

Carla Hoekzema

From: Jack Malek <jmalek1234@gmail.com>
Sent: Saturday, February 20, 2021 4:18 AM
To: Carla Hoekzema
Subject: [EXTERNAL] FW: The enhanced shelter

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From: Nancy Pfeil <tigger5426@gmail.com>
Date: Thursday, February 18, 2021 at 9:38 PM
To: jmalek1234@gmail.com <jmalek1234@gmail.com>
Subject: The enhanced shelter

Dear Mr. Malek,

My name is Nancy Pfeil. I wanted to provide you with the information I submitted to Mr. Szafran regarding the SEPA checklist on the Rezoning. It is information I want you to have.... I got your email from a public comment you submitted.

Our group challenged the SEPA determination on the Interim zoning. After listening to the city at the hearing I am less than impressed with their SEPA skills. During the hearing with the hearing examiner it was very clear he had already made his decision before we sat down. It also came out that one, Ms. Markle doesn't use "data" she goes with her gut on these things. We did start the process with the Growth Management Board (but have dropped that because it is moot with the city's new actions). The first thing the city had to do was submit their documents on how they reached their determination with the SEPA checklist. The documents submitted were basically the same documents that they submitted to the city council. In other words, they did not look at any comparison between now and in the future the Interim Regulation would have. They have done essentially the same thing with this SEPA checklist (regarding the rezone). I have not been very impressed with Ms. Geirloff's information gathering skills. The one thing that still sticks in my mind was when the attorney asked her about "visitors" to the shelter (in connection with volume) and she said "I don't think they are allowed visitors." If I know that they can have visitors why didn't she?

And with the kitchen? Why would she specifically mention the kitchen when she KNOWS it can't be used?

The following is my submission regarding the current SEPA checklist (on rezoning). I will be up front and tell you that in the original document I submitted I ran out of time and did not put the questions with the numbers in the later portion of the document because I did that as an afterthought and I ran out of time. I went back in and added that for your benefit so you would know.

Your SEPA checklist has been done in a very haphazard manner. Currently this property is zoned R-48, and you wish to rezone it as Mixed Business. Mixed Business will allow for things to be sited here that would otherwise not be and at a higher density. You are about to open a door that will allow things to be placed here and at higher density that, otherwise, would not be allowed. Before you open that door, you need to consider what that impact could have both to the environment and the surrounding neighbors because once that door is

opened, you may not get very much input and can have extremely serious detrimental impacts that you can do nothing about because you've already, essentially, given the consent by changing the zone.

In the SEPA checklist you state that the surrounding areas are also zoned Mixed Business and only the properties to the west are zoned low density residential. That is correct but it gives a false impression of things. The property at 16357 Aurora Ave. N. shares its north property line with 165th St. and its east property line with Aurora. It shares its south property line with 1 Mixed Business zoned property and a property that is zoned R-48 and has an apartment complex. The other property lines are shared with five R-6 residential properties. Most of the commercially developed properties "surrounding" this property are over 300 feet away across Aurora or about 50 feet away across 165th. With the exception of the Mixed Business property that shares the border to the south of this property, there are "transitions" and "buffers" between this property and the other mixed business zones, in the form of 165th St. and Aurora. As you stated in your checklist there is no transition or buffer between this property and the residential properties.

Also, as stated, most of the impacts are going to be felt by the residential property owners.

Question A7: *Do you have any plans for future additions, expansion, or further activity related to or connected with this project? If yes, explain:*

You state no proposed actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there are definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it **VERY** clear that they were interested in this parcel of land **if** they could be guaranteed that it would be zoned for higher density. King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

Specifically, KCHA likes it for the "potential to transition to permanent supportive housing" but they want "A change in zoning to allow for higher density is what makes this property most attractive to KCHA." (July 23, 2020 Debby Tarry Memo)

Facts that, at least some individuals in the city, are extremely aware of, and it is very evident in emails back and forth from the city and various other entities. There are emails to this fact between Colleen Kelly and Mark Ellerbrook (Dept of Community and Human Services)

To put in public supportive housing or low income housing the current building would have to go. Most likely it needs to go anyway; it is old and has many issues, not the least of which is constant flooding.

