



City of Shoreline

Answers to Pt Wells related Community Questions and Concerns

- 1. Letter of Intent - Did the City Council agree to the Letter of Intent? If so, post details of when, how, and who voted for it.**

Response: The Letter of Intent was developed by staff, with Council's direction, in response to discussions with the property developer regarding a Municipal Agreement, a process required by Snohomish County's development code. The LOI is not binding, and simply states the conditions in which the City would consider in any agreement with the developer. The Council has not voted or made decisions on the proposed agreement. If there is an agreement at some point in the future, Council will take formal action at one of their business meetings.

- 2. Project Decisions – Who makes the decisions concerning the project, and what can be done about it?**

Response: Under the current development process, Snohomish County makes all decisions regarding the project size, scale, scope, and issues the permits for the project. By attempting to negotiate a binding agreement with BSRE, the City is seeking to restrict the project scale and scope to an extent that the County, through its permit process, is not likely to. If BSRE is willing to bind itself to a smaller development through an agreement with Shoreline, including funding a Transportation Corridor Study and mitigation, and committing to annexing the property to Shoreline at some point in the future, those are good outcomes for the City that are otherwise unlikely through the Snohomish County permitting process.

- 3. Traffic – How will the City control the traffic impact from both construction and the overall project?**

- Residents are concerned about the traffic impacts from the project, including construction and parking diversion from the development when completed. How will the City address these impacts?
- How are you going to fit two lanes plus necessary improvement on Richmond Beach Drive?
- Difference between service level B and service level D is great. Change would really impact our quality of life – D is not good enough. Would like to see this expressed in real numbers.
- Don't we have immense power over our road? Can't we put things like speed bumps, traffic circles, etc.?

- e. Urban villages were supposed to be an alternative to sprawl. They allegedly offered dense living along with improved transportation corridors and alternative transportation links. This developer has chosen a site with no enhanced traffic outlet, poor connections of any kind, a 'rail' alternative he has done nothing to develop, and suggests people will ride bicycles. Where will they ride them? Up a major hill on a crowded road? Everyone can tell the residents of this site will simply flood the existing infrastructure with more cars.

Response:

- a. The City too is very concerned about the many details of the traffic impacts. The City sees the Corridor Study within a negotiated agreement as the best way to identify the issues and develop a public process for reaching any level of consensus on the solutions. Otherwise, the City and our citizens have to rely upon the Environmental Impact Statement process via Snohomish County as the only alternative.
- b. While it is clear the developer will have a challenge in providing reasonable mitigation within the existing right-of-way, what many property owners may not realize is [the location](#) where their property line actually begins. No doubt many property owners have used this public space for landscaping and parking, which may have to be removed to facilitate the mitigation within the existing right-of-way.
- c. Level of service (LOS) is an engineering calculation for the amount of time delayed at an intersection performing specific movements, or may be calculated as an average for the intersection. LOS is measured in seconds with the following scale:

LOS	Delay per Vehicle (sec)
A	=< 10
B	>10 – 20
C	>20 – 35
D	>35 – 55
E	>55 – 80
F	>80

LOS is typically used by local governments to set a threshold for when development has to mitigate their impacts. The City of Shoreline adopted a LOS standard many years ago that sets the LOS threshold at E. Therefore, any existing intersection with a LOS less than E (e.g. LOS B) is seen as having extra capacity for which new development may utilize before they are required to mitigate the impacts. Having an existing LOS of less than E is never a guarantee that an intersection has to remain as such over time. A negotiated agreement with a LOS threshold of D, is seen as a stricter alternative that would require mitigation improvements sooner, [rather than later](#), and perhaps to a larger extent than if the LOS threshold was set at E.

