

City Council Meeting

May 11, 2015
5:30 p.m.



AGENDA
GIG HARBOR CITY COUNCIL
May 11, 2015 – Council Chambers

CALL TO ORDER / ROLL CALL:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes April 27, 2015.
2. Liquor License Action: a) Special Occasion Liquor License: Chamber Event at Skansie Netshed.
3. Receive and File: a) Harbor Wildwatch Summary of Activities; b) Public Works Committee Minutes: March 9, 2015; c) Public Works Committee Minutes: April 13, 2015.
4. East Tank Retrofit and Repainting – Construction Contract Award.
5. Settlement agreement with ETC Investments Regarding Thurston Lane.
6. Resolution No. 989 - Harbor Hill S8 - Final Plat and PRD Approval.
7. Resolution No. 990 - Adoption of All Hazards Mitigation Plan.
8. Approval of Payment of Bills: Checks #78235 through #78335 in the amount of \$699,812.66.
9. Approval of Payroll for the month of April: Checks #7496 through #7507 and direct deposits in the amount of \$363,007.81.

PRESENTATIONS: Swearing In – Lieutenant Fred Douglas.

OLD BUSINESS:

1. Third Reading of Ordinance No. 1312 – Restaurants 2 & 3 in Waterfront Millville.

NEW BUSINESS:

1. Public Hearing and Resolution No. 991 – Water and Sewer Utility Extension Agreements for Cushman Pointe Plat.
2. First Reading and Adoption of Ordinance No. 1313 - Harbor Hill S8 Rezone to PRD Zone.

CITY ADMINISTRATOR / STAFF REPORT:

City Administrator Ron Williams – Legislative Update.

PUBLIC COMMENT:

MAYOR’S REPORT / COUNCIL COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

1. Boards and Commission Candidate Review: Mon. May 18 at 4:00 p.m.
2. Civic Center Closed for Memorial Day – Mon. May 25th.
3. City Council – Tuesday, May 26th at 5:30 p.m. due to Memorial Day.
4. Intergovernmental Affairs – Tue. May 26th at 4:00 p.m.

ADJOURN:

MINUTES
GIG HARBOR CITY COUNCIL
April 27, 2015 – Council Chambers

CALL TO ORDER / ROLL CALL:

Mayor - Jill Guernsey: Present
Council Member - Timothy Payne: Present
Council Member - Steven Ekberg: Present
Council Member - Casey Arbenz: Present
Council Member - Rahna Lovrovich: Present
Council Member - Ken Malich: Present
Council Member - Michael Perrow: Present
Council Member - Paul Kadzik: Present

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes April 13, 2015.
2. Correspondence / Proclamations: a) Elks National Youth Week.
3. Liquor License Action: a) Hot Iron Grill; b) Renewals: Susanne's Bakery & Deli, Walgreens, Cigar Land, Anthony's at Gig Harbor, Tanglewood Grill, Sunset Grill, Bistro Satsuma, Heritage Distilling Company (2).
4. Second Reading of Ordinance No. 1311 – Community Solar Program.
5. Consultant Services Contract, Amendment #2, with Robinson Noble - Closeout Reporting Requirements.
6. Lift Station 4B Design – Consultant Services Contract – Parametrix.
7. Approval of Payment of Bills: Checks #78117 through #78234 in the amount of \$574,053.94.

MOTION: Move to adopt the Consent Agenda as presented.
Lovrovich / Malich - six voted yes. Councilmember Payne abstained.

PRESENTATIONS:

1. Elks National Youth Week. Mayor Guernsey asked representative Ralph Petersen to come forward and accept the signed proclamation.

Ralph Peterson voiced appreciation for the proclamation, and gave a brief overview of the community programs that the Elks Club supports.

NEW BUSINESS:

1. McCormick Creek LLC - Agreement for Reimbursement of Costs for LED Street Lighting Upgrade. Senior Engineer Emily Appleton presented the background information for this agreement that would allow an upgrade to street lights for this project. She addressed Council questions.

MOTION: Move to authorize the Mayor to execute an Agreement for an amount not-to-exceed \$48,420.00.
Perrow / Ekberg - unanimously approved.

OLD BUSINESS:

1. [Second Reading of Ordinance – Restaurants 2 & 3 in Waterfront Millville.](#)

Mayor Guernsey gave a brief introduction to the agenda item and shared her thoughts on the proposed ordinance.

[Planning Director Jennifer Kester](#) presented a brief summary of the process to date and the two ordinances developed for consideration.

Councilmembers discussed the ordinance and took turns asking questions and voicing their concerns. Ms. Kester addressed these in turn. This discussion led to several motions to amend the ordinance.

MOTION: Move to amend the opening hours to no earlier than 7:00 a.m.
Ekberg / Payne – roll call vote:

Malich – yes; Arbenz – no; Ekberg – yes; Perrow – yes; Lovrovich – yes; Payne – yes; and Kadzik – no. The motion was adopted.

MOTION: Move to amend the last seating to occur no later than 9:00 p.m.
Ekberg / Malich - roll call vote:

Malich – yes; Arbenz – no; Ekberg – yes; Perrow – no; Lovrovich – no; Payne – no; and Kadzik – no. The motion failed.

MOTION: Move to amend the last seating to occur no later than 9:30 p.m.
Payne / Kadzik - roll call vote:

Malich – no; Arbenz – yes; Ekberg – no; Perrow – yes; Lovrovich – no; Payne – yes; and Kadzik – yes. The motion was adopted.

MOTION: Move to limit outdoor seating to 9:00 p.m.
Perrow / Lovrovich –

After further discussion, it was decided to address this during the Conditional Use Permit and so this motion was removed from the table.

MOTION: Move to ban the use of deep fat fryers and amend the language in Section 17.48.090(H) to read: ...Restaurant 2 and 3 uses shall install equipment that will significantly limit the emission of food smells from the restaurant.
Kadzik / Payne – roll call vote:

Malich – yes; Arbenz – yes; Ekberg – yes; Perrow – yes; Lovrovich – yes; Payne – yes; and Kadzik – yes. The motion was adopted.

MOTION: Move to accept the Planning Commission recommendation for the subject area for this zoning change.
Payne / Arbenz –

Malich – no; Arbenz – yes; Ekberg – yes; Perrow – yes; Lovrovich – no; Payne – yes; and Kadzik – no. The motion was adopted.

Planning Director Kester responded to a few more questions and said she would prepare a final ordinance for third reading and consideration at the next meeting.

CITY ADMINISTRATOR / STAFF REPORT:

[City Administrator Ron Williams](#) announced the upcoming Cushman Trail ribbon cutting ceremony this Friday at 11:00 a.m.

[Councilmember Ekberg](#) congratulated Chief Busey for his participation in the recent “Walk a Mile in her Shoes” fundraiser. Chief Busey shared that his team raised over \$2,400 for the Sexual Assault Center of Pierce County.

PUBLIC COMMENT:

[Jeni Woock](#) - 3412 Lewis Street, Citizens for the Preservation of Gig Harbor. Ms. Woock referred to the 2012 Harbor Vision Statement, asking Council not to ignore what the citizens said is important to them. She stressed that those in favor of this amendment do not live in the Millville Residential area and asked that this zoning request be denied.

[Robert Philpot](#) (no address given). Mr. Philpot owned this property prior to the applicant and operated a Type 1 Restaurant which was difficult to get approval to be open from 7 to 7. He said that allowing Type 2 or 3 in this spot zone sets precedence. He cited other restaurant hours of operation, and said that last call is a good idea. He said that that Arabella’s parking lot is full during the summer which will result in off-street parking and talked about outdoor seating.

[Al Abbott](#) - 6908 Rainier Ave. Mr. Abbott talked about the economic vitality downtown which he said has to embrace progress. He commended the Council for their due diligence on a difficult matter.

[Jackie Olivier](#) - 3316 Harborview Drive. Ms. Olivier said Restaurants 2 and 3 do not belong in Waterfront Millville. She said the city has disrespected the residents after the overwhelming petition against this rezoning. She suggested using this opportunity to revitalize the Peninsula Shopping Center, which is perfect for people to gather with parking and deliveries and no neighbors to disturb.

[Cyrus Jackson](#) – 8212 Dorotich Street. Mr. Jackson commented that it’s a moot point, but there would be a greater potential for more restaurants west of the red line. He said the language about smells is vague and suggested evaluating specific pieces of equipment to address the impact.

[Mary Jackson](#) – 8212 Dorotich Street. Ms. Jackson cited her 30 years in the restaurant business. She talked about the logistics of last seating, the efficiency, and how closing and cleaning the kitchen is a huge job. Hospitality requires efficiency, she stressed.

[Derek Young](#) - 4316 32nd Ave. Ct. NW. County Councilmember Young extended an invitation to the May 19th 5:30 p.m. meeting at the Civic Center to talk about the South Sound 9-1-1 building. He explained that the citizens voted to pass a tax for emergency responders. The radio side has been implemented but not the facility. Plans are to purchase property in Fircrest and begin construction of a building. This meeting is to show everyone what this about and to obtain input.

[John Moist](#) - 3323 Harborview Drive. Mr. Moist thank Council for their due diligence and said he felt compelled to comment on the negative information that has been put out. He read a statement regarding the Citizens for Preservation of Gig Harbor Organization.

[Leah Philpot](#) - 2115 95th St. Ct. NW. Ms. Philpot said she has already said everything a couple weeks ago. She thanked Councilmember Malich for being the voice of reason and common sense. She said she proudly stands with Ms. Woock.

[David Lovrovich](#) - 3319 Ross Avenue. Mr. Lovrovich said he still opposes this as a resident of Millville. He cited the First and Second Commandments, and then talked about the resident's petition and how this is about being a good neighbor, and what's right for the people.

[Charlotte Gerloff](#) - 7712 73rd St. Ct. NW. Ms. Gerloff said she doesn't live in Millville but is part of community and opposes this amendment. She asked Council to reconsider what will change the complexion of the community adversely.

MAYOR'S REPORT / COUNCIL COMMENTS:

[Councilmember Perrow](#) complimented the Parks Commission and Staff for Park Appreciation Day, over 200 volunteers showed up. This is being followed by community cleanup day this coming weekend.

[Councilmember Malich](#) commented that he has problems with listening to recording of computer of last meeting. Clerk Towslee offered solutions.

[Councilmember Lovrovich](#) reported on the recent Harbor History Museum Fisherman's Cup Golf Classic. She said it was a wonderful event and wanted to give kudos to the museum for a great job.

[Councilmember Payne](#) thanked her for that endorsement. He reported on the Gig Harbor YMCA and Harbor Heights Elementary Circus Club who participate in early morning extracurricular activities and put on a wonderful performance. The second event he mentioned was the Arbor Day Celebration held at the Civic Center. He then reported that his son, a friend, and he drove the Cushman Trail to Borgen stopping at several locations along the way. The trail is a great way for kids to safely traverse the city.

[Mayor Guernsey also mentioned Arbor Day.](#)

ANNOUNCEMENT OF OTHER MEETINGS:

1. Planning / Building Committee: Mon. May 4 at 5:30 p.m.
2. Public Works Committee: Mon. May 11 at 4:00 p.m.

EXECUTIVE SESSION: For the purpose of discussion potential litigation per RCW 42.30.110(i).

Council adjourned to executive session at 7:25 p.m. for approximately ten minutes. Action may be taken.

