

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on 185th Street Station Subarea Plan- Draft Environmental Impact Statement and Recommendation on Preferred Alternative

DEPARTMENT: Planning & Community Development

PRESENTED BY: Miranda Redinger, Senior Planner, P&CD
Rachael Markle, AICP, Director, P&CD

Public Hearing
 Discussion

Study Session
 Update

Recommendation Only
 Other

BACKGROUND

This staff report and appendices are supplemental to the packet prepared on Friday, June 27, and contain additional discussion and the following attachments:

- Attachment A- Map that reflects additional zoning changes requested since the release of the DEIS that have not yet been analyzed;
- Attachment B- Memo explaining the DEIS/FEIS/Planned Action process, including points for the Commission to consider as they decide whether to include additional zoning changes in the Preferred Alternative; and
- Attachment C- DEIS comment received between June 27 and July 3.

DEIS comments received between July 3 and 10 will be provided to the Commission in a desk packet prior to the start of the public hearing.

RECOMMENDATION ON PREFERRED ALTERNATIVE

While the public hearing and Commission discussion will be open to a variety of topics covered in the Draft Environmental Impact Statement (Draft EIS) prepared for the 185th Street Station Subarea Plan, a primary focus will be determining a Preferred Alternative zoning recommendation for Council. Council is scheduled to make a decision regarding the Preferred Alternative at their August 11 meeting, which will then be analyzed in the Final Environmental Impact Statement (Final EIS), unless they determine that a Supplemental Draft Environmental Impact Statement (Supplemental DEIS) is necessary based on changes requested through the scoping and Draft EIS comment periods.

The Preferred Alternative may be one of the zoning alternatives analyzed in the Draft EIS, a hybrid of these alternatives, or a new alternative that is based on public comment and analysis. See Attachment B for additional explanation of State Environmental Policy Act (SEPA) guidelines for the process of developing a Draft EIS, choosing a

Approved By:

Project Manager 

Planning Director 

Preferred Alternative, responding to modifications in the Final EIS, and adopting a Planned Action Ordinance.

The June 27 packet contained all comments submitted to date through either the scoping or Draft EIS comment periods. The scoping comment period was open between January 16 and March 6, 2014, but input was primarily received at the February 20 Design Dialogue Workshop, Part II. The purpose of this workshop was to introduce graphic representations of ideas expressed by the community during the November 5 and 6 Design Dialogues Workshops, Part I. This second workshop series was the first opportunity for the public to comment on the range of zoning alternatives approved by Council at their February 8 retreat, which would be analyzed in the Draft EIS.

The summary report for the February 20 Design Dialogue Workshop contains comments received at the meeting, as well as a discussion of how these comments were incorporated into the Draft EIS analysis. However, multiple written comments were received that recommended additional changes to the zoning map, specifically to increase density in several pockets of the subarea where single-family zoning was proposed to be retained, and within the subarea generally. Because staff had not anticipated that initial comments would request zoning change beyond what was proposed in Alternative 3- Most Growth, no additional discussion of the zoning maps had been scheduled. Therefore, the July 10 public hearing is the first opportunity to consider creating a zoning alternative that is more intensive than that analyzed in the Draft EIS. Several comments received during the Draft EIS comment period also support additional zoning increase, although it should also be noted that some do not.

Attachment A consists of a map depicting areas that have been requested to receive additional consideration with regard to zoning. All comments submitted referred to Alternative 3 in the Draft EIS, so that is used as the base map. (Note that in all areas where the request was to add additional zoning capacity, hatch-marks are angled to the right; in areas where the recommendation is to apply a zoning designation with lower intensity than was analyzed in the Draft EIS, hatch-marks are angled to the left.)

Below is a description of each area identified on the map, the origin of the request, and Pro/Con bullet points that Commissioners may consider as they decide whether to include each request in the Preferred Alternative. At the public hearing, Commissioners will discuss and decide whether to include each area individually in order to create a final map of the Preferred Alternative they will recommend for Council approval.

A- The proposal for this area is to change from its current R-6 zoning designation to a higher density consistent with zoning shown to the north and across the street (staff interpreted this to mean R-18). This area was the subject of discussion at one of the break-out tables during the February 20 Design Dialogue Workshop. Unfortunately, the resident who made the suggestion did not provide her name. The reason for the proposed change was to have consistent zoning on both sides of 5th Avenue NE.

- Pro of including this recommendation in the Preferred Alternative- the request came from a resident of the area.