- d. These traffic control devices are available when required for safe use of the right-of-way by vehicles and pedestrians, and will be considered as options in the contemplated Corridor Study if roadway safety is not resolved with other mitigation measures. While traffic calming measures like speed bumps and circles are typically used on local streets to manage such issues as speed and cut-through traffic, there is a practical limit if applied to a higher volume street. At some point, the increased time to move through a corridor with such improvements would likely frustrate the existing residents along the corridor since congestion would be very likely. While the City does see the use of such devices along the side streets to manage the effects of a Point Wells project, the City does not see these tools as being practical along the main corridor.
- e. The City shares a very similar concern with alternative modes of transportation as a means to reduce the vehicle usage. These modes or choices are important, but determining a practical and predictable outcome will be very difficult for this site. As an example, a Sounder stop along the railroad may be useful for some residents at the development, but this is likely to attract residents in the existing neighborhoods. Where will they park? Will this somehow spill into the existing neighborhood? Ultimately, the City believes such issues would be best addressed in a negotiated agreement via the Corridor Study and could be also addressed in the EIS process with the County.

4. Project Opposition – residents are opposed to the project and feel that the City should fight or delay the development through lawsuits.

Response: The City has reviewed all the options available, and concludes that negotiating a long-term agreement that will provide the most protection from project impacts as the City and BSRE are the decision makers. If this path is successful, it has the highest probability to address the issues the City and Shoreline residents care most about – maintaining quality of life, limiting traffic impacts, impacts to other city services such as parks, police, fire service, and funding the costs of on-going maintenance and operations of those services.

The other options contain uncertainty and the risk that our concerns will not be adequately addressed, as the City is not a decision maker. However, Woodway and Save Richmond Beach have filed suit to block continued processing under the regulations successfully challenged by Shoreline and these two parties. There are no unique or different arguments that could be brought by Shoreline, and Shoreline will have the benefit of this action if successful. If that suit is not successful our continued negotiations will provide better control of the project than Snohomish County's permit process. If we are unable to come to agreement with BSRE, the City is committed to participating in the Snohomish County process including the new EIS and would have the option of joining in the litigation initiated by Save Richmond Beach and Woodway.

5. Property Condemnation – Will City refuse to condemn private property to accommodate development?

Response: It is uncertain whether condemnation will be needed since the mitigation project list has yet to be negotiated. That question will be answered at the time the

agreement is submitted for action. Additionally, it may be very likely the vehicle improvements to mitigate the development may fit within the existing right-of-way. What most people may not see is the physical location of the right-of-way (i.e. property lines) relative to the pavement. In many cases residents are probably using the public right-of-way for such uses as landscaping, retaining walls and parking. This is fairly common. These types of improvements would have to be relocated or eliminated in order to accommodate the mitigation within the existing right-of-way.

Typically, mitigation gets focused at the intersection since this is where much of the congestion occurs. It may be possible to mitigate the vehicle impacts within the existing right-of-way, but some level of property acquisition may be necessary to include curbing, sidewalk, and bike lanes. Therefore, acquisition of property may not be necessary to accommodate traffic lanes, but the finer details for bikes and pedestrians may be compromised if right-of-way acquisition is not considered.

Raising the LOS to a higher threshold (i.e. E to D) would still focus the mitigation to the intersections. Based upon the information to date, the City does not foresee a need for additional lanes to meet the higher LOS standard. Therefore, the City has the same general conclusion about property acquisition whether the LOS is E or D.

6. Trust – that there was not sufficient public notice about the community meeting or the Council meeting on September 6th and that people felt the City abruptly changed policy direction with the LOI and they felt blindsided.

Response: The City heard and appreciates the concerns raised about this issue. Since it is not a City project there are no specific legal noticing rules; therefore Council directed staff to act quickly to arrange a public meeting to hear from residents.

As was mentioned in the response to Question 1, there is no agreement yet and no decisions have been made with regard to Pt Wells. The City provided an update in the May Currents noting that City staff were in discussions with the developer as part of the Snohomish County development process. In response to the concerns voiced by residents, Council requested that they receive a weekly update on the Pt Wells process at each Council meeting for the time being.

In addition, there are still multiple opportunities for public input at future Council meetings, or by submitting comments on the City's Point Wells webpage. Any new information will also be posted on the City's Point Wells webpage at <http://shorelinewa.gov/index.aspx?page=176>

7. Premature Action/Decision – residents voiced concern that the LOI is premature and the staff should have held the public hearing to receive residents' input prior to formalizing the LOI.

