



AGENDA

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, July 28, 2008
6:00 p.m.

Shoreline Conference Center
Highlander Room

TOPICS/GUESTS: Richard Conlin, Seattle City Councilmember

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, July 28, 2008
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

- | | <u>Page</u> | <u>Est. Time</u> |
|---|-------------|------------------|
| 1. CALL TO ORDER | | 7:30 |
| 2. FLAG SALUTE/ROLL CALL | | |
| (a) Proclamation of 25 th Annual National Night Out Against Crime | <u>1</u> | |
| (b) Proclamation of Celebrate Shoreline | <u>3</u> | 7:35 |
| • Recognition of 2008 Parade Grand Marshall | | |
| • Recognition of the Lifetime Achievement Award Recipient | | |
| 3. REPORT OF THE CITY MANAGER | | |
| 4. REPORTS OF BOARDS AND COMMISSIONS | | |
| 5. GENERAL PUBLIC COMMENT | | 7:45 |
| <i>This is an opportunity for the public to address the Council on topics other than those listed on the agenda and which are not of a quasi-judicial nature. Speakers may address Council for up to three minutes, depending on the number of people wishing to speak. If more than 15 people are signed up to speak each speaker will be allocated 2 minutes. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. The total public comment period under Agenda Item 5 will be no more than 30 minutes. Individuals will be required to sign up prior to the start of the Public Comment period and will be called upon to speak generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i> | | |
| 6. APPROVAL OF THE AGENDA | | 8:00 |
| 7. CONSENT CALENDAR | | 8:00 |
| (a) Minutes of Business Meeting of June 9, 2008 | <u>5</u> | |
| Minutes of Special Meeting of June 16, 2008 | <u>15</u> | |
| (b) Approval of expenses and payroll as of July 16, 2008 | <u>27</u> | |
| in the amount of \$1,296,689.50 | | |

(c) Motion to Approve a Mini-Grant for the Meridian Park Neighborhood	<u>29</u>
(d) Ordinance No. 511, Amending Ordinance No. 109 and Increasing the Police Investigation Account	<u>33</u>
(e) Ordinance No. 512, Work Release Fee Schedule and Sliding Scale Payment	<u>35</u>
(f) Motion to Authorize the City Manager to Award a Construction Contract for the Richmond Beach Saltwater Park Phase 1 Improvements	<u>43</u>
(g) Ordinance No. 514, Approving the Shoreline Water District Franchise	<u>49</u>
(h) Motion to Approve an Amendment to the City Manager's Employment Contract	<u>51</u>

8. ACTION ITEMS: PUBLIC HEARINGS

Public hearings are held to receive public comment on important matters before the Council. Persons wishing to speak should sign in on the form provided. After being recognized by the Mayor, speakers should approach the lectern and provide their name and city of residence. Individuals may speak for three minutes, or five minutes when presenting the official position of a State registered non-profit organization, agency, or City-recognized organization. Public hearings should commence at approximately 8:00 p.m.

(a) Public hearing to receive citizens' comments on an Amendment to the 2008 CDBG Curb Ramp Project, Authorizing the City Manager to Approve the Contract Implementing the Amendment	<u>55</u>	8:00
(b) Public hearing to receive citizens' comments on City of Shoreline Resolution No. 280 Supporting Shoreline Fire Department Ballot Proposition No.1 Authorizing a Property Tax Levy Rate of Up To \$1.50 Per \$1000 of Assessed Valuation for a Six Year Period (2009 – 2014)	<u>59</u>	

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Ordinance No. 513 Rezoning the Property located at 14800 1 st Avenue NE from R-12 to R-24 (note: this is a quasi-judicial item for which the Council does not take public comment)	<u>67</u>	8:45
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10. ADJOURNMENT 9:15

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at www.cityofshoreline.com. Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 8 p.m. and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Council meetings can also be viewed on the City's Web site at cityofshoreline.com/cityhall/citycouncil/index.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Proclamation of "25th Annual National Night Out"
DEPARTMENT: Police Department
PRESENTED BY: Dan Pingrey, Police Chief

PROBLEM/ISSUE STATEMENT:

The Shoreline Police Department is joining with the National Association of Town Watch in sponsoring this year's "National Night Out" in Shoreline. The event, which is part of a nationwide crime, drug and violence prevention program, will take place on Tuesday, August 5, 2008. Along with the Police Department, the city's neighborhood associations and block watches are participating by sponsoring a variety of activities to celebrate this annual event. The goal of the event is to emphasize police-community partnerships and neighborhood safety.

David Bannister, of the Richmond Beach Community Association, and Londa Jacques, of the Ballinger Neighborhood, will be in attendance to accept the proclamation.

RECOMMENDATION

No action is required.

Approved By: City Manager  City Attorney ____



PROCLAMATION

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique nationwide crime, drug and violence prevention program on August 5, 2008 entitled "National Night Out"; and

WHEREAS, the "25th Annual National Night Out" provides a unique opportunity for the City of Shoreline to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the neighborhoods of the City of Shoreline play a vital role in assisting the Shoreline Police Department through joint crime, drug and violence prevention efforts and are supporting "National Night Out 2008" locally; and

WHEREAS, it is essential that all citizens of the City of Shoreline be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are the important themes of the "National Night Out" program;

NOW, THEREFORE, I, Cindy Ryu, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim August 5, 2008 as the

25th Annual National Night Out

in the City of Shoreline and encourage our citizens to join the Shoreline Police Department and the National Association of Town Watch in supporting this event.

Cindy Ryu
Mayor of Shoreline

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Proclamation for "Celebrate Shoreline"
DEPARTMENT: Parks, Recreation and Cultural Services
PRESENTED BY: Lynn M. Cheeney, Recreation Superintendent

ISSUE STATEMENT:

Tonight we proudly honor our 13th annual Celebrate Shoreline with a proclamation. This event celebrates the City's incorporation with activities that bring together citizens, community leaders, agencies and businesses. This year the North City Jazz Walk becomes part of Celebrate Shoreline and will kick off our celebration on Tuesday, August 12. This event, sponsored by the North City Neighborhood Association, the North City Business Association, and the Shoreline Arts Council, features seven venues of jazz music including performances by the 2008 Youth Jazz Camp. Other events begin Friday, August 15 with the popular Sk8 Competition for youth at the Connie King Skate Park followed on Saturday, August 16 by our big parade along 15th Ave NE and community festival and classic car show at Ridgecrest Elementary. We end the celebration on Sunday, August 17 with a sand sculpture contest sponsored by the Richmond Beach Community Association at Richmond Beach Saltwater Park.

Our 2008 Parade Marshals are James and Dorothy Stephens. Mr. & Mrs. Stephens have been residents of Shoreline for 40 years and are the owners of the Highland Ice Arena. They are charter/founding members of the Shoreline Chamber of Commerce which, after 32 years, continues to advocate economic development and business retention in Shoreline.

Dr. Arthur Kruckeberg will also be part of the Celebrate Shoreline parade as the 2008 City Council has presented him with a Lifetime Achievement Award for his dedication to the environment. After moving to Shoreline in 1957, Dr. Kruckeberg and his wife Mareen created what is now the Kruckeberg Garden with native plants and plants from around the world. With the passage of the 2006 bond issue, the Garden's future was assured and in 2008, it officially became a City of Shoreline park facility.

Each year the celebration grows and this would not be possible without the support of the hard-working and creative citizens committee which has worked with staff to design a great community celebration. Tonight, members of the committee and Recreation Assistant Pam Barrett will be present to accept the proclamation.

RECOMMENDATION

No action is required.

Approved By: City Manager  City Attorney 



PROCLAMATION

WHEREAS, the City of Shoreline is proud of its history and created "Celebrate Shoreline" after incorporation as an annual event to bring together residents, community leaders, agencies, and businesses to celebrate all the things that make our city such a great place to live, work and play; and

WHEREAS, this year Celebrate Shoreline will begin with the North City Jazz Walk on Tuesday, August 12; and

WHEREAS, a celebration for youth will be held at the Connie King Skate Park on Friday, August 15; and

WHEREAS, on Saturday, August 16th, there will be a parade in North City featuring Parade Marshals James and Dorothy Stephens and Lifetime Achievement recipient Dr. Arthur Kruckeberg, followed by a community festival including a car show at Ridgecrest Elementary School; and

WHEREAS, Celebrate Shoreline will conclude with a sand sculpture contest to take place at Richmond Beach Saltwater Park on Sunday, August 17th; and

WHEREAS, a citizens committee of Shoreline residents has worked diligently over the past eight months to help coordinate this year's events;

NOW, THEREFORE, I, Cindy Ryu, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim August 12th through the 17th 2008 as a time to

CELEBRATE SHORELINE

and encourage all citizens in Shoreline to participate in the many activities that will take place during this celebration of our city.

Cindy Ryu
Mayor of Shoreline

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING**

Monday, June 9, 2008 - 7:30 PM
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way

ABSENT: Councilmember Hansen

1. CALL TO ORDER

At 7:30 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Hansen.

Deputy Mayor Scott moved to excuse Councilmember Hansen. Councilmember McGlashan seconded the motion, which carried 6-0 and Councilmember Hansen was excused.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, reported on various City projects, events, and meetings.

(a) Tom Holtz, "Going Green in Shoreline"

Mr. Holtz discussed his career as a civil engineer in low impact development (LID) standards and site design. He said his report is called "Shoreline and the Future." He displayed slides which highlighted the areas the City should focus on. He emphasized that in the area of transportation, the focus should be placed on green streets, bridge decking, aerobuses, and zero runoff through trains. In the area of housing, the focus should be on multi-family housing, vertical urban farms, towers, and building condominiums on 1/4 to 1/3 acre lots. He also encouraged the use of volunteer raingardens. He noted that city-initiated upgrades bring value to the community, and "green" efforts and projects like this become a brand which influences and attracts new businesses to the City.

Regarding street projects, Councilmember Eggen asked if bridge decking on streets requires some type of special underlayment. Mr. Holtz replied that they have to be carefully designed

because they are basically a rain garden. He then described a green street design. Councilmember Eggen commented that the City has lots of areas covered by glacial till, noting that some techniques might not be useful in the City. Mr. Holtz responded that even on till soils, if runoff is distributed on a large enough area it will dissipate.

Councilmember Way discussed a facility where the runoff is controlled by bio-retention. She asked Mr. Holtz to explain the 65-0-10 concept. Mr. Holtz stated that it is the only standard for LID and the developers are allowed to choose among different LID techniques. He said the science has revealed that a healthy watershed has to have 65% native vegetation and soils. He noted that clear-cutting creates problems and jurisdictions have learned expensive lessons. He also added that "10" refers to having a maximum of 10% of the total area being impervious and "0" relates to the amount of runoff derived from the site.

Councilmember Way wanted to know the value of doing this for cities. Mr. Holtz replied that in 50 years most of the City could be converted to the 65-10-0 standard and that could mean salmon runs in Thornton, Boeing, and McAleer Creeks. He said it would mean increasing quality in Shoreline and "quality attracts quality." He noted that if the City protects and restores its infrastructure, developers will want to invest in the City. He noted that this creates a brand for the City to operate under.

Councilmember Way discussed infrastructure replacement cost and asked if this is a way to invest in lasting value. Mr. Holtz responded that there is a way to invest in lasting value through retrofitting. He noted that there are opportunities for long-term change. He stated that the value should increase property values so much that it would exceed the initial investment.

Mayor Ryu noted that she is impressed that the Ronald Wastewater District is maintaining the existing wastewater system. She asked what the impact would be if both the surface and wastewater were combined into the sewer system. Mr. Holtz responded that the stormwater can be intercepted before it combines with the sewer system and most of it can be eliminated. He confirmed that if the stormwater is greatly reduced then the sewer system capacity could be doubled which could eliminate the need for another Brightwater facility.

4. REPORTS OF BOARDS AND COMMISSIONS

Mr. Olander stated that the Council budgeted and it is in their work plan to begin some demonstration projects and "green" strategies this year.

Deputy Mayor Scott attended SeaShore where there was continued discussion on the Sound Transit 2 (ST2) ballot and it is still being deliberated.

Mayor Ryu added that if ST2 comes to ballot it will cost Shoreline taxpayers another \$4-5 million and eventually move to \$7-8 million per year. She added that she attended the Kruckeberg Gardens dedication. She stated that the North King County Green Business Meeting is tomorrow, and there is a reception with the Korean Consul General at Shoreline Community College (SCC) which will be held in the new Pagoda Union Building.

5. GENERAL PUBLIC COMMENT

a) LaNita Wacker, Shoreline, said it is perplexing that two of the current Councilmembers served on the Housing Strategy Committee, and while there is an emphasis on affordable housing, the moratorium implemented a housing cap of 110 units per acre. She added that an independent feasibility study was done, which concluded that underground parking is not economically feasible. However, a stipulation is being introduced that makes the size of units not economical. She stated that Ordinance 500 "down zoned" another 70 properties and has antiquated language.

b) Patty Hale, Shoreline, thanked the Council for awarding mini-grants on a regular basis. She said they were allowed to plant street trees, develop a logo, and put signage in. She added that grants have funded Phase 1 of the Ridgecrest Elementary playground equipment, and they purchased 25 banners and brackets. She added that mini-grants are vital in giving neighborhoods an identity.

c) Richard Johnsen, Shoreline, said the Ridgecrest signs are very impressive and create a sense of identity. He said the mini-grants are very effective. He said Nora Smith is great and is busy working on helping to revive the Meridian Park Neighborhood Association. He noted that he attended both Sound Transit meetings and encouraged Larry Phillips to come to the Council and justify the Sound Transit expenditures.

6. APPROVAL OF THE AGENDA

Deputy Mayor Scott moved approval of the agenda. Councilmember McGlashan seconded the motion, which carried 6-0 and the agenda was approved.

7. CONSENT CALENDAR

Councilmember McGlashan moved approval of the Consent Calendar. Deputy Mayor Scott seconded the motion, which carried 6-0 and the following items were approved:

(a) **Minutes of Business Meeting of April 28, 2008**

(b) **Approval of expenses and payroll as of May 28, 2008 in the amount of \$1,489,168.55 as specified in the following detail:**

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
4/20/08-5/3/08	5/9/2008	23896-24094	7574-7613	36367-36375	\$397,833.24
					<u>\$397,833.24</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
5/16/2008	36376		\$1,668.06
5/16/2008	36377	36392	\$3,902.56
5/16/2008	36393		\$209,969.15
5/19/2008	36394	36422	\$484,137.26
5/19/2008	36423		\$787.08
5/20/2008	36424	36445	\$27,866.98
5/20/2008	36446		\$200.00
5/21/2008	36447	36476	\$90,889.73
5/27/2008	36477	36499	\$184,221.10
5/28/2008	36500	36526	\$87,693.39
			<u><u>\$1,091,335.31</u></u>

(c) Approval of Ridgecrest Neighborhood Mini-Grant Project

(d) Resolution No. 276, Authorizing Applications For Funding Assistance for a Washington Wildlife And Recreation (WWRP) Program Project to the Recreation and Conservation Office (RCO) as provided in Chapter 79a.15 RCW, Acquisition Of Habitat Conservation And Outdoor Recreation Lands

8. NEW BUSINESS

(a) Resolution No. 277, Supporting Ballot Proposition No. 1 for the August 19, 2008 Special Election, "Proposed Annexation to Ronald Wastewater District"

Mark Relph, Public Works Director, introduced Michael Derrick and Art Wadekamper, from Ronald Wastewater District (RWD), who provided a brief presentation on the proposal to annex an area into the Ronald Wastewater District. Mr. Wadekamper noted that the District was acquired from the Lake City Sewer District from Seattle in 2001.

Mr. Derrick provided a PowerPoint presentation and noted that the board has been attempting to get the ratepayers a vote. He highlighted that the board passed a resolution to get that on the ballot. He said the RWD ensures that fats, oils and grease don't go into the system of 190 miles of sewer pipe and 4,500 manholes. He said collection, treatment, and stormwater is managed by the cities. He highlighted that this resolution features voting rights for all ratepayers and displayed a map of the proposed area. He added that this gives all ratepayers the right to vote and to run for commissioner. Additionally, this annexation will not increase rates or taxes. He said this will benefit 19,000 residents, 300 businesses, 10 schools, and 24 parks. He stated that they have visited nearly all the neighborhood groups.

Ian Sievers, City Attorney, explained that state law limits the City's ability to use resources to support ballot issues. However, the Council can come to collective decision since this item is noticed by ballot title. He noted that the Council can vote and support the ballot measure.

Mayor Ryu called for public comment.

a) LaNita Wacker, Shoreline, said she has been a customer of RWD for a long time and they are the best value in the City. She embraced the opportunity for citizens to vote for their representatives.

b) Richard Johnsen, Shoreline, said he lives in the former Lake City Sewer District (LCSD) area. He encouraged fellow citizens in LCSD area to vote for the annexation because it gives residents an opportunity to feel more inclusive. He said he is afraid a lot of people don't understand what's going on.

Councilmember Way asked if a majority is needed to pass the vote. Mr. Holtz responded that it takes a simple majority to be adopted.

Councilmember McGlashan moved to adopt Resolution No. 277, Supporting Ballot Proposition No. 1 for the August 19, 2008, Special Election, "Proposed Annexation to Ronald Wastewater District." Councilmember Way seconded the motion.

Councilmember Eggen pointed out that there are currently three commissioners on the board. He wondered if more positions would be added. Mr. Holtz replied that the commission doesn't intend to change the number of commissioners, but the people in the area can make that decision.

Councilmember Way asked for clarification on the combined sewers issue. Mr. Holtz responded that the system is completely separate and that it features an inflow and infiltration system through deteriorating pipes. He noted that they are working on several replacement pipe projects, but the pipes don't make a difference when it comes to the full system. Mr. Derrick added that this system is good and holds up well in storms.

Councilmember Way inquired how much it would cost to run the election. Mr. Derrick responded that it is based on who votes. However, it is invoiced after the election.

Mayor Ryu supported this item and said her first home is in this area and so is about one-third of the City's population. She urged them to add at least two more commissioners to their board.

A vote was taken on the motion to adopt Resolution No. 277, Supporting Ballot Proposition No. 1 for the August 19, 2008 Special Election, "Proposed Annexation to Ronald Wastewater District" which carried 6-0.

(b) Presentation of the 2009-2014 Capital Improvement Plan

Debbie Tarry, Finance Director, said this presentation is an introduction to the Council Capital Improvement Plan (CIP) process. She discussed the proposed schedule which concludes with its adoption on July 14, 2008. She added that the drainage basin plans should also be completed over the next few years.

Mr. Olander highlighted that the projects are derived from the Council's adopted plans which include long-range transportation, long-range parks, general capital projects, and the possibility of updating the City's Storm Water Master Plan.

Ms. Tarry noted that the relationship between the CIP and budget is that in the first year of the CIP, it becomes part of the budget. The CIP is a long-term policy document that helps identifies and prioritizes the City's long-term financial needs. It helps with grants, she said, and should be considered flexible. Furthermore, she said it forecasts the future needs and revenues. She commented that the CIP also allows the City staff time to complete processes and cost estimates of the projects. She noted that the six-year CIP also allows the City to coordinate with other jurisdictions. She warned that the CIP isn't a precise project cost estimate or project schedule and noted that the final scope of work on projects isn't determined until the construction phase. She announced that in the 2009-2014 Proposed CIP there are 47 projects with a total cost estimate of \$155 million. However, 77% of those costs involve three major projects; the 165th – 205th Street Aurora Corridor which is \$88 million, City Hall which is \$29 million, and the 2006 Parks bond issue projects which are \$3 million. She continued and explained the revenue sources. Real Estate Excise Tax (REET), she explained, is an important piece and was higher in years past. The latest loss in REET funds is \$1.4 million because a reduction in real estate sales. She highlighted that most of the funded projects include transportation or pedestrian-related enhancements. The remaining projects concern surface water, parks, and facilities maintenance. She added that some of the projects are linked to the Council goals which are the parks bond items, City Hall, and the Aurora Corridor improvements. She noted that the CIP is broken down into four distinct areas; 1) General Capital Funds, 2) Facilities Major Maintenance Fund, 3) Roads Capital Fund, and the 4) Surface Water Utility Fund. She pointed out that a copy of the CIP document will be on the City's website and a copy will be at the police storefronts and available in the City Clerk's office on paper or CD. She said there aren't a lot of significant changes from the previous CIP and that this CIP is balanced and flexible.

Mayor Ryu called for public comment.

a) Boni Biery, Shoreline, encouraged the City to inventory street trees and to add it to the CIP because she didn't hear anything about it in the presentation.

Mr. Olander replied that the City already has a complete inventory of street trees and it was done two years ago.

Councilmember Way discussed the Council Goals Workshop and asked how the new Council goals would impact the plan. Ms. Tarry responded that the CIP is reflective of the 2007-2008 goals and there are benchmarks within those goals. She felt they go together very well. Mr. Olander said this isn't just the capital budget, but some translate more towards the operating budget. He added that that a majority of capital will represent ongoing goals.

RECESS

At 9:30 p.m. Mayor Ryu called for a five minute break. Mayor Ryu reconvened the meeting at 9:36 p.m.

(c) Proposed Environmental Sustainability Strategy: Continued Discussion

Juniper Nammi, Associate Planner and Environmental Sustainability Strategy Project Manager, highlighted that the consultants have been selected and staff has responded to the public comments concerning the Strategy. She noted the proposed changes to the document and said this document is also available online as well as in CD format. She said she is glad to see the Council considering the implementation of this with the draft Council goals. She also expressed her satisfaction with the three Es: Environment, Economy, (social) Equity, included in the proposed strategy. She emphasized that this document is a strategy, like the tools in a kitchen. She added that there is a draft decision-making tool in Appendix E which is a snapshot look at how a particular project would contribute to the overall goals. She stressed that the implementation of this strategy will be critical to having a result of sustainability.

Mr. Olander commented that people often tend to look through a policy and its political screen, but there is also a financial and legal screen. He felt the sustainability strategy is a necessary screen for the City when making policy, budgetary, and capital decisions. He added that implementation will take time and congratulated the City staff for thoroughly reviewing Council and public comment.

Mayor Ryu called for public comment. There was no one wishing to provide public comment on this item.

Councilmember Eggen commented that he didn't see an attempt to reduce use of pesticides and herbicides in City parks and property. He said some people are acutely sensitive to toxins and he would like to see something more substantial in the strategy. Ms. Nammi referred to page 106 and said additional text was added. She said City operations uses very few toxins already, and it is currently utilizing integrated management in the City's parks and right-of-ways. Councilmember Eggen advocated for educational programs so that residents can be informed of the detrimental effects of toxin use.

Councilmember Way noted that this is a work-in-progress and it is continuing to improve with time. She is pleased with the priority recommendation section, the establishment of a permanent green team, and the idea of doing the Natural Resources Management Plan (NRMP). She asked how the NRMP could be implemented and if it would work along with all the other City master plans. Mr. Nammi replied that NRMP at a city level would look at all the places the City has identified habitat restoration, preservation, and acquisition and integrate natural systems. She commented that it is a way of looking city-wide at these locations.

Councilmember Way asked how the City would apply all of this across platforms to have effective decision-making. Ms. Nammi replied there are many different layers, and when the Planning and Public Works staff is ready to move forward with projects, they will pull out the specific recommendations. She added that an interdepartmental team will ensure this gets implemented through the various layers. Councilmember Way felt this all involves the master plan process and how the City can apply the sustainability strategy to them.

Mr. Olander commented that in the future, City staff reports may include sustainability implications just like they include financial impacts. He stated that the SEPA process will need to be considered too. He concluded that as the Development Code is reviewed, the appropriate changes will become the permanent requirements and be incorporated into the City's design regulations.

MEETING EXTENSION

At 10:00 p.m., Councilmember Way moved to extend the meeting until 10:30 p.m. Councilmember Eggen seconded the motion, which carried 6-0.

Mayor Ryu said this is a wonderful document and thanked the public for making it better. She said she has some minor editorial changes. She discussed the Green Business Certification which refers to the Environmental Coalition for South Seattle (ECOSS). She noted that the Shoreline Chamber of Commerce has tried to have ECOSS work with them and it has been frustrating. She felt the language needs to note that the City will endorse "something similar to" ECOSS. She hoped a "green" business certification program is included in the City's Comprehensive Plan.

Councilmember Way thought about interviewing kids about what should be done about the environment. She discussed the Green Business draft indicator and felt that in Appendix C, page 126, the term "consider" wasn't quite strong enough. She also preferred an emphasis on connecting Jackson Park Golf Course to the Interurban Trail. Ms. Nammi highlighted that under the inter-jurisdictional connections sections it isn't specifically mentioned, but it can be added to page 37. However, on page 39 it is included as a potential trail. Mr. Olander asked Ms. Nammi to ensure there is language in the document concerning the regional connectors. Councilmember Way felt that bus passes should be included on page 128. Ms. Nammi highlighted that even though it isn't spelled out there, bus passes are included.

Councilmember Way felt there should be an area on page 48 that focuses attention on "no-spray zones" in City parks. She added that toxins and chemical fertilizers are offensive to people. She wanted to add "fish habitat" as one of the strongest indicators in determining the health of a system. She noted that on page 54, she would like to add the Thornton Creek Watershed Plan, the Lake Ballinger Basin Plan, and maybe Lyons Creek under key recommendations. She also wanted Fircrest added to the ecosystem management section on page 52. She suggested wording changes to several areas, including page 91. She felt there should be a place in the plan to encourage property owners who want to retrofit their homes and property.

Ms. Nammi stated that the City staff is already working on updating the storm water standards and there are a lot of green projects happening.

Mayor Ryu said she sees this as an historical depository of ideas. She said these things are being done for economic and environmental survival.

Ms. Nammi commented that there was a Council request for an index and there will be a rough estimate that it will take sixty hours to generate.

Councilmember McGlashan commented on “SEA (Street Edge Alternative) Streets” and liked Councilmember Way’s idea of having street directions alternate. He said the neighbors would have to consent to having their street modified. Mr. Olander added that the key to it is to have “buy-in” because there are various tradeoffs. He felt there would need to be a super-majority of consent because it isn’t just what goes on in the right-of-way. Councilmember McGlashan commented that the SEA Streets he toured were one-way and very narrow.

Councilmember Eggen asked if Ms. Nammi was asking the Council direction on whether to create an index. Mr. Olander responded that an index is not an essential element to the document and would plan to put the document into final form for adoption.

9. ADJOURNMENT

At 10:25 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING**

Monday, June 16, 2008 - 6:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way

ABSENT: none

1. CALL TO ORDER

At 6:31 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember Hansen, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided updates, announcements, and reports on various City events, meetings, and projects. He then introduced students and teachers from Echo Lake Elementary to present their environmental mini-grant project at Camp Orkila.

The group stated that they did volunteer work involving picking up trash on the Interurban Trail, and becoming more aware of waste. They learned about outdoor education and preserving the wildlife and habitat. One of the representatives commented that the kids waste less food now and thank the City for the grant funding.

Councilmember Way thanked the students for their presentation and confirmed that they worked on it themselves.

Councilmember McConnell thanked them for their report. She commended the school and parents for supporting the transition to Echo Lake Elementary.

4. COUNCIL REPORTS

Councilmember Eggen stated that he attended three meetings. The first was the Eastside Human Services Forum meeting and there was discussion about three new human services funding

sources. He attended the Public Issues Committee meeting of the Suburban Cities Association. At that meeting, they addressed the new funding cycle for transportation and money from the Federal government. He said he also attended the Municipal Solid Waste Management Committee meeting and they discussed the upcoming Comprehensive Plan for recycling and their various goals coming out in the next 4-6 years. He highlighted that a main issue in the future is mandatory recycling.

Mayor Ryu commented that she and Councilmember Eggen attended the SeaShore Transportation Forum meeting. She said she would share a final version of the letter to be sent to the Sound Transit Board when it becomes available.

5. GENERAL PUBLIC COMMENT

a) Bob Phelps, Shoreline, on behalf of Shoreline Auxiliary Communications, stated there will be an exercise at the Shoreline Arts Festival using emergency power to communicate with as many others as possible. He said they love having the community and Councilmembers visit.

b) Bill Meyers, Shoreline, said that the City of Shoreline's website states that the City imposes utility taxes and franchise fees at a rate of 6%, based on gross revenues. He stated that when he calculated it he came up with 6.2 and 6.7%. He added that he was shocked to find utility tax was being imposed on itself. He wondered if there is a 6% tax on the 12% tax that Seattle charges. He said this is an issue about truth in government, or deception by government. He pointed out that there is a statement on the website about Seattle City Light charging every resident an additional surcharge of \$2.67 per month. He questioned if that increase is before the 6% fee is calculated. He said he hasn't received an answer. He asked the City Council to change the utility tax so it is a true 6%.

c) Bill Bear, Shoreline, discussed the Southeast Subarea Plan and the sixteen people proposed by the Planning Department to staff the committee. He said his main concern is that as Shoreline grows, people have a real sense that they belong here and that the City belongs to them. One way to accomplish that, he explained, is getting residents involved in planning. He felt that every person who applied to be on the committee should have been accepted because it brings a better outcome in the end.

Mr. Olander stated that the City staff will respond to Mr. Meyers' comments in writing.

6. APPROVAL OF THE AGENDA

Deputy Mayor Scott moved approval of the agenda. Councilmember McGlashan seconded the motion, which carried 7-0 and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Way requested removal of item 7(b) from the Consent Calendar and added as Action Item 8(a). Deputy Mayor Scott moved approval of the Consent Calendar

as amended. Councilmember McGlashan seconded the motion, which carried 7-0 and the following items were approved:

(a) Adoption of Southeast Neighborhoods Subarea Planning Citizen Advisory Committee

8. STUDY ITEMS

(a) Motion to Authorize the City Manager to Award a Contract for the Ronald Bog South Project

Councilmember Way asked for an explanation of the fish passable box culverts and which pipes are involved.

Mark Relph, Public Works Director, replied that there are two parts to this. He noted that the three culverts are different construction and the contract for the three culverts was awarded. The first part has already been designed and that is the 18" piece and will be located two blocks immediately south of Ronald Bog on Corliss Place.

Councilmember Way questioned if both would be increasing capacity and infiltration for storm water. Mr. Relph explained that during the low flow situations the ability for water to pass through the culverts will be increased.

Councilmember Way wanted to know if the section that the Council is approving tonight would improve the habitat in riparian area. Mr. Relph replied that it would and the area is fish-passable. He added that the City is moving towards improving the habitat of the entire area, with the assistance of the property owners, in the first phase.

Mayor Ryu said she was delighted that there were ten bids submitted. Mr. Relph commented that the City is doing well with bidding because the City staff tries to package projects so they are predictable and similar to other projects. He said the staff is doing a good job at estimating costs.

Mr. Olander noted that several projects are funded through Washington State Public Works Trust Fund Loans at a rate of .5% interest.

Deputy Mayor Scott moved to authorize the City Manager to award the construction contract to Construction, Inc. in the amount of \$949,628.70 plus a 10% contingency for the Ronald Bog South Improvements. Councilmember Eggen seconded the motion, which carried 7-0.

(b) Discussion of the 2009 - 2014 Capital Improvement Plan

Debbie Tarry, Finance Director, reviewed the Capital Improvement Plan (CIP) document with the Council on a fund-by-fund basis. She highlighted that the CIP has to be balanced within each fund, each with its own resources. However, future anticipated grants can be used as funding sources. She provided a summary of the General Capital Fund and stated that under the

Transportation Improvement Plan (TIP) a municipality just needs to list the projects to be grant-eligible.

Councilmember Way inquired how that applies to the different areas that might be interconnected, such as transportation, parks, and surface water. Mr. Relph responded that it is done with lots of coordination between Parks and Public Works to ensure both entities are in grant sequence. Councilmember Way felt there would be lots of crossover between grants.

Mr. Olander explained that larger projects may include multiple grant sources. For example, the Aurora Corridor Project has lots of different grant sources. Ms. Tarry added that the City staff looks at the primary purpose of a certain project to determine which fund it should be applied to. Mr. Relph submitted that it also depends on who is offering the grant.

Mr. Olander stated that the CIP can be amended if a new property or proposal is submitted that wasn't originally included.

Ms. Tarry resumed her presentation and discussed the General Capital Fund, revenue sources, the Real Estate Excise Tax (REET), and the City Hall Project.

Mayor Ryu asked why the financial impact of the new City Hall isn't included in the budget. Ms. Tarry responded that there are some funds that have already been committed, therefore they aren't listed.

Councilmember Eggen inquired if the \$750,000 from REET will be the total yearly payment on the construction loan. Ms. Tarry replied that it wouldn't. She added that they would be taking payments on the leased offices in the new City Hall and the Annex and applying them to the debt service amount, which she estimated to be between \$1 million and \$1.2 million.

Councilmember Eggen confirmed with Ms. Tarry that the construction loan amount will be more than \$750,000 per year. She added that this also will include the cost of operational maintenance.

Councilmember Way inquired if there was a chart for the expenditures. She wanted to know what percentage of the General Fund was the \$750,000 plus the additional revenue. Ms. Tarry estimated that the majority of the costs over the next six years will be for City Hall. She stated that 75% of the project costs will be attributed to City Hall and 25% is for parks projects and land acquisition. She noted that this represented about 3% of the General Fund.

Ms. Tarry said the public facilities study is focused on the municipal pool. Councilmember Way commented that there is an immediate concern about what will happen to the senior center and the school district facility. Mayor Ryu said she heard the school district was considering putting a new high school there.

Dick Deal, Parks, Recreation and Cultural Services Director, said the superintendent says they are considering how to develop a high school and adding it to next year's CIP. He said they are in the process of evaluating the entire site because there is a lot of space.

Councilmember Way inquired if some kind of agreement is needed to preserve the pool. Mr. Deal replied that the school district is in the process of evaluating their needs and he anticipates the district having discussions with the senior center as they analyze the information they shared in March. He added that the pool was funded in the 1968 Forward Thrust Bond and it is nearing its 40th year, which is old for a swimming facility. He said the life of the pool needs to be looked at and anything more would probably require more resources.

Mr. Relph suggested keeping the pool study separate from the senior center study. Mr. Olander added that the pool clientele should be determined, which would go beyond this analysis. Councilmember Way suggested that Fircrest is another site that seniors can utilize.

Councilmember McGlashan commented that there is only \$50,000 for maintenance in 2010 and none in 2011. He said he remembered adding something in the CIP about a study for the pool so it could be replaced. Ms. Tarry said it was put on hold until the study is completed, although the air handlers are scheduled to be replaced in 2013.

Continuing, Ms. Tarry discussed Parks projects which are primarily bond funded. She added that most of it will be spent by the end of 2009.

Councilmember Way highlighted the letter in the packet concerning the off leash dog park. Mr. Deal commented that over 100 people attended the meeting in which the dog park study group report was released. He noted that there are six sites listed as possible locations, but the group is continuing to gather information throughout the summer. He confirmed that there is \$150,000 identified in the bond issue money and there may be a strategy to discuss two or three sites; however, the current funding will only cover one.

Councilmember Way inquired if there are any Interurban Trail projects with businesses involved. Mr. Deal replied that there is a citizen study group on trail corridors and the Council has approved the routing studies. The group, he announced, reconvenes next month to move forward on the soft surface trail design and to look at other routes. He added that they will also be looking at connectors between the Interurban Trail and the Burke-Gilman Trail. He said anything that ties to the Interurban Trail needs to be discussed with Seattle City Light. He noted that the surface design recommendations should be done by the end of this year or by early next year. He noted that the public and the Council can submit suggestions to the committee on the hard surface trails.

Councilmember McGlashan said he is confused about the total funding for the trails and parks. Ms. Tarry replied that the numbers reflect what is anticipated to be spent from 2009-2014. She explained that between now and 2014 there will only be \$137,000 left because most of the bond will be spent in 2008. She then discussed the remaining parks projects. She noted that the Interurban Park project is heavily dependent on obtaining grant funding in the future and is scheduled to be planned in 2010, with construction occurring from 2011-2013.

Mayor Ryu asked if it was easier to obtain a grant by adding in a skate park. Mr. Deal responded that it is not likely. He clarified that this project is now scheduled to run up to 185th Avenue NE.

Ms. Tarry then discussed Parks Repair/Replacement funding. Councilmember Way asked if this fund includes equipment for recreation programs. Mr. Deal commented that they are looking to purchase small equipment for the pool, but the majority is for parks equipment and facilities, not operational supplies.