- Con of including this recommendation in the Preferred Alternative- staff has no information about whether others in this area would prefer to retain current zoning or increase development potential.
- B- The proposal for this area is to change from its current R-6 zoning designation to a higher density consistent with zoning shown to the north, east, and west (staff interpreted this to mean R-18). The specific request came from Judy Parsons, who lives at 17535 11th Ave. NE, stating "I want to know if there is any thought in just having all that property from 175th to 180th on 10th & 11th considered at least multi family zoned instead of in a dead zone." See Attachment A of June 27 packet for the full comment.
- Pro- the request came from a resident of the area.
 - Con- staff has no information about whether others in this area would prefer to retain current zoning or increase development potential.
- C- The proposal for this area is to change from its current R-6 zoning designation to a higher density consistent with zoning shown to the west (staff interpreted this to mean R-18). The specific requests came from Tony Gale (Attachment A, June 27 packet), who owns property at 1019, 1121, and 1123 NE Perkins Way and 1024 190th Street; and Donna Pipkin (Attachment C, July 3 packet), who lives at 1013 NE Perkins Way.
- Pro- the request came from more than one property owner in the area, one of whom told staff that all property owners within "the hook" support rezoning as well. Additional reasoning is provided in Mr. Gale and Ms. Pipkin's comments.
 - Pro/Con- Comments received to date have stated that this segment of NE Perkins Way will be a popular route for residents from Lake Forest Park to access the 185th Street Station. Traffic is likely to increase on this topographically challenged road section creating a need for multi modal transportation improvements. The character of this area would also likely change if this becomes a well traveled east/west route to and from the 185th Street Station. In recognition of this potential change, it makes sense to analyze these impacts a little further and possibly make a change to the zoning to reflect anticipated changes in the residential character.
 - Con- staff has not received comments directly from other property owners in this area.
- D- The proposal for this area is to change from its current R-6 zoning designation to a higher density consistent with zoning shown to the south (staff confirmed that the person who submitted the request meant R-18). The specific request came from Jason Cetina, who lives at 849 NE 195th Street, stating "I would consider rezoning all of the property north of 190th, and west of 10th (including houses on the east and west side of 10th). I would also include Sky Acres in any rezoning. This is going to be the most opportune time to reconnect this neighborhood somehow to the rest of North City, from which we are somewhat isolated." See Attachment A of June 27 packet for the full comment.
- Pro- the request came from a resident of the area.
 - Con- staff has no information about whether others in this area would prefer to retain current zoning or increase development potential.
- E- The proposal for this area is to change from the R-48 and R-18 zoning analyzed in the Draft EIS to Mixed-Use Residential. The specific request came from

Councilmembers Keith McGlashan and Will Hall at the May 19 Council meeting. Reasoning included that this area is immediately adjacent to the interstate and could provide more residential units within close proximity to the light rail station. With regard to the area north of 185th Street, the topography is lower than areas to the west. Taller buildings in this area could provide noise barriers to homes to the west.

- Pro- Staff concurs with the reasoning provided by Councilmembers McGlashan and Hall.
- Con- Staff has no information about whether property owners in this area would prefer to retain current zoning or increase development potential.
- With regard to the Final EIS, this change may require additional mitigation, such as sidewalk and roadway improvements, which could be seen as a positive or a negative from the residents' perspective.

F- The proposal for this area is to change from the Neighborhood Business zoning analyzed in the Draft EIS to R-48. This is a staff recommendation based on an evolving concept of what the revised R-48 zoning designation may be. It has been discussed repeatedly that the current R-48 designation does not meet the intent to create the "station boulevard" or "main street" character envisioned for the 185th Street corridor, and would need to be revised. Additional discussion of this change is included later in this staff report, but as it relates to area F, the primary reasons for recommending that this area be zoned the revised R-48 instead of Neighborhood Business (NB) are listed as pros below.

- Pro- As staff drafts allowable uses for a revised R-48 zone, there may be little distinction between the new zone and the existing NB zone, so in order to avoid confusion and the potential for split-zoning if parcels are aggregated for redevelopment, zoning should be consistent with neighboring parcels.
- Con- Staff can think of no reason to recommend NB zoning on these parcels. The original intent of labeling them NB was to create a distinct opportunity for mixed-use on larger parcels near the Shoreline Center, but current thinking is that zoning consistently with the rest of the block makes more sense. However, if the newly named zone and refined uses and standards as proposed to replace R-48 in the 185th Street Station Area are not embraced by the Planning Commission, then the NB zone may still be appropriate.

G- The proposal for this area is to change from the R-24 zoning analyzed in the Draft EIS to R-18. This is a staff recommendation similar to area F. The original intent was to provide additional transition to step down from the R-48 zoning proposed for the 185th Street corridor. However, preliminary discussions about revised standards for both the R-48 and R-18 zones indicate that transition could effectively be covered through design standards, rather than through zoning.