Response: To understand why the City released the LOI in the format and at the time that it did, it is necessary to explain where the developer is in the County's permit process and the timing constraints imposed by the County's Code. As soon as BSRE submitted its permit applications to Snohomish County this past spring, a 45 day clock commenced for Shoreline and Woodway to work with BSRE to attempt

to negotiate a “Municipal Agreement”. Only after those three parties reach some agreement would the County then review it for their approval or disapproval.

This past summer, at Council direction, the City staff began confidential negotiations with BSRE and Woodway to see if a Municipal Agreement was a possibility. In those negotiations, the staff pressed for commitments to implement the City’s adopted Point Wells Subarea Plan, which calls for the developer to pay for a Transportation Corridor Study, limit the project’s traffic impacts and to have Shoreline become the ultimate provider of urban services to the property via annexation.

Council directed that the public be given the earliest possible opportunity to review and comment on the concepts under consideration. August 31 and Sept. 6 represented the first two opportunities to do so. These meetings were very well attended and citizens had many questions and comments to express. It is difficult to imagine that the City would have had as big a turnout or as detailed of comments had we simply had an open-ended public meeting with nothing specific for citizens to review and react to.

To clarify, the 45 day window to negotiate a municipal agreement was extended indefinitely by the parties and remains open until one of the three parties explicitly states it does not wish to pursue further negotiations. IF BSRE terminates the Municipal Agreement discussion based on the litigation brought by Woodway (and SRB), the Council may conclude that the City’s interests (limiting traffic impacts and project scale) are still served by continuing to negotiate a binding agreement with BSRE which does not require subsequent approval of either Woodway or Snohomish County.

8. Annexation – Why pursue it, and isn’t this just a money grab by the City? Won’t the City inherit all the problems at the site?

Response: The City is concerned about ongoing impacts to Shoreline after the development is built, including impacts to our roads, parks and services. Absent an agreement with the developer, the concern is that current Shoreline taxpayers will wind up funding those ongoing impacts.

As the only way to reach Point Wells is via Shoreline, future residents and businesses at Point Wells will use City facilities like roads and parks, and place unfunded demands on City services, from police to planning regardless of whether or not the land annexes into the City. Also, future residents of Point Wells will frequent Shoreline businesses, attend Shoreline based churches and cultural programs, and participate in service clubs and sports teams. Due to their proximity, they will de facto become a part of our community of interest and daily life. Since all City facilities and services are paid for by Shoreline taxpayers, it is only fair that the future Point Wells residents share in the tax burden by annexing. Staff believes that annexation is the most appropriate way for future residents of Pt Wells to fund the impacts that were created by the development.

Finally, the City’s comprehensive plan, since the 1990’s, has identified Point Wells as the City’s Potential Annexation Area. Although Woodway has also identified it as

part of their “Municipal Urban Growth Area”, there is no direct vehicular access to Point Wells from the majority of Woodway on the upper bluff. The only Woodway roadway below the bluff is the 170 foot long portion of Richmond Beach Road between the Shoreline City limits and the Point Wells property. In contrast, over four miles of Shoreline Road and half a dozen intersections are traversed between Point Wells and Interstate 5.

9. The Letter of Intent – how would an agreement help the City, why would the developer want such an agreement, and how does the City ensure that the developer actually does what they say they will?

Response: The Letter of Intent is not an agreement, and therefore is not binding on either party. The Letter of Intent is essentially an outline of the items that could be addressed in a binding legal agreement between the developer (BSRE) and the City. The agreement could either be a multi-party Municipal Agreement between BSRE, Shoreline, Woodway and Snohomish County, or just a two-party agreement between BSRE and Shoreline. However, the Council has made no official decisions regarding the project at Pt. Wells.

BSRE is likely interested in a Municipal Agreement because, if it were adopted, it would save them the delay and uncertainty of the Snohomish County permit hearing process before the County’s hearing examiner and County Council. In either case, the project still needs to have an Environmental Impact Statement, a major piece of which will be a lengthy and expensive transportation analysis, identifying alternatives, impacts and mitigations. By reaching an agreement with BSRE, to commit them to pay for a Transportation Corridor Study to address these same issues, BSRE would ask the County to adopt this Study as a component of the EIS. It is in the City’s interest to have a hands-on role in shaping a transportation study that we have confidence in rather than simply being a bystander/commenter on a Transportation Impact Analysis done as part of the County’s EIS. It is in BSRE’s interest to only pay for this work once and to have the City feel confident about the accuracy and adequacy of the EIS.

