

 Reply  Reply All  Forward



Fri 2/28/2020 3:42 PM

Tracy Holman <tracy@businesspropertydevelopment.com>

RE: [EXTERNAL] Meeting on Comp Plan

To Bruce Blackburn

Cc Roger Belanich

Retention Policy Auto Delete Inbox Message At 90 Days Old (90 days)

Expires 5/28/2020

Bruce,

Thank you for the informative meeting yesterday in which we discussed the Comp Plan uses for the two properties outlined below.

I support the Office/Residential-H for my property located between 17th Ave SE and the Bothell-Everett Hwy south of 220th Street. I anticipate that this would be a 100 foot office building with parking within the building as well as adjacent surface parking.

I also support the Office/Residential use for my four acres located on the southwest quadrant of I-405 and the Bothell-Everett Hwy. The City is considering the uses to be Office/Residential-Med. As we discussed I support Office/Residential-H for this property. It is imperative to allow flexibility and allow the future to define the specific use of either residential or office to a maximum height of 100'. This property has excellent identity to the interchange and either office or residential would be appropriate, but the height would need to be 100feet in order to be economically feasible since it will require the removal of the existing retail (with the exception of the Hilton Hotel). Either use would require parking with the building as well as adjacent surface parking. Only the future will be able to define either uses as well as their land use impacts and economic feasibility.

Re: Park Property

The Canyon Park Owners' Association supports a park on the 17 acres between T-Mobile and 31st Ave SE. It is essential that it be so designated Park in the Comp Plan, even though the City could reject a donation by me. It is very much a passive park now for employees as well as the neighborhood. The kind of park use could be determined later by the City should the City accept the property.

Thank you all for considering these proposals.

Roger Belanich

Attachments follow

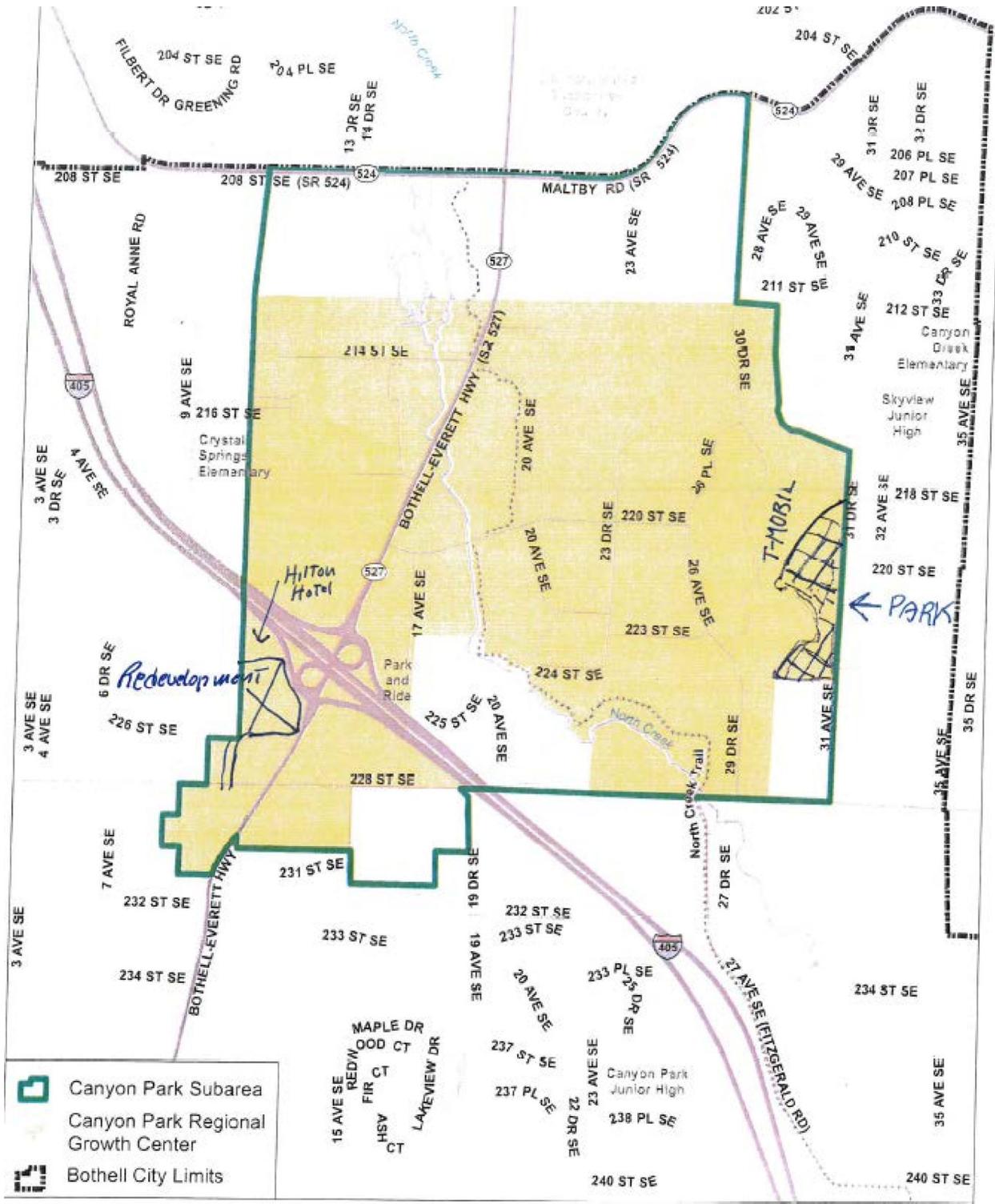


Exhibit Preferred Alternative 1



Exhibit Preferred Alternative 1

 Reply  Reply All  Forward



Wed 3/4/2020 2:32 PM

Cheryl Chikalla

[EXTERNAL] Re: Canyon Park Public Hearing March 4, 2020

To Bruce Blackburn

[Retention Policy](#) [Auto Delete Inbox Message At 90 Days Old \(90 days\)](#)

For the Planning Commission:

I am the HOA President for Crystal Creek I Townhomes. We are located on 11th Dr. SE and 214th. We are a development of 37 townhomes and are a gated community. We are surrounded by protected wetlands on all sides of our development. Crystal Creek II Townhomes, which is a separate development, lies just to the south/southwest of our development. There is a fire access road between the two developments, with a gate that is closed except for emergency vehicles.

At the previous meeting held on January 9th, HOA officers from both developments expressed concern about extending 214th out to 9th Ave in order to provide a throughway to connect Bothell Everett Highway and 9th Ave. We are concerned about the amount of traffic that would travel between both developments each day, the noise, the congestion, and the loss of the protected wetlands, if 214th were to be extended. Crystal Creek I is additionally concerned as to how we would exit out of our development, safely and in a timely manner, given that we are gated. Every owner who lives in Crystal Creek I considered the gate and the limited access, in particular, to our development.

Our suggestions are:

Why not consider extending 217th Place to 9th Ave? It would require accessing part of the drive and some of the existing parking spaces for Phillips, however, the portion of the road closest to Bothell Everett Highway, the fire station and Juno is already wide enough to handle two traffic lanes (one in each direction), plus sidewalks. It appears there would be less of an intrusion into the protected wetlands to extend sidewalks along that whole corridor, as well.

At the previous meeting a suggestion was made by one of the people from your team that 214th become more of a bike path and pedestrian path to provide access from 9th Ave to Canyon Park shopping, transit, etc. Both Crystal Creek HOA boards were very supportive of that idea. It would maintain both of our developments and the wetlands, limit car traffic on 214th to those living at Crystal Creek I townhomes, yet provide access from 9th Ave. for foot-traffic or bicycles to the Canyon Park area.

Finally, please consider syncing traffic lights along Bothell Everett Highway and within the Canyon Park area (now) for better traffic flow. Perhaps with some adjustments, traffic could flow better through the area without having to intrude on small neighborhoods or protected wetlands. With approximately 500 new housing units being built within the Canyon Park Business Park, it seems wise to be working on solutions to problems that exist today, while also

keeping an eye on the future. The HOA Board and owners at Crystal Creek I appreciate your consideration of our concerns and suggestions.

Kind regards,

Cheryl Chikalla
HOA President
Crystal Creek I Townhomes

March 4, 2020

City of Bothell Planning Commission
c/o Bruce Blackburn, Senior Planner
Bothell City Hall
18415 101st Avenue NE
Bothell, WA 98011

Sent by email: bruce.blackburn@bothellwa.gov, CanyonPark@bothellwa.gov

RE: Public Hearing Canyon Park Sub-Area Plan Preferred Alternative

Dear Chair Vliet and Planning Commissioners:

This firm represents the Canyon Park Business Center Owners' Association ("CPBCOA"). The CPBCOA is comprised of 60 property owners. The Canyon Park Business Center ("the Park") is over 360 acres, contains hundreds of businesses, and is a significant economic development and employment generator for the City of Bothell.

The CPBCOA has been working with City staff on a variety of issues over the past several years, including, but not limited to, the Canyon Park Sub-Area Plan and the I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project ("ELT"). We have always appreciated the willingness of the Community Development Department to seek out to the input of the CPBCOA and the businesses in the Park. We will continue to work with City staff, the Planning Commission and City Council on projects that effect future growth and development in the Park.

Candidly, we are gravely concerned that the City has not adequately considered or addressed the significant transportation impacts that increasing the land use intensities of the Canyon Park subarea will have on all of the businesses and residents in the area. We urge the Commission to request more information regarding how the transportation impacts will be addressed *before* attempting to select a preferred alternative for the proposed Canyon Park Sub-Area Plan at your public hearing tonight.

Our comments are as follows:

1. The CPBCOA is extremely concerned that the City remains reluctant to accept dedication of the private roadways within the Park. Each of the alternatives, including the proposed Preferred Alternative, anticipates significant increases in land use intensity within the Park that cannot be accommodated by the existing road system. The CPBCOA does not

have the legal authority or financial resources to expand the capacity of the roads, so these capacity issues cannot be addressed while the roads remain privately owned. The City's subarea plan treats these streets as though they are publicly owned and accessible, which is not currently legally accurate.

2. The evaluation of the Preferred Alternative must include an analysis of all known related actions, including the WSDOT ETL and the Sound Transit Bus Maintenance Facility projects.
3. The City must coordinate with WSDOT regarding transportation impacts and mitigations from ETL project. The increases in, and redistribution of, traffic volumes of the ETL project must be included in the analysis of the Preferred Alternative. Currently, our analysis is that the WSDOT design for the 17th Ave SE/220th St SE intersection is not adequate at initial construction to accommodate ETL traffic, let alone traffic growth based on the increased intensity proposed by the Preferred Alternative. The impacts of ETL traffic plus increased traffic proposed by the Preferred Alternative on other private streets and intersections within CPBC have yet to be analyzed by the City. Once these impacts are analyzed, sufficient mitigation must be proposed and included in the Sub-area Plan.
4. As part of the ETL project, WSDOT has designed improvements to 17th Ave SE as mitigation for the impacts of the project. It is anticipated that 17th Ave SE will carry in excess of 3,200 vph during the PM peak hour. Given these volumes and the current design of 17th Ave SE, it is unclear how this can function as a "Neighborhood Center Street" as proposed by the Preferred Alternative.
5. At the February 19 Planning Commission Study Session, the City's economic consultant indicated that new office space is not economically feasible in the Sub-area under present market conditions. The consultant offered no professional opinion on when, if ever, new office space would be economically feasible. Moreover, Page 2 of the March 4 Planning Commission staff report summarizes the Planning Commission's direction as, "The City should be patient and wait for preferred land uses instead of accepting whatever land uses are currently favored by the market." While it is the City's prerogative to select a Preferred Alternative that is admittedly economically infeasible for the foreseeable future, that lack of economic feasibility must be reflected in the evaluation of the Preferred Alternative. This evaluation must include the following:
 - a. The buildable lands analysis for the Preferred Alternative must reflect the economic infeasibility of new office space. There are no recent historical "achieved densities" for office uses, and office use is not supported by the City's market analysis. Therefore, only uses supported by historical "achieved densities" or by a market analysis can be considered as components of future demand for redevelopment capacity.
 - b. Since the City's economic consultant has determined that new office space is infeasible for the foreseeable future, the impacts of all "Office/Residential" land use designations (High, Medium, and Low) must be analyzed based on residential

use. This includes trip generation, demand for public services and utilities, and resulting LOS for public services and utilities.

6. The comparison between the No Action and Preferred Alternative LOS PM Peak Hour traffic is presented inaccurately. The No Action Alternative assumes that the City will not make any transportation improvements in the Subarea during the 20 year planning period. That is not realistic given the value of the Canyon Park Sub-area to the City in terms of tax base and economic development and the City's obligations under the GMA. The forecasted conditions for the No Action Alternative assumes that the City will not adequately plan for growth within the Canyon Park Subarea, nor partner with other jurisdictions regarding traffic impacts and mitigation. Since the City is required to plan for growth and accommodate planned growth with capital improvements, many of the "mitigation" projects now proposed by the Preferred Alternative should also be included in the No Action Alternative. The evaluation of the No Action Alternative should include a reasonable amount of City investment in transportation improvements during the planning period.
7. Residential use in the Park is limited to a defined area of 72.75 acres pursuant to the CPBCOA CC&Rs. For the areas within the Park proposed for "Office/Residential" use in the Preferred Alternative, only 18.09 acres is within the defined area where residential use is permitted by the CC&Rs (Parcel Nos. 27053000106500, 27052900204600, 27052900204700, 27053000106400, 27053000106300, and 27052900204800.) Based on the CPBCOA CC&Rs, residential use is not permitted on any of the other parcels designated for "Office/Residential" use in the Preferred Alternative. Since the City has not produced a market study that supports the feasibility of office use in the Sub-area and residential use is not permitted, it is unclear what the City believes will happen in the area within the Park designated as "Office/Residential" by the Preferred Alternative.
8. The Preferred Alternative proposes to add 4,225 new residents and 9,458 new employees to the Sub-area. Yet there are only two new public spaces proposed, and one is at the south end of the Sub-area. This is completely inadequate to support the proposed growth in residents and employees. Additional City investment in public spaces and urban design features is necessary to mitigate the impacts of the proposed additional intensity.
9. Stormwater regulations need to be factored into all pro-formas as either an increased cost for compliance or a decreased yield to accommodate stormwater infrastructure. Simply because the regulations apply uniformly to all new development does not mean that the impacts to the economic feasibility of projects can be dismissed. The economic effects of the stormwater regulations must be reflected in the yet-to-be-issued pro-formas to determine the economic feasibility of the Preferred Alternative.
10. Similarly, the pro-formas must include all of the additional costs of development that are proposed by the Preferred Alternative regulations, including, but not limited to, affordable housing, affordable commercial space, public space requirements, requirements for a new "neighborhood center street," ground floor retail requirements, wetland/stream buffer enhancement requirements, and increased impact fees to fund transportation, parks and public services.

Thank you for your consideration of our comments. Please let me know if you have questions or would like to discuss these issues in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim McHarg', enclosed within a large, loopy circular flourish.

Tim McHarg, AICP

CC: Michael Kattermann (by email: michael.kattermann@bothellwa.gov)
CPBCOA Board
Molly Lawrence
Ray Liaw
File

To: Bothell Planning Commission
Bruce Blackburn, staff

RE: Canyon Park Subarea Plan: Planning Commission Study Session July 1, 2020

These comments relate to Attachment 3 of the Canyon Park Subarea Plan found in the June 17th P.C. packet, **page 43** of 51. The comments refer to establishing use of best available science to determine buffer reductions as incentives for buffer enhancement/reductions.

When the Planning Commission meets on July 1, 2020 please discuss this section on page 43 and **request that it be removed from the Canyon Park Subarea Plan.**

Rationale for removing these sections:

This Subarea Plan is NOT the appropriate venue for establishing a best available science protocol and CANNOT be used as method for making a recommendation to amending the Bothell Critical Areas regulations or the Shoreline Master Program for the City of Bothell. The following statement implies that BAS could be established, and that changes to the Bothell CAO, SMP could be facilitated by recommendations in this Subarea Plan Action. The Subarea plan adoption process under GMA is required to be consistent with and implement the existing Critical Areas Ordinance. It CANNOT set policy or actions for amending the CAO.

In addition, the CAO in Bothell SMP for a Class I wetland (assuming the wetland north of 214th St. S.E. is Class I) is required to have a 75' buffer. This cannot be reduced by developer incentive or credits transferred from other existing buffers. Mitigation banks are allowed for compensatory mitigation, NOT for buffer reductions.

Remove these two sections: found on page 43.

Buffer Enhancement

Much of Canyon Park was constructed prior to the adoption of critical areas regulations and current best available science. Fortunately, buffers were established to protect wetlands, and streams were included in the development of the area. Wetland and stream buffers are of varying dimension with some being quite large and others being fairly small compared to current standards.

Future redevelopment of the area offers the opportunity to enhance these existing buffers while maximizing a site's available area. As a development incentive, a developer could be allowed to reduce a wetland/stream buffer to the edge of existing development provided the biological functions and values of the existing buffer (and associated wetland/stream) are increased.

Action:

Establish a best available science protocol within the Bothell Critical Areas regulations where existing buffers are enhanced in exchange for a reduction in the standard buffer width. Ensure that such reduced buffers result in improved biological functions and values.

June 25, 2020

Bruce Blackburn
Senior Planner
City of Bothell
18415 101st Avenue NE
Bothell, WA 98011
bruce.blackburn@bothellwa.gov

Eddie Low
Deputy Public Works Director
City of Bothell
18415 101st Avenue NE
Bothell, WA 98011
eddie.low@bothellwa.gov

RE: CPBCOA Comments on WSDOT ETL Project

Bruce and Eddie:

Please find attached the most recent Canyon Park Business Center Owners Association (“CPBCOA”) comments to the Washington State Department of Transportation (“WSDOT”) regarding the proposed Express Toll Lane project at SR527 (“ETL Project”).

We want to bring your attention to the following issues identified in our comments:

1. Our analysis indicates that the traffic growth rates used for the “No Action” alternative in the Environmental Assessment (“EA”) for the ETL Project are not based on valid land use assumptions. The “No Action” alternative traffic growth rate does not utilize a specific land use analysis that projects future growth within the CPBC based on the existing City Comprehensive Plan and zoning designations, as well as the existing development conditions and constraints. Instead, an aggregate regional growth rate of more than 40% is applied to the internal private intersections in the CPBC.

This results in a significantly higher “No Action” baseline condition against which the “Action” alternative is then compared. The result is that the impacts of the “Action” alternative are muted and proportionately less than they would be under a “No Action” alternative that used valid land use assumptions to project future traffic growth.

Correspondingly, the mitigations proposed by WSDOT for the “Action” alternative are reduced and will not be adequate for the actual impacts that result from the ETL project.

2. The current design of the 17th Ave SE/220th St SE intersection does not provide adequate capacity for northbound traffic in the PM peak hour beginning in 2025, which is the year of opening for the ETL project. This inadequate capacity exacerbates in years after 2025. Since the City is considering accepting dedication of 17th Ave SE, the 17th Ave SE/220th St SE intersection, and the section of 220th St SE between 17th Ave SE and SR527 in 2025, the City should be aware of this. The CPBCOA is very concerned that the City is planning to accept dedication of an intersection and roadway that is known to have inadequate capacity and level of service and that will need to be immediately improved at taxpayer expense. Please be aware that we will protest any effort to require CPBCOA property owners to contribute to the solution for an intersection that was known by the City to have inadequate capacity from the day it opened.

We request that you consider our comments and provide a response that summarizes the City’s position on the ETL Project. In addition, we request that the inadequate capacity of the 17th Ave SE/220th St SE intersection be addressed in the Canyon Park Subarea Plan and analyzed in the FEIS.

Please let me know if you have any questions regarding these issues. If it would help to discuss these issues, we can schedule a conference call at your convenience.

Sincerely,



Tim McHarg, AICP
Senior Land Use Planner

CC: Barrett Hanson, WSDOT Consultant
CPBCOA Board
Molly Lawrence
Michael Read, PE

MEMORANDUM

DATE: June 22, 2020

TO: Tim McHarg, Canyon Park Business Association Owner's Association
c/o Van Ness Feldman, LLP

FROM: Michael Read, PE, Principal, TENW

SUBJECT: I-405 SR522 Vicinity to SR527 Express Toll Lanes Improvement Project
Impacts to Canyon Park Business Center Owner's Association
TENW Project No. 3696

This memorandum summarizes outstanding items of concern as it relates to transportation impacts to the Canyon Park Business Center Owner's Association (CPBCOA) properties as a result of the proposed I-405 Express Toll Lane Project. As part of your response to WSDOT's proposal for a mitigation offer of traffic impacts to the CPBCOA private property and private roadway system, you have asked for comments on the draft mitigation agreement presented by WSDOT. However, our Team remains unable to provide any further guidance on specific responses to the offer or its merits based on the following remaining concerns regarding the assumptions, approach, and analytic techniques of the underlying traffic evaluation. These concerns include:

No Action Traffic Forecasts. As a baseline, the mitigation approach in the preliminary traffic operational and queuing analysis provided to TENW is only compared to a future No Action condition. With inflated background growth assumptions, the conclusion on project impacts to intersection levels of service and vehicle queuing conditions within the CPBCOA are lost in a growth rate that is not applicable to interior private roadways within the existing business park. With a regional aggregate growth rate of more than 40% applied to interior private intersections, the added congestion and vehicle queuing that becomes "assumed in the future" within the business park generates unreasonable conditions from which to measure impacts of the WSDOT project.

Intersection Capacity of 220th Street SE/17th Avenue SE. The projected traffic demand of PM peak hour traffic exiting via 17th Avenue SE by WSDOT is 775 vehicles per hour (vph). This peak directional forecast is a direct result of the proposed ETL Direct Access Ramp and is equivalent to more than 2 turning lanes of left turning capacity (this is regardless of the analytical framework or traffic analysis assumptions presented by WSDOT). At year of opening (2025), the total northbound left turning traffic demand from 17th Avenue SE onto 220th during the PM peak hour is forecast by WSDOT as 1,000 vph. As such, basic capacity at this signalized intersection is not provided under the current WSDOT channelization proposal, and would create significant adverse impacts to both traffic flow and safety at this intersection and private driveways along 17th. We continue to recommend that additional intersection capacity be built at this intersection to mitigate the adverse traffic impacts generated by the proposed ETL Direct Access Ramp into the business park.

In addition, during our last meeting between WSDOT and our Team in March 2020, the traffic operational assumptions (i.e., signal timing/performance) included in the Action Alternative were confirmed as something that "would not be implemented" in the field. As such, under the decisions of intersection geometry and signal operations by WSDOT, the mitigation analysis of direct project impacts cannot be understood or measured.

City Comments/Concurrence on Study Assumptions and Methods. CPBCOA has yet to receive any concurrence from the City of Bothell on the review and acceptance by the City of WSDOT study assumptions, methods, or conclusions on the ETL Direct Access Ramp project. Given other comprehensive plan amendment, zoning, and private street conversion into public roadways under consideration by the City and CBCOA, we want to recognize that our Team cannot agree to any mitigation agreement or proposals until we also understand that the City will also accept the proposed public infrastructure that would be converted within the existing private roadway system currently owned by CPBCOA.