Council returned to regular session at 7:30 p.m.

ADJOURN: The meeting was adjourned at 7:30 pm.

Jill Guernsey, Mayor

Molly Towslee, City Clerk

WASHINGTON STATE LIQUOR CONTROL BOARD - License Services
3000 Pacific Ave SE - P O Box 43075
Olympia WA 98504-3075

TO: MAYOR OF GIG HARBOR

April 21, 2015

SPECIAL OCCASION #: 092720

GIG HARBOR CHAMBER OF COMMERCE
3125 JUDSON ST
GIG HARBOR WA 98445

DATE: JUNE 5, 2015

TIME: 4 PM TO 9 PM

PLACE: SKANSIE BROTHER'S NET SHED - 3207 HARBORVIEW DR, GIG HARBOR

CONTACT: JOHN MOIST 253-255-5050

SPECIAL OCCASION LICENSES

- * Licenses to sell beer on a specified date for consumption at a specific place.
- * License to sell wine on a specific date for consumption at a specific place.
- * Beer/Wine/Spirits in unopened bottle or package in limited quantity for **off** premise consumption.
- * Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days from the above date, we will assume you have no objections to the issuance of the license. If additional time is required please advise.

- | | | |
|------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| 1. Do you approve of applicant? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 2. Do you approve of location? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
LAW ENFORCEMENT	_____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
HEALTH & SANITATION	_____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
FIRE, BUILDING, ZONING	_____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
OTHER:	_____	YES <input type="checkbox"/>	NO <input type="checkbox"/>

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMIONERS OR DESIGNEE

Summary of Activities at the Skansie Brother's House July 30, 2014 – March 31, 2015

Harbor WildWatch (HWW) began leasing the Skansie Brother's House located at 3207 Harborview Drive, Gig Harbor 98335 on June 20, 2014. As stated in the lease agreement with the City of Gig Harbor, HWW utilized the Skansie House to deliver environmental, educational and/or cultural programs to the residents and visitors of Gig Harbor. In compliance with the lease agreement, this report will provide a summary of activities that have taken place at the Skansie House from July 30, 2014 through March 31, 2015.

Skansie Visitor Information Center:

- **Volunteers:** The *Skansie Visitor Information Center* (SVIC) was open for 612 hours from July 30-March 31, 2015, to include one month of closure during the winter holidays. During this time, 33 City of Gig Harbor volunteers donated their time to assisting visitors with information on shopping, dining, boating, lodging and recreation in Gig Harbor.
- **Visitors:** 2,300 residents and visitors from the greater Gig Harbor community came through the SVIC during open hours since the doors opened on July 31. Additionally, over 30 HWW volunteers have attended training, educational and social events at the Skansie House, outside of regular SVIC hours.

Education Programs:

- **Display Room:** Three environmentally themed exhibits have been displayed in the Skansie House, including *Skeletons: A Diversity of Structure*, *The Journey of Chum Salmon* and *The Power of Plankton*. All exhibits were free to the public, appropriate for all ages, interactive in nature, and included stewardship messages for Gig Harbor Bay and the greater Puget Sound.
- **Volunteer Engagement:** In January 2015, HWW began holding monthly educational and training events for our active volunteers. These events correspond with the monthly *Thursday Night Out* events hosted by the Downtown Waterfront Alliance and aim to further engage our volunteer base in our Downtown Community. Over 30 volunteers have attended these evening events.
- **Pier Into the Night:** Seven *Pier Into the Night* programs were delivered to 3,799 visitors during this time. These events took place on the first Saturday of the month from October-March and highlighted the unique wildlife below the surface of Jerisich Dock at night. New in 2014, visitors were able to interact directly with our SCUBA divers through the use of a live video and audio communication fed to the surface.

Looking Forward to 2015:

In 2015, HWW looks forward to implementing the following programs at the Skansie House:

- **Waterfront Walking Tours:** HWW is partnering with the Downtown Waterfront Alliance to offer free public walking tours along the downtown community. These tours will be fun, interactive and focus on the maritime history and the wildlife that thrives in Gig Harbor Bay. 10 tours are scheduled for the summer of 2015.
- **Skansie Laboratory:** With a generous donation from The Russell Family Foundation, HWW will transform the Skansie house kitchen into an interactive laboratory for students of all ages. Similar to our exhibit room, the focus of the lab will rotate periodically, encouraging visitors to keep coming back to the Skansie House for new learning opportunities. We hope to open the lab by June 2015.

If you have any questions about this report, please contact Lindsey Johnson, Executive Director, at lindsey@harborwildwatch.org.

**MINUTES
CITY OF GIG HARBOR
PUBLIC WORKS COMMITTEE
Monday, March 9, 2015
REVISED MEETING TIME: 3:30 p.m.
Public Works Conference Room**





CALL TO ORDER / ROLL CALL:

Public Works Committee: Steve Ekberg, Rahna Lovrovich, Ken Malich.

Staff: Jeff Langhelm, Public Works Director; Steve Misiurak, City Engineer; Emily Appleton, Senior Engineer; Trent Ward, Senior Engineer; Lindsey Sehmel, Senior Planner; and Maureen Whitaker, Executive Assistant.

Others Present: Ashley Emery, Peninsula Financial Consulting; Victor Salemann, Transportation Solutions Inc.; and Al Tebaldi, David Evans and Associates, Inc.

NEW BUSINESS:

1. [General Facilities Charges \(GFC\) Review – Ashley Emery/Peninsula Financial Consulting.](#)    

Ashley Emery provided an update to the Utility Rate Study that included a summary of budget changes to the water, wastewater, and stormwater utilities. He discussed his analysis and methodology of the current and future facility components of the GFCs that included a ten-year forecast.

Recommendation: The Committee suggested moving forward with the discussed adjustments and bring back for discussion at the April Public Works Committee meeting. The current plan is to present to full Council for a first reading on April 27th, and on May 11th for adoption.

2. [Development of the 2015 Gig Harbor Arts Commission Work Plan.](#)  

Public Works Director Jeff Langhelm provided a brief update on the 2014 and 2015 GHAC Work Plan. He discussed the city Capital Improvement Projects and said that the Public Works Department will work with the Arts Commission to prepare for the placement of art in 2016 for the following projects: Harborview Sidewalk Project, Kimball Drive/Hunt Street Overlay, and the 50th Street Culvert Project. There was also discussion on incorporating art into the Lift Station 4B project. A map and chart of six possible art locations and budgets were discussed.

Recommendation: The Work Plan will be moved forward and presented to full council.

3. [Capital Facilities and Transportation Element Comprehensive Plan Update.](#)  

Capital Facilities Element: City Engineer Steve Misiurak provided a brief synopsis of the Capital Facilities Element of the Gig Harbor Comprehensive Plan Update which identifies a level of service (LOS) standard for public services that are

dependent on specific facilities. Senior Planner Lindsey Sehmel stated that the Planning Commission will be going over the Capital Facilities and Transportation Elements at the March 19th Planning Commission meeting and again at their Joint Study Session with City Council on April 6th.

Transportation Element: Victor Salemann, Transportation Solutions Inc. provided a detailed overview of the Transportation Element and stated that in 2014 the City did city-wide traffic counts that created a new baseline. The largest increase in traffic occurs at Gig Harbor North and the Olympic Interchange. Mr. Salemann stated that the latest methodology (2010 Highway Capacity Manual (HCM) method) for analyzing the LOS in roundabouts is overly conservative as it considers a larger entry gap between cars, and defines levels of service in the same manner as a stop sign (not traffic signal). This made determining a realistic estimate of the LOS at the Burnham Borgen Interchange a challenge. The levels of service reported in the proposed version of the Transportation Element are a hybrid of the two methodologies, and are expected to provide the most realistic representation of future levels of service.

4. [Cushman Trail Phase 3 – Change Order](#).  

City Engineer Steve Misiurak provided background on the Pin Pile Bridge lumber quantity error. He explained that the city's design consultant David Evans and Associates erroneously calculated the lumber quantity for bid item #16 when they prepared the bid documents by failing to convert from actual quantity to the nominal bid quantity.

The city's consultant representative, Al Tebaldi, David Evans and Associates stated that he is working with the city to minimize the overall financial impacts.

Mr. Misiurak stated that city staff will make the formal change order request for additional funds at the upcoming March 23rd council meeting. The estimated increase in project costs associated with this bid item is $46.5 \text{ MBM} \times \$4,000/\text{MBM}$ (unit bid price) = \$186,000 excluding taxes, \$202,000 with taxes.

5. [Rumble Strips on Vernhardson – Verbal Update](#).

Jeff Langhelm provided background on the installation of the rumble strips and stated that he met with two separate groups of Vernhardson neighbors in summer 2014. At such time, the city moved forward with an improvement plan to address the speeds that these citizens said were occurring, which included moving the speed warning sign located westbound on Vernhardson at the Crescent Creek crossing, add a playground sign at the city limits on Vernhardson near the Masonic Temple and add rumble strips to attract the attention of drivers where they are passing or approaching the playground and speed warning sign. He said that there was an additional rumble strip added to eastbound Vernhardson near the intersection of N. Harborview Drive to try to attract drivers' attention of the new mid-block crossing and enhance the crosswalk. Mr. Langhelm further explained that he wanted to have rumble strips in the city's toolbox, as used on Rosedale Street to alert drivers where the Cushman Trail crosses. He said that we waited to install the rumble strips on Vernhardson until

the mid-block crossing was completed. The speed study data was not helpful because the data taken before installation of the rumble strips had quite a few dips in it due to the road construction, which brought down the average speed. The posted speed is 25 mph and the speed post-installation data showed an average speed of 25 mph. Mr. Langhelm stated in his best engineering judgement, he proposes to remove the eastbound rumble strips and maintain the westbound rumble strips to accentuate the signs that are out there. Councilmember Ekberg stated that the rumble strips are very close to people's homes and doesn't feel that this is the right spot for this tool. Councilmember Lovrovich stated that she has watched the traffic and supported Councilmember Ekberg. Councilmember Malich stated that he liked the crossing island on Rosedale where the Cushman Trail crosses. Mr. Langhelm stated that the city tried to achieve some traffic calming on Vernhardson without a budget to do so. Councilmember Ekberg said that the eastbound speed isn't there and the city may need to look at something else in the future.

Recommendation: The Committee suggested removing the rumble strips; although the neighbors wanted speed control, they are resonating a lot of noise and distracting to the neighborhood.

6. [PROS Plan Consultant Contracting – Verbal Update.](#)

Mr. Langhelm stated that he was hoping to have a Parks Manager hired with the 2015-16 budget, however Council wanted to hold off and look at revenues mid-year 2015. Throughout the budget process, we originally had \$150,000 to have a consultant perform the Parks Recreation and Open Space (PROS) Plan update. The deadline for submitting the new PROS Plan update to RCO was July 1, 2016, however RCO came back to the city at the end of last year and said that the July 1st deadline is when the Plan expires and in order to remain eligible for grants, the city must have a new PROS Plan to RCO by March 1, 2016. Mr. Langhelm stated further that instead of the \$40,000 that is currently budgeted for a new PROS Plan, and because we were hoping to have a Parks Manager help us with this, we now need a consultant to do a major portion of the work if not all of the PROS Plan. He said that he would like to present a consultant services contract to City Council in April for \$150,000, then issue a Request for Qualifications in May and get the process started because we will not have time to hire a Parks Manager in the fall to start this process. The PROS Plan will take a year to update.

