



AGENDA

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, September 22, 2008
6:00 p.m.

Shoreline Conference Center
Highlander Room

TOPICS/GUESTS: Planning Commission Semi-Annual Update

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, September 22, 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 "Mayor's Day of Concern for the Hungry" | <u>1</u> | |
| (b) Proclamation of "Prostate Cancer Awareness Day" | <u>3</u> | |
| 3. REPORT OF THE CITY MANAGER | | |
| 4. REPORTS OF BOARDS AND COMMISSIONS | | |
| 5. GENERAL PUBLIC COMMENT | | 7:50 |
| <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 | | 8:10 |
| 7. CONSENT CALENDAR | | 8:10 |
| (a) Minutes of Business Meeting of July 28, 2008 | <u>5</u> | |
| Minutes of Workshop Dinner Meeting of September 8, 2008 | <u>21</u> | |
| (b) Approval of expenses and payroll as of September 9, 2008 | <u>25</u> | |
| in the amount of \$2,207,732.51 | | |

- (c) Ordinance No. 520 adoption of amendments to the Property Tax Exemption Program 27
- (d) Motion to Authorize the City Manager to enter into a Contract for Services with the Dale Turner YMCA 47
- (e) Ordinance No. 519 amending the Solid Waste Regulations in the Shoreline Municipal Code Chapter 13.14 55
- (f) Motion to Authorize the City Manager to Execute a Multi-Family Housing Limited Property Tax Exemption Agreement with Arabella Apartments, LLC for the Arabella II Project located in the North City Business District 67

8. ACTION ITEM: PUBLIC HEARING

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 consider citizen's comments on the 2009-2010 Community Development Block Grant/Human Services Allocation Plan; and 81 8:15

Motion to adopt the Proposed 2009-2010 Community Development Block Grant/Human Services Allocation Plan

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

This is a quasi-judicial item for which the Council does not take public comment

- (a) Ordinance No. 521 approving a Rezone for Property located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB) 93 8:45

10. ADJOURNMENT 9:30

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 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 "Mayor's Day of Concern for the Hungry"
DEPARTMENT: CMO/CCK
PRESENTED BY: Scott Passey, City Clerk

PROBLEM/ISSUE STATEMENT:

The City of Shoreline recognizes adequate nutrition as a basic goal for each citizen. Local food banks, emergency and hot meal programs, churches, social service agencies and volunteers strive to address the problems of hunger, yet more help is needed. The Emergency Feeding Program of Seattle and King County coordinates an annual food drive to help support the efforts of their program and the area's food banks in fighting hunger. This will be held at grocery stores throughout the City of Shoreline on Saturday, September 27, 2008. This proclamation proclaims September 27, 2008 as "Mayor's Day of Concern for the Hungry" and urges all citizens to donate to local food banks and the Emergency Feeding Program.

Mr. Arthur Lee, Executive Director of the Emergency Feeding Program for Seattle/King County, will be present to accept the proclamation.

RECOMMENDATION

No action is required.

Approved By:  City Manager _____ City Attorney _____



PROCLAMATION

WHEREAS, the City of Shoreline recognizes adequate nutrition as a basic goal for each citizen; and

WHEREAS, no parent should have to send a child to school hungry, no baby should be without the comfort of the feedings needed for mental and physical growth, no elderly person's health should be jeopardized by lack of appropriate foods; and

WHEREAS, food banks, emergency and hot meal programs working with the City of Shoreline, local churches, social service agencies and hundreds of volunteers are striving day in and day out to stem the rising tide of hunger, but still need more help; and

WHEREAS, we believe that when our citizens who are not involved hear of the desperate needs of the hungry as winter approaches and their low incomes must stretch to cover increasing fuel, electricity and rental costs—leaving even less money for monthly food purchases—an outpouring of community assistance will follow; and

WHEREAS, the Emergency Feeding Program of Seattle and King County coordinates an annual food drive to help support the efforts of their program and the area's food banks in fighting hunger which will be held at grocery stores throughout the City of Shoreline on Saturday, September 27, 2008;

NOW, THEREFORE, I, Cindy Ryu, Mayor of the City of Shoreline; on behalf of the Shoreline City Council, do hereby proclaim September 27, 2008 as

MAYOR'S DAY OF CONCERN FOR THE HUNGRY

and strongly urge all citizens to join the Emergency Feeding Program and our local food banks to nourish those who are hungry.

Cindy Ryu, Mayor

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Proclamation of "Prostate Cancer Awareness Day"
DEPARTMENT: CMO/CCK
PRESENTED BY: Scott Passey, City Clerk

PROBLEM/ISSUE STATEMENT:

Prostate cancer is the second leading cause of cancer death in men, and one in six men will develop it during their lifetime. There is often no way to detect prostate cancer in its early stages except through specific blood tests and examinations performed by trained professionals. This proclamation designates September 22, 2008 as "Prostate Cancer Awareness Day" in the City of Shoreline and calls upon government officials, businesses, communities, health care professionals, and educators to reaffirm our commitment to the fight against prostate cancer.

Larry Owens, Shoreline resident and prostate cancer survivor, will be present to accept the proclamation.

RECOMMENDATION

No action is required.

Approved By: City Manager  City Attorney _____



PROCLAMATION

- WHEREAS, Prostate cancer is the second leading cause of cancer death in men, and one in six men will develop it during their lifetime; and*
- WHEREAS, There is often no way to detect prostate cancer in its early stages except through specific blood tests and examinations performed by trained professionals; and*
- WHEREAS, National Prostate Cancer Awareness Week is a program designed to assist local communities with screening information guidelines, questionnaires, publicity, and lab work; and*
- WHEREAS, National Prostate Cancer Awareness Month is an opportunity to underscore our commitment to fighting prostate cancer and to raise awareness about this highly treatable disease; and*
- WHEREAS, Although the cause of prostate cancer remains unknown, early detection can lead to better treatment and increase the chances of survival. It is vital for men to talk to their physicians about risk factors, prevention, and preventive screenings; and*
- WHEREAS, The City of Shoreline, in cooperation with National Prostate Cancer Awareness Week and National Prostate Cancer Awareness Month, remembers those living with prostate cancer, celebrates the lives of survivors, and thanks all the medical professionals who aid in these victories;*
- NOW, THEREFORE, I, Cindy Ryu, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim September 22, 2008 as*

PROSTATE CANCER AWARENESS DAY

in the City of Shoreline and call upon government officials, businesses, communities, health care professionals, and educators to reaffirm our commitment to the fight against prostate cancer.

Mayor Cindy Ryu

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, July 28, 2008 - 7:30 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 7:35 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 Deputy City Clerk, all Councilmembers were present.

(a) Proclamation of 25th Annual National Night Out Against Crime

Mayor Ryu proclaimed August 5, 2008 as Shoreline's 25th Annual National Night Out Against Crime and invited David Bannister and Londa Jacques to accept the proclamation. Mr. Bannister, representing the Richmond Beach Neighborhood Association, thanked the Council for their support and the police officers. Ms. Jacques from the Ballinger Neighborhood Association accepted the proclamation and announced upcoming events. She especially thanked Nora Smith and the City's neighborhood program. Sergeant Fagerstrom from the Shoreline Police Department thanked the residents of the City of Shoreline and encouraged those not involved to contact storefronts.

(b) Proclamation of Celebrate Shoreline

Mayor Ryu read the proclamation and proclaimed August 11-17 as "Celebrate Shoreline Week." She presented the proclamation to Pam Barrett and the other 14 committee members. She highlighted the events of this year's Celebrate Shoreline event. Ms. Barrett accepted the proclamation and thanked the committee members. Lynn Cheney, Recreation Superintendent, thanked the volunteers and the Council for their support. Mayor Ryu also presented a proclamation to Jane and Dorothy Stephens who were chosen as Grand Marshals for the 2008 "Celebrate Shoreline" parade. She highlighted their accomplishments in the City and presented them with the proclamation. Mrs. Stephens thanked everyone. Mr. & Mrs. Stephens' son thanked

everyone and discussed his parents' sacrifices and how proud he is of them. Mayor Ryu presented the 2008 Lifetime Achievement Award to Dr. Arthur Kruckeberg. She read the proclamation and highlighted the work he has done for the City on Kruckeberg Botanical Garden. Mayor Ryu and Councilmember Way present a plaque and the proclamation to Dr. Kruckeberg. Dr. Kruckeberg thanked the City for his recognition and stated that the garden is experiencing outstanding attendance numbers.

3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager, provided reports and updates on various City projects, meetings, and events. Mr. Olander also thanked the proclamation and award recipients. Mr. Olander reminded the public that there would be no City Council meetings on August 4 and 11 and that the next City Council meeting is on August 18.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Hansen reported on the Seattle City Council bag ordinance and said he found it interesting that at Home Depot they are collecting plastic bags for proper disposal. He also highlighted that Bartells has a drug disposal program and his family has used it. He said it is the proper way to dispose of expired and unused prescriptions rather than contaminating the waterways. He said in April he knew the drug disposal program was starting in Edmonds, Lynnwood, and Shoreline. He attended the Brightwater meeting and they are working on the outfall. He said "Elizabeth", the tunnel boring machine, was delivered on Sunday and it will bore a hole from the Puget Sound to the Ballinger area. He added that he went to the Puget Sound Regional Council meeting and there was discussion on the Highway 520 bridge and proposed tolls which would start in 2010 or 2016. He noted that the range being considered for the toll amount was \$.90 during off-peak to \$3.80 during peak hours.

Councilmember McGlashan shared that he attended the board meeting for the Committee to End Homelessness in King County, which consists of twenty-five people. He stated that there was discussion concerning how far the committee has gotten in their four year existence. He noted that the committee established smaller committees to look at what has been done and where committee is going. He felt that the committee may be reorganizing and a report will be released in October.

Councilmember Eggen reported that he attended the WRIA-8 meeting and they applied for a low impact development (LID) grant to help cities with LID ordinances. However, he announced that they didn't get the grant but will apply for another one at a later date. He noted that it is unlikely that there will be a Chinook salmon season in Lake Washington, but there may be a local season. He explained that WRIA-8 is a council focused on salmon recovery which supports the King Conservation District with money and invests in recovery efforts. He stated that there was a Small Cities Association Public Issues Committee meeting on July 9 that he attended.

Mayor Ryu noted that it is the 75th year of the Association of Washington Cities and she is the Chair of the Board. She noted that there was discussion at their last meeting about City officials managing resources and needs.

5. GENERAL PUBLIC COMMENT

a) Eve Phillips, Shoreline, said that on July 12 her small dog was attacked by an unleashed German Shepard. She reported it to the police and they said an officer would be out to investigate, but no one came out until seven days later. She also discussed the "invisible" stop sign at the corner of NW 200th Street and 10th Avenue NW. She stated there was an officer writing tickets for people running the stop sign and wanted her neighbors to know that she had nothing to do with it.

Councilmember Hansen commented that it is a shame it took so long for an officer to respond to her. He suggested that she call the City's Customer Response Team (CRT).

b) Mary Weaver, Shoreline, noted that the food banks are running low on food, including the one located in Shoreline. She urged residents to drop off food there. She commented that she has been listening to the bag issue on the radio and highlighted that Seattle residents aren't happy about the bag legislation; they will shop in the outlying areas, including Shoreline, where they will spend their money.

c) Donna Eggen, Shoreline, discussed neighborhood electric vehicles and found out that they are legal on all streets and roads with speed limits up to 35 miles per hour. She said State Farm and Farmers Insurance will insure them. She said MC Electric and the Green Car Company sells them. She discussed plug-ins for the vehicles and stated electrical permits can be received from the City to operate them. The City of Edmonds, she said, has plug-ins for electric vehicles and urged that they be installed at the new City Hall and places of business at a low cost.

d) Bill Myers, Shoreline, stated that on June 16 he addressed the Council about utility taxes and franchise fees. He stated that they are supposed to be 6%, but they are not. He explained the taxing and said it is closer to 6.7%. He said it is confusing and questioned if the City is being deceptive. He asked the Council to revise the process so it resembles the sales tax for services received. He said he received a letter in early July from the City that said it is legal and he questioned the truthfulness. Additionally, he wanted legislation passed to prohibit utilities from placing a tax on top of what the City's utility tax is. Councilmember Eggen asked which utility was doing this. Mr. Myers responded that he has seen this on his natural gas and garbage bills. Councilmember Eggen replied that he checked his bills and they are at a 6% tax rate.

Mr. Olander stated that the food banks always need help and communicated the addresses of those located in Shoreline. He added that the City is examining putting electric plug-ins in the new City Hall.

Councilmember Way suggested having the National Night Out events work to help the neighborhoods and food banks.

Mr. Olander suggested putting a collection space at the Celebrate Shoreline event for the food banks.

Councilmember Way asked that the Finance Director do a report on the 6% utility tax issue; Mr. Olander responded that she would.

6. APPROVAL OF THE AGENDA

Councilmember Eggen asked that item 7(e) be pulled from the Consent Calendar and placed as item 8(c). Deputy Mayor Scott moved approval of the agenda. Councilmember Hansen seconded the motion, which carried 7-0 and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Hansen moved approval of the Consent Calendar. Deputy Mayor Scott seconded the motion, which carried 7-0, and the following items were approved:

- (a) Minutes of Business Meeting of June 9, 2008
Minutes of Special Meeting of June 16, 2008

- (b) Approval of expenses and payroll as of July 16, 2008 in the amount of \$1,296,689.50

***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>

(c) **Motion to Approve a Mini-Grant for the Meridian Park Neighborhood**

(d) **Ordinance No. 511, Amending Ordinance No. 109 and Increasing the Police Investigation Account**

(f) **Motion to Authorize the City Manager to Award a Construction Contract for the Richmond Beach Saltwater Park Phase 1 Improvements**

(g) **Ordinance No. 514, Approving the Shoreline Water District Franchise**

(h) **Motion to Approve an Amendment to the City Manager's Employment Contract**

8. **ACTION ITEMS: PUBLIC HEARINGS**

(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**

Rob Beem introduced the item and discussed the Community Development Block Grant (CDBG) Curb Ramp Project allocation to the 2008 Curb Ramp Program. He noted that the process of moving funds from one year to the next requires a public hearing.

Mr. Olander noted that the sidewalks and ramps bring the City into compliance with the American with Disabilities Act (ADA).

Mayor Ryu opened the public hearing. There was no one wishing to provide public comment. There was Council consensus to close the public hearing.

Councilmember Hansen moved to adopt the amendment to the 2008 Community Development Block Grant (CDBG) Curb Ramp Project, authorizing the City Manager to approve the contract implementing the amendment. Councilmember McConnell seconded the motion.

Councilmember Hansen stated this should be under the consent calendar as a required budget amendment. Mr. Beem responded that the rules under the CDBG program call for this to be an action item.

Councilmember Way wondered how many curb ramps have been completed and how many still need to be done. Mr. Olander replied that the City staff would need to research it and prepare a response for the Council.

Councilmember Way asked if any of the curbs or ramps coincided with the Aurora Corridor Project Improvements. Mr. Beem said there are none along the Aurora Corridor and that all Aurora construction will be paid by Aurora project monies.

Councilmember McGlashan discussed the funds needed for the public health center and asked if these funds could be allocated for that. Mr. Beem replied that these funds are from the prior year and the action Council took last week concerning the International Community Health Services would come from 2009 funds.

Mayor Ryu said she is in favor of this and these curb ramps need to be done. She said this is progress and a priority of the City Council.

Councilmember McGlashan was concerned about cuts to human services and asked if these funds could be used for human services allocations.

Councilmember Way inquired if curb ramps are considered as a part of the transportation master plan. Mr. Olander responded that it is and there are a host of projects on that 20-year list. He added that it probably will be an ongoing item on the next plan as well. Councilmember Way felt there are accessibility issues in the City and this addresses them.

Deputy Mayor Scott asked how a citizen who is interested in this could find out more. Mr. Beem replied that residents can contact him directly.

A vote was taken on the motion to amend the 2008 Community Development Block Grant (CDBG) Curb Ramp Project, authorizing the City Manager to approve the contract implementing the amendment, which carried 7-0.

(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)

Mr. Olander introduced this item and Mr. John Norris, Management Analyst.

Mr. Norris acknowledged the Fire Department staff at the meeting and displayed a PowerPoint presentation. In the presentation, he highlighted that 90% of the Fire Department operating revenue came from property taxes. He explained that Proposition No. 1 will be on the ballot in August and would authorize a tax levy of \$1.50 per 1,000 of assessed valuation for a one year period and would allow specific increases of up to 6% for each of the five following years to maintain the \$1.50 levy rate. Additionally, Proposition No. 1 would also authorize the property tax levy rate in the sixth year to serve as the base rate for establishing the future years levy. He added that there has been an increased need for services in the City every year and in order to keep pace, more funds are needed. He pointed out that the increased levy rate would cost the average Shoreline resident \$67.00 next year.

Mr. Olander stated that the Fire Department is essential to the City for public safety and the relationship has been great. He noted that the City utilizes the Fire Department to enforce fire regulations in buildings. He pointed out that the City itself has other revenue options, but the Fire Department is almost solely dependent on property taxes. He highlighted that if the proposition isn't adopted by the voters it will have a severe impact on their ability to provide services.

Mayor Ryu opened the public hearing.

a) Bob Phelps, Shoreline, favored Proposition No. 1 and is the team manager of the ham radio operators. He noted that there are 31 volunteer ham radio operators in the City and all of them have passed FEMA courses. He said they provide communication for public service events to include the North City Jazz walk and Celebrate Shoreline. He pointed out that the ham radio group wouldn't exist without the fire department and that the group uses the facilities at the Fire Station for their emergency kits and equipment. He added that the communications van was upgraded with FEMA and Fire Department funding.

b) Bill Myers, Shoreline, recommended the Council not adopt Resolution 280 because the information in the packet and the Fire Department website justifies a significant tax increase. He explained that the Fire Department had over 9,300 responses to calls last year and their website said they have 6,700 calls for service in 2007 and about the same in 2006. He asked if they had 40% more responses to calls than actual calls. He added that they stated that the current levy isn't enough to fund existing and planned services, however, the planned services aren't noted anywhere. He added that he doesn't understand the comparisons on current levy rates that were made and he gave some examples. He compared some figures and stated that the tax dollars he pays to the Fire Department will go up 22%. He asked for an explanation on the 1% cap and the lower assessment rate and discussed forecasts and Sound Transit tax increases. He encouraged the Council to withhold their endorsement until more information supporting this measure is received.

c) Jeanne Monger, Shoreline, commented that if there is an emergency she wants the best trained and equipped Fire Department that Shoreline can have responding to that call. She said the City has top quality fire department personnel and they should never wonder where the funding is coming from. She supported Proposition No. 1 and urged the Council to adopt Resolution 280.

There was Council consensus to close the public hearing.

Deputy Mayor Scott moved to adopt Resolution No. 280 Supporting Shoreline Fire Department Ballot Proposition No. 1 Authorizing a Property Tax Levy Rate of Up To \$1.50 per \$1,000 of Assessed Valuation for a Six Year Period (2009 - 2014). Councilmember Way seconded the motion.

Councilmember Eggen said he agrees that the Fire Department is one area that we don't want to "pinch pennies," as they are being pressured for more services from Homeland Security and other agencies. He noted that this proposition represents a 12% increase in residential taxes next

year and additional increases after that. He said all of the information concerning this levy needs to be supplied to the citizens.

Chief Kragness noted that to maintain existing services the Fire Department needs to maintain performance standards. As call volume, traffic, and the number of residents increase, service levels increase, he explained. He said that in order to match the increases, funds are needed. He added that their six-year plan addresses staffing issues. He noted that with 90% of the operating revenues coming from property taxes, 80 – 85% of their budget is for salary and benefits. He said the June CPI is about 5.8% and medical costs and fuel have gone up. He explained that planned services don't include another aid car or pumper, but they are working to increase response times.

Councilmember Way thanked the Fire Department for their services and for inviting her to the "Green Firefighting Techniques Drill." She noted that their day-to-day operations are well-organized and impressive. She extended her condolences about the two firefighters who were lost in California. She pointed out that one projection says the impact will be \$67 per household, yet another says it will be \$72 per household.

Mr. Norris commented that the City and the Fire Department were utilizing different assessed value numbers. He stated that the best science would be to take the average between the two numbers.

Councilmember Way said while she is sympathetic to the taxpayers, she supports this measure because of the importance of fire response services.

Mr. Olander asked the Chief to respond why this levy will be maintained, as opposed to the levy decreasing and asking for more each time assessed values decrease. Chief Kragness explained that the State allowed Fire Districts to maintain levy lid lifts for longer periods of time to save election monies and to assist Fire Districts in future planning. Mr. Olander noted that each election costs the City about \$100,000.

Councilmember McConnell noted that items going to ballot are very expensive and this levy wouldn't appear every year on the ballot. She pointed out that this is a recommendation and the voters will vote on this. She said she supported the recommendation and noted that this is the cost of doing business.

Deputy Mayor Scott agreed with the discussion and the Chief's words about planning and stability. He said if you are in trouble you want the best personnel and equipment responding to you. He added that we don't want to pinch pennies on this and supported the recommendation.

Councilmember Eggen supported consistent security for people who run into burning buildings and for the police who dodge bullets. He is in favor of the item. However, he felt the citizens needed more information.

Councilmember McGlashan supported the motion and said it is amazing how fast the Fire Department responds. He discussed the call numbers and stated that the numbers average out to 25 calls per day.

Mayor Ryu noted that Shoreline has been voted as the #1 neighborhood in the Seattle area and a part of that is because of the Fire Department. She appreciated the Fire Department services and supported the Resolution. She noted that 1% a year doesn't keep up with the cost of their services. She asked if the Department is respected by the rest of the firefighting community as a place new firefighters want to work. Chief Kragness noted that they have done lateral hiring and the Fire Department has a great reputation in the region. Councilmember Eggen commented that the average firefighter cannot buy a home in Shoreline.

A vote was taken on the motion to adopt Resolution No. 280, which carried 7-0.

(c) Ordinance No. 512, Work Release Fee Schedule and Sliding Scale Payment

Mr. Olander stated he would like to work with Councilmember Eggen and draft a staff report.

Councilmember Eggen stated that this item was discussed by the Council last week and he had questions. He pulled it to discuss his questions and the responses he received. He explained that this ordinance establishes a work release program for misdemeanants in the Shoreline judicial system. He said they would be released to work in the City and that this program is very important. He suggested a sliding scale for people with children. He also stated that there is no provision for release education programs. He urged the Council to consider some type of a GED program with this item because judges cannot add language about attending a GED program. He suggested language be added to the ordinance.

Mayor Ryu asked if the City could revise the program.

Mr. Norris noted that the judge has been fairly firm that if a Shoreline defendant is to enter the work release program, they are to do it at their own expense and that there aren't a lot of misdemeanants utilizing work release, maybe 20 per year. He added that the sliding scale will not be a part of the program and the judges do not favor it. He pointed out that the requirement for them to pay is on the commitment order and if they don't pay they are brought back to find out why.

Mr. Olander stated that this item can be postponed for a month or two. Mayor Ryu questioned if it is an option for the Council to adopt this and to refine it in the future. Mr. Norris replied that amendments could be done in the future and that this would add language to the fee schedule stating that the sliding scale is available for defendants to utilize.

Councilmember Eggen moved to adopt Ordinance 512. Councilmember Hansen seconded the motion.

Councilmember Way thanked Councilmember Eggen for the amendment he brought forward. She asked if King County Jail offers GED services to prisoners.

Mr. Norris noted that the services offered are dependent upon the length of stay and GED programs aren't going to work if the terms aren't long enough. He communicated that he isn't 100% sure if there is a GED program but will research it further.

Councilmember Hansen supported the ordinance and stated that these people are getting out of jail if they choose the work release program. He felt it is fair and supported ordinance.

Councilmember McConnell supported the ordinance and felt the amendments are more work than they are worth.

Councilmember Way felt this may be worth the work to provide it for someone with children and supported the sliding scale if it can be refined.

Mr. Olander stated that the Council can pass this legislation and the City staff can bring it back in six months with the sliding scale added; however, he isn't confident that there will be many who will qualify.

Councilmember Eggen agreed with Mr. Olander, but didn't think six months would be enough time and felt the Council should continue to think about this and make more inquiries in the justice system.

Mr. Olander commented that he would seek the advice and expertise of the district court judges and the prosecutor.

A vote was taken on the motion to adopt Ordinance No. 512, which carried 7-0.

RECESS

At 9:32 p.m., Mayor Ryu called for a five minute break. Mayor Ryu reconvened the meeting at 9:37 p.m.

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

(a) Ordinance No. 513 Rezoning the Property located at 14800 1st Avenue NE from R-12 to R-24

Mr. Olander introduced Joe Tovar, Planning and Development Services Director, and Steve Szafran, Planner.

Mr. Szafran displayed slides of the proposed rezone and explained how the proposal met the zoning criteria and was consistent with the Comprehensive Plan and land use policy. He noted that during the public hearing process there were concerns from the neighborhood about traffic from 1st Avenue NE, density, parking, and the lack of sidewalks. He concluded that the Planning Commission recommended approval of this rezone to R-24.

Mr. Olander stated that no public comment is heard on this rezone because it is quasi-judicial.

Deputy Mayor Scott moved to revise the City's zoning map and adopt Ordinance No. 513 rezoning the property located at 14800 1st Avenue NE from R-12 to R-24. Councilmember Hansen seconded the motion.

Councilmember Way noted that this received a Mitigated Determination of Non-Significance (MDNS) and a copy of the notice which wasn't in the packet. She said she felt like when these rezones are being done the Council needs to be given all of the pertinent information. She also stated that there should have been a copy of the SEPA checklist in the packet. She pointed out that this rezone proposal occurs next to a critical area, Thornton Creek, which is a Type 2 salmon stream. She highlighted that the language about a determination of non-significance has been issued in the ordinance; however, it failed to state that it was mitigated. She expressed concern that there is a site development plan but the applicant has not applied for permits.

Mr. Tovar said this is a rezone and there isn't a permit. He explained that it is only a legislative change, not a project. Additionally, he noted that an MDNS and the SEPA checklist should not be included because they are not needed until there is a project. He added that the property owners did have some things in mind, but nothing has been approved.

Councilmember Way said she struggles with that and knows that the creek is there so she wanted to know what the mitigation was. She wanted to know what this rezone would do and what is being proposed on the site. She said this sounds as if there would be residential at some point. She said she is glad that there will be mitigation there to enhance the creek, but creeks are affected mostly by adjacent surfaces, and this surface is a parking lot. Therefore, she is interested in how the impact can be reduced.

Mr. Olander stated that the standard that has been imposed is a 115-foot stream buffer and it is sufficient to mitigate a critical area stream and whatever gets developed on that site would have to meet the requirements.

Mr. Tovar stated that whatever the use is, it is governed by the critical area regulations and will be inspected for compliance. He noted this changes the zone from R-12 to R-24 and doesn't permit anything.

Councilmember Way noted that the mitigation performance standards note that impervious coverage shall be minimized. She noted that a 115-foot buffer is good, but if the parking lot is directed into the creek, the buffer doesn't help.

Mr. Olander stated that the technical aspects will be reviewed according to the administrative development regulations, and at this point it is hard to say what that will be.

Councilmember Way added that that is a problem because the Council won't be able to vote on any application that might be submitted for this site.

Mr. Olander added that she is correct and it would also be difficult to add to any development regulations at this stage.

Mr. Tovar again stated that there isn't a permit application to vest at this time, only a legislative rezone.

Councilmember Hansen commented that there is already an existing parking lot on this site.

Councilmember Eggen stated that the Council should assume that 85% of the surface will be covered.

Mr. Tovar responded that the code allows for that much coverage, but no site plan or building permit application has been submitted. He said it is likely that all of the surface water will be directed away from the creek.

Mayor Ryu asked about the possibility of zoning this site as R-18. She confirmed impervious surface regulations and building coverage for R-12, R-18, and R-24 zones. Mr. Szafran read into the record the City regulations on R-18 standards.

MEETING EXTENSION

At 10:00 p.m., Councilmember Eggen moved to extend the meeting for 15 minutes. Councilmember Way seconded the motion, which carried 7-0.

Councilmember Way discussed the traffic issue and noted that Commissioner Piro asked residents at the Planning Commission meetings about 1st Avenue travel and parking; they responded that there is congestion in this area. She asked if a copy of the traffic study was in the packet. Mr. Szafran commented that the traffic study was specific to the Northwest Center property on Queen Anne. He noted that there hasn't been an actual study done.

Councilmember Way wondered how much the traffic will increase. Mr. Tovar said SEPA noted that citywide traffic would increase. He added that the Comprehensive Plan included the SEPA for citywide traffic and it was approved by Council. He said there was no need for another SEPA analysis and traffic study because it is within what has been previously analyzed.

Mr. Olander said the Commission noted that the higher amount of traffic was appropriate because of increased bus and light rail at that location. He added that the Council needs to decide where increased density is appropriate.

Councilmember Way said there may be additional bus service, but light rail or any relief for that neighborhood won't come for quite a while. She added that there currently aren't any sidewalks and they would be required. She noted that this street is busy already and is concerned with the impacts once something gets developed.

Councilmember Eggen returned to Mr. Tovar's comments about the traffic analysis and said the definition of high density has changed; the maximum density was R-36 at that time, now it's R-

48. He questioned if there was some hazard in relying on that past analysis. Mr. Tovar commented that if it was about a specific development he would be concerned about relying on it.

Councilmember Eggen asked how the traffic impacts would be mitigated. Mr. Tovar replied that the traffic would be mitigated through lane widening, signal additions, roadway improvements, adding turning lanes, and so forth. He said there are a host of other changes that could be made to mitigate traffic.

Mr. Olander pointed out that if service levels increase then mitigation would occur. Mr. Tovar said the engineer looked at this and no red flags came up with this proposal.

Mayor Ryu asked if the Council could revise this to R-18. Assistant City Attorney Flannery Collins noted that they can and R-18 was discussed. Councilmember Hansen highlighted that the Commission rejected R-18.

Mayor Ryu noted that the proposed developer is interested in working with the City and is looking for certainty that if they invest, they will have the ability to branch out into some residential uses. She suggested the Council consider rezoning this to R-18 instead of R-24.

Councilmember Way inquired if there was any discussion concerning the steep slope. Mr. Szafran stated that there wasn't anything in the SEPA concerning this.

MEETING EXTENSION

At 10:15 p.m., Councilmember Eggen moved to extend the meeting for ten minutes. Councilmember Hansen seconded the motion, which carried 7-0.

Deputy Mayor Scott commented that when the Council is considering legislative land use actions, references to specific projects and developers need to be excluded from the documents they consider. He noted that the packet included several references to NW Center.

Councilmember Way moved to amend the previous motion to adopt Ordinance No. 513, by rezoning the property located at 14800 1st Avenue NE from R-12 to R-18. Mayor Ryu seconded the motion.

Councilmember McGlashan noted that R-18 allows for more pervious surface and parking lot area. However, it does revise the building coverage on the lot. He opposed the motion.

Deputy Mayor Scott noted that Planning Commissioner Broili explained at the Commission meeting that R-18 reduces the density and allows for a project to go in. He felt R-18 would address the density concern.

Councilmember McConnell wondered why R-18 wasn't adopted by the Commission. She pointed out that the Commission unanimously recommended R-24 to the Council.

Mr. Szafran explained that the Commission reviewed that Linden Avenue was rezoned to R-24 and it is similar to this item. He said the Commission took that into consideration when they recommended rezoning this to R-24.

Deputy Mayor Scott commented that one of the challenges of having a specific plan is that the discussion was about the NW Center development. He stated that as long as the NW Center was a part of the discussion it clouded the decision-making process. He said the Council is not here to minimize the recommendation of the Commission. However, he felt R-18 is a reasonable compromise because it adds capacity to the community.

Councilmember McGlashan noted that 1st Avenue NE is messy and the speed limit on the street is 30 miles per hour. He felt there should be strict mitigation to include speed revisions and that cut through traffic is going to be an issue. He commented that there is a park across the street for residents to use when the density is increased and doesn't support the motion to rezone this property to R-18.

MEETING EXTENSION

At 10:25 p.m., Councilmember McGlashan moved to extend the meeting until 11:30 p.m. Councilmember Hansen seconded the motion, which carried 7-0.

Councilmember Way stated that there is no way to control additional density, and she isn't sure any more mitigation would do anything to fix the problem. She felt R-18 would put a damper on the neighborhood and hold off any further environmental impacts.

Councilmember Eggen asked what the most common type of development under R-24 zoning was. Mr. Szafran replied that it was townhouses. Councilmember Eggen deduced from the site plan that a stream buffer will control the impervious surface. Mr. Tovar replied that compliance to the stream buffer must occur. Councilmember Eggen concurred that that is true with building coverage. He added that the intersection at 1st Avenue NE and 155th Street SW isn't safe because there is only a stop sign there. However, he felt it is a great site for density because of pretty good transit service. He also stated that one of the reasons the Commission didn't pursue R-18 because there wasn't any analysis done comparing R-18 to R-24.

Deputy Mayor Scott echoed Councilmember Eggen's comments and said R-18 wasn't introduced because R-24 was heavily considered. He read from the Commission minutes and said that there was significant focus on the applicant and plan and not on the zoning by the City staff and at the Commission level. Additionally, he pointed out that it is unfortunate the applicant and the financial implications for the applicant were discussed at the Commission meeting.

Mayor Ryu communicated that Planning Commissioner Broili also expressed that the City staff didn't take the time to compare R-18 and R-24 for this area. She continued and reviewed what the Council options were for this item.

Councilmember Way suggested this item be remanded back to the Commission and that the City staff review zoning the area to R-18.

Mr. Olander commented that the information is in front of the Council and stated that they probably won't get any new information from the Commission concerning this rezone.

Councilmember Hansen supported the R-24 rezone and said the property can handle the density and the Commission has looked at this thoroughly and the Council is forcing development to go into the neighborhoods. He said the Council should make a decision and move on.

Councilmember McGlashan highlighted that the option to rezone this property to R-18 was moved twice and failed twice in the Planning Commission. He supported zoning this property R-24.

A vote was taken on the amendment to rezone the property located at 14800 1st Avenue NE from R-12 to R-18. Motion carried 4-3, with Councilmembers McGlashan, Eggen, and Hansen dissenting.

A vote was taken on the motion to adopt Ordinance No. 513 rezoning the property located at 14800 1st Avenue NE from R-12 to R-18. Motion carried 4-3, with Councilmembers McGlashan, Eggen, and Hansen dissenting.

10. ADJOURNMENT

Ronald Moore, Deputy City Clerk

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP DINNER MEETING

Monday, September 8, 2008
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Deputy Mayor Terry Scott and Councilmembers Keith McGlashan, Chris Eggen, Janet Way, Doris McConnell, and Ron Hansen

ABSENT: Mayor Cindy Ryu

STAFF: Bob Olander, City Manager; Julie Underwood, Assistant City Manager; Mark Relph, Public Works Director

GUEST: Lorena Eng, Regional Administrator, Northwest Region, Washington State Department of Transportation

Deputy Mayor Scott called the meeting to order at 6:20 p.m.

Ms. Eng provided a brief overview of the projects that are currently underway in 2008 and those planned for 2009. A significant project for 2009 is the Pavement Rehab Project, which is planned to start in March 2009. Likewise, replacing the expansion joints on I-90, which would require closures of the center roadway bridge and westbound structure. A long-term project is a study that looks at lane continuity going through downtown Seattle.

