

Exhibit "12"

From: [Brad Johnson](#)
To: [Miranda Sires](#)
Subject: FW: [EXTERNAL] RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access
Date: Thursday, January 2, 2025 11:50:53 AM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

From: Spenser Haynie <spenser@tenw.com>
Sent: Tuesday, December 31, 2024 7:49 AM
To: Brad Johnson <bradmj@burlingtonwa.gov>; Storme, Roland <roland.storme@wsdot.wa.gov>; Brian Dempsey <briand@burlingtonwa.gov>
Cc: Andrew Hunt <ahunt@4Gdev.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Jason Carey <jcarey@barghausen.com>; Chris Forster <forster@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>; Chris Bicket <bicket@tenw.com>
Subject: RE: [EXTERNAL] RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

External

Thanks Brad! We'll let you know if we have any further questions as we dive into this. Happy Holidays!



Spenser Haynie

Senior Project Manager
C: (206) 390-7253
520 Kirkland Way, Suite 100
Kirkland, WA 98033

From: Brad Johnson <bradmj@burlingtonwa.gov>
Sent: Monday, December 30, 2024 2:53 PM
To: Spenser Haynie <spenser@tenw.com>; Storme, Roland <roland.storme@wsdot.wa.gov>; Brian Dempsey <briand@burlingtonwa.gov>
Cc: Andrew Hunt <ahunt@4Gdev.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Jason Carey <jcarey@barghausen.com>; Chris Forster <forster@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>; Chris Bicket <bicket@tenw.com>
Subject: RE: [EXTERNAL] RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

Spencer,

Our Department does not normally comment on traffic studies outside the permit review process; however, in light of WSDOT's comments we'd like to add the following:

1. As noted in WSDOT's comments, please consult the Transportation Element of the Burlington Comprehensive Plan. The Burlington Comprehensive Plan can be accessed using the following link:

<https://burlingtonwa.gov/DocumentCenter/View/5960/Volume-1>

The relevant goals and polices being in section 8.7. Also, we'd recommend you review Map 8.6, which designates Nevitt Road as an "enhanced pedestrian amenity street" and Map 8.5 which shows a bike lane connection along Nevitt Road and connecting to Garrett Road. "Enhanced Pedestrian Amenities" are defined in BMC 17.01.050 and additional information on required frontage improvements is available in Chapter 12.28 BMC. Both code sections can be access using the following link: [Community Development | Burlington, WA - Official Website](#)

2. The plans indicate the restaurant will be 5,967 square feet and 93 parking spaces will be provided. Under the City's parking requirements, restaurants are only required to provide one parking space for every 200 square feet, meaning approximately 30 spaces would be required for this use. The City's parking code (BMC 17.85.060.B) limits parking to a maximum of 120 percent of the total requirement. The proposed 93 parking spaces exceeds this limit. Exceptions to the parking limits *may* be granted provided a traffic study documents the additional parking needs. All calculations in the traffic study must be internally consistent, meaning the trip generation, parking turnover, and parking needs must all add up. Basically, you'll need to (a) show why 93 parking spaces are required, (b) connect this need to the trip generation numbers, and (c) adjust your results, and the impact fee calculation, accordingly.
3. Please ensure the report addresses safety and access for transit users and non-vehicular modes.

The comments above are from the Burlington Community Development Department. The City Traffic Engineer, Brian Dempsey, may have additional comments.

Thanks,

From: Spenser Haynie <spenser@tenw.com>

Sent: Friday, December 27, 2024 11:57 AM

To: Storme, Roland <roland.storme@wsdot.wa.gov>; Brian Dempsey <briand@burlingtonwa.gov>
Cc: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Jason Carey <jcarey@barghausen.com>; Chris Forster <forster@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>; Chris Bicket <bicket@tenw.com>
Subject: RE: [EXTERNAL] RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

External

Hi Roland – Happy Holidays! Confirming receipt of the comments. We'll work on addressing these and will reach out if we have any questions.

Thanks!