Recommendation: Councilmember Ekberg suggested that Mr. Langhelm have further discussions with councilmembers first before bringing a consultant contract to full Council.

PUBLIC COMMENT:

ANNOUNCEMENT OF OTHER MEETINGS:

[ADJOURN:](#)

**MINUTES
CITY OF GIG HARBOR
PUBLIC WORKS COMMITTEE
Monday, April 13, 2015 – 3:00 p.m.
Public Works Conference Room**

CALL TO ORDER / ROLL CALL:

NEW BUSINESS:

1. Update of Parks, Recreation and Open Space (PROS) Plan Consultant Contracting – Verbal Update.

Public Works Director Jeff Langhelm gave a recap from the March 9th Public Works Committee meeting regarding the PROS Plan Update and RCO's March 1, 2016 deadline for having an approved PROS Plan. The initial discussion at the March 9th meeting was to hire a consultant to do this work for approximately \$150,000 with the suggestion made by committee member Ekberg to utilize an intern to assist with the update instead of hiring a consultant.

Planning Director Jennifer Kester attended the April 13th meeting and provided some input on the type and caliber of intern that could attempt this work, and suggested utilizing a student who recently graduated with a bachelor's degree with planning background or someone in a master's program with course work in this state. She said that she was skeptical if an intern would have the skill set to do this type of work. Ms. Kester stated that utilizing an intern would take a great deal of oversight and mentorship by the Public Works Director which would take a great deal of his time. Ms. Kester described the process they used when the Planning Department hired a Planning intern and believed that if the PW Department were to use an intern, they may want to set it up in a similar way. She didn't feel that Public Works would find an unpaid intern to come in and be of much value as there are a lot more jobs out there than there have been in the past several years. Mr. Langhelm stated that whomever the City hires to help with the PROS Plan update, he would not have the time available to make it work well. Mr. Langhelm said that due to his time constraints, utilizing an intern would result in a cut-back version similar to the last update in 2009. Currently in the approved Budget there is \$40,000 for a consultant to handle the financial analysis, impact fees, and defining the level of service. Further discussion on the pros and cons of utilizing an intern for this work ensued. The Committee accepted a limited PROS Plan scope and final product in order to maintain the approved \$40,000 budget.

2. Civic Center Painting and Reroof Budget.

Project Engineer Marcos McGraw provided background on the current condition of the Civic Center roof, exterior paint, and exterior repairs needed. The 2015-16 Budget allocated \$40,000 for basic repairs and re-painting with an additional

\$140,000 for re-roofing the Public Works/Planning & Building wing (Bldg. A). Mr. McGraw stated that ongoing repairs of the exterior elements including the fascia, soffits, batten boards, and trim require more than basic repairs. Ongoing repairs to the roofing material have created patches of varying materials and the existing asphalt shingles over the entire Civic Center (buildings A, B, and C) are prematurely aged and brittle. A recent estimate for the repairs to the siding, repainting and re-roofing exceed the allocated budget of \$180,000. The estimate for all of the repairs is \$603,198.03 includes re-roofing the entire Civic Center, repairs to the siding, exterior painting, and miscellaneous work, with sales tax, overhead and profit. Mr. McGraw presented several options with a staff recommendation of option 4:

1. Replace roof of Building A only,
2. Increase current budget to replace the entire Civic Center roof,
3. Increase current budget to complete all repairs to the civic center that included roof, siding repair, plus new paint,
4. Defer Civic Center repairs to the next budget cycle and include sufficient funding in 2017/18 budget to complete all repairs.

Mr. McGraw explained that completing all repairs under one contract will be less expensive, and will reduce the impact to the visiting public. He further stated that it will eliminate conflicts between roof repairs and siding repairs.

The Public Works Committee asked that the City Attorney look into this further concerning the warranty of the roof installation work and roofing materials. The Committee was in favor of option 4 as long as deferring the work did not cause more damage. Public Works Superintendent Greg Foote stated that it is difficult to know if deferring the work will cause more damage. He did not believe that there was any rot or mold caused by previous roof leaks.

3. [McCormick Creek LLC Agreement for Reimbursement of Costs for LED Street Lighting Upgrade.](#)

Senior Engineer Emily Appleton explained that the 2014 Public Works Standards require that LED fixtures be installed for all roadway and pedestrian illumination designed for use on public roads. She said that the previous Public Works Standards required metal halide fixtures. Because the engineering plan for the McCormick Creek Plat was so far along, the applicant was considered vested to the old standards. She stated that Engineering requested that the lighting be upgraded to LED to meet current standards, however this resulted in unanticipated additional costs to the developer. City staff prepared an analysis to consider whether or not it would be beneficial to the City to participate in the costs to upgrade the 41 fixtures from metal halide to LED. The analysis concluded that the maximum initial capital investment for the upgrade would be recovered within approximately six years due to savings from reduced energy (operating) and maintenance costs. Ms. Appleton further stated that funding for this reimbursement will be from the 2015/2016 Street Light LED Retrofit budget item and will be offset with future savings realized in the Street Lighting budget

within the Street Operating Fund. The Committee did not express opposition but noted that the entire LED retrofit budget would be used for this one development.

4. [Olympic Towne Center Development Agreement Update.](#)

Emily Appleton stated that the Olympic Towne Center (OTC) development proposes to construct a commercial shopping center on Point Fosdick Drive just north of Olympic Drive. The site requires connections to the City's transportation and wastewater systems and provisions for compliance with stormwater regulations. The MDNS for the development was issued on March 25, 2015 with the comment period ending on April 7, 2015 and the appeal period ending on April 14, 2015. Ms. Appleton explained that the MDNS included mitigation related to transportation improvements at the intersection of Olympic Drive and Point Fosdick Drive and anticipates entering into a development agreement with the developer for the construction of a right turn lane in front of the Chevron fuel station. The intersection mitigation also includes revisions to the traffic signal operations. Ms. Appleton and City Engineer Steve Misiurak explained how this would improve the levels of service at this intersection and stated that the existing signal timing was recently updated by WSDOT to incorporate newly adopted pedestrian timing standards. These standards are required to be met for pedestrian safety, however, this increased the cycle length substantially. Ms. Appleton stated that the end result increased the vehicular delay at the intersection and decreased the existing LOS from D to E. She said that the developer had no control over these required safety revisions to the signal timing standards and if the OTC development did not exist, the City would be responsible for ensuring that the intersection remained at LOS D or higher so the City bears some responsibility for the intersection improvements. That share of responsibility was calculated as the proportional share of the seconds of delay beyond LOS D attributable to vehicles not related to the development. She summarized that based on the seconds of delay, the proportional shares are calculated to be 45% City and 55% OTC. She said the OTC development will also solely fund and construct improvements along 32nd Avenue to all for continuous travel between 56th Street and Olympic Drive, including modifications to the traffic signal at Olympic Drive.

She said City staff has received a proposed first draft of a development agreement from the developer and plans to begin actively negotiating the agreement within the parameters set forth in the MDNS. The City's share of the improvements will include right-of-way acquisition and reasonable costs associated with accomplishing this task. The City share may also include cost-sharing elements up to the City pro-rata share of 45% of the costs associated with the project. Improvements at the intersection were considered in calculating the City's transportation impact fees so the City's share of the improvements could be paid from the impact fee account. Cost estimates for the work are preliminary and will depend on right-of-way acquisition and traffic control costs. Ms. Appleton explained that the conceptual Opinion of Probable Cost received from the developer's engineer is approximately \$300,000 plus right-of-way

acquisition and traffic control. The accuracy of the cost estimate has not been verified by staff. City staff is currently in property acquisition negotiations with the Chevron Owner. Staff will be bringing an appraisal contract to the Council for approval in the very near future. The appraisal contract will assist the City in determining the probable cost of the property acquisition necessary to widen Olympic Drive for the proposed right turn lane. Under the proposed scenario, the City would utilize City traffic impact fees to purchase the property, and then the OTC developer would construct the street improvements and other related intersection related improvements as part of their share of the mitigation improvements.

Councilmember Ekberg suggested removing one of the crosswalks to help speed things up. The Committee was in favor of continuing to request the State's help in reducing congestion of the overpass.

5. [Utility Extension Agreements – Cushman Pointe Plat.](#)

Public Works Director Jeff Langhelm stated that the City received a request from Rush Construction to extend City water and sewer south along Reid Drive to their proposed Cushman Pointe Plat located in the UGA. This plat would connect to the City's existing 8" water main and discharge to Lift Station #9. The proposed utility extension agreements are requesting 52 sewer connections and 53 water connections. Mr. Langhelm said that no impacts were found during the water system modeling. However, significant impacts were found during the sewer system modeling. The impacts of the proposed development would create insufficient emergency storage at Lift Station #9. Mr. Langhelm said that there is a provision in the sewer Utility Extension Agreement for Rush to provide the City a mitigation payment for construction of a new wetwell to accommodate the necessary emergency storage capacity.

Councilmember Malich expressed concern about putting a strain on the system. He was interested in see more modeling on the flows and wanted more information regarding the capacity of the current lines.

6. [Wilkinson Park Barn Anniversary Celebration.](#)

Mr. Langhelm shared that Wilkinson Barn will be turning 100 years old this year. He further explained that Gary Williamson, a long-time Gig Harbor resident and one of the founding members of the Friends of Wilkinson Farm, made a proposal to the Parks Commission at their March 4th meeting. Mr. Williamson is proposing to partner with the City and the Harbor History Museum to host a 100th birthday celebration on Saturday, August 15th. The Parks Commission recommended that Mr. Williamson's proposal move forward to the Public Works Committee. The event would require Public Works staff for both planning and implementation. Mr. Dave Wheeler in attendance on Mr. Williamson's behalf said that the emphasis of the event will be oriented toward children that includes games that are historic in nature such a sack racing, rope skipping, and a scavenger hunt. He explained

that there could be viewing of historic artifacts placed outside of the barn and viewing of in-barn artifacts again viewed from outside the barn.

Mr. Wheeler discussed the parking issue and some alternative parking sites were discussed. He said that there still needs to be a broader discussion concerning shuttle services.

The Public Works Committee liked the idea and suggested moving it forward.

PUBLIC COMMENT:

ANNOUNCEMENT OF OTHER MEETINGS:

ADJOURN:



**Business of the City Council
City of Gig Harbor, WA**

Subject: East Tank Structural Retrofit – Contract Authorization

Dept. Origin: Public Works

Proposed Council Action:

Authorize the Mayor to execute a Public Works Contract with T Bailey, Inc., a Washington Corporation, in the amount of \$316,820.00 for structural improvements to the East Tank and authorize the City Engineer to approve additional expenditures up to \$9,500.00 to cover any cost increases that may result from contract change orders.

Prepared by: Marcos McGraw *MMG*
Project Engineer

For Agenda of: May 11, 2015

Exhibits: Public Works Contract

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Public Works Dir.:

Approved by City Engineer:

Initial & Date

JG 5-4-15
Ron W 5/4/15
Approved via Email 5-1-15
PR 5/4
AD 5/4/15
JK 5-4-15

Expenditure Required	\$326,320.00	Amount Budgeted	\$350,000.00	Appropriation Required	\$0
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INFORMATION/BACKGROUND

The East Tank is a 250,000 gallon reservoir built in 1963. This tank is located at 2607 96th Street NW, and it supplies water to the lower pressure zone primarily from well #2, which is located in Crescent Creek Park. The water main connecting the tank to the distribution system was replaced in 2014 as part of the 2014 AC water main replacement project.

