

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

March 20, 2023

WORKSHOPS

Vancouver City Hall - Aspen Room - 415 W 6th Street, Vancouver WA

Workshops were conducted in person in the Council Chambers of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/35469?startStreamAt=0&stopStreamAt=2943

4:00-6:00 p.m. Comprehensive Plan Update Joint Meeting with Planning Commission

Domenic Martinelli, Senior Planner, 360-487-7943; Rebecca Kennedy, Deputy Community Development Director, 360-487-7896

Summary

Staff led Council through a discussion of the Comprehensive Plan Update in a Joint Planning Commission and City Council joint workshop.

Councilmember Harless arrived 15 minutes late to the workshop. Councilmember Paulsen was absent. Councilmember Hansen joined remotely to listen to workshop.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

COUNCIL REGULAR MEETING

This meeting was conducted as a hybrid meeting with in person and remote viewing and participation over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda items and under the Community Forum were also facilitated in person and via the GoToMeeting conference call.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/35471?startStreamAt=0&stopStreamAt=3409 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Mayor McEnerny-Ogle made a motion to amend the agenda to extend the Executive Session occurring at the end of the meeting by 10 minutes. Motion by Mayor McEnerny-Ogle, seconded by Councilmember Stober, and carried unanimously to approve the addition of time to the Executive Session.

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Harless, Perez, Fox, Stober, Hansen, and Mayor McEnerny-Ogle

Absent: Councilmembers Paulsen

Motion by Councilmember Stober, seconded by Councilmember Harless, and carried unanimously to excuse Councilmember Paulsen. Councilmember Hansen attended the meeting remotely and was 15 minutes late due to technical difficulties.

Approval of Minutes

Minutes - February 27, 2023

Motion by Councilmember Stober, seconded by Councilmember Perez, and carried unanimously to approve the meeting minutes of February 27, 2023.

Proclamations: Women's History Month; Transgender Day of Visibility

Mayor McEnerny-Ogle read and presented a proclamation to Dee Brookshire, AAUW Vancouver Branch President, and Kay McMurray, AAUW Hudson's Bay Branch Member, proclaiming March 2023, as Women's History Month.

Mayor McEnerny-Ogle read and presented a proclamation to Adrienne Mason, Children's Home Society of Washington Regional Director, and Stephen Herndon and Hillary Magallanez, Triple Point Facilitators, proclaiming March 31, 2023, as International Transgender Day of Visibility.

Community Communications

Mayor McEnerny-Ogle opened Community Communication and received testimony from the following community members regarding any matter on the agenda not scheduled for a Public Hearing:

- Dan Packard, Vancouver
- Kimberlee Elbon, La Center, WA
- Sara Schmit, Vancouver
- Jan Verrinder, Vancouver
- Zack Gutton, Vancouver

There being no further testimony, Mayor McEnerny-Ogle closed Community Communication.

This is the place on the agenda where the public is invited to speak to Council regarding any matter on the Agenda not already scheduled for Public Hearing. (Separate instructions are provided for offering testimony on Public Hearing when applicable.) This includes the option to testify about Workshops. Members of the public addressing Council are requested to give their name and city of residence for the audio record. Speakers are to limit their testimony to a total of three minutes for all items combined.

Consent Agenda (Items 1-6)

Council requested Item 5 be pulled for discussion.

Council discussed the Item with staff.

Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve Items 1-4, and 6 on the Consent Agenda.

Motion by Councilmember Stober, seconded by Councilmember Perez, and carried unanimously to approve Item 5 on the Consent Agenda.

1. Bid Award for the Water Station 4 Wellhouse 4B Replacement Project, per Bid #23-04

Staff Report: 039-23

Water Station 4 is one of Vancouver's larger drinking water production sites. The site is located at 4203 East 5th Street and contains six groundwater wells, including Well 4B, a booster pump station, and treatment facilities. The wellhouse protecting Well 4B has signs of structural failure in the form of cracked and offset walls. The building has been temporarily shored up and needs replacement. This project will replace that building with a new building of similar type and style but with improved construction materials and methods for longevity and seismic resiliency. Along with replacing the wellhouse building, upgrades will be made to electrical components that will include new instrumentation to monitor power and flow. This will provide water operations staff the ability to monitor the energy efficiency of the existing well pump and motor utilizing the water system control network.

On February 28, 2023, the City received five bids for the subject project and the low bidder, Odyssey Contracting, LLC of Yacolt, Washington was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Odyssey Contracting, LLC, Yacolt, WA</i>	<i>\$505,348.38</i>
<i>Western United Civil Group, LLC, Yacolt, WA</i>	<i>\$521,334.30</i>
<i>Clark and Sons Excavating, Inc., Battle Ground, WA</i>	<i>\$523,478.06</i>
<i>Tapani, Inc., Battle Ground, WA</i>	<i>\$603,848.58</i>
<i>Pease & Sons, Inc, Tacoma, WA</i>	<i>\$780,055.34</i>
<i>Engineers' Estimate</i>	<i>\$600,000.00</i>

Odyssey Contracting, LLC of Yacolt, Washington has completed similar jobs and is the lowest responsive and responsible bidder.

Odyssey Contracting, LLC acknowledges the City's requirement for Apprenticeship Utilization and is proposing to exceed the project's goal of 3% with their goal of 11% by using 150 apprentice hours out of the total

1,289 project hours

Request: On March 20, 2023, award a construction contract for the Water Station 4 Wellhouse 4B Replacement project to the lowest responsive and responsible bidder, Odyssey Contracting, LLC of Yacolt, Washington at their bid price of \$505,348.38, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Michelle Henry, Senior Civil Engineer, 360-487-7155

Motion approved the request.

2. **Contract with Avolve Software to upgrade electronic plan review software to cloud-hosted platform**

Staff Report: 040-23

The City implemented the current Avolve ProjectDox system in 2013 as an on-premise server solution. ProjectDox allows customers to submit plans electronically to the City and allows staff the ability to mark up plans and route them internally.

Avolve will no longer be supporting its on-premise solution after 2024 and will solely be providing a cloud-hosted solution moving forward.

In anticipation of this change, a decision package was submitted and approved in the 2023-2025 budget to fund the migration of the City's ProjectDox environment to Avolve's cloud-based solution.

Request: Authorize the City Manager or their designee to sign the contract with Avolve Software Solutions for their cloud-hosted electronic plan review system.

Jason Nortz, Development Review Division Manager, 360-487-7844; Rich McKee, Interim Application Services Manager, 360-487-7670

Motion approved the request.

3. **Interlocal Agreement with Clark County - Curtin Creek Community Park**

Staff Report: 041-23

The City of Vancouver currently owns 38 acres located at 12601 NE 72nd Avenue. This property was purchased in 1999 by Vancouver fire district #5 and Vancouver-Clark Parks & Recreation for the construction of a fire station and for park purposes.

In 2007 City of Vancouver Fire Station #7 was constructed on the five acres

that are adjacent to NE 72nd Avenue, which left the remaining 33 acres of the property for future park development. In May of 2013, the City conveyed an easement for “park purposes” to Clark County over the eastern 33 acres of the property. Clark County is currently moving forward with the development of the Curtin Creek Community Park on a portion of the remaining 33 acres.

The purpose of this interlocal agreement is to permit the parties to work together to transfer the necessary property rights from the City of Vancouver to Clark County, which are needed to provide legal access for the general public to cross city property to utilize the park. The interlocal agreement also allows various utility agencies to provide the necessary services for the operation of the park, and completion of frontage improvements along the entire length of the City’s property. In addition, the interlocal agreement will provide authorization for the county to represent the City, as owners of the property, to sign all documents required as part of the Clark County community development land use and engineering approval processes associated with the park.

Request: Authorize the City Manager or designee to execute an Interlocal Agreement with Clark County for the transfer of right-of-way and granting of access and utility easement rights related to the Curtin Creek Community Park Development.

Linda Carlson, Property Management Specialist, 360-487-8423

Motion approved the request.

4. Park Land Acquisition - Expansion of George & Hazel Stein Neighborhood Park

Staff Report: 042-23

Context & Background:

In 1975, Clark County acquired 0.77 acres for a future park through Builder’s Fund, a pre-PIF funding source. Then known as Tanglewood Neighborhood Park, the site was included in the area annexed into the City sometime between 1991 and 2000. Over the years, multiple acquisitions were proposed without success to expand or relocate the park to meet Neighborhood Park area standards for the area.

On May 23, 2016, the City accepted a 0.80-acre land donation valued at \$100,000 from Mrs. Hazel Stein for expansion of the park. The Stein land donation was contingent upon renaming the park to George and Hazel Stein Neighborhood Park. The donation triggered notable community engagement and prompted a unique opportunity to purchase an additional parcel (Lyons-1.9 acres) north of the donation to expand the park further and

provide park frontage on NE 97th Avenue.

The park dedication and renaming ceremony occurred on September 10, 2016, to coincide with celebrating Mrs. Stein's 100th birthday. Mrs. Stein also offered a First Right of Refusal (FRR) to the City to purchase the remaining 0.52-acre parcel that included her residence for park expansion following her death. The FRR provides the City with the option to match a third party offer and purchase the parcel when her beneficiary chooses to sell in the future. Acquisition of this remaining parcel has been identified as a priority acquisition in our CFP since 2016.

George & Hazel Stein Neighborhood Park is located in Park Impact Fee District B with an estimated population of 65,000 residents. The current level of service (LOS) for the district is 1.3 acres per 1,000 for neighborhood park land. The LOS metric is based upon a comparison of existing conditions and the adopted Neighborhood Park standard of 2 acres per 1,000 residents. The census tracks encompassing the park and associated ½-mile service area have a moderate to moderately high equity index ranging from 51 to 72.

Marrion school park is located approximately ½-mile to the north of this site. However, public access to school grounds subject to the interlocal agreement continue to be at risk due to school expansion to meet enrollment demands and increasing security concerns.

Present Situation:

Mrs. Stein passed away in February of 2020 and the property deed recently transferred to Evergreen Bible Church as her heir per the provisions of Mrs. Stein's will. Church leadership notified the City of their interest to proceed with a direct sale to the City rather than the seemingly unnecessary delay of putting the property on the market per the provisions of the FRR at some later date.

The Evergreen Bible Church parcel is currently assessed at \$536,071 and appraised at \$590,000. An independent appraisal review confirmed the appraised market value. Staff negotiated purchase of the property for \$649,000 through the attached Purchase and Sale Agreement. The purchase price is based upon 110% of the appraised value. In the event the transaction does not close as proposed, the City will retain the FRR for future purchase of the property.

In the current residential market, it is commonplace for competitive bidding and over asking price offers. In addition, according to the RMLS the median sale price for residential properties for this area increased 12.6% from January 2021 to January 2022, with the subject property increasing in assessed value by 14% in the same one year period. These considerations validate the proposed purchase price above appraised value to secure the

park expansion to approximately four acres and improve public access to greenspace for this vicinity. Expediting the land purchase as proposed allows the City to fulfill the intent of the FRR, avoids the continuing appreciation of property values if postponed, and secures public access for park expansion while dedicated funding is available. It is also important to note that the acquisition more than doubles the frontage on NE 97th Avenue, which is critical to safe access and visibility as an entry into the park from the west, and the additional acreage expands recreation development opportunities.

The purchase is eligible for PIF funding and a strong candidate for consideration as a future grant project for reimbursement of up to 50% of the total acquisition cost, (estimated at \$300,000 to \$350,000).

The proposal is consistent with the standards, policies and priorities identified in the Parks, Recreation and Cultural Services Comprehensive Plan, Capital Facilities Plan, and the PIF Technical Document. The purchase also aligns with the Climate Action Framework by preserving green spaces and tree canopy for carbon storage, connecting neighborhoods and urban wildlife habitat (Strategy NS-1).

The acquisition was reviewed by the Parks and Recreation Advisory Commission (PRAC) at a public meeting on February 15, 2023, with a recommendation to City Council for approval of the acquisition.

Due Diligence:

- An environmental site assessment provides a historical review of land uses to identify any risk of environmental contamination that may warrant additional inspection to limit public health risks or liability to the City. An environmental site assessment on the remnant parcel was completed concurrently with the Stein donation and Lyons purchase in 2016, with no concern of site contamination identified.*
- A boundary survey was completed in association with the earlier park expansion and encroachments were resolved at that time.*
- Archaeological survey – An archaeological survey was completed on the adjoining Stein donation and Lyons parcel with no archaeological findings. Since the proposed acquisition site has a developed residence, the likelihood of archaeological or cultural significance is limited. Staff considers it reasonable to forego further archaeological reviews until triggered by a grant award or park development. The delay necessary for completion of additional study at this time could jeopardize the transaction.*
- The property includes a two-story 2,200 square foot residence constructed in 1964. A home inspection will be completed upon*

approval of the PSA. Following site inspection, staff will determine if the house should be razed or rented in the interim until funds are available for park development.

Request: Authorize the City Manager, or their authorized designee, to accept the Purchase and Sale Agreement for acquisition of the Evergreen Bible Church property through a Bargain and Sale Deed.

Monica Tubberville, Senior Planner, 360-487-8353

Motion approved the request.

5. Fourth Plain Phase II Project

Staff Report: 043-23

A RESOLUTION advancing the Phase 2 design options described herein for the City of Vancouver Fourth Plain Boulevard and Fort Vancouver Safety and Mobility Project, as part of the City's Vancouver Moves initiative to increase community safety and mobility.

The City previously completed a Transportation System Safety Analysis (TSSA) in 2018 that showed that Fourth Plain Boulevard between Grand Boulevard and Andresen Road had the highest number of crashes per mile of all principal arterials in the City. In October 2022 the City completed an updated plan, The Vancouver Moves Local Road Safety Plan, with crash data from 2016-2020. During that period there were 110 vehicle and 23 bike/ped crashes resulting in severe injury, including 3 fatal traffic crashes and 2 pedestrian fatalities on Fourth Plain Boulevard.

The Project addresses safety and mobility issues through roadway design options, including repurposing vehicle travel lanes to make more room for people biking, walking, rolling, and using the bus. The project recommendations aim to improve the travel time and reliability of the Vine bus service on Fourth Plain Boulevard, while creating new and improved mobility lanes within the project area. The Project builds on extensive past planning in the area, including The Fourth Plain Corridor Subarea Plan (2008) and the Fourth Plain Action Plan (2015).

Phase 2 improvements are anticipated in coordination with 2024 pavement preservation work on E Fourth Plain between Ft. Vancouver Way and Andresen Road. Some recommendations include capital projects that will be added to the Transportation Improvement Program or will be advanced through the Fourth Plain for All: Investing in our Future community-led investment strategy funded with American Rescue Plan (ARPA) resources.

Lane Reconfiguration Analysis

The project team conducted traffic analysis to understand how changes to

roadway vehicle capacity would impact vehicle travel times in current and future conditions, and how to address goals related to safety and mobility networks. The analysis used the RTC travel model to understand conditions today and in 2040 under a 'no-change' scenario, while also applying different roadway reconfiguration designs to understand potential outcomes. The analysis found that Fourth Plain Boulevard would continue to perform well and meet City mobility standard with the recommended lane reconfiguration of one (1) through general purpose vehicle travel lane in each direction, with the exception of the segment between 62nd avenue and Andresen Road, which will preserve two (2) westbound general purpose travel lanes and one (1) eastbound general purpose travel lanes to maintain concurrency standards. See the Attachment "March 2022 TMC Memo re: Reconfiguration Alternatives" for more information on travel impacts from a roadway reconfiguration.

Community and Stakeholder Engagement

The Project team engaged the public around two major project milestones. The first round of engagement took place in early summer 2022, and gathered input on safety issues and corridor needs, while conversing with the community about the project purposes and goals. Round 1 engagement included creating project flyers in multiple languages, tabling at the farmers market, Clark College, and the LULAC Grows Mercado, canvassing corridor businesses, residential complexes, and community organizations, holding stakeholder meetings, presenting to neighborhood associations, and gathering online feedback via survey, online open house, and through the BeHeard website. Feedback collected during this phase found that the three most important criteria to evaluate the options included: safety improvements for all users (31%); mobility improvements for all users (24%); and greenhouse gas reduction benefits (19%).

Phase 2 of public engagement sought feedback on desire to repurpose existing roadway space, and what to prioritize in the repurposed space. The general public largely supports the repurposing a vehicle travel lane to improve safety and mobility on the corridor with 83% of residents and 88% of businesses expressing support. In-person feedback gathered during community events favored bus reliability treatments (33%), either bus or bike treatments (33%) or favored bike safety treatments (17%). Online open house feedback was more evenly split on priority treatments with 63% supportive of bicycle-focused improvements and 66% supportive of bus-focused improvements. In-person canvassing of local, Black, Indigenous and People of Color (BIPOC) business owners and staff communicated a strong preference for bus-focused improvements (44%) with a smaller number favoring bike improvements (9%).

Recommendation

In making these recommendations, staff considered feedback from City Council, the Transportation and Mobility Commission, public engagement,

stakeholder interviews with C-TRAN and BIPOC businesses along the corridor, and analysis of traffic impacts of lane reconfiguration.

The project team recommends a project package that consists of three parts which: utilize the federal grant to repave Fourth Plain, add capital projects to the Transportation Improvement Program (TIP), and add a significant project proposal to the Fourth Plain for All: Investing in our Future community-led investment strategy for Fourth Plain.

I. The team recommends a design for the 2024 paving project that preserves transit travel time reliability and includes improvements for mobility users. The design repurposes a travel lane in each direction between Ft. Vancouver Way and 62nd to add Business Access Transit (BAT) Lanes where needed (west bound between St. Johns Blvd and Falk Road and east bound between General Anderson Avenue and Stapleton Rd). East of Stapleton, the design repurposes a travel lane eastbound for a BAT lane, and westbound the roadway retains two vehicle travel lanes. The design includes a buffered mobility lane both east and west bound between St. Johns Blvd. and Ft. Vancouver Way to General Anderson Avenue, and an expanded striped mobility lane in each direction from General Anderson Avenue to 62nd Avenue. Vehicle travel lanes will be narrowed where possible to further reduce speeding and reallocate space.

II. The team recommends adding new capital projects to the Transportation Improvement Program to create quality mobility lane connections to parallel east-west corridors. The first capital project would restripe Stapleton Road from Fourth Plain Blvd to 18th street to create buffered mobility lanes and evaluate appropriate traffic calming for other north-south network connections on Grand Blvd and Brandt Road. The second capital project would improve the existing mobility lanes on 18th street with improvements like buffers and/or delineators to connect east to future projects on NE Burton Road. The third capital project would include a large intersection street-mural on Fourth Plain at the crossing of the Burnt Bridge Creek trail. This mural would act as a traffic calming device at this important crossing for mobility users, while providing a placemaking opportunity to celebrate the culture and community of the International District that makes up Fourth Plain Blvd.

III. The third recommendation is a capital project to add off-street multiuse facilities between 62nd Avenue and Andresen Road to serve mobility users outside of the roadway. To achieve this, the City would need to work with adjacent property owners to purchase right-of-way, relocate utilities, potentially remove trees in some areas, and other mitigation. The project is recommended for inclusion in the Fourth Plain for All: Investing in our Future community-led investment

strategy. Incorporating this recommendation into the investment strategy is reflective of the cost, complexity and time required to build these facilities, while recognizing the long-term need to provide safe and accessible facilities particularly as this corridor continues to add residences, businesses, and other destinations.

Request: Adopt the resolution to advance Phase 2 recommended design options for Fourth Plain Boulevard from Fort Vancouver Way to Andresen Road.

Kate Drennan, Principal Planner, 360-487-7959

Motion adopted Resolution M-4215 to approve the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for March 20, 2023.

Motion approved claim vouchers in the amount of \$16,468,696.46.

Public Hearings (Items 7-8)

7. Title 17 Building Code Ordinance Changes

Staff Report: 014-23

AN ORDINANCE relating to the updating of VMC Title 17 to align the permit deadlines with impact fee deadlines, to update the permit application process to an electronic format, update the inspection scheduling process, to allow for remote inspections at the discretion of the Building Official, adjust the minimum fee refund amount, to clarify violations for the purpose of enforcement, and general cleanup of repetitive sections; providing for savings, severability and an effective date.

The Community Development Department, which includes the building plan review, inspection and code compliance programs, is responsible for the administration and enforcement of the building codes ordinance. The "Building Official" for the City provides direct day-to-day management and oversight of the enforcement and administration of City building codes and ordinances codified in VMC Title 17, as well as for construction permits under Section 105 of the International Fire Code (IFC), adopted in VMC Chapter 16.04.

The City established the Building and Fire Codes Commission (BFCC) to advise the City Council regarding the technical codes and methods contained in VMC Title 16 and 17, and to provide for reasonable interpretations of the adopted technical codes. One of the primary duties of the BFCC is to review and make recommendations to City Council prior to

its action on all proposed new codes and proposed changes to existing construction codes and regulations relating to building and fire. The BFCC reviewed the proposed changes to Title 17 VMC on October 6, 2022, and recommended them for adoption by City Council.

SUMMARY OF PROPOSED CHANGES

The focus of the proposed updates is to address minor clean-up items and to capture a few larger and substantive items which help align VMC 17.08 with other sections of the VMC. The following is a summary of the proposed changes (staff has noted which items are considered clean-up items or more substantive in nature):

- To clarify the Application Filing Date to mean the date on which the electronic record of the permit application is created in the City's e Plans permit system and a permit number is assigned. [clean-up]*
- The City has transitioned from a paper-based permit submittal process to an electronic based permit submittal process. All references to a paper-based process have been removed and updated to refer to an electronic-based process which the City now uses. [clean-up]*
- To adjust the permit application expiration deadline from 180 days to one year, which will reduce an administrative burden on applicants and staff. The one-year timeframe aligns the permit process with the requirements of the City's impact fee payment process (VMC 20.915.020). The building official may grant an extension of the permit application beyond one year where, in the judgment of the building official, extenuating circumstances exist that warrant such an extension and the development review approvals are being actively pursued. [clean-up]*
- To update the inspection processes to allow virtual inspections when, in the opinion of the building official, the work is minor enough in nature that the inspection can be performed remotely. This enables the City the option of providing more timely inspections and aligns with the current protocol being used by the State of Washington Labor and Industries. [clean-up]*
- To adjust the inspection scheduling timeframe from a 10-day maximum window to a three-day maximum window to complete the inspections upon the inspection request, to better align with department practices. [clean-up]*
- To ensure the work being completed is the responsibility of the property owner, the project contractor, and the permit holder. Previously this was only the responsibility of the permit holder. [clean-up]*
- To adjust the fee refund process to capture administrative costs, to better align with Council's target cost recovery policy. Fees assessed that are less than \$222 will be retained by the city as a non-refundable administrative processing fee unless the building official or fire code official determine that the fees assessed and collected were a result of*

an error by the City. [clean-up]

A more substantive clarification is recommended to VMC 17.32.040 “Unfit buildings, dwellings and structures defined” whereby each itemized defect listed in this chapter shall be considered a distinct code violation for the purpose of enforcement action under VMC Title 22, which will allow for individual violations to be addressed and resolved separately.

- For the purposes of this chapter, any dwelling, building or structure which has any or all of the conditions or defects described in this section shall be deemed to be an unfit dwelling, building or structure, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public is endangered. Each itemized defect listed in this chapter is considered a distinct code violation for the purpose of enforcement action under VMC Title 22.*

Request: On March 20, 2023, subject to second reading and a public hearing, approve the Ordinance.

Jason Nortz, Development Review Division Manager, 360-487-7844

Mayor McEnerny-Ogle read the title of the Ordinance into the record.

Jason Nortz, Development Review Division Manager, provided an overview of the Title 17 Building Code Ordinance Changes.

Council discussed the item briefly with staff.

Mayor McEnerny-Ogle opened the public hearing and received testimony from the following community members:

- Kimberlee Goheen, La Center, WA

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4407.

8. Kevanna Park Meadows Planned Development

Staff Report: 028A-23

AN ORDINANCE approving with conditions the concept development plan for the Kevanna Park Meadows Planned Development; and providing for severability and an effective date.

The applicant requests approval of a proposed planned development consisting of a 33-lot single-family subdivision totaling 6.08 acres in the R-6 Lower Density Residential zone.

Planned developments allow for flexibility in certain development standards in order to promote creativity in design and efficient use of the land; increase economic feasibility; and preserve existing landscape features and amenities. The proposed planned development includes over three acres of open space, as well as restoration of the Burnt Bridge Creek riparian management area through the planting of 70 native trees and 920 native shrubs.

Planned developments allow for an increase in density of up to 15% more lots than the maximum density of the R-6 District, which results in up to 33 lots. The proposed development is proposing 33 lots, only four more than is allowed under the standard R-6 requirement.

On Jan. 17, 2023, a duly noticed public hearing was conducted before the City's Land Use Hearings Examiner. On Feb. 1, 2023, the Hearings Examiner issued findings, conclusions and recommendations. The Hearings Examiner recommends that both the planned development and subdivision ordinance, subject to recommended conditions, be approved by City Council.

Request: On Monday, March 20, 2023, subject to second reading and a public hearing, approve the Ordinance, with conditions, approving the planned development; and grant preliminary plat approval of the proposed subdivision.

Andrew Reule, Senior Planner, 360-487-7891

Mayor McEnemy-Ogle read the title of the Ordinance into the record.

Andrew Reule, Senior Planner, provided an opportunity to Council to ask questions of the Kevanna Park Meadows Planned Development.

Council discussed the item briefly with staff.

Mayor McEnemy-Ogle opened the public hearing and received no testimony from the community.

There being no testimony, Mayor McEnemy-Ogle closed the public hearing.

Motion by Councilmember Fox, seconded by Councilmember Perez, and carried unanimously to approve Ordinance M-4408. Councilmember Hansen recused himself from the public hearing.

Communications

- A. From the Council**
- B. From the Mayor**
- C. From the City Manager**

EXECUTIVE SESSION RE: REAL ESTATE DISPOSITION (30 MIN)

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 7:27-8:00 p.m. to discuss Real Estate Disposition.

Adjournment

8:00 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

The written comments below are those of the submitter alone and are not representative of the views of CVTV or the City of Vancouver, its elected or appointed officials, or its employees.

From: [Wynn Greich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); [Harris, Rep. Paul](#)
Subject: Fwd:
Date: Saturday, March 18, 2023 5:00:13 PM
Attachments: [1_4943106529873102992.MP4](#)

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please send to city council members and MELNECK. Put on public record and confirm thT you did. Thanks, Wynn

----- Forwarded message -----

From: **Penelope Siemssen** <[REDACTED]>
Date: Sat, Mar 18, 2023, 3:59 PM
Subject:
To: Linda Smith <[REDACTED]>, Wynn Greich <[REDACTED]>

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#); Sara.Lamnin@hayward-ca.gov
Subject: Lawsuit in CA
Date: Monday, March 6, 2023 4:24:15 PM

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<https://karenkingston.substack.com/p/california-supreme-court-rules-that>.

Please put on public record, send to councils and MELNECK. Confirm that you did. Thank you from Wynn

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Disability caused by covid jabs
Date: Monday, March 20, 2023 8:18:10 AM

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[https://needtoknow.news/2023/03/covid-19-vaccines-can-cause-permanent-disabilities-says-german-health-minister./](https://needtoknow.news/2023/03/covid-19-vaccines-can-cause-permanent-disabilities-says-german-health-minister/) please send to council members and MELNECK.
Put on public record and confirm you did. Thanks from Wynn

From: [Karrie Brower](#)
To: [City Council](#)
Subject: 4th Plain Phase 2
Date: Sunday, March 19, 2023 7:25:36 PM

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My name is Karrie Brower and I live on General Anderson off of Fourth Plain. I am sure there will be plenty of voices in dissent, as there usually are for projects that want to repurpose a lane of single occupancy vehicle travel for other mobility means, so I wanted to add my voice to the record in support of this project. Creating an infrastructure network that supports public transit and active mobility is vital to reaching climate change goals, creating a healthier community, providing an alternative to car ownership for those who are economically disadvantaged, and supporting local businesses. I am thankful that you all seem to understand that and work towards it.

My one concern with the project is the timeline for the additional projects that remedy the loss of the bike lanes from 62nd to Andresen. It is so important that bicyclists are able to safely travel the corridor to access the lanes on Andresen and I hope we are not being placated with the solutions offered and that they are given priority to complete the corridor. I think all 3 TIP projects and the Multi use path are great solutions to a complex problem that the redesign presented, but need to be completed as timely as possible for the corridor to be successful.

Thank you for all your work on this and other active mobility and transit projects throughout the city.

Karrie Brower

From: [Jan V](#)
To: [City Council](#)
Subject: Fourth Plain Improvements
Date: Sunday, March 19, 2023 11:12:42 PM

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Yes. Bike lanes. Bus lanes.

We can't keep people travelling safely without giving them space.

Three stories:

I stood in the parking lot of Fourth Plain Goodwill last week, watching bike riders on the sidewalk. We know the sidewalk is a dangerous place to ride. They know it's safer than the car travel lane on Fourth Plain. They needed to go somewhere to the east. The sidewalk was the best choice.

I led a ride to Krispy Kreme the other day - freebie green donuts! One rider was new to town. She lives on the west side and asked Google Maps how to get to the ride start (Safeway at 63rd and Andresen). It told her Fourth Plain has bike lanes. Boy, was she surprised. She made it, but definitely asked us for a safer return route.

I saw a friend down by the fort on Saturday. She is a widow who has time on her hands and high cholesterol. She got an ebike and was telling me she never uses her car anymore. There are a LOT of new ebikes on the roads which is great!

Three different stories, three different types of riders, but all send the same message: we need bike lanes - especially on Fourth Plain.

Last meeting the goal was to find space to extend them east to Andresen. It looks like that is not happening despite Anne and Ty saying we could find that space. 18th St could certainly use some love, but if I'm coming from downtown, I don't want to suddenly have to head south for .4 mile, then east on 18th, and back to Andresen. I want to continue on Fourth Plain to Andresen.

You know we can't get across SR 500 now unless we're way west on the Falk ped path or at St Johns. People by me have to travel to Andresen to cross SR 500. Difficult to do. Fourth Plain is an easier route - or would be with bike lanes.

Please. Keep looking. Find the space.
Jan

From: [Amy Horstman](#)
To: [City Council](#)
Subject: Fourth Plain: I support bike lanes
Date: Monday, March 20, 2023 7:40:14 AM

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Fourth Plain is a critical transportation corridor for all modes. It's current configuration is dangerous for all modes but deadly for bikes and peds. Dedicated Bike lanes would dramatically improve conditions. We have very good year round riding conditions here with very few very cold or icy days. Good, direct and safe infrastructure for bikes would enable that mode to be a solution for reducing particulate emissions (EPA rates Vancouver as an F for particulates!) which has direct impacts of health and cognitive processes. Bike lanes on Fourth Plain can also directly reduce commute congestion and contribute positively to carbon reduction / climate improvements.

Ideally bike lanes would connect from downtown to Andreson to directly link to crossing SR 500.

Amy Horstman
Vancouver WA

From: [Oshiro Jill](#)
To: [City Council](#)
Subject: I support bike lanes on Fourth Plain!
Date: Monday, March 20, 2023 8:28:16 AM

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I support bike lanes on Fourth Plain!

Regards Jill Oshiro

From: [Jason Cromer](#)
To: [City Council](#)
Subject: City Hall Support for Fourth Plain Bike Lanes
Date: Monday, March 20, 2023 8:37:59 AM

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Hello,

I want to write to you in support of adding bike lanes on Fourth Plain. Please don't make this a half-way implementation. Make the bike lanes wide, make them separated from the roads (raised and with a physical barrier like concrete, planters, or trees), and make them fully connected to other networks. Thank you!

Best,
Jason

From: [Samin Sepasi](#)
To: [City Council](#)
Subject: Fourth Plain Bikes
Date: Monday, March 20, 2023 9:12:25 AM

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Hi,
I support bike lanes on Fourth Plain.

Best,
Samin

From: [Ruth Romer](#)
To: [City Council](#)
Subject: I vote Yes for bike lanes on Fourth Plain
Date: Monday, March 20, 2023 9:21:22 AM

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And please extend it at least to Andresen.

From: [Scott Sloan](#)
To: [City Council](#)
Subject: Fourth Plain bike lanes
Date: Monday, March 20, 2023 9:35:17 AM

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As an avid bike daily rider typically for recreation and occasionally to commute, I can't tell you how much safer and convenient bike lanes on this busy corridor would be.

Please seriously consider this action.

Sincerely,

Scott Sloan

From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Please deny 152nd Ave. warehouse
Date: Friday, March 10, 2023 4:36:23 PM

Written comment regarding the Warehouse Moratorium.

Amanda Delapena

From: Jean M. Avery [REDACTED]
Sent: Thursday, March 9, 2023 4:49 PM
To: Planning Commission <PlanningCommission@cityofvancouver.us>
Cc: City Council <council@cityofvancouver.us>
Subject: Please deny 152nd Ave. warehouse

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To: Planning Commission

Please follow the City staff's recommendation:

Please deny this proposal until there is a complete review under the Warehouse Moratorium.

In addition, please be certain that such warehouse(s) do not degrade the Burnt Bridge Creek Watershed.

Thank you,
Jean M. Avery
Vancouver

From: [Jason](#)
To: [City Council](#)
Subject: City Hall Support for Bike Lanes
Date: Monday, March 20, 2023 8:39:20 AM

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Hi,

Please add safe and wide bike lanes to Fourth Plain. Also, please add physical barriers between the bike lanes and the vehicle traffic. Thank you!

Respectfully,
Dev

From: [Carmen Adkins](#)
To: [City Council](#)
Subject: Bike Path on Fourth Plain
Date: Monday, March 20, 2023 10:20:58 AM

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I support bike lanes on Fourth Plain. PLEASE!

Carmen Adkins [REDACTED]

From: [Jim Hoover](#)
To: [City Council](#)
Date: Monday, March 20, 2023 11:20:21 AM

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Writing to you to voice my support for bike lanes to be established on Fourth Plain and elsewhere in Vancouver.

Jim Hoover

[REDACTED]

Cascade Highlands neighborhood

From: [Tracy C](#)
To: [City Council](#)
Subject: Bike Lanes
Date: Monday, March 20, 2023 11:23:57 AM

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Hi! I definitely support bike lanes on 4th plane!!!! Bike lanes are crucial for access and changing our car culture.

Thanks!
Tracy Ceravolo

From: [Don Steinke](#)
To: [City Council](#)
Cc: [Jan Verrinder](#); [Matt Babbitts](#); [Rick and Cassie Marshall](#)
Subject: We support bike lanes on Fourth Plain.
Date: Monday, March 20, 2023 11:25:35 AM

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From Don and Alona Steinke

To the Vancouver City Council

Denver Colorado offers incentives up to \$1400 for e-cargo bikes for income qualifying residents. So far 4700 vouchers have been awarded. With all the grant money coming from the Federal Government and from Olympia, some of that could be used for e-bikes.

BUT

We also need safe corridors for e-bikes.

We support bike lanes on Fourth Plain as far as possible and as soon as possible.

Don and Alona Steinke

From: [Don Steinke](#)
To: [City Council](#)
Cc: [Jan Verrinder](#); [Matt Babbitts](#); [Rick and Cassie Marshall](#)
Subject: Re: We support bike lanes on Fourth Plain.
Date: Monday, March 20, 2023 11:28:31 AM

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I forgot the link.

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Climate-Action-Sustainability-Resiliency/Sustainable-Transportation/Electric-Bikes-E-Bikes-Rebates>

Don s

On Mon, Mar 20, 2023 at 11:25 AM Don Steinke <[REDACTED]> wrote:

From Don and Alona Steinke

To the Vancouver City Council

Denver Colorado offers incentives up to \$1400 for e-cargo bikes for income qualifying residents. **So far 4700 vouchers have been awarded.** With all the grant money coming from the Federal Government and from Olympia, some of that could be used for e-bikes.

BUT

We also need safe corridors for e-bikes.

We support bike lanes on Fourth Plain as far as possible and as soon as possible.

Don and Alona Steinke

From: [Heidi Cody](#)
To: [City Council](#)
Subject: I support bike lanes on Fourth Plain
Date: Monday, March 20, 2023 11:30:15 AM

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Hello,

I support bike lanes on Fourth Plain.

Thank you,
Heidi Cody

--

Co-Director | Alliance for Community Engagement SWWA
Strategic Coordinator for SWWA | Stand Up to Oil Coalition
Sparkle with #climatetoothpaste. I do. climatetoothpaste.com #greennewdeal

From: [Diane Adkin](#)
To: [City Council](#)
Subject: I support bike lanes on Fourth Plain
Date: Monday, March 20, 2023 11:46:01 AM

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Dear Council

I support bike lanes on Fourth Plain.

Sincerely
Diane Adkin

[REDACTED]
Camas WA 98607

From: [michel & marsha maupoux](#)
To: [City Council](#)
Subject: Fourth plain bike lanes
Date: Monday, March 20, 2023 11:46:50 AM

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Hello,
We support bike lanes on all of Fourth Plain.
Thanks for your support,
Michel & Marsha Maupoux,
Vancouver

[Sent from Yahoo Mail on Android](#)

Renaissance Boardwalk Master Plan

April 17, 2023 Workshop

Keith Jones
Senior Planner

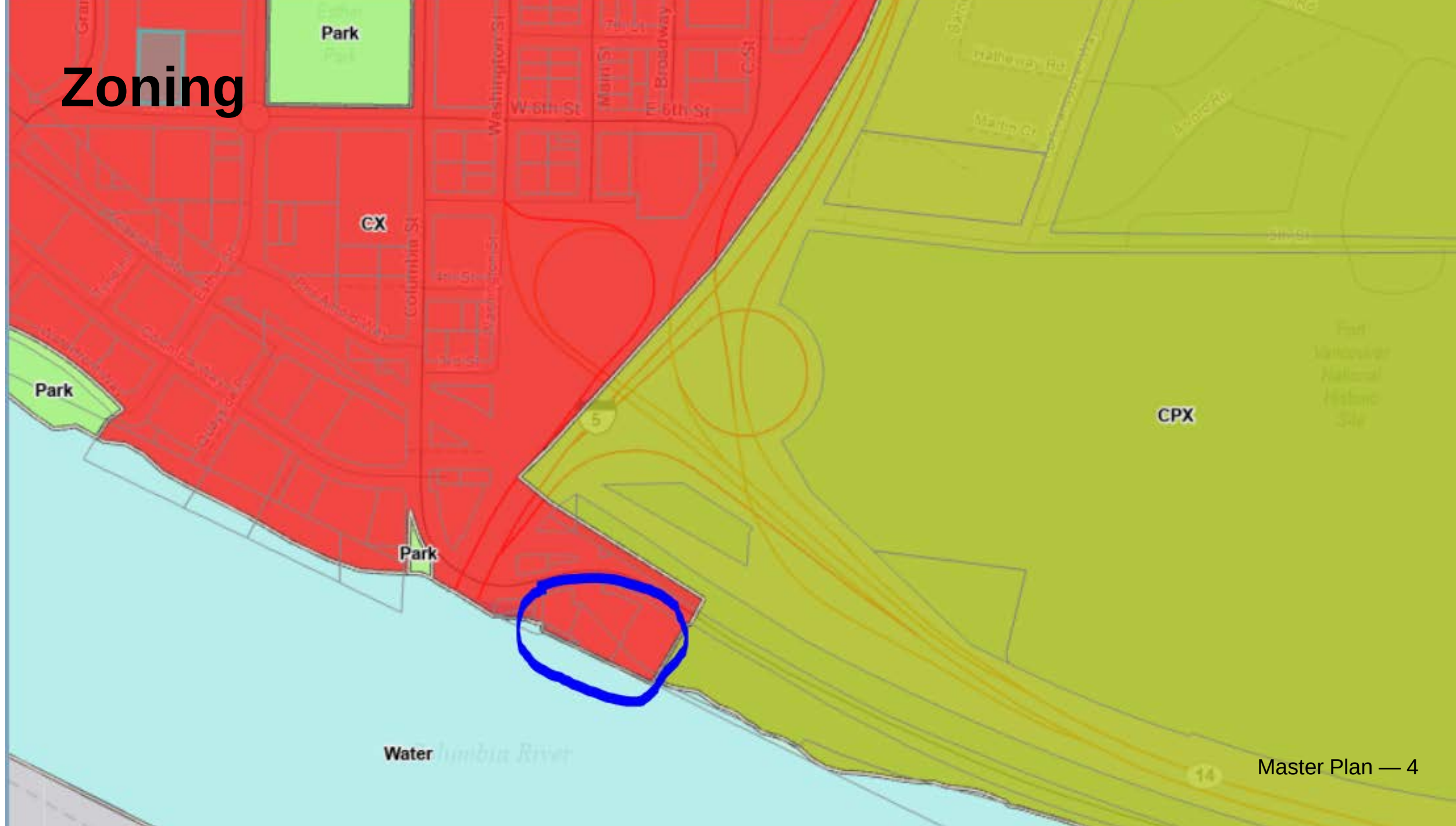


Agenda

- Project Overview
- Development Agreement Overview
- Master Plan Requirements
- Hearing Examiner Recommendation and Conditions
- Council Approval Criteria and Conditions
- Questions and Discussion



Zoning



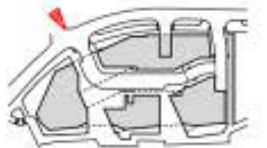
Project Elements

- Multiple mixed-use buildings totaling 400,000
- 217-unit multi-family residential dwelling units
- 115,500 square feet of commercial space
- 370 structured parking spaces, one level below ground
- Variable height with maximum of 9 stories square feet

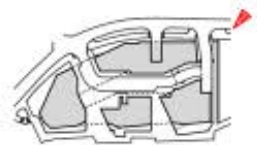
Project Requirements

- Construction of a public boardwalk along the top of privately-owned shoreline wall to connect to existing trails (subject to DNR lease)
- Removal of City-owned derelict pier
- Retention of shoreline wall but removal of signage
- Creation of National Park Service (NPS) parking lots and green space in exchange for construction staging

North Elevation



Northeast Elevation



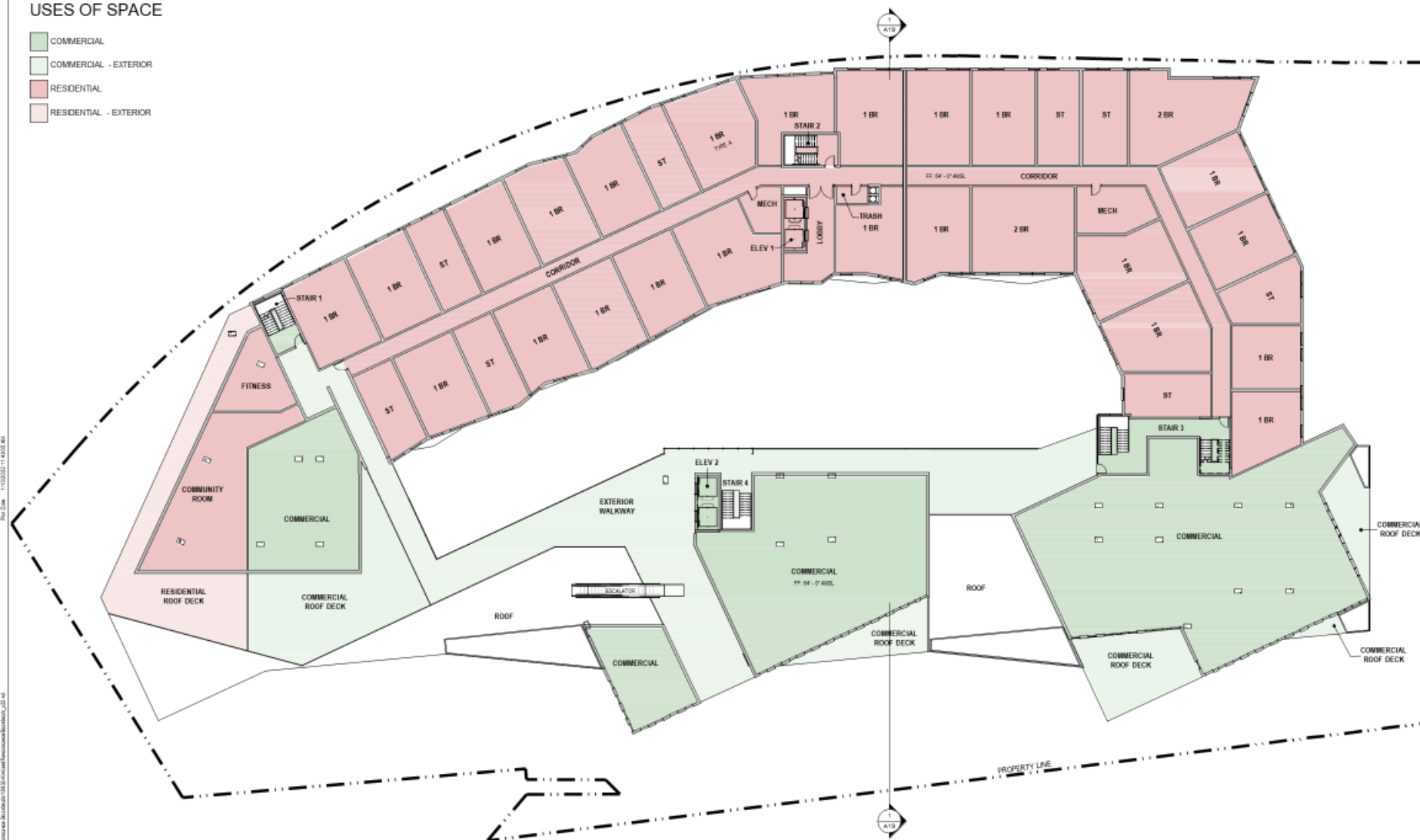
South Elevation



South Elevation



 COMMERCIAL
 COMMERCIAL - EXTERIOR
 RESIDENTIAL
 RESIDENTIAL - EXTERIOR



1 FLOOR PLAN - LEVEL 04
A10 SCALE: 1/16" = 1'-0"

KIRKLAND RENAISSANCE BOARDWALK

101 AND 111 SE COLUMBIA WAY
VANCOUVER WA 98661

LEVEL 04 - FLOOR PLAN

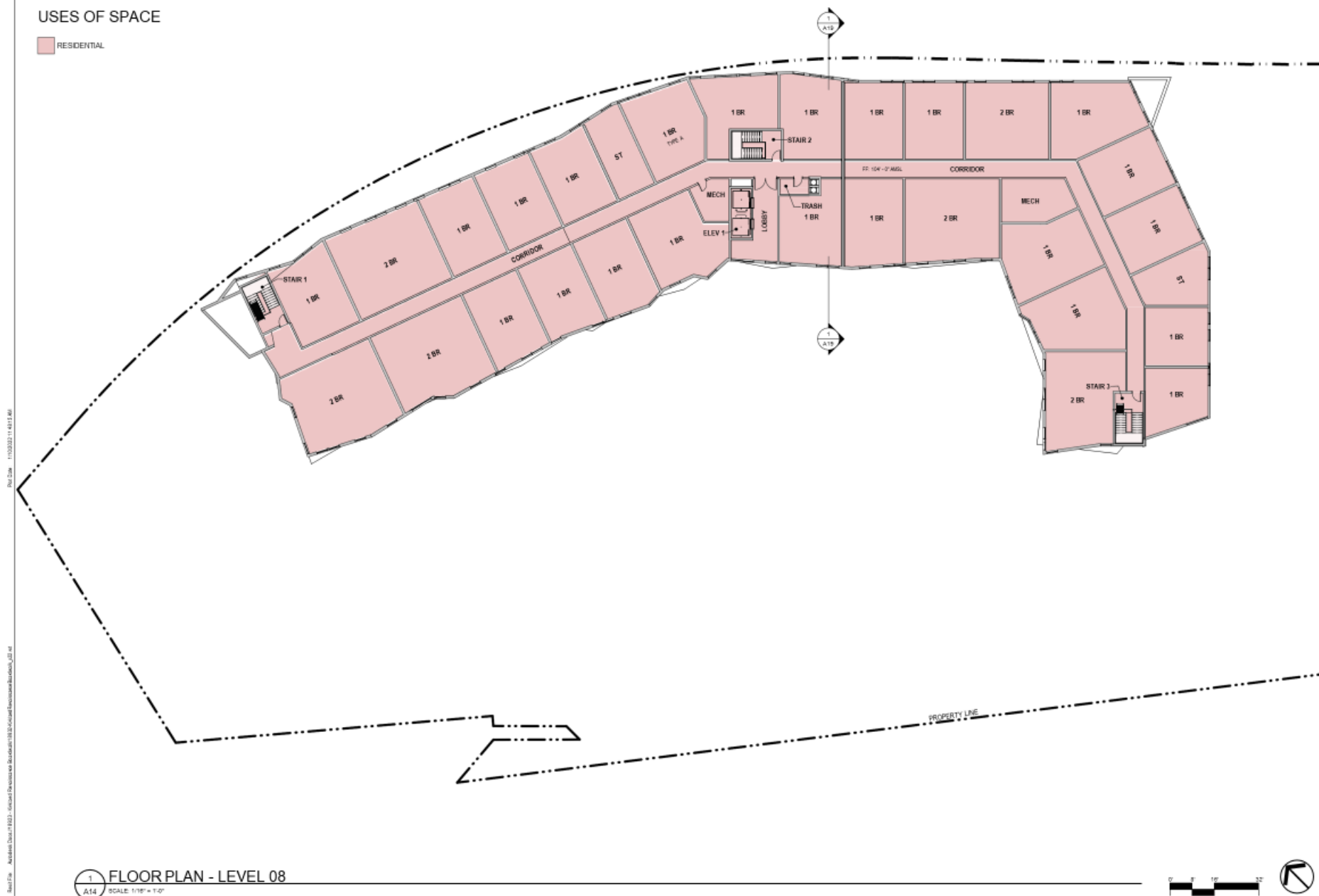
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JANUARY 5, 2021			
DATE			
18629			
PROJECT NUMBER			

A10

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If this drawing is not $22'' \times 34''$, it has been

RESIDENTIAL



KIRKLAND RENAISSANCE BOARDWALK

101 AND 111 SE COLUMBIA WAY
VANOCULMER, WA 98661

LEVEL 08 - FLOOR PLAN

	TITLE
--	-------

#	DATE	DESCRIPTION
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REVIEWS

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DRAWN BY	CHECKED
J. A. GUSTAFSON	

STATUS

DATE

19922

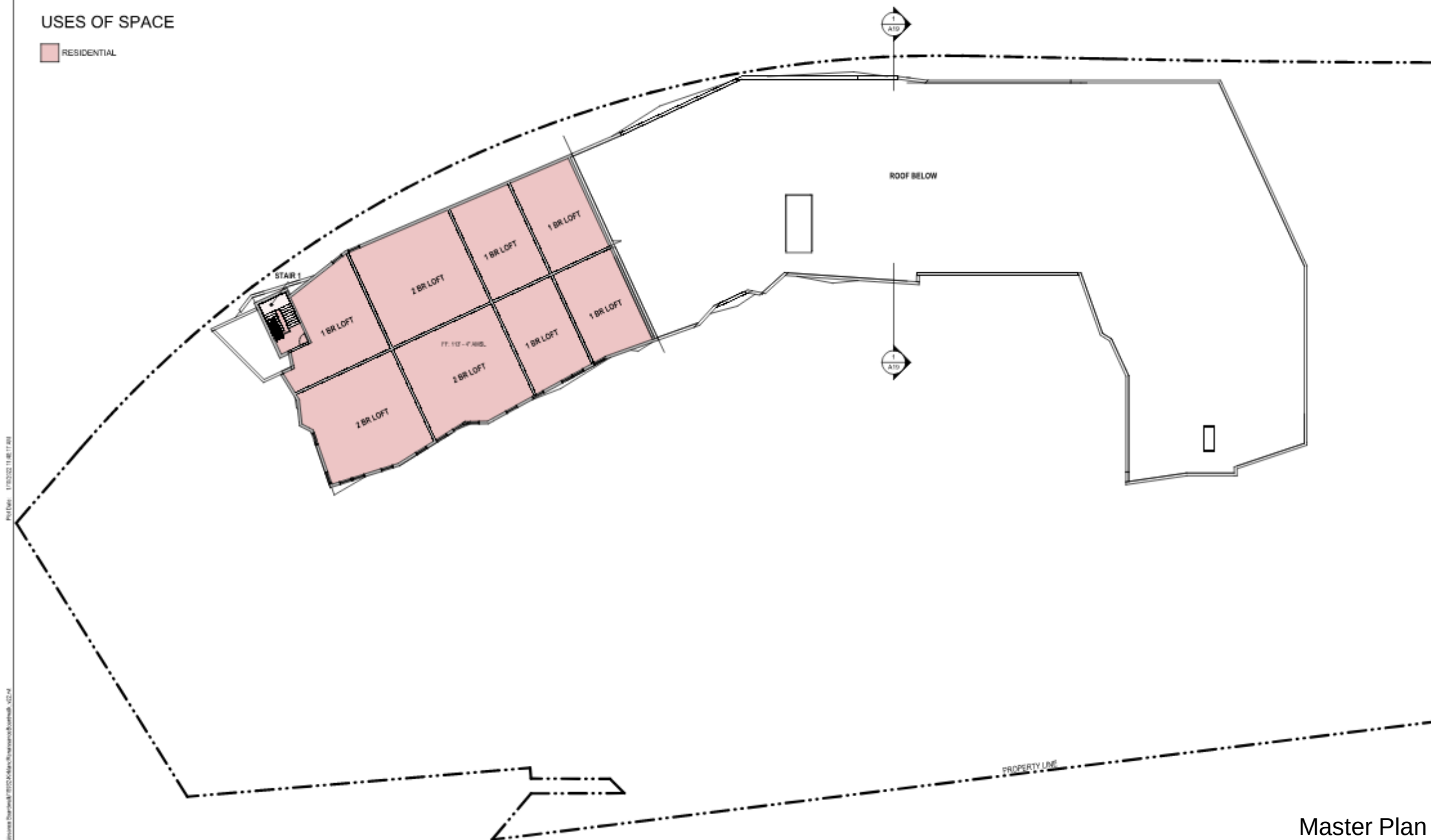
PROJECT NUMBER:

A14

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Master Plan — 13

RESIDENTIAL



 COMMERCIAL
 COMMERCIAL - EXTERIOR
 PARKING
 RESIDENTIAL

BUILDING AREAS (GROSS)			
	RESIDENTIAL AREA	COMMERCIAL AREA	TOTAL
LEVEL 09	3,271 SF	-	3,271 SF
LEVEL 08	27,022 SF	-	27,022 SF
LEVEL 07	27,358 SF	-	27,358 SF
LEVEL 06	27,338 SF	-	27,338 SF
LEVEL 05	27,371 SF	-	27,371 SF
LEVEL 04	28,483 SF	10,203 SF	43,888 SF
LEVEL 03	25,783 SF	30,677 SF	56,760 SF
LEVEL 02	28,819 SF	31,492 SF	56,309 SF
LEVEL 01	6,254 SF	37,913 SF	44,167 SF
LEVEL P1	-	-	74,421 SF
TOTAL	199,676 SF	115,583 SF	315,262 SF



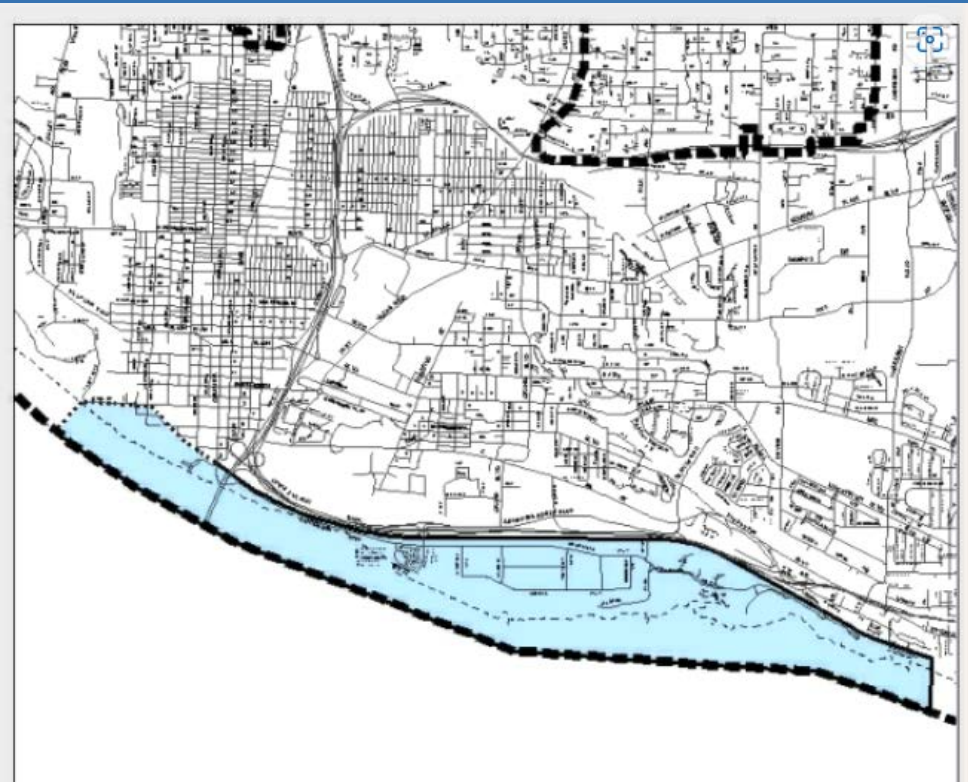
A BUILDING SECTION - N/S

SCALE: 1:10" = 1'-0"

Development Agreement Overview

- Adopted September 2021
- 10-year term; COV option to extend 3 years
- Required 36-month construction timeline from issuance of building permit
- “Commercially reasonable” project milestones
- LEED Gold requirement and green building features
- Option to apply for MFTE 8-year market rate and public benefit requirement
- Access agreements for open spaces and pathways through project

Master Plan Requirement



Columbia River Shoreline Enhancement

Plan District VMC 20.620

- Prior to development a Master Plan Approval (Concept Development Plan) is required
- Master Plans are processed per VMC 20.260 Plan Developments
- Type IV Legislative (VMC Table 20.210.020-1)
- Sites of less than 25 acres are heard by Hearing Examiner who makes recommendation to City Council
- Conditions of Council approval extend to those necessary to mitigate potentially adverse impacts on surrounding properties (VMC 20.260.050(C))

Master Plan Approval Criteria (VMC 20.260.050)



Application must demonstrate compliance with all criteria:

1. Content – Submittal includes all components required by VMC 20.260.070
2. Energy-efficient architectural and site design
3. Transportation system capacity
4. Availability of public services
5. Protection of designated historic and natural resources
6. Compatibility with adjacent uses
7. Mitigation of off-site impacts

Master Plan (Concept Development Plan)



(Approval Criteria) Planned Developments:

1. *Content.*

The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan

2. *Architectural and site design.*

The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.

