



## **Memorandum**

**DATE:** November 10, 2009  
**TO:** Shoreline Planning Commission  
**FROM:** Joseph W. Tovar, FAICP, Director  
**RE:** Second Planning Commission Study Session on the draft City of Shoreline Subarea Plan and Pre-Annexation Zoning for Point Wells

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One of the items on the November 19, 2009 Planning Commission agenda is your second study session on the City-initiated proposed Point Wells Subarea Plan, Pre-Annexation Zoning and Draft Supplemental Environmental Impact Statement (DSEIS). At this session, staff from the Public Works Department, and our consultant Lochner and Associates, will provide an overview of the methods and conclusions of the Traffic and Safety Study information contained in the DSEIS. They will be available to answer your questions.

During the Planning Commission's November 5 study meeting, and in subsequent emails from Commissioners, several dozen questions or requests for clarification were raised. We have summarized these questions/request for clarification or additional information below, with preliminary staff responses following. Several of these are better addressed by Public Works staff during their presentation at your November 19 meeting.

**1. It would probably be helpful next time to give a 1 minute explanation for the public about what a subarea plan is vs. the pre-annexation zoning.**

We will do so. Simply put, a subarea plan is part of the comprehensive plan that only applies to a geographic sub-set of the entire City. Pre-annexation zoning is the zoning map and text that would apply to land after it annexes into the City. Under state law, development permits (like ADR and building permits) must be consistent with the zoning, and the zoning must be consistent with the comprehensive plan (both the subarea plan and other applicable chapters of the plan). Both the plan and the zoning must be consistent with the goals and requirements of the Growth Management Act (GMA). In addition, permits and

the adoption of zoning codes and plans are all subject to the requirements of the State Environmental Policy Act (SEPA).

Because of Point Wells' location on a shoreline of the state (Puget Sound), it is also subject to the Shoreline Management Act (SMA). Staff has prepared a graphic to help illustrate the relationship among and between these local actions and state laws. See Attachment A.

- 2. I had a question regarding why the staff drew the line between PLA 1A and PLA 1B where they did, specifically regarding the View Corridor. The maximum height in PLA 1B is 35 feet, while in PLA 1A it is higher, except for the portion that is within the View Corridor, where a 35 foot height limit would apply. Why didn't the staff simply include that portion of the view corridor in PLA 1B? There does not appear to be any zoning differentiation (even though they may have some other differences).**

Good question. If the Commission would like, the staff can prepare an alternative zoning map for your review that would move the line as described above.

- 3. Regarding Policy PW-5, I had a question as to whether we wanted to encourage tall slender towers rather than shorter buildings that were wider. I think the answer that staff gave at our meeting was that it is a preference and the Planning Commission should decide what policy recommendation that we want to come up with.**

Correct. The fundamental policy question here is the merits of taller buildings with more horizontal site openness versus shorter buildings with less horizontal site openness.

- 4. Regarding Zoning Code Section 20.92.070 Site and Building Development Standards item C (minimum separation of tall buildings). I think that the desired effect of this language would benefit from a picture (or two).**

Staff agrees that illustrating this language would be helpful. We will prepare a graphic for that purpose.

- 5. Regarding environmental impacts, there are two places where I think the wording implies that the City would be very prescriptive in the types of low impact / climate friendly practices (i.e. that *all* the methods enumerated are required rather than a selection of the options). Top of page 37 of the packet, and section 20.92.060 Site and Building Sustainability Standards item C. Is this language too prescriptive and/or impractical?**

Several Commissioners raised this question on Nov. 5. If you ultimately decide that, as written, this language is too prescriptive or impractical, you could either propose striking this part of 20.92.060, or perhaps re-wording the preamble to say that these are aspirational objectives to be addressed in a plan to be submitted for City review. This approach would leave to the applicant to

address the issue areas, but leave the City (and the Department of Ecology in the case of the Shoreline Master Program Substantial Development Permit) in the role of making a final determination during permit review

- 6. Regarding Shoreline Public Access, at 20.92.090 and on-site public use areas(s) item C requires a park of at least 5 acres – is this in addition to the boardwalk, or would some of the boardwalk square footage count towards the “park” requirement? I think the intention was to have the park be in addition to the boardwalk.**

Yes, the staff had intended that the requirement for a 5 acre on-site public use or park area to be apart from and in addition to the shoreline public access improvements. Note that the public access may or may not be a “boardwalk”. It could be a variety of materials yet to be determined.