Mr. Olander asked if the overpasses on I-5 running through Shoreline have been seismically retrofit. Ms. Eng said that she would look into it.

Councilmember Way asked how the detention facility located at the off-ramp of I-5 and 175th Street is functioning and whether it can accept more runoff. Ms. Eng would have to check and get back to us. Councilmember Way noted that about five years ago Fish and Wildlife thought that the culvert under I-5, which carries Thornton Creek, could be improved for fish passage. Ms. Eng said that she did not know where this fell on the list of priorities. She understands that it is a big issue and she isn't sure where the Governor and Legislature ranked Thornton Creek with retrofitting it for fish passage.

Councilmember Way noted that the Mayor is concerned about 145th at I-5 in the case of the 520 Bridge being disrupted during an emergency/disaster. Councilmember Eggen stated that this was discussed recently at Seashore.

Mr. Olander asked Ms. Eng to provide an update on the Viaduct and 520 Bridge. Ms. Eng said that the Governor plans to make her decision on the Viaduct, or the "riddle in the middle," by the end of this year. Likewise, the state is committed to constructing the 520 Bridge into six lanes by 2014. The state is struggling with the toll issue for the 520 Bridge. Does the toll start before the project starts or after? Does the state add a toll to I-90? Ms. Eng noted that the public is accepting of tolling 520.

Councilmember McGlashan said that reports seem to show that the Seattle Mayor and King County Executive are leaning toward moving the traffic from the Viaduct to surface streets in Seattle. He said that this would adversely impact the cities in the north end. Ms. Eng added that west Seattle would be impacted as well. Councilmember McGlashan asked if the Council should take an official position. Mr. Olander said that perhaps the Council should consider it. Ms. Eng noted that studies have been done on all of the alternatives. Mr. Relph noted that the easiest data to review quickly would be the level of service.

Mr. Relph asked if the state was experiencing a lack of asphalt polymer/binder availability. Ms. Eng said that they had an issue this summer with one particular contractor, but it was worked out. She is hopeful that this will correct itself. Mr. Relph noted his concern about having access to material.

Deputy Mayor Scott asked what the timeframes would be in replacing the 40-year old concrete on I-5 for night-time and weekend work. Ms. Eng said that these projects start roughly after 7:00 p.m. and end around 5:00 a.m.

Councilmember Way asked if the state had any plans for relocating the WSDOT office that is located in Shoreline. Ms. Eng said that while this building was built in the 1970s, it is one of the more modern facilities that WSDOT owns. For instance, their facilities in Yakima, Wenatchee, and Olympia were built in the 1930s. She said that they are planning to stay there; and in fact, they would like to expand their traffic management center and construct a new building on their 14 acre site.

Mr. Olander asked if the state had any data on whether the HOT lanes were working. Ms. Eng said that it is working especially for small businesses; it saves them time. Councilmember Hansen noted that the first time he saw this was in Los Angeles and was impressed with how it moved traffic.

Ms. Eng said that a question that is often asked is what's going to happen into the future. The state is experiencing budget uncertainty, rising costs (for example the state uses an estimated one million gallons of gasoline per year), and diminishing revenues. The state has instituted a number of cost controlling measures such as establishing a hiring freeze, not allowing out-of-state travel, and all purchases are scrutinized, just to name a few. In terms of revenues, state and federal taxes on gasoline accounted for 30% in 2005; now it is only 10%.

Deputy Mayor Scott thanked Ms. Eng for attending and the meeting was adjourned at 7:20 p.m.

Julie Underwood, Assistant City Manager

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CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of September 9, 2008
DEPARTMENT:	Finance
PRESENTED BY:	Debra S. Tarry, Finance Director 

EXECUTIVE / COUNCIL SUMMARY

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

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,207,732.51 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/10/08-8/23/08	8/29/2008	25565-25768	8007-8062	37579-37587	\$517,246.85
					\$517,246.85

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
8/27/2008	37489		\$68,487.18
8/28/2008	37490	37534	\$470,594.14
8/28/2008	37535	37541	\$599,911.42
8/28/2008	37465		(\$388.06)
8/28/2008	37542	37568	\$39,093.37
9/3/2008	37569	37570	\$1,950.00
9/3/2008	37571	37578	\$223,163.09
9/8/2008	37588	37618	\$19,123.25
9/9/2008	37619	37621	\$26,709.51
9/9/2008	37622	37654	\$241,841.76
			\$1,690,485.66

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Ordinance No. 520, amending Ordinance No. 310 as amended by Ordinance No. 479 and No. 496, Property Tax Exemption Program
DEPARTMENT: CMO
PRESENTED BY: John Norris, Management Analyst

On September 15, the City Council reviewed Ordinance No. 520, which would amend the Property Tax Exemption program to increase the tax exempt unit count in the North City Business District to 500 units, adjust the low-income household definition for the percentage of affordable housing units in projects in the North City Business District for both the 12-year and 8-year property tax exemption, and make procedural changes to help streamline the property tax exemption process. The City Council also reviewed comments received from citizens and community members. At the writing of this staff report, Council had not yet discussed Ordinance No. 520 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 September 15 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, September 17. Likewise, comments received from citizens on the amendments to the Property Tax Exemption program will be provided to the Council through Monday, September 22, when adoption of Ordinance No. 520 is scheduled.

For reference, the September 15 staff report, which includes Ordinance No. 520, is attached.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 520, which would amend Ordinance No. 310 as amended by Ordinance No. 479 and No. 496.

Approved By: City Manager  City Attorney ____

Attachment:

- September 15 Staff Report, including proposed Ordinance No. 520

Council Meeting Date: September 15, 2008

Agenda Item:

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 520, amending Ordinance No. 310 as amended by Ordinance No. 479 and No. 496, Property Tax Exemption Program
DEPARTMENT:	CMO
PRESENTED BY:	John Norris, Management Analyst

PROBLEM/ISSUE STATEMENT:

Ordinance No. 310 was first adopted by the City Council on November 25, 2002. This ordinance established Shoreline's Property Tax Exemption (PTE) program for the North City Business District. More recently, the City Council adopted Ordinance No. 479 and Ordinance No. 496, which amended Ordinance No. 310. Ordinance No. 479 amended Ordinance No. 310 to comply with the revised state law on property tax exemptions, adjust the property tax exemption application requirements, clarify procedures, and add other administrative changes, while Ordinance No. 496 expanded the PTE program to include 350 tax exempt units in the Ridgcrest Commercial Area.

Ordinance No. 520 would further amend Ordinance No. 310 to increase the tax exempt unit count in the North City Business District to 500 units. It would also adjust the low-income household definition for the percentage of affordable housing units in projects in the North City Business District for both the 12-year and 8-year property tax exemption. Finally, Ordinance No. 520 proposes a few procedural changes to help streamline the property tax exemption process. This agenda item will be an opportunity to provide input to the City Council on proposed Ordinance No. 520, which is attached. The Council will then have the opportunity to discuss the proposal, ask staff questions, and provide direction for future adoption.

RECOMMENDATION

No action is required for this agenda item, as it is for discussion purposes only. However, staff recommends that Ordinance No. 520 be adopted when this item is proposed for Council adoption on September 22

Approved by: City Manager _____ City Attorney _____

INTRODUCTION:

The Property Tax Exemption (PTE) program, initially adopted by the City Council in 2002 per Ordinance No. 310, is an incentive program aimed at increasing the amount of desirable, convenient and attractive residential housing in the North City Business District and Ridgecrest Commercial District. The additional residents who will occupy this housing will in turn help create an expanded market that attracts new businesses, fosters the expansion of existing businesses, and promotes local economic development.

Inherent purposes of the PTE program are to encourage the development of multi-family housing in the two target areas where development may not occur without such an incentive, offset the costs of structured parking, offset the risk of mixed use development, provide incentives for more affordable housing, and steer development to designated target areas close to transit and neighborhood services. Based on this, the PTE program is seen as a key strategy to help promote neighborhood, community, and environmental sustainability, in addition to being a key economic development strategy.

The PTE program initially offered a ten-year exemption from payment of property taxes commencing upon completion of the development. However, Ordinance No. 479, which was adopted in March of 2008 to primarily comply with the revised state law on property tax exemptions, amended the program to encourage affordable housing. This was accomplished by increasing the exemption period to twelve years for projects that included an affordable housing component and reducing the exemption period to eight years for market rate housing developments. To qualify as an affordable housing development, at least 20% of the multifamily housing units needed to be rented or sold as affordable housing, which was defined as residential housing that is rented or bought by low and moderate-income households (households making between 100% and 150% of the area family median income, adjusted for family size) whose monthly housing costs do not exceed 30% of the household's monthly income. The property tax exemption for both exemption periods applies to property taxes on the value of the residential improvements alone and does not apply to land, retail space, other commercial space, or utility or impact fees.

The PTE Program was also amended a second time in March of 2008 to expand the program to the Ridgecrest Commercial Planned Area. Although this expansion was initially proposed as part of Ordinance No. 479, the City Council removed all sections of Ordinance No. 479 that pertained to the Ridgecrest Commercial Planned Area as part of their discussion. Ordinance 496 added back these removed sections of Ordinance No. 479 and increased the number of Tax Exempt Units in the program in the Ridgecrest Commercial Planned Area from 250 units as originally proposed to 350 units. Ordinance 496 also adjusted the low-income household definition for developments seeking the 12-year property tax exemption in the Ridgecrest Commercial Area. To qualify as an affordable housing development in Ridgecrest, at least 20% of the multifamily housing units needed to be rented or sold as affordable housing to households making no more than 90% of the area median family income, adjusted for family size.

Currently, only one project has been built under the PTE program – the 88 unit development formerly known as the North City Landing, located at 17763 15th Avenue NE. This project was completed in April 2007 and is currently called Phase I of the Arabella Apartment Homes. The owner of the Arabella Apartment Homes has also submitted a PTE application for their Phase II development, which is adjacent to their Phase I development. The application for Arabella Phase II is currently pending, although the PTE development contract should be scheduled for Council action in the near future. This project is seeking a 12-year property tax exemption for 109 studio and one bedroom residential apartment units. In addition to Arabella II, the City has also received a PTE application from the owner of the Bingo Hall site on the southwest corner of the Ridgecrest Commercial Planned Area. This application, which is seeking a 12-year property tax exemption for 286 studio, one bedroom and two bedroom residential apartment units, is also pending.

FINANCIAL IMPACT:

The PTE program provides an exemption from all “ad valorem property taxation” of the value of new construction for the duration of the exemption period, which is either eight or twelve years. The exemption affects the property tax levies for all taxing jurisdictions, including the State, County, School District, Port of Seattle and other special districts. Depending on the type of tax levy however, there are differing results for property tax revenue loss incurred by local jurisdictions.

For example, levies such as those established by the School District are set at an overall dollar amount. As such, the School District will not actually lose property tax revenue on an exempt project, but rather the tax levy rate will be fractionally higher than it would have been if the value of the improved property were included on the tax rolls. This is the same for voter approved general obligation bond levies, such as the City’s Parks Bond. The City will continue to collect the required levy amount, but the levy rate necessary to collect the levy will be slightly higher than it would be if the value of the new construction were not exempt. The primary taxing districts that are directly affected by the property tax exemption program are the regular property tax levies of the City of Shoreline, Shoreline Fire District, and King County Library District.

Under the PTE program, a property tax exemption would take effect starting January 1st of the calendar year following the year in which the final certificate of tax exemption is issued. As stated earlier, the exemption does not apply to retail square footage, other commercial space or land, or utility or other fees. The only portion of a project that would qualify for an exemption is the newly constructed or improved residential housing units.

In 2007, an independent consultant, Greg Easton/Property Counselors, was hired to evaluate the Shoreline PTE program. As part of his analysis report dated July 27, 2007, he provided a feasibility analysis on North City development. The feasibility analysis concluded that development of apartments is not feasible without the PTE program and

that the greater incentive for affordable housing projects (utilizing the twelve-year tax exemption as opposed to eight) would influence developers in that direction. Condominium projects also do not meet the feasibility threshold without the PTE program.

Also included in the consultant's report was a pro forma economic analysis that used a mixed use development with 97 residential units valued at \$12 million in residential improvements as a prototype for North City development. Based on the City's 2008 regular property tax rate of \$1.02 per \$1,000 of assessed property value, the amount of the property tax collected annually on \$12 million in improvements would be approximately \$12,240. Under the property tax exemption program, the City will not collect this property tax. Applying the annual 1% property tax collection growth rate, and assuming that the tax levy rate is not reset to a higher rate by voter approval, the impact to the City would equate to \$101,400 over an eight year exemption period or \$155,200 over a twelve year exemption period. However, this does not take into account added retail sales, utility taxes, or the property taxes from any increase in land values and non-residential square footage that is included in a mixed-use development.

Without the PTE program, a potential development scenario on the same property would be the development of 20 townhouses with an estimated value of \$5 million, instead of a multi-family residential building. This is based on an assumption of 35,000 square foot property and with densities of 24 units per acre. The amount of revenue that the City would gain from residential property tax for this development would be \$5,100 in year one, and approximately \$144,000 over 25 years. There would be no additional commercial space created and less impact on local retail spending than if a larger multi-family housing project were to be development.

Over this same 25 year timeframe however, the 97 unit multi-family project with an 8-year tax exemption would generate \$244,300 in taxes to the City, and \$190,500 in taxes with a 12-year tax exemption. As stated above, these amounts are residential property tax only, and do not include additional retail sales tax revenue, utility taxes, or the property taxes on land and commercial square footage.

CHANGES TO SHORELINE'S PTE PROGRAM AS CURRENTLY OUTLINED IN PROPOSED ORDINANCE NO. 520:

Ordinance No. 520 proposes amendments to Ordinance No. 310, as amended by Ordinance No. 479 and 496, that would increase the tax exempt unit count in the North City Business District to 500 units and adjust the low-income household definition for the percentage of affordable housing units in projects in the North City Business District for both the 12-year and 8-year property tax exemption. Ordinance No. 520 also proposes a few procedural changes to help streamline the property tax exemption process. The major amendments outlined in Ordinance No. 520 are noted below:

Program Limits – Tax Exempt Unit Cap in the North City Business District

The current cap on tax exempt residential units limits the potential use of the PTE program and the benefit to the City's citizens and taxpayers. Currently, the PTE Program is limited to 250 residential units in the North City Business District and 350 units in the Ridgecrest Commercial District. In the North City Business District, 88 residential units have already been constructed and are utilizing the PTE program, and an additional 109 units have been set aside as a pending application for tax exemption has been submitted to the City. This leaves 53 available units in the PTE program in the North City target area.

In gauging demand for development utilizing the Property Tax Exemption program in the North City Business District target area, staff believes that demand exceeds the remaining number of tax exempt units that were originally adopted in Ordinance No. 310. An additional 250 units of tax exempt housing, which would bring the total unit limit in North City to 500, would allow for additional development projects in the North City target area based on the sizes of the development projects and proposed development projects in both North City and Ridgecrest. This would also allow for more concentrated growth in an identified urban center/target area that is close to transit and neighborhood services while providing an incentive for more affordable housing.

It should be noted that parking impacts from new multi-family housing developments have been identified as an issue by some residents in the North City area. The tool the City is using to address parking impacts is a parking management plan. The Shoreline Development Code section that pertains to the North City Business District, section 20.90.30, mandates that all planned action development proposals in North City, whether utilizing the PTE incentive or not, must prepare a parking management plan to ensure efficient and economic use of parking. The parking management plan shall include at a minimum a program for sharing residential and nonresidential spaces, encouraging use of transit and other forms of transportation, and providing incentives for commute trip reduction. Planning and Development Services (P&DS) staff have also stated that they would require all parking management plans for North City development projects to include the total number of off-street parking stalls, the number of units in the development by bedroom, plans for bicycle storage and racks, examples of where similarly situated development has dealt with proposed parking standards and can show that there are no on-street parking impacts, and quarterly reports detailing off-street parking stall usage and the status and use of transit and other commute reduction techniques for three years after occupancy.

In addition to the parking management plan, the City Council amended the P&DS' work plan on July 14 to add a work item to have staff perform further parking analysis in the North City Business District. This analysis may lead to amendments to the parking standards for North City. These amendments would be for the Shoreline Development Code, not the Property Tax Exemption Program. Although these potential parking standard amendments will not affect any development vested under the current development code, future development in North City, which may potentially utilize the

Property Tax Exemption Program as an incentive to develop, may be required to build to a higher parking standard than is currently in place.

Affordability Adjustment for Workforce Housing Units in the North City Business District

As per Ordinance No. 479, in order to be eligible for a 12-year tax exemption, at least 20% of the multifamily housing units must be rented or sold as affordable housing to low and moderate-income households as defined in RCW 84.14. This state statute defines affordable housing as residential housing that is rented by a person or household whose monthly housing costs do not exceed 30% of the household's monthly income. The statute goes on to define "low-income households" for high cost areas, such as Shoreline, as household whose adjusted income is at or below 100% of the King County area median income (KCAMI), adjusted for family size, and "moderate-income households" as a households whose adjusted income is between 100% and 150%, adjusted for family size.

In Ordinance No. 496, the City Council adopted a low-income household definition of 90% of KCAMI, adjusted for family size, for the Ridgecrest target area only. This was done to make the 20% of units that are defined as affordable housing more affordable to a larger pool of renters and owners, even though the units may not provide significant affordability in the near term of the tax exemption period. Furthermore, the low-income household definition for the North City target area was not adjusted and remained at the rate as defined in the state statute.

Market data developed for the Ridgecrest Planned Area 2 rezone indicates that the market rate for new multi-family housing in the Ridgecrest area is pegged to households at roughly 75% of KCAMI. Thus, affordable workforce housing units in the geographic vicinity of Ridgecrest, including the North City Business District, that have a low-income household requirement of greater than 75% of KCAMI most likely will not provide any affordability benefit in the near term over what the market already provides. Additionally, the 2007 Greg Easton/Property Counselors program evaluation also stated that market rents in Shoreline will qualify as affordable according to the current program definitions. However, if the market rate for multi-family apartments and condominiums rises, the current low-income household definition may provide affordable workforce housing that is below the market rate.

In order to provide more affordable workforce housing that is rented or sold below the market rate now while still providing saleable projects for developers, which ensures their willingness to build, the low-income household definition for the North City target area should be decreased from the state standard the City currently uses. Ordinance No. 520 would amend the low-income household definition for projects seeking the 12-year tax exemption in the North City target area so that household income may in no case exceed:

- 70% of the King County area median income, adjusted for family size, for studio and one bedroom units, and
- 80% of the King County area median income, adjusted for family size, for two or more bedroom units.

The 8-year tax exemption program would also be amended so that the proposed low-income household definition for the North City target area and the current low-income household definition for the Ridgecrest target area would be the same as the 12-year program, although the requirement for the number of affordable units in a project would be 10% rather than 20%. This would mandate that an affordability component would be included in all projects receiving a tax exemption from the City.

This change in the definition of a low-income household would have an impact on the rental rates and sale price that could be charged for the percentage of affordable units in a project seeking the property tax exemption. Attachment B, which highlights the 2008 King County Income Guidelines and the corresponding North City and Ridgecrest target Area maximum monthly rental rates, provides a breakdown of what a developer could charge by unit size for the percentage of affordable housing units in a rental project. Although a similar table is not provided for sale prices, this can be provided at Council's request.

It should also be noted that the reason the Ridgecrest target area and the North City target area have different low-income household requirements for the PTE Program is the number of additional amenities that are required in the Ridgecrest Planned Area 2 zone. These amenity requirements, which are mandated by the development code, include a green building requirement, an open space/plaza requirement, a mixed use requirement, and a bus pass requirement. In addition to parking requirements and housing affordability requirements for projects utilizing the PTE Program, these public amenity requirements affect a developer's profit margin and their overall willingness to build. As there are fewer public amenity requirements in the development code for the North City Business District than the Ridgecrest Planned Area 2 zone, requiring greater affordability in North City Business District projects utilizing the PTE Program will provide for equity across the two PTE target areas.

Procedural Changes - Application Processing

Under the current ordinance, once the City Manager has deemed that an application for a Conditional PTE Certificate is complete and that the application complies with all the requirements of the PTE Program, the manager may certify the application as eligible. The current ordinance also states that a decision to approve or deny application certification must be made within 90 days of receipt of the application. Once the certification process is complete, the City Manager then forwards a development contract regarding the terms and conditions of the project, which is signed by the applicant, to the City Council for final approval. After the City Council has approved the development contract, a Conditional Certificate of Property Tax Exemption is issued to the applicant by the City Manager.

In reviewing the state statute that governs property tax exemptions, RCW 84.14, it has been determined that the intent of this law is for application certification and the development contract approval process to take place within 90 days, as opposed to just the certification process. Thus, this proposed ordinance would amend the current PTE ordinance by removing language related to application certification and stating, "A decision to approve or deny an application and contract shall be made within 90 days of receipt of a complete application".

Another minor procedural change in this proposed Ordinance relates to the timing of the collection of the current King County Assessors fee for administering the PTE Program. Currently, City staff collects the King County Assessors fee when a Conditional PTE Certificate is applied for. This fee is retained by the City until a Final PTE Certificate is issued, which may take up to three years, and then sent to the King County Assessors Office with the Final Certificate to signify the commencement of the tax abatement period. This ordinance would amend this process so that the King County Assessors fee for administering the PTE Program is submitted by the applicant along with the application for the Final PTE Certificate, as opposed to the Conditional PTE Certificate.

RECOMMENDATION:

No action is required for this agenda item, as it is for discussion purposes only. However, staff recommends that Ordinance No. 520 be adopted when this item is proposed for Council adoption on September 22.

Attachments:

- Attachment A: Proposed Ordinance No. 520
- Attachment B: 2008 King County Income Guidelines and Corresponding North City and Ridgecrest Target Area Maximum Monthly Rental Rates

Attachment A:

ORDINANCE NO. 520

AN ORDINANCE AMENDING THE PROPERTY TAX EXEMPTION PROGRAM TO INCREASE THE LIMIT ON THE NUMBER OF TAX EXEMPT UNITS IN THE NORTH CITY TARGET AREA AND ADJUST THE AFFORDABILITY REQUIREMENT FOR PROJECTS SEEKING TO UTILIZE THE 8-YEAR AND 12-YEAR PROPERTY TAX EXEMPTIONS

WHEREAS, on November 25, 2002, the City Council adopted a Property Tax Exemption Program for the North City Business District; and

WHEREAS, on March 3, 2008, the City Council amended the Property Tax Exemption Program to comply with State mandates that increased the property tax exemption timeframe for affordable housing from ten years to twelve years and decreased the exemption for market rate housing from ten years to eight years; and

WHEREAS, on March 31, 2008, the City Council amended the Property Tax Exemption Program again to expand the Shoreline Property Tax Exemption Program to the Ridgecrest target area (portions of Planned Area 2 (PA2) and R-18 and R-24 zoning districts adjacent to PA2); and

WHEREAS, demand for development utilizing the Property Tax Exemption Program in the North City Business District target area has exceeded the initial limit of the number of tax exempt units that was originally created; and

WHEREAS, there is a desire to make the affordable tax exempt units in the North City Business District target area more affordable to eligible sections of the population; and

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

Section 1. Amendment. Sections 1-10 of Ordinance 310 as amended by Ordinance No. 479 and Ordinance No. 496 are further amended to read as follows:

Section 1. *Findings*

- A. The North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) are urban centers of the City of Shoreline as defined under RCW 84.14.010 (16).

- B. The North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) lack sufficient available, desirable and convenient residential housing, including affordable housing, to meet the needs of the public, and current and future residents of the City of Shoreline would be likely to live in the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) if additional desirable, convenient, attractive and livable places were available.
- C. Provision of additional housing opportunities, including affordable housing, will assist in promoting further economic development and growth management goals by bringing new residents to utilize urban services and encourage additional residential and mixed use opportunities.

Section 2. *Purpose*

- A. It is the purpose of this ordinance to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for revitalization of the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d). The limited exemption from ad valorem property taxation for multifamily housing in the residential targeted area is intended to:
 - 1. Encourage increased residential opportunities, including affordable housing opportunities, within the residential targeted area;
 - 2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for revitalization of the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d);
 - 3. Assist in directing future population growth to the residential targeted area, thereby reducing development pressure on single-family residential neighborhoods; and
 - 4. Achieve development densities that stimulate a healthy economic base and are more conducive to transit use in the designated residential targeted areas.

Section 3. *Designation of Residential Targeted Areas*

The North City Business District, as defined in the Shoreline Municipal Code Chapter 20.90.020, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), as defined in Shoreline Municipal Code Chapter 20.91, and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) are designated as residential target areas as defined in chapter

84.14 RCW and the boundaries of the target area are coterminous with the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d).

Section 4. *Standards and Guidelines*

- A. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:
1. Location. The project must be located within the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), or residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) targeted areas as designated in Section 3.
 2. Limits on Tax Exempt Units. The project's residential units must be within the first ~~500~~ 250 tax exempt units of new or rehabilitated multi-family housing applied for and approved within the North City Business District residential targeted area or within the first 350 tax exempt units in the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d).
 3. Size. The project must provide for a minimum of fifty percent of the space for permanent residential occupancy. At least four additional residential units must be added to existing occupied multi-family housing. Existing multi-family housing that has been vacant for 12 months does not have to provide additional units so long as the project provides at least fifty percent of the space for permanent residential occupancy and rehabilitated units failed to comply with one or more standards of the applicable state or local building or housing codes. Transient housing units (rental of less than one month) are not eligible for exemption.
 4. Proposed Completion Date. New construction multi-family housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.
 5. Compliance with Guidelines and Standards. The project must be designed to comply with the City's comprehensive plan, building, and zoning codes and any other applicable regulations in effect at the time the application is approved including Chapters 20.90 and 20.91 of the Shoreline Municipal Code.
 - a. Consistent with SMC 20.90.020(B)(1), projects located on 15th Avenue N.E. and within the property tax exemption program target area must have pedestrian-oriented business uses at the street level fronting on 15th Avenue N.E. The minimum depth of street level pedestrian-oriented business uses shall be 20 feet from the frontage line of the structure on 15th Avenue N.E., and all other requirements of Main Street 1 properties shall apply.

B. Exemption - Duration.

1. Twelve Year Tax Exemption: Projects qualifying under this chapter for a Multiple Family Tax Exemption that rent or sell at least twenty percent (20%) of the residential units as affordable housing units as defined by Chapter 84.14 RCW will be exempt from ad valorem property taxation for twelve successive years beginning January 1 of the year immediately following the calendar year after issuance of the Final Certificate of Tax Exemption; provided, however, that for the North City Business District target area, the household income may in no case exceed 70% of the area median family income adjusted for family size for studio and one bedroom units, and may in no case exceed 80% of the area median family income adjusted for family size for two or more bedroom units, and for the Ridgecrest target area, the household income may in no case exceed 90% of the area median family income adjusted for family size, regardless of bedroom count in the unit.
2. Eight Year Tax Exemption: Projects qualifying under this chapter for a Multiple Family Tax Exemption that rent or sell at least ten percent (10%) of the residential units as affordable housing units as defined by Chapter 84.14 RCW will be exempt from ad valorem property taxation for eight successive years beginning January 1 of the year immediately following the calendar year after issuance of the Final Certificate of Tax Exemption; provided, however, that for the North City Business District target area, the household income may in no case exceed 70% of the area median family income adjusted for family size for studio and one bedroom units, and may in no case exceed 80% of the area median family income adjusted for family size for two or more bedroom units, and for the Ridgecrest target area, the household income may in no case exceed 90% of the median family income adjusted for family size, regardless of bedroom count in the unit. Projects qualifying under this chapter for a Multiple Family Tax Exemption for market rate housing will be exempt from ad valorem property taxation for eight successive years beginning January 1 of the year immediately following the calendar year after issuance of the Final Certificate of Tax Exemption.

C. Limits on Exemption. The exemption does not apply to the value of land or nonhousing-related improvement, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

D. Contract. The applicant must enter into a contract with the city approved by the City Council under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the Council.

Section 5. *Application Procedures*

- A. A property owner who wishes to propose a project for a tax exemption shall file an application for Multiple Family Tax Exemption with the Department of Planning and Development Services in substantially the same form as the application set forth in Exhibit A, along with a minimum fee deposit of three times the current hourly rate for processing land use permits, ~~together with the current King County Assessors fee for administering the Multiple Family Tax Exemption program.~~ Total City fees will be calculated using the adopted hourly rates for land use permits in effect during processing.
- B. In the case of rehabilitation or demolition, the owner shall secure verification of property noncompliance with applicable building and housing codes prior to demolition.
- C. The application shall include:
 - 1. A brief written description of the project setting forth the grounds for the exemption;
 - 2. A site plan, including the floor plan of units;
 - 3. A statement from the owner acknowledging the potential tax liability when the project ceases to be eligible under this ordinance; and
 - 4. Verification by oath or affirmation of the information submitted.

Section 6. *Application Review and Issuance of Conditional Certificate*

- ~~A. Certification. Once a development project application is deemed complete, the City Manager or designee may certify as eligible an application which is determined to comply with the requirements of this ordinance and enter findings consistent with RCW 84.14.060. A decision to approve or deny certification of an application shall be made within 90 days of receipt of a complete application. If denied the applicant may appeal the denial to the City Council within thirty days by filing an Appeal Statement and the current appeal filing fee with the City Clerk. The appeal before the Council will be based upon the record before the City Manager or designee with the burden of proof on the applicant to show there was no substantial evidence to support the official's decision. The Council's decision on appeal shall be final.~~
- B. A. Approval of Application. Once a development project application is deemed complete, the City Manager or designee may approve an application which is determined to comply with the requirements of this ordinance and enter findings consistent with RCW 84.14.060. If approved certified as eligible, the application together with a contract between the applicant and the City regarding the terms and conditions of the project, signed by the applicant, shall be presented to the City Council with a recommendation that the City Council authorize the City Manager to sign the contract. A decision to approve or deny an application and contract shall be made within 90 days of receipt of a complete application.

- C. B. Issuance and Time Limit. Once the contract is fully executed, the City Manager shall issue a Conditional Certificate of Acceptance of Tax Exemption. The Conditional Certificate expires three years from the date of approval unless an extension is granted.
- D. C. Extension of Conditional Certificate. The Conditional Certificate may be extended by the City Manager for a period not to exceed 24 months. The applicant must submit a written request stating the grounds for the extension, accompanied by a processing fee equal to the current hourly rate for processing land use permits. An extension may be granted if the City Manager determines that:
 - 1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;
 - 2. The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and
 - 3. All Conditions of the original contract between the applicant and the City will be satisfied upon completion of the project.
- E. D. Denial of Application. If the application for tax exemption is denied, the City Manager shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within ten days of the denial. An applicant may appeal the denial to the City Council within thirty days after receipt of the denial by filing an Appeal Statement and the current appeal filing fee with the City Clerk. The appeal before the Council will be based upon the record before the City Manager or designee with the burden of proof on the applicant to show there was no substantial evidence to support the official's decision. The Council's decision on appeal shall be final. An applicant may appeal a denial to the Hearing Examiner under the Rules of Procedure for Administrative Hearings within 30 days of receipt of the denial.

Section 7. *Application for Final Certificate*

Upon completion of the improvements provided in the contract between the applicant and the City the applicant may request a Final Certificate of Tax Exemption. The applicant must file with the City Manager such information as the City Manager may deem necessary or useful to evaluate eligibility for the Final Certificate and shall include:

- A. A statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;
- B. A description of the completed work and a statement of qualification for the exemption;
- C. If applicable, a statement that the project meets the affordable housing requirements as described in RCW 84.14.020 and this ordinance; and
- D. A statement that the work was completed within the required three-year period or any authorized extension.

The application shall be submitted together with the current King County Assessors fee for administering the Multiple Family Tax Exemption program. Within 30 days of receipt of all materials required for a Final Certificate of Tax Exemption, the City Manager shall determine whether the improvements satisfy the requirements of this ordinance.

Section 8. *Issuance of Final Certificate*

- A. Approval. If the City Manager determines that the project has been completed in accordance with the contract between the applicant and the City and has been completed within the authorized time period or within an authorized extension of this time limit, the City shall, within 40 days of application, file a Final Certificate of Tax Exemption with the King County Assessor.
- B. Denial and Appeal. The City Manager shall notify the applicant in writing that a Final Certificate will not be filed if the City Manager determines that:
 - 1. The improvements were not completed within the authorized time period;
 - 2. The improvements were not completed in accordance with the contract between the applicant and the City;
 - 3. ~~If applicable, a statement that the project meets the~~ The affordable housing requirements as described in RCW 84.14.020 and this ordinance were not met;
 - 4. The owner's property is otherwise not qualified under this ordinance;
or
 - 5. The owner and the City Manager cannot come to an agreement on the allocation of the value of improvements allocated to the exempt portion of the rehabilitation improvements, new construction and multi-use new construction.

Section 9. *Annual Compliance Review*

- A. Annual Declaration. Within 30 days after the first anniversary of the date of filing of the Final Certificate of Tax Exemption and each year thereafter for the applicable exemption period a period of 12 years for affordable housing projects and 8 years for market rate housing projects, the property owner shall file a notarized declaration with the City Manager indicating the following:
 - 1. A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;
 - 2. A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in RCW 84.14.020 and this ordinance since the date of the certificate approved by the City;

3. A description of any subsequent changes or improvements constructed after issuance of the certificate of tax exemption;
 4. The total monthly rent or total sale amount of each unit produced; and
 5. The income of each renter household at the time of initial occupancy and the income of each initial purchaser if owner-occupied units at the time of purchase for each of the units receiving a tax exemption.
- B. Additional Reporting Requirement: By December 15 of each year, beginning with the first year in which the Final Certificate of Tax Exemption is filed and each year thereafter for the applicable exemption period ~~a period of 12 years for affordable housing projects and 8 years for market-rate housing projects~~, the property owner shall provide the City Manager staff with a written report containing ~~with the following~~ information sufficient to complete the City's report to the Washington State Department of Community, Trade and Economic Development described in Section D below.
- C. Audits. City staff may conduct audits or on-site verification of the declaration and information provided by the property owner. Failure to submit the annual declaration and annual reports may result in the tax exemption being canceled.
- D. By December 31 of each year, the City shall file a report to the Washington State Department of Community, Trade and Economic Development indicating the following for each approved tax exempt ~~PTE~~ project:
1. The number of tax exemption certificates granted;
 2. The total number and type of units produced or to be produced;
 3. The number and type of units produced or to be produced meeting affordable housing requirements;
 4. The actual development cost of each unit produced, specifically:
 - a. Development cost average per unit including all costs
 - b. Development cost average per unit, excluding land and parking
 - c. Development cost average per structured parking stall
 - d. Land Cost
 - e. Other Costs
 - f. Net Rentable Square Footage
 - g. Gross Square Footage, including common spaces, surface parking and garage;
 5. The total monthly rent or total sale amount of each unit produced;
 6. The income of each renter household at the time of initial occupancy and the income of each initial purchaser if owner-occupied units at the time of purchase for each of the units receiving a tax exemption and a summary of these figures for the city; and
 7. The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

Section 10. *Cancellation of Tax Exemption*

- A. Cancellation. If at any time during the exemption period, the City Manager determines the owner has not complied with the terms of the contract or with the requirements of this ordinance, or that the property no longer complies with the terms of the contract or with the requirements of this ordinance, or for any reason no longer qualifies for the tax exemption, the tax exemption shall be canceled and additional taxes, interest and penalties may be imposed pursuant to RCW 84.14.110 as amended. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multi-family housing to another use, or, if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in RCW 84.14.020 and this ordinance, the owner must notify the City Manager and the King County Assessor within 60 days of the change in use or intended discontinuance. Upon such change in use, the tax exemption shall be cancelled and additional taxes, interest and penalties may be imposed pursuant to state law.
- B. Notice and Appeal. Upon determining that a tax exemption is to be canceled, the City Manager shall notify the property owner by certified mail return receipt requested. The property owner may appeal the determination to the Hearing Examiner under City of Shoreline Rules of Procedure for Administrative Appeal within thirty days after receipt of the determination.

