

April 2011 – Planning Commission Recommended

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of Renton, Washington, establishing a Planned Action for the Sunset Area Community pursuant to the State Environmental Policy Act

WHEREAS, the State Environmental Policy Act (“SEPA”) and implementing rules provide for the integration of environmental review with land use planning and project review through designation of “Planned Actions” by jurisdictions planning under the Growth Management Act, RCW 36.70A (“GMA”); and

WHEREAS, the City has adopted a 2004 Comprehensive Plan complying with the GMA; and

WHEREAS, the City has engaged in extensive subarea planning for the Sunset Area since 2005 and adopted a Community Investment Strategy in 2009 to guide the area’s growth and redevelopment, and revitalization of the Sunset Area is desirable and in the best interest of the City; and

WHEREAS, the City adopted regulations and design guidelines for the Sunset Area in 2007; and

WHEREAS, the Sunset Area includes the Sunset Terrace public housing project which will be proposed for redevelopment by the Renton Housing Authority; and

WHEREAS, the Sunset Area Community Planned Action EIS identifies impacts and mitigation measures associated with planned development in the area; and

WHEREAS, the Draft EIS was issued on December 17, 2010 and subject to a 45-day comment period; and

WHEREAS, the Final EIS was issued on April 1, 2011 and received a 30-day review period; and

WHEREAS, the City has adopted development regulations which will help protect the environment, and has adopted zoning regulations specific to the Sunset area which will guide the amount, location, form, and quality of desired development; and

WHEREAS, designation of a Planned Action expedites the permitting process for subsequent, implementing projects whose impacts have been previously addressed in a Planned Action environmental impact statement (“EIS”), and thereby encourages desired growth and economic development; and

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WHEREAS, the Renton Planning Commission held a public hearing on January 5 and April 6, 2011 regarding the proposed Planned Action; and

WHEREAS, the Sunset Area Community is deemed to be appropriate for designation of a Planned Action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. - *Purpose.* The City Council declares that the purposes of this ordinance are to:

A. Combine analysis of environmental impacts with the City's development of plans and regulations;

B. Designate the Sunset Area Community as a Planned Action for purposes of environmental review and permitting of subsequent, implementing projects pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.031;

C. Determine that the EIS prepared for the Sunset Area Community meets the requirements of a Planned Action EIS pursuant to SEPA;

D. Establish criteria and procedures, consistent with state law, that will determine whether subsequent, implementing projects qualify as Planned Actions;

E. Provide the public with information about Planned Actions and how the City will process applications for implementing projects;

F. Streamline and expedite the land use review and approval process for qualifying projects by relying on the EIS completed for the Planned Action; and

G. Apply the City's development regulations together with the mitigation measures described in the EIS and this Ordinance to address the impacts of future development contemplated by the Planned Action.

SECTION 2. - *Findings.* The City Council finds as follows:

A. The City is subject to the requirements of the Growth Management Act (GMA, RCW 36.70A), and is located within an Urban Growth Area;

B. The City has adopted a Comprehensive Plan complying with the GMA, and is amending the Comprehensive Plan to address transportation improvements and capital facilities specific to the Sunset Area

C. The City has adopted a Community Investment Strategy, development regulations and design guidelines specific to the Sunset Area which will guide growth and revitalization of the area, including the Sunset Terrace public housing project;

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D. The City has prepared an EIS for the Sunset Area (“Sunset Area Community Planned Action EIS”), and finds that this EIS adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action area;

E. The mitigation measures identified in the Planned Action EIS and attached to this ordinance as Exhibit B, together with adopted City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;

F. The Comprehensive Plan and Planned Action EIS identify the location, type and amount of development that is contemplated by the Planned Action;

G. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public and enhance economic development;

H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action, has considered all comments received, and, as appropriate, has modified the proposal or mitigation measures in response to comments;

I. The Sunset Area Planned Action is not an essential public facility as defined by RCW 36.70A.200(1);

J. The Planned Action area applies to a defined area that is smaller than the overall City boundaries; and

K. Public services and facilities are adequate to serve the proposed Planned Action.

SECTION 3. - Procedures and Criteria for Evaluating and Determining Projects as Planned Actions.

A. Planned Action Area. The Planned Action designation shall apply to the area shown in Exhibit A.

B. Environmental Document. A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the Draft EIS issued by the City on December 17, 2010 and the Final EIS published on April 1, 2011. The Draft and Final EISs shall comprise the Planned Action EIS. The mitigation measures contained in Exhibit B are based upon the findings of the Planned Action EIS and shall, along with adopted City regulations, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects.

