Council Meeting Date: June 21, 1999 **Agenda Item: 6(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**Council Review of alternatives to be evaluated in the development of the Richmond Highlands Community Center Master Plan**
DEPARTMENT:	**Recreation & Cultural Services / Public Works**
PRESENTED BY:	**Wendy Barry, Parks, Recreation & Cultural Services Director** **Michael A. Gillespie, P.E., City Engineer** for MG

EXECUTIVE / COUNCIL SUMMARY

On May 3, 1999 City Council approved the master planning process for the Richmond Highlands Community Center. The purpose of this agenda item is to present to the Council staff's proposed alternatives to be evaluated in the development of the Master Plan.

The existing facility was transferred to the City in June 1997 and is the only City operated recreation center. It houses the Teen Program as well as other City sponsored classes and events. It is also rented to outside organizations for basketball, parties and meetings.

The School District is undertaking Phase I of their long term improvements to the Shoreline Center. They have identified Phase II improvements. No funds have been allocated for additions or expansions beyond Phase I. The opportunity exists for the City and the School District to partner on development of these spaces into multi purpose recreation areas. This would maximize use of the entire facility by the public. School District staff are active participants on the City's project team helping develop the three alternatives to be considered.

Users of the facility, the surrounding neighborhood and the general community will be invited to participate in the public involvement process. The review of the three alternatives will include an evaluation of how well they meet the City and community needs and the estimated costs for improvements and ongoing operation. Staff will work with the above groups to identify other key issues to be included for evaluation of the three proposed alternatives. The alternatives are outlined below.

Alternative # 1 Rehabilitation of the Existing Community Center
This alternative will look at the work required to bring the existing structure up to a condition that provides for a more effective use of the facility within it's existing footprint. Included in this alternative is upgrading the structure to comply with the

Americans with Disabilities Act (ADA) accessibility standards. Depending on the extent of the rehabilitation, other modifications to bring the facility into compliance with current building codes may be necessary.

Alternative # 2 New or Expanded Community Center
This alternative will evaluate the adequacy of the existing structure to meet the needs of the programs presently using the facility and any anticipated future programs. The alternative will look at the cost and benefit of remodeling and/or adding onto the existing building compared to constructing a new facility at either the present site or an alternative site.

Alternative # 3 Partnering with the School District's proposed improvements at the Shoreline Center Athletic Facility.
This alternative will evaluate the feasibility of partnering with the Shoreline School District at the School District Activities Center. The School District is in the process of making improvements to their activity center and the opportunity to create new multi-purpose rooms in partnership with them will be explored. This alternative will also include upgrading the existing Community Center to meet ADA standards and necessary improvements to keep it operational.

All three alternatives involve extensive public involvement, an evaluation of current and future needs and the cost and benefits of each. The alternatives will be presented to the public and Parks Advisory Committee as a part of the master plan process .

RECOMMENDATION

No action is required at this time. Staff is seeking consensus on the recommended alternatives to be evaluated.

Approved By: City Manager DB City Attorney JP

BACKGROUND / ANALYSIS

At your May 3 Council meeting, staff presented the proposed master plan process for the Richmond Highlands Community Center. The focus of this presentation was the public involvement process. The work plan presented at that time included the proposal to develop three alternatives for the future of the Community Center. The three Community Center alternatives have been refined to reflect Council comments from the May 3 meeting and ongoing coordination with the Shoreline School District.

The factors and considerations used in developing the three alternatives are:

1) the condition of the existing facility;
2) what programs the City and the Community would like to be served by a community center;
3) how the School District and the City can work in partnership to meet the community's needs in the most efficient manner.

Existing condition

In May of 1998 the Richmond Highlands Community Center was evaluated as part of the City-wide Facility Condition Survey. The existing facility was rated as being in marginal condition for its current uses. Several deficiencies were noted at that time. They include significant deficiencies in the electrical distribution system, old and inadequate exterior lighting, worn and gouged floors, structural deficiencies including the need for lateral force anchors at the foundations and the need for the restrooms to be remodeled to meet current Americans with Disabilities Act (ADA) accessibility standards. The ADA improvements are anticipated to be funded from the Community Development Block grant program.

Other identified deficiencies included the roof and the drainage system around the foundation of the building. These improvements were completed in1998 at a cost of approximately $45,000. These improvements were emergency repairs to keep the facility operational.

Needs in a Community Center

Shoreline Parks staff has identified what they would like to see in a community center. The goal of the first public meeting will be to ask the Community Center users and the surrounding neighborhoods the same question. Potential features of the Community Center may include:

- Community Meeting Rooms
- Fitness rooms for dance, aerobics and martial arts
- Natural light
- Hardwood floors
- A full size gymnasium
- A good kitchen facility
- Storage facilities

School District Activities Center Expansion

The Shoreline School District has developed a master plan for the athletic facility located at the Shoreline Center complex. The Planning Committee for this master plan presented their recommendations to the School Board on June 7. The Planning Committee recommended $1.6 million dollars be spent on upgrading the existing facility. Due to financial constraints, three sections of the building comprising approximately 11,000 square feet, will not be upgraded and would not be available for use by the public. These consist of two large locker rooms and one smaller locker room area. As the School District has no funds allocated for additions or expansions beyond this initial phase, this is an opportunity for the City and the School District to partner on development of these spaces into multi-purpose recreation areas. This would maximize use of the entire facility by the public.

The School District had an architect develop preliminary concepts and costs estimates for upgrades to the three sections of the building not included in this phase. By partnering and coordinating additional upgrades, the City and the School District may realize cost savings due to economy of scale. The current CIP has $800,580 allocated for the project design and construction. After completion of the master plan, the funding identified in the CIP will be revisited and adjusted to reflect the City Council's recommended alternative.

A key element of the proposed upgrade to the athletic facility is the additional locker and restroom space. This will allow for shared use of the facility. As it exists today, when the gymnasium is used for a basketball tournament or the stadium is hosting a game, there are no restroom or shower facilities available for other users.

The above factors and considerations were used to develop the three proposed alternatives. The evaluation of these alternatives will include review of the existing facility and recommendations for improvements to address deficiencies. The existing and future needs of the community and their expectations will be considered and the potential for partnering with the School District will be investigated.

Alternative # 1 Rehabilitation of the Existing Community Center

This alternative will look at the work required to bring the existing structure up to a condition that provides for a more effective use of the facility within it's existing footprint. Included in this alternative is upgrading the structure to comply with the American with Disabilities Act (ADA) accessibility standards. Depending on the extent of the rehabilitation, other modifications to bring the facility into compliance with current building codes may be necessary.

Alternative # 2 New or Expanded Community Center

This alternative will evaluate the adequacy of the existing structure to meet the needs of the programs presently using the facility and any future programs. The alternative will look at the cost and benefit of remodeling and/or adding onto the existing building compared to constructing a new facility at either the present site or an alternative site.

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This alternative will evaluate the feasibility of partnering with the Shoreline School District at the School District Activities Center. The School District is in the process of making improvements to their activity center and the opportunity to create new meeting rooms in partnership with them will be explored. This alternative will also include upgrading the existing Community Center to meet ADA standards and necessary improvements to keep it operational.

All three alternatives involve extensive public involvement, an evaluation of current and future needs and the cost and benefits of each. The alternatives will be presented to the public and Parks Advisory Committee as a part of the master plan process.

RECOMMENDATION

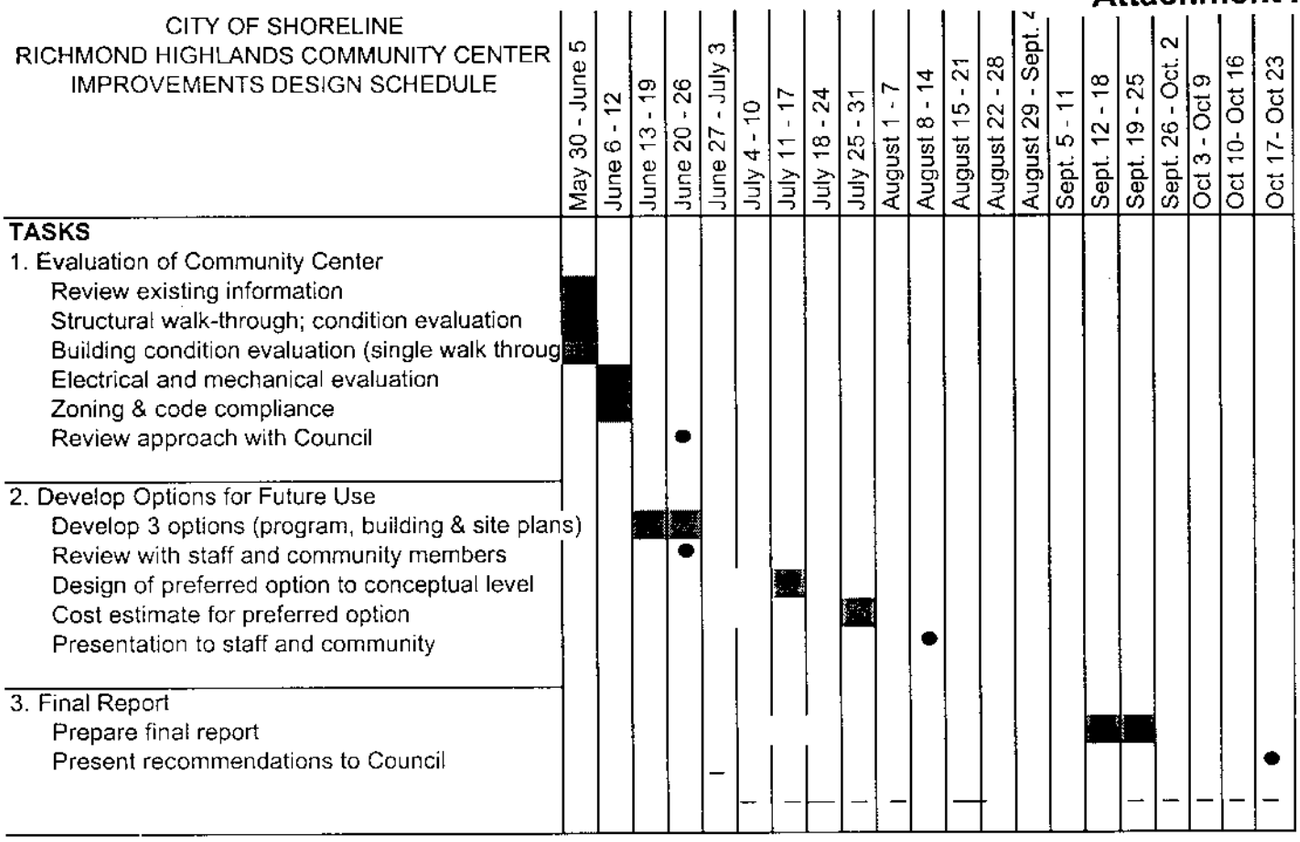
No Council action is required at this time. Staff is seeking consensus on the three proposed alternatives for development of the Richmond Highlands Community Center.

ATTACHMENTS

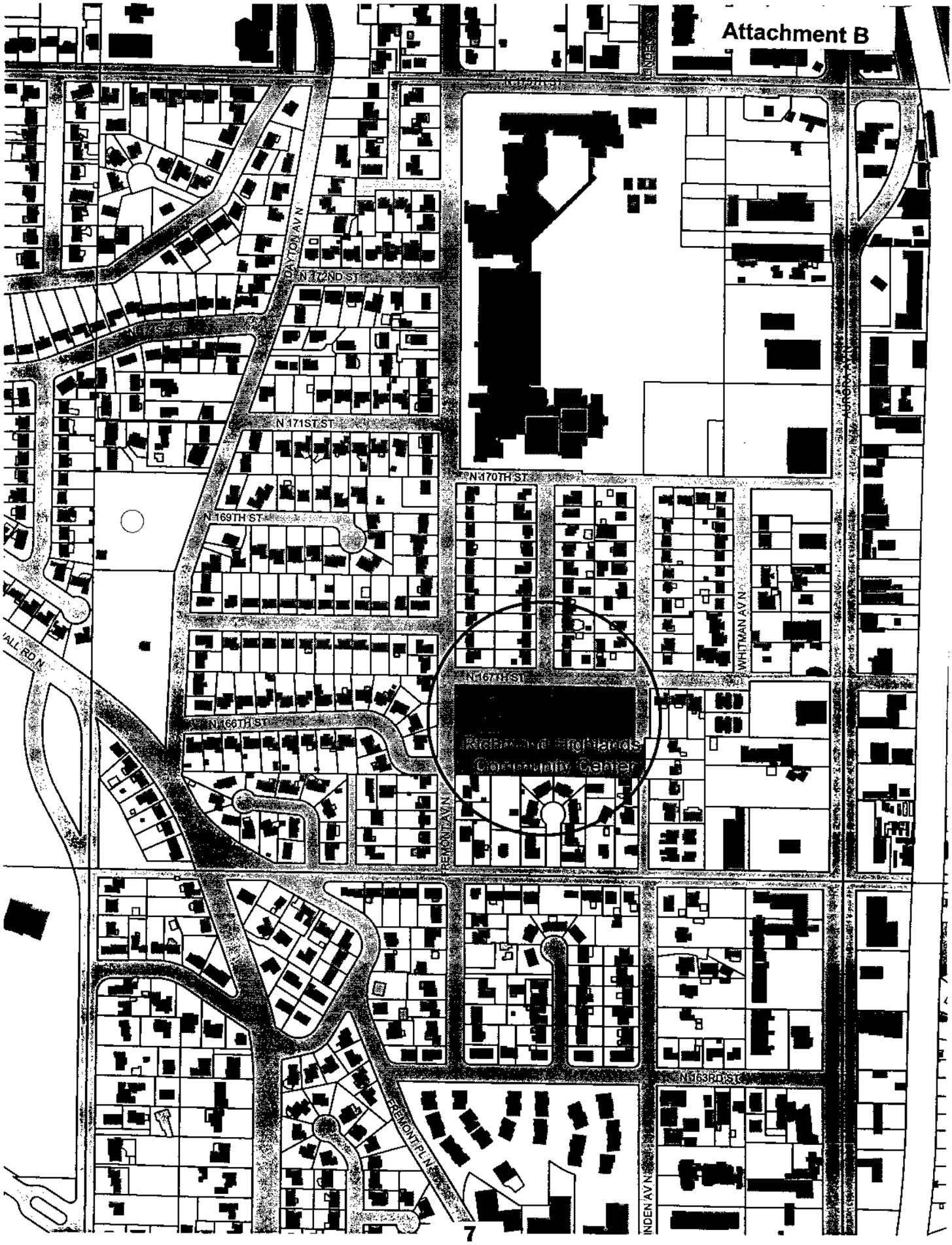
Attachment A: Richmond Highlands Community Center Master Plan Schedule
Attachment B: Vicinity Map
Attachment C: Richmond Highlands Community Center CIP description
Attachment D: School District Athletic Facility Improvements.

Attachment A

CITY OF SHORELINE
RICHMOND HIGHLANDS COMMUNITY CENTER
IMPROVEMENTS DESIGN SCHEDULE



Attachment B



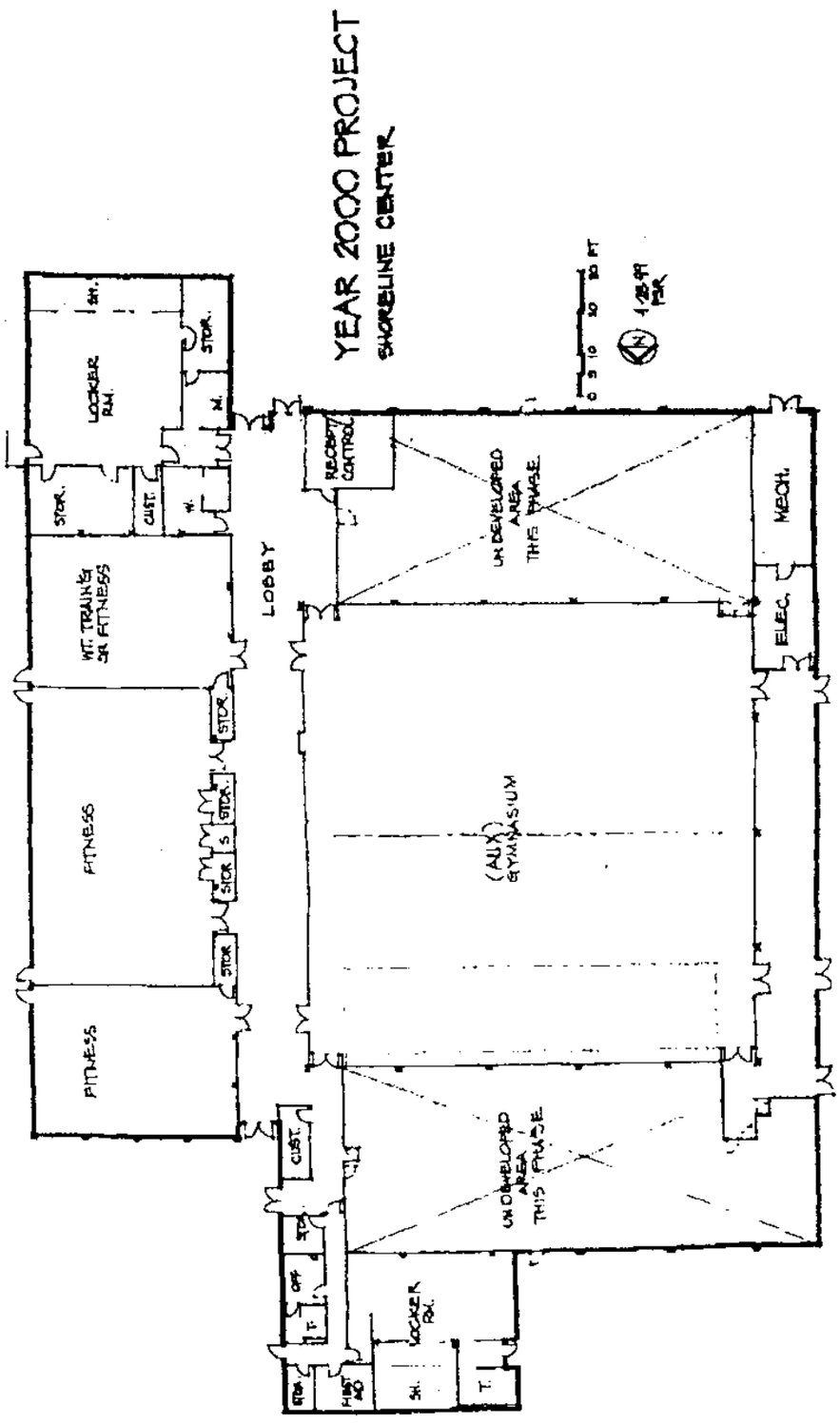
City of Shoreline 1999 - 2004 Capital Improvement Plan
Richmond Highlands Community Center

Project: Richmond Highlands Community Center

Project Scope: This project will provide for improvements to the Richmond Highlands Community Center. The improvements in 1998 include a new roof and a drainage system along the building foundation. Funds have also been included for a master plan in 1999 and for upgrading the restroom to ADA standards in 2000. The ADA improvements are anticipated to be funded from the Community Development Block grant program. Improvements based on the recommendations from the master plan and the 1998 Facility Condition Survey are scheduled to be designed in 2000 and constructed in 2001.