- Pro- Zoning this area R-18 creates consistency with proposed zoning to the north, as well as with the rest of the subarea, which transitions from R-48 to R-18 with no intermediary zoning. It would also reduce the possibility for split-zoning if parcels are aggregated for redevelopment.
- Con- Staff can think of no reason to retain the recommendation for R-24 zoning on these parcels.

H- This represents another option for zoning along 185th Street with regard to depth of zoning and transitions between R-48, R-18, and R-6. The depth of zoning analyzed in Alternative 3 in the Draft EIS was based on comments from City transportation staff that in order to reduce congestion along the 185th Street corridor, no new curb cuts (driveways) should be allowed, and instead access through side-streets and internal circulation within developments should be encouraged. In order to promote these design elements, the depth of the R-48 and R-18 zoning was increased. Staff then began hearing from developers and building industry professionals that the R-48 zoning was too deep.

This is one of the reasons that the City contracted with the Clark Design Group to “ground-truth” proposed zoning by sketching up potential scenarios of building footprints and block redevelopment based on their experience working with similar zoning in Seattle, which more closely correlates to the type of redevelopment envisioned along the 185th Street corridor. More discussion of this additional analysis will be provided as the Commission begins considering height and bulk standards, but area H represents the recommendation of Scott Clark, AIA, NCARB, Partner at the Clark Design Group. This recommendation is based on a 300 foot zoning depth, which allows for walkable blocks while providing sufficient room for internal circulation, creation of alleyways for access, etc.

Mr. Clark also suggested slightly revising the R-18 areas to provide transition to the R-6 zones along the street, rather than mid-block. This means that in the area south of 185th Street, parcels analyzed in the Draft EIS as R-18 would be included in the Preferred Alternative as R-6, while north of 185th Street, the opposite is true, and the R-18 zoning would be extended further north to N 188th, 189th, or 190th Streets moving eastward towards Meridian Avenue N.

- Pro- This recommendation seems to fulfill all intended transition and circulation goals identified, while providing walkable blocks, without extending further than necessary into existing single-family neighborhoods. The City’s Economic Development Manager stated, “The proposed 300’ depth on either side of the station corridor is intended to be right-sized to allow significant area for redevelopment along with a proven pedestrian-friendly street grid. If the area were much deeper, its pedestrian-required focus would be compromised; if the area were much narrower, the corridor as a whole would lack the density needed to be truly energized.”
- Con- As stated above, zoning too deep could compromise walkability. Moving forward with the option analyzed in the Draft EIS would not necessarily be detrimental, it just might not be ideal.

Underlying zoning in parks- Attachment A also shows hatch-marks on the parks within the subarea. This is because parks are classified as a use, rather than a zoning designation. Changing the underlying zoning designation would not affect the park use, but zoning should be consistent with adjacent lots. The specific zoning does not need to be determined at this time, but these marks are a place-holder so that this does not get overlooked in the final zoning recommendation because it is important that uses that

may be considered in the future are allowed in underlying zoning. For example, suppose that the Shoreline Center were to redevelop and the City wanted to consider incorporating functions of the Spartan Recreational Center into a redeveloped, more energy-efficient pool site, existing single-family zoning may not allow for proposed uses.

REVISING ZONING DESIGNATIONS

As mentioned above, the R-48 zoning designation as currently written does not allow for the mix of uses envisioned for the 185th Street corridor, and when speaking about this during public meetings, staff has included the disclaimer that the current category does not completely represent standards that will be developed in more refined versions. R-48 was used in the Draft EIS because height and other bulk standards were expected to be consistent with the revised designation, and this allowed the consultants to model traffic and other impacts of potential redevelopment.

Currently, the height limit in R-48 is 40 feet (with pitched roof) when adjacent to single-family zones, 50 feet when adjacent to multi-family or mixed-use zones, and may be increased to a maximum of 60 feet with the approval of a Conditional Use Permit. Under the revised category, staff will likely recommend that the height be limited to 45 feet, regardless of adjacent zoning, but that maximum density be determined by other factors.

The revision of the R-48 category also represents a more form-based approach to residential zoning categories. Form-based zoning specifies the height, lot coverage, setbacks, and other ways to define the development's bulk and building footprint, including restrictions such as parking requirements, but does not specify maximum densities in the same way that more traditional zoning code language does. Current Development Code language classifies all residential zoning by their density maximum, so this revision to more form-based standards also necessitates a name change. For purposes of discussion during the public hearing, staff, Commissioners, and the public will likely still refer to this category as R-48 because people are more familiar with that name and it was used in zoning alternatives analyzed in the DEIS. However, in the FEIS and Commission meetings in August and beyond when discussing standards for this revised category, the name MUR-45 is proposed by staff. This means a Mixed-Use Residential zoning designation with a 45 foot height limit. This mix of uses and height limit are consistent with the vision for the 185th Street corridor as articulated through community discussion to date.