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C. *Planned Action Designated.* Land uses and activities described in the Planned Action EIS, subject to the thresholds described in subsection 3.D and the mitigation measures contained in Exhibit B, are designated Planned Actions or Planned Action Projects pursuant to RCW 43.21C.031. A development application for a site-specific Planned Action project located within the Sunset Area shall be designated a Planned Action if it meets the criteria set forth in subsection 3.D of this ordinance and applicable laws, codes, development regulations and standards of the City.

D. *Planned Action Qualifications.* The following thresholds shall be used to determine if a site-specific development proposed within the Sunset Area is contemplated by the Planned Action and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Land Use.

(a) The following general categories/types of land uses are considered Planned Actions:

Single family and multi-family residential; schools; parks; community and public facilities; office and conference; retail; entertainment and recreation; services; utilities; and mixed-use development incorporating more than one use category where permitted.

(b) Individual land uses considered as Planned Actions shall include those uses specifically listed in RMC 4-2-060 as permitted or conditionally permitted in the zoning classifications applied to properties within the Planned Action area provided they are consistent with the general categories/types of land uses in (1)(a).

(2) Development Thresholds.

(a) The following amount of various new land uses are anticipated by the Planned Action:

Land Use	Development Amount	
	Alternative 3	FEIS Preferred Alt
Residential	2,506 units	2,339 units
Schools	57,010 gross square feet	57,010 gross square feet
Parks	0.25 acres	3 acres
Office/Service	776,805 gross square feet	745,810 gross square feet
Retail	476,299 gross square feet	457,119 gross square feet

(b) The following infrastructure and utilities are considered planned actions: roadways, water, wastewater, and stormwater facilities identified and studied in the EIS.

(c) Shifting development amounts between categories of uses may be permitted so long as the total build-out does not exceed the aggregate amount of development and trip generation reviewed in the EIS, and so long as the impacts of that development have been identified in the Planned Action EIS and are mitigated consistent with Exhibit B.

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(d) If future development proposals in the Sunset Planned Action area exceed the development thresholds specified in this ordinance, further environmental review may be required pursuant to WAC 197-11-172. Further, if proposed development would alter the assumptions and analysis in the Planned Action EIS, further environmental review may be required.

(3) Building Height. Building height shall not exceed those permitted by the applicable zoning district, as permitted in the Renton Municipal Code.

(4) Transportation.

(a) *Trip Ranges & Thresholds*. The number of new PM Peak Hour Trips anticipated in the Planned Action Area and reviewed in the EIS are as follows:

Alternative/Period	PM Peak Hour Trips*
2006	2,082 trips
2030 Alternative 3	5,555 trips
2030 Preferred Alt	5,386 trips
Net increase from 2006 -> 2030 Alternative 3	3,473 trips
Net increase from 2006 -> 2030 Preferred Alternative	3,304 trips

*all P.M. peak hour trips with at least one end (origin, destination, or both) in TAZs containing the study area

Uses or activities that would exceed the range of maximum trip levels will require additional SEPA review.

(b) *Concurrency*. The determination of transportation impacts shall be based on the City’s concurrency management program contained in RMC 4-6-070.

(c) *Off-Site Mitigation*. As provided in the EIS and RMC 4-6-070, in order to mitigate transportation related impacts, all Planned Action Projects shall pay an environmental mitigation fee to participate in and pay a proportionate share of off-site improvements unless otherwise waived by the City Council. Off-site improvements are identified in Attachment B.

(d) *Administrator Discretion*. The Administrator of Community and Economic Development or his/her designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the Administrator at his sole discretion, for each project permit application proposed under this Planned Action.

(5) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the Planned Action EIS, shall not qualify as a Planned Action.

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(6) Changed Conditions. Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action designation is no longer applicable until supplemental environmental review is conducted.

E. Planned Action Review Criteria.

(1) The City's Environmental Review Committee may designate as "planned actions", pursuant to RCW 43.21C.030, applications that meet all of the following conditions:

(a) the proposal is located within the Planned Action area identified in Exhibit A of this ordinance;

(b) the proposed uses and activities are consistent with those described in the Planned Action EIS and Section 3.D of this ordinance;

(c) the proposal is within the Planned Action thresholds and other criteria of Section 3.D of this ordinance;

(d) the proposal is consistent with the City of Renton Comprehensive Plan and applicable zoning regulations;

(e) the proposal's significant adverse environmental impacts have been identified in the Planned Action EIS;

(f) the proposal's significant impacts have been mitigated by application of the measures identified in Exhibit B, and other applicable city regulations, together with any modifications or variances or special permits that may be required;

(g) the proposal complies with all applicable local, state and/or federal laws and regulations, and the Environmental Review Committee determines that these constitute adequate mitigation; and

(h) the proposal is not an essential public facility as defined by RCW 36.70A.200(1).