Project Justification: The facility was transferred to the City of Shoreline in June of 1997 and is the only City operated recreation center. It houses the Teen Program as well as other City sponsored classes and events. It is also rented to outside organizations for basketball, parties and meetings. The existing building is experiencing damage due to a leaking roof and inadequate drainage along the building foundation.

Phase	Previous Expenditures	1999	2000	2001	2002	2003	2004	Total Project Cost
Project Expenditures:								
Pre-Design		$15,000						$15,000
Design			$70,210					$70,210
Right of Way								$0
Construction	$45,000		$130,000	$452,110				$627,110
Construction Contingency				$113,050				$113,050
Construction Administration				$45,210				$45,210
Total Project Expenditures	**$45,000**	**$15,000**	**$200,210**	**$610,370**	**$0**	**$0**	**$0**	**$870,580**
Revenue Sources:								
General Capital Account	$45,000	$15,000	$70,210	$610,370				$740,580
HUD Community Block Grant Program			$130,000					$130,000
Total Project Revenues	**$45,000**	**$15,000**	**$200,210**	**$610,370**	**$0**	**$0**	**$0**	**$870,580**



Phase II School District Improvements

Council Meeting Date: June 21, 1999 **Agenda Item: 6(b)**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	A Workshop to Consider Guidelines for Regulation of Food and Drink Businesses Conducting Social Card Games, Punch Boards, or Pull Tabs in the City of Shoreline
DEPARTMENT:	City Attorney/Planning and Development Services
PRESENTED BY:	Bruce Disend, City Attorney; Lenora Blauman, Senior Planner

At your February 8, 1999, regular meeting, Council adopted Ordinance No. 190, placing a moratorium on new or expanded gaming establishments in Shoreline. On March 22, 1999, your Council conducted a required public hearing for this Ordinance. Following the public hearing, your Council agreed to: (1) maintain the moratorium approved with Ordinance No. 190; and (2) adopt Ordinance No. 193, placing a moratorium on intensification of existing gaming establishments. Your Council also directed the City Attorney and staff to conduct a study of gaming operations.

Specifically, the study was to address the potential impacts of gaming operations on the community, including:

- Identification of any negative secondary effects associated with such businesses.
- Financial impacts (e.g., tax revenue, employment opportunities, service costs, enforcement costs, multiplier effects)
- Establishment of ways to mitigate any identified secondary effects or other impacts.

The study was also designed to examine: (1) tools for addressing these businesses in our Comprehensive Plan and Development Code; and (2) the establishment and implementation of a public process to consider regulation of gaming operations.

The purpose of this Council Workshop is to present information from studies conducted by the City Attorney and staff concerning impacts of gaming establishments and gambling activities. The report will focus on the following topics: Legal Issues; Land Use Authorities (Comprehensive Plan, Zoning, Development Standards), and Economic/Social Issues.

At this Workshop your Council will have the opportunity to consider options for permitting or prohibiting gaming (i.e., what the City should do about gaming operations). This Workshop will also provide your Council with guidance concerning the type of policies and criteria (tools) necessary to ensure that gaming regulations are compatible with City's community values, development goals and development capacity.

Based upon information gained through studies, this staff report provides five options for regulating gaming establishments in Shoreline. In brief, the options include:

- **Option 1: Allow gaming establishments.** This option maintains the status quo. It allows gaming establishments as a principally permitted use in all commercial districts; incentives are not provided, however, minimum development standards are required.
- **Option 2: Allow and Encourage gaming establishments.** This option would allow and encourage/provide incentives for gaming establishments in all commercial districts. Minimum development standards would be required.
- **Option 3: Allow gaming establishments with conditions and restrictions.** This option would limit gaming establishments to selected zones/areas of the City (e.g., regional business, gaming district). This option requires adoption of special development standards to address impacts to the site and to the public realm (e.g., architectural character, setbacks, access/parking, landscaping, lighting, signage).
- **Option 4: Prohibit new gaming establishments.** This option prohibits new gaming establishments. Existing gaming establishments may remain as non-conforming uses for a maximum time period to be established by the City. This non-conforming status would prevent intensified or expanded operations. Limited remodeling could be allowed.
- **Option 5: Prohibit all gaming establishments.** This option prohibits all establishments. New establishments are not permitted. Existing establishments are required to cease operations immediately. State law permits a local jurisdiction to ban all gaming establishments.

It should be noted that some of the options listed above involve differences of opinion regarding their legal viability under state law. As a result, some of these options may be subject to legal challenge.

In summary, this staff report is intended to provide information, frame issues, and present the benefits and costs of gaming, in order to assist your Council in discussion of the future of gaming in Shoreline. Staff recommends that a public hearing be scheduled to allow further comment and consideration regarding the future of gaming in the City.

The report also provides five options for guiding gaming establishments in Shoreline. Your Council may wish to consider this information as you deliberate about the future of gambling in our City. At the conclusion of your deliberations, your Council will be asked to schedule a public hearing to review options to guide gambling activities in Shoreline.

RECOMMENDATION

Staff recommends that your City Council:

a. Consider options for policies and guidelines to regulate food and drink establishments conducting social card games, punch boards or pull tabs in the City of Shoreline.
b. Schedule a public hearing to receive public comment with respect to the regulation of food and drink establishments conducting social card games, punch boards, or pull tabs in the City of Shoreline.

Approved By: City Manager LB City Attorney IW

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    - b. Land Use Element
    - c. Economic Development Element
    - d. Community Design Element
- C. Zoning
- D. Development Standards
- E. Economic/Social Issues

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IV. Recommendations

V. Footnotes

VI. Attachments

I. BACKGROUND/ANALYSIS

Shoreline is among several counties and local jurisdictions that are beginning to contemplate options for allowing and regulating gaming operations. At this time, some jurisdictions have, in fact, prohibited all gaming establishments (e.g., Enumclaw, Maple Valley, Normandy Park). (See Exhibit A – Cities Prohibiting Gambling Activities.) Some jurisdictions prohibit selected gaming operations. For example, Renton has established regulations that restrict gaming operations to a specific zone and geographic area (See Exhibit B – City of Renton Ordinance No. 4691).

Other jurisdictions (e.g., Auburn, Burien) have recently instituted moratoria on new gaming establishments in order to undertake studies of these businesses. The purposes of the studies are to determine whether: (1) existing businesses create harmful secondary effects; and (2) whether new gaming establishments would be consistent with the jurisdiction's comprehensive plans and/or development regulations. These studies are not yet completed.

At incorporation of the City of Shoreline, your Council adopted King County Ordinances to guide growth in our community. The purpose of adopting King County standards was to regulate new development pending the adoption of Shoreline's Comprehensive Plan and the adoption of local development regulations to support the Plan.

King County regulations, as adopted by Shoreline, permit a variety of food and drink businesses with gaming establishments in the City. At this time, Shoreline has 17 existing gaming establishments (i.e., establishments conducting social card games, punch boards, and/or pull tabs). These establishments include:

Establishment	Location	Current Activities
Cascade Booster Club (^)	16325 5th Avenue NE	Bingo, Pull tabs, Cardroom (pending)
Parker's	17001 Aurora Avenue	Mini–casino
China Clipper	20221 Aurora Avenue	Pull tabs
Cliffs Tavern	910 N 145th Street	Pull tabs, Cardroom
Drift on Inn	16708 Aurora Avenue	Mini–casino
Eagles, FOE 4122 (^)	17724 15th Avenue NE	Pull tabs
Echo Lake Tavern	19508 Aurora Avenue	Pull tabs
Gateway Inn	18380 Midvale N	Pull tabs
Goldies (**)	15030 Aurora Ave	Pull tabs
Hideaway Tavern	14525 Aurora Avenue	Pull tabs; Cardroom
Highland Skating Bingo	18005 Aurora Avenue	Bingo, Pull tabs
Italo Bella	14622 15th Avenue NE	Pull tabs, Cardroom
North City Tavern	17554 15th Avenue NE	Pull tabs
Palace of China	14810 15th Avenue NE	Pull tabs
Shays	15744 Aurora Avenue	Pull tabs
Sparkey's Bar & Grill	20109 Aurora Avenue	Pull tabs
Wild Horse Bar	2001 NW 195th Street	Pull tabs
^Private Club *Mini-casino includes card rooms and pull tabs ** Goldies mini-casino permit was issued 5/13/99, following the moratorium.		

In the region and in the City, there appears to be a trend toward the addition of new gaming operations and/or the intensification or expansion of existing gaming operations. For example, mini-casinos, which have been historically limited to 5 game tables, are now permitted to have 15 tables. Other changes in gambling regulations have encouraged intensification and expansion as well. Specifically, "house bank" games are now permitted by law. In this situation, the business operates its own games (e.g., black jack, pai gow poker, Caribbean stud) rather than contracting with outside vendors to conduct games. House banking allows the business to realize greater profits. Additionally, the maximum bet per game has been increased from $25.00 to $100.00. This increase also provides opportunities for greater profits, which encourages intensification and expansion of operations. The Drift On Inn has recently received permission to allow increased betting limits.

At this time, three existing establishments (Goldie's, Hollywood Pizza, and The Hideaway) have applied to the State Gambling Commission for permission to add new operations or increase betting limits. Goldie's has recently been approved for increased betting limits. The remaining two applications are slated for review by the State by no later than June, 1999. Prior to Council's adoption of the moratorium on February 8, 1999, the City received one application, from Hollywood Pizza, for a tenant improvement to include conversation of some restaurant seating areas to gaming areas (i.e., 4 tables with 7 seats each and 3 tables with 7 fixed seats each). This application is on hold at the request of Hollywood Pizza. Cascade Bingo has applied, as a private club, for a cardroom.

Although no other applications have been received by the City, there have been inquiries from existing gaming establishments wishing to intensify or expand operations (e.g., Goldie's, Parker's, Drift On Inn) and from new gaming establishments potentially interested in locating in Shoreline.

II. ISSUES AND DISCUSSION

The City Attorney and staff conducted a review of current literature on impacts related to gaming establishments and gambling activities (See Exhibit C – Bibliography: Gambling: Reports, Articles and Local Ordinances) and case law. Staff also participated in regional meetings with City officials, state government representatives, gaming establishment operators, and King County Law Enforcement officials to discuss issues and options related to the gaming industry. Key issues identified and addressed in our studies include:

A. Legal Opportunities and Constraints: Washington state allows cardrooms and mini-casinos only as ancillary businesses to a restaurant, bar or tavern; full casino gaming is prohibited. Local zoning ordinances can prohibit gaming within city limits. Local zoning ordinances also can regulate gaming establishments by setting particular zones and requiring particular development standards (e.g., locational criteria, site improvements, public improvements) for these establishments.

Washington State does not tax gaming establishments such as card clubs; however, these establishments can be taxed by local governments. Mini-casinos can be taxed up to a rate of twenty per cent. Cardrooms can be taxed up to a rate of 20 per cent. The City's tax rate of 11 percent has not been changed since Shoreline's incorporation and was the rate used by King County.

In considering the various options for regulating gaming establishments, your Council should be aware that legal conclusions concerning permitting, mitigating and banning gaming establishments is the object of some disagreement due to a lack of case law. The State of Washington Gambling Commission has recently issued a letter to the City of Renton concerning the authority of the cities to regulate gaming operations (Exhibit D). The Gambling Commission states that, if local jurisdictions permit gambling, those jurisdictions cannot limit gambling activities which have been licensed by the Commission. The Commission reports that, it may not "deny (or restrict) a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued." According to the Gambling Commission, local jurisdictions may absolutely prohibit gambling; however, if gambling is banned, then existing uses may not continue operations.

The Commission indicates it has taken no formal position on these issues, but has requested an opinion from the Attorney General. A Memorandum has been issued from an Assistant Attorney General in the Office of the Attorney General (See Exhibit E) in response to the Gambling Commission letter. The Memorandum, which is defined as an unofficial opinion, generally supports the position of the Gambling Commission concerning limitations on local communities' authorities for issuing moratoria and for promulgating zoning regulations. According to the Commission, further clarification of regulations may also come from anticipated litigation by licensees and local jurisdictions.

A group of Western Washington municipalities, with representatives from approximately 15 cities, is currently examining the scope of local jurisdictional authority to regulate gaming establishments. It is the general opinion of the counsel for these jurisdictions (including the City of Shoreline) that the law provides authority for cities to regulate gaming establishments through moratoria, zoning and land use restrictions (e.g., locations, development standards, operations, and granting of non-conforming status). This position is supported by a 1998 study entitled, State and Local Government Regulation of Gaming: Recent Canada and U.S. Case Law," (Exhibit C) which reports that, generally, local governments have retained zoning, business license and tax jurisdiction over non-tribal casino lands and gaming devices". [1]

Your Council may choose to enact policies or standards regulating gambling that either are consistent with or conflict with the Gambling Commission's current interpretation (and the Attorney General's "unofficial opinion") of local gambling authorities. Your Council may also direct staff to request an official opinion of local gambling authorities. Such an opinion concerning local authorities would be based upon an interpretation of the law; this opinion will not have the force of law. The nature, scope and limit of local authorities would most likely be determined by a legal challenge.

B. Land Use Issues:

1. Comprehensive Plan: The City is beginning to implement its new Comprehensive Plan. The Plan includes several elements that provide the policy foundation for new commerce in Shoreline. The Plan does not directly address gaming establishments, but does provide policies that are relevant to gaming establishments within the Land Use Element, Community Design Element and an Economic Development Element.

a. Vision/Framework Goals: The City's vision is embodied in overall principles that guide the development of the Comprehensive Plan. The principles are identified as Framework Goals (FG) (Exhibit F). One framework goal (FG2) envisions a community

that will "promote quality building and development that is compatible with the surrounding environment." FG4 calls for Shoreline to "pursue a strong and diverse economy and assure economic development that complements neighborhood character." Under these Comprehensive Plan framework goals, new gaming establishments, if permitted by the City, would need to function as an element of a strong economy and be designed to complement the surrounding land uses and neighborhood character.

b. Land Use Element: The Comprehensive Plan Land Use Element includes 5 goals and more than 20 policies that generally address commercial development and that could relate to gaming establishments (Goals I, V, VII, VIII, IX; Policies 2-6, 38-40, 44, 45, 48-51, 53, 61, 64 and 66 - See Exhibit G). These goals and policies: (1) encourage needed, diverse and creative development (including thriving commercial development), (2) protect existing uses, increase job opportunities, (3) safeguard the natural and built environment...and (4) help to maintain Shoreline's sense of community.

Some policies address impact mitigation (e.g., providing attractive, vital development through strong design standards, ensuring availability of concurrent public services and facilities). Some policies encourage the City to provide incentives and/or to participate in public/private partnerships to support uses that enhance the City's vitality through a variety of regulatory and financial strategies. A number of policies emphasize the desirability of creating a broad mix of uses in economic development centers along the Aurora Corridor and North City.

The City currently has 17 gaming establishments. Allowing these uses to continue operations would be consistent with goals and policies that seek to protect existing uses. Providing incentives for new gaming uses would be inconsistent with those goals and with policies that encourage needed, diverse and creative development. New gaming establishments, if permitted, should be required to comply with goals and policies calling for neighborhood compatibility, strong design standards and concurrent public services/facilities in order to be consistent with the Plan.

c. Economic Development Element: The Comprehensive Plan Economic Development Element includes five goals and more than 35 policies that generally address commercial development and that could relate to gaming establishments (Goals I, V, VII, VIII, and IX; Policies 1-3, 5, 7, 9, 10, 16-18, 20, 21, 27-29, 36-41 - See Exhibit H). In general, the intent of the Economic Development Element is to improve the quality of life by encouraging a greater number and variety of thriving commercial businesses that provide services and create employment opportunities for Shoreline residents.

Existing gaming establishments, to the extent that they are thriving businesses, are generally consistent with those goals and policies that support vital commercial uses. New gaming establishments may be less compatible with those goals and policies which encourage (and provide for possible incentives for) a variety of businesses and services.

Several studies address economic impacts of gaming industry (e.g., Economic Development Review, 1998, et al – Exhibit C). [2] A majority of these studies report that gaming is an industry of mixed value. Short term financial impacts (e.g., tax revenue, increased employment) can be positive. However, the value of gaming is generally reported to be limited because it produces no product and no new wealth, and thus makes no genuine contribution to economic development. Several of these studies indicate that gaming establishments do not attract secondary businesses to the community. Rather, reports as the one mentioned above indicate that many existing

businesses will leave an area that has gaming establishments and new businesses (other than gaming) will seek locations away from gaming establishments.

Specifically, a number of studies report that customers of gaming establishments spend their dollars on gambling and do not customarily shop or use services in the vicinity of the gaming establishments (e.g., Gambling on Economic Development, et al – Exhibit C). [3] Employees do not typically shop at stores near their workplaces because their work hours do not coincide with typical business hours of those stores. This further discourages other existing businesses from remaining in the neighborhood. When neighboring uses move away from gaming establishments, reducing both the commercial viability and property values of the vacated properties.

Several Comprehensive Plan Economic Development goals and policies encourage commercial uses (e.g., office, sales, services) which provide a range of employment opportunities. The gaming industry does provide employment opportunities for dealers, cashiers, and security staff. In Shoreline, approximately 600 people are employed by mini-casinos and cardrooms. These employees are recruited from communities throughout our region. Studies indicate that positions are entry-level jobs and offer no prospects for advancement (e.g., Economic Development Review, 1998; et al – Exhibit C). [4] Several of the reports indicate that gaming establishments almost invariably result in a net loss of jobs to a community due to the fact that other land uses near gaming establishments often move out of the areas.

