



**SHORELINE CITY COUNCIL
VIRTUAL/ELECTRONIC REGULAR MEETING AGENDA
Monday, January 24, 2022 at 7:00 p.m. on Zoom**

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The City Council is providing opportunities for public comment by submitting written comment or by joining the meeting webinar (via computer or phone) to provide oral public comment:



[Sign-Up to Provide Oral Testimony](#) Pre-registration is required by 6:30 p.m. the night of the meeting.



[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		
3. APPROVAL OF THE AGENDA		
4. REPORT OF THE CITY MANAGER		
5. COUNCIL REPORTS		
6. PUBLIC COMMENT		
<i>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.</i>		
7. CONSENT CALENDAR		
(a) Approval of Minutes of Regular Meeting of January 3, 2022	<u>7a-1</u>	
(b) Approval of Expenses and Payroll as of January 7, 2022 in the Amount of \$2,577,102.16	<u>7b-1</u>	
(c) Adoption of Ordinance No. 953 – Rezoning 808, 812, 820, and 826 N 145 th Street From R-12 to Neighborhood Business (PLN21-0117)	<u>7c-1</u>	
(d) Adoption of Addendum No. 4 to Extend the Agreement with the City of Edmonds for Wastewater Treatment, Disposal and Transport	<u>7d-1</u>	
(e) Authorize the City Manager to Execute a Professional Services Agreement with KBA, Inc. in the Amount of \$417,200 for Construction Management and Inspection of 2022 Surface Water Utility Projects	<u>7e-1</u>	

- (f) Authorizing the City Manager to Execute Professional Services Contract with Northwest Hydraulic Consultants, Inc., in the Amount of \$428,616 for the Lower Storm Creek Erosion Management Project 7f-1

8. ACTION ITEMS

- (a) Action on Resolution No. 486 - Declaring Support for Shoreline School District Ballot Proposition No. 1 and Proposition No. 2 8a-1 7:20

PROPOSITION NO. 1
SHORELINE SCHOOL DISTRICT NO. 412
REPLACEMENT OF EXPIRING LEVY FOR EDUCATIONAL PROGRAMS
AND OPERATIONS

The Board of Directors of Shoreline School District No. 412 adopted Resolution No. 2021-14, concerning a proposition to finance educational programs and operations expenses. This proposition would authorize the District to meet educational needs of its students by levying the following excess taxes, in place of the expiring levy, on all taxable property within the District, for support of the District's educational programs and operations expenses not funded by the State of Washington:

Collection Year	Estimated Levy Rate/\$1,000	Assessed Value Levy Amount
2023	\$1.48	\$26,000,000
2024	\$1.44	\$26,500,000
2025	\$1.38	\$27,500,000
2026	\$1.33	\$28,750,000

all as provided in Resolution No. 2021-14. Should this proposition be approved?

LEVY . . . YES LEVY . . . NO

PROPOSITION NO. 2
SHORELINE SCHOOL DISTRICT NO. 412
REPLACEMENT OF EXPIRING CAPITAL LEVY FOR TECHNOLOGY
IMPROVEMENTS AND SUPPORT

The Board of Directors of Shoreline School District No. 412 adopted Resolution No. 2021-15, concerning a proposition to finance technology improvements and support. This proposition would authorize the District to acquire and install instructional technology equipment and infrastructure throughout School District facilities to improve student learning and provide related training and support, and levy the following excess taxes, in place of an expiring levy, on all taxable property within the District:

Collection Year	Estimated Levy Rate/\$1,000	Assessed Value Levy Amount
2023	\$0.20	\$3,500,000
2024	\$0.19	\$3,500,000
2025	\$0.18	\$3,500,000
2026	\$0.16	\$3,500,000

all as provided in Resolution No. 2021-15. Should this proposition be approved?

LEVY . . . YES LEVY . . . NO

- Staff Presentation
- Public Comment
- Council Action

9. STUDY ITEMS

- (a) Discussion of Proposed American Rescue Plan Act (ARPA) 2022 9a-1 7:35
Human Services Funding Allocation Update

10. ADJOURNMENT

8:05

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 Ziplly 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.

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LINK TO STAFF PRESENTATIONS



LINK TO PUBLIC COMMENT RECEIVED

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, January 3, 2022
7:00 pm.

Held Remotely via Zoom

PRESENT: Mayor Scully, Deputy Mayor Robertson, Councilmembers McConnell, Mork, Roberts, Pobee, and Ramsdell

ABSENT: None

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by the City Clerk, Jessica Simulcik Smith.

- (a) Oath of Office Ceremony performed by Judge Marcine Anderson on December 22, 2021, for Newly Elected City Councilmembers

Ms. Simulcik Smith stated that on December 22, 2021, King County District Court Judge Marcine Anderson performed the Oath of Office Ceremony for newly elected City Councilmembers John Ramsdell, Laura Mork, and Eben Pobee, as well as re-elected Councilmember Chris Roberts. She stated the ceremony was recorded and she played the video.

2. ROLL CALL

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

- (a) Election of Mayor and Deputy Mayor

Ms. Simulcik Smith summarized the procedures for electing City Council Officers and opened the floor for nominations for Mayor. Councilmember Robertson nominated Councilmember Scully. There were no other nominations. Councilmember Scully received 7 affirmative votes, and Ms. Simulcik Smith declared him elected Mayor.

Mayor Scully, now presiding, conducted the election for Deputy Mayor. Councilmember Roberts nominated Councilmember Robertson. There were no other nominations. Councilmember Robertson received 7 affirmative votes, and Mayor Scully declared her elected Deputy Mayor.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided an update on COVID-19 and reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Mayor Scully reported a positive result from the City's annual review by State Auditor's office.

6. PUBLIC COMMENT

Nathan Hawkins, Shoreline resident, spoke about safety concerns regarding traffic and street structure in the Westminster Triangle area. He expressed a need to designate pathways for cars and pedestrians.

Ann Michel, Shoreline resident, remarked on Seattle City Light's removal of the fence along the Interurban Trail near Echo Lake Park. He asked Council to object to the removal of the fence for the safety of the community.

Isis Charest, Shoreline resident and member of Save Shoreline Trees, commented on the City's Race to Zero campaign progress. She said action is needed on tree codes by Council as development in Shoreline increases.

Jackie Kurle, Shoreline resident, encouraged transparency for the community regarding the Enhanced Shelter and requested an update on operational statistics of the shelter.

7. CONSENT CALENDAR

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

- (a) Approval of Minutes of Regular Meeting of November 29, 2021**
Approval of Minutes of Regular Meeting of December 6, 2021
Approval of Minutes of Regular Meeting of December 13, 2021

- (b) Authorize the City Manager to Enter into an Interagency Agreement with Department of Commerce and to Accept \$40,000 in Grant Funding for Creation of Cottage Housing Development Code Regulations**

9. STUDY ITEMS

- (a) Discussion of the Annual Traffic Report

Kendra Dedinsky, City Traffic Engineer, kicked off the staff report on traffic data for 2020 by sharing the objectives of the report. She reported the key findings show a decrease in total

collisions but a rise in collision fatality. It was reported that most injury collisions occur on high-volume arterial streets and key areas of collisions were reviewed. Ms. Dedinsky discussed collision reduction strategies that could be implemented and possibly funded through the WSDOT City Safety Grant. It was noted that Council should discuss potential projects as a part of the Transportation Improvement Plan, and that Staff is seeking Council's input to decide on whether to pursue the grant in March.

Shoreline Police Captain Ryan Abbott reviewed their collision reduction strategies referring to Police's approach of balanced enforcement and education. Shoreline Police continue to address community traffic concerns as they arise as well as advocate for ordinances related to traffic safety. He noted that the COVID pandemic was a significant factor in the reduction of traffic volume, transit ridership, and Police contacts.

Deputy Mayor Robertson thanked staff for the report and commended Council for its recent decision to lower the speed limits on 15th Avenue. She recalled Council last discussed 10th Ave NE & NE 175th Street shortly before she joined Council and asked about the timing for applying for the WSDOT Grant and an outreach plan for Ridgecrest and North City neighborhoods. Ms. Dedinsky reviewed the outreach being conducted on other projects currently underway and elaborated on the WSDOT Grant requirements.

Councilmember Roberts recalled stakeholder's previously expressed concern over creating congestion if 175th Street went down to a three-lane configuration, and he emphasized the importance of conducting more outreach before a decision is made. Councilmember Roberts asked what can be done, outside of building full sidewalk infrastructure, to narrow a road to make it safer. Ms. Dedinsky said there are plenty of opportunities to lower speeds and she reviewed two examples of traffic calming measures installed on Evanston Avenue North. She also noted that land use and the presence of people tend to lower speeds, so she expects speeds will decrease as areas develop. Councilmember Roberts stated curb radii and raised sidewalks also lower speeds and asked if there are grants the City can apply for to achieve these types of improvements. Ms. Dedinsky confirmed that slowing drivers down as they turn is critical as pedestrians are often hit while crossing the street and the City is pursuing opportunities for these types of improvements.

Councilmember Mork said she recently drove 175th Street at the intersection of 10th Avenue at the time emergency personnel were responding to an accident and one eastbound and one westbound lane was closed. She asked if prohibiting left turns between certain times would relieve any of the issues at this location. Ms. Dedinsky said several low-cost things could be studied and implemented, but she cautioned that turn time restrictions require emphasis and enforcement, which the City has limited resources for. Limiting circulation could also impact other streets and based off her recollection, turn restrictions would not have addressed the injury collisions at this location.

Councilmember Ramsdell asked about qualitative data around citizen reporting, how the City addresses it, and how that information is shared out. Ms. Dedinsky responded that the City receives 300-400 traffic safety complaints annually and reviews and responds to each one of them. Most of the complaints center on local streets. Since addressing safety for each one of the complaints is unattainable, the City refers to traffic collision data to make data-driven decisions on where the improvements should be placed. She noted that cumulative data received through qualitative information from the public is tracked in the City's asset management system and is shared with the Police, and both entities work together to solve issues.

Councilmember Pobee asked what types of projects the WSDOT Grant could be used for and Ms. Dedinsky explained the Grant focuses on data that shows where serious or fatal collisions have occurred, which would make the segment on 175th Street competitive.

Councilmember McConnell reiterated her supports for the City going after grant money. She said her biggest concern in going down to three lanes on 175th is that the decision is driven by public input including the business community.

Mayor Scully recognized the level of Police enforcement decreased in 2020 due to Covid and that there are current vacancies creating a staffing shortage, but said he is hopeful that the City can bring staffing back to normal levels. He stated he is supportive of reopening the conversation on 175th Street with stakeholders again and applying for the WSDOT Grant but emphasized that at this time there is no commitment to three lanes.

A majority of Councilmembers agreed that speed and street structure are considerable factors to the rate of collisions and expressed support pursuing the WSDOT City Safety Grant in March.

10. ADJOURNMENT

At 8:30 p.m., Mayor Scully declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of January 7, 2022
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 \$2,577,102.16 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
12/12/21-12/25/21	12/31/2021	100381-100569	17685-17690	84527-84531	\$743,749.78
				WT1235	\$101,103.90
					<u>\$844,853.68</u>

***Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
12/29/2021	1234	\$27,316.25
		<u>\$27,316.25</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
12/29/2021	84435	84461	\$384,956.90
12/29/2021	84462	84474	\$9,800.00
12/29/2021	84475	84481	\$27,415.68

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
12/29/2021	84482	84498	\$33,862.05
12/29/2021	84311	84311	(\$1,040.95)
12/29/2021	84499	84499	\$1,040.95
12/29/2021	84313	84313	(\$68,175.60)
12/29/2021	84500	84501	\$68,175.60
1/5/2022	84502	84516	\$1,152,843.93
1/5/2022	84517	84526	\$96,053.67
			<u>\$1,704,932.23</u>

Approved By: City Manager **DT**

City Attorney **MK**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Ordinance No. 953 – Amending the Zoning Map at 808, 812, 820, and 826 N 145 th Street From Residential 12-units Per Acre (R-12) to Neighborhood Business (NB) (PLN21-0117)
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The Applicant has requested a rezone of four (4) parcels located at 808, 812, 820, and 820 N 145th Street. The request is to change zoning from Residential 12-units per acre (R-12), which is a medium density residential zone, to Neighborhood Business (NB), a commercial/mixed-use zone. If a rezone is granted, the owners of the property intend to redevelop the site into a mixed-use residential and commercial building.

Per Shoreline Municipal Code (SMC) Section 20.30.060, a rezone is a Type C quasi-judicial decision for which the City Hearing Examiner holds a public hearing and issues a recommendation. The City Council is tasked with making a final decision. As such, the City Council cannot hear any additional public comment on this item and should not have external discussion regarding this request with members of the public.

The Hearing Examiner’s *Findings, Conclusions, and Recommendation* (Attachment A, Exhibit A), dated November 18, 2021, recommends approval of the proposed rezone. Adoption of proposed Ordinance No. 953 (Attachment A) would authorize this rezone and amend the City’s Zoning Map accordingly. Tonight, Council is scheduled to take action on proposed Ordinance No. 953.

RESOURCE/FINANCIAL IMPACT:

The proposed rezone will not have a direct resource or financial impact to the City. The rezone does have the potential to add residential dwelling units, commercial uses, or a mix of both, which would contribute to the City’s property tax base.

RECOMMENDATION

Staff recommends approval of Ordinance No. 953 amending the Zoning Map at 808, 812, 820, and 826 N 145th Street from Residential 12-units Per Acre (R-12) to Neighborhood Business (NB).

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

BACKGROUND

Rezoning is a discretionary decision of the City and addressed in [Shoreline Municipal Code \(SMC\) Section 20.30.320](#). The purpose of a rezoning is a mechanism to make changes to a zoning classification, conditions, or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.

SMC Section 20.30.060 classifies a rezoning as a Type C decision. Pursuant to Table 20.30.060, the City of Shoreline Hearing Examiner, after holding an open record public hearing and preparing findings and conclusions, makes a recommendation to the City Council. The City Council is the final decision-making authority on a rezoning.

SMC Section 20.30.320(B) sets forth the following decision criteria with regard to rezoning approval:

1. The rezoning is consistent with the Comprehensive Plan.
2. The rezoning will not adversely affect the public health, safety or general welfare.
3. The rezoning is warranted in order to achieve consistency with the Comprehensive Plan.
4. The rezoning will not be materially detrimental to uses or property in the immediate vicinity of the subject rezoning.
5. The rezoning has merit and value for the community.

Rezoning Request

The Applicant of this rezoning proposes to rezone four parcels located at 808, 812, 820, and 826 N 145th Street from R-12 to NB. The property owner intends to redevelop the property for high density multi-family housing and/or commercial uses. Rezoning to NB would allow for a variety of more intense residential and commercial uses not currently permitted in the R-12 zoning district. Rezoning this parcel to NB is consistent with other similarly situated properties in the area. The subject parcels have a Comprehensive Plan Land Use Map designation of Mixed-Use 2 (Attachment B), for which NB is an implementing zone. A map depicting the proposed rezoning can be found as Attachment A, Exhibit B.

The Council discussed the proposed rezoning on January 10, 2022, and were supportive of the change of zoning based on the analysis of the decision criteria. The January 10, 2022 staff report and meeting materials can be found here: [QUASI-JUDICIAL: Discussion of Ordinance No. 953 – Amending the Zoning Map at 808, 812, 820, and 826 N 145th Street From Residential 12-units Per Acre \(R-12\) to Neighborhood Business \(NB\) \(PLN21-0117\)](#).

DISCUSSION

As part of the rezoning request, the applicant provided responses to the above-noted rezoning decision criteria and staff provided additional analysis. Staff responses and analysis are included in the Hearing Examiner staff report along with exhibits presented to the Hearing Examiner. These documents collectively represent the Hearing Examiner record for this rezoning and are attached as Attachment C.

The Hearing Examiner held the required public hearing on November 3, 2021. On November 18, 2021, the Hearing Examiner issued the *Findings, Conclusions, and Recommendation* (Attachment A, Exhibit A). With this recommendation, the Hearing Examiner sets forth the Findings of Fact and Conclusions of Law that support the recommendation of approval.

Pursuant to SMC Section 20.30.320(B), based on the record developed by the Hearing Examiner, the City Council may approve, approve with modifications, or deny the proposed rezone. Tonight, the Council is scheduled to take action on proposed Ordinance No. 953 (Attachment A), which would authorize this rezone and amend the City's Zoning Map accordingly.

RESOURCE/FINANCIAL IMPACT

The proposed rezone will not have a direct resource or financial impact to the City. The rezone does have the potential to add residential dwelling units, commercial uses, or a mix of both, which would contribute to the City's property tax base.

RECOMMENDATION

Staff recommends approval of Ordinance No. 953 amending the Zoning Map at 808, 812, 820, and 826 N 145th Street from Residential 12-units Per Acre (R-12) to Neighborhood Business (NB).

ATTACHMENTS

Attachment A – Proposed Ordinance No. 953

- Exhibit A – November 18, 2021 Hearing Examiner Recommendation
- Exhibit B – Zoning Map with Proposed Rezone for Subject Parcels

Attachment B – Comprehensive Plan Land Use Map for Subject Parcels

Attachment C – Hearing Examiner Record

- Exhibit 1- Hearing Examiner Staff Report
- Exhibit 2 – Site Plan
- Exhibit 3 – Vicinity Map
- Exhibit 4 – Zoning Map
- Exhibit 5 – Comprehensive Plan Land Use Map
- Exhibit 6 – Neighborhood Meeting Summary
- Exhibit 7 – Notice of Application
- Exhibit 8 – Notice of Public Hearing
- Exhibit 9 – Public Comment Letter
- Exhibit 10 – SEPA DNS
- Exhibit 11 – Staff Presentation to Hearing Examiner

ORDINANCE NO. 953

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING THE CITY’S OFFICIAL ZONING MAP FROM R-12 TO NB
FOR PARCELS OF LAND LOCATED AT 808, 812, 820, AND 826 N
145th STREET, TAX PARCEL NOS. 2827100071, 2827100074, 282100070,
AND 2827100072.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, Dan Hynden, via Application No. PLN 21-0117, seeks a site-specific rezone of four (4) parcels of land addressed as 808, 812, 820 and 826 N 145th Street and identified respectively by Tax Parcel Nos. 2827100071, 2827100074, 282100070, and 2827100072; and

WHEREAS, the requested site-specific rezone would amend the City’s Official Zoning Map for these parcels from the current residential zoning of Residential 12 units per acre (R-12) to Neighborhood Business (NB); and

WHEREAS, the site-specific rezone implements the Comprehensive Plan land use designation for the parcels of Mixed Use 2; and

WHEREAS, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on September 23, 2021; and

WHEREAS, SMC 20.30.060 classifies a site-specific rezone as a Type C decision for which the City of Shoreline Hearing Examiner, after an open record public hearing, prepares findings and conclusions, and makes a recommendation to the City Council; and

WHEREAS, the City of Shoreline Hearing Examiner held a properly noticed open record public hearing on November 3, 2021, and, on November 18, 2021, the Hearing Examiner issued “Findings, Conclusions and Recommendation,” finding that the site-specific rezone satisfied the criteria set forth in SMC 20.30.320, recommending approval; and

WHEREAS, pursuant to SMC 20.30.060, the City Council has final decision-making authority, and this decision is to be made at a public meeting; and

WHEREAS, the City Council considered the Hearing Examiner’s recommendation at its January 10, 2022, regular meeting; and

WHEREAS, the City Council concurs with the November 18, 2021, “Findings, Conclusions, and Recommendation” of the City of Shoreline Hearing Examiner, determining that the site-specific rezone satisfies the criteria set forth in SMC 20.30.320 and should be approved;

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

Section 1. Hearing Examiner’s Recommendation. The City of Shoreline Hearing Examiner’s November 18, 2021, Findings, Conclusions, and Recommendation attached as Exhibit A, is hereby adopted.

Section 2. Amendment. The City’s Official Zoning Map shall be amended to change the zoning designation for the parcels located 808, 812 820, and 826 N 145th Street and identified by Tax Parcel Nos. 2827100071, 2827100074, 282100070, and 2827100072, from Residential 12 units per acre (R-12) to Neighborhood Business (NB), as depicted on Exhibit B.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are 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.

PASSED BY THE CITY COUNCIL ON JANUARY 24, 2022

Mayor Keith Scully

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: , 2022
Effective Date: , 2022

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF SHORELINE**

In the Matter of the Application of)	No. PLN21-0117
)	
Dave Hynden)	N. 145th Street Rezone
)	
)	FINDINGS, CONCLUSIONS,
)	AND RECOMMENDATION
<u>For Approval of a Rezone</u>)	

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the City Council **APPROVE** the request to rezone four contiguous parcels at 808, 812, 820, and 826 N. 145th Street, totaling approximately 0.75 acres, from the “Residential 12” zoning designation to the “Neighborhood Business” zoning designation.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the request on November 3, 2021, using remote access technology.

Testimony:

The following individuals testified under oath at the open record hearing:

- Steven Szafran, City Senior Planner
- Thomas Kaupe
- Don Heath
- Dave Hynden, Applicant Representative
- Jessica Simulcik Smith, City Clerk

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated October 12, 2021
2. Site Plan, dated March 18, 2021
3. Vicinity Map, undated
4. Zoning Map, dated September 13, 2021
5. Comprehensive Plan Land Use Map, dated October 12, 2021
6. Neighborhood Meeting Summary, dated May 20, 2021
7. Notice of Application, issued August 19, 2021
8. Notice of Public Hearing, issued October 13, 2021
9. Comment from Grant Peltier, dated August 30, 2021

*Findings, Conclusions, and Recommendation
City of Shoreline Hearing Examiner
N. 145th Street Rezone, No. PLN21-0117*

10. Determination of Nonsignificance, issued September 23, 2021
11. City Staff PowerPoint Presentation

The Hearing Examiner enters the following findings and conclusions based upon the testimony at the open record hearing and the admitted exhibits:

FINDINGS

Application and Notice

1. Dave Hayden of Windermere Real Estate (Applicant) requests a rezone of four contiguous parcels totaling approximately 0.75 acres from the “Residential 12” (R-12) zoning designation to the “Neighborhood Business” (NB) zoning designation. Each of the subject parcels are currently developed with single-family residences and associated improvements. The Applicant is requesting the rezone to allow potential future development of the parcels with higher-density residential housing and/or a mixed-use development with commercial uses on the ground floor. The subject parcels are located at 808, 812, 820, and 826 N. 145th Street.¹ *Exhibit 1, Staff Report, page 1; Exhibits 2 through 4.*
2. The City of Shoreline (City) determined that the application was complete on August 19, 2021. The same day, the City provided notice of the application by mailing notice to property owners and residents within 500 feet of the site, posting notice on-site and on the City website, and publishing notice in *The Seattle Times*, with a comment deadline of September 3, 2021. On October 13, 2021, the City provided notice of the open record hearing associated with the application by mailing notice to property owners and residents within 500 feet of the site, posting notice on-site and on the City website, and publishing notice in *The Seattle Times*. The City received one comment on the proposal from a member of the public in response to its notice materials. Grant Peltier expressed support for the proposed rezone, noting the need for additional housing and mixed-use retail space in the area. *Exhibit 1, Staff Report, pages 2 and 3; Exhibits 7 through 9.*
3. On May 20, 2021, using remote access technology, the Applicant held a neighborhood meeting for the proposed rezone as required under Shoreline Municipal Code (SMC) 20.30.090. Following a presentation on the proposal, members of the public attending the meeting provided comments. Specifically:
 - Neighboring property owner Kelly Emerson expressed concerns about what development would be allowed on the property under the requested new zoning designation, stating that she would prefer development of townhomes on the property rather than a large, tall building complex. She also expressed concerns about the availability of parking on the site.

¹ The subject parcels are identified by tax parcel numbers 2827100071, 2827100074, 282100070, and 2827100072. *Exhibit 1, Staff Report, page 1.* A legal description of the parcels is provided with the staff report. *Exhibit 1, Staff Report, page 1.*

- Neighboring property owner David Sues inquired about whether the current property owners were aware that N. 145th Street would be widened in the future. He also stated that he would prefer development of townhomes on the property. *Exhibit 1, Staff Report, page 2; Exhibit 6.*

State Environmental Policy Act

4. The City acted as lead agency and analyzed the environmental impacts of the proposed rezone under the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The City reviewed the Applicant’s environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on September 23, 2021, with a comment and appeal deadline of October 7, 2021. The City did not receive any comments on the DNS, and the DNS was not appealed. *Exhibit 1, Staff Report, page 3; Exhibit 10.*

Comprehensive Plan and Zoning

5. The property and adjacent properties to the north and west are designated “Mixed-Use 2” (MU-2) under the City Comprehensive Plan. Properties to the east, across Whitman Avenue N., are designated “Mixed-Use 1” and properties to the south, across N. 145th Street, are within the City of Seattle. The Comprehensive Plan describes the intent of the MU-2 designation as follows:

The Mixed-Use 2 (MU2) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses. It does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

Comprehensive Plan Land Use Policy LU10. Exhibit 1, Staff Report, page 2; Exhibit 5.

6. City staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:
 - “Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.” [Land Use Goal LU I]
 - “Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment, [and] recreation.” [Land Use Goal LU II]
 - “Provide, through land use regulation, the potential for a broad range of housing choices and levels of affordability to meet the changing needs of a diverse community.” [Land Use Policy LU8]

- “Encourage development that is supportive of transit, and advocate for expansion and addition of new routes in areas with transit supportive densities and uses.” [Transportation Policy T28]
- “Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.” [Housing Goal H II]
- “Integrate new development with consideration to design and scale that complements existing neighborhoods, and provides effective transitions between different uses and intensities.” [Housing Goal H V]
- “Encourage infill development on vacant or underutilized sites.” [Housing Policy H3]
- “Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.” [Housing Policy H23]

Exhibit 1, Staff Report, pages 4 and 5.