3. *Transportation system capacity.*

4. *Availability of public services.*

5. *Protection of designated resources.*

6. *Compatibility with adjacent uses.*

7. *Mitigation of off-site impacts.*

Master Plan (Concept Development Plan)



Additional Approval Criteria

Columbia Shoreline Enhancement Plan District (VMC 20.620.030.B)

1. *The proposed development has been considered as a whole and conforms to the Comprehensive Plan and applicable zoning regulations.*
2. *Changes to the Comprehensive Plan and underlying zoning district have been integrated into the master plan.*
3. *Phased development has been properly coordinated.*
4. *The master plan process has been coordinated with the requirements of the State Shoreline Management Act and the city's shoreline program, and insofar as applicable with the city's adopted policy for a waterfront trail.*

Master Plan and Approval Request

Vancouver Hearing Examiner recommends approval of the following:

- Master Plan
- Site Plan Review (Detail Development Plan)
- Design Review
- Shoreline Substantial Development Permit
- Shoreline Conditional Use Permit

Hearing Examiner recommended denial of FAR variance due to existing code

Selected Conditions of Approval Recommended by the Hearing Examiner:

- Building design must include bird collision prevention technology for façade, mechanical equipment and windows (#12)
- Obtain FAA approval for construction cranes (#16)
- Improve public sanitary sewer system and extensions (#20)
- Emergency vehicle access must be maintained (#31 and #41)



Conditions of Approval – Hearing Examiner

Applicant's FAR Variance Request

- Maximum building height = 50 to 100 feet.
- Any floor that extends above 75 feet up to 100 feet maximum cannot have a floor area that exceeds 12,000 square feet.
- The top two stories of the proposed 9-story apartment building will be taller than 75 feet.
- The two upper story floor areas are as follows:
 - Floor 8 - 27,022 square feet
 - Floor 9 - 3,271 square feet
- Applicant requests variance for floor 8 to exceed 12,000 square foot floor area limit

Applicant's FAR Variance Criteria

1. **Unusual circumstances** or conditions apply to the property and/or the intended use that **do not apply generally to other property** in the same vicinity or district;
2. Such variance is **necessary for the preservation and enjoyment of a substantial property right** of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
3. The variance requested is the **least necessary to relieve the unusual circumstances** or conditions identified in Subsection (1) above;
4. The authorization of such variance will **not be materially detrimental to the public welfare or injurious to property** in the vicinity or district in which property is located; and
5. Any **impacts resulting from the variance are mitigated** to the extent practicable



Conditions of Approval:

“The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.”

(VMC 20.260.050(C))

Site Plan Approval

- Changes to Renaissance Boardwalk or Green Building standards require further review
- Changes to Renaissance Boardwalk require further review

Building Permit Issuance

- Submission of 36-month (or fewer) single phase construction schedule
- Identify the duration and timing of any temporary road closures planned during construction

During Construction

- Maintain continuous public access along Renaissance Trail or Boardwalk
- Complete any temporary construction closure of the Renaissance Trail before 12/31/2026

Potential Additional Conditions of Approval

Next Steps

- Master Plan Workshop – April 17
- First Reading – June 2023
- Second Reading – June 2023
- Shoreline Permit and Conditional Use submitted to Department of Ecology
- Engineering Permit - TBD
- Building Permit - TBD



Questions & Discussion



Thank You



**BEFORE THE HEARING EXAMINER
FOR CITY OF VANCOUVER**

In the Matter of the Application of	)	NO. PRJ-163131/LUP-82094
	)	
	)	
Kirkland Development LLC	)	Kirkland Renaissance Boardwalk
	)	
	)	
For Approval of a Master Plan, Design	)	FINDINGS, CONCLUSIONS,
Review, Zoning Variance, Shoreline	)	AND RECOMMENDATIONS
Substantial Development Permit, and	)	
<u>Shoreline Conditional Use Permit</u>	)	

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends to Vancouver City Council that the requests for master plan, design review, shoreline substantial development permit, and shoreline conditional use permit approval should be **GRANTED** subject to conditions. The Examiner recommends that the request for a zoning variance should be **DENIED**.

SUMMARY OF RECORD

Request:

Kirkland Development LLC (Applicant) requested master plan, design review, shoreline substantial development permit, shoreline conditional use permit, and zoning variance approval to construct a mixed-use development consisting of 217 multi-family dwelling units, 115,500 square feet of commercial space, and 370 underground parking spaces at property currently addressed as 101 and 111 SE Columbia Way. A zoning variance was requested to allow floor area in excess of 12,000 feet on a floor over 75 feet above ground.

Hearing Date:

The Vancouver Hearing Examiner conducted a virtual open record hearing on the application on January 17, 2023. In an abundance of caution, the record was held open through January 19, 2023 to allow for written public comment from members of the public who experienced difficulty joining the virtual hearing (if any), with additional time arranged for responses by the parties. No post-hearing public comment was submitted, and the record closed on January 19, 2023.

Testimony:

At the open record hearing the following individuals presented testimony under oath:

Keith Jones, Senior Planner, City of Vancouver

Cristina Haworth, Senior Planner, Otak (for Applicant)

Ron Dean, Senior Project Designer, Otak (for Applicant)

Exhibits:

The following exhibits were admitted through the open record hearing process:

Exhibit 1 Staff Report to the Hearing Examiner, dated January 3, 2023

- A. Application Form
- B. Traffic Impact Fee Estimate
- C. Applicant Narrative, including the following appendices:¹
 - A. Development Agreement, dated July 12, 2021
 - B(1). Traffic Debit Memo, dated March 17, 2022
 - B(2). [duplicate of Exhibit 1.P]
 - C. Driveway Engineering Analysis, dated March 22, 2022²
 - D. Preliminary Stormwater Technical Information Report, dated December 2021
 - I. Arborist Report and Level V Tree Plan, dated December 30, 2021
 - L. Letter from Clark County Public Health, dated January 27, 2022
 - R. Sight Distance Analysis, dated March 17, 2022
- D. Site Plan
- E. Landscape Plans
- F. Grading and Erosion Control Plan
- G. Building Elevations
- H. Floor Plans
- I. JARPA for Department of Natural Resources
- J. Department of Archaeological and Historic Preservation letter, dated December 10, 2021
- K. Washington State Department of Transportation letter, dated November 14, 2022
- L. Washington State Department of Transportation Aviation letters, dated November 9, 2022 and November 16, 2021
- M. Department of Ecology letter, dated November 14, 2022
- N. Schematic Foundation memo, dated March 4, 2022

¹ At hearing, the appendices to the Applicant's narrative (Exhibit 1.C) were not offered in the record. During deliberations, the undersigned determined that review of source documents was required to draft accurate findings and conclusions and make correct recommendations to Council. The undersigned requested (via email to the hearing clerk) that the record be supplemented with these appendices to the narrative (as well as with the final SEPA determination and notice of hearing). The original appendix numbering scheme has been retained.

² Identified in the Narrative (Exhibit 1.C) as a Driveway Engineering Analysis, the document submitted as Appendix C to Exhibit 1.C is a minor road modification request related to the pavement cutting moratorium in effect on SE Columbia way.

- O. Seawall memo, dated March 4, 2022
- P. Traffic Analysis Report (Waterfront East), dated August 2020
- Q. Critical Areas Report, dated December 27, 2021
- R. Hydraulic Report, dated February 17, 2022
- S. Geotechnical Report, dated December 10, 2021
- Exhibit 2 Applicant PowerPoint
- Exhibit 3 Plan Sheet A5 annotated with 200-foot shoreline jurisdiction and 100-foot residential setback
- Exhibit 4 Plan Sheet C01 annotated with storm sewer easement highlighted
- Exhibit 5 Plan Sheet EX01 annotated to show existing five-foot easement at east boundary and the location of the additional required 15-foot easement
- Exhibit 6 Memorandum from Amanda Romero, dated January 19, 2023, re: Solid Waste Staff Report Revision
- Exhibit 7 Revised Staff Report sections 11.70 and 11.80
- Exhibit 8 Notice of Application, Remote Public Hearing, and Optional SEPA Determination of Non-significance, dated October 13, 2022
- Exhibit 9 Memorandum from Casey McKenna, Otak re: Solid Waste Staff Report Revision
- Exhibit 10 Final SEPA Determination of Non-significance, issued November 17, 2022

After considering the testimony and exhibits admitted into the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

Background

1. Kirkland Development LLC (Applicant) requested master plan, design review, shoreline substantial development permit, shoreline conditional use permit, and zoning variance approval to construct a mixed-use development project consisting of 217 multi-family dwelling units, 115,500 square feet of commercial space, and 370 underground parking spaces on 2.03 acres currently addressed as 101 and 111 SE Columbia Way. The Applicant also requested that a shoreline exemption be granted for redevelopment of a riverfront boardwalk. *Exhibits 1, 1.A, 1.C, 1.D, and 2.*
2. The subject property is on the Columbia River shoreline, a shoreline of statewide significance, just east of the Interstate 5 bridge and on the south side of Columbia Way. The regulated shoreline extends 200 feet from the ordinary high water mark,

encompassing nearly all of the subject property and triggering the requirement for a shoreline substantial development permit. The City of Vancouver Shoreline Master Program (SMP) designates the subject property as a High Intensity shoreline environment. *Exhibits 1, 1.C, and 2.*

3. Surrounding land uses include: the Waterfront Park to the east, which is owned by the National Park Service and is part of the Fort Vancouver Historic Site; vacant land to the north, which is owned by the National Park Service and the Burlington Northern Railroad; an electrical substation and associated parking to the northwest, which is owned by Clark PUD; and public right-of-way and PUD-owned land to the west. *Exhibit 1.C.*
4. The subject property is currently developed with a restaurant (Who Song and Larry's) and surface parking. A second restaurant – Joe's Crab Shack – had previously been on site but was recently closed and demolished. A shared-use path – the Renaissance Trail – runs along the property's Columbia Way frontage. A dilapidated pier/boardwalk, not currently open to the public, extends over the river next to the southwest corner of the subject property on land owned by the City. There is a concrete sidewalk along the waterfront connecting the restaurant area to the park to the east. *Exhibits 1.C, 1.I, and 5.*
5. The proposed redevelopment of the site would include the following components:
 - Construction of a single mixed-use building, which would occupy most of the site area. The building would include 217 multi-family dwelling units and approximately 115,500 square feet of commercial space. The design concept is based on a waterfall, with the building consisting of multiple sub-parts of varying height, creating a cascade effect. The residential units would be on the upper floors of the taller, northern portion of the building; the ground floor of this part of the structure would consist of commercial uses and the residential lobby. The shorter, southern portion of the building, facing the Columbia River, would contain commercial uses only. The building would include ground level tunnel-like openings for pedestrian and vehicular access through the site. It should be noted that while these openings create the appearance of five separate building footprints on the ground level floor plan, it is a single building with the building subparts connecting at the second level and above. A large central courtyard would open to the sky. The building as proposed requires a zoning variance from Vancouver Municipal Code (VMC) 20.630.050.C, because more than 12,000 feet of gross floor area is proposed for a floor that is more than 75 feet in height.
 - Construction of a one-story underground parking garage beneath the building, which would include 370 parking spaces, including 100 electric vehicle spaces.
 - Reconstruction of the Renaissance Trail as part of proposed frontage improvements on Columbia Way. The reconstructed Renaissance Trail would be designed to the City's Heritage Sidewalk standard.
 - Replacement of the dilapidated pier/boardwalk with a new public riverfront trail (identified as Renaissance Boardwalk in some project materials) to be located at the ordinary high water mark. The Applicant requested a Statement of Exemption

from the shoreline substantial development permit requirement for this work pursuant to SMP 2.3, arguing that the work constitutes normal maintenance or repair.

- Installation of a public stormwater pipe and outfall along the eastern property boundary, to replace an existing, deteriorated 27-inch public stormwater pipe that is located approximately 40 feet west of the eastern property boundary. A public trail would be placed within the easement to provide a connection between the Renaissance Trail on Columbia Way and the new boardwalk. A shoreline conditional use permit is needed for this utility work.

Exhibits 1.C, 1.C.D, 1.D, 1.G, 1.H, 1.I and 2; Ron Dean Testimony.

6. Development of the project is governed by a Development Agreement entered into between the City and the Applicant on July 12, 2021. The Development Agreement specifies certain required development components. The required components include removal of the pier and construction of the Renaissance Boardwalk along the seawall. *Exhibit 1.C.A.*
7. The subject property is within two overlay districts: the Noise Impact Overlay District (VMC 20.520), which applies to properties with unusually high levels of aircraft, railroad, and/or traffic noise, and the Airport Height Overlay District (VMC 20.570), which applies to properties within the vicinity of Pearson Field Airport. The subject property is within the approach zone to Pearson Field, which is to the east of the subject property. Planning Staff recommended conditions of approval to address the requirements of these overlay districts, including conditions requiring the Applicant to submit a noise impact reduction plan, record a noise disclosure statement, and obtain a determination of no hazard to air navigation from the FAA. To meet the noise reduction performance standards of the overlay district, the Applicant proposes to use building materials that would reduce interior noise limits to an average of 45 Ldn or less. *Exhibit 1, page 9; Exhibit 1.C, VMC 20.520; VMC 20.570.*
8. The subject property is within the Columbia Shoreline Enhancement Plan District (VMC 20.620). Development within the plan district requires approval of a master development plan per the planned development chapter of the VMC, plus compliance with additional criteria including consistency with the current Comprehensive Plan and zoning regulations, coordination of phased developed, and consistency with the Shoreline Management Act (SMA), City of Vancouver Shoreline Master Program (SMP), and the City's waterfront trail policy. *VMC 20.620.030.B.* Consistent with these requirements, the Applicant has submitted a master development plan for approval, which contains the information required by VMC 20.260.070, and shoreline permit applications for consistency with the SMA and SMP. No phasing is proposed. The proposal includes reconstructing the Renaissance Trail along the subject property frontage and re-establishing a riverfront trail connection. *Exhibits 1, 1.C, page 51.*
9. The subject property is within the City Center (CX) zone, and the Comprehensive Plan designation is Commercial. *Exhibit 1.* The purpose of the CX zone is "to provide for a

concentrated mix of retail, office, civic, and housing uses in downtown Vancouver.”
VMC 20.430.020.D. Retail, eating and drinking establishments, office, and multi-family residential uses are allowed in the CX zone. *VMC Table 20.430.030-1.* There are no setback, lot coverage, minimum landscaping, or lot dimension requirements applicable to the zone. The only CX development standard is the maximum building height standard, which is governed by VMC Figure 20.630-4. *VMC Table 20.430.040-1; Exhibit 1.*

Zoning Variance

10. The maximum building heights in the Downtown Plan District vary from 40 feet to 300 feet. *VMC 20.630.050.* Figure 20.630-4 of the ordinance divides the Downtown Plan District into numerous subareas (some extremely small) and assigns different maximum building heights or maximum building height ranges to each. The subarea containing the subject property has a maximum building height range of 50 to 100 feet. Subareas to the west along the waterfront have progressively higher height allowances. *VMC Figure 20.630-4.* As specified in *VMC 20.630.050.C*, “the low number of the range identifies the maximum building height (inclusive of any roof-top appurtenance) that may be achieved outright.” *VMC 20.630.050.C.* To achieve an increase in building height above the low number of the range, the following criteria must be met:

1. Up to 50% increase in building height (inclusive of any roof-top appurtenance), may be allowed outright, by the Planning Official through the site plan review process upon making the following findings:
 - a. Such increase in height complies with FAA regulation, Part 77, as confirmed by the FAA, through issuance of a determination of no hazard to air navigation; and
 - b. Such increase in height will not affect the safe and efficient use of navigable airspace following consultation with the Pearson Field Airport Manager.
2. Over 50% and up to the high number of a given range, increase in building height (inclusive of any roof-top appurtenance), may be allowed by the Planning Official through the site plan review process upon making the following findings:
 - a. Such increase in height complies with FAA regulation, Part 77, as confirmed by the FAA, through issuance of a determination of no hazard to air navigation; and
 - b. Such increase in height will not affect the safe and efficient use of navigable airspace following consultation with the Pearson Field Airport Manager; and
 - c. The gross floor area of the building at each floor over 50% above the low number of any given range and up to the high number of a given range shall not exceed 12,000 square feet.

VMC 20.630.050.C. In this case, a 50% height increase over the low number of the range is 75 feet. Thus, for the subject property, assuming FAA and Pearson Field requirements can be satisfied, the maximum floor area on floors over 75 feet is 12,000 square feet.

Exhibit 1.

11. The proposed building varies in height, with the commercial portion fronting the Columbia River reaching approximately 49 feet, two inches and the residential portion to

the north reaching 100 feet. Floors 8 and 9 would exceed 75 feet in height. The Applicant proposes 27,022 square feet of floor area on Floor 8 (exceeding the maximum by 15,022 square feet) and 3,271 square feet of floor area on Floor 9. The Applicant submitted that Floor 9 is limited to 3,271 square feet because FAA height restrictions allow for that height only on the far west end of the residential tower, due to the glide slope from Pearson Field. *Exhibits 1.C, 1.G, 1.H, 2, and 3; Cristina Haworth Testimony.*

12. The Applicant requested a variance from the square footage limitation of VMC 20.630.050.C.2.c for Floor 8. In support of the request, the Applicant noted certain development constraints applicable to the site, including utility easements running along the eastern and western property lines, the regulatory constraints associated with being closer to Pearson Field than other sites in the Downtown District and within a regulated shoreline, and the unusual shape of the property. (The street side of the parcel is rounded, and the west end of the site is narrower than the east end). The Applicant argued that the subject property is more height restricted than other parcels in the vicinity, as it is the only privately-owned land within the 50 to 100-foot height district. The Applicant submitted that the additional area on Floor 8 is requested to make up for buildable area lost due to other constraints, arguing that the additional residential units would benefit the public, and that the additional building mass on Floor 8 would not be detrimental because the subject property is separated from other properties by significant infrastructure to the north and west and by trees to the east. *Exhibit 1.C, 2, and 3; Cristina Haworth Testimony.*
13. The easements on the subject property include a portion of a 40-foot wide storm sewer easement associated with I-5. Per comments submitted by the Washington State Department of Transportation, no building or building overhang may encroach into the easement. As visually depicted in Exhibit 3, the easement encumbers a small wedge of land along the western extent of the subject property. The easement along the eastern property line encumbers a width of five feet. However, as part of the proposed project, a new 15-foot easement would be placed in the same location for the relocated storm sewer line. The remainder of the site is potentially developable. The proposed building design leaves an open area in the center of the site, which area is compliant with the shoreline setback for residential development. *Exhibits 1.K, 3, 4, and 5.*
14. City Planning Staff submitted that the variance should be denied, arguing that the height limits depicted in Figure 20.630-4 were “purposely adjusted to address different areas of the downtown and [] established in consultation with FAA and the airport manager at Pearson Airpark.” *Exhibit 1, page 8.* With respect to the limitation to 12,000 square feet, Staff was unaware of the specific rationale but submitted that since FAA/Pearson Field issues were otherwise addressed, the reason for the limit likely relates to planning principles regarding bulk, mass, and scale and preservation of views to the river through downtown. *Keith Jones Testimony.* Staff argued that substantial development can occur with the floor area available to the Applicant, and that a zoning text amendment would be the appropriate avenue for relief from the 12,000 square foot limit for area over 75 feet in height. *Exhibit 1, page 8; Keith Jones Testimony.*

15. The Applicant has not yet received FAA clearance of the proposed building height, and the manager of Pearson Airpark did not submit comments into the record. *Exhibit 1.C.*
16. The loss of some of the Floor 8 dwelling units would not cause the density of the project to fall below the minimum of 190 dwelling units established in the Development Agreement. At present, 217 dwelling units are proposed and 27 of them are planned for Floor 8. There would still be 190 dwelling units on the site even if all Floor 8 dwelling units were eliminated (which they would not need to be as 12,000 square feet would still be available for development). *Exhibit 1.C.A, Section 4.2.3; Exhibit 1.H.* At hearing, the Applicant representative testified that additional housing units could not be placed in the southern portion of the building or in the center of the site because the required shoreline setback for residential development was 100 feet. *Cristina Haworth Testimony.* This testimony may have been misunderstood by the undersigned or was in error, because pursuant to SMP Table 6-1, the shoreline setback for multifamily residential uses is 35 feet. *SMP Table 6-1.*

Design

17. The project is subject to design review pursuant to VMC 20.265. The subject property is within the Central City Plan District design review district. *VMC Figure 20.265-1; Exhibit 1.* Because the subject property does not contain buildings listed on the local or national historic register, review by the Historic Preservation Commission is not required. *Exhibit 1.C, page 35.*
18. The Applicant submitted plans demonstrating consistency with applicable design standards, as follows:
 - The proposed site design places “active” commercial uses on the ground floor adjacent to public areas. Restaurants and outdoor seating would face the Renaissance Boardwalk.
 - Parking would be below grade within a parking structure. Only short-term parking and loading would be provided along the internal drive aisle.
 - A gathering space accessible from the interior of the building would be located where the building does not directly abut the sidewalk due to easement constraints.
 - The vertical continuity of building facades along Columbia Way would be maintained to a height exceeding two floors.
 - Rooflines would be consistent with the building’s use and surroundings, and would include details for visual interest, including a sloped profile in the northern (residential) portion and tiered roof decks with planters in the southern portion.
 - Within the building façade, projections of portions of the upper floors would provide visual interest.
 - In an area where there is a wall in excess of 15 lineal feet but windows are not feasible (which would occur only along a small portion of the eastern façade, adjacent to a solid waste and recycling room), wall plantings would be used to enhance the

appearance of the wall.

- Rain protection on the north side of the building would be provided through awnings and building recesses. Projections and cantilevered building masses would provide rain protection on the south side of the building. These features would be more than eight feet above the sidewalk.
- Pedestrian amenities including benches, planters, and trash receptacles would be provided on site.
- Trash dumpsters would be enclosed in rooms.
- A variety of materials would be used for walking surfaces. Plazas would be surfaced with pavers in geometric patterns. The boardwalk would be paved with patterned concrete and pavers.
- Light standards would be compatible with the character of the building. Lighting would be used to accent benches, railings, and planters, and would be provided along sidewalks and the Renaissance Trail for pedestrian safety.
- The site design provides visual access to the Columbia River.
- Public art is proposed throughout the site.
- Deciduous trees from the City's approved list would be planted along Columbia Way as part of proposed frontage improvements.
- Most of the plantings on site would be placed in raised planters that could also serve as seating.
- Parking would be provided at a rate exceeding the minimum City standard by 14%, to account for the lack of street parking on Columbia Way and to avoid overflow parking on the park site to the east.
- Elevators to the parking garages would be located in accessible areas.
- A single building is proposed, but with multiple sections designed to create a strong visual relationship. The overall design is inspired by a waterfall, with the structure cascading towards the Columbia River. The design makes optimal use of the waterfront setting by placing the lowest building heights along the river so that views can be maintained from the upper floors of the residential area behind.
- The building height is proportionate to the scale of Columbia Way.
- The proposed mixed-use development would provide increased opportunities for informal and planned activities beyond 9:00 am to 5:00 pm work hours.
- The building would be oriented both to Columbia Way and to the boardwalk. Retail would be accommodated on the ground level.
- Awnings would be placed to define the first floor.
- Lighting along the waterfront trail would conform to City standards.

Exhibits 1.C, 1.D, 1.E, 1.G, and 1.H. Of note, many of the features listed in this finding

could not be verified from the plans and elevations in the record; however, Planning Staff concurred that the Applicant's materials demonstrate compliance with the City's design standards. *Exhibit 1.*

19. The proposal would not affect relationships between existing structures in the vicinity, or between existing structures and open space. The only structure on site is a two-story restaurant building, which is surrounded by surface parking and minimal landscaping. The only building in the vicinity is the Clark PUD building to the north. The I-5 bridge is west of and visible from the site, and the Burlington Northern Railroad tracks are to the north of the site. The proposal would include open spaces providing visual access to the river. Pedestrians would be able to walk through the building via courtyards. *Exhibits 1.C and 2.*
20. Consistent with the requirements of the Development Agreement, the Applicant proposes to construct the building consistent with the LEED Gold standard.³ LEED addresses several categories of environmental concern, including water efficiency, energy usage, indoor air quality, and materials sourcing. Natural gas would not be used to serve the residential units. *Exhibit 1.C.*

Access, Traffic, and Parking

21. Vehicular access to the development would be from SE Columbia Way, a minor arterial. The Applicant proposes a looped driveway that would connect to SE Columbia Way at two locations, and a separate driveway from SE Columbia Way that would lead directly into the underground parking structure. The looped driveway would pass through the building. *Exhibits 1 and 1.D.*
22. The existing street section along the property frontage includes asphalt roadway and a curb, gutter, planter strip, 14-foot wide shared-use path (Renaissance Trail), and storm drainage. *Exhibit 1.* Proposed street improvements would include widening the street to provide two 12-foot travel lanes and a 14-foot center turn lane and reconstructing the Renaissance Trail to the Heritage Sidewalk standard (Standard Detail T02-02). The sidewalk would be 14 feet wide including four-foot-wide tree wells. *Exhibit 4; Exhibit 1.C.* As recommended by City Staff, an existing pedestrian crossing would be reconstructed and enhanced with lights, and to maintain continued bicycle and pedestrian connectivity along the site during construction, the existing shared-use path would be required to remain open until such time that the riverfront boardwalk is constructed. In addition, storm drainage, lighting, striping, and signage would need to be installed consistent with City standards. *Exhibit 1.*
23. Southeast Columbia Way is subject to a street cut moratorium that is in effect through October of 2024. The Applicant has received City approval of a minor road modification for deviation from the moratorium to cut the street for installation of utilities and frontage improvements. *Exhibits 1 and 1.C.C.*

³ The Applicant will not be seeking LEED certification through the United States Green Building Council, but will self-certify that the requirements are satisfied. *Exhibit 1.C, page 9; Ron Dean Testimony.*

24. For street frontages in excess of 125 feet, City property access standards (VMC 11.80.110) limit the number of driveways along a street frontage to two, unless additional driveways are justified by a traffic engineering study. The Applicant proposes three driveways, including two for the looped driveway and one for the parking garage. *Exhibit 1.C and 4.* The Applicant submitted a sight distance study indicating that all three driveways would meet or exceed minimum sight distance standards. *Exhibit 1.C.R.* City Transportation Staff have no concerns with the proposal. However, in order for the project to demonstrate consistency with code requirements, City Staff recommended that the Applicant provide the code-required justification prior to civil plan approval. Staff requested that the justification include the reason for the third driveway, alternatives that were considered, and the reason why alternatives are not feasible. *Exhibit 7.* This information was not provided in the sight distance study. *Exhibit 1.C.R.*
25. A traffic analysis report was prepared for a different version of the project in August of 2020, which was used to inform the Development Agreement. The project scope at the time was 125,000 square feet of commercial space and 219 apartment units. Based on the trip generation rates contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition for mid-rise housing (ITE land use code 221) and shopping center (ITE land use code 820), the earlier version of the project was expected to generate 2,756 net new average daily trips, including 157 AM peak hour trips and 314 PM peak hour trips. The traffic analysis found that the surrounding street system has capacity to accommodate the projected traffic volumes. *Exhibits 1 and 1.P.*
26. The Development Agreement vested the project to the 314 PM peak hour trips calculated in the August 2020 traffic study and required that the Applicant submit a trip debiting memo in conjunction with the project application. *Exhibit 1.C.A.* The Applicant submitted the required trip debiting memo, which found that with the current slightly smaller project scope, the project would generate 2,713 net new average daily trips, including 156 AM peak hour trips and 312 PM peak hour trips. Thus, the current project is within the allowances of the Development Agreement. *Exhibits 1 and 1.C.B1.*
27. The proposal is expected to add 18 AM peak hour trips to the City's Grove Street/Columbia House Blvd/SR-14 WB Off-Ramp traffic mitigation project. The Applicant would be required to pay a proportionate share contribution to the project of \$10,800.00. The Applicant would also be required to pay transportation impact fees pursuant to VMC 20.915, and concurrency modeling fees for adding PM peak hour trips to Mill Plain Blvd and Fourth Plain Blvd transportation management zones. *Exhibits 1 and 1.C.B1.*
28. The minimum number of parking stalls for the multi-family residential portion of the use is 0.75 space per dwelling unit (163 spaces for the 217 units proposed), and one space per 1,000 square feet of floor area for the commercial portion of the use (107 spaces for 106,659 square feet of floor area). The Applicant proposes to provide 217 residential parking spaces and 153 commercial parking spaces, for a total of 370 parking spaces. Consistent with the Development Agreement, stacking technology would be used to reduce the footprint of the parking area, and at least 100 stalls would be equipped with

electric vehicle charging stations. In addition, both long and short-term bicycle parking areas would be provided. *Exhibit 1.C, pages 9, 28, and 132; Exhibits 1.H and 1.C.A.*

Solid Waste Disposal

29. VMC 20.970 contains detailed requirements for solid waste disposal and recycling. Staff determined that the project complies with most of these requirements, but identified three areas of concern: tenant access, the size of the commercial trash room, and vehicle access to pick up areas. *Exhibit 1.*
30. With respect to tenant access, VMC 20.970.040.A.3 specifies that the maximum distance between any residential unit and the closest garbage/recycling room is 150 feet. The proposed floor plans depict that 175 of the units would be within 150 feet of a garbage/recycling room. The remaining 42 units (approximately six per floor) would exceed this standard, with distances of between 150 and 200 feet from a garbage/recycling room. To address this issue, Staff recommended that the plans be revised, or that the Applicant obtain a variance from or minor adjustment of the provision. The Applicant proposes to seek a minor adjustment at the time of building permit review. *Exhibits 6 and 9.*
31. With respect to commercial solid waste storage, Staff submitted that the 1,208 square foot room proposed does not meet the standard of 100 square feet plus 10 square feet per 1,000 square feet of gross floor area. To address this issue, Staff recommended that the area be increased 1,255 square feet. *Exhibit 1.*
32. With respect to collection vehicle access, the site plan allows collection vehicles to access the commercial solid waste storage room without the need to drive through the site beneath the building overhangs. The building overhangs as proposed are 13 feet, 8 inches, whereas the minimum required is 14 feet, 6 inches. However, the location of the residential storage room is such that a collection vehicle would not be able to access without going beneath the second floor of the building. Staff submitted that the issue could be resolved by either raising the height of the building overhangs or by consolidating the residential solid waste into the commercial storage area on collection days. This would require the area of commercial storage to be increased. *Exhibit 1, pages 16-17.*

Parks and Schools

33. The subject property is located within the bounds of Park District A and the Vancouver School District. Any school aged residents of the multifamily dwellings would attend Harney Elementary, Discovery Middle, and Hudson's Bay High Schools. Payment of park and school impact fees would be required pursuant to VMC 20.915 to mitigate impacts to parks and schools. The fee amounts are based on the fee schedule in effect at the time of building permit application and are payable at the time of building permit issuance. The estimated fee amount is \$3,476 per dwelling unit for parks and \$2,486 per dwelling unit for schools. *Exhibit 1; VMC 20.915.020*

Utilities and Stormwater

34. The proposed development would connect to the municipal water and sewer systems. Based on the Applicant's preliminary plans and subject to recommended conditions, the City is satisfied that municipal utility requirements can be met on the site. *Exhibits 1 and 1.C.L.*
35. An existing 27-inch stormwater pipe, which serves upstream uses, crosses the eastern portion of the subject property and outfalls to the Columbia River. As part of the instant project, the Applicant proposes to relocate the pipe closer to the eastern property line. *Exhibits 1 and 1.C.D.*
36. Stormwater runoff from the developed site would discharge to the Columbia River via the relocated stormwater pipe. Because the river is a flow control-exempt waterbody, no on-site stormwater detention is required. However, a StormFilter vault would be used for water quality treatment of on-site runoff, and four StormFilter catch basins would be used to treat street runoff. StormFilter proprietary technology has been approved by the Washington State Department of Ecology for basic water quality treatment. City Staff submitted that the Applicant's preliminary stormwater report demonstrates that City stormwater requirements can be satisfied on the site. *Exhibits 1 and 1.C.D.*
37. The Applicant has submitted a preliminary erosion control plan demonstrating that the City's erosion control requirements can be met on the site. *Exhibit 1.*
38. The Fire Department reviewed the proposal and determined that it can meet the requirements of VMC Title 16 and the International Fire Code. The Department's recommended conditions of approval address fire hydrants, fire apparatus access, and signage. *Exhibit 1.*

Shoreline and Critical Areas

39. Based on FEMA special flood hazard area mapping, the southern portion of the site is within the 100-year floodplain of the Columbia River, and the northern portion of the site is within the 500-year floodplain. A small portion of the existing boardwalk and seawall are within the floodway. Hydraulic modeling was performed to determine the impact of the project on flood levels. The conclusion of the study was that the project would have no effect on the base flood elevation. *Exhibit 1.R.*
40. A Geotechnical Engineering Report was submitted for the site. One of the issues evaluated in the report was risk of liquefaction during an earthquake, as the site is mapped as having high liquefaction potential. The conclusion of the study was that, based on the soils observed on site, and the proposed removal of liquefaction-susceptible fill soils from under the building footprint for the garage, the risk of structurally damaging liquefaction on site is low. *Exhibit 1.S.*
41. Potential impacts to the seawall were also evaluated by a geotechnical engineer. The construction of the new building is expected to reduce the static and seismic loading on the seawall. The pressure on the seawall would be reduced by removing some of the soil

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behind the wall for construction of the underground parking garage. The riverfront boardwalk would also be designed to avoid loading the seawall. The concrete beams supporting the boardwalk would be cantilevered, leaving a small gap between the bottom of the boardwalk and the seawall. *Exhibits 1.N and 1.O.*

42. The Columbia River within the project area is designated critical habitat for Lower Columbia River Chinook, Coho, Columbia River Chum, all of which are listed as threatened species under the Endangered Species Act. The project area is also designated critical habitat for bull trout species. *Exhibit 1.Q, page 6.*
43. The banks of the Columbia River in the project area are armored with articulated concrete blocks, large boulders, concrete slabs, and riprap. Bank armoring extends to rock and concrete walls that meet the parking area and the paved park trail. *Exhibit 1.Q, page 5.*
44. The City's shoreline critical areas regulations designate the Columbia River, a Type S stream (i.e., a shoreline of the state), as a Fish and Wildlife Habitat Conservation Area. The regulations require a 100-foot riparian management area (RMA) from the OHWM of Type S streams, and a 75-foot riparian buffer (RB) from the edge of the RMA. *SMP 5A – 20.740.110.* Development may occur within the RB provided that planned mitigation results in no net loss of riparian habitat functions and that functionally significant habitat is preserved. Development may occur within the RMA if it is a water-dependent, water-related or water-enjoyment activity with no feasible alternative, or if it is a road or utility facility that cannot be feasibly located outside of the RMA, which minimizes and mitigates for unavoidable impacts, or if it is mitigation for activities allowed by the SMP. *SMP 5A – 20.740.110.C.2.*
45. The riparian buffer on the project site is poorly functioning, with only narrow strips of vegetation at the top of the rock walls, consisting of primarily of non-native species including English ivy, indigo bush, and Himalayan blackberry. Few trees are present at the edges of hard surfaces. *Exhibit 1.Q, page 5.* The majority of the RMA and RB consist of paved surfaces and buildings. Pursuant to VMC 20.740.110, when impervious surfaces from previous development completely functionally isolate the RMA or RB from the waterbody, the regulated riparian area shall extend from the OHWM to the impervious surfaces. For the subject property, the functioning RMA and RB include the narrow strips of vegetation at the top of the rock walls and end of existing paved areas. *Exhibit 1.Q, page 5.*
46. Approximately 1,603 square feet of low-functioning RMA would be permanently impacted by construction of a cantilevered concrete boardwalk in the southwest portion of the site. Removal of the existing pier in that area is required by the Development Agreement, and the new boardwalk would provide public access consistent with the SMP. Vegetation to be removed would include one shore pine and one red alder growing in landscaped areas at the edge of paved surfaces. Areas of English ivy, false indigo, and Himalayan blackberry sprouting from fractured concrete walls and rubble between the existing pier and the edge of the parking lot would be shaded by the new boardwalk. To compensate for the loss of RMA, approximately 2,949 square feet of shallow water

habitat would be enhanced along the shoreline through removal of the existing wood pier (2,949 square feet) and cutting 59 timber piles at ground level, which would remove overwater shading and improve the habitat for use by juvenile salmonids. The Applicant's consultant submitted that with this mitigation the proposal would result in no net loss of shoreline functions, consistent with the criteria of SMP 20.740.060. *Exhibit 1.Q, pages 7 and 8.* Restoration of the shoreline currently impacted by the pier would be based on a plan developed by qualified biologists and engineers, consistent with SMP 5.5. *Exhibit 1.C, pages 85-87.*

47. To minimize impacts to the Columbia River, best management practices to be implemented during piling removal would include: following the Washington Department of Fish and Wildlife-approved in-water work window; staging equipment in upland areas; removing treated wood pilings during summer low water conditions; installing silt curtains as needed; removing cut piles by crane or excavator to avoid dragging; minimizing damage to wood piles during removal to avoid treatment compounds entering the water; disposing of the pilings at an upland off-site facility; not attempting to clean material from the pilings; and not removing the pilings through shaking or vibrating. *Exhibit 1.Q, page 9.*
48. The Shoreline Master Program (SMP) designates the subject property as a High Intensity shoreline environment. Water-related/water-enjoyment commercial uses (such as restaurants) are permitted in the High Intensity environment with a minimum setback of 25 feet, and a maximum building height of 35 feet when within 100 feet of the shoreline, or 45 feet when more than 100 feet of the shoreline. For non-water oriented commercial uses (such as offices), the minimum setback is 100 feet and the maximum building height is 35 feet. *SMP Table 6-1.* Building heights in excess of 35 feet are allowed pursuant to SMP 6.4.3.7, which specifies that mixed-use commercial development may use the height limit of the underlying zone when the project meets SMP 6.3.4 and SMP 5.8.1 (commercial use and visual access provisions), is located on a High Intensity shoreline of the Columbia River within the Columbia River Shoreline Enhancement Plan District, has a formally-approved master plan that complies with the SMP including SMP 3.2 (shoreline of the state provisions), includes water-oriented uses, provides public access to the shoreline, and restores degraded shorelines. *Exhibit 1.C, page 112; SMP 6.3.4.7; SMP Table 6-1.* The Applicant proposes to utilize the height allowance of the underlying CX zone pursuant to SMP 6.4.3.7. The south side of the mixed-use building, which would contain both water-related/water-enjoyment and non-water-oriented uses, would be approximately 50 feet high. *Exhibits 1.C, 1.G, and 3.*
49. With respect to building setbacks, the south side of the proposed mixed-use building would be set back 25 feet from the ordinary high water mark. Based on consultation with Department of Ecology staff, City Planning staff submitted that as long as water-related/water-enjoyment uses are on the ground floor of the building, the non-water-oriented uses could be on the higher floors consistent with the setback standard. The Applicant proposes to place restaurants (a water-related/water-enjoyment use) on the ground floor of the south side of the building. *Exhibits 1 and 3.*

50. Multifamily residential development is permitted in the High Intensity shoreline environment with a setback of 35 feet and a maximum building height of 35 feet. *SMP Table 6-1*. The proposed apartment units would be within the northern portion of the building, more than 35 feet from the ordinary high water mark. *Exhibits 2 and 3*. The residential tower would reach a height of 100 feet, consistent with the property zoning, based on the exemption from the height limit provided for master planned mixed-use developments. *Exhibit 1.C, page 112; SMP 6.3.4.7*.
51. Consistent with the SMP's commercial regulations, the project has demonstrated compliance with applicable SMP provisions as follows: no net loss of ecological functions; loading and service areas would be in the interior of the site and not waterward of the structure; and the non-water-oriented commercial uses (e.g., offices) would be incorporated into a master planned, mixed-use project that includes water-oriented uses, and which provides public benefits including public access and ecological restoration. The non-water-oriented uses would occupy less than 85% of the parcel frontage. *SMP 6.3.4; Exhibit 1.C, pages 113-114*.
52. Consistent with the SMP's goals and policies for shorelines of statewide significance (SMP 3.2), the project would increase public access and recreational opportunities within the shoreline, and includes restoration of an area impacted by the existing pier. Development would be focused in an already developed shoreline area; no natural shoreline would be affected. *Exhibit 1.C, page 81*.
53. Underground utilities that are perpendicular to the shoreline require a shoreline conditional use permit in the High Intensity shoreline. *SMP Table 6-1*. The new stormwater pipe would be placed within a public easement along the eastern property line. The work would be within a previously developed area and the outfall would be above the ordinary high water mark. A walkway within the easement would provide a connection between the Renaissance Trail along Columbia Way and the riverfront trail. Thus, the use would enhance public use of the shoreline. It would also facilitate development of the site consistent with the High Intensity shoreline designation. To minimize shoreline disturbance, the existing stormwater pipe, which outfalls below the ordinary high water mark, would be filled with grout and left in place. *Exhibit 1.C, pages 78-80*.
54. Consistent with the utilities regulations of the SMP, the proposed stormwater pipe would be installed underground. The location within the shoreline jurisdiction is unavoidable because the outfall is the Columbia River. The stormwater line would be installed in an already paved area near the existing stormwater line, in the most direct route feasible. The outfall would not affect any native aquatic vegetation; the location would be within a concrete-hardened bank. *Exhibit 1.C, pages 119-120*.
55. Consistent with the SMP's general shoreline use regulations (SMP 5.1), the proposed restaurant uses closest to the river would be classified as water-oriented/water-enjoyment uses. The development would not require shoreline stabilization and would not affect surface navigation. The building design considers impacts to public views by providing a

view corridor through the building from the Renaissance Trail, and a view corridor would also be provided from the Renaissance Trail through the easement along the eastern property line. The public would also have access to the riverfront boardwalk. *Exhibit 1.C, pages 81-82.*

56. Consistent with SMP 5.1.2, direct impacts to the Columbia River have been avoided. Some impact to the RMA is unavoidable to provide public access to the river as required by the Development Agreement and the SMP. The impact has been minimized by placing the boardwalk landward of the ordinary high water mark. Mitigation for impacts would be provided through removal of the existing pier. *Exhibit 1.C, pages 83-84.*
57. Consistent with the SMP's public access provisions (SMP 5.4), public access to the shoreline would be provided through the Renaissance Boardwalk/riverfront trail, which would connect to the Renaissance Trail at both the western and eastern property boundaries. The eastern extent of the riverfront trail would eventually connect to the National Park Service Waterfront Park to the east. Because the adjacent land uses are public park to the east and public right-of-way to the west, no protections against trespass to neighboring properties are needed. The public access would be connected to a barrier-free route of travel and would include ADA facilities. The public use of the riverfront trail would be preserved through a public access easement. Signage and interpretative displays would be provided consistent with City ordinances and the Development Agreement as applicable. The riverfront trail would be maintained by the Applicant. *Exhibit 1.C, pages 85-87.*
58. Because the subject property is a developed site that consists almost entirely of impervious surfaces, some of the site planning requirements of SMP 5.6 do not apply. With respect to the applicable requirements, the project utilizes an existing transportation corridor and provides pedestrians with safe and convenient circulation facilities. The parking garage would be below ground and would not be visible except from the entrance from Columbia Way. Portions of the boardwalk would be cantilevered to minimize impacts to the shoreline. No fences are proposed. There are no aquaculture operations nearby. *Exhibit 1.C, pages 87-91.*
59. Consistent with the clearing, grading, fill and excavation requirements of the SMP, no excavation or fill would be placed waterward of the ordinary high water mark. *Exhibit 1.C, pages 89-91.*
60. SMP 5.6.3.1 requires non-single-family structures to incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible. In this case, surrounding properties are publicly owned and there is only one building in the vicinity. Raised planters would be used to landscape the site and enhance views from the water. The building would include sections with differing shapes and heights to minimize scale. *Exhibit 1.C, page 91; Exhibit 2.*
61. SMP 5.6.3.2 and 5.6.3.3 address building materials, requiring surfaces adjacent to the

water to minimize reflected light, and requiring structures taller than two stories to have façade treatments and windows designed to prevent bird collisions. The Applicant submitted that primary exterior material of the river-facing portion of the building is non-reflective fiber cement panel. No specific information was provided on prevention of bird collisions, but the Applicant submitted that evaluation of the technology would be completed during permitting. *Exhibit 1.C, page 92.*

62. The vegetation conservation provisions set forth in SMP 5.7 are largely inapplicable due to the existing character of the site. Most of the vegetation outside of the riparian area consists of parking lot landscaping, which would be removed for redevelopment of the site. There are no mature or multi-storied plant communities on the site. *Exhibit 1.C, pages 92-93.*
63. Consistent with the view and aesthetics requirements of SMP 5.8, the proposal includes visual access from the proposed boardwalk, and from the Renaissance Trail through the pathways along the property lines. No residential views would be affected by the development. Views towards the Interstate Bridge from the Vancouver Land Bridge and from the Waterfront Park would be partially obstructed, but views from those properties to the south and southeast would not be affected. *Exhibit 1.C, page 94.*
64. The project would meet the water quality requirements of SMP 5.9 through treatment of stormwater runoff prior to discharge into the river and through implementation of erosion and sediment control best management practices during construction. *Exhibit 1.C, pages 95-96.*
65. Because the subject property is in an area of high probability for discovery of archaeological resources, the Applicant had an archaeological survey prepared for the site. The survey recommendation was that a monitoring and inadvertent discovery plan (MIDP) be implemented during site development. The Washington Department of Archaeology and Historic Preservation (DAHP) concurred with the result, and the requirement has been incorporated into the recommended conditions of approval. *Exhibits 1 and 1.J.*

Shoreline Exemption

66. The existing boardwalk/pier was legally established in 1975 pursuant to shoreline permit number V-21-75. The Applicant proposes to replace it with a boardwalk located entirely landward of the ordinary high water mark, but with no setback from the ordinary high water mark. The SMP's current setback standard for water-related recreational uses in the High Intensity designation, including trails, is 20 feet. *SMP Table 6-1; Exhibit 1.C.*
67. The Applicant seeks an exemption from the SSDP requirement for the boardwalk replacement as "normal maintenance or repair of existing legally-established structures" pursuant to SMP 2.3.2.2, so as to allow it to be constructed at the ordinary high water mark without need of a variance. *Keith Jones Testimony; Exhibit 1.C.* The provision specifies that "replacement of a structure or a development may be authorized as repair where such replacement is the common method of repair for the type of structure or

development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.” SMC 2.3.2.2. The Applicant submitted, and City Planning Staff concurred, that the boardwalk portion of the project meets the criteria for repair.⁴ It would be placed in the same general location as the existing boardwalk, except pulled back to the ordinary high water mark so as to restore previously shaded nearshore habitat. It would be sized to accommodate current fire access and multimodal use requirements. *Exhibits 1 and 1.C.*

68. Section 2.5.3 of the SMP has provisions on nonconforming structures that are also relevant to the review, in that they, similarly to the “normal maintenance or repair” exemption from the SSDP requirement, allow a nonconforming structure to be maintained or repaired. SMP 2.5.3. However, per SMP 2.5.3.3, the existing boardwalk, which is located between the eastern boundary of Wintler Park and the railroad bridge, is expressly designated as considered a conforming use because it was approved via a shoreline permit.

Notice and Comments

69. In written comments, the Washington Department of Ecology identified the solid waste management and water quality requirements that apply to the project, including the requirement to obtain coverage under the Construction Stormwater General Permit. Ecology’s comments were incorporated into the recommended conditions of permit approval. *Exhibit 1.M.*
70. The Washington State Department of Transportation (WSDOT) submitted comments requesting that lighting on site comply with RCW 47.36.180 to avoid glare to motorists on I-5, and requesting that its 40-foot wide sewer easement remain unencumbered. These requests were incorporated into the recommended conditions of approval. *Exhibits 1 and 1.K.*
71. The WSDOT Aviation Division submitted comments expressing concern that the project represents development that is incompatible with Pearson Field. The subject property is near the west end of Pearson Field Runway 8, in an area identified by WSDOT as Zone 2. WSDOT recommended that mixed-use developments be prohibited in Zone 2 due to the mass congregation of people, as Zone 2 is the area where the risk of aircraft accident is the greatest. *Exhibit 1.L.*
72. Pursuant to the State Environmental Policy Act (SEPA), the City of Vancouver acted as lead agency for review of environmental impacts caused by the proposal. After review of

⁴ The undersigned notes that it is not abundantly clear in the record that the proposed replacement is similar in scale to the existing boardwalk. In some materials, it sounds like the boardwalk extends all the way along the southern property line, while in others, it is just the big pier at southwest corner. The information provided in Exhibit 5 is hard to read. Google Maps shows some kind of walkway along southern property line, but it is not evident whether it is publicly accessible, or is just a paved setback. The information as to the level of public access approved in 1975 is vague and that decision isn’t in the record.

the Applicant's environmental checklist and application materials, the SEPA Responsible Official issued a notice of application, virtual public hearing, and optional determination of non-significance (DNS) on October 13, 2022. After reviewing agency comments submitted during the comment period, the City issued a final DNS on November 17, 2022. The City received no public comment on the application. *Exhibits 1 and 8; Keith Jones Testimony.*

73. At the conclusion of the hearing, City Staff maintained their recommendation for approval of the master plan and the shoreline permits, and also maintained their recommendation for denial of the zoning variance. *Exhibit 1; Keith Jones Testimony.*

CONCLUSIONS

Jurisdiction:

Pursuant to VMC 20.210.020.D, when more than one permit is required for a given proposal, all applications are consolidated into a single review subject to the highest type of procedure that applies to any of the applications. In this case, the application with the highest type of procedure is the planned development, which is a Type IV review process. The Hearing Examiner has jurisdiction to issue findings, conclusions, and recommendations to City Council on planned development applications. Consequently, recommendations will be issued for the zoning variance and shoreline permits also. Pursuant to SMP 7.4.4, the City's action on the shoreline conditional use permit is a recommendation to the Washington State Department of Ecology.