Question A11. *Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)*

There are several errors and omissions in your response. You state that King County plans on converting the nursing home to an Enhanced Shelter. Unless something has changed, it is the King County Housing Authority that will own this property. King County Housing Authority is **NOT** King County even though King County is in the name. Additionally, it is well known by the city, county, and some members of the public that King County Housing Authority only plans on using this site as an Enhanced Shelter on a short-term basis. The ultimate plan is to turn it into public support housing in the not-too-distant future. This is again documented in the July 23, 2020 memo mentioned previously. It states: "will be able to be utilized as a shelter in the short term."

I noticed that you chose your words very carefully. "There may be interior modifications to the existing structure but there are no plans to increase the square footage of the structure." That, at face value, is

true. There are no plans to increase the square footage of the structure. The plans are to tear the building down after the shelter runs its course. There have been emails back and forth between the city and various other entities as to this fact. When asked by the city, KCHA was very clear that they are “not in the business of shelters” they are in the “business of housing”. It’s like their own version of a conditional use permit. “Okay, you can use our property as a shelter but in a couple of years, this is our plans for it...” (Note: This is not a quote but a summation of what they said.)

Question B1a: *General description of site:*

It states that this property is mostly flat. That is again incorrect. Portions of this property may be flat, but it is also sloped. The service road has a distinct slope to it and there is also a man-made deep ditch all along the property line of the R18 portion of this property and the property at 16344 Linden Ave.. (Image 1 and Image 2 and Image 1b) Because of this sloping there are already issues with flooding on this property. You want to increase the density, how is that going to increase the existing flood issues.

Question B1b. *What is the steepest slope on the site?*

Again, you respond that it is generally flat. Again, not accurate. The service road is sloped so my guess is that technically the building is also on a slope too. The service road is sloped enough to cause major flood issues. They used to have sandbags along the building to help with the issues but it didn’t help very much. There is also the ditch/crevice that was created when they razed the parking lot. It is hard to tell in the pictures but I would say it is about 2-3 feet deep. (Image 1 and 2)

Question B1d: *Are there surface indications or history of unstable soils in the immediate vicinity?*

There was a good size sinkhole on the service road directly behind the building. It appeared around one-two years ago and it was “patched” up. There is another one beginning to form. Regardless of whether you choose to acknowledge the plans to build a much larger building at this location or not. Rezoning it Mixed Business opens the door to that possibility. There is evidence of unstable ground at this location while it has a lower density use. You want to increase the density, what impact is the increased density going to have on the unstable ground? What impact could this have on the properties around this property? If you allow for an increase in density is there a potential of larger sinkholes to occur? Will it encompass some of the surrounding neighbors’ properties?

Question B1f: *Could erosion occur as a result of clearing, construction, or use?*

There is an issue with some extensive erosion at present located along the service road. This is not helped by the nursing home’s “pond”. Whenever it rains there is an extremely large puddle. (Image 4) The “boundaries” of the puddle are growing over time, in part due to the crumbling of the road. It will often “overflow” and cover the service road. (Not seen in image)

There is more erosion located along the property line between the service road and one of the residential properties. This has been compounded by nursing home property. Flooding is a major issue on this property (has been for years). It is not an uncommon sight to see the “nursing home” funneling water into one of the neighbor’s yards after heavy rain. (It depends on where the flooding occurred as to where they “dump” it. We have witnessed this on countless occasions. I’m not sure if the more recent water “dumping” is from flooding or some other issue. We took a video of it the last time. They have a hose that they run over to the neighbor’s yard) (Image 5). Will allowing an increased density to exacerbate the issues?

