

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion to Adopt Findings, Conclusions, and Decision to Approve a Critical Areas Special Use Permit to Allow Aegis of Shoreline LLC to Construct a Building to House Non-Ambulatory Residents at 14900 1st Ave NE.
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Tim Stewart, Director Paul MacCready, Planner

PROBLEM/ISSUE STATEMENT: The issue before Council is a Critical Areas Special Use Permit (CASUP) necessary to permit Aegis to construct a 100,419 square foot, 3-story, assisted care facility for non-ambulatory elderly with 102 fully accessible units. The project is located at 14900 1st Ave NE, south of the wetland. An Aegis building under construction north of the wetland is not a part of this permit.

A CASUP is a Type C Action (SMC 20.30.060), which requires a quasi-judicial decision made by the City Council. An open record public hearing was conducted before the Hearing Examiner on July 31, 2002. After public testimony was closed, the Hearing Examiner reviewed the record, found that the applicant satisfied the criteria, and recommended that the CASUP be approved with conditions. Council's review of the application must be based on the written record and no new testimony may be heard.

ALTERNATIVES ANALYZED: The following are within Council's discretion and have been analyzed by staff.

1. The Council may approve the Critical Areas Special Use Permit as recommended by the Hearing Examiner.
2. The Council may deny the Critical Areas Special Use Permit if it finds that the criteria established in the Development Code have not been met and cannot be mitigated with conditions.
3. The Council may approve the Critical Areas Special Use Permit recommended by the Hearing Examiner with modified or new conditions to meet the criteria established in the Development Code that have not been met, but can be met by imposing additional conditions.

FINANCIAL IMPACT: There are no direct financial impacts to the City associated with this action.

RECOMMENDATION

The Hearing Examiner and Staff recommend that Council approve the Critical Areas Special Use Permit to allow construction of an assisted care residence to be completed at 14900 1st Ave NE by Aegis of Shoreline LCC; and adopt the Findings, Conclusions, and Recommendation

of the Hearing Examiner, dated August 26, 2002 with such modified and new conditions as Council may approve.

Approved By:

City Manager

A handwritten signature in black ink, appearing to be "J. S. O.", written over the City Manager's name.

City Attorney

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INTRODUCTION

The Critical Areas Special Use Permit (CASUP) application before Council is a request to allow the construction of a 100,419 square foot, 3-story, 102-unit assisted care facility for non-ambulatory elderly to be completed. The project is located at 14900 1st Ave NE, south of the wetland.

A public hearing before the Hearing Examiner was opened and closed on July 31, 2002. The Hearing Examiner found that the applicant satisfied the criteria if modified by conditions, and recommended that the CASUP be approved with conditions. The Hearing Examiners findings, conclusions, and recommendation are included in Attachment A.

PROCEDURAL SUMMARY

This application is a Type C action. The applicant must apply to the Department and make available all related project documents, such as permit applications to other agencies, special studies, and SEPA documents. The Department then prepares a recommendation to the Hearing Examiner. After the Hearing Examiner reviews the application and conducts an open public hearing, he makes a recommendation to the City Council based on specified decision criteria.

A critical areas special use permit (CASUP) may be considered if the critical areas chapters of the *Shoreline Municipal Code* would prohibit development by a private applicant or public agency or public utility (SMC 20.80.090). Consideration of the CASUP must be based on the following criteria:

1. That the proposed special use is in the public benefit;
2. There are no other practical alternatives to the proposed development which would cause less impact on the critical area; and
3. The proposal minimizes the impact on identified critical areas based on the implementation of adaptive management plans.
4. This special use permit process shall not allow the use of the following critical areas for regional retention/detention facilities except where the Hearing Examiner makes a finding that the facility is necessary to protect public health and safety or repair damaged natural resources:
 - a. Type I streams or buffers;
 - b. Type I wetlands or buffers with plant associations of infrequent occurrence; or
 - c. Type I or II wetlands or buffers which provide critical or outstanding habitat for herons, raptors or State or Federal designated endangered or threatened species unless clearly demonstrated by the applicant, using best available science, that there will be no impact on such habitat.

The final decision making authority is the City Council. Any appeal of the Council's decision must be filed with Superior Court within 21 calendar days after the final decision is issued by the City.

BACKGROUND

Aegis applied for the Critical Areas Special Use Permit (CASUP) September 10, 2001 and the City determined the application to be complete September 18, 2001.

Because of the proposed design, size, and configuration of the building, the applicant chose to apply for a CASUP to allow construction within the stream and wetland buffers. Thornton Creek is a Type II stream, and as such requires a buffer width of 75 to 100 feet. The maximum 100-foot buffer width is required unless the applicant implements enhancement measures. If enhancement measures are implemented, the stream buffer width may be reduced to a minimum of 75 feet.

Thornton Creek flows through Peverly Pond, a Type II wetland, which also requires a maximum buffer width of 100 feet. The maximum wetland buffer width may be reduced up to 50 feet if the applicant can demonstrate that the proposed uses or activities are considered low impact or buffer enhancement is implemented.

Two third party reviews of the Habitat Management Plan and Buffer Enhancement Plan were conducted by certified scientists from The Watershed Company. The City has contracted with this company for expert analysis on several projects. The Watershed Company found that both plans adequately provided mitigation of the impacts to the stream, wetland, and buffers. (Attachment A, Exhibit 1-J) and satisfy the enhancement condition for reduction of the two buffers to 75 feet (stream) and 50 feet (wetlands).

A judicial determination made by Superior Court regarding Thornton Creek's location within Peverly Pond, and the location of associated stream and wetland buffers, was remanded to the Hearing Examiner. In his January 25, 2002 decision, the Hearing Examiner determined that the location of the stream within the pond was the "edge of water" as defined by Exhibit E(R) (Attachment B).

The northeast corner of the building, nearest to I-5, is proposed to intrude approximately 30 feet into the 75-foot minimum stream buffer. A driveway turnaround, at the main entrance on the north side of the building is proposed to intrude approximately 35 feet into the 50-foot minimum wetland buffer.

A more detailed discussion of specific details about the project and the procedural history is found in the Hearing Examiner's Report (Attachment A) and the Staff Report (Attachment A, Exhibit 1). An analysis of how the applicant meets the CASUP decision criteria and a discussion of applicable codes and regulations are also found in the Hearing Examiner's Report and attachments.

The entire record made before the Hearing Examiner, including a verbatim transcript of the open record hearing, is available for Council review in the Council Office.

RECOMMENDATION

The Hearing Examiner and Staff recommend that Council approve the Critical Areas Special Use Permit to allow construction of an assisted care residence to be completed at 14900 1st Ave NE by Aegis of Shoreline LCC; and adopt the Findings, Conclusions, and Recommendation of the Hearing Examiner, dated August 26, 2002 with such modified and new conditions as Council may approve.