Criteria for Review:

Zoning Variance

Pursuant to VMC 20.290.040.B, the applicant for a Type II Variance (i.e., a variance exceeding 20 percent of the standard) must demonstrate compliance with the following criteria:

1. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
3. The variance requested is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above;
4. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;
5. Any impacts resulting from the variance are mitigated to the extent practicable; and
6. If more than one variance is being requested, the cumulative effect of the variances results in a project that is still consistent with the overall purpose of the underlying zoning district.

Master Plan

Pursuant to VMC 20.620.030.A, a master plan approval is required prior to development in the Columbia River Shoreline Enhancement Plan district, which shall be processed per the requirements of VMC 20.260, Planned Developments. Pursuant to VMC 20.260.050.A, to receive approval for a planned development, the Applicant must demonstrate compliance with all of the following criteria:

1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030(D)(2).
2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.
3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase is completed.
5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.
6. Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.
7. Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.

Design Review

Pursuant to VMC 20.265.040.A, the decision maker shall base all reviews of the design of any proposed construction, remodeling or development according to the following criteria:

1. The requirements, guidelines, and applicable provisions of this Title that are applicable to the zoning district where the property is located and including all additional zoning regulations which may apply to the use or to its area by provision for overlay district, or made applicable by any conditional use or variance approval;
2. The Downtown Design Guidelines Manual kept on file and available for public

inspection at the Community Development Department or VMC 20.640 Vancouver Central Park Plan District, as applicable;

3. The relationship found to exist between existing structures and open space, and between existing structures and other structures in the vicinity, and the expected effect of the proposed construction upon such relationships;
4. The impact of the proposed construction on adjacent uses, including impact of new or revised parking and pedestrian uses; and
5. The protection of neighboring uses from identifiable adverse effects of the design of the proposed construction.

Shoreline Conditional Use Permit

Pursuant to the City's Shoreline Master Program at Sections 2.7.3 and 7.4.4, for uses that are listed in the SMP as conditional uses in the environment in which they are proposed to be located, the conditional use application may be approved or approved with conditions if the decision maker finds the Applicant has demonstrated consistency with the following criteria:

1. The proposed use is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and all provisions of this Program;
2. The use will not interfere with normal public use of public shorelines;
3. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Program;
4. The proposed use will cause no significant adverse effects to the shoreline designation in which it is to be located;
5. The public interest will suffer no substantial detrimental effect; and
6. Consideration has been given to the cumulative impact of additional requests for like actions in the area.

Shoreline Substantial Development Permit

Pursuant to the City's Shoreline Master Program Section 7.4.3.2 and 2.2, the decision maker may approve an application for a shoreline substantial development permit if the proposal is consistent with the following criteria:

1. The policies and procedures of the Shoreline Management Act of 1971, as amended (RCW 90.58).
2. The provisions of WAC 173-27 or its successor.
3. The City of Vancouver Shoreline Master Program.

Shoreline Management Act

Chapter 90.58 RCW, the Washington State Shoreline Management Act (SMA) of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with

the Act. The City of Vancouver Shoreline Master Program provides goals, policies, and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of Chapter 90.58 RCW.

The intent of the policies of RCW 90.58.020 is to foster “all reasonable and appropriate uses” and to protect against adverse effects to the public health, the land, and its vegetation and wildlife. The Shoreline Management Act mandates that local governments adopt shoreline management programs that give preference to uses that (in the following order of preference): recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long term over short term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shorelines; and increase recreational opportunities for the public in the shoreline. The public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state is to be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses that are consistent with control of pollution and prevention of damage to the natural environment, or that are unique to or dependent upon use of the state’s shoreline, are to be given preference.

Washington Administrative Code

WAC 173-27-140 Review criteria for all development

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- (2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

WAC 173-27-150

- (2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

WAC 173-27-190 Permits for substantial development, conditional use, or variance.

- (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

Shoreline Exemption

SMP 2.3.1: General Requirements

1. Except as specifically excepted by statute (Section 2.1.1), all proposed uses and development occurring within shoreline jurisdiction must conform to the Act and this Program.

2. Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e), WAC 173-27-040, and Section 2.3.2 of this Program shall not require a substantial development permit but shall conform to the policies and regulations of this Program and the Act and shall obtain a Statement of Exemption (Sections 2.3.3 and 7.4.2).
3. A use or development that is listed as a conditional use pursuant to this Program or is an unclassified use or development must obtain a conditional use permit (Section 2.7 and 7.4.4) even if the development or use does not require a substantial development permit.
4. When a development or use is proposed that does not meet the bulk, dimensional, and/or performance standards of this Program, such development or use shall only be authorized by approval of a shoreline variance (Section 2.6 and 7.4.5) even if the development or use does not require a substantial development permit.
5. If a shoreline substantial development permit is required for any part of a proposed development, then a shoreline substantial development permit is required for the entire proposed development project.
6. Exemptions from the requirement to obtain a shoreline substantial development permit shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
7. The burden of proof that a development or use is exempt from the requirement to obtain a shoreline substantial development permit is on the applicant for the development action.

SMP 2.3.2: List of Exemptions

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit but shall obtain a statement of exemption, as provided for in Section 2.3.3.

1. Any development of which the total cost or fair market value does not exceed seven thousand forty-seven dollars (\$7,047.00)
2. Normal maintenance or repair of existing legally-established structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment....

SMP 2.3.3: Statements of Exemption

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Shoreline Administrator for such an exemption in the manner prescribed by the Shoreline Administrator....
2. The Shoreline Administrator is authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in Section 2.3.2. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Shoreline Administrator's analysis of the consistency of the project with this Program and the Act.
3. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Program and Act.
4. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial.
5. The letter shall be sent per section 7.4.2.
6. The Shoreline Administrator's decision on a statement of exemption may be appealed in accordance with the procedures in Section 7.4.8.
7. Exempt activities shall not be conducted until a statement of exemption has been obtained from the Shoreline Administrator.

Conclusions Based on Findings:

A. Variance

1. The Applicant has not demonstrated that a variance is necessary to preserve and enjoy a "substantial property right" per variance criterion 2. The building height allowed by right in the Applicant's height zone is 50 feet, or 75 feet with FAA and Pearson Field approval. Heights higher than that are conditional, and therefore not a "right." In this case, the Applicant seeks to be alleviated from the condition that floors above 75 feet are limited to 12,000 square feet. Because there is no right at issue, denying the requested variance does not prevent the Applicant from exercising any rights. Further, the site plans demonstrate that the Applicant is able to develop significant commercial and residential space within the code's dimensional standards, expressly enough to meet the requirements of the Development Agreement. *Findings 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.*
2. Although the Applicant argued that it should receive additional building area on Floor 8 to make up for building area lost elsewhere on the site, the Hearing Examiner does not find the Applicant's evidence on site constraints to be sufficiently compelling to warrant granting a variance. In general, the presence of easements on a parcel is not unique, and in this case, the easements at issue do not constrain a substantial portion of the site. With respect to the FAA height limits affecting Floor 9, the limit is due to the close proximity of the Pearson Field runway, which is a reason to exercise caution in granting additional building area at the highest levels of the building. Finally, the Applicant has made design choices that result in undeveloped area in the center of the site, which detracts from the

argument that the other site constraints are the source of the problem. *Findings 10, 11, 12, 13, 14, 15, and 16.*

3. Although the Applicant argued that its height restriction is more severe than other properties in the vicinity, this is an argument that would more appropriately be made in support of a zoning code amendment, not a variance. The restriction itself cannot be the basis for a variance from the restriction. In the adopted code, a height limit was expressly applied to the subject property for a specific reason. Further, even if the Applicant is uniquely affected by the height restriction, the Applicant is not uniquely affected by the floor area limit of 12,000 square feet within the highest height range. Figure 20.630-4 depicts that numerous properties are subject to a height range in which, per VMC 20.630.050.C, the highest floors are limited to 12,000 square feet. Consequently, the Hearing Examiner concludes that, on the record submitted, to grant the requested variance would be to grant a special privilege. *Findings 14 and 16.*

B. Master Plan – Planned Development

1. As conditioned, the plans demonstrate compliance with the content requirements and development standards for planned developments set forth in VMC 20.260. The proposed uses are allowed in the CX zone. However, because the criteria for a zoning variance are not satisfied, a condition is needed to ensure that the floor area above 75 feet in height does not exceed 12,000 square feet. Adequate parking would be provided. *Findings 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 21, 28, 29, 30, 31, 32, 69, 70, 71, 72, and 73.*
2. As conditioned, the development demonstrates use of innovative, aesthetic, energy-efficient and environmentally friendly architectural and site design. The project would be designed to LEED Gold standards, use stacking technology to reduce the scale of the parking area, provide visual access to the river in multiple locations, and implement a design concept that is compatible with the riverfront setting. *Findings 5, 17, 18, 19, 20, and 73.*
3. There is sufficient capacity in the transportation system for the traffic generated by the development. *Findings 21, 22, 23, 24, 25, 26, 27, and 28.*
4. Adequate public services are available to the development. In addition, the project includes stormwater pipe improvements that would benefit the public. *Findings 34, 35, 36, 37, 38, 60, 70, 71, 72, and 73.*
5. As conditioned, natural and historic resources would be protected consistent with ordinance standards. No high-functioning habitat would be disturbed by the development. Consistent with the critical areas criteria of VMC 20.740.060, impacts to the RMA of the Columbia River for development of the boardwalk would be mitigated through removal of the pier. There would be no net loss of shoreline functions. Implementation of a monitoring and inadvertent discovery plan as required in the recommended conditions would ensure that any archaeological resources present on the site are protected. *Findings 39, 40, 41, 42, 43, 44, 45, 46, 47, 59, 65, 72, and 73.*

6. As conditioned, the proposed development would be compatible with adjacent uses. The amount of on-site parking would exceed the minimum required by code to reduce the risk of spillover into the adjacent public park. Lighting would be restricted consistent with WSDOT comments to ensure that glare from the site does not impact motorists on I-5. The site design would provide connections between the Renaissance Trail and the proposed boardwalk. *Findings 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 20, 22, 58, 69, 70, 71, 72, and 73.*
7. Mitigation of off-site impacts would be accomplished through payment of park, school, and traffic mitigation fees. Lighting would be installed consistent with applicable City and state standards. The interior open spaces would include trash receptacles. There are no immediately adjacent land uses that would be affected by noise from the development. Noise impacts from external sources such as the Pearson Field, the Portland Airport, and the railroad would be addressed through implementation of a Noise Impact Reduction Plan. *Findings 5, 7, 18, 22, 27, 29, 30, 31, 32, 33, 70, 71, 72, and 73.*

C. Design Review

1. As conditioned, the proposal is consistent with the requirements of the CX zone and the applicable overlay districts. The only CX development standard that is applicable to the use is building height. Because the criteria for a variance from the floor area limit of VMC 20.630.050 are not satisfied, the conditions of approval limit floors over 75 feet to a gross floor area of 12,000 square feet. Minor changes to building design may be required to meet the City's solid waste disposal requirements. These changes, if warranted, are addressed in the conditions of approval. *Findings 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 29, 30, 31, 32, 69, 70, 71, 72, and 73.*
2. As conditioned, the proposal is consistent with the applicable design guidelines. *Findings 17, 18, 19, 20, and 73.*
3. The proposed development would not adversely affect existing relationships between buildings or between buildings and open space. *Findings 5, 7, 18, 22, 27, 29, 30, 31, 32, 33, 70, 71, 72, and 73.*
4. As conditioned, the proposal would not adversely affect adjacent uses. The conditions of approval incorporate the requirements of WSDOT to prevent the impacts of glare on motorists and require a no hazard determination from the FAA to ensure that there are no adverse impacts to aviation or public safety due to the project's close proximity to Pearson Field. The conditions also require public access to the Renaissance Trail to be maintained during construction until the riverfront boardwalk is completed. *Findings 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 20, 22, 58, 69, 70, 71, 72, and 73.*
5. As described above, the conditions of approval include provisions to protect neighboring uses from the potential effects of glare and building height. *Findings 5, 6, 7, 8, 9, 18, 19, 20, 22, 58, 69, 70, 71, 72, and 73.*

D. Shoreline Conditional Use Permit

1. As conditioned, the proposed storm pipe relocation is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and all applicable provisions of the SMP. The proposed utility project is consistent with RCW 90.58.020 in that it would be located underground in a developed portion of the shoreline, such that no natural area or public view would be impacted, and the easement containing the pipe would allow for public access to the shoreline. The use requires a shoreline location because the stormwater outfalls to the river. WAC 173-27-160 contains the review criteria for shoreline conditional use permits. The City's conditional use criteria track the state criteria closely, such that compliance with the City's criteria will result in compliance with the state criteria. The proposed utility project is consistent with the applicable regulations of the SMP as follows. The use is allowed in the High Intensity shoreline designation with approval of a shoreline conditional use permit. Consistent with SMP 6.3.14, the storm pipe would be located underground, would preserve the natural landscape, would not affect scenic views, and would support – not conflict with – surrounding land uses. The outfall would be above the ordinary high water mark within a previously hardened bank. *Findings 2, 5, 8, 35, 36, 37, 48, 53, 57, 58, 64, 69, 70, 71, 72, and 73.*
2. The utility installation would not interfere with normal public use of public shorelines. A public pathway to the riverfront boardwalk would be provided within the utility easement. *Findings 2, 5, 8, 35, 36, 37, 48, 53, 57, 58, 64, 69, 70, 71, 72, and 73.*
3. The proposed stormwater pipe replacement would be compatible with other authorized uses in the area. The storm pipe would accommodate runoff from upstream properties as well as runoff from the subject property and would be placed underground. *Findings 2, 5, 8, 35, 36, 37, 48, 53, 57, 58, 64, 69, 70, 71, 72, and 73.*
4. As conditioned to ensure construction complies with applicable City regulations regarding erosion control, construction access, etc., the utility replacement would cause no significant adverse effects to the High Intensity designation. *Findings 2, 5, 8, 35, 36, 37, 48, 53, 57, 58, 64, 69, 70, 71, 72, and 73.*
5. The record contains no evidence that would support a conclusion of substantial detrimental effect to the public interest if the utility project is completed as conditioned herein. The proposed pipe would replace an existing deteriorated pipe. *Findings 2, 5, 8, 35, 36, 37, 48, 53, 57, 58, 64, 69, 70, 71, 72, and 73.*
6. Consideration was given to the cumulative impact of additional requests for like actions in the area. As conditioned, no issues of concern have been identified. *Findings 2, 5, 8, 35, 36, 37, 48, 53, 57, 58, 64, 69, 70, 71, 72, and 73.*

E. Shoreline Substantial Development Permit

1. As conditioned, the proposal is consistent with the policies and procedures of the Shoreline Management Act. The proposal represents a reasonable use of the High Intensity shoreline, which would provide long-term benefits to the public through significant shoreline access improvements, which improvements would provide

connections to the adjacent park and to the City's Renaissance Trail network. The project represents the redevelopment of a previously developed site, so no natural shoreline areas would be affected. Pollution would be controlled through the proposed stormwater improvements and erosion control plan. *Findings 2, 3, 5, 6, 8, 9, 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, 69, 70, 71, 72, and 73.*

2. As conditioned, the proposal would be consistent with WAC 173-27. Although the proposal is for a building exceeding 35 feet above grade, no residential views would be affected, and the master program allows for the additional height. *Findings 5, 6, 7, 8, 9, 10, 11, 18, 19, and 73.*
3. As conditioned, the proposal is consistent with applicable provisions of the SMP, as summarized in the Findings. With approval of the master plan, the inclusion of restaurants on the ground floor of the building, the development of the boardwalk, and the removal of the existing pier (requirements of SMP 6.3.4.7 and Table 6-1), the proposed mixed-use building meets the height and setback standards of the High Intensity zone. A condition has been added to ensure that building design includes adequate provisions for avoiding bird collisions to be consistent with SMP 5.6.3.2 and 5.6.3.3. As concluded below, the City Council's decision on what shoreline permitting is in fact required to replace the existing boardwalk as/where proposed would address the question of compliance with the 20-foot shoreline setback. *Findings 2, 3, 5, 6, 8, 9, 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, 69, 70, 71, 72, and 73.*

F. Shoreline Substantial Development Permit Exemption

1. Pursuant to SMP 2.3.3.2, decisions on requests for shoreline exemption are decided by the Shoreline Administrator. It was not clear in the staff report and Applicant materials whether a shoreline exemption had been administratively approved prior to the hearing or was required to be made as part of the instant proceedings and included in the instant recommendation to Council for final decision. At hearing, Staff clarified that a decision on exemption is requested in the instant proceedings. *Finding 67.* However, a close read of the SMP generates confusion as to whether a shoreline exemption can be granted in the instant case or can accomplish the intention stated by Planning Staff of allowing replacement of the existing boardwalk without a shoreline variance. Section 2.3.1 of the SMP is clear that (1) the statement of exemption is an exemption from the requirement to obtain a shoreline substantial development permit, it is not an exemption from compliance with the regulations of the SMP, (2) projects that do not meet the SMP's bulk and dimensional standards require a shoreline variance even if the project is exempt from the requirement to obtain a shoreline substantial development permit, and (3) when a project contains exempt development and non-exempt development, the entire project requires an SSDP. Thus, the SMP can be read to mean that the proposed boardwalk, as an integral part of a planned development, does not qualify for an exemption.
2. One potential alternative to shoreline exemption is that the SMP contains provisions that allow for repair or replacement of legally nonconforming structures. *SMP 2.5.3.*

However, the SMP expressly designates the existing boardwalk as “conforming.” The designation of “conforming” would appear to have the function of expressly removing the right for property owners to apply for repair as legally nonconforming structures under SMP 2.5.3.2. The question of whether the “conforming” designation has this effect is a question of legislative intent, which is best decided by City Council. The question is confusing because the Development Agreement - which expressly requires replacement of the boardwalk and essentially directs that the waterfront path be placed on the seawall - and the SMP - which was clearly adopted with redevelopment of the subject property in mind and which requires redevelopment to be brought into compliance with the current SMP setback – were adopted by Council at approximately the same time and yet require two different outcomes. The City’s Hearing Examiner requests that the legislative body review the two governing documents against the proposal and determine whether SMP Section 2.5.3.3’s apparent designation of the boardwalk as “conforming” means it is not eligible for repair as a legally nonconforming structure under SMP 2.5.3.2. If this designation does render the boardwalk ineligible for repair as a nonconforming structure, then exemption and variance appear to be the only means of replacing the boardwalk in the shoreline as proposed.

3. If the undersigned has misconstrued the SMP with respect to the project’s eligibility for a shoreline exemption, the following recommendation is entered. In order to qualify for a shoreline exemption, the replacement of the existing boardwalk must be determined to be “normal repair” pursuant to SMP 2.3.2.2, which allows “replacement of a structure [to] be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment... .” The record submitted contains insufficient information about the exact extent and location of the existing boardwalk to make an accurate factual determination of compliance with this requirement. The undersigned recommends that the record be supplemented with sufficiently detailed information to allow the determination of whether the proposed replacement boardwalk is similar enough in scale to the previously approved feature that the proposed replacement can qualify for the requested shoreline exemption. *Findings 66, 67, and 68.*
4. If neither the criteria for repair under SMP 2.5.3.2 nor those for shoreline exemption can be satisfied, a shoreline variance may be required. In the opinion of the undersigned, a requirement to obtain a shoreline variance would not be consistent with the apparent intent of Council in adopting the Development Agreement that essentially requires the path to be replaced on the seawall. Nevertheless, on the record submitted, no recommendation can be made on the request for shoreline exemption, and the path forward on the permitting required to replace the boardwalk is deferred to the judgment of the legislative body.

RECOMMENDATIONS

Based on the foregoing findings and conclusions, the requested variance should be **DENIED**. The requested planned development, shoreline conditional use permit, and shoreline substantial development permit should be **APPROVED** subject to the conditions below, which are to be satisfied by the Applicant or successors in interest.

General

1. Comply with the requirements of the Washington State Department of Ecology letter dated November 14, 2022 (Exhibit 1.M).

Prior to Ground Disturbing Activity

2. Prepare an archaeological monitoring & inadvertent discovery plan (MIDP). Submit the MIDP to staff along with any correspondence with the Department of Archaeological and Historic Preservation (DAHP) related to preparation of the MIDP.

Prior to Civil Plan Approval

3. Pay concurrency modeling fee of \$1,500.
4. Pay proportionate share fees totaling \$10,800.
5. The 40-foot sewer easement that runs along the western end of the site shall not be encumbered in any way including building overhangs.
6. Lighting must be shielded and/or directed away from I-5 in accordance with RCW 47.36.180.
7. New and existing fire hydrant locations related to this project shall be shown.
8. Fire department connections shall be shown to be located within 150 feet hose lay of a hydrant.
9. Include the following note on the water utility pages: "Underground fire sprinkler supply mains shall be installed only by contractors in compliance with WAC 212-80 and endorsed in accordance with VMC 16.04.095 under separate permit."
10. Include an approved fire response plan in both the civil plans and the architectural plans.
11. Consistent with Transportation Staff analysis in the record at Exhibit 7, the Applicant shall provide a memo or addendum to the traffic analysis report that discusses the reason for the proposed third site access from SE Columbia Way. This memo or addendum must include a discussion of other access options that were considered and an explanation of why these options are not feasible.
12. The building design shall be amended to include façade treatments, mechanical equipment, and windows designed and arranged to prevent bird collisions using the best available technology consistent with SMP 5.6.3.2 and 5.6.3.3.

Prior to Building Permit Issuance

13. Adjust and/or consolidate boundary lines as necessary to comply with the building code.
14. The 40-foot sewer easement that runs along the western end of the site that shall not be encumbered in any way including building overhangs.
15. Lighting must be shielded and/or directed away from I-5 in accordance with RCW 47.36.180.
16. Obtain a letter of no hazard from the FAA including any approvals for construction cranes.
17. Increase the size of the commercial solid waste room to meet the minimum required solid waste storage space (1,255 square feet). Provide more detail on commercial trash room such as footprints for intended solid waste receptacles and equipment.
18. The project shall ensure adequate solid waste collection vehicle access for residential units as well as commercial units. The proposed design must be altered to ensure adequate access, either by relocating residential collection to the commercial solid waste collection location, or by redesigning the building to allow for collection trucks to safely drive under the two building overhangs, or in some other manner approved by the City. Overhead clearance of 16 feet is advised, but a minimum of 14 feet 6 inches clearance would be reviewed for approval if clear of other obstructions such as surface changes, like speed bumps, or ceiling obstructions.
19. Prepare buildout wastewater discharge flow (demand) estimates. Use one or more industry standard wastewater flow estimation methods. Prepare a brief narrative summarizing methods and submit with the civil plans.
20. Civil plans shall include the following public sanitary sewer improvements and other features: Design downstream public gravity sewer improvements needed to accommodate buildout wastewater flows. Design a new public sanitary sewer extension east in SE Columbia Way to provide depth and additional service laterals. Provide separate sanitary sewer service laterals for each building and/or major type-of-use. Specify which service laterals will serve which buildings and uses. Show and note required outside grease interceptors on the civil and site plans. Specify which plan set (building or civil) will construct.
21. If building plumbing cannot be reasonably be separated and common (shared) service lateral connections must be used, include a brief explanatory note on the civil plans and specify which service laterals will serve which buildings and uses.
22. If common (shared) water meters are required to serve separate primary types-of-use that calculate sewer SDC based on water meter size, include water demand calculations determining nominal water meter sizes that would have been required for each use. Specify on the civil plans or submit separately with the plans.

23. Complete the sanitary sewer design on the civil drawings. Prepare according to Vancouver's current General Requirements and Details for Design and Construction. Address redline comments and submit the final design for civil plan approval.
24. Show Base Flood Elevation on-site and grading plans and all building elevation drawings.
25. Submit narrative for how building will comply with requirements of Chapter 5 of ASCE 7, ASCE 24 and Section 1612 of the International Building Code for buildings located within flood hazard area.
26. Submit a noise impact reduction plan prepared by a Washington-licensed professional engineer or architect for review and approval by the City. The plan shall address the performance standards contained in VMC 20.520 including how the construction will achieve a day/night average interior noise level of 45 Ldn or less.
27. Record a disclosure statement that documents how the premises may be adversely affected by noise for each lot in the development as required by VMC 20.510.
28. Revise the plans so that resident trash rooms are within 150 feet of all units per the tenant access requirements of VMC 20.970.030.A.3, or obtain approval of a variance or approval of a minor adjustment of the requirement from the Planning Official.
29. Revise the plans so that the gross floor area of each floor over 75 feet in height does not exceed 12,000 square feet in area.

Prior to Combustible Construction

30. Fire hydrants for emergency use shall be established and maintained.
31. Fire apparatus access roads shall be established and maintained.
32. Site security measures shall be installed to prevent unauthorized access.
33. Apply for and receive preliminary approval for the smoke control conceptual permit.

During Construction

34. Pay sewer application fees and system development charges for each separate type-of-use. Secure connection permits and connect new building sewers to the new service laterals according to the plumbing code.
35. A final erosion/sedimentation control plan shall be submitted.
36. A final stormwater plan and final storm report shall be submitted.
37. Temporary street and building address signage shall be visible and legible from the street

fronting the property for emergency response during construction.

38. All fire safety provisions of the International Fire Code shall be adhered to.
39. No smoking signage shall be posted throughout the site except in designated smoking areas.
40. Site security shall be maintained to prevent unauthorized access.
41. Consideration for emergency vehicle access shall be taken when staging materials for construction.

Prior to Issuance of Certificate of Occupancy

42. Comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.
43. Provide the following improvements for SE Columbia Way, per City of Vancouver standards:
 - Install additional pavement width as necessary to meet the required standard.
 - Install 15-foot “Heritage” sidewalk and streetlights. See detailed street lighting requirements below.
 - Install driveway accesses at all approved site entrances.
 - Remove any existing unused driveway accesses.
 - Modify existing striping as necessary.
 - The existing fees crossing that serves the trail to Old Apple Tree Park and the Vancouver Land Bridge must be reconstructed and enhanced to provide a raised pedestrian crossing with RRFB lights and signage.
 - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.

Note: The City of Vancouver will allow phasing of the SE Columbia Way frontage improvements and the riverfront boardwalk in conjunction with any proposed phasing plan. However, pedestrian and bike connectivity must be continually maintained at all times during construction of the project. Therefore, no section of the existing shared-use path along the frontage of SE Columbia Way can be closed until the entire boardwalk is built connecting both ends of the shared use path.

44. Street and address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors. Where applicable, apartment building designations shall be visible and legible from all potential fire lane approaches.
45. Required fire lane signage shall be installed.

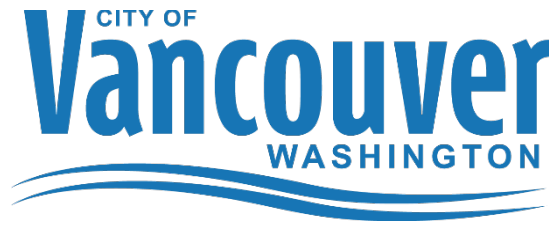
46. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
47. If a fire department Knox-Box was identified as a requirement during the construction permit review, it shall be installed at an approved location and locked with the required content.
48. Permanent vehicle gates crossing required fire lanes shall remain unlocked or open until approved by the fire department.
49. Conditions identified in the construction permit shall be met.
50. All requirements of the applicable fire and building codes and their referenced standards shall be met notwithstanding approved construction plans.
51. A licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the City-approved construction documents. Please submit to Keith Jones, keith.jones@cityofvancouver.us.

Decided February 3, 2023.

By:



Sharon A. Rice
City of Vancouver Hearing Examiner



City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995

www.cityofvancouver.us

**Staff Report and Recommendation to the Hearing Examiner
Kirkland Renaissance Boardwalk
PRJ-163131/LUP-82094**

Report Date	January 3, 2023
Hearing Date	January 17, 2023
Proposal	Master plan, design review, shoreline substantial development permit, shoreline conditional use permit and zoning code variance approval to construct a mixed-use development with approximately 217 multi-family dwelling units, 115,500 square feet of commercial space and 370 structured underground parking spaces including mechanical spaces. The property is zoned City Center CX.
Location	101 and 111 SE Columbia Way
Contact	Li Alligood, Otak, Inc. 700 Washington Street, Suite 300 Vancouver, WA 98660 503-415-2384
Applicant	Dana Gardner, Kirkland Development LLC 2370 E 3rd Loop Ste 100 Vancouver, WA 98661 360-816-1490
Staff	Keith Jones, Senior Planner/Case Manager
SEPA Determination	Final Determination of Nonsignificance (DNS) issued Nov. 17, 2022 (14-day SEPA appeal ended Dec. 1, 2022 without appeal)
Approval Criteria	<u>Vancouver Municipal Code</u> VMC 20.260.050 – Planned Developments VMC 20.265.040 – Design Review VMC 20.290.040.B – Type II Variance VMC 20.620.030.B – Columbia Shoreline Enhancement District <u>Vancouver Shoreline Master Program</u> Chapter 2.7.3 – Shoreline Conditional Use Permit Chapter 7.4.3.2 – Shoreline Substantial Development Permit

Staff

Recommendation City Staff recommends the Hearing Examiner recommend to City Council the following:

- Approval of the Shoreline Substantial Development Permit
- Approval of the Master Plan (Concept and Final Development Plan)
- Recommend Approval of the Shoreline Conditional Use Permit to the Department of Ecology
- Denial of the zoning variance request to the CX zoning height (request not related to Vancouver Shoreline Master Program)

Recommended conditions of approval are indicated at the end of this report.

APPEAL

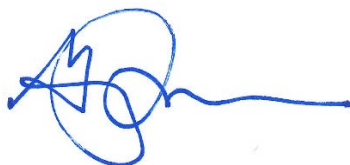
Under the provisions of Table 20.210.130-1 of the Vancouver Municipal Code, this Type IV decision includes a recommendation by Hearing Examiner to the City Council. The City Council decision is appealed to Superior Court.

For questions or additional information, you may contact the case manager by telephone at 360-487-7887, or by e-mail at keith.jones@cityofvancouver.us.



Report Prepared by
Keith Jones, Senior Planner/Case Manager

January 3, 2023
Date



Greg Turner, Manager
Land Use Team

January 3, 2023
Date

BACKGROUND

The site is located on the south side of SE Columbia Way, directly east of I-5 on the Columbia River. The site is zoned CX – City Center and lies within the Shoreline Management Area. Properties directly to the north are zoned CX and are owned by Burlington Northern and the National Park Service. Properties to the east and northeast are zoned Central Park Mixed Use - CPX and are owned by the National Park Service (NPS). These NPS properties are part of the Fort Vancouver National Historic Site and Vancouver National Historic Reserve Historic District and not part of this proposal.

The site consists of five tax lots and is currently developed with one building built in the early 1980s, currently the Who Song and Larry's restaurant. A second restaurant building (formerly Joe's Crab Shack) was recently demolished. Surface parking occupies most of the site. A wooden boardwalk, formerly a public fishing pier, is located on the water just west of the site and has been closed due to structural issues. The pier is owned by the City of Vancouver and Clark PUD, and will be removed and replaced as part of this development.

Proposal

The Kirkland Renaissance Boardwalk development includes multi-family residential and commercial uses, open space, and a riverfront boardwalk. The proposed development program includes:

- 217 multi-family dwelling units
- Approximately 115,500 sq. ft. of commercial space
- 370 underground parking spaces, including 100 EV-ready spaces. Parking will be in one level below ground. Some of the parking will be stacked mechanical spaces
- Removal of the existing deteriorated wooden fishing pier
- A new public riverside trail (the Renaissance Boardwalk)
- A new relocated public storm pipe
- Reconstruction of the Renaissance Trail to incorporate the Heritage Sidewalk detail installed in the Vancouver Waterfront development

Approval Request

The applicant requests the following approvals:

1. Shoreline Substantial Development Permit – for development within the City Shoreline
The site contains critical areas including the FEMA floodway, FEMA 100-year floodplain (aka flood fringe), riparian management area and riparian buffer of the Columbia River and geologic hazards due to steep slopes and liquefaction. Critical areas review is processed with the shoreline substantial development permit and the critical areas regulations contained within the city's Shoreline Master Program, Chapter 5A apply.
2. Approval of a Master Plan – The site is located within the Columbia Shoreline Enhancement District that requires a master plan be approved per the standards of VMC 20.260 Planned Developments. The applicant requests both a conceptual and detail plan approval under the planned development provisions.
3. Shoreline Conditional Use Permit – for relocation and replacement of a large diameter stormwater outfall line that service upstream property.
4. CX Zone Height Variance – to allow the floor area to exceed 12,000 square feet for a floor that extends above 75 feet in height (Floor 8 is proposed to have 27,022 square feet).
5. Design Review – for development within the Downtown Design Review district.

General Site Information

Zoning District	CX
Adjacent Zoning Designation	CPX
Comprehensive Plan Designation	Commercial
Adjacent Land Uses	I-5 Bridge, National Parks Service Land
Access Roads	SE Columbia Way
Existing Vegetation	Trees and shrubs
Existing Structures	Restaurant, pier
Topography	Generally flat with revetment next to the river
Habitats of Local Importance	No mapping indicators
Fish and Wildlife Habitat Conservation Areas	Riparian Management Areas
Frequently Flooded Areas	Mapping indicators
Geological Hazard Areas	Mapping indicators
Wetlands	Mapping indicators
Shoreline Management Areas	Mapping indicators
Archaeology	Mapping indicators
Drainage Basin	Columbia Slope
Wellhead Protection	No mapping indicators
Soils	Non-Hydric / Fn, Water / WAT
Park Impact Fee District	A
School Impact Fee District	Vancouver
Impacted Schools	Harney, Discovery & Hudson's Bay
Traffic Impact Fee District	Columbia
Transportation Analysis Zones	102
Sewer District	Vancouver
Water District	Vancouver
Fire Service	Vancouver
Neighborhood Association	Columbia Way

Procedural History

Activity	Case #	Date
Pre-application Meeting	PIR-81864	11/18/2021
Application Accepted (counter complete)	LUP-82094	01/21/2022
Application determined fully complete		10/04/2022
Notice of Application		10/13/2022
Hearing Examiner Hearing		01/17/2023

APPLICABLE REGULATIONS**Vancouver Municipal Code**

20.210 Decision Making Procedures; 20.760 Shoreline Management Area; 20.250 Decision Making Procedures; 20.260 Planned Developments; 20.265 Design Review; 20.290 Variances; 20.430 Commercial and Mixed Use Districts; 20.520 Noise Impact Overlay District; 20.570 Airport Height Overlay District; 20.620 Columbia Shoreline Enhancement District; 20.630 Downtown District; 20.710 Archaeological Resource Protection; 20.760 Shoreline Management; 20.770 Tree, Vegetation and Soil Conservation; 20.790 SEPA Regulations; 20.925 Landscaping 20.945 Parking and Loading; 20.970 Solid Waste

ANALYSIS

Major Issues

Staff reviewed the proposal for compliance with applicable regulations, code criteria and standards in order to determine whether the project complies with the requirements of the code. Staff's recommendation reflects review of agency and public comments received during the comment period and knowledge gained from a site visit.

Only the major issues, errors in the development proposal and/or justification for any conditions of approval are discussed below. Staff finds all other aspects of this proposed development comply with the applicable code requirements and require no discussion in this report.

Building code review is not performed during pre-application or site plan review. Filing of building permit application with required fees and review materials is required for a building code review.

AGENCY AND PUBLIC COMMENTS

Agency and public comments are listed below. The proposed project has been reviewed and recommendations made in light of these comments.

Washington State Department of Ecology

The Department of Ecology submitted a comment letter dated Nov. 14, 2022. The letter indicates requirements for solid waste and water quality/watershed resources. Development of the site must be in conformance with the requirements noted in this letter.

Washington State Department of Transportation

The Department of Transportation submitted a comment letter date Nov. 14, 2022. The letter indicates that a 40-foot sewer easement runs along the western end of the site that should not be encumbered in any way including building overhangs. Lighting must be shielded and/or directed away from I-5 in accordance with RCW 47.36.180.

Staff Response: Staff recommends conditions of approval to address these comments.

Washington State Department of Transportation Aviation

The Department of Transportation submitted a comment letter date Nov. 14, 2022. The letter stated that WSDOT Aviation is concerned with the project as it is not compatible with WSDOT's Airport Land Use Compatibility Program guidelines.

Staff Response: The WSDOT Airport Land Use Combability Program Guidebook, is guidance and is not regulatory. The applicant is required to obtain approval from the FAA of a No Hazard to Aviation. The No Hazard must be obtained prior to issuing a building permit. The applicant has had initial conversations with the FAA and the Pearson Airport Manager regarding the project and height limits near the airport. The project resides in the city's noise overlay and the building must comply with the noise regulations.

COMPLIANCE WITH THE APPLICABLE SECTIONS OF THE VANCOUVER MUNICIPAL CODE VMC Title 20 – Land Use and Development Code

20.200 – Land Use Decisions

20.210 Decision Making Procedures

Finding: The applicant requests approval of a master plan within the Columbia River Shoreline Enhancement District. Per VMC 20.620.030.A, a master plan approval is required prior to development and shall be processed per the requirements of VMC 20.260, Planned Developments. VMC 20.260.030.B. states that an initial review shall be heard by the hearing examiner who shall make recommendation to the City Council under a Type IV review.

The applicant completed the required pre-application Nov. 18, 2021. The application was accepted Jan. 21, 2022, and deemed fully complete Oct. 4, 2022. A notice of application with a 30-day comment permit was issued Oct. 13, 2022. The 30-day comment period ended Nov. 14, 2022. Public and agency comments received during the comment period are addressed in the Agency and Public Comment section of this report.

20.250 Development Agreements

Finding: A development agreement was executed between the applicant and the City of Vancouver. Although the specifics contained in the development agreement is not directly related to the requested land use approval and more related to the multi-family tax exemption, the applicant has provided a response to how the proposed development complies with the provisions of the development agreement. Staff finds the proposal is consistent with the development agreement.

20.260 Planned Developments

Finding: Per VMC 20.620.030, an applicant who proposes any development within the Columbia River Shoreline Enhancement Plan District shall submit a master development plan per the requirements of Chapter 20.260 VMC, Planned Developments, or 20.268 VMC, Public Facilities Master Plans, as appropriate for the proposed use(s). In this case, the Planned Development process (Type IV) is to be followed.

A Concept Development Plan must address the existing conditions, planning history and the proposed development plan for the project. The applicant has submitted an extensive narrative that describes how the project complies with the master plan requirements.

As indicated in VMC 20.260.030.B relating to the decision making process, a new planned development concept plan shall be processed by means of a Type IV review, per 20.210 VMC, using approval criteria contained in VMC 20.260.050 VMC. For planned developments less than 25 acres, the hearing examiner shall be the initial review authority and shall issue a recommendation to the City Council. The City Council shall be the final authority for planned developments.

The applicant has requested both a conceptual plan approval and a detailed plan approval (aka site plan review). The project is proposed to be one development phase with a staged construction.

VMC 20.260.050 states that to receive approval for a planned development, the applicant shall demonstrate compliance with all of the following criteria:

1. *Content. The concept plan contains all of the components required in Section 20.260.070 and shows compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030.D.2.*
2. *Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally friendly architectural and site design.*
3. *Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.*
4. *Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.*

5. *Protection of designated resources.* City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.
6. *Compatibility with adjacent uses.* The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020.C VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.
7. *Mitigation of off-site impacts.* All potential off-site impacts, including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.

The applicant has prepared findings addressing these approval criteria (pages 19–29 of the applicant’s narrative). Staff has reviewed the applicant’s narrative and concurs.

Conclusion: The applicant has supplied the required material for review of a proposed Concept Development and Final Development Plan and has met the approval criteria set forth in 20.260.050.

20.265 – Design Review

Finding: Per Figure 20.265-1, the site is located in the Central City Plan District, Design Review Boundary. Design review is required for projects within the boundary.

VMC 20.265.040 states that to receive approval for a design review, the applicant shall demonstrate compliance with all of the following criteria:

1. *The requirements, guidelines, and applicable provisions of this Title that are applicable to the zoning district where the property is located and including all additional zoning regulations which may apply to the use or to its area by provision for overlay district, or made applicable by any conditional use or variance approval;*
2. *The Downtown Design Guidelines Manual kept on file and available for public inspection at the Community Development Department or VMC 20.640 Vancouver Central Park Plan District, as applicable;*
3. *The relationship found to exist between existing structures and open space, and between existing structures and other structures in the vicinity, and the expected effect of the proposed construction upon such relationships;*
4. *The impact of the proposed construction on adjacent uses, including impact of new or revised parking and pedestrian uses; and*
5. *The protection of neighboring uses from identifiable adverse effects of the design of the proposed construction.*

The applicant has prepared findings addressing these approval criteria (pages 34–45 of the applicant’s narrative). Staff has reviewed the applicant’s narrative and concurs.

Conclusion: The applicant has supplied the required material for design review and has met the approval criteria set forth in 20.265.040.

20.290 – Variances

Finding: Per Figure 20.630.030-4, the maximum building height for the site has a range of 50 to 100 feet. Section 20.630.050.C notes that any floor that extends above 75 feet up to 100 feet maximum, cannot have a floor area that exceeds 12,000 square feet. The top two stories of the proposed 9-story apartment building will be taller than 75 feet. The floor areas of the upper two floors are as follows:

- Floor 8 - 27,022 square feet
- Floor 9 - 3,271 square feet.

As proposed, Floor 8 exceeds the 12,000-square-foot maximum and the applicant proposes a variance to increase the floor area of Floor 8 to 27,022 square feet.

VMC 20.290.040.B states that to receive approval for a Type II Variance (variance exceeding 20% of standard), the applicant must demonstrate compliance with the following approval criteria:

1. *Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;*
2. *Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;*
3. *The variance requested is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above;*
4. *The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;*
5. *Any impacts resulting from the variance are mitigated to the extent practicable; and*
6. *If more than one variance is being requested, the cumulative effect of the variances results in a project that is still consistent with the overall purpose of the underlying zoning district.*

The applicant provided a response to the approval criteria starting on page 32 of the applicant narrative. Staff has reviewed the response and determined that the applicant **has not** demonstrated compliance with the approval criteria.

The applicant indicates zoning and plan district constraints, regulatory constraints, infrastructure constraints and site dimension constraints as unusual circumstances. Although the site is indeed a unique property, Figure 20.630-4 was purposely adjusted to address different areas of the downtown and was established in consultation with FAA and the airport manager at Pearson Airpark. If the applicant desires to adjust the variable height limits set in Figure 20.630-4 for this specific site or location, the code must be amended through a text amendment. The variance is not the appropriate mechanism to change the zoning height in this case as different zoning heights were establish based on various locations in the city and are site or location specific. Further, the variance is not necessary to preserve a property right, as substantial development can occur on the property without the floor increase requested. Staff therefore does not recommend approval of the variance request and instead recommends that the applicant; 1) reduce the height of floor 8 so it does not extend above 75 feet; 2) reduce the floor area to 12,000 square feet or less; or 3) obtain approval of a Plan Text Amendment to amend the code to modify or remove the 12,000 square foot limitation for this site or location.

Conclusion: The proposal does not meet the approval criteria to grant a variance to the 12,000-square-foot maximum above 75 feet in height. Staff recommends denial of the variance request.

20.400 – Zoning Districts

20.430 – Commercial and Mixed Use Districts

20.430.030 Uses

Finding: Retail, eating and drinking establishments, office and multi-family residential are permitted uses in the CX zone per Table 20.430.030-1.

20.430.040 Development Standards

Finding: Per VMC 20.440.040 – 1, there are no required setbacks, lot coverage, minimum landscaping or lot dimensions. Maximum height is controlled by Figure 20.630-4 in the Downtown

District standards (VMC 20.630), the Airport Height Overlay District and the FAA. (see responses regarding 20.630.040 Downtown Plan District Maximum Building Height and 20.570 Airport Height Overlay District for further details).

Chapter 20.500 – Overlay Districts

20.520 Noise Impact Overlay District

20.520.020 Establishment of Boundaries

Finding: Per Figure 20.520 – 1, the site is within the Noise Impact Overlay.

20.520.030 Applicability

Finding: As a residential use, the project is subject to the provisions of this Chapter.

20.520.040 Approval Process

Finding: The city shall not issue any permit for construction of a new residential structure until the provisions of this Chapter are complied with. Therefore, the applicant shall be conditioned to submit a Noise Impact Reduction Plan as specified in this section, for review and approval by the city prior to issuance of building permit.

20.520.050 Performance Standards

Finding: Prior to issuance of a building permit, the applicant shall submit a Noise Impact Reduction Plan prepared by a Washington-licensed professional engineer or architect for review and approval by the city. The study shall address the performance standards contained in this section including how the construction will achieve a day/night average interior noise level of 45 Ldn or less.

20.520.060 Disclosure Statement Required

Finding: Prior to issuance of a building permit the applicant shall record a disclosure statement that documents how the premises may be adversely affected by noise for each lot in the development.

20.570 Airport Height Overlay District

Finding: The applicant has had some initial conversations with the FAA and the Pearson Airport Manager regarding this project and allowed height. The site is located in the approach zone to Pearson Airport. It is city staff's understanding that the FAA will not approve any development including extension of temporary construction cranes to extend up into the airport approach zone as doing so would require the airport to be closed until the obstruction is removed. The Pearson Airport Manager is unwilling to close the airport for any length of time.

Prior to issuance of a building permit, the applicant shall obtain approval of a Determination of No Hazard to Air Navigation from the FAA and the permit shall indicate compliance with the maximum height specified in the determination.

Chapter 20.600 – Plan Districts

20.620 Columbia Shoreline Enhancement Plan District

Finding: The site is located in this plan district. The applicant requests approval of a Concept and Final Development Plan (Master Plan) as required by this section. See response to 20.260 Plan Developments.

In addition the applicant is required to comply with the following approval criteria as stated in 20.620.030.B

1. *The proposed development has been considered as a whole and conforms to the Comprehensive Plan and applicable zoning regulations.*

2. *Changes to the Comprehensive Plan and underlying zoning district have been integrated into the master plan.*
3. *Phased development has been properly coordinated.*
4. *The master plan process has been coordinated with the requirements of the State Shoreline Management Act and the city's shoreline program, and insofar as applicable with the city's adopted policy for a waterfront trail.*

The applicant has prepared findings addressing these approval criteria (page 52 of the applicant's narrative). Staff has reviewed the applicant's narrative and concurs.

Conclusion: The applicant has supplied the required material for design review and has met the approval criteria set forth in 20.620.030.B.

20.630 Downtown District

Finding: The Downtown District contains regulations for development in downtown Vancouver. The only Downtown District regulation that applies to the proposal is the Maximum Building Height. Per Figure 20.630.030-4, the maximum building height for the site has a range of 50 to 100 feet. Section 20.630.050.C notes that any floor that extends above 75 feet up to 100 feet maximum cannot have a floor area that exceeds 12,000 square feet. The top two stories of the proposed 9-story apartment building will be taller than 75 feet. The two upper story floor areas are as follows:

- Floor 8 - 27,022 square feet
- Floor 9 - 3,271 square feet

Floor 8 exceeds the 12,000-square-foot limit and the applicant proposes a variance to increase the floor area of Floor 8 to 27,022 square feet, see Section 20.290 Variances.

Chapter 20.700 – Environmental Regulations

20.710 – Archaeological Resource Protection

Finding: The applicant's consultant Willamette Cultural Resource Associates, LTD prepared a cultural resources survey from the site dated Nov. 21, 2021. The survey recommends monitoring for archaeological resources during ground-disturbing activities. The Washington State Department of Archaeology and Historic Preservation (DAHP) reviewed the report and commented in a letter dated Dec. 10, 2021. DAHP indicated they agree that the project should move forward following a Monitoring & Inadvertent Discovery Plan (MIDP). The MIDP should outline at what locations and depths the project should be monitored, and when just following an Inadvertent Discovery Plan will be sufficient. The DAHP is specifically concerned about potential early historic features and precontact sites that could be buried beneath or within the fill, so the plan should target the likely depths and locations for such finds.

Prior to start of ground disturbing activity, the applicant shall prepare a Monitoring & Inadvertent Discovery Plan (MIDP).

20.760 – Shoreline Management

Finding: The majority of the site is within shoreline jurisdiction, measured 200 feet from ordinary high water mark of the Columbia River. Under the Vancouver Shoreline Master Program, the applicant requests approval of the following:

- Shoreline Substantial Development Permit
- Shoreline Conditional Use Permit – for relocation and replacement of a large diameter stormwater outfall line that services upstream property.

The site contains critical areas including the FEMA floodway, FEMA 100-year floodplain (aka flood fringe), riparian management area and riparian buffer of the Columbia River, and geologic hazards due to steep slopes and liquefaction. Critical areas review is processed with the shoreline substantial development permit and the critical areas regulations contained within the city's Shoreline Master Program, Chapter 5A.

The applicant indicates that Army Corps and Department of Fish and Wildlife HPA permits are not required for the project since no work is proposed below ordinary high water mark. The applicant proposes to install shoring behind the existing seawall to allow the existing seawall to remain. Therefore, a JARPA for work below ordinary high water mark has not been completed. Some of the property is owned by the Washington State Department of Natural Resources (DNR), this will require a JARPA submitted to DNR for the land lease, but not for in-water work.

SMP Chapter 2 – Applicability – Shoreline Permits and Exemptions

2.1 Applicability

Finding: The Columbia River is a shoreline of statewide significance and the proposed development is within shoreline jurisdiction and subject to the requirements of the SMP.

2.2 Shoreline Substantial Development Permit

The Shoreline Administrator may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW 90.58, the provisions of WAC 173-27, and this Program.

Finding: The proposal is found to comply as evidenced by this staff report.

2.5 Nonconforming Uses and Development

2.5.3 Nonconforming Structures

1. A nonconforming building or structure may be maintained or repaired, provided such improvements do not extend or expand the nonconformity of such building or structure and are consistent with the provisions of this Program, unless required by other law or ordinance.
2. If a nonconforming structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than sixty percent (60%) of the replacement cost of the structure or development, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:
 - a. The reconstructed or restored structure will not cause additional adverse effects to adjacent properties or to the shoreline environment;
 - b. The rebuilt structure or portion of structure shall not expand the original footprint or height of the damaged structure;
 - c. No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible;
 - d. The submittal of applications for permits necessary to restore the development is initiated within twelve (12) months of the damage. The Shoreline Administrator may waive this requirement in situations with extenuating circumstances;
 - e. The reconstruction is commenced within one (1) year of the issuance of permit;
 - f. The Shoreline Administrator may allow a one (1) year extension provided consistent and substantial progress is being made; and
 - g. Any residential structures, including multi-family structures, may be reconstructed up to the size, placement and density that existed prior to the damage, so long as other provisions of this Program are met.
3. Notwithstanding the foregoing, on the Columbia River shoreline from the eastern boundary of Wintler Park downstream to the railroad bridge, structures existing or for which shoreline

substantial development permits or shoreline conditional use permits were formally approved and construction was not yet begun or completed as of the effective date of this Program are considered conforming.

4. Legally established residences and appurtenant structures located landward of the OHWM which are used for a conforming use, but do not meet the standards of the Program are considered conforming structures, subject to RCW 90.58.620 and the requirements in section 6.3.11.

Finding: Table 6-1 of the SMP states that water-related/enjoyment trails must be setback 15 feet from ordinary high water mark. The existing river walkway is located at ordinary high water mark. The existing walkway will be rebuilt within the same location and will not meet the 15-foot setback.

In 1975, a shoreline substantial development permit for a two-restaurant complex along with public river access was approved. As stated in 3 above, the trail is considered conforming as it was legally constructed at ordinary high water mark. As stated in SMP 2.3.2.2. - *Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.*

Staff finds that the replacement walkway or trail is conforming to the SMP.

2.7 Shoreline Conditional Use Permit

Finding: Table 6-1 states that underground utilities that are perpendicular to the shoreline are a shoreline conditional use. An existing stormwater line that serves upstream property is proposed to be relocated to accommodate the development.

The applicant has prepared findings addressing these approval criteria (pages 77 - 81 of the applicant's narrative). Staff has reviewed the applicant's narrative and concurs.

Conclusion: The applicant has demonstrated compliance with the approval criteria for a shoreline conditional use.

SMP Chapter 5 – General Shoreline Use and Development Regulations

Finding: Staff finds the following sections of the Chapter 5 apply to the proposal:

- Section 5.1 – General Shoreline Use and Development Regulations
- Section 5.2 – Archeological, Cultural and Historic Resources
- Section 5.3 – Critical Areas Protection
- Section 5.4 – Public Access
- Section 5.5 – Restoration
- Section 5.6 – Site Planning and Development
- Section 5.7 – Vegetation Conservation
- Section 5.8 – Views and Aesthetics
- Section 5.9 – Water Quality and Quantity

Beginning on page 81 of the applicant's narrative, the applicant provided a complete and thorough response to these sections and staff finds the project complies with this chapter. In summary, adverse impacts are minimized by doing shoring landward of ordinary high water mark. This will allow the existing shoreline to remain without the need to do in-water work. The new walkway will be improved for public access. The applicant prepared an archaeological survey which was sent to

DAHP who concurred with the findings. Prior to start of ground disturbing activity, the applicant shall prepare a Monitoring & Inadvertent Discovery Plan (MIDP) to be reviewed and approved by DAHP.

SMP Chapter 5A – Critical Areas Regulations

Finding: The proposed work will occur within critical areas, including the riparian management area (Fish and Wildlife Habitat Conservation Areas), floodplain of the Columbia River (Frequently Flooded Areas) and steep slopes (Geologic Hazard Areas).

Beginning on page 81 of the applicant's narrative, the applicant provided a complete and thorough response to these sections and staff finds the project complies with this chapter. In summary, as stated previously, adverse impacts will be minimized by not working below ordinary high water mark. The applicant prepared a critical areas report Dec. 27, 2021. Mitigation includes removing the existing wooden pier, which consists of a total of 59 timber piles and a total of 2,943 square feet of overwater shading on the Columbia River. This net reduction in overwater shading will result in no net loss of function due to the proposed cantilevered boardwalk within the functional RMA.