In addition to the absence of City concurrence, neither the City's ongoing Subarea Planning within Canyon Park or WSDOT's analysis of the ETL Direct Access Ramp into the subarea are dependent or relying on each other's work. As an example, WSDOT assumes only currently funded transportation improvements, while as the City's comprehensive planning process allows for assumed additional improvements that do not yet have committed funding. To ensure consistency, at a minimum the City's planning process should only assume those currently funded projects used in WSDOT's ETL Direct Access Ramp project as a "baseline" and then evaluate other potential regional and local projects to support the alternative land use assumptions under consideration in the Subarea. This methodology will also inform both the City and WSDOT on the direct impacts that "new arterial roadway connections" into the CPBCOA that could result as part of ETL Direct Access Ramp project.

Beyond the transportation network inconsistencies, the other significant difference between these two efforts is evaluating impacts of land use assumptions. The City's current Subarea Planning efforts envision significant increases in the density and types of land uses within the CPBCOA itself and the surrounding vicinity. As noted above, WSDOT did not apply any direct land use assumptions within the CPBCOA properties or local vicinity, but only factored local traffic volumes (beyond those directly generated by the new ETL Direct Access Ramp) using a regional growth factor. If any of the currently published land use scenarios or potential variants likely under the Subarea Plan are adopted, the transportation infrastructure as part of the WSDOT ETL Direct Access Ramp and for the Canyon Park Subarea as a whole would fail any measure of concurrency or mobility performance measure of intersection level of service, congestion, or safety.

If you have any questions regarding the information presented in this memo, please call me at (206) 361-7333 x 101 or mikeread@tenw.com.

Roger M. Belanich
Business Property Development, LLC

22020 - 17th Ave. S.E., Suite 200, Bothell, Washington 98021 (425) 485-4850 or (206) 623-6230 FAX (425) 483-1811

July 1, 2020

Re: Canyon Park Sub Area Comprehensive Plan

Dear Members of the Bothell Planning Commission:

Enclosed is my letter to Bruce Blackburn of February 28th concerning the Comprehensive Plan on property that I own in the study area. It has been incorporated of record for the Hearings of the study area.

I would like to enter for your consideration the following as the developer of Canyon Park Business Center, as well as an interested and involved person, who has been active also, in the development of retail centers in Bothell over the past forty (40) years.

1. Once again, as in my testimony included in my letter of February 28th, I support Office/Residential H (100 feet in height of buildings). The use of development for office conforms to the City's idea on spacing. Canyon Park is a notable area of Medical instruments as well as Biotech. The intended Comp Plan supports Life Science Cluster. The southwest quadrant of SR527 and I-405 is adjacent to CBPC as well as the Phillips Company for medical instruments as well as Juno Biotech Research. The same is true for Office/Residential H on the property which I own on the southeast intersection of SR527 and 220th Street SE within CPBC.

These two properties would support as office buildings the Transportation HUB as envisioned in the Comprehensive Plan; ATT2. Office/Residential H should be adopted for these properties for reasons explained in my of letter February 28th.

2. Re ATT2:

The Plan's evaluate extending 214th Street from CPBC to 9th and 20th Ave SE to Maltby Road (Hwy 534). See ATT1 page 6.

These both reduce LOS on Highway 527 as well as the intersection of Thrasher's Corner. These should be adopted.

3. ATT2 Urban Design Livability

Private Natural Area Eastern Portion of Sub Area, Page 12, the text quotes: "The property owner is interested in the City acquiring the property for public use".

In fact, as the owner, I will dedicate the entire 17 acres for a park at no cost to the City. (See my letter to Bruce Blackburn of February 28, 2020.)

4. ATT3 Storm Water

The Comp Plan must recognize and adopt the storm water system as now provided in Canyon Park Business Center. This should include the massive detention pond for the storm water. However, I agree that the detention pond should be restored to its original capacity. As the developer of that detention pond, I must contradict the City's portrayal of its' capacity. It was designed for an entire basin, which has been largely developed and has its' own individual detention. Therefore, it has, as originally designed and originally built, excess capacity beyond the requirement of the built out CPBC. At least this should be evaluated as an inclusion in the Comp Plan.

Thank you for considering this testimony.

A handwritten signature in black ink, appearing to be 'RB' or similar initials, written in a cursive style.

Roger Belanich

Roger M. Belanich
Business Property Development, LLC

22020 - 17th Ave. S.E., Suite 200, Bothell, Washington 98021 (425) 485-4850 or (206) 623-6230 FAX (425) 483-1811

February 28, 2020

Bruce Blackburn
Community Development Department
City of Bothell
18415 101st Ave NE
Bothell, WA 98011

Re: Proposed Comp Plan – Canyon Park

Bruce:

Thank you for the informative meeting yesterday in which we discussed the Comp Plan uses for the two properties outlined below.

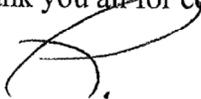
I support the Office/Residential-H for my property located between 17th Ave SE and the Bothell-Everett Hwy south of 220th Street. I anticipate that this would be a 100-foot office building with parking within the building as well as adjacent surface parking.

I also support the Office/Residential use for my four acres located on the southwest quadrant of I-405 and the Bothell-Everett Hwy. The City is considering the uses to be Office/Residential-Med. As we discussed I support Office/Residential-H for this property. It is imperative to allow flexibility and allow the future to define the specific use of either residential or office to a maximum height of 100'. This property has excellent identity to the interchange and either office or residential would be appropriate, but the height would need to be 100feet in order to be economically feasible since it will require the removal of the existing retail (with the exception of the Hilton Hotel). Either use would require parking with the building as well as adjacent surface parking. Only the future will be able to define either uses as well as their land use impacts and economic feasibility.

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Thank you all for considering these proposals.



Roger Belanich

Snohomish Conservation District

working together for better ground since 1941



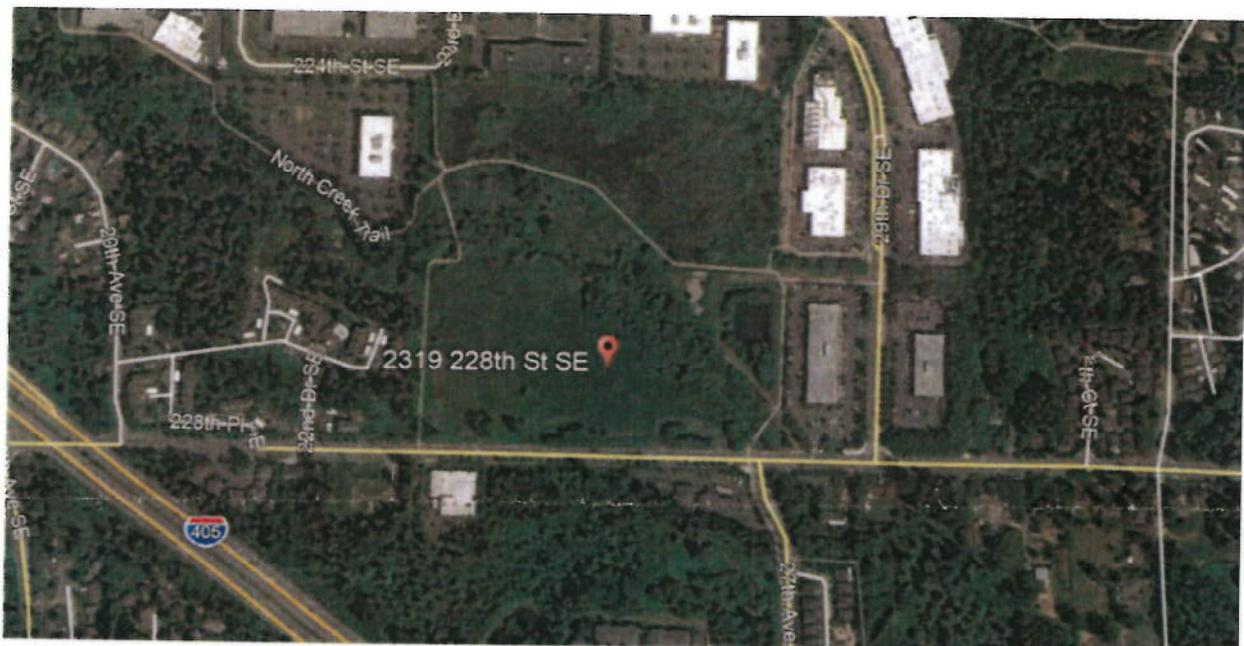
528 91st Ave NE, Ste A, Lake Stevens, WA 98258-2538 425-335-5634 www.snohomishcd.org

CPBC-43 LLC
22020 17th Ave Se STE 200
Bothell, WA 98021

To whom it may concern,

My name is Carson Moscoso and I am an ecologist at the Snohomish Conservation District. The Snohomish Conservation District is a small public organization that focuses on the protection of natural resources in Snohomish County. One of our primary focuses is leveraging public funding to restore streams, rivers, and wetlands.

I'm reaching out to your company because I've noticed that CPBC-43 LLC owns a parcel along North Creek at 2319 228th St SE, Bothell, WA (parcel #27052900303900). The property I'm referring to is in the map below:



From viewing historical aerial photos, it appears that this property has sat mostly vacant for the past 30 years. I'm curious what your company's intentions are for this parcel? If you have no development interests, the Snohomish Conservation District would be very interested in using grant funding to plant this property with native trees and shrubs with the intention of improving water quality in North Creek.

If this is something that interests your leadership, I would be happy to discuss this with you over the phone or via video chat in the near future.

I can be reached either at the phone number or email below. Thank you,

Exhibit 9
Exhibit 9

To: Bothell Planning Commission
From: Ann Aagaard
Date: July 21, 2020

RE: **Canyon Park Draft Subarea Plan** Public Hearing July 22, 2020

Planning Commission: Please consider and make the following recommendations to the Bothell City Council RE: **Canyon Park Draft Subarea Plan**(ref: Plan not dated, recently posted on Canyon Park Link) Appendix E not included)

1. Support bike/pedestrian trail only south of 214th. Do not support street extension of 214 S.E. from BEH to 9th Ave. S.E.

2. Buffer Enhancement : pg. 60. Reject wording in Canyon Park Draft Subarea Plan pg. 60. Adopt buffer widths recommended by Department of Ecology (*Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands and Wetland Guidance for CAO Updates(Western Washington)* (Ecology Publication #16-06-001, June 2016) These standards based on Best Available Science will be considered by Planning Commission September 2020. Standards for Buffers.

Mitigation Banks: Rewrite **Pg. 91**. Retain current priority for compensatory mitigation in same sub-basin. Allow compensatory mitigation within Canyon Park Subarea with certain conditions. Do not support mitigation banks or fee in lieu.

Discussion on these important issues:

The Planning Commission meetings of July 1 and 8 did not include P.C. recommendations regarding **Policy Question 7** regarding extension of 214th St. S.E. from BEH to 9th Ave. S.E.. It did not include a recommendation if not extended(214th SE to BEH) **Policy Question 9** (214th SE) should it be substituted with a pedestrian and bike path?

However, the recently available **Draft Subarea Plan** *does* include recommendations regarding 214th and the trails. (questions 7 & 9) ,Buffer enhancement, and mitigation banking.

Page 102 of **Draft Subarea Plan regarding 2014th S.E.** ;

The preferred(option1) alternative is to build the vehicular access between 9th Ave. S.E. and BEH, pg. 105; (map) pg. 107; Mitigation project M-1.

“Extend 214th SE westward to 9th Ave. SE. including pedestrian/ bicycle facilities.”

This recommended alternative includes the statement “ if extending a trail only, add sharrows to the existing street.” Also, included in the recommended action is the sentence on pg. 102 to “improve 9th Ave. SE with ample pedestrian and bicycle facilities prior to extending 214th S.E. ” Please explain add ‘ sharrows to the existing street’. I support improving 9th Ave. SE with ample pedestrian and bicycle facilities.

I strongly disagree with this preferred alternative to “build the vehicular access between 9th Ave. S.E. and BEH”. I support building a trail/ pedestrian access **only** on the south side of 214th S.E. I request that the Planning Commission **support and recommend to the Bothell City Council a bicycle/ trail/pedestrian only** alternative, the improvement of bike facilities on the existing 9th Ave. SE.

M-3 pg. 114 includes an alternative of trail only westward from 11th Dr. SE to 9th Ave. S.E. *Request:* Please clarify what this alternative involves.

Rationale for recommendation ” **NO**(214th SE) for street alternative” .

214th between 9th Ave. SE and BEH is bounded on the north by Centennial Park which includes a large open water Class I wetland and North Creek with a designation of **NATURAL** under the Bothell Shoreline Master Program(BSMP). The associated wetland area on the south side of 214 S.E. (if extended) is also designated **NATURAL** under the BSMP. The BSMP designations for areas on the south side of 214 S.E. near the BEH where there is an existing bridge over North Creek include a small area of High Intensity near the BEH intersection. The additional designations for North Creek and Associated wetlands next to the BEH are small Shoreline Residential and Urban Conservancy areas. A 150’ buffer for the Natural Designation is the BSMP required buffer. Bridges, Roads, Bike and pedestrian paths require Conditional Use Permits in the Natural Designation. Within this Natural BSMP designation activities are **limited** to very few active uses.

Buffer Enhancement pg. 60.

Action 1 in this section:

“Establish a best available science protocol with the Bothell Critical Areas Ordinance (BCAO) regulations where existing buffers are enhanced in exchange for a reduction in the standard buffer width. Ensure that such reduced buffers result in improved biological functions and values.”

This discussion titled ‘Best Available Science’ includes the statement
“ buffers for wetlands and streams would be implemented consistent with the Planned Action Ordinance and City codes, including codes for nonconforming development ... in more simple terms, design sensitive to the site must be employed. ”

Best Available Science protocol is currently included and was employed in developing the BCAO and BSMP. Standard buffer widths are allowed to be reduced with mitigation, but there is a limit to the buffer reduction allowed. That limitation to the buffer size reduction is based on BAS, and when Bothell finally meets their required CAO update(scheduled be considered by PC in September) the buffers established will be based on the Department of Ecology’s 2016 standards and on Best Available Science. (see reference above). A Planned Action Ordinance cannot determine buffers or dictate “ design sensitive to site be employed’ for for wetlands and streams. Adopted standards for nonconforming uses adopted by DOE are included in the BSMP 13.15.050 and 13.13.010 K.3 c

Buffers for wetlands and streams are determined by the Bothell Shoreline Master Program and the Bothell Critical Areas Ordinance. Mitigation sequencing currently is required in both the BSMP and BCAO.

Page 84. Goals and Policies. NE-1-8. Note on NE-3. Maintain and improve recreational access to North Creek and natural areas for residents and workers, allowing for enjoyment of these natural systems.

This policy may conflict with the limitations on Active Uses in the Natural Environment Designation of the BSMP east of BEH along 214th S.E. if extended.

Pg. 91. Wetland and Riparian Mitigation/ Restoration Projects.

I support the Planning Commission discussion of wetland mitigation projects and restoration projects that require and prioritize mitigation within this Subarea and within the sub-basin. The adopted BCAO requires compensatory mitigation in same sub-basin. BSMP compensatory mitigation has a sequence of mitigation

priorities(as listed in the recent draft plan) and required in the current Bothell Critical Areas Ordinance.

Mitigation should be confined to the sub-basin, and then to this Subarea. The natural environment, wetlands, and streams in this area have high restoration opportunities and potential for improvement, and will be subject to increased impacts from large numbers of people, traffic, building, redevelopment, and new development activities.

Thank you for including these items from the recent Draft Canyon Park Subarea Plan in your recommendation to Bothell City Council.

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July 22, 2020

City of Bothell Planning Commission
c/o Michael Kattermann, Community Development Director
Bothell City Hall
18415 101th Ave NE
Bothell, WA 98011

Sent via email: Michael.kattermann@bothellwa.gov; CanyonPark@bothellwa.gov

RE: Public Hearing regarding Canyon Park Subarea Plan

Dear Chair Kiernan and Planning Commissioners:

As you may recall, we represent the Canyon Park Business Center Owners' Association (CPBCOA or Owners' Association). The Canyon Park Business Center (CPBC or the Park) makes up about half of the Canyon Park Subarea and approximately two-thirds of the Regional Growth Center as proposed. The Park is over 360 acres, contains more than a hundred diverse businesses, and is a significant economic development and employment generator for the City.

The Owners' Association appreciates the City's interest in the Park and acknowledges your future vision for the Park including new mixed use development, redevelopment and intensification of existing commercial sites, expansive transit service, pedestrian oriented streets, and public open space. To date, however, the City has **not** identified a viable path to achieve this vision. Without the infrastructure and capital facility improvements needed to support your vision, the Subarea Plan promises substantial benefits but will deliver only more crippling congestion. This is a **significant concern** to the owners of the properties within the Park, and one which has yet to be addressed.

This letter contains a few of our most significant concerns with the Subarea Plan and City process to date. We intend to follow this letter with additional detailed comments regarding the draft Subarea Plan and the various analyses underpinning it during the public hearing process on the Subarea Plan. We have also submitted several letters previously raising our concerns with the Subarea Plan and the accompanying environmental review.

Inadequate Public Engagement

The Subarea Plan materials provided to date boast about the significant public engagement that the City's Planning Department staff has undertaken regarding the Subarea Plan. It is true – the City Planning staff has repeatedly reached out and provided the CPBCOA members and Board with briefings regarding the Subarea Plan efforts. To date, however, the City has not addressed the myriad concerns raised by the CPBCOA members and Board during those meetings.

We recently received another request/offer for a meeting with City staff. We relayed this request to the Board members who declined. They explained that they were uninterested in meeting with City staff again because staff seemed to be using contact with the Board and the Association members to “check the box” on public engagement, but had not sincerely considered, much less addressed, their consistent and ongoing concerns. These are sophisticated property owners, developers and their representatives. They have met with the City more than a half dozen times over the past several years and are exhausted and frustrated by the City's lack of responsiveness to their feedback and concerns.

The Owners' Association Does Not Support the Subarea Plan as Currently Formulated

As noted in the City's Market Study, the CPBCOA is the largest private land owner in the Subarea. **The CPBCOA does not support the City's plan as currently formulated.** Our members include the majority of the other major land owners in the Subarea. **They also do not support your plan.**

We acknowledge that City staff has reported meeting with some life science tenants in the Canyon Park Subarea and reported that those entities support the Subarea Plan. Since representatives from the Owners' Association were not at those meetings, we cannot say whether or to what degree City staff explained the significant transportation failures that the Subarea Plan will exacerbate. We believe that is unlikely, since the City only recently released its transportation analysis of the preferred alternative for the Subarea Plan. In any case, the owners of the buildings where many of those tenants are located do not support the current plan.

The transportation analysis shows that the road network in the Subarea is either failing or close to failing now, and will fail in the future. Numerous intersections in the Park will function at LOS F as identified in the transportation analysis. This is not an acceptable outcome, regardless of how transportation concurrency is defined by the City.

The market and proforma analysis shows that only a mixed use residential/commercial redevelopment (with a significant MFTE program and impact fee reductions) is economically feasible. The Park does not permit residential in the majority of places where the City is “planning” for residential mixed use. It is unclear how the City intends to change the economics of redevelopment in the Subarea or the prohibition of residential use in the majority of the Park, but unless the City can accomplish both, the Subarea Plan is not viable.

Further, the draft Subarea Plan includes an extensive vision for the road network within the Park, but there also is no basis for implementing that vision. All of the roadways within the CPBC are privately owned – subject to a limited easement granted to the Owners within the Park for ingress and egress that supports the Park’s pre-existing development plan. For the past three years, the Owners’ Association has sought to negotiate with City staff to transfer the roads to the City, but negotiations have recently fallen apart because the City continues to layer on costly conditions to the dedication. The existing road system is adequate to support the development currently within the Park, but it is often congested within the Park due to inadequate road capacity outside of the Park. The existing roads are not, however, sufficient to support the additional development and density that the City intends to require in the Park through the Subarea Plan and development regulations.

At this point, the City has set up a Hobbesian choice. We can either accept the “no action” alternative in which the City makes no zoning changes and also makes no effort to improve the abysmal transportation conditions, or we can accept the updated Subarea Plan in which City increases density and provides a meager list of transportation improvements, nearly all of which are predicated on uncertain funding through the Puget Sound Regional Council or other agencies, and which the analysis shows will not actually solve the transportation issues. Under either, we end up with a failed transportation network, rather than a vibrant subarea or a functional regional growth center.

The Owners’ Association does not enjoy sending this letter; to the contrary, we have spent several years engaging with City staff with the hope of avoiding it. But as the draft Subarea Plan and related documents begin to be made available and we realize that the Plan continues to fail to address our most basic concerns, we are sending this letter as a “wake up call” to the City to work with us, instead of against us. Toward that end, we request that the Planning Commission invite the CPBCOA to participate in a joint study session where we can discuss our concerns with the current Subarea Plan and hopefully find a path forward that achieves both our goals. To the extent the City continues on the current path, we see nothing but further disputes ahead.

Very truly yours,

VAN NESS FELDMAN LLP



Molly A. Lawrence

cc: Board of Directors, Canyon Park Business Center Owners’ Association
Darcey Eisler, Assistant City Attorney, Bothell



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September 1, 2020

City of Bothell Planning Commission
c/o Michael Kattermann, Community Development Director
Bothell City Hall
18415 101th Ave NE
Bothell, WA 98011

Sent via email: Michael.kattermann@bothellwa.gov; CanyonPark@bothellwa.gov

RE: Supplemental Public Hearing regarding Canyon Park Subarea Plan

Dear Chair Kiernan and Planning Commissioners:

On behalf of Canyon Park Business Center Owners' Association (CPBCOA or Owners' Association), we submit these supplemental comments to our July 22, 2020 letter concerning the Canyon Park Subarea Plan. The Owners' Association remains opposed to the Subarea Plan as proposed because it does not adequately address existing traffic congestion within the Subarea generally or the Canyon Park Business Center (CPBC or Park) specifically, much less increased congestion attendant with the City's desire for increased land use intensity.

This comment letter includes our more detailed comments following closer review of the draft Subarea Plan dated July 8, 2020 and Addendum to the Draft Environmental Impact Statement (DEIS) dated July 9, 2020. We are still reviewing the draft Planned Action Ordinance and Canyon Park Subarea Regulations released on August 27, 2020 and will provide further comments on the same once we have had adequate time for review.

CPBCOA's Interest in the Canyon Park Subarea

The Owners' Association represents the majority of land owners within the Canyon Park Subarea and remains significantly concerned that the draft Subarea Plan does not present a feasible roadmap for growth. The Owners' Association has actively participated in the City's four-year visioning, planning, environmental review, and public process; and yet, we still have numerous questions as to how the City will attain its vision for Subarea growth without implementable plans and funding for infrastructure and capital facilities that are necessary to ensure economic viability and success. Just as each business and property owner within the Park would approach their own long-term planning efforts, the Owners' Association expects the City to ensure that the Subarea Plan presents a realistic vision that capitalizes on the significant

investment already made in the Park and produces adequate return on investment. Without that, the Subarea Plan is simply a wish list intended to check the boxes required for continued certification as a Regional Growth Center, rather than an implementable plan charting a path for the Subarea's future.