Spenser Haynie

Senior Project Manager
C: (206) 390-7253
520 Kirkland Way, Suite 100
Kirkland, WA 98033

From: Storme, Roland <roland.storme@wsdot.wa.gov>
Sent: Tuesday, December 24, 2024 10:16 AM
To: Spenser Haynie <spenser@tenw.com>; Brian Dempsey <briand@burlingtonwa.gov>
Cc: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Jason Carey <jcarey@barghausen.com>; Chris Forster <forster@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>; Chris Bicket <bicket@tenw.com>
Subject: RE: [EXTERNAL] RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

Good morning Spenser,

Attached are WSDOT's comments to the Traffic Study dated 12/4/24 for the subject project.

Please submit a revised study for our review at your earliest convenience.

If you have any questions, please don't hesitate to contact me.

Thank you,

Roland Storme
Development Services
WSDOT/Mount Baker Area
(360) 757-5961

From: Spenser Haynie <spenser@tenw.com>
Sent: Friday, December 6, 2024 1:31 PM
To: Brian Dempsey <briand@burlingtonwa.gov>; Storme, Roland <roland.storme@wsdot.wa.gov>
Cc: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Jason Carey <jcarey@barghausen.com>; Chris Forster <forster@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>; Chris Bicket <bicket@tenw.com>
Subject: [EXTERNAL] RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Hi Brian/Roland – It's been awhile since we last spoke regarding the Chick-fil-A project and the idea of potential modifications to the channelization on Nevitt Road and signal modifications at the Nevitt Road/Hwy 20 intersection. We have completed the TIA based on prior discussions and it is attached for your review. We'd like to get your comments/questions (if any) before diving further into the design side.

Thanks!



Spenser Haynie
Senior Project Manager
C: (206) 390-7253
520 Kirkland Way, Suite 100
Kirkland, WA 98033

From: Brian Dempsey <briand@burlingtonwa.gov>
Sent: Thursday, July 25, 2024 1:03 PM
To: Spenser Haynie <spenser@tenw.com>; Storme, Roland <roland.storme@wsdot.wa.gov>; Jason Carey <jcarey@barghausen.com>
Cc: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Chris Forster <forster@tenw.com>; Chris Bicket <bicket@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>
Subject: RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

Spenser,

City generally supports adding SB left-turn into development. We will require new thermoplastic/loops/buttons and pavement overlay to accommodate the new channelization in Nevitt Rd if this occurs.

Thank you.

Brian

Brian Dempsey, P.E.

City of Burlington - Assistant Public Works Director/Engineer

833 South Spruce Street, Burlington, WA 98233

briand@burlingtonwa.gov

office: 360.755.9715 cell: 360.630.8267

From: Spenser Haynie <spenser@tenw.com>

Sent: Thursday, July 25, 2024 10:41 AM

To: Brian Dempsey <briand@burlingtonwa.gov>; Storme, Roland <roland.storme@wsdot.wa.gov>; Jason Carey <jcarey@barghausen.com>

Cc: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Chris Forster <forster@tenw.com>; Chris Bicket <bicket@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>

Subject: RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

EXTERNAL EMAIL

Thanks Brian! Maybe Jason or Roland can chime in on the latest discussions regarding maintaining a RIRO access to Hwy 20 but my understanding is that will be allowed.

Regarding the LOS D, that is the exiting movement from the gas station opposite of the location of the proposed driveway for Chick-fil-A.

Spenser Haynie | Senior Project Manager

TENW 520 Kirkland Way, Suite 100, Kirkland, WA 98033

spenser@tenw.com | Phone: 206-390-7253

**** We have moved! Our new address is noted in our footer and is:**

520 Kirkland Way, Suite 100, Kirkland WA 98033**

From: Brian Dempsey <briand@burlingtonwa.gov>

Sent: Thursday, July 25, 2024 10:34 AM

To: Spenser Haynie <spenser@tenw.com>; Storme, Roland <roland.storme@wsdot.wa.gov>

Cc: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>; Jason Carey <jcarey@barghausen.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Chris Forster <forster@tenw.com>; Chris Bicket <bicket@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>

Subject: RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

Hi Spencer,

We like removing the dual right turns for outgoing left turns at Nevitt intersection. Any progress with gaining permission from WSDOT to keep the existing right in/out hotel access on SR20 for this development?

