



AGENDA

STAFF PRESENTATIONS

PUBLIC COMMENT

SHORELINE CITY COUNCIL

VIRTUAL/ELECTRONIC REGULAR MEETING

Monday, August 9, 2021
7:00 p.m.

Held Remotely on Zoom
<https://zoom.us/j/95015006341>

In an effort to curtail the spread of the COVID-19 virus, the City Council meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

The City Council is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:



[Click here to watch live streaming video of the Meeting on shorelinewa.gov](#)



Attend the Meeting via Zoom Webinar: <https://zoom.us/j/95015006341>



Call into the Live Meeting: 253-215-8782 | Webinar ID: 950 1500 6341



[Click Here to Sign-Up to Provide Oral Testimony](#)

Pre-registration is required by 6:30 p.m. the night of the meeting.



[Click Here to Submit Written Public Comment](#)

Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. ROLL CALL		
(a) Proclamation of Celebrate Shoreline	<u>2a-1</u>	
3. APPROVAL OF THE AGENDA		
4. REPORT OF THE CITY MANAGER		
5. COUNCIL REPORTS		
6. PUBLIC COMMENT		

Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to

sign up by 6:30 p.m. the night of the meeting via the [Remote Public Comment Sign-in form](#). Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed up.

7. CONSENT CALENDAR

- (a) Approval of Minutes of Regular Meeting of July 19, 2021 7a-1
- (b) Approval of Expenses and Payroll as of July 23, 2021 in the Amount of \$3,365,205.21 7b-1

8. ACTION ITEMS

- (a) Action on Ordinance No. 940 - Adopting Council's Decision on the Closed-Record Appeal Hearing of the Shoreline Preservation Society Regarding the Naval Hospital Chapel Landmark Designation and Waiving Council Rule of Procedure 3.5 Regarding City Ordinances Requiring Three Readings 8a-1 7:20

9. STUDY ITEMS

- (a) Discussion and Introduction of the King County Regional Homelessness Authority 9a-1 7:50

10. ADJOURNMENT

8:20

Any person requiring a disability accommodation should contact the City Clerk's Office at 206-801-2230 in advance for more information. For TTY service, call 206-546-0457. For up-to-date information on future agendas, call 206-801-2230 or visit the City's website at shorelinewa.gov/councilmeetings. Council meetings are shown on the City's website at the above link and on Comcast Cable Services Channel 21 and Zply Fiber Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proclamation of Celebrate Shoreline		
DEPARTMENT:	Recreation, Cultural and Community Services		
PRESENTED BY:	Mary K. Reidy, Recreation and Cultural Services Superintendent		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Proclamation

PROBLEM/ISSUE STATEMENT:

2021 marks the 26th birthday of the City of Shoreline, which is indeed a reason to Celebrate Shoreline. This annual celebration commemorates the City’s incorporation with activities designed to spark celebration and community spirit. It traditionally takes place over multiple days and venues to encourage community participation. This year will continue to be modified to ensure community safety while still allowing for celebration.

This past year has presented the Shoreline community with new and unique challenges. The community took this as an opportunity to support their neighbors, engage in difficult conversations, and emerge stronger and more resilient, which is a reason to celebrate. Building on these new strengths and relationships will be a continued opportunity for growth as we emerge from the past 16 months.

The traditional large gatherings will be missed again this year, however many of the successful activities launched in 2020 will be back with new elements added to the celebration. Opportunities for the community to connect and support each other remains the focus despite the continued modifications required. Non-perishable food “can castles” will be built again for donation, and people will be challenged to get to know the City through a scavenger hunt similar to last summer’s community Bingo Game.

Highlights of the unique 2021 Celebrate Shoreline activities will focus both on the City’s 26th birthday and the strength of our Shoreline community. Activities include the following:

- *Citywide “Can Castle” Contest.* Based on the wonderful community participation in 2020, participants will again be encouraged to register a team to create a structure made of canned, jarred, and boxed foods. Hopelink will again partner with the City for this event with all food being donated to Hopelink Shoreline after the event.
- *Communitywide Scavenger Hunt.* This multiple-week Scavenger Hunt will offer residents the opportunity to reconnect with our community as we emerge from

the pandemic. New scavenger hunts will be posted on the [Goosechase app](#) each week through the end of August.

- *Shoreline Welcoming Community Art Project.* The Shoreline Welcoming Community Art Project invites all community members to submit an image, drawing, statement, short video, or other work of art that they believe reflects the theme of Shoreline as welcoming place for all. Submissions will be integrated into Welcoming Week activities in September. Residents are encouraged to share what makes them feel welcomed and what the community can do to support that by submitting responses to these beginning phrases:
 - I feel welcome in Shoreline when...
 - We all have a place in Shoreline when...
 - My community makes me feel welcome when...

RESOURCE/FINANCIAL IMPACT:

There is no financial impact to accepting the Celebrate Shoreline Proclamation.

RECOMMENDATION

Staff recommends that the Mayor declare August 15th through August 22nd as a time to Celebrate Shoreline.

ATTACHMENT

Attachment A: 2021 Celebrate Shoreline Proclamation

Approved By: City Manager **DT** City Attorney **MK**



PROCLAMATION

WHEREAS, 2021 marks the 26th birthday of the City of Shoreline, and the annual Celebrate Shoreline event commemorates this landmark of the City's incorporation with activities designed to spark celebration and community spirit; and

WHEREAS, this year Celebrate Shoreline has been reimagined to allow our vibrant, engaged, and connected community to come together as we emerge from a time of quarantine and social distancing; and

WHEREAS, the 2021 Celebrate Shoreline activities will focus both on the City's 26th birthday and the strength of our Shoreline community; and

WHEREAS, a Welcoming Community Art Project which will encourage residents to share the welcoming nature of our Shoreline community; and

WHEREAS, a community wide scavenger hunt promotes residents to get out, meet neighbors and explore the City; and

WHEREAS, the Citywide Can Castle Contest will again this summer challenge teams to create a structure consisting of nonperishable food items, which will be donated to Hopelink;

NOW, THEREFORE, I, Will Hall, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim August 15th through August 22nd, 2021 as a time to

CELEBRATE SHORELINE!

in the City of Shoreline and invite all residents to join in this celebration of community connections, strength, and support.

Will Hall, Mayor

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, July 19, 2021
7:00 p.m.

Held Remotely via Zoom

PRESENT: Mayor Hall, Deputy Mayor Scully, Councilmembers McConnell, McGlashan, Chang, Robertson, and Roberts

ABSENT: None.

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Hall who presided.

2. ROLL CALL

Upon roll call by the Deputy City Clerk, all Councilmembers were present.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

John Norris, Assistant City Manager, provided an update on COVID-19 and reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Deputy Mayor Scully said he attended a meeting of the Lake Ballinger Watershed Forum Alliance and learned that a 70 pound beaver was recently trapped and relocated.

Councilmember McConnell reported that she and Councilmember Roberts attended National League of Cities (NLC) remote meetings this summer. She said NLC is working hard to improve infrastructure but securing funding takes time. She expressed pride in the collaboration between cities that she sees occurring.

Mayor Hall proclaimed September 2021 as National Recovery Month in Shoreline.

6. PUBLIC COMMENT

Jackie Kurlle, Shoreline resident, encouraged ongoing oversight of the Enhanced Shelter as it nears full capacity.

Kathleen Russell, Shoreline resident, spoke on behalf of Save Shoreline Trees. She expressed concern about significant tree removal scheduled on 5th Avenue Northeast and asked if the new sidewalk program is being initiated with transparency of government and if the options offered by resident feedback were considered.

7. CONSENT CALENDAR

Upon motion by Deputy Mayor Scully and seconded by Councilmember McGlashan and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Approval of Minutes of Regular Meeting of June 21, 2021**
- Approval of Minutes of Regular Meeting of June 28, 2021**

8. ACTION ITEMS

- (a) Appointment of Pro and Con Committee Members for City of Shoreline Proposition 1: General Obligation Bonds for Parks, Improvements and Park Land Acquisitions

Eric Bratton, Communications Program Manager, delivered the staff presentation. He explained that one of the Council responsibilities in preparation for adding the Bond Measure to the November General Election Ballot is appointing a Pro and Con Committee to write statements in support of, or in opposition to, the Ballot Measure, which will be included in the Voters' Pamphlet. Mr. Bratton said Council can appoint up to three people for each Committee and described the application process. He said three applications were received for the Pro Committee and one for the Con Committee and summarized the next steps and timeline for the process.