ATTACHMENTS

Attachment A: Hearing Examiner Report, dated August 26, 2002, Without Exhibits Filed in City Clerk's Office

Attachment B: Exhibit E(R) of Hearing Examiner's Remand Report, dated January 25, 2002

**CITY OF SHORELINE
HEARING EXAMINER**

ATTACHMENT A

FINDINGS, CONCLUSIONS AND RECOMMENDATION TO CITY COUNCIL

APPLICANT AND OWNER:	Aegis of Shoreline LLC 18200 NE Union Hill Rd, Suite 110 Redmond, WA 98052
PROJECT ADDRESS:	14900 - 1st Ave NE
PROJECT FILE NO.	201092
PROJECT DESCRIPTION	Construction of an assisted care facility includes a 3-story building for non-ambulatory elderly with 102 sleeping units. The subject site totals 3.2 acres in area, of which 17,535 square feet are critical areas. Thornton Creek flows through the wetland. Site work for the project encompasses parking, landscaping, street and stormwater drainage improvements, plus wetland and stream buffer enhancements. Construction permits have been issued but are currently inactive.
SEPA:	Mitigated Determination of Non-Significance (MDNS)
REVIEW PROCESS:	The chapter identifies the decision-making authority for a Critical Areas Special Use Permit (CASUP) as the City Council (20.30.060) and requires an open record public hearing to be conducted by the Hearing Examiner.

I. BACKGROUND INFORMATION

A. Proposed Project Description

Aegis of Shoreline LLC proposes to construct a 100,419 square foot, 3-story, assisted care facility for the elderly with 102 fully accessible units. A mix of studio, one-bedroom, and two-bedroom units will be offered to potential residents.

The building will be licensed for non-ambulatory residents. Typical assisted care features, such as a common lobby and living areas (two stories in height) dining areas (independent, private and assisted), sunroom, library, 2 activity rooms, family room, game room on the first floor; a home theater, meditation room, reading room, nurse, massage, physical therapy, lounge, consultation room, hydro-tub and beauty salon on the second floor; and a conversation area on the third floor

are proposed to be provided. The site will be staffed 24 hours a day, seven days per week by between 6 and 40 staff.

Proposed site improvements include new parking, perimeter and interior landscaping (i.e. Courtyard), and a new stormwater drainage system that includes detention and water quality components. In addition, off-site curb, gutter, and sidewalk improvements are proposed for 1st Avenue NE. Proposed enhancements to the critical areas are described in this report.

Runoff from the parking area is estimated to be very limited. Detailed stormwater drainage plans and technical information report were submitted with the building applications. Aegis' revised report has been submitted with this application. A critical area study and wetland mitigation plan and a habitat management plan were also submitted with this application. A third party review of those documents also has been completed and is included in the Exhibit 28, F, Attachment A).

B. Project Site

Legal Description of Subject Property

Lot B of Boundary Line Adjustment SHLA 2000-007:

That portion of Lot 5, Block 3, Green Lake Five Acre Tracts to the City of Seattle, according to the plat recorded in Volume 11 of Plats, Page 72 in King County Washington lying west of the westerly margin of Primary State Highway No. 1, as established by deeds recorded under recording No. 6040514; except the south 166 feet of said Lot 5; and except the west 10 feet of said portion of Lot 5 as conveyed to King County by deed recorded under Recording No. 2307200.

Together with that portion of Lot 4 of said Block 3, lying west of the westerly margin of Primary State Highway No. 1, as established by deeds recorded under recording No. 6040514 and 6062782; except the west 10 feet of said portion of Lot 4 as conveyed to King County by deed recorded under Recording No. 2307200.

Together with that portion of Lot 3 of said Block 3, more particularly described as follows: Beginning at a point on the south line of said Lot 3 from which the southwest corner of said Lot 3 lies N 71°42'08" E for 174.81 feet to a point on the westerly margin of said Primary State Highway No. 1; thence S 23°19'09" E, along said westerly margin, for 66.82 feet to a point on the south line of said Lot 3 from which the point of beginning lies N 88°04'20" W for 192.53 feet to the point of beginning.

Site Description

The applicant, Aegis Assisted Living, has stated that they wish to limit this application to the southern property, Parcel # 288170-0330 (Exhibit 1, A). The subject property is 3.2 acres in area. Construction commenced after the Hearing Examiner denied an appeal on a zoning variance (see Procedural History) from stream and wetland buffers. All work has now stopped pending action on this application, and the property remains an exposed, yet protected, construction site. The previous owner of the property, Provail, housed Cerebral Palsy residents.

All structures and impervious surface areas from the previous use were demolished as part of the recent construction.

The North Branch of Thornton Creek runs through the site in Peverly Pond at the extreme northern end of the property. Both the on-site wetland and stream are classified as Type II. This branch of the creek crosses diagonally under I-5 in two long culverts. Along Interstate-5's right-of-way, the banks are lined with grass. East of the subject property the creek travels through a concrete trough within the interstate right-of-way.

Habitat problems that have been identified are the concrete pipe under I-5, storm drains that discharge into the creek, poor streamside vegetation along I-5, the concrete trough Peverly Pond is impounded by is a significant concrete structure rising approximately 5-7 feet above the concrete trough.. Both the structure and trough are in the I-5 right-of-way and are controlled by the Washington State Department of Transportation (WSDOT). The impoundment structure at Peverly Pond is considered a significant barrier to upstream fish migration. The concrete trough is buried under a blanket of silt and in many spots is no longer visible.

C/ Neighborhood

The subject property is located in the Parkwood Neighborhood adjacent to Interstate-5. Three churches lie directly south of the site, and a single-family neighborhood south of the church properties. All of the property situated between 1st Avenue and the freeway is designated as either medium or high density residential in Shoreline's Comprehensive Plan.

Across 1st Avenue, west of the subject property, two sports fields are located within the boundaries of Twin Ponds Park. The ponds drain into a channel flanking a parking lot that serves the fields, through a culvert under the street, and into Peverly Pond. The pond discharges through a controlled concrete spillway and into the concrete lined stream described above. The stream flows alongside the freeway for approximately 800 feet, then under the freeway, re-emerging in Jackson Golf Course in the City of Seattle.

Single-family homes are located south of the park. The area, west of 1st Avenue is designated as Low Density Residential. First Avenue NE provides primary access from both Parkwood and Ridgecrest Neighborhoods to the interstate on-ramp at NE 145th Street.

D. Zoning

The subject property is zoned R-24 (Residential - 24 units per acres). This zone is primarily an urban residential zone that provides for a mix of predominantly apartment and townhouse dwelling units and other development types, with a variety of densities and sizes in locations appropriate for urban densities. Senior assisted housing is an outright permitted use in the R-24 Zone (SMC 18.08.030). The provisions of 20.40.110 (H) related to housing for the disabled and 20.40.120 related to a Community Residential Facility where units are essentially sleeping rooms with common dining and recreation facilities, the Director of Planning and Development Services has discretion to allow additional units over the basic zoning density.

Comprehensive Plan

Land Use Element:

The designated land use for the subject property is High Density Residential. The High Density Residential designation is 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 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.

Housing Element:

The proposed development by Aegis complies with the following housing goals: Goal H I to provide sufficient development capacity to accommodate the 20 year growth forecast; Goal H II to pursue opportunities to develop housing to address the needs of all economic segments of the community; and Goal H-IV: to encourage and support a variety of housing opportunities for those with special needs particularly relating to age, health or disability.

Parks, Open Space and Recreation Element:

Park lands include special use areas such as miscellaneous public recreation areas or lands occupied by a specialized facility. Some of the uses that fall into this classification include special purpose areas, waterfront parks, community gardens, single purpose sites used for field sports, or sites occupied by buildings. The proposed development by Aegis complies with the following parks, open space, and recreation goals and policies:

Goal PR I: Enrich the quality of life for all Shoreline residents by ensuring that a broad range of high quality parks, recreation and cultural opportunities are readily available, by preserving open spaces and maintaining a quality parks and recreation system.

PR2: Preserve, protect and enhance areas (where practical) with critical or unique natural features -- such as stream corridors, wildlife habitats, shorelines and wetlands -- especially if endangered by development.

PR4: Look for opportunities to preserve and protect current open space.

Goal PR II: Seek increased opportunities for Shoreline citizens to enjoy parks, recreation, and cultural resources through improving accessibility and usability of existing facilities and pursue opportunities and partnerships for new indoor and outdoor facilities for year round programming.

PR17: Provide, where appropriate, educational exhibits, displays and information to educate visitors about natural habitats and unique features.

Environmental Element:

The proposed development by Aegis complies with the following environmental goals and policies:

Goal EN I: Through leadership, policy, and regulation, the City shall strive to minimize its impacts on the natural environment. The City shall lead and support efforts to protect and improve the natural environment, protect and preserve environmentally sensitive areas, and minimize pollution and the waste of energy and materials.

EN4: Support, promote, and lead public education and involvement programs to raise public awareness about environmental issues, advocate respect for the environment, encourage individual and community efforts to protect the environment, and provide opportunities for the community and visitors to respect and enjoy Shoreline's unique environmental features.

Goal EN III: Provide habitat of sufficient diversity and abundance to sustain existing indigenous fish and wildlife populations. Balance the conditional right of private property owners to develop and alter land with the protection of native vegetation.

Goal EN V: Manage the storm and surface water system through a combination of engineered solutions and the preservation of natural systems in order to provide for public safety, prevent property damage, protect water quality, preserve and enhance fish and wildlife habitat and critical areas, and maintain a hydrologic balance.

Goal EN VI: Preserve, protect, and, where practicable, restore wetlands, shorelines, surface water, and ground water for wildlife, appropriate human use, and the maintenance of hydrological and ecological processes.

F. Procedural History

Previous Actions

A zoning variance was applied for in May 2000 to vary the stream and wetland buffer widths in order to build. The variance was approved June 27, 2000. The administrative decision was subsequently appealed along with the SEPA threshold determination. The Hearing Examiner denied the appeal after an open-record hearing held October 12, 2000. A building permit was issued November 16, 2000. The Examiner's decision was then appealed to Superior Court. On October 1, 2001 the Court remanded it back to the Hearing Examiner for further consideration on some of the variance criteria and two additional areas of consideration in the MDNS. This hearing occurred January 9 and 10, 2002. The Hearing Examiner upheld the appeal of the variance, but denied the appeal of the SEPA determination. Aegis withdrew the zoning variance February 19, 2002.

All construction stopped on the site October 1, 2001 when Superior Court issued a stay pending remand of the variance and has not restarted since the variance was withdrawn. Aegis has

continued to maintain a caretaker's residence at the site for security purposes. The following has taken place as part of this permit application process:

Pre-Application Meeting

A pre-application meeting were held between City staff and the applicant August 3, 2001.

Neighborhood Meeting

A neighborhood meeting was held August 23, 2001 at Shoreline Center, as specified in SMC 20.30.090. The report submitted by the applicant is Exhibit1, B. A transcription of a tape made at the meeting was submitted as part of Exhibit 3 (Item t). The transcription is not signed.

Application Submittal

The application for this special use permit was submitted to the City on September 10, 2001, and scheduled for hearing after the MDNS for the project was approved by the Hearing Examiner in January 25, 2002 (Exhibit 1, C).

Notice of Application

A Notice of Application and Public Hearing was mailed to owners of all properties within 500 feet of the subject site, posted in the Seattle Times and Shoreline Enterprise, and posted at the site on July 4, 2002 (Exhibit1, D).

Public Comment Period

The written public comment period ended at 5:00 p.m. July 19, 2002.

II. SUMMARY OF APPLICABLE CODES AND REGULATIONS

A. Shoreline Municipal Code (SMC)

Critical area special use permits (CASUP) are Type C Actions and subject to Title 20 of the Shoreline Municipal Code, commonly known as the Development Code. Chapter 20.30 specifies procedures for land use actions. The chapter identifies the decision-making authority for CASUP's is the City Council (20.30.060) and requires an open record public hearing to be conducted by the Hearing Examiner.

Application requirements are as follows: (20.80.100)

All applicants are encouraged to meet with the City prior to submitting an application subject to this chapter. The purpose of this meeting shall be to discuss the City's critical area requirements, processes and procedures; to review any conceptual site plans prepared by the applicant; to

identify potential impacts to critical areas and appropriate mitigation measures; and to generally inform the applicant of any Federal or State regulations applicable to the subject site. Such

conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the City.

A Critical Areas Checklist is required as part of the submittal package. The purpose of the critical areas checklist is to allow the Department to review applications to determine if critical area review is warranted or required. Applicants shall complete the critical areas checklist prior to any pre-application conference with the Department (Exhibit1, E).

A critical area report must be submitted to the City for review, if applicable. The purpose of the report is to determine the extent, characteristics, and functions of any critical areas located on or in close proximity to a site where regulated activities are proposed. The report will also be used by the City to assist in the determination of the appropriate critical area rating and establishment of appropriate buffer requirements in accordance with the appropriate critical area district overlay (Exhibit1, F). Required reports and studies shall include all applicable information for each critical area. (see SMC 20.30.100). All required reports and studies shall be prepared by a qualified consultant acceptable to the City. The City may, at its discretion and at the applicant's expense, retain a qualified consultant to review and confirm the applicant's reports, studies, and plans.

Relationship to other regulations are as follows: (20.80.110)

The critical area regulations shall apply as an overlay and in addition to zoning, land use and other regulations established by the City of Shoreline. In the event of any conflict between these regulations and any other regulations of the City, the regulations which provide greater protection to the environmentally critical areas shall apply.

Areas characterized by particular critical areas may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some critical areas. Wetlands, for example, may be defined and regulated according to the provisions for fish and wildlife habitat conservation areas, as well as provisions regulating wetlands. In the event of any conflict between regulations for particular critical areas, the regulations which provide greater protection to environmentally critical areas shall apply.

Duty to provide housing accommodation: (20.40.110 H)

The Director is authorized to make reasonable accommodations to provisions of the code that apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal Fair Housing Act and Fair Housing Act Amendments, when such reasonable accommodations may be necessary in order to comply with such acts. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site.

B. State Environmental Policy Act (SEPA)

A Mitigated Determination of Non-Significance (MDNS) was issued June 27, 2000, in accordance with WAC 197-11-350. As stated in the section discussing previous actions, the appeal of the remanded MDNS was denied by the Hearing Examiner January 25, 2002. The applicant had submitted an update to the SEPA checklist dated October 1, 2001. The update did not reveal any substantial changes to the proposal or new information indicating the potential for significant adverse environmental impacts that would warranted a new threshold determination or addendum (Exhibit 1, G).

III. PUBLIC HEARING

On July 31, 2002 the Hearing Examiner held a public hearing on the application for a Critical Areas Special Use Permit for Aegis Assisted Living. The hearing was opened at 7:00 p.m. in the Mount Rainier Room of the Shoreline Conference Center and was adjourned at 11:15 p.m. The record was kept open to allow the submission of additional comments. Comments were to be postmarked not later than August 10 or hand delivered to the City Clerk's office by noon on July 12th.

At the beginning of the public hearing the Hearing Examiner indicated that he had again visited the site to confirm the present status and that he had reviewed the staff report with attachments and letters and information received prior to the hearing. He reviewed the scope of the hearing and clarified some confusion created by the Notice of Application and newspaper notices. The Critical Areas Special Use Permit application applies only to the South property owned by Aegis. Also, that there was no MDNS appeal in that it had been considered at the remand hearing and the decision to uphold the MDNS was presently being appealed to Superior Court. He noted that issues had been raised the SEPA process utilized by the City may be flawed.

He noted that each witness would be asked to affirm that the information they would provide was true.

Testimony was first taken from the City of Shoreline; then the applicant and then the public. Opportunity for questions of witnesses was provided.

Those who testified were as follows:

City of Shoreline:

Ian R. Sievers, City Attorney
Paul MacCready, Planner II

Applicant:

Steve McCullagh, Aegis
Bill Shiels, Talasaea Consultants

Public:

Chris Eggen
Kellie Swenson
Janet Way
Dr. Sara Cooke
Patty Crawford
Tim Crawford
Bill Bear
Dennis Lee
Ginger Botham
Leonard Back
Richard Tinsley
Patricia Sumption
Ray Pelley
Brian Derdowsky
Elaine Phelps
Walt Hagen
Dick Libby

City of Shoreline:

The City Attorney indicated that all items in the record related to the Aegis project would become part of the public record. Testimony of the City summarized the staff report and discussed the criteria for granting a CASUP. The extent of critical areas on the site and the required buffers were discussed. It was noted that to meet the criteria it does not need to be a Public use, but has to provide a public benefit. Aspects of the Habitat Management Plan and monitoring program were reviewed. Floor plans of the proposed facility were submitted as well as an analysis of how the project meets the policies of the comprehensive plan. Conditions recommended to applied to the project were discussed as well as the staff recommendation that the Hearing Examiner recommend approval to the City Council.

Applicant:

The applicant indicated that they agreed with the provisions of the staff report and discussed their proposal and the constraint on the site with nearly 40 percent of it being critical areas. They reviewed the alternative site concepts they had prepared and the need to restrict the project to three stories in height because of the residents served, to provide 100 units to allow the provision of the necessary services and facilities and the requirement for significant amenities on-site in order to be competitive. They reviewed the public benefits of the project and the mitigation and monitoring that was being proposed to enhance the wetland and stream buffers.

Public:

A majority of the public that testified and submitted comments are opposed to the granting of a Critical Areas Special Use Permit; although a few people were in favor of the development. In summary the issues that were raised about the development included:

- It does not meet the criteria as a "public benefit" because it is a for-profit business that does not allow Medicare / Medicaid residents.
- The provisions of the Comprehensive Plan goals for environment and housing are not met in that the critical areas are not protected and the housing does not serve the range economic categories of the population in Shoreline.
- The design of the building is too large for the site with the extent of critical areas and their buffer requirements that are already being compromised from those recommended by Fish and Wildlife.
- The provisions of the Habitat Management Plan and on-site storm drainage are not adequate to mitigation the potential impacts and to protect the critical areas.
- Although some still question the ruling of the Hearing Examiner on where the stream buffer should be measured, it was stated that the applicant has redefined the edge of open water in Peverly Pond to reduce the extent of buffers on the adjacent parcels.
- The summary submitted by Aegis of the neighborhood meeting did not reflect the tone of the meeting and the extensive neighborhood concerns and opposition (an unsigned transcript of a tape of the meeting was submitted for the record).
- Concern were expressed about the confusion of the notices, what is included in the hearing, the adequacy of the SEPA review as applied to this development application utilizing a new provision of the Shoreline code and based on changes to the critical area regulations..
- Availability of documents such as the staff report as well as other City documents applicable to Thornton Creek was questioned.
- That the project should be reduced in size so that the impact on the buffer areas would be minimized.

IV. DISCUSSION OF DECISION CRITERIA AND OTHER ISSUES

The following discusses the decision criteria for the CASUP and other issues that were identified during the public hearing.

A. Critical Area Special Use Permit (CASUP)

Chapter 20.80.090, Critical area special use permit, states that if the application of the critical area chapter would prohibit a development proposal by a private applicant or others, that they may apply for a critical area special use permit. The permit may be granted if it meets the four criteria contained in Section B of the Chapter. The Hearing Examiner shall review the application and conduct a public hearing. The responses to decision criteria from Aegis are included in Exhibit 1, H. The Hearing Examiner shall make a recommendation to the City Council based on the following criteria:

1. That the proposed special use is in the public benefit.

Comprehensive Plan Goal H II encourages the City to pursue housing "to address the needs of all economic segments of the community" and Goal H-IV states that the City "encourage and support a variety of housing opportunities for those with special needs particularly relating to

age, health or disability". Shoreline's Comprehensive Plan identifies the City as having an aging and increasingly diverse population. Over 14% of the total population is over the age of 65. Approximately 8% of local residents are considered disabled. These demographics indicate a significant demand for housing options for special needs populations within the City of Shoreline.

Aegis assisted living facilities provide housing and health care to disabled senior residents. This use provides a public benefit to Shoreline and meets Comprehensive Plan Goal H-IV. Many who testified felt that Aegis did not qualify under this criteria because they are a for-profit company and do not take Medicare / Medicaid patients.

Aegis at the public hearing outlined a number of activities that they intend to do that are public benefits (Exhibit 28 A). Many of these are included in recommended conditions:

- Provide a resource library on aging and disability that will be available to the general public;
- Grant an easement to the City to manage stormwater facilities on-site;
- Work with the City and other Agencies to remove the barrier at the east end of Peverly Pond as appropriate;
- Make the open space wetlands, stream and buffers available to the public for educational purposes;
- Sponsor on-site classes for local schools and community groups; and
- Provide off-site environmental enhancement adjacent to Thornton Creek in Twin Ponds Park.

2. There are no other practical alternatives to the proposed development which would cause less impact on the critical area; and

Aegis provided a series of site plan alternatives illustrating reduced footprints based on increased height and their relative impact on the critical areas. They previously provided testimony and have now solicited individuals and companies that provide assisted living and health care to submit letters describing the industry's needs in order to operate. Three letters were received that specify industry standards. The general conclusions related to the overall development proposals from their information are:

- Three stories is the maximum height for the building to be viable for disabled residents who have difficulty accessing various floors safely. Higher buildings are also much harder to evacuate in an emergency.
- The minimum number of residential units that enable a facility to provide full services and adequate on-site or in-building facilities is 100.
- A full range of activity rooms and common use areas for residents is essential not only for the enjoyment of the residents but also to be competitive within the market.
- Enclosed courtyards are essential to providing a secure environment and sense of safety.

The applicant, Aegis, feels it has demonstrated that there is no other alternatives to the proposed development which would cause less impact on the critical area are practical (Exhibit 1, I).

Those opposed to the project have submitted substantial information on other projects in the Seattle / Shoreline area that are more than three stories in height, smaller and larger and provide varying amounts of on-site amenities and facilities. Many members of the public testified that they felt Aegis could still develop a reasonable project and have significantly less impact on the critical areas. The major issues identified are:

- extent of common facilities contained in the development to serve the residents is considered excessive (Exhibit 28, page 52);
- the location of the entry and driveway turnaround introduces a significant source of pollution - noise, glare, oil, vehicle emissions - immediately adjacent to the edge of the wetlands; and
- the parking areas, drainage facilities and building could be moved away from buffers adjacent to Peverly Pond/Thornton Creek and the property line along I-5 adjacent to the south portion of Thornton Creek.

The discussion by Aegis has focused on the issues of increasing height to reduce the footprint, the need for 100 residential units and associated facilities within the building to serve the residents. Alternatives that were presented did not evaluate nor provide alternatives for the site layout or the internal plans of the building itself. In reviewing the detailed site plan and the building floor plans as proposed, it appears that the manner in which the building has been designed could be reasonably modified without making major changes in the desired building program and function. These changes could significantly decrease the present impacts on critical areas and their buffers.

The changes that could reasonably be made include such things as:

1. Moving the entire building 8 to 10 feet to the west closer the parking area parallel to 1st Avenue NE.
2. Relocating the turnaround and canopy and entry to the building to the west such that it fits within the line of the previous building footprint. That increases the setback from about 15 feet to nearly 35 feet from the wetlands.
3. Deleting one 24 foot module of the building in the vicinity of the entry and redesigning the common facilities located on all floors and/or deleting a portion of the second level open areas to lower floors (entry & living).
4. Modifying the mix of residential unit types.

3. The proposal minimizes the impact on identified critical areas based on the implementation of adaptive management plans.

The buffer enhancement plans, prepared by Talasaea Consultants, were sent to The Watershed Company for their peer review (Exhibit 1, J). Watershed also received landscaping and civil plans. Their report of April 5, 2002 indicated no objections to the plans if 27 recommended revisions were implemented. The applicant revised their plans to comply with the recommendations and submitted the revisions on May 9, 2002. The peer review was the second performed for this project. Sheldon & Associates also provided a report on October 27, 2000. Aegis has employed two qualified biologists, Wetland Resources and Talasaea. Four separate companies have prepared, reviewed, and modified the applicant's buffer enhancement plans. All

these experts have indicated the adverse impact to the critical areas will be minimal if the enhancement plan is implemented.

The public concern appeared to focus on the fact that they consider the minimum buffer widths required in the Shoreline code to be inadequate, the amount of intrusion of the building and vehicular areas into these buffers that are considered too small and somewhat less on the specific recommendations for enhancement and mitigation within the buffer. The priority which is reflected in Shoreline's code to avoid the intrusion would be most acceptable.

4. This special use permit process shall not allow the use of the following critical areas for regional retention/detention facilities except where the Hearing Examiner makes a finding that the facility is necessary to protect public health and safety or repair damaged natural resources:

Type I streams or buffers; Does not apply.

Type I wetlands or buffers with plant associations of infrequent occurrence; Does not apply.

Type I or II wetlands or buffers which provide critical or outstanding habitat for herons, raptors or State or Federal designated endangered or threatened species unless clearly demonstrated by the applicant, using best available science, that there will be no impact on such habitat. The applicant does not propose a regional retention/detention facility. On-site stormwater detention is only provided for Aegis (Exhibit1, K).

B. Other Issues:

1. SEPA

A Mitigated Determination of Non-Significance (MDNS) was issued June 27, 2000 for the entire site owned by Aegis and for a variance. The Hearing Examiner denied the appeal of the remanded MDNS in January 2002. An update to the SEPA checklist was submitted by Aegis October 1, 2001. The City issued an addendum to the Environmental Checklist and MDNS for the north portion of the site on April 5, 2002. The City argues that the proposal has not changed that much and that the impacts originally identified are still valid.

It has been argued by opponents that this is a new application being proposed under a completely new provision of the Shoreline Municipal Code and it is not acceptable to utilize an outdated environmental review. In addition, they note that substantial new environmental information and mitigation plans are now available that have not been reviewed by the public.

2. Ex Parte Contacts and Appearance Of Fairness

An issue was raised regarding ex parte contacts and appearance of fairness between members of City Council. This is not an issue for the Hearing Examiner.

3. North Property

Information was provided regarding the definition of buffers on the North portion of the Aegis property. That is currently at Superior Court and is not an issue in this CASUP hearing.

4. Thornton Creek Location

One of the items of the remand hearing held on January 9th and 10th, 2002, was the location of Thornton Creek in Peverly Pond for purposes of measuring the required setback.. It was the conclusion of the hearing examiner in the decision dated January 25, 2002 that the appropriate stream buffer should be measured from that point as defined as "edge of water" on Exhibit E (R). It has been stated that this has been significantly modified for on recent drawings applicable to this application. It is the intent that unless modified by the Court, that conclusion should be utilized.

5. Notice And Availability Of Documents

Many residents complained about the unavailability of the staff report prior to the public hearing, the timing and lack of adequate notice and general restriction of pertinent reports that are in draft form by the City.

V. FINDINGS AND CONCLUSIONS

Findings:

1. The requirements of the application submittal have been met.
2. The wetland and stream critical areas on the site are both classified as Type II by the City and require a minimum 50-foot and 75-foot enhanced buffer, respectively.
3. Under the provisions of the Shoreline Municipal Code it is allowed to build within the footprint of a previous building on the site that extended into the required buffer.
4. The application for CASUP applies to the south parcel only.
5. The parcel is zoned R-24 (24 units per acre) which is consistent with the land use designation in the Comprehensive Plan.
6. Senior Assisted Housing is a permitted use in the R-24 zone and is considered a Community Residential Facility II (20.40.120) because the units are essentially sleeping rooms with common dining and recreation facilities. Under these provisions and those of 20.40.110 H regarding the disabled, the Director of Planning and Development Services can alter the density provisions.

7. The applicant has identified specific education activities and off-site environmental mitigation measures that in addition to providing for special needs housing and care constitute a public benefit.
8. In the event of a conflict between provisions of the Shoreline Municipal Code, the regulation that provides the greater protection to critical areas shall apply.
9. The record of all previous proceedings relative to the development of the property owned by Aegis in Shoreline has been made part of the record of this hearing.
10. The proposal is generally consistent with the goals and policies of the comprehensive plan.
11. The applicant's proposal for a maximum three-story building, approximately 100 units to support services and facilities, common areas and amenities including a courtyard are generally consistent with identified industry standards.
12. The location of the building on the site and the size of the building could be redesigned to reduce the size of the footprint and eliminate most of the intrusion into the defined buffer areas.
13. The Hearing Examiner has the authority to hear the case and to recommend conditions of approval to City Council for consideration.

Conclusions:

1. The development proposal made by Aegis cannot be built as proposed based on the application of the provisions of Chapter 20.80 - Special Districts.
2. The development proposal as conditioned meets the criteria as providing a public benefit.
3. The proposal as modified by the recommended conditions results in a development that minimizes the impact on the critical areas and their buffers.
4. The building footprint of the proposed facility can be reduced while maintaining the basic design and with minimum loss of function and be built within the required minimum buffers and the area where the original structure existed. If these changes cannot be substantially achieved, the development application does not meet the provision of Criteria 3.
5. A review of the site plan and building documents indicates that the modifications can be reasonably achieved by some combination of the following:
 1. Moving the entire building 8 feet to 10 feet closer to the parking area parallel to 1st Avenue NE.
 2. Relocating the Lobby and Entry driveway and canopy to the west within the floor plan such that it is within the line of the previous building footprint.
 3. Reducing a minimum of one module (approximately 24 feet or 1,800 square feet in the building footprint) from the total width of the building by redesigning and/or reducing the

common areas on each floor, reducing or eliminating second level open areas into the living and entry spaces, possibly making certain areas multi-use and possibly making slight changes to the unit mix.

6. The implementation of the adaptive management plans and the attached conditions will minimize the impact on identified critical areas.

7. Criteria 4 does not apply to this project.

8. The City's use of the June 2000 MDNS as supplemented in October, 2000, may have been confusing because of the project description; however, it is consistent with the provisions of WAC 197-11-600(3) in that SEPA requires the City to use the existing threshold determination unless there have been substantial changes to the proposal resulting in the likelihood of significant adverse environmental impact or there is new information of probable significant adverse environmental impacts.

VI. RECOMMENDATIONS

Based on the application as modified by conditions, site plan and building plans, Adaptive Management Plans and conditions, and SEPA Mitigation, the Hearing Examiner finds that the criteria have been satisfied and recommends to the City Council that the Aegis Assisted Living special use permit be approved with the following conditions:

A. Compliance with all MDNS mitigation measures as summarized (see MDNS and modification to items 6 and 10 for full descriptions of mitigation measures and conditions):

1. Third party review of the final wetland and stream mitigation plan - Staff indicates that this condition has been met (Exhibit 28, F, attachment A), although some additional review may be desirable when plans are modified per other conditions.

2. Completion of approved stream and wetland mitigation plan enhancements prior to issuance of any Certificate of Occupancy. This includes off-site improvements within the Thornton Creek sub-basin. (See Condition D).

3. Prior to any Certificate of Occupancy demarcate the boundaries of all sensitive areas buffers with decorative fencing and informational signage approved by the City.

4. Applicant will allow Thornton Creek Alliance and other groups to tour the site and to develop environmental learning programs.

5. Prior to any Certificate of Occupancy submit a vegetation/landscape management and maintenance plan meeting best management practices and prohibiting use of pesticides, herbicides and fertilizer within the stream and wetland buffers for the entire site.

6. Prior to approval of building permit revise the site plan to incorporate indicated on Attachment B to the MDNS. Please note this condition was modified on 10/16/00 and also that some of the added conditions to this CASUP may modify these somewhat.

7. Avoid the use of all inorganic pesticides and herbicides on the entire site.

8. Aegis shall use its best efforts to work with the City, Thornton Creek Alliance, Washington State Departments of Transportation and Fish and Wildlife to enhance Thornton Creek and remove barriers such as the impoundments structure at Peverly Pond.

9. Aegis will assist the City in the removal of one or more barriers to fish migration in Twin Ponds Park subject to approval of City Parks Director. See Condition D and Exhibit 28, F, f.

10. Prior to issuance of a building permit file a notice of all sensitive areas on the property title with King County Records. See Condition E below with specific recommended changes.

11. Repair, replace or remove the footbridge considered to be unsafe and unusable.

12. Install all right-of-way improvements according to the newly adopted design standards.

13. An easement shall establish and record the conveyance of stormwater through the on-site wetland.

14. The applicant shall comply with all conditions within 24 months of the decision date.

B. Compliance with all recommendations of The Watershed Company.

C. Redesign the site plan and building plans to reduce the impacts on critical areas as follows:

1. Increase the distance of the building from Thornton Creek adjacent to I-5 such that the building falls outside the 75 required minimum enhanced stream buffer and the area of the previous building that has been removed. Roof overhangs per the code, walkways and lighting as shown would be allowed within the buffer area. This can be achieved by moving the building closer to 1st Avenue NE and reducing the total width of the building by redesigning and making reductions in the vicinity of the entry and the concentration of other large common areas.

2. Increase the setback of the driveway turnaround from the wetland adjacent to Peverly pond from the present 15 feet to not less than the line of the previous building on the site. This measures approximately 35 feet. This will require that the relocation of the entry to the west.

3. Redesign the parking adjacent to Peverly Pond such that it maintains the 75-foot minimum enhanced stream buffer from Thornton Creek as it runs through the pond and the 50-foot minimum enhanced wetland buffer. The stream buffer was previously defined by the Hearing Examiner as the open water as shown on Exhibit E (Remand Hearing). The water quality vault which has already been built may remain within the 75 foot stream buffer.

D. Off-site mitigation contained in the MDNS Mitigations #2 and #9 have been reviewed by the Director of Parks, Recreation and Cultural Services and approved for compliance with the MDNS conditions by the Director of Planning and Development Services (Exhibit 28, F, Attachment F). These include the \$41,830 for off-site mitigation offered by Aegis in lieu of the mitigation previously proposed in the WSDOT I-5 right-of-way adjacent to Thornton Creek (mitigation #2) and \$5,000 for removal of barriers in Twin Ponds Park (Mitigation #9). It is recognized that not all of the following list of projects can be achieved with these funds; however the following is the proposed list in priority order (See Exhibit 28, F, Attachment F for a more detailed description of the projects):

1. Remove fish barriers (culverts), restore stream bed and hardened bank edges with plantings of native riparian species between the ponds and North 155th Street.

2. Remove fish barrier on the stream entering the southwest corner of Twin Ponds and extending to Meridian Avenue, excavate the channel to improve fish passage and restore exposed and hardened stream bank areas.

3. Wetland buffer restoration within the 5 to 10 foot vegetation buffer around the ponds with willow, cottonwood and cedar planting to provide shade and control access.

4. Remove non-native species and replace with native riparian and wetland plantings in the wetlands associated with Evergreen Stream to enhance fish habitat and supplement existing restoration work conducted by Evergreen School students.

E. The applicant shall revise and re-label the site plan, critical areas notice and stormwater drainage easement recorded on Shoreline Lot Line Adjustment SHLA-2000-007 to reflect the Hearing Examiner's remand decision of January 25, 2002, (Exhibit 28, F, Attachment G) as follows:

1. Sheet One - Revise Site plan to include the designated open water based on the Hearing Examiner's conclusion, the revised delineation of the wetland boundaries, both wetland and stream buffers and changes to the footprint of the north building.

2. Sheet Two - Revise Shoreline Municipal Code citation on critical areas notice to Chapter 20.80. Remove critical area buffer modifications notice that references withdrawn approved variance. Revise easement to also include fish and wildlife conservation habitat area.

The revised lot line adjustment shall be approved by Planning and Development Services and recorded with King County.