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form approved by the Department of Ecology, and review of the application and supporting documentation.

(3) A proposal that meets the criteria of this section shall be considered to qualify and be designated as a planned action, consistent with the requirements of RCW 43.21C.030, WAC 197-11-164 et seq, and this ordinance.

F. Effect of Planned Action.

(1) Designation as a planned action project means that a qualifying proposal has been reviewed in accordance with this ordinance and found to be consistent with its development parameters and thresholds, and with the environmental analysis contained in the Planned Action EIS.

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(2) Upon determination by the City's Environmental Review Committee that the proposal meets the criteria of Section 3.D and qualifies as a planned action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA.

G. Planned Action Permit Process. Applications for planned actions shall be reviewed pursuant to the following process:

(1) Development applications shall meet all applicable requirements of the Renton Municipal Code (RMC). Applications for planned actions shall be made on forms provided by the City and shall include a SEPA checklist, or an approved Planned Action checklist.

(2) The City's Development Services Division shall determine whether the application is complete as provided in RMC 4-8-100.

(3) If the application is for a project within the Planned Action Area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this ordinance and thereby qualifies as a Planned Action project. The Environmental Review Committee shall notify the applicant of its decision. If the project is determined to qualify as a Planned Action, it shall proceed in accordance with the applicable permit review procedures specified in RMC 4-8-080G and 4-9, except that no SEPA threshold determination, EIS or additional SEPA review shall be required. The decision of the Environmental Review Committee regarding qualification as a Planned Action shall be final.

(4) Public notice and review for projects that qualify as Planned Actions shall be tied to the underlying permit. The review process for the underlying permit shall be as provided in RMC 4-8-080G and 4-9. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required by this ordinance.

(5) If a project is determined to not qualify as a Planned Action, the Environmental Review Committee shall so notify the applicant and prescribe a SEPA review procedure consistent with the City's SEPA regulations and the requirements of state law. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.

(6) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The Environmental Review Committee may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

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SECTION 4. - *Monitoring and Review.*

A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with the assumptions of this ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Sunset Area.

B. This Planned Action Ordinance shall be reviewed no later than five years from its effective date by the Environmental Review Committee to determine the continuing relevance of its assumptions and findings with respect to environmental conditions in the Planned Action area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance and/or may supplement or revise the Planned Action EIS.

C. At the following time periods, the City shall evaluate the overall sustainability of the Sunset Area Planned Action area defined in Exhibit A consistent with Final EIS Appendix A review of Goals and Objectives and LEED-ND qualitative evaluation, or an equivalent approach:

(1) At the time of the 5 year review in Section 4.B above.

(2) At the time of a NEPA re-evaluation pursuant to 24 CFR Part 58.53.

D. The City shall conduct a Greenroads evaluation or its equivalent at the time the NE Sunset Boulevard design is at 30% design level and at the 60% design level.

E. The City shall review the Potential Sunset Terrace Redevelopment Subarea at the time of the five year review in Section 4B in relation to the following evaluation criteria:

(1) Contribution of final conceptual designs to 2030 Regional Vehicle Miles Travelled (VMT) consistent with Final EIS Table 3.2-4, Sunset Terrace Redevelopment Subarea Contribution to Forecast 2030 Regional VMT.

(2) Changes in land use and population growth and resulting greenhouse gas emissions of final conceptual designs compared to Tables 3.2-5 and 3.2-6 of the Final EIS, titled respectively Assumed Land Use and Population Growth for Greenhouse Gas Emission Calculations—Potential Sunset Terrace Redevelopment Subarea and Comparison of Greenhouse Gas Emissions—Potential Sunset Terrace Redevelopment Subarea.

(3) Change in effective impervious area for Sunset Terrace Redevelopment Subarea compared with Final EIS Preferred Alternative and Alternative 3 which resulted in a decrease of approximately 0.51 acre (11%) to 1.07 acres (23%) compared to existing conditions per Table 7 of Planned Action Ordinance Exhibit B.

SECTION 5. - *Conflict.* In the event of a conflict between this Ordinance or any mitigation measure imposed thereto, and any ordinance or regulation of the City, the provisions of this ordinance shall control EXCEPT that the provision of any Uniform Code shall supersede.

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SECTION 6. - *Severability.* Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 7. - *Effective Date.* This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as provided by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2011

Bonnie I. Walton, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2011

Dennis Law, Mayor

Approved as to form:

Lawrence J. Warren, City Attorney

Date of Publication (summary): _____
ORD: _____

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**EXHIBIT A
PLANNED ACTION AREA**

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EXHIBIT B
PLANNED ACTION EIS MITIGATION MEASURES