The work under this contract provides for completion of the structural improvements to the City's East water tank, along with the tank sand blasting and repainting.

BID RESULTS

The project was competitively bid using and a total of four responsive bid proposals were received by the City. The bid results, including Washington State sales tax (WSST), are summarized below.

BIDDER	TOTAL BID AMOUNT
1. T Bailey, Inc.	\$316,820.00
2. Massana Construction	\$378,448.00
3. Rognlin's, Inc.	\$398,005.13
4. JMG Construction	\$398,303.50

FISCAL CONSIDERATION

The 2015/2016 City Budget's Water Capital Fund (420) includes sufficient funds for this project:

2015/2016 Budget for Water Capital Fund for East Tank Repainting and Structural Improvements (Objective No. 8 & No. 9)	\$ 350,000.00
2015/2016 Expenses	
HDR, Inc. – Consultant Services Contract for construction support	(\$ 21,013.28)
Construction Testing Laboratories, Inc. – Consultant Services Contract for material testing	(\$ 2,510.00)
T Bailey, Inc. – construction contract	(\$ 316,820.00)
City Engineer – Change Order Authority	(\$ 9,500.00)
Remaining 2015/2016 Budget =	\$ 156.72

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

Move to:

Authorize the Mayor to execute a Public Works Contract with T Bailey, Inc., a Washington Corporation, in the amount of \$316,820.00 for structural improvements to the East Tank and authorize the City Engineer to approve additional expenditures up to \$9,500.00 to cover any cost increases that may result from contract change orders.

CONTRACT FORM

CITY OF GIG HARBOR EAST TANK STRUCTURAL RETROFIT PROJECT CWP-1405

THIS AGREEMENT, made and entered into, this ____ day of _____, 2015, by and between the City of Gig Harbor, a Non-Charter Code city in the State of Washington, hereinafter called the "City", and T Bailey, Inc., a Washington Corporation, hereinafter called the "Contractor."

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this Contract, the parties hereto covenant and agree as follows:

1. The Contractor shall do all of the work and furnish all of the labor, materials, tools, and equipment necessary for the construction of the EAST TANK STRUCTURAL RETROFIT PROJECT, all in accordance with the Technical Specifications, Conditions of the Construction Contract and Supplementary Conditions of the Contract, and shall perform any changes in the Work, all in full compliance with the Project Manual entitled "EAST WATER TANK STRUCTURAL RETROFIT PROJECT" which are by this reference incorporated herein and made a part hereof; and agrees to accept payment for the same in accordance with the said Project Manual, including the schedule of prices in the "Proposal," the sum Three Hundred Sixteen Thousand Eight Hundred Twenty Dollars and Zero Cents, (\$316,820.00), including state sales tax, subject to the provisions of the Project Manual.
2. Work shall commence and contract time shall begin as stated in Section SC-2.04 of the Supplementary Conditions. All Contract Work shall be physically complete as stated in Section 01 12 16.
3. The Contractor agrees to pay the City Liquidated Damages for each and every working day all Work remains uncompleted after expiration of the specified time, as stated in Section 01 12 16.
4. The Contractor shall provide for and bear the expense of all labor, materials, tools and equipment of any sort whatsoever that may be required for the full performance of the Work provided for in this Contract upon the part of the Contractor.
5. The term "Project Manual" shall mean and refer to the following: "Invitation to Bidders," "Bid Form," "Addenda" if any, "Specifications," "Plans," "Contract," "Performance Bond," "Payment Bond," "Notice to Proceed," "Change Orders" if any, and any documents referenced or incorporated into the Project Manual, including, but not limited to the Standard General Conditions, the Supplementary Conditions and the Technical Specifications.
6. The City agrees to pay the Contractor for materials furnished and Work performed in the manner and at such times as set forth in the Project Manual.

7. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, assigns, agents, subcontractors, and employees, does hereby agree to the full performance of all of the covenants herein contained upon the part of the Contractor.
8. It is further provided that no liability shall attach to the City by reason of entering into this Contract, except as expressly provided herein.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed the day and year first hereinabove written:

CITY OF GIG HARBOR:

CONTRACTOR:

Jill Guernsey, Mayor
City of Gig Harbor
Date: _____

Print Name: _____
Print Title: _____
Date: _____

ATTEST:

City Clerk

APPROVED FOR FORM:

City Attorney

CONTRACT FORM

CITY OF GIG HARBOR EAST TANK STRUCTURAL RETROFIT PROJECT CWP-1405

THIS AGREEMENT, made and entered into, this ____ day of _____, 2015, by and between the City of Gig Harbor, a Non-Charter Code city in the State of Washington, hereinafter called the "City", and T Bailey, Inc., a Washington Corporation, hereinafter called the "Contractor."

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this Contract, the parties hereto covenant and agree as follows:

1. The Contractor shall do all of the work and furnish all of the labor, materials, tools, and equipment necessary for the construction of the EAST TANK STRUCTURAL RETROFIT PROJECT, all in accordance with the Technical Specifications, Conditions of the Construction Contract and Supplementary Conditions of the Contract, and shall perform any changes in the Work, all in full compliance with the Project Manual entitled "EAST WATER TANK STRUCTURAL RETROFIT PROJECT" which are by this reference incorporated herein and made a part hereof; and agrees to accept payment for the same in accordance with the said Project Manual, including the schedule of prices in the "Proposal," the sum Three Hundred Sixteen Thousand Eight Hundred Twenty Dollars and Zero Cents, (\$316,820.00), including state sales tax, subject to the provisions of the Project Manual.
2. Work shall commence and contract time shall begin as stated in Section SC-2.04 of the Supplementary Conditions. All Contract Work shall be physically complete as stated in Section 01 12 16.
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7. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, assigns, agents, subcontractors, and employees, does hereby agree to the full performance of all of the covenants herein contained upon the part of the Contractor.
8. It is further provided that no liability shall attach to the City by reason of entering into this Contract, except as expressly provided herein.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed the day and year first hereinabove written:

CITY OF GIG HARBOR:

CONTRACTOR:

Jill Guernsey, Mayor
City of Gig Harbor
Date: _____

Print Name: _____
Print Title: _____
Date: _____

ATTEST:

City Clerk

APPROVED FOR FORM:

City Attorney



**Business of the City Council
City of Gig Harbor, WA**

Subject: Settlement Agreement with ETC Investments Regarding Thurston Lane

Proposed Council Action:

Move to ratify the execution of the Settlement Agreement and Release of Claims between the City and ETC Investments.

Dept. Origin: Administration

Prepared by: Ron Williams, City Administrator

For Agenda of: May 11, 2015

Exhibits: Settlement Agreement

Initial & Date

Concurred by Mayor: _____

RS 5-5-15

Approved by City Administrator: _____

Approved as to form by City Atty: *email 5-5-15*

Approved by Finance Director: *email 5-5-15*

Approved by Department Head: _____

Expenditure	Amount	Appropriation
Required \$ 93,500	Budgeted \$ 0	Required \$93,550

INFORMATION / BACKGROUND

In May, 2012, ETC Real Estate Investments, Inc. filed a lawsuit against the City with regard to ownership of Thurston Lane. Through months of negotiations the parties have reached settlement, including the following key settlement points:

1. Dismissal of the lawsuit.
2. Payment to the plaintiffs in the amount of \$93,500.
3. The City to replace signage on Thurston Lane in accordance with the sign plan attached to the Settlement Agreement within 45 days of the execution of the Settlement Agreement.

This settlement is consistent with the authority provided by the City Council on June 23, 2014.

FISCAL CONSIDERATION

This was not a budgeted item and will be addressed during the mid-biennial budget review later this year.

BOARD OR COMMITTEE RECOMMENDATION

n/a

RECOMMENDATION / MOTION

Move to: Move to ratify the execution of the Settlement Agreement and Release of Claims between the City and ETC Investments.

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

THIS SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS (the "Agreement") is made and entered into by and between the City of Gig Harbor ("Gig Harbor"), a Washington municipal corporation, and ETC Real Estate Investments, LLC ("ETC"). Gig Harbor and ETC are collectively referred to hereinafter as the "Parties."

RECITALS

Whereas, Gig Harbor sold the lot and building structure located at 3105 Judson Street in Gig Harbor, Washington ("Property") to ETC Real Estate Investments, LLC on July 30, 2003; and

Whereas, ETC alleges that Gig Harbor sold them the road known as Thurston Lane and Gig Harbor alleges that Thurston lane is and always has been a public roadway which was excluded from the sale; and

Whereas, ETC filed a lawsuit alleging, among other claims, a taking by Gig Harbor via inverse condemnation of the portion of the Property known as Thurston Lane; and

Whereas, it is the intent of the Parties, without admitting fault or liability, that this Agreement be a full and complete settlement of all claims brought or that could have been brought by ETC Real Estate Investments LLC against the City of Gig Harbor arising out of the facts alleged in the cause entitled *ETC Real Estate Investments v. City of Gig Harbor*, Pierce County Cause No. 12-2-131070;

NOW, THEREFORE, in consideration of the mutual promises made herein, the Parties hereby agree as follows:

AGREEMENT

1. **Settlement Payment:** Gig Harbor shall pay ETC \$93,500 (ninety-three thousand five hundred dollars) (the "Settlement Payment"). The Settlement Payment shall be paid by check made payable to Gordon Thomas Honeywell IOLTA Trust Account with reference to "In Trust for ETC Real Estate Investments."
2. **Deed of Property to Gig Harbor:** ETC shall deed to Gig Harbor, under quitclaim deed in the form attached hereto as **Exhibit 1**, the property referred to as Thurston Lane, which is described in Exhibit A and depicted in Exhibit B attached to the quitclaim deed and incorporated by reference herein by this reference as if set forth in full. Gig Harbor will have full and complete ownership of Thurston Lane as a City street.
3. **Costs:** In addition to the Settlement Payment above, Gig Harbor shall pay any closing, recording, and surveying costs regarding the conveyance of Thurston Lane. In accordance with WAC 458-61A-206, this Agreement shall be presented to the court for approval and, because ETC releases in full its inverse condemnation claim herein, the Parties anticipate

that the transfer of Thurston Lane shall be exempt from real estate excise tax; in the event that excise tax is charged, Gig Harbor shall pay the excise tax.