7. As noted above, the property is currently zoned Residential 12 (R-12) and is proposed to be rezoned to Neighborhood Business (NB). The purpose of the City’s medium density residential zoning districts, including the R-12 zone, is “to provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities in a manner that provides for additional density at a modest scale.” *SMC 20.40.030.B*. In contrast, the purpose of the NB zone is to “allow for low intensity office, business and service uses located on or with convenient access to arterial streets. In addition these zones serve to accommodate medium and higher density residential, townhouses, and mixed-use types of development, while serving as a buffer between higher intensity uses and residential zones.” *SMC 20.40.040.A*. *Exhibit 1, Staff Report, page 2; Exhibit 4.*
8. Chapter 36.70A Revised Code of Washington (RCW) mandates that zoning classifications be consistent with Comprehensive Plan designations. *RCW 36.70A.060*. The NB zone is an implementing zone for the MU-2 Comprehensive Plan designation, whereas the R-12 zone is an implementing zone for the Medium Density Residential Comprehensive Plan designation. City staff determined that the properties’ current R-12 zoning classification is inconsistent with the Comprehensive Plan because the R-12 zone provides limited opportunities for commercial or mixed uses and does not provide for form-based maximum density uses encouraged under the MU-2 Comprehensive Plan designation. *Exhibit 1, Staff Report, pages 2, and 4 through 6.*

Existing and Surrounding Property

9. Each of the four subject parcels front, and take access from, N. 145th Street, a designated State Highway, and are currently developed with single-family residences and associated improvements that include asphalt parking areas, gravel/dirt parking areas, outdoor patios, lawns, trees, shrubs, and other landscaping. The parcels are flat, and no known critical areas have been identified on the parcels. Adjacent properties to the north are zoned Residential 48 (R-48) and are developed with townhomes. Adjacent properties to the west and to the east, across Whitman Avenue N., are zoned Mixed-Business (MB)

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N. 145th Street Rezone, No. PLN21-0117*

and are developed with commercial businesses. Properties to the south, across N. 145th Street are within the City of Seattle, are zoned for commercial uses, and are developed with retail stores, an office building, a tire store, and a post office. *Exhibit 1, Staff Report, pages 1 and 2; Exhibits 2 through 4.*

Rezone Criteria

10. City staff reviewed the proposed site-specific rezone request against the required criteria for a rezone in SMC 20.30.320.B and determined:
- The proposed rezone would be consistent with the Comprehensive Plan.
 - The MU-2 Comprehensive Plan designation is one of the City's most intense land use designations and is intended to apply to parcels that are served by frequent transit service, provide residents with access to commercial and service uses, and provide new multifamily uses that provide maximum densities in order to meet the City's population and employment goals.
 - The NB zoning district is not the City's most intensive zoning district but does allow a wide range of neighborhood serving commercial uses, higher-density multifamily dwellings, and building heights up to 50 feet. Although the property owners do not intend to immediately redevelop the site, rezoning the property to NB would still allow a variety of housing opportunities, employment, and services that would be accessible to the neighborhood and the region when circumstances change. The rezone would also allow development that promotes walking, transit, and employment that furthers land use goals of the Comprehensive Plan.
 - The proposed rezone would allow the parcel to be redeveloped with multifamily housing that would provide needed housing adjacent to high-capacity transit. The rezone would allow for the removal of four single-family homes, a very inefficient use of land at this location, and for the replacement of the single-family homes with mixed-use development providing between 60 to 100 dwelling units and ground-floor commercial space.
 - Future development of the site into multifamily housing or commercial uses would be supported by transit. The King County Metro E-line is adjacent to the site, and bus routes along N. 145th Street would offer convenient service to the future light rail station at 148th Street.
 - Any future development of the site would be required to comply with transition area standards under SMC 20.50.021, which are designed to create effective transitions between high intensity uses and lower density residential uses.
 - The rezone would not adversely affect the public health, safety, or general welfare because any future redevelopment of the site will be required to meet current dimensional and landscaping standards as required in the City's Development Code, including standards related to building height, setbacks, hardscape, landscape buffers, and site lighting directed away from residential uses.
 - Redevelopment of the parcels under the proposed NB zoning designation would be compatible with existing and future development in the area. The subject

property is on the N. 145th Street Corridor where access to bus service, pedestrian and bike opportunities along the interurban trail, frequent high-capacity bus service along Aurora Avenue, and retail/commercial services are all within a short distance. Higher density townhomes are located to the north, and commercial services are located to the east.

- The rezone is warranted to achieve consistency with the Comprehensive Plan.
- The NB zone is an implementing zone for the MU-2 designation, and the proposed NB zone is in an area near retail/commercial areas and where high levels of transit are present. In contrast, the current zoning of R-12 is inconsistent with the MU-2 designation's desire for form-based maximum density residential uses.
- The rezone would not be materially detrimental to uses or property in the immediate vicinity of the subject rezone because the site and the area around the site has been designated for commercial and mixed-use development since the city was incorporated in 1995.
- Any new development on the property would be required to comply with all applicable municipal code, stormwater, and engineering development standards. Future redevelopment may be required to install frontage improvements on N. 145th Street, which would improve pedestrian safety. New development would also be required to provide surface water improvements, if needed, which would mitigate drainage around the site. In addition, new development would be required to provide sufficient parking on-site to mitigate for impacts to street parking on the adjacent right-of-way.
- The proposed rezone and subsequent redevelopment of the property would have merit and value for the community.
- The proposed rezone would implement the City's vision for the area as articulated in the Comprehensive Plan. This location was chosen for allocation of the City's population growth, and the rezone would allow the site to provide additional density and/or employment opportunities.

Exhibit 1, Staff Report, pages 4 through 7.

Testimony

11. City Senior Planner Steven Szafran testified generally about the proposal to rezone the property from the R-12 zoning designation to the NB zoning designation. He provided a description of the subject parcels and the surrounding area, consistent with the findings above. Mr. Szafran explained how the proposal would meet the specific criteria for a rezone under SMC 20.30.320.B, stressing that the current R-12 zoning designation for the parcels is inconsistent with the Comprehensive Plan's MU-2 land use designation and that a rezone of the parcels to NB would meet the intent of the MU-2 designation. He stated that the proposed rezone would not adversely affect the public health, safety, or general welfare and would not be materially detrimental to uses or property in the vicinity because the area is sufficiently served by transit and other services and because commercial and higher density residential development allowed under the rezone would

be consistent with current and future development of the surrounding area. Mr. Szafran noted that the proposed rezone would have merit and value for the community because the proposed rezone would implement the City's vision for the area as described in the Comprehensive Plan. He stated that, although rezone proposals are generally exempt from SEPA environmental review, the City conducted an environmental review of the proposal out of an abundance of caution. *Testimony of Mr. Szafran.*

12. Thomas Kaupe testified that he owns one of the parcels that would be included in the requested rezone. He stated that he and the other parcel owners have approached developers about the sale of their properties and that potential buyers have indicated that they would be interested in purchasing the properties only if they were zoned for commercial and higher density residential uses, which prompted the current request for a rezone. He noted that there are no current plans for developing the properties but that granting the rezone would help facilitate the sale of the properties for potential future development. *Testimony of Mr. Kaupe.*
13. Don Heath testified that he owns one of the parcels that would be included in the requested rezone and is longtime resident of Shoreline. He stated that he is excited by the potential improvements to the area that could occur following a rezone of the properties to NB. *Testimony of Mr. Heath.*
14. Applicant Representative Dave Hynden of Windermere Real Estate testified that a rezone of the properties would be consistent with the City's vision for the area. He noted that the single-family residential development currently on the property poses a safety risk for residents backing up their vehicles on N. 145th Street and that potential future development of the properties would likely be designed to take access from Whitman Avenue N., which is located to the east of the parcels. *Testimony of Mr. Hynden.*
15. City Clerk Jessica Simulcik Smith explained that the City would send the Hearing Examiner's recommendation to the interested parties. *Testimony of Ms. Simulcik Smith.*

Staff Recommendation

16. Recommending that the Hearing Examiner forward to the City Council a recommendation of approval, City staff determined that the proposal would be consistent with the City Comprehensive Plan and would meet the specific criteria for a site-specific rezone under SMC 20.30.320.B. *Exhibit 1, Staff Report, pages 4 through 7, Testimony of Mr. Szafran.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and make recommendations to the City Council for approval of a site-specific rezone under Chapter 2.15 SMC and SMC 20.30.060, Table 20.30.060.

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City of Shoreline Hearing Examiner
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Criteria for Review

Under SMC 20.30.320.B, the criteria for the rezone of a property are:

1. The rezone is consistent with the Comprehensive Plan; and
2. The rezone will not adversely affect the public health, safety or general welfare; and
3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
5. The rezone has merit and value for the community.

Conclusions Based on Findings

The rezone would meet the criteria of SMC 20.30.320.B. The property is designated “Mixed-Use 2” (MU-2) under the City Comprehensive Plan, which is intended to encourage “development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses” and “does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses.” *Comprehensive Plan Land Use Policy LU10*. Rezoning the property from R-12 to NB would be consistent with the MU-2 Comprehensive Plan designation for the property. The NB zoning district implements the MU-2 designation’s intent to provide for a variety of retail, office, and service uses by allowing development of low-intensity office, business, and service uses located on, or with convenient access to, arterials streets, as well as allowing medium and higher density residential development. *SMC 20.40.040.A*. In contrast, the R-12 zoning classification is inconsistent with the MU-2 designation because, as a medium-density residential zone, it encourages “a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities,” with limited opportunities for commercial and mixed uses. *SMC 20.40.030.B*. Accordingly, the proposed rezone is warranted to achieve consistency with the Comprehensive Plan. In addition, the proposal would further several Comprehensive Plan goals and policies promoting a variety of housing and commercial services encouraging land use patterns that foster walking, biking, and transit in appropriate areas of the city by allowing the subject parcels to be developed with commercial, mixed-use, and higher density residential development compatible with existing and future uses along the N. 145th Street Corridor and close to established pedestrian, bike, and transit infrastructure.

The City provided reasonable notice and opportunity to comment on the proposed rezone. The City received one comment on the proposal from a member of the public in response to its notice materials, which expressed support for the proposal due to a current need for additional housing and mixed-use retail development in the area. In addition, two neighboring property owners provided comments at a May 20, 2021, neighborhood meeting on the proposal, which inquired about potential future development on the property and raised concerns about the availability of on-site parking for such development. There are no current development plans for the parcels subject to the rezone request, and any future development of the properties would be subject to

the development regulations for the NB zone in effect at the time any such development application is deemed complete, including development regulation concerning off-street parking requirements. The City analyzed the environmental impacts of the proposed rezone, determined that it would not have a probable significant impact on the environment, and issued a DNS on September 23, 2021, which was not appealed.

The Hearing Examiner concludes that the proposed rezone would not adversely affect the public health, safety, or general welfare and would not be materially detrimental to uses or property in the immediate vicinity. The property is located along the N. 145th Street corridor, close to transit services, pedestrian and bike infrastructure along the interurban trail, and existing retail and commercial services. Properties to the east and west are zoned MB and are developed with commercial businesses. Properties to the north are zoned R-48 and are developed with townhouses. Properties to the south are within the City of Seattle and are developed with a variety of commercial and retail businesses and a post office. Any higher intensity commercial and residential development that would be allowed under the rezone of the parcels to NB would be subject to the requirements of the City's Development Code, including requirements related to building height, setbacks, hardscape, landscape buffers, and lighting, as well as requirements related to transition area standards that would ensure compatibility with the residential uses to the north. In addition, any future development of the parcels would require additional environmental review under SEPA. The proposed rezone of the property to NB has merit and value for the community and would be consistent with the City's Comprehensive Plan. *Findings 1 – 16.*

RECOMMENDATION

Based on the preceding findings and conclusion, the Hearing Examiner recommends that the City Council **APPROVE** the request for the four contiguous parcels at 808, 812, 820, and 826 N. 145th Street, totaling approximately 0.75 acres, to be rezoned from the Residential 12 zoning designation to the Neighborhood Business zoning designation.

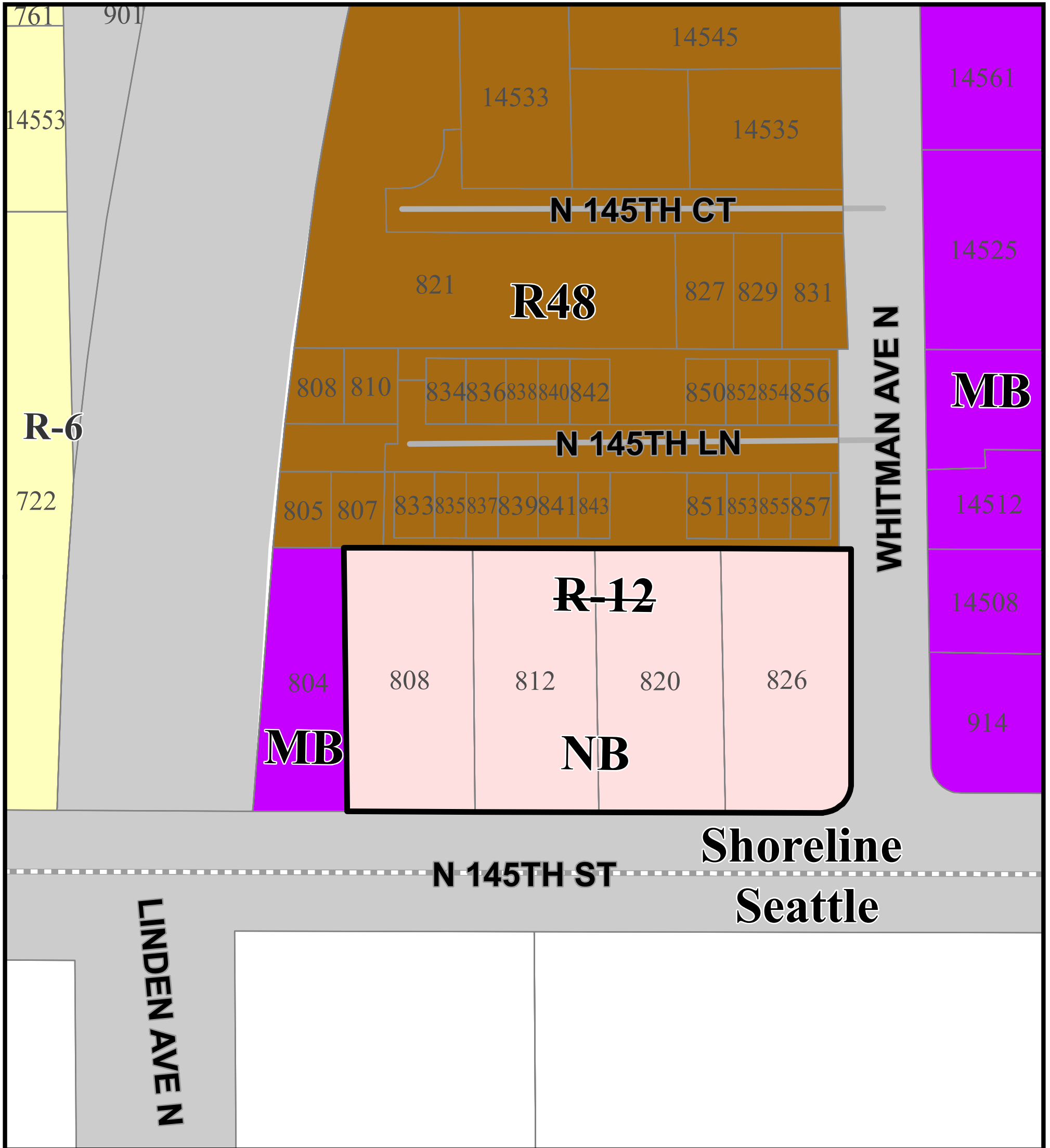
RECOMMENDED this 18th day of November 2021.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center

Rezone from R-12 to Neighborhood Business (NB) Map for 808, 812, 820, and 826 NE 145th Street

Attachment A Exhibit B
Exhibit 4



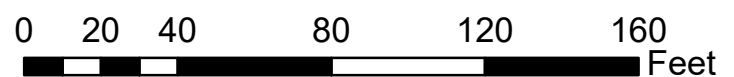
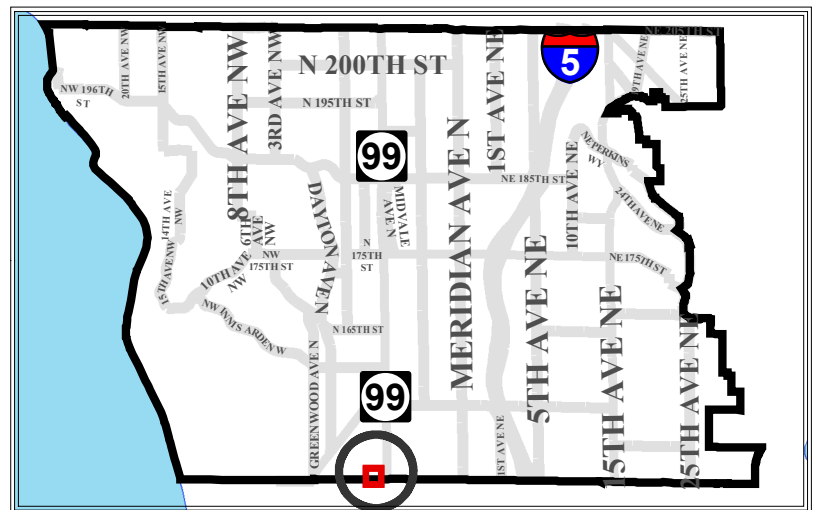
Rezone from R-12 to Neighborhood Business (NB) for 808, 812, 820, and 826 NE 145th Street

Zoning Legend

TC-1 to TC-4; Town Center	CZ; Contract Zone
MUR-70; Mixed Use Residential (70' height)	R-48; Residential, 48 units/acre
MUR-45; Mixed Use Residential (45' height)	R-24; Residential, 24 units/acre
MUR-35; Mixed Use Residential (35' height)	R-18; Residential, 18 units/acre
MB; Mixed Business	R-12; Residential, 12 units/acre
CB; Community Business	R-8; Residential, 8 units/acre
NB; Neighborhood Business	R-6; Residential, 6 units/acre
PA 3; Planned Area 3	R-4; Residential, 4 units/acre
C; Campus	

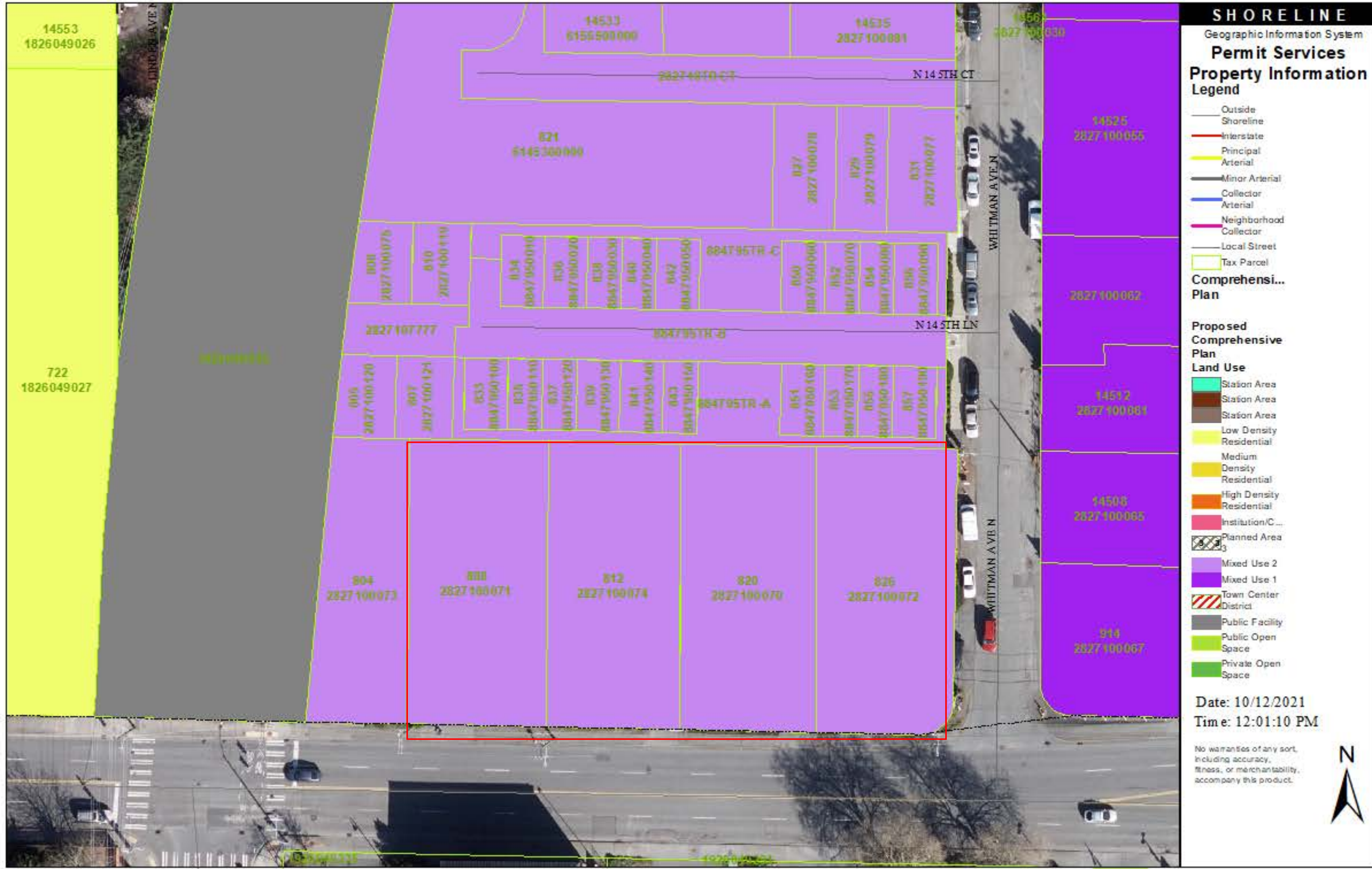
Feature Legend

- Parcel Change	- Unclassified ROW
- City Boundary	- Parcel Line



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Date Printed: Date: 9/13/2021 | Request: 30560



CITY OF SHORELINE

PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT NAME: Hynden/145th Street Rezone Application

PROJECT FILE: PLN21-0117

REQUEST: The applicant, Dave Hynden, requests application approval for a rezone of four (4) parcels from Residential 12-units per acre (R-12), a medium-density residential zone to Neighborhood-Business (NB), a mixed-use zone.

GENERAL INFORMATION:

Applicant: Dave Hynden
Windermere Real Estate
1532 NW 195th Street #6
Shoreline, WA 98177

Property Owners: Ellen Heath, Carol Pfeiffer, and Tom Kaupe

Property Location: 808, 812, 820, and 826 N. 145th Street, Shoreline, WA 98133

Tax Parcel Number: 2827100071, 2827100074, 2827100070, and 2827100072

Legal Description: 2827100071 - GOLF CLUB ACRES UNREC W 64 FT OF E 250 FT
2827100074 - GOLF CLUB ACRES UNREC E 61 FT OF W 125 FT OF E
250 FT
2827100070 - GOLF CLUB ACRES UNREC W 62.5 FT OF E 125 FT
2827100072 - GOLF CLUB ACRES UNREC E 62.5 FT LESS CO RD

PROJECT DESCRIPTION:

The Applicant proposes to rezone four parcels located at 808, 812, 820, and 820 N.145th Street from R-12 to NB. The applicant is asking for a rezone of four parcels to develop higher-density housing and/or a mixed-use development with commercial uses on the ground-floor. Although the applicant is requesting a zone change to the property, the applicant has not submitted development permits to change the existing structures on site.

Rezoning this parcel to NB is consistent, if not less intensive, with other similarly situated properties abutting N. 145th Street and commercial zoning in the City of Seattle on the south side of N. 145th Street.

PROPERTY DESCRIPTION:

The rezone encompasses four parcels which together total 32,736 square feet (.75 acres). Each one of the four parcels is currently developed with single-family homes (**Attachment 1 – Site Plan**).

The parcels are located adjacent to N. 145th Street which is designated as a State Highway (**Attachment 2 – Vicinity Map**). The subject parcels are flat with no known critical areas present. In addition to the existing homes, the sites are mostly developed with asphalt parking areas, gravel/dirt parking areas, outside lawns and patios, trees, shrubs, and other landscaping. There are existing sidewalks along N. 145th Street.

ZONING and LAND USE:

The Subject Property is currently zoned R-12 (**Attachment 3 – Zoning Map**).

The surrounding zoning to the east and west is Mixed-Business along N. 145th Street (**Attachment 3 – Zoning Map**). Parcels to the north are zoned R-48 and are developed with attached single-family homes (townhomes). The parcels to the south, across N. 145th Street, are within the City of Seattle and are zoned Commercial 1 and are developed with commercial uses that include retail stores, office building, tire store, and a post office.

The subject parcels and the parcel to the north and west have a Comprehensive Plan Land Use designation of Mixed-Use 2 (**Attachment 4 – Comprehensive Plan**). As provided in Comprehensive Plan Policy LU10:

The Mixed-Use 2 (MU2) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses. It does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

The parcels to the east have a Comprehensive Plan Land Use designation of Mixed-Use 1. As provided in Comprehensive Plan Policy LU9:

The Mixed-Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions.

The Mixed-Use 2 designation is one of the City's most intense Comprehensive Plan Land Use designation and is intended to apply to parcels that are easily served by rapid transit, provide residents with commercial and service uses, and provide new multifamily uses that will provide maximum densities in order to meet the City's population and employment goals.

PUBLIC NOTICE AND COMMENT:

Staff analysis of the proposed rezone considered information gathered from a neighborhood meeting on May 20, 2021, public comments, site visits, the Shoreline Comprehensive Plan, the Shoreline Municipal Code, and Title 20 Unified Development Code.

Per SMC 20.30.060 and 20.30.090, the applicant held a neighborhood meeting via Zoom on May 20, 2021. Comments raised at the neighborhood meetings related to the rezone pertained to increased development potential allowed in the NB zone, including increased building height, parking, and the neighbors' desire to build townhomes over multifamily dwelling units.

(Attachment 5 – Neighborhood Meeting Summary)

As required by SMC 20.30.120 and 20.30.180, public notice of the rezone application and public hearing for the proposal was posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website. The Notice of Application was issued on August 19, 2021 (**Attachment 6 – Notice of Application**) and the Notice of Public Hearing was issued on October 13, 2021 (**Attachment 7 – Notice of Public Hearing**).