Please further explain the LOS D regarding the Eastbound approach on Nevitt. Which road segment will have LOS D?

Thank you.

Brian

From: Spenser Haynie <spenser@tenw.com>

Sent: Thursday, July 18, 2024 3:30 PM

To: Brian Dempsey <briand@burlingtonwa.gov>; Storme, Roland <roland.storme@wsdot.wa.gov>

Cc: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>; Jason Carey <jcarey@barghausen.com>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>; Steve Schwartz <steve.schwartz@cfacorp.com>; Chris Forster <forster@tenw.com>; Chris Bicket <bicket@tenw.com>; Sarah Miller <sarah@tenw.com>; Kees Westra <kees@tenw.com>

Subject: RE: I-5 & Hwy 20 (Burlington) // Chick-fil-A Access

EXTERNAL EMAIL

Hi All – Following up on the email thread below, one of the critical items for the proposed Chick-fil-A project is access and specifically how customers coming from the east on Hwy 20 will access the site. Based on dialogue with the City below, our understanding is that the existing channelization on Nevitt Road does not allow for left-turns into the site and that the potential access to Hwy 20 would be restricted to right-in and right-out movements only. Without a possible left-turn into the site on Nevitt Road, Chick-fil-A customers may ultimately utilize routes that would negatively impact the neighboring uses on Nevitt Road (such as using their parking lots to turn around) or attempting difficult u-turn maneuvers on Hwy 20.

We understand that the project still needs to go through the full entitlement/review process, but TENW has conducted an initial traffic operations analysis of a proposed modification to the channelization on Nevitt Road that would allow for left-turns into the Chick-fil-A site from Nevitt Road (see attached concept, site plan, and analysis results). Based on our review of existing traffic counts and preliminary forecasts of traffic with the proposed project, the traffic patterns at the intersection support the proposed change from dual NB RT lanes to dual NB LT lanes, which effectively reduces the length of the NB LT queue and allows room for a new SB LT pocket to serve the proposed project site access.

As shown in our preliminary analysis, peak hour queuing from the traffic signal (northbound approach) is accommodated within the proposed turn pockets and is not anticipated to impact the operations of the opposing driveway with the proposed channelization modifications. In addition,

the queuing in the SB LT pocket into the project site is not anticipated to spill over and impact through traffic on Nevitt Road or Hwy 20.

We believe that our analysis and proposed channelization revisions support inbound left-turn access from Nevitt Road. At this time, we are requesting City/WSDOT feedback on feasibility of the proposed revisions. If the City/WSDOT are generally in agreement with our findings and are open to the proposed modifications, a full traffic study will be prepared consistent with City/WSDOT requirements.

We appreciate your time in reviewing this proposal. Please let us know if you have any questions or concerns.

Thanks!

Spenser Haynie | Senior Project Manager

TENW 520 Kirkland Way, Suite 100, Kirkland, WA 98033

spenser@tenw.com | Phone: 206-390-7253

**** We have moved! Our new address is noted in our footer and is:
520 Kirkland Way, Suite 100, Kirkland WA 98033****

From: Brian Dempsey <briand@burlingtonwa.gov>

Sent: Tuesday, May 14, 2024 12:58 PM

To: Andrew Hunt <ahunt@4Gdev.com>; Brad Johnson <bradmj@burlingtonwa.gov>

Cc: Miranda Sires <MirandaS@burlingtonwa.gov>; Kim Ohara <kohara@burlingtonwa.gov>; Ryan Spurrier <ryans@burlingtonwa.gov>; John Abenroth <johna@burlingtonwa.gov>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>

Subject: RE: I-5 & Hwy 20 (Burlington) // TRC application/info

We would need to consult with our traffic consultant but seems possible. There's an opposing driveway that may interfere.