4. **Signage:** Gig Harbor shall be responsible for all maintenance and signage for Thurston Lane.. Gig Harbor shall revise the existing signage and road markings to be consistent with the Work Plan prepared by the Gig Harbor and attached to this Agreement as Exhibit 2. All work required in the attached Work Plan shall be completed within 45 days of execution of this Agreement.
5. **Parking:** Gig Harbor acknowledges that use of the parking stalls on the west side of the Property requires that vehicles back into Thurston Lane to exit. These parking spaces shall have the status of legally nonforming parking spaces and ETC and its successors in interest, may continue to maintain and use these parking stalls, and may continue to use Thurston Lane for ingress and egress to these parking spaces without interference from Gig Harbor, except in the event of emergency or in the ordinary course of maintenance and improvement of the roadway. Gig Harbor acknowledges that preservation of this parking for the Property is part of the valuable consideration provided to ETC for this Agreement.
6. **Execution Of Additional Documents.** The parties shall execute additional documents as deemed necessary to carry out the terms of this Agreement, including documents necessary to ensure that ETC is no longer charged property tax for the area comprising Thurston Lane.
7. **Dismissal of Lawsuit:** Within ten (10) business days of Gig Harbor's Settlement Payment to ETC, the Parties shall enter a stipulation and order dismissing all claims against each other in the above-referenced lawsuit with prejudice.
8. **Release of Claims:** Subject to the terms of this Agreement and excepting any claims which result from the violation of this Agreement, ETC hereby absolutely and unconditionally waives, releases, acquits, and fully and forever discharges any and all claims, counterclaims, demands, damages, costs, requests for relief, expenses, attorney fees, and compensation for all causes of action, past, present, known or unknown, of any kind and nature, which ETC or its predecessors or successors in interest, may hold or assert against Gig Harbor, including Gig Harbor's past, current, and future officers, officials, employees, agents, and volunteers, including without limitation of and from any and all claims, demands, obligations, liabilities, acts, omissions, misfeasance, malfeasance, causes of action, defenses, compensation, controversies, promises, damages, costs, losses and expenses of every type, kind, nature, description or character, whether past, present, known or unknown, suspected or unsuspected, liquidated or un-liquidated, arising under contract, tort, statutory or constitutional law, or otherwise, whether expressed or implied, each as though fully set forth herein at length that ETC has or may acquire as of the execution of this Agreement that relate to Gig Harbor's sale of the Property to ETC. The release in favor of Gig Harbor shall be effective upon the upon Gig Harbor's payment to ETC of the Settlement Payment.

9. **Further Assurances:** Each of the Parties hereto hereby agrees to perform, execute and deliver or cause to be performed, executed or delivered and to take any and all further acts, deeds or assurances as may be necessary to consummate the transactions contemplated herein.
10. **Counterparts:** This Agreement may be executed in one or more counterparts, including facsimile or electronically transmitted counterparts, each of which will be deemed an original and all of which together shall constitute one and the same instrument.
11. **Governing Law and Construction:** This Agreement shall be governed by the laws of the State of Washington. This Agreement contains the entire agreement among the Parties regarding the settlement of all claims or potential claims, and it shall be binding upon the parties hereto, as well as their respective successors and assigns. This Agreement supersedes and replaces any prior written or oral writings and understandings concerning settlement. No party has entered into this Agreement based on any representation or consideration not stated in this Agreement. No change, modification or amendment to this Agreement shall be valid or binding unless such change or modification is in writing signed by the persons against whom it is sought to be enforced.
12. **Breach:** Any action brought to enforce or to interpret this Agreement shall be brought in the Superior Court for Pierce County, Washington. In any action to enforce or to interpret the terms and provisions of this Agreement, the prevailing party or parties shall be entitled to recover from the non-prevailing party the costs and expenses of such litigations, including the costs and expenses incurred therein and the reasonable fees of attorneys and expert witnesses.
13. **Authority:** The signatories to this Agreement hereby warrant, represent and covenant that they have the authority to enter into the Agreement and that by signing this Agreement said signatory will not violate any existing agreement or contract. All Parties executing this Agreement have read this Agreement, know the contents thereof, and have had adequate opportunity to consult with their counsel about the effect and consequences of the Agreement and further acknowledge that its terms are contractual and not mere recitals.
14. **No Admission of Liability:** The settlement represented by this Agreement is not to be construed as an admission of liability or responsibility on the part of Gig Harbor.
15. **Entire Agreement:** This Agreement represents the full, final and binding agreement of all the Parties and supersedes all other negotiations, offers or counteroffers relating to the subjects herein. This Agreement may be amended only upon the signed writing of the Parties.
16. **Effective Date:** This Settlement Agreement is executed on the latter of the dates of signature indicated below.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be executed on the day and year set forth below.

ETC REAL ESTATE INVESTMENTS, LLC

By: _____
Its: _____ Date

THE CITY OF GIG HARBOR,
a Washington Municipal Corporation

By: Tim Crumley
Its: Mayor Date Apr 30, 2015

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it for ETC Real Estate Investments, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2015.

(Signature)

(Name legibly printed or stamped)

(Seal or stamp)

Notary Public in and for the State of Washington,
residing at _____.

My appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Jill Guernsey is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Mayor of the City of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: April 30, 2015.

Molly M Towslee
(Signature)

MOLLY M. TOWSLEE
(Name legibly printed or stamped)

Notary Public in and for the State of Washington,
residing at Gig Harbor.
My appointment expires 12/2/15



EXHIBIT 1 (Quitclaim Deed)

When Recorded Return To:

City of Gig Harbor
Attn: City Clerk
3510 Grandview Street
Gig Harbor, WA 98335

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM

Document Title(s) (or transactions contained therein):

Quitclaim Deed

Grantor(s) (Last name first, then first name and initials)

ETC Real Estate Investments LLC

Grantee(s) (Last name first, then first name and initials)

City of Gig Harbor

Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)

W 15 Feet, designated as Thurston Lane, of a portion of the N.E. 1/4 of the N.W. 1/4 of Section 8, Township 21 North, Range 2 East, W.M.

Assessor's Property Tax Parcel or Account Number : 0221082231

Reference Number(s) of Documents assigned or released: n/a

QUIT CLAIM DEED

The Grantor, ETC REAL ESTATE INVESTMENTS, LLC, a Washington limited liability company, for good and sufficient consideration, receipt of which is hereby acknowledged, hereby conveys and quitclaims to Grantee, CITY OF GIG HARBOR, a Washington municipal corporation, all interest in the real estate described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full, situated in the county of Pierce, state of Washington.

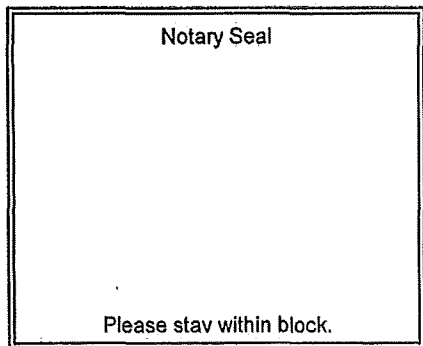
DATED this ___ day of _____, 2015.

ETC REAL ESTATE INVESTMENTS, LLC

By: _____
Its: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the _____ of ETC REAL ESTATE INVESTMENTS, LLC, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.



Dated: _____

Signature: _____

Print Name: _____

Notary Public in and for the State of Washington

Residing at _____

My Commission Expires: _____

EXHIBIT A

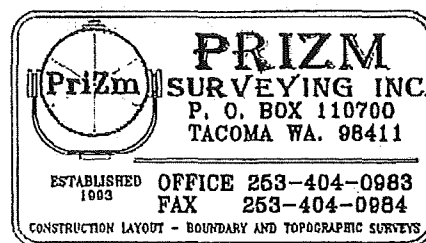
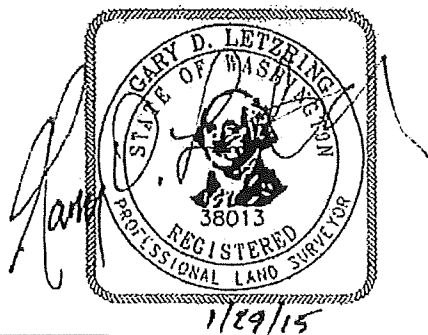
SHEET 1 OF 2

LEGAL DESCRIPTION

THE WEST 15 FEET, DESIGNATED AS THURSTON LANE, OF THAT PARCEL OF LAND DESCRIBED ON CITY OF GIG HARBOR BOUNDARY LINE ADJUSTMENT, RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NO. 200307010137, AND DESCRIBED THEREON AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; THENCE EAST 135 FEET; THENCE S 0°56' W, 170 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST 150.27 FEET; THENCE S 0°56' W, 130 FEET; THENCE WEST 150.47 FEET; THENCE N 0°56' E TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE CITY OF GIG HARBOR, COUNTY OF PIERCE, STATE OF WASHINGTON.

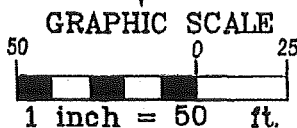
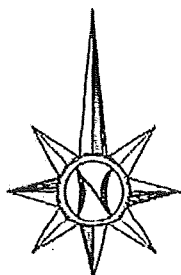
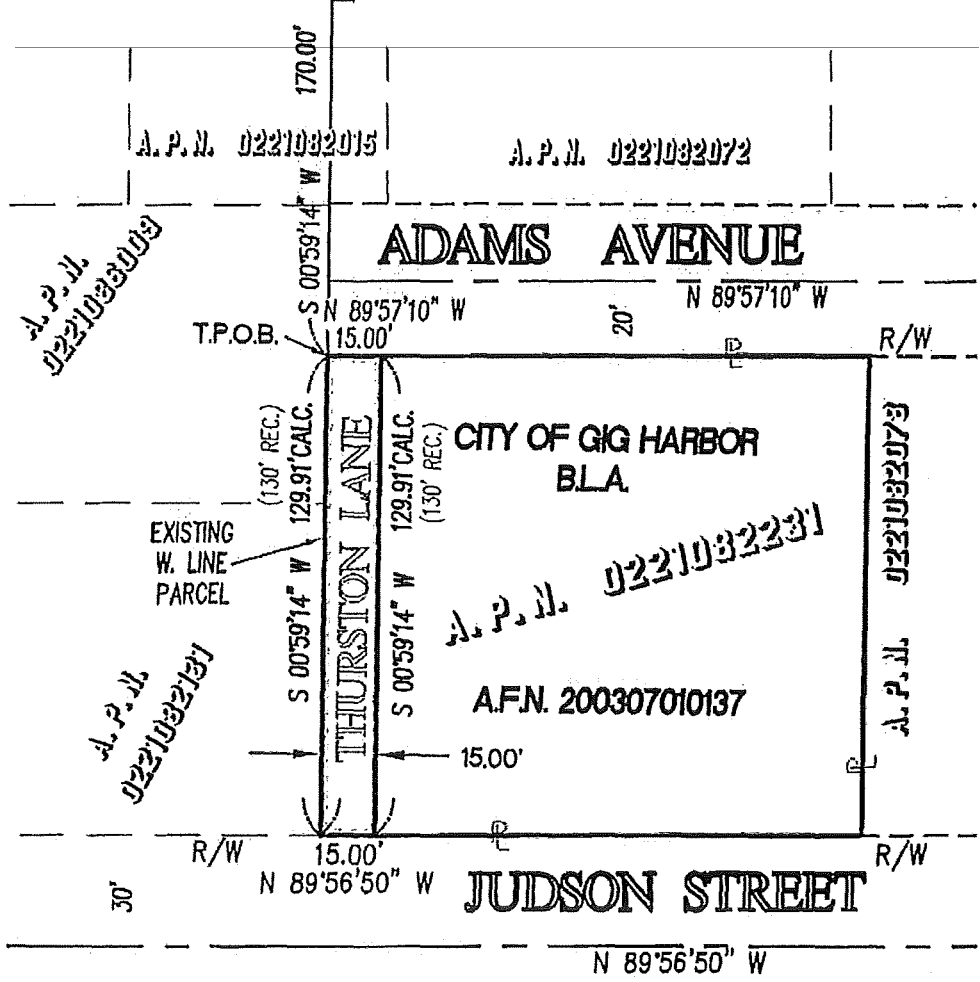
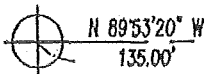


JOB NO. 2014-079

EXHIBIT B

SHEET 2 OF 2

CALC. NW. COR.
OF THE SE.1/4,
NE.1/4, NW.1/4,
SEC. 8, T21N., R2E.