Ms. Tarry then discussed the Pym acquisition. Mr. Deal highlighted that this acquisition is funded with grant money through the Conservation Futures Trust Fund. He felt this site would have the highest grant score because it is next to a regional recreation facility.

Councilmember Way asked if there are plans for trails in the natural areas of that park. Mr. Deal said he would like to come back to the Council with options for trails at Strandberg Reserve. He then described the Strandberg Reserve property.

Ms. Tarry discussed the improvements at the Richmond Beach Pump Station, the Twin Ponds Master Plan, the Paramount Open Space purchase, and other non project-specific allocations.

Councilmember Way discussed the Boeing Creek project and bank stabilization. She commented that it is not funded until 2014, but it seems urgent. Mr. Relph replied that both the Boeing Creek and Thornton Creek basin plans had to be delayed in order to balance the budget. Mr. Olander commented that they will be funded from the storm water revenue stream.

Councilmember Way asked if the City staff can look for grant funding for bank stabilization because of the erosion of the trails. Mr. Deal commented that there has been some success on trail grants; the City staff met with the on-site contractor today and trail work will start soon. He commented that City staff is aware of the fact that Boeing Creek is dynamic. He added that work will be done to stabilize the man-made erosion. Mr. Olander highlighted that the trail work will keep some of the erosion from progressing.

Councilmember Way encouraged the City staff to look for ways to utilize volunteer labor like Earth Corps or the Boy Scouts and Girl Scouts.

Councilmember McGlashan said he didn't see anything in the CIP about the upper Shoreview Park parking area by the college. Mr. Deal said there are some preliminary discussions taking place about a land swap between Shoreline Community College (SCC) and the City.

Mayor Ryu asked if it would make sense to co-locate the Parks Maintenance storage facility with the school district. Mr. Deal replied that that can be explored in the future.

RECESS

At 8:09 p.m. Mayor Ryu called for a five minute break. Mayor Ryu reconvened the meeting at 8:17 p.m.

Ms. Tarry commented on the Major Maintenance Fund for City facilities which is funded by General Fund revenues. The fund, she explained, is for maintaining the police station, the pool, and the Richmond Highlands Community Center.

Councilmember Eggen said he recalls there were discussions about replacing the police station. Mr. Olander replied that there is no timeframe for the police station. He said there was discussion on the benefits of having the police department located at the City Hall site.

Ms. Tarry then discussed the long-term maintenance of the pool and the upgrades to the Richmond Highlands Community Center.

Ms. Tarry said that there are 14 projects in the Roads Capital Fund and that the major project is the NE 165th-205th portion of the Aurora Corridor Improvement. She reviewed the revenue sources and stated most of the revenue sources are related to the Aurora Corridor.

Mayor Ryu asked if there was some possibility of doing a low impact development (LID) program. Mr. Relph replied that if someone paid "in-lieu-of" fees and met their obligation, the City could do something like an LID if the funds are spent by the City. Mr. Olander added that the next requirement will be if the cost of the LID improvement "benefits" the property.

Continuing, Ms. Tarry stated that 25% of REET is put into the Roads Capital Fund. Additionally, there is a General Fund contribution that goes to Roads Capital Fund, and a part of it comes from cardroom taxes. She highlighted the Pedestrian and Non-Motorized Projects.

Councilmember Eggen said that a constituent reported a dangerous walking condition to him near Ballinger Way. He wanted to know what could be done about it. Mr. Relph said the Neighborhood Traffic Safety Program (NTSP) can address those types of problems. He also noted that there are hazard elimination grants.

Councilmember Way discussed priority sidewalk routes. She said the Council identified priority routes around schools and the funding ends in 2010. Mr. Olander pointed out that the Transportation Master Plan (TMP) provides guidance on this.

Mayor Ryu noted that Ms. Tarry is always cautious on the in-lieu-of funds. She added that if the City can keep the level up at \$200,000 and if there aren't any other programs identified, the City can be more ambitious in building sidewalks. Mr. Relph agreed and stated that the City is attempting to establish a program to utilize the in-lieu-of funds.

Councilmember Way asked if more sidewalk funds could be provided through the concept of impact fees. Ms. Tarry said the Planning and Development Services Director commented that impact fees have to be used for capital expenditures related to the reduction of road impacts, car trips, etc. She added that it doesn't appear there will be a significant amount of revenue generated from an impact fee. She said there are other cities that collect impact fees as mitigation as it relates to roads, not sidewalks.

Councilmember Way asked why a sidewalk isn't considered transportation mitigation. Mr. Olander replied that developments have to build sidewalks as a part of their mitigation. He said that under SEPA something might apply, but developments could be required to pay a miniscule part, but it would only be their portion of the impact. He expressed the opinion that it is not

worth the cost of developing and tracking impact fees. He stated that the City can get the equivalent amount needed through SEPA impacts.

Councilmember Hansen noted that when the City first incorporated the shortage was \$3.8 million.

Councilmember Way asked if SEPA mitigation could be used as a funding source for sidewalks.

Ian Sievers, City Attorney, commented that the frontage improvements in the code are derived from SEPA, and residents are getting it, including sidewalks and fee in-lieu-of. He didn't feel any other funding would come from SEPA unless it is an unusual circumstance.

Mr. Olander highlighted that TOP Foods is an example of a business that directly affects traffic impacts, so they were required to fund most of the traffic signal and a portion of the trail.

Ms. Tarry then discussed sidewalk curb ramps. Mayor Ryu asked that the annual sidewalk improvement program be renamed to "repairs" program.

Ms. Tarry said that the sidewalk priority route program would be completed in 2010 and that year the City will be relying on grant funding to provide \$600,000 per year.

Mr. Relph commented that one factor in not executing the sidewalk program is that the school district closed some schools, so the City re-prioritized the list.

Ms. Tarry reviewed the Traffic Small Works program and said annual funding improves safety and pedestrian needs.

Councilmember Way highlighted that there is a problem with kids crossing near school parks on NE 155th Street and 8th Avenue NE.

Mr. Relph responded that the City staff has estimated the cost to install additional curb bulb-outs is between \$50,000 and \$75,000. However, the accident history will need to be carefully reviewed if the City considers installing more pedestrian-activated signals. He stated that there is a need to have a strategic view of analyzing accidents by location so they can be prioritized. This, he added, will allow the City to identify and remedy the most problematic locations first.

Mr. Olander commented that the City needs to be cautious about crosswalks and uncontrolled intersections because they can be more dangerous.

Councilmember McGlashan felt that pedestrian-activated signals can give a false sense of security.

Mr. Relph said he is cautious about how these are approached and expressed his concern about this issue.

Councilmember Way said she would like the City to do the testing at NE 155th Street and 8th Avenue NE and measure the traffic there. She added that the Washington Cities Insurance Authority (WCIA) would want us to ensure we're doing everything we could to provide safety measures close to schools and City parks.

Mayor Ryu asked if the flags are effective in increasing visibility. Jesus Sanchez, Public Works Operations Manager, stated that some people say it works, but it takes a long time because flags disappear. He said he was advised to buy an abundance of them so they aren't taken. Now, he said there aren't many missing flags and they are being used. He felt it isn't a serious deterrent but it does work.

Councilmember Eggen added that he has also witnessed near accidents at the NE 155th Street and 8th Avenue intersection and neighbors have flagged that as a major concern. He agreed that the City should conduct a citywide analysis.

Ms. Tarry continued with the Transportation Master Plan (TMP) Update. She discussed the City's System Preservation Projects which include the annual Roads Surface Maintenance, the Richmond Beach Overcrossing Replacement Project, and the Traffic Signal Rehabilitation Program.

Councilmember McGlashan asked if the signals and the controllers need to be replaced. Mr. Relph replied that this program is intended to replace or upgrade the heads, controllers, and anything involved with the traffic signals.

Ms. Tarry reviewed the NE 145th Street dual-left turn on Aurora Avenue, which is dependent on grants and coordination with the City of Seattle. She noted that the next project is the closeout of the Aurora Corridor Project from NE 145th Street to NE 165th Street.

Councilmember Way commented that there are weeds growing in the medians and ivy growing next to NE 155th Street and the Aurora bridge. Kirk McKinley, Aurora Corridor and Interurban Trail Project Manager, replied that the ivy at that location is a non-invasive species.

Mr. Sanchez noted that there has been some damage to the sprinkler heads in the medians by vehicles. He said staff will continue to work on the area.

Mayor Ryu asked if there is a need to water the plants beyond their mature stage. Mr. McKinley said there is currently a debate regarding this issue; however, the theory is that once everything is established the City won't have to water them. Councilmember Way urged the City staff to find an alternative to ivy in the City.

Ms. Tarry then discussed the Neighborhood Traffic Safety Program (NTSP).

Councilmember McGlashan communicated that there have been some intense neighbors speaking out about problems on NE 155th Street and Ashworth Avenue and they are very frustrated. He stated that he thinks they are relieved that the Senior Housing Assistance Group (SHAG) has pulled out of the development. However, he said there are still trucks delivering

things to the property. He inquired where this issue was on the priority list. Mr. Relph said he will provide a response to the Council on this. He stated that the first phase is education and compliance, but most people become frustrated with how long it takes.

Mr. Sanchez said they have discussed this specific issue with the NTSP and have expedited their program from Phase 1 to Phase 2. He added that there are 54 current NTSP street segments that the City staff is working on, and 22 of them are in Phase 2. He noted that it is a matter of obtaining the funding. Mr. Olander added that another consideration will be prioritization, following program approval by the City Council.

Mr. Relph agreed with Councilmembers that the street has some strange geometry. However, the data suggests that the impacts in the neighborhood are minimal. He explained that the data would provide the proper perspective of the problem.

Ms. Tarry stated that the traffic signal at 15th Avenue NE & NE 170th would be funded mostly from grants. She said that there are some non-project specific items such as Roads Capital Engineering and a Transportation Planning Program which will establish a program to plan and pull together some of the transportation functions. This may include looking at the role of transit and the City's role in the region.

Mayor Ryu confirmed that the Transportation Planning Program isn't a lobbying effort, it's purely technical.

Councilmember Way discussed the NTSP and highlighted that the funding has been reduced from \$260,000 to \$192,000. She said maybe the City should consider increasing the funding level for it. Ms. Tarry explained that the 2008 amount is unusually high because of carryovers.

Mr. Sanchez noted that there are a number of projects throughout the City, and one of them is on NE 155th Street and Ashworth Avenue. He said there is a sidewalk that would connect from 155th through Ashworth to the existing sidewalk on the west side of Ashworth. He noted that 85% of the vehicles that are traveling on that street are driving at a speed of 22 mph, and that is good.

Mr. Olander highlighted that there are broader issues being considered by the Long Term Finance Committee.

Ms. Tarry highlighted the Aurora Avenue Corridor 165th – 205th Avenue Improvements, noting that there is a need for additional grants to complete the project. She then discussed long-term funding options and the affect the fuel tax is having on the funding. She also discussed the Transportation Benefit District funding option passed by Legislature that would assist cities by implementing a \$20.00 vehicle license fee with Council approval. It could also levy up to an additional \$80.00 in licensing fees, and/or implement an additional 1% sales tax, both with voter approval.

Mayor Ryu asked if the fuel tax can be based on the total price of the fuel and not the price per gallon. Mr. Olander replied that this concept has not been accepted politically.

Mayor Ryu called for public comment.

a) Bill Bear, Shoreline, said that as a homeowner he is faced with tough choices and competing priorities. He said the Council needs to be very careful not to spend capital before the operating budget is adequate. He said this Council has continually moved money from the operating budget into the capital budget and he would like to see that stopped. He said the indicators show that the economy is in for a major bump, and these projections don't account for that.

Ms. Tarry stated that this item will continue next week with a public hearing and a presentation on the Storm Water Capital Fund. She responded to the public comment and stated that the CIP includes inflation factors. She highlighted that she felt the City is being conservative and expects a higher level of inflation. She also stated that the Council policy is to transfer money from operating to capital.

Mr. Olander clarified that the total amount that is transferred each year is \$1 million, or 3% of the total budget of \$30 million. He commented that it is safe to be conservative in forecasts. He felt the City is careful, cautious, and professional in finances and budgeting.

9. ADJOURNMENT

At 9:32 p.m. Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of July 16, 2008
DEPARTMENT: Finance
PRESENTED BY: Debra S. Tarry, Finance Director *P.R. 0-7*

EXECUTIVE / COUNCIL SUMMARY

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

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$1,296,689.50 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
6/15/08-6/28/08	7/3/2008	24698-24902	7737-7811	37001-37009	\$418,961.98
					<u>\$418,961.98</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
7/1/2008	36878	36895	\$24,452.53
7/2/2008	36896	36910	\$101,383.21
7/2/2008	36911	36916	\$3,225.00
7/2/2008	36917		\$6,142.00
7/2/2008	36918	36923	\$49,117.86
7/2/2008	36924	36926	\$26,684.51
7/3/2008	36927	36952	\$95,633.14
7/9/2008	36953		\$460.00
7/9/2008	36954	36971	\$47,124.04
7/10/2008	36972		\$3,070.00
7/11/2008	36973	37000	\$338,584.70
7/11/2008	37010		\$4,000.00
7/16/2008	37011		\$2,955.27
7/16/2008	37012	37032	\$167,424.70
7/16/2008	37033		\$1,351.98
7/16/2008	37034	37035	\$6,118.58
			<u>\$877,727.52</u>

Approved By: City Manager _____ City Attorney 27

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Meridian Park Neighborhood Association Neighborhood Mini-Grant
DEPARTMENT:	Community Services Division, City Manager's Office
PRESENTED BY:	Rob Beem, Community Services Division Manager Nora Smith, Neighborhood Coordinator

PROBLEM / ISSUE STATEMENT:

The Meridian Park Neighborhood Association is requesting \$3,100 in 2008 Neighborhood Mini-Grant funds for three separate projects. The first project is producing signs to raise neighborhood awareness of the newly rejuvenated Meridian Park Neighborhood Association. The addition two projects are improvement projects at Ronald Bog Park and Meridian Park Elementary School. The goal of the improvement projects is to beautify the path to the new City Hall.

The first project is to purchase four A-board signs and one banner to publicize neighborhood events and meetings for a cost of \$910.

The second project is to improve the west side of Ronald Bog along Meridian Avenue North. This work will entail removing blackberries and planting native species. The cost of this project is \$1690.

The third project is to buy and install plants and bark at Meridian Park Elementary where a community work party cleared out dead plants in the most visible planting beds in Spring 2008. This project will cost \$500.

FINANCIAL IMPACT:

City Council authorized \$20,000 in the 2008 budget to fund Neighborhood Mini-Grants. This is the fourth 2008 Neighborhood Mini-Grant submitted for approval. The project budget is included in Attachment A.

RECOMMENDATION

Staff recommends Council approve \$3,100 in Neighborhood Mini-Grant funds for the Meridian Park Neighborhood Association to accomplish one sign project and two neighborhood improvement projects.

Approved By: City Manager  City Attorney _____

INTRODUCTION

The Meridian Park Neighborhood Association is requesting \$3,100 to purchase signs, plants and material for three neighborhood projects. The first project to purchase four A-board signs and one banner will help publicize activities and meetings undertaken by the Neighborhood Association. In spring 2008 the neighborhood association began to meet for the first time in several years; signs will help raise awareness about the activities of the re-established group.

The other two projects provide tangible improvements to the neighborhood. One project will involve neighborhood volunteers removing blackberries at Ronald Bog along the west side bordering Meridian Avenue North. The Neighborhood Association project lead is working with city staff in the departments of Planning and Development Services and Parks, Recreation and Cultural Services to clarify requirements and approvals which will be in place before work is initiated.

The second improvement project would follow up on yard maintenance work by volunteers in May 2008 as part of the Embrace Shoreline Schools initiative. The grant request is to purchase plants and bark to replant one or two beds cleaned out in May.

Meridian Park Neighborhood Association is initiating the improvement projects to raise civic pride in the neighborhood, recognizing that NE 175th will lead to the new City Hall.

BACKGROUND

Resolution No. 54 established the Neighborhood Mini-Grant program, with the process and administration of the funds to be handled by Neighborhoods staff. The allocation of the total funds available is determined from year to year by appropriation of the City Council. All such grants to individual neighborhood associations are governed by rules approved by the City Council on October 7, 1996 and amended on November 23, 1998.

* Grants must be approved by City Council prior to their implementation.

The Neighborhood Mini-Grant program provides grants of up to \$5,000 to each of the active organized, qualifying neighborhood associations in the City of Shoreline. Neighborhood associations are required to match Neighborhood Mini-Grant funds. A match may be generated from co-sponsoring groups, businesses, organizations, schools, media, in-kind donations and/or "sweat equity".

Neighborhood Mini-Grant project categories include the following:

- Projects that create or enhance a tangible improvement in the neighborhood;
- Projects that disseminate information and increase awareness of the goals and mission of the neighborhood association to the neighborhood community;
- Projects that directly benefit a public agency or organization and its immediate neighborhood, and that require the active involvement of both the public agency and members of the neighborhood in planning and carrying out the program.

ALTERNATIVES ANALYSIS

Meridian Park Neighborhood Association is requesting approval for a \$3,100 Neighborhood Mini-Grant to purchase signs and complete two improvement projects. The goal of the Meridian Park Neighborhood Mini-Grant is to create tangible improvements in the neighborhood and raise awareness of the neighborhood association activities.

RECOMMENDATION

Staff recommends Council approve \$3,100 in Neighborhood Mini-Grant funds for the Meridian Park Neighborhood Association to accomplish two neighborhood improvement projects and one sign project.

ATTACHMENTS

A – Meridian Park Neighborhood Association 2008 Neighborhood Mini-Grant Budget

**Meridian Park Neighborhood Association
2008 Mini-Grant Project Budget**

<u>Project / Item</u>	<u>Cost*</u>
<i>Project 1 Neighborhood Signs</i>	
(4) A-board signs 4 @ \$155	\$ 620
(4) Cable & lock sets (to prevent sign theft) 4 @ \$ 42	\$ 168
(1) Banner (2' x 6')	<u>\$ 122</u>
Total Project Cost	\$ 910
 <i>Project 2 Ronald Bog Stewardship</i>	
Plants for Ronald Bog**	\$ 990
Dump fees for invasive species removed	\$ 600
Supplies (leather gloves, bags, miscellaneous)	<u>\$ 100</u>
Total Project Cost	\$1,690
 <i>Project 3 Meridian Park Elementary Plantings</i>	
Plants and bark for Meridian Park Elementary	<u>\$ 500</u>
Total Project Cost	\$ 500
 Total Mini-Grant request	 \$3,100

* Estimated costs include tax and may be adjusted based on final pricing.

** Any money for plants not spent at Ronald Bog will be used for plants at Meridian Park Elementary.

Project Match

The group proposes to provide a volunteer match in the form of "sweat equity" to remove invasive species, replant natives and water plants at Ronald Bog, plant and mulch beds at Meridian Park Elementary and coordinate sign design. The match includes Meridian Park residents who are Master Gardeners and a professional landscaper who will volunteer his own time and his crew.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 511 Amending Ordinance No. 109 and Increasing the Police Investigation Account to \$5,000
DEPARTMENT:	Police
PRESENTED BY:	Daniel Pingrey, Police Chief

PROBLEM/ISSUE STATEMENT:

The Police Investigation Account was established on January 13, 1997 with a sum of \$2,000 to support undercover investigative activities. Since that time, the Police Investigative Unit has expanded and has increased the level of undercover investigations. This has made the current level of the account at \$2,000 insufficient to support ongoing investigative work.

DISCUSSION

Ordinance No.511 increases the Police Investigations Account from \$2,000 to \$5,000. Staff believes that this amount will allow them greater flexibility to respond to changes in the emphasis of their investigations and enable them to undertake the types of undercover investigations that require larger sums of money. This is a revolving account in that as monies are expended the Police submit for reimbursement to the account. In order to complete larger investigations there is a need to have additional funds available to complete the investigation in a timely manner. The additional \$3,000 will allow the Police Department to proceed with investigations in a more efficient manner. The Police Department will continue to follow established procedures in requesting reimbursement as funds are expended.

FINANCIAL IMPACT:

There is sufficient funding within the Police Investigations budget to cover this increase.

RECOMMENDATION

Staff recommends that Council approve Ordinance No. 511, increasing the Police Investigation Account to a sum of \$5,000 .

Approved By:

City Manager 

City Attorney 

Attachment A – Ordinance No.511

Attachment B-Ordinance No. 109

ORDINANCE NO. 511

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON INCREASING THE AMOUNT OF THE "POLICE
INVESTIGATIONS ACCOUNT" WITHIN THE GENERAL FUND
FOR USE BY THE SHORELINE POLICE DEPARTMENT**

WHEREAS, from time to time, the City of Shoreline Police Department has a need for funds when engaged in undercover police activities; and

WHEREAS, the Police Investigations Account was established at the sum of \$2,000 on January 13, 1997 by Ordinance 109; and

WHEREAS, the level of investigative activity has increased over time and now warrants an increase in the amount of available funds in the account;

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

Section 1. Amendment. Section 1 Paragraph (b) of Ordinance 109 is amended as follows: The sum of \$5,000 is appropriated from the General Fund to the Police Investigations Account and the City Manager, or his designee, is authorized to reimburse the Account for expenses incurred in carrying out the purposes of the Account.

Section 2. This ordinance, or a summary thereof, shall be published in the official newspaper of the City and shall become effective five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 28, 2008.

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date:

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Work Release Fee Schedule and Sliding Scale Payment Ordinance No. 512
DEPARTMENT:	CMO/Finance
PRESENTED BY:	John Norris, Management Analyst Steve Oleson, Budget Analyst

On July 21, the City Council reviewed Ordinance No. 512, which would authorize a new section to the City's current fee schedule for work release defendants enrolling in the King County Work Release Program at their own expense. The City Council also reviewed comments received from citizens and community members. At the writing of this staff report, Council had not yet discussed the work release fee schedule and sliding scale payment and had not yet provided staff with direction or posed any questions for staff response. Thus, this report provides a placeholder on the agenda.

Immediately following the July 21 Council meeting, any questions posed to staff or direction provided by Council will be provided in a revised staff report. This will be made available on the City's website by Wednesday, July 23. Likewise, comments received from citizens on the work release fee schedule and sliding scale payment will be provided to the Council through Monday, July 28, when adoption of Ordinance No. 512 is scheduled.

For reference, the July 21 staff report is attached.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 512 authorizing the addition of a new section to the City's current fee schedule that will set new fees payable to the City for work release defendants enrolled in the King County Work Release Program.

Approved By: City Manager  City Attorney _____

Attachment:

- July 21 Staff Report on the Work Release Fee Schedule and Sliding Scale Payment

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Work Release Fee Schedule and Sliding Scale Payment Ordinance No. 512
DEPARTMENT:	CMO/Finance
PRESENTED BY:	John Norris, Management Analyst Steve Oleson, Budget Analyst

PROBLEM/ISSUE STATEMENT:

In January 2008, City staff were notified by King County Jail billing staff that King County would no longer collect City jail fees from Shoreline work release defendants enrolled in the King County Work Release Program who were mandated to pay the City's fees. This necessitated the creation of procedures that explain how and when Shoreline defendants should pay the City for incurred jail costs. These procedures also provide the option for Shoreline defendants to pay these incurred jail costs on a sliding scale if they meet income eligibility requirements. City Council authorization is required to add a new section to the City's current fee schedule that will set new fees for work release defendants.

BACKGROUND:

Defendant sentencing options and alternatives are determined by the King County District Court (KCDC), which the City of Shoreline contracts with for misdemeanor municipal court services. One of the sentencing options available to District Court Judges is the use of work release. Work release programs typically function by allowing defendants to leave jail or other correctional facilities during the day to go to their place of employment and return to jail in the evening, where they are incarcerated until the next work day. KCDC Judges also have the ability to mandate that defendants enroll in Work Release "at their own expense", meaning that the defendant will have to pay for the City's jail costs (booking fee and daily maintenance fees) in order to participate in the work release program.

When utilizing work release as a sentencing option, KCDC Judges operating out of the Shoreline District Court typically mandate that defendants enroll in work release "at their own expense". Defendants also typically have the option of not enrolling in a work release program and serving their sentence in jail if they are unwilling or unable to pay the City's jail costs to participate in a work release program.

Shoreline District Court Judges also give defendants options as to where they may enroll in a work release program. It is up to the defendant to find a correctional facility that has a work release program, is in close proximity to their place of employment, and has space in the program for the defendant. As most Shoreline defendants live and work in the greater Seattle area, many defendants opt to enroll in the King County Work Release Program, which is housed in the King County Correctional Facility (KCCF) located in downtown

Seattle. However some defendants do choose to enroll in work release programs at other jails in the region.

As the KCCF is the only correctional facility that has a work release program and that the City of Shoreline has a jail contract with¹, it is the only facility that the City must be reimbursed for our jail costs. In other words, the City of Shoreline is still billed by the KCCF for incurred jail costs even though a defendant is participating in work release "at their own expense". The fees of other correctional facilities that may accept Shoreline defendants for work release are paid directly by defendants to the facility, as there is no structured billing process in place where reimbursement would be necessary. At one time, it was an informal practice of King County Work Release Program staff to collect City jail fees from defendants and then reimburse the City.

In January 2008, City staff were notified by KCCF billing staff that King County would no longer collect City jail fees from defendants, as this provided accounting liability and concerns on King County's behalf. Although the ceasing of this practice was welcomed by City staff, as staff were now able to make sure that the City would be reimbursed for jail costs incurred by defendants in the King County Work Release Program, it also necessitated the creation of work release fee collection procedures from Shoreline defendants mandated to enroll in work release at their own expense.

Over the course of the last five months, City staff have worked with both the KCDC and KCCF staff to create the King County Work Release Self-Pay Procedures document, which is attached. These procedures explain that if defendants are enrolling in the King County Work Release Program "at their own expense", they must pay the City's jail costs. The procedures also give an example of how costs are calculated and provide directions on how and when Shoreline defendants should pay the City for incurred jail costs.

WORK RELEASE SLIDING SCALE:

In addition to the above mentioned procedures, the Work Release Self-Pay Procedures document also provides the option for the jail cost payment to be made on a sliding scale if the defendant meets income eligibility requirements. The creation of a sliding fee scale allows for more Shoreline defendants to potentially enroll in the King County Work Release Program, while still covering some of the City's jail costs.

The City is concerned that defendants who are authorized by the KCDC to enroll in a work release program but are unable to afford the City's jails costs, and thus are serving sentences in jail and not able to maintain employment, are being saddled with an element to their sentence not initially prescribed by the District Court. Additionally, the City feels that constructive employment is a key step to reducing defendant recidivism and making sure that defendants have stable economic security when they leave the criminal justice system. Taking away these options because a defendant cannot afford to pay for the City's jail costs does not provide the support that many defendants need.

¹ The City of Shoreline also has a jail contract with the Yakima County Jail and a Memorandum of Understanding with the Issaquah Municipal Jail, but neither of these facilities offer Work Release to Shoreline defendants.

To assist the City in establishing its own sliding fee scale, a review of the King County Work Release Program's sliding fee schedule was conducted. From this review, City staff were able to develop an income to fee ratio to establish the proposed City work release sliding fee scale. Ordinance No. 512 authorizes a new section to the City's current fee schedule, titled Work Release Defendant Fees, which will set new fees payable to the City for work release defendants enrolling in the King County Work Release Program at their own expense. The creation of a sliding scale has also been discussed with the KCDC, which has sanctioned its use.

As of January 1, 2008, the City of Shoreline's King County Jail booking fee is a one-time charge of \$208.67, and the jail maintenance fee is a daily charge of \$109.10. Thus, for a one month commitment in the King County Work Release Program, a defendant would be required to pay the City 30 daily payments of \$109.10, and one payment of \$208.67, which totals to \$3,481.67. The length of stay in the KCCF can range from one to 365 days, and it is anticipated that the average work release defendant sentence would range from 14 to 120 days.

The proposed sliding fee scale only adjusts the daily jail maintenance fee, and does not adjust the one-time booking fee incurred by defendants. Thus, all defendants will continue to have to pay the entire booking fee (\$208.67) to the City to enroll in the King County Work Release Program. The daily jail maintenance fee will be reduced by a certain percentage based on an inmate's hourly pay rate. For example if a defendant's income is \$10.00 per hour, they would pay 27.12% of the daily jail maintenance fee, which would be \$29.59 out of the normal rate of \$109.10. The scale is adjusted at every \$0.50 per hour interval, which creates a corresponding \$1.57 change in the daily maintenance fee rate. The sliding fee schedule will be capped at \$21.49 per hour, which will result in a daily charge of \$65.49. Any inmate earning more than that amount will be required to pay the full daily rate.

At this time, the City is planning to partner with the King County Office of Public Defense to conduct income eligibility verification, as they already serve this role in providing public defense indigency screening for the City of Shoreline. If a Shoreline defendant who is seeking to use the sliding fee scale for work release payment did not participate in the indigency screening process or utilize the Shoreline public defender during their court hearings, City staff will verify their income based on the procedures utilized by the Public Defenders Office.

FINANCIAL IMPACT:

The alternative to serving in the King County Work Release Program in the KCCF is typically a similar length jail commitment in the Yakima Correctional facility, which is paid in full by the City of Shoreline. Currently, Yakima has no booking fee, and the daily jail maintenance cost, including medical fees, is roughly \$75 per day. Using the same example provided above, a 30-day commitment in Yakima would cost the City of Shoreline \$2,250.

However, if a defendant is income eligible and wants to enroll in the King County Work Release Program, at an income level of \$10.00 per hour for a one month commitment, the defendant would be required to pay the City 30 daily payments of \$29.59, and one

payment of \$208.67, which totals to \$1096.37. As the total cost billed to the City by the KCCF for this 30 day commitment is \$3,481.67, the City's portion of the bill would be \$2,385.30, which is only \$135.30 more than the City would have incurred had the defendant not enrolled in the King County Work Release Program and served their sentence in Yakima. Thus, the financial impact of the sliding fee scale program is fairly minimal given that the City is paying for the alternative if defendants do not enroll in the King County Work Release program. As well, for those defendants earning roughly more than \$11.50 per hour but still utilizing the sliding fee scale, the City would pay less to the KCCF than it would incur had the defendant been sentence to Yakima.

Additionally, as the goal of the sliding fee scale is to provide an alternative to defendants who may not otherwise be able to keep their employment (which may potentially reduce recidivism), long-term financial impacts may also be reduced, as those defendants who may have re-entered the criminal justice system and incurred future jail costs may be diverted from the system.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 512 authorizing the addition of a new section to the City's current fee schedule that will set new fees payable to the City for work release defendants enrolled in the King County Work Release Program.

Approved By: City Manager _____ City Attorney _____

Attachments:

- Ordinance No. 512
- Work Release Self-Pay Procedures Document

ORDINANCE NO. 512

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
THAT ADDS A NEW SECTION THAT INCLUDES NEW FEES FOR
WORK RELEASE DEFENDANTS AND AMENDS CHAPTERS 3.01 OF
THE MUNICIPAL CODE**

WHEREAS, the City of Shoreline is supportive of jail sentencing alternatives such as the use of work release; and

WHEREAS, the City of Shoreline is concerned that defendants who are authorized to enroll in work release but are unable to afford the City's jails costs, and thus are serving sentences in jail, are not able to maintain employment; and

WHEREAS, the City of Shoreline is supportive of the creation of a work release sliding fee scale for defendants who meets income eligibility requirements, which allows for more Shoreline defendants to potentially enroll in work release programs while still covering some of the City's jail costs; and

WHEREAS, any new fee should be added to the Shoreline Municipal Code:

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

Section 1. New Section. A new section, Shoreline Municipal Code 3.01.055, Work Release Defendant Fees, is hereby adopted as set forth in Exhibit A.

Section 2. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

PASSED BY THE CITY COUNCIL ON JULY 28, 2008

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: _____, 2008

Effective date: _____, 2008

Exhibit A

3.01.055 Work Release Defendant Fees.

Defendants enrolling in the King County Work Release Program at their own expense shall pay daily jail maintenance fees of \$24.92 where the defendant earns \$8.50 per hour or less, with the daily jail maintenance fee payment increasing \$1.57 per day for each additional \$.50 of hourly earnings. At an hourly wage of \$21.50 and higher, the defendant shall pay the entire daily maintenance fee. This fee is in addition to the one-time King County booking fee which shall be paid by all defendants.



King County Work and Education Release (KCWER) **Self-Pay Procedures**

For those defendants ordered by the King County District Court to participate in the King County Work Release Program "at their own expense", the following policies and procedures are applicable to you:

1. If you are ordered by the District Court Judge to participate in the King County Work and Education Release (KCWER) Program, **you are responsible for paying the City of Shoreline's booking fee and jail maintenance cost for the King County Jail for the duration of the work release commitment prior to a enrolling in the KCWER Program.**
2. As of January 1, 2008, the City of Shoreline's King County Jail booking fee is a one-time charge of \$208.67, and the jail maintenance cost is a daily charge of \$109.10. For instance, for a one month KCWER Program commitment, you would be required to self-pay thirty daily payments of \$109.10 and one payment of \$208.67, which totals to \$3,481.67.
3. Please note that King County jail costs go up on an annual basis, and thus the jail cost amounts noted here that you are required to pay will increase after 2008. Please also note that it is a standard practice for defendants to have their sentence typically reduced by 1/3 for "good time" by jail staff. Thus, if your good time is utilized and your sentence is reduced by 1/3, the City of Shoreline will reimburse you the jail maintenance cost for those days that were not served in the KCWER Program. Reimbursement will be processed and mailed to you at least 30 days after you leave the KCWER Program.
4. KCWER Program staff will also require that you pay a Work and Education Release Fee to the KCWER Program, which is determined on a sliding scale. This fee is separate from the City of Shoreline's booking fee and jail maintenance cost, and will be collected by the KCWER Program staff.
5. When the King County District Court Judge sentences you to a work release program at your own expense, the Judge will typically give you an appropriate amount of time to determine which jail facility you will complete your work release commitment in and report to that facility. The City will subsequently bill you for the King County Jail booking fee and the appropriate number of jail maintenance days. If you decided that you are not going to enroll in the Work Release Program in King County, and are interested in enrolling in a work release program in another jail facility, you must confirm this with the City of Shoreline so that the bill can be nullified. Please contact the City of Shoreline at (206) 801-2216 or (206) 801-2303 if you are not going to enroll in the KCWER Program.
6. If you are going to enroll in the KCWER Program, the City of Shoreline's booking fee and jail maintenance costs must be paid to the City prior to your enrollment in the program. If you cannot pay the total amount of the City's jail costs, you may be able to pay these costs on a sliding scale based on City of Shoreline Finance Department Policies for low income defendants. Please contact the City of Shoreline at (206) 801-2303 or (206) 801-2216 to inquire about sliding scale eligibility. You must contact the City of Shoreline within 14 days of sentencing for sliding scale eligibility or you will lose your eligibility.
7. To pay the City of Shoreline's work release bill, you must submit payment directly to: City of Shoreline Finance Department, 17544 Midvale Avenue N., Shoreline, WA 98133. Payment should be made by certified funds and a copy of the billing statement should be included with the payment. You may also go to the Shoreline District Court (18050 Meridian Avenue North, Shoreline, Washington 98133) to receive a self-addressed payment envelope for the City of Shoreline. The City will set the date that payment must be submitted and will notify the court and KCWER Program staff of payment status.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Richmond Beach Saltwater Park – Phase 1 Improvements Construction Contract Award Recommendation
DEPARTMENT:	Parks, Recreation and Cultural Services
PRESENTED BY:	Dick Deal, Director of Parks, Recreation and Cultural Services Tricia Juhnke, Capital Projects Administrator

PROBLEM/ISSUE STATEMENT:

This Agenda Item is to request Council's authorization to award a construction contract with Plats Plus, Inc. for construction of Richmond Beach Saltwater Park Phase 1 Improvements. The project was advertised for bid on June 25, 2008. The pre-bid conference was held on Wednesday, July 2, 2008 and bids were opened on Wednesday, July 16, 2008. Four bids were received, with Plats Plus, Inc. being the lowest responsible base bid at \$1,651,791.72. With Alternate No. 1 for construction of the Overlook Parking area added to the base bid, a recommended contract award amount is \$1,888,718.04. The Engineers Estimate for the base plus Alternate No. 1 is \$1,900,000.00.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to award a construction contract to Plats Plus, Inc. in the amount of \$1,888,718.04, plus a 10% contingency for construction of Richmond Beach Saltwater Park - Phase 1 Improvements.