There may be other negative impacts related to gaming. For example, according to "The House Never Loses...Why Casino Gaming is a Bad Idea", and several other articles (Exhibit C), in Tunica County, the poorest county in Mississippi, the introduction of gambling reduced unemployment to 4.9% and cut welfare by 33%, but there were negative impacts as a result of dramatic increase in crime. In Atlantic City, 35,000 permanent jobs were created and property values around the boardwalk have risen, but much of the city remains depressed and crime has risen significantly. Studies of other communities across the country (e.g., Illinois, Maryland, Wisconsin, etc.) reveal similar findings. [5] (See Economic Issues section of this report for more information.)

d. Community Design Element: The Comprehensive Plan Community Design Element includes three goals and more than 40 policies that generally address commercial development and that could relate to gaming establishments (Goals I, II and III; Policies CD 1-5, 9-13, 14-17, 2, 22-24, 28-32, 34, 37, 44 - See Exhibit I). In general, the intent of the Community Design Element is to improve the quality of life by ensuring that new construction and improvements fit into and enhance the identity and appearance of commercial neighborhood, creating a cohesive, contextual community image.

In brief, under the Community Design Element, all new businesses– including gaming establishments -- coming into Shoreline and all existing businesses that are remodeling would be required to meet the basic design guidelines. In addition, in order to address identified project impacts, developments would be required to include specific improvements (e.g., integrated architectural character, bulk and footprint, setbacks, landscaping, signage, lighting, vehicular and pedestrian access, and parking requirements).

***

In the event that Council believes that the current Comprehensive Plan goals and policies should be revised to adequately guide gaming establishments, the Council can

establish additional Comprehensive Plan goals and policies through a Comprehensive Plan Amendment.

2. Zoning: Under the Comprehensive Plan Land Use Designation Map and the current Shoreline Zoning Map, gaming establishments would be permitted in all commercial zones – i.e., regional business, community business, neighborhood business, office and industrial zones.

Research indicates that gambling attracts customers from a region rather than from a single community. Many communities restrict gaming establishments to specific zones such as a regional commercial zone that has high visibility, accessibility and is convenient to regional users. This approach preserves smaller commercial districts for uses that serve the local community. It can also protect vulnerable residential districts, historic districts and environmentally sensitive areas.

The City may develop specific zoning requirements for gambling. For example, gambling could be allowed only in regional commercial zones, with other regional uses and with adequate systems (e.g., access routes, utilities, infrastructure) to serve regional uses. Some communities further restrict gaming uses to specific districts. Nationally, examples include Deadwood, South Dakota, Tunica, Mississippi, and the more famous gambling districts, such as Atlantic City. In Western Washington, communities are just beginning to consider specific districts. For example, Renton allows new gaming establishments only in a specific area in a regional industrial/commercial zone, an activity center that is well-away from the downtown City Center.

Research (e.g., "The House Never Loses...Why Casino Gaming is a Bad Idea", 1995 – Exhibit C) indicates that a gaming district, which is limited to gaming establishments, constrains economic development opportunities. A regional zone that allows gaming among a variety of uses would provide opportunities for a stronger economic base. However, study data indicates that existing businesses and new businesses may be expected to prefer locations away from gaming establishments. [6]

3. Development Standards: Under current regulations, standards for gaming establishments would be the same as those standards required for other types of general commercial use. For example, commercial development standards regulate such general features as bulk, height, and setbacks. Uses within the Aurora Corridor would also be subject to Aurora Overlay standards, such as signage, landscaping and access requirements. These general and area-specific standards do not specifically address aesthetic and functional impacts attributable to gaming establishments.

The City may establish special development standards for gaming establishments, where specific standards are needed to address particular impacts that occur with these uses. The City could establish site plan review requirements appropriate to mitigate impacts to a project site, surrounding properties and the public realm. For example, in order to mitigate impacts from gaming establishments occurring our highly visible regional business district, the City may call for special design standards (e.g., architectural features, height and setback limits, signage, landscaping, lighting). Similarly, special standards may be required to separate gaming establishments from neighboring sensitive uses, such as homes, schools and churches. These standards could include height and setback limits, signage, landscaping, and lighting requirements.

Further, the City may develop special requirements for gaming establishments to address traffic, noise and air pollution impacts. In a variety of studies (e.g., "Gaming Casino Traffic", March 1998, et al – Exhibit C), data indicates that casinos generate

significant volumes of traffic – especially during the evening peak hours. This traffic places a strain on the infrastructure, and creates noise and air pollution. Studies also report that traffic and parking accommodations that are established for general businesses (e.g., family restaurant, grocery store) are based upon lower staffing levels and more frequent customer turnover than occurs with gambling as a destination activity. Traffic and parking problems are also exacerbated with gambling casinos that are located in commercial zones where overall commercial traffic may be substantial (Zoning News: "Loading the Dice: Zoning Gaming Facilities", 1994, et al – Exhibit C). Appropriate mitigation for traffic impacts related to gaming establishments could include improvements to rights-of-way, access, parking and signage.) [7]

C. Economic Issues:

1. *Overview:* The direct and indirect economic impacts, including social impacts, of gambling activities have been investigated in a variety of studies (e.g., "House Never Loses...Why Casino Gaming is a Bad Idea"; Draft Report of the National Gambling Impact Study Commission; "Overview of National Survey and Community Database Research on Gambling Behavior", University of Chicago (1999); et al). Findings of the reports are consistent in some areas and differ in other areas. [8]

For example, the Draft Report of the National Gambling Impact Study Commission (NGISC Draft Report) indicates that little is known, overall, about the gambling industry's economic and social impacts. The NGISC Draft Report suggests that gambling can be an effective economic tool (particularly in those communities with limited existing economic opportunities, such as rural areas or tribal nations). Several other studies, however, indicate that gambling is an industry that produces no product and no new wealth, and thus makes no genuine contribution to economic development (e.g., America's House of Cards, et al – Exhibit C). Those studies indicate that gaming establishments almost invariably result in a net loss of jobs, increased taxes and negative economic spirals. [9]

The NGISC Draft Report and other studies are more consistent in identifying social costs, such as gambling addiction. Gambling addiction is defined as being "significant" and youth gambling "startling" in several reports, including the NGISC Draft Report. [10]

2. *Taxation/Revenue*: Estimates are that over $600 billion is wagered annually in the United States (City of Burien Presentation on Gambling, February, 1999, et al – Exhibit C). [11]

According to the City of Shoreline's Finance Department, the amount wagered in Shoreline last year was $18,512,670. In the first quarter of 1999, approximately $9,434,756 has been wagered. Mini-casinos account for 71% of gambling dollars. In 1998, Shoreline taxed cardrooms and mini-casinos at a rate of 11% of gross receipts. Combined gambling revenue in the amount of $1,253,462.00 provided five percent of Shoreline's total revenue. In 1999, it is estimated that Shoreline will receive more than six per cent of it's total revenue for this year from gambling taxes. The1999 Budget projects revenue of $2,155,900.00. During the first quarter we received $573,334.

In comparison, card rooms in other communities are taxed up to 20% (SeaTac, Puyallup, Lakewood, Edmonds). Mini-casinos in the region are taxed at between 5% (Olympia, Mountlake Terrace) and 11% (Kenmore, Federal Way, Kirkland, Shoreline). The average rate is 8.8%. [12]

Shoreline can consider increased tax rates up to 20% for gaming establishments. This tool can provide increased revenue to the community. However, there are potential costs associated with an increase in the level of taxation. For example, smaller gaming operations may fail. Other gaming establishments may relocate to communities with lower rates of taxation. Further, the State of Washington may impose lower limits on rates of taxation. The Legislature has indicated that, if taxation rates reduce the viability of these uses, that regulations will be revised to reduce maximum taxation rates.

3. *Community Service Benefits/Costs*: Studies (e.g., Gambling on Economic Development; America's House of Cards, 1998, et al -Exhibit C) indicate that tax income from the gaming industry is a variable both by virtue of the nature of gambling and the evolving laws affecting taxation rates. Because gambling revenue is unstable, it is an unreliable source of revenue for community development. [13]

Various studies also articulate general findings of fact that identify rising crime in conjunction with casinos. For example, the NGISC Draft Report finds gambling levels to be a "startling" phenomenon. Particularly notable trends include youth gambling. Compulsive gambling is a substantial cause of crime, although the NGISC Draft Report considers "traditional casinos" as less harmful to the community than " 'convenience' gambling in the form of slot machines or video terminals...". [14]

The City of Burien in a report entitled "Presentation on Gambling" 2/99 (Exhibit C) indicates that the number of compulsive gamblers has been shown to increase in states with legalized gambling. This finding is confirmed by a variety of other studies, which report increases of up to 500 per cent and find that low-income people do the most gambling, although they can least afford to gamble. [15]

The NGISC Draft Report and several other studies demonstrate that crime exists in conjunction with: (1) gaming establishment operations (e.g., fraud, organized crime); (2) customer activities within gaming establishments; and (3) customer behavior following gambling activities. Other problems demonstrated to relate to gambling include: (1) income loss leading to financial hardship, bankruptcy and resulting service requirements; (2) concomitant alcohol abuse and alcohol-related incidents (e.g., as traffic accidents); and (3) frustration at loss, leading to health/mental health problems (e.g., family abuse), requiring police and social services. [16]

The King County Police Department, which provides services to Shoreline, does not maintain specific statistics for gambling-related crimes. However, King County Police Detective Steve Ellis has indicated that calls to gaming establishments in Shoreline are similar in number and type (e.g., fighting, public drinking, fraud, prostitution) to crimes reported in studies on criminal activities related to gambling.

"The House Never Loses...Why Casino Gambling is a Bad Idea" 1995, (Exhibit C), estimates costs to a community resulting from the association between gambling and criminal activities. Costs are based, in part, on a review of criminal activities occurring in several areas where gambling is permitted – such as Mississippi, Colorado, South Dakota, New Jersey, Connecticut, Louisiana, Nevada, and Illinois. This review and other studies address criminal activities, costs for the criminal justice system, costs to victims and damage to community image. It is estimated that for every dollar gambling contributes in taxes, taxpayers spend at least $3 on costs ranging from increasing police patrols and treating pathological gamblers. The average social cost of a compulsive gambler is estimated to be as high as $53,000 per year. [17]

In an article entitled, "The Case Against Legalized Gambling" and in the Journal Reporter ("Sims: No New Card Rooms", 1/99-2/99 – a presentation by Ron Sims, King County Council) it is reported that "card rooms ... have led to crime, reduced property values and businesses leaving the neighborhoods". Mr. Sims also noted that these "hidden costs in...neighborhood degradation outweigh any tax revenue". Mr. Sims reports that these costs amount to $3 to $4 for each one dollar of tax revenue. [18]

V. OPTIONS:

There are several options for guiding gaming establishments. Staff has described five options for addressing gaming uses in Shoreline – ranging from encouragement, to allowing these uses with conditions, to prohibiting these uses. This listing, including a brief benefit/cost summary, is based upon staff analysis of the Comprehensive Plan, the development code, legal issues, economic issues and social issues.

The option selected by your Council for regulation of gaming establishments and the policies developed to support that option, will determine the extent to which existing and new gaming uses would be consistent with the intent of our adopted Comprehensive Plan. Policies and regulations developed for your Council's preferred option will also determine the extent to which gaming establishments would be an asset to the community or would result in deleterious effects in Shoreline.

- **Option 1: Allow gaming establishments.** This option maintains the status quo. It allows gaming establishments as a principally permitted use in all commercial districts. Tax incentives are not provided, however, minimum development standards are required to address on-site impacts and impacts to the public realm.

  Benefits: City revenues from gaming establishments may be maintained; revenues could increase if more customers come to Shoreline establishments because other communities prohibit gambling. The City could also raise tax rates for existing establishments. Entry-level job opportunities would be provided.

  Costs: Possible revisions to the Comprehensive Plan and Development Code (e.g., policies for land uses, economic development and community design) to support minimal standards for gambling uses. Based upon economic studies, it is likely that the City would incur long-term costs resulting from lost economic development (i.e., other businesses migrate away from gambling uses), limited employment opportunities, costs of supporting policing gaming establishments, costs of social services.

- **Option 2: Allow and Encourage gaming establishments.** This option would allow and encourage/provide incentives for gaming establishments in all commercial districts. Incentives could include lower tax rates, business incentives, and/or limited requirements for development standards to address impacts to the site and the public realm (e.g., architectural character, landscaping, access/parking).

  Benefits: City revenues from gaming establishments would be maintained; revenues could increase if more customers come to Shoreline establishments because other communities prohibit gambling. The City could also raise tax rates for existing establishments. Entry-level job opportunities would be provided.

  Costs: With this option, the City would need to revise the Comprehensive Plan and Development Code (e.g., policies for land uses, economic development and community design) and City tax structure to create policies, incentives, minimal

standards for gambling uses. As with Option 1, economic studies indicate that the City would incur long-term costs resulting from lost economic development limited variety of employment opportunities, costs of supporting policing gaming establishments and providing social services.

- **Option 3: Allow gaming establishments with conditions and restrictions.** This option would limit gaming establishments to selected zones/areas of the City (e.g., regional business, gaming district). This option requires adoption of special development standards to address impacts to the site and to the public realm (e.g., architectural character, setbacks, access/parking, landscaping, lighting, signage).

  Benefits: New gaming establishments could be located in a single zone, such as a regional business zone which has adequate visibility and access to support such a regional use. (Note: It is also possible to cluster these uses in a single "combat zone" district. However, Shoreline has limited space available for creating such a district. Additionally, national studies indicate that this single-use locational system is frequently a strong disincentive to other economic development and that crime increases occur in such clustered districts.)

  New gaming establishments would be required to be consistent with our existing Comprehensive Plan and with development standards to address land use impacts and to protect public safety (e.g., architectural character, landscaping, signage, lighting, access/parking, and operating standards). Gaming establishments could be allowed only at specific locations.

  City revenues could increase if Shoreline's more attractive gambling venues enjoy more business and/or if other communities restrict gambling activities. Entry-level job opportunities would exist. The City could also raise tax rates for gambling uses.

  Costs: The City would need to develop specific Development Code requirements (e.g. conditional use, site plan review) to provide special standards for gambling uses. The City would incur long-term costs because economic development is less likely to occur near to gambling uses. Also, new employment opportunities are less than with more diverse economic development. The City continues to incur costs of supporting policing gaming establishments and providing social services.

- **Option 4: Prohibit new gaming establishments.** This option prohibits new gaming establishments. Existing gaming establishments may remain as non-conforming uses for a maximum time period to be established by the City. This non-conforming status would prevent intensified or expanded operations. Limited remodeling could be allowed.

  Benefits: Existing gambling uses would be permitted to continue operations as non-conforming uses, either indefinitely or amortized to a specific termination date (e.g., 2 years, 5 years, 7 years). Remodeling would need to be consistent with the Comprehensive Plan and Development Code standards for architectural features, landscaping, signage, lighting, access/parking, etc.

  With this option, City revenues from gaming establishments may be maintained; revenues could increase if Shoreline were to raise its tax rate and/or if more customers come to Shoreline establishments because other communities prohibit gambling. Entry-level job opportunities would be provided.

Costs: The Gambling Commission and the State Office of the Attorney General have reported (in unofficial opinions) that a jurisdiction may ban all gaming, but cannot ban only new gaming establishments. City attorneys in the region believe that the law does permit jurisdictions to ban new gaming only, but there is no case law in this area. If Shoreline elects to allow existing gaming establishments and ban only new establishments, it is likely that the City would be party to/incur costs for a legal action testing this decision in the courts.

If the City elects to pursue this option, existing gaming uses that are permitted to continue operations will become non-conforming uses. As a non-conforming use, with a specified "sunset" date, an establishment may be less likely to keep up a property, which could discourage new area uses in the short term. The City would incur middle-term costs based upon the fact that other economic development is less likely to occur until the sunset date occurs. With this option, employment opportunities remain static. Other economic and social costs (e.g., policing, social services) would continue as well.

- **Option 5: Prohibit all gaming establishments.** This option prohibits all new gaming establishments. Existing establishments are required to cease operations immediately. New establishments are not permitted. State law permits a local jurisdiction to ban all gaming establishments.

  Benefits: Lands currently devoted to gaming establishments would become available for other types of economic development that are more consistent with the City's Comprehensive Plan goals and policies for land use, economic development and community design. Neighboring uses could be encouraged to remain in Shoreline and new uses might be encouraged to come into the City. The City ceases to incur costs of supporting policing gaming establishments and providing social services. New uses could create more diverse employment opportunities and a more diverse, stable economic base.

  Costs: It is unlikely that development to replace or enhance our economic base would be immediately attracted to the community. Economic development is a long-term effort and Shoreline currently has underdeveloped, available commercial land. Unless new economic development immediately replaces gaming establishments, the City will incur a short-term to middle-term loss in revenue and jobs.

V. RECOMMENDATIONS

Staff recommends that your City Council:

1) Consider options for policies and guidelines to regulate food and drink establishments conducting social card games, punch boards or pull tabs in the City of Shoreline.
2) Schedule a public hearing to receive public comment with respect to the regulation of food and drink establishments conducting social card games, punch boards, or pull tabs in the City of Shoreline.

I. FOOTNOTES

The following citations provide a representative sample of resources on specific issues concerning gaming. Related information may also be found in other articles included in the Bibliography for this Staff Report. The Bibliography is found in Exhibit C.

