



**PO Box 60191
Richmond Beach, WA 98177
206.356.5356
info@saverichmondbeach.org**

**Summary of Oral Comments by Save Richmond Beach on Proposed
Ordinance No. 09-079 Relating to Urban Centers**

Snohomish County Council
3000 Rockefeller Avenue
Everett, WA 98201
September 30, 2009

I. INTRODUCTION

Thank you for the opportunity to comment on Ordinance No. 09-079, which addresses design standards, bulk requirements, and a new zone for urban centers.

My name is Zach Hiatt; I'm an attorney in the Natural Resources and Real Estate practice groups at the law firm of Graham & Dunn in Seattle.

I'm here today on behalf of Save Richmond Beach, a grass-roots community organization dedicated to preserving quality of life in Richmond Beach and surrounding neighborhoods through responsible, sustainable planning.

The people of Woodway and the Richmond Beach neighborhood of Shoreline, including many members of Save Richmond Beach, all recently became neighbors of a new "urban center" at Point Wells. My comments will be focused on Ordinance 09-079 as it relates to the Point Wells site. I will get to that momentarily, but first a few words about my client Save Richmond Beach:

Its members and their families use the public amenities in the Richmond Beach, Shoreline and Woodway communities on a daily basis, including streets, schools, parks, libraries, and other City- or County- services. Many of them regularly use the scenic walking and jogging routes along Richmond Beach Road/NW 195th Street, 20th Ave. NW/Timber Lane, and Richmond Beach Drive NW. All of them stand to be adversely impacted by the intensive development of the Point Wells site. Such intensive development will almost

certainly lead to increased traffic congestion in Shoreline, especially the Richmond Beach neighborhood, which in turn will lead to increased light- and noise-pollution, air pollution, traffic accidents, crime, and other health and safety hazards.

To date approximately 261 residents of Richmond Beach have signed Save Richmond Beach's Petition opposing the proposed rezoning of Point Wells, and approximately 193 have signed up for its email list. In sum, we believe the proposed zoning of Point Wells as an "Urban Center" is an issue of critical importance to Richmond Beach and Woodway, and poses very real threat to the quality of life for SRB's members and all citizens of these communities.

To the extent we have not already done so, I would ask that Save Richmond Beach be made a party of record for any future land use decisions affecting the Point Wells/Paramount site.

II. GENERAL COMMENTS ON POINT WELLS AS AN URBAN CENTER

- "The intent of this [urban center] legislation is to continue to encourage pedestrian-oriented, transit-oriented development and improve the quality of development while producing better development compatibility with the existing neighborhoods."
 - source: *Snohomish County: Analysis of Building and Land Use Regulation Effects on Housing and Jobs, June 22, 2009*
- Is this intent met for Point Wells?
 - Look at other urban centers shown as exhibits to the accompanying ordinance (adopting zoning map amendments to implement the new urban center zones):
 - All are long either I-5 or a State Route, or both:
 - SR 99 and SR 525
 - SR 527 and 196th St SE
 - SR 99 and 152nd St. SW
 - I-5 and 164th St. SW
 - I-5 and 128th St. SW
 - Now look at the Point Wells site: it is about 4 miles from the nearest State Route, and not served by any existing mass transit. (see Exhibit A to Amended Ordinance No. 09-038)
- Point Wells is not like these other sites, and should not be lumped into the same zoning regime – it just doesn't fit.
- **Rather than force something that doesn't fit, the County should put the zoning process for Point Wells on hold until any challenges over the designation of Point Wells have been resolved, and until the cross-jurisdictional issues for this site can be resolved.**

- The County is rushing ahead to zone urban centers, including Point Wells, but it's not even clear yet that Point Wells is a legitimate urban center.

III. SPECIFIC COMMENTS ON PROPOSED ZONING

SCC 30.21.025: Intent of Zones

- “The intent and function of the Urban Center zone is... located along existing or planned high capacity transit corridors”
- Point Wells doesn't fit this criteria and should not be included.

SCC 30.22.11: Permitted Uses

- Some of the permitted uses may be appropriate for a typical “urban center,” but are not compatible with the residential uses surrounding Point Wells. These may include:
 - auto repair (major and minor)
 - cemetery
 - “distillation of alcohol” (brewery?)
 - home improvement center (big box retail like Home Depot?)
 - laboratory
 - manufacturing-all other forms not specifically listed (***should be excluded per Executive's amendment***)
 - mortuary
 - motor vehicle and equipment sales
 - office, general
 - service station
 - television/radio station (***should be excluded per executive's amendment***)
 - tire store
 - tool sales and rental
 - utility facilities – all other structures
 - “all other uses not otherwise mentioned (***should be excluded per Executive's amendment***)”

SCC 30.34A.030: Floor Area Ratio

- SRB supports Woodway's Amendment 4A to cap residential density for UC zones such as Point Wells that are limited in size and border Puget Sound
 - If Woodway's language is not acceptable to the County because of potential unintended consequences, then the County should revise the language so that it is acceptable but accomplishes the same result:
 - PROPOSED LANGUAGE: “... however FAR calculations for residential uses within the UC zone shall result in no greater than _____ residential units for sites that are 1) bordered by Puget Sound; 2)

less than 100 acres in size; and 2) not located within 0.5 miles of a state highway or interstate."