Approved by:

City Manager

City Attorney _____

BACKGROUND

Richmond Beach Saltwater Park site is a treasured resource for the Shoreline community, composed by forty (40) acres offering spectacular views of Puget Sound and the Olympics, and complete with wide sandy beaches, facilities for picnics, group gatherings, hiking trails, water sports and more.

The spectacular views available at the park and the great beach area have tended to mask a series of on-going problems at Saltwater Park that have the potential to do long-term damage to this priceless resource for the City. The lack of proper drainage and storm water facilities has created significant erosion problems in the park. Pockets of erosion damage are evident along both sides of the main access road to the beach parking area and at numerous points along the steep, sandy banks of the park bowl. The proliferation of invasive non-native plant species, particularly Scotch Broom, had threatened to take over the park and crowd out what little native plant material remains.

These concerns led the Council in 2005 to allocate funds for the preparation of a Saltwater Park Master Plan that would be used as a guide to address both short and long-term improvements at Saltwater Park. Staff carried out a consultant selection process and in October 2005, Hewitt Architects was selected as the design team for Saltwater Park.

Site Evaluation and Opinion Assessments

A thorough inventory of existing conditions at Saltwater Park was the first task in the master planning process. Evaluating plant communities, soils conditions, mapping erosion patterns and areas of potential slope instability was all part of the study. A review of mechanical systems and the condition of existing structures was also part of this initial effort.

This initial effort also provided for a sampling of public opinion in Shoreline about Saltwater Park. Interviews with Parks Board members, other key stakeholders and community representatives were carried out to document public attitudes and interests about the future of Richmond Beach Saltwater Park.

Past Council Actions:

A. Council Authorizes Preparation of Master Plan

In February 2006, Council authorized staff to proceed with the preparation of the master plan. The effort focused on testing a range of possible future uses, activities and improvements for the park. Alternative master plan concepts were illustrated and described in a consistent and objective manner, so that preferences were more easily understood. These ideas were then tested through an extensive public involvement effort to determine attitudes and preferences for the park's future.

B. Council Adopts the Master Plan

On February 12, 2007, Council adopted the Richmond Beach Saltwater Park Master Plan. The plan is intended to guide the development and management of Saltwater Park for many years ahead. Council also authorized the design team to proceed with the Schematic and Design Development phases of design for the individual projects that would make up the Phase 1 package of Saltwater Park improvements. Elements of the plan include:

- a) Park Entrance Improvements – create an attractive point of entry with a traffic-calming landscaped median, specialty paving, a new entry sign and improved overlook seating.
- b) Roadway Improvements – Major road improvements to control drainage and provide a safe and inviting pedestrian path down to the beach area.
- c) New stairs and trails – Create new pedestrian stairs to define pedestrian access through the steep slopes of the park that will serve to reduce foot traffic on the fragile slopes of the park. Create new-planted areas adjacent to the paths to improve site vegetation.
- d) Overlook across from caretaker's residence – Create a new paved parking area across from the caretaker's residence that will provide an ideal location to enjoy the view or provide easier access to the bluff trail.
- e) Bridge Access Improvements – Provide safer and accessible access from the lower parking area to the bridge crossing over to the beach. The bridge itself will be upgraded with new surfacing and safety fencing.
- f) Beach Wash Down Area – At the beach area adjacent to the primary walkway, provide outdoor shower facilities for visitors to remove sand from shoes and feet.
- g) Signage and Interpretation – Design and install a series of interpretive signs depicting the history of Saltwater Park, its natural features and ecology of the park.

C. Council Approves Design Development Drawings:

On May 7, 2007, Council reviewed the Phase 1 Design Development drawings for Saltwater Park. Illustrations, sections and perspective sketches were used to convey the design concepts proposed for the park. The Council also heard about proposals for the Park Vegetation Management Plan and the signage and interpretive program for the park. Council endorsed the plans and authorized the design team to proceed with construction documents for the park.

Construction documents for Saltwater Park and application for environmental approvals and construction permits were carried out through 2007. In March 2008, the 90% drawings were approved by the City.

Public Involvement Process

An extensive public involvement process was undertaken throughout the preparation of the Saltwater Park Master Plan. During the preparation of initial concepts for the redevelopment of the park, illustrations depicting optional use plans appeared in the "Enterprise". A questionnaire was developed to test people's opinions about the park. These questionnaires were distributed at community meetings, were mailed to people on community mailing lists and were available at information boxes in the park itself.

Well-publicized Open Houses were held on March 18, 2006 and on July 29, 2006. The Parks Board carried out a detailed review of plan options at its meeting in May 2006. In September 2006, the design team summarized and documented the design direction that had resulted from these review sessions and outlined a series of individual improvements at Saltwater Park that would be incorporated as a part of the Master Plan.

ACTION ITEM

Award Construction Contract to Plats Plus, Inc.

The Saltwater Park project was advertised for bid on June 25, 2008. The pre-bid conference was held on Wednesday, July 2, 2008. Bids were opened on Wednesday, July 16, 2008. Four bids were received by the City. Base bids ranged from a low of \$1,651,791.72 to a high of \$2,227,206. The lowest bid was received from Plats Plus, Inc. in the amount of \$1,651,791.72. A table of bid results follows:

	Company Name	Base Bid	Alternate No. 1	Total
1.	Plats Plus, Inc.	\$1,651,791.72	\$236,926.32	\$1,888,718.04
2.	Jansen, Inc.	\$1,885,966.84	\$168,706.93	\$2,054,673.77
3.	A-1 Landscaping	\$2,027,373.80	\$339,426.00	\$2,366,799.80
4.	Construct Co LLC	\$2,227,206.00	\$160,230.00	\$2,387,436.00

Staff has completed all applicable reference checks on Plats Plus, including State agency fiscal compliance. References were satisfactory regarding quality of construction and their history of managing budget, materials, and personnel. Staff is confident in Plats Plus's ability to complete the project within the terms of the contract.

FINANCIAL IMPACT:

Richmond Beach Saltwater Park Phase 1 Improvements are funded in the 2008-2013 Capital Improvements Plan. A summary of the budget for this project can be found in Attachment A. The revenue for this project is \$3,001,158. The total project cost estimate is \$2,943,895.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to award a construction contract with Plats Plus, Inc. in the amount of \$1,888,718.04, plus a 10% contingency for construction of Richmond Beach Saltwater Park Phase 1 Improvements.

Approved: City Manager _____ City Attorney _____

ATTACHMENT A

Project Costs		Saltwater Park – Phase 1	
		Budget	Total
Project Administration			
	Contracted Services	\$533,000	\$719,000
	City Costs	\$186,000	
Construction			\$2,224,895
	Construction Contract Incl Alternate	\$1,888,718	
	Art allocation	\$39,025	
	Contingency (10%)	\$188,872	
	WSST @ 9%	\$108,280	
	TOTAL	\$2,224,895	
Total Engineering and Construction			\$2,943,895
Project Revenue			
	Parks Bond Fund	\$2,640,000	
	RCO Grant	\$300,000	
	King County Easement Funds	\$38,658	
	Park Bench Allocation	\$22,500	
	Total Revenue	\$3,001,158	
Project Balance (revenue- costs)			\$57,263

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Ordinance No. 514 Approving the Shoreline Water District Franchise
DEPARTMENT: City Manager's Office, Public Works Department
PRESENTED BY: Ian Sievers, City Attorney; Flannary Collins, Assistant City Attorney;
Mark Relph, Public Works Director

PROBLEM/ISSUE STATEMENT:

Staff has been negotiating a new franchise agreement between the City of Shoreline and the Shoreline Water District for operating a domestic water system within Shoreline city limits. This agreement reflects the last version for which the staff would recommend to Council for adoption. The District has not adopted this agreement, or any other version. The current agreement expires after July 31st, 2008.

DISCUSSION:

An initial franchise to operate the water system owned by the Shoreline Water District, generally east of I-5, was granted by the City of Shoreline in June of 2001 through Ordinance No. 274. Extensions were invoked in 2004, 2006, 2007, 2008 with the latest providing for the current expiration date of July 31st, 2008. Staff has been negotiating over the past several months the terms of the agreement.

RECOMMENDATION

It is recommended the City Council pass Ordinance No. 514 approving a new franchise with the Shoreline Water District.

Approved By: City Manager  City Attorney _____

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INTRODUCTION

Staff is proposing a new franchise agreement between the City of Shoreline and the Shoreline Water District for operating a domestic water system within Shoreline city limits. The current agreement expires after July 31st, 2008.

DISCUSSION

An initial franchise to operate the water system owned by the Shoreline Water District, generally east of I-5, was granted by the City of Shoreline in June of 2001 through Ordinance No. 274. Extensions were invoked in 2004, 2006, 2007, 2008 with the latest providing for the current expiration date of July 31st, 2008. Staff has been negotiating over the past several months the terms of the agreement.

There are several changes between this new agreement and the previous agreement. Most of those changes are fairly minor, but the overall tone of the new agreement is one that tries to strike more of a partnership between the City and the District. A partnership that protects the overall public uses within the City right-of-way and the District's need to provide efficient and effective domestic water service to their customers.

Over the course of the past several months of discussions, there became two significant issues at the end; the definition of revenue for which the franchise fee is calculated and the relocation of District facilities. At the time of drafting this memo, staff was not able to reach a mutually acceptable agreement to both parties. This agreement represents the City's last and final offer to the District.

The District will have 15 days from the date of Council adoption to formally accept the franchise. After that time, the District would be subject to the Shoreline Municipal Code and all the permitting and related regulations.

A summary of the two outstanding issues include revenue and relocation:

1. The original definition of revenue included "...all revenue collected from District customers...". The proposed language would be income derived only from the sale of metered water to customers whose connections are within the City of Shoreline. This would specifically exclude such revenue as connection charges, late fees, sale of District property, etc.
2. The relocation of District facilities (e.g. water mains, fire hydrants, etc.) addresses which entity pays for relocations requested by the City and at what level of participation. The original franchise required the City to pay for 100% of the relocation costs for any District facility that was less than five years of age. For facilities older than five years, the District paid 100% of the cost. The last District proposal was to share in the costs 50/50 regardless of age. Staff proposed a graduated scale as shown in the agreement for City participation up to ten years.

A summary of the other notable changes include:

- A. The District wanted to change the responsibilities for abating what appears to be an unsafe condition. The existing agreement allowed the City to correct an unsafe

condition and charge the District for the cost to correct regardless of whether or not they agreed. The proposed change would require more notification and discussion to resolve the situation.

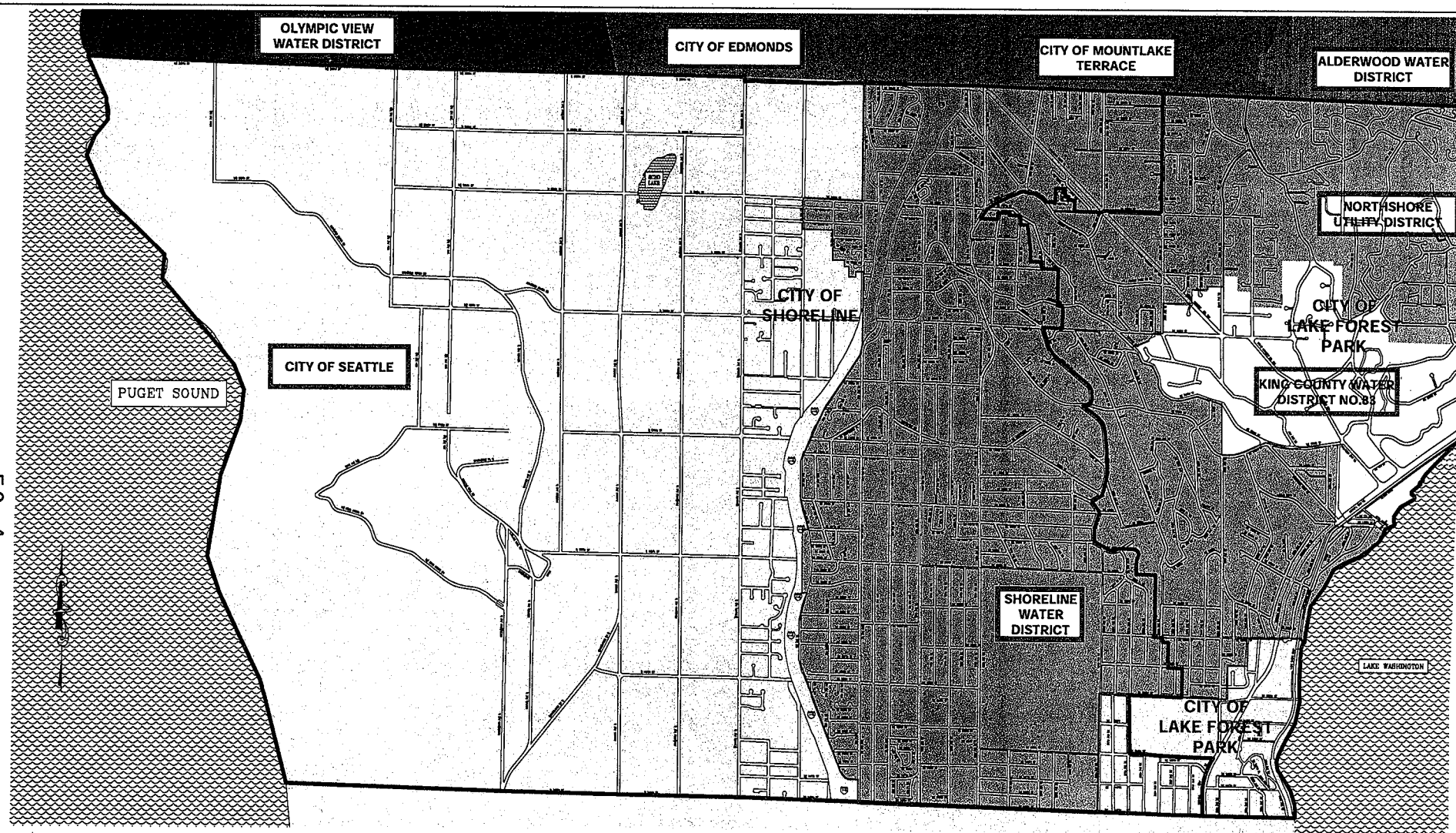
- B. One of the advantages of a franchise for the District is to allow easy access to their facilities in the right-of-way, specifically through the permitting process. Without a franchise, the District would be required to obtain a separate permit every time they stepped into the right-of-way. The "blanket permit" section of the proposed agreement has been modified to clarify the conditions when no permit is required at all and when the blanket permit applies. Staff believes the changes are in line with our current practices for the District as well as with other utility providers.
- C. There were some subtle changes made to the "planning and coordinating" section of the agreement, but those changes make it more of a partnership between the City and the District to coordinate projects and plan for the future.
- D. The term of the proposed agreement is through 2012.

RECOMMENDATION

It is recommended the City Council pass Ordinance No. 514 approving a new franchise with the Shoreline Water District.

ATTACHMENTS

- A. Shoreline Water District Service Area
- B. Proposed Ordinance No. 514



Legend

Shoreline Water District Boundary		City Limits	
Shoreline Water District		Olympic View Water District	
City of Seattle		Alderwood Water District	
King County Water District No. 83		City of Mountlake Terrace	
Northshore Utility District		City of Edmonds	



Figure 2-13
Service Area and Adjacent Systems
Shoreline Water District
Comprehensive Water System Plan

MAR 21, 2001 DRAWING NOT TO SCALE 1/4"=1' (SHEET 20 OF 24)

ORDINANCE NO. 514

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING SHORELINE WATER DISTRICT A NON-EXCLUSIVE FRANCHISE TO OWN, CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR A WATER SYSTEM WITHIN PUBLIC RIGHTS-OF-WAY OF THE CITY OF SHORELINE, WASHINGTON.

WHEREAS, RCW 35A.11.020 grants the City broad authority to regulate the use of the public right-of-way; and

WHEREAS, RCW 35A.47.040 authorizes the City "to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for... facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication, for gas, steam and liquid fuels, for water, sewer and other private and publicly owned and operated facilities for public service," and

WHEREAS, the Shoreline Water District's franchise, granted by Ordinance No. 274, and extended by Ordinance Nos. 455, 468, 503 and 508, expires July 31, 2008;

WHEREAS, the Council finds that it is in the best interests of the health, safety and welfare of the residents of the Shoreline Community to grant another non-exclusive franchise to the Shoreline Water District for the operation of a water system within the City right-of-way; NOW, THEREFORE,

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

1. **Definitions.** The following terms contained herein, unless otherwise indicated, shall be defined as follows:
 - 1.1 **City:** The City of Shoreline, a municipal corporation of the State of Washington, specifically including all areas incorporated therein as of the effective date of this ordinance and any other areas later added thereto by annexation or other means.
 - 1.2 **Days:** Calendar days.
 - 1.3 **Director:** The City Manager or designee.
 - 1.4 **District:** Shoreline Water District, a municipal corporation organized under RCW Title 57.
 - 1.5 **Facilities:** All pipes and appurtenances, access ways, pump stations, storage facilities, equipment, and supporting structures, located in the City's right-of-way, utilized by the District in the operation of its activities..

- 1.6 Permittee: A person who has been granted a permit by the Permitting Authority, and District operating under Section 6.6 Blanket Permit of this agreement.
- 1.7 Permitting Authority: The head of the City department authorized to process and grant permits required to perform work in the City's right-of-way, or the head of any agency authorized to perform this function on the City's behalf. Unless otherwise indicated, all references to Permitting Authority shall include the designee of the department or agency head.
- 1.8 Person: An entity or natural person.
- 1.9 Revenue: "Revenue" means income derived only from the sale of metered water to customers whose connections are within the City of Shoreline. Revenue shall not include: late fees; impact or mitigation fees; any type of connection charges, general facilities charges, or local facilities charges; grants; contributed assets (CIAC); loans; income from legal settlements not related to water sales; income from cellular antenna leases; income from real property or real property sales; income from the sale of surplus equipment, tools or vehicles; interest income; penalties; hydraulic modeling fees; water system extension agreement (WSEA) fees and charges; income from street lights; labor, equipment and materials charges; income from the sale of bidders documents and plan sets; or any other fees and charges.
- 1.10 Right-of-way: As used herein shall refer to the surface of and the space along, above, and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, easement, and/or road right-of-way now or hereafter held or administered by the City of Shoreline.

2. Franchise Granted.

- 2.1 Pursuant to RCW 35A.47.040, the City hereby grants to District, its successors and assigns, subject to the terms and conditions hereinafter set forth, a Franchise beginning on the effective date of this Ordinance.
- 2.2 This Franchise shall grant District the right, privilege and authority, subject to the terms and conditions hereinafter set forth, to construct, operate, maintain, replace, and use all necessary equipment and facilities for a public water system, in, under, on, across, over, through, along or below the public right-of-way located in the City of Shoreline.
- 2.3 This Franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any right-of-way.

3. **Franchise Term.** The term of the Franchise granted hereunder shall be for the period commencing upon the effective date of this ordinance through December 31, 2012 unless it is replaced by a substitute Franchise ordinance prior to that date.

4. **Franchise Fee.** In consideration of the rights granted to the District by this Agreement, the District agrees:

- 4.1 To collect and distribute to the City a Franchise fee equal to 6% of Revenue generated from its operations within the City.
 - 4.1.1 This Franchise fee shall be collected beginning upon the effective date of this Franchise.
 - 4.1.2 Proceeds of the Franchise fee collected shall be distributed to the City no later than 30 days after the end of each calendar quarter (quarters ending at the end of March, June, September and December).
- 4.2 Should the District be prevented by judicial or legislative action from collecting a Franchise fee on all or a part of the revenues, District shall be excused from the collection and distribution of that portion of the Franchise fee.
- 4.3 Should a court of competent jurisdiction declare, or a change in law make the Franchise fee to be collected on behalf of the City invalid, in whole or in part, or should a court of competent jurisdiction hold that the collection of the Franchise fee by District is in violation of a pre-existing contractual obligation of District, then District's obligation to collect and distribute a Franchise fee to the City under this Section shall be terminated in accordance with and to the degree required to comply with such court action.
 - 4.3.1 Should a court of competent jurisdiction declare, or change a law to make the franchise fee invalid, in whole or in part, and further declare that the franchise fee collected by the District and paid to the City to be refunded or repaid to District customers or other parties, City shall refund to District all monies collected plus any required interest in the amount required to satisfy said court declaration.

5. **City Ordinances and Regulations.**

- 5.1 Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the rights-of-way including any reasonable ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. Such action(s) by the City shall not unreasonably affect or modify any portion of this agreement without the approval of the District. Should the District and City not be able to agree, they shall resolve the differences through Section 13 - Alternate Dispute Resolution.

6. **Right-of-Way Management.**

- 6.1 Excavation.

- 6.1.1 Whenever District excavates in any right-of-way for the purpose of installation, construction, repair, maintenance or relocation of its facilities, it shall apply to the City for a permit to do so in accord with the ordinances and regulations of the City requiring permits to operate in the right-of-way. In no case shall any such work commence within any right-of-way without a permit, except as otherwise provided in this Ordinance.
- 6.2 Abandonment of District's Facilities. Any abandoned District facility above the surface shall be removed by the District within a reasonable time. All necessary permits must be obtained prior to such work.
- 6.3 Restoration after Construction.
- 6.3.1 District shall, after any installation, construction, relocation, maintenance, or repair of Facilities within the Franchise area, restore the right-of-way to at least the condition the same was in immediately prior to any such abandonment, installation, construction, relocation, maintenance or repair. Restoration shall not require an improvement to a condition that substantially exceeds the condition prior to the District's activities. All concrete encased monuments, which have been disturbed or displaced by such work, shall be restored pursuant to all federal, state and local standards and specifications. District agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.
- 6.3.2 If it is determined that District has failed to restore the right-of-way in accordance with this Section, the City shall provide District with written notice including a description of actions the City believes necessary to restore the right-of-way.
- 6.4 Bonding Requirement. District, as a public agency, is not required to comply with the City's standard bonding requirement for working in the City's right-of-way.
- 6.5 Emergency Work, Permit Waiver. In the event of any emergency where any District facilities located in the right-of-way are broken or damaged, or if District's construction area for their facilities is in such a condition as to place the health or safety of any person or property in imminent danger, District shall immediately take any necessary emergency measures to repair, replace or remove its facilities without first applying for and obtaining a permit as required by this Franchise. However, this emergency provision shall not relieve District from later obtaining any necessary permits for the emergency work. District shall apply for the permits that would have been required and obtained prior to the emergency as soon as practical given the nature and duration of the emergency.
- 6.6 Permit requirements and types of activities. The District shall be authorized to perform "Minor Activities" without a City permit of any kind and "Blanket

Activities” under the terms and conditions of this Section. All other activities will require a separate permit in accordance with City ordinances.

6.6.1 “Blanket Activities” shall be defined as those activities that cause some disruption to the right-of-way and possibly to traffic patterns but not to the degree where significant city involvement is required during the plan review and inspection processes. Examples include:

6.6.1.1 Replace, install, maintain services, valves and water mains and appurtenances in pavement, sidewalk or gravel shoulder.

6.6.1.2 Replace, install or maintain valve boxes in pavement, if not in conjunction with City generated projects (overlays, etc.).

6.6.1.3 Transverse tie-ins on joint trench projects (transverse: placed straight across).

6.6.1.4 Replace, install or maintain blowoffs, air-vacs, fire hydrants in pavement, sidewalk or gravel shoulder.

6.6.1.5 Open cutting of pavement not to exceed 70 square feet.

6.6.2 “Minor Activities” shall be defined as those activities on streets that do not cause any significant disruption of the right-of-way and traffic patterns. Typical examples include the inspection, operation and maintenance of services, pump stations, air-vacs, valves, hydrants and service meters.

6.6.3 For Blanket Activities, the District shall pay the City a permit inspection/processing fee in the amount equal to the hourly rate at the time of the permit and for a time of 2 hours. The permit fees for District activities shall not exceed permit fees charged for similar activities to any other franchise holder.

6.6.4 The District shall provide a quarterly list of permit construction activity concurrently with Franchise Fee payments listing the previous three month's activity authorized under this Section.

6.6.5 The District shall provide payment of inspection fees for quarterly activity. No statement will be provided by the City.

6.6.6 For each separate use of the right-of-way under this Section except Minor Activities or Emergencies, and prior to commencing any work on the right-of-way under this Section, the District shall fax or otherwise deliver to the Permitting Authority, at least twenty-four (24) hours in advance of entering the right-of-way, a City Inspection Request Form, as provided by the Permitting Authority, which shall include at a minimum a work time, date the work begins, date the work is estimated to be complete, location,

traffic control plan (if applicable) and a description of work to be performed.

- 6.7 Dangerous Conditions, Authority for City to Abate. Whenever Facilities or the operations of the District cause or contribute to a condition that appears to endanger any person or substantially impair the use or lateral support of the adjoining right-of-way, public or private property, the Director may immediately inform the District of the condition. The District will immediately evaluate the condition and if the District determines that a condition exists that causes endangerment to the public or impairment of the right-of-way the District will immediately mitigate the condition at no cost to the City. The resolution of the dangerous condition requires approval of the District Manager and the Director before the work begins.

6.8 Relocation of System Facilities.

- 6.8.1 In accord with the following schedule, the District agrees and covenants to protect, support, temporarily disconnect, relocate or remove from any right-of-way its facilities when so required by the City to accommodate the completion of or as a result of a public project. As used in this Section, the term "public project" is a project included in the City adopted six-year Capital Improvement Program and as amended annually by the City Council.

<u>Age of Dist. Facility</u>	<u>% of relocation by City</u>	<u>% of relocation by District</u>
5 years or less	100%	0%
5 – 10 years	50%	50%
10 + years	0%	100%

- 6.8.2 This relocation requirement shall not apply to those larger facilities that cannot reasonably be supported, disconnected, relocated or removed as set forth on Attachment A to this franchise, to be approved by both parties within 60 days of the District's adoption of this agreement. This attachment may be amended from time to time by the parties. If these facilities are required to be moved in order to accommodate the completion of or as a result of a public project,, the City shall pay 50% of the relocation cost.
- 6.8.3 All Facilities utilized for providing water service within District's service area and within the right-of-way shall be considered owned, operated and maintained by District.
- 6.8.4 If the City determines that a public project necessitates the relocation or removal of District's existing facilities, the City shall:
- 6.8.4.1 As soon as possible, but not less than one hundred eighty (180) days prior to the commencement of such project, City shall provide

District with written notice requiring such relocation or removal;
and

6.8.4.2 Provide District with copies of any plans and specifications pertinent to the requested relocation or removal and a proposed temporary or permanent relocation for District's facilities.

6.8.4.3 After receipt of such notice and such plans and specifications, District shall make all reasonable efforts to complete relocation of its facilities according to the above cost sharing described in Section 6.8.2.

6.8.5 District may, after receipt of written notice requesting relocation or removal of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise District in writing if any of the alternatives are suitable to accommodate the work that necessitates the relocation of the facilities. If so requested by either party, District or City shall submit additional information to assist the other party in making such evaluation. The City shall give each alternative proposed by District full and fair consideration and if appropriate, state why the District's proposed alternatives are not satisfactory. In the event the City and District ultimately do not agree on a reasonable alternative, District and City shall attempt to resolve the relocation through Section 13 – Alternate Dispute Resolution.

6.8.6 If the City determines that the District's facilities must be protected, supported, temporarily or permanently disconnected, relocated or removed from the right-of-way, City shall reimburse District all costs as submitted and verified by District within 45 days of completion of the relocation or removal by the District in accord with paragraph 6.8.1 herein.

6.8.7. The provisions of this Section 6.8 shall in no manner preclude or restrict District from making any arrangements it may deem appropriate when responding to a request for relocation of its Facilities by any person or entity other than the City.

7. Planning Coordination.

7.1 Growth Management. The parties agree, as follows, to participate in the development of, and reasonable updates to, the each other's planning documents:

7.1.1 For District's service within the City limits, District will participate in a cooperative effort with the City of Shoreline to develop a Comprehensive Plan Utilities Element that meets the requirements described in RCW 36.70A.070(4).

7.1.2 District will participate in a cooperative effort with the City to ensure that the Utilities Element of Shoreline's Comprehensive plan is accurate as it

relates to District's operations and is updated to ensure continued relevance at reasonable intervals.

- 7.1.3 District shall submit information related to the general location, proposed location, and capacity of all existing and proposed Facilities within the City as requested by the Director within a reasonable time, not exceeding sixty (60) days from receipt of a written request for such information, provided that such information is in the District's possession, or can be reasonably developed from the information in the District's possession.
- 7.1.4 District will update information provided to the City under this Section whenever there are major changes in District's system plans for Shoreline.
- 7.1.5 The City will provide information relevant to the District's operations within a reasonable period of written request to assist the District in the development or update of its Comprehensive Water System Plan. Provided that such information is in the City's possession, or can be reasonably developed from the information in the City's possession.

7.2 System Development Information. District and City will each assign a representative whose responsibility shall be to coordinate planning for CIP projects including those that involve undergrounding. At a minimum, such coordination shall include the following:

- 7.2.1 By February 1st of each year, District shall provide the City with a schedule of its planned capital improvements, which may affect the right-of-way for that year;
- 7.2.2 By February 1st of each year, City shall provide the District with a schedule of its planned capital improvements which may affect the right-of-way for that year including but not limited to street overlays and repairs, storm drainage improvements and construction, and all other right-of-way activities that could affect District capital improvements and infrastructure.
- 7.2.3 District shall meet with the City, other franchisees and users of the right-of-way as necessary, to schedule and coordinate construction activities.
- 7.2.4 All construction locations, activities, and schedules shall be coordinated, to minimize public inconvenience, disruption, or damages.

7.3 Emergency Operations. The City and District agree to cooperate in the planning and implementation of emergency operations response procedures.

- 7.4 Maps and Records. Without charge to either party, both parties agree to provide each other with as-built plans, maps, and records that show the vertical and horizontal location of its facilities within the right-of-way, measured from the center line of the right-of-way, using a minimum scale of one inch equals one hundred feet (1"=100'). Maps shall be provided in Geographical Information System (GIS) or other digital electronic format used by the City or District, and upon request, in hard copy plan form used by City or District.

8. Indemnification.

- 8.1 District hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards, attorney's fees, or liability to any person, including claims by District's own employees to which District might otherwise be immune under Title 51 RCW, arising from personal injury or damage to property allegedly due to the negligent or intentional acts or omissions of District, its agents, servants, officers or employees in performing activities authorized by this Franchise. This covenant of indemnification shall include, but not be limited by this reference, claims against the City arising as a result of the acts or omissions of District, its agents, servants, officers or employees except for claims for injuries and damages caused in whole or in part by the sole negligence of the City. If final judgment is rendered against the City, its elected officials, employees, agents, and volunteers, or any of them, District shall satisfy the same. The City may appear in any proceeding it deems necessary to protect the City's or the public's interests.
- 8.2 Inspection or acceptance by the City of any work performed by District at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims that are not reduced to a suit and any claims that may be settled prior to the culmination of any litigation or the institution of any litigation.
- 8.3 Should a court of competent jurisdiction determine that this Franchise is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of District and the City, its officers, employees and agents, District's liability hereunder shall be only to the extent of District's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the District's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Franchise.
- 8.4 The City hereby releases and agrees to indemnify, defend and hold harmless the District, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person arising from District's compliance with this Agreement.

- 8.5 The City hereby releases and agrees to indemnify, defend and hold harmless the District, its elected officials, employees, agents and volunteers from any and all claims, costs, judgments, awards or liability to any person arising from City's decision to issue development permits based on accurate information on fire flow and water availability provided by the District or the City's enforcement of the International Fire Code.

9. **Insurance.**

- 9.1 District shall procure and maintain for the duration of the Franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to District, its agents or employees. A combination of self-insurance and excess liability insurance may be utilized by District. District shall provide to the City an insurance certificate and proof of self-insurance, if applicable, evidencing the required insurance and a copy of the additional insured endorsements, for its inspection prior to the commencement of any work or installation of any Facilities pursuant to this Franchise, and such insurance shall evidence the following required insurance:
- 9.1.1 Automobile Liability insurance for owned, non-owned and hired vehicles with limits no less than \$2,000,000 Combined Single Limit per accident for bodily injury and property damage; and
- 9.1.2 Commercial General Liability insurance policy, written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include premises, operations, independent contractors, products-completed operations, personal injury and advertising injury. There shall be no endorsement or modification of the Commercial General Liability insurance excluding liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under District's Commercial General Liability insurance policy.
- 9.1.3 Excess Liability in an amount of \$5,000,000 each occurrence and \$5,000,000 aggregate limit. The City shall be named as an additional insured on the Excess Liability insurance policy.
- 9.2 Payment of deductible or self-insured retention shall be the sole responsibility of District.
- 9.3 The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, or employees. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. District's insurance shall be primary. Any

insurance, self insurance, or insurance pool coverage maintained by the City shall be excess of District's insurance and shall not contribute with it. Coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City.

- 9.4 District shall require all its subcontractors to carry insurance consistent with this Section 9, and shall provide evidence of such insurance to the City upon request.

10. Enforcement.

- 10.1 Both City and District reserve the right to revoke and terminate this Franchise in the event of a substantial violation or breach of its terms and conditions.
- 10.2 A substantial violation or breach by City or by District shall include, but shall not be limited to, the following:
- 10.2.1 An uncured violation of any material provision of this Franchise,
- 10.2.2 An intentional evasion or knowing attempt by either party to evade any material provision of this Franchise or practice of any fraud or deceit upon the District or upon the City;
- 10.2.3 Failure to provide the services specified in the Franchise;
- 10.2.4 Misrepresentation of material fact during negotiations relating to this Franchise or the implementation thereof;
- 10.2.5 An uncured failure to pay fees associated with this Franchise.
- 10.2.6. Changes in existing City regulations or ordinances or new regulations or ordinances that materially change the interpretation or application of provisions in this agreement.
- 10.3 No violation or breach shall occur which is without fault of the District or the City, or which is as a result of circumstances beyond the District's or the City's reasonable control. Neither the District, nor the City, shall be excused by economic hardship nor by nonfeasance or malfeasance of its directors, officers, agents or employees
- 10.4 Except in the case of termination pursuant to Paragraph 10.1 of this Section, prior to any termination or revocation, the City, or the District, shall provide the other with detailed written notice of any substantial violation or material breach upon which it proposes to take action. The party who is allegedly in breach shall have a period of 60 days following such written notice to cure the alleged violation or breach, demonstrate to the other's satisfaction that a violation or breach does not exist, or submit a plan satisfactory to the other to correct the violation or breach. If, at the end of said 60-day period, the City or the District reasonably believes that

a substantial violation or material breach is continuing and the party in breach is not taking satisfactory corrective action, the other may declare that the party in breach is in default and may terminate this Agreement in accord with this Section, which declaration must be in writing.

11. **Notice.** Any notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

District Manager
Shoreline Water District
P.O. Box 55367
Shoreline, WA 98155
Phone: (206) 362-8100
Fax: (206) 361-0629

City Manager
City of Shoreline
17544 Midvale Avenue N.
Shoreline, WA 98133-4921
Phone: (206) 546-1700
Fax: (206) 546-2200

12. **Non-Waiver.** The failure of either party to enforce any breach or violation by the other party of any provision of this Franchise shall not be deemed to be a waiver or a continuing waiver by the non-breaching party of any subsequent breach or violation of the same or any other provision of this Franchise.

13. **Alternate Dispute Resolution.** If the parties are unable to resolve disputes arising from the terms of this Franchise, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.

14. **Entire Agreement.** This Franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.

15. **Survival.** All of the provisions, conditions and requirements of Sections 6.1 Excavation, 6.2 Abandonment Of District's Facilities, 6.3 Restoration After Construction, 6.7 Dangerous Conditions, Authority For City To Abate, 6.8 Relocation Of System Facilities, and 8 Indemnification, of this Franchise shall be in addition to any and all other obligations and liabilities District may have to the City at common law, by statute, or by contract, and shall survive the City's Franchise to District for the use of the areas mentioned in Section 2 herein, and any renewals or extensions thereof only to the extent that existed prior to this agreement. All of the provisions, conditions, regulations and requirements contained in this Franchise Ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of District and all privileges, as well as all obligations and liabilities of District shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever District is named herein..

16. **Severability.** If any Section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other Section,

sentence, clause or phrase of this Franchise Ordinance. The Parties may amend, repeal, add, replace, or modify any provision of this Franchise to preserve the intent of the parties as expressed herein prior to any finding of invalidity or unconstitutionality.

