CITY OF SHORELINE
HEARING EXAMINER

FINDINGS, CONCLUSIONS AND RECOMMENDATION TO CITY COUNCIL

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

I. BACKGROUND INFORMATION

A. Proposed Project Description

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

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

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

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

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

B. Project Site

Legal Description of Subject Property

Lot B of Boundary Line Adjustment SHLA 2000-007:
That portion of Lot 5, Block 3, Green Lake Five Acre Tracts to the City of Seattle, according to the plat recorded in Volume 11 of Plats, Page 72 in King County Washington lying west of the westerly margin of Primary State Highway No. 1, as established by deeds recorded under recording No. 6040514; except the south 166 feet of said Lot 5; and except the west 10 feet of said portion of Lot 5 as conveyed to King County by deed recorded under Recording No. 2307200.
Together with that portion of Lot 4 of said Block 3, lying west of the westerly margin of Primary State Highway No. 1, as established by deeds recorded under recording No. 6040514 and 6062782; except the west 10 feet of said portion of Lot 4 as conveyed to King County by deed recorded under Recording No. 2307200.
Together with that portion of Lot 3 of said Block 3, more particularly described as follows: Beginning at a point on the south line of said Lot 3 from which the southwest corner of said Lot 3 lies N 71°42'08" E for 174.81 feet to a point on the westerly margin of said Primary State Highway No. 1; thence S 23°19'09" E, along said westerly margin, for 66.82 feet to a point on the south line of said Lot 3 from which the point of beginning lies N 88°04'20" W for 192.53 feet to the point of beginning.

Site Description

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

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

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

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

C/ Neighborhood

The subject property is located in the Parkwood Neighborhood adjacent to Interstate-5. Three churches lie directly south of the site, and a single-family neighborhood south of the church properties. All of the property situated between 1st Avenue and the freeway is designated as either medium or high density residential in Shoreline's Comprehensive Plan.
Across 1st Avenue, west of the subject property, two sports fields are located within the boundaries of Twin Ponds Park. The ponds drain into a channel flanking a parking lot that serves the fields, through a culvert under the street, and into Peverly Pond. The pond discharges through a controlled concrete spillway and into the concrete lined stream described above. The stream flows alongside the freeway for approximately 800 feet, then under the freeway, re-emerging in Jackson Golf Course in the City of Seattle.

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

D. Zoning

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

Comprehensive Plan

Land Use Element:

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

Housing Element:

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

Parks, Open Space and Recreation Element:

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

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

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

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

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

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

Environmental Element:

The proposed development by Aegis complies with the following environmental goals and policies:
Goal EN I: Through leadership, policy, and regulation, the City shall strive to minimize its impacts on the natural environment. The City shall lead and support efforts to protect and improve the natural environment, protect and preserve environmentally sensitive areas, and minimize pollution and the waste of energy and materials.

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

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

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

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

F. Procedural History

Previous Actions

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

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