Mr. Bratton said the applicants for the PRO committee are Brian Branagan, Katie Schielke, and Mary Ellen Stone; and the applicant for the CON Committee is Joseph Smith.

Councilmember Robertson moved to appoint Brian Branagan, Katie Schielke, and Mary Ellen Stone to the PRO Committee for Proposition 1. The motion was seconded by Councilmember Roberts.

Councilmember Robertson expressed confidence in the ability of the nominees.

Councilmember McGlashan moved to amend the motion to include the appointment of Joseph Smith to the CON Committee. The motion was seconded by Councilmember McConnell and passed unanimously, 7-0.

The main motion as amended passed unanimously, 7-0.

(b) Action on Ordinance No. 937 - Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing

Julie Ainsworth-Taylor, Assistant City Attorney, delivered the staff presentation. Ms. Ainsworth-Taylor stated that street racing has increased regionally, and nation-wide, over the past year, and listed its negative consequences. She stated that the proposed regulations, which are similar to those being adopted regionally in other cities, include components for both street racers and the spectators, and listed the specifics of the regulations. She displayed a map of the corridors proposed to be designated as Stay Out of Areas of Racing (SOAR) and explained the rationale behind this selection.

Ms. Ainsworth-Taylor displayed a list of the questions posed by Council and responded to each one as follows:

- Should more than 3 corridors be designated? Ms. Ainsworth-Taylor said if additional areas to be included were identified, the regulations could be amended, but a citywide SOAR designation would not fit with the design of the program.
- Will SOAR Orders be effective? Ms. Ainsworth-Taylor reviewed the concerns expressed and said the SOAR Orders are a tool that the Court can impose, but she does not know how often they are used.
- Do Police have authority over both public and private property? Ms. Ainsworth-Taylor said the regulations cover both types of property.
- Will including impoundment have unintended consequences for non-violating owners of vehicles? Ms. Ainsworth-Taylor stated that based on King County Sheriff Office's policies for impoundment, the City does not think so, and added that the judge will have discretion in case-by-case determinations.
- Does proposed SMC 10.22.30(G) have a drafting error? Ms. Ainsworth-Taylor confirmed that there was a drafting error, which has been corrected.

Ms. Ainsworth-Taylor concluded that staff recommends adoption of Ordinance No. 937.

Deputy Mayor confirmed that the SOAR Orders would give the Police the authority to impound a vehicle.

Councilmember McGlashan moved adoption of Ordinance No. 937, Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing. The motion was seconded by Councilmember McConnell.

Councilmember McGlashan said the previous meeting involved a robust discussion and he is comfortable with Ordinance as presented.

Councilmember Roberts moved to strike 10.22.050 – Designation of No Racing Zones and 10.22.060 - Stay Out of Areas of Racing Orders. The motion was seconded by Deputy Mayor Scully.

Councilmember Roberts said he has civil liberty concerns. He feels the important part of the Ordinance is prohibiting street racing and spectating, but SOAR Orders are unnecessary and ineffective.

Deputy Mayor Scully read a section of the staff report that states “As staff noted, many jurisdictions are utilizing SOAR Orders successfully, or more successfully than those cities without the ability to seek such orders” and asked for clarification on how ‘successful’ was determined, which jurisdictions were consulted, and what their response was. Ms. Ainsworth-Taylor said Shoreline Police was the liaison between other jurisdictions and worked primarily with the South King County area. She added that almost every City in Pierce County has adopted street racing regulations that include the SOAR provision but because the regulations are new, as is the rise in street racing, there is not a lot of data on the success of the Orders yet. Deputy Mayor Scully asked if there was any more information on the successes referenced in the staff report. Margaret King, City Attorney, said the statement was based on what was relayed by the King County Sheriff after they had talked to Police Departments about the observed reductions in street racing. She emphasized that cities are being asked to pass similar provisions so there can be consistent treatment regionally. Deputy Mayor Scully said this is no different than Stay Out of Drug Areas (SODA) and Stay Out of Areas of Prostitution (SOAP) Orders, that seems like a good idea but is not an effective law enforcement tool. He described the Order process and explained his concerns with the restrictions. He said the street racing will be stopped by arrests, not by a ‘gotcha’. He said that although he supports the Ordinance, if the SOAR Orders remain part of it, he will not support it.

Councilmember McGlashan said he does not believe that a lot of the racers in Shoreline are Shoreline residents, and the SOAR Orders could act as a deterrent to keep residents from participating in street racing. Criminal activity needs to have consequences.

Councilmember Robertson asked how long a SOAR Order is attached to the individual. Ms. Ainsworth-Taylor said it would be up to the judge’s discretion.

Mayor Hall said his understanding of who the participants are aligns with Councilmember McGlashan’s observation and reflected on past racing occurrences in Shoreline. He said laws are established in order to reduce bad behavior that affects quality of life for others, and most people abide by the laws. He recognized that SOAR Orders can only be ordered by a judge and would be a helpful deterrent to give the prosecuting attorney and the judge the option to apply them. He is impressed with the success of the regional cooperation in South King County and said collaborating with other government agencies will help put an end to this around the region. He prefers the Ordinance as presented by staff.

Councilmember Roberts asked if the SOAR Orders are only for repeat offenders, and Ms. Ainsworth-Taylor described the intent of the discretionary provision and gave examples of how the Orders might be applied. Councilmember Roberts expressed concern with the amount of discretion associated with issuing SOAR Orders.

The motion to amend failed, 3-4, with Deputy Mayor Scully and Councilmembers Roberts and Robertson voting in the affirmative.

The main motion passed, 5-2, with Deputy Mayor Scully and Councilmember Roberts voting in opposition.

9. STUDY ITEMS

- (a) Discussion of Ordinance No. 934 - Amending Development Code Chapter 20.30 to Add Procedures for Subdivision Vacations and Resolution No. 481 - Adopting a Fee for Subdivision Vacations

Cate Lee, Senior Planner, delivered the staff presentation. Ms. Lee described the process and purpose of subdivisions, explaining that a plat is the document that officially shows that division of land. Plat alterations have been in the Shoreline Development Code since 2019, and an alteration allows one or more aspects of the plat document to be changed. She said a subdivision vacation is when the entire subdivision or portion of subdivision is returned to the pre-subdivided conditions. Ms. Lee said there are instances in which it makes sense to return a subdivision to its presubdivision state so it can be redeveloped. She reviewed the proposed subdivision vacation process and outlined the review done by the Planning Commission.

Councilmember Roberts asked what conditions are required to be eligible to submit for a subdivision vacation and Ms. Lee responded that the requirement is that all property owners would need to make the request and described the value of required neighborhood meetings in such situations.

It was agreed that Ordinance No. 934 would return as a Consent Item.

10. ADJOURNMENT

At 7:59 p.m., Mayor Hall declared the meeting adjourned.