Page 15

1. "State and Local Government Regulation of Gaming: Recent Canada and U.S. Case Law" Craig B. MacFarlane and Anthony Capuccinello, (1998). Page 2

   Washington State Gambling Commission: Card Room Pilot Study Report, 1/99

   "Gambling in California", Roger Dunstan, January, 1997, Chapter VI

Page 16

2. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

   "The Colorado Gambling Boom", Patricia Sokowski, Small Town, May-June 1992

   "Economic Development And the Introduction of Casinos: Myths and Realities" William R. Eadington, Economic Development Review, Volume 13, Number 4, Fall 1995

   "The Explosive Growth of Gambling in the United States", Senator Paul Simon, Congressional Record for the 104th Congress

   "Gambling on Economic Development", Amy Jinker-Lloyd, American City & County, July 1996

   "Gambling in California", Roger Dunstan, Chapter IX

   "Gambling, Economic Development, and Historic Preservation", Christopher Chadbourne, et al, Public Investment, page 1-4

   "The Gambling Glut", Ellen Perlman, Finance, 1996

   "Gaming in America: The New Wave of Urban Economic Development", Donald E. Hunter, et al, Commentary, Spring 1995

   "Gaming Industry Development: A Comparison of Three States, Michael D. Larsen, Economic Development Review, Volume 13, Number 4, Fall 1995

   "The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

   "Legalized Gambling As A Strategy for Economic Development" (Excerpts), Robert Goodman, January, 1999

Page 17

3. "Gambling in California", Roger Dunstan, Chapter IX

   "Gambling on Economic Development", Amy Jinker-Lloyd, American City & County, July 1996

   "Economic Development And the Introduction of Casinos: Myths and Realities" William R. Eadington, Economic Development Review, Volume 13, Number 4, Fall 1995

   "Legalized Gambling As A Strategy for Economic Development" (Excerpts), Robert Goodman, January, 1999

4. "Economic Development And the Introduction of Casinos: Myths and Realities" William R. Eadington, Economic Development Review, Volume 13, Number 4, Fall 1995

   "Gambling on Economic Development", Amy Jinker-Lloyd, American City & County, July 1996

"Overview of National Survey and Community Database Research on Gambling Behavior", Report to the National Gaming Impact Study Commission, University of Chicago (1999), Page 61

Please Also See Additional References in Footnote #2

5. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

   "The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

   Please Also See Additional References in Footnote #2

Page 18

6. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

   "The Explosive Growth of Gambling in the United States", Senator Paul Simon, Congressional Record for the 104th Congress

   "Gambling in California", Roger Dunstan, Chapter IX

   "The Gambling Glut", Ellen Perlman, Finance, 1996

   "The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

   Please Also See Additional References in Footnote #2

Page 19

7. "Gaming Casino Traffic," Paul C. Box, et al, ITE Journal, March 1998

   "Loading the Dice: Zoning Gaming Facilities", Zoning News 1994

8. "The Explosive Growth of Gambling in the United States", Senator Paul Simon, Congressional Record for the 104th Congress

   "The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

   "Overview of National Survey and Community Database Research on Gambling Behavior", Report to the National Gaming Impact Study Commission, University of Chicago (1999)

   Please Also See Additional References in Footnote #2

9. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

   "Case Against Legalized Gambling" National Coalition on Gambling: Gambling Information II, January 1999

   "Compulsive Gambling Trends, Profiles and Their Importance to the Gambling Industry, National Coalition on Gambling: Gambling Information II, January 1999

   "Communities Bet Their Bottom Dollar" Michelle Gregory, Public Investment, September, 1992

   "Overview of National Survey and Community Database Research on Gambling Behavior", Report to the National Gaming Impact Study Commission, University of Chicago (1999)

   Please Also See Additional References in Footnote #2

10. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

    "Case Against Legalized Gambling" National Coalition on Gambling: Gambling Information II, January 1999

    "Compulsive Gambling Trends, Profiles and Their Importance to the Gambling Industry, National Coalition on Gambling: Gambling Information II, January 1999

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"The Explosive Growth of Gambling in the United States", Senator Paul Simon, Congressional Record for the 104th Congress

"The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

"Overview of National Survey and Community Database Research on Gambling Behavior", Report to the National Gaming Impact Study Commission, University of Chicago (1999)

11. "Licensed Operators' Activity", Washington State Gambling Commission, 1998

"Presentation on Gambling", City of Burien, February 1999

12. "Card Room Pilot Study Report", Washington State Gambling Commission

"Licensed Operators' Activity", Washington State Gambling Commission, 1998

Page 20

13. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

"Gaming in America: The New Wave of Urban Economic Development", Donald E. Hunter, et al, Commentary, Spring 1995

"Gambling on Economic Development", Amy Jinker-Lloyd, American City & County, July 1996

"Gaming Industry Development: A Comparison of Three States, Michael D. Larsen, Economic Development Review, Volume 13, Number 4, Fall 1995

"The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

"Legalized Gambling As A Strategy for Economic Development" (Excerpts), Robert Goodman, January, 1999

Please Also See Additional References in Footnote #2

14. "Case Against Legalized Gambling" National Coalition on Gambling: Gambling Information II, January 1999

"Compulsive Gambling Trends, Profiles and Their Importance to the Gambling Industry, National Coalition on Gambling: Gambling Information II, January 1999

"Economic Development And the Introduction of Casinos: Myths and Realities" William R. Eadington, Economic Development Review, Volume 13, Number 4, Fall 1995

"The Explosive Growth of Gambling in the United States", Senator Paul Simon, Congressional Record for the 104th Congress

"Gambling on Economic Development", Amy Jinker-Lloyd, American City & County, July 1996

"Gambling in California", Roger Dunstan, Chapter IX

"Gambling, Economic Development, and Historic Preservation", Christopher Chadbourne, et al, Public Investment, page 1-4

"The Gambling Glut", Ellen Perlman, Finance, 1996

"Gaming in America: The New Wave of Urban Economic Development", Donald E. Hunter, et al, Commentary, Spring 1995

"Gaming Industry Development: A Comparison of Three States, Michael D. Larsen, Economic Development Review, Volume 13, Number 4, Fall 1995

"The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

"Overview of National Survey and Community Database Research on Gambling Behavior: Report to the National Gambling Impact Study Commission" , National Opinion Research Center at the University of Chicago, et al (dated 2/99)

15. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

    "The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

    "Overview of National Survey and Community Database Research on Gambling Behavior: Report to the National Gambling Impact Study Commission", National Opinion Research Center at the University of Chicago, et al (dated 2/99)

    "Presentation on Gambling", City of Burien, February 1999

    Please Also See Additional References in Footnote #14

16. "America's House of Cards: How the Casino Economy Robs the Working Poor", Marc Cooper, The Nation, February, 1996

    "Compulsive Gambling Trends, Profiles and Their Importance to the Gambling Industry, National Coalition on Gambling: Gambling Information II, January 1999

    "The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

    "Overview of National Survey and Community Database Research on Gambling Behavior: Report to the National Gambling Impact Study Commission", National Opinion Research Center at the University of Chicago, et al (dated 2/99)

    Please Also See Additional References in Footnote #14

17. "Case Against Legalized Gambling" National Coalition on Gambling: Gambling Information II, January 1999

    "The House Never Loses...Why Casino Gaming is a Bad Idea", Maryland Attorney General's Office, 1995

    "Overview of National Survey and Community Database Research on Gambling Behavior: Report to the National Gambling Impact Study Commission", National Opinion Research Center at the University of Chicago, et al (dated 2/99)

    Please Also See Additional References in Footnote #14

VI. ATTACHMENTS

Exhibit A: Listing of Cities Prohibiting Gambling Activities

Exhibit B: City of Renton Washington , Ordinance 4691, Defining, Permitting, Restricting and Prohibiting Gambling Operations (December, 1997)

Exhibit C: Bibliography: Gambling - Reports and Articles

Exhibit D: Letter from State of Washington Gambling Commission to the City of Renton (February 1999)

Exhibit E: Memorandum from the Office of the Attorney General

Exhibit F: City of Shoreline Comprehensive Plan Framework Goals

Exhibit G: City of Shoreline Comprehensive Plan Land Use Element (Selected Policies and Goals)

Exhibit H: City of Shoreline Comprehensive Plan Economic Development Element (Selected Policies and Goals)

Exhibit I: City of Shoreline Comprehensive Plan Community Design Element (Selected Policies and Goals)

EXHIBITS

WASHINGTON STATE GAMBLING COMMISSION
P.O. Box 42400
Olympia, WA 98504-2400
1-800-345-2529
(360) 438-7654
TDD (360) 438-7638

Communications and Legal Department

FAX (360) 438-7636

Fax Transmission Cover Sheet

DATE: June 3, 1999

TO: Lenore Blauman, City of Shoreline

FAX #:(206) 546-8761 Telephone: _____

FROM: Robin Brown Telephone: (360) 438-7654 ext. 423

Pages (including cover sheet): 2

This is the list we have. We are not tracking cities who've imposed moratoriums. The City of Kent will be added to this list, as they've just banned card rooms. I hope this helps!

If you have not received both pages, please call Robin, at (360) 438-7654, ext. 423.

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08/98

CITIES PROHIBITING GAMBLING ACTIVITIES
Revised December 1995

City	Prohibited Gambling Activities
Algona	Public Card Rooms
Battle Ground	Public Card Rooms
Bellevue	Public Card Rooms
Bothell	Public and Social Card Rooms
Brier	Punchboards and Pull Tabs; Public and Social Card Rooms
Camas	Public Card Rooms
Clyde Hill	Punchboards and Pull Tabs; Public and Social Card Rooms
Dupont	Profit Seeking Amusement Games
Issaquah	Public Card Rooms
Lake Forest Park	Punchboards and Pull Tabs; Public and Social Card Rooms; FRE's; Bingo for which a gambling license is required.
Lynden	Punchboards and Pull Tabs; Public and Social Card Rooms; Profit Seeking Amusement Games
Lynnwood	Public Card Rooms; Profit Seeking Amusement Games
Mercer Island	Punchboards and Pull Tabs; Public Card Rooms
Mill Creek	Public Card Rooms; Profit Seeking Amusement Games (Punchboards/Pull Tabs allowed thru 12/31/97)
Normandy Park	All Gambling Activities
Redmond	Punchboards
Renton	Punchboards
Seattle	Public and Social Card Rooms
Snohomish	Profit Seeking Amusement Games

Snoqualmie	Public Card Rooms
Tukwila	Punchboards; FREs (except bingo and raffles)
Vancouver	Public Card Rooms
Washougal	Public Card Rooms
Woodland	Public and Social Card Rooms (Class "R" Card Rooms Allowed)
Woodinville	Public and Social Card Rooms
Yacolt	Public and Social Card Rooms; FREs

COUNTIES PROHIBITING GAMBLING ACTIVITIES
Revised July 1997

County	Prohibited Gambling Activities
Clark	Public Card Rooms

NOTE: The following cities are incorporated and are not affected by CLARK COUNTY prohibition. See table of cities for individual prohibitions of gambling activities.

Battleground Camas LaCenter Ridgefield
Vancouver Washougal Yacolt

From: Gambling Commission To: Lenore Blauman
e: 6/3/99 Time: 2:41:06 PM
Page 1 of 3

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 4691

AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING SECTIONS 4-31-2, 4-31-10.1.C, 4-31-10.2.C, 4-31-10.4.B.2, 4-31-10.5.C, 4-31-11.1.B.2, 4-31-11.2.B.2, 4-31-12.B.2 AND 4-31-16.C.6 OF CHAPTER 31, ZONING CODE, OF TITLE IV (BUILDING REGULATIONS), OF ORDINANCE NO. 4260 ENTITLED "CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON" BY ADDING CARD ROOMS AS A DEFINITION, ADDING CARD ROOMS AS A PROHIBITED USE IN THE MIXED COMMERCIAL (CM), COMMUNITY COMMERCIAL (CB), CONVENIENCE COMMERCIAL (CC), AND COMMERCIAL OFFICE (CO) ZONES, AND ADDING CARD ROOMS AS A PERMITTED SECONDARY USE IN THE ARTERIAL COMMERCIAL (CA), LIGHT INDUSTRIAL (IL), MEDIUM INDUSTRIAL (IM), AND HEAVY INDUSTRIAL (IH) ZONES.

THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION I. Section 4-31-2, Definitions, of Chapter 31, Zoning Code, of Title IV (Building Regulations), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition which reads as follows:

CARD ROOMS: A use governed pursuant to the provisions of RCW 9.46, 1973 Gaming Act and licensing by the Washington State Gambling Commission that is ancillary to a permitted use where food and beverages are served on the premises and whose purpose is to serve as a commercial stimulant to the principal activities associated with the primary use.

SECTION II. Sections 4-31-10.1.C, 4-31-10.4.B.2, 4-31-11.1.B.2, 4-31-11.2.B.2, 4-31-12.B.2 and 4-31-16.C.6 of Chapter

02/03/99 WED 09:30 [TX/RX NO 6336]

31, Zoning Code, of Title IV (Building Regulations), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" are hereby amended by adding the following subsections which read as follows:

4-31-10.1.C.6: The operation and conduct of any licensed premises or facility used to play social card games as governed by RCW 9.46, the Gaming Act, as amended.

4-31-10.4.B.2.o: Card Rooms: Card rooms when ancillary to a permitted primary use where food and beverages are served on the premises and located in an area with an Employment Area - Valley land use designation as shown on the City's Comprehensive Plan Land Use Map, and located south of I-405.

4-31-11.1.B.2.m: Card Rooms: Card rooms when ancillary to a permitted primary use where food and beverages are served on the premises and located in an area with an Employment Area - Valley land use designation as shown on the City's Comprehensive Plan Land Use Map, and located south of I-405.

4-31-11.2.B.2.n: Card Rooms: Card rooms when ancillary to a permitted primary use where food and beverages are served on the premises and located in an area with an Employment Area - Valley land use designation as shown on the City's Comprehensive Plan Land Use Map, and located south of I-405.

4-31-12.B.2.j: Card Rooms: Card rooms when ancillary to a permitted primary use where food and beverages are served on the premises and located in an area with an Employment Area - Valley

land use designation as shown on the City's Comprehensive Plan Land Use Map, and located south of I-405.

4-31-16.C.6: The operation and conduct of any licensed premises or facility used to play social card games as governed by RCW 9.46, the Gaming Act, as amended.

SECTION III. Sections 4-31-10.2.C and 4-31-10.5.C of Chapter 31, Zoning Code, of Title IV (Building Regulations), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" are hereby amended to read as follows:

4-31-10.2.C: Prohibited Uses and Unclassified Uses: Any uses not specifically listed as primary, secondary, accessory or conditional uses shall be prohibited; except those uses determined by the Zoning Administrator to be: 1) in keeping with the purpose and intent of the zone; and 2) similar in nature to a specifically listed primary, secondary, accessory or conditional use. In addition, the operation and conduct of any licensed premises or facility used to play social card games as governed by RCW 9.36, the Gaming Act, as amended, shall also be prohibited.

4-31-10.5.C: Prohibited Uses and Unclassified Uses: Any uses not specifically listed as primary, secondary, accessory or conditional uses shall be prohibited; except those uses determined by the Zoning Administrator to be: 1) in keeping with the purpose and intent of the zone; and 2) similar in nature to a specifically listed primary, secondary, accessory or conditional

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use. In addition, the operation and conduct of any licensed premises or facility used to play social card games as governed by RCW 9.36, the Gaming Act, as amended, shall also be prohibited.

SECTION IV. This Ordinance shall be effective upon its passage, approval, and five days after publication.

PASSED BY THE CITY COUNCIL this 1st day of December, 1997.

Marilyn J. Petersen, City Clerk

APPROVED BY THE MAYOR THIS 1st day of December 1997.

Jesse Tanner, Mayor

Approved as to form:

Lawrence J. Warren, City Attorney

Date of Publication: 12/5/97 (Summary)

ORD.670:11/20/97:as.

TOTAL P.05
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Exhibit C

Bibliography: Gambling Articles and Reports

Auyer, Za Dean. "Oregon Lottery Working for Oregon: Lottery Funds for Economic Development." American Economic Development Council: Economic Development Review 13 (4): 22-26, (Fall 1995).

Box, Paul C. and William Bunte. "Gaming Casino Traffic." ITE Journal 42-45, (March 1998).

Chadbourne, Christopher, Philip Walker and Mark Wolfe. "Gambling, Economic Development, and Historic Preservation." Public Investment (Chicago, IL) PAS (Planning Advisory Service) Memo, American Planning Association 1-4, (March 1997).

Cooper, Marc. "America's House of Cards: How the Casino Economy Robs the Working Poor." The Nation 262 (7): 11-19, (19 Feb. 1996).

Curran, Jr., J. Joseph. "The House Never Loses and Maryland Cannot Win: Why Casino Gaming is a Bad Idea." Report to the Joint Executive-Legislative Task Force to Study Commercial Gaming Activities in Maryland, Maryland Attorney General's Office, (16 Oct. 1995).

Dunstan, Roger. "Gambling in California." California Research Bureau, California State Library, (January 1997).

Eadington, William R. "Economic Development and the Introduction of Casinos: Myths and Realities." American Economic Development Council: Economic Development Review 13 (4): 51-54, (Fall 1995).

Gerstein, Dean, John Hoffmann, Cindy Larison, et al. "Gambling Impact and Behavior Study." Report to the National Gambling Impact Study Commission, National Opinion Research Center at the University of Chicago, (1 Apr. 1999).

Goodman, Robert. "Excerpts from: Legalized Gambling as a Strategy for Economic Development." Internet Resource Center, http://www.ncalg.org/pages/excerpts.htm, (27 Jan. 1999).

Gregory, Michelle. "Communities Bet Their Bottom Dollar. "Public Investment (Chicago, IL) PAS Memo, American Planning Association 1-4, (September 1992).

Gregory, Michelle. "Loading the Dice: Zoning Gaming Facilities. "Zoning News (Chicago, IL), American Planning Association, (January 1994).

Hunter, Donald E., and Ernest Bleinberger. "Gaming in America: The New Wave of Urban Economic Development." Economic Development Commentary 19 (1): 4-10, (Spring 1995).

Jinker-Lloyd, Amy. "Gambling on Economic Development." American City & County, (July 1996).

Larsen, Michael D. "Gaming Industry Development: A Comparison of Three States." American Economic Development Council: Economic Development Review 13 (4): 4-8, (Fall 1995).

Long, Gary P. and Linda L. Gorton. "City of Burien Presentation on Gambling." City of Burien (1 Feb. 1999).

MacFarlane, C. B. & Capuccinello, A.. "State and Local Government Regulation of Gaming: Recent Canada and U.S. Case Law." Report to 1998 Annual Convention, International Municipal Lawyers Association, (November 1998).

National Coalition Against Legalized Gambling. "Compulsive/Problem Gamblers: Trends, Profiles, and Their Importance to the Gambling Industry." Internet Resource Center, http://www.ncalg.org/pages/excerpts.htm, (27 Jan. 1999).

National Coalition Against Legalized Gambling: Gambling Information II. "The Case Against Legalized Gambling." Internet Resource Center, http://www.ncalg.org/pages/excerpts.htm, (27 Jan. 1999).

