project Location**

- Emerald Pointe Site Location
- City of Burien
- Rivers, Streams, & Drainages
- Parks/Open Space
- Roads
- Open Water



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## 1.5 Elements of the Environment Analyzed

As noted above, the City of Burien issued a SEPA DS for the Project, followed by a scoping notice. This DS followed the issuance of a DS by King County, prior to the City's incorporation. In response to the DS determination by the City, this EIS has been prepared to evaluate two alternative development scenarios. A scoping meeting was held on April 3, 1997, and extensive comments were made at the meeting regarding the scope of the EIS. Comments from agencies and the public were accepted by the City through April 14, 1997, and were incorporated into the final scope for the EIS. The EIS process was on hold for several years while the Applicant's SEPA appeal process proceeded. The appeal process was completed and it was determined that the City had authority to require preparation of a SEPA EIS for the proposed Emerald Pointe Project. As a result of the City of Burien's scoping, the following elements of the environment must be addressed in the EIS:

- *Transportation*: Analyzes transportation-related impacts of the alternatives on traffic operations within the area of study, including traffic level-of-service (LOS), concurrency, and on-site circulation, including fire access.
- *Drainage and Water Quality*: Analyzes hydrologic impacts, including runoff generation, detention, and sediment control during construction and site occupancy. The section presents information about the proposed design of the on-site stormwater handling and conveyance facilities.
- *Earth and Geotechnical*: Analyzes the potential grading and earthwork impacts associated with building a project of this type on the moderate and steep slopes that occur on the site.
- *Plants and Animals*: Analyzes the potential impacts of the alternatives on plants and wildlife on the site and its immediate vicinity, including Seahurst Park, located adjacent to the site.
- *Wetlands*: Analyzes the potential impacts of the alternatives on the wetlands found at the west end of the site and the requirements for protecting that wetland.
- *Land Use, including Relationship to Plans and Policies*: Analyzes existing and proposed land uses and patterns on the Project site and its immediate vicinity.
- *Aesthetics, Light, and Glare Impacts*: Analyzes potential impacts on views surrounding the site and other aesthetic changes proposed in each of the alternatives, including the proposed architecture.
- *Noise Impacts*: Analyzes potential impacts on the site and its immediate vicinity due to noise effects, including impacts during the construction period.
- *Parks and Recreation Resources*: Analyzes potential impacts on parks and recreation resources within the Burien city limits, with a special focus on the adjacent resource of Seahurst Park.
- *Public Services*: Analyzes the ability to deliver an appropriate level of public services in to the Project, consistent with Growth Management Act (GMA) requirements, including but not limited to police, fire, and schools.

- *Utilities:* Analyzes the ability to deliver an appropriate level of utilities service to the Project, consistent with GMA requirements, including but not limited to water, sewer, and solid waste collection.

## **1.6 Overview of Alternatives**

This EIS analyzes two development scenarios and a No Action Alternative for the proposed Project site in Burien, with primary access for the two development scenarios currently proposed from an extension of the existing street within the unopened right-of-way (ROW) of SW 136<sup>th</sup> Street immediately west of this street's intersection with Ambaum Boulevard SW. The Project site abuts 12<sup>th</sup> Avenue SW, a public right-of-way (ROW), and has legal access to the street ROW. Although access from 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street was proposed at one time, it is not being analyzed in this FEIS. A site plan showing this access is on file at the City of Burien, Highline Public School District, and Highline Mental Health offices. Both development scenarios would be for the purpose of building and selling market-rate condominium housing units. The two action alternatives are differentiated from each other primarily by size and density, not land use. Alternative 1 would construct 201 dwelling units (du), while Alternative 2 would construct 179 du. Both action alternatives would also include a clubhouse and a swimming pool, with a manager's unit to be located in the clubhouse (included in the total dwelling units identified above). Both action alternatives would result in a new, gated condominium community on the site, which would be similar in bulk and density to existing developments to the north and south along the west-facing slope. While both action alternatives provide continued pedestrian access to Seahurst Park, Alternative 2 has been modified since the release of the DEIS to show the retention of the existing trail through the northwest corner of the site, located upslope of the 50-foot wetland buffer, and largely outside of the 15-foot building setback.

The No Action Alternative assumes no change to the current land use. While the site is privately owned and could be sold or developed in the future, the environmental analysis assumes that the No Action Alternative would result in the site remaining undeveloped for the foreseeable future. As noted above, the current development proposal of the site under current ownership is vested under prior King County development codes predating the current Burien Municipal Code (BMC). However, any other development proposal not covered by the intent of the original proposal would not be vested under prior regulations and would be subject to the current regulations of the BMC. Under the BMC, the site is zoned RS-12,000 (Residential Single-Family Zone).

## **1.7 Relationship to Previous and Future Environmental Review**

This EIS was prepared in response to the City of Burien's DS, as discussed in Section 1.3 above. Originally, the City's DS proposed to analyze three action alternatives (as compared to the two reviewed in this EIS), along with a No Action Alternative. Alternative 3 proposed the use of the site for open space and trails connected to the western portion of Seahurst Park. For this analysis, Alternative 3 was removed because, as established by the SEPA Rules [WAC Section 197-11-794(1)], all alternatives reviewed must meet the Applicant's objectives. In this case, Alternative 3 does not adequately meet the Applicant's objectives and, consequently, was not considered further.

In addition to the removal of Alternative 3 as a viable alternative, some modifications have been made to the action alternatives proposed in this EIS. The proposed alternatives differ in that the action alternatives in this EIS propose the construction of market-rate condominium units, rather than the apartment units proposed in the original scoping notice. Additionally, the current alternatives incorporate an alternative location for the access road, ~~has been chosen for the current alternatives~~ and the siting and numbers of the buildings vary slightly from the original proposal. These changes were determined to be consistent with the intent of the original proposal and, as such, do not represent a significant deviation from it.

No other known EIS processes are running concurrently with this process in the vicinity of the Project site. The DEIS for Emerald Pointe was issued on August 21, 2007.

The City provided several copies of the DEIS to the Burien Library for in-library use. These documents were stolen from the library and the City was not notified of this theft until near the end of the comment period. Free reading copies of the DEIS also were available at Burien City Hall and copies were available for purchase at a local copy center.

The City provided legal notification consistent with its standard procedures for issuance of a DEIS. The City of Burien's standard procedures are based on the King County Code (KCC), with a few procedures that exceed the KCC. These procedures include:

1. Posting a minimum of three signs readily observable from adjacent property and adjoining streets (KCC Section 20.44.060). Yellow notice boards were erected in the following locations: (1) on SW 136<sup>th</sup> Street in front of the old Senior Center; (2) on the west side of 12<sup>th</sup> Avenue SW at SW 134<sup>th</sup> Street; and (3) along a trail near the west side of the property adjacent to Seahurst Park.
2. Publication of a DEIS notice in a newspaper of general circulation in the Project area (KCC Section 20.44.060), a minimum of 10 days before the hearing [WAC Section 197-11-502(6)(b)]. The notice was published in the City's official newspaper (*The Seattle Times*) on August 21, 2007, 28 days before the DEIS hearing.
3. Mailing notices for a DEIS is not required under KCC 20.44.060. However, consistent with City practice, the City mailed notices to all property owners within 500 feet of the boundaries of the property. The City also mailed notices to all "parties of record" from lists dating back to 1996.
4. The City posted notice of the DEIS and hearing on its website, although this is not a KCC requirement.

The City of Burien held a public hearing on the DEIS on September 18, 2007. Public comments were due on October 5, 2007. Comments on the DEIS are responded to in Chapters 3 and 4 of this FEIS. Comments received after October 5, 2007, are not included in this FEIS, but have been placed in the City's official Project file.

This is a project-level EIS and no further SEPA review is anticipated. After the City of Burien issues this FEIS, the City is prepared to review the Project application and issue a building permit(s), authorize construction, and issue standard occupancy-related permits. Other entities, such as utility providers, would issue other permits and approvals, as applicable.

~~Future development review is expected to be limited to standard construction and occupancy-related permits. These permits will be issued by the City of Burien and the appropriate utility service providers.~~

## **1.8 Major Issues to Be Resolved**

If the Applicant pursues building permit(s) (consistent with Project vesting) following completion of the FEIS, then there are no major issues to be resolved. The remaining permits and approvals must meet the applicable codes, but these are generally matters of code compliance, with little or no discretion involved. If the Applicant allows the vested application to lapse or makes major Project modifications, then new submittals and updated environmental review would be required, consistent with the current City of Burien requirements. While the Project is vested to the earlier proposal to access the site from 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street, that option was not analyzed in this EIS. Therefore, such a change to Project access would require additional review under SEPA.

## 2.0 PROJECT DESCRIPTION AND ALTERNATIVES

Where this chapter of the Final Environmental Impact Statement (FEIS) includes clarifications or corrections to the Draft Environmental Impact Statement (DEIS) (whether in response to public comments on the DEIS, or based on clarifications or corrections by the City of Burien [City], its consultants, or the Applicant), the changes are identified in this FEIS using underlined text (underlined) for additions and strikethrough text (~~strikethrough~~) for deletions. However, minor non-substantive edits—such as punctuation, grammar, structure of citations, or use of abbreviations and capitalization—have been made without using underline/strikethrough in the text.

This EIS analyzes the environmental impacts associated with three alternatives for the future of an approximately 9.8-acre site within the city limits of Burien, Washington. The Project site is located in the north-central portion of the City, roughly 1 mile from downtown and directly east of Seahurst (Ed Munro) Park. Two of the three potential alternatives represent “action alternatives” that would result in changes to the current land use of the site. The third alternative, the No Action Alternative, assumes that the site would remain undeveloped for the foreseeable future. Inclusion of the No Action Alternative for comparison is a requirement of the State Environmental Policy Act (SEPA) Rules (WAC Section 197-11-440).

### 2.1 Project Description

The Project consists of the construction of a multi-family residential development, including a supporting clubhouse and swimming pool, with primary access from an extension of SW 136<sup>th</sup> Street in Burien. The Project site is bordered by existing ROWs for SW 136<sup>th</sup> Street and 12<sup>th</sup> Avenue SW, located to the south and east, respectively. Directly southeast of the site, the Highline School District owns a vacant former elementary school that was used most recently as a senior center. Burien’s Seahurst Park abuts the site to the west, and existing multi-family residential developments are located to the north and south (see Figure 2.1-1). Currently, the Project site is undeveloped. Most of the site is covered with fairly mature second-growth forest and is characterized by steep slopes. A wetland exists ~~is also established~~ along the northern portion of the site’s western border. Buildings proposed for the Emerald Pointe development range from three to five stories in height.

The two action alternatives for the Emerald Pointe Project include Alternative 1, which proposes the construction of 201 dwelling units (du), and Alternative 2, which proposes construction of 179 du. (Both action alternatives would include one manager’s unit, located in the clubhouse building.) Alternative 2 is the Preferred Alternative. Residential units in both action alternatives would be contained within a number of multi-story buildings. Residents would have access to the clubhouse and pool facilities. All dwelling units, excepting the manager’s unit, in the action alternatives are expected to be market-rate condominium units, providing one to three bedrooms. A principal difference between the two alternatives is the number of one-bedroom units each would provide (see Table 2.1-1).

Total impervious surface proposed in both of the action alternatives would be approximately 180,000 square feet, or roughly 42% of the site’s approximately 428,500 square feet. The

access drive would be gated to vehicles, but pedestrians would be able to ~~pass freely into~~ enter the Project site.

In the No Action Alternative, the site would remain undeveloped. Details for each of these alternatives are provided below.

**Table 2.1-1: Market-Rate Dwelling Unit Types per Action Alternative<sup>1</sup>**

Alternative	1 BR	2 BR	3 BR	Total Units	Garage Parking (SF)	Parking Stalls (Total)
Alternative 1	96	52	52	200	64,020	351
Alternative 2	72	52	54	178	59,856	316

*Note: BR = bedroom; SF = square feet.*

<sup>1</sup> A manager’s unit is provided within the clubhouse in both alternatives.

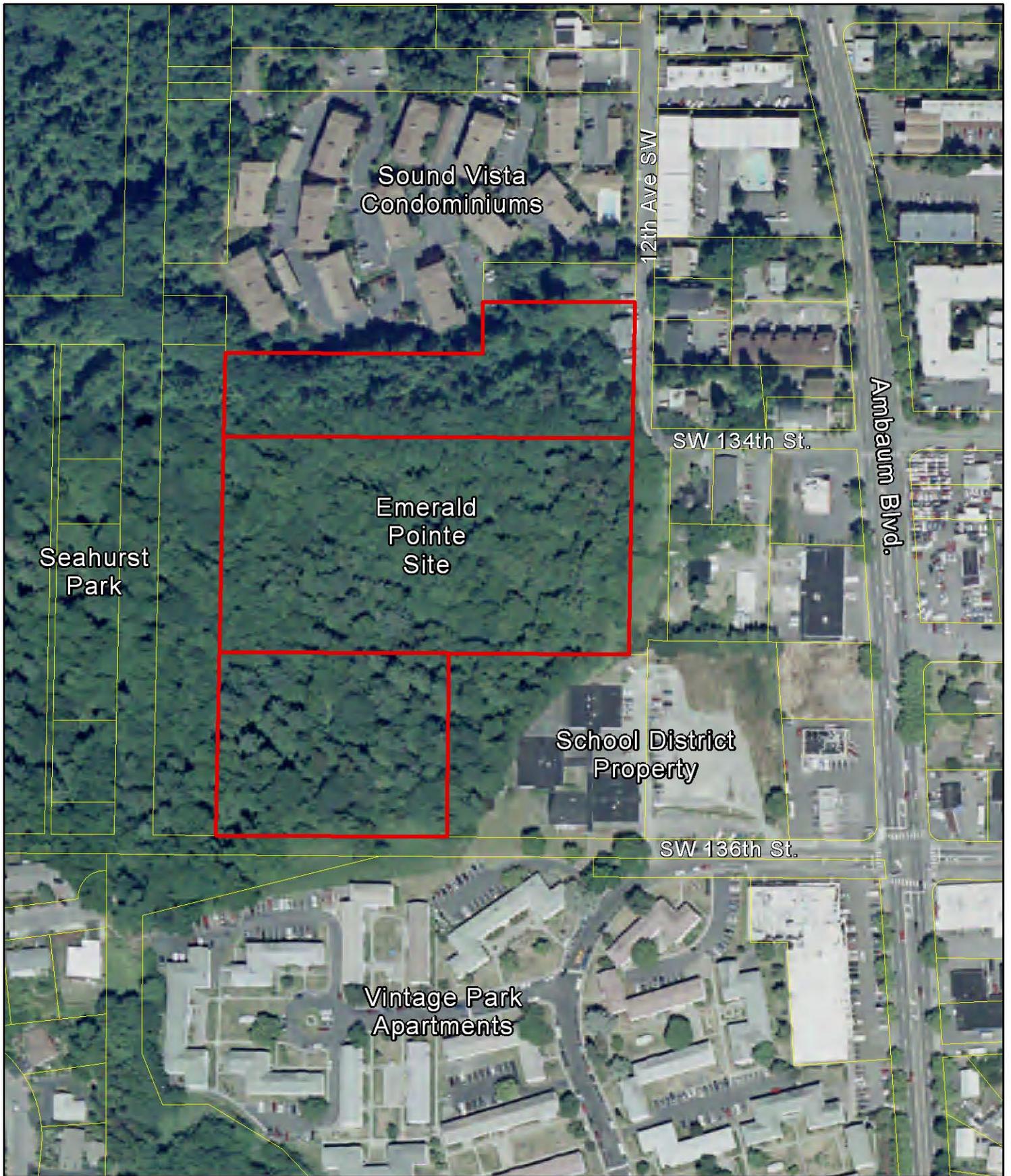
Source: Richert and Associates 2006.

## 2.2 Description of Alternative 1

Alternative 1 proposes to construct 200 market-rate, multi-family condominium units and one manager’s unit (located in the clubhouse) on the Project site (see Figure 2.2-1). Proposed density is approximately one unit per 2,410 square feet (18.1 du per acre) in the RM-2400-zoned area and one unit per 2,068 square feet (21.1 du per acre) in the RM-1800-zoned area. Average density for the Project is approximately one unit per 2,143 square feet (20.3 du per acre). New dwelling units proposed in Alternative 1 would be located within a total of five buildings, each with below-grade parking on the first level. Collectively, the five residential buildings in Alternative 1 would provide approximately 227,000 gross square feet of living space (not including the manager’s unit), with a total residential building footprint of approximately 67,000 square feet (roughly 45,500 square feet in the three northern buildings and 21,500 square feet in the two southern buildings). Total gross floor area for the manager’s unit would be approximately 1,000 square feet.

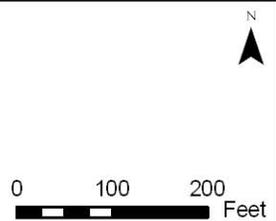
Residential buildings proposed in Alternative 1 include the following:

- **Five-story buildings** – Three five-story buildings would be constructed in the northern half of the Project site. Each of these three buildings would provide a total of 52 dwelling units in four stories over one level of parking. Twenty of the 52 dwelling units are expected to be one-bedroom units, 16 would be two-bedroom units, and 16 would be three-bedroom units. These dwelling units are expected to range from 810 square feet to 1,600 square feet. Residential uses in these buildings would comprise a total of approximately 183,600 square feet. Building heights of the proposed five-story buildings would be approximately 53 feet, as measured from the adjacent surface parking area to the highest point on the roof (see Figure 2.2-2).
- **Three-story buildings** – Two three-story buildings would be constructed in the southern half of the Project site. Each of these buildings would provide 22 new dwelling units in two stories over one level of parking. Eighteen of the 22 units would be one-bedroom units, two others would be two-bedroom units, and two would



**Emerald Pointe EIS - Burien, WA**  
**Figure 2.1-1 Existing Conditions**

- Emerald Pointe Parcels
- Other Parcels



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**Emerald Pointe EIS - Burien, WA**  
**Figure 2.2-1 Site Plan: Alternative 1 - 200 unit**

Source: Richert & Associates 01/06/07

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be three-bedroom units. Overall, these dwelling units would range from approximately 810 square feet to 1,315 square feet. Gross residential square footage for these two buildings would total approximately 43,696 square feet. A maximum height of approximately 35 feet is expected for both three-story buildings, as measured from the adjacent surface parking area to the highest point on the roof (see Figure 2.2-2).

A summary of the characteristics of buildings proposed in Alternative 1 is provided in Table 2.2-1.

**Table 2.2-1: Summary of Buildings Proposed in Alternative 1**

Building	Dwelling Units				Bulk & Size			
	1 BR	2 BR	3 BR	Total	Residential Area (sf)	Stories	Approx. Height (ft)	Footprint (sf)
A	20	16	16	52	61,200	5	53	15,180
B	20	16	16	52	61,200	5	53	15,180
C	20	16	16	52	61,200	5	53	15,180
D	18	2	2	22	21,848	3	35	10,820
E	18	2	2	22	21,848	3	35	10,820
Clubhouse		1		1	1,000	3	34	1,800
Totals	96	53	52	201	228,296	N/A	N/A	68,980

*Note: BR = bedroom; ft = feet; N/A = not applicable; sf = square feet.*

*Source: Richert and Associates 2007.*

Essential site development aspects of Alternative 1 include the following:

- **Parking** – A total of 351 parking spaces would be provided in Alternative 1 for Emerald Pointe residents and visitors (see Table 2.1-1). Of these, 186 would be open-air surface parking spaces, of which eight would be handicap spaces. The remaining 165 stalls would be provided in the below-grade parking areas.
- **Clubhouse** – In addition to on-site residential buildings, Alternative 1 would include a clubhouse for Emerald Pointe residents. The clubhouse would contain two stories of common area for residents and a third story that would contain an approximately 1,000-square-foot manager’s residence (see Figure 2.2-2). An outdoor pool, a workout room, meeting areas, and other amenities would be located in the clubhouse. The clubhouse would provide approximately 5,400 square feet of usable space for the manager’s quarters and common areas.
- **Site Design and Landscaping** – Native vegetation would be retained where possible around the periphery of the site, particularly on the slope below 12<sup>th</sup> Avenue SW. Ornamental trees would be planted along access roads throughout the site (see Figure 2.2-3). A natural wetland in the northwest corner of the site would remain undisturbed and a 65-foot natural vegetation area would be established around it. Public pedestrian access into Seahurst Park would be provided, although no public parking would be provided as part of this Project.

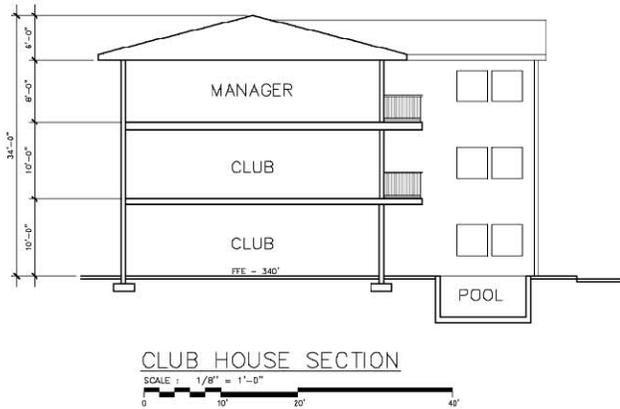
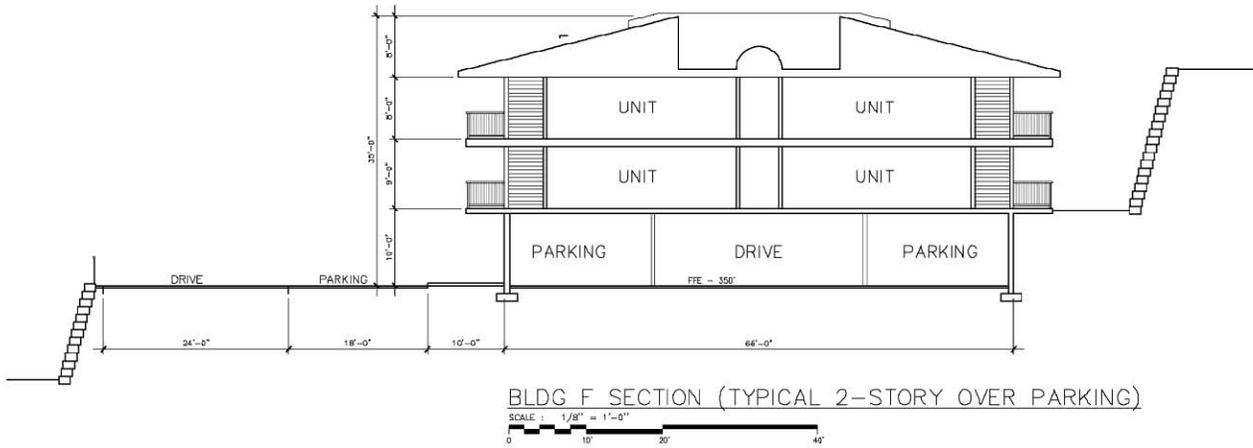
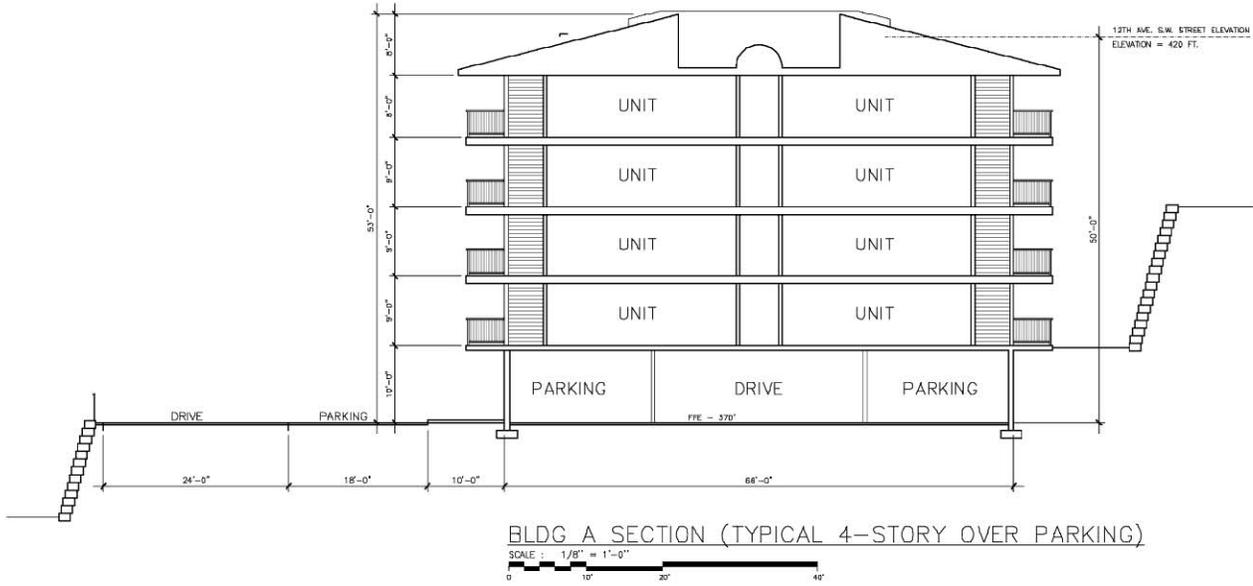
## **2.3 Description of Alternative 2 (Preferred Alternative)**

Alternative 2 proposes to construct a total of 178 market-rate, multi-family condominium dwelling units and one manager's unit (located in the clubhouse building) on the Project site. Dwelling units in Alternative 2 would be contained within seven buildings. Alternative 2 proposes a finer-grained scale of development, consisting of more buildings, each with a smaller footprint that can be more easily sited on the site's steep slopes. Density proposed in the RM-2400-zoned area of Alternative 2 is the same as in Alternative 1, or approximately one unit per 2,410 square feet (18.1 du per acre). One unit per 2,407 square feet (18.1 du per acre) is proposed in the RM-1800-zoned area of Alternative 2, a lower density than ~~that~~ proposed in Alternative 1. Average density for the Project is approximately one unit per 2,408 square feet (18.1 du per acre). Alternative 2 is the Preferred Alternative.

Collectively, the seven residential buildings proposed would provide a total of almost 214,000 square feet of living space, with a total residential building footprint of approximately 61,100 square feet (approximately 37,000 square feet each in Buildings A, B, and E; approximately 30,000 square feet each in Buildings C and D; and approximately 22,000 square feet each in Buildings F and G). Similar to Alternative 1, each residential building would also provide below-grade parking for residents. Collectively, residential buildings in Alternative 2 would provide approximately 214,000 gross square feet of living space (not including the manager's unit), with a total residential building footprint of approximately 61,100 square feet. Total gross floor area for the manager's unit would be approximately 1,000 square feet.

Residential buildings proposed in Alternative 2 include the following:

- **Five-story buildings** – Five five-story buildings (four stories of residential above first-floor parking) would be constructed in the northern half of the Project site in Alternative 2. These buildings would have a smaller footprint than the five-story buildings proposed in Alternative 1. Additionally, the dwelling unit composition and unit count would differ from those of Alternative 1. Two of these buildings would include 32 dwelling units each, with 12 one-bedroom units, 12 two-bedroom units, and eight three-bedroom units, for a total of approximately 73,760 square feet (Buildings A and B in Figure 2.3-1). Two other buildings would include 20 dwelling units each, with four one-bedroom units, four two-bedroom units, and 12 three-bedroom units, for a total of 59,500 square feet (Buildings C and D in Figure 2.3-1). One additional five-story residential building would include 30 dwelling units, including eight one-bedroom units, 12 two-bedroom units, and 10 three-bedroom units, for a total of 36,880 square feet (Building E in Figure 2.3-1). These dwelling units are expected to range from 810 square feet to 1,600 square feet. As in Alternative 1, the height of the proposed five-story buildings is expected to be approximately 53 feet, as measured from the adjacent surface parking area to the highest point on the roof (see Figure 2.2-2).
- **Three-story buildings** – Two three-story residential buildings would be constructed in the southern half of the Project site (Buildings F and G in Figure 2.3-1). Each of



**Emerald Pointe EIS - Burien, WA**  
**Figure 2.2-2 Building Sections: Alternative 1, Alternative 2, & Clubhouse**

Source: Richert & Associates 1/31/07

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**Emerald Pointe EIS - Burien, WA**  
**Figure 2.2-3 Landscape Plan: Alternative 1 - 200 unit**

- |  |   |   |
|--|---|---|
|  Douglas Fir          |  Purple Flowering Plum |  Mixed Evergreen Trees |
|  Bigleaf Maple        |  Flowering Cherry      |  Shrubs                |
|  White Eastern Redbud |  Vine Maple            |  Ground Cover          |
|  |  Staghorn Sumac        |   |

Source: RW Thorpe & Associates 12/29/06

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these buildings would provide 22 new dwelling units. Sixteen of the 22 units would be one-bedroom units, four would be two-bedroom units, and two would be three bedroom units. These buildings would contain a total of approximately 43,700 square feet of residential space, in two levels of residential use over one level of parking. These dwelling units would range from approximately 810 square feet to 1,315 square feet. As in Alternative 1, the maximum height of the proposed three-story buildings would be 35 feet, measured from the adjacent surface parking area to the roof’s highest point (see Figure 2.2-2).

A summary of the characteristics of the primary buildings proposed in Alternative 2 is provided in Table 2.3-1.

**Table 2.3-1: Summary of Buildings Proposed in Alternative 2**

Building	Dwelling Units				Bulk & Size			
	1 BR	2 BR	3 BR	Total	Residential Area (sf)	Stories	Approx. Height (ft)	Footprint (sf)
A	12	12	8	32	36,880	5	53	8,580
B	12	12	8	32	36,880	5	53	8,580
C	4	4	12	20	29,752	5	53	6,800
D	4	4	12	20	29,752	5	53	6,800
E	8	12	10	30	36,880	5	53	8,700
F	16	4	2	22	21,848	3	35	10,820
G	16	4	2	22	21,848	3	35	10,820
Clubhouse		1		1	1,000	3	34	1,800
Totals	72	53	54	179	214,840	N/A	N/A	62,900

Note: BR = bedroom; ft = feet; N/A = not applicable; sf = square feet.  
Source: Richert and Associates 2007.

Essential site development aspects of the alternative include the following:

- **Parking** – A total of 316 parking spaces would be provided in Alternative 2 for Emerald Pointe residents and visitors (see Table 2.1-1). Of these, 145 would be open-air surface parking spaces, of which 13 would be handicap spaces. The remaining 171 spaces would be provided in below-grade parking areas.
- **Clubhouse** – In addition to on-site residential buildings, Alternative 2 would include a clubhouse for Emerald Pointe residents. The clubhouse would contain two stories of common area for residents and a third story that would contain an approximately 1,000-square-foot manager’s residence (see Figure 2.2-2). An outdoor pool, a workout room, meeting areas, and other amenities would be located in the clubhouse for use by Emerald Pointe residents. In total, the clubhouse would provide approximately 5,400 square feet of usable space for the manager’s quarters and common areas.
- **Site Design and Landscaping** – Native vegetation would be retained where possible around the periphery of the site, particularly on the slope below 12<sup>th</sup> Avenue SW. Ornamental trees would be planted along access roads throughout the site (see Figure 2.3-2). A natural wetland in the northwest corner of the site would remain undisturbed, as would a 65-foot natural vegetation area around it. Public pedestrian

access to existing trails into Seahurst Park would be provided at two points, although no public parking would be provided as part of this Project. Since the release of the DEIS, Alternative 2 has been revised to show the retention of the existing trail through the northwest corner of the site, located upslope of the 50-foot wetland buffer, and largely outside of the 15-foot building setback. This is in addition to the park connection at the western site boundary shown in the DEIS. Figure 2.3-2 is revised to show this connection.

## **2.4 Grading/Stormwater Treatment for Action Alternatives**

### **2.4.1 Grading**

Given the site's steep slopes, site construction would require considerable grading that would alter the existing hillside slopes. The new site grade would typically have slopes of approximately 2:1 (horizontal:vertical) and numerous retaining walls. The proposed development would alter moderate to steep slopes throughout the property. Construction of either alternative would involve hillside cuts up to approximately 30 feet high and fill areas of up to approximately 20 feet. Walls constructed to retain fill may be as much as 10 feet tall and walls constructed at the toe of cut slopes may be up to 18 feet tall. Site development is planned to balance cutting and filling where possible to limit importing and exporting material. Grading totals are estimated to be approximately ~~24,000~~ 24,100 cubic yards of cut and ~~24,700~~ 25,500 cubic yards of fill. Additional information about the feasibility of proposed cut/fill and other site work is discussed in Section 3.3 of the DEIS.

The Project would also include construction of smaller 4- to 10-foot-high retaining walls to provide grade separation adjacent to roads and parking areas. Basement walls for some of the buildings would support cut slopes as high as 18 feet. Basement walls constructed adjacent to cut slopes would likely require temporary support systems, such as soldier piles, tiebacks, and/or soil nails, to retain the hillside at locations where the vertical cuts exceed 8 to 10 feet.

The site construction would expose steep temporary cut and fill slopes that would be susceptible to erosion from rainfall. Accordingly, temporary protection from surface erosion would be provided for all cut-and-fill slopes. The temporary erosion and sediment control plan would be reviewed and construction would be monitored by a geotechnical engineer for City staff or a City-managed inspector to ensure that appropriate measures are taken to protect steep slopes and soils. ~~suitability issues during the construction period.~~ Construction planning anticipates that major grading and infrastructure development would occur at one time, with building construction phased over multiple years. Infiltration of construction site runoff appears infeasible, given the site location in a critical (steep slope) area. If 100% infiltration of construction site runoff is not feasible, a National Pollutant Discharge Elimination System Permit for construction activities would be submitted along with the associated Storm Water Pollution Prevention Plan. Temporary stormwater detention facilities would ~~need to be~~ provided to accommodate surface runoff flows and to prevent off-site sediment transport.



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### **2.4.2 Stormwater System**

The stormwater drainage system would collect runoff from all impervious surfaces, such as internal roads and surface parking lots, roofs, and sidewalks, and adjacent landscaping areas (see Figure 2.4-1). The proposed internal roads would both collect and convey surface runoff water. Catch basins to collect runoff would be located in the center of the roads and in landscaped areas, as needed. Roof downspouts and retaining wall underdrains would be connected to the on-site storm drainage system. In Alternative 1, runoff would be conveyed to one large storage vault along the western edge of the site. In Alternative 2, runoff would be conveyed to two separate storage vaults (one at the north end and one at the south end) along the western edge of the development, near the lowest points of the site. Both vaults would act as water quality and detention structures. Each vault would be designed in accordance with Section 3.1.2 of the 2005 *King County Storm Water Manual (2005 Manual)*. The detention portion of the vaults would be designed using a continuous hydrological model to Level 2 requirements, which matches the historic durations for 50% of the 2-year through 50-year peak durations and matching the 2-year and 10-year peaks. The site-disturbing activities of this alternative would trigger Full Drainage Review (as defined in the 2005 Manual) and Technical Information Report (TIR) requirements. Items to be included in the TIR are described in Chapter 1 of the 2005 Manual. At the time of submittal, City staff would review the TIR to ensure compliance with applicable regulations, and to provide more detailed comments to the submittal, as appropriate.

Water from each vault would be released through a riser and be conveyed to level spreaders that would distribute the outflow over a wide area located upslope of the wetland buffer limits. Final level spreader design would ~~need to be~~ evaluated and approved by a licensed geotechnical engineer and would potentially require additional review by the City. This discharge strategy would allow the natural ground surface to accept the released flow without causing erosion, gradually reintroducing the runoff into the wetland.

The on-site conveyance system would be designed to handle a 100-year flow event. Wet vault design would provide oil control through methods such as a Frop-T structure in the last catch basin before the vault or a baffled oil/water separator at the vault inlet. Algae control would be provided through reduced oxygen levels and lack of sunlight in the vaults. Vault overflow measures would be provided for extreme precipitation events. These would likely consist of an outflow manhole equipped with water energy dissipators and an armored surface below it to accommodate large flows that exceed the design dispersion system, while also dispersing flows into the wetland without causing erosion. Armoring may consist of riprap, erosion control mats, interlocking concrete block mats, or other methods.

Routing of off-site runoff from upslope of the site is required to divert off-site surface runoff around the Project walls and buildings. This water could be routed through a separate bypass system or added to the site storm drainage system. A separate bypass system is favored.

### **2.4.3 Modification to Stormwater System**

No modification to the stormwater system is proposed. However, City review of the TIR and stormwater design could result in modifications such as directing peak overflows from the

vaults via a tightline, rather than via the proposed spreaders and water energy dissipators. Such changes would be addressed by the City's drainage review and would include measures to minimize potential effects such as risk to slope stability, erosion at the point of stormwater discharge, downstream sedimentation, or changes in wetland recharge. More substantial changes could result in further environmental review.

## **2.5 Site Access for Action Alternatives**

Primary transportation access to the Project in both action alternatives would be via a new private access road near the southeast corner of the Project site. This new road would extend from SW 136<sup>th</sup> Street, within the existing City ROW, and cross the western portion of the Highline School District property, located directly to the east (see Figure 2.2-1 and Figure 2.3-1). The Applicant would purchase property or an easement for the access road from the Highline School District prior to construction.

### **2.5.1 Internal Transportation Network**

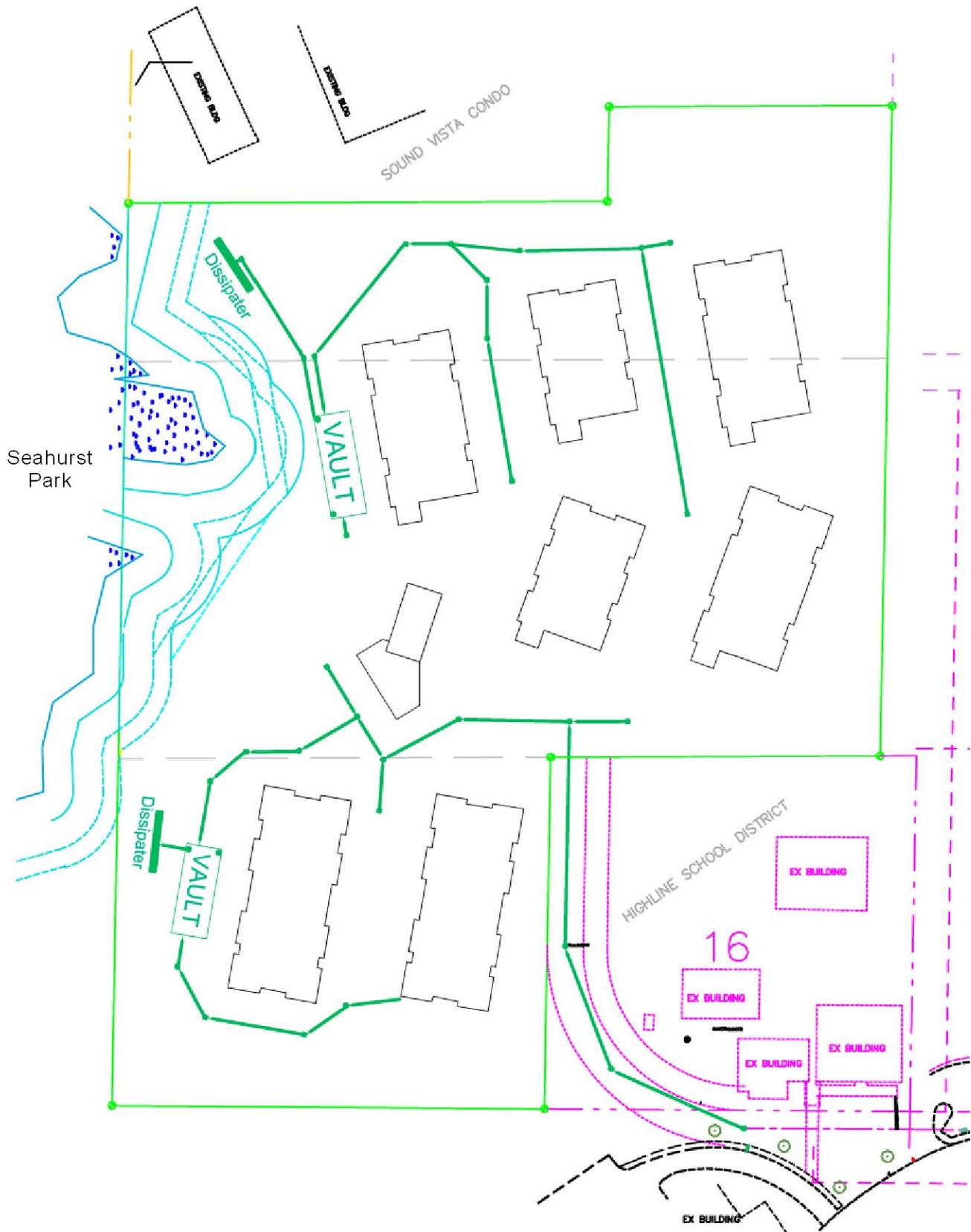
The internal transportation network for Alternative 1 would include north-south linear drives that provide access to the front of all five proposed residential buildings and feed into a primary east-west "backbone" drive located along the center of the site (see Figure 2.2-1). This backbone drive would connect to the new private access road. Buildings B, C, and E would also be bordered to the rear by internal access roads ~~of the internal transportation network~~. Accommodation of emergency vehicle access would be difficult in Alternative 1.

Transportation access and infrastructure in Alternative 2 would be similar to access and infrastructure in Alternative 1, but slightly less linear in design. Due to the additional buildings proposed in Alternative 2, the two drives in the northeastern portion of the site would bend slightly in some locations to accommodate the alternative building placements (see Figure 2.3-1). In Alternative 2, Buildings C, D, E, and G would be bordered to the rear by internal access roads. Additionally, due to the placement of the clubhouse adjacent to Building E (compared to Building D in Alternative 1), the east-west "backbone" drive in this alternative would not be linear, but would curve slightly to the south near Building F and head north at the clubhouse area. The internal drive of Alternative 2 would accommodate emergency vehicle access.

In both action alternatives, adequate parking spaces for disabled visitors and residents would be provided near each building.

### **2.5.2 Modification to Site Access**

No modification to site access is proposed. However, if the Highline Public School District does not authorize access from SW 136<sup>th</sup> Street (whether by easement or sale), then the Applicant likely would choose to access the site from 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street as envisioned in the early (1990) design. Such a modification would require additional environmental review.



NOTE: Figure based on 178-unit concept

### Emerald Pointe EIS - Burien, WA Figure 2.4-1 Conceptual Drainage & Stormwater Plan

- Voluntary Wetland Buffer
- ▨ Wetland
- Stormwater System Lines & Features
- ~ Property Boundary



Source: Touma Engineers

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## 2.6 Description of the No Action Alternative

In accordance with the SEPA Rules (WAC Section 197-11-440), this document also analyzes a No Action Alternative in addition to the proposed action alternatives. In the No Action Alternative, no changes to the current land use would be expected. This analysis considers foreseeable future conditions of the Project site, based on current conditions.

Currently, the Project area is an undeveloped parcel characterized by natural vegetation adjacent to the open space areas of the eastern portion of Seahurst Park (see Figure 2.1-1). Vegetation on the Project site is characterized primarily by tree species, including a mix of Douglas-fir, big-leaf maple, and red alder, and a wetland along the western edge of the site. Moderate to steep slopes have been identified throughout the site. Steep slopes are defined in the current Burien Municipal Code (BMC) as a slope of “40 percent or steeper within a vertical elevation change of at least 10 feet” between its “toe” and “top” (i.e., the boundaries of the upslope and downslope extent of the area with 40% or greater slope grade or steeper) (BMC Section 19.10.515). However, the Project application site is vested under the King County Code (which predates the City Code), which does not address steep slopes. The application vesting date is February 15, 1990.

A number of informal trails have been established across the site; these appear to be footpaths created over time by nearby residents and Seahurst Park visitors. These informal trails on the site connect with Seahurst Park trails in a number of locations.

While the site is privately owned and could be sold or developed at some point, the No Action Alternative assumes that the Project site would remain undeveloped for the foreseeable future. Any future development proposal that is not vested under prior regulations would be subject to the current BMC regulations. Under the BMC, the site is zoned for residential single-family development (RS 12,000).

## 2.7 Summary of Impacts for Each Alternative

A summary of impacts for each alternative is provided in Table 2.7-1. This table organizes impacts by element of the environment for each alternative. It summarizes both anticipated impacts and recommended mitigation measures.

### ~~2.7-1 Summary of Impacts~~

~~A summary of environmental impacts, mitigation measures, and significant unavoidable impacts is presented in Table 2.7-1.~~

## 2.8 Significant Unavoidable Adverse Impacts

As summarized in Table 2.7-1, the action alternatives would not result in significant unavoidable adverse impacts. Short-term and long-term adverse impacts that result would be sufficiently mitigated through specified mitigation measures.

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Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<b>TRANSPORTATION</b>				
<i>Short-Term Impacts</i>				
Vehicle trips generated by construction would increase.	Construction traffic would adhere to permit requirements. All study area intersections would operate within adopted Level of Service (LOS) standards. <u>The Applicant would be required to prepare and implement a Construction Traffic Management Plan.</u> <del>No mitigation necessary or proposed.</del>	Impacts would be similar to <u>impacts of</u> Alternative 1, with slightly less vehicular traffic generated.	Construction traffic would adhere to permit requirements. All study area intersections would operate within adopted Level of Service (LOS) standards. <u>The Applicant would be required to prepare and implement a Construction Traffic Management Plan.</u> <del>No mitigation necessary or proposed.</del>	No changes to vehicle trips in area.
<i>Long-Term Impacts</i>				
Vehicle trips generated by operation would increase. Intersection LOS standards and safety standards would not be significantly affected.	All study area intersections would operate within adopted LOS standards. No mitigation necessary or proposed.	Impacts would be similar to <u>impacts of</u> Alternative 1, with slightly less vehicular and pedestrian traffic generated.	All study area intersections would operate within adopted LOS standards. No mitigation necessary or proposed.	No changes to vehicle trips in area.
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<b>DRAINAGE AND WATER QUALITY</b>				
<i>Short-Term Impacts</i>				
Site development (clearing and grading) would expose approximately 75% of the site to rainfall and erosion.	Alternative 1 would require approval of grading and drainage plans, temporary erosion and sedimentation control (TESC) plans, storm water pollution prevention plans (SWPPPs), and all off-site areas included in any temporary construction easements. Implementation of construction-phase best management practices (BMPs) per SWPPP required.	Similar to Alternative 1. Site development (clearing and grading) would expose approximately 75% of the site to rainfall and erosion.	Similar to Alternative 1.	None.
<i>Long-Term Impacts</i>				
New impervious pollution-generating and non-pollution-generating surfaces (e.g., roads, roofs, and walks) would be created by Alternative 1, replacing the existing vegetation and topsoil. Additional impervious surfaces would increase runoff volume and reduce the water quality of runoff to the wetland.	Site design would incorporate a drainage system of a size and type to relieve hydrostatic pressure on walls and adequately convey surface and subsurface flows out to the main trunk lines and ultimately to vault retention systems.  The potential for impacts on water quality and significant increases in runoff rates and quantity would be mitigated through adherence to the 2005 <i>King County Surface Water Design Manual</i> design criteria in approved plans. This includes provision of stormwater treatment vaults	Similar to Alternative 1.	Similar to Alternative 1.	None.

Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
	<p>designed to Level 2 requirements using a continuous hydrological model approach.</p> <p><u>The potential for erosion impacts would be mitigated by the City's drainage review, including review of the Technical Information Report (TIR) and stormwater design. Such review could result in modifications to the stormwater system, such as directing peak overflows from the vaults via a tightline, rather than via the proposed spreaders and water energy dissipators.</u></p>			
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.
<b>EARTH AND GEOTECHNICAL</b>				
<i>Short-Term Impacts</i>				
<p><i>Landslides &amp; Steep Slopes:</i> Proposed hillside cuts would slightly reduce overall hillside stability during construction. The grading would typically produce slopes on the order of 2:1 (horizontal:vertical).</p>	<p>Mitigation measures would be required to minimize off-site sediment transport during construction, including:</p> <ul style="list-style-type: none"> <li>• Protecting cuts and fill stockpiles from rainfall.</li> <li>• Revegetating cut and fill slopes.</li> </ul>	Similar to Alternative 1.	Similar to Alternative 1.	None.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
	<ul style="list-style-type: none"> <li>• Provide temporary detention to remove sediment and to control discharge flows.</li> <li>• Excavations may require shoring and/or dewatering to provide for the stability of the adjacent slopes during construction if found to intercept springs or groundwater flows.</li> <li>• Confirmation of stability and settlement of fills placed over colluvial soils that are saturated and potentially susceptible to liquefaction is needed prior to construction. Toe buttressing and drainage measures may be necessary to address stability issues.</li> </ul>			
<p><i>Seismic:</i> Proposed hillside grading has potential for slightly reduced overall seismic safety. The seismic stability would be reduced to a greater extent in areas of fill.</p>	<p>Confirmation of stability and settlement potential of hillside cuts and fills is needed prior to construction, especially over colluvial soils that are <del>and</del> potentially susceptible to liquefaction.</p> <p>Stability analysis needed prior to construction to confirm adequate factor of safety on hillside cuts and fills, particularly on colluvial soils.</p>	Similar to Alternative 1.	Similar to Alternative 1.	None.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<i>Settlement:</i> Introduction of fill over loose colluvial soils and landslide deposits in the western portion of the site may induce settlement or potential movement of underlying soils.	Stability analysis needed prior to construction to confirm adequate factor of safety on hillside cuts and fills, particularly on colluvial soils.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Erosion:</i> Site erosion and local hillside instability may be increased in the areas proposed for stormwater discharge.	Refer to discussion above under stormwater.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<b>Long-Term Impacts</b>				
<i>Landslides &amp; Steep Slopes:</i> The completed site construction would not significantly affect the stability of the hillside slopes. Development of landscape irrigation systems may slightly affect slope stability by increasing soil moisture.	Site retaining walls, particularly walls overlying colluvial soil, would need to be evaluated for overall stability. Cantilever soldier pile walls may be needed to provide lateral support where walls with heights of 10 to 15 feet are needed. Taller walls at the Project's property lines would require permanent tiebacks and tieback easements from adjacent property owners.  The Applicant could pursue a street vacation of the SW 136th Street right-of-way (ROW) in lieu of a construction easement to facilitate future maintenance.	Similar to Alternative 1.	Similar to Alternative 1.	The site would remain undeveloped. However, colluvial slopes near the wetlands would continue to be susceptible to minor sloughing and slumping from groundwater seepage.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<p><i>Seismic:</i> Proposed hillside grading has potential for slightly reduced overall seismic safety as compared to existing conditions. Seismic stability would be reduced in areas where fill is placed over colluvial soils due to possible liquefaction during a seismic event. This would occur primarily along the western portion of the site.</p>	<p>Confirmation of stability and settlement potential of hillside cuts and fills is needed prior to construction, especially over colluvial soils that are and potentially susceptible to liquefaction.</p> <p>Stability analysis needed prior to construction to confirm adequate factor of safety on hillside cuts and fills, particularly on colluvial soils.</p>	Similar to Alternative 1.	Similar to Alternative 1.	None.
<p><i>Erosion:</i> Site erosion and local hillside instability may be increased in the areas proposed for stormwater discharge.</p>	Refer to discussion above under stormwater.	Similar to Alternative 1.	Similar to Alternative 1.	The site would remain undeveloped. However, colluvial slopes near the wetlands would continue to be susceptible to minor sloughing and slumping from groundwater seepage.
<p><i>Settlement:</i> Some settlement of buildings constructed partially on cuts and partially on fills may occur after completion of building construction.</p>	Stability analysis needed prior to construction to confirm adequate factor of safety on hillside cuts and fills, particularly on colluvial soils.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<b>PLANTS AND ANIMALS</b>				
<i>Short-Term Impacts</i>				
<i>Vegetation &amp; Terrestrial:</i> During the construction process, some remaining vegetation would potentially be damaged and soils would be compacted from foot traffic and construction equipment.	The Applicant will work with <u>the City to provide a reasonable opportunity for others to salvage plants from the site prior to construction.</u> No <u>other short-term</u> mitigation is proposed. <u>Remaining</u> vegetation would be temporarily affected by the compaction impacts and would be expected to recover over time.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Wildlife:</i> Short-term impacts on wildlife would stem from construction-related noise and human disturbance. Wildlife using the Project site and adjacent habitat would likely avoid the area during the construction period.	Refer to mitigation identified for noise impacts.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Fisheries:</i> Construction activity may potentially increase short-term sedimentation, resulting in temporary, insignificant adverse impacts on fish habitat and fish species.	Approved TESC plans required by the City and the Southwest Suburban Sewer District.  Completed systems and surface treatments would require monitoring until vegetation is established.	Short-term impacts on fisheries are similar, but slightly less than those described under Alternative 1.	Similar to Alternative 1.	None.

Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<p><i>Threatened, Endangered, &amp; Sensitive (TES) Species:</i> Short-term impacts on state-listed TES species would stem from construction-related noise and human disturbance. Bald eagles, peregrine falcons, and pileated woodpeckers would likely avoid the Project site and adjacent park habitat during construction activity.</p>	<p>No mitigation needed for insignificant impacts. Refer to "Long-term Impacts."</p>	<p>Similar to Alternative 1.</p>	<p>Similar to Alternative 1.</p>	<p>None.</p>
<p><b>Long-Term Impacts</b></p>				
<p><i>Vegetation &amp; Terrestrial:</i> 7.4 acres of upland forest (second-growth, large-diameter trees) would be cleared from the site.</p> <p>Construction activity might increase seed dispersal from non-native species, which could contribute to a long-term increase of non-native species throughout the Project site and into the existing park boundary.</p>	<p>To the degree possible, the existing native vegetation on the west side of the Project site <del>should</del><u>would</u> be maintained in the wetland enhancement buffer, rather than replacing it with landscaping. <del>At a minimum,</del> Trees measuring 26 inches <u>diameter at breast height</u> (dbh) and greater would be retained along this side of the property <u>and the Applicant also would voluntarily plant wetland facultative plants, as applicable, within 65 feet +/- of the wetland.</u> Alternative 1 <del>will</del><u>would</u> retain up to 2.4 acres of second-growth forest.</p> <p>Implement and maintain a well-designed landscape plan emphasizing native species.</p>	<p>Long-term impacts on vegetation are similar <u>to</u>, but slightly less than, those described under Alternative 1. Approximately 7.2 acres of upland forest (second-growth, large-diameter trees) would be cleared from the site.</p>	<p>Similar to Alternative 1. Alternative 2 <del>will</del><u>would</u> retain up to 2.6 acres of second-growth forest.</p>	<p>None. The absence of development and disturbance on the site, combined with the ongoing maturation of the forested stands, would increase habitat quality for wildlife. Douglas-fir trees would be expected to deteriorate over time as western hemlock and western red cedar species gradually dominate the forest canopy.</p>

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<i>Wildlife:</i> Approximately 7.4 acres of wildlife habitat would be lost, resulting in impacts on habitat connections in the <u>Watershed Resource Inventory Area</u> (WRIA) 9 Nearshore Subbasin.	Revegetate in landscape area; plant two native trees for each significant (>26 inches dbh) tree removed.			
<i>Fisheries:</i> Development of the site would potentially cause an insignificant impact on groundwater infiltration on site and below the site, including in North Creek and its tributaries. Alternative 1 would result in minor, long-term effects on habitat quality for fish in the off-site stream channels.	No mitigation needed for insignificant impacts.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Threatened, Endangered, &amp; Sensitive Species:</i> The removal of trees on the site would result in a minor cumulative negative impact on State-listed bald eagles, peregrine falcons, and pileated woodpeckers by removing the potential nesting, perching, and roosting sites in this area.	Replacement trees should correspond with species used as nesting, foraging, and roosting habitat by pileated woodpeckers.	Long-term impacts on TES species are similar.	Similar to Alternative 1.	None.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<u>Soil Contaminated with Weed Seeds:</u> <u>Imported soil could introduce weed species to the site and surrounding properties.</u>	<u>Prior to issuance of any construction permits, the Applicant would be required to provide the City with a plan to control the possible spread of noxious weeds from imported fill and topsoil.</u>	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Cumulative Impacts</i>				
Alternative 1 would contribute to the increase of impermeable surface area in the watershed and the corresponding effects on groundwater, surface water, and aquatic habitat.  Impacts from removal of upland habitat would contribute to cumulative habitat loss in the WRIA 9 Nearshore Subbasin. Removal of upland, mature trees would contribute to the cumulative loss of perch and potential nesting habitat for bald eagles and nesting and foraging habitat for pileated woodpecker.	Mitigation includes vegetation retention, revegetation, and erosion and sedimentation control. Refer to mitigation proposed under short- and long-term impacts.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.

Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<b>WETLANDS</b>				
<i>Short-Term Impacts</i>				
<p>Potential indirect impacts could result from sedimentation and runoff during construction.</p> <p>Proposed impervious surfaces in Alternative 1 would increase surface water runoff on the Project site and potentially contribute to long-term issues of erosion and sedimentation in the wetland habitat and surrounding areas, as well as a change in groundwater hydrology. Over the long term the wetland may become smaller or there could be a change in vegetation species composition.</p> <p>Alternative 1 <del>will</del>would result in the loss of approximately 7.4 acres of existing wildlife habitat.</p>	<p>BMPs would be applied during <del>the</del> construction process to reduce sedimentation and erosion.</p> <p>A stormwater system would be developed in accordance with the 2005 <i>King County Stormwater Design Manual</i> to meet the detention, retention, and release rates.</p> <p>The <del>Project proponent will</del> Applicant would implement a voluntary 50-foot-wide buffer, <u>with 15-foot building setback</u>, around the existing wetlands to help protect the function of these systems and <u>would voluntarily plant wetland facultative plants, as applicable, within 65 feet +/- of the wetland.</u></p> <p>The Applicant would work with the City of Burien Parks Department to install educational interpretive signage proximate to the sensitive wetlands area.</p>	<p>Similar to Alternative 1. Alternative 2 <del>will</del>would result in the loss of approximately 7.4 acres of existing wildlife habitat.</p>	<p>Similar to Alternative 1.</p>	<p>None.</p>
<i>Long-Term Impacts</i>				
<p>The addition of approximately 4.4 acres of impervious</p>	<p>A stormwater system would be developed in accordance</p>	<p>Similar to Alternative 1. Alternative 2 <del>will</del>would result</p>	<p>Similar to Alternative 1.</p>	<p>None.</p>

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<p>surfaces in Alternative 1 would increase surface water runoff on the Project site and potentially contribute to long-term issues of erosion and sedimentation in the wetland habitat and surrounding areas, as well as a change in groundwater hydrology. Over the long term, the wetland may become smaller or there could be a change in vegetation species composition.</p> <p>Same as those described under short-term impacts.</p>	<p>with the 2005 <i>King County Stormwater Design Manual</i> to meet the required detention, retention, and release rates. <u>Such a system also might include directing peak overflows from the vaults via a tightline, rather than via the proposed spreaders and water energy dissipators. The stormwater system would be designed to not significantly affect wetland recharge.</u></p> <p>The <del>Project proponent will</del> <u>Applicant would</u> implement a voluntary 50-foot-wide buffer around the existing wetlands to help protect the function of these systems.</p> <p>The Applicant would work with the City of Burien Parks Department to install educational interpretive signage proximate to the sensitive wetlands area.</p> <p>Same as those described under short-term impacts.</p>	<p>in the addition of approximately 4.4 acres of impervious surfaces.</p>		
<b>Cumulative Impacts</b>				
<p>Removal of upland habitat in the WRIA 9 watershed <del>will</del> <u>would</u> have minor cumulative contributions to regional wetland watershed impacts.</p>	<p>Refer to mitigation described under short- and long-term impacts.</p>	<p>Similar to Alternative 1.</p>	<p>Similar to Alternative 1.</p>	<p>None.</p>

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.
<b>LAND USE</b>				
<i>Short-Term Impacts</i>				
None.		None.		None.
<i>Long-Term Impacts</i>				
<p>Alternative 1 would convert the currently undeveloped, vegetated site into a 201-unit multi-family development (including the manager's unit), with a clubhouse and pool facility.</p> <p>This would result in higher-intensity residential development than currently exists on the site. This increased intensity would increase automobile and pedestrian trips to, from, and around the Project site.</p> <p>Approximately 450 residents would inhabit Emerald Pointe in Alternative 1. This level of activity would be compatible with and similar to levels of activity on adjacent land uses.</p> <p>The development would be consistent with densities and</p>	No mitigation is needed.	<p>Alternative 2 would convert the currently undeveloped, vegetated site into a 179-unit multi-family development (including the manager's unit), with a clubhouse and pool facility.</p> <p>This would result in higher-intensity residential development than currently exists on the site. This increased intensity would increase automobile and pedestrian trips to, from, and around the Project site.</p> <p>Approximately 400 residents would inhabit Emerald Pointe in Alternative 2. This level of activity would be compatible with and similar to levels of activity on adjacent land uses.</p> <p>The development would be consistent with densities and</p>	No mitigation is needed.	None.

Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
development types located on surrounding parcels to the north, south, and east. Proposed land uses <del>proposed</del> would be consistent with applicable land use policies and regulations.		development types located on surrounding parcels to the north, south, and east. Proposed land uses <del>proposed</del> would be consistent with applicable land use policies and regulations.		
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.
<b>AESTHETICS, LIGHT, AND GLARE</b>				
<i>Short-Term Impacts</i>				
During site preparation and construction, the visual quality of the site would be temporarily changed due to the removal of trees, site grading, and construction activities.	Construction sites should be maintained in an appropriate manner, with refuse and materials for recycling properly stored.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Long-Term Impacts</i>				
<i>Aesthetics:</i> Permanent removal of existing forest on the site and development of housing may be perceived by some as a negative aesthetic impact. However, the site comprises a relatively small portion of the neighborhood's open space acreage (less than 5%) and <del>will remain</del> <u>would be</u> in	Until all on-site construction is completed, turf grass and erosion control measures established on future building sites <del>should</del> <u>would</u> be maintained in good condition.  Retention and/or planting of attractive landscaping in appropriate locations along the northern, eastern, and	Impacts are similar <u>to</u> , but slightly less than, those described under Alternative 1.	Similar to Alternative 1.	None.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
character with the surrounding property.  <i>Light and Glare:</i> Due to the increased number of residents, lighting from interior and exterior fixtures as well as headlights would increase under Alternative 1.	southern property lines to provide visual screening and reduce light trespass.  Design and installation of exterior lighting so as to minimize excessive lighting levels, glare, and light trespass onto adjacent properties.			
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.
<b>NOISE</b>				
<i>Short-Term Impacts</i>				
Development of the site would result in the generation of noise during construction, which is expected to occur in three phases over a period of 3 to 4 years. Noise during this phase would be intermittent and would vary considerably according to the nature of the construction activities. Chainsaws used in the removal of existing trees and use of heavy construction equipment, especially during grading activities, would be sources of higher-than-normal	Activities <del>shall</del> would comply with the maximum noise levels and hours of operation identified in Burien Municipal Code (BMC) <u>Section 9.105.400(2)(h)</u> and other applicable State laws. The City may choose to condition construction permits to further reduce hours of operation to minimize evening and weekend noise to adjacent sensitive residential neighborhoods.	Similar to Alternative 1.	Similar to Alternative 1.	None.

Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
temporary noise levels.				
<i>Long-Term Impacts</i>				
Alternative 1 would result in increased noise levels from the existing condition due to occupancy by residents. The scale and character of development would be very similar to surrounding existing multifamily residential development and is not expected to lead to a significant increase in noise.	No mitigation needed.	Alternative 2 would result in slightly less noise impact <del>as these than that</del> identified in Alternative 1, with the development of 22 fewer residential units.	Same as Alternative 1.	None
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.
<b>PARKS AND RECREATION</b>				
<i>Short-Term Impacts</i>				
The <del>private</del> , informal trail system through the site connecting adjacent properties with Seahurst Park would <u>not be accessible during construction</u> , <del>be removed</del> .	No mitigation needed.	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Long-Term Impacts</i>				
Alternative 1 would <u>replace the informal user-made trail system through the site with new trails connecting the site and adjacent properties with</u>	No mitigation necessary. The estimated increase in parks and recreation demand would be met with the combination of the proposed on-site	Similar to Alternative 1, Alternative 2 would <del>remove</del> <u>replace the private</u> , informal user-made trail system through the site, <u>with new</u>	Similar to Alternative 1. <u>Since release of the DEIS, Alternative 2 has been revised to show retention of the existing trail through the</u>	None. The informal user-made trail system on the site would remain. These trails would continue to provide unofficial access to Seahurst

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<p><u>Seahurst Park.</u></p> <p>The 450 residents generated by Alternative 1 would create a demand for approximately 0.9 acres of new neighborhood park/ playground facilities, 1.1 acres of community parks, and 1.8 acres of public open space.</p>	<p>recreation facilities and improved access to Seahurst Park for residents and the public.</p>	<p><u>trails connecting the site and adjacent properties with Seahurst Park.</u></p> <p>The 400 residents generated by Alternative 2 would create a demand for approximately 0.8 acres of new neighborhood park/ playground facilities, 1.0 acres of community parks, and 1.6 acres of public open space.</p>	<p><u>northwest corner of the site, upslope of the 50-foot wetland buffer, and largely outside the 15-foot building setback. This is in addition to the park connection at the western site boundary shown in the DEIS.</u></p>	<p>Park from 12<sup>th</sup> Avenue SW.</p>
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.
<b>PUBLIC SERVICES</b>				
<i>Short-Term Impacts</i>				
None.	None.	None.	None.	None.
<i>Long-Term Impacts</i>				
<p><i>Fire:</i></p> <p>Alternative 1 would not be adequately served by Fire District #2. The existing Alternative 1 site plan does not provide an sufficient turning radius at most corners of the internal roadway network—specifically, the intersection of the site access driveway and the internal</p>	<p>To offset the identified significant impact of Alternative 1 on fire protection resources, the Applicant <del>will</del> <u>would</u> work with Fire District #2 staff to address the issues identified in Section 3.11.2.1.</p>	<p><i>Fire:</i></p> <p>The Alternative 2 site plan meets Fire District No. 2's access requirements to adequately provide emergency services to the site. No impacts are anticipated.</p>	<p>Similar to Alternative 1.</p>	<p>None.</p>

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
road network—and the grade proposed for the entry access driveway exceeds the District’s maximum grade standard of 15%.  Fire flow resulting from the proposed water infrastructure would be expected to adequately meet District requirements.				
<i>Police:</i> Alternative 1 would result in additional calls for police service. The Burien Police Department anticipates no change in staffing or resources would be needed to accommodate new development.	No mitigation needed.	<i>Police:</i> Impacts on police services associated with Alternative 2 would be similar to those identified in Alternative 1, but with a slightly reduced demand for services due to a smaller <u>residential</u> population.	Similar to Alternative 1.	None.
<i>Public Schools:</i> Alternative 1 would result in between 20 and 60 additional school-age children to the city. Highline School District staffing resources are expected to adequately accommodate this increase in student population.	No mitigation needed.	<i>Public Schools:</i> Impacts on the School District associated with Alternative 2 would be similar to those identified in Alternative 1, but with slightly reduced demand due to a smaller <u>residential</u> population.	Similar to Alternative 1.	None.
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.

Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures

Alternative 1		Alternative 2 (Preferred Alternative)		No Action Alternative
Environmental Impacts	Mitigation	Environmental Impacts	Mitigation	Environmental Impacts
<b>PUBLIC UTILITIES</b>				
<i>Short-Term Impacts</i>				
<p>An existing sewer manhole is located near the wetland buffer. Careless construction could <del>impact</del> <u>affect</u> the wetland buffer. All work would be performed according to approved sewer and water plans.</p> <p>Abandonment of the existing 6-inch waterline through the wetland would avoid any possible damage to the wetland from a broken or leaking active line in the future.</p>	<p>Formal approval of utility plans and construction permits <del>shall-would</del> be received from the appropriate service agencies.</p> <p>Excavation and installation of on-site lines would be in accordance with approved construction and TESC plans.</p> <p>On-site inspections would be needed to ensure compliance with approved plans during construction.</p> <p>Completed systems and surface treatments would require monitoring until vegetation is established.</p> <p>Any work related to the establishment of the sewer connection near the wetland buffer <del>shall-would</del> be monitored by a certified wetland biologist.</p>	Similar to Alternative 1.	Similar to Alternative 1.	None.
<i>Long-Term Impacts</i>				
None.	None.	None.	None.	None.
<i>Cumulative Impacts</i>				
None.	None.	None.	None.	None.

**Table 2.7-1: Summary of Environmental Impacts and Mitigation Measures**

<b>Alternative 1</b>		<b>Alternative 2 (Preferred Alternative)</b>		<b>No Action Alternative</b>
<b>Environmental Impacts</b>	<b>Mitigation</b>	<b>Environmental Impacts</b>	<b>Mitigation</b>	<b>Environmental Impacts</b>
<i>Significant Unavoidable Adverse Impacts</i>				
None.		None.		None.

## **3.0 CLARIFICATIONS AND CORRECTIONS TO DEIS**

### **3.1 Summary of Major Themes**

This chapter includes clarifications and corrections to the Draft Environmental Impact Statement (DEIS) based on public comment letters, public hearing comments, minor Project modifications, and miscellaneous items identified by the City of Burien (City), the City's consultants, and the Applicant. Construction is now anticipated to begin in 2009, not 2008, and would be completed in 2012 or 2013, rather than 2011.

