



c/o Janet Way  
940 NE 147<sup>th</sup> St  
Shoreline, WA 98155

August 18, 2016

Shoreline Planning Commission  
c/o Steve Szafran  
17500 Midvale Ave N  
Shoreline, WA 98155-2148

**RE: 145<sup>th</sup> Subarea Plan, Planned Action, FEIS, and Rezone**

Dear Planning Commissioners:

We are submitting additional comments on the 145<sup>th</sup> Rezone. Please accept this comment as a part of the official pu

blic record and we request status as Party of Record with Legal Standing on the matter of the proposed **145<sup>th</sup> Subarea Plan, Planned Action, FEIS, and Rezone, including Ordinances 750, 751, and 752**. As you know, the Shoreline Preservation Society has longstanding interest and involvement in the community, protection of natural and cultural resources, the character of our neighborhoods and the Thornton Creek watershed. We assert GMA and SEPA standing in this matter on behalf of the Shoreline Preservation Society (SPS) and Janet Way, the President of SPS.

We continue to have serious concerns about the impacts that this action would have on the environment and the rights of citizens. We have identified major concerns in the following numbered paragraphs.

**1. New Design and location of Light Rail Station.**

First and most urgently, it came to our attention only Monday that Sound Transit is now proposing to move the Station due north from the location analyzed in the FEIS and shown in the proposed ordinances. Mayor Roberts confirmed on Monday evening that he found out about this change while on a City Council tour of the Station areas just recently. We request the opportunity to study this new location, study related environmental analysis, and comment upon it prior to the close of the public record.

Of particular concern to us is whether the new location has the potential to interfere directly with the proposed Subarea border **[JANET: do you mean the border of the MUR 70 designation?]** at 148<sup>th</sup>. Assuming that Mayor Roberts' comments are accurate,

relocation of the proposed transit station will have potentially new and unmitigated significant adverse impacts on traffic patterns, land use, and the environment that have not yet been considered either during the planning or environmental review process. This major change in the proposal alters the fundamental assumptions that were made in planning for the 145<sup>th</sup> Street Subarea.

Adopting a changed project that was not provided a full and adequately noticed public hearing creates procedural issues for Shoreline citizens and problems the City Council will inherit (unless of course it holds its own public hearing, which we understand is not the City's preference).

Please postpone the public hearing currently scheduled before the Planning Commission on August 18, 2016, until the staff have provided further study to analyze the effects of this change on the planning proposals and environmental review. We understand that when a new public hearing is scheduled, it must be re-noticed and sent to all parties of record and all residents affected in the entire proposed Subarea. This is particularly true since a Planned Action Ordinance is being pursued that will eliminate project level environmental review. While this will cause some delay, presumably it will not be significant compared to the procedural problems created by a hearing scheduled without adequate notice.

This puts all of the work done so far by the City into limbo, because these changes should require SEPA Review at the very least (impacts to traffic, transit, wetlands, tree canopy, pedestrian and bike access, infrastructure, etc would all be affected.) And under GMA and public participation policies it should require additional process, notice, hearings, etc. This is because the Planned Action Ordinance require project level assessments, and on the project level this proposal represents a significant change.

Since the Planning Commission Hearing was scheduled for this coming Thursday, 8/18, and there are other extreme conflicts with events in town such as the Ridgecrest Ice Cream Social the hearing should either be rescheduled or extended at least two weeks to September 1<sup>st</sup>, or further giving time for staff to prepare, notice about the change and for the public to weigh in.

## **2. Promises Made with Southeast Neighborhoods Subarea Plan (SNSP).**

The 145<sup>th</sup> Street Subarea Plan makes a brief reference to the existing SNSP at p. 3-12:

### **SOUTHEAST NEIGHBORHOODS SUBAREA**

The Southeast Neighborhoods Subarea is bounded on the south by NE 145th Street, on the west by 8th Avenue NE, on the north by NE 155th and NE 150th Streets, and on the east by Bothell Way.

The City of Shoreline developed a subarea plan for the Southeast Neighborhoods, which was adopted in May 2010. The plan was developed several years before the preferred location for the 145th Street light rail station was identified, but makes reference to a potential future light rail stop in the subarea. Updated land use designations were adopted in the subarea, allowing more medium and high density residential as well as mixed use and community business. Council may choose to amend the boundaries of the original subarea plan to “zipper” against the boundaries of the 145th Street Station Subarea Plan to avoid inconsistencies in land use designations within the Comprehensive Plan.

As the City’s webpage reveals, the SNSP and implementing rezone was the result of a three-year process involving extensive citizen participation. See <http://www.shorelinewa.gov/government/departments/planning-community-development/planning-projects-archive/southeast-neighborhoods-subarea-plan> The City Planning Commission held six meetings on implementation of the plan in 2011. There were also three community meetings held to discuss implementing zoning.