The same principle and name change would apply to two other zoning categories analyzed in the Draft EIS: R-18 and MUR. Initial discussion of standards for the R-18 designation also considers a more form-based approach, allowing for a greater mix of uses along streets not classified as "local." The current height limit for R-18 zoning is 35 feet (40 with pitched roof), and staff will likely recommend retaining this 35 foot height limit in a newly renamed MUR-35 zone (Mixed-Use Residential, 35 foot height limit), regardless of roof pitch.

In the Draft EIS, one of the proposed zoning designations was called MUR (for Mixed-Use Residential, although the Draft EIS actually refers to this category as Multi-Residential). Because the proposal is now to call multiple zoning designations mixed-

use as opposed to purely residential, this necessitates additional clarity. Therefore, in future discussions and analysis, this designation will be referred to as MUR-85 (Mixed-Use Residential, 85 foot height limit.)

STAFF RECOMMENDATION

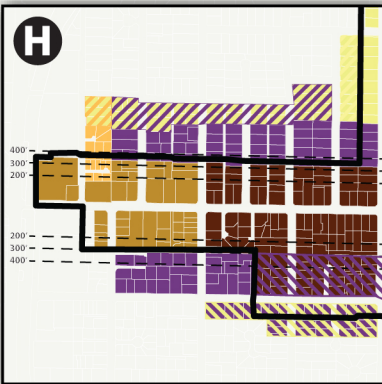
Review the proposed comments and areas for potential additional rezones and zoning changes as outlined in the staff report. Recommend a Preferred Alternative to the City Council for the 185th Street Station Subarea Plan to be analyzed in the Final EIS. Determine if the Preferred Alternative is one of the three alternatives analyzed in the Draft EIS, or define a fourth alternative based on the comments and analysis received to date to serve as the Preferred Alternative.

ATTACHMENTS

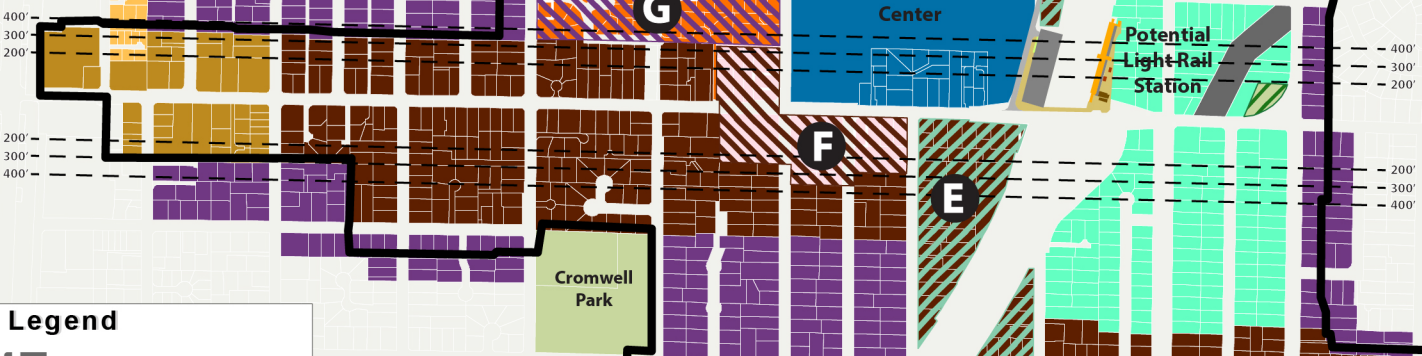
Attachment A- Map that reflects additional zoning changes requested since the release of the DEIS that have not yet been analyzed

Attachment B- Memo explaining the DEIS/FEIS/Planned Action process, including points for the Commission to consider as they decide whether to include additional zoning changes in the Preferred Alternative

Attachment C- DEIS comments received between June 27 and July 3



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- Legend**
- Shoreline City Limits
 - Study Area Boundary
 - Park
 - Parcel
 - TC-1 to TC-4; Town Center
 - R-6; 6 units/acre
 - R-8; 8 units/acre
 - R-12; 12 units/acre
 - R-18 / MUR-35 (Mixed Use Res.)
 - R-24; 24 units/acre
 - R-48 / MUR-45 (Mixed Use Res.)
 - CB; Community Business
 - NB; Neighborhood Business
 - MUR-85 (Mixed Use Res.)
 - MUP (Master Use Permit)
 - Utility
 - Potential Zoning Change To Be Considered

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Memorandum



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To: City of Shoreline Planning Commission
Rachael Markle, AICP, P&CD Director
Miranda Redinger and Steve Szafran, AICP

From: Mandi Roberts, Otak

Date: June 24, 2014

Subject: Considerations Related to Developing the Preferred Alternative and Adopting the Final EIS, Subarea Plan, and Planned Action Ordinance Under SEPA—185th Street Station Subarea Plan

Project No.: 32245

This memorandum describes considerations related to developing the Preferred Alternative and adopting the Final Environmental Impact Statement (Final EIS) and Planned Action Ordinance under the State Environmental Policy Act (SEPA) for the 185th Street Station Subarea Plan (185SSSP).

