

# AGENDA

## PLANNING COMMISSION REGULAR MEETING



Thursday, March 21, 2013  
7:00 p.m.

Shoreline City Hall  
Council Chamber  
17500 Midvale Ave N.

|                                | <u>Estimated Time</u> |
|--------------------------------|-----------------------|
| 1. CALL TO ORDER               | 7:00 p.m.             |
| 2. ROLL CALL                   | 7:01 p.m.             |
| 3. APPROVAL OF AGENDA          | 7:02 p.m.             |
| 4. APPROVAL OF MINUTES         | 7:03 p.m.             |
| A. February 21 Regular Meeting |                       |

### **Public Comment and Testimony at Planning Commission**

*During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes.*

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|--|-----------|
| 5. GENERAL PUBLIC COMMENT  | 7:05p.m.  |
| 6. PUBLIC HEARINGS   | 7:10 p.m. |
| A. State Environmental Policy Act (SEPA) Development Code Amendments |           |
| • Staff Presentation   |           |
| • Questions by the Commission  |           |
| • Public Testimony   |           |
| • Final Questions & Deliberations                                    |           |
| • Vote to Recommend Approval or Denial or Modification               |           |
| • Closure of Public Hearing  |           |
| 7. DIRECTOR'S REPORT   | 8:10 p.m. |
| 8. NEW BUSINESS  |           |
| A. Community Renewal Plan for Aurora Square                          | 8:15 p.m. |
| B. Discuss Annual Report to Council                                  | 9:15 p.m. |
| 9. REPORTS OF COMMITTEES & COMMISSONERS/ANNOUNCEMENTS                | 9:25 p.m. |
| A. Light Rail Station Area Planning Committee Report                 |           |
| 10. AGENDA FOR April 4   | 9:35 p.m. |
| 11. ADJOURNMENT  | 9:40 p.m. |

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.*

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# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

February 21, 2013  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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### Commissioners Present

Chair Moss  
Vice Chair Esselman  
Commissioner Craft  
Commissioner Maul  
Commissioner Montero  
Commissioner Scully  
Commissioner Wagner

### Staff Present

Steve Szafran, Senior Planner, Planning and Community Development  
Jeff Forry, Permit Services Manager  
Jessica Simulcik Smith, Planning Commission Clerk

### CALL TO ORDER

Chair Moss called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

### ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Moss, Vice Chair Esselman and Commissioners Craft, Maul, Montero, Scully and Wagner.

### APPROVAL OF AGENDA

The agenda was accepted as presented.

### DIRECTOR'S COMMENTS

Mr. Szafran announced that presentation of the 2013 Comprehensive Plan Amendment Docket to the City Council has been postponed from February 25<sup>th</sup> to March 25<sup>th</sup>.

### GENERAL PUBLIC COMMENT

No one in the audience indicated a desire to address the Commission during this portion of the meeting.

## **STUDY SESSION: STATE ENVIRONMENTAL POLICY ACT (SEPA) DEVELOPMENT CODE AMENDMENTS**

### **Staff Presentation**

Mr. Forry explained that the purpose of the study session is to discuss the proposed amendments to the City's environmental review procedures and to provide background for a staff recommendation. The background is intended to demonstrate that the City has adopted substantive environmental protections that mitigate the direct impacts of development. He advised that the proposal includes exempting activities from environmental review that are below the exempt levels established by the Department of Ecology (DOE) and consideration of eliminating the automatic requirement to meet the procedural requirements of the State Environmental Policy Act (SEPA) when activities occur in or adjacent to critical areas. He provided a chart that identifies the City's current levels for minor new construction, as well as the proposed new levels. He explained that the threshold identifies the upper limit, and activities below that level would be considered exempt. He reviewed the following reasons for the proposed amendment:

- **New Legislation:** Adoption of Senate Bill 6406 presented the City with an opportunity to evaluate existing environmental procedures that haven't been reviewed since incorporation in 1995. The bill put in place interim thresholds, which were to revert to the current levels upon completion of the Department of Ecology's (DOE) rule-making process. The DOE conducted a thorough review of the thresholds for minor new construction and elected to provide agencies the flexibility to substantially amend their local procedures. This process was completed on January 28, 2013, and the interim thresholds are no longer in effect. The City must amend its environmental procedures in order to take advantage of the flexibility afforded by the DOE.
- **Recognize Existing Planning Efforts.** It is important to recognize existing planning efforts and environmental protections. Given the extensive investment the City has and will continue to make in the Comprehensive Plan and Development Code, it is essential that project review start from the fundamental land-use choices that are made at the Comprehensive Plan level. Plans and regulations should not be reevaluated through environmental review. With the adoption of substantive environmental regulations, SEPA has become redundant for minor new construction. The DOE has determined that, with appropriate local regulations, minor new construction below the exempt thresholds pose less than a probable significant impact.
- **Implement Council Goals:** Council Goal 1 directs the City to continue to implement efforts to make the permit process predictable, timely and competitive. Review under the City's current environmental procedures builds a bureaucratic redundancy that focuses on procedures and policies rather than the proposals and regulations intended to mitigate impacts.

Mr. Forry advised that since SEPA was originally enacted in 1971, many new laws and procedures for environmental protection, land use planning, and the provisions for infrastructure have been implemented. He specifically noted the following:

- The City has made concerted efforts to adopt and implement environmental protections, starting as early as incorporation in 1995 when they adopted the King County regulations and environmental procedures that reflected the 1971 thresholds.

- In 1998 the first Comprehensive Plan was adopted, and the impacts of the plan were analyzed under an Environmental Impact Statement (EIS). A development code that implements the policies and mitigations identified in the Comprehensive Plan was adopted in 2000.
- In 2005, the Growth Management Act (GMA) directed a major update to the Comprehensive Plan, which required that adequate facilities be available at the time of development to meet the City's Level of Service (LOS) Standard. The update also provided protections for the natural environment and defined best available science (BAS) in policies and local regulations. To support the new policies in the Comprehensive Plan update, the Critical Area Ordinance (CAO) was adopted in 2006.
- The Surface Water Code was adopted in 2009 to implement the DOE's Stormwater Manual and set the standards for low-impact development.
- The Transportation Master Plan was adopted in 2011 to identify LOS for transportation and define the transportation network. The plan also developed the transportation component of the 6 and 20-year Capital Facilities Plan (CFP), which is intended to identify future improvements that mitigate the long-term impacts of development.
- The Surface Water Master Plan was adopted in 2011 and sets the LOS for stormwater facilities for both the utility and new development.
- The Shoreline Master Program was updated in 2012 and put in place the Shoreline Management Act's (SMA) requirement of no net loss of environmental protection.
- Vegetation and Tree Protections were adopted in 2012 to provide protections for the urban canopy and understory vegetation.
- In 2012, the Floodplain Ordinance was updated as mandated by the Federal Emergency Management Agency (FEMA) to incorporate provisions of the Endangered Species Act.
- As mandated by GMA, the Comprehensive Plan was updated in 2012. The environmental review analyzed the future impacts of development.
- The Legislature approved an amendment to SEPA in 2012, which directed the DOE to modernize the rules that guide state and local agencies in conducting SEPA review in light of the increased environmental protections at the local and state levels.
- The Commercial Design Standards will be adopted in 2013 to implement policies in the Land Use Element of the Comprehensive Plan and further support Council Goal 1. The design standards are system-wide and form the basis for on-the-ground project decisions when permits come in.

Mr. Forry referred to Attachment A, which identifies the local, state and federal regulations that mitigate the impacts of new construction. Additional analysis of the proposal is also provided in the staff report. Due to the extensive planning efforts the Planning Commission has undertaken to meet the requirements of GMA and the instituted environmental protections that were implemented through the permit process, staff recommends the environmental review thresholds for minor new construction be amended as proposed. He briefly reviewed the process for Development Code amendments, noting that review and a public hearing by the Planning Commission is the first step in the process. A public hearing has been tentatively scheduled for March 21<sup>st</sup>. After the hearing, the Commission will forward a recommendation to the City Council. A study session has been tentatively scheduled with the City Council for April 8<sup>th</sup>, with final action on the proposal on April 29<sup>th</sup>. He noted that the time between the Commission's recommendation and the City Council's formal consideration will be used to satisfy the DOE's 21-day comment period. He clarified that while the DOE does not adopt or approve local regulations, they do review and comment as appropriate.

Mr. Forry referred to the table on Page 8 of the Staff Report, which outlines the numbers of activities the City has evaluated over the past eight years that were subject to SEPA. Of the average 103 projects that were evaluated between 2004 and 2012, approximately 20 each year would have required SEPA review based on the proposed amendment. He summarized that while the number and types of proposals subject to SEPA would decrease, the majority of the larger proposals processed by the City would still be subject to a public process. As per the proposed amendment, the City would focus its environmental evaluation on the larger proposals that have greater impacts as opposed to minor new construction projects.

Commissioner Wagner said the Commission previously heard testimony that a fair number of the SEPA appeals filed in the City ended up not having a significant impact on projects because the Hearing's Board found in favor of the initial ruling. She said it would be helpful to have information about recent SEPA appeals and whether or not the projects would have been subject to SEPA based on the proposed amendment. Mr. Forry said CRISTA was the only project of note for which an appeal was filed, and SEPA would still be required for a project of that size. More recently, a project was appealed and the City lost because the ordinance language was not substantive enough to craft valid mitigation. It was remanded back to the City for reconsideration, and the permit was subsequently issued.

Commissioner Scully observed that SEPA is supposed to be a study tool rather than a restrictive tool. It is not supposed to call out what can and cannot be done, but rather the affects a project will have. He referred to the Element and Regulation Matrix on Page 11 of the Staff Report and noted that most of the items in the right column are substantive restrictions. For example, the Tree Code is not necessarily a study tool; it specifically calls out what is and is not allowed in relation to trees. He questioned what would be lost in terms of information to help the City identify the impacts of a project.

Mr. Forry explained that the City does not often issue Mitigated Determinations of Non-Significance (MDNS) because the regulations provide substantive support for the mitigations identified. For example, the CAO mitigates based on a professional evaluation of the critical area. It does not specifically enumerate all of the mitigation options, but it gives the City latitude to accept what a professional says needs to be done to mitigate the impacts. The City has found it cannot identify mitigations above and beyond what the ordinance allows. He explained that SEPA's premise is that environmental review starts by identifying what can be mitigated based on regulations. The next step is to review the Comprehensive Plan policies to identify what has not been mitigated. The City has made an extensive effort over the past 15 years to provide more than adequate levels of protection. The DOE's thresholds identify levels for minor new construction, and any project below the upper threshold would be considered minor and exempt. He referred to a recent 5-story, multi-family development on 152<sup>nd</sup> with approximately 200 units. The City conducted an extensive public process and environmental review and found there were no substantial impacts that could not be mitigated via the City's existing ordinances. There were no impacts significant enough for the City to exercise its SEPA authority.

Commissioner Scully pointed out that if a project is exempt from SEPA, the applicant would not be required to submit a checklist and the City would lose this information piece. He asked if these information-gathering components are contained in other existing City regulations. Mr. Forry answered affirmatively. For example, there are study components contained in the CAO, and the regulations related to traffic require projects to demonstrate that they meet the LOS standards.

Chair Moss asked staff to comment further on their recommendation that the CAO provides sufficient regulations to allow the City to eliminate automatic environmental reviews for activities in and around critical areas. She noted that an EIS has already been done for a number of properties in the City so that developers do not have to repeat the process for each individual property. Mr. Forry explained that the State's Environmental Policy Act contains a provision that allows local jurisdictions to address exemptions within critical areas. The permissive language was added in 1974 and was intended to provide assistance to cities that did not have critical areas regulations in place. As local jurisdictions developed critical areas regulations, the need to do SEPA evaluations within critical areas became more of a procedural requirement than a pure analysis of what was going on. The City's current CAO requires an analytical analysis that focuses on projects rather than procedures. Requiring a SEPA review, as well, results in a greater focus being placed on procedure, making it more difficult to focus on the actual project, its impacts, and appropriate mitigation.

Chair Moss asked if the City's study for the CAO went outside the boundaries of the actual critical areas. Mr. Forry said the study included the critical areas and their associated buffer areas, which vary, depending on the scope of the critical area.

Chair Moss asked if there are impacts that may not be covered by City regulations that a SEPA review would catch. Mr. Forry said it would be incorrect and naïve to say there would not be any loss of potential study under SEPA. However, the process for reviewing applications employs an evaluation of the majority of the SEPA components. However, if an environmental checklist is no longer required, it is possible that some items would not be covered. The DOE has indicated that the thresholds identified do not present themselves as probable significant impacts if appropriate environmental regulations have been adopted, and staff is suggesting that the City has appropriate environmental regulations in place.

Commissioner Scully asked how other jurisdictions are addressing the new exemptions. Mr. Forry said many have already exercised the interim threshold levels. He noted that the City has two planned action areas (North City and Town Center), and an EIS has been completed for each one. Therefore, new development would be exempt from the SEPA review requirement. Many jurisdictions are using a similar approach by using area-wide planned actions as a way to opt out of SEPA review at the everyday project level. All jurisdictions must go through the process staff is currently proposing in order to adopt the highest levels.

Vice Chair Esselman asked how the DOE arrived at the interim and proposed new levels. Mr. Forry said the interim levels were originally developed by the DOE through a rule-making process. A similar process was used to identify the new thresholds, and the City participated. A proposal was put forward by the DOE, and stakeholder groups were formed to participate in ad hoc committee meetings and public hearings. The thresholds originally proposed were much higher, and through the rule-making process, they were put into a realm of reality that the DOE and all stakeholders were comfortable with.

Chair Moss requested further clarification from Mr. Forry regarding his earlier comment about the City losing an appeal because the regulations were not strong enough. Mr. Forry said this issue related to a proposal to remove a substantial number of trees within a critical area (slope) of an Innis Arden Reserve. The City's intent was to protect as many trees as possible using the CAO and SEPA as a tool. However, SEPA was not the correct tool to accomplish this goal. Anytime SEPA is involved, the process is

opened up to appeal and the City is required to substantiate any mitigation it puts forward. The City was unable to substantiate the mitigation under court scrutiny and lost the appeal. If the City had strictly applied its ordinance, it would have had a very firm basis. However, the City went beyond the scope of its ordinance and probably beyond the scope of SEPA in identifying mitigations and attempting to apply some unfounded science.

Mr. Forry clarified that the left hand column of the Element and Regulation Matrix (Attachment A) lists the elements contained in the environmental checklist that need to be evaluated under environmental review. The right hand column lists the local, federal and state regulations already in place to address each element. He emphasized that the matrix should accompany the amendment process all the way through to the City Council since the DOE's process requires that the City Council enter findings to respond to each of the elements. Chair Moss referred to the right hand column related to the "earth" element and asked if restrictions for impervious surfaces, hardscape, tree protection and site coverage are specifically called out in SMC 20.50. Mr. Forry said SMC 20.50 includes restrictions on hardscape and mandated tree protection. The protection for steep slopes is in SMC 20.80 of the CAO.

Mr. Forry referred to Attachment B, which identifies the actions that require noticing and public comment. Those actions with "checks" require some level of notice and public comment, regardless of whether or not a proposal is exempt under SEPA. Most also have conditioning authority under the development regulations. Administrative Design Review would only be required for development in the commercial areas when departures or variances from the development standards have been requested.

While it is nice to provide an opportunity for the public to comment on development proposals, Mr. Forry cautioned that it can create an expectation that the comments can somehow affect the outcome. This is particularly true with SEPA review. The City has struggled to determine what is "effective comment." Commissioner Scully countered that the public comment process allows the City to gather more information. Even when public comments cannot influence the outcome, there is some value as long as the City appropriately messages what the affect will be. Mr. Forry said staff is looking at ways to support public comment, but get the word out that it will not affect substantive changes.