PRIZM SURVEYING INC.
P. O. BOX 110700
TACOMA WA. 98411

ESTABLISHED 1993 OFFICE 253-404-0983
FAX 253-404-0984

CONSTRUCTION LAYOUT - BOUNDARY AND TOPOGRAPHIC SURVEYS

JOB NO. 2014-079



Business of the City Council
City of Gig Harbor, WA

Subject: Closed Record Decision- Harbor Hill S8 Final Plat and Final PRD Approval (PL-FPLAT-15-0001, PL-FPRD-15-0001)

Proposed Council Action: Adopt resolution No. 989 approving the final plat and final PRD of Harbor Hill Division S8

Dept. Origin: Planning Department

Prepared by: Kristin Moerler, Associate Planner *KM*

For Agenda of: May 11, 2015

Exhibits: Planning Director's Recommendation Resolution
Hearing Examiner's Decision
Final Plat Map

Concurred by Mayor:

Initial & Date
do 5/6/15

Approved by City Administrator:

Approved as to form by City Atty: *Via Email*

Approved by Finance Director:

NA

Approved by Department Head:

JK 5/6/15

Expenditure		Amount		Appropriation	
Required	0	Budgeted	0	Required	0

INFORMATION / BACKGROUND

Attached for your consideration is a resolution approving the final plat and final planned residential development for Division S8 of Harbor Hill, located south of Borgen Blvd. and north of the S9 Division of Harbor Hill. The applicant is Harbor Hill LLC, represented by John Chadwell. The preliminary plat and PRD were conditionally approved by the City Hearing Examiner on December 30, 2010. The site is the subject of a development agreement with City Council dated November 9, 2010, amended November 26, 2012 and April 28, 2014. Three major amendments have been approved by the Planning Director since the initial approval by the Hearing Examiner.

The final plat/PRD for Division S8 addresses the segregation of 33 single family residential lots, establishes a portion of the south Wetland loop trail for future dedication to the City under the development agreement and includes related buffers/open spaces and associated infrastructure required to serve the division. The applicant has bonded for the infrastructure and amenities contained within the S8 Division. Construction of this division is underway and is anticipated to be complete within the next month or so.

POLICY CONSIDERATIONS

Staff has reviewed the criteria for approval of the final plat and final PRD, as specified in GHMC Chapter 16.06 and 17. 89; and has determined that the applicant has met the criteria for the approval of the final plat/PRD. Please refer to the attached Planning Director's Recommendation for staff's review of the proposal.

ENVIRONMENTAL ANALYSIS

The City issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat, planned residential development, rezone and design review of the subdivision of three parcels into 554 single family lots and two multiple family lots that would be developed with a total of 270 units on November 17, 2010. Additionally a SEPA Addendum was issued July 31, 2013. This phase conforms to the requirements of the MDNS.

FISCAL CONSIDERATION

The proposal does not include any significant fiscal impacts.

PLANNING DIRECTOR RECOMMENDATION

Move to adopt resolution No. 989 approving the final plat and final PRD of Harbor Hill Division S8.



TO: Mayor Guernsey and City Council
FROM: Jennifer Kester, Planning Director
SUBJECT: Closed Record Decision-Final Plat/Final PRD Approval-Harbor Hill S8
DATE: May 5, 2015

INFORMATION/BACKGROUND:

The applicant, Harbor Hill LLC, has requested final plat approval for Division S8 of Harbor Hill to allow the segregation of 33 single family residential lots and the development of associated infrastructure and amenities required to serve the residents of the plat and PRD. The site is located south of Borgen Blvd. and north of Harbor Hill Division S9. The City has a Development Agreement with this developer that provides for phasing, vesting and amends development regulations.

The preliminary plat/PRD was approved by the City in December 30, 2010 to allow the segregation of the 200 acre site into 554 single family lots and two future development tracts for multi-family development; subject to 16 conditions of approval. The Planning Director has approved three major revisions to the preliminary plat and PRD as authorized by the Development Agreement. The first revision was known as the M2 Revisions which expanded the M2 lot and revised the location of the wetland mitigation, approved August 2, 2013. The second revision to be approved was the North Revisions approved on July 14, 2014 which affected grading, setbacks and impervious areas in the N2-5 divisions. The South revisions were approved on July 29, 2014, it further expanded the M2 lot area and removed several single family lots. None of the revisions substantially affect the S8 division.

The following is an analysis of the request for consistency with the city's requirements for final plat and final PRD approval and with the conditions of approval imposed upon the project.

POLICY CONSIDERATIONS: Final PRD

Staff has reviewed the request for consistency with the criteria for approval of the final planned residential development as specified in Gig Harbor Municipal Code (GHMC) Chapter 17.89.080, and has determined that the applicant has met the criteria for approval of the final PRD as follows:

GHMC 17.89.080 Criteria for approval of final PRD application.

A. Applicants for a final PRD application shall demonstrate that all of the following criteria have been satisfied:

1. All features and amenities identified in the preliminary PRD have been constructed and/or are retained or improved;

The preliminary PRD approval was based upon the design features included in the proposed development including (but not limited to) the preservation of critical areas, interconnected open spaces and location of the highest densities in the areas adjacent to Borgen Blvd. and the existing commercial districts in the vicinity.

The S8 Division includes a portion of the south wetland loop trail on tract C which will be dedicated to the City per the development agreement prior to the issuance of occupancy certificates for 400 dwellings within the Harbor Hill Plat/PRD. As of April 23, 2015 the project has obtained occupancy for 219 dwellings (172 apartments and 47 single family homes). The number of units located in an area that has received final plat remains below 400 dwelling units. Upon the recording of the S8 division, final plat will have occurred for 212 single family lots and 172 apartment units. The developer will retain tract C for the interim.

PRD improvements in this division include the perimeter buffer, a portion of the south wetland loop trail along with associated wetland and buffer areas, and an internal buffer located between the back of the lots and the wetland loop trail tract that will be owned by the City in the future. All features proposed in the preliminary PRD have been maintained in the approved civil plans and the construction of the required improvements have been bonded for in accordance with the Development Agreement.

2. The city public works director has documented that all conditions imposed on the preliminary PRD requiring public works department approval have been constructed or improved to the satisfaction of the director;

The City Engineer has accepted a performance bond for the construction of the required and uncompleted infrastructure elements required to serve Division S8 of the PRD. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

3. The city fire marshal has documented that all conditions imposed on the preliminary PRD requiring fire code approval have been constructed (or per the fire marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the fire marshal;

The Fire Marshall has approved Division S8 of the PRD. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

4. The city planning director has documented that all conditions imposed on the preliminary PRD requiring planning department approval have been constructed to the satisfaction of the director;

The Planning Director has reviewed Division S8 for compliance with the conditions of approval. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

5. Findings must be made that the preliminary PRD (and/or preliminary plat) conforms to all terms of preliminary PRD approval, and that the PRD meets the requirements of this chapter and all other applicable codes and state laws.

Findings have been developed in the attached resolution provided for your consideration. The findings support the approval of the Final PRD as well as the Final Plat.

POLICY CONSIDERATIONS: Final Plat

Staff has reviewed the request for consistency with the criteria for approval of the final plat as specified in Gig Harbor Municipal Code (GHMC) Chapter 16.06, and has determined that the applicant has met the criteria for approval of the final plat as follows:

GHMC 16.06.004-Recommendation as prerequisites for final plat approval:

Each preliminary plat submitted for final approval shall be accompanied by the following recommendations:

- A. Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

The City of Gig Harbor is furnishing sewage disposal and water to the site.

- B. Planning director's recommendation as to compliance with all of the terms of preliminary plat approval of the proposed plat or subdivision;

The applicant has complied with all terms of the preliminary plat approval, as discussed below.

- C. Approval of the city engineer.

The City Engineer recommends approval of the final plat as the applicant has bonded for all required civil infrastructure improvements.

GHMC 16.06.005-Criteria for approval of subdivisions:

A final plat application shall be approved if the subdivision proposed for approval:

- A. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;

Division S8 of the Harbor Hill Plat/PRD has met the requirements of the municipal code. The proposed subdivision conforms to all applicable zoning ordinances and the comprehensive plan. The applicant has complied with the requirements to dedicate streets, open space and utility and access easements. The approved civil plans document that the construction of required improvements will comply with the City's adopted public works construction standards. For those improvements that have not yet been completed, the applicant has bonded for the work pursuant to GHMC 16.08 and the Development Agreement. In addition the final plat contains the required certificates from the owner, surveyor, and city and county officials.

- B. Conforms to all terms of the preliminary plat approval;

The proposed final plat of Harbor Hill Division S9 conforms to the conditions of the preliminary plat/PRD as follows:

HEX Condition 1: THE APPLICANT SHALL COMPLY WITH ALL MITIGATION MEASURES FOUND IN THE MITIGATED DETERMINATION OF NON SIGNIFICANCE (SEPA 08-0034) ISSUED FOR THE PROPOSAL, OR AS SUBSEQUENTLY AMENDED.

The MDNS issued for the proposal included three mitigation requirements:

- A. The applicant shall implement the public infrastructure improvements proposed in the plan set dated August 17, 2010, revised October 4, 2010.

The Harbor Hill Phase S8 civil construction plans provide the required infrastructure for the S8 Division in accordance with the Harbor Hill

PRD Infrastructure Phasing Plan. The infrastructure is currently under construction and the City holds a performance bond for the work. The City and the applicant agreed in writing to the following:

1. The infrastructure contained in Civil Permit EN-14-0016 (and bonded for under surety #756064S) shall be completed by the applicant and accepted by the City on or before March 31, 2015 unless an extension is granted at the sole discretion of the City Engineer related to wet weather delays or other unavoidable construction delays; and
2. The applicant shall maintain control of the on-site and off-site construction limits until such time as the infrastructure improvements are completed and accepted by the City. "Control of the on-site and off-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant by installation of road closure barricades to seal off all access to public traffic. The liability for use of the construction site and improvements lies solely with the applicant.
3. A certificate of occupancy for any building permit shall not be issued until all of the infrastructure improvements have been completed and accepted by the City, notwithstanding possible future written agreements.

Conditions of approval reflecting this understanding have been placed in the Resolution drafted to approve the final plat and PRD requiring compliance with these conditions.

- B. The applicant shall install a permanent buffer fence with signage every 100 feet along the edge of all wetland buffers adjacent to the proposed park and trail areas, and along the edge of created wetland area. Fence design shall be of a split rail design with two rails, or an equivalent design. Signage shall be approved by the Planning Department prior to installation.

The Planning Director has accepted a bond for the required wetland signage and fencing contained within the S8 Division.

- C. At the end of the five year monitoring period, the applicant shall submit a wetland delineation and survey to verify the created wetland meets the square footage requirements.

No mitigation areas are contained within this Division of the Plat/PRD.

HEX Condition 2: ALL PERIMETER LANDSCAPING BUFFERS SHALL BE VEGETATED TO MEET THE STANDARDS OF GHMC 17.78.060, AS AMENDED THROUGH THE ALTERNATIVE LANDSCAPE PLAN APPROVED BY THE HEARING EXAMINER. THIS REQUIREMENT SHALL BE MET PRIOR TO APPROVAL OF THE FINAL PLAT.