Developing the Preferred Alternative

Following the close of the comment period for the Draft Environmental Impact Statement (Draft EIS) on July 10, the Planning Commission will make a recommendation to Council regarding the Preferred Alternative (zoning) to be analyzed in the Final EIS. Council is scheduled to decide on the Preferred Alternative on August 11. The selection of the Preferred Alternative should be based on analysis and public and agency comments. The Preferred Alternative may include combined features of the alternatives analyzed in the Draft EIS, or new features, as long as these are analyzed to the extent required by SEPA for Planned Actions.

The Draft EIS assumes a constant annual growth rate of approximately 1.5 to 2.5 percent for the action/growth alternatives analyzed, this would be the same for a new alternative. As such, the potential impacts of growth, including those of a new alternative, would be expected to be similar over the next 20 years. Additionally, for the Final EIS, the City will define a threshold for growth for the next 20 years for the Planned Action Ordinance area (subarea) and define capital improvements needed to support that growth. If it appears that growth increases on an annual basis beyond the 2.5 percent level and the assigned threshold, the City could then re-evaluate potential impacts and identify additional mitigation measures and capital improvements in a Supplemental Draft Environmental Impact Statement (Supplemental DEIS) at some point in the future.

Potential Changes to Areas Proposed for Upzoning

Several additional areas have been requested for upzoning by the public through comments either provided during scoping or the public comment period of the Draft EIS, beyond those identified in the growth alternatives analyzed. On May 19, Council also discussed the possibility of increasing zoning in certain areas beyond what was shown in

Alternative 3—Most Growth. A map showing areas where additional requests for consideration of increased zoning have been submitted is included with the July 10 staff report, and the Planning Commission will discuss and make recommendations on each area at the Public Hearing.

Public Review Considerations and Preferred Alternative Parameters

It is important to understand the Draft EIS to Final EIS process, and the level of public review provided with each step. The Draft EIS provides a 30-day public review period, yet for the Final EIS, there is not a formal public review period before adoption. There will be a public hearing on the Final EIS before the Planning Commission makes their recommendation to Council, but it will also include the Subarea Plan, Planned Action Ordinance, and Development Code regulations.

If the Preferred Alternative is significantly different than Alternative 3—Most Growth, the City may want to provide additional opportunities for public review and comment. With this in mind, it is recommended that the City carefully consider the amount of change and additional upzoning being proposed with the Preferred Alternative to ensure that the level of change to be analyzed in the Final EIS falls within the following parameters.

- Proposals for zoning intensity beyond what was analyzed in the Draft EIS should be based on public comment received throughout the process.
- Areas proposed for additional zoning intensity should be contiguous to other areas proposed for upzoning in the Draft EIS action alternatives and within the Traffic Analysis Zones (TAZs) already analyzed.
- Substantial changes that could impact neighborhood character beyond those analyzed in the Draft EIS should be minimized or mitigated, such as changes in areas where topography might result in a more highly visible character change in the neighborhood than that proposed under Alternative 3—Most Growth (e.g. if building heights, bulk, and mass could be substantially higher than that proposed under Alternative 3).
- At several points in the process, the City has stated an intention to minimize neighborhood impacts by providing transitions between new upzoned areas and single family zoning being retained. A zone designation of R-18 is typically provided between single family areas and higher intensity zoning in Draft EIS Alternatives 2 and 3 as one means of providing the transition. It is recommended that this transitional zoning be retained with changes to the proposed zoning map under a new alternative.

Supplemental DEIS before Final EIS Option

It should be noted that SEPA regulations allow the City the option of proposing a new alternative that represents a significantly different development proposal, including adding substantially more density overall at build-out than proposed under Alternative 3—Most Growth, as long as it is fully analyzed in the Final EIS prior to adoption. However, in the interest of maintaining a transparent, inclusive, and iterative process, the City could add an extra step of developing a Supplemental Draft Environmental Impact Statement (Supplemental DEIS) before the Final EIS is published. The City could proceed to develop a Supplemental DEIS that analyzes the new alternative and provides an additional formal public comment period of 30 days. It is estimated that going through this extra step would require an additional \$20,000 to \$30,000 in costs for technical analysis and publishing related to the Supplemental DEIS and Final EIS (depending on the level of public comments received and the level of changes that might be needed for the Final EIS). This also would likely extend the project completion timeframe beyond the end of 2014 and into early 2015.