Where this chapter of the Final Environmental Impact Statement (FEIS) includes clarifications or corrections to the DEIS (whether in response to public comments on the DEIS, or based on clarifications or corrections by the City, its consultants, or the Applicant), the changes are identified in this FEIS using underlined text (underlined) for additions and strikethrough text (~~strikethrough~~) for deletions.

Clarifications and corrections in the FEIS address:

- Project vesting
- Project construction schedule
- Project access and access status
- Transportation, including characterization of construction traffic and construction traffic management
- Final building permit review, especially related to the stormwater system, erosion control, and geotechnical engineering
- Vegetation removal and potential spread of non-native weed species
- Wetlands extent and impacts
- Public access to Seahurst Park from/across the site

Specific responses to public comment letters and public hearing comments are provided in Chapter 4, which provides responses to each comment. In most cases, the response in Chapter 4 provides sufficient clarification and those comments do not necessitate a change or correction to the DEIS. Where additional information or changes to the DEIS are warranted, then such changes have been made and identified below.

### **3.2 DEIS Fact Sheet and Chapters 1 and 2 – Clarifications and Corrections**

The DEIS fact sheet and Chapters 1 and 2 are included in the FEIS and are modified as applicable. Because these two chapters are included in full, individual clarifications and corrections are not repeated here.

The fact sheet and table of contents are corrected and updated for the FEIS and these changes are fully incorporated. Substantive changes to Chapters 1 and 2, such as corrections or clarifications related to stormwater and transportation, are identified in this FEIS using underlined text (underlined) for additions and strikethrough text (~~strikethrough~~). However, non-substantive changes are made in those chapters without using underline/strikethrough in the text.

### **3.3. DEIS Section 3.1, Transportation – Clarifications and Corrections**

Page 3-9, insert the following at the bottom on the bullet list:

- Removal of timber and large woody debris during site clearing activities.

Page 3-10, modify the second paragraph:

The remaining categories of construction-related trips are primarily truck trips. A large proportion of these would be associated with grading activities. Based on preliminary estimates, the site will generate approximately 24,000 cubic yards of cut material and require approximately 24,700 cubic yards of fill material. As a result, only 700 cubic yards of material would be brought into the site during construction. Based on a 22-yard capacity for a tandem truck, the amount of material to be removed would be equivalent to approximately 32 truckloads. Each load would generate two truck trips (one trip for the full truck entering the site and one trip for the empty truck leaving the site), resulting in a total of 64 truck trips. In addition, removal of timber and large woody debris from the site during site clearing would generate approximately 80 to 100 truck trips over a two-week period, or approximately 8 to twelve truck trips per day.

Page 3-10, after the third paragraph, insert:

As part of building permit review (and/or grading permit, if issued separately), the City of Burien would require preparation and implementation of a Construction Traffic Management Plan to ensure safe and efficient movement of construction workers, equipment, and materials to and from the site and to reduce off-site construction traffic impacts. These measures could include:

- Transporting construction materials to and from the site during off-peak times to minimize congestion impacts.
- Maintaining safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control.
- Staging construction trucks within the construction site, rather than off-site, to the extent feasible.
- Designating on-site parking for construction workers to minimize impacts on the adjacent roadways.

Page 3-12, modify the second full paragraph:

#### *Site Access*

The proposed site plan identifies a single access point along SW 136<sup>th</sup> Street, west of Ambaum Boulevard SW, in Alternative 1. The access drive would be

two lanes, one lane inbound and one lane outbound, and would accommodate full turning movements into and out of the site. While the initial design (1990) proposed access from 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street, that access is not part of the current action alternatives.

Page 3-25, modify the second paragraph:

*Site Access*

The Alternative 2 site plan identifies a single access point along SW 136<sup>th</sup> Street, west of Ambaum Boulevard SW (same as Alternative 1). The access drive would be two lanes, one land inbound and one lane outbound, and would accommodate full turning movements into and out of the site. While the initial design (1990) proposed access from 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street, that access is not part of the current action alternatives.

Page 3-29, after the heading 3.1.3 Mitigation Measures, insert the following and modify the next paragraph:

As part of building permit review (and/or grading permit, if issued separately), the City of Burien would require preparation and implementation of a Construction Traffic Management Plan to ensure safe and efficient movement of construction workers, equipment, and materials to and from the site and to reduce off-site construction traffic impacts. These measures could include:

- Transporting construction materials to and from the site during off-peak times to minimize congestion impacts.
- Maintaining safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control.
- Staging construction trucks within the construction site, rather than off-site, to the extent feasible.
- Designating on-site parking for construction workers to minimize impacts on the adjacent roadways.

~~Since~~Because all study area intersections would operate within their LOS standards, no significant adverse traffic impacts are anticipated from either Alternative 1 or Alternative 2. Therefore, no other transportation mitigation would be necessary in either alternative.

### **3.4 DEIS Section 3.2, Drainage and Water Quality – Clarifications Corrections**

Page 3-35, modify the first sentence of the fourth full paragraph:

As described in ~~Section~~Chapter 2 of this DEIS, collecting and routing runoff from areas upslope of the Project excavation would be required to divert offsite surface runoff water around the excavations, walls and buildings.

Page 3-35, insert new paragraph after the fourth full paragraph:

City review of the Technical Information Report (TIR) requirements and stormwater design could result in modifications to the stormwater system, such as directing peak overflows from the vaults via a tightline, rather than via the proposed spreaders and water energy dissipators. Such changes would be addressed by the City's drainage review and would include measures to minimize potential effects such as risk to slope stability, erosion at the point of stormwater discharge, downstream sedimentation, or changes in wetland recharge. More substantial changes could result in further environmental review.

Page 3-40, insert new paragraph after the second paragraph (mitigation measures for Alternative 1):

As part of the City's review of the TIR requirements and stormwater design, and prior to issuance of any building (or grading) permits, the City would ensure that the storm drainage design adequately addresses peak overflows. The City would require that the stormwater design incorporate the measures necessary to minimize potential effects such as risk to slope stability, erosion at the point of stormwater discharge, downstream sedimentation, and/or significant changes in wetland recharge. Measures could include tightlining flows or peak flows or providing additional water energy dissipators. The City may require additional technical studies if needed to ensure a sound stormwater drainage design. More substantial changes could result in further environmental review.

Page 3-40, insert new paragraph after the third (existing) paragraph, following the first paragraph under the heading 3.2.3.2 Alternative 2:

As part of the City's review of the TIR requirements and stormwater design, and prior to issuance of any building (or grading) permits, the City would ensure that the storm drainage design adequately addresses peak overflows. The City would require that the stormwater design incorporate the measures necessary to minimize potential effects such as risk to slope stability, erosion at the point of stormwater discharge, downstream sedimentation, and/or significant changes in wetland recharge. Measures could include tightlining flows or peak flows or providing additional water energy dissipators. The City may require additional technical studies if needed to ensure a sound

stormwater drainage design. More substantial changes could result in further environmental review.

### 3.5 DEIS Section 3.3, Earth and Geotechnical – Clarifications and Corrections

Page 3-44, modify the second full paragraph under the heading Landslides:

In preparation of the DEIS and FEIS, several site visits were conducted in 2006 and 2008, respectively, to verify topographic features and other landforms that could be suggestive of past hillside instability. Based on these site visits, geotechnical experts determined that the ~~The~~ upper slopes of the property, typically above elevation 300 feet ASL, appear to be stable, ~~based on the surface topography, geomorphic expression and site vegetation and do not exhibit prior instability, indicating that the property was stable (i.e., no landslides) following the 2001 magnitude 6.8 Nisqually earthquake. The upper slopes have not been~~ were not identified by the City of Burien as having a high landslide risk nor were these slopes identified by King County in 1990 as being within a landslide susceptible area. Areas with slopes of greater than 40% are identified on the City of Burien's Critical Areas Map as a landslide hazard area based on these slopes. However, current City regulations for critical areas do not apply.

Pages 3-47 to 3-48, modify construction dates in first paragraph under heading 3.3.1.7 Earth and Geotechnical Construction Details:

In general, the two development options would involve major regrading of the site and infrastructure construction (i.e. roads and utilities), expected to be completed as a single phase in the summer of ~~2008-2009~~. In both action alternatives, buildings would be constructed in three phases, starting in ~~2008 2009~~ and completed by ~~2011-2012 or 2013~~.

Page 3-57, delete the first paragraph:

~~The Applicant could pursue a street vacation of the SW 136th Street ROW in order to facilitate future ongoing maintenance of this area, rather than relying on a permanent easement to install retaining wall tie back systems. The City has indicated that it might support such an approach (pers. comm., Steve Clark 2007).~~

### **3.6 DEIS Section 3.4, Plants and Animals – Clarifications and Corrections**

Page 3-64, insert new sentence at end of paragraph that begins on previous page:

#### Long-Term Impacts

Construction of the 200 multi-family residential units would result in the removal of approximately 7.4 acres of upland forest with about 2.4 acres remaining. The Project would result in the clearing of second-growth forest and mature, large-diameter trees (approximately 31 inches dbh). Most large trees are concentrated in the southern portion of the site. Construction activity might increase seed dispersal from non-native species, which could contribute to a long-term increase of non-native species throughout the Project site and into the existing park boundary. Several non-native species were observed adjacent to the senior center located at the southeast corner of the property, including Scotch broom (*Cytisus scoparius*) and himalayan blackberry (*Rubus discolor*). Due to the absence of canopy cover to shade out invasive shoots, these species might become established on the site and spread into the park if left uncontrolled. In addition, imported soil could introduce weed species to the site and surrounding properties.

Page 3-66, modify the second paragraph:

#### Long-Term Impacts

Approximately 7.2 acres of land would be cleared under Alternative 2, which is about 0.2 less than that of Alternative 1. Construction activity could lead to invasion of non-native species on the Project site and in the adjacent park boundary. In addition, imported soil could introduce weed species to the site and surrounding properties. Landscape plans for Alternative 2 (see FEIS Figure 2.3-2) include ~~potential-proposed~~ Seahurst Park trail access at the south end of the property and retaining trail access in the northwest corner of the site. Pedestrian travel between the property and the park could aid in the transport of non-native species into the adjacent park habitat.

Page 3-69, insert new mitigation measure after the first paragraph:

Plant Salvage: The Applicant will work with the City to provide a reasonable opportunity for others to salvage plants from the site, prior to construction.

Page 3-69, modify and correct reference in second paragraph:

Revegetation: The replanting proposed by the Applicant would include planting two trees for each significant tree removed on the Project site (excluding alders). “Significance” in this instance is defined as the minimum size of tree used by pileated woodpeckers, i.e. a coniferous tree that measures at least 26 inches dbh. This measure ~~is in keeping with~~ meets the

requirements of ~~the~~ KCC Section 21.51.40 in effect in February 1990 (see Section ~~3.1.6.3~~ 3.6.1.3). In order for these new plantings to establish successfully on the site, it is recommended that one of the following courses of action be adopted:

Page 3-69, insert new mitigation measure at the end of Section 3.4.3.1:

Soil Contaminated with Weed Seeds: Prior to issuance of any construction permits, the Applicant would be required to provide the City with a plan to control the possible spread of noxious weeds from imported fill and topsoil.

### 3.7 DEIS Section 3.5, Wetlands – Clarifications and Corrections

Page 3-70, modify the second paragraph:

A wetland occurs along the western property line (see DEIS Figure 3.5-1). The wetland straddles the Project property line, spanning east to west along the topographical gradient, with approximately 0.14 acres of wetland located on the Project site. Most of the wetland is located off-site, to the west and extends roughly north-south just downslope of the west property boundary. DEIS Figure 3.5-1 shows only the uppermost portion of the wetland that extends onto the Project site. Water travels downslope and westward from the wetland into small off-site tributaries to North Creek within Seahurst Park and eventually to Puget Sound.

Page 3-73, modify the third paragraph:

A wetland study was completed in 1991 using the Corps Wetlands Delineation Manual (Environmental Laboratory 1987) and the U.S. Fish and Wildlife Service wetland classification system (Cowardin et al. 1979). This wetland did not occur on the King County Sensitive Areas Folio Map in 1990 (Terra Associates 1991), nor does it occur on the current National Wetlands Inventory map register (USFWS 2006). Surveyors determined this to be a King County Class II palustrine forested wetland (Terra Associates 1991) using the September 1990 KCC (1990 KCC Section 21.54.270). September 1990 KCC regulations dictated Category II wetlands shall have a 50-foot buffer. These regulations required a minimum 15-foot building setback line in addition to the wetland buffer and do not allow for buffer averaging (1990 KCC Section 21.54.270). The Project is vested under February 1990 KCC regulations, so the September 1990 regulations do not apply to the Project site. However, these buffers have been proposed by the Applicant on their construction and landscape plans. Since release of the DEIS, the Applicant has revised Alternative 2 to show additional wetland protection that would exceed the voluntary 50-foot wetland buffer and 15-foot building setback in places (see FEIS Figure 2.3-2). The Applicant also proposes planting facultative plant materials, as applicable, to enhance wetland buffer functions.

Page 3-75, modify the first full paragraph:

The main water source for the wetland ~~on the Project site~~ is groundwater seepage, which occurs at several points along the toe of the slope that borders the east and south sides of the wetland (Terra Associates 1991). Other water sources include precipitation and runoff (surface flow). Observed wetland hydrology includes standing water, water stains, flow patterns, and groundwater seepage. Water travels from the wetland area off-site into North Creek, which flows west through Seahurst Park and into Puget Sound. At the time of the October 2006 site visit, flowing and standing water were present in several areas of the wetland (see DEIS Photo 3.5-1).

Page 3-77, modify the second mitigation measure under Section 3.5.3.1:

Permanent Stormwater Control System: A stormwater system (DEIS Section 3.2) would be developed to meet the detention, retention, and release rates. Such as system also might include directing peak overflows from the vaults via a tightline, rather than via the proposed spreaders and water energy dissipators. The stormwater system would be designed to not significantly affect wetland recharge. Implementation of the system will reduce the Project effects to nearby wetlands and streams.

Page 3-77, modify the third mitigation measure under Section 3.5.3.1:

Wetland Buffer: ~~The Project proponent will~~ Applicant would implement a voluntary 50-foot-wide buffer, around the existing wetlands to help protect the function of these systems. ~~The current design for the stormwater ponds does encroach upon these buffers along the northwest quarter.~~

Page 3-78, modify Section 3.5.3.2:

Mitigation measures under Alternative 2 are the same as those proposed addressed in Alternative 1, with the following:

Wetland Buffer: Alternative 2 would provide additional wetland protection that would exceed the voluntary 50-foot wetland buffer and 15-foot building setback in places (see FEIS Figure 2.3-2). The Applicant also proposes planting facultative plant materials, as applicable, to enhance wetland buffer functions.

### 3.8 DEIS Section 3.6, Land Use – Clarifications and Corrections

Page 3-83, modify the third full paragraph:

#### Short-Term Impacts

Implementation of Alternative 1 would involve the construction of a collection of five buildings providing a total of 201 residential units (including the manager's unit), a clubhouse and pool complex (which ~~will~~ also would include a manager's unit), and Project infrastructure, including internal roads, water and sewer infrastructure, and stormwater facilities. Construction activities would occur in three phases, with clearing and grading activities completed in ~~2008-2009~~ and construction of all buildings complete by ~~2011~~ 2012 or 2013. Construction access to the site would be ~~achieved~~ via 12<sup>th</sup> Avenue SW and SW 136<sup>th</sup> Street, two streets characterized by low- to-medium intensity residential development, so traffic conflicts ~~will~~ would be minor. Construction activities would comply with applicable City of Burien health and safety requirements and within the City's established construction windows (see Section 3.2, Drainage and Water Quality, and Section 3.8, Noise, for more discussion ~~on~~ of applicable construction windows.) As such, the Project would not be expected to create conflicts with adjacent uses. No significant short-term impacts would result from implementation of Alternative 1.

Page 3-90, modify the second paragraph:

#### Short-Term Impacts

Short-term impacts associated with Alternative 2 would be similar to those identified in Alternative 1. Alternative 2 would include the construction of seven buildings containing a total of 179 residential units (including the manager's unit), a clubhouse and pool complex (which ~~will~~ also would include a manager's unit), and Project infrastructure including internal roads, water, and sewer infrastructure, and stormwater facilities. Construction activities would occur in three phases, with clearing and grading activities complete by summer ~~of 2008-2009~~ and construction of buildings completed between ~~2008-2009~~ and ~~2011-2012~~ or 2013 (approximately two buildings completed per year). All Alternative 2 construction activities would comply with applicable City of Burien health and safety requirements within the City's established construction window and, as such, would not be expected to create conflicts with adjacent uses.

### **3.9 DEIS Section 3.7, Aesthetics, Light, and Glare – Clarifications and Corrections**

Page 3-94, modify the second full paragraph:

#### Short-Term Impacts

During site preparation and construction, the visual quality of the site would be changed due to the removal of trees, site grading, and construction activities. ~~At the present time, e~~ Clearing and grading of the site is expected to last approximately 12 weeks. Because the construction of buildings ~~will~~ would be conducted in phases, starting in mid-~~2008-2009~~ and ending in ~~2010 or 2011-2012 or 2013~~, some aesthetic impacts due to ongoing construction activities ~~will~~ would exist throughout this period. These impacts are expected to be comparable to those of other multifamily residential construction projects and would not affect a large number of viewers due to the relatively low visibility of the Project site from much of the surrounding area.

### **3.10 DEIS Section 3.8, Noise – Clarifications and Corrections**

Page 3-101, modify the last paragraph:

Development of the Project site would result in the generation of noise during the construction phase. Noise during this phase would be intermittent and would vary considerably according to the nature of the construction activities. At this time, clearing and grading of the site is expected to last approximately 12 weeks. Chainsaws used in the removal of existing trees, chippers to process large woody debris on site, and use of heavy construction equipment, especially during grading activities, would be sources of higher-than-normal temporary noise levels. During grading, it is estimates that hauling of soil from the site will require approximately 50 trips per day by trucks over a 12- to 16-week period, with a five-day work week. Removal of timber and large woody debris from the site would require approximately 80 to 100 truck trips over a two-week period, or approximately 8 to twelve truck trips per day. Use of larger trucks, a longer grading period, or a six-day work week would allow fewer daily trips. Noise generated by hauling would not be restricted to the site and would increase noise levels along the entire truck route.

Page 3-102, modify the first full paragraph:

During site preparation and construction of buildings, noise from power tools such as jackhammers, nail guns, and saws would also be created; driving of piles or blasting would not be carried out on site. Additional truck traffic associated with construction would also serve as a source of noise, as would heavy equipment such as excavators and front loaders. Vehicle safety back-up beepers are another ~~significant~~ source of noise. ~~At the present time, e~~ Construction of buildings will ~~would be~~ conducted in phases, starting in mid-

~~2008–2009~~ and ending in ~~2010 or 2011~~ 2012 or 2013, with one or two buildings constructed each year. As construction-related noise is regulated under the City of Burien Municipal Code, it is not expected to have a significant impact.

### **3.11 DEIS Section 3.9, Parks and Recreation Resources – Clarification and Corrections**

Page 3-113, modify the fourth paragraph:

#### Long-Term Impacts

Long-term impacts associated with Alternative 2 would be similar to, but slightly less; than, those identified in Alternative 1. As a result of the smaller residential population in Alternative 2, the demand for additional park and open space would be reduced. Based on the approximately 400 new residents proposed in Alternative 2, demand for approximately 0.8 acres of new neighborhood park/playground facilities, 1.0 acre of community park land, and 1.6 acres of open space would be created. Since release of the DEIS, Alternative 2 has been modified to show the retention of the existing trail through the northwest corner of the Project site, located upslope of the 50-foot wetland buffer, and largely outside of the 15-foot building setback. This is in addition to the park connection at the western site boundary shown in the DEIS. Figure 2.3-2 of the FEIS is revised to show this existing informal trail connection. As in Alternative 1, the combination of on-site recreation facilities and improved ~~increased~~ access to Seahurst Park provided in Alternative 2, including provisions to allow pedestrian access on internal roadways, would likely offset recreation demand.

### **3.12 DEIS Section 3.10, Public Services – Clarifications and Corrections**

No clarifications or corrections were made to this section.

### **3.13 DEIS Section 3.11, Public Utilities – Clarifications and Corrections**

No clarifications or corrections were made to this section.

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## 4.0 PUBLIC COMMENTS AND RESPONSES

### 4.1 Method for Responding to Comments

The City of Burien (City) held a public hearing on the *Emerald Pointe Draft Environmental Impact Statement* (DEIS) on September 18, 2007, and provided a 45-day public comment period from August 21, 2007, to October 5, 2007. This chapter documents and provides responses to each comment received from public agencies, organizations, nearby residents, and the general public during the public hearing and comment period. Section 4.2 lists the names of those who provided written comments and those who testified at the public hearing. The public comment letters and the public hearing transcript are included in Appendix A. Section 4.3 provides detailed responses to these comments with corrections or clarifications where necessary. Comments received after the October 5, 2007, deadline are not included in this Final EIS (FEIS), but are in the City's official Project file. Section 4.4 provides responses to comments from those who testified at the September 18, 2007, public hearing.

The City received several different types of comments on the Emerald Pointe DEIS. These included several official letters from affected organizations and public jurisdictions, although most of the letters and public hearing comments came from Burien residents or users of Seahurst Park. Comments that express an opinion or preference are acknowledged with a response that indicates the comment is "noted" and will be directed to appropriate decision makers, if applicable. Where a comment requests additional information, clarifications, or corrections, the response provides an explanation of the approach to the analysis or other technical information necessary to address the comment.

### 4.2 Public Comments

Table 4.2-1 provides a list of the authors who submitted the 58 comment letters (by either mail or e-mail) during the public comment period and a list of persons who testified at the September 18, 2007, public hearing. The table assigns a number to each comment letter that corresponds to the responses provided in Section 4.3.

**Table 4.2-1 Summary of DEIS Public Comment Authors**

Letter No.	Date	Author
1	10/5/2007	Doug Osterman, Watershed Coordinator, Water Resource Inventory Area 9
2	10/5/2007	David Bricklin, Attorney, Bricklin, Newman, Dold LLP for Sound Vista Condominium Homeowners
3	10/4/2007	Randall Parsons, P.E., Seahurst Environmental, Engineering, and Restoration
4	10/5/2007	Chestine Edgar

<b>Letter No.</b>	<b>Date</b>	<b>Author</b>
5	9/28/2007	Melessa Rogers
6	2/26/2007	Glenn Krantz
7	9/26/2007	Stuart Hanney
8	9/24/2007	Dorothy Shapiro
9	9/23/2007	Laureen Williams
10	9/23/2007	Chris Freeman
11	9/21/2007	Lori Toth
12	9/21/2007	Laura Peters and Gregg Bafundo
13	9/20/2007	William Vukonich
14	9/16/2007	Nancy Hogue
15	9/12/2007	Bea Gomez
16	10/2/2007	George Thornton
17	10/2/2007	Gary McAvoy
18	10/5/2007	Rebecca Dare and Bill Opferrman
19	10/5/2007	Michael Willis
20	10/5/2007	Michelle Hawkins
21	9/24/2007	Cindy Willis
22	10/2/2007	Alice Goodman, MCSE
23	9/22/2007	Jane Martin
24	10/3/2007	Nicole Riss, Resource Conservation Specialist, Seattle Public Schools
25	10/3/2007	Laurie Hertzler
26	10/4/2007	Michelle Gaither, Technical Research Coordinator, Pollution Prevention Resource Center
27	9/14/2007	Wolfe Schaaf
28	9/21/2007	Allen and Samantha Cassino
29	9/17/2007	Theresa Lopez
30	9/19/2007	Lori G.
31	9/19/2007	Scott and Molly Forman
32	9/18/2007	Toni Lysen
33	10/5/2007	Sally Hall and Walt Blair
34	9/25/2007	Brian Barnes
35	10/4/2007	Brian Sepal
36	10/4/2007	Melissa and Cecil Casimir
37	10/4/2007	Janis Freudenthal
38	9/28/2007	Maureen Ellis
39	10/5/2007	Derrick Muller
40	10/4/2007	Marv Jahnke
41	10/2/2007	Marsha Tersigni

Letter No.	Date	Author
42	9/13/2007	Catherine Aldridge
43	10/2/2007	Terri Lien
44	10/3/2007	Linda Huddleston
45	10/2/2007	Linda Huddleston
46	9/22/2007	William Tan
47	9/24/2007	Paula O'Neill
48	9/18/2007	M. E. Ellis
49	10/4/2007	Mike and Allison Dostert
50	10/3/2007	David Athearn
51	10/4/2007	Kathi Butler, Sound Vista Condominiums
52	10/4/2007	Judy Healy
53	10/4/2007	Diane Henderson
54	9/30/2007	Diane McLaughlin
55	10/2/2007	David and Lori Tuben
56	10/5/2007	Alissa West
57	10/3/2007	<u>Petition</u> : Margaret Barrett, Joseph Cail, Kevin Deberschott, Kingsley Lysen, Brian Stapleton, Maria Lysen, Antoinette Lipen, Mitch Forrey, Roberta E Mihok, Jack M. Mihok, Patricia G. Haugen, Jean Spohn, Thomas Spohn, Patrick E, Haugen, Heather Peeler, Christopher A. Peeler, Theodore J, Daley, David Davis, Carol Gallagher, Heather Aquino, Mary Daley, Patty Knudsen, Sarah Jean Chinn, Wilbur Chinn, Marvin Jahnke, Margaret Jahnke, Karen Tyree, Ann M. Baus, Mark A. Baus, Carol C. Thomas, Carnot Thomas, Jr., John R. Prentice, Ava R. Prentice, Peggy Johnson, Clara M. McGee, Ardis M. Berg, M.P. Manly, Nancy Nguyen, Maggie Hageman, Lee Kaplanian, Mary L. McCormick, Ralph B. McCormick, Elbert Huntley, K.J. Carter, Dave M. Carver, Evelyn D. Bang, Ronald M. Bang, Renee Bang, Robert S, Dick, Chris Feldt, William G. Harris, Jean V. Harris, Margaret E. Carver, Marlys M. Borough, Francis A. Griffin, David G. Hanneman, Tammara and William Kask, Jane Armstrong, M. Armstrong, Cynthia St. Clair, Paul J. Moffat, Carol Snavely
58	10/5/2007	R.W. Thorpe
NA	12/18/2007	<u>Public Hearing Transcript</u> : Catherine Aldridge, Terrence Heil, Bea Gomez, Jim Anzalone, Sheryl Knowles, Cindy Willis, Cindy Miller, Melessa Rogers, Maureen Ellis, Janis Freudenthal, Karl Neal, Toni Lysen, King Lysen, Ashley Rowan, Mark Pival, Robert Thorpe, Kathi Butler, Michael Willis, Linda Huddleston, Nicky Hays Amodeo, Tesfaye Belihu, David Rosser, Glenn Krantz, Lisa Olson, Terry Westmoreland, Brian Stapleton, John Del Vento, Melissa Thomas, King Lysen, Ashley Rowan, Melessa Rogers

The comment letters and public hearing transcript are provided in Appendix A of the FEIS with the comment number marked in the letter's margin adjacent to the comment text. Many letters have several comments that are each numbered in that letter's margin. Responses to each specific comment are located in Sections 4.3 and 4.4 of this chapter.

### **4.3 Responses to Public Comment Letters**

This section provides responses to the comments identified and numbered in the comment letters received by the City of Burien. As described previously, comments that express an opinion or preference are acknowledged with a response that indicates the comment is “noted” and will be directed to appropriate decision makers, as applicable. Where a comment requests additional information, clarifications, or corrections, the response provides an explanation of the approach to the analysis or other technical information necessary to address the comment.

#### **Letter 1: Doug Osterman**

1	<u>Watershed Resource Inventory Area 9 Plan</u> : The Applicant has agreed to comply with the 2005 <i>King County Surface Water Design Manual</i> (2005 Manual). Detailed stormwater plans would be submitted for City review as part of construction permits for the Project. The City cannot require compliance with the <i>Watershed Resource Inventory Area 9 Plan</i> , except those portions that are already part of the 2005 Manual.
2	<u>LID Citations</u> : Please see the response to Letter 1, Comment 1.
3	<u>Puget Sound Chinook and the Occupational Skills Center (OSC) Salmon Hatchery</u> : Washington Department of Fish Wildlife data on species listed under the Endangered Species Act (ESA) do not indicate the presence of Puget Sound Chinook on or adjacent to the Project site. Only ESA-listed species known to be present, or potentially present, on or in the vicinity of the Project are evaluated in the DEIS. No impacts on the OSC hatchery are anticipated from the proposed Project.
4	<u>Erosion Potential</u> : Page 3-53 of the DEIS identifies an increased potential for erosion and instability at the point of stormwater discharge and indicates that mitigation may be required to reduce potential erosion. Figure 4 in Appendix B of the Seahurst Park Master Plan also indicates that a portion of the northwest corner of the Project site consists of wet, mobile ground, and may be susceptible to erosion. Standard practices and best management practices (BMPs) to minimize erosion and ensure that site stability would be required as part of building plan review. The Project vested in 1990 to the <i>Draft King County Surface Water Design Manual</i> (later finalized as the 1992 <i>King County Surface Water Design Manual</i> ). However, the Applicant and the City have agreed to incorporate the 2005 Manual standards into the ultimate stormwater infrastructure design for the Project. The Project stormwater plan is at a conceptual phase. The building permit process would require a complete set of engineering plans and stormwater reports that meet the standards of the 2005 Manual. There is no information from the existing studies that suggests that the Project would not meet the standards of the 2005 Manual. Both stormwater detention requirements (i.e., quantity), and temporary and permanent erosion control are addressed in the 2005 Manual. Final building and parking configuration and the location and size of detention facilities would be adjusted as Project engineering is refined.
5	<u>Potential Hillside Erosion at Point of Stormwater Discharge</u> : The design of the discharge channel is beyond the scope of the DEIS. The Project would be designed in accordance with State and local building codes. Page 3-53 of the DEIS identifies an

**Letter 1: Doug Osterman**

	increased potential for erosion and instability at the point of discharge and page 3-54 identifies mitigation measures that would be required during construction to reduce potential erosion.
6	<u>Discharge Location</u> : The conceptual stormwater plan shows discharge points from two stormwater detention facilities. The engineering plan and stormwater reports would determine the specific requirements for the number, size, location, and design of these detention facilities and discharge methods and locations. The final engineering design might require tightlining stormwater discharge in pipes to protect against erosion. There is no information from the existing studies that suggest that the Project would not meet the standards of the 2005 Manual.

**Letter 2: David Bricklin**

1	<u>Vesting</u> : The City has reviewed the Project records and applicable law and has determined that the application's vesting date is February 15, 1990.
2	<u>Legal Access</u> : The property fronts on a public right-of-way, 12 <sup>th</sup> Avenue SW, and has legal access to that public road.
3	<u>Access Easement</u> : The Westmark Development Corporation is finalizing an agreement with the Highline School District to allow for vehicle access (ingress and egress) and utility line extension across School District property to the proposed Project site. The access route would cross the Highline School District property located along SW 136 <sup>th</sup> Street, west of Ambaum Boulevard SW. Additional information about the proposed site access can be found on page 3-12 of the DEIS. No alternative access routes have been proposed at this time. However, earlier plans used 12 <sup>th</sup> Avenue SW for access.

**Letter 3: Randall Parsons**

1	<u>Discharge Location</u> : Please see the response to Letter 1, Comments 4 and 6.
2	<u>Potential Erosion</u> : Please see the response to Letter 1, Comment 4.
3	<u>Landslide Hazard Area and Landslide Hazard Drainage Area</u> : The stability of the hillside slopes within the Project boundaries generally would not be affected by the means of stormwater conveyance because slope stability in the identified "landslide area" at the northwest corner of the site is controlled by groundwater that originates uphill (i.e., to the east) of the development (DEIS page 3-44). Tightlining stormwater runoff would reduce the risk of creek scour and downhill instability compared to the existing groundwater and surface flows originating from the site. However, tightlining also might slightly reduce water recharge to wetlands, which could negatively affect the wetlands. Whether or not peak flows should be tightlined would be determined as part of building permit and plan review.
4	<u>Tightline Sizing and Design</u> : Please see the response to Letter 1, Comment 4.

**Letter 3: Randall Parsons**

5	<p><u>Compliance with LHDA Requirements:</u> The stormwater plan is at a conceptual phase. However, final engineering plans and stormwater reports would meet the standards of the 2005 Manual.</p>
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**Letter 4: Chestine Edgar**

1	<p><u>School Traffic:</u> While some local traffic movements near schools may experience higher traffic volumes during the school peak hours, school peak hours typically do not coincide with overall peak hours. The p.m. peak hour (which occurs between 4:00 p.m. and 6:00 p.m.) typically represents the time period with the highest overall traffic volumes and congestion in the study area, and therefore the p.m. peak hour was analyzed in the DEIS.</p>
2	<p><u>Pedestrian Safety:</u> The intersections of SW 128<sup>th</sup> Street/Ambaum Boulevard SW and SW 148<sup>th</sup> Street/Ambaum Boulevard SW are currently signalized and provide pedestrian crosswalks with push-button controls on all four approaches. As a result, pedestrian crossings at these intersections are protected and any vehicular traffic is required to yield. A Construction Traffic Management Plan would require that safe pedestrian and vehicular circulation be maintained adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.</p>
3	<p><u>Construction Traffic:</u> A Construction Traffic Management Plan would require that construction materials delivered to and from the site would be scheduled and coordinated to occur outside of the commuter peak hours to minimize congestion during these peak travel times. In addition, trucks would be required to use the City-designated truck routes to access the site. See Section 3.3 of the FEIS. Based on the Transportation Element of the <i>City of Burien Comprehensive Plan</i>, SW 128<sup>th</sup> Street, SW 148<sup>th</sup> Street, and Ambaum Boulevard SW are the currently designated truck routes in the study area.</p>
4	<p><u>Damage to Street:</u> A Construction Traffic Management Plan would identify measures to reduce adverse traffic impacts created during construction of the proposed Project. See Section 3.3 of the FEIS. If the City identifies a risk to pavement strength during right-of-way permit review, they may require a Pavement Monitoring Plan. Such a plan would require pavement testing prior to and after construction activity to determine Project impacts on the pavement condition.</p>
5	<p><u>Traffic Congestion:</u> As stated in the DEIS, because most of the excavated material would be reused on-site, the highest concentration of truck trips would be associated with the delivery of additional fill material. Assuming that this activity occurs during a 1-week period, a total of 13 truck trips per day associated with importing fill material would occur outside of the commuter peak hours. Removal of timber and large woody debris from the site would require approximately 80 to 100 truck trips over a two-week period, or approximately 8 to twelve truck trips per day. The intersection of SW 136<sup>th</sup> Street/Ambaum Boulevard SW currently operates at level of service (LOS) A during the weekday p.m. peak hour and is expected to do so under the future No Action Alternative and action alternatives. The volume-to-capacity ratios in both cases would be less than 0.40, indicating that only 40% of the intersection capacity is being used. Operations during off-peak times are expected to be better than during peak times, indicating that</p>

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	<p>the intersection has more than 60% of its capacity available. This would be sufficient capacity to accommodate Project-generated traffic and the few truck movements that would be generated by the proposed Project during construction.</p> <p>Truck traffic associated with other construction activities such as vegetation removal and construction material delivery would occur over much longer time periods and would result in fewer truck trips per day than would result from the delivery of fill material. Therefore, adverse impacts on the adjacent intersection from these trips would be minimal.</p>
6	<p><u>Impacts on Local Businesses:</u> A Construction Traffic Management Plan would require that vehicular circulation to the adjacent retail and residential properties be maintained adjacent to the construction site. This Plan could include the use of temporary walkways, signs, and manual traffic control during certain periods of construction. See Section 3.3 of the FEIS.</p>
7	<p><u>Impacts on Local Residents:</u> Please see the response to Letter 4, Comment 6.</p>
8	<p><u>Construction Truck Routes:</u> SW 136<sup>th</sup> Street is not expected to be the major route to and from the proposed Project. Since SW 128<sup>th</sup> Street and SW 148<sup>th</sup> Street provide direct access to State Route (SR) 509, SR 518, Interstate 5, and Interstate 405, trucks would be routed along these roadways instead of SW 136<sup>th</sup> Street.</p> <p><u>Pedestrian Safety:</u> In addition, most passenger vehicles traveling to and from the east also would use these roadways. As discussed in the DEIS, only 5% of total Project traffic would use SW 136<sup>th</sup> Street. This would be local traffic accessing some of the businesses in the vicinity of SW 136<sup>th</sup> Street, rather than regional traffic from outside the general vicinity of the site.</p>
9	<p><u>Debris from Trucks:</u> A Construction Traffic Management Plan would require that construction trucks be staged within the construction site to minimize the potential for depositing soil, dust, and rocks on public roadways. See Section 3.3 of the FEIS. Construction truck trips generated by the Project would be monitored by the City of Burien for compliance with the Construction Traffic Management Plan. Non-compliance would result in fines. Truck operators would be responsible for damage to personal property cause by their trucks or actions.</p> <p><u>Contamination:</u> Project design and construction would meet the standards of the 2005 <i>King County Surface Water Design Manual</i>, so that maximum runoff flows would not be increased as a result of the Project.</p>
10	<p><u>Additional Truck Traffic:</u> Please see the response to Letter 4, Comment 5 for information on truck traffic. Please see the response to Letter 4, Comment 6 for information on mitigation of truck impacts on local businesses.</p>
11	<p><u>Construction Traffic Impacts:</u> The 1,178 daily trips discussed in the DEIS refers to the number of daily trips associated with build-out of the proposed development and not to the number of heavy vehicle trips generated by the construction activity. See page 3-10 of the DEIS for more information. Most of these trips would be passenger car trips generated by the residents of Emerald Pointe. The effect of these trips was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections to operate below their respective LOS standard.</p>

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12	<p><u>Residential Traffic Impacts:</u> The effect of the additional trips generated by the proposed Project was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections to operate below their respective LOS standard. As a result, no mitigation is necessary.</p>
13	<p><u>Pedestrian Safety:</u> As discussed in the DEIS, none of the study intersections exhibit an unusually high rate of traffic accidents. This suggests that the transportation system is operating within acceptable safety parameters. The Project would increase traffic through these intersections and would proportionally increase the probability of traffic accidents. However, the facilities would continue operating within acceptable safety parameters.</p> <p>The fatality at the mid-block crossing on Ambaum Boulevard SW near SW 134th Street was not discussed in the DEIS because it occurred after the accident data included in the DEIS was obtained. The accident was an unfortunate event caused by driver error and was not related to the design of the crosswalk (King County Sheriff Case #07-143404). There has been only one other pedestrian-related accident at this location in the previous 3 years. The proposed Project would represent less than 3% of the traffic along Ambaum Boulevard SW in the vicinity of the crosswalk and, therefore, the Project would not have a significant adverse impact on the accident patterns at this location.</p>
14	<p><u>Traffic Impacts:</u> As described in the DEIS, the study area intersections would have sufficient capacity to accommodate the additional construction and resident trips generated by the proposed Project. See Section 3.1.2 of the DEIS for more information.</p>
15	<p><u>Pedestrian Safety:</u> Please see the responses to Letter 4, Comments 2 and 13.</p>
16	<p><u>Emergency Access:</u> As stated in the DEIS, the site access location for both action alternatives would be designed to accommodate emergency vehicles. With one access point, emergency vehicles would not be able to access the site if the site access is temporarily blocked by a landslide, earthquake, vehicle accident, etc.</p>
17	<p><u>School Bus Access:</u> The proposed site access location on SW 136<sup>th</sup> Street would be designed to accommodate buses that might need to enter the site to pick up and drop off children.</p>
18	<p><u>Geologic Hazards:</u> The DEIS discusses slope stability in several places. On page 3-44, the DEIS notes that the northwest portion of the site is located in a mapped landslide area. The DEIS also states, on page 3-44, that on-site slopes above elevation 300 feet above sea level (ASL) appear stable (i.e., no evidence of landslides from the Nisqually earthquake). Upslope areas with slopes of greater than 40% are identified on the City of Burien’s Critical Areas Map as a landslide hazard area; this reflects the steep slopes that characterize much of the site. However, current City regulations for critical areas do not apply. Pages 3-51 to 3-54 in the DEIS discuss both short-term and long-term impacts on slope stability from the construction and final configuration of the development. The DEIS also states (on page 3-51) that stability analyses would be conducted during the design phase of the Project to identify the measures necessary to ensure site stability during and following construction. Please see Section 3.5 of the FEIS.</p>
19	<p><u>Impacts of Tree Removal on Runoff:</u> The proposed stormwater system would be</p>

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	<p>designed to address runoff volumes generated by the completed Project, and would take into account changes in runoff due to removal of vegetation. Please refer to Section 3.2.2 of the DEIS for more information. The stormwater system would be designed to meet criteria required by the 2005 <i>King County Surface Water Design Manual</i>. There is no information from the existing studies that suggests that the Project would not meet the standards of the 2005 Manual.</p> <p><u>Impacts of Tree Removal on Site Stability:</u> Additional investigation of hillside stability would be necessary as part of the Project design (see DEIS, pages 3-51 through 3-54). However, stability of the site and the Project would be ensured by engineering standards and compliance with applicable building codes and other regulations.</p> <p><u>Estimated Change in Flow of North Creek:</u> As noted in Section 3.2.2.1 of the DEIS (page 3-33), impacts on downstream water flow rates would be within the limits of the 2005 Manual.</p>
20	<p><u>Stormwater System Failure:</u> The location of detention facilities would be adjusted, as appropriate, as Project engineering is refined. Placement of vaults and other facilities would meet requirements of the 2005 Manual (including design storm and emergency discharge requirements) and applicable building codes, minimizing the potential for failure of the stormwater system. Section 3.2.2.1 of the DEIS (page 3-33) notes that vaults would require drainage features which would mitigate ground water and interflow impacts.</p>
21	<p><u>Monitoring:</u> The Washington State Department of Ecology requires that the contractor obtain a National Pollutant Discharge Elimination System permit before excavation or construction. The permit requires a monitoring plan, inspections, and reporting to the department. All phases of construction would be inspected by City staff or City-managed outside inspectors, funded by additional inspection fees charged at the time of permit issuance. Please see the response to Letter 1, Comment 4.</p>
22	<p><u>Pollutant Removal:</u> Stormwater treatment (i.e., water quality) is addressed by the requirements in the 2005 <i>King County Surface Water Design Manual</i>. Chapter 6 of the 2005 Manual addresses water quality options that may be used. There are several options for treatment of site stormwater (e.g., wet vaults and biofiltration swales). Chapter 6 also discusses media filtration, such as storm filters. These measures often are used at multi-family and commercial sites. Additional mitigation measures that could be used, if needed, are presented on page 3-39 of the DEIS.</p>
23	<p><u>Landslide Hazards – General:</u> Please see the response to Letter 4, Comment 18.</p>
24	<p><u>Landslide Hazard – New Construction – Structures:</u> Buildings and other structures would be constructed to meet applicable building codes. Please see the response to Letter 4, Comment 18.</p>
25	<p><u>Landslide Hazard – New Construction – Fill:</u> Page 2-26 of the DEIS (Table 2.7-1) notes that a stability analysis would be conducted prior to construction to confirm adequate factors of safety on hillside cuts and fills, particularly on colluvial soils that are potentially subject to liquefaction. Please see the response to Letter 4, Comment 18.</p>
26	<p><u>Erosion Hazard – Site Clearing:</u> The DEIS (page 3-48) states that the Project would be constructed in phases, which would limit the area of ground disturbance at any one</p>

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	<p>time. Page 3-31 of the DEIS notes that clearing and grading would expose much of the site to rainfall and erosion. Pages 3-48, 3-52, and 3-54 of the DEIS identify construction practices that would reduce the potential for erosion and offsite sediment transport, such as installing silt fences and detention ponds, and protecting exposed slopes and stockpiles from rainfall.</p>
27	<p><u>Landslide Hazard – Adequacy of Existing Borings:</u> Page 3-42 of the DEIS notes that information derived from published geologic maps was used to verify the findings of test pits and exploratory borings previously conducted at the site (Terra Associates 1990) and of the more recent geological reconnaissance of the site. The DEIS states that the colluvial soils in the northwest corner of the site have a high landslide potential (page 3-44) but that the upper slopes appear stable. The DEIS also notes that stability analyses would be needed during final design to confirm the stability of the new construction, particularly in the area identified as a potential landslide hazard (page 3-51). See Section 3.5 of the FEIS for additional information about subsequent site reconnaissance.</p>
28	<p><u>Vacation of 136<sup>th</sup> Street SW:</u> The Applicant does not propose to vacate 136<sup>th</sup> Street SW and the City would not require a street vacation to install and maintain the retaining wall tie-back systems. This work can be conducted with an easement; the vacation language has been deleted. See Section 3.5 of the FEIS.</p>
29	<p><u>DEIS versus Engineering Design Studies:</u> The EIS process is intended to evaluate a schematic design and identify significant adverse impacts associated with the Project. Further engineering design studies would refine Project engineering details; such studies would not be expected to identify new or substantially more severe adverse impacts.</p> <p>For example, the DEIS states that cantilevered soldier pile walls may be needed to support the hillside. The final design engineering would determine the size of the structural steel members for use in the wall and the spacing of the soldier piles. These specific design details would not affect the conclusion of the DEIS that walls may be needed for hillside support. The Project would be designed to meet all applicable State and local building codes. Studies required to issue a building permit would be part of the public record. The design would be reviewed for consistency with the studies. The City must be satisfied that the design adequately addresses building code issues before issuing the permit.</p>
30	<p><u>DEIS Treatment of Plants and Animals Element of the Environment:</u> Plants and animals are addressed in Section 3.4 of the DEIS. Section 3.3.3 of the Washington Department of Ecology’s State Environmental Policy Act (SEPA) Handbook states that under SEPA guidance, “an EIS describes the existing environment that will be affected by the proposal, analyzes significant adverse environmental impacts of each alternative, and discusses reasonable mitigation measures. This discussion should be concise, not overly detailed, and should focus on those elements of the environment that will be significantly impacted.” To this effect, the discussion of plants and animals is not meant to include an exhaustive list of plant and animal species that might occur on the Project site. Section 3.4 of the DEIS provides a description of the general vegetation and wildlife on the site, and focuses on species that are of particular concern, as identified by state or federal resource agencies. Numerous sources were relied on to prepare Section 3.4 of the DEIS, including the results of three wildlife and habitat surveys conducted at the site, resource-specific technical studies, and federal and state</p>

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	<p>databases. These sources are cited in Section 3.4 and Chapter 4.0 (References), and are incorporated into the DEIS by reference. Habitat and wildlife studies conducted specifically for this Project include information on the study methodologies used in those technical reports. Section 3.4 of the DEIS summarizes information from these cited sources, and they may be referred to directly for further detail.</p> <p><u>Green Corridors</u>: The comment is noted.</p> <p><u>Primary Source Interview Data</u>: The sources described above and in Section 3.4 of the DEIS (Project-specific surveys, technical studies, and state and federal databases) are standard sources for collecting data on plants and wildlife species, especially threatened and endangered species, for evaluation in environmental documents such as an EIS. Using these types of sources provides a systematic approach to collecting pertinent data. It is not standard practice to interview the general public to obtain these data as such data would not have been systematically collected, and would be considered anecdotal. However, testimony provided by citizens at public hearings or submitted as public comments regarding plants and animals observed is included in the SEPA public record for the proposed Project, and would be used as a basis for additional review if warranted.</p>
31	<p><u>Birds Listed in DEIS</u>: See the response to Letter 4, Comment 30. Blue herons, eagles, and pileated woodpeckers are addressed in Section 3.4.1.6 (Threatened, Sensitive and Endangered Species) of the DEIS.</p>
32	<p><u>Mammals Addressed in DEIS</u>: See the response to Letter 4, Comment 30.</p>
33	<p><u>Reptiles and Wetland Associated Species Addressed in DEIS</u>: See the response to Letter 4, Comment 30.</p> <p><u>Western Pond Turtle</u>: As discussed in Section 3.4 of the DEIS (page 3-62), in Washington, the western pond turtle generally occurs in natural rivers or stream bodies below 300 feet in elevation in habitats not subject to human disturbance, and is sometimes associated with ponds or small lakes. The turtles overwinter in upland areas up to 1,640 feet from water and require open areas dominated by grasses and herbaceous vegetation for nesting. These habitats are not present on the Project site, the last sighting of this species (an individual occurrence) in the vicinity of the Project occurred in 1988 approximately 1.41 miles north-northeast of the site, and there have been no recent sightings in the Project vicinity; therefore, it is highly unlikely that this species would occur on the Project site.</p>
34	<p><u>Fisheries, Impacts and Mitigation</u>: The DEIS discusses impacts on fisheries (Section 3.4) associated with increased runoff from impervious surfaces that would be installed as part of the Project. Mitigation measures described in Sections 3.4.2 and 3.5.3 of the DEIS would reduce impacts on fish habitat to minor levels, but would not entirely eliminate them.</p>
35	<p><u>Mitigation for Removal of Large Trees used by Bald Eagle and Pileated Woodpecker</u>: The Project is vested under the 1990 King County Code (KCC) and is not required to retain such trees. While Project construction would displace these bird species, they would most likely relocate to the adjacent mature forests within Seahurst Park.</p>

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36	<u>Loss of Green Corridors</u> : The proposed Project is sited at the edge of Seahurst Park and would not bisect the corridor; the continuity of that habitat would remain intact.
37	<u>EIS Treatment of Wildlife, Impacts and Required Mitigation</u> : See the responses to Letter 4, Comments 30 to 34, regarding the treatment of wildlife, information sources, and methodology in the DEIS.
38	<u>Regulatory Agency (e.g., U.S. Army Corps of Engineers) Involvement Regarding Wetlands</u> : The Washington State Department of Ecology, Fish and Wildlife, and Natural Resources are the primary State agencies with regulatory authority over wetlands in Washington State under various statutes. The DEIS describes the U.S. Army Corps of Engineers' (Corps') regulatory jurisdiction over wetlands on the Project site in Section 3.5.
39	<p><u>Mitigation for Potential Impacts on Wetlands</u>: The Project is vested under the February 1990 KCC. Section 3.5 of the DEIS states that the February 1990 KCC permits disturbance or alteration of wetland habitat if the wetland does not serve any characteristic functions or if the proposed development would preserve or enhance wetland functions. The proposed Project would not displace any wetlands. Additional measures described in Section 3.5.3 of the DEIS are incorporated to preserve wetland functions both during and after construction. In addition, although the Project is vested under the February 1990 KCC, the Applicant has voluntarily included wetland buffers (a 50-foot buffer and additional 15-foot building setback) as required under the September 1990 KCC. The Corps does not regulate wetlands buffers.</p> <p><u>Monitoring and Enforcement of Wetland Protection</u>: Please refer to the response to Letter 4, Comment 21.</p>
40	<p><u>Easements</u>: Easements may be needed to access the site and to construct retaining walls and sewer lines. Some of these easements may be temporary or may not be required, depending on negotiations and the final design. Lease arrangements for off-site storage of equipment also might be necessary. Please refer to page 3-33 of the DEIS for information on retaining wall-related easements; page 3-48 for access-related easements and lease arrangements; and page 3-127 for sewer line easements.</p> <p><u>Variances</u>: At the present time, no land use variances are needed to permit development.</p> <p><u>Future Enforcement</u>: The Applicant must comply with all current, applicable regulations related to health and safety. These include City building and safety codes and the Americans with Disabilities Act. The Applicant has agreed to comply with the 2005 <i>King County Surface Water Design Manual</i>. Permit conditions would be enforced by the City of Burien and other responsible agencies.</p>
41	<u>Guest Parking</u> : The DEIS bases the numbers of required parking spaces for Emerald Pointe on the requirements of the 1990 KCC; this code does not distinguish between resident and guest parking spaces, but combines users in a single spaces-to-unit ratio. KCC Section 21.50.040, in effect at the time of vesting, requires 1.5 off-street parking spaces per multi-family dwelling unit. Based on the numbers of parking spaces and units shown in the DEIS for Alternatives 1 and 2, the proposal includes a ratio of approximately 1.75 off-street parking spaces per dwelling unit. Please refer to pages 2-

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	2, 2-9, and 2-15 of the DEIS for information on the numbers and types of parking spaces provided.
42	<u>Sewage Disposal</u> : The Applicant received a Certificate of Sewer Availability (CSA) from the Southwest Suburban Sewer District (SWSSD) on April 2, 2007, stating that the SWSSD has adequate sewage disposal and treatment capacity to accommodate the proposed Project. The CSA did not note any concerns with the capacity of the sewer main. The CSA states that a sewage easement and satisfactory completion of a sewer extension would be required as part of the future permit approval process.
43	<u>Light Impacts on Birds</u> : Project lighting would be shielded and directed downward and any adverse impacts would be minor.
44	<u>Transmission Tower Impacts on Birds</u> : No transmission towers or antennae are proposed as part of this Project. The adverse impacts of incidental residential antennae on local bird species would be minor.
45	<u>Construction Noise</u> : Section 3.8 of the DEIS states that the action alternatives are subject to Title 9.105.400 of the Burien Municipal Code (BMC), which regulates sound that creates a public disturbance. Due to the Project's adjacency to a park of regional significance, the Project is also subject to BMC Section 12.30.110, which requires a noise mitigation plan prior to construction. Construction permits issued by the City of Burien also may be conditioned to place additional limits on noise production, such as limited hours of operation or prohibitions on particular activities. See Section 3.8.3 of the DEIS for recommended mitigation measures. Section 3.8.2 of the DEIS notes that noise levels created by the proposed development would be typical for a development of this size and would not constitute a significant impact.
46	<u>Parks and Recreation Mitigation</u> : The Project is vested to the 1990 KCC, which did not require payment of a park impact fee or similar financial contributions to the park system. Section 3.9.2 of the DEIS analyzed impacts on parks using the City's current level of service standards as guidance and concluded that the proposed on-site recreation facilities and trail connections to Seahurst Park would meet the increased recreation demand created by the Project.
47	<u>Schoolchildren</u> : Section 2.1 of the DEIS states that the proposed Project is expected to consist of market-rate condominium residences. The DEIS uses the best available data to estimate the number of school-age children who would live at Emerald Pointe on the Sound. For consistency purposes, the DEIS applies the widely recognized multi-family household student generation factor developed and approved by the Highline Public School District, the receiving school district. As noted on pages 3-120 and 3-121 of the DEIS, based on the available information, the school district would be able to adequately accommodate the increase in student population created by either of the action alternatives.
48	<u>Appropriate Public Services</u> : Section 3.10.2 of the DEIS states that the City of Burien has sufficient law enforcement capacity to respond to the additional demands resulting from the Project under either action alternative.  Section 3.10.2 of the DEIS states that Alternative 1 is expected to create a significant adverse impact on emergency fire response to the site, because the site design does

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	<p>not accommodate the turning radius of fire trucks. Implementation of Alternative 1 would necessitate redesign of internal roadways, prior to permit approval, to accommodate fire equipment and bus access as well as paratransit access, to meet any applicable requirements of the Americans with Disabilities Act. Alternative 2 provides adequate turning radii for fire trucks and buses and would not result in adverse impacts on fire response or accessibility.</p> <p>The City of Burien is responsible for reviewing and approving all plans prior to issuing construction permits for the Project.</p>
49	<p><u>Stability of Project Energy Source:</u> The Applicant must comply with all current health and safety regulations that apply to the Project and site. These include building and safety codes and all other applicable City codes and ordinances. The City of Burien is responsible for reviewing and approving all plans that deal with seismic safety standards, including the design of utility lines.</p>
50	<p><u>Project History:</u> Please see Section 3.1 of the FEIS for additional information.</p>
51	<p><u>DEIS Availability:</u> The City provided several copies of the DEIS to the Burien Library for in-library use. These documents were stolen from the library and the City was not notified of this theft until near the end of the comment period. Free reading copies of the DEIS were also available at Burien City Hall and were available for purchase at a local copy center.</p>
52	<p><u>Public Notice:</u> The City has complied with the required legal notification and its standard procedures for issuance of the DEIS. The City of Burien's standard procedures are based on the KCC, with a few aspects that exceed the KCC:</p> <ol style="list-style-type: none"> <li>1. Posting a minimum of three signs readily observable from adjacent property and adjoining streets (KCC Section 20.44.060). Erecting yellow notice boards in the following locations: on SW 136<sup>th</sup> Street in front of the old Senior Center; on the west side of 12<sup>th</sup> Avenue SW at SW 134<sup>th</sup> Street; and along a trail near the west side of the property adjacent to Seahurst Park.</li> <li>2. Publication of notice in a newspaper of general circulation in the area where the proposal is located (KCC Section 20.44.060), a minimum of 10 days before the hearing [WAC Section 197-11-502(6)(b)]. The notice was published in the City's official newspaper (<i>The Seattle Times</i>) on August 21, 2007, 28 days prior to the DEIS hearing.</li> <li>3. Mailing of notices for a DEIS is not required under KCC Section 20.44.060. However, consistent with City practice, the City mailed notices to all property owners within 500 feet of the boundaries of the property. The City also mailed notices to all "parties of record" from lists dating back to 1996.</li> <li>4. The City posted notice of the DEIS and hearing on its website, although it was not required by code to do so.</li> </ol>

**Letter 5: Melessa Rogers**

1	<p><u>Vested Zoning</u>: See Section 3.6.1.3 of the DEIS for information regarding existing land use, zoning, and vested zoning of the site. See Section 1.3 of the DEIS for information regarding vesting to the 1990 regulations.</p>
2	<p><u>Public Notice</u>: See the response to Letter 4, Comment 52, regarding public notice procedures. The commenter was mailed a notice of the DEIS and hearing, although it appears that it was not delivered by the U.S. Postal Service. The envelope containing the notice was not returned to the City.</p>
3	<p><u>Traffic and Safety</u>: See the responses to Letter 4, Comments 12 and 13.</p> <p><u>Impact on Emergency Services</u>: Fire District #2 believes it can provide adequate service to the Project, as indicated in the DEIS. Adverse impacts on fire services resulting from annexation of the North Highline unincorporated area would be addressed as part of the annexation process.</p> <p><u>Noise</u>: Section 3.8.2 of the DEIS notes that noise levels created by the proposed development would be typical for a development of this size and would not constitute a significant impact.</p>
4	<p><u>Adverse Impacts on Wildlife</u>: The Project would result in both short- and long-term adverse impacts on wildlife within the Project site, including permanent displacement. Impacts of the Project on wildlife are discussed in Section 3.4 of the DEIS.</p> <p><u>Wetlands Buffers</u>: The Applicant has voluntarily included wetland buffers (a 50-foot buffer and additional 15-foot building setback) in the Project design. See the response to Letter 4, Comment 39, for additional information.</p> <p><u>Water Quality</u>: The Project vested in 1990 to the <i>Draft King County Surface Water Design Manual</i> (later finalized as the 1992 <i>King County Surface Water Design Manual</i>); however, the Applicant and the City have agreed to incorporate the 2005 <i>King County Surface Water Design Manual</i> (2005 Manual) standards into the ultimate stormwater infrastructure design for the Project. The stormwater plan is at a conceptual phase. The final building permit process would require a complete set of engineering plans and stormwater reports that meet the standards of the 2005 Manual. No information or studies suggest that the Project would not meet the standards of the 2005 Manual.</p> <p><u>Disruptions to Water Quality and Water Flow</u>: As noted in the DEIS (Section 3.5.2), the Project could affect water quality and water flow to the wetland. Mitigation measures discussed in the DEIS (Section 3.5.3) would minimize but not eliminate these effects.</p>
5	<p><u>Landslide Hazard – Clearing/Grading/New Construction</u>: Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.</p>
6	<p><u>Acquisition of Land as Park</u>: The City's Parks, Recreation and Open Space (PROS) Plan establishes the City's plans for acquiring parks and open space. The current plan, updated in 2006, identified the need to acquire 124 acres of land – 96 acres for active neighborhood and community parks, and 28 acres for open space. The <i>Seahurst Park Master Plan</i> (2002) identifies and prioritizes 34 acres of open space for potential acquisition. In accordance with these two plans, the City has acquired several</p>

**Letter 5: Melessa Rogers**

	properties that were offered by willing sellers. The <i>Seahurst Park Master Plan</i> identifies the Emerald Pointe property as an acquisition priority, but it has not been offered for purchase.
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**Letter 6: Glenn Krantz**

1	<p><u>Impact on Seahurst Park:</u> Seahurst Park is a public park and would be available to the future residents of Emerald Pointe. Use of the park by these residents is not expected to create significant adverse impacts.</p> <p><u>Age of DEIS:</u> The DEIS was published in 2007.</p>
2	<p><u>Traffic Impacts:</u> The effect of the additional trips generated by the proposed Project was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections along Ambaum Boulevard SW to operate below their respective LOS standard. As a result, no mitigation is necessary.</p>

**Letter 7: Stuart Hanney**

1	<p><u>Environmentally Sensitive Areas:</u> Please see the responses to Letter 4, Comment 39, regarding impacts on wetlands. Management of runoff also would be handled as required by applicable regulations. With the implementation of Project mitigation measures, adverse impacts on the wetlands and sensitive areas of Seahurst Park, including North Creek, would be less than significant. Please see Sections 3.2.3 and 3.5.3 of the DEIS for recommended mitigation measures. Please also see Section 3.7 of the FEIS.</p>
2	<p><u>Opportunity for Public Comment:</u> The official period for public comment on the DEIS ran from August 21, 2007, to October 5, 2007. A public hearing was held on September 18, 2007. Additional public hearings are not required.</p>

**Letter 8: Dorothy Shapiro**

1	<p><u>Environmental Impacts of Development:</u> While many nearby residents use trails on the Project site, the site is private property. The property is not owned by the City of Burien and is not part of Seahurst Park. As stated on page 3-64 of the DEIS, the Project would displace 7.4 acres of disturbed second-growth upland forest and low-quality wildlife habitat on the Project site. See Section 3.4 of the DEIS for a description of habitat on the Project site. Removal of this habitat would displace wildlife currently using the site. Please see the responses to Letter 4, Comment 39, regarding impacts on wetlands. No adverse impacts on the shoreline at Seahurst Park are anticipated as a result of the proposed Project.</p>
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**Letter 8: Dorothy Shapiro**

2	<u>Landslide Hazard, Erosion, Drainage, and Settling</u> : Additional investigation of hillside stability would be necessary as part of the building permit process (DEIS pages 3-51 through 3-54). Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
3	<u>Site Selection</u> : While there may be other less constrained pieces of property in Burien that Westmark could choose to purchase and develop, this is a private decision that does not involve the City.
4	<u>Opportunity for Public Comment</u> : Please see the responses to Letter 4, Comment 52 (regarding adequacy of notice), and Letter 7, Comment 2 (regarding scheduling of another hearing).

**Letter 9: Laureen Williams**

1	<u>Wildlife Habitat of Seahurst Park</u> : The proposed Project is located on private property. No construction would take place within Seahurst Park. Please see the response to Letter 7, Comment 1.
2	<u>Sewer System Capacity</u> : The mitigation measure proposed in Section 3.11.3 of the DEIS addresses the issue of increased load to the sewer system: “Formal approval of sewer and water plans shall be received from the appropriate service agencies. (Specifically, final sewer plans would require submittal to the sewer district for approval, based on current codes.)” The Applicant applied to the SWSSD for a CSA. The CSA identifies that sewer capacity is available. The CSA also identifies the upgrades necessary to receive sewer service. The CSA describes additional upgrades to an existing pump station and other improvements. As part of these upgrades, the current lines serving the site would be upgraded according to the SWSSD codes and approval requirements.
3	<u>Impacts on Seahurst Park</u> : Please see the response to Letter 7, Comment 1.

**Letter 10: Chris Freeman**

1	<u>Impacts on Neighborhood</u> : The comment is noted.
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**Letter 11: Lori Toth**

1	<u>Watershed Impacts</u> : Please see the response to Letter 7, Comment 1.
2	<u>Opportunity for Public Comment</u> : Please see the response to Letter 7, Comment 2.

**Letter 12: Laura Peters and Gregg Bafundo**

1	<p><u>Impacts on Habitat and Amenities:</u> The Project site is not part of Seahurst Park, but it is private property, and no changes to the Park are proposed. With the implementation of mitigation measures, adverse impacts of the proposed Project on Seahurst Park would be less than significant. Please see the response to Letter 7, Comment 1.</p>
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**Letter 13: William F. Vukonich**

1	<p><u>Loss of Green Areas:</u> Please see the responses to Letter 4, Comment 52; Letter 5, Comment 6; and Letter 8, Comment 3.</p>
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**Letter 14: Nancy Hogue**

1	<p><u>Traffic Impacts:</u> The operational analysis in the DEIS accounts for future growth in the City. Even with the expected growth and the traffic generated by the proposed development, all study area intersections would operate within their LOS standards.</p> <p><u>Wetlands and Streams:</u> Please see the response to Letter 7, Comment 1.</p> <p><u>Loss of Animal Habitat and Green Areas:</u> The Project would result in both short- and long-term adverse impacts on wildlife on the site, including permanent displacement by the proposed development. Impacts of the Project on wildlife are discussed in Section 3.4 of the DEIS. Please see the responses to Letter 5, Comment 6, and to Letter 8, Comment 3.</p>
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**Letter 15: Bea Gomez**

1	<p><u>Hillside Stability – Lateral Support to Building 10 Sound Vista Condominiums:</u> Distress to the driveway south of Building 10 at the Sound Vista Condominiums is caused by loose fill in the steep embankment that was constructed for the roadway. The southwest corners of buildings 7, 10, and 12 also may be partially supported on fill. The proposed construction at Emerald Pointe would include placing fill adjacent to the slopes below Sound Vista, and the new fill may provide some lateral support to the adjacent uphill slopes of the Sound Vista property. As stated in the DEIS (page 3-51), additional stability analyses would be required to ensure the adequacy of the proposed construction. Because vibrations from construction equipment may cause the loose fill underlying the roadways (and possibly the corners of buildings 7, 10, and 12) to settle, photographic and damage surveys would be conducted on the adjacent properties prior to construction to document the condition of the existing buildings and roadways as a basis for determining any construction-related damage. These details would be addressed as part of the City's review of final design. See the responses to Letter 4, Comments 18 and 24–26.</p>
2	<p><u>Impacts on Habitat:</u> In response to wetlands and runoff, please see the response to Letter 7, Comment 1. With the implementation of applicable mitigation measures,</p>

**Letter 15: Bea Gomez**

	adverse impacts of the proposed Project on Seahurst Park would be less than significant. The Applicant would be responsible for undertaking all mitigation identified in Table 2.7-1 of the FEIS. See Sections 3.7.3, 3.8.3, and 3.10.3 of the DEIS for recommended mitigation measures associated with aesthetics, light, and glare; noise; and public services.
3	<u>Pedestrian and Vehicular Safety</u> : Please see the response to Letter 4, Comment 13, for information on the traffic accident mentioned. As stated in the DEIS, construction vehicles would access the site from SW 136 <sup>th</sup> Street and Ambaum Boulevard SW. No adverse impacts on SW 134 <sup>th</sup> Street and 12 <sup>th</sup> Avenue SW are expected. A Construction Traffic Management Plan would require that the contractor maintain safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.
4	<u>Impacts on Habitat and Amenities</u> : Please see the responses to Letter 5, Comment 6, and to Letter 8, Comment 3.  <u>Use of current information</u> : The DEIS was written in 2007 using both information obtained in the 1990s and information obtained more recently.

**Letter 16: George Thornton**

1	<u>DEIS Alternatives</u> : Under State law, the alternatives reviewed in the DEIS must meet the Applicant's objectives. The Applicant can choose to consider other uses of the property, but has chosen not to.  Below-grade parking has been incorporated into the alternatives to limit the amount of impervious surface created on the site, thereby reducing stormwater runoff and increasing potential groundwater recharge.  Discussion of reuse of the former Burien Heights School property is outside the scope of this EIS.
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**Letter 17: Gary McAvoy**

1	<u>Impacts on Seahurst Park</u> : With the implementation of mitigation measures, adverse impacts of the Project on Seahurst Park would be less than significant. Please see the response to Letter 7, Comment 1.
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**Letter 18: Rebecca Dare and Bill Opferman**

1	<u>Opportunity for Public Comment</u> : Please see the response to Letter 7, Comment 2.
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**Letter 19: Michael Willis**

1	<p><u>Significant Short-Term and Long-Term Impacts (on Plants and Wildlife) on the Project Site:</u> The Project would result in both short-and long-term adverse impacts on plants and wildlife, including permanent displacement. Project impacts on plants and wildlife are discussed in Section 3.4 of the DEIS. While the proposed Project would displace plants and wildlife on the Project site, these impacts would not be significant, as they would not affect the continued survival of any threatened or endangered species.</p> <p><u>Mitigation Measures to Prevent Adverse Impacts on Wildlife that Inhabit Seahurst Park:</u> With the implementation of applicable mitigation measures, adverse impacts of the proposed Project on Seahurst Park would be less than significant. See Section 3.4 of the DEIS for more information.</p>
2	<p><u>Mitigation for Impacts on Fish Habitat:</u> Please see the response to Letter 4, Comment 34.</p>
3	<p><u>Pollutant Impacts:</u> Please see the responses to Letter 4, Comment 22.</p> <p><u>Notification to the State Regarding Impacts on State-Listed Species:</u> State agencies, including the Washington Department of Fish and Wildlife, were notified of the DEIS and were among those invited to provide comments through the SEPA process.</p>
4	<p><u>Impacts on Wildlife at Seahurst Park from Short-Term Construction Activities, Including Noise:</u> These impacts are discussed in Section 3.4 of the DEIS and would not be significant.</p> <p><u>Notification to the State Regarding Impacts on State-Listed Species:</u> Please see the response to Letter 19, Comment 3.</p>
5	<p><u>Impacts on Wildlife that Inhabit Seahurst Park:</u> With the implementation of applicable mitigation measures, adverse impacts of the proposed Project on Seahurst Park and wildlife that uses the park would be less than significant. Please see Section 3.4 of the DEIS for more information.</p> <p><u>Notification to Appropriate Federal, State, and Local Agencies Regarding Wildlife Impacts:</u> Please see the response to Letter 19, Comment 3, regarding notification to the State. Applicable local and federal agencies also were notified.</p>

**Letter 20: Michelle Hawkins**

1	<p><u>Burien Vision:</u> The Project would convert undeveloped private property to housing. The Project would not occur on public open space or parkland. The property would continue to accommodate public access to Seahurst Park.</p>
2	<p><u>Upkeep of Existing Buildings:</u> The upkeep of existing buildings is the responsibility of the respective property owners and not related to this Project.</p>
3	<p><u>Pedestrian Safety:</u> Please see the response to Letter 4, Comment 13.</p>

**Letter 20: Michelle Hawkins**

	<u>Increased Traffic</u> : Pleases see the response to Letter 4, Comment 12.
4	<u>Aesthetics, Light, and Glare</u> : Comment noted. The Project would convert undeveloped private property to housing.
5	<u>Achieving Burien Vision</u> : Comment noted. The Project would convert undeveloped private property to housing.
6	<u>Impact on Public Services</u> : Please see the response to Letter 5, Comment 3.
7	<u>Availability of FEIS</u> : All those who commented on the DEIS will be notified when the FEIS is available.