- 7. I don’t see anything in either the Subarea Plan or the Pre-Annexation Zoning that discusses marina uses and if/how they would be regulated. Can you clarify who has jurisdiction and what the city’s role might be?**

Both the Subarea Plan and the Pre-Annexation Zoning are purposefully silent on the subject of a marina. The development of a marina, or any physical improvements or activities waterward of the Ordinary High Tide line are subject to the requirements of the Shoreline Management Act and would require, at the least, a Shoreline Substantial Development Permit.

We will be addressing what should be allowed waterward of the Ordinary High Tide line as part of the Planning Commission’s continued review of our Shoreline Master Program in spring or summer of 2010. That would be the time for you to have a discussion of whether you think a marina would be an appropriate use, and, if so, subject to what standards or conditions.

- 8. There are a number of projects that incorporate and illustrate some of the “sustainability” concepts that the City might wish to consider for Point Wells. Commissioner Broili made reference to “Eco-districts” in Portland, and the Olympic Village in Vancouver, B.C. Could staff provide some information about those efforts?**

There was an article in “Governing” magazine that discussed Portland’s Eco-District efforts. Here is a link to that article;  
<http://www.governing.com/article/green-city-scale> . In addition, there are two projects in British Columbia that have been called to the staff’s attention that bear on sustainable districts or projects. One is the Olympic Village on False Creek in Vancouver. Here is a link to that project:  
<http://vancouver.ca/olympicvillage/> Another project in B.C. is the Dockside Green project in Victoria. Here is a link to that project:  
[http://docksidegreen.com/index.php?option=com\\_frontpage&Itemid=1](http://docksidegreen.com/index.php?option=com_frontpage&Itemid=1)

**9. Is it possible for the Subarea Plan to specify an area to be developed as a park and require that it be constructed?**

Generally, yes. However, the requirement for a public use area or park must have a reasonable nexus to the demand for same, such as a substantial on-site population. That is why the draft Pre-Annexation zoning makes creation of such a facility conditioned upon the development of at least 500 dwelling units in PLA 1A.

**10. Clarify the potential inconsistency between the proposed mitigation that would limit improvements in the westernmost 200 feet along the shoreline to walkways and public use or park areas and the proposed zoning code that would allow buildings up to 25 ft if located between 100 and 200 ft of the water.**

Staff intended that any structures within the westernmost 200 feet would be non-habited structures, such as pavilions, lookout towers, restroom facilities, etc. Perhaps the text of the zoning could be modified to clarify this.

**11. Clarify the language of section 20.92.050.B, particularly item #6 that discusses removal of fill). It is suggested that this be clarified to note that the note should apply to contaminated fill, but it does not suggest that all fill on the site should be removed.**

Staff agrees that this is the intent. This could be achieved by inserting the word "contaminated" before the word fill.

**12. For future reference, it would be helpful to include sections from the SMP update that relate to Point Wells.**

The staff is still compiling that information as of this writing. We will forward it to you next week or bring it to the meeting. I would caution you that what we have so far is primarily inventory information rather than proposed policies or use regulations, and that none of this has been through a public hearing process to date. Please bear in mind that the policies and use regulations that will apply waterward of the Ordinary High Tide line will be before you next year, not now,

**13. Will the proposed zoning conflict with the SMP?**

Not that we are aware. The staff is aware of what the Shoreline Management Act and the Guidelines issued by the Department of Ecology say. We have focused the Subarea Plan and Pre-annexation zoning to focus on the landward side of the Ordinary High Tide line, and tried to avoid outright conflicts with the SMA and guidelines as we understand them. We have forwarded a copy of both to Ecology staff for their comment.

### 14. Clarify Items 1 and 2 of Section 20.92.070B

This was a typographic error. Item 1 should refer to the portion of buildings that above 65 ft in height, item 2 applies to the portion of those buildings that is between 35-65 feet tall, and item 3 refers to the portion of the building that is less than 35 ft tall.)

### 15. Clarify 20.92.070C to state that portions of the building less than 65 ft in height could be connected.

It would be clearer with the following revision: “~~No~~ The portion of any building that is taller than 65 feet may be no closer than 100 feet to any portion of any other building that is taller than 65 feet.”

### 16. Should Subarea Plan policies PW-5 and PW-6 use the term “view” because it is not defined? Also, does the staff intend here to talk about public, as opposed to private views and, if so, shouldn’t additional reasons for open spaces between buildings be listed, such as air circulation, solar access etc.?