The site is on the Columbia River and contains FEMA floodway and floodplain. The applicant prepared a hydraulic report dated Feb. 17, 2022. The memo concludes that the project will result in no net rise in the base flood elevation. Occupied buildings will be outside and landward of the floodway and finished floors will be elevated 1-foot above base flood elevation. The buildings, mechanical equipment and parking structures will be floodproofed per the building code and the performance standards for frequently flooded areas regulations.

The applicant prepared a geotechnical engineering report dated Dec. 10, 2021. The report concluded that the project can be constructed if the recommendations in the report are followed.

SMP Chapter 6 – Specific Shoreline Use Regulations

Table 6-1 – Shoreline Use, Modification and Development Standards

Finding: The applicant proposes commercial and multi-family uses, permitted uses subject to shoreline height and setback requirements.

Maximum Shoreline Height

As stated in 6.3.4.7.f, shoreline building height is that of the underlying CX zoning since the project qualifies under a-e of this section. Since the site is in High Intensity, the applicant is requesting master plan approval which includes water-oriented uses (restaurants), provides a water-front walk open to the public; and proposes restore degraded shorelines through removal of a dilapidated pier structure.

Shoreline Setbacks

The riverfront walkway is required to have a 15-foot setback from ordinary high water mark. The proposed trail will be at ordinary high water mark. However, the existing trail is determined to be conforming and a replacement allowed, see response to SMP Chapter 2.5. Therefore, the proposal complies.

Commercial uses. The three buildings located next to the river are commercial. The ground floor will include restaurants open to the public and are considered water-related uses requiring a 25-foot setback. The upper stories may have office space, a non-water related use. Staff discussed the commercial setbacks with the Department of Ecology who determined that as long as water-related use is on the ground floor a 25-foot water-related setback would apply as opposed to the 100-foot non-water related setback. Therefore, the proposal complies

Multi-family residential use. The building farthest from the river located on Columbia Way will have ground floor commercial and upper floor multi-family. The proposal complies with the 35-foot shoreline setback.

Underground Parking. Since the parking is proposed to be placed underground and forms the foundation of the building, shoreline setbacks do not apply. Parking setbacks are intended to discourage surface parking lots next to the shoreline.

Beginning on page 111 of the applicant's narrative, the applicant provided a complete and thorough response to Chapter 6 and staff finds the project complies with this chapter.

Conclusion: The applicant has demonstrated compliance with the Vancouver Shoreline Master Program.

20.770 - Tree, Vegetation and Soil Conservation

Finding: The applicant prepared a Level V Tree Plan. The CX zone does not have a minimum tree density. The applicant is required to install street trees on Columbia Way. The urban forester reviewed the plan and provided no comment. The proposal complies with this section.

20.790 - SEPA Regulations

Finding: Final Determination of Nonsignificance (DNS) issued Nov. 17, 2022 (14-day SEPA appeal ended Dec. 1, 2022 without appeal). SEPA review has been completed.

Chapter 20.900 – Additional Development Standards

20.915 - Impact Fees

Finding: The Transportation Impact Fees (TIF) are based upon the approved traffic study. An estimate of impact fees is attached.

Park impact fee is estimated at \$3,476 per unit.

Vancouver School District impact fee is estimated at \$2,486 per unit.

Impact fees are paid prior to issuance of building permits, per VMC 20.060.B. The fee listed above is an estimate only. **The applicable impact fees will be recalculated and paid at the time of building permit issuance.**

20.925 – Landscaping

Finding: The applicant has prepared a landscaping plan and provided a response to the requirements within the applicant narrative. Staff has reviewed the submittal and determine the proposal complies. The applicant shall submit a final landscape plan stamped with a licensed landscape architect with the civil engineering submittal.

20.945 – Parking and Loading

Finding: The applicant indicates that 279 parking spaces are required and 370 provided. This is based on 0.75 spaces per residential dwelling unit and one space per 1,000 square feet of commercial. City staff has reviewed the applicant submittal and determined the proposal complies with this section.

20.970 – Solid Waste Disposal Recycling

Concerning Solid Waste Storage Volume Requirements for Multi-family

Finding: The applicant proposed one consolidated solid waste and recycling room on Level 1. As shown on plans (**021 A2 WASTE DISPOSAL RECYCLE SITE PLAN.pdf V1**), the ground floor room is 2,081 square feet and contains:

- Garbage: Five, 2-yard compacted wheeled garbage containers
- Mixed recycling: Nine, 3-yard wheeled dumpsters
- Glass: 14 , 64-gallon glass carts
- Compactor for garbage at chute terminus
- Compactor power unit (garbage compactor)
- Garbage Chute terminus from upper residential floors
- Recycling Chute terminus from upper residential floors

Per **20.970.030(D)(1)** multi-unit residential buildings containing five or more units shall provide a minimum weekly storage area to accommodate the equivalent of 32 gallons of garbage per residential unit plus 48 gallons of mixed recycling and eight gallons of glass recycling.

To meet the solid waste storage space requirements for 217 units, the following service levels must be accommodated:

- **Garbage: 35 yards collected weekly.** (Proposed: compactor, with detachable wheeled dumpsters that could accommodate to accommodate 40 yards of garbage if collected twice a week with a compaction ratio of 2:1.)
- **Mixed Recycling/Cardboard: 52 yards** (Proposed wheeled dumpsters that could accommodate to accommodate 54 yards mixed recycling/ cardboard if collected twice a week.)
- **Glass: 1,736 gallons.** (Proposed 64-gallon carts that could accommodate 1,792 gallons of glass if collected twice a week. Upper residential floors 2-8 show one glass cart per floor for residential access.)
- **Food Waste** (optional): Staff recommend planning space for several 64-gallon food waste carts.

Conclusion: The proposal has satisfied multi-family solid waste storage requirements.

Concerning Solid Waste Tenant Access Requirements

Finding: Approximately 81 percent of the units (and all Type A Accessible Units) are within 150 feet of a resident floor centrally located trash room. Approximately six units on each floor are beyond 150 feet, but within 200 feet. As proposed, tenants will use an interior corridor to reach the centrally located trash room located near the elevators. Trash rooms contain a garbage chute, recycling chute and glass cart. (**022 A3 WASTE DISP RECYCLE TYPICAL PLAN.pdf V1**)

Per [VMC 20.970.040\(A\)\(3\)](#) the maximum distance from residential unit to the closest garbage/recycling room or area shall be no more than 150 feet.

Conclusion: The proposal satisfies the intent of the code requirement for providing tenant access within 150 feet of the entrances to the multi-family units.

Concerning Solid Waste Storage Requirements for Commercial

Finding: As proposed the Commercial use occupies approximately 115,500 square feet. A commercial trash room (separate from the residential trash room) is shown on plans as 1,208 square

feet. The applicant proposes that all commercial waste will be brought by building staff or retail tenants from the multiple commercial areas in the development to the single commercial solid waste storage area dedicated for commercial tenants/use for storage and servicing by the collector. **(021 A2 WASTE DISPOSAL RECYCLE SITE PLAN.pdf V1).**

Per [VMC 20.970.030\(D\)\(2\)](#), the proposed commercial area (115,500 GFA) is required to have a minimum solid waste storage area of 1,255 square feet.

VMC 20.970.030(D)(2)(b) Retail - nonresidential buildings shall provide a minimum storage area of 100 square feet plus 10 sq. ft. / 1,000 sq. ft. of gross floor area (GFA).

Per [VMC 20.970.040\(B\)\(1\)](#), the dimensions of the storage area shall accommodate containers consistent with current methods of local collection and allow for pedestrian (driver and residents) access between containers.

Condition: Prior to building plan approval, increase the size of the commercial solid waste room to meet the minimum required solid waste storage space (1,255 square feet). Please provide more detail on commercial trash room such as footprints for intended solid waste receptacles and equipment.

NOTE: In correspondence with the applicant after this LUP-82094 submittal, Solid Waste staff are aware that changes to the commercial solid waste storage area will be proposed in a future submittal. These include creating space to stage the multi-family solid waste receptacles on collection days within the development. The applicant has indicated that building staff will move full receptacles from the residential solid waste storage area to the commercial solid waste storage room so that the collector will have access to service containers overhead without overhead obstructions, i.e., being underneath the building overhang. Solid Waste staff recommended increasing the commercial solid waste storage area, beyond what is required, to accommodate the commercial waste from all commercial areas within the development as well as additional space needed to stage residential receptacles.

Conclusion: The proposal shall be modified to satisfy solid waste storage requirements, as conditioned.

Concerning Solid Waste Collector Access

Finding: As designed, the development does not appear serviceable by collection vehicles allowing for direct access and ease of circulation through the site with limited backing. **(021 A2 WASTE DISPOSAL RECYCLE SITE PLAN.pdf V1).**

Per [VMC 20.970.040\(C\)\(3\)](#) storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street.

Per [VMC 20.970.040\(A\)\(7\)](#) the storage area shall be accessible for collection vehicles and located so it will not obstruct pedestrian or vehicle traffic movement on the site or on public streets or sidewalks adjacent to the site.

Due to inadequate overhead clearance under building overhangs for collection trucks, there is inadequate direct access and no truck turnaround on-site, as proposed. The collector will not be able to enter the development service containers and leave the development in a forward motion. One way to resolve this is to increase the height of the two building overhangs, currently shown as 13 feet 8 inches, to allow for trucks to safely drive underneath, allowing for truck to enter and leave the development in a forward motion.

NOTE: In correspondence with the applicant after this LUP-82094 submittal, Solid Waste staff are aware that changes to the servicing location for the residential receptacles will be proposed. Instead of being serviced in between the two overhangs, the residential receptacles will be brought by building staff to the commercial solid waste room for staging on collection days. This allows the servicing to occur with ample overhead clearance, outside of the overhang areas.

Condition: Prior to building plan approval, redesign the building to allow for collection trucks to safely drive under the two building overhangs. Overhead clearance of 16 feet is advised, but a minimum of 14 feet 6 inches clearance would be reviewed for approval if clear of other obstructions such as surface changes, like speed bumps, or ceiling obstructions.

Conclusion: The proposal shall be modified to satisfy solid waste collector access requirements, as conditioned.

VMC Title 11 – Streets and Sidewalks

Chapter 11.70 – Transportation Concurrency

Finding: The applicant is proposing a master plan for a mixed-use development with 217 multi-family dwelling units, approximately 115,500 square feet of commercial space, and 370 structured parking spaces, consistent with the existing Development Agreement (DA). The site is located at 101 and 111 SE Columbia Way. Access to the site will be by way of a looped driveway connected to SE Columbia Way and a driveway on SE Columbia Way to access the proposed parking garage.

To guide the findings of the DA, the applicant prepared a Traffic Analysis Report, dated August 2020 from Charbonneau Engineering. The report provided trip generation and distribution analysis, intersection capacity and queueing analysis, access sight distance analysis, turn-lane warrant and traffic signal warrant analysis, and a review of accident history. Trip generation rates in the Charbonneau report were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, utilizing Land Use Codes 221 (Multi-family Housing – Mid Rise), 820 (Shopping Center), and 932 (High Turnover Sit-down Restaurant). Based on this information, the proposed project will generate 2,756 new Average Daily Trips (ADT), including 157 new a.m. peak hour trips and 314 new p.m. peak hour trips.

The proposed use is located within the 102 Transportation Analysis Zone. The proposed project contributes p.m. peak hour trips to the following Transportation Management Zones (TMZ):

Corridor Name	Corridor Limit	PM Peak Trips
Mill Plain Blvd	Fourth Plain Blvd to I-5	2
Mill Plain Blvd	I-5 to Andresen Road	28
Fourth Plain Blvd	Mill Plain Blvd to I-5	2
Fourth Plain Blvd	I-5 to Andresen Road	7

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$1,500.** Pursuant to the applicant's information, the project will not distribute trips to any other concurrency monitoring corridors. The submitted documentation fulfills the city's requirements for concurrency analysis.

As discussed above, the traffic analysis prepared for the existing DA identified and vested 314 p.m. peak hour trips. To ensure compliance with the findings of the traffic analysis prepared for the DA, a Trip Generation Debiting and Proportionate Share Contribution Report, dated March 17, 2022, was prepared by Otak. The Otak report updated the trip generation calculations for the

project, based on the current project scope. Based on this information, the proposed project will generate 2,713 new ADT, including 156 new a.m. peak hour trips and 312 new p.m. peak hour trips. **Therefore, the Otak report demonstrates that the cumulative number of weekday p.m. peak hour trips generated by the proposed development are within the total allocation of p.m. peak hour trips vested by the DA.**

The applicant's traffic analysis provides distribution of trips used to establish the proportionate share contribution towards off-site traffic mitigation projects pursuant to VMC 11.80.080(C). A list of the intersection(s) slated for proportionate share contributions is as follows:

Intersection	Fee Rate	Number of Trips	Proportionate Share
Grove St / Columbia House Blvd / SR-14 WB off-ramp	\$600 per <u>AM</u> peak hour trip	18	\$10,800
Total Proportionate Share Cost			\$10,800.00

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay proportionate share fees totaling \$10,800.**

Transportation Impact Fees (TIF) are imposed per VMC 20.915, and per the conditions of the DA. See the section of this staff report addressing VMC 20.915 for calculation of TIF.

Conclusion: The proposed development meets the requirements of VMC 11.70 as conditioned.

Chapter 11.80 – Streets and Development Standards

Finding: The applicant is proposing a master plan for a mixed-use development with 217 multi-family dwelling units, approximately 115,500 square feet of commercial space, and 370 structured parking spaces, consistent with the existing Development Agreement (DA). The site is located at 101 and 111 SE Columbia Way. Access to the site will be by way of a looped driveway connected to SE Columbia Way and a driveway on SE Columbia Way to access the proposed parking garage.

Southeast Columbia Way is designated a minor arterial. The existing road along the property frontage of SE Columbia Way includes asphalt roadway, curb, gutter, planter strip with street trees, 14-foot shared-use path, and storm drainage. If the existing right of way is substandard, right of way dedication will be required to accommodate the proposed frontage improvements.

Southeast Columbia Way received a pavement treatment in October 2019. Pursuant to VMC 11.80.100(B), a street cut prohibition is in effect through October 2024. The applicant proposes to cut the streets to install utilities and/or construct the required frontage improvements. In order to deviate from the 5-year street-cut moratorium, this proposed work requires a minor road modification pursuant to VMC 11.80.160. The applicant has submitted a minor road modification request for the proposed work and Transportation staff has reviewed and approved the request. **Prior to civil plan approval, the applicant must include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings. Prior to the issuance of occupancy approval, the applicant shall comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.**

Prior to the issuance of occupancy approval, the applicant must provide the following improvements for SE Columbia Way, per City of Vancouver standards:

- **Install additional pavement width as necessary to meet the required standard.**

- Install 15-foot “Heritage” sidewalk and streetlights. See detailed street lighting requirements below.
- Install driveway accesses at all three site entrances.
- Remove any existing unused driveway accesses.
- Modify existing striping as necessary.
- The existing pedestrian crossing which serves the trail to Old Apple Tree Park and the Vancouver Land Bridge must be reconstructed and enhanced to provide a raised pedestrian crossing with RRFB lights and signage.
- Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.

The city will allow phasing of the SE Columbia Way frontage improvements and the riverfront boardwalk in conjunction with any proposed phasing plan. However, pedestrian and bike connectivity must be continually maintained at all times during construction of the project. Therefore, no section of the existing shared-use path along the frontage of SE Columbia Way can be closed until the entire boardwalk is built connecting both ends of the shared use path.

Street lighting is required on public streets per VMC 11.80.090 and on private streets per VMC 11.80.050(L). Any substandard street lighting shall be required to be upgraded to current city standards as part of this project. Street lighting shall be installed and/or updated to meet the design standards per city standard Plans T21-01A through T21-01D. If the applicant proposes to retain the existing lighting or install lighting that exceeds the maximum spacing requirement a photometric analysis will be required to ensure the lighting level standards are met. If the maximum spacing per T21-01A is met, the photometric analysis is not necessary.

When required, photometrics shall be analyzed in zones. Zones for each direction of travel of a straight roadway are done in luminance method. Intersections, sidewalks, and curved roadway sections are their own zones and done in illuminance. Average maintained luminance is measured in candela per square meter. Veiling luminance shall be shown. Average maintained illuminance is measured in foot-candles. Stationing is a required item on the lighting plans. IES files for lighting software can be obtained from lighting manufacturer. Use lighting materials from the City of Vancouver approved material list.

New lights will be LED and existing HPS lights will be retrofitted to LED unless otherwise noted by Traffic. Any new or existing lights that are within 10 feet of primary power and/neutral lines, will require the developer to raise the power lines. The developer will need to work with Clark Public Utilities for requirements and costs.

Conclusion: The proposed development meets the requirements of VMC 11.80 as conditioned.

VMC Title 14 – Water and Sewers

Water

Finding: City records indicate there is:

- 8-inch Ductile Iron (DI) water main within SE Columbia Way.
- Two 2-inch water meters currently servicing the project tax lot.
- The nearest fire hydrant is located on south side of SE Columbia Way, on the northeast corner of the project tax lot.

To obtain water supply for the project:

- Connect to the existing 8-inch DI water main within SE Columbia Way and extend new water services on-site as necessary. Install a Washington state approved RPBA on any service line

intended for commercial use. If an irrigation deduct meter is to be installed, this can be installed downstream of the domestic water service RPBA to alleviate the need for a secondary RPBA on the irrigation service line. Install Washington state approved DCVA (DCDA if three inches or larger) on proposed fire service lines. If additional fire hydrants or fire suppression is required, connect to the existing 8-inch DI water main within SE Columbia Way and extend new 8-inch Zinc Coated DI water service onto the project lot as necessary to facilitate any water or fire services.

- Fire hydrant locations are to be specified by the fire marshal. **If new hydrants are required**, they shall be served by water mains with a minimum of 8-inch diameter. The exception allows utilization of a 6-inch main for dead-end run shorter than 50 feet to a hydrant.
- A public easement will be required for any public water main, meter or hydrant located outside of City of Vancouver right of way.
- Separate water services are required for each building. Water meters shall be located in a non-paved area, centered along the property frontage.
- If wells are found to be on-site, future use or abandonment requirements from the Departments of Health and Ecology must be met. If an existing well is to remain in service, approval from the city's Water Quality Department will also be required, including appropriate backflow protection.

Conclusion: The submitted plan indicates the City of Vancouver requirements for water can be met. The applicant shall meet the water requirements as per the *General Requirements & Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems* (latest revision). Additional fees associated with permits, System Development Charges (SDC) and Main fees will/may also be required.

Further requirements may be necessary depending on the final project configuration.

Sanitary Sewer

Finding: Initial sanitary sewer comments are posted in a July 2019 pre-application report (PIR-75153). Comments were updated in the November 2021 pre-application report to reflect the latest proposal (PIR-81864).

Public sanitary sewer service is available to the site. The basin is served by a public pump station located northwest of the site. The station is sized to accommodate the project area. Existing gravity sewers front the west half of the site in SE Columbia Way, flow west under I-5, and continue north in Columbia Street. Sewers are relatively shallow and negotiate utilities. (Original sewer construction may not have anticipated today's proposed flows.)

One or both restaurants paid for their original sewer connections. Copies of the applications are available and some additional research may be required. System development charge (SDC) credits are available for up to 10 years (VMC 14.04.235 (E)). Other sewer main fees are not owing.

Development Extension Criteria: Developing properties are required to extend public sewer to and through the site and across frontages (VMC 14.04.280). In this case, public sewer construction is not required through the site to provide future service to the east adjoining properties. Construction into the site is required as needed to serve the proposed development. Standards require projects to also construct downstream capacity improvements if estimated development flows exceed existing downstream capacities.

Service Requirements: Codes require each building and parcel to be served by at least one service lateral connection (VMC 14.08.050, 14.16.010). Standards require separate service laterals to serve separate types-of-use. Separate service laterals are also typically required for separate water meters. Relief from selected separate lateral standards may be available if required and certain conditions are met.

Pretreatment Requirements: Restaurants require oil and grease management (VMC 14.10). Outside grease interceptors are typically required. Size according to plumbing code. Specify locations and construction on the plans and provide maintenance access. Stormwater discharges to sanitary sewer are prohibited. Connections for parking areas are allowed only if required and with pretreatment measures. Connections for subgrade parking are required to prohibit potential groundwater and floodwaters.

The application was reviewed for sanitary sewer in February. The November 2021 pre-application report is included as Appendix J. Sewer service is mentioned on Page 17 of the narrative. Existing sewers are shown on Sheet EX-01 of the drawings. A preliminary utility plan is included as Sheet UT-01. The plan proposes construction of a new manhole and a single lateral connection near the west end of the building. Approximate elevations and depths are not noted. The proposal generally satisfies code's development extension and service criteria for master planning purposes. Conditions below specify remaining requirements for the proposed site plan.

Sanitary sewer comments returned to the applicant confirm that the existing public pump station was generally sized to serve the project area. Correspondence is posted to the initial 2019 pre-application files. A copy is now also posted to this current application.

Sanitary Sewer Conditions (Prior to Civil Plan Approval)

Prepare buildout wastewater discharge flow (demand) estimates. Use one or more industry standard wastewater flow estimation methods. Prepare a brief narrative summarizing methods and submit with the civil plans.

Prepare a downstream sanitary sewer hydraulic capacity analysis. Survey manholes and provide profiles. Compare downstream capacity to wastewater flow estimates. Prepare a brief narrative summarizing methods and results and submit with the civil plans.

Civil plans shall include the following public sanitary sewer improvements and other features: Design downstream public gravity sewer improvements needed to accommodate buildout wastewater flows. Design a new public sanitary sewer extension east in SE Columbia Way to provide depth and additional service laterals. Provide separate sanitary sewer service laterals for each building and/or major type-of-use. Specify which service laterals will serve which building and use. Show and note required outside grease interceptors on the civil and site plans. Specify which plan set (building or civil) will construct.

If building plumbing cannot be reasonably be separated and common (shared) service lateral connections must be used then include a brief explanatory note on the civil plans and specify which service laterals will serve which buildings and uses.

If common (shared) water meters are required to serve separate primary types-of-use that calculate sewer SDC based on water meter size then include water demand calculations determining nominal water meter sizes that would have been required for each use. Specify on the civil plans or submit separately with the plans.

Complete the sanitary sewer design on the civil drawings. Prepare according to Vancouver's current General Requirements and Details for Design and Construction. Address redline comments and submit the final design for civil plan approval.

(During Construction)

Secure construction permits and schedule and attend a pre-construction meeting. Construct downstream improvements, new public sewer mains, new service laterals, and other features as shown on the approved plans. Satisfy construction services inspection requirements and secure construction acceptance.

Satisfy submittal and other requirements itemized in the Notifications of Civil Plan Approval and secure final civil project acceptance.

(Prior to Occupancy)

Pay sewer application fees and system development charges for each separate type-of-use. Secure connection permits and connect new building sewers to the new service laterals according to the plumbing code.

Sanitary Sewer Conclusion: The applicant has demonstrated that the standards for public sewer can be met as conditioned.

Erosion Control

Finding: The entire project site will be disturbed during construction and significant grading will be required for the sub-surface parking garage with excess dirt being hauled off-site. The site is adjacent to the Columbia River and Columbia Way which drains to the river. Both must be protected from sediment and sediment laden runoff during construction. A wheel wash will likely be required to ensure haul vehicles do not track sediment on Columbia Way. The applicant has submitted a preliminary erosion control plan and has demonstrated the requirements of the ordinance can be met for the project. A final erosion/sedimentation control plan shall be submitted for civil review.

Stormwater

Finding: The proposed project will create/replace more than 5,000 square feet of hard surfaces and is subject to the requirements of the ordinance. The site drains to the Columbia River which is a flow control exempt waterbody, and no detention of stormwater runoff will be required for the project. There is an existing public 27-inch storm pipe which crosses the eastern portion of the site. The applicant has proposed to replace this pipe in a location closer to the eastern property line. City staff has reviewed this proposal and supports the relocation. The city has hired a consultant to perform an upstream flow analysis for this pipe to determine the pipe size needed for ultimate buildout. This information will be provided to the applicant when completed. The applicant has submitted a preliminary stormwater plan and preliminary stormwater report which have demonstrated that the requirements of the ordinance can be met for the project. A final stormwater plan and final storm report shall be submitted for civil review.

VMC Title 16 – Fire

Findings: The fire department has determined the requirements of Vancouver Municipal Code can be met with adherence to the conditions contained herein.

VMC Title 17 – Buildings and Construction

Finding: 17.08.090 a building department plan review and permit will be required for this project. Building shall comply with the applicable codes listed in 17.08.010 in effect at the time of building permit application. A complete building code review of plans is not performed during site plan

review. Filing of building permit application with required fees and review material is required for a complete building code review. At this time, plans and information necessary to verify compliance with all applicable building code provisions is neither required nor provided.

Separate building permits will be required for phased construction and/or phased occupancy.

Separate building permits will be required for any soil improvements, temporary site shoring, or tower crane foundation (when not integral with building foundation).

Separate building permits will be required for any site structures requiring a permit, including trash enclosures over six feet in height or covered, retaining walls over four feet, and flag poles.

Design and construction of buildings and structures located in flood hazard areas shall be in accordance with Chapter 5 of ASCE 7, ASCE 24 and Section 1612 of the International Building Code.

IBC 1104 accessible routes within the site shall be provided from public transportation stops, accessible parking, accessible passenger loading zones and public streets or sidewalks to the accessible building entrance served. The exterior accessible route must be 44 inches clear in width. Wherever practical, the accessible route shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route shall be designated and marked as a crosswalk.

IBC 1106 accessible parking spaces shall be located on an accessible route, near and distributed among accessible entrances. Access aisles serving van parking spaces shall be 96 inches minimum in width (WAC 51-50-1101.2.8).

Where parking is provided for mixed occupancies, Table 1106.1 must be satisfied for the parking spaces required/assigned for commercial occupancy and IBC 1106.2 must be satisfied for the parking spaces required/assigned for residential occupancy.

WAC 51-50-0429 for electric vehicle (EV) charging infrastructure requirements recently increased to 10 percent of parking spaces and include more building types than previous.

City of Vancouver Sewer District requires all food servers to have grease control. Refer to City of Vancouver standard details S4.2-S4.4. Show size and location of grease interceptor on final site plan.

As submitted project could be approved for building code requirements pertaining to the site plan with the conditions noted.

RECOMMENDATION

Based upon the findings herein, Staff recommends the Hearing Examiner recommend the following to City Council

- **Denial** of the zoning variance request to the CX zoning height
- **Approval** of the following subject to the following conditions:
 - Shoreline Substantial Development Permit
 - Master Plan (Concept and Final Development Plan)
- **Recommend** the City Council recommend **Approval** of the Shoreline Conditional Use Permit to the Department of Ecology

CONDITIONS OF APPROVAL

General

1. Comply with the requirements of the Washington State Department of Ecology Letter dated Nov. 14, 2022

Prior to Ground Disturbing Activity

2. Prepare an archaeological Monitoring & Inadvertent Discovery Plan (MIDP). Submit the MIDP to staff along with any correspondence with DAHP related to preparation of the MIDP.

Prior to Civil Plan Approval

3. Pay concurrency modeling fee of \$1,500.
4. Pay proportionate share fees totaling \$10,800
5. A 40-foot sewer easement runs along the western end of the site that should not be encumbered in any way including building overhangs.
6. Lighting must be shielded and/or directed away from I-5 in accordance with RCW 47.36.180.
7. New and existing fire hydrant locations related to this project shall be shown.
8. Fire department connections shall be shown to be located within 150 feet hose lay of a hydrant.
9. Include the following note on the water utility pages, "Underground fire sprinkler supply mains shall be installed only by contractors in compliance with WAC 212-80 and endorsed in accordance with VMC 16.04.095 under separate permit."
10. Include an approved fire response plan in both the civil plans and the architectural plans.

Prior to Building Permit Issuance

11. Adjust and/or consolidate boundary lines as necessary to comply with the building code.
12. A 40-foot sewer easement runs along the western end of the site that should not be encumbered in any way including building overhangs.
13. Lighting must be shielded and/or directed away from I-5 in accordance with RCW 47.36.180.
14. Obtain a letter of no hazard from the FAA including any approvals for construction cranes.
15. Increase the size of the commercial solid waste room to meet the minimum required solid waste storage space (1,255 square feet). Provide more detail on commercial trash room such as footprints for intended solid waste receptacles and equipment.
16. Redesign the building to allow for collection trucks to safely drive under the two building overhangs. Overhead clearance of 16 feet is advised, but a minimum of 14 feet 6 inches clearance would be reviewed for approval if clear of other obstructions such as surface changes, like speed bumps, or ceiling obstructions.
17. Prepare buildout wastewater discharge flow (demand) estimates. Use one or more industry standard wastewater flow estimation methods. Prepare a brief narrative summarizing methods and submit with the civil plans.

18. Civil plans shall include the following public sanitary sewer improvements and other features: Design downstream public gravity sewer improvements needed to accommodate buildout wastewater flows. Design a new public sanitary sewer extension east in SE Columbia Way to provide depth and additional service laterals. Provide separate sanitary sewer service laterals for each building and/or major type-of-use. Specify which service laterals will serve which buildings and uses. Show and note required outside grease interceptors on the civil and site plans. Specify which plan set (building or civil) will construct.
19. If building plumbing cannot be reasonably be separated and common (shared) service lateral connections must be used then include a brief explanatory note on the civil plans and specify which service laterals will serve which buildings and uses.
20. If common (shared) water meters are required to serve separate primary types-of-use that calculate sewer SDC based on water meter size then include water demand calculations determining nominal water meter sizes that would have been required for each use. Specify on the civil plans or submit separately with the plans.
21. Complete the sanitary sewer design on the civil drawings. Prepare according to Vancouver's current General Requirements and Details for Design and Construction. Address redline comments and submit the final design for civil plan approval.
22. Show Base Flood Elevation on-site and grading plans and all building elevation drawings.
23. Submit narrative for how building will comply with requirements of Chapter 5 of ASCE 7, ASCE 24 and Section 1612 of the International Building Code for buildings located within flood hazard area.
24. Submit a Noise Impact Reduction Plan prepared by a Washington-licensed professional engineer or architect for review and approval by the city. The study shall address the performance standards contained in VMC 20.520 including how the construction will achieve a day/night average interior noise level of 45 Ldn or less.
25. Record a disclosure statement that documents how the premises may be adversely affected by noise for each lot in the development as required by VMC 20.510.

Prior to Combustible Construction

26. Fire hydrants for emergency use shall be established and maintained.
27. Fire apparatus access roads shall be established and maintained.
28. Site security measures shall be installed to prevent unauthorized access.
29. Apply for and receive preliminary approval for the smoke control conceptual permit.

During Construction

30. Pay sewer application fees and system development charges for each separate type-of-use. Secure connection permits and connect new building sewers to the new service laterals according to the plumbing code.
31. A final erosion/sedimentation control plan shall be submitted.
32. A final stormwater plan and final storm report shall be submitted.
33. Temporary street and building address signage shall be visible and legible from the street fronting the property for emergency response during construction.
34. All fire safety provisions of the International Fire Code shall be adhered to.
35. No smoking signage shall be posted throughout the site except in designated smoking areas.
36. Site security shall be maintained to prevent unauthorized access.
37. Consideration for emergency vehicle access shall be taken when staging materials for construction.

Prior to Issuance of Certificate of Occupancy

38. Comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.
39. Provide the following improvements for SE Columbia Way, per City of Vancouver standards:
- Install additional pavement width as necessary to meet the required standard.
 - Install 15-foot "Heritage" sidewalk and streetlights. See detailed street lighting requirements below.
 - Install driveway accesses at all three site entrances.
 - Remove any existing unused driveway accesses.
 - Modify existing striping as necessary.
 - The existing pedestrian crossing which serves the trail to Old Apple Tree Park and the Vancouver Land Bridge must be reconstructed and enhanced to provide a raised pedestrian crossing with RRFB lights and signage.
 - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.

Note: The City of Vancouver will allow phasing of the SE Columbia Way frontage improvements and the riverfront boardwalk in conjunction with any proposed phasing plan. However, pedestrian and bike connectivity must be continually maintained at all times during construction of the project. Therefore, no section of the existing shared-use path along the frontage of SE Columbia Way can be closed until the entire boardwalk is built connecting both ends of the shared use path.

40. Street and address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors. Where applicable, apartment building designations shall be visible and legible from all potential fire lane approaches.
41. Required fire lane signage shall be installed.
42. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
43. If a fire department Knox-Box was identified as a requirement during the construction permit review, it shall be installed at an approved location and locked with the required content.
44. Permanent vehicle gates crossing required fire lanes shall remain unlocked or open until approved by the fire department.
45. Conditions identified in the construction permit shall be met.
46. All requirements of the applicable fire and building codes and their referenced standards shall be met notwithstanding approved construction plans.
47. A licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the city-approved construction documents. Please submit to Keith Jones, keith.jones@cityofvancouver.us.

EXHIBITS

1. Staff Report
 - A. Application Form
 - B. Traffic Impact Fee Estimate
 - C. Applicant Narrative**
 - D. Site Plan
 - E. Landscape Plans
 - F. Grading and Erosion Control Plan
 - G. Building Elevations
 - H. Floor Plans
 - I. JARPA for DNR**
 - J. DAHP Letter
 - K. WDOT Letter
 - L. WDOT Aviation Letter
 - M. Department of Ecology dated Letter
 - N. Schematic Foundation Memo
 - O. Seawall Memo
 - P. Transportation Impact Study**
 - Q. Critical Areas Report**
 - R. Hydraulic Report**
 - S. Geotechnical Report**

**Because of the size of the exhibit, it is not included with this report. The document is available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibit.



Planning Permit Application

LAND USE PRELIMINARY APPLICATION (LUP)

415 W 6th ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

Email completed application to plans@cityofvancouver.us

REVIEW TYPE (Check one review and one process type)				
Review Type: ☐ Type I ☐ Type II ☐ Type III ☒ Type IV ☐ Tree Removal Only (nuisance or hazard)				
Process Type: ☒ Standard ☐ Streamline (Type II Applications only - Pre-submittal Meeting required)				
USE				
☐ Single-Family	☒ Commercial	☒ Multi-family	☐ Industrial	☐ Residential
☐ Duplex	☐ Wireless Communications Facility (new) see VMC 20.890			
PROJECT INFORMATION				
Site Acres: 2.34	Disturbed Acres: 2.34	Zoning: CX	Sewer: ☐ Septic ☒ Public	Water: ☐ Well ☒ Public
Proposed # of Lots: NA Dwelling Units: 217				
Non-Residential Bldg. Square Footage: 115,583 SF Ground Floor: 44,167 SF Total of All Upper Floors: 271,095				
Hard Surface Area Square Feet - New: 32,347 Replacement: 10,508 Total: 42,855				
PROJECT NAME AND LOCATION				
Proposed project name: Kirkland Renaissance Boardwalk				
Project site address: 101 & 111 SE Columbia Way			Parcel #(s): 502291000, 502280000, 38279908, 47585000, 502290000, 502295000, 502300000	
PROJECT DESCRIPTION				
(Briefly describe the proposed project. Provide more detail in project narrative)				
The proposed development is a mixed-use redevelopment of the site and includes 217 dwelling units, river-facing restaurants and cafes, upper-level outdoor spaces, and a public boardwalk along the river.				
PRIMARY APPLICANT			CONTACT	
Business Name: Kirkland Development LLC			Business Name: Otak, Inc.	
Contact Name: Dana Gardner			Contact Name: Li Alligood, AICP	
Address: 2370 E 3rd Loop Ste 100			Address: 700 Washington Street, Suite 300	
City/State/Zip: Vancouver, WA 98661			City/State/Zip: Vancouver, WA 98660	
Phone: (360) 816-1490			Phone: (503) 415-2384	
Email: dana@kirklandgloballlc.com			Email: li.alligood@otak.com	
ELECTRONIC PLANS SUBMITTER (required)			OWNER	
(responsible for ePlans uploading and correspondence)			(attached additional sheets for multiple owners)	
Name: Otak Civil			Name: Multiple - see attached	
Address: 700 Washington Street, Suite 300			Address:	
City/State/Zip: Vancouver, WA 98660			City/State/Zip:	
Email (required): otakcivil@otak.com			Email:	
Phone: (360) 737-9613			Phone:	
ONLINE PAYMENT				
Existing ePermits User Name: DanaG21			Request an ePermits Account	
REQUIRED SIGNATURES				
As evidenced by my signature below, I/we agree that City of Vancouver staff has my/our full permission to enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.				
Applicant Signature:			Date: 12/17/21	
Property Owner Signature:			Date: 12/17/21	

LUP APPLICATION SUB TYPES

Please check all applicable applications and information where necessary

☒ Airport Height Overlay District
☐ Archaeological Pre-determination
☐ Binding Site Plan
☐ Boundary Line Adjustment # of lots to be adjusted:
☐ Comprehensive Plan Amendment (Including Zone Map Amendment with Comp Plan)
☐ Conditional Use Permit ☐ Initial (Type III) (Comm. Centers, Group Meal Service, Shelters) ☐ Major Modification (Type III) ☐ Minor Modification (Type I) Engineering Review Required ☐ Yes ☐ No
☐ Covenant Release
☐ Critical Areas (not used when in Shoreline) Check one → ☐ Duplex/Single Family ☐ All Other Uses Check one → ☐ Permit ☐ Statement of Exemption (No Fee) Check the applicable critical area(s) ☐ Fish & Wildlife ☐ Frequently Flooded ☐ Geological Hazards ☐ Wetlands ☐ Minor Exception (not common) ☐ Reasonable Use (not common)
☒ Design Review ☐ Exterior Modification Only ☒ All Others
☐ Development Agreement ☐ Initial ☐ Modification ☐ Extension
☐ Historic Preservation
☐ Legal Lot Determination # of lots to be reviewed:
☒ Master Plan/Public Facilities MP ☒ Conceptual (without Site Plan Review) ☒ Detailed (with Site Plan Review) ☐ Hybrid (Some areas with Site Plan Review)
☐ Planned Development ☐ Commercial ☐ Residential ☐ Mixed Use* *Ground Floor SF: Upper Floor SF:
☐ Plat Alteration
☐ Post Decision Review/Modification (Includes Planned Development/Master Plan Modifications) ☐ Type I ☐ Type II ☐ Type III Engineering Review Required ☐ Yes ☐ No

☒ Road Modification ☒ Minor (Administrative) ☐ Technical (Minor) ☐ Major (Design) Submitted: ☒ Before ☐ After Decision (submitted after decision is not common)
☒ Shoreline Permits ☒ Substantial Development Permit ☐ Shoreline Permit Exemption (no fee) ☒ Shoreline Conditional Use ☒ Shoreline Variance
☒ Site Plan Review ☐ Type I ☒ Type II Check Use Type below ☒ Residential ☒ Non-Residential ☐ Qualified Planned Action ☐ Unoccupied Commercial/Utility Structure ☐ Commercial Pad ☐ Land Extensive Stormwater ☒ Yes ☐ No Transportation ☒ Yes ☐ No
☒ State Environmental Policy Act (SEPA) ☐ Check if for Single-Family Residential house (only) ☐ Residential Site Plan Review (SPR) ☐ Grading Only ☐ Subdivision or Planned Development ☐ Non-Project Actions (not common) ☒ All Other (Includes Comm/Indust SPR) ☐ Qualified Planned Action (When more than one applies check All Other)
☐ Subdivision/Short Subdivision ☐ Short Subdivision (2-9 lots) ☐ Subdivision (10+ Lots)
☐ Temporary Use ☐ Commercial/Industrial ☐ Unforeseen Emergency ☐ Seasonal or Special Event ☐ Model Home or Sales Office
☒ Tree Plan Enter Tree Plan Level (1 to 7): 5 (Tree Removal for nuisance or hazard tree(s) is Level 3)
☒ Variance ☐ Check if for Single Family Residential house ☐ Type I - # requested: ☒ Type II - # requested: Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☐ Zoning Certificate
☐ Zoning Map Amendment (Not involving Comprehensive Plan Amendment)
☐ Zoning Verification

**CITY OF VANCOUVER
KIRKLAND RENAISSANCE BOARDWALK LAND USE APPLICATION**

Site Address:

101 and 111 SE Columbia Way, Vancouver, WA

Parcel Numbers:

38279908, 47585000, 502290000, 502295000, 502300000

Property Owner:

Renaissance Boardwalk Ventures LLC



Signature

Kristin Kirkland

Printed Name

12-20-2021

Date

Manager

Title

City of Vancouver Transportation Services
Trip and Traffic Impact Fee Calculation Worksheet

Application Number: PRJ-163131

Project Name:	Waterfront East	Date:	11/15/2022 12:00:00 AM
Project Address:	101 SE COLUMBIA WAY	TAZ:	TA102
Project Number:	PRJ-163131	Primary Corridor:	4PLN #2
ENG Number:		Parcel 1 ID:	47585000
TIF District:	Columbia	Parcel 2 ID:	
TIF Overlay District:		Parcel 3 ID:	

Existing Site Trips ^^										
LU Description	ITE LU Code	Existing AM Peak Rate	Existing PM Peak Rate	Existing ADT Rate	Unit of Measure	Size**		Existing AM Peak Trips	Existing PM Peak Trips	Existing ADT
High Turnover/Sit Down	932	9.57	9.05	107.20	1000	17279			73	1550
^^ equals zero if this is a new development on greenfield or if old use has been gone > 1 year.								Existing Trips Total		
									73	1550

New Trip Generation Calculation										
LU Description	ITE LU Code	AM Peak Rate	PM Peak Rate	ADT Rate	Unit of Measure*	Size**		New AM Peak	New PM Peak	New ADT
Shopping Center (>150k)	820	0.84	3.4	37.01	1000	124136		78	313	3083
Multifamily Housing (Mid-Rise)	221	0.37	0.39	4.54	1	217		78	95	1180
		0	0	0	0	0				0
*Unit of measure = ITE Unit by which total size is divided by in order to calc. trip generation								New Project Trips		
**Size - Total size of development, eg 10 dwelling units or 50,000 sqf.									156	408
***% reduction applied to trip generation, eg. .35 passby reduction for 100 trips - (1 - .35) * 100 - .65 - from approved traffic impact study only								Net New Project Trips (new trip - existing trips)		
****% reduction applied to trip generation, eg. .10 internal capture reduction for 100 trips - (1 - .10) * 100 - .9 * 100 - 90 - from approved traffic impact study only									156	335

Traffic Impact Fee Calculation									
LU Description	ITE LU Code	Proposed Project ADT	Net New Proj ADT	TIF Rate/Trip	TIF Overlay rate/trip	BEF Reduction = .3 for retail commercial uses & ITE LU 912	Tax Reduction	TIF Due	Overlay TIF Due
Shopping Center (>150k)	820	3083	1962.04	213	0	0.30	0.15	\$248,659.21	\$0.00
Multifamily Housing (Mid-Rise)	221	1180	750.96	213	0		0.15	\$135,961.20	\$0.00
Sum		4263	2713	TIF Totals:				\$384,620.41	\$0.00

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. Per VMC 20.915.020, the fee shall be calculated at time of building permit application. See VMC 20.915 for more information.



City of Vancouver Transportation Services
Trip and Traffic Impact Fee Calculation Worksheet

Application Number: PRJ-163131

Project Name:	Waterfront East	Date:	11/15/2022 12:00:00 AM
Project Address:	101 SE COLUMBIA WAY	TAZ:	TA102
Project Number:	PRJ-163131	Primary Corridor:	4PLN #2
ENG Number:		Parcel 1 ID:	47585000
TIF District:	Columbia	Parcel 2 ID:	
TIF Overlay District:		Parcel 3 ID:	

Concurrency Monitoring Fees			
Corridor	PM Peak Trips	Cost/Trip	max. \$1500
Fourth Plain Blvd to I-5	2	\$61.00	\$122.00
I-5 to Andresen Rd	28	\$61.00	\$1,708.00
Mill Plain Blvd to I-5	2	\$61.00	\$122.00
I-5 to Andresen Rd	7	\$61.00	\$427.00
Calculated Total =			\$2,379.00

Total Monitoring Fee = \$1,500.00

Proportionate Shares				
Case Number	Project	Fee/Unit	Trips/Lots	Final Fee
	SR 14/Grove Street Intersection	\$600.00	18	\$10,800.00
Total Proportionate Share Fees =				\$10,800.00

COMMENTS:

Mixed use development	District: Columbia	District TIF =	\$384,620.41
		Total TIF =	\$384,620.41

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. Per VMC 20.915.020, the fee shall be calculated at time of building permit application. See VMC 20.915 for more information.

EXHIBIT C

Applicant Narrative

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

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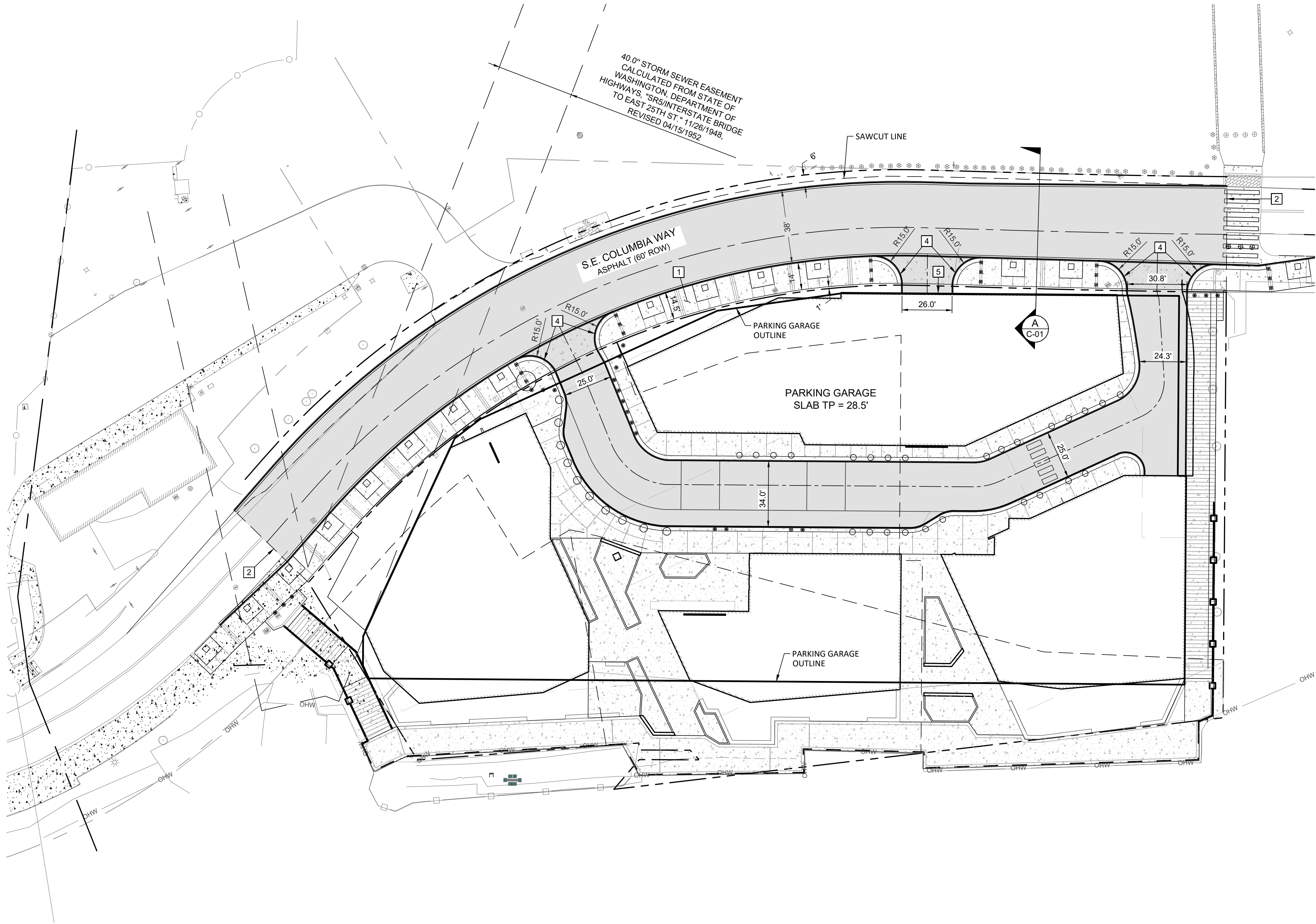


EXHIBIT D

GENERAL NOTES

- 1. SEE SHEETS G-02 AND G-03 FOR NOTES AND LEGENDS.
- 2. PROTECT EXISTING CATCH BASINS PER COV DETAIL E-220a BEFORE BEGINNING DEMOLITION.
- 3. SEE SHEET UT-01 FOR PROPOSED UTILITIES PLAN. SEE SHEET STRM-01 FOR PROPOSED STORM DRAIN PLAN.
- 4. ALL ADJACENT ROADS ARE COV MINOR ARTERIAL.
- 5. PARKING PLANS AND ADA STALLS ARE LOCATED ON ARCHITECT PLANS SHEETS.

S.E. COLUMBIA WAY STREET CUT NOTES

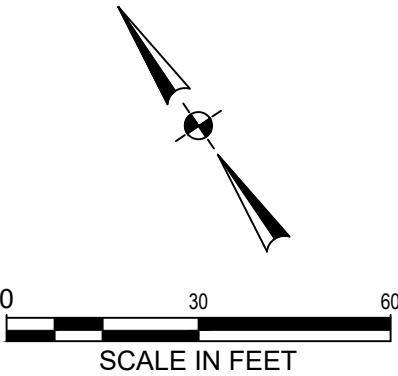
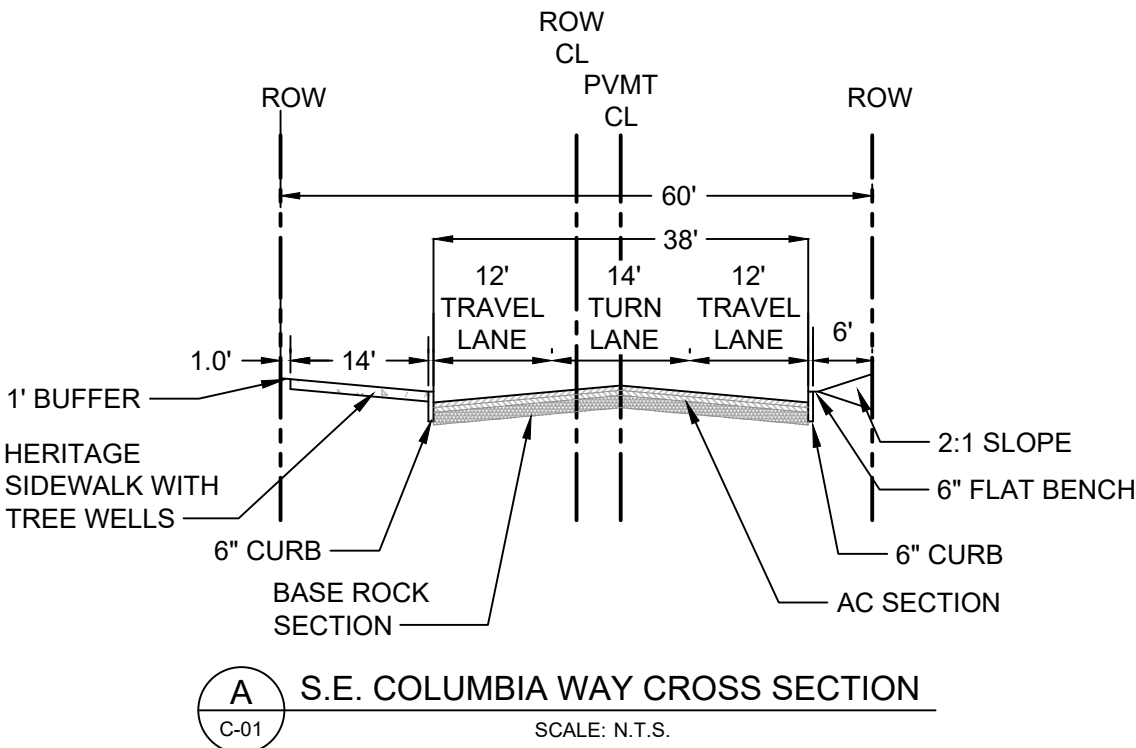
- 1. CARE SHALL BE TAKEN TO PROTECT THE RECENTLY INSTALLED SURFACE TREATMENT. DAMAGE TO THE TREATMENT WILL REQUIRE ADJUSTMENT TO THE LIMITS OF THE RESTORATION CONDITIONS ABOVE.
- 2. THE CONNECTION TO THE CITY'S SANITARY SEWER SYSTEM IN S.E. COLUMBIA WAY SHALL BE COMPLETED PURSUANT TO THE CIVIL PLANS, SHEET C-01 AND UT-01.
- 3. A NOTE SHALL BE PLACED ON ALL APPLICABLE SHEETS OF THE CIVIL DRAWINGS TO INDICATE ANY UTILITY TRENCHES OR RELOCATION OF UTILITY TRENCHES IN S.E. COLUMBIA WAY, INCLUDING BUT NOT LIMITED TO, WATER, SEWER, STORM, POWER, PHONE, CABLE, GAS AND FIBER OPTIC THAT VARY FROM THIS ORIGINAL REQUEST WILL NOT BE ALLOWED WITHOUT FURTHER ROAD MODIFICATION APPROVAL.
- 4. PRIOR TO CONSTRUCTION, THE APPLICANT SHALL OBTAIN A RIGHT-OF-WAY PERMIT AND AN APPROVED TRAFFIC CONTROL PLAN FROM THE CITY.
- 5. THE WARRANTY PERIOD FOR STREET CUT RESTORATION WORK IS 2 YEARS ON MINOR ARTERIAL UNDER STREET CUTTING MORATORIUM PER VMC 11.80.100(E)(2). THE WARRANTY PERIOD SHALL BE INCLUDED IN THE TRANSPORTATION GENERAL NOTES ON THE CIVIL PLANS.
- 6. ANY PAVEMENT JOINT OPENING WITHIN THE WARRANTY PERIOD SHALL RECEIVE A CRACK SEAL TREATMENT PRIOR TO THE EXPIRATION OF THE WARRANTY.