National Opinion Research Center at the University of Chicago. "Overview of National Survey and Community Database Research on Gambling Behavior." Report to the National Gambling Impact Study Commission, (1 Feb. 1999).

Patjens, Amy R. "Overview of Card Rooms." Report to Washington State Gambling Commission, (1999).

Perlman, Ellen. "The Gambling Glut." Governing, 49-56, (May 1996).

Sokowski, Patricia. "The Colorado Gambling Boom: An Experiment in Rural Community Development." Small Towns Institute: Small Town 22 (6): 12-19, (May-June 1992).

Washington State Gambling Commission. "Card Room Pilot Study Report, January 1999." Report to the Washington State Gambling Commission, (January 1999).

Washington State Gambling Commission. "Licensed Operators' Activity for the Year Ended June 30, 1998." Washington State Gambling Commission, (30 June 1998).

Washington State Gambling Commission Communications and Legal Department. "Agency Overview." Washington State Gambling Commission, (1999).

These documents and other reference reports are on file with the City Clerk for public review and in the City Council Office for review by Councilmembers.

Exhibit D: Letter from State of Washington Gambling Commission to the City of Renton (February 1999)

STATE OF WASHINGTON
GAMBLING COMMISSION
P.O. Box 42400 • Olympia, Washington 98504-2400 • (360) 438-7654 • TDD (360) 438-7638 • FAX (360) 438-8652

February 9, 1999

RECEIVED
FEB 17 1999
ECONOMIC DEVELOPMENT

Michael Katterman
City of Renton
1055 South Grady Way
Renton, Washington 98055

RE: PENDING REQUESTS FOR MINI CASINOS IN RENTON

Dear Mr. Katterman:

We spoke a few weeks ago about the City of Renton's request that the Gambling Commission not grant pending "applications" to offer house banked games to Diamond Lil's and Schumsky's All City Diner. The law allowing card rooms to bank their games was passed in 1997 and the Gambling Commission has been approving businesses for this under a "pilot study." Under the pilot study, which will end June 30, businesses, which are already licensed to operate card rooms, enter into contracts with the Commission to offer house banked games. There is not an "application" and the business does not receive another "license." After July 1, when the study is complete, any business operating house banked games will receive a new Class F license.

As we discussed, a local jurisdiction's ability to "zone" a particular type of gambling business out of some areas, but not all areas, is not clear. It also is not clear whether local jurisdictions can allow gambling non-conforming uses or whether moratoriums on new gambling, which a few jurisdictions have adopted, are permissible. Although we cannot give legal advice, a few statutes in the Gambling Act address local jurisdictions' authority in these areas. For example, RCW 9.46.285 states that the Gambling Act "constitutes the exclusive legislative authority for the licensing and regulation of any gambling activity and the state preempts such licensing and regulatory functions, except to the power and duties of any city, town, city-county, or county which are specifically set forth in this chapter." In addition, RCW 9.46.295 states that local jurisdictions "may absolutely prohibit gambling activities, but may not change the scope of license, any or all of the gambling activities for which the license was issued."

Furthermore, RCW 9.46.070(2) provides that the Gambling Commission cannot "deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued." The Gambling Commission has not taken a formal position on these issues, but we expect that they will likely be litigated by licensees and local jurisdictions

in the coming months. We have also requested an opinion from our Assistant Attorney General on these issues. In the meantime, we are happy to work with the local jurisdictions and let them know which card rooms are scheduled for approval for house banking. Diamond Lil's is scheduled for approval to offer house banked card games at the Commission meeting this week, on Thursday, February 11. The meeting will be at Cavanaugh's at Capitol Lake (formerly Holiday Inn Select and the Westwater Inn), 2300 Evergreen Park Drive in Olympia, phone number (360) 943-4000. The meeting will begin at 1:30 p.m. If Diamond Lil's is approved, they would be able to begin offering house banked games as soon as the contract is signed, which usually occurs the same day. Schumsky's All City Diner has also requested to offer house banked games, but probably will not be approved until after July 1, assuming that they meet all of the requirements for such games.

I hope this information is helpful. If you have any questions, please contact me at (360) 438-7654, extension 307.

Sincerely,

Ed Fleisher

Ed Fleisher
Deputy Director of Policy and Government Affairs

Cc: The Honorable Jesse Tanner, Mayor

Christine O. Gregoire
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

MEMORANDUM

March 8, 1999

TO: BEN BISHOP, Director, Washington State Gambling Commission

FROM: JONATHAN T. McCOY, Assistant Attorney General

SUBJECT: **Authority of Local Jurisdictions to Regulate Gambling Commission Licensed Activities**

This memo is provided as a response to advice regarding local jurisdictions who have taken various actions affecting Licensees of the Gambling Commission; specifically, card room licensees who are seeking to operate house-banked card games.

ISSUE PRESENTED

Summary of proposed activity: Several local jurisdictions including both municipalities and counties have enacted ordinances or taken interim measures which are directed at controlling location of "mini-casinos" within their jurisdictions. I have been asked to analyze their authority in light of RCW 9.46.285 which gives the Gambling Commission exclusive authority for the licensing and regulation of any gambling activity.

BRIEF RESPONSE

Pursuant to RCW 9.46.285 the Gambling Commission has exclusive authority to license and regulate gambling activities authorized under the Gambling Act. This provision specifically preempts any local jurisdiction's authority to do so, except as specifically outlined in the Act. Nevertheless, local jurisdictions may take actions that affect licensed activities but do not directly conflict with the provisions of the Act and the Gambling Commission's specific authority. It is therefore necessary to address the specific actions taken by a jurisdiction and determine whether they conflict with this licensing and regulatory function. To the extent that they conflict, they are preempted by state law. To the extent that they do not conflict, they are authorized.

APPLICABLE LAW AND DEFINITIONS

Article XI, section 11 of the Washington Constitution provides that "[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws."

RCW 9.46.285 entitled, **Licensing and regulation authority, exclusive,** provides:

> This chapter constitutes the exclusive legislative authority for the licensing and regulation of any gambling activity and the state preempts such licensing and regulatory functions, except as to the powers and duties of any city, town, city-county, or county which are specifically set forth in this chapter. Any ordinance, resolution, or other legislative act by any city, town, city- county, or county relating to gambling in existence on September 27, 1973 shall be as of that date null and void and of no effect. Any such city, town, city-county, or county may thereafter enact only such local law as is consistent with the powers and duties expressly granted to and imposed upon it by chapter 9.46 RCW and which is not in conflict with that chapter or with the rules of the commission.

RCW 9.46.295 further provides that

> Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.

ANALYSIS

As a general rule, "[m]unicipal police power is as extensive as that of the legislature, so long as the subject matter is local and the regulation does not conflict with general laws. . . . The scope of police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people." Covell v. City of Seattle, 127 Wn.2d 874, 878, 905 P.2d 324 (1995) *quoting* Hillis Homes, Inc. v. Snohomish County, 97 Wn.2d 804, 808, 650 P.2d 193 (1982) (itself *quoting* State v. City of Seattle, 94 Wn.2d 162, 165, 615 P.2d 461 (1980)). Nonetheless, "Article XI, section 11 requires a local law yield to a state statute on the same subject matter if that statute 'preempts the field, leaving no room for concurrent jurisdiction,' or 'if a conflict exists such that the two cannot be harmonized.' Weden v. San Juan County, 135 Wn.2d 678, 691, 958 P.2d 273 (1998); Brown v. City of Yakima, 116 Wn.2d 556, 559, 561, 807 P.2d 353 (1991).

RCWs 9.46.285 and .295 constitute "general laws" under the provisions of Article XI, section 11 of the Washington Constitution. Moreover, pursuant to the explicit terms of RCW 9.46.285 "the state preempts such licensing and regulatory functions" except those specifically reserved elsewhere in the chapter. Therefore any action which directly conflicts with that authority is "null and void" in accordance with RCW 9.46.285.

But the Supreme Court has generally been solicitous of local jurisdictional authority and "An ordinance must yield to state law only 'if a conflict exists such that the two cannot be harmonized.'" Brown, 116 Wn.2d at 561; *accord* City of Bellingham v. Schampera, 57 Wn.2d 106, 111, 356 P.2d 292, 92 A.L.R.2D 192 (1960). "'In determining whether an ordinance is in 'conflict' with general laws, the test is whether the ordinance permits or licenses that which the statute forbids and prohibits, and vice versa. Judged by such a test, an ordinance is in conflict if it forbids that which the statute permits[.]" Weden, 135 Wn.2d at 693 (citations omitted); Schampera, 57 Wn.2d at 111.

Following this analysis, it is necessary to determine, looking at the specific provisions of the local ordinance, whether the ordinance "forbids that which the statute permits". In this case, whether the local ordinance seeks to prohibit an activity which is within the purview of the Gambling Commission to license and regulate. If it does, the ordinance cannot affect the licensed activity; if it does not, the local ordinance is authorized.

The ordinances have taken several different forms, so I will not address them all individually, but I can address them generally as they apply to gambling activities licensed by the Commission. The action of the ordinances fall roughly into five categories: Licensing of card rooms; moratoria prohibiting new licenses; moratoria on new activities; zoning against gambling activities in certain areas; and zoning against activities which support a gambling activity.

1. Licensing of Card Rooms

Several jurisdictions have taken the unusual step of requiring food and drink establishments who would otherwise qualify to conduct "commercial stimulant" activities to obtain special licenses from the jurisdiction in order to conduct card room activities. This procedure is clearly prohibited. By its terms, RCW 9.46.285 specifically provides "the exclusive legislative authority for the licensing and regulation of any gambling activity" and further explicitly preempts "any city, town, city-county, or county" from attempting such licensing. In such a case, the Gambling Commission has no obligation to consider the effect of the local jurisdiction's effort which is void ab initio. "Municipalities are constitutionally vested with the authority to enact ordinances in furtherance of the public health, safety, morals, and welfare. However, the plenary police power in regulatory matters accorded municipalities by Const. Art. 11, §11, ceases when the state enacts a general law upon the particular subject, unless there is room for concurrent jurisdiction." Baker v. Snohomish County Planning, 68 Wn. App. 581, 585, 841 P.2d 1321 (1992); Lenci v. Seattle, 63 Wn.2d 664, 669, 388 P.2d 926 (1964). In this case there is clearly no room for concurrent jurisdiction.

2. *Moratoria prohibiting new licenses*

In this case, the answer turns on whether the licensed activities already exist within the jurisdiction. If there are not currently licensed activities which are operating within the local jurisdiction, such an ordinance would not appear to be in conflict with RCW 9.46.295. RCW authorizes local jurisdictions to "absolutely prohibit" any or all gambling activities. It does not specify what form such prohibition may take, except that it may not "change the scope of" a license. If, on the other hand, existing licenses have been issued, the question is more nuanced. If the moratorium prohibits all of a particular licensed activity, including existing licenses (e.g. all public card rooms), it would appear to comport with RCW 9.46.295 which by its terms seems to authorize prohibition even after licenses have been granted (although there may be other issues which arise under such an interpretation which are beyond the scope of this Memorandum). If the moratorium only prohibits *new* licenses, however, it would seem to conflict with the statute, since the local jurisdiction does not have authority to determine which licensees are qualified.

3. *Moratoria on new activities*

Some ordinances seek to prohibit only "mini-casinos" but not card rooms generally. An ordinance in such a form would directly conflict with the existing statute and thus be prohibited. Under RCW 9.46.295 a local jurisdiction may prohibit a "gambling activity" but it may not change the scope of a license. As the Gambling Act is currently drafted, house-banked card games are an authorized form of "social card game" which may be played in public card rooms. "Social card games" are the authorized activity, and the statute does not distinguish between house-banked and non-house-banked games in this authorization. Any effort to distinguish between forms of card games that could be played in an otherwise authorized card room would be regulatory in nature, and directly conflict with the Gambling Commission's authority.

4. *Zoning against gambling activities in certain areas*

Some ordinances prohibit gambling activities in certain areas under the local jurisdiction's zoning authority. This is perhaps the most problematic approach. Nonetheless, I believe that such an approach does conflict with the Gambling Act. RCW 9.46.295 specifies that "Any license to engage in any of the gambling activities authorized by this chapter... shall be legal authority to engage in the gambling activities for which issued." Under RCW 9.46.285, only the Gambling Commission has the authority to grant such licenses. Other provisions of the Act authorize specific activities to qualified licensees, such as RCW 9.46.0325 which authorizes activities by any business "primarily engaged in the selling of food or drink for consumption on the premises". So long as the underlying activity is authorized by local ordinance or zoning code, it is beyond the purview of the local jurisdiction to determine whether they may also engage in gambling activities on that premises as it would be "an ordinance [that] forbids that

which the statute permits[.]" It is solely within the Gambling Commission's authority to make that determination.

5. *Zoning against activities which support a gambling activity*

Some ordinances prohibit, primarily through zoning, certain underlying activities that, if authorized, would support gambling operations. For example, a local jurisdiction may prohibit alcoholic sales within a certain distance from a school or church. Such an ordinance would not, of itself, conflict with the Gambling Act, since the local jurisdiction was not directly prohibiting or authorizing the gambling activity, or limiting the scope of a license. Generally speaking, therefore, a local jurisdiction would have authority to engage in that sort of zoning activity. (It would still be necessary for the local jurisdiction to meet the other requirements for such an ordinance, i.e., that the statute must promote the health, safety, peace, education, or welfare of the people and bear some reasonable relationship to accomplishing the purpose underlying the statute. Weden, *supra* at 700.) So long as the ordinance was valid on its face, the Gambling Commission would be bound by its terms.

I hope that this analysis is helpful in your deliberation on these matters. While this Memorandum does not represent the official view of the Attorney General's Office, it does represent my views as your assigned Assistant Attorney General, and is provided for your use as you see fit.

JONATHAN T. McCOY,
Assistant Attorney General

FRAMEWORK GOALS

Through a series of more than 300 activities (meetings, open houses, surveys and discussions), Shoreline's citizens, the Planning Commission, and the City Council refined the City Council's Vision Statements into the Comprehensive Plan's Framework Goals. These Framework Goals provide the overall policy foundation for the Comprehensive Plan and support the City Council's vision. When implemented, the Framework Goals are intended to preserve the best qualities of Shoreline's neighborhoods today and protect the City's future. To achieve balance in the City's development the Framework Goals must be viewed as a whole and not one pursued to the exclusion of others.

FG1: Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline.

FG2: Promote quality building and development that is compatible with the surrounding environment.

FG3: Support diverse and affordable housing opportunities which provide for Shoreline's population growth.

FG4: Pursue a strong and diverse economy and assure economic development that complements neighborhood character.

FG5: Protect the natural environment and preserve environmentally sensitive areas.

FG6: Promote improvements to human services.

FG7: Assure effective and efficient public investment for quality public services, facilities, and utilities.

FG8: Improve multi-modal transportation systems which provide for Shoreline's present and future population.

FG9: Provide for wide involvement in community planning decisions.

Land Use Element

The Land Use Element emphasizes the following Framework Goals:

FRAMEWORK GOALS

FG1: **Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline.**

FG2: **Promote quality building and development that is compatible with the surrounding environment.**

FG3: **Support diverse and affordable housing opportunities which provide for Shoreline's population growth.**

FG4: **Pursue a strong and diverse economy and assure economic development that complements neighborhood character.**

FG5: **Protect the natural environment and preserve environmentally sensitive areas.**

FG6: Promote improvements to human services.

FG7: Assure effective and efficient public investment for quality public services, facilities, and utilities.

FG8: Improve multi-modal transportation systems which provide for Shoreline's present and future population.

FG9: Provide for wide involvement in community planning decisions.

Intent

Land use patterns have a direct impact on the quality of life, personal comfort, and convenience and the safety of citizens within the City. The Land Use policies are intended to guide land use designations and zoning decisions and to provide opportunities for future development in suitable locations for the next 20 years. Through land use designations, the Land Use polices and maps identify the building intensity and density recommended for each area of the City (see Figure LU-1 at the end of this Element). The recommended designations help to achieve the City's vision by providing for planned growth, encouraging affordable housing, protecting existing neighborhoods and uses, safeguarding the environment, and maintaining Shoreline's sense of community.

Background and Context

Shoreline is a mature community with a long history. Its earliest land uses were associated with the railroad community of Richmond Beach: homes, stores, and the railroad and its facilities. Other early land uses were associated with the trunk road, now SR 99: homes, stores, and road and interurban facilities.

The Growth Management Act (GMA) requires that cities provide a Comprehensive Plan with a Land Use Element to designate the proposed general distribution, general location, and extent of the uses of land. The Act further specifies that the Land Use Element be the foundation of a Comprehensive Plan. This process of designating future land uses must account for future population growth and must be supported by adequate levels of public facilities and services. In this respect, the Land Use Element is an explicit statement of the ultimate vision for the City and determines the system and capacity of the infrastructure necessary to serve the land uses.

One of the features of Shoreline's high quality of life is its attractive and vital residential neighborhoods. Part of this quality results from the trees and views in the neighborhoods. The variety of housing types adds immensely to Shoreline's diversity and provides safe haven for many families. Encouraging this vitality and diversity will help maintain Shoreline's quality of life for our children. Allowing for more retail and commercial development will provide a broader choice of goods and services in the community. Encouraging entertainment and cultural uses will enrich the community and provide activities for all age groups within the City. Providing opportunities for businesses will help provide employment opportunities for Shoreline's citizens. And finally, suitable locations for industrial and institutional uses will protect the City's neighborhoods and provide those essential facilities needed by every community.

The visioning effort, which the City undertook in the beginning of the planning process, provided the starting point for the Land Use Element. As part of the planning process, the citizens and/or property owners discussed the issues they believed to be important to address in this Plan. The issues are listed below:

- preservation and enhancement of attractive and safe neighborhoods
- preservation and enhancement of the variety of available and reasonably priced housing
- types and amounts of new housing to be allowed
- locations of new housing
- more opportunities for employment and shopping
- revitalization of commercial areas
- limited funding sources for the City, based on the land use pattern
- lack of available vacant land, leading to the need to encourage the redevelopment of existing areas
- compatibility of new development with existing uses
- transitional uses, financial impacts and time frames for areas that might redevelop
- kind of redevelopment to be allowed, even encouraged, for commercial uses
- ways to increase the vitality of existing business areas
- ways to assure that institutions and industrial uses are compatible with and respect adjacent uses and infrastructure
- ways to assimilate annexation areas and meet their needs within the existing City resources
- aesthetic improvements to existing non-residential development
- adequacy of pedestrian and vehicle mobility amenities
- protection of public health, welfare and safety

The preliminary recommended land use designations were founded on: 1) the location of sensitive areas; and 2) the intensity or lack of intensity that the land can sustain. Subsequently the land uses designations were refined (see Figure LU-1: Land Use Designations at the end of the Land Use Element) based on:

- the requests of citizens and property owners as expressed during the citizen participation process for the Plan;
- findings and analyses conducted in the Draft Environmental Impact Statement (DEIS) and in the Final Environmental Impact Statement (FEIS), including information about:
  - the existing pattern of settlement;
  - the historic patterns of settlement;
  - the transportation corridors that serve these uses;
  - the real estate market's drive to develop areas;
  - the capital facilities and utilities needed to service these areas;
  - the need to accommodate growth;
  - the land uses of cities adjacent to Shoreline; and
  - previous land use decisions made by King County and various utility providers before the City incorporated.