Section 2. Effective Date. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 22, 2008

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Publication Date: XXX
Effective Date: XXX

Attachment B:

2008 HUD King County Income Guidelines				
King County Area Median Income (KCAMI) for 4 person household = \$81,400				
Effective February 13, 2008				
Family Size	KCAMI (100%)	70% of KCAMI	80% of KCAMI	90% of KCAMI
1	\$56,980	\$39,886	\$45,584	\$51,282
2	\$65,120	\$45,584	\$52,096	\$58,608
3	\$73,260	\$51,282	\$58,608	\$65,934
4	\$81,400	\$56,980	\$65,120	\$73,260
5	\$87,912	\$61,538	\$70,330	\$79,121

2008 Corresponding North City Target Area Maximum Monthly Rental Rates*	
Bedroom Count	Maximum Rent
Studio	\$997
1	\$1,140
2	\$1,465
3	\$1,628
4	\$1,758

2008 Corresponding Ridgecrest Target Area Maximum Monthly Rental Rates*	
Bedroom Count	Maximum Rent
Studio	\$1,282
1	\$1,465
2	\$1,648
3	\$1,832
4	\$1,978

***Note:** As per RCW 84.14, monthly housing costs must include utilities, other than telephone.

Assumptions: Studio unit assumes a family size of 1, one bedroom unit assumes a family size of 2, two bedroom unit assumes a family size of 3, three bedroom unit assumes a family size of 4, and a four bedroom unit assumes a family size of 5.

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Contract for Services with the Dale Turner YMCA
DEPARTMENT: Parks, Recreation and Cultural Services
PRESENTED BY: Lynn M. Cheeney, Recreation Superintendent

ISSUE STATEMENT:

Attached for your approval is an \$80,000 service contract with the Dale Turner YMCA for two years at \$40,000 per year. Funding for the contract was included in the 2008 Parks, Recreation and Cultural Services budget. The YMCA will open it's doors in October and the contract will cover a two year period beginning October 1, 2008 and end on September 30, 2010.

Services in the contact includes scholarship funds for families and seniors, teen program activities, tween program (10-13) program activities and open houses allowing residents from Shoreline to participate in activities at the YMCA for no charge.

FINANCIAL IMPACT:

Due to the timing of the contract, funding will be allocated as follows, \$10,000 in 2008, \$40,000 in 2009 and \$30,000 in 2010. As stated above, funding has been allocated in the Parks, Recreation & Cultural Services budget.

Because the contract exceeds the limit that the City Manager can sign, staff is bringing this item to Council for approval

RECOMMENDATION

Staff recommends that Council authorize the City Manager to sign the two year contract for services with the Dale Turner YMCA.

Approved By: City Manager  City Attorney _____

INTRODUCTION

On June 18, 2007, the City Council approved \$40,000 per year for 2008 and 2009 for funding for the Dale Turner YMCA and directed staff to proceed. This funding would be in the form of services to the City of Shoreline.

BACKGROUND

In March 2007, the Shoreline/South County YMCA presented a proposal to the City Council for funding for their new Dale Turner YMCA facility. The facility is currently under construction on Aurora Avenue. At that time they asked the Council to consider waiving their permitting fees (estimated at \$60,000) and to consider entering into a service agreement for \$1 million over a period of 20 years.

On June 4, Finance Director Debbie Tarry presented Council with financial information regarding the requests from the YMCA. Examples of contracts and information from other communities were included.

City Manager Robert Olander stated that the City was facing financial challenges and that he could not recommend a long term commitment to the YMCA. He also informed the audience that the City could not legally waive the permitting fees. After much discussion, the item was forwarded to the June 18, 2007 Council meeting.

At that meeting, Mr. Olander again expressed his concerns about a long term commitment, but he felt that the YMCA was a valuable community resource. Staff proposed a short-term, two year contract with the YMCA for \$40,000 in 2008 and \$40,000 in 2009. There was Council consensus and staff was instructed to proceed with the contract.

City Staff and the YMCA staff began meeting to review and discuss the services and it was determined that the services provided by the YMCA would be those that would enhance current City programs and provide services to areas that are not currently being served by the City. The citizens of Shoreline will benefit from this contract.

The contract contains the following information.

1. Each year, the YMCA will provide for the City twenty-five (25) family, single-parent family or senior memberships for use by qualified low-income residents in Shoreline to the YMCA facilities. The City can be a part of identifying these families or allow the YMCA to provide documentation that this service is provided at an annual amount of at least twenty-five (25) of these membership types. The cost of the services shall be computed at \$20,000 for twenty-five (25) annual family, single-parent family or senior memberships (computed at average of \$800 per annual membership).

The City does not provide scholarships to adults or families for programs or activities. However, the City does provide scholarship money (currently \$35,000 annually) for income qualified children and disabled adults for Parks, Recreation and Cultural Services activities and programs.

2. Each year, the YMCA agrees to host for the City one three (3) hour "teen night" every other month during the term of this agreement, which shall include activities and events geared to teenage participants from Shoreline which shall include age appropriate activities which may include but is not be limited to:

- a. Open Gym;
- b. Open Swim;
- c. Dances with Live Bands or DJ;
- d. Arts, Music, Crafts;
- e. Court Sports;

or alternatives acceptable to both parties. The Teen Night activities shall be free to all City of Shoreline resident participants; no membership shall be required to participate in the activities. The cost of the services shall be computed at \$7,000 for six (6) monthly events per year.

Though the City does provide a Teen program, the YMCA has amenities that the City does not have such as climbing wall, regulation size gymnasium and swimming pool all in the facility.

3. Each year, the YMCA agrees to host for the City one three (3) hour "tween night" every other month during the term of this agreement, which shall include activities and events geared to youth from ages 10-13 participants from Shoreline which shall include age appropriate activities which may include but is not be limited to:

- a. Open Gym;
- b. Open Swim;
- c. Dances with Live Bands or DJ;
- d. Arts, Music, Crafts;
- e. Court Sports;

or alternatives acceptable to both parties. The Tween Night activities shall be free to all City of Shoreline resident participants; no membership shall be required to participate in the activities. The cost of the services shall be computed at \$7,000 for six (6) monthly events per year.

City staff and the YMCA provide an after school program at Kellogg Middle School, but no specific programs for this age group in the evening hours.

4. Each year, the YMCA agrees to host for the City one three (3) hour "Shoreline Residents at the Y" community event four (4) times during the term of this agreement, which shall include activities and events geared for youth, family, senior and adult participants from Shoreline which shall include but is not be limited to:

- a. Open Gym;
- b. Open Swim;
- c. Dances with Live Bands or DJ;
- d. Arts, Music, Crafts;
- e. Court Sports;

or alternatives acceptable to both parties. The Shoreline Residents at the Y event activities shall be free to all City of Shoreline resident participants; no

membership shall be required to participate in the activities. The cost of the services shall be computed at \$6,000 for four (4) community events during the length of this agreement or \$1,500 per event.

This event will give city of Shoreline resident the opportunity to see what is available at the YMCA.

Due to the date of the facility opening, the contract will run from October 1, 2008 to September 30, 2010. Funding will be distributed quarterly.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to sign the two year contract for services with the Dale Turner YMCA.

ATTACHMENTS

A. Scope of Work and Compensation

EXHIBIT A
CITY OF SHORELINE
SCOPE OF WORK AND COMPENSATION

17544 Midvale Ave., N., Shoreline, WA 98133
(206) 546-1700 ♦ Fax (206) 546-7870

Dale Turner YMCA

The programs and services listed in Exhibit A will be performed each year for two consecutive years. The total cost of the contract is \$80,000.

1. Each year, the YMCA will provide for the City twenty-five (25) family, single-parent family or senior memberships for use by qualified low-income residents in Shoreline to the YMCA facilities. The City can be a part of identifying these families or allow the YMCA to provide documentation that this service is provided at an annual amount of at least twenty-five (25) of these membership types. The cost of the services shall be computed at \$20,000 for twenty-five (25) annual family, single-parent family or senior memberships (computed at average of \$800 per annual membership).
2. Each year, the YMCA agrees to host for the City one three (3) hour "teen night" every other month during the term of this agreement, which shall include activities and events geared to teenage participants from Shoreline which shall include age appropriate activities which may include but is not be limited to:
 - a. Open Gym;
 - b. Open Swim;
 - c. Dances with Live Bands or DJ;
 - d. Arts, Music, Crafts;
 - e. Court Sports;or alternatives acceptable to both parties. The Teen Night activities shall be free to all City of Shoreline resident participants; no membership shall be required to participate in the activities. The cost of the services shall be computed at \$7,000 for six (6) monthly events per year.
3. Each year, the YMCA agrees to host for the City one three (3) hour "tween night" every other month during the term of this agreement, which shall include activities and events geared to youth from ages 10-13 participants from Shoreline which shall include age appropriate activities which may include but is not be limited to:
 - a. Open Gym;
 - b. Open Swim;
 - c. Dances with Live Bands or DJ;
 - d. Arts, Music, Crafts;

- e. Court Sports;
or alternatives acceptable to both parties. The 'Tween Night activities shall be free to all City of Shoreline resident participants; no membership shall be required to participate in the activities. The cost of the services shall be computed at \$7,000 for six (6) monthly events per year.
- 4. Each year, the YMCA agrees to host for the City one three (3) hour "Shoreline Residents at the Y" community event four (4) times during the term of this agreement, which shall include activities and events geared for youth, family, senior and adult participants from Shoreline which shall include but is not be limited to:
 - a. Open Gym;
 - b. Open Swim;
 - c. Dances with Live Bands or DJ;
 - d. Arts, Music, Crafts;
 - e. Court Sports;or alternatives acceptable to both parties. The Shoreline Residents at the Y event activities shall be free to all City of Shoreline resident participants; no membership shall be required to participate in the activities. The cost of the services shall be computed at \$6,000 for four (4) community events during the length of this agreement or \$1,500 per event.
- 5. Identify the city of Shoreline as the primary sponsor of these programs, defined as follows:
 - a. For all printed program promotional materials, appropriately list the words, "with support from the City of Shoreline." Separate listing will include City logo and standard phrasing. Printed program promotional materials shall include, but not limited to, posters, signs, flyers, newsletter listing, media advertising, etc. The City recognizes that publications of articles may be subject to edits by the news media, but that the Dale Turner YMCA will make every attempt to acknowledge the City by name.
 - b. Inclusion, when appropriate, of the City's name in co sponsored programs in Public Service Announcements, and any other non-print media.
 - c. Display of City's identification banner at outdoor events and indoor events.
- 6. In an effort to increase program publicity, Dale Turner YMCA Executive Director will provide information and photos on upcoming activities for submittal in the PRCS Recreation Guide. PRCS staff will notify Executive Director well in advance of deadlines.
- 7. Total compensation per year shall be \$40,000 payable in four equal payments for a total of \$80,000 over a two year period. Bill Voucher

(Exhibit B) shall be submitted each quarter. Requests are to be submitted at the end of March, June, September and November. A completed Program Attendance Form (Exhibit D) must accompany each Billing Voucher. A Taxpayer Identification Number (Exhibit C) must be submitted prior to any requests for funds.

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 519 to Amend, Update and Add Definitions and Procedures to the Solid Waste Municipal Code Chapter 13.14
DEPARTMENT: Public Works & City Attorney's Office
PRESENTED BY: Rika Cecil, Environmental Programs Coordinator and Flannary Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

In the process of reviewing the Garbage Code for updates and clarification, staff found gaps in the code, as well as inconsistencies with the current King County Solid Waste Code. Staff proposes the following revisions:

1. Change the name of the code from "Garbage Code" to "Solid Waste Code".
2. Update the definitions for types of solid waste and recycling containers, garbage, waste, yard debris, and recyclables.
3. Add procedures for disposal and collection of recyclables.
4. Add a new section to encourage, define and describe the City's recycling program for collection of paper, plastic, glass and metal products.
5. Amend the prohibition for accumulation of garbage to include waste and recyclables
6. Adopt miscellaneous amendments, including language/wording changes

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 519 amending the Garbage Code, SMC Chapter 13.14.

Approved By:

City Manager

City Attorney

INTRODUCTION

Since Shoreline's last update of the Garbage Code in 2006, King County has amended its Solid Waste Code and the City has entered into a new contract with a new solid waste collection provider. As a result of these two developments, the Garbage Code has some minor inaccuracies in the definition section and gaps in other parts of the Code. The proposed amendments tighten up the definitions, update the Code to reflect current procedures for yard debris collection, encourage participation in the City's recycling program, and clarify unlawful accumulation to aid enforcement. In addition, the name of the chapter is proposed to be changed from "Garbage Code" to "Solid Waste Code" to more accurately reflect the type of waste governed by the code.

DISCUSSION

The first proposed change is to rename Chapter 13.14 from "Garbage Code" to "Solid Waste Code." "Solid Waste Code" more accurately captures all of the types of waste disposed of through solid waste collection, including garbage, recyclables and yard debris.

Second, several changes to the definition section are proposed. The City disposes of its waste in the King County solid waste disposal system; thus, code definitions should be consistent with King County's. Many of the following definition changes update the code to be consistent with the County's. Other definition changes are updated to more accurately reflect the service provided by the new collection provider.

Section 13.14.010, Definitions, is updated to reflect the changed, deleted or added definitions.

1. Replace "Garbage can", "Recycling container" and "Mobile Toter" with "Cart"; amend "Detachable Container"; replace "Dumpster" with "Drop-box Container"; and replace "Mini-can" with "Micro-can"

Outdated terms have been replaced by broader, current terms and definitions.

2. Amend "Garbage"

The garbage definition has been amended to exclude hazardous, infectious and other dangerous wastes, which have special disposal requirements.

"Junk vehicles or parts thereof" was removed as an example of garbage; although parts of junk vehicles can be disposed of, identifying a "junk vehicle" as garbage is misleading as the service collector cannot haul away a vehicle as part of its normal garbage collection.

3. Add "Mixed paper"

By adding "Mixed paper", paper that can be recycled is clarified, and contamination of recycled materials by non-recyclable materials will be reduced.

4. Expand "Recyclable materials"

To encourage recycling, the new definition clarifies the items that can be recycled and expands it to include motor oil and fluorescent bulbs, when appropriately packaged.

5. Add "Waste"

For clarity, "Waste" is defined in the various forms in which it appears in SMC 13.14.

6. Replace "Yard waste" with "Yard debris" and expand "Yard debris"

Since plant material and debris from yard maintenance can now be routinely recycled, the term "debris" replaces the term "waste" to reflect the recyclable nature of the material. In addition, the King County Code allows food scraps and compostable paper to be deposited with yard debris for recycling.

Third, the following sections have been changed for consistency with the definition changes as well as to fill other miscellaneous gaps in the code, as detailed after each section.

Section 13.14.080, Placement of garbage receptacles, is updated to reflect the definition changes in Section 13.14.010 above.

Section 13.14.175, Recycling program, is a new section that encourages, defines and differentiates a co-mingled recycling program from the yard debris recycling program, identifies the carts which can be used, and where to place the cart(s) for collection.

Section 13.14.180, Yard debris programs, specifies the type of items that can be included, the cart that is appropriate for use, and where to place the cart for collection.

Section 13.14.210, Littering, is updated to reflect the definition changes in Section 13.14.010 above.

Section 13.14.230, Accumulation of garbage, is amended to prohibit accumulation of garbage, waste and recyclables to aid enforcement by specifying the categories of materials involved in solid waste management.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 519 amending the solid waste regulations in the Shoreline Municipal Code Chapter 13.14.

ATTACHMENTS

Ordinance No. 519

ORDINANCE NO. 519

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING GARBAGE REGULATIONS TO UPDATE DEFINITIONS FOR TYPES OF GARBAGE AND RECYCLING CONTAINERS AND FOR GARBAGE, WASTE, YARD DEBRIS AND RECYCLABLES; ADD PROCEDURES FOR DISPOSAL AND COLLECTION OF RECYCLABLES; AND AMEND PROHIBITION FOR ACCUMULATION OF GARBAGE, WASTE AND RECYCLABLES; AND AMENDING CHAPTER 13.14

WHEREAS, the City's garbage code was adopted by Ordinance No. 251 on December 11, 2000 and amended by Ordinance No. 415 on June 12, 2006; and

WHEREAS, the chapter title of "solid waste code" is more comprehensive than "garbage code" in that it reflects the types of waste, including garbage, recyclables and yard debris, set out for collection;

WHEREAS, the types of garbage receptacles available for garbage disposal have changed since the garbage code adoption and 2006 amendments;

WHEREAS, the size of yard debris accepted for disposal under the yard waste program has slightly increased; and

WHEREAS, the code does not identify procedures for disposal and collection of recyclable materials;

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

Section 1. Amendment. The name of the chapter for Shoreline Municipal Code Chapter 13.14 is hereby changed from "Garbage Code" to "Solid Waste Code."

Section 2. Amendment. Shoreline Municipal Code Section 13.14.010 is hereby amended by adding definitions for "cart", "drop box container", "mixed paper", and "waste"; amending the definitions of "detachable container", "garbage", "garbage receptacle", "household hazardous wastes", "mini-can", "recyclable materials", and "yard waste"; and removing the definitions for "dumpster", "garbage can", "mobile toter", and "recycling container", to read as follows with subsections renumbered:

13.14.010 Definitions.

"Cart" means a City contractor-provided 20, 32, 45, 64 or 96 gallon wheeled cart suitable for household collection, storage and curbside placement of garbage, recyclable materials or yard debris.

"Detachable container" means a watertight, metal or plastic container, not less than one-half one cubic yard in capacity nor greater than eight cubic yards in capacity, and

equipped with a tight-fitting metal, plastic, or other city-approved cover, and capable of being mechanically unloaded into a collection vehicle. The term shall also apply to containers of other material of similar size when approved by the city manager.

"Drop-box Container" means an all-metal container with ten cubic yards or more capacity that is loaded onto a specialized collection vehicle, transported to a disposal or recycling site, emptied and transported back to customer's site.

~~"Dumpster" means any garbage receptacle with a capacity over one cubic yard.~~

"Garbage" means all biodegradable and nonbiodegradable solid and semisolid wastes, including but not limited to refuse, yard debris waste, cold and bagged ashes, industrial wastes, infectious wastes, swill, CDL wastes, junk vehicles or parts thereof, and recyclable materials. The term "garbage" shall not include hazardous wastes, infectious wastes, special category wastes, and special wastes.

~~"Garbage can" means a container that is watertight galvanized sheet metal, or plastic container not exceeding four cubic feet or 32 gallons in capacity, weighing not over 15 pounds when empty, fitted with two sturdy handles, one on each side, and a tight cover equipped with a handle.~~

"Garbage receptacle" includes detachable container, mini micro-can, and garbage cart, can, and/or mobile toters, which are rodent and insect proof. This may also include other forms of storage appropriate to the material in question that prevent seepage, contamination of soil, or surface or ground water, spreading due to animal or insect activity or weather conditions, odor, or any risk to public health or safety.

"Household hazardous wastes" means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste set forth in Chapter 173-303 WAC, but is exempt according to federal, state, and county regulations. Specific household hazardous wastes which are prohibited from disposal as city waste include infectious waste, sharps/ syringes; nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; fluorescent light bulbs; televisions; computers, monitors and laptops; cellular phones; appliances with CFCs; corrosive materials; PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries; hobby chemicals and artists' paints; liquid paints; and any other material restricted by federal, state, and county regulations; provided, however, empty containers for household hazardous products may be disposed of as garbage.

"Mini-Micro-can" means a 15-gallon to 20-10-gallon container made of galvanized metal or plastic and supplied by the City's solid waste provider, which meets the approval of the city manager.

~~"Mobile totter" means a moveable receptacle that holds 32 to 96 gallons of garbage with a tight fitting, hinged lid, thick-skinned, one-piece balanced weight body which sits on tires, which will be picked up at curbside.~~

"Mixed paper" means magazines, junk mail, phone books, bond or ledger grade paper, cardboard, paperboard packaging and other fiber-based materials meeting industry standards. Paper packaging combined with plastic wax or foil, tissue paper, paper towels and food-contaminated paper are excluded from the definition of mixed paper.

"Recycling container" means a designated garbage receptacle in which recyclable materials can be stored and later placed at curbside, or other location designated by the city manager. This term also includes but is not limited to the designated commercial front load boxes, drop boxes and compactors at locations as may be specified by the city manager.

"Recyclable materials" means aluminum and tin cans, corrugated cardboard, glass containers, mixed paper, newspaper, recyclable plastic containers that have contained non-hazardous products, plastic films, polycoated cartons, and scrap metals. garbage that is separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable materials through administrative action of the city manager. The term "recyclable materials" shall include motor oil and fluorescent bulbs that are properly packaged, set out for collection separately and not commingled with other recyclable materials.

"Waste" means hazardous waste, household hazardous waste, small quantity generator hazardous waste, special category waste, special waste and unacceptable waste.

"Yard debris waste" means plant material (such as leaves, grass clippings, branches, brush, flowers, roots, wood waste, unflocked holiday trees etc.) and debris commonly removed thrown away in the course of maintaining yards and gardens that do not exceed four inches in diameter and four feet in length, and, including sod and rocks not over two inches in diameter; and biodegradable waste approved for the yard waste programs by the city manager. Bundles of debris shall not exceed two feet by two feet by four feet in dimension and shall be secured by degradable string or twine, not nylon or synthetic materials. It Food scraps and compostable paper may be disposed of as yard debris. This term excludes rocks, loose soils, food waste; plastics and synthetic fibers; lumber; human or animal excrement; and soil contaminated with hazardous waste.

Section 3. Amendment. Shoreline Municipal Code section 13.14.080 is hereby amended to read as follows:

13.14.080 Placement of garbage receptacles.

A. Garbage Receptacles.

1. Garbage receptacles other than approved dumpsters drop-box containers shall be placed for collection by the occupants in a convenient, accessible location off the sidewalk as near as practicable to the curbside in a manner that does not interfere with

transportation use or use of the sidewalk. Receptacles shall be placed in the following manner:

- a. For properties with level planting strips, in the planting strip or driveway within five feet of the curb; or
- b. For properties with sidewalks but no planting strips, on the owner's property within five feet of the curb sidewalk, if level; or
- c. When the foregoing locations slope at a grade making placement of a container difficult, a level area that is nearest to either of the previous locations; or
- d. If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the customer and approved by convenient to the authorized collection company that does not interfere with transportation or the use of the sidewalk.

2. Receptacles shall not be placed for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

3. Detachable containers may be stored within a building but shall be readily accessible for servicing without ~~unnecessary delay or~~ special collection equipment and minimal delay.

B. ~~Dumpsters~~ Drop-box Containers.

1. ~~Dumpsters~~ Drop-box Containers shall be placed at a location that is agreed to by the customer and the authorized collection company that does not interfere with transportation or the use of the sidewalk.

Section 4. Amendment. A new section 13.14.175 is added to the Shoreline Municipal Code to read as follows:

13.14.175 Recycling program.

A. The City encourages customers to participate in the recycling program. Recyclable materials may be set out for separate curbside collection in a 32, 64 or 96 gallon recycling carts supplied by the authorized collection company. Recyclable materials shall be defined as set forth in SMC 13.14.010.

B. Only recyclable materials shall be placed in a recycling cart and set out for collection.

Section 5. Amendment. Shoreline Municipal Code section 13.14.180 is hereby amended to read as follows:

13.14.180 Yard debris ~~waste~~ programs.

A. ~~The City encourages customers to participate in the yard debris program. Yard debris waste for collection may be set out for separate curbside collection at the curbside shall be set apart from other garbage for pickup in a 32, 64 or 96 gallon yard debris cart supplied by the authorized collection company garbage receptacle that is readily identifiable by the collectors. Extra yard debris and food scraps may be placed in biodegradable paper bags specifically marketed for such use. Plastic bags are not to be used for yard debris collection. Extra limbs and brush may be set out in bundles not exceeding two feet by two feet by four feet in length and secured with biodegradable string or twine. Limbs cannot exceed four inches in diameter and four feet in length. Yard debris waste shall be defined as set forth in SMC 13.14.010. Food scraps and compostable paper may be placed in a yard debris cart. (37), except that yard debris waste for curbside collection shall not include wood or tree limbs over three feet long, nor three inches in diameter. Only yard debris waste generated at the dwelling unit shall be collected at curbside. Yard waste may be set out for separate curbside collection in a garbage receptacle clearly marked for that purpose or in biodegradable paper bags specifically marketed for such use. Plastic bags are not to be used for this purpose.~~

B. ~~Only yard debris, food scraps and compostable paper waste shall be placed in a garbage receptacle marked for yard debris cart waste and set out for collection.~~

Section 6. Amendment. Shoreline Municipal Code section 13.14.210 is hereby amended to read as follows:

13.14.210 Littering.

A. No person shall throw, discard, or deposit litter on any street, sidewalk, or other public property within the city, on any private property within the city and not owned by the person, or in or upon any body of water within the jurisdiction of the city, whether from a vehicle or otherwise; except:

1. When the property is designated by the state of Washington or any of its agencies or political subdivisions or by the city for the disposal of litter or other garbage and such person is authorized to use the property in such manner; or
2. Into a public garbage receptacle or garbage receptacle or ~~dumpster~~ drop-box container owned by or authorized for the person's use, in a manner in which the litter will be prevented from being carried or deposited by the elements or otherwise on any street, sidewalk, or other public or private property.

B. No owner, tenant, or other person responsible for the condition of a construction site shall cause or allow any litter from the site to be deposited by the elements or otherwise on any other public or private property in the city. During such time as the site is not being used, all litter shall be stored or deposited in garbage receptacles or other containers in such a manner as to prevent the litter from being deposited on any other public or private property.

C. No person shall place or tack notices, handbills, literature, etc., on vehicles, utility or sign poles, or other features or improvements on public property. This provision does not prohibit the handing of notices, handbills, literature, etc., from one person into the hands of another or the posting of informational materials upon public kiosks designated for that purpose

Section 7. Amendment. Shoreline Municipal Code section 13.14.230 is hereby amended to read as follows:

13.14.230 Accumulation of garbage, waste and recyclables.

A. It shall be unlawful for any person to keep garbage or allow garbage or recyclables to accumulate on any property, or in any public place, except in a garbage receptacle or recycling cart, or as otherwise authorized by ordinance or by the city manager. It shall be unlawful for any person to keep or allow waste to accumulate on any property, or in any public place, except as provided in this chapter. This subsection applies to any accumulation of garbage, waste and recyclables ~~accumulation~~ with the exclusion of litter.

B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any garbage, waste or recyclables on sidewalks or planting strips, whether the garbage, waste or recyclables are-is deposited by such owner or occupant or not. Garbage, waste and recyclables that is prohibited to accumulate includes but is not limited to cigarette butts and burning or smoldering materials. This provision shall not apply to:

1. The sheriff when removing the contents of a building to a public place pursuant to an eviction order; provided, however, any contents remaining in a public place for greater than 24 hours shall be considered abandoned property by the tenant and a violation of this section by the landlord if not removed and disposed of pursuant to RCW 59.18.312;
2. Firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;
3. The use of receptacles placed or authorized by the city for the collection of garbage or recyclables on sidewalks or planting strips; or
4. Accumulations temporarily authorized under a street use permit.

Section 8. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after the publication date.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 22, 2008.

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC.
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Multi-Family Housing Limited Property Tax Exemption Agreement with Arabella Apartments, LLC
DEPARTMENT: CMO
PRESENTED BY: John Norris, Management Analyst

PROBLEM/ISSUE STATEMENT: On November 25, 2002, the City Council adopted Ordinance No. 310, which established a property tax exemption program as an incentive to multi-family housing development. Ordinance No. 310 has been amended two times by Ordinance Nos. 479 and 496, and a third amendment by Ordinance No. 520 is currently pending. The Property Tax Exemption Program allows eligible projects to exempt property taxes on multi-family residential improvements for a period of either eight or twelve years.

On March 11, 2008, the City received an application for the Property Tax Exemption (PTE) Program from Arabella Apartments, LLC to construct 109 units of rental housing at 1227 NE 180th Street in the North City Business District. The project, Arabella II, is consistent with the North City Subarea Plan and Planned Action, and meets all criteria and guidelines as set forth in the PTE Program. As the application also states that 20% of the units will be rented as affordable housing, the project is eligible to receive the 12-year tax exemption. Based on this evaluation, the project was certified as eligible to receive the tax exemption by City staff. As per the PTE ordinance, a contract between an applicant and the City regarding the terms and conditions of the project must be presented to the City Council with a recommendation that the City Council authorize the City Manager to sign the contract if a PTE application is certified as eligible.

Attached is the Arabella II PTE application and development contract agreement between the applicant and the City to construct the project in accordance with the guidelines in the City's PTE Ordinance, North City Business District development regulations, and other appropriate City regulations.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute the attached Multi-family Housing Limited Property Tax Exemption Agreement with Arabella Apartments, LLC for the Arabella II project located in the North City Business District.

Approved By:

City Manager 

City Attorney 

ALTERNATIVES ANALYZED:

On March 11, 2008, the City received an application for the Property Tax Exemption Program from Arabella Apartments, LLC to construct 109 units of rental housing at 1227 NE 180th Street in the North City Business District. The alternatives that have been analyzed for this proposed Council action are to approve or disapprove the Arabella Apartments, LLC application for a conditional certificate of tax exemption.

Ordinance No. 310, as amended, sets forth criteria and guidelines by which the City must evaluate a project for tax exempt status. This criteria includes:

- Location - Is the project in the North City Business District?
- Remaining Tax Exempt Units - Are the project's residential units within the remaining number of tax exempt units in the North City Business District?
- Size – Does the project provide for a minimum of 50% of the space for permanent residential housing?
- Proposed Completion Date – Will the project be scheduled to be completed within three years from the date of approval of the application?
- Compliance with Guidelines and Standards – Will the project comply with the Comprehensive Plan, building and zoning codes, including parking requirements, and any other applicable regulations in effect at the time the application is approved?
- 12-year Tax Exemption Affordability Component – Will 20% of the units be rented as affordable housing?

As the application for the Arabella II project meets all of these criteria, it was certified as eligible to receive a conditional certificate of tax exemption by City staff. Furthermore, in the development agreement, Arabella Apartments, LLC has agreed to the definition of affordable housing as it is proposed in proposed Ordinance No. 520 (households making no more 70% of the area median family income adjusted for family size for studio and one bedroom units). This is a more stringent definition of affordable housing than the definition as identified in Ordinance No. 479 for the North City Business District.

Parking impacts from new multi-family housing developments, such as Arabella II, have also been identified as an issue by some residents in the North City area. The current parking requirement for the North City Business District is one stall for every unit in a development, regardless of the bedroom count in the unit. Arabella II will be a 109 unit, six-story building built over two plus floors of sub-grade parking with 146 stalls and 64 bicycle spaces. Most of the excess parking stalls are being used to accommodate the parking stalls that are being removed from the Arabella I development to make way for construction of Arabella II.

In addition to the parking requirements in the development regulations, the tool the City will be using to address parking impacts for Arabella II is a parking management plan. The Shoreline Development Code section that pertains to the North City Business District, section 20.90.30, mandates that all planned action development proposals in North City, including Arabella II, must prepare a parking management plan to ensure

efficient and economic use of parking. The parking management plan shall include at a minimum a program for sharing residential and nonresidential spaces, encouraging use of transit and other forms of transportation, and providing incentives for commute trip reduction. Planning and Development Services (P&DS) staff have received the parking management plan for the Arabella II development as part of the building permit that Arabella Apartments, LLC have submitted to P&DS. P&DS staff is currently reviewing the parking plan to make sure that it provides adequate off-street parking for residents and visitors so that overflow parking does not impact nearby streets.

Ordinance No. 310, as amended, states that if a project is certified as eligible, "the application, together with a contract between the applicant and the City regarding the terms and conditions of the project, signed by the applicant, shall be presented to the City Council with a recommendation that the City Council authorize the City Manager to sign the contract." Since this project meets the necessary requirements and has been certified as eligible, disapproval of a conditional certificate of tax exemption is not a feasible alternative.

FINANCIAL IMPACT:

The Arabella II project will be exempt from all "ad valorem property taxation" of the value of new construction of the project for twelve years. The exemption affects the property tax levies for all taxing jurisdictions, including the State, County, School District, Port of Seattle and other special districts. Depending on the type of tax levy however, there are differing results for property tax revenue loss incurred by local jurisdictions. The primary taxing districts that are directly affected by the property tax exemption program are the regular property tax levies of the City of Shoreline, Shoreline Fire District, and King County Library District.

Under the PTE program, the Arabella II property tax exemption will take effect starting January 1st of the calendar year following the year in which the final certificate of tax exemption is issued. The exemption does not apply to retail square footage, other commercial space or land, or utility or other fees. The only portion of a project that would qualify for an exemption is the newly constructed or improved residential housing units.

The projected cost of new construction for the Arabella II project is \$18 million. Based on the City's 2008 regular property tax rate of \$1.02 per \$1,000 of assessed property value, the amount of the property tax collected annually by the City on these improvements would be approximately \$18,360. Applying the annual 1% property tax collection growth rate, and assuming that the tax levy rate is not reset to a higher rate by voter approval, the impact to the City would equate to \$232,850 over the project's twelve year exemption period. However, this estimate will be adjusted after the project is completed and the King County Assessor's Office makes a final determination of the tax value of the project.

As well, there may be additional costs for services that may be incurred by the City as a result of the Arabella II development. These costs would be in the form of increased

demand for services as a result of new development and increased population. As the property tax revenue to pay for the services would not be collected during the tax exemption period, this cost would have to be paid for from other sources. However, it was previously anticipated that for a twelve year tax exemption period, the City would be able absorb these service costs and would not necessarily need to rely on the corresponding property tax revenue generated from the new development to pay for them. As well, actual service costs generated by additional population are difficult to assess. There is not a direct one-to-one relationship between additional population and increased need for services. For these reasons, additional services costs are not being calculated here as a quantifiable financial impact.

RECOMMENDATION:

Staff recommends that Council authorize the City Manager to execute the attached Multi-family Housing Limited Property Tax Exemption Agreement with Arabella Apartments, LLC for the Arabella II project located in the North City Business District. Once this contract is fully executed, the City Manager shall issue a Conditional Certificate of Acceptance of Tax Exemption for the Arabella II project.