17. **Directions to City Clerk.** The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the District set forth in this ordinance. The District shall have fifteen (15) days from receipt of the certified copy of this ordinance to accept in writing the terms of the Franchise granted to the District in this ordinance.

18. **Publication Costs.** In accord with state law, this ordinance shall be published in full by the City.

19. **Effective Date.** This ordinance shall take effect and be in full force five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 28, 2008.

Mayor Cindy Ryu

ATTEST

APPROVED AS TO FORM:

Scott Passey
City Clerk

Flannary P. Collins
Assistant City Attorney

Date of Publication: July 31, 2008
Effective Date: August 5, 2008

ORDINANCE NO. 514

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING SHORELINE WATER DISTRICT A NON-EXCLUSIVE FRANCHISE TO OWN, CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR A WATER SYSTEM WITHIN PUBLIC RIGHTS-OF-WAY OF THE CITY OF SHORELINE, WASHINGTON.

WHEREAS, RCW 35A.11.020 grants the City broad authority to regulate the use of the public right-of-way; and

WHEREAS, RCW 35A.47.040 authorizes the City "to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for... facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication, for gas, steam and liquid fuels, for water, sewer and other private and publicly owned and operated facilities for public service;" and

WHEREAS, the Shoreline Water District's franchise, granted by Ordinance No. 274, and extended by Ordinance Nos. 455, 468, 503 and 508, expires July 31, 2008;

WHEREAS, the Council finds that it is in the best interests of the health, safety and welfare of the residents of the Shoreline Community to grant another non-exclusive franchise to the Shoreline Water District for the operation of a water system within the City right-of-way; NOW, THEREFORE,

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

1. **Definitions.** The following terms contained herein, unless otherwise indicated, shall be defined as follows:

- 1.1 **City:** The City of Shoreline, a municipal corporation of the State of Washington, specifically including all areas incorporated therein as of the effective date of this ordinance and any other areas later added thereto by annexation or other means.
- 1.2 **Days:** Calendar days.
- 1.3 **Director:** The City Manager or designee.
- 1.4 **District:** Shoreline Water District, a municipal corporation organized under RCW Title 57.
- 1.5 **Facilities:** All pipes and appurtenances, access ways, pump stations, storage facilities, equipment, and supporting structures, located in the City's right-of-way, utilized by the District in the operation of its

~~activities authorized by this Ordinance. The abandonment by District of any facilities as defined herein shall not act to remove the same from this definition.~~

- 1.6 Permittee: A person who has been granted a permit by the Permitting Authority, and District operating under Section 6.6 Blanket Permit of this agreement.
- 1.7 Permitting Authority: The head of the City department authorized to process and grant permits required to perform work in the City's right-of-way, or the head of any agency authorized to perform this function on the City's behalf. Unless otherwise indicated, all references to Permitting Authority shall include the designee of the department or agency head.
- 1.8 Person: An entity or natural person.
- 1.9 Revenue: ~~This terms as used herein shall refer to all revenue collected from District's customers with billing addresses that are within the corporate boundaries of the City, not including late fees.~~ "Revenue" means income derived only from the sale of metered water to customers whose connections are within the City of Shoreline. Revenue shall not include: late fees; impact or mitigation fees; any type of connection charges, general facilities charges, or local facilities charges; grants; contributed assets (CIAC); loans; income from legal settlements not related to water sales; income from cellular antenna leases; income from real property or real property sales; income from the sale of surplus equipment, tools or vehicles; interest income; penalties; hydraulic modeling fees; water system extension agreement (WSEA) fees and charges; income from street lights; labor, equipment and materials charges; income from the sale of bidders documents and plan sets; or any other fees and charges.
- 1.10 Right-of-way: As used herein shall refer to the surface of and the space along, above, and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement, and/or road right-of-way now or hereafter held or administered by the City of Shoreline.

2. Franchise Granted.

- 2.1 Pursuant to RCW 35A.47.040, the City hereby grants to District, its successors and assigns, subject to the terms and conditions hereinafter set forth, a Franchise beginning on the effective date of this Ordinance.
- 2.2 This Franchise shall grant District the right, privilege and authority, subject to the terms and conditions hereinafter set forth, to construct, operate, maintain, replace, and use all necessary equipment and facilities

for a public water system, in, under, on, across, over, through, along or below the public right-of-way located in the City of Shoreline, ~~as approved under City permits issued by the Permitting Authority pursuant to this Franchise and City ordinances.~~

- 2.3 This Franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any right-of-way. ~~Such Franchise shall in no way prevent or prohibit the City from using any right-of-way or other City property or affects its jurisdiction over them or any part of them, and the City shall retain the authority to make all necessary changes, relocation, repairs, maintenance, establishment, improvement, dedication of the same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-way or other public properties of every type and description.~~

3. **Franchise Term.** The term of the Franchise granted hereunder shall be for the period commencing upon the effective date of this ordinance through December 31, 2004 2012, unless it is replaced by a substitute Franchise ordinance prior to that date. ~~This Franchise will automatically renew for an additional two-year period unless its termination is confirmed in writing by the City at least sixty days prior to December 31, 2004, or it is replaced by a substitute Franchise ordinance prior to that date.~~

4. **Franchise Fee.** In consideration of the rights granted to the District ~~to occupy City rights-of-way for the purpose of operating a water utility within the City and as partial compensation for the City's costs to construct, maintain, repair, develop and manage the right-of-way~~ by this Agreement, the District agrees:

- 4.1 To collect and distribute to the City a Franchise fee equal to 6% of Revenues generated from its operations within the City.
- 4.1.1 This Franchise fee shall be collected beginning upon the effective date of this Franchise.
- 4.1.2 Proceeds of the Franchise fee collected shall be distributed to the City no later than 30 days after the end of each calendar quarter (quarters ending at the end of March, June, September and December).
- 4.2 Should the District be prevented by judicial or legislative action from collecting a Franchise fee on all or a part of the revenues, District shall be excused from the collection and distribution of that portion of the Franchise fee.
- 4.3 Should a court of competent jurisdiction declare, or a change in law make the Franchise fee to be collected on behalf of the City invalid, in whole or in part, or should a court of competent jurisdiction hold that the collection of the Franchise fee by District is in violation of a pre-existing contractual obligation of District, then District's obligation to collect and

distribute a Franchise fee to the City under this Section shall be terminated in accordance with and to the degree required to comply with such court action.

4.3.1 Should a court of competent jurisdiction declare, or change a law to make the franchise fee invalid, in whole or in part, and further declare that the franchise fee collected by the District and paid to the City to be refunded or repaid to District customers or other parties, City shall refund to District all monies collected plus any required interest in the amount required to satisfy said court declaration.

~~4.4 District agrees that the Franchise fee established by this Section is appropriate and that District will not be a party to or otherwise support legal or legislative action intended to result in judicial determinations or legislative action referred to in Sections 4.2 & 4.3 hereof.~~

5. City Ordinances and Regulations.

5.1 Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the ~~performance of the conditions of this Franchise, rights-of-way~~ including any reasonable ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. ~~The City shall have the authority at all times to control, by appropriate regulations, the location, elevation, and manner of construction and maintenance of any facilities of District located within the City right-of-way. District shall promptly conform with all such regulations, unless compliance would cause District to violate other requirements of law. Such action(s) by the City shall not unreasonably affect or modify any portion of this agreement without the approval of the District. Should the District and City not be able to agree, they shall resolve the differences through~~ Section 13 - Alternate Dispute Resolution.

6. Right-of-Way Management.

6.1 Excavation.

~~6.1.1 During any period of relocation or maintenance, all surface structures, if any, shall be erected and used in such places and positions within the right-of-way so as to interfere as little as possible with the safe and unobstructed passage of traffic and the unobstructed use of adjoining property. District shall at all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or state law, including RCW 39.04.180, for the construction of trench safety systems.~~

~~6.1.2~~ 6.1.1 Whenever District excavates in any right-of-way for the purpose of installation, construction, repair, maintenance or relocation of its facilities, it shall apply to the City for a permit to do so in accord with the ordinances and regulations of the

City requiring permits to operate in the right-of-way. In no case shall any such work commence within any right-of-way without a permit, except as otherwise provided in this Ordinance. During the progress of the work, District shall not unnecessarily obstruct the passage or use of the right-of-way, and shall provide the City with plans, maps, and information showing the proposed and final location of any facilities in accordance with Section 6.10 of this Ordinance.

6.2 Abandonment of District's Facilities. No facilities laid, installed, constructed, or maintained in the right-of-way by District may be abandoned by District without the prior written consent of the Director of a removal plan. Any abandoned District facility above the surface shall be removed by the District within a reasonable time. All necessary permits must be obtained prior to such work.

6.3 Restoration after Construction.

6.3.1 District shall, after any installation, construction, relocation, maintenance, or repair of Facilities within the Franchise area, restore the right-of-way to at least the condition the same was in immediately prior to any such abandonment, installation, construction, relocation, maintenance or repair. Restoration shall not require an improvement to a condition that substantially exceeds the condition prior to the District's activities. All concrete encased monuments, which have been disturbed or displaced by such work, shall be restored pursuant to all federal, state and local standards and specifications. District agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.

6.3.2 If it is determined that District has failed to restore the right-of-way in accordance with this Section, the City shall provide District with written notice including a description of actions the City believes necessary to restore the right-of-way. ~~If the right-of-way is not restored in accordance with the City's notice within fifteen (15) days of that notice, the City, or its authorized agent, may restore the right-of-way. District is responsible for all costs and expenses incurred by the City in restoring the right-of-way in accordance with this Section. The rights granted to the City under this Paragraph shall be in addition to those otherwise provided by this Franchise.~~

6.4 Bonding Requirement. District, as a public agency, is not required to comply with the City's standard bonding requirement for working in the City's right-of-way.

6.5 Emergency Work, Permit Waiver. In the event of any emergency where any District facilities located in the right-of-way are broken or damaged, or if District's

construction area for their facilities is in such a condition as to place the health or safety of any person or property in imminent danger, District shall immediately take any necessary emergency measures to repair, replace or remove its facilities without first applying for and obtaining a permit as required by this Franchise. However, this emergency provision shall not relieve District from later obtaining any necessary permits for the emergency work. District shall apply for the required permits the next business day following the emergency work or that would have been required and obtained prior to the emergency as soon as practical given the nature and duration of the emergency.

- 6.6 ~~Blanket Permit.~~ The terms “Minor Activities” and “Blanket Activities” shall be defined in a specifically negotiated Blanket Permit Definitions, a copy of which has been filed with the City Clerk and identified by Clerk’s Receiving Number 3243. Permittee shall be authorized to perform Minor Activities without a City permit of any kind and Blanket Activities under the terms and conditions of this Section. All other activities will require a separate permit in accordance with City ordinances.
- 6.6.1 ~~The Permittee shall pay the City a permit inspection/processing fee in the amount set out in Blanket Permit Definitions.~~
- 6.6.2 ~~The Permittee shall provide a monthly list of permit construction activity by the 10th of the following month listing the previous month’s activity authorized under this Section.~~
- 6.6.3 ~~The Permittee shall provide payment of inspection fees for the monthly activity on a monthly basis. No statement will be provided by the City.~~
- 6.6.4 ~~For each separate use of the right of way under this Section, and prior to commencing any work on the right of way under this Section, the Permittee shall:~~
- 6.4.1.1 ~~Fax or otherwise deliver to the Permitting Authority, at least twenty-four (24) hours in advance of entering the right of way, a City Inspection Request Form, as provided by the Permitting Authority, which shall include at a minimum the following information: Franchise ordinance number, street address nearest to the proposed work site; parcel number and description of work to be performed.~~
- 6.4.1.2 ~~Fax or deliver to the Permitting Authority a notice of completion in the form provided by the Permitting Authority within twenty-four (24) hours after completing work.~~
- 6.6.5 ~~In the event the Permittee fails to comply with any of the conditions set forth in this Section, the City is authorized to immediately terminate the Permittee’s authority to operate under this Section by providing Permittee written notice of such termination and the basis therefore.~~
- 6.6.6 ~~The City reserves the right to alter the terms and conditions of Subsection 6.6. and of Blanket Permit Definitions by providing thirty (30) days written notice to~~

~~the Permittee. Any change made pursuant to this Paragraph, including any change in the inspection fee stated in Blanket Permit Definitions, shall thereafter apply to all subsequent work performed pursuant to this Section. Further, the City may terminate the Permittee's authority to work in the City's right-of-way under the terms of this Section at any time without cause by providing thirty (30) days written notice to the Permittee. Notwithstanding any termination, the Permittee will not be relieved of any liability to the City.~~

6.6 Permit requirements and types of activities. The District shall be authorized to perform "Minor Activities" without a City permit of any kind and "Blanket Activities" under the terms and conditions of this Section. All other activities will require a separate permit in accordance with City ordinances.

6.6.1 "Blanket Activities" shall be defined as those activities that cause some disruption to the right-of-way and possibly to traffic patterns but not to the degree where significant city involvement is required during the plan review and inspection processes. Examples include:

6.6.1.1 Replace, install, maintain services, valves and water mains and appurtenances in pavement, sidewalk or gravel shoulder.

6.6.1.2 Replace, install or maintain valve boxes in pavement, if not in conjunction with City generated projects (overlays, etc.).

6.6.1.3 Transverse tie-ins on joint trench projects (transverse: placed straight across).

6.6.1.4 Replace, install or maintain blowoffs, air-vacs, fire hydrants in pavement, sidewalk or gravel shoulder.

6.6.1.5 Open cutting of pavement not to exceed 70 square feet.

6.6.2 "Minor Activities" shall be defined as those activities on streets that do not cause any significant disruption of the right-of-way and traffic patterns. Typical examples include the inspection, operation and maintenance of services, pump stations, air-vacs, valves, hydrants and service meters.

6.6.3 For Blanket Activities, the District shall pay the City a permit inspection/processing fee in the amount equal to the hourly rate at the time of the permit and for a time of 2 hours. The permit fees for District activities shall not exceed permit fees charged for similar activities to any other franchise holder.

6.6.4 The District shall provide a quarterly list of permit construction activity concurrently with Franchise Fee payments listing the previous three month's activity authorized under this Section.

6.6.5 The District shall provide payment of inspection fees for quarterly activity. No statement will be provided by the City.

6.6.6 For each separate use of the right-of-way under this Section except Minor Activities or Emergencies, and prior to commencing any work on the right-of-way under this Section, the District shall fax or otherwise deliver to the Permitting Authority, at least twenty-four (24) hours in advance of entering the right-of-way, a City Inspection Request Form, as provided by the Permitting Authority, which shall include at a minimum a work time, date the work begins, date the work is estimated to be complete, location, traffic control plan (if applicable) and a description of work to be performed.

~~6.7. Safety.~~

~~6.7.1 The District, in accordance with applicable federal, state, and local safety rules and regulations shall, at all times, employ ordinary care in the installation, maintenance, and repair utilizing methods and devices commonly accepted in their industry of operation to prevent failures and accidents that are likely to cause damage, injury, or nuisance to persons or property.~~

~~6.7.2 All of District's facilities in the right-of-way shall be constructed and maintained in a safe and operational condition.~~

~~6.8 — Dangerous Conditions, Authority for City to Abate.~~

~~6.8.1 Whenever Facilities or the operations of the District cause or contribute to a condition that appears to endanger any person or substantially impair the lateral support of the adjoining right-of-way, public or private property, the Director may direct the District, at no charge or expense to the City, to take actions to resolve the condition or remove the endangerment. Such directive may include compliance within a prescribed time period.~~

~~6.8.2 In the event the District fails or refuses to promptly take the directed action, or fails to fully comply with such direction, or if emergency conditions exist which require immediate action to prevent imminent injury or damages to persons or property, the City may take such actions as it believes are necessary to protect persons or property and the District shall be responsible to reimburse the City for its costs.~~

6.7 Dangerous Conditions, Authority for City to Abate. Whenever Facilities or the operations of the District cause or contribute to a condition that appears to endanger any person or substantially impair the use or lateral support of the adjoining right-of-way, public or private property, the Director may immediately inform the District of the condition. The District will immediately evaluate the condition and if the District determines that a condition exists that causes endangerment to the public or impairment of the right-of-way the District will

immediately mitigate the condition at no cost to the City. The resolution of the dangerous condition requires approval of the District Manager and the Director before the work begins.

6.9 6.8 Relocation of System Facilities.

~~6.9.1~~ 6.8.1 In accord with the following schedule, Tthe District agrees and covenants to protect, support, temporarily disconnect, relocate or remove from any right-of-way its facilities without cost to the City when so required by the City to facilitate accommodate the completion of or as a result of a public project, provided that District shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same right of way and upon approval by the City, any facilities required to be temporarily disconnected or removed. As used in this Section, the term "public project" is a project included in any the City adopted six-year Capital Improvement Program and as amended annually by the City Council.

<u>Age of Dist. Facility</u>	<u>% of relocation by City</u>	<u>% of relocation by District</u>
5 years or less	100%	0%
5 – 10 years	50%	50%
10 + years	0%	100%

6.8.2 This relocation requirement shall not apply to those larger facilities that cannot reasonably be supported, disconnected, relocated or removed as set forth on Attachment A to this franchise, to be approved by both parties within 60 days of the District's adoption of this agreement. This attachment may be amended from time to time by the parties. If these facilities are required to be moved in order to accommodate the completion of or as a result of a public project, the City shall pay 50% of the relocation cost.

~~6.9.2.~~ 6.8.3 All Facilities utilized for providing water service within District's service area and within the right-of-way shall be considered owned, operated and maintained by District.

~~6.9.3~~ 6.8.4 If the City determines that a public project necessitates the relocation or removal of District's existing facilities, the City shall:

~~6.9.3.1~~ 6.8.4.1 As soon as possible, but not less than sixty (~~60~~) one hundred eighty (180) days prior to the commencement of such project, City shall provide District with written notice requiring such relocation or removal; and

~~6.9.3.2~~ 6.8.4.2 Provide District with copies of any plans and specifications pertinent to the requested relocation or removal and a

proposed temporary or permanent relocation for District's facilities.

~~6.9.3.3.~~ 6.8.4.3 After receipt of such notice and such plans and specifications, District shall make all reasonable efforts to complete relocation of its facilities at no charge or expense to the City at least ten (10) days prior to commencement of the project according to the above cost sharing described in Section 6.8.2.

~~6.9.4~~ 6.8.5 District may, after receipt of written notice requesting relocation or removal of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise District in writing if any of the alternatives are suitable to accommodate the work that necessitates the relocation of the facilities. If so requested by ~~the City~~ either party, District or City shall submit additional information to assist the other party in making such evaluation. The City shall give each alternative proposed by District full and fair consideration and if appropriate, state why the District's proposed alternatives are not satisfactory. In the event the City and District ultimately determines ~~there is no other~~ do not agree on a reasonable alternative, District and City shall ~~relocate its facilities as provided in this Section attempt to resolve the relocation through Section 13 – Alternate Dispute Resolution.~~

~~6.9.5~~ — If the City requires the relocation of Facilities within five (5) years of their installation or the subsequent relocation of Facilities within five (5) years from the date of relocation of such Facilities pursuant to this Section, then the City shall bear the entire cost of such subsequent relocation.

6.8.6 If the City determines that the District's facilities must be protected, supported, temporarily or permanently disconnected, relocated or removed from the right-of-way, City shall reimburse District all costs as submitted and verified by District within 45 days of completion of the relocation or removal by the District in accord with paragraph 6.8.1 herein.

~~6.9.6~~ 6.8.7. The provisions of ~~Section 6.9~~ this Section 6.8 shall in no manner preclude or restrict District from making any arrangements it may deem appropriate when responding to a request for relocation of its Facilities by any person or entity other than the City, ~~where the improvements to be constructed by said person are not or will not become City-owned, operated or maintained, provided that such arrangements do not unduly delay or increase the cost of a planned City construction project.~~

7. Planning Coordination.

- 7.1 Growth Management. The parties agree, as follows, to participate in the development of, and reasonable updates to, the each other's planning documents:
- 7.1.1 For District's service within the City limits, District will participate in a cooperative effort with the City of Shoreline to develop a Comprehensive Plan Utilities Element that meets the requirements described in RCW 36.70A.070(4).
- 7.1.2 District will participate in a cooperative effort with the City to ensure that the Utilities Element of Shoreline's Comprehensive plan is accurate as it relates to District's operations and is updated to ensure continued relevance at reasonable intervals.
- 7.1.3 District shall submit information related to the general location, proposed location, and capacity of all existing and proposed Facilities within the City as requested by the Director within a reasonable time, not exceeding sixty (60) days from receipt of a written request for such information, provided that such information is in the District's possession, or can be reasonably developed from the information in the District's possession.
- 7.1.4 District will update information provided to the City under this Section whenever there are major changes in District's system plans for Shoreline.
- 7.1.5 The City will provide information relevant to the District's operations within a reasonable period of written request to assist the District in the development or update of its Comprehensive Water System Plan. Provided that such information is in the City's possession, or can be reasonably developed from the information in the City's possession.
- 7.2 System Development Information. District and City will each assign a representative whose responsibility shall be to coordinate ~~with the City~~ on planning for CIP projects including those that involve undergrounding. At a minimum, such coordination shall include the following:
- 7.2.1 By February 1st of each year, District shall provide the City ~~Manager or his designee~~ with a schedule of its planned capital improvements, which may affect the right-of-way for that year;
- 7.2.2 By February 1st of each year, City shall provide the District with a schedule of its planned capital improvements which may affect the right-of-way for that year including but not limited to street overlays and repairs, storm drainage improvements and construction, and all other right-of-way activities that could affect District capital improvements and infrastructure.

~~7.2.2~~ 7.2.3 District shall meet with the City, other franchisees and users of the right-of-way as necessary according to a schedule to be determined by the City, to schedule and coordinate construction activities.

~~7.2.3~~ 7.2.4 All construction locations, activities, and schedules shall be coordinated, as required by the City Manager or his designee, to minimize public inconvenience, disruption, or damages.

7.3 Emergency Operations. The City and District agree to cooperate in the planning and implementation of emergency operations response procedures.

7.4 Maps and Records. Without charge to either party, both parties agree to provide each other with as-built plans, maps, and records that show the vertical and horizontal location of its facilities within the right-of-way, measured from the center line of the right-of-way, using a minimum scale of one inch equals one hundred feet (1"=100'). Maps shall be provided in Geographical Information System (GIS) or other digital electronic format used by the City or District, and upon request, in hard copy plan form used by City or District.

8. Indemnification.

8.1 District hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards, attorney's fees, or liability to any person, including claims by District's own employees to which District might otherwise be immune under Title 51 RCW, arising from personal injury or damage to property allegedly due to the negligent or intentional acts or omissions of District, its agents, servants, officers or employees in performing activities authorized by this Franchise. This covenant of indemnification shall include, but not be limited by this reference, claims against the City arising as a result of the acts or omissions of District, its agents, servants, officers or employees except for claims for injuries and damages caused in whole or in part by the sole negligence of the City. If final judgment is rendered against the City, its elected officials, employees, agents, and volunteers, or any of them, District shall satisfy the same. The City may appear in any proceeding it deems necessary to protect the City's or the public's interests.

8.2 Inspection or acceptance by the City of any work performed by District at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims that are not reduced to a suit and any claims that may be settled prior to the culmination of any litigation or the institution of any litigation.

~~8.3 In the event District refuses to undertake the defense of any suit or any claim, after the City's request for defense and indemnification has been made pursuant to the indemnification clauses contained herein, and District's refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of District, then District shall pay all of the City's costs and expenses for defense of the action, including reasonable attorneys' fees of recovering under this indemnification clause as well as any judgment against the City.~~

8.4 8.3 Should a court of competent jurisdiction determine that this Franchise is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of District and the City, its officers, employees and agents, District's liability hereunder shall be only to the extent of District's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the District's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Franchise.

8.5 8.4 The City hereby releases and agrees to indemnify, defend and hold harmless the District, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person arising from District's compliance with Section 4 hereof this Agreement. ~~This indemnification is contingent upon District's compliance with Section 4.4 hereof.~~

8.5 The City hereby releases and agrees to indemnify, defend and hold harmless the District, its elected officials, employees, agents and volunteers from any and all claims, costs, judgments, awards or liability to any person arising from City's decision to issue development permits based on accurate information on fire flow and water availability provided by the District or the City's enforcement of the International Fire Code.

9. Insurance.

9.1 District shall procure and maintain for the duration of the Franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to District, its agents or employees. A combination of self-insurance and excess liability insurance may be utilized by District. District shall provide to the City an insurance certificate and proof of self-insurance, if applicable, evidencing the required insurance and a copy of the additional insured endorsements, for its inspection prior to the commencement of any work or installation of any Facilities pursuant to this Franchise, and such insurance shall evidence the following required insurance:

- 9.1.1 Automobile Liability insurance for owned, non-owned and hired vehicles with limits no less than \$2,000,000 Combined Single Limit per accident for bodily injury and property damage; and
- 9.1.2 Commercial General Liability insurance policy, written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include premises, operations, independent contractors, products-completed operations, personal injury and advertising injury. There shall be no endorsement or modification of the Commercial General Liability insurance excluding liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under District's Commercial General Liability insurance policy.
- 9.1.3 Excess Liability in an amount of \$5,000,000 each occurrence and \$5,000,000 aggregate limit. The City shall be named as an additional insured on the Excess Liability insurance policy.
- 9.2 Payment of deductible or self-insured retention shall be the sole responsibility of District.
- 9.3 The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, or employees. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. District's insurance shall be primary. Any insurance, self insurance, or insurance pool coverage maintained by the City shall be excess of District's insurance and shall not contribute with it. Coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City.
- 9.4 District shall require all its subcontractors to carry insurance consistent with this Section 9, and shall provide evidence of such insurance to the City upon request.

10. **Enforcement.**

- 10.1 ~~In addition to all other rights and powers retained by the City under this Franchise,~~ Both the City and District reserves the right to revoke and terminate this Franchise ~~and all rights and privileges of the District in the event of a substantial violation or breach of its terms and conditions.~~
- 10.2 A substantial violation or breach by City or by District shall include, but shall not be limited to, the following:
 - 10.2.1 An uncured violation of any material provision of this Franchise, ~~or any material rule, order or regulation of the City made pursuant to its power to protect the public health, safety and welfare;~~

10.2.2 An intentional evasion or knowing attempt by either party to evade any material provision of this Franchise or practice of any fraud or deceit upon the system customers District or upon the City;

10.2.3 Failure to provide the services specified in the Franchise;

10.2.4 Misrepresentation of material fact during negotiations relating to this Franchise or the implementation thereof;

~~10.2.5 A continuous and willful pattern of grossly inadequate service~~

~~10.2.6~~ 10.2.5 An uncured failure to pay fees associated with this Franchise.

10.2.6. Changes in existing City regulations or ordinances or new regulations or ordinances that materially change the interpretation or application of provisions in this agreement.

10.3 No violation or breach shall occur which is without fault of the District or the City, or which is as a result of circumstances beyond the District's or the City's reasonable control. Neither the District, nor the City, shall be excused by economic hardship nor by nonfeasance or malfeasance of its directors, officers, agents or employees; ~~provided, however, that damage to equipment causing service interruption shall be deemed to be the result of circumstances beyond a District's or the City's control if it is caused by any negligent act or unintended omission of its employees (assuming proper training) or agents (assuming reasonable diligence in their selection), or sabotage or vandalism or malicious mischief by its employees or agents. A District, or the City, shall bear the burden of proof in establishing the existence of such conditions.~~

10.4 Except in the case of termination pursuant to ~~Paragraph 10.2.4~~ Paragraph 10.1 of this Section, prior to any termination or revocation, the City, or the District, shall provide the other with detailed written notice of any substantial violation or material breach upon which it proposes to take action. The party who is allegedly in breach shall have a period of 60 days following such written notice to cure the alleged violation or breach, demonstrate to the other's satisfaction that a violation or breach does not exist, or submit a plan satisfactory to the other to correct the violation or breach. If, at the end of said 60-day period, the City or the District reasonably believes that a substantial violation or material breach is continuing and the party in breach is not taking satisfactory corrective action, the other may declare that the party in breach is in default and may terminate this Agreement in accord with this Section, which declaration must be in writing. ~~Within 20 days after receipt of a written declaration of default, the party that is alleged to be in default may request, in writing, a hearing before a "hearing examiner" as provided by~~

~~the City's development regulations. The hearing examiner's decision may be appealed to any court of competent jurisdiction.~~

11. Notice. Any notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

District Manager
Shoreline Water District
P.O. Box 55367
Shoreline, WA 98155
Phone: (206) 362-8100
Fax: (206) 361-0629

City Manager
City of Shoreline
17544 Midvale Avenue N.
Shoreline, WA 98133-4921
Phone: (206) 546-1700
Fax: (206) 546-2200

12. Non-Waiver. The failure of either party to enforce any breach or violation by the other party of any provision of this Franchise shall not be deemed to be a waiver or a continuing waiver by the non-breaching party of any subsequent breach or violation of the same or any other provision of this Franchise.

13. Alternate Dispute Resolution. If the parties are unable to resolve disputes arising from the terms of this Franchise, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.

14. Entire Agreement. This Franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.

~~11.~~ 15. Survival. All of the provisions, conditions and requirements of Sections 6.1 Excavation, 6.2 Abandonment Of District's Facilities, 6.3 Restoration After Construction, 6.7 6-8 Dangerous Conditions, Authority For City To Abate, 6.8 6-9 Relocation Of System Facilities, and 8 Indemnification, of this Franchise shall be in addition to any and all other obligations and liabilities District may have to the City at common law, by statute, or by contract, and shall survive the City's Franchise to District for the use of the areas mentioned in Section 2 herein, and any renewals or extensions thereof only to the extent that existed prior to this agreement. All of the provisions, conditions, regulations and requirements contained in this Franchise Ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of District and all privileges, as well as all obligations and liabilities of District shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever District is named herein..

~~12.~~ 16. Severability. If any Section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other Section, sentence, clause or phrase of this Franchise Ordinance. The Parties may amend, repeal, add,

replace, or modify any provision of this Franchise to preserve the intent of the parties as expressed herein prior to any finding of invalidity or unconstitutionality.

~~13. **Assignment.** This Franchise shall not be sold, transferred, assigned, or disposed of in whole or in part either by sale, voluntary or involuntary merger, consolidation or otherwise, without the written approval of the City. This paragraph shall not act to require City approval of any District action to mortgage or otherwise encumber its facilities, or other action related to corporate financing, financial reorganization, or refinancing activity.~~

~~14. **Notice.** Any notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:~~

District Manager
Shoreline Water District
P.O. Box 55367
Shoreline, WA 98155
Phone: (206) 362-8100
Fax: (206) 361-0629

City Manager
City of Shoreline
17544 Midvale Avenue N.
Shoreline, WA 98133-4921
Phone: (206) 546-1700
Fax: (206) 546-2200

~~15. **Non-Waiver.** The failure of either party to enforce any breach or violation by the other party of any provision of this Franchise shall not be deemed to be a waiver or a continuing waiver by the non-breaching party of any subsequent breach or violation of the same or any other provision of this Franchise.~~

~~16. **Alternate Dispute Resolution.** If the parties are unable to resolve disputes arising from the terms of this Franchise, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.~~

~~17. **Entire Agreement.** This Franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.~~

~~18. 17. **Directions to City Clerk.** The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the District set forth in this ordinance. The District shall have sixty (60) fifteen (15) days from receipt of the certified copy of this ordinance to accept in writing the terms of the Franchise granted to the District in this ordinance.~~

~~19. 18. **Publication Costs.** In accord with state law, this ordinance shall be published in full by the City. The District shall reimburse the City for the cost of publishing this Franchise Ordinance within sixty (60) days of receipt of an invoice from the City.~~

~~20. 19. **Effective Date.** This ordinance shall take effect and be in full force five days after publication.~~

PASSED BY THE CITY COUNCIL ON JULY 28, 2008.

Mayor Cindy Ryu

ATTEST

APPROVED AS TO FORM:

Scott Passey
City Clerk

Flannary P. Collins
Assistant City Attorney

Date of Publication: July 31, 2008
Effective Date: August 5, 2008

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Contract Amendment to City Manager's Employment Contract
DEPARTMENT:	City Council
PRESENTED BY:	Robert Olander, City Manager Ian Sievers, City Attorney

ISSUE STATEMENT:

The City Council negotiated and approved an employment contract with City Manager Robert Olander in March 2006. This contract was amended in November 2007 to increase total compensation to an amount paid by comparable cities.

Mr. Olander's 2006 contract was largely modeled after a form reflecting the fact that many city managers, and former Shoreline city managers in particular, are not active in the State retirement plans. State retirement statutes exempt the City Manager position from mandatory membership although they may elect to participate. RCW 41.40.023(17).

As a result, the Shoreline Manager's contract provides that a portion of the retirement benefit is paid in the form of a Section 457 Deferred Compensation Plan employer contribution. This payment is currently \$833 monthly.

However, Mr. Olander, is a participant in the State's PERS I retirement plan. Mr. Olander has determined that the deferred compensation payment would have a higher personal retirement value as an addition to base salary and has requested that the employment contract be amended to reassign this payment. A contract amendment making this change to Sections 3 A and 3D of the contract is attached. There is no other change and the balance of the contract will remain in effect.

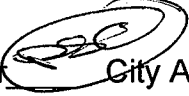
FINANCIAL IMPACT:

The proposed amendment does not change the amount of total compensation to the City Manager. The \$833 monthly 457 deferred compensation payment will be discontinued, and \$833 per month will be added to base salary. As part of base salary the City Manager may make a voluntarily election to the City's deferred compensation retirement plan up to federal limits for deferral. Reclassifying this payment will have a minimal cost to the City consisting of a percentage of the increase for City contributions to employee benefits that are based on salary but not assessed on the current nonelective deferred compensation payment. These are contributions for Medicare

(1.45%), the Social Security replacement account (6.2%), and the PERS 1 employer contribution (8.31%).

RECOMMENDATION

Approve the proposed Second Amendment to Employment Agreement Between City of Shoreline and Robert Olander.

Approved By: City Manager  City Attorney ____

Attachments: Second Amendment to Employment Agreement Between City of Shoreline and Robert L. Olander.

**SECOND AMENDMENT TO
EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SHORELINE,
WASHINGTON AND ROBERT L. OLANDER**

(Original Contract NO. 3787)

WHEREAS, an employment agreement was entered into by and between the City of Shoreline, Washington and Robert L. Olander on March 28, 2006 and amended November 26, 2007 (collectively the "Agreement"); and

WHEREAS, the parties further desire to further amend the agreement to change the method of paying total compensation while maintaining the level of compensation of the current agreement; now therefore

IN CONSIDERATION of the mutual covenants herein contained, the parties agree as follows:

1. Adjustment to compensation payments. The Employer contribution of Eight Hundred Thirty-three Dollars (\$833.00) monthly to the Employee's 457 Deferred Compensation Plan under Section 3D of the Agreement will be discontinued on the effective date of this amendment, and the Base Annual Salary payable under Section 3A of the Agreement will be increased by Eight Hundred Thirty-three Dollars (\$833.00) per month payable on the city's regular payroll schedule.
2. Terms and Conditions of Existing Agreement Remain the Same. The parties agree that, except as specifically provided in this amendment, the terms and conditions of the existing Agreement continue in full force and effect.
3. Effective Date. This amendment shall take effect at the beginning of the first full City payroll period following execution by both parties.

IN WITNESS THEREOF the City of Shoreline has caused this Agreement to be signed and executed in its behalf by its Mayor, and the City Manager has signed and executed this Agreement, dated this _____ day of _____, 2008.

Cindy Ryu
Mayor

Robert L. Olander
City Manager

Approved as to form:

Ian Sievers, City Attorney

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	To Conduct a Public Hearing to Amend the 2008 Community Development Block Grant Projects and Authorize the City Manager to Sign the Contract Amendment to Implement the 2008 Project
DEPARTMENT:	Community Services Division
PRESENTED BY:	Rob Beem, Community Services Manager Bethany Wolbrecht-Dunn, Grants Specialist

PROBLEM/ISSUE STATEMENT: Each fall, the City Council conducts a Public Hearing on the proposed use of Community Development Block Grant (CDBG) for the following year. After the hearing is held the Council deliberates and approves a slate of CDBG projects. When significant changes need to be made to a CDBG project, King County CDBG Consortium policy dictates that cities must complete a formal amendment process that includes holding a public hearing and Council action.