Although Metropolitan King County projected a capacity of 1,600-2,200 new housing units, the Planning Commission and the City Council of Shoreline felt it was important to provide some additional capacity. They increased the top of the housing range from 2,200 new housing units to 2,400 new housing units.

The EIS indicates that 1,600-2,400 new housing units can be accommodated, based on the land use capacity analysis, as well as the Comprehensive Plan Land Use Map (Figure LU-1) and the Land Use Designations, presented later in this Chapter. Housing units could be provided through new development on vacant lands and/or through redevelopment of underutilized lands and/or aging housing stock. New housing could include traditional single-family homes, cottage housing, accessory units, duplexes, triplexes, townhomes, and multi-family housing. Approximately 1,950 units could be provided on properties designated for residential use and for mixed use. The remaining units could be accommodated in those commercial designations which allow residential uses.

Aurora Corridor SubArea

The City of Shoreline prepared an Aurora Corridor SubArea Study (Summer and Fall 1996, Winter 1997) with the intent of providing research on the corridor and land use alternatives for the Comprehensive Plan. The objective was to create a thriving and pleasing commercial core that enhances the entire community. The emphasis of this study was to ensure the economic feasibility for a land use alternative and to devise strategies to assure that implementation of improvements will be accomplished. Related to this emphasis were other issues such as urban design, transportation, pedestrian safety, crime prevention neighborhood protection and utility services.

The Aurora Corridor Subarea Study was based upon the following key assumptions:

- use a phased approach to any future changes in the Corridor
- encourage and expect public private partnership
- use sound market principles in developing the Plan
- increase the City's overall tax base by making the Corridor more effective and efficient
- create a sense of place for the City
- emphasize the positive uses as attributes of the Corridor
- improve the visual and physical ambiance of the Corridor
- buffer neighboring uses
- preserve and enhance existing businesses
- amend zoning and other codes to be consistent with the Subarea study.

Issues in the Corridor included:

- constrained lot sizes
- vacant, blighted, deteriorating and underutilized properties
- inadequate pedestrian safety, few pedestrian crossings
- lack of a pedestrian/bike trail along the Seattle City Light right of way
- varying levels of stability and financial health of existing businesses
- compatibility with single-family homes on the perimeter of the corridor,
- traffic congestion during peak hours

- "strip" development with undefined street edges,
- automobile safety
- unaesthetic appearance of overhead wires, extensive pavement, limited landscape improvements, proliferation of signs
- crime and safety problems

North City Study

In the Winter of 1997 and Spring of 1998, the City of Shoreline staff worked with property owners, merchants, tenants and neighboring residents of the North City Business District to conduct an assessment of the potential to revitalize North City. The issues confronting the district were under-utilization of land, poor aesthetic appearance, parking, safety of pedestrians and autos, cleanliness of the district, leakage of sales to other areas. From this work came a stronger merchants association, ideas on physical improvements, and ways to capture a larger share of the market. The Shoreline City Council recognized the importance of the District and the strides taken by the citizens and merchants by making a budget allocation for staff time to assist the Merchant's Association. Policies are included in this chapter to address the revitalization of this area through a Main Street Program approach. This approach emphasizes:

Organization: Building consensus and influence of people who have a role in revitalization.

Design: Enhancing the physical appearance and function of the District.

Promotion: Marketing the District's assets to investors, potential customers, and new businesses.

Restructuring: Strengthening the economic base while expanding new opportunities.

Existing Conditions

With growth during and following the Second World War, Shoreline's residential communities burgeoned, and services and shops expanded to meet this new growth. Today, Shoreline has a preponderance of residential uses, supporting commercial and retail uses, various institutional uses and a few industrial uses. Less than 10% of the total land remains vacant. Single lots scattered throughout the City (rather than large contiguous tracts of land) primarily characterize the vacant land. These uses and transportation corridors make up our existing land use pattern.

Residential development accounts for approximately 64% of the land in use in the community. Single-family residences predominate. Multi-family residential development is primarily located near the commercial areas along Aurora Avenue and in neighborhood centers (e.g., Richmond Beach, Echo Lake, North City and Annexation Area A).

Commercial development including services, retail sales, and light industrial uses (e.g. manufacturing, wholesale, transportation, communications and utilities) accounts for approximately 6% the of land in use in the community. Large commercial uses within the City are located primarily along Aurora Avenue. Smaller commercial centers are located throughout the City and include the North City, Ridgecrest, and Richmond Highlands business districts. Industrial uses are limited.

About 20% of the land in Shoreline, not including roadways, is occupied by uses owned by non-profit or public entities which are exempt from property taxes. These uses include institutions, cemeteries, schools, parks and churches.

Goals and Policies

Goal LU I: To assure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline's sense of community.

Policies

LU1: Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.

LU2: Encourage attractive, stable, high quality residential and commercial neighborhoods with an appropriate variety of housing, shopping, employment and services such as lawyers, doctors, and accountants.

LU3: Assure new industrial uses are appropriately located and impacts are mitigated on surrounding uses.

LU4: Assure that existing regional land uses and facilities mitigate their impacts and respect the City's integrity (e.g., I-5, Metro King County Bus Barn, Metro-King County Solid Waste Transfer Station.)

LU5: Provide land use incentives for uses that enhance the City's vitality through a variety of regulatory and financial strategies that may include:

- priority permit review
- changed operating procedures
- road system reclassification
- property valuation based on current use
- reduced impact fees
- tax abatement
- methods similar to tax increment financing
- provision of infrastructure through a private-public partnership
- transfer of development rights

- master plans for large sites with clustering of development to preserve open space for such areas as the Cedarbrook School Site, The Highlands undeveloped parcel, DNR land adjacent to Fircrest.
- Flexibility of site and building design if performance standards are met which give equal or better design and protection than the zone.

LU6: Subject to the Capital Facilities Plan Element and the concurrency regulations described therein, land use designations and zoning may be revised to match the availability of services, funding capabilities, and facilities.

LU7: Ensure that the Shoreline City Council can amend the Comprehensive Plan once a year, as established in the Growth Management Act, through an amendment process that includes:

- a detailed statement of what is proposed to be changed and why;
- a statement of anticipated impacts from the change and issues presented;
- a demonstration of why existing Comprehensive Plan guidance should not continue in effect or why existing criteria no longer apply;
- a statement of how the amendment complies with GMA goals, Countywide planning policies, City vision, and the State Environmental Policy Act;
- a statement of how functional plans and capital improvement programs support the change;
- public review of the recommended change, necessary implementation, and alternatives to the change; and
- Planning Commission review and recommendation based on findings of fact.

LU8: Ensure that proposed amendments are accompanied by recommended changes to development regulations and modifications to capital improvement programs, subarea, neighborhood and/or functional plans (if any) required to implement the amendment.

Annexation Areas

Goal LU II: To annex unincorporated areas of King and Snohomish Counties, consistent with Countywide Planning Policies and the City's Vision Statement, which identify with the City and are within Shoreline's Potential Annexation Area.

Policies

LU9: Support annexations that are in the mutual desire, best interest, and general welfare of the community members of the annexation area and the City.

LU10: Support annexations:

- in which the areas to be annexed and the City share a community identity;
- which are logical and orderly and are contiguous with the City;

- which complete the geographical areas of interest as indicated in pre-incorporation boundaries;
- which offer benefits and opportunities consistent with City vision statements and framework goals;
- which balance the short-term costs of annexation with long-term gains to the fiscal health of the annexation areas and the City;
- to which the City can provide public safety, emergency and urban services at a level equal to or better than services in existence at the time of annexation;
- where uniform land use, regulations and coordinated impact mitigation are in the best interests of the City and annexation area; and
- which provide improved local governance for the City and the annexation areas.

LU11: Provide information to the Shoreline population and populations of the annexation areas as to the impacts of annexation and solicit input from City citizens and those affected populations in the proposed annexation areas.

LU12: Support annexations where the areas and the City share impacts and interests (i.e., transportation systems, watershed areas, surface water drainage, water quality and shoreline protection, and environmentally sensitive areas).

LU13: Assure that adequate funding is in place or will be available within a reasonable time to support required public facilities and services.

LU14: Assure that annexation is timely as determined through joint discussions with the City, citizens and/or property owners.

Geographic Areas

LU15: Consider the Point Wells area as a logical potential annexation area due to its public road access through the Richmond Beach neighborhood, its contiguous boundary, its use of Shoreline-based public services, and potential development impacts on the City of Shoreline (see Figure I-1 at the end of the Introduction chapter).

LU16: Consider Annexation Areas A2 and A3 as logical annexation areas due to their historical relationship with the incorporation movement, their shared community identity, their common topography, sensitive areas, traffic connections and Shoreline based public services (see Figure I-1 at the end of the Introduction chapter).

Intergovernmental Cooperation

LU17: Work jointly with King and Snohomish Counties and other appropriate jurisdictions to define Potential Annexation Area boundaries under the Growth Management Act.

LU18: Establish pre-annexation interlocal agreements with King and Snohomish Counties for the development of land within the areas to be annexed. The agreements are to cover the following:

- potential land use and zoning,
- development standards,
- impact mitigation,
- funding transfers, if applicable,
- growth phasing, and
- infrastructure and service provision.

LU19: Ensure that citizens in the Potential Annexation Areas are invited to participate in land use, shoreline management, and zoning changes for the annexation areas.

LU20: Ensure that newly annexed areas assume an equitable share of the City's bonded indebtedness.

LU21: Ensure that newly annexed areas provide resources to preserve and/or improve environmental quality, where appropriate, through identification and protection of watersheds, open space corridors, preservation of environmentally sensitive areas, water quality, dedication and construction of trail and parks systems, if necessary, and maintenance of existing flora and fauna.

LU22: Where the opportunity exists, ensure that permanent urban separators are designated in annexation areas; especially where

- land can serve as wildlife habitat, is environmentally sensitive, or contains a major elevation change;
- the separators will help identify community or municipal identities and boundaries.

Candidate areas include Point Wells, the MacAleer Creek area, and Bruggers Bog.

Residential Development

Goal LU III: To have adequate residential land and encourage a variety of quality residential buildings and infrastructure suitable for the needs of Shoreline's present and future residents.

Policies

LU23: Ensure that land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600-2,400 new housing units and the future needs of Shoreline citizens.

LU24: The Low Density Residential designation should be applied to areas currently developed with predominantly single-family detached dwellings. Other dwelling types, such as duplexes, single-family attached, and accessory dwellings, will be allowed under certain circumstances. The permitted base density for this designation will not exceed 6 dwellings units per acre and the base height will not exceed 30 feet, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved. Appropriate zoning for this area would be R-4 or R-6 Residential.

LU25: Establish infill standards for single-family houses that promote quality development and reflect the character of the existing neighborhood. These standards should address at a minimum:

- design and siting in accordance with natural environment
- building height
- bulk and scale
- type and number of accessory buildings
- pervious and impervious surface coverage
- lot coverage by buildings
- setbacks for front, back and side yards
- storm water runoff
- provision of public sewers and water
- limits on outside storage of more than one inoperative vehicle
- landscaping
- privacy and defensible space
- attractive street frontage
- screening of on site storage of recreational vehicles and boat
- landscaping
- compatibility with neighborhood character

LU26: Allow detached or attached accessory dwelling units associated with single-family detached houses with the following considerations:

- one accessory dwelling unit per lot
- the applicant constructs satisfactory stormwater mitigation as defined in the Municipal Code
- owner must occupy one of the units
- cannot be larger than 50% of the living area of the main unit
- one additional off-street parking space must be provided

LU27: Allow cottage housing in residential areas of 6 dwelling units per acre and up, if the development goes through design review and adheres to the following characteristics:

- common open space
- reduced parking areas
- detached homes
- common amenities (e.g. garden plots, play areas, storage buildings, orchard)

LU28: The Medium Density Residential designation should be applied to areas with medium density residential dwelling uses; to areas with single-family detached dwelling units that might redevelop at slightly higher densities; and to areas currently zoned for medium density residential. Single-family homes would be permitted, as would duplexes, triplexes, zero lot line houses, townhouses and cottage housing. Apartments would be allowed under certain conditions. The permitted base density for this designation will not exceed 12 dwelling units per acre and the base height will not exceed 35 feet, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved. Appropriate zoning designations for this area would be R-8 or R-12 Residential.

LU29: Establish design standards for units occurring at 7-12 units per acre as identified in LU25, LU27, and LU32.

LU30: Encourage the integration of open spaces into residential neighborhoods, including identification and protection of existing stands of trees and vegetation which serve as a greenbelt buffer, and small pocket parks when adopted and maintained to City park standards by private organizations.

LU31: The High Density Residential designation should be applied to areas near employment and commercial areas; where high levels of transit service are present or likely; and to areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types would be permitted. The permitted base density for this designation will not exceed 48 dwelling units per acre and the base height will not exceed 35 feet, unless a neighborhood plan, subarea plan or special district overlay plan has been approved. Appropriate zoning designations for this area would be R-12, R-18, R-24 or R-48 Residential.

LU32: Ensure that new multiple family residential development and redevelopment also:

- preserves and/or enhances existing vegetation, including trees;
- includes architectural/design features, such as building modulation, porches, balconies, window treatment, to enhance the existing community character and improve street frontage;
- addresses siting that protects the natural environment (e.g. habitat areas, site terrain, wetlands);
- respects adjacent development by providing setbacks, height reductions and/or buffers for lesser densities;
- provides an attractive street frontage;
- clusters on site to provide the maximum open space, including recreation and/or play areas and other amenities available to residents;
- provides for privacy between units;
- provides for ground orientation and/or usage for all units;
- provides for on-site, screened parking for vehicles which is not located in front yard setback areas;
- screens any onsite storage for recreational vehicles;
- does not allow for outside storage of more than one inoperative vehicle;
- does not exceed six stories in height;
- provides pedestrian connections within project and to adjacent uses such as bike lanes and walking trails; and
- has screened use for loading and unloading.

LU33: Clustering should be allowed in all residential plan designations and zoning districts through the subdivision process or through a planned unit development process to preserve open space and reduce surface water run-off. Specific limitations or incentives for clustering will be established in the zoning code to assure that clustered development will be compatible with the surrounding land uses.

LU34: Clustering should have densities consistent with the underlying zone unless substantial public benefits can be achieved, such as:

- 15% of the units are affordable
- additional stormwater mitigation is provided to meet problems both on and off site
- 20% more open space over required amounts is provided.

Clustered densities should not exceed the underlying zone densities by over 25%.

Mixed Use Development

Goal LU IV: To assure that a mix of uses, such as service, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of transit, serving a neighborhood commercial and residential function.

Policies

LU35: The Mixed Use designation should be applied to a number of stable or developing areas and to the potential annexation area at Point Wells. This designation is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses. The base height for this designation will be 35 feet unless a neighborhood plan, subarea plan, or special district overlay plan/zone has been approved. Appropriate zoning designations for the area might include Mixed Use Special Overlay District, Pedestrian Oriented Commercial Special Overlay District, Neighborhood Business, Community Business, Office, R-12, R-18 and/or R-24.

Commercial Development

Goal LU V: To ensure that adequate land is designated for community-serving, and regional-serving commercial areas and that that these areas are aesthetically pleasing and have long term economic vitality.

Policies

LU36: The Community Business designation should be applied to areas within the Aurora Corridor Overlay District, North City and along Ballinger Road. This designation provides for retail, office and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. The base height for this designation will be 60 feet unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved. Appropriate zoning designations for this area might include the Aurora Avenue Special Overlay District, Economic Redevelopment Special Overlay District, Pedestrian Oriented Commercial Special Overlay District, Pedestrian Oriented Commercial Special Overlay District, Neighborhood Business, Community Business, or Office.

LU37: The Regional Business designation should be applied to an area within the Aurora Corridor Overlay District north of N. 185th St. and south of N. 192nd St. This designation provides for retail, office, service, high density residential and some industrial uses. Significant pedestrian connection and amenities are anticipated. The base height for this designation will be 65 feet unless a neighborhood plan, subarea plan, or special district overlay plan/zone has been approved. Appropriate zoning designations for this area might include the Aurora Avenue Special Overlay District, Economic Redevelopment Special Overlay District, Pedestrian Oriented Commercial Special Overlay District, Community Business, Office, or Regional Business.

LU38: Ensure vital and attractive commercial areas through a public/private investments including:

- pedestrian amenities and street aesthetics, such as trees, benches, etc.
- adequate transportation services such as bus routes, parking, roads, loading and delivery zones, bicycle and pedestrian routes
- public spaces such as plazas, pocket parks, intersection treatments and amenities, and public squares
- appropriate signage excluding billboards
- transportation demand management programs such as carpooling and bus usage
- gateway treatments and public art

Public involvement will be required.

LU39: Provide incentives such as increased height and bulk up to 30% of allowed floor area ratio if a development provides at least three of the following:

- public plaza with landscaping
- landscaping which exceeds requirements by 30% or more
- pocket parks available for the public and maintained by the commercial development
- substantial public amenities such as art, exceptional street treatment through furniture, fountains, or public informational kiosks
- architectural features such as clock towers, facade treatments, distinctive building entrances, public meeting rooms and gathering spaces

Public involvement will be required.

Industrial Development

Goal LU VI: To ensure that industrial uses are and will be appropriately sited and mitigated, and provide employment opportunities available to Shoreline residents.

Policies

LU40: Ensure that existing industrial uses adjacent to I-5 derive access from that highway and mitigate their impacts on the adjacent land uses and City streets.