The Owners' Association's chief concerns with the draft Subarea Plan revolve around insufficient transportation planning and capital improvements. This is particularly concerning considering the combined growth arising from the Subarea Plan, the Express Toll Lane (ETL) project at SR-527 proposed by Washington State Department of Transportation (WSDOT), and Sound Transit's (ST) desire to develop and operate their Bus Base North within the CPBC. Specifically, the Owners' Association believes that any successful subarea planning effort for Canyon Park must achieve the following:

- Ensure traffic congestion inside the Park and on roads outside the Park (SR-527, I-405, 228th Street) does not reach failing level of service (LOS) under any planning option – including the No Action Alternative
- Demonstrate how transit-oriented solutions will reduce traffic congestion in and around the Park
- Ensure cumulative traffic impacts attributable to the City's Subarea Plan, WSDOT's ETL project and ST's Bus Base project are adequately mitigated by each respective agency.
- Provide adequate police presence within the Park to ensure residential development is compatible with anticipated traffic levels
- Ensure the road system within the Park can adequately support the new development and re-development contemplated within the Subarea Plan
- Avoid disproportionate burdens on property owners within the Park to fund traffic mitigation on the internal road network arising from growth outside the Park

The Subarea Plan, as drafted, fails to demonstrate how each of these important benchmarks will be achieved. We request that the City revise the Plan, prior to adoption, to include each of these components. Our recommendations below address how the Plan can achieve these.

1. The City Should First Commit to Meeting Concurrency Standards Before Adding Density

The draft Subarea Plan shows that under the No Action Alternative, the City will not meet adopted concurrency standards for either the SR-527 or SR-524 corridors with currently planned traffic improvements. Common sense would dictate that the City identify traffic improvements and mitigation measures that keep these corridors from dropping below a failing LOS before planning to increase density to the Canyon Park Subarea. The City has a legal obligation under the Growth Management Act to ensure that transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.¹ As noted in the Comprehensive Plan, failure to achieve concurrency may result in the City needing to implement land use policies that reduce – not intensify – density.²

¹ RCW 36.70A.070(6)(b).

² See, e.g., *Imagine Bothell...* Comprehensive Plan, Transportation Element at TR-33 (2015). Cf. BMC 17.03.009.C. (concurrency evaluation required as part of application to amend comprehensive plan or zoning map).

Before adopting a plan to increase density and development within the Canyon Park Subarea, the Owners' Association would like the City to first identify and implement transportation programs and capital improvements that prevent the SR-527 and SR-524 corridors from falling below LOS-F standards under the *existing* Canyon Park Subarea Plan. The 2015 periodic update to the City's Comprehensive Plan forecasted LOS-E for these corridors in the planning horizon year of 2035. Less than 5 years after adoption of the 2015 periodic update, the transportation analysis prepared to support the amendments to the Subarea Plan forecast LOS-F for the SR-527 and SR-524 corridors in the horizon year of 2043. In conjunction with the Subarea Plan, the City should include additional improvements in the Capital Facilities Program, identify actual funding sources for those improvements, and address environmental feasibility of each to ensure that even the No Action Alternative meets current City standards for concurrency. Only then - after the City has developed an appropriate No Action Alternative that establishes that how traffic congestion along SR-527 and SR-524 will be adequately mitigated consistent with the City's existing Subarea Plan and adopted LOS standards - should the City begin to consider additional density via an update to the Subarea Plan.

2. Demonstrate Environmental Feasibility of Transportation Mitigation Projects

To maintain a LOS-E for the SR-527 corridor, the Preferred Alternative relies on four mitigation projects per Figure 6 of the Addendum to the Draft PAEIS dated July 9, 2020. Two of these mitigation projects – the 20th Avenue SE Extension (Project M-2) and the 214th Street SE Roadway Extension (Project M-3) – are expected to result in significant wetland impacts. These impacts have not been analyzed or quantified in the Subarea Plan EIS. However, the impacts are considered sufficiently significant such that City staff has proposed amending the City's critical area regulations mitigation sequencing standards to allow greater flexibility for off-site mitigation.

Without an analysis of the potential wetland impacts and mitigation options, it is unknown whether Projects M-2 and M-3 can be permitted under local, state, and federal regulations. Because the Preferred Alternative relies so heavily on these two mitigation projects to meet concurrency standards for the SR-527 corridor, analysis of impacts should be included in the Subarea Plan EIS to determine if construction is feasible. The time to determine whether these projects are feasible cannot be deferred.

We have similar concerns regarding the viability of the other two proposed transportation projects. To date, no cost information or feasibility analysis has been provided. By the City's own analysis, for the proposed Subarea Plan to meet concurrency standards, these projects must be constructed concurrent with the development proposed by the Subarea Plan. We do not have reason to believe this plan is actually viable.

3. The City Should Support Transportation Improvements and Policies that Improve, Not Create, Traffic Congestion

The Owners' Association is significantly concerned with the "strong support" expressed in the draft Subarea Plan to convert two general purpose lanes on SR-527 to restricted Business Access and Transit (BAT) lanes, further exacerbating traffic congestion. The DEIS Addendum does not include BAT lanes in the traffic modeling but concludes that future changes to the

City's concurrency policies would be needed to *reduce* the acceptable LOS for the SR-527 corridor from LOS-E to LOS-F to allow BAT lanes. In other words, the City is expressing "strong support" for a transportation approach that has not been analyzed and actually plans to fail.

The City should instead focus on traffic improvements that more effectively distribute traffic exiting I-405, specifically by partnering with WSDOT to construct a south-bound ETL that funnels traffic directly to 228th Street, bypassing both the CPBC and the SR-527 corridor. Our transportation engineer has identified this could significantly improve road capacity on SR-527 leading from I-405. At a very minimum, this alternative should be analyzed and the City should encourage WSDOT to complete a southbound ETL extension within the planning horizon set forth in the Subarea Plan. Without a southbound ETL, the WSDOT's ETL project will redistribute I-405 traffic on SR-527 in a way that *degrades*, rather than improves, existing and future LOS for the SR-527 corridor.

Equally concerning is the City's signal that it is actively contemplating a strategy to modify its concurrency standard to accept failing LOS for the SR-527 and SR-524 corridors. The draft Subarea Plan specifically proposes to rely on that potential future policy change as an end-run around the current concurrency standards. Using speculative changes to the City's comprehensive planning policies as a mitigation strategy is untenable under the GMA, and even more alarming under SEPA given that the City intends to adopt a Planned Action Ordinance coextensively with this Subarea Plan. Most importantly, it does nothing to actually solve the transportation quagmire facing the Subarea; it simply accepts failure.

4. Demonstrate Effectiveness of Alternative Transportation Solutions Before Relying on Them

The draft Subarea Plan relies heavily on single occupancy vehicle (SOV) alternative transportation strategies, abandoning any effort to improve capacity to address anticipated traffic congestion. The Owners' Association agrees that transportation demand management (TDM) strategies may be one of the tools in the traffic congestion toolkit for the Canyon Park Subarea. However, the City must be able to demonstrate that TDM and increased transit strategies, proposed as part of their Preferred Action, will indeed "move people" in a significant enough manner to replace the need for traditional capacity improvements to serve transportation demands. To date, the City has not provided any evidence (e.g., examples from other areas similar to the Canyon Park Subarea) where these strategies have worked as contemplated in the Preferred Alternative.

As described below in our supplemental SEPA comments, we are skeptical that the purported 14% reduction in trips resulting from TDM implementation is accurate in light of the proposed mixed-use development. The ITE Trip Generation Manual, used to predict traffic volumes for various types of land uses, already factors in that dense mixed-use development will include the types of TDM programs contemplated in the Preferred Alternative. Thus, the City's analysis effectively attempts to "double count" the potential traffic reduction of TDM measures – as they are both baked into the trip generation and layered on as additional reduction measures.

Further, the Comprehensive Plan currently contains numerous goals, policies and actions regarding transit, TDM, and Transportation System Management (TSM). These have not prevented the SR-527 and SR-524 corridors degrading from LOS-E in 2035 under the existing Comprehensive Plan to LOS-F in 2043 under the No Action Alternative. Relying so extensively on these same goals, policies and actions to provide substantial mitigation for traffic growth under the Preferred Alternative seems to be based on hope, rather than an implementable strategy.

5. Measure Cumulative Traffic Impacts from Subarea Plan, WSDOT, and ST Projects

In conjunction with adequately addressing concurrency as outlined above, the City must analyze the cumulative impacts of growth within the Subarea combined with traffic growth from the WSDOT ETL project and the planned ST Bus Base North. Both are reasonably foreseeable projects with environmental review already underway.³ Moreover, a Subarea Plan that fails to consider the direct impacts of these major transportation projects on the CPBC exacerbates the Owners' Association's concerns regarding the lack of adequate planning for traffic infrastructure and capital facilities to mitigate a plan for increased land use intensity.

According to the draft Environmental Assessment (EA), the WSDOT ETL project is anticipated to result in failing intersections within the internal CPBC road network, as well as the SR-527/220th St SE and 17th Ave SE/220th Street SE intersections, which will become part of the City's public road system. As addressed below in our supplemental SEPA comments, the WSDOT EA overstates the growth assumptions for the "No Build" Alternative and establishes an artificially high growth baseline against which the "Build" Alternative is compared. This artificially high growth baseline results in the EA underestimating the impacts of the Action Alternative and not fully evaluating or mitigating impacts of the ETL Project. In turn, this results in insufficient capacity of critical components necessary to support the Project, including the intersections of 17th Avenue SE/220th Street SE and 220th Avenue SE/SR527, both of which are located at the primary entrance to the Park.

According to the Determination of Nonsignificance (DNS) recently issued by ST for the Bus Base North project, ST anticipates storage for 120 buses, the majority of which are articulated. The Bus Base North is projected to generate 878 daily trips onto the surrounding private and public road system, which will further exacerbate inadequate LOS and queuing at the 220th St SE/20th Ave, 220th St SE/17th Ave, and 220th St SE/SR-527 intersections. The City's DEIS and Addendum do not mention, much less analyze, the impacts of this project in conjunction with the City's proposed Subarea changes.

³ WAC 197-11-792 (scope of EIS must consider cumulative impacts). Cumulative impacts are defined under NEPA as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." *Gebbers v. Okanogan Cty. Pub. Util. Dist. No. 1*, 144 Wn. App. 371, 381, 183 P.3d 324 (2008) (citing 40 C.F.R. § 1508.7). Impacts are "reasonably foreseeable" when they are sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching decision. *Sierra Club v. Marsh*, 976 F.2d 763, 767 (1st Cir.1992). See also State Environmental Policy Act Handbook, Washington State Department of Ecology Publication #98-114 at 132 (2003) ("The EIS should look at how the impacts of the proposal will contribute towards the total impact of development in the region over time.")

The Owners' Association further requests that, in conjunction with evaluating the cumulative impacts of the WSDOT and ST projects, the City require WSDOT and ST to mitigate their impacts on the road network both within and outside of the Park. Both projects require land use and construction permits from the City. As with any other development, these agencies should be responsible for capacity improvements made necessary by the increased congestion caused by their projects. Additionally, the City should require that WSDOT and ST fully address and mitigate the impacts to the private road surfacing and subgrade resulting from high volumes of heavy bus traffic and passenger vehicles introduced onto the internal road network.⁴

6. Identify How Subarea Plan Will Be Accomplished in Private Business Park with Private Road Network

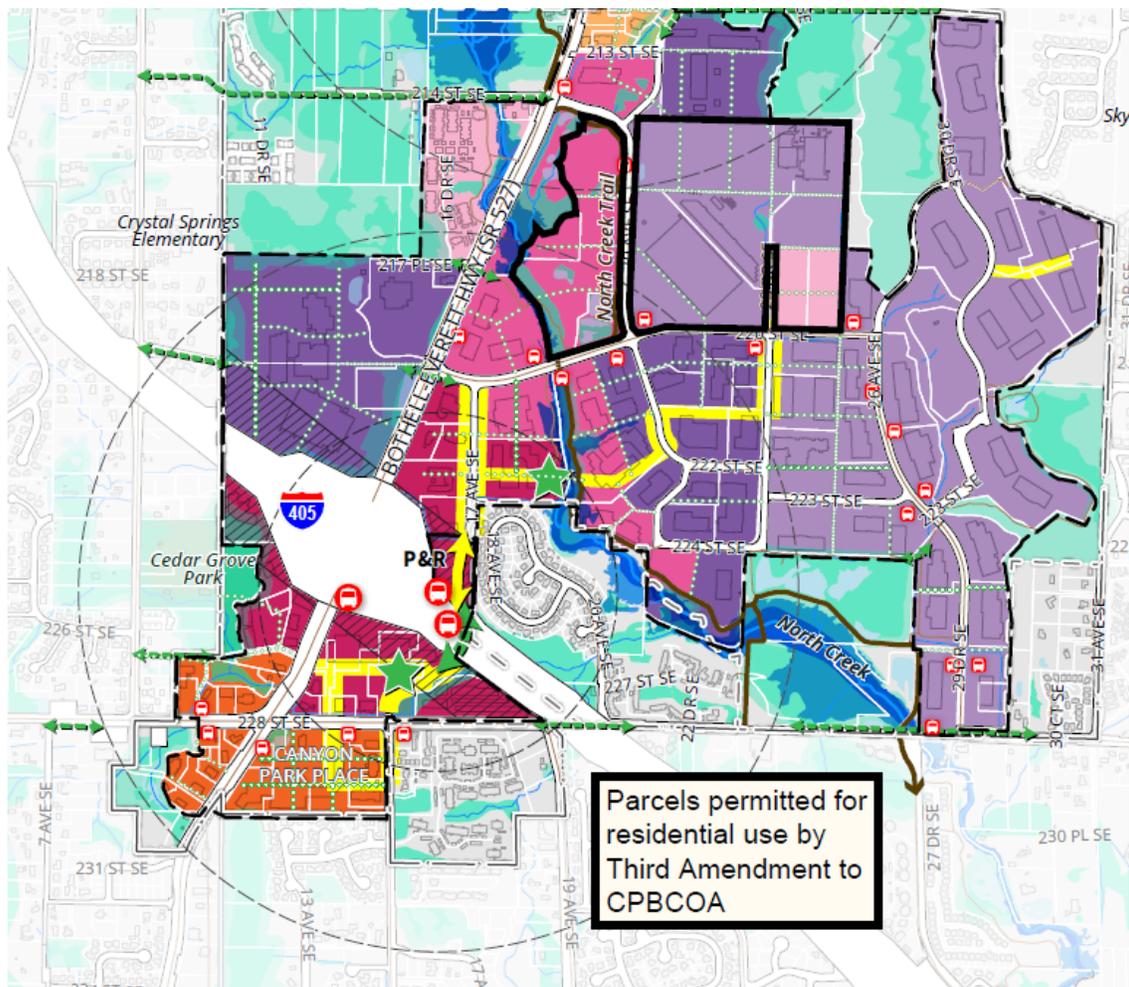
For the past several years, the CPBCOA has sought to work with the City to enable dedication of the private road network in the Park to the City. Following the City's prompting to permit residential uses in the CPBC as part of the 2015 Subarea Plan update, the Owners' Association explained to City staff that it would be necessary for the roads to become public to support residential use (in particular, to ensure adequate police presence), and began working with the City on a plan to transition the spine roads to the City. Thereafter, with the dawning of the WSDOT ETL and the ST Bus Base projects, our proposal was that the City and the Owners' Association work together to ensure that WSDOT and ST fully mitigate the effects of their projects on transportation capacity and road conditions in the Park. Then, with some additional upgrades funded by the Owners' Association, the City would accept dedication of the spine roads and make further improvements needed to support the additional land use intensity in the Park that the City was contemplating in the Subarea Plan. So far, the City has rejected our efforts to collaborate around the impacts of WSDOT's ETL and ST's Bus Base projects, and discussion of dedication have been coupled with unreasonable conditions.

At this point, the City has no plan to accept dedication of any of the private internal street network without significant capital investment by the Owners' Association. The City's position is that the Owners' Association must improve the internal streets up to a public street standard before dedication will be considered. These improvements are estimated to exceed \$3 million. This cost does not benefit the Owners' Association given that the current roadway is appropriately maintained for the scale of development originally envisioned for the Park. (Notably, three years ago, the City and Owners' Association had identified a much more reasonable set of improvements that the CPBCOA would make to improve the roads to enable dedication, and the CPBCOA had set aside significant funds to make those improvements in the last few years. In recent negotiations, the City has continued to layer on additional requirements until the cost simply became too high.)

If the roads remain private, the Owners' Association will have to monitor traffic impacts to the private road network when reviewing all requests for new development and redevelopment within the Park. This will have the effect of limiting land use intensity to the existing road capacity, which is well below the intensities proposed by the Subarea Plan. The improvements necessary to implement the pedestrian and bicycle vision of the Preferred Alternative will not be made if the roads remain private. This will have the effect of reducing the assumed levels of transit ridership and internal trip capture, invalidating the reductions to trip generation in the traffic analysis of the Preferred Alternative.

⁴ Notably, the Owners' Association is not aware of either WSDOT or Sound Transit having easement rights over the roads within the CPBC authorizing their use of the private road system.

Further, it is important that the City acknowledge that residential uses remain *prohibited* in the Park, with the exception of a limited number of parcels, per Section 7.1 of the Third Amendment to the Amended and Restated Declaration of Codes, Conditions and Restrictions for Canyon Park Business Center (CC&Rs) (Recording No. 201807050389). As shown below in areas shaded magenta and pink, the Subarea Plan proposes a significant amount of mixed use development within the Park in areas where the CC&Rs prohibit residential use. Correspondingly, the Subarea Plan prohibits residential in the areas shaded purple, which comprises the majority of parcels where the CC&Rs actually permit residential use. The result is a Subarea Plan that is not implementable and will not be able to meet the required number of activity units to maintain certification as a Regional Growth Center. This issue is not disclosed or discussed in the Subarea Plan or DEIS/Addendum, and no policies or actions are proposed to address it.



This outcome is particularly frustrating to the Owners' Association as we only elected to change the CC&Rs three years ago to enable residential at the behest of the City. At that time, we understood that change to be part of a *joint plan with the City* that would support dedication of the private road network and the provision of police services in the Park. As noted above, this has not yet played out as originally discussed or anticipated.

7. Demonstrate Economic Viability of the Preferred Alternative

As identified in our prior comment letter, the market and proforma analysis show that only mixed use residential/commercial redevelopment is economically feasible.⁵ As noted above, however, residential development is not allowed under the Canyon Center Business Park CC&Rs in the majority of those areas identified in the Subarea Plan. Consequently, the only economically viable option is not currently legally viable.

Furthermore, we are skeptical that the scale and type of development identified under the Preferred Alternative is attainable. Given the likely competition between Regional Growth Centers for available transportation funding, the City has not explained how Canyon Park will be able to capture such a significant share of that growth – particularly with its known transportation issues. Also, the draft Subarea Plan is unclear as to how the City intends to keep the Park both a biotech incubator hub *and* a mixed used residential/commercial neighborhood where the same people live and work. This would be a major shift for the CPBC, and the Subarea Plan does not explain how these multiple goals will be achieved.

8. Substantiate the Benefit of the Regional Growth Center Designation

The Owners' Association acknowledges the City's desire to maintain the existing designation of Canyon Park as a Regional Growth Center (RGC) and the necessity to adopt a Subarea Plan compliant with the Puget Sound Regional Council's requirements to maintain that status. The Canyon Park Subarea has been designated as an RGC since 1995, and yet land use intensity and redevelopment activity envisioned under the prior Subarea Plan has failed to materialize. Moreover, the benefits arising from that RGC designation remains elusive to businesses and property owners in and around the Subarea. We understand the City's current position to be that it needs to maintain the RGC to compete for transportation funding to improve traffic conditions in the Subarea. In the decades since this area was first designated an RGC, we are unaware of what transportation funding or improvements, if any, the City secured to improve the transportation system in this area. The DEIS and Addendum transportation analyses suggest that conditions have only been getting progressively worse over the last ten years. Consequently, we are skeptical that the City's stated desire to retain the RGC designation to support future transportation improvements will materialize into any actual improvements that reduce congestion.

⁵ Appendix C (Canyon Park Proforma Analysis) of the Canyon Park Market Study dated May, 2020 prepared by BERK Consulting.

So far, the City has not identified any funding sources for the road improvements proposed as part of its Preferred Alternative. We are worried that implementation of those improvements is predicated on the City receiving grant funds from the Puget Sound Regional Council based on the RGC designation. This seems to be an untenable do-loop, where the City's ability to retain the RGC is predicated on transportation improvements that are only possible *if* the City retains the designation *and* thereafter wins grant funds to enable those improvements.

The Owners' Association would like to know how the City anticipates the RGC designation will benefit current and future businesses, property owners, and residents. Has the City identified transportation funding arising from that designation, and if so, how is the City planning to be competitive for those funds among the other 28 RGCs? Does transportation funding tied to the RGC designation influence whether traffic improvements contemplated within the Subarea Plan will be completed? What does the Preferred Alternative change from the existing Subarea Plan to result in a feasible and implementable RGC in Canyon Park, when such result has eluded the City for the last 25 years? The Subarea materials provided to date do not answer any of these questions.

Supplemental SEPA Comments

The Owners' Association previously provided comment on the DEIS for the Subarea Plan; however, the City subsequently released an Addendum evaluating impacts of the Preferred Alternative and related traffic memoranda – including evaluation of impacts on the internal Canyon Park road network. The Owners' Association offers these additional comments concerning the City's environmental review of the Subarea Plan, supported by the technical comments in the attached memorandum from TENW.

- Anticipated baseline traffic growth within the CPBC is based on flawed assumptions contained in the draft EA for the WSDOT ETL Project. As indicated in a letter we submitted to staff earlier this summer, the EA for the WSDOT ETL uses an aggregate regional growth rate of more than 40% applied to the internal private intersections in the CPBC. Instead, the growth rate should have been based on a specific land use analysis to project future growth within the CPBC based on the existing City Comprehensive Plan and zoning designations, as well as the existing development conditions and constraints. Reliance on WSDOT's assumptions results in a significantly higher "No Build" baseline condition against which the "Build" alternative is then compared. The result is that the impacts of the "Build" alternative are muted and proportionately less than they would be under a "No Build" alternative that used valid land use assumptions to project future traffic growth.
- The trip generation methodology for the Preferred Alternative inappropriately relies on a high internal capture rate inconsistent with the existing built environment for the CPBC, resulting in artificially lower anticipated trips. Specifically, the trip generation methodology assumes existing and new development will be connected by a convenient, walkable, bicycle oriented, transit supportive environment in a dense framework. However, the entire business park community is currently a closed system with limited mixed use and no connectivity or proximity to those other land uses on the

fringe (retail and housing). While pockets of mixed use can be implemented in the future, this methodology cannot be applied to an area that is over a mile wide and 1.5 miles in length with limited connectivity except the SR 527 corridor and the CPBC private road system. As an example, all existing retail within the primary Canyon Park zone is at Thrasher's Corner, but the City's traffic analysis of the Preferred Alternative has reduced all trips to existing/future retail by 35 percent given an assumed proximity between all these jobs in Canyon Park and Thrasher's corner. Use of this high internal capture rate is inconsistent with ITE guidance. As such, adjustments should be made to account for higher utilization of SR-527 between all of these land uses, which causes the corridor to likely fail LOS.

- As discussed above, the purported 14% trip reduction resulting from TDM programs relies on duplicative counts to demonstrate effectiveness. Implementation of parking pricing policies, shared parking, transit subsidies, commute trip reduction programs and other measures are already included in trip generation rates for dense mixed-use developments. Accordingly, these strategies, have been accounted for to a large extent in ITE rates applied to the modeling. As such, the 14% reduction is likely to be entirely or significantly duplicative.