- **Table 30.34A.030(2):** Surface parking should be restricted at the Point Wells site.
 - Because surface parking should be limited in the first place, the applicant should not be entitled to additional FAR for 80% of required parking contained in structure; this should be required, not a bonus - especially for transit-oriented development.
- Bonuses for LEED or Built Green rating should be dependent on level certification (e.g., silver, gold, platinum or 1-star, 2-star, 3-star)
 - 1 FAR for just obtaining LEED silver or Built Green certification is too generous in this day and age, especially at a sensitive site such as Point Wells.
- Amendment 8: While we support the use of TDRs to reduce sprawl, TDR credits should not be allowed to gain additional density at the Point Wells site due to the particular environmental sensitivity, size, and access issues at that site.

SCC 30.34A.040: Building Height

- SRB supports Woodway's proposed amendment (65 ft if along Puget Sound)
 - Again, if Woodway's language is not acceptable to the County because of potential unintended consequences, then the County should revise the language so that it is acceptable but accomplishes the same result.
- At a minimum, the County must adopt the Executive's amendment regarding building height and FAR because SEPA impacts have not been adequately considered for 180 ft. buildings.
 - The County relied on the FEIS for the 10-yr update of the comp plan in 2005, which only evaluated building heights up to 90 ft under the then-proposed UC Demonstration program
 - SEPA addendum issued on July 14, 2009?
 - In general, SRB questions the adequacy of the SEPA analysis from the 10-yr update in 2005, and believes a new SEPA analysis should be performed for the current zoning as it relates to Point Wells.
 - Point Wells is especially sensitive because of shoreline impacts, unstable slopes, critical areas and wetlands, and limited access.
 - The 2005 SEPA analysis did not adequately examine shoreline or climate change impacts from development.
 - Conditions have changed, including climate change and additional listed salmon/fish species in Puget Sound.
- Surface parking should be restricted at the Point Wells site due to the limited size of site, shoreline sensitivity, and aesthetic/neighborhood impacts.
 - Since surface parking should be limited in the first instance, a credit should not be given allowing additional 1 ft of building height for every 1% of parking contained within the structure.

- For the same reason, the applicant should also not get a .5 FAR bonus for 80% or greater self-contained parking.

SCC 30.34A.050: Parking Ratios, etc.

- The UC zoning should require more bicycle parking spaces – 2 minimum is not enough, especially since urban centers are supposed to be transit/pedestrian friendly.
 - The ordinance should limit parking to encourage transit-oriented and pedestrian-friendly development. This is especially true for the Point Wells site due to access and traffic concerns.

SCC 30.34A.070: Open Space

- Open space should be maximized for the Point Wells site.
 - Point Wells is special because it is completely surrounded by residential neighborhoods; additional open space should be required to encourage connection with surrounding communities.
 - The percentage of open space open to the public should be increased above 50% at the Point Wells site to encourage use and connection with the surrounding neighborhood
 - For the same reason, the percentage of open space required for non-residential development should also be increased (over 2% of floor area) for the Point Wells site.

SCC 30.34A.080: Circulation and Access

- When it comes to traffic and access issues, Point Wells is markedly different than the other urban zones and demands special treatment.
 - Applicants should be required to demonstrate transportation demand measures with the potential for removing at least 1/3 of the development's peak hour trips from the road system (rather than 15%).
 - Because the City of Shoreline will bear most of the traffic impacts from Point Wells, there must be a mechanism that allows Shoreline to provide input on the adequacy of any traffic study and/or mitigation required under this provision or Ch. 30.66B SCC.
- The proposed zoning provides too much discretion, without any guidance or sideboards, to the county engineer (at subsections (6) and (10)) on access and traffic issues.
 - Subsection (10): If there is a conflict with other regulations addressing traffic and circulation, then the specific intent of urban zones to be pedestrian-friendly and transit-oriented should be taken into consideration.

SCC 30.34A.180: Review Process

- Save Richmond Beach supports Amendment 9: An urban center development should be processed as a Type 2 application, with review by a hearing examiner.
 - Consistent with Amendment 9, the following conditions should also be included:
 - The proposal is consistent with the comprehensive plan;
 - The proposal will not be materially detrimental to uses or property in the immediate vicinity
 - In the case of Point Wells, this should include traffic and safety considerations for the Woodway and Richmond Beach neighborhoods.

SCC 30.34A.210: Master Plans and City Review

- Save Richmond Beach supports Woodway's Amendment 7, which requires notice and an interlocal agreement with neighboring cities.
 - However, Shoreline should also be included in the notice and agreement for Point Wells.
- The current subsection (2) of 30.34A.210 is not strong enough; it simply states that if an interlocal agreement is in place with a neighboring city, then the County must follow it. But doesn't the County have to abide by its agreements, anyway?
- The proposed zoning doesn't require collaboration or input by neighboring jurisdictions. Given the unique circumstances surrounding Point Wells, we believe stronger inter-jurisdictional cooperation should be required to comply with the requirements of the Growth Management Act.
 - Neighboring jurisdictions should be included in the review process even if not located in Snohomish County – in the case of Point Wells, this would include the City of Shoreline.

IV. CONCLUSION

Thank you for the opportunity to comment on this very important issue to our community.