Allison Taylor, Deputy City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of July 23, 2021
DEPARTMENT:	Administrative Services
PRESENTED BY:	Sara S. Lane, Administrative Services Director

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$3,365,205.21 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
06/27/21-07/10/21	7/16/2021	97838-98067	17464-17498	82952-82956	\$625,464.99
06/27/21-07/10/21	7/16/2021			WT1195-WT1196	\$115,060.40
					<u>\$740,525.39</u>

***Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
7/21/2021	1197	\$20,720.61
		<u>\$20,720.61</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
7/14/2021	82847	82854	\$2,800.00
7/14/2021	82855	82869	\$244,261.94
7/14/2021	82870	82884	\$93,787.44
7/14/2021	82885	82885	\$689,596.59

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
7/14/2021	82886	82892	\$989,810.02
7/14/2021	82893	82916	\$69,680.11
7/19/2021	82917	82917	\$459.64
7/19/2021	82918	82919	\$65,116.20
7/21/2021	82920	82935	\$333,323.92
7/21/2021	82936	82936	\$2,860.00
7/21/2021	82937	82942	\$6,128.62
7/21/2021	82943	82950	\$106,134.73
7/21/2021	82753	82753	(\$40.00)
7/21/2021	82951	82951	\$40.00
			<u>\$2,603,959.21</u>

Approved By: City Manager **DT**

City Attorney **MK**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Ordinance No. 940 - Adopting Council's Decision on the Closed-Record Appeal Hearing of the Shoreline Preservation Society Regarding the Naval Hospital Chapel Landmark Designation and Waiving Council Rule of Procedure 3.5 Regarding City Ordinances Requiring Three Readings
DEPARTMENT:	City Attorney
PRESENTED BY:	Margaret King, City Attorney Julie Ainsworth-Taylor, Assistant City Attorney
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/>

PROBLEM/ISSUE STATEMENT:

On July 26, 2021, the City Council held a closed-record appeal hearing on an appeal filed by the Shoreline Preservation Society (SPS). The decision being appealed was the Shoreline Landmarks Commission's (Shoreline Commission) revised designation of the Naval Hospital Chapel, located within the Fircrest Campus at 1902 NE 150th Street in Shoreline. The revised designation was based on a Request for Reconsideration filed by the Washington State Department of Social and Health Services (DSHS) and, after holding a hearing on March 25, 2021, resulted in a modification to a portion of the landmark boundary.

After reviewing the Record and considering briefing submitted by SPS and DSHS, and arguments presented at the July 26 hearing by SPS, DSHS, and the Shoreline Commission, the City Council determined to remand the matter to the Shoreline Commission based on Issue No. 7 which asserted that the Shoreline Commission failed to provide timely public notice.

Tonight, the City Council will consider adoption of proposed Ordinance No. 940 which provides the findings and conclusions supporting its decision. In considering proposed Ordinance No. 940, the City Council will need to waive Council Rule 3.5 which requires ordinances to have three readings.

RESOURCE/FINANCIAL IMPACT:

Action on proposed Ordinance No. 940 has no financial impact.

RECOMMENDATION

Staff recommends that the City Council review the Findings and Conclusions drafted by Staff as set forth in Exhibit A to Attachment A to ensure they adequately reflect the City

Council's decision. After the Findings and Conclusions are deemed appropriate, Staff recommends that the City Council waive Council Rule 3.5 and adopt Ordinance No. 940 to effectuate its decision and to direct the City Clerk to cause the City Council's decision to be promptly sent to the Shoreline Landmark Commission.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

On July 26, 2021, the City Council held a closed-record appeal hearing on an appeal filed by the Shoreline Preservation Society (SPS). The decision being appealed was the Shoreline Landmarks Commission's (Shoreline Commission) revised designation of the Naval Hospital Chapel, located within the Fircrest Campus at 1902 NE 150th Street in Shoreline. The revised designation was based on a Request for Reconsideration filed by the Washington State Department of Social and Health Services (DSHS) and, after holding a hearing on March 25, 2021, resulted in a modification to a portion of the landmark boundary.

In its appeal, SPS presented nine (9) issues. After reviewing the Record and considering briefing submitted by SPS and DSHS, and arguments presented at the July 26 hearing by SPS, DSHS, and the Shoreline Commission, the City Council determined to remand the matter to the Shoreline Commission based on Issue No. 7 which asserted that the Shoreline Commission failed to provide timely public notice.

The Staff Report for the July 26, 2021, appeal hearing can be viewed here: [QUASI-JUDICIAL: Closed-Record Appeal Hearing - Shoreline Preservation Society, Regarding Naval Hospital Chapel Landmark Designation.](#)

The City Council's final decision must be adopted by ordinance and is to be supported by findings of fact and reasons justifying its decision. Tonight, the City Council will consider adoption of proposed Ordinance No. 940 (Attachment A) which provides the findings and conclusions supporting its decision.

DISCUSSION

At the July 26 appeal hearing, after the City Council's deliberation on the nine (9) issues presented by SPS, the Council directed Staff to prepared findings consistent with those deliberations and remanding the matter to the Shoreline Commission based on a failure to provide timely notice of the March 25, 2021 public hearing where the Petition for Reconsideration was considered.

The issues presented by SPS and the Council decision on each of those issues are shown below:

1. Did the Shoreline Landmark Commission err in granting the Motion for Reconsideration filed by DSHS because it did not apply the proper legal standard for a motion for reconsideration?

Council Decision: No Error

2. Did the Shoreline Landmark Commission err when it concluded that revising the eastern boundary to exclude the proposed 60 feet by 240 feet section would not have a significant adverse impact on the integrity and character of the Chapel setting?

Council Decision: No Error

3. Did the Shoreline Landmark Commission err because it failed to give due consideration to the findings set forth in the February 2, 2021, Findings and Fact and Decision of the Shoreline Landmark Commission?

Council Decision: No Error

4. Did the Shoreline Landmark Commission err when it did not accept testimony and arguments on protecting the existing landmark from environmental harm?

Council Decision: No Error

5. Did the Shoreline Landmark Commission err to the extent it considered evidence of DSHS's intent to use and develop the Fircrest property in the future?

Council Decision: No Error

6. Did the Shoreline Landmark Commission err to the extent its decision to revise the boundary was a response to a threat of litigation by DSHS?

Council Decision: No Error

7. Was the Appeal Action the result of an unfair and improper public process due to a lack of reasonable public notice and unfair timeline causing substantial harm to Appellant?

Council Decision: Error, failed to provide timely notice; Remand

8. Was the Appeal Action the result of an unlawful and unfair hearing process because Appellants were not given the opportunity to rebut DSHS arguments recently presented to Appellant?

Council Decision: No Error

9. Was DSHS required to notify the Washington State Department of Archaeology and Historic Preservation or tribal groups of its motion for reconsideration?

Council Decision: No Error

Pursuant to the City Council's direction, Staff prepared Findings of Fact and Conclusions to support the Council's decision. Those Findings and Conclusions are attached to this Staff Report as Exhibit A to proposed Ordinance No. 940. As noted above, tonight, the City Council will consider adoption of Ordinance No. 940 which provides the findings and conclusions supporting its decision. In considering proposed Ordinance No. 940, the City Council will need to waive Council Rule 3.5 which requires ordinances to have three readings.

RESOURCE/FINANCIAL IMPACT

Action on proposed Ordinance No. 940 has no financial impact.

RECOMMENDATION

Staff recommends that the City Council review the Findings and Conclusions drafted by Staff as set forth in Exhibit A to Attachment A to ensure they adequately reflect the City Council's decision. After the Findings and Conclusions are deemed appropriate Staff recommends that the City Council waive Council Rule 3.5 and adopt Ordinance No. 940

to effectuate its decision and to direct the City Clerk to cause the City Council's decision to be promptly sent to the Shoreline Landmark Commission.

ATTACHMENTS

Attachment A: Ordinance No. 940

Exhibit A: Findings of Fact and Conclusions

ORDINANCE NO. 940

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
SETTING FORTH THE CITY COUNCIL'S DECISION ON THE APPEAL
OF THE SHORELINE PRESERVATION SOCIETY REGARDING THE
LANDMARK DESIGNATION OF THE SHORELINE NAVAL CHAPEL
ON THE FIRCREST SCHOOL CAMPUS.**

WHEREAS, Pursuant to an Interlocal Agreement with King County and Shoreline Municipal Code (SMC) Chapter 15.20 Landmarks Preservation, the King County Landmarks Commission serves as the Shoreline Landmarks Commission (hereinafter, the "Commission") to provide historic landmark designation and protection for the City; and

WHEREAS, as provided for in Chapter 15.20 SMC and the rules of procedures for the Commission, the City Council hears appeals of a decision of the Commission; and

WHEREAS, the Shoreline Preservation Society sought landmark designation of the Shoreline Naval Chapel on the Fircrest School Campus (Chapel). On February 2, 2021, the Commission issued a decision designating the Chapel and a surrounding forested area as a Shoreline landmark; the Washington State Department of Health and Human Services (DSHS) sought reconsideration of that decision; and

WHEREAS, on March 25, 2021, the Commission held a public hearing to consider DSHS's request for reconsideration, heard arguments from DSHS, Shoreline Preservation Society, the Washington State Department of Natural Resources, and members of the public. The Commission determined that the landmark boundary could be slightly modified without negative impacts to the integrity and character of the Chapel; and

WHEREAS, on April 22, 2021, the Commission issued a revised decision with the modified boundary; the Shoreline Preservation Society filed an appeal of that decision to the City Council on May 20, 2021, setting forth nine (9) issues; and

WHEREAS, on July 26, 2021, the City Council held a closed record appeal hearing to consider arguments of the Shoreline Preservation Society, DSHS/DNR, and the Commission along with information contained in the Record; and

WHEREAS, the City Council determined that of the nine (9) issues presented, only the issue alleging untimely notice of the March 25, 2021 public hearing had merit and that the Commission's failure to provide timely notice warranted remand for the Commission to hold a properly noticed public hearing; and

WHEREAS, on August 9, 2021, the City Council considered the Findings of Fact and Conclusions drafted by the City Attorney's Office and waived Council Rule 3.5 to take action on this Ordinance;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact and Conclusions.

A. The City Council hereby adopts the Findings of Fact and Conclusions set forth in Exhibit A to this Ordinance as the findings and conclusions supporting its decision on the Shoreline Preservation Society’s appeal.

B. The City Council hereby finds and concludes that with the exception of Issue No. 7, the Shoreline Preservation Society failed to demonstrate the Shoreline Landmarks Commission erred.

Section 2. Remand to Shoreline Landmarks Commission.

A. The City Council hereby finds and concludes the Shoreline Preservation Society demonstrated, and the Record supports, that the Shoreline Landmarks Commission failed to give timely public notice of the March 25, 2021 public hearing and remands this matter to the Shoreline Landmarks Commission to hold a properly noticed public hearing on DSHS’s request for reconsideration.

B. The City Clerk is hereby directed to send a certified and complete copy of this Ordinance to the Shoreline Landmarks Commission as soon as reasonably possible but no later than its effective date.

Section 3. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication. This Ordinance shall not be codified.

PASSED BY THE CITY COUNCIL ON AUGUST 9, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On Behalf of Margaret King, City Attorney

Date of Publication: , 2021
Effective Date: , 2021

**FINDINGS AND CONCLUSIONS
OF THE
SHORELINE CITY COUNCIL**

**IN THE APPEAL OF THE SHORELINE PRESERVATION SOCIETY’S APPEAL OF
THE SHORELINE LANDMARKS COMMISSION’S APRIL 22, 2021, DECISION ON
RECONSIDERATION RELATED TO THE LANDMARK DESIGNATION
OF THE SHORELINE NAVAL CHAPEL**

A. FINDINGS OF FACT

1. Based on Shoreline Municipal Code (SMC) Chapter 15.20, Landmarks Preservation, and an Interlocal Agreement with King County, the King County Landmarks Commission serves as the Shoreline Landmarks Commission (hereinafter, the “Commission”) to provide historic landmark designation and protection for the City.
2. On September 28, 2020, Northwest Vernacular, on behalf of the Shoreline Preservation Society (“SPS”), filed a Landmark Registration Form with the Commission seeking Shoreline Landmark designation of the Naval Hospital Chapel (“Chapel”) as well as adjacent forested landscape and pathways surrounding the Chapel. The Chapel and adjacent property are all located on the State of Washington’s Fircrest School Campus (Index No. 1). The Fircrest School Campus, Tax Parcel 162604-9010, is an approximately 90-acre parcel owned and managed by two Washington State departments – the Department of Health and Human Services (“DSHS”) and the Department of Natural Resources (“DNR”). The Chapel was constructed in 1944 and, until 1959, the Fircrest School Campus was the home of the U.S. Navy Hospital, including the Chapel. The Campus now serves as a residential/school facility for individuals with developmental disabilities. The total area sought to be designated was approximately 3 acres. *Index 1, Index 32(D), Index 106.*
3. On November 19, 2020, the Commission held a public hearing to discuss SPS’s landmark designation request (November Hearing, Index No. 32). Commissioners Handy, Lemay, Moore, Ossa, Earley, Lake, Pilgrim, and Blue, along with Shoreline special member Galuska, were present. The Commission heard from SPS and DSHS along with accepting public comment (oral and written). At this public hearing, DSHS requested the proposed boundary be moved eastward and SPS representative Young suggested a compromise on amending the eastern boundary by carving out the area needed for future parking in advance. The Commission decided to continue the discussion until a future Commission

hearing as details regarding designation boundaries and interior features needed to be better defined. *Index 32(F), 32(H), 32(I)*.

4. On January 28, 2021, the Commission continued the public hearing on the application for designation. (January Hearing, Index No. 50). Commissioners Lake, Lemay, Moore, and Earley (who were present at the November Hearing) along with Commissioners Kralios, Alsobrook, Woo, and Tucker (who were not at the November Hearing) participated as did Shoreline’s special member Galuska. The Commission heard from SPS and DSHS along with accepting additional public comment (oral and written). At this public hearing, there were two (2) maps initially presented: one map was the boundary as proposed in the original nomination, the other map was one submitted by DSHS that showed a relocated eastern boundary line approximately 80 feet to the west.

The Record reflects that the Commissioners deliberated extensively on the appropriate boundaries and the buffering effect of the landscape. The Commission crafted a “compromised boundary” which was subsequently defined as being an area that retained the parking lot and pathways as contributing features but adjusted the boundary to include the area south of the parking lot. Afterward, Commissioner Lemay showed a revised map that she had hand drawn. Lemay’s map included the area to the north of the parking lot rather than to the south. The deliberations reveal there was confusion amongst the Commissioners on the boundary line and the Record denotes that the vote was for the boundaries as originally nominated with an amendment – the south line revised to exclude the area to the south of the contributing parking lot. A revised map reflecting the revision was subsequently prepared by Northwest Vernacular at the request of the Commission. On February 2, 2021, the Commission issued its Findings of Fact and Decision memorializing this designation which included the revised map prepared by Northwest Vernacular. *Index 1, Index 50(F), 50(I), 50(J), Index 52, Index 55*.

5. On February 21, 2021, DSHS filed a timely Petition for Reconsideration pursuant to Commission Rule IX(2) (Index No. 59). With its Petition, DSHS asserted that the Commission based its decision regarding the eastern boundary on apparent errors or omissions of fact as to the “compromised” boundary line. There is nothing in the Record that demonstrates that either DSHS or the Commission provided the Petition for Reconsideration to SPS or any other member of the public at the time of filing or a reasonable time thereafter. While not required by the Commission’s Rules, the Commission determined that a public hearing on the Petition for Reconsideration should be held and scheduled the hearing for March 25, 2021. The Landmarks Coordinator sent notice to DSHS on March 18, 2021, but did not send notice to SPS and other interested parties of record until March 19, 2021. *Index 49, Index 59, Index 66, and Index 71*.
6. On March 25, 2021, the Commission held a public hearing to consider DSHS’s Petition for Reconsideration (March Reconsideration Hearing, Index No. 86). After hearing from DSHS, SPS, and members of the public, the Commission modified the boundary to exclude the area to the north of the contributing parking lot and include the area to the south of the contributing parking lot.
 - a. Five (5) of the same Commissioners that were present at the January Public Hearing, including Shoreline’s special member Galuska, attended the hearing. Commissioners Lemay, Woo, and Tucker were absent. Commissioner Blue, who was not in attendance