Additional Analysis and Meaningful Dialogue with the Canyon Park Community is Necessary Before the Planning Commission Proceeds with a Recommendation

Both the Owners' Association and broader Canyon Park community have consistently communicated to the City that the proposed Subarea Plan does not address the most apparent and pressing problem from this area: traffic congestion from existing growth within the SR-527, SR-524, and 228th Street corridors. Comments raised at recent open houses hosted by the City and results of the August survey demonstrate that adequate transportation infrastructure – particularly an internal road network that has adequate capacity to support movement of cars and people throughout the Subarea - remains the top concern. Yet, the current Subarea Plan indicates that the City has simultaneously given up on identifying solutions for currently projected traffic congestion and doubled down on growth by planning for more intense utilization of land within the Canyon Park Subarea.

We acknowledge and appreciate that the City has been working on this Subarea Plan for a number of years. Indeed, we have been attempting to work alongside you. Unfortunately, our most recent request for a joint study session with the Planning Commission was rejected. We continue to be very interested in working *with* the City to develop a feasible and implementable Subarea Plan update. We are not there yet but welcome the opportunity to engage further with the City to get there.

Very truly yours,

VAN NESS FELDMAN LLP



Molly A. Lawrence

MEMORANDUM

DATE: September 1, 2020

TO: Tim McHarg, Canyon Park Business Association Owner's Association
c/o Van Ness Feldman, LLP

FROM: Michael Read, PE, Principal, TENW

SUBJECT: Canyon Park Subarea, Planned Action Draft EIS, December 2019
DEIS Addendum, July 2020
TENW Project No. 3696

This memorandum summarizes TENW's comments on the *Canyon Park Subarea, Planned Action Draft EIS, December 2019*, and the *DEIS Addendum, July 2020*, as published by the City of Bothell as they relate to transportation impacts within the Canyon Park Business Center (CPBC), including impacts on properties owned by the CPBC Owner's Association (CPBCOA), its private intersections and roadways. Our comments also include review of the supporting *Canyon Park Subarea Project – Trip Generation, August 2020*, and the *Canyon Park Subarea Project – Potential TDM Strategies – Draft, July 2020*, Fehr & Peers.

WSDOT NEPA Environmental Assessment May 2020, I-405 SR522 Vicinity to SR527 Express Toll Lanes Improvement Project

Specifically cited in the DEIS and DEIS Addendum as a source document, the City's Subarea Plan rely on the transportation forecasts, roadway/intersection capacity determinations, and other conclusions of the *WSDOT NEPA Environmental Assessment May 2020, I-405 SR522 Vicinity to SR527 Express Toll Lanes Improvement Project (WSDOT EA)*. The *WSDOT EA* is not, however, an approved traffic analysis, and the *WSDOT EA* does not meet best practices engineering criterion. As such, the City's reliance on the *WSDOT EA*'s traffic forecasts, capacity determinations of roadways/intersections, and other evaluation criteria utilized in the DEIS and DEIS Addendum relies on an unproven foundation. Our detailed comments on the I-405 SR522 Vicinity to SR527 Express Toll Lanes Improvement Project as they relate to the proposed Canyon Parking Subarea DEIS within the CPBC include the following:

No Action Traffic Forecasts. The *WSDOT EA* for the ETL Project assumes inflated background growth assumptions, and as such, the conclusion regarding ELT impacts to intersection levels of service and vehicle queuing conditions within the CPBC are lost in a growth rate that is not applicable to interior private roadways within the existing business park. The added congestion and vehicle queuing that becomes "assumed in the future" (No Action condition) within the CPBC generates unreasonable "assumed" traffic conditions from which WSDOT measures impacts of the WSDOT ELT project to properties within the CPBC.

Intersection Capacity of 220th Street SE/17th Avenue SE. The projected increase in traffic demand of PM peak hour traffic exiting via 17th Avenue SE by WSDOT is 775 vehicles per hour (vph). This peak directional forecast is a direct result of the proposed ETL Direct Access Ramp and is equivalent to more than 2 turning lanes of left turning capacity (this is regardless of the analytical framework or traffic analysis assumptions presented by WSDOT). At year of opening (2025), the total northbound left turning traffic demand from 17th Avenue SE onto 220th during the PM peak hour is forecast by WSDOT in excess of 1,000 vph. As such, basic capacity at this signalized intersection is not provided under the current WSDOT channelization proposal, and would create significant adverse impacts to both traffic flow and safety at this intersection and private driveways along 17th Street SE. Specifically, the northbound approach should include additional turning capacity and queuing storage along 17th Street SE. As it relates to the *Canyon Park Subarea DEIS*, without adequate traffic capacity at this intersection, the ability for vehicles to access the Subarea via the ELT interchange would be significantly adversely affected as would other CPBC owners and tenants along 17th Street SE.

In addition, in March 2020 WSDOT confirmed that the traffic operational assumptions (i.e., signal timing/performance) applied in the Action Alternative "would not be implemented" in the field. As such, the level of service and queuing conclusions using WSDOT's proposed intersection geometry and signal parameters in the *WSDOT EA* would not reflect built conditions. The actual proposed geometry and signal parameters would create significant, but avoidable, transportation impacts to properties within the CPBC, including internal access, safety, and general circulation unless otherwise fully mitigated by WSDOT. These findings are confirmed in the DEIS Addendum, July 2020, with traffic volumes exceeding available intersection/roadway capacity at the 220th Street SE/17th Avenue SE, 220th Street SE/20th Avenue SE, and the 220th Street SE/23rd Avenue SE intersections and roadway approaches within the CPBC. As such, without adequate infrastructure as part of the WSDOT I-405 ETL project, the City's Subarea Plan vision will be left with additional infrastructure needs not currently funded or in compliance with SEPA thresholds (i.e., volume forecasts would exceed available capacity by approximately 25 percent per the City's DEIS Addendum) .

Transportation Concurrency and GMA/SEPA Compliance. The DEIS, December 2019, concludes that the currently adopted Comprehensive Plan (No Action) would not meet the City's adopted concurrency standards by 2045 and would fall even further into non-compliance with GMA required concurrency on multiple corridors (on average throughout three primary corridors of SR 527, SR 524, 228th Street SE) with any Action Alternative. On a majority of these corridors, LOS delay could not even be measured under any Action Alternatives (beyond maximum limits of LOS F conditions), even with identified mitigation.

Without identification of the required transportation infrastructure needed to support the currently adopted Comprehensive Plan (No Action) to meet current City standards, code, and GMA required compliance (i.e., transportation concurrency), not only does the City not meet their legal mandate under GMA, but transportation needs under the various subarea growth alternatives under consideration by the City can't be differentiated as to the relative transportation needs required to support each growth land use alternative. Under the current DEIS and DEIS Addendum, the only choice for GMA compliance as presented is the Preferred Alternative. As the DEIS transportation analysis is currently presented, the same infrastructure, policies, and other supporting mitigation

measures to support the growth alternatives may also be required to support the No Action alternative, and as such, no comparative analysis is provided as required under both SEPA and GMA.

Trip Generation Methodology – Application of MDX Tool to Canyon Park Subarea. The applied trip generation methodology is considered state of the practice, but assumes/considers that existing/new development is connected by a convenient, walkable, bicycle oriented, transit supportive environment in a dense urban framework. The entire existing CPBC community is currently a “closed system” with limited mixed use and no connectivity or proximity to those other land uses on the fringe areas of the Subarea boundary (i.e., retail and housing). While pockets of mixed use can be implemented in the future (as noted in the published Preferred Alternative – Figure 3 of the DEIS Addendum), the application of the MDX Tool and mixed use trip generation methodology should not be applied to the entire area that is over a mile wide and 1.5 miles in length with limited connectivity except the SR 527 corridor and the CPBC private road system that is internal to the “private business park”.

Furthermore, ITE guidance is very specific on some underlying conditions that must be present to utilize this methodology. One of the primary requirements is that internal trips must remain on-site and not utilize the major street system in order to eliminate them from consideration. This argument can be made within the CPBC private roadway system itself to some extent, but not trip reductions along the SR 527 corridor (the only continuous arterial in the entire Subarea that serves all zones). As such, adjustments to account for utilization of SR 527 by internal trips between all of these land uses areas/zones identified between 228th Street SE and SR 524 would significantly increase trip making along SR 527, causing the corridor to likely fail the City's adopted LOS standard.

In addition, at a minimum all existing land uses and associated trips should be removed from the calculations and only a portion of growth can be adjusted under future alternatives where true mixed use can be constructed that are connected and proximate to one another. As an example, all existing retail within the primary Canyon Park Subarea zone is at Thrasher's corner or at the 228th Street SE intersection on SR 527, but the process as currently applied has reduced all trips to existing/future retail by 35 percent given an assumed proximity between all existing/new jobs in between Canyon Park and these primary retail destinations, which is not consistent with ITE practice.

Transportation Demand Management (TDM) Adjustment. The additive TDM reduction of 14 percent has been documented based upon assumed implementation of parking pricing policies, shared parking, transit subsidies, commute trip reduction programs and other measures. Many of these incentives or built conditions however, are already inherent in dense mixed use developments assumed within and reflective of application of the trip generation methodologies and MDX tool noted above. Therefore, a majority of these future supportive conditions have been accounted for to a large extent, and as such, this further reduction specifically for TDM is entirely or significantly duplicative.

In summary, the Preferred Alternative directs 60 percent more households and 73 percent more employees beyond those assumed in the No Action into the Canyon Park Subarea boundary, but the resultant trip generation increase evaluated in the DEIS Addendum is approximately 26 percent

in new trips. This basic conclusion has no reasonable supportive foundation and the conclusion of achieving the City's adopted level of service standards under the Preferred Alternative is indefensible based on concerns outlined above.

City of Bothell Concurrence on Study Assumptions/Methods and Cumulative Impacts to CPBC Properties. As noted previously, the City's current Subarea Planning efforts envision significant increases in the density and types of land uses within the CPBC and the surrounding vicinity. If any of the currently published land use scenarios or potential variants proposed as part of the Subarea Plan are adopted, the transportation infrastructure assumed as part of the WSDOT ETL Direct Access Ramp and for the Canyon Park Subarea would fail any measure of concurrency or mobility performance measure of intersection level of service, congestion, or safety.

Without consideration for cumulative impacts, the underlying transportation analytical traffic operational analysis by WSDOT in the ETL Direct Access Ramp project concludes the following:

- The proposed geometry of both the 220th Street SE/17th Avenue SE and 220th Street SE/SR 527 signalized intersections and Synchro operational model concludes that nearly all approaches would experience vehicle queuing beyond the capabilities of the model to predict (requiring traffic simulation modeling to be performed to provide adequate lanes and intersection geometry conclusions for design purposes) and that 220th Street SE volume of flow would exceed available capacity during the p.m. peak period. The conclusions of the *WSDOT EA* analysis and the actual future Build condition would result in significant vehicle queuing along both 17th Avenue SE, 220th Street SE and throughout the entire business park due to diverted traffic demands through the CPBC. Specifically along 17th Avenue SE, vehicle queuing, overall traffic safety, and conflicting flows with exiting traffic volumes from current business would create an untenable lease or business operational environment for all existing properties associated with the CPBC along 17th Avenue SE.
- As noted in the *WSDOT EA*: "The Project would increase freeway volumes and, as such, more vehicles would use ramps to enter and exit the freeway." At the existing SR 527 interchange, continuous congestion throughout a typical workday and on most weekend periods afternoon is generated by the at-grade freeway access and egress in the Canyon Park vicinity. Construction of a direct access ramp to the ETL via 17th Avenue SE will, therefore, be a very attractive alternative to waiting at other existing ramp junctions to enter/exit the freeway, and the *WSDOT EA* for the ETL facility into the existing CPBCOA properties clearly concludes the shift in demand will be significant. The issue remains, however, that WSDOT's proposed traffic improvements within the CPBC and intersections that immediately serve the CPBC properties are limited to several "turn lane additions" as noted in the *WSDOT EA*. However, these limited proposed improvements are intended to mitigate an increased "arterial-level directional flow" of nearly 800 vehicles per hour that would be created by the ETL Project. As such, the nexus between Project Mitigation and Project Impacts has been established but the proposed mitigation remains unacceptable under State or Federal standards given conclusions on vehicle queuing and substandard traffic operations.

- Primarily comprised of properties within the CPBC, the City of Bothell Canyon Park Subarea Plan contemplates a preferred future land use plan that directs 60 percent more households and 73 percent more employees beyond those evaluated in the No Action alternative reviewed in the *WSDOT EA*. Multiple additional arterial and intersection failures will occur throughout the existing primary private arterial system within the CPBC and regional State and local arterial systems unless appropriate "arterial level capacity" and additional intersection turning capacity is provided as part of the I-405 ETL project within the CPBCOA as well as within the Canyon Park Subarea Plan capital improvement program. Currently the DEIS Addendum refers to multiple intersection/roadway failures within the CPBC private roadway system, but offers no measures to implement or address these deficiencies. Traffic monitoring of congestion and level of service failures in the future does not qualify as supportive or adequate mitigation under SEPA.
- In total, the critical northbound flow along 17th Avenue SE during the PM peak hour would comprise the following elements under a cumulative assessment:
 - Existing Flow – 320 northbound vehicles.
 - 2045 No Action – 500 northbound vehicles.
 - 2045 With ETL Project – 1,270 northbound vehicles.
 - 2045 With Subarea Plan – 1,800 northbound vehicles.
 - In total, a cumulative increase of over 450 percent is forecast to occur in the design horizon year of the proposed ETL Project on 17th Avenue SE. The effect of this cumulative increase without adequate arterial/intersection capacity is vehicle queuing extending on 17th Avenue SE beyond the proposed roundabout that would block all access/egress into the transit center/park-and-ride based on limited SimTraffic analysis completed by TENW.
- Based upon the findings noted above, at a minimum the City should require completion of a full ETL interchange to support not only the Canyon Park Subarea Plan, but also to mitigate significant traffic impacts that would be created by regional traffic within the CPBC by WSDOT's project. This would effectively balance access to the expanded ETL on I-405 between SR 527 to the north (as currently proposed) and provide direct access to the 228th Street SE corridor to the south via a full diamond interchange as part of the ETL project.

Cut-Through Traffic/Diversion of Traffic within the CPBCOA Properties. As WSDOT's own analysis concludes that the westbound approach of 220th Street SE at SR 527 and the northbound approach of 17th Avenue SE at 220th Street would be operating "above capacity" and exceed available queue storage lengths under realistic operational assumptions, significant diversion of trips will occur through the CPBC (i.e., cut through traffic) as drivers attempt to avoid delay. The *Bus Bay North* SEPA evaluation also identifies this "diversion by buses" during peak commute periods to other available arterials (i.e., buses would drive north to 214th Street SE and then head south to the existing I-405 at-grade interchange, avoiding use of the new ETL facility all together).

With forecasted demand and congestion at the primary signalized intersection that serves the overall CPBC in combination with the WSDOT I-405 ETL project and increased land uses envisioned under the Canyon Park Subarea Plan, the existing private roadway system would

become inundated with cut-through traffic by regional traffic flows to/from I-405, City-wide traffic diversion from both SR 527 and the 228th Street SE corridor, and as existing employees within the CPBC divert to alternatives routes to access their business.

If you have any questions regarding the information presented in this memo, please call me at (206) 361-7333 x 101 or mikeread@tenw.com.

[EXTERNAL] Canyon Park Subarea Comprehensive Plan

Roger Belanich <roger@businesspropertydevelopment.com>

Tue 9/1/2020 4:00 PM

To: Michael Kattermann <michael.kattermann@bothellwa.gov>

Cc: Roger Belanich <roger@businesspropertydevelopment.com>

Stop! Look! Think before you click! This message originated from outside the City of Bothell network. Use caution when clicking links or opening attachments.

Dear Members of the Bothell Planning Commission:

Please take my observations concerning the proposed Subarea Plan under your kind advisement. I have these concerns as the developer of Canyon Park Business Center.

Life Science Center/Offices:

-
This has been a target since the inception of Canyon Park Business Center and the CPBC has had the most concentration of Life Sciences in the Metropolitan Area in addition to South Lake Union. This category of use should not be compromised for Mixed Use on the only remaining undeveloped property in CPBC. That is the TIAA property between 20th Ave SE and the Bothell-Everett Highway. The integrity of CPBC requires business use of the property as the demand of High Tech, Offices, and Life Sciences advance to Bothell from Seattle and Bellevue. A mixed use residential is not reasonable. Nor is the height of building to be restricted at 60 feet. After all, it should be considered that the formally approved development of TIAA property allowed 100 feet height and 630,000 sq. ft. of offices.

Storm Water:

Storm water that will be required for future redevelopment of Canyon Park Business Center must recognize and be accommodated by the open 10 acre Detention Pond located in the southern area of the Park as well as the existing storm water system that is in place now.

There is an inconsistency in the Comp Plan that does not identify the Storm Water Manual that will be adopted in January 1, 2022. Since the Comp Plan has advocated a minimum FAR, as well as the more intensive use in the future redevelopment of CPBC, storm water must be reconciled with the proposed Subarea Plan of CPBC.

Transportation:

The Subarea Comp Plan has grossly misrepresented the traffic impacts of that Plan. The Plan has not reconciled the impacts of the Plan itself as to the projected use, particularly for the future redevelopment of CPBC which is inevitable. Furthermore, it has not reconciled the Plan to the impact of the DOT's proposed and adopted offramp on I-405 that will enter Canyon Park on 17th Ave SE. Nor has the Plan reconciled the impacts of the Sound Transit Bus Facility. The Plan must respond to these matters.

Density Adjacent to the I-405 Interchange:

-
It certainly makes sense and I endorse having the density of offices and residential at MUH adjacent to the off ramps on both sides of I-405 and Bothell-Everett Highway. And as well as the new off ramp at I-405 and 17th Ave SE, and adjacent to the Park-n-Ride and potentially a Light Rail Station in the future.

20th Avenue Extension to Maltby Road:

-

This extension should be included in the Subarea Plan. In the past 5-10 years it was shown as a recommendation of the Six Year Plan. It is the only possible outlet for Canyon Park and would eliminate congestion at 214th Street and Bothell-Everett Highway as well as the intersection of Thrasher's Corner. At least it should be on the Plan and subject to funding and mitigation by CPBC.

Parks and Trails:

-
The survey results emphasizes the need for parks, trails, and gathering areas. The recent revised Comp Plan does not give consideration to an earlier draft of the Plan that showed the area along 31st Ave SE and between the Business Park (and T-Mobile Buildings) as a potential park. These 17 acres are privately owned and not formally included within CPBC. Most of the property is upland and only a quarter of the 17 acres is a wetland which has been misconstrued in the Plan.

These 17 acres are a beautiful area. It is now used by the neighborhood east of 31st Ave SE and by the business park employees even though not a formal part of those communities. There would be a pedestrian entry from 31st Ave for entry into the CPBC as well as for bike trails. Both would connect through the CPBC to the Century Trail which is within the Business Park. This use would fulfill the response of the Subarea Plan, as well as the opinion of the neighborhood and the Business Park employees for parks, gathering places and trails as demonstrated in the "Survey Results".

This use as a park has been formally endorsed by a Resolution of the Canyon Park Business Center Owners' Association and the CP Board. And should be at least shown on the Comp Plan to accommodate its' future consideration and possible adoption by the City in expectation of the property being dedicated to the City by the owner.

Thank you for your consideration of these recommendations as I have been involved in the Canyon Park area and the Business Park since its' inception.

Roger Belanich

Roger M. Belanich
Business Property Development, LLC

22020 - 17th Ave. S.E., Suite 200, Bothell, Washington 98021 (425) 485-4850 or (206) 623-6230 FAX (425) 483-1811

September 1, 2020

Re: Canyon Park Subarea Comprehensive Plan

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Thank you for your consideration of these recommendations as I have been involved in the Canyon Park area and the Business Park since its' inception.



Roger Belanich

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[EXTERNAL] Written comment for tonight's planning commission meeting

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DL

David Levitan <david@dlevitan.com>

Wed 9/2/2020 2:35 PM

To: Michael Kattermann

Stop! Look! Think before you click! This message originated from outside the City of Bothell network. Use caution when clicking links or opening attachments.

Hi Michael,

I would like to submit the below for public comment at tonight's meeting.

Thank you,
David

Dear Planning Commissioners,

Thank you for your efforts to prepare a comprehensive plan for Canyon Park. As a Bothell resident, I would like to express both excitement about the proposed changes, but also deep concerns I have with the transportation section.

The draft acknowledges that substantial improvements to the transportation network must be done. But, the plan also states that the "transportation approach relies heavily on the foundational principle that Bothell cannot build its way out of congestion."

Yet despite the plan's statement that non-car transportation must be a priority, the amount of resources dedicated to understanding and improving non-car transportation is minimal. For example, in the July 22nd agenda, there is a 100 page report and traffic analysis. The report, called the "AM and Internal Street Transportation Analysis" starts by stating that the "transportation chapter is focusing on potential impacts to auto/freight, transit, and people walking and biking." Afterwards, the words bike or bicycling only appear in complicated tables (that have no explanation) or to state that adding a bike lane would increase car capacity over the design limits. Is this a "transportation analysis" or a "car volume analysis"?

[EXTERNAL] Canyon Park SubArea Plan, Planned Action Exhibit 2Ann Aagaard <ann_aagaard@frontier.com>

Thu 9/10/2020 6:15 PM

To: Michael Kattermann <michael.kattermann@bothellwa.gov>

Stop! Look! Think before you click! This message originated from outside the City of Bothell network. Use caution when clicking links or opening attachments.

Michael:

Please send my comments on the Canyon Park SubArea Plan to the Planning Commission and include the comments in the Public Hearing record Scheduled for September 16th.

I would like to speak to Planning Commission on Wednesday, September 16th.

Last week, when I tried to watch the live stream of the P.C. meeting, the connection link on the P.C. Agenda would not work. Please notify the City technician of this problem.

Ann Aagaard ann_aagaard@frontier.com

September 10, 2020

Comments for September 16 (continued Public Hearing) Canyon Park SubArea Plan
To: Bothell Planning Commission
From: Ann Aagaard

RE: Canyon Park SubArea Plan, Planned Action Exhibit B-2 Mitigation Document and
SubArea Plan RE: Connectivity 214th St. SE extension

My comments refer to the above two sections of the Canyon Park Subarea Plan.

1. Exhibit B-2 Mitigation Document

Page: 25 of Sept. 2 P.C. packet Page 166 of 209

Natural Environment: This section reads as follows:

"The City shall review planned actions for consistency with Bothell critical area regulations in place at the time of application. Until such time as the City's regulations are amended, the City may condition development to be consistent with wetland buffers widths and wetland compensatory mitigation

recommendations contained within the latest guidance and Best Available Science including the following documents, as amended:

-Wetland guidance for CAO Updates (Department of Ecology, 2016 and 2018)

- Wetland Mitigation in Washington State Part 2: Developing Mitigation Plans(Department of Ecology, 2006)

and in section several paragraphs down is this statement:

- "The City may implement ecological mitigation opportunities in Exhibit B-3 for public improvements as advanced mitigation program to offset unavoidable impacts to wetland and stream critical areas in accordance with *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation* (U.S. Army Corps of Engineers, et al.,2012

The current BMC14. CAO code document MUST FIRST BE AMENDED. The language as proposed CANNOT be implemented by including these references in the Canyon Park Planned Action Ordinance. The City may condition development to be consistent with wetland buffers widths and wetland compensatory mitigation contained with the latest guidance and Best Available Science included in these referenced documents if the buffer widths ((and wetland compensatory mitigation recommendations) have actually been ADOPTED by the City of Bothell.

And regarding the advanced mitigation, the City must adopt a policy regarding such implementation.