KEY NOTES

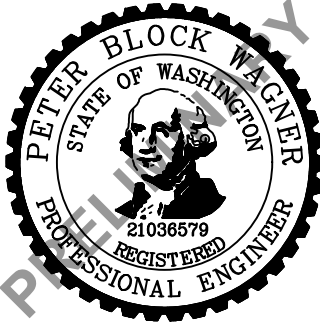
- 1. INSTALL NEW SIDEWALK PER COV DETAIL T02-01A WITH MODIFIED STRUCTURAL SECTION TO FOLLOW SECTION A-A OF COV DETAIL T01-07.
- 2. SAWCUT PER T05-13 AND PROVIDE PAVEMENT RESTORATION AREA PER COV DETAIL T05-01B AND T05-07. PROVIDE TRENCH RESTORATION PER T05-05.
- 3. INSTALL TYPE E-1 CURB PER COV DETAIL T01-01A.
- 4. INSTALL MAJOR COMMERCIAL DRIVEWAY (THROAT WIDTH PER PLAN). SEE COV DETAIL T01-07.
- 5. PARKING GARAGE ENTRY.

LEGEND

- SIDEWALK
- PROPOSED ASPHALT
- P.C. CONC. DRIVEWAYS
- PROPERTY LINE



700 Washington Street
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Vancouver, WA 98660
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FAX: 360.737.9651
www.otak.com



KIRKLAND RENAISSANCE BOARDWALK
VANCOUVER, WA 98660
CIVIL SITE PLAN
LAND USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
RMS	MAZ	
DRAWN BY	CHECKED BY	
LU SUBMITTAL		
STATUS		
JANUARY 5, 2022		
DATE		
18923		
PROJECT NUMBER		

C-01

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LANDSCAPE AREA TOTAL

TOTAL SITE = 98,196 SQFT
TOTAL LANDSCAPING = 8,222 SQFT (8.4%)

GENERAL NOTES

- SEE SHEET L-02 FOR LEVEL 04 PLANTING PLAN, PLANTING LEGEND, NOTES, AND SITE DETAILS.
- SEE SHEET L-04 FOR PLANTING INSTALLATION DETAILS.
- ALL LANDSCAPE AREAS TO BE WATERED BY A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- MOVEABLE FURNITURE ON PLANS SHALL BE SPECIFIED BY OWNER OR OWNER'S REPRESENTATIVE

KEY NOTES

- 1

WEST SIDE ROW CONNECTION, 15 FT WIDTH - PATTERNED CONCRETE ON GRADE
- 2

CITY OF VANCOUVER STANDARD TREE WELL - SEE SHEET L-04
- 3

RESTORED CONCRETE SIDEWALK
- 4

EXPANSION JOINT, TYPICAL
- 5

UNIT PAVER ON SLAB - MORTAR SET
- 6

SCORE JOINT, TYPICAL
- 7

ZERO CURB WITH TRUNCATED DOMES - SEE SHEET L-03
- 8

BOLLARD - VANCOUVER PARKS STANDARD
- 9

MOTOR COURT - PATTERNED CONCRETE
- 10

MOTOR COURT APRON - UNIT PAVER ON SLAB - MORTAR SET
- 11

MOTORCOURT PLANTER - SEE SHEET L-03
- 12

SURVEY MONUMENT - SEE SHEET L-03
- 13

INTERPRETIVE DISPLAY - WITNESS TREE
- 14

RAISED PLANTER - CIP CONCRETE WITH PATTERNED FACE
- 15

MOTOR COURT CROSSING - UNIT PAVER ON SLAB - MORTAR SET
- 16

MOTOR COURT DRIVE - CONCRETE
- 17

PEDESTRIAN CONNECTION TO LAND BRIDGE AND FORT VANCOUVER
- 18

OUTDOOR DINING AREA - COLORED WEAR SURFACE ON SLAB
- 19

RESTAURANT/CAFE PLANTER PARTITIONS
- 20

SEAT WALL WITH INTEGRAL WOOD BENCH - SEE SHEET L-03
- 21

BOARDWALK, 15 FT WIDTH - UNIT PAVERS ON SLAB - MORTAR SET
- 22

CUSTOM BOARDWALK RAILING
- 23

PUBLIC BENEFIT AMENITY - ART
- 24

BREEZEWAY - UNIT PAVERS ON SLAB - MORTAR SET

- 25

UNIT PAVER EDGER BAND - FORMED WITH SLAB
- 26

DRAINAGE STRUCTURE
- 27

EAST ROW CONNECTION, 15 FT WIDTH - PATTERNED CONCRETE ON GRADE. ON FILL; NO EXCAVATION
- 28

EXISTING TREES LOCATED ON NPS PROPERTY - SEE TREE PLAN
- 29

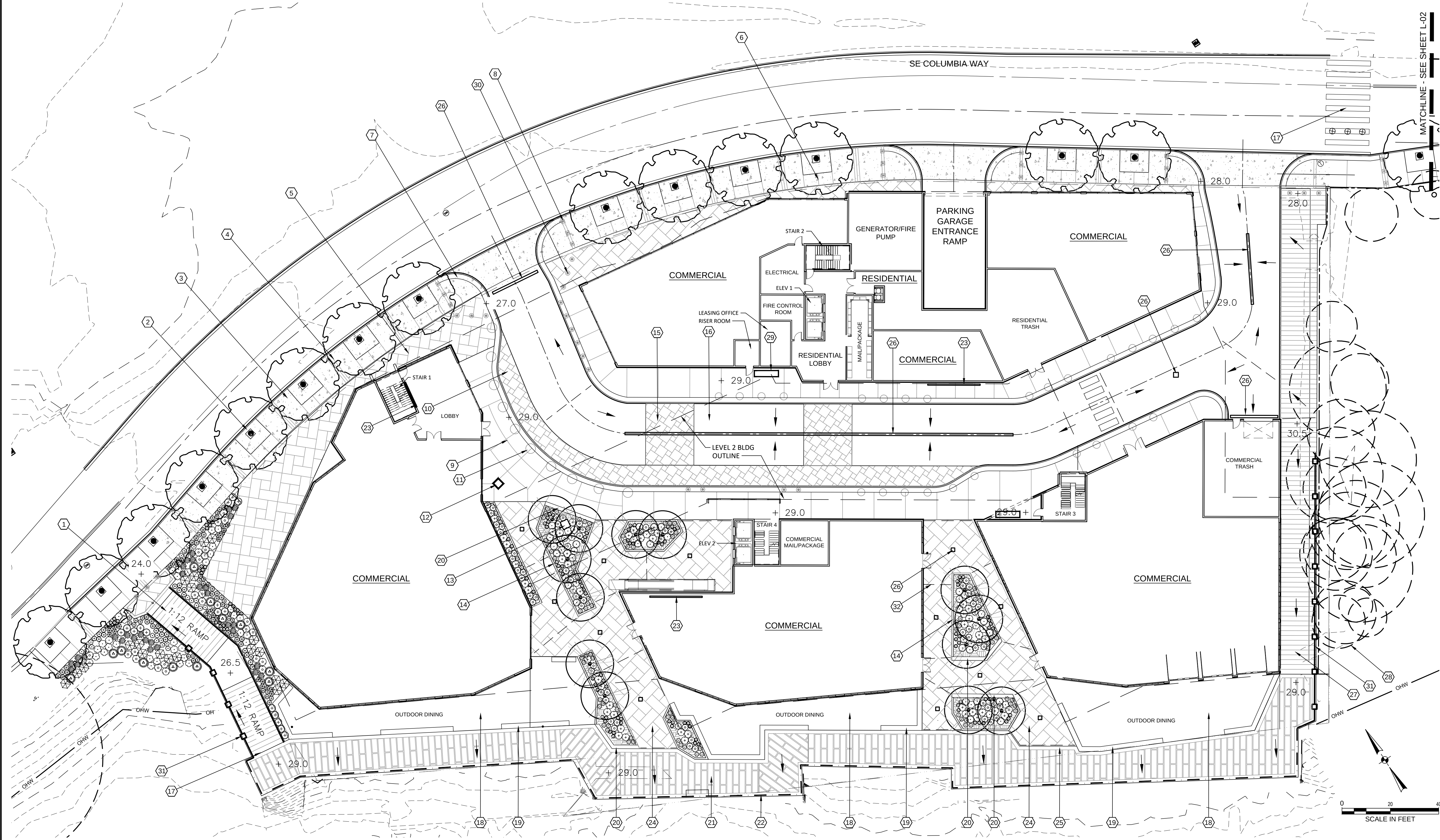
BENCH - SEE SHEET L-03
- 30

BOLLARD - SEE SHEET L-03
- 31

RAILING - VERTICAL CABLE - SEE SHEET L-03
- 32

GRADE BREAK - RIDGE LINE

EXHIBIT E

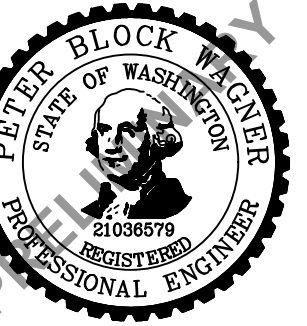


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KIRKLAND RENAISSANCE BOARDWALK
VANCOUVER, WA 98660
LANDSCAPE & OPEN SPACE PLAN
LAND USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
RMS	MAZ	
DRAWN BY	CHECKED BY	
LU SUBMITTAL		
STATUS		
JANUARY 5, 2022		
DATE		
18923		
PROJECT NUMBER		
L-01		
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KIRKLAND RENAISSANCE BOARDWALK
VANCOUVER, WA 98660
GRADING AND EROSION CONTROL PLAN
ENGINEERING SUBMITTAL

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
RMS/EAO		PBW
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ENGINEERING SUBMITTAL		
STATUS		
MARCH 1, 2022		
DATE		
18923		
PROJECT NUMBER		

GR-01

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GENERAL NOTES

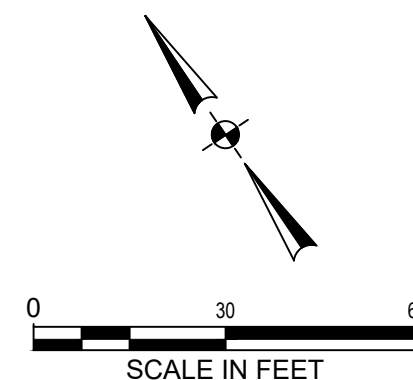
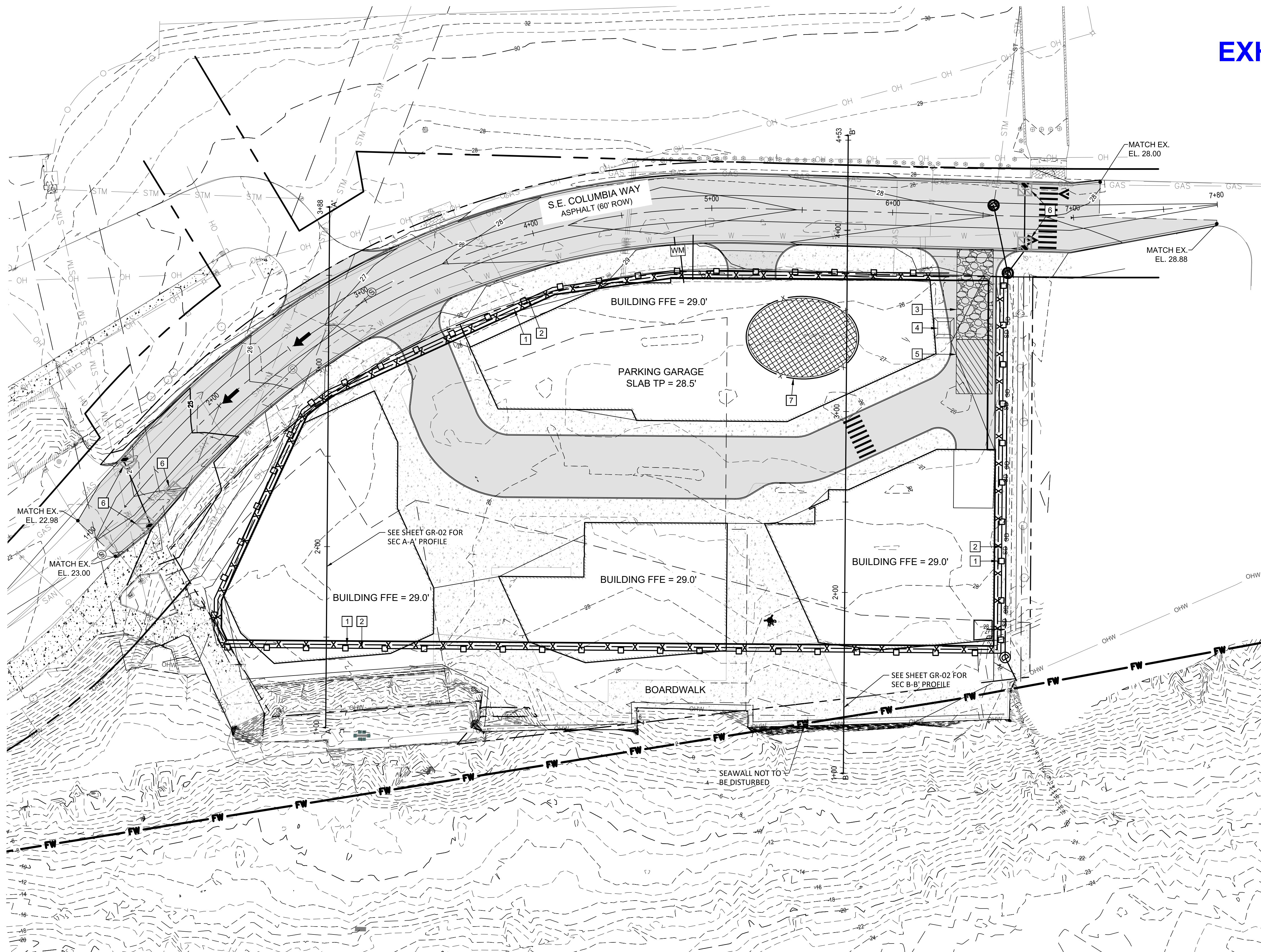
1. SEE SHEET G-02 & G-03 FOR NOTES AND LEGEND.
2. PROTECT EXISTING CATCH BASINS PER COV DETAIL E-220a BEFORE BEGINNING DEMOLITION.
3. SEE SHEET UT-01 FOR UTILITIES PLAN.
4. SEE SHEET STRM-01 FOR STORMWATER PLAN.
5. PRIOR TO INITIATING WORK IN THE PUBLIC RIGHT-OF-WAY, CONTRACTOR TO PREPARE, SUBMIT, AND OBTAIN APPROVAL FROM THE CITY OF VANCOUVER FOR TRAFFIC CONTROL.
6. ALL SIDEWALKS TO HAVE MAXIMUM CROSS SLOPE OF 2%.

SEE ASSOCIATED GEOTECHNICAL REPORT (PBS ENGINEERING, DATED DECEMBER 10, 2021) FOR SUBGRADE, AGGREGATE BASE, AND ASPHALT PAVEMENT SECTION COMPACTION REQUIREMENTS.

SHOULD ANY ITEM OF ARCHAEOLOGICAL INTEREST (VMC 20.710.090) BE FOUND DURING DEVELOPMENT, YOU ARE REQUIRED TO STOP WORK AND NOTIFY THE PLANNING CASE MANAGER IN DEVELOPMENT REVIEW SERVICES AT (360) 487-7800, AND THE WASHINGTON STATE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION AT (360) 753-4011 IMMEDIATELY. FAILURE TO DO SO COULD RESULT IN A FELONY.

- 1 INSTALL SEDIMENT FENCE.
- 2 INSTALL HIGH VISIBILITY CONSTRUCTION FENCE.
- 3 INSTALL CONSTRUCTION ENTRANCE.
- 4 INSTALL WHEEL WASH.
- 5 INSTALL CONCRETE WASHOUT.
- 6 INSTALL INLET PROTECTION.
- 7 PROPOSED STOCKPILE AREA.

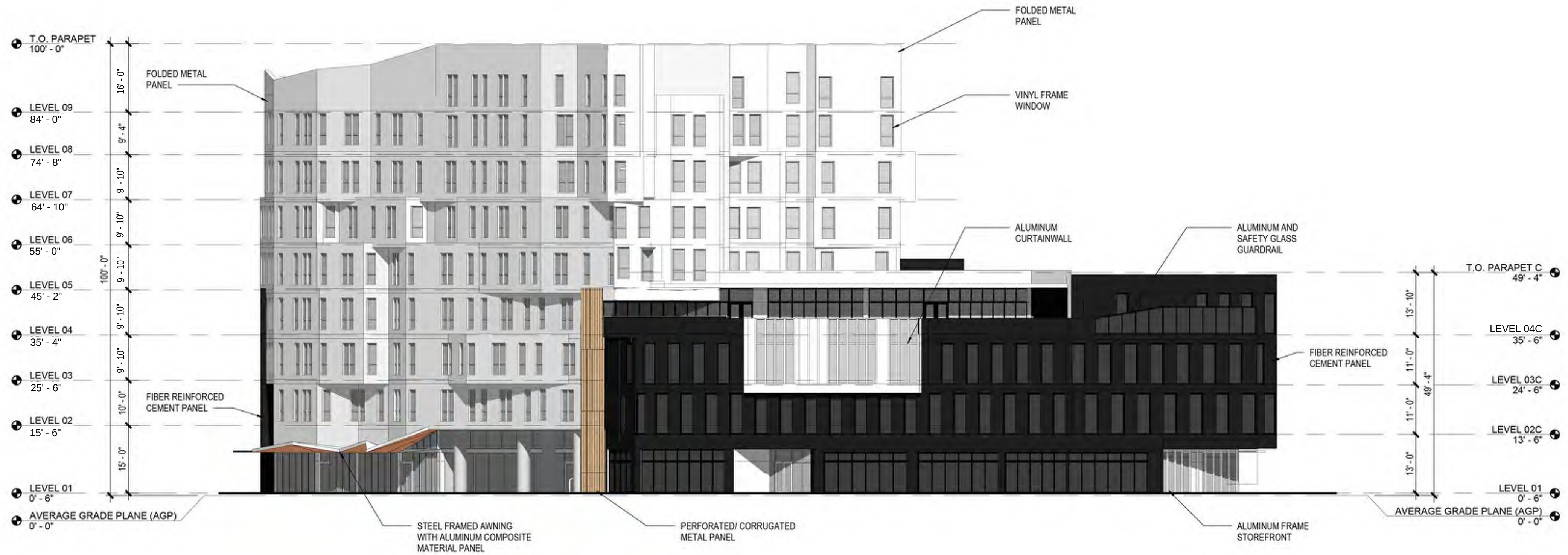
	95	PROPOSED MAJOR CONTOUR
	94	PROPOSED MINOR CONTOUR
	95	EXISTING MAJOR CONTOUR
	94	EXISTING MINOR CONTOUR
		LIMITS OF DISTURBANCE
	X	SEDIMENT FENCE
		HIGH VISIBILITY CONSTRUCTION FENCE
		WATTLES
		INLET / TRENCH DRAIN PROTECTION
		GRAVEL CONSTRUCTION ENTRANCE
		WHEEL WASH
		STOCKPILE
		CONCRETE WASHOUT
		FLOW DIRECTION



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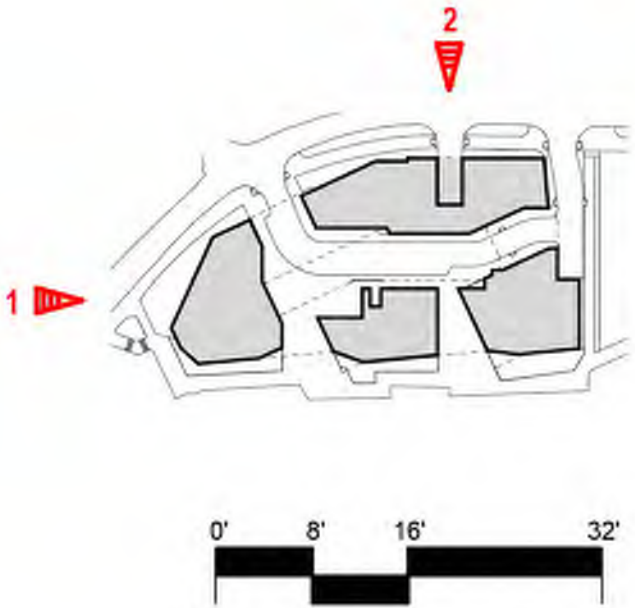
2 EXTERIOR ELEVATION - NORTH
A17 SCALE: 1/16" = 1'-0"



1 EXTERIOR ELEVATION - WEST
A17 SCALE: 1/16" = 1'-0"

EXTERIOR MATERIALS LEGEND

- FOLDED METAL PANEL
- FIBER REINFORCED CEMENT PANEL
- PERFORATED/ CORRUGATED METAL PANEL



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VANCOUVER, WA 98661

EXTERIOR ELEVATIONS

TITLE

DATE DESCRIPTION

REVISIONS

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SD SET

STATUS

MARCH 07, 2022

DATE

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VANCOUVER, WA 98661

EXTERIOR ELEVATIONS

TITLE

#	DATE	DESCRIPTION
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REVISIONS

ST, JG, SE, TJ	ST
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DRAWN BY	CHECK BY
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SD SET

STATUS

MARCH 07, 2022

DATE

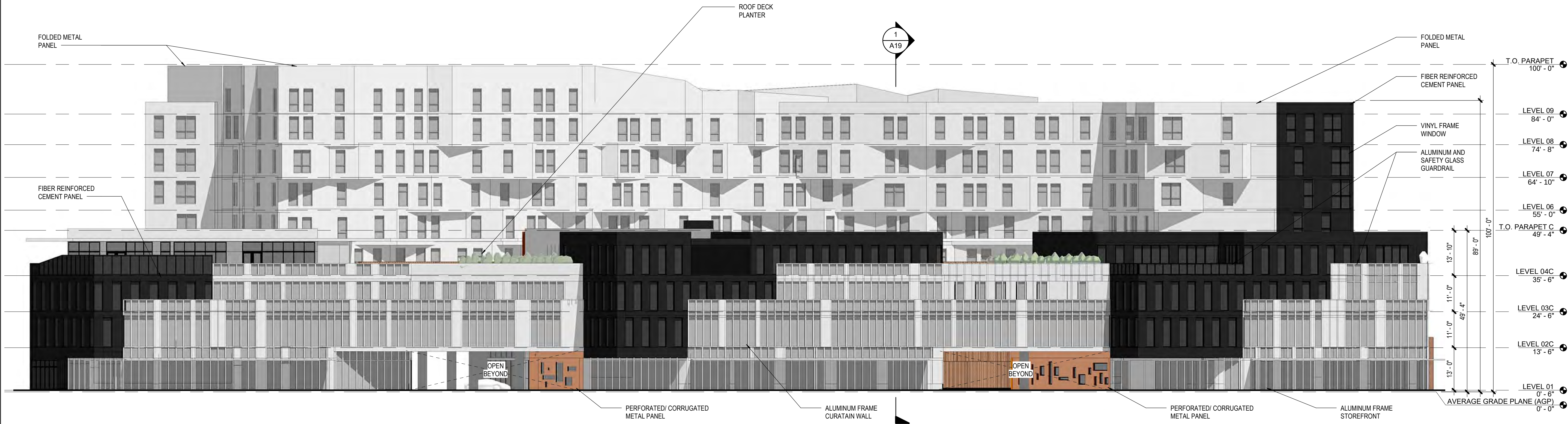
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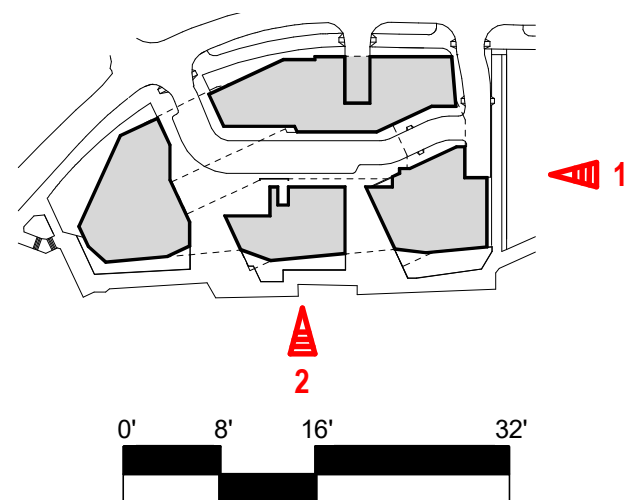
2 EXTERIOR ELEVATION - SOUTH

A18 SCALE: 1/16" = 1'-0"



1 EXTERIOR ELEVATION - EAST

A18 SCALE: 1/16" = 1'-0"



USES OF SPACE

EXHIBIT H

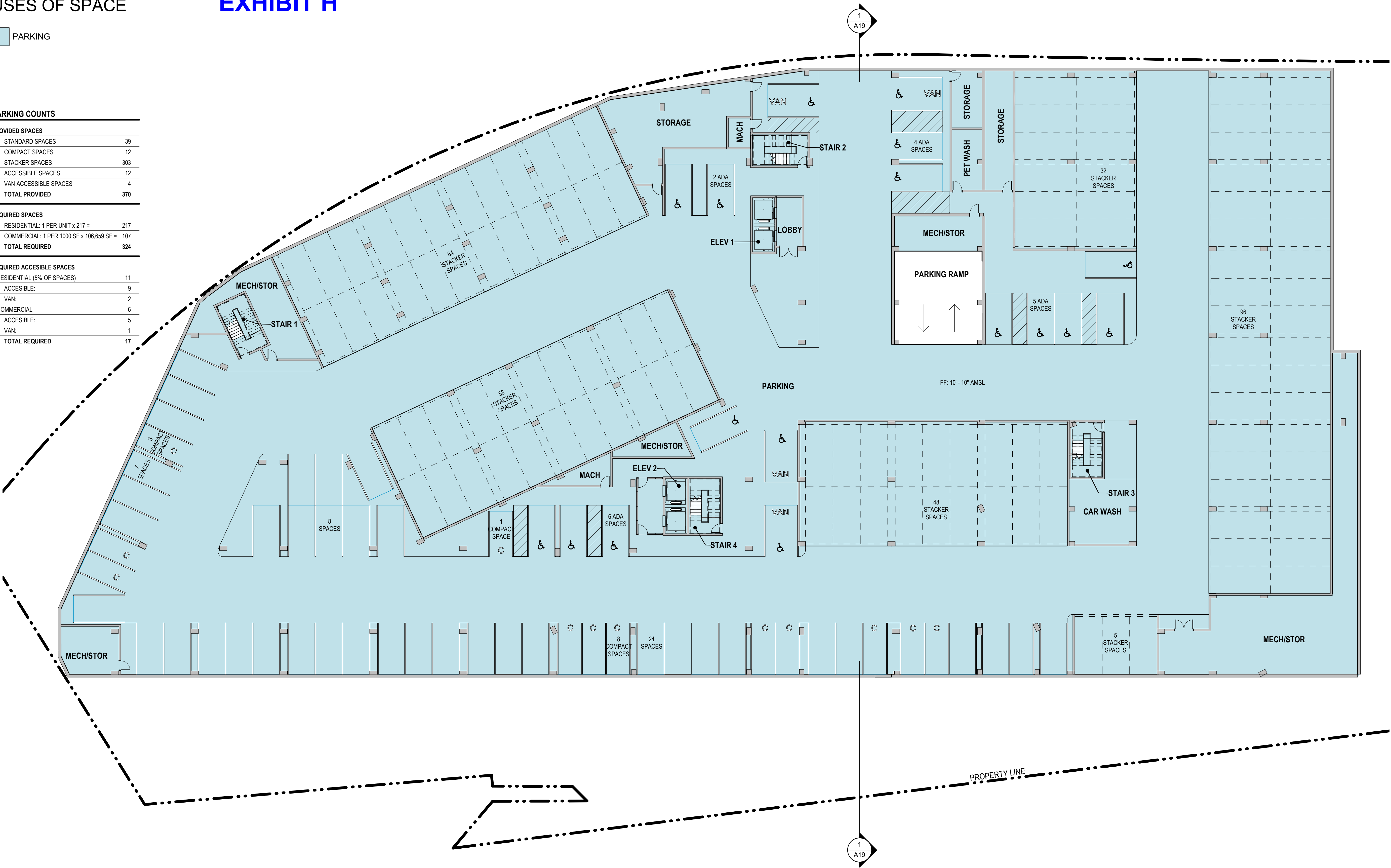
PARKING

PARKING COUNTS

PROVIDED SPACES	
STANDARD SPACES	39
COMPACT SPACES	12
STACKER SPACES	303
ACCESSIBLE SPACES	12
VAN ACCESSIBLE SPACES	4
TOTAL PROVIDED	370

REQUIRED SPACES	
RESIDENTIAL: 1 PER UNIT x 217 =	217
COMMERCIAL: 1 PER 1000 SF x 106,659 SF =	107
TOTAL REQUIRED	324

REQUIRED ACCESSIBLE SPACES	
RESIDENTIAL (6% OF SPACES)	11
ACCESSIBLE:	9
VAN:	2
COMMERCIAL	6
ACCESSIBLE:	5
VAN:	1
TOTAL REQUIRED	17



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LEVEL P1 - FLOOR PLAN

TITLE

DATE DESCRIPTION

REVISIONS

ST, JG, SE, TJ ST

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STATUS

JANUARY 5, 2021

DATE

18923

PROJECT NUMBER

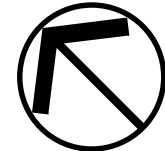
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KIRKLAND RENAISSANCE BOARDWALK

101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661

LEVEL 01 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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REVISIONS

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STATUS

JANUARY 5, 2021

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PROJECT NUMBER

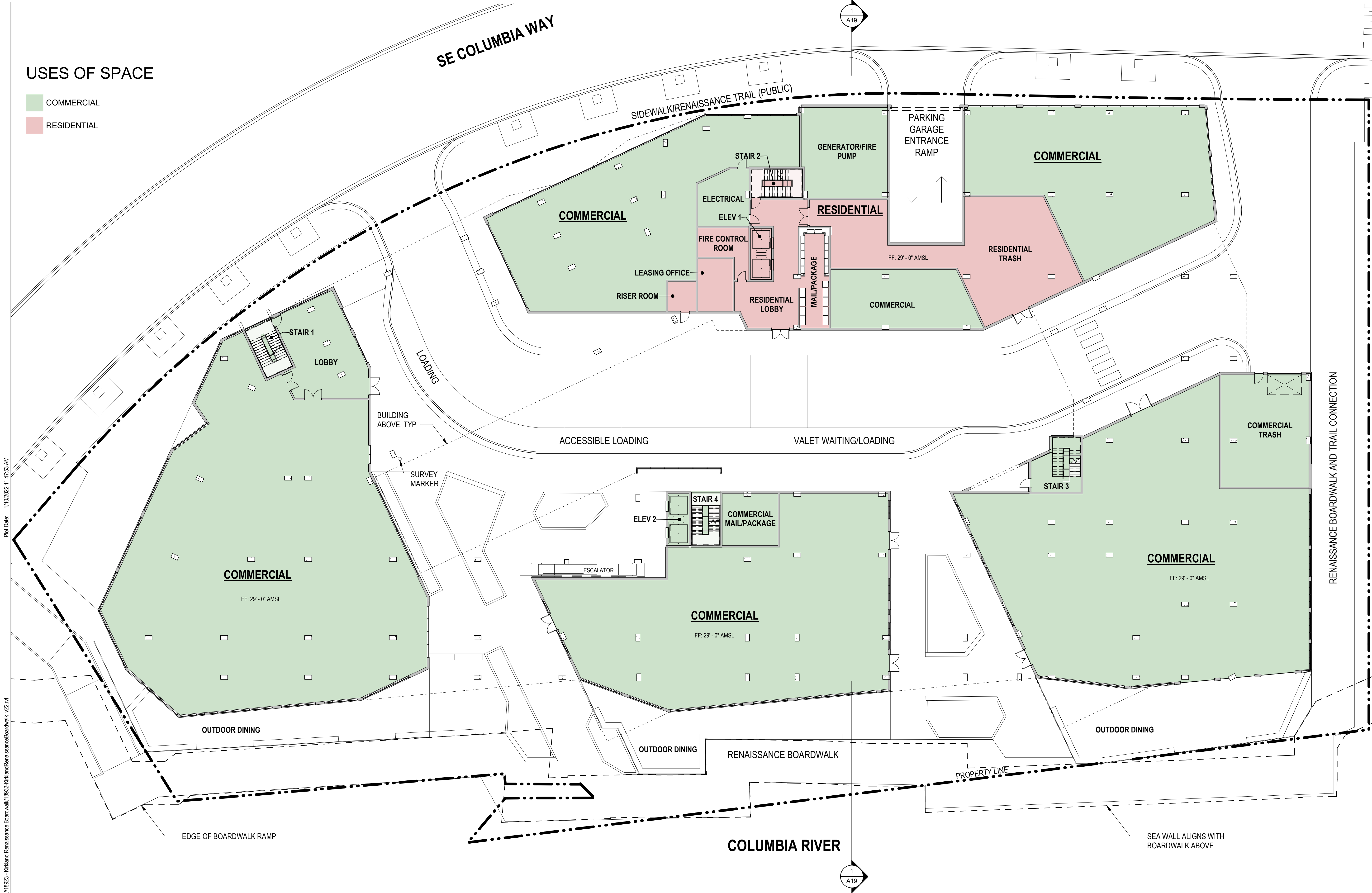
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USES OF SPACE

- COMMERCIAL
- RESIDENTIAL

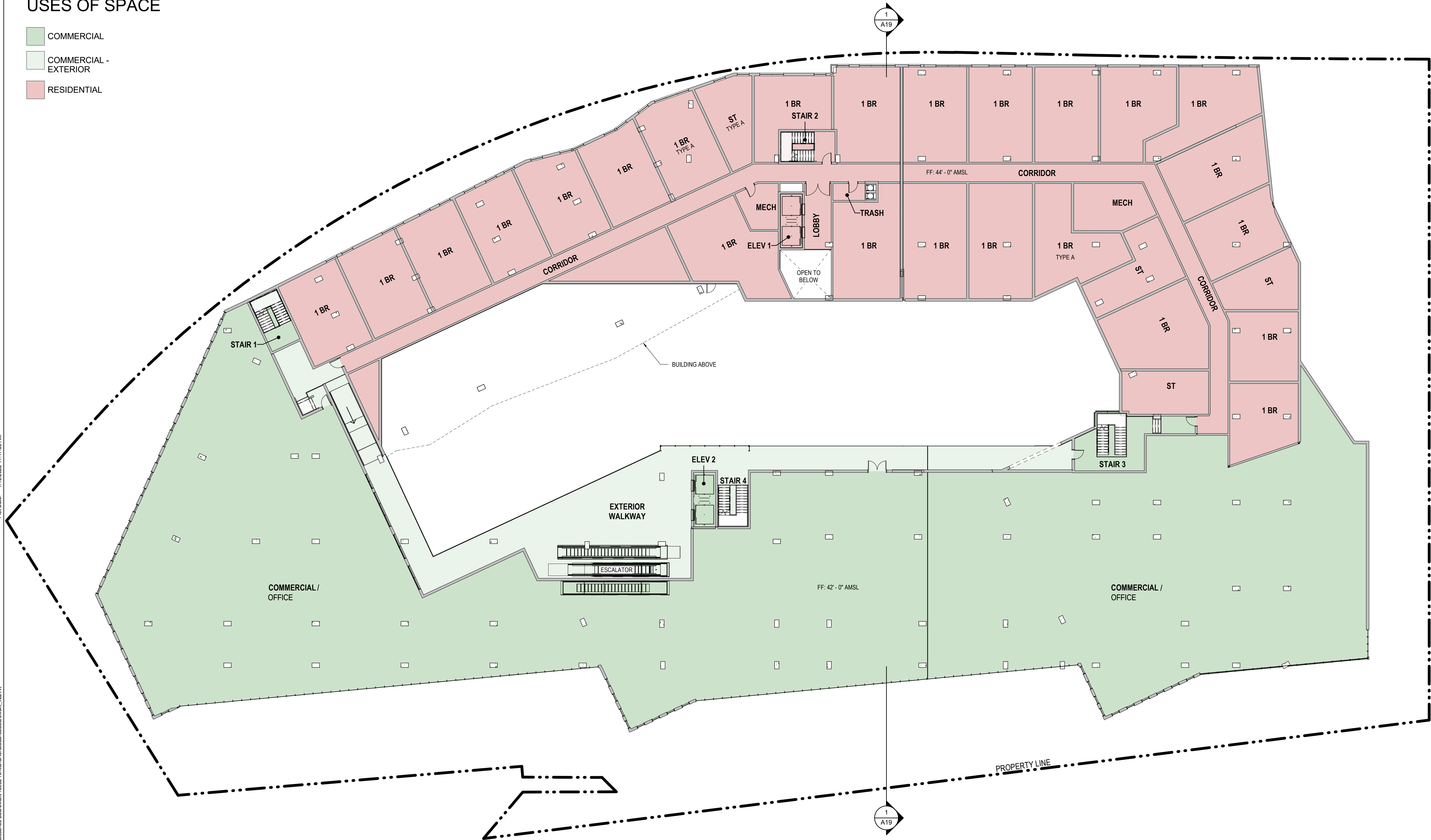


1 FLOOR PLAN - LEVEL 01
A7 SCALE: 1/16" = 1'-0"

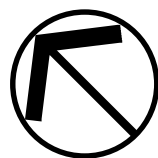
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Plot Date: 1/10/2022 11:47:58 AM

USES OF SPACE

- COMMERCIAL
- COMMERCIAL - EXTERIOR
- RESIDENTIAL



1
A8 FLOOR PLAN - LEVEL 02
SCALE: 1/16" = 1'-0"



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KIRKLAND RENAISSANCE BOARDWALK
101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661
LEVEL 02 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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REVISIONS

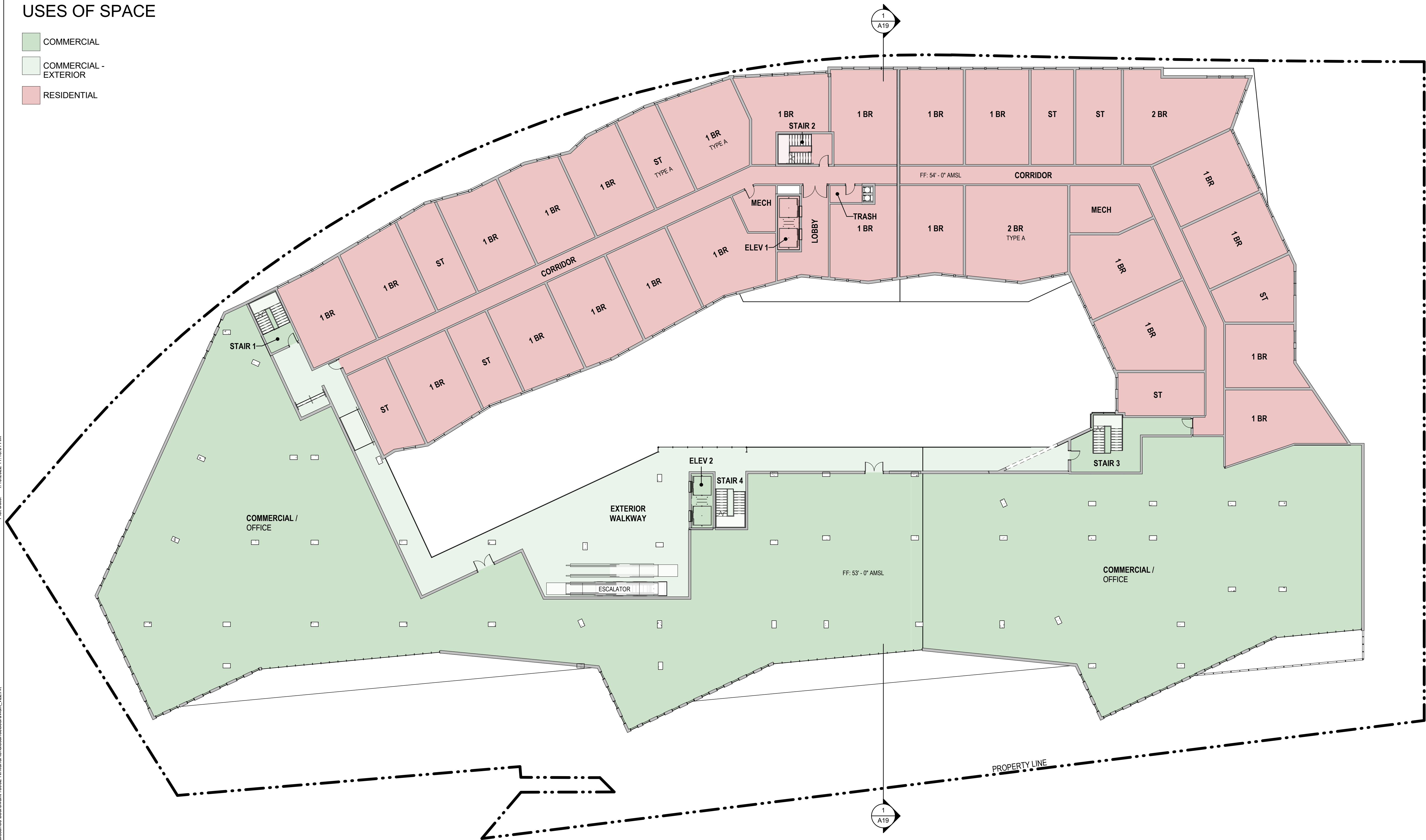
ST, JG, SE, TJ	ST
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STATUS	
JANUARY 5, 2021	
DATE	
18923	
PROJECT NUMBER	

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USES OF SPACE

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- COMMERCIAL - EXTERIOR
- RESIDENTIAL



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VANCOUVER, WA 98661

LEVEL 03 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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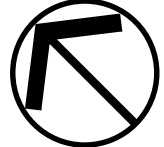
REVISIONS

ST, JG, SE, TJ	ST
DRAWN BY	CHECK BY
LU SUBMITTAL	
STATUS	
JANUARY 5, 2021	
DATE	
18923	
PROJECT NUMBER	

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101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661

LEVEL 04 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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REVISIONS

ST, JG, SE, TJ	ST
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DRAWN BY	CHECK BY
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LU SUBMITTAL

STATUS

JANUARY 5, 2021

DATE

18923

PROJECT NUMBER

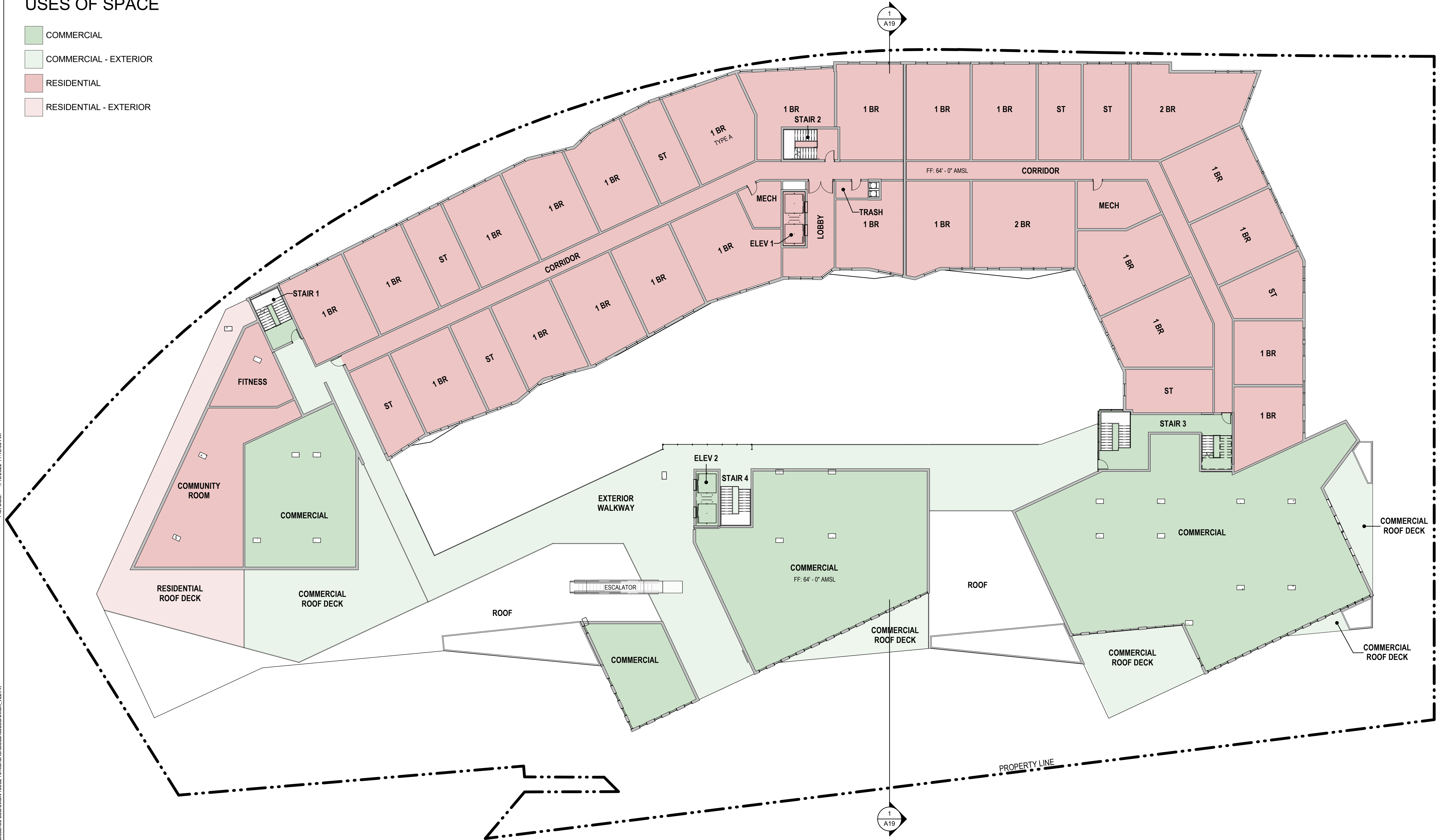
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USES OF SPACE

- COMMERCIAL
- COMMERCIAL - EXTERIOR
- RESIDENTIAL
- RESIDENTIAL - EXTERIOR



Plot Date: 1/10/2022 11:48:05 AM

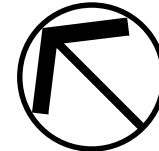
Revit File: Autodesk Docs//18923 - Kirkland Renaissance Boardwalk/18923-KirklandRenaissanceBoardwalk_V2.rvt

1
A10

FLOOR PLAN - LEVEL 04

SCALE: 1/16" = 1'-0"

0' 8' 16' 32'



STAMP

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KIRKLAND RENAISSANCE BOARDWALK

101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661

LEVEL 05 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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REVISIONS

ST, JG, SE, TJ	ST
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STATUS

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DATE

18923

PROJECT NUMBER

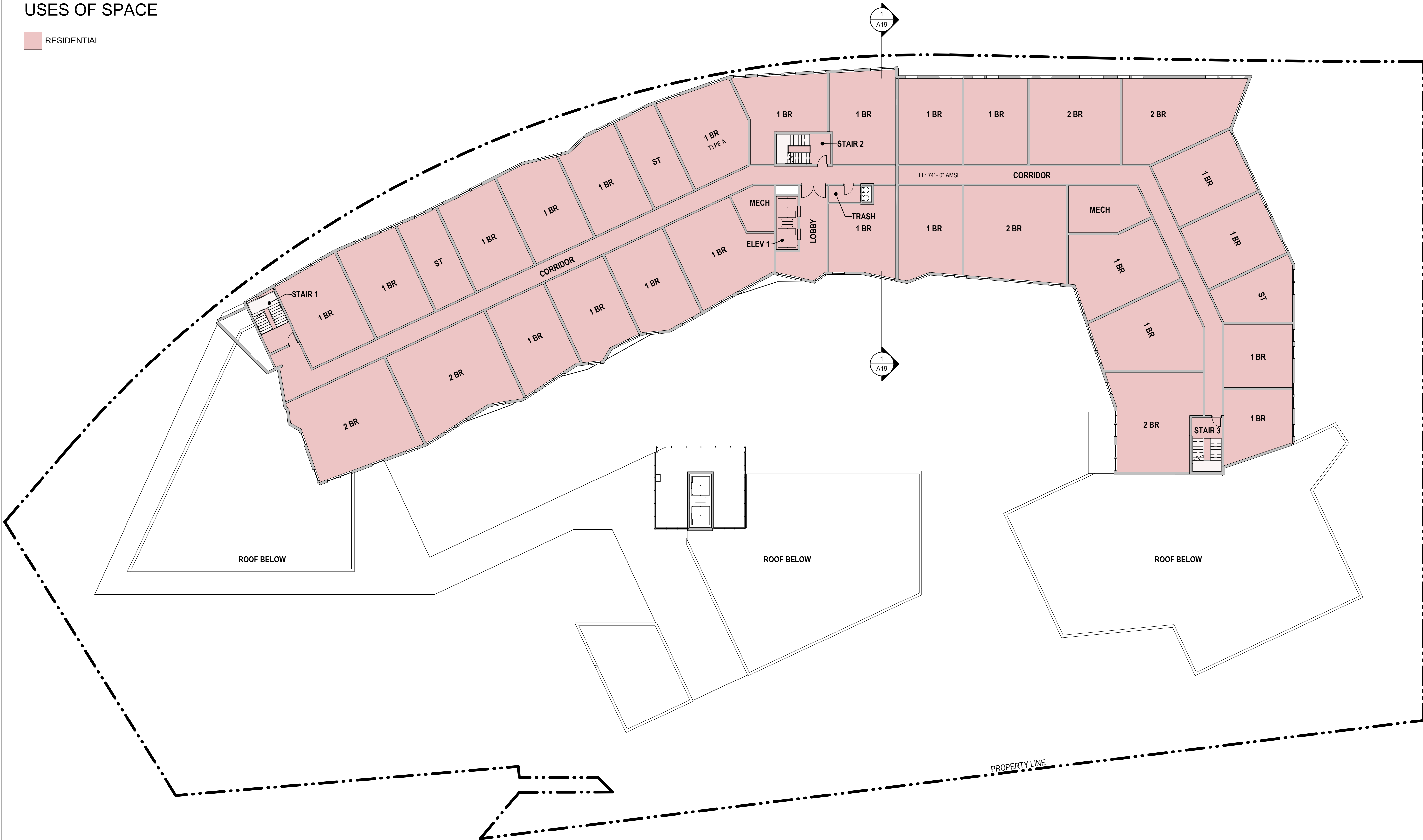
A11

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USES OF SPACE

RESIDENTIAL



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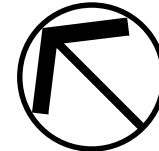
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1
A11

FLOOR PLAN - LEVEL 05

SCALE: 1/16" = 1'-0"

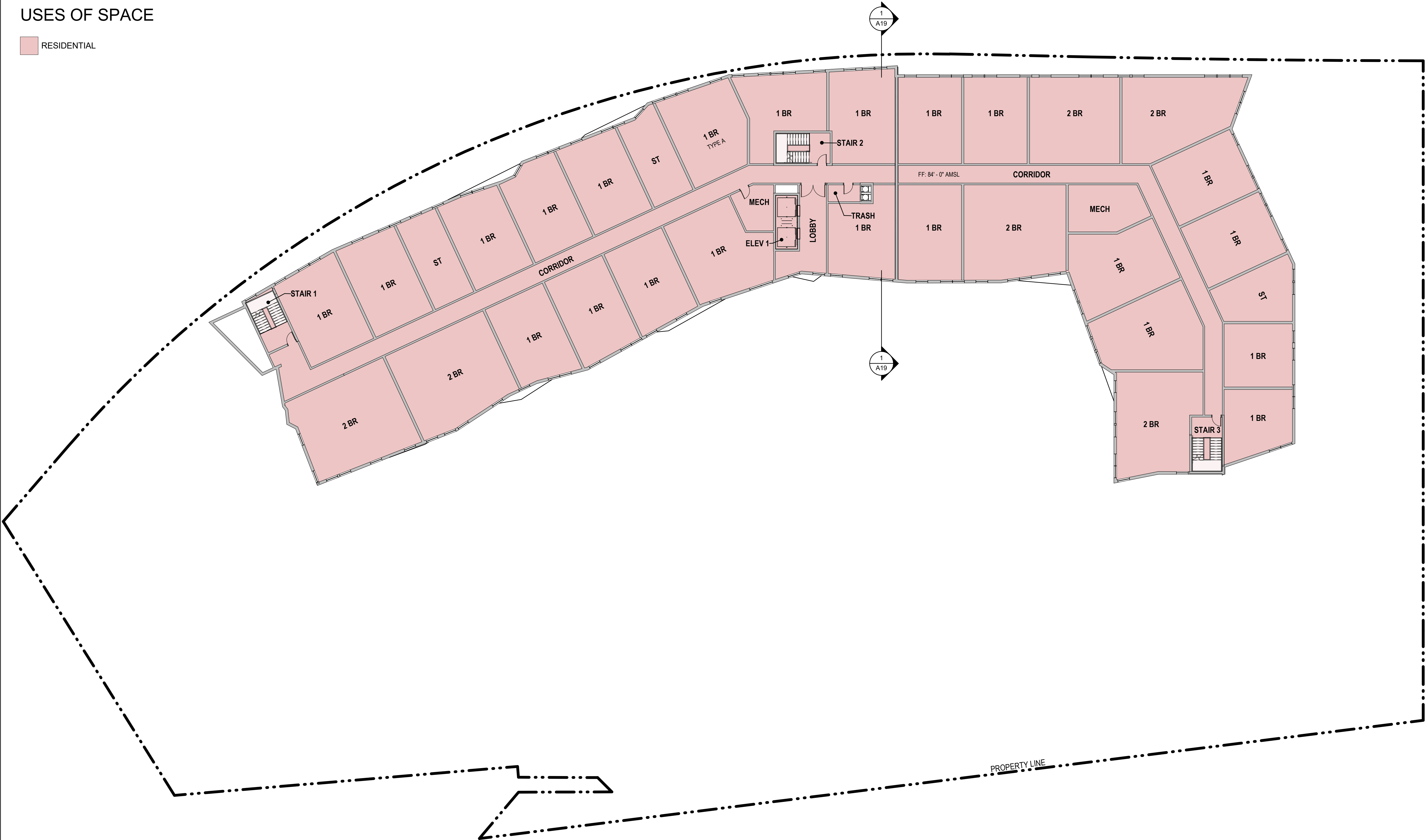
0' 8' 16' 32'



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USES OF SPACE

RESIDENTIAL



1
A12 FLOOR PLAN - LEVEL 06
SCALE: 1/16" = 1'-0"



STAMP

CONSULTANT

KIRKLAND RENAISSANCE BOARDWALK
101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661
LEVEL 06 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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REVISIONS

ST, JG, SE, TJ	ST
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DRAWN BY	CHECK BY
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LU SUBMITTAL

STATUS

JANUARY 5, 2021

DATE

18923

PROJECT NUMBER

A12

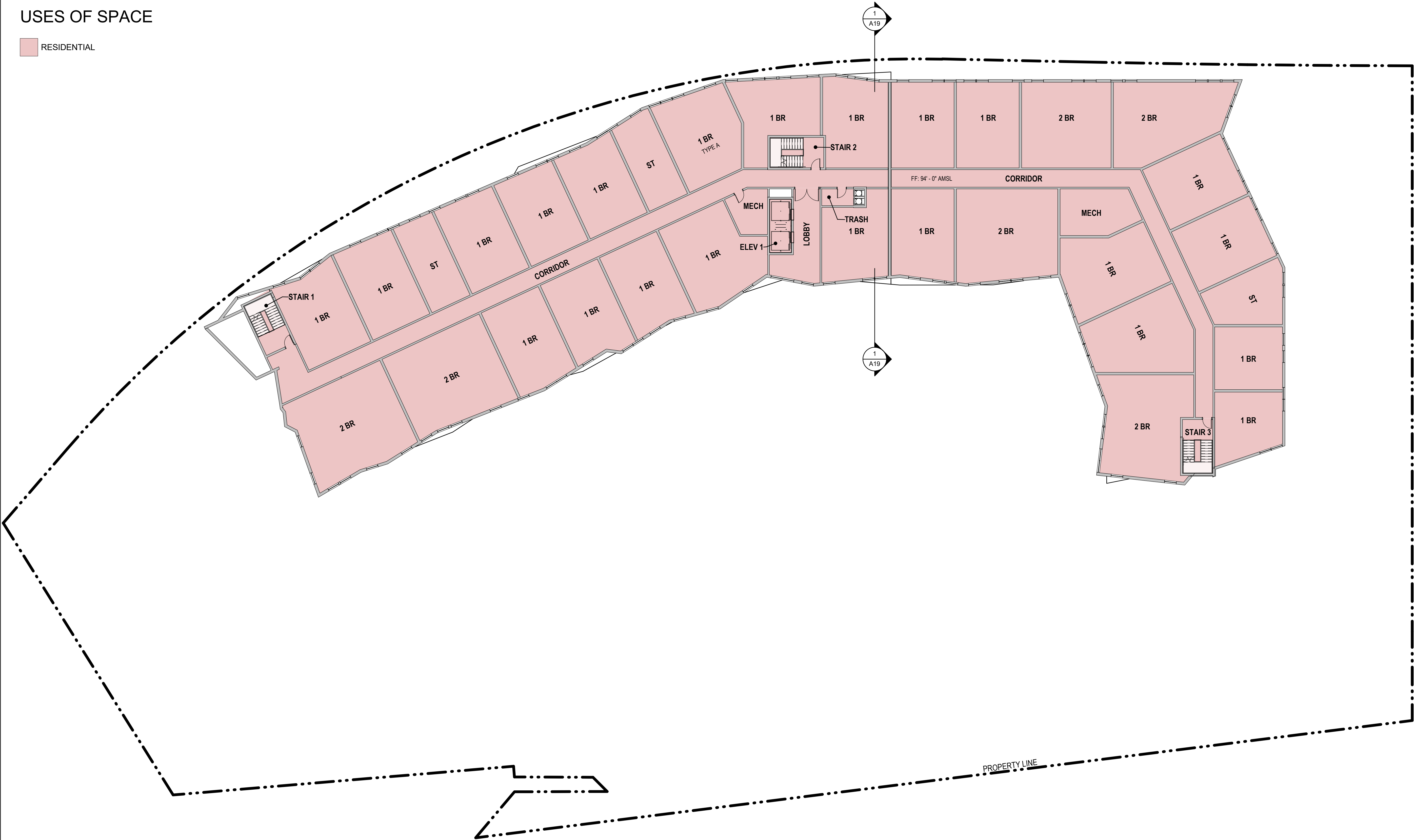
© 2021 OTAK, INC.