Question B3a1: *Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.*

Again, you provide only a half answer. Boeing Creek empties out into Puget Sound and also goes into Hidden Lake. Hidden Lake has some sediment build up issues; a fact that is well documented by the city. According to the city of Shoreline, these issues were created because of “major development along Aurora Ave N. which

greatly increased storm runoff flows to the creek which, in turn, have caused erosion issues with the Boeing Creek ravine.”

So, the city knows that increased storm runoff due to the development of Aurora Ave N. has caused problems with erosion along Boeing Creek and that it has resulted in a very expensive problem that Shoreline is having to resolve. Elsewhere in this checklist you acknowledge that increased density can increase storm runoff. Increased storm runoff from development on Aurora has already had significant negative environmental impacts. You are proposing to increase the density of a large parcel. What impact is that increase density going to have on the existing problem and could it result in future issues in Boeing Creek ravine? Will this increase the rate of erosion already occurring and speed up the problems at Hidden Lake? I have not fully read up on the Hidden Lake project plans but will mitigation measures being taken be sufficient to prevent further erosion in Boeing Creek ravine? If the storm runoff increases, will those measures be enough?

This cause and effect is exactly the type of thing that the SEPA checklist is supposed to help identify. Maybe, if a similar checklist had been done all those years ago, we would not currently be faced with the situation and costs we are currently faced with at Hidden Lake. They could have identified the potential for future problems and planned mitigation strategies to prevent it. Of course, if they had responded to the question like you are responding to it currently, then, yes, we would still be in the same boat. You are considering rezone for mixed business. You have the dimensions of the property, you can't figure out what the maximum size of building could exist here and calculate the potential increase in storm runoff? There is another property in Shoreline that is zoned Mixed Business, it is little more than half the size of this property. The plan is for a six story building with 173 (or 179, can't remember which) units. What is the maximum number of units that could go on this property? Doesn't have to be accurate. THAT can happen at the planning stage. All you have to do is estimate the worst case scenario and consider the impact that could have.

Also, you state that Boeing Creek is a non-fish habitat. Yet in another project done in this exact same area, Boeing Creek was identified by NOAA Fisheries as to the potential presence of Chinook and Coho salmon. I also know that students release salmon into Boeing Creek and that Boeing Creek is part of the WRIA Salmon Habitat Project List. (WRIA is the Water Resource Inventory and Assessment Effort). As already shown by the damage with Hidden Lake, what happens at one end of the creek can have major negative impacts down the line of the creek.

So again, what impacts would allowing an increase in density have to Boeing Creek, Hidden Lake, and the restoration and preservation of a salmon habitat?

Question B3c: *Water runoff (including stormwater):*

As I mentioned above, storm water is a major issue on this property. The building itself has been flooded many times from the rain. Numerous times we have seen them pumping water out of the building and dumping the water in the neighbor's yard.

(If I had to guess, at least with the respect of the nursing home property, I do not think the drains are positioned right for proper drainage and there is an overall lack of drains. I know you said the property is flat, but it is not really. It has enough sloping to it that it hinders draining. Rainwater does run uphill.)

Question B4e. *List all noxious weeds and invasive species known to be on or near the site.*

Japanese knotweed and blackberry bushes are on this property in the R18 zone. These two plants have been having a large impact on the two properties surrounding it. The R18 portion of the property was originally covered in both Japanese knotweed and blackberry bushes and came right up to where our fence currently stands and ended about a small car length from the side of the road (165th). In 1992/1993, the owners of the nursing home at that time razed it down and created the parking lot. (We have quite a few photos of this) (They

did not do this with any permits or anything) They did not properly remove these noxious weeds. For the last 17 years my mother has been working hard to keep the knotweed out of our yard. As recommended in the King County brochure she cuts the stems to the ground every two weeks along where property lines meet. In the last year or so the knotweed has been winning and has breached the perimeter of our yard. About ten years ago the knotweed got its foothold into the property to the south of us (16344 Linden Ave. N.). There was a fence between the two properties, but the knotweed destroyed that then the blackberry bushes and knotweed invaded.