Language in the current BMC / CAO clearly states that only the current CAO can be considered in applications.

BMC 14.04.110

A. The provisions of this chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in the city, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the city. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purposes and requirements of this chapter.

B. The city shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of this chapter, including, but not limited to, the following:

I strongly suggest that the Planning Commission make a recommendation to the City Council to change the language in the Natural Environment section of Exhibit B-2: Mitigation Document to state the following:

"The City shall review planned actions for consistency with Bothell critical area regulations in place at the time of application. The City shall adopt, prior to adoption of the Canyon Park SubArea

Plan: *Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06--29, or as revised and approved by Ecology) "*

The reference to the above wetland rating buffers document is referenced in the *Wetland Guidance for CAO Updates(2016-2018)*. The 2014 publication makes it clear these are for western washington .

I have included this reference as a separate publication for the convenient application as an amendment to the CAO buffers in the current Bothell code. This Wetland Rating System has been adopted by City of Kenmore and City of Kirkland.

RE: the section regarding advanced mitigation program to offset unavoidable impacts to wetland and stream critical areas. I cannot access the 2012 document that is referenced. The Corps guidance is updated periodically, and the document is listed, but I could not access this 2012 update for review. Please provide the full document in Exhibit 2 .or find another reference for the *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (U.S. Army Corps of Engineers, et al.,2012*

Improve connectivity and relieve stress on major corridors and three entry points. [Page 102 Canyon Park Subarea Plan](#)

Option 1(preferred) Extend 214th St. SE westward to 9th Ave. SE.

[Option 2. Extend a trail westward from the existing 214th St. Se to 9th Ave. SE.](#)

Please recommend to Council that Option 2 (extend trail westward) be designated as the Preferred Option 1.

214th S.E. the associated wetlands on the north and south are Class I wetlands, associated with North Creek. The Shoreline designation (200' from ordinary high water mark) for North Creek north of 214th is **Natural**. It is not consistent with the shoreline designation or the wetland classification to recommend that a street be constructed that would impact the Class I wetlands and this fish bearing stream designated Natural.

Thank you for considering these changes to the Planning Commission recommendations to Council.

Ann Aagaard
425-488-8418
ann_aagaard@frontier.com

McCULLOUGH HILL LEARY, PS

September 9, 2020

VIA EMAIL

City of Bothell Planning Commission
c/o Development Director Michael Katterman
Bothell City Hall
18415 101st Avenue NE
Bothell, WA 98011

Re: Draft Canyon Park Subarea Regulations

Dear Planning Commissioners:

We represent Juno Therapeutics (“Juno”), a Bristol Meyers Squib Company with an existing campus located at 1522 217th Place in the Canyon Park neighborhood of Bothell (“City”). Juno generally supports the City’s Canyon Park Subarea planning efforts, but it is concerned about potential impacts that the rapid adoption of the new development regulations may have on its campus expansion plans.

For the past several years, Juno has been working with a team of consultants to evaluate the feasibility of adding a new building to its existing campus. Juno plans to develop approximately 65,000 sf. of additional office facility with associated parking on its campus (“Project”). This facilities planning was undertaken after years of due diligence and thoughtful consideration of site constraints, design considerations, and the currently applicable Bothell Municipal Code (“BMC” or “Code”) requirements and development standards. Juno has scheduled a pre-application meeting with the City about the Proposal on September 10, 2020. Juno intends to start the Project permitting as soon as possible. Juno has been monitoring the City’s Canyon Park Subarea planning efforts, but just received the draft development standards released on August 27, 2020 (“Code Update”) with substantive zoning details.

Based on our initial review, the Code Update does not anticipate reasonable transitions for development like the Project, which were initiated under the current Code. To address this concern, we are requesting that the final version of the Code Update include vesting protections for owners who have completed the City’s pre-application process. This will provide predictability for Bothell property owners who have invested significant resources in planning and designing improvements to their properties in reliance of the current Code.

Our preliminary review of the draft Code Update regulations in BMC 12.48 has identified potential impacts to Juno’s proposed Project, including but not limited to the minimum floor area ratio (“FAR”) requirements which may impact the design and fiscal feasibility. We are also concerned about impacts associated with policy determinations the Planning Commission and City Council have not yet made, including affordable housing requirements, solar requirements, and maximum parking restrictions.

In order to mitigate these impacts, we request that the City add a provision to the Code Update that extends vesting protections beyond the provisions in BMC 11.04.010.A to qualified projects that are: (1) within the boundaries of the Canyon Park Subarea; and (2) have completed the City’s pre-application process prior to the effective date of the Code Update so long as that applicant submits a complete Type I, II, or III application within nine months of the effective date of the Code Update.

This safe harbor provision will allow property owners to continue to invest in planning efforts without fear that the new regulations will render its planned improvements infeasible. You'll recall that the City adopted a similar provision to provide for a graceful transition with the Downtown code update.

Thank you for your attention to this letter. Please feel free to contact me directly with any questions. We look forward to further discussions and the City's final action on the Code Updates.

Sincerely,
McCULLOUGH HILL LEARY, P.S.

s/Ian S. Morrison

cc: Client



September 14, 2020

Bothell Planning Commission
 City of Bothell
 18415 101st Ave. N.E.
 Bothell, WA 98011

Subject: Bus Base North – Comments on Draft Canyon Park Subarea Plan and Development Regulations Update

Dear Planning Commissioners:

As Sound Transit continues to work with the City of Bothell and other local jurisdictions on our bus rapid transit (BRT) program, we commend the efforts undertaken to update the Canyon Park Subarea Plan to support a thriving Puget Sound Regional Council (PSRC) Regional Growth Center that takes advantage of access to frequent and reliable transit.

Such transit services include the existing Community Transit Swift Green Line and planned Sound Transit Stride BRT service. The new Stride service will connect Bothell and Canyon Park with other regional destinations and transportation facilities, including regional light rail. Essential to the operations and maintenance of Stride service is the Bus Base North (BBN) facility proposed in Canyon Park. BBN would be a bus operations and maintenance facility, programmed and sized to maintain, fuel, wash, and store up to 120 buses of the Stride and other bus fleet.

The draft Canyon Park Subarea Plan and development regulations that have been advanced by City staff for your consideration are anticipated to apply to BBN, which Sound Transit proposes to locate on an approximately 12.5-acre vacant parcel on the east side of 20th Avenue Southeast, just south of 214th Street Southeast.

The adoption of the proposed development regulations is important in that it provides the local regulatory context for the next phase of BBN project development, which will include refinements to the existing 10% design and project requirements. In order to better understand the City's vision for Canyon Park, how our projects can support the vision, and the potential implications for project design, Sound Transit staff have tracked the development of the subarea plan and have participated in initial discussions with City staff on the draft plan.

Following review of the draft Canyon Park development regulations released on August 28th and Planning Commission discussions on September 2nd, please find below our initial feedback on the current language of the draft plan and development regulations. The intent of this initial feedback is to identify at a high level areas of draft code that could hinder and/or potentially preclude implementation of the BBN project and other BRT projects in the City, which are essential public facilities to be accommodated under the Growth Management Act and the City's Comprehensive Plan (Policy LU-A1).

CHAIR

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King County Councilmember

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Tacoma Mayor

CHIEF EXECUTIVE OFFICER

Peter M. Rogoff

Minimum Floor Area Ratio (FAR)

As the Land Use chapter of the draft plan acknowledges, some land uses such as essential public facilities may not be capable of meeting minimum development intensity standards. Similar to other essential public facilities with unique programmatic and operational needs, it is impracticable for the BBN project to provide the proposed minimum 0.5 FAR required in the Employment – Low Canyon Park zone.

For that reason, Sound Transit supports excluding essential public facilities from the minimum FAR requirements or at least, alternatives to meeting minimum FAR for essential public facilities. One such alternative would be including the Activity Unit Transfer of Development Rights (TDR) program identified as an implementation action in the Canyon Park Subarea Plan.

Understanding that code fully implementing the TDR program may extend beyond the scope of the current Canyon Park Subarea Plan and development regulations update, however, Sound Transit also urges the Planning Commission to include provisions that allow essential public facilities to address any minimum FAR requirements adopted in the interim. We specifically ask that the Planning Commission consider incorporating provisions in code that allow the use of Conditional Use Permit conditions of approval that set aside development credits for incorporation into a future TDR program as a means of meeting the minimum FAR standard absent a fully implemented TDR program.

Additionally, as the Planning Commission contemplates incentive zoning provisions for Canyon Park, please note that Sound Transit is in general support of utilizing TDR credits to facilitate affordable housing. Utilization of TDR credits to achieve FAR bonuses for other land uses will need to be discussed in more detail as part of TDR program implementation. Sound Transit is committed to working together with City staff to continue the conversation on our roles in implementation of alternatives to minimum FAR to ensure that the draft plan and development regulations do not operate to preclude the BBN project.

Through-Block Connections

Sound Transit understands that the through-block connections depicted on the draft plan and the draft Bothell Municipal Code (BMC) Figure 12.48.200 are conceptual in nature. Generally, any through-block connection that cuts through the interior of the BBN site is inconsistent with the 10% design of the facility and is unworkable considering the functional needs for BBN. These functional needs include parking and circulating up to 120 buses and approximately 250 non-revenue vehicles (NRVs). Intermixing bus and NRVs with public pedestrian and bicycle circulation in the interior of the site would present an unacceptable safety hazard and would preclude the siting of the BBN facility in its currently planned location.

As such, Sound Transit appreciates that Planning Commission and City staff are considering flexibility that addresses the needs of all uses, particularly those envisioned for the Employment – Low Canyon Park zone with similarly large sites or building footprints. We are looking forward to assessing with City staff what, if any, through-block connection alignments and cross sections along the exterior of BBN are achievable during design refinement and during the development review process for BBN.

Open Spaces

The functional needs of BBN as described above constrain the areas available to provide the quantity and quality of open spaces as envisioned and required by the draft development regulations. For example, any publicly accessible outdoor space that can be accommodated (minimum 50% of the required open space), even if only publicly accessible between 6:00am and 10:00pm as proposed in the draft development regulations, would need to be located outside of the fenced area for the purposes of public safety and security. As a result, the opportunities for strict compliance with both the amount of on-site publicly accessible outdoor space and the design of said space are

severely limited. Strict compliance with the amount of required on-site common outdoor space (i.e. not publicly accessible) is likewise limited by BBN operations and circulation needs.

To account for larger sites and buildings that are nevertheless challenged to provide the required open space, Sound Transit suggests that the Planning Commission consider extending the fee in-lieu program described under draft BMC 12.48.420.B.5 to encompass buildings larger than 5,000 SF gross floor area and to consider adding provisions for design departures (similar to other sections of the draft code). Use of the fee in-lieu program and design departures could be predicated on contributing to or providing outdoor spaces off-site and/or outdoor space designs that achieve equal or better results in function, appropriate size, appeal to the senses, and activation of the space. As the open space discussion continues, it would also be helpful to understand whether the City is envisioning strategic placement of larger open space and/or a network of smaller pocket parks to satisfy these open space requirements.

20th Avenue Southeast Cross Section

The note associated with draft BMC Figure 12.48.220.E.2, which depicts the typical Neighborhood Street cross section, appears to suggest that the 20th Avenue Southeast specified in the Transportation chapter of the draft plan would take precedence. The 20th Avenue Southeast cross section includes minimum 40' of street landscaping behind the curb, within which a minimum 6' sidewalk is located. Based on the 10% design for BBN, it is challenging if not impossible to accommodate both the aforementioned width of street landscaping without extending site improvements further east, where at the northeast corner a Type F streams flows on-site for approximately 55' before continuing southward off-site within a pipe that runs along the east property line.

Due to the noted constraints, Sound Transit would like to work with the City to identify a street cross section that supports both the goals and policies of the Canyon Park Subarea Plan and the programmatic needs of BBN. The planting strip and sidewalk specified for a typical Neighborhood Street with a landscaped setback is a potentially viable alternative to the landscaping and sidewalk identified in the 20th Avenue Southeast cross section. Consequently, we suggest clarifying that the design departure provisions of draft BMC 12.48.220.B apply to street-specific cross sections in the Canyon Park Subarea Plan

Conclusion

Sound Transit remains committed to our engagement with the City during the Canyon Park Subarea Plan and development regulations update. As Sound Transit staff continue to review the proposed plan and code language in greater detail, we may have additional comments to share with the City. In any event, we will continue to collaborate with City staff on assessing how the vision, goals, and policies for Canyon Park and the programmatic needs of BBN can be reconciled with each other through incorporation of appropriate code and design solutions.

Thank you again for taking the time to contemplate our initial feedback on the Canyon Park Subarea Plan and development regulations. Sound Transit looks forward to advancing our mutual commitment to regional mobility and affordable housing. Should you have any questions or concerns, please do not hesitate to contact BBN Project Manager Andrea Tull at (206) 398-5040 or andrea.tull@soundtransit.org, Senior Land Use Permitting Administrator Gary Yao at (206) 903-7071, or myself at (206) 903-7413 or bernard.vandekamp@soundtransit.org.

Sincerely,



Bernard van de Kamp
East Corridor Development Director

cc: Mike Kattermann, Community Development Director (City)
Erin Leonhart, Public Works Director (City)
Jennifer Phillips, City Manager (City)
Paul Cornish, Project Director, BRT Program (Sound Transit)
Karen Kitsis, Deputy Executive Director, Capital Project Development (Sound Transit)
Luke Lamon, Government & Community Relations Corridor Manager (Sound Transit)
Ariel Taylor, Government & Community Relations Officer, East Corridor (Sound Transit)
Andrea Tull, BBN Project Manager (Sound Transit)
Gary Yao, Senior Land Use Permitting Administrator (Sound Transit)

Roger M. Belanich
Business Property Development, LLC

22020 - 17th Ave. S.E., Suite 200, Bothell, Washington 98021 (425) 485-4850 or (206) 623-6230 FAX (425) 483-1811

September 15, 2020

Michael Kattermann, Community Development Director
City of Bothell Planning Commission
Bothell City Hall
18415 101th Ave NE
Bothell, WA 98011

Sent via email: Michael.kattermann@bothellwa.gov; CanyonPark@bothellwa.gov

Dear Michael and Bothell Planning Commission:

Park:

Among many questions concerning the Comprehensive Plan, an earlier draft of the Plan includes an evaluation of a passive park of 17 acres located along 31st Avenue SE adjacent to Canyon Park Business Center; most particularly between of the T-Mobile building and 31st Avenue. I have petitioned that this Park designation should be included on the Plan. It has been endorsed by the Canyon Park Owners Association and is now integrated into the trail system and is a Gathering Place of the Business Park and surrounding neighborhoods even though not a part of the formal CPBC. It is also a popular area used by the neighborhood although it is still my private property.

This should at least be endorsed within the Comp Plan for a potential neighborhood and CPBC park.

Open Space/ Wetland Mitigation Area:

There is a wetland of approximately 12 acres bordering 228th Street SE and south of the CPBC detention pond and bordering North Creek and a small tributary to North Creek. This has been identified by the Snohomish Conservation District as a restoration area (see attached letter). Talasaea Consultants have created a Mitigation Concept for this area as well (see attached).

This area on an earlier draft of the Comp Plan was identified as a mitigation area. It should be so identified on the Comp Plan.

Respectfully submitted,



Roger Belanich

Snohomish Conservation District

working together for better ground since 1941



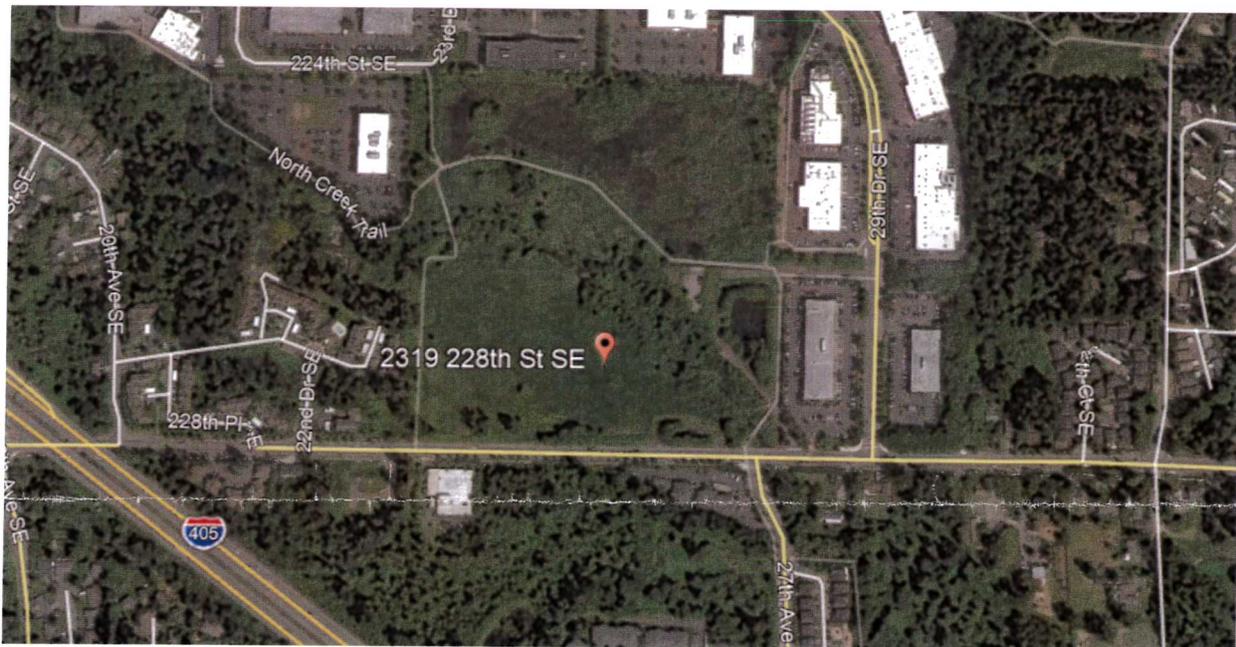
528 91st Ave NE, Ste A, Lake Stevens, WA 98258-2538 425-335-5634 www.snohomishcd.org

CPBC-43 LLC
22020 17th Ave Se STE 200
Bothell, WA 98021

To whom it may concern,

My name is Carson Moscoso and I am an ecologist at the Snohomish Conservation District. The Snohomish Conservation District is a small public organization that focuses on the protection of natural resources in Snohomish County. One of our primary focuses is leveraging public funding to restore streams, rivers, and wetlands.

I'm reaching out to your company because I've noticed that CPBC-43 LLC owns a parcel along North Creek at 2319 228th St SE, Bothell, WA (parcel #27052900303900). The property I'm referring to is in the map below:



From viewing historical aerial photos, it appears that this property has sat mostly vacant for the past 30 years. I'm curious what your company's intentions are for this parcel? If you have no development interests, the Snohomish Conservation District would be very interested in using grant funding to plant this property with native trees and shrubs with the intention of improving water quality in North Creek.

If this is something that interests your leadership, I would be happy to discuss this with you over the phone or via video chat in the near future.

I can be reached either at the phone number or email below. Thank you,

MITIGATION BANK OPPORTUNITY

North Creek Drainage Sub basin, City of Bothell



LOCATION:

2250 228th St. SE

Canyon Park, City of Bothell

Parcels:

- ◇ 27052900303700, 1.34 Acres—Mitigation Bank Potential
- ◇ 27052900303900, 9.77 Acres —Mitigation Bank Potential
- ◇ 27052900303800, 1.56 Acres—Development Potential

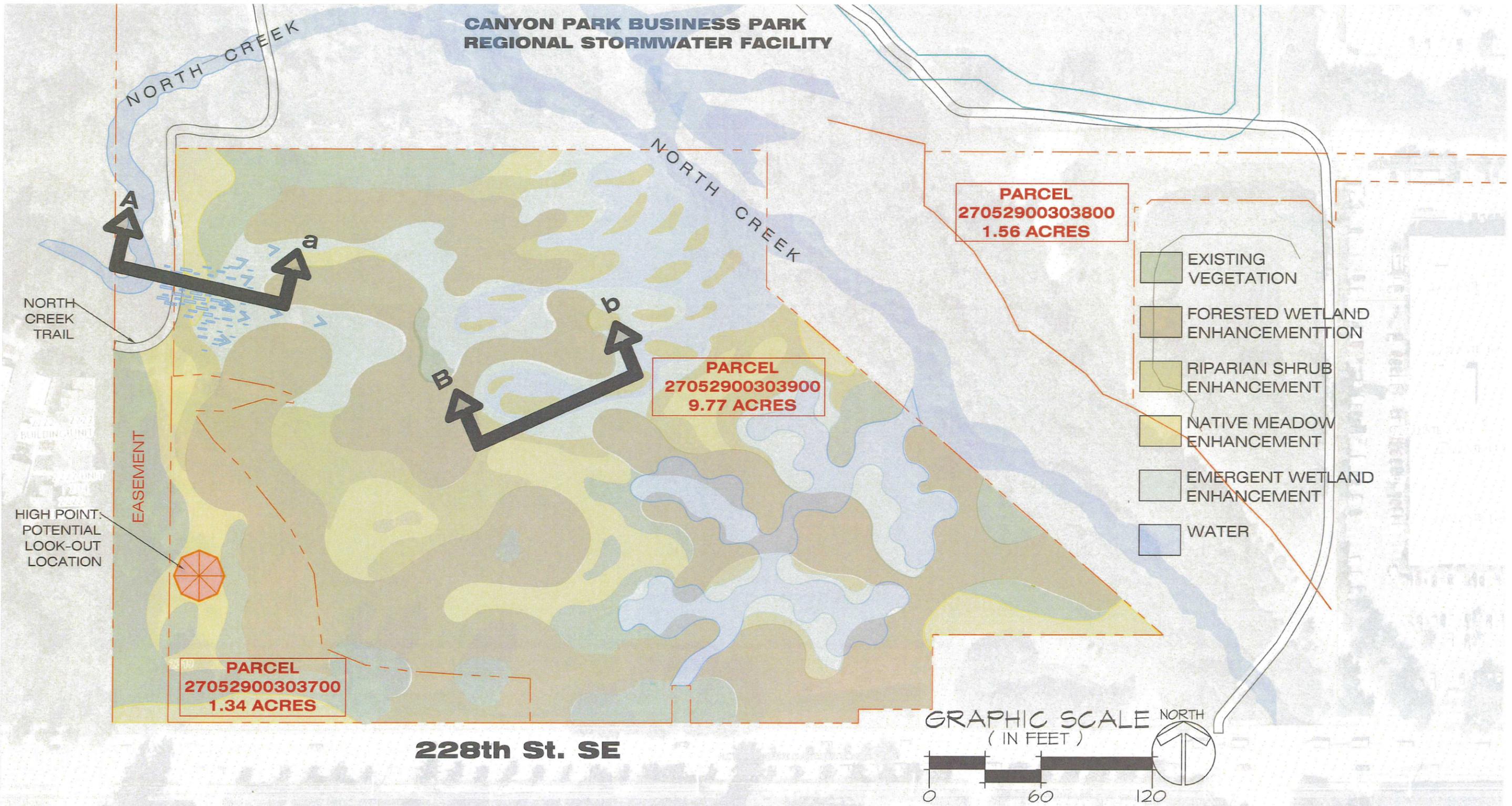
• Total Area Mitigation Bank Potential: 11.11 Acres