- at the January Public Hearing, was present at the reconsideration hearing and participated. Commissioners Blue and Lake conducted a site visit prior to the March Reconsideration Hearing. *Index 86(J), 86(M)*.
- b. Landmarks Coordinator Sarah Steen advised the Commission that for the March Reconsideration Hearing the Commissioners' review was to be based on: (a) evidence submitted at the previous hearing and documentation of current site conditions; (b) public comment related to the potential impact of revising the boundary to the feeling and setting of the Chapel building; and (c) the Commission's review of prior hearing deliberations concerning the boundary and impact assessment of a boundary revision on the feeling and integrity of the Chapel building. *Index 86(A), 86(J)*.
 - c. DSHS put forth argument supporting its Petition for Reconsideration, specifically that the designation boundary was inconsistent with the Commission's deliberations at the January Public Hearing. Public comment was received generally opposing revising the boundary. Issues presented during the parties' statements and public comment included DSHS's future plans for the Fircrest property, the historical importance of the forest setting to the Chapel, and the importance of trees within that setting along with habitat they provide. Specifically, Richard Ellison, a retired professor, testified about "edge effects" and forest conditions. *Index 86(J), 86(M)*.
 - d. Commissioner Earley stated she believed the Commission was not confused when voting in January. There was, however, also Commissioner and public testimony conceding that there was confusion about the boundary. *Index 86(H), 86(J), 86(M)*.
7. On April 9, 2021, the Commission issued its Preliminary Determination of Boundary Revision (Index No. 92) and, at an April 22, 2021, meeting the Commission formally adopted the final landmark designation map after confirming it adequately reflected the deliberations at the March Reconsideration Hearing (Index No. 105). Commissioners Lake, Lemay, Moore, Tucker, Kralios, Alsobrook, Blue, and Woo were in attendance, however, since they were not at the March Reconsideration Hearing and did not have an opportunity to fully review the record, Commissioners Lemay, Tucker, and Woo abstained from the vote. Public comments were accepted by the Commission regarding the map. The Commission's Findings of Fact and Decision with the new map was issued on April 22, 2021. *Index No. 105(D), 105(G), Index 106*.
 8. On May 20, 2021, SPS submitted a timely Notice of Appeal to the City of Shoreline appealing the Commission's granting of reconsideration and the modification of the landmark boundary. Based on SPS's Notice of Appeal, nine (9) issues were identified by the City and those issues were set forth by the City Clerk in a Notice of Hearing and Case Schedule issued June 2, 2021. SPS and DSHS/DNR filed briefing in conformance with the Clerk's Notice.
 9. On July 26, 2021, the Shoreline City Council held a closed record hearing to consider SPS's appeal (July Appeal Hearing).
 - a. SPS was represented by Janet Way, Lance Young, and Wendy DiPeso. DSHS/DNR was represented by Assistant Attorney General Joseph Christy. The Landmarks Commission was represented by Sarah Steen, Landmarks Coordinator. All of the

parties were each allowed to present their arguments followed by an opportunity for the City Council to ask clarifying questions.

- b. The City Attorney confirmed that all councilmembers participating in the July Appeal Hearing stated that they could do so in an unbiased and impartial manner, consistent with Washington's Appearance of Fairness Doctrine as it relates to quasi-judicial proceedings. Any councilmember that had any communications with any of the parties disclosed the communication on the record. Parties were asked if they had any objections to any member participating in the July Appeal Hearing. There were no objections.
- c. Issue 1 alleges that the Commission erred when it granted DSHS's Petition of the Reconsideration. Commission Rule IX(2) states that an aggrieved person may petition the Commission for reconsideration on the grounds that the decision was based on (i) errors or omissions of fact or (ii) that new information bearing on the decision, and not reasonably available to the petitioner at the time of the decision, is available. DSHS's Petition stated that it was based on errors or omissions of fact relating to the Commission's confusion over the area that was to be excluded via the Commission's compromised boundary. SPS asserted that the Commission did not comply with the legal standard in Rule IX(2) because there was no error of fact as the Commissioners knew what they were voting on. *Index 59; DSHS Response Brief; Argument of DSHS; SPS Opening Brief and Reply Brief; Argument of SPS; Argument of Landmarks Commission.*
- d. Issue 2 alleges that the Commission erred when it found that a revision to the boundary would not have an adverse impact on the integrity and character of the Chapel setting. SPS argued about the initial design of the Chapel and the importance of its setting for Navy Captain Boone, citing to the original nomination form (Index No. 1). DSHS noted that SPS's original nomination did not provide specific evidence that the area north of the parking lot was integral to the integrity of the Chapel site and there was no basis for concluding that it is integral given the speculative argument presented by SPS. *SPS Opening and Reply Brief; Argument of SPS; DSHS Response Brief, Argument of DSHS; Argument of Landmarks Commission.*
- e. Issue 3 contends the Commission was required to, but did not, give consideration to the February 2 Decision. The Record denotes that all of the previous evidence was available to the Commission for the March Reconsideration Hearing and the Commission was advised that the information was to be utilized when addressing the Petition for Reconsideration. *Index 86(A), SPS Opening Brief and Reply; Argument of SPS, DSHS Response Brief, Argument of DSHS; Argument of Landmarks Commission.*
- f. Issue Numbers 4, 5, and 6 allege errors based on the Commission's: failure to accept testimony, incorrectly basing its decision to revise the boundary on DSHS's future use of the Fircrest School Campus, and improperly ceding to DSHS's threat of litigation. DSHS's responds that the Commission did not prohibit any testimony and that there is no evidence in the Record that the Commission's decision of DSHS's Petition for Reconsideration was based on future development plans or legal threats. The Commission argued that the area removed was topographically and visually separated and, therefore would not negatively impact the Chapel. The Commission further

argued that it had no authority to address environmental concerns. SPS presented expert testimony, through Richard Ellison that, according to SPS, provided a technical scientific opinion on the potential environmental harm of the boundary revision due to edge effects and the buffering function the forested area was providing to existing trees and landscape closer to the Chapel.

The Record does denote discussion on the future of the Fircrest School Campus, but the Commission argued that regardless of DSHS's future intent, the Commission evaluates only the impact to the historic resource. The Record also denotes that the Assistant Attorney General representing DSHS at the March Reconsideration Hearing made statements about future appeals if the Commission's decision was adverse to DSHS. *DSHS Response Brief; Argument of DSHS; Index 86(H), 86(J), 86(M); SPS Opening Brief and Reply Brief, Issue No. 4; Argument of SPS; Argument of Landmarks Commission.*

- g. Issue 7 alleges error based on inadequate public notice. Ms. Sarah Steen, Landmarks Coordinator for the Commission, testified at the July 26 Appeal Hearing that at least ten (10) calendar days' notice should have been provided as stated in the Commission's Rules of Procedure (Index 49) and that she did not provide the required notice. SPS stated that the Commission violated their own Rules regarding required notice and that SPS did not have enough time to adequately prepare for the March Reconsideration Hearing, preventing them collecting necessary information, seeking legal help, and/or preparing effective evidence and argument in response to the Petition for Reconsideration. DSHS asserted that even if notice was untimely, SPS was not substantially harmed because they presented written and oral argument for the March Reconsideration Hearing. *Argument of Landmarks Commission, SPS Opening Brief and Reply Brief, Issue No. 7; Argument of SPS, DSHS Response Brief, Issue No. 7; Argument of DSHS.*
- h. Issue 8 alleges error based on a failure of the Commission to allow SPS to rebut DSHS's closing argument. SPS contends that as the applicant of the original nomination, it should have been given the opportunity to rebut DSHS's closing argument. Both DSHS and the Commission argued to the contrary. *SPS Opening Brief, Issue 8; Argument of SPS, DSHS Response Brief, Argument of DSHS; Argument of Landmarks Commission.*
- i. Issue 9 relates to Washington State Governor's Executive Order 21-02 (EO 21-02), dated April 7, 2021, which requires state agencies to consult with DAHP and tribal groups. SPS contends that DSHS violated EO 21-02 because it did not consult. DSHS/DNR responded that its Petition for Reconsideration was not a "project" subject to EO 21-02 and the City Council has no enforcement authority for this executive order. The Commission argued that regardless of whether the state owns the land, the landmark preservation regulations are an overlay, similar to zoning, and not subject to EO 21-02. EO 21-02 was submitted to the Commission on April 14, 2021, with a letter asserting that DSHS was required to comply with EO 21-02 when submitting its Petition for Reconsideration. *Index 94; SPS Opening Brief and Reply; Argument of SPS; DSHS Response Brief, Argument of DSHS; Testimony of Landmarks Commission.*

B. CONCLUSIONS

Based on the above Findings of Fact, the City Council finds and concludes the following:

Issue 1 – The Shoreline Landmarks Commission did not err when it granted DSHS’s Petition for Reconsideration.

Commission Rule IX(B) establishes the threshold for reconsideration. It requires a party seeking reconsideration demonstrate that the decision was based on errors or omissions of fact or that there is new information not previously available. DSHS’s Petition for Reconsideration claimed there was an error of fact. The error asserted by DSHS was the boundary designation shown in the February 2, 2021, Decision was erroneous in that it did not reflect the deliberations of the Commission during the January Public Hearing. While SPS cites to Commissioner Earley’s statement that she believed the Commission was not confused by the time of the vote, the deliberations of the Commission do not expressly support this statement. The Record shows that the Commission performed due diligence as to the boundary through the March Reconsideration Hearing, utilizing new information provided by DSHS and a site visit by some of the Commissioners prior the March Reconsideration Hearing.

The City Council finds and concludes that the Shoreline Landmarks Commission properly granted DSHS’s Petition for Reconsideration consistent with the Commission’s Rules.

Issue 2 – The Shoreline Landmarks Commission did not err when it concluded that modifying the boundary would not have an impact on the integrity and character of the Chapel setting.

The Record reflects that the forest surrounding the actual Chapel building was intended to provide a sanctuary for those individuals convalescing on the Fircrest School Campus during the 1940s and 1950s. In its February 2, 2021, Decision, the Commission expressly found that the forest setting was integral to the historic character of the site. With DSHS’s Petition for Reconsideration, the question was which part and how much of the forest setting should be included in the designation in order to preserve the historic integrity and character of the Chapel setting.

The Record demonstrates that at the March Reconsideration Hearing, as well as the two (2) prior public hearings, the issue of the extent of the forest setting was before the Commission. At the November Public Hearing, DSHS first presented its request to revise the eastern boundary and the reason the Commission continued the hearing was to allow it to further consider the boundary issue. At the January Public Hearing, there was extensive testimony and Commission deliberations regarding the appropriate boundary in relationship to the forest setting. And, given the fact that the sole issue before the Commission at the March Reconsideration Hearing was the location of the boundary, again, extensive testimony was presented on the boundary and the Commission deliberated fully on the issue.

The Record is clear that the Commission found the Chapel possessed historic integrity, in part, because of its forested setting and how this forested setting created a sanctuary around the Chapel. Public comment spoke to how loss of the forested setting could change the experience for those

visiting the Chapel. However, the Record also reflects that the Commission considered how excluding the area north of the parking lot would impact the Chapel's historic integrity during the March Reconsideration Hearing. The Record reveals that there were multiple proposals for the boundary and that the Commission's deliberations demonstrate that it properly delineated an appropriate boundary for the landmark designation. The City Council, in reviewing the Record, found the "forested feel" was integral to the integrity and character of the Chapel, but a majority of the City Council found that the modified boundary maintained the historical nature of the Chapel setting, in part, because of historical and current photographs, topography, and the Commission's deliberations.

Four (4) members of the City Council concluded that the Commission did not err, and two (2) members of the City Council concluded the Commission did err. Based on a vote of 4 to 2, the City Council finds and concludes that the Shoreline Landmarks Commission did not err when it concluded the boundary modification would not impact the integrity and character of the Chapel setting.

Issue 3 – SPS provides no evidence that the Shoreline Landmarks Commission failed to give due consideration to the findings set forth in the February 2, 2021 Decision.

The Commission's February 2, 2021, Decision, along with the information compiled in reaching that Decision, was in the Record and available to the Commission at the March Reconsideration Hearing. The Record shows that the Commissioners were advised that review of DSHS's Petition for Reconsideration was to be based on evidence from previous hearings and a review of prior deliberations concerning the boundary and impact assessment of a boundary revision on the feeling and integrity of the Chapel building. Pursuant to Commission Rule IX(B)(2)(B), when considering a Petition for Reconsideration the Commission is expressly permitted to modify or reverse its prior decision and render a revised decision. Therefore, under their own rules, the Commission is not bound by the findings contained in the February 2, 2021, Decision. Issuance of a revised decision does not mean the Commissioners did not consider all evidence that had been presented to it during all hearings.

The City Council finds and concludes that, even if required, SPS did not provide evidence to support a finding that the Commission failed to give due consideration to its previous findings or to any other evidence in the Record when making its decision to modify the boundary. All information, starting with the nomination application, was available to the Commission when considering reconsideration.

Issue 4 – The Shoreline Landmarks Commission did accept testimony and arguments on environmental harm.

It is clear from the Record of the March Reconsideration Hearing, that the Commission did not prohibit testimony by SPS or any member of the public on the boundary issue or any other subject matter. At the Reconsideration Hearing, the Record shows that SPS and other members of the public testified on various subjects, including environmental harm. The Record reflects that SPS actually presented expert testimony that, according to SPS, provided a technical scientific opinion on the potential environmental harm of the boundary revision. Richard Ellison testified to edge

effects and the buffering function the forested area was providing to existing the trees and landscape closer to the Chapel and altering it could impact the overall setting of the Chapel.

In their briefing, SPS attempts to transform this issue statement to an error based on an allegation that the Commission did not consider this testimony or arguments. SPS bases this allegation on Commissioner Blue's statement that the Commission didn't have the authority to consider habitat or environmental issues when considering the boundary change but only whether the change would compromise the forest setting of the Chapel. KCC 20.62.040 Designation Criteria, which is incorporated by reference in SMC 15.20.025(B), lists eight (8) basic criterion for designating a landmark. Noticeably absent from the criteria is any express reference to the environmental issues. Despite this, the City Council recognizes the health of the forest is an important aspect to consider for the preservation of the Chapel.

Given the extensive written documentation and oral testimony permitted by the Commission, it is evident that the Commission was aware of potential environmental harms when considering the boundary revision. Therefore, the Commission was equipped to understand how the revision could impact the Chapel that is being protected under the landmark regulations. The Record, however, is not clear as to whether the Commission actually considered the environmental harms in coming to their decision, but, given the forest setting, the City Council believes environmental impacts could have been considered.

The City Council finds and concludes that the Commission did accept testimony and arguments on environmental harms. The City Council further finds and concludes that the Commission is not explicitly charged with designating a landmark based on environmental values.

Issue 5 – SPS does not demonstrate the Shoreline Landmarks Commission modified the boundary based on DSHS's intent to use and develop the Fircrest property in the future.

The Record does contain information about DSHS's proposed plans for the Fircrest Campus in its entirety and that there is a possibility of future development around the Chapel. The purpose of the landmark designation process is to protect a historic site from future development. Accordingly, to some degree, the Commission, for all designations, considers future plans to some extent. SPS cites to nothing in the Record that the Commission approved the boundary change solely to accommodate future development plans of DSHS.

The City Council finds and concludes that the Shoreline Landmarks Commission did not err to the extent it considered evidence of DSHS's intent to use and develop the Fircrest property.

Issue 6 – There is nothing in the Record that demonstrates the Shoreline Landmarks Commission decision to revise the boundary was in response to a threat of litigation by DSHS.

While the City Council agrees the statements made by the DSHS representative and the Assistant Attorney General at the March 25 Reconsideration Hearing are upsetting and reflect a lack of professionalism and decorum, SPS has cited to nothing in the Record that the Commission was intimidated or based its decision to modify the boundary on threats of future litigation. The

boundary revision passed by a vote of 4 to 2, therefore, even assuming Commissioner Alsobrook was impacted, had he not abstained and otherwise would have voted against the modification, it still would not have changed the Commission's final decision.