**Letter 21: Cindy Willis**

1	<p><u>Public Notice</u>: The vicinity map included with the DEIS notice contained property lines and public rights-of-way. This is the same type of map as used on all City public notices of development Projects.</p> <p><u>Opportunity for Public Comment</u>: Please see the responses to Letter 4, Comment 52 (regarding adequacy of notice), and to Letter 7, Comment 2 (regarding scheduling of another hearing).</p>
2	<u>Removal of Habitat</u> : The comment is noted. Page 3-66 of the DEIS discloses that 7.4 acres of upland forest and wildlife habitat would be removed.
3	<u>Public Notice</u> : Please see the responses to Letter 4, Comment 52, and to Letter 19, Comment 3. Please refer to Chapter 5 of the FEIS for the FEIS distribution list.
4	<u>Loss of Habitat</u> : The Project site is located on private property and is not part of Seahurst Park or other natural preserve. Please see the responses to Letter 7, comment 1; Letter 19, Comment 3; and Letter 21, Comment 2.
5	<u>Public Notice</u> : Please see the responses to Letter 4, Comment 52, and to Letter 19, Comment 3. Please refer to Chapter 5 of the FEIS for the FEIS distribution list.
6	<u>Impacts on Wildlife During Construction</u> : Please see the response to Letter 5, Comment 4 (wildlife impacts). As indicated in Section 3.2 of the DEIS, the Applicant would prepare a temporary erosion and sediment control (TESC) plan to address construction-related runoff.
7	<p><u>Trillium in Forested Areas on the Project Site</u>: The DEIS describes the removal of 7.4 acres of forest. Any trillium plants and other vegetation growing in these areas also would be removed from the Project site.</p> <p><u>Impacts on Wildlife</u>: Please see the responses to Letter 4, Comment 35, and to Letter</p>

**Letter 21: Cindy Willis**

	5, Comment 4.
8	<u>Acquisition of Land as Park</u> : Eagle Landing Park was offered to the City by a willing property owner for purchase as a park. Emerald Pointe has not been offered to the City for purchase. Please see the response to Letter 5, Comment 6.
9	<u>Noise/Dust</u> : Please see the response to Letter 4, Comment 45, regarding noise.  As indicated in Section 3.2 of the DEIS, the Applicant must provide a TESC plan to the City of Burien that identifies construction-related mitigation measures. The City would review and provide final approval of the TESC plan to ensure that the Project follows BMPs such as covering truck loads and watering dry sites to prevent dust buildup during construction.  The Applicant is required only to mitigate significant adverse impacts identified in the DEIS and FEIS.
10	<u>Legal Settlement</u> : The final outcome of legal issues between the City and Westmark has no bearing on the environmental analysis and future permit decisions for Emerald Pointe.  <u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.

**Letter 22: Alice Goodman**

1	<u>Vesting</u> : The DEIS was written in 2007 using both information obtained in the 1990s and information obtained more recently. Please see the response to Letter 2, Comment 1.
2	<u>Impacts on Seahurst Park and Community</u> : Development at Emerald Pointe would be required to meet all applicable regulations and to undertake mitigation to reduce adverse impacts on Seahurst Park and the community to a less-than-significant level. Please see Section 3.1 of the DEIS for a description of transportation impacts, Section 3.4 for a description of impacts on plants and animals, Section 3.9 for a description of parks and recreation impacts, and Section 3.10 for a description of police services.
3	<u>Noise/Dust</u> : Please see the response to Letter 4, Comment 45, regarding noise. Please see the response to Letter 21, Comment 9, regarding dust.
4	<u>Invasive Plant Species Weed Seeds in Fill Dirt Used for Project</u> : The City has not adopted standards or BMPs relating to transfer of noxious weed seeds in fill. However, prior to issuance of any construction permits, the Applicant would be required to provide the City with a plan to control the possible spread of noxious weeds from imported fill and topsoil. Please see Section 3.6 of the FEIS for additional information.
5	<u>Protection of Wildlife</u> : Regarding the protection of wildlife in non-wetland forest on the Project site, please see the response to Letter 5, Comment 4. Regarding protection of wetland areas (and associated wildlife) on and adjacent to the Project site, please see

**Letter 22: Alice Goodman**

	the response to Letter 4, Comment 39.
6	<u>Impacts on Vegetation</u> : Section 3.4 of the DEIS addresses probable significant adverse environmental impacts and mitigation measures related to plants in the area.
7	<u>Native Plant Salvage</u> : The Applicant has agreed to consider, later in the permitting process, allowing others to salvage native plants.
8	<p><u>Soil Permeability/Percolation</u>: The Applicant and the City have agreed to incorporate the standards of the 2005 <i>King County Surface Water Design Manual</i> (2005 Manual) into the ultimate stormwater infrastructure design for the Project. Earthwork and grading activity on the Project site would likely decrease the permeability of the underlying soil and reduce surface water infiltration. The detention ponds also would be lined to reduce groundwater infiltration and improve hillside slope stability. Impervious surfaces (buildings and pavement) would similarly inhibit surface water infiltration, which would improve hillside stability.</p> <p><u>Wetlands</u>: Please see the response to Letter 4, Comment 39, regarding impacts on wetlands.</p>
9	<u>Off-Site Sediment Transport and Water Quality of Stream</u> : BMPs would be used during construction to minimize erosion and offsite sediment transport (DEIS pages 3-52 through 3-54). Such practices may include minimizing areas of exposed slopes, protecting exposed slopes from rainfall, installing silt fences at the perimeter of the work areas, and installing detention ponds and vaults as the first item of construction to detain site runoff. Use of on-site storage tanks and off-site disposal of water may also be required if the quality of the discharge water does not meet State and local discharge standards. See the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
10	<u>Wetland Protection</u> : No discharge of fill into wetlands or other aquatic resources would occur from this Project. Wetlands on and adjacent to the Project site would be protected by buffers and building setbacks voluntarily incorporated into the Project design by the Applicant. For additional detail regarding wetland buffers, please see the response to Letter 4, Comment 39.
11	<u>Protection of Salmon and Puget Sound, role of Puget Sound Partnership</u> : Please see the responses to Letter 4, Comment 34; Letter 19, Comment 5; and Letter 22, Comment 10.
12	<u>Impacts on Habitat and Amenities</u> : Please see the response to Letter 7, Comment 1.
13	<p><u>Legal Settlement</u>: Please see the response to Letter 21, Comment 10.</p> <p><u>Acquisition of Land as Park</u>: Please see the response to Letter 5, Comment 6.</p>

**Letter 23: Jane Martin**

1	<p><u>Nature of Development:</u> Any time new housing is built next to a park, the City would expect more residents to use the park. Since public parks are for people, the City sees this as positive. At approximately 185 acres, and with nearly 4 miles of trails, Seahurst Park would be able to accommodate future residents of Emerald Pointe. For any park, even for a regional park like Seahurst, the City expects the most frequent users to be the closest neighbors. Frequent users also tend to be the eyes and ears of the park and have been known to report suspicious activity and to perform light trail maintenance and litter collection.</p>
2	<p><u>Conditions in the Park:</u> Please see the response to Letter 23, Comment 1.</p> <p><u>Crime:</u> The proposed Project is not expected to significantly increase crime rates in the City of Burien. Please see Section 3.10 of the DEIS for a description of police services.</p> <p><u>Restroom Facilities:</u> The City does not expect the pattern of use by new residents to be any different than the pattern of use by existing residents. Current restroom use is not a problem and increased park use would not be expected to overwhelm the new restroom when it opens this summer.</p> <p><u>Traffic and Environmental Impacts:</u> The proposed development would be required to meet all applicable regulations and mitigate adverse impacts on Seahurst Park and the community to a less-than-significant level. Please see Section 3.1 of the DEIS for a description of transportation impacts, Section 3.4 for a description of impacts on plants and animals, and Section 3.9 for a description of impacts on parks and recreation.</p>
3	<p><u>Noise/Dust:</u> Please see the response to Letter 21, Comment 9.</p>
4	<p><u>Invasive Plant Species Weed Seeds in Fill Dirt used for Project:</u> Please see the response to Letter 22, Comment 4.</p>
5	<p><u>Park Tour:</u> The comment is noted. Please see the response to Letter 21, Comment 8.</p>
6	<p><u>Protection of Wildlife in Forest and Wetland Areas:</u> Regarding protection of wildlife in non-wetland forest on the Project site, please see the response to Letter 5, Comment 4. Regarding protection of wetland areas (and associated wildlife) on and adjacent to the Project site, please see the response to Letter 4, Comment 39.</p>
7	<p><u>Native Plant Salvage:</u> Please see the response to Letter 22, Comment 7.</p>
8	<p><u>Vegetation Removal, Grading, Stormwater, Wetlands, and Percolation:</u> Please see the response to Letter 22, Comment 8.</p>
9	<p><u>Off-Site Sediment Transport and Water Quality of Stream:</u> Please see the response to Letter 22, Comment 9.</p>
10	<p><u>Wetland Protection, Discharge of Fill into Wetlands:</u> Please see the response to Letter 22, Comment 10. For additional information, please see the response to Letter 4, Comment 39.</p>

**Letter 23: Jane Martin**

11	<u>Protection of Salmon and Puget Sound, Role of Puget Sound Partnership</u> : Please see the responses to Letter 4, Comment 34; Letter 19, Comment 5; and Letter 22, Comment 10.
12	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52, regarding public notice requirements. Although the commenter requested Project updates in 1997–1998, she is not listed on any Project-related mailing lists.
13	<u>Replacement of Property Markers</u> : It is standard practice to require that property lines be surveyed and marked prior to the issuance of the building permit(s).
14	<u>Legal Settlement</u> : Please see the response to Letter 21, Comment 10.  <u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6, regarding purchase of the Emerald Pointe property by the City.

**Letter 24: Nicole A. Riss**

1	<u>Impacts on Seahurst Park</u> : The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park.
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**Letter 25: Laurie Hertzler**

1	<u>Loss of Forest</u> : The comment is noted.
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**Letter 26: Michelle Gaither**

1	<u>Impacts on Seahurst Park and Community</u> : The comment is noted. All comment letters received within the designated comment period will be entered into the public record.
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**Letter 27: Wolfe Schaaf**

1	<u>Contamination Impacts</u> : Please see the response to Letter 4, Comment 22.  <u>Noise</u> : Please see the response to Letter 4, Comment 45, for information on construction-related noise.
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**Letter 28: Allen and Samantha Cassino**

1	<u>Loss of Habitat</u> : The comment is noted.
2	<u>Vesting</u> : Please see the response to Letter 2, Comment 1. See Section 3.6.1.3 of the DEIS for information regarding existing land use, zoning, and Project vesting. Also see Section 1.3 of the DEIS for additional information regarding vesting to the 1990 regulations.

**Letter 29: Theresa Lopez**

1	<u>Project Relocation</u> : The former “Vintage Park Apartments” property is privately owned and the City cannot require redevelopment of the property. The new owner of the property (The Larimar Group) is investing in improvements to the existing apartments, but these would not include commercial buildings.
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**Letter 30: Lori G.**

1	<u>Impacts on Habitat and Amenities</u> : The comment is noted. The proposed development would be located on private property, not in Seahurst Park.
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**Letter 31: Scott and Molly Forman**

1	<u>Map of Project Site</u> : The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. Figure 2.1-1 in the DEIS illustrates the relationship of the proposed Project site to Seahurst Park.
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**Letter 32: Toni Lysen**

1	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52. <u>Emergency Services</u> : Please see the response to Letter 5, Comment 3.
2	<u>Legal Settlement</u> : Please see the response to Letter 21, Comment 10. <u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.

**Letter 33: Sally Hall and Walt Blair**

1	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.
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**Letter 34: Brian Barnes**

1	<p><u>Impacts on Creek:</u> Please see Section 3.2 of the DEIS.</p> <p><u>Impacts on Seahurst Park Road:</u> The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. The DEIS does not identify any probable significant adverse impacts on the park.</p> <p><u>Impacts on Trail:</u> Existing trails that extend from Seahurst Park into the Project site are user-made trails informally established on private property. Alternative 2 has been revised to show retention of the existing trail through the northwest corner of the Project site to trails in Seahurst Park. Please see Section 3.11 of the FEIS for additional information.</p> <p><u>Park Disappearance:</u> The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. The DEIS does not identify any probable significant adverse impacts on the park.</p> <p><u>Development Demographics:</u> Characteristics of residents are expected to be comparable to those of residents in other market rate, multi-family condominium developments in Burien.</p> <p><u>Development Population:</u> The proposed development would have either 201 dwelling units (Alternative 1) or 179 dwelling units (Alternative 2) with an estimated residential population of 400–450 residents.</p> <p><u>New Roads:</u> New access roads would be constructed on the site. Please see Chapter 2.0 of the DEIS for a Project description.</p> <p><u>Construction Schedule:</u> Buildings would be constructed in phases, starting in March 2009 and ending in 2012 or 2013. This schedule differs from the schedule provided in the DEIS (on page 3-48 and elsewhere in the document) since it has been shifted to more accurately reflect the environmental review and subsequent building permit process.</p> <p><u>Noise:</u> Noise resulting from construction activities would be mitigated to less-than-significant levels. Please see Section 3.8 of the DEIS for information on noise and allowable work hours. Please see the response to Letter 4, Comment 45, regarding construction noise.</p> <p><u>Purpose:</u> The SEPA process is intended to address Project-related environment impacts. The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. No significant adverse impacts on the park would occur.</p> <p><u>Developer's History and Legal Settlement:</u> This FEIS responds to questions associated with the environmental review of the proposed alternatives identified in the DEIS. Please see the response to Letter 21, Comment 10, regarding the legal settlement.</p> <p><u>Crime Rates:</u> The proposed Project would not significantly increase crime rates in the City of Burien. Please see Section 3.10 of the DEIS for a description of police services.</p>
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**Letter 34: Brian Barnes**

	<p><u>Gated Community</u>: Vehicle access to the site would be restricted using a gated entry, but pedestrians would be able to access Seahurst Park through the site.</p> <p><u>Low-Income Residents</u>: The proposed Project is a private development project that would consist of market-rate condominium residences.</p>
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**Letter 35: Brian Sepal**

1	<p><u>Permanent Tieback Easements</u>: The proposed site development includes placing fill adjacent to the north property line below the Sound Vista Condominiums. Any cuts in the area would be minimal and not require tiebacks. It is unlikely that the Project would require tieback easements from the Sound Vista Condominiums.</p>
2	<p><u>Parking and Access</u>: The proposed Project would provide on-site parking to meet applicable parking requirements of the February 1990 KCC, to which the Project is vested. This would minimize the impact of parking on adjacent roadways. In addition, internal roadways would be designed to meet City of Burien standards for grades and turning radii and would be able to accommodate emergency vehicles. As is typical in the region, school bus routes would be altered during severe weather conditions to maintain safe operations. Please see the response to Letter 4, Comment 16, regarding emergency access and the response to Letter 4, Comment 17, regarding school bus access.</p>
3	<p><u>Removal of Trees Used for Perching by Eagles</u>: Please see the response to Letter 4, Comment 35.</p> <p><u>Impacts on Wildlife</u>: Please see the responses to Letter 4, Comment 35, and to Letter 14, Comment 1.</p>
4	<p><u>Impacts on Forest</u>: The comment is noted.</p> <p><u>Slope Stability</u>: See Section 3.3 of the DEIS and Section 3.5 of the FEIS for information on slope stability.</p> <p><u>School Property</u>: Please see the response to Letter 16, Comment 1, for information on the school property.</p>

**Letter 36: Melissa and Cecil Casimir**

1	<p><u>Landslide Hazard, Erosion and Drainage</u>: Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.</p>
2	<p><u>Traffic Impacts</u>: Please see the response to Letter 6, Comment 2.</p>

**Letter 37: Janis Freudenthal**

1	<u>Impacts on Seahurst Park and Puget Sound</u> : Each section of Chapter 3 of the DEIS identifies potential direct, indirect, and cumulative impacts on a particular element of the environment and describes proposed mitigation of potential adverse impacts. For some elements of the environment, no significant adverse impacts would result and this is noted in the DEIS.
2	<u>Traffic Impacts</u> : Please see the response to Letter 6, Comment 2.  <u>Pedestrian and Vehicular Safety</u> : Please see the response to Letter 15, Comment 3.
3	<u>Seahurst Park Trail</u> : The comment is noted.  <u>Hillside Stability</u> : Additional investigation of hillside stability would be necessary as part of the building permit process (DEIS pages 3-51 through 3-54). Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
4	<u>Stormwater Capacity</u> : Section 3.2.3 of the DEIS states that stormwater detention would meet design criteria required by the 2005 <i>King County Surface Water Design Manual</i> , including capacity to accommodate the 25-year design storm volume. Please see the response to Letter 1, Comment 4.  <u>Saturation of Landslide-Prone Soils</u> : Please see the response to Letter 1, Comment 6.
5	<u>Landslide Hazard – Off-Site Areas</u> : Mitigating potential adverse impacts on off-site slopes would primarily involve providing lateral support to adjacent uphill properties (see the response to Letter 15, Comment 1), confirming the stability of the proposed fills (see the response to Letter 4, Comment 18), and restricting the contribution of new or additional water to the groundwater or creeks (see the response to Letter 3, Comment 3). The Applicant must comply with all current, applicable regulations related to health and safety, including building codes.
6	<u>Easement for Sewer Line</u> : Please see the response to Letter 4, Comment 42.
7	<u>Pedestrian Access through Site</u> : Please see the response to Letter 34, Comment 1.

**Letter 38: Maureen Ellis**

1	<u>Wildlife Impacts</u> : The potential adverse impacts of the proposed Project on wildlife are analyzed in Section 3.4 of the DEIS.
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**Letter 39: Derrick Muller**

1	<u>Applicable Regulations</u> : The comment is noted. See Section 1.3 of the DEIS for information regarding vesting to the 1990 regulations and Section 3.6.1.3 of the DEIS
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**Letter 39: Derrick Muller**

	for further discussion of vesting regulations.
2	<u>Impacts on Wetlands and Watershed</u> : Please see the response to Letter 7, Comment 1.
3	<u>Pedestrian and Vehicular Safety</u> : Please see the response to Letter 15, Comment 3.
4	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
5	<u>Sewage Outflow</u> : Sanitary sewer inflow and infiltration is part of the ongoing sanitary sewer operations program of the SWSSD. Sealing manhole rims and other programs would address this existing condition and might be a condition of a sewer approval if the SWSSD determined that it is warranted.
6	<u>Seahurst Park</u> : The Emerald Pointe site consists of private property adjacent to, but not part of, Seahurst Park. Please see the responses to Letter 4, Comment 45, and to Letter 12, Comment 1, for information on impacts of the development on the park.
7	<u>Risk of Environmental Damage</u> : The comment is noted.
8	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.

**Letter 40: Marv Jahnke**

1	<u>Project History</u> : Please see Section 3.1 of the FEIS.
2	<u>Landslide Hazard – Third Party Review</u> : Whether or not third-party review is warranted would be addressed at the time the City reviews building permit plans.
3	<u>Landslide Hazard – Approving Body</u> : The City of Burien Building Official would have the final authority on building permits for the Project, including determining needed stability information and/or analyses.  <u>Tieback Easements</u> : Tieback easements may be required from the Highline School District #401. These tiebacks would provide lateral support for the Project access road. Tieback easements may also be needed from the owners of the apartment complex on the south side of the site. However, this would depend on the final grading scheme; if the tiebacks supporting walls along the south boundary line of the property can be installed entirely within the property limits, then an easement in this location would not be necessary.
4	<u>Parks Mitigation</u> : Please see the response to Letter 4, Comment 46.
5	<u>Emergency Access</u> : The fire access issues identified in the DEIS for Alternative 1 would be addressed as part of the Fire Marshal’s future review of building permit(s) and construction plans for the Project. Current standards state that a minimum 20-foot

**Letter 40: Marv Jahnke**

	turning radius must be provided within the Project for fire access, and that the maximum road and driveway grade is 15%.
6	<u>Design Plans/Construction Compliance</u> : The City of Burien is responsible for reviewing the set of building and grading plans and issuing building and grading permits. The City or its designated representative would perform periodic inspections during construction to ensure compliance with the approved building and grading permits.
7	<u>Flood/Erosion Monitoring</u> : As previously noted, the building permit process would require a complete set of engineering plans and stormwater reports that meet the standards of the 2005 <i>King County Surface Water Design Manual</i> . Please see Section 3.5 of the DEIS for information on wetlands.  <u>Corps Involvement</u> : Please see the response to Letter 4, Comment 38.
8	<u>Monitoring of Enforcement of Mitigation</u> : Please see the response for letter 4, Comment 21 and Letter 40, Comment 2.

**Letter 41: Marsha Tersigni**

1	<u>DEIS Alternatives</u> : Please see the response to Letter 16, Comment 1.  <u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.
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**Letter 42: Catherine Aldridge**

1	<u>Landslide Hazard, Erosion, Settling, and Permitting</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; Letter 4, Comments 18 and 24–26; and Letter 15, Comment 1. A clearing and grading permit would be required if clearing were proposed to occur prior to issuance of building permit(s).
2	<u>Impacts on Wildlife</u> : Please see the response to Letter 5, Comment 4.  <u>Removal of Trees Used for Perching, Nesting, and Foraging by Woodpeckers, Eagles, and Peregrine Falcons</u> : Please see the response to Letter 4, Comment 35.
3	<u>Impacts on Fish from Increased Erosion and Runoff, Water Flow</u> : Please see the response to Letter 4, Comment 34. Construction would not proceed over a 10-year period but would take place between 2009 and 2013. Please see the response to Letter 34, Comment 1, for more information.
4	<u>Pedestrian Safety</u> : Please see the response to Letter 4, Comment 13.
5	<u>Noise</u> : Please see the response to Letter 4, Comment 45, for information on

**Letter 42: Catherine Aldridge**

	construction-related noise. Please see the response to Letter 5, Comment 3 for information on post-construction noise.
6	<u>Parks and Recreation Impacts</u> : Please see the response to Letter 4, Comment 46.
7	<u>Development under Current Code</u> : The comment is noted.
8	<u>Legal Settlement</u> : Please see the response to Letter 21, Comment 10.

**Letter 43: Terri Lien**

1	<u>Hillside Stability – Lateral Support to Building 10 Sound Vista Condominiums</u> : Please see the response to Letter 15, Comment 1.
2	<u>Removal of Trees</u> : Please see the response to Letter 4, Comment 35.
3	<u>Removal of Large Trees Used for Perching, Foraging, and Nesting by Owls, Eagles, Woodpeckers, and Peregrine Falcons</u> : Please see the response to Letter 4, Comment 35.  <u>Impacts on Wildlife</u> : Please see the response to Letter 5, Comment 4.
4	<u>Emergency Services Impacts</u> : The potential adverse impacts of the proposed Project on police services are analyzed in Section 3.10 of the DEIS.
5	<u>Opposition to Project</u> : The comment is noted.
6	<u>Public Notification</u> : Please see the response to Letter 4, Comment 52.

**Letter 44: Linda Huddleston**

1	<u>Stormwater Quality and Fisheries</u> : The potential adverse impacts of the proposed Project on stormwater quality and quantity and on fisheries in the area are analyzed in Sections 3.2 and 3.4 of the DEIS.
2	<u>Effect on Hillside from Vegetation Removal</u> : Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.  <u>Noise and Air Quality Impacts on Seahurst Park Wildlife Inhabitants during Construction</u> : Potential off-site impacts on wildlife in Seahurst Park would be minor. Please see the responses to Letter 4, Comment 45; Letter 5, Comment 4; and Letter 12, Comment 1, for additional information.
3	<u>Traffic Impacts</u> : Please see the response to Letter 6, Comment 2.

**Letter 44: Linda Huddleston**

4	<u>Impacts of Increased Park Use</u> : Use of Seahurst Park by residents of the proposed development would not create significant adverse impacts on the park. Please see Section 3.9 of the DEIS for a description of potential parks and recreation impacts. Please see the response to Letter 4, Comment 46.
5	<u>Sewage Overflow</u> : Please see the response to Letter 39, Comment 5.  <u>Impacts of Vegetation on Runoff</u> : Please see the response to Letter 4, Comment 19.

**Letter 45: Linda Huddleston**

1	<u>DEIS Comments</u> : The City of Burien is the decision maker under SEPA and is the local permitting jurisdiction. The DEIS was mailed to the Washington State Departments of Ecology and Fish and Wildlife for review and comment, as well as to other agencies with jurisdiction under SEPA. Neither department submitted comments. The comment period on the DEIS was extended from the typical 30 days to 45 days, pursuant to SEPA and City of Burien regulations. Please see Chapter 5 of the DEIS for information on the DEIS distribution list.
2	<u>Statistics on Salmon Spawning</u> : Please see the response to Letter 44, Comment 1.
3	<u>Noise and Air Quality Impacts on Seahurst Park Wildlife Inhabitants during Construction</u> : Please see the response to Letter 44, Comment 2.
4	<u>Traffic Impacts</u> : Please see the response to Letter 6, Comment 2.
5	<u>Impacts of Increased Park Use</u> : Please see the response to Letter 44, Comment 4.

**Letter 46: William Tan**

1	<u>Impacts on Habitat and Amenities</u> : Please see the response to Letter 7, Comment 1.
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**Letter 47: Paula O'Neill**

1	<u>Impacts on Habitat and Amenities</u> : Please see the responses to Letter 4, Comment 35, and to Letter 7, Comment 1.
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**Letter 48: M. E. Ellis**

1	<u>Vesting</u> : Please see the response to Letter 2, Comment 1. See Section 1.3 of the DEIS about vesting to the 1990 regulations.
2	<u>Pollution</u> : Air quality impacts were determined to be less than significant and were not included within the scope of the DEIS. Various local and state regulations would mitigate anticipated effects.
3	<u>Pump Station</u> : Please see the response to Letter 9, Comment 2.
4	<u>Hillside Stability – Lateral Support to Building 10 Sound Vista Condominiums</u> : Please see the response to Letter 15, Comment 1.
5	<u>Groundwater</u> : Please see the responses to Letter 4, Comment 39, related to wetland impacts and to Letter 5, Comment 4, related to water quality.
6	<p><u>Removal of Bird Habitat (General)</u>: Please see the responses to Letter 4, Comment 35, and to Letter 5, Comment 4.</p> <p><u>Threatened and Endangered Species, Spotted Owl, Marbled Murrelet</u>: As discussed in the DEIS (page 3-61), Washington Department of Fish and Wildlife records do not list the spotted owl or marbled murrelet as potentially occurring on the Project site, and no sightings of these species have been documented. Section 3.4 of the DEIS discusses impacts on State- and federally listed wildlife species potentially occurring on or near the Project site, including the bald eagle, pileated woodpecker, and peregrine falcon.</p>
7	<p><u>Forest Habitat Benefits Lost – Air Quality, Wildlife Use</u>: Please see the response to Letter 5, Comment 4, regarding wildlife use and to Letter 5, Comment 6, regarding recreation use and status.</p> <p><u>Use of Trails/Property by Neighborhood Residents</u>: Please see the response to Letter 34, Comment 1.</p>
8	<u>Views, Noise, Pollution</u> : Please see the response to Letter 4, Comment 43, regarding light and glare; Letter 5, Comment 6, regarding private property development; and Letter 4, Comment 45, for information on construction-related noise. Please see the response to Letter 4, Comment 43, regarding noise generated by the completed development. See Section 3.7 of the DEIS for information regarding aesthetics.

**Letter 49: Mike and Allison Dostert**

1	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
2	<u>Impacts on Seahurst Park, Local Wildlife and Habitat, and Marine Habitat</u> : The proposed development Project would result in both short- and long-term impact impacts on wildlife within the Project site. With the implementation of applicable mitigation measures, adverse impacts of the proposed development Project on Seahurst Park, including wildlife, off-site streams, and salmon habitat would be less than significant. No

**Letter 49: Mike and Allison Dostert**

	<p>adverse impacts on the shoreline at Seahurst Park are anticipated as a result of the proposed Project.</p> <p><u>Stormwater:</u> Both stormwater detention requirements and temporary and permanent erosion control are addressed in the 2005 <i>King County Surface Water Design Manual</i>. There is no information from the existing studies that suggests that the Project would not meet the standards of the 2005 Manual. While runoff from the site would enter the north creek basin, it would not have a significant adverse impact on the stream. The final building plans might require tightlining stormwater discharge in pipes to reduce erosion. See Section 3.4 of the FEIS.</p> <p><u>Landslides:</u> Please see the response to Letter 3, Comment 3.</p> <p><u>Water Quality:</u> Please see the response to Letter 4, Comment 22.</p>
3	<p><u>Public Notice:</u> Please see the response to Letter 4, Comment 52, regarding notification procedures. The FEIS will be posted on the City's website.</p>

**Letter 50: David Athearn**

1	<p><u>Impacts on Habitat and Amenities:</u> The comment is noted. The Project is legally vested under the 1990 KCC in force at the time of application.</p>
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**Letter 51: Kathi Butler**

1	<p><u>Damage to Street:</u> Please see the response to Letter 4, Comment 4.</p> <p><u>Traffic Impacts:</u> Please see the response to Letter 4, Comments 11, 12, and 14.</p> <p><u>Pedestrian Safety:</u> A Construction Traffic Management Plan would require the contractor to maintain safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. Please see the responses to Letter 4, Comments 2 and 13, for additional information regarding pedestrian safety. See Section 3.3 of the FEIS.</p> <p><u>Traffic Congestion:</u> Due to the site's proximity to the signalized intersection at SW 136<sup>th</sup> Street/Ambaum Boulevard SW, it is expected that most of the Project traffic would use this intersection and travel south on Ambaum Boulevard SW, rather than traveling on 12<sup>th</sup> Avenue SW. This route is expected to be quicker and more convenient and the Project would not significantly affect 12<sup>th</sup> Avenue SW.</p> <p>The operational analysis in the DEIS accounts for future growth in the City. Even with the expected growth and the traffic generated by the proposed Project, all study area intersections would operate within their LOS standards.</p>
2	<p><u>Stormwater Impacts:</u> The comment is noted. Please see the response to Letter 4,</p>

**Letter 51: Kathi Butler**

	Comment 22, regarding stormwater contaminants.
3	<u>Landslide Hazard and Erosion</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
4	<u>Landslide Hazard and Erosion</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 3, Comment 3, and to Letter 4, Comments 23–26.
5	<u>Neighborhood Impact</u> : Section 3.8.2 of the DEIS notes that noise levels created by the proposed development would be typical for a development of this size and would not constitute a significant impact. Section 3.7.3 of the DEIS identified mitigation measures that would decrease impacts of lighting on the surrounding neighborhood.
6	<u>Removal of Large Trees</u> : Please see the response to Letter 4, Comment 35. The Project is vested under 1990 regulations. Current City of Burien zoning regulations, including BMC Chapter 19.25, do not apply to the Project. See Sections 1.3 and 3.6.13 of the DEIS for additional information.  <u>Invasive Species Encroachment into Seahurst Park</u> : Please see the response to Letter 22, Comment 4. See Section 3.4.3 of the DEIS for information on landscape maintenance and mitigation measures.
7	<u>Wildlife, Wildlife Trails</u> : Please see the response to Letter 5, Comment 4.  <u>ESA-Listed Species</u> : Please see the response to Letter 4, Comments 30–34 and 37.
8	<u>Property Ownership</u> : The Project site consists of three parcels: 7835800252, 7835800280, and 7835800310. According to King County records, all are owned by Westmark Emerald Pointe LLC.
9	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.  <u>Acquisition of Land as Park</u> : The comment is noted. Please see the response to Letter 5, Comment 6.

**Letter 52: Judy Healy**

1	<u>Birds and Wildlife Affected by the Project; Greenbelt</u> : Please see the responses to Letter 4, Comment 36, and to Letter 5, Comment 4.  <u>Sinkhole</u> : Please see the response to Letter 15, Comment 1.  <u>Wetlands</u> : Please see the response to Letter 7, Comment 1.  <u>Impact on Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.
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**Letter 52: Judy Healy**

2	<p><u>Traffic Congestion</u>: The effect of Project-generated trips was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections along Ambaum Boulevard SW to operate below their respective LOS standards.</p> <p>Due to the site's proximity to the signalized intersection at SW 136<sup>th</sup> Street/Ambaum Boulevard SW and proposed access from SW 136<sup>th</sup> Street, most of the Project traffic would use this intersection and travel south on Ambaum Boulevard SW, rather than traveling on 12<sup>th</sup> Avenue SW. This route is expected to be quicker and more convenient and the Project would not significantly affect 12<sup>th</sup> Avenue SW.</p> <p><u>Impact on Parking</u>: During construction, designated parking areas would be provided on-site for workers to minimize adverse impacts on the roadways adjacent to the site. After the Project is completed, parking for residents and guests would be provided on-site. Please see the response to Letter 4, Comment 41.</p>
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**Letter 53: Diane Henderson**

1	<p><u>Sewage Treatment System Capacity</u>: Please see the response to Letter 9, Comment 2.</p> <p><u>Backup Systems for Sewage Handling</u>: Sewage handling equipment would meet applicable codes. Please see the responses to Letter 9, Comment 2, and to Letter 39, Comment 5.</p>
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**Letter 54: Diane McLaughlin**

1	<p><u>Environmentally Sensitive Areas</u>: Please see the response to Letter 7, Comment 1.</p>
2	<p><u>Regulatory Agency (e.g., Corps) Involvement regarding Wetlands</u>: The DEIS describes the Corps' regulatory jurisdiction over wetlands on the Project site in Section 3.5.</p>
3	<p><u>Growth Management Act (GMA)</u>: The Project complies with the GMA by encouraging new development to take place within the designated Urban Growth Area of Burien where transportation, utilities, and other public services can be more efficiently and economically provided.</p>
4	<p><u>Federal Endangered Species Act – Listed Species</u>: Section 9(a) of the Endangered Species Act of 1973, as amended (the Act) prohibits the take for listed species without special permit. ("Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect or the attempt to engage in such activities. Harass is defined as actions that create the likelihood of injury to such an extent to significantly disrupt normal behavior patterns that include but are not limited to breeding, feeding, or sheltering." Under the Act, all activities occurring on public or private land on which any federal listed species might exist are prohibited from adversely affecting the federally listed species or its/their habitat. Section 3.4 of the DEIS evaluates potential impacts on federally listed</p>

**Letter 54: Diane McLaughlin**

	threatened and endangered species potentially present on the Project site and concludes that no federally listed species are known to occur.
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**Letter 55: David and Lori Tuben**

1	<p><u>Traffic Congestion</u>: Since all study area intersections would operate within their LOS standards, no significant adverse traffic impacts are anticipated. Please see Section 3.1 of the DEIS for information on traffic impacts.</p> <p><u>Development Density</u>: The comment is noted. Proposed residential density is within the limits permitted under the February 1990 KCC. Please see Section 3.6.1.3 of the DEIS for information on applicable zoning and Section 1.3 for information on Project vesting.</p>
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**Letter 56: Alissa West**

1	<u>Forest, Wildlife, Use of Property by Neighborhood Residents</u> : Comment noted. Please see the response to Letter 5, Comment 4.
2	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52, regarding notification procedures.
3	<u>Landslide Hazard – General</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
4	<u>Sewage Plans</u> : Final sewer plans would require submittal to the sewer district for approval, based on current codes. Please see the response to Letter 9, Comment 2, for information on sewer capacity.
5	<u>Invasive Plant Species Weed Seeds in Fill Dirt Used for Project</u> : Comment noted. Please see the response to Letter 22, Comment 4.

**Letter 57: Petition (multiple signatories)**

1	<u>Land Instability</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
2	<u>Health and Safety of Residents</u> : Public safety issues are analyzed in Section 3.10 of the DEIS. The proposed single vehicular access point to the Project was not identified by either the King County Sheriff or Fire District 2 as an adverse impact requiring mitigation.

**Letter 57: Petition (multiple signatories)**

3	<p><u>Endangered Species</u>: Section 3.4.2 of the DEIS addresses impacts on legally protected species (State- and federally listed species). No impacts on protected species are anticipated as a result of the proposed development Project.</p>
4	<p><u>Stormwater Impacts</u>: Stormwater treatment (i.e., water quality) would meet standards identified in the 2005 <i>King County Surface Water Design Manual</i>. Please see the response to Letter 4, Comment 22.</p> <p><u>Wetland Contamination</u>: Please see the response to Letter 4, Comment 22.</p> <p><u>Wastewater Treatment</u>: Section 3.11.2 of the DEIS addresses impacts on utilities, including wastewater (sewer). Please see the response to Letter 4, Comment 42, for additional information on sewage disposal.</p>

**Letter 58: R. W. Thorpe**

1	<p><u>Retaining Walls</u>: This response to public comments is noted.</p>
2	<p><u>Transportation/Site Access</u>: This response to public comments is noted.</p>
3	<p><u>Posting and Distribution of Public Notice</u>: This response to public comments is noted.</p>
4	<p><u>Zoning</u>: This response to public comments is noted. In fact, the site comprises three parcels, two zoned RM-1800 and one zoned RM-2400.</p>
5	<p><u>Sewer Infrastructure</u>: This response to public comments is noted.</p>
6	<p><u>Sewer Infrastructure</u>: This response to public comments is noted.</p>
7	<p><u>Storm Drainage</u>: This response to public comments is noted.</p>
8	<p><u>Storm Drainage</u>: This response to public comments is noted.</p>
9	<p><u>Storm Drainage</u>: This response to public comments is noted. See Section 3.3.2 of the DEIS.</p>
10	<p><u>Storm Drainage</u>: The adjacent wetland does have a connection to salmonid habitat areas below the site. However, measures to minimize effects of the proposed Project on aquatic resources downslope are incorporated into the Project design. Please see the responses to Letter 4, Comment 39. The DEIS discusses impacts on fisheries (Section 3.4) associated with increased surface runoff from impervious surfaces installed as part of the Project. Mitigation measures described in Sections 3.4.3 and 3.5.3 of the DEIS would reduce impacts on fish habitat to minor levels, but would not entirely eliminate them.</p>
11	<p><u>Storm Drainage</u>: This response to public comments is noted.</p>

**Letter 58: R. W. Thorpe**

12	<u>Liquefaction/Soil Instability</u> : This response to public comments is noted.
13	<u>Public Services</u> : This response to public comments is noted.
14	<u>Trail Impact/Loop Disruption</u> : This response to public comments is noted. Please see Section 3.11 of the FEIS for additional information.

**4.4 Responses to Public Hearing Comments**

This section provides responses to the comments made at the September 18, 2007, public hearing on the DEIS. The public transcript documents the comments made at the hearing (refer to Appendix A of the FEIS to read public transcript comments). As described previously, comments that express an opinion or preference are acknowledged with a response that indicates the comment is “noted” and will be directed to appropriate decision makers, if applicable. Where a comment requests additional information, clarifications, or corrections, the response provides an explanation of the approach to the analysis or other technical information necessary to address the comment.

**Public Transcript: Catherine Aldridge**

1	<u>Landslide Hazard – General</u> : Please see the response to Letter 8, Comment 2 regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
2	<u>Clearing and Grading Permits</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. A clearing and grading permit would be required if clearing were proposed to occur prior to issuance of the building permit(s).
3	<u>Erroneous Directions</u> : The comment does not identify where these errors are located. The text has been searched and these errors have not been located.

**Public Transcript: Terrence Heil**

4	<u>Seahurst Park Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.
---	--

**Public Transcript: Bea Gomez**

5	<u>Hillside Stability – Lateral Support – Building 10 Sound Vista Condominiums</u> : Please see the response to Letter 15, Comment 1.
6	<u>Use of Land as Park</u> : The Project site is privately owned and is not part of Seahurst Park. The City cannot prohibit development of private property in order for the property to be used for public park land. Please see the response to Letter 5, Comment 6.

**Public Transcript: Jim Anzalone**

7	<u>Seahurst Park Trails</u> : Please see Section 3.11 of the FEIS for additional information.
8	<u>Impacts of Increased Park Use</u> : Please see the response to Letter 44, Comment 4.
9	<u>Pollutant Removal</u> : Please see the response to Letter 4, Comment 22.

**Public Transcript: Sheryl Knowles**

10	<u>Impacts on Habitat and Amenities</u> : The comment is noted.
11	<u>Stormwater Quantities</u> : Please see the response to Letter 1, Comment 4, for the response regarding stormwater detention requirements. Please see the response to Letter 4, Comment 19, for the response regarding the impact of tree removal on runoff quantities.

**Public Transcript: Cindy Willis**

12	<u>Public Notice</u> : Please see the response to Letter 21, Comment 1, regarding the vicinity map included with the public notice; the response to Letter 4, Comment 52, regarding adequacy of notice; and the response to Letter 7, Comment 2, regarding scheduling of another hearing.
13	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6 regarding acquisition of the Project site and the response to Letter 7, Comment 1, regarding critical areas.
14	<u>Additional Public Hearings</u> : The City has complied with public hearing requirements associated with issuance of a DEIS. The City accepted written comments until the end of the designated comment period. Please see the response to Letter 7, Comment 2.
15	<u>Opposition to the Project</u> : The comment is noted.

**Public Transcript: Cindy Miller**

16	<p><u>Water Quality and Salmon</u>: Potential Project impacts on water quality in North Creek and on salmon habitat in the creek and nearshore habitat would be related primarily to potential erosion and off-site sediment transport (increased sediment in streams could degrade salmon spawning habitat and clog the gills of fish), and to stormwater runoff from new impervious surfaces. The Project incorporates measures to avoid, minimize, or mitigate potential impacts on water quality and salmon habitat. Responses to other comments address these issues. Please see the responses to Letter 1, Comments 4–6, and Letter 22, Comments 9 and 10.</p>
17	<p><u>Environmental Organizations</u>: The comment is noted.</p>
18	<p><u>Pedestrian Safety</u>: The 1,178 daily trips described in the DEIS refers to the number of daily trips associated with buildout of the proposed Project and not to the number of heavy-vehicle trips generated by the construction activity. Most of these trips would be passenger car trips generated by residents of Emerald Pointe. The effect of these trips was evaluated in the Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections to operate below their respective LOS standard.</p> <p>In addition, a Construction Traffic Management Plan would require that the contractor maintain safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.</p>
19	<p><u>Public Notice</u>: Please see the response to Letter 4, Comment 52. Currently, City public notices are not printed in Spanish or other languages besides English.</p>

**Public Transcript: Melessa Rogers**

20	<p><u>Current Zoning</u>: Please see Section 3.6.1.3 of the DEIS for information regarding land use, zoning, and Project vesting. Also see Section 1.3 for additional vesting information.</p>
21	<p><u>Vesting</u>: Please see the responses to Letter 2, Comment 1, and to Public Transcript Comment 20.</p>
22	<p><u>Public Notice</u>: Please see the response to Letter 4, Comment 52, regarding notification procedures. The commenter was mailed a notice of the DEIS and hearing, although it appears that it was not delivered by the U.S. Postal Service. The envelope containing the notice was not returned to the City.</p>
23	<p><u>Traffic Impacts and Pedestrian Safety</u>: The effect of trips generated by the proposed Project was evaluated in Section 3.1 of the DEIS. These additional trips would not cause any of the study area intersections along Ambaum Boulevard SW to operate below their respective LOS standards. Please see the response to Letter 4, Comment 2. In addition, a Construction Traffic Management Plan would require the contractor to maintain safe pedestrian and vehicular circulation adjacent to the construction site</p>

**Public Transcript: Melessa Rogers**

	through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.
24	<u>Impact on Wildlife</u> : Please see the response to Letter 5, Comment 4.
25	<u>Impacts on Vegetation</u> : Page 3-64 of the DEIS describes the removal of 7.4 acres of upland forest and wildlife habitat.  <u>Runoff and Landslides</u> : Please see the response to Letter 1, Comment 4.
26	<u>Impacts on Neighborhood</u> : The comment is noted.

**Public Transcript: Maureen Ellis**

27	<u>Opposition to the Project</u> : The comment is noted.
28	<u>Sewage System</u> : Please see the response to Letter 9, Comment 2.

**Public Transcript: Janis Freudenthal**

29	<u>Easement for Sewer Line</u> : Please see the response to Letter 4, Comment 42.
30	<u>Seahurst Park Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.

**Public Transcript: Karl Neal**

31	<u>Impacts on Watershed</u> : The comment is noted.
32	<u>Landslide Hazard and Settling</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 4, Comments 18 and 24-26, and to Letter 15, Comment 1.
33	<u>Position of Project Site at Top of Watershed, Impacts on Trout and Salmon</u> : The DEIS identifies sensitive areas (wetlands) located on-site that are headwaters of the stream system downslope. Measures to protect the wetlands and minimize effects of the propose Project on aquatic resources downslope are incorporated into the Project design. Please see the responses to Letter 4, Comment 39. The DEIS discusses impacts on fisheries (Section 3.4) associated with increased surface runoff from impervious surfaces installed as part of the Project. Mitigation measures described in Section 3.4.2 and 3.5.3 of the DEIS would reduce impacts on fish habitat to minor levels, but would not entirely eliminate them. Please see the response to Letter 1, Comment 3, for additional information regarding impacts on fish.

**Public Transcript: Toni Lysen**

34	<u>Emergency Services</u> : Please see the response to Letter 5, Comment 3.
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**Public Transcript: King Lysen**

35	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.
36	<u>Elimination of Water Flow to Headwater Area in Watershed; Impacts on Trout and Salmon</u> : Please see the response to Public Transcript Comment 33.

**Public Transcript: Ashley Rowan**

37	<u>Landslide Hazard, Erosion, Settling, and Permitting</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; Letter 4, Comments 18 and 24–26; and Letter 15, Comments 1. A clearing and grading permit would be required if clearing were proposed to occur prior to issuance of the building permit(s).
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**Public Transcript: Mark Pival**

38	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
39	<u>Opposition to the Project</u> : The comment is noted.
39a	<u>Additional Public Hearings</u> : Please see the response to Letter 7, Comment 2.

**Public Transcript: Robert Thorpe**

40	<u>Trail Connection through Project</u> : Please see Section 3.11 of the FEIS for additional information.
41	<u>Familiarity with Property</u> : The comment is noted.
42	<u>Vested Zoning</u> : The comment is noted.

**Public Transcript: Kathi Butler**

43	<u>Opposition to the Project</u> : The comment is noted.
44	<p><u>Trail Access</u>: Alternative 2 has been revised to show retention of the existing trail through the northwest corner of the Project site to trails in Seahurst Park; this would retain a functional “loop trail.” Please see Section 3.11 of the FEIS for additional information.</p> <p><u>Acquisition of Land as Park</u>: Please see the response to Letter 5, Comment 6.</p>

**Public Transcript: Michael Willis**

45	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.
----	--

**Public Transcript: Linda Huddleston**

46	<u>Sewage</u> : The comment is noted. Please see the response to Letter 39, Comment 5.
47	<u>Landslide Hazard and Erosion</u> : Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18, 19, and 24–26.
48	<u>Landslide Hazard and Erosion</u> : Please see the responses to Letter 3, Comment 3, and Letter 4, Comments 18, 19, and 24–26.
49	<u>Opposition to the Project</u> : The comment is noted.
50	<u>Sewage Overflow</u> : Please see the response to Letter 39, Comment 5.
51	<u>Impacts on Habitat</u> : The comment is noted.

**Public Transcript: Nicky Hays Amodeo**

52	<u>Protection of Habitat</u> : The comment is noted.
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**Public Transcript: Tesfaye Belihu**

53	<u>Impacts of Increased Park Use</u> : Please see the response to Letter 44, Comment 4.
54	<u>Age of Reports</u> : The DEIS uses the best available data to describe the affected environment, impacts, and mitigation measures. This includes both information

**Public Transcript: Tesfaye Belihu**

	obtained in the 1990s and information obtained more recently.
55	<u>Impact on Affordability</u> : The comment is noted.

**Public Transcript: David Rosser**

56	<u>Opportunities for Recreation</u> : The comment is noted.
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**Public Transcript: Glenn Krantz**

57	<u>Peak Storm Events</u> : Please see the response to Letter 37, Comment 4.
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**Public Transcript: Lisa Olson**

58	<u>Concern about Impact on Wildlife Associated with Marine Tech Lab at Seahurst Park</u> : Please see the response to Letter 1, Comment 3.
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**Public Transcript: Terry Westmoreland**

59	<u>Historical Status of Trails</u> : The City of Burien's scoping process did not identify Historical and Cultural Preservation as an element to be included in the EIS. As required by State and federal laws, standard procedures for addressing any cultural resources that may be encountered during construction would be implemented.
60	<u>Impact on Vegetation</u> : The proposed Project is located on private property. No construction would take place on Seahurst Park property

**Public Transcript: Brian Stapleton**

61	<u>Impacts on Habitat</u> : The comment is noted.
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**Public Transcript: John Del Vento**

62	<u>Broadcast of Hearing</u> : The only City meetings telecast on Channel 21 are City Council business meetings and study sessions.
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**Public Transcript: John Del Vento**

63	<u>Seahurst Park Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.
64	<u>Access Easement</u> : Please see the response to Letter 2, Comment 3.

**Public Transcript: Melissa Thomas**

65	<u>Public notice</u> : Please see the response to Letter 4, Comment 52.
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**Public Transcript: King Lysen**

66	<u>Acquisition of Land as Park</u> : The comment is noted. Please see the response to Letter 5, Comment 6.
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**Public Transcript: Ashley Rowan**

67	<u>Opposition to the Project</u> : The comment is noted.
----	--

**Public Transcript: Melessa Rogers**

68	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
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Attn: Laura Praye  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296

Washington Department of Ecology (2 copies)  
Environmental Review Section  
Attn: Barbara Ritchie  
PO Box 47600  
Olympia, WA 98504-7600

#### **City of Burien**

City of Burien Council members:

- Mayor Joan McGilton
- Deputy Mayor Rose Clark
- Councilmember Sue Blazak
- Councilmember Jack Block, Jr.
- Councilmember Lucy Krakowiak
- Councilmember Sally Nelson
- Councilmember Gordon Shaw

Mike Martin, City Manager  
Steve Clark, Public Works Director  
Scott Greenberg, Community Development Director  
Michael Lafreniere, Parks, Recreation and Cultural Services Director

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Environmental Coordinator  
Seattle Public Utilities  
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Seattle, WA 98124-4018

Steve Sandelius  
Southwest Suburban Sewer District  
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Burien, WA 98168

Seattle City Light  
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700 5th Ave. Suite 3260  
PO Box 34023  
Seattle, WA 98124-4023

Puget Sound Energy  
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P.O. Box 97034  
Bellevue, WA 98009-9734

Andrea Johnson  
Highline Public Schools  
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Burien, WA 98166

Joe Weiss  
Marine Technology Center  
18010 8th Ave. S.  
Seattle, WA 98116

Environmental Coordinator  
Muckleshoot Indian Tribe Fisheries Department  
39015 172nd Ave. SE  
Auburn, WA 98002

Environmental Coordinator  
Duwamish Tribal Services Inc.  
4717 W Marginal Way SW  
Seattle, WA 98106-1514

Doug Osterman  
Green/Duwamish (WRIA 9) Watershed Coordinator  
c/o King County WLRD  
201 S. Jackson St., Ste. 600  
Seattle, WA 98104-3855

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# **Appendix A**

## **Public Comment Letters and Public Hearing Comments**

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WATER RESOURCE INVENTORY AREA 9 (WRIA 9)



October 5, 2007

Scott Greenberg, AICP, Director of Community Development  
City of Burien  
15811 Ambaum Blvd. SW (Suite C)  
Burien, WA 98166



RE: Emerald Pointe on the Sound Draft Environmental Impact Statement

Algona

Auburn

Black Diamond

Burien

Covington

Des Moines

Enumclaw

Federal Way

Kent

King County

Maple Valley

Normandy Park

Renton

SeaTac

Seattle

Tacoma

Tukwila

Dear Mr. Greenberg:

Thank you for the opportunity to comment on the Emerald Pointe on the Sound Draft Environmental Impact Statement (DEIS). Although we recognize the importance of continuing to accommodate density within the Urban area consistent with the Growth Management Act (GMA) and the City of Burien's Comprehensive Plan, we do have some concerns regarding surface water management and the lack of consideration for the most current mitigation. Our comments are as follows:

1. The City of Burien is member of the WRIA 9 Forum of Local Governments and has adopted the WRIA 9 Salmon Habitat Plan (2005), hereinafter referred to as the WRIA 9 Plan. The WRIA 9 Plan is also a chapter in the Puget Sound Chinook Salmon Regional Recovery Plan (2007). Because the WRIA 9 Plan is equivalent to a functional plan to the City of Burien's Comprehensive Plan, and because listed salmonid species could be adversely affected by stormwater impacts to North Creek, the WRIA 9 Plan and its groundwater and low impact development (LID) polices and programs should be cited and evaluated as a basis for mitigation.

2. Specifically, the following policies and programs should be cited as a basis for incorporating LID techniques into the proposal:

- Policy WQ2 re: LID (page 3-19 WRIA 9 Plan)
- Policy WQ3 re: groundwater management (page 3-19 WRIA 9 Plan)
- Program WW-13 re: LID (page 7-12 WRIA 9 Plan)
- Program WW-14 re: Built Green (page 7-13 WRIA 9 Plan)

Note: the WRIA 9 Plan is available on-line at:  
<http://dnr.metrokc.gov/Wrias/9/HabitatPlan.htm>

3. Puget Sound Chinook is a listed species under the Endangered Species Act (ESA). The Highline School District OSC Marine Tech Center operates a coho hatchery on North Creek. The DEIS should evaluate impacts to Chinook and to the OSC hatchery.

Letter 1  
Comment 1

Letter 1  
Comment 2

Letter 1  
Comment 3

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OCT 05 2007  
CITY OF BURIEN

Scott Greenberg  
October 5, 2007  
Page 2 of 2

4. The proposed method of dispersing stormwater discharge from the project onto the top of the steep slope to the west of the project shown in Figure 2.4-1 is likely to increase the risk of erosion and landsliding on the slope. Note that Figure 4 "Geologically Unstable Areas" from Anchor Environmental for the "Seahurst Park Master Plan" shows numerous springs and landsliding and has also been mapped as a landslide hazard area. The 2005 King County Surface Water Design Manual requires tightlining the stormwater discharge to the bottom of the slope in such conditions. The statement on the bottom of page 3-29 that the project was prepared to meet the design criteria of the 2005 SWDM is incorrect.

Letter 1  
Comment 4

5. The geotech report on the top of page 3-53 of the DEIS states that "The potential for site erosion and local hillside instability may be increased in the areas proposed for stormwater discharge." We did not see any text in the DEIS indicating that the geotech engineer had reviewed and approved of the proposed design; this topic appears to have been overlooked.

Letter 1  
Comment 5

6. Discharging the runoff from a development of this scale at the top of that slope presents a serious risk that could be effectively mitigated by constructing a tightline down the slope. We could not find adequate documentation in the DEIS of the level of analysis that would be required to demonstrate that discharge on top of the slope is a reasonable alternative. Any such analysis would require careful independent review and concurrence by qualified engineers.

Letter 1  
Comment 6

Thank you again for the opportunity to comment on the Emerald Pointe on the Sound DEIS. Please feel free to contact me at (206) 296-8069 if you have any questions.

Sincerely

*Karen Bergen*

*K* Doug Osterman  
Green/Duwamish (WRIA 9) Watershed Coordinator

cc: Steve Foley, Engineer III, King County WLRD

Received  
OCT 11 2007

**Bricklin ♦ Newman ♦ Dold, LLP**

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October 5, 2007

Susan Coles  
Department of Community Development  
City of Burien  
15811 Ambaum Blvd SW  
Burien, WA 98166

RECEIVED

OCT 05 2007

CITY OF BURIEN

RE: Emerald Pointe DEIS

Dear Ms. Coles:

I write on behalf of the Sound Vista Condominium Homeowners Association regarding your request for comments on the Draft Environmental Impact Statement for the Emerald Pointe project. Many of the members of our Association already have filed comment letters and/or testified at the public hearing. I will not repeat those comments here but rather incorporate them by reference. I write to raise a couple of points that may be in addition to those that have been raised previously.

The DEIS analysis is based almost totally on an assumption that is, I believe, untested, *i.e.*, that the applicant's filing of an application with King County in 1990 created "vested rights" and that, therefore, this project must be analyzed by reference to various laws in effect at that time. The vested rights doctrine in the Washington State generally provides that the filing of a complete application vests the project to the zoning laws and certain other laws in effect at that time. But there are two important qualifications to that rule that may have been overlooked.

One, the filing of an application creates vested rights only if the application was complete. *West Main Associates v. City of Bellevue*, 106 Wn. 2d, 47, 50 1986) The DEIS provides no indication that there has been any analysis done by the City or anyone else regarding whether the application filed in 1990 was "complete." Until and unless that analysis is performed and it is determined that the application was "complete," then the application should be determined by reference to the laws in effect now. That, of course, would require a radical revision of the environmental analysis (and, most likely, the project itself).

Letter 2  
Comment 1

Susan Coles  
October 5, 2007  
Page 2

Perhaps that analysis has been done already but not referenced in the DEIS. If that is the case, I would appreciate your providing me with a copy of that analysis so we can review it and determine its accuracy.

Letter 2  
Comment 1  
(cont.)

The second major qualification regarding the vested rights doctrine is that an application gives rise to vested rights only if the proposal is consistent with the laws then in effect. *West Main Associates v. City of Bellevue, supra*. I have not had the time to uncover the King County laws in effect in 1990, but my recollection is that those regulations required that a project of this type must have legal access to a public road. If this project did not have legal access to a public road in 1990, then it is likely that the project was not consistent with the laws then in effect and would not be vested.

Letter 2  
Comment 2

The DEIS indicates that the project did not have access to a public right of way when the application was filed in 1990 and, indeed, apparently still does not have legal access to a public road even as of this late date. *See, e.g.*, DEIS at 2-21. In the absence of a showing that the project had legal access to a public road in 1990, the proposal was not consistent with the laws then in effect and would not have vested for that reason, too. As with the complete application issue, the lack of an established access to a public road negates the vesting claim and compels analysis of this proposal in light of current regulations. That, in turn, requires a substantial revision in the environmental analysis in the DEIS and, likely, a substantial revision in the project itself.

The lack of an established access to a public road leads to another substantial flaw in the DEIS. The transportation analysis assumes that the applicant will be able to obtain access across property owned by the Highline School District. *See e.g.*, DEIS at 2-21. Remarkably, there appears to have been no contingency plan established in the event that access across the School District's property cannot be obtained. (Perhaps the applicant has a contingency plan, but I have not seen it referenced in the DEIS, if it exists.) Given the severe topography in and around the site, it may be that no other reasonable access exists. If that is the case, then this project obviously cannot go forward (unless the applicant is able to obtain access from the School District). Alternatively, if an alternative access route is available, it needs to be identified in the EIS and analyzed fully. That analysis should appear in a Supplemental Draft EIS so that the public and agencies with expertise can comment on that additional analysis. A different site access would impact not just the transportation analysis but a variety of other environmental issues including erosion, slope stability, vegetation, and wildlife.

Letter 2  
Comment 3

I have raised the vesting issues not simply with regard to this SEPA process but, more generally, in terms of the framework being employed by the City to process this application. I would

Susan Coles  
October 5, 2007  
Page 3

appreciate a response to the comments I made regarding vesting as soon as possible, i.e., not waiting until publication of a Supplemental Draft EIS or Final EIS.

Thank you for the opportunity to comment on the DEIS

Very truly yours,

BRICKLIN NEWMAN DOLD, LLP



David A. Bricklin

DAB:kmw  
svchoa\comment letter 100507



RECEIVED  
OCT 05 2007  
CITY OF BURIEN

October 4, 2007

Department of Community Development  
City of Burien  
15811 Ambaum Blvd. SW (Suite C)  
Burien, WA 98166

RE: Emerald Pointe on the Sound (Westmark Development), Burien, File # PLA 06-0365)

Dear Sirs/Madams,

I have reviewed the DEIS documents, in particular the geologic and storm water impacts and the inadequacy of the proposed mitigations, applying to both Alternatives 1 and 2. I have noted that there remain potential significant adverse environmental impacts to the downstream drainage system; the shorelines fish and wetlands habitats in Seahurst Park's North Creek stream geomorphology; and the slope stability associated with the project site and adjacent properties. These issues should be addressed and appended to the DEIS where appropriate and applicable and noticed for additional review prior to inclusion and production of the final EIS.

The Public Hearing Notice dated August 21, 2007 indicates that "the applicant has agreed to follow Burien's current storm water and transportation impact requirements". It is my understanding that Burien has adopted the 2005 King County Surface Water Design Manual (2005 Manual), and this is reflected on Page 2-15 of the DEIS;

*"The site disturbing activities of this alternative would trigger Full Drainage Review (as defined in the 2005 Manual) and Technical Information Report (TIR) requirements. Items to be included in the TIR are described in Chapter 1 of the Manual. At the time of submittal, City staff would review the TIR to ensure compliance with applicable regulations, and provide more detailed comments to the submittal, as appropriate."*

The implication of both the notice and the DEIS, therefore, is that the project's alternatives impacts and mitigations will be designed in compliance with all the applicable requirements of the 2005 Manual. While the discussion and conceptual sizing and design of the proposed storm water management system (Figure 2.4-1 Conceptual Drainage and Stormwater Plan) appears it may be consistent with 2005 Manual there is a very important component of the 2005 Manual's Core Requirement #1: Discharge at the Natural Location, which is discharge requirement (2.) that appears to not have been addressed and could have significant adverse impacts to both EARTH and WATER. The requirement of concern is as follows:

Letter 3  
Comment 1

*“2. IF a proposed project or any natural discharge area within a project is located within a Landslide Hazard Drainage Area and, in fact, ultimately drains over the erodable soils of a landslide hazard area with slopes steeper than 15%, THEN a tightline system must be provided through the landslide hazard area to an acceptable discharge point unless one of the following exceptions applies. The tightline system must comply with the design requirements in Core Requirement #4 and in Section 4.2.2 unless otherwise approved by DDES. Drainage easements for this system must be secured from downstream property owners and recorded prior to engineering plan approval.”*

The Emerald Pointe project site contains a portion and lies above, and adjacent to, a well documented Landslide Hazard Area. This is can be noted from the attached excerpts from:

Attachment No.	Description
1.	U.S.G.S. “Geologic Map of the 7.5’ Quadrangle, King County” prepared by Dr. Derek B. Booth and Howard H. Waldron, 2004 and Legend
2.	Figure 4: Geologically Unstable Areas Seahurst Park Master Plan
3.	1990 King County Sensitive Areas Folio Landslide Hazard Areas map
4.	Washington Trout Survey and Mapping of Seahurst Park North Creek

Regarding item 1., the excerpt from the U.S.G.S. Geologic Map illustrates the extent of the landslide deposits lying under and adjacent to the project site, and a on the upper beach area for the North Creek moraine at the shoreline of Puget Sound. While noted in the EARTH and GEOTECHNICAL section “3.3.1.4. Site Soils and Groundwater”, there is not adequate analyses or discussion of the impacts to the offsite areas adjacent and downstream from the increased stormwater volume which would be discharged. These impacts could be significant and difficult to mitigate in-situ.

Regarding item 2., Figure 4, the area to the northwest of the Emerald Pointe site is noted as “C, West Mobile Ground” as is the central portion of the North Creek Stream Channel. Both of these areas could be further aggravated and mobilized by the increase volume of stormwater from the Emerald Pointe project which would otherwise be mitigated by installation of the tightline from the project site to a stable and acceptable point of discharge via an outfall on the beach through compliance with the LHDA requirement.

Regarding attachment 3., this type of Landslide Hazard Area and it’s contributing tributary drainage area, are exactly the type of scenario on which this requirement was intended to address. I was the project manager and principle for the 1990 King County Surface Water Design Manual and contributed to developing the LHDA requirement for the 1998 King County Surface Water Design Manual. My advocacy for this requirement was based on the observations and projects designed and constructed by my program when I was the manager of King County’s Basin Plan Capital Improvement Project unit. This program constructed over a dozen of similar stormwater tightlines to repair and retrofit existing storm drainage systems throughout the urbanized areas of King County.

Letter 3  
 Comment 1  
 (cont.)

Letter 3  
 Comment 2

Letter 3  
 Comment 3

The definition of a Landslide Hazard Area and Drainage Area in the 2005 Manual are as follows:

“**Landslide Hazard Area** means an area subject to a severe risk o landslide such as:

1. Any area with a combination of:
  - Slopes steeper than 15%;
  - Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and
  - Springs or groundwater seepage;
2. Any area which has shown movement during the Holocene epoch, 10,000 years ago to the present, or which is underlain by mass wastage from that epoch;
3. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;
4. Any area which shows evidence of, or is at risk from, show avalanches, or
5. Any area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments.”

“**Landslide Hazard Drainage Area** means a specially mapped area where the County has determined flows from new projects will pose a significant threat to health and safety because of there close proximity to a landslide hazard area that is on a slope steeper than 15% (a delineation of the know landslide hazard area can be found in King County’s Sensitive Areas Map Folio). Such areas are delineated on the Landslide Hazard Drainage Areas map adopted with this manual.”

Letter 3  
Comment 3  
(cont.)

There are several other aspects regarding the appropriate sizing and design of a tightline for compliance with the LHDA which should also be addressed in the DEIS. These include the requirement on page 1-46 of the 2005 Manual under section “1.2.4.1 Conveyance Requirements for New Systems” which states:

”**Tightline Systems Traversing Steep Slopes**

New tightline conveyance systems traversing slopes that are steeper than 15% and greater than 20 feet in height, or are within a steep slop hazard area ... shall be designed with sufficient capacity to convey and contain (at minimum) the 100-year peak flow, assuming full build-out conditions for all tributary areas, both onsite and offsite. ...”

Letter 3  
Comment 4

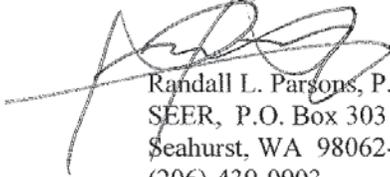
In conclusion, I recommend that the DEIS be appended to include design revisions which reflect compliance with the LHDA requirements of the 2005 Manual which will result in a proposed stormwater tightline and outfall system to convey stormwater past the landslide areas. If a tightline is not included then the appropriate Level 3 hydrologic and hydraulic analyses integrated with the appropriate geomorphologic and geotechnical analyses to demonstrate the tightline should not be required. It is very important that a stormwater tightline be constructed and made operational to receive runoff prior to the clearing and mass grading of the project site in order to prevent sedimentation and silt-laden impacts to the North Creek and it’s fish habitat that has been well documented in the survey and mapping prepared by Washington Trout as illustrated in attachment 4.

Letter 3  
Comment 5

Page 4 of 4, October 4, 2007, Department of Community Development  
Emerald Pointe on the Sound (Westmark Development), Burien, File # PLA 06-0365)

Thank you for the opportunity to review with important DEIS for the Emerald Pointe project. I look forward to receiving notice of the availability of additional studies or reports prepared to supplement the DEIS.

Sincerely,



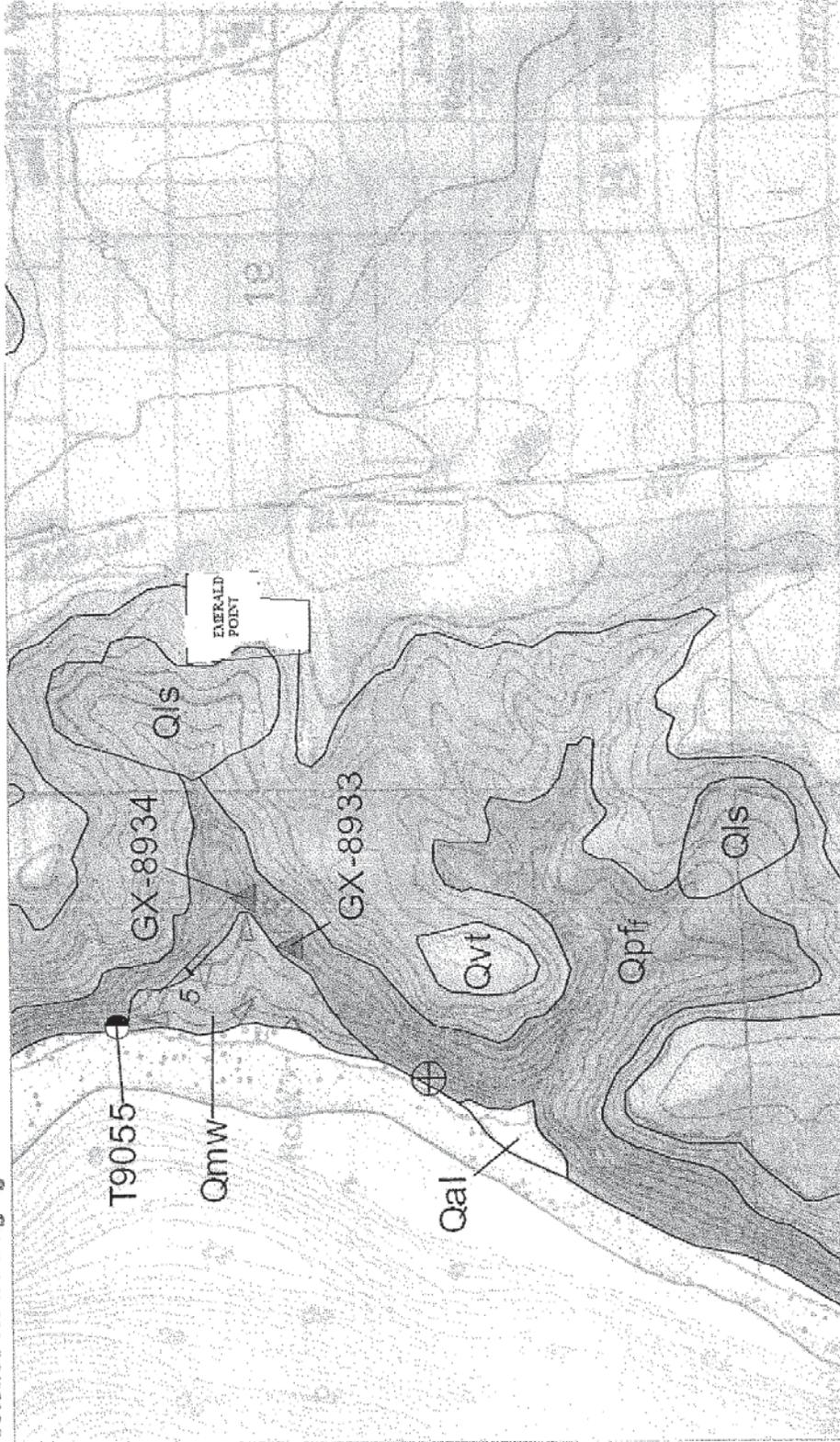
Randall L. Parsons, P.E.  
SEER, P.O. Box 303  
Seahurst, WA 98062-0303  
(206)-439-0903  
"seer303@earthlink.net"

attachments

cc. City of Burien Mayor and Councilmembers  
City of Burien Park Director and Acquisitions Planner  
City of Burien Development Engineer  
Doug Osterman, Coordinator, Green Duwamish River and Puget Sound WRIA 9  
Steve Foley, Senior Engineer, Drainage Services Section, King County Water and Land  
Washington Trout Puget Sound Projects Coordinator



U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



GEOLOGIC MAP OF THE DES MOINES 7.5' QUADRANGLE, KING COUNTY, WA

By

Derek B. Booth and Howard H. Waldron

2004

ATTACHMENT 1

# GEOLOGIC MAP OF THE DES MOINES 7.5' QUADRANGLE, KING COUNTY, WA

By  
**Derek B. Booth and Howard H. Waldron**  
 2004

## DESCRIPTION OF MAP UNITS

### NONGLACIAL DEPOSITS

**Modified land (Holocene)**—Sand and gravel as fill, as well as extensively graded natural deposits. Where topographic base map (ca. 1949) does not reflect subsequent human modification, original (unmodified) geologic deposit has been mapped where information is available.

**Wetland deposits (Holocene)**—Peat and silt/clay, poorly drained and intermittently wet. Grades into unit *Gal*. Compiled from King County (1983); however, mapped areas are not complete inventory of such deposits.

**Beach deposits (Holocene)**—Well-sorted sand, pebbles, silt, and shells deposited or reworked by wave action. Includes upper-beach deposits above mean high-water line, extensive delfinas below mean high-water line, and local thin veneer of modern beach sediment that overlies older deposits. At stream mouths, grades into unit *Gal*.

**Landslide deposits (Holocene)**—Diameter of broken to internally coherent surficial deposits that have been transported downslope en masse by gravity. Numerous unmapped areas of both landslide and related mass-wastage deposits are present along coastal bluffs of Puget Sound, as well as in ravines that drain east to Green River, particularly where coarse deposits (units *Ova* and *Opoq*) overlie fine deposits (particularly unit *Qpf*).

**Mass-wastage deposits (Holocene)**—Undifferentiated colluvium, soil, and landslide debris having indistinct morphology. Mapped along coast 2 km south of north map boundary as fan-shaped deposit where landslide debris intermingles with stream-channel alluvium. Numerous unmapped areas of mass-wastage deposits are present elsewhere in quadrangle along coastal bluffs of Puget Sound and in

ravines draining eastward to Green River and Duwamish River valleys. Deposits, both mapped and unmapped, include abundant discrete landslides that are meters to tens of meters in lateral extent.

**Alluvium (Holocene)**—Moderately well sorted deposits of cobble gravel, pebbly sand, and sandy silt along flood plain of Green River and Duwamish River, and alluvial fans at mouths of small streams along Puget Sound, where they are gradational with sediments of unit *Ob*.

### YOUNGER GLACIAL DEPOSITS

**Deposits of the Vashon stade of Fraser glaciation of Armstrong and others (1965) (Pleistocene)**—Consists of:

**Recessional outwash deposits**—Stratified sand and gravel, moderately well sorted to well sorted; less common silty sand and silt. Deposited in broad anastomosing outwash channels that carried south-draining glacial meltwater away from ice margin during ice retreat. Typically slightly oxidized. Deposits that are less than about 1 m thick not shown on map. Locally subdivided into:

**Recessional lacustrine deposits**—Very fine-grained sand, silt, and clay deposited in small lakes during ice recession.

**Ice-contact deposits**—Deposits that are similar in texture to unit *Qar* but commonly are less well sorted and have silt-rich matrix. Contains lenses and pods of till. Deposits are present in northernmost part of quadrangle and along Duwamish River and Green River valleys. From Tukwila south to edge of quadrangle, they form a kame terrace that was built against late-recessional ice tongue in Green River valley.

**Till**—Compact diamict containing subrounded to well-rounded clasts in massive, silt- or sand-rich matrix. Glacially transported and deposited.

Generally a few meters to a few tens of meters thick, forming an undulating surface. Also found sporadically within areas mapped as unit *Qar*.

**Advance outwash deposits**—Well-sorted sand and gravel deposited subsequently or by streams and rivers in front of advancing ice sheet. Almost devoid of silt or clay, except near base of unit. Generally unoxidized.

### OLDER GLACIAL AND NONGLACIAL DEPOSITS

**Deposits of pre-Fraser glaciation age (Pleistocene)**—Weakly to moderately oxidized sand and gravel, lacustrine sediments containing local peat layers, and moderately to strongly oxidized diamict composed of silt matrix and rounded gravel clasts. Includes deposits of both glacial and nonglacial origin. Locally mapped as:

**Coarse-grained deposits**—Predominantly gravel and sand.

**Fine-grained deposits**—Predominantly silt and clay.

**Nonglacial deposits**—Abundant organic debris or peat indicates nonglacial origin.

**Coarse-grained nonglacial deposits**—Predominantly gravel and sand.

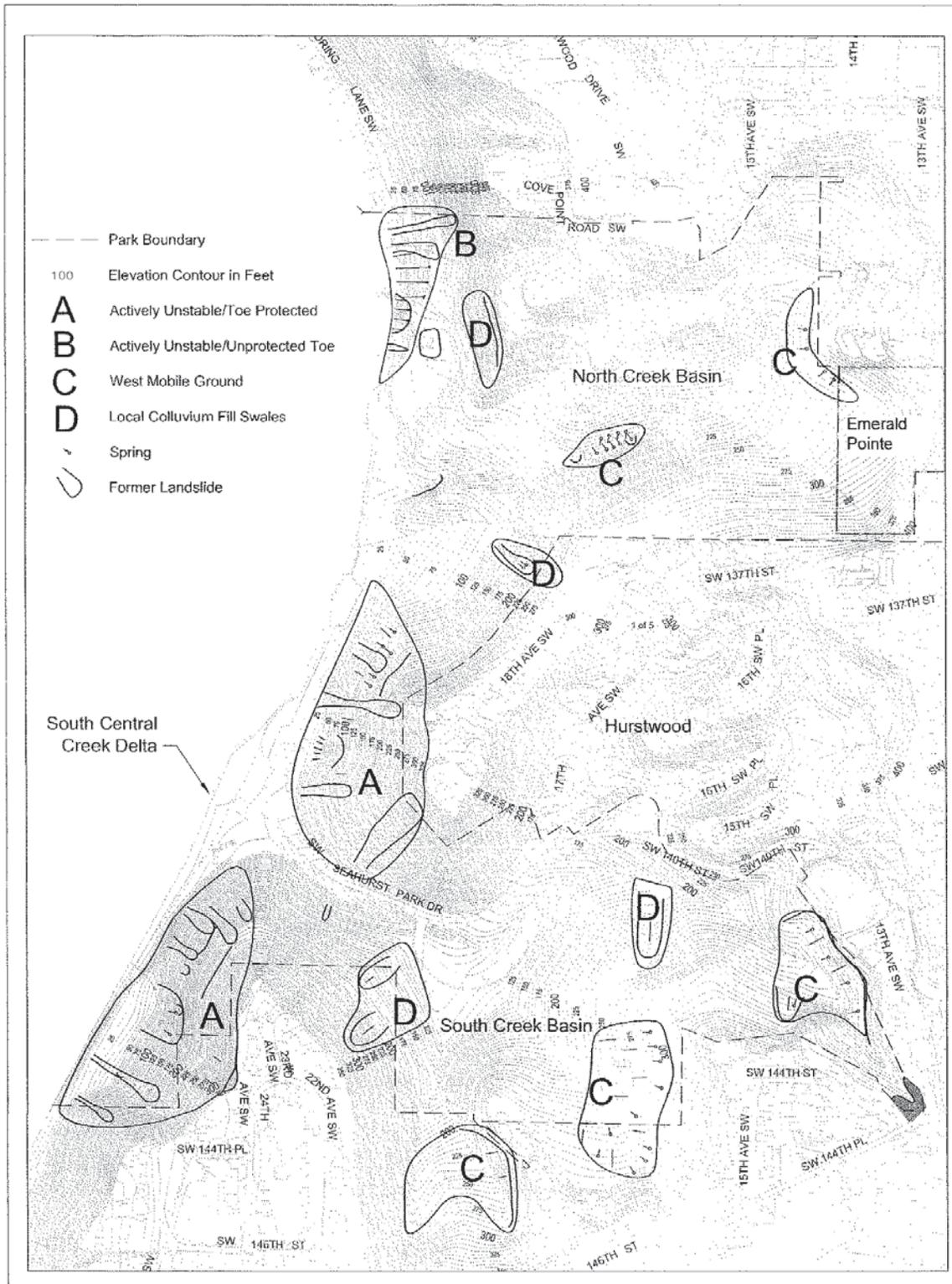
**Fine-grained nonglacial deposits**—Predominantly silt and clay.

### Deposits of Pre-Olympia age (Pleistocene)

**Fine-grained deposits**—Silt at north and south edges of map of indeterminate glacial or nonglacial origin; underlies glacial deposits of pre-Olympia age (*Opoq*).

**Glacial deposits**—Weakly to strongly oxidized silt, sand, and sparse gravel of glacial origin as determined by clast provenance. Underlies all

ATTACHMENT 1



SHP-010152-01-06 JWS 4/17/01



0 600  
Scale in Feet

ATTACHMENT 2

Figure 4  
Geologically Unstable Areas  
Seahurst Park Master Plan



# Landslide Hazard Areas

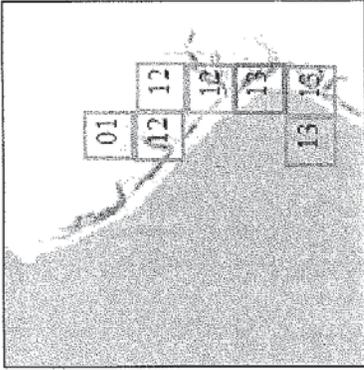
1990 KING COUNTY  
SENSITIVE AREAS FOLIO

ATTACHMENT 3

NW N NE



W SW



Zoom Out

Township: 25 N Range: 03 E  
Section: 13 Quarter: NE

- Hide All Points
- Show Habitat Observations Only
- Show Culvert Observations Only
- Show Fish Observations Only
- Show Channel Mods Only
- Show Streams in B&W
- Hide Streams
- Hide Stream Reports
- Hide Orthophoto
- Hide Topo Map
- Show Road Map
- Show Legend

ATTACHMENT 4

NE

N

NW

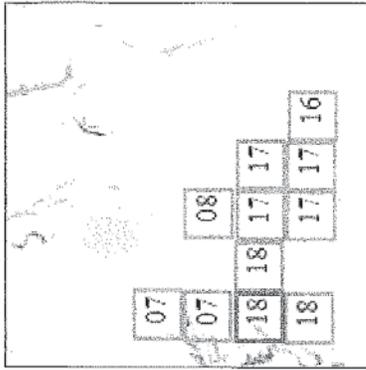


E

SE

S

SW



Zoom Out

Township: 23 N Range: 04 E  
Section: 18 Quarter: NW

Hide All Points

Show Habitat Observations Only

Show Culvert Observations Only

Show Fish Observations Only

Show Channel Mods Only

Show Streams in E&W

Hide Streams

Hide Stream Reports

Hide Orthophoto

Hide Lopo Map

Show Road Map

Show Legend

ATTACHMENT 4

Stream Name: Unnamed Stream  
 Stream ID: 5A

County: King County  
 Survey Date: 04/28/03

Watershed Name: Lower Duwamish Basin  
 Crew: M.L. White, D. Crabb

Survey Start Point: Township 23N Range 03E Section 13 NE(QS) SW(QQS)  
 Survey End Point: T23, R04E, S18NW at a series of seeps and springs that form the main channel of the Type 3 water.

Previous Stream Type: 9      New Stream Type: 3      Stream Type Upgrade/Downgrade Length (ft.): 3000

Avg. Ordinary High Water Mark (ft.): 6.75      Avg. Wetted Width (ft.): 3.25

Substrate Type:      Bedrock: 0%      Boulder: 2%      Cobble: 3%  
    Gravel: 5%      Sand: 45%      Mud: 15%

Habitat:      Pools: 20%      Shaded: 90%

Riparian Cover:      Conifer: moderate      Deciduous: Moderate      Grass/Shrub: Abundant

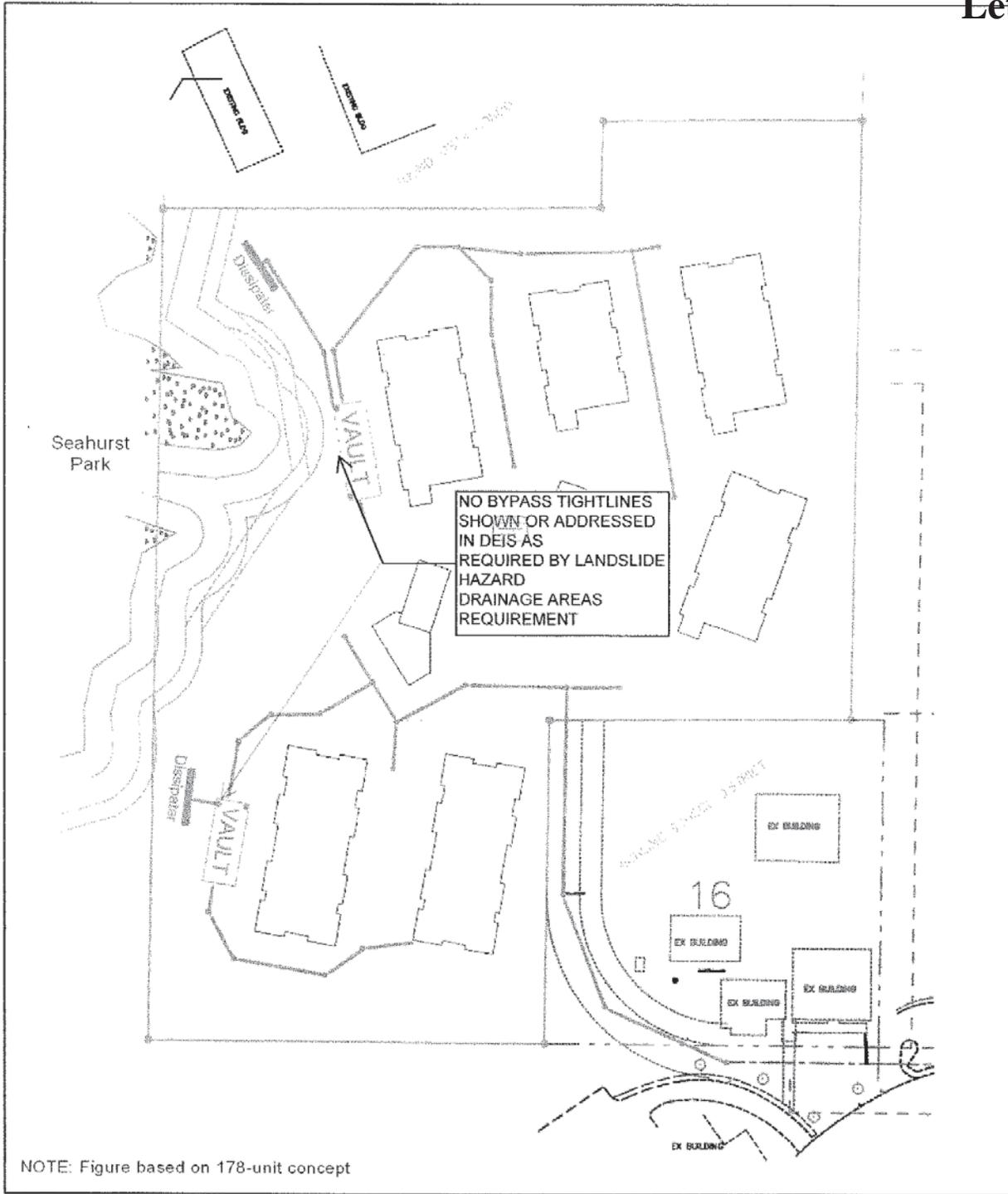
Barrier:      Barrier Type: Hatchery Complex, culvert      Barrier Height (ft.): 3  
    Barrier Location: 175 ft. up from mouth

Woody Debris      Logs: Moderate      Type:  
    Rootwad: Sparse      Type:  
    Limbs: Moderate      Type:  
    Branch: Abundant      Type:

Relative Fish Abundance:      chinook: No Obsv.      coho: No Obsv.  
    salmonid: No Obsv.      steelhead: No Obsv.  
    other: No Obsv.      other type: sculpin: No Obsv.

Notes

While no fish were observed at the time of this survey, this stream should be upgraded to Type 3 water based on physical criteria. The blocking hatchery complex at the mouth, and the blocking perched culvert within 200 feet of the mouth prevent entry of fish to usable fish habitat upstream. The stream has spawning gravels adequately situated in small pool tailouts; rearing habitat is limited, but is adequate for resident fish. The stream is generally steep (13-20%) with small step pools in the steeper reaches. The 16-20% gradient is not sustained for any significant continuous distance between the mouth and the seeps/springs at the end of the T-3 water. There is slight erosion in the form of several small slumps observed that can be associated with the seeps and springs; they do not appear to be impacting the stream.



**Emerald Pointe EIS - Burien, WA**  
**Figure 2.4-1 Conceptual Drainage & Stormwater Plan**

- Voluntary Wetland Buffer
- Stormsewer System Lines & Features
- - - - - Property Boundary
- Wetland

Source: Touma Engineers

RECEIVED

Letter 4

To: City of Burien, Dept. of Community Development  
10811 Ambaum Blvd. S.W.  
Burien, WA 98166

October 5, 2007

OCT 05 2007

CITY OF BURIEN

Subject: Comment on DEIS for Emerald Pointe on the Sound

The purpose of this letter is to challenge the Emerald Pointe on the Sound DEIS. There are sections in the DEIS that have inadequate information or topics that have not been addressed.

I have been a resident of the Shorewood Community for 21 years and live adjacent to the Salmon Creek Greenbelt. My husband and I were critical players in researching, getting the purchase of the greenbelt on the ballot and acquiring the greenbelt as open space. Therefore, I consider myself as a primary information source on the area and adjoining areas. This letter will address my concerns in the order they are presented in the DEIS document.

Transportation – I feel that information is inadequate or silent on a number of issues in this section. While section 3.1.1.2 (page 3-2) notes that the high traffic time was determined to 4:00 PM to 6:00 PM, it has been my experience that traffic greatly increases at school transport times. In addition, it is during these times that children are more likely to be walking in the area. One of the major traffic routes goes past an elementary school on the corner of 128<sup>th</sup> SW and Ambaum Blvd. SW. There is no mention about the safety of pedestrians and especially small children in the presence of large trucks transporting timber, debris, construction materials, etc.

Letter 4  
Comment 1

Letter 4  
Comment 2

What are the plans for eliminating traffic congestion caused by the large, tandem trucks maneuvering through the intersections at 148<sup>th</sup> SW & Ambaum Blvd. SW and 128<sup>th</sup> & Ambaum Blvd. SW? Many times I have watched large trucks attempt to make turns at these intersections and witnessed that their inability to cleanly make the turn and quickly clear the intersection adds to traffic congestion.

Letter 4  
Comment 3

The portion of 136<sup>th</sup> SW that is west of Ambaum Blvd. SW is a very short, fragile street. The size and weight of trucks required to haul harvested timber and root materials far exceed the passenger cars currently using the road. The DEIS does not address how damage to city roads due to heavy loads will be mitigated. The short street is controlled by a traffic signal at Ambaum Blvd. SW and serves a number of businesses as well as providing an entrance into the Vintage Park apartments. During the three to four month land clearing period, the DEIS predicts that there will be five to six debris-hauling trucks per hour traveling out on 136<sup>th</sup> SW. On average, that would be one truck every ten to twelve minutes. In addition, those same five to six trucks need to travel on 136<sup>th</sup> SW to return to the proposed site which, on average, would increase the presence of large trucks to every five to ten minutes. Given that they will not be the only vehicles on the road and their flow will be affected by the traffic signal, it would be reasonable to assume that more than a single truck could be on that section of 136<sup>th</sup> SW road at the same time. This will significantly cause congestion and hinder traffic flow. The DEIS needs to address the economic impact that large trucks will have on these business

Letter 4  
Comment 4

Letter 4  
Comment 5

Letter 4  
Comment 6

when blocking access to these businesses as well as how congestion will be reduced for the residents of the Vintage Park apartments.

Letter 4  
Comments 6,7

The logical exit from the proposed site might be to cross Ambaum Blvd. SW and continue east on 136<sup>th</sup> SW which happens to be residential street with no adequate paved walking spaces for pedestrians. If this road is to become the major route to and from the proposed site, the DEIS needs to address how pedestrian safety will be maintained or who will pay for paved walkways along 136<sup>th</sup> SW.

Letter 4  
Comment 8

Additionally, large trucks will throw increased amounts soil, dust and rocks as they travel the public roadways. My first hand experience of this comes from having had to replace my car windshield damaged from flying debris from such trucks. While loads are to be covered, trucking companies rarely follow this regulation. Who will be monitoring the safe travel of large trucks on city streets and who will be liable for damages caused by flying debris? Who will be responsible for any cleaning any contamination of storm water runoff?

Letter 4  
Comment 9

The DEIS primarily identifies construction-related trips for tandem trucks carrying fill dirt. However there needs to also be mention of the number and frequency of 1) trucks carrying harvested lumber, root debris and other vegetation removal, 2) concrete trucks, 3) truck carrying construction materials, etc, that will be leaving and entering on 136<sup>th</sup> SW and their impact on the traffic flow and local businesses. The DEIS is silent on this. This data is critical to determine what additional environmental impact might be generated and the amount of additional mitigation required.

Letter 4  
Comment 10

The suggestion that the addition of 1,178 daily trips of heavy construction vehicles will represent only three percent of the daily automobile trips (section 3.1.2.1, page 3-10) fails to factor the size, bulk and slow speeds of those construction vehicles and that those vehicles must be funneled in through one relatively narrow street. In addition, the traffic from 450 new residents will also impact the carrying capacity and congestion of the area roads. The DEIS needs to address who will pay for the upgrades to road and the intersection at 136<sup>th</sup> SW & Ambaum Blvd. SW to safely handle the increased traffic flow for the 450 residents of Emerald Pointe.

Letter 4  
Comment 11

Letter 4  
Comment 12

The DEIS makes little note of pedestrian statistics or increased hazards to pedestrians. Ambaum Blvd. SW is a major Metro transit route with pickup and drop off points at 126<sup>th</sup> SW, 132<sup>nd</sup> SW and 134<sup>th</sup> SW. It is also is a high resident area. There is one mid-block, non-traffic light controlled crosswalks that is also close to a Metro passenger stop. A woman was killed this summer in the crosswalk (134<sup>th</sup>) during what the DEIS considers a non-peak time. Over the years, I have witnessed many near accidents in this crosswalk and other unmarked crossings resulting from pedestrians attempting to catch the bus.

Letter 4  
Comment 13

The impact of all truck and new resident travel in the DEIS has been greatly underestimated and needs more detail. The DEIS also needs to address the impact of traffic on pedestrian safety on the surface streets leading to and from the proposed site.

Letter 4  
Comment 14, 15

## Letter 4

Letter 4  
Comment 16

The single access road to the proposed site creates significant safety issues for getting large firefighting equipment in and out of the development. How this will be addressed needs more detail. The one access road represents a single point of failure that, should the entrance be blocked by landslide, earthquake, vehicle accident, etc, there is no alternative for speedy evacuation or unencumbered rescue. The DEIS needs to better explain the mitigation for addressing this serious and potentially life-threatening possibility. The DEIS identifies that children, probably of school age, will make up a percentage of the residents. The chances are that one or more may be handicapped. Under Federal Law, handicapped children have a right of door-to-door transportation between home and school. The DEIS needs to provide evidence that the drives and roads are able to accommodate regular size school buses as well as Metro Access buses for other disabled individuals.

Letter 4  
Comment 17

Drainage and Water Quality – I believe that here is inadequate data and topics that this section does not address. In 1989 when the Salmon Creek greenbelt was purchased, King County did so based on data that showed that the land was a category 3-4 seismic zone and highly prone to landslides and earthquakes and not appropriate for the development of 130 homes. The Nisqually earthquake of February 28, 2001 demonstrated the wisdom of their decision as a huge landslide occurred in the area and rerouted a portion of Salmon Creek (see attachment C). The DEIS is silent in referencing these Geologic Hazards that have recently happened in the area and does not adequately address their environmental impact on the proposed site when 7.4 acres are denuded of their vegetation, stripped of soils, excavated to depths of 30 feet and then refilled to depths of 22 feet and then covered with impervious, pollution-generating surfaces.

Letter 4  
Comment 18

The vegetation and topsoil over these 7.4 acres can never be regenerated under either alternative. Second-growth forest and large diameter trees up to 31 inches in dbh will be removed from the site (section 3.4.2.1, page 3-63). Each of these large trees is capable of extracting up to one million gallons of water per year from the soil. This extraction significantly affects water quality and the amount of drainage that is not allowed to saturate the soils. The trees' root structures are also significant in maintaining the stability of the steep slopes. The DEIS must include a more thorough study on the overall hydrological effects of removing large trees from the site. The increased runoff volume and reduced water quality to the wetland is not adequately addressed in sections 3.2.2 (page 3-31) and section 3.2.2.2 (page 3-36). What would be the estimated change in water flow of North Creek as the result of 7.4 acres of impervious surfaces? The North detention vault for storm water is predicted to be built on top of natural spring and within the ground water table (section 3.3.2.1 page 3-51). The DEIS is silent on the topics of the environmental impacts due to failure of the detention vault or the failure of the storm water system. The wetlands and Seahurst Park, Marine OSC Center, North Creek and the salmon hatchery and their holding tanks would be devastated. Who will be monitoring the release of silt and sediments into the wetlands and North Creek? What fines will be assessed for such contamination? The DEIS needs to answer these kinds of questions. Lastly, while the baffled oil/water system may separate out oil as a pollutant, the DEIS also needs to identify how other pollutants such as antifreeze, benzene, toluene and other by-products in gasoline, paints, epoxies, glues, stains, varnishes and solvents will be

Letter 4  
Comment 19

Letter 4  
Comment 20

Letter 4  
Comment 21

Letter 4  
Comment 22

filtered out and not allowed to pollute the wetlands and North Creek which is used to raise salmon.

Letter 4  
Comment 22

Earth and Geotechnical – I challenge this section as being both inadequate and silent on critical issues. Previous earthquakes and landslides in the area are not documented as I have previously discussed—Salmon Creek Ravine, Maplewild Dr and Shorewood Dr SW (Attachments A, B and C). Without including these areas the stability analysis in the mitigation of seismic, settlement, landslides and steep slopes, it is completely impossible to truly determine the environmental impacts. Report #01-06-019 (Attachment D, page 15-16) by the Washington State Department of Ecology states that landslides in the Puget Sound area are due to “aggravated human actions, excavations and undermining of slopes, placement of fill materials on slopes, failure of retaining walls and clearing of vegetation”, all of which will happen at the proposed site. Additionally, the report notes that “...even a relatively small slide can cut off a community” (page 16). During that Nisqually Earthquake, a portion of Maplewild Dr in Seahurst along with a number of homes suffered damages from a landslide and that road remained closed to traffic for over a year. A hillside just down the street from us on Shorewood Dr SW has experienced a number of landslides and closed the road. Most recently, a very small landslide occurred in 2006 and the road has been closed to traffic since that time causing considerable inconvenience to area residents (see attachment A). The reasons for these landslides are a combination of steep slopes, erosion and seismic activity. These areas were not denuded of their vegetation, stripped of soils or excavated to depths of 30 feet and then refilled to depths of 22 feet. The lands in the Emerald Pointe project are exactly the same kinds of lands in composition, seismic activity, erosion and steep slopes. It is important to note that there is not discussion of this in the DEIS especially with only one access into and out of the proposed site.

Letter 4  
Comment 23

The amount of loading placed on a slope is a critical factor to potentially unstable slopes (page 19). I would suggest that a five-story building with an underground parking level is a significant load factor.

Letter 4  
Comment 24

The report also mentions that the least stable material is colluvium (page 16) which happens to be present at the proposed site. In addition, it states that it is not only the type of material but the *contrast* between layers of materials that make an area unstable. When soil undergoes liquefaction during a seismic event, it is at the boundary area between layers of material that sliding is most likely to occur. Adding fill creates a layer of different material. The Emerald Pointe project will have 24,700 cubic yards of fill up to 22 feet in depth in some areas. The DEIS is silent on the potential environment impact due to contrasts between existing material on the site as well as the addition of fill material.

Letter 4  
Comment 25

The DEIS makes a claim that the 1990 map (section 3.3.1.6 page 3-47) does not show the sites as susceptible to erosion hazard. This is very misleading since the vegetation which is critical in preventing erosion as shown in the 1990 study will be completely be removed thus exposing at least 7.4 acres to erosion hazards.

Letter 4  
Comment 26

The only methodology that I can locate in the DEIS for acquiring first-hand earth and geotechnical information is the use of bore hole techniques. The Ecology report (attachment A, page 16) makes it clear that the use of bore holes is not a sufficient methodology. If another method was used, it needs to be better explained.

Letter 4  
Comment 27

There is no explanation why the vacating of 136<sup>th</sup> SW is included in this section (see summary table) and not included in the Transportation section. Also, the DEIS makes no mention about how much of 136<sup>th</sup> SW is to be vacated, how the vacated land will used or who will be allowed to access that land. These items need to be addressed.

Letter 4  
Comment 28

The summary tables state that many of the mitigation actions to environment impacts still need to be confirmed by further studies yet to be conducted. This suggests that the results of those studies may show more of an environment impact than originally stated. The DEIS needs to state that the results of those studies will be made public prior to proceeding with the development. If the studies reveal worse conditions than is assumed in the DEIS, what is the timeline for completing a new DEIS?

Letter 4  
Comment 29

*1997 hearing, owner stated there was no wildlife.*

Plants and Animals – This area has been ignored and under-addressed in the DEIS. The DEIS references a 1976 source that green corridors are important to wildlife and helps to reduce the fragmentation of habitats. Plainly stated, this means that animals will not always be seen in the same place at a particular point in time but will travel within a certain range. The Salmon Creek Greenbelt, Seahurst Park and the proposed Emerald Pointe site are all connected by green corridors and are part of the same ecosystem. Therefore, what may be seen in one area, might live, travel, feed or nest in the other two areas. While a survey was done in 1990, Westmark stated in their documents (1997 hearing) that there was no wildlife on the proposed site. At the 1997 hearing as well as public hearings that followed, citizens have given testimony to the presence of wildlife on the proposed site. I was surprised to see that the gathering of primary source interview data was not used in the 2005 study or the 2006 site visit. I believe that the real data on plants an animals is inadequate since the DEIS did not collect primary source interview data, did not explain the methodology for collecting data for the 2005 study and did not explain the methodology for collecting data during the 2006 site visit.

Letter 4  
Comment 30

The birds listed in the DEIS is inadequate and perhaps incorrect. Dr. Hazeltine has tracked bird activities in the Salmon Creek portion of the ecosystem for a number of years is a very reputable source of information (see attachment E). His data was used in the acquisition of Salmon Creek Greenbelt. From my house, I regularly see blue herons as well as eagles, Pileated Woodpeckers, ospreys, hawks, <sup>owls</sup> woodpeckers and hear owls.

Letter 4  
Comment 31

The data on mammals is total<sup>ly</sup> lacking in the DEIS and needs to be addressed.

Letter 4  
Comment 32

The data on reptiles is inadequate and confusing. There is mention of the threatened Western Pond Turtle but then states that the habitat in the area cannot support them. There is inadequate discussion of the wetland residents of which must potentially exist (snakes, salamanders, frogs, toads, skinks and newts). They must exist since I have seen snakes and

Letter 4  
Comment 33

skinks in my yard. Strangely, the DEIS make no mention of bats which I also regularly see. Recently a neighbor had a family of river otters visit the pond in their backyard. The DEIS needs to include a more in-depth study of mammals and reptiles.

Letter 4  
Comment 33

It is difficult to determine environment impacts and mitigations for things that have been missed or not studied so the topic areas of mammals and reptiles are incomplete.

The discussion of fisheries is unclear. The loss of water quality in the wetland and North Creek and the lack of information about the impact of the detention vault and storm water systems makes it difficult to truly determine the real environmental impact or what mitigations are really needed. However, we do know that there is a Salmon hatchery in Seahurst Park and holding area for fish on the North Creek. At a time when the Governor of Washington State has increased the emphasis on Salmon recovery, it is important to have a clear picture of impact and comprehensive mitigation responses.

Letter 4  
Comment 34

The plant mitigations are also inadequate. All of the large trees used by bald eagle and Pileated Woodpeckers are being removed from the proposed site. As stated in the DEIS, Pileated Woodpeckers need trees that are 26 to 60 inches in diameter. Knowing what has been the fate of endangered or threatened species, it is unacceptable to state that "maybe they will adapt to the altered environment of the park" (Rohila, 2002). The plant mitigation states that trees will be planted at a "2 for 1" ratio, but only ~~on~~ .2 acres. The new plantings will be from one gallon containers and will easily take 50 years or more to reach a size suitable for bald eagles and Pileated Woodpeckers. The constant construction activity over three to four years and loss of habitat will eliminate these species from the area, *possibly the greenbelt and possibly Seahurst Park*

Letter 4  
Comment 35

There is a very brief and vague mention of the loss of green corridors and no discussion of any mitigation for that loss. This is unacceptable and must be addressed since the DEIS has stated that green corridors are critical to keep from fragmenting habitats.

Letter 4  
Comment 36

This section of the DEIS is silent on many forms of wildlife in the area and inadequate on impact and required mitigation. I would like to see this section of the DEIS expanded, include input from primary (individual) information sources, apply a strong scientific methodology and seriously address real mitigation for threatened, sensitive and endangered species living on and using the proposed site, the adjacent green spaces and the green corridors.

Letter 4  
Comment 37

Wetlands – There are a number of Washington State agencies that should be contacted or involved in this project as well as the Army Corps of Engineers. The DEIS needs to mention the need for this expertise. I have already expressed my concerns about the detention vaults, possible failure of storm water systems, watery quality and incomplete data on plant and wildlife populations of wetlands in previous sections. Since the Earth and Geotechnical section is still subject to further, yet-to-be completed studies and data analysis, it is difficult to correctly determine what mitigation is necessary to not allow the wetlands to become swamp lands, a lake or a landslide area. Wetlands are nurseries for wildlife, a system of water filtration and provide protection from flooding. They serve as canaries in the coal mine in

Letter 4  
Comment 38

Letter 4  
Comment 39

providing advanced warning of impacts to the environment. Who will be monitoring and enforcing their protection at Emerald Pointe?

Letter 4  
Comment 39

Land Use – As I have researched this project’s history from 1990 to 2007, I feel like I am trying to learn about an ever changing target. In comments given by Georgette Valle at the 1997 public hearing: citizens have considered this land to be both seismically sensitive and plant and wildlife sensitive. The data collected for the acquisition of the Salmon Creek Greenbelt in 1989 makes it clear that the knowledge is available. In spite of that, Westmark purchased the land in 1989 and has persist and insisted that it will shape the use of the land for their own purpose and not for what the land is best suited for or reasonably able to support. Westmark desperately fought against preparing a DEIS precisely for this reason. The DEIS makes it clear that numerous variances, leases/access to adjacent lands and the analysis of many yet-to-completed studies are still needed. There needs to be more detail on who will enforce, monitor and approve these.

Letter 4  
Comment 40

The issue of parking for guests of Emerald Point residents has been completely missed. In calculating the ratio of parking spaces to residents, the DEIS does not seem to allow for guest parking. Parking capacity and convenience needs to be addressed as well as the potential to increase congestion and limit access for emergency vehicles.

Letter 4  
Comment 41

The Southwest Suburban Sewer District told me that the current pipe is inadequate to carry the anticipated, increased sewage from 450 residents. The pipe will need to be replaced. The DEIS makes no mention of this, nor does it address the impact to surrounding land owners or does it address who will bear the cost of this pipe upgrade.

Letter 4  
Comment 42

Aesthetics, Ambient Light and Glare – There is no mention of the environmental impact of increased light and glare on nocturnal wildlife (which were also not include in the section on animal). There is also no mention of transmitting towers or antennas in the DEIS. In the July-August 2007 issue of Audubon, “The World Without US” (attachment F), these types of structures are responsible for thousands of bird deaths per year. The proposed site’s proximity to two larger green spaces and green corridors that is the habitat of many bird species suggests that the DEIS address this topic.

Letter 4  
Comment 43

Letter 4  
Comment 44

Noise – the DIS mentions that the Emerald Pointe land clearing and construction will occur from 7:00 AM to 7:00PM daily, six days per week for three to four years. This will have a tremendous impact on the nearby Sound Vista Condos and will depress their market value thus affecting their ability to sell for that period of time. The noise will affect sleeping patterns for the residents of Sound Vista Condos, Vintage Park apartment and other neighboring homes especially for those having second or third shift employment. Having lived adjacent and through the Salmon Creek water treatment plant conversion to secondary treatment as well as the repair to Shorewood Dr landslides, I can confirm that constant noise can be stressful to daily life and sleep. This is further evidenced by people who moved out of their homes because they could no longer tolerate the noise from the First Ave street improvement project. In addition to the surface noise, there are also sound disturbances that travel through the ground generated by the movement of heavy equipment, the felling of trees

Letter 4  
Comment 45

and any pounding and driving need to secure foundations. I saw no mitigation or recourse for these neighbors surrounding the proposed construction site in the DEIS nor are the appropriate agency identified that citizens could contact to register complaints.

Letter 4  
Comment 45

Parks and Recreation – How can a project of this magnitude have no mitigation plan for this area. Developers of single-family homes are require to provide some level of park and recreation mitigation. Why is Westmark exempt? Are they planning to just “dump” the impact of 450 residences onto Seahurst Park? The DEIS needs to fully address this section.

Letter 4  
Comment 46

Schools – Who will be the market for these condos? Or, who is the target population to rent the apartments? There seems to be no concrete answer. However, the DEIS suggests that the number of children to be 20 – 60. I feel that this a very low estimate and needs to be re-examined based on the known populations of the surrounding apartment complexes. Twenty additional students is a significant cost to the school district. It is one teacher, one classroom and extra bus usage.

Letter 4  
Comment 47

Public Services – There does not appear to be adequate information on the ability for Fire District #2 to service either Alternative 1 or 2. How can the DEIS justify that, in spite of an addition 450 new residents? There will be a need for additional police protection and resources. There is no discussion in the DEIS for handling public buses on the site and providing sufficient room to maneuver. What are the specific access requirements? Who reviews and approves site access plans? When will these requirement, reviews and approvals be made available to the public? As a disabled citizen, I feel that these are critical issues to consider for health and safety reasons.

Letter 4  
Comment 48

Public Utilities – The proposed project is on a very sensitive seismic and landslide area. Because of the potential danger of land movement, fire or explosions during earthquakes or landslides, I question the use of natural gas as an energy source for a project the size of Emerald Pointe. Until the analyses of the stability studies are complete, the data on the use of energy source is inadequate. Who will be reviewing and determining the energy source to be used at this project?

Letter 4  
Comment 49

History – There is no public mention of the public hearing held on February 18, 2004 or the decision notice calling for the DEIS in April. This needs to be added.

Letter 4  
Comment 50

I have some concerns about the availability of the DEIS to the public. The document was missing from the Burien Public Library almost until the date of the Public Hearing scheduled for September 18, 2007. One of the two copies was removed from the library during the comment period between September 19 and October 5, 2007. This made it very difficult for concerned citizens to have free access to this public document.

Letter 4  
Comment 51

Notification about the September 18, 2007 Public Hearing was very restricted. There was no announcement of the Hearing in the September, 2007 Burien City News, no mention of it in the Highline Times, only one notice of it in the August 21, 2007 edition of the Seattle Times and limited mailings to persons living 500 feet or less from the property. The two sign boards

Letter 4  
Comment 52

located adjacent to the property were in obscure area and one sign was completely unreadable due to rain. Information is power and if the citizens have no access or limited access to information, they do not have the power to shape their community (attachment G). Could the City of Burien increase its notification and posting of meeting<sup>s</sup> to its citizenry?

The DEIS begins to demonstrate the significance of the proposed project. As a citizen, I want to see that every protection is afforded for these lands, citizens, the wildlife, the water, Seahurst Park, Puget Sound and the adjacent greenbelt. This project will be very costly and I would like to understand the true costs and that those costs be the responsibility of Westmark.

Public works and the City of Burien staff will have a tremendously increased workload monitoring and enforcing compliance of this project. Additional expertise will be required. Who will obtain the extra resources and who will bear the cost of their services? This should also be identified in the DEIS.

Let's work together to get this right.

Sincerely,

*Ch. Edgar*  
*1881 Ambaum Blvd. S.W.*  
*Burien, Wa.*

### Concerts in the Park

Seattle Women's Jazz Orchestra performed *The Best of Big Band* July 12 as part of the City's *Concerts in the Park* series. Music-lovers enjoyed a range of performers, from country to blues, in the free five concerts held at Lake Burien School Park. The concert series will move to the Burien Town Square Park when it is completed in 2009.



### Residents Can Lend a Hand at Seahurst's 'Day in the Park'

Join community volunteers for "Day in the Park" 2007 held at Seahurst Park and Celebrate National Public Land's Day by lending a hand. The City of Burien Parks, Recreation and Cultural Services Department is hosting Earth Share's "Day in the Park" at Seahurst Park on Saturday, September 29, 9 a.m - 1:30 p.m.

This year's event will be led by City park's staff and Volunteers for Outdoor Washington (VOW). VOW works with land managers to build trails, restore habitat and preserve Washington state's rich heritage. Project areas will focus on additional trail improvements and invasive plant removal along the beach and hillside on the north end of the park.

Please pre-register at [www.dayinthepark.org](http://www.dayinthepark.org) or call (206) 988-3700 to include your name for onsite registration. Check-in/light snacks and T-shirt hand-outs will take place between 9 - 9:30 a.m. at Seahurst's south shelter.

Volunteers at last year's event regraded 320 feet of trail, added 135 feet of gravel, dug 150 feet of drainage ditches, cleared three culverts and added one culvert. Volunteers also removed 15 cubic yards of English ivy, clearing the invasive plant away from 55 trees along the entrance road leading to the park.

This large-scale outdoor volunteer event is coordinated by Earth Share of Washington, with major support coming from Ikea and 103.7 the Mountain radio. The event is also supported by several other Puget Sound organizations. Earth Share supports 66 nonprofit environmental organizations through workplace giving campaigns, volunteer matching, and community events such as "Day in the Park." Seahurst is one of seven King County locations selected for the annual all-volunteer park clean-up.

For more information please contact Lisa Aumann, Adopt-a-Park Coordinator at (206) 988-3700 or [lisaa@burienwa.gov](mailto:lisaa@burienwa.gov).

### Support Senior Program at the Annual 'A Taste of Tuscany'

Join the Burien Senior Program for "A Taste of Tuscany" on Friday, September 14, 5 - 7 p.m., Burien Community Center, 425 SW 144th St. Tickets are \$8 each, available at the Burien Community Center Senior Program Office. The evening includes a spaghetti dinner and entertainment. All proceeds help the continuation of services and programs for seniors in our community. This event is sponsored by Daystar Retirement Village and CHOICE Advisory Services. For more information or to purchase tickets, please call (206) 244-3686.

### PUBLIC WORKS PROJECTS

**1ST AVENUE SOUTH:** Construction work continues on the 1st Avenue South Improvement Project. Motorists and others impacted by the project are thanked for their patience in dealing with traffic delays and detours. There are limited lane closures and at least one lane remains open in each direction during construction. Stores and restaurants are open and accessible throughout construction.

Business customers and employees of businesses along 1st Avenue S. exiting the business during night-time road closures should wait for the flaggers for assistance. If there are no flaggers available, flash your high-beam lights or honk your horn until a flagger can help you out safely onto 1st Ave. S. Road construction is scheduled to be completed by the end of 2007. Final paving will occur in spring 2008.

**SHOREWOOD DRIVE SW:** The City has signed a construction contract with CDM Constructors, Inc. to stabilize the failed slope at Shorewood Drive SW. The construction work was scheduled to start in late August and take roughly 30 days. The road should re-open in October.

**AMBAUM CORRIDOR:** Construction is scheduled to begin this fall on the Ambaum Boulevard/SW 156th Street corridor improvements. The \$700,000 project will rechannel the corridor to provide a continuous left-turn lane, two travel lanes and bicycle lanes, as well as repair sidewalks and complete several missing links. This stretch of street is one of Burien's highest accident locations. Construction is expected to take about four months.

### Miller/Walker Creek Volunteers Wanted

- Would you like to volunteer to improve streams or wetlands in Burien?
- Do you have fish sightings in Miller/Walker Creek to report?
- Would you like a presentation for your school, church, or community group on our stream and wetland resources and how to protect them?

Burien will soon be expanding its efforts to improve water quality and green spaces along our streams and wetlands. These efforts will

be coordinated with and funded in partnership with the other governments that share the Miller/Walker Creek basin: Normandy Park, SeaTac, the Port of Seattle, and King County.

The success of these watershed stewardship efforts will depend greatly on partnerships with enthusiastic residents who care about our community's natural resources. We need your energy and knowledge. To join in or learn more, please contact Dan Bath, at [danb@burienwa.gov](mailto:danb@burienwa.gov), or call 439-3154.

### Check Out Nia Fitness Classes Through Burien Parks

Nia classes are now being offered at Parks and Recreation Department. Nia combines selected movements and concepts from Yoga, Tai Chi, Tae Kwon Do, Aikido, Jazz modern dance, and other movement forms. This class offers total body cardiovascular, conditioning and cross-training and is suitable for all fitness levels.

On September 6, the Parks and Recreation Department will offer a free introductory class 7 - 7:45 p.m. Come check it out! Classes will be held in the fall starting on September 22. For more information, please call the Burien Parks and Recreation Department at (206) 988-3700.

**Hazard Profile – Landslide**

Among the significant landslides caused by the Nisqually earthquake are the following:

Salmon Beach, Tacoma – A 1,300 cubic yard landslide demolished two homes at the base of the bluff. The landslide damaged sewer, water and electrical lines. A much larger slide – estimated at 13,000 to 26,000 cubic yards – moved at the top of the bluff threatening another eight homes. This waterfront community on the Tacoma Narrows also experienced landslide damage during the 1949 earthquake. Estimated damage caused by the smaller landslide is \$1.5 million.

Cedar River, Renton – Two landslides occurred along the banks of the Cedar River. One, estimated at 50,000 cubic yards, demolished 200 yards of a flood control facility and blocked the river until a ditch was dug through the debris. A second carried 10,000 cubic yards of material into a house, breaking it in two and filling half the structure with debris. The landslide narrowly missed burying the home's occupant. Estimated damage caused by these slides is \$1.7 million.

Capitol Lake/Deschutes Parkway, Olympia – The parkway experienced significant damage from lateral spreading, liquefaction and ground failure during the earthquake, as well as from a landslide six weeks later. Several lateral spread landslides occurred around the margins of Capitol Lake; they damaged water and sewer lines as well as Marathon Park. Estimated damage caused by these landslides is \$22.2 million.

✓ Maplewild Avenue, Burien – Five homes perched along a steep slope sustained structural damage when underlying fill formed a landslide. One house was demolished and two others badly damaged. The street also was damaged between 29<sup>th</sup> Place SW and 33<sup>rd</sup> Avenue SW. Estimated damage caused by the landslide is \$7.6 million.

Tolmie State Park, near Olympia – Lateral spreading damaged sewer and water lines, bridges, trails and a kitchen shelter, resulting in temporary closure of the day-use marine park. Estimated damage caused by the landslides is \$348,000.

Sunset Lake-Trosper Memorial Trailer Park, near Tumwater – A lateral spread and other failures damaged the perimeter road, a two-inch natural gas line serving the trailer park and a number of mobile homes; damage estimates not available.

U.S. Highway 101, Thurston County – The northbound lanes of the highway near its junction with State Route 8 west of Olympia slid away during the earthquake. A slump/debris flow of about 20,000 cubic yards removed one lane of the highway and flowed down a slope between two homes before ending up on a surface street below. Estimate damage caused by the slide \$919,570.

Other areas where landslide caused damage includes King County International Airport/Boeing Field, Harbor Island in Seattle, Chambers Creek near Steilacoom, State Route 302 near Allyn, State Route 202 near Snoqualmie, Victor Fill near Port Orchard, and Interstate 405 at 44<sup>th</sup> Street in Renton.

City of Burien

BURIEN PLANNING COMMISSION MEETING

July 9, 2002

6:30 to 9:00 p.m.

City Council Chambers

MEETING NOTES

Planning Commission Members Present: Mickey Conlin; Jon Newton; Robert Simpson-Clark; Bruce White

Absent: None Robert Pierce, chair; Gerald Robison; Len Boscarine; Douglas Rahn; Kirsti Weaver

Others Present: David Johanson, senior planner; Gerry Lindsay, recording secretary; Diane Hennessey and Nancy Job, Adolfson and Associates; Mark Greenig, EDAW; Jon Sondergaard, Associated Earth Sciences, Inc.

Roll Call

Because a quorum was not present, the meeting was not officially called to order. Upon the call of the roll all commissioners were present the exception of Chair Pierce and Commissioners Robison, Boscarine, Rahn and Weaver.

New Business

A. Critical Areas Regulations

Scott Greenberg, planning director, said the process to review and possibly change the critical area regulations and policies as directed by state law will be coming before the commission soon. A team of consultants has been hired to assist in the work.

Diane Hennessey, a consultant with Adolfson and Associates, introduced Nancy Job, also with Adolfson and Associates, and Mark Greenig of EDAW, and Jon Sondergaard, a professional engineering geologist with Associated Earth Sciences.

Ms. Hennessey said the purpose of having critical areas regulations is to protect public health, safety and welfare. The difficulty is the need to balance the protection of property owner rights with protection of critical areas and public safety. Critical areas regulations are required by state law and the Growth Management Act.

Under the Growth Management Act, critical areas include wetlands, fish and wildlife habitat conservation areas, aquifer recharge areas, geologically hazardous areas, and frequently flooded areas. She explained that wetlands include areas of open water as well as areas that are only seasonally wet and have a predominance of wetlands vegetation.

The commissioners were shown a map indicating the locations of critical areas in Burien. She noted that Walker Creek is an important stream because it contains anadromous fish and because it feeds into Miller Creek. In addition to steep slopes, there are geologically hazardous areas, a geoduck and shellfish population, and eagle and great blue heron nesting areas. Salmon Creek has resident cutthroat but there is a major fish barrier preventing access; a long-term plan might include fisheries restoration efforts.

Commissioner Newton asked if consideration has been given to the new creek created by the landslide that occurred during the Nisqually earthquake. Jon Sondergaard said he had not seen the creek and assumed it was included in the recent landslide records. Commissioner Newton said the water volume running into Salmon Creek has trebled because of the new creek. The landslide left behind material some 12 to 15 feet deep. He said he has not seen salmon in the area but there are other fish, a few great blue herons, and osprey in the area. The area remains quite unstable.

**Coastal Landsliding on Puget Sound:  
A review of landslides occurring  
between 1996 and 1999**



**August, 2001**



**Report #01-06-019**

## Geology of Landslides

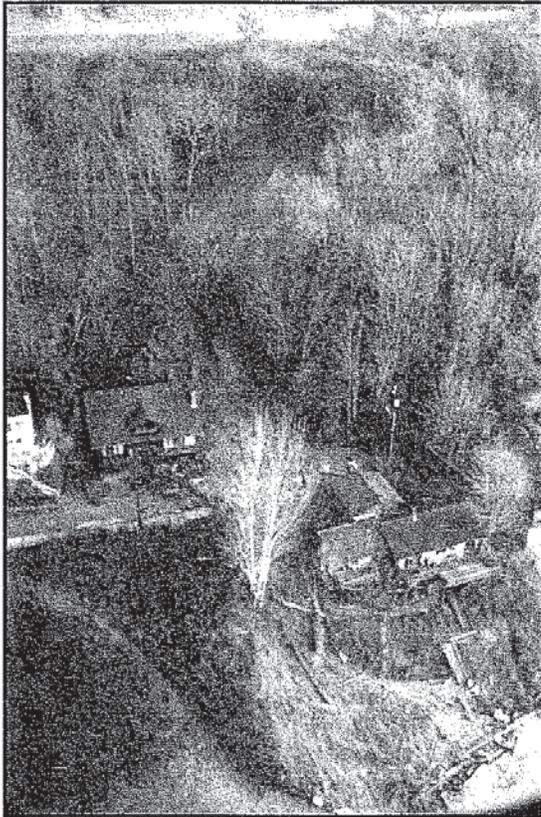


Figure 9. Debris flow downslope from a shallow landslide that occurred along Magnolia Bluff in Seattle during the 1996-97 Holiday Storm.

[Photo: 1/2/1997, #4108\_12]

### Factors in slides

A variety of factors influence the distribution, occurrence, and timing of landslides, including slope steepness, slope materials, hydrologic conditions, and others [Varnes, 1978; Jochim and others, 1988]. Landslides result when the stresses acting on a slope (driving forces) exceed the resistance of the slope to downward movement (resisting strength). The primary driving force is gravity and its effectiveness depends directly on slope geometry and loading. Resistance to earth movement depends primarily on the properties of the geological materials, hydrology, and the presence of additional strengthening elements, such as retaining walls or tree roots. Slides can be triggered whenever one of these factors changes sufficiently to result in unstable conditions. Erosion by wave action can steepen a slope, causing a slide. Heavy rain can saturate soils, reducing their internal strength. Earthquake shaking can also weaken soils or place additional loads on a slope<sup>5</sup>.

✓ Many landslides, particularly in developed areas, are aggravated by human actions. Shannon & Wilson [2000] found that 84% of the landslides inventoried in Seattle were influenced, at least in

<sup>5</sup> See appendix for discussion of impacts of 2001 Nisqually Earthquake.

## Coastal Landsliding on Puget Sound

✓ part, by human activities. The most common contributors are the directing of runoff onto a steep slope or the failure of an existing drainage system on or above a slide-prone slope. Other situations include excavation and undermining of slopes, placement of fill material on slopes, failures of retaining walls, and clearing of vegetation.

## Geologic materials

The importance of geology to landslides in the Puget Sound region has been previously discussed, but is largely related to hydrological conditions that occur in common sequences of poorly consolidated geological units found along the shoreline. The material properties of individual geological units are also important, since some geologic materials resist sliding much better than others.

Different units have different engineering properties (for a summary of properties of common geologic units found on Puget Sound, see table in Coastal Atlas, Washington Department of Ecology, 1977-1980). Unfortunately, engineering evaluations of soils, even within landslide areas, often simply provide laboratory measurements of strength. Palmer [1998] points out that stability evaluations should not rely simply on measured soil strength. Commonly, it is not the strength of the overlying and underlying units, but the contrast between them that is important. It is possible for materials within inches of a major failure surface to retain much of their engineering strength, yet this strength provides no clue as to the potential instability of the site. Such measurements are particularly problematic when based on samples obtained from boreholes where the context may be poorly known.

Glacial till tends to be highly competent and resistant to sliding, except where fractured or where other natural weaknesses extend through the rock. Similarly, the compact silts and clays found in glacial lake deposits are relatively cohesive, although their presence can be a major contributor to unstable conditions because of their hydrologic properties. Glacial outwash consisting of poorly consolidated sand and gravel may provide solid foundation support, but can be vulnerable to erosion and landsliding on or near steep slopes. Any material, as it becomes weathered by chemical and physical processes within the soil, is weakened and becomes more vulnerable to sliding.

\* Among the least stable materials are colluvium derived from past erosion and mass-wasting. Within historic landslide areas, the geology can be highly complicated. Materials that may have been strong in their original position may be heavily disturbed and weakened by subsequent movement and shearing. Water movement within the slide mass may be rapid and unpredictable.

Bedrock is generally highly resistant to landsliding. Slides can occur, however, in areas where fractures or bedding planes in the rock are steeply inclined and where water can penetrate, weakening the rock. Slides can also occur in glacial sediments that overlie bedrock - the bedrock acts as an underlying impermeable unit, just as lake bed clays do in other settings. When the water table above the interface rises and pore pressures increase, slides can occur. Susceptibility to sliding is higher where the buried bedrock surface slopes seaward. Bedrock in the Puget Lowland occurs on the San Juan Islands, Fidalgo Island and the northern part of Whidbey Island, the western portion of the Strait of Juan de Fuca, and the shoreline south of Bellingham along Chuckanut Drive. Limited bedrock exposures occur elsewhere, such as along western Hood Canal and portions of eastern Jefferson County, but slope stability remains primarily an issue for the non-bedrock shorelines of the Sound.

## Geology of Landslides

## Slope Steepness

Landslides are ultimately caused by gravity and the stresses imposed on steeper slopes are generally greater than on shallow slopes. Different geologic materials have highly variable resistance to sliding, however, and hydrologic conditions can also vary from one slope to the next. Predicting landslides based on slope gradient alone provides a generally accurate picture of the areas prone to debris avalanches in colluvial soils, particularly if hydrologic factors are accounted for, but may be considerable less useful in identifying areas subject to deeper-seated landsliding.

Slope, in itself, can be a deceptive indicator of stability. Some steep slopes can be remarkably stable. Well-drained glacial till can stand vertically for many decades or centuries. When failures do occur, they are often along vertical fractures parallel to the bluff face, so the steep slope is maintained as the bluff retreats. Conversely, slides can occur on very gradual slopes if the right combination of geologic units and hydrologic conditions exists. Some of the Sound's most unstable soils exist on relatively level mid-slope benches where the upper ten or more feet of soil readily slides laterally on a saturated zone developed atop the underlying, impermeable fine-grained units. The overall slope within the large Carlyon Beach landslide north of Olympia is very low, although historic slide scarps within the slide were steeper [Geoengineers, 1999].

Angle of repose is often cited in reference to slope stability, since it represents the maximum slope angle at which materials can remain stable - other factors aside. Palmer [1998] notes that many Puget Sound bluffs approach or even exceed a 40% slope, indicating that other factors contribute to maintaining the slope. Such factors include compaction and cementation of sediments and the stabilizing contributions of vegetation. As a general rule we find the term "angle of repose" confusing and often difficult to apply properly in describing slopes consisting of multiple geological units and units with widely different material properties.

The steepness and the shape of a coastal slope depends not just on the geologic units of which it is composed, but also the geomorphological processes affecting the slope. Stream erosion and wave action at the base of a slope contribute to maintaining steep coastal bluffs. Upper bluff slumping related to perched water above underlying finer grained sediments leads to the development and widening of mid-slope benches. The presence of the bench is in itself evidence that the upper part of the slope may be retreating faster than the toe of the slope. In contrast, on some relatively stable slopes, wave action may result in the lower slope becoming oversteepened, yet it may take decades or centuries for this erosion to translate to recession of the top of the bluff.

## Toe erosion and undercutting

Erosion of the toe of a slope steepens and undermines the bank, decreasing its stability. Undercutting at the base of a steep slope can set the stage for slides that progressively destabilize higher parts of the slope. On Puget Sound's shorelines, cutting into the toe of slopes most commonly occurs due to erosion by wave action. Undercutting can also occur in mid-slope areas as a result of erosion of underlying units by groundwater seepage or surface erosion. Downward movement of deep-seated landslides can undermine steep upper slopes also. Humans often cut into the toes of slopes to construct access roads or homes or even in the process of building bulkheads and retaining walls. Toe erosion may involve cutting into fresh materials exposed at the base of the slope or it can simply involve removing colluvium from past mass-wasting that may be helping to buttress the slope.

## Coastal Landsliding on Puget Sound

The rate of shoreline erosion on Puget Sound varies considerably and depends on a number of factors [Shipman, 1995]. These include exposure to wave action, the resistance to erosion of the geologic materials at the base of the bluff and immediately below the beach surface, and the width and elevation of the beach itself. When beaches are low and narrow, waves can erode the toe of the bluff during high tides and storm action and may directly influence slope stability, but when beaches are broad and littoral sediment abundant, wave action may seldom reach the toe of the bank and mass-wasting primarily occurs due to upslope geologic and hydrologic factors -- waves only serve to remove debris that is deposited on the beach.

Steepening a coastal bluff through chronic toe erosion is a relatively slow process that acts over many decades or even centuries, whereas landslides tend to occur in response to transient increases in groundwater and soil saturation. As a consequence, the common emphasis on toe protection is sometimes short-sighted, as it does little to alleviate the already steepened slope and does nothing to reduce the potential for heavy rains causing saturated soils to fail. Not only are numerous residential bulkheads buried beneath subsequent landslides, but most of the dramatic landslides that occurred in 1996-1997 occurred on shorelines that had been protected at their toe for many decades or longer (for example, Perkins Lane and Duwamish Head in Seattle, the Woodway landslide, or the Rolling Bay landslides on Bainbridge Island).

Shoreline management efforts relating to landslides are complicated by the fact that most of the beaches on Puget Sound consist of sediment derived from the erosion of coastal bluffs through landsliding [Downing, 1983]. Although toe protection may well be part of a stabilization solution, successful prevention of erosion and landsliding in some areas may result in significant diminishment of sediment supply to the littoral system over a period of decades and may lead to accelerated erosion in previously stable areas [Macdonald et al, 1995] elsewhere along the shoreline.

### Hydrology

Hydrological factors affect both the overall stability of a slope and the timing and occurrence of landslides. As discussed previously, the presence of impermeable barriers to downward movement of groundwater can lead to zones which are particularly susceptible to landsliding. This commonly happens along the interface between weathered colluvium and underlying unweathered soil and between well-drained glacial outwash and underlying fine grained silts and clays. Again, the contrast in permeability between the two units may be much more important than the predicted or measured (in the laboratory) strength of the individual units.

When wet weather cause groundwater levels to rise, slope stability is compromised in several ways. As pore pressures increase in the sediments, the strength of the units is reduced, and slope failure can occur along the resulting zone of weakness. Increased groundwater levels also increases seepage and flow rates, which can result in erosion of the lower slope, saturation of soil below the seepage zone [Tubbs, 1974], and in some cases, erosion of the seep zone itself, undercutting the upper slope. Groundwater blowouts [Shannon and Wilson, 2000] occur when rapid erosion occurs of sediments near the bluff face as a result of anomalously high pore pressures. Finally, runoff saturates surface soils and colluvial materials on the slope, increasing their weight and further loading the slope.

Surface water enters soils, the shallow water table, and deep groundwater zones by a number of means. Deep groundwater is generally influenced by prolonged periods of precipitation over relatively large areas. Shallow groundwater levels respond more directly to rainfall events and may be extremely susceptible to modifications in natural drainage, wetlands, or vegetation cover.

## Geology of Landslides

The saturation of surface soils depends on soil properties and vegetation cover and responds quickly to precipitation, but can be exacerbated by directed surface runoff (natural or artificial) and groundwater seepage (particularly on the face of steep slopes where springs occur).

Tubbs [1974] found that 70% of the landslides in Seattle in early 1972 occurred on one of three days in which precipitation exceeded 1.75 inches in 24 hours. 90% occurred when 24-hour rainfall exceeded 1 inch. Shannon and Wilson [2000] notes that geologists in the region have relied on a rule of thumb that predicts significant sliding when daily precipitation exceeds 2 inches or when two day precipitation exceeds 3 inches. Intense rain is more likely to trigger landslides when soils are already saturated, explaining why landslide events occur more frequently after several days of heavy rains and why slides often occur later in the winter [Tubbs, 1974; Chleborad, 2000].

Human activities can directly impact both runoff and the rate of infiltration of stormwater into soils and the groundwater, thereby influencing slope stability. Human modifications to hydrology may increase or decrease slope stability, depending on the local geologic conditions and the combination of activities involved. Vegetation modification (clearing, landscaping) and development directly affect runoff volumes. Stormwater controls can greatly modify the location and volume of infiltration within a developed or developing area. For example, a road paralleling the top of a steep slope can intercept large volumes of surface runoff and shallow groundwater, redirecting this flow to concentrated locations at culvert crossings, and possibly modifying the stability of the slope.

On individual residential lots, concentrated drainage from driveways and roofs is often directed to the adjacent slope. If well designed and maintained, such drains may improve stability by reducing infiltration above the bluff, but if poorly designed or if failure occurs, such drains can greatly exacerbate problems by leading to concentrated infiltration on the slope itself or serious surface erosion. On-site septic systems and drainfields, which predominate along a bulk of Puget Sound's residential shoreline, can lead to increased infiltration, as can poorly planned or maintained irrigation systems.

### Loading

Any process that adds weight to the top of a potentially unstable slope can increase the risk of sliding. The placement of fill on or adjacent to a steep slope can lead to slides, as can the natural deposition of material from landsliding from farther upslope. On a mid-slope bench, the sliding of material off of the upper scarp may help drive the movement of material across the bench, to the point where it slides down the lower slope towards the shoreline. Although less common, the construction of heavy structures on a slope, the stacking of clearing debris and logs, or the storage of heavy construction equipment near the edge of a slope can lead to failures.

Water itself can add a surcharge to a slope. Runoff or groundwater seepage can saturate loose surficial soils and colluvium, leading to failure as the material's mass increases. A common scenario on residential property involves the dumping of yard waste over the edge of the slope. When these materials become saturated during heavy rains, they often slide, occasionally triggering larger slides of soil and vegetation downslope. Loads can also be imparted to a slope when wind stress causes large trees to shift<sup>6</sup> or by earthquake shaking (see Appendix).

<sup>6</sup> The movement of large trees by wind is also suggested, at least by some, to cause loosening of soils and increased infiltration, also leading to slides. Although often cited as a cause of slides and a reason for removing large trees, it is unclear how significant wind stress actually is. In some cases, removal of

## Coastal Landsliding on Puget Sound

## Vegetation

Most of the steep slopes surrounding Puget Sound are heavily forested, or were so prior to human settlement. Even where slopes themselves did not support heavy vegetation due to unfavorable geologic materials or due to rapid erosion, the upland areas above the slopes which directly affect shallow groundwater recharge were forested. The influence of vegetation on slope stability is poorly understood and loudly debated. The debate is complicated by additional considerations that are only indirectly related to slope stability, but that strongly influence opinions. Vegetation removal enhances views from shoreline property, a major consideration for property owners; large trees are often perceived as a hazard (during windstorms) or an obstacle to landscaping (shadowing and leaf litter); and extensive root systems obstruct drainfields, drain systems, and property improvements. On the other hand, vegetation along the shoreline can help stabilize steep slopes and is a critical ecological resource that provides habitat by contributing shade, woody debris, and other organic material to the beach and to the aquatic environment [Thom and others, 1994].

The primary influence of vegetation on shoreline bluffs appears to be on hydrologic characteristics - since it affects infiltration and surface runoff. Vegetation protects soils and steep slopes from surface erosion and decreases the rate and volume of infiltration of rainfall into the soil. Vegetation is an important mechanism for removing water from soils by transpiration - this may be particularly relevant for conifers that continue to transpire during winter months when precipitation is high and slides more likely. These factors may be as important for forested areas well above the slopes as they are on the slope itself, due to their impact on shallow groundwater recharge.

On the slopes, vegetation can add strength directly through the development of extensive root systems and the ability of larger trees to buttress the slope. Mature root systems not only bind weathered soils together, but can anchor these soils to underlying geologic materials. On some Puget Sound bluffs, gradual soil creep and small slides have led to the development of dense webs of woody material near the toe of the slope that act as natural bulkheads against wave action and may provide support to the slope itself.

Vegetation can also destabilize slopes. Vegetation growth increases weathering of soils and root action can, particularly in compact units like glacial till, loosen natural fractures and joints in the material, leading to failure. Movement of trees by wind stress may loosen soils, enhancing infiltration, and in some cases, may impart significant loads to the slope itself that may trigger failure. Regardless of their role in stabilizing or weakening slopes, trees can become lethal projectiles when a slope does fail, endangering structures that are not adequately set away from the toe of the slope. As a consequence, each site warrants a complete, but individual analysis.

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vegetation can in itself reduce slope stability by decreasing root strength or modifying hydrologic conditions, suggesting that decisions to remove vegetation need to be carefully considered and are likely to be highly situation-dependent.

## Coastal Landsliding on Puget Sound

**Human influence on landslide occurrence**

Human activities influence the timing, location, and character of many landslides. Engineering measures may stabilize slopes. Improperly designed or maintained drainage systems may lead to landslides. Land development practices that affect hydrology may increase or decrease sliding, depending on site-specific circumstances. Minor earth movement may break a sewer or water main, causing a larger slide. Isolating these various influences is difficult, however, in light of the fact that increased development often leads to larger numbers of reported landslides and more widespread landslide damage, simply because more development is likely to be impacted.

Several studies indicate that a large proportion (upward of 70%) of landslides, at least in some areas, are associated with human actions [Tubbs, 1974; Shannon & Wilson, 2000]. The simplest way in which we influence landsliding is by alterations, both intentional and unintentional, to hydrologic conditions. This can occur through clearing of vegetation, increasing surface water runoff, changing rates and locations of infiltration, or the construction and operation of both small (residential gutters and downspouts) and large (urban stormwater) drainage systems. These modifications may increase or decrease the likelihood of landsliding in different situations. Humans can also alter slopes directly by excavation or placing fill.

Although there are clearly many ways in which humans can increase landslides, such conclusions should be interpreted cautiously. Landslides are much more likely to be reported, and therefore counted, in developed areas where possible human causes are readily attributed -- even if such slides were not the result of anthropogenic activity.

Landslides are perfectly natural phenomena that occur throughout the region, as demonstrated by the large number of slides observed on steep slopes far removed from human activity. Even where humans have significantly modified the landscape, landslides can occur simply because rainfall saturates soils and causes slopes to fail, and do not require a human trigger or explanation.

In many cases, human actions simply cause a slope failure to occur sooner than it would have naturally. In developed areas, the human imprint on the landscape, particularly in the form of drainage changes, is so pervasive that virtually any landslide can be associated with a human action - regardless of whether that action was a necessary condition for the slide to occur. As development in an area increases, the ability of an aggrieved property owner to point to a human-related contributing cause for a landslide becomes greater.

Although the timing of a landslide may be traced to a single event (usually a heavy rainstorm), there typically are many contributing factors. Consider the following example: a steep slope may have been originally formed by wave-induced erosion at the toe and may have been subsequently modified by a road built at its base. Stormwater from a recent upland subdivision is carried to the beach in a closed pipe, but settling of the pipe due to poor construction practices has resulted in a major break near the top of the slope. Inevitably, the slope will fail as a consequence of heavy rains, yet many natural and human conditions have contributed to the landslide.

**Rural versus urbanized areas**

Our investigation of landslides, including both shallow slides during 1996-97 and deeper-seated failures during 1998-99, found them to occur in both minimally populated rural areas and in more heavily developed suburban and urban areas. Urban areas, such as Seattle, reported many more landslides in a given area than less-populated areas, although this likely reflects differences in

## Character and Distribution of Puget Sound Landsliding

in direct hits on trains. The 1997 Woodway slide pushed several freight cars into the Sound. AMTRAK runs several trains daily along this route and the region plans to shortly commence commuter rail along the same stretch.

Debris from shallow landslides frequently closes or restricts use of numerous public roads in the region located along the shoreline. Examples include Cromwell Drive near Gig Harbor, North Shore Road on Hood Canal, and the Illahee Road and Brownsville-Gilberton Roads in Kitsap County, and many others. More urban examples include Ruston Way in Tacoma and Dexter and Aurora Avenues in the Queen Anne neighborhood of Seattle. Large landslides in 1998-99 impacted U.S. Highway 101 along Hood Canal, Highway 160 west of Port Orchard, and State Route 3 between Allyn and Belfair.

### Faces of steep slopes

The faces of steep slopes are rarely developed - engineering costs are high and there is little ambiguity about the risk - except in those areas where property values are sufficiently high to drive demand for these lots and to support the costs of rigorous geotechnical analysis and complex structural designs. In an urban area such as the city of Seattle, considerable development has occurred on steep slopes, although the level of engineering sophistication may vary enormously.

Structures on steep slopes can be vulnerable to damage from slide debris from above, from undermining by slides lower on the slope, or may become actively involved in a slide that includes the structure itself. Engineering and construction techniques exist to mitigate some of these hazards in some situations. For example, a pile foundation may be used support the structure on deeper, more stable materials and to allow slides to pass beneath a structure without significant damage. In intensively developed areas, and particularly in multi-family and commercial development, construction may involve digging into the slope, completely removing unstable materials, and designing foundation walls as retaining structures for the slope itself<sup>10</sup>.

Along much of the Puget sound shoreline where single family residential development predominates, the greatest danger of landsliding on the slope face is typically not to homes themselves, but to accessory structures, beach stairs, utilities, drain systems, or ironically, improperly designed and constructed retaining walls. The access roads, pump houses, waterlines, and other utility lines for many beach-level communities are often located on steep slopes and are vulnerable to damage from even minor slides. The risk is compounded by the fact that during severe weather, when emergency access and egress are most important, even a relatively small slide can cut off a small community.

### Mid-slope benches and large landslides

Unlike the steep slopes themselves, benches and the rolling terrain of large slide complexes are often interpreted as attractive locations for building. Plats based on topography may place many "buildable lots" on a single slide bench. Many large landslide complexes around the Sound were subdivided decades ago and may have been partially developed. Pressure to build in these areas is often high.

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<sup>10</sup> The eastern slope of Seattle's Queen Anne hill, above Lake Union, and the steep hillside above the Factoria area of Bellevue, provide good local examples of high density development of steep slopes.

## Addressing Puget Sound Landslide Hazards

as ditch clearing, debris removal, or pavement patching, but may not be clear measures of landslide activity.

The Washington State Department of Transportation maintains a database of road maintenance activities that provides some indication of landslide activity, although clearly only slides that impact state highways would be noted - limiting its usefulness for inventorying landslides along most shorelines. Pipeline companies and railroads also maintain similar records of repair and maintenance activity, but access to such databases may be restricted or at best, difficult.

Another potential source of information about slides are local and state permitting agencies with regulatory jurisdiction over activities carried out in response to landslides. Local planning and building departments review proposals for retaining walls, slope stabilization measures, bulkheads, and related actions. The Washington State Department of Fish and Wildlife (WDFW) reviews projects along the shoreline, such as bulkheads and retaining walls. The Washington Department of Ecology (WDOE) also reviews some shoreline projects. As a consequence, agency staff may be familiar with particular landslides in their jurisdictions, but such knowledge is unlikely to be useful for compiling a comprehensive inventory.

Geological and engineering consulting firms typically have the best opportunity to collect technical information on landslides, but many different consultants and contractors operate in this area and the experience of any one company will be limited to those slides that they are hired to investigate. Where reports are carried out on behalf of a public agency or as a requirement of a building or permit application, the records would typically be public, but often letters and reports generated by these investigations are confidential and proprietary.

Media accounts, typically newspapers, are a common source of information about landslides, particularly when researchers are trying to recreate a landslide inventory from scanty historical records [Cuesta and others, 1999]. Unfortunately, such records are extremely selective, focusing on newsworthy landslides or on slides for which information is readily available. Newspapers are a useful method for identifying previous episodes of significant landsliding, even if they are limited as an inventory tool.

### **Regulation of Unstable Slopes on Puget Sound**

In Washington, construction in landslide-prone areas is regulated at the local level, largely through land use zoning, development regulations, and building codes. Zoning regulations provide communities with a tool for guiding development away from hazardous areas or for controlling densities and types of development on hillslopes [Olshansky, 1996; FEMA, 1997b].

The state's Growth Management Act (1990) requires jurisdictions to adopt Critical Areas Ordinances that meet state-established minimum guidelines [Brunengo, 1994]. Critical Areas include Geologically Hazardous Areas, a subset of which is Landslide Hazards. Several jurisdictions already had development regulations for steep slopes and landslide hazard areas prior to the Growth Management Act (King County's Environmentally Sensitive Areas ordinance or Thurston County's Marine Bluff ordinance, for example) and have subsequently adapted the earlier codes to meet the requirements of the GMA. Other jurisdictions had little, if any, regulation of slide-prone areas in place in 1990, and have subsequently developed new ordinances.

The Uniform Building Code (UBC) contains elements that address construction practices on steep or unstable slopes [Laprade, 1989]. The Hazard Mitigation Survey Team (HMST) [FEMA,

## Coastal Landsliding on Puget Sound

1997b) recommended that local jurisdictions adopt, at a minimum, those standards set forth in Appendix Chapter 33 of the UBC. Scullin [1983] describes in detail the excavation and grading requirements in the Uniform Building Code. The HMST noted that in addition to implementing strict building standards in potentially unstable areas, local jurisdictions should assure that geotechnical standards are complied with and that inspectors are trained and empowered to recognize problems and to enforce codes in this area.

Another area of regulation that significantly affects development in many unstable areas are laws designed to protect shorelines and other environmentally sensitive areas. Landslides frequently occur along river and marine shorelines and therefore development in landslide prone areas, along with activities carried out to mitigate for landslide risks, is often subject to environmental regulation. Although landslides into bodies of water may be an environmental concern, largely due to the input of high volumes of sediment and the burial of habitat, biologists and resource managers are increasingly more concerned about the impacts of slope engineering measures on particularly sensitive riparian or aquatic habitat. In addition, on Puget Sound, where a majority of beaches are built of sediment eroded from coastal bluffs, there are serious concerns that widespread erosion control may lead to diminishment of beaches and habitat loss [Macdonald and others, 1995; Thom and others, 1995; Shipman and Canning, 1995].

The state's Shoreline Management Act (1971), which is implemented by cities and counties through local Shoreline Master Programs, regulates many activities that occur along the shoreline, including in many cases, structures and related activities carried out to address erosion and landsliding. These regulations attempt to balance property owner's interests in reducing erosion with concerns about these activities on the environment, on public resources, or on the private property of others. Similarly, the Hydraulics Code, administered by the Washington Department of Fish and Wildlife, address activities that occur along the shoreline or that directly impact fish. Depending on the nature of a proposed project, other agencies, such as the U.S. Army Corps of Engineers or the U.S. Fish and Wildlife Service may become involved.

Numerous local plans and regulations can affect areas within or adjacent to unstable slopes and it may be difficult to assure that zoning, development, critical area, and other environmental ordinances are consistent with one another. Examples include evaluation of how storm water management within a large subdivision might impact nearby steep slopes, reconsideration of density requirements within known landslide areas (either decreased or increased densities might be appropriate, depending on the circumstances), or decisions regarding planning for roads and infrastructure or for siting critical facilities.

Strict regulation of landslide hazard areas remains a challenging task for local governments. Effective oversight requires geotechnical information and staff resources many communities do not have or cannot afford. Reducing landslide risks often dictates avoidance of landslide areas in the first place, yet this triggers both political and legal opposition as it may greatly restrict development of private property.

### Technical review of development in landslide prone areas

The Hazard Mitigation Survey Team noted that one of the major problems facing local jurisdictions was obtaining high quality geotechnical submittals with development proposals in hazardous areas [FEMA, 1997b]. This was compounded by the lack of resources at the local level to effectively review geotechnical submittals or to place conditions on projects. In general, the quality of geotechnical reports reflected 1) inconsistent and sometimes poor quality work by consultants, 2) the lack of clear guidance as to what constituted an adequate or complete *envelope*

ATTACHMENT E

Mr. Fred Hazelton  
12909 Standing Ln. SW  
Seattle, WA 98146

6/21/68

SEATTLE AUDUBON SOCIETY  
Checklist of Washington Birds

Date: 1-1-91 Time: \_\_\_\_\_  
 Locality: Salmon Creek Canyon + Brook  
 Observer: FGH - Joyce, Welf, Conner  
 Total Species: 15  
 Date: 14 4/9 24  
 Weather: \_\_\_\_\_

Terrestrial birds only. All birds with bird exception, follow the 6th AOU Checklist, 1983.  
 Each line separates birds, sorted lines separate families.  
 The species listed in italics have been recorded on less than 15 occasions.  
 Statistics right, record only.

- Golden-crowned Sparrow
- White-crowned Sparrow
- Harris Sparrow
- Dark-eyed Junco
- Chestnut-collared Longspur
- Snow Bunting
- Bobolink
- Red-winged Blackbird
- Western Meadowlark
- Yellow-headed Blackbird
- House Finch
- Red Chatski
- White-winged Crossbill
- Common Nighthawk
- Sharp-shinned Hawk
- Pine Siskin
- Lesser Goldfinch
- American Goldfinch
- Evening Grosbeak
- House Sparrow
- Rusty Blackbird
- Brewer's Blackbird
- Common Grackle
- Brown-headed Cowbird
- Northern Oriole
- Scar's Tanager
- Towhee
- Brambling
- Rose Finch
- Pine Grosbeak
- Purple Finch
- Cassin's Finch

#2/20/95 - Two  
 B128 Hatched Grosbeak

- Blue-backed Lark
- Ariz. Lark
- Common Lark
- Yellow-billed Lark
- Red-tailed Tropicbird
- Herring Gull
- Red-tailed Gull
- Evening Gull
- Western Gull
- Short-tailed Albatross
- Black-footed Albatross
- Laysan Albatross
- Shy Albatross
- Northern Fulmar
- Murrelet
- Spotted Petrel
- Pink-footed Shearwater
- Ring-billed Gull
- Black-bellied Puffin
- Sooty Tern
- Storm Petrel
- Red-tailed Tropicbird
- Olive-footed Booby
- American White Pelican
- Brown Pelican
- Double-crested Cormorant
- Brandt's Cormorant
- Pacific Cormorant
- Magnificent Frigatebird
- American Osprey
- Great Blue Heron
- Great Egret
- Snowy Egret
- Little Blue Heron
- Cattle Egret
- Green-backed Heron
- Black-crowned Night-Heron
- White-headed Ibis
- White-winged Stork
- Whooping Crane
- Trumpeter Swan
- Marbled Murrelet
- Great White-fronted Goose
- New Goose
- Hairy Goose
- Emperor Goose
- Brant
- Tundra Swan
- Ring-billed Gull
- Western Gull
- Cassin's Gull
- Fork-tailed Petrel
- Leach's Storm Petrel
- Red-tailed Tropicbird
- Olive-footed Booby
- American White Pelican
- Brown Pelican
- Cinnamon Teal
- Blue-winged Teal
- Northern Pintail
- American Black Duck
- Mallard
- Sharp-shinned Hawk
- Northern Harrier
- Common Nighthawk
- Northern Ostrich
- Red-shouldered Hawk
- Swainson's Hawk
- Black-shouldered Kite
- Bald Eagle
- Northern Hawk
- Sharp-shinned Hawk
- Common Nighthawk
- Red-shouldered Hawk
- Swainson's Hawk
- Turkey Vulture
- Osprey
- Hooded Merganser
- Common Merganser
- Ring-billed Gull
- Ring-necked Duck
- Goldeneye
- Greater Scaup
- Lesser Scaup
- King Eider
- Harlequin Duck
- Oldsquaw
- Black Scoter
- Surf Scoter
- White-winged Scoter
- Common Goldeneye
- Barrow's Goldeneye
- Goldeneye

A specimen, a photograph, or two or more written descriptions are on file for each of the 405 species on this list.

Descriptions of apparently valid sightings of Smew, Green-winged Teal, Bristle-thighed Curlew, Temminck's Stint, Ivory Gull, Common Black-headed Gull, Black Phoebe, and White-eyed Vireo are also on file.

There have also been two well-documented occurrences of first-year vagrants of which each was either a Black-backed or a White Wagtail.

We consider the Northwestern Crow to be a subspecies intergrading through western Washington with the American Crow.

Compiled through May 1984 by Phil Mattocks, Gene Hinn, Dennis Paulson and Alan Richards for

SEATTLE AUDUBON SOCIETY  
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395

Red Naped Sapsucker

<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Red-tailed Hawk</li> <li><input checked="" type="checkbox"/> Ferruginous Hawk</li> <li><input checked="" type="checkbox"/> Rough-legged Hawk</li> <li><input checked="" type="checkbox"/> Golden Eagle</li> <li><input checked="" type="checkbox"/> American Kestrel</li> <li><input checked="" type="checkbox"/> Merlin</li> <li><input checked="" type="checkbox"/> Peregrine Falcon</li> <li><input checked="" type="checkbox"/> Gyrfalcon</li> <li><input checked="" type="checkbox"/> Prairie Falcon</li> <li><input checked="" type="checkbox"/> Gray Partridge</li> <li><input checked="" type="checkbox"/> Chukar</li> <li><input checked="" type="checkbox"/> Ring-necked Pheasant</li> <li><input checked="" type="checkbox"/> Spruce Grouse</li> <li><input checked="" type="checkbox"/> Blue Grouse</li> <li><input checked="" type="checkbox"/> White-tailed Ptarmigan</li> <li><input checked="" type="checkbox"/> Ruffed Grouse</li> <li><input checked="" type="checkbox"/> Sage Grouse</li> <li><input checked="" type="checkbox"/> Sharp-tailed Grouse</li> <li><input checked="" type="checkbox"/> Wild Turkey</li> <li><input checked="" type="checkbox"/> Northern Bobwhite</li> <li><input checked="" type="checkbox"/> California Quail</li> <li><input checked="" type="checkbox"/> Mountain Quail</li> <li><input checked="" type="checkbox"/> Yellow Rail</li> <li><input checked="" type="checkbox"/> Virginia Rail</li> <li><input checked="" type="checkbox"/> Sora</li> <li><input checked="" type="checkbox"/> American Coot</li> <li><input checked="" type="checkbox"/> Sandhill Crane</li> <li><input checked="" type="checkbox"/> Black-bellied Plover</li> <li><input checked="" type="checkbox"/> Lesser Golden-Plover</li> <li><input checked="" type="checkbox"/> Snowy Plover</li> <li><input checked="" type="checkbox"/> Semipalmated Plover</li> <li><input checked="" type="checkbox"/> Killdeer</li> <li><input checked="" type="checkbox"/> Mountain Plover</li> <li><input checked="" type="checkbox"/> Eurasian Dotterel</li> <li><input checked="" type="checkbox"/> Black Oystercatcher</li> <li><input checked="" type="checkbox"/> Black-necked Stilt</li> <li><input checked="" type="checkbox"/> American Avocet</li> <li><input checked="" type="checkbox"/> Greater Yellowlegs</li> <li><input checked="" type="checkbox"/> Lesser Yellowlegs</li> <li><input checked="" type="checkbox"/> Solitary Sandpiper</li> <li><input checked="" type="checkbox"/> Willet</li> <li><input checked="" type="checkbox"/> Wandering Tattler</li> <li><input checked="" type="checkbox"/> Spotted Sandpiper</li> <li><input checked="" type="checkbox"/> Upland Sandpiper</li> </ul>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Whimbrel</li> <li><input checked="" type="checkbox"/> Long-billed Curlew</li> <li><input checked="" type="checkbox"/> Hudsonian Godwit</li> <li><input checked="" type="checkbox"/> Bar-tailed Godwit</li> <li><input checked="" type="checkbox"/> Marbled Godwit</li> <li><input checked="" type="checkbox"/> Ruddy Turnstone</li> <li><input checked="" type="checkbox"/> Black Turnstone</li> <li><input checked="" type="checkbox"/> Surf-bird</li> <li><input checked="" type="checkbox"/> Red Knot</li> <li><input checked="" type="checkbox"/> Sanderting</li> <li><input checked="" type="checkbox"/> Semipalmated Sandpiper</li> <li><input checked="" type="checkbox"/> Western Sandpiper</li> <li><input checked="" type="checkbox"/> Least Sandpiper</li> <li><input checked="" type="checkbox"/> Widgeon</li> <li><input checked="" type="checkbox"/> Baird's Sandpiper</li> <li><input checked="" type="checkbox"/> Pectoral Sandpiper</li> <li><input checked="" type="checkbox"/> Sharp-tailed Sandpiper</li> <li><input checked="" type="checkbox"/> Rock Sandpiper</li> <li><input checked="" type="checkbox"/> Dunlin</li> <li><input checked="" type="checkbox"/> Curlew Sandpiper</li> <li><input checked="" type="checkbox"/> Sill Sandpiper</li> <li><input checked="" type="checkbox"/> Buff-breasted Sandpiper</li> <li><input checked="" type="checkbox"/> Ruff</li> <li><input checked="" type="checkbox"/> Short-billed Dowitcher</li> <li><input checked="" type="checkbox"/> Long-billed Dowitcher</li> <li><input checked="" type="checkbox"/> Common Snipe</li> <li><input checked="" type="checkbox"/> Wilson's Phalarope</li> <li><input checked="" type="checkbox"/> Red-necked Phalarope</li> <li><input checked="" type="checkbox"/> Red Phalarope</li> <li><input checked="" type="checkbox"/> Pomarine Jaeger</li> <li><input checked="" type="checkbox"/> Parasitic Jaeger</li> <li><input checked="" type="checkbox"/> Long-tailed Jaeger</li> <li><input checked="" type="checkbox"/> South Polar Skua</li> <li><input checked="" type="checkbox"/> Laughing Gull</li> <li><input checked="" type="checkbox"/> Franklin's Gull</li> <li><input checked="" type="checkbox"/> Little Gull</li> <li><input checked="" type="checkbox"/> Bonaparte's Gull</li> <li><input checked="" type="checkbox"/> Heermann's Gull</li> <li><input checked="" type="checkbox"/> Mew Gull</li> <li><input checked="" type="checkbox"/> Ring-billed Gull</li> <li><input checked="" type="checkbox"/> California Gull</li> <li><input checked="" type="checkbox"/> Herring Gull</li> <li><input checked="" type="checkbox"/> Thayers Gull</li> <li><input checked="" type="checkbox"/> Western Gull</li> <li><input checked="" type="checkbox"/> Glaucous-winged Gull</li> <li><input checked="" type="checkbox"/> Glaucous Gull</li> <li><input checked="" type="checkbox"/> Black-legged Kittiwake</li> <li><input checked="" type="checkbox"/> Solitary Sandpiper</li> <li><input checked="" type="checkbox"/> Red-legged Kittiwake</li> <li><input checked="" type="checkbox"/> Sabine's Gull</li> <li><input checked="" type="checkbox"/> Caspian Tern</li> <li><input checked="" type="checkbox"/> Elegant Tern</li> <li><input checked="" type="checkbox"/> Common Tern</li> </ul>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Arctic Tern</li> <li><input checked="" type="checkbox"/> Forster's Tern</li> <li><input checked="" type="checkbox"/> Least Tern</li> <li><input checked="" type="checkbox"/> Black Tern</li> <li><input checked="" type="checkbox"/> Common Murre</li> <li><input checked="" type="checkbox"/> Thick-billed Murre</li> <li><input checked="" type="checkbox"/> Pigeon Guillemot</li> <li><input checked="" type="checkbox"/> Marbled Murrelet</li> <li><input checked="" type="checkbox"/> Kittitz's Murrelet</li> <li><input checked="" type="checkbox"/> Xantus' Murrelet</li> <li><input checked="" type="checkbox"/> Ancient Murrelet</li> <li><input checked="" type="checkbox"/> Cassin's Auklet</li> <li><input checked="" type="checkbox"/> Parakeet Auklet</li> <li><input checked="" type="checkbox"/> Rhinoceros Auklet</li> <li><input checked="" type="checkbox"/> Tufted Puffin</li> <li><input checked="" type="checkbox"/> Horned Puffin</li> <li><input checked="" type="checkbox"/> Rock Dove</li> <li><input checked="" type="checkbox"/> Band-tailed Pigeon</li> <li><input checked="" type="checkbox"/> White-winged Dove</li> <li><input checked="" type="checkbox"/> Mourning Dove</li> <li><input checked="" type="checkbox"/> Black-billed Cuckoo</li> <li><input checked="" type="checkbox"/> Yellow-billed Cuckoo</li> <li><input checked="" type="checkbox"/> Common Barn-Owl</li> <li><input checked="" type="checkbox"/> Flammulated Owl</li> <li><input checked="" type="checkbox"/> Great Horned Owl</li> <li><input checked="" type="checkbox"/> Snowy Owl</li> <li><input checked="" type="checkbox"/> Northern Hawk-Owl</li> <li><input checked="" type="checkbox"/> Northern Pygmy-Owl</li> <li><input checked="" type="checkbox"/> Burrowing Owl</li> <li><input checked="" type="checkbox"/> Spotted Owl</li> <li><input checked="" type="checkbox"/> Barred Owl</li> <li><input checked="" type="checkbox"/> Great Gray Owl</li> <li><input checked="" 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59 species

3/26-5/10/2

4/27

1/27

3/27

3/27

6/14

6/15

# Audubon

July-August 2007

*State of the Birds 2007*

**COMMON  
BIRDS IN  
DECLINE...**

**AND HOW  
YOU CAN  
HELP**

**MORE BIRDS  
THE WORLD  
WITHOUT US**

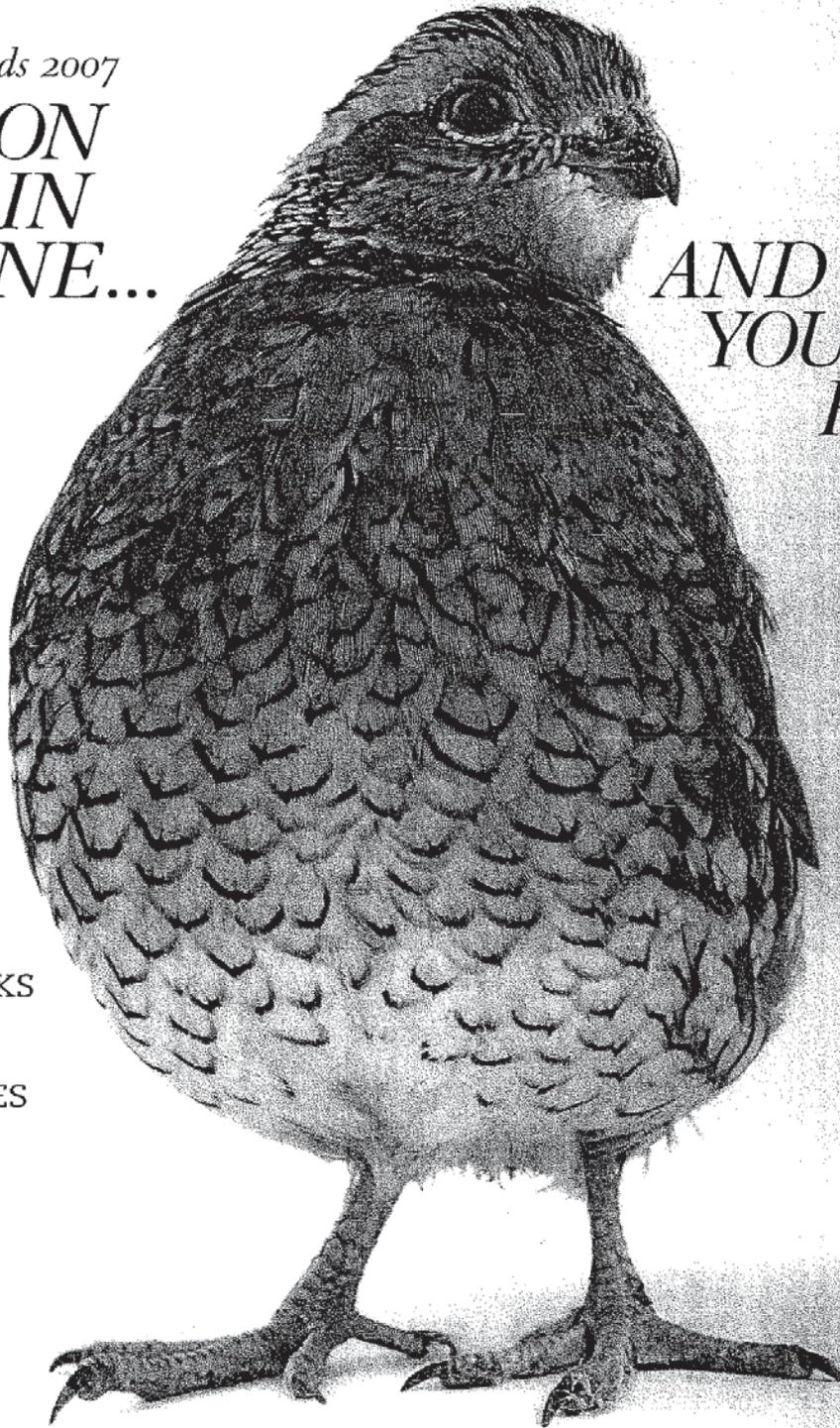
**ECOTRAVEL  
HAPPY  
PRIMATE  
WATCHING**

**CONSUMER  
GUIDE  
CARBON  
OFFSETTING**

**GLOBAL  
WARMING  
WHAT CLOUDS  
SHOW US**

**NATIONAL PARKS  
QUIET, PLEASE!**

**BIOLITZ  
THE JOY OF FLIES**



# ACTION REPORT

ATTACHMENT G



>>TAKING ACTION

## PROTECTING OUR NATIONAL SYMBOL

*NWF activists helped shape new strategy for safeguarding bald eagles*

The bald eagle's remarkable recovery provides a powerful reminder of how well the Endangered Species Act is working. In declaring last June that our national symbol can now be removed from the list of threatened species protected by the law, the U.S. Department of the Interior

announced a new strategy for managing the nearly 10,000 breeding pairs of the birds currently ranging in the lower 48 states. The agency also acknowledged the role that NWF activists played in shaping that strategy.

The process began in early 2007, when NWF learned that federal authorities might weaken regulations for protecting the eagles once the species is removed from the list. NWF asked its e-Champions, as its member activists are called, to write to the U.S. Fish and Wildlife Service (FWS) and demand that its eagle rules include an explicit, strong definition of what constitutes "disturbing" the birds. The activists flooded FWS with thousands

of emails—so many that Interior officials later singled out the input of NWF members. The result: The new federal regulations provide landowners and others with rough mandates to prevent them from harming the birds.

"The Fish and Wildlife Service listened to public concerns and enacted meaningful measures to safeguard eagles and their habitat for generations to come," says John Kostyack, NWF's director of wildlife conservation campaigns. "This demonstrates the power the public can wield in influencing the outcome of critical conservation decisions."

To learn how you can become an e-Champion, visit [www.nwf.org/action](http://www.nwf.org/action).

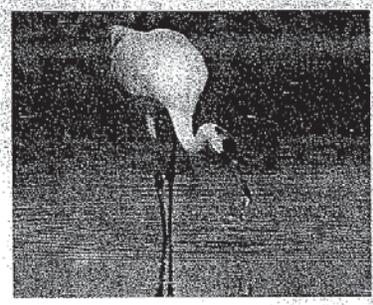
## LET THE RIVERS RUN, SAY TEXANS

A victory for rivers and bays in the Lone Star State is also a victory for NWF and its Texas Living Waters Project partners. The groups helped draft the landmark environmental flows bill that was passed in the final hours of the state's last legislative session, and their activists were instrumental in securing lawmaker support.

"This is a major step forward for the protection and restoration of water resources in Texas," says Susan Kaderka, NWF's regional executive director for the Gulf States. The new law establishes a process for determining how much flow is needed to keep waterways healthy and begins the work of ensuring that such flow is protected.

The implications for wildlife are huge, says Jennifer Ellis, NWF outreach coordinator. The fate of the nation's last wild flock of whooping cranes, for instance, is tied to how much freshwater reaches San Antonio Bay, the birds' winter habitat.

"Our next challenge is to make certain the true vision of this legislation is achieved," says Ellis. "That means Texans from all walks of life getting involved to ensure that the process for determining flows is effectively implemented." To learn more, visit [www.texaswatermatters.org](http://www.texaswatermatters.org).



TOP: JAMES HARRIS/ISTOCKPHOTO.COM; MIDDLE: GETTY IMAGES; BOTTOM: JEFFREY M. HARRIS/ISTOCKPHOTO.COM

September 28, 2007

Department of Community Development  
City of Burien  
15811 Ambaum Blvd. SW, Suite C  
Burien, WA 98166

RE: Emerald Pointe development project

RECEIVED **Letter 5**

OCT 01 2007

CITY OF BURIEN

Greetings:

Thank you for the opportunity as a member of the Burien community to express my concerns regarding the proposed Emerald Pointe development project. I attended and spoke at the public hearing on September 18<sup>th</sup>. At the meeting I received a summary of the most recent Environmental Impact Statement prepared regarding this project. Given the scope of the proposed project and the geological characteristics of this 7.5 acre lot, the many negative impacts seem obvious and extensive. Also, it is my understanding that the land is not currently zoned for this type of project. There is no logical rationale for changing the existing zoning so that this project can move forward. Please let me know if I am mistaken about the current zoning of this site.

Letter 5  
Comment 1

I must mention my disappointment in the lack of communication with the community by the City of Burien regarding this project. I live at the Sound Vista Condominiums and received no written notice from the city. Fortunately, a neighbor brought this project to my attention. I can only wonder how many Burien citizens have no idea that this project is being considered. This project will negatively impact all of the surrounding neighborhoods and Seahurst Park, which is an integral part of the entire Burien community. I want to know why the City of Burien is not doing a better job of informing the community about this project.

Letter 5  
Comment 2

As for the specific negative impacts to the community here are the ones that I am most concerned about. First, there will be greatly increased traffic and noise. More than 1000 daily car trips from this new development are predicted for the surrounding arterials. We have many children at play in our neighborhood. Their safety is at risk with this increase in traffic volume. There have already been increased accidents and very recently a pedestrian fatality just a few blocks from this proposed project. This proposed project would be an added strain on the City's ability to provide emergency services to its citizens.

Letter 5  
Comment 3

Second, wildlife will be adversely affected by this project. Many types of birds, including eagles, falcons, owls and woodpeckers, dwell on this hillside. There are squirrels, foxes, deer, raccoons, and other animals that will be needlessly and possibly permanently displaced by the proposed development. There is a wetland at the bottom of the hill from the proposed project. It is environmentally naïve to assert that adding a high-density community within yards of the wetland boundaries without disrupting water quality and water flow is feasible or possible.

Letter 5  
Comment 4

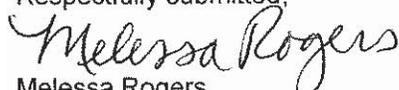
And finally, countless trees, many of which are old-growth and irreplaceable, will be sacrificed and vegetation destroyed if this development project is allowed to move forward. This in turn could cause unforeseeable problems with water runoff and land slides. This would be disastrous for Seahurst Park and other lots at the bottom of this very steep segment of land. It is very possible that the steep slopes of the site would be destabilized by the construction. There was already slippage in this area from the February 2001 earthquake. What will new construction do to the geological stability of this slope?

Letter 5  
Comment 5

The potential, and possibly long term, negative environmental impact to the slope and the surrounding area warrants the City to not allow this project to move forward. I urge you to carefully consider these negative impacts and the detrimental affect the Emerald Pointe development project will have on our neighborhood and Seahurst Park. Can't this 7.5 acres be purchased and become part of Seahurst Park? Please don't let this nightmare project become reality. Our neighborhood, our children and our environment deserve a better future.

Letter 5  
Comment 6

Respectfully submitted,



Melessa Rogers  
13229 12<sup>th</sup> Ave. SW #212  
Burien, WA 98146  
206-618-1742

**Susan Coles**

---

**From:** Glenn Krantz [rgkrantz@webtv.net]  
**Sent:** Wednesday, September 26, 2007 11:50 AM  
**To:** Susan Coles

Burien City Council

I have lived at my current address for over 50 years now which is a short block from the service entrance to Seahurst Park. My wife and I walk the trails within the park every day rain or shine. I can still remember the day that the Fox family sold the property to the county with the stipulation that it be made a community park.

My concern is that should Westmark build the huge complex that has been planned what will happen to the park with the influx that comes about. Why can they build this complex with a impact statement that is seventeen years old? Restrictions have increased greatly since then and the property needs all the help it can get due to the terrain.

Entrance and exits will become a large problem at Ambaum which is a major North-South express way.

Glenn Krantz  
13028 16th. S.W.  
Burien Wa.

Letter 6  
Comment 1

Letter 6  
Comment 2

RECEIVED

Letter 7

SEP 26 2007

9/25/07

CITY OF BURIEN

Stuart Hanney  
5441 36<sup>th</sup> ave sw  
Seattle Wa 98126

To whom it may concern

I am a Seahurst Park user and have just learned from a friend that you are approving a large development in the watershed above the park contiguous with it.

Please desist!

This is not ok!

This is in an environmentally sensitive area. To approve this would be grossly irresponsible.

I want there to be more hearings to give the community a chance to have input.

Thankyou,  
Sincerely  
Stuart Hanney



Letter 7  
Comment 1

Letter 7  
Comment 2

RECEIVED

SEP 25 2007

CITY OF BURIEN

09/24/07

Dorothy Shapiro  
1212 South Rose Street  
Seattle, Wa 98108  
Dept. of Community Development  
City of Burien  
15811 Ambaum Blvd SW Suite C  
Burien, Wa 98166

To Whom it May Concern:

As a concerned citizen who walks everyday in Seahurst Park and on the adjoining circle trail through the woods, I am writing to comment on the DEIS for the Emerald Pointe on the Sound project, file # PLA-06-0365. I believe that this project will seriously impact the environment, as the plan is to destroy over 8 acres of pristine forest land.

Letter 8  
Comment 1

This area is a large watershed as well as a habitat for many animals including foxes, owls and eagles(all of which I have seen!), and a serene and beautiful place to go and enjoy nature. In my opinion, this area, along with Seahurst Park, constitutes one of Burien's finest assets. That trees process carbon dioxide and put oxygen back into the atmosphere is a well known fact and in these days of global warming and environmental crises, not a minor consideration. Should we not be preserving and protecting our forests and wetlands?

If this project is allowed to go through, Seahurst Park will, in essence, be ruined and all of the hard work and expense to restore the shoreline in the park will be for naught. This cannot be allowed to happen?

The 8 acres in question are in a steep ravine and there is a stream running down the middle of it. What are the plans to deal with the issues of erosion, drainage and settling? Won't gravity win in the end? You only need to look at the property to the north of the planned Emerald Pointe site to see the problems ahead. This seems to me to be a serious step backwards for the community. Is it really worth destroying this wonderful forestland so that a few can make a large profit and a few more can have a nice view? When you consider the cost to the environment and the loss of this pristine area to future generations, I would think that the cost is incalculable.

Letter 8  
Comment 2

Could not the City of Burien help Westmark find another more suitable site for their project in a less environmentally sensitive area? Then everyone would win and Burien would be applauded and remembered for standing up for the environment and it's wonderful open green space.

Letter 8  
Comment 3

I urge you please to consider this plea, and to postpone a decision until there has been another DEIS hearing, with adequate prior notice, so that you can get a true reading of public opinion .

Letter 8  
Comment 4

Thank you.

Sincerely,



Dorothy Shapiro

Cc: Gov. Gregoire  
The Seattle PI  
The Seattle Times

Susan Coles

From: Laurene Williams [lmbwilliams@comcast.net]  
Sent: Sunday, September 23, 2007 2:59 PM  
To: Susan Coles  
Subject: Seahurst park development

RECEIVED  
SEP 24 2007  
CITY OF BURIEN

Dear Susan,

I am contacting you today with great concern for our beautiful local seahurst park. I have been walking the trails of this lovely park for nearly 30 years and it never ceases to amaze me. Just this past spring, I had a male pheasant, in all his beautiful plumage, jump out of the woods right in front of me on the trail within a few hundred feet of the proposed development. I have watched the pileated woodpecker at work, the raccoons waddling, and the owls hooting. I have listened to the coyotes calling after dark, and viewed the changing of the seasons amongst the trees and foliage. It would be such a shame to allow construction to change this habitat.

Letter 9  
Comment 1

I have also been privy to watching the sewage system give way time and again at the beach below. How can this system take on an increased load?

Letter 9  
Comment 2

I understand that progress will continue, however, if we do not protect the wildlife sanctuary that we have in our own backyards, we will watch the so-called progress destroy our opportunity to enjoy one of our most prized resources in Burien, seahurst park.

Letter 9  
Comment 3

Often, as I am hiking the trail system, I see families observing nature, dogs and their owners enjoying the outdoors, more than once, I have met people from other parts of the world, who came into the park to take part in our pacific northwest nature. Please help us protect this park.

Thank-you for your consideration in this matter.

Laurene Williams

FREE Animations for your email - by IncrediMail! [Click Here!](#)



RECEIVED

SEP 24 2007

CITY OF BURIEN

**Susan Coles**

**From:** caf645@aol.com  
**Sent:** Sunday, September 23, 2007 12:08 AM  
**To:** Susan Coles  
**Subject:** wetmark developement

A DEFINITE NO TO "EMERALD POINTE ON THE SOUND". Feel this is detrimental to the city of Burien & our neighborhoods. NO NO NO. THANK YOU-CHRIS FREEMAN. BURIEN WA.

Letter 10  
Comment 1

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

Susan Coles

RECEIVED

From: Klaus Toth [k\_toth@msn.com]  
Sent: Friday, September 21, 2007 9:47 PM  
To: Susan Coles  
Subject: Emerald Pointe Development

SEP 24 2007

CITY OF BURIEN

Dear Burien City Council,

My husband and I are residents of the Hurstwood Community which is located next to Seahurst Park. We have two small children and we make weekly, if not daily, trips to Seahurst Park to teach our children about nature. We often hike the area that would be impacted by the Emerald Pointe Development. I am outraged by the thought of the severe environmental impact that the development would have on the watershed which runs through the park. I am a strong advocate of the importance of "nature" and its positive impact on children. Regardless of income levels, Seahurst Park provides an opportunity for all children to enjoy and learn about our environment. As a parent it is very challenging to find parks that provide opportunities for children to explore, hike and connect to nature in a safe setting. Seahurst Park is a unique, well-maintained oasis in our city and we must protect it so that future generations can learn from its teachings.

Letter 11  
Comment 1

Emerald Pointe Development would be located in a sensitive environmental area that is in great need of protection. PLEASE reject the developers attempt to pollute and contaminate the watershed that directly feeds the park. Future generations must have access to a healthy environmental classroom.

My neighbors and I have more concerns that we would like to share with the city council. Please allow our voices to be heard in the form of a public hearing.

Letter 11  
Comment 2

Thank you for all of your hard work to create a beautiful town center and a strong productive city, please stay true to our city goal of also maintaining our environment.

Lori Toth  
13861 18th Ave. SW  
Burien, WA 98166

## Susan Coles

**From:** Laura Peters [laura.peters@continentalmills.com]  
**Sent:** Friday, September 21, 2007 1:21 PM  
**To:** Susan Coles  
**Subject:** Disapprove of Seahurst Park Development

RECEIVED  
SEP 24 2007  
CITY OF BURIEN

Dear Madame:

RE: Emerald Pointe on the Sound (Westmark Development), File No. PLA-06-0365.

I was disappointed to learn this week of planned development being allowed in Seahurst Park, with the support of the City of Burien.

I am a former resident of Burien and now live in Normandy Park. I visit Seahurst Park often and following my visits, typically stay in Burien to visit shops and restaurants. I will be greatly disappointed in the City Council if this plan is allowed to move forward. I will alter my visiting patterns if the park is changed.

This park is a South-end treasure. It is a destination for busy city folks to find nature-based respite and for families to take kids on nature hikes. The park also, importantly, creates habitat for cherished bald eagles, owls, and other wildlife.

This is an irreversible action that should not be taken. If allowed to happen, I will show my disapproval but taking my spending dollars elsewhere, outside Burien, in protest.

Thanks for your consideration.

*Laura Peters (and husband, Gregg Bafundo)  
18977 Marine View Circle SW  
Normandy Park, WA 98166*

Letter 12  
Comment 1

**Susan Coles**

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**From:** BILL 92552 [bill92552@hotmail.com]  
**Sent:** Thursday, September 20, 2007 10:43 AM  
**To:** Susan Coles  
**Subject:** Emerald Pointed PLA-06-0365

Department of Community Development  
City of Burien

To Whom it May Concern,

I am a resident of Hurstwood. Your continued efforts to grant a developer permission to build his condominiums is appalling. Our governmental leaders have a responsibility to guard and preserve our "green" areas for future generations. Without them, we will truly live in an asphalt jungle.

Why you have not kept the public informed not a mystery. You have succumbed to the demands of the developer in the name of money without regard to our natural environment. Please, understand, I am not totally against residential development, but 200 condominiums in this area is unjustified. In order to build these units, the environment must suffer. Will YOUR grandchildren and great-grandchildren be appreciative of your actions now? Where will they have the privilege to see green trees and breath fresh woodland air?

Look at what the Port of Seattle did to us? The voters disapproved the third runway by a huge margin. What did the Port do???? You know!! They are building it anyway and taxing us for it!!!! Here is the city of Burien with an opportunity to do the right thing for our future generations. Stop this tragedy from happening. If you don't, you and your family's can take the blame for a huge governmental blunder.

Government has the responsibility to protect the public, the very people who pay your salaries, and not just the few powerful individuals with tons of money. Once our forests and wetlands are gone, they are gone forever. Think about that.

Remember, when you walk down the street, how will people respond to you? Would you like to be remembered as the one(s) who destroyed or protected our city's precious resources? I know what I would want. What about you?

Respectfully,

William F. Vukonich

Letter 13  
Comment 1

## Susan Coles

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**From:** tandnhogue@comcast.net  
**Sent:** Sunday, September 16, 2007 2:14 PM  
**To:** Susan Coles  
**Subject:** Westwood dev.

I wish to voice my strong opposition to putting in 200 (give or take) condo units next to Seahurst Park. The traffic on Ambaum is already heavy and there are 19 or so new homes going in blocks away. If we continue to cut trees at the rate we are we'll soon have no healthy air to breathe as we wait in traffic jams. I can't imagine the number of trees that will go...thousands ??..to make room for these buildings. It is sickening to think about it. What of the wetlands in the area? What of the creatures? What about the impact on the creek that is in the area? Please give careful consideration to this matter. Is it at all possible to buy the owners out...cut a bit out of the new Square....I know that is a ridiculous idea.

Letter 14  
Comment 1

A Seattle native who hates to see what is happening to our area. Sincerely...Nancy Hogue  
Am sorry I'll be out of town for the meeting Tuesday or I'd be there to voice my thoughts.

Susan Coles

From: Bea Gomez [karalambia@msn.com]
Sent: Wednesday, September 12, 2007 8:04 PM
To: Susan Coles

I am writing concerning the Emerald Pointe on the Sound (Westmark Development) file no PLA-06-0365. I reside in building 10 at the Sound Vista Condominiums on SW 132nd Lane. Just south of me is a forest full big trees, birds, animals, and a nature path to the water that is used by many. The land is very steep. This would be cleared if the proposed project is carried out. At this time the south end of my building has settled enough to have the condo association checking on what action to take. I have great concerns that if this property right next to me is cleared, my building will continue to settle. There is nothing better to hold up the earth than the land and vegetation itself. Why should my home and those around me be compromised for unsafe development?

Letter 15
Comment 1

I have not read all of the environmental impact statement yet, but I do know that it contains some "red flags". I am concerned that with so many more people and buildings the drainage and water quality will be negatively impacted. With all our rain and the steepness of the land all the way down to Seahurst Park the natural drainage system already in place would be compromised. There is no real adequate plan for wetlands. The noise would be greater because of so many more people and vehicles. The aesthetics of the neighborhood and property values would be negatively impacted also. Schools, public utilities and services could be burdened. Who is to pay to restore any of these things?

Letter 15
Comment 2

As I understand it the plan calls for big trucks turning from Ambaum Blvd onto SW 134th. A pedestrian was struck and killed there in the crosswalk only a few months ago. From Sw 134th the trucks would go around a big curve onto 12th Ave SW where the speed limit is posted as 10 mph. This road has no sidewalk and is frequently travelled by adults and children. Everyone in the neighborhood has driven around that curve while trying to avoid pedestrians only to meet with another vehicle coming the opposite direction trying to do the same thing. Big trucks coming through there all day and into the evening are unwise and would ruin the road.

Letter 15
Comment 3

Who would benefit mainly from the construction of Emerald Pointe? The developer. What about the plants and animals? What about Seahurst Park? People love Seahurst Park. They love the beauty of the surrounding area. They love to see the forest as they drive in to the park that has been such a joy to so many for so long. It should be for them and their children to treasure as it always has been. It should not be compromised so someone can make money. The developer has petitioned for this construction in 1990. All considerations and decisions should be made with current information. No one can make more land. We need to preserve the natural, near-by treasures that we still have. Please do not allow this construction to take place.

Letter 15
Comment 4

Thank you,
Bea Gomez
206 246-0456

Sept 28-07

Letter 16

Dept of Community Development

City of Burien

RECEIVED

OCT 02 2007

Re: Emerald Pointe on the Sound

CITY OF BURIEN

I am opposed to both Alternative 1, and  
Alternative 2,  
as proposed.

I would support an Alternative of 2 only,  
3 story building, with no below grade  
parking; & the land & Buildings that comprise  
the Former Burien Heights School / Senior Center,  
turned into a "Public Park, Sport Court, Youth  
Center," to support the extremely high density  
population centered on Ambaum Blvd.

The quality of life in Burien goes down  
every Year, because of lack of available  
Parks, aircraft & vehicle noise & air pollution!

Sincerely,

George Thornton  
11625 21st Ave S.W.  
Burien. 98146-2537

Letter 16  
Comment 1

RECEIVED

GARY McAVOY

OCT 02 2007

CITY OF BURIEN

September 29, 2007

Department of Community Development  
City of Burien  
15811 Ambaum Blvd SE, Suite C  
Burien, Washington 98166

To the City Council,

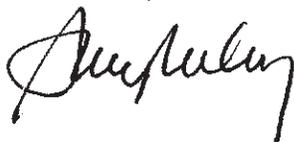
As a Burien land owner, taxpayer, resident and concerned citizen, I want to voice my strong opposition to the proposed Emerald Pointe development.

Beyond doubt, this project will have a serious detrimental environmental impact on a large part of Seahurst Park, which is immediately adjacent to my home. As one of our few remaining areas of largely untouched, mature natural habitat in an urban setting, this would seem an imprudent and potentially disastrous decision.

Since 1999 my friend and colleague, the eminent anthropologist Dr. Jane Goodall, stays in my home when she visits the Pacific Northwest every year, and she finds personal refuge in the stillness and beauty of Seahurst Park and, up to now, has appreciated Burien's laudable protection of this all-too-rare natural environment. If she were available to comment on this proposed action, I'm sure she would add her voice to the many Burien citizens who are deeply concerned about the impact on the park's fragile ecosystem, the potentially adverse effect on its abundant wildlife, and devastation to the general serenity this land offers to the many thousands who enjoy its quiet splendor each year.

I urge you to do everything within your powers to stop this senseless destruction of pristine land in favor of yet more commercial development. Your current efforts to reshape Burien's downtown are exemplary—but allowing the Emerald Pointe project to proceed would tarnish our city's moral compass for generations to come. You must do what you can to prevent this from happening—for all the right reasons—not to mention that a lot of voters will be carefully watching your actions on this issue.

Sincerely,



13607 17<sup>th</sup> Ave SW  
Burien, Washington

Letter 17  
Comment 1

**Susan Coles**

RECEIVED

**From:** Rebecca and Bill [rdare2@yahoo.com]  
**Sent:** Friday, October 05, 2007 2:57 PM  
**To:** Susan Coles  
**Subject:** Emerald Pointe development

OCT 05 2007

CITY OF BURIEN

I urge the City of Burien to have public hearings on this development which, unfortunately, I just learned about recently. Please don't let the strong arm tactics of Westmark Development and the fear of Burien City Council because of Westmark's "successful" lawsuit let this development go through! There will be untold consequences to the native areas and wildlife, including birds and salmon.

Letter 18  
Comment 1

Thank you, Rebecca Dare and Bill Opfermann, 15227 26th SW, Burien, WA 98166

Take the Internet to Go: Yahoo!Go puts the Internet in your pocket: mail, news, photos & more.

RECEIVED

Letter 19

Susan Coles

OCT 05 2007

From: Michael D Willis [Michael.Willis@macys.com]

Sent: Friday, October 05, 2007 3:16 PM

To: Susan Coles

Cc: cindywillis@earthlink.net

CITY OF BURIEN

Subject: Comments on the EIS regarding the Westmark/Emerald Point Development project

**To the city of Burien, regarding the Westmark Corporation's Emerald Point development project.**

This letter is a challenge to the environmental impact statement summation ( pages 2.28 through 2.31) indicating that there would be no significant short term or long term adverse impacts on wildlife and that there would be "minor long term effects on habitat quality for fish in the offsite stream channels" (page 2.23) as a result of the Westmark Corporation's Emerald Point development project.

No significant short term or long term impacts? Approximately 7.4 acres of wildlife habitat will be destroyed if the project goes ahead. This will result in the significant short term, long term and permanent impact on the wildlife that currently resides on those 7.4 acres. I have seen a fox on the proposed development site, and I have seen a lot of wildlife in this area, including two sets of mating owls in Seahurst Park very near the proposed development site. It is obvious that permanent impacts to wildlife will occur onsite since the habitat will be totally destroyed. The larger problem is that the mitigation measures relating to wildlife impact issues indicated in the EIS are not adequate enough to keep adverse impacts from occurring to wildlife that inhabit the publicly owned Seahurst Park.

Letter 19  
Comment 1

No mitigation needed for impacts on fish habitat? The Emerald Point development project site borders the western edge of Seahurst Park at the top of a hill which is the beginning of the watershed drainage into North Creek and adjacent wetlands. Everything flows down hill, it always has and it always will. Anything that drains off the surface of the Emerald Point development project site during the construction phase and long after the completion of the project will impact the fish habitat in Seahurst Park as well as the fish habit (mainly salmon) of Puget sound on the shores of Seahurst park.

Letter 19  
Comment 2

There was no mention in the EIS of the impact on wildlife or fisheries that would be caused by the runoff of thousands of gallons annually of insecticide and chemical fertilizer that will surely be used to maintain the landscaping of this development. There was no mention in the EIS of the possibility of the proposed storm vault overflowing and what the mitigation measures would be were this to happen. That storm vault would contain thousands of gallons of untreated water runoff from the development site grounds and from the development's parking lot. This water would contain antifreeze, brake fluid, oil, gasoline and transmission fluid from cars parked on the development's parking lot. This will impact the fisheries in the adjacent habitat, including Seahurst Park and Puget Sound. Has the state of Washington been officially notified about the future contamination of salmon habitat resulting in the development of the Westmark Corporation's Emerald Point development project?

Letter 19  
Comment 3

**Short Term Impacts. Wildlife Pg 2-28**

**Construction related noise and human disturbance on wildlife.**

Under the short term impacts section relating to wildlife on page 2.28 the EIS states that wildlife using the site and adjacent habitat (Seahurst Park) would likely avoid the area during the construction period due to noise and

Letter 19  
Comment 4

10/5/2007

human activity. As a citizen of Burien I protest any impact on the wildlife that inhabits the adjacent habitat (Seahurst Park), which is publicly owned by me and the other citizens of this community. The mitigation measure for this short term impact only addresses construction noise and construction activity that impacts humans. There is no mitigation measure that addresses the noise and construction activity impacts on wildlife. It is my opinion that there is no mitigation measure because there is no possible way to mitigate construction related noise and human activity impacts on wildlife occupying the adjacent habitat (Seahurst Park). Once the chainsaws, dump trucks and impact hammers crank up the wildlife will flee to the far corners of Seahurst Park and beyond. This wildlife includes state listed threatened, endangered and sensitive species. Has the state of Washington been notified about the impact that this project will have on these state listed species? I did not see this indicated in the EIS.

Letter 19  
Comment 4  
(cont.)

**Long Term Impacts. Wildlife page 2-29**

The EIS states that “approximately 7.4 acres of wildlife habitat will be lost, resulting in impacts on habitat connections in the WRIAQ Nearshore Sub-basin. Again, this will be an impact on the wildlife that exists in Seahurst Park. As a citizen of Burien I protest any development that will have a negative impact on the wildlife in Seahurst Park. The eagles, peregrine falcons, owls, foxes, coyotes, raccoons and pileated woodpeckers need more habitat not less. As a citizen of Burien I object to any adverse impacts that will occur within Seahurst Park boundaries on habitat connections in the WRIAQ nearshore sub-basin caused by the Westmark Corporation’s Emerald Point development project. Have all of the appropriate federal, state, county and city wildlife protection agencies been officially notified that there will be long term impacts to the wildlife of this area if the Emerald Point development project is allowed?

Letter 19  
Comment 5

Sincerely,

Michael Willis  
13654 17<sup>th</sup> ave sw  
Seattle, Wa 98166  
206-248-1494

10/5/2007

October 5, 2007

RECEIVED

OCT 05 2007

Dept. of Community Development  
City of Burien  
15811 Ambaum Blvd. SW (Suite C)  
Burien, WA 98166

CITY OF BURIEN

**RE: Comments on Emerald Pointe DEIS, File#: PLA-060-0365**

Dear Members of Burien's Department of Community Development:

I was unable to attend the hearing on September 18, 2007 regarding the above DEIS. Despite my absence, I want you to know that **I am strongly opposed** to this and any building on the land at 13401 12<sup>th</sup> Avenue SW.

I'm a new resident and home owner in Burien. I frequent Burien businesses and support the Burien community through volunteering and charitable donations. I chose to buy a home in Burien due to the stunning natural areas south of my home. However, I was recently shocked and deeply discouraged to learn of the Emerald Pointe development plans for that land.

If this development moves forward it will be a significant blow to our neighborhood, our environment, and the quality of life in Burien. **I strongly urge the City of Burien to do everything possible to prevent the Emerald Pointe development.**

Please consider the following impacts on our community as you work towards a decision on the Emerald Pointe development.

**Land Use:**

Allowing the Emerald Pointe development to proceed goes against Burien's vision of "a community with natural open spaces..." Once this land is developed it will never return to its natural state. We will not be able to undo the effects on the community, the environment, the water, nor the wildlife.

Letter 20  
Comment 1

I recognize the importance of community development. I am excited by and strongly support the work that is being undertaken in Burien's downtown area. The additional living space and retail space that is being created by that effort is a necessary and positive part of our community's development.

Please consider that there are several existing multi-family buildings on 12<sup>th</sup> avenue (between 132nd and 136th) near the proposed development. These buildings are in sore need of upgrading. The impact on our neighborhood would be much better if the existing buildings are improved rather than eliminating the precious natural areas in our community.

Letter 20  
Comment 2

Page 2 of 2  
October 5, 2007

**Transportation:**

The proposed development would also increase the traffic on Ambaum Blvd. This is an especially busy street with a difficult pedestrian crosswalk at SW 134<sup>th</sup>. This year a pedestrian died in the crosswalk due to a hit and run driver. I have attempted to cross this street myself and been unable to by the amount of traffic and its high speeds. As a driver, I have witnessed several "close calls" when other drivers almost did not stop for pedestrians in the cross walk.

Letter 20  
Comment 3

Allowing an additional 200 or even 178 units in the neighborhood will significantly increase the traffic flow on Ambaum Blvd and neighboring streets. This change will negatively affect the safety of our pedestrians, as well as increase air pollution, noise pollution, and traffic volume. None of these effects are beneficial for our treasured community, nor do they support the City of Burien's vision of creating "a *small town atmosphere*."

**Aesthetics, Lights, and Glare**

I have stood on my balcony trying to envision what it will look like when the trees at 13401 12<sup>th</sup> Avenue SW are replaced by 5 stories of living space. I can't imagine losing the peaceful setting and beautiful views. The increase in noise, lighting, and the sheer height of the buildings benefit no one in our community.

Letter 20  
Comment 4

Westmark Development will profit considerably when Emerald Pointe has been built and the units sold. However, our neighborhood and the City of Burien will be left address the aftermath. This development does not allow the City of Burien to achieve its vision of "a *community with land use patterns that bring together individual, business, and community goals*."

Letter 20  
Comment 5

**Public Services**

This development will place an undue burden on our public services like, fire protection, if North Highline is annexed by the City of Seattle. If this development moves forward it will impact Burien's ability to achieve its vision of being a "*model community with excellent police and fire services...*".

Letter 20  
Comment 6

**Again, I strongly urge you to protect the land in question and prevent any building from taking place.** While this may be a very difficult undertaking, the results will benefit our community for years to come. The effort will go a long way towards achieving the City of Burien's vision of "*a community that has preserved and enhanced its... natural areas, habitat areas, and air and water quality*."

Please send me notice of the FEIS when it is completed.

Letter 20  
Comment 7

Regards,

  
Michelle A. Hawkins  
1227 SW 132<sup>nd</sup> Lane, #721  
Burien, WA 98146

RECEIVED

SEP 24 2007

CITY OF BURIEN

Susan Coles

From: Cindy Willis [cindywillis@earthlink.net]
Sent: Sunday, September 23, 2007 2:44 PM
To: Susan Coles
Subject: Comments Re: DEIS for Emerald Pointe on The Sound, Westmark Development

Dept. of Community Development
City of Burien
15811 Ambaum Blvd. SW (Suite C)
Burien, WA, 98166

September 23, 2007

Dear City of Burien,

The following are my comments regarding the DEIS for Emerald Pointe on the Sound, Westmark Development. File # PLA-06-0365

1) Uninformed and misled citizenry. First I would like to address what appears to be an effort to slide this development in "under the radar." I live in the Hurstwood neighborhood directly adjacent to the proposed project. Our neighborhood was not notified of the project or the meeting. One "proposed land use action" sign was posted--deep in the forest, on one of the least-used portions of trail. The posted information was removed from the sign a few days after it was put in place. Only a handful of people ever received the information. The "Notice of Availability of Draft Environmental Impact Statement and Public Hearing Notice," which was the only information anyone had access to, contained maps that were completely misleading (see page 3 of said packet). This map makes it appear that the entire site is surrounded by existing roads, promoting the false belief that no forest areas will be involved. After canvassing the neighborhood, I found this to be the predominant belief (of those few who knew about this at all). I even drove to the site with this map and believed this to be true myself. When I saw the "true" maps posted at the ONE public meeting, which people weren't informed of, I was outraged at this deception that appeared purposeful. This could lead to lawsuits that will directly impact me as a taxpayer. As such, I request public notification of this project and an additional meeting to discuss this EIS, with members of the local media present, in order to mitigate any signs of impropriety.

Letter 21
Comment 1

The recent debacle of the destroyed Ham Creek wetland in White Center, without proper notifications to the public and concerned environmental groups, and with resultant lawsuits, is an obvious case in point.

2) Unprecedented destruction of existing mature forest in an urban setting. According to the EIS, 7.4 acres of upland forest would be removed. Their solution: replant a few trees? Trees take many years to reach the size and root structure of these existing trees. Mature forest in urban areas is an increasingly shrinking treasure that MUST be preserved. Once gone it cannot be returned. What about the oxygen production, wildlife habitat, and access to a large, contiguous natural area for study, peace, and reflection enjoyed by the wider populace? This is not only a treasure of the City of Burien, this is a treasure of all the people of the greater Seattle area, King County, the state of Washington, and the entire nation. As such, I request that all parties be notified of this destruction before it takes place.

Letter 21
Comment 2

As a citizen, I request notification of the following:

King County Executive Ron Sims
Governor Christine Gregoire

Letter 21
Comment 3

9/24/2007

Senators Maria Cantwell & Patty Murray

Letter 21  
Comment 3  
(cont.)

**3) Environmental destruction and loss of wildlife habitat.** Seahurst Park and adjacent forests comprise one of the largest areas of contiguous natural habitat that stretches from upland forest clear to the shoreline. This project would comprise a shockingly egregious loss of habitat at the top of a watershed in an environmentally critical area (wetlands, watershed, salmon streams, bird and other animal habitat, and the Puget Sound shoreline below). This scope of preserved ecosystem in an urban area is rare. If the proper environmental groups are not notified of this project before any groundbreaking occurs, we will be facing similar repercussions to the folks involved in the Ham Creek incident. I guarantee you this level of loss will not be tolerated. The taxpayers will again bear the burden.

Letter 21  
Comment 4

As such, as a citizen, I demand that the following environmental groups be notified and allowed to comment before such time as a lawsuit could be required:

The Washington State, Cascade Chapter, Sierra Club

Letter 21  
Comment 5

Audubon Washington

The Nature Conservancy

People for Puget Sound

Washington Environmental Council

Cascade Land Conservancy

Natural Resources Defense Council

Community Environmental Legal Defense Fund (Watermark Development is a corporation, and can and should be pursued as such, legally.)

According to DEIS, the construction phase could stretch over 3-4 years. Their response: "wildlife using the project site and adjacent habitat would likely avoid the area..." My question: in an urban setting, where *exactly* would they go? Has temporary "housing" been set up to accommodate the displaced birds and animals? Construction-related noise is mentioned, but what about **VIBRATION**? The combination of the two in addition to toxic dust, exhaust fumes, and unavoidable runoff ("75% of site would be exposed to rainfall and erosion") would have a long-term effect on the animal and plant life both on the site and the entire area below, which is our public park. These disturbances will affect nesting, cause bird and animal life to flee and possibly never return, collapse dens and burrows, and foul past and possibly future salmon streams below. It only takes a walk through the area to see that, no matter how well intentioned, it is not possible to engage in a major construction and fill project above our protected lands without affecting them.

Letter 21  
Comment 6

Northwest hikers hike particular trails for years in hopes of seeing Trillium, and many never do. **Trillium** is a very fragile and rare flowering plant (it is used for medical purposes only beginning to be researched) as it grows only in rich, un-cleared woodlands. It takes years for it to produce seeds, and it cannot survive exposure to full sun. It is killed by clear-cutting, and even the slightest disturbance. In the spring, at the back of the circle trail (which will be eliminated!), in the contested area and areas directly below, you can see the marvel of swaths of Trillium! This is one of many treasures that will certainly be destroyed. Can the developer guarantee

Letter 21  
Comment 7

the survival of these fragile plants?

Letter 21  
Comment 7  
(cont.)

Other treasures that will be affected, which I have personally seen include:

A mating pair of Western Screech Owl

A mating pair of Great Horned Owl

Pileated woodpecker (numerous!)

State-listed Eagles

Foxes

Coyotes

Raccoons

Peregrine Falcons

Rufus Hummingbird

Honey Bees

A plethora of every type of bird the area supports

Another question: How can the city spend so much time, money, and effort creating Eagle Landing Park and not defend an area critical to the survival of the entire northern arm of our crown jewel, Seahurst Park?

Letter 21  
Comment 8

**4) Human Concerns.** Like many, I moved to this area because it is peaceful. And like many, I work out of my home. How can we work during three years of sustained noise and vibration? Will this undermine our homes? Who will pay for that? Will the developer pay for my lost work time, or need to secure off-site office space? In addition, like many people today, I am toxically sensitive. I have concerns about the toxic dust created when truckload after truckload of fill dirt is brought in. Will this dirt be organic and tested to be free of harmful chemicals? Who will pay my medical bills if I am affected by this air pollution?

Letter 21  
Comment 9

**Conclusion:** As a citizen, I request that the City of Burien pursue this matter with Westmark Development (e.g. the \$10 million settlement still in the appeals process) at the State Supreme Court level. I further request the City do whatever is necessary, including bringing in other parties (County, State, Federal, Environmental) to purchase this critical land as the only possible and sane long-term solution to this problem.

Letter 21  
Comment 10

Thank you for your time. I await your full response.

Sincerely,

9/24/2007

Cindy A. Willis  
13654 17th Ave SW  
Burien, WA 98166  
(206) 248-1494

9/24/2007

Susan Coles

From: Alice [agoodman@seanet.com]
Sent: Tuesday, October 02, 2007 11:23 PM
To: Susan Coles
Cc: info@washpirg.org; michael@wecprotects.org; joan@wecprotects.org; info@sustainableseattle.org; cascade.chapter@sierraclub.org; psa@pugetsoundkeeper.org; suejoerger@pugetsoundkeeper.org; office@pprc.org; people@pugetsound.org; southsound@pugetsound.org; alan@sightline.org; eric@sightline.org; washington@tnc.org; ecoss@ecoss.org; wborden@esw.org; dave@esw.org; info@seattleaudubon.org; cedarsongvashon@yahoo.com; aasf@streamkeeper.org
Subject: I Oppose Westmark Condo Development

Dear City of Burien,

I live on 16th Ave. SW right next to the North End of Seahurst Park. I have lived here since 1997 and am part of the community that originally protested this Westmark Condo Development, and I still have issues with it. Specifically I am concerned about

- The size of the development (178 to 200 units) and the development impact on the area. Either by the City's negligence or by Westmark's crafty lawyers, the Condo Developers are using the OLD EIS with outdated Environmental impacts. They need to be using the LATEST EIS and not the 1990 EIS which is much more lax in enforcing Environmental Policies. How dare the City "give away" our most precious resource because it is running scared from a \$10 million lawsuit. Or are you just like the Port of Seattle which put in a 3rd runway even when told it couldn't. You want a higher tax basis but you won't protect what makes this area unique.
How does the city plan to make it safe, clean, and non-congested? What will this do to the Hurstwood community that already has regular police helicopter flyovers to catch drug dealers who flee into the park at night? How does the City plan to manage the trash, the toilet facilities, and protect the vegetation and the animal and birds as more than 200 people begin to use a very fragile ecosystem?
The length of the development - 3 - 4 plus years of vibration, and construction noise, dust and no access to the North loop trail during this time period. What does the city intend to do to mitigate the impact of construction on many home businesses? Imagine a massage client, or counseling client, or Bed and Breakfast customer trying to sleep in after a long flight with the noise, dirt, and degradation that this development will cause. Hurstwood and neighboring Shorewood are both neighborhoods with many home-based professional businesses. What is the City going to do about lost income during this time?
The removal of about 1.5 city blocks of "young forest" (recovery trees like alder and maple provide valuable soil nutrients for the next stage of a mature forest) and wildlife, and the addition of fill dirt full of invasive species weed seeds which will filter down to Seahurst park to out-compete the native plants already struggling against the invasive Holly, Ivy, Scotch Broom, Himalayan Blackberry, etc. Is the City of Burien intending to insist on weed free fill dirt on the site?
The existing "young forest" is quite beautiful and contains many varieties of birds including Pileated Woodpeckers, Chickadee, Goldfinch, Downy Woodpecker, Northern Flicker, Bushtit, Robins, Crow, Spotted Towhee, Townsend's Warbler, Steller's Jay, Anna's Hummingbird, Band-tailed Pigeon, Cooper's Hawk, and Sharp-shinned Hawk. Also using this wetland area are various bees, and small mammals

Letter 22
Comment 1

Letter 22
Comment 2

Letter 22
Comment 3

Letter 22
Comment 4

Letter 22
Comment 5

including some coyotes. How does the City of Burien intend to protect and preserve these species during and after this development process?

Letter 22  
Comment 5  
(cont.)

- I request that the City of Burien City Council at least take the time to walk into the park and see what's there before making a decision to destroy it (by lack of action) and to pay the \$10 million settlement (I know there is some insurance coverage involved). Any one of us would be more than willing to help you find the area so you can see for yourselves. You seem so proud of Eagle Landing and so uninformed about Seahurst Park. You lack of focus on Seahurst seems very odd to most of us citizens. You even have a Native Plant Steward, trained by the Washington Native Plant Society, at Eagle Landing Park. How about if that same Native Plant Steward walked you through Seahurst Park and showed you all the Madrone, Gooseberry, Red Huckleberry, Oregon Grape, and other Native Species being destroyed?

Letter 22  
Comment 6

<i>Scientific Name</i>	<i>Common Name</i>	<i>Family Name</i>
<i>Abies grandis</i>	Grand fir	Pinaceae
<i>Acer circinatum</i>	Vine maple	Aceraceae
<i>Acer glabrum</i>	Douglas maple	Aceraceae
<i>Acer macrophyllum</i>	Big-leaf maple	Aceraceae
<i>Achlys triphylla</i>	Vanilla leaf	Berberidaceae
<i>Alnus rubra</i>	Red alder	Betulaceae
<i>Arbutus menziesii</i>	Pacific madrone	Ericaceae
<i>Asarum caudatum</i>	Wild ginger	Aristolochiaceae
<i>Athyrium filix-femina</i>	Lady fern	Polypodiaceae
<i>Berberis aquifolium</i>	Tall Oregongrape	Berberidaceae
<i>Berberis nervosa</i>	Cascade Oregongrape	Berberidaceae
<i>Blechnum spicant</i>	Deer fern	Polypodiaceae
<i>Carex sp.</i>	Sedge	Cyperaceae
<i>Dicentra formosa</i>	Bleeding heart	Fumariaceae
<i>Dryopteris expansa</i>	Spreading wood-fern	Polypodiaceae
<i>Epilobium watsonii</i>	Watson's willow-herb	Onagraceae
<i>Equisetum arvense</i>	Common horsetail	Equisetaceae
<i>Gaultheria shallon</i>	Salal	Ericaceae
<i>Geum macrophyllum</i>	Large-leaved avens	Rosaceae
<i>Holodiscus discolor</i>	Ocean spray	Rosaceae
<i>Hydrophyllum tenuipes</i>	Pacific waterleaf	Hydrophyllaceae
<i>Juncus sp.</i>	Rush	Juncaceae
<i>Lonicera ciliosa</i>	Orange honeysuckle	Caprifoliaceae
<i>Lysichiton americanus</i>	Skunk cabbage	Araceae
<i>Maianthemum dilatatum</i>	False lily-of-the-valley	Liliaceae
<i>Montia sibirica</i>	Candyflower	Portulacaceae
<i>Oemleria cerasiformis</i>	Indian plum	Rosaceae
<i>Oenanthe sarmentosa</i>	Water parsley	Apiaceae
<i>Osmorhiza chilensis</i>	Mountain sweet-cicely	Apiaceae
<i>Oxalis oregana</i>	Oregon wood-sorrel	Oxalidaceae
<i>Picea sitchensis</i>	Sitka spruce	Pinaceae
<i>Polypodium glycyrrhiza</i>	Licorice fern	Polypodiaceae
<i>Polystichum munitum</i>	Sword fern	Polypodiaceae
<i>Pseudotsuga menziesii</i>	Douglas fir	Pinaceae
<i>Pteridium aquilinum</i>	Bracken	Polypodiaceae
<i>Ribes sanguineum</i>	Red-flowered currant	Grossulariaceae
<i>Rubus parviflorus</i>	Thimbleberry	Rosaceae
<i>Rubus spectabilis</i>	Salmonberry	Rosaceae
<i>Rubus ursinus</i>	Wild blackberry	Rosaceae
<i>Sambucus racemosa</i>	Red elderberry	Caprifoliaceae
<i>Smilacina racemosa</i>	False Solomon's seal	Liliaceae
<i>Smilacina stellata</i>	Star-flowered Solomon's seal	Liliaceae
<i>Streptopus amplexifolius</i>	Clasping-leaved twisted-stalk	Liliaceae
<i>Symphoricarpos albus</i>	Common snowberry	Caprifoliaceae
<i>Taxus brevifolia</i>	Western yew	Taxaceae

Letter 22  
Comment 7

Tellima grandiflora	Fringecup	Saxifragaceae
Thuja plicata	Western red cedar	Cupressaceae
Tiarella trifoliata	Foamflower	Saxifragaceae
Tolmiea menziesii	Youth-on-age	Saxifragaceae
Trientalis arctica	Northern star-flower	Primulaceae
Trientalis latifolia	Broadleaved starflower	Primulaceae
Trillium ovatum	White trillium	Liliaceae
Vaccinium ovatum	Evergreen huckleberry	Ericaceae
Vaccinium parvifolium	Red huckleberry	Ericaceae
Viola glabella	Stream violet	Violaceae

(This list was modified from the Washington Native Plant Society)  
[http://www.wnps.org/plant\\_lists/exploring\\_native\\_plants.html](http://www.wnps.org/plant_lists/exploring_native_plants.html)

Letter 22  
 Comment 7  
 (cont.)

If these plants are to be destroyed, the City of Burien should at least offer a time period for Native Plant societies and concerned citizens to remove whatever can be saved before they are covered in fill dirt. What does the City of Burien intend to do to protect these native plants?

I am also concerned about:

- The removal of the "young forest" and the proposed tons of fill dirt to be added to the site assure a severe degradation of the soil and destruction of vegetation and the wetland on over 7.5 acres (so about 1.5 city blocks). See <http://www.ecy.wa.gov/programs/sea/pubs/90031/index.html#RTFToC8> for more information on wetlands.. Assuming the developers are creating bio-retention ponds in accordance with the LID manual ([http://www.psat.wa.gov/Publications/LID\\_tech\\_manual05/lid\\_index.htm](http://www.psat.wa.gov/Publications/LID_tech_manual05/lid_index.htm)), soil delivered as fill dirt has mixed and degraded the various soil horizons that allow for proper water percolation.

Letter 22  
 Comment 8

- 1 What will the addition of intermixed soil horizons do to the existing fragile creek that begins beneath the area for development and flows as a salmon stream into the Sound? It will likely fill with silt from the tons of fill dirt dumped on the development site, take the invasive weed seeds which will overcome the Native Species, and create an environmental disaster area downstream. How does this preserve the Native Species? How does this save fish and the endangered salmon? What is Burien doing to ensure salmon can eventually get upstream in a clean stream? How do you intend to manage the downstream effects of this development disaster?

Letter 22  
 Comment 9

- 2 Wetland protection needs to be reexamined and addressed more carefully. The headwaters of the stream that will have tons of fill dirt dumped on it is about 1/2 mile or less from Puget Sound. This stream flows directly into Puget Sound. Please contact the Puget Sound Partnership <http://www.psp.wa.gov/> to get some help with this stream issue and the development. How is the City of Burien working with this governmental body to protect the sound and the salmon <http://www.sharedsalmonstrategy.org/plan/index.htm>?

Letter 22  
 Comment 10

Letter 22  
 Comment 11

- 3 The development boundary does actually cross the existing trail system, and affects a huge portion of the park, a portion that is at the top of a wetland and a stream that flows directly into Puget Sound about 1/2 or less of a mile away that was and could be used again for salmon recovery.

Letter 22  
 Comment 12

I recommend that the 10 million dollar settlement against the City should be fought at the Supreme Court level. The City is too emotional about this to see the violations of Environmental Law right in front of their face. Let an unbiased Examiner or the State Supreme Court evaluate it based on the law. Re-involve King County as co-defendants, if necessary.

Letter 22  
 Comment 13

I strongly recommend that the property be purchased by the City of Burien and added to Seahurst Park. In a way, the \$10 million judgment has already paid for it. Isn't it double dipping to get paid a judgment AND go and develop? Why can't Westmark just take its \$10 million and leave? That is 3 or more times what the land is worth. Most people think it is already part of Seahurst Park. We need more green space, not less as more and more development and people come to Burien.

Letter 22  
Comment 13  
(cont.)

Sincerely,

Alice Goodman

Alice Goodman, MCSE  
13713 16th Ave. SW  
Burien, WA 98166

206-551-7721  
agoodman@seanet.com

RECEIVED

SEP 24 2007

CITY OF BURIEN

Susan Coles

From: Jane Martin [jvmartin@seanet.com]
Sent: Saturday, September 22, 2007 6:03 PM
To: Susan Coles
Subject: Emerald Pointe Development - Comment from Citizen on 9/22/2007

Dear City of Burien,

I was part of the community that originally protested this development and still have issues with it. Specifically, issues that have not been addressed and that I would like to see addressed:

- The size of the development (178 to 200 units) and the increased traffic, and trash in a park (Seahurst Park) that already has few employees to monitor it's use and safety.

Letter 23
Comment 1

How does the city plan to make it safe, clean, and non-congested? What will this do to the Hurstwood community that already has regular police helicopter flyovers to catch drug dealers who flee into the park at night.

Letter 23
Comment 2

- The length of the development - over two plus years of vibration, and construction noise, dust and no access to the North loop trail during this time period.
The removal of about 1.5 city blocks of "young forest" (recovery trees like alder and maple provide valuable soil nutrients for the next stage of a mature forest) and wildlife, and the addition of fill dirt full of invasive species weed seeds which will filter down to Seahurst park to out-compete the native plants already struggling against the invasive Holly, Ivy, Scotch Broom, Himalayan Blackberry, etc.
I request that the City of Burien City Council at least take the time to walk into the park and see what's there before making a decision to destroy it (by lack of action) and to pay the \$10 million settlement (I know there is some insurance coverage involved).
The existing "young forest" is quite beautiful and contains many varieties of birds including Pileated Woodpeckers, Chickadee, Goldfinch, Downy Woodpecker, Northern Flicker, Bushtit, Robins, Crow, Spotted Towhee, Townsend's Warbler, Steller's Jay, Anna's Hummingbird, Band-tailed Pigeon, Cooper's Hawk, and Sharp-shinned Hawk. Also using this wetland area are various bees, and small mammals including some coyotes.

Letter 23
Comment 3

Letter 23
Comment 4

Letter 23
Comment 5

Letter 23
Comment 6

and preserve these species during and after this development process?

- o The area to be destroyed includes many native plants including:

\* - Introduced

<i>Scientific Name</i>	<i>Common Name</i>	<i>Family Name</i>
Abies grandis	Grand fir	Pinaceae
Acer circinatum	Vine maple	Aceraceae
Acer glabrum	Douglas maple	Aceraceae
Acer macrophyllum	Big-leaf maple	Aceraceae
Achlys triphylla	Vanilla leaf	Berberidaceae
Alnus rubra	Red alder	Betulaceae
Arbutus menziesii	Pacific madrone	Ericaceae
Asarum caudatum	Wild ginger	Aristolochiaceae
Athyrium filix-femina	Lady fern	Polypodiaceae
Berberis aquifolium	Tall Oregongrape	Berberidaceae
Berberis nervosa	Cascade Oregongrape	Berberidaceae
Blechnum spicant	Deer fern	Polypodiaceae
Carex sp.	Sedge	Cyperaceae
Dicentra formosa	Bleeding heart	Fumariaceae
Dryopteris expansa	Spreading wood-fern	Polypodiaceae
Epilobium watsonii	Watson's willow-herb	Onagraceae
Equisetum arvense	Common horsetail	Equisetaceae
Gaultheria shallon	Salal	Ericaceae
Geum macrophyllum	Large-leaved avens	Rosaceae
Holodiscus discolor	Ocean spray	Rosaceae
Hydrophyllum tenuipes	Pacific waterleaf	Hydrophyllaceae
Juncus sp.	Rush	Juncaceae
Lonicera ciliosa	Orange honeysuckle	Caprifoliaceae
Lysichiton americanus	Skunk cabbage	Araceae
Maianthemum dilatatum	False lily-of-the-valley	Liliaceae
Montia sibirica	Candyflower	Portulacaceae
Oemleria cerasiformis	Indian plum	Rosaceae
Oenanthe sarmentosa	Water parsley	Apiaceae
Osmorhiza chilensis	Mountain sweet-cicely	Apiaceae
Oxalis oregana	Oregon wood-sorrel	Oxalidaceae
Picea sitchensis	Sitka spruce	Pinaceae
Polypodium glycyrrhiza	Licorice fern	Polypodiaceae
Polystichum munitum	Sword fern	Polypodiaceae
Pseudotsuga menziesii	Douglas fir	Pinaceae
Pteridium aquilinum	Bracken	Polypodiaceae
Ribes sanguineum	Red-flowered currant	Grossulariaceae
Rubus parviflorus	Thimbleberry	Rosaceae
Rubus spectabilis	Salmonberry	Rosaceae
Rubus ursinus	Wild blackberry	Rosaceae
Sambucus racemosa	Red elderberry	Caprifoliaceae
Smilacina racemosa	False Solomon's seal	Liliaceae
Smilacina stellata	Star-flowered Solomon's seal	Liliaceae
Streptopus amplexifolius	Clasping-leaved twisted-stalk	Liliaceae
Symphoricarpos albus	Common snowberry	Caprifoliaceae
Taxus brevifolia	Western yew	Taxaceae
Tellima grandiflora	Fringecup	Saxifragaceae
Thuja plicata	Western red cedar	Cupressaceae
Tiarella trifoliata	Foamflower	Saxifragaceae
Tolmiea menziesii	Youth-on-age	Saxifragaceae
Trientalis arctica	Northern star-flower	Primulaceae
Trientalis latifolia	Broadleaved starflower	Primulaceae
Trillium ovatum	White trillium	Liliaceae
Vaccinium ovatum	Evergreen huckleberry	Ericaceae
Vaccinium parvifolium	Red huckleberry	Ericaceae
Viola glabella	Stream violet	Violaceae

(This list was modified from the Washington Native Plant Society)

[http://www.wnps.org/plant\\_lists/exploring\\_native\\_plants.html](http://www.wnps.org/plant_lists/exploring_native_plants.html)

Letter 23  
Comment 6  
(cont.)

Letter 23  
Comment 7

If these plants are to be destroyed, the City of Burien should at least offer a time period for Native Plant societies and concerned citizens to remove whatever can be saved before they are covered in fill dirt. What does the City of Burien intend to do to protect these native plants?

Letter 23  
Comment 7  
(cont.)

- o The removal of the "young forest" and the proposed tons of fill dirt to be added to the site assure a severe degradation of the soil and destruction of vegetation and the wetland on over 7.5 acres (so about 1.5 city blocks). See <http://www.ecy.wa.gov/programs/sea/pubs/90031/index.html#RTFToC8> for more information on wetlands. Soil delivered as fill dirt has mixed and degraded the various soil horizons that allow for proper water percolation. Assuming the developers are creating bio-retention ponds in accordance with the LID manual ([http://www.psat.wa.gov/Publications/LID\\_tech\\_manual05/lid\\_index.htm](http://www.psat.wa.gov/Publications/LID_tech_manual05/lid_index.htm)), what will the addition of intermixed soil horizons do to the existing fragile creek that begins beneath the area for development and flows as a salmon stream into the Sound? It will likely fill with silt from the tons of fill dirt dumped on the development site and take the invasive weed seeds with it to create an environmental disaster area downstream. How does this save fish and the endangered salmon? What is Burien doing to ensure salmon can eventually get upstream in a clean stream? How do you intend to manage the downstream effects of this development disaster?
- o Wetland protection needs to be reexamined and addressed more carefully. The headwaters of the stream that will have tons of fill dirt dumped on it is about 1/2 mile or less from Puget Sound. This stream flows directly into Puget Sound. Please contact the Puget Sound Partnership <http://www.psp.wa.gov/> to get some help with this stream issue and the development. How is the City of Burien working with this governmental body to protect the sound and the salmon <http://www.sharedsalmonstrategy.org/plan/index.htm>?
- o I would also like the City of Burien to address the secrecy around this issue and the hearing. The fact that we, as citizens of Burien, had no notification from the City about this meeting even though I had requested any updates to this situation back in 1997/1998 and was assured by the city that we would be kept informed. My email and my phone and my address have all remained the same since then and we should have been notified of something so essential to our well being as the threat of this development. Why were we not told of this meeting?
- o We recommend that the developer be forced to replace the Emerald Pointe property boundary markers that were so conveniently removed after the Council Meeting last Monday, 9/17/2007. The boundary markers clearly showed, to the distress of one apparently pro-developer City Council member, that the development boundary does actually cross the existing trail system, and affects a huge portion of the park, a portion that is at the top of a wetland and a stream that flows directly into Puget Sound about 1/2 or less of a mile away that was and could be used again for salmon recovery. The City Council is supposed to work for the citizens of Burien, not keep some of us in the dark about what a developer is doing so that we have no opportunity to exert our citizen's rights as part of democratic process. Please restore the boundary markers so we can show people how really large this development will be.

Letter 23  
Comment 8

Letter 23  
Comment 9

Letter 23  
Comment 10

Letter 23  
Comment 11

Letter 23  
Comment 12

Letter 23  
Comment 13

If the developer won't do it, please ask the City Planner or someone with access to the actual boundary information to meet us so we can mark the boundary ourselves. They can call my home phone number below. We need the boundary markers back in place as soon as possible and well before the end of the comment period Oct. 5th, 2007.

- o We recommend that the 10 million dollar settlement against the City should be fought at the Supreme Court level. Re-involve King County as co-defendants, if necessary.
- o We strongly recommend that the property be purchased by the City of Burien and added to Seahurst Park since many people think it is already part of Seahurst Park. We need more green space, not less as you add more and more development and people to Burien.

Letter 23  
Comment 14

Thank you.

Respectfully,

*Jane Martin*  
13713 - 16th Ave SW  
Burien, WA 98166  
206-431-1466 (h)  
206-551-7718 (w)  
[jvmartin@seanet.com](mailto:jvmartin@seanet.com)

## Susan Coles

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**From:** Riss, Nicole A [nariss@seattleschools.org]  
**Sent:** Wednesday, October 03, 2007 9:25 AM  
**To:** Susan Coles  
**Subject:** Emerald Pointe Development

To Whom It May Concern:

I am deeply saddened to hear about the proposed Emerald Pointe Development in Seahurst Park. As a renter in Seattle, I have been seriously looking at purchasing property in Burien. Places like Seahurst Park make the commute to Seattle worthwhile due, in large part, to the quality of life they provide. Given the current proposal to develop such a large portion of the park, I have decided not to buy a home in Burien. I hope the City reconsiders this development and sees the benefit of creating a community focused on long-term desirability.

Thank you,

Nicole Riss, Resource Conservation Specialist  
Seattle Public Schools, MS 23-365, P.O. Box 34165; Seattle, WA 98124  
Tel: 206-252-0599 Fax: 206-252-0646 nariss@seattleschools.org

Letter 24  
Comment 1

**Susan Coles**

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**From:** Laurruf@aol.com  
**Sent:** Wednesday, October 03, 2007 7:15 PM  
**To:** Susan Coles  
**Subject:** Seahurst Park

On September 19th, I attended a wonderful workshop for Seattle teachers on the Mayor's initiatives for environmental responsibility in our schools. We heard a presentation by the city's lead forester on the tremendous importance of protecting and restoring our urban forest. Urban forest increases property values and decreases costs to the city in addition to providing essential health to the environment of the Puget Sound. We attended a wonderful ceremony with Nobel Prize winner Wangari Maathai, who helped plant a tree with some of our students. I left the ceremony for lunch and a latte at a Burien restaurant nearby. There, I met a woman who told me about the plans to destroy the 8 acres of forest by Seahurst Park. What a shock and irony to learn about this on the very day of this workshop. It is crucial to the health of our citizens, our food supply, and our community that we protect and maintain our urban forests. When it's gone, it's gone forever and we are immeasurably poorer. Please do not allow the loss of the forest adjoining Seahurst Park. Thank you, Laurie Hertzler

Letter 25  
Comment 1

\*\*\*\*\*  
See what's new at <http://www.aol.com>

## Susan Coles

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**From:** michelle gaither [gaithermj@quidnunc.net]  
**Sent:** Thursday, October 04, 2007 11:53 AM  
**To:** Susan Coles  
**Subject:** seahurst - westmark development

susan

i strongly oppose this development and the irreversible harm that will come to the Puget Sound, the surrounding habitat, etc. 7.4 acres of wonderful, natural area - for development. Ugh...

How does one go about putting comments on public record for this Draft EIS?

Thanks.

Michelle Gaither  
Technical Research Coordinator  
Pollution Prevention Resource Center  
[www.pprc.org](http://www.pprc.org)

Letter 26  
Comment 1

10/4/2007

Susan Coles

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**From:** Wolfe Schaaf [Wolfe@OddNumbers.com]  
**Sent:** Friday, September 14, 2007 10:23 AM  
**To:** Susan Coles  
**Subject:** Seahurst Condominium Project

Hi Ms. C,

I'm writing to request information about the public hearing last Tuesday concerning the proposed condominium project on the border of Seahurst park. I was unable to attend the meeting but am interested in, and at this point, opposed to this planned project.

Just a few days ago I was in the watershed below the area where these condominiums are planned to be built and was amazed to find three free flowing springs within 50' feet of each other. It was quite lovely to see, and it reminded me of what a natural oasis we have in that area, and a haven for wildlife. The stream is a recovering salmon habitat, and there are amazing old tree snags which are likely the reason that bald eagles can often be seen around the park. Just yesterday I saw a baby seal on the beach near the Marine Technology training center, and just a little further on two blue heron.

It's hard to imagine that this last semi-wild and protected corner of Burien won't be adversely impacted by the construction noises and the potentially toxic run off from the project. Even once constructed, I would be concerned that the water from storm drains, parking lots, roofs, and landscaping wouldn't find its way into the stream below with it's associated load of motor oil, gas, pesticides, and herbicides.

Please do everything in your power to help shield this and other remaining 'wild' pieces of our area from overly rapid development. Once it's gone, it's gone for our and our children's lifetimes.

Thank you,  
- Wolfe Schaaf

Letter 27  
Comment 1

**Susan Coles**

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**From:** noadsforcassino@mac.com  
**Sent:** Wednesday, September 12, 2007 6:41 PM  
**To:** Susan Coles  
**Subject:** DEIS on PLA-06-0365

Dear City Council,

My wife and I are registered voters here in Burien and are opposed to the development of Emerald Pointe on the Sound (PLA-06-0365), 13401 12th Ave SW. We live in the Sound Vista Condominium adjacent to the proposed development. Our concern is the loss of a unique piece of Burien and King County. I do not want to lose the Eagles, Owls, Foxes, Fish, Spruce, Cedar, and countless other plants and animals that call the Green/Duwamish and Central Puget Sound Watershed home. I want to save this land for the future salmon, eagles, and my children. We enjoy hiking thru this beautiful piece of environmentally rich and diverse land. The City of Burien and King County seem committed to protecting this land as evidenced by the link on the Burien Parks web-page. [www.ci.burien.wa.us/parksrec/](http://www.ci.burien.wa.us/parksrec/)

Even though Emerald Pointe legally "vested" in this land since February 15, 1990, they have failed to use this land in a timely manner. Since that time King County and the City of Burien has identified areas such as these as valuable to the public and wildlife, not developers.

There are other options. Please do not let Westmark Development destroy this portion of the watershed, the adjacent wetlands, stream beds, and wildlife habitat.

Sincerely,  
Allen and Samantha Cassino

Letter 28  
Comment 1

Letter 28  
Comment 2

9/13/2007

**Susan Coles**

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**From:** Lopez, Theresa [Theresa.Lopez10@T-Mobile.com]  
**Sent:** Monday, September 17, 2007 5:13 PM  
**To:** Susan Coles  
**Subject:** Emerald Pointe Condos

To whom it may concern:

I'm writing in response to a flyer that I received on my doorstep yesterday in regards to this new complex that is proposed to be built on the hillside of 12th Ave and SW 134th St. This flyer urges the residents of this area to voice concerns about this complex being built based on the argument of increased traffic, child safety, and wildlife preservation. As a lifelong resident of Burien, these are certainly concerns that I share as well, however, I have a different idea. You may not see this as applicable to this issue, but your consideration for future development in this area would be appreciated. My proposition is this: Instead of breaking ground on the hillside for this new complex, I believe it would be more beneficial in the long run to Burien's lifestyle vision if this new complex, and perhaps some commercial buildings, were to be built where Vintage Park Apartments now stand. I know this is would not be a popular proposition from the resident's standpoint, nor from the many low-income housing advocates, (i.e.. Lora Lake), however, if the City of Burien and its citizens are truly committed to making Burien a better place to live, work, and do business then something needs to change drastically with this property. Rampant crime is not only confined to this 500 unit complex, but also spills out to the businesses and homes that surround it. Many of my neighbors are also long time residents of Burien, (mostly of average to high average income), and growing tired of the vandalism, theft, and potential violence that we face on a daily basis. We struggle with the decisions to stay in a city where we once grew up and felt safe, or move somewhere else because we feel that positive change is not happening fast enough. It seems the 'new Burien' is happening everywhere south of SW 148th St. In and around this area is the bustling of new construction and renovation. For the first time, in a long time, there is hope that people will no longer associate Burien as a 'ghetto' town where you are sure to be shot if you walk its streets at night, or have your car stolen if not parked in a garage. When is this change coming for those of us that live north of SW 146th St.? (this is still Burien, after all). If the City of Burien were truly serious about making Burien a better place to live, it wouldn't worry about political correctness. To build housing where its residents would actually contribute to Burien's success rather than deplete it is not a decision of hatred or ill intention. It would be a smart decision that would benefit the city for generations to come. I love Burien and only want to see the best for the residents that want to live here because it's a great place, not because it's the most affordable place. I thank you for the opportunity to be heard and invite any feedback.

Letter 29  
Comment 1

Sincerely,

Theresa Lopez

9/17/2007

## Susan Coles

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**From:** Lori G [lkandi75@gmail.com]  
**Sent:** Wednesday, September 19, 2007 8:54 PM  
**To:** Susan Coles  
**Subject:** File No. PLA-06-0365

I just wanted to let you know that I oppose any development of multi-family structures at Seahurst Park in Burien. I love that park....it is the only one in Burien that has a beachfront of the Puget Sound. It gives Burien that unique feel. It is important to preserve our natural resources. Please take this into consideration. Thank you for your time.

Letter 30  
Comment 1

--  
Lori

"The world is more malleable than you think. We can bend it into a better shape. Ask big questions, demand big answers." -Bono of U2

## Susan Coles

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**From:** Scott Forman [saforman@comcast.net]  
**Sent:** Wednesday, September 19, 2007 8:14 PM  
**To:** Susan Coles  
**Cc:** mlforman@comcast.net  
**Subject:** Emerald Pointe on the Sound

Hello Susan C.:

We understand there was a hearing last night that identified that a significant portion of Seahurst Park is being affected by this Emerald Point development than was originally identified on the maps. Can we please get a better map that truly identifies the area that will be affected.

We live near the area and we use Seahurst Park, including the trails at the top, and we are now learning that this will encroach on more area than originally identified in your documents.

We are not pleased with this additional information and are concerned that those of us living near the park and who use this park will be severely negatively affected. The park is for the use of the people, not for private development.

Please contact us at the two email addresses here (from and "cc") and/or our home address:

Molly & Scott Forman  
1420 SW 137th Street  
Burien, WA 98166

Another hearing is probably appropriate since misleading information was provided for the one that was scheduled earlier this week.

Sincerely,  
Molly & Scott Forman  
Tel: (206) 242-8769

Letter 31  
Comment 1

Susan Coles

From: Burien
Sent: Thursday, September 20, 2007 8:31 AM
To: Susan Coles
Subject: FW: Westmark - Emerald Pointe on the Sound condo development

Susan, for your files. Janet

-----Original Message-----

From: Toni Lysen [mailto:TLysen@Comcast.net]
Sent: Tuesday, September 18, 2007 11:33 PM
To: Burien
Subject: Westmark - Emerald Pointe on the Sound condo development

Dear Members of the Burien City Council:

I am writing about the City of Burien hearing (9-18-07 @ 7:30pm) regarding the environmental impact of Westmark's plan to build the Emerald Pointe on the Sound condo development. The City of Burien should have notified residents of nearby areas bordering on the proposed project. All of those testifying tonight were angry about the lack of notice and do not support the project because it has huge and very disasterous environmental and geotechnical impacts as well as possible non-existent fire protection to the proposed 400 new condo residents, and all other Northwest Burien residents, should Burien lose the Fire District #2 station on 14th SW if the North Highline area votes to allow Seattle to annex down to 128th and Ambaum. Scott Greenburg stated this was the last hearing on this proposal. I believe the first and only other hearing was held last year!

Letter 32
Comment 1

I am not sure how Burien's possible appeal of the recent court ruling against it and in favor of Westmark affects the city's ability to review the issuance of permits for the project. The project must be stopped; Burien must not issue the permits Westmark requests.

Letter 32
Comment 2

Everyone tonight wanted Burien to purchase the property and add it to Seahurst Park. We asked the developers how much they wanted for the property. Alice Dobson, an old acquaintance and principle in Westmark, said 5 million. One of the other developers said he had 3.8 million in development costs. And we heard other figures from residents who spoke with the architect.

I would like Burien to explore purchasing the property from Westmark.

Thank you for your consideration.

Toni Lysen
12864 Shorecrest Dr. SW
Burien, WA 98146

## Susan Coles

---

**From:** Sally Hall [blairhall33@excite.com]  
**Sent:** Friday, October 05, 2007 9:19 AM  
**To:** Susan Coles  
**Subject:** Emerald Pointe/Seahurst Park / To Susan Coles

Dear Susan,

We don't want to duplicate all the well written letters regarding the condo development plans at the top of Seahurst Park. My husband and I live in Gregory Heights and love to use the park. We also think the use of the land for anything other than part of the park would be a serious mistake. There really isn't any better use than to expand the park and protect it. We wonder why this wasn't obvious a long time ago.

If we want more people there are other areas that can be developed. If we want a larger tax base there is annexation. Then we would have plenty of space for condos and commercial development.

Please don't take the short-sighted approach. Spare and increase the park for the future.

Sincerely,

Sally Hall and Walt Blair  
2821 SW 167th Place

206-242-6745

Letter 33  
Comment 1

RECEIVED

SEP 28 2007

CITY OF BURIEN  
Dept of Community Development

September 25, 2007

To Whom It May Concern:

I just got back from vacation to find out about this proposed development that will impact the Seahurst Park loop trail. I am totally against such a development and want to be on record as being so. I also want more hearings on this matter as it seems to me that one hearing was not enough for us to respond. How will all this construction affect the salmon creek? Will the construction affect the dirt road that winds up through the park? What is going to happen to the trail that we have always had in place? How much of the park is going to disappear? What kind of people will be living there? How many people are we talking about? Will there be any new roads put in place? How long will the construction take? How much noise do we have to deal with and what are the times they are allowed to build? Why is this happening to one of Burien's best parks? What kinds of projects has the builder done in the past and where are they? Will this affect my security in terms of increased crime rates? Is this a gated development? Is it a low income development? I am sure the Hurstwood community would like to know much more detail.

Who is spearheading this on the city side and why? What is this about a 10 million dollar settlement against the city? Who allowed this project to get through in the first place?

Brian Barnes

13849 18th Ave SW

Burien, Wa 98166

206-246-4754



Letter 34  
Comment 1

Susan Coles

From: SEPALB@aol.com  
Sent: Thursday, October 04, 2007 11:45 PM  
To: Susan Coles  
Subject: Emerald Pointe on the Sound

RECEIVED  
OCT 05 2007  
CITY OF BURIEN

To: Dept. of Community Development  
From: Brian Sepal  
1215 SW 132 Lane, #332  
Burien, WA 98146

I am sending this e-mail to oppose the building the proposed Emerald Pointe project. I am a resident at Sound Vista Condos and it concerns me that the building of Emerald Pointe on the proposed steep hillside will destabilize the hillside and interfere with the wildlife in this area that is adjacent to Seahurst Park.

Emerald Pointe proposes building 200 condo units on a slope that will have a road with a 20 degree slope and who's environmental study requires a retaining wall that needs to drill into land that is owned by Sound Vista Condos. As an owner of Sound Vista I will refuse to allow any drilling into our hillside where it can possibly have an adverse result on our hillside.

Letter 35  
Comment 1

Last winter we saw how the icy roads were hazardous to our area at Sound Vista and the thought of adding 200 more residents with more cars will be a hazard to those people trying to park in such a small area. School busses and fire trucks will have a hard time negotiating these steep slopes.

Letter 35  
Comment 2

This area is fortunate to have several eagles who make their home in Seahurst park and land in the trees that will have to be cut down for construction of Emerald Pointe. There is also foxes, raccoons and owls who make their home in the woods that will have to be cut down for Emerald Pointe.

Letter 35  
Comment 3

This area that Emerald Pointe wants to develop is the last of a wonderful area of forest just above Puget Sound that should be preserved for it beauty and forest setting. Let them build some condos on top of the hill where the old school buildings are located on 136th Street. Please do not cut down the forest on that steep slope that can result in mud slides and erosion and spoil the beauty for all to enjoy.

Letter 35  
Comment 4

See what's new at [AOL.com](http://AOL.com) and [Make AOL Your Homepage](#).

Department of Community Development  
City of Burien  
15811 Ambaum Blvd. SW  
Burien, WA 98166

October 4, 2007

RECEIVED

OCT 04 2007

CITY OF BURIEN

To whom it May Concern:

I am writing this letter to express my great disappointment and horror in regards to the proposed Westmark development. I have been a resident of Burien since 2000, but have worked in this community since 1993. I have had the privilege of watching the community grow and the positive steps forward. It is a very exciting time, with new restaurants, the excellent use of commercial land for the Town Center and continued growth of Highline Medical Center.

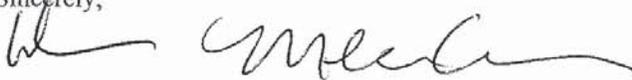
I feel it would be a great disservice to the city not only to allow the development of the land above the park but to not appeal the decision against the city to allow it. Seahurst park is by far the best and most used park in southwest King county.. Once this forest is developed, there is no going back.

Part of my frustration lies in that I live in Hurstwood that has very stringent restrictions in land use due to its designation as a critical area. I find it extremely hard to believe that an EIS would come out in favor of new development in an area designated as such. I live on the same soil as the development site and it is sand. How can this possibly be stable enough to support these structures with garages, not to mention how the water runoff would affect the park habitat.

I refuse to believe that these additional condos will not have an adverse effect on traffic in Burien. If you haven't noticed, Ambaum Boulevard is getting extremely busy, along with 4<sup>th</sup> Avenue SW, which is nearly impassable at certain times of day due to its poor design layout at the lights. There is no doubt this new development would compound the certain congestion we will suffer when the town square is completed.

Please do something to stop this.

Sincerely,



Melissa and Cecil Casimir  
13816 16<sup>th</sup> Ave SW  
Burien, WA 98166  
206-444-9262

Letter 36  
Comment 1

Letter 36  
Comment 2

RECEIVED

OCT 04 2007

October 4, 2007

CITY OF BURIEN

Dear Sirs,

I am a Burien homeowner and frequent Seahurst Park trail and beach user. I often use the stairs at Eagles Landing Park as well. My personal mode of operandi is to take as good of care of these valuable resources as I can. When I first started hiking the trails and beach I always took a garbage bag with me to pick up trash along the way. I am happy to report that on the trails down to the park it is very rare to find even a gum or power bar wrapper discarded. Most of my garbage pick up happens down at the park. It is very apparent to me that my neighbors and I take very good care of this treasure. It's hard not to take it personally when this valuable resource could be threatened by such a large and devastating project that will eliminate this fantastic green space.

My friends the coyote, fox, seal, woodpecker, eagle, peregrine falcon, blue heron and owls aren't very good at writing letters or sending e-mails. On their and my behalf we would like to challenge the Westmark Emerald Pointe DEIS on the following points:

The DEIS appears to gauge affect on us humans as far as impact such as traffic affected on 136th and Ambaum Blvd, but does not consider the cumulative effects on the surrounding areas to the west (down slope) adjoining Seahurst Park and Puget Sound. If the City looks at traffic then we need to consider everything. The DEIS is constrained to the developed portion of this now green space, as if it was walled in and that what happens outside it's footprint doesn't need to be considered. WE live here, WE want to know that we are safe!

Letter 37  
Comment 1

Regarding traffic and the City's development plan for us humans, should we consider congestion on Ambaum the right thing to do? Is our traffic in the rest of Burien going to be so bad that a street like 136th, no sidewalks, heavily used by kids in the neighborhood as access to Chelsey park for soccer and softball just a small afterthought? I live here and what I see is a lot of folks that live at Vintage Gardens as well as the other surrounding apartments are just living and doing what they have to do to get along in life. These are working people that use Metro to get back and forth to work. Mom's and kids in tow running to the store for milk. During the long construction phase of the project I am very concerned for their welfare. Pedestrians vs. Construction trucks, who sounds bigger and faster?

Letter 37  
Comment 2

I regularly hike the south end of the Seahurst Park trail, it is in my spots just a three or four foot path warn into wall of ravine. Probably first used by the native people here for who knows how many hundreds of years. I know Mr. Coyote uses it to cover his territory, I see him regularly. Very steep slope. How was this ravine formed in the first place? Isn't it water headcutting uphill? What will happen when we stop this process in a designated critical area? Forces will build up! It seems prudent to consider current knowledge on seismic and global warming data and forecasts a basic piece for this development plan and it's impact on the downhill slope.

Letter 37  
Comment 3

The Stormwater plan is most concerning from the standpoint of off site runoff and groundwater drain flow control. Please look into the discharge rate from the stormwater system. Is the vault big enough for this size and slope of land? Will it permanently saturate the elevations where landslides could occur? Let's throw in a quake or a large windstorm. These areas are stable now, but will wetter post-project. The EIS looks at the stability of the buildings, but not the surrounding site and park post-development. Can you show that a study has been done that

Letter 37  
Comment 4

Letter 37  
Comment 5

shows that Westmark, AHBL, RW Thorpe, or the City of Burien is meeting the American Society of Civil Engineers current standards (repeat current standards, not 1990) for a development of this nature. Many factors are involved, buildings, drives, retaining walls, geology. Are the ASCE standards met both on and off site? This is a health and safety issue.

Letter 37  
Comment 5  
(cont.)

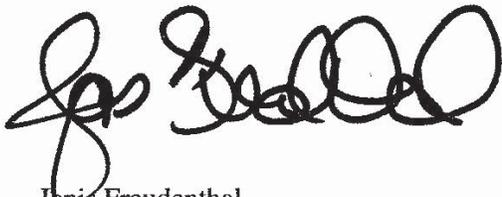
Also see the DEIS figure 3.11-1, the plan for sewer tie in. Please note cutting the southwest corner of the Sound Vista Condominium land for the sewer line. I can tell you right now that is not (IS!! NOT!!) okay with me or my neighbors.

Letter 37  
Comment 6

Another consideration is access to the park and trails by our neighbors surrounding the park. It appears that Westmark has been paying full tax on these lots, however there is a precedent in the plan to allow public access by the former architects involved. In the Emerald Pointe file held by the City there is a letter from Richart & Associates. See attachment 17, the date of the letter is November 13, 1995. It addresses through Emerald Pointe for "signage to existing Seahurst Park trails" with a connection of "5' wide gravel connection with minimum change to existing topography". Still the plan?

Letter 37  
Comment 7

In closing I would like to thank the City representatives for their consideration of all public comments and concerns that are submitted. I appreciate that the City has to be very careful, but holding back notice of the hearing and public comment should be considered too. Why was the City so silent on this? Could it be that it goes back to the basic premise that the reason this land has not yet been developed is that development is just plain wrong for this space?



Janis Freudenthal  
13229 12th Ave SW #233  
Burien, WA 98146  
206-246-5574-HM

Susan Coles

From: Maureen E Ellis [mj2ephd@u.washington.edu]
Sent: Friday, September 28, 2007 3:11 PM
To: Susan Coles
Subject: RE: PLA-06-0365 Emerald Pointe EIS citizen response/forwarded article



ATT274830.txt
(231 B)

Susan and City of Burien Dept of Community Development,
The following email trail was posted on a regional birding/ecology/environmental
newsgroup. It contains educational information from an environmental consultant and also
from a college biology professor about the biological structure and function of an intact
forested wildlife habitat. This information has also been provided to the Friends of
Seahurst Park citizen activist group, the Sound Vista Homeowners' Association Board and
their retained legal representative.

This email is that of a private citizen; it does not represent a view of the U of WA or
its policies.

Thank-you, Maureen E Ellis, Unit 1244, Sound Vista

\*\*\*\*\*
Maureen Ellis, PhD, Research Scientist
Woods Lab, Toxicology Group at Roos 1, Box 354695
Lab/Office phone: 206-685-1938 Email: mj2ephd@u.washington.edu
DEOHS, SPHCM, University of Washington, Seattle, WA 98195
\*\*\*\*\*

----- Forwarded message -----

Date: Thu, 27 Sep 2007 22:41:12 -0700
From: Stewart Wechsler <ecostewart@quidnunc.net>
To: Dennis Paulson <dennispaulson@comcast.net>,
Tweeters <tweeters@u.washington.edu>
Subject: RE: [Tweeters] poor woodpeckers - valuing the dead stuff

As many of you know, I lead nature programs for both kids and all age
groups. A while ago I realized that one of the biggest problems for
wildlife in areas with people is that people often think it is good to
remove dead plant material that actually provides critical food and shelter.
One of the messages I try to incorporate into my programs is that the dead
stuff, whether it is a standing dead tree, fallen trunks, logs, branches or
leaves or standing old flower stalks is some of the most important wildlife
habitat. Even when people bemoan a "sick" tree I tell them that the sicker
a tree is the more likely it will become a home to fungi, then beetle larvae
and other insects and a food source and or nesting site for woodpeckers and
others, as well as a more open perch for birds that need perches with views.

Sadly I didn't take the time to write a letter to the editor after that big
wind storm about a year ago, but I would have said that while it may be sad
in one way that some trees blew down, the fallen wood may have made
important homes and shelter for salamanders, beetles and many other
organisms. Additionally the sunny openings left after those trees fell may
have been critical to the establishment of plants that need the sun. The
elimination of competition will allow some remaining trees to grow quicker.
Because dead trees have no leaves and fewer branches to catch the wind,
relatively few of the standing dead trees fell in that wind storm. On the
whole, the standing dead trees are more critical habitat than the fallen
ones, so I'm not advocating creating "downed woody debris" out of standing
dead wood.

I work to get more people to value both snags (standing dead wood) and this
"downed woody debris" rather than cut it up and haul it away, as people so
often do. There may be exceptions where a rotting tree poses a true and
significant hazard to property or people in a heavily trafficked spot, but

Letter 38
Comment 1

I believe the risk is often exaggerated and the benefit of the standing dead or sick tree often not understood and not valued enough in the risk - benefit equation.

Stewart Wechsler  
Ecological Consulting  
West Seattle  
206 932-7225  
ecostewart@quidnunc.net

- Advice on the most site-appropriate native plants and how to enhance habitat for the maximum diversity of plants and animals
- Educational programs, nature walks and field trips
- Botanical Surveys

-----Original Message-----

From: Dennis Paulson [mailto:dennispaulson@comcast.net]  
Sent: Thursday, September 27, 2007 10:07 AM  
To: Tweeters  
Subject: [Tweeters] poor woodpeckers

Letter 38  
Comment 1  
(cont.)

I just heard today's BirdNote on woodpeckers, fun listening as always. Then I came home to see that the neighbors behind us, at the lip of the Thornton Creek ravine, were cutting off ALL the dead wood on the bigleaf maples behind their house, all trees in our viewshed. These are the trunks and branches where both flickers and Pileated Woodpeckers have nested for years and where, when I heard a Pileated call, I could often look out and see it up there silhouetted against the sky. I know Red-breasted Nuthatches and Black-capped Chickadees also nested there. Now these nest sites are all gone, and I see nothing but green leaves. I suppose they got the trees pruned for safety reasons, although most would have fallen into the ravine, not on their house. These are neighbors very concerned about the world, including the environment, yet they blithely got rid of all this nesting habitat without a second thought. This was a reprise of another set of neighbors next to us who trimmed off all the dead branches of the maple in their yard that had always been attractive to trunk-pecking birds, Olive-sided Flycatchers, and other birds that liked open views. We actually asked them not to do it, but our request fell on deaf ears, as they were more concerned with branches falling on their children. This is of course a valid concern, but it certainly doesn't paint a rosy picture for cavity-nesting birds in settled areas. Sadly, another problem without an apparent solution, short of a city ordinance that if you cut down dead branches you have to put up bird boxes to replace them!

-----  
Dennis Paulson  
1724 NE 98 St.  
Seattle, WA 98115  
206-528-1382  
dennispaulson@comcast.net

10/2

RECEIVED

OCT 05 2007

C/O: The Dept. of Community Development / City of Burien

The plan to develop & construct Emerald Point On The Sound, (File # PLA-06-0365) should be looked at, and thought through even closer. The fact that Westmark is only proposing to follow two (2) of eleven (11) points on the Environmental Impact Study to current codes & applications, has me questioning very much the developer's interest in our local Forest & Park.

Letter 39  
Comment 1

The City of Burien appears suspect when they did not seem to be represented or recognizing the potential for major environmental damage at the top Seahurst Park wetlands & watershed perhaps the 10 million dollar settlement has the city back-pedaling?

Letter 39  
Comment 2

There are many local families with children that walk, wait for buses, and play on & around 12th St. This will be an extremely dangerous place for all, especially kids even w/ flags. Many near-by residents / Neighbors were not informed about the hearing that was held on 9/4/07. That is just not right!

Letter 39  
Comment 3

Time to time sewage has been pumped out of lower Seahurst park. Adding a very large condo-complex raises the risk of much more damage to park & wildlife. Storm & sewer systems fail. The question is not if but when. At that time sewage (raw) will eat, well leach into the soil, and with rain water & affected by gravity, everything

Letter 39  
Comment 4

Letter 39  
Comment 5

Page 2

will flow downhill through the park.

The noise of clearing, developing, and construction for about two years will be heard throughout the park. This majestic slice of Heaven stands to lose its peace and serenity for all who will come to visit DeLamont Park.

I am a resident of Sound Vista Condominiums. If I had lived in this area while these Sound Vista condos were a proposed const. site, I would have been against the construction as well. The risk of irreversible damage is too great. The forest and park is what motivated me to move here. Many of us help keep the area clean of litter.

Perhaps the city of Burien could try again to purchase this property from Westmark Development. The few million dollars that was awarded them, might ease their investment situation to a fair degree. I hope in the end that Westmark Development can be convinced to making the right choice for the park, and the community.

Sincerely,  
Derrick L. Muller  
(Rick)

1245 SW 132nd Ln. #111  
Burien, WA 98146

Letter 39  
Comment 5  
(cont.)

Letter 39  
Comment 6

Letter 39  
Comment 7

Letter 39  
Comment 8

RECEIVED

OCT 05 2007

CITY OF BURIEN Page 1/2

To: City of Burien, Dept. of Community Development  
FAX # 206-248-5539

October 4, 2007

Subject: Comment on DEIS for Emerald Pointe on the Sound

We believe that there are many and varied adverse environmental impacts to this site and our city if either Alternative Plan is allowed to proceed without extensive mitigation and monitoring. Thanks to COB for having this EIS prepared and for the chance to offer critical comment on it before it is finalized.

Reference numbers below correlate with the paragraph and figure numbers of the DEIS.

**1.3 Project History**

I find no mention of the Public Hearing held February 18, 2004 nor of the decision notice calling for this DEIS which was dated April 20, 2004, File No. ENV 95-04. For an accurate history I think these events need mentioning.

Letter 40  
Comment 1

**2.4 Grading/Stormwater Treatment for Action Alternatives.**

The complexity of grade changes, retaining walls and vaults projected for this steep slope site requires very complex design to ensure safety and to prevent landslides. The EIS says that plans for this design will be reviewed for compliance by the city staff. Based on recent city experience with a much smaller steep slope on Shorewood Drive and the need to resolve that problem with help from the Corps of Engineers, I submit that the city will need the assistance of the Corps. Or similar expertise for this project and that this expertise requirement should be stated in the EIS for both review and approval of design before construction.

Letter 40  
Comment 2

**Table 2.7-1**

**Earth and Geotechnical**

Under mitigation in the table a Stability Analysis of various retaining walls and cuts and fills is stated to be required. The EIS should specify the Approving Body that will make the final determination of stability. Tiebacks are suggested that may require Easements from surrounding property owners. Those properties ought to be identified in the EIS.

Letter 40  
Comment 3

**Parks and recreation**

I do not understand how a project this size can escape mitigation when a local builder of one single-family house had to provide Parks and recreation mitigation. I challenge the "no mitigation" statement for both alternative projects.

Letter 40  
Comment 4

**Public Services**

Page 2/2

EIS says that Alt. 1 fire access problems will be worked out in discussions with FD# 2 and that Alt. 2 meets FD# 2 access requirements. I would like to see something more formal from FD# 2 in the EIS to confirm the process of mitigating the fire access problem for both alternatives. What are the specific access requirements? Who at FD# 2 reviews and approves access plans? When in the design build process must these reviews be conducted?

Letter 40  
Comment 5

**3.2.3 Mitigation Measures**

Who reviews and approves the grading and drainage plans and the TESC plans? The EIS should state the approval authorities and the process with schedule milestones. Who monitors the project for compliance?

Letter 40  
Comment 6

**3.3 Earth and Geotechnical**

**Mitigation Measures (drainage)**

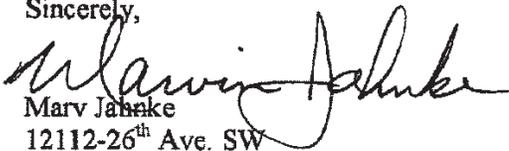
Discharge trenches, energy dissipaters, French drains and horizontal drains notwithstanding, a lot more water will be conveyed down to the existing wetlands of Seahurst park. The idea that those wetlands may be turned into lakes or swamps because so much more water will now enter them is not addressed. The EIS should contain provisions to make certain the wetlands are not overwhelmed with excess water. What authority will be responsible for verifying that flooding or erosion of the sensitive areas is not allowed to occur? How will protection of those sensitive areas be assured? The EIS does state that the Corps of Engineers is responsible for this wetlands oversight. Do they have any approval responsibility for the mitigation methods described? How will the Corps' jurisdiction per the CWA be enforced?

Letter 40  
Comment 7

I think that this EIS shows how really significant this project will be on this critical and sensitive steep slope site. As a Burien resident and stakeholder in Seahurst park I want to see every protection possible for the park. The EIS contains many regulations and requirements to protect the park and the surrounding areas but where is the finite description of monitoring and enforcement of these protection features. Public works staff may monitor some but others are so complex that outside expertise may be required. In any event, the inspection agencies should be identified along with the processes they will use.

Letter 40  
Comment 8

Sincerely,



Marv Janke  
12112-26<sup>th</sup> Ave. SW  
Burien

Marsha Tersigni  
1249 SW 132<sup>nd</sup> Lane, #1224  
Burien, WA 98146

October 2, 2007

RECEIVED

OCT 04 2007

CITY OF BURIEN

Dept. of Community Development  
City of Burien  
15811 Ambaum Blvd. SW (Suite C)  
Burien, WA 98166

Re: Emerald Pointe on the Sound, File No. PLA-06-0365  
Comment on DEIS—Recommended Addition To Be Included in FEIS

The following alternative should be added to the contents of the Draft EIS for Emerald Pointe on the Sound and included in the Final EIS. This alternative is one that makes sense for everyone and everything:

Buying out of the developer by the City of Burien and official incorporation of the entire subject property into Seahurst Park.

This may seem to be a naïve proposal financially, but on close inspection it is not. Any business-savvy developer of a very large, very long-term project on a very unstable site would be delighted to have a nice portion of hoped-for profit immediately in its hands without the risks of construction disasters and delays and the unpredictability of the market in regard to construction costs and in regard to the attainable price and demand for the product by the time construction is finally completed. Assuming that the maximum net profit a developer could expect to make on a project after costs would be around 25% of gross profit and that the 178 units of the subject project would sell for an average price of \$200,000, the net profit would be \$8,900,000. However, it is not realistic to expect maximum profit on this particular project for the following reasons: This is a long-term project and there is no certainty that during several years of construction there will be no major construction problems and construction costs will not rise or that at the end of that time the housing market will be such that 178 buyers will be ready to move into this area and into that kind of housing and be willing and able to pay the price the developer wants. In addition, the project is on a very large, vertical site that will be extremely unstable once cleared of vegetative rootholds and will require extreme and expensive measures (such as the planned hundreds of dump trucks of soil piled up against a “dam” along the low end of the site) in order to attempt to force the site into some kind of building platform, and that site could come sliding down, heavy equipment and all, at any time, but especially when the ground is saturated in this very rainy climate. The developer could actually lose a lot of money on this project due to its long duration and extreme circumstances. It just makes good business sense to take the buyout money and invest it in a project with favorable odds rather than pouring enormous sums of money down the drain for years on a very risky project.

Taking all the above into account, the cost to buy out the developer might be several million dollars but less than \$8,900,000, and the cost could be greatly offset by funds from government and private organizations who provide grants or matching funds for environmental preservation. The Environmental Protection Agency has a variety of programs; some are state-level programs and some are for individual projects. The State of Washington Department of Ecology provides grants. The Brainerd Foundation<sup>1</sup> and The Mountaineers are worth looking into. The Internet provides extensive listings of such organizations and guidance on how to go about seeking a grant. Local precedent for buying out a developer was cited at the 9/18/07 Emerald Pointe public hearing by King Lyson, who pointed out that a developer at Salmon Creek was bought out by the County and the Sewer District (it might also be worthwhile for the City to approach the County and the Sewer District for funds).

<sup>1</sup> The Brainerd Foundation describes its mission as follows: “The Brainerd Foundation protects the environmental quality of the Pacific Northwest and builds broad citizen support for environmental protection. We make grants, provide guidance, leverage funding, and encourage collaboration within the philanthropic community. Washington, Oregon, Idaho, Montana, Alaska, British Columbia, and the Yukon Territory constitute our geographic funding region....”

Letter 41  
Comment 1

Department of Community Development, City of Burien

October 2, 2007

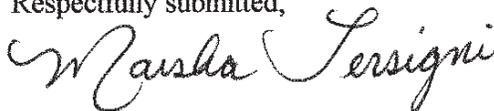
Page 2

Ours is an eco-conscious society, and such a bold and farsighted step would enhance the City's prestige among other cities and its appeal to forward-thinking businesses. The news story might go something like this: "*City Takes Stand on Environment and Saves Marine Woodland!* The bulldozers were ready to roll. Soaring Doug firs would soon come crashing down. The land would be pounded and gouged and scoured of every living thing. The rainwaters would run silt-laden and oily into the wetlands and streams and down to the near-shore of the Sound. But at the eleventh hour, the City of Burien stepped in...." And perhaps the developer would like some good publicity to the effect that although it believes the project would do no significant environmental harm, it has decided not to pursue the project in the interest of preserving an intrinsic part of the special marine-woodland ecosystem of Seahurst Park.

The City already knows the great geological, ecological, environmental, and sociological harm this project would do (in spite of its reluctantly pro-developer interpretations downplaying the glaring facts about the project impacts), so I will not elaborate on that. What I would like to point out is the further legal battles the City will face over implementing this project and the time, money, and bad publicity involved in that. What I would also like to point out, if the project somehow finally goes into construction, is *years and years* of the City having to deal with a developer that is always ready to litigate, of having to oversee the project intensively, of having to cope with nightmare clogging of a major thoroughfare (Ambaum Blvd.) by extraordinary amounts of construction traffic due to the large scope and extreme nature of the project so that buses, commuters, aid vehicles, fire trucks, and police cars would be slowed to a crawl and normal traffic would back up all over Burien, of having to cope with the constant daily phone calls to City Hall and the police from justifiably angry Burien citizens, and of being responsible for monumental safety issues on a large and very dangerous site and on the adjoining family-neighborhood side streets that would be filled with dangerous convoys of large, loaded, hurrying dump trucks, concrete trucks, lumber trucks where children walk and ride their bicycles. The cost to the City of even one wrongful-death suit involving a child could far exceed what it would take to buy out the developer right now and could far exceed any profit the equally liable developer might make by proceeding with the project.

Buying out of the developer by the City of Burien and official incorporation of the entire subject property into Seahurst Park is the only alternative that is feasible and non-destructive and that would put the whole matter to rest once and for all. This alternative would provide a very happy ending to a long and very unhappy journey for the City of Burien. For the sake of the environment and the people of Burien, the above-stated alternative should be added to the contents of the Draft EIS for Emerald Pointe on the Sound and included in the Final EIS, and I most sincerely hope the City and the developer will rise to the occasion and agree upon and implement this alternative.

Respectfully submitted,



Marsha Tersigni

cc: Burien City Council

Letter 41  
Comment 1  
(cont.)

September 13, 2007  
Dept. of Community Development  
City of Burien  
15811 Ambaum Blvd SW Ste C  
Burien WA 98166

RECEIVED

SEP 24 2007

CITY OF BURIEN

RE: Emerald Pointe/Westmark Development

Dear Council Members,

I have a number of concerns about the above-proposed development that I hope you will take into consideration.

Geotechnical effects are a major issue to me. Much of the project sits on colluvial ground. The steep slopes defined as 40% or more are probably closer to 70% or greater and are located on every perimeter except the west. The DEIS says that two trees of similar species will replace every tree of 26" dbh that is removed. That will not replace their root systems, which are currently holding the soil in place. The Douglas Fir trees planted at Sound Vista 27 years ago measure as little as 18" dbh. The blackberries that currently cover much of the banks and help hold the soil in place will be removed leaving the entire area exposed and vulnerable. Since the junction of 12<sup>th</sup> and 134<sup>th</sup> is so narrow and precarious as it is, I am concerned about what will happen if the slope beside it is denuded and cut any further. Sound Vista has already experienced erosion and settling issues with buildings and drives closest to the site, and the northernmost buildings of Vintage Park apartments could incur damage due to shifting soils. I am very concerned about the effect additional cutting and filling at Emerald Pointe will have on these areas. On pages 2-25, 2-26 and 2-27 the DEIS states "stability analysis needed prior to construction", why on page ii under required permits does it say "Clearing and Grading (optional)"? Since the slope stability analysis was done 17 years ago, perhaps it should be revisited.

There are fox, coyote, deer, raccoons, squirrels and other wildlife in this area. If this project proceeds, there will be no place for them to find shelter within the bounds of Emerald Pointe. They will only return to forage and could become a nuisance or threat to the surrounding neighborhoods as well as Emerald Pointe.

The birds will also be deprived of nesting and foraging areas because woodpeckers use snags, which I am sure would not be retained, and given the weight of an eagle versus the size of the tree it would be physically impossible for them to nest in any replacement trees. In addition, these birds and peregrine falcons all need high perches. There are also grosbeak, downy woodpeckers, tanagers, numerous common species, and at least three kinds of owls.

Increased erosion and runoff from impervious surfaces combined with decreased clean water due to dewatering of natural springs and ground water will have a great impact on the fish and aquatic animals.

Letter 42  
Comment 1

Letter 42  
Comment 2

Letter 42  
Comment 3

With the development of Emerald Pointe expected to proceed over a 10 year period and given the habit of fish returning to the same beds every year, the fish population in this area would be decimated. The only way it may be mitigated would be to plant eggs at the completion of the project.

Letter 42  
Comment 3  
(cont.)

The DEIS states that despite the 1178 daily trips the project will generate, LOS and safety standards would not be significantly affected. I disagree. Schoolchildren and elderly people use the intersection of 134th and Ambaum. There have already been a number of accidents at or near that corner, including a car/pedestrian fatality a few months ago. At the very least, a traffic light should be installed at that corner. In addition, traffic and noise during construction would have a great impact on the quality of life for the neighbors of this project. Chainsaws and heavy equipment noise, and the pain of hearing large trees crashing to the ground would be very difficult to endure. When the project is completed, the additional noise of residents would have a very definite affect on people living anywhere on the surrounding ridges, as sound travels far in this bowl shaped basin.

Letter 42  
Comment 4

Letter 42  
Comment 5

I do not think the assumption that the project's clubhouse and pool will be enough to mitigate the impact on parks and recreation. There will still be people who will want to use playgrounds, game courts, skateboard parks, beaches and other public facilities. These people may also want to attend public events held at these facilities. I presume that the pool mentioned would not be open year round and so people may want to use public pools when theirs is not open.

Letter 42  
Comment 6

I am not against Westmark developing their property but would suggest that development under the current zoning code would probably receive little or no resistance from neighboring communities as it would have a much smaller impact on the issues, particularly the geotechnical and environmental aspects.

Letter 42  
Comment 7

I realize the City just lost a lawsuit to the tune of \$10,710,000 and so may feel that you must grant the permit. However, that award only addressed the issues of negligence by unreasonable delay, negligent misrepresentation, and intentional interference. Nothing in that suit addressed the environmental impact of the development of Emerald Pointe. Therefore, it appears that the City can deny a permit based solely on that matter.

Letter 42  
Comment 8

I appreciate the dilemma of trying to balance the needs of man and nature. Thank you for your consideration of all sides.

Sincerely,



Catherine M Aldridge  
13229 12 Ave SW #223  
Burien WA 98146

RECEIVED

OCT 05 2007

CITY OF BURIEN

October 2, 2007

Dept. of Community Development  
City of Burien  
15811 Ambaum Blvd. SW Suite C  
Burien, WA 98166

Re: Emerald Pointe/Westmark Development

Dear Council Members,

I am a resident of Sound Vista Condominiums. When I bought my condo, I was not told of this impending project. If I had known about the possibility of a development of this size going in to the south of Sound Vista, I may have changed my mind about buying here. One reason of concern would be due to the steep slopes that this development would be building on. While sitting on my living room floor, there are times I can feel the whole floor shake. This shaking can last anywhere from 30 seconds to a couple of minutes, and has me very concerned about the stability of the ground. If Westmark is allowed to remove 7 acres of trees and ground coverings, are they going to be responsible for the shifting of the ground and pay for future problems that arise? Sound Vista has had problems with the settling of the ground already caused by problems due to heavy rains. I wonder how long it would take once developed for the hill side to start having sliding issues like what happened over at Maplewild Also, regarding trees, a few years ago Sound Vista was told they could not remove trees on the property (even though private property) unless the trees were a danger of falling on a building or diseased. How then is Westmark able to clear all the trees they are proposing. One of the reason's I bought a condo here was the quite surroundings of the area. Largely in part by the buffering of the area made by the great trees. I loved the fact that I could look out my window and see the trees and the water. It is such a beautiful view, It will be missed immensely if this project goes through.

Letter 43  
Comment 1

Letter 43  
Comment 2

Another concern if this project were to proceed is what will happen to all the wild life. I have been amazed at the different type of birds that I have seen. From various song birds to owls, eagles, woodpeckers and peregrine falcons, all of which are large birds that need large trees to nest and perch in. If all of these trees are removed where are they to go? I know there is a lot of other animals, fox deer, raccoons etc. Don't you think by clearing out so much of the wooded area, this will just send them into the neighboring areas to possibly become a nuisance looking for food, water and a place to make a home?

Letter 43  
Comment 3

I would also like to know what additional impact this project will have on the Burien police department. It is well know that a big problem area for the police is the Vintage Park apartments that are to the south of this project site. I can only imagine the increase of criminal activity. It concerns me that the property of Sound Vista will now be accessed much easier due to the area being developed.

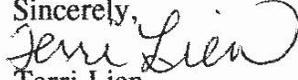
Letter 43  
Comment 4

These are just a few of my concerns. There are plenty more, but most of which were talked about at the hearing held on September 18<sup>th</sup>. I am no expert on the DEIS, and frankly when I read it, it is all very overwhelming and some parts are hard to understand. I don't know what all the laws are so there is no way I can quote what is right or wrong, but nothing I read made this project sound like a good idea. I can say however if the City of Burien let's Westmark develop this property it only shows me and the rest of the citizens of Burien that they are only out to make a buck. In my opinion if this project goes through it will only bring trouble and heartache to Burien.

Letter 43  
Comment 5

Thank you for hearing what most of the community of Burien has to say about this project. Although I don't understand why the hearing was not publicized to more than individuals with 500 feet of the project . We can only now leave it in your hands to make the right decision for the people and the city of Burien.

Letter 43  
Comment 6

Sincerely,  
  
Terri Lien  
13229 12<sup>th</sup> Avenue S.W. #221  
Burien, WA 98146

October 3, 2007

Department of Community Development  
City of Burien  
15811 Ambaum Blvd. SW, Suite C  
Burien, WA 98166

RE: Emerald Pointe Development Project

To Whom It May Concern:

I don't know if anyone is aware that Highline is once again trying to salvage the up coming Salmon spawning in the creek. Every year they try digging out the holding pond and securing the upper creek area around the old caretakers house trying different diversion tactics for the massive run off of rain water and earth that comes down and fills the pond. I am sure the past two years spawning has been a failure. Is there anyway we can get stats on this and use?

Letter 44  
Comment 1

The hillside is so fragile now what is going to happen when the upper vegetation that is there now is disturbed and taken away. I am also a bird watcher and have current pictures of the Bared owls and Pileated woodpeckers. The impact of noise and poisonous fumes from large trucks is going to be devastating to these and many other Seahurst wild life residents.

Letter 44  
Comment 2

My husband and I are very concerned about the impact of hundreds of people and vehicles moving into our small neighborhoods and narrow streets. Not to forget the destruction of the park trails and forestation that will be stamped down to rubble.

Letter 44  
Comment 3  
Letter 44  
Comment 4

How is Emerald Pointe going to handle the sewage? We need answers to this! For the last two years I have witnessed the water run down the hillsides of Seahurst Park and overflow into the existing sewer drainage system causing it to over flow and go right into the Puget Sound. I believe the city has tried to correct this problem because now there is a Red Beacon on a post asking to call an emergency number if it is flashing. It is obvious this is still a concern.

Letter 44  
Comment 5

What happens when the area in question is stripped of all the established growth? How much more water is going to make it down the hill and create an even worse situation?

Sincerely,

Linda Huddleston  
14211 11<sup>th</sup> Ave SW  
Burien, WA 98166  
Email: [wahuds@earthlink.net](mailto:wahuds@earthlink.net)

**Susan Coles**

**From:** linda [lindah@pollockinsurance.com]  
**Sent:** Tuesday, October 02, 2007 11:06 AM  
**To:** Susan Coles  
**Subject:** Emerald Pointe Project

Dear Susan,

Is there no one in Olympia we can contact about the enviromental impact on our area over this project? I am very upset about the lack of time we've been given to investigate this project I do believe this was done deliberately.

Letter 45  
Comment 1

I don't know if anyone is aware that Highline is once again trying to salvage the up coming Salmon spawning in the creek. Every year they try digging out the holding pond & securing the upper creek area around the old caretakers house trying different diversion tactics for the massive run off of rain water & earth that comes down and fills the pond. I am sure the past two years spawning has been a failure. Is there anyway we can get stats on this & use?

Letter 45  
Comment 2

That hillside is so fragile now what is going to happen when the upper vegetation that is there now is disturbed & taken away. I am also a bird watcher & have current pictures of the Barred Owls & Pileated Woodpecker. The impact of noise & poison fumes from large trucks is going to be devastating to these and many other Seahurst wild life residents.

Letter 45  
Comment 3

My husband and I are very concerned about the impact of hundreds of people & vehicles moving into our small neighborhoods & narrow streets. Not to forget the distruction of the park trails & forestation that will be stampeded down to rubble.

Letter 45  
Comments 4,5

Sincerely,Very concerned resident

Linda Huddleston  
Pollock Insurance, Inc  
PO Box 68189  
Seattle, WA 98168  
phone: 206-244-3566  
fax: 206-246-3606  
email: lindah@pollockinsurance.com, wahuds@earthlink.net

Susan Coles

From: Bill Tan [bill@pmadm.com]  
Sent: Saturday, September 22, 2007 4:38 PM  
To: Susan Coles  
Subject: DEIS of the proposed Emerald Pointe on the Sound

RECEIVED

SEP 24 2007

CITY OF BURIEN

Dear Susan,

My name is William Tan and I'm a condo owner at Sound Vista Condominiums.

My address is 1220 SW 132<sup>nd</sup> Lane Apt. no. 521 and I have lived there since July 15, 2003.

First of all, I would like to thank the city of Burien to let their citizens speak out With this proposed development. I have attended the first meeting a year or so ago And again on Sept. 18, 2007. My main concern for this project is the destruction of The pristine wilderness next to Seahurst Park. It's going to drastically change the Ecosystem in the area. The majestic trees are there to absorb the carbon dioxide In the air. And also, it's home to many local wildlife and vegetation. There's also The danger of landslide or mudslide in the surrounding areas because of the loss of Old growth trees. This area is "fragile and irreversible" as one gentleman said in The Sept. 17 meeting.

I checked the City of Burien website today and saw the city's vision. Part of it states:

- A community with natural open spaces, neighborhood parks, paths, and trails.
- A community that has preserved and enhanced its historic and natural features, habitat areas, and air and water quality.

If this proposed Emerald Pointe project is allowed to proceed, it's a contradiction of What the City of Burien promised to its citizens.

This pristine wilderness next to Seahurst Park is a slice of paradise in Burien and should be the pride to the citizens of the City of Burien, King County and the Evergreen State.

I'm very confident the City of Burien officials can find "Eco-Friendly Organization(s)" to help preserve

Letter 46  
Comment 1

**This slice of paradise.**

**Thank you very much for allowing me to speak out. I'm not an outspoken person but this time I have  
To share my thoughts with you and the City of Burien. (In both meetings, I just keep quiet and listened.)**

Letter 46  
Comment 1  
(cont.)

**Very Respectfully Yours,**

**William Tan**

RECEIVED

SEP 24 2007

City of Burien,

CITY OF BURIEN

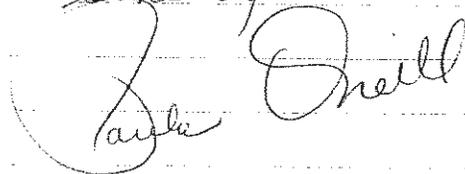
I have lived in Hurstwood area for over 17 years. Not ~~at~~ only is Seahurst park my backyard, It is a refuge for the red fox, coyote, spotted owls and eagles to name a few. Seahurst park happens to be a very sacred place where many people come to heal their hearts and melt the stresses of everyday life.

I understand that a Developer has been given the rights to level and destroy 8 acres of environmentally sensitive watershed property, to build more condos, that would greatly endanger the health and vitality of this beautiful park. How can this be, that I have been refused to remove one tree that is dangerous to my home, when this developer is allowed to desiccate 8 acres of rainforest.

As a citizen, I demand that this action be appealed and taken to Supreme Court.

This park must be saved!

Sincerely,





Ms. Paula O'Neill  
13865 17th Ave SW  
Burien WA 98166

Dept of Community Development  
15811 Ambaum Blvd. # C  
Burien WA. 98166

09/18/ 2007 **Citizen Response to Environmental Impact Statement and Key Issues**

RE: File No. PLA-06-0365 *Emerald Pointe on the Sound*, proposed huge condo development to be located at 13401 12<sup>th</sup> Avenue SW, Burien, WA 98146, on a forest site contiguous with Seahurst Park, a unique and rare forested park on Puget Sound

**Opening Statement:** According to the City of Burien, the courts (State of WA?) have legally 'vested' Emerald Pointe under WA State Law to the King County land use rules in effect on February 15, 1990. It is now over **17 YEARS LATER!!!** Environmental evidence, analytical technology, human population growth, and public awareness of global climate issues have changed considerably. The 1990 'vest-ment' is a convenient end-run around the 2007ff realities that Emerald Pointe will impose on the site and on the surrounding neighborhoods. In 17 years the 10 acres of forest-to-be-destroyed by this development has matured with established flora and fauna. Burien has also become an incorporated city in this time. A phone chat (Sept 17, 2007) with the Burien Dept. of Community Development has revealed that neither the city of Burien nor King County Executive Ron Sims can effect any changes regarding the Emerald Pointe development as these entities were **overruled** by the court. This is a decidedly **undemocratic** outcome with high potential to benefit *only* the fortunes of a very few while negatively impacting a large, irreplaceable natural area and downgrading the quality of life of many people.

Letter 48  
Comment 1

**ISSUES**

1. Pollution--I live in Sound Vista Condominium community directly adjacent and north of the proposed development, one that will have near twice the number of units as Sound Vista. This is a steeply down-sloping area that is a *cold sink*. That is, fumes and smoke settle here around our buildings and into the forest. The new development could add another near 400 cars plus possible fireplaces, increasing air pollution. The existing dense forest and floral understory clean and freshen and cool the air here. With global warming a reality, adding multi-story buildings to this area and destroying the forest will affect the air quality, humidity and temperature of the surrounding communities and the remaining parkland. This is 2007; this may not have been realized in 1990.
2. Sewage Problems--Sound Vista has to have a large holding tank and pumps to get our sewage back up to the municipal sewer pipes above our community. I did not see any such facility on the diagrammed plan that was sent out for Emerald Pointe. Where is that to be located, particularly in relationship to the boundaries of Sound Vista? How is Emerald Pointe going to manage the sewage for 178-200 units?
3. Geology--I attended the initial public hearing for Emerald Pointe a few years ago. This was the hearing that addressed the fact that the developers hoped to start building *without* an Environmental Impact Statement. Well, that established the mindset of their corporate responsibility. At any rate, a geologist who lives near this site revealed to us that the steep slopes of the site might de-stabilize (there was already slippage from the Feb, 2001, earthquake) because of the construction. I live in a Sound Vista building that is directly adjacent to the proposed construction on a steep slope. What will any new construction do to the geological stability of the steep slope on which *my* existing building and the buildings above me are sited? Removing the dense trees and understory will surely erode the slope and increase slippage of the soils near Sound Vista.

Letter 48  
Comment 2

Letter 48  
Comment 3

Letter 48  
Comment 4

Letter 48  
Comment 5

4. Water---Yes, there is a beautiful wetland just down the slope very close to Sound Vista and to the proposed Emerald Pointe. I can see running water and expanses of lush boggy land from my 4<sup>th</sup> story windows. It is environmentally naïve to propose that adding a double-high density community within yards of the wetland boundaries is feasible without disrupting water quality and water flow. What about the springs and seeps on the site of the proposed development?

5. Birds---I have surveyed the forest near my condo since 1999 when I bought my unit here in Sound Vista. The proposed construction zone for Emerald Pointe would destroy nesting, feeding, roosting and migrating habitat for Pileated Woodpeckers, Downy Woodpeckers, Black-capped Chickadees, Chestnut-backed Chickadees, Great Horned Owls, Barred Owls, Brown Creepers, Steller's Jays, Band-tailed Pigeons, Red-tail Hawks, Cooper's Hawks, Sharp-shinned Hawks, Bald Eagles, Black-throated Gray Warblers, Orange-crowned Warblers, Wilson's Warblers, Yellow Warblers, Yellow-rumped Warblers, Townsend's Warblers, Swainson's Thrushes, Hermit Thrushes, American Robins, Cedar Waxwings, Song Sparrows, Fox Sparrows, Spotted Towhees, Black-headed Grosbeaks, Western Tanagers, Tree Swallows, Barn Swallows, Violet-green Swallows, Bewick's Wrens, Winter Wrens, Red-breasted Nuthatches, House Finches, Purple Finches, American Goldfinches, Red Crossbills, Dark-headed Juncos, several flycatcher species, vireos, and more and more. Several of these species are considered threatened *now*, not the case in 1990. There has been a report of possible Spotted Owl. The Seahurst Forest and the contiguous, yet undisturbed forest surrounds might support a pair of these endangered owls. Seahurst Park and surrounds would be a very safe place for these owls as it is no longer logged, and has become the mature forest that these birds need. Also, the Marbled Murrelet, another endangered Puget Sound species, would find Seahurst Park and surrounds a safe nesting haven. I have seen Marbled Murrelets on the salt water just off Seahurst Park shorelines.

Letter 48  
Comment 6

6. Other fauna---there are numerous small mammal species, amphibians, butterflies and other insects (food for nesting and migrating birds and for the fish and other creatures in the wetlands and creeks in the park.) The Puget Sound shoreline, not that far below the proposed construction site, has **salmon**-entry creeks from the salt water!

7. Trees, flowers, shrubs, understory---these are now mature after 17 years, and provide benefit to air quality, to food and shelter for wildlife, to education about environmental issues and the true value of protected natural areas. Trails through the forest are used by all surrounding neighborhoods for recreation, for health and exercise, for peace and quiet, and for nature study.

Letter 48  
Comment 7

8. Aesthetics, light & glare, and noise---my top floor end unit was purchased because of the surrounding forest and my investment will be directly impacted by this new development. I noticed on the diagram of the Emerald Pointe layout that most all trees would be cleared between my building and the proposed new site, especially the plan with the smaller number of units (178 vs. 200.) This development equals trucks and exhaust and dust and racket and throngs of trampling workers followed by high density of permanent population and their noise, cars, and disturbance and my loss of privacy and forest views.

Letter 48  
Comment 8

**Sound Vista was probably not a good idea either, but approving Emerald Pointe is an environmental irresponsibility that must not be allowed for numerous logical, social and scientific reasons.** Maureen E Ellis PhD, 1249 SW 132<sup>nd</sup> Lane, Unit 1244, Burién, WA 98146. Environmental Toxicologist, Dept of Environmental and Occupational Health Sciences, School of Public Health and Community Medicine, U of WA, Seattle, WA 98195. Above statement given as a private citizen only.

*ME Ellis*  
09/18/07

RECEIVED

OCT 04 2007

CITY OF BURIEN

To : Department of Community Development  
City of Burien  
15811 Ambaum Blvd. SW. (Suite C)  
Burien Wa. 98166

Comments to Emerald Pointe on the Sound (Westmark Development)  
File No. PLA-06-0365

The purpose of this letter is to provide comments on the proposed development and ask for additional public notice and meetings for the impacted residents before any action is taken by the city on this project. I live in Hurstwood, a neighborhood that borders the Westmark property and received no notice of the opportunity to comment from the city in the mail, nor was any sign placed in our neighborhood. I frequently walk the loop trail that passes from Seahurst park through the proposed development land. During a recent walk I found a sign on the trail that was intended to give notice and apparently provide a map of the development. This notice is totally inadequate. Only residents that happened onto the trail would have seen it. I own property in Chelan County and anytime there is a proposed land use in my area I get a notice in the mail. How can the city of Burien call a sign in the middle of the woods proper public notice???

Letter 49  
Comment 1

The proposed development will have a major impact on the largest undeveloped piece of land adjacent to Puget Sound in the Seattle area and will have a dramatic negative impact on the park as well as the local wild life. In August of 2002 Anchor Environmental issued the "Seahurst Park Master Plan" in that plan the following quote is provided:

Letter 49  
Comment 2

**"The further shoreline structures and armoring encroach into the intertidal zone, the less highly functioning habitat is available to juvenile salmonids, their prey, and forage fish species (sand lance and surf smelt-that spawn in these beach areas).**  
• **While most of the parks beaches are documented spawning areas for these two forage fish species, the direct and indirect effects of bulkheading, rock armoring, and loss of overhanging forest have degraded much of this habitat.**  
• **Extensive eelgrass beds (two species, the native *Zostera marina* and the non-native *Zostera japonica*) inhabit most of the lower intertidal and shallow subtidal zones. These are important habitats for salmon and other species.**  
• **Much of the parks forested areas historically bordered streams and beach areas forming riparian zones. These zones of contact between terrestrial and aquatic environments perform several important ecological functions such as protecting water quality, stabilizing banks, increasing wildlife habitat diversity, nutrient inputs, and large woody debris inputs.**

- The plant communities in forested areas are dominated by four native communities (Red Alder, Madrone, Salal, Hemlock & Cedar, and Riparian). A fifth and much smaller community consists of non-native vegetation. The plant communities result from a combination natural and human caused disturbances (logging, geologic instability, land development), and natural site conditions (wet versus dry soils).
- **The parks two streams offer limited habitat for salmonids due to their steep gradient and relatively short length.**
- **The park is home to a variety of reptiles, amphibians, birds and small mammals including the ensatina salamander, bald eagles, great blue herons, barred owls, and red fox, among others. A bald eagle nest is located 0.25 mile site of the park.”**

Letter 49  
 Comment 2  
 (cont.)

As documented in this report and my personal observations, wildlife in the park that will be affected by this development includes bald eagles, herons, owls, red foxes, hawks as well a stream that served as a salmon bed in the past. Loss of the 9 acres of second growth forest habitat and the adverse affect on wildlife should not be allowed because mitigation of the affects of the development on the park would be impossible. The report documents the fact that the creeks offer “habitat for salmon”. My personal observations, documented by photos taken of the creek included with these comments, show salmon have spawned in the south drainage of the park creek. The pictures are provided to you as an attachment in this submittal. The North drainage of the creek has been impacted by development including use by the school district as supply of fresh water for the Occupational Skills facility and for a salmon run. The North creek basin would also support native salmon, in addition to the run that is produced by the OSC, if the barriers in the creek introduced by humans were removed. Salmon and salmon habitat, as well as spawning beds for smelt and the salt water environment, would be all affected by drainage from the 9 acre development and this raises significant environmental concerns. Due to the concerns over adverse affects of development in the park, the City recently spent millions of dollars (including grants, etc.) to remove unnatural retaining walls in the park to improve salmon habitat. Due to the topography, all water runoff from the development will enter the North Park Creek basin. It is incomprehensible to think the city is now allowing a huge development of between 175 to 200 condos that will produce millions of gallons annually of runoff into the creek. There has already been natural landslides during heavy rains and any changes to the drainage system would likely increase the risk of more slides in this area. While the city will likely require water retention features intended to mitigate the effects of the runoff, these features will not replace or duplicate the natural water supply to the creek that is provided by a forest. Natural undisturbed forest will absorb runoff, and limit flooding in the creek. The loss of 9 acres of habitat as well as 200 to 300 additional residents including their cars will adversely impact the environment and the park and endanger the Eagles, foxes, salmon, and other wildlife that inhabit the area. Runoff from paved areas produce large amounts of runoff that contains pollutants from vehicles, including gasoline, oil, anti freeze, and toxic fluids such as brake and steering fluids. All of these contaminants will find a way into the creek and then into the marine area that support the Puget Sound salmon and Orcas. How can a major high density development

be allowed within one of the most beautiful pieces of second growth forest in the Puget Sound area??

Letter 49  
Comment 2  
(cont.)

As a resident who voted for incorporation of the city so we would determine the land use in the area, I ask that the city provide adequate public notice and multiple public meetings on this development. If the posting of the notice of availability of the draft environmental impact statement in the woods is any indication of how the developer plans on treating the environment as the development proceeds, the city should also question their competence. The sign was nailed onto a living tree with more than 10 nails, rather than posting the notice on a post, as one would have expected. I also suggest the city consider posting draft environmental impact statements on their web site. In this age of computers it is not reasonable for residents to pay \$8.00 to get a copy of a public document, nor drive to the library to view a copy when it is more practical to post the document on the web, costing nothing..

Letter 49  
Comment 3

Regards, Mike and Alison Dostert

*Alison Dostert*  
*ME Dostert*

206 355-6417



Mr. Michael Edward Dostert  
13672 18th Ave SW  
Burien, WA 98166-1047





RECEIVED

OCT 03 2007

CITY OF BURIEN

From

David R

Athearn

To: 16051 21<sup>st</sup> Ave SW  
 Burien, Wash 98166  
 City Hall 248-0365  
 15811 Am bawm  
 Blvd SW Suite C  
 Burien, Wa 98166-3066

Dear Folks,

In regard to the Westmark project at 13417, I must whole-heartedly disapprove. Let me put it this way. Anytime a town incorporate from a larger city, it loses clout. Big business moves in and either modifies the law or ignores it completely. Example is our great Town Square. The latter serves no purpose except to show the power of big business over small towns.

Letter 50  
 Comment 1

Secondly, we already have one big project. Why more than one? Anytime we have a big project, according to the largeness of the project, we have an increasing number of difficulties, and not all of them are covered by tort statutes, or even natural law. Why are we asking for it? Just the Third Runway is too much.

Thirdly, any time we have large numbers of people living close together, we have big trouble. And to the degree that the environment is lost, we have such phenomenon as cockroaches, easy spread of disease, rats, mice, etc.

Fourthly, the modern condominiums are, vastly overpriced, luxuriously hedonistic wastes of

everything, encouraging young people to stay home, and eventually dividing the economic classes, and perhaps initiating another Great Depression.

Remember, New York City was once smaller than Burien, with a whole continent of woods and dense forests.

Fifthly, our town of Burien's Original Charter and incorporation effort was very specifically for the purpose of preserving our small town environment, including trees, wooded lots, and parklike atmosphere.

I see very little sign of this.

We have 3 or 4 token areas set aside for natural parkland. Our old enemy, King County, in fact most of our surrounding cities, outclass our environmental record far and away.

Oh yes, For these and many

many more <sup>very</sup> obvious, blatant reasons, I vote a resounding NO! to the Westmark Emerald Pointe ~~made~~ development.

Respectfully yours

David R Athearn

L-206-248-0265

Letter 50  
Comment 1  
(cont.)

P.S. I must once again

heartbrokenly comment on  
① the continuing hard-heartedness of the town of Burien in condemning and seizing, in group this time, parcels of land, <sup>as</sup> In specific, the Lara Lake apartments.

② The last time the issue of <sup>was</sup> the Third Runway came to ~~down~~, the Third Runway was stopped for the sake of an apple orchard. Surely the ~~live~~ <sup>lives</sup> of many people ~~can~~ <sup>are</sup> more important than apples.

And surely, even at this late date, we can, with a little compassion, stop the Third Runway for the sake of preserving the Lake Lake apartments.

Thank You !!  
Happy Holidays!

Plant Trees !!  
Make Parks !!

The environment  
is the No 1 issue !!

Letter 50  
Comment 1  
(cont.)

**Comments To the City of Burien**  
**regarding the**  
**Emerald Point Condominium Project**

**By:**

Kathi Butler  
Sound Vista Condominiums  
13229 12th Avenue SW, #222  
Burien, WA 98146  
206-242-8234

## TRAFFIC

The DEIS tries to minimize the effect a possible addition of 356 vehicles (2 x 178 units) would have on the intersection of 136th and Ambaum Blvd. but, in actuality it would have a great impact. This would add to the heavy congestion during peak hours that is already present at that intersection. In the construction phases, the construction trucks and related employee vehicles would also greatly impact the amount of traffic by adding to the existing traffic. The construction vehicles, especially large dirt carrying trucks, will also put a lot of wear and tear on the roads in the vicinity and I'm sure the City of Burien would end up with the expense and obligation of necessary repairs.

Letter 51  
Comment 1

The area in question also houses a lot of lower income families with many families whose children play in the streets because there are few alternatives. This will be especially true if the development is allowed as it will take away a play area alternative. The added traffic will reduce the safety margins in the area. This is especially true on 12th Avenue, as it is the only place the kids who dwell in the apartments along it have to play.

Let us not forget the fact that Burien is planning on building a large condominium complex in its own downtown corridor. That development alone is going to add significantly to Burien's traffic. We simply don't need more traffic. Friends of mine from the North end of Seattle have noted how easy it is to get around Burien now but, I'm afraid all that is going to change with all the development. We can stop some of it. Does Burien really want to contribute to global warming that bad? Don't let out little community get "run over."

## DRAINAGE - WATER QUALITY

Again, the DEIS tries to minimize the adverse impacts. The area that Westmark wants to develop is very steep and the rains in our area contribute to the natural wet land that is in the basin of this sharply sloped canyon. There is no way this development can simulate the natural run-off that ends up in the wetland. It is the forest and foliage that keep the run-off what it is, natural and clean. A development of this size would only pollute and possibly destroy the wetlands. Car oils, etc. would naturally flow down hill with the rains and with no buffer zone would surely somehow enter the park. Man cannot contain it all.

Letter 51  
Comment 2

The DEIS states that when it comes to drainage and water quality, there would be short term impacts resultant and long term impacts from the development - need more be said?

## EROSION

I walked through this area on Sunday, September 30, 2007. It was raining heavily and you could actually see miniature streams developing and running down the hillsides toward the wetland area. I am sure that without the forest in place there would be severe erosion. The area in question serves as a buffer to the Park itself, keeping erosion away from Seahurst Park.

Letter 51  
Comment 3

## LAND MOVEMENT

The DEIS itself indicates that the area is already very susceptible to landslide movement. It is the forest fauna that keep it in place and to remove the same could only be a hazard that would cause more instability. The whole area is susceptible to erosion and again, the only thing keeping it in place is the forest. The City of Burien should take a look at other areas around Seattle where building has been done on steep slopes such as this and people have lost their homes when slides occurred.

Letter 51  
Comment 4

## AESTHETICS, LIGHT & GLARE

A development of the size that Westmark wants to build would be like putting a small city next to Seahurst Park. The noise and glare from the development would disturb all adjacent neighborhoods, not to mention what little wildlife might be left at that time. Eventually, there would only be "human wildlife."

Letter 51  
Comment 5

Due to the shape of the area, which is a valley, sound carries very easily. I hate to think of the noise that would become a permanent fixture if a complex this size is built.

## PLANTS

The trees in the subject area are very old, mostly well over 200 feet high with a large majority of them being more than 50 inches around. I measured as many as I could on my Sunday walk. Some I couldn't even get a tape around, my arms wouldn't reach. The City of Burien has rules about significant trees and the role they play in the environment and the trees in the subject area are definitely significant. I like to think that Burien stands behind what they preach. As stated in Burien's Significant Tree Removal/Pruning Handout:

Letter 51  
Comment 6

"The City of Burien recognizes the significant role that the natural environment plays in creating a healthy and attractive community. Trees, landscaping and open space all contribute to a positive community image. Two sections of the Burien Municipal Code (BMC) apply to tree retention and removal. Section 19.25.120 contains **requirements for retention of significant trees on vacant lots**. Section 19.40 applies to all properties containing a "critical area" (steep slope, seismic hazard area, erosion hazard area, stream or wetland).."

Please read these provisions, Section 19.40 alone should be enough to stop this development. Everything applies...this is definitely a critical area as the City of Burien has defined it. I hope the City will stand behind its own guidelines.

The DEIS itself points out that removal/clearing of the forests mature trees would have a huge impact in that non-native species of trees and underbrush would eventually creep into Seahurst Park itself. We don't need a park full of Scotch Bloom.

Lastly, as far as the plant life, I have to say that the old forest is simply beautiful and it would be such a travesty to destroy it.

**WILDLIFE**

I have lived in this area since I was five years old (I am now 51). The project area is abundant with wildlife. While walking the trails in the years I have lived here I have personally seen raccoons, squirrels, small fox other mammals and rodents, a multitude of birds and even feral cats. When I was younger there were deer but, past development seems to have pushed them out. At night I have heard owls, possibly spotted, as the habitat it perfect for them. I have seen bald eagles and falcons flying in the skies above the project area. The DEIS states that the habitat quality is already affected by existing developments around the project area and the presence of Ambaum Boulevard. It would be a real shame to encroach further on Seahurst Park and its wildlife. The DEIS says in one part (only to contradict itself in another part) that there are no wildlife trails through the project site but, I myself have seen trails with wildlife using them.

Letter 51  
Comment 7

The fact that per the DEIS, that six species that are threatened, sensitive and/or endangered occur within the project site, alone should be enough to stop this development. Just last weekend I saw Peregrine Falcons in the area and they are on both the State and Federal list of species of concern.

**VESTED OWNERSHIP**

I would like to know who actually owns the property in question. I can find nothing in the records that shows ownership by Westmark Development. The record shows that Alice Dobson conveyed the property to a James L. Desormeaux for \$110,000.00 in 1996. Are those 2 lots inclusive of the area that Westmark wants to build on or are there other owners involved?

Letter 51  
Comment 8

**FINAL**

Other than the points that I have touched on which were addressed in the DEIS, there are a few other considerations that should be addressed.

We desperately need this buffer zone between Seahurst Park and current development, if anything to simply keep the Park in tact.

Letter 51  
Comment 9

The neighborhood along 12th Avenue already is over developed. Ninety-nine percent of the houses have been torn down and apartments were built. Parking is at very high premium. There is the old Burien Gardens (now called by some other name) development and there is apartment building all along Ambaum. We simply don't need, or better put, can't handle, the extra population in our area. Poor Seahurst Park has been encroached on through the years enough, it's time to stop and save what we can.

It was pretty clear at the public hearing that was held on September 18, 2007 that no one wants this project built other than the developer. I can't help but wonder if this is why the City of

Burien notified so few people of the meeting, because they knew of the heavy opposition. I tried to contact as many people as I could before the hearing and many people were genuinely upset that they hadn't been notified and didn't understand why they hadn't. Many of these were people who would actually end up overlooking the project. Out of all the people I spoke to only two people were indifferent and they both had the same reason, they were very elderly and presumed that they would be gone before the project was completed and thus they didn't care.

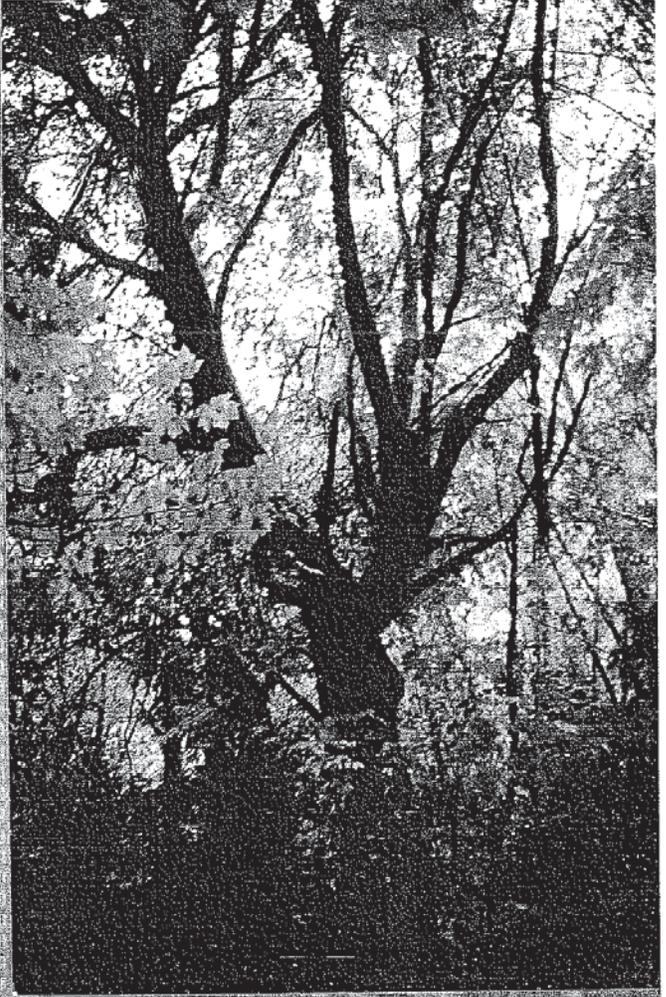
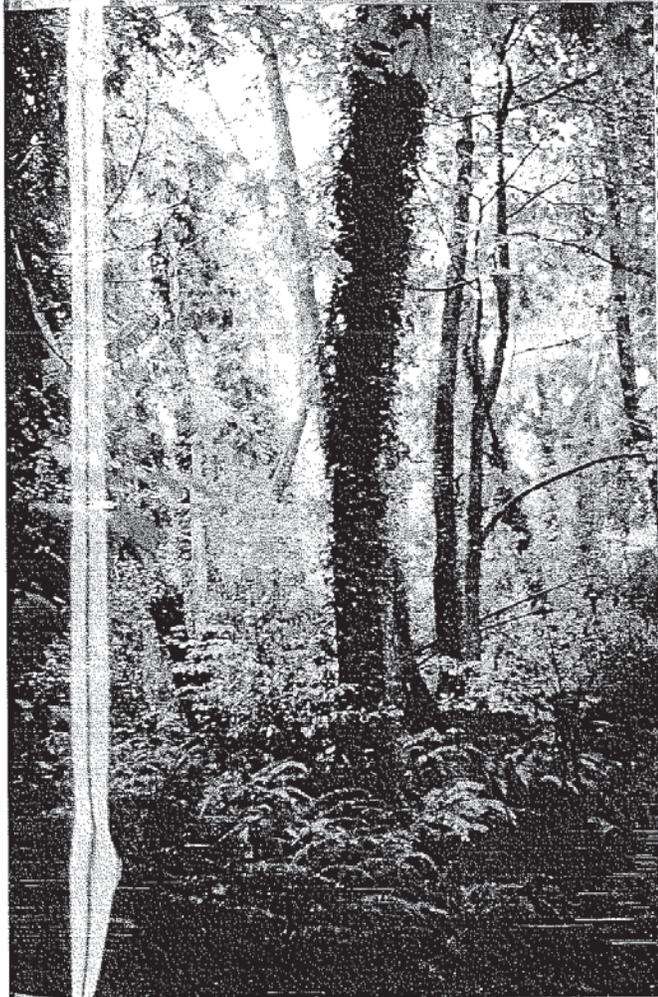
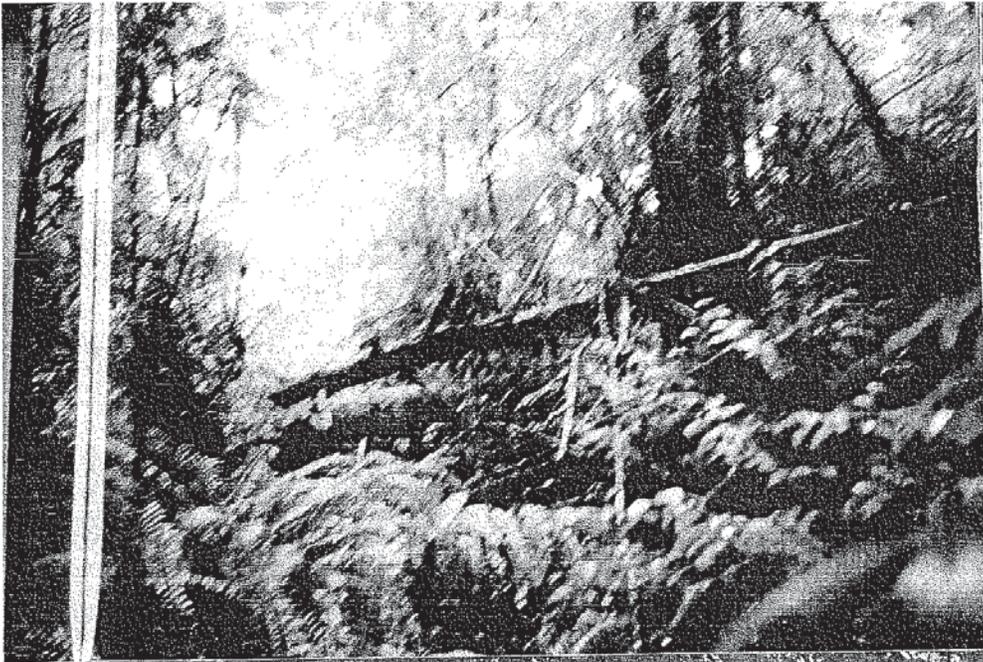
It is unfathomable to me that anyone who were to read the DEIS could ever even conceive of letting this project go forward. The DEIS clearly states that the ramifications will be great and long term. There are things people can say they will try to mitigate but, everyone knows, it won't work, it just isn't possible.

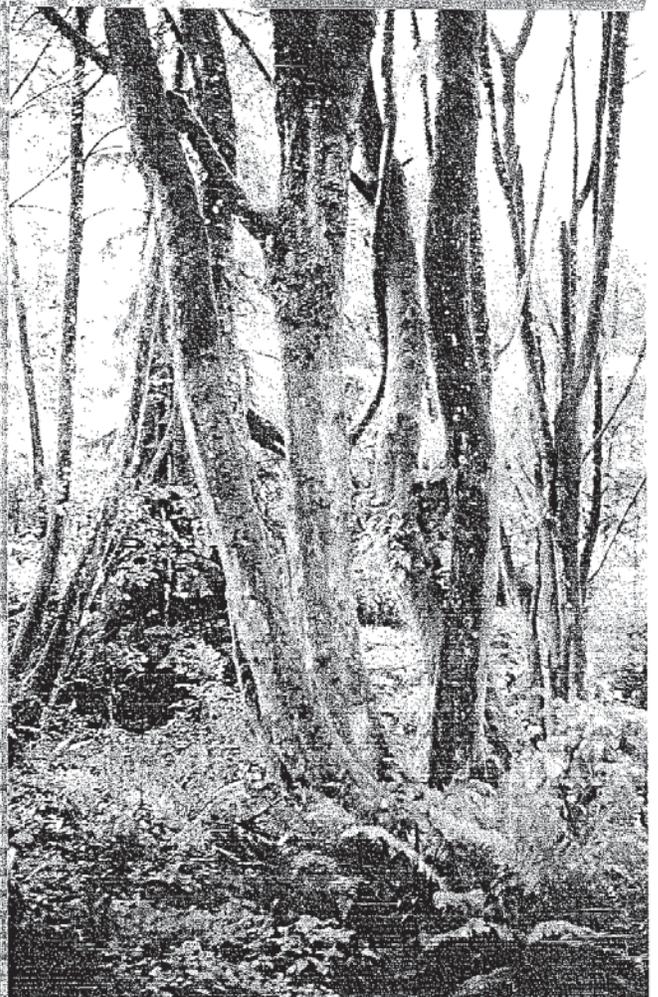
Lastly I wonder if the people who are going to make the final decisions have ever actually walked through this area. It is simply too beautiful to destroy and such a magical place to stroll. I think the City of Burien should figure out some way to buy the property and keep it. Other similar areas have been put into trust by the Washington Department of Natural Resources and they even matched funds with the neighborhoods to help with the property purchases. I hope to walk the same path through the project site on a wet rainy Sunday, listening to the birds and animals and the sound of rain falling on leaves and in the forest, as I did last Sunday, years from now.

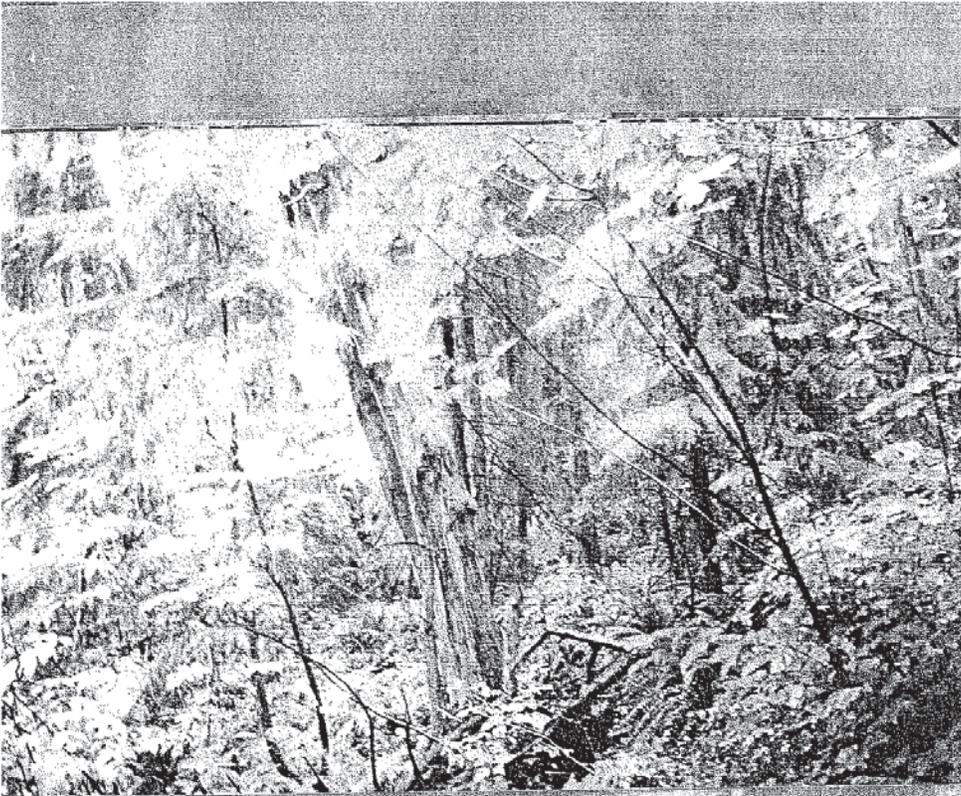
PS I have attached some photos that I took on my walk last Sunday so you can see the "significant" trees and how beautiful the place really is. I hiked off the trail up into the project sight to take these pictures. You can see by the pictures how tall and how big most of the trees really are.

I noticed that the developer really doesn't care about trees. Instead of posting the Notice of Development sign on a post, they simply nailed it to a tree. Picture enclosed.

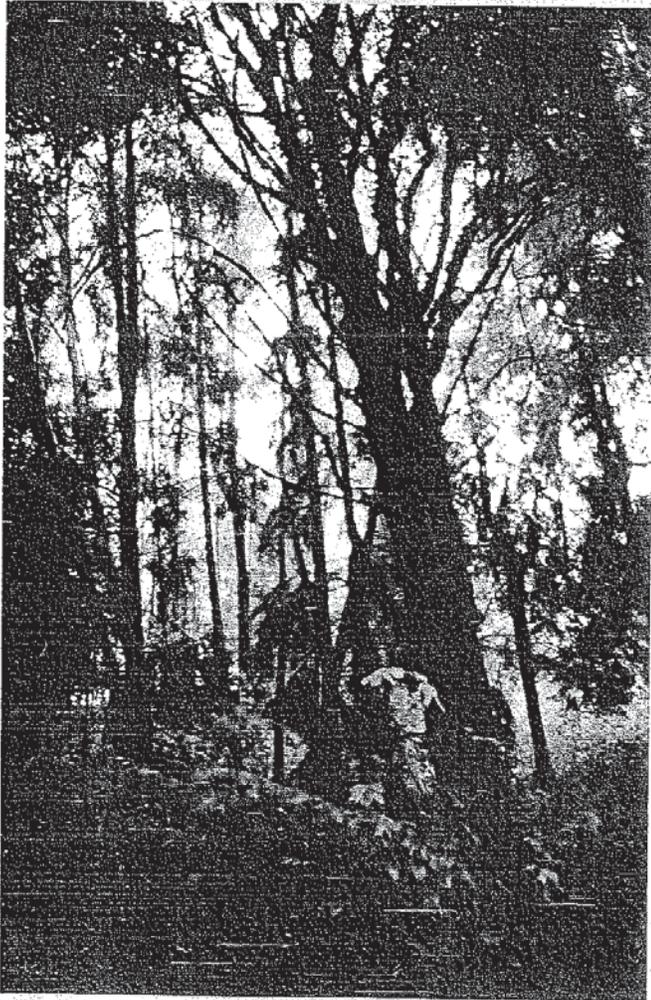
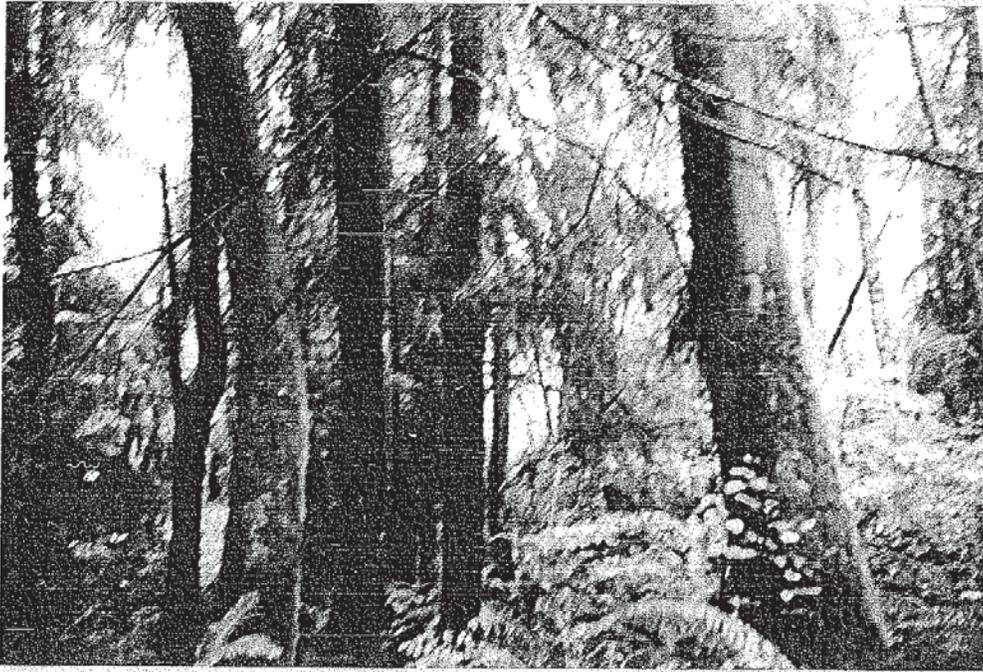
Letter 51  
Comment 9  
(cont.)

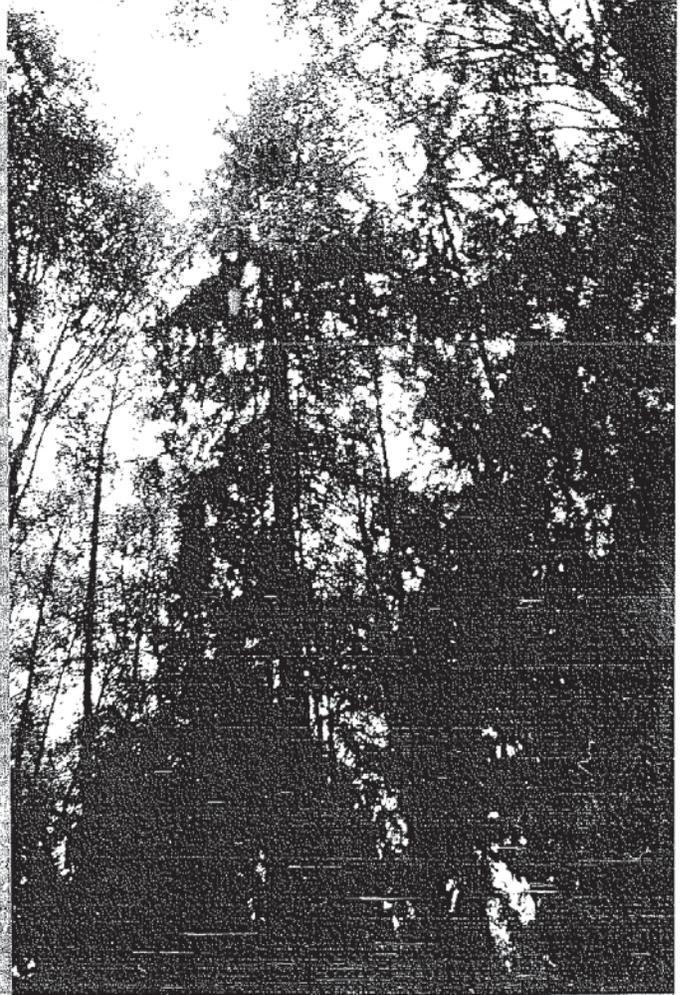
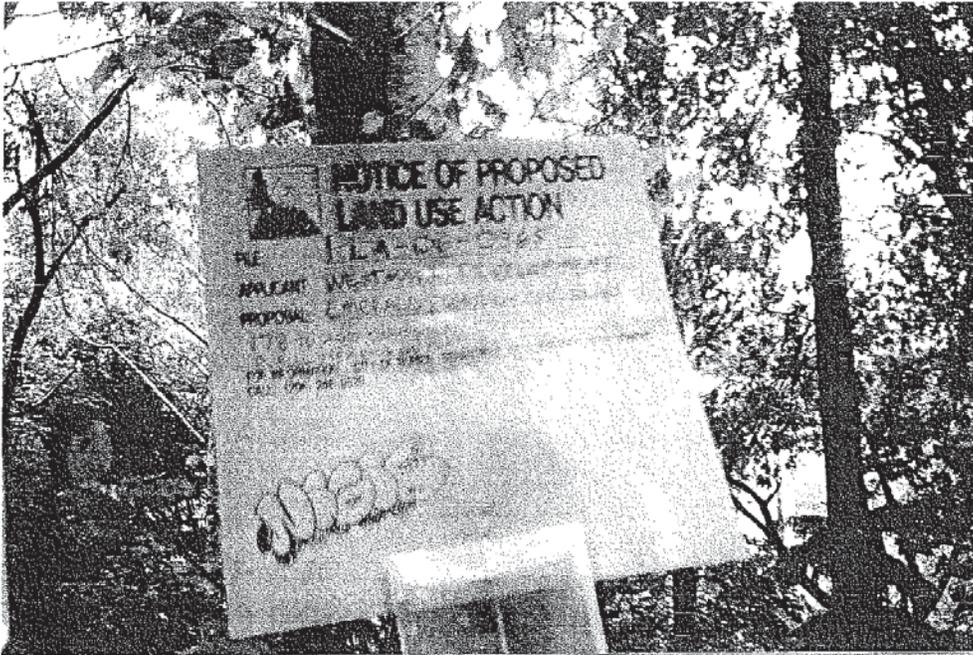












Susan Coles

From: Judy Healy [judy1@telisphere.com]  
Sent: Thursday, October 04, 2007 8:37 PM  
To: Susan Coles

RECEIVED

OCT 05 2007

CITY OF BURIEN

I am writing to you about the proposed Emerald Pointe project and my concern about it's impact upon this area. I have worked in Burien for almost 16 years and have owned a residence here since 2001. I live in Sound Vista Condominiums.

My first concern is the impact that this project will have on the environment, most specifically to Seahurst Park and to the greenbelt between my home and the park.

A large number of birds and small wildlife would be effected in a negative way if this project is allowed to be built. I have heard owls, coyotes and have seen a number of birds including Bushtits, Oregon Juncos, Flickers, Steller's Jays, Black-headed Grosbeaks and House Finches to name just a few. These birds need the greenbelt to survive. Another environmental concern I have is that there is a sink hole behind Building Twelve of Sound Vista. Has anyone studied the impact to that of further construction in the close proximity of that sink hole? What will the development do to the wetlands around that area? Most specifically I'm concerned about the salmon in the Seahurst Park area. I have walked the trails down to Seahurst Park many times and I understand this development would cut across some of this trail that should be open to the public. It is a beautiful trail that greatly increases my quality of life, as well as the quality of life of anyone who has hiked it.

Another major concern I have is the impact the increased traffic and population would have on an already highly densely populated area. This site cannot support the addition of 200 households in such a small area. Traffic is already heavy in the area. There are numerous apartment houses and other condos in the area. Parking is a big problem as well as cars traveling fast on 12th avenue where alot of young children play.

Please consider these concerns as well as the concerns of my neighbors and, at the very least, spend some more time researching the many negative impacts of this project.

Thank you for taking the time to read my concerns. I really hope and pray that there is something that can be done to halt this project.

Sincerely,

Judy Healy  
1245 S.W. 132nd Lane  
# 1133  
Burien, WA. 98146

Letter 52  
Comment 1

Letter 52  
Comment 2

October 4, 2007

Department of Community Development  
City of Burien  
15811 Ambaum Boulevard SW  
Ste C  
Burien, WA 98166

RECEIVED  
OCT 04 2007  
CITY OF BURIEN

To Whom It May Concern:

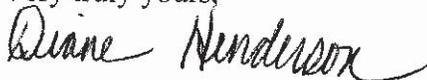
I was in attendance at the meeting involving the Westmark Developers who are planning on building the Emerald Pointe Condominiums to which I am opposed. Our pristine wooded area will be compromised as will the quality of life for not only us but the wildlife who live in that forest.

My husband and I bought a house in Hurstwood three years ago. We walk the trail above Seahurst Park about five times a week. It has been a wonderful way to meet our neighbors, get exercise and de-stress from the noisy world in which we live. The only blight on this walk would be the Sound View Condominiums which have been in existence for a number of years. It was interesting to me to hear the residents of those buildings voicing more concern about the potential development of that area than those of us who live in single family homes. Over and over again, they made mention to the "sewer" problems resulting from their condos. The storm last year, which caused power outages for five days, backed up and work was necessary down on the beach, which becomes everyone's problem. How on earth will more development affect a system already failing during our rainy weather? Often times there is a "smell" when you pass near those buildings on the trail. From my limited understanding, the system which this new development has planned, will cross over the existing one. My questions would be, what back up plan do these developers have when power goes out and people still need to flush toilets? Will equipment be purchased to handle emergencies?

Letter 53  
Comment 1

Someone hinted that we are trespassing on Westmark's property which certainly is not marked at all. We also have cleared brush and cleared paths of debris in order to walk on the trail. Now what if someone were to slip and fall, causing an injury? I don't think Westmark really cares for anything more than the almighty dollar. The world has enough development and not enough nature. Once construction begins there is no going back. Let's consider doing the right thing here and encourage Westmark to build in their own neighborhood.

Very truly yours,



Diane Henderson  
13644 18<sup>th</sup> Ave SW  
Burien, WA 98166

September 30, 2007

RECEIVED

City of Burien  
15811 Ambaum Blvd SW Ste C  
Burien, WA 98166

OCT 01 2007

CITY OF BURIEN

RE: Notice of Availablity of Draft Environmental Statement and Public Hearing Notice  
File #PLA-06-0365

Dear City of Burien,

I would like to comment on the proposed Emerald Pointe on the Sound – Westmark Development project. This development was not a good idea in 1990 when it was first applied for with King County, it continues to be a bad idea now in 2007, in fact more so now as we are learning and continue to learn how precious our natural resources are, and how important our environment is.

The area in question, as you know, is adjacent to one of the East Boundaries of beautiful Seahurst Park. There is no way to know where the park ends and the 7.5 acres of land begins where the proposed development is to be built. The general population thought this was all park property until this proposed development came to light. The area is home to many species of northwest wildlife some of which are on the endangered species list along with northwest native vegetation. To destroy this 7.5 acres of lush forest in this day and age is an outrage. It doesn't take a land use expert to know that developing this area is going to have a huge environmental impact not only now, but in the future. The area in question sits above a watershed, wetland and a creek that feeds directly into Puget Sound. The steep degree of this property, and the need to bring in truck load after truck load of dirt to get it built up in order to build on it, along with the need of building retaining reinforcement, and a wetland buffer is proof this area was not meant to have a 200 unit condominium complex built on this site.

Letter 54  
Comment 1

- I would like to request that the City of Burien contact the US Army Corps of Engineers, for an evaluation on the impact of this proposed project.
- I want to know how this proposed development meets the rules of the Growth Management Act ("The Growth Management Act was adopted because the Washington State Legislature found that uncoordinated and unplanned growth posed a threat to the environment, sustainable economic development, and the quality of life in Washington. Known as the GMA, the Act (Chapter 36.70A RCW) was adopted by the Legislature in 1990").
- I would like to know how this project meets the rules of the Endangered Species Act.

Letter 54  
Comment 2

Letter 54  
Comment 3

Letter 54  
Comment 4

I am asking the City of Burien to do the *right* thing – do not allow this development to happen and I request the City of Burien look in to buying this property so that it will remain intact and part of Seahurst Park.

Respectfully,

Diane McLaughlin  
13824 18<sup>th</sup> Ave SW  
Burien, WA 98166

CC: Governor Gregoire  
King County Executive Ron Sims  
Department of Ecology

Senator Patty Murray  
Army Corps of Engineers  
King County DDES

## Susan Coles

---

**From:** David Tuben [dltuben@comcast.net]  
**Sent:** Tuesday, October 02, 2007 9:05 PM  
**To:** Susan Coles  
**Subject:** Emerald Pointe 200 condominium project

We are writing in response to notification of this project and wanted to express our opinion.

We have lived in Burien for eleven years and have been very pleased with the progress the city has made over the years. However, we are concerned with the impact on the quality of life for the citizens of the area along Ambaum Blvd. and to the west between 128<sup>th</sup> and 148<sup>th</sup>. We feel that by allowing this huge project to go through it will **negatively** impact the city, with added congestion being the primary concern. After years of doing what is best for all of Burien's citizens this would be a huge step backward for all but the developer. We are all for development of the property but not such a large project, **we already have several very large complexes in that area**, it makes no sense to add another development of this size (alternative 2 is too large as well), a smaller development of 50 units or less makes more sense or several houses, these smaller developments would make a better addition to the city of Burien in our opinion.

If we wanted to live in an area with giant condo complexes we could live in either Bellevue or downtown Seattle but we prefer the small town atmosphere that Burien has.

In trying to keep my letter short, I have purposefully left out other concerns that were mentioned in the DEIS, including increased noise, wild animals that may be affected as well as all the trees that will be cut down, the adverse impact on Seahurst park and the additional strain on the police and fire departments.

Thank you,

David and Lori Tuben

Letter 55  
Comment 1

Susan Coles

From: Alissa West [alissawest@yahoo.com]  
Sent: Friday, October 05, 2007 7:26 PM  
To: Susan Coles  
Subject: Westmark Comments

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OCT 08 2007

CITY OF BURIEN

Department of Community Development, City of Burien:

I recently learned of the plan to tear down much of the woods behind Seahurst Park. I have walked in those woods regularly for years. I like to walk through there in that magical rusty-lighted time just before sunset. The trees provide a refuge for wildlife and people in an otherwise very developed area and make it possible for many birds that you don't see, for example, in my old home of White Center. I've seen eagles and owls here.

Letter 56  
Comment 1

Development is necessary and good but the defining characteristic of the Seattle/Burien area is rich urban and natural environments existing side by side. If the development is allowed to go through, a crucial part of that environment will be lost and damaged forever. I approve of and encourage building new residences, on land that is not part of one of the largest, most beautiful forests around.

I have concerns about the way this project was presented to the public and pushed through. There was only one hearing of which I am aware. I would like the publicity, quantity, and quality of discussion with the public to be increased significantly so that all concerns can be addressed. Please find a way to have in the very least one more hearing so that people can express their thoughts on the matter. Anything less seems rushed and underhanded.

Letter 56  
Comment 2

If this project should go through my biggest concerns after lack of valuable ecological, living and recreating space for the community are this:

It is a big steep ravine. How sure are you that Westmark won't destabilize it? With the current root system in place holding it together we still get some sliding.

Letter 56  
Comment 3

Has there, really, been adequate preparation made for dealing with sewage from this complex?

Letter 56  
Comment 4

Will you ensure that all the dirt trucked in as fill has no seeds in it that could bring invasive plants to the rest of the forest?

Letter 56  
Comment 5

Thank you for your time. If any of the people involved would like to come out and see this area up close, I'd be pleased to take them down the trail that follows the back of the ravine. It's really the best walk in Burien.

Alissa West  
13659 17<sup>th</sup> AVE SW  
Burien, WA 98166

Boardwalk for \$500? In 2007? Ha!  
[Play Monopoly Here and Now](#) (it's updated for today's economy) at Yahoo! Games.

To Dept. of Community Development

October 3, 2007

We are challenging the Westmark Emerald Pointe Condo DEIS because it does not adequately address:

- 1) This as seismically unstable land as has been witnessed by the damage to similar lands on Maplewild Dr and the Salmon creek Greenbelt during the 2001 earthquake.
- 2) The health and safety issues for the residents due to one access road for fire, police and evacuation purposes.
- 3) The planned 3 to 4 years of construction that will destroy protected and endangered species on the land as well as from the adjacent Seahurst Park -- eagles, peregrine falcons, blue herons and not-listed river otters, osprey and owls.
- 4) The 7.4 acres of planned impervious surfaces will seriously impact storm water runoff, contamination of wetlands and the North Creek in Seahurst Park, and waste water treatment.

Letter 57  
Comment 1

Letter 57  
Comment 2

Letter 57  
Comment 3

Letter 57  
Comment 4

RECEIVED

OCT 05 2007

Name

Address

Margaret Barrett  
Joseph R. Cail

CITY OF BURIEN  
12291 MARINE VIEW DR. SW, BURIEN  
12291 Marine View Dr SW BURIEN 98146

~~RECEIVED~~

~~RECEIVED~~







To Dept. of Community Development / Burien

October 3, 2007

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- 4) The 7.4 acres of planned impervious surfaces will seriously impact storm water runoff, contamination of wetlands and the North Creek in Seahurst Park, and waste water treatment.

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OCT 05 2007

Name	Address	CITY OF BURIEN
<i>Meredith Daley</i>	<i>12069-30<sup>TH</sup> AVE SW BURIEN</i>	<i>98146</i>
<i>Paul Mallap</i>	<i>12045-30<sup>TH</sup> AVE SW BURIEN</i>	<i>98146</i>
<i>Ann Green</i>	<i>11040 5<sup>TH</sup> AVE S. SEA WA</i>	<i>98168</i>
<i>Heather Aquino</i>	<i>12007 30<sup>TH</sup> AVE S.W Burien WA</i>	<i>98146</i>
<i>Mary Daley</i>	<i>12001 30<sup>TH</sup> AVE SW BURIEN</i>	<i>98146</i>
<i>Patty Knudsen</i>	<i>12069 30<sup>TH</sup> Ave SW</i>	<i>98146</i>
<i>Sarah Jean Chin</i>	<i>12155 Marine View Dr. SW</i>	<i>98146</i>
<i>William Chin</i>	<i>12033-30<sup>TH</sup> SW Burien</i>	<i>98146</i>
	<i>12033-30<sup>TH</sup> SW. Burien</i>	<i>98146</i>

To Dept. of Community Development/Burien

October 3, 2007

We are challenging the Westmark Emerald Pointe Condo DEIS because it does not adequately address:

- 1) This as seismically unstable land as has been witnessed by the damage to similar lands on Maplewild Dr and the Salmon creek Greenbelt during the 2001 earthquake.
- 2) The health and safety issues for the residents due to one access road for fire, police and evacuation purposes.
- 3) The planned 3 to 4 years of construction that will destroy protected and endangered species on the land as well as from the adjacent Seahurst Park – eagles, peregrine falcons, blue herons and not-listed river otters, osprey and owls.
- 4) The 7.4 acres of planned impervious surfaces will seriously impact storm water runoff, contamination of wetlands and the North Creek in Seahurst Park, and waste water treatment.

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OCT 05 2007

Name	Address
MARVIN JAHNKE	CITY OF BURIEN 12112-26 <sup>th</sup> Av SW, BURIEN
MARGARET JAHNKE	12112-26 <sup>th</sup> Ave. SW Burien
Karen Tyree	12036 26 <sup>th</sup> Ave SW, Burien
ANN M. BAUS	11618 23 <sup>rd</sup> Ave SW Burien
Mark A. Baus	11618 23 <sup>rd</sup> Ave SW Burien
Carol C. Thomas	2511 S.W. 121 <sup>st</sup> Burien
Carnot Thomas, dr.	2511 SW 121 <sup>st</sup> Burien.
John R. Prentice	2510 SW 121 <sup>st</sup> BURIEN
Arva R. Prentice	2518 S.W. 121 <sup>st</sup> St, Burien

October 4, 2007

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- 4) The 7.4 acres of planned impervious surfaces will seriously impact storm water runoff, contamination of wetlands and the North Creek in Seahurst Park, and the treatment of waste water.

**RECEIVED**  
OCT 05 2007

Name	Address	CITY OF BURIEN
Peggy Johnson	13012 Shorewood Dr SW.	
Clara W McGee	13025 Shorewood Dr. S.W.	
Archie M. Berg	13104 Shorewood Dr SW	
Mr B. Manly	1903 SW Cove Pt Rd SW	
Nancy Naylor	1909 SW Cove Pt Rd	
Maggie Hageman	1916 SW Cove Pt Rd	
Ed Kaplan	1280.3 Shorewood Pl SW	
Myra J. McCormick	12717 Shorewood Pl. S.W.	
Robert McCormick	12717 SHOREWOOD PL. S.W.	
Robert A. Huntley	12676 Shorewood Dr SW	
J. J. Carter	12823 Shorewood Dr. SW	

To Dept. of Community Development / Burien

October 3, 2007

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OCT 05 2007

Name	Address
Dave M. Carver	12664 Shorewood Dr. S.W. Burien, WA 98146
Evelyn d. Bang	12688 Shorewood Dr S.W. Burien WA 98146
Ronald m Bang	12688 Shorewood Dr S.W. Burien, WA 98146
Binee Bang	12692 Shorewood Dr SW " " "
ROBERT S. DEK	1800 S.W. SHOREVIEW LANE, BURIEN, WA, 98146
CHRIS FELDT	1810 SW SHOREVIEW LANE BURIEN WA 98146
Wm. G. Harris	12645 SHOREWOOD DR SW BURIEN WA 98146
WILLIAM G. HARRIS	12645 Shorewood Dr SW, Burien, WA 98146
Jean V. Harris	12669 <del>Shorewood</del> DR. S.W. BURIEN 98146
Margaret E. Carver	12715 Shorewood Dr. S.W. Burien, 98146
Marilyn M. Borough	12805 SHORECREST DR SW BURIEN 98146
FRANCIS A. GRIFFIN	12811 SHORECREST DR SW BURIEN 98146
DAVID G. HANNEMAN	12645 Shorecrest Dr SW Seattle, WA 98146
Tamara E. William Kask	12857 Shorecrest Dr SW 98146
Paul Armstrong	- " -
M. Armstrong	1843 SW. Shoreview Lane, Burien - 98146
Cynthia St. Clair	12879 Shorecrest Dr SW Seattle 98146
Paul J. Moffat	12895 Shorecrest Dr. SW.
Curt Shawley	

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

Planning • Landscape • Environmental • Economics

PRINCIPALS: Robert W. Thorpe, AICP, President Stephen Speidel, ASLA, Vice President

ASSOCIATES: Jennifer Lee, ASLA

RECEIVED

City of Burien Scott Greenberg, Director of Community Development 15811 Ambaum Blvd SW Ste C Burien, Washington 98166-3066

OCT 05 2007

10/5/2007

CITY OF BURIEN

Reference: Request for Comments Regarding the Draft Environmental Impact Statement (DEIS) for the Emerald Pointe on the Sound (Westmark Development), File No. PLA-06-0365.

Mr Greenberg:

R.W. Thorpe and Associates appreciates the opportunity to offer comments regarding the Draft Environmental Impact Statement (DEIS) for the proposed Emerald Pointe on the Sound project, on behalf of Westmark Development Corporation. Below are general, questions, statements, and areas of concern that were raised during the public hearing for the project on September 19, 2007. In addition to the comments below, the Emerald Pointe Design Team (EPDT) has offered responses to address some of the issues.

Overall comments from our observations:

Retaining Walls

- Public Comment: What types of retaining walls will be used? EPDT Response: As outlined within Section 3.3 of the Emerald Pointe DEIS, "cantilever soldier pile" retaining walls may be needed to provide lateral support where walls with heights of 10' to 15' are needed (e.g. at property lines). Taller walls at property lines may require permanent "tieback" retaining walls and tieback easements from adjacent property owners, or alternate engineering design solutions that do not require tieback easements. The location and design of all retaining walls used within the proposed development will be determined during the final design process and would be engineered by a licensed Structural Engineer working with other team members i.e. architects, geotechnical engineers, and landscape architects to meet City of Burien Building Codes.

Letter 58 Comment 1

Transportation / Site Access

- Public Comment: Is there an existing access easement across the School District property to serve the proposed development? EPDT Response: The Westmark Development Corporation is finalizing an agreement with the Highline School District to allow for ingress and egress and utility line extension to the proposed project site. The access point would cross the Highline School District

Letter 58 Comment 2

property located along SW 136th Street, west of Ambaum Boulevard SW. Additional information with respect to the proposed site access can be found within the Emerald Pointe DEIS on page 3-12.

Letter 58  
Comment 2  
(cont.)

## Posting and Distribution of Public Notice

- ◆ **Public Comment:** Questions were raised with respect to the whether or not the Public Notice for the proposed project meets the City of Burien and the Washington Administrative Code (WAC). Additionally, the location of the proposed development area was shown on the public notices with "right of ways to the west" - that implied that it was located within a developed area.
  - **EPDT Response:** The "Notice of Availability of Draft Environmental Impact Statement and Public Hearing", was prepared in accordance with and adheres to all requirements within Chapter 14.05, "SEPA Procedures and Polices", of the City of Burien Municipal Code and the procedures and standards of WAC 197-11-500 through 197-11-570. This includes 1) Legal notice in City paper, 2) Mailing notices to property owners within 500ft of the proposed project site, and 3) Posting of three signs, two on the eastern edge of the property, and one on the western edge of the property along the trail. Additionally, the proposed project site was shown in the correct location with all unopened right of ways on the vicinity map. (The unopened rights of way may have confused some neighbors/attendees who provided testimony at the public hearing.)

Letter 58  
Comment 3

## Zoning of the land

- ◆ **Public Comment:** Questions were raised relating to the vesting of the subject site and the use of Multi-Family dwelling units within the subject site under current zoning.
  - **EPDT Response:** The following information can be found within Section 1.0 "Summary" within the DEIS (Page 1-2). Westmark Development Corporation originally filed a complete building permit application for the Emerald Pointe on the Sound Project in King County on February 15, 1990. The original application was filed with King County because the City of Burien was not yet an incorporated city. The project was "vested" under the 1990 King County land use regulations and the associated requirements within those regulations. Based on State of Washington case law, vesting refers to the "notion that a land use application, under the proper conditions, will be considered only under the land use statutes and ordinances in effect at the time of the applicant's submission" (*Friends of the Law v. King County [1994]*). The *Westmark vs. City of Burien Cases* - Snohomish County Superior Court and Court of Appeals Division I, provides further detail on the "vesting" issue. The proposed development is in full compliance with all applicable 1990 King County Land Use Codes, which includes the 1990 King County Zoning Code, in which it is vested under.

Letter 58  
Comment 4

The site currently has dual zoning under the vested King County codes, RM-1800 (24 dwelling units per acre) and RM-2400 (18 dwelling units per acre).

## Sewer Infrastructure

- ◆ **Public Comment:** How will sewage be handled for new units? What new infrastructure needs to be built to increase existing sewer capacity?
  - **EPDT Response:** The proposed Emerald Pointe on the Sound project received Certificates of Sewer Availability from the Southwest Suburban Sewer District (SWSSD), which is the primary provider of sewer services to the site. The sewer will be gravity from each building and routed through sewer main directing the flow to an

Letter 58  
Comment 5

existing sanitary sewer manhole located at the northwest corner of the project site and connects to a line within the property boundary of the Sound Vista Condominiums. The existing pumping capacity was not noted as a issue of concern within the letter of sewer availability by SWSSD. All sanitary wastewater generated by future development would be conveyed to its local wastewater treatment plants. The utility plan, depicting the proposed layout for the sewer system is shown within Figure 3.11-1 of the DEIS.

Letter 58  
Comment 5  
(cont.)

- ◆ **Public Comment:** How will steep slopes affect the proposed sewer lines?
  - **EPDT Response:** Anchors would be utilized within areas of the proposed project that are being considered for steep slope installations of sewer pipe. The final location of these anchors would be implemented in the final site design.

Letter 58  
Comment 6

## Storm Drainage

- ◆ **Public Comment:** Language within the DEIS for drainage states that drainage flows run to the east, when it should say that drainage flows to the west.
  - **EPDT Response:** The public comment did not indicate a specific page or section of this discrepancy. Additional review of the Emerald Pointe DEIS found that drainage flows are correctly stated as orienting from east to west.
- ◆ **Public Comment:** How will runoff be collected so as to eliminate the potential pollution related impacts to the watershed?
  - **EPDT Response:** Water quality treatments will be designed in accordance with 2005 King County Storm Water Manual (KCSWM), in order to minimize pollution to the watershed. Additional mitigation measures that could be utilized are outline within the Emerald Pointe DEIS on page 3-39 within Section "3.2.3 Mitigation Measures".
- ◆ **Public Comment:** What types of off-site runoff will be generated by the projected increase in traffic volumes related to the proposed development?
  - **EPDT Response:** The storm drainage runoff, both onsite and offsite, will be further analyzed during the design of the storm system for the proposed project site. Additional information with respect to potential sources and types of stormwater runoff can be found within the Emerald Pointe DEIS on page 3-30, within Section "3.2.2 Impacts".
- ◆ **Public Comment:** How will runoff from increased impervious surfaces affect the salmonid habitat area below the site?
  - **EPDT Response:** To clarify the issue, there is no known connection to salmonid habitat areas below the site. All runoff will be detained in stormwater vaults allowing flows to leave the site at the same rate as the pre-development conditions. The detained discharge from the detention vault is also treated both for water quality at entry of catch basin and before it outfalls to its natural location. Spreaders and bioswales will be implemented at the detention facilities to minimize impacts.
- ◆ **Public Comment:** Existing developments within the immediate area have drainage problems. The proposed development will increase drainage volumes within the subject site and immediate area overloading existing drainage collection system.
  - **EPDT Response:** The proposed storm system proposed for this development, with the exception of Highline School District property used for access, is completely independent of any existing storm systems within the area and will not impact existing storm facilities.

Letter 58  
Comment 7

Letter 58  
Comment 8

Letter 58  
Comment 9

Letter 58  
Comment 10

Letter 58  
Comment 11

The small amount of storm water generated from the access point across the Highline School District property will need to be addressed in designing the storm system for this development. A separate by-pass facility will be designed in conjunction with the Westmark Development in order to handle the offsite runoff upstream of the development including the runoff from the development of the School site for Highline Health Care.

Letter 58  
Comment 11  
(cont.)

**Liquefaction / Soils Instability**

- ◆ Removing existing vegetation within the site will make the soils susceptible to erosion, mudslides, and liquefaction.
  - **EPDT Response:** *All erosion control measures will conform to state and local requirements. As outlined in the DEIS within Section 3.3 (page 3-54) the following mitigation measures could be utilized during construction to minimize the off-site sediment transport:*
    1. *Protection of cut slopes and fill stockpiles from rainfall and implement revegetation program for cut and fill slopes; (Note replacement ratios for new conifers for removed trees in the proposed landscape plan.)*
    2. *Provide sediment transport and runoff velocity controls;*
    3. *Slope Stability, so as to prevent liquefaction, and*
    4. *Placement and construction of retaining walls.*

Letter 58  
Comment 12

**Public Services**

- ◆ **Public Comment:** The primary emergency response teams for the subject site would come from Fire Station #2. This station is not equipped to handle additional responses generated by the proposed development. What mitigation is the proposed development going to provide to address this shortfall in emergency services?
  - **EPDT Response:** Section 3.10.1.1 "Fire Protection and EMS", of the Emerald Pointe EIS does not indicate that Fire District #2 would be adversely affected by the minor increase in the Level of Service (LOS) generated by the proposed project. If necessary, during the final design the subject site layout and internal road network can be modified to allow for all emergency vehicles to adequately reach emergencies at the project site.

Letter 58  
Comment 13

**Trail Impact / Loop Disruption**

- ◆ **Public Comment:** Will the existing walking loop be disconnected by the proposed development? Additionally, will surrounding residents be able to continue accessing the walking loop from the proposed project site?
  - **EPDT Response:** Portions of the existing trail system located within the project site may be impacted by the proposed development, however the portion of the trail within the site will remain connected in a similar location with the existing trail at the north and south ends of the property near the western boundary. This trail will be accessible to the public through a fence and gate separating the area from the remainder of the property as indicated on the attached Revised Conceptual Landscape Plan for the "Preferred Alternative". The trail location around the wetland buffer was connected in a revised site/landscape plan at the SEPA Hearing by Westmark and noted in testimony by Robert Thorpe that the revised trail design is now a part of the preferred alternative within the EIS.

Letter 58  
Comment 14

We once again thank the City of Burien and the EIS Consultants for the opportunity to provide these team comments with respect to the Emerald Pointe On the Sound Project. Please contact us for any clarification of the responses provided in this transmittal.

Respectfully submitted,  
R.W. Thorpe & Associates, Inc.

A handwritten signature in cursive script that reads "Robert W. Thorpe".

Robert W. Thorpe, AICP  
Lead Consultant for Westmark Development Corporation

CITY OF BURIEN  
PUBLIC HEARING re EMERALD POINTE PROJECT SEPA DEIS

**Public  
Hearing  
Transcript**

Tuesday, September 18, 2007

6:30 - 9:00 p.m.

Highline Public Schools  
Educational Resource and Administrative Center  
15675 Ambaum Boulevard SW, Burien, Washington

Contact: Susan Coles  
Department Assistant  
Community Development  
206.248.5510 susanc@burienwa.gov

Taken by: Judith Cederblom, MA, CCR  
Court Reporter and Realtime Captioner  
206.728.4228 jcederblom@msn.com

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7:05 p.m.

MR. GREENBERG: If we can have everyone's attention, we'd like to get started. Thank you all for coming this evening.

My name is Scott Greenberg, I'm the Community Development Director for the City of Burien. And I'm also what's called the SEPA-responsible official, which means that I essentially have to sign off on this Environmental Impact Statement once it's finalized, that's my role.

Tonight we invite you to comment on the Draft Environmental Impact Statement for this project, the Emerald Pointe Project. This is the only hearing on this project, and it's the only hearing on the Draft Environmental Impact Statement.

The site, as you probably saw as you walked in -- some of you looked at the boards we had displayed out there -- is generally located at 12th Avenue Southwest and about Southwest 134th. It kind of goes a little bit further north and a little further south than that.

The project, as some of you might be aware, has a very long history. This project was actually applied for, building permits and environmental checklists were applied for in February of 1990 before Burien even existed, with King County.

Based on that, under State law, many of the rules

1 that apply to this project, the zoning laws, the setbacks,  
2 those kinds of things, are the 1990 King County rules.  
3 That's what we have to use under State law; we can't use our  
4 current Burien rules for many issues.

5 The current proposal that's addressed in the  
6 Environmental Impact Statement consists of two, what we call  
7 "build alternatives" and a "no-action alternative."

8 Alternative 1 is for 200 market-rate condominium  
9 units. Alternative 2, which is actually the applicant's  
10 preferred alternative at this point, is for 178 market-rate  
11 condominium units.

12 I will also note that in addition to that there  
13 is a manager's unit added into the clubhouse. So depending  
14 on how you look at it, you might have 201 units or a 179  
15 units, but there is a manager's unit.

16 Both of these proposals or alternatives would take  
17 their access from an extension of Southwest 136th Street,  
18 which goes by the old Senior Center and also enters Vintage  
19 Park, and they would build a new road to serve their project  
20 behind the old Senior Center buildings, through an agreement  
21 with the Highline School District.

22 And the no-action alternative is included under  
23 State law in the Environmental Impact Statement for  
24 comparison. It's kind of what we call the baseline. So if  
25 nothing was developed, what would the environmental impacts

1 look like if nothing was developed. And that way we have a  
2 comparison between essentially today's condition and a  
3 project being built on the site.

4           Public comment is a very important part of the EIS  
5 process. I urge you to be as specific and clear as you  
6 possibly can in your comments. We have sign-up sheets at  
7 the back of the room, and there's some out there. If you  
8 haven't signed up already, there are those bright yellow  
9 sheets. You'll have time to sign up throughout the meeting  
10 if you haven't already.

11           When it's your turn to speak, you will be called  
12 up to the microphone. The microphone is actually over there  
13 on the podium, and it is on. You may need to adjust it to  
14 your height level and that sort of thing.

15           Please state your name and address for the  
16 official record. I know you've probably already put it on  
17 the yellow sheets, but we have a court transcriber here who  
18 will need that information from you orally. And we will  
19 also be preparing a transcript of this hearing that will be  
20 available as part of the final EIS.

21           If you would rather submit written comments, you  
22 can do so by sending us an e-mail or a letter to the City,  
23 or a fax to the City of Burien. And the deadline for  
24 written comments is 5:00 on October 5th, so there are still  
25 several weeks in which you can make a comment.

1           The next step after tonight's hearing is -- and  
2 actually after the October 5th comment deadline -- is to  
3 review all of the comments that you have given us and to  
4 prepare the final EIS. The final EIS actually contains a  
5 detailed response to each and every comment you give us.

6           The final EIS may also contain new or updated or  
7 different analysis based on comments that you've given us,  
8 or new information that becomes available during this public  
9 comment process. It is not unheard of to add new  
10 information into an EIS if it's appropriate at that stage.

11           After the final EIS has been issued -- we don't  
12 have a schedule for that, I'm thinking a few months from now  
13 at the earliest -- the City can then begin reviewing  
14 construction permit applications for the project.

15           This project does not require City Council review  
16 or approval or Planning Commission review or approval. This  
17 is the only hearing on the Draft Environmental Impact  
18 Statement for the project.

19           And I do also want to add that there is no  
20 decision being made here tonight. The purpose of the  
21 hearing is just to hear your comments.

22           The information we get from the final EIS is  
23 usually used as conditions, say on the construction permit,  
24 or conditions in order for a project to be built. So that's  
25 the outcome of the information we get from the final EIS.

1           Before we begin the hearing, just a few real brief  
2 announcements.

3           We have a series of handouts on the back table or  
4 out in the hallway that you're welcome to pick up,  
5 summarizing the environmental impacts and proposed  
6 mitigation for those impacts, and some of the graphics from  
7 the Draft EIS, including copies of all the boards we have  
8 out there.

9           Restrooms are out the door to your left and down  
10 the hallway. And additional copies, if you haven't seen the  
11 Draft Environmental Impact Statement, they are available for  
12 reading at City Hall or at the Burien library. We just  
13 brought over extra copies to them yesterday. Or you can  
14 purchase a paper copy of the EIS. Or we actually have it on  
15 a CD if you'd rather get it that way, at Roadrunner Print &  
16 Copy on 153rd Street.

17           One of the handouts is the public notice that we  
18 issued for tonight's public meeting, and it has that  
19 information in there. I don't have Roadrunner's information  
20 memorized, but you've got that information on the notice.  
21 Or you can contact us and we can tell you where they're  
22 located.

23           Tonight's hearing will be conducted by our hearing  
24 examiner. Normally his role is to make a recommendation or  
25 a decision. Tonight his role is essentially to time you and

1 to kind of keep order in the hearing and keep the hearing  
2 moving along.

3 So with that, I'd like to introduce our hearing  
4 examiner, Don Largen.

5 HEARING EXAMINER: Thank you. I want to reiterate  
6 a couple of points that Scott has made.

7 Can everybody hear me out there? Okay. I have to  
8 lean into this a little bit, I guess.

9 I wanted to highlight the fact that there is not a  
10 decision that's going to be coming out as a result of  
11 tonight's hearing.

12 The sole purpose of tonight's hearing is to take  
13 in comments relative to the contents of the draft EIS on  
14 this project. This is a required part of the SEPA review  
15 process and is kind of the front end of it.

16 They are called draft EIS's because that's exactly  
17 what the document is; it is a draft. It is put out for the  
18 sole purpose of being a disclosure document to identify and  
19 illuminate the issues, the impacts, comparative pros and  
20 cons between the alternatives that are looked at within the  
21 EIS.

22 As a result, there's going to be -- there are two  
23 things that we're not going to do tonight.

24 This is a one-way interaction. You are providing  
25 comment, questions, requests for clarification to us.

1           This is not a forum for debate, this is not a  
2 question-and-answer period. If you have questions or are  
3 requesting clarifications, those are legitimate comments to  
4 be included into the draft EIS. If you have questions and  
5 comments or are requesting clarifications, those become part  
6 of tonight's record. They will be answered within the  
7 context of the final EIS document.

8           So, again, this will not be a two-way interaction.  
9 You are here solely to provide us with your concerns,  
10 comments, observations, what have you, about the contents of  
11 the draft EIS.

12           Given the number of folks who I see have signed up  
13 for this, we are going to limit testimony to three minutes.  
14 If you have extensive and detailed comments, I strongly  
15 suggest that you submit them in writing.

16           You have until October 5th, which I believe is  
17 about another two and a half weeks. Again, we do this so  
18 that everyone has an opportunity to speak who wishes to  
19 speak.

20           I have been a SEPA official for the better part of  
21 20 years. I have been in the SEPA process in various  
22 projects for that length of time. And I'll tell you, it's  
23 very important that you get your comments -- if you have  
24 detailed, substantive comments that you really can't get in  
25 in three minutes, please, please, get them in writing.

1           We want your input, but at the same time I need to  
2 conduct this hearing so everyone who wants to speak has an  
3 opportunity to speak.

4           I will, as I said, limit this to three minutes.  
5 Typically, I like to conduct hearings in a rather informal  
6 manner, but given the number of folks who are here tonight,  
7 I'm going to be very strict about this. And I have a couple  
8 of cards here (indicating). I will flash this one up when  
9 you have a minute left, another one when you have 30  
10 seconds, and another one when your time is expired and I  
11 will ask you to sit down.

12           If I believe -- and it's at my discretion so don't  
13 get mad at anyone else but me -- if I believe that at the  
14 end of the -- everyone who wishes to speak that we have  
15 illuminated the various comments, questions, requests for  
16 clarifications from you folks, then we will close the  
17 hearing.

18           If I believe that there are some issues that need  
19 to be perhaps reiterated, I may ask a select few of you to  
20 come back up and explain your position further, but don't  
21 count on it. Because, like I say, I want everyone to get a  
22 chance to speak. There's a lot of you, and it's going to be  
23 a long evening.

24           So without any further ado, let the record show  
25 that the hearing on the Draft EIS for the Emerald Pointe

1 development on the Sound proposed by Westmark Development  
2 commenced at 7:15 p.m.

3 I have been given several sign-up sheets. They  
4 are not in any given order. Some of you have signed up  
5 requesting to speak, others have not. As a result of  
6 signing up, you are part of the record. If you submit  
7 written testimony, you are also part of the record.  
8 Anything that puts you on the record makes you a party of  
9 record, and thus you will get further notification as this  
10 process develops.

11 So I am going to call up the first person I see,  
12 and I'm going to shuffle these a little bit so I am not  
13 biased in any way, shape, or form. And the first person I  
14 see who would like to speak -- and, forgive me, I'm horrible  
15 with last names -- if I butcher it, just correct me. I  
16 think this is Catherine Aldridge.

17 And, Catherine, if you could please come up to the  
18 podium and state your name and address for the verbal  
19 record, I'd appreciate it.

20 CATHERINE ALDRIDGE: First of all, I want to thank  
21 the Council for inviting our comments tonight. And I also  
22 want to say --

23 HEARING EXAMINER: Would you first state your name  
24 and address, please.

25 CATHERINE ALDRIDGE: Oh, I'm sorry. Catherine

1 Aldridge, 13229 12th Avenue Southwest, No. 223, 98146.

2 HEARING EXAMINER: Thank you.

3 CATHERINE ALDRIDGE: I want to actually express  
4 appreciation to Westmark for accepting some of the proposals  
5 that were made at the last hearing, including changing their  
6 approach from 12th Southwest to 136th. And also this  
7 proposed project has a smaller footprint, I think, than the  
8 other one, far less units.

9 And they also prefer Alternate 2, as you've heard,  
10 because it has a smaller footprint and therefore will have  
11 lesser effect on the environment. Not much, but some.

12 But I still have issues.

13 To my eye, looking at this (indicating), it looks  
14 like they are only going to preserve six big trees, 23  
15 inches or more in diameter, in that whole  
16 seven-and-a-half-acre section.

17 Now those trees not only have owls and squirrels  
18 and other things in them and provide wildlife shelter, they  
19 also filter the soil, the water, and hold the soil in place.  
20 And if those trees are taken out that means they are also  
21 going to have the roots eliminated.

22 And the offer to put in two trees, two replacement  
23 trees of similar species, is not going to be very effective  
24 because it takes a tree a long time to grow large enough and  
25 develop the root system that we currently have down there

1 holding things in place.

2 We all know that the entire area is nothing but  
3 clay and rock. And it's very shaky ground, and it could  
4 easily be impacted by slides and earthquakes.

5 And this is really -- this is really kind of scary  
6 because it will not only affect people in Emerald Pointe if  
7 the land starts sliding, it will also affect all of the  
8 adjoining neighbors. There are Sound Vista Condominiums to  
9 the north --

10 HEARING EXAMINER: (Indicating timing card.)

11 CATHERINE ALDRIDGE: I'm not talking nearly fast  
12 enough, sorry.

13 HEARING EXAMINER: Sorry.

14 CATHERINE ALDRIDGE: Okay. Then I will just go on  
15 to the things, the errors that I caught, if I could.

16 There seems to be a contradiction in the DEIS. On  
17 Page 225 to 226, it says: Stability analysis needed prior  
18 to construction. However, on the introduction page it  
19 says -- under Required Permits, it says: Clearing and  
20 grading report is optional.

21 I mean, it can't be both ways, it has to be one or  
22 the other. Right?

23 Also there were a couple of misprints. I'm almost  
24 done. It says that the water drainage currently goes to the  
25 east, and I think that was clearly supposed to be the west.

PT 1  
(cont.)

PT 2

PT 3

1           Also it says that the lowest point is in the  
2 southwest corner, and I think that it meant the south -- the  
3 northwest corner, because that's where the wetland is.

4           And that's it. Thank you.

5           HEARING EXAMINER: Thank you, Catherine. Terrence  
6 Heil?

7

8           TERRY HEIL: Hi, I'm Terry Heil. 13748 16th Avenue  
9 Southwest in Hurstwood.

10           I notice that my major concern is the trail, which  
11 the Environmental Impact Statement, the EIS, only seems to  
12 recognize part of it.

13           That trail actually is a full loop that goes from  
14 one side, from Seahurst Park following the north side of  
15 that valley, gully, whatever you call it, around past Sound  
16 Vista, loops up into this Emerald Pointe, and then back down  
17 to Seahurst Park.

18           The plans, as quick look here, indicate only one  
19 connection, and that's to the south segment of the trail.  
20 It appears as though there's plans to totally eliminate the  
21 loop through Emerald Pointe without any form of replacement  
22 and ignoring any connection to the north loop.

23           This trail has been there -- I've only used it for  
24 twenty years, and it was there long before I arrived. It is  
25 not a private use trail as indicated in the EIS. This is

1 used by a lot of people because I've observed them daily on  
2 that trail.

3 I would urge both the developer and the City to  
4 reconsider the routing of that and make as a permit  
5 requirement the connection of the two segments of the trail.

6 It would not -- it would be probably quite  
7 inconvenient to continue the present loop, which would run  
8 right through a good chunk of the lower part of the proposed  
9 site. However, I believe it would be possible to either run  
10 one through the -- probably the edge of the site or through  
11 some segment of it without much disruption to the present  
12 project. And that's -- certainly, I'm urging that at this  
13 time.

14 Thank you.

15 HEARING EXAMINER: Thank you, Terrence. Bea Gomez?  
16 Bea, how are you tonight?

17 BEA GOMEZ: Hi, my name is Bea, Bea Gomez. And I  
18 live at 1231 Southwest 132nd Lane, No. 1021, Burien 98146.  
19 I'm good.

20 I wasn't planning on speaking, but one of my  
21 neighbors said I brought up a really good point. And she  
22 had a lot of things to say, and so she asked me to stand up  
23 and speak, so this wasn't really planned.

24 So I live at the Sound Vista condos, and I live in  
25 Building 10, which would be right next door to whatever is

1 being built here.

2           And, you know, it's very steep there. The forest  
3 that's there now is really steep, and I have a concern that  
4 my building -- there has been some settling in my building  
5 already. And so if the integrity of the hillside is  
6 jeopardized in any way by just taking down all this forest,  
7 then it really concerns me what's going to happen to my  
8 building.

9           And if it does, who's going to pay for it; you  
10 know, my insurance or the City or the County or Westmark or  
11 who? So that is one consideration.

12           But also I read in the Highline Times -- and I  
13 don't have that much legal background or whatever, so maybe  
14 my understanding is more limited -- but it looks like the  
15 City of Burien may have to pay over \$10 million to Westmark  
16 because of delays in whatever, in coming up with decisions  
17 or building or whatever.

18           And I'm thinking, well, that's the people already:  
19 Burien is me and everybody else who lives in Burien who is  
20 going to have to pay this money already. And then maybe  
21 roll over and let them build something there anyway that  
22 nobody wants, which is maybe why it's been delayed anyway.  
23 And it just seems like rubbing salt into the wound, that it  
24 really doesn't sound fair at all.

25           And the only other thing I can say is that that

PT 5

PT 6

1 forest is an extension of the park. Maybe it's not really  
2 Seahurst Park, but people feel like it is. So we don't  
3 usually -- you know, I've never heard of anybody tearing  
4 down businesses and homes to build a park. But on the other  
5 hand, why should we tear down part of the park? Because  
6 there's only so much land and only so many forests, why  
7 should we tear down part of this to have it be developed?

8           It's too much an extension of the park, and it's  
9 too much of a beloved area for the whole city I think to  
10 have that allowed.

11           So anyway, I'm done.

12           HEARING EXAMINER: Thank you, Bea.

13                           (Applause.)

14           HEARING EXAMINER: I'm pretty sure I'm going to get  
15 this last name wrong. Jim Anza --

16           JIM ANZALONE: I got it, Anzalone.

17           HEARING EXAMINER: Thank you. I wasn't sure  
18 whether it was a D or not.

19           JIM ANZALONE: Thank you. My name is Jim Anzalone,  
20 A-N-Z-A-L-O-N-E. I live at 13621 18th Avenue Southwest in  
21 Burien, Washington.

22           I have three concerns. Primarily, the first one  
23 is this, concerning the same as the earlier speaker about  
24 the continuous loop in the park. There is a way to continue  
25 that loop. A huge number of people use that park every day

PT 6  
(cont.)

PT 7

1 and use that loop for their enjoyment of the natural habitat  
2 there.

3           So finding a way exists. I've already spoken with  
4 the landscape architect, and at first blush 30-second analysis  
5 looks like it would be easy to accommodate.

6           Issue No. 2, along the idea of the Environmental  
7 Impact Statement is over the fact that we're going to be  
8 adding a huge number of people that will then have easier  
9 access to the park. And I believe everybody ought to have  
10 access to the park, but because it's close proximity, just  
11 the number of people and extra feet on the ground is going  
12 to have an impact on it that I'm not sure how landscape  
13 architects or people that are involved can actually measure  
14 that.

15           And issue No. 3 is again related to the number of  
16 people. We all drive cars, many of us drive multiple cars.  
17 And as we all know, those cars tend to leak oil and  
18 petroleum-based products. I'm concerned about the amount of  
19 oil that's going to follow the natural course of the land,  
20 which leads straight down toward the creeks that run in  
21 there and then into the trout runs and into the Sound. And  
22 I'm not sure how those are going to be mitigated.

23           Those are my three comments. Thank you.

24           HEARING EXAMINER: Thank you, Jim. Next up, Sheryl  
25 Knowles.

PT 7  
(cont.)

PT 8

PT 9

1           SHERYL KNOWLES: I'm Sheryl Knowles, and I live at  
2 13621 18th Avenue Southwest in Hurstwood.

3           And my two biggest concerns also is the park and  
4 the trail, and the wildlife that's going to be affected. We  
5 do use that trail on a daily basis. And also the impact of  
6 traffic and the noise level.

7           And also the environmental concern of, as Jim  
8 expressed, the oil that will -- and also the drainage. I  
9 don't know on a rainy, rainy day if you've ever been there  
10 and listening to the drainage in the pipes and how much  
11 water is flowing through there already?

12           If we eliminate all those trees and have more  
13 concrete, we are going to have a lot of drainage problems  
14 and water impact that I don't know, and I don't think  
15 anybody has really, really taken that into consideration.

16           Thank you.

17           HEARING EXAMINER: Thank you, Sheryl. Cindy  
18 Willis. Cindy, how are you?

19           CINDY WILLIS: Fine. How are you?

20           HEARING EXAMINER: I'm all right.

21           CINDY WILLIS: Hi. Cindy Willis, 13654 17th Avenue  
22 Southwest, 98166. That's in the Hurstwood area as well,  
23 right on the edge of the park.

24           And, first of all, one of my main concerns was in  
25 the Hurstwood area there was a notice put up, and this was

PT 10

PT 11

PT 12

1 the document that was available to people there  
2 (indicating).

3           And I went around last night showing people this  
4 document, and a lot of my neighbors chose not to come  
5 because, looking at these maps, they are extremely  
6 misleading. It makes it appear that the entire development  
7 falls within an already developed area. Right to the other  
8 side here, this looks like streets that exist.

9           And they had no idea that this was actually all  
10 forested area, the entire thing. I didn't know that myself  
11 until I came tonight. So one concern about that is that  
12 this appears to be almost purposefully misleading to me.

13           And if this is the only hearing, why? Because --  
14 and this is the first I'd heard of this. And I will be  
15 talking to my neighbors now, and then there will be no other  
16 hearing? So anyway, first of all, I think these were  
17 misleading materials.

18           And has the City of Burien looked into purchasing  
19 this land? And if not, why, I would like to know. Coming  
20 tonight and seeing the maps of what will actually be lost, I  
21 think it's an absolutely shockingly egregious loss of  
22 wildlife habitat.

23           This is a very critical environmental area, it is  
24 the top of a watershed. And I am absolutely stunned that  
25 this would even be considered in this day and age when we

PT 12

PT 13

1 are losing so much habitat.

2           If you look at a map of the area, this park is one  
3 of the biggest contiguous wildlife and greenbelt areas that  
4 reaches clear down to the seashore. This is extremely  
5 critical habitat. All this wild area on the top of it. If  
6 it is not part of the park right now, gosh, it certainly  
7 should be.

8           And what do we need to do to make that happen? I  
9 do think there's no doubt there will be lawsuits involved if  
10 this does go forward. And I personally would be looking  
11 into the -- what would have to happen to make that happen.

12           And I would like to know if there are  
13 environmental groups present here tonight; anyone from  
14 Sierra Club, the NRDC or any of these other groups. And if  
15 not, why? And if there was another hearing, then we could  
16 perhaps have a better representation.

17           So anyway, that's what I would like to say. I  
18 personally think this should absolutely not happen under any  
19 circumstances, and I'll do everything I can to see to that.

20                           (Applause.)

21           HEARING EXAMINER: Thank you, Cindy. Next up,  
22 Cindy Miller.

23           CINDY MILLER: Hello, I'm Cindy Miller. My address  
24 is 1211 Southwest 132nd Lane, No. 433.

25           Okay. Well, I've been researching this a little

PT 13  
(cont.)

PT 14

PT 15

1 bit, and I did talk to Seahurst Park and they said they  
2 wouldn't be present tonight.

3 But I found out that they are already very  
4 concerned about, mainly the salmon habitat there with the  
5 creek and Marine Tech Center also partnered there with the  
6 Highline School District to release salmon. And they are  
7 trying to restore that whole stream there in that wetland  
8 area.

9 So they've -- I found documentation that this is a  
10 beach feeding source for salmon and just part of an  
11 important stream where, like I said, the salmon were  
12 released. So there's already documentation of causing --  
13 the existing development there causing some water quality  
14 problems. So the main concern is that another development  
15 would increase that, you know, the water quality problems  
16 that are already going on because of the current  
17 development.

18 So I also went around to find out that I believe  
19 that this development would go against the work of at least  
20 20 different environmental organizations and citizen action  
21 groups, and I have documentation that I'll mail in of all  
22 those groups.

23 But in particular one started, the Washington  
24 governor, Chris Gregoire, has got us a group called Puget  
25 Sound Partnership, and their whole work began this

PT 16

PT 17

1 July 2007, and it's a shared strategy for Puget Sound. And  
2 that is to restore salmon habitat across Puget Sound. So  
3 this is, like, huge for what even our governor is doing now.

4 I also contacted People for Puget Sound that  
5 hadn't heard about this at all, and they are interested in  
6 hearing all about it. And that's a real key citizen action  
7 group in this area.

8 So I believe the proposed development goes against  
9 the action of at least 15 different groups.

10 Okay. And my next point, getting off the  
11 environment because I know a lot of us are kind of aware of  
12 that. The second point is that our neighborhood adjoins a  
13 huge Latino population there. They're in rental units but  
14 there are many, many children. The size of the street, 12th  
15 Avenue Southwest is very small. To have 1,178 truckloads of  
16 dirt being hauled in and out to begin making this project, I  
17 believe would put all those children in danger.

18 Just this morning I counted at least 15 kids  
19 waiting for the bus there, and those are school-age. I  
20 always see toddlers and older students too, you know,  
21 wandering around in that alley. So I really think it would  
22 put their safety at risk. And I they've documented already  
23 a pedestrian hit by a car and killed in that intersection of  
24 134th and Ambaum.

25 And so we're talking about right around the corner

PT 17  
(cont.)

PT 18

1 from that of those small street, and I think that that  
2 community had never received any notification of things sent  
3 out in Spanish. I didn't see anything, and I've kind of  
4 checked in the neighborhood. And to this point nothing has  
5 been sent to them that is in Spanish.

6 That's all.

7 (Applause.)

8 HEARING EXAMINER: I'm going to remind everyone  
9 again that the comment period is open until October 5th. And  
10 I will probably repeat this a couple of times tonight:  
11 Please, please, submit your written comments.

12 PARTICIPANTS: Can't hear you.

13 HEARING EXAMINER: I'm sorry. I would like  
14 everyone to submit their written comments.

15 And, particularly, if you have information that  
16 you think is relevant -- like Cindy had some list of  
17 organizations tonight -- that you believe is relevant to  
18 this project and the outcome of this project, then the  
19 applicant and the City needs to know that. So I would  
20 encourage all of you to submit written comments so that  
21 we're all on the same page with this.

22 I don't have any indication whether or not Linda  
23 Vaughan would like to speak, but you are welcome to if you  
24 would like. No? Okay.

25 Melessa Rogers?

1 MELESSA ROGERS: It's Me-lesa [phonetic].

2 HEARING EXAMINER: Melessa, thank you.

3 MELESSA ROGERS: Melessa, Rogers, 13229 12th Avenue  
4 Southwest, Unit 212.

5 First of all, I have a couple of questions that I  
6 need clarification. What exactly is the zoning of the land  
7 in question? I haven't been able to figure that out. And  
8 the other is --

9 AUDIENCE MEMBERS: Point of order, please. We  
10 can't hear.

11 HEARING EXAMINER: Sorry.

12 MELESSA ROGERS: I'm sorry, can you hear? Okay.

13 Okay. I don't understand the actual zoning of the  
14 land. I'd like some clarification of how that seven acres  
15 is zoned.

16 The second is, it's been mentioned that the  
17 building permit was filed in 1990 and ordinances in 1990 are  
18 in effect. But I don't quite understand what that means as  
19 far as what are the legal ramifications for this project,  
20 whether it's going to move forward or not. So that I'm a  
21 little confused about.

22 Am I the only one that's confused about those  
23 things? I didn't think so. So if I could get some  
24 clarification, that would be appreciated.

25 And I do have some prepared notes. First of all,

PT 20

PT 21

1 I really want to thank you for the opportunity as a member  
2 of the Burien community to express my concerns regarding the  
3 proposed Emerald Pointe development project.

PT 22

4 Now that I have the environmental protection  
5 statement to review, I'll really look forward to looking  
6 through it. I want to note that I did not get any mailing  
7 about this hearing. My neighbor gave me this or I wouldn't  
8 have known about it. And I want to know how many people in  
9 Burien didn't get notified of this hearing. And if so,  
10 there is not a full representation of the people that are  
11 impacted by this project, and that is not okay with me.  
12 So...

13 (Applause.)

14 MELESSA ROGERS: First, given the proposed 200  
15 condominium units at this location, the negative impacts seem  
16 obvious and extensive.

17 First, there would be greatly increased traffic  
18 and noise. More than a thousand daily car trips from the  
19 new development are predicted for the surrounding arterials.  
20 We have many children at play in our neighborhood. Their  
21 safety is at risk with this increase in traffic volume.

PT 23

22 Second, wildlife will be adversely affected by  
23 this project. Many types of birds, including eagles,  
24 falcons, owls, woodpeckers, dwell on this hillside. There  
25 are squirrels, foxes, deer, raccoons, and other animals that

PT 24

1 would be needlessly and possibly permanently displaced by  
2 the proposed development.

PT 24  
(cont.)

3 And, finally, countless trees, many of which are  
4 old-growth and irreplaceable, will be sacrificed and  
5 vegetation destroyed if this development project is allowed  
6 to move forward. This, in turn, could cause unforeseeable  
7 problems with water runoff and landslides. This would be  
8 disastrous for Seahurst Park and other lots at the bottom of  
9 this very steep segment of land.

PT 25

10 I urge you to carefully consider these negative  
11 impacts and the detrimental effect the end report  
12 development project will have on our neighborhood. Please  
13 don't let this nightmare become reality. Our neighborhood,  
14 our children, and our environment deserve a better future.

PT 26

15 Thank you.

16 (Applause.)

17 HEARING EXAMINER: Melessa, thank you.

18 Maureen Ellis hasn't indicated whether you'd like  
19 to speak or not. Would you like to speak tonight?

20 MAUREEN ELLIS: I sent a very detailed two-page,  
21 single-spaced...

22 HEARING EXAMINER: Ten-point font?

23 MAUREEN ELLIS: But I'll ask questions.

24 HEARING EXAMINER: Well, thank you, Maureen, we  
25 look forward to reading it.

1 MAUREEN ELLIS: Say again?

2 HEARING EXAMINER: I said thank you for submitting  
3 the comments. I hope that everyone does that.

4 MAUREEN ELLIS: I do have a question, though.

5 HEARING EXAMINER: Then come on up and ask it.

6 MAUREEN ELLIS: Since I'm up here I will make a  
7 small comment.

8 I'm Maureen Ellis, and I live in Sound Vista  
9 Condominiums. And let me state --

10 HEARING EXAMINER: Can everybody hear her?

11 MAUREEN ELLIS: At the outset --

12 HEARING EXAMINER: Very good.

13 MAUREEN ELLIS: -- if I were in one of the  
14 single-family dwelling neighborhoods around there and Sound  
15 Vista were not there; that is, that was all contiguous  
16 forest, I would be equally opposed to Sound Vista going in.

17 The question that hasn't been addressed involves  
18 sewer. This is a development that's going down a steep  
19 slope.

20 And at Sound Vista, we have a big sewer tank at  
21 the bottom it. And when the power went out for 15 hours,  
22 the sewer pumps went off. We had to have trucks go in there  
23 and pump it out. On occasion, when I've hiked through there  
24 I've smelled our sewer facility.

25 How is Emerald Pointe going to handle the sewage

PT 27

PT 28

1 for 178 to over 200 units? Does anybody know? The same as  
2 us, okay.

3 Otherwise, I've got a two-page, single-spaced --  
4 (Applause.)

5 HEARING EXAMINER: Thank you very much, Maureen.  
6 Next up, I hope I don't get this wrong, James Freudenthal.

7 JANIS FREUDENTHAL: It's Janis.

8 HEARING EXAMINER: Janis? Oh, I'm sorry, my bad.  
9 Janis.

10 JANIS FREUDENTHAL: My name is Janis Freudenthal --  
11 can anybody hear me? -- and my address is 13229 12th Avenue  
12 Southwest, No. 233.

13 And, oddly enough, my question has to deal with  
14 exactly what Maureen Ellis just had mentioned, is sewer. If  
15 you look at the DEIS, the proposed sewer line goes directly  
16 across our property.

17 I went down to the Sewer District today. They  
18 have no previous easement, anything like that. Not very  
19 neighborly. I don't think that the people that live in that  
20 building would appreciate it very much just having the sewer  
21 line come through our property. So we have had no contact  
22 from Westmark asking for an easement, so we'd like to know  
23 where that's going through.

24 And Mr. Heil, Terrence Heil that spoke about the  
25 loop on the trail? I'm an avid trail-user, and I've looked

1 for another route. I can't really find one that would be  
2 safe for most people. So that's another consideration  
3 there, for a loop on the trail.

4 Thank you so much.

5 HEARING EXAMINER: Thank you, Janis.

6 Well, I hope there's only one Lucretia here  
7 because I'm going to butcher the last name. Postlewaite?

8 LUCRETIA POSTLEWAITE: No, I didn't sign up to  
9 talk.

10 HEARING EXAMINER: Okay. It was blank, I just  
11 wanted to check so you had an opportunity.

12 Karl Neal. Karl, how are you?

13 KARL NEAL: Good, thank you.

14 HEARING EXAMINER: Good.

15 KARL NEAL: My name is Karl Neal, and my address is  
16 1245 Southwest 132nd Lane, No. 1111.

17 This is the second time I've had an opportunity to  
18 speak on this project. I think it was a couple years ago  
19 that we went through this before, and I'm glad to see that  
20 there are probably ten times more people here than there was  
21 last time. And thanks to the people from Hurstwood, thanks  
22 for neighbors that we don't really think about and see too  
23 often, glad to see you here.

24 Most of the points I wanted to make have already  
25 been made, most of them water issues. That piece of land

1 probably represents 15 to 20 percent of the watershed for  
2 that entire stream, so it's a pretty substantial hunk of the  
3 watershed. And, as it was mentioned before, local  
4 municipalities are now forking out millions of dollars to  
5 repair streams that have been previously damaged. So it  
6 would be kind of ironic to go ahead and damage one, knowing  
7 in advance what the problems could be.

PT 31  
(cont.)

8           The other is subsidence. We all know that in the  
9 Puget Sound area the soil around here is very prone to  
10 liquefaction. And I've seen subsidence around our unit, and  
11 the land there isn't nearly as steep as what some of the  
12 hillsides on this piece of property.

PT 32

13           So the project as it's now proposed I think is far  
14 too large to be supported by the geology and the geography  
15 and whatnot of that steep ravine there. And the fact that  
16 it is on top of the watershed, which is probably one of most  
17 sensitive areas for the stream and the subsequent salmon and  
18 trout at the bottom of the stream and our region's attempt  
19 to bring those species back and bring back the urban  
20 watersheds and the urban creeks and streams.

PT 33

21           So that was basically what I wanted to say. Thank  
22 you very much.

23           HEARING EXAMINER: Thank you, Karl.

24                           (Appause.)

25           HEARING EXAMINER: Well, I have two names on this

1 line, and one of them is Toni Lysen, and I can't quite make  
2 out the first one. King? Hi.

3

4 TONI LYSEN: Good evening. My name is Toni Lysen,  
5 and I live at 12864 Shorecrest Drive Southwest in Burien.

6 I agree and support all of the comments that have  
7 been made already this evening. But one of them I think is  
8 highly significant that is mentioned in this document  
9 (indicating) regarding public services is the impact or the  
10 loss or the inadequacy of Fire District 2 to service that  
11 area.

12 And notwithstanding the mentioning of the streets  
13 are too small and there's not a turn-around for the fire  
14 trucks, have -- I'm not sure when this is proposed to be  
15 built, but should -- as we know, Fire District 2's fire  
16 station is up on 14th Southwest. And if in the annexation  
17 issues that are coming up, if that area is taken over by  
18 Seattle, if any of you have followed the annexation issues,  
19 that fire district would be lost to the City of Burien.

20 And we will have, any of us that are existing in  
21 the -- you know, now as residents of that area will have to  
22 float a bond, have an election, and have to team up with  
23 other residents of Fire District 2, which are in the  
24 Normandy Park area, to try and pass a new bond to build a  
25 new fire station south of 128th.

PT 34

1           So I think this is a huge issue that hasn't been  
2 recognized yet: the loss of fire protection should  
3 annexation exist or happen that brings Seattle all the way  
4 down to 128th.

5           And we don't know what's going to happen with  
6 annexation. It could be another year or two away, possibly,  
7 before that vote is taken. There's a lot of work to be done  
8 there. And it will really severely impact all of the  
9 residents of this area as well as if they do build this new  
10 property and all the new residents as well.

11           Thank you very much.

12           HEARING EXAMINER: Thank you.

13           KING LYSEN: My name is King Lysen, 12864  
14 Shorecrest Drive Southwest. I'd just like to put this in  
15 context a little bit.

16           A number of years ago, maybe 15 or more years ago,  
17 right behind us on the north side of Shorecrest where the  
18 sewer plant is on Salmon Creek, that property was purchased  
19 by a developer. And then he came in with his plan to divide  
20 all up those hillsides in that ravine and build on it, and  
21 there was quite an uproar about it.

22           And we -- finally the County and the Sewer  
23 District came in and bought the developer out, and so we've  
24 been able to keep that watershed on the Salmon Creek  
25 watershed for the most part. So possibly you could look to

1 that, the history of that as an option here that could be  
2 explored because I think the environmental impact here is  
3 going to be horrendous.

4 But that's actually what happened. And then the  
5 Salmon Creek has a salmon run in it, we planted salmon there  
6 a number of times. And then also the marine biology lab  
7 down below where the students come, and they have that one  
8 salmon run in the creek of chum salmon, which is -- the  
9 water flow from that comes from this whole area that they  
10 are going to eliminate. So that's going to be an impact of  
11 significant proportion in terms of those salmon protection  
12 laws and issues.

13 And that marine biology lab has been there for  
14 decades and decades and serves students at the Highline  
15 Community College there and I think also at Highline High  
16 School, Highline School District as well.

17 I just wanted to add that. Thank you.

18 HEARING EXAMINER: Thank you very much.

19 (Applause.)

20 HEARING EXAMINER: Rosemary Von Rueden, you haven't  
21 indicated whether you would like to speak or not. No? Oh,  
22 c'mon. Okay. Next on our list is Ashley Rowan.

23 ASHLEY ROWAN: Ashley Rowan, 1249 -- that's from  
24 another person (indicating).

25 HEARING EXAMINER: Oh, that's from another person?

1 ASHLEY ROWAN: Yeah.

2 HEARING EXAMINER: Okay.

3 ASHLEY ROWAN: And -- Southwest 132nd Lane at Sound  
4 Vista Condominiums. And since the junction of 12th and 134th  
5 is so narrow and precarious as it is, I'm concerned about  
6 what will happen to the slope beside it if it's denuded and  
7 cut any further.

8 Sound Vista has already experienced erosion and  
9 settling issues with buildings on its property, especially  
10 Building 10. You can see it in the concrete, the settling.

11 The company, Emerald, has said that it would put  
12 some kind of a cable system into the side of the hill. And  
13 it doesn't sound like they have received any prior  
14 permission to put a cable system and block system deep into  
15 the hill of other properties that they don't own to kind of  
16 anchor themselves.

17 That can't really be a very good way to go about a  
18 building project or even propose it at all, to push  
19 something forward that hasn't received prior permission from  
20 owners of other parts of the hillside to anchor into. That  
21 can't be.

22 Sound Vista has experienced erosion and settling  
23 issues with many of the buildings, as I said, and drives  
24 closest to the site and the northernmost buildings of  
25 Vintage Park Apartments could incur damage due to shifting

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1 soils.

2 I'm very concerned about the additional effects  
3 cutting and filling of Emerald Pointe will have on these  
4 areas. On Pages 225 to 226 and two to twenty-seven the DEIS  
5 states: Stability analysis needed prior to construction.

6 Why on Page 2 under required permits does it say:  
7 Clearing and grading optional, end quote?

8 Since the slope stability analysis was done 17  
9 years ago, perhaps it should be revisited. After they  
10 revisit it, they will come to a conclusion not to do their  
11 project because, as the most greatest part of the whole for  
12 the community, they want to do the best thing, and they need  
13 to back out. And there will be lots of testimony that  
14 continues to back that up besides this hearing here.

15 But, remember, "clearing and grading optional."  
16 Is it? It's a fundamental issue. And I defer my one minute  
17 that I'm not going to use to Catherine Aldridge, should she  
18 so choose.

19 (Applause.)

20 HEARING EXAMINER: Point of clarification, however.  
21 I'm going to have to ask you to sit back down because your  
22 minutes are not transferable to anyone.

23 AUDIENCE MEMBERS: Ohhhhhhhh. You didn't make that  
24 point at first, just like they didn't make their point.

25 HEARING EXAMINER: And that was my fault, and I

1 take full responsibility for it.

2 AUDIENCE MEMBERS: I hope your wife hears about  
3 this.

4 HEARING EXAMINER: Don't tell her, please.

5 Next on our list is -- and I can't tell, Mark  
6 Pival, whether you wanted to speak or not.

7 MARK PIVAL: I thought I put a yes there.

8 HEARING EXAMINER: There appears to be a line  
9 through it, so I was...

10 MARK PIVAL: Mark Pival. 1230 Southwest 130th  
11 Lane. I'm a homeowner, that's real close to where we're  
12 talking about. And I didn't want to give up my right to  
13 speak in case I thought of something, so here I am.

14 First of all I want to thank whoever put this on  
15 the windshield of my car. This is (indicating) the only  
16 indication I had of anything going on.

17 MELESSA ROGERS: And on the back it's in Spanish.

18 MARK PIVAL: And it's in Spanish too. They gave me  
19 a little test. If I ever get to go back to Mexico, I'll be  
20 in good shape.

21 But I would love to -- and I'm confused as to why  
22 this is the last and only hearing because I don't think  
23 there's enough people here that really know what's going on.

24 And there should be -- I think it's Mr. Robinson  
25 and the Highline paper should have a full page ad out in the

1 front page, inviting the community to hear what's going on  
2 and what is being proposed.

3           When I moved here from the White Center area four  
4 years ago and I found my house, I thought I had moved to a  
5 piece of heaven. And I'm right at the edge of the top of  
6 hill there. And I've got Mr. Coyote and Mr. Squirrel and  
7 Mr. Sparrow and all of animals that chase the cats. And I  
8 would have brought them all here tonight if I could have to  
9 help with that testimony.

10           But that's what I enjoy about living in the area  
11 and would love to see not any more development because that  
12 Seahurst area is just really a piece of heaven for the  
13 people to get out and enjoy it. And I hope that you all do.

14           And I hope this doesn't happen. But I'd like to  
15 see us have more hearings about it if there's any way  
16 possible. I'm politically ignorant about the protocol for  
17 these meetings and stuff. And I do appreciate the chance to  
18 say whatever I just did. Thanks.

19           (Applause.)

20           HEARING EXAMINER: Thank you, Mark. Robert Thorpe,  
21 would you like to speak?

22           ROBERT THORPE: Good evening, Mr. Examiner,  
23 citizens. I'm Robert Thorpe, our name is on the landscape  
24 drawings outside. We are planners and environmental  
25 consultants and landscape architects.

1           And our role is to take the information from the  
2 technical consultants working for the applicant and bring  
3 that together to give to Scott Greenberg and his staff,  
4 their consultant, AHBL, and the environmental consultant,  
5 EDAW. And we've endeavored to bring that.

6           The EIS, the purpose of it is a full disclosure  
7 document. So we're here to listen. I have been a SEPA  
8 official. Starting in 1971 I've worked on the SEPA  
9 regulations and served as a SEPA official for communities  
10 like Brier. So I do understand this process.

11           Our role here is to listen. And to that end, in  
12 talking to the gentleman -- first name again?

13           JIM ANZALONE: Jim.

14           ROBERT THORPE: Jim. I -- we sketched this out.  
15 And using the preferred alternative, I do not see a problem  
16 of bringing the trail around the wetlands in this area here  
17 with a gate connection to here (indicating). And there  
18 was -- the idea we heard was to bring people down through  
19 here and have the ability to connect.

20           But as I've drawn and you noted out there, I don't  
21 see a problem with this circular connection here. So  
22 hopefully that shows we're listening.

23           And if you think I just came here tonight, in 1966  
24 when I moved here to work for Boeing, I lived at the first  
25 apartment building for a year and a half in the Burien

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1 Gardens. I took my two-year-old and played on the  
2 playground equipment at the elementary school and walked  
3 these trails many times down to Salmon Creek and the other  
4 creek. So I do think I have a historical view of this  
5 property and have been involved in some of the analysis of  
6 the extra land for the Burien Gardens that was part of this.

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(cont.)

7 So my job is to bring as much information as I can  
8 and respond.

9 There was one question I think fact would be  
10 helpful to everyone that you asked is the historic zoning in  
11 the county is the north part of the property is on 18 units  
12 per acre, and -- or, I'm sorry, the south. And the north is  
13 24 units per acre, there's division zoning. So that zoning  
14 is vested with the application in 1991.

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15 So that's why you have that zoning now. So that's  
16 just a fact to help you. Thank you.

17 HEARING EXAMINER: Thank you, Robert.

18 Next on our list is, I believe it's Kathi Butler.

19 KATHI BUTLER: Hi. My name Kathi Butler. I live  
20 at 13229 12th Avenue Southwest, Sound Vista Condominiums here  
21 in Burien. And pretty much everything I really wanted to say  
22 tonight has been said, so I'm going to just make a few brief  
23 comments here.

24 I grew up in this area, I've been here 40 years, I  
25 know those trails, I've walked them with my dog.

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1           And I've also been watching on the internet the  
2 Burien Planning Commission, what they have been doing. And,  
3 honestly, they have enough other projects going on, they  
4 don't need this.

5           And through the years I have watched them -- not  
6 necessarily Burien but developers -- slowly, slowly encroach  
7 heavily on this area that we call the park. And it is  
8 unfathomable to me, having read the Environmental Impact  
9 Statement, that anyone could even entertain the notion of  
10 letting this development proceed. Some of the long term  
11 effects will just be astronomical. And I'm not going to go  
12 into those because most of them have already been mentioned  
13 here.

14           I do want to address the Burien Planning  
15 Commission. Your own comprehensive plan states in 2.7,  
16 parks and recreation, open space element, or PRO 1.2 as they  
17 call it: The City shall maximize use of the existing park,  
18 recreation and -- I stress -- open space resources within  
19 the city by connecting them with a coordinated system of  
20 trails and sidewalks.

21           This is exactly what is already there now, so I  
22 think we should just leave that in place. Let it go.

23           Lastly, we have something down there that we  
24 should be cherished, and we should leave it as it is. It's  
25 been there for thousands of years. Once you destroy it,

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(cont.)

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1 you're never going to get it back.

2           This whole area, I'm sure, if those trees, if they  
3 could talk would tell you about the Indians who lived along  
4 the shore and hunted the forests around in there. And then  
5 that's how long that area has been like it is. It's a  
6 pristine wilderness, and we are very lucky to have it in our  
7 own backyard.

8           I encourage people to take a walk through it if  
9 you haven't and discover the beauty and the awesomeness of  
10 this old forest for yourself. As I've said, we are very  
11 lucky to have this. Please don't destroy it, because we  
12 can't replace it.

13           If you have to, arrange to do something like make  
14 it become part of Burien parkland. I'm sure that the  
15 residents of Burien would help support this.

16           That's all I have to say.

17           (Applause.)

18           HEARING EXAMINER: Thank you. Michael Willis. How  
19 are you doing, Michael?

20           MICHAEL WILLIS: Hi. Michael Willis. I live at  
21 13654 17th Avenue Southwest in Burien.

22           And if anybody has walked through the park, I  
23 can't believe anybody would want to chop down all these  
24 trees and just destroy this watershed. It's just amazing to  
25 me that it even would enter anybody's mind.



1 about also the creek, the sewer runoff. I have watched them  
2 go down there in the middle of the night, pumping sewer that  
3 is running into the Sound. I mean the water -- it's just  
4 unbelievable. They go down there in trucks, there's a  
5 sewage overflow as it is.

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(cont.)

6 I have pictures of the pileated woodpeckers, the  
7 mating owls, all the birds that you could think of. The  
8 trail. I walk there all the time. My daughter is here now  
9 with my grandson, we do it every day after work.

10 The old-growth forest, what's going to happen with  
11 that? I've watched the hillsides come down from what there  
12 is there now at this park, just being washed away from the  
13 rains. What are they going to do to sustain that to take  
14 out the creek?

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15 I've watched them daily and gone down and helped  
16 plant trees. I have volunteered for everything I can. I  
17 pick up the trash. You know, everything I can do to help  
18 save and preserve this park that has been here.

19 And I have lived here all my life, my family has  
20 lived here all my life. That park, my great nephew and  
21 everybody else has been in that park.

22 There's no way to replace the old growth. I don't  
23 know how they are going to sustain that hillside from the  
24 water flows. When you do the trails now, the runoff in the  
25 winter -- because I do it every day no matter what, 365 days

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1 a year I am on that trail and walking that park. And I've  
2 seen the impact that has happened already with the people  
3 that have moved in the area as it is with what Burien's  
4 doing now.

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5 I mean, I think we're building enough. I think  
6 there are some things that we need to preserve and keep part  
7 of the history that is Seahurst and Burien, Washington. I  
8 mean, it's a beautiful place.

9 And I don't understand how they are going to --  
10 like I said, my main concern is I've seen them come in, have  
11 to pump out that sewer down there at the park right by the  
12 playgrounds. I've seen it run into the Sound. It's  
13 devastating. I mean, I even talked to the guys, you know,  
14 what's going on? They just fence it off and say, poison,  
15 you know, sewage is flowing. I mean, they can't keep it  
16 contained as it is. What's going to happen with all this?

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17 I just don't -- there has to be better issues than  
18 what I'm seeing on the plans that I am seeing to resolve  
19 what is -- they are planning to do with the building.

20 And I don't have much else to say except for the  
21 environment, the wildlife -- everything is going to be  
22 impacted greatly by the influx of this many people coming  
23 through and the construction and what it's going to take to  
24 do it.

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25 Thank you.

1 (Applause.)

2 HEARING EXAMINER: Thank you. I'm going to get  
3 this last name wrong, Nicky Hays Amodeo.

4 NICKY HAYS AMODEO: Yes.

5 HEARING EXAMINER: Did I get that right?

6 NICKY HAYS AMODEO: You did. Well done.

7 I'm Nicky Hays Amodeo, 1220 Southwest 132nd Lane,  
8 No. 523.

9 And I guess my feeling is that I hear a lot of  
10 stewards for our earth, and I hear people passionate about  
11 the environment and the habitat. And I think we charge our  
12 leaders, we charge people who represent us, with the same  
13 passion.

14 And that would be my testimony. Thank you.

15 HEARING EXAMINER: Thank you.

16 I imagine this next name has been pronounced  
17 several different ways, and I may come up with yet another  
18 one. Tesfaye? Am I getting even close? Would you like to  
19 speak? You don't have to.

20 Well, this may be coaching, but I'm going to allow  
21 this one. And if you could state your name and address for  
22 the record, please.

23 TESHAYE BELIHU: My name is Tesfaye Belihu. I live  
24 in 1215 Southwest 132nd Lane, Apartment 313, Sound Vista  
25 Condominium.

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1           Okay. I'll just read this. The parks and  
2 recreation issue will be impacted because the pool would  
3 most likely only be open for a few months in the summer so  
4 they -- the residents will have to use a public pool. In  
5 addition, people may want to play ball, roller-blade  
6 skateboard, use playgrounds, and attend events in public  
7 places.

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8           It appears that many of the reports used in the  
9 DEIS are as much as 17 years old. Conditions may have not  
10 changed, but technology in the field probably has.

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11           If I may, I would like to just say this. You  
12 know, I am a draftsman, so right now actually I'm working on  
13 a development for SeaTac, City of SeaTac. So this kind of  
14 thing interests me very much. I am learning quite a bit  
15 from all of you. I believe the authorities in charge of  
16 this are -- know their responsibilities.

17           True to my conscience, the question that comes to  
18 me is, what would it be like if I was the one who was  
19 building those buildings, who was trying to get that  
20 building permit there? Do you understand?

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21           PARTICIPANTS: Mm-hmm.

22           TESFAYE BELIHU: Okay. What would we allow to be  
23 built there? Disneyland? Columbia Tower? What?

24           If anybody comes and builds there, there is this  
25 thing: They may build such that the land price gets so high

1 they can remove us immediately. These people are our peers,  
2 they are building a condominium. If we allow them, the land  
3 price remains the same, we remain there. Do you understand?

4 So we better choose your opponents very well  
5 because if you don't allow these people to build, maybe  
6 someone stronger will come and build something we cannot  
7 remove, and they will push us away.

8 Thank you very much.

9 (Applause.)

10 HEARING EXAMINER: Thank you. David Rosser? How  
11 are you doing, David?

12 DAVID ROSSER: Good.

13 HEARING EXAMINER: Good.

14 DAVID ROSSER: Hello. My name is David Rosser, and  
15 I live at 1211 Southwest 132nd Lane, No. 432.

16 And I agree with everything that was -- well, most  
17 of what was said tonight about the impact and the  
18 environmental impact and the safety issues.

19 And I guess I would just like to speak especially  
20 to the impact on children. I teach special ed at Highline  
21 High School, and we have classes with kids who are in high  
22 school and they have -- for whatever reason, they have  
23 reading levels below fifth grade.

24 The biggest tragedy that I see in my classrooms is  
25 a loss of something that I grew up with, which I guess to

1 name it was ability to just wander and explore. I was  
2 blessed with lots of opportunities to roam in wild, open  
3 spaces and receive education there.

4 And, sadly, in the high school kids that I see  
5 today there isn't that sense of awe and wonder. And I think  
6 that only comes through a young child's ability to explore a  
7 wild, open place and just to discover different creations  
8 and just look up at the awesomeness of trees and find little  
9 tiny bugs and explore them and play with them.

10 So I think that building a dense condominium unit  
11 would be detrimental towards the educational impact on  
12 children.

13 There's many children who live in the neighborhood  
14 adjacent who aren't blessed with a lot of great  
15 opportunities, and doing this building would only do them a  
16 disservice, I believe.

17 I know it would be a huge expense, but I'm in  
18 favor of buying the land for a park at the most, and at  
19 least not building high density condominium units on that  
20 property.

21 Thank you.

22 (Applause.)

23 HEARING EXAMINER: Thank you, David. We're going  
24 to take a ten-minute break and then we will reconvene.

25 (Break was taken.)

1                   HEARING EXAMINER: We are going to sit ourselves  
2 down and reconvene. If we could have everyone sit down,  
3 please -- going once, going twice.

4                   I'm going to start by doing exactly what I said I  
5 was going to do earlier and remind everyone that written  
6 comments on the draft EIS are accepted through the end of  
7 business day on October 5th.

8                   I strongly encourage you to submit your comments  
9 in writing so that they do definitely make it in the record.  
10 Not that tonight's won't, but I know many of you would like  
11 to expand on some of your thoughts, and that would be an  
12 excellent way to do it.

13                   I have heard at least a half a dozen of you offer  
14 some information, talk about some organizations that may be  
15 interested in this process, and I encourage you to put all  
16 of that in writing so that the City and the applicant -- all  
17 of us -- have the benefit of some things that you might know  
18 that we don't.

19                   At this point, I have gone through the list where  
20 everyone said yes, I would like to speak. And so what I'm  
21 going to do now is open this up to, first, all those people  
22 who first said no who might now like to speak. And so raise  
23 your hand.

24                   Gentleman, you came up to me early on to me, why  
25 don't you come up to the podium. And if you could state

1 your name and address for the record.

2           GLENN KRANTZ: My name is Glenn Krantz. I live at  
3 13028 16th Avenue Southwest. Lived here for 50 years and I  
4 just love this place.

5           And something came to mind when you mentioned  
6 water runoff, and there is something known as global warming  
7 coming up. Seattle has been extremely lucky, but what if we  
8 get 12 inches of rain some night?

9           (Applause.)

10           HEARING EXAMINER: The lady way in the back.  
11 Sorry, ladies first.

12           LISA OLSON: My name is Lisa Olson. I live at  
13 13225 12th Avenue Southwest, and I just felt like I had to  
14 say something.

15           I really appreciate everything everyone -- almost  
16 everyone -- has said. It was very enlightening to me. I  
17 didn't have any idea of the impact we were talking about  
18 when I first read about this.

19           I agree with, like I say, just about everything  
20 everyone has said.

21           One thing I just wanted to mention, and this is on  
22 a more personal note, and it's about the Marine Tech  
23 building that's down at the park. That is actually operated  
24 by Puget Sound Skill Center, which used to be called  
25 Occupational Skill Center, out there on 188th. It's

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1 operated by the Highline School District. And they offer  
2 really awesome programs to kids, starting as young as  
3 freshmen to go part of the year, and they learn about marine  
4 biology.

5           And I have a 12-year-old daughter back here who  
6 has been talking about being a marine biologist since she  
7 was about six years old. She didn't even know what the term  
8 was, she just knew she needed to do it. She has been  
9 counting the years down till she can finally get to go to  
10 Marine Tech. She's got two more years to go. And if the  
11 building is still there but none of the animals are, what is  
12 she going to be learning about?

13           So I would be behind anyone and encourage anyone  
14 else to do whatever we can to block this project so that  
15 that school can continue to teach our kids. We're so lucky  
16 in the Highline School District. Not many districts have  
17 that incredible opportunity that these kids have. And I  
18 want it there for my daughter, and I want it there for my  
19 grandkids -- but not too soon.

20           Thanks very much.

21           (Applause.)

22           HEARING EXAMINER: Thank you. The gentleman in the  
23 back?

24           TERRY WESTMORELAND: My name is Terry Westmoreland.  
25 I live at 16560 9th Avenue Southwest.

1 I've been walking the park since the mid '60s,  
2 which means I was a Cub Scout when I started.

3 When we were down there as kids, we were told by  
4 the people that ran the buildings down there, which were  
5 from the Fox Carnival that used to be down there back in the  
6 '20s. And we asked about the trails that were up there, and  
7 they were -- we were protecting, we were taking down trees  
8 and doing this and that.

9 And we asked about, well, where do they come from?  
10 And they go, Well, it's been here forever. The Indians put  
11 these in here, and they have always been here.

12 So if we take out a trail, we don't take out a  
13 cycle that's been there for 40 years but 200 years.

14 Now, Burien has Indian trails, but they have laws  
15 that protect them. How come these aren't on them?

16 Also, putting an environmental impact on the  
17 ground is one thing. But when you put it on a huge area  
18 like that, you're going to open up something special about  
19 that park, which is its canopy.

20 Most of what's in there is berries, wetlands, but  
21 when you open up that air quality and change it, that's  
22 going to go away. Most of the berries that are in there are  
23 huckleberries and salmonberries, and those are based upon  
24 the moisture that comes from the canopy.

25 You can't replace that, that is too big of a hole.

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1 That's too much of an impact.

2 Thank you.

3 (Applause.)

4 HEARING EXAMINER: Thank you, Terry. The other  
5 side of the room, the gentleman right here.

6 BRIAN STAPLETON: I'm Brian Stapleton from 13114  
7 16th Avenue Southwest.

8 And I have just a very, very short message in two  
9 words: Some of it is from history, but it's fragile and  
10 irreversible.

11 (Applause.)

12 HEARING EXAMINER: Thank you. This side of the  
13 room? Anyone? Jump to this side -- well, you've spoken  
14 already. I'm trying to get some folks up here who haven't  
15 spoken yet.

16 CATHERINE ALDRIDGE: Good try, Ashley.

17 JOHN DELVENTO: I'm John Del Vento. I live at  
18 11937 Marine View Drive Southwest.

19 Didn't Burien sponsor this meeting? Scott?

20 MR. GREENBERG: Yes.

21 JOHN DELVENTO: Okay. Well, why isn't it being  
22 telecast? Anyone can explain that? It should be, it's a  
23 Burien meeting. I asked some people to watch Channel 21.  
24 They're going to draw a blank.

25 The other question I have is, I don't know of

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1 anybody with private property or otherwise that has a path  
2 to the park. Why is this schematic show a path to the park?

3           Also, there's an easement that allows people to  
4 access this development from the main street. Which  
5 property was placed in that condition to be allowed to place  
6 an easement into that development? Who owned that? Was it  
7 the Highline School District? Anybody know that?

8           Questions. Answer them.

9           (Applause.)

10           HEARING EXAMINER: Anyone else who has not spoken  
11 tonight who would like to speak?

12           MELISSA THOMAS: My name is Melissa Thomas, and I  
13 live at 1224 Southwest 132nd Lane, No. 623, 98146.

14           I don't like speaking in front of people, but I  
15 felt tonight this extreme urge to.

16           My family has a lot of experience on these trails.  
17 I've walked on all these trails myself, and I'm just  
18 appalled that my family members, who live in the Seahurst  
19 community right next to Seahurst Elementary, have not been  
20 informed of this other than through me.

21           I talked to a friend who lives east of where I  
22 live -- I live in Sound Vista -- in that Cedarhurst  
23 neighborhood, he was unaware.

24           So how many people are unaware of this? And I'm  
25 just appalled that this is the one hearing, public hearing,

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1 that we're having when most of the community doesn't even  
2 know about this.

3 And why? Why has this just only a small portion  
4 of people in the community been informed?

5 Thanks.

6 (Applause.)

7 HEARING EXAMINER: Anyone else who has not spoken  
8 tonight who wishes to? Anybody?

9 There's been a couple folks who have provided  
10 comment who would like to provide a little bit more, and I'm  
11 going to start in the back with Mr. Lysen.

12 KING LYSEN: I just thought of one other example.

13 HEARING EXAMINER: You need to state your name for  
14 the record.

15 KING LYSEN: King Lysen again. I just thought of  
16 one other example about this. The County and the Sewer  
17 District bought the property drainage for Salmon Creek  
18 20-plus years ago from the developer who had proposed this  
19 big development. So we preserved the watershed there.

20 And they also, I remember when Burien school was  
21 sold to the Baptist church for \$160,000, you know, 20, maybe  
22 30 years ago, and it operated. And then a developer got  
23 ahold of it, and he had this big apartment/condo, big  
24 development all planned for it. And the County Council got  
25 involved, and they bought it from him.

1                   So that's another example of when the public, the  
2 County or the City and the Sewer District got involved when  
3 a big developer came in and bought the property from them at  
4 a negotiated price. And everybody was pretty happy about  
5 it.

6                   So maybe that -- and I guess the news came out  
7 just in the last week or two that this Westmark, what's the  
8 name of the company, they just won a ten-million-dollar  
9 judgment against the City of Burien, which everybody should  
10 be aware of. That complicates things quite a bit.

11                  But, anyway, there are possibly, if we could get a  
12 mitigation and negotiators involved and see if those areas  
13 could be explored. Because that solution has worked in the  
14 past, even though it's been several decades ago.

15                  Thank you.

16                  HEARING EXAMINER: Thank you. Apparently my  
17 microphone lost its voice. Can everybody hear me?

18                  PARTICIPANTS: Yes.

19                  HEARING EXAMINER: This side of the room again.  
20 I'm going to ask one more time, anyone else who hasn't talked  
21 would like to speak? Going once, going twice.

22                  The gentleman in the second row here, you  
23 mentioned you would like to say something else. Why don't  
24 you come on up?

25                  ASHLEY ROWAN: I enjoyed it earlier when somebody

1 spoke --

2 HEARING EXAMINER: Pardon me, could you just state  
3 your name for the record.

4 ASHLEY ROWAN: Ashley Rowan, Sound Vista.

5 When somebody stated Mr. Fox and Mr. Owl and  
6 Mr. Mister, it was well put.

7 And I'm on the board for Sound Vista, and we're  
8 considering the issue very carefully. And I'd like to say  
9 Mr. Fox and Mr. Eagle and all have advised us to go the full  
10 route with a lawyer.

11 We found someone who's done it with Microsoft,  
12 he's done work for SeaTac and very extensive work through  
13 some very big corporations. And I see a moment here where  
14 the City of Burien can make ten million dollars. We'll make  
15 a united front and take the past and step forward into the  
16 future, and put the two together and cancel them out.

17 And that's Mr. Fox and Mr. Owl speaks very simply,  
18 and that's what they like to hear, is very simple and direct  
19 action. We're here to meet you, and we're going to drive it  
20 home.

21 (Applause.)

22 HEARING EXAMINER: Anyone else?

23 MELESSA ROGERS: My name is Melessa Rogers. As I  
24 mentioned when I started my talk a while ago, the fact that  
25 the word did not get out, I need to know what the City of

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(cont.)

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1 Burien is going to do to rectify the issue.

2 Just two weeks ago I got my newsletter from the  
3 City of Burien, and it was in English and Spanish, very  
4 nice. I read through it. There was no mention at all of  
5 this meeting. How -- and I live at the Sound Vista  
6 Condominium. I got no mailing from the City.

7 So I have no faith at this point that the City has  
8 done its due diligence regarding involving its citizens,  
9 citizens of this community, about this issue.

10 And I want to know, what is the City of Burien  
11 going to do to ease my conscience that they have actually  
12 done what they needed to do to let people about this. And  
13 that they only have till October 5th because there's not  
14 going to be any more public hearings.

15 That to me is a huge question that needs to be  
16 answered, and I know I'm not the only one in the room that  
17 feels that way.

18 (Applause.)

19 HEARING EXAMINER: Anybody else? You're sure?

20 CATHERINE ALDRIDGE: I'll put it in my letter.  
21 Mine's going to be three pages.

22 HEARING EXAMINER: Single-spaced, ten-point? Okay.  
23 If no one else wants to speak this evening then I am going to  
24 close tonight's hearing. So going once, going twice.

25 And let me say yet again, please submit your

1 comments. We need to hear from you. Have a pleasant  
2 evening -- I'm sorry?

3 PARTICIPANTS: Is there a limit on how much we can  
4 put in the comments?

5 HEARING EXAMINER: You can put as much as you like.

6 Thank you all very, very much for coming tonight.  
7 Appreciate your input, we require your input. Have a good  
8 evening.

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10 (Hearing concluded at 8:50 p.m.)

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REPORTER'S CERTIFICATE

I, JUDITH CEDERBLOM, Washington CCR No. 2388, Certified Court Reporter, certify;

That the foregoing proceedings were taken before me at the time and place herein set forth;

That the foregoing is to the best of my ability a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of Washington that the foregoing is true and correct.

Dated this 23rd day of September, 2007.

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JUDITH CEDERBLOM, MA, CCR  
Washington CCR #2388, Expires 04-16-08  
Notary expires 10-09-08