This process concluded less than five years ago. When Council adopted the previous plan and accompanying rezones, the City made promises to residents and land owners that the established residential character of neighborhoods would be preserved and the many specific policies would be implemented through development regulations. The direction and intent o the SE Subarea plan could not have been clearer: (see attached map here) <http://www.shorelinewa.gov/home/showdocument?id=12249>

In general, the plan preserves the single-family character of the neighborhoods. However, a major focus of the plan is to increase housing choice by encouraging styles of “appropriate” infill development, such as Accessory Dwelling Units and small houses on small lots, rather than zoning large areas for higher density. This way, growth is diffused throughout the area, has minimal visual impact on neighboring houses, and provides extra living space for extended families or rental income.

SNSP at 3.

**a. The Proposed 145<sup>th</sup> Street Subarea Plan Conflicts with the SNSP.**

The proposed 145<sup>th</sup> Street Subarea Plan area significantly overlaps with the SNSP Subarea. Both plans cover an area bordered on the south by 145<sup>th</sup> Street, on the east by 8<sup>th</sup> Avenue NE, on the east as far as 25<sup>th</sup> Ave NE, and to the north to 155<sup>th</sup> Street. This area comprises the vast majority of the existing SNSP subarea. Any effort to “zipper” the map to avoid inconsistencies, as suggested in the 145<sup>th</sup> Street Subarea Plan, would effectively gut the entire existing SNSP without any notice or public process to alert the public of the Council’s intent.

If enacted, the 145<sup>th</sup> Street Subarea Plan and zoning The result would be significant inconsistencies that are contrary to the Growth Management Act, specifically RCW

36.70A.070 (preamble) which states: “The plan shall be an internally consistent document and all elements shall be consistent with the future land use map.” In addition, any effort to repeal the existing plan must be accompanied by SEPA review and public notice. The public has not been given adequate notice of this backdoor attempt to gut the plan.

(i) Public Notice Requirements.

As you are aware, the GMA requires early and continuous public participation. As indicated above, the SNSP plan and rezone adoption process was a model of public participation and citizen involvement. As such, many citizens were confident that the City was planning the future of the neighborhoods in consideration of their input.

The evisceration of the SNSP without any public notice betrays the public process and the pact made with the citizens of SE neighborhoods through the plan adoption process. It also violates the GMA, either by creating numerous inconsistencies between the two conflicting subarea plans or by failing to provide adequate public notice of amendment of the plan. *See* RCW 36.70A.035, .070, and .140. In addition, amendment of a document passed by an ordinance requires adoption of another ordinance that properly documents the change. *See* RCW 35A.63.070 and .100.

(ii) Inconsistencies Between the Existing SNSP Plan and the Proposed 145<sup>th</sup> Street Subarea Plan.

More specifically, the 145<sup>th</sup> Street Subarea Plan is inconsistent with a large number of statements, goals, and policies in the SNSP plan, including but not limited to:

- Description of the Subarea, p. 1;
- The statement that “the City wants to preserve existing aspects of these neighborhood”, p. 1;
- The statement that “[t]he single-family character, friendly atmosphere, natural amenities, and other characteristics are all of paramount importance.”, p. 1;
- Policy NE3: “When redeveloping a site, encourage incorporation of measures that improve or complement the community’s natural assets such as tree canopy, surface water elements, wildlife habitat, and open space”, p. 2;
- Policy NE5: Support of contiguous ecosystems and green corridor between Jackson Park, Paramount Park, and Hamlin Park, p. 2;
- Policy NE 11: “Retain and establish new trees, open spaces, and green belts”, at p. 3
- Policy NE 12: “Use green buffers of specific buffer area to building height ratio between different land uses, especially where transition zoning is not possible”, p. 3;
- Land Use Goal: “To promote smart growth, enhancement of local businesses and amenities, connectivity and transition between uses, and compatibility between potential development and the established residential character of the neighborhood”, at p.3;

- The statements that “the plan preserves the single-family character of the neighborhoods . . . growth is diffused throughout the area, has minimal visual impact on neighboring houses, and provides extra living space for extended families or rental income”, at p. 3;
- Policy LU4: “Establish policies and zoning to provide appropriate transitions between existing and proposed development and dissimilar land uses to minimize conflicts relating to solar access, noise, scale, etc.”, at p. 4;
- Policy LU10: “Quality of life for current residents in the subarea should be considered in decision-making processes that involve new development in the community”, at p. 4;
- Housing Goal: “To promote housing diversity, affordability and adaptability while respecting and maintaining the identified single-family character of the neighborhoods”, at p. 5;
- Policy H2: “New housing development that is added in the center of established neighborhoods of the SE Subarea Should be consistent with neighborhood character. Lot size to structure ratios and the scale of buildings are important”, at p. 5;
- Policy H5: “Because existing housing tends to be more affordable than new construction, remodeling and refurbishing current stock should be encouraged over demolition and redevelopment”, at p. 6;
- Policy H6: “Review existing policies and City code on Accessory Dwelling Units and home businesses to promote low-impact density”, at p. 5;

(iii) Requested Substantive Changes to the 145<sup>th</sup> Street Subarea Plan to Increase Consistency.