The City Council finds and concludes that SPS has not demonstrated the Commission revised its previous decision based on a threat of litigation.

Issue 7 – The Shoreline Landmarks Commission failed to give reasonable notice of the public hearing on DSHS's Petition for Reconsideration.

Within the King County Code provisions incorporated by Chapter 15.20 SMC, there is no express reference to a time period for providing notice of a Petition for Reconsideration, nor is there a general notice requirement for public hearings. Absent a regulatory requirement, the agency's own rules apply. Commission Rule IX(2)(B) gives the Commission discretion on whether to hold a public hearing for a Petition for Reconsideration. The Commission decided to hold a public hearing on DSHS's Petition, therefore subjecting itself to the Commission's Rules on public hearings. Rule III(C) states that notice for all public hearings is to be published no more than twenty (20) days nor less than ten (10) days before the hearing. Having decided that a public hearing was appropriate, the Commission was then required to follow its public hearing notice. By the Commission's own testimony, it is indisputable that Rule III(C) was not satisfied. Notice was provided only six (6) days in advance of the hearing.

The purpose of specific requirements for public notice is to ensure that interested individuals have sufficient time to prepare for the hearing so that their comments can provide the decisionmakers with the information necessary to make an informed, intelligent decision. DSHS contended that even if notice was defective, SPS did not suffer substantial harm as they were able to present information, both orally and in writing, at and prior to the hearing. While this may be true, based on the Record the City Council could not determine the untimely notice was nevertheless harmless to SPS

Given this failure, the City Council finds and concludes that the Commission failed to give notice of the March Reconsideration Hearing pursuant to the Commission's Rules. Accordingly, the City Council remands this matter to the Commission to consider DSHS's Petition for Reconsideration consistent with its prior finding that a public hearing be required for the matter and to have the hearing comply with all of the Commission's Rules, including timely notice, to the nomination applicant and interested parties.

Issue 8 – Shoreline Preservation Society did not have a legal right to rebut DSHS's closing argument.

While the Commission's Rules do not state how a reconsideration hearing should be organized and there was some confusion in this regard, the format utilized by the Commission is within its discretion and notably is consistent with the format a court would utilize. Since DSHS was the party seeking reconsideration, they should have the last word regardless of who was the original applicant for the landmark nomination.

The City Council finds and concludes that the hearing process was not unlawful or unfair when SPS was not given the opportunity to rebut DSHS's closing arguments.

Issue 9 – Executive Order 21-02 did not require DSHS to notify the Washington State Department of Archaeology and Historic Preservation or tribal groups of its Petition for Reconsideration.

EO 21-02 requires consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) and affected tribes on state-funded construction and acquisition projects. It must first be noted that the Governor's Executive Order that serves as a basis for this issue was not submitted to the Commission until after the March Reconsideration Hearing. More importantly, Executive Order 21-02 was not signed by the Governor until April 7, 2021, several months after DSHS filed its Petition for Reconsideration with the Commission. Thus, this EO did not exist either at the time of DSHS's Petition for Reconsideration nor when the Reconsideration Hearing was conducted. A plain read of EO also denotes that it applies to "state-funded construction or acquisition projects," nothing in the EO can be read as applying to a Petition for Reconsideration.

The City Council finds and concludes that DSHS's Petition for Reconsideration was not subject to EO 21-02 and, therefore, was not required to notify DAHP or tribal groups.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion and Introduction of the King County Regional Homelessness Authority		
DEPARTMENT:	Recreation, Cultural and Community Services		
PRESENTED BY:	Colleen Kelly, Director		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

In 2019, King County and the City of Seattle entered into an Interlocal Agreement to establish the King County Regional Homelessness Authority with the goal of unifying and coordinating efforts related to the overall homelessness response system. With the hiring of the first CEO, Marc Dones, in April of this year, the KCRHA is beginning to reach out to cities across the region.

Tonight, City Council will receive a brief update on addressing homelessness in Shoreline with a focus on providing an overview of the newly formed King County Regional Homelessness Authority (KCRHA) and the Sub-Regional Planning Process. City Council will be joined by staff from KCRHA, including Marc Dones, CEO; Anne Martens, Director of External Affairs and Communications; and Alexis Mercedes Rinck, Sub-Regional Planning Manager. KCRHA staff will provide information regarding the formation of KCRHA, its governance structure and scope of work, sub-regional planning activities, and the vision for future City participation.

RESOURCE/FINANCIAL IMPACT:

This is a discussion item with no financial impact.

RECOMMENDATION

No action is required. Staff recommends that the City Council take this opportunity to learn more about this new regional entity and ask any questions they may have of KCRHA staff regarding how the City may interact with the KCRHA in the future.

Approved By: City Manager **DT** City Attorney **MK**

INTRODUCTION

In 2019, King County and the City of Seattle entered into an Interlocal Agreement to establish the King County Regional Homelessness Authority with the goal of unifying and coordinating efforts related to the overall homelessness response system. With the hiring of the first CEO, Marc Dones, in April of this year, the KCRHA is beginning to reach out to cities across the region.

BACKGROUND

Regional Coordination

Beginning in 2017 and spanning many months, All Home, King County, and the City of Seattle collaborated to define and design a unified Regional Homeless System. This work was coordinated in partnership with people with lived experience of homelessness, homeless advocates, housing and service providers, Sound Cities Association (SCA) members, and local business and philanthropy. The effort sought to address the fragmentation that currently exists within the overall homelessness response system, which has been shown to diminish the effectiveness of homelessness-related funding, service delivery, and system performance. Most importantly, the redesign is meant to improve outcomes for people experiencing homelessness.

On September 4th, 2019, King County Executive Constantine and Seattle Mayor Durkan transmitted legislation to the King County Council and the Seattle City Council to establish the King County Regional Homelessness Authority (KCRHA) to oversee policy, funding, and services for people experiencing homelessness countywide. The legislation included a proposed Interlocal Agreement (ILA) and a Charter that authorized the creation of the new entity to administer and oversee regional homelessness efforts. The final [Interlocal Agreement for the Establishment of the King County Regional Homelessness Authority Between King County and the City of Seattle](#) was signed on December 19, 2021. Additional details regarding the collaboration process are available in this [December 18, 2019 King County News Release](#) and on the [Regional Housing Authority page of the All Home website](#).

Shoreline Homelessness Response

In February 2019 staff recommended and the City Council concurred that the most critical need related to homelessness in Shoreline was the lack of a year-round 24/7 shelter for single adults. More information on the need for a year-round 24/7 shelter for single adults can be found in the staff report from February 25, 2019: [Discussing Council Goal 5 – Action Step 9: Engage in an Analysis with Service Providers to Identify What Services and Processes Exist to Connect those Experiencing Homelessness and/or Opioid Addiction with Supportive Services and Identify Gaps That May Exist](#). This discussion resulted in the development of the 2020-2022 Council Goal 5, Action Step 7: *Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.*

In July 2019, staff convened the first meeting of a North King County Shelter Task Force including representation from five North King County Cities (Shoreline, Bothell, Kenmore, Lake Forest Park, and Woodinville), local service providers, and community

partners that have been actively engaged in working on the issue of homelessness. Just before the group's first meeting, the City was approached about the potential to purchase the Oaks Nursing Home property at 165th and Aurora. Over the following months, the City worked with King County and the King County Housing Authority to explore the feasibility of utilizing this property as an Enhanced Shelter. Ultimately, the property was purchased by the King County Housing Authority for this purpose. The City supported this vision by adopting Interim Zoning Regulations to allow the site to be used as a shelter. This topic was discussed by Council on August 10, 2020, with Council action on October 26, 2020. More information on this action can be found in the following staff report: [Public Hearing and Adopting Ordinance No. 906 - Interim Zoning Regulations to Allow Siting a 24/7 Enhanced Shelter in the R-48 Zone District](#). This action added a requirement for a Memorandum of Agreement (MOA) between the City, the County, and Lake City Partners, the operating partner, to address overall operations and specific responsibilities of each entity. The City Council authorized City participation in the MOA on November 23, 2020. More information on this can be found in the following staff report: [Authorizing the City Manager to Sign the Memorandum of Agreement for the Operation of an Enhanced Shelter Within the City of Shoreline with King County and Lake City Partners](#).

