



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

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*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 - UPDATED**

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

*This letter seeks to provide our update to the revised proposal previously submitted on July 15, 2013. For ease of reference, the new information is provided in bold italics.*

*The primary changes are:*

- A) Move the detention vault to the east under the parking spaces, which increases the wetland buffer minimum from 82 feet to 108 feet. Add a second dispersal trench.*
- B) Expand the wetland buffer enhancement area to include the entire area adjacent to the wetland that is not subject to clearing. The enhancement is removal of invasive plants and planting of native plants where invasive plants are removed.*
- C) Install Rain Gardens that will collect clean roof water from buildings A, B, and E and infiltrate that clean roof water.*

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. ***See the new Landscape and Tree Retention Plans.***

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 over***

**15% to 1.44 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**

***Newly 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 newly 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. ***The outdoor pool has been eliminated, though an indoor pool may be provided.***
3. **Further 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 a 108 foot minimum wetland buffer with no clearing or grading. The detention vault is about 160 feet from the wetland and at a higher elevation. That 160 foot separation equates to the building setback. The average native growth buffer was previously calculated at 138 feet, but the average is even wider now with the revisions. The native growth portion of the buffer, 108 feet minimum, would have temporary disturbance to construct two dispersal trenches and to relocate the trail, but otherwise would be enhanced as a Native Growth Protection Area. The remaining setback areas below the vault and below the Building A parking area would be graded areas landscaped with native plants.***
4. **Additional Wetland Buffer Mitigation.** At the time of the FEIS, Westmark proposed additional plantings in the 65 foot wetland buffer and building setback. ***In addition, the revised landscape plan indicates that the entire area adjacent to the wetland that is not subject to clearing will be enhanced in the same manner—removal of invasive plants and replanting with native plants.*** The enclosed Draft Conditions of Approval include specifications for that enhancement, namely removal of invasive species and planting of native species as listed ***or other native species determined by the wetland biologist.*** Also, interpretive signage is proposed.

5. ***Further Additional Tree Retention.*** The tree retention plan indicates that the revised Project *limits removal of significant trees to 41* while the prior plan removed 73—*more than 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 investigated changes to the stormwater system, specifically to incorporate a significant amount of infiltration. The revised plan incorporates three major changes:***

8. ***Moved the detention vault to the east under the parking spaces. The top of the vault would have landscaping and grass lawn for recreation (e.g. benches or bocce ball court). The bottom elevation of the detention vault is now at 321 feet per the engineer's plan. This location at a higher elevation provides separation from the groundwater level discussed at the hearing which was at elevation 286 feet.***
9. ***Two 50 foot dispersal trenches are proposed. Both trenches would be near the toe of the slope more than 50 feet from the wetland, and below/west of the trail. The trenches could be field located to avoid trees and be located in conjunction with relocation of the trail to minimize the temporary disturbance. The project geotechnical engineer would approve the locations due to slope conditions.***
10. ***The revised plan proposes rain gardens that will collect clean roof water from buildings A, B, and E and infiltrate that clean roof water. Preliminary calculations indicate that about 95% of the roofs of those three buildings should be able to infiltrate based on the assumption of well-draining soils. Roof area of Buildings A, B, and E (not including Clubhouse) is about 28,800 square feet with the total rain garden area of 2,450 square feet or a rain garden area of about 8.5% of the roof area. The rain gardens would be designed as 18" deep. Any overflow from the rain gardens would flow through a rock-lined overflow outlet into a trench drain under the sidewalk or a void in the curb, and into the parking lot where it will flow to catch basins (into the vault). A number of factors were considered which resulted in this***

*infiltration proposal, including the following: the need to avoid infiltration east of the vault making infiltration from Building C infeasible; the lack of available area near Building D; the potential for interference with utilities below the driveway surfaces; the need for water quality treatment for surfaces other than roofs, and; the lack of other good infiltration locations in the open space area due to slopes.*

*The detention vault is continued at the same size as the July 15 proposal, but the vault will be conservatively sized due to the infiltration of roof water constituting about .66 acres (28,800 square feet). The conservative sizing will provide additional mitigation during high flow conditions. Plus, the addition of a second dispersal trench will further mitigate impacts to the wetland by dispersing the overflow during high flow conditions.*

### **Settlement Proposal**

*The Applicant proposes that the City and the Appellant review and comment on the newly revised site plan along with the previously proposed Conditions of Approval.*

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:

Alternative 3 Landscape Planting Plan (R.W. Thorpe & Assoc. Inc., 8/12/13)  
Alternate 3 Tree Retention/Replacement Plan (R.W. Thorpe & Assoc. Inc., 8/12/13)