The SNSP specified maintaining the R-6 zoning in a large portion of the Subarea, and as demonstrated in the previous section, the heart of the plan specified maintaining the single-family character of existing neighborhoods. We request that the Planning Commission review the SNSP, and maintain single family zoning in existing single family neighborhoods and limit multi-family zoning to areas that are directly served by transit lines.

We recommend maintaining existing R-6 zoning EAST of Eighth NE, from NE 145<sup>th</sup> to NE 155<sup>th</sup> and also in all areas surrounding and contingent to both Paramount Open Space, Paramount School Park and Twin Ponds to protect integrity of CAO’s and buffer these valuable public Open Spaces. (See appendix A: Comprehensive Plan Map in Southeast Zoning Plan.)

We call for a substantive public process before the change is made with proper public comment and involvement. Not a cut and paste that will delete all the work of the previous CAC and community.

**3. The FEIS has not fully satisfied the need for adequate information about environmental impacts.**

Specifically, the City's Addendum to the DEIS for the 145<sup>th</sup> Subarea Environmental assessment, undertaken by OTAK to review the wetlands and critical areas in the Paramount Park Open Space was completely inadequate, inaccurate and did not even review the ECA's and buffer on private property surrounding the park.

In addition, "Project Level Impacts" must be studied according to SEPA and the GMA for a Planned Action Ordinance to be properly applied. *See* Washington Real Property Deskbook Volume 5: Land Use Planning, & 14.3(1)(d) at 14-33(4th Ed. 2012). Under that clear language of paragraph (b), and(c), the WA Legislature required that the use of this early planned-action designation must contain sufficient environmental analysis of "project-level impacts" to take the place of any normal project environmental review.

**4. Critical Area Buffers.**

The area being considered for this Planned Action Ordinance is within the Headwaters of Thornton Creek. Thornton Creek is the largest watershed in Shoreline and Seattle and is habitat for five species of salmonids.

Page 4 of Staff Report makes a statement about Critical Areas, but neglects to mention "Critical Area Buffers" as vital for protection along with the CAO itself. This is a big problem, because buffers are extremely important to the health of a wetland especially. Paramount Open Space has a unique characteristic in that the "forested uplands" surrounding the park are valuable to its health and must be protected. This also applies to the many single-family homes surrounding it, which also provide a level of buffer to the open space, creek, wetlands and a liquefaction zone. The staff report states:

As mandated by state law, SMC 20.80 must protect the functions and values of the critical area, which includes wetlands, streams, and fish and wildlife habitat. If a critical area exists on the property, SMC 20.80 applies and its functions and values must be protected from degradation. In essence, SMC 20.80 serves as a citywide overlay and has the potential to impact the density and dimensional components of a project.

The existing R-6 Single Family zones, which surround our local parks, serve as viable buffers. These neighborhoods should be preserved by any means possible. And, future Open Space acquisition policies should target these neighborhoods for potential acquisition to increase Open Space as required by the Growth Management Act.

Several wetlands near I-5 and the route of the Light Rail and Station area will be impacted. These areas should be enhanced if at all possible or if damaged or destroyed, mitigation funding should be spent on nearby Parks with Critical Areas needing enhancement and protection. The funding should be targeted towards property

acquisition, wetland restoration, culvert replacement and reforestation.

Both Paramount Open Space and Twin Ponds contain vital wetlands stream corridors that provide habitat, detention and water quality benefits. These invaluable critical areas must be protected through thorough analysis of impacts for any proposed development. They have unfortunately been affected and degraded by development over the past century. This must be reversed and not further exacerbated by development policies and regulations.

The assertion that subsequent development will have better storm water standards does not make up for the increased hard surface and destruction of green space and trees on existing single-family lots. Best available science is clear that impervious surface is a major cause of degraded water quality and loss of habitat. The loss of habitat and pervious surfaces will be a net loss for the watershed.

The Exhibit A Mitigation Measures makes two clear misstatements:

Concentrations of peat laden soils appear to be located primarily in existing publicly owned park lands.

Liquefaction susceptible areas mapped by the City appear to be located primarily in public park areas.