Chair Moss asked if the properties that would be developed under a Shoreline Substantial Development Permit have already had an independent analysis or an EIS. Mr. Forry answered that these properties within the shoreline area have not been through an environmental process under SEPA. However, many of the City's ordinances have been through a thorough environmental evaluation at the plan level, and mitigations have been incorporated into the City's regulations. He commented that the public can get the "biggest bang for their buck" by participating in the regulatory process.

Chair Moss noted that the list of projects that require noticing and public comment would not change as a result of the proposed amendment. Mr. Forry agreed that the list is intended to demonstrate that a fair number of projects would require a public comment period. He said they typically receive the most public comments on subdivision and short plat proposals, and it is important to keep in mind that the subdivision process is based on state law and is almost as rigorous as SEPA. There is an opportunity for public comment, and the City has conditioning authority to mitigate impacts.



Mr. Forry referred to the proposed new language for SMC 20.30.560 (Attachment C). Commissioner Montero pointed out that a parking lot that accommodates 90 vehicles would be significant in size. Mr. Forry observed that it is not likely that a large, stand-alone parking facility would be constructed in the City given the cost of real estate. Typically, parking would be associated with a commercial development that would likely be subject to SEPA anyway.

Commissioner Scully questioned why the excavation threshold is the only exemption that is cumulative. Mr. Forry clarified that the exemption thresholds have been established by the DOE. It was discussed that the extraction of cubic yards in conjunction with exempt activity would not have a critical impact. Although excavation and fill would not be evaluated under SEPA, it would be extensively evaluated under the Stormwater Regulations and CAO, and the properties would have to comply with the standard engineering principles for cut and fill on properties. In addition, provisions in the Municipal Code require a developer to mitigate route traffic impacts and identify haul routes. They would also be subject to regulations related to noise, time of construction activity, Puget Sound Clean Air Act, etc. Large projects would also be required to obtain a construction permit from the DOE to mitigate potential impacts to streams and runoff. He summarized that there are substantial regulations in place to address the majority of impacts associated with larger developments.

Commissioner Craft summarized that the thresholds should not be raised unless the appropriate regulations and ordinances are in place to monitor activities from a development standpoint. He asked if staff is confident that the City's current regulations and ordinances will effectively address the gap between the existing threshold and the proposed new threshold. He also asked if staff believes the City's regulations are more effective in their application on the various development components. Mr. Forry answered affirmatively.

Commissioner Craft observed that while some of the reporting aspects of SEPA may not be as clearly identified in the regulations and ordinances, staff believes the enforcement of various standards would still be as effective. He said that while there is a certain level of frustration that the City is unable to address public comments that are received via the SEPA process, the comments can help identify elements of a project that the City did not previously understand. He asked if language could be added to the regulations to replace the reporting techniques in SEPA that would disappear with the raised threshold, or would this be a redundant feature of what is already in place. Mr. Forry explained that the project review process is set up to evaluate many of the components of the environment. While the regulations do not specifically respond to some points, such as endangered species, raising the thresholds would not negate the City's ability to react to these concerns at any point of time in the process. Although there would be no formal public comment period, the public could submit information and concerns, and the City would have the ability to react quickly to address issues under their current regulatory and enforcement authority. This would be true with or without SEPA.

Chair Moss noted that some public projects are subject to the National Environmental Policy Act (NEPA). She asked if NEPA would be more stringent than SEPA. Mr. Forry said that SEPA was derived from NEPA, and they are considered comparable. NEPA is required for projects that involve federal funding, and SEPA is required for local level projects. They perform the same general conceptual level of environmental review. He said he does not know what the NEPA thresholds are at this time.

## **Public Comment**

No one in the audience indicated a desire to provide public comment during this portion of the meeting.

## **DIRECTOR'S REPORT**

Mr. Szafran did not have any additional items to report to the Commission.

## **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Scully reported that the Light Rail Station Area Planning Subcommittee is scheduled to meet on the third Friday of each month from 4:00 to 5:00 p.m. He noted that the meetings would be more formal, as the public has expressed an interest in participating in the process. Ms. Simulcik Smith advised that the meetings would be noticed on the bulletin board at City Hall, as well as on the City's website.

## **AGENDA FOR NEXT MEETING**

Mr. Szafran announced that the March 7<sup>th</sup> meeting agenda would include a study item on regional green building development code amendments. Ms. Simulcik Smith recalled that, at their last meeting, Commissioner Montero raised the idea of forming a subcommittee to keep the Commission updated about the Point Wells property. The Commission could discuss this further on March 7<sup>th</sup>. Staff would also bring forward some amendments to the Commission's Bylaws.

Commissioner Wagner asked if a Commission retreat has been scheduled. Ms. Simulcik Smith answered that staff is working to schedule the retreat and would provide an update on March 7<sup>th</sup>. Chair Moss recalled that the Commission also holds joint meetings with the City Council twice each year. Commissioner Wagner noted that, in the past, the Commission has been invited to submit a formal report to the City Council. The Commission agreed to discuss the content of the report on March 7<sup>th</sup>.

Chair Moss reminded the Commissioners to notify staff as soon as possible of their planned absences from upcoming Commission meetings.

Commissioner Scully asked that the Commissioners consider moving forward with their discussion regarding exemptions for affordable housing, which is currently an item on their parking lot agenda. He noted there is currently a lot of community interest in the topic. Mr. Szafran agreed to discuss this issue with Director Markle to determine if it could be included as part of the next batch of Development Code amendments.

Chair Moss noted that a presentation on the King County Right Sized Parking Project might be scheduled for 4<sup>th</sup> quarter of 2013. She asked if the Light Rail Station Area Planning Subcommittee would find it helpful to have this information earlier. Ms. Simulcik Smith said the website was just recently launched, and she included it on the Commission's parking lot agenda as an idea for future discussion. Mr. Forry said a staff member has attended several of the sessions and has compiled a lot of

information to assist the City on future projects. Chair Moss asked staff to make arrangements for the presentation to occur sooner than the 4<sup>th</sup> quarter.

Mr. Szafran said he anticipates that the Shoreline Community College Master Plan proposal would likely move forward during the 2<sup>nd</sup> quarter. He noted that the proposal would come before the Hearing Examiner for review and not the Commission. The public meetings would be advertised.

**ADJOURNMENT**

The meeting was adjourned at 9:11 p.m.

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Donna Moss  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

**TIME STAMP**  
**February 21, 2013**

**CALL TO ORDER:**

**ROLL CALL:**

**APPROVAL OF AGENDA:**

**DIRECTOR'S COMMENTS: 1:01**

**APPROVAL OF MINUTES: 1:20**

**GENERAL PUBLIC COMMENT: 1:26**

**STUDY SESSION: STATE ENVIRONMENTAL POLICY ACT (SEPA) DEVELOPMENT  
CODE AMENDMENTS**

**Staff Presentation: 1:30**

**Public Comment: 1:01:45**

**DIRECTOR'S REPORT: 1:01:56**

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 1:02:10**

**AGENDA FOR NEXT MEETING: 1:03:17**

**ADJOURNMENT**

**DRAFT**

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|   |  |   |  |
|---|--|---|--|
| <b>AGENDA TITLE:</b>                                      | <b>Public Hearing on Raising SEPA Thresholds on Exempt Levels for Environmental Review</b> |   |  |
| <b>DEPARTMENT:</b>  | <b>Planning &amp; Community Development</b>  |   |  |
| <b>PRESENTED BY:</b>                                      | <b>Jeffrey Forry, Permit Services Manager<br/>Rachael Markle, AICP, Director</b>           |   |  |
| <input checked="" type="checkbox"/> <b>Public Hearing</b> | <input type="checkbox"/> <b>Study Session</b>  | <input type="checkbox"/> <b>Recommendation Only</b> |  |
| <input type="checkbox"/> <b>Discussion</b>                | <input type="checkbox"/> <b>Update</b>   | <input type="checkbox"/> <b>Other</b>               |  |

**INTRODUCTION**

The purpose of this meeting is to conduct a public hearing on proposed amendments to the environmental review procedures contained in Title 20 of the Shoreline Municipal Code (The Development Code). The Planning Commission conducted a study session on February 21, 2013. The staff report from the study session that provides the background and analysis for the proposal is included for reference as **Exhibit 2**. The purpose of this staff report is to respond to specific questions raised by the Commission.

**PROPOSAL**

The proposal includes amendments to SMC 20.30.560 SMC that raise the exempt levels for minor new construction as depicted in the table below and eliminate the automatic environmental review requirement for activities in critical areas and their buffers.

|   | <b>Existing and Proposed Thresholds for Minor New Construction</b> |  |   |
|---|--|--|---|
| <b>Project Type</b>   | <b>Existing City Exemptions</b>                                    | <b>State Interim Exempt Levels</b>       | <b>Proposed Rule Based (WAC) Exemptions</b> |
| Single family   | 4 dwelling units   | 20 dwelling units                        | 30 dwelling units                           |
| Multifamily   | 4 dwelling units   | 20 dwelling units                        | 60 dwelling units                           |
| Office, school, commercial, recreational, service, storage building, parking facilities | 4,000 square feet and 20 parking spaces                            | 12,000 square feet and 40 parking spaces | 30,000 square feet and 90 parking spaces    |
| Landfill or excavation  | 500 cubic yards  | 500 cubic yards                          | 1,000 cubic yards                           |

Approved By:

Project Manager 

Planning Director 

## STUDY SESSION ITEMS

- *How do the numbers in the table on page 6 of the staff report relate to appeals?*

In the 18 years following the City's incorporation in 1995, the City has evaluated hundreds of development applications employing the adopted development regulations. Using the historical averages from the table on page 6 of the study session staff report an estimated 200 projects may have been subject to environmental review (SEPA). The environmental review used the mitigations provided in local, state, and federal regulations to mitigate the direct impacts of development. Fifteen (15) of the decisions were appealed to the Hearing Examiner or Superior Court. Under appeal, none of the threshold determinations were reversed and no substantive mitigations were required beyond those supported by the development regulations.

- *What do we lose by raising the thresholds?*

The numbers analyzed indicate that on average 23 proposals a year will be subject to environmental review. Depending on the scope of the applications received this number may vacillate. It is anticipated that the majority of permit requests will fall within two (2) categories.

1. New and infill residential development.

The size of available vacant residential property would make it unlikely that proposals would surface that would approach the proposed thresholds for detached dwelling units. The permitted density and property size are the controlling factors. The majority of single family development occurs on established lots created through a formal subdivision process. To maximize use of existing properties some infill developments propose to subdivide the property into two or more lots. Regardless of the exempt status under SEPA, the subdivision of property is subject to a public process that supplements the permit review of the proposal for consistency with the development regulations.

For residential development that only intends to maximize the density potential of an existing lot, many of the issues associated with development of the lot have been addressed through a prior subdivision process. In addition, the existing regulations provide an appropriate level of evaluation for the nature of development projected in residential land use designations. This is supported in the environmental documents evaluated with the adoption of the Comprehensive Plan and Development Code.

2. New and infill – commercial /multifamily

The policies contained in the Land Use Element of the Comprehensive Plan and the adopted Land Use Map focus new development in the Mixed Use land use designation and the Town Center and North City Districts. These areas have been designated based on their capacity to absorb or mitigate the impacts of new commercial and multifamily development including density, traffic, and other

infrastructure. "Greenfield" properties are not available in Shoreline. Development within the urban corridors identified in the Comprehensive Plan by definition must be consistent with the environmental analysis that has already been performed and vetted through the public processes that supported the adoption of the Comprehensive Plan and the Development Code. It is environmentally responsible for growth to be focused in cities that have effectively planned for development at the levels mandated by GMA and growth targets promulgated by the Puget Sound Regional Council. The environmental studies performed during the development of the Comprehensive Plan and supporting regulations anticipated a level of development that is consistent with the proposed thresholds.

Additionally, the studies required for permit review (e.g. traffic studies, analysis necessary to determine adequate water for domestic service and fire protection, soil stability, stormwater drainage, tree retention, historical and cultural resources, etc.) Combined with the necessity for a comprehensive review of all new residential, commercial, and multifamily development to insure consistency with the City's development regulations provide level of analysis that identifies mitigation for the direct impacts of the development.

In the areas where development is directed by the Comprehensive Plan and the Development Code the need for a public study component for minor new construction is minimized due to the protections in place, procedural review criteria for all permits including activity in and around critical areas, and the required studies that establish consistency with the adopted levels of service for traffic, water, sewer, and surface water.

- *How are critical areas protected?*

If uses, activities or developments are proposed within critical areas or their buffers, an applicant must provide site-specific information and analysis as determined by the City. The site-specific information must be obtained by expert investigation and analysis. The site-specific review is required to be performed by accepted qualified professionals. Each critical area has defined performance and mitigation criteria that guide the qualified professional in the preparation of studies.

The City's development review methods incorporate a detailed review using available resources to identify critical areas and habitats. Applicants are required to disclose potential critical areas. Prior to permit approval for nonexempt activities the qualified professional, using standardized methodology, must address the performance standards in the Critical Areas Code, state, and federal regulations. The following considerations must also be incorporated into their analysis for mitigation.

Significant adverse impacts to critical area functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence:

Avoidance, minimization, restoration and replacement. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

1. All feasible and reasonable measures will be taken to reduce impacts and losses to the critical area, or to avoid impacts where avoidance is required by these regulations; and
2. The restored, created or enhanced critical area or buffer will be available and persistent as the critical or buffer area it replaces; and
3. No overall net loss will occur in critical areas functions and values.

Based on these criteria staff believes that the proposal will not result in a loss of protections for critical areas.

### **RECOMMENDATION**

Due to the extensive planning efforts that the City has undertaken to meet the requirements of the Growth Management Act and institute environmental protections that are implemented through the permit process, staff recommends that the environmental review thresholds for minor new construction be amended as proposed and eliminate the automatic environmental review requirement for activities in critical areas and their buffers. Exhibit 6 provides an overview of the milestone actions taken by the City that support this recommendation.

### **EXHIBITS**

The attachments include a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions.

- Exhibit 1** March 21, 2013 Staff Report "Public Hearing on Raising SEPA Thresholds on Exempt Levels for Environmental Review"
- Exhibit 2** February 21, 2013 Staff Report "Raising SEPA Thresholds on Exempt Levels for Environmental Review"
- Exhibit 3** Element and Regulation Matrix
- Exhibit 4** Table of Actions with Public Process
- Exhibit 5** Proposed Development Code Amendments
- Exhibit 6** Historical Summary



**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| <b>AGENDA TITLE:</b>                    | <b>Raising SEPA Thresholds on Exempt Levels for Environmental Review</b> |  |  |  |  |
| <b>DEPARTMENT:</b>                      | <b>Planning &amp; Community Development</b>                              |  |  |  |  |
| <b>PRESENTED BY:</b>                    | <b>Jeffrey Forry, Permit Services Manager</b>                            |  |  |  |  |
|   | <b>Rachael Markle, AICP, Director</b>                                    |  |  |  |  |
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> Study Session                        | <input type="checkbox"/> Recommendation Only |  |  |  |
| <input type="checkbox"/> Discussion     | <input type="checkbox"/> Update  | <input type="checkbox"/> Other               |  |  |  |

**INTRODUCTION**

The state legislature has amended the environmental statutes. In the period since the legislature's adoption of the amendments the City has been operating under interim thresholds established by the state. The legislature set the interim thresholds at the highest exempt levels currently allowed in the regulations. The exempt levels included proposals up to 20 dwelling units and commercial buildings up to 12,000 square feet. The City has operated under these levels during the interim period and review of development proposals indicated that the rules and regulations in effect provide appropriate levels of mitigation of the anticipated impacts. When the period for the interim thresholds expired the state established new thresholds. The new thresholds must be formally adopted to employ them.