LU41: Ensure that industrial development provides for the following improvements:

- paved streets
- adequate parking for employees and business users
- landscaping along or within streets, sidewalks and parking areas to provide an attractive appearance
- adequate storm water control, including curbs, gutters and stormwater retention facilities

- public water supply
- public sewers
- controlled traffic access to arterials and intersections

LU42: Support a development review process for additions or enlargements to existing industrial uses that:
- includes a public review process
- protects environmental quality
- mitigates potential impacts on utility and capital facilities
- provides for an efficient and timely review process

Commercial Areas

Goal LU VII: To increase the vitality and economic development in the North City and Aurora business areas through a public/private effort.

Neighborhood Business Areas

Policies

LU43: Provide public investment and priority services to specified neighborhood and community business areas to increase their overall economic health through methods such as:
- organizational development of merchants association
- coordinated permit review for new development
- coordinated land use planning and subarea planning for business and neighborhood areas
- Metro King County transit improvements
- transportation and traffic improvements
- pedestrian and bicycle improvements
- aesthetic improvements such as street trees and street furniture
- enhanced business area image
- community-building through events and celebrations
- an area-specific Environmental Impact Statement
- a "Main Street Program" approach, if suitable

Aurora Corridor

Goal LU VIII: To redirect the changes in the Aurora Corridor from a commercial strip to distinct centers with variety, activity, and interest by:
- **balancing vehicular, transit, and pedestrian needs**
- **creating a "sense of place" and improving image**
- **protecting neighborhoods**
- **encouraging thriving businesses**
- **using a strategy based on sound market principles**

Goal LU IX: To increase the City's role in economic development for the Corridor.

Policies

LU44: Pursue opportunities to improve the City's image and a sense of place on the Corridor as a place to do business and attract retail activity.

LU45: Include parks in the Aurora Corridor at Echo Lake and at N. 160th Street.

LU46: Ensure that street design and urban design in general is distinctive in the center part of the Corridor, from 175th through 185th.

LU47: Amend the Aurora Overlay Ordinance to allow a wide range of uses, strengthen design standards (while providing criteria to enable flexible approaches to implementation), include a street tree plan, and contain development incentives to respond to the changing development market.

LU48: Encourage the redevelopment of key, underused parcels through incentives and public/private partnerships.

LU49: Initiate opportunities to build a showcase development as an example and template for future development.

LU50: Encourage a mix of residential and commercial development throughout the Corridor.

LU51: Encourage a broad mix of uses in close proximity to create retail synergy and activity.

LU52: Protect adjacent single-family neighborhoods from traffic, noise, crime, and glare impacts of the Corridor through design standards and other development criteria.

LU53: Seek shuttle transit service for the Corridor.

LU54: Negotiate with Seattle City Light and work with City Light ROW leaseholders to obtain an easement to develop a non-motorized Interurban Trail and other public amenities from N. 145th to N. 200th streets.

LU55: The Interurban Trail should provide cross-town access, enhance the Corridor, connect to other trails, walkways, and sidewalks, accommodate and consider other public facilities and civic improvements, and buffer private property.

LU56: Improve lighting and law enforcement to help reduce crime and improve safety.

LU57: Provide opportunities and amenities for higher density residential communities to form within or adjacent to the Aurora Corridor in harmony with the surrounding neighborhoods.

LU58: Assist with land assembly and redesign rights-of-way to improve intersections for redevelopment.

LU59: Use sound market principles to develop and implement the Plan.

LU60: Use a phased approach to implementing the Plan.

LU61: Direct special projects toward sites with the greatest development potential.

LU62: Master Plan areas of the Aurora Corridor to include smaller city blocks, a park/plaza in the Seattle City Light Right-of-Way, a transit center, and large public areas for a mix of city activities.

LU63: Pursue methods to consolidate developable lands in order to facilitate economic revitalization.

LU64: The Public Facilities designation should be applied to a number of current or proposed facilities within the community. The base height for this designation will be 35 feet unless a facilities master plan has been approved, a conditional or special use permit has been issues, or the underlying zone permits a greater height. It is anticipated that the underlying zoning for public facilities shall remain unless adjusted by a formal amendment to this Plan.

LU65: The Single-family Institution should be applied to a number of institutions within the community that serve a regional clientele on a large campus. The base height for this designation will be 35 feet unless a facilities master plan has been approved, a conditional or special use permit has been issued, or the underlying zoning permits a greater height. It is anticipated that the underlying zoning for this designation shall remain the same unless adjusted by a formal amendment to this Plan.

LU66: The Public Open Space designation should be applied to all publicly owned open space and to some privately owned property that might be appropriate for public acquisition. It is anticipated that the underlying zoning for this designation shall remain.

LU67: The Private Open Space designation should be applied to all privately owned open space. It is anticipated that the underlying zoning for this designation shall remain.

LU68: The Special Study Area designation should be applied to some areas of the community which might be appropriate for further study. The base height for this designation shall be 35 feet unless a neighborhood plan, subarea plan, or special overlay district plan/zone has been approved.

Land Use Designations

Low Density Residential

This designation has been applied to areas currently developed with predominantly single-family detached dwellings. Other dwelling types, such as duplexes, single-family attached or accessory dwellings, will be allowed under certain circumstances. The permitted base density for this designation will not exceed 6 dwelling units per acre and the base height will not exceed 30 feet, unless a neighborhood plan, subarea plan or special district overlay plan has been approved. Appropriate zoning designations for this area would be R-4 or R-6 Residential.

Medium Density Residential

This designation has been applied to areas with medium density residential dwelling uses; to areas with single-family detached dwelling units that might redevelop at slightly higher densities; and to areas currently zoned for medium density residential. Single-family homes would be permitted, as would duplexes, triplexes, zero lot line houses, townhouses and cottage housing. Apartments will be allowed under certain conditions. The permitted base density for this designation will not exceed 12 dwelling units per acre and the base height will not exceed 35 feet, unless a neighborhood plan, subarea plan or special district overlay plan has been approved. Appropriate zoning designations for this area would be R-8 or R-12 Residential.

High Density Residential

This designation has been applied to areas near employment and commercial areas; where high levels of transit service are present or likely; and to areas currently zoned high density residential. This designation creates a transition from high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types would be permitted. The permitted base density for this designation will not exceed 48 dwelling units per acre and the base height will not exceed 35 feet, unless a neighborhood plan, subarea plan or special district overlay plan has been approved. Appropriate zoning designations for this area would be R-12, R-18, R-24 or R-48 Residential.

Community Business

This designation has been applied to areas within the Aurora Corridor Overlay District, North City and along Ballinger Road. This designation provides for retail, office and service uses and high density residential uses. Significant pedestrian connections and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. The base height for this designation will be 60 feet unless a neighborhood plan, subarea plan or special district overlay plan has been approved. Appropriate zoning designations for this area might include the Aurora Avenue Special Overlay District, Economic Redevelopment Special Overlay District, Pedestrian Oriented Commercial Special Overlay District, NB, CB, or O.

Regional Business

This designation has been applied to an area within the Aurora Corridor Overlay District north of N. 185th Street. This designation provides for retail, office, service, high density residential and some industrial uses. Significant pedestrian connections

and amenities are anticipated. The base height for this designation will be 65 feet unless a neighborhood plan, subarea plan, or special district overlay plan has been approved. Appropriate zoning designations for this area might include the Aurora Avenue Special Overlay District, Economic Redevelopment Special Overlay District, Pedestrian Oriented Commercial Special Overlay District, CB, O or RB.

Mixed Use

This designation would be applied to a number of stable or redeveloping areas and to the potential annexation area at Point Wells. This designation is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses. The base height for this designation will be 35 feet unless a neighborhood plan, subarea plan, or special district overlay plan has been approved. Appropriate zoning designations for this area might include Mixed Use Special Overlay District, Pedestrian Oriented Commercial Special Overlay District, NB, CB, O, R-12, R-18 and/or R-24.

Public Facilities

This designation has been applied to a number of public facilities within the community. The base height for this designation will be 35 feet unless a facilities master plan has been approved, a conditional or special use permit has been issued or unless the underlying zone district permits a greater height. It is anticipated that the underlying zoning for public facilities shall remain unless adjusted by a formal amendment to this Plan.

Single-Family Institution

This designation has been applied to a number of institutions within the community that serve a regional clientele on a large campus. The base height for this designation will be 35 feet unless a facilities master plan has been approved, a conditional or special use permit has been issued or unless the underlying zoning permits a greater height. It is anticipated that the underlying zoning for this designation shall remain the same unless adjusted by a formal amendment to this Plan.

Public Open Space

This designation has been applied to all publicly owned open space and to some privately owned open space that might be appropriate for public acquisition. It is anticipated that the underlying zoning for this designation shall remain.

Private Open Space

This designation has been applied to all private open space. It is anticipated that the underlying zoning for this designation shall remain.

Special Study Area

This designation has been applied to some areas of the community which might be appropriate for further study. The base height for this designation shall be 35 feet unless a neighborhood plan, subarea plan, or special overlay district plan has been approved. It is anticipated that the underlying zoning for this designation shall remain.

Economic Development Element

The Economic Development Element emphasizes the following Framework Goals:

FRAMEWORK GOALS

FG1: **Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline.**

FG2: Promote quality building and development that is compatible with the surrounding environment.

FG3: Support diverse and affordable housing opportunities which provide for Shoreline's population growth.

FG4: **Pursue a strong and diverse economy and assure economic development that complements neighborhood character.**

FG5: Protect the natural environment and preserve environmentally sensitive areas.

FG6: Promote improvements to human services.

FG7: Assure effective and efficient public investment for quality public services, facilities, and utilities.

FG8: Improve multi-modal transportation systems which provide for Shoreline's present and future population.

FG9: Provide for wide involvement in community planning decisions.

Intent

The intent of the Economic Development Element is to improve the quality of life by encouraging a greater number and variety of thriving commercial businesses that provide services and create employment opportunities for Shoreline residents.

Background and Context

Shoreline has always been known as a desirable place to live, learn and play. However, an area's livability is also enhanced by being a desirable place to work and shop. Shoreline residents mostly travel elsewhere for higher-wage jobs and for more complete shopping opportunities. The quality of Shoreline's economy is affected by healthy businesses that provide goods and services, reliable public services, the area's natural and built attractiveness, good schools, strong neighborhoods and efficient traffic circulation. Maintaining the community's quality of life requires a strong and sustainable economic climate.

The following economic development ideas were suggested during the Comprehensive Plan process:

- Provide a full range of commercial services and retail that are oriented to serve the community;
- Increase the City's role with incentives and private/public partnerships;
- Direct city public works improvements to improve designated areas;
- Encourage more family-wage employment opportunities;
- Encourage businesses to upgrade services and appearances;
- Improve the economic viability along Aurora; and
- Improve City image and create City identity.

The City conducted several studies to assess its strengths and weaknesses and opportunities for economic development, primarily in the Aurora Corridor and North City. The Aurora Corridor subarea study includes an economic forecast, designated opportunities sites, and market niches the City could pursue. Opportunity sites are properties that have some combination of closeness to the freeway, good site access, large land area, and vacant or temporary businesses. The City also conducted a development feasibility study (Granger Report) for the Aurora Corridor.

In addition, the City assessed a potential revitalization program that would strengthen the North City business association, make physical improvements, promote and market the area, and restructure the local economy. Other small business areas that should be considered for improvements include Richmond Beach, Richmond Highlands, Ridgecrest, Ballinger, N. 145th and 15th/Lake City Way. Shoreline is not unattractive to the investment community, but there is still a preference for investment in established market areas.

Existing Conditions

The market area for Shoreline is larger in scope than the City itself, including portions of the cities of Edmonds, Mountlake Terrace, Bothell, Lake Forest Park, and Seattle. The economic characteristics of this trade area are integral to the economy of Shoreline. The population of the trade area in 1994 was 173,000 which is more than three times the size of Shoreline, indicating a potential for market growth in Shoreline. The total market area is projected to grow in population by 17% which is consistent with Shoreline's projected population increase for the next 20 years. Average household income in the market area was $54,100, slightly lower than the average for King County but greater than that for Snohomish County.

There are currently two sizable retail developments on the Aurora Corridor in Shoreline: Aurora Village and Aurora Square. The "big box" retail (Costco, Home Depot) on the Corridor is thriving at present; however, it is difficult to predict whether this type of use will continue to thrive beyond the next few years. Questions have been raised during the course of the market discussions about what to expect in the long-term future for these types of developments and for Aurora Village in particular. Aurora Village will probably remain a retail mall in the foreseeable future due to its size and location, although the tenants may change. Although at a high visibility corner site for retail, Aurora Village is not a high amenity site, and wouldn't likely attract such uses as high technology or research and development. Land values will likely continue to dictate retail uses on this site.

Taxable sales revenue estimates for the Aurora Corridor are based on average sales standards per type of business on Aurora as compared to the City as a whole. These standards are used because sales information on individual businesses are not available from the State. Based on these estimates, Aurora taxable sales represent 81% of taxable sales in the City.

Summary of Development Opportunities

The City of Shoreline has identified 82 parcels within the Aurora Corridor area that have the potential to be redeveloped. These Aurora Corridor parcels vary in size from one-tenth of an acre to 17 acres, with a total redevelopable area of approximately 113 acres[1].

The Aurora Corridor needs a showcase project that brings positive market results to help define the area's potential for development. Retail development is determining land values at present on Aurora Avenue, which makes land values generally too high for other uses such as industry, housing, or low-density office. In general, utilities are adequate for the future development identified in the market forecast. Private utility companies will install facilities such as fiber optics if there is an existing market

The development potential is a speculative projection on what could or is likely to develop in the future based on regional forecasts, existing conditions and

[1] Source: City of Shoreline, King County Assessor, December 1995

inventories, and the opportunities specific to Shoreline. Below is a summary of the key opportunities that are possible in the Aurora Corridor. More detailed reports on the potential for economic development are the *Aurora Corridor Subarea Technical Report and Aurora Corridor - Project Feasibility Development Implementation Study.* These studies are available from the Shoreline Planning and Community Development Department.

Retail Opportunities:

- Growth in market share for categories other than Food Service and Personal Service
- Regional serving retail
- Entertainment and Recreation
- "Big Box' retail
- Retail trade and Services

Potential Development:

- 26,600 SF per year and 3 acres

Cumulative Absorption (SF):

Year	Building Square Ft.	Acres
1995-2000	133,000	14
1995-2010	311,000	34
1995-2020	476,000	48

Office Opportunities:

- Expanded government concentration
- Medical/Dental, Finance, Insurance, Real Estate, Services
- Growth of local-serving office
- Emergence of larger concentrations of office

Potential Development:

- 10,000 SF per year

Cumulative Absorption (SF):

Year	Square Feet	Acres
1995-2000	50,000	14
1995-2010	150,000	34
1995-2020	250,000	48

Hotel Opportunity:

- Full service hotel with meeting space and restaurant
- Additional limited service properties

Potential Development:

- 150-room hotel with 5,000 square feet of meeting space
- One or more 75-100 room motels

Cinema Opportunity:

- Multi-screen cinema to serve North End market area

Potential Development:

- Current need of 3-4 screens

Source: Property Counselors, 1997

High technology uses tend to be close to industrial uses and to locate at high amenity sites. Amenities include on-site and off-site aesthetic attributes, such as water features, trails, and nearby parks and/or shopping. Echo Lake could attract high technology users, as an office site with high amenity; however, it would require intensive marketing to lure high-tech users to the area.

Supporting a Customer Service Oriented Approach to City Business

The City has incorporated a customer service approach to the delivery of City services including economic development and permitting activities. The process and timing of building permit review has been expedited under this approach and under the provisions of House Bill 1724. In addition to the processing of permit requests, the City has held numerous pre-development meetings with prospective developers and/or business owners in order to identify, facilitate and expedite proposals which are consistent with the adopted zoning and Comprehensive Plan. Finally, in response to interest in the development of properties located along the Aurora Corridor, the City Council amended the Aurora Corridor Overlay to expand the list of allowed land uses, thus giving more businesses an opportunity to locate there.

Goals and Policies

There is a range of economic development strategies available to the City. The City could take no action and rely entirely on the market to create new commercial development. The City could increase the intensity of development by allowing existing businesses to redevelop with bigger buildings, building in current parking lots and expanding current businesses. The City could increase the places where commercial development can happen, possibly by having commercial development in areas which are currently residential. The City could direct public works improvements such as sidewalks, parks, trails, cross-walks, and beautification for the purpose of attracting new businesses. The City could increase efforts to promote itself and attract desirable development. A more involved role would be for the City to join with private businesses in partnership efforts to expand business opportunities.

The policies in this Element address five aspects of creating a healthy economic climate for Shoreline: Quality of Life, Job Base, Opportunities for Economic Development, City Role, Infrastructure Requirements. Policies presented in this Element will guide future City actions that, together with private sector actions, will produce a strong economy. The results, in turn, will preserve and improve the quality of life that Shoreline's residents and workers currently enjoy.

Quality Of Life

Goal ED I: To maintain and improve the quality of life in the community by increasing professional services such as doctors, lawyers, and accountants, and enhancing the image of Shoreline as a good place to work, shop and live by:

- **Strengthening residential neighborhoods, i.e., less tax burden, funds for enhancement projects, providing more retail choices;**
- **Increasing job opportunities and the job base;**
- **Providing quality public services;**
- **Preserving community character;**
- **Protecting environmental quality;**
- **Diversifying the economic base;**
- **Providing for efficient transportation systems; and**
- **Stabilizing economic ups and downs.**

Policies

ED1: Improve the image and strengthen the identity of business districts consistent with the Shoreline Vision and compatible with the community.

ED2: Improve economic vitality by:

- Encouraging existing businesses;
- Recruiting new businesses;
- Encouraging economic services for the community;
- Cooperating with businesses to create strategies and action plans;
- Assuring increased housing density around commercial districts; and
- Developing design guidelines to enhance commercial areas.

ED3: Pursue efforts to encourage businesses to maintain attractive site, landscaping, and building designs that improve the character of the commercial districts and neighborhoods.

Expand the Job Base

Goal ED II: To increase and diversify Shoreline's job base so that citizens' livelihoods can improve.

Policies

ED4: Work to maintain and enhance the quality of the Shoreline School District and Shoreline Community College to educate and train and retrain our workforce.

ED5: Increase and improve the City's job base, allowing people to work and shop in the community.

ED6: Support regional policies for jobs / housing balance in Shoreline.

ED7: Encourage a diverse, trained and employable labor pool in the community.