If at some point there is an actual agreement, the conditions to the agreement are binding and, if necessary, can be enforced in court. The City anticipates any agreement would include the conditions set forth in the Letter of Intent.

10. School District – Were the property to be annexed into Shoreline, it would place an added burden on services such as fire, police and schools. Nowhere in the letter of intent did I see any reference to the need for support of schools in such an Urban Center. Isn’t there also a need for some type of joint relationship in these negotiations with the Shoreline School District?

Response: If the property were annexed into Shoreline, the added burden on fire, police and other city services would be met by the tax revenues that would be paid to the City of Shoreline rather than Snohomish County.

The School District has been consulted on the Point Wells issue and has stated that any students at Point Wells would remain a part of the Edmonds School District even if annexed into Shoreline; however, they would most likely choose to attend

schools in Shoreline. In that case, they could apply for a waiver/transfer to Shoreline schools, and a portion of the state allocation per student would go to Shoreline School District. While it is unlikely that there will be a lot of school age children at Point Wells, the School District may welcome an increase in student population in its west side schools.

11. GMHB Decision – the Growth Management Hearings Board invalidated Snohomish County’s Comprehensive Plan Amendment due to inconsistency. What has been done to contest GMHB decision?

Response: The GMHB’s Final Decision and Order was not challenged by either the County or BSRE, so we expect the County to take corrective action by the May 2012 deadline listed in the Board’s Order. The County was directed to amend its Comprehensive Plan and amend the EIS that the Board found to be inadequate; however, the County was not directed to amend its Urban Center Zoning, which is the regulation on which the current BSRE development permits are based. Even if the GMHB had ruled that the Urban Center Zoning was invalid, the Growth Management Act explicitly states that the effect of a growth board ruling is prospective only, so it wouldn’t have affected the permit application that was submitted before the Board’s Order was issue.

12. Is there a FAR (Floor Area Ration) minimum in Snohomish County code that requires that the developer build at least 2,800 units?

Response: The short answer is: no, the FAR standard in the Snohomish County Code does not set a standard for the minimum units to be built on the Point Wells site. As Snohomish County staff has told Shoreline staff when we asked this question: “ *The actual dwelling unit count is function of the size or square footage of the individual units. So the unit count could be higher or lower depending on how big (or small) the units are. This is what makes translating FAR in dwelling units per acre difficult.*”

Shoreline staff did further research to try to understand the magnitude of change that would occur if the unit size varies. In some Snohomish County zones, development is not only controlled by maximums (the maximum amount of development that might be allowed), but by minimums (Redevelopment would require a minimum amount of development). Point Wells is one such site because it is zoned as an Urban Center.

In the example of Point Wells, this means (according to Snohomish County staff) that the minimum amount of development on the site is to be calculated by using a floor-area-ratio (FAR) of 1.0, or on the Point Wells site, 60.9 acres or 2,652,804 square feet. How does this translate to units? This depends on two variables as follows:

- 1) How much commercial (i.e., non-residential) development will be built?
- 2) How large are the residential units?

In the example below, we will assume, for discussion purposes, that the amount of non-residential development is 100,000 square feet, and that 10% of the building square footage is used for corridors, stairs, or elevator shafts.

A calculation of Point Wells Unit Count derived from minimum FAR ratios			
Site Acreage	60.9		
Minimum square footage required in development	2,652,804		
Commercial Development (in sq. ft.)	100,000		
Remainder (in sq. ft.)	2,552,804		
Reduction by 10% to reflect portion of building devoted to corridors, elevators etc.	2,297,523		
How does this translate to "required" number of units?			
	Avg unit size of 850 square feet	Avg unit size of 1100 square feet	Avg unit size of 1500 square feet
Units "required" to meet FAR requirement	2702	2088	1,531
Note 1: If the amount of commercial development increases, the number of "required" units would decrease. Note 2: This example assumes 10% of the building square footage is used for lobby, corridors, stairs, or elevator shafts. This can vary according to building design.			