The proposed buffers comply with this condition. Staff has reviewed the screening within the perimeter buffers, reviewed the landscape plans and determined that the planning landscape bond includes the necessary plantings needed to achieve the required screening. The Development Agreement allows for such bonding.

HEX Condition 3: FIRE FLOW REQUIREMENTS SHALL BE MET. LOCATION AND MANNER OF FIRE LANE MARKINGS SHALL BE PROVIDED AT TIME OF CIVIL REVIEW.

Fire Flow requirements have been met. Pavement markings and signage plans are included in the civil construction drawings. Furthermore, a note has been added to the civil plans that allows the fire marshal to require additional "No Parking – Fire Lane" signs and/or curb markings.

HEX Condition 4: CITY FORCES MAY REMOVE ANY TRAFFIC CONTROL DEVICE CONSTRUCTED WITHIN THE CITY RIGHT OF WAY NOT APPROVED BY THE OPERATIONS AND ENGINEERING DIVISION. ANY LIABILITY INCURRED BY THE CITY DUE TO NON-CONFORMANCE BY THE APPLICANT SHALL BE TRANSFERRED TO THE APPLICANT.

This condition is informational in nature; the applicant has included this requirement in the list of conditions contained on sheet 3 of the final plat.

HEX Condition 5: A ROAD ENCROACHMENT PERMIT SHALL BE ACQUIRED FROM THE CITY PRIOR TO ANY CONSTRUCTION WITHIN CITY RIGHT OF WAY, INCLUDING UTILITY WORK, IMPROVEMENTS TO THE CURB, GUTTER, AND SIDEWALK, ROADWAY SHOULDERS AND DITCHES, AND INSTALLATION OF CULVERTS. ALL WORK WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CITY'S PUBLIC WORKS STANDARDS AND STORMWATER DESIGN MANUAL.

This condition is informational in nature; the applicant has included this requirement in the list of conditions contained on sheet 3 of the final plat.

HEX Condition 6: PERMANENT SURVEY CONTROL MONUMENTS SHALL BE PLACED TO ESTABLISH PUBLIC STREET CENTERLINES, INTERSECTIONS, ANGLE POINTS, CURVES, SUBDIVISION BOUNDARIES AND OTHER POINTS OF CONTROL. A MINIMUM OF TWO PERMANENT SURVEY CONTROL MONUMENTS SHALL BE INSTALLED AT LOCATIONS DETERMINED BY THE CITY IN ACCORDANCE WITH THE CITY'S PUBLIC WORKS

STANDARDS AND RECORDED WITH THE PIERCE COUNTY SURVEY CONTROL DIVISION PRIOR TO FINAL ENGINEERING APPROVAL OF CIVIL IMPROVEMENTS.

Survey control monument locations are shown on the civil construction plans. The applicant has included this requirement in the list of conditions contained on sheet 3 of the final plat.

HEX Condition 7: IRRIGATION AND MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS.

This note has been included on the final plat. A Home Owners Association has been created and will be responsible for the irrigation and maintenance of the landscaping in the public Right of Way.

HEX Condition 8: THE FINAL PLAT MAP SHALL NOTE (WHERE IN QUOTES) OR DELINEATE THE FOLLOWING:

- a) WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT".
- b) "MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT."
- c) "INCREASED STORMWATER RUNOFF FROM THE ROAD(S), BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED ON SITE UNLESS IT IS PROVEN TO BE ADEQUATELY RETAINED/DETAINED BY AN OFFSITE REGIONAL FACILITY.
- d) "WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED."
- e) STORMWATER FOR RUNOFF FROM BUILDINGS AND PARKING SURFACES SHALL BE SHOWN ON INDIVIDUAL BUILDING LOTS, INCLUDING DRYWELL SIZING OR STORM DRAIN CONNECTION POINTS.
- f) IF PRIVATE ROADWAYS ARE PROPOSED THEN PROVISIONS SHALL BE MADE FOR THE ROADS AND EASEMENTS TO BE OPEN AT ALL TIMES FOR EMERGENCY AND PUBLIC SERVICE VEHICLE USE.

- g) "THIS PLAT IS SUBJECT TO STORMWATER MAINTENANCE AGREEMENT RECORDED UNDER AUDITOR'S FILE NUMBER (ENTER AFN HERE)."
- h) "STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS SITE PLAN. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES. MAINTENANCE AND EXPENSE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT."

The required notes have been included on the final plat.

HEX Condition 9: AN ASSOCIATION OF OWNERS SHALL BE FORMED AND CONTINUED FOR THE PURPOSE OF MAINTAINING THE COMMON OPEN SPACE. THE ASSOCIATION SHALL BE CREATED AS AN ASSOCIATION OF OWNERS UNDER THE LAWS OF THE STATE AND SHALL ADOPT AND PROPOSE ARTICLES OF INCORPORATION OR ASSOCIATION AND BYLAWS, AND ADOPT AND IMPROVE A DECLARATION OF COVENANTS AND RESTRICTIONS ON THE COMMON OPEN SPACE THAT ARE ACCEPTABLE TO THE CITY IN PROVIDING FOR THE CONTINUING CARE OF THE SPACE. NO COMMON OPEN SPACE MAY BE PUT TO A USE NOT SPECIFIED IN THE FINAL DEVELOPMENT PLAN UNLESS THE FINAL DEVELOPMENT PLAN IS FIRST AMENDED TO PERMIT THE USE. NO CHANGE OF USE MAY BE CONSIDERED AS A WAIVER OF ANY OF THE COVENANTS LIMITING THE USE OF COMMON OPEN SPACE AREA, AND ALL RIGHTS TO ENFORCE THESE COVENANTS AGAINST ANY USE PERMITTED ARE EXPRESSLY RESERVED TO THE CITY AS WELL AS THE OWNERS. ALTERNATIVELY, THE COMMON OPEN SPACE MAY BE CONVEYED TO A PUBLIC AGENCY WHICH AGREES TO MAINTAIN THE COMMON OPEN SPACE AND ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, WHICH HAVE BEEN PLACED UPON IT.

An association of the owners has been formed and recording information is shown on the face of the plat.

HEX Condition 10: ANY DEDICATION, DONATION OR GRANT AS SHOWN ON THE FACE OF THE PLAT SHALL BE CONSIDERED TO ALL INTENTS AND PURPOSES AS A QUITCLAIM DEED TO THE SAID DONEE(S) GRANTEE(S) FOR HIS/HER/THEIR USE FOR THE PURPOSE INTENDED BY THE DONOR(S) OR GRANTOR(S).

This condition is informational in nature; the final plat complies with this condition.

HEX Condition 11: SINCE THE PLAT IS SUBJECT TO A DEDICATION, THE CERTIFICATE OR A SEPARATE WRITTEN INSTRUMENT SHALL CONTAIN THE DEDICATION OF ALL STREETS AND OTHER AREAS TO THE PUBLIC, AND INDIVIDUAL(S), RELIGIOUS SOCIETY(IES) OR TO ANY CORPORATION, PUBLIC OR PRIVATE, AS SHOWN ON THE PLAT, AND A WAIVER OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD. SAID CERTIFICATE OR INSTRUMENT OF DEDICATION SHALL BE SIGNED AND ACKNOWLEDGED BEFORE A NOTARY PUBLIC BY ALL PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LANDS SUBDIVIDED AND RECORDED AS PART OF THE FINAL PLAT.

This dedication language and required notary block are included on the face of the plat.

HEX Condition 12: ANY DEDICATION FILED FOR RECORD SHALL BE ACCOMPANIED BY A TITLE REPORT CONFIRMING THAT THE TITLE OF THE LANDS AS DESCRIBED AND SHOWN ON SAID PLAT IS IN THE NAME OF THE OWNERS SIGNING THE CERTIFICATE OR INSTRUMENT OF DEDICATION.

A title report has been submitted that documents that the property is owned by Harbor Hill LLC.

HEX Condition 13: SCHOOL IMPACT FEES AS REQUIRED BY GHMC 19.12.050(8)(11) SHALL BE COLLECTED FOR ALL RESIDENTIAL DEVELOPMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

The applicant has documented that this is required through the incorporation of the conditions of approval on sheet 3 of the final plat drawing.

HEX Condition 14: PROPOSED MULTIPLE FAMILY DEVELOPMENT SHALL GO THROUGH THE SITE PLAN REVIEW PROCESS, OR ANY SUBSEQUENTLY ADOPTED NONRESIDENTIAL LAND USE REVIEW PROCESS.

This condition does not apply to the S8 division as no M lots occur in this division.

HEX Condition 15: THE APPLICANT SHALL COMPLY WITH ALL OF THE TERMS OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL LLC, FOR THE HARBOR HILL DEVELOPMENT, DATED NOVEMBER 9, 2010 (OR ANY SUBSEQUENT AMENDMENTS).

Harbor Hill Division S8 complies with the terms of the development agreement.

HEX Condition 16: IN ADDITION TO THE TRANSIT STOP PROPOSED ON THE SOUTH SIDE OF BORGES BOULEVARD, THE APPLICANT SHALL BE REQUIRED TO INSTALL A TRANSIT STOP ON THE NORTH SIDE OF BORGES BOULEVARD. THE FINAL LOCATION AND DESIGN OF BOTH TRANSIT STOPS SHALL BE AS DETERMINED BY THE CITY OF GIG HARBOR AND PIERCE TRANSIT.

This condition does not apply to the S8 division as no transit stops occur in this division. Two transit stops locations were constructed with Division 1A and fees paid to Pierce Transit for the installation of the bus stop features. Pierce Transit will install the actual bus stop features when they are ready to add the new stops to their routes.

PD Condition 17: ON THE M2 LOT, ANY BUILDING PROPOSED TO EXCEED THE UNDERLYING 35 FOOT HEIGHT ALLOWANCE IN THE RLD AREA OF THE LOT SHALL PROVIDE A MINIMUM SETBACK OF 70 FEET TO ANY EXTERIOR BOUNDARY OF THE PRD (NOT THE SUBJECT LOT). THIS SETBACK IS AN ADDITIONAL SETBACK APPLICABLE TO SAID BUILDINGS, ALL BUILDINGS ON THE M2 LOT SHALL PROVIDE A MINIMUM SETBACK OF 10 FEET TO THE PROPERTY LINE OF THE M2 LOT.

This condition does not apply to the S8 division as the M2 lot does not occur in this division.

PD Condition 18: FOR THIS AND ALL FUTURE MODIFICATIONS OR ALLOCATIONS, THE APPLICANT SHALL PROVIDE AN ACCOUNTING OF THE PROPOSED ALLOCATION OF WATER, SEWER AND TRANSPORTATION CAPACITY RESERVED FOR THE PROJECT UNDER THE CONCURRENCY REQUIREMENTS. THIS MAY BE ACCOMPLISHED BY PROVIDING A TABLE LISTING EACH PHASE OR LOT OF THE DEVELOPMENT WITH THEIR ASSOCIATED WATER, SEWER AND TRANSPORTATION CAPACITY RESERVATIONS TO SHOW THAT THE PROPOSAL IS IN ACCORDANCE WITH THE TOTAL CAPACITIES RESERVED. THIS IS INTENDED SOLELY FOR THE PURPOSE OF TRACKING THE TOTAL AMOUNTS AS THESE AMOUNTS ARE TIED TO THE ENTIRE PROJECT AND NOT TO SPECIFIC PHASES OR LOTS. THE APPLICANT HAS DISCRETION TO ALLOCATE THE RESERVED CAPACITIES TO VARIOUS PHASES OR LOTS WITHIN THE PROJECT LIMITS IN ACCORDANCE WITH SECTION 15 CAPACITY RESERVATIONS OF THE HHDA.