The staff believes that, as used in PW-6 and illustrated on Figure 2, the term “public view” is clear. The paragraph above PW-6 we think clarifies the purpose and intent.

As to PW-5, the staff believes that the objective of PW-5 is the separation of taller building mass to maintain a sense of openness, air circulation, and solar access, rather than to protect views per se. Toward that end, a better way to state PW-5 would be: “New structures in the NW subarea should be developed in a series of slender towers separated by view corridors sufficient distance to provide for air circulation, solar access, and a sense of openness.”

### 17. Re: 20.92.050B, item 8. Does the stormwater manual require flow control for properties that have direct discharge to a water body? Due to this location and topography there would not seem to be an issue with synchronization with watersheds.

We will research this further and provide an answer at your meeting.

### 18. Have infrastructure issues (such as sewer and water) been reviewed in terms of existing capacity? How would these issues be addressed at the development stage?

There is information about utility capacity in the County’s SEIS which we have adopted by reference. Staff will research this further and provide a more detailed answer at your meeting.

**19. Is it possible that this property could manage all sewer and stormwater onsite? Could this be a development requirement?**

All things are technologically possible. The question of managing all sewer and stormwater onsite would have significant site development and cost implications.

**20. Is it possible for the contaminated soils to be barged out, or perhaps use the train, rather than using trucks?**

State agencies would not permit barging of contaminated soils from the Brightwater site, so it is unlikely that would be permitted in this instance. We will further research the possibility of train and provide a more detailed answer at your meeting.

**21. What are the long-term plans for a Sound Transit stop at Point Wells?**

Sound Transit's Long Range plan includes a commuter rail station in Shoreline in the Richmond Beach area. This station was originally planned to be constructed as part of Sound Move, however, it was pulled from the project list. This rail station remains in the Long Range plan, with the exact station location to be determined. It is not planned to be constructed of ST2 either, which extends through 2029. The next option for consideration of funding for this station will be in the next phase Sound Transit plan. A schedule for development of this next phase plan is not known at this time.

**22. What is the likelihood that Community Transit or METRO transit will serve the Point Wells site?**

The following response was give by Alicia McIntire, Shoreline Transportation Planner. "The likelihood of Community Transit (CT) or Metro Transit serving this site is extremely low. In order for CT to serve the site, they would have to travel exclusively through Shoreline. CT is not interested in serving King County residents so, they would probably not be stopping to pick up Shoreline residents. Staff cannot see this being a very efficient peak only or all day route for CT, as it is quite far out of CT's service area and does not coordinate well with their other routes.

Metro is similar – they are not interested in serving Snohomish County residents and are actively working to discontinue service in Snohomish County. Two routes already serve Richmond Beach – one peak only and one all day route, both of which intersect with Richmond Beach Drive. The Richmond Beach neighborhood has all day, 30 minute headways. The neighborhood is not of sufficient density to support much more transit service and Metro staff has indicated that it does not have the most transit friendly geography. We do not see additional bus service coming to Richmond Beach any time soon, especially in light of Metro's current budget cuts, which are likely to result in transit cuts

over the next 4 years. The most likely way transit service would be provided to the Point Wells site is if Point Wells funded it, probably in its entirety.”

**23. Why did the City’s analysis focus on Average Daily Traffic (ADT) rather than on maintaining a specified Level of Service (LOS) at all intersections?**

Public Works staff will respond to this during their presentation at the November 19 study session.

**24. What conversations and interactions has city staff had with the railroad and Sound Transit regarding the rail alignment? Do they foresee any maintenance, operation or access issues with this segment in the near future?**

Public Works staff will respond to this during their presentation at the November 19 study session.

**25. Why does the traffic study “stop” at Aurora; why not look at the traffic impacts to Meridian (if people choose not to travel Aurora to get to 175<sup>th</sup> and take Meridian as an alternate route)?**

Public Works staff will respond to this during their presentation at the November 19 study session.

**26. Are any of the proposed mitigations listed on Attachment E of the SEIS already listed in the City’s Capital Improvement Plan?**

Public Works staff will respond to this during their presentation at the November 19 study session.

### **Attachments**

**Attachment A** – the Relationship of State Laws, Plans, Regulations and Permits

**Item 7.b - Attachment A**

The Relationship of State Laws, Plans, Regulations and Permits