ED8: Encourage increased availability of advanced technological resources needed for job creation and retention.

ED9: Emphasize attraction of living wage jobs to the community.

Opportunities for Economic Development

Goal ED III: To create and leverage opportunities for economic development.

Policies

ED10: Recognize the Aurora Corridor as the economic core of the City with potential for revitalization, providing services, jobs, opportunities, and becoming an activity center for Shoreline.

ED11: Recognize the North City business district as a local commercial area that is ready for revitalization to thrive and better serve the local community.

ED12: Recognize the potential for other, smaller commercial districts for improvement and revitalization.

ED13: Encourage and support home-based businesses in the City, provided that signage, parking, storage, and noise impacts are compatible with neighborhoods.

ED14: Support and retain small businesses for their jobs and services that they provide to the community.

ED15: Maintain an inventory of commercial sites and provide this information to prospective developers.

ED16: Promote optimum development of commercial property.

ED17: Encourage commercial development that provides a reasonable balance between municipal costs and public benefits.

ED18: Encourage a mix of businesses that complement each other and provide variety to the community to create activity and economic momentum.

ED19: Create partnerships with major landholders who are non-private or public entities to participate in the economic well-being of the community.

ED20: Encourage land uses which increase the city's tax base.

City Role

Goal ED IV: To improve the City's role to facilitate and initiate economic development opportunities.

Policies

ED21: Actively recruit and promote new businesses to take advantage of market opportunities, to improve Shoreline's image and to provide services to the community.

ED22: Direct capital facilities in key areas as exemplary development to promote the City's image, create a sense of place, and a place to locate business.

ED23: Actively work with the King County, Snohomish County, Shoreline Community College, SnoKing Economic Development Council, neighboring cities, Shoreline Chamber of Commerce, local business associations to stimulate business retention and implement interlocal and regional strategies.

ED24: Promote the Main Street Program with local business districts using their four points for revitalization.

1) Encourage effective, successful business organizations.
2) Create physical improvement plans to direct private and public development and enhancement programs.
3) Help develop image-building business promotions to improve their viability and attract businesses.
4) Encourage economic restructuring to help existing businesses thrive.

ED25: Ensure adequate transportation infrastructure to support and promote economic development.

ED26: Ensure sufficient land use designations and zoning provisions to support businesses.

ED27: Use reasonable incentives and development flexibility to assure quality development that improves the image of the City such as:

- Development agreements,
- Tax credits,
- Land assembly,
- Infrastructure improvements,
- Expediting permitting processes,
- Public/private partnerships,
- Grants, loans or revenue bonds, and
- Local Improvement Districts (LID).

ED28: Ensure a customer service-oriented permitting process for commercial improvements, expansions, and developments.

ED29: Initiate partnerships with the private sector which further the interests of the Comprehensive Plan.

ED30: Work in partnership with the Chamber of Commerce, neighborhood business associations, development councils tourist and convention bureaus, visitor bureaus to promote Shoreline.

ED31: Take advantage of marketing resources and opportunities to contact businesses which might locate in Shoreline and to enhance the overall and economic image of the community.

ED32: Conduct market research as needed to guide the City's economic development strategies and to assist businesses.

ED33: Provide economic information such as market studies, vacant land inventories and sources of public assistance to existing and potential commercial development within the community.

ED34: Facilitate public/private entities to negotiate and cooperate on projects, issues, and problems of local importance.

ED35: Coordinate and initiate financial assistance using county, state and federal program funds, facility grants, loans and revolving loan funds.

Infrastructure Requirements

Goal ED V: To support and attract economic development with reliable infrastructure.

Policies

ED36: Ensure that infrastructure can meet the needs of existing and planned future commercial development including utilities, communication, transportation, and high-technology facilities.

ED37: Encourage and promote business districts by creating physical plans to improve the appearance and function of their streets, sidewalks, utilities, access, lighting, buildings, signage, landscaping, etc.

ED38: Support public/private partnerships to facilitate or fund infrastructure improvements that will result in increased economic opportunity.

ED39: Make improvements to Aurora Avenue so that it is a friendly, functional, and attractive street.

ED40: Create strong pedestrian and circulation linkages within the commercial areas and connecting these areas to neighborhoods.

ED41: Underground all utilities, where feasible, to enhance the appearance and appeal of commercial areas.

ED42: Promote the maintenance and development of high quality transportation and transit facilities that serve commercial development.

Community Design Element

The Community Design Element emphasizes the following Framework Goals:

FRAMEWORK GOALS

FG1: **Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline.**

FG2: **Promote quality building and development that is compatible with the surrounding environment.**

FG3: Support diverse and affordable housing opportunities which provide for Shoreline's population growth.

FG4: Pursue a strong and diverse economy and assure economic development that complements neighborhood character.

FG5: Protect the natural environment and preserve environmentally sensitive areas.

FG6: Promote improvements to human services.

FG7: **Assure effective and efficient public investment for quality public services, facilities, and utilities.**

FG8: Improve multi-modal transportation systems which provide for Shoreline's present and future population.

FG9: Provide for wide involvement in community planning decisions.

Intent

The intent of the Community Design Element is to ensure that new construction and improvements fit into and enhance the community. Community design can provide more privacy in residential areas and encourage more activity in the public realm. Ultimately, implementing these Community Design policies will create a cohesive community image and draw people to more actively use the City.

Background and Context

The goals and policies in this Element address Design Quality, Public Places and Connections, Neighborhoods, and Historic Preservation. Design Quality policies apply to the design of individual development in commercial and multifamily areas. Public Places and Connections policies apply to the design of streets, parks, public facilities, etc. that are used by the general public. Neighborhoods policies apply to residential areas, especially where they interface with smaller commercial areas. Historic Preservation policies apply to those buildings, places and landmarks that give Shoreline's identity more depth and relevance to its location and era.

As Shoreline evolves, it is important to preserve its natural qualities while enhancing the existing more developed areas. The way that a development is designed can make a large difference in the way it fits into the community. Most citizens requested community design to ensure:

- Compatible new homes in neighborhoods;
- Transition buffers between neighborhood and commercial land uses;
- Tree and view preservation;
- Functional and aesthetic improvements to the Aurora Corridor; and
- Basic design review for single-family, multifamily, and commercial development.

The Community Design Element guides public and private development, while protecting its positive characteristics. These policies will help create a city that is diverse, people-oriented, aesthetically appealing, and understandable. These goals and policies will apply to the built and natural environments in Shoreline: buildings, streets, sidewalks, parks, neighborhoods, plazas, etc.

Community design combines aspects of architecture, landscape, public works facilities, public art and transportation's systems. Improved design does not have to be extravagant; it can simply be a more thoughtful approach to the look of new development.

Design Quality

Design quality is important to Shoreline because the changes and new development that is anticipated in the next 20 years will need to fit into and enhance the community. Frequently, development becomes more acceptable if it is well-designed. Design describes more than appearance. Design also means the way a development functions and relates to surrounding properties. Examples are shared

driveways, similar landscaping, pedestrian connections, similar building form, collective open and public space, and continuos pedestrian protection from weather. Assets and attributes of adjacent sites, when connected or combined, improve the overall function and appeal of the area. Design is not necessarily extravagant. Rather, design quality means thoughtful development and thoughtful improvements. Design quality is seen as a development's overall contribution to the appearance of the community. For example, within new development, retention of existing vegetation and new landscaping contribute to Shoreline's image as a community that values and protects its trees.

Goals and Policies

Goal CD I: To promote commercial and residential development that is carefully considered, aesthetically pleasing and functional.

Policies

Site and Building Design

CD1: Encourage design of major private and public buildings to create distinctive reference points in the community.

CD2: Adopt design criteria for development proposals so that new projects contribute to the community and complement adjacent development.

Design criteria should address contributions to the public realm, consistency with adjacent development, quality, preservation of trees and natural areas.

CD3: Provide development incentives to encourage designs for the built environment that are visually stimulating and thoughtful, and that convey quality architecture, workmanship and durability in building materials.

CD4: Encourage designs that contribute to a consistent appearance and function along the public frontage and in the public realm but allow flexibility and variety elsewhere on site.

CD5: Ensure that development relates, connects, and continues design quality and site functions from site to site in multifamily, public facilities and commercial areas.

CD6: Encourage adjacent development to enhance, incorporate, and reinforce designated gateways.

CD7: Encourage developments that are located on the edge of public places to enrich the places and encourage people to use them, by enhanced architectural elements and building materials (e.g., full length windows with displays or activity inside to provide interest, street furniture, etc.).

CD8: Encourage development that provides public amenities, such as public and pedestrian access, pedestrian-oriented building design, mid-block connections, public spaces, activities, openness, sunlight, and view preservation.

CD9: Provide development incentives to encourage private and institutional developers to include artists on design teams and incorporate artwork into public areas of their projects.

CD10: Design rooftop mechanical equipment, loading areas and dumpsters screening so that it is integral to the building architecture.

CD11: Use building and site design, landscaping, and shielded lighting to buffer the visual impact of development on residential areas.

CD12: Encourage architectural elements that provide rain cover and solar access to pedestrian areas.

CD13: Ensure clear and ample walkways for pedestrians to connect public sidewalks and parking areas to building entrances, and to connect within and between developments.

Signs

CD14: Ensure that sign design and placement complements the building architecture.

CD15: Ensure that signs provide information and make a positive visual contribution to the character of the community.

CD16: Discourage multiple or large signs that clutter, distract, and dominate the streetscape of commercial areas.

CD17: Initiate removal of billboards using an amortization schedule.

CD18: Consolidate signs on a single structure where a commercial development includes multiple businesses.

Vegetation and Landscaping

CD19: Use landscape design that is urban in character in commercial settings and use natural landscape design in more residential settings.

CD20: Encourage large scale, residential and commercial development to consolidate many small landscape areas into fewer large areas, especially when site frontage can be enhanced. Street trees are not included in this policy statement.

CD21: Encourage concentrated seasonal-color planting in highly visible, public and semi-public areas.

CD22: Exemplify the Pacific Northwest environmental character through the retention of existing vegetation and through use of native plants in new landscaping. Encourage water conservation in landscape designs.

CD23 Preserve significant trees and mature vegetation, where clearing and construction is unnecessary, with special consideration to the protection of stands of trees and associated undergrowth, specimen trees, and evergreen trees.

Open Space

CD24: Preserve and encourage open space as a dominant element of the community's character through parks, trails, water features, and other significant properties (such as cemeteries) that provide public benefit.

CD25: Encourage major development to integrate public and semi-public open spaces.

CD26: Preserve and enhance views of water, mountains, or other unique landmarks from public places as valuable civic assets.

Public Places and Connections

The best public places appeal to the broadest number of people: young and old, residents and visitors, workers and shoppers, the agile and the disabled. Public art and cultural events bring people together, express the diversity of a community's character, and make places interesting.

People are drawn to public places that are comfortable and attractive. Attracting people into the public realm means supporting them with better transit and safer sidewalks and walkways as important connections between different places in the city. Street corridors tie different parts of Shoreline together and should instill public pride through design. The I-5 freeway is a major corridor that should be enhanced to be more attractive to soften the visual impact on Shoreline's image.

Goal CD II: To improve the highly visible public realm so that it creates a cohesive image and improves the experience of pedestrians and drivers without increasing safety problems.

Policies

Public Places

CD27: Provide public places of various sizes and types throughout the community by designating areas where public places do exist and should exist.

CD28: Ensure that public places are designed to provide public amenities such as seating, landscaping, kiosks, connections to surrounding uses and activities, and a sense of security.

CD29: Consider the edges of public places that abut residential property for special design treatment to create a buffer effect, while providing visual access and security.

CD30: Ensure access to sunlight and fresh air in public places by designing buildings and open areas that prevent building shadows during periods of the year and times of the day when outdoor activity is most prevalent.

CD31: Incorporate pavilions in major public places to provide protection from inclement weather. While total enclosure may be discouraged, some enclosure may be necessary.

CD32: Protect waterfronts and make them accessible to the public so that they continue to give Shoreline an image of a city with natural beauty.

Public Art

CD33: Support a variety of artwork and arts activities in public places, such as parks, public buildings, rights-of-way, and plazas.

CD34: Develop diverse and commendable arts resources.

CD35: Use the 1% for Public Art Program to generate money for public art.

CD36: Encourage private donations of art to the City.

Sidewalks, Walkways and Trails

CD37: Ensure continuous, wide, and accessible sidewalks for the disabled along principal, minor, and collector arterials. These improvements should be connected with abutting land uses.

CD38: Provide clear and identifiable circulation systems into and through Shoreline's large commercial blocks to improve pedestrian activity.

CD39: Ensure that sidewalks, walkways, and trails are furnished, where needed and appropriate, with lighting, seating, landscaping, street trees, public art, bike racks, railings, newspaper boxes, trash receptacles, etc. These improvements should be compatible with safe pedestrian circulation.

Street Corridors

CD40: Design boulevards, where designated, to include street trees, median plantings, special lighting, setback sidewalks, signs, street names, flower displays, public art, kiosks, prominent crosswalks, and decorative paving.

CD41: Encourage streetscape designs that provide ample pedestrian gathering places at corners and which unify corners of key intersections involving principal arterials.

CD42: Establish attractive gateways at various locations in the City;

- Key Entries - on major arterials at the city limits (see Figure CD-1).
- Commercial Districts - internal locations of the city where commercial districts begin.
- Residential Neighborhoods - locations to be determined by each neighborhood.

A gateway can be dramatic and obvious and include a combination of buildings, structures, landscaping, signs, lighting, and public art.

CD43: Enhance the Aurora Corridor to include gateway improvements, pedestrian amenities, landscaping, cohesive frontage improvements, and a boulevard streetscape design.

CD44: Provide a system of "green streets" for pedestrian and bicycles to connect parks, open space, recreation areas, trails, schools, and shopping (see Figure CD-1).

Transit Facility

CD45: Encourage site and building designs that support and connect with existing or planned transit facilities in the vicinity.

CD46: Design and locate bike racks, wheelchair access, pedestrian amenities, and other modes of transportation so that they are coordinated with transit facilities.

Freeway

CD47: Encourage land uses, other than residential, that front along the freeway to make improvements that enhance the visual experience through Shoreline.

CD48: Encourage distinctive improvements at freeway interchanges.

CD49: Encourage the construction of soundwalls between residential neighborhoods and the freeway.

CD50: Encourage dense, fast growing plantings that screen or soften views of the freeway.

Neighborhoods

Shoreline is comprised of a number of neighborhoods that include homes, schools, parks and other public facilities, and commercial and public centers that provide a variety of shopping and services. Neighborhood design policies can maintain and strengthen the more private qualities of residential areas, while encouraging commercial and public centers to attract people and provide services to nearby residents.

For residential neighborhoods to co-exist with commercial development, it is important to soften transitions between these two general land uses. It is also

important to promote good quality neighborhood services in adjacent commercial areas. The community becomes more cohesive as neighborhood development is refined to be more attractive, interactive, and functional.

Goal CD III: To enhance the identity and appearance of residential and commercial neighborhoods.

Policies

Neighborhood Commercial

CD51: Develop attractive, functional, and cohesive commercial areas that are harmonious with adjacent neighborhoods, by considering the impacts of land use, building scale, views and through-traffic.

CD52: Provide identity and continuity to street corridors by using a comprehensive street tree plan and other landscaping to enhance corridor appearance and create distinctive districts.

CD53: Incorporate architectural character, landscaping, and signs into commercial areas to create a cohesive appearance and functions that are complementary.

CD54: Ensure that perimeter areas of commercial districts use appropriate planting, lighting, and signs to blend with surrounding commercial development and to buffer adjacent residential neighborhoods.

CD55: Encourage buildings to be sited at or near the public sidewalk as long as safe access and space for improvements (e.g., benches, lighting) are not diminished.

CD56: Encourage buildings on adjacent but separate properties to have common walls.

Residential

CD57: Encourage neighborhoods to make their own decisions about neighborhood signs within city-wide criteria.

CD58: Incorporate entry designs (such as low-profile identification signs, landscaping) into residential neighborhoods that complement neighborhood character.

CD59: Encourage improvements to neighborhood appearance and function, such as signs, crosswalks, traffic calming, fencing, special lighting, landscaping, etc., as long as pedestrian and vehicular safety are ensured.

CD60: Preserve the natural character of neighborhoods by minimizing the removal of existing vegetation when improving streets or developing property.

Historic Landmarks

The City's history gives it depth, diversity and uniqueness. Different parts of the City have their own individual mixture of past events, people, and buildings. Most people are familiar with historic buildings and districts, but in Shoreline there are also other places which are reminders of the past. Some visible examples include the late 1800's platting of Richmond Beach and the red brick road on Ronald Place near Aurora and N. 175th Street. Other examples include Ronald School, Firlands Sanitarium, the early water tower in Hillwood, the North City Tavern, the Stone Castle in Highland Terrace, and WWII housing in Ridgecrest, to name a few.

Some events worth commemorating include the building of the Great Northern Railroad (1891) and the North Trunk Road (1905 - 1925), construction of The Highlands and Seattle Golf Club (1907), development of poultry and berry farms, and the expansion of Highway 99 (after 1938).

The City can enrich the lives of its citizens and its appeal to visitors by commemorating its past. In some cases, this may mean active involvement in the preservation and renovation of historic landmarks; in others cases, historical interpretation may be sufficient. Policies which provide direction for preservation and commemoration enable us to retain an important link with previous generations. Preserving historic resources can help retain community values, provide for continuity over time, and contribute to a sense of place within Shoreline.

Goal CD IV: To encourage historic preservation to provide context and perspective to the community.

Policies

CD61: Preserve, enhance and interpret Shoreline's historical and archaeological identity.

CD62: Recognize the heritage of the community by naming or renaming parks, streets, and other public places after major figures and events through public involvement.

CD63: Designate historic landmark sites and structures to ensure that these resources will be recognized and preserved.

CD64: Continue to discover, educate, and inventory historic resources.

CD65: Review proposed changes to historic landmark sites and structures to ensure that these resources continue to be a part of the community.

CD66: Develop incentives such as fee waivers and code flexibility to encourage preservation of historic resources.

CD67: Steward historic sites and structures under City agencies that control landmark resources.

CD68: Work cooperatively with other jurisdictions, agencies, organizations, and property owners to preserve historic resources.

CD69: Adopt the State Historic Building Code, as an additional guideline or alternative to the Uniform Building Code, to provide for more appropriate, flexible treatment of historic buildings.