As can be seen above, the main driver of unit count is unit size. If the average unit size increases, the units "required" to attain the required FAR decreases.

13. Who is in charge of environmental cleanup, and who is responsible for enforcing it?

Response: The property owner is responsible for environmental cleanup. The County, in the project EIS, will have to address the nature, degree and location of contamination on the property as well as the methods and timing for cleanup. State and federal agencies have jurisdiction over contamination issues, and will be sent a copy of the Draft EIS for their review and comment.

14. What is Council's vision of Shoreline? Is it another Kirkland/Edmonds/Bellevue? Is it urban?

Response: The Council's vision of Point Wells specifically is set forth in the City's adopted Point Wells Subarea Plan, which identifies the BSRE property as part of Shoreline's designated "Future Service and Annexation Area." It calls for an environmentally sustainable mixed use development of the area, although at a much smaller scale (roughly 1500 units) than that allowed by Snohomish County's Point Wells Urban Center Zoning. The City's Subarea Plan includes a proposed cap on the amount of traffic that future development of the BSRE property can place on the City's road network and calls for the preparation of a detailed Transportation Corridor Study and Implementation Plan to identify improvements and programs that would be needed to mitigate the impacts.

15. Pt. Wells as a Park - Why doesn't the City just buy the property and turn it into a park? Could it be set up as a Metropolitan Park District?

Response: The essential factors for the City to buy the property and turn it into a park is sufficient funds to purchase the property. The City of Shoreline does not have the funds necessary to propose acquisition of land, and in view of the state of the economy, we're not optimistic that voters city-wide would approve a bond measure for that purpose. Additionally, if a park district were to include portions of Snohomish County, the County would have to agree as the property is in unincorporated Snohomish County, which seems unlikely given the that a park would remove the property from its tax rolls.

16. What sequence of events under each Scenario below would have to occur to produce the various outcomes listed? What is the probability of occurrence for each of the Scenarios to be the ultimate outcome?

- Scenario 1: No development [ever] by BSRE at the Point Wells site
- Scenario 2: Development at any scale BSRE chooses
- Scenario 3: Development at a reduced scale, e.g., at least 1/3 or 1/2 less than currently proposed by BSRE

Response: Scenario 1 is the least likely event. The property is zoned for up to 3,500 units under Snohomish County zoning and efforts to reverse or otherwise limit that zoning have proven fruitless at the legislature, the Growth Board (through appeal), and direct entreaties to Snohomish County. Therefore, the most likely scenario is that some number of residential units and amount of commercial development will occur on the property regardless of the success of the Woodway/SRB litigation in delaying a permit action and application of new regulations which may reduce the density.

Scenario 2 is not the most likely scenario, but theoretically could occur if the following sequence of events unfolds: first, assume that BSRE is not bound by any Municipal Agreement or two-way agreement with Shoreline, then the permit application proceeds through the County's review process, the comments and requests by Shoreline, Woodway, SRB, and others are considered but rejected by

the County's Planning Director (as to the EIS content), the County's Hearing Examiner (as to the compliance of the permit application with the Urban Center Code) and the County Council (assuming some party appeals the Hearing Examiner's decision to the County Council).

Scenario 3 is more likely to occur if the City is successful in negotiation either a Municipal Agreement or a two-way agreement with BSRE. The object of such an agreement, from both the City's and BSRE's perspectives, would be to reduce the amount of conflict and uncertainty about the outcome of the County's permit process. It is difficult at this point to speculate about how much the project would be reduced in scale under this scenario (i.e., the 1/3 or 1/2 less posited by the questioner). The degree of reduction under the scenario of a binding agreement would depend upon the specific details of the agreement including the schedule and formula for evaluating and limiting traffic.

It is theoretically possible that, absent a binding agreement with the City, BSRE emerges from the County's EIS and permit review process with a project with fewer than 3,085 units and 100,000 square feet of commercial space. In such a scenario, the City would actively advocate during the County's EIS process for full disclosure, careful and realistic analysis of impacts, alternatives, and mitigations, and then during the County's review of the development permit application, the City would advocate for a project scale consistent with the City's adopted Plan, including traffic level of service standards, and a project scale and mitigations supported by the County's final EIS.