

Shoreline Place DA - Att. E, Ex. I - Open Space System Operations & Maintenance
Shoreline Place Development Agreement
Exhibit I – Open Space System Operations & Maintenance Plan

Publicly Accessible Outdoor Space Improvement
Operations & Maintenance Plan
(“O&M Plan”)
and
Rules and Regulations

I. Introduction and Purpose

As a component of the Project, Developer agrees to construct and maintain approximately 3.14 acres of open space, including:

- The Central Plaza (East and West Plazas) is approximately 0.66 acres and will provide for informal active and passive recreation as well as more prescribed uses such as festivals, community gatherings, concerts or other event staging.
- The Community Open Space is approximately 0.9 acres and will have a park-like character and allow for active play and lounging. It will act as a pedestrian gateway from the more residential upper areas of the site to the retail core.
- The Pedestrian Shared Street is approximately 0.7 acres and includes paths that will serve residents, visitors, pedestrians and cyclists as a web knitting the site together through a series of spaces allowing for moments of active and passive recreation including the Farmer’s Market.
- The Westminster Way Plaza is approximately 0.49 acres and will provide a gateway from Westminster Way N. inviting people into the Open Space System. Wide open pedestrian paths create space for outdoor dining and gathering. The North Promenade is approximately 0.39 acres and will provide generous, wide spaces for bike and pedestrian circulation and opportunities for such features as rain gardens, environmental graphics, play structures, and exercise stations.

Collectively the Central Plaza, the Community Open Space, the Westminster Way Plaza and the Pedestrian Shared Street, are the “Open Space Improvements”. The Open Space Improvements shall generally be constructed as shown on **Exhibit E** to the Development Agreement. Pursuant to the Development Agreement, the Open Space Improvements shall be private property and Developer shall be responsible for the operations and maintenance of the Open Space Improvements. The configuration, size, phasing and programing of the Open Space Improvements shall be subject to the flexibility provisions and other obligations of the Development Agreement dated _____ between Developer and the City. However, Developer shall make the Open Space Improvements available for reasonable public access and enjoyment subject to the guidelines as provided in Section II of this O&M Plan.

In addition, the Open Space System may include the Block A Promenade (also referred to as the South Promenade) (approximately 0.33 acres) which would also provide generous, wide spaces for bike and pedestrian circulation and opportunities for such features as rain gardens, environmental graphics, play structures, and exercise stations.

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II. Open Space Guidelines

a. Purpose. Subject to the conditions of this O&M Plan, the Open Space Improvements will be available for open space, pedestrian and recreational use and access by the public.

b. Hours of Operation. The Open Space Improvements will be open to the public without charge, during reasonable and predictable hours, for a minimum of ten (10) hours each day of the year between October and April and twelve (12) hours each day of the year between May and September (“Access Hours”). Developer may, in its sole discretion, extend the Access Hours. Developer may close the Open Space Improvements to the public in cases of emergency or for limited periods based to security concerns or to respond to or terminate any Prohibited Activities.

c. Rules and Regulations. Consistent with this O&M Plan, Developer shall create Rules and Regulations and a Code of Conduct for use of the Open Space Improvements. Developer may, from time to time, revise the Rules and Regulations in its sole discretion.

d. Limitations. The following activities shall be prohibited in the Open Space Improvements:

- Camping;
- Smoking;
- Carrying weapons;
- Off-leash pets except in the Town Green if a fenced dog park/off leash area is provided;
- Posting of signs or notices (but not the holding of signs or signature gathering);
- Possession of alcoholic beverages;
- Possession of illegal drugs pursuant to the Revised Code of Washington;
- Public protest;
- Sexual activity or misconduct;
- Solicitation of any kind;
- Urination or defecation;
- Assault or fighting;
- Use of amplified sound provided that Developer may approve use of amplified sound as part of an authorized gathering or activity;
- Any other activity which may result in injury to persons or damage to property or which unreasonably interferes with the enjoyment of the Open Space Improvements by others or obstructs access to Open Space Improvements, as determined in Developer’s sole discretion.