These statements are completely inaccurate. There are many areas of private property that contain wetland soils and also liquifaction zones. Some are actually in the public right of way. This is a seriously incorrect statement that shows a lack of concern for the true impacts of this proposal.

##### **5. Misuse of “Planned Action” terms.**

The Ridgecrest and Parkwood Neighborhoods are not “blighted” as suggested in comparisons in the staff report, but are already well functioning and provide excellent affordable housing. The staff report compares other areas with Planned Action Ordinances, which are industrial zones or otherwise blighted. We believe that the Ridgecrest and Parkwood Neighborhoods will suffer greater “blight” potentially as a result of the Planned Action. People who live in the Phase I area will be subject to the extreme changes with little recourse.

Phasing as proposed in the current staff report is indeed an improvement over the 185<sup>th</sup> Subarea Planned Action and Rezone, which provided on a six-year Phase I and the phases provided no recourse for residents to appeal or comment. However, it seems to highlight that the 2015 Council action was overly ambitious and thus far not effective in promoting density.

But the current proposal seems to provide little detail on how residents might receive “official notice”, opportunity to comment or appeal a proposed development. This is a big problem and a violation of the rights of citizens.

**6. Inadequate Road Networks and Other Infrastructure Analysis to Support Significant Impact.**

The existing roadways are not designed for the increases in density and traffic that will surely accompany it, being planned, nor are the other infrastructure. The Southeast Subarea Plan specifies that the areas EAST of Eighth NE should remain single-family zoned (R-6).

**7. Affordable Housing.**

We continue to be concerned that the City is creating policies that will convert and destroy existing affordable housing, which in the 145<sup>th</sup> Street Subarea includes homes for seniors who have paid off their homes and now have no mortgage expenses and young families who can purchase a small historic home for much less than a new home. The 145<sup>th</sup> Subarea Plan calls for large denser housing with a few “affordable units”, but which will actually mainly help developers to avoid taxes. The Planned Action Ordinance for Phase I will encourage destruction of these existing viable neighborhoods and ultimately displace thousands of residents. The “affordability” suggested in these policies will provide rental units for people at a rate that is more than the current costs for existing residents, forcing many who are currently living in this area to be displaced.

The argument that these policies will somehow promote Climate Change protection is questionable at best. If these homes are destroyed, they will be sent to landfill, which is considered the highest level of carbon pollution, because it creates methane, the most potent greenhouse gas. A policy that encourages destruction of all trees to allow this development also encourages carbon pollution, because existing trees are one of the best insurance policies we have to prevent climate change. The development resulting will bring more concrete and pavement that will also contribute to carbon pollution and “Urban Heat Island” effects.

**8. Infrastructure.**

The Planned Action Ordinance does not provide sufficient detail on how local infrastructure such as roads, parking, water, sewer, waste, fire and police services, schools, and open space will be provided or paid for. Also, there seems to be little to no provision for the impacts of disruption to the neighborhood of traffic and noise that will be created by construction of new infrastructure.

The Green Network, adopted by Council, will only be implemented in the long-term and in conjunction with development. Any benefits touted to the community previously will not be seen for many, many years in the future, while we have to suffer the impacts of

intense development in the near term. (Exhibit A Mitigation Measures) The policy states: *“Implement the Green Network concept described in the FEIS in a phased approach with development.”*

A great deal of the mitigation suggested, especially for revenue is aspirational, in other words, wishful thinking. It is based on hope for major behavioral changes, like having the many people who now drive their cars suddenly switch to bikes or buses. The past has shown us that this is unlikely, especially for families with children who have to drop their children in two or three different locations during the day. It is foolish and unwise to base our huge public investment in this planning effort, along with destruction of an established neighborhood with great character, based on hope that our behavior might change. This is not based on science or reality, it is just an urbanist’s fantasy.

### **Conclusion**

We believe the Planned Action Ordinance is in conflict with the Comprehensive Plan, the Growth Management Act, SEPA and the Southeast Subarea Plan. The mitigation suggested is not adequate. We also assert that the destruction of these viable neighborhoods is a violation of the trust citizens have in their local governments.

We ask that the City reconsider and correct this proposal so that it respects the Southeast Subarea Neighborhood Plan, the existing single-family character of this neighborhood, and the remaining habitat and critical areas in this area. This planning process should be based on logic, reason, and fairness to existing residents and taxpayers and not merely to satisfy political promises and urban planners’ dreams. Real people will have their lives upturned for a plan that will not provide the promised infrastructure, carbon savings, and walkable, liveable neighborhoods.

Thank you for your attention to this important matter.

Respectfully Submitted,

Janet Way, President  
Shoreline Preservation Society