From: Andrew Hunt <ahunt@4Gdev.com>

Sent: Monday, May 13, 2024 3:37 PM

To: Brian Dempsey <briand@burlingtonwa.gov>; Brad Johnson <bradmj@burlingtonwa.gov>

Cc: Miranda Sires <MirandaS@burlingtonwa.gov>; Kim Ohara <kohara@burlingtonwa.gov>; Ryan Spurrier <ryans@burlingtonwa.gov>; John Abenroth <johna@burlingtonwa.gov>; Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>

Subject: RE: I-5 & Hwy 20 (Burlington) // TRC application/info

EXTERNAL EMAIL

Hi Brian,

Pleasure to (virtually) meet you. A quick follow up question—

If our engineer proposed a solution to revise Nevitt Rd (to allow left-in on the west), would the city

be amenable to considering a re-striping and/or reconstruction of Nevitt Rd to accommodate this development?

We will reach out to WSDOT for the abandoned ROW.

Kind Regards,

Andrew Hunt – Sr. Project Manager
4G DEVELOPMENT AND CONSULTING, INC.
P.O. Box 270571, San Diego, CA 92198
P (760) 214-8362

From: Brian Dempsey <briand@burlingtonwa.gov>

Sent: Monday, May 13, 2024 10:34 AM

To: Brad Johnson <bradmj@burlingtonwa.gov>; Andrew Hunt <ahunt@4Gdev.com>

Cc: Miranda Sires <MirandaS@burlingtonwa.gov>; Kim Ohara <kohara@burlingtonwa.gov>; Ryan Spurrier <ryans@burlingtonwa.gov>; John Abenroth <johna@burlingtonwa.gov>

Subject: RE: I-5 & Hwy 20 (Burlington) // TRC application/info

The unbuilt/abandoned ROW is land owned by WSDOT, not City. Roland Storme with WSDOT will be able to assist. Here is his contact information.

With current channelization on Nevitt Rd, left-turns are prohibited into your parcel currently. We will only permit a right-in/out unless your traffic engineer advises of new layout for Nevitt Rd. WSDOT will need to approve alterations to this West access as well due its proximity to SR20.

Brian Dempsey, P.E.

City of Burlington - Assistant Public Works Director/Engineer

833 South Spruce Street, Burlington, WA 98233

briand@burlingtonwa.gov

office: 360.755.9715 cell: 360.630.8267

Roland Storme

Development Services

WSDOT/Mount Baker Area

(360) 757-5961

stormer@wsdot.wa.gov

From: Brad Johnson <bradmj@burlingtonwa.gov>

Sent: Friday, May 10, 2024 3:20 PM

To: 'ahunt@4Gdev.com' <ahunt@4Gdev.com>

Cc: Miranda Sires <MirandaS@burlingtonwa.gov>; Kim Ohara <kohara@burlingtonwa.gov>; Brian Dempsey <briand@burlingtonwa.gov>; Ryan Spurrier <ryans@burlingtonwa.gov>; John Abenroth <johna@burlingtonwa.gov>

Subject: RE: I-5 & Hwy 20 (Burlington) // TRC application/info

Andrew,

SR-20 is a State Highway and is classified as a Major Arterial. Nevitt Road is classified as a Minor Arterial. Major Arterials are subject a minimum driveway/intersection spacing of 150 feet (BMC 12.28.120.a). Minor arterials *may* be subject to a minimum separation requirement of 150 feet if the City Engineer determines a hazard exists (BMC 12.28.130.A). I'm copying Brian Dempsey in our Public Works Department. Brian should be able to provide some guidance on the applicable standards, and also assist you with your question regarding the use of the unbuilt/abandoned ROW to the east of the project site. Off-hand, I think this was discussed at the last TRC meeting, and I think the City was amenable to allowing it, but you'll want to confirm with Public Works.

Thanks,

Brad Johnson

Community Development Director

City of Burlington

360-755-9717 (7201)

bradmj@burlingtonwa.gov

From: Kim Ohara <kohara@burlingtonwa.gov>

Sent: Friday, May 10, 2024 2:35 PM

To: Brad Johnson <bradmj@burlingtonwa.gov>

Cc: Miranda Sires <MirandaS@burlingtonwa.gov>

Subject: FW: I-5 & Hwy 20 (Burlington) // TRC application/info

Brad – hoping you can shed some light to Andrew's question below.