ATTACHMENTS:

Attachment A – Arabella II Property Tax Exemption Application

Attachment B – Arabella II Multifamily Housing Limited Property Tax Exemption Agreement

MULTI-FAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION AGREEMENT

THIS AGREEMENT is entered into this 11th day of SEPT., 2008, by and between ARABELLA APTS, LLC (hereinafter referred to as the "Applicant"), and the CITY OF SHORELINE (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS the City has an interest in stimulating new construction or rehabilitation of multi-family housing in Residential Target Areas in order to reduce development pressure on single-family residential neighborhoods, increase and improve housing opportunities, provide affordable housing opportunities, and encourage development densities supportive of transit use; and

WHEREAS the City has, pursuant to the authority granted to it by RCW 84.14, designated the North City Business District as a Residential Target Area for the provision of a limited property tax exemption for new multi-family residential housing; and

WHEREAS the City has, through Ordinance Nos. 310 and 479, enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the King County Assessor that the owner is eligible to receive a limited property tax exemption; and

WHEREAS the Applicant is interested in receiving a limited property tax exemption for constructing 109 units of new multi-family residential housing located at 1227 N.E. 180th Street in the North City Business District, and generally referred to as "Arabella II" (the "Project"); and

WHEREAS on March 11, 2008, the Applicant submitted to the City a complete application for Property Tax Exemption as provided for under Ordinance Nos. 310 and 479; and

WHEREAS the Project proposes renting at least twenty percent (20%) of the residential units as affordable housing units, including associated parking stalls and utilities other than cable or telephone, to households making at or below 70% of the area median family income adjusted for family size for studio and one bedroom units; and

WHEREAS on May, 19, 2008, the City issued a written certification of eligibility for the Applicant's application for Conditional Certificate of Property Tax Exemption; and

WHEREAS the City has determined that the improvements will, if completed as proposed, satisfy the requirements for a Final Certificate of Tax Exemption.

NOW, THEREFORE, the City and the Applicant do mutually agree as follows:

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption once this Agreement is fully executed, which shall exempt the Project from ad valorem property taxation for twelve (12) successive years beginning January 1st of the year immediately following the calendar year after issuance of the Final Certificate of Tax Exemption based on the Project's renting of at least twenty percent (20%) of the residential units as affordable housing, including associated parking stalls and utilities other than cable and telephone, to households making at or below 70% of the area median family income adjusted for family size for studio and one bedroom units.
2. The Applicant agrees to construct the Project in compliance with all applicable laws, ordinances, regulations, and as approved and permitted by the City. In no event shall such construction provide less than fifty percent (50%) of the space for permanent residential occupancy as required by Ordinance No. 479.
3. The Applicant agrees to submit a parking management plan to the Shoreline Planning and Development Services Department as required by Chapter 20.90 of the Shoreline Municipal Code.
4. The Applicant agrees to complete construction of the agreed upon improvements within three years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption, or within any extension thereof granted by the City.
5. The Applicant agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City Manager a request for Final Certificate of Tax Exemption with the following information:
 - (a) a statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;
 - (b) a description of the completed work and a statement of qualification for the exemption;
 - (c) a statement that the work was completed within the required three-year period or any authorized extension;
 - (d) a statement that the project meets affordable housing requirements by renting at least twenty percent (20%) of the residential units, including associated parking stalls and utilities other than cable and telephone, as affordable housing to households making at or below 70% of the area median family income adjusted for family size for studio and one bedroom units; and
 - (e) a statement that the residential units which were rented as affordable housing include any associated parking stall charge, if collected, in the affordable rental rate.
6. The City agrees, conditioned on the Applicant's successful completion of the improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 4 above, to file a Final Certificate of Tax Exemption with the King County Assessor within 40 days of application.

7. The Applicant agrees, within 30 days following the first anniversary of the City's filing of the Final Certificate of Tax Exemption and each year thereafter for a period of twelve (12) years, to file a notarized declaration with the City Manager indicating the following:
 - (a) a statement of occupancy and vacancy of the newly constructed property during the twelve months ending with the anniversary date;
 - (b) a certification by the owner that the property has not changed use since the date of the certificate approved by the City and that property is in compliance with affordable housing requirements by renting at least twenty percent (20%) of the residential units, including associated parking stalls and utilities other than cable and telephone, as affordable housing to households making at or below 70% of the area median family income adjusted for family size for studio and one bedroom units;
 - (c) a description of any subsequent changes or improvements constructed after issuance of the Final Certificate of Tax Exemption;
 - (d) the monthly rent amount of each unit produced; and
 - (e) the income of each renter household at the time of initial occupancy for each of the units receiving a tax exemption.
8. The Applicant agrees, by December 15 of each year beginning with the first year in which the Final Certificate of Tax Exemption is filed and each year thereafter for a period of twelve (12) years, to provide a written report to the City Manager containing information sufficient to complete the City's report to the Washington State Department of Community, Trade and Economic Development as described in Section 9.D. of Ordinance No. 479.
9. If the Applicant converts any of the new multi-family residential housing units constructed under this Agreement into another use, the Applicant shall notify the King County Assessor and the City Manager within 60 days of such change in use.
10. The Applicant agrees to notify the City promptly of any transfer of the Applicant's ownership interest in the Project or in the improvements made to the Project under this Agreement.
11. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Applicant, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement or for any reason that the Project no longer qualifies for the tax exemption based on the laws, ordinances and regulations in effect at the time the Applicant executes this agreement.
12. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
13. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF SHORELINE

By _____
Name: _____
Its: _____

Approved:

By _____
City Manager
Robert L. Olander

Attest:

By _____
City Clerk
Scott Passey

APPLICANT

By ARABELLA APTS. LLC
Name: [Signature]
Its: MANAGING MEMBER

Approved as to form:

By _____
City Attorney
Ian Sievers

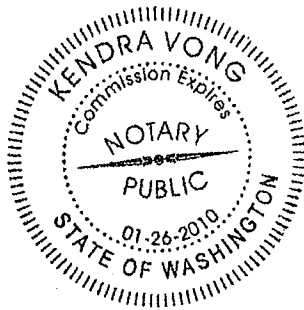
STATE OF WASHINGTON)

) ss.

KING COUNTY)

On this 11th day of September, 2008, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared John Stephanus, to me known to be the managing member of Arabella Apts LLC, who executed the foregoing instrument and acknowledged to me that the said instrument was signed as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal this 11th day of September, 2008.



Kendra Vong

(Print Name) Kendra Vong
Notary Public, Residing at Seattle, WA
My appointment expires: 1/26/2010

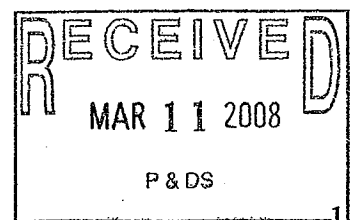


**APPLICATION FOR TAX EXEMPTION ON MULTIPLE FAMILY UNITS
WITHIN A DESIGNATED RESIDENTIAL TARGET AREA:
COVER SHEET**

This Application for Tax Exemption must be accompanied by a fee deposit of \$411. The breakdown for this deposit is as follows:

- 1) \$411 for the City's application processing. (\$411 is three times the current \$137 hourly rate for processing land use permits.)
- 2) \$ TBD or the King County Assessors fee for administering the Multiple Family Tax Exemption program. (Note: Jeff Forry, Shoreline staff, indicated in phone conversation of 3/6/08 that the second fee will be due at the time the City forwards the approved PTE application onto King County. J.J. McCament, 253-284-5702 x 251.)

Please return the Application for Tax Exemption on Multiple Family Units within a Designated Residential Target Area along with the deposit payable to the City of Shoreline to the attention of the Economic Development Manager, 17544 Midvale Avenue North, Shoreline, WA 98133.





**APPLICATION FOR TAX EXEMPTION ON MULTIPLE FAMILY UNITS
WITHIN A DESIGNATED RESIDENTIAL TARGET AREA**

(Pursuant to Chapter 84.14 RCW and City of Shoreline Ordinance No. 479)

Application fee required

NAME OF APPLICANT: ARABELLA APTS LLC DATE: January 14, 2007

ADDRESS OF APPLICANT 219 E. GARFIELD STREET STE 600, SEATTLE, WA 98102 PHONE: 206-459-3278

NAME AND STREET ADDRESS OF PROJECT: 1227 NE 180TH, NORTH CITY BUSINESS DISTRICT,
SHORELINE, WA 98155

PROGRAM REQUIREMENTS

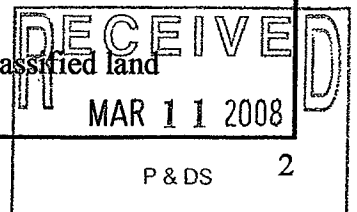
Project must meet the following criteria for special valuation on multi-family property:

1. Be located within the residential target area designated for the tax incentive by the City.
2. Be within the allotted number of units for the relevant target area.
3. Be a multiple family or mixed-use project which provides 20 or more additional dwelling units.
4. Be completed within three years from the date of approval of the application, unless extended for good cause by the City.
5. Be designed to comply with all building codes, zoning and other applicable regulations.

Once application is approved, then:

1. The applicant and the City execute a contract to be approved by the City Council under which the Applicant agrees to implementation of the development on terms and conditions satisfactory to the City Council.
2. Once contract is executed, the City will issue a Conditional Certificate of Acceptance of Tax Exemption, based on the information provided by the Applicant. The Conditional Certificate will be effective for not more than three (3) years, but may be extended for an additional 24 months if special circumstances warrant extension. The City will issue, at the Applicant's request, a Final Certificate of Tax Exemption upon completion of the project and satisfactory fulfillment of all contract terms.

Note: Assessor may require owners to submit pertinent data regarding the use of classified land



PROJECT INFORMATION

Interest in Property: ☒ Fee simple: ☐ Contractor Purchaser: ☐ Other (describe) _____

County Assessor's Parcel Account #: 616390-0693 616390-0703 616390-0704

Street Address: 1227 NE 180th, Shoreline, WA 98155

Legal Description: 9 & 4 NORTHEND COUNTRY ESTATES ADD N ½ OF LOT 9 LESS W 130 FT TOW LOT 10 LESS W 290 FT; 10 4 NORTH END COUNTRY ESTATES ADD E 60 FT OF W 290 FT; 10 4 NORTHEND COUNTRY ESTATES ADD E 60 FT OF W 230 FT

New Construction: ☒ YES ☐ NO

Rehabilitation of Existing Units: ☐ YES ☒ NO

If rehabilitated/demolished, Applicant must secure from the City verification of property noncompliance with applicable building codes.

Number of Units: New 109

Rehabilitated: N/A

Number of Units for which you are applying for this exemption: 109

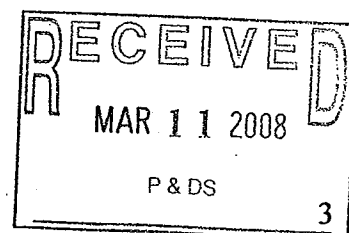
Required Preliminary Plans are attached: *Site Plan**: ☒ YES ☐ NO *Floor Plan*: ☒ YES ☐ NO *See SMC 20.20.046.

Describe building use and square feet intended for each use 151,615 total gross square feet (86,158 sq. ft. residential including ground floor units that can be converted to live-work units or commercial/retail space; 2,800 sq. ft. community space and 62,657 sq. ft. in structured parking garage).

Projected cost of new construction/rehabilitation: \$18 million

Source of cost estimate: General Contractor, Developer & Architect

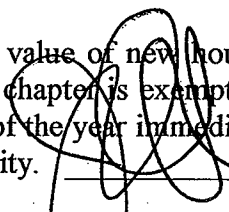
Expected date to start project: Mid-2008 Expected date to complete project Fall '09

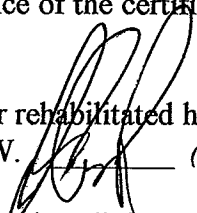


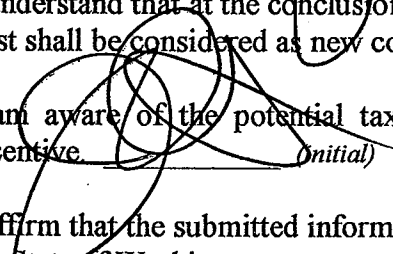
NARRATIVE STATEMENT

Provide a brief statement describing the project and setting forth the grounds for qualifications for tax exemptions: Proposed Arabella Apartments Phase II development located at 1227 NE 180th, is in the emerging urban neighborhood of the North City Business District. Arabella II will be built on a surface parking lot now associated with Arabella I Apts (formerly North City Landing). Arabella II will be a six-story building with 109 apts. (6 units handicap accessible) built over two plus floors of sub-grade parking with 146 stalls (4 handicap+2 handicap van) and 64 bicycle spaces. Excess parking in Arabella II will balance out parking needed for Arabella I, and may be opened to hourly or day parkers as capacity allows and demand for parking is created by surrounding businesses. Building features an urban design with a mix of masonry, vertical metal siding, and horizontal lap siding. The building type reflects Shoreline's zoning code calling for scale and density appropriate to a developing urban village. Building size and mass will be softened by a below-grade parking garage, upper floors stepped back from the ground floor elevation, and the use of a landscaped trellis entry and interior courtyard to screen the building entry from adjacent properties and provide an intimate community space for apartment residents. Arabella II is designed as a mixed-income development providing studio and one-bedroom apartments ranging from 454-920 sq. ft. with projected rental rates from \$929 - \$1339/month. This unit mix complements Arabella I's unit mix of studio, 1- 2- and 3-bedroom apartments. At least 20% of the units are expected to meet affordable rental rates based on King County HUD guidelines. Apts. will include in-unit laundry and Energy-Star appliances for energy efficiency. The four ground floor units facing 180th St. could be converted to retail/commercial space or live/work units when market conditions make such conversions financially feasible. Arabella I & II are designed to help the City of Shoreline meet GMA density goals in the North City Business District & provide housing for singles, retirees, and employees of nearby businesses. Urban apartments and structured parking garages coupled with new street/sidewalk improvements & convenient mass transit connections make this pedestrian-oriented mixed-use neighborhood desirable for those wishing an urban lifestyle.

AFFIRMATION

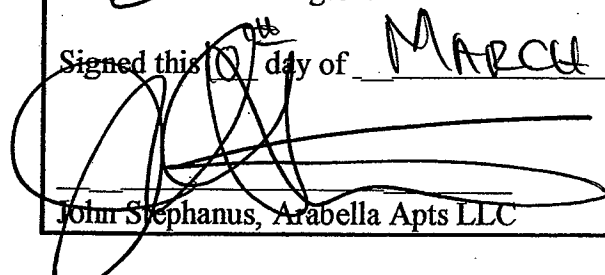
I understand that the value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation for twelve successive years beginning January 1 of the year immediately following the calendar year of issuance of the certificate of tax exemption eligibility.  (initial)

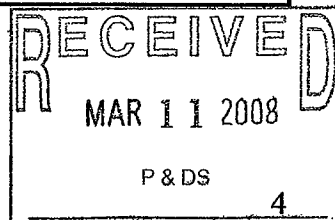
I understand that at the conclusion of the twelve-year exemption period, the new or rehabilitated housing cost shall be considered as new construction for the purposes of chapter 84.55 RCW.  (initial)

I am aware of the potential tax liability involved when the property ceases to be eligible for the incentive.  (initial)

I affirm that the submitted information is true and correct, subject to penalty of perjury under the laws of the State of Washington.

Signed this th 10 day of MARCH, 2008


John Stephanus, Arabella Apts LLC



PTE Project Summary
Arabella Apartments II
March 6, 2008

Project Name: Arabella Apartments II
Project Address: 1227 NE 180th Street, Shoreline, WA 98155
Parcel Number: 616390-0693, 616390-0703, 616390-0704

Developer/Owner: Arabella Apts LLC John Stephanus, 206-459-3278
Architect: Mark Travers & Associates, Seattle 206-763-8496
General Contractor: TBD
Construction Mgmt: Scott Harm, Belay & Associates, Tacoma 253-441-6400
Consultant: J.J. McCament, 253-284-5702 x 251 or 253-219-7962

Project Description:

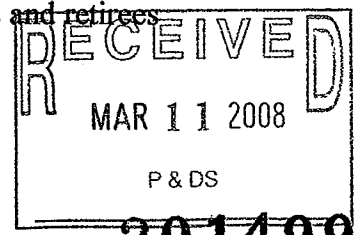
Mixed-income apartment development replacing a surface parking lot with a six-story building containing approximately 109 studio & one-bedroom apartments and 146 parking stalls and 64 bicycle stalls. Excess parking will be used to provide parking support for Arabella I and may be opened to hourly or day parkers as capacity allows and demand for parking is created by surrounding businesses. The unit mix of studio & one-bedroom apartments is meant to complement the unit mix of studio, 1- 2- and 3-bedroom apartments available in Arabella I (formerly known as North City Landing and purchased by Arabella Apts LLC in final stages of construction).

Arabella II features an urban design with a mix of masonry, vertical metal siding, horizontal lap siding, and an internal courtyard with landscaped trellis entry to the building. Apartments will include in-unit laundry and Energy Star appliances for energy efficiency. The four floor apartments facing 180th Street could be converted to retail/ commercial uses or live/work units as market conditions make such conversions financially feasible.

At least 20% of the apartments will be offered to households earning no more than 80% of the Area Median Income (AMI) established annually by HUD.

Type of Unit	# of Apts.	Handicapped Accessible	Approximate Square Feet	Projected Mo. Rental Rates
Studio	50	3	454 - 580	\$929-\$1045
One Bedroom	59	3	536 - 920	\$1066-\$1339
	109	6		

Construction Start: Mid-2008
Construction Completion: Fall 2009
Targeted Consumer: Employees of nearby businesses, students, singles and retirees



CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing to Consider the Proposed Use of 2009-10 Community Development Block Grant. Authorize the City Manager to sign the contracts to implement approved programs and projects
DEPARTMENT:	Community Services Division
PRESENTED BY:	Rob Beem, Community Services Division Manager George Smith, Human Services Planner

PROBLEM/ISSUE STATEMENT: Shoreline assists agencies' efforts to meet the human needs of its residents through financial support using both local and federal Community Development Block Grant (CDBG) funds. The City's biennial Human Services Allocation Plan specifies how we will do this. The City Manager is forwarding his recommended 2009-2010 Human Services Allocation Plan (HS Plan) for Council's review and adoption. This Plan allocates CDBG and locally generated funds. In order to use CDBG funding, the City must hold a public hearing and adopt the HS Plan's proposed use of CDBG funding each year. To develop this plan agencies have submitted applications which were reviewed by staff and an ad-hoc Human Services Allocations Committee. This committee then provided the City Manager with its recommendation for specific funding allocations to agencies.

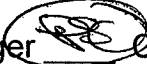
ALTERNATIVES ANALYZED: After holding a public hearing on proposed 2009-10 CDBG Plan, Council has two alternatives to consider:

1. Council could approve the 2009-10 CDBG Plan for services and capital projects as recommended and authorize the City Manager to take the actions necessary to implement these spending objectives. (Recommended)
2. Council could make changes to the recommended spending plan in response to public testimony or to reflect a change in Council policy objectives.

FINANCIAL IMPACT: The Plan anticipates that the City of Shoreline will have \$357,766 in new CDBG funds (subject to final federal appropriations) and \$70,000 in reprogrammed funds to allocate in 2009.

RECOMMENDATION

After holding a public hearing, staff recommends that Council adopt the and the 2009 Community Development Block Grant Plan in accordance with Attachments A 2009-2010 Human Service Allocation Plan in accordance Attachment B and authorize the City Manager to enter into agreements for implementing the funded projects.

Approved By: City Manager  City Attorney _____

1. INTRODUCTION

Each year, the Council must hold a public hearing on the proposed use of Community Development Block Grant (CDBG) and take action to adopt the allocation. CDBG funding is proposed to be used for Planning & Administration, Housing Repair, Public Services and Capital Projects.

2. BACKGROUND

2009-2010 Human Services Allocation Plan

Every other year the City develops a biennial plan to specify how it will allocate funds to address residents' human services needs. The current plan adopted in 2006, supports the work of 22 separate programs serving an over 11,000 Shoreline residents each year. See Attachment B for a list of agencies and the amounts of funding they received in 2008.

All activities are targeted to address the needs of low and moderate households and individuals. The plan is funded with a combination of local and federal revenues. Federal revenues come from the Community Development Block Grant (CDBG) program. This program has specific requirements that require the City Council to hold an annual public hearing and to adopt an annual CDBG allocation plan. While the City develops a two-year plan for human service allocations, a separate action is required to adopt the CDBG allocation plan each year. Attachment A specifies the 2009 CDBG Plan that addresses this requirement.

Community Development Block Grant Program

The Federal Community Development Block Grant Program was created under Title I of the Housing and Community Development Act of 1974. The primary objective of the community development program is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income. CDBG funds can serve households with incomes up to 80% (\$49,200 for a two person household) of the King County median income. CDBG funds can be used for the following activities: acquisition and rehabilitation of housing for low-income and special needs populations; housing repair for homeowners and renters; acquisition and rehabilitation of community facilities; public infrastructure improvements; delivery of human services; historic preservation; planning; CDBG program administration; and economic development.

In June of 2008 the City Council approved a new three year Inter-local Agreement with King County for the administration and management of the City's CDBG grant. This agreement calls for the City's annual CDBG Plan to allocate 48% of the available revenues to local projects. These typically include human services and capital projects. The balance of the CDBG funds are allocated to the delivery of broad regional programs which serve Shoreline citizens and to program planning and administration. Regional programs include a homeless prevention program (5%) and the King County Home Repair program (25%). Planning and administrative costs are agreed to be 10% for the City and 12% for the County.

Total 2009 CDBG Funding: \$ 357,766 New, \$70,000 Recaptured

The total amount of new funding that is available to support services to Shoreline residents in 2009 is projected to be \$357,766. This consists of a \$344,206 federal appropriation, plus \$13,560 of program income from home repair loans which were paid off and savings from a prior year's project. In addition the Plan allocates \$70,000 in reprogrammed funding from the cancelled Vision House project. After lengthy discussions and appeals to the Department of Housing and Urban Development it was determined that Vision House was unable to meet federal regulations dealing with separation of church and state activities. Vision House has turned back this funding.

The CDBG Inter-local Agreement between King County and the City of Shoreline specifies percentages of funding as noted above. Beyond programs funded in the Inter-local, the City has the responsibility to specifically direct how \$39,268 in human services funds are allocated and how \$58,993 in capital funds are allocated. The following chart specifies how the full amount of CDBG revenue is divided among various categories.

CDBG Category	2009
Public Services	
The Housing Stability Project*	17,885
Human Service Agency Funding	39,268
King County Home Repair *	89,427
Capital projects	
Minor Home Repair	\$70,000
Sidewalk Accessibility (Curb Ramps)	\$58,993
Capital Project Administration*	\$7,154
Program Administration and Planning	
King County*	\$35,771
City of Shoreline	\$39,268
Total CDBG Funding	\$357,766

*Percentage set in the Interlocal Agreement

3. THE PROCESS

The City allocates most funding for Human Services through a biennial competitive application process, developed in consultation with an Ad-hoc Human Services Advisory Committee (see Attachment E for a list). The 2007-2008 Human Services Funding Plan was adopted in the fall of 2006. As always this plan is contingent on adoption of the City's annual budget and on federal appropriations. Continued funding in the second year is also contingent on an agency's satisfactory performance. For administrative efficiency City CDBG funds are allocated to support one project, Shoreline/Lake Forest Park Senior Center. See Attachment A for a list of projects specifically funded with CDBG funds. The amounts for all projects recommended for funding in 2009 and 2010 are listed in Attachment B.

In building the two year plan, the City invited applications from a list of over 60 "interested parties" for Shoreline's 2009-2010 Human Services funding. An announcement of application availability was also placed in the Seattle Times and Enterprise newspapers. An applicants' conference was held in conjunction with the

North and East Funders Group on April 23, 2008. For the first time, all applications to North and East King County cities were submitted electronically to the eGov web portal maintained by the City of Bellevue.

The City Manager convened an Ad-hoc Allocations Committee was recruited to review and make recommendations on the projects that should be funded. In completing their work, the Ad-hoc Committee relied on guidance from an updated Human Services Needs Assessment, existing policies such as the Human Service Desired Outcomes and agency performance data, agency applications and staff summaries of each project.

The Committee, representing a diverse group of Shoreline residents, (See attachment E for list of members) met in the summer of 2008 to review and recommend the 2009-2010 Human Services Allocations Plan (see Attachments B & D for the Committee's recommendations). The Committee reviewed the updated Human Services Needs Assessment, the 15 Desired Outcomes, their own knowledge of the community and information in the applications to determine their recommendations. In addition, the Committee concluded that the overall allocation of existing resources across the Desired Outcomes and five United Way goal areas is appropriate. Since all current applicants are performing on their contracts, the focus of the Committee's work was determining, through consensus, how to allocate a 3.5% or \$9,763 increase in general fund monies made available for human services.

4. 2009 CDBG Capital Allocation

To better match varying capital project needs and opportunities, the City allocates CDBG Capital funding annually. These capital allocations were not reviewed by the Ad-hoc Committee. In 2009, the CDBG Plan allocates a total of \$ 148,993 to continue support for two projects funded in 2008, Sidewalk Accessibility, and Minor Home Repair as well as \$50,000 to support the development of a community clinic/affordable housing project.

Minor Home Repair: \$70,000: This program fills the gap between the major home repair program - targeted to larger planned projects and major emergency repairs and the small electrical, carpentry and plumbing repairs needed by home owners on a frequent basis to keep their homes safe and in good repair. Through the end July, 2008, the program has completed 62 jobs at 19 different residences. At the current rate, the contract will be fully expended by the end of 2008.

The Minor Home Repair program is targeted to income eligible residents, mostly senior citizens. Home owners pay \$10.00 per hour for the service, plus the cost of materials. The grant pays for personnel costs relating to the program. Given the age of Shoreline's housing stock, the high number of older adults aging in place and the number of low and moderate income home owners, this program continues to be in high demand. The program is contracted out to Senior Services of Seattle/King County through a non-competitive grant process.

City Infrastructure Improvements: \$78,993: The City has determined a need to increase the amount of safe and accessible sidewalks. Staff recommends that the above amount be allocated from CDBG capital funds to construct curb ramps, sidewalk improvements and wheelchair pads at bus stops within the City of Shoreline for increased accessibility

for persons with disabilities. Projects will be identified by public works for implementation.

Community Clinic/Affordable Housing: \$50,000: During the review of the CIP this summer the City Council indicated the desire to support the International Community Health Service's efforts to locate and develop a community clinic/affordable housing project in Shoreline. This clinic will focus services on the Asian Pacific Islander communities and be accessible to any local residents. It is envisioned that the clinic will be housed in a mixed use building which includes an unspecified number of affordable housing units serving those with incomes below 60% of median. .

5. Local Delivery of Regional Programs

Shoreline's Inter-local Agreement with King County allocates City CDBG funds to two regional programs that serve Shoreline residents locally. The amount of funding to each program is set by formula in the Inter-local.

The Housing Stability Project: \$17,885: A key strategy towards preventing homelessness involves keeping families in their current housing. The Housing Stability Program makes one-time loans and/or grants to homeowners and tenants in danger of eviction or foreclosure because of short-term financial difficulties. It also provides loans or grants to homeless families and individuals who need assistance moving to permanent housing, and limited assistance for other types of moves. Support for this program is set at 5% of all Consortium Cities' CDBG funding.

Major Home Repair: \$89,427: The King County Housing Repair Program administers the Major Home Repair program on Shoreline's behalf. The allocation to this program for each city is set in the Inter-local at 25% or \$89,427 of the City's total CDBG amount. Shoreline has made this service available to its residents since it first chose to participate in the CDBG Consortium. This program provides emergency grants and interest free loans to income eligible homeowners. Loans are recouped as revenue to the program when a home sells; hence the amount available to disperse varies from year to year. In 2008, the program has assisted one household through the second quarter. There is sufficient fund balance in the City's Home Repair accounts with King County to ensure sustained availability of this program in future years.

6. 2009 Public Services

Allocate Maximum to Public Services: \$39,268: The overall 2009-2010 Human Services Funding Plan, see Attachment B, provides funding to 26 separate programs. In order to achieve greater administrative efficiency, the CDBG Public Services funds are allocated to one program. As in the past, the 2009 CDBG Plan fully allocates the maximum amount of funding for public services allowed, \$39,268 (the balance of their \$77,708 in funding from the City's General Fund) to the Shoreline/Lake Forest Park Senior Center.

RECOMMENDATION

After holding a public hearing, staff recommends that Council adopt the and the 2009 Community Development Block Grant Plan in accordance with Attachments A 2009-2010 Human Service Allocation Plan in accordance Attachment B and authorize the City Manager to enter into agreements for implementing the funded projects.

ATTACHMENTS

Attachment A: 2009 CDBG Funding and Contingency Plan

Attachment B: 2009-2010 Human Services Allocation Plan

Attachment C: Description of Human Services Currently Funded

Attachment D: Ad-hoc Human Services Allocation Committee Recommendations

Attachment E: Appointments to Ad-hoc Human Services Allocation Advisory Committee
2009-2010

ATTACHMENT A

2009 CDBG Funding and Contingency Plan

CDBG Category	2009
Public Services	
The Housing Stability Project	\$17,885
City Defined Agency Funding (Shoreline/LFP Senior Center)	\$39,268
King County Home Repair	\$89,427
Capital Projects	
Minor Home Repair – Senior Services	\$70,000
Sidewalk Accessibility (Curb Ramps)	\$78,993
Community Clinic/Affordable Housing	\$50,000
Capital Project Administration	\$ 7,154
Program Administration and Planning	
King County	\$35,771
City of Shoreline	\$39,268
Total Estimated CDBG Funding *	\$427,766

*\$70,000 of recaptured funds from previous years will be allocated as follows: \$20,000 to sidewalks accessibility and \$50,000 to the development of mixed use building having housing for people with incomes of 60% of median or less and a medical clinic targeted to the Asian Pacific Islander communities.

2009 CDBG Funding Contingency Plan

Since the CDBG funds are an estimate from the federal government, Shoreline must also adopt a contingency plan to deal with possible variations in the amount available. Plans must be made in case the amount available increases or decreases by up to 10% of the amount currently estimated. In addition, if an applicant later declines funds, the adoption of a contingency plan of action will expedite the process of reallocation. The HUD budget is very uncertain this year and there is a greater likelihood of a reduction in CDBG funding.

1. If additional funding becomes available:

a. **Public Services**

In the event CDBG Public Service funds are increased in 2009, any additional funds would be distributed equally among the three core services: Center for Human Services, the Shoreline/Lake Forest Park Senior Center and Hopelink.

b. **Capital Projects**

If additional CDBG Capital funds become available to the City in 2009, these funds will be provided to the Sidewalk Accessibility Program.

c. **Planning & Administration**

If additional CDBG Planning & Administration funds become available to the City in 2009, it is recommended that the City use these funds for planning and administration purposes.

2. If funding reductions are necessary:

a. **Public Services:**

In the event CDBG Public Service Funds are reduced in 2009, the Committee recommends reducing funding to all projects by the percentage of the decrease in overall funds.

b. **Capital Projects.** In the event the City's 2009CDBG Capital Funds are reduced, the Committee recommends reducing funding to Sidewalk Accessibility.

c. **Planning & Administration.** If a reduction is necessary in CDBG Planning & Administration funds in 2009, it is recommended that the City reduce the amount to be used funds for planning and administration purpose.

ATTACHMENT B

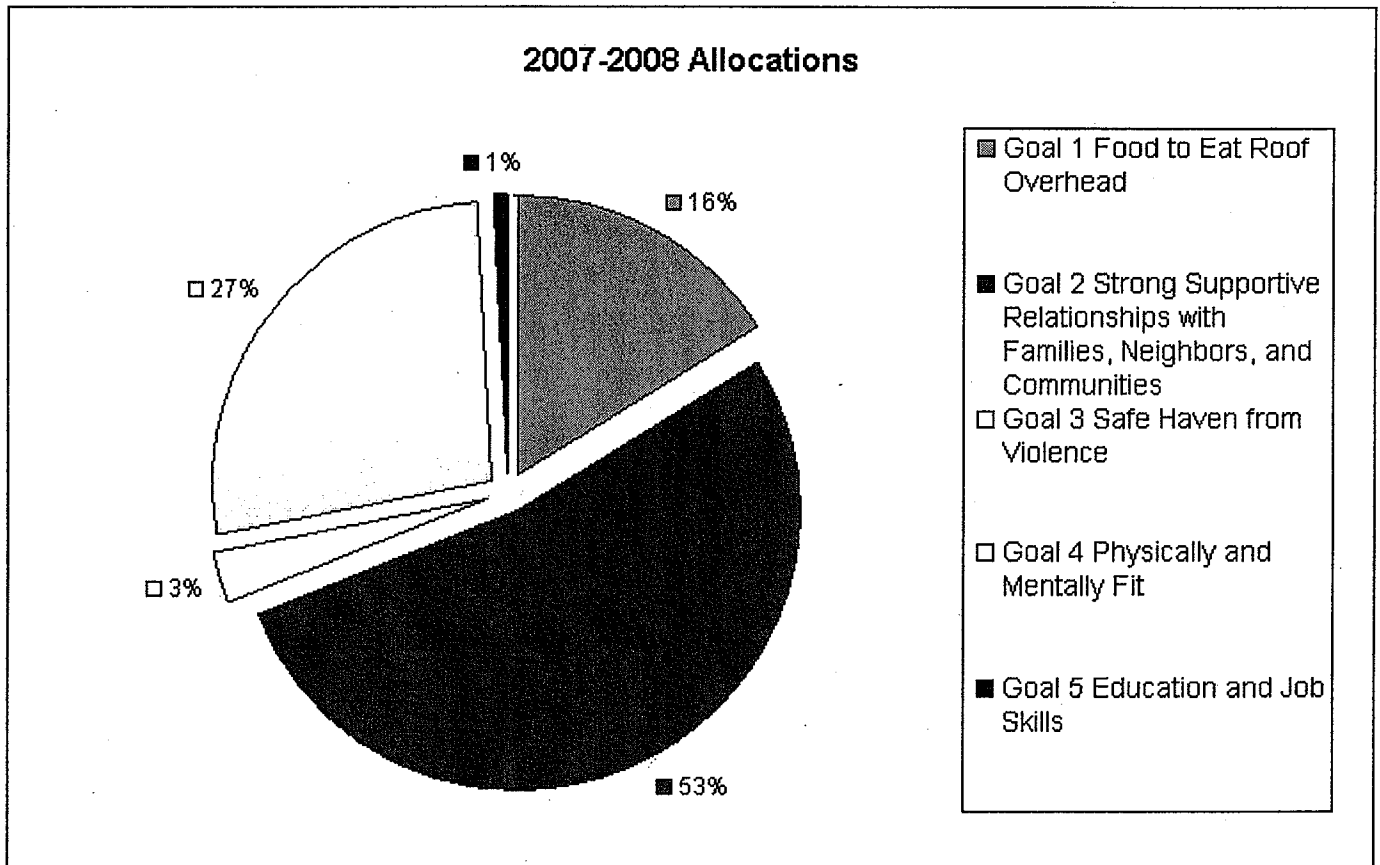
2009-2010 Human Service Allocation Plan

App. Number	2009 - 2010 Service Applications	2008 Awarded	2009 Request	2009 Recommended
	Existing Grantees			
1	Catholic Community Services/ Volunteer Chore	3,728.00	5,000.00	3,728.00
2	Child Care Resources /Resource and Referral	4,958.00	8,240.00	4,958.00
3	Children's Response Center	5,082.00	5,234.00	5,082.00
4	CHS-Family Counseling	47,722.00	55,000.00	47,722.00
5	CHS-Shoreline and Ballinger Homes Family Support Ctr	63,042.00	75,000.00	63,042.00
6	CHS-Substance Abuse	11,000.00	30,000.00	11,000.00
7	Community Health Centers - Medical	4,958.00	6,000.00	4,958.00
8	Crisis Clinic/ 24 -Hour Crisis Line	3,830.00	9,000.00	3,830.00
9	Crisis Clinic/2-1-1 Community Info Line	3,470.00	10,000.00	3,470.00
10	Crisis Clinic/Teen Link	4,958.00	5,000.00	4,958.00
11	Food Lifeline	5,000.00	6,000.00	5,000.00
12	FOY Healthy Start	9,876.00	10,370.00	9,876.00
13	HomeStep	4,598.00	5,000.00	4,598.00
14	Hopelink/ Adult Literacy	3,000.00	3,150.00	3,000.00
15	Hopelink/ Emergency Shelter & Trans. Housing	7,208.00	7,500.00	7,208.00
16	Hopelink/ Family Development Program	7,500.00	7,875.00	7,500.00
17	Hopelink/Emergency Food Services	4,958.00	10,000.00	4,958.00
18	Hopelink/Emergency Services	23,798.00	26,178.00	23,798.00
19	KSARC/Comprehensive Sexual Assault Service	5,206.00	5,465.00	5,206.00
20	Senior Services - Community Dining	2,975.00	6,778.57	2,975.00
21	Senior Services - Meals On Wheels	4,958.00	11,424.84	4,958.00
22	Senior Services - Shoreline/LFP Senior Center ^[1]	77,708.00	117,708.00	77,708.00
23	Senior Services - Volunteer Transportation	3,728.00	4,770.00	3,728.00
24	Wonderland Development Center	4,958.00	16,500.00	4,958.00
	Subtotal Existing Services	318,219.00	447,193.41	318,219.00
	New Applications			
25	Alliance for People with Disabilities		7,500.00	
26	Community Health Centers Dental	0.00	5,000.00	
27	Consejo Counseling and Referral	0.00	5,000.00	
28	Eastside Baby Corner	0.00	2,000.00	
29	Emergency Feeding Program	0.00	2,500.00	
30	Elder and Adult Day Svc	0.00	5,000.00	
31	NAMI Eastside, Hero House	0.00	3,000.00	
32	Refugee Women's Alliance	0.00	45,225.00	9,762.00
33	Teen Hope	0.00	10,000.00	
	Subtotal New Services		85,225.00	9,762.00
	Grand Total Services		532,418.41	327,981.00

ATTACHMENT C

Description of Human Services funded in 2008

Goal 1 Food to Eat Roof Overhead	54,248
Goal 2 Strong Supportive Relationships with Families, Neighbors, and Communities	177,653
Goal 3 Safe Haven from Violence	10,288
Goal 4 Physically and Mentally Fit	91,030
Goal 5 Education and Job Skills	<u>3,000</u>
	336,219



ATTACHMENT D

Ad-hoc Human Services Allocations Committee Recommendations

1. The Committee recommended that the 24 existing contracted agencies continue to be funded at current levels as they are meeting a demonstrated need in the community and are performing satisfactorily on their contracts.
2. The Committee recommended that the Shoreline/Lake Forest Park Senior Center continue to receive the additional allocation of \$18,000 if such funding is available.
3. The Committee recommended that the new funding, (\$9,763) be allocated to the Refugee Women's Alliance (REWA) to support their Customized Career Navigator project. Through this program REWA assists refugees and immigrants to obtain and improve their employment status and skills. The Committee was impressed that their services are offered at their partner's (DSHS, Shoreline Community College and Hopelink) locations and are delivered by native language speakers from the clients' home countries. This funding will strengthen and expand these partnerships and in turn provide individuals and families with needed coordinated services.