Staff is bringing forward the following amendment request.

- *Use available 2007 CDBG Curb Ramp funds and add to 2008 CDBG Curb Ramp Funds.* This amendment would allocate remaining funds from the 2007 Curb Ramp project to the 2008 Curb Ramp Project. The 2007 Curb Ramp project was allocated \$190,585 in CDBG funds. At the completion of the project there are \$54,163.50 CDBG funds available, which we recommend being applied to the 2008 CDBG program. The new total for the 2008 CDBG Curb Ramp project will be \$176,186.50.

ALTERNATIVES ANALYZED: After holding a public hearing on proposed CDBG amendments, Council has two alternatives to consider:

- Council could approve the CDBG project amendment as recommended and authorize the City Manager to take the actions necessary to implement these spending objectives. (Recommended)
- Council could make changes to the recommended amendment in response to public testimony or to reflect a change in Council policy objectives.

FINANCIAL IMPACT: This action does not allocate any additional CDBG funds; only modifies the scope of one project and adds unused funds from the 2007 Curb Ramp project to the 2008 Curb Ramp project.

RECOMMENDATION

After holding a public hearing, staff recommends that Council adopt the project amendment and authorize the City Manager to enter into the amendment agreement for implementing the funded project.

Approved By: City Manager  City Attorney ____

INTRODUCTION

The City manages our Community Development Block Grant (CDBG) funds through the King County CDBG Consortium. When significant changes need to be made to a CDBG project, King County CDBG Consortium policy dictates that cities must complete a formal amendment process that includes holding a public hearing and Council action. An amendment to the 2008 CDBG projects is needed at this time.

BACKGROUND

On April 23, 2007 the City Council approved the reallocation of \$150,000 in unallocated CDBG funds to the 2007 Curb Ramp Program. Additionally, prior years' CDBG Curb Ramp funds were added to this amount, bringing the total amount available for the 2007 CDBG Curb Ramp program to \$190,585.

The 2007 Curb Ramp project was implemented as part of the City's Capital Improvement Program (CIP). Due to CDBG contracting issues with King County, work did not begin until spring of 2008. The project was completed in April of 2008 and included 4,732 square feet of sidewalk panel replacement and the installation of 19 new curb ramps. The construction came in under the budget of \$190,585 leaving \$54,163.50 of the CDBG funds remaining.

The Council approved the 2008 list of CDBG projects on September 10, 2007. Due to reductions at the federal level, there was less funding available for allocation. There was \$122,000 of funding allocated to the 2008 Curb Ramp project. In order to accomplish more sidewalk repair and curb ramps in 2008, we are recommending that the Council approve the amendment to use the remaining 2007 CDBG Curb Ramp funding, bringing the 2008 total to \$176,186.50. This change was already approved as part of the 2007-2008 budget carryover process that was approved by the City Council on April 14, 2008.

In summary, staff is asking Council to approve the following amendment to the 2008 CDBG projects:

- *Carry over 2007 CDBG Curb Ramp funds to 2008 CDBG Curb Ramp Funds.* This amendment would allocate remaining funds from the 2007 Curb Ramp project to the 2008 Curb Ramp Project. At the completion of the 2007 CDBG Curb Ramp project there are \$54,163.50 CDBG funds remaining, which will be applied to the 2008 CDBG program. The new total for the 2008 CDBG Curb Ramp project will be \$176,186.50.

RECOMMENDATION

After holding a public hearing, staff recommends that Council adopt the project amendment and authorize the City Manager to enter into the amendment agreement for implementing the funded project.



CITY OF SHORELINE
COMMUNITY DEVELOPMENT BLOCK GRANT AMENDMENT
PUBLIC HEARING

The City of Shoreline City Council will hold a public hearing on **Monday, July 28, 2008 at 8:00 p.m** to consider citizens' comments on a proposed Community Development Block Grant (CDBG) project amendment in the Mt. Rainier Room of the Shoreline Center at 18560 - 1st Ave NE, Shoreline, WA 98155.

The amendment is as follows:

- *Use available 2007 CDBG Curb Ramp funds and add to 2008 CDBG Curb Ramp Funds.* This amendment would allocate remaining funds from the 2007 Curb Ramp project to the 2008 Curb Ramp Project. The 2007 Curb Ramp project was allocated \$190,585 in CDBG funds. At the completion of the project there are \$54,163.50 CDBG funds available, which we recommend being applied to the 2008 CDBG program. The new total for the 2008 CDBG Curb Ramp project will be \$176,186.50.

Written comments on the proposed CDBG project amendments will be accepted until the end of business on Friday, July 25, 2008 and may be forwarded to the following address: City of Shoreline, Attn: Rob Beem, 17544 Midvale Ave N, Shoreline, WA 98133. Additional information may also be obtained from the previous contact and address at (206) 801-2251, TTY (206) 546-0457. All interested persons are encouraged to attend the public hearing and provide written and/or oral comments.

Any person requiring special accessibility accommodations should contact the City Clerk's Office prior to the hearing at (206) 546-8919 for more information.

Affidavit of posting has been filed with the City Clerk for the Shoreline City Council.

Publication Date: July (Shoreline Enterprise)

July (Seattle Times)

DATED this

Scott Passey, City Clerk

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Council Resolution No. 280 Supporting Shoreline Fire Department Ballot Proposition No. 1 Authorizing Property Tax Levy Rate of Up To \$1.50 Per \$1,000 of Assessed Valuation For a Six Year Period (2009-2014)
DEPARTMENT:	CMO
PRESENTED BY:	John Norris, Management Analyst

PROBLEM/ISSUE STATEMENT:

Currently, the Shoreline Fire Department receives 90% of its operating revenue from property tax. Fire Departments and other local taxing authorities were limited by Initiative 747, codified in RCW 84.55.050, to 1% growth in property tax revenue per year. This level of growth does not keep up with the rising costs of emergency fire, rescue and EMS services. With less money coming in from property taxes than is needed to provide these services, it is not possible for the Fire Department to keep pace with increases in operating costs, increasing 9-1-1 calls, population growth, and unexpected expenses that occur.

The current property tax levy was initially set by the voters at \$1.50 per \$1000 of assessed property value. However, with the 1% growth limit in place, the levy has fallen to \$1.30 per \$1000 of assessed property value. Without restoring the \$1.50 levy to voter-approved levels, certain cutbacks might be necessary, including deferral of apparatus and equipment replacement, potential reductions in staffing, and/or elimination of special services such as the technical rescue team, public education and prevention activities. The deteriorating levy also interferes with Shoreline Fire's ability to follow its strategic plan which guarantees continuous quality improvement in our service to the citizens of Shoreline.

BACKGROUND:

The Shoreline Fire Department responded to over 9,300 calls for service in 2007. This number of service calls typically increases every year, as Shoreline is a growing and aging community with increasing emergency service needs. While the Fire Department is continually evaluating their budget and expenses, the current property tax levy does not fully fund existing and planned services. Thus, the Shoreline Fire Department is asking voters to refresh existing fire and medical service funding to levels at the amount already approved by voters in 2005.

To accomplish this, the Shoreline Fire Department is placing Proposition No.1 on the ballot at a special election to be held August 19, 2008. If approved, Proposition No. 1 would authorize a fire department property tax levy rate of \$1.50 per \$1,000 of assessed valuation for a one year period, and then would allow specific increases of up to 6% for each of five consecutive successive years. To maintain a levy rate of \$1.50 per \$1000 of

assessed valuation over time. Proposition No. 1 would also authorize the property tax levy rate in the sixth year to serve as the base rate for establishment of future years' levies. In the first year, returning the fire department property tax levy rate to its previous level will require an additional 20 cents per \$1,000 of assessed property value for all Shoreline property owners.

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 280 supporting the Shoreline Fire Department's property tax levy lid lift.

Approved By:

City Manager

A circular stamp or seal, possibly containing the text "City of Shoreline", is positioned over the City Manager's signature.

City Attorney

A handwritten signature in ink, located to the right of the City Attorney's name.

Attachments:

- Resolution No. 280
- Shoreline Fire Department Resolution No. 08-01

RESOLUTION NO. 280

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, IN SUPPORT OF THE SHORELINE FIRE DEPARTMENT BALLOT PROPOSITION FOR A PROPERTY TAX LEVY LID LIFT

WHEREAS, the City Council believes it is essential and necessary for the protection of the public health, safety, life, and property of the citizens and residents of the City of Shoreline that service levels of fire, emergency medical services and other life safety services continue to be provided at current or enhanced levels; and

WHEREAS, the Shoreline Fire Department is seeking voter authorization of a property tax levy of \$1.50 per thousand dollars of assessed valuation, which would then allow specific increases of up to 6% for each of five consecutive successive years in property taxes collected by the Shoreline Fire Department providing that the levy rate in the sixth year shall serve as the base rate for establishment of future years' levies; and

WHEREAS, while in 2005, the fire district electorate approved a property tax rate of \$1.50 per \$1000 of assessed valuation for collection in 2006 to deliver fire, emergency medical services and other life safety services and, due to restrictions imposed by RCW 84.55.010 and related statutes, the 2008 property tax rate is \$1.30 per \$1000 of assessed valuation; and

WHEREAS, under the current regular property tax rate of \$1.30 per \$1,000 of assessed valuation, the Shoreline Fire Department's cost increases to offer such services have exceeded revenue increases, due to restrictions imposed by RCW 84.55.010 and related statutes, and this trend is projected to continue; and

WHEREAS, the City Council believes that continuation of the 1% limitation imposed by RCW 84.55.010 would restrict the Shoreline Fire Department from collecting sufficient revenue to fully fund existing and planned services, necessitating a cutback in the level of certain services in the district, including deferral of apparatus and equipment replacement, potential reductions in staffing for fire and emergency medical services, potential elimination of special services such as the technical rescue team, potential elimination of certain public education activities and similar cutbacks; and

WHEREAS, the City has conducted a public hearing pursuant to RCW 42.17.130 allowing the Councilmembers and public an equal opportunity to express their views on the ballot proposition; and

WHEREAS, the City Council believes that it is in the best interests the residents and the property owners within the City of Shoreline that the property tax levy lid lift be approved;

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

Section 1. The City Council of the City of Shoreline hereby express support for and encourage approval of a property tax levy lid lift, which will be presented to the voters at a special election to be held on August 19, 2008.

ADOPTED BY THE CITY COUNCIL ON JULY 28, 2007.

Cindy Ryu
Mayor

ATTEST:

Scott Passey
City Clerk

**SHORELINE FIRE DEPARTMENT
(Formerly King County Fire Protection District No. 4)
KING COUNTY, WASHINGTON**

RESOLUTION NO. 08-01

A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF SHORELINE FIRE DEPARTMENT (Formerly King County Fire Protection District No. 4) PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE DISTRICT AT AN ELECTION TO BE HELD THEREIN ON AUGUST 19, 2008, A PROPOSITION WHICH WOULD AUTHORIZE A FIRE DEPARTMENT LEVY RATE OF \$1.50 PER \$1,000 OF ASSESSED VALUATION FOR A ONE YEAR PERIOD, AND THEN WOULD ALLOW SPECIFIC INCREASES OF UP TO 6% FOR EACH OF FIVE CONSECUTIVE SUCCESSIVE YEARS, IN PROPERTY TAXES COLLECTED BY THE FIRE DEPARTMENT APPLICABLE TO ALL TAXABLE PROPERTY LOCATED IN THE DISTRICT, IN EXCESS OF THE LIMITATIONS IMPOSED BY CHAPTER 84.55 OF THE REVISED CODE OF WASHINGTON AND PROVIDING THAT THE LEVY RATE IN THE SIXTH YEAR SHALL SERVE AS THE BASE RATE FOR ESTABLISHMENT OF FUTURE YEARS' LEVIES.

WHEREAS, in the judgment of the Board of Fire Commissioners (the "Board") of Shoreline Fire Department (the "Department"), it is essential and necessary for the protection of the public health, safety, life, and property of the citizens and residents of the Department that service levels of fire, emergency medical services and other life safety services continue to be provided at current or enhanced levels according to the Department's strategic plan and that the Department's facilities, equipment, apparatus, training and staffing are in accordance with applicable laws and recognized industry standards; and

WHEREAS, while in 2005 the electorate approved a property tax rate of \$1.50 per \$1000 of assessed valuation for collection in 2006 to deliver such services enumerated in the recital above and, due to restrictions imposed by RCW 84.55.010 and related statutes, the 2008 property tax rate is \$1.30 per \$1000 of assessed valuation; and

WHEREAS, under the current regular property tax rate of \$1.30 per \$1,000 of assessed valuation, the Department's cost increases to offer such services have exceeded revenue increases, due to restrictions imposed by RCW 84.55.010 and related statutes, and this trend is projected to continue, and

WHEREAS, continuation of the 1% limitation imposed by RCW 84.55.010 would restrict the Department from collecting sufficient revenue to fully fund existing and planned services, necessitating a cutback in the level of certain services in the District, including deferral of apparatus and equipment replacement, potential reductions in staffing for fire and emergency medical services, potential elimination of special services such as the technical rescue team, potential elimination of certain public education activities and similar cutbacks; and

WHEREAS, RCW 84.55.050 authorizes the 1% limit on annual increases may be exceeded with voter approval, commonly referred to as a "lid lift" election, and

WHEREAS, the electorate should be given the opportunity to decide whether the potential reduction in service levels should occur or instead, whether the authorized rate of up to \$1.50 per \$1,000 assessed valuation should be levied and maintained, waiving the 1% limit of RCW 84.55, commonly referred to as "lifting the lid"; and

WHEREAS, current statutes authorize multi-year lid lifts for up to six years, with the rate in the sixth year being used as a base rate for establishment of the tax levy rate in future years (sometimes referred to as a "permanent" lid lift); and

WHEREAS, the Board finds that there is a substantial need to utilize such provision in the interest of providing more stable revenues and more efficient and effective services to the community;

NOW THEREFORE BE IT HEREBY RESOLVED, FOUND, DETERMINED AND ORDERED, AS FOLLOWS:

Section 1. A regular property tax rate of \$1.50 per \$1,000 of assessed valuation, applicable to all taxable property located in the District, is authorized by law, and is necessary and appropriate to levy, notwithstanding the 1% annual increase limitation of RCW 84.55.010 et seq., as amended. RCW 84.55 places a 1% limitation on the increase of tax revenue collected by the District annually. This resolution and the resultant election would give the voters the opportunity to choose to continue service according to the strategic plan of the Department and restore the previously authorized levy rate of \$1.50 per \$1000 assessed valuation adopted in 2005 pursuant to RCW 52.16.160 (the "third fifty cents"), waiving the 1% limit of RCW 84.55 (commonly referred to as a "lid lift").

Section 2. The proposal set forth below, if authorized by the qualified electors of the District, will authorize a levy rate of \$1.50 per \$1,000 of assessed valuation for a one (1) year period (2009), coupled with specified increases in property taxes collected in each of the five consecutive successive years thereafter. There shall be submitted to the qualified electors of the District, for their ratification or rejection, at an election on August 19, 2008, a proposition to exceed the 1% limitation (and "lift the lid") of RCW 84.55.010 et seq. and levy the full authorized rate of \$1.50 per \$1,000 of assessed valuation for a one (1) year period (2009), coupled with specified increases in property taxes collected in each of the five consecutive successive years thereafter, subject to statutory and constitutional limits, which are otherwise applicable; **provided further** that the levy rate in the sixth year shall be used as the base levy rate for establishment of the levy rate for future years levies.

Section 3. The Board hereby requests the Manager of Records and Elections of King County, Washington, as ex officio County Supervisor of Elections, to call and conduct such special election to be held within the District on August 19, 2008, and to submit to the qualified electors of the District the proposition in substantially the following form:

PROPOSITION NO. 1

SHORELINE FIRE DEPARTMENT

AUTHORIZING PROPERTY TAX LEVY RATE
OF UP TO \$1.50 PER \$1,000 OF ASSESSED VALUATION
FOR A SIX YEAR PERIOD (2009-2014)

The Board of the Shoreline Fire Department adopted Resolution No. 08-01, to re-establish its regular property tax rate to \$1.50 per \$1000 assessed valuation. Shall the Shoreline Fire Department be authorized to exceed the 1% limitation on annual increases in tax revenues for six years, levying \$1.50 per \$1,000 of assessed valuation in 2009, with annual increases of up to 6% for 2009-2014, with the 2014 levy amount used for computing limitations for subsequent levies?

(This shall not be construed to authorize an excess levy and shall be subject to otherwise applicable statutory limits, except the 1% limitation provided in RCW 84.55.010 et seq.)

INSTRUCTIONS TO VOTERS:

To vote IN FAVOR of the foregoing proposition, mark a cross (X) in the "Levy, Yes" square.

To vote AGAINST the foregoing proposition, mark a cross (X) in the "Levy, No" square.

LEVY, YES ☐

LEVY, NO ☐

Section 4. The locations of the polling places, if any, shall be as specified by the Manager of Records and Elections of King County, Washington, as ex officio County Supervisor of Elections for the District.

Section 5. A notice of special election shall be published at least once, which publication shall take place not more than ten (10) days nor less than three (3) days prior to the date of said election. Said publication shall be in a newspaper of general circulation within the District.

Section 6. Approval of the proposition described in Section 3 above shall be construed and interpreted as qualified elector approval of a tax increase in compliance with RCW 84.55 as amended.

Section 7. The Secretary to the Board is hereby directed to deliver a certified copy of this resolution to the Manager of Records and Elections of King County, Washington, as ex officio County Supervisor of Elections for the District, at least 84 days before the date for the special election.

Section 8. This resolution shall take effect immediately upon adoption.

ADOPTED AND APPROVED by the Board of Fire Commissioners of the Shoreline Fire Department on May 1, 2008.

Jon Kennison
Chair/Commissioner

Jim Fisher
Commissioner

Scott Keeny
Commissioner

ATTEST:

Joyce Brown
Secretary

APPROVED AS TO FORM:

Attorney

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 513 , rezoning the property located at 14800 1 st Avenue NE from R-12 to R-24 File No. 201728
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Steven Szafran, AICP, Associate Planner

PROBLEM/ISSUE STATEMENT:

The issue before the City Council is a Site Specific Rezone for one parcel located at 14800 1st Avenue NE. The applicant has requested R-24 zoning for the subject parcel. The Planning Commission recommends that the parcels be rezoned from R-12 (Residential 12 dwelling units per acre) to R-24 (Residential 24 dwelling units per acre).

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. An open record public hearing was conducted before the Planning Commission on May 15, 2008 and the Planning Commission entered its Findings, Conclusion and Recommendation in support of the rezone after receiving public testimony. Council's review must be based upon the Planning Commission's written record and no new testimony may be accepted.

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

- The Council could adopt the zoning recommended by the Planning Commission and Staff (a rezone from R-12 to R-24).
- The Council could deny the request, leaving the zoning at R-12.
- The Council could remand the request back to the Planning Commission for additional review and analysis on specified criteria.

FINANCIAL IMPACTS:

- There are no direct financial impacts to the City.

RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No. 513, (**Attachment A**) thereby approving the rezoning from R-12 to R-24 for one parcel located at 14800 1st Avenue NE.

Approved By: City Manager  City Attorney _____

INTRODUCTION

The quasi-judicial action item before the Council is a request to change the zoning of one parcel located at 14800 1st Avenue NE from R-12 to R-24.

A public hearing before the Planning Commission occurred on May 15, 2008. The Planning Commission unanimously voted in approval of the rezone to R-24. The Planning Commission Findings, Conclusion and Recommendation are attached as **Exhibit A to Attachment A**.

BACKGROUND

In 1998 the City of Shoreline adopted its first Comprehensive Plan. This document includes a map that identifies future land use patterns by assigning each area a land use designation. The subject parcel has a land use designation of High Density Residential (HDR). The surrounding parcels to the north and south have a land use designation of High Density Residential as well. Parcels to the west have a land use designation of Low Density Residential and to the east is the I-5 Freeway. The Comprehensive Plan Land Use Map is included as **Attachment B**.

The subject parcel is zoned R-12. Appropriate zoning designations for the parcels current land use designation of HDR include R-12 through R-48.

The parcels to the west have current zoning designations of R-6. Most of these parcels are developed with single-family homes and the Twins Ponds Park is also to the northwest. Parcels to the north are zoned R-24 and developed with the Aegis senior housing community. There are two parcels to the south zoned R-12 and developed with two separate churches. The zoning map is included as **Attachment C**.

The subject parcel is developed with a church. In addition to the church building on-site, the parcel also houses a cell tower with an associated equipment building.

APPLICATION PROCESS

The application process for this project began on February 20, 2008, when the applicant held a pre-application meeting with city staff. A neighborhood meeting was held on March 6, 2008 with property owners within 500 feet of the proposed rezone. The formal application was submitted to the city on March 25, 2008 and was determined complete on April 9, 2008.

The requisite public hearing was held before the Planning Commission on May 15, 2008. After deliberation, the Planning Commission recommended approval of the rezone to R-24.

PUBLIC COMMENT

The City received 1 comment letter during the required comment period regarding the rezone. At the public hearing before the Planning Commission 3 people commented on

the rezoning proposal. The public comment letter and comments are included as **Attachment D and Attachment G.**

PLANNING COMMISSION RECOMMENDATION: Rezone one parcel from R-12 to R-24

The applicant has requested that the subject parcel be rezoned to R-24. The Planning Commission in its Findings and Determination found that a rezone to R-24 has been evaluated and found to be consistent with the rezone decision criteria listed below, provided in Section 20.30.320(B) of the Development Code.

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

The above zoning decision criteria was evaluated at length in the Planning Commission Findings and Determinations included as **Exhibit A to Attachment A.**

OPTIONS FOR CITY COUNCIL

The options available to the City Council are:

- The Council could adopt the zoning recommended by the Planning Commission and Staff (a rezone from R-12 to R-24).
- The Council could deny the request, leaving the zoning at R-12.
- The Council could remand the request back to the Planning Commission for additional review and analysis on specified criteria.

RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No. 513, (**Attachment A**) thereby approving the rezone from R-12 to R-24 of one parcel located at 14800 1st Avenue NE.

ATTACHMENTS

Attachment A: Ordinance No. 513

Exhibit A: Planning Commission Findings and Determination- May 15, 2008

Exhibit B: Zoning Map (with proposed zoning designation)

Attachment B: Comprehensive Plan Map

Attachment C: Zoning Map

Attachment D: Neighborhood Meeting Notes

Attachment E: Public Comment Letters

Attachment F: Stream Inventory from Watershed Company

Attachment G: Planning Commission Minutes- May 15, 2008

ORDINANCE NO. 513

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING FROM R-12 (RESIDENTIAL, 12 UNITS PER ACRE) TO R-24 (RESIDENTIAL, 24 UNITS PER ACRE) FOR THE PROPERTY LOCATED AT 14800 1ST AVE NE

WHEREAS, the subject property, located at 14800 1st Ave NE is zoned R-12, Residential, 12 units per acre; and

WHEREAS, the owner of the property has applied to rezone the property to R-24, Residential, 24 units per acre; and

WHEREAS, the rezone of the properties is consistent with the Comprehensive Plan land use designations of High Density Residential; and

WHEREAS, the Planning Commission considered the applications for zone change at a public hearing on May 15, 2008, and has recommended approval of the rezone; and

WHEREAS, a Determination of Non-Significance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council concurs with the Findings and Recommendation of the Planning Commission and determines that the rezone of the property should be approved to provide for residential dwelling units and other compatible uses consistent with the goals and policies of the City's Comprehensive Plan;

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

Section 1. Findings. The Planning Commission's Findings and Recommendation to approve rezone of the parcel, attached hereto as Exhibit A, are hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of the property described as GREEN LAKE FIVE-ACRE TRS S 166 FT OF 5 & N 132 FT OF 6 LY W OF STATE HWY & LESS ST (Parcel No. 2881700340) depicted in Exhibit B attached hereto, from R-12, Residential, 12 units per acre, to R-24, Residential, 24 units per acre.

Section 3. Effective Date and Publication. This ordinance shall go into effect five days after passage and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON July 28, 2008.

Cindy Ryu, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

CITY OF SHORELINE
PLANNING COMMISSION

PRELIMINARY FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: Change the zoning of one parcel from R-12 to R-24.

Project File Number: 201728

Project Address: 14800 1st Avenue NE, Shoreline, WA 98155

Property Owner: Todd Sucee, Northwest Center (authorized agent).

SEPA Threshold: Mitigated Determination of Non-Significance (MDNS)

Staff Recommendation: Recommend approval of the rezone to R-24.

Date of Public Hearing: May 15, 2008

INTRODUCTION

The applicants are requesting the zoning be changed on one parcel from R-12 to R-24. The rezone will facilitate the applicant's desired conversion of an existing church to a family resource center operated by the Northwest Center. There will be two phases to the applicant's proposal; first, The Northwest Center will renovate the existing building on-site to facilitate their existing child development program. Second, the applicant will add up to 24,000 square feet of new building space.

The child development program (+/- 150 children) indicated as phase one of the project above includes full day early learning programs, before and after school program and summer camp, early intervention services, and family support.

Phase two of the project could include up to a 24,000 square foot building addition to double the number of children to 108, family respite care, family resource program, teen program, ADA accessible playground, community space, independent living spaces, adult vocational training, and clothing donation collection.

The applicant has indicated that a rezone to R-24 is necessary because some of the above mentioned programs (including overnight respite care) are impossible under the R-12 zoning designation. Since an applicant's expected future development of a site is not part of the criteria considered by the Planning Commission in making their recommendation to the City Council, this information about the desired conversion into a family resource center is provided as background information-only.

If the site is not redeveloped as a school, an R-24 zoning designation would permit the construction of 76 dwellings on the subject property, most likely as townhome development.

FINDINGS OF FACT

Current Development

1. The subject parcel is located at 14800 1st Avenue NE, Shoreline, WA 98155
2. The parcel is 137,214 square feet (3.15 acres) and developed with a church and a cell phone tower. The parcel is zoned R-12 and has a Comprehensive Plan Land Use designation of High Density Residential ("HDR"). See **Attachment 1** for surrounding Comprehensive Plan designations and **Attachment 2** for surrounding zoning designations.
3. If the request is approved, the parcel has a development potential of 76 units dwelling units (R-24 zoning).
4. There are no existing sidewalks along 1st Avenue NE adjacent to the subject property. Right-of-way improvements are required when the applicant applies for building permits and include sidewalk, street lighting and curb and gutters.

Proposal

5. The applicant proposes to rezone the parcels from R-12 to R-24.
6. A pre-application meeting was held with the applicant and City staff on February 20, 2008; the applicant held the requisite neighborhood meeting on March 6, 2008, and a Public Notice of Application and Notice of Public Hearing was posted at the site.
7. Comments received at the neighborhood meeting included the following topics (**Attachment 3**):
 - Traffic (circulation due to proposed school)
 - Possibility of higher density housing
 - Parking from Aegis, parking for the Northwest Center
 - Concern about the potential for violent residents
 - Noise from the freeway
 - Lack of tax revenue from the school
 - Lack of sidewalks around the area
8. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on April 17, 2008 for the Notice of Application. The Notice of Public Hearing and SEPA

Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on May 1, 2008. Public comment letters can be found in **Attachment 4**.

9. The Planning Department issued a SEPA Mitigated Determination of Non-Significance (**Attachment 5**) and notice of public hearing on the proposal on May 1, 2008. The MDNS was not appealed.
10. An open record public hearing was held by the Planning Commission for the City of Shoreline on May 15, 2008.
11. The City's Long Range Planner, Steven Cohn, and Associate Planner, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to R-24.

Comprehensive Plan Land Use Designation

12. The parcels to the north and south have a Comprehensive Plan Land Use designation of High Density Residential. (See **Attachment 2**). Parcels to the west, across 1st Avenue NE, have a land use designation of Low Density Residential. To the east is the I-5 freeway.
13. The Comprehensive Plan describes High Density Residential as "intended for areas near employment and commercial areas; where high levels of transit service is present or likely; and 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 are permitted.

Current Zoning

14. The subject parcel is currently zoned R-12. The subject parcel is developed with a church. Parcels to the north are zoned R-24 and developed with the Aegis senior housing complex. Parcels to the south are zoned R-12 and developed with two separate churches. Parcels to the west side of 1st Ave NE are zoned R-6 and developed with single-family homes. To the east is the I-5 freeway.
15. The purpose of R-12 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities, in a manner that provides for additional density at a modest scale."
16. The purpose of R-24 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses."

Proposed Zoning

17. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:

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

Impacts of the Zone Change

18. The following table outlines the development standards for the current zoning (R-12), the requested zoning (R-24):

	R-12 (Current)	R-24(Proposed)
Front Yard Setback	10'	10'
Side Yard Setback	5'	5'
Rear Yard Setback	5'	5'
Building Coverage	55%	70%
Max. Impervious Surface	75%	85%
Height	35'	35'(40' with pitched roof)
Density (residential development)	12 du/ac	24 du/ac
Maximum # of units	38	76

CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

Staff reviewed the rezone criteria and recommends that a higher density zoning designation is warranted. In its review, staff concluded that an R-24 zoning designation is appropriate for the subject property. Staff's analysis is reflected below:

Rezone criteria

REZONE CRITERIA 1: Is the rezone consistent with the Comprehensive Plan?

3. The rezone complies with the following Comprehensive Plan Goals and Policies:

Land Use

- Land Use Element Goal I - Ensure 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 maintain Shoreline's sense of community.
- Land Use Element Goal III - Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.
- LU14 – The High Density Residential designation creates a transition between high intensity uses (I-5 freeway) to lower intensity residential uses.

Housing Goals

- H30 – Encourage, assist and support social and health service organizations that offer housing programs for people with special needs.
- H31 – Support the development of emergency, transitional, and permanent supportive housing with appropriate services for persons with special needs throughout the City.

Streams and Water Resources

- LU 111 – Native vegetation should be preserved, or replanted.
- LU 113 – Encourage the use of native and low maintenance vegetation to provide secondary habitat.

Transportation

- T27 – Place a high priority on sidewalk projects

- T35 – Require all commercial, multi-family and residential short and log plat developments to provide for sidewalks.

The R-24 rezone proposal is consistent with all of the above Comprehensive Plan Land Use Element Goals and Policies because more intense residential zoning is consistent with the High Density Residential designation and would act as a transition between the high intensity transportation corridor (I-5 freeway) and lower density residential uses to the west.

An R-24 zone would allow greater development intensity than the current zoning and be compatible with the already existing R-24 zoned parcel directly north of this site. The current R-12 zoning category is consistent with the High Density Residential designation; however, in recent rezone recommendations, the Commission concluded that the R-24 zoning designation could also be an appropriate transition between high intensity uses and low density single-family homes.

R-24 provides a better transition than an R-12 zoning designation for the transition between Interstate 5 to the east and low-density single-family residential to the west across 1st Avenue NE. In addition, R-24 zoning exists directly to the north. This section of 1st Avenue NE is classified as a local street and should reflect densities that are appropriate for these types of street sections. It is Staff's position that an R-24 zoning designation is an appropriate density for a local street.

The difference in unit count between R-12 and R-24 is 38. 76 units are allowed in the R-24 zone and 38 units are allowed in the current R-12 zoning category. Since the development standards for R-12 and R-24 are similar, the major impact will be the additional traffic generated by potential units.

Although rezone approval cannot mandate specific future development requirements, the current property owner/applicant has not indicated a desire to build residential units on this property. The applicant wants to change the use of the existing property from a church to a family resource center. An R-24 zoning will allow the applicant more uses than the existing R-12 zoning (primarily an overnight respite care use).

Rezoning the parcel to R-24 is consistent with the Comprehensive Plan as is accord with the High Density Residential designation on the property and is supported by land use, housing, transportation and community design/transition goals of the Comprehensive Plan.

REZONE CRITERIA 2: Will the rezone adversely affect the public health, safety or general welfare?

4. Staff believes the rezone and associated future development will not adversely affect the neighborhoods general welfare. A rezone to R-24 will result in an

effective transition from the intense I-5 corridor to low density residential uses that exist to the west.

5. New development requires improvements to access and circulation through curb and gutters, sidewalks and street frontage landscaping. Allowing this rezone will improve public health, safety and general welfare by adding needed sidewalks in an area where there are none.

In addition, mitigation measures proposed by the Watershed Company (**Attachment 6**) will improve the health of the Thornton Creek stream and buffer area that lies on the applicant's property.

Though the rezone cannot be conditioned, in reviewing a building permit, staff would refer to the rezone MDNS to determine appropriate mitigation.

REZONE CRITERIA 3: Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?

6. R-12 and R-24 (proposed) zoning maintains consistency with the High Density Residential designation in the Comprehensive Plan. However, staff's review of the Plan's policies for additional direction has led staff to conclude that the Comprehensive Plan envisions a transition from high intensity uses (I-5 freeway) to lower densities and less intense land uses as you transition to the west. The proposal for R-24 meets this long term vision for the area as higher residential densities are expected within this transitioning area (new Aegis facility to the north).

REZONE CRITERIA 4: Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?

After reviewing the information submitted by the applicant, staff concludes that the proposed rezone will not have a negative impact to the existing single-family properties in terms of use, traffic, parking or impact to critical areas.

7. The applicant submitted a traffic assessment evaluating traffic impacts at the applicant's family resource center at Queen Anne. It is shown that the facility has not had an impact on residential uses in the area. If the applicant's proposed use was never realized and residential units were to be constructed in the future, an additional traffic study would be required.
8. The applicant has an abundance of parking on-site. The potential change of use on the site will generate less parking demand than the existing church. Some of the community concerns had to do with overflow parking from the recently constructed Aegis senior homes. The subject parcel has more than enough parking and could be possibly used to alleviate parking demand of other uses in the area.
9. An increase in additional units envisioned by an R-24 zoning designation is not detrimental to the property in the vicinity because appropriate

infrastructure is in place, and will provide a reasonable transition between the I-5 freeway and the existing low density residential uses to the west of this site. New development will provide amenities such as curb, gutter, and sidewalk improvements.

A MDNS has been issued, and with proposed mitigation measures in place, no environmental issues remain.

REZONE CRITERIA #5: Will the rezone have merit and value for the community?

Staff has reviewed the applicant's materials and believes that the issues raised during the neighborhood meeting have been adequately addressed.

- By rezoning the parcel, the Commission will be implementing the vision that has been adopted in the Comprehensive Plan;
- Parking and traffic issues have been analyzed –An abundance of parking exists on the subject parcel and traffic impacts can be handled by the existing infrastructure.
- This rezone will encourage the reuse of an underutilized parcel. The use will also be a community asset.
- Appropriate transition requirements, specifically density, are being employed to address proximity to intense uses to low-density single-family uses to the west.