The blackberry bushes are a Class C noxious weed in Washington state. The Japanese knotweed is a class B noxious weed in Washington state. Japanese Knotweed is also listed by the World Conservation Union as one of the world's worst invasive species because it is aggressive and destructive. It can grow as much as 4 inches a day during its growing season. It is very easily spread from shoes or clothes and can grow from the smallest of rhizome fragments. MB designation increases density and foot traffic which could lead to further dispersal of this weed. Also, as you also stated, an increase in density can increase storm runoff which will also provide a method of transportation further contamination. There are no rules that state they have to remove it per se. Removal is extremely difficult and labor intensive. The roots can go down at least 10 feet causing major issues with erosion and soil instability. (Images 6-24)

Question 6b: *Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.*

If a building is 70 feet tall, exactly what is the maximum shadow it would cast? How many properties would sit in its shadow and for how long (would their houses always fall in the shadow or would they be shadowed half the day, that is what I mean). People need sunlight. Living in a home that is forever in the shadows can have detrimental effects on a person. Granted they are talking about something else, but it should also be asked how will this impact neighbors ability to grow their own food or gardens. These things need sunlight and you may be cutting people off from that.

Question 7a3: *Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.*

You state this is a non-project action because it is for a new zoning designation and will not result in storage of toxic or hazardous chemicals. This statement is incorrect. You wish to change this property from a residential zone to a mixed business zone. We know what the immediate plans are for the property based on who owns it and their stated intent. However, at any point, this property could be sold and any one of those things you listed for this question could be placed at this site. As you have already stated in this checklist, there is no transition between this property and low-density residential homes. What would be the impact should one of those types of businesses operate near residential homes? By changing the zoning to Mixed Business you are opening the door for the potential, so if this were to happen, what would be the impact on the property owners surrounding this property?

Question B7a5: *Proposed measures to reduce or control environmental health hazards, if any:*

As above. This would allow commercial use such as you describe in Question 7a3. Despite what we know the plans are, plans can change and properties can be sold. It will already be zoned Mixed Business so any one of those things can go in here. If this property was purchased at a future date and they chose to put in an automotive repair shop how do you plan to mitigate environmental health hazards to the surrounding neighbors? Contrary to how you portray it, residential homeowners are the closest to this property, they are the ones that will be feeling the effects of this. As you said, there is no buffer or transition? Would allow this site to be Mixed Business, is there anything that could go here that would cause environmental health hazards to the homeowners given how close they are?

Question B7b; *What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?*

Again, what are you opening the door to? As you stated there is no transition between this property and low-density residential homeowners. Even though we know the plans are for this property, at any time in the future this property could be sold. What if an auto repair shop went in here? The constant use of tools and equipment would create a definite noise level that would impact the residential neighbors. You said that could occur would be consistent with surrounding uses. The residential users are the closest ones to the property. So, can you really state that the noise level of something like an automotive repair shop will have the same noise level as a low-density residential zone? Even if a 200-250 unit dwelling was placed here, would it really be the same noise/commotion level as the single family residential zones surrounding it? King County Housing Authority wants to put in public supportive housing. If a 200-250 unit for public supportive housing was placed there, would it really have the same noise level as the surrounding users? The Morrison Hotel, also public supportive housing, is 190 units. In 2019 it had over 2500 police calls to the property, averaging seven a day. The majority of these calls were in conjunction with the Fire Dept./Medics.