ATTACHMENT E

Appointments to Ad-hoc Human Services Allocation Advisory Committee 2009-2010

- Armilito J. Pangilinan, chief operating officer, for non-profit. Active in Filipino community, experience reviewing grants for United Way. Education includes BS Accounting, MBA, CPA.
- Melinda Giovengo, previous member of the committee, is director of a social service agency, 27 years in social services, Ph.D in Educational Psychology. Ran for City Council in last election, active in local issues.
- Gary Kingsbury, MBA Strategic Planning, former pastor, currently general manager arts organization, member King County Veterans and Human Service Levy Oversight Board for veterans services.
- Edie Loyer Nelson, previous member of Committee, member King County Human Services Levy Oversight Committee for Human Services. Retired social worker with DSHS, Native American, previous trustee Shoreline Community College, and active in incorporating Shoreline as a city.
- Sharon Jodock-King, life-long advocate for disabled, board member of service provider for disabled. Sharon and her husband, who is also disabled, volunteer in three shoreline schools teaching children about disabilities and demonstrating how people who are non-vocal can communicate with augmentative communication devices.
- Lan Lan Chen, previous member of the committee, is employed by a food import business and is the only representative of the private business sector. Ms Chen is of Chinese ethnicity and also brings a youthful view of the community to the Committee's deliberations.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No.521, a Site Specific Rezone located at 18501 and 18511 Linden Ave. N. File No. 201570
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W Tovar, FAICP, PADS Director Steven Szafran, AICP, Associate Planner

PROBLEM/ISSUE STATEMENT:

The issue before the City Council is a Site Specific Rezone for two parcels located at 18501 and 18511 Linden Ave. N (see **Attachment B2 and B3**). The Planning Commission recommends that the parcels be rezoned from Community Business ("CB") to Regional Business ("RB"). About 2 years ago, the applicant had requested a change to RB and the Planning Commission recommended CB.

Since the site is currently zoned CB, the major effect of the proposed zone change is to allow greater residential density on the site.

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. A public hearing was conducted before the Planning Commission for this proposal on September 4, 2008. Council's review must be based upon the 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
- The Council could deny the rezone request, leaving the zoning at CB or remand the request back to the Planning Commission for additional review and analysis.

FINANCIAL IMPACTS:

- There are no direct financial impacts to the City.

RECOMMENDATION

The Commission recommends that the Council adopt Ordinance No.521, (**Attachment A**) thereby approving the rezone located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB).

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The rezone recommendation before Council is a request to change the zoning designation for two parcels located at 18501 and 18511 Linden Ave N. from Community Business to Regional Business.

A public hearing before the Planning Commission occurred on September 4, 2008. The Planning Commission Findings and Recommendation are included in **Exhibit A**

The Planning Commission recommended on a 5-1 vote, with two abstentions and one Commissioner absent, that the rezone of the property from Community Business to Regional Business be approved. The draft minutes of the public hearing are included in **Attachment C**.

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. One of the subject parcels, the James Alan Salon Site, has a land use designation of Community Business. Appropriate zoning designations for the Community Business land use designation include R-12, R-18, R-24, R-48, O, NB, CB and RB. The parcels to the north are designated Mixed Use in the Comprehensive Plan. Appropriate Zoning designations for the Mixed Use land use designation include R-8, R-12, R-18, R-24, R-48, O, NB, CB, RB and I.

The site, consisting of two parcels, is currently zoned Community Business. A commercial building sits on the one parcel and a single-family home used as office and storage space sits on the other parcel. Under the proposed zone change, both parcels would be zoned Regional Business to allow for a future development that could be a mixture of commercial and residential uses.

The proposed zone change will allow a slightly larger building envelope than currently permitted in the CB zone. The recommended RB zoning would permit more residential units and marginally larger number of commercial uses than currently permitted in a CB zone.

APPLICATION PROCESS

The application process for this project began on July 24, 2008, when the applicant reapplied for RB zoning on the site. Since a neighborhood meeting was held for the earlier RB application and SEPA analysis done for RB as well, staff concluded that there was not a requirement to re-do these processes.

A public hearing was held before the Planning Commission on September 4, 2008. The Planning Commission made a recommendation and formulated Findings and Determination that evening to recommend a rezone to Regional Business.

PUBLIC COMMENT

The City received 42 comment letters in response to the standard notice procedures for this application prior to the public hearing (**Attachment B1**). 40 of the letters were in support of the proposal and two of the letters were against. Eight people in addition to the applicant testified at the public hearing.

The comments focused on the following issues:

- Supporting mixed use development on the site
- Supporting higher density in appropriate areas and not in single-family neighborhoods
- Supporting neighborhood businesses
- Supporting redevelopment of the sites
- Concerns about traffic flow north of the site
- Issues of increasing permitted heights from 60 to 65 feet

The Planning Commission addressed the comments in its Findings and Determination (**Attachment B**).

PLANNING COMMISSION RECOMMENDATION: Rezone to Regional Business

The Commission in its Findings and Determination found that a rezone to **Regional Business** 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 Commission voted to recommend approval of the rezone on a 5-1-2 vote (5 in favor, 1 opposed, 2 abstentions and 1 Commissioner absent). Their comments are reflected in the draft minutes, attached.

OPTIONS FOR CITY COUNCIL

The options available to the City Council are:

- 1) Adoption of the Planning Commission and Staff's recommendation of Regional Business
- 2) Remand the rezone back to the Planning Commission for additional review.

3) Denial of the rezone request. The Council may review the written record and determine that the existing Community Business zoning is the most appropriate designation for the subject parcel. This determination would be consistent with the Comprehensive Plan designation for the parcels, as this designation includes both the existing zoning (CB) and the requested and recommended zoning (RB).

RECOMMENDATION

Staff recommends that Council adopt Ordinance No.521, (**Attachment A**) thereby approving the rezone of two parcels located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB).

ATTACHMENTS

Attachment A: Ordinance No.521: CB to RB.

Exhibit A – Planning Commission Findings and Determination- September 4, 2008

Exhibit B – Proposed Zoning Map

Attachment B: Planning Commission Staff Report

B1: Public Comment Letters

B2: Vicinity Map with Comprehensive Plan Land Use Designations

B3: Vicinity Map with Zoning Designations

Attachment C: Planning Commission Minutes- September 4, 2008

ORDINANCE NO. 521

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING FROM CB (COMMUNITY BUSINESS) TO RB (REGIONAL BUSINESS) FOR THE PROPERTIES LOCATED AT 18501 AND 18511 LINDEN AVE N.

WHEREAS, the subject properties, located at 18501 and 18511 Linden Ave N are zoned CB, Community Business; and

WHEREAS, the owner of the property has applied to rezone the properties to RB, Regional Business; and

WHEREAS, the rezone of the properties is consistent with the Comprehensive Plan land use designations of Mixed-Use and Community Business; and

WHEREAS, the Planning Commission considered the applications for zone change at a public hearing on September 4, 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 properties 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 properties described as RICHMOND HIGHLANDS ADD N 65 FT LESS W 200 FT (Parcel No. 7283900303) and RICHMONG HIGHLANDS ADD LESS W 200 FT LESS N 65 FT LESS CO RD (Parcel No. 7283900302) depicted in Exhibit B attached hereto, from CB, Community Business, to RB, Regional Business.

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 September 22, 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**

FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: Rezone application to change the zoning designation of two parcels from Community Business (CB) to Regional Business (RB).

Project File Number: 201753

Project Address: 18501 and 18511 Linden Avenue North, Shoreline, WA 98133

Property Owner: FMAB, LLC.

SEPA Threshold: Determination of Non-Significance (DNS)

Staff Recommendation: Recommend approval of a rezone of the two parcels zoned Community Business (CB) to Regional Business (RB).

FINDINGS OF FACT

Current Development

1. The parcels at issue are located at 18501 and 18511 Linden Avenue N, generally on the northwest corner of N 185th Street and Linden Avenue N.
2. 18501 Linden Avenue N (tax ID # 7283900302) is 7,565 square feet and is developed with the former James Alan Salon. The site is zoned Community Business ("CB") and has a Comprehensive Plan Land Use designation of Community Business ("CB").
3. 18511 Linden Avenue N (tax ID # 7283900303) is 6,631 square feet, directly to the north of 18501 Linden Avenue N, and developed with one single-family residence used as storage space. The site is zoned Community Business and has a Comprehensive Plan Land Use designation of Mixed Use ("MU").
4. The surrounding neighborhood has experienced development recently: four townhomes have been developed west of the 742 N. 185th Street parcel. Also, there is a current rezoning request at 753 N. 185th Street (the Masonic Temple) to change the zoning from R-12 to CB.
5. There are existing sidewalks along N 185th Street adjacent to the applicant's property. No sidewalks exist along Linden Ave N. A traffic signal with crosswalks is located at the intersection of Linden Ave N and N 185th Street.

6. The site was rezoned from Office and R-48 to Community Business by the Shoreline City Council on March 26, 2007, Ordinance # 460. The Planning Commission's Public Hearing on the request was held on January 4, 2007.

Proposal

7. The applicant proposes to rezone both parcels to Regional Business ("RB").
8. Staff analysis of the proposed rezone includes information submitted in a pre-application meeting and neighborhood meeting for the previous rezone request, conducted on June 19, 2006 and July 31, 2006 respectively.
9. A Public Notice of Application combined with a Public Notice of Hearing was posted at the site on July 31, 2008 for the current action.
10. 42 comment letters were received. Of these, 40 were in favor of the request, citing compatible uses, need for housing next to transportation routes, affordable housing opportunities and economic development reasons. The comment letters that were not in favor cited concerns about the potential height in the RB zone, density, environmental impacts and not being located on an arterial street. See *Attachment 1*.
11. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on July 31, 2008 describing the Notice of Application and Notice of Public Hearing with SEPA Determination.
12. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the original proposal on October 12, 2006. Since this rezone request is the same request as recently applied for, staff is adopting the SEPA Determination made at the time of the original rezone. The DNS was not appealed.
13. An open record public hearing was held by the Planning Commission for the City of Shoreline on September 4, 2008.
14. The City's Senior Planner, Steven Cohn, and Associate Planner Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to Regional Business.

Comprehensive Plan Land Use Designations.

15. The site contains two parcels, designated Community Business and Mixed Use. Parcels to the north and east have a Comprehensive Plan Land Use designation of Mixed Use, which identifies areas where uses change from lower intensity uses (usually single family uses) to higher intensity uses. The MU designation allows R-8 through R-48 residential zoning and all commercial and industrial zoning. Parcels to the south (across 185th) have a Community Business designation, intended to designate higher intensity uses, both residential and commercial. The CB designation allows R-12 through R-48, Office, Neighborhood Business, Community Business and Regional Business. Parcels to the west are designated Medium Density Residential, which allows R-8 and R-12. See *Attachment 2 (Comprehensive Plan Map)*.
16. The Comprehensive Plan describes Mixed Use as applicable “to a number of stable or developing areas,” and to the potential annexation area at Point Wells and intended “to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office, and service uses with residential uses.” Regional Business is allowed under Mixed Use land use designation.
17. The Comprehensive Plan describes Community Business as areas within the Aurora Corridor, North City and along Ballinger Way. This designation provides for retail, office, and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. Appropriate zoning designations for this area might include the Neighborhood Business, Community Business, Regional Business, Office, R-12, R-18, R-24, or R-48.

Current Zoning and Uses

18. Parcels immediately to the north of the subject parcels are zoned R-18 and developed with a public utility building, single-family homes and condominiums; parcels to the south (across 185th) have a variety of uses and zoning designations including offices zoned R-12, R-18 and Office, the Fred Meyer shopping center zoned RB; parcels to the west are zoned R-12 and townhomes are currently under development; and parcels to the east (across Linden Avenue North) have a variety of uses and zoning designations including retail, office and apartments zoned RB, Office, and R-48. See *Attachment 3 (Zoning Map)*.

Proposed Zoning

19. The proposal is to change the zoning on the site (two properties) from Community Business (CB) to Regional Business (RB). 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:

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

20. The purpose of a Regional Business zoning district, as set forth in the Shoreline Municipal Code 20.40.040, is to “provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities”. The Regional Business category permits a variety of commercial uses and residential densities. It is distinguished from CB in that it permits more intense land uses such as warehousing, kennels, construction, retail, and auto rental and allows residential densities up to 110 units per acre.

Impacts of the Zone Change

21. The following table outlines the development standards for the current zoning (CB) and the proposed zoning (RB):

	CB	RB
Front Yard Setback	0'	0'
Side Yard Setback	10'	15'
Rear Yard Setback	10'	15'
Max. Impervious Surface	85%	95%
Height	60'	65'
Density (residential development)	48 du/ac	110 du/ac
Total Units (potential)	16	36

The RB zone is a zone that allows more intense development than the CB zone. Side and rear yard setbacks are slightly greater in the RB zone and the amount of impervious service allowed is somewhat higher, as is the permitted height. The most significant difference between CB and RB is the maximum potential residential units allowed. On this site, the current zoning would allow 16 dwellings; the proposed zone would permit 36.

If the structure is developed with commercial uses rather than residential uses, the amount of commercial space would be dictated by the building envelope, which could potentially be marginally larger in RB. A development in an RB zone might

be a story taller than that in a CB zone. This height difference is somewhat offset by the increased side yard and rear yard setbacks required in RB.

22. Traffic Impacts

Since the zoning permits a variety of uses, specific impacts are unknowable at this time. However, two scenarios can be defined to provide a reasonable set of bookmarks about the traffic impacts.

- (a) Scenario 1: Develop the property as office. A reasonable development assumption is one with $\frac{1}{2}$ the parking on grade and one full level of underground parking. This results in 80-90 stalls. Setting aside some stalls for visitors, it is reasonable to assume 85 employees. These could be housed in a 26,000 square foot building, which would suggest a 3 or 4 story building on this site.

Under the assumption that the amount of parking dictates the amount of development, the total building square footage is likely to be similar under both CB and RB zoning, and by extension if the site is developed in office uses, the parking impacts will be the same. This scenario would generate 282 trips daily (3.32 daily trips, half of them are inbound and half outbound) and 39 trips during the PM rush hour (.48 trips during each hour of the PM peak).

- (b) Scenario 2: Develop the property as housing. Because there is a maximum density in RB and CB, the number of units, and by extension, the traffic impacts, can be defined. The ITE trip generation handbook estimates 6.72 daily trips per unit (half inbound and half outbound) and .62 average trips during one hour during the PM peak. If 16 units are built, this translates to an additional 108 trips during the day and 10 more trips during rush hour. If 36 units are built, the trips would be 242 additional daily trips and 22 additional trips during one hour of the rush hour.
- (c) It is possible that a housing development could also include a retail component. In a mixed use building on this site, a retail component on the ground floor is likely to be around 8500 square feet. The retail space will have a trip generation of 377 trips daily and 21 trips during rush hour.

Since the rezone is not tied to a site plan, it is impossible to define specific impacts. However, during the peak hour today, there are times that 185th eastbound is backed up from Aurora to Linden. This situation makes left turns (i.e., outbound traffic) from Linden to 185th difficult at times.

If access to the site is from Linden Avenue and the site is developed as office (as it could under both the current and proposed zoning) , there might be difficulties leaving the site during PM peak hours as people turn onto Linden and want to turn left onto 185th. In this case, it is possible that some people may decide to turn left and drive north on Linden for a few blocks in order to eventually connect with Aurora Avenue. If, in the building application review, analysis shows this to be a likely outcome, the City's Traffic Engineer would probably suggest mitigation measures such as limiting turn movements to right-turn only or developing an access onto 185th.

If future development is largely residential, that will not present much of a problem because most of the traffic will be inbound into the complex during the PM peak times, and not be affected by eastbound congestion on 185th.

Future Aurora Corridor Improvements

The City recognizes the concerns about this intersection and has developed plans to improve the eastbound travel lanes of 185th Street. This will include a left and right turn only lanes to Aurora Avenue as well as two through lanes continuing on 185th Street. These improvements will alleviate some of the traffic backups that occur on 185th Street.

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 been met in this case.

Rezone criteria

Is the rezone consistent with the Comprehensive Plan?

3. a. Under the first criterion, Regional Business is appropriate under Land Use Element Goals I and V of the Comprehensive Plan.
2. Land Use Element Goal I of the Comprehensive Plan is to "[e]nsure 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."

3. Land Use Element Goal V of the Comprehensive Plan is to “assure that a mix of uses, such as services, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of high frequency transit, serving a neighborhood commercial and residential function.”

The RB rezone proposal is consistent with Land Use Element Goal I and V because a more intense commercial zone will promote redevelopment and allow for a greater mix of uses. RB zoning would permit a greater number of dwelling units or slightly more commercial space in close proximity to area services than a CB designation.

Will the rezone adversely affect the public health, safety or general welfare?

4. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City’s development standards in its zoning regulations for the RB zone protect against uses that would be contrary to the public health, safety or general welfare.
5. If the site is developed with residential uses, it could have a positive impact on public health. Placing density closer to area amenities such as shopping, restaurants and public transportation, encourages walking or biking rather than driving. Density in this instance creates better health opportunities than before.

Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?

6. Both RB and CB zoning are consistent with the Comprehensive Plan vision for the area (CB and Mixed Use). Efficient use of land, higher densities in appropriate areas, close to services and transportation and an improved circulation pattern on 185th and Aurora support more intense development on this site and the proposed zoning.

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

7. The proposed rezone will have minimal negative impacts to the properties in the immediate vicinity. Concerns have been raised by one nearby resident about the appropriateness of commercial zoning and increased building height allowed by the proposed RB zoning.

(a) Appropriateness of Commercial Zoning

The Comprehensive Plan has identified this area as being appropriate for mixed use development which permits a variety of uses—single-family and multifamily uses, offices, and retail businesses. The James Alan Salon has been a long-time fixture on the property as has a telephone company building located north of the site.

As the two parcels have Mixed Use and Community Business land use designations, commercial zoning is appropriate. Under the Shoreline Development Code Section 20.40, uses allowed under the CB and RB zoning designations are very similar. RB zoning allows somewhat more intense commercial uses than does CB zoning, such as warehousing. Staff believes that the more intense uses allowed in an RB zone are unlikely to locate on a relatively small site.

With general uses, development standards, design standards and parking standards being similar, one major distinction between CB and RB is density. CB allows 16 units, RB allows up to 36 units. Staff believes density should be located in areas that are less intrusive to the single-family neighborhoods, are in close proximity to amenities and transit, and are located on major collector, arterial streets that do not impact local streets.

(b) Height

The height difference between RB and CB zoning is 5 feet. RB zoning permits heights of 65 feet; CB zoning permits heights up to 60 feet. Given current building design, RB buildings could attain a height of 6 stories, whereas CB buildings would likely be 5 stories. In this location, with multifamily zoning to the west and a telephone utilities building to the north, transition to single family zones is addressed through zoning.

In addition, the City recently adopted transition standards for areas adjacent to single family zoning. Though not affecting this site (because it is not adjacent to single family), transition through building and site design will occur on neighboring sites if they are rezoned to CB or RB.

(c) Traffic

Analysis shows that the heaviest traffic impacts will occur if the property is developed in office uses. The likely impacts will be no different whether the site is zoned CB or RB because a building constructed under in either zoning district is likely to be a similar size because of parking constraints due to the cost of developing more than one level of underground parking.

Will the rezone have merit and value for the community?

8. The proposed rezone will allow commercial and residential expansion to meet the changing needs of the community. Recent actions by the City Council will ensure that new buildings will comply with transition area requirements and density of the RB zone must be capped at 110 units per acre.

9. Unlike last time the applicants made application for RB, there was no guarantee of a unit maximum on the site since there was no numerical density cap. With RB now limited to 110 dwelling units per acre, the greatest number of units on the site is now limited to 36.
10. This criterion is met since the rezone provides an opportunity to accommodate more jobs and multi-family dwelling units in an area not immediately adjacent to existing single-family neighborhoods and in close proximity to services and transportation.

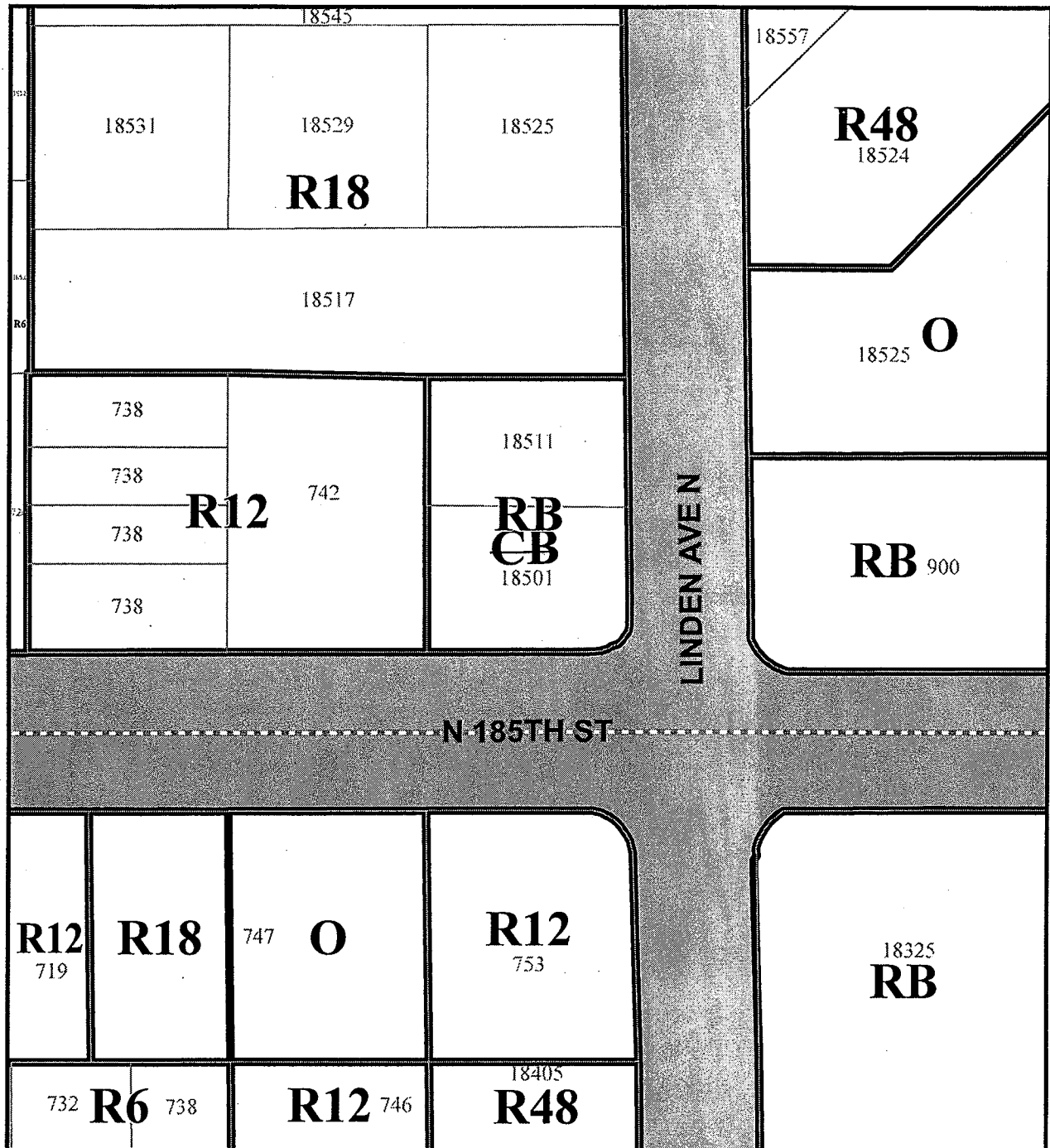
RECOMMENDATION

The Planning Commission recommends that the City Council approve a rezone of the two parcels to Regional Business.

Date: _____

By: _____
Planning Commission Chair

Exhibit B



18501, 18511 Linden Ave N Rezone

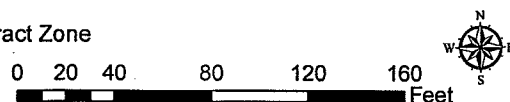
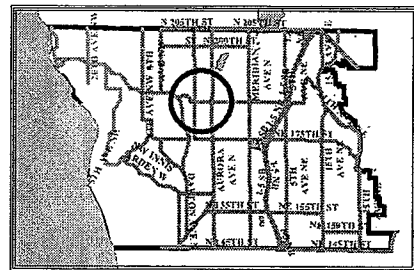
CB to RB

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



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.





Memorandum

DATE: August 28, 2008

TO: Shoreline Planning Commission

FROM: Steven Cohn, Senior Planner
Steve Szafran, Associate Planner

RE: James Alan Salon Rezone

At your next meeting you will be reviewing the proposal to rezone the James Alan Salon site (two properties at 18501 and 18511 Linden Avenue North) from Community Business (CB) to Regional Business (RB). The Planning Commission considered a similar proposal in January, 2007. At that time, the site was zoned R-48 and Office. The applicant requested a rezone to RB, which was and is consistent with the Comprehensive Plan designation for the site of Community Business and Mixed Use. The Mixed Use and Community Business comprehensive plan designations permit a variety of zoning districts, including multifamily residential districts and most commercial districts.

Background

At the time of the previous request, staff and the Commission both recommended that the zoning be changed to Community Business. The rationale for the recommendation was that development in a Regional Business zone would be somewhat more intense than would development in a Community Business zone and therefore would be a better fit. The recommendation was accepted by Council and the zoning changed to CB (Ordinance 460).

The recommendation was made with the expectation that staff would, in the near future, propose an additional change to the Development Code that would permit increased residential densities on Community Business zoned properties located within a short walking distance of Aurora Avenue. In staff's mind, a CB zone with a provision for added density would have been appropriate on the site.

Staff Rationale for Recommendation

It has been almost two years since the Commission reviewed the rezone. Since that time, there have been changed circumstances that have caused the proponent of the rezone to re-submit their original request (to rezone to Regional Business) and caused staff to re-evaluate its recommendation to the Commission.

The first is that the Council did not modify the Development Code to permit greater housing densities on CB sites located close to Aurora Avenue. In making that decision, the Council signaled that decisions would occur on a site-by-site basis through the rezone process or, alternatively, as a result of a Subarea review.

The second change is that the Council has signaled that it wants to look closer at maximum density permitted in RB zones. Currently there is a moratorium on development in RB zones at residential densities greater than 110 du/acre. Staff expects that, after the moratorium is lifted, the densities permitted in RB zones will have a numerical upper limit, though we are not certain what that limit will be.

As noted in staff's analysis of the current rezone request, staff has concluded that this site is appropriate for higher density development due to its proximity to Aurora. As the City continues to attract new residents, it is important to house them in an efficient and cost effective manner, so long as that is compatible with a market niche that is supported by housing demand. There is a portion of the housing market that wants to live near transit corridors and is comfortable living in multistory buildings. This demand can best be satisfied by allowing people to build to higher densities on and near Aurora. This site, located within walking distance of transit, is an appropriate location for higher density.

Conclusion

As shown in the "Initial Findings" that is attached, Staff has reviewed the proposal and concluded that, given the changing circumstances that have occurred since the staff recommendation in January 2007, staff will support the current request to rezone the sites from CB to RB because the request meets the intent of the Comprehensive Plan and the criteria for rezoning listed in 20.30.310.

If you have questions about items included in the staff report or have questions that warrant additional research, please contact Steve Szafran prior to the public hearing. He can be contacted at 206-801-2512 or sszafran@ci.shoreline.wa.us.

August 12, 2008

City of Shoreline
17544 Midvale Ave. N.
Shoreline, WA 98133

RECEIVED

AUG 12 2008

RE: Application #201753
18501 and 18511 Linden Ave.
Attn: Steve Szafran

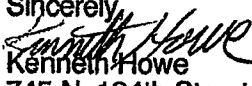
CITY CLERK
CITY OF SHORELINE

To whom it may concern:

This application does not meet the requirements of the Shoreline city comprehensive plan and should be denied as described in the current proposal. As is evident from the address of the project it is sited on a neighborhood street and not an arterial as directed by the comprehensive plan. In reviewing the information submitted to the public at a public meeting I saw that the height of the building is contrary to the Shoreline comprehensive plan. The comprehensive plan has directed this height of structure to be located on Aurora Avenue not adjacent to a residential neighborhood. The proposal representative at the meeting I attended made the statement that the stair stepping of this structure on the west side met the intent of the "wedding cake" statement in the comprehensive plan. The height of this structure by being placed next to a residential neighborhood will negate the plan for Aurora Avenue because buildings will need to be very high to be above this structure. The property value increases dramatically at the height of 65 feet and above because a view of Puget Sound and downtown Seattle is available at that height. The wedding cake concept in the comprehensive plan preserved views on the west side of Aurora Avenue because structures a block or more to the west of Aurora could not be significantly taller than those sited on Aurora.

The adjoining structures across from this proposal are no where near as high as this building. The concept of "community business" is not intended to create such a high structure that towers over every other residence and commercial building in the neighborhood. Mixed use zoning such as the Echo Lake site is sited on Aurora Avenue. Just because this property came up for sale before the properties on Aurora Avenue is no reason to rezone this property and in effect amend the comprehensive plan. It appears that these concerns were not correctly taken into consideration when the DNS for this site was issued.

Sincerely,


Kenneth Howe
745 N. 184th Street
Shoreline, WA. 98133
206-546-6883

Steve Cohn

From: Barbara Boldrin [Barbara.Boldrin@PREMERA.com]

Sent: Tuesday, August 19, 2008 9:00 AM

To: Steve Cohn

Subject: James Allen Salon Proposed Project

I have lived in Shoreline since 1996 and live a block and a half from the James Allen Salon location at the corner of Linden and 185th. I've been a customer of the salon for the past several years and drive and walk by the location daily.

This area has been commercial in nature from the day I arrived. The proposed enlargement of the James Allen Salon seems very consistent with the development of the area and should enhance the quality of life for nearby residents in bringing more services to the area within walking distance of where they live. I feel the proposed building and the services proposed would help to anchor the intersection considering the proposed changes for the Mason building and the already existing structures for Windermere Realty, the Bank of America, Fred Meyer and the dental offices adjacent to the fire department.

The volume of traffic on 185th certainly isn't compatible with private residential use and the provisions built into the plan for James Allen for parking seem responsible and well considered. Frankly, I don't understand the opposition to this project as originally proposed but do hope you will reconsider the current proposal and approve it.

Thank you for your service to the community.

Barbara Boldrin
18233 Linden Avenue N
Shoreline, WA
206-546-9649

8/21/2008

Steve Cohn

From: harrysloan@comcast.net
Sent: Tuesday, August 19, 2008 10:40 AM
To: Steve Cohn
Subject: Rezone request at 18501 Linden Ave N #201753

Steve,

I hope this e-mail finds you well. I'm writing to you in support of a rezone request #201753 for the James Alan Salon.

As you well know, we spent a year together as part of the Shoreline Housing Commission effort to help identify the future housing needs for the city of Shoreline and how best to meet those needs. By way of background I lived in Shoreline for four years and currently work in Shoreline as a Windermere residential specialist. I'm also a client of the James Alan Salon.

As a client I've come to appreciate how much the Salon contributes back to the community and its reputation as one of the best places to work. As a residential specialist and a past member of the Housing commission I can appreciate that the development supports the economic development, housing and sustainability strategies adopted by the city council.

Over the course of a year the Housing Commission looked at a variety of possibilities for the city and found in some instances how difficult it can be to find a perfect solution where a development can make economic sense for the developer while staying within the character and guidelines of the city's plan. The James Alan request comes as close as any I've seen to fitting that "perfect solution".

- >It has great access to public transportation.
- >Gives the city 34 new apartment units
- >All 70 parking spaces will be below and behind the building making for nice street appeal.
- >It is not out of character for the neighborhood.

The James Alan Salon has been a productive member of the Shoreline Community for over 28 years and I urge you and the rest of the planning commission to approve the rezone request.

Thanks for taking the time to read and consider this.