• North Creek Drainage Sub basin, tributary within WRIA 8 Watershed

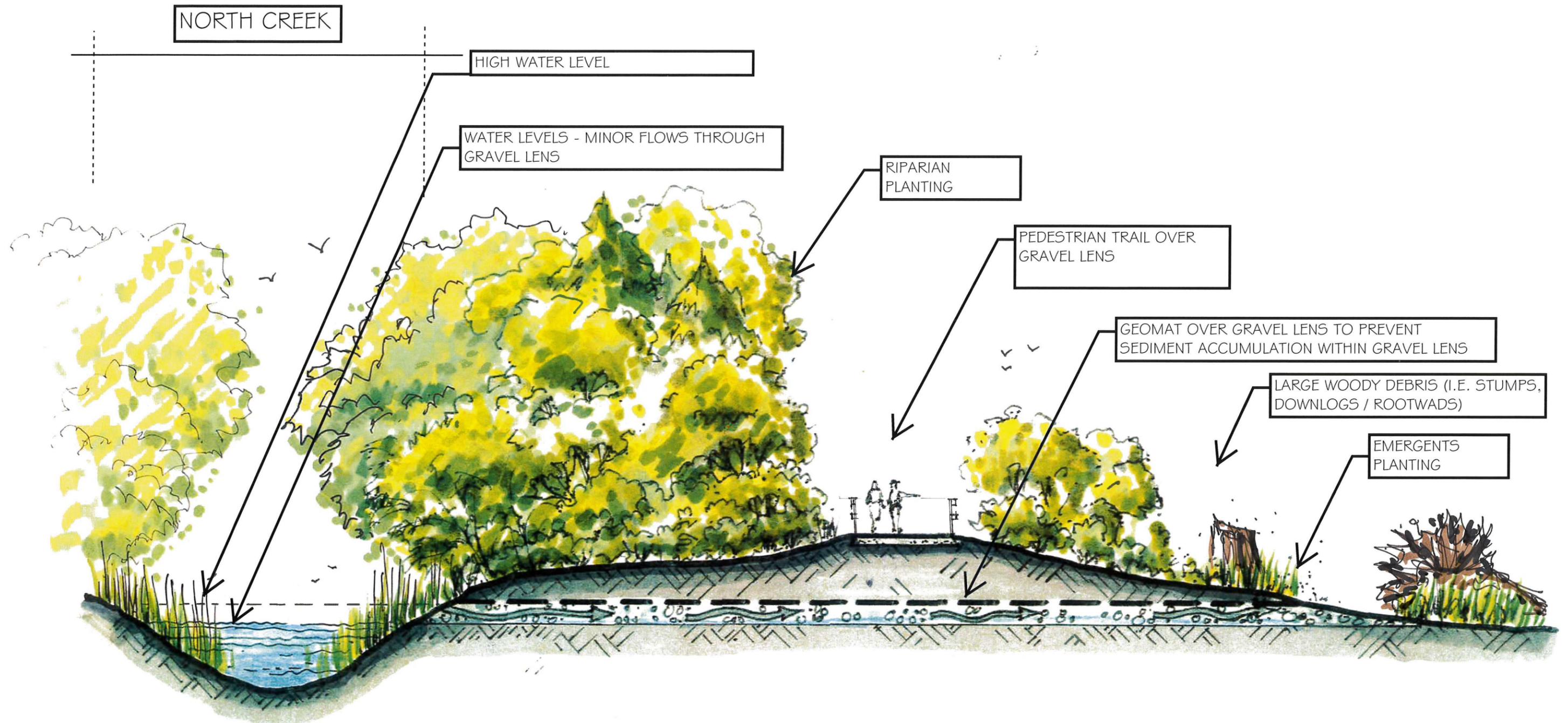
• South of Canyon Park Business Park Regional Stormwater Facility



**CANYON PARK BUSINESS PARK
REGIONAL STORMWATER FACILITY**



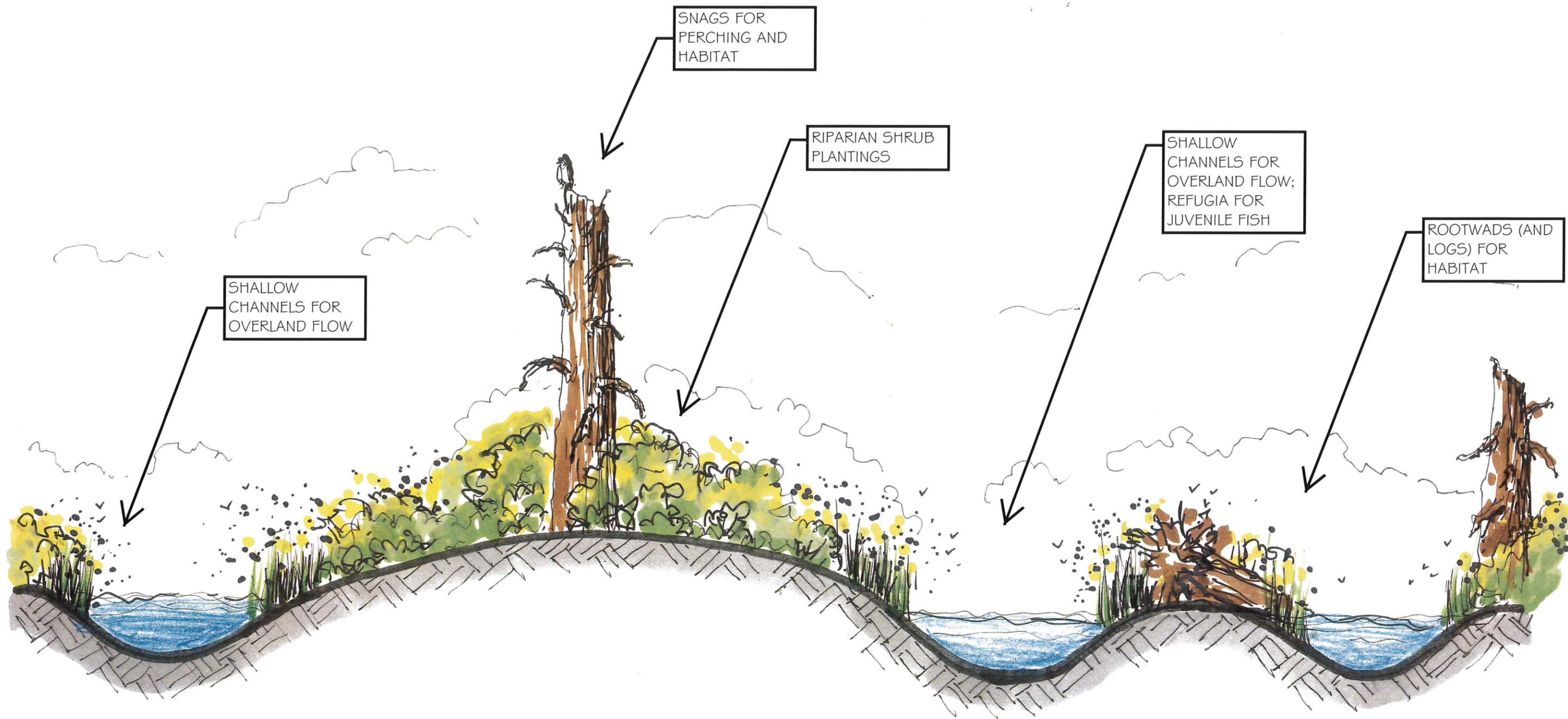
**MITIGATION BANK POTENTIAL - NORTH CREEK DRAINAGE SUB BASIN
BOTHELL, WA**



SECTION A-a: PEDESTRIAN TRAIL ON BERM OVER GRAVEL LENS

HIGH WATER THROUGH-FLOW SYSTEM (HWTFS) FOR NORTH CREEK

Scale: NTS



SECTION B-b: OVERLAND FLOW AREA:
RIPARIAN SHRUBS, EMERGENT PLANTINGS, WOODY DEBRIS FOR HABITAT ENHANCEMENT
Scale NTS

CANYON PARK BUSINESS CENTER
OWNERS' ASSOCIATION

Michael,

Please send my comments on the Canyon Park subarea plan to the Planning Commission and include the comments in the Public Hearing record scheduled for September 16th.

The Business owners in Canyon Park have serious concerns about the traffic impacts related to of the proposed subarea plan update. The proposed plan would more than double the density in the subarea and despite the fact that it would dramatically increase traffic plans for traffic mitigation are insufficient and lacking.

The proposed subarea plan update is moving forward with little consideration for what is already there and what business owners in the Park want the Park to be like. We're not a town center; we're a biotech and office park.

The proposed subarea plan update also creates a slew of inconsistencies with existing covenants, conditions and restrictions including proposed locations for residential housing, street standards, locations for parking, signage standards, and other city design standards. It will be impossible for landowners and developers to meet the standards in the proposed subarea update plan because of these inconsistencies.

Additionally, current code suggests that all road improvements in the Park would be by developers concurrent with development. This is not realistic. Beyond significant additional costs it's not feasible to expand the streets as proposed due to inadequate right of ways and proposed standards that are not consistent with existing covenants, conditions and restrictions.

We support economic development and well-planned growth. However this proposed subarea plan update would have serious implications for public safety and quality of life in Bothell. The very things that Bothell residents care about – more pedestrian walkways and bike lanes, greater public safety, and livable, walkable neighborhoods – will be compromised by the lack of traffic mitigation caused by the proposed update plan.

The Canyon Park Business Owners Association urges the Planning Commission to establish a plan to mitigate traffic and address our public safety concerns before approving the Canyon Park subarea plan update. The traffic impacts of increased density cannot be overlooked if our city wants to ensure that public safety and the quality of life for its residents is at the forefront of consideration.

Sincerely,

Debra Adams

Debra Adams, Senior Real Estate Manager

Sent on behalf of:

Karen Martinez, Associate Real Estate Manager

President, Canyon Park Owners' Association

CANYON PARK BUSINESS CENTER
OWNERS' ASSOCIATION

September 16, 2020

Michael,

Please send my comments on the Canyon Park subarea plan to the Planning Commission and include the comments in the Public Hearing record scheduled for September 16th.

The Business owners in Canyon Park have serious concerns about the traffic impacts related to of the proposed subarea plan update. The proposed plan would more than double the density in the subarea and despite the fact that it would dramatically increase traffic plans for traffic mitigation are insufficient and lacking.

The proposed subarea plan update is moving forward with little consideration for what is already there and what business owners in the Park want the Park to be like. We're not a town center; we're a biotech and office park.

The proposed subarea plan update also creates a slew of inconsistencies with existing covenants, conditions and restrictions including proposed locations for residential housing, street standards, locations for parking, signage standards, and other city design standards. It will be impossible for landowners and developers to meet the standards in the proposed subarea update plan because of these inconsistencies.

Additionally, current code suggests that all road improvements in the Park would be by developers concurrent with development. This is not realistic. Beyond significant additional costs it's not feasible to expand the streets as proposed due to inadequate right of ways and proposed standards that are not consistent with existing covenants, conditions and restrictions.

We support economic development and well-planned growth. However, this proposed subarea plan update would have serious implications for public safety and quality of life in Bothell. The very things that Bothell residents care about – more pedestrian walkways and bike lanes, greater public safety, and livable, walkable neighborhoods – will be compromised by the lack of traffic mitigation caused by the proposed update plan.

The Canyon Park Business Owners Association urges the Planning Commission to establish a plan to mitigate traffic and address our public safety concerns before approving the Canyon Park subarea plan update. The traffic impacts of increased density cannot be overlooked if our city wants to ensure that public safety and the quality of life for its residents is at the forefront of consideration.

Sincerely,



CANYON PARK BUSINESS CENTER OWNERS' ASSOCIATION

Karen Martinez, Associate Real Estate Manager
President, Canyon Park Owners' Association



**Washington State
Department of Transportation**

I-405/SR 167 Megaprogram
600-108th Avenue NE Ste. 405
Bellevue, WA 98004
425-456-8582
TTY: 1-800-833-6388
www.wsdot.wa.gov

September 11, 2020

Michael Kattermann, Director
City of Bothell, Community Development Department
18415 101st Avenue NE
Bothell, WA 98011

Dear Mr. Kattermann:

Thank you for the opportunity to comment on the City of Bothell's Canyon Park Subarea Planned Action Draft Environmental Impact Statement Addendum (DEIS Addendum) issued July 9, 2020. This letter provides the Washington State Department of Transportation (WSDOT)'s compiled comments on the DEIS Addendum, representing the perspectives of WSDOT's I-405/SR 167 Megaprogram, Regional Transit Coordination Division, and Northwest Region.

WSDOT appreciates the ongoing coordination with the City regarding transportation improvements in the Canyon Park area, including the proposed I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project. We will continue working with the City as both parties progress with concurrent environmental analyses that pertain to the Canyon Park area.

WSDOT previously provided comments during the scoping and comment periods for the DEIS, including considerations for transportation, land use, and traffic assumptions. The following comments address the information provided in the Draft EIS Addendum.

1. WSDOT is supportive of the proposed 214th Street SE extension. This project would provide a more connected arterial street network between SR 527 and 9th Avenue SE and would improve operations on the SR 527 and SR 524 corridors.
2. WSDOT appreciates that the City of Bothell provided additional analysis for the AM peak hour and also for the private roadways in the Canyon Park Business Center, as suggested in WSDOT's January 13, 2020 DEIS comment letter. We would also recommend documenting a No Action Alternative for both analyses so we are able to fully understand the Preferred Alternative's impacts to facilities of interest to WSDOT.
3. WSDOT requests that the City of Bothell provide traffic analysis for the 17th Avenue/I-405 Direct Access Ramps intersection for the AM and PM peak hours for the No Action Alternative and the Preferred Alternative to understand impacts to this state facility with and without the proposed action.

4. The DEIS Addendum identified impacts to the 220th Street SE/17th Avenue intersection under the Preferred Alternative. WSDOT would like to coordinate these improvements with City as the proposed mitigation moves forward.
5. WSDOT looks forward to coordinating with the City and other agencies on the transit facility concepts identified in the DEIS Addendum. WSDOT would like to better understand how each of the proposed concepts would affect person throughput, safety performance, and queue spillback onto I-405 as compared to the No Action Alternative. In order for WSDOT to be supportive of any of these proposed concepts, the traffic analysis would need to demonstrate improved person throughput, no decrease in safety performance, and no increase in queue spillback onto I-405.
6. In line with WSDOT's previous comments regarding LOS, WSDOT is currently not supportive of making exceptions to the agency's LOS standard and mitigation requirements at particular locations.

If you have questions or need clarifications about these comments, please contact Barrett Hanson with the I-405/SR 167 Megaprogram at 425-456-8534.

Sincerely,



Lisa Hodgson, PE
I-405/SR 167 Program Administrator

LH:ab



Puget Sound Regional Council

1011 WESTERN AVENUE, SUITE 500 \\\ SEATTLE, WA 98104•1035 \\\ psrc.org \\\ 206•464•7090

September 25, 2020

Michael Kattermann, AICP
Community Development Director
City of Bothell
18415 101st Ave NE
Bothell, WA 98011

Subject: PSRC Comments on Draft Bothell Canyon Park RGC Subarea Plan

Dear Mr. Kattermann,

Thank you for keeping us informed about your planning efforts and for providing an opportunity for the Puget Sound Regional Council (PSRC) to review a draft of the Bothell Canyon Park subarea plan. Regional centers play an important role in accommodating new growth and are key regional and local destinations. We appreciate the substantial amount of time and effort the city has put into developing the plan to support an active and walkable center that reflects community values. As you know, the Regional Centers Framework provided a timeline to complete center plans by 2020. These locally-driven plans are an important step in outlining community vision and understanding how these urban places contribute to the regional system of centers. PSRC supports local planning and can serve as a resource as local governments adopt subarea plans.

This collaboration to review draft materials helps to ensure consistency between the city's vision and the regional goals. After the subarea plan is adopted, we hope that this coordination will ensure that timely subarea plan certification action can be taken by PSRC boards.

Many outstanding aspects of the draft plan support regional goals and the Regional Centers Framework. Particularly noteworthy aspects include:

- Updated growth targets, along with the reduced center boundary, are consistent with criteria for Urban Regional Growth Centers in the Regional Centers Framework. When growth targets are updated prior to the 2024 comprehensive plan update, the growth targets for the regional center should be updated at that time. To assist jurisdictions in setting growth targets for regional centers, PSRC developed this [guidance document](#).
- Thoughtful land use planning and zoning code amendments support the transition of Canyon Park from an auto-oriented center to a place with nodes of walkable, transit-oriented mixed use development and employment.
- Extensive analysis of transportation issues has resulted in strategies that mitigate congestion and work to decrease single-occupant vehicle trips and increase transit ridership.
- Specific strategies work to protect, restore, and enhance wetlands throughout the center. Highlighting the North Creek Trail as an amenity will preserve this natural resource as development occurs.

- Actions to help prevent commercial displacement as the center redevelops are innovative, and PSRC looks forward to the city's equity analysis to inform implementation of anti-displacement strategies.

Before the plan is finalized, we recommend including the current mode-split in the plan and adopting a mode-split goal for the center to measure how mobility improvements benefit overall travel patterns and work towards decreasing single-occupant vehicle trips. Guidance on setting mode-split goals is available [here](#). Adding this goal to the existing transportation policies and actions will further emphasize the need for more mobility options in the center to result in a more balanced mode-split.

Thank you again for working with us through the plan review process. There is a lot of excellent work in the draft subarea plan, and we look forward to seeing the plan move through the adoption process. If you have any questions on regional centers planning or need additional information, please contact me at aharris-long@psrc.org.

Sincerely,



Andrea Harris-Long, AICP
Senior Planner
Puget Sound Regional Council

cc: PSRC Growth Management Services
Washington State Department of Commerce



719 Second Avenue, Suite 1150
Seattle, WA 98104-1728
206-623-9372
vnf.com

October 6, 2020

City of Bothell Planning Commission
c/o Michael Kattermann, Community Development Director
Bothell City Hall
18415 101st Ave NE
Bothell, WA 98011

Sent via email: Michael.kattermann@bothellwa.gov; CanyonPark@bothellwa.gov

RE: Supplemental Public Comments regarding Canyon Park Subarea Development
Regulations and Planned Action Ordinance

Dear Chair Kiernan and Planning Commissioners:

On behalf of Canyon Park Business Center Owners' Association ("CPBCOA" or "Owners' Association"), we submit these supplemental comments concerning the Canyon Park Subarea Plan.¹ This letter addresses the draft Canyon Park Subarea Regulations ("Regulations") and Planned Action Ordinance ("PAO") released on August 27, 2020.

The Regulations and the PAO reflect the City's desire to convert much of the established Park into a sort of "town center," affirmatively rejecting the Owners' Association long-standing vision for development within the Canyon Park Business Center ("CPBC or Park"). The Owners' Association represents about *60% of the land in the Subarea*, yet our concerns have been downplayed and, in some instances, entirely ignored by City staff, consultants or the Planning Commission. The City staff and consultant continue to trumpet the extensive public engagement around this Plan. We continue to await responsiveness to the many concerns that we, and many of the individual owners within the Park, have raised throughout this process. This lack of consideration for the direct feedback that has been provided continues to be *very frustrating*.

The Park has fostered steady growth to become a major employment hub for the City. The Owners' Association fears the Regulations will stunt that growth due to: conflicts with many provisions of the Covenants, Conditions, and Restrictions ("CC&Rs") for the Park²; creation of

¹ The CPBCOA submitted comments concerning the Subarea Plan on March 4, 2020, June 25, 2020, July 22, 2020, and September 1, 2020, and comments concerning the Planned Action Draft EIS on January 13, 2020.

² The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Canyon Park Business Center, dated March 14, 1985, recorded May 4, 1985 in Official Records under Recording

legal nonconformities throughout most properties in the Park; and increased development costs necessary to implement the City's new vision for the Canyon Park Subarea.

The PAO further threatens the Park's economic viability by requiring that new development pay for capital infrastructure necessary for the City to retain its status as a Regional Growth Center ("RGC"). The City has not, however, identified the full extent of those costs or methodologies for imposing such "mitigation measures" at the project-specific level. The PAO also inappropriately shifts responsibility to the Owners' Association to both monitor the very traffic impacts central to our concerns with the Subarea Plan and impose corresponding mitigation measures on project-specific development.

We acknowledge the City's desire to retain the RGC designation for the Canyon Park Subarea, but frankly do not understand it. We have done some initial calculations regarding the benefits received from the RGC designation (based on publicly available records) and have found that the cost of retaining the RGC designation appears to *significantly outweigh* the financial benefits that the City has received or could reasonably be expected to receive by retaining the designation. This issue warrants further investigation and transparency to the public before the City forces the property owners in the Subarea into a new development scheme that has significant, yet undefined, development costs.

Our detailed comments on the Canyon Park Subarea Regulations and PAO are provided in Attachment A. This letter highlights our most significant concerns with the draft Regulations and PAO.

1. Inadequate Consideration of Existing CPBC Conditions

Concurrent with the original development of the Park in the 1980s and 1990s, the Park put into place CC&Rs that ensure a consistent vision for its owners and tenants as a business and industrial park. Over the past three decades, the Park has developed consistent with these CCRs, attracting predominantly biotech and office development consistent with the CC&Rs' use and design standards that support a broad range of compatible uses within the Park.

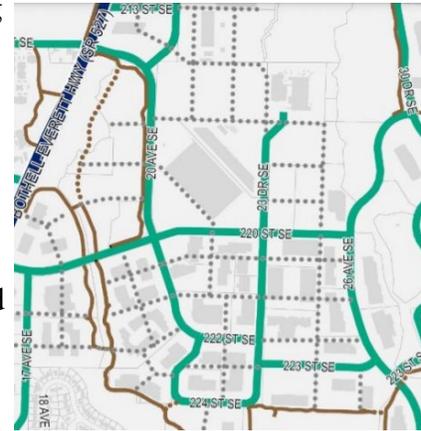
The Regulations include no consideration of the CC&Rs' prohibition on residential uses in most areas of the Park, prohibition of on-street parking, and signage restrictions. The Regulations directly conflict by allowing residential uses where the CC&Rs prohibit residential, requiring new streets with on-street parking, and allowing many types of signs the CC&Rs prohibit. The City did not consult with the Owners' Association as to how these conflicts will be reconciled for future development with the Park.

Number 9505040100, as amended. The most recent amendment is the Third Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Canyon Park Business Center dated July 5, 2018, Snohomish County Recording No. 201807050389. See excerpts from the Amended and Restated Declaration of CCRs regarding permitted uses, included as Attachment B.

2. Regulations Produce Extensive Nonconformities and Stilt Development within the Park

The Owners' Association is very concerned that new development standards imposed by the Regulations will set the Park on a course for failure. The City's own proformas demonstrate that the full range and intensity of growth envisioned for the Subarea Plan will not be financially feasible under *existing* development regulations.³ The proposed Regulations increase the regulatory burdens to develop in the Park, further decreasing the likelihood that the Subarea Plan can achieve its goals under the market conditions forecasted by the City's consultants.