Thanks,

Kim O'Hara

Permit Center Manager

Direct (360) 755-1371

Office (360) 755-9717



From: Andrew Hunt <ahunt@4Gdev.com>

Sent: Friday, May 10, 2024 2:10 PM

To: Kim Ohara <kohara@burlingtonwa.gov>

Cc: Kevin Watson <kwatson@4Gdev.com>; Nathan Lodico <nlodico@4Gdev.com>

Subject: RE: I-5 & Hwy 20 (Burlington) // TRC application/info

EXTERNAL EMAIL

Hi Kim,

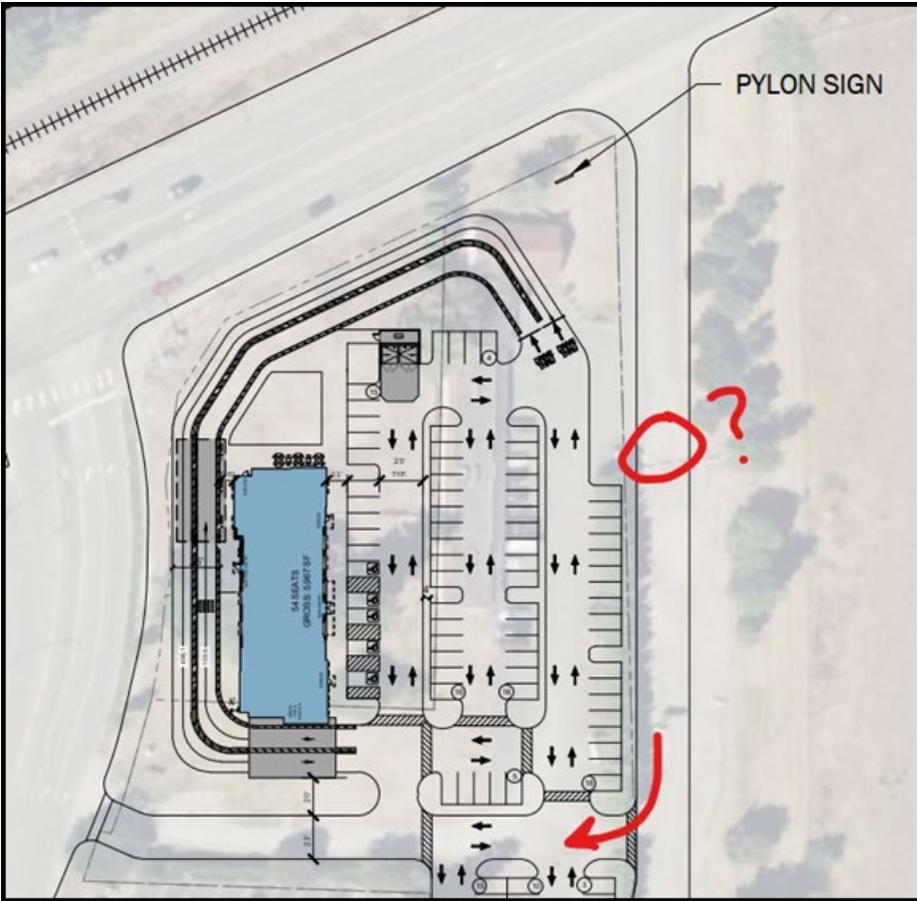
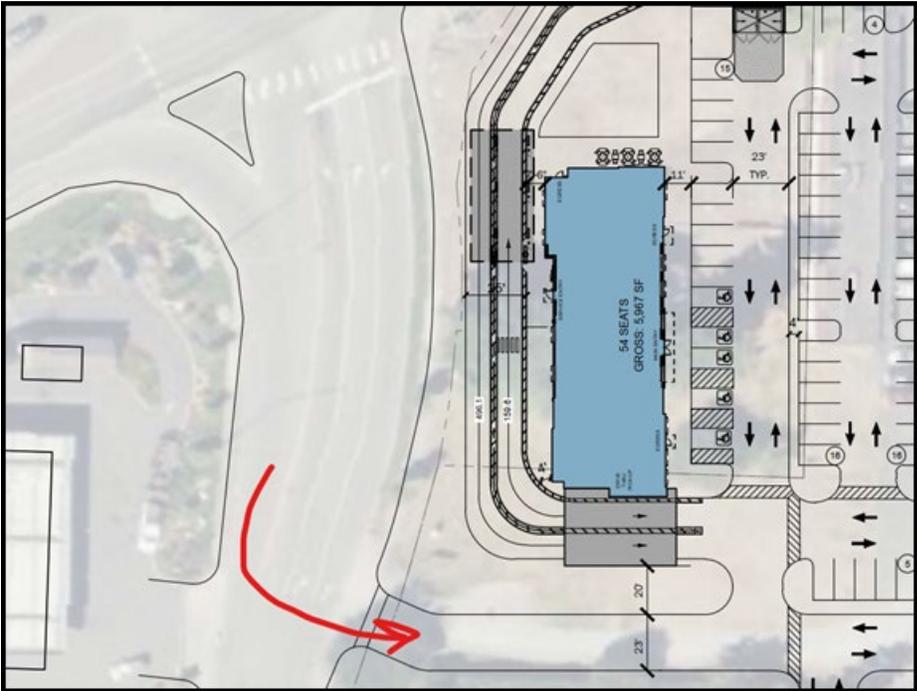
Thanks for sending this along, this is much appreciated. Yes, the proposal is in fact actually the same (or very similar). We're working on revising our plan but I'm learning that (internal to our own design team), we're a bit stuck.