The City received one (1) public comment letter in response to the proposed rezone. The public comment letter is included as **Attachment 8 – Public Comment Letter**.

ENVIRONMENTAL REVIEW:

The City of Shoreline is acting as Lead Agency for the SEPA review and environmental determination. The City issued a SEPA Determination of Non-Significance (DNS) on September 23, 2021 (See **Attachment 9 – SEPA DNS**). The SEPA DNS had a 14-day public comment period, and the city did not receive any comments.

DEPARTMENT ANALYSIS:

The process to rezone property is defined in Shoreline Municipal Code (SMC) 20.30.320. The purpose of a rezone is to change the zoning assigned to a property to modify the development regulations applicable to the property, including the addition of uses. Changes to a parcel's zoning are considered amendments to the City's official zoning map.

SMC 20.30.060 classifies a rezone as a Type C decision. Pursuant to SMC Table 20.30.060, the City of Shoreline Hearing Examiner, after holding an open record public hearing and preparing findings and conclusions, makes a recommendation to the City Council on whether a proposed rezone should be approved, approved with modifications, or denied based on compliance with the Decision Criteria codified in SMC 20.30.320(B). The City Council is the final decision-making authority on a rezone.

Rezone Applications – Legal Standard

Three general rules apply to rezone applications: (1) there is no presumption of validity favoring a rezone; (2) the rezone proponent must demonstrate that circumstances have changed since the original zoning; and (3) the rezone must have a substantial relationship to the public health, safety, morals, and general welfare. *Phoenix Development Inc. v. City of Woodinville*, 171 Wn. 2d 820, 834 (2011) (citing *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wash. 2d 861, 947 P.2d 1208 (1997)). However, as is the case for the present rezone application, when a proposed rezone implements the policies of a comprehensive plan, the rezone proponent is not required to demonstrate changed circumstances. *Bjarnson v. Kitsap County*, 78 Wash. App. 840, 899 P.2d 1290 (1995).

The decision criteria set forth in SMC 20.30.320(B) address these general rules as well as other considerations the City has established for determining whether a rezone should be granted.

Decision Criteria – SMC 20.30.320(B)

Decision criteria that the Hearing Examiner must examine for a rezone are set forth in SMC 20.30.320(B). City staff has analyzed each of the criteria below.

The following is the staff's analysis for how the proposed rezone at 808, 812, 820, and 826 N. 145th Street meets the criteria for a rezone and complies with the goals and policies of the Shoreline Comprehensive Plan. While, as a general practice, staff does not evaluate a rezone based on a single use. Instead, staff analyzes the proposed new zone with all possible permitted uses in mind.

1. The rezone is consistent with the Comprehensive Plan.

The rezone request is a change from the existing zone of R-12 to the proposed zone of NB. The Comprehensive Plan Land Use designation of the site is Mixed Use 2. Comprehensive Plan Policy LU10 reads:

The Mixed-Use 2 (MU2) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses. It does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

The NB zoning district is considered an implementing zone for this designation. In contrast, the R-12 zoning district is an implementing zone for the Medium Density Residential Comprehensive Plan Land Use designation. The current residential zoning of R-12 has limited opportunity for commercial or a mix of uses and, therefore, is inconsistent with the intent of the MU2 designation.

The proposed rezone also meets the following Goals and Policies:

Goal LU I: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.

Goal LU II: Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment, recreation.

The NB zoning district is not the City's most intensive zoning district but does allow a wide range of neighborhood serving commercial uses, higher-density multifamily dwellings, and building heights up to 50-feet. While the immediate future use of the property does not plan for redevelopment, rezoning the property to NB will still allow a variety housing opportunities, employment and services that are accessible to the neighborhood and the region when circumstances change. The rezone will also allow development that promotes walking, transit, and employment that furthers the City's Comprehensive Plan Goals LUI and II.

LU8: Provide, through land use regulation, the potential for a broad range of housing choices and levels of affordability to meet the changing needs of a diverse community.

T28. Encourage development that is supportive of transit, and advocate for expansion and addition of new routes in areas with transit supportive densities and uses.

The proposed rezone will allow this parcel to redevelop with multifamily housing that will provide needed housing adjacent to high-capacity transit. The rezone will allow for the removal of four single-family homes, a very inefficient use of land at this location, to be replaced with mixed-use development that can provide between 60-100 dwelling units and ground-floor commercial space. Future development of the site into multifamily housing or commercial uses will both be supported by transit since the King County Metro E-line is adjacent to the site and bus routes along N.145th Street will offer convenient service to the future 148th Street light rail station.

Goal H II: Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.

Goal H V: Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities.

H3: Encourage infill development on vacant or underutilized sites.

H23: Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.

The proposed rezone will encourage a mix of housing choices in the future, encourage the redevelopment of these underutilized parcels in a prime location for walking, biking, bus rapid transit, and access to the future light rail station.

Any future development of the site must comply with transition area standards as required by SMC 20.50.021. These transition standards create effective transitions between high intensity uses and the lower residential densities to the north.

Based on the noted Comprehensive Plan Goals and Policies and the Neighborhood-Business zone being one of the implementing zones of the Mixed-Use 2 Land Use Designation, the proposed rezone is consistent with the Comprehensive Plan and meets criteria #1.

2. The rezone will not adversely affect the public health, safety, or general welfare.

The rezone will not adversely affect the public health, safety, or general welfare for the following reasons:

The Subject Property is on the N. 145th Street Corridor where access to bus service, pedestrian and bike opportunities along the interurban trail, frequent high-capacity bus service along Aurora Avenue, and retail/commercial services are all within a short distance to the site. Higher density townhomes exist to the north and commercial services are present to the east. Redevelopment of these parcels under the proposed NB zone will be compatible with existing and future development.

If the site redevelops in the future, any new development must meet all regulations in effect at the time of development. This includes height, setbacks, hardscape, landscape buffers, and site lighting directed away from residential uses.

The rezone will not adversely affect the public health, safety, or general welfare since any future redevelopment of the site will be required to meet then current dimensional and landscaping standards as required in the City's Development Code.

This proposed rezone meets criteria #2.

3. The rezone is warranted to achieve consistency with the Comprehensive Plan.

The rezone is warranted to achieve consistency with the Comprehensive Plan. RCW 36.70A.060 requires that the City's development regulations, which a zoning district is, must be consistent with and implement the Comprehensive Plan. A rezone to NB will satisfy this statutory mandate.

As noted in Section 1 above, the property maintains Comprehensive Plan Land Use designation of MU2. The NB zone is an implementing zone for the MU2 Comprehensive Plan Land Use designation and satisfies the intent of that designation. The proposed NB Zone is in an area near employment, retail/commercial areas, and where high levels of transit are present.

In contrast, the current zoning of R-12, which are not form based density zones, in that density is capped at 12 units per acre rather than by form (height, lot coverage, setbacks, lot dimensions), is inconsistent with the MU2 designation's desire for form-based maximum density residential uses.

This proposed rezone meets criteria #3.

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone because this site and the area around this proposed rezone has been designated for commercial and mixed-use development since the incorporation of the City in 1995. When the City adopted its first zoning, the city adopted the existing zoning under King County. Subsequently, the city has developed its own zoning and Comprehensive Plan, under which the subject parcel designated for commercial and mixed-use land uses since at least 1998.

Any new development on the subject parcel will be required to comply with the City's Municipal Code, Stormwater Manual, Engineering Development Manual, and other City relevant codes that ensure the site will be developed with the latest building and engineering codes.

Future re-development may be required to install frontage improvements on N. 145th Street which will improve pedestrian safety. New development will be required to provide surface water improvements (if needed) which will mitigate drainage around the site. New development will

also be required to provide sufficient parking onsite to mitigate any effects of street parking on the adjacent right-of-way.

Because this area has been identified in the Comprehensive Plan as an area to provide high-density housing, commercial and mixed-use buildings, with application of Development Code regulations to provide protections, this proposed rezone meets criteria #4.

5. The rezone has merit and value for the community.

The proposed rezone and subsequent re-development have merit and value for the community. The proposed rezone is implementing the City's vision for this area as stated Comprehensive Plan Policy LU-10. This location was chosen for allocation of the City's population growth and the rezone will allow this site to redevelop to provide additional density and/or employment opportunities. High-density residential and mixed-use have been planned for this area which locates intense, regional commercial and services uses to a major transportation corridor and out of the low-density, single-family residential areas of the city. Any future development will be required to install full frontage improvements that include sidewalk, curb, gutter, and landscape/amenity zone adjacent on N. 145th Street thereby alleviating the neighborhood concerns of unsafe walking surfaces for pedestrians. In addition, new residential development will require the payment of transportation, park, and fire impact fees, thereby allowing for system-wide improvements that are being required due to growth within the community.

This proposed rezone meets criteria #5.

DEPARTMENT RECOMMENDATION:

Based on the above applicant response to the rezone criteria, the Planning & Community Development Department recommends **APPROVAL** of the Rezone for file PLN21-0117.



Steve Szafran, AICP, Senior Planner

October 12, 2021

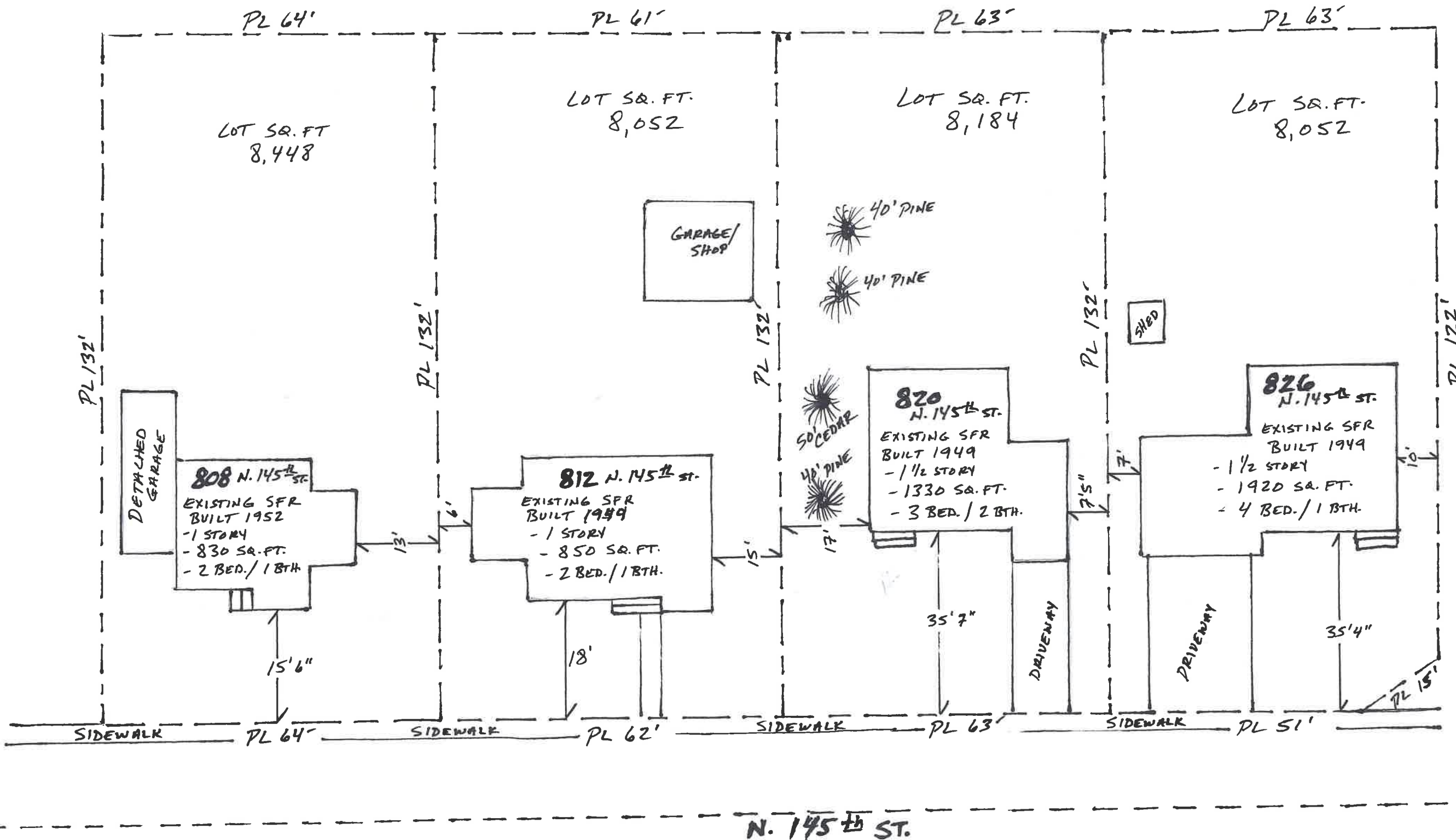
Attachments:

- Attachment 1 – Site Plan
- Attachment 2 – Vicinity Map
- Attachment 3 – Zoning Map
- Attachment 4 – Comprehensive Plan Land Use Map
- Attachment 5 – Neighborhood Meeting Summary

Attachment 6 – Notice of Application
Attachment 7 – Notice of Public Hearing
Attachment 8 – Public Comment Letter
Attachment 9 – SEPA Determination of Nonsignificance

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PCD

Kaape-Heath-Pfeiffer Rezone

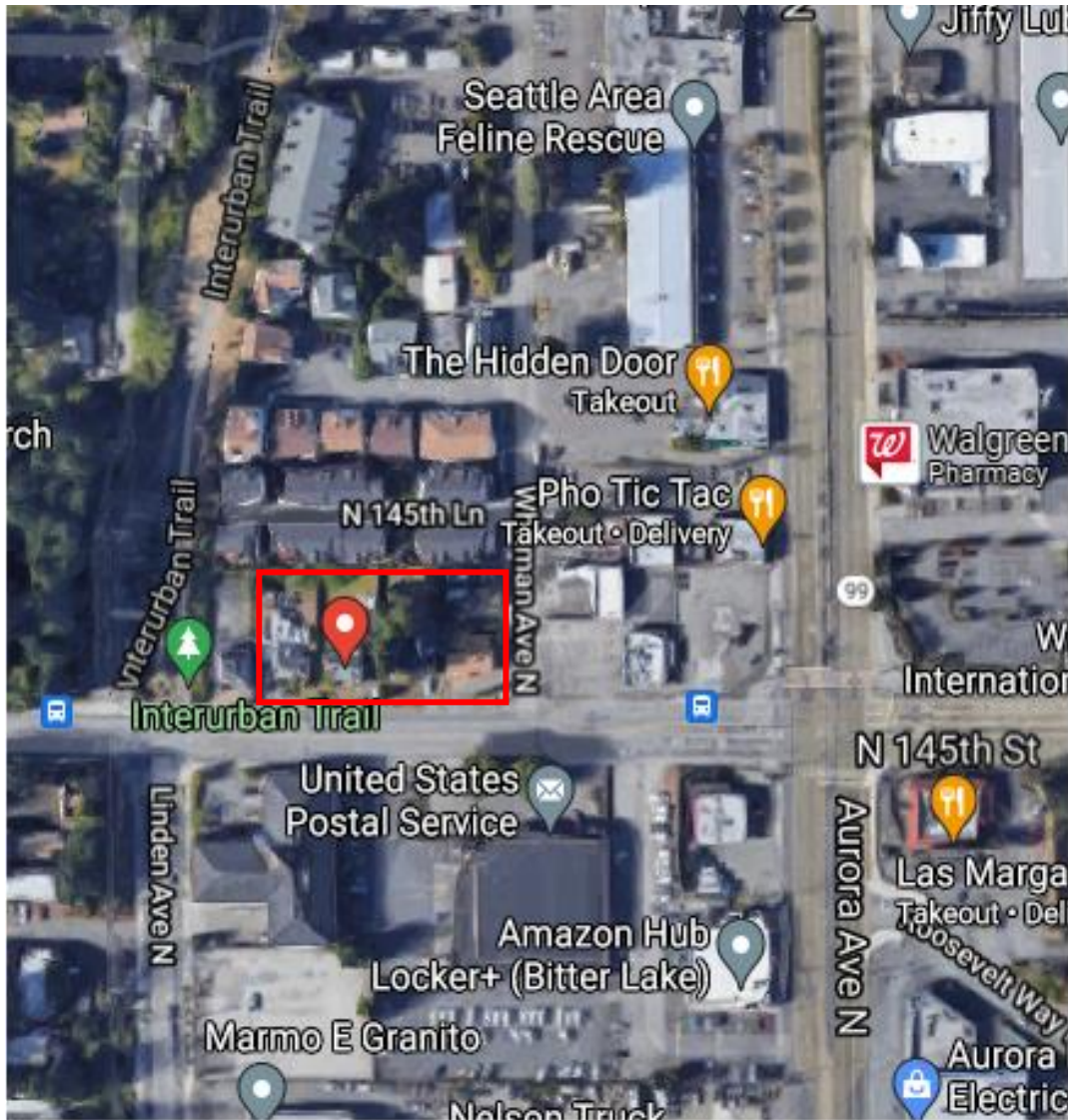


WHITMAN AVE. N.

PREPARED BY:
DAVE HYNDEN
1532 NW 195th ST. #6
SHORELINE, WA.
98177
(206) 778-7355
DATE: 3/18/21
SCALE: 20' : 1"

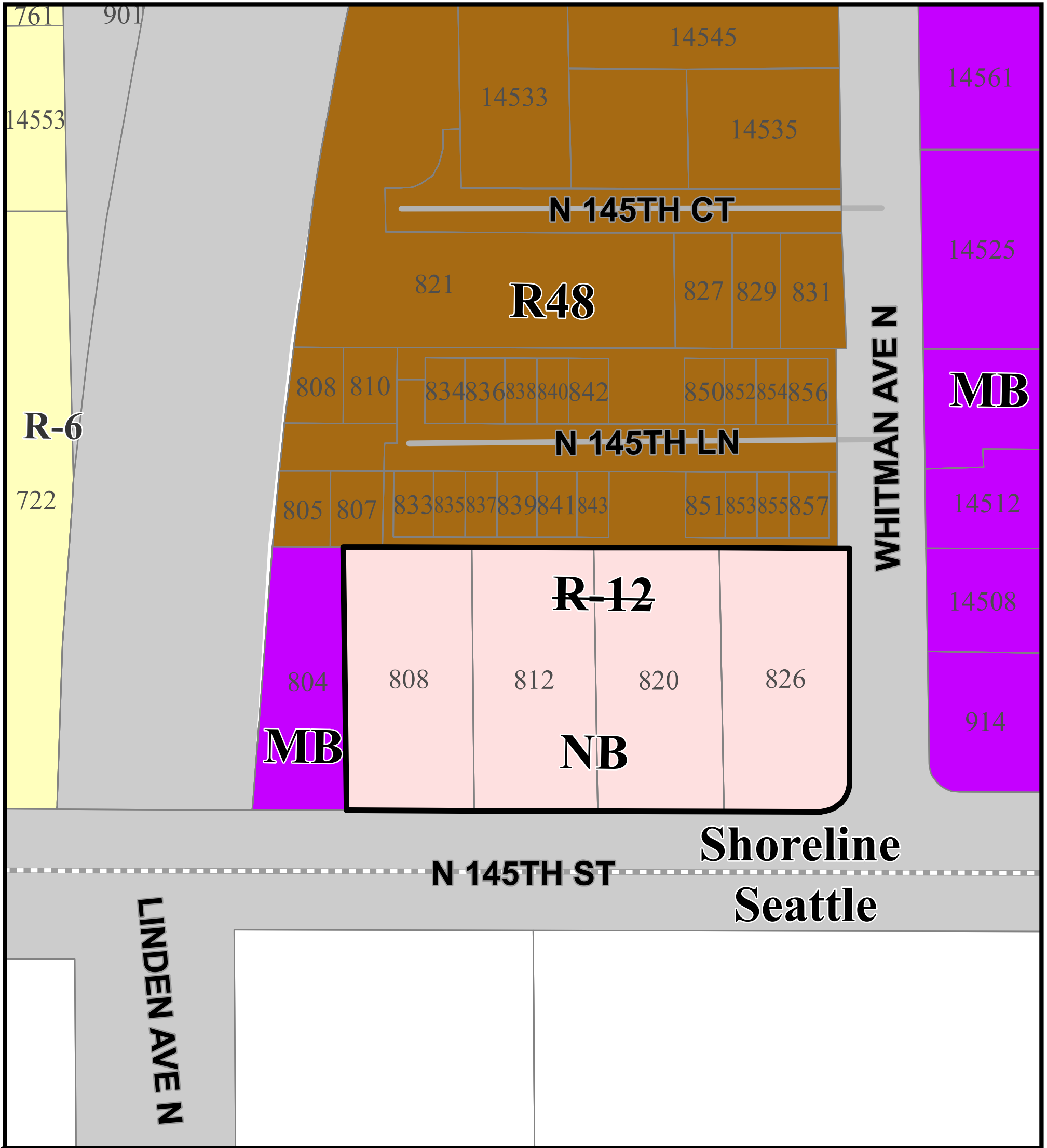
N. 145th ST.

Vicinity Map



Rezone from R-12 to Neighborhood Business (NB) Map for 808, 812, 820, and 826 NE 145th Street

Attachment Exhibit 4



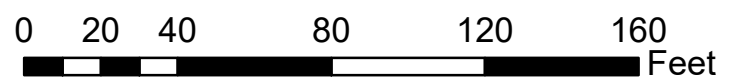
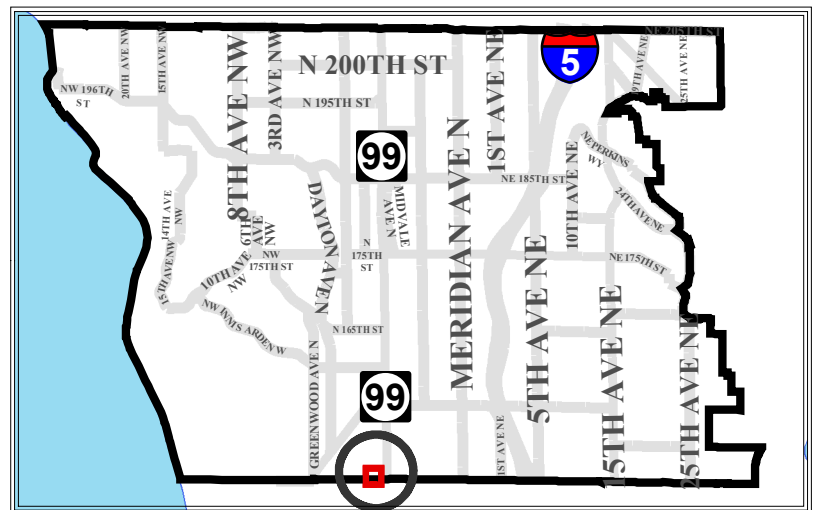
Rezone from R-12 to Neighborhood Business (NB) for 808, 812, 820, and 826 NE 145th Street

Zoning Legend

TC-1 to TC-4; Town Center	CZ; Contract Zone
MUR-70; Mixed Use Residential (70' height)	R-48; Residential, 48 units/acre
MUR-45; Mixed Use Residential (45' height)	R-24; Residential, 24 units/acre
MUR-35; Mixed Use Residential (35' height)	R-18; Residential, 18 units/acre
MB; Mixed Business	R-12; Residential, 12 units/acre
CB; Community Business	R-8; Residential, 8 units/acre
NB; Neighborhood Business	R-6; Residential, 6 units/acre
PA 3; Planned Area 3	R-4; Residential, 4 units/acre
C; Campus	

Feature Legend

- Parcel Change	- Unclassified ROW
- City Boundary	- Parcel Line



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Date Printed: Date: 9/13/2021 | Request: 30560



Summary of Neighborhood Zoom Meeting (Proposed Rezone for 808, 812, 820 & 826 N. 145th St. Shoreline)

May 20, 2021

This is the summary of the neighborhood zoom meeting for the proposal to rezone the 4 adjacent lots (808, 812, 820 & 826 N. 145th St., Shoreline) from the current R-12 zoning to a higher density zoning.

In attendance:

Tom Kaupe	Owner of 820 N. 145th St.
Don & Ellen Heath	Owner of 826 N. 145th St.
Dave Hynden	Hired consultant for the current owners of the properties
Kelly Emerson	Neighbor to the North (Secretary of the HOA/Townhomes)
David Suess	Owner of 804 N. 145th St.
Don ?	Owner of one of the Townhomes, directly to the North.

Kelly Emerson was concerned about what could possibly be built with a new zoning. She asked the current owners if they were at all discriminatory of who they'd be selling to and what they were looking to leave behind when they sell. She said that she would like to see Townhomes be built rather than a large, high building of some kind. She expressed concerns for parking.

David Suess who owns 804 N. 145th St. which is currently Mixed Business zoning and is directly to the West of the current properties seeking the rezone, asked whether or not the current owners were aware of the widening of N. 145th St., at some point in the near future. He also expressed that he would prefer Townhomes to be built, as well.

One other owner from the Townhomes to the North (N. 145th Ln.) was on the call, but had no comments.

Meeting lasted 30 minutes and no fighting or profanity took place. The meeting was recorded and e-mailed to the secretary of the Townhome HOA, directly behind (North) the current properties, to be shared with the Townhome owners that weren't able to attend the meeting.

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PLN 21-0117

May 10, 2021

Dear Neighbor,

Please join in on a Zoom call to hear a brief presentation for a proposed rezone at 808, 812, 820 & 826 N. 145th St., Shoreline, WA. 98133. At this meeting we will discuss the specific details and solicit comments on the proposal from the neighbors.

Meeting Information:

Proposal: Rezoning of 4 adjacent lots. Current zoning is R12, and the proposed zoning will allow for higher density.

Date: Thursday, May 20th, 2021

Time: 5:30pm-6:00pm

Zoom: <https://zoom.us/j/92706342260?pwd=d1VlblI3amRxRW1Xc2FwWWlFVkJQdz09>

*** Please call or e-mail Dave Hynden for an invite to this meeting.**

**Dave Hynden (206)778-7355
hynden@windermere.com**



City of Shoreline Notice of Application including Optional SEPA DNS Process

Applicant: Dave Hynden, Windermere Real Estate.