In 2012 the Council adopted a series of goals that provide direction to departments and assistance in developing their respective work plans. Included in Council goal number one is a desire to implement the Community Vision by updating key development regulations and to make the permit process clear, timely and predictable through appropriate planning tools. In support of this goal and to implement the new environmental review thresholds staff is proposing:

1. Raising the thresholds on the exempt levels for environmental review under SEPA as follows:
  - 4 detached dwelling units to 30 detached dwelling units
  - 4 multifamily dwelling units to 60 multifamily dwelling units
  - Commercial buildings 4,000 sq ft and 20 parking stalls to 30,000 sq ft and 90 parking stalls
  - Standalone parking lots for 20 parking spaces to 90 parking spaces
  - Landfill or excavation 500 cubic yards to 1,000 cubic yards
  
2. Consider elimination of automatic environmental review for activities in and around critical areas.

Approved By:

Project Manager 

Planning Director 

## **BACKGROUND**

One “planning tool” relied upon by staff and the public is SEPA and the City’s adopted environmental review procedures. At first glance the above changes may appear as a loss of regulatory tools to protect the environment. The purpose of this staff report is to demonstrate how through years of improving our local regulations we have met or surpassed the tools availed through SEPA.

Due to changes in the Revised Code of Washington (RCW), Washington Administrative Code (WAC), and the Municipal Code, the environmental procedures are due for review and update. An adjustment to categorical exemptions will assist in providing for a clear, timely and predictable permit process. “Categorical exemptions” are actions identified in state law which do not significantly affect the environment and therefore do not required review under SEPA.

The Washington State Environmental Policy Act (SEPA) was adopted in 1971. The act established thresholds for when environmental review is required for different actions. SEPA ( RCW 43.21(C) (the law) granted DOE the authority to write regulations (WAC 197-11) (the rules).

Among other things, the law and the rules required all state and local governments within the state to:

- “Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man’s environment;” and
- Ensure that “...environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations...” [RCW 43.21C.030.(2)(a) and (2)(b)]

SEPA provides a framework to condition or deny a proposal when mitigations are not provided for in policies adopted by the City and incorporated into adopted regulations, plans, or codes.

The environmental review process in SEPA is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable significant impacts for all elements of the environment. Combining the review processes of SEPA and other laws reduces duplication and delay by combining study needs, comment periods and public notices, and allowing agencies, applicants, and the public to consider all aspects of a proposal at the same time. A proposal can be either project proposals (new construction, fill and grade, etc.) or non project proposals (Comprehensive plans, Zoning, Development regulations, etc.).

SEPA and subsequently enacted rules were intended to provide a way to evaluate the environmental impacts of projects in communities that had minimal development

## Exhibit 2

regulations prior to 1971. Information obtained during the SEPA process can be used to change a proposal to reduce likely impacts or condition or deny a proposal when adverse environmental impacts are identified. Both the law and the rules identify exempt activity (thresholds). Since the City of Shoreline's incorporation in 1995, it has employed the lowest thresholds allowed by the Act.

No substantive reforms to SEPA have been enacted by the legislature in the past 41 years. Effective July 10, 2012, the Washington State Legislature passed Senate Bill (SB) 6406 which mandated that the Department of Ecology (DOE) update SEPA rules (WAC197-11). The bill and subsequent rule making intend to streamline the regulatory process and achieve program efficiencies while maintaining current levels of natural resource protection; increase SEPA thresholds; and integrate the SEPA process with provisions of the Growth Management Act (GMA). DOE began rule "making" on October 24, 2012 and completed the first phase of the process on December 28, 2012. The new rules took effect on January 31, 2013.

The purpose of the revised rule is to create higher levels of flexibility for Cities, counties, and agencies to exempt minor new construction projects.

SB 6406 automatically raised SEPA thresholds for a variety of development scenarios for an interim period of time that concluded with the adoption of the new rules. The exemption thresholds for environmental review were placed at the highest categorical exemption levels available to local government. Planning Commission was informed of the legislation and interim thresholds on July 19, 2012.

On September 17, 2012 Council was briefed on the pending legislation. For Council to consider staff recommendations the Planning Commission must first evaluate them and hold a public hearing and form its own recommendation for Council consideration. Adoption of the new rules is optional.

This action will support City Council Goal #1 to strengthen Shoreline's economic base by streamlining development regulations and making the permit process predictable, timely and competitive.

### **FINDINGS**

The City Council adopted the City's initial Comprehensive Plan in 1998 and significant updates in 2005 and 2012. To implement the Comprehensive Plan the City has enacted appropriate zoning.

The City Council also adopted the Shoreline Development Code in 2000 which included the minimum SEPA categorical exemptions listed in WAC 197-11-800 (1).

After the Comprehensive Plan, zoning and Development Code were adopted, the City enacted additional environmental standards and regulation: for stormwater; shorelines; tree retention, protection and replacement; motorized and nonmotorized transportation, sewer and water concurrency; updated the critical areas regulations based on the best available science for (wetlands, streams, wildlife habitat areas, geologic hazard areas, flood hazard areas and aquifer recharge areas); and design and transition area standards in commercial zones.

## Exhibit 2

Development applications are reviewed for compliance with the environmental regulations, and also for consistency with the Shoreline Municipal Code, including Title 13 (Stormwater Manual), Chapter 20.30 Subchapter 7 (Subdivisions), and other applicable standards all of which have been determined to be consistent with the Comprehensive Plan goals and policies. Nonproject environmental analysis was performed on the Comprehensive Plan and implementing development standards. Increases in the SEPA categorical exemption thresholds are supported by local conditions, in view of the fact that compliance with adopted and updated regulations and standards will provide adequate mitigation for the environmental impacts of projects up to the maximum exemptions allowed by WAC 197-11-800(1)(d).

Increasing the SEPA exemption threshold levels in accordance with WAC 197-11-800(1) will increase certainty for applicants and the public while maintaining environmental standards.

Staff has evaluated the goals of GMA as set forth in RCW 36.70A.020 and determined that the proposed amendments reflect the appropriate balancing of the public interests served by the planning goals of the GMA. WAC 197-11 (SEPA Rules) permits local agencies to raise the exempt levels up to the maximum levels provided for in the rules. Amendments to local ordinances implementing SEPA are procedural. Accordingly they are not considered official controls as defined in RCW 36.70. Amending local rules/procedures is not a GMA action. Non GMA actions do not necessitate 60 day notice to Department of Commerce and the action is SEPA exempt pursuant WAC 197-11-800(19).

The following process must be met in order to raise the exempt levels.

- Document that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted (**See Attachment A**). The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.
- Before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one day notice to affected tribes, agencies with expertise, affected jurisdictions, DOE, and the public and provide an opportunity for comment.

### **PROPOSAL & ANALYSIS**

The proposal includes amendments to section 20.30.560 SMC to raise the exempt levels for minor new construction and eliminate the automatic environmental review requirement for activities in critical areas and their buffers as depicted in the table below and **Attachment C**.

| <b>Existing and Proposed Thresholds for Minor New Construction</b>                      |   |  |   |
|---|---|--|---|
| <b>Project Type</b>   | <b>Existing City Exemptions</b>         | <b>State Interim Exempt Levels</b>       | <b>Proposed Rule Based (WAC) Exemptions</b> |
| Single family   | 4 dwelling units                        | 20 dwelling units                        | 30 dwelling units                           |
| Multifamily   | 4 dwelling units                        | 20 dwelling units                        | 60 dwelling units                           |
| Office, school, commercial, recreational, service, storage building, parking facilities | 4,000 square feet and 20 parking spaces | 12,000 square feet and 40 parking spaces | 30,000 square feet and 90 parking spaces    |
| Landfill or excavation  | 500 cubic yards                         | 500 cubic yards                          | 1,000 cubic yards                           |

Both amendments are supported by the City's newly adopted Comprehensive Plan Goals and Policies, the associated environmental analysis, and Council goal #1.

The City of Shoreline SEPA procedures are located in Title 20 of Shoreline's Municipal Code (SMC). The City's original SEPA regulations were adopted in 1995. In order to comply with SEPA rules in WAC 197-11 and model SEPA ordinance in WAC 173-806 the City adopted Ordinance No. 238 in 2000. The environmental ordinance in use today is essentially the same ordinance that was adopted 18 years ago having under gone only two minor amendments. As with SEPA, no comprehensive evaluation of the local procedures has been performed as development regulations have been refined to incorporate environmental protections and integrate the planning policies mandated by the GMA **Attachment A** identifies the elements of the environment and the respective local state and federal regulations that provide mitigations for the impacts from minor new construction.

GMA cities and counties considering adjustments to their critical areas categorical exemptions should consider whether the exemption would apply to a project proposed within a critical area. It is generally recommended that a new exemption not apply in critical areas unless the city or county has updated its critical areas policies and regulations to include best available science under RCW 36.70A.172.

The City's critical area regulations were originally adopted under Ordinance 238 and subsequently amended by Ordinance 324 and 398. The City's critical areas regulations include best available science. The City also employs qualified professionals as necessary in reaching its decisions on development in or adjacent to critical areas. The regulations also allow the City to impose mitigations based on the recommendations of the qualified professional. The City has not needed to use its substantive authority under SEPA to mitigate impacts to critical areas. There is no net loss of environmental evaluation caused by eliminating automatic environmental review requirement. The

## Exhibit 2

Comprehensive Plan policies were enhanced in the 2011 update to further protect the natural environment.

The rule-based categorical exemptions for SEPA review in WAC 197-11-800 should be employed in the City in light of the increased environmental protections in place in chapters RCW 36.70A (GMA and 90.58 (SMA)). This is supported by the level of environmental protections and mitigations incorporated into the City's development regulations.

The majority of projects reviewed by the City result in a "Determination of Non-significance". This is because the City is fully planning under GMA and is no longer a jurisdiction with minimal development regulations that need the support of SEPA. In fact, the City is viewed by many in the region as a place to study progressive and complete environmental regulations.

Adoption of higher thresholds will affect the type and number of projects that require additional environmental review.

Number of projects that were subject to review 2004 – 2012 = 103

| Project Type                         | Count (Number per year) | Projects still subject to SEPA per year |
|--------------------------------------|-------------------------|---|
| Miscellaneous structures             | 13                      | 13                                      |
| Multifamily ( over 4 dwelling units) | 17 (2)                  | 3                                       |
| Nonresidential (over 4,000 sq ft)    | 21 (3)                  | 3                                       |
| Site development                     | 41 (5)                  | 4                                       |
| Single family                        | 11 (1)                  | 0                                       |
| Total                                | 103(11)                 | 23                                      |

While number and types of proposals subject to SEPA will decrease the majority of larger proposals processed by the City will still be subject to a public process. Only the projects whose impacts are not anticipated in the adopted regulations and plans will still require public notice under SEPA (See **Attachment B** for activities that currently require public notice regardless of their exempt status under SEPA).

The City has taken preliminary steps in relying on development regulations in lieu of project level SEPA review through the use of planned actions. Planned actions are evaluated using the EIS process. The Town Center and North City planned actions were designed to absorb the majority of new commercial and mixed use development. As planned actions, the environmental analysis was performed through supplemental environmental impact statements (SEIS). This process evaluated the impacts of future commercial, mixed use, and multifamily development. Subsequent environmental analysis for in these districts is not required for proposals that are consistent with the planned action approval.

Similarly the environmental analysis the City has undertaken in conjunction with the Comprehensive Plan, the implementing regulations, and Development Code anticipate

the impacts of new development. The environmental review of the commercial standards and the newly adopted Comprehensive Plan also evaluated impacts of development at the proposed new thresholds and enhanced mitigations were incorporated into the plan and regulations such as transportation, densities, building design transitions, provisions for pedestrian infrastructure, and utilities.

It is not possible to meet the goals or requirements of GMA or to make informed planning decisions without giving appropriate consideration to environmental factors. The GMA nonproject actions such as the adoption of policies, plans, and regulations form the basis for subsequent "on the ground" project decisions that directly affect our environment.

Environmental review that the City has performed at planning stage allowed the City to analyze impacts and determine mitigation system-wide, rather than project by project. This allows cumulative impacts to be identified and addressed, and provides a more consistent framework for the review, conditioning, or denial of future projects. Adopted regulations effectively integrate the goals and requirements of SEPA and GMA and contribute to environmental protection, and fiscal efficiency. Benefits include:

- A decrease in the time and cost associated with obtaining permit approvals for appropriate projects in suitable locations resulting from early decisions on land use, services, and mitigation.
- To the extent that plans and implementing regulations are more comprehensive, detailed, and consistently relied upon, environmental review for individual project proposals can be reduced. Environmental review at the project phase entails:
  - 1) Determining the project's consistency with the Comprehensive Plan, development regulations, and other local, state, and federal laws; and
  - 2) Using SEPA to address the gaps that may remain, by focusing on any project-specific environmental impacts not addressed under other regulations.

### **TIMING AND SCHEDULE**

*Summary of noticing, project review and adoption (next steps)*

- Public hearing tentatively scheduled for March 21, 2013;
- Council Study Session – April 8, 2013;
- Council considers adoption – April 29, 2013; and
- Notice of the study session was provided on the website February 7, 2013.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the City Council on the proposal.

**ATTACHMENTS**

The attachments include a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~striketroughs~~ for proposed text deletions and underlines for proposed text additions.