(collectively, the “Prohibited Activities”). Developer reserves the right to take such lawful action as it deems necessary or advisable under the circumstances to prevent, respond to or terminate any Prohibited Activities, including but not limited to temporary closure of the Open Space Improvements.

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III. Maintenance. Developer shall be responsible for maintenance of the Open Space Improvements, including keeping the Open Space Improvements in a reasonably neat, safe, and orderly condition.

IV. Enforcement. Developer acknowledges that the ongoing maintenance and operations of the Open Space Improvements consistent with the O&M Plan is required pursuant to the Development Agreement. The City reserves all rights under the Shoreline Municipal Code to ensure enforcement of the O&M Plan as a condition of the Development Agreement and any Project approvals. The Parties acknowledge that in order for the O&M Plan to remain effective, certain modifications and revisions may be necessary from time to time. Accordingly, the O&M Plan may be modified only with the written approval of the Parties.

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Rules and Regulations

The Shoreline Place Historic Sears Property (Property), including its Open Space System and parking areas, is private property. In order to make your visit, and that of others, a pleasant one, we ask you to follow this Code of Conduct.

1. **IMPROPER ATTIRE:** Appropriate clothing is required. Wearing apparel that obscures or conceals face, including but not limited to hoodies or masks, or apparel that may provoke a disturbance or incite violence is prohibited. This provision does not apply to clothing, masks or other apparatus worn for cultural or religious reasons or for medical conditions.
2. **SAFETY/IMPENDING FLOW OF TRAFFIC:** No running, skating, skateboarding, rollerblading, riding razors, scooters or other similar activity. No riding Segway's or other motorized devices, except by persons with a mobility impairment.
3. **DISTURBING THE PEACE:** No excessive or disruptive noise such as yelling or screaming. No hawking, verbally threatening or harassing which creates a disturbance or infringes on the rights or peace of other visitors or patrons of the Property.
4. **LOUD MUSIC.** No playing loud music, unless part of a permitted gathering or performance.
5. **VERBAL CONDUCT:** No fighting, threatening comments or gestures, obscene language, racial, religious or ethnic slurs that are disruptive or may cause a disturbance.
6. **WEAPONS:** No weapons, including but not limited to firearms, knives, or any other object(s) that may be used in any way to inflict bodily injury to any other person.
7. **ALCOHOL/NARCOTICS:** No open receptacle containing any alcoholic beverage, except in areas specifically designated for the consumption of alcohol. No possession or use of illegal substances.
8. **VIDEO TAPING:** No photographing or videotaping without prior consent of the Property management.
9. **INTERNET:** No viewing or displaying material on laptops, tablets and smartphones that is likely to provoke a disturbance or embroil the Property's patrons or visitors in conflict. No use of obscenities, sexually explicit language, or images displaying the aforementioned content. No displaying of pornography, or gruesome material. Excessive use of the Property's WIFI system is also prohibited.
10. **VANDALISM:** No littering, damaging, defacing or destroying property. No removal of items from any trash or recycling receptacles.
11. **EXPRESSIVE ACTIVITY:** No expressive activity which creates a disturbance or infringes on the rights or peace of other visitors. This provision does not prohibit constitutionally protected free speech.

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12. SOLICITATION AND COMMERCIAL ACTIVITY: No noncommercial expressive activity not sponsored by the Property and/or an enterprise engaged in business at the Property, other than qualified labor activity. No solicitation of money or contributions, except with the prior written agreement of the management of the Property.

13. SMOKING: No smoking, electronic cigarettes, or vaping, except in an area specifically designated for Smoking.

14. LOITERING: No loitering; blocking storefronts, fire exits, stairs, elevators, or escalators; or obstructing pedestrian or vehicular traffic. Persons who violate this Code of Conduct may be banned from the Property or subject to arrest. The Property management expressly retains the right to revise or modify these rules as necessary.