RECOMMENDATION

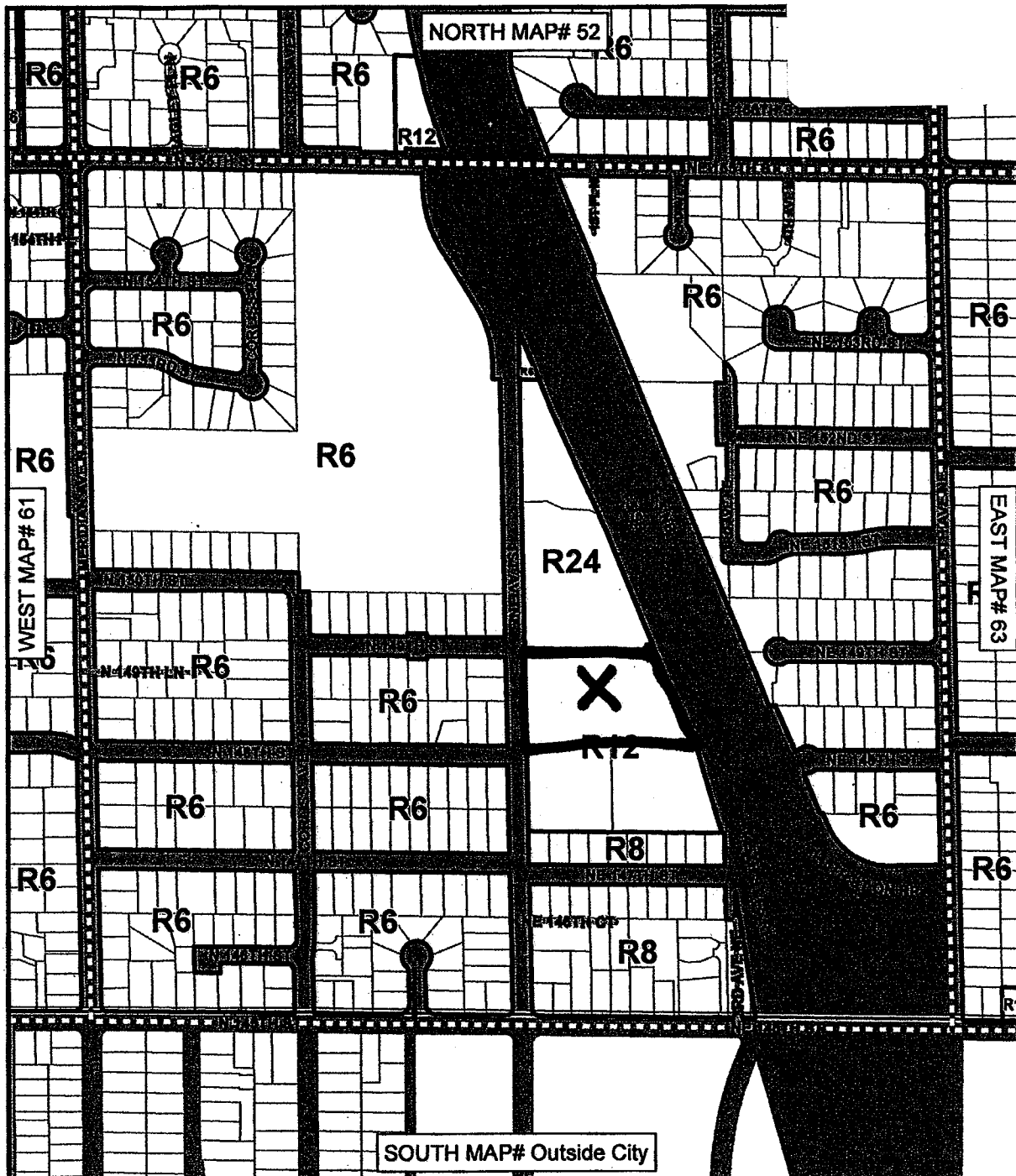
The Planning Commission recommends that the City Council approve a rezone of one parcels at 14800 1st Avenue NE, Shoreline, WA 98155 from R-12 to R-24.

Date: _____

By: _____
Planning Commission Chair

ATTACHMENTS

Attachment 1 - Comprehensive Plan Map
Attachment 2 - Zoning Map
Attachment 3 - Neighborhood Meeting Notes
Attachment 4 – Public Comment Letters
Attachment 5- Mitigated Determination of Non-Significance
Attachment 6 – Watershed Company Letter



CITY OF SHORELINE ZONING MAP

Zoning Legend

R4 Residential, 4 units/acre	NB Neighborhood Business
R6 Residential, 6 units/acre	NCBD North City Business District
R8 Residential, 8 units/acre	CB Community Business
R12 Residential, 12 units/acre	O Office
R18 Residential, 18 units/acre	RB Regional Business
R24 Residential, 24 units/acre	RB-CZ Regional Business-Contract Zone
R48 Residential, 48 units/acre	I Industrial
CZ Contract Zone	

Feature Legend

- Map Tile Lines	- Unclassified ROW
- City Boundary	- Parcel Line

SW1/4-S17-T26N-R4 E

1	2	3	4	5	6	7	8	9	10
13	14	15	16	17	18	19	20	21	22
25	26	27	28	29	30	31	32	33	
36	37	38	39	40	41	42	43	44	
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57	58	59	60	61	62	63	64	65	

MAP # 62

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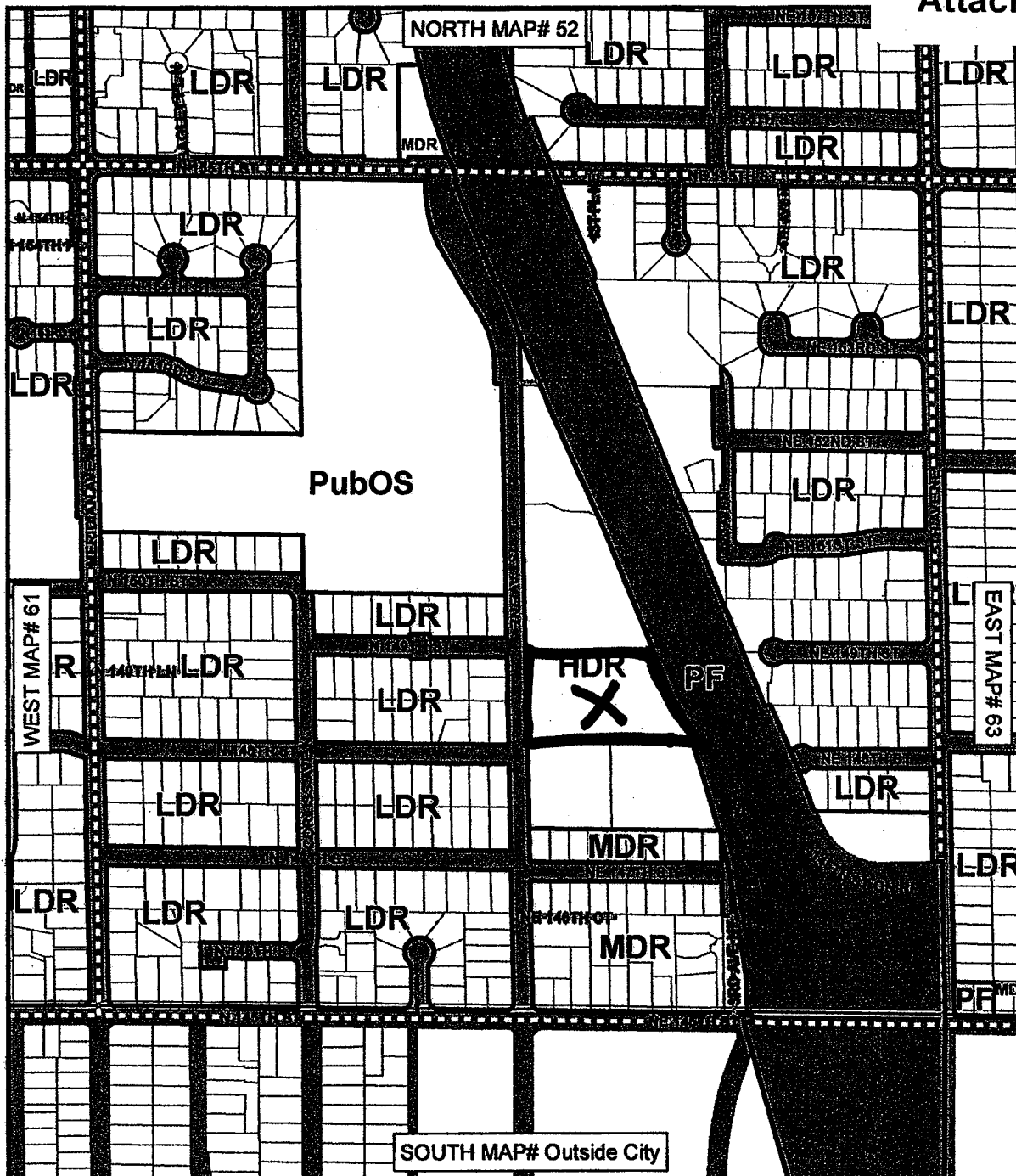


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No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through December, 2006.





CITY OF SHORELINE COMPREHENSIVE PLAN LAND USE MAP

Land Use Designation Legend

BaSSA Ballinager Special Study Area	PF Public Facility
BrSSA Briarcrest Special Study Area	PSSA Paramount Special Study Area
CB Community Business	PrOS Private Open Space
HDR High Density Residential	PubOS Public Open Space
LDR Low Density Residential	RB Regional Business
MDR Medium Density Residential	SFI Single Family Institution
MU Mixed Use	SSA Special Study Area
NCBD North City Business District	

Feature Legend

- Map Tile Lines	- Unclassified ROW
- City Boundary	- Parcel Line

SW1/4-S17-T26N-R4 E



Plot Date: 2/8/2007

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
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61	62	63	64	65	66	67	68	69	70

MAP # 62

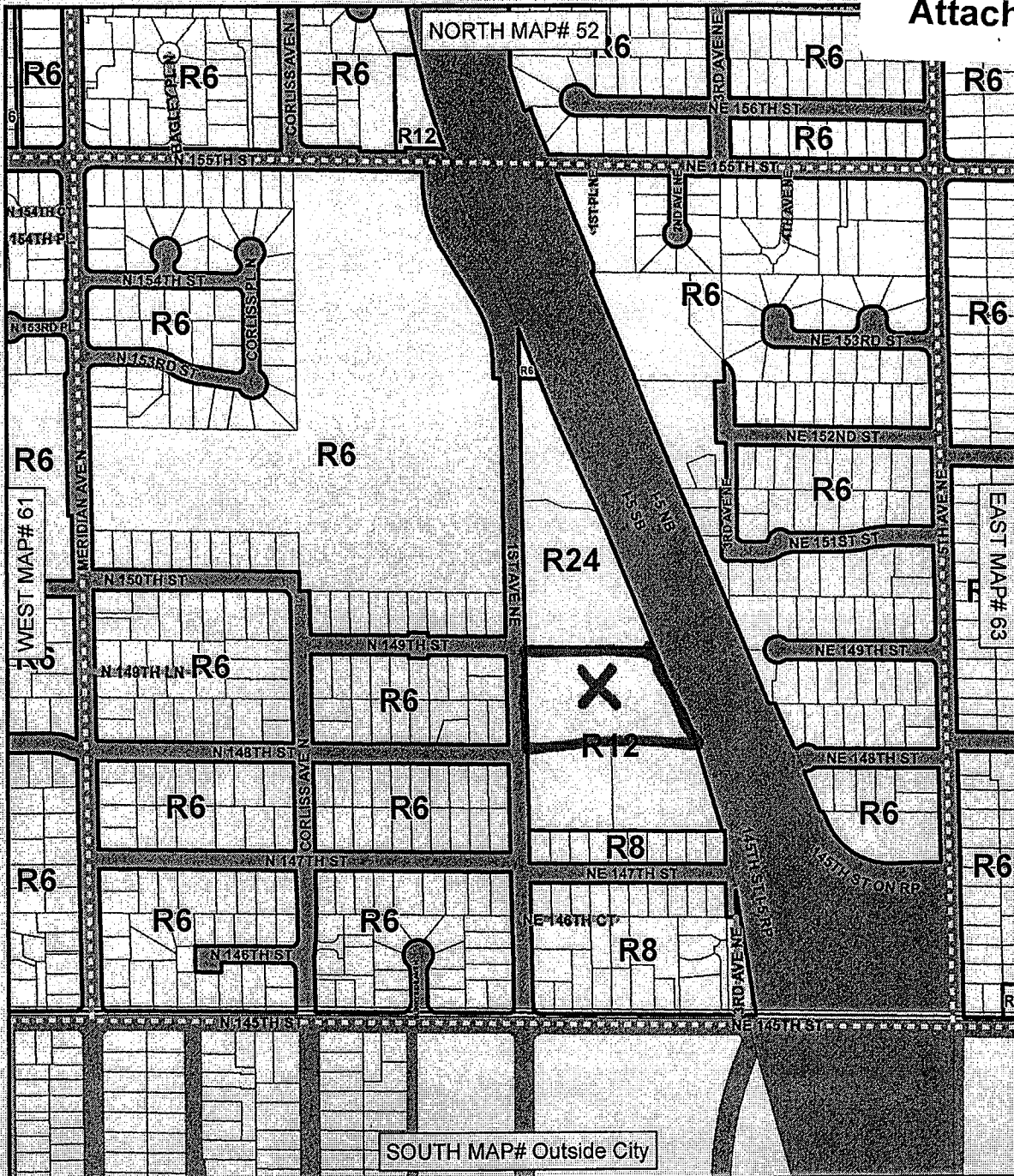
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0 75 150 300 450 600 Feet

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

Representation of official Comprehensive Plan land use map adopted by City Ordinance No. 292. Shows amendments through June 21, 2005.





CITY OF SHORELINE ZONING MAP

Zoning Legend

R4	Residential, 4 units/acre	NB	Neighborhood Business
R6	Residential, 6 units/acre	NCBD	North City Business District
R8	Residential, 8 units/acre	CB	Community Business
R12	Residential, 12 units/acre	O	Office
R18	Residential, 18 units/acre	RB	Regional Business
R24	Residential, 24 units/acre	RB-CZ	Regional Business-Contract Zone
R48	Residential, 48 units/acre	I	Industrial
CZ	Contract Zone		

Feature Legend

	- Map Tile Lines		- Unclassified ROW
	- City Boundary		- Parcel Line

SW1/4-S17-T26N-R4 E

1	2	3	4	5	6	7	8	9	10
13	14	15	16	17	18	19	20	21	22
25	26	27	28	29	30	31	32	33	
36	37	38	39	40	41	42	43	44	
47	48	49	50	51	52	53	54	55	
57	58	59	60	61	62	63	64	65	

MAP # 62

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0 75 150 300 450 600 Feet

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

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through December, 2006.





NORTHWEST CENTER

Making a difference through quality service.

7272 W. Marginal Way S. ♦ P. O. Box 80827
Seattle, Washington 98108
Phone: 206-285-9140 ♦ Fax: 206-286-2300
E-mail: service@nwcenter.org

Dear Neighbor:

You are invited to a meeting where we will present our plans for a proposed development at 14800 1st Avenue NE, Shoreline, WA 98155. At this meeting we will discuss the specific details and solicit comments on the proposal from the neighborhood.

Meeting Information:

Date: Thursday, March 6th, 2008

Time: 7:00pm

Location of Meeting: Fireplace room at the Shoreline Christian Church located at 14800 1st Avenue NE, Shoreline, WA 98155.

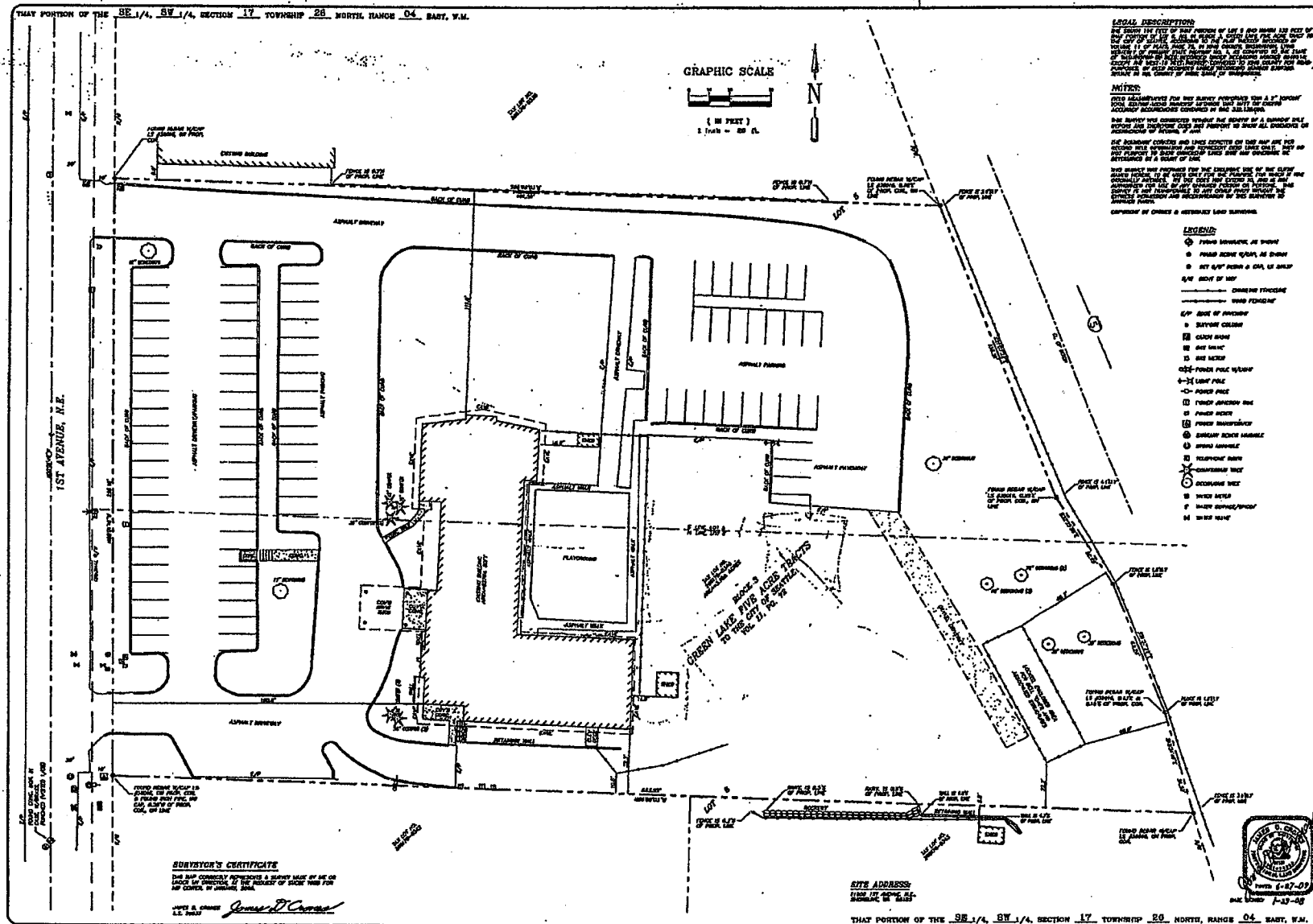
Proposal: Northwest Center, the largest organization providing services to children and adults with disabilities in the State of Washington, proposes opening and operating a Family Resource Center at the stated property address above. The current 18,000 square foot structure on site will be renovated to accommodate the various programs. An addition up to 24,000 square feet may be added to the existing structure as well. Current zoning on the site is R-12. To ensure its ability to operate the intended programs, Northwest Center is requesting a zoning change to R-24 and/or a conditional use permit to operate the various programs. Details regarding the specific programs and services to be operated on the property will be discussed in detail at the neighborhood meeting.

If you have any questions prior to the meeting, please feel free to contact our project manager, Todd Sucee, at 206-285-9140.

We look forward to seeing you on March 6th.

Sincerely,

David Wunderlin
President/CEO, Northwest Center



First Name	Last Name	Mail Address	Mail City	Mail State	Mail Zip	Site Address	Site City	Site ST	Site Zip	Parcel #
Planning and Development Services		17545 Midvale Ave N	Shoreline	WA	98134					N/A
Dick	Nicholson	16811 11 th Ave NE	Shoreline	WA	98155	Neighborhood Chair, Ridgecrest				
Shoreline Unitarian Church		14724 1ST AVE NE	Shoreline	WA	98155	14724 1ST AVE NE	Shoreline	WA	98155	2881700342
Phillippi Prespbyterian Chuch		14734 1ST AVE NE	Shoreline	WA	98155	14734 1ST AVE NE	Shoreline	WA	98155	2881700343
HCP SHORE LLC	C/O Deloitte ATTN HCPI	2235 Faraday Ave, Suite O	Carlsbad	CA	92008	14900 1ST AVE NE	Shoreline	WA	98155	2881700330
HCP SHORE LLC	C/O Deloitte ATTN HCPI	2235 Faraday Ave, Suite O	Carlsbad	CA	92009	15100 1ST AVE NE	Shoreline	WA	98155	2881700313
City of Shoreline		17544 Midvale Ave N	Shoreline	WA	98133	2341 N 155TH ST	Shoreline	WA	98155	2881700590
King County	500 KC ADMIN BLDG	500 4TH AVE	Seattle	WA	98104	14701 5TH AVE NE	Shoreline	WA	98155	2881700390
Abeal	Temno	327 NE 148TH ST	Shoreline	WA	98155	327 NE 148TH ST	Shoreline	WA	98155	8680300045
Byron N & Ana	Argueta	333 NE 148TH ST	Shoreline	WA	98155	333 NE 148TH ST	Shoreline	WA	98155	8680300050
Russell	Thomas	339 NE 148TH ST	Shoreline	WA	98155	339 NE 148TH ST	Shoreline	WA	98155	8680300055
Gilbert K & Dujardin	Cupat	345 NE 148TH ST	Shoreline	WA	98155	345 NE 148TH ST	Shoreline	WA	98155	8680300060
Clifford R & Tonja S	Hearne	316 NE 148TH ST	Shoreline	WA	98155	316 NE 148TH ST	Shoreline	WA	98155	8680300020
Dorothy Ann	McReynolds	324 NE 148TH ST	Shoreline	WA	98155	324 NE 148TH ST	Shoreline	WA	98155	8680300025
Jerry L & Carol L	Rice	330 NE 148TH ST	Shoreline	WA	98155	330 NE 148TH ST	Shoreline	WA	98155	8680300030
Richard A & Pamela M	Rozum	336 NE 148TH ST	Shoreline	WA	98155	336 NE 148TH ST	Shoreline	WA	98155	8680300035
Sayed El	Anany	342 NE 148TH ST	Shoreline	WA	98155	342 NE 148TH ST	Shoreline	WA	98155	8680300020
Chin Ki & Young Ryeong	Yi	305 NE 149TH ST	Shoreline	WA	98155	305 NE 149TH ST	Shoreline	WA	98155	2004100052
Fred / George	Zeufeldt	9712 19TH AVE NE	Seattle	WA	98115	309 NE 149TH ST	Shoreline	WA	98155	2004100050
Priscilla	Latorre	321 NE 149TH ST	Shoreline	WA	98155	321 NE 149TH ST	Shoreline	WA	98155	2004100055
Luis P & Eve P	Abad	327 NE 149TH ST	Shoreline	WA	98155	327 NE 149TH ST	Shoreline	WA	98155	2004100060
Phan	Quach	333 NE 149TH ST	Shoreline	WA	98155	333 NE 149TH ST	Shoreline	WA	98155	2004100055
Carole	McDaniel	339 NE 149TH ST	Shoreline	WA	98155	339 NE 149TH ST	Shoreline	WA	98155	2004100075
David H & Danika L	Pletcher	345 NE 149TH ST	Shoreline	WA	98155	345 NE 149TH ST	Shoreline	WA	98155	2004100080
Charlene	Hughes	308 NE 149TH ST	Shoreline	WA	98155	308 NE 149TH ST	Shoreline	WA	98155	2004100045
Brian E & Robbin C	Kreger	314 NE 149TH ST	Shoreline	WA	98155	314 NE 149TH ST	Shoreline	WA	98155	2004100040
Rand	Young	320 NE 149TH ST	Shoreline	WA	98155	320 NE 149TH ST	Shoreline	WA	98155	2004100035
Rose	Sterling	326 NE 149TH ST	Shoreline	WA	98155	326 NE 149TH ST	Shoreline	WA	98155	2004100030
Klttt & Chunprase	Tasanasant	332 NE 149TH ST	Shoreline	WA	98155	332 NE 149TH ST	Shoreline	WA	98155	2004100025
James F & Denise F	Kinnear	338 NE 149TH ST	Shoreline	WA	98155	338 NE 149TH ST	Shoreline	WA	98155	2004100020
Antonia & Elizabeth	Diaz	301 NE 151ST ST	Shoreline	WA	98155	301 NE 151ST ST	Shoreline	WA	98155	3222200030
Zaid Khalil	Atleh	307 NE 151ST ST	Shoreline	WA	98155	307 NE 151ST ST	Shoreline	WA	98155	3222200040
G	Stevens	313 NE 151ST ST	Shoreline	WA	98155	313 NE 151ST ST	Shoreline	WA	98155	3222200050
Efren M & Maria A	Ramos	321 NE 151ST ST	Shoreline	WA	98155	321 NE 151ST ST	Shoreline	WA	98155	8022900040
Gerico Q & Marissa	Lumansoc	327 NE 151ST ST	Shoreline	WA	98155	327 NE 151ST ST	Shoreline	WA	98155	8022900041
Rona J	Hyde	306 NE 151ST ST	Shoreline	WA	98155	306 NE 151ST ST	Shoreline	WA	98155	3222200020
Robby Kim Ho & Marietta	Liem	19010 12TH PL NW	Shoreline	WA	98177	316 NE 151ST ST	Shoreline	WA	98155	8022900035
GS	Iwasaki	15112 3RD AVE NE	Shoreline	WA	98155	15112 3RD AVE NE	Shoreline	WA	98155	3222200010
Michael	Zapareski	15101 3RD AVE NE	Shoreline	WA	98155	15101 3RD AVE NE	Shoreline	WA	98155	2881700323
Marietta	Morales	15117 3RD AVE NE	Shoreline	WA	98155	15117 3RD AVE NE	Shoreline	WA	98155	2881700321
Benjamin	Castro	15109 3RD AVE NE	Shoreline	WA	98155	15109 3RD AVE NE	Shoreline	WA	98155	2881700322
Glenn	Tinned	15121 3RD AVE NE	Shoreline	WA	98155	15121 3RD AVE NE	Shoreline	WA	98155	2881700311
Seattle Resurrection	Fellowship Church of God	18712 52ND AVE W	Lynnwood	WA	98037	225 NE 152ND ST	Shoreline	WA	98155	2881700310
Monterey LLC		PO BOX 55134	Seattle	WA	98155	305 NE 152ND ST	Shoreline	WA	98155	2634500050
Henry Jr	Patrick Boyce	311 NE 152ND ST	Shoreline	WA	98155	311 NE 152ND ST	Shoreline	WA	98155	2634500045
David K	Moody	2356 N 149TH ST	Shoreline	WA	98133	2356 N 149TH ST	Shoreline	WA	98133	2881700586
Gene D	Bowlby	2350 N 149TH ST	Shoreline	WA	98133	2350 N 149TH ST	Shoreline	WA	98133	2881700528

Duc Thanh Et Al	Nguyen	2344 N 149TH ST	Shoreline	WA	98133 2344 N 149TH ST	Shoreline	WA	98133 2881700588
W W	Mason	2338 N 149TH ST	Shoreline	WA	98133 2338 N 149TH ST	Shoreline	WA	98133 2881700587
Ellen M	Cox	2332 N 149TH ST	Shoreline	WA	98133 2332 N 149TH ST	Shoreline	WA	98133 1803900030
Mark S & Marilyn	Mascarinas	2326 N 149TH ST	Shoreline	WA	98133 2326 N 149TH ST	Shoreline	WA	98133 1803900025
William H	Cass	2320 N 149TH ST	Shoreline	WA	98133 2320 N 149TH ST	Shoreline	WA	98133 1803900020
Theodore M & Viola P	Hudson	2314 N 149TH ST	Shoreline	WA	98133 2314 N 149TH ST	Shoreline	WA	98133 1803900015
Leeland	Artra	2308 N 149TH ST	Shoreline	WA	98133 2308 N 149TH ST	Shoreline	WA	98133 1803900010
Steven K JR	Domonkos	2302 N 149TH ST	Shoreline	WA	98133 2302 N 149TH ST	Shoreline	WA	98133 1803900005
Barbara Ann & Kennet	Anderson	2303 N 149TH ST	Shoreline	WA	98133 2303 N 149TH ST	Shoreline	WA	98133 1803900035
Warren B & Shellie	Anderson	2309 N 149TH ST	Shoreline	WA	98133 2309 N 149TH ST	Shoreline	WA	98133 1803900040
Robert C	Snider	2315 N 149TH ST	Shoreline	WA	98133 2315 N 149TH ST	Shoreline	WA	98133 1803900045
Jared & Davidson	Lundell	2321 N 149TH ST	Shoreline	WA	98133 2321 N 149TH ST	Shoreline	WA	98133 1803900050
Shawn E & Becky H	Nicholas	2327 N 149TH ST	Shoreline	WA	98133 2327 N 149TH ST	Shoreline	WA	98133 1803900055
Lanny O & Diane L	Kimmel	2333 N 149TH ST	Shoreline	WA	98133 2333 N 149TH ST	Shoreline	WA	98133 1803900060
Larry A	Schmidt	2339 N 149TH ST	Shoreline	WA	98133 2339 N 149TH ST	Shoreline	WA	98133 1881700583
MR & MRS Melvin M	Miller	2345 N 149TH ST	Shoreline	WA	98133 2345 N 149TH ST	Shoreline	WA	98133 2881700584
Elmer & Lily	Gipaya	3523 167TH PL SW	Lynnwood	WA	98037 14827 1ST AVE NE	Shoreline	WA	98155 2881700580
Mark A & Karen L	Lund	14821 1st AVE NE	Shoreline	WA	98155 14821 1st AVE NE	Shoreline	WA	98155 2881700585
Marina	Dzhamilova	2354 N 148TH ST	Shoreline	WA	98133 2354 N 148TH ST	Shoreline	WA	98133 2881700570
Halying & Lu Tong	Li	2350 N 148TH ST	Shoreline	WA	98133 2350 N 148TH ST	Shoreline	WA	98133 2881700572
Leonid V	Kalagin	3900 80TH ST	Marysville	WA	98270 2348 N 148TH ST	Shoreline	WA	98133 2881709571
Sharman D	Loomis	2340 N 148TH ST	Shoreline	WA	98133 2340 N 148TH ST	Shoreline	WA	98133 2881700573
Thomas G & McNeill	Paulson	2336 N 148TH ST	Shoreline	WA	98133 2336 N 148TH ST	Shoreline	WA	98133 1803900065
Kevin	Kinsella	2330 N 148TH ST	Shoreline	WA	98133 2330 N 148TH ST	Shoreline	WA	98133 1803900070
Armin W	Gerdes	2324 N 148TH ST	Shoreline	WA	98133 2324 N 148TH ST	Shoreline	WA	98133 1803900075
Brian A	Dunnett	2318 N 148TH ST	Shoreline	WA	98133 2318 N 148TH ST	Shoreline	WA	98133 1803900080
Charlene	Loback	14810 Corliss AVE N	Shoreline	WA	98133 14810 Corliss Ave N	Shoreline	WA	98133 1803900085
James C	Conuel	14804 Corliss AVE N	Shoreline	WA	98133 14804 Corliss AVE N	Shoreline	WA	98133 1803900090
C M	Bertiaux	2305 N 148TH ST	Shoreline	WA	98133 2305 N 148TH ST	Shoreline	WA	98133 0266100005
John G & Marion	Fahey	2311 N 148TH ST	Shoreline	WA	98133 2311 N 148TH ST	Shoreline	WA	98133 0266100010
Kurt	Browarick	2317 N 148TH ST	Shoreline	WA	98133 2317 N 148TH ST	Shoreline	WA	98133 0266100015
Anna	Barsok	2323 N 148TH ST	Shoreline	WA	98133 2323 N 148TH ST	Shoreline	WA	98133 0266100020
Tanya & Monty	McDaniel	2333 N 148TH ST	Shoreline	WA	98133 2333 N 148TH ST	Shoreline	WA	98133 0266170025
Linda K	Bender	2337 N 148TH ST	Shoreline	WA	98133 2337 N 148TH ST	Shoreline	WA	98133 0266100030
Li Hu	Man-Erh	2339 N 148TH ST	Shoreline	WA	98133 2339 N 148TH ST	Shoreline	WA	98133 0266100035
Ian M	Gillis	2345 N 148TH ST	Shoreline	WA	98133 2345 N 148TH ST	Shoreline	WA	98133 0266100040
James	Piper	2351 N 148TH ST	Shoreline	WA	98133 2351 N 148TH ST	Shoreline	WA	98133 0266100045
Julia	Elster	13424 45TH CT W	Mukilteo	WA	98275 14721 1ST AVE NE	Shoreline	WA	98133 0266100050
Margaret V	Haugen	2358 N 147TH ST	Shoreline	WA	98133 2358 N 147TH ST	Shoreline	WA	98133 4292300055
Stephen H & Linda Kay	Condit	2352 N 147TH ST	Shoreline	WA	98133 2352 N 147TH ST	Shoreline	WA	98133 4292300060
Leonard A	Back	2344 N 147TH ST	Shoreline	WA	98133 2344 N 147TH ST	Shoreline	WA	98133 4292300065
R L	Oswald	2338 N 147TH ST	Shoreline	WA	98133 2338 N 147TH ST	Shoreline	WA	98133 4292300070
Ghassan F	Sabboubbeh	2332 N 147TH ST	Shoreline	WA	98133 2332 N 147TH ST	Shoreline	WA	98133 4292300075
Lillian K	Treloggen	2326 N 147TH ST	Shoreline	WA	98133 2326 N 147TH ST	Shoreline	WA	98133 4292300080
Mark	Zwahlen	2320 N 147TH ST	Shoreline	WA	98133 2320 N 147TH ST	Shoreline	WA	98133 4292300085
Robin J & Bolton	Lombard	2316 N 147TH ST	Shoreline	WA	98133 2316 N 147TH ST	Shoreline	WA	98133 4292300090
Scott C & Michelle L	Kindall	2310 N 147TH ST	Shoreline	WA	98133 2310 N 147TH ST	Shoreline	WA	98133 4292300095
Ron	Horne	2300 N 147TH ST	Shoreline	WA	98133 2300 N 147TH ST	Shoreline	WA	98133 4292300100

Harry C	Solheim	2327 N 147TH ST	Shoreline	WA	98133 2327 N 147TH ST	Shoreline	WA	98133 4292300024
Rose Marie	Vasquez	2335 N 147TH ST	Shoreline	WA	98133 2335 N 147TH ST	Shoreline	WA	98133 4292300029
Ben & Kathryn	Schielke	2343 N 147TH ST	Shoreline	WA	98133 2343 N 147TH ST	Shoreline	WA	98133 4292300034
Yoshiko	Saheki	2349 N 147TH ST	Shoreline	WA	98133 2349 N 147TH ST	Shoreline	WA	98133 4292300038
Issa & Violet	Harb	22505 60TH AVE W	Mountlake Terrace	WA	98043 2355 N 147TH ST	Shoreline	WA	98133 4292300040
Nicholas F	Aldrich	5518 168TH PL SW	Lynnwood	WA	98037 104 NE 147TH ST	Shoreline	WA	98155 4408100005
James E & Billie J	Huffman	110 NE 147TH ST	Shoreline	WA	98155 110 NE 147TH ST	Shoreline	WA	98155 4408100010
Joseph	De Bartolo	116 NE 147TH ST	Shoreline	WA	98155 116 NE 147TH ST	Shoreline	WA	98155 4408100015
N Lynn	Sears	122 NE 147TH ST	Shoreline	WA	98155 122 NE 147TH ST	Shoreline	WA	98155 4408100020
David L & Tracy L	Delorm	128 NE 147TH ST	Shoreline	WA	98155 128 NE 147TH ST	Shoreline	WA	98155 4408100025
Justin L & Jamie R	Lafranchi	134 NE 147TH ST	Shoreline	WA	98155 134 NE 147TH ST	Shoreline	WA	98155 4408100030
Robert C	Gelger	140 NE 147TH ST	Shoreline	WA	98155 140 NE 147TH ST	Shoreline	WA	98155 4408100035
James O & Leslie I	Crane	146 NE 147TH ST	Shoreline	WA	98155 146 NE 147TH ST	Shoreline	WA	98155 4408100040
Chero L & Beatrice	Williamson	152 NE 147TH ST	Shoreline	WA	98155 152 NE 147TH ST	Shoreline	WA	98155 4408100045
Lorena Taylor	Miles	158 NE 147TH ST	Shoreline	WA	98155 158 NE 147TH ST	Shoreline	WA	98155 4408100050
Omar Macias	Lopez	157 NE 147TH ST	Shoreline	WA	98155 157 NE 147TH ST	Shoreline	WA	98155 4408100055
Colleen R & Gould	Halvorson	151 NE 147TH ST	Shoreline	WA	98155 151 NE 147TH ST	Shoreline	WA	98155 4408100060
David A	McHargue	145 NE 147TH ST	Shoreline	WA	98155 145 NE 147TH ST	Shoreline	WA	98155 4408100065
Troy M & Kathryn Rae	Carter	139 NE 147TH ST	Shoreline	WA	98155 139 NE 147TH ST	Shoreline	WA	98155 4408100070
Joleen	Lemmon	133 NE 147TH ST	Shoreline	WA	98155 133 NE 147TH ST	Shoreline	WA	98155 4408100075
Jessica L & Goodman	Myers	127 NE 147TH ST	Shoreline	WA	98155 127 NE 147TH ST	Shoreline	WA	98155 4408100080
Richard Brian	Franklin	121 NE 147TH ST	Shoreline	WA	98155 121 NE 147TH ST	Shoreline	WA	98155 4408100085
Josefa C	Tan	155 NE 147TH ST	Shoreline	WA	98155 155 NE 147TH ST	Shoreline	WA	98155 4408100090
Christopher	Small	421 Ave "Q"	Snohomish	WA	98290 109 NE 147TH ST	Shoreline	WA	98155 4408100095
Ton N	Nguyen	103 NE 147TH ST	Shoreline	WA	98133 103 NE 147TH ST	Shoreline	WA	98133 4408100100



NORTHWEST CENTER

Making a difference through quality service.