Attachment A - Element and Regulation Matrix

Attachment B - Actions with Public Process

Attachment C - Proposed Amendment



### ELEMENT AND REGULATION MATRIX

Summary of environmental protections in codes/rules (Substantive Authority) compared to a complete list of topics addressed by environmental review pursuant to the SEPA:

| SEPA Authority by Element of the Environment<br>(20.50. SMC) | How Addressed by Other Codes/Rules*   |
|--|---|
| <p><b>Earth</b></p>  | <ul style="list-style-type: none"> <li>• Chapter 13.10 (Surface Water), Chapter 20.80 (Critical Areas Code), Best Management Practices, and general development standards in chapter 20.50 (General Development Standards) together with restrictions on impervious surfaces, hardscape, tree protection and site coverage by buildings provide protection to steep slope areas and control erosion.</li> <li>• Chapter 15.05 (Construction and Building Codes) provide mitigation of impacts to slopes</li> </ul>  |
| <p><b>Air Quality</b></p>                                    | <p>Three agencies have air quality jurisdiction in the City: the United States Environmental Protection Agency (EPA), the Washington State Department of Ecology (Ecology), and the Puget Sound Clean Air Agency (PSCAA). Although their regulations are similar in stringency, each agency has established its own standard. Unless the state or local agency has adopted a more stringent standard, the EPA standards apply. Development is subject to applicable federal (EPA), regional (PSCAA), and State (DOE) air quality regulations. Washington DOE air quality regulations applicable to the City are found at Chapter 173-400 WAC. Particularly relevant air quality regulations.</p> <p>Construction and demolition activity must comply with Puget Sound Clean Air Agency (PSCAA) regulations requiring reasonable precautions to minimize dust emissions (Regulation I, Section 9.15).</p> <p>Stationary equipment used for the construction activities must comply with PSCAA regulations requiring the best available measures to control the emissions of odor-bearing air</p> |

| SEPA Authority by Element of the Environment<br>(20.50. SMC) | How Addressed by Other Codes/Rules*  |
|--|--|
|  | <p>contaminants (Regulation I, Section 9.11).</p> <p>Commercial facilities could use stationary equipment that emits air pollutants (e.g., fumes from gas stations, ventilation exhaust from restaurants, and emissions from dry cleaners). These facilities would be required to register their pollutant-emitting equipment with PSCAA (Regulation I and Regulation II). PSCAA requires all commercial and industrial facilities to use the Best Available Control Technology (BACT) to minimize emissions. The agency may require applicants for high-emission facilities to conduct an air quality assessment to demonstrate that the proposed emissions would not expose offsite areas to odors or air quality concentrations exceeding regulatory limits.</p> <p>Transportation roadway projects must be included in the Regional Transportation Plan (RTP) or TIP prior to start of construction to show that they conform to the Puget Sound region’s Air Quality Maintenance Plans and would not cause or contribute to regional exceedances of the federal standards. Once included in the RTP or TIP, the projects must meet all transportation conformity requirements and demonstrate regional conformity. Project-Level Transportation Conformity Analyses for Future Roadway and Intersection Improvements: As part of future project-specific NEPA documentation for individual new roadway improvement projects, the City would be required to conduct CO hot-spot modeling (as required under WAC 173-420) to demonstrate that the projects would not cause localized impacts related to increased CO emissions from vehicle tailpipes at congested intersections.</p> |

|   |   |
|---|---|
| <p><b>Air Quality – Construction Impacts</b></p>      | <ul style="list-style-type: none"> <li>• International Building and Fire Codes contain provisions for the removal of hazardous and combustible materials (Section 3303).</li> <li>• PSCAA rules and best practices apply to mitigate impacts from fugitive dust and other potentially hazardous demolition waste materials, such as lead.</li> <li>• PSCAA permit required for asbestos removal and includes survey and mitigation measures for dust control techniques and use of toxic air control technologies.</li> </ul>   |
| <p><b>Water<br/>Surface<br/>Ground<br/>Runoff</b></p> | <ul style="list-style-type: none"> <li>• 20.80 Critical Area Code and Chapter 13.12 Floodplain Management contain regulations that provide for mitigation of impacts to landslide hazards areas, steep slopes, unstable soils, wetlands, streams, flood prone areas, aquifer recharge areas, and fish/wildlife habitat Chapter 20.200.</li> <li>• Shoreline Master Program contains regulations for preservation and enhancement of shorelines consistent with DOE rules regarding no net loss</li> <li>• Chapter 13.10 Surface Water Code include environmental &amp; water quality protections.</li> <li>• Best Management Practices included in the Department of Ecology Stormwater Management Manual for Western Washington and NPDES permitting provide stormwater pollution prevention measures.</li> <li>• State Hydraulic Project Approvals provide for protection of freshwater resources.</li> </ul> |
| <p><b>Plants and Animals</b></p>                      | <ul style="list-style-type: none"> <li>• Tree preservation and landscaping regulations provide protections for natural areas and wildlife habitat, and promote use of native plants. Chapters 20.50, 20.80, and Low Impact Development, Technical Guidance for Puget Sound Puget Sound.</li> <li>• Federal and state regulations provide protection for endangered species (16 U.S.C. §1531 et seq. and Chapter 77.12 RCW).</li> </ul>  |
| <p><b>Energy and Natural Resources</b></p>            | <ul style="list-style-type: none"> <li>• Energy Codes WAC 51-11 adopted by the City and chapter 15.05 mandate high levels of energy efficiency.</li> <li>• Critical Areas Ordinance (SMC 20.80) protects streams, wetlands and flood prone areas.</li> </ul>  |
| <p><b>Environmental Health</b></p>                    | <ul style="list-style-type: none"> <li>• Federal, state and regional regulations, as well as locally adopted Fire and Building Codes, are</li> </ul>  |

|   |  |
|---|--|
|   | <p>the primary means of mitigating risks associated with hazardous and toxic materials.</p> <ul style="list-style-type: none"> <li>• WAC 365-230 Lead Based Paint Abatement</li> </ul>   |
| <b>Noise</b>                              | <ul style="list-style-type: none"> <li>• Chapter 19.05 Noise provides for daytime/nighttime noise level limits, exemptions, variances and public nuisances and authority to mitigate impacts related to exceeding noise level limits and specific noise generating activities.</li> </ul>  |
| <b>Land and Shoreline Use</b>             | <ul style="list-style-type: none"> <li>• Zoning and Development standards and Shoreline Master Program SMC Chapter 20.20, Subdivision regulations, Design and Construction Standards, and Critical Areas code address the scale of development and other aspects related to compatibility, environmental protection and uses.</li> </ul>       |
| <b>Housing</b>                            | <ul style="list-style-type: none"> <li>• Zoning and development standards provide for a broad range of housing types in the City, zoning for a range of densities, and flexible development standards to achieve the allowable density.</li> <li>• Design and transition criteria provide for compatibility.</li> </ul>                        |
| <b>Aesthetics</b>                         | <ul style="list-style-type: none"> <li>• 20.50 General Design Standards include transition criteria. A design review process applies to, mixed-use and commercial zones providing a consistency review of height, bulk, and scale.</li> </ul>  |
| <b>Light and Glare</b>                    | <ul style="list-style-type: none"> <li>• 20.50 Development Code standards for screening and landscaping, shading of lighting, and performance standards related to glare provide mitigation.</li> </ul>  |
| <b>Recreation</b>                         | <ul style="list-style-type: none"> <li>• Policies contained in the Parks Recreation and Open Space Element of the Comprehensive Plan</li> <li>• Shoreline Master Program addresses public access to shoreline Chapter 20.200).</li> <li>• Multifamily and mixed-use performance criteria require common open space (SMC 20.50.160).</li> </ul> |
| <b>Historic and Cultural Preservation</b> | <ul style="list-style-type: none"> <li>• The Landmark Designation and Preservation code is in place for landmark preservation (15.20).</li> <li>• Federal and state regulations address protection of cultural/archaeological resources (including RCW Chapters 27.34, 27.53, and</li> </ul>   |

|  |  |
|--|--|
| <p><b>Transportation</b></p>                           | <p>27.44 RCW; and WAC Chapter 25.48)</p> <ul style="list-style-type: none"> <li>• Transportation Master Plan Establishes Master Street Plan coupled with the Transportation Element of the Comprehensive Plan identify a multimodal transportation network and establish minimum levels of service impacts of development must be mitigated.</li> <li>• Six year Capital Facility Plan identifies growth related project and mitigations.</li> <li>• Infrastructure Improvements Code SMC 20.70.</li> <li>• Chapter 20.60 Adequacy of Public facilities provides mitigation for impacts to infrastructure, including transportation.</li> <li>• 14.10 Commute Trip Reduction code requires affected employers to make a good faith effort to develop and implement a CTR program that will encourage employees to reduce VMT and drive-alone commute trips.</li> <li>• SMC (Chapter 20.50) includes authority to requires or reduce parking requirements according to land use, considering unique circumstances and temporary parking needs.</li> </ul> |
| <p><b>Public Services/Facilities and Utilities</b></p> | <ul style="list-style-type: none"> <li>• Authority for requiring utility improvements is identified in SMC 20.60 Adequacy of Public Facilities based on adopted levels of service applied during permit review. This includes water, sewer, storm drain, and electrical improvements. Development must offset direct impacts.</li> <li>• Fire codes mitigate impacts of built environment on emergency services (SMC 15.05).</li> <li>• Solid waste code SMC 13.14 also addresses recycling and yard waste collection</li> <li>• Water and sewer service providers Comprehensive Service Plans provide for mitigation of the direct impacts of development</li> </ul>  |

\*All citations are from the City of Shoreline Municipal Code(SMC) , unless otherwise indicated. RCW = Revised Code of Washington. WAC= Washington Administrative Code.

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**Exhibit 4**

**ACTIONS WITH PUBLIC PROCESS**

| Action   | Noticing & Public Comment |
|--|---------------------------|
| Accessory Dwelling Unit                            |                           |
| Lot Line Adjustment including Lot Merger           |                           |
| Building Permit                                    |                           |
| Final Short Plat                                   |                           |
| Home Occupation, Bed and Breakfast, Boarding House |                           |
| Right-of-Way Use                                   |                           |
| Shoreline Exemption Permit                         |                           |
| Sign Permit  |                           |
| Site Development Permit                            |                           |
| Deviation from Engineering Standards               |                           |
| Temporary Use Permit                               | ✓                         |
| Clearing and Grading Permit                        |                           |
| Planned Action Determination                       |                           |
| Administrative Design Review                       | ✓                         |
| Floodplain Development Permit                      |                           |
| Floodplain Variance                                | ✓                         |
| Binding Site Plan                                  | ✓                         |
| Conditional Use Permit (CUP)                       | ✓                         |
| Preliminary Short Subdivision                      | ✓                         |
| Shoreline Substantial Development Permit           | ✓                         |
| Shoreline Variance and Shoreline CUP               | ✓                         |
| Zoning Variances                                   | ✓                         |
| Preliminary Formal Subdivision                     | ✓                         |
| Rezone   | ✓                         |
| Special Use Permit (SUP)                           | ✓                         |
| Critical Areas Special Use Permit                  | ✓                         |
| Final Formal Plat                                  |                           |
| SCTF – Special Use Permit                          | ✓                         |
| Street Vacation                                    | ✓                         |
| Master Development Plan                            | ✓                         |
|  |                           |
|  |                           |
|  |                           |
|  |                           |

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**20.30.560 Categorical exemptions – Minor new construction.**

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; 2) ~~the proposal would alter the existing conditions within a critical area;~~ 3) a rezone is requested; or 4) ~~3~~ any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures up to ~~of four~~ thirty dwelling units.
- B. The construction of a multi family structure with up to sixty dwelling units.
- C. The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~ 30,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ 90 automobiles.
- C. The construction of a parking lot designed for ~~20~~ 90 automobiles. This exemption includes stand-alone parking lots.
- D. Any landfill or excavation of ~~500~~ 1,000 cubic yards throughout the total lifetime of the fill or excavation not associated with an exempt project in sections, A, B, or C and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations there under. (Ord. 591 § 1 (Exh. A), 2010; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

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## HISTORICAL SUMMARY

- SEPA was enacted in 1971 when the nation's awareness of environmental problems was emerging. Many laws and procedures for environmental protection, land use planning and the provision of infrastructure have been implemented since SEPA was first adopted. The City has made a concerted effort to adopt and implement environmental protections .

- CITY INCORPORATION 1995

- Adopted King County regulations and environmental procedures that reflected the 1971 thresholds.

- COMPREHENSIVE PLAN 1998

The first Comprehensive Plan was adopted. An Environmental Impact Statement (EIS) was used to analyze impacts.

- DEVELOPMENT CODE 2000

The Development Code implements the policies and mitigations identified in the Comprehensive Plan

- North City District Subarea Plan 2001

The subarea plan was approved as a Planned Action. A Supplemental EIS was issued for this action. As a Planned

## HISTORICAL SUMMARY

Action additional environmental review is not required for proposals that are consistent with the plan.

- **COMPREHENSIVE PLAN 2005 / CRITICAL AREAS 2006**

As directed by the Growth Management Act (GMA) a major update to the Comprehensive Plan was completed in 2005. The update established Level of Service (LOS) for sewer and water and concurrency standards for traffic. LOS standards require that adequate facilities are available at the time of development. The update provided protections for natural environment and defined best available science in policies and local regulations. To support the policies the Critical Areas Code was adopted in 2006.

- **SURFACEWATER CODE 2009**

Surfacewater Code implemented the Department of Ecology (DOE) Stormwater Manual and sets standards for Low Impact Development.

### TRANSPORTATION MASTER PLAN (TMP) 2011

- **TMP identified levels of service for transportation, defined the transportation network, and developed the transportation component of the six and 20 year Capital Facility Plans. The plans are intended to identify**

## HISTORICAL SUMMARY

infrastructure improvements that mitigate the long term impacts of development.

- Town Center Subarea Plan 2011

The subarea plan was approved as a Planned Action. A Supplemental EIS was issued for this action. As a Planned Action additional environmental review is not required for proposals that are consistent with the plan.

### SURFACEWATER MASTER PLAN (SWMP) 2011

- SWMP sets the Levels of Service (LOS) for stormwater facilities both for the utility and new development.

### SHORELINE MASTER PROGRAM

- The Shoreline Master Program (SMA) put in place the “no net loss of environmental protection” policies of the Shoreline Management Act. The SMA and Growth Management Act (GMA) are examples of new regulation that DOE has used in support for reevaluating and proposing new thresholds.

### VEGETATION AND TREE PROTECTION 2012

- Enhanced mitigation to provide protection for the urban tree canopy and understory vegetation was adopted.

## HISTORICAL SUMMARY FLOODPLAIN MANAGEMENT 2012

- FEMA mandated that local floodplain ordinances incorporate provisions of the Endangered Species Act .

## COMPREHENSIVE PLAN UPDATE 2012

- GMA mandated update. During the update process the impacts of future development were analyzed. A wide range of impacts that may result from the implementation of the policies and future development were considered.

## LEGISLATIVE AMENDMENTS 2012

- The 2012 legislature directed Ecology to modernize the rules that guide state and local agencies in conducting SEPA reviews, in light of the increased environmental protections in local, state, and federal regulations.

## COMMERCIAL DESIGN STANDARDS (CDS) 2013

- Commercial design standards were adopted to implement policies in the land use element of the Comprehensive Plan and further support Council goal #1.

The focus of the environmental review and analysis for both the Comprehensive Plan and the CDS was system wide at the

## HISTORICAL SUMMARY

plan level which will form the basis for “on the ground” project decisions.

Due to the extensive planning efforts that this body has undertaken to meet the requirements of the Growth Management Act and institute environmental protections that are implemented through the permit process, we recommend that the environmental review thresholds for minor new construction be amended as proposed.

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PLANNING COMMISSION AGENDA ITEM  
CITY OF SHORELINE, WASHINGTON

|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|
| <b>AGENDA TITLE:</b>                           | Study Session on Aurora Square Community Renewal Area (CRA) Plan |  |  |  |  |  |
| <b>DEPARTMENT:</b>                             | Economic Development   |  |  |  |  |  |
| <b>PRESENTED BY:</b>                           | Dan Eernisse, Economic Development Manager                       |  |  |  |  |  |
| <input type="checkbox"/> Public Hearing        | <input type="checkbox"/> Study Session                           | <input type="checkbox"/> Recommendation Only |  |  |  |  |
| <input checked="" type="checkbox"/> Discussion | <input type="checkbox"/> Update                                  | <input type="checkbox"/> Other               |  |  |  |  |

**INTRODUCTION**

On September 4, 2012, the Council designated a 70-acre area around the Sears, Central Market, and the WSDOT development as the Aurora Square Community Renewal Area (CRA). By designating the CRA, Council established that economic renewal would be in the public interest, and that City resources can be justifiably utilized to encourage renewal.

The second step in the process is to adopt a CRA Plan to guide the City's renewal efforts. The Council recently reviewed and provided initial support for Staff's recommendation that the CRA Plan be guided by a master site-planning effort. The master plan is a conceptual guideline only; it allows the City to identify a number of public-private partnerships (PPP) options in which the City could possibly engage with property owners and/or developers. In short, the projects are designed to make all of the current businesses function better while adding new ones to the area.

The CRA Plan is scheduled for adoption by Council in mid-2013, and the discussion tonight is part of the public process that includes neighborhood open houses, presentations at community groups, Currents articles, and online resources. Tonight's meeting will focus discussion before Planning Commission on the CRA master planning effort to date, with specific emphasis on the eight PPPs thus far identified.