Sincerely,

Harry

Harry D Sloan
206-295-9551

8/19/2008

Steve Cohn

From: CRAIG SCHOCH [schoch5@msn.com]
Sent: Tuesday, August 19, 2008 3:35 PM
To: Steve Cohn
Subject: Fw: James Alan Salon

----- Original Message -----

From: CRAIG SCHOCH
To: schohn@ci.shoreline.wa.us
Sent: Tuesday, August 19, 2008 3:33 PM
Subject: James Alan Salon

I have been a resident in Shoreline for the past 22 years. I ask the Planning Commission to reconsider the request and rezone the property to "Regional Business". James Alan Salon has been a supporter in this community for many years. They donate their time and materials to support the education system here. This is a responsible owner who will add to the city's economic development.

Thank you,

Patty Schoch
518 North 188th Street
Shoreline, WA 98133

8/19/2008

Steve Cohn

From: emoke@windermere.com
Sent: Tuesday, August 19, 2008 3:36 PM
To: Steve Cohn
Subject: James Alan Salon

Dear Mr. Cohn,

As a member of Shoreline Breakfast Rotary and immediate past president, I am requesting the Council's support of and the Planning Commission's approval of the rezone request #201753 for the James Alan Salon. These people are a vital part of our community and do so much pro-actively to support the community's needs. Their proposal is in excellent taste and would enhance the aesthetics of the neighborhood.. Additionally it would provide quality affordable housing and parking. I urge all to support a positive motion.

Thank you,

Emoke Rock

Emoke Rock
Associate Broker
Windermere G.H. L.L.C.
cell: 206-794-2920
office: 425-672-1118
web: emoke.com

8/19/2008

August 20, 2008

Planning Commission
City of Shoreline

Re: Rezone Request at 18501 Linden Ave N., #201753

Dear Commissioners,

This is a request for you to support the James Alan Salon project. The proposal to rezone the area at 18501 Linden Ave N. would benefit our city. It would continue the effort to provide more affordable housing choices for Shoreline and also concentrate the multi-unit housing with businesses within walking distance of other businesses and accessible to public transportation.

As a 40 year resident of Shoreline, I participated in the visioning process prior to incorporation, participated in the King County citizen panel that recommended incorporation and was a member of the public works committee upon incorporation. Throughout these activities there was an effort to protect residential areas and focus business in areas easily accessed by public transportation. We need to support those businesses that cooperate with this goal.

As I understand the James Alan Salon project, having 34 apartments and parking spaces below and behind the building would reduce the amount of in and out traffic and make it easier for residents to walk. It supports the economic development strategy, the sustainability strategy and the housing strategy adopted by the city council.

James Alan Salon has been a model business in Shoreline by providing volunteer services, participating in community activities and providing excellent hair cuts to us citizens over the years. This is the type of business we should be encouraging in Shoreline.

Please support the James Alan rezone request. You will be helping to implement the vision of Shoreline as a safe, friendly and economically viable community.

Respectfully,

Edie Loyer Nelson
19544 15th Ave NW
Shoreline, WA 98177
206-546-6323

Cc: James Alan Salon

Steve Cohn

From: Allen Anderson [jeada1118@gmail.com]
Sent: Wednesday, August 20, 2008 11:10 AM
To: Steve Cohn
Subject: Improving Shoreline

Planning Commission, City of Shoreline

Dear Ladies and Gentlemen

I am writing on behalf of the Rezone Request at: 18501 Linden Avenue North # 201753

I favor the proposed rezone and the building proposed for that site. Having served on the City's Economic Development Committee, this is just one type of development for the City that the committee envisioned.

As I understand the proposed building it will consist of a business and thirty-four apartments with more than adequate parking. The site is geographically located to provide easy access for the tenants to a wide variety of businesses, medical facilities, restaurants, banks and public transportation. I am assured that the building will have street appeal and be a meaningful addition to the City of Shoreline.

The proposed building accomplishes many benefits to the City including: A business site to provide meaningful employment, additional housing, and improvement to the neighborhood.

The owners of the property have been in business over over a quarter of a century and have long been contributors, hands-on and financially, to the community of Shoreline. While I have met Mr. Fairfax, I am not involved in any way with him or his business. My interest is solely on the improvement to the City of Shoreline.

I ask your approval of this zoning change and recommendation to the City of Shoreline Council.

If the current building code will allow a single use building of business offices but not allow a mixed used building of the same size the City should really change to code.

Sincerely,

Allen D. Anderson
19819 5th Avenue NW
Shoreline WA 98177
206 546 6631

8/20/2008

Steve Cohn

From: Witeck, Jennifer L [Jennifer.L.Witeck@mercer.com]
Sent: Wednesday, August 20, 2008 12:06 PM
To: Steve Cohn
Subject: Letter in Support of the James Alan Salon Project, #201735

Dear Shoreline Planning Commission Members:

My name is Jennifer Witeck and I am writing to you in support of the James Alan Salon Project (#201735). I respectfully encourage the Planning Commission to honor the project's request to rezone their location at 18501 Linden Avenue North.

Although I am not a Shoreline resident, I am in support of the Salon project being rezoned as a Regional Business vs. a Community Business. I live in Ballard and I have been a James Alan Salon customer over the past seven years. Hearing about their project, I believe the retail and residential space created by the project would benefit both the Shoreline community and the region as a whole. The salon has a 28-year history of being a respectable community-involved business and it is only logical that their project would continue to directly benefit the city of Shoreline.

From the retail perspective, the development of this property supports the economic development strategy and the sustainability strategy adopted by the city council. With its location, the new building would provide easy access to public transportation as well as other retail services such as food, medical/dental, pharmacy, restaurants and banking, thereby generating financial growth to surrounding businesses in the community. With new retail space available, the Shoreline community will benefit from the increased economic growth.

From the residential perspective, the development is in line with recommendations from the Housing Commission as well as Shoreline's growth plan. The 34 apartments will help mitigate the limited apartment availability created by the past several years of condo conversions, thus providing a financially-viable option for Shoreline residents. With the easy access to transportation and other businesses mentioned above, residents will also add to the city's financial success.

Again, I encourage the Planning Committee to approve the rezoning request. With the responsible community growth provided by this multi-family dwelling and additional retail space, Shoreline could only benefit from the James Alan Salon project.

Sincerely,
Jennifer Witeck

This e-mail and any attachments may be confidential or legally privileged. If you received this message in error or are not the intended recipient, you should destroy the e-mail message and any attachments or copies, and you are prohibited from retaining, distributing, disclosing, or using any information contained herein. Please inform us of the erroneous delivery by return e-mail. Thank you for your cooperation.

FE01

Steve Cohn

From: Tom Corbett [tom.corbett@comcast.net]

Sent: Wednesday, August 20, 2008 1:21 PM

To: Steve Cohn

Subject: James Alan Hair Salon - Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

To: Shoreline Planning Commission

From: Tom Corbett, 19599 - 27th Ave NW, Shoreline, WA 98177

Date: August 20, 2008

I strongly support James Alan Solon's rezoning request. The city of Shoreline desperately needs more affordable housing alternatives that simply cannot be found in the city today. With 4 million new residents expected in the Puget Sound region by 2050, we need to begin to make room today. Having traveled to many locations in Europe and Asia, I have seen the huge benefits that cities and even small towns realize with higher-density housing, particularly near areas like 185th and Aurora. With its access to shopping, medical/pharmacy, restaurants, banking and bus lines, it could be an ideal location for independent seniors. With its easy access to the Interurban Bike Trail, it could be ideal housing for students going to Shoreline Community College, or even U.W. and S.P.U., who would appreciate the savings made possible by biking rather than driving and parking. Both of these groups need more affordable housing, and would be happy to live within the smaller spaces. In other cities, I have witnessed people who have smaller living quarters make better use of "third places", such as coffee shops, book stores, and restaurants, which keeps a community healthy and vibrant. Higher density means more eyes on the street, which would help keep Aurora and the neighborhoods nearby more crime-free. The city would be making a positive statement and taking a leadership role with regard to sustainable development, since the construction, heating, and maintenance of these units would be leaving a significantly smaller carbon footprint per resident. I know that the Planning Commission has wisely supported this project in the past, and that it has been the City Council that has stood in the way. I hope that you can continue to educate the City Council to see that projects like this are the way of our future. The huge demand and exceedingly small supply of units such as these guarantee that they would seldom/never be vacant.

In the interest of public disclosure, I would not benefit financially or any other way directly or indirectly, other than my general level of satisfaction would increase in knowing that I live in a city that gives more than lip-service support of economic development, sustainability and affordable housing.

Most sincerely,
Tom Corbett
19599 - 27th Ave NW
Shoreline, WA 98177

8/20/2008

Steve Cohn

From: d.fosmire@comcast.net

Sent: Wednesday, August 20, 2008 2:18 PM

To: Steve Cohn

Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

Dear Mr. Cohen,

I am writing to express my support for the re-zone request at the property located at 18501 Linden Ave. N. I am surprised to hear that the City Council has still not approved this re-zone. As a Shoreline resident who holds a degree in Urban Geography from the University of Washington I would offer several reasons this property re-zone should be approved.

It has access to public transportation as well as services such as food, medical/dental, pharmacy, restaurants, and banking located on the Aurora Corridor.

This project falls within the parameters of the economic development strategy, the sustainability strategy and the housing strategy, all three of which have been adopted by the City Council.

This development is in line with the GMA as well as supporting Shoreline's growth plan.

As the owner of apartments in Seattle who has resisted condo conversion, this new building will provide 34 apartments helping increase the limited number of apartments built in the past several years of condo construction and conversion.

It provides for responsible growth -- multi-family dwellings built near the Aurora Corridor and not in adjacent residential areas.

Both the retention of James Alan Salon business and construction of new multi-family residences will add to the city's economic growth.

Sincerely,

David Fosmire

8237 14th Ave NW
bsp;

8/20/2008

Steve Cohn

From: Lamar and Cathy Scott [scott7911@msn.com]
Sent: Thursday, August 21, 2008 8:30 PM
To: Steve Cohn
Subject: James Allen Salon Project

We want to express our support for the James Allen Salon Project.

We strongly support development of new apartments in Shoreline particularly those along public transportation corridors and within walking distance of shopping and community services. It is past time for our community to recognize the importance of development that does not rely on private vehicles generating more traffic and causing more road construction.

This is a responsible development, consistent with Shorelines growth plan, by a responsible community business.

Lamar Scott
Cathy Scott
2133 N 159th St
Shoreline, WA 98133

8/22/2008

Steve Cohn

From: DANIEL LYONS [danlyons1@verizon.net]
Sent: Thursday, August 21, 2008 10:36 AM
To: Steve Cohn
Subject: Rezone request at 18501 Linden Ave. N. #201753

Dear Planning Commission members,

It seems to me that the community would benefit from construction of additional rental apartments, and to accomplish this it will apparently be necessary to change the present zoning at the subject address from "Community Business" to "Regional Business".

Therefore, we strongly urge you to make this change.

Daniel and Maureen Lyons
18033 13th Ave. NW
Shoreline, WA 98177

8/21/2008

Steve Cohn

From: Gordon Mehus [gm.boosters@verizon.net]
Sent: Thursday, August 21, 2008 4:07 PM
To: Steve Cohn
Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

Dear Mr Cohn,

I am writing to express my complete support for the zoning variance requested by James Alan Salon. This is *exactly* the type of business activity that we in Shoreline should be encouraging at every turn. James Alan has been a fixture at the 185th and Linden location for many years. They have supported the community in a number of ways and proven to be a very good neighbor. Now they want to improve and expand their business. They have earned any assistance the City can offer.

The James Alan project is the perfect use of a location that abuts a utility sub-station, a bank, a real estate office, Fred Meyer and one of the busier intersections on 185th. What better use is there for this particular property? It puts higher density apartments within walking distance of mass transit and shopping. The parking is off-street, which I personally feel is important. The new, revived business and additional residences will add to Shoreline's economic development.

The City needs to do everything it can to encourage and keep businesses like James Alan Salon here in Shoreline.

Sincerely,
Gordon Mehus
17 Year Shoreline Resident

8/21/2008

Steve Cohn

From: rlspeed@aol.com
Sent: Friday, August 22, 2008 9:09 AM
To: Steve Cohn
Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753



To: City of Shoreline Planning Commission
From: Valerie Speed
Subject: Public Hearing Rezone Request at 18501 Linden Ave N, #201753
Date: August 22, 2008

I am sending this testimony in regards to the zoning change needed for the James Alan Salon building project at the above noted address. As a twenty five year resident of Shoreline, and a ten year patron of the salon, I urge you to approve this application.

The City of Shoreline has promoted sustainability, responsible growth and multi-family housing near to business districts. This project meets these goals set out by the city council, and provides so much more! The salon, in addition to providing great services to its customers, employs over 25 people, many of whom live in the city. It has been an established and responsible community member, participating in local organizations and charities. The new building will provide apartments, which are disappearing at an alarming rate. Last but not least, the proposed project provides for on site parking which should please patrons, neighbors and general citizens as well! It is located on a major bus route, and one block from the busy Aurora corridor, an ideal setting for a project of this kind.

I would like to also point out there is an adjacent property with recently completed project of condominiums, and there is a large, long standing condominium complex on Linden north of the property adjacent to the power/phone substation. I think these structures indicate that this proposed project is ideally suited to this location.

Fortunately for the patrons of this great business, they have stayed open in a temporary location. Hopefully, with your approval and the City's blessing, they will be able to return to their original location as soon as possible. Thank you.

8/22/2008

Steve Cohn

From: anastacia spear [anastacia_spear@hotmail.com]
Sent: Friday, August 22, 2008 6:02 PM
To: Steve Cohn
Subject: #201753

To Whom It May Concern:

I am writing in support of the James Alan Salon project, I would like to state a few key points in my support of the project.

First, the James Alan Salon has been a responsible community business and partner for over 28 years and during this time, the salon has made countless service and financial contributions back to the community. Second, over 25 employees are employed by the salon and almost half of them are Shoreline residents, Third, their development is in line with recommendations from the Housing Commission as well as in line with Shoreline's growth plan. Lastly, their development plans support the economic development strategy, sustainability strategy and housing strategy, all three of which have been adopted by the city council.

Thank you for your time.

Respectfully,
Anastacia Spear

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8/25/2008

Steve Cohn

From: Joan Dressler [gemlady@mail.com]
Sent: Monday, August 25, 2008 5:31 PM
To: Steve Cohn
Subject: Support For The James Alan Salon Project

I am writing in support of a rezoning of the property, James Alan Salon project at 18501 Linden Ave N, #201753.

This development is in line with recommendations from the Housing Commission, as well as being in line with Shoreline's growth plan.

It is responsible growth with multi-family dwellings planned one block west of Aurora Avenue, not in residential neighborhoods. At the same time it will provide 34 apartments to assist with the replacements of those apartments lost through condo conversions.

The Salon has been a responsible community business and partner for over 28 years. Both the business and residences will add to the city's economic development.

Thank you for taking this rezoning proposal under serious consideration.

Yours truly,
Joan Dressler, Shoreline Resident

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8/26/2008

Steve Cohn

From: Monica Johns [Monica.Johns@tideworks.com]
Sent: Monday, August 25, 2008 10:43 AM
To: Steve Cohn
Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753
Importance: High

Dear Planning Commission:

Please note that I am a Shoreline resident and a valid registered voter.

This email serves as my support for the James Alan Salon Project.

Below are few of my reasons as to why I am in support of said project:

- This development supports the economic development strategy, the sustainability strategy and the housing strategy, all three of which have been adopted by the city council
- All 70 parking spaces will be below and behind the building, making for very nice street appeal
- It is responsible growth – multi-family dwellings planned one block off of Aurora (not in the residential neighborhoods)
- James Alan Salon has been a responsible community business and partner for over 28 years and during this time, James Alan Salon has made countless service and financial contributions back to the community.
- Both the business and residences will add to the city's economic development

Thank you,
Monica Johns
638 NW 181st Court
Shoreline WA 98177

8/25/2008

16229 14th Ave. NE
Shoreline, WA 98155
August 25, 2008

To: Shoreline Planning Commission

From: Janice R. Ellis

Re: **Public Hearing: Rezone Request at 18501 Linden Ave N, #201753**
(James Alan Salon project)

As a resident of Shoreline since 1966 and a client of the James Alan Salon for many of those years, I am writing in support of their request for a rezone to permit the teardown of the old salon and the construction of a new building which would house the salon on the first floor and 34 apartments on floors above. My support lies in three main areas.

1. The salon has been a significant business in Shoreline for 28 years. With 25 employees it is an important part of the overall economic structure of the community. As a business it has been very successful and has received an award for the quality of the management and the way employees are treated. This is the type of small business that Shoreline needs both to serve residents and to enhance the overall livability of the city. If the city does not support this rezone, it may not be economically viable for the Salon to rebuild in the city of Shoreline. Forcing a business such as this to relocate is a loss for all. Sustaining Shoreline's business climate is important.
2. All businesses serving the public need to address issues of access. As a retired person, I recognize that there is a significant aging population in the city of Shoreline as well as individuals with disabilities. The old building (not the current temporary one) lacked appropriate access for those with any kind of disability. A new building with adequate parking and access is essential for a business that must serve the public. The plan would include adequate parking for clients as well as residents and thus would not impinge on the neighboring housing area. As an individual who may need an accessible salon in the future, I encourage support for a business that is making this change a part of its planning.
3. Placing high density apartment housing close to the Aurora corridor meets multiple community needs. Apartments are essential for many individuals for whom purchasing a home may not be either desirable or in some instances possible. This is true of those with lower incomes, young people beginning independent living, the disabled, some older individuals, and those who simply prefer apartment living. This urban center on Aurora would be a great place for apartment dwellers and the number of units would add significantly to a segment of the housing stock of the city that is greatly needed. These apartments would be close to bus lines, near shopping and medical resources, and within easy walking distance of the Interurban Trail and other community amenities. This is an environmentally sound plan as we all search for ways to decrease the use of single person car trips.



Windermere

Windermere Real Estate/Shoreline

August 26, 2008

City of Shoreline
Attn: Steven Szafran
17544 Midvale Av North
Shoreline, WA 98133

Re: Rezone Permit #201753
18501 and 18511 Linden Av N

Dear Mr. Szafran:

We are located directly across Linden Avenue to the east of James Alan Salon and have received your notice of rezone application for these properties. James Alan Salon has been an excellent neighbor for many years.

We are in support of this rezone and consider the project to be of great benefit to the whole community. Shoreline is a growing city and needs to retain and attract well respected businesses and employees. This should be a fundamental concern to the city.

We have a couple concerns that we hope will be addressed without further delay. The first is the length of time this property has been vacant. It is in a deteriorated state which we feel is detrimental to our property. This is also an invitation for vandalism which does not bode well for the community.

The second concern is regarding the apparent length of time this rezone is taking. Your notice refers to an original date of October 2006. In checking with the city as to why it was taking so long we were told that there was a code amendment that was up for adoption which could affect the property. Apparently since that time it has been brought to the city council four times with recommendation for approval by both the planning commission and the city staff. Each time the city council majority has sent it back to the planning commission for further study. It would appear that this process is taking an inordinate amount of time. Is this now or has this become a standard rezoning process and/or code amendment adoption in the City of Shoreline?

We feel this is an ideal location for the intended purposes and the rezone should be approved without further delay.

Sincerely,

Gary Alston,
Owner, Broker

cc: Steve Cohn

Received 4:43 on Aug 26

-----Original Message-----

From: Ken and Pearl Noreen [mailto:noreen@seanet.com]

Sent: Tuesday, August 26, 2008 4:42 PM

To: Steve Cohn

Subject: Letter of support for rezone#201753

2625 NW 205h
Shoreline, Washington 98177
August 26, 2008

Dear Planning Commission Members,

We want to strongly urge you to support the Rezone Request at 18501 Linden Ave North #201753 for the James Allen Salon. The James Allen Salon has been a responsible community business and contributor in our community for the past 28 years. We can personally vouch for their unbelievable support for a variety of community organizations. Their support is highly visible at fundraisers and events for the Shoreline Public School Foundation, the Shoreline Art's Council, the new Dale Turner YMCA, the Center for Human Services, and Rotary. They have also given young mothers in the Healthy Start program makeovers at the Salon. No other business in Shoreline has contributed at this level in our community!

We urge your support for this rezone. The City Council has supported the Gambling Casinos by lowering their taxes repeatedly, and we find Casinos support for the community vacant. The Casinos have repeatedly turned organizations down when asked for contributions. We know we have asked them. How can the city turn a deaf ear to this rezone when James Allen is so supportive in this community?

We urge your support for the #201753 rezone because the rezone supports the economic strategy, the sustainability strategy, and the housing strategy for the city of Shoreline. This development also supports the Shoreline growth plan. With 34 much need apartments and 70 parking spaces this development enhances responsible business development in Shoreline.

What a tragedy for the Shoreline community if the James Allen does not get its rezone and chooses to move its business to another community! I cannot believe that this City Council and Planning Commission would let this happen! Unfortunately the city of Shoreline is gaining a reputation for being unfriendly to businesses! For over two years this rezone has been held up by the city! That is unbelievable to us!

We once again urge your support for Rezone Request at 18501 Linden Ave N. #201753. It is incomprehensible that it has taken 2 years to complete this process!

Steve Cohn

From: Dave Tousley [DTousley@nfcorp.com]
Sent: Tuesday, August 26, 2008 9:22 AM
To: Steve Cohn
Subject: Rezone request for 18501 Linden Ave N. #201753

Dear City of Shoreline Planning Commission

I am writing this letter in support of the Rezone Request at 18501 Linden Ave N., #201753.

The City Council of the City of Shoreline has adopted a housing strategy, a sustainability strategy and an economic development strategy. I assume that means the council supports these strategies. The project planned for the James Alan Salon property also supports those strategies.

It is time for the planning commission, the city and the city council to start supporting the well established small businesses in our community and approving this rezone might show that Shoreline can be a business friendly community.

Sincerely,

David & Roseann Tousley

8/26/2008

-----Original Message-----

From: Catherine Furnia [mailto:cmfurnia@gmail.com]

Sent: Tuesday, August 26, 2008 4:56 PM

To: Steve Cohn

Cc: Matthew@JamesAlanSalon.com

Subject: rezone request for James Alan Salon

To Whom It May Concern,

I am writing because I am concerned that the Shoreline City Council is acting in a biased manner toward the owners of James Alan Salon in their effort to get zoning for their building project at 18501 Linden Ave N. I do not know the owners, but have been a customer of theirs for the last two years.

I have watched the HUGE development of the south Echo Lake YMCA and housing units over the last year, and cannot fathom why the city council would then object to such a small project in what is clearly a mixed used neighborhood, when they approved such a behemoth project in an environmentally sensitive area. This is the same city council that has allowed cottage housing in R-6 neighborhoods, so why would there be concern about a 34 unit mixed use building? Although Fred Meyer is very useful, it is an eyesore. I believe this new building would only benefit the neighborhood financially and aesthetically. The location in question is bordered by a major arterial, Windermere Real Estate, a fairly questionable apartment complex to the northeast, a utility station directly to the north. In what way would the James Alan project hurt the neighborhood? They have made, from what I can ascertain, reasonable accommodations for increased traffic and parking.

I also do not understand why zoning would allow a building of the same size if it were all office space, but not for mixed use. The logic completely escapes me. This is a perfect place to have apartments that would actually help REDUCE car traffic, since tenants/owners would be able to literally walk across the street to have almost all their needs met at nearby businesses.

It seems as though James Alan Salon has been a very "good neighbor" to the community through the years. I can only deduce that there are city council members who are acting out of spite or financial motivation to prevent this project from getting the appropriate permits and zoning.

I look forward to your response to my questions and concerns.

Sincerely,
Catherine McConnachie
(206)546-5992

From: CaraLee Cook [caraleester@yahoo.com]
Sent: Tuesday, August 26, 2008 10:17 PM
To: Steve Cohn
Subject: Rezone of property at 185th and Linden
Dear members of the city of Shoreline's planning Commission,

I live in the Richmond Highlands neighborhood of Shoreline, and wish to express my support for the re-zoning of the land on the corner of 185th and Linden Ave N., currently the James Alan Salon and the two surrounding parcels. The goal is to develop this property into a mixed use building with 36 apartments and office space.

Please grant the re-zone necessary to enable this project. There is a huge need for affordable housing in our city. Many of our transitioning households do not desire a detached single family home. Dense apartment style housing is needed, but belongs in the commercial corridors where public transport, shopping and services can be accessed on foot. The design of this project will enhance the aesthetics of the area, I especially appreciate the design of parking in the back and under the site, so it is not visible from the street view. An increase in property value increases the return of tax revenue to the city. Mixed use provides the best return for the space and resource, and is the preferred development model for urban corners.

There are many positive outcomes of this project and I urge you to grant the needed rezone so that the project moves forward with the highest number of housing units possible. If you have any questions, please do not hesitate to call me.

CaraLee Cook, (206) 546-0145

Steve Szafran

From: Steve Cohn
Sent: Thursday, August 28, 2008 8:09 AM
To: Steve Szafran
Subject: FW: James Alan Salon Rezone

Sent Aug 28

-----Original Message-----

From: Agreement Dynamics, Inc. [mailto:hq@agreementdynamics.com]
Sent: Thursday, August 28, 2008 7:25 AM
To: Steve Cohn
Cc: 'Matthew Fairfax'
Subject: James Alan Salon Rezone

Dear Planning Commission:

As a resident and business owner in Shoreline, I'm writing to support the James Alan Salon proposed rezone to a regional business designation.

Please support their request for increased housing units on the site. The James Alan Salon is a long-time neighborhood business that employs a number of Shoreline residents and makes a positive contribution to our community. This type of development is good for Shoreline because:

- It increases rental property in the area, much of which has been converted to condos in the past several years.
- Its location is one block off Aurora, allowing residents to walk to shopping and transportation services. This is sensible development for our community's future.
- The mix of business and residences there will increase the economic vitality of the area.
- Without the additional residences proposed their business plan for this building project may not be economically viable.

Please feel free to contact me if you have any questions. Thank you for your consideration of this important request.

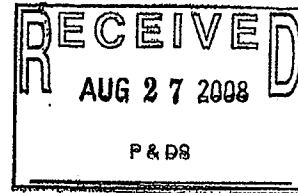
Sincerely,

Rhonda Hilyer, President, Agreement Dynamics, Inc.
18410 16th Ave. NW, Shoreline, WA98177

Agreement Dynamics, Inc.
relationships, agreements, results
(206) 546-8048

8/28/2008

August 28th, 2008



Subject: SEPA and Rezone Request at 18591 Linden Ave N #201753

To: Steve Szafran, Steve Cohn, City of Shoreline Planning Commission

Please let me apologize for writing at the last minute and without making time to personally review the file. I did not realize how quickly time was passing. I am trying to better understand what has/has not transpired before it's too late to ask. I am writing in regards to both the SEPA and the requested rezone on the reference property commonly known as the "James Alan" property owing to the hair salon that has operated there from a one story building for a number of years. I will address my SEPA questions/concerns first and then provide my re-zone concerns.

Regarding SEPA

1. It's my understanding the only SEPA currently available on this property is for the current Community Business (CB) permit application of 20 units. Is this correct? *SEPA*
2. Was there a recent period for SEPA review that I missed? If not, could you please enlighten me as to why not?
3. I assume a SEPA was done for the proposed re-zone? Could I please get a copy of it? When did I miss the chance to comment on it?

4. Are the applicant required copies of Washington Department of Fish and Wildlife Habitat Species maps for this location provided? to verify if the property is part of a migratory route and if so, for what species?
5. Also, how will the loss of solar lighting/energy on the single family home immediately to the north be mitigated? by shape/height/location of the proposed structure?

Please provide a *written response* to each of the above SEPA related questions.

Re-Zone Concerns

I implore you keep the zoning of this property at CB (R48) and to look at the most current facts available. It concerns me that comments I have been able to review are from the following:

Harry Sloan – Windermere Real Estate Agent

Emoke Rock – Windermere Broker

David Fosmire – 14th Ave NW

Edie Loyer Nelson – 15th Ave NW

Allen D Anderson – 198th & 5th NW

Patty Schoch – 500 block of N 188th

Barbara Boldrin – 18233 Linden Ave N

Of these, only the last is really a neighbor that will be affected.

Here are calculations I did on the lot dimensions and the proposed increase in units:

There are 43, 560 sf/acre

The lot is 14,200sf or 32.6% of an acre

36 units (based on receipt of the requested RB re-zone) proposed units.

(I believe this would be 34 housing units plus the James Alan Salon itself)

$$14,200 \times 3.0675 = 43,560$$

Or

$$36 \text{ units} \times 3.0675 \text{ (multiplier determined above)} = \underline{110 \text{ units per acre}}$$

110 units per acre *might* be appropriate in some locations that face directly onto Aurora, however, this property not on Aurora and is on the edge of a single family neighborhood.

The proposed re-zone would allow what is now a five story building, immediately adjacent to a two story, single family residence to grow to six stories.

	<u>Zoning Code</u>	<u>Zoning Density</u>	<u>Height</u>	<u>Stories</u>
<u>Current</u>	Community Business (CB)	Max R48	Max 60 ft	Max 5
<u>Proposed</u>	Regional Business (RB)	Max R110?	Max 65	Max 6

The existing CB zoning will allow for 4 additional stories and 20 residential units not currently on site. To increase that level of growth even further is simply unwarranted "piling on". If this property is allowed to re-zone to RB it will represent an additional 125% increase in units over those already zoned, an additional story and not require any of the small businesses so badly needed to re-vitalize our city. This seems both unwise and totally unwarranted.

I have lived in Shoreline, at the same address since 1965. I have seen many changes and how they have affected the neighborhood near this property. I live one block north of the James Alan Salon where Linden Ave N becomes Firlands Way and intersects N 188th Street. I was also a member of the Planning Academy. The Academy's sole purpose was to work as a diverse group made up of developers, contractors, home owners and

businesses to of "form" so they could be used to show by means of example what citizens wanted their neighborhoods to look like. This process, by default, also defined the least desirable attributes.

One the most undesirable forms identified was the lack of any transition from one type (multi-family; large bulk) building(s) to another type of building like single family. The larger building literally overshadows the smaller one and destroys any sense of local character and continuity.

The existing, Community Business zoning already allows for up to five stories that will be erected just feet away from a small 2 story home. Regional Business zoning would allow this to increase all the way to six stories looking down on this 2 story home.

Furthermore, I am concerned the existing SEPA is no longer timely, nor reflective of the increased impacts the proposed re-zone might cause.

Also, Firlands Way is a residential street that already experiences traffic volumes considered to be excessive for the street and neighborhood characteristics. I have attached the average weekday total axel counts provided by Traffic Engineer, John Marek. These were done for the Hillwood Neighborhood Traffic Plan. You can see that during the course of the average weekday in February 2007 there are 2213 cars coursing through the neighborhood at a rate of 1 every 15 seconds at the 7AM & 5PM peak times. I am very concerned that 34 housing units, with 70 additional parking spaces (not to mention overflow parking on the street) will simply add more traffic to this already overused, unsafe street. I am absolutely opposed to anything that would add even one more car to the traffic on this street until the City finds, implements and demonstrates the means to successfully reduce the existing traffic volumes in our once relatively quiet neighborhood.

Furthermore, RB zoning would allow for all the units in the proposed building to be residential without any commercial occupants. While this may prove lucrative for the owner, it will not bring locally owned small businesses into the community to diversify and deepen our business tax base. Having all housing units, which some find most attractive, would not only increase daytime commuter traffic, it would also mean the local neighborhood streets would have an increase in evening traffic as well. Local neighbors have a right to expect reasonable traffic volumes. According to the City's own current traffic counts, before any changes to this site are made, we have unacceptably high traffic volumes and adding even more units than currently allowed, will simply exacerbate an untenable situation. Then imagine that even more of the units are likely to be 24 hour residential units and you can easily imagine the outcomes.

Zoning and Comprehensive Plan Disconnect

I understand the Zoning Code allows for R-110 density. However, aren't the Comprehensive Plan and accompanying Environment Impact Statement (EIS), which don't address this level density, the controlling documents? This continues to be a concern that needs to be addressed before even considering this level of density directly adjacent to single family housing.

Thank you for your thoughtful consideration and responses to my concerns.

Sincerely,



Boni Biery
903 N 188th St
Shoreline, WA 98133

City of Shoreline
Public Works - Traffic Service
17544 Midvale Ave N

Location : Firlands Way N
Cross-St : N 190 St
Direction : s/o

Site:
Date: 01/29/07

Direction: TOT

Interval Begin	Mon 1/29	Tue 1/30	Wed 1/31	Thu 2/1	Fri 2/2	Sat 2/3	Sun 2/4	Weekday Avg	Week Avg
12:AM	*	*	*	*	*	8	15	*	11
1:00	*	*	*	*	*	8	4	*	6
2:00	*	*	*	*	*	9	4	*	6
3:00	*	*	*	*	*	8	8	*	8
4:00	*	*	*	*	*	1	4	*	2
5:00	*	*	*	*	*	5	4	*	4
6:00	*	*	*	*	*	12	9	*	10
7:00	*	*	*	*	*	14	7	*	10
8:00	*	*	*	*	*	43	44	*	43
9:00	*	*	*	*	*	76	48	*	62
10:00	*	*	*	*	*	110	73	*	91
11:00	*	*	*	*	*	150	90	*	120
12:PM	*	*	*	*	*	149	99	*	124
1:00	*	*	*	*	*	144	114	*	129
2:00	*	*	*	*	*	104	140	*	122
3:00	*	*	*	*	*	136	95	*	115
4:00	*	*	*	*	*	110	66	*	88
5:00	*	*	*	*	*	97	74	*	85
6:00	*	*	*	*	*	94	33	*	63
7:00	*	*	*	*	*	52	62	*	57
8:00	*	*	*	*	*	41	54	*	47
9:00	*	*	*	*	*	45	30	*	37
10:00	*	*	*	*	*	26	25	*	25
11:00	*	*	*	*	*	28	9	*	18
Totals	0	0	0	0	0	1,470	1,111	0	1,283
AM Peak	*	*	*	*	*	11:00	11:00	*	11:00
Volume	*	*	*	*	*	150	90	*	120
PM Peak	*	*	*	*	*	12:00	2:00	*	1:00
Volume	*	*	*	*	*	149	140	*	129

City of Shoreline
Public Works - Traffic Service
17544 Midvale Ave N

Location : Firlands Way N
Cross-St : N 190 St
Direction : s/o

Site:
Date: 02/05/07

DirectorTOT

Interval	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Week
Begin	2/5	2/6	2/7	2/8	2/9	2/10	2/11	Avg	Avg
12:AM	4	4	1	8	*	*	*	4	4
1:00	4	2	2	2	*	*	*	2	2
2:00	2	4	3	3	*	*	*	3	3
3:00	2	2	1	1	*	*	*	1	1
4:00	6	4	4	4	*	*	*	4	4
5:00	16	16	14	13	*	*	*	14	14
6:00	64	66	69	64	*	*	*	65	65
7:00	210	309	226	211	*	*	*	239	239
8:00	148	202	154	135	*	*	*	159	159
9:00	116	102	89	98	*	*	*	101	101
10:00	111	86	76	114	*	*	*	96	96
11:00	136	117	95	107	*	*	*	113	113
12:PM	127	144	127	142	*	*	*	135	135
1:00	142	125	116	128	*	*	*	127	127
2:00	142	156	152	142	*	*	*	148	148
3:00	243	168	195	174	*	*	*	195	195
4:00	247	163	176	182	*	*	*	192	192
5:00	276	197	230	216	*	*	*	229	229
6:00	135	150	129	155	*	*	*	142	142
7:00	88	88	92	84	*	*	*	88	88
8:00	53	80	60	68	*	*	*	65	65
9:00	39	56	43	52	*	*	*	47	47
10:00	22	30	38	30	*	*	*	30	30
11:00	20	10	9	17	*	*	*	14	14
Totals	2,353	2,281	2,101	2,150	0	0	0	2,213	2,213
AM Peak	7:00	7:00	7:00	7:00	*	*	*	7:00	7:00
Volume	210	309	226	211	*	*	*	239	239
PM Peak	5:00	5:00	5:00	5:00	*	*	*	5:00	5:00
Volume	276	197	230	216	*	*	*	229	229

August 29th 2008

To: The city Of Shoreline Planning Commission

From: Patricia Erickson

Regarding Public Hearing Rezone Request for 18501 Linden Ave North #201753

As a long time resident of Shoreline, since 1960, I have seen our community go through many changes. Some of these projects have been thought out better than others. I believe that the project that James Alan salon is proposing will enhance our community. It will beautify the corner of 185th and Linden. It will add needed housing and resources for the neighborhood. It will make driving along what is currently a rather unsightly stretch of 185th more pleasing to the eye.