By the end of the year, the goal of siting a shelter in North King County had been achieved much sooner than could have been anticipated, making the specific purpose of the Task Force as initially envisioned no longer necessary. However, the Task Force members agreed by consensus that there would be value in continuing to meet as a North King County Coalition in order discuss potential policy and program options related to the issue of homelessness broadly. The Coalition could also serve to propose solutions that individual cities may want to consider and could be well positioned to influence and respond to the newly forming KCRHA. The group has been working to craft Memorandum of Agreement for the new Coalition that will be coming before the Council in September 2021 for discussion and action.

DISCUSSION

Tonight, staff from the King County Regional Housing Authority (KCRHA) will present an overview of KCRHA, including why and how it was formed, its scope of work and governance framework, sub-regional planning activities and the vision for how local cities may be involved going forward. The KCRHA presentation can be found as Attachment A to this staff report.

Council may be interested asking questions about the sub-regional planning process, including specific capacity and service gaps that may already have been identified in North King County as well as any plans for how those gaps may be addressed. Council may also wish to inquire about KCRHA's interest in expanding municipal participation in the Interlocal Agreement and what the implications are for cities that sign on to the ILA.

Additional information regarding the KCRHA is available on their [website](#).

COUNCIL GOAL(S) ADDRESSED

Tonight's discussion is related to Council Goal 5, Action Step 7: *Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.*

RESOURCE/FINANCIAL IMPACT

This is a discussion item only with no financial impact.

RECOMMENDATION

No action is required. Staff recommends that Council take this opportunity to learn more about this new regional entity and ask any questions they may have regarding how the City may interact with the KCRHA in the future.

ATTACHMENTS

Attachment A: KCRHA Slide Presentation

King County Regional Homelessness Authority:

The North King County Sub- Regional Plan

KCRHA CEO, Marc Dones

Director of External Affairs and Communications, Anne Martens

Sub-Regional Planning Manager, Alexis Mercedes Rinck

The logo consists of a white square with a thin white border. Inside the square, the text "KING COUNTY REGIONAL HOMELESSNESS AUTHORITY" is written in white, uppercase, sans-serif font, centered vertically and horizontally. Two vertical white lines are positioned on the left and right sides of the square, framing the text.

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REGIONAL
HOMELESSNESS
AUTHORITY**

About the KCRHA

*“Following a thorough review of programs and services, the RHA will **coordinate all publicly-funded outreach, diversion, shelter, rapid re-housing, transitional housing and permanent supportive housing services and most of the region’s prevention efforts** for Seattle, King County, and other cities who choose to sign on to the ILA.*













*KCRHA will provide **consolidated, aligned services for individuals, youth, and families** who are experiencing homelessness or who are at imminent risk of experiencing homelessness in King County. We will coordinate existing services for people experiencing homelessness, and will design, fund, and operate other homelessness and related social services **using equity and social justice principles.**”*

- *From the Inter-Local Agreement*

Timeline



GOVERNING COMMITTEE - 12 MEMBERS

 <u>King County Executive</u>	 <u>Seattle Mayor</u>	 <u>Sound Cities Association</u>	 <u>Representing lived experience</u>
 <u>King County Council</u> <i>Representing district whole or in part of Seattle</i>	 <u>Seattle City Council</u>	 <u>Sound Cities Association</u>	 <u>Representing lived experience</u>
 <u>King County Council</u> <i>Representing district outside of Seattle</i>	 <u>Seattle City Council</u>	 <u>Sound Cities Association</u>	 <u>Representing lived experience</u>

IMPLEMENTATION BOARD - 13 MEMBERS WITH THE BELOW COLLECTIVE EXPERTISE



- Criminal Justice
- Fiscal Oversight
- Physical or Behavioral Health
- Academic Research or Data Performance Evaluation
- Affordable Housing Finance or Development
- Business Operations or Strategy
- Equity Implementation
- Homelessness Service Provision
- Federal Continuum of Care Service Provision
- Labor Unions/Workforce
- Youth Services
- Child Welfare Services
- Three members representing lived experience

ADVISORY COMMITTEE - CONTINUUM OF CARE

Perform the functions of the mandatory Federal Continuum of Care Board.

Contracts with Service Providers

KCRHA assumes contracting from King County & Seattle


- Terms stay the same through 2022 but are consolidated
 - RHA provides policy guidance & technical assistance
- RFP and full-system re-bid for 2023
 - Conversations with providers about what that looks like
 - Potential for significant changes
- Other cities can sign-on through an ILA

Catalytic Portfolio

- Peer Navigation as Outreach
- By-Name List & High-Quality Data
- Bridge Housing

SUB-REGIONAL PLANNING

North County
East County
Snoqualmie Valley
South County (+ Southeast or South Valley)
Seattle Metro

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Key Components of Sub-Regional Plans

Rooted in equity & social justice principles, there are six key components:

1. Provide a landscape of services available to people experiencing or at risk of experiencing homelessness;
2. Description of investments/funding into service response;
3. Narrative/qualitative data about lived experiences navigating homelessness in that sub-region;
4. Highlight gaps and needs arounds services;
5. Identification action steps for stakeholders;
6. Timelines.

Engagement to Date

- Contact with 102 different organizations (nonprofits, providers, cities)
 - 34 cities
 - Over 150 people total
- Met individually with 100 individuals representing 60 different organizations.
- Scheduled meetings with over 40 stakeholders scheduled for July and early August.
 - In scheduling process with over 20 stakeholders.

North King County Engagement

- Groups such as North Urban Human Services Alliance, and the North King County Coalition on Homelessness.
- City staff from Shoreline, Lake Forest Park, Kenmore, Bothell, and Woodinville.
- Provider agencies like Mary's Place, Kirkland/Northshore Center, Lake City Partners, Bothell United Methodist Church, RADAR Navigator Program, Center for Human Services.

Planning Timeline

Timeline:

- **September 2021:** A Snapshot Report
- **Early 2022:** Draft sub-regional plans
- **March 2022:** The Final Sub-Regional Planning Report

Timeline Considerations:

- Robust & Equitable Engagement
- Local Elections Cycle
- Current Staffing Levels
- Expanding Scope to Respond to Additional Sub-Regions

Sub-Regions of King County

- North King County: Shoreline, Lake Forest Park, Bothell, Kenmore, Woodinville, Lake City
- East King County: Kirkland, Redmond, Bellevue, Mercer Island, Sammamish, Issaquah**
- Snoqualmie Valley: North Bend, Snoqualmie, Carnation, Duvall, Fall City (UKC), Issaquah**
- South King County: Tukwila, Burien, Renton, Kent, Auburn, Seatac, Federal Way, Pacific, Algona, Normandy Park, Des Moines, Maple Valley, Black Diamond, Newcastle, Milton, Enumclaw, Skyway**, White Center
 - South East King County distinction
- Seattle Metro: Seattle, Vashon Maury Island, Skyway**

Signing on to an ILA

Why sign an Inter-Local Agreement?

- Demonstrates commitment to a regional approach for systems change
 - Clarifies relationship with KCRHA, including a Master Services Agreement that is designed to meet your local needs
- Consistent data, metrics, and technical assistance
 - KCRHA can support
- Your funding goes further as a result of coordination and alignment with regional funding strategies

Next Steps - What You Can Expect

- Weekly Email Updates
- Data Review and Analysis Work Session
- Narratives and Lived Experience Engagement Strategy
- Ongoing conversations and multiple opportunities to engage
- We're hiring - tell your friends!

QUESTIONS?

Thank you for your time & feedback!

The logo for the King County Regional Homelessness Authority is presented within a white rectangular border. The text is arranged in four stacked lines, with the words 'KING', 'COUNTY', 'REGIONAL', and 'HOMELESSNESS' on the first three lines, and 'AUTHORITY' on the fourth line. Two vertical white bars are positioned on the left and right sides of the text, extending from the top to the bottom of the logo's bounding box.

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