**BACKGROUND**

The following documents are provided as attachments to help the Planning Commission understand the CRA process:

- CRA Frequently Asked Questions
- City Powers before and after CRA

Approved By:

Project Manager 

Planning Director 

## **PROPOSAL & ANALYSIS**

A marketing packet has been created that is intended to both describe and illustrate the proposed CRA Plan. The packet consists of:

- A four-page Brochure that describes the CRA Plan, the City's master-planning effort, and desire to form PPPs.
- A conceptual master plan of the project that was used for guiding the PPP projects.
- Eight PPP projects, namely:
  1. Creating an eco-district
  2. Transforming Westminster
  3. Building a new center point
  4. Reimagining the Sears property
  5. Building multifamily housing
  6. Building a parking structure
  7. Incorporating Shoreline Community College (SCC)
  8. Adding nightlife elements

The master plan is a conceptual guideline only; it allows the City to identify a number of public-private partnerships (PPP) options in which the City could possibly engage with property owners and/or developers. In short, the projects are designed to make the current businesses function better while adding new ones to the area.

In some cases, the master plan shows a change to current business operations or location. These types of changes may certainly happen, but the master plan and the PPP projects are not intended to designate where this will happen, when this will happen, or state that the City is in any way demanding that this happen. The depiction of a new use for the Sears building is the most extreme case or showing a change; here the master plan is reflecting a known strategy Sears is employing in other areas of the country to capture value from its property.

Each PPP project articulates a way for the City to significantly participate in and contribute to the renewal process. The primary way for the City to be engaged is through infrastructure building and master planning. Using a gardening metaphor, these projects are like building soil rather than planting plants. Put another way, while we may all like to see a bookstore at Aurora Square, the City would not help fund one. Instead, the City may help build fund roads, parking, pedestrian connections, public spaces, and job centers that would create a climate in which a bookstore can flourish.

The CRA Plan Marketing Packet will be seen and used by the public, by civic leaders, by property owners, and by developers. It will be very helpful to have the Planning Commission's opinion of whether the documents are clearly stated, feasible, appropriate, and compelling. Furthermore, the Planning Commission may conceive of additional PPPs that should be included in the packet; certainly this is not intended to be either an exhaustive or static list.

## **TIMING AND SCHEDULE**

The Council recently reviewed and provided initial support for Staff's recommendation that the CRA Plan be guided by a master site-planning effort. The CRA Plan is scheduled for adoption by Council in mid-2013, and the discussion tonight is part of the public process that includes neighborhood open houses, presentations at community groups, Currents articles, and online resources. A graphic depiction of the process is attached to this staff report.

## **RECOMMENDATION**

No action is required at this time; however staff will welcome feedback on the proposed draft CRA Plan.

## **ATTACHMENTS**

- Attachment A – CRA FAQs
- Attachment B – CRA Powers
- Attachment C – CRA Plan – Master Plan Brochure
- Attachment D – CRA Plan – Conceptual Master Plan
- Attachment E – CRA Plan – Public-private Partnership Projects
- Attachment F – CRA Process
- Attachment G – Topographic and utility aerial map of CRA Area

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# Community Renewal Area FAQs

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Shoreline’s City Council adopted Resolution 333 on September 4, 2012, thereby creating the Aurora Square Community Renewal Area (CRA). The CRA establishes that economic renewal of the 70+ acre Aurora Square commercial area is clearly in the public interest. With the CRA in place, the Shoreline Office of Economic Development is freed to work in cooperation with the Aurora Square property owners to draft an economic renewal plan for the CRA.

## **Q: What is a Community Renewal Area (CRA)?**

Washington law (RCW 35.81) allows cities to establish a *Community Renewal Area* along with a Community Renewal Plan (collectively a CRA) to help areas that need renewal. In the case of Aurora Square, economic renewal is needed. Once a CRA is established, the city gains a toolkit designed to help it facilitate renewal. For example, while Washington law typically limits cities from working with private enterprise, cities are encouraged to partner with private enterprise to rejuvenate a Community Renewal Area, a tool that can be particularly effective at helping Aurora Square reach its potential.

## **Q: Why a CRA at Aurora Square?**

RCW 35.81 describes what an area that needs economic renewal looks like, and Council affirmed that four of the five reasons aptly describe Aurora Square:

1. “Old, obsolete buildings” such as the vacant Sears Catalogue Sales building and the three vacant buildings on the Joshua Green triangle. The Sears retail building, while occupied, reflects a Sears of decades ago rather than a structure it would build today.
2. “Defective or inadequate street layout” and “faulty lot layout” is readily apparent at Aurora Square. Shoppers cannot walk or drive easily between buildings, and traffic on Aurora and N 160<sup>th</sup> Street has difficulty accessing the site. In addition, the lot layout and topography of the site work against the retail function of the businesses.
3. “Excessive land coverage” at Aurora Square is evident in acres of parking in inaccessible or unnecessary locations, a lack of landscaping, and inadequate storm water management that poses costly hurdles for additional development.
4. “Diversity of ownership” at Aurora Square—which has ten different ownership groups—results in the inability to make changes at the speed necessary to respond to opportunities.

Aurora Square faces daunting challenges which developed over decades, leaving a center that is difficult to navigate with disconnected islands of buildings. What’s more, current building and storm water laws add more challenges to those demanded by today’s lifestyles and customers. Together, these challenges stymied redevelopment, limited reinvestment and produced poor sales, values and rents.

**Q: What is Aurora Square's potential?**

Aurora Square is a sleeping giant. Given its size, location, demographics, transportation access, and the projections for growth in the Puget Sound economy, Aurora Square could be special. The City regularly surveys its citizens about ways to improve Shoreline, and better shopping, entertainment, and destination restaurants are constantly mentioned. Aurora Square is a key to accomplishing all of these opportunities. Of course, outstanding businesses already operate on site, and we trust that these ventures can grow even more successful with the synergy created. All this activity means sustainable sources of revenue for city services, too. Aurora Square can become a model of "lifestyle Shoreline," with smart-built infrastructure, residences, offices and generous open spaces tied to transit, neighborhoods, and the Interurban Trail.

**Q: What role might the City play?**

Now that the CRA is established, the City will initiate tailored assistance to create a Community Renewal Plan based on the needs of the site and its interaction with the property owners. Examples may include:

- Designing area-wide storm water management or energy systems that allow individual lots to take advantage of economies of scale;
- Commissioning traffic and parking studies to justify more development through right-sizing parking and providing improved access;
- Creating a special signage district to offset the fact that the Interurban Trail pedestrian bridges tend to block site visibility from passing motorists on Aurora;
- Reworking N 160<sup>th</sup> Street with hopes of giving Aurora Square another "front door" and of better engaging Shoreline Community College's 9,000+ students;
- Tailoring zoning in special districts that will generate new investment from tenants or users that aren't currently on site;
- Designating central, consolidated plazas and parks that serve the entire center and become focal points for community gatherings;
- Financing major infrastructure improvements that allow for more predictable and intensive development.

**Q: Does the CRA change zoning or heights of buildings?**

No, the CRA itself doesn't change anything, but is merely a toolkit for a city to use for the very limited purpose of bringing about renewal.

**Q: Will the City master plan Aurora Square?**

In a limited way; the City will partner with Aurora Square property owners to provide connections and the infrastructure necessary to serve the site. However, the City will not be dictating to the owners how they use or develop their sites.

**Q: Will my property taxes or values increase or decrease?**

The King County Assessor's Office confirmed that creating a CRA or a community renewal plan will not affect property assessments positively or negatively, as it does not guarantee improvement, increase potential, or devalue property. Property taxes and property values will only be affected when and if the area experiences significant improvement through investment or increased tenant activity.

**Q: Are there property rights objections to CRAs?**

Two common property rights objections often surface when cities create CRAs: the dislocation of residents and the use of condemnation or eminent domain for economic development. Since no residents live in the Aurora Square area, the first objection doesn't apply. As for condemnation, Council adopted Resolution 333 which explicitly states that condemnation and eminent domain not be used for economic renewal at Aurora Square, even though RCW 35.81 provides cities with that tool. This action follows our legal counsel's recommendation that condemnation and eminent domain only be used as a last resort to renew areas with severe health and safety challenges, but that it not be used for economic renewal. With eminent domain removed, the creation of a CRA poses no threat to property rights.

**Q: Does the City intend to acquire property?**

The City already owns a great deal of right-of-way that it can use to help renew Aurora Square. Should the City find it necessary to acquire additional property, the City would act in the public interest as a typical buyer, using a negotiated purchase agreement. In addition, RCW 35.81 prescribes that cities that acquire property for economic renewal in CRAs need to do so with the intention of returning the property to the private sector as soon as is reasonable.

**Q: Where can I learn more about Community Renewal Areas?**

The Municipal Research and Services Center of Washington maintains a webpage with examples of CRA ordinances from Anacortes, Bremerton, and Vancouver. It also includes a link to the text of RCW 35.81. <http://www.mrsc.org/subjects/econ/ed-comrenewal.aspx>. Questions can also be directed to Dan Eernisse, Economic Development Manager, at either 206-801-2218 or [deernisse@shorelinewa.gov](mailto:deernisse@shorelinewa.gov).

**Q: Can I follow the progress of the Aurora Square Community Renewal Area?**

Shoreline City Council packet information, staff presentations, and a video recording of all meetings are available on the City of Shoreline's website. <http://www.shorelinewa.gov/index.aspx?page=82>

**Q: Can I comment on the Aurora Square Community Renewal Area proposal?**

The Shoreline City Council values community input and looks forward to hearing from you on the CRA proposal. If your comments are submitted before 4:00 p.m. on the day of the City Council meeting, your comments will be distributed to the City Council and appropriate staff prior to the Council meeting that evening as well as posted on the City's website under public comment in the Document Library. Comments can be submitted online at <http://www.shorelinewa.gov/index.aspx?recordid=20&page=696>





| <b><i>Property ownership by City</i></b>  | <b><i>Without CRA</i></b>   | <b><i>Additional abilities with CRA in place</i></b>  |
|---|---|---|
| <b><i>Buy, lease, condemn, acquire real property</i></b>                                | Allowed, but not with intent to be resold to private party for economic development   | Allowed with preference to resale to private parties*   |
| <b><i>Hold, clear, or improve real property</i></b>                                     | Allowed, but only for public facilities   | Allowed for both public or eventual private use   |
| <b><i>Dispose of real property</i></b>  | Allowed, but not with intent to be resold to private party for economic development   | Allowed with preference to resale to private parties*   |
|   |   | <i>* Condemnation only to be exercised to cure health and safety blight, not economic blight</i>  |
| <b><i>Zoning changes</i></b>  | <b><i>Without CRA</i></b>   | <b><i>Additional abilities with CRA in place</i></b>  |
| <b><i>Rezone property</i></b>   | Allowed as a Planned Area   | Allowed as a spot zone regardless of GMA/Comprehensive Plan cycle   |
| <b><i>Use resources to master plan private property</i></b>                             | Not allowed since it can be construed to benefit private property                     | Allowed   |
| <b><i>Create special districts with unique rules</i></b>                                | Allowed in a limited way as part of the Planned Area zoning                           | Allowed   |
| <b><i>Private partnerships</i></b>  | <b><i>Without CRA</i></b>   | <b><i>Additional abilities with CRA in place</i></b>  |
| <b><i>Enter into a developer agreement</i></b>  | City can only sell property it owns through competitive bid without strings attached. | Before purchasing property, the city can identify partners to develop all or some. City can also dictate to buyers how the property will be used. |
| <b><i>Select buyer who agrees to further CRA goals</i></b>                              | Not allowed   | Allowed after some kind of competitive process or any non-profit buyer without competitive process  |
| <b><i>Execute contracts and other instruments</i></b>                                   | Allowed to carry out City purposes only   | Allowed to carry out CRA purposes as well   |
| <b><i>Provide incentives to tenants who help fulfill the community renewal plan</i></b> | Allowed with limitations  | Allowed with more flexibility   |
|   |   |   |

| <b><i>Building infrastructure</i></b>  | <b><i>Without CRA</i></b>   | <b><i>Additional abilities with CRA in place</i></b> |
|--|---|--|
| <b><i>Build and repair roads, parks, utilities</i></b>   | Allowed   | Allowed  |
| <b><i>Close, vacate &amp; rearrange streets and sidewalks</i></b>  | Allowed for city purposes   | Allowed to promote economic development as well      |
| <b><i>Borrow money and accept grants to carry out community renewal</i></b>  | Not allowed   | Allowed  |
| <b><i>Form Local Improvement Districts to finance</i></b>  | Allowed   | Allowed  |
| <b><i>Incentives and impacts</i></b>   | <b><i>Without CRA</i></b>   | <b><i>Additional abilities with CRA in place</i></b> |
| <b><i>Provide loans, grants, or other assistance to property owners or tenants affected by the community renewal process</i></b> | Not allowed, except in aid of lower income persons                            | Allowed  |
| <b><i>Provide financial or technical incentives for job creation or retention</i></b>  | Not allowed   | Allowed  |
| <b><i>Relocate persons affected by community renewal</i></b>   | Not allowed except for persons affected by condemnation for public facilities | Allowed  |



## RENEWAL PLAN

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The September 1967 Grand Opening of the City of Shoreline's Sears was heralded with great fanfare. After 45 years, though, the Sears store and its surroundings are in need of renewal.

# AURORA SQUARE CRA

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The Shoreline City Council recently designated the 70+ acre Aurora Square area as a Community Renewal Area (CRA) where economic renewal would clearly deliver multifaceted public benefits. Now that the CRA is established, the City is empowered to partner with private enterprise to encourage 21st century renewal.



Aurora Square  
Community Renewal Plan

**Project Type**  
Public Private Partnership

**Web Site**  
[www.shorelinewa.gov/aurorasquarerenewal](http://www.shorelinewa.gov/aurorasquarerenewal)

**Aurora Square CRA**  
70+ acres  
155th & Aurora Ave N

**Current Anchors**  
Sears, Central Market,  
Marshalls, Pier 1, Big Lots

“Aurora  
Square is a  
sleeping  
giant.”

## THE VISION

Imagine an open, green plaza in the center of Shoreline, filled with sunbathing and studying students, young families watching their children run and play, an elderly couple enjoying a Central Market picnic, dogs wagging their tails, actors practicing their lines, and the sound of college-age buskers singing with an occasional clink as coins fall into a hat.

This is the backdrop to the busy comings and goings of shoppers and lunching workers who relish the time of their day that allows them to visit the renewed Aurora Square shopping center. It is a “one-stop” convenient shopping solution that provides dining, nightlife, and healthy-lifestyle options. It is a community gathering place, where a leg stretching walking easily turns into a serendipitous rendezvous with friends.

It is an environmentally sensitive district within walking distance of Metro’s RapidRide bus service and the Interurban Trail: the intersection of life, study, entertainment, sustainability and retail.

## THE CHALLENGE

Aurora Square was developed as a Sears-anchored retail center, and Sears Holding Company owns nearly 17 acres of the site. Unfortunately, Sears is no longer a major retail draw, and it is struggling not only in Shoreline, but nationwide. Ownership of the balance of the site was sold to nine other property owners creating a difficult environment for cohesive planning and renewal.

## THE PLAN

The Council’s action to designate Aurora Square as a CRA provides a toolkit of powers that the City intends to utilize so that public resources complement that of private enterprise. In the CRA, the City can master plan the site, buy and sell property, build infrastructure, negotiate with private enterprise, borrow money and accept grants, and form local improvement districts.