Harbor Hill has provided an updated allocation documenting that the S8 division has been adequately allocated water, sewer and transportation capacity in accordance with the Development Agreement and this condition.

PD Condition 19: SINGLE FAMILY RESIDENCES WITHIN THE HARBOR HILL PLAT/PRD SHALL NOT EXCEED A TOTAL OF 554 DWELLINGS (ALL DIVISIONS INCLUDING SINGLE FAMILY DEVELOPMENT). EACH SUBSEQUENT APPLICATION FOR CIVIL PLAN REVIEW

WITHIN THE UNDEVELOPED S DIVISIONS SHALL PROVIDE A STATEMENT AS TO LOTS REMOVED TO RETURN THE TOTAL NUMBER OF SINGLE FAMILY LOTS WITHIN HARBOR HILL TO THE APPROVED 554 UNITS. AT THE TIME OF THE SOUTH REVISIONS DECISION, THREE (3) EXCESS LOTS REMAIN THAT WILL NEED TO BE REMOVED.

Three lots remain that require removal, presently the applicant has indicated they will be removed from the future S2-S6 divisions.

PD Condition 20: CHANGES TO THE LOT LAYOUT, GRADING AND ALLOWED SETBACKS AND IMPERVIOUS SURFACE LIMITATIONS SHALL BE LIMITED AS PROPOSED TO THE N2 THROUGH N5 DIVISIONS ANALYZED HEREIN. THE RELATED TOTAL OPEN SPACE CALCULATIONS, IMPERVIOUS SURFACE ASSUMPTIONS AND DENSITY APPLY TO THE COMPLIANCE OF THE HARBOR HILL RESIDENTIAL PLAT/PRD WITH APPLICABLE REGULATIONS AND APPLY TO THE DEVELOPMENT AS A WHOLE.

This condition clarifies that while the North revisions functionally only change standards in the N2-N5 phases, the other areas are affected by the assumptions made within that decision. This division complies with the assumptions made and allowed density.

PD Condition 21: ANY LOT WHOSE MINIMUM SETBACKS ARE INCREASED BY WETLAND BUFFER SETBACKS SHALL BE NOTED ON THE FACE OF THE FINAL PLAT/PRD.

No such lots occur within the S8 division.

PD Condition 22: APPLICANT SHALL PROVIDE A REVISED SHEET 65 (OR ADDITIONAL SHEET 65A IF SPACE IS NEEDED) INCLUDING RE-VEGETATION HATCH AND DETAILS CONSISTENT WITH EXHIBIT 6 TO THIS DECISION.

This sheet was provided by the applicant on July 16, 2014.

PD Condition 23: FINAL GRADING APPROVED WITH THE CIVIL PLANS SHALL DEMONSTRATE COMPLIANCE WITH A MINIMUM OF 25 FEET OF TREE RETENTION IN ALL PERIMETER BUFFER AREAS AS APPROVED WITH THE INITIAL ALTERNATIVE LANDSCAPE PLAN. GRADING SHOWN IN THIS REVISION IS SUBJECT TO THE STRATEGIES INDICATED IN EXHIBIT 5.

The above condition affects division N2-N5, the grading proposed for this division maintains perimeter buffer materials as originally approved.

- C. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, this title and any other applicable city ordinances which were in effect at the time of preliminary plat approval.

The proposed final plat meets the requirements of Chapter 58.17 RCW, the requirements of Title 16 and those of other applicable city ordinances.

- D. **Director's Decision:** Jennifer Kester, Planning Director, recommends that the City Council move to adopt the resolution approving the final plat/PRD for Harbor Hill Division S8.

RESOLUTION NO. 989

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE FINAL PLAT AND FINAL PRD FOR DIVISION S8 OF HARBOR HILL, LOCATED SOUTH OF BORGEN BLVD. AND NORTH OF THE PLAT OF HARBOR HILL DIVISION S9; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER 4003100800, AND CITY OF GIG HARBOR FILE NO. PL-FPLAT-15-0001 AND PL-FPRD-15-0001

WHEREAS, on December 30, 2010, the City of Gig Harbor Hearing Examiner conditionally granted preliminary plat and preliminary planned residential development (PRD) approval to Harbor Hill, located north and south of Borgen Blvd. and east of the Harbor Hill Business Park and the Ridge at Gig Harbor Subdivision; and

WHEREAS, on October 8, 2010, the City Council approved a Development Agreement for Harbor Hill providing for 20 years of vesting, phased development and allowing certain deviations from the code; and

WHEREAS, Division S8 is an approved phase of the Harbor Hill Preliminary Plat and PRD located south of Borgen Blvd. and north of the plat of Harbor Hill Division S9, a portion of Pierce County Assessor-Treasurer Parcel Number 4003100800, containing 33 single family residential lots and associated infrastructure; and

WHEREAS, on November 26, 2012 the City Council approved Amendments to the Development Agreement allowing the Planning Director to approve modifications to the Preliminary Plat and PRD Approvals; and

WHEREAS, on April 28, 2014 the City Council approved Amendments to the Development Agreement expanding the area where independent and assisted living

facilities and skilled nursing facilities are allowed, modifying the provisions for model homes and updating the infrastructure phasing plan; and

WHEREAS, following the approval of the amended development agreement the owner applied for and received approval of three major preliminary plat and preliminary PRD revisions on August 2, 2013, July 14, 2014, and July 29, 2014; and

WHEREAS, the applicant submitted and received approval on September 12, 2014 for Civil Construction Plans for the S8 division of the plat/PRD (Case # EN-14-0021); and

WHEREAS, the applicant has posted performance bonds for the public and private infrastructure required in the preliminary plat/PRD approval for the S8 Division; and

WHEREAS, street names being utilized in Harbor Hill Division S8 was previously approved by the City on October 14, 2013; and

WHEREAS, an application for final plat and final PRD approval was submitted to the City on March 16, 2015; and

WHEREAS, the applications submitted for final plat and final PRD approval were deemed to be complete on March 16, 2015; and

WHEREAS, the proposed final plat/PRD were circulated to the appropriate departments of the City for review; and

WHEREAS, the City requested revisions on April 3, 2015 requesting clarifications and revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on April 15, 2015; and

WHEREAS, the City requested revisions on April 27, 2015 requesting revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on May 1, 2015; and

WHEREAS, the final corrected drawings of the proposed final plat/PRD and requested documents were circulated to the appropriate departments of the City and recommendations for approval were obtained; and

WHEREAS, the proposed plat certificate has been reviewed by the City Attorney and all certificates of completion as required by GHMC Section 16.06.001 have been received; and

WHEREAS, the City Council reviewed the application for the final plat at its regular meeting of May 11, 2015; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings

A. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 16.06.005, the Harbor Hill Division S8 subdivision, subject to the conditions imposed in Section 2:

1. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;
2. Conforms to all terms of the preliminary plat and preliminary PRD approvals; and a performance bond has been accepted in lieu of construction of the required and uncompleted improvements and

3. Conforms to all terms of the Development Agreement approval; and
4. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 16 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

B. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 17.89.080, the Harbor Hill Division S8 Final PRD, subject to the conditions imposed in Section 2:

1. Provides all features and amenities identified in the preliminary PRD;
2. Complies with the conditions of approval required by the City Engineer;
3. Complies with all conditions of approval required by the Fire Marshal;
4. Complies with all conditions of approval required by the Planning Director and a performance bond has been accepted in lieu of construction for required landscaping and amenities contained within Division S8;
5. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 17 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

Section 2. Approval; Conditions

The City Council hereby approves Harbor Hill Division S9 Final Plat and Final PRD, File Nos. PL-FPLAT-15-0001 and PL-FPRD-15-0001, subject to the following conditions:

1. The landscape and PRD improvements contained in Division S8 (and bonded for under surety #756477S) shall be completed by the applicant and accepted by the City within the timelines established within the bonds unless an extension is granted by the Planning Director; and

2. The infrastructure contained in Civil Permit EN-14-0016 (and bonded for under surety #756064S) shall be completed by the applicant and accepted by the City on or before March 31, 2015 unless an extension is granted at the sole discretion of the City Engineer related to wet weather delays or other unavoidable construction delays; and
3. The applicant shall maintain control of the on-site construction limits until such time as the infrastructure improvements are completed in its entirety and accepted by the City. "Control of the on-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant at the applicant's sole discretion and liability for use of the construction site and improvements lies solely and completely with the applicant; and
4. No certificate of occupancy for any building permit within this Division will be issued unless the infrastructure improvements have been completed in its entirety and accepted by the City, notwithstanding possible future written agreements,

Section 3. The City Council directs the Mayor and all other appropriate City officials to inscribe and execute the City's written approval on the face of the plat.

Section 4. The City shall record the final plat with the County Auditor, at the expense of the applicant, after all inspections and approvals, and after all fees, charges and assessments due the City resulting from the subdivision development have been paid in full.

RESOLVED this 11 day of May, 2015.

APPROVED:

JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY

BY: _____
Angela G. Summerfield

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO. 989

**DECISION OF THE HEARING EXAMINER
CITY OF GIG HARBOR**

In the Matter of the Application of

OPG Properties LLC

**PPLAT-08-0001, PRD 08-0001,
REZ 08-0001**

for Preliminary Plat, PRD and
Rezone Approval

Background

OPG Properties LLC applied for preliminary plat, the subdivision of property located north and south of Borgen Boulevard NW, and planned residential development including rezone approval for "Harbor Hill", a planned residential community.

An open record public hearing was held on December 16, 2010. Cliff Johnson, Associate Planner, represented the Community Development Department, and John Chadwell represented the Applicant. The following members of the public gave testimony: Jennifer Starks, Steve Kunkel, and Dennis Loewe. The exhibits listed at the end of this decision were admitted.

For the purpose of this decision, all section numbers refer to the Gig Harbor Municipal Code, unless otherwise indicated.

Based upon consideration of all the information in the record, including that presented at the public hearing, the following shall constitute the findings, conclusions and decision of the Hearing Examiner in this matter.

Findings of Fact

THE APPLICATION

1. OPG Properties LLC, ("Applicant"), proposes a residential subdivision and planned residential development ("PRD") of 200 acres in three parcels (Assessor's Parcels 0222308002, 0222311000, and 0222311009) located north and south of Borgen Boulevard NW generally between Peacock Hill Avenue NW and 51st Avenue. In addition to approval of the preliminary plat and PRD, Applicant seeks a rezone from RLD to RLD-PRD to implement the PRD and the approval of an alternative landscape plan.

2. Applicant proposes that the plat be reviewed as a PRD under Chapter 17.89. The intent of the PRD is to allow for more creative and imaginative projects than possible

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under the regular zoning regulations, to preserve unique or sensitive physical features, to provide more open space and recreational amenities, and to promote more economical and efficient use of land and a unified design concept for the development. Parcels must be at least two acres in size to qualify for PRDs.

3. As a part of the PRD, Applicant proposes that some of the performance standards of the underlying zones be varied as permitted by Section 17.89.060. Those standards are setbