

## Responsiveness Summary: City of University Place Locally Adopted SMP

### Ecology Public Comment Period, May 8, 2014 through June 9, 2014

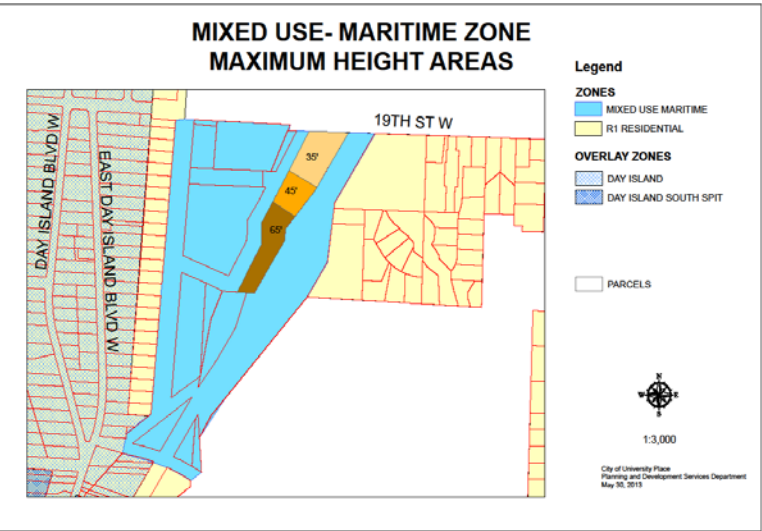
*City responses by prepared by Jeff Boers, July 2014*

*State responses prepared by Chrissy Bailey, WA Dept. of Ecology, November 2014*

Comment Number	Comment Topic and SMP Citation	Commenter	Comment (Summarized)	Local Government Response and Rationale	State Response and Rationale
1	SMP Chapter 18.25.070: Section D  Page 59	Richard and Kathy Ziesmer	Concerned about wetlands and buffer east of the railroad tracks on the east side of Day Island lagoon. Adamant that they remain undisturbed during any future expansion or construction.	<p>The BNSF RR ROW extends approximately 65 to 185 feet to the east of the easternmost tracks. The wetlands area or buffer zone referred to in the comment <i>may</i> be located within the RR ROW, which is federally-regulated land outside of City jurisdiction. A review of wetland surveys suggests there <i>may</i> be a small forested wetland, located partially within the RR ROW and partially on private property. The size of this potential wetland appears to fall below the City's 2,500 sq. ft. threshold for Category III regulated wetlands. The remote location and topographic setting of this area preclude development.</p> <p>Future development proposals within the Day Island Medium Intensity shoreline environment that could affect shoreline areas within the City's jurisdiction, including the Day Island lagoon, would likely be subject to SEPA review and would be reviewed under the City's critical area and shoreline regulations to ensure no net loss of shoreline ecological functions and processes.</p>	<p>Lacking additional detail, it is not clear to Ecology if the area in question is within shoreline jurisdiction. If the presence of a wetland was confirmed and such wetland was within shoreline jurisdiction, the wetland would be regulated under the City's SMP.</p> <p>At the time development is proposed on or adjacent to the site in question, the applicant would determine if there was a wetland or buffer on the site or that would be affected by the proposed development. Wetland delineation and categorization would determine the presence, extent and location of the wetland as well as the category.</p>
2	SMP Chapter 18.30.040: Table 18.30B  Page 84	Richard and Kathy Ziesmer	East of the Day Island lagoon (Day Island Medium Intensity designation), allowed building heights should be limited to 35 feet.	<p>The Narrows Marina site has been developed over the past century mainly with industrial uses and marina facilities. These high intensity uses have often resulted in high levels of activity, high impervious surface coverage, and visual blight. The City believes it likely that past development practices, which predated regulatory requirements for environmentally sensitive designs, construction and maintenance, have had a significant impact on the Day Island lagoon and surrounding community.</p> <p>Redevelopment of the site for a mix of uses, including residential, commercial, open space and marina related uses, will need to comply</p>	<p>In concert with the City's zoning code provisions, Ecology believes the City's proposed SMP building height and view provisions strike a reasonable balance between concerns related to view blockage from adjacent residences and the potential for water-oriented mixed use development at the Narrows Marina.</p> <p>As the City's response notes, if specific projects are proposed on these properties at some point in the future, such projects would be required to comply with all applicable City codes. The SMP and zoning provisions</p>

Comment Number	Comment Topic and SMP Citation	Commenter	Comment (Summarized)	Local Government Response and Rationale	State Response and Rationale
				<p>with critical area, shoreline, zoning and design requirements. Potential impacts on the lagoon, surrounding shoreline area and nearby neighborhoods from specific development proposals will be analyzed, and mitigated if warranted. Future buildings that might exceed the 35-foot height limit recommended by the Commenter could prove to be environmentally or visually preferable if they result in smaller/narrower footprints with larger gaps in between. Please also see responses to comments #3 and #4, below.</p>	<p>together ensure that building heights both the neighbors and marina owner agreed would block views will not be allowed. The SMP requires a visual impact analysis be conducted for any buildings or structures taller than 35 feet to ensure public and adjacent residential views of the water are not obstructed.</p>
3	<p>SMP Chapter 18.30.040: Table 18.30B Page 84</p>	<p>Undersigned residents of the Day Island and Crystal Creek neighborhoods (65 signatures)</p>	<p>Reduce the maximum building height for development in the southerly section on the east side of the Day Island lagoon (Day Island Medium Intensity designation) from 65 feet to 45 feet.</p>	<p>The petitioners request a reduction in the maximum building height limit that applies to the southeastern corner of the Narrows Marina site, from 65' to 45'. The supporting statement describes development proposals the signatories believe will have a negative impact on the neighborhood in terms of view diminishment, increased sound levels and other qualities.</p> <p>The City has not received any applications for redevelopment of this site since the zoning height limits were adopted in 2013. At such time as the City may receive an application, it will notify property owners in the vicinity and provide an opportunity for public input during the land use/shoreline permit review process. At a minimum, this would include a public hearing for a shoreline substantial development permit, and potentially, a zoning conditional use permit.</p> <p>The SMP (Table 18.30.B -- Note 7, page 86) references zoning height limits adopted in UPMC 19.45.100 (effective October 28, 2013). A proposed building height in excess of 45 feet would trigger a requirement for zoning CUP approval. The hearing examiner may increase height up to a range of 45 to 65 feet when a visual impact assessment is submitted in accordance with SMP requirements (UPMC Chapter 18.25.110(E)) and the examiner determines that a proposal will comply with the purpose and intent of UPMC Chapter 18.25.110 regarding view protection. The examiner will also consider other potential impacts, including noise impacts that may be associated with a particular building design, before rendering a decision.</p>	<p>Ecology concurs with the City's response. Under the SMP, a visual impact analysis must be conducted for any buildings or structures taller than 35 feet to ensure public and adjacent residential views of the water are not obstructed.</p> <p>The SMP Guidelines contain standards relating to the ecological functions and views associated with shoreline areas, but do not address issues like building design and noise. While Ecology understands and acknowledges the concerns of the residents, we believe potential impacts and restrictions beyond those outlined in the SMP will be most appropriately evaluated at the time a specific project is proposed. This will allow the City and the public to evaluate if or the extent to which scenic vistas, public views and aesthetic qualities of the shoreline are be affected, if the proposed development is similar in scale to its surroundings, or will result in an increase in noise or impacts to other qualities of interest, based on the specific elements of each proposal. While important development considerations, items such as noise are beyond the scope of the SMA and the SMP.</p>

Comment Number	Comment Topic and SMP Citation	Commenter	Comment (Summarized)	Local Government Response and Rationale	State Response and Rationale
				<p>Based on the evidence presented during the public hearings for the SMP Update and associated zoning amendments in 2013, the City does not believe that a 45' to 65' tall building will directly block views of Day Island and Puget Sound from residential properties to the east. Site constraints, including the shallow lot depth in this area, when combined with regulatory constraints, including parking requirements, will likely impose practical limitations on the scale of development that may be realized in this area of the marina. However, the quality or character of views of the mainland - from the direction of Day Island residents - will be affected by redevelopment of Narrows Marina, including the southeast corner of the site in question. At such time as an application is submitted, potential impacts will be analyzed and mitigated, if warranted.</p>	
4	SMP Chapter 18.30.040: Table 18.30B  Page 84	C.D. Rosa	All future building heights should be restricted to no more than 35 feet.	The SMP (Table 18.30.B -- Note 7, page 86) references zoning height limits adopted in UPMC 19.45.100 (effective October 28, 2013). Three maximum limits were established on portions of the Narrows Marina site, east of the BNSF tracks and generally west of the Crystal Creek neighborhood. The three height subareas are shown in the figure, below.	Ecology concurs with the City's response. See also Ecology's responses to comments 2 and 3 above.

Comment Number	Comment Topic and SMP Citation	Commenter	Comment (Summarized)	Local Government Response and Rationale	State Response and Rationale
				 <p>The 35' limit area applies to the marina's existing "sawtooth" building. During public hearings on the SMP Update and associated zoning amendments in 2013, owners of property located to the east supported this limit because it would minimize any potential view impacts from their direction. This entire 35' height subarea limit applies to land located outside of shoreline jurisdiction and therefore is strictly a zoning limitation.</p> <p>The 45' height limit corresponds to the footprint of the marina's tallest existing building, estimated to be 40 to 42 feet. It would allow an increase in height above the existing industrial building by approximately 3 to 5 feet. Most of this height subarea is located outside of shoreline jurisdiction. An email from Kevin Hayes (Exhibit EEEE – University Place Public Hearing Record) confirmed the position of Crystal Creek Estates HOA in 2013 that building height should be limited to 45 feet west of their neighborhood to avoid impacting territorial views toward Day Island and Puget Sound. The 45' height limit applied to this location is consistent with the HOA position.</p>	

Comment Number	Comment Topic and SMP Citation	Commenter	Comment (Summarized)	Local Government Response and Rationale	State Response and Rationale
				<p>The 65' height limit applies to the southeast corner of the marina. Based on the evidence presented during the public hearings for the SMP Update and associated zoning amendments in 2013, the City determined it to be unlikely that a building constructed up to 65' in this area would block views of Day Island or the Sound from upland properties to the east, including those located within Crystal Creek. Buildings would be situated below the top of the bluff on which residential properties to the east are located. Any territorial views of Day Island that might exist across the bluff over this corner of the marina are blocked by existing forest vegetation. It is unlikely that construction of a new building below the top of the bluff would affect this vegetation or reduce views from the east.</p> <p>In order to provide opportunities for public input and thorough reviews of potential view impacts, the adopted 2013 zoning amendments require a zoning CUP for buildings that may exceed 45 feet. The hearing examiner may authorize proposals that increase height up to a range of 45 to 65 feet when a visual impact assessment is submitted in accordance with the SMP (UPMC 18.25.110(E)) and the examiner determines that a proposal will comply with the purpose and intent of UPMC 18.25.110 regarding view protection.</p> <p>The Commenter contends the City provided inadequate notice of public hearings held in 2013 for the SMP Update. The City's process to update the SMP and zoning regulations is <i>legislative</i>, which does not require direct mail notification to property owners. However, the City did provide optional notice by mailing public hearing notices to all owners of property located with the City's shoreline planning area (SPA). The City expanded these mailings beyond the SPA to include owners of 14 properties located within the Crystal Creek neighborhood but outside the SPA. City records show that the Planning Commission and City Council hearing notices were mailed to the Commenter.</p>	