The Regulations results in most properties in the Park becoming legally non-conforming. For example, the average floor area ratio ("FAR") across the Park is currently 0.4. The Regulations propose a minimum FAR between 0.5 and 0.6. The Regulations further require development to include new streets and through-block connections, as shown to the right, many of which run through existing buildings and on-site parking facilities. This requirement seems particularly confounding as the Subarea Plan itself states that "bisecting roadways make land use and transportation efficiencies a challenge."⁴



Regulations, Figure 12.48.200

The Regulations rely on phased application of the new development standards, presumably to mitigate a sudden halt to redevelopment in the Park due to the new Regulations. The Regulations establish three tiers of compliance with development standards based on additional gross floor area ("GFA") added within a 3-year period:

- Level 1: <50% increase in GFA; only the proposed improvements meet the Regulations and do not lead to further nonconformance with the Regulations
- Level 2: 50% - 100% increase in GFA; all Regulations that do not involve repositioning the building or reconfiguring site development apply to the improvements
- Level 3: >100% increase in GFA; full compliance with all Regulations, except for sites with multiple buildings – only the building(s) being expanded must comply

With the increased costs required to comply with the Regulations, however, this system will result in a hodge-podge of phased development. Rather than redeveloping a property consistent with the Regulations, property owners will do a series of smaller expansions and remodels to result in less than 50% increase in GFA every four years to avoid or defer the cost of complying with the Regulation's myriad design, connection and open spaces requirements. This will be further exacerbated by the unknown costs of funding and constructing capital improvements made necessary by this Subarea Plan (further addressed below). This will result in piecemeal development that will take decades to be knit together into a whole, and will fail to meet the City's "vision," much less the RGC targets.

³ Canyon Park Market Study, Att. C: Proforma Analysis (May 2020 Draft), pp. 10, 15-24.

⁴ Draft Bothell Canyon Park Subarea Plan (August 2020), p. 8.

Both the City and Owners' Association stand to lose under the Regulations and this approach to phased development. Regulations demanding more than the development market can bear will not result in the type of growth envisioned by the Subarea Plan and unnecessarily constrain the economic potential of existing growth patterns.

3. Incompatible Street Standards and Improvements

The Regulations mandate vast overhaul of the CPBC internal street network that was designed to accommodate commercial uses such as biotech, office, and manufacturing. As outlined below, application of these new standards does not consider the existing built environment of the CPBC. The Regulations produce substantial non-conformity and costs for redevelopment.

a. Neighborhood Streets and Frontage Requirements

Classification of all private streets within CPBC as Neighborhood Streets does not fit with the Park's function and identity as a business park. The "Neighborhood Street" classification established in Section 3-4.7 (Downtown Streets) of the Bothell Public Works Standards provides: "Provide an intimate street for internal circulation within a residential neighborhood. The Neighborhood Street is intended as a narrow street to ensure slow moving vehicular traffic and create a livable environment." The Park is not a residential neighborhood, nor located in a comparable environment to Downtown Bothell.

In particular, 17th Ave SE would be highly inappropriate as a Neighborhood Street subject to secondary block frontage standards. This street will serve as an exit ramp from I-405. Assuming the WSDOT Express Toll Lane ("ETL") project and the Sound Transit Bus Base North projects are constructed, 17th Ave SE and 20th Ave SE will carry enormous volumes of car, bus and truck traffic.⁵ WSDOT's proposed five-foot minimum planting strip along 17th Ave SE is insufficient to provide effective traffic calming to create a safe and comfortable pedestrian environment. The scale of the existing and planned intersections at 17th Ave SE/220th St SE, SR527/220th St SE, and SR527/214th St SE are inconsistent with the Neighborhood Street classification. Further, the WSDOT plans for 17th Ave SE do not include on street parking. The City's vision for the 17th Ave SE corridor is simply incompatible with an ETL off-ramp.

As referenced above, the CC&Rs for the CPBC prohibit on street parking. The proposed Neighborhood Street sections should eliminate this requirement given that it is not implementable in the CPBC. If the requirement remains, a deviation request will have to be processed for every new development in CPBC, which adds uncertainty and inefficiency to future development approvals.

⁵ The DEIS Addendum concluded that 17th Ave would carry a volume of 2,160 vehicles per hour during the PM peak hour, which is entirely inconsistent with a Neighborhood Street classification. The northbound leg of the 17th Ave SE/220th St SE intersection is forecast to have a 1.24 vehicle to capacity ratio by 2043, resulting in significant congestion that is inconsistent with a neighborhood street with storefronts.

Finally, the existing private road tracts in the CPBC are insufficiently sized to allow the required Neighborhood Street sections. Based on the state of negotiations between the City and Owners' Association for dedication of the roads within the Park to the City, the CPBC streets will remain private for the foreseeable future.⁶ Dedication of additional right-of-way abutting private streets to meet Neighborhood Street design standards will not be implementable as a practical matter. Even if the City could exercise its condemnation powers or accept dedication to expand the private street network, the Owners' Association has no interest in accepting the obligations incumbent with additional right-of-way.

b. New Streets and through-block Connections

Imposition of "super blocks" or maximum block perimeters has not been adequately addressed in the DEIS or Subarea Plan. There has been no analysis as to how such standards will impact existing or future development in the CPBC.

For example, the proposed maximum block length standards and required through-block connections are incompatible with many biotech campuses and manufacturing uses. The Regulations should protect those uses desired by the Subarea Plan, not introduce the public into areas that are not intended, or appropriate, for public access.

The City has also not identified how through-block connections, intended to serve as public access easements, fit within the existing CPBC private road network. This would result in a piece meal road system within the Park, with the main roadways owned and maintained by the Owners' Association, and the City or individual developers responsible for new connector roadways, and pedestrian and cycle improvements. Further, these standards would result in a series of turnarounds throughout the CPBC. Sec. 3-4.1.5 (Private Streets) of the Bothell Public Works Standards requires that any new private street that is greater than 150 feet in length is required to provide an approved turnaround for emergency vehicles. This is an extremely inefficient use of developable land that is inconsistent with the purpose of the Subarea Plan.

through-block connections required under the Regulations render the vast majority of developed CPBC lots significantly nonconforming. This is shown in Figure 12.48.200 of the Regulations, *see above*. Completion of these through-block connections requires complete redevelopment, including removal of many existing buildings throughout the Park. Given the relative age and condition of most buildings in the Park, redevelopment of such grand scale cannot reasonably be expected in the timeframe anticipated by the Subarea Plan.

To our knowledge, the City has had no substantive discussion of these new requirements with the property owners within the Park. Having called these proposed regulations to several owner's

⁶ There is no current plan or agreement to transfer the CPBC private roads to the City. Prior discussions on this issue with the City resulted in a requirement for the CPBCOA to invest over \$3 million of improvements prior to the road transfer. The Regulations and the PAO make clear that the obligation to improve the CPBC roads will be an ongoing, incremental developer funded process. Because of that ongoing obligation, there is no benefit for the CPBCOA to invest in improvements prior to dedication. Our Owners will be required to pay both now and later.

attention recently, we have heard significant resistance to this new scheme. As just one example, the Regulations show an additional trail connection along No Name Creek on the property between SR 527 and 20th, between 220th Ave SE and 214th Ave SE. In the mid-2000s, the owner of that property negotiated with the City to locate the City trail along the eastern edge of its property and **not** interior to the site. The City now seems to want both, with no notice or discussion with the landowner of this significant change.

4. Economic Feasibility of Development and Design Standards May Inhibit Growth in the Park

The balance of development and design standards proposed in the Regulations demonstrate the fundamental disconnect between the City's desire for the CPBC to exhibit an entirely different look and feel, and the Owners' Association desire to ensure economic vitality for the Park. The Regulations demand a very expensive vision for the Canyon Park Subarea that will drive up development costs, further reducing the probability of redevelopment in the foreseeable future.

There is no indication the City evaluated the economic impact of imposing the development and design standards proposed in the Regulations (including the aforementioned street improvements and through-block connections). The City last updated its market study and proforma analysis in May 2020, which showed mixed use and infill development envisioned under the Preferred Alternative will not be economically feasible and unlikely to occur in the Park for the foreseeable future. The draft Regulations were not released until late August 2020, thus we assume those earlier proformas did not capture the full magnitude of redevelopment costs imposed by the Regulations.

The requirement to provide publicly accessible open space provides example of this disconnect. The draft Regulations require publicly accessible outdoor space to be a minimum of 50% of required open space and to be located at the ground level of buildings. This is an incredibly land consumptive development standard that is contrary to the intensity desired by the Subarea Plan, and moreover, decreases the profit margins necessary to ensure such development occurs. Most urban settings do not have such stringent requirements for publicly accessible open spaces and allow for a greater percentage of common and private open space interior to, or on the rooftops of, buildings, instead of public open space at the ground floor.

Instead of mandating significant ground level open space requirements for each individual development, the City should invest in its vision for the Canyon Park Subarea by acquiring a parcel and developing a signature open space. This capital investment would put the City in the role of a partner, would create a more functional critical mass of open space, and would allow for more intense development on individual parcels.

5. The PAO Lacks Specificity to Ensure Identified Impacts Will be Adequately Mitigated

The PAO asserts that "public services and facilities are adequate to serve the proposed Planned Action, with implementation of the Subarea Plan and mitigation measures identified in the EIS." Section 3(f). This is plainly **not** accurate based on the Subarea Plan itself and the environmental review provided to date. The mitigation measures are not adequately defined, and their costs and funding sources for implementation are ill-defined and uncertain. Further, the PAO framework

does not include the degree of specificity necessary to ensure that mitigation measures imposed at a project-specific scale will collectively mitigate impacts identified in the Planned Action EIS.

The PAO's approach to mitigation grants significant discretion to project proponents in identifying appropriate mitigation measures, particularly as it concerns transportation and stormwater impacts. The modified SEPA checklist requires limited evaluation of potential impacts arising from individual development. In turn, the transportation checklist allows project proponents to propose their own mitigation that include "evaluate and mitigate roadways," employ transportation demand management ("TDM"), and utilize parking reduction incentives. The "evaluate and mitigate" option cross-references Exhibit B-3 of PAO, which broadly describes frontage improvements already required under the Regulations, TDM strategies required under the Regulations, unidentified transportation improvements to be imposed by the CPBCOA, and nonexistent Canyon Park Improvement Fees. This process lacks adequate guard rails to ensure the sum of developer-proposed mitigation measures mitigate the sum of impacts identified under the Subarea Plan.

Stormwater mitigation measures specified in Exhibit B-3 are even harder to grasp at the project-level. Exhibit B-3 identifies that the existing stormwater regional detention facility has insufficient capacity to handle the additional runoff resulting from the significant increase in density under the Subarea Plan. The remainder of this exhibit includes "recommendations" appropriate at the planning level, not specific mitigation measures to be employed at the project-level.

6. Reliance on Developer Funding for Unknown Capital Facilities Costs

The PAO imposes additional burdens on developers to fund significant capital improvements to implement the City's land use and economic development goals for the Subarea. This approach is troubling and reflective of the City's failure to approach the Subarea Plan process as a partnership with property and business owners.

During earlier stages of the planning process, City staff and consultants advised the Owners' Association that the Subarea Plan would include a capital facilities plan ("CFP") to identify estimated costs and means for funding traffic infrastructure and regional stormwater facilities identified as necessary mitigation measures. However, the City appears to have defaulted to a strategy that requires the unknown costs of these capital improvements be funded or constructed by developers.

This strategy will result in incremental infrastructure improvements. When projects develop, developers will construct small sections of frontage improvements, through street connections, and other improvements that are required to mitigate the impacts of those individual projects. This means that the incremental infrastructure improvements will occur in a piecemeal, unplanned manner and will take decades to be knit together into a whole.

For larger capital facility projects, the City will require impact fees and proportionate share contributions. To construct those projects will take a critical mass of fees and contributions. Until that critical mass of funding is collected, existing infrastructure may not be sufficient to

accommodate new growth. Intersections and corridors may be degraded to LOS F. Stormwater facilities may be at or over capacity. Until the capital facility projects are constructed to create sufficient capacity for new growth, this may result in a de facto moratorium on development.

The Canyon Park Improvement Fee section of the draft PAO ratchets up the uncertainty of developer costs. Because there is no CFP for the Subarea Plan, there are no capital projects in the Subarea included in the impact fee ordinance or in the associated fee calculations. There are no estimates of potential proportionate share of capital improvements, including street, non-motorized, and stormwater improvements. It is unclear how the City has developed valid proformas for development typologies without understanding the scale of these costs. Furthermore, the Regulations and PAO collectively require developers to pay both impact fees (for capital improvement projects outside of the Subarea) and a proportionate share contribution (for capital improvement projects inside the Subarea) until Subarea capital improvement projects are included in the impact fee ordinance. This creates an inequitable system that will disincentivize redevelopment.

7. The City's Role in Implementation

The PAO also inappropriately shifts implementation of police and regulatory roles to private development and to the CPBCOA under the guise of mitigation strategies.

- a. Private Security Agreements: The draft PAO indicates that the City may require on-site private security agreements.⁷ Per the DEIS, there is no adopted level of service policy for public safety. All Subarea Plan alternatives (including the No Action Alternative) identify a need for additional police personnel based on population and employee growth.

It is generally accepted that when your population grows, so does the number of police to maintain a certain ratio. The PAO fails to identify the degree of impact that would trigger site-specific private security as a requirement. This is particularly suspect without knowing whether the City requires private security for new development in other parts of the City and why the potential increased need for police services cannot be met with increased tax revenue from the new development.

Rather than shifting essential public services like policing to private security companies, the CPBCOA requests that the City identify a way to provide police service to the additional development that it is mandating through the Subarea Plan and PAO.

- b. Requiring the CPBCOA to Be a Traffic Regulatory Entity: Through the draft PAO, the City proposes a mitigation measure that requires the CPBCOA to monitor traffic impacts and determine to what extent traffic improvements should be implemented.⁸ New development must obtain a letter of transportation adequacy from the CPBCOA. We are not aware of any agreement or regulation that assigns this responsibility to the CPBCOA.

⁷ PAO, Page 26.

⁸ PAO, Page 28.

The City has not discussed this with the CPBCOA, much less asked whether the CPBCOA is willing to take on this obligation.

Even if the CPBCOA has the legal authority to assess fees for proportionate share of improvement costs to address inadequate road conditions, the CPBCOA will need to wait for sufficient fees to construct improvements. This creates a situation where existing private intersections and streets may fail before the CPBCOA has sufficient funds to make improvements.

We continue to be very interested in working *with* the City to develop a feasible and implementable Subarea Plan update. We have seen no evidence of the City's willingness to listen to the Owners' Association, let alone to partner on a shared vision and implementation strategy for the Subarea Plan. We welcome the opportunity to engage further with the City to get there.

Sincerely,

VAN NESS FELDMAN, LLP

A handwritten signature in black ink, appearing to read "Molly", followed by a long horizontal line extending to the right.

Molly Lawrence

cc: CPBCOA Board of Directors
Paul Bryne, City Attorney, Bothell

Attachment A

Attachment A: Canyon Park Business Center Owners' Association Comments on Development Regulations

Code Section	Comments
12.48.010 Applicability	<ul style="list-style-type: none"> • Phased approach to compliance for additions and improvements will result in hodgepodge implementation throughout developed areas of the Park. Three tiers of compliance with development standards based on additional gross floor area (GFA) added within a 3-year period. <ul style="list-style-type: none"> Level 1: <50% increase in GFA; only the proposed improvements meet the regulations and do not lead to further nonconformance with the regulations Level 2: 50% - 100% increase in GFA; all regulations that do not involve repositioning the building or reconfiguring site development apply to the improvements Level 3: >100% increase in GFA; full compliance with all standards, except for sites with multiple buildings – only the building(s) being expanded must comply Given the myriad design requirements, including through-block connections and open space requirements, property owners will do a series of smaller expansions and remodels to avoid exceeding the 50% in GFA every four years and thereby avoid or defer the cost of full compliance with the regulations. • Regulation max. block length and street connections requirements in Sections 12.48.170 and 12.48.210 be applied to Level 1 and 2 projects?
12.48.030 Departures	<ul style="list-style-type: none"> • Applicability section should be revised to identify any regulations that may not be modified through the departure process • Are there any limits on the scope of proposed departures? • Approval criteria should be revised to be more specific to provide greater certainty and transparency
12.48.110 Zoning Map	<p>The proposed zoning map is inconsistent with the CPBC CC&Rs. With the exception of those parcels identified on the Third Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Canyon Park Business Center, residential use is prohibited in all areas of the CPBC proposed for residential by the zoning map.</p>
12.48.120 Use Table	<ul style="list-style-type: none"> • The following uses should not be permitted in the E-M or E-L zones, since they are not consistent with the purpose of those zones and erode the potential employment base: <ul style="list-style-type: none"> ○ Hotel and motel ○ Education services ○ Recreation, culture and education ○ Retail with GFA of 2,500 – 12,000 sf
12.48.130 Dimensional standards	<ul style="list-style-type: none"> • Minimum FAR standards will result in substantial non-conformities throughout the CPBC • FAR incentives are not described and maximum FAR is not specified for each zone (12.48.150 is only a placeholder).

Attachment A: Canyon Park Business Center Owners’ Association Comments on Development Regulations

	<ul style="list-style-type: none"> • Height incentives are not described (12.48.160 is only a placeholder). • Does the EIS evaluate a scenario where a substantial number of redevelopment projects in the CPBC utilize FAR and/or height incentives? Or does the EIS evaluate only full development under the base FAR and base heights? • The proposed base height maximums are a substantial reduction from current heights permitted in the R-AC/OP/CB/LI and R-AC/OP/LI zones. Current heights are 65’ for residential, 100’ for non-residential and 150’ for manufacturing. Proposed heights are: <ul style="list-style-type: none"> ○ 65’ for RMU-H, RMU-L, OR-H and OR-M (85’ with incentives) ○ 45’ for OR-L ○ 100’ for E-M ○ 50’ for E-L • Maximum block length standards do not consider the existing built environment of the CPBC. This will result in substantial non-conformity and substantial costs for redevelopment. Were the developer costs of new streets considered in the proformas?
12.48.150 FAR incentives	This is only a placeholder. It needs to be fully developed for public review and comment, or it should be deleted.
12.48.160 Building height incentives	This is only a placeholder. It needs to be fully developed for public review and comment, or it should be deleted.
12.48.170 Maximum block perimeter 12.48.210 Provision of new streets	<ul style="list-style-type: none"> • The issue of “super blocks” or maximum block perimeters has not been adequately discussed in the urban design or transportation sections of the DEIS or Subarea Plan. There is no analysis of how these standards will impact existing or future development in the CPBC. • The CPBC streets are private. Why is the City proposing to add requirements for new streets with reduced block perimeters to a private street network? • Maximum block perimeter standards do not consider the existing built environment of the CPBC. This will result in substantial non-conformity and substantial costs for redevelopment. • All new streets in the CPBC that would result from the maximum block perimeter standards would be private streets. Sec. 3-4.1.5 (Private Streets) of the Bothell Public Works Standards requires that any new private street that are greater than 150 feet in length provide an approved turnaround for emergency vehicles. The majority of new sections of private street constructed to meet the maximum block length standard will result in a series of turnarounds throughout the CPBC. This is an extremely inefficient use of developable land that is inconsistent with the purpose of the Subarea Plan.

Attachment A: Canyon Park Business Center Owners’ Association Comments on Development Regulations

	<ul style="list-style-type: none"> • It is not clear how the maximum block perimeters will be implemented through a site by site redevelopment process. Three adjacent sites could comply in three different ways: <ul style="list-style-type: none"> ○ Site 1: Developing a new section of street on the site to meet the maximum block perimeter ○ Site 2: Developing a through-block connection to claim an exception from the maximum block perimeter standard ○ Site 3: Being granted a waiver through the exception process due to hardship or unusual conditions This could result in a hodge podge of inconsistent/incompatible development. It is not clear how this result implements the purpose of the maximum block perimeter standard.
<p>Figure 12.48.200 Canyon Park Subarea street network, streetscape classifications, and planned through-block connections</p> <p>12.48.220 Streetscape classifications and regulations</p>	<ul style="list-style-type: none"> • All of the streets within CPBC are classified as Neighborhood Streets. This classification is not consistent with the purpose of a “Neighborhood Street” in Sec. 3-4.7 (Downtown Streets) of the Bothell Public Works Standards: “Provide an intimate street for internal circulation within a residential neighborhood. The Neighborhood Street is intended as a narrow street to ensure slow moving vehicular traffic and create a livable environment.” <ul style="list-style-type: none"> ○ Canyon Park is not located in Downtown Bothell. ○ Canyon Park is not a residential neighborhood. ○ Once the WSDOT ETL project and the Sound Transit Bus Base North projects are constructed, 17th Ave SE and 20th Ave SE will carry significant volumes of car, bus and truck traffic. The DEIS Addendum concluded that 17th Ave would carry a volume of 2,160 vehicles per hour during the PM peak hour. A street that accommodates those volumes cannot be considered to be a neighborhood street. ○ The scale of the existing and planned intersections at 17th Ave SE/220th St SE, SR527/220th St SE, and SR527/214th St SE are inconsistent with the neighborhood street classification. ○ The WSDOT plans for 17th Ave SE, which have been accepted by the City, do not include on street parking. The proposed 5’ minimum planting strip along 17th Ave SE is insufficient to provide effective traffic calming to create a safe and comfortable pedestrian environment. ○ The northbound leg of the 17th Ave SE/220th St SE intersection is forecast to have a 1.24 vehicle to capacity ratio by 2043. The impacts of this congestion are inconsistent with a neighborhood street with storefronts. ○ WSDOT’s comments indicate concerns with the preferred alternative’s impacts on volumes, delays, and queuing on the ETL facility. WSDOT has requested analysis from the City regarding how the preferred alternative will affect person throughput, safety performance, and queue spillback onto I-405 as compared to the No Action Alternative. In order for WSDOT to support the concepts, the

Attachment A: Canyon Park Business Center Owners’ Association Comments on Development Regulations

	<p>traffic analysis would need to demonstrate improved person throughput, no decrease in safety performance, and no increase in queue spillback onto I-405.</p> <ul style="list-style-type: none"> • The CPBC CC&Rs prohibit on street parking. Therefore, the proposed neighborhood street sections should eliminate that requirement, since it is not implementable in the CPBC. If the requirement remains, a deviation request will have to be processed for every new development in CPBC, which is inefficient and adds uncertainty. • The existing private road tracts in the CPBC are not sufficient to allow for the required neighborhood street sections. Since the CPBC streets will remain private, these standards are not implementable. The CPBC does not have condemnation powers, and the City cannot exercise its condemnation powers or accept dedication of additional right of way for private streets.
<p>12.48.230 through-block Connections</p>	<ul style="list-style-type: none"> • The through-block connection standards do not consider the existing built environment of the CPBC. This will result in substantial nonconformity and substantial costs for redevelopment. Were the developer costs of new 20- to 40-foot swaths of easements through development sites considered in the proformas? • How are the through-block connection standards compatible with biotech campuses and manufacturing uses? The development regulations should protect those uses desired by the Plan, not introduce the public into areas where public access may not be appropriate considering the adjoining land use. • How can the through-block connections be implemented through a site-by-site redevelopment process? Three adjacent sites could comply in four different ways: <ul style="list-style-type: none"> ○ Site 1: Developing a new section of street on the site to meet the maximum block perimeter ○ Site 2: Developing an alley through-block connection ○ Site 3: Developing woonerf through-block connection ○ Site 4: Developing a landscaped passageway through-block connection ○ Site 5: Being granted a waiver through the exception process due to hardship or unusual conditions <p>This would result in a network of through-block connections that are different designs and functions. It is not clear how this implements the purpose of the through-block connection standard and result in a consistent urban design in the Subarea.</p>
<p>Table 12.48.300 Summary of key block-frontage types</p> <p>12.48.305 Block-frontage designation map</p>	<ul style="list-style-type: none"> • 17th Ave SE is not, and cannot become, a Neighborhood Street subject to secondary block frontage standards. It will be an exit ramp from 405. The traffic volumes during AM/PM peak hours on 17th Ave SE are inconsistent with its classification as a neighborhood street. The DEIS Addendum concluded that 17th Ave would carry a volume of 2,160 vehicles per hour during the PM peak hour. A street with those volumes cannot be considered to be a pedestrian oriented environment.