If this drawing is not 22" x 34", it has been reduced/enlarged. Scale accordingly.

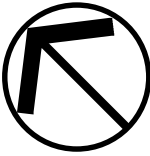
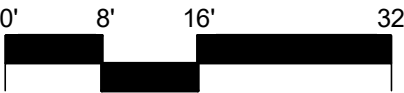
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USES OF SPACE

RESIDENTIAL



1
A13 FLOOR PLAN - LEVEL 07
SCALE: 1/16" = 1'-0"



STAMP

CONSULTANT

KIRKLAND RENAISSANCE BOARDWALK
101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661
LEVEL 07 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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REVISIONS

ST, JG, SE, TJ	ST
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DRAWN BY	CHECK BY
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LU SUBMITTAL

STATUS

JANUARY 5, 2021

DATE

18923

PROJECT NUMBER

A13

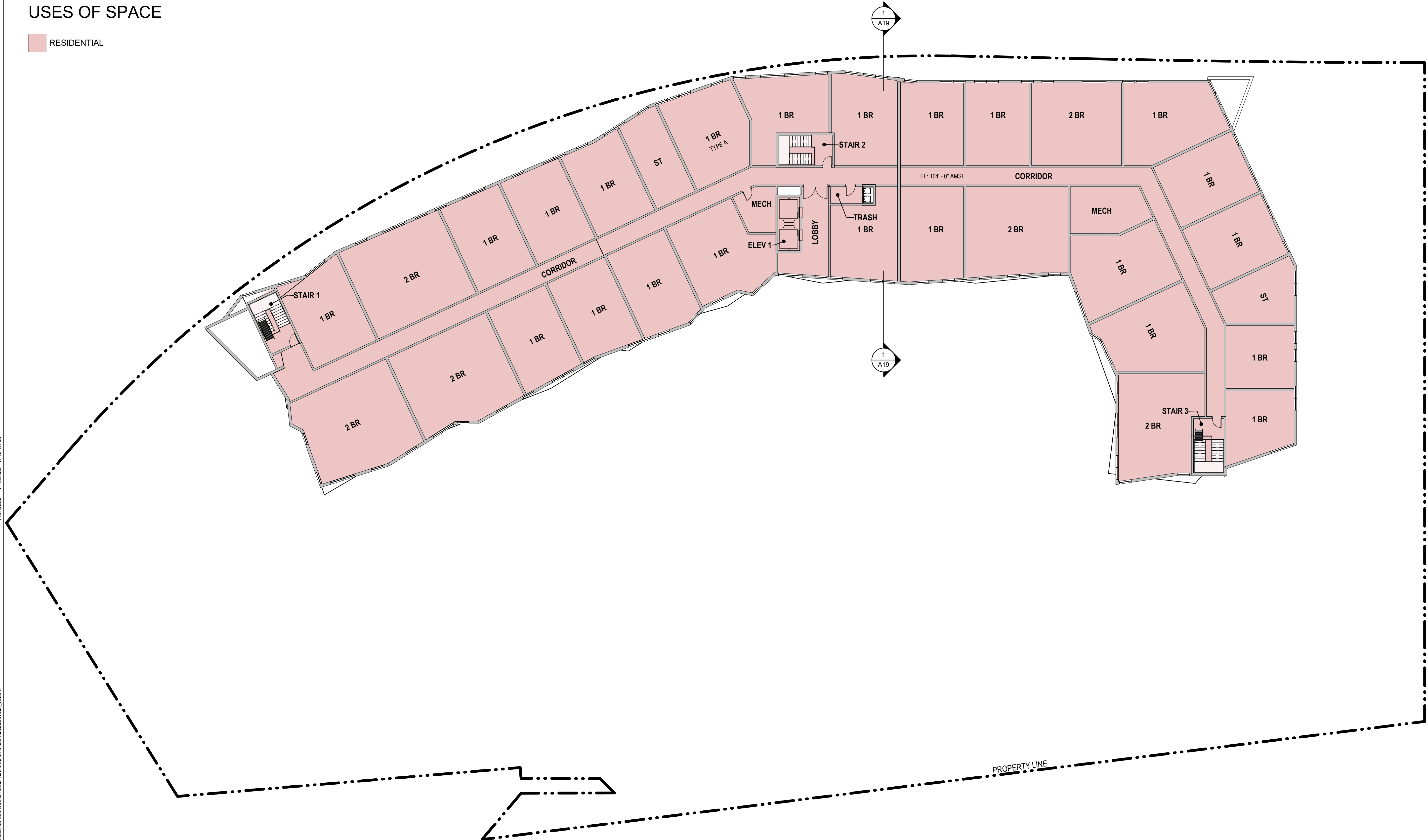
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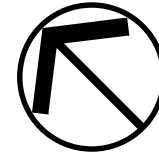
Revit File: AutodesK Docs\18923 - Kirkland Renaissance Boardwalk\18923-KirklandRenaissanceBoardwalk_V2.rvt Plot Date: 1/10/2022 11:45:15 AM

USES OF SPACE

RESIDENTIAL



1 FLOOR PLAN - LEVEL 08
A14 SCALE: 1/16" = 1'-0"



STAMP

CONSULTANT

KIRKLAND RENAISSANCE BOARDWALK
101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661
LEVEL 08 - FLOOR PLAN

TITLE

#	DATE	DESCRIPTION
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REVISIONS

ST, JG, SE, TJ	ST
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DRAWN BY	CHECK BY
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LU SUBMITTAL

STATUS

JANUARY 5, 2021

DATE

18923

PROJECT NUMBER

A14

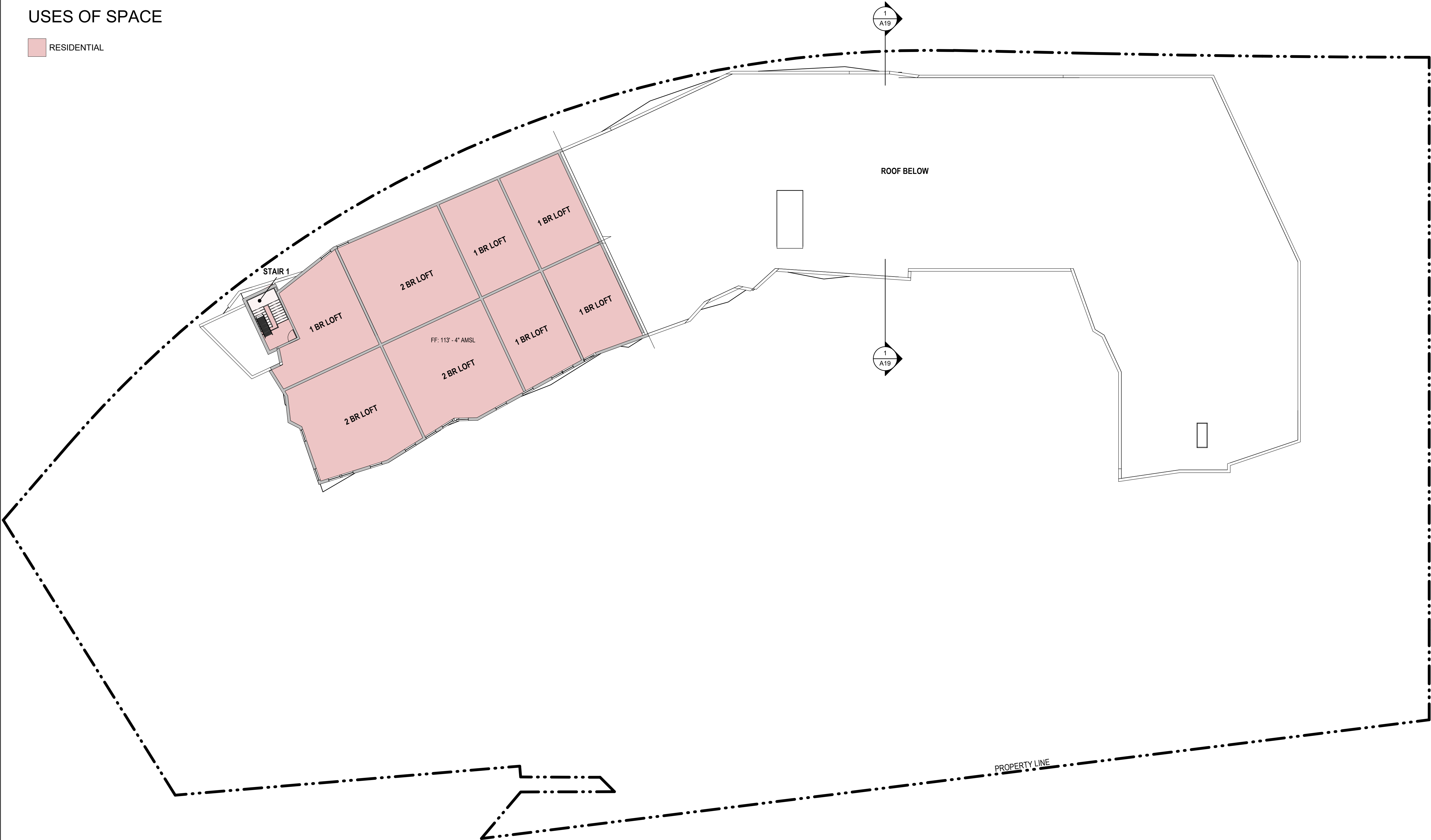
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If this drawing is not 22" x 34", it has been reduced/enlarged. Scale accordingly.

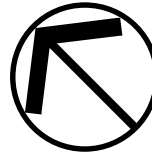
Revit File: AutodesK Docs\18923 - Kirkland Renaissance Boardwalk\18923-KirklandRenaissancelBoardwalk_V22.rvt Plot Date: 1/10/2022 11:48:17 AM

USES OF SPACE

RESIDENTIAL



1 FLOOR PLAN - LEVEL 09
A15 SCALE: 1/16" = 1'-0"



Otak Architects, Inc.
808 SW Third Avenue, Suite 300
Portland, OR 97204
main 503.287.6825
www.otak.com

STAMP

CONSULTANT

KIRKLAND RENAISSANCE BOARDWALK

101 AND 111 SE COLUMBIA WAY
VANCOUVER, WA 98661

LEVEL 09 - FLOOR PLAN

TITLE

DATE DESCRIPTION

REVISIONS

ST, JG, SE, TJ ST

DRAWN BY CHECK BY

LU SUBMITTAL

STATUS

JANUARY 5, 2021

DATE

18923

PROJECT NUMBER

A15

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If this drawing is not 22" x 34", it has been reduced/enlarged. Scale accordingly.

EXHIBIT I

JARPA for DNR

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

December 10, 2021

David Ellis
Principal Investigator
Willamette Cultural Resources Associates, Ltd.
2827 NE Martin Luther King Blvd.
Portland, OR 97212

In future correspondence please refer to:
Project Tracking Code: 2021-11-07615
Property: Kirkland Renaissance Boardwalk Project
Re: Archaeology - Concur with Survey; Follow Monitoring & Inadvertent Discovery Plan

Dear Mr. Ellis:

Thank you for contacting the State Historic Preservation Officer (SHPO) and the Department of Archaeology and Historic Preservation (DAHP) with documentation regarding the above referenced project. In response, we concur with the results and recommendations made in the survey report. Specifically, we agree that the project should move forward following a Monitoring & Inadvertent Discovery Plan (MIDP). The MIDP should outline at what locations and depths the project should be monitored, and when just following an Inadvertent Discovery Plan will be sufficient. The DAHP is specifically concerned about potential early historic features and precontact sites that could be buried beneath or within the fill, so the plan should target the likely depths and locations for such finds.

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving copies of any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

These comments are based on the information available at the time of this review and on behalf of the SHPO pursuant to Washington State law. Please note that should the project scope of work and/or location change significantly, please contact DAHP for further review.

Thank you for the opportunity to review and comment. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is attached to any future communications about this project. Should you have any questions, please feel free to contact me.

Sincerely,

Stephanie Jolivet
Local Governments Archaeologist
(360) 586-3088
Stephanie.Jolivet@dahp.wa.gov





**Washington State
Department of Transportation**

EXHIBIT K

Southwest Region
11018 Northeast 51st Circle
Vancouver, WA 98668-1709
360-905-2000 / Fax 360-905-2222
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 14, 2022

Keith Jones
Senior Planner
City of Vancouver Community Development Dept.
415 West 6th Street
Vancouver, WA 98660

Re: Kirkland Renaissance Boardwalk—SEPA DNS (File No. PRJ-163131/LUP-82094)
Interstate 5 MP 0.25 Vicinity

Dear Mr. Jones:

Washington State Department of Transportation (WSDOT) staff have reviewed the application materials submitted for the Kirkland Renaissance Boardwalk proposal. Approval of subsequent permits will result in the construction of a nine-story mixed-use building adjacent to the I-5 Interstate Bridge. WSDOT would like to address our concerns and offer the following comments.

A 40-foot-wide storm sewer easement associated with Interstate 5 runs along the western extent of the site, as identified on Sheet C-01 of the plans submitted with the application. The proposed building shall not encumber this easement in any way, including any overhangs on upper stories.

Due to the proximity of this proposal to Interstate 5, WSDOT will require that lighting installed by the applicant must be of an appropriate wattage and be shielded and/or directed in accordance with RCW 47.36.180 to avoid any glare to the motorists on the freeway.

Thank you for the opportunity to comment on the above referenced project. If you have any questions or need additional information, please contact me at BassD@wsdot.wa.gov or at 360-831-5829.

Sincerely,

Dylan Bass
Development Review Planner
WSDOT Southwest Region

Cc: Laurie Lebowsky-Young
Casey Liles

EXHIBIT L



Aviation Division
7702 Terminal St SW
Tumwater, WA 98501
360-709-8015 / FAX: 360-709-8009
Toll Free: 1-800-552-0666
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 9, 2022

Community & Economic Development
CITY OF VANCOUVER, WASHINGTON
P.O. Box 1995
Vancouver, WA 98668

RE: Kirkland Renaissance Boardwalk PRJ-163131/LUP-82094

Dear Mr. Keith Jones,

Thank you for the opportunity to provide comment regarding the Kirkland Renaissance Boardwalk PRJ-163131/LUP-82094 Mixed-Use Development near Pearson Field. As stated in the Washington State Department of Transportation (WSDOT) Aviation Division letter dated November 16, 2021, WSDOT is concerned that the proposed development and construction, would allow for incompatible development adjacent to Pearson Field.

WSDOT's Airport Land Use Compatibility Program addresses elements of safety, airspace hazards, noise and land use in relation to public use airports. WSDOT is concerned with the safety and compatibility of placing incompatible development into Zone 2 (see attachment A) near the west end of Runway 8. The WSDOT Airports and Compatible Land Use Guide strongly recommends that any Mixed-Use Developments should be "Prohibited" in Zone 2. This is due to the mass congregation of people. Zone 2 represents the area where the risk of aircraft accidents is the greatest.

WSDOT Aviation appreciates the opportunity to offer our written comments and are available for any questions or concerns you may have. Please don't hesitate to contact me at 360-529-6548 or macartj@wsdot.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'John P. MacArthur', written over a light blue horizontal line.

John P. MacArthur
Aviation Land Use Planner

Enclosed:
WSDOT Letter, dated November 16, 2021
Pearson Field Attachment A



Aviation Division
7702 Terminal St SW
Tumwater, WA 98501
360-709-8015 / FAX: 360-709-8009
Toll Free: 1-800-552-0666
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 16, 2021

Community & Economic Development
CITY OF VANCOUVER, WASHINGTON
P.O. Box 1995
Vancouver, WA 98668

RE: Kirkland Renaissance Boardwalk Mixed-Use Development PIR-81864

Dear Mr. Person,

Thank you for the opportunity to provide comment regarding the Kirkland Renaissance Boardwalk Mixed-Use Development near Pearson Field. Washington State Department of Transportation (WSDOT) is concerned that the proposed development and construction, if approved in its current form, would allow for incompatible development adjacent to Pearson Field.

WSDOT's Airport Land Use Compatibility Program addresses elements of safety, airspace hazards, noise and land use in relation to public use airports. WSDOT is concerned with the safety and compatibility of placing incompatible development into Zone 2 (see attachment A) near the west end of Runway 8. The WSDOT Airports and Compatible Land Use Guide strongly recommends that any Mixed-Use Developments should be "Prohibited" in Zone 2. This is due to the mass congregation of people. Zone 2 represents the area where the risk of aircraft accidents is the greatest. On departure, aircraft are typically at full power in the initial phase of climb. On approach, the aircraft are at low altitude as they prepare for landing. Both operations are critical phases of flight, and the development poses a potential safety risk to residents in the flight path.

Given the very close proximity of this development to the approach to Runway 8, this building has the potential to impact the FAR Part 77 Airspace. WSDOT strongly recommends that the developer submit an FAA Form 7460-1 for an airspace analysis.

Additionally, there is growing environmental concern among populations living near airports over the noise and the associated air quality stemming from aviation operations. Hence, we ask that you also take this into consideration in planning to development the area.

The Growth Management Act (GMA) recognizes public use general aviation airports as essential public facilities and requires cities and counties to **discourage** incompatible land uses adjacent to them through their comprehensive plan policies and development regulations (RCW 36.70.547 and RCW 36.70A.200). The encroachment of incompatible land uses upon Washington state

airports significantly diminishes their ability to function as essential public facilities and often leads to operational impacts and closures.

WSDOT Aviation appreciates the opportunity to offer our written comments and are available for any questions or concerns you may have. Please don't hesitate to contact me at 360-890-5258 or max.platts@wsdot.wa.gov.

Sincerely,

T.S. "Max" Platts
Aviation Land Use Planner

Enclosed: Pearson Field Attachment A





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office

PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

EXHIBIT M

November 14, 2022

Keith Jones, Senior Planner
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668

Dear Keith Jones:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Kirkland Renaissance Boardwalk Project (PRJ-163131/LUP-82094) located at 111 Southeast Columbia Way as proposed by Kirkland Development LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

The applicant proposes to demolish an existing structure(s). In addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present are removed prior to demolition. It is important that these materials and wastes are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials. Please review the "Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes," on Ecology's website at: [Construction & Demolition Guidance](#). All removed debris resulting from this project must be disposed of at an approved site. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. Contact the local jurisdictional health department for proper management of these materials.

WATER QUALITY/WATERSHED RESOURCES UNIT:

Brian Johnson (360) 624-5741

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application>. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Keith Jones
November 14, 2022
Page 3

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202205143)

cc: Derek Rockett, SWM
Brian Johnson, WQ

KIRKLAND RENAISSANCE BOARDWALK

SCHEMATIC FOUNDATION NARRATIVE

MARCH 04, 2022

Introduction

The purpose of this narrative is to provide input on a preliminary conceptual level design of the foundation system for the new Kirkland Renaissance Boardwalk development on the waterfront in Vancouver, Washington, and to help clarify the foundation system as it relates to the existing seawall.

The proposed mixed-use development for the Kirkland Renaissance Boardwalk on the waterfront in Vancouver WA, will be a complex comprised of three separate concrete structures featuring three to four stories of retail buildings and a one-story retail building supporting a residential tower above. The complex will also be featuring a one level below ground parking under the entire lot servicing all occupants above and will be adjacent to the Seawall along the south property line.

Foundation System Description

The main structural system for the structures will consist of two distinct materials. The apartment building will be a 7-story structure conventionally framed with light metal gage construction supported by a one-story concrete podium structure. The retail buildings will be constructed with post-tensioned concrete slabs spanning between concrete columns and walls. Per the geotechnical report recommendations that was prepared by PBS, dated December 10, 2021, for Kirkland Development, the superstructure can be founded on a shallow foundation such as thick mat foundation over dense soil.

Due to the basement depth, high ground water table, proximity to the river, and the existing seawall, the substructure will be a fully tanked system designed to resist hydrostatic pressure accommodating the 100-year flood event. The perimeter of the basement will be reinforced concrete walls designed to resist static and transient loading due to soil equivalent fluid pressure. The mat foundation will be designed to resist all imposed forces due to uplift hydrostatic pressure, lateral earth pressure, seismic lateral forces by utilizing soil friction, passive pressure, and soil anchors embedded into the dense soil to limit lateral movement as not to impose new or additional pressure on the existing seawall. See figures 1 and 2.

The boardwalk framing system will consist of cast-in-place or precast/hollow core concrete planks supported by reinforced concrete beams and girders. The concrete beams will be supported by steel micro-piles extending to a depth below the bottom of the seawall. The boardwalk deck along with the micro-piles will be tied laterally to the new basement structure to limit lateral movement. Additionally, there will be a gap between the bottom of the boardwalk structure and the top of the existing seawall to allow for vertical deflection without loading the seawall. See figures 1 and 2.

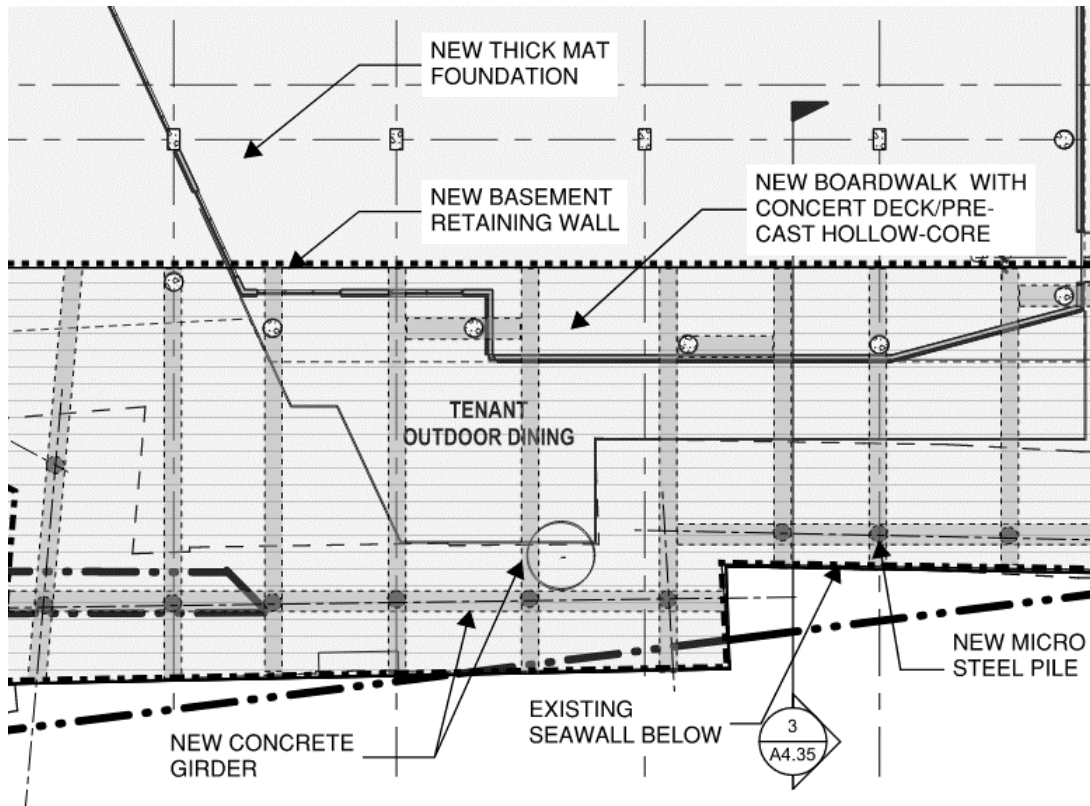


Figure 1- Basement and Boardwalk Typical Foundation Framing Plan

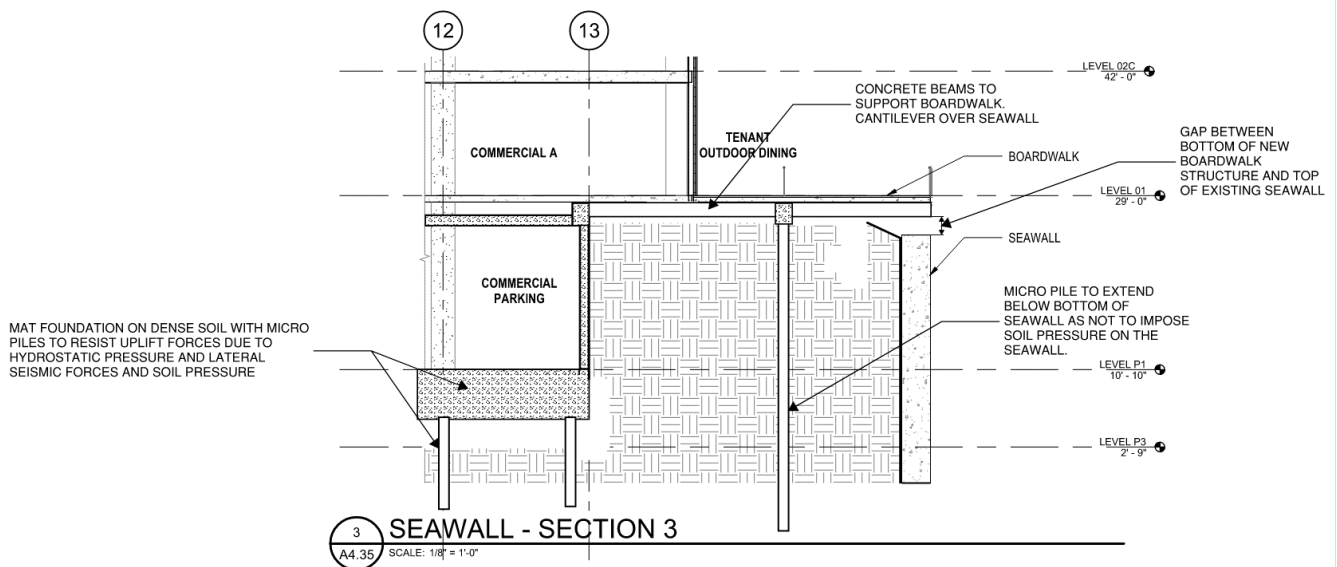


Figure 2- Basement and Boardwalk Typical Foundation Framing section



March 4, 2022

Kirkland Development, LLC
2370 E 3rd Loop, Suite 100
Vancouver, Washington 98661

Regarding: City of Vancouver Planning Department Comment Response
Kirkland Renaissance Boardwalk
111 SE Columbia Way
Vancouver, Washington
PBS Project PR73514.000

The following is in response to completeness comments received from the City of Vancouver Planning Department (City). The City comment is included below in bold italics followed by PBS' response.

The geotechnical report must directly discuss the stability of the seawall and directly address the construction technique and shoring method and how the seawall will be protected and not impacted during construction.

Construction of the new development is intended to avoid impact to the existing seawall. The new building will be founded at a depth and distance from the estimated base of the existing seawall to avoid any influence of vertical foundation loads on the seawall.

In general, construction of the new building will reduce the static and seismic loading on the existing seawall. For static conditions, the pressures on the existing seawall will be reduced by removing some of the overlying soil (surcharge) behind the wall that currently exerts additional pressure along the back of the wall. For seismic conditions, the presence of the new basement will reduce the size of the wedge of soil associated with the seismic surcharge, thus reducing the seismic loading on the existing seawall.

The design of the shoring will be determined by the contractor as part of their means and methods. However, the shoring will need to incorporate low-vibration methods, such as drilled, rather than driven, elements. The shoring could be designed to cantilever the full depth of excavation or could derive lateral resistance from bracing or struts installed inside the excavation. Due to the location of the shoring in relation to the existing seawall, the use of tieback anchors may not be feasible, unless they are steeply inclined.

We trust this letter meets your current needs. If you have any questions or wish to further discuss our observations, conclusions, and recommendations, please contact me at ryan.white@pbsusa.com or 503.539.5028.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan White".

Ryan White, PE, GE
Principal Geotechnical Engineer

RW:rg

EXHIBIT P

Transportation Impact Study

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

EXHIBIT Q

Critical Areas Report

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

EXHIBIT R

Hydraulic Report

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

EXHIBIT S

Geotech Report

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

Water Utility Tiered Rates Workshop



Lon Pluckhahn, Deputy City Manager
Chris Malone, Finance and Asset Manager
April 17, 2023

Presentation Overview

- Water resiliency strategy recap
- What are tiered rates
- Tiered rates versus affordability versus low-income assistance
- Tiered rates pros/cons
- Tiered rate alternatives
- Impact on utility bills
- Low-income assistance alternatives
- Council questions/feedback
 - Tiered rate policy guidance



Using an integrated water approach, we protect our community, environment and infrastructure better.

Wastewater:

We collect and treat wastewater from residential, commercial, and industrial users so that clean water can be reintroduced to the environment.

6.9 billion gallons of treated wastewater
2 treatment facilities
785 miles of wastewater pipe
41 pump stations



Integrated Water Management



Stormwater:

We manage systems that control stormwater including flood control as well as provides solutions to restore area streams and the environment.

300+ miles of stormwater pipe
24,000+ catch basins
5,752 infiltration wells
2,800 treatment facilities
19% tree canopy

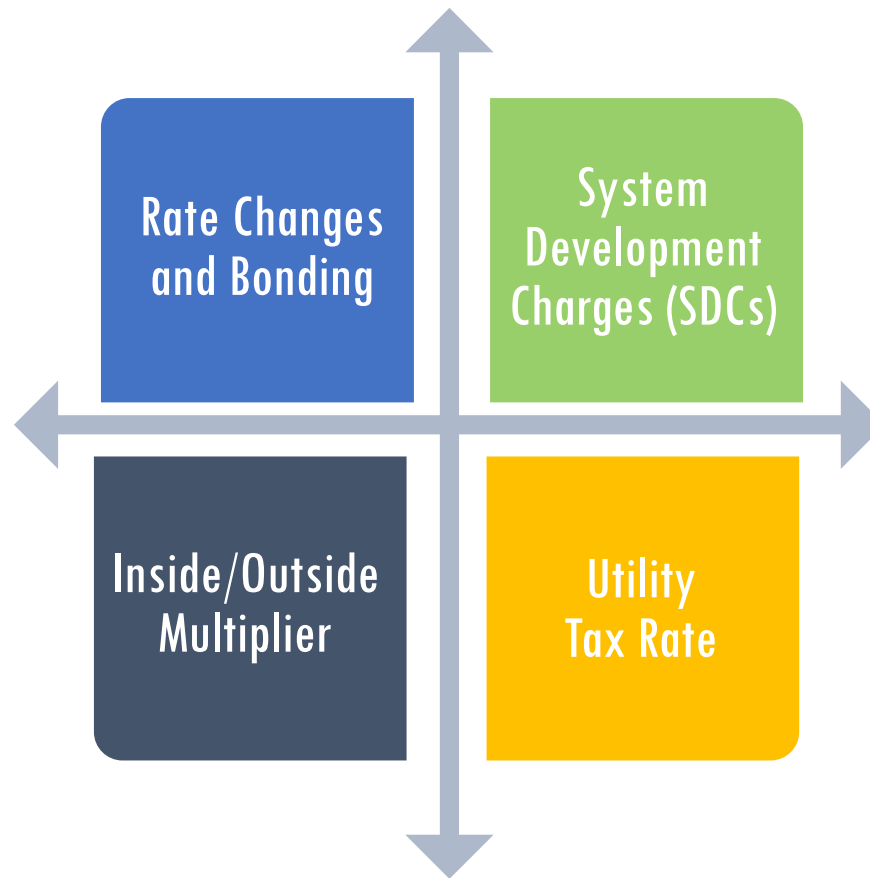


Drinking Water:

We provide high-quality and reliable drinking water and protect groundwater / aquifer water quality.

10.3 billion gallons of drinking water
11 water stations
1,090 miles of water pipe

Financial Levers



What are Tiered Rates

- Example for residential usage – water only:

Volume Rate per ccf	Inside City
Block 1 (0 – 11 ccf Bimonthly)	\$2.38
Block 2 (11 – 22 ccf Bimonthly)	\$3.57
Block 3 (> 22 ccf Bimonthly)	\$4.76

- 2023 current water rates = \$10.54 base charge + \$2.98/CCF usage charge (regardless of usage)
- 1 CCF = hundred cubic feet = 748 gallons of water usage

Tiered Rates versus Affordability versus Low-Income Assistance

- Vancouver's utility rates are considered "affordable" using these metrics:

Vancouver metrics (2022 rates)	
Water/Sewer Bill as a Percent of MHI (Target: $\leq 4.5\%$)	1.5%
MHI = Median Household Income	
Vancouver metrics (2022 rates)	
Hours at Minimum Wage to Pay Water/Sewer Bill (Target: ≤ 8.0)	3.7
Vancouver metrics (2022 rates)	
Bill as Percent of Net Disposable Income (Target: $\leq 10.0\%$)	5.8%



Help To Others (H2O) Assistance Program

www.cityofvancouver.us/publicworks/page/h20-help-others.com

Tiered Rate Advantages/Disadvantages

Advantages	Disadvantages
● Encourages water conservation which helps protect water resources and reduces variable operating costs (i.e. energy usage from pumping). ● May enable the delay of capital investments and water rights acquisition due to reduced consumption. ● Would result in a more affordable water bill for low water users	● Shifts cost recovery to more volatile usage, reducing revenue stability ● May lead to near-term rate increases if customers reduce water use ● Requires time, money, and resources to implement changes. ● More complex to administer, especially for customers other than single-family users ● Would result in a less affordable water bill for low-income customers that are not low water users (<u>e.g.</u> large families or customers with aging fixtures)

Tiered Rate Alternatives

Options:

- How many blocks to use (consultant recommends 3)
- Apply to all customers or just to single family (consultant recommends single-family only)
- Apply year-round or Summer only (consultant recommends year-round)

Industry practices:

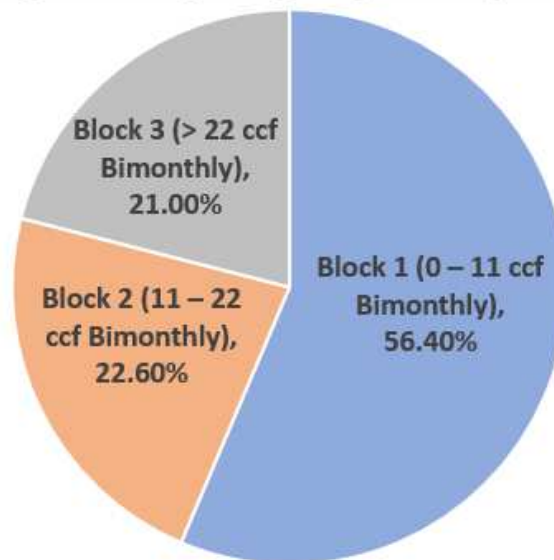
- Encouraged by the Washington State Department of Health to promote conservation
- Majority of larger water utilities in Washington State implement some form of tiered rate structure
 - Examples include: Seattle, Tacoma, Spokane, CPU, Washougal, Battle Ground
- Of those with tiered rates there is a lot of variance about number of blocks, who it applies to and if it is year-round or not

Tiered Rate Analysis

Summary of Single-Family Usage (2019-2021)

	Average
Winter-Average Bimonthly Demand	11.0 ccf
Summer-Average Bimonthly Demand	22.3 ccf

Average single-family usage by block (2019-2021)



Tiered Rate Proposal

- Example for residential usage – water only:

Volume Rate per ccf	Inside City
Block 1 (0 – 11 ccf Bimonthly)	\$2.38
Block 2 (11 – 22 ccf Bimonthly)	\$3.57
Block 3 (> 22 ccf Bimonthly)	\$4.76

- 2023 current water rates = \$10.54 base charge + \$2.98/CCF usage charge (regardless of usage)
- 1 CCF = hundred cubic feet = 748 gallons of water usage

Tiered Rates Impact to Utility Bills

Utility	Current 2023 Rates at 16 CCF for 2 months*	Tier #1 2023 Rates at 11 CCF for 2 months*
Water	\$10.54 base charge + (\$2.98*16CCF)= <u>\$58.22</u>	\$10.54 base charge + (\$2.38*11CCF)= <u>\$36.72</u>

*for a typical single-family residence within the City limits.

Low Income Assistance Alternatives

- ❖ Currently the City implements Help2Others program
 - Started in 2012
 - Assisted almost 1,700 customers
 - Total aid to date is approximately \$265,000
 - For more information: <https://www.cityofvancouver.us/publicworks/page/h2o-help-others>



Help To Others (H2O) Assistance Program

- ❖ American Rescue Plan and Cares Act funding helped offset COVID impacts to low-income rate payers
- ❖ Other options (both options require recouping lost revenue):
 - Create a separate rate class specifically for low-income customers
 - Policy based discounts (voucher, refunds, etc)

Discussion

Policy guidance on:

- Tiered rate proposal





Staff Report: 057-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 4/17/2023

SUBJECT 2022 Resurfacing Project - construction acceptance and release of retainage

Key Points

- The City maintains approximately 1,900 lane miles of streets in its system.
- The City's annual resurfacing and preventive maintenance contracts are the primary way that our streets get curb-to-curb rehabilitation work completed.
- Lakeside Industries, Inc., of Vancouver, Washington was awarded the contract for the 2022 Resurfacing Project in May 2022, began work in mid-August 2022, and was physically complete in February 2023.
- The project had a 5% apprenticeship goal, which the contractor exceeded.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained

Present Situation

This project rehabilitated streets in the Lincoln, Rose Village, Fourth Plain Village, Oakbrook and Marrion Neighborhoods. It also included paving sections of SE Ellsworth Ave, Evergreen Hwy and part of SE 172nd Ave. The work involved approximately 15.4 lane miles of asphalt concrete pavement and 18,300 tons of asphalt concrete mix.

Lakeside Industries, Inc., of Vancouver, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original contract bid amount was \$3,388,883.00. The final construction cost was \$3,178,368.70, a decrease of approximately 6% from original bid amount. This decrease can be attributed to minor variations in bid item quantities as well as the deletion of additive C. The contract was awarded with a base bid and additives A, B and C. Only additives A and B were completed due to budget limitations.

There was an apprenticeship requirement of 5% for this project. To fulfill the apprenticeship

requirements the contractor needed a minimum of 531.2 hours. The contractor successfully met the apprenticeship goal by delivering a total of 1176.5 apprenticeship hours for the project, yielding an actual apprenticeship utilization rate of 11%.

Advantage(s)

1. Completes the City's contractual and statutory process for accepting the project.
2. Formal project acceptance allows for closure on third-party bond claims and facilitates release of retainage.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

Award of construction contract for the 2022 Resurfacing project in May 2022.

Action Requested

On April 17, 2023, accept the 2022 Resurfacing Project as constructed by Lakeside Industries, Inc., of Vancouver, Washington, and authorize release of the retainage bond on file subject to receipt of all documentation required by law.

Bailey Smithline, Associate Civil Engineer, 360-487-7791



Staff Report: 058-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 4/17/2023

SUBJECT Construction Acceptance for Fruit Valley Road Stormwater Overflow

Key Points

- The project provided a stormwater overflow system for a section of Fruit Valley Road with a history of roadway flooding.
- Tapani, Inc. was awarded this project on November 14, 2022, work began December 22, 2022 and was completed on February 15, 2023.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible, and well maintained

Present Situation

There was recurring local roadway flooding within the 4800 block of NW Fruit Valley Road that occurred during severe or prolonged storm events. This created a driving hazard when high water backed up within the roadway and flooding of adjacent properties.

The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	\$693,641.06
Sales Tax	\$0.00
Total	\$693,641.06
Retainage	\$34,682.05

The original bid amount was \$599,995.00. Variation from the estimated quantities including additional road repair and replacement of unsuitable soils resulted in an additional cost of \$68,723.43. There were seven change orders including replacement of an existing stub pipe that was in poor condition and construction of a temporary gravel road for farmer access to the

adjacent berry fields for a total additional cost of \$24,922.63. The final payment total was \$693,641.06.

Apprenticeship Utilization goal of 3% was not met with only 2% of qualified working hours delivered by apprentice employees. Tapani delivered 50.5 hours of the required 87.7 hours. The penalty for not fully meeting the apprenticeship goal was waived by City staff. Tapani requested the waiver due to project circumstances that were outside of their control. Tapani hired a total of nine subcontractors on the project. The subcontractors hired had difficulty obtaining apprentices due to the following reasons: four subcontractors had a limited amount of hours on the project, two of the subcontractors had limited amount of hours and were using specialty equipment, two of the subcontractors were truck drivers and the other subcontractor was an owner/operator. Tapani had an apprentice working on the project and had intended to meet the goal, but unanticipated work was added that required additional subcontractor labor that could not utilize apprentices.

Advantage(s)

1. Completes the City's contractual and statutory process for accepting the project.
2. Formal project acceptance allows for closure on third-party bond claims and facilitates release of the Contractor's retainage.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

None

Action Requested

On 4/17/2023, accept the Fruit Valley Road Stormwater Overflow as constructed by Tapani, Inc., Battle Ground, WA, USA, and authorize release of retainage in the amount of \$34,682.05, subject to receipt of all documentation required by law.

Mike Swanson, Civil Engineer, 360-487-7182



Staff Report: 059-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 4/17/2023

SUBJECT Ninth Amendment to Contract for Ambulance Services

Key Points

- In order to improve ambulance response times, City staff and AMR have entered an agreement concerning a 6-month pilot program, which would allow Basic Life Support ("BLS") ambulance response to non-emergency priority 5 and 6 calls.
- Under the terms of the pilot program agreement AMR must maintain the current unit hours/number of Advanced Life Support ambulances (ALS). The agreement only allows AMR to add additional BLS ambulances to the system and does not permit a reduction of ALS hours/units.
- The agreement for the pilot program is contingent on Council amending the Ambulance Contract to incorporate rates for BLS response to 9-1-1 calls.

Strategic Plan Alignment

Goal 2, Objective 2.1: Provide reliable and responsive police, fire and EMS services.

Present Situation

On November 10, 2014, the City Council authorized the City Manager to enter into a five-year Agreement with an additional five-year possible extension. The Contract became effective on January 1, 2015. On December 17, 2018, the City Council authorized the City Manager to enter into a five-year extension to the Agreement.

Except as temporarily provided in amendment 7 to the contract, which applied during the COVID-19 pandemic, the Contract requires an Advanced Life Support ("ALS") response to every 9-1-1 response. Allowing BLS response to non-emergency priority 5 and 6 calls may be an effective way to provide successful EMS response and increase resource availability, as to improve response times. The City of Vancouver and AMR believe a 6-month pilot program allowing the use of BLS units to respond to priority 5 and 6 calls will provide valuable data that can build future response options. After consultation with the Medical Program Director, City staff and AMR entered an agreement concerning a 6-month pilot program, which will allow BLS ambulance

response to non-emergency priority 5 and 6 calls.

The agreement for the pilot program is contingent on Council amending the rates for BLS response to 9-1-1 calls. The proposed amendment seeks to add a BLS emergency rate to appendix 2 in order to facilitate the BLS pilot program. The modifications are set forth in the attached Ninth Amendment to the Agreement. A Sixth Amendment to the Agreement requires that all subsequent amendments be presented to Council for approval.

Advantage(s)

Modifies one (1) of AMR's obligations impacting services provided under the Agreement between the City and AMR.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

- Council authorized the City Manager to execute the initial Agreement with AMR for emergency medical transport services on November 17, 2014, with a commencement date of January 1, 2015;
- Council authorized the City Manager to enter into a five- (5) year extension to the Agreement on December 17, 2018.

Action Requested

Authorize the City Manager to execute the attached Ninth Amendment to the Professional Services Agreement No. 80989 (Now 88635) with AMR for Ambulance Services.

Brennan Blue, Vancouver Fire Chief, 360-487-7201

ATTACHMENTS:

- ▢ Amendment #9
- ▢ BLS Pilot Project Agreement - Signed

AMENDMENT No. 9

PROFESSIONAL SERVICES AGREEMENT

This is an Amendment to the Professional Services Agreement 80989 (Now #88635), hereinafter “Agreement,” dated November 17, 2014, by and between the City of Vancouver, a municipal corporation, under the laws of the State of Washington, hereinafter referred to as “City” and American Medical Response Northwest Inc. (AMR), a Delaware corporation hereinafter referred to as “Contractor,” whose address is 409 NE 76th St. Vancouver, WA 98665.

Recitals:

WHEREAS, in 2022, AMR had challenges meeting the response time requirements under the Contract, due in part to the lingering effects of the pandemic, paramedic shortages, hospital staffing shortages, and delays in offloading patients at hospitals; and

WHEREAS, except as temporarily provided in amendment 7 to the contract, which applied during the COVID-19 pandemic, the Contract requires an Advanced Life Support (“ALS”) response to every 9-1-1 response; and

WHEREAS, allowing Basic Life Support (“BLS”) response to non-emergency priority 5 and 6 calls may be an effective way to provide successful EMS response and increase resource availability, as to improve response times; and

WHEREAS, in accordance with Article 2.2(n), and after consultation with Dr. Lynn Wittwer, the Medical Program Director, City Staff and AMR have reached agreement on a 6-month pilot program, which would allow the use of BLS units to respond to priority 5 and 6 calls; and

WHEREAS, the Parties believe the pilot project will provide valuable data that can build future response options; and

WHEREAS, the Parties wish to establish the rates charged for a BLS response to a 9-1-1 call during the pilot program.

Amendment:

The Parties agree to amend the Agreement as follows:

1. Appendix 2 - “Rates,” which is incorporated into Article 8.1, is hereby amended to read as follows:

APPENDIX 2 - RATES

American Medical Response

**Amendment No. 9 – AMBULANCE SERVICES AGREEMENT
PO 88635 – American Medical Response Northwest, Inc.**

2023

ALS Calls Originating from 9-1-1:

ALS Emergency - Bundled Emergency Base Charge	\$1,456.36
Mileage Charge: multiply the proposed per-mile charge times 7 miles	<u>\$133.98</u>
Weighted Charge (A) =	\$1,590.34

BLS Calls Originating from 9-1-1:

BLS Emergency – Bundled Emergency Base Charge	\$1,256.36
Mileage Charge: multiply the proposed per-mile charge times 7 miles	<u>\$133.98</u>
Weighted Charge (A) =	<u>\$1,390.34</u>

ALS (Non-9-1-1 (Routine) Transport Response within EMSD2 CSA)

Bundled Emergency Base Charge	\$928.02
Mileage Charge: multiply the proposed per-mile charge times 17 miles	<u>\$325.38</u>
Weighted Charge (B) =	\$1,253.40

BLS (Non 9-1-1 (Routine) transport Response within the EMSD2 CSA)

Bundled Emergency Base Charge	\$601.27
Mileage Charge: multiply the proposed per-mile charge times 17 miles	<u>\$325.38</u>
Weighted Charge (B) =	\$926.65

DEDICATED STAND-BY (originating from CSA OR LOCAL/REGIONAL LAW ENFORCEMENT)

<u>STAND-BY Charge (per hour):</u>	\$149.69
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In accordance with Amendment No. 2 of the Professional Services Agreement for Ambulance Services, the parties agree to implement a EIGHT point NINE (8.9%) percent rate increase for 2023 in the Contractor's Administrative Fee. For the year beginning on January 1, 2023, the CONTRACTOR's Administrative Fee will increase to NINE HUNDRED SEVEN THOUSAND FOUR HUNDERD NINETY-FIVE (\$907,495) dollars per year with increased monthly payments of SEVENTY-FIVE THOUSAND SIX HUNDRED TWENTY-FOUR DOLLARS AND SIXTY-ONE CENTS (\$75,624.61).

4. This Amendment No. 9 becomes effective on the date executed by the Parties.
5. All acts taken pursuant to this Amendment but prior to its effective date are hereby ratified and confirmed.

**Amendment No. 9 – AMBULANCE SERVICES AGREEMENT
PO 88635 – American Medical Response Northwest, Inc.**

All other terms and conditions shall remain unchanged and in full force and effect.

1. DATED this _____ day of _____, 2023.

2.

CITY OF VANCOUVER,
a municipal corporation

CONTRACTOR:
American Medical Response Northwest, Inc.

Eric Holmes, City Manager

Randall Lyman, Region President
Chief Operating Officer

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

AGREEMENT BETWEEN CITY OF VANCOUVER FIRE DEPARTMENT AND AMERICAN MEDICAL RESPONSE NORTHWEST, INC. REGARDING PILOT PROJECT: BASIC LIFE SUPPORT UNIT RESPONSE TO PRIORITY 5 & 6 CALLS

RECITALS

WHEREAS, the City of Vancouver (“the City”) and American Medical Response Northwest, Inc. (“AMR”) are parties to an Ambulance Services Agreement (“Contract”); and

WHEREAS, in 2022, AMR had challenges meeting the response time requirements under the Contract, due in part to the lingering effects of the pandemic, paramedic shortages, hospital staffing shortages, and delays in offloading patients at hospitals; and

WHEREAS, except as temporarily provided in amendment 7 to the contract, which applied during the COVID-19 pandemic, the Contract requires an Advanced Life Support (“ALS”) response to every 9-1-1 response; and

WHEREAS, allowing Basic Life Support (“BLS”) response to non-emergency priority 5 and 6 calls may be an effective way to provide successful EMS response and increase resource availability, as to improve response times; and

WHEREAS, the Parties believe a 6-month pilot program allowing the use of BLS units to respond to priority 5 and 6 calls will provide valuable data that can build future response options; and

WHEREAS, Article 2.2(n) of the Contract allows the City to ask AMR to participate in a pilot project, and the Contract Administrator may waive conflicting standards in the Contract for the duration of the pilot project; and

WHEREAS, Article 2.2(n) requires a Pilot Project be agreed to in writing, signed by the City Fire Chief and AMR; and

WHEREAS, the City has met and discussed the pilot project impacts with Emergency Medical Services District #2 (“EMSD2”), in accordance with the City and EMSD2’s Interlocal Agreement for Ambulance Transport Services; and

WHEREAS, the City and AMR have discussed the Pilot Program with Dr. Lynn Wittwer, the Medical Program Director, and Dr. Wittwer has provided guidance and approval of the pilot project.

WHEREAS, the Contract Administrator has approved the pilot project and has agreed to waive any conflicting standards in the Contract for the duration of the pilot project.

NOW, THEREFORE, the City and AMR (each a “Party” and collectively, the “Parties”) in consideration of their promises and covenants contained herein agree as follows:

AGREEMENT

1. Pilot Program. AMR will add 36 hours per day of BLS units into the ambulance transport system. BLS units may respond to Non-Emergency Priority 5 and 6 calls within the City of Vancouver and EMS2. BLS units that respond to 9-1-1 calls are hereafter referred to “9-1-1 BLS Transport Units.” 9-1-1 BLS Transport Units will only be used for BLS response to Non-Emergency Priority 5 and 6 calls and other calls that are referred to AMR’s nurse navigation line. BLS Units shall be staffed by two (2) Washington certified EMTs or as otherwise allowed by law. AMR shall maintain ALS unit hours at the levels being used prior to the Pilot Program.
2. Pilot Program Duration. Contingent on City Council approving the rates for BLS response, as set forth in section 3 below, the Pilot Program will commence on April 18, 2023 (“Pilot Program Start Date”) and continue until October 18, 2023, unless terminated earlier, as provided under Section 7 below.
3. Rates for BLS response. When a 9-1-1 BLS Transport Unit is dispatched in place of an ALS unit to a Priority 5 or 6 call, the rate of pay for the AMR response will be \$1,256.36.
4. Reports. In addition to the reports required under the Contract, for the duration of this Agreement, AMR will provide monthly reports to the City detailing all upgraded calls where a BLS unit requested ALS intercept and/or response and time on task which includes reporting the number of ALS unit hours that were potentially put back into the system by measuring time of task from dispatch to availability of the 9-1-1 BLS Transport Units.
5. Education and Training. Each Party is responsible for ensuring its respective employees are aware of the terms of this Agreement and the Pilot Program and are properly informed and trained per the Clark County MPD office BLS Transport protocol. AMR will identify which staff members will be working the 9-1-1 BLS Transport Units and will ensure such AMR staff members are properly qualified and trained before the Pilot Program Start Date.
6. 9-1-1 BLS Transport Unit Equipment. Each 9-1-1 BLS Transport Unit will be equipped with ALS unit equipment, except they will not carry narcotics.
7. Termination. Either AMR or the City, through the Chief of the Fire Department, may terminate this Agreement for any reason, by providing fourteen (14) calendar days written notice to the other Party.
8. Applicable Law and Venue. The Parties agree that if legal action is necessary in connection with this Agreement, exclusive venue shall lie in the Superior Court of Washington, Clark County. The terms and provisions of this Agreement shall be construed in accordance with the laws of the state of Washington.

9. Amendments. The Pilot Program may be extended and the provisions of this Agreement may be amended, with the mutual consent of the Parties. No additions to, or alterations of, the terms of this Agreement shall be valid unless made in writing and formally approved and executed by the duly authorized agents of both Parties.
10. Notices. All notices shall be in writing and shall be served upon the other Party by E-mail, overnight courier with proof of receipt, or by certified mail, return receipt requested and postage prepaid, addressed as follows:

If to the City:

City of Vancouver
Attn: Contract Administrator
415 W. 6th Street
PO Box 1995
Vancouver, WA 98668
Email: natasha.ramras@cityofvancouver.us

If to the AMR:

Operations Manager
American Medical Response Ambulance Service, Inc.
409 NE 76th Street, Vancouver, WA 98665
Email: jeffery.bissett@gmr.net

With a copy to:

Legal Department
American Medical Response, Inc.
6363 S. Fiddlers Green Cir., Suite 1400
Greenwood Village, CO 80111
Email: legal@gmr.net

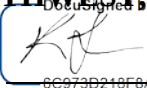
Service by E-mail shall be deemed complete on receipt of E-mail. The Parties agree to acknowledge the receipt of all notices served by the other Party by Email, by reply Email confirming receipt. Service by overnight courier shall be deemed complete the day after being sent. Service by mail will be deemed complete three days after being sent by certified mail.

DATED this 6th day of April 2023.

AMR:

**AMERICAN MEDICAL RESPONSE
NORTHWEST, INC.**

By:


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Randy Lyman, Regional President

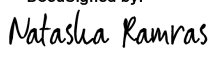
CITY:

CITY OF VANCOUVER, a municipal
corporation

By:


Brennan Blue, Fire Chief

By:

DocuSigned by:

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Natasha Ramras, Chief Financial
Officer



Staff Report: 060-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 4/17/2023

SUBJECT Interagency Agreement Between the City of Vancouver and the Evergreen School District

Key Points

- The Evergreen School District has requested the Police Department to provide scheduled, on-site law enforcement services at special District events such as graduations, athletic contests, dances, and theater productions.
- The Evergreen School District requires a signed interlocal agreement with the City of Vancouver so the District can pay for police services rendered.
- The interlocal agreement allows the City of Vancouver to bill for full cost recovery.
- Police services provided will be within the city limits of Vancouver.
- The requests made by the Evergreen School District for law enforcement services at special events will be offered to Vancouver Police officers on a voluntary over-time basis. Police services at such events will be provided as resources allow.

Strategic Plan Alignment

Goal 2: Provide effective, innovative, and well-resourced police, fire, and emergency medical services

Present Situation

The Vancouver Police Department no longer contracts with the Evergreen School District for School Resource Officers. The District has requested the City of Vancouver enter this interlocal agreement to request on-site law enforcement services for District events such as graduations, athletic events, dances, theater productions and other similar events.

Advantage(s)

1. The City of Vancouver will fully recover costs for scheduled, on site law enforcement services provided for the Evergreen School District.

Disadvantage(s)

None

Budget Impact

None. The Evergreen School District will reimburse the City of Vancouver for police services rendered. The City has retained the SRO FTEs and no new positions will be needed to support the current School District needs.

Prior Council Review

None

Action Requested

Authorize the City Manager or designee to execute an interlocal agreement with Evergreen School District for police officers at district sponsored extracurricular events.

Jeff Mori, Vancouver Police Chief, 360-487-7472

ATTACHMENTS:

- Interagency Agreement

**INTERLOCAL AGREEMENT BETWEEN
CITY OF VANCOUVER AND EVERGREEN SCHOOL DISTRICT NO. 114
FOR POLICE OFFICERS AT
DISTRICT SPONSORED EXTRACURRICULAR EVENTS**

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into by and between the City of Vancouver (the "City"), a Washington state municipal corporation, and the Evergreen School District No. 114 (the "District"), a Washington state municipal corporation. The City and the District are sometimes referred to individually as a "Party" or together as the "Parties."

RECITALS

WHEREAS, the Parties are public agencies as defined in the Interlocal Cooperation Act (Chapter 39.34 RCW); and

WHEREAS, the District desires to utilize the City's law enforcement services to provide safety and help maintain a positive environment for everyone at any District sponsored extracurricular event ("District Event"), which includes but is not limited to athletic events, dances, graduations, concerts, theater productions, and similar events; provided that the District Event occurs within the City limits; and

WHEREAS, for the mutual benefit of the Parties, it is convenient and economical for the Parties to enter into this Agreement.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. Purpose.

The purpose of this Agreement is for the City to periodically assign police officers ("officers") to the District to provide law enforcement services at a District Event in order to provide safety and help maintain a positive environment for everyone. The officers assigned under this Agreement by the City are not "safety and security staff" or "school resource officers" as those terms are defined in RCW 28A.320.124.

2. Duration and Termination.

2.1 This Agreement shall become effective upon the full execution by the Parties; and the recording of this Agreement with the Clark County Auditor, or alternatively the posting of this Agreement to each Party's website.

2.2 This Agreement shall remain in effect until terminated as provided for herein.

- 2.3 Either Party may terminate the Agreement for any reason, with or without cause, by giving thirty (30) calendar days written notice thereof to the other Party.
- 2.4 Notice of intent to terminate or termination of this Agreement shall be served personally or by certified mail, return receipt requested, postage prepaid. Notice shall be effective starting on the date of the receipt. If service is done by certified mail, receipt shall be deemed to have occurred on the third business day after mailing.

3. Services.

- 3.1 The District shall notify the City's Chief of Police no later than seven (7) calendar days prior to the District Event of the number of police officers that the District is requesting to be assigned to the District Event. The District is under no obligation to request officers be assigned to a District Event.
- 3.2 The City has the authority to assign the number of officers that it deems, in its sole discretion, appropriate for the District Event and based upon the City's needs. The City is under no obligation to assign officers to a District Event. Approval of the District's request for officers will be based upon factors that include, but are not limited to, the City's workload, availability of officers, and the law enforcement needs of the City.
- 3.3 The City shall prohibit any employee of the City from working at a public school who has contact with children at a public school during the course of their employment, if such individual has pled guilty to or been convicted of any felony crime specified under RCW 28A.400.322. The City shall engage in due diligence to learn whether any of such employees have pled guilty or been convicted of any such crime and shall require their employees to self-report to the City any such plea or conviction. Any failure to comply with this section shall be grounds for immediate termination of this Agreement by the District, notwithstanding any other provision in this Agreement.

4. Compensation.

- 4.1 In consideration of the services provided herein by the City, the District shall pay the City **\$91.05/hour (overtime rate calculated each year and will be shared with Safety Dept if rate changes)** per assigned officer for each District Event that services are provided under this Agreement. The cost of services provided herein is a reasonable estimate of the expenses incurred by the City for each officer's wages, benefits, and taxes.
- 4.2 The hourly rate for the assigned officers will be reviewed on a yearly basis beginning June 1, 2023 and every June 1st thereafter to determine if the amount should be increased based upon the City's then estimated expense for an officer's wages, benefits, and taxes. The new hourly rate, if any, shall go into effect each September 1st beginning September 1, 2023. The new hourly rate, if any, shall be acknowledged in writing and signed by both Parties.

4.3 The City shall invoice the District on a monthly basis. The District shall pay the invoice within thirty (30) calendar days of the invoice being sent to the District.

5. Administration.

- 5.1 No separate legal or administrative entity is created by this Agreement.
- 5.2 For purposes of RCW 39.34.030(4)(a), the administrators of this Agreement shall be the Chief of Police for the City and the Superintendent for the District.
- 5.3 The following shall be the Parties' authorized representatives and contact persons for administration of this Agreement and any notices required by this Agreement shall be provided to:

City: City of Vancouver
Attn: Mayor
415 West 6th Street
Vancouver, WA 98660

With a copy to: City of Vancouver
Attn: Police Chief
605 East Evergreen Boulevard
Vancouver, WA 98661

District: Evergreen School District No. 114
Attn: Superintendent
13501 N.E. 28th Street
Vancouver, WA 98682

6. Financing, Budget, and Expenses.

No separate budget or financing method is created by this Agreement.

7. Property.

The Parties do not anticipate acquiring jointly-owned personal or real property under this Agreement. Any personal property of a party used in the performance of this Agreement in the possession of the other party shall be returned to the owner promptly upon completion of each requested task that utilized the property.

8. Maintenance and Audit of Records.

- 8.1 Each Party shall maintain books, records, documents, and other materials relevant to its performance under this Agreement. Records created by the officers shall be records of the City and shall be maintained by the City. Records created by the District shall be records of the District and shall be maintained by the District.
- 8.2 These records shall be subject to inspection, review, and audit by either Party, the Washington State Auditor's Office, or any other entity as required by law.
- 8.3 Each Party shall retain all such books, records, documents, and other materials for at least the applicable retention period under federal and Washington state law.

9. Legal Relations.

- 9.1 The City and the District are separate and independent governmental entities in all respects. The City and the assigned officers shall have the status of an independent contractor for purposes of this Agreement. The officers assigned to the District shall be considered to be employees of the City and shall be subject to the City's control and supervision. The assigned officers will be subject to current procedures in effect for City of Vancouver police officers, including attendance at all mandated training and testing to maintain state law enforcement officer certification. This Agreement is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, partnership, or formal business association or organization of any kind between the Parties, and the rights and obligations of the Parties shall be only those expressly set forth in this Agreement.
- 9.2 Nothing in this Agreement shall be construed to permit anyone other than the Parties and their successors to rely upon the covenants and agreements contained in this Agreement, nor to give any such third party a cause of action, as a third-party beneficiary or otherwise, on account of any nonperformance of the provisions of this Agreement.

10. Enforcement.

- 10.1 In the event a dispute arises regarding any matter addressed in or related to this Agreement, the Parties agree that before taking any court action or seeking any other legal remedy, the Parties' authorized contact persons listed in Section 5.3, or their authorized designees, will participate in a good faith in-person negotiation to resolve any such dispute.
- 10.2 If any legal action, arbitration, or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this Agreement, each Party shall pay its own attorney's fees incurred in that legal action, arbitration, or other proceeding.
- 10.3 This Agreement shall be governed exclusively by the laws of the State of Washington. Venue for any legal action shall be in the Clark County Superior Court.

11. Applicable Laws.

The Parties, in performance of the work under this Agreement, shall abide by all applicable local, state and federal laws, regulations, and requirements.

12. Interpretation.

12.1 This Agreement has been submitted to the scrutiny of the Parties and their legal counsel, if desired, and it shall be given a fair and reasonable interpretation in accordance with its words, without consideration or weight given to its being drafted by any Party or its legal counsel.

12.2 Nothing contained in this Agreement shall be interpreted or construed to permit the assignment by either Party of any rights or obligations in this Agreement and such assignment is expressly prohibited without the prior written consent of the other Party.

13. Indemnification.

13.1 The City agrees to defend, indemnify, and hold harmless the District and its agents from and against claims, damages, losses, and expenses, including, but not limited to, attorney's fees and costs and expenses, arising out of or resulting from its performance of this Agreement, except for injuries and damages caused by the sole actions of the District.

13.2 The District agrees to defend, indemnify, and hold harmless the City and its agents from and against claims, damages, losses, and expenses, including, but not limited to, attorney's fees and costs and expenses, arising out of or resulting from its performance of this Agreement, except for injuries and damages caused by the sole actions of the City.

14. Waiver of Breach.

The waiver by either Party of the breach of any provision of this Agreement by the other Party must be in writing and shall not operate or be construed as a waiver of any subsequent breach by such other Party.

15. Recitals.

The recitals in the preamble to this Agreement are incorporated by this reference and are a part of this Agreement.

16. Severability.

In the event any term, provision, or condition of this Agreement or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other terms, provisions, conditions, or applications of this Agreement which shall be given effect without the invalid term, provision, condition, or application. To this end, the terms, provisions, and conditions of this Agreement are declared severable.

17. Posting of the Agreement.

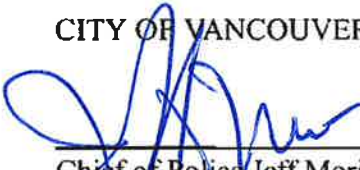
Pursuant to RCW 39.34.040, this Agreement shall be recorded with the Clark County Auditor, or posted to each Party's website.

18. Entire Agreement.

This Agreement contains all the terms and conditions agreed upon by and between the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto. Any modification of this Agreement must be in writing and executed by both Parties. This Agreement may be executed simultaneously or in counterparts each of which shall be deemed an original, but all of which shall be identical and constitute one and the same agreement. This Agreement shall be binding upon the Parties, their successors and assigns.

IN WITNESS WHEREOF, the City of Vancouver and the Evergreen School District No. 114 have executed this Agreement on the dates below.

CITY OF VANCOUVER:



Chief of Police Jeff Mori
Date: 3-23-2023

EVERGREEN SCHOOL DISTRICT NO. 114:



Superintendent John Boyd
Date: 3-21-2023

Attest:

_____, City Clerk

Approved as to form:

_____, City Attorney



Staff Report: 061-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 4/17/2023

SUBJECT Adoption of 2022 Clark Regional Natural Hazard Mitigation Plan

Key Points

- In 2016 a coalition of local government agencies and special purpose districts developed the Clark Regional Natural Hazard Mitigation Plan (NHMP) to address natural hazards that threaten our region and programs that minimize their impact. The joint effort promoted consistent mitigation measures and planning coordination. The 2016 Regional NHMP was adopted by Council March 20, 2017. The NHMP consists of two sections: Volume 1 describes county-wide natural hazard risks, impact analysis and mitigation actions. Volume 2 contains a separate annex for each local government and special purpose district in Clark County.
- The City of Vancouver Annex provided a comprehensive overview of the most prevalent natural hazards based on risk analysis: the probability of occurrence, social and economic vulnerabilities, and estimates of potential infrastructure damage impact. Severe Weather and Earthquake were identified as Vancouver's top two natural hazards, with Flood, Landslide, Dam Failure, Volcano, Wildfire, and Drought all ranked lower in terms of risk. The 2016 Vancouver Annex listed 34 Action Items to reduce or eliminate losses from natural hazards.
- There have been numerous changes since Council approved the 2016 Regional NHMP and the plan needs to be updated for continued use as a planning reference by participating agencies.

Strategic Plan Alignment

Goal 2, Objective 2.2: Increase the level of emergency preparedness in the city as an organization and in the community

Present Situation

Planning Process

In mid-2022 the NHMP planning coalition reconvened to update the regional plan. The continuing

impact of the COVID Pandemic limited planning team availability and in-person coordination. As a result, most of the planning process was conducted using email and a collaborative virtual work environment called Mural. Meetings were kept to a minimum to enable partners to pursue their NHMP planning efforts while still working on pandemic response and recovery.

During the update, city staff determined that 17 of the 34 Action Items listed in the Vancouver 2016 Annex were completed. Major accomplishments included completion and adoption of a Regional Disaster Debris Management Plan; replacement of Fire Stations 1 and 2; and Emergency Transportation Route updates. The remaining 17 actions have been carried over in the 2022 plan along with five additional Action Items.

Of the 22 Action Items in the proposed Vancouver Annex, many are already being implemented (water system resiliency improvements; seismic upgrade or replacement of aging fire stations; and consolidation of police headquarters to a facility with stronger structural integrity). New 2022 NHMP Action Items include update of our Continuity of Operations Plan; pre-and post-earthquake functional assessment of critical facilities; continued fire station improvements; and integration of actions to mitigate climate change. For a complete listing of Action Items, see Section 7.9 Table 7-10 of the Vancouver Jurisdictional Annex in the proposed Volume 2 of the attached NHMP.

Public Engagement

The planning update process included a 30-day Public Comment Period (Nov 7 - Dec 9) with notice posted on the city social media network, the Clark Regional Emergency Services Agency website, and in The Columbian. There were no public comments received.

Plan Implementation

Following adoption, the 2022 Regional NHMP will be used as an updated reference for mitigation actions to reduce or eliminate natural hazard impact. The plan will be reviewed annually to monitor progress and to incorporate additional mitigation initiatives.

Advantage(s)

1. With adoption of the NHMP, the City will be eligible for several types of federal disaster assistance (i.e., Public Assistance; Building Resilient Infrastructure and Communities grants; Hazard Mitigation grants; and Fire Management Assistance grants);
2. The proposed NHMP represents a shared commitment by Clark County, seven cities, and nine special purpose districts to lessen impacts from natural hazards in a more coordinated fashion; and
3. Many of the proposed City Action Items are already funded or can be met with existing Lead Agency resources.

Disadvantage(s)

No disadvantages identified.

Budget Impact

The Natural Hazard Mitigation Plan has no immediate budget impact. Each Hazard Mitigation Action Item has a designated Lead Agency responsible for implementation using a variety of funding sources (i.e., budgeted General Funds, Capital Improvement funds, grants, special levies, etc.).

Prior Council Review

Memorandum dated March 27, 2023.

Action Requested

Adopt a resolution adopting the 2022 Clark Regional Natural Hazard Mitigation Plan, Volumes 1 and 2.

Geraldene Moyle, General Services Director, 360-487-8633; Gene Juve, Emergency Manager, 360-931-9525

ATTACHMENTS:

- ▢ Links to Hazard Mitigation Plan Volumes 1 and 2
- ▢ Resolution

Attachment: Clark County Hazard Mitigation Plan

Volume 1 – Planning Area-Wide Elements

<https://cresa911.org/DocumentCenter/View/243/Volume-1-Planning-Area-Wide-Elements-PDF?bidId=>

Volume 2 – Planning Partner Annexes

<https://cresa911.org/DocumentCenter/View/244/Volume-2-Planning-Partner-Annexes-PDF?bidId=>

4/17/2023

RESOLUTION NO. M- [Resolution Number]

A RESOLUTION of the City of Vancouver authorizing the adoption of the Clark Regional Natural Hazard Mitigation Plan.

WHEREAS, all of Clark County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS, a coalition of Clark County, Cities, and Special Purpose Districts with like planning objectives has been formed to pool resources and create consistent mitigation strategies within the Clark Regional planning area; and

WHEREAS, the coalition has completed a planning process that engaged the public, assessed the risk and vulnerability to the impacts of natural hazards, developed a mitigation strategy consistent with a set of uniform goals and objectives, and created a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City adopts in its entirety, Volume 1 and Volume 2 of the Clark Regional Natural Hazard Mitigation Plan (NHMP), as updated in 2023.

RESOLUTION - 1

Section 2. The City will use the adopted approved portions of the NHMP to guide pre- and post-disaster mitigation of the hazards identified.

Section 3. The City will coordinate the strategies identified in the NHMP with other planning programs and mechanisms under its jurisdictional authority.

Section 4. The City will continue its support for the Hazard Mitigation Working Group and continue to participate in the Planning Partnership as described by the NHMP.

Section 5. The City will help to promote and support the mitigation successes of all NHMP Planning Partners.

ADOPTED at a Regular Meeting of the Vancouver City Council this 17th, of April, 2023.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, Acting City Attorney

RESOLUTION - 2

VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ 3,861,375.34 this 17th day of April 2023.

DocuSigned by:
Anne McEnerny-Ogle
MAYOR

Cyndi A. Turner
Digitally signed by Cyndi A. Turner
Date: 2023.04.10 15:05:23 -07'00'
AUDITING OFFICER

DocuSigned by:
Ty Stob
COUNCILMEMBER

DocuSigned by:
h w
COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
April 03, 2023 - April 10, 2023	Accounts Payable Checks (see attached)	\$ 3,853,590.49
April 03, 2023 - April 10, 2023	Hansen City Payments (see attached)	\$ 2,796.05
April 03, 2023 - April 10, 2023	Visa Refunds (see attached)	\$ 4,988.80
April 03, 2023 - April 10, 2023	Payroll Checks (see attached)	\$ -
TOTAL		\$ 3,861,375.34

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Memo</u>
Supplier Payment	Check	10433	4/5/2023	1,437.32	Accurate Corporate Services Inc	
Supplier Payment	Check	10434	4/5/2023	438.19	Airgas, Inc	
Supplier Payment	Check	10435	4/5/2023	798.00	Allegheny Answering Services	
Supplier Payment	Check	10436	4/5/2023	367.65	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	10437	4/5/2023	20.49	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	10438	4/5/2023	261.28	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	10439	4/5/2023	22.00	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	10440	4/5/2023	577,244.30	Allied Plumbing and Pumps LLC - Remit-To: Allied Trenchless	
Supplier Payment	Check	10441	4/5/2023	151.99	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	10442	4/5/2023	8,831.04	AT & T Mobility II LLC	
Supplier Payment	Check	10443	4/5/2023	86.46	AT & T Mobility II LLC	
Supplier Payment	Check	10444	4/5/2023	38,477.01	Axon Enterprises Inc	
Supplier Payment	Check	10445	4/5/2023	18,551.41	B.C.V., Inc	
Supplier Payment	Check	10446	4/5/2023	151.90	Brightview Holdings Inc	
Supplier Payment	Check	10447	4/5/2023	13,500.00	Cascade Inn	
Supplier Payment	Check	10448	4/5/2023	47,300.00	Castle Tree Trust	
Supplier Payment	Check	10449	4/5/2023	230.07	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	10450	4/5/2023	13,002.00	CFM Strategic Communications, Inc.	
Supplier Payment	Check	10451	4/5/2023	1,200.00	Clark County Fire District 5	
Supplier Payment	Check	10452	4/5/2023	612,163.25	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	10453	4/5/2023	1,500.00	Clark County Title Company - Remit-To: Clark County - Reconveyance Fees	
Supplier Payment	Check	10454	4/5/2023	39,741.61	Clary Longview LLC	
Supplier Payment	Check	10455	4/5/2023	2,185.00	Columbia Industrial Training & Education LLC	
Supplier Payment	Check	10456	4/5/2023	2,814.73	Columbia Resource Company	
Supplier Payment	Check	10457	4/5/2023	32.90	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	10458	4/5/2023	215.27	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	10459	4/5/2023	193.31	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	10460	4/5/2023	18,914.40	Comcast Holdings Corporation - Remit-To: Comcast Holdings Corporation - Philadelphia	
Supplier Payment	Check	10461	4/5/2023	2,691.15	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	10462	4/5/2023	647.26	Dattec Inc	
Supplier Payment	Check	10463	4/5/2023	796.07	Day Management Corp - Remit-To: Day Wireless - Milwaukee	
Supplier Payment	Check	10464	4/5/2023	438.74	Distinctive Landscape LLC	
Supplier Payment	Check	10465	4/5/2023	12,088.82	Echo Electric LLC	
Supplier Payment	Check	10466	4/5/2023	3,041.18	Emerald Services Inc - Remit-To: Emerald - Pittsburgh	
Supplier Payment	Check	10467	4/5/2023	1,750.00	Evergreen School District 114	
Supplier Payment	Check	10468	4/5/2023	57.07	Experian Marketing Solutions - Remit-To: Experian - Los Angeles	
Supplier Payment	Check	10469	4/5/2023	1,950.00	Fairgrounds Site Management Group	
Supplier Payment	Check	10470	4/5/2023	2,952.65	Genuine Parts Company - Remit-To: NAPA - Vancouver	
Supplier Payment	Check	10471	4/5/2023	10,365.87	Grade Werks Excavating LLC	
Supplier Payment	Check	10472	4/5/2023	23,195.08	Granicus, LLC - Remit-To: Granicus, LLC	
Supplier Payment	Check	10473	4/5/2023	5,370.00	Griffey Inc	
Supplier Payment	Check	10474	4/5/2023	7,670.00	Hawks Ridge Assisted Living	

INVOICE PAYMENTS REPORT

Supplier Payment	Check	10475	4/5/2023	5,041.86	HMI Oregon - Remit-To: Pacific WRO
Supplier Payment	Check	10476	4/5/2023	5.44	J-2 Blueprint Supply Co.
Supplier Payment	Check	10477	4/5/2023	3,800.00	James E. Lingeman
Supplier Payment	Check	10478	4/5/2023	1,350.00	Jamestown Networks
Supplier Payment	Check	10479	4/5/2023	52,227.21	KBT Distributing LLC
Supplier Payment	Check	10480	4/5/2023	95,424.61	L.N. Curtis & Sons - Remit-To: Supplier L.N. Curtis & Sons
Supplier Payment	Check	10481	4/5/2023	4,307.98	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle
Supplier Payment	Check	10482	4/5/2023	2,695.24	Lakeyland Inc
Supplier Payment	Check	10483	4/5/2023	125,208.85	Landscape Structures Inc - Remit-To: Landscape Structures Inc
Supplier Payment	Check	10484	4/5/2023	2,520.35	Level 3 Financing, Inc
Supplier Payment	Check	10485	4/5/2023	14,622.39	Life Safety Corporation
Supplier Payment	Check	10486	4/5/2023	1,500.00	Message Gears LLC
Supplier Payment	Check	10487	4/5/2023	4,509.72	Mobes Business Forms
Supplier Payment	Check	10488	4/5/2023	1,301.34	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago
Supplier Payment	Check	10489	4/5/2023	619.02	National Safety Inc
Supplier Payment	Check	10490	4/5/2023	37,038.20	Nelson Nygaard Consulting Associates Inc - Remit-To: Nelson Nygaard Consulting Associates Inc
Supplier Payment	Check	10491	4/5/2023	22.00	Northwest Natural Gas Company - Remit-To: NW Natural - Portland
Supplier Payment	Check	10492	4/5/2023	13,080.88	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources
Supplier Payment	Check	10493	4/5/2023	2,137.25	Oldcastle Precast Inc
Supplier Payment	Check	10494	4/5/2023	1,519.40	One Call Concepts Inc
Supplier Payment	Check	10495	4/5/2023	347.52	Pallet SPC
Supplier Payment	Check	10496	4/5/2023	74,052.84	Parametrix, Inc.
Supplier Payment	Check	10497	4/5/2023	12,159.25	PBS Engineering and Environmental Inc
Supplier Payment	Check	10498	4/5/2023	5,193.54	Pen-Link Ltd
Supplier Payment	Check	10499	4/5/2023	2,019.96	Physio-Control Inc - Remit-To: Stryker Medical
Supplier Payment	Check	10500	4/5/2023	12,725.00	PlanIT Geo, Inc.
Supplier Payment	Check	10501	4/5/2023	8,430.48	PPC Solutions Inc
Supplier Payment	Check	10502	4/5/2023	21,125.00	Prestige Care & Rehabilitation - Camas
Supplier Payment	Check	10503	4/5/2023	782.60	Qwest Corporation
Supplier Payment	Check	10504	4/5/2023	39.53	Qwest Corporation - Remit-To: CenturyLink - Phoenix
Supplier Payment	Check	10505	4/5/2023	1,192.68	Resolute Documentation Services
Supplier Payment	Check	10506	4/5/2023	9,543.60	SafeFire LLC
Supplier Payment	Check	10507	4/5/2023	10,740.54	Safe Software
Supplier Payment	Check	10508	4/5/2023	846.32	Software House International SHI - Remit-To: SHI - Dallas
Supplier Payment	Check	10509	4/5/2023	16,329.69	SP Plus Corporation
Supplier Payment	Check	10510	4/5/2023	2,865.00	State of Washington State Patrol
Supplier Payment	Check	10511	4/5/2023	52.67	Stericycle Inc - Remit-To: Stericycle
Supplier Payment	Check	10512	4/5/2023	20.72	Stericycle Inc - Remit-To: Stericycle
Supplier Payment	Check	10513	4/5/2023	9,500.33	Sunbelt Controls Inc - Remit-To: Sunbelt Controls - Pasadena
Supplier Payment	Check	10514	4/5/2023	5,130.43	Targetsolutions Learning LLC - Remit-To: Supplier Targetsolutions Learning LLC Tampa
Supplier Payment	Check	10515	4/5/2023	8,329.82	The ADT Security Corporation
Supplier Payment	Check	10516	4/5/2023	3,500.00	The Amy VanCamp Experience LLC
Supplier Payment	Check	10517	4/5/2023	3,186.00	The Loudenback Corporation
Supplier Payment	Check	10518	4/5/2023	1,382.47	Towing & Recovering Services Inc
Supplier Payment	Check	10519	4/5/2023	1,470.01	Transunion Risk & Alternative Data Solutions Inc
Supplier Payment	Check	10520	4/5/2023	4,485.27	Triple J Enterprises
Supplier Payment	Check	10521	4/5/2023	458.56	United States Dosimetry Technology Inc
Supplier Payment	Check	10522	4/5/2023	528.60	Vancouver Aire LLC
Supplier Payment	Check	10523	4/5/2023	299.00	Vast Data Concepts
Supplier Payment	Check	10524	4/5/2023	610.95	Walter E Nelson Company
Supplier Payment	Check	10525	4/5/2023	2,010.00	Water Systems Consulting Inc
Supplier Payment	Check	10526	4/5/2023	11,600.92	Wesco Distribution, Inc.

INVOICE PAYMENTS REPORT

Supplier Payment	Check	10527	4/5/2023	1,023.75	Yakima County	
Miscellaneous Payment	Check	10528	4/5/2023	100.00	Abby Mathias	TreeFund Tree - 3/23/23
Miscellaneous Payment	Check	10529	4/5/2023	330.00	Adam Sties	Refund Deposit from Hanger #H-12
Miscellaneous Payment	Check	10530	4/5/2023	2,010.82	Alex Cheng	Claim Payment - DOL: 02/08/23 - Risk
Miscellaneous Payment	Check	10531	4/5/2023	298.98	Creative Contracting Inc.	CMI-333986 (jobsite: 117 NE 102nd Ave 1)
Miscellaneous Payment	Check	10532	4/5/2023	54.00	Davis Show NW	Refund of Incorrect Permit Fee Invoice #77049675
Miscellaneous Payment	Check	10533	4/5/2023	103.00	Katarina Huynh	Activity Refund - Pottery #25924
Miscellaneous Payment	Check	10534	4/5/2023	108.39	Mark Ickert	Refund of Parking Permit
Miscellaneous Payment	Check	10535	4/5/2023	150.00	Nancy Thorn	TreeFund Tree - 3/23/23
Miscellaneous Payment	Check	10536	4/5/2023	6,998.25	Pacific Siteworks, LLC	Invoice # 1571 Chris Podboy and Casey Podboy (14019 NE 76th St)
Miscellaneous Payment	Check	10537	4/5/2023	937.50	Shayne Kruk	Claim Payment - DOL: 12/27/22 - Risk
Miscellaneous Payment	Check	10538	4/5/2023	355.00	The Sailing Foundation	Damage Deposit Refund
Ad Hoc Payment	Check	10539	4/5/2023	48.13	Ah Devco	Utility Refunds: 0500004371-01
Ad Hoc Payment	Check	10540	4/5/2023	188.54	Autry, Mike	Utility Refunds: 0023018708-04
Ad Hoc Payment	Check	10541	4/5/2023	139.79	Bosik, Kyle	Utility Refunds: 0083000736-05
Ad Hoc Payment	Check	10542	4/5/2023	44.29	Brown, Geoffrey or Tessa	Utility Refunds: 0500002421-02
Ad Hoc Payment	Check	10543	4/5/2023	199.00	Bryant, Mark or Stephanie	Utility Refunds: 0085087400-18
Ad Hoc Payment	Check	10544	4/5/2023	303.90	Catworks Construction LLC	Utility Refunds: 0500003758-03
Ad Hoc Payment	Check	10545	4/5/2023	50.82	Dalton Grant or Caitlin Kohn	Utility Refunds: 0086000500-08
Ad Hoc Payment	Check	10546	4/5/2023	27.68	Deaton, Shawn or Darisha	Utility Refunds: 0017018700-08
Ad Hoc Payment	Check	10547	4/5/2023	110.84	DM Homes Inc	Utility Refunds: 0018067600-06
Ad Hoc Payment	Check	10548	4/5/2023	191.99	Expert Investment Properties	Utility Refunds: 0064067614-06
Ad Hoc Payment	Check	10549	4/5/2023	208.00	Farmer, Hope or Patrick	Utility Refunds: 0036056600-04 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	10550	4/5/2023	104.31	Fedorko, Melissa	Utility Refunds: 0017060100-06
Ad Hoc Payment	Check	10551	4/5/2023	201.27	Fitch, Jason or Melody	Utility Refunds: 0113012026-03
Ad Hoc Payment	Check	10552	4/5/2023	18.30	Fuchter, Sandy or Robert	Utility Refunds: 0054006022-04
Ad Hoc Payment	Check	10553	4/5/2023	74.86	Hanley, Emma	Utility Refunds: 0164002004-05
Ad Hoc Payment	Check	10554	4/5/2023	14.84	Hanson, Gail	Utility Refunds: 0158000810-01
Ad Hoc Payment	Check	10555	4/5/2023	947.04	Hayes, Lisa	Utility Refunds: 0052053080-06
Ad Hoc Payment	Check	10556	4/5/2023	121.79	Hofstetter, Steve or Tifphany	Utility Refunds: 0081009100-02
Ad Hoc Payment	Check	10557	4/5/2023	101.85	Jensen, Bryon	Utility Refunds: 0069080081-01
Ad Hoc Payment	Check	10558	4/5/2023	79.16	Jones, Courtney L	Utility Refunds: 0048034800-01
Ad Hoc Payment	Check	10559	4/5/2023	74.96	Jones, Nathan D or Laura L	Utility Refunds: 0000003608-04
Ad Hoc Payment	Check	10560	4/5/2023	25.01	Kamin LLC	Utility Refunds: 0064067614-06
Ad Hoc Payment	Check	10561	4/5/2023	34.28	Kingston Homes LLC	Utility Refunds: 0500005832-01
Ad Hoc Payment	Check	10562	4/5/2023	133.15	Laney, Cameron or Tovi	Utility Refunds: 0046028000-05 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	10563	4/5/2023	22.71	Lasecki, Mary E	Utility Refunds: 0073002815-02
Ad Hoc Payment	Check	10564	4/5/2023	83.16	LGI Homes Group LLC	Utility Refunds: 0500005228-01
Ad Hoc Payment	Check	10565	4/5/2023	75.36	Megan Borwieck or Sammy Wager	Utility Refunds: 0053065111-04
Ad Hoc Payment	Check	10566	4/5/2023	93.49	Melissa Stockman or Daniel or Melissa Hansen	Utility Refunds: 0161000790-03
Ad Hoc Payment	Check	10567	4/5/2023	80.73	Morrow, Larry	Utility Refunds: 0061034238-03
Ad Hoc Payment	Check	10568	4/5/2023	78.09	Mroczek, Josephine	Utility Refunds: 0074019900-18
Ad Hoc Payment	Check	10569	4/5/2023	108.33	Neal, Steven or Karla	Utility Refunds: 0078052600-05
Ad Hoc Payment	Check	10570	4/5/2023	47.43	Nylund Inc	Utility Refunds: 0039024000-06
Ad Hoc Payment	Check	10571	4/5/2023	84.30	Opendoor Labs Inc	Utility Refunds: 0141007600-01
Ad Hoc Payment	Check	10572	4/5/2023	96.96	Orchards Property III LLC	Utility Refunds: 0000007940-03
Ad Hoc Payment	Check	10573	4/5/2023	154.03	Ordenez, Jessica L or Jorge D	Utility Refunds: 0040013400-05

INVOICE PAYMENTS REPORT

Ad Hoc Payment	Check	10574		4/5/2023	292.00	Popa,Viorica	Utility Refunds: 0042018400-08 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	10575		4/5/2023	102.64	Rapakko,Jane	Utility Refunds: 0039005000-02
Ad Hoc Payment	Check	10576		4/5/2023	105.96	Renfro,Carrie	Utility Refunds: 0022050800-08
Ad Hoc Payment	Check	10577		4/5/2023	51.79	Rintala,Dean or Teresa	Utility Refunds: 0023070500-02
Ad Hoc Payment	Check	10578		4/5/2023	55.21	Rintala,Ronald	Utility Refunds: 0023070500-02
Ad Hoc Payment	Check	10579		4/5/2023	81.52	Robinson,Tracy	Utility Refunds: 0006004800-09
Ad Hoc Payment	Check	10580		4/5/2023	56.03	Rochette,Robert	Utility Refunds: 0116017600-03
Ad Hoc Payment	Check	10581		4/5/2023	96.98	Schave,Noah or Carrie	Utility Refunds: 0126003410-03
Ad Hoc Payment	Check	10582		4/5/2023	37.70	Seguine,Bonnie	Utility Refunds: 0000009254-02
Ad Hoc Payment	Check	10583		4/5/2023	165.10	Soto,Angel	Utility Refunds: 0074000120-03
Ad Hoc Payment	Check	10584		4/5/2023	64.92	The Estate of Teri K Price	Utility Refunds: 0083000435-01
Ad Hoc Payment	Check	10585		4/5/2023	279.13	Timperley,Grant or Jamie	Utility Refunds: 0027004000-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	10586		4/5/2023	133.83	Ware,Drew or Tami	Utility Refunds: 0093019400-12
Ad Hoc Payment	Check	10587		4/5/2023	136.17	Ware,Tami	Utility Refunds: 0093019400-12
Ad Hoc Payment	Check	10588		4/5/2023	227.10	Westmont Place Homeowners Association	Utility Refunds: 0039001515-02
Ad Hoc Payment	Check	10589		4/5/2023	65.40	Westmont Place Homeowners Association	Utility Refunds: 0039001510-02
Ad Hoc Payment	Check	10590		4/5/2023	54.48	Westmont Place Homeowners Association	Utility Refunds: 0000006955-02
Supplier Payment	Check	10591		4/5/2023	5,000.00	The Freeman Investigative Group, Inc.	
			Check		2,096,580.55		
Expense Payment	Direct Deposit	EFT-00190017		4/6/2023	85.00	Lance Leedom	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190018		4/6/2023	77.08	Nathan Hipple	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190019		4/6/2023	160.00	Kyle Ulsh	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190020		4/6/2023	104.00	Daniel Gragg	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190021		4/6/2023	149.00	Diana Perez	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190022		4/6/2023	160.00	Hunter Ivey	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190023		4/6/2023	221.80	Jason Oldham	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190024		4/6/2023	657.55	Ejaz Khan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190025		4/6/2023	55.82	Greg Catton	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190026		4/6/2023	306.17	Tanya Wollstein	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00190027		4/6/2023	379.50	Drew Klaetsch	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190028		4/6/2023	165.50	Stephanie Obotette	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190029		4/6/2023	379.50	Jason Beach	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190030		4/6/2023	165.50	Katherine Stokke	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190031		4/6/2023	300.50	Tanya Wollstein	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190032		4/6/2023	259.00	Melody Burton	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190033		4/6/2023	165.50	David Perlick	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190034		4/6/2023	224.00	Pete Adams	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190035		4/6/2023	352.00	Robb Milano	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190036		4/6/2023	177.25	Carlos Ocejo	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00190037		4/6/2023	310.50	Neil Martin	Travel Advance
Expense Payment	Direct Deposit	EFT-00190038		4/6/2023	1,711.19	Eric Holmes	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00190039		4/6/2023	104.00	Trevor Miller	Employee Reimbursement
			Direct Deposit		6,670.36		
Supplier Payment	EFT	EFT-00190040		4/6/2023	4,200.00	Brad Piesch Aggressive Enterprises, Inc	
Supplier Payment	EFT	EFT-00190041		4/6/2023	471,933.61	Vancouver Housing Authority	
Supplier Payment	EFT	EFT-00190042		4/6/2023	4,327.71	Jodi Kay Cochran	
Supplier Payment	EFT	EFT-00190043		4/6/2023	330.23	Lasko Printing Specialties Inc	
Supplier Payment	EFT	EFT-00190044		4/6/2023	95.00	T2 Systems Inc - Remit-To: T2- Atlanta	
Supplier Payment	EFT	EFT-00190045		4/6/2023	872.43	Miller Mendel Inc	
Supplier Payment	EFT	EFT-00190046		4/6/2023	177.29	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00190047		4/6/2023	22,785.02	Share Inc	
Supplier Payment	EFT	EFT-00190048		4/6/2023	2,456.82	Power Systems West	
Supplier Payment	EFT	EFT-00190049		4/6/2023	27,075.00	Liberty Mutual Group Inc.	
Supplier Payment	EFT	EFT-00190050		4/6/2023	5,950.00	JCI Jones Chemicals, Inc.	
Supplier Payment	EFT	EFT-00190051		4/6/2023	2,193.85	Mackay Sposito Inc	
Supplier Payment	EFT	EFT-00190052		4/6/2023	1,786.50	RELX Inc. - Remit-To: LexisNexis - Chicago	

INVOICE PAYMENTS REPORT

Supplier Payment	EFT	EFT-00190053	4/6/2023	96,941.30	Del Sol Inc	
Supplier Payment	EFT	EFT-00190054	4/6/2023	101,130.82	Halbert Construction Services LLC	
Supplier Payment	EFT	EFT-00190055	4/6/2023	56,348.19	Halme Excavating Inc	
Supplier Payment	EFT	EFT-00190056	4/6/2023	40.77	Ziply Fiber	
Supplier Payment	EFT	EFT-00190057	4/6/2023	7,500.00	Arbutus Consulting LLC	
Supplier Payment	EFT	EFT-00190058	4/6/2023	1,573.50	Mead and Hunt Inc	
		EFT		807,718.04		
Supplier Payment	Manual Wire		4/3/2023	3,010.78	Internal Revenue Service	
Supplier Payment	Manual Wire		4/3/2023	21,366.50	Washington Dental Service	
Supplier Payment	Manual Wire		4/3/2023	145,617.22	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		4/3/2023	12,454.11	Athlactron Holding	
Supplier Payment	Manual Wire		4/4/2023	61,054.44	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		4/5/2023	25,533.66	United States Postal Service	
Supplier Payment	Manual Wire		4/7/2023	8,632.90	VSP Vision Care Inc	
Supplier Payment	Manual Wire		4/7/2023	206,538.49	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		4/7/2023	458,413.44	Vancouver Firefighters Union Health & Welfare Trust	
		Manual Wire		942,621.54		
		Checks		2,096,580.55		
		Direct Deposit		6,670.36		
		EFT		807,718.04		
			4/10/2023	2,796.05	City Payments	Posted 04-03-23 to 04-09-23
		Hansen Total		2,796.05		
			4/10/2023	3,026.80	Miscellaneous	Parks Class Refunds FCC 04-03-23 to 04-09-23
			4/10/2023	1,962.00	Miscellaneous	Parks Class Refunds MCC 04-03-23 to 04-09-23
		VISA Total		4,988.80		
		Payroll Total		0.00		
		GRAND TOTAL		3,861,375.34		

City of Vancouver
Payroll Council Report
April 03, 2023 - April 09, 2023

Check No.	Date	Explanation	Amount
		No Payroll this period	

\$ -



Staff Report: 062-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 4/17/2023

SUBJECT Modera Apartments MFTE

Key Points

- The Multifamily Tax Exemption Program (VMC 3.22) is designed as an incentive for developers to build new private multi-family development in targeted areas of the City.
- The applicant is requesting an 8-year exemption for a 299-unit market rate apartment building.
- Over the 20-year period following construction, the project (with the exemption) will generate more than \$18 million in taxes benefiting all taxing districts (ports, schools, county, city, etc.). Of that total, \$3.25 million will benefit the City of Vancouver. The total estimated foregone tax revenue for all districts during the exemption is \$4.43 million. Of that amount the forgone taxes specific to the City of Vancouver would be \$1.59 million. Land value property taxes and unit utility taxes will still be collected during the exemption.
- When the tax exemption period ends, the project will return to the property tax rolls as if it were new construction.

Strategic Plan Alignment

Goal 8, Objective 8.1: Make downtown Vancouver a vibrant destination for the community and the region

Goal 8, Objective 8.2: Strengthen neighborhood business districts

Present Situation

The project is located on the Vancouver waterfront at 600 Boise Place. The applicant is requesting an 8-year multi-family housing limited property tax exemption for a market rate housing. The project is a sixteen-story, 299-unit apartment building with 287 associated parking spaces. The proposed development will include studio, one-bedroom, and two-bedroom units. The total estimated development cost is \$134 million.

Over the 20-year period following construction, the project (with the exemption) will generate

over \$18 million in taxes benefiting all taxing districts (ports, schools, county, city, etc.). A total of \$3.25 million in taxes will directly benefit the City of Vancouver. Total estimated foregone tax revenue for all districts during the exemption is \$4.43 million. The forgone taxes specific to the City of Vancouver during the exemption would be \$1.59 million. Land value property taxes and per unit utility taxes will still be collected during the exemption. It is also anticipated that new residents will support downtown businesses during and after the exemption period.

As a market rate project, a public benefit contribution with a value equal to \$1,109,250 (25% of the estimated foregone tax amount) is required. The applicant noted that Vancouver Waterfront is already well served with a completed park, public art, and infrastructure. Therefore, the applicant is proposing to satisfy the public benefit contribution by providing funding towards future affordable housing investments. The proposed public benefit contribution for future affordable housing projects can be used for land banking or construction of permanent affordable units where funding can leverage more and larger unit types and at deeper levels of affordability. The public benefit contribution payment amount will be required prior to issuing the final tax certificate. The advantage of this funding is also likely to last longer than the duration of the 8-year tax exemption.

The project requires a development agreement and therefore also falls under the City interim green building policy. Per the applicant's consultant the building is being constructed to exceed the minimum LEED gold score. The City green policy staff have reviewed the applicant's LEED summary indicating that the project satisfies the City's green building policy.

Advantage(s)

1. Adds 299 new multi-family units in the Vancouver City Center Vision residential target area.
2. Provides \$1,109,250 in funding for future affordable housing projects.

Disadvantage(s)

1. Foregone tax revenue for all districts is estimated at \$4.43 million.
2. Foregone tax revenue specific to the City of Vancouver is estimated at \$1.59 million.

Budget Impact

The residential structure portion of the property taxes will be exempt for 8 years, however the City will still receive taxes from the land value and other additional revenues from the development including sales tax, permit fees, and system development charges and impact fees. There will be a small incremental increase in demand for public services during the 8-year exemption period without full associated tax revenues. Following the 8-year exemption period, the properties will return to the tax base as new construction and the City and other taxing districts will begin receiving the residential portion of the property taxes.

Prior Council Review

Council briefing Memo dated March 31, 2023.

Action Requested

On April 17, 2023, following a public hearing, adopt a resolution authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption certificate and take any

and all action necessary to enforce the terms thereof.

Bryan Monroe, Associate Planner, 360-487-7958

ATTACHMENTS:

- ▣ Pre-Hearing Memo to Council
- ▣ Modera MFTE Presentation
- ▣ Modera Resolution (with DA attached)
- ▣ Modera Dev Agr (RES Exhibit B)

DATE: March 31, 2023

TO: Eric Holmes, City Manager

FROM: Patrick Quinton, Economic Development Director

CC:

RE: **Multi-Family Housing Limited Property Tax Exemption - Modera Apartments**

Purpose

Brief City Council on the Modera Apartments Multi-Family Housing Limited Property Tax Exemption project prior to the April 17, 2023, public hearing.

Program Background

In 1997, the City of Vancouver adopted a multifamily tax exemption (MFTE) program to stimulate new construction of multi-family housing in specifically designated areas to reduce development pressure on single-family residential neighborhoods, to increase and improve housing opportunities, encourage higher development densities, and support local business opportunities. In total, the MFTE program has produced 42 projects totaling 4,322 new units and 366 income restricted units.

Current Proposal

The project site is within the Vancouver City Center Vision residential target area at the very west end of the waterfront on block 21. The project address is at 600 Boise Place, Vancouver, WA, 98660 (Tax Lot 986052351).

The applicant is requesting an 8-year multi-family housing limited property tax exemption for a market rate housing. The project is a sixteen-story, 299-unit apartment building with 287 associated parking spaces. The proposed development will include studio, one-bedroom, and two-bedroom units. The total estimated development cost is \$134 million.

The proposed building will have studio, one-bedroom, and two-bedroom units. Per the applicant, the unit type distribution and average rents will be:

Market Rate Units			
Type	Av. Size	Units	Rent
Studio	506	98	\$1,650
1 Bedroom / 1 bath	727	145	\$2,503
2 Bedroom / 2 bath	1,221	56	\$4,458

Taxes Generated and Taxes Foregone

Over the 20-year period following construction, the project (with the exemption) will generate over \$18 million in taxes benefiting all taxing districts (ports, schools, county, city, etc.). A total of \$3.25 million in taxes will directly benefit the City of Vancouver. Total estimated foregone tax revenue for all districts during the exemption is \$4.43 million. The forgone taxes specific to the City of Vancouver during the exemption would be \$1.59 million. Land value property taxes and per unit utility taxes will still be collected during the exemption. It is also anticipated that new residents will support downtown businesses during and after the exemption period.

	All taxing districts	City of Vancouver
Net Present value of future tax revenue ¹	\$18,012,000	\$3,254,000
Cost value of Public Benefit Enhanced improvements	-	\$1,109,250
Subtotal	\$18,012,000	\$4,363,250
Net present value of “foregone” tax revenue (8 years)	(\$4,437,000)	(\$1,594,000)
NET PRESENT 20 YEAR BENEFIT	\$13,575,000	\$2,769,250

Public Benefit Contribution

The applicant noted that Vancouver Waterfront is already well served with a completed park, with public art and infrastructure. The City Parks Department was consulted and declined any additional improvements for the waterfront park area. Similarly, proposed on-street public EV charging stations were declined by the City Parking Manager. The street improvements and roundabout have already been installed. Therefore, the applicant is proposing to contribute \$1,109,250 towards funding future affordable housing investments. The proposed public benefit contribution can be used for land banking or construction of permanent affordable units where funding can leverage more and larger unit types and at deeper levels of affordability.

Green Building Policy:

The project requires a development agreement and therefore also falls under the City interim green building policy. Per the applicant’s consultant the building is being constructed to exceed the minimum LEED gold score. The City green policy staff have reviewed the applicant’s LEED summary and indicated that the project satisfies the City’s green building policy.

Next Steps

- On April 17, 2023, conduct a Public Hearing to consider a resolution for the proposed exemption.

Staff Contact

Bryan Monroe- Associate Planner- Economic Prosperity and Housing Department

Samantha Whitley- Housing Programs Manager- Economic Prosperity and Housing Department

Patrick Quinton- Economic Development Director- Economic Prosperity and Housing Department

Exhibits:

- Vicinity Map
- Site Plan
- Project Renderings

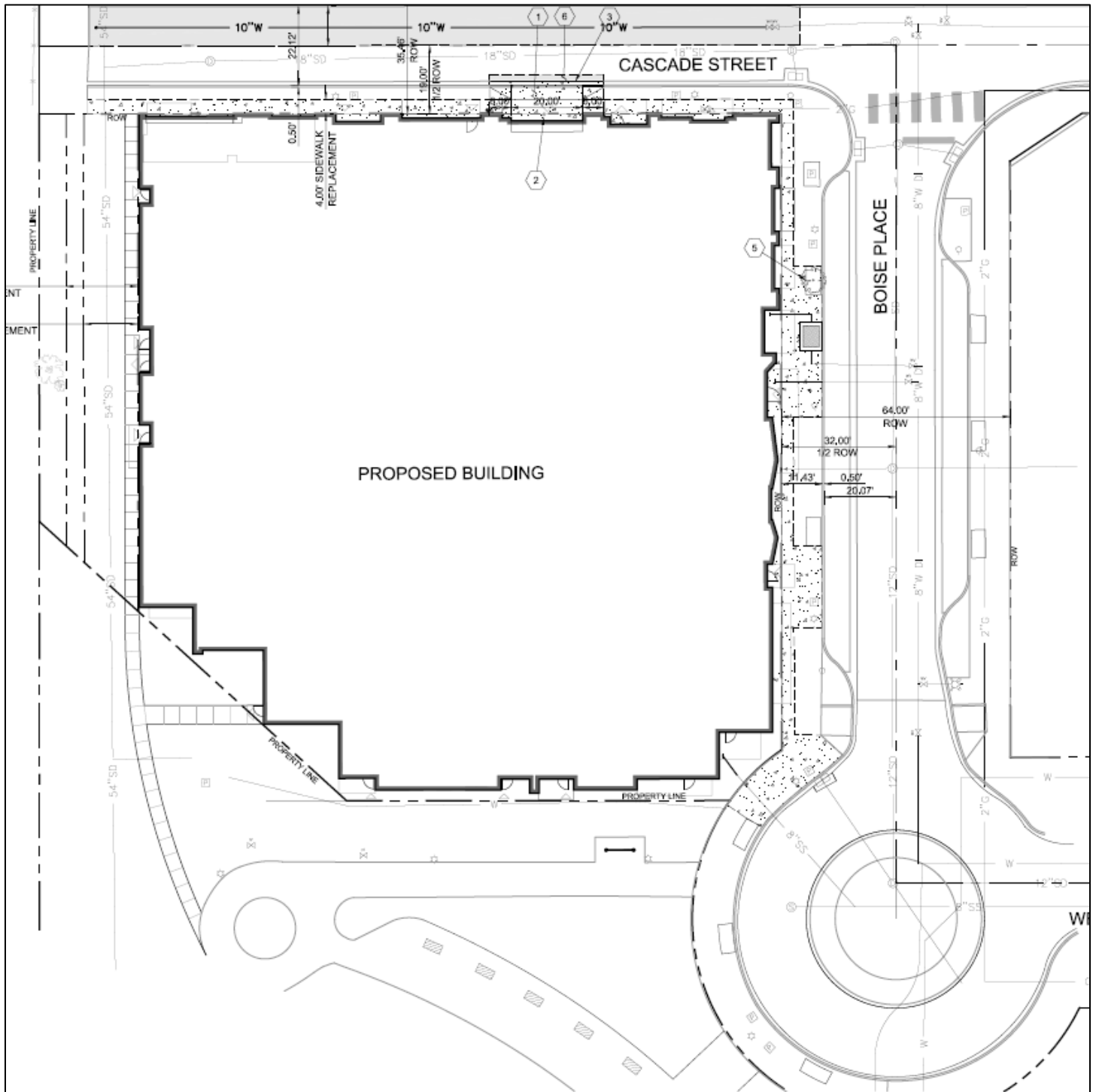
Vicinity Map

North ↑



Site Plan

North ↑



Building Renderings





Modera Apartments MFTE Certificate

April 17, 2023
City Council Public Hearing

Bryan Monroe
Associate Planner
Economic Prosperity and Housing



Presentation Overview

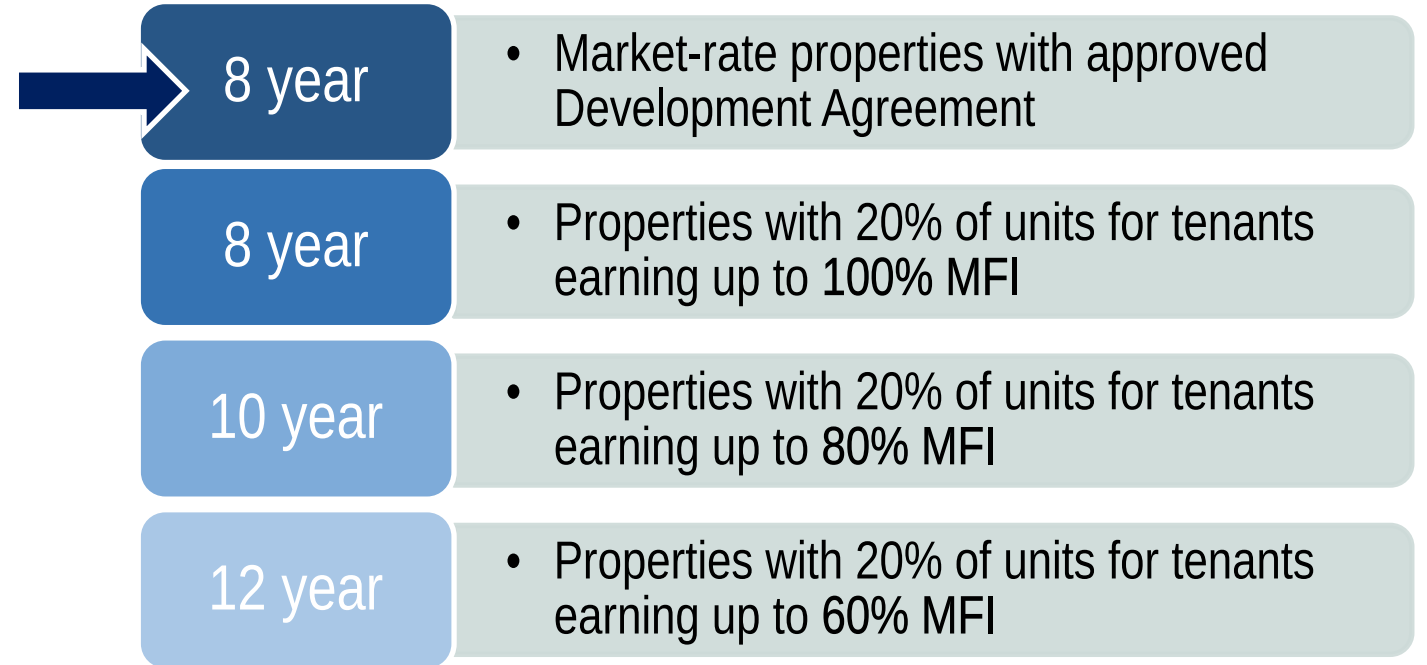
- Exemption Option
- Project Details
- Tax Summary
- Public Benefit
- Green Building Policy



Market Rate Option

Market Rate Projects require:

- Development Agreement
- Public Benefit Contribution
- Green Building Measures
- Annual monitoring



Project Details

Modera Apartments

- Waterfront Block 21
- 16 stories
- 299 total units
- Studio, 1-bd, 2-bd units
- 287 parking spaces



Tax Summary

	All taxing districts	City of Vancouver
Net Present value of future tax revenue ¹	\$18,012,000	\$3,254,000
Cost value of Public Benefit Enhanced improvements	-	\$1,109,250
Subtotal	\$18,012,000	\$4,363,250
Net present value of “foregone” tax revenue (8 years)	(\$4,437,000)	(\$1,594,000)
NET PRESENT 20 YEAR BENEFIT	\$13,575,000	\$2,769,250

¹ Estimated at 20 years

Pre-construction annual taxes \$36,318

Estimated annual taxes during exemption period \$694,248

Estimated annual taxes the year exemption expires \$1,613,000

Public Benefit

- Waterfront park and street infrastructure amenities abutting the site are already completed.
- Applicant is therefore proposing to contribute \$1,109,250 towards funding future affordable housing investments. (25% of estimated forgone taxes).
- Proposed funding can leverage more and larger unit types and at deeper levels of affordability lasting longer than 8 years.

Green Building Policy

Project has met LEED gold standard.

Emphasis areas included:

- Location and Transportation
- Water Efficiency
- Indoor Air quality

Unit Type Detail

Market Rate Units			
Type	Av. Size	Units	Rent
Studio	506	98	\$1,650
1 Bedroom /1 bath	727	145	\$2,503
2 Bedroom / 2 bath	1221	56	\$4,458

Requested Action

Adopt a resolution authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption certificate and take any and all action necessary to enforce the terms thereof.

Next Steps / Questions



[Meeting Date]

RESOLUTION NO. M- [Resolution Number]

A RESOLUTION of the City Council of the City of Vancouver approving a development agreement with Columbia Waterfront, LLC for an 8 year property tax exemption for market rate housing with a public benefit contribution for the property located at 600 Boise Place, Vancouver, WA 98660 (Exhibit A).

WHEREAS, the City of Vancouver desires to stimulate new construction of multi-family rental housing in specifically designated urban areas in order to reduce development pressure on single-family residential neighborhoods, to increase and improve housing opportunities, and encourage development densities supportive of tenant use, and

WHEREAS, the City is interested in promoting new rental housing in the VCCV subarea in the City of Vancouver; and

WHEREAS, the City has, pursuant to authority granted under the Revised Code of Washington (RCW), designated various “Residential Target Areas” for the provision of limited property tax exemptions for new multi-family residential housing; and

WHEREAS, the City has set forth in Chapter 3.22 of the Vancouver Municipal Code (VMC) a program whereby property owners may qualify for a “Final Certificate of Tax Exemption,” which certifies to the Clark County Assessor and Treasurer that a property is eligible to receive a limited property tax exemption; and

WHEREAS, Columbia Waterfront, LLC (Applicant) is interested in receiving a limited property tax exemption for constructing 299 units of new, multi-family, rental housing within the

RESOLUTION - 1

VCCV subarea, which is a designated “Residential Target Area” identified in Chapter 3.22 VMC;
and,

WHEREAS, the Applicant has submitted to the City a complete application for the City’s limited tax exemption program outlining the proposed development of new multi-family rental housing to be constructed on property located at 600 Boise Place, Vancouver, WA 98660 (Property); and

WHEREAS, the City has determined that the public benefit outlined in the Development Agreement (Exhibit B) will satisfy the requirements for a Final Certificate of Tax Exemption.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Agreement attached hereto as Exhibit B between Columbia Waterfront, LLC and the City of Vancouver, a Washington Municipal Corporation, is approved.

Section 2. The City Manager of the City of Vancouver or his designee is authorized to execute the Agreement attached hereto as Exhibit B.

ADOPTED at a regular session of the Vancouver City Council this ____ day of April, 2023.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 2

Resolution
Exhibit A
Legal Description

BLOCK 21 OF THE VANCOUVER WATERFRONT PH2 PLAT RECORDED AT BOOK 4, PAGE 214 OF PLATS.
LOCATED IN THE SE 1/4, S28, T2N, R1E WM

RESOLUTION - 3

Resolution
Exhibit B

DEVELOPMENT AGREEMENT
for
MULTI-FAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION

THIS AGREEMENT is entered into this ____ day of _____, 2023, by and between Columbia Waterfront, LLC (hereinafter referred to as “Applicant”), and the CITY OF VANCOUVER, a Washington Charter City of the First Class (hereinafter referred to as “City”).

WITNESSETH:

WHEREAS, the City desires to stimulate new construction of multi-family housing in certain designated urban areas in order to reduce development pressure on single-family residential neighborhoods, to increase and improve housing opportunities, and to encourage development densities supportive of transit use, and

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Vancouver, and

WHEREAS, the City has, pursuant to authority granted to it under the Revised Code of Washington (RCW), designated various Residential Target Areas for the provision of limited property tax exemptions for new multi-family residential housing, and

WHEREAS, the City has, as set forth at Chapter 3.22 of the Vancouver Municipal Code (“VMC”), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Clark County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption, and

WHEREAS, the Vancouver City Council proposed an interim climate action policy requiring all projects subject to a development agreement to meet certain green building methods; and,

WHEREAS, the applicant has committed to the City’s green building policy by constructing a building meeting LEED gold status criteria.

WHEREAS, the Applicant is interested in receiving a limited property tax exemption for constructing units of new multi-family residential housing within the Vancouver City Center Vision Subarea, which is a designated Residential Target Area identified in Chapter 3.22 VMC, and

RESOLUTION - 4

WHEREAS, the Applicant has submitted to the City a complete application for the City's limited tax exemption program outlining the proposed development of new multi-family residential housing to be constructed on the property described in the legal description in Exhibit A, (Property) for an 8-year market rate tax exemption providing public benefit contribution funding towards future affordable housing investments.

WHEREAS, the City has determined that the public benefit contribution of \$1,109,250 (25% of the estimated forgone tax from the exemption), towards funding future affordable housing investments, paid prior to the issuance of the final tax exemption certificate, will satisfy the public benefit requirement for a Final Certificate of Tax Exemption.

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

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption.
2. The City has determined that the Development provides a public benefit in the form of funding for future affordable housing investments equal to \$1,109,250 (25% of the estimated forgone tax from the exemption) paid prior to the issuance of the final tax exemption certificate, and agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption for a period of eight (8) years in accordance with VMC 3.22.040 (the "Conditional Certificate"). The public benefit contribution provided by the applicant for this project are set forth in Exhibit B attached hereto (the "Public Benefits").
3. The Applicant agrees to construct on the Property multi-family residential housing as described in the most recent site plans, floor plans, and elevations on file with the City as of the date of City Council approval of this agreement. In no event shall such construction provide fewer than 299 new permanent multi-family residential units.
4. The applicant agrees to construct the building to LEED Gold level criterion to meet the City's interim green building policy.
5. The Applicant agrees to complete construction of the agreed upon Property improvements and provide the public benefit contribution (Exhibit B) within three years from the date the City issues the Conditional Certificate of Tax Exemption, or within any extension thereof granted by the City.

RESOLUTION - 5

6. The Applicant agrees, upon completion of the building improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Director of Community Development ("Director") the following:
 - (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 qualifications for the exemption; and
 - (c) A statement that the work was completed within the required three-year period or any authorized extension or any extension thereof.
7. The City agrees, conditioned on the Applicant's successful completion of the Property improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Clark County Treasurer and Assessor.
8. 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 eight years, to file a notarized declaration with the Director indicating the following:
 - (a) A statement identifying the total number of occupied and vacant multi-family units receiving a property tax exemption;
 - (b) A certification that the property continues to be in compliance with this Agreement, Chapter 3.22 VMC, and Chapter 84.14 RCW;
 - (c) A description of any improvements or changes to the property constructed after the issuance of the certificate of tax exemption; and
 - (d) The total monthly rent for each unit.
9. The applicant agrees to maintain the Property including all improvements in compliance with all applicable City codes and requirements.
10. The Applicant agrees to maintain records supporting all information provided to the City and to make those records and the multi-family units available for inspection by the City. Failure to submit the annual declaration identified in Paragraph 8 or to maintain adequate records may result in the tax exemption being canceled.
11. If the Applicant converts the multi-family residential housing units constructed under this Agreement to another use, the Applicant shall notify the Clark County Assessor and Treasurer and the City Economic Prosperity and Housing Director within 60 days of such change in use.

RESOLUTION - 6

12. The Applicant agrees to notify the Economic Prosperity and Housing Director promptly of any transfer of the Applicant's ownership interest in the site or in the improvements made to the site under this Agreement.
13. 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. Cancellation of the Final Certificate of Tax Exemption may subject the Applicant to potential tax liability as further described in RCW 84.14;
14. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
15. 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.
16. Applicant agrees that this Agreement is subject to the Vancouver Multi-Family Housing Tax Exemption set forth at Vancouver Municipal Code, Chapter 3.22.

CITY OF VANCOUVER

Columbia Waterfront, LLC

Eric Holmes, City Manager

Name-Title

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

RESOLUTION - 7

Development Agreement
EXHIBIT A
LEGAL DESCRIPTION

BLOCK 21 OF THE VANCOUVER WATERFRONT PH2 PLAT RECORDED AT BOOK 4, PAGE 214 OF PLATS.
LOCATED IN THE SE 1/4, S28, T2N, R1E WM

RESOLUTION - 8

Development Agreement
EXHIBIT B
PUBLIC IMPROVEMENTS

1. Prior to the issuance of the final certificate of tax exemption, the Applicant shall provide the public benefit contribution funding for future affordable housing investments in an amount of no less than \$1,109,250 (25% of the expected forgone tax exemption).

RESOLUTION - 9

**DEVELOPMENT AGREEMENT
for
MULTI-FAMILY HOUSING LIMITED PROPERTY TAX
EXEMPTION**

THIS AGREEMENT is entered into this ____ day of _____, 2023, by and between Columbia Waterfront, LLC (hereinafter referred to as “Applicant”), and the CITY OF VANCOUVER, a Washington Charter City of the First Class (hereinafter referred to as “City”).

WITNESSETH:

WHEREAS, the City desires to stimulate new construction of multi-family housing in certain designated urban areas in order to reduce development pressure on single-family residential neighborhoods, to increase and improve housing opportunities, and to encourage development densities supportive of transit use, and

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Vancouver, and

WHEREAS, the City has, pursuant to authority granted to it under the Revised Code of Washington (RCW), designated various Residential Target Areas for the provision of limited property tax exemptions for new multi-family residential housing, and

WHEREAS, the City has, as set forth at Chapter 3.22 of the Vancouver Municipal Code (“VMC”), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Clark County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption, and

WHEREAS, the Vancouver City Council proposed an interim climate action policy requiring all projects subject to a development agreement to meet certain green building methods; and,

WHEREAS, the applicant has committed to the City’s green building policy by constructing a building meeting LEED gold status criteria.

WHEREAS, the Applicant is interested in receiving a limited property tax exemption for constructing units of new multi-family residential housing within the Vancouver City Center Vision Subarea, which is a designated Residential Target Area identified in Chapter 3.22 VMC, and

WHEREAS, the Applicant has submitted to the City a complete application for the City's limited tax exemption program outlining the proposed development of new multi-family residential housing to be constructed on the property described in the legal description in Exhibit A, (Property) for an 8-year market rate tax exemption providing public benefit contribution funding towards future affordable housing investments.

WHEREAS, the City has determined that the public benefit contribution of \$1,109,250 (25% of the estimated forgone tax from the exemption), towards funding future affordable housing investments, paid prior to the issuance of the final tax exemption certificate, will satisfy the public benefit requirement for a Final Certificate of Tax Exemption.

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

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption.
2. The City has determined that the Development provides a public benefit in the form of funding for future affordable housing investments equal to \$1,109,250 (25% of the estimated forgone tax from the exemption) paid prior to the issuance of the final tax exemption certificate, and agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption for a period of eight (8) years in accordance with VMC 3.22.040 (the "Conditional Certificate"). The public benefit contribution provided by the applicant for this project are set forth in Exhibit B attached hereto (the "Public Benefits").
3. The Applicant agrees to construct on the Property multi-family residential housing as described in the most recent site plans, floor plans, and elevations on file with the City as of the date of City Council approval of this agreement. In no event shall such construction provide fewer than 299 new permanent multi-family residential units.
4. The applicant agrees to construct the building to LEED Gold level criterion to meet the City's interim green building policy.
5. The Applicant agrees to complete construction of the agreed upon Property improvements and provide the public benefit contribution (Exhibit B) within three years from the date the City issues the Conditional Certificate of Tax Exemption, or within any extension thereof granted by the City.

6. The Applicant agrees, upon completion of the building improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Director of Community Development ("Director") the following:
 - (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 qualifications for the exemption; and
 - (c) A statement that the work was completed within the required three-year period or any authorized extension or any extension thereof.
7. The City agrees, conditioned on the Applicant's successful completion of the Property improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Clark County Treasurer and Assessor.
8. 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 eight years, to file a notarized declaration with the Director indicating the following:
 - (a) A statement identifying the total number of occupied and vacant multi-family units receiving a property tax exemption;
 - (b) A certification that the property continues to be in compliance with this Agreement, Chapter 3.22 VMC, and Chapter 84.14 RCW;
 - (c) A description of any improvements or changes to the property constructed after the issuance of the certificate of tax exemption; and
 - (d) The total monthly rent for each unit.
9. The applicant agrees to maintain the Property including all improvements in compliance with all applicable City codes and requirements.
10. The Applicant agrees to maintain records supporting all information provided to the City and to make those records and the multi-family units available for inspection by the City. Failure to submit the annual declaration identified in Paragraph 8 or to maintain adequate records may result in the tax exemption being canceled.
11. If the Applicant converts the multi-family residential housing units constructed under this Agreement to another use, the Applicant shall notify the Clark County Assessor and Treasurer and the City Economic Prosperity and Housing Director within 60 days of such change in use.

12. The Applicant agrees to notify the Economic Prosperity and Housing Director promptly of any transfer of the Applicant's ownership interest in the site or in the improvements made to the site under this Agreement.
13. 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. Cancellation of the Final Certificate of Tax Exemption may subject the Applicant to potential tax liability as further described in RCW 84.14;
14. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
15. 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.
16. Applicant agrees that this Agreement is subject to the Vancouver Multi-Family Housing Tax Exemption set forth at Vancouver Municipal Code, Chapter 3.22.

CITY OF VANCOUVER

Columbia Waterfront, LLC

Eric Holmes, City Manager

Name-Title

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

Development Agreement
EXHIBIT A
LEGAL DESCRIPTION

BLOCK 21 OF THE VANCOUVER WATERFRONT PH2 PLAT RECORDED AT BOOK 4, PAGE 214 OF
PLATS. LOCATED IN THE SE 1/4, S28, T2N, R1E WM

Development Agreement
EXHIBIT B
PUBLIC IMPROVEMENTS

1. Prior to the issuance of the final certificate of tax exemption, the Applicant shall provide the public benefit contribution funding for future affordable housing investments in an amount of no less than \$1,109,250 (25% of the expected forgone tax exemption).

MEMORANDUM

DATE: April 17, 2023

TO: Mayor and Council

FROM: Katherine Kelly, Senior Policy Advisor, Community Development Department

CC: Eric Holmes, City Manager; Aaron Lande, Policy & Programs Manager;
Rebecca Kennedy, Deputy Director, Community Development

RE: **Interstate Bridge Replacement (IBR) Program Update**

This memo provides a high-level update on the status of various aspects of the Interstate Bridge Replacement Program (IBRP), including technical analysis and design work, financial analysis, government affairs, advisory groups, and community and stakeholder engagement.

Technical Analysis and Design Work

Technical Analyses

Following approval of a Modified Locally Preferred Alternative (MLPA) in summer 2023, the IBRP began technical analysis of how the MLPA design might affect the community in a variety of ways. This analysis is required for any project receiving federal funding, per the National Environmental Protection Act (NEPA), and includes the following:

- | | | | |
|-------------------------|-------------------|--------------------------|-----------------------|
| - Air Quality | - Aviation | - Climate | - Cumulative Effects |
| - Economics | - Ecosystems | - Electromagnetic Fields | - Energy |
| - Environmental Justice | - Equity | - Geology, Groundwater | - Hazardous Materials |
| - Land Use | - Neighborhoods | - Noise | - Parks & Recreation |
| - Property Impacts | - Public Services | - Transportation | - Utilities |
| - Viewpoints/Visual | - Water Quality | - Wetlands | |

Results of the analyses are scheduled to be made public late 2023 via release of a *Draft Supplement Environmental Impact Statement (DSEIS)*. There will be community engagement prior to the DSEIS release and a 60-day public comment period once it is released. Subsequently, a Final Supplemental Environmental Impact Statement (FEIS) will be developed and submitted to federal agencies for review and potential approval.

Development of Design Options

MLPA Components:

In addition to the technical analyses currently happening, design for each of the MLPA components is being advanced in collaboration with staff from partner agencies - including Vancouver. With release of the SDEIS, additional design detail for the MLPA components which are listed below will be shared:

- Replacement bridge across the Columbia River
- Improvements to seven interchanges
- New light rail from Expo Center in Portland to near E. Evergreen Blvd. in Vancouver
- Addition of one auxiliary lane each direction, safety shoulders, and Bus On Shoulder lanes on the bridge
- Active Transportation Enhancements
- Variable rate tolling.

Auxiliary Lanes:

The MLPA approved in summer 2022 includes one auxiliary lane. In addition, the IBRP is studying impacts of two auxiliary lanes in the DSEIS. By studying two auxiliary lanes as part of the DSEIS, the program is reducing risk of extending the program schedule if the NEPA process determines that additional analysis is necessary to meet performance expectations such as congestion relief and safety. Results of the analysis will be included in the Draft SEIS.

Bridge Type – Movable Span:

In February 2023 the Program received notice from federal lead agencies (Federal Highway Administration and Federal Transit Administration) that the US Coast Guard (USCG) requests that an option that provides at least 178' of clearance for river navigation be included in the DSEIS analysis. The IBRP is responding to the request by:

1. Continuing to seek an updated *preliminary navigation clearance determination* from the USCG for a vertical clearance for the bridge of 116 feet. This includes working with potentially impacted users to negotiate mitigation agreements. According to IBRP, potentially impacted users have expressed support for the replacement of the bridge and are interested in discussing potential agreements.
2. Analyzing a movable span as a design variation to the MLPA. Details of what exactly will be analyzed (i.e., a lift, bascule, swing, or other type as well as details around lift restrictions) are being determined.

Because the USCG is a permitting agency and has a mandate to preserve water navigability, incorporating a movable span as something to analyze will allow the community and partners to provide feedback on that design option through the official NEPA process.

Financial Analysis

Cost Estimate: Cost estimates for the MLPA are estimated to range between \$5B to \$7.5B, with a “most likely” cost estimate at \$6B.

Funding Sources:

Estimated funding sources are as follows:

- Committed WA/OR Funding (allocations for planning/design work):	\$100M
- Committed Connecting WA Funding (Mill Plain Interchange Improvements):	\$98M
- Committed Move Ahead WA Funding (2022)	\$1B
- Anticipated Oregon State Funding (2023)	\$1B
- Anticipated Federal Grant Funding -(Mega, Bridge Investment Programs)	\$860M - \$1.6B
- Anticipated Federal Transit Administration -Capital Improvement Grant	\$900M - \$1.1B
- Anticipated Variable Rate Tolling	\$1.1B - \$1.6B
Total	\$5.1B - \$6.5B

Government Affairs

While not yet finalized at the time of this memo, the Washington state legislature appears to be on a path to designate IBRP as an eligible toll facility and authorize the Washington State Transportation Commission (WSTC) to enter into a bi-state agreement with the Oregon Transportation Commission (OTC) regarding toll rates, exemptions, and other necessary policies. The Washington session is scheduled to conclude April 23rd.

In Oregon, the state legislature is discussing potential allocation of \$1B to be dedicated for construction of the IBRP. Funding mechanisms are yet to be formally introduced. The Oregon legislative session is scheduled to conclude no later than June 25th.

In addition to the legislative work in Olympia and Salem, tours of the IBRP area for several federal and state legislators have taken place the past three months to familiarize them with the physical and community aspects as well as complexities and opportunities the IBRP entails. Also, program partners have met with federal representatives and agency leads in Washington, D.C. to discuss the need for the program and to advocate for funding. IBRP Administrator Greg Johnson has also continued to meet with federal representatives and agency leads to discuss the program's importance and progress.

Advisory Groups

Advisory groups for the IBRP continue to meet. Since January, the Community Advisory Group and Equity Advisory Group have met monthly. Agenda items have included:

- Updates on program cost estimates and a financial plan
- Introduction about how design of the bridge will be considered and an overall urban design framework
- Information about the identification of cultural and historic properties in the bridge area to meet federal Section 106 (historic and cultural preservation) requirements
- An economic impact analysis overview including information about projected economic activity from construction and jobs plus secondary and tertiary spending associated with the IBRP
- Key performance indicators for defining how equity is embedded in the IBR Program
- Draft SEIS process.

The Executive Steering Group did not meet in January or February. Their meeting in March was informational only, with no action items, and included updates on the topics noted above.

Engagement

Prior to release of the SDEIS the Program has outlined the following forums and tactics to provide updates and awareness:

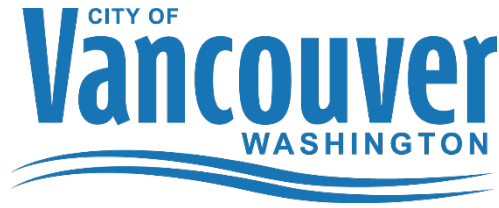
- Two neighborhood forums (date, time and locations being planned)
- Briefings to Community-Based Organizations (CBO) and neighborhoods
- Mini-grant partnerships with Community based organizations
- Affinity listening sessions focused on identified interests
- Equity roundtables
- Representation at community events such as fairs, festivals, farmers markets, and other events identified in collaboration with partner agencies and advisory group members
- Community benefits and workforce opportunities
- Open houses
- Staff office hours.

Next Steps

Staff will provide regular updates for Council as new information emerges and as key milestones approach.

Staff Contact:

Katherine Kelly, Senior Policy Advisor, Community Development Department
Katherine.Kelly@cityofvancouver.us



DATE: April 17, 2023

TO: Anne McEnerny-Ogle, Mayor
City Council

FROM: Eric J. Holmes, City Manager
Jeff Mori, Chief of Police

RE: **Property Crime Trends**

Executive Summary

Property crime has been trending lower since the 1st quarter of 2022. When compared to the same time frame from last year, aggregated reported property crime is 26% lower. While trending lower, property crime today is higher than during the first half of 2021.

Unfortunately, last year the State of Washington ranked 3rd nationally in the number of vehicles stolen.¹ In 2022, the State of Washington recorded nearly 47,000 vehicles stolen. The City of Vancouver was not immune to this trend. Locally, in 2022 Vancouver residents reported over 2,700 vehicles stolen.

Background

A significant concentration of property crime incidents appear to be concentrated in the heavily populated areas such as large retail/shopping areas. Last quarter (Jan – Mar), there were 4,562 reported property crimes. The most prevalent reported property crimes from last quarter were theft from vehicles (815), motor vehicle theft (687) and vandalism (904). Burglaries (residential and commercial) were reported at 411. All other larceny² type crimes topped the list at 700 reports.

Division Commanders and District Lieutenants are proactively taking ownership of their respective operational areas. As a reminder, the Police Department has divided the City of Vancouver into West and East Precincts. Each Precinct Commander has two (2) Operations Lieutenants who oversee Districts (geographical regions within the area command).

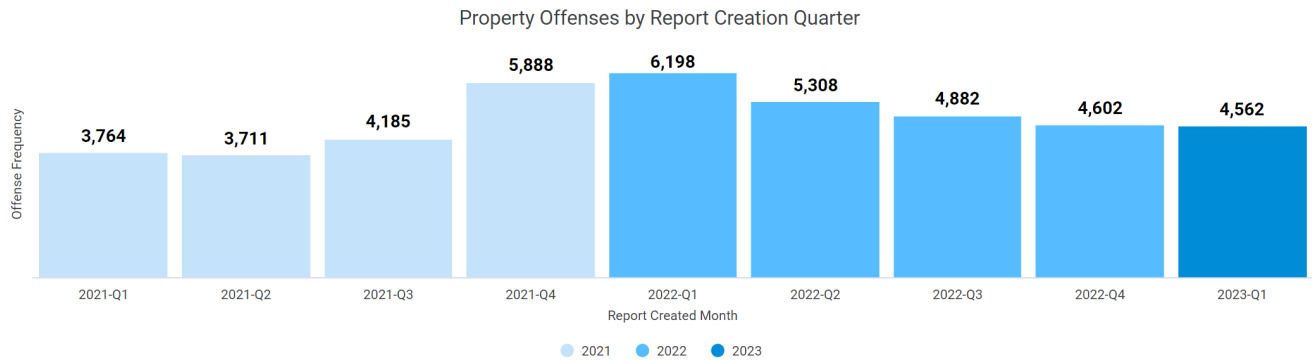
In addition to routine patrol and public generated calls for service, the Patrol Commanders have authorized special enforcement missions and dedicated resources city wide to reduce and hinder

¹ [VEHICLE THEFTS NATIONWIDE SURPASS ONE MILLION FOR THE FIRST TIME SINCE 2008 \(multivu.com\)](https://multivu.com/news/vehicle-thefts-nationwide-surpass-one-million-for-the-first-time-since-2008)

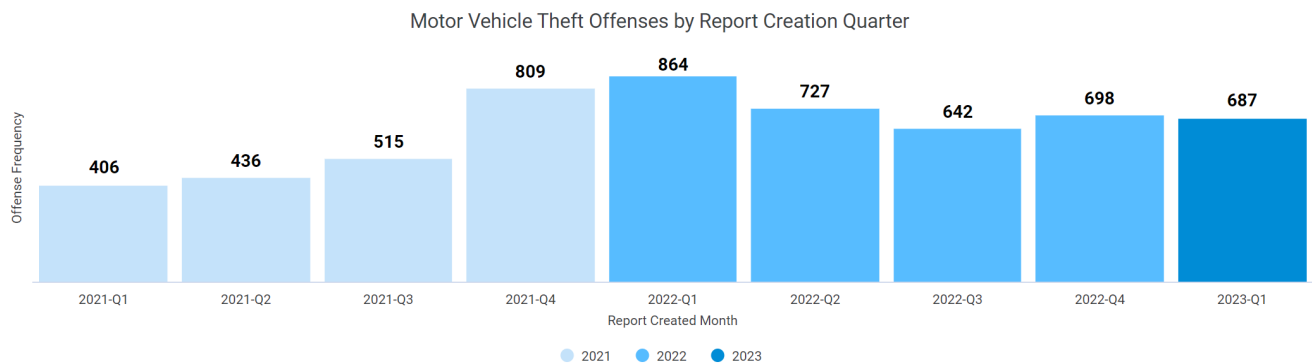
² NIBRS has specific theft categories for select offenses (i.e., Theft from motor vehicle, theft from building, shoplifting, etc.). The NIBRS category "All other larceny" is a catch all category for offenses that do not fit into the exclusively defined NIBRS categories such as generalized "theft" investigations.

criminal behavior. Focused patrol missions in heavily populated areas included our large retail shopping areas, parks and downtown core area.

Below is our Property Crime trend over the years.



Below is our Motor Vehicle Theft trend over the years.



Enforcement Environment and Other Considerations

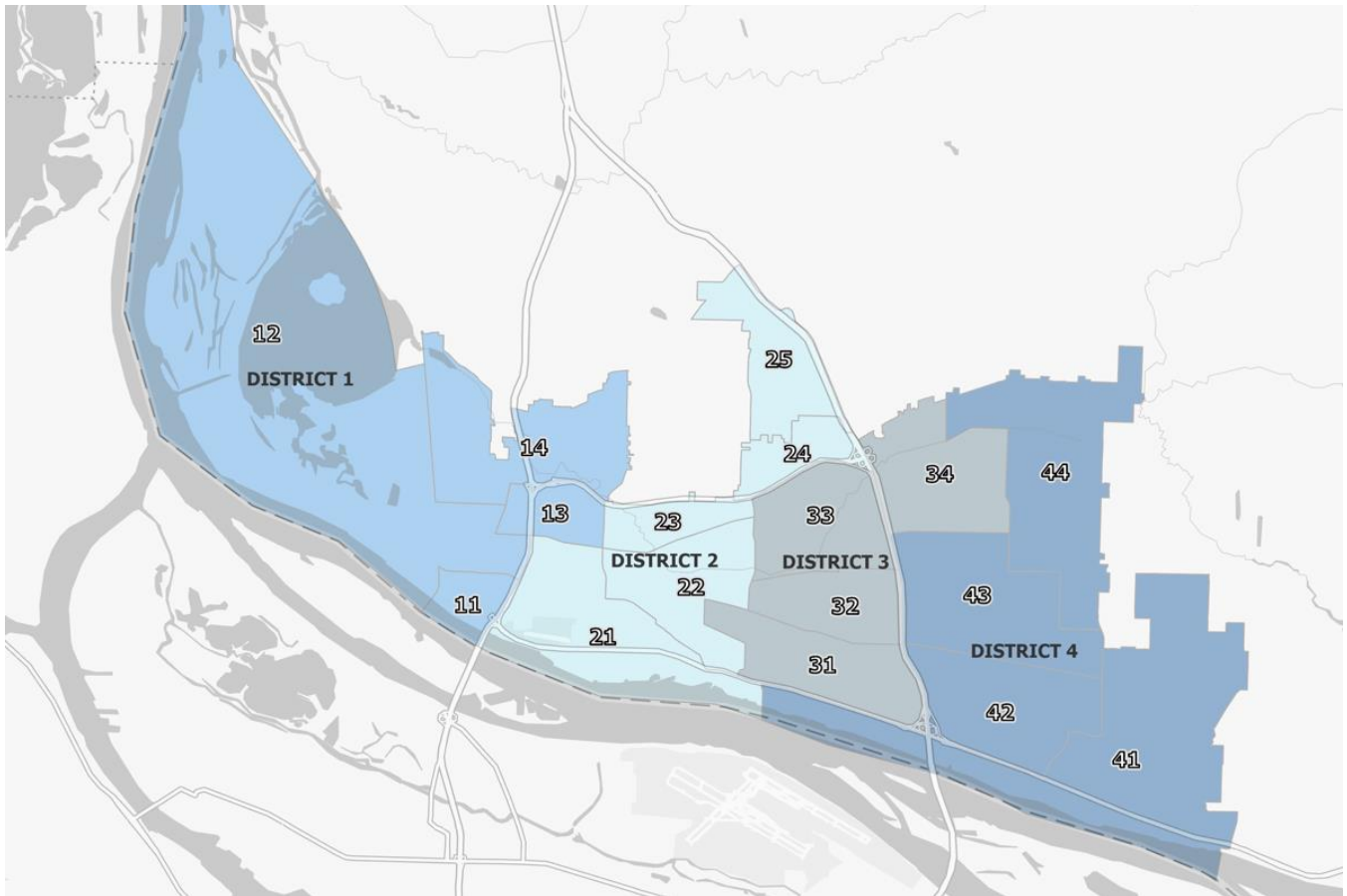
The county jail is still only accepting mostly felony related arrests. Many of the referenced property crimes are misdemeanors. Enforcement and arrests for the majority of these misdemeanor crimes result in issuance of a citation in lieu of custody.

Attachments

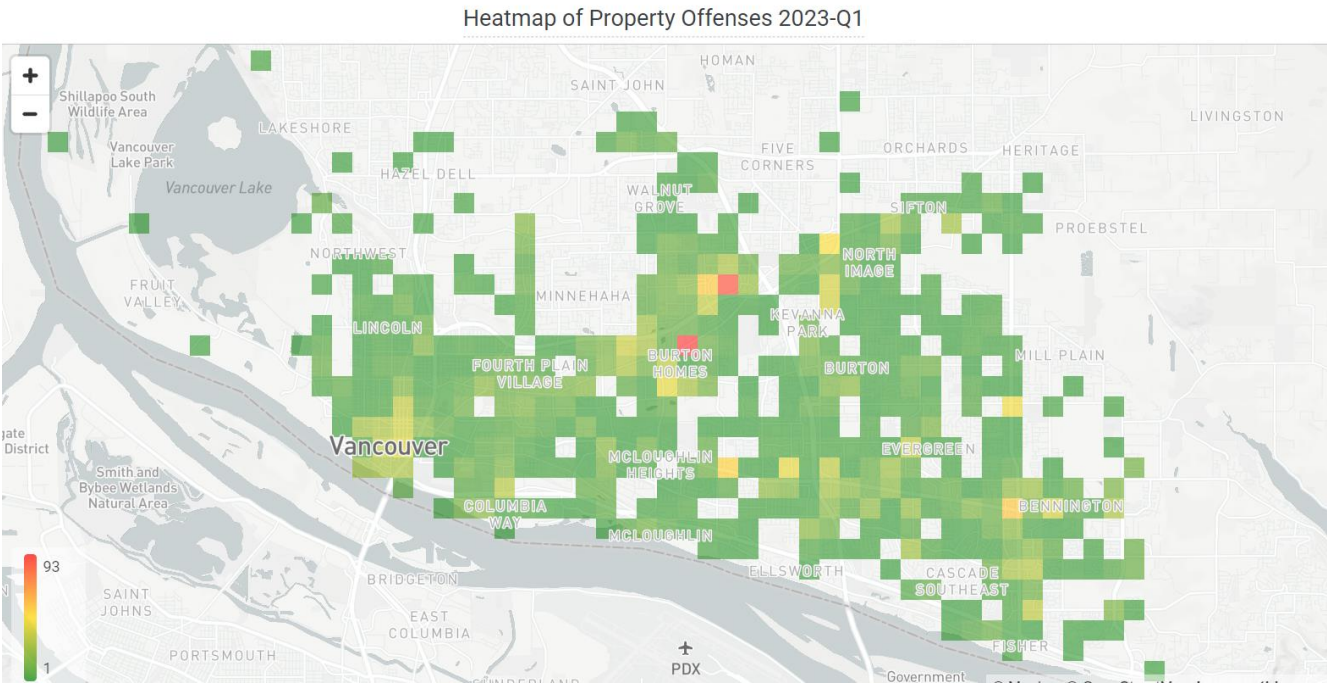
- District map
- Heat maps, 1st Quarter 2023

Attachments:

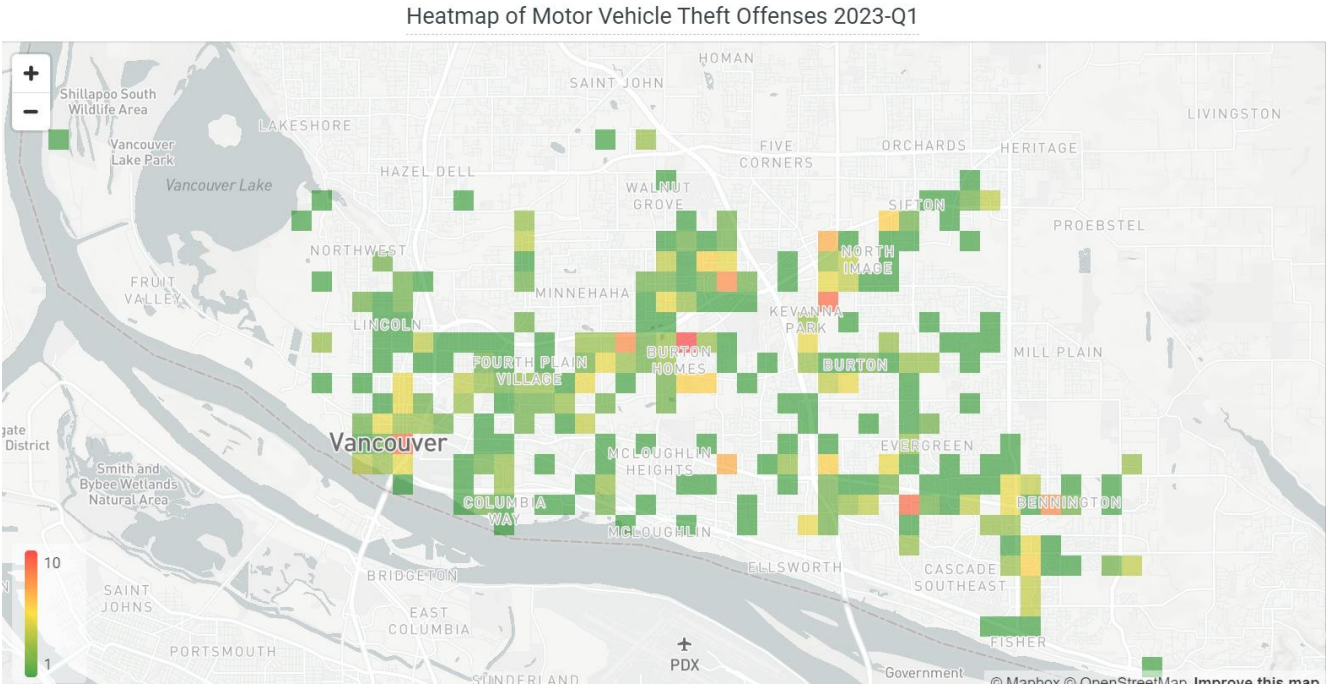
District Map:

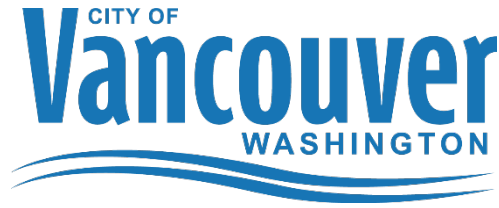


Heat map for Property Offenses for 1st Quarter 2023:



Heat map for Motor Vehicle Thefts for 1st Quarter 2023:





DATE: April 17, 2023

TO: Anne McEnerny-Ogle, Mayor
City Council

FROM: Eric J. Holmes, City Manager
Jeff Mori, Chief of Police

RE: **Police Department Recruitment Update**

Executive Summary

The Police Department is authorized 242 sworn (commissioned) positions and currently we have 22 vacancies. The enhanced recruitment efforts are being seen. Through the 1st quarter of 2023, entry level applicants are up 141% from the same time last year and female applicants increased by 5%.

Background

The highest strategic priority for the Police Department is to fill vacancies. With the number of vacancies and anticipated retirements, we have an opportunity to transform the Police Department's demographics.

In early 2022, the Police Department dedicated a full time Sergeant to focus on recruitment and retention efforts. Later that year we partnered with the City of Vancouver Human Resources (HR) team to add a HR Analyst to assist the Recruitment Sergeant.

We have engaged with a professional marketing company with extensive experience with Public Safety recruitment. ¹ A historic Memorandum of Understanding (MOU) was signed with the Vancouver Police Officer's Guild (VPOG) to allow retirees (non-Guild personnel) to augment the Background Investigation Unit to increase the number of new hires.

Additionally, the Police Department has publicly joined the "30x30 initiative", a national program to advance women in policing.² The goal is to have 30% of the police commissioned staff be represented by females.

Complicating our landscape are the extended wait times (8-10 months) for new recruit police officers to attend and graduate from the State of Washington's Criminal Justice Training Center (CJTC). While

¹ [Loma Media – Create. Success.](#)

² [30x30 Initiative](#)

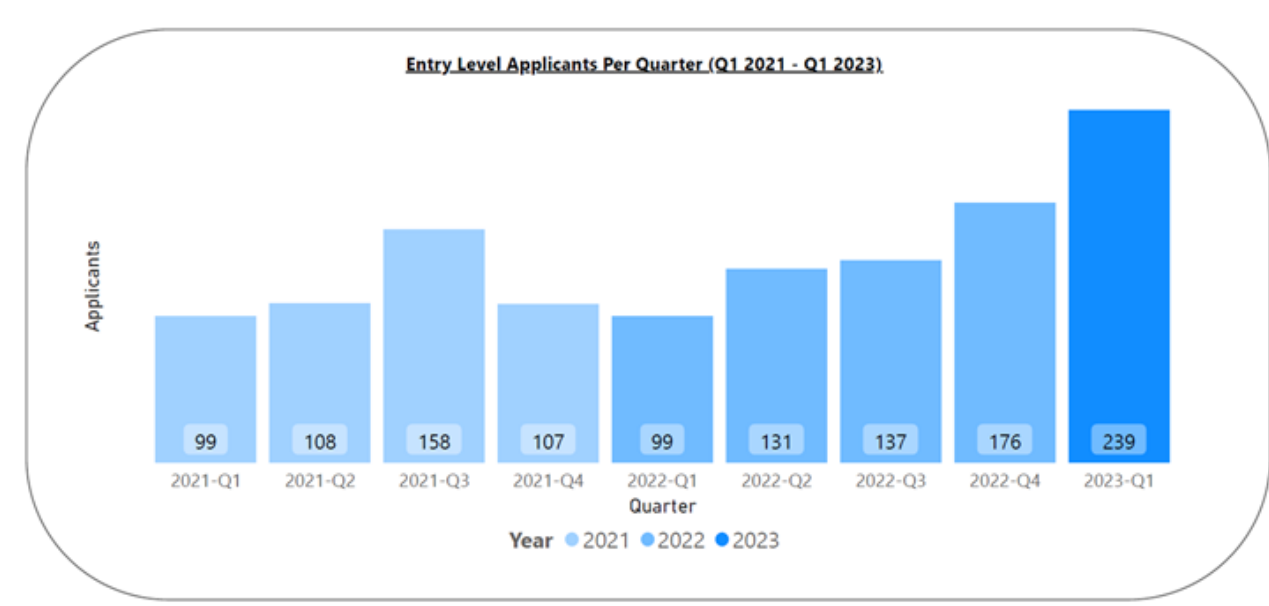
efforts are underway to locate a regional CJTC in Southwest Washington, we do not anticipate any movement on this until next fiscal year.

As a result, we are focusing efforts on lateral police officers as they are not required to attend the nearly 5-month long academy in Burien, WA. The wait time for the equivalency (lateral) academy is much shorter.

The Police Department's Public Affairs Manager and Recruitment Sergeant are working the marketing company to create a robust digital advertising campaign to increase lateral and female applicants.

To date, 8 new police officers have started since the first of the year with another 2 planning to start later this month.

Below is a graph of our entry level police officer candidates since 2021.





Clark County Comprehensive Plan Update Adoption of Countywide Population Forecast

City Council Communication April 17, 2023



Bryan Snodgrass
Principal Planner, Community Development

GMA Requirement

- County with Cities consultation must adopt total 20-year countywide population forecast from within range provided by OFM for year 2045:
 - 791,809 persons (High End) – 271,000 new
 - 698,416 persons (Medium and Most Likely) – 178,000 new
 - 576,151 persons (Low End) – 56,000 new
- Chosen forecast distributed among jurisdictions, which must adopt new Comprehensive Plans in 2025 which include 20-year land supplies to accommodate their share of total, as well as capital facilities plans to adequately serve growth

Key Steps

Clark County Council:

- January 2023: Plan Update kick-off meeting
- March 21: Adopted public participation plan
- April 5: Population forecast workshop
- April 18: County Council population forecast public hearing

Vancouver City Council:

- February 27 communications, March 6 consent and April 10 consent leading to adoption of Policy Framework. Included discussion of staff and outside agency support for medium population forecast

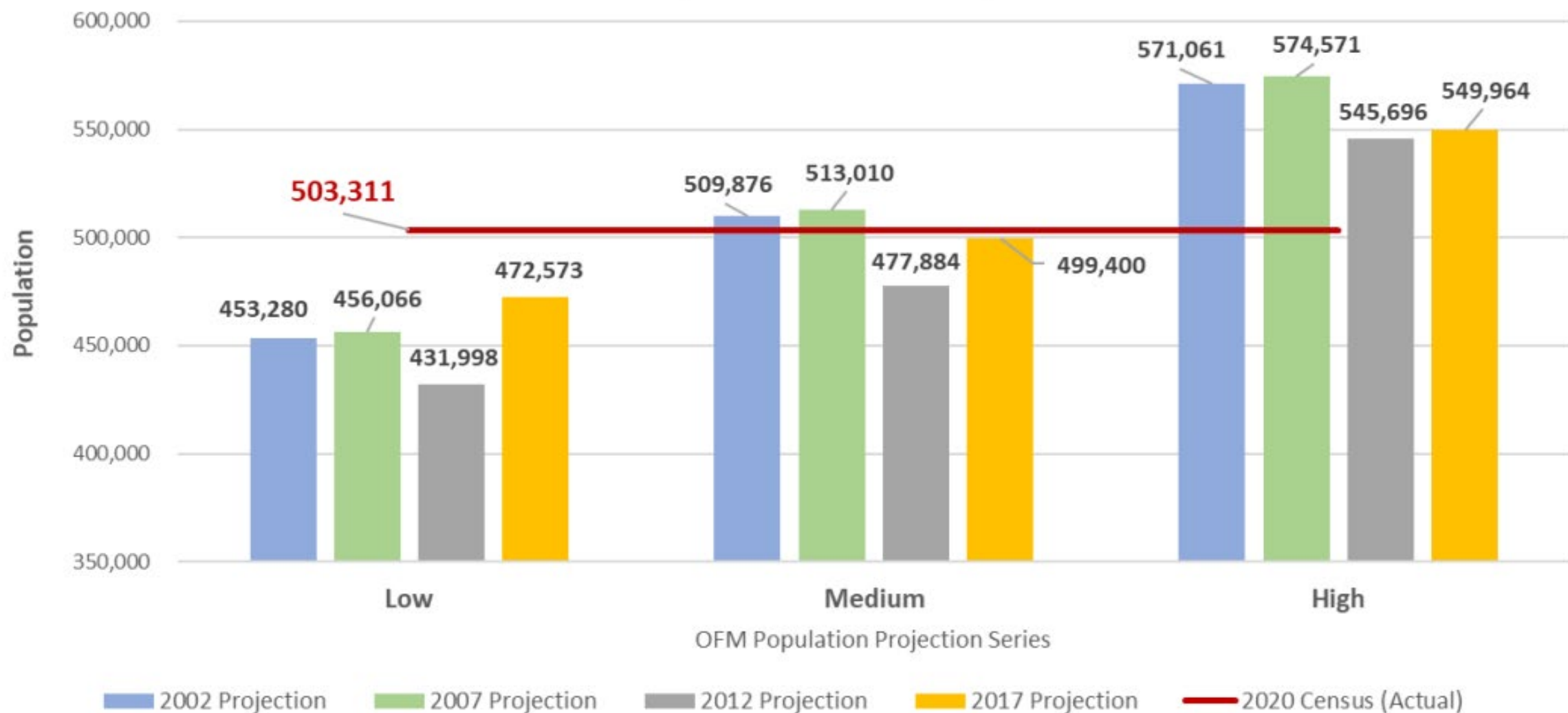
Rationale for support of OFM Medium and Most likely 2045 Countywide forecast of 698,416 persons



- Projected as most likely by state agency with outstanding track record for long term forecasting. 2002 OFM forecast overestimated 2020 actual by less than 1.3%.
- Already being used by RTC. Supported by Mayors and staffs of all small cities.
- Provides ample growth - 178,000 new persons by 2045, about as many as past. Required to accommodate more total housing units in 20 years than actually built in last 30 years. 36,000 units affordable at 50% AMI.
- Can be increased in short term if needed. Higher forecasts effectively cannot be decreased
- Recognizes finite long term land supplies

A Comparison of Past OFM Population Projections for 2020 with the Actual 2020 Census Value

2020 Census Population for Clark County: 503,311



What about annual average growth rates for years within 20-year period?

- Not required to be adopted.
- Can be miscalculated- need to compound
- Can be misleading and imply false precision- actual yearly or even five-year increments vary
- Useful for comparing long term
- As with other Counties, OFM projects modest Clark County decline over time – last 20 years averaged 1.8% annual increase, next 20 projected at 1.3% annual increase
- Due to declining birth rates, aging baby boomer impacts on mortality and in-migration rates, lingering pandemic impacts. Local on-the-ground factors also suggest slowing in *rate* of increase.

Alignment of OFM Medium/Mo st Likely forecast with City Policy Framework



- Pursue technically and legally sound processes and outcomes
- Engage Cities as partners rather than impacted parties or stakeholders in County regional land use decisions, as directed by state and local policy
- Embed implications for equity, safety, and climate
- Consider implications for housing affordability and availability, employment, and service provisions
- Facilitate placemaking and location of inter-related uses near one another: Ensure that employment, shopping, recreating and gathering opportunities are near and accessible to where people live and work
- Consider implications for potential future annexation
- Pursue equity among the City of Vancouver and other jurisdictions, including the unincorporated VUGA, in providing for attainable housing, recognizing differing histories and geographies
- Consider how decisions in this update cycle impact future longer term options, and what options exist for future adjustments
- Consider at a minimum the role of future updates, and how long current choices can be sustained given finite countywide land supplies
- Consider UGA expansions only where clearly and demonstrably needed to further the balance of these and other City objectives

Questions?