Application Number: PLN21-0117.

Permit Requested: Rezone of Property and Zoning Map Change.

Location: 808, 812, 820, and 826 N 145th Street.

Description of Project: Rezone the parcels from R-12 to Neighborhood-Business (NB). The applicant is asking for a rezone of four parcels to develop higher-density housing and/or commercial uses.

Environmental Review: The City expects to issue a SEPA Determination of Nonsignificance (DNS) on this project. This may be the only opportunity to comment on the environmental impacts of this proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

Public Comment: This public comment period for this rezone application ends **September 3, 2021 at 5:00 p.m.** Interested persons are encouraged to mail, fax (206) 801-2788 or deliver comments to City of Shoreline, Attn. Steven Szafran, 17500 Midvale Avenue N, Shoreline, WA 98133 or email to sszafran@shorelinewa.gov. You may also request a copy of the decision once it has been made.

Copies of the SEPA Threshold Determination, application materials and applicable codes are available for review at City Hall, 17500 Midvale Avenue N.

NOTICE OF DISCLOSURE

The City of Shoreline will enter all comments received into the public record and may make these comments, and any attachments or other supporting materials, available unchanged, including any business or personal information (name, email address, phone, etc.) that you provide available for public review. This information may be released on the City's website. Comments received are part of the public record and subject to disclosure under the Public Records Act, RCW 42.56. Do not include any information in your comment or supporting materials that you do not wish to be made public, including name and contact information.



City of Shoreline Notice of Virtual/Electronic Public Hearing of the Shoreline Hearing Examiner

The City of Shoreline Hearing Examiner will hold an Electronic Public Hearing on November 3, 2021 at 7:00 p.m. Pursuant to the Governor's Emergency Proclamation 20-28 the public hearing will be held electronically due to health concerns from COVID-19. The hearing and public participation will be held completely remotely using an online application.

Applicant: Dave Hynden.

Application Number: PLN21-0117.

Permit Requested: Rezone of Property and Zoning Map Change.

Location: 808, 812, 820, and 826 N 145th Street.

Description of Project: Rezone the parcels from R-12 to Neighborhood-Business (NB). The applicant is asking for a rezone of four parcels to develop higher-density housing and/or commercial uses. Although the applicant is requesting a zone change to the property, the applicant has not submitted permits to change the existing structures on site.

Environmental Review: The City issued a SEPA Determination of Nonsignificance (DNS) on September 23, 2021 on this project. A copy of the threshold determination may be obtained upon request.

Public Hearing: An open record public hearing is scheduled for **November 3, 2021** at 7pm via Zoom. All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Written comments should be submitted to Steven Szafran, Senior Planner, at sszafran@shorelinewa.gov by no later than 4:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing is encouraged to register via the Remote Public Comment Sign-in form on the City's webpage at least thirty (30) minutes before the start of the meeting.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85648911538?pwd=Qm5nSVZ3M0VVTy81Yk1GQjAzbS9FUT09>

Passcode: 218725

Or One tap mobile :

US: +12532158782,,85648911538#,,,,*218725# or +13462487799,,85648911538#,,,,*218725#

Or Telephone:

Dial(for higher quality, dial a number based on your current location)

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 646 558 8656 or +1 301 715

8592 or +1 312 626 6799

Webinar ID: 856 4891 1538

Passcode: 218725

International numbers available: <https://us02web.zoom.us/j/kcGQRv3zRq>

A request to sign-up can also be made directly to the Hearing Examiner Clerk at (206) 801-2232. Any questions or comments prior to the hearing date should be addressed to the Hearing Examiner Clerk at hearingex@shorelinewa.gov.

17500 Midvale Avenue N, Shoreline, Washington 98133-4905

Telephone (206) 801-2500 Fax (206) 801-2788 pcd@shorelinewa.gov

7c-32

Copies of the SEPA Threshold Determination, application materials and applicable codes are available for review at City Hall, 17500 Midvale Avenue N.

Any person requiring a disability accommodation should contact the Hearing Examiner Clerk at hearingex@shorelinewa.gov in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

NOTICE OF DISCLOSURE

The City of Shoreline will enter all comments received into the public record and may make these comments, and any attachments or other supporting materials, available unchanged, including any business or personal information (name, email address, phone, etc.) that you provide available for public review. This information may be released on the City's website. Comments received are part of the public record and subject to disclosure under the Public Records Act, RCW 42.56. Do not include any information in your comment or supporting materials that you do not wish to be made public, including name and contact information.

From: Grant Peltier <grantpeltier1313@gmail.com>
Sent: Monday, August 30, 2021 8:53 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: [EXTERNAL] Rezone four parcels from Residential 12-units per acre (R-12) to Neighborhood-Business (NB)

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Steve,

I work at a nearby business on 145th and very much support the change of zoning on this project. The greater Seattle and Shoreline are needs more housing and this project can do a small part in providing more housing. Additionally, if this project contains mixed use retail spaces it will be great service to me. Hopefully this project will also have good bike parking due to the proximity to the trail.

Thanks,
Grant



Planning & Community Development

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

PROJECT INFORMATION

DATE OF ISSUANCE: **September 22, 2021**
 PROPONENT: **Dave Hynden**
 LOCATION OF PROPOSAL: **808, 812, 820, and 826 N 145th Street.**

DESCRIPTION OF PROPOSAL: **Rezone the parcels from R-12 to Neighborhood-Business (NB). The applicant is asking for a rezone of four parcels to develop higher-density housing and/or commercial uses. Although the applicant is requesting a zone change to the property, the applicant has not submitted permits to change the existing structures on site.**

PUBLIC HEARING **Tentatively scheduled for November 2021**

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 15 days from the date below.

RESONSIBLE OFFICIAL: **Rachael Markle, AICP**
Planning & Community Development, Director and SEPA Responsible Official

ADDRESS: **17500 Midvale Avenue North** PHONE: **206-801-2531**
Shoreline, WA 98133-4905

DATE: 9/10/21 SIGNATURE: 

PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION

The public comment period will end October 7, 2021. This DNS may be appealed by any interested person to the City of Shoreline Hearing Examiner as provided in SMC 20.30 Subchapter 4 and SMC 20.30.680 no later than fourteen (14) calendar days after the date of issuance. Appeals must be submitted in writing to the City Clerk with the appropriate filing fee and received by 5:00 pm on the last day of the appeal period. The written appeal must contain specific factual objections related to the environmental impacts of the project. An appeal hearing on the DNS will be consolidated with the open record hearing on the project application.

Documents and environmental information for this proposal are available for review during regular business hours at the Shoreline City Hall, 17500 Midvale Ave N., 3rd floor – Planning & Community Development; by contacting Steven Szafran, AICP, Senior Planner at sszafran@shorelinewa.gov or 206-801-2512; or on the City's land use noticing page at <https://www.shorelinewa.gov/government/departments/planning-community-development/records-notices-and-maps/land-use-action-and-planning-notices>.

If you are not capable of accessing the proposal's information on the City's website, please contact Steve Szafraan and arrangements can be made.

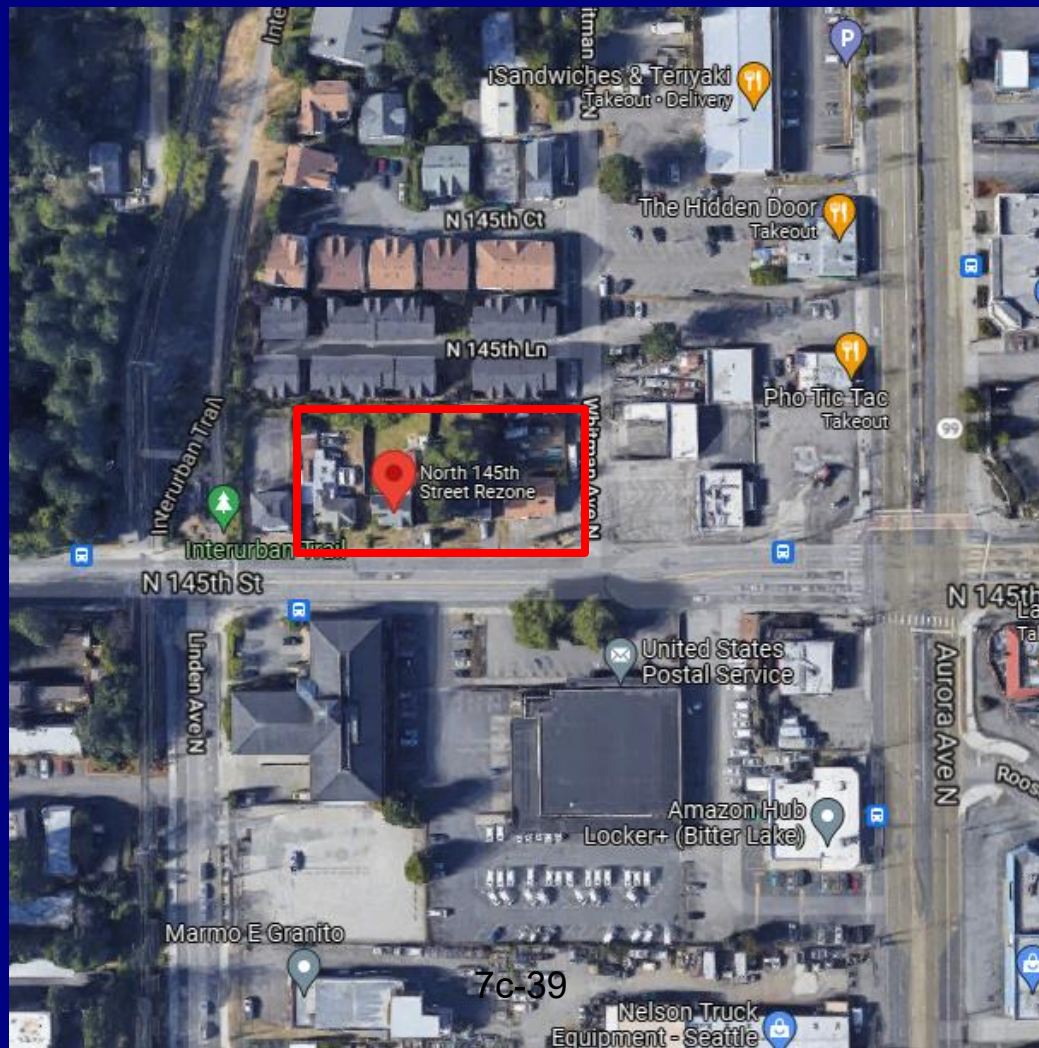
Rezone PLN21-0117 808, 812, 820, 826
North 145th Street

Public Hearing
November 3, 2021



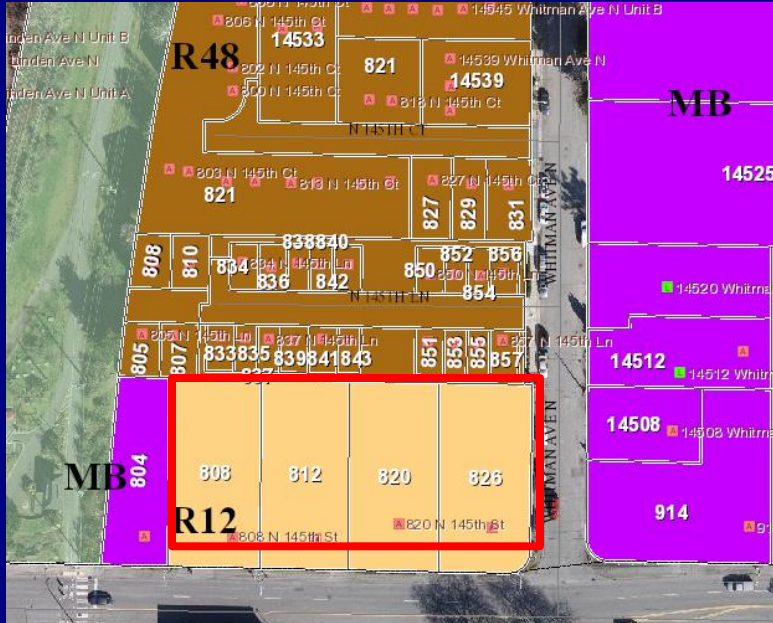
Proposal

Change the zoning of four (4) parcels from R-12 to Neighborhood-Business in order to develop the property in the future.

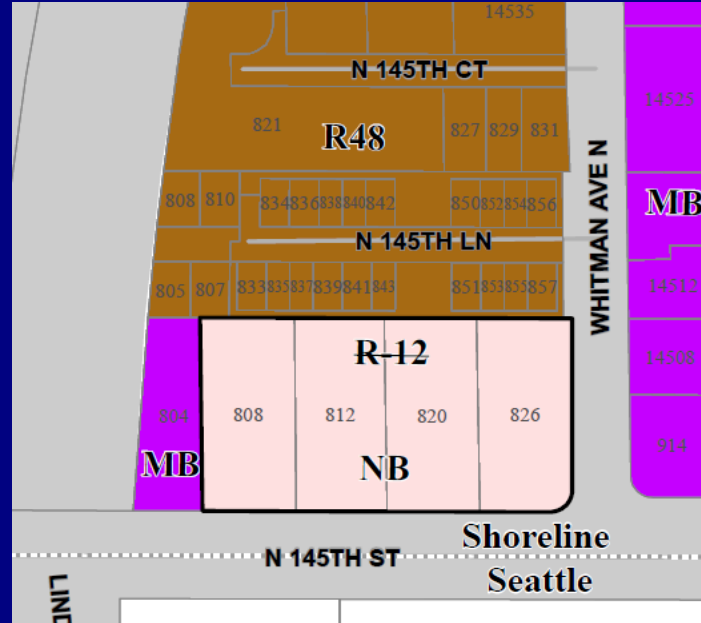


Zoning

Current Zoning



Proposed Zoning



Process

- SEPA DNS Issued September 22.
- Neighborhood Meeting May 20.
- Notice of Application (August 19) and Public Hearing (October 13) sent to property owners (500').
- Hearing Examiner Public Hearing – Recommendation to Council.
- City Council considers the rezone December 2021.

Rezone Criteria

Zoom Video
is shown here

1. The rezone is consistent with the Comprehensive Plan.



Rezone Criteria

2. The rezone will not adversely affect the public health, safety, or general welfare.



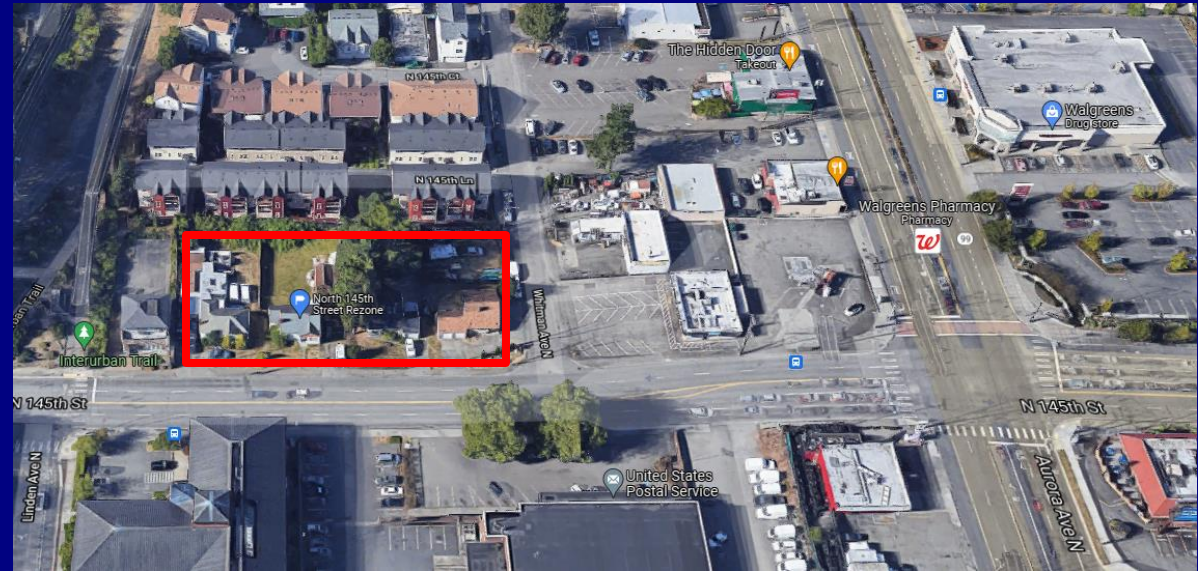
Rezone Criteria

3. The rezone is warranted to achieve consistency with the Comprehensive Plan.



Rezone Criteria

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.



Rezone Criteria

5. The rezone has merit and value for the community.



Recommendation

Staff recommends approval of PLN 21-0117 by changing the zoning from R-12 to Neighborhood Business.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize City Manager to execute Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal, and Transport
DEPARTMENT:	Public Works
PRESENTED BY:	Randy Witt, Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

In 1988, the Ronald Wastewater District entered into an agreement with the City of Edmonds so that a portion of the District’s wastewater would be treated at the Edmonds Wastewater Treatment Plant (Edmonds WWTP). The City of Mountlake Terrace and the Olympic View Water and Sewer District are also parties to this 1988 Agreement. The Agreement had an original term of 30 years but has been amended on three (3) occasions, with expiration now occurring on February 17, 2022.

With the City’s assumption of Ronald, the City has assumed Ronald’s rights and responsibilities under this Agreement. Addendum No. 4 (Attachment A) would recognize the City’s assumption of Ronald and extend the Agreement for two more years. This time period allows Edmonds and the parties to monitor the new Department of Ecology Puget Sound Nutrient General Permit and determine impacts and physical or operational changes to the Edmonds WWTP and, if necessary, amendments to the Agreement due to the Nutrient General Permit.

RESOURCE/FINANCIAL IMPACT:

Approval of Addendum No. 4 will not require new resources or have a financial impact on the City. Any resources/financial impact on the City were already accounted for in the assumption of the Ronald Wastewater District.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal and Transport.

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

BACKGROUND

In 1988, the Ronald Wastewater District, the City of Mountlake Terrace, and the Olympic View Sewer and Water District enter into an agreement with the City of Edmonds for use of the Edmonds Wastewater Treatment Plant. This agreement addressed the allocation of costs that were being incurred by Edmonds to upgrade the WWTP under federal and state standards and an allocation of capacity for the treatment, disposal, and transport of wastewater at the Edmonds WWTP over a term of 30 years. Under this Agreement, Ronald's allocated share was 9.488% of the costs and capacity. The agreement has previously been amended on three (3) occasions and is scheduled to expire on February 17, 2022.

DISCUSSION

As part of the assumption process, the City assumed the rights and responsibilities of the existing contracts and agreements of the Ronald Wastewater District. Addendum No. 4 (Attachment A) includes language recognizing the assumption of Ronald by the City of Shoreline.

In addition to recognizing the City's assumption of Ronald, the term of the Agreement is being extending for two (2) additional years to address the new Department of Ecology Puget Sound Nutrient General Permit issued on December 1, 2021, and effective on January 1, 2022.

The Puget Sound Nutrient General Permit address discharges of excess nutrients — particularly nitrogen — to Puget Sound from domestic wastewater treatment plants (WWTPs) which are contributing to existing low oxygen levels in Puget Sound. The Clean Water Act and federal rules require WWTPs that contribute to water quality impairments by discharging excess nutrients to take action to prevent this pollution. The Nutrient General Permit applies to 58 domestic WWTPs discharging to marine and estuarine waters of Washington waters of the Salish Sea, including the Edmonds WWTP, and focuses only on controlling nutrients, working in conjunction with the Edmonds WWTPs' existing individual permit.

The two (2) year extension of the Agreement will allow for the monitoring of the Puget Sound Nutrient General Permit so as to determine impacts and physical or operational changes to the Edmonds WWTP to meet the requirements along with any amendments to the Agreement that may be necessary due to these changes. The new expiration date will be February 17, 2024.

COUNCIL GOAL(S) ADDRESSED

Goal 2: Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment

RESOURCE/FINANCIAL IMPACT

Approval of Addendum No. 4 will not require new resources or have a financial impact on the City. Any resources/financial impact on the City were already accounted for in the assumption of the Ronald Wastewater District.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal and Transport

ATTACHMENTS

Attachment A - Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal and Transport

ADDENDUM NO. 4 TO AGREEMENT**Wastewater Treatment, Disposal and Transport**

WHEREAS, the City of Mountlake Terrace, Olympic View Water and Sewer District, and the Ronald Sewer District (the “Participants”) and the City of Edmonds (the “City”), (collectively the “Parties”), all municipal corporations of the State of Washington, entered into a Professional Services Agreement for Wastewater Treatment, Disposal, and Transport (“Agreement”), for a term of thirty (30) years, from May 17, 1988 to May 17, 2018; and

WHEREAS, in May 2017, the Parties entered into an Addendum to the Agreement to extend the term of the Agreement for two (2) years, through May 17, 2020, to allow time for issues between the Parties to be resolved; and

WHEREAS, in April 2020, the Parties entered into Addendum No. 2 to the Agreement to extend the term of the Agreement for an additional three (3) months, through August 17, 2020, to allow additional time for issues between the Parties to be resolved; and

WHEREAS, in August 2020, the Parties entered into Addendum No. 3 to the Agreement to extend the term of the Agreement for an additional eighteen (18) months, through February 17, 2022, to allow additional time for issues between the Parties to be resolved; and

WHEREAS, on April 30, 2021, pursuant to chapter 35.13A RCW, the City of Shoreline assumed full and complete management and control of the Ronald Wastewater District (formerly Ronald Sewer District); and

WHEREAS, the City of Mountlake Terrace, Olympic View Sewer and Water District, and the City of Edmonds recognize the City of Shoreline’s assumption and its acceptance of the contractual obligations previously agreed to by the Ronald Wastewater District and desire to amend the Agreement to reflect this assumption; and

WHEREAS, the Parties have agreed to further extend the term of the Agreement for an additional twenty-four (24) months, through February 17, 2024 allow additional time for issues between the Parties to be resolved;

WHEREAS, the Clean Water Act and federal rules require wastewater treatment plants that contribute to water quality impairments by discharging excess nutrients to take action to prevent this pollution. The Washington State Department of Ecology Puget Sound Nutrient General Permit, effective January 1, 2022, applies to the Edmonds WWTP since it discharges to marine and estuarine waters of Washington. Monitoring of the operations of the Edmonds WWTP is necessary to determine what capital or operational changes may be required to ensure compliance with the Puget Sound Nutrient General Permit.

NOW, THEREFORE, in consideration of the mutual benefits accruing, it is agreed by and among the Parties hereto as follows:

ADDENDUM NO. 4 TO AGREEMENT

Wastewater Treatment, Disposal and Transport

1. The Agreement of May 17, 1988, among the Parties, the term of which has been extended on three (3) previous occasions, is further amended in, but only in, the following respects:

A. By executing this Agreement, the City of Mountlake Terrace, Olympic View Water and Sewer District, and the City of Edmonds accept the City of Shoreline as a Participant and as a Party to the Agreement. All rights, responsibilities, and obligations of the Ronald Wastewater District, formerly the Ronald Sewer District, shall be the rights, responsibilities, and obligations of the City of Shoreline.

B. Term of Agreement: To extend this Agreement to February 17, 2024.

2. In all other respects, the underlying Agreement among the Parties and all extensions thereto, shall remain in full force and effect and unchanged.

DATED this _____ day of _____, 20__

CITY OF EDMONDS

Michael Nelson, Mayor

ATTEST/AUTHENTICATED:

Scott Passey, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

CITY OF MOUNTLAKE TERRACE

By: _____
Title: _____

ATTEST/AUTHENTICATED:

By: _____
Title: _____

APPROVED AS TO FORM:

By: _____
Title: _____

OLYMPIC VIEW WATER AND SEWER DISTRICT

By: _____
Title: _____

CITY OF SHORELINE

By: _____
Title: _____

**ADDENDUM NO. 4 TO AGREEMENT
Wastewater Treatment, Disposal and Transport**

ATTEST/AUTHENTICATED:

By: _____
Title: _____

ATTEST/AUTHENTICATED:

By: _____
Title: _____

APPROVED AS TO FORM:

By: _____
Title: _____

APPROVED AS TO FORM:

By: _____
Title: _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute a Professional Services Agreement with KBA, Inc. in the Amount of \$417,200 for Construction Management and Inspection of 2022 Surface Water Utility Projects
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Staff is requesting that City Council authorize the City Manager to execute a contract with KBA, Inc. in the amount of \$417,200 for construction management and inspection services on two 2022 Surface Water Utility projects: Hidden Lake Dam Removal (Phase 1) and NE 148th Street Infiltration Facilities.

The Hidden Lake Dam Removal (Phase 1) project involves the removal of the existing Hidden Lake Dam and restoration of Boeing Creek through the area currently occupied by the lake. The project also includes wall construction, plantings, access and trail improvements to support the creek restoration. This project will result in numerous environmental benefits and reduced maintenance costs for the City.

The NE 148th Street Infiltration Facilities project involves the construction of up to 18 underground infiltration facilities, some with bioretention plantings and others with a gravel infiltration surface, between 12th Avenue NE and 15th Avenue NE, which will alleviate local flooding/ponding issues.

Due to the large number of projects in construction in 2022, City construction inspectors are not available to provide inspection services for these projects. As a result, contract inspection services are needed to complete this project. KBA, Inc. has been selected as the most qualified firm to support the City during these projects' construction phase. Council authorization is needed to enter into this professional services agreement with KBA, Inc.