Question B8a. . *What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.*

As I mentioned in the first part, you state that there is no transition zone from the more intensive zoning to the lower intensity zoning. Thus, any impacts would be most likely directed to the lower density areas. These are people's homes, let's put a little more thought process into this. Two of the criteria for making a determination on rezoning that the council has to consider are 1) Whether the rezone will adversely affect the public, public health, safety, or general welfare and 2) Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

How about a more thorough assessment on how the increased density could impact the adjacent residential users? You know there will be impacts and that the impacts are going to be mostly felt by the adjacent residential users? How is the city council supposed to meet their criteria if you do not properly analyze what these impacts will be and how much impact will they have?

Question B8d. *Ask if there are plans to demolish the existing structure on site.*

You state not however I have read emails between the city of Shoreline and numerous other entities that state this is untrue. It was very clear that an enhanced shelter would be placed there on a temporary basis, possibly two years. Colleen Kelly sent an email asking about the potential of this going on longer and the response back was that King County Housing Authority is in the business of housing, not shelters. They have no problem doing so on a short-term basis, but they will not be doing so on a long-term basis.

Question D1. *How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?*

You acknowledge that stormwater runoff would occur. As stated above, development along Aurora Ave N. has already resulted in increased stormwater runoff into Boeing Creek which has resulted in erosion in Boeing Creek ravine and build up of sediment in Hidden Lake. How will this exacerbate this problem?

Question D2. *How would the proposal be likely to affect plants, animals, fish, or marine life?*

As stated above, development of Aurora Ave N. has resulted in increased water runoff into Boeing Creek, increased water runoff has led to erosion of Boeing Creek ravine and buildup of sediment in Hidden Lake. Boeing Creek is a salmon habitat. How could this impact the salmon habitat?

I also provided pictures (that is what the images comment refer to in the different comments). There are other ones I could probably remark to but I ran out of time.

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I also want to provide you with this information. These are 1 email and a Partial email. (The "missing part" of the first email talked about a site in Bellevue. I'm not sure if they were comparing or just providing information on another project).

Also this is part of an email from Mark Ellerbrook. It was obtained through a public records request. (I bolded the one piece of it)

From: Ellerbrook, Mark <Mark.Ellerbrook@kingcounty.gov>
Sent: Tuesday, July 21, 2020 6:04 PM
To: Flor, Leonardo <Leonardo.Flor@kingcounty.gov>
Subject: Single Room Setting Acquisitions

Hi Leo,

Here's the detail on the properties we discussed.

- Shoreline:
 - 50 room, up to 90 people former nursing home.
 - Acquisition price is \$7.5m.
 - Works for shelter (reviewed by DESC and Lakecity Partners) and has **real potential for PSH – Likely as a scrape a rebuild.**
 - Site is 2 acres, flat, and well located.
 - Asst. City Manager participated in tour. Is discussing w/ City Manager on next steps. May need a rezone or some land use attention...wonder about using COVID emergency declaration to assist for immediate use.
 - KCHA would be purchaser and landholder. We will need provide the financing

Here is another email:

The reference to the county's response is in another email that I don't have at my fingertips at the moment. There were a lot of emails and they came trickling in so I have them everywhere. I again provided the bold

From: Colleen Kelly <ckelly@shorelinewa.gov>
Sent: Thursday, August 6, 2020 8:22 AM
To: Ellerbrook, Mark <Mark.Ellerbrook@kingcounty.gov>
Subject: RE: [EXTERNAL] FW: RE: Oaks property

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Thanks Mark-

By the way, one of the details Tim brought up with me yesterday is the question of how short-term are we all talking about in terms of this facility serving as shelter before transitioning to Permanent Supportive Housing. I was under the impression that it might be available as shelter for some time beyond the Commerce grant if other funding could be found to sustain it. He seems to think that the **county will be ready to re-claim for PSH when the grant ends in June, 2023.** Is there an answer to this question now or is it a wait and see sort of thing? That said, would you say the county has a clear goal/desire to move ahead with PSH as soon after the end of the commerce grant as possible?

Thanks for any light you can shed on that--

Colleen

All this information should be a matter of public record so you could obtain it through other means.