



**GROEN
STEPHENS & KLINGE** LLP
ATTORNEYS AT LAW

10900 N.E. 8TH STREET, SUITE 1325
BELLEVUE, WASHINGTON 98004

JOHN M. GROEN
RICHARD M. STEPHENS
CHARLES A. KLINGE
SAMUEL A. RODABOUGH
W. FORREST FISCHER

TELEPHONE
(425) 453-6206
FACSIMILE
(425) 453-6224

July 15, 2013

Via Email

To: Craig Knutson and Bob Sterbank, Counsel for City of Burien

David A. Bricklin, Counsel for Neighbors of Seahurst Park

Re: Neighbors of Seahurst Park SEPA Appeal, HEA 2013-01
APPLICANT'S REVISED PROPOSAL

Dear Mr. Knutson, Mr. Sterbank, and Mr. Bricklin:

On behalf of the Applicant, this letter and attachments are intended to comply with the Hearing Examiner's Order that the Applicant provide a "written list of conditions" to the City and Appellant. In fact, the Applicant has done substantially more by revising the site plan so the Appellant and City can visually see the changes.

This letter describes the Project revisions proposed by the Applicant Westmark Emerald Pointe to further mitigate impacts and to address concerns raised by Neighbors of Seahurst Park. As stated at the hearing, the basic change is to eliminate the westerly two buildings and move those units into the other buildings. Removal of the two buildings will reduce building site coverage by 30% and impervious surface by 10%. The total undisturbed area will be increased by 15% or 1.26 acres. The wetland buffer is made substantially wider, and a large number of significant trees and associated habitat on the western portion of the site will be preserved.

The remainder of this letter and the referenced enclosures explain the revisions, the benefits, and the work still needed to confirm specific issues. The enclosures are the current and revised landscape and tree retention plans, and Draft Conditions of Approval.

Revised Design Concept

Revised landscape and tree retention plans were created by R. W. Thorpe's office and serve as the revised site plan. The prior versions of those plans were Applicant's Exhibits B-12 and B-13. Digital copies of the prior plans and revised landscape and tree retention plans are being sent with this letter. The key changes and benefits are:

1. Remove Two Buildings. The westerly two buildings are removed and the units from those buildings are relocated into the other five buildings. Apartment units may be smaller and will be fit into the footprints of the five remaining buildings.

2. Move Clubhouse. The Clubhouse is moved to a central location to locate that building away from the trail.
3. Increased Wetland Buffer. The prior plan protected a 50 foot wetland buffer with clearing and grading to that line, plus a 15 foot building setback that would be a landscaped graded slope. The revised plan protects an 82 foot wetland buffer with no clearing or grading. The detention vault is about 130 feet from the wetland and at a higher elevation. That separation equates to the building setback—that area would be a landscaped graded area below the vault.
4. Wetland Buffer Mitigation. At the time of the FEIS, Westmark proposed additional plantings in the 65 foot wetland buffer and building setback. The revised landscape plan indicates the previous proposed buffer enhancement. The enclosed Draft Conditions of Approval include specifications for that enhancement, namely removal of invasive species and planting of native species. Also, interpretive signage is proposed.
5. Additional Tree Retention. The tree retention plan indicates that the revised Project limits removal of significant trees to 45 while the prior plan removed 73—almost a 40% improvement.
6. Forest Preserved. The revised plan reduces the amount of cleared area by about 15%. This benefit is obvious at the southwest corner where the prior plan had grading essentially to the property line adjacent to the trail with the parking area about 50 feet from the property line. The revised plan has the nearest grading set back about 100 feet with the parking area set back about 150 feet. That change preserves almost a dozen significant trees. An additional area of preserved forest with about a dozen significant trees is in the center portion of the site adjacent to the trail.
7. View Protection. The views from the trail and from the Sound Vista Condos will be substantially improved by elimination of the two westerly buildings. People walking on the trail are much less likely to see the Project with the retained forest and replanted areas.

Stormwater System Changes Being Considered

The Project team is actively investigating changes to the stormwater system, specifically to incorporate a significant amount of infiltration. The revised plan shows rain gardens, but those must be considered as TENTATIVE ONLY, and subject to change. More work is needed to work out the details. The site has potential for infiltration, but any such system must address a number of intertwined issues. The revised plan shows a single detention vault with a grass recreation area on top. Another option is to use multiple dispersal trenches to create infiltration after the detention vault. The following are being considered:

8. Investigation of Infiltration. The Applicant will commit to investigate infiltration opportunities with conclusions reached within 30 days after the City and Appellant's response that the revised plan can be acceptable.
9. Infiltration Benefits. The benefits of infiltration are that stormwater will move down to the water table, and then enter the wetland from the natural hillside seeps. The infiltration may allow the detention vault to be smaller depending on the location of infiltration (before or after the vault) and other issues.
10. Dispersal Trench. At this time, we do not know how much infiltration can be incorporated in consideration of site issues and other Project goals. Multiple dispersal trenches may be utilized below the vault to cause infiltration and minimize the amount of overflow. Another possibility is a smaller detention vault with a single dispersal trench that would be utilized in larger storm events.

Settlement Proposal

The Appellant has the opportunity now to participate directly in negotiating binding Conditions of Approval with the City and Applicant that will benefit Seahurst Park and that will add mitigation measures and conditions that go well beyond those in the Project EIS. However, Westmark proposes that the parties enter into a full settlement agreement to resolve all disputes—that is, this proposal is not binding or final unless and until Westmark is satisfied with all terms in a written settlement agreement to be negotiated.

Thank you for your consideration of this proposal and we look forward to discussing the details with each of you in more detail. Also, the Applicant's Project Team is available for discussions with your staff and consultants by contacting Robert Thorpe.

Sincerely,

GROEN STEPHENS & KLINGE LLP


Charles A. Klinge

Enclosures:

Conditions of Approval (R.W. Thorpe & Assoc. Inc.)
Landscape Planting Plan (R.W. Thorpe & Assoc. Inc., 12/20/11) [**Exhibit B-13**]
Preliminary Tree Retention/Replacement Plan (R.W. Thorpe & Assoc. Inc., 12/20/11) [**B-12**]
Alternative 3 Landscape Planting Plan (R.W. Thorpe & Assoc. Inc., 7/15/13)
Alternate 3 Tree Retention/Replacement Plan (R.W. Thorpe & Assoc. Inc., 7/15/13)