RESOURCE/FINANCIAL IMPACT:

These projects are fully funded in the adopted 2021-2026 Capital Improvement Plan. The professional services for construction management will be funded by the two separate projects (\$331,800 by Hidden Lake Dam Removal and \$85,400 by NE 148th St. Infiltration) as shown below:

HIDDEN LAKE DAM REMOVAL (BOTH PHASES)

EXPENDITURES

Design

Project Administration	\$1,198,272
Real Estate Acquisition	\$ 444,050

Construction

Staff and other Direct Expenses	\$ 15,000
Construction Management (CM) Services (This Contract – KBA)	\$ 331,800
Future CM Services	\$ 450,000
Estimated Construction Contracts	\$5,500,000
Contingency	\$ 550,000
TOTAL (Design and Construction)	\$8,542,322

REVENUE

Surface Water Utility Bond	\$7,744,347
RCO LWCF Grant	\$ 447,975
King County WaterWorks Grant	\$ 50,000
King County Flood Control Grant	\$ 300,000
TOTAL Revenue	\$8,542,322

NE 148th STREET INFILTRATION FACILITIES PROJECT

EXPENDITURES

Design

Project Administration	\$ 85,000
Real Estate Acquisition	\$ 21,500

Construction

Staff and other Direct Expenses	\$ 5,000
CM Services (This Contract – KBA)	\$ 85,400
Estimated Construction Contract	\$444,000
Contingency	\$ 44,400
TOTAL (Design and Construction)	\$685,300

REVENUE

Surface Water Utility Bond	\$328,972
State of WA Dept of Ecology SFAP Grant Funding	\$293,125
King County WaterWorks Grant	\$ 63,203
TOTAL Revenue	\$685,300

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a professional services agreement with KBA, Inc. for construction management and inspection services in the amount of \$417,200 for the Hidden Lake Dam Removal Project (Phase 1) and the NE 148th Street Infiltration Facilities Project.

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

BACKGROUND

This contract will provide construction management and inspection services to two of the surface water utility projects that will be in the construction phase during 2022. Due to the complex nature of the Hidden Lake Dam Removal project and the number of projects scheduled for construction in 2022, City staff will be unable to provide construction management and inspection services for these projects. Therefore, staff selected KBA, Inc. to provide construction management and inspection services for both projects. The projects have staggered construction schedules, therefore the same KBA, Inc. staff can provide cohesive support for both projects.

Hidden Lake Dam Removal (Phase 1)

Design for the Hidden Lake Dam Removal project has progressed to nearly 100% level. Construction efforts in the first phase of the project will include the removal of Hidden Lake Dam, restoration of Boeing creek and improvements to access and trails with Shoreview Park. The project will eliminate the need for expensive maintenance (dredging) of Hidden Lake and was [authorized by Council in September 2014](#). Following an [alternative analysis](#) and [pre-design](#) efforts, the [original design contract with Herrera was authorized by Council in June 2018](#).

The [first amendment, authorized by the City Council on June 24, 2019](#), increased the contract scope to include the more complex culvert design (Phase 2 design), private property acquisition services, and design for trail and park user enhancements that were added as a result of obtaining a grant from the Recreation and Conservation (RCO)'s Land and Water Conservation Funding (LWCF). A second amendment with Herrera for final design and construction administration assistance (special inspections and technical review) was [approved by Council in 2021](#) and will help support the construction effort that this contract will authorize.

NE 148th Street Infiltration Facilities

Design of the NE 148th Street Infiltration Facilities project began in January 2014 and was funded by a Stormwater Capacity Grant from the Washington State Department of Ecology. The project progressed to a nearly 90% level before it was placed on hold due to grant funds no longer being available due to State revenue shortfalls. After reapplying for funding with Ecology and many delays, grant funds became available again in 2019 and [Council authorized obligation of the grant funding](#). The project also received grant funding from King County in 2018, [and Council authorized the obligation of this funding](#) shortly after.

Once City staff resources were made available and allocated to the project, design was finalized in 2021. The design addresses the reoccurring flooding issues along NE 148th Street between 12th Avenue NE and 15th Avenue NE. Flooding will be reduced with the installation of multiple infiltration facilities. Temporary construction easements are currently being acquired and the project will be bid in early 2022.

Construction Services Contractor Selection

On March 4, 2019, the City issued a Request for Qualifications (RFQ) for establishment of a Construction Services Roster. Five firms submitted Statements of Qualifications (SOQ's), which were reviewed by staff. Four firms were selected to provide

Construction Management and Inspection services for a three year period; KBA was one of these four firms

The City reached out to two of the four firms to identify which firm had the most qualified staff available to provide services for these two projects plus several others. KBA was selected in part due to the experience of key staff on in stream work that will be critical on the Hidden Lake Dam Removal project.

The alternative to not authorizing this contract is to assign City staff resources by re-prioritizing other work or delaying the project until City staff resources become available, which is not recommended. Current staff are fully utilized on other construction projects, including private development, the Sound Transit Lynnwood Link Extension Project, and other capital projects. Also, the unique nature of the Hidden Lake Dam Removal project is outside the experience of City construction services staff.

Construction of the NE 148th Street Infiltration Facilities project is anticipated to start in March 2022 with final completion anticipated by June 2022 (with minor plantings to be completed in September 2022). Construction of the Hidden Lake Dam Removal (Phase 1) project is anticipated to start in June 2022 with a final completion anticipated by December 2022.

The scope of work of this proposed contract is attached to the staff report as Attachment A.

COUNCIL GOAL(S) ADDRESSED

These projects will help implement City Council Goal 2: Continue to deliver highly valued public services through management of the City's infrastructure and stewardship of the natural environment.

RESOURCE/FINANCIAL IMPACT

These projects are fully funded in the adopted 2021-2026 Capital Improvement Plan. The professional services for construction management will be funded by the two separate projects (\$331,800 by Hidden Lake Dam Removal and \$85,400 by NE 148th St. Infiltration) as shown below:

HIDDEN LAKE DAM REMOVAL (BOTH PHASES)

EXPENDITURES

Design

Project Administration	\$1,198,272
Real Estate Acquisition	\$ 444,050

Construction

Staff and other Direct Expenses	\$ 15,000
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(This Contract – KBA)	

Future CM Services	\$ 450,000
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Contingency	\$ 550,000
TOTAL (Design and Construction)	\$8,542,322

REVENUE

Surface Water Utility Bond	\$7,744,347
RCO LWCF Grant	\$ 447,975
King County WaterWorks Grant	\$ 50,000
King County Flood Control Grant	\$ 300,000
TOTAL Revenue	\$8,542,322

NE 148th STREET INFILTRATION FACILITIES PROJECT

EXPENDITURES

Design

Project Administration	\$ 85,000
Real Estate Acquisition	\$ 21,500

Construction

Staff and other Direct Expenses	\$ 5,000
CM Services (This Contract – KBA)	\$ 85,400
Estimated Construction Contract	\$444,000
Contingency	\$ 44,400
TOTAL (Design and Construction)	\$685,300

REVENUE

Surface Water Utility Bond	\$328,972
State of WA Dept of Ecology SFAP Grant Funding	\$293,125
King County WaterWorks Grant	\$ 63,203
TOTAL Revenue	\$685,300

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a professional services agreement with KBA, Inc. for construction management and inspection services in the amount of \$417,200 for the Hidden Lake Dam Removal Project (Phase 1) and the NE 148th Street Infiltration Facilities Project.

ATTACHMENTS

Attachment A: KBA Construction Management Services for 2022 Surface Water Utility Projects Scope of Work

ATTACHMENT A

SCOPE OF SERVICES

for

Construction Management Services for 2022 Surface Water Utility Projects

KBA, Inc. (Consultant) will provide Construction Management (CM) services to City of Shoreline (Client), for multiple projects in 2022. These services will include consultation, resident engineering, field observation, and documentation, as required during the construction of the Projects, as detailed below.

Project Description: Projects anticipated include Hidden Lake Dam Removal (Phase 1) and NE 148th Street Infiltration Facilities.

I. CONSTRUCTION MANAGEMENT SERVICES

A. Consultant Contract and Team Management: Provide overall day-to-day management of the Consultant contract and Team, including:

1. Decide on best modes and frequency of communication with Client and Designer. Liaison and coordinate with Client on a regular basis to discuss Project issues and status.
2. Manage Consultant Team, comprised of Consultant's staff and its subconsultants, if any. Organize and layout work for Consultant Team.
3. Review monthly expenditures and Consultant Team scope activities. Prepare and submit to Client monthly, an invoice and progress report describing services provided that period. Prepare and submit reporting required by funding source(s), if any.

Deliverables

- *Monthly invoices and progress reports*

B. Preconstruction Services

1. Review Contract Documents to familiarize team with Project requirements.
2. Assist and co-lead preconstruction conference:
 - a. Assist with agenda.
 - b. Assist/ Conduct the meeting.
 - c. Prepare and distribute meeting notes to attendees and affected agencies.
3. Provide one set of preconstruction photographs.

Deliverables

- *Assist as requested with Preconstruction Conference Notice, Agenda, and Notes*
- *Preconstruction photos*

C. Construction Phase Services – Contract Administration

1. Liaison with the Client, construction contractor, Designer, appropriate agencies, adjacent property owners, and utilities.
2. Provide the Client with brief construction progress reports, highlighting progress and advising of issues that are likely to impact cost, schedule, or quality/scope.

3. Schedule Review:
 - a. Review construction contractor's schedules for compliance with Contract Documents.
 - b. Monitor the construction contractor's conformance to schedule and request revised schedules when needed. Advise Client of schedule changes.
4. Progress Meetings. Lead regular (usually weekly) progress meetings with the construction contractor, including Client pre-briefing. Prepare weekly meeting agenda. Track outstanding issues on a weekly basis.
5. Assist Submittal Process. Track and review, or cause to be reviewed by other appropriate party, work plans, shop drawings, samples, test reports, and other data submitted by the construction contractor, for general conformance to the Contract Documents.
6. Record of Materials. Assist with records of material compliance documentation received and advise Client of any known deficiencies.
7. Prepare weekly statement of working days and distribute to the Client.
8. Manage RFI (Request for Information) process. Track and review/evaluate or cause to be reviewed/evaluated by other appropriate party, RFIs. Manage responses to RFIs.
9. Change Management. Evaluate entitlement, and prepare scope, impact, and independent estimate for change orders and provide to the City for review and processing. Facilitate resolution of change orders.
10. Monthly Pay Requests. Assist monthly progress estimates for payment. Prepare the Field Note Records and submit to the City after the last day of each month. Field Note Records should be submitted no later than the 5th of the following month. Prepare Force Account Sheets and submit to the City the next day after the work occurred. Ensure that all Force Account Sheets are signed by the KBA Inspector and the Contractor's representative at the end of the each working day. Collect tickets and certificates the day of material delivery. Mark each ticket and certificates with the project number, bid item number and quantities used (if applicable). Submit tickets and certificates to the City with the appropriate Field Note Records or Force Account Sheets. Review payment requests submitted by construction contractor for comparison and reconcile differences. Review with Client and construction contractor and recommend approval, as appropriate.
 - a. Evaluate construction contractor's Schedule of Values for lump sum items. Review the Contract Price allocations and verify that such allocations are made in accordance with the requirements of the Contract Documents.
11. Notify construction contractor of work found in noncompliance with the requirements of the contract.
12. Assist the Client in the investigation of malfunctions or failures observed during construction.
13. Public Information. Provide information for Client to prepare media communications and public notices on Project status. Provide information for Client's inclusion into a Project website and/or newsletter, if requested.
14. Record Drawings. Review not less than monthly, the construction contractor's redline set of contract plans. Maintain a CM Team set of conformed drawings tracking plan changes, location of discovered anomalies and other items, as encountered by Consultant Team. Use these markups to check the progress of the Contractor-prepared Record Drawings.
15. Document Control. Utilize and follow the Client document control system. Collect and provide documents furnished by contractor to the client.
 - a. Electronic documentation will be stored in a Project Website, using SharePoint, managed, and hosted by the Consultant. The Client will be provided with licenses for their and the construction contractor's use of the SharePoint website during the Project.

Consultant will provide one training session for Client and construction contractor users of the SharePoint system.

16. Project Closeout. If requested, prepare, or assist with preparation of Certificate Letters of Substantial, Physical, and Final Completion for Client approval and signature, to include punch list. Assist and review final pay estimate for Client approval and processing.
17. Final Records. Assist the client with the closeout of the final Project records. Compile and convey any final Project records, transferring to the Client for its archiving at final acceptance of the Project. Should Consultant's work end prior to full completion of the Project, its records will be transferred to the Client prior to departure from the Project. Records will consist electronic records on electronic storage medium.
18. Deliverables
 - *Monthly Construction Progress Reports*
 - *Schedule Review Comments*
 - *Weekly Statement of Working Days*
 - *Submittal Log*
 - *RFI Log*
 - *Change Order(s)*
 - *Certificate Letters of Completion*
 - *Final records – electronic*
 - *Punchlist*
 - *Field Note Records*
 - *Force Account Sheets*
 - *Materials Tickets and Certificates*

D. Construction Phase Services – Field

1. Observe the technical conduct of the construction, including providing day-to-day contact with the construction contractor, Client, utilities, and other stakeholders, and monitor for adherence to the Contract Documents. The Consultant's personnel will act in accordance with Sections 1-05.1 and 1-05.2 of the WSDOT/APWA Standard Specifications.
2. Observe material, workmanship, and construction areas for compliance with the Contract Documents and applicable codes. Advise the Client of any non-conforming work observed during site visits.
3. Prepare Inspector Daily Reports (IDRs), recording the construction contractor's operations as actually observed by the Consultant; includes quantities of work placed that day, contractor's equipment and crews, photos of work performed, and other pertinent information.
4. Interpret Construction Contract Documents, in coordination with Designer.
5. Evaluate and report to Client issues that may arise as to the quality and acceptability of material furnished, work performed, and rate of progress of work performed by the construction contractor.
6. Establish communications with adjacent property owners. Respond to questions from property owners and the general public.
7. Coordinate with permit holders on the Project to monitor compliance with approved permits, if applicable.
8. Prepare Field Note Records, daily reports of force account worked, and other payment source documents to help facilitate administration of the Project in accordance with funding agency requirements.
9. Attend and actively participate in regular on-site and virtual meetings.
10. Take periodic digital photographs during the course of construction.

11. Punch List. Upon substantial completion of work, coordinate with the Client and affected agencies, to prepare a 'punch list' of items to be completed or corrected. Coordinate final inspection with those agencies.
12. Testing. Cause to be conducted, materials and laboratory tests. Coordinate the work of the Field Representative(s) and testing laboratories in the observation and testing of materials used in the construction; document and evaluate results of testing; and inform Client and construction contractor of deficiencies.

Deliverables

- *IDRs with Project photos – submitted on a weekly basis*
- *Field Note Records and Daily Reports of Force Account Worked*
- *Additional Project photos not included in IDRs*
- *Punch List(s)*

E. Assumptions

1. Budget:

- a. Staffing levels are anticipated in accordance with the attached budget estimate. Consultant services are budgeted for a ten -month period, from mid-March 2022 through December 2022. This is intended to span the originally planned construction duration plus time allotted for Project setup and closeout.
- b. Consultant will work up to the limitations of the authorized budget. If additional budget is needed to cover instances, including but not limited to the following, Client and Consultant will negotiate a Supplement to this Agreement:
 - i. The contractor's schedule requires inspection coverage of extra crews and shifts.
 - ii. The construction contract runs longer than the time period detailed above.
 - iii. Any added scope tasks.
- c. The work is anticipated to be performed during daytime hours. Should night work be necessary, a 15 percent differential for labor will be applied to all night shift hours worked by Consultant's employees.
- d. The budget allocations shown in Exhibit B are itemized to aid in Project tracking purposes only. The budget may be transferred between, or between labor and expenses, provided the total contracted amount is not exceeded without prior authorization.
- e. The budget assumes that Consultant's standard forms, logs, and processes will be used on the Project SharePoint site. Any customization to meet specialized Client requirements will be Extra Work.
- f. Should Consultant's level of effort extend beyond the time period detailed in the attached Exhibit B - Estimate, and into a new year, labor rates will adjust annually on January 1, with 30-day written notice to Agency.

2. Items and Services Client will provide:

- a. Meeting arrangements and facilities for pre-bid and preconstruction meetings. Prepare and distribute meeting notes from pre-bid meeting(s), if any.
- b. Workstation in Clients office for Resident Engineer including:
 - i. workstations (desk, chair, and storage) for two staff
 - ii. miscellaneous office supplies
 - iii. utilities and sanitary facilities
- c. Retain Engineer of Record for shop drawing review, RFIs, design changes, and final record drawings.

- d. Coordination with and enforcement of utility franchise agreements and/or contracts and schedules for services related to this Project.
 - e. Verify that the required permits, bonds, and insurance have been obtained and submitted by the construction contractor. Obtain all permits not required to be provided by construction contractor.
 - f. Construction Survey. Provide project control survey and staking that is not already assigned to the construction contractor.
 - g. Material Testing – Provide testing firm for all projects.
3. Scope:
- a. The SharePoint tool being used on this Project is proprietary to the Consultant (KBA, Inc.), and may not be used by any other party or on any other project without the written permission and involvement of KBA, Inc.
 - b. Consultant will provide observation services for the days/hours that its' Inspector(s) personnel is/are on-site. The Inspector(s) will not be able to observe or report construction activities, or collect documentation, during the time they are not on-site.
 - c. The Consultant's monitoring of the construction contractor's activities is to ascertain whether or not they are performing the work in accordance with the Contract Documents; in case of noncompliance, Consultant will reject non-conforming work and pursue the other remedies in the interests of the Client, as detailed in the Contract Documents. The Consultant cannot guarantee the construction contractor's performance, and it is understood that Consultant shall assume no responsibility for proper construction means, methods, techniques, Project site safety, safety precautions or programs, or for the failure of any other entity to perform its work in accordance with laws, contracts, regulations, or Client's expectations.
 - d. Definitions and Roles. The use of the term "inspect" in relation to Consultant services is synonymous with "construction observation," and reference to the "Inspector" role is synonymous with "Field Representative," and means: performing on-site observations of the progress and quality of the Work and determining, in general, if the Work is being performed in conformance with the Contract Documents; and notifying the Client if Work does not conform to the Contract Documents or requires special inspection or testing. Where "Specialty Inspector" or "specialty inspection" is used, it refers to inspection by a Building Official or independent agent of the Building Official, or other licensed/certified inspector who provides a certified inspection report in accordance with an established standard.
 - e. Because of the prior use of the Project site, there is a possibility of the presence of toxic or hazardous materials. Consultant shall have no responsibility for the discovery, presence, handling, removal, or disposal of toxic or hazardous materials, or for exposure of persons to toxic or hazardous materials in any form at the Project site, including but not limited to asbestos, asbestos products, polychlorinated biphenyl (PCB), or other toxic substances. If the Consultant suspects the presence of hazardous materials, they will notify the Client immediately for resolution.
 - f. Review of Shop Drawings, samples, and other submittals will be for general conformance with the design concept and general compliance with the requirements of the contract for construction. Such review will not relieve the Contractor from its responsibility for performance in accordance with the contract for construction, nor is such review a guarantee that the work covered by the shop drawings, samples and submittals is free of errors, inconsistencies, or omissions.
 - g. Any opinions of probable construction cost provided by the Consultant will be on the basis of experience and professional judgment. However, since Consultant has no control over competitive bidding or market conditions, the Consultant cannot and does

not warrant that bids or ultimate construction costs will not vary from these opinions of probable construction costs.

- h. Quantity takeoffs and calculated quantities are for the purpose of comparing with Designer's and/or bidders' quantities and are not a guarantee of final quantities.
- i. Development of construction schedules and/or sequencing, and/or reviewing and commenting on contractor's schedules, is for the purpose of estimating number of days to complete a project, for identifying potential schedule and coordination challenges, and determining compliance with the construction contract. It is not a guarantee that a construction contractor will complete the Project in that sequence or timeline, as means and methods are the responsibility of the construction contractor.
- j. Consultant is not responsible for any costs, claims or judgments arising from or in any way connected with errors, omissions, conflicts, or ambiguities in the Contract Documents prepared by others. The Consultant does not have responsibility for the professional quality or technical adequacy or accuracy of the design plans or specifications, nor for their timely completion by others.
- k. RCW 4.24.115 is applicable to Consultant's services provided under this Agreement.
- l. Consultant's insurance carrier provides coverage on ISO equivalent endorsement forms.
- m. Services provided by the Consultant under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances, in the same geographical area and time period.
- n. Client agrees that Consultant will not be held liable for the completeness, correctness, readability, or compatibility of any electronic media submitted to Client, after an acceptance period of 30 days after delivery of the electronic files, because data stored on electronic media can deteriorate undetected or can be modified without Consultant's knowledge.
- o. Consultant will not be liable for any damage to the field office premises or utilities provided by Client, unless caused by Consultant's own negligence.

II. OPTIONAL SERVICES

All services not detailed above, are considered Optional Services, which, along with any other Extra Work requested by the Client, will be performed only when a mutually negotiated Supplement to this Agreement is executed, specifying scope of services and budget.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute Professional Services Contract with Northwest Hydraulic Consultants, Inc., in the Amount of \$428,616 for the Lower Storm Creek Erosion Management Project
DEPARTMENT:	Public Works
PRESENTED BY:	John Featherstone, Surface Water Utility Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Staff is requesting City Council to authorize the City Manager to execute a contract with Northwest Hydraulic Consultants, Inc., (NHC) to provide engineering design, permitting support, and other support services needed for the Lower Storm Creek Erosion Management Project (Project). The Project will address an eroding reach of Storm Creek to manage erosion and mitigate landslide risk within a bluff-side area between 17th Place NW and the BNSF Railway.

FINANCIAL IMPACT:

The professional services contract amount is \$428,616. Funding for this contract will come from a combination of four sources:

- King County Flood Control District (KCFCD) Flood Reduction Grant (Contract #9559) allocates \$226,000 for design and permitting;
- Private property owner (PPO) project partners have provided \$20,000 to fund design and permitting; and
- City funding covers the remaining contract amount, which is evenly split between the Surface Water and Wastewater funds:
 - Surface Water Management Capital Fund: \$91,308
 - Wastewater Management Capital Fund: \$91,308.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an agreement with Northwest Hydraulic Consultants, Inc., in the amount of \$428,616 for professional services for the Lower Storm Creek Erosion Management Project.

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

BACKGROUND

Storm Creek has a 0.75 square mile basin area (about one-third within Edmonds, and the remainder in Shoreline) and outfalls to Puget Sound just south of Richmond Beach Saltwater Park. Land use is predominantly residential, with 40 to 50 percent estimated impervious surfacing. Starting at least thirty years ago, the pronounced channel down-cutting along the lowermost 300 feet of Storm Creek (between 17th Place NW and the BNSF railroad tracks) has progressively worsened over time. Around 1995, the Ronald Wastewater District (RWD) installed in-stream channel elevation control in the form of concrete-reinforced gabion baskets to protect an 8-inch diameter sanitary sewer main crossing under the creek in this reach.

A waterfall-like erosion “knickpoint” developed at the bottom of the westernmost RWD gabion structure (Gabion 1) around 2010. While the gabion has since protected the upstream channel grade, the 14-foot deep knickpoint is threatening the now-unstable gabion. For almost 100 linear feet downstream of the knickpoint, stream erosion has produced an extremely narrow “slot canyon” ravine (only a few feet wide) with vertical sidewalls ten to twenty or more feet tall, and a steep average channel grade (of around 30%).

The Innis Arden Club neighborhood homeowners’ association owns the narrow Reserve property through which Storm Creek flows at this location. For several years, the homeowners on both sides of the ravine have expressed concerns with ongoing and potential impacts of this erosion to their properties and other hazards and risks. The City of Shoreline evaluated the overall basin and specific erosion issues in 2012 under the Storm Creek Basin Plan, which can be found at the following link: [Storm Creek Basin Plan](#).

The Storm Creek Basin Plan findings on Lower Storm Creek erosion are found primarily in the Erosion in Lower Storm Creek Memorandum (Appendix A of the basin plan), which includes an analysis of geologic factors. Based on the Basin Plan’s recommendations, the City conducted annual Storm Creek topographic surveys around the knickpoint and Gabion 1 from 2014 to 2018 to confirm and monitor the extent and progression of the erosion.

In 2017-2018, as part of a cooperative effort between the City and Project Partners (the Innis Arden Club, the adjacent private property owners, and RWD), NHC was hired by Innis Arden and the private property owners to develop a high-level conceptual solution to “tightline” Storm Creek through the “slot canyon” erosion area. The tightline concept proposed using over 100 linear feet of 36-inch diameter pipe and three large manhole-type structures to convey streamflow through the erosion area, over 1,000 cubic yards of quarry spalls to fill the narrow ravine above the pipe, and full site restoration – including stream restoration improvements upstream and downstream of the new pipe, plantings, and other restoration work.

Following the development of this concept solution, City staff, with the support of the Project Partners, applied for a competitive King County Flood Control District (KCFCD) Flood Reduction Grant on June 14, 2019. Notification of the grant offer was received on September 18, 2019, and Council authorized the \$225,000 grant agreement on

November 18, 2019. The staff report for this Council action can be found at the following link: [Motion to Authorize the City Manager to Obligate \\$225,000 in King County Flood Control District Flood Reduction Grant Funding for the Storm Creek Erosion Management Project.](#)

On June 24, 2020, the KCFCD Board approved an additional \$227,000 in funding for the Project under a 2019 Supplemental Flood Reduction Grant. On September 21, 2020, the Council authorized the grant amendment, increasing KCFCD grant funding for the Project to \$452,000. The staff report for this Council action can be found at the following link: [Authorizing the City Manager to Execute Amendment 1 to the King County Flood Control District Flood Reduction Grant Funding for the Storm Creek Erosion Management Project.](#)

Following the receipt of grant funding, the Project Partners worked to develop a funding agreement (Settlement Agreement) for the remaining cost of the Project not covered by grant funds. While the Agreement was negotiated with the Ronald Wastewater District as one of the Project Partners, after RWD was assumed by the City on April 30, 2021, they are not included as a party to the Agreement. Shoreline City Council authorized the City Manager to sign this funding partnership agreement on June 28, 2021. The Staff Report for this agenda item can be found here: [Authorizing the City Manager to Execute a Settlement Agreement and Release Related to the Storm Creek Erosion Management Project and Related Easement Agreements.](#)

The Settlement Agreement establishes the Project as the City's to manage through design, permitting, and construction, subject to typical City project requirements, standards, and best practices. Project Partner contributions include funding, easements, and feedback at key project milestones. The City's ability to award and advance this contract is dependent upon the arrangements set forth under the Settlement Agreement, which was fully executed by all parties as of August 10, 2021.