Current Timeline with Draft EIS to Final EIS

If the City stays with the current process of completing a Final EIS as the next step, the anticipated time schedule would be as follows:

- August 2014—City Council to confirm Preferred Alternative for analysis in the Final EIS
- September 2014—Publish Final EIS
- October 2014—Publish 185th Street Station Subarea Plan
- Fall 2014—Develop Planned Action Ordinance and amendments required to the Comprehensive Plan and Zoning/Development Standards sections of the Shoreline Municipal Code
- By End of 2014—City Council to formally adopt Final EIS, 185th Street Station Subarea Plan, Planned Action Ordinance, and supporting amendments to Comprehensive Plan and Development Code

Applicable SEPA Handbook Provisions

3.0 Environmental Impact Statement Process

3.5 Final EIS

The Final EIS provides decision-makers with environmental information about a proposal to help them decide whether to approve the proposal, approve it with conditions (mitigation), or deny the proposal. It is the lead agency's record of the environmental analysis conducted for the proposal. The Final EIS includes information and input from the applicant, lead agency, other agencies with jurisdiction or concern, tribes, and the public regarding the proposal. It is completed early enough so that there is still a choice between reasonable alternatives.

3.5.1 Responding to Comments on the Draft EIS

The lead agency must consider comments received during the Draft EIS comment period, and respond to them in the Final EIS [WAC 197-11-560]. Lead agency responses to comments should be as specific and informative as possible. Possible responses are to:

- Explain how the alternatives, including the proposed action, were modified;
- Identify new alternatives that were created;
- Explain how the analysis was supplemented, improved, or modified;
- Make factual corrections; or
- Explain why the comment does not warrant further agency response.

All timely and substantive comments and the lead agency's responses to them must be included in an appendix in the Final EIS. If repetitive or voluminous, the comments may be summarized and the names of

the commentors included. The lead agency may respond to each comment individually, respond to a group of comments together, cross-reference comments and the corresponding changes in the Final EIS, or any other reasonable method to provide an appropriate response.

3.5.2 Final EIS Timing

The Final EIS is intended to follow closely after the Draft EIS, if at all possible. The SEPA Rules state that a Final EIS shall be issued within 60 days after the end of the comment period for the Draft EIS, except when:

- the proposal is unusually large in scope;
- the environmental impacts are unusually complex; or
- responding to the Draft EIS comments requires extensive modifications to the Final EIS and/or the project [WAC 197-11-460(6)].

If any of the exceptions apply, there is no time limit in which the Final EIS must be issued.

3.5.3 Final EIS Format

After considering comments on the Draft EIS, the lead agency has several options for completing the Final EIS:

- If there are no substantial comments on the Draft EIS, the lead agency may state that in an updated fact sheet. The Final EIS is then composed of the Draft EIS with the new fact sheet attached.
- If changes to the DEIS are minor (e.g. response to comments involves factual corrections or an explanation that the comment does not warrant additional consideration), an "addendum" may be issues. In this case, the Final EIS consists of the Draft EIS, a new fact sheet, and the attached addendum. The addendum must contain the comments received on the Draft EIS, the lead agency's responses, and any changes to the information and analysis in the draft. Previous recipients of the Draft EIS need only be sent the new fact sheet and the addendum [WAC 197-11-560(5)].
- If there are substantive comments that warrant substantial changes to the EIS, the FEIS is typically issued with a similar format to the Draft. The Draft EIS comments, together with the lead agency's responses, are included as an appendix, and necessary changes are made throughout the Final EIS text. Necessary changes can include modifying alternatives, developing/evaluating new alternatives, improving analysis, making corrections, and/or explaining why comments don't warrant consideration. Using a similar format for both the Draft and the Final EIS makes the two documents easier to compare. (NOTE: THIS WOULD BE THE OPTION FOR THE 185th STREET STATION SUBAREA PLANNED ACTION FINAL EIS.)

3.5.4 Issuing a Final EIS

The Final EIS is distributed to the Department of Ecology (two copies), all agencies with jurisdiction, any agency who commented on the Draft EIS, and (though a fee may be charged) to any person requesting a copy. The Final EIS or a notice that it is available must also be sent to anyone who had commented or

received the Draft EIS [WAC 197-11-460]. Agencies may take action on the proposal seven days after the Final EIS has been issued.

3.6 Supplementing an EIS

A Supplemental DEIS [WAC 197-11-620] adds information and analysis to supplement the information in a previous EIS. It may address new alternatives, new areas of likely significant adverse impact, or add additional analysis to areas not adequately addressed in the original document. When the additional information is minor and does not involve the analysis of new significant impacts, an addendum may be issued.