7272 W. Marginal Way S. ♦ P. O. Box 80827
Seattle, Washington 98108

Phone: 206-285-9140 ♦ Fax: 206-286-2300

E-mail: service@nwcenter.org

Agenda Shoreline Neighborhood Meeting

Thursday, March 6, 2008
7:00 p.m.

Purpose: To discuss proposed zoning change at 14800 1st Avenue NE, Shoreline, WA
(A description of the proposed project is provided along with the agenda)

- I. Introduction of Northwest Center Representatives - *Tom Everill, NWC Board President*
- II. Background information on Northwest Center - *David Wunderlin, NWC President/CEO*
- III. Project Description - Phase I - *Jane Dobrovolsky, NWC Child Development Program*
- IV. Project Description - Phase II - *David Wunderlin, NWC President/CEO*
- V. Comments from community members - *Tom Everill, NWC Board President*
 - i) We will consider the meeting attendees' comments and use them when making decisions relating to the purchase of the property and our proposed programs
 - ii) Suggestions from the meeting attendees will be documented and we will submit a written response to the City on how we intend to address the concerns.
 - iii) The City will mail Northwest Center's written response to meeting attendees.
 - iv) We encourage residents to communicate with us after the meeting as well. Our goal is to bring programs that meet the needs of the residents of the Shoreline community, and we appreciate any input that will help us meet that goal.
- VI. Question and Answer Session - *Tom Everill, NWC Board President*
- VII. Adjourn

⇒ Comments about this project can be sent directly to the City of Shoreline Planning Department at:

Planning & Development Services,
17544 Midvale Avenue N
Shoreline, WA 98133-4921
206.546.8761

⇒ If you have additional questions or comments for Northwest Center, please feel free to contact our Project Manager, Todd Sucee at 206.285.9140.



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Statement of Use: Northwest Center, a nonprofit organization that provides educational and rehabilitation services to children and adults with disabilities, proposes opening and operating a Family Resource Center in Shoreline at 14800 1st Avenue NE.

For more than forty years, Northwest Center's mission has been to "promote the growth, development and independence of individuals with disabilities through programs of education, rehabilitation and work opportunity." As the largest organization in Washington that provides services to individuals with disabilities, our groundbreaking programs and services have helped transform lives and influence change across the nation. Our program was founded in 1965 by parents who refused to institutionalize their children with developmental disabilities or accept the prevailing notion that their children could not be taught. They banded together to form Northwest Center, hired their own teachers to develop education programs targeted to the needs of their children, and found that their children could indeed learn.

Northwest Center's Child Development Program was one of the first in the nation to integrate children with delays or disabilities with their typically developing peers in a classroom setting, allowing them to learn and grow together. We believe that this environment (60% typically developing children and 40% with delays and/or disabilities) helps children develop through modeling the behaviors of their peers, increasing their opportunities to learn and forming positive attitudes toward all people, regardless of their level of ability.

To meet the needs of the community, we would create a Family Resource Center by renovating the existing 18,000 square foot structure and add an addition up to 24,000 square feet. This renovation would allow us to implement the intended programs at the Family Resource Center. The addition would be two stories with a total height not exceeding 35 feet, and create a footprint of approximately 12,000 square feet. The amount of impervious surface on the site is approximately 42% and with the addition and covered play area, the amount of impervious surface would increase to approximately 53%. Hours of operation would generally be 7:00am to 6:00pm Monday through Friday. Staff may arrive up to an hour early and leave an hour later with the total number of staff ranging from 30 to 40 individuals.

Because the current R-12 zoning could limit our ability to operate the intended programs, we are requesting a zoning change to R-24. With the zoning change and support from the Shoreline community, this significant investment in the community will be realized. We believe the proposed programs, listed below, would be a positive addition to the community.

Phase One of our new Family Resource Center will service as many as 150 children and includes:

- Full-Day Early Education Programs: Northwest Center's ten classrooms would be able to accommodate 108 children from six weeks of age to kindergarten entrance. Our programs are inclusive, with both typically developing children and children with delays and disabilities.

- **Before/After-School Program and Summer Camp:** After-school hours are a critical time for youth particularly so for children with disabilities. We provide a home-like base for kids from kindergarten through age 12. Our program focuses on improved academic achievement coupled with activities that help relieve the stresses on today's working families. Our goal is to accommodate 25 to 40 children with and without disabilities in an inclusive environment.
- **Early Intervention Services (birth to three):** We will provide speech, physical and occupational therapy services for up to thirty families, as well as special education in the child's natural environment, which may include our classrooms, other early learning programs, the family home, or other community locations. We anticipate collaborating with Wonderland, an existing birth-to-three program in Shoreline. Our goal would be to accommodate up to 30 children.
- **Family Enrichment Program:** Our program connects parents with other parents to share ideas about the joys and challenges of raising children, and includes Hanen speech therapy training, parenting classes, socialization opportunities and support groups. Thirty-five families take part in our program, which meets both weekly and monthly and is open to the community.
- **Family Resource Program:** A room will be set aside for families to relax, meet other families and access a trained coordinator able to assist in connecting with information, resources and other programs. Computer availability, a lending book library, and a lending toy library are possibilities.

Phase Two of our new Family Resource Center may include:

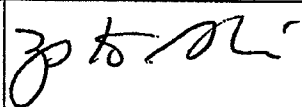
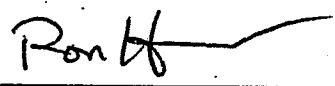
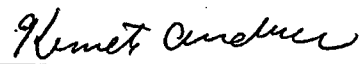

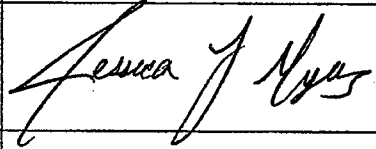
- **Teen Program:** We would provide after-school and summer "camp" programs for kids from age 13 - 21, which may include vocational training, personal care training and mentoring by typically developing peers. This program would serve up to twenty teens with disabilities who require more involved care after school, when their families are working
- **Family Respite Care:** Respite provides temporary care so an individual's primary caregiver can take a break and recharge their batteries. Respite care may be either a daytime program and/or an overnight program. The overnight program would be for adults with disabilities.
- **Independent Living Facilities:** We would provide a small number of apartment units with supervision for adults with disabilities and their families who could not otherwise live on their own.
- **Community Playground:** We would have ADA accessible playground for community use during evenings and weekends.
- **Community Spaces:** We would have the gym, meeting rooms, and kitchen for community use during weekends and evenings.
- **Adult Vocational Training:** We would provide office space and training rooms for up to ten adults and their job coaches to conduct vocational training and job placement services for community-based employment.

Basis for our zoning change request:

To support both present and future community needs, we want to make sure we are able to implement the programs planned for Phase Two. We are requesting an R-24 designation on the property so we can provide programs that are essential to meet future community needs. Due to the long lead-time (two to five years), a conditional use permit, which expires after two years, would not guarantee that we could run Phase Two programs which we believe are essential to the provide vital services to the community.

An R-24 designation would allow us to operate daytime family respite care, a teen program, and a small number of apartment units for adults with disabilities including their families; a conditional use permit may be required for additional programs. However, the most needed service, overnight respite care, would be impossible within an R-12 designation but would be permissible under an R-24 designation.

Sign in Sheet
Shoreline Community Meeting w/Northwest Center
March 6, 2008, 7:00 pm
Shoreline Community Church

Name (please print)	Address	Signature
1. Yoshiko Saheki	2349 N. 147 98133	
2. Ron Horne	2300 N. 147 th St.	
3. Warren Anderson	2309 N 149	
4. Kenneth Anderson	2303 N 149	
5. CHRIS GOOPMAN	147 NE 147TH ST	
6. JESSICA MYERS	"	
7.		
8.		
9.		

Neighborhood Meeting Summary of Concerns:

Community Concern #1: One meeting attendee did not think the site was appropriate for Northwest Center's Family Resource center, citing especially the issues of traffic and parking caused by the Aegis development next door. In this person's view, this is a residential neighborhood and should remain that way.

Community Concern #2: Multiple meeting attendees were concerned about having enough parking for the neighborhood as well as any future occupant of the property.

Community Concern #3: Multiple meeting attendees were concerned about traffic flow problems in the neighborhood, especially with the park and Evergreen School on Meridian.

Community Concern #4: Multiple meeting attendees were concerned about our plan for traffic flow.

Community Concern #5: Two meeting attendees were concerned about the possibility of violent individuals on the property.

Community Concern #6: Multiple meeting attendees were concerned about the rezone to R-24, meaning the possibility of higher density housing on the site.

Community Concern #7: Multiple meeting attendees were concerned about Northwest Center selling the property and a developer taking advantage of the higher density zoning on the property.

Community Concern #8: Multiple meeting attendees wanted to know why Northwest Center needs the R-24 designation over the current zoning on the site.

Community Concern #9: Multiple meeting attendees were concerned about the possibility of apartments being built on the site.

Community Concern #10: Multiple meeting attendees were concerned about the existence of the cell tower on the site.

Community Concern #11: Multiple meeting attendees were concerned about noise from the freeway.

Community Concern #12: One meeting attendee was concerned about the lack of tax revenue compared to a large number of apartments that could be built on the site and charged higher property tax amounts.

Community Concern #13: Multiple meeting attendees were concerned about the lack of sidewalks in the neighborhood to handle foot traffic.

Minutes of Shoreline Community Meeting
Filipino-American Christian Church
14800 1st Avenue NE, Shoreline, WA
Thursday, March 6, 2008
7:00 p.m.

Northwest Center Representatives: David Wunderlin, Tom Everill, Jan Stoker, Todd Sucee, Jane Dobrovlny, Kellie Nketiah, Karen Hoffman, Tracey Lyman, Laura Hafermann, Becky Smith, Lottie Olver, Steve Little, Allan Munro

I. Introduction of Northwest Center Representatives

Tom Everill, Board Chair for Northwest Center opened the meeting with introductions of the Northwest Center representatives, and described his role as facilitator for this community meeting.

Mr. Everill told the attendees that we wanted the opportunity to share our plans for the property with the neighborhood. He described the communication sent to the community before the meeting, indicating that we are looking at all aspects of the project, including a rezone to R-24, when determining whether it is feasible for Northwest Center. He reiterated that the rezone to R-24 will allow Northwest Center to carry out the programs being offered to the community. He also stated that we are sharing our ideas with the community, looking for their comments and concerns and answering your questions as best they can, since they haven't answered all the questions yet themselves.

Mr. Everill then asked if he could record the meeting to make sure all the information is captured and provides the best report to the City as part of their formal protocol for the rezoning process. He got started with the content of the meeting, including who Northwest Center is, what they do, and their passion for their mission by self-introduction of the representatives of the organization. They were as follows:

Dave Wunderlin, President/CEO
Laura Hafermann, Associate Anna - Architects
Jane Dobrovlny, Director of Children's Services
Allan Munro, Board Member
Karen Hoffman, Executive Director, Adult Services
Kellie Nketiah, Supervisor of Educational Program
Becky Smith, Therapy Supervisor
Lottie Olver, Therapy Supervisor
Tracey Lyman, Vice President of Fund Development & Community Affairs
Todd Sucee - Project Manager for Shoreline project and primary contact for questions
Jan Stoker, Board Member
Steve Little - Real Estate Agent.

Mr. Everill set the meeting up by indicating that we would provide a background statement about Northwest Center, then move into Phase 1/Phase 2 of the proposal, have a question and answer period with the attendees, and wrap up with the next steps. He asked if there were any questions; there were none. He then gave the floor to David Wunderlin.

II. Background information on Northwest Center (PowerPoint Presentation)

Mr. Wunderlin asked how many had heard of Northwest Center; most raised their hands. An attendee asked if we used to operate under a different name. Mr. Wunderlin answered that we started as Northwest Center for the Retarded.

He read off the organization's mission statement, "to promote the growth, development and independence of individuals with disabilities through programs of education, rehabilitation and work opportunity", and said he was going to talk about the values they live, and encouraged the group to ask questions during his presentation. We're going to talk about the stuff on our walls, talk about our values, these are things that we live. He said Northwest Center works with people with disabilities, but that they also have an important set of values that guide what they do each day. If they feel a project or activity isn't consistent with the organization's values, then they have to ask themselves whether it's something they should be doing. The values represent what their programs do and believe, both adult's and children's programs.

He started into the history of Northwest Center. It was started in 1965 by a unique group of people, many of whom are still around. What was unique about this group is that they were radicals. When their kids were kicked out of schools, it was because their disabilities, like autism or mental retardation, made them "disruptive." The parents were so upset at the unfairness that they created their own school and they forced legislation to allow all kids in Washington equal access to education. This law was the basis for federal legislation that allowed children across the nation equal access to education. Everything Northwest Center revolves around this idea of inclusion. They talk about changing the world. They are working with groups of people for whom others had very few expectations. People thought they (adults with disabilities) couldn't learn and couldn't work. Their work asks the question "why not?" Inclusion is the corner stone of everything they do. The children's program, which has been on Queen Anne Hill since 1985, has about 2/3 of the kids who are typically developing, 1/3 with delays and disabilities in an inclusive environment. It is difficult to tell which kids have delays, and it doesn't matter. Everything they do revolves around inclusion.

Their organization is comprised of Administration (like Human Resources and Accounting), Social Enterprises, and programs for adults and children with disabilities.

Mr. Wunderlin then described their practice of "social entrepreneurship." He said that over the last few decades they have become involved in businesses to create revenue, so they don't rely on the fickleness of government funding, and to create jobs. They try to ready people for employment, but they also employ people with disabilities in

their businesses. They are one of the biggest employers of individuals with disabilities in the state (slide showed 1025 individuals with disabilities served in 2007). Their vision is to continue to do more every year, including setting up a program for teens, which they do not currently have, but want to develop.

Mr. Wunderlin then started talking about the programs for children, which is the program they would like to open on the site. He said that our current program offers Early Childhood Education, Early Intervention, and full-day childcare in an inclusive setting for kids; it feels like a school. He said the program is all about education. They have teachers and therapists and work with families to ready their children for kindergarten. The program currently has 125-130 kids. Mr. Wunderlin confessed that when he is having a bad day, he goes up to Queen Anne, and the kids don't care who he is, they bring him a book, ask him to read to them.

Mr. Wunderlin introduced Jane Dobrovolny, to discuss Phase I of the project.

III. Project Description - Phase I

Ms. Dobrovolny stated that the plan is to replicate the Queen Anne facility. She repeated Mr. Wunderlin's description of an inclusive program and she pointed out photos she brought from the school, showing kids in typical situations. She said it looks very much like any other preschool. They begin with kids as young as 6 weeks in their infant program. The kids stay with their primary caregivers at the school until age 2; they feel strongly that the time to bond with their teachers at a young age is a really important part of growing up. She then said that the kids work through "steps," moving into different classrooms for different ages and when they get old enough, they help get the kids ready for kindergarten. She asserted their belief in the value of socialization, and said they work in a similar way to Wonderland, a local early intervention program. She said they use natural environments with providing therapy to kids - they're not in an office or clinic, the therapists are at kids' homes, at the park, at the grocery store, wherever the parent needs them to be. They use their classrooms to give kids who are receiving only therapy services a chance for socialization. She stressed that kids learn from their peers - everyone does - and they learn how to participate in the real world. Whether or not a child has been diagnosed with a disability, they are each a valuable member of the class. They have an after-school program for school-age kids, ages 5-12, licensed through the school district. Ms. Dobrovolny said that all kids need a place to go; kids with disabilities have difficulty coping with Boys' and Girls' Clubs or other traditional after-school program. There are lots of kids, not enough staff, and those kids with involved disabilities such as autism have a tough time with that much activity going on around them.

Ms. Dobrovolny then talked about their Family Support Programs, like Potty Training 101, interactive sessions about kindergarten transition and registration, Hanen speech therapy for families who have kids with speech delays and a facilitated parent support group where parents can talk in a confidential environment.

She indicated their interest in expanding the program, pointing out that the room in which they are holding this meeting would be set up as a resource program, staffed with someone here who could help them find resources that are relevant to their own particular situation. They would also like to have a library with books and toys to check out. It's not something they are doing right now because they don't have room.

Question: Is that your only other facility?

Jane Dobrovolsky: Queen Anne is our only facility. It used to be at the former Interbay facility and in 1985 they moved into an old Seattle school.

Tom Everill: What we're interested in is expanding our scope. We perceive a tremendous demand for these kinds of services.

Question: Is it (the Queen Anne facility) large enough?

Jane Dobrovolsky: No, we're "bursting at the seams." There's a waiting list for every class. The current program serves the kids we have, but they can't grow any bigger. We do have parents from Shoreline who come to Queen Anne and they're excited about the idea (of the new facility). We can't add another child to the program. For most of our classrooms, there is a one to two year wait list; no less than a one year wait. We have to turn away people who are pregnant now. There is a big lack of programs with full-day childcare for kids with special needs. We'd like to recommend another center, but there really aren't any who do what we do. Most programs can't really accommodate special needs.

Tom Everill: Why don't we look at Phase II first so we can see what it all looks like, and then get back to the questions?

IV. Project Description - Phase II

Mr. Wunderlin stood up again and presented Phase II. He said they've talked about integrated teen program 13-21. Karen Hoffman is working on the program. They've found only one program in the United States. Mr. Wunderlin said they're trying to build an integrated programs for teenagers. They have to build a program where both sides are getting something. Asking typically developing teenagers to come in and volunteer doesn't work. They need something that works for both sides (teens with and without disabilities). This an ideal environment. Mr. Wunderlin stated their intention to conduct focus groups to get information from families who have this need.

Mr. Wunderlin also admitted that "respite program" is a loaded phrase. He said that parents of kids and adult children with disabilities, whether they are three or thirty, may need to get away for a few hours to go grocery shopping, for example. If your child may be disruptive, it's great to have a safe place to get childcare, but said this isn't something Northwest Center provides today.

He said the plan include an ADA-accessible playground for the community, open to kids and adults, as well as spaces for community use. They are all about how they serve the community - it may sound corny. Mr. Wunderlin said they kept wondering what people would ask (at this meeting) and they came back to the fact that they serve the community. They're trying to figure out what would work best and how it would work. When they get this facility done, he further stated, it's his job to figure out how they get the money to keep it going. They're not about making money off this - they're going to spend money. What Northwest Center is really interested in is what the community has to say and what they need. Operating from one or two data points is dangerous.

He then moved on to the proposed adult vocational program, saying that they train adults, figure out what they're interested in, and develop their skills to get a community job. He solicited questions or employment opportunities from the group. There were none.

Mr. Wunderlin announced the possibility of putting a small number of apartments for adults w/disabilities and their families. He said it's important for people to be with their families. They've never done it before, but it's a dream that they have, and they think the dream could be a reality.

Question: What is the reason for the zoning change?

David Wunderlin: It's for the overnight respite program. It's the one thing we can't do without the rezoning.

V/VI. Comments from community members/Question and Answer period

Paraphrased statement from an attendee: I live here in this neighborhood. I greatly admire your organization and work as an employee, social worker, program director. As a board member you are a volunteer. It's inspirational to hear about your founders who had to champion your cause - wonderful and inspiring to hear. I'm a very committed community member who loves to support organizations like this. I do a fair amount of volunteering - my passion is libraries. I'm very happy to be living in Shoreline, because it does have a fair amount of community involvement. That being said, I do have to say that I don't think your move to this plot of land fits. This is primarily a residential neighborhood. When Aegis was built, I have to say as someone who lived before and after, building Aegis was a mistake. There are problems with traffic and parking. I asked Aegis to do something about the parking for their employees and residents and get employees to not park in the neighborhood. His reply (the head of Aegis) - "being a legal parking area I cannot ask people to park elsewhere. The church to the south agreed to keep our cars there, but their cars get broken into." It has a detrimental impact on my neighborhood. I wouldn't be living here if it wasn't a residential neighborhood. As much as I believe in your cause, it will be serving a larger community in the Puget sound area, and I'm sure it's needed, but I don't think this site is appropriate for what you are trying to do.

Jan Stoker: What is the impact of cars?

Paraphrased answer from the attendee: Shoreline is broken into neighborhoods; we are the Parkwood neighborhood. They (the City) are analyzing parking neighborhood by neighborhood. I attended a meeting and I went specifically to mention the parking. What I found interesting was that I expected to be the only person complaining. There were numerous complains about parking in this area. The problem is compounded by the wonderful city park. There isn't enough parking for the city park, and when Aegis was built, it compacted an already limited parking opportunity. If we build, it's compounding the problem.

Another meeting attendee: And by Evergreen School on Meridian. What they do, to beat the traffic, they come up 1st and shoot down 149th and 148th to fight the traffic. Cops there to give tickets once in a while, but folks filter out into the neighborhood. People filter out to park and block in driveways. The park, the school, even on the weekends. The traffic in the morning now, since this has all been discovered, is jammed up all the way, solid traffic.

Question: We've heard the undeniable great things your organization does. I know this meeting is part of the process, but what do you think the negative impacts would be?

David Wunderlin: Two elements - traffic and parking.

Comment: There are two more issues. You're talking about 158 dwelling units. This is your worst nightmare: We live on 147th on the 100 block. We have a two-bedroom house that provides homecare for a developmentally disabled person with three staff. The catch is that he's very violent, and the people who watch him are very large. Sometimes it takes the state police to bring him back. How do you define disabled? There could be 10 possibly dangerous people living here.

David Wunderlin: We're not talking about R-48, but R-24. We have 125 parking spots on the property. We need only 35-40 spots for our staff at the school. We would not take away parking if we come in here. We are also looking at about a half-dozen apartments - rented or leased on a temporary basis. We're not developers.

Community member: Down the road you never know.

David Wunderlin: You still have to get permitted to do that.

Jane Dobrovolny: We're a licensed facility. Our state license would not allow anyone on the property who would be violent or harmful to our kids. We're a childcare facility primarily. Even with our teen program that goes to age 12. Their mothers are saying to us "what do we do next year for our daughter with cerebral palsy who's in diapers? They tell me to go on welfare, stay home with her, that's what the state says."

Karen Hoffman: That's a worst case scenario. In adult services, safety is an issue. With a core program oriented around children, we're not going to bring in anyone who would be harmful.

Question/comment: It's a slippery zone to rezone to a higher density. You may have a desire to have the facility for the next ten years. What if in the next fifteen years, you decide to sell it to a developer and I prefer to maintain the status quo? Are you going to be able to guarantee that you'll be here? That's a concern. Really, Aegis was a mistake. There are too many people living there, too many staff, not enough parking spaces. If this area is rezoned, just adding more residents will add more traffic.

Question: What is your plan for traffic?

Jane Dobrovolsky: We did a traffic study. We have 122 kids enrolled. We're in a totally residential area on Queen Anne, off 1st avenue West. It's a narrow residential street, room for one car. The driveway is one car wide. Really narrow. We also have a community park and soccer field. The peak traffic (on a typical day) is 14 cars within a fifteen-minute period. Again at 5 it peaks at 14. We're not a regular school, so pickups and drop-offs are stretched out over a longer period of time. We'll send it (the traffic study) to you.

Comment: With Aegis I haven't seen a big traffic issue, but the parking is a problem. Their employees finish their cigarettes at my house and drop them on the ground, and that bothers me.

Comment: With traffic, it's hard to say where it's from. King School is atrocious; you can't even see around on Meridian.

Mr. Everill: We saw our proposal to the neighborhood as an alternative to what's happening in a lot of neighborhoods. They get turned into condos. We would offer an alternative to "condo-ization". Were there traffic issues with the church?

Comment: Not many people were walking to this church. First we'd get full of cars on Sundays, but when they'd go away it was fine. 145th is a wonderful place to get on the freeway. We get a lot more congestion.

Steve Little: About the zoning concerns. The reason that Northwest Center thought this was a possibility is that daycare centers are allowed in R-12 or R-24. You can get a conditional use permit for over 12 people. That's where the zoning aspects come into play. Shoreline is an interesting city in the way they zone things - this property has two zones. The zone you see is R-12. Underlying the zone is that the intent of the city to create high-density residential; this is in the City's Comprehensive Plan from 1995. Seattle wants big daycare centers in industrial centers.

Comment: They can already knock down houses and put up apartments.

Steve Little: The intent of the Northwest Center is to have a school. Outside that they may do other activities. We can't guess what will happen, but they wanted to talk to the community, see what everyone needed. You have to have an R-24 to have someone here after 11:00 pm.

Question: Conditional use would not apply if people were here after 11:00?

Steve Little: The only thing they can't do is have overnight without an R-24. They have to go after it so it doesn't preclude future activity. With a conditional use permit, you only have two years to implement the program. If you can't, you're "screwed."

NWC: We're trying to make a decision about our investment - it's a lot of money and we don't want to squander our investment.

Comment: Do it, and do it right.

Comment: I'd rather have this than condos.

Comment: You don't get condos unless you rezone.

Comment: The City wants to rezone to high density.

Comment: Who's going to build 36 houses on this property right now?

NWC: The answer is - you don't know. Developers look out two years, and maybe the economy will be better or worse. That's the big guess.

Comment: We'd love to see sidewalks all the way to 145th. I know sidewalks are expensive, but that would go a long way toward helping the community and would be good for everybody.

NWC: We'll have a lot more parking than we need. Maybe Aegis they can pull in off the street.

Comment: And where will the addition be?

NWC: The addition will go in off the back, rather than out front, so people will drive back.

Laura Hafermann: This is not the building; it's a study based on what they want. The other program elements are Phase II. All the existing parking is still there. No changes are proposed to curb cuts or the access to 145th. There are a couple of other goals - natural light, ventilation, lots of open space and that will remain as is.

Comment: And the cell tower of course.

Comment: Can't you take the cell tower down?

NWC: No, there is a 29-year lease for the cell tower.

Comment: The City Council took advantage when they put the cell tower.

Question: How many more (facilities will be built)?

NWC: We've identified the north of seattle as an area, south of seattle as an area, and the eastside as an area. This process of study is an investment. Depending on where we end up, this could be 10-12 million dollars before we're done.

NWC: There are no guarantees; we could go bankrupt, but we think we're going to be here.

Comment: I'd like to see a 501(c)3 here.

Comment: Having another nonprofit isn't good for the city, they don't pay taxes. Maybe condos would.

Question: The vocational training - is any of that causing a noise concern?

NWC: There won't be any businesses here. The program only has about 10 people. Right now they get on the bus, travel an hour, staff pick them up and they travel up here to develop a job. This would be a staging area for our adult clients. That's all that is.

NWC: Our headquarters is in South Park, and that's where our adult programs are and some of our businesses. None of the businesses would move up here.

NWC: We're running a school, so we don't want the noise either.

Comment: Traffic, parking, and long-term risk of zoning.

Comment: It only takes one person to start it.

Comment: It's gonna happen anyway.

Tom Everill: We don't have answers tonight about whether we can mitigate the long-term risk of zoning. It seems like our investment interests are in alignment and we can explore some ways of protecting your long-term interest.

David Wunderlin: We'll have lots of parking spaces, maybe the Aegis people can park here. we can allocate spaces for them. "no parking" signs here.

Comment: Soccer games cause parking overflow and traffic.

Jane Dobrovolny: We have one right next door, and they play soccer, etc. They park in our parking lot.

Jan Stoker: I had a child with a disability who was served by the Northwest Center and their dedication and commitment was amazing. It's great for the Shoreline community to get a place like Northwest Center on the map, and what we can bring to this community. Over my cold dead body will they bring in condos. This has been nothing but a haven for children with disabilities.

Comment: There's no question that you do good work.

Comment: There is no question, you are truly serving part of our community who do need help. It's fabulous that you're committed to what you do.

Tom Everill: It's important to us to hear from you and address your concerns.

Comment: With Aegis there was a huge environmental concern.

Todd Sucee: We're part of the way through our study. This is classified as a Stream 2, which means you have to be 115 ft back from the creek, 75 feet with mitigation. Aegis was more aggressive, and got Stream 3 classification, which is 65 ft back from the creek, less with mitigation.

Jan Stoker: We have a sensory garden for the kids - we'd love to bring that here.

Comment: The whole area here was full of trees. They came in, purposely set the building on fire, and Aegis cleared out all the trees. Now there's so much noise.

NWC: We're not going to make promises. Our kids don't like the freeway noise. They need a safe place to play. We noticed the donuts on the grass and dumping in the back.

Jan Stoker: The sensory garden is built in my son's memory. It's built for all kids to enjoy nature - any kinds of native plants. We want to replicate the garden in every new center. We'll do our best about the noise. Maybe we open that up to the community so everyone can enjoy the garden.

Tom Everill: There are some noise abatement walls in some areas.

Comment: Aegis promised to put some up, but they never did. They ripped up the trees and now there's lots of noise. There were horses here; kids would ride up and down the street. I think what you're doing is great - it's just a traffic thing.

VII. Adjourn

Tom Everill: I'd like to talk about the rest of the process. We will compile your comments and concerns and send them to the City Planning Department. You'll get a letter from the City, and you can send your comments in to the City Planner as well. We'll keep a status report on our website, so you can stay up to date on what's going on. We have lots to look at before our decision.

Adjourn, 8:30 pm.

Northwest Center's Response to Summary of Concerns:

Community Concern #1: One meeting attendee did not think the site was appropriate for Northwest Center's Family Resource center, citing especially the issues of traffic and parking caused by the Aegis development next door. In this person's view, this is a residential neighborhood and should remain that way.

Northwest Center Response:

We believe the site is ideally located for our Family Resource Center to serve the Shoreline community. We appreciate and value comments and concerns by the community; however, at this time we will continue to move forward with our request for rezoning and plan to open our Family Resource Center. The specific issues of traffic and parking are addressed below.

Community Concern #2: Multiple meeting attendees were concerned about having enough parking for the neighborhood as well as any future occupant of the property.

Northwest Center Response:

Our parking will not create a shortage of parking for the community. The site has 125 parking spaces and our requirements for staff and visitors will be approximately 40 at any one time. Northwest Center does not expect to take parking away; therefore, we expect to have three times as much parking as needed. We may consider offering overflow parking to Aegis, as well as public parking on nights and weekends when people attend park functions and activities, both of which would alleviate some of the parking issues expressed by the community.

Community Concern #3: Multiple meeting attendees were concerned about traffic flow problems in the neighborhood, especially with the park and Evergreen School on Meridian.

Northwest Center Response:

We are not a traditional school with traditional hours. Parents drop off and pick up children throughout the day, which reduces the number of cars arriving and departing during the "peak times" you would see at a regular school. We have included a traffic study we conducted during a typical day at our Queen Anne facility; these numbers represent what we believe traffic flow will be for the proposed Shoreline facility.

Community Concern #4: Multiple meeting attendees were concerned about our plan for traffic flow.

Northwest Center Response:

We have addressed this concern in our response to #3.

Community Concern #5: Two meeting attendees were concerned about the possibility of violent individuals on the property.

Northwest Center Response:

Our primary goal is to open and operate a children's program for early learning and childcare. The safety of these children is our primary concern and there will be no individuals with violent behaviors or who are at risk of violent behavior be allowed on the property by Northwest Center and State Licensing.

Community Concern #6: Multiple meeting attendees were concerned about the rezone to R-24, meaning the possibility of higher density housing on the site.

Northwest Center Response:

Rezoning the property to R-24, which is required by the city to allow Northwest Center to provide overnight respite care, could allow a higher number of housing units to be placed on the site. However, very few housing units could fit based on the current building location. We may consider a small number of apartments units in the future.

Community Concern #7: Multiple meeting attendees were concerned about Northwest Center selling the property and a developer taking advantage of the higher density zoning on the property.

Northwest Center Response:

It is possible that Northwest Center could eventually sell the site to a developer who could buy it to put up higher-density housing. However, two developers have previously made offers to purchase the site prior to Northwest Center's offer. The developers needed R-48 zoning to make their projects viable. Given the significant amount of money Northwest Center is planning to invest in the current building and the addition, it is extremely unlikely that Northwest Center would then decide to sell the property to a developer who would want to tear the buildings down to put up additional housing units. We anticipate project costs of 4 to 8 million dollars on top of acquisition cost, which would have no value to a developer. Northwest Center is not in the practice of buying and selling properties. We are a community service provider with long-term stability.

Community Concern #8: Multiple meeting attendees wanted to know why Northwest Center needs the R-24 designation over the current zoning on the site.

Northwest Center Response:

One of our most important programs, overnight respite care for families/caregivers who have adults with disabilities living at home, is impossible without an R-24 designation. We have requests from the community for a respite program so primary caregivers can have an opportunity for some time off from their responsibilities, recharge their batteries, and continue to provide care without fear of burning out.

For Northwest Center to make such a significant investment, we need assurances we can fully utilize the facility to meet the community's needs without having to reapply for conditional uses as we start new programs. Based on the definition of a daycare

facility by the City of Shoreline and Washington State, Northwest Center could operate most of the intended programs without having to apply for additional permits as they are phased in with an R-24 designation.

Community Concern #9: Multiple meeting attendees were concerned about the possibility of apartments being built on the site.

Northwest Center Response:

We have no immediate plans to build apartment units. We may, however, explore the possibility of building a small number for adults with disabilities in the future.

Community Concern #10: Multiple meeting attendees were concerned about the existence of the cell tower on the site.

Northwest Center Response:

There are currently long-term contractually lease agreements with various phone companies for the use of the cell tower, which we are obligated to honor.

Community Concern #11: Multiple meeting attendees were concerned about noise from the freeway.

Northwest Center Response:

We are concerned about freeway noise as well. We will explore ways to reduce the noise, such as planting trees and building fences, as well as placing the new building addition in a position that will block noise.

Community Concern #12: One meeting attendee was concerned about the lack of tax revenue compared to a large number of apartments that could be built on the site and charged higher property tax amounts.

Northwest Center Response:

We acknowledge high-density housing could bring in more property tax revenue than our Family Resource Center. However, we believe this is offset by our providing a needed service to the community that is currently not in place.

Community Concern #13: Multiple meeting attendees were concerned about the lack of sidewalks in the neighborhood to handle foot traffic.

Northwest Center Response:

We also share the citizens' concerns with regard to the lack of sidewalks in the neighborhood. We would consider partnering with the community to petition the appropriate government agencies to install sidewalks for all the citizens in the neighborhood. There is currently no sidewalk in front of the property site. Northwest Center will talk to the City about possibly getting that section installed.



NORTHWEST CENTER

Making a difference through quality service.

7272 W. Marginal Way S. ♦ P. O. Box 80827

Seattle, Washington 98108

Phone: 206-285-9140 ♦ Fax: 206-286-2300

E-mail: service@nwcenter.org

Traffic Pattern – Queen Anne Family Resource Center

Time	Families	Staff	Buses
6:30-7:00	0	5	
7:01-7:15	4	0	
7:16-7:30	2	3	
7:31-7:45	0	6	
7:46-8:00	6	6	1
8:01-8:15	14	2	1
8:16-8:30	9	0	1
8:31-8:45	3	1	
8:46-9:00	4	7	
9:01-9:15	8	1	
9:16-9:30	4	0	
9:31-9:45	0	0	
9:46-10:00	0	0	
10:01-11:00	2	0	
11:01-12:00	2	5	1
12:01-1:00	2	5	
1:01-2:00	0	2	
2:01-3:00	2	0	
3:01-3:30	2	1	2
3:31-4:00	5	1	2
4:01-4:30	5	6	
4:31-5:00	9	4	
5:01-5:15	5	5	
5:16-5:30	14	0	
5:31-5:45	9	0	
5:46-6:00	10	1	
6:01-6:30	0	10	
Total	121	71	8

This is based on a typical day at our Queen Anne Facility where we are serving 122 children and a staff of 40. The entrance at the Queen Anne facility is narrow and comes off a small residential street. There is a narrow drive on the property that can accommodate only one car allowing only one way traffic at a time. Traffic is never backed up onto the street and parents report no congestion problems.

Buses are transportation provided by the public school to children with special needs who receive transportation to their public school programs.