DISCUSSION

Consultant Selection

In August 2021, Staff solicited a Request for Qualifications (RFQ 10091) for a consultant team to provide engineering design, permitting, and other support services to create construction bid documents and support construction for the Project. Two qualified consultant teams submitted Statements of Qualifications (SOQs) prior to the September 14, 2021, deadline: Northwest Hydraulic Consultants, Inc., (NHC) and WSP USA. The SOQs were evaluated based on approach, experience and expertise, and additional insight of the consultant team, and the NHC team was selected as best-qualified firm for this work.

Scope of Work

Staff developed a scope of work (Attachment A) and negotiated an agreement with NHC to provide engineering design and permitting services for this work in an amount of \$428,616 with the goal of having final permits and a design bid package by early 2023, with construction scheduled for the summer and fall of 2023. Professional services provided include civil and geotechnical engineering, environmental review, permitting support, hydrologic and hydraulic analysis, cultural resources, surveying, and

constructability review. The contract scope of work includes tasks for project management, site investigation, alternatives development and selection, preliminary design, final design and permitting, and construction support. A management reserve amount is included.

FINANCIAL IMPACT

The professional services contract amount is \$428,616. Funding for this contract will come from a combination of four sources:

- King County Flood Control District (KCFCD) Flood Reduction Grant (Contract #9559) allocates \$226,000 for design and permitting;
- Private property owner (PPO) project partners have provided \$20,000 to fund design and permitting; and
- City funding covers the remaining contract amount, which is evenly split between the Surface Water and Wastewater funds:
 - Surface Water Management Capital Fund: \$91,308
 - Wastewater Management Capital Fund: \$91,308.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an agreement with Northwest Hydraulic Consultants, Inc., in the amount of \$428,616 for professional services for the Lower Storm Creek Erosion Management Project.

ATTACHMENTS

Attachment A: Contract #10091 Scope of Work

LOWER STORM CREEK EROSION MANAGEMENT PROJECT

Northwest Hydraulic Consultants (NHC), with supporting subconsultants Shannon & Wilson, The Watershed Company, Cultural Resource Consultants (CRC), Parametrix, and Terra Firma Drilling (collectively referred to herein as the Consultant) has been selected as design consultant for the Lower Storm Creek Erosion Management Project for City of Shoreline.

Storm Creek has a 0.75 square mile basin area (about one-third within Edmonds, and the remainder in Shoreline), and outfalls to Puget Sound just south of Richmond Beach Saltwater Park. Land use is predominantly residential, with 40 to 50 percent estimated impervious surfacing.

In pre-developed historical conditions and until recent decades, Storm Creek descended the steep bluffs just inland of the Puget Sound shore in a near-vertical waterfall-like drop. Starting at least thirty years ago, pronounced channel down-cutting along the lowermost 300 feet of Storm Creek (from 17th Place NW to the BNSF railroad tracks) has been observed. Around 1995, the Ronald Wastewater District (RWD) installed in-stream channel elevation control in the form of concrete-reinforced gabion baskets at two locations in the Storm Creek channel west of 17th Place NW, to protect an 8-inch diameter sanitary sewer main crossing under the creek which had been previously exposed by creek down-cutting.

For a channel length of about 80 linear feet downstream of the nick point at the westernmost gabion grade control structure installed by RWD, stream downcutting has produced an extremely narrow ravine (only a few feet wide) with near vertical or overhanging sidewalls ten to twenty or more feet tall, and a steep average channel grade of approximately 30%.

For this project the Consultant will provide to the City of Shoreline (City) engineering design, permitting, and other support services to create construction bid documents and support construction to address the severe down-cutting erosion of the Storm Creek channel west of 17th Place NW with the primary objectives of ceasing downcutting and repairing the most severe erosion within the stream channel area.

A high-level conceptual solution to “tightline” Storm Creek through the narrow ravine erosion area was developed by the Consultant in 2017-2018 as part of a cooperative effort between the City and Project Partners (the Innis Arden Club, the adjacent private property owners, and RWD). The tightline concept includes over 100 linear feet of 36-inch diameter pipe and three large manhole-type structures to convey streamflow through the erosion area, over 1,000 cubic yards of quarry spalls to fill the narrow ravine above the pipe, and full site restoration – including stream restoration improvements upstream and downstream of the new pipe, plantings, and other restoration work. This concept will be used as a starting point for further design development and changes as needed to permit and construct a long-term solution to address existing and future Storm Creek channel down-cutting west of 17th Place NW.

1 Project management and coordination

1.1 General project management services

The Consultant will provide project management services through the life of the project including:

- Maintain a project cloud site for document storage.
- Coordinate and guide day-to-day project activities.
- Subcontract with and manage project subconsultants.
- Develop detailed design and permitting schedule
- Perform regular schedule updates and financial status summaries.
- Prepare monthly invoices
- Prepare monthly status reports.

1.2 Coordination Meetings

The following regular coordination meetings are scoped for the project, all meetings to be scheduled and facilitated by NHC:

- Up to forty project meetings will be held (typically bi-weekly) either remotely or in person to discuss progress, issues, risk and mitigation, schedule, next steps and addresses any questions. These will generally last from half an hour to an hour.

Assumptions

- Project duration is assumed to be 24 months for this scope of work.
- Design review meetings scoped in other tasks

City Responsibilities

- Participation in meetings.
- Identifying and providing contact information for other parties to select meetings, such as tribal representatives and agencies.
- Providing meeting space for in-person meetings subject to COVID-19 guidance

Deliverables

- Bulleted notes from check-in project team meetings will be provided in an email.
- Other meeting notes will be provided in draft and final form as an MS word document.

1.3 Document and Data Collection and Project Sharing

NHC shall create a secured electronic project website to allow a single point of storage for all project documents. Website login information shall be distributed to all Consultant and City staff involved in the project. Consultant will collate and load all available information onto the site. City will similarly load any information available that is requested by the Consultant or that the City notes the Consultant does not possess.

Assumptions

- Types of documents may include, but are not limited to, design deliverables identified in

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- subsequent tasks of this scope, meeting notes or summaries
- Website will be a OneDrive site accessible via a web browser.
- City will provide document control guidance to facilitate compatibility with City conventions and preferences for file naming and organization.

City Responsibilities

- Upload relevant information to website

Deliverables

- Secure project website (City and Consultant will communicate on file naming and organization on the project website to facilitate compatibility with City conventions and preferences for file naming and organization)

2 Site Investigation

The site investigation is intended to gather technical information needed to develop and evaluate a list of alternatives to protect the project site.

2.1 Site Visit and Kick-off Meeting

Select members of the Consultant team will conduct a site visit with City staff. The purpose of the visit is to acquaint the project team with the site. After the site visit the Consultant team and City staff will hold a project kickoff meeting either on the same day as the site visit or via video conference. The purpose of the meeting will be to make full introductions, define roles for all City and Consultant team members, debrief from the site visit, and prepare a list of key analysis, design and permitting issues that must be addressed.

Assumptions

- Consultant and City will work together to coordinate agenda, date, staff and others attending, and meeting location.
- Between 6 and 10 Consultant and Sub-Consultant staff will attend.

City Responsibilities

- Provide appropriate staff for site visit and kickoff meeting
- Review meeting summary provided by Consultant
- City to invite Project Partners to meeting

Deliverables

- Summary of kick off meeting and site visit as annotated agenda

2.2 Survey and Environmental Fieldwork

The Consultant will conduct one site visit (separate from that in Task 2.1) to delineate, and flag stream OHWM where accessible within the project area. During the site visit, the Consultant will also flag or estimate off-site marine shoreline OHWM or MHHW and verify lack of wetlands within the project area. Wetland and stream determination methods will be consistent with the

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definition(s) and requirements of local, state, and federal agencies. The Consultant will also inventory and flag significant trees within the project area.

The Consultant will prepare a field sketch that indicates the location(s) of delineation and tree flags for use by surveyors.

Survey and mapping shall be conducted to develop site-scale topographic and planimetric mapping. The extents of the various survey areas are shown in Figure 1. Mapping limits will extend from approximately 100 feet upstream of 17th Pl. NW downstream to the line of the mean high tide below the railroad. Lateral limits will extend to 25 feet beyond the creek channel top of bank. Mapping will include location of the house and improvements nearest to the top of bank for the parcel to the north and the house and all improvements for the parcel to the south. Heavy erosion areas will be mapped utilizing high-definition terrestrial LiDAR and image based modeling. Survey crews will need to be within the narrow channel to capture features not visible from above. Mapping of the railroad will be limited to what can be obtained remotely using terrestrial based LiDAR from outside the railroad right of way. Consultant shall produce a composite base map of the project area to produce a surface suitable for hydraulic modeling and erosion management design. Planimetric mapping will include property lines, Right-of-Way, locate conifer trees 8" and larger in diameter and deciduous trees 12" and larger in diameter, wetland delineation and OHWM, and utilities in the project area. All mapping will be on NAD83/11 horizontal datum and NAVD 88 vertical datum. Contours will be at 1' contour intervals per national map standards. All survey will be incorporated into a CAD basemap.

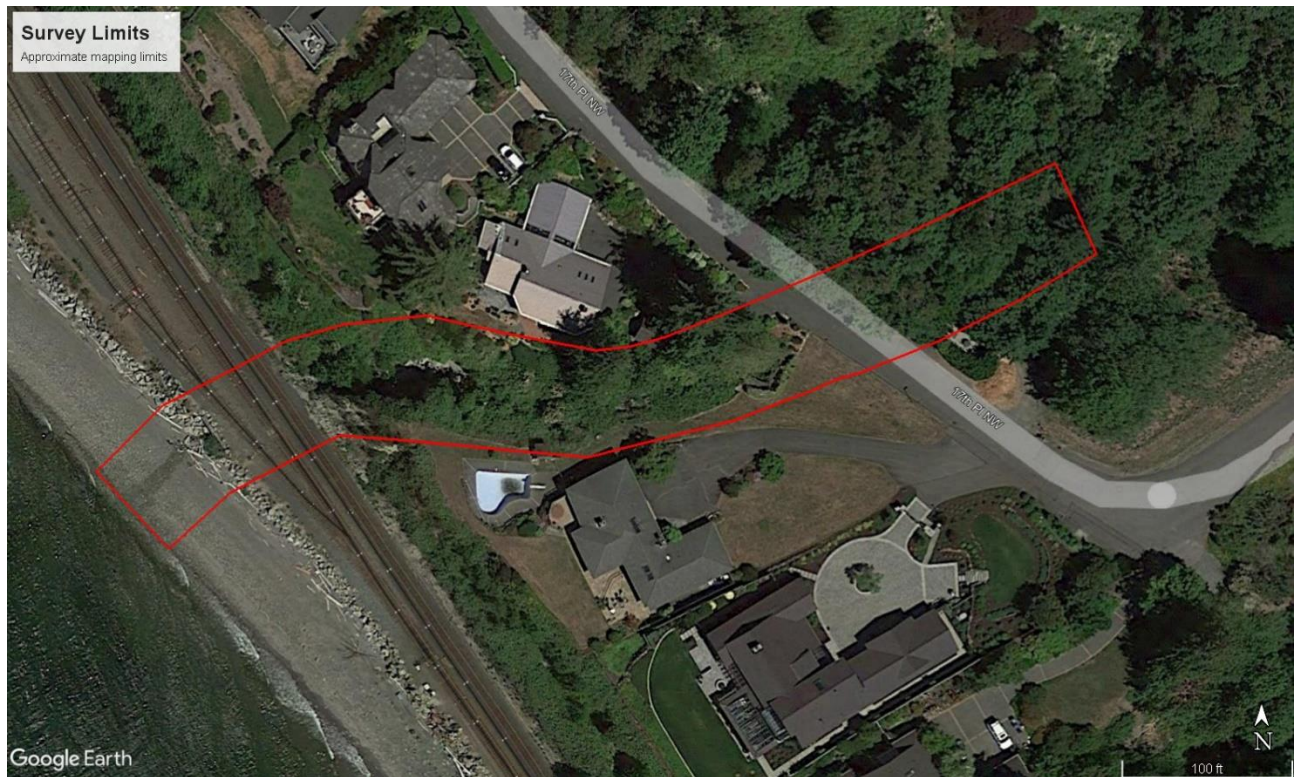


Figure 1. Approximate survey mapping limits of topographic survey

Assumptions

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- Parametrix will have reasonable access to all areas requiring surveys.
- Utility locates will be limited to visible utilities in the project area. City of Shoreline will call in utility locates prior to field surveys if additional utility survey is required.
- Parametrix will be provided a key map showing all wetland and OHWM delineation flagging.
- Parametrix is assuming coordination with the railroad for access and flaggers will not be required, or will be coordinated by others.
- Property corners of both developed properties. will be marked during the course of this survey. Corners that fall within the creek erosion area or in inaccessible areas will be marked with a reference point. A Record of Survey showing all corners set will be created and recorded with King County.
- Trees will be noted as deciduous or conifer. Trees flagged and identified will be located and the identifier noted.
- No jurisdictional wetlands are present and no delineation, flagging, classification or reporting is required.
- Inaccessible areas of Storm Creek are present and such areas may not be accessible for OHWM delineation. In such cases, the OHWM will be estimated.
- Consultant will use the access forms provided by the City needed to access the Innis Arden Club-owned reserve property.
- Consultant will coordinate with BNSF to gain access to the outlet portion of the site, this effort is limited to 10 hours. Additional unforeseen BNSF permits, fees, training, or other requirements are not included in this scope, and Consultant will communicate to the City any impacts to schedule or scope that may result in coordination with BNSF.

City Responsibilities

- Provide right of entry and forms necessary to access Innis Arden Club-owned reserve property.

Deliverables

- Methods, health and safety plan for City approval prior to commencing survey activities.
- Composite site scale CAD Basemap depicting topography and planimetrics including property lines Composite site scale topographic surface (CAD)

2.3 Hydrologic and Hydraulic Analyses

Consultant will update and refine the 2010 HSPF hydrologic model of the Storm Creek Basin developed by NHC. The 2010 model, which incorporates a very simple representation of the basin, was used to derive approximate estimates of the relative increase in peak flows in Storm Creek resulting from land development. The model was not calibrated, and it includes no stream channel routing elements.

The following assumptions will be adopted in updating/refining the 2010 model:

- The 2010 watershed delineation will be reviewed and refined using available topographic data and storm drainage infrastructure maps.
- Soil types and their spatial coverage will be determined from available mapping.
- Land cover data (effective impervious area, grass, and forest) will be updated to reflect current conditions based on recent imagery.

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- Rainfall input to the model will be provided by long-term hourly rainfall data from SeaTac Airport with appropriate scaling to transpose data to the Storm Creek basin.
- The model will rely on regional HPSF model parameter estimates.
- The model will not include stormwater detention facilities, culverts, or stream channel routing elements and may therefore provide a conservative estimate of peak flows.

To the extent that suitable data are available, the HSPF model will be validated to flows monitored at the project site. HSPF model outputs will be used to develop flood design flows for the project. Consultant will provide future conditions design flows based on guidance developed by WSDOT.

We will develop a PC-SWMM model of Storm Creek from the 17th Place NW crossing to the beach for use in analyzing project alternatives. If a high flow event occurs during model development, we will survey any available high-water marks and validate the hydrologic and PC-SWMM models.

Assumptions

- Consultant will survey up to two high water events for model validation
- City will provide flow data to Consultant for HSPF model validation. Model validation is contingent upon capturing a flood flow during Winter 2021-2022. Flow data gathered through March of 2022 will be used for validation.
- One consolidated set of comments on the draft Hydrology/hydraulics technical memorandum will be incorporated into the final version.

City Responsibilities

- Review and comment on Hydrology/hydraulics technical memorandum

Deliverables

- Draft and final Hydrology/hydraulics technical memoranda

2.4 Cultural Resources Assessment

Consultant will provide the following project components as part of this cultural resources assessment.

2.4.1 Background Research

Consultant will conduct a search on Washington Department of Archaeology and Historic Preservation's (DAHP) WISAARD system to identify recorded historic built environment, historic register listed properties, archaeological sites, cemeteries, and previously completed cultural resources assessment in proximity to the project location. Consultant will review pertinent environmental, archaeological, ethnographic, and historical information appropriate to the project location from a variety of available resources. The goal of background research is to provide contextual information regarding the natural environment and cultural use of the project location, identify recorded cultural resources, and determine the potential for as-yet unrecorded cultural resources to be encountered during proposed project actions.

2.4.2 Tribal Contact

Consultant will contact the cultural resources staff of tribes that may have an interest in or information regarding the project location. This communication is intended to inform the cultural

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resources assessment and does not constitute government-to- government consultation. Copies of this correspondence and received responses will be included as an attachment in the cultural resources assessment.

2.4.3 Field Investigations

Consultant will conduct field investigations of the project location to identify archaeological and historical resources. Investigation will include pedestrian survey and subsurface excavation in amenable environments that have the potential to contain buried archaeological deposits. Methods will be consistent with DAHP guidelines.

2.4.4 Documentation of Findings

Consultant will document and record identified archaeological and historic sites within the project location on DAHP archaeological and/or historic site(s) forms. All identified resources will be photo-documented and recorded in the field. Archaeological materials or deposits will be documented and reburied, if appropriate, within the find location. Cultural resources will be evaluated for significance following local, state, and/or national significance as appropriate based on the project's regulatory nexus. Documentation will be consistent with DAHP standards and will be completed on DAHP's WISAARD system.

2.4.5 Cultural Resources Assessment Report

Consultant will prepare a technical memo describing background research, field methods, results of investigations, and management recommendations. The report will provide supporting documentation of findings, including maps and photographs, and will conform to DAHP reporting standards and the appropriate requirements based on the regulatory nexus. Report and support materials will be provided electronically in PDF format. An inadvertent discovery protocol and primary contacts will be provided as an attachment in the assessment. Consultant will assist the City in submitting the cultural resources assessment and any associated documentation to DAHP, via their WISAARD system.

Assumptions

- This scope assumes that no more than one (1) archaeological site or historic site will be identified and recorded.
- This scope assumes that no more than two (2) shovel probes will be excavated in amenable locations lacking steep slopes, hardened surfaces, buried utilities or other obstructions.
- This scope does not include additional services for impact mitigation regarding archaeological or historic sites.
- This scope assumes that one round of consolidated comments on the draft deliverables will be addressed.

City Responsibilities

- N/A

Deliverables

- Draft and final archaeological or historic inventory form and Cultural Resources Assessment Report to be provided electronically as PDFs.

2.5 Environmental Review

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The Consultant will classify Storm Creek according to City of Shoreline regulations.

The Consultant will prepare a delineation report that summarizes findings and details applicable local, state, and federal implications of findings.

The Consultant will prepare a stream delineation map figure to accompany the report.

The Consultant will prepare a tree inventory and assessment/retention report.

Assumptions

- Deliverables will be provided as PDF files.

City Responsibilities

- N/A

Deliverables

- Stream Delineation sketch
- Stream Delineation report and figure
- Tree Inventory Report

2.6 Geotechnical Engineering Support

The Consultant will conduct reconnaissance (separate from Task 2.1) to evaluate erosion, sloughing and scour zones. We will evaluate slope stability for equipment access. Analyses will be performed to evaluate soil anchor designs, fill material types and other design issues.

Assumptions

- One full day will be spent in the field
- No ground disturbance will occur

City Responsibilities

- Secure access through private properties.

Deliverables

- Geotechnical Letter with recommendations.

2.7 Constructability Review

During the Task 2.1 site visit, the Consultant will consider constructability issues, considerations for staging and access, and provide a written assessment of observations to include in the alternatives and design development.

Assumptions

- Observations will occur during one site visit.

City Responsibilities

- Secure access through private properties.

Deliverables

- Documentation of constructability considerations.

3 Alternatives Analysis

3.1 Alternatives Development

The goal of the alternatives analysis is to determine a consensus preferred alternative that will be developed into a preliminary design. We will initiate this task by developing a complete list of project objectives, each with a measurement metric, in concert with the City. Consultant will coordinate, attend and provide a post-meeting debrief for one on-site pre-alternatives design meeting with agencies (including but not limited to WDFW and USACE), City of Shoreline permitting and tribes. We will then use the results of the preliminary technical analysis and pre-alternatives design meeting to develop a series of three alternatives that appear to meet project objectives.

The identified alternatives will include a brief description of the component actions, high level cost estimates, concept level design drawings and sketches showing extents and approximate geometry, and description of anticipated impacts on habitat processes, long term maintenance, mitigated and unmitigated risks, and permitting needs.

The Consultant will prepare (2) two color, oblique renderings of each alternative design for use in community engagement, and public workshops. Renderings may be hand sketched.

Assumptions

- Renderings will be prepared to represent each alternative concept once determined.
- Anticipated alternatives include the previously identified tightline concept and an open-channel concept.
- Consultant will lead outreach and engagement with agencies for the pre-alternatives design meeting.

City Responsibilities

- Participate in development of project objectives and measurement metrics.

Deliverables

- One set of two draft and final renderings will be prepared. Renderings will be furnished in 11" x 17" PDF format.
- One set of concept design drawings in 11x17 PDF format.
- Memo discussing alternatives development.
- Presentation materials discussing concept plans, construction impacts, cost estimates, and color renderings will be developed to allow discussion of the alternatives with stakeholders.

3.2 Alternatives Analysis

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- Consultant will use hydraulic model to determine hydraulic characteristics of each alternative.
- Consultant will assess and score each alternative with respect the site objectives and design parameters.

Assumptions

- N/A

City Responsibilities

- N/A

Deliverables

- Draft Alternatives Analysis memorandum summarizing development of design concepts, selection criteria, and evaluation of alternatives

3.3 Preferred Alternative Selection

Consultant and City shall hold a design workshop to evaluate the alternatives. Consultant shall provide a scoring matrix spreadsheet to assist in the evaluation, with each alternative ranked against the site objectives and design parameters. The workshop outcome will be selection of a preferred design.

Assumptions

- Design workshop will take two hours

City Responsibilities

- Actively participate in the design
- Invite other stakeholders that may wish to participate
- Review draft deliverable

Deliverables

- Design Review meeting notes will summarize meeting content not noted otherwise in plan or document markups.
- Final Alternatives Analysis memorandum including selection of the preferred alternative.

4 Preliminary Design

At the preliminary design phase, the overall project footprint should be fixed, all major project elements shown, hydraulic structures sized, and quantities and extent of key materials such as rock and pipe known. If permits are to be submitted on this plan set, measurements of fill below ordinary high water mark and other required permit metrics will be developed. The plans should include preliminary TESC and water management (bypass) methods. Accompanying the plans will be a list of the special provisions that will be required to be developed, Basis of Design Report (BODR), and a construction cost estimate.

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Consultant will coordinate, attend, and provide a debrief for up to three virtual meetings to share preliminary design with agencies and tribes.

Assumptions

- Plans will be delivered as 11x17 pdfs and AutoCAD 2020
- Plans will use City standard format.

City Responsibilities

- Review of plans and documents
- City project manager is responsible for distribution of documents and collation of comments from other City reviewers and Project Partners.

Deliverables

- Preliminary Design Plans (PDF)
- Concept Design OPCC (Spreadsheet)
- Draft Basis of Design Report

5 Final Design and Permitting

5.1 Permitting

City of Shoreline

Shoreline Permit. Much of the project area is located within City of Shoreline’s shoreline jurisdiction (within 200 horizontal feet of the Puget Sound ordinary high water mark) and will be subject to the City’s Shoreline Master Program. SMC 20.240.276.D requires a shoreline variance to authorize the alteration of streams within shoreline jurisdiction. The Consultant will prepare a shoreline variance permit package for submittal to the City, including critical area worksheet, JARPA, mailing labels/list/map, and shoreline variance criteria narrative. In addition, pursuant to SMC 20.230.081, the project may require a shoreline conditional use permit (SCUP). The Consultant will prepare a SCUP application package for submittal to the City. Following City of Shoreline approval for the shoreline variance and SCUP, the Consultant will coordinate with the Dept. of Ecology on review of the applications, as needed.

SEPA Checklist. Consultant will prepare a State Environmental Policy Act Checklist for submittal to the City of Shoreline.

Construction Permit(s). Consultant will coordinate and submit a Building Permit and/or Clearing and Grading Permit. This includes preparation of a Stormwater Pollution Prevention Plan.

US Army Corps of Engineers

Consultant will prepare and submit application materials and documentation to ensure compliance with Section 404 of the Clean Water Act, including:

- **JARPA.** Consultant will complete a Joint Aquatic Resources Permit Application for submittal to the Corps in order to obtain a Section 404 authorization.
- **Biological Evaluation.** Consultant will prepare a Biological Evaluation that will demonstrate compliance with the Endangered Species Act (ESA) for activities within

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jurisdictional streams.

- 8 ½ x 11” Formatted Plans. Consultant will format plans for submittal to meet Corps of Engineers standards.

WA Dept. of Ecology

Consultant will prepare and submit application materials and documentation to ensure compliance with Section 401 of the Clean Water Act and the Coastal Zone Management Consistency Act, including:

- Pre-Filing Request. Contractor will complete and submit a Pre-Filing Request to Ecology.
- JARPA. Contractor will utilize the JARPA form describe above to apply for an Individual Water Quality Certification and Coastal Zone Management Consistency Determination.
- Water Quality Monitoring Plan. Contractor will prepare a plan that will account for temporary water quality impacts resulting from construction of the project.

WA Dept. of Fish and Wildlife (WDFW)

Consultant will apply for a Hydraulic Project Approval from WDFW.

Response to Comments

Following submittal of permit applications described above, Consultant will respond as necessary to questions/comments from the City, agencies, tribes (Muckleshoot, Snoqualmie, Suquamish and Tulalip), or other stakeholders and will revise permit documentation, as necessary. Tribes are anticipated to provide comments to the Clean Water Act 404 permit submittal.

Assumptions

- Because a shoreline variance is necessary to authorize stream alterations within shoreline jurisdiction, it is assumed that separate critical areas permitting is not needed.
- It is assumed that all required City permits can be approved administratively. Coordination/attendance at a hearing examiner, planning commission, or other judicial hearing is not included.
- Approval of permits is not guaranteed.
- Response to comments effort is limited to a total of 20 staff hours.
- Responses to comments outside of those outlined above would be considered out of scope.
- Tribes will be contacted through the permit review process through SEPA at the City level and by the Corps.