A Supplemental DEIS includes a draft (with comment period) and a final document, requirements for which are articulated in WAC 197-11-620. Scoping for a Supplemental DEIS is optional.

The Supplemental DEIS process is normally used after a Draft and Final EIS have been issued. However, a Supplemental DEIS may be issued before a Final EIS if there are significant changes from the Draft EIS. In this case, the Draft EIS is circulated for review, then a Supplemental DEIS is circulated for review, and a Final EIS is issued which responds to comments on both the Draft EIS and Supplemental DEIS.

There are several situations when a Supplemental DEIS is appropriate:

- The proposal has changed and is likely to cause new or increased significant adverse environmental impacts that were not evaluated in the original EIS.
- New information becomes available indicating new or increased significant environmental impacts are likely.
- The lead agency decides that significant issues/impacts were missed in the EIS and/or additional alternatives or mitigation should be evaluated and SEPA goals would be better served with a Supplemental DEIS and comment period.
- The original EIS was issued for a different proposal (such as a comprehensive plan), but provides the basis for review of the current proposal. In this instance, the original EIS is adopted and the adoption form must be included within the Supplemental DEIS, which contains analysis of any likely significant adverse environmental impacts not yet evaluated.
- An agency with jurisdiction concludes its comments on the Draft EIS were not adequately addressed in the lead agency's Final EIS [WAC 197-11-600(3)(c)]. In this case, the agency with jurisdiction must prepare the Supplemental DEIS at their own expense.

7.4 Planned Actions

In 1995, the legislature authorized a new category of project action in SEPA called a "planned action." Designating specific types of projects as planned action projects shifts environmental review of a project from the time a permit application is made to an earlier phase in the planning process. The intent is to provide a more streamlined environmental review process at the project stage by conducting more detailed environmental analysis during planning. Early environmental review provides more certainty to permit

applicants with respect to what will be required, and to the public with respect to how the environmental impacts will be addressed.

The Growth Management Act (GMA) city or county must first complete an EIS that addresses the likely significant adverse environmental impacts of the planned action. After completing the EIS, the GMA city or county designates by ordinance or resolution those types of projects to be considered planned actions, including mitigation measures that will be applied. The types of project action must be limited to certain types of development or to a specific geographic area that is less extensive than a city or town's jurisdictional boundaries. (See RCW 43.21C.031, WAC 197-11-164 and 168 for requirements and restrictions on the designation of planned actions.)

Use of the planned action process is restricted to cities and counties planning under GMA. GMA jurisdictions are required to develop both a broader scope and deeper level of planning that provides the foundation for this early type of review.

While normal project review requires a threshold determination, a project qualifying as a planned action project does not require a new threshold determination. If the city or county reviews the project, verifies that it is consistent with the planned action project(s) previously designated, and determines that the impacts are adequately addressed in the EIS on which the planned action relies, project permit review continues without a threshold determination. All of the project's significant probable environment impacts must have been addressed at the plan level in order for the project to qualify as a planned action. If a project does not qualify as a planned action because of likely significant adverse environmental impacts that were not adequately addressed in the EIS, a threshold determination is required. Environmental review for the project may rely on the environmental analysis in the EIS, and additional analysis need only address those impacts not addressed in the previous EIS.

Designating planned action projects reduces permit-processing time. There are no SEPA public notice requirements or procedural administrative appeals at the project level because a threshold determination or new EIS is not required. The only notice requirements are those required for the underlying permit.

The designation of planned action projects will only be appropriate in limited situations. The designation of planned action projects is probably most appropriate for:

- Smaller geographic areas;
- Relatively homogenous geographic areas where future development types, site-specific conditions, and impacts can be more easily forecast;
- Development sites with significant overlapping regulatory requirements; or
- Routine types of development with few impacts.

Examples of appropriate project actions limited to a specific geographic area might be projects anticipated in a subarea or neighborhood plan with a limited number of development types. Another example could be a large parcel in single ownership, such as a university campus or a large manufacturing complex where project construction will be done in phases.

7.4.2 Designing Planned Action Projects

The basic steps in designating planned action projects are to prepare an EIS, designate the planned action projects by ordinance or resolution, and review permit applications for projects proposed as consistent with the designated planned action.

Step 1: Prepare the EIS (WAC 197-11-164)

The significant environmental impacts of projects designated as planned actions must be identified and adequately addressed in an EIS [WAC 197-11-164]. The EIS must be prepared for a GMA comprehensive plan or subarea plan, a master planned development or resort, a fully contained community, or a phased project [RCW 43.21C.031].

Planned action projects should only be designated when a county or city can reasonably analyze the site-specific impacts that will occur as a result of the types of projects designated, and can adequately address those impacts in the EIS. A generalized analysis of cumulative environmental impacts will not provide enough information to address a project's impacts when it is time for the jurisdiction to issue permits for specific projects proposed as planned action projects.