It seems nonsensical that an area that is already commercial and has been for years would be denied the right to progress in the direction that our community needs and desires. James Alan Salon has been a valued contributor to our community and what it stands for, giving back in many ways as tax payers, employers and community involvement.

When "Valuemart" [now Fred Meyer] was built in the 60's, it was an exciting asset to our burgeoning community. How exciting it was to go to that store with my parents. It made Richmond Beach feel more solid and desirable. If we halt progress because of a misguided group within our government, we keep Shoreline from being what it desperately needs to be, a viable, accessible spot where people want to come and spend their money.

Please help our community in welcoming the project set before you. We *need* successful businesses, we *need* good contributors to our community and we *need* accessible housing for bus riders and others with limitations.

Thank you for approving this request!

Patricia K Erickson

206 542-2895

19206 14th LN NW

Shoreline, WA 98177

Long time Richmond Beach Resident

Cc Shoreline Enterprise and the Richmond Beach Community News

Steve Szafran

From: Steve Cohn
Sent: Friday, August 29, 2008 8:42 AM
To: Steve Szafran
Subject: FW: James Alan Salon

Sent Thursday evening Aug 28

-----Original Message-----

From: Jill Mckinley [mailto:jillbentleymckinley@comcast.net]
Sent: Thursday, August 28, 2008 5:29 PM
To: Steve Cohn
Subject: James Alan Salon

Dear Planning Commission,
Please vote to let James Alan rebuild on their old site. That hair salon is not only a long time fixture in our community, they are huge supporters in Shoreline Schools, they bring in a good tax base and serve the needs of Shoreline, and are very convenient to get to. What a shame to send them off to another city.....please. please do not let them leave, Shoreline will lose a wonderful establishment with long time employees, whom most of them live here. It will be a nice building that will beautify the area and servet he needs of alot of Shoreline residents.

Think this through...be smart.

Sincerely, Jill Mckinley

August 31, 2008

RE: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

Dear Shoreline City Council:

I am writing to express my support for the James Alan Salon request to rezone its property to "Regional Business." Though I am not a resident of the city of Shoreline, I spend a great deal of time in Shoreline as a Professor of Biology at Shoreline Community College (18 years). I have been a client of James Alan Salon for many of those years. I am writing this letter as a client of the salon, not in my capacity as a professor.

I am particularly impressed with this business because the owners care about their clients, their employees and their community. James Alan has been cited as one of the "Best Companies to Work For" by *Washington CEO Magazine*. The business is run with a participatory form of management that encourages employee initiative and growth. They have given much back to their community, by supporting children's sports teams, participating in fund-raising events such as "Race for the Cure", and by getting involved in community governance.

Because this business is so popular, I've often had to park in front of residences or other businesses. The new plans will alleviate this problem by having all parking behind or below the building. This, along with the ability to provide additional apartment spaces, demonstrates to me that the owners want to make the most efficient use of space. This development will add affordable housing close to public transportation and other businesses. Given the recent upscale development in the immediate vicinity of this location (the new YMCA and senior apartments, as well as upgrades to the Aurora Avenue corridor), I would think that the Council would encourage such a development. This salon has always been meticulously landscaped, adding beauty to an area that has seen some blight.

As a biologist, I am pleased that James Alan Salon is trying to do the most good with this land. I could choose to patronize a national-chain salon and save lots of money. But, I like to patronize businesses that give back to the community, support their employees, and are focusing on sustainability. Therefore, I encourage you to approve the zoning change for James Alan Salon.

Respectfully,

— ■ ● ♀

Judy L. Penn, M.S.
630 Scandia Pkwy
Camano Island, WA 98282
Phone: 360.572.4201

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:36 AM
To: Steve Szafran
Subject: FW: Support of James Alan Salon project

Received Sept 2

-----Original Message-----

From: juankris@comcast.net [mailto:juankris@comcast.net]
Sent: Tuesday, September 02, 2008 7:09 AM
To: Steve Cohn
Subject: Support of James Alan Salon project

To Whom it May Concern on the Planning Commission: This letter is sent as a comment of support for the James Alan Rezone Request #201753. Although my husband and I just moved (a few days ago) to the property alongside of the proposed project (732 N. 185th St), we have been long-time residents of Shoreline for over 30 years. We have seen the growth and development of Shoreline through those years and we have bought property in multi-use buildings a number of times. We have also lived in those buildings. We have seen the drawing of the proposed building, we know of James Alan's longterm commitment and care for Shoreline, we understand the issues involved in the development of commercial and residential properties to improve a "downtown" area for business and residents...and, with all those factors, including our own desire to see Shoreline grow and prosper, we are in full support of the James Alan project at 18501 Linden Ave. N.

As new neighbors to this development project and old Shoreline residents, I hope you will consider our support as a valuable in your decision regarding the rezoning request. Please reply to let me know you have received our comments. In addition, if you have questions regarding any other specific reasons for our support, please feel free to email those questions and I'll be happy to respond. Also, please let us know what time the hearing on September 4th is so we might attend. Thank you. Juan and Kris Espinoza

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:44 AM
To: Steve Szafran
Subject: FW: James Alan Project

Received Sept 2

-----Original Message-----

From: Dan Matlock [mailto:dbb.matlock@comcast.net]
Sent: Monday, September 01, 2008 10:56 AM
To: Steve Cohn
Subject: James Alan Project

I am writing in support of the James Alan Project for several reasons. They have been a valuable member of the business community – my entire family have used their services for over 12 years. In addition, this project would add to the economic development of Shoreline. Thank you.

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:44 AM
To: Steve Szafran
Subject: FW: James Alan Salon project

Received Sept 2

-----Original Message-----

From: Ron Greeley [mailto:ragreeley@mindspring.com]
Sent: Monday, September 01, 2008 10:32 AM
To: Steve Cohn
Subject: James Alan Salon project

September 1, 2008

TO: Shoreline Planning Commission
RE: James Alan Salon Project

We need to support private development especially if it is promoting housing.

I spoke to a 25 year old woman who works at a local business. She said it was difficult for her afford to go the University of Washington because of increases in tuition. Even if she could get a loan it would be difficult. She went on to say that she now has a low paying job and she cannot afford to live in Shoreline because rentals are too expensive. She now lives in Renton and commutes.

We need to support sensible housing projects that will allow for local workers to live in Shoreline.

Furthermore I do not understand a decision-making process that causes such delays. It seems unreasonable and unfair.

I encourage the Planning Commission and City Council to support this project.

Sincerely,
Ron Greeley

Ron Greeley
20233 - 23 Ave NW
Shoreline, WA 98177-2364
206-546-8186
Email: ragreeley@mindspring.com

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:47 AM
To: Steve Szafran
Subject: FW: PUBLIC HEARING: Rezone Request at 18501 Linden Ave N, #201753

Received Sept 2

-----Original Message-----

From: Jack Malek, Realtor ASR [mailto:jmalek@windermere.com]
Sent: Sunday, August 31, 2008 5:02 PM
To: Steve Cohn
Subject: PUBLIC HEARING: Rezone Request at 18501 Linden Ave N, #201753

August 31, 2008

Shoreline City Planning Commission:

I am a local area Realtor and a seven year resident and I am writing to support the change from community business (CB) to residential business (RB) or professional/residential (PR) in the proposed areas of Shoreline presently under moratorium.

This change would allow the higher density housing we need to support our own economic development plan including the anticipated 10,000 more residents by 2028. However it seems that the goals and plans set by the City of Shoreline are not supported by the present City Council.

I must express my concern that our City Council is sending negative messages to local business partners (in particular the James Alan Salon). Waiting for this precedent setting decision from the Council without a clear timeline or sense of urgency is not cost effective for anyone. It has negatively impacted James Alan Salon and has tarnished out City's image.

The owners of James Alan Salon have demonstrated a clear commitment to this community when buying Shoreline land, renting and remodeling a temporary Shoreline facility, and expanding their stake. They have risked much and our Council has failed to match or honor that commitment with a timely decision.

Unnecessary delays will significantly increase James Alan Salon's holding costs (mortgages, rent, inflationary increases, limited income capacity, etc.) and will surely give cause for any entrepreneur to reconsider developing here in Shoreline and thwart future prosperity.

The City Council needs to be accountable and the moratorium should not be extended past the November 11th 2008 deadline. The Planning Commission has completed the task of providing information to the City Council in order for them to answer the three outstanding questions:

- 1- What should be the base density; can it be exceeded?
- 2- Should there be additional transition requirements?
- 3- Is development of a new transition zone an idea worth exploring (professional/residential zone)?

It's up to the Council to complete this task.

Thank you,

9/2/2008

Jack

Jack Malek, Realtor ASR
Windermere RE Shoreline
900 N 185th Street
Shoreline, WA 98133
206-498-2189 cell
206-533-5079 office
206-299-9344 fax
www.jackmalek.com

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:48 AM
To: Steve Szafran
Subject: FW: Rezone Request at 18501 Linden Ave N, #201753

Received Sept 2

-----Original Message-----

From: Deborah Buck [mailto:debbuck@gmail.com]
Sent: Sunday, August 31, 2008 12:03 PM
To: Steve Cohn
Subject: Rezone Request at 18501 Linden Ave N, #201753

To: Shoreline Planning Commission

I am emailing in support of the rezone request for the property at 18501 Linden Ave. N. My understanding is that the Planning Commission has supported this project in the past, and I urge you to persist in your support. Given the growth projected for King County, our city needs to take action now to support high density, mixed use projects such as this one.

I moved to Shoreline in 1989. Long before I knew much about Shoreline businesses, I was impressed by what I heard about the James Alan Salon's commitment to the community, and to supporting local non-profits. This is the kind of business that every community needs in order to keep a vibrant, ethical core.

Thanks in advance for your consideration of my comments.

Deborah Buck
Precinct Committee Officer and Shoreline resident since 1989

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:48 AM
To: Steve Szafran
Subject: FW: To the Shoreline City Council

Received Sept 2

-----Original Message-----

From: Lee Craig [mailto:leemail2@comcast.net]
Sent: Saturday, August 30, 2008 4:05 PM
To: Steve Cohn
Subject: To the Shoreline City Council

To the Shoreline City Council,

In this election year where politicians are resorting to personal attacks to win votes, I want to believe that in Shoreline, Washington, we are better than that. Right now, I am looking to the Shoreline City Council to demonstrate a form of politics that models cooperation, vision and forward-thinking. One way I will measure the effectiveness of the work our Council does will be to see approval of the permit for the James Allen complex.

My husband and I have lived in Shoreline forever, and we love this community. I try to patronize local businesses whenever possible, and am grateful to have the quality services of the James Allen Salon in my own neighborhood. I was delighted to hear that they intended to remain in their existing location when they outgrew their current building. Keeping them in our community is an important investment in bringing both increased business and conveniently located multi-family dwellings to Shoreline. After the initial approval of their proposed plans, I am frustrated and saddened to see the progress grind to a halt. Unfortunately, those I have talked to in my neighborhood perceive that the denial of permits has become political posturing by some members of the City Council. Please. Not again.

As a Shoreline resident, I want to see my community grow and prosper. The beautiful complex being proposed by the James Allen Salon, **Public Hearing: Rezone Request at 18501 Linden Ave N, #201753**, will add to the beauty of our city. I believe they have considered every potential problem with parking, with traffic, and with keeping the structure within recommendations from the Housing Commission. There is simply no down-side to this proposed development. It will enhance our community in many ways.

But for me, this is more than a dispute over a code amendment. We need businesses in our city that reach out into the community. That outreach is something that sets the James Allen Salon apart. The reason I became a customer of the James Allen Salon in the first place was because of the high visibility they have as members of this community. Every charity function I attend in Shoreline has a donation from the salon. The owners and the employees of the salon give back more than any other business I can name. They have done everything I would ask of a good neighbor. Please resolve this stalemate and let us get on with making Shoreline the best place to live in the northwest.

Thank you for your attention to this matter,
Lee Craig
1311 NW 200th

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 9:27 AM
To: Steve Szafran
Subject: FW: new apartment building

Received Sept 2

-----Original Message-----

From: patricia druxman [mailto:pattyrose@aol.com]
Sent: Tuesday, September 02, 2008 9:16 AM
To: Steve Cohn
Subject: new apartment building

Patricia Druxman
1048 NW 196th
Shoreline, WA 98177

September 2, 2008

Dear Shoreline Planning Commissioners:

In regard to the possible apartment building on the former James Alan Salon property, I wish to add to those who are in support of the larger size. I have been a resident of Shoreline since 1969 (except for two years) and a member of St. Luke's Parish.

I believe we need places for people to live closer to the Aurora corridor where there are so many commercial business in walking distance; including the bus, grocery, bank, Starbucks and other restaurants, new YMCA and more. We need more concentration of attractive properties there. This would be attractive building and also a source of more income to those business. Further, I know that the owner of the salon have been generous citizens of Shoreline supporting many charities including the one I am involved in - Healthy Start - by providing special evenings of services free to young mothers.

Sincerely,
Patty Druxman

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 12:49 PM
To: Steve Szafran
Subject: FW: James Allen Salon re-zone

Received Sept 2

-----Original Message-----

From: ranandles@verizon.net [mailto:ranandles@verizon.net]
Sent: Tuesday, September 02, 2008 11:16 AM
To: Steve Cohn; Joe Tovar
Cc: City Council
Subject: James Allen Salon re-zone

Dear Mr. Cohn, Mr. Tovar and all Honorable Councilmembers:

We are writing this letter to urge you to approve the re-zone of the James Allen Salon property for the following reasons:

(1) It is the job of elected positions to increase density "appropriately". This property is surrounded on the South by Fred Meyer, to the East by a bank, a real estate office and apartments, to the West by a new condo development, and to the North by a Verizon sub-station and a condo complex (St. Charles Place). This property, located in the middle of all these, is obviously not going to affect any views or impact the neighborhood in any great fashion.

(2) The impact to the area will basically be zero. Traffic is already affected by street lights (which can be timed to the added density) and the side streets to the North already have speed bumps everywhere.

(3) There will really be no additional retail because the James Allen Salon has already been there for years.

(4) The addition of density will benefit the City greatly at a time when revenue is needed. IF condos are built, then there is additional property tax benefit. IF condos or apartments are built, both will bring additional sales tax revenue because the tenants will probably do their shopping at Fred Meyer or Gateway Plaza.

(5) If you want to build "walkable" neighborhoods, this is the perfect site. It is close to shopping, transit, highways, trails and of course, the new City Hall.

We urge you to do the right thing. Approve this re-zone. Please forward this on to the Planning Commission prior to the Thursday meeting on this issue.

Sincerely,

Randy Hughes and Leslie Addis
19802 8th Ave NW
Shoreline, WA 98177
206.546.6353

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 4:18 PM
To: Steve Szafran
Subject: FW: Public Hearing: Rezone request at 18501 Linden Avenue North, #201753

Received Tuesday Sept 02

-----Original Message-----

From: Huse, Doug [mailto:DHuse@daviswire.com]
Sent: Tuesday, September 02, 2008 2:18 PM
To: Steve Cohn
Subject: Public Hearing: Rezone request at 18501 Linden Avenue North, #201753

Hello,

I am writing in support of the rezone of this property from **community business** to **regional business**. This development supports the economic development and housing strategy, and will provide 34 apartments, which the community is in need of. The property is in the right location for this type of project, with great access to public transportation as well as critical services.

James Alan Salon has been in business for over 28 years and has provided countless support for the community. The city is in need of affordable housing near the Aurora corridor and projects such as this which provide nice street appeal along with responsible growth are important to our city.

Thank you,

Doug Huse
Shoreline Resident
1816 N.W. 198th Street
Shoreline, WA 98177

Steve Szafran

From: Steve Cohn
Sent: Wednesday, September 03, 2008 8:05 AM
To: Steve Szafran
Subject: FW: James Alan Salon - Please allow rezone

Received Wednesday Sept 3

-----Original Message-----

From: Sylvia Levy [mailto:sylvia.levy@verizon.net]
Sent: Tuesday, September 02, 2008 6:28 PM
To: Steve Cohn
Subject: James Alan Salon - Please allow rezone

>
> The James Alan Salon is a great community business and has
> contributed in countless ways to our Shoreline community. I think
> the building they want to put up on Richmond Beach Road would be
> another wonderful way for the company to continue contributing - we
> need multi use buildings in this day and age, and Richmond Beach
> Road is hardly a residential street! Please allow the rezone to go
> through. I like this company very much and hate the thought of them
> moving to Edmonds.
>
> Sylvia Levy
> Richmond Beach Resident
>
> 1128 NW 201st Street
> Shoreline, WA 98177

Steve Szafran

From: Steve Cohn
Sent: Wednesday, September 03, 2008 8:06 AM
To: Steve Szafran
Subject: FW: James Alan Salon Rezone Request

Received Sept 3

-----Original Message-----

From: Angie [mailto:moozmom@verizon.net]
Sent: Tuesday, September 02, 2008 9:01 PM
To: Steve Cohn
Subject: Fw: James Alan Salon Rezone Request

----- Original Message -----

From: Angie
To: schon@cishoreline.wa.us
Cc: [Matthew](#)
Sent: Tuesday, September 02, 2008 6:59 PM
Subject: James Alan Salon Rezone Request

To Whom It May Concern,

I am writing in support of James Alan Salon. I have been a client for years. It was so good to find a high caliber salon in Shoreline and be able to quite going all the way downtown. I first found out about them from a friend. Now all of my friends are clients, as well as my extended family.

They give so much to this community. They never turn down a request to donation to our school auctions and art walks. I also have a very personal experience with their generosity and community building philosophy.

My daughter Charlotte has a progressive neuro-muscular disease that has left her completely disabled and ventilator dependent. She is now six and we care for her at home with the help of nurses.

About five years ago, Keri Huse, who cuts my hair asked if anyone cuts Charlotte's hair? I said that I have attempted to keep it trimmed, but it was pretty long and uneven. She immediately offered to come to our home and cut it. Not an easy task for two reasons. One Keri has a pretty tough time with tubes and scary medical stuff, and two, Charlotte has uncontrolled movements and is bed confined.

Keri has been cutting Charlotte's hair ever since, every month, on her day off, and will not accept payment. It is one of the many ways our life has been touched by kindness. It is not the exception at James Alan, it is the norm.

Lastly, for me it is so important to have them in Shoreline. I need to stick pretty close to home and the convenience of the location is key. I am excited to see them grow and develop new services. They are the kind of business Shoreline needs more of.

Sincerely yours,
Angie Sutphen

Steve Szafran

From: Steve Cohn
Sent: Wednesday, September 03, 2008 8:06 AM
To: Steve Szafran
Subject: FW: 185th and Linden

Received Sept 3

-----Original Message-----

From: Susan Bell [mailto:neko.bell@verizon.net]
Sent: Tuesday, September 02, 2008 10:52 PM
To: Steve Cohn
Subject: 185th and Linden

I support the zoning change of the property at 185th and Linden.

Susan Bell
1851 NW 202nd St
Shoreline

Steve Szafran

From: Steve Cohn
Sent: Thursday, September 04, 2008 10:35 AM
To: 'Will Hall'; 'Ben Perkowski'; 'David Pyle (H)'; 'David Pyle (W)'; 'Janne Kaje'; 'John Behrens'; 'Michael Broili'; 'Michelle L. Wagner (H)'; 'Rocky Piro (H)'; 'Rocky Piro (W)'; 'Sid Kuboi (H)'; 'Sid Kuboi (W)'
Cc: Steve Szafran
Subject: FW: James Alan Property

Commissioners Broili and Berens received this email earlier today. We are circulating it to the entire Commission and will include it in the desk packet of additional comments that we have received since the packet went to press.

Steve C

-----Original Message-----

From: Mike Broili [mailto:mbroili@speakeasy.net]
Sent: Thursday, September 04, 2008 10:22 AM
To: Steve Cohn
Cc: 'Behrens, John'
Subject: RE: James Alan Property

Hi Steve,

John and I received this from Boni Biery and in the spirit of full disclosure I would like you to circulate this to the rest of the PC.

Thanks and Cheers,

Mike

From: Boni Biery [mailto:birdsbeesfishtrees@gmail.com]
Sent: Thursday, September 04, 2008 9:59 AM
To: Behrens, John; Broili, Mike
Subject: James Alan Property

Hi Mike & John,

Here is rough draft of my concerns relative to tonight's planning commission. From what I understand, mine will be the only voice speaking against the up
-zone.....

The staff report begins on page 19 of the packet. The areas that I find most "contestable" would be:

Proposal

item 17 - "to encourage the development of pedestrian oriented places,..." with the traffic already on Linden/Firlands Way there's no way this can be considered pedestrian oriented.

item 18. mid paragraph"Significant pedestrian connection and amenities anticipated" This is NOT satisfactory. If the city wants to provide these amenities, or require them as mitigation for the length of Firlands Way, then I might feel the rezone something to be given serious consideration. As things are

9/4/2008

now, it's totally unacceptable.

Proposed Zoning

item 20. sub 2. "...will not adversely affect the public health, safety or general welfare." This same report indicates that Traffic Impacts will include traffic re-routing itself to avoid congestion by using Linden (which become Firlands Way) "for a few blocks in order to eventually connect with Aurora" This exactly why this rezone should not be approved!

item 20. sub 5. the rezone had merit and value to the community. I disagree. Will Jame Alan may be a neighborhood friendly landlord, there is no knowing how the next property owner may choose to use the site and this is a unwarranted upzone that could very easily have adverse affects on the surrounding property values and neighbors ten years from now.

22. please note that RB allows for 95% impervious surface, 10% greater than CB. This site is at the very top of Boeing Creek Basin and impervious surface should be minimized to reduce the downstream impacts of runoff. This is in direct conflict with the spirit of the Sustainability Strategy and Low Impact Development

the Masonic Temple site, directly across N 185th from this site will be CB, this is a much more appropriate zoning; with condominiums right next door, to go from single family housing at one end of the block, to 4 condominium unit, directly to R-110 density is out of character. This is also an abrupt density change along the Linden side of the development and along Linden to the south as well.

Traffic

item 23. "Since the rezone is not tied to a site plan, it is impossible to define specific impacts..." whatever the impact may be, they will most certainly be more traffic on the already overloaded residential street of Linden/Firlands Way that is primarily used for cut-through traffic by-passing Aurora. Until the existing traffic on this street is addressed there should not be zoning that would allow a single additional car at any time of the day and certainly not the additional traffic loads that would be generated by the proposed up-zone from R48 to R110!

Conclusions

Rezone criteria

item 2. "...protects the environment,.....helps maintain Shoreline's sense of community." This re-zone does nothing to protect the environment. This site is at the very top of the watershed and allowing 95% impervious surface assures at least 95% of the runoff from this site will be running onto someone down stream, increasing the volume of water and contaminates going into Boeing Creek and Puget Sound. How does adding more cut-through traffic to Linden/Firlands Way help maintain a sense of community? The 2213 cars a day on this street are already destroying the safety of the neighborhood by not just travelling through but by leaving graffiti, litter, and other crime. Please don't add any more.

item 5. "If the site is developed with residential uses, it could have a positive impact on public health" It also might have the reverse effect on those already living in the area. If this argument is based on the concept of the urban village, then traffic and pedestrian amenities must be addressed prior to allowing increases to density.

Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject

rezone?

Yes! adding cut-through traffic and the associated graffiti, litter, and "faceless" crime that comes with it comprises quality of life and property values of neighboring home owners.

item 7. sub b "In addition, the City recently adopted transition standards for areas adjacent to single family zoning. though not affecting this site(because it is not adjacent to single family), transition through building and site design will occur on neighboring sites if the are reapon`

always,
Boni

"The tree rustled. It had made music before they were born, and would continue after their deaths, but its song was of the moment." E.M. Forester

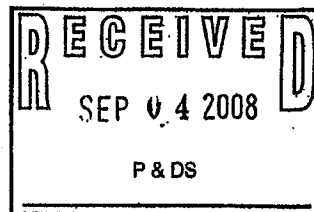
No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.169 / Virus Database: 270.6.16/1651 - Release Date: 9/4/2008 6:57 AM

9/4/2008

323 NW 177th
Shoreline, Washington 98177
August 30, 2008



RECEIVED
SEP - 3 2008
City Manager's Office

Dear Planning Commission Members,

We want to strongly urge you to support the Rezone Request at 18501 Linden Ave North #201753 for the James Allen Salon. The James Allen Salon has been a responsible community business and contributor in our community for the past 28 years. We can personally vouch for their unbelievable support for a variety of community organizations. Their support is highly visible at fundraisers and events for the Shoreline Public School Foundation, the Shoreline Art's Council, the new Dale Turner YMCA, the Center for Human Services, and Rotary. They have also given young mothers in the Healthy Start program makeovers at the Salon. No other business in Shoreline has contributed at this level in our community!

We urge your support for this rezone. The City Council has supported the Gambling Casinos by lowering their taxes repeatedly, and we find Casinos support for the community vacant. The Casinos have repeatedly turned organizations down when asked for contributions. We know we have asked them. How can the city turn a deaf ear to this rezone when James Allen is so supportive in this community?

We urge your support for the #201753 rezone because the rezone supports the economic strategy, the sustainability strategy, and the housing strategy for the city of Shoreline. This development also supports the Shoreline growth plan. With 34 much needed apartments and 70 parking spaces this development enhances responsible business development in Shoreline.

What a tragedy for the Shoreline community if the James Allen does not get its rezone and chooses to move its business to another community! I cannot believe that this City Council and Planning Commission would let this happen! Unfortunately the city of Shoreline is gaining a reputation for being unfriendly to businesses! For over two years this rezone has been held up by the city! That is unbelievable to us!

We once again urge your support for Rezone Request at 18501 Linden Ave N. #201753. It is incomprehensible that it has taken 2 years to complete this process!

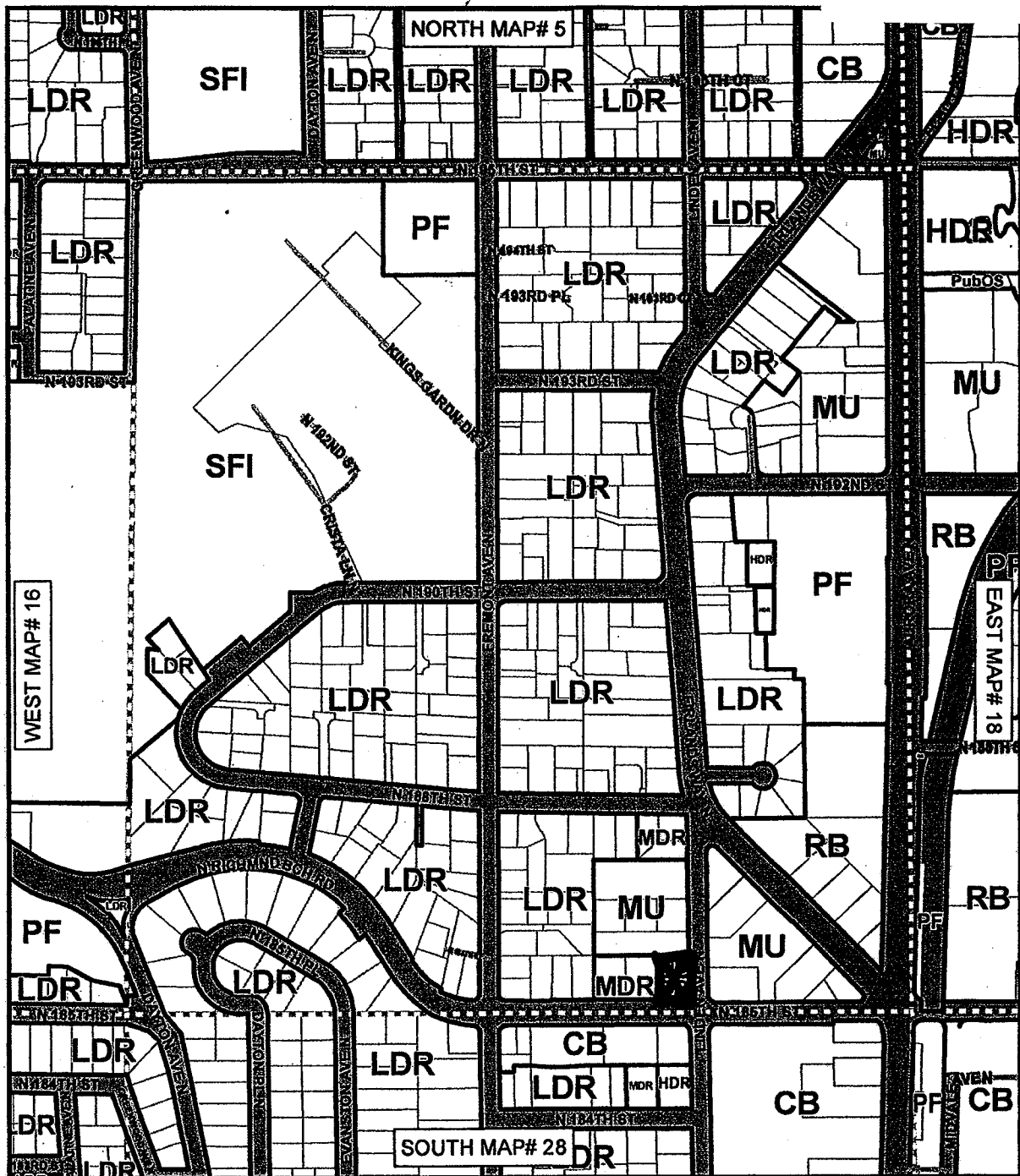
Sincerely,

Mary Bayard
W.C. Bayard

Bill and Mary Bayard

Shoreline residents for 55 years

30+ years - Shoreline School Dist Employee
Educator



CITY OF SHORELINE COMPREHENSIVE PLAN

LAND USE MAP

Land Use Designation Legend

BaSSA	Ballinger 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-S6-T26N-R4 E



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
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70

MAP # 17

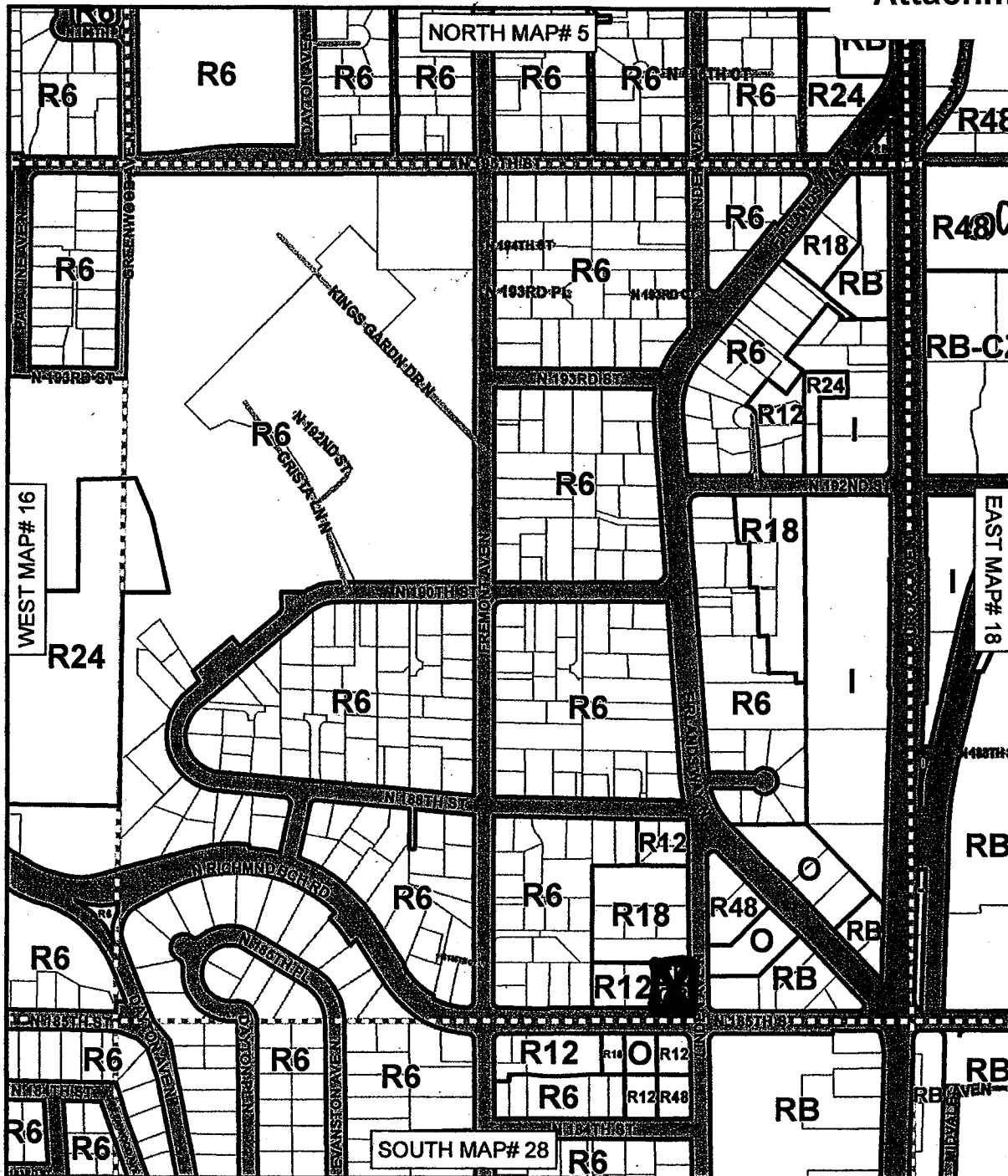
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0 75 150 300 450 600 Feet

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

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
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31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70

MAP # 17

1:3,600



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.



SW1/4-S6-T26N-R4 E

163

DRAFT

These Minutes Subject to
September 18th Approval

CITY OF SHORELINE
SUMMARY MINUTES OF REGULAR MEETING
OF THE PLANNING COMMISSION

September 4, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Kuboi
Vice Chair Hall
Commissioner Behrens
Commissioner Broili
Commissioner Kaje
Commissioner Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present

Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Flannary Collins, Assistant City Attorney
Renee Blough, Technical Assistant, Planning & Development Services

Guest

Keith McGlashan, Shoreline City Council Member

Commissioners Absent

Commissioner Wagner

CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi, Vice Chair Hall, and Commissioners Behrens, Broili, Kaje, Perkowski, Piro and Pyle. Commissioner Wagner was excused.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

Mr. Cohn announced that Mr. Tovar would not be present at the meeting. He said he would provide a full director's report after the rezone hearing.

APPROVAL OF MINUTES

The minutes of August 7, 2008 were accepted as amended.