City Responsibilities

- The City will coordinate and hold the required Neighborhood Meeting. The Consultant will attend the meeting to answer questions, as needed.
- City project manager is responsible for distribution of documents and collation of comments from other City reviewers and project partners including private property owners and the Innis Arden Club
- City will contact tribes for SEPA review.

Deliverables

- Shoreline Variance Criteria Narrative (draft and final)
- Critical Area Worksheet (draft and final)
- Mailing Labels/List/Map (draft and final)
- SCUP Application (draft and final)
- SCUP Criteria Narrative (draft and final)
- SEPA Checklist (draft and final)
- JARPA (draft and final)
- Biological Evaluation (draft and final)
- SWPPP (draft and final)
- Pre-Filing Request (draft and final)
- Water Quality Monitoring Plan (draft and final)

5.2 *Plans, Specifications, and Estimates*

The Consultant will provide 60%, 90%, and 100% design packages for the project. Drawings and cost estimates will be developed at each phase. Special provisions/specifications will be identified at 60% and full specifications package provided at 90% and 100%. The Basis of Design Report will be updated at 60% and finalized at 90%. The 100% package will be produced as a draft and final version.

Easement documents, including legal descriptions and exhibit maps, will be created for permanent and construction easements based on property boundaries at the 60% and 100% design phases.

Assumptions

- 2-hour comment resolution meetings for the 60%, 90%, and 100% (draft) deliverables
- We are assuming that there will be no need for easements across or within the railroad right of way. We are allowing for the creation of up to 6 easement documents over the course of the project. We have included a total of 2 separate iterations of these easements over 2 phases of the project (60% and 100%). We have not included the cost for staking of the easements within this scope.

City Responsibilities

- Provide one set of consolidated review comments on each deliverable. Format will be Track Changes for MSWord documents and Adobe markup's on PDF's.
- City project manager is responsible for distribution of documents and collation of comments from other City reviewers and project partners including private property owners and the Innis Arden Club

Deliverables

- 60% plans, draft specifications, cost estimate, and easement documents
- 60% comment responses
- 90% plans, full specifications, cost estimate with calculations
- 90% comment responses
- 100% plans, full specifications, cost estimate with calculations (draft and final), and easement

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- documents
- 100% (draft) comment responses

6 Construction Support

When requested, the Consultant will support the City through construction. We anticipate tasks may include submittal and RFI reviews, construction meetings, and observation and active construction involvement working through the City for specialized items.

Assumptions

- Activities performed by Consultant under this task may vary and will be performed on an as-needed basis up to the task allowance.
- All Consultant responses, observations and recommendations will be routed through the City's construction manager.
- Review responses will be provided within 7-calendar days of written request

City Responsibilities

- Provide construction management services.

Deliverables

- Construction observation notes
- RFI responses

7 Management Reserve

Additional effort or scope may be necessary to achieve the objectives of the project. Consultant will submit a written request outlining additional requested budget. Consultant may utilize additional funds only with explicit authorization from the City.

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8 Cost Estimate

The estimated cost to complete the described task work is detailed in the following table.

LABOR CATEGORIES	NHC		The Watershed Co.		Shannon & Wilson		Terra Firma Drilling		Cultural Resource Consultants		Parametrix		Total Cost
	Total Hours	Total Cost	Total Hours	Total Cost	Total Hours	Total Cost	Total Hours	Total Cost	Total Hours	Total Cost	Total Hours	Total Cost	
1 PM, Coordination, Objectives													
1.1 General Project Management Services	72	\$14,220	16	\$3,120	4	\$1,040	0	\$0	0	\$0	0	\$0	\$ 18,380
1.2 Coordination Meetings	80	\$15,200	50	\$8,930	8	\$2,080	6	\$600	8	\$795	0	\$0	\$ 27,605
1.3 Document and Data Sharing	4	\$760	16	\$2,430	0	\$0	0	\$0	0	\$0	0	\$0	\$ 3,190
2 Site Investigation													
2.1 Site Visit and Kick-off Meeting	12	\$2,280	16	\$2,400	8	\$2,080	4	\$400	2	\$234	0	\$0	\$ 7,394
2.2 Survey and Environmental Fieldwork	0	\$0	18	\$2,340	10	\$2,600	0	\$0	0	\$0	325	\$42,187	\$ 47,127
2.3 Hydrologic and Hydraulic Analyses	246	\$44,460	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	\$ 44,460
2.4 Cultural Resources Assessment	0	\$0	0	\$0	0	\$0	0	\$0	49	\$4,377	0	\$0	\$ 4,377
2.5 Environmental Review	0	\$0	42	\$5,020	0	\$0	0	\$0	0	\$0	0	\$0	\$ 5,020
2.6 Geotechnical Engineering Support	0	\$0	0	\$0	92	\$15,560	0	\$0	0	\$0	0	\$0	\$ 15,560
2.7 Constructability Review	0	\$0	0	\$0	0	\$0	4	\$400	0	\$0	0	\$0	\$ 400
3 Alternatives Development and Selection													
3.1 Alternatives Development	71	\$11,345	60	\$9,550	4	\$1,040	2	\$200	4	\$397	0	\$0	\$ 22,532
3.2 Analysis of Preferred Alternative	36	\$6,060	8	\$1,100	0	\$0	2	\$200	0	\$0	0	\$0	\$ 7,360
3.3 Preferred Alternative Selection	60	\$9,540	8	\$1,330	0	\$0	2	\$200	0	\$0	0	\$0	\$ 11,070
4 Preliminary Design													
4.1 Design Plans	186	\$32,260	24	\$4,080	0	\$0	0	\$0	0	\$0	0	\$0	\$ 36,340
4.2 Documentation	64	\$9,520	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	\$ 9,520
5 Final Design and Permitting													
5.1 Permitting	26	\$5,330	0	\$0	0	\$0	0	\$0	4	\$397	0	\$0	\$ 5,727
5.1.1 City of Shoreline	0	\$0	65	\$10,190	0	\$0	0	\$0	0	\$0	0	\$0	\$ 10,190
5.1.2 Corps of Engineers	0	\$0	83	\$11,020	0	\$0	0	\$0	0	\$0	0	\$0	\$ 11,020
5.1.3 Dept. of Ecology	0	\$0	45	\$5,830	0	\$0	0	\$0	0	\$0	0	\$0	\$ 5,830
5.1.4 WDFW	0	\$0	11	\$1,760	0	\$0	0	\$0	0	\$0	0	\$0	\$ 1,760
5.1.5 Comments response	0	\$0	20	\$3,200	0	\$0	0	\$0	0	\$0	0	\$0	\$ 3,200
5.2.1 60% PS&E	177	\$29,745	27	\$3,460	4	\$1,040	4	\$400	0	\$0	29	\$4,442	\$ 39,087
5.2.2 90% PS&E	55	\$8,935	20	\$2,660	2	\$520	4	\$400	0	\$0	0	\$0	\$ 12,515
5.2.3 100% PS&E	31	\$5,335	12	\$1,560	2	\$520	0	\$0	0	\$0	29	\$4,442	\$ 11,857
6 Construction Support													
Task Limit		\$12,000		\$8,000		\$10,000							\$ 30,000
7 Management Reserve													
Task Limit													\$ 35,000
Total Hours	1,120		541		134		28		67		383		
Total Labor Fee		\$206,990		\$87,980		\$36,480		\$2,800		\$6,200		\$51,072	\$ 426,522
Direct Charges													
Mileage and Field Supplies		\$ 137		\$ 200		\$ 100		\$ 100		\$ 17		\$ 1,541	\$ 2,094
Total Fee		\$207,127		\$88,180		\$36,580		\$2,900		\$6,217		\$52,613	\$428,616

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Resolution No. 486 Declaring Support for Shoreline School District Ballot Proposition No. 1 – Replacement of Expiring Levy for Educational Programs and Operations and Proposition No. 2 – Replacement of Expiring Capital Levy for Technology Improvement and Support
DEPARTMENT:	City Manager’s Office
PRESENTED BY:	Christina Arcidy, Management Analyst
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

At their August 24, 2021, meeting, the Shoreline School District Board of Directors unanimously approved Resolution No. 2021-14, Proposition No. 1 – Replacement of Expiring Levy for Educational Programs and Operations and Resolution No. 2021-15, Proposition No. 2 – Replacement of Expiring Capital Levy for Technology Improvement and Support, and placed both Propositions on the February 8, 2022, special election ballot. Council heard a factual presentation on Propositions No. 1 and No. 2 during their January 10, 2022, meeting.

Tonight, Council will consider supporting these ballot propositions. As per RCW 42.17A.555, the Council must allow equal opportunity for the public to express views in support and opposition to this resolution. Providing for dedicated public comment following the presentation of the resolution by staff allows for this opportunity. If adopted by Council, proposed Resolution No. 486 will be shared with the Shoreline School Board and School District staff.

RESOURCE/FINANCIAL IMPACT:

There is no resource or financial impact to adopting Resolution No. 486 (Attachment C). Individual property owners may use the King County Assessors Tax Transparency Tool to estimate the impact of the proposed levy on their property taxes: [Tax Transparency Tool](#).

RECOMMENDATION

Staff recommends that City Council adopt Resolution No. 486 declaring support for Shoreline School District Ballot Proposition No. 1 – Replacement of Expiring Levy for Educational Programs and Operations and Proposition No. 2 – Replacement of Expiring Capital Levy for Technology Improvement and Support.

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

BACKGROUND

At their August 24, 2021, meeting, the Shoreline School District Board of Directors unanimously approved Resolution No. 2021-14, Proposition No. 1 – Replacement of Expiring Levy for Educational Programs and Operations (Attachment A) and Resolution No. 2021-15, Proposition No. 2 – Replacement of Expiring Capital Levy for Technology Improvement and Support (Attachment B), and placed both Propositions on the February 8, 2022, special election ballot.

Proposition No. 1, the Replacement of Expiring Levy for Educational Programs and Operations, would generate approximately \$108,750,000 over four years. It would continue funding for education programs not fully supported by state and federal funding, including special education staff and instructional programs, highly capable programs and academic support for students; nurses, family advocates, librarians, and counselors; building maintenance, utilities and transportation; extra-curricular student activities, including music, drama and athletics; and professional development and all Time Responsibility and Incentive (TRI) compensation for teachers and staff.

The average estimated tax rate over four years for Proposition No. 1 would be \$1.41 per \$1,000 of assessed property value annually. For a median valued home (\$534,000 in 2020), this would equal \$790 per year or \$65 per month.

Proposition No. 2, the Replacement of Expiring Capital Levy for Technology Improvement and Support, would generate \$14,000,000 over four years. This replacement levy funds instructional technology and internet access for students and staff across the district. These funds help pay for student and staff computers and technology access; software, online subscriptions, resources and classroom curriculum; annual maintenance and licensing; equipment upgrades and replacement; staffing, professional development and training; network servers and wireless infrastructure; and email and website services for families, students, and staff.

The average estimated tax rate over four years for Proposition No. 2 would be \$0.18 per \$1,000 of assessed property value annually. For a median valued home (\$534,000 in 2020), this would equal \$96 per year or \$8 per month.

Shoreline School District staff presented factual information about Propositions No. 1 and No. 2 to the Shoreline City Council during the Council's January 10, 2022, Council meeting. The Council discussed the Propositions and had an opportunity to ask the Shoreline School District staff questions. The staff report for that discussion may be found here: [Discussion of Shoreline School District Ballot Proposition No. 1 – Replacement of Expiring Levy for Educational Programs and Operations and Proposition No. 2 – Replacement of Expiring Capital Levy for Technology Improvement and Support.](#)

DISCUSSION

Tonight, Council will consider passing Resolution No. 486 (Attachment C) declaring support for Shoreline School District Ballot Proposition No. 1 – Replacement of Expiring Levy for Educational Programs and Operations and Proposition No. 2 – Replacement of

Expiring Capital Levy for Technology Improvement and Support. The Council has voted to support ballot propositions if it determines the proposition will have a direct impact on the Shoreline community. These have included propositions supporting the Shoreline Fire District, the Shoreline School District, and Sound Transit. Past support of Shoreline School District ballot measures includes support for a maintenance and operations levy, technology improvement levy, and a bond measure for the modernization and replacement of Shorecrest and Shorewood High Schools, all in 2010; support for a supplemental levy for reduced class size in 2011; support for replacement of the expiring maintenance and operations levy and technology improvement levy in 2014; and a bond measure to support rebuilding schools and building an early learning center in 2016.

As per RCW 42.17A.555, the Council must allow equal opportunity for the public to express views in support and opposition to this resolution. Providing for dedicated public comment following the presentation of the resolution by staff allows for this opportunity. If adopted by Council, proposed Resolution No. 486 will be shared with the Shoreline School Board and School District staff.

RESOURCE/FINANCIAL IMPACT

There is no resource or financial impact to adopting Resolution No. 486. Individual property owners may use the King County Assessors Tax Transparency Tool to estimate the impact of the proposed levy on their property taxes: [Tax Transparency Tool](#).

RECOMMENDATION

Staff recommends that City Council adopt Resolution No. 486 declaring support for Shoreline School District Ballot Proposition No. 1 – Replacement of Expiring Levy for Educational Programs and Operations and Proposition No. 2 – Replacement of Expiring Capital Levy for Technology Improvement and Support.

ATTACHMENTS

Attachment A: Shoreline School District Resolution No. 2021-14
Attachment B: Shoreline School District Resolution No. 2021-15
Attachment C: Proposed Resolution No. 486

**SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON**

RESOLUTION NO. 2021-14

**PROPOSITION NO. 1 - REPLACEMENT OF EXPIRING LEVY FOR
EDUCATIONAL PROGRAMS AND OPERATIONS**

A RESOLUTION of the Board of Directors of Shoreline School District No. 412, King County, Washington, providing for the submission to the voters of the District at a special election to be held on February 8, 2022, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in 2023 of \$26,000,000, in 2023 for collection in 2024 of \$26,500,000, in 2024 for collection in 2025 of \$27,500,000, and in 2025 for collection in 2026 of \$28,750,000, for the District's General Fund to pay expenses of educational programs and operations; designating the District's Deputy Superintendent and special counsel to receive notice of the ballot title from the Director of Elections of King County, Washington; and providing for related matters.

ADOPTED: AUGUST 24, 2021

This document prepared by:

*FOSTER GARVEY P.C.
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
(206) 447-5339*

SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON

RESOLUTION NO. 2021-14

A RESOLUTION of the Board of Directors of Shoreline School District No. 402, King County, Washington, providing for the submission to the voters of the District at a special election to be held on February 8, 2022, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in 2023 of \$26,000,000, in 2023 for collection in 2024 of \$26,500,000, in 2024 for collection in 2025 of \$27,500,000, and in 2025 for collection in 2026 of \$28,750,000, for the District's General Fund to pay expenses of educational programs and operations; designating the District's Deputy Superintendent and special counsel to receive notice of the ballot title from the Director of Elections of King County, Washington; and providing for related matters.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SHORELINE SCHOOL DISTRICT NO. 412, KING COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Shoreline School District No. 412, King County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2022 is the last year of collection of the District's current four-year General Fund educational programs and operations tax levy, which was authorized pursuant to Resolution No. 2017-24, adopted by the Board on November 6, 2017, and approved by the voters at a special election held and conducted within the District on February 13, 2018.

(b) With the expiration of the District's current four-year General Fund educational programs and operations tax levy, it appears certain that the money in the District's General Fund for the school years 2022-2023, 2023-2024, 2024-2025, 2025-2026 and 2026-2027 will be insufficient to permit the District to meet the educational needs of its students and pay expenses of educational programs and operations support not funded by the State of Washington, all as more particularly set forth in Section 3 of this resolution, during such school years, and that it is necessary that a replacement excess tax levy of \$26,000,000 be made in 2022 for collection in 2023, \$26,500,000 be made in 2023 for collection in 2024, \$27,500,000 be made in 2024 for collection in 2025, and \$28,750,000 be made in 2025 for collection in 2026 for the District's General Fund to provide the money required to meet those expenses.

(c) The District's proposed four-year General Fund educational programs and operations tax levy authorized in this resolution provides for approximately the same educational programs and operations purposes as the District's expiring four-year General Fund educational programs and operations tax levy.

(d) Pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053, the District may submit to its voters at a special election,

for their approval or rejection, a proposition authorizing the District to levy annual excess property taxes for support of the District’s educational programs and operations expenses.

(e) The District has received or, prior to the time the ballot proposition authorized in this resolution is submitted to the voters, the District will have received approval of its educational programs and operations tax levy expenditure plan from the Office of the Superintendent of Public Instruction under RCW 28A.505.240 as required by RCW 84.52.053(4), a copy of which is or will be on file with the District.

Section 2. Calling of Election. The Director of Elections of King County, Washington, as *ex officio* Supervisor of Elections (the “Auditor”), is requested to call and conduct a special election in the manner provided by law to be held in the District on February 8, 2022, for the purpose of submitting to the District’s voters, for their approval or rejection, the proposition authorizing a replacement General Fund educational programs and operations tax levy on all of the taxable property within the District (the assessed value of such representing 100% of true and fair value unless specifically provided otherwise by law) to be made annually for four years commencing in 2022 for collection in 2023 of \$26,000,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.48 per \$1,000 of assessed value, in 2023 for collection in 2024 of \$26,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.44 per \$1,000 of assessed value, in 2024 for collection in 2025 of \$27,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.38 per \$1,000 of assessed value, and in 2025 for collection in 2026 of \$28,750,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.33 per \$1,000 of assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval. The exact tax levy rate and amount to be collected may be adjusted based upon the actual assessed value of the taxable property within the District and the limitations imposed by law at the time of the tax levy.

Section 3. Use of Taxes. If the proposition authorized by this resolution is approved by the requisite number of voters, the District will be authorized to levy the excess property taxes up to the amounts provided in this resolution to meet the educational needs of its students and pay expenses of educational programs and operations support not funded by the State of Washington, during the school years 2022-2023, 2023-2024, 2024-2025, 2025-2026 and 2026-2027, all as may be authorized by law and determined necessary by the Board. Pending the receipt of those taxes, the District may issue short-term obligations pursuant to chapter 39.50 RCW or contract indebtedness pursuant to RCW 28A.530.080. Upon receipt, the District may use those taxes to repay such short-term obligations or indebtedness, all as may be authorized by law and determined necessary and advisable by the Board.

[Remainder of page intentionally left blank]

Section 4. Form of Ballot Title. Pursuant to RCW 29A.36.071, the King County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION NO. 1

SHORELINE SCHOOL DISTRICT NO. 412

REPLACEMENT OF EXPIRING LEVY FOR EDUCATIONAL PROGRAMS
AND OPERATIONS

The Board of Directors of Shoreline School District No. 412 adopted Resolution No. 2021-14, concerning a proposition to finance educational programs and operations expenses. This proposition would authorize the District to meet educational needs of its students by levying the following excess taxes, in place of the expiring levy, on all taxable property within the District, for support of the District's educational programs and operations expenses not funded by the State of Washington:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2023	\$1.48	\$26,000,000
2024	\$1.44	\$26,500,000
2025	\$1.38	\$27,500,000
2026	\$1.33	\$28,750,000

all as provided in Resolution No. 2021-14. Should this proposition be approved?

LEVY . . . YES

LEVY . . . NO

Section 5. Authorization to Deliver Resolution to Auditor and Perform Other Necessary Duties. The Secretary to the Board (the "Secretary") or the Secretary's designee is directed to: (a) present a certified copy of this resolution to the Auditor no later than December 10, 2021; and (b) perform such other duties as are necessary or required by law to submit to the District's voters at the aforesaid special election, for their approval or rejection, the proposition authorizing the District to levy excess property taxes for support of the District's educational programs and operations expenses.

Section 6. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the Board hereby designates (a) the District's Deputy Superintendent (Marla S. Miller), telephone: (206) 393.4514; email: marla.miller@shorelineschools.org and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 206.447.5339; email: jim.mcneill@foster.com, as the individuals to whom the Auditor shall provide such notice. The Secretary is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the King County Prosecuting Attorney.

Section 7. Execution; General Authorization and Ratification. This resolution may be executed by the Directors being present and voting in favor of the resolution, or only the President of the Board (the “President”), and attested by the Secretary, in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Secretary, the District’s Deputy Superintendent, the President, and the District’s Special Counsel, Foster Garvey P.C., are hereby further severally authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such tangible medium, manual, facsimile or electronic documents, records and signatures under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, as in their judgment may be necessary or desirable to effectuate the provisions of this resolution. All actions taken prior to the effective date of this resolution in furtherance of and not inconsistent with the provisions of this resolution are ratified and confirmed in all respects.

Section 8. Severability. If any provision of this resolution is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution, or of the levy or collection of excess property taxes authorized herein.

Section 9. Effective Date. This resolution takes effect from and after its adoption.

ADOPTED by the Board of Directors of Shoreline School District No. 412, King County, Washington, at a regular open public meeting held this 24th day of August, 2021.

SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON

Dissented:

Meghan Jernigan, President

Rebeca Rivera, Vice President

Sara Betnel, Director

Emily Williams, Director

Sarah Cohen, Director

Attest: August __, 2021

Dr. Susana Reyes, Secretary
Shoreline Board of Directors

CERTIFICATION

I, Dr. Susana Reyes, Secretary to the Board of Directors of Shoreline School District No. 412, King County, Washington (the “District”), hereby certify as follows:

1. The foregoing Resolution No. 2021-14 (the “Resolution”) is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Directors of the District (the “Board”) held on August 24, 2021 (the “Meeting”), as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Pursuant to various proclamations and orders issued by the Governor of the State of Washington, options were provided for the public to attend the Meeting remotely, including by telephonic access and, as available, internet access, which options provided the ability for all persons attending the Meeting remotely to hear each other at the same time; and

3. The Meeting was duly convened and held in all respects in accordance with law, the public was notified of the access options for remote attendance, a quorum of the members of the Board was present throughout the meeting, and a sufficient number of members of the Board present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of August, 2021.

SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON

Dr. Susana Reyes
Secretary to the Board of Directors

**SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON**

RESOLUTION NO. 2021-15

**PROPOSITION NO. 2 – REPLACEMENT OF EXPIRING CAPITAL
LEVY FOR TECHNOLOGY IMPROVEMENTS AND SUPPORT**

A RESOLUTION of the Board of Directors of Shoreline School District No. 412, King County, Washington, providing for the submission to the voters of the District at a special election to be held on February 8, 2022, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in the years 2023 through 2026 in the aggregate total amount of \$14,000,000 for the District's Capital Projects Fund to support the modernization of School District facilities by making certain technology improvements; designating the District's Deputy Superintendent and special counsel to receive notice of the ballot title from the Director of Elections of King County, Washington; and providing for related matters.

ADOPTED: AUGUST 24, 2021

This document prepared by:

*FOSTER GARVEY P.C.
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
(206) 447-5339*

SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON

RESOLUTION NO. 2021-15

A RESOLUTION of the Board of Directors of Shoreline School District No. 412, King County, Washington, providing for the submission to the voters of the District at a special election to be held on February 8, 2022, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in the years 2023 through 2026 in the aggregate total amount of \$14,000,000 for the District's Capital Projects Fund to support the modernization of School District facilities by making certain technology improvements; designating the District's Deputy Superintendent and special counsel to receive notice of the ballot title from the Director of Elections of King County, Washington; and providing for related matters.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SHORELINE SCHOOL DISTRICT NO. 412, KING COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Shoreline School District No. 412, King County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2022 is the last year of collection of the District's current four-year Capital Projects Fund tax levy, which was authorized pursuant to Resolution No. 2017-25, adopted by the Board on November 6, 2017, and approved by the voters at a special election held and conducted within the District on February 13, 2018.

(b) The District's instructional programs and existing condition of technology equipment and infrastructure require the District to support modernization of School District facilities by making certain technology improvements, all as more particularly defined and described in Section 2 herein (collectively, the "Projects").

(c) With the expiration of the District's current four-year Capital Projects Fund technology tax levy, it appears certain that the money in the District's Capital Projects Fund will be insufficient to permit the District to pay costs of the Projects, and that it is necessary that a replacement excess tax levy of \$3,500,000 be made in 2022 for collection in 2023, \$3,500,000 be made in 2023 for collection in 2024, \$3,500,000 be made in 2024 for collection in 2025, and \$3,500,000 be made in 2025 for collection in 2026 for the District's Capital Projects Fund to provide the money required to pay those costs.

(d) The proposed four-year Capital Projects Fund technology tax levy authorized in this resolution will replace the District's expiring four-year Capital Projects Fund technology tax levy.

(e) Pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053, the District may submit to its voters at a special election,

for their approval or rejection, a proposition authorizing the District to levy annual excess property taxes to pay costs of the Projects.

(f) The best interests of the District's students and other inhabitants require the District to carry out and accomplish the Projects.

Section 2. Description of the Projects. The Projects to be paid for with the excess property taxes authorized herein are more particularly defined and described as follows:

(a) Acquire and install instructional technology equipment and infrastructure throughout School District facilities to improve student learning and provide related training and support, and make other instructional technology improvements and upgrades, all as determined necessary and advisable by the Board. The foregoing instructional technology equipment, infrastructure, improvements and upgrades shall be part of the District's integrated technology systems and facilities for instruction and research.

(b) Acquire, construct and install all necessary furniture, equipment, apparatus, accessories, fixtures and appurtenances in or for the foregoing, all as determined necessary and advisable by the Board.

(c) Pay costs associated with implementing the foregoing instructional technology equipment and infrastructure, including, but not limited to, acquiring, constructing and installing hardware and licensing software, online applications and training related to the installation of the foregoing, all as determined necessary and advisable by the Board. Such costs constitute a part of the Projects and also include, but are not limited to, ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the use, installation and integration of these products and services, all as determined necessary and advisable by the Board. The hardware, software or applications shall be an integral part of the District's technology systems and facilities for instruction and research.