Attachment A: Canyon Park Business Center Owners’ Association Comments on Development Regulations

<p>12.48.330 Secondary block-frontage regulations</p>	<ul style="list-style-type: none"> ○ The WSDOT plans for 17th Ave SE do not include on street parking. The proposed 5’ minimum planting strip along 17th Ave SE is insufficient to provide effective traffic calming to create a safe and comfortable pedestrian environment. ○ The northbound leg of the 17th Ave SE/220th St SE intersection is forecast to have a 1.24 vehicle to capacity ratio by 2043. The impacts of this congestion are inconsistent with a Neighborhood Street with storefronts. ○ WSDOT’s comments indicate concerns with the preferred alternative’s impacts on volumes, delays, and queuing on the ETL facility. WSDOT has requested analysis from the City regarding how the preferred alternative will affect person throughput, safety performance, and queue spillback onto I-405 as compared to the No Action Alternative. In order for WSDOT to support the concepts, the traffic analysis would need to demonstrate improved person throughput, no decrease in safety performance, and no increase in queue spillback onto I-405.
<p>12.48.420 Internal open space</p>	<ul style="list-style-type: none"> ● Requiring publicly accessible outdoor space to be a minimum of 50% of required open space and to be located at the ground level is a highly land consumptive development standard. Were these publicly accessible open space requirements included in the proformas for development prototypes? ● Instead of mandating such significant ground level open space requirements for each individual development, it would be preferable for the City to acquire a parcel and develop a signature open space in the Subarea. ● Most urban settings do not have such stringent requirements for publicly accessible open spaces, particularly at the ground level. Urban development standards allow for a greater percentage of common and private open space interior to, or on the rooftops of, buildings. ● Note that most of the examples shown in Figure 12.48.420.C.2: Usable outdoor space types are 2-4 story buildings. At those densities, large ground floor open space is feasible from an economic and design perspective. As buildings increase in height and density, ground floor open space becomes much more challenging. With building heights in the range of 65-85 feet, how can these requirements be implemented without affecting the desired density, intensity and economics of redevelopment in the Subarea?
<p>12.48.500-.540 Building Design</p>	<ul style="list-style-type: none"> ● We support and encourage elimination or minimization of all building design standards within the E-M and E-L zones. The need for economical flexible space in these zones is paramount to creating diverse economic development and employment opportunities.

Canyon Park Business Center Owners’ Association Comments on Planned Action Ordinance (PAO)

Code Section	Comments
Sec. 4.D(1): Qualifying Land Uses	We support exclusion of Essential Public Facilities from the PAO. The scope of impacts of EPFs – specifically or in general - have not been evaluated under the DEIS. This is expressly referenced in the DEIS Addendum. For example, the impacts of Sound Transit’s Bus Base North project are not evaluated in the DEIS.
Sec. 4.D(2)a: Land Use Thresholds	How will the City track population and job capacity? Residential units can be tracked by building permit data, whereas population and jobs cannot.
Sec. 4.D(3)a: Transportation Thresholds	<ul style="list-style-type: none"> • These thresholds expressly include 14% reduction with TDM. The CPBCOA has previously expressed concerns about the validity of this figure. Will actual trip generation and TDM reductions be monitored, evaluated and adjusted through traffic counts as part of the five (or less) year PAO review process required by Sec. 5.B? • The Mitigation Document in Exhibit B lacks specificity as to the degree and extent of transportation mitigation that will be required. It contains a list of potential mitigation measures, but no details regarding how those measures will be applied to/required of any particular development. The CPBCOA is concerned that this will result in partially funded or partially built improvements with no vehicle for completing the system.
Section 4.G(3) & (4): Planned Action Permit Process	As proposed, the City’s decision whether a project qualifies under the Planned Action is a Type 1 decision. As such, no notice is required to adjacent property owners or the public either of the application or the decision. The City’s decision whether a project qualifies as a Planned Action should be modified to a Type 2 decision to ensure adequate notice and opportunity for administrative appeal.
Exhibit B: Environmental Checklist and Mitigation Measures	The overall mitigation approach is not adequately defined. It is unclear which mitigation measures the City would require for which developments. The Checklist requires limited evaluation of potential impacts. Based on this limited evaluation, how will sufficient mitigation be identified relative to the proposed impacts of individual projects or the cumulative impacts of multiple projects? This approach has the potential to result in deferral of sufficient mitigation of cumulative impacts, with the consequence that the impacts may never be mitigated. This lack of certainty will result in ineffective plan implementation and a disincentive to redevelopment.
Exhibit B-1: Modified SEPA Checklist	Section 53 lists impact fees as though they are an optional mitigation measure (e.g., “Fire Impact Fees?”, “School Impact Fees?”) This leaves readers with the misconception that payment of impact fees is an optional mitigation measure, which is not correct.
Exhibit B-2: Mitigation Measures	<ul style="list-style-type: none"> • Why are there two separate mitigation documents, Exhibits B-2 and B-3? These two documents should be combined to ensure internal consistency and avoid confusion.

Canyon Park Business Center Owners’ Association Comments on Planned Action Ordinance (PAO)

	<ul style="list-style-type: none"> • The mitigation measures appear to be exclusively developer funded. There is no Capital Facility Plan (CFP) for the Subarea Plan that outlines the timing and funding sources for City capital improvements in the Subarea. Per RCW 36A.70.070(3), a CFP is a required element for a Comprehensive Plan. City staff and consultants previously committed that the CFP would be adopted as part of the PAO. However, the draft PAO does not include a CFP or have a placeholder for a CFP. • At this late stage of the Subarea planning process, the City has yet to make any tangible commitment regarding timing and funding of capital facility projects that will mitigate the impacts of the Preferred Alternative. The City’s lack of commitment and specificity is entirely unacceptable given the concurrent adoption of a PAO that establishes required amorphous mitigation measures to be implemented at the developer level over This lack of commitment and specificity is entirely unacceptable given the concurrent adoption of a PAO that provides for amorphous mitigation measures to be implemented at the project-specific scale.
<ul style="list-style-type: none"> ○ Natural Environment 	<p>This section states that, “The City shall apply more stringent stormwater requirements that require flow control and water quality facilities to be installed” per the 2019 Manual and Ex. B-3. However, Ex. B-3 appears to be focused only on those projects that drain to the CPBC detention pond. Please clarify if these more stringent requirements will apply to development throughout the Subarea or just projects that drain to the existing CPBC pond.</p>
<ul style="list-style-type: none"> ○ Police 	<ul style="list-style-type: none"> • “The City may require on-site private security agreements.” What is the legal basis for such a requirement? Per the DEIS, there is no City LOS policy for public safety. All the Subarea Plan alternatives identify a need for additional police personnel based on population and employee growth. It is generally accepted that when your population grows, so does the number of police to maintain a certain ratio. What degree of impact would trigger private security as a requirement? Does the City require private security for new development in other parts of the City? How would the nexus and rough proportionality of such a requirement be analyzed? Rather than shifting essential public services like policing to private security companies, the CPBCOA requests that the City identify a way to provide police service to the additional development that it is proposing through the Subarea Plan and PAO. • The mitigation measures do not consider police response times, regardless of public safety staffing levels. A better approach to ensuring adequate public safety in the Subarea would be to ensure adequate response times by making sufficient transportation improvements to avoid responding public safety vehicles from getting stuck at failing intersections and along failing corridors.
<ul style="list-style-type: none"> ○ Parks 	<p>“The City shall require development to provide pedestrian and trail improvements consistent with the Bothell Canyon Park Subarea Plan, and any associated frontage and onsite non-motorized connections between sites</p>

Canyon Park Business Center Owners’ Association Comments on Planned Action Ordinance (PAO)

	<p>and roads or buildings.” The degree to which those improvements are required is not specified in development regulations or the Subarea Plan. What protections are in place to ensure that these requirements meet required nexus and rough proportionality tests? Absent specification, project proponents cannot plan for their development. Further, similar to comments above, it is unclear whether the expense of these trail systems are included in the City’s proforma analyses.</p>
<ul style="list-style-type: none"> ○ Stormwater 	<ul style="list-style-type: none"> ● It is unclear if it technically feasible to accommodate all the planned redevelopment in the Subarea Plan given available and planned stormwater detention capacity. This issue was not adequately addressed in the DEIS because stormwater improvements were anticipated to be developer funded and located on development sites. Without sufficient capacity, the envisioned development capacity for the Subarea is not feasible or becomes prohibitively expensive because of detention sizing. ● Retrofit of existing systems is required. The mitigation measures indicate that these improvements could be located in planter areas or unimproved roadside shoulders and ditches. Has there been any analysis to determine if there is sufficient area throughout the Subarea to make this feasible? ● In the CPBC, unimproved shoulders and ditches are owned by the Owners Association. Based on existing improvements and utility conflicts, improvements may not be feasible in those areas.
<p>Exhibit B-3: Transportation</p>	
<ul style="list-style-type: none"> ○ Frontage 	<ul style="list-style-type: none"> ● There is no current plan or agreement to transfer the CPBC private roads to the City. If the CPBC roads are privately owned, there is no basis for City to require frontage improvements per BMC 17.09, since those requirements only apply to publicly owned ROW. ● Since the City cannot require frontage improvements on CPBC private roads, what is the waiver process for these mitigation requirements for projects within the CPBC? ● There is a requirement to implement improvements consistent with “any access management and circulation plan.” Where are these plans? To the extent these plans have not yet been created, when will they be created and available for public review and comment? Is this a public process that is a component of future amendments to the Subarea Plan? ● What does it mean to implement improvements consistent with ... “roads considered at ultimate capacity”?
<ul style="list-style-type: none"> ○ Private Roads 	<ul style="list-style-type: none"> ● New development must obtain a letter of transportation adequacy from the CPBCOA. We are not aware of any agreement or regulation that assigns this responsibility to the OA. Please clarify the basis for this proposed mitigation requirement. Does the City have existing arrangements with other private owners’ associations to perform this function?

Canyon Park Business Center Owners' Association Comments on Planned Action Ordinance (PAO)

	<ul style="list-style-type: none"> • The City is attempting to transfer responsibility to the OA to monitor traffic impacts and determine to what extent traffic improvements should be implemented. What will ensure that the OA approved traffic improvements are sufficient mitigations under the PAO? Since the OA lacks the police powers to require right of way dedication or to condemn property, its authority to assess and mitigate traffic impacts is limited. • Assuming the OA has the legal authority to assess fees for proportionate share of improvement costs to address inadequate road conditions, how does the City envision the OA using those funds for mitigation projects? The OA will need to wait for sufficient fees to construct improvements. This creates a situation where existing private intersections and streets will fail before the OA has sufficient funds to make improvements. Does the City anticipate allowing additional development in the CPBC to impact failing intersections and streets without improvements in place to mitigate impacts?
<ul style="list-style-type: none"> ○ Canyon Park Improvement Fees 	<ul style="list-style-type: none"> • This is an undefined “blank check” of developer costs. There is no CFP for the Subarea Plan. There are impact fees developed yet. There are no estimates of potential proportionate share of capital improvements. It is unclear how the City has developed proformas for development prototypes without understanding the scale of these costs. • There are currently no Subarea capital improvement projects included in the impact fee ordinance, despite the number of capital improvement projects in the existing Comprehensive Plan within the Subarea. This documents the City’s historic lack of commitment to make capital investments in the Subarea. Without a CFP for the Subarea Plan, it is unclear if or when that will change. • Until Subarea capital improvement projects are included in the impact fee ordinance, redevelopment in the Subarea appears to be required to pay both impact fees (for capital improvement projects outside of the Subarea) and a proportionate share contribution for capital improvement projects inside the Subarea. This creates an inequitable system that will disincentivize redevelopment. • The traffic analysis of the preferred alternative for the Subarea Plan will result in LOS F on the SR-527 corridor without 214th Street Extension. When will that improvement be completed and how will it be funded?
<ul style="list-style-type: none"> ○ TDM 	<ul style="list-style-type: none"> • When/how will the City evaluate whether the TDM has resulted in the 14% reduction that is assumed in the City’s traffic analysis and upon which the LOS analyses are based? The process for confirming successful implementation of this standard needs to be added to the PAO and Subarea Plan.

Canyon Park Business Center Owners’ Association Comments on Planned Action Ordinance (PAO)

	<ul style="list-style-type: none"> • The concept of a proportionate share contribution for costs of non-motorized and transit facility capacity to improve TDM is not defined. What is the total cost of these improvements? How will these costs be apportioned to particular development proposals?
<p>Exhibit B-3: Stormwater</p>	<ul style="list-style-type: none"> • The stormwater mitigation requirements are not adequately defined. They are characterized as “recommendations” to improve the existing CPBC detention pond and/or build a new regional detention facility to the north. It is not clear whether or how these recommendations will be applied to a particular development proposal. Also, these mitigation requirements appear to be above and beyond compliance with 2019 Manual, but the basis for the additional requirements is not substantiated. • It is unclear if it technically feasible to accommodate all the planned redevelopment in the Subarea Plan given available and planned stormwater detention capacity. This issue was inadequately addressed in the DEIS because stormwater improvements were anticipated to be developer funded and located on development sites. Without sufficient capacity, the envisioned development capacity for the Subarea is not feasible or becomes prohibitively expensive because of detention sizing. • As with all the other developer funded capital improvements, how will expansion of the existing CPBC detention pond be completed? Does the City anticipate that the CPBCOA will construct the improvements and assess fees to all owners, irrespective of individual owners’ redevelopment plans? Will the City require individual developers to fund and construct the improvements and be eligible for late comer reimbursements? This is an infrastructure project that needs to be coordinated between the City and the CPBCOA.

Attachment B

Attachment B: Canyon Park Business Center Owners' Association Comments on Development Regulations & PAO

1. Excerpts from Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Canyon Park Business Center, Snohomish County Recording No. 9505040100

6.5 Signs. No signs shall be installed or maintained other than business park identification signs including signs identifying the entrances to Highlands Campus, informational and vehicular control signs, signs identifying the building or the business of the Owner or Occupant of all or any part of a lot or improvement thereon and temporary real estate and development signs. All signs shall be subject to all applicable governmental statutes, ordinances, rules and regulations and any criteria established by the Board from time to time (hereinafter referred to as the "Sign Criteria"); provided, however, changes in the Sign Criteria shall not be given retroactive effect with respect to previously constructed or approved signs. Any changes in the Sign Criteria shall not be inconsistent with prior standards or policies, nor shall such changed Criteria result in the authorization to construct or maintain improvements which are incompatible with existing improvements.

6.7 Parking Areas. Off-street parking adequate to accommodate the parking needs of the Owner or Occupant, the employees and visitors thereof shall be provided by the Owner or

Occupant of each lot. The intent of this provision is to eliminate any on-street parking. If parking requirements increase as a result of a change in the use of a lot, area of the building or the number of persons employed, additional off-street parking shall be provided to satisfy the intent of this Section.

All parking areas shall conform to the following standards as a minimum:

(a) Required off-street parking shall be provided on the subject lot, or on a lot immediately adjacent thereto. Where parking is provided other than upon the subject lot, the Board shall be given a certified copy of a recorded instrument, duly executed and acknowledged by the person or entity holding title to the lot or other property upon which the parking area is located.

(b) Parking areas shall be paved, providing dust-free all-weather surfaces. Each parking space is to be designated by a minimum of 3" wide white lines painted upon the paved surface and shall be sized according to applicable City of Bothell Zoning Codes. All parking areas shall also provide for adequate driveways and space for maneuvering of vehicles.

Attachment B: Canyon Park Business Center Owners' Association Comments on Development Regulations & PAO

7.2 Prohibited Uses. Prohibited uses shall be as listed in Bothell Municipal Code Appendix, Title 18, Section 18.53.030, as exists on the date of recording this Declaration. The following operations and uses are specifically prohibited on the Property subject to this Declaration and the Board shall have no right or authority to permit any of the following uses:

- (a) Residential use of any type;
- (b) Trailer courts or recreation vehicle campgrounds;
- (c) Junk yards, wrecking yards or recycling facilities;
- (d) Mining, drilling for or removing oil, gas or other hydrocarbon substances;
- (e) Refining of petroleum or of its products;
- (f) Commercial excavation of building or construction materials; provided, that this prohibition shall not be construed to prohibit any excavation necessary in the course of approved construction;
- (g) Distillation of bones;
- (h) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals or other refuse;
- (i) Fat rendering or tanning of hides;
- (j) Stockyard or slaughter of animals;
- (k) Smelting of iron, tin, zinc or any other ore or ores;
- (l) Cemeteries;
- (m) Jail or honor farms;
- (n) Labor or migrant worker camps;
- (o) Truck terminals (incidental truck usage is specifically permitted);
- (p) Automobile, go-cart, motorcycle or quartermidget race tracks or other vehicle endurance, race tracks or amusement parks; or
- (q) New or used car sales lots;
- (r) Commercial parking lots and structures.

Attachment B: Canyon Park Business Center Owners' Association Comments on Development Regulations & PAO

2. Excerpts from Third Amendment to Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Canyon Park Business Center, Snohomish County Recording No. 201807050389

1. Amendment to Allow Residential Uses on Certain Lots of the Property.

1.1. Section 7.1 of the Amended Declaration is revised by adding a second sentence which states: "Residential Use allowed under applicable zoning shall be permitted on the following described portions of the Property:

Residential Parcel Description	Property Description	Tax Parcel Numbers
1	Lots 21-A and 21-B, Binding Site Plan AFN 9708195005	27052900203600, 27052900203700
2	Lots 22A and 22B, Binding Site Plan AFN 9006075003	27052900201200, 27052900201800
3	Lot 22C Binding Site Plans AFN 9006075003 and 8706245002	27052900201900
4	Lot 23 Binding Site Plans AFN 9006075003 and 8706245002	27052900201700
5	Lot 24 Binding Site Plans AFN 9006075003 and 8706245002	27052900200800

Residential Parcel Description	Property Description	Tax Parcel Numbers
6	Lot 1, City of Bothell Short Plat SPL2004- 00007, AFN 201004225001	27052900204600
7	Lots 2, 3, and 4, City of Bothell Short Plat SPL2004- 00007 AFN 201004225001	27052900204700, 27053000106300, 27053000206400

Planning Commission:

I SUPPORT the staff recommendation **Comment 4 pg. 33 (Packet)** related to buffer enhancement (page 60 of the draft plan) to change the related Action to " Evaluate the potential for applying different buffer requirements for the subarea in conjunction with the CAO update". I look forward to receiving information from the critical areas analysis that is currently underway and request notification when that information is available.

I reviewed comment **10g on Packet page 39** and the above staff recommendation . It is not clear what is meant by or how the City could condition development " to meet best available science" while the citywide process was ongoing. The Bothell CAO covers any development proposals that are vested during this time. Please request additional comment from staff to clarify this section on page 39.

To clarify the multitude of references in this Planned Action section to various agencies-- I have included in this e-mail the latest update on Wetland Mitigation from Department of Ecology. You will see from the notice that is a Draft with final comments due November 30, 2020. There an opportunity to participate in a WEBNAR on October 19 at 1:30 P.M. Registration information is included. I have also attached the **Wetland Mitigation** document .

I look forward to your meeting and discussion this evening on the Canyon Park Plan.

Ann Aagaard
16524 104th N.E.
Bothell,WA. 98011

- Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (2008 Federal Mitigation Rule, 33 CFR Parts 325 and 332 and 40 CFR Part 230).
- Wetland Mitigation Banks (2009 state wetland banking rule, Chapter 173-700 WAC).
- Selecting wetland mitigation sites using a watershed approach (2009 and 2010).
- Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (2012).
- Calculating credits and debits for compensatory mitigation in wetlands (2012).
- Updated Washington State Wetland Rating System (2014).

A primary reason the agencies are presenting updated mitigation guidance is to ensure consistency with the 2008 Federal Mitigation Rule. This document outlines and clarifies the agencies' requirements and expectations for wetland mitigation, particularly compensatory mitigation.

The guidance includes:

- A primer on the wetland regulatory process
- Overview of how to prepare for the wetland regulatory process
- Compensation approaches (permittee responsible, programmatic)
- Compensation methods (creation, restoration, enhancement, preservation)
- Location, amount, buffers, and aquatic resource tradeoffs
- Other considerations (Endangered Species Act, invasive species, climate change)
- Stormwater and wetlands

Please note: While the updated interagency guidance is intended to help permit applicants and consultants develop compensatory mitigation proposals, this general guidance can be superseded by project-specific mitigation requirements.

Commenting on this document

We encourage you to help improve the draft updated guidance by providing your written comments to Ecology. There are three ways to submit comments:

1. Online using Ecology's [online comment form](#) (preferred method).
2. Sending an email to: dana.mock@ecy.wa.gov and patricia.johnson@ecy.wa.gov.
3. Commenting by mail:

Dana Mock and Patricia Johnson
Washington State Department of Ecology
P.O. Box 47600
Olympia WA 98504-7600

Online public Q&A webinar

Due to continuing health and safety concerns related to the COVID-19 pandemic and to comply with Washington State's [Safe Start Guidance](#), we will not hold in-person public events. Instead, Ecology will host a one-hour online question and answer session on Monday, October 19 at 1:30 p.m. If you would like to participate, please RSVP to dana.mock@ecy.wa.gov and patricia.johnson@ecy.wa.gov to receive the WebEx link for the event.



Special Public Notice

Issuance of Draft Update to 2006 Guidance on Wetland Mitigation in Washington State

Washington State Department of Ecology, P.O. Box 47600, Olympia WA 98504-7600

U.S. Army Corps of Engineers, Seattle District, P.O. Box 3755, Seattle, WA 98124-3755

U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101-1128

Public Notice Date: October 1, 2020

Expiration Date: November 30, 2020

This Special Public Notice announces the issuance of a draft update to the 2006 interagency guidance, *Wetland Mitigation in Washington State, Part 1*, which applies to activities affecting wetlands in the State of Washington and the Seattle District of the U.S. Army Corps of Engineers (Corps). This Special Public Notice solicits comments from the general public on Part 1 of the draft guidance. Part 2 is not being updated at this time.

The draft guidance is located at:

<https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Interagency-guidance>

Background

Corps and U.S. Environmental Protection Agency (EPA) regulations (33 CFR 320-331 and 40 CFR 230) and Washington State Department of Ecology (Ecology) regulations (90.48 RCW and Chapter 173-201A WAC) authorize these federal and state agencies to require compensatory mitigation for unavoidable impacts to wetlands and other waterbodies meeting the definition of "waters of the United States" or "waters of the State."

The Corps, EPA, and Ecology are aware of the challenges associated with past compensatory mitigation projects and are committed to improving the quality and success of future mitigation. *Guidance on Wetland Mitigation in Washington State* is intended to help the regulated public meet mitigation requirements associated with federal and state permits, and help ensure future compensatory mitigation successfully compensates for impacted wetland functions.

In 2006, Ecology, the Seattle District of the Corps, and EPA Region 10 jointly published Part 1, Version 1 of *Wetland Mitigation in Washington State*. Since the release of the guidance, the 2008 Federal Mitigation Rule and Washington's wetland mitigation banking rule went into effect and numerous guidance documents and tools related to compensatory mitigation have been published. The intent of this update is to incorporate and provide consistency with these rules and published documents:
