

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Authorizing the City Manager to Enter Into a Transportation Mitigation Agreement with Shoreline Community College

DEPARTMENT: Public Works
City Attorney's Office

PRESENTED BY: Kendra Dedinsky, Traffic Engineer
Margaret King, City Attorney

ACTION: ☐ Ordinance ☐ Resolution ☒ Motion
 ☐ Discussion ☐ Public Hearing

PROBLEM/ISSUE STATEMENT:

On May 5, 2014, the City of Shoreline Hearing Examiner issued its decision approving a Master Development Plan (MDP) permit for Shoreline Community College to guide its campus development over the next 15 years subject to certain conditions, including traffic mitigation requirements. Based on requirements that were not met under the original MDP, the Hearing Examiner Decision provided the College with a couple of options, and the College chose to identify and implement mitigation measures that would allow development under the MDP to proceed.

The City and College have worked together to define a path for the College to proceed with MDP projects and associated transportation mitigation required to support them. The central terms of a Transportation Mitigation Agreement between the City and the College include the following:

1. The City will refund the College \$50,099.61 for Transportation Impact Fees (TIF) collected for the student housing project, consistent with the findings of the approved independent fee calculation within the 2018 Transportation Technical Report.
2. The College will submit an enrollment monitoring report to the City each quarter for the life of the MDP.
3. The College will provide mitigation for the intersection of Greenwood Ave N/NW Innis Arden Way; Greenwood Ave N/N 160th Street within six (6) years of Certificate of Occupancy of the student housing project, consistent with the provisions of Washington State law and Shoreline Municipal Code.
4. In coordination with the College, the City will advance design concepts for the intersection of Greenwood Ave N/NW Innis Arden Way; Greenwood Ave N/N 160th Street as slated in the 2019-2024 Capital Improvement Plan. The City will work with the College to develop a preferred design concept. This effort will also include coordinated public outreach, alternatives analysis, cost estimates, project delivery method, and schedule.

5. The College will provide mitigation for the intersection of Carlyle Hall Rd/Dayton Ave N/N 165th Street within six (6) years of the City's receipt of an enrollment report indicating the threshold for mitigation has been met, unless an updated traffic study submitted to and approved by the City, within six months of the enrollment report receipt date, demonstrates that mitigation is no longer necessary.
6. The City agrees to seek legal options for proportional-share reimbursements to the College for these mitigation projects which benefit other development in the City.
7. The City will release the assignment of funds in the amount of \$1,000,000.00 once final inspection and approval of Phase 1 mitigation work is completed.
8. The City will withhold future permits if the College fails to comply with the terms of this agreement.

With the execution of the Transportation Mitigation Agreement, the College and the City are provided with a clear path toward implementation of the College's MDP projects and the associated transportation mitigation required to support them.

FINANCIAL IMPACT:

The approved 2019-2024 Capital Improvement Plan allocates \$105,000 from the Roads Capital Fund in 2018 toward the conceptual design of intersection improvements at the intersection of Greenwood Ave N/NW Innis Arden Way; Greenwood Ave N/N 160th Street. Staff intends to proceed with this project, in coordination with the College, in order to achieve the best outcomes possible for the intersection mitigation project. Additional significant financial impacts to the City are not anticipated at this time.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a Transportation Mitigation Agreement with Shoreline Community College as negotiated by and in a form acceptable to the City Attorney, following the guidance provided in this staff report.

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

BACKGROUND

On May 5, 2014, the City of Shoreline Hearing Examiner issued its decision approving a Master Development Plan (MDP) permit for the Shoreline Community College to guide its campus development over the next 15 years subject to certain conditions, including traffic mitigation requirements. Shoreline Municipal Code (SMC) 20.60.140.C requires an applicant to build or fund right-of-way improvements where analysis shows the subject development's impacts will cause traffic level of service (LOS) failures. Level of service failures were demonstrated in the College's Master Development Plan Transportation Technical Report however no mitigation plan, or thresholds for when mitigation must occur, were identified. Instead of identifying trip thresholds and a mitigation plan for the failing intersections, the MDP relied solely on a Transportation Demand Management Plan (TDMP), which implements specific strategies with the goal of reducing overall vehicle trips to a site. As required by the Hearing Examiner, monitoring reports were prepared by the College and submitted to the City which were used to track progress toward the intended outcome of the TDMP strategy.

The subsequent TDMP monitoring reports demonstrated that the TDMP failed to decrease the number of car trips to/from the campus as intended. Given the failure of the TDMP, the Hearing Examiner Decision provided the College with the following options:

1. Accept the inability to implement MDP projects;
2. Seek a major amendment to the MDP; or
3. Identify and implement mitigation measures that would allow development under the MDP to proceed.

The College chose option 3, to identify and implement mitigation measures allowing development to proceed. In order to do this, the City required the College to enter into an agreement on May 22, 2018, which defined the path allowing the College to remain on schedule for their planned student housing project, while addressing requirements under the MDP, State law, and City code. The primary conditions of this preliminary agreement were as follows:

1. The College will obtain a Right-of-Way permit for Phase 1 Pedestrian Improvements identified in the Hearing Examiner Decision.
2. The College will apply for a minor amendment to the MDP.
3. The College will pay Transportation Impact Fees (TIF) for the student housing project as estimated via the City's standard forms, to be reconciled with the approval of an alternative fee calculation within the Transportation Technical Report.
4. An assignment of funds made by the College in the amount of \$1,000,000 will be released by the City following implementation and approval of the first mitigation project.
5. The College will complete and obtain approval for an updated Transportation Technical Report identifying mitigation thresholds and conceptual plans, and enter into an agreement setting terms for required transportation mitigation with the City of Shoreline by November 5th, 2018.

Failure to comply with any of these terms would result in the City stopping work on the student housing project.

Following execution of the first agreement, the City and College worked together to define a path for the College to proceed with MDP projects and associated transportation mitigation required to support them. The central terms of the Transportation Mitigation Agreement, to be authorized by City Council, include the following:

1. The City will refund the College \$50,099.61 for Transportation Impact Fees (TIF) collected for the student housing project, consistent with the findings of the approved independent fee calculation within the 2018 Transportation Technical Report.
2. The College will submit an enrollment monitoring report to the City each quarter for the life of the MDP.
3. The College will provide mitigation for the intersection of Greenwood Ave N/NW Innis Arden Way; Greenwood Ave N/N 160th Street within six (6) years of Certificate of Occupancy of the student housing project, consistent with the provisions of Washington State law and Shoreline Municipal Code.
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6. The City agrees to seek legal options for proportional share reimbursements to the College for these mitigation projects which benefit other development in the City.
7. The City will release the assignment of funds in the amount of \$1,000,000.00 once final inspection and approval of Phase 1 mitigation work is completed.
8. The City will withhold future permits if the College fails to comply with the terms of this agreement.

The City and College have successfully worked through the majority of the terms set forth in the first agreement, and with the execution of this final Transportation Mitigation Agreement, all terms of first agreement are met and the College and the City are provided with a path toward implementation of the College's MDP projects and the associated transportation mitigation required to support them.

ALTERNATIVES ANALYSIS

There are two potential options for project delivery regarding the mitigation required at Greenwood Ave N/NW Innis Arden Way; Greenwood Ave N/N 160th Street. The

approved 2019-2024 Capital Improvement Plan allocates \$105,000 in 2018 toward the conceptual design of improvements at the intersection of Greenwood Ave N/NW Innis Arden Way; Greenwood Ave N/N 160th Street. The City intends to proceed with this project, in coordination with the College, in order to achieve the best outcomes possible for the intersection mitigation project. As part of this process, if the City determines the preferred concept to be of higher cost than an alternative, and is able to fund the difference, the City will lead project management and implementation of the mitigation project from that point forward. In this scenario, the College will pay the City for the estimated amount of all applicable project costs related to the lower cost alternative. The City-led project delivery option is provided for flexibility at the time a decision on the design concept is needed in fall of 2019, in order to leave the door open for opportunities without added or undue risk to the College.

If the City is unable to find funding for a higher cost preferred option or if the preferred concept is the lowest cost option, the College will be responsible for continued project management and implementation.

The alternative to not executing this Transportation Mitigation Agreement is for the City to stop work on the student housing project until resolution on required mitigation is achieved. Resolution could include the following:

1. Legal challenge by the College, given the significant impact it would create regarding schedule and funding.
2. A decision to proceed with a major amendment to the Master Development Plan which requires a new hearing with the Hearing Examiner.

Allowing the construction to proceed and allowing the student housing to open without an agreement is not an alternative. The College's Transportation Technical Report indicate a failing level of service with the opening of the new student housing. In accordance with RCW 36.70A.070(6)(b), the impacts must be mitigated within six years of the failing level of service.

FINANCIAL IMPACT

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RECOMMENDATION

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