

TO: Kelly Tayara, Planning Department, City of Bainbridge Island

FROM: Sanjay Bhatt, Courtyards on Madison homeowner

June 8, 2018

RE: Madison Place HDDP PLN50892 SUB, Madison Landing SPR PLN50879 SPR

I am submitting this additional public comment on these two projects. My hope is that my earlier letter to the city on May 17, 2018, submitted for SEPA review on Madison Place will also be considered by the City and the Hearing Examiner.

Lack of Timely Notice

Both state law and the city's comprehensive plan emphasize the importance of providing property owners adjacent to a development project with timely notice of a project application so potentially affected owners can understand potential impacts and have the chance to work with the city and the applicant to mitigate those impacts.

Unfortunately, the city's planning department has been understaffed at the same time building applications have soared, as documented by the Latimore Company's 2017 review for the City of Bainbridge Island. When I brought the lack of notice on these projects to the city's attention on May 17, 2018, the city's response was to reopen the public comment period for two weeks on these two very complex projects. The City's Planning Manager, Heather Wright, apologized to me in an email on May 25 and indicated that any condo owners within 500 feet of these projects did not receive notice due to an omission by city staff. Opening the public comment period for two weeks is not sufficient time for us to get answers from the city to our questions. Indeed, Wright punted several questions I had about the capacity of Madison Avenue to handle more traffic and storm water to the Public Works department, which still has not answered my questions.

Wright wrote: "We sincerely are committed to notifying the community of projects early in the process, and I am sorry that this did not happen for you and others on this and the other projects listed." Yet Wright suggests it's our fault we did not know about these projects: "We take many measures to inform the public including posting the property, placing notices in the newspaper and on our website, hosting a public participation meeting and mailing notices. It was a sincere error to omit anyone from the mailed notices and we have taken measures to correct the mistake."

Because of the lack of timely notice, my fellow condo owners and I along Madison Avenue did not have any idea these projects were actually moving forward or the chance to attend Planning Commission or Design Review meetings where we could have helped shape them. Keep in mind that the City Council enacted a building moratorium last year. It is not our responsibility to go check the city's website and follow the byzantine pathway to the documents filed by the applicant.

It is no surprise the city only received one public comment on this project based on the first notice sent out on Dec. 22, 2017.

Developer Agreements

The city signed agreements with developers in late April and issued a determination of non-significance. The city has not considered all the impacts here, yet it has already tied its hands by signing agreements with these developers.

Impacts

The staff report is grossly incomplete in that it does understate the impacts of adding more car trips to Madison Avenue and that it allows for two parking spaces per unit. In an email on June 6, Chris Hammer, designated traffic engineer for the City, emailed Heather Wright in Planning to say that, “in the long-term ... left turns could be prohibited at peak hours.” This was never disclosed to the community during the process of the city managing these two and three other projects on parallel tracks. The city has a large spreadsheet that shows they are managing Madison Grove, Madison Landing, Madison Place, Wallace Cottages, and other projects on parallel tracks. Yet they are not considering the cumulative impacts of these, as they should in this case under an Appellate Court decision (*Boehm v City of Vancouver*, 111 Wn. App. 711 (2002)).

An analysis of the cumulative impacts of a proposed project is not required under SEPA unless (1) there is some evidence that the project will facilitate future action that will result in additional impacts or (2) the project is dependent on subsequent proposed development. A project's cumulative impacts that are merely speculative need not be considered.

And in another email to me Associate Planner Kelly Tayara indicated that a parking ratio reduction was possible at this site. This so-called green sustainable project, which is receiving waivers from standard zoning restrictions under the Housing Design Demonstration Program, is going to promote more auto use rather than the greener modes of mobility – feet, bicycle, and transit. There is a transit stop right in front and across the street, yet the City is missing the opportunity to require a bus shelter – as it can under the HDDP criteria.

Madison Avenue is a two-lane road that is considered a secondary arterial under the city's plan. And the city says it has no policy on the capacity of arterials. As part of its comprehensive planning update, the city found there were more than 7,400 average daily trips on Madison Avenue near Wallace Way in 2015. This was before the Grow Community added hundreds of car trips to the corridor.

The city's own traffic study from Transportation Solutions (“Citywide Level of Service Forecast Update, March 16, 2016) paints a different picture of congestion on the Madison Avenue corridor than the one submitted by the developer's consultant filed with the city. The city minimum standard for Level of Service (LOS) at intersections is D. The city's study shows the Madison Avenue / Wyatt Way intersection was already at LOS E. The city's suggested mitigation for this is a roundabout. This is not factored into the traffic studies submitted for these developments as far as how the slowing of traffic would affect LOS at intersections on the corridor.

The Madison Place and Madison Landing developments would add 160 and 62 average daily car trips, respectively, according to the traffic studies filed with the city. We respectively do not believe this impact would be insignificant, especially when viewed through the lens of cumulative impact by the concurrent developments the city is managing with two developers.

Then there's stormwater: The storm water questions have not been answered by the city. While the engineer has given approval conditional on a hydrologic study, we are concerned with the apparent failure of pipes under Madison Avenue that carry storm water away. We also know that additional development will increase the flow of storm water into these already compromised mains. We have unanswered questions here, and it's hard to get answers from the city in two weeks. Peter Corelis, the engineer for the City who recommended the approval, has not replied to my emails, and Wright punted the questions I sent her to Public Works, which has not replied.

As a property owner, I'm also concerned the Madison Place development will lead to the destruction of mature trees along our property line. The new development can be built within 5 feet as an HDDP project. This is harmful to our property, and we'd like some answers as to why the city is allowing it.

Sincerely,

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