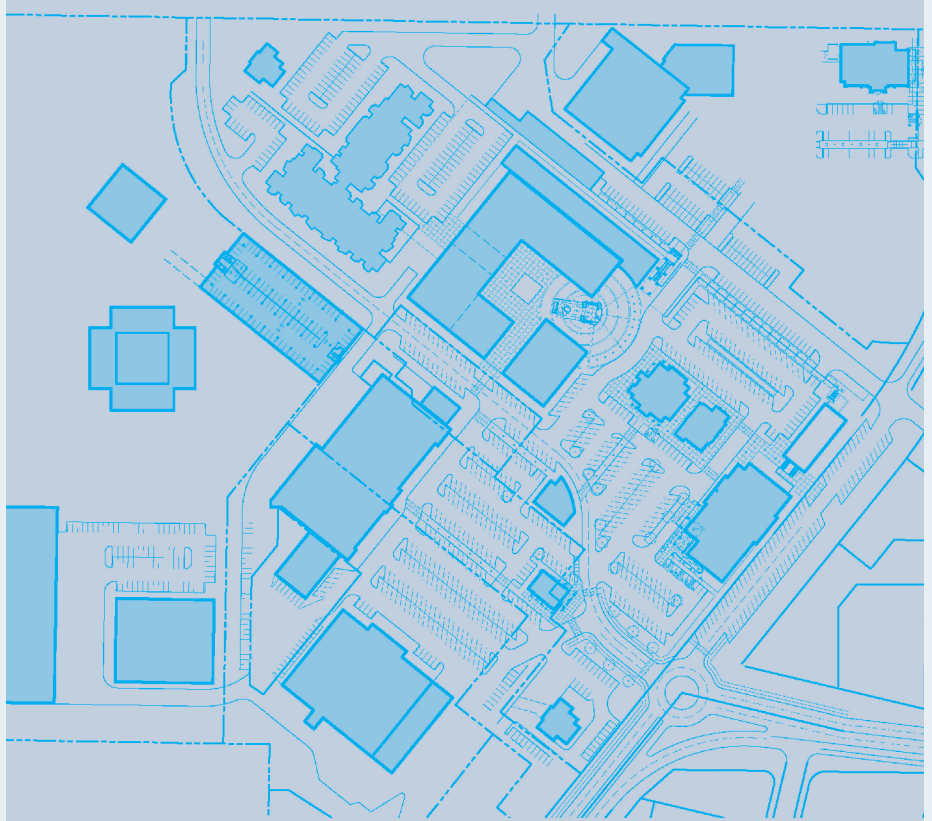
The CRA Renewal Plan identifies a number of high value projects that the City wishes to accomplish for the good of all. The City is therefore seeking willing private partners to enter into binding performance agreements that result in mutually beneficial results.

## THE MASTER PLAN

Aurora Square is home to many outstanding businesses, but due to the absence of cohesive planning and investment, the center provides little synergy between them. In the first step of the Renewal Plan, the City of Shoreline is stepping in to act as the master planning agent.

The master plan is intended to provide a **dynamic and flexible framework** for guiding public-private partnership projects by allowing each individual property owner to understand and invest in the “big picture” while not needing to control other properties.

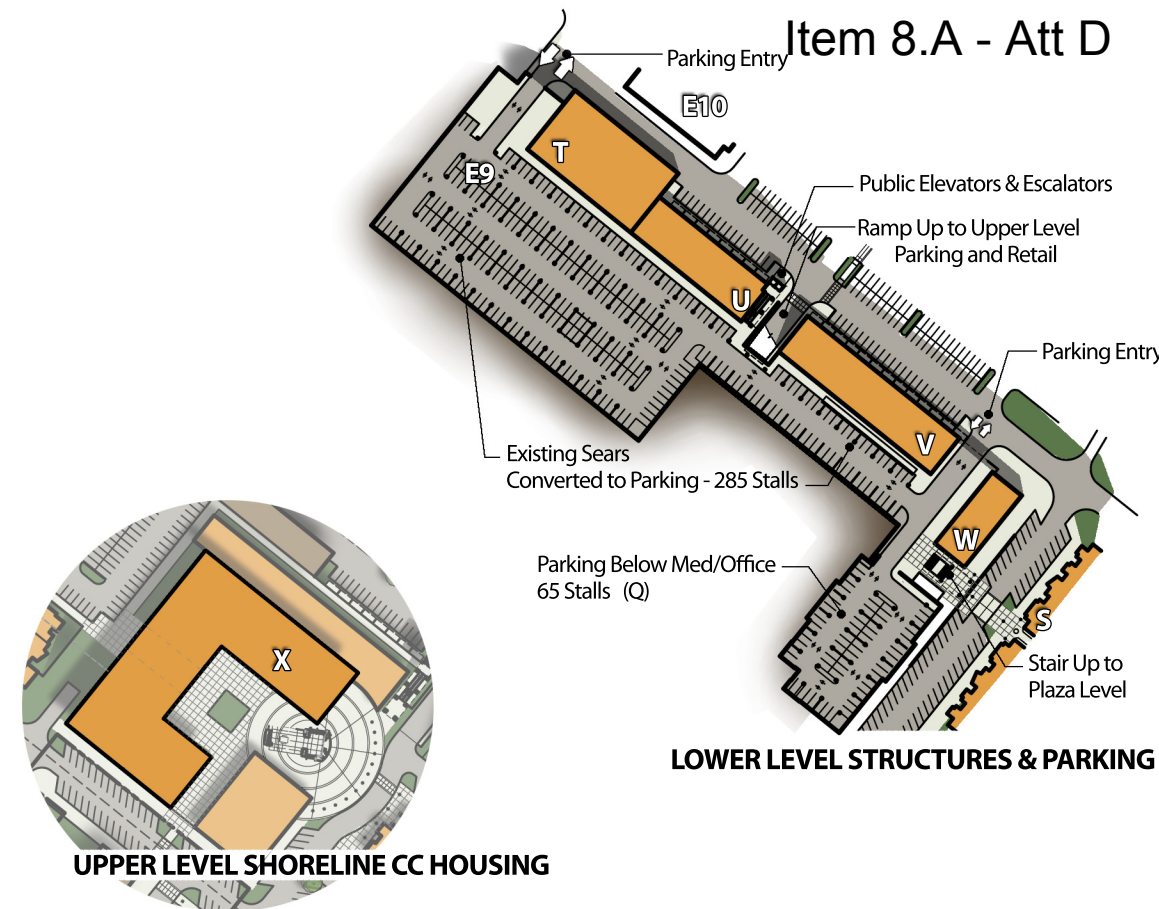
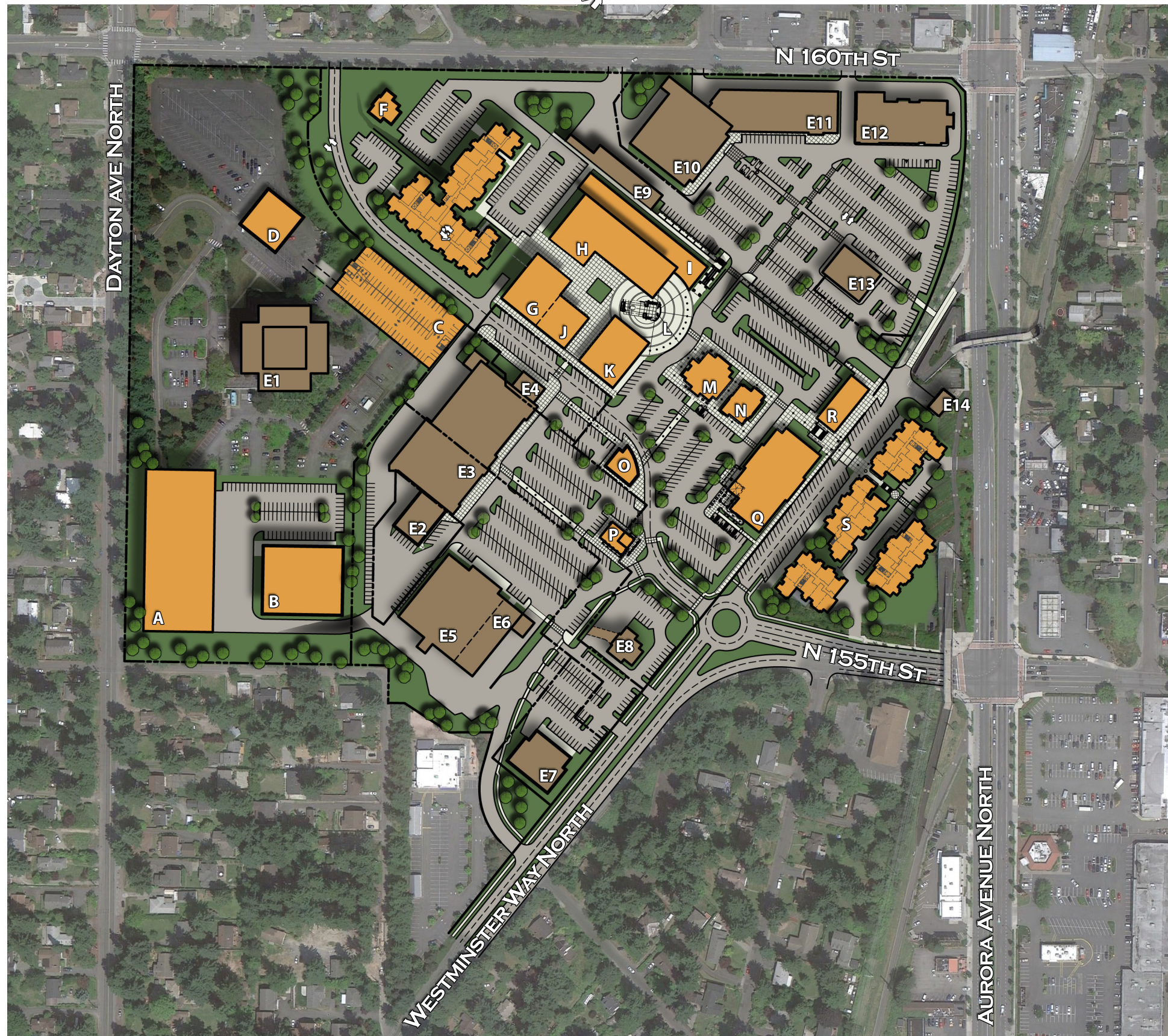
The master plan also illustrates that the City of Shoreline is seeking to renew Aurora Square dramatically by augmenting the current structures and road network, rather than starting with a complete new slate. That is why the master plan emphasizes repurposing buildings, increasing land use efficiency, enhancing the “on-ground” experience, and providing creative solutions to stubborn design and connectivity problems.





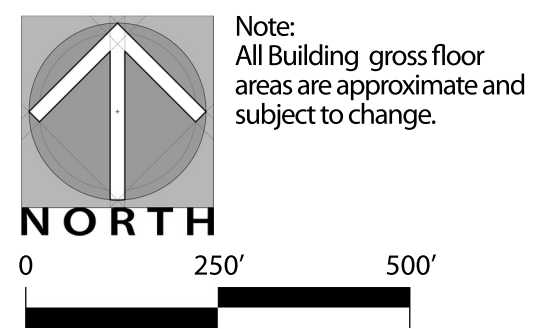
INCREASE LAND  
EFFICIENCY  
BY 100%



Dan Eernisse  
Economic Development Manager  
206.801.2218  
deernisse@shorelinewa.gov



|  |  |            |  |                                      |            |
|--|--|------------|--|--------------------------------------|------------|
|  | <b>LEGEND: Proposed New Construction</b> |            |  | <b>LEGEND: Existing Construction</b> |            |
| A.   | Sound Stage                              | 53,000 sf  | E1.  | Existing Office                      | 116,000 sf |
| B.   | Sound Stage                              | 26,000 sf  | E2.  | Existing Retail                      | 6,900 sf   |
| C.   | Public Parking - (4) Levels              | 385 Stalls | E3.  | Existing - 'Central Market'          | 48,000 sf  |
| D.   | Office Expansion                         |            | E4.  | Existing Retail                      | 2,400 sf   |
| E.   | Residential                              | 120 Units  | E5.  | Existing - 'Big Lots'                | 37,000 sf  |
| F.   | Residential Community Club               |            | E6.  | Existing - 'Bank of America'         |            |
| G.   | Black Box Theater                        | 11,800 sf  | E7.  | Existing - 'Super China Buffet'      | 10,000 sf  |
| H.   | Shoreline CC Classrm/Book Store          | 26,000 sf  | E8.  | Existing - 'US Bank'                 | 3,600 sf   |
| I.   | Shoreline CC Classroom                   | 14,000 sf  | E9.  | Re-use Existing for Shoreline CC     |            |
| J.   | Retail                                   | 6,800 sf   | E10.   | Existing - 'Marshalls'               | 26,700 sf  |
| K.   | Retail                                   | 11,800 sf  | E11.   | Existing Retail                      | 23,000 sf  |
| L.   | Covered Outdoor Stage                    |            | E12.   | Existing Retail                      | 19,000 sf  |
| M.   | Restaurant                               | 7,200 sf   | E13.   | Existing - 'Pier 1 Imports'          | 7,800 sf   |
| N.   | Restaurant                               | 4,500 sf   | E14.   | Existing Retail                      | 1,600 sf   |
| O.   | Restaurant / Retail                      | 3,600 sf   |  |                                      |            |
| P.   | Restaurant / Retail                      | 2,700 sf   |  |                                      |            |
| Q.   | Medical Office                           | 4,600 sf   |  |                                      |            |
| R.   | Retail / Office                          | 12,000sf   |  |                                      |            |
| S.   | Mixed Use Development                    |            |  |                                      |            |
| T.   | Shoreline CC Workshop                    | 17,000 sf  |  |                                      |            |
| U.   | Retail                                   | 11,000 sf  |  |                                      |            |
| V.   | Retail                                   | 15,000 sf  |  |                                      |            |
| W.   | Retail Below (Office Above)              | 6,000 sf   |  |                                      |            |
| X.   | Shoreline CC Housing (Above)             | 300 rooms  |  |                                      |            |
|  | (3) Levels                               |            |  |                                      |            |







# CREATE AN ECO-DISTRICT

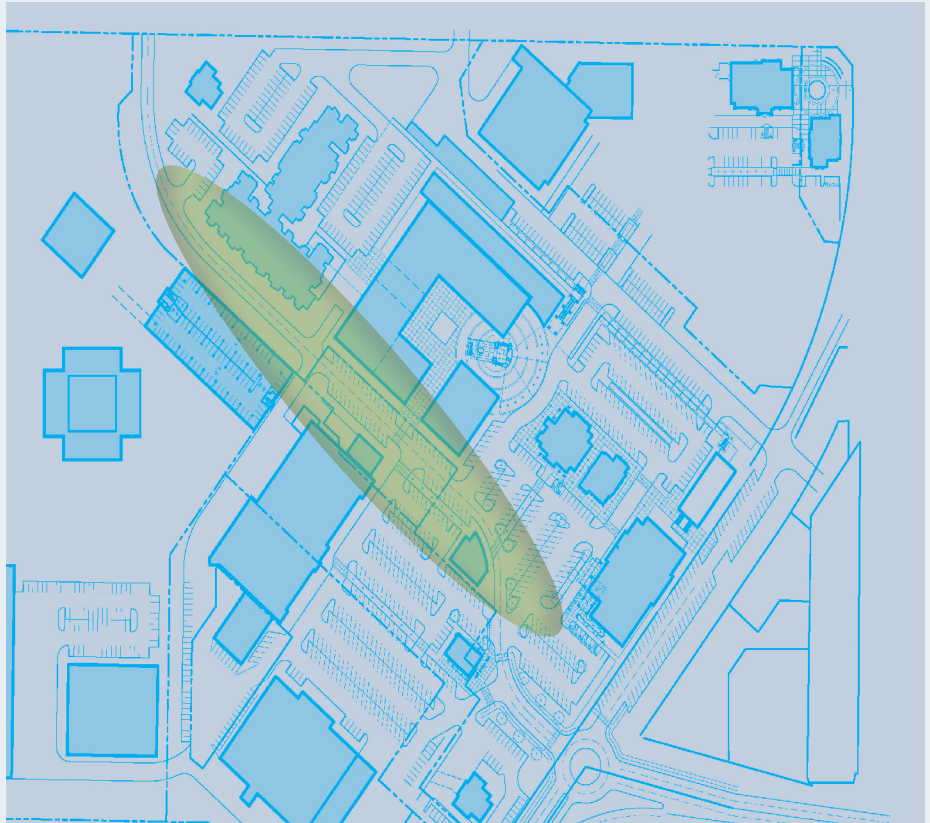
Exceptional environmental wins are achieved when clusters of buildings work together to achieve sustainability in a “eco-district.” The Aurora Square CRA provides sufficient size to experience economies of scale with cost-effective facilities and infrastructure, whether they be treating storm or waste water, providing clean power, or achieving other environmental goals.

“a model  
of design  
for the 21st  
century”

Aurora Square  
Community Renewal Plan Project

**Project Type**  
Public-Private Partnership  
involving local improvement  
districts or financing

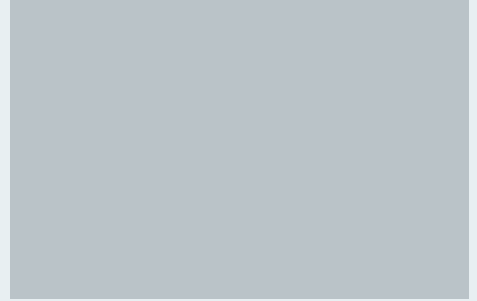
**Contact**  
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206.801.2218  
deernisse@shorelinewa.gov



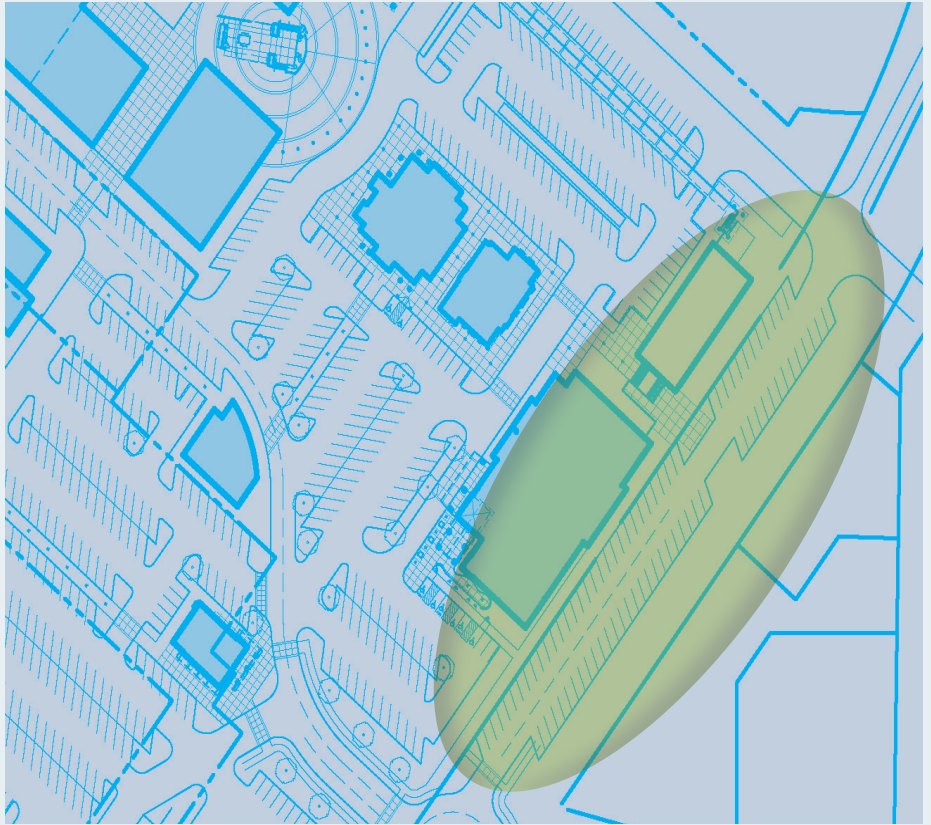
DIRTY  
TO CLEAN

# TRANSFORM WESTMINSTER

Westminster Way between 155th and 160th is transformed into a green and attractive pedestrian-friendly street that provides additional retail and residential frontage, on-street parking, and festival gatherings while at the same time providing the critical connection between the upper and lower parts of the center.



“shoppers  
want a  
fun place  
to walk”



Aurora Square  
Community Renewal Plan Project

**Project Type**  
Public-Private Partnership  
involving vacation of right-of-way

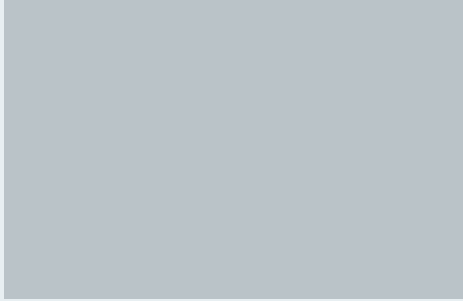
**Contact**  
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OFFRAMP  
TO STROLL

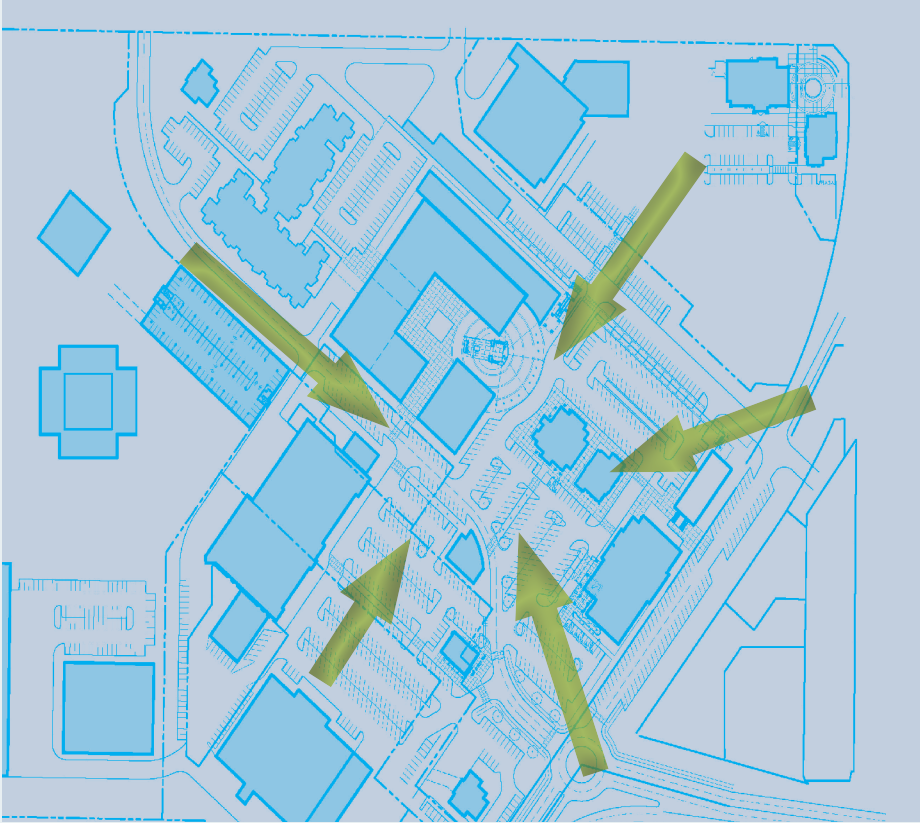


# BUILD A NEW CENTER POINT

The center of a place is defined by where the lines intersect, but unfortunately the intersecting lines were never built at Aurora Square. By creating two strong connections between the separate areas of the site, the potential of the entire site is broken open and it begins functioning as a cohesive whole.



“I can get to so many places from this spot.”



Aurora Square  
Community Renewal Plan Project

**Project Type**  
Public-Private Partnership  
involving right-of-way dedication  
and infrastructure construction

**Contact**  
Dan Eernisse  
206.801.2218  
deernisse@shorelinewa.gov

# BIG BLOCKS TO SMALL

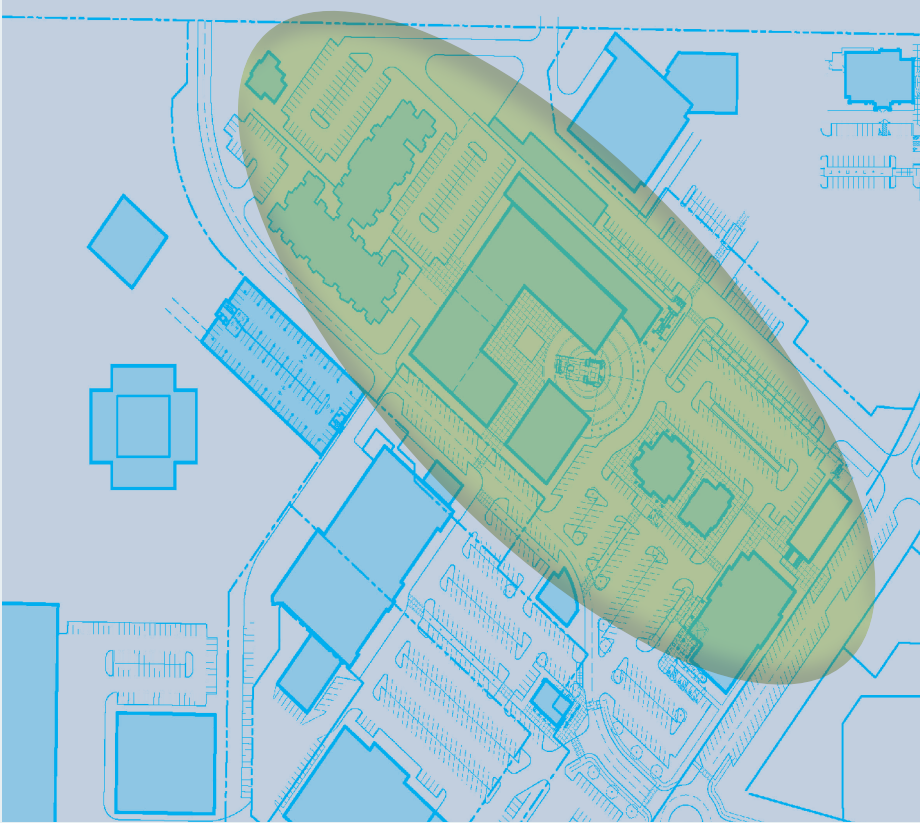


# REIMAGINE THE SEARS PROPERTY

Sears built its flagship suburban store in Shoreline in 1967; nearly five decades later, the site combines its nearly 17-acres with strong demographics, progressive zoning, and outstanding traffic counts on Aurora Ave N to make it one of the best adaptive reuse opportunities in the northwest.



“adaptive reuse can allow us to span time”



Aurora Square  
Community Renewal Plan Project

**Project Type**

Public-Private Partnership  
involving financing and grants

**Contact**

Dan Eernisse  
206.801.2218  
deernisse@shorelinewa.gov

TIRED  
TO FRESH



# BUILD A NEW HOME

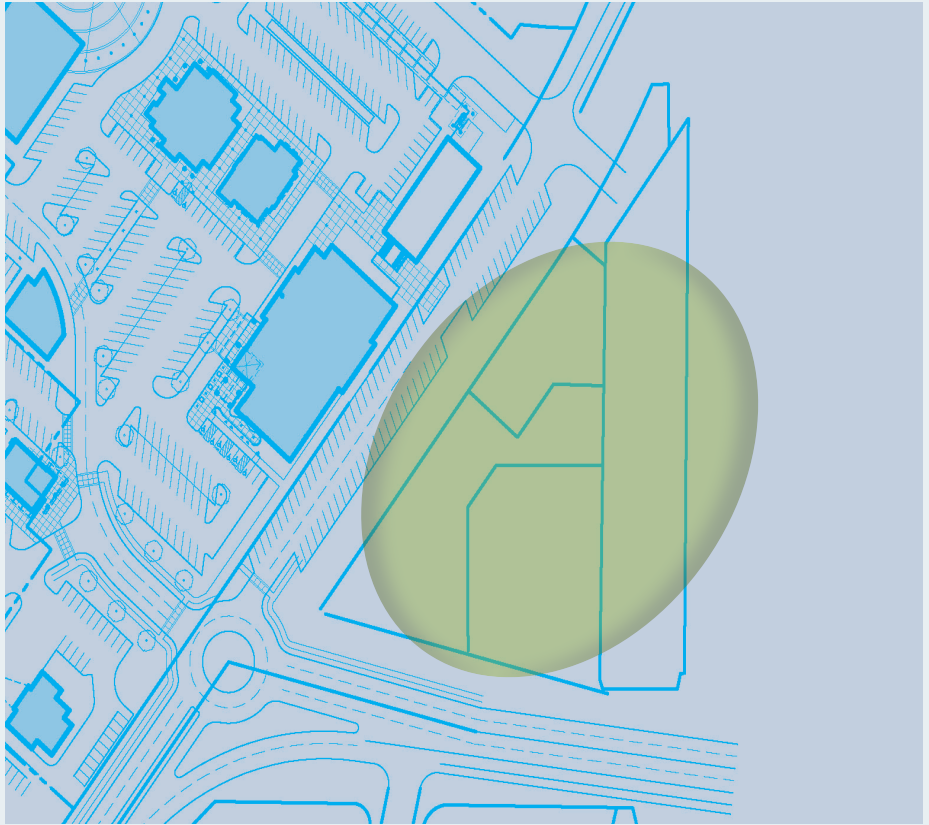
Zoning once divided homes from other uses, but we now appreciate the lifestyle advantages of living close to shopping, dining, work, transit, education, and leisure. Residential units built in Aurora Square will take advantage of these at-hand amenities while enjoying a period of property tax exemptions.