Attachment E

From: Leslie & Jim Crane [lesliejimc@gmail.com]
Sent: Tuesday, April 22, 2008 2:05 PM
To: Steve Szafran
Subject: Todd Sucee, The NW Center #201728
To Steven Szafran,

As a Shoreline resident I would like to express my concerns regarding this project.

Traffic
Parking

As it stands there is not adequate parking at the two Aegis facilities. People are already using 1st NE as an arterial to I5 when Meridian is the arterial not 1st NE. During peak time hours M-F in the morning the cars are lined up to access the freeway.

I would like to see speed bumps or anything that slows down traffic and discourages then from using 1st NE as an arterial. I would also like to be assured that parking will not be an issue.

Sincerely,

Leslie Crane
146 NE 147th St.



Attachment F

March 7, 2008

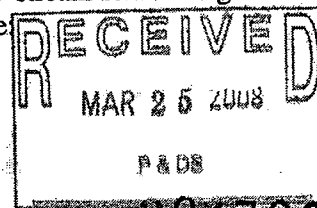
Todd Sucee
Northwest Center
7272 West Marginal Way S.
P.O. Box 80827
Seattle, WA 98108
tsucee@nwcenter.org

Re: Site at 14800 – 1st Ave. NE, Shoreline, Parcel # 2881700340 – City of Shoreline
Jurisdictional Stream Classification and summary of applicable Shoreline stream
regulations.

Dear Mr. Sucee:

Thank you for requesting that we conduct a stream classification for the channelized stream section bordering the east side of the property at 14800 – 1st Ave. NE in the City of Shoreline, parcel #2881700340. I visited the site on March 3rd, 2008. We understand that this investigation is related to a potential development proposal which you and your organization are preparing for the site. You have provided us with the site's location and other background information. We have also reviewed the City's *Streams and Basins* map, updated 6/6/07, as downloaded from the City's website, King County I-mapping information for the parcel and vicinity, Washington DNR Forest Practice Water Type Mapping, the 1975 Washington Department of Fisheries' *Catalog of Washington Streams and Salmon Utilization*, and the *King County Water Features* map. These maps indicate that an upper reach of Thornton Creek, stream #08-0030, flows just to the east of the east site boundary within the Washington Department of Transportation's Interstate 5 right of way. My field observations indicate that the creek channel lies approximately 30 feet east of the fenced site boundary in a five-to-six-foot-deep, concrete-lined channel somewhat resembling an irrigation canal (see photos below). In addition, King County's mapping of the *Known Freshwater Distribution of Cutthroat Trout for Water Resource Inventory Area (WRIA) 8* indicates the presence of cutthroat trout (which are considered to be salmonid fish) at and for some distance upstream of the site (<http://dnr.metrokc.gov/Wrias/8/fish-maps/cutthroat/index.htm>). At the time of my site visit, the stream carried a moderate amount of flow, estimated at approximately 2 cubic feet per second (cfs).

Since the stream channel adjacent to the site is clearly identified as an upper reach of Thornton Creek in the 1975 Washington Department of Fisheries' Stream Catalog, as well as other mapping, the primary issues at hand are to 1) determine or verify its classification under the Shoreline Municipal Code (SMC) and 2) anticipate the applicable stream-related regulations under the code. According to SMC 20.80.470(B), Type II streams are

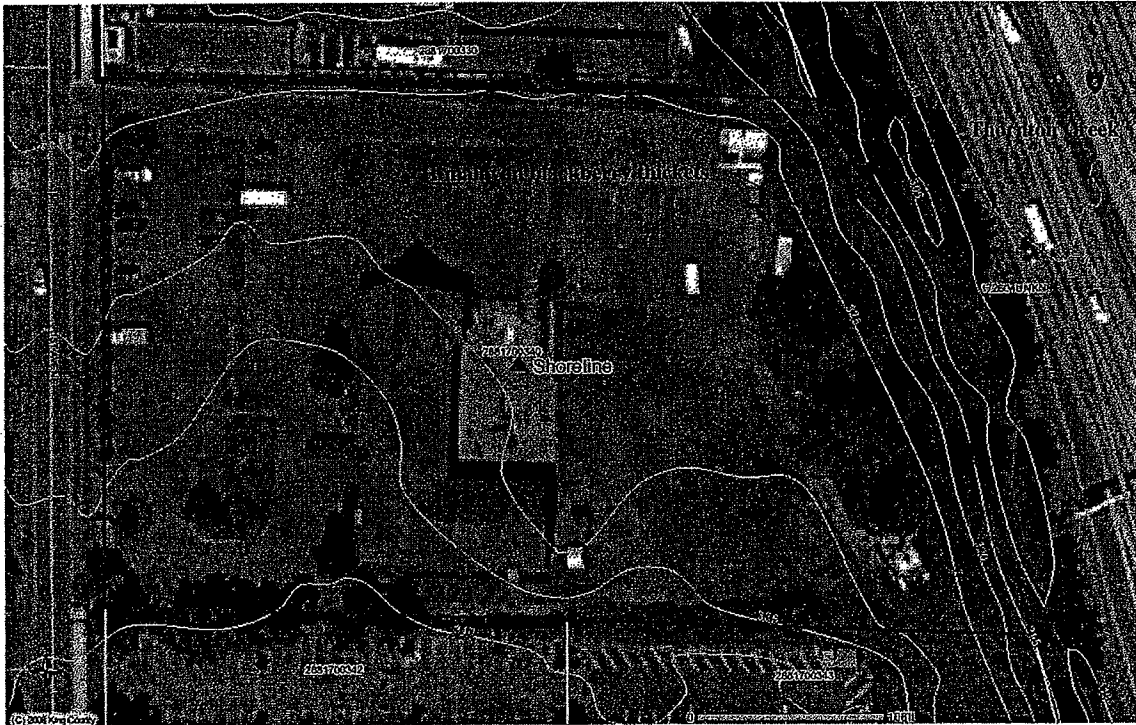


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those streams that are not Type I streams and are either perennial or intermittent and have one of the following characteristics:

1. Salmonid fish use: or
2. Demonstrated salmonid habitat value as determined by a qualified professional.

We have concluded that the section of Thornton Creek adjacent to the site meets this definition and so is a Type II stream under the City's code since it is not a Type I (Shoreline) stream and since it has been mapped by King County as being used by cutthroat trout, which are salmonid fish. While the habitat value has been compromised by placing the creek within the concrete-lined channel along Interstate 5, as described above, the creek would still provide some modest to moderate habitat value to these fish. A view of the site from King County's iMAP and several additional photos taken during my site visit are reproduced below:



Parcel map from King County iMAP



Photo 1, Thornton Creek concrete channel, facing northward, upstream from near the I-5 culvert entrance.



Photo 2, facing northward, upstream, showing a pipeline crossing near the north property boundary.



Photo 3, facing southward, downstream, showing a typical channel section.

SMC 20.80.480(B) provides regulatory buffer widths for the City's various stream types. The standard buffer width for Type II streams in the City is 115 feet from the ordinary high water mark, but may be reduced to as low as the minimum buffer width of 75 feet "if the applicant can demonstrate that a smaller buffer is adequate to protect the stream functions and implements one or more enhancement measures to result in a net improvement to the stream and buffer." Enhancement measures may include native streamside revegetation and/or wildlife habitat structures including bird and bat boxes, snags, logs, and rootwads. Much of the area that would be included within the standard or a reduced buffer area on-site is presently a dense thicket of non-native Himalayan blackberry, as is shown below, and would appear to provide a good opportunity for buffer reduction in exchange for non-native blackberry removal and replanting with native vegetation. Other non-native vegetation present includes Scotch broom, nightshade, and holly. A few Douglas-fir trees are also present. Since the stream channel is off-site, no in-stream enhancements appear feasible.

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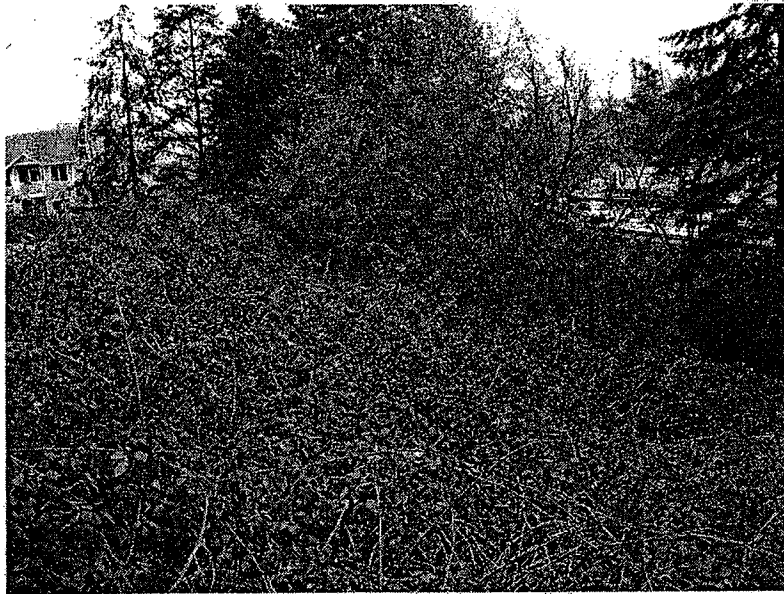


Photo 4, facing northeast, showing typical Himalayan blackberry thickets on-site which could be removed and replaced with native vegetation, possibly in exchange for a reduced stream buffer width.

While on-site, I flagged the ordinary high water mark along the west bank of the stream (the right bank facing downstream, as is the convention). I started with flag #OHW-1R just upstream (north) of the north property line and concluded with flag #OHW-8R at the entrance to the twin culverts that carry the creek beneath Interstate 5. Previous blue and blue-and-white flags had been hung at approximately the same locations along the channel and may have been ordinary high water mark flagging from a previous effort, though they were not so-labeled.

Again, in summary, we have concluded that the section of Thornton Creek bordering the site would be classified as a Type II stream according to applicable City of Shoreline code sections. Under City code, Type II streams are assigned a standard buffer width of 115 feet and a reduced buffer width, as approved with enhancement, of not less than 75 feet. Please contact us if you have any questions, would like to discuss this project further, or if we can otherwise be of any further assistance. We would be pleased to assist you with the preparation of a buffer enhancement plan in support a reduced buffer width should you choose to pursue that option.

Sincerely,

Greg Johnston
Certified Fisheries Professional

**QUASI-JUDICIAL PUBLIC HEARING ON NORTHWEST CENTER REZONE
REQUEST – 14800 1ST AVENUE NORTHEAST (FILE NUMBER 201728)**

Chair Kuboi reviewed the rules and procedures for the quasi-judicial public hearing. He reminded the Commissioners of the Appearance of Fairness Rules and invited them to disclose any communications they may have received regarding the subject of the hearing outside of the hearing. The public hearing was opened. Commissioner Behrens disclosed that he worked in a residential treatment center a long time ago, similar to the facility that is being proposed as part of the subject application. However, he did not believe this would in any way affect his ability to be fair or impartial. No one in the audience voiced a concern about Commissioner Behren's participation in the public hearing. None of the Commissioner identified ex parte communications, and no one in the audience voiced a concern, either.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran advised that the applicant (Northwest Center) has requested a change in the zoning category for the subject property from R-12 to R-24. They have indicated their plans to change the use of the property from a church to a facility that provides services to children and adults with disabilities. Mr. Szafran displayed a zoning map to identify the subject property, as well as the R-24 property to the north, R-12 and R-8 to the south, Interstate 5 to the east and R-6 to the west. He noted that the Comprehensive plan identifies a high-density residential land use immediately to the north and south of the subject property, with medium-density residential further south. The majority of the properties to the west are identified as low-density, single-family residential and public open space. Mr. Szafran provided an aerial photograph to illustrate the existing development on the subject property and nearby properties. He specifically noted the Aegis facility and three churches that are in the area. He noted that surrounding properties are primarily single-family residential. He provided some site pictures to illustrate the view from various locations on the subject property.

Mr. Szafran explained that the difference between the R-12 and R-24 development standards is mostly related to unit count. An R-24 zone would basically double the density allowed. The current R-12 zoning would allow 38 units on the site, and R-24 would allow 76. The building coverage would increase by 15 percent, as well.

Mr. Szafran reviewed that the rezone application meets the rezone criteria in the following ways:

- It is consistent with the high-density residential land use goals and policies.
- It creates an effective transition between the freeway and single-family residential development to the west.
- Both the R-12 and R-24 zoning designations would achieve consistency with the Comprehensive Plan. However, staff believes R-24 would be more appropriate, especially given the properties close proximity to Interstate 5.

- Traffic has been evaluated and mitigation has been proposed for the existing stream buffer that lies on the eastern part of the property.
- Staff has reviewed the site and determined there is currently an abundance of parking available.
- The applicant's proposed use would be an asset to the City of Shoreline and would reuse a vacant facility and implement the vision in the Comprehensive Plan.

Mr. Szafran reviewed that during the public comment period, staff heard comments regarding traffic on 1st Avenue, mostly related to cars that speed on the street. Neighbors have stated there is a parking problem in the area that stems mostly from the Aegis facility. There are no sidewalks in front of the subject property, but sidewalks have been constructed in front of the Aegis facility and there are sidewalks to the south, as well. Adjacent residents also expressed concern that the owners would "flip" the property and R-24 units would be developed on the site. Mr. Szafran said staff considered the concerns raised by the neighborhood, and they believe R-24 zoning would be appropriate because it would provide a better transition than R-12 adjacent to the freeway. In addition, the applicant needs an R-24 zoning designation in order to provide an essential use for their facility. Staff believes the applicant's proposal would be an asset to the community, and they recommend approval as submitted.

Applicant Testimony

David Wunderlin, CEO of Northwest Center, introduced a series of people who were present to represent the applicant: Todd Sucee (Project Manager), Tom Everill (Chairman of the Board of Directors), Laura Hafermann (architect), Jane Dobrovolny (Director of Child Development), and Steve Little (Real Estate Agent).

Mr. Wunderlin explained that Northwest Center was started in 1965 by 25 families who came together to figure out a way to educate their children with developmental disabilities. For the past 45 years, their mission has broadened to include both children with developmental delays and disabilities and adults with disabilities. Northwest Center already has a facility in North Queen Anne, which is similar to the one they are proposing on the subject property. They provide early intervention and education in an integrated environment. The Northwest Center works with numerous families in the area, and it is their stated strategic objective to grow the children's program. The proposed location offers a good opportunity for them to accomplish their goal. They see this location as a long-term decision. It is not only a substantial investment for their program, but also a long-term strategic idea. The facility is intended to be a community service organization the City and community could be proud of.

Ms. Hafermann explained that the design of the proposed project focuses on the existing building, as well as an addition to the east. From a site development standpoint, their goal is to impact as little of the site as possible. There is a need to increase some space to accommodate the program, but they consider it a tremendous asset to find such a big open site within a very urban area. She reviewed the proposed site plan, identifying the main entrance on 1st Avenue, existing parking area, building, central courtyard and play

ground, open area with a sensory habitat garden, existing cell tower, and a variety of play areas for kids of different ages. Ms. Hafermann summarized that their goal is to limit the footprint of the building and keep as much as possible of the existing site open.

Ms. Dobrovolny reviewed the proposed plans for the interior of the structure. She noted that because the students could be at the facility for 11 hours per day, they want to provide a home-like atmosphere. The building would be divided into pods for each of the various age groups. In order to accommodate all the necessary pods, they would need to remodel the existing building and build an addition, as well. The existing sanctuary would be utilized as a type of gymnasium for young children, but it could also be made available for community use. The existing downstairs fellowship hall would be utilized by the before and after school program and summer camps for children ages 5 to 12. Mr. Wunderlin added that they also envision a respite program that would ensure that families have a place to drop their kids off for a period of time so they can have private time.

Mr. Cohn reminded the Commission that the rezone application would not limit the site to the items discussed by the applicant. As noted in the staff report, the zoning could be used for R-24 multi-family residential uses, as well. He summarized there would be several options for future development of the site, and it would not be limited to the option presented by Northwest Center.

Questions by the Commission to Staff and Applicant

Commissioner Behrens noted that traffic through the neighborhoods appears to be a big concern for surrounding property owners. He also noted that another school is located just south of the subject property; a daycare center that is set up in a church. There is also a park located across the street. He reminded the Commission that 1st Avenue is a neighborhood street. He asked staff about the level of traffic that currently exists on the street and also asked if the City has considered ways to slow traffic to address the community concerns. Mr. Szafran said staff would not seek feedback from the traffic engineer until a building permit application has been submitted. He suggested the proposed use would most likely require the applicant to submit a traffic report, and that is when the traffic impacts would be considered. Mr. Cohn added that the City's Traffic Engineer did review the traffic generated by Northwest Center's Queen Anne property, and they indicated that 1st Avenue should be able to handle the traffic associated with the proposed project. He said staff also identified approximately 200 cars per day in and out of the subject property. If the property were developed as R-24, staff anticipates approximately 200 or slightly fewer cars. Since the traffic engineer indicated he does not anticipate significant impacts from the proposal, detailed analysis would be deferred until the City receives an actual development permit application.

Commissioner Kaje referred to the use tables found in the City's Development code for the R-12 and R-24 zoning classifications. He noted that the uses permitted in the R-24 zone would also be permitted under R-18 zoning. He inquired if the applicant's proposed use of the site would be hampered if the zoning were changed to R-18 instead of R-24. If an R-18 zoning designation would accommodate the proposed development, he asked

staff to share their reasons for recommending R-24. Mr. Szafran agreed that in terms of use, both the R-18 and R-24 zoning designations would be adequate. Considering the intensity of the freeway, in this case, staff felt an R-24 zoning designation would be appropriate, and he did not consider R-18.

Commissioner Kaje asked staff to identify the uses the applicant desires that are not currently available under the existing R-12 zoning designation. Mr. Szafran answered that overnight respite is the use that is currently not available under the R-12 zoning. City Attorney Collins cautioned the Commission not to focus too much on the use or the proposed plans for the property. Their charge is to determine whether or not an R-24 zoning designation would be consistent with the City's rezone criteria. Commissioner Kaje said the purpose of his question was to understand why staff is recommending R-24 zoning as opposed to R-18. City Attorney Collins suggested that staff made a recommendation on whether or not R-24 zoning would be consistent with the Development Code since that is what the applicant requested. If staff determined that R-24 zoning would be inconsistent with the Development Code, they could have recommended a lower R-18 zoning designation. She summarized that staff believes the application is consistent with the rezone criteria.

Commissioner Kaje pointed out that if the property were to change hands, a future property owner would have a good chance of obtaining approval for R-48 zoning, since that is a permitted level of use for the current land use designation. It would be up to the City to decide whether R-48 would be appropriate for the site or not. Again, City Attorney Collins noted the rezone request would have to be consistent with the rezone criteria.

Public Testimony or Comment

Rosendo Jimenez, Shoreline, referred to the environmental impact statement that was prepared for the proposed rezone. He recalled that several years ago when the Aegis development was under construction there was controversy about how the new development would impact the stream. He suggested the Commission consider potential impacts to the stream as they review the application and make a recommendation. He commented that the Endangered Species Act may impact the proposed development plans, as well.

Elizabeth Piorluissi, Shoreline, said she was glad to see the plans proposed by Northwest Center. She said she is a member of the Philippino American Christian Church, which is currently using the facility. She said she is also a resident of the community and uses 1st Avenue every morning to access the freeway. She said she would be interested to see the results of a traffic study for the subject property. She noted that many people use 1st Avenue to access the freeway right now. Ms. Piorluissi also referred to the stream that runs through the subject property. The kids who currently attend the church play in this area, but they are careful that the stream remains protected. She asked Northwest Center if they would be willing to offer the Philippino American

Christian Church a space in their building after it is remodeled. She expressed her belief that the church presently provides a significant value to the community.

Commissioner Piro asked Ms. Piorluissi to share more about her experiences traveling on 1st Avenue. Ms. Piorluissi said she has to be at work by 9:00 a.m., so she usually uses the street between 6:30 and 8:00 in the morning. By 8:00 a.m. the street is very congested. Commissioner Piro asked about traffic conditions on the street at other times of the day. Ms. Piorluissi noted there is a playfield located in the area, and there is not adequate parking to accommodate the people who are attending the games. They have to park on the street, and this contributes to the traffic congestion.

Steve Little, Northwest Center, pointed out that a traffic study from their Queen Anne site was provided in the application packet. The study identifies the hours the proposed new facility would operate. He noted that the proposed new facility would be slightly larger, but the Queen Anne facility is located on a very narrow, small street that is used for access to the parking lot. Commissioner Behrens said he reviewed the traffic study and other information submitted by the applicant. He suggested the community's concern is not so much that there would be an overwhelmingly negative impact, but they believe there is already a traffic problem. Mr. Little said he attends one of the churches in the area, so he is aware of the current traffic conditions on 1st Avenue.

Commissioner Broili pointed out that the traffic study identified 120 vehicles each day at the facility. He asked what times of day the heaviest traffic would occur. Mr. Little said the heaviest traffic (about 14 vehicles) occurs at about 8:15 a.m., 5:00 p.m. and 5:30 p.m. Commissioner Piro summarized the chart found in the Staff Report on Page 60, which identifies a 15-minute period of heavy traffic in the morning and a peak of about 15 cars. A similar situation would occur in the evening, as well. Throughout the rest of the day, there would be single-digit travel in and out of the facility. Mr. Little said he can understand the community's concern about potential traffic increases. However, he suggested the public was expecting a large facility with people being dropped off in waves, and that would not really be the case in their situation.

Les Nelson, Shoreline, attested to the traffic situation on 1st Avenue. He said he used to use the street to access the Northgate Park and Ride because it provided an easier route. However, the traffic sometimes backs up all the way to the next intersection. He noted that a lot of cars come from Lakeside School. Cars that are trying to turn left to get to the freeway only have one lane and this tends to block traffic. He suggested the City consider requiring a left turn pocket at this intersection and/or widen the lane.

Ms. Hafermann advised that the design team includes a landscape architect who has experience with stream restoration and native landscaping. She summarized that protecting the stream would be addressed during the next phase of the project.

Final Questions by the Commission

Vice Chair Hall asked if Thornton Creek is located on the subject property or on the parcel that is adjacent to Interstate 5. Mr. Szafran said the creek is located within the Interstate 5 right-of-way, but the buffer for the Type 2 Stream lies on the subject property. Vice Chair Hall referred to the discussion in the staff report about conditioning potential future development on buffer enhancements a property owner could do to protect the buffer area. He noted that some of the options, such as taking the stream out of its concrete channel, would not be available to the owner of the subject property because it is not on the subject property. Mr. Szafran concurred.

Commissioner Broili asked for clarification about where the subject property line is located in relation to the stream. Vice Chair Hall said there appears to be a distance of 20 or more feet between the thread of the stream and the property line. Ms. Hafermann said the stream buffer, without mitigation is 110 feet. With mitigation, it would be 75 feet. She noted that both of these distances, as well as the property line are shown on the site plan. She added that the high water mark is located off of the subject property, and the fence runs along the setback buffer.

Commissioner Kaje said he, too, has observed the serious traffic situation that exists at 1st Avenue and 145th Street. He asked if options for resolving the problems at this intersection have been discussed as part of the City's Traffic master plan. Mr. Szafran said this intersection has not been identified in the City's Traffic master plan. He noted that when Aegis was built, no improvements were required. Mr. Cohn added that if and when a development proposal is submitted to the City, various options for mitigating the problems would be considered. However, he cautioned that the required mitigation would have to be appropriate to the impact associated with the proposed new development.

Commissioner Piro pointed out that the Staff Report indicates the applicant contacted at least 120 people, most of whom were neighbors of the subject property. However, only six people attended the public outreach meeting that was conducted by the applicant and one person submitted written comments. Mr. Szafran said he also received one telephone call from a neighbor who was seeking more information about the proposed change. Commissioner Piro noted that the applicant prepared an information piece for the community meeting, as well as a response piece to address the concerns and questions that were raised. He asked if the response piece was circulated throughout the community, or just to those who attended the community meeting. Mr. Szafran said the response piece was sent to one meeting participant.

Chair Kuboi asked how staff reached the determination that traffic would not be significantly impacted. Mr. Szafran explained that it is difficult for staff to evaluate traffic impacts as part of a rezone application because they don't have specific information about the type of development that would occur on the site. Staff would carefully review the traffic impacts associated with the proposal after a building permit application has been submitted. To prepare the staff report for the rezone application, staff reviewed the traffic study that was done for the applicant's Queen Anne site and applied it to the subject property.

Chair Kuboi pointed out that an R-24 zoning designation would allow the property to be developed with up to 38 more units than what the current R-12 zoning would allow. He asked to identify the potential traffic impacts associated with an R-24 zoning designation. Mr. Cohn responded that, generally, the peak traffic impact associated with multi-family development is about .6 trips per unit. Therefore, an R-24 zoning designation could potentially result in 48 additional peak hour trips. Generally, neighborhood and arterial streets do not have trouble accommodating this additional capacity. Commissioner Broili asked how many units could be developed on the subject property if it were rezoned to R-18. Mr. Szafran answered that up to 54 units would be allowed.

Vice Chair Hall referred to the statement in the Staff Report that there is an abundance of parking on site. He questioned how many parking spaces would be available. Mr. Szafran answered there would be 125 parking spaces available. Vice Chair Hall pointed out that in the structure's current use as a church, it would be normal to have larger community events occur from time to time. He asked if anything would prevent the applicant or a future property owner from holding an event that draws as many as 125 cars within a short period of time. Mr. Szafran answered that this type of use would be permitted.

Commissioner Behrens asked if staff would discourage an applicant from applying for a rezone if the subject property was located on a street that is already stressed to a point where traffic is a severe problem. Mr. Cohn said this would be a site-specific decision. For example, when considering an application that would double the housing density, traffic impacts would not likely prevent the application from being approved since the problems could likely be mitigated. However, if an applicant proposes a significant change in use, staff would probably ask for more information to help them determine what the impacts would be. Mr. Szafran pointed out that the Comprehensive Plan identifies the subject property as high-density residential. For example, the City would not approve a development permit for 76 residential units unless the traffic engineer agrees the impacts could be adequately mitigated. Commissioner Behrens said it is important to keep in mind that only one side of 1st Avenue is zoned high-density residential. The properties on other side of the street are zoned R-6. One could make another argument that the proposed rezone would result in a significant impact to the R-6 zoned properties.

Commissioner Piro referred to the advice offered by City Attorney Collins that the Commission should not focus on the proposed uses for the subject property. He recalled that public comments noted the sidewalk gap that exists in front of the subject property. While the rezone process, itself, would not trigger a requirement for the applicant to develop a sidewalk, perhaps there would be an opportunity for the City to negotiate with the applicant to provide a sidewalk at some point in the future when the project moves forward. Mr. Szafran responded that the City would require frontage improvements if the applicant submits a proposal that triggers the City's existing thresholds.

Deliberations

COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND APPROVAL OF THE REZONE APPLICATION AS PRESENTED IN THE STAFF REPORT. COMMISSIONER KAJE SECONDED THE MOTION.

Commissioner Piro said he would also be willing to consider the option of rezoning the property to R-18 instead of R-24. He said he believes a project of this type is a welcome use at this particular location and would be a compatible use between the Aegis property and the churches. The type of service provided by the Northwest Center would enrich the community, and there are numerous people in the City who would benefit from their services.

Commissioner Piro said he appreciates the conscientious effort of the citizens and staff to consider Thornton Creek and its environmental function. He suggested that the proposed project would allow the creek to remain well-protected, and there may be opportunities for mitigating and improving the buffering treatments around the facility.

Commissioner Piro said the citizens have raised legitimate concerns, but he doesn't see any of them as being deal breakers. Neither the proposed use nor future uses would overwhelm the parking situation. If anything, there would be less demand for parking than what was required by the church. While he agrees there are traffic problems on 1st Avenue during certain times of the day, part of the problem is related to the attractiveness of the traffic signal that is close to 145th Street and Interstate 5. He suggested that only about 20% of the traffic generated by the proposed facility would really impact the high peak times of day. He expressed his belief that, as the project moves forward, the City would be in a very good position to negotiate for certain amenities to serve the community, such as providing sidewalk connections.

Commissioner Kaje agreed with Commissioner Piro that the traffic issue really has nothing to do with the uses that are located on the street. It has much more to do with how the intersections are managed. The intersections are poorly served, and this is an issue that both Seattle and Shoreline must address at some point in the future. He said he is not personally concerned that the level of use proposed or a level of use that could happen if the property were developed as residential units would trip the threshold. However, he recognizes there is a very real traffic problem on 1st Avenue that the City must pay close attention to.

COMMISSIONER BROILI MOVED TO AMEND THE MOTION TO REZONE THE PROPERTY TO R-18 INSTEAD OF R-24. THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Broili commended staff for providing the full transcript of the neighborhood meeting. It was very helpful and gave him a real sense of the community's concerns. He said he would like staff to provide this information as part of the Staff Report for all future rezones. He said he also appreciated Mr. Szafran's remarks about

the potential development impacts. Sometimes, the Commission gets sideswiped later by not having full disclosure on what they are supposed to be focusing on.

Commissioner Broili reminded the Commission that they are being asked to make recommendations about the appropriateness of zoning changes based on land use issues. However, the presentations provided by both the staff and the applicant were about the applicant's planned use and not really about overall land use. This makes it difficult for the Commission to make a recommendation based solely on land use. He said he believes the proposed use would be appropriate, but he has concerns about the number of residential units that could potentially be developed if the property were rezoned to R-24. He noted that several citizens expressed concern that the rezone could result in higher density if the property is sold to someone else. He said he would be more in favor of an R-18 zoning designation, since it would achieve the same goal and address the needs of the applicant. R-18 zoning would ensure the end results are what the Commission expects them to be.

Vice Chair Hall suggested most of the problem of traffic on 1st Avenue is not related to Shoreline residents going to Shoreline locations; it is cut through traffic to the freeway. The long-term solution would be to work with the Washington State Department of Transportation to either meter the 145th Street onramp to Southbound Interstate 5 or remove the meter from the 205th or 175th Street onramps. That way the people in Edmonds and Mountlake Terrace would not speed through Shoreline in order to avoid the backups at 175th and 205th Streets. He summarized that while the traffic situation on 1st Avenue is miserable, it has nothing to do with the existing uses on the street.

Vice Chair Hall agreed with Commissioner Broili that the Commission should not focus too much on the proposed use for the subject property. It would be easy to recommend approval of the rezone to accommodate the special needs population. However, the applicant has the right to sell the property in the future. In order to be responsible, the Commission must base their decision on the possibility that the land could be developed at its maximum allowed density. He pointed out that the intensity of the current use has a lot of traffic and community impacts, particularly on the weekends. He said he is not convinced that the traffic or parking would be worse if the property were developed at the maximum number of units allowed in an R-24 zone. Regarding concerns associated with bulk, scale and intensity of potential development, he said it is important to remember that the site abuts Interstate 5 on one side and the Aegis development on another. This is definitely a site that could accommodate a higher density with very little impact. He expressed his belief that changing the zoning to give an opportunity for any kind of redevelopment would end up benefiting Thornton Creek since any future development would require mitigation to protect the creek.

Vice Chair Hall summarized that when looking at land use, the location, adjacent uses, etc. he thinks the proposed R-24 zoning designation would be more consistent with the Comprehensive Plan and would promote density in an area that's appropriate. In addition, he said he is not convinced it would be a detriment to the community. He said he would support the rezone as proposed.

Commissioner Broili expressed concern that traffic studies are not completed until after a rezone action has been approved. He said that by their very nature, rezone actions are going to have some traffic impacts. He said that while he doesn't disagree with Vice Chair Hall's points for rezoning the property to R-24, a future property owner could submit an application to rezone the property to R-24 or R-48. Rezoning the property to R-18 at this time would more appropriate because it would slow the change down and still allow the applicant's proposal to move forward. If a property owner wants to do something different at a future date, the Commission would have another opportunity to review the change.

COMMISSIONER BEHRENS MOVED THE COMMISSION AMEND THE MAIN MOTION TO REZONE THE PROPERTY TO R-18 INSTEAD OF R-24. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Behrens expressed his opinion that R-18 zoning would make more sense given the property's location across the street from single-family residential development and adjacent to a park. He pointed that 1st Avenue is an extremely narrow street, and a potential R-24 multi-family development on the subject property would further constrain the area. He particularly expressed concern about the serious impacts this type of development could have on the residential properties on the other side of 1st Avenue. He agreed with Commissioner Broili's comment that the property should be rezoned in a more regulated fashion, and it would be better to err on the side of safety.

Commissioner Piro invited the applicant's representatives to share their thoughts on whether their proposal would be impacted one way or another if the property were rezoned to R-18 instead of R-24. Mr. Wunderlin cautioned that they would be unable to voice their support for R-18 zoning until they have completed a more extensive study to specifically identify how R-18 zoning would impact the proposal. They do not have a clear understanding of the differences between R-18 and R-24 zoning at this time.

Commissioner Kaje explained that the uses identified in the Development Code for R-18 to R-48 zoning are identical. The only difference between the zones is the density of housing units allowed. Mr. Szafran agreed that the only thing that changes between the R-18, R-24 and R-48 zoning designations are the development standards such as lot coverage, lot area, impervious surfaces, etc. Uses allowed would be the same for all three zones.

Vice Chair Hall agreed they don't want to create the opportunity for inappropriate development to occur on the subject property. However, the report provided by the staff does not provide adequate analysis for the Commission to make an informed decision about R-18 versus R-24 zoning. It may be that the differences in the development standards may make the property unsuitable for the applicant's proposal. An R-18 zoning designation might also require the applicant to redo the site plan. Until this analysis has been completed, he suggested it would be premature for the Commission to recommend R-18 zoning. He noted the significant amount of time and money the

applicant has already spent preparing their proposal for the Commission's review. Changing the zoning to R-18 could require them to start their process again. He concluded that unless a Commissioner has a compelling concern or can identify how an R-24 zoning designation would fail to meet the five rezone criteria, he would be in favor of recommending approval of the rezone as presented. He noted that the adjacent properties to the immediate north of the subject properties are already developed as R-24. He also pointed out that the property is already zoned R-12, which is a multi-family designation.

Mr. Wunderlin said the applicant chose to propose an R-24 zoning designation because all communication they had with the Planning and Development Services staff indicated R-24 zoning would be appropriate. They concluded that R-24 zoning would meet their criteria, and R-18 was never discussed as an option. In addition, all of their planning efforts have been based on an R-24 zoning designation. They would have to study many issues before they could voice their support for R-18 zoning.

Commissioner Broili said he is confident that Northwest Center would develop an attractive facility, so he doesn't want to recommend denial of their application. However, he expressed regret that staff didn't even consider the option of R-18 zoning. Without knowing what impacts R-18 zoning would have on the potential development of the site, it would be difficult for him to make an intelligent decision. This places him in a bad place. While an R-24 zoning designation would not necessarily be a bad thing, he would have liked the opportunity to take a more cautious approach.

Commissioner Behrens pointed out that the City Council would hold the final public hearing on the rezone proposal and make the final decision. He asked if it would be possible for staff to review the application further and provide additional direction to the City Council about whether R-18 or R-24 zoning would be most appropriate. Mr. Cohn explained that this is a quasi-judicial public hearing, which means the hearing before the City Council would be closed record review. Staff would be unable to add additional information to the record after the Planning Commission has closed their hearing.

Chair Kuboi cautioned the Commissioners to focus on the rezone application only, and not consider the project proposal that was presented by Northwest Center. He pointed out that until Commissioner Kaje observed that R-18 zoning would allow a respite care use, he did not sense that R-24 zoning was a major issue. He recommended the Commission focus on evaluating whether or not R-24 zoning would be appropriate for the subject property.

Commissioner Piro said that while he was intrigued with the notion of rezoning the property to R-18, the Commission doesn't really have adequate analysis to make that decision. He said he would not feel comfortable with the proposed motion to recommend R-18 zoning. He suggested the Commission focus on the main motion.

COMMISSIONER BEHRENS WITHDREW HIS MOTION TO AMEND THE MAIN MOTION. COMMISSIONER BROILI, THE SECONDER OF THE MOTION, CONCURRED.

Vote by Commission to Recommend Approval or Denial or Modification

THE MAIN MOTION TO RECOMMEND APPROVAL OF NORTHWEST CENTER'S REQUEST TO REZONE PROPERTY LOCATED AT 14800 – 1ST AVENUE NORTHEAST FROM R-12 TO R-24 WAS UNANIMOUSLY APPROVED. (*Note: Commissioner Piro made the motion and Commissioner Kaje seconded.*)