GENERAL PUBLIC COMMENT

No one in the audience expressed a desire to address the Commission during this portion of the meeting.

PUBLIC HEARING ON JAMES ALAN SALON REZONE APPLICATION

Chair Kuboi reviewed the rules and procedures for the quasi-judicial public hearing and opened the hearing. He reminded everyone that the application before the Commission is a rezone application, and not an application for a specific project. He cautioned that projects are not approved at the rezone stage. Instead, rezones set the ground work for property owners to apply for development permits at a later date for specific projects. He reviewed the following five criteria the Commission would consider when reviewing the rezone application. He noted that the proposed rezone would change the subject property from Community Business (CB) to Regional Business (RB). If approved, any type of project that is a permitted use under the development standards for RB zoning could potentially be built on the site. He advised that the staff presentation would describe the CB and RB zones and identify the development standards that would apply to each one. He cautioned that all comments by the applicant and the public must address the rezone criteria, since these are what the Commission must base their recommendation on. He asked them to avoid discussing a specific project, as no specific project has been proposed for the site at this time.

Chair Kuboi invited all those who intended to provide testimony during the hearing (public and staff) to swear and affirm that their testimony would be the truth. He reminded the Commissioners of the Appearance of Fairness Laws and invited them to disclose any ex parte communications they may have received outside of the hearing. Commissioner Broili disclosed that he and Commissioner Behrens both received an email that was forwarded to staff and circulated amongst the Commission. He said he does not believe the email would influence his decision. Commissioner Behrens explained that because he read the email trail prior to reading the actual email, he chose not to read the document in question. He also noted that both his daughter and his wife have been regular customers at the James Alan Salon for many years. However, he does not believe this would prejudice his decision in any way. Commissioner Hall said he has not had any communications with the proponents or opponents during this current application period. However, he did speak with individuals following the Commission's 2007 action related to the subject property. He noted that because the proposal is different he does not believe this communication would have an impact on his decision. At the invitation of Chair Kuboi, no one in the audience expressed concern about any of the Commissioners participating in the hearing and recommendation process.

Staff overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran provided a brief staff overview of the application. He displayed the Comprehensive Plan map, which identifies one of the subject parcels as mixed use and the other as community business. He

noted that the property owner also owns an adjacent parcel to the west that is not part of the rezone application. He displayed the zoning map, which shows that the two subject parcels are currently zoned Community Business (CB). He noted that surrounding properties are currently developed with a Verizon utility building, a Masonic Temple, a Fire Station, as well as retail, office, single-family homes and multi-family development. He provided pictures of the subject properties, as well as surrounding properties.

Mr. Szafran referred to the chart that outlined the difference in uses and development standards between the requested RB zoning and the existing CB zoning. He noted the major difference would be the number of residential units allowed. The RB zone would allow up to 110 units per acre, which would yield a maximum of 36 units on the subject properties. The current CB zoning would only allow 16 units. The RB zone would allow an additional five feet, as well. The setback requirement would be greater in the RB zone, but the amount of impervious surface allowed would also be greater. The uses allowed in the RB and CB zones are essentially the same, except vehicle sales, research, construction retail and warehousing uses are only allowed in RB zones.

Mr. Szafran reviewed that the applicant submitted a rezone application for the subject parcels in 2006. At that time the two parcels were zoned R-48 and Office, and the request was to change the zoning to RB. The Planning Commission recommended CB zoning, which was ultimately approved by the City Council in March of 2007. However, the following circumstances have changed since that time:

- When the 2006 application was reviewed, the Commission was also considering a proposed development code amendment to eliminate residential density caps in the CB zones that are within close proximity to Aurora Avenue and Ballinger Way. This development code amendment was later denied by the City Council. Therefore, the density in all CB zones is currently set at 48 units per acre.
- The City Council has indicated that they want to look closer at the maximum density permitted in RB zones. Currently, there is a moratorium on development in RB zones at residential densities greater than 110 units per acre.
- The Aurora Avenue Improvement Project will improve circulation near the Linden Avenue/185th Street/Aurora Avenue Corridors. He displayed a map to illustrate what these improvements would include.
- Transition area zoning was adopted by the City Council in May, which would apply to all commercial properties zoned CB, RB and Industrial (I) that are adjacent to single-family zones. However, these new zoning standards would not be applicable to the subject parcels.

Mr. Szafran reported that staff received 40 comment letters in support of the proposed rezone, and 2 that were opposed. Concern was raised that the subject parcels gain access from local streets rather than arterial streets, which is partially true. He explained that Linden Avenue north of 185th Street is categorized as a local street. South of 185th Street, Linden Avenue becomes a neighborhood collector street. However, he emphasized that 185th Street is an arterial street. Mr. Szafran said a suggestion was also made that higher buildings should be located along Aurora Avenue North, with a shearing effect

going down to the single-family residential zones. He pointed out that the current CB zone already allows a height of 60 feet, and the RB zone would only allow an additional 5 feet. He noted that circulation should improve when eastbound 185th Street is changed to provide two through lanes, as well as right and left turn lanes. Vice Chair Hall inquired if improvements are planned for westbound 185th Street as it approaches Aurora Avenue, and Mr. Szafran answered no. At the request of Chair Kuboi, Mr. Szafran reviewed how the proposed rezone would be consistent with the four rezone criteria.

- ***Is the rezone consistent with the Comprehensive Plan?*** Mr. Szafran said the proposed RB rezone would be consistent with Comprehensive Plan Land Use Element Goals I and V because a more intense commercial zone would promote redevelopment and allow for a greater mix of uses. In addition, RB zoning would permit a greater number of dwelling units or slightly more commercial space in close proximity to area services than the CB zoning would allow.
- ***Will the rezone adversely affect the public health, safety or general welfare?*** Mr. Szafran said staff does not believe the rezone would adversely affect the public health, safety or general welfare. He explained that the Comprehensive Plan designation allows for the level of development proposed, and the City's development standards for the RB zone would protect against uses that would be contrary to the public health, safety or general welfare. If the site is developed with residential uses, it could have a positive impact on public health. In addition, placing density closer to area amenities such as shopping, restaurants, and public transportation would encourage walking or biking rather than driving. He summarized that the proposed density would create better health opportunities than would the existing CB zoning.
- ***Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*** Mr. Szafran advised that both the RB and CB zoning designations would be consistent with the Comprehensive Plan vision for the area. Efficient use of land, higher densities in appropriate areas that are close to services and transportation, and an improved circulation pattern on 185th Street and Aurora Avenue North would support more intense development on the site.
- ***Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*** Mr. Szafran suggested the proposed zoning would have minimal impact to the properties in the immediate vicinity. He noted that the two parcels have Mixed Use and Community Business land use designations, so commercial zoning is already appropriate. In addition, the RB and CB zoning designations are very similar, with RB zoning allowing for somewhat more intense commercial uses than does CB zoning. Staff believes that the more intense uses allowed in an RB zone would not likely locate on a relatively small site.

Mr. Szafran said another major distinction between the CB and RB zones is density. CB zoning would allow 16 units on the subject parcels, and RB zoning would allow up to 36 units. He said staff believes density should be located in areas that are less intrusive to the single-family neighborhoods, are in close proximity to amenities and transit, and are located on major collector and arterial streets that do not impact local streets.

Mr. Szafran said the height difference between RB and CB zoning is 5 feet. RB zoning could obtain a height of up to six stories, where a CB zone would most likely be limited to five. He suggested the multi-family zoning that surrounds the subject properties would provide a good transition so height would not impact the single-family zones.

Mr. Szafran said analysis shows that the heaviest traffic impacts would occur if the property were developed with offices uses. The likely impacts would be no different whether the site is zoned RB or CB. A building constructed under either zoning district would likely be a similar size because of parking constraints due to the cost of developing more than one level of underground parking.

- *Will the rezone have merit and value for the community?* Mr. Szafran said the proposed rezone would allow commercial and residential expansion to meet the changing needs of the community. He said recent actions by the City Council ensure that new buildings comply with transition area requirements, and the density of the RB zone is capped at 110 units per acre. When the previous application for RB zoning was submitted, there was no guarantee of a unit maximum on the site since there was no numerical density cap. With the 110 units per acre limit, the maximum number of units allowed on the site would be 36.

Mr. Szafran concluded his presentation by recommending the Commission approve the proposed RB zoning for the two subject parcels.

Commissioner Behrens pointed out that the RB density cap is only a temporary situation. He noted that, at some point, elements would be imposed on how RB zones could be developed. Therefore, even if the City were to grant a rezone to RB, they don't know exactly what the building requirements are going to be. Mr. Szafran agreed, but said the Commission must work with the zoning language that is currently in place.

Commissioner Behrens noted there are two very large developments taking place north of the subject parcels (Echo Lake and Market Place, and the City's housing and sustainability strategies suggest the Commission consider cumulative effects. He asked if staff has done any modeling or projected traffic studies to see how the proposals north of 185th on Aurora Avenue would impact the intersection. Mr. Cohn answered the traffic that was modeled as part of the Aurora Corridor Project was greater than the two large projects combined would generate. Commissioner Behrens summarized that the traffic modeling would assume a higher level of traffic than what is anticipated as a result of the two large developments.

Commissioner Behrens recalled that on previous occasions, the Commission discussed concern about piecemeal attempts to rezone properties. He asked how the density would be impacted if all three sites were rezoned to CB in a cumulative fashion. Mr. Cohn suggested that the zoning and ownership of the third parcel is not germane to the rezone application that is currently before the Commission. Commissioner Behrens said he was more concerned about zoning than ownership of the third parcel. He expressed concern about having a mixture of zoning on the three parcels. Mr. Szafran clarified that the Comprehensive Plan identifies the third parcel as Medium Density Residential, and CB zoning would not be consistent.

Applicant Testimony

James Abbott, James Alan Salon, advised that he is one of the property owners of the subject parcels. He said he supports the City's recommendation for approval of the RB rezone application. In response to Vice Chair Hall's earlier question, Mr. Abbott clarified that when the east side of Aurora Avenue was developed with the Gateway Plaza Project, 12 feet of right-of-way was dedicated to the City for widening 185th Street as part of the Aurora Corridor Project. He summarized that the Aurora Corridor profile would include six lanes, with a business access/transit lane in each direction. Mr. Abbot again said he supports the staff's recommendation to approve the proposed rezone application, and he offered to respond to any questions the Commission might have.

Questions by the Commission to Staff and Applicant

None of the Commissioners had further questions for the staff and applicant.

Public Testimony or Comment

Marlin Gabbert, Shoreline, spoke in favor of the proposed rezone. He expressed his belief that the proposed RB zoning would allow a greater density and some flexibility in terms of developing the property for the community good. He said the present zoning limits the residential density, but it doesn't limit the amount of office space. Under the current zoning, a potential developer could construct up to 60,000 square feet of office space on the parcels, as long as sufficient parking could be provided. He further explained that the large amount of office space allowed by the current zoning could result in a much greater traffic impact to the community. He referred to studies indicating that multi-family uses would have less traffic impact than office space. He said studies also show that residential densities support retail development better than office uses in the same area. He encouraged the Commission to recommend approval of the rezone because it would be better for the community. It would also provide a better transition between the high-density commercial and single-family residential uses.

Angie Sutphen, Shoreline, said she supports the proposed rezone application. The salon business has been located in the community for a long time, and she supports the opportunity for them to grow their business and create more business space that is within walking distance of the residential neighborhood. She also supports the creation of more apartment housing in the area.

Pearl Noreen, Shoreline, strongly urged the Commission to recommend approval of the proposed rezone because it supports the City's economic, sustainability and housing strategies. It also supports Shoreline's growth plan and is consistent with the City's Comprehensive Plan. She said that on three occasions over the last three years, she was part of a presentation to ask the City Council for funds to support the new Dale Turner YMCA. It seemed a logical request given that the cities of SeaTac, Monroe, and Sammamish had contributed \$1 million each to support new YMCA's in their respective cities. However, each time the Shoreline City Council turned down their request because there was no money available. If there is no money to support a non-profit project that would create 250 jobs, spend \$19 million in construction dollars and create a space for 5,000 families to recreate, then the City is in a

financial crisis. She pointed out that the City is in desperate need of revenue and tax dollars from new businesses. The City Council was willing to significantly reduce the gambling tax to ensure the sustainability of the casinos, so she questioned why they are not willing to rezone to attract new businesses. She summarized that rezoning brings money to the City.

Cindy Neff, Shoreline, said she was present to read a letter into the record that was written by the owner of Windermere Shoreline in response to the rezone application. The letter noted that the Windermere property is located directly across from the former James Alan Salon on Linden Avenue, and the salon has been an excellent neighbor for many years. The letter indicated support of the proposed rezone since it would be of great benefit to the whole community. It suggests that Shoreline is a growing City and needs to retain and attract well-respected businesses and employees. The letter noted the length of time the property has been vacant. It is currently in a deteriorated state, which is detrimental to the Windermere property and an invitation for vandalism. Secondly, the letters stated a concern about the apparent length of time it has taken for the applicant to obtain approval of the rezone. The City indicated that the reason for the delay was because a proposed code amendment could impact the subject properties. The letter pointed out that the proposed code amendment has been brought before the City Council four times with a recommendation of approval by both the Planning Commission and City staff. Each time, the City Council has sent the matter back to the Planning Commission for further study. The letter concluded that the process is taking an inordinate amount of time. The letter summarized that the subject parcels are an ideal location for the intended purposes, and the rezone should be approved without further delay. In addition to the letter supporting the proposed rezone, Ms. Neff indicated her support of the proposed change, too.

Vice Chair Hall said his understanding is that this is a different application than what was submitted and approved two years ago. Mr. Szafran said the new application was submitted July 24, 2008. However, it is identical to the application that was submitted in 2006. Commissioner Pyle suggested that Ms. Neff may have been confused because the notice referred to the adoption of a previous SEPA determination that was made in 2006. He explained that under Washington State Law, the City is allowed to use a former Determination of Non-Significance. In this case, instead of redoing SEPA, the City chose to simply use the old analysis that considered all the environmental factors at the time.

Les Nelson, Shoreline, said he read through minutes of the 2006 and 2007 Planning Commission hearings at which the subject parcels were discussed. He recalled that RB zoning was deemed inappropriate for the parcels, and the Commission recommended CB zoning, instead. CB zoning would limit development to 48 dwelling units per acre. Mr. Nelson suggested that none of the conditions evaluated in 2007 to arrive at the CB recommendation have changed, so he questioned why staff is now recommending RB zoning.

Mr. Nelson clarified that no Comprehensive Plan amendment was required to rezone the subject parcels to CB, with the associated limitation of 48 dwelling units per acre. However, he suggested a Comprehensive Plan amendment to change the land use designation to Regional Business would be required to change the zoning to RB. He said he also disagrees with staff's decision to resurrect a two-year-old SEPA application that accompanied a previous rezone application. While a decision was made previously, it is important to recognize that the public has changed and they are addressing different

issues related to sustainability, etc. Mr. Nelson said he tried to find notice of the public hearing on the City's website, but it was very difficult to locate. He suggested they address this issue since the problem seems to come up over and over again. The hearing should have been included in the list of public meetings that were scheduled for the month.

Boni Biery, Shoreline, said she has lived just one block from the subject parcels for the past 43 years. She agreed that the James Alan Salon has been a very good neighbor. However, she has some concerns about the proposed rezone and the staff report's implication that unless the rezone is approved, there would be no increase in housing opportunities, businesses, etc. She pointed out that, currently, the property is developed with an empty home and an empty business, and the existing CB zoning would allow the property to develop with a mixture of uses that would provide additional housing and tax revenue for the City. The proposed RB zoning would allow the same type of development, but at a greater density. She expressed her belief that RB zoning would be too intense given that the subject parcels are only one block away from single-family residential development. She said she has tried to get the City to address traffic concerns in her neighborhood for the past six years, but they do not have a way to solve the problems. She said there is no reason to assume that established habits of using Linden Avenue North and Firlands Way as cut-through streets to get to the park and ride, Aurora Village, Fred Meyer, etc. would change. In terms of sustainability, she noted that the subject parcels are at the very crest of the Boeing Creek drainage basin, and increasing impervious surface by 10% would have an impact on all downstream properties.

Jack Malek, Shoreline, said he is a local area realtor. He said he supports the staff's recommendation to rezone the property to RB. The new zone would be consistent with the City's current economic strategy. In addition, it would allow the City to accommodate their growth targets. The subject parcels are close to the Aurora Corridor, where transit and other opportunities are available to support growth.

Tyler Abbott, Shoreline, said he is one of the applicants for the proposed rezone. He referred to the question that was raised earlier about the timing of the initial rezone application. He explained that the property owners originally attempted to rezone the property to RB, but when the application was presented to the Planning Commission, staff changed their recommendation from RB to CB in light of code amendments that were being considered. The intent was that the new zoning code would meet the applicant's requirements, but would not allow unlimited density. The applicant supported the staff's recommendation, but if they had known the outcome of the proposed code amendments, they would have stuck with their original request for RB zoning. Mr. Abbott advised that a traffic study was completed as part of their building permit application, and there would potentially be 12 more daily trips if the property were developed as RB as opposed to CB. He summarized that likely development under the current CB zone would create more traffic since office and business uses would not be limited and they typically generate more traffic than multi-family uses.

Final Questions by the Commission

Commissioner Kaje asked staff to clarify State Law related to reusing SEPA. Ms. Collins explained that SEPA Determinations do not become stale. She noted that the previous application was for RB zoning, and the new application is for the same. However, because the density allowed in an RB zone is now

lower, the impacts would be less. She concluded that the existing SEPA Determination would still be applicable because it analyzed the impacts for an RB rezone that had unlimited density. She said staff determined there were not sufficient changes to warrant a new SEPA analysis. Mr. Cohn added that because SEPA doesn't go stale and none of the impacts have changed, there would be no reason to disclose additional impacts. Whether or not the original SEPA determination was appealed has nothing to do with why it is being used for a second time.

Commissioner Pyle pointed out that SEPA would still be required at the time of building permit application. The current SEPA Determination is a non-project action. Mr. Cohn agreed and added that once a building permit application has been submitted, staff would be able to identify impacts and necessary mitigation associated with a specific project. Commissioner Piro clarified there has been no changes in SEPA requirements or other factors that would warrant a new SEPA Determination. Mr. Cohn pointed out that the City regulations have changed, and this was reflected in the SEPA Checklist, but SEPA requirements have not changed.

Commissioner Piro summarized that the existing CB zoning would allow 16 dwelling units on the subject parcels, and the proposed RB zoning would allow up to 36. He asked staff to speak about this difference in the context of the City's current ability to meet their growth targets for accommodating housing. Mr. Cohn answered that the current growth targets would not require any changes to the current Comprehensive Plan designations. However, this assumes the City would not always apply the lowest zoning designation to each Comprehensive Plan designation area. He added that regardless of the growth targets, they know the City will continue to grow. If growth is to happen, the Commission has previously agreed that the additional density should be located close to areas that are well served by transit and other infrastructure.

Commissioner Pyle recalled that one concern is that the amount of impervious surface would increase from 85% to 95% if the rezone application is approved. He noted that the City is close to adopting a new stormwater manual. He questioned if any changes are expected in the new manual that would better detain and treat stormwater on site than what the current manual allows. If the objective of the new manual is to retain and treat stormwater on site without conveyance and to work towards watershed planning, he would feel more comfortable agreeing to a rezone that would increase the amount of impervious surface. Mr. Cohn said the proposed manual would suggest the City move in the direction described by Commissioner Pyle. However, the new manual would not likely be adopted until at least February 2009. With or without a change in zoning, any application submitted before adoption of the new manual would be vested under the existing stormwater requirements.

Commissioner Pyle emphasized that several more intense uses would be allowed in an RB zone than in a CB zone. Mr. Cohn agreed and noted that these differences are identified in the staff report, as well. He expressed his belief that given the parcels are located more than a block away from Aurora Avenue North, many of the additional uses allowed in an RB zone would not likely occur because there would not be sufficient traffic to support the uses.

Commissioner Pyle suggested that if staff wants to avoid considering potential projects as part of rezone applications, they should avoid naming particular types of development such as the James Alan Salon.

To narrow the discussion, he suggested the staff report avoid referring to issues that are not pertinent to the conversation. Mr. Cohn agreed that would be appropriate.

Commissioner Pyle referred to Table 20.50.020.2, which addresses the dimensional standards associated with the RB and CB zones. The RB zone allows for greater height, but it requires greater setbacks from residential zones. However, the impervious limitation is stricter in the CB zone. He suggested that with creative options, a developer could potentially construct a bulkier building under the current CB zone that has more perceived impact to the community than the RB zone. The number of units constructed inside of a box would not ultimately change the size of the box. The size of a building would be driven more by market forces. Mr. Cohn agreed that market forces would drive the size of a building, and this would be true for both residential and office/retail uses.

Commissioner Pyle expressed his belief that while it is a property owner's right to apply for a rezone, it doesn't seem like it is the right time to rezone the property, especially given the current turbulence associated with the RB zone. He expressed concern that the Commission is essentially considering a rezone of a parcel to RB when they don't know the fate of the RB zone. Commissioner Piro cautioned that the goal of the moratorium is not to freeze redevelopment in RB zones. Instead, it establishes a limit of 110 dwelling units per acre. As the zoning code currently exists, the rezone would allow up to 36 dwelling units on the subject parcels, and the current zoning only allows 16. In addition, there are marginal differences in height, setbacks, uses, and impervious surface. He expressed his belief that it is legitimate for an applicant to request a rezone to RB as it currently exists in the zoning code. Ms. Collins agreed that the applicants have every right to apply for a rezone to RB, based on the interim regulations that are currently in place. Whatever changes are made to the RB zone in the future would apply to all properties that are zoned RB, including the subject parcels. Ms. Collins said the Commission must act on the rezone application based on the interim regulations and not based on what they may be at some future point in time.

Commissioner Broili asked if it would be appropriate for the Commission to place a condition on a rezone. Ms. Collins said the City no longer does contract rezones with conditions.

Deliberations

COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND APPROVAL OF THE APPLICATION TO REZONE THE SUBJECT PARCELS TO REGIONAL BUSINESS AS PRESENTED IN THE STAFF REPORT. COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Piro said he supports the findings of fact found in the staff report, as well as the recommendations made by staff during their presentation. He agreed there are some distinctions between the RB and CB zoning designations. For example, RB zoning would allow for additional dwelling units, which could potentially create more impact to surrounding properties. On the other hand, it would help the City provide additional dwelling units within close proximity to Aurora Avenue North where transit and other infrastructure is available, and this is consistent with stated City goals. In addition, allowing more units in this area would take pressure off of other areas in the community. He

said he appreciated the attention both Commissioner Pyle and Commissioner Broili brought to the issue of impervious surface, and that is a concern of his, too. However, he expressed his belief that having something that is more compact and tight on the site could potentially result in less impervious surface than scattering the 36 dwelling units in other locations throughout the City. He said he plans to support the rezone as proposed.

Vice Chair Hall agreed with Commissioner Piro's comments. He reminded the Commission that they no longer have the ability to recommend that conditions be placed on a rezone. In addition, conditions surrounding the subject properties have changed since the original rezone application was reviewed. He recalled that a few citizens voiced concern about traffic impacts, and he agreed that traffic would continue to be a concern as the City grows. He expressed his belief that the more units that could be constructed in close proximity to transit opportunities, the less impact there would be on the existing network of streets as whole. However, he agreed that those living adjacent to the subject properties would suffer a disproportionate impact. He emphasized that as they approach development in the future, it will be critical to slowly move away from the idea that everyone would drive a car. Instead, they must have alternatives in place. Therefore, he said he plans to support the proposed rezone.

Commissioner Behrens said he would likely support the proposed rezone. He noted that the CB and RB zoning designations are very similar, and the bulk of a potential development would not be significantly different in either zone. He said he likes the fact that an RB zoning designation would require a 15-foot setback adjacent to single-family zones. While it would not be required, he suggested it is probable that this setback area would likely include plantings and grass strips. If you compare the 90% impervious surface allowed in a CB zone with 95% allowed in an RB zone and then include the 15-foot setback area, the difference would be even less. He referred to the developments that are currently taking place to the north and said he is counting on the City staff to thoroughly consider the traffic impacts and come up with a good plan.

Commissioner Kaje reminded the Commission that when they review an application to determine its consistency with the Comprehensive Plan, they must balance the various element and issues addressed by the Comprehensive Plan. He expressed his belief that with this application, as well as a few others that have come before the Commission, it appears that staff has cherry picked the goals that happen to jive with their recommendation, but a similar effort was not given to looking at what goals might be in conflict. If the Commission is to balance the various elements and goals of the Comprehensive Plan, the staff report should provide a list of all the goals and identify which ones are consistent with the application, and which ones are not. He pointed out that in order for the Commission to consider the rezone proposal without reviewing a specific project, they must carefully consider whether or not all of the uses that would be allowed in the RB zone are consistent with the Comprehensive Plan. Commissioner Kaje referred to Comprehensive Plan Land Use Goal 84, which requires the Commission to consider and evaluate the immediate, long-range and cumulative environmental impacts of policy and development decisions. While a SEPA review was conducted on the proposed rezone, he is not sure they've had a full vetting of the balancing of goals.

Commissioner Broili said that based on the information provided in the staff report regarding the site, location, arterials, etc., he felt RB zoning would be appropriate. However, he is concerned that because

the updated stormwater code would come later, whatever development is proposed on the site would not be subject to the more stringent standard. He is greatly bothered when he sees potential new development or redevelopment that is not bound by the more stringent approach to stormwater management and other environmental controls.

Commissioner Perkowski said he plans to support the proposed rezone application because he believes the subject properties are an excellent location for RB zoning. He said he agrees with the comments put forth by Commissioner Piro and Vice Chair Hall.

Chair Kuboi said he would be inclined to support the rezone application, as well. He recalled that he was the chair of the Housing Strategy Committee, and one of the mantras coming from that discussion was the need to increase the amount of flexibility as to what projects could be built on a site. The proposed rezone would expand the flexibility to provide more housing options. He reviewed that a number of comments spoke about the merit and value the rezone would provide to the community. He referred to Commissioner Kaje's comments regarding the need for the staff report to provide a more thorough review of all of the potential uses that would be allowed by the rezone. However, he voiced his concern that these types of actions often need to be looked at from the perspective of the likely outcomes as opposed to worst case scenarios. The staff report offered some perspective as to how future development would be limited by the parking and other requirements. He summarized his belief that the likely development outcomes would provide an overall benefit to the community and be consistent with the Comprehensive Plan.

Vote by Commission to Recommend Approval or Denial or Modification

THE MOTION TO RECOMMEND APPROVAL OF THE REZONE APPLICATION AS PROPOSED IN THE STAFF REPORT WAS APPROVED 5-1-2, WITH CHAIR KUBOI, VICE CHAIR HALL, COMMISSIONER PERKOWSKI, COMMISSIONER BROILI, AND COMMISSIONER PIRO VOTING IN FAVOR, COMMISSIONER KAJE VOTING IN OPPOSITION, AND COMMISSIONER PYLE AND COMMISSIONER BEHRENS ABSTAINING.

DIRECTOR'S REPORT

Agenda Planner

Mr. Cohn referred the Commission to the agenda planner that outlines the meeting agendas for the remainder of the year. He noted that the September 18th agenda would include a public hearing and a study session on the Stormwater Development Code amendments. He cautioned that while the Commission would review the draft amendments, the public hearing would not be scheduled for at least a month and a half later. He said the September 18th agenda would also include a subcommittee report regarding design review. He noted that a semi-annual joint meeting between the Planning Commission and City Council has been scheduled for September 22nd, at which point there will be some discussion regarding the visioning process and what role the Commission would play. There would also likely be some discussion about design review and the proposal to have the Hearing Examiner review most quasi-

judicial items. Commissioner Broili announced that the Design Review Subcommittee would meet on September 16th, in preparation of the Commission's September 18th discussion.

Mr. Cohn pointed out that while the regular Commission meetings have been cancelled for the month of October, Commissioners have been invited to attend and participate in public meetings associated with the visioning process. He noted that a public hearing on the Stormwater Development Code amendments has been scheduled for November 6th, assuming the Commission is comfortable moving forward after their September 18th meeting. Also on November 6th, the Commission would conduct a study session on Package 2 of the Development Code amendments. On November 20th, the Commission would review the City's Shoreline Master Program. An open house would likely be held at 6:00 p.m. followed by the Commission's study session.

Design for Livability Conference

Mr. Cohn advised that staff has already signed up Commissioners Perkowski and Kaje to attend the Design for Livability Conference, and they recently received two free tickets from the Cascade Lands Conservancy that are available to other Commissioners who are interested in attending. Commissioner Broili indicated his desire to attend the conference.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Follow-Up on Proposal to Have Hearing Examiner Review Most Quasi-Judicial Items

Mr. Cohn reminded the Commission of their retreat discussion about moving quasi-judicial hearings to the Hearing Examiner. The Commission agreed this would be a good idea due to their present workload. Mr. Cohn advised that Mr. Tovar is still quite convinced the Commission's 2009 workload would be significant, but it has not been entirely mapped out. Mr. Tovar suggested the Commission discuss this possibility with the City Council, but wait to make a final recommendation to the City Council until after the 2009 workload has been laid out later in 2008.

Vice Chair Hall pointed out that had the City Council chosen to place quasi-judicial hearings in the Hearing Examiner's hands, the previous hearing would have been conducted before the Hearing Examiner. Everyone would have had a full opportunity to participate, and notice would be given, but he suggested it might be more appropriate for the nine-member Commission to decide whether or not an application has value and merit to the community. He said he still has significant reservations about telling the community that quasi-judicial matters would be heard by an attorney who is hired by the City. Commissioner Broili agreed with Vice Chair Hall's concern, but he questioned if these values would be better addressed by the code and regulations that are put forward by the Planning Commission. Vice Chair Hall agreed that is a good question, but he recalled earlier discussions amongst the staff and Commission about the fact that the current zoning regulations are flawed, and fixing the flaws is

important. While he agreed with staff that there is a lot of work for the Commission to do, he is not convinced that the Commission's workload limitation should be the only factor considered. They must also keep in mind the City's budget.

Commissioner Pyle pointed out that he would likely have been prepared to vote on the previous rezone application if the Commission had taken the time previously to review the code language and determine what they want to see in RB zones. He expressed concern that the Commission does not have enough time to work on the actual zoning issues before them, yet they are being asked to rezone properties to zones that are unclear and in constant fluctuation. He said he sees the value of sending quasi-judicial hearings to the hearing examiner for one year so the Commission can focus their effort and time on rewriting some sections of the code. Then they would be better prepared to assume this responsibility again.

Chair Kuboi agreed with Commissioner Pyle. However, before the Commission could present this recommendation to the City Council, they must be able to show them how they would use time that is freed up. In addition to focusing on what the Commission would give up, they should also spend time articulating the specific benefits of the change. Even if the Commission's time is freed up, they must consider whether or not the Commission would be ultimately constrained by the limited amount of staff time and resources. He said it might not be appropriate to discuss this concept with the City Council until their 2009 work plan has been developed to support the change. Commissioner Piro recalled that the Commission discussed that they would still handle some quasi-judicial items, but this list was never adequately defined. He agreed the Commission must articulate the issues better before they discuss the idea further with the City Council.

Commissioner Behrens recalled that at the previous joint City Council/Planning Board meeting, a City Council Member suggested they consider a system by which they use a rotating pool of hearing examiners, and he felt this proposal had some merit.

Commissioner Broili respectfully disagreed that the Commission should discard the discussion of having the hearing examiner review most quasi-judicial items. If the Commission has to continually conduct rezone hearings, they would have less time to establish a good Development Code foundation. Their proposal to the City Council should identify the priorities and goals they want to achieve in 2009, as well as the steps that would be necessary to accomplish each one.

Chair Kuboi clarified that he was suggesting the proposal be taken off the joint City Council/Planning Commission meeting agenda until they have more concrete information to present as part of their proposal. Commissioner Broili suggested the Commission at least make a brief statement outlining their proposal and why they feel it is appropriate. This would not require a detailed discussion, but they should let the City Council know that it is an important issue to the Commission. Commissioner Perkowski suggested they invite the City Council to review their 2009 workload and identify any items they want the Commission to address, as well. They could also ask the City Council to provide guidance as to how they should prioritize the workload.

Vice Chair Hall said it is likely the City Council would indicate their desire to hold off on any decision until after the visioning process has been completed. He expressed his belief that a vision must be identified before appropriate codes could be created to provide a strong foundation. He suggested that once the visioning process is completed, it might be easier for the Commission to prioritize their 2009 workload.

Chair Kuboi summarized the Commission's consensus that they would like to have an active role in determining where their newfound time would be directed in the future. Much of their support for the concept would be based on whether or not the change would allow the Commission to better accomplish their goals and objectives.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

None of the Commissioners provided reports during this portion of the meeting.

AGENDA FOR NEXT MEETING

Chair Kuboi announced that the September 18th agenda would include a review of the proposed Stormwater Development Code amendments and a subcommittee report on design review.

Commissioner Piro asked if the staff has had any interaction or participation with the work underway with the Puget Sound Partnership. Mr. Cohn said staff would respond to this question at the Commission's next meeting.

ADDITIONAL PUBLIC COMMENTS

Boni Biery, Shoreline, referred to the rezone proposal that was heard by the Commission earlier in the meeting. She said she doesn't have a problem with the proposed Regional Business (RB) zoning if the density was limited to 48 units per acre, but the current RB language allows up to 110 units per acre. She said she is not opposed to density up to a reasonable limit. She pointed out that Echo Lake Project was limited to about 90 units per acre, and this property is located directly across the street from a park and ride. The rezone proposal that was presented to the Commission earlier in the meeting would result in a potential 110 unit per acre development just one block from her house and on a residential street that already has more traffic than the City can control. She summarized that the circumstances are unique, and the City has not been able to find a way to deal with the traffic.

Ms. Biery questioned why everyone was held to only two minutes of public comment when there was plenty of time left after the meeting. The limit meant she and others had very little opportunity to say the things that could have been said that might have changed the Commission's recommendation. She noted that she has no recourse now that the Commission has issued their recommendation.

Commissioner Piro said one of the most valuable ways to participate in the public process is to submit comments to the Commission in writing. These documents are forwarded to the Commission for review prior to the hearing. Commissioner Broili pointed out that it is difficult for the Commission to know at

the beginning of a hearing how long the testimony will go on. The Commission has had numerous occasions when they have stayed until long after the time the meeting was supposed to be closed. This has created frustration because they didn't have enough time to accomplish everything. Vice Chair Hall pointed out that the Commission received and reviewed the email that was submitted by Ms. Biery, as well as other written comments that were received. Ms. Biery said her concern is that once a property is rezoned, neighboring property owners have no control over how the property is used. While she agreed that the James Alan Salon has been a good neighbor, some of the uses allowed in the RB zone might not be appropriate in this location.

Commissioner Behrens said that each time the Commission reviews a proposal; they consider the issue of traffic. He agreed that the intersection near the subject properties is one of the most congested in the City, and they do not have good traffic corridors in the City. He suggested the Commission ask the City Council to consider long-term traffic solutions as part of the visioning process. Traffic impacts must be addressed, and the public should be encouraged to voice their concerns and recommendations. He recognized these changes would take time and cost a lot of money, but changes should take place in an organized fashion.

ADJOURNMENT

The meeting was adjourned at 9:26 P.M.

Sid Kuboi
Chair, Planning Commission

Renee Blough
Clerk, Planning Commission