(d) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects. Such incidental costs constitute a part of the Projects and include, but are not limited to: (1) payments for fiscal and legal costs; (2) costs of establishing and funding accounts; (3) necessary and related engineering, architectural, planning, consulting, permitting, inspection and testing costs; (4) administrative and relocation costs; (5) site improvement costs; (6) demolition costs; (7) costs related to demolition and/or deconstruction of existing school facilities to recycle, reclaim and repurpose all or a portion of such facilities and/or building materials; (8) costs of on and off-site utilities and road improvements; and (9) costs of other similar activities or purposes, all as determined necessary and advisable by the Board.

The Projects, or any portion or portions thereof, shall be acquired or made insofar as is practicable with available money and in such order of time as shall be determined necessary and advisable by the Board. The Board shall determine the application of available money between the various parts of the Projects so as to accomplish, as near as may be, all of the Projects. The Board shall determine the exact order, extent and specifications for the Projects. The Projects are to be more fully described in the plans and specifications to be filed with the District.

Section 3. Calling of Election. The Director of Elections of King County, Washington, as *ex officio* Supervisor of Elections (the “Auditor”), is requested to call and conduct a special election in the manner provided by law to be held in the District on February 8, 2022, for the purpose of submitting to the District’s voters, for their approval or rejection, the proposition authorizing a replacement Capital Projects Fund excess property tax levy on all of the taxable property within the District (the assessed value of such representing 100% of true and fair value unless specifically provided otherwise by law) to be made annually for four years commencing in 2022 for collection in 2023 of \$3,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.20 per \$1,000 of assessed value, in 2023 for collection in 2024 of \$3,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.19 per \$1,000 of assessed value, in 2024 for collection in 2025 of \$3,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.18 per \$1,000 of assessed value, and in 2025 for collection in 2026 of \$3,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.16 per \$1,000 of assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval. The exact tax levy rate may be adjusted based upon the actual assessed value of the taxable property within the District at the time of the tax levy.

Section 4. Use of Taxes. If the proposition authorized by this resolution is approved by the requisite number of voters, the District will be authorized to levy the excess property taxes provided in this resolution to pay costs of the Projects, all as may be authorized by law and determined necessary and advisable by the Board. Pending the receipt of those taxes, the District may issue short-term obligations pursuant to chapter 39.50 RCW or contract indebtedness pursuant to RCW 28A.530.080. Upon receipt, the District may use those taxes to repay such short-term obligations or indebtedness, all as may be authorized by law and determined necessary and advisable by the Board.

Section 5. Sufficiency of Taxes. If the excess property taxes authorized herein are more than sufficient to carry out the Projects, or should state or local circumstances require any alteration in the Projects, the District may apply such taxes to other capital purposes, or reduce or eliminate the excess property tax levies authorized herein, all as the Board may determine by resolution and as permitted by law.

If the Board determines that it has become impractical to accomplish the Projects or any portion thereof by reason of state or local circumstances, including changed conditions or needs, regulatory considerations, incompatible development or costs substantially in excess of those estimated, or for any other reason determined by the Board, the District will not be required to accomplish such Projects and may apply the excess property taxes authorized herein or any portion thereof to other capital purposes of the District, or reduce or eliminate the excess property taxes authorized herein, all as the Board may determine by resolution and as permitted by law. In the event that the excess property taxes, plus any other money of the District legally available therefor, are insufficient to accomplish all of the Projects, the District may use the available money for paying the cost of that portion of the Projects that the Board determines most necessary and in the best interests of the District.

Notwithstanding anything in this resolution to the contrary, the excess property taxes authorized herein may be used only to support the construction, modernization or remodeling of school facilities.

Section 6. Form of Ballot Title. Pursuant to RCW 29A.36.071, the King County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION NO. 2

SHORELINE SCHOOL DISTRICT NO. 412

REPLACEMENT OF EXPIRING CAPITAL LEVY FOR TECHNOLOGY IMPROVEMENTS AND SUPPORT

The Board of Directors of Shoreline School District No. 412 adopted Resolution No. 2021-15, concerning a proposition to finance technology improvements and support. This proposition would authorize the District to acquire and install instructional technology equipment and infrastructure throughout School District facilities to improve student learning and provide related training and support, and levy the following excess taxes, in place of an expiring levy, on all taxable property within the District:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2023	\$0.20	\$3,500,000
2024	\$0.19	\$3,500,000
2025	\$0.18	\$3,500,000
2026	\$0.16	\$3,500,000

all as provided in Resolution No. 2021-15. Should this proposition be approved?

LEVY . . . YES

LEVY . . . NO

Section 7. Authorization to Deliver Resolution to Auditor and Perform Other Necessary Duties. The Secretary to the Board (the “Secretary”) or the Secretary’s designee is directed to: (a) present a certified copy of this resolution to the Auditor no later than December 10, 2021; and (b) perform such other duties as are necessary or required by law to submit to the District’s voters at the aforesaid special election, for their approval or rejection, the proposition authorizing the District to levy annual excess property taxes to pay costs of the Projects.

Section 8. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the Board hereby designates (a) the District’s Deputy Superintendent (Marla S. Miller), telephone: (206) 393.4514; email: marla.miller@shorelineschools.org and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 206.447.5339; email: jim.mcneill@foster.com, as the individuals to whom the Auditor shall provide such notice. The Secretary is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the King County Prosecuting Attorney.

Section 9. Execution; General Authorization and Ratification. This resolution may be executed by the Directors being present and voting in favor of the resolution, or only the President of the Board (the “President”), and attested by the Secretary, in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Secretary, the District’s Deputy Superintendent, the President, and the District’s Special Counsel, Foster Garvey P.C., are hereby further severally authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such tangible medium, manual, facsimile or electronic documents, records and signatures under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, as in their judgment may be necessary or desirable to effectuate the provisions of this resolution. All actions taken prior to the effective date of this resolution in furtherance of and not inconsistent with the provisions of this resolution are ratified and confirmed in all respects.

Section 10. Severability. If any provision of this resolution is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution or of the levy or collection of excess property taxes authorized herein.

Section 11. Effective Date. This resolution takes effect from and after its adoption.

ADOPTED by the Board of Directors of Shoreline School District No. 412, King County, Washington, at a regular open public meeting held this 24th day of August, 2021.

SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON

Dissented:

Meghan Jernigan, President

Rebeca Rivera, Vice President

Sara Betnel, Director

Emily Williams, Director

Sarah Cohen, Director

Attest: August __, 2021

Dr. Susana Reyes, Secretary
Shoreline Board of Directors

CERTIFICATION

I, Dr. Susana Reyes, Secretary to the Board of Directors of Shoreline School District No. 412, King County, Washington (the “District”), hereby certify as follows:

1. The foregoing Resolution No. 2021-15 (the “Resolution”) is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Directors of the District (the “Board”) held on August 24, 2021 (the “Meeting”), as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Pursuant to various proclamations and orders issued by the Governor of the State of Washington, options were provided for the public to attend the Meeting remotely, including by telephonic access and, as available, internet access, which options provided the ability for all persons attending the Meeting remotely to hear each other at the same time; and

3. The Meeting was duly convened and held in all respects in accordance with law, the public was notified of the access options for remote attendance, a quorum of the members of the Board was present throughout the meeting, and a sufficient number of members of the Board present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of August, 2021.

SHORELINE SCHOOL DISTRICT NO. 412
KING COUNTY, WASHINGTON

Dr. Susana Reyes
Secretary to the Board of Directors

RESOLUTION NO. 486**A RESOLUTION OF THE CITY COUNCIL, CITY OF SHORELINE, WASHINGTON, SUPPORTING SHORELINE SCHOOL DISTRICT NO. 412 PROPOSITION 1, REPLACEMENT OF EXPIRING LEVY FOR EDUCATIONAL PROGRAMS AND OPERATIONS, AND PROPOSITION 2, CAPITAL PROJECTS FUND TO SUPPORT THE MODERNIZATION OF SCHOOL DISTRICT FACILITIES BY MAKING CERTAIN TECHNOLOGY IMPROVEMENTS.**

WHEREAS, on August 24, 2021, by unanimous approval of Shoreline School District Resolution No. 2021-14 and Resolution No. 2021-15, the Shoreline School District Board of Directors approved the submission of two (2) propositions to a February 8, 2022, special election; and

WHEREAS, Resolution No. 2021-14 authorizes Proposition 1 dealing with the expiration of the District's current four-year General Fund educational programs and operations tax levy, for which it appears certain that the money in the District's General Fund for the successive four school years will be insufficient to permit the District to meet the educational needs of its students and pay expenses of educational programs and operations support not funded by the State of Washington, and that it is necessary that a replacement excess tax levy, in place of the expiring levy, be collected on all taxable property within the District in 2023, 2024, 2025, and 2026 for the District's General Fund to provide the money required to meet those expenses; and

WHEREAS, as provided in Section 4 of Resolution No. 2021-14, the ballot title for Proposition 1 will be in substantially the following form:

**PROPOSITION NO. 1
SHORELINE SCHOOL DISTRICT NO. 412
REPLACEMENT OF EXPIRING LEVY FOR EDUCATIONAL PROGRAMS
AND OPERATIONS**

The Board of Directors of Shoreline School District No. 412 adopted Resolution No. 2021-14, concerning a proposition to finance educational programs and operations expenses. This proposition would authorize the District to meet educational needs of its students by levying the following excess taxes, in place of the expiring levy, on all taxable property within the District, for support of the District's educational programs and operations expenses not funded by the State of Washington:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2023	\$1.48	\$26,000,000
2024	\$1.44	\$26,500,000
2025	\$1.38	\$27,500,000
2026	\$1.33	\$28,750,000

All as provided in Resolution No. 2021-14. Should this proposition be approved?
YES NO

WHEREAS, Resolution No. 2021-15 authorizes Proposition 2 dealing with the expiration of the District’s current four-year Capital Projects Fund technology tax levy, for which it appears certain that the money for the successive four school years will be insufficient to permit the District to pay costs of the technology projects as described in Section 2 of Resolution No. 2021-15, and that it is necessary that a replacement excess tax levy, in place of the expiring technology tax levy, be collected on all taxable property within the District in 2023, 2024, 2025, and 2026 for the District’s Capital Projects Fund to provide the money required to pay those costs; and

WHEREAS, as provided in Section 6 of Resolution No. 2021-15, the ballot title for Proposition 2 will be in substantially the following form:

**PROPOSITION NO. 2
SHORELINE SCHOOL DISTRICT NO. 412
REPLACEMENT OF EXPIRING CAPITAL LEVY FOR TECHNOLOGY
IMPROVEMENTS AND SUPPORT**

The Board of Directors of Shoreline School District No. 412 adopted Resolution No. 2021-15, concerning a proposition to finance technology improvements and support. This proposition would authorize the District to acquire and install instructional technology equipment and infrastructure throughout School District facilities to improve student learning and provide related training and support, and levy the following excess taxes, in place of an expiring levy, on all taxable property within the District:

<u>Collection Year</u>	Estimated Levy Rate/\$1,000 <u>Assessed Value</u>	<u>Levy Amount</u>
2023	\$0.20	\$3,500,000
2024	\$0.19	\$3,500,000
2025	\$0.18	\$3,500,000
2026	\$0.16	\$3,500,000

all as provided in Resolution No. 2021-15. Should this proposition be approved?
YES NO

WHEREAS, in compliance with RCW 42.17A.555, the public meeting notice included the title and number of the Shoreline School District’s Proposition 1 measure and members of the public were given equal opportunity to express opposing views on the measure; and

WHEREAS, the City Council feels that a strong public educational system and high quality educational facilities help provide for a strong community; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

That the City Council of the City of Shoreline hereby expresses its support for the Shoreline School District No. 412 Proposition 1, authorizing the District to finance educational programs and operations expenses not funded by the State of Washington so as to meet the educational

needs of its students, and Proposition 2, authorizing the District to support the modernization of District facilities by making certain technology improvements, and encourages voters to approve both Proposition 1 and Proposition 2 at the special election to be held on February 8, 2022.

ADOPTED BY THE CITY COUNCIL ON JANUARY 24, 2022.

Keith Scully, Mayor

ATTEST:

Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Proposed 2022 Human Services Allocations of American Rescue Plan Act (ARPA) Funding		
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:

The American Rescue Plan Act (ARPA), which was signed into law by President Biden on March 11, 2021, is a \$1.9 trillion economic stimulus bill. Within the ARPA, the Coronavirus State and Local Fiscal Recovery Fund provides \$350 billion for states, municipalities, counties, tribes, and territories, including \$130 billion for local governments, split evenly between municipalities and counties. The City of Shoreline was awarded \$7,533,842, of which 50% was received this year and the remaining 50% will be received in 2022. ARPA funding covers the period of March 3, 2021, through December 31, 2024. Costs must be incurred or obligated by December 31, 2024 and must be spent by December 31, 2026.

On June 14, 2021, Council indicated support for staff's Phase 1 funding recommendations, including funding 1.4 FTE ARPA Navigator/Community Support Specialist positions; supporting human services and community, youth and business recovery efforts; and funding wastewater and stormwater capital projects. In December 2021, the City Manager authorized an ARPA expenditure of \$87,500 to purchase grocery gift cards for the School District Holiday Gift Basket Event.

Tonight, staff will present recommendations for 2022 Human Services ARPA expenditures.

RESOURCE/FINANCIAL IMPACT:

The \$7,533,842 in ARPA funding the City will receive will cover eligible expenditures that are fully obligated by December 31, 2024. Budgeting these funds will happen through a 2022 budget amendment and as part of the 2023-2024 budget process.

RECOMMENDATION

Staff recommends that the City Council discuss staff's recommended 2022 Human Services ARPA funding recommendations. If there is Council consensus to support these recommendations, staff will move forward with implementation and prepare a budget amendment to authorize the proposed expenditures.

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

BACKGROUND

The American Rescue Plan Act (ARPA), which was signed into law by President Biden on March 11, 2021, is a \$1.9 trillion economic stimulus bill. Within the ARPA, the Coronavirus State and Local Fiscal Recovery Fund provides \$350 billion for states, municipalities, counties, tribes, and territories, including \$130 billion for local governments, split evenly between municipalities and counties. The City of Shoreline was awarded \$7,533,842 of which 50% was received in 2021 and the remaining 50% will be received in 2022. ARPA funding covers the period of March 3, 2021, through December 31, 2024. Costs must be incurred/obligated by December 31, 2024 and must be spent by December 31, 2026.

Eligible Uses of Funding

Coronavirus State and Local Fiscal Recovery Funds provide a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds as follows:

- To respond to the public health emergency caused by COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.
- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers.
- For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.
- To make necessary investments in water, sewer (includes both storm and wastewater), or broadband infrastructure.

Guiding Principles

Staff are using the following guiding principles to develop a recommended ARPA funding allocation plan to the City Council:

- ARPA funds are temporary in nature and a one-time allocation. As such, staff will be recommending programs that should not be considered on-going and will terminate when the ARPA funds have been expended by the City. Investment in qualifying infrastructure projects support this principle.
- The City needs to be informed of the ARPA plans of other regional partners so that the use of the City's allocation can best meet the needs of the community and fill gaps not identified by other programs. This includes understanding the program eligibility from other federal and state programs.
- The City program should have a role in helping Shoreline residents and businesses navigate the process to access funds through local, regional, state, and federal programs.
- Needs may evolve over a multi-year process and as such the programming of funds should be prudent and not rushed. The program may be a multi-phased process.

Following the passage of ARPA, the City Manager formed an internal staff committee to consider how Shoreline might make the most strategic use of these resources. High level allocations were subsequently approved by the City Council in June 2021, as outlined in the table below. The staff report for that discussion can be found at the following link: [Discussion of Proposed American Rescue Plan Act \(ARPA\) Funding Allocation](#).

Category	Subcategory	Targeted Amounts
Respond to public health emergency caused by COVID-19 or its negative economic impacts.	a. Limited Term ARPA Navigators (1.4 FTE)	\$511,000
	b. Human Service Needs	\$1,600,000
	c. Community and Youth Recovery	\$400,000
	d. Business Recovery and Stabilization	\$500,000
City cost recovery for COVID-19 related expenses.		\$500,000
Make necessary investments in water, sewer, stormwater, or broadband infrastructure.		\$4,022,000
Total		\$7,533,000

The Council also supported two additional specific recommendations at that time:

1. Allocate \$225,000 to fund community and youth recovery by supporting the Youth Outreach Leadership Opportunity (YOLO) program and a contracted Mental Health Therapist for youth and teens during 2022.
UPDATE: These programs were supported by a King County Best Starts for Kids grant that expired at the end of 2021. Staff made this recommendation to ensure that services could be continued as the levy renewal process played out. Since then, King County committed to renew the contract for January-June of 2022. Staff intends to re-apply for funding to continue these efforts but will not make any recommendations regarding the funding in the Community and Youth Recovery category until the outcome of that process is known.
2. Allocate \$93,000 to fund outreach and analysis to Shoreline businesses through a three-year partnership with the Shoreline Chamber of Commerce.
UPDATE: The City’s Economic Development Manager will attend a subsequent Council meeting in February 2022 to provide updated information on this item.

In December 2021, the City Manager authorized an additional ARPA expenditure of \$87,500 to purchase grocery gift cards for the School District Holiday Gift Basket Event.

The 1.4 FTE Limited Term ARPA Navigators positions were filled and work has been underway since October 2021. The working title being used for these positions is Community Support Specialist, which is more understandable to the general public.

DISCUSSION

Tonight, staff will present recommendations to City Council for the 2022 Human Services ARPA expenditures.

Rationale for 2022 Recommendations

Staff have researched resources available to support Shoreline residents still struggling with the impacts of COVID and have learned a few key things. First, though the ARPA resources were intended to focus on recovery, many residents are still in crisis management/survival mode. It

has become clear that there are many residents still struggling to meet their basic needs, and that achieving financial stability will be a long-term process.

Second, there are significant resources available to assist with some of the more substantial supports needed by families and individuals, including rental assistance, utility assistance, and child-care support, so staff are recommending that local resources be used to fill other gaps. Specifically, the City allocates its annual SHB 1406 funding (local state-shared tax for affordable and supportive housing) to Hopelink to provide rental assistance and allocated \$200,000 in Community Development Block Grant (CDBG) funding to Hopelink to provide additional rental assistance services through June 2022. In addition, King County has allocated up to \$145 million for an Eviction Prevention and Rental Assistance Program focused on helping to keep people housed. The County has also contracted with the Housing Justice Project to provide legal assistance to any family in King County that receives an eviction order.

The City also provides \$25,000 per year to Hopelink for [utility assistance](#) for Shoreline residents. Additional utility resources include the WA Utilities and Transportation Commission [Energy Assistance Programs](#) and federal government [Assistance Programs](#) to help with telephone, heating bills, and other expenses.

Third, findings from staff outreach include anecdotal data demonstrating especially significant impacts of COVID on Shoreline's low-income and historically underserved communities, including those experiencing homelessness, immigrant and refugee individuals and families, as well as those who identify as Black, Indigenous, and People of Color. These findings are further supported by King County's [2021 Revive and Thrive Recovery Plan](#), which included the following finding:

The pandemic multiplied the effect of existing inequities and created new and stark disparities in impact. To track these effects, King County & Seattle Public Health created several dashboards to identify and quantify the disproportionate impact of the pandemic. The Social and Economic Inequities and COVID-19 Outcomes dashboard utilized the social and economic risk index (SERI) to consider how six different factors (race/ethnicity/language/place of birth, number of occupants per household, percentage of adults in essential healthcare-related occupations, percentage of adults in essential non-healthcare occupations, percentage of adults 25+ with less than a college degree, and percentage of households with income less than 200% of federal poverty limit) effected key COVID outcomes, such as testing, positivity rates, hospitalization, and death rates varied among these groups.

The dashboard shows that rates of COVID-19 cases, hospitalization, and deaths were greatest for people of color, those without a college degree, and low-income individuals.

All of the above provided context that led to the development of the three recommended investment categories for 2022:

1. Emergency support for ongoing COVID Crisis Response (Category A);
2. Investments in services providing direct service support to historically underserved populations disproportionately impacted by COVID (Category B); and
3. Investments to strengthen civic infrastructure hampered by COVID to build the ongoing capacity of historically underserved communities for long-term impact (Category C).

Staff also discussed the challenge of long-term thinking as COVID remains unpredictable. With that in mind, staff is bringing forward recommendations only for 2022 expenditures at this time. This will allow ongoing assessment of the most critical needs and gaps while allowing staff time to plan accordingly for 2023 and 2024. Staff's recommendations for 2022 total \$518,000, which represents 34.2% of the \$1,512,500 still available. Staff does not know if all funds will be needed in 2022, so there may be additional funds to carry forward into the 2023-2024 biennial budget.

2022 Recommendations

Proposal for Category A-- Emergency support for ongoing COVID Crisis Response

This Flexible funds that can be used to provide emergency support for individuals and families are needed. Staff are familiar with a few programs that have procedures in place for managing flexible assistance funds, and the recommendations include allocations to those organizations. Additional investments in grocery cards for distribution by other community organizations are also included. Everyone needs to purchase food, so the rationale is that by providing grocery cards, families are able to spend their money on other items.

- **\$87,500—Grocery cards for Shoreline Schools Holiday Baskets 2022**

This amount provides \$125 grocery cards to 700 families. The Shoreline PTA Council and School District's Family Advocate program reported that 714 families registered for the event in 2020, therefore the City provided 700 grocery cards to meet the potential need. In 2021, 646 families registered, and 500 families attended the event. Due to unforeseen circumstances, the registration process started later than usual, and many families were not present at the event. Since then, Family Advocates continue to request grocery support for families who did not attend. With continued unemployment and financial instability due to COVID, we expect that those who were eligible will continue to request support in 2022.

- **\$50,000— Additional grocery cards** for distribution throughout the year in partnership with community-based organizations, as needs are identified. Shoreline individuals and families who are not served through the school district Family Advocates, such as older adults, households without children, or families with children who are not enrolled in the Shoreline School District can be served with these additional cards.
- **\$100,000—Flexible Financial Assistance** –Staff are recommending \$50,000 for the Center for Human Services and \$25,000 each for Canopy (formerly Turning Point) and Shoreline Community Care. These funds may be used to address emergency crisis needs in support of keeping folks housed and/or employed.

Proposal for Category B-- Investments in services providing direct service support to low-income, historically underserved populations disproportionately impacted by COVID

These recommendations are responsive to gaps identified by staff during the research and fact-finding phase above. Due to the temporary nature of ARPA funds, agencies were clearly informed that continued City funding cannot be assumed. These human services investments are to address immediate needs due to COVID most negatively impacting low-income and historically underserved communities, including those experiencing homelessness, immigrant and refugee individuals and families, as well as those who identify as Black, Indigenous, and People of Color.

- **\$50,000** to Charmd LLC to provide mental health support for Immigrant and Refugee individuals and families
- **\$28,500** to Grounded to support a part-time Youth Mental Health Specialist of Color to specifically support Black youth and other Youth of Color
- **\$120,000** to the Center for Human Services (CHS) Family Support Program for an Information and Assistance Specialist and COVID program support. The Family Support program provides early childhood caregiver education, parenting classes, kinship

caregiver support, and academic and social support activities to low-income and Latinx/Latine families. COVID has increased requests for referrals to resources and services related to the pandemic and requires more staff time, planning, and equipment/supplies to provide COVID safe programming for CHS employees and their participants.

- **\$57,000** to Canopy for a part-time Family Coordinator and part-time Tutor Coordinator to strengthen the organization’s internal capacity and expand the number of students and families that can be offered tutoring support. Many students experienced significant learning loss during the many months of remote teaching, increasing demand for tutoring support. Canopy works largely with East African families.
- **\$10,000** for emergency hotel vouchers to be distributed by Shoreline Police and/or Lake City Partners Outreach Specialist.
- **\$5,000** to purchase bus tickets or other transportation means for individuals utilizing hotel vouchers, severe weather shelter, or who are living unhoused and need assistance getting to a safer location.

Proposal for Category C—Investments to strengthen civic Infrastructure hampered by COVID to build the ongoing capacity of historically underserved communities for long-term impact

This recommendation responds to staff findings regarding overall community fatigue, especially for individuals and communities that continue to face unstable employment and financial strain. This category also aligns with the goals of the City’s Anti-Racism Resolution.

- **\$10,000** to expand the Love Your Community Grant Program to encourage resident-driven efforts to build an anti-racist community as part of an overall COVID recovery process. This is a City mini-grant pilot program currently in operation and funded at \$8,800 for the 2021-2022 biennium. The additional funds recommended here would support organizing efforts of historically underserved Shoreline communities, including anti-racism training and other resident driven efforts.

SUMMARY TABLE

INVESTMENT CATEGORY	2022
A. Emergency support for ongoing COVID Crisis Response	\$ 87,500 2022 Holiday Basket Grocery Cards \$ 50,000 Other Grocery Cards \$100,000 Flexible Financial Assistance \$237,500 Subtotal
B. Investments in services providing direct service support to historically underserved populations known to have been disproportionately impacted by COVID	\$ 50,000 Charmd LLC \$ 28,500 Grounded \$120,000 CHS Family Support Center \$ 57,000 Canopy \$ 10,000 Hotel Vouchers \$ 5,000 Bus/Transportation Tickets \$270,500 Subtotal
C. Strengthen civic Infrastructure hampered by COVID to build the ongoing capacity of historically underserved communities for long-term impact	\$ 10,000 Love Your Community Grants Expansion \$ 10,000 Subtotal
Total	\$ 518,000

Council Discussion Questions

Tonight, staff is seeking Council's feedback on the following discussion questions:

1. Does Council have any questions regarding the recommended investment categories?
2. Does Council have any questions regarding the specific recommended investments?
3. Does Council support the proposed 2022 Human Services ARPA allocation recommendations?

RESOURCE/FINANCIAL IMPACT

The \$7,533,842 in ARPA funding the City will receive will cover eligible expenditures that are fully obligated by December 31, 2024. Budgeting these funds will happen through a 2022 budget amendment and as part of the 2023-2024 budget process.

RECOMMENDATION

Staff recommends that the City Council discuss staff's recommended 2022 Human Services ARPA funding recommendations. If there is Council consensus to support these recommendations, staff will move forward with implementation and prepare a budget amendment to authorize the proposed expenditures.