Mostly—The access drives/points on this site. Can you direct me to someone in the planning, or maybe more importantly, the Public Works or Right-of-Way department who can help me understand what will be allowed *as far as "Access Points"* will go?

I couldn't find any notes in the TRC (Pre-App) comments attached related to accesses. For example, we would like to make a left-into the western access on our proposed plan. Will this be allowed? (first pic below)

Also, can we connect to the access road on the east? (second pic below) It looks blocked off. Again, we didn't have these answered (it seems) during the prior TRC and we figure that the ROW/Planning department might be able to email some answers fairly quickly on this.

Otherwise, the site plan and scope isn't intending to change much at all.



Kind Regards,

Andrew Hunt – Sr. Project Manager
4G DEVELOPMENT AND CONSULTING, INC.

P.O. Box 270571, San Diego, CA 92198
P (760) 214-8362

From: Kim Ohara <kohara@burlingtonwa.gov>
Sent: Thursday, May 9, 2024 5:46 PM
To: Andrew Hunt <ahunt@4Gdev.com>
Subject: RE: TRC application/info

You don't often get email from kohara@burlingtonwa.gov. [Learn why this is important](#)

Andrew – in January 2024 we had a TRC meeting about this property – see attached agenda and TRC memo.

If you are proposing the same project with modifications, please include those comments as to what changes are being made for staff to review.

Thank you,

Kim O'Hara

Permit Center Manager

Direct (360) 755-1371

Office (360) 755-9717



www.burlingtonwa.gov

From: Andrew Hunt <ahunt@4Gdev.com>
Sent: Thursday, May 9, 2024 2:43 PM
To: Kim Ohara <kohara@burlingtonwa.gov>
Subject: RE: TRC application/info

EXTERNAL EMAIL

Hi Kim,

Thank you for sending and we look forward to hearing back about the digital option. We'll get working on the submittal materials.

Kind Regards,

Andrew Hunt – Sr. Project Manager
4G DEVELOPMENT AND CONSULTING, INC.
P.O. Box 270571, San Diego, CA 92198
P (760) 214-8362

From: Kim Ohara <kohara@burlingtonwa.gov>

Sent: Thursday, May 9, 2024 12:26 PM

To: Andrew Hunt <ahunt@4Gdev.com>

Subject: TRC application/info

You don't often get email from kohara@burlingtonwa.gov. [Learn why this is important](#)

Andrew – attached is a Technical Review Committee application. Please complete and return with the following information:

Application

Site Plan

Project Narrative

List of Questions for Staff

Any other information pertinent to this application

I will get back to you on having a remote meeting on June 5.

Thank you,

Kim O'Hara

Permit Center Manager

Direct (360) 755-1371

Office (360) 755-9717