“people who get to live here are lucky”

Aurora Square  
Community Renewal Plan Project

**Project Type**  
Public Incentive  
involving property tax exemptions

**Contact**  
Dan Eernisse  
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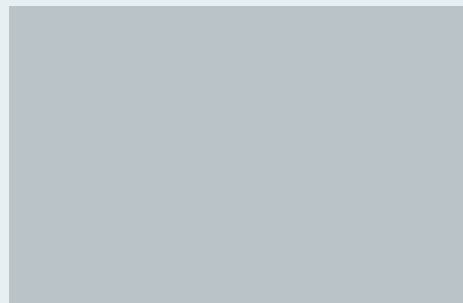


MY MARKET  
TO MY HOME

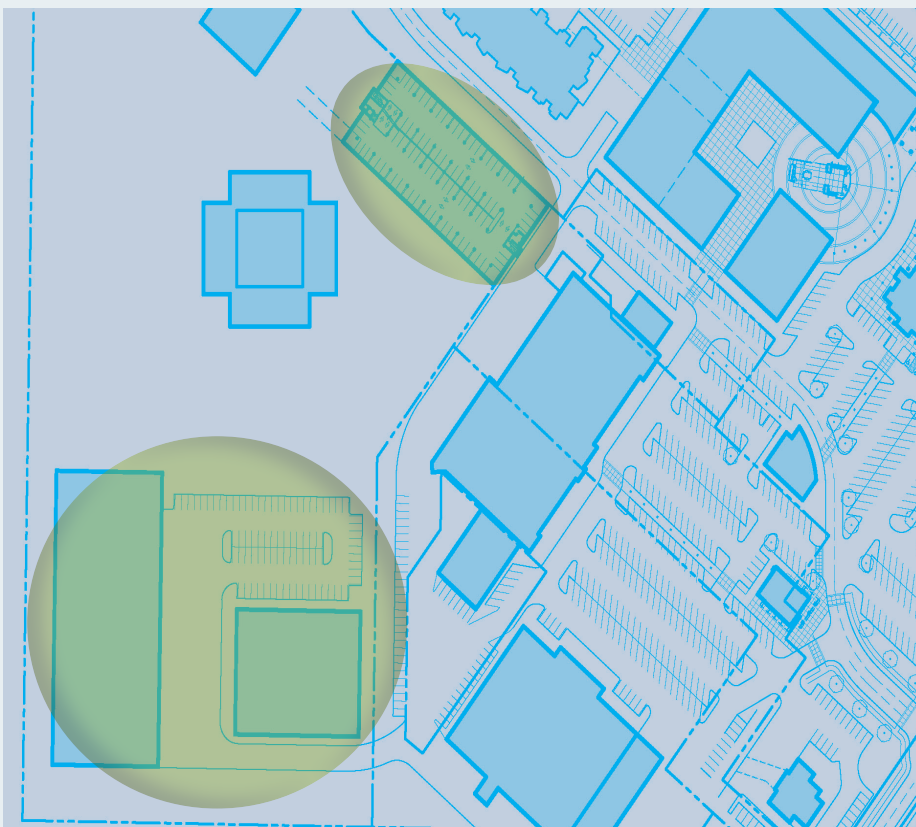


# TRADE SURFACE PARKING FOR JOBS

Washington State Department of Transportation's 16-acre regional headquarters is dominated by surface parking. By providing WSDOT adequate parking in a structure a third of the site can be freed up to allow for industry or office uses that bring jobs to Shoreline and help the retailers and restaurants in the CRA.



“structured parking frees up land for better uses”



Aurora Square  
Community Renewal Plan Project

**Project Type**  
Public-Private Partnership  
involving public land purchase  
and infrastructure finance

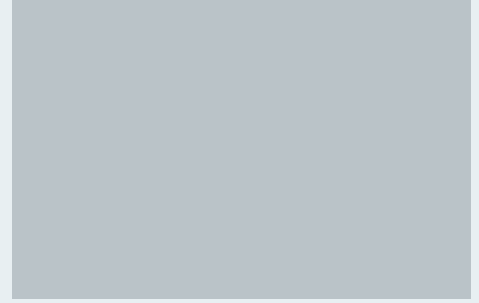
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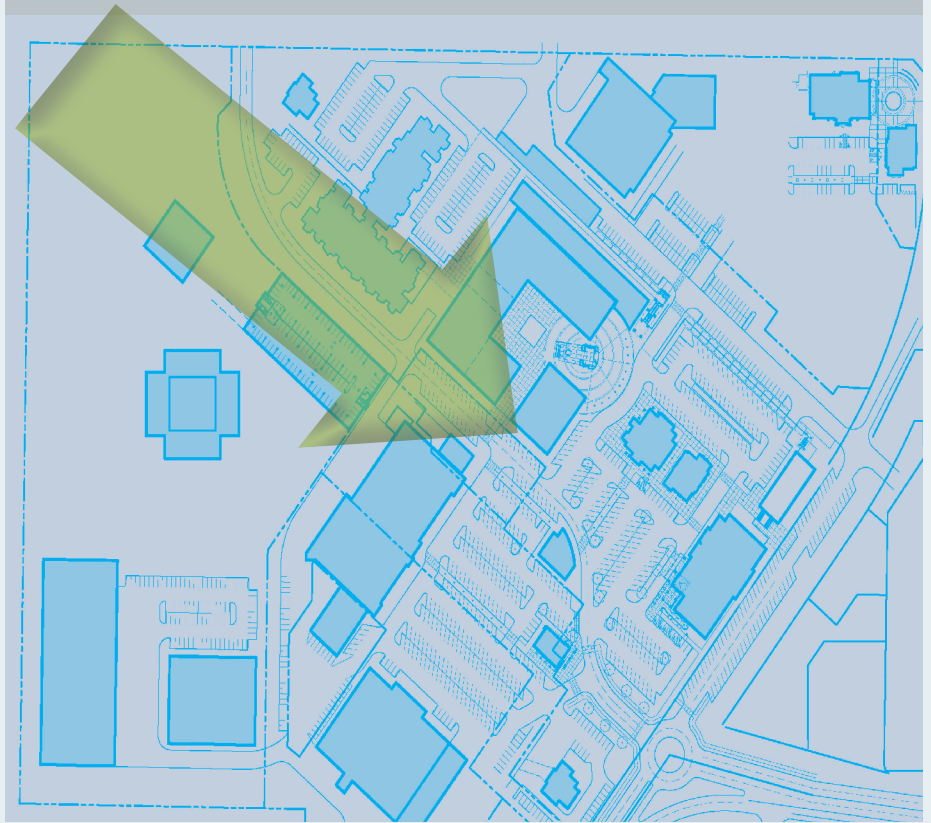
PAVED LOT  
TO GARAGE

# INCORPORATE THE COLLEGE

Shoreline Community College (SCC) is a dynamic local asset that can serve as a cultural anchor by giving it a presence in the CRA. The City is already working with SCC to improve 160th from Aurora to SCC. The next steps are to provide onsite programming, housing, and performance venues in the CRA that add life that add more life and vitality to the center.



“SCC’s ten  
thousand  
students are  
steps away”



Aurora Square  
Community Renewal Plan Project

**Project Type**  
Public-Private Partnership  
involving grants, branding,  
and onsite facilities

**Contact**  
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SUBDUED  
TO LIVELY

# ADD NIGHTLIFE TO THE MIX

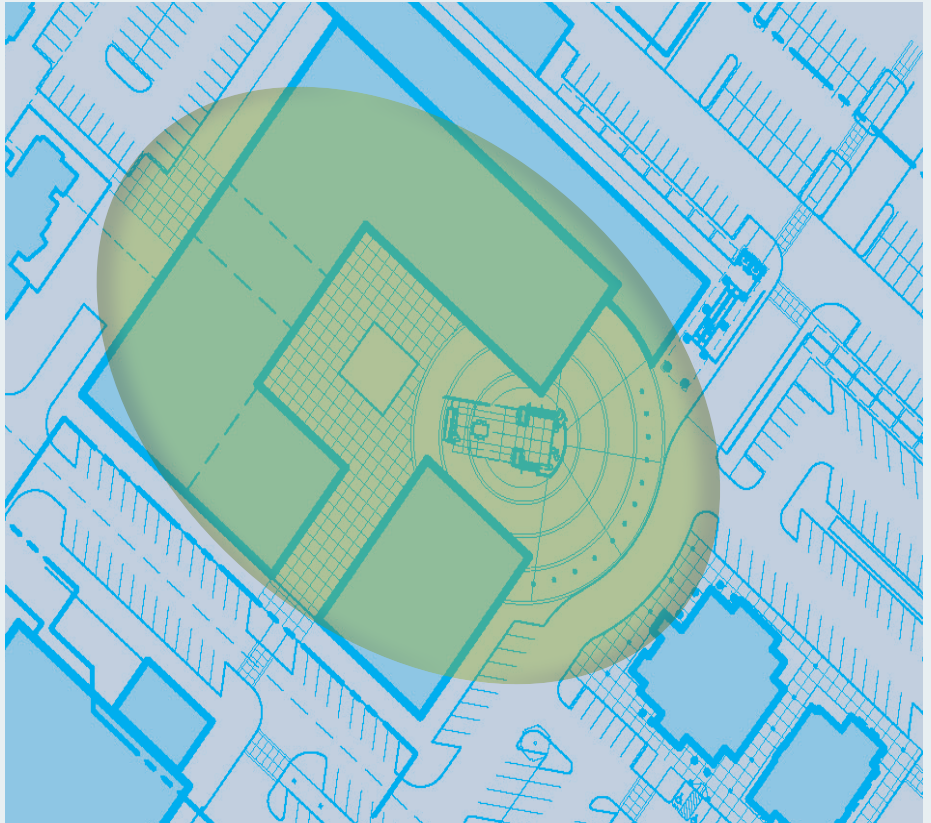
Annual resident surveys reveal a strong desire for more entertainment and dining options in Shoreline. Combine that desire with a supportive arts community, a college specializing in performance art and digital media, and a lack of options, and the conclusion is that an entertainment district could be wildly successful.

“OMW  
can’t wait  
to join u 4  
drinks”

Aurora Square  
Community Renewal Plan Project

**Project Type**  
Public-Private Partnership  
involving infrastructure finance

**Contact**  
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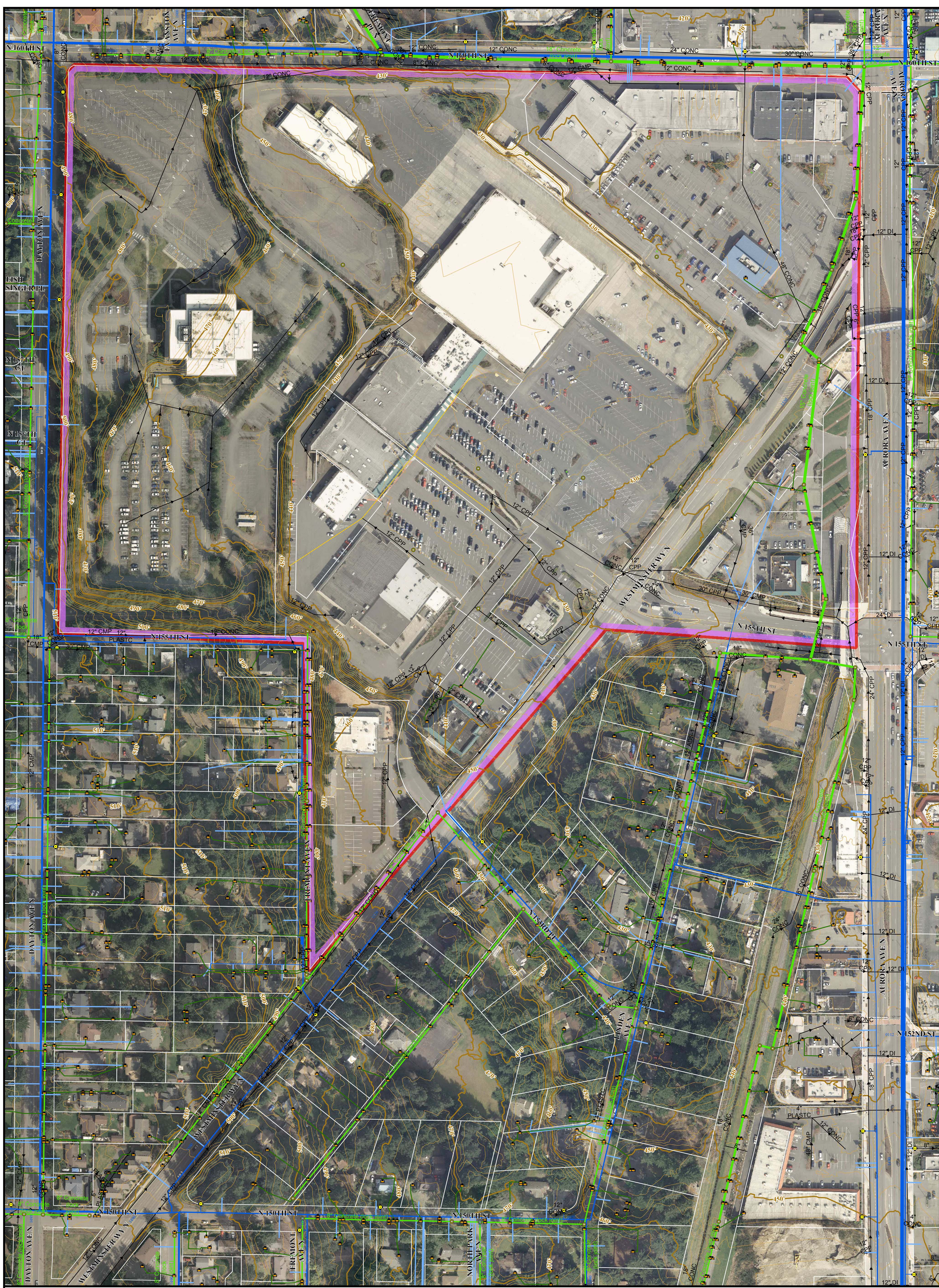


DARK  
TO LIGHTS



### Aurora Square Community Renewal Area Public Process

|                                   | 12-Feb | 12-Mar | 12-Apr | 12-May | 12-Jun | 12-Jul | 12-Aug | 12-Sep | 12-Oct | 12-Nov | 12-Dec | 13-Jan | 13-Feb | 13-Mar | 13-Apr | 13-May | 13-Jun |
|-----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| <b>Alternatives Analysis</b>      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Story Board/Concepts              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| UW Architecture Studio            |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Current Condition Inventory       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Participation Projects Formulated |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Federal Gov't Priorities          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| State Capital/Land Options        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Infrastructure Financing Options  |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <b>Public Engagement</b>          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Property Owner Input              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Neighborhood Meetings             |        |        |        |        |        |        | 6th    |        |        |        |        |        | 13/27  |        | TBD    |        | 18th   |
| Chamber of Commerce               |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <i>Currents</i> Article           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Comp Plan Speaker Series          |        |        | 25th   |        |        |        |        | 12th   |        |        |        |        |        |        |        |        |        |
| News stories                      | *      |        |        |        |        |        |        | ***    |        |        |        |        |        |        |        |        |        |
| Expert Roundtable                 |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | TBD    |        |
| <b>City Process</b>               |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| CRA Designation Phase             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| CRA Plan Phase                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Planning Commission               |        |        |        |        |        |        |        |        |        | 1st    |        |        |        | 21st   |        |        |        |
| City Council                      |        |        |        |        |        | 9th    | 13th   | 4th    |        |        |        |        |        | 1st    |        | TBD    |        |



# Aurora Square Community Renewal Area

| Sewer Structure |          |
|-----------------|----------|
| DIAMETER        |          |
| 4 - 6           | 12" CONC |
| 7 - 8           | 12" CONC |
| 9 - 12          | 12" CONC |
| 13 - 21         | 12" CONC |
| 22 - 30         | 12" CONC |
| Side Sewer      | 12" CONC |

| Storm Main, Ditch and Channel Storm Facility |         |
|--|---------|
| DIAMETER                                     |         |
| 0.00 - 4.00                                  | 12" CPP |
| 4.01 - 8.00                                  | 12" CPP |
| 8.01 - 12.00                                 | 12" CPP |
| 12.01 - 16.00                                | 12" CPP |
| 16.01 - 20.00                                | 12" CPP |
| 20.01 - 24.00                                | 12" CPP |

| Type                   |        |
|------------------------|--------|
| Type 1 Catch Basin     | 12" DI |
| Type 1 Man Hole        | 12" DI |
| Unconfirmed            | 12" DI |
| Community Renewal Area | 12" DI |

**2009 Aerial Photography**

1 inch = 100 feet

0 45 90 180 270 360 Feet

City of SHORELINE

Create date: 7/2011

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