Step 2: Adopt Planned Action Ordinance or Resolution

Planned action projects must be designated or identified in an ordinance or resolution adopted by a GMA county or city [WAC 197-11-168]. There are a number of procedural requirements for this. A GMA county/city considering the adoption of a planned action ordinance or resolution should review the requirements in RCW 43.21C.031 and WAC 197-11-164, 168, and 315. The following specific points should be considered:

- An extensive level of public review for both the EIS and the proposed planned action ordinance is crucial. Since a new threshold determination or EIS is not required when a permit application is received, there may not be an opportunity for public review or administrative appeal at the project review stage. In order to build support for an abbreviated permit process, public awareness is needed at these earlier phases.
- Although the statute allows a jurisdiction to designate planned action projects by an ordinance or resolution, adoption by resolution is not recommended. The provisions for adoption of a resolution do not allow sufficient opportunity for public participation.
- The planned action ordinance should be as specific as possible, should indicate where in the EIS or associated planning document the projects' environmental impacts have been addressed, and should include or reference mitigation measures that will be required for a project to qualify as a planned

action project. For example, the ordinance should indicate what mitigation has been identified in the EIS or what level of service has been accepted in the subarea plan for traffic impacts.

- If desired, the city or county may set a time limit in the ordinance during which the planned action designation is valid. If a GMA county/city does set a time limit on the designation, it should consider how this affects any permits for which there is an expiration date. For example, a project with a permit valid for five years is found to qualify as a planned action project and the permit is issued just prior to the sunset date for the planned action designation. Is the project still considered a planned action project for the life of the permit after the sunset date?
- Although a GMA county or city must require the applicant to submit a SEPA environmental checklist with a project proposed as a planned action project, a revised format for the checklist may be developed by the city or county. A draft of the revised form must be sent to Ecology for a thirty-day review [WAC 197-11-315(2)]. While not required at this phase, it would be helpful if the revised checklist were developed in conjunction with the ordinance or resolution designating planned action projects.

Step 3: Review the Proposed Planned Action Project (WAC-197-11-172)

When a permit application and environmental checklist are submitted for a project that is being proposed as a planned action project, the city or county must verify:

- The project meets the description of any project(s) designated as a planned action by ordinance or resolution;
- The probable significant adverse environmental impacts were adequately addressed in the EIS; and
- The project includes any conditions or mitigation measures outlined in the ordinance or resolution.

If the project meets the above requirements, the project qualifies as a planned action project. Neither a threshold determination nor an EIS will be required. Consequently, there will be no administrative SEPA procedural appeal (an appeal of whether the proper steps in the SEPA process were followed). The planned action project will continue through the permit process pursuant to any notice and other requirements contained in the development regulations.

If the project does not meet the requirements of the planned action ordinance or resolution, or if the EIS did not adequately address all probable significant adverse environmental impacts, the project is not a planned action project. In this instance, the city or county must then make a threshold determination on the project. The project would go through normal environmental review as part of project review. The county or city may still rely on the environmental information contained in the EIS and supporting documents in analyzing the project's environmental impacts and making the threshold determination. If an EIS or Supplemental DEIS is found to be necessary for the project, it only needs to address those environmental impacts not adequately addressed in the previous EIS.

7.4.3 Consistency Requirements for Planned Action Projects

A project proposed as a planned action project must still be analyzed for consistency with the local comprehensive plan and development regulations (see section on Analyzing Consistency). Designation of planned action projects does not limit a city or county from using other authority (e.g. transportation mitigation ordinances) to place conditions on a project; it only addresses procedural SEPA requirements. [WAC 197-11-172(2)(a) specifically states that "Nothing in this section limits a GMA county/city from using this chapter or other applicable law to place conditions on the project in order to mitigate nonsignificant impacts through the normal local project review and permitting process." The GMA county or city may still use its SEPA substantive authority or other applicable laws or regulations to impose conditions on a project qualifying as a planned action project [RCW 43.21C.031(1)].

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Appendix C: Public comments submitted between June 27 and July 3, 2014

Received July 3, 2014; from Donna Pipkin, 1013 NE Perkins Way, Shoreline

In reviewing the area to be rezoned in the DEIS I am seeing that the Lago Vista plot (the hook) is not included. The hook is located at the west end of Perkins Way and already gets a lot of traffic. This road can be a very dangerous stretch of road and will only become more so with the impact from Light Rail. I believe that rezoning the "Hook" to high density will give us a greater chance of future redesigning of Perkins Way to create a much safe road. I hope that this will be taken into consideration in adding the "Hook" to your rezoning plan.

Thank you,
Donna Pipkin