VII. EXHIBITS:

Exhibit 1 City of Shoreline Staff Report - Dated July 18, 2002
 Received in City Clerk's Office July 18, 2002

EXHIBIT A: Site plan, showing proposed development

EXHIBIT B: Application Form and Affidavit

EXHIBIT C: Neighborhood Meeting Report

EXHIBIT D: Notice of Application

EXHIBIT E: Critical Areas Worksheet

EXHIBIT F: Critical area Study & Wetland Mitigation Plan, Wetland Resources

EXHIBIT G: Mitigated Determination of Non-Significance (MDNS), SEPA Environmental Checklist, SEPA Checklist Update

EXHIBIT H: Responses to Critical Area Special Use Permit criteria

EXHIBIT I: Letters from Other Parties in Assisted Care Industry

EXHIBIT J: Talasaea Consultants Buffer Enhancement & Landscaping Plans, Habitat Management Plan; The Watershed Company's Peer Review Reports

EXHIBIT K: DCI Engineers Technical Information Report, Civil Plan

EXHIBIT L: Public Comment Letters

Exhibit 2 Additional Comment Letters - Dated July 23, 2002

Received in City Clerk's Office July 23, 2002

Exhibit 3 Comments on CASUP and MDNS for Aegis of Shoreline, LLC
Submitted by Claudia Newman - Dated July 22, 2002
Received in City Clerk's Office July 22, 2002

Received at Hearing:

Exhibit 4 Photocopy of City's Opposition to Petitioners' Motion for Partial
Summary Judgment Brief; Photocopy of Aegis Assisted Living's
Response to Petitioners' Motion for Partial Judgment
Dated July 29, 2002
Submitted by Paul MacCready, City of Shoreline Project Manager

Exhibit 5 Aegis Building Dimension Plans Dated September 22, 2000
Submitted by Paul MacCready, City of Shoreline Project Manager

Exhibit 6 Photocopy of Aegis Assisted Living's Response to Petitioners'
Motion for Partial Summary Judgment Dated July 30, 2002
Submitted by Steve McCullagh, Aegis of Shoreline, LLC

Exhibit 7 Photocopy of Aegis Assisted Living's Response to Petitioners'
Motion for Partial Summary Judgment Dated July 30, 2002
Submitted by Steve McCullagh, Aegis of Shoreline, LLC

Exhibit 8 Photocopy of Planning & Development Services' Comprehensive Plan
Compliance Not Dated
Submitted by Paul MacCready, City of Shoreline Project Manager

Exhibit 9 Photocopy of Peverly Pond Photograph Dated September 1998
Submitted by Steve McCullagh, Aegis of Shoreline, LLC

Exhibit 10 30" x 42" illustration: "Aegis Assisted Living Facility, Conceptual
Wetland Buffer Enhancement Plan" [Exhibit Y (R)] Not Dated
Submitted by Terry Danysh, Applicant's Attorney

Exhibit 11 52.25" x 29.75" color "Composite Landscape Plan"
Dated December 19, 2001
Submitted by Terry Danysh, Applicant's Attorney

Exhibit 12 30" x 42" illustration: Section A-A' and Section B-B' (of Conceptual
Wetland Buffer Enhancement Plan [Exhibit Z (R)] Not Dated
Submitted by Terry Danysh, Applicant's Attorney

Exhibit 13 34"x 30" Aerial Photograph with highlighting and labeling [Exhibit
J (R)] Date photographed October 6, 2000

Submitted by Terry Danysh, Applicant's Attorney

- Exhibit 14 Photocopy of Shoreline Enterprise Article Dated July 19, 2002
Submitted by Janet Way, Shoreline
- Exhibit 15 Photocopy of Shoreline Enterprise Article Dated June 28, 2001
Submitted by Janet Way, Shoreline
- Exhibit 16 Photocopy of Shoreline Enterprise Article Dated November 1, 2001
Submitted by Janet Way, Shoreline
- Exhibit 17 The State of Salmon Report, Office of the Governor
Dated December 2000
Submitted by Janet Way, Shoreline
- Exhibit 18 Photocopy of Summons from Stephen McCullagh to Timothy
Crawford, Patricia Crawford, et. al. Dated October 4, 2001
Submitted by Janet Way, Shoreline
- Exhibit 19 Photocopy of First Avenue NE Transfer Station Full Development
Conceptual Alternatives Report - King Co. Solid Waste Division
Dated December 1994
Submitted by Janet Way, Shoreline
- Exhibit 20 Photocopy of Neighborhood Meeting Report and Hearthstone
Retirement Home Brochure Dated October 10, 2001
Submitted by Janet Way, Shoreline
- Exhibit 21 Photocopy of University of Washington Abstract - Assessment of
Cumulative Effects of Urbanization on Small Streams
Dated February 14, 2001
Submitted by Pat Crawford, Shoreline
- Exhibit 22 Photocopy of Thornton Creek Biological Report - Antioch
University, Seattle Dated December 1998
Submitted by Pat Crawford
- Exhibit 23 Photocopy of University of Washington Abstract - The Functions of
Riparian Buffers in Urban Watersheds Dated 1998
Submitted by Pat Crawford
- Exhibit 24 Photocopies of Peverly Pond Water Vault Not Dated
Submitted by Pat Crawford
- Exhibit 25 Binder - Compilation of correspondence, articles, and photographs
Not Dated Submitted by Pat Crawford

- Exhibit 26 Photocopy of Riparian Buffer Zones Brief Not Dated
Submitted by Ray Pelley
- Exhibit 27 Photocopy of letter from Douglas Hennick to Mayor Jepsen;
Photocopy of letter from Tim Stewart to Douglas Hennick; SEPA
Threshold DNS
Dated February 12, 2001, March 21, 2001, & May 21, 2001
Submitted by Elaine Phelps

Received after Hearing:

- Exhibit 28 Additional written comments as of August 12, 2002
- Attachment A: Letter with attachment, Steve McCullagh, Aegis, August 9, 2002
- Attachment B: Letter, Kellie Swenson, August 12, 2002
- Attachment C: Letter with attachments, Janet Way, Thornton Creek Legal Defense Fund,
Paramount Park Neighborhood Group, August 11, 2002
- Attachment D: Letter with attachments, Bill Shiels, Talasaea, August 12, 2002
- Attachment E: Letter with attachments, Patty Crawford, Twin Ponds Fish Friends, August
12, 2002
- Attachment F: Supplemental Record Declaration, Paul MacCready, City of Shoreline,
August 12, 2002
- Attachment G: Letter, Bettlinn Krizek Brown, August 12, 2002
- Attachment H: Post Card, Dennis & Florine Goosen, August 12, 2002
- Attachment I: Post Card, Betty Lont, August 12, 2002
- Attachment J: Post Card, Vicki Westberg, August 12, 2002
- Attachment K: Post Card, Dick Libby, August 12, 2002
- Attachment L: Post Card, Betsy Hartley, August 12, 2002

VIII. PARTIES OF RECORD:

Chris Eggen	15104 11 th Ave NE Shoreline, WA 98155
Kellie Swenson	2308 N 149 th St. Shoreline, WA 98133
Janet Way Thornton Creek LDF	940 NE 147 th St. Shoreline, WA 98155
Elaine and Robert Phelps	17238 10 NW Shoreline, WA 98177
Tim and Pat Crawford Twin Ponds Fish Friends	2326 N 155 th Shoreline, WA 98133
Harold Crawford	15500 Stone Ave Seattle, WA
Sara Cooke	Seattle, WA
Bill Bear	2541 NE 165 th St. Shoreline, WA 98155

Dennis Lee	14547 26 NE Shoreline, WA 98155
Ginger Botham	16334 Linden N Shoreline, WA 98133
Leonard Back	2344 N 147 th St Shoreline, WA 98133
Ray Pelley	1000 NW 167 th St. Shoreline, WA 98177
Walt Hagen	711 N 193 St. Shoreline, WA 98133
Richard Tinsley	14855 6 th Ave NE Shoreline, WA 98155
Patricia Sumption	10510 11 th Ave NE Seattle, WA 98125
Brian Derdowski Thornton Creek LDF	70 E Sunset Way Issaquah, WA
Dick Libby	14712 12 Ave NE Shoreline, WA 98155
Clark and Dorene Elster	1720 NE 177th St. Shoreline, WA 98155
George Stephan Aegis	14709 75 th Ave NE Shoreline, WA 98155
Vicki Westberg	1231 NE 148 th Shoreline, WA 98155
Betsy Hartley	14712 12 th NE Shoreline, WA 98155
Betty Lont	14823 12 th NE Shoreline, WA 98155
John Riper Aegis	701 5 th Ave #4400 Seattle, WA
Bettelinn K. Brown	15517 27 Ave NE Shoreline, WA 98155
Bob Birkner	205 N 196 th Pl Shoreline, WA 98133
JoAnne Laz	911 NW 165 Pl Shoreline, WA 98177
Walter N. Crow	19025 9th Pl. NW Shoreline WA 98177
Susan Brown	15811 6th Avenue NE Shoreline WA 98155
Kenneth Howe	745 N. 184th Shoreline, WA 98133
Martin and Karen Kral	1317 N. 183rd St. Shoreline WA 98133
D. K. Miles	17066 10th NW Shoreline, WA 98177
Nancy Rust	18747 Ridgefield Rd. NW Shoreline, WA 98177

Peter J. McCowin	14516 Sunnyside Ave. N. Shoreline, WA
Douglas G. Hennick Fish & Wildlife, Region 4	16018 Mill Creek Blvd Mill Creek, WA 98012-1311
Claudia M. Newman Bricklin Newman Dold, LLP	14134 Fourth Avenue, Suite 1015 Seattle, WA 98101
Eric D. Pentico WA Fish & Wildlife, Region 4	16018 Mill Creek Blvd Mill Creek, WA 98012-1311
Janeen Cook	19324 Fremont Avenue N Shoreline, WA 98133
Carol Odell Mel Lucas, Ravenna	No Address e-mail through Ogden

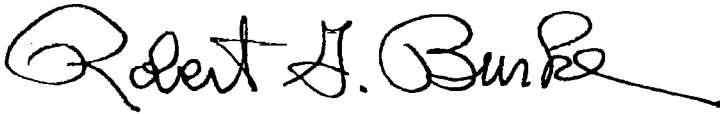
Applicant:

Steve McCullagh, Aegis of Shoreline LLC,
18200 NE Union Hill Rd., #110, Redmond WA 98052
Bill Shiels, Talasaea Consultants, LLC
15020 Bear Creek Road, NE
Woodinville, WA 98072

City of Shoreline

City Attorney
Planning and Development Services

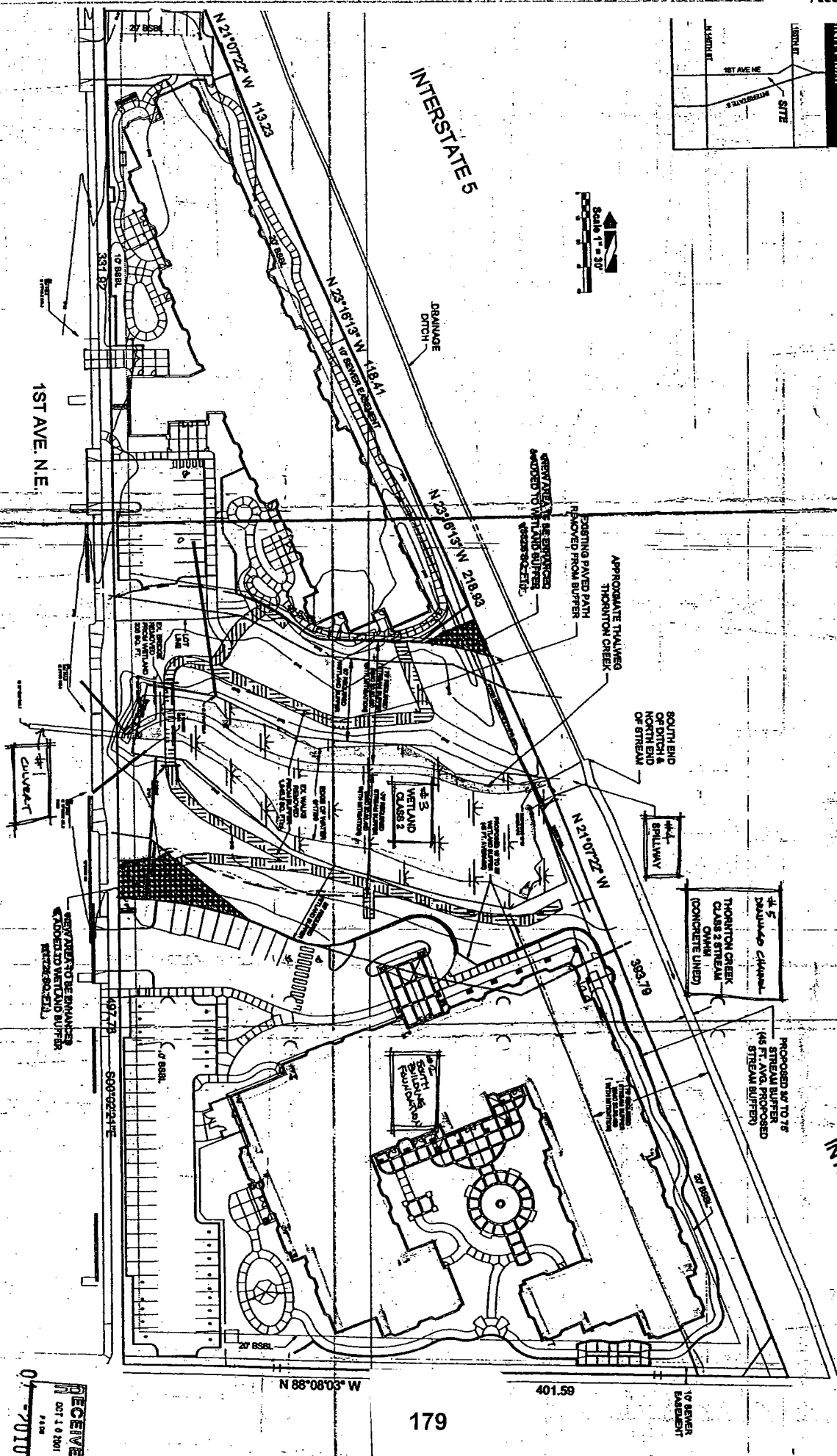
Entered this 26th Day of August 2002:



Robert G. Burke

APPEAL: Per Shoreline Municipal Code 16.40.010 Type C decisions made by the City Council shall be appealable directly to King County Superior Court.

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Method Resources, Inc.
 Consultants / Strategists / Trainers
 10000 15th Avenue N.E. • Seattle, WA 98125-3023
 Phone: (425) 337-3174
 Fax: (425) 337-3045
 Email: mailbox@methodresources.com

AEGIS ASSISTED LIVING - SHORELINE
SHORELINE, WASHINGTON

Aegis Assisted Living
Airt. Steve MacCallum
320 Concourse Boulevard
Santa Rosa, California 95603

WRI Job
Date: September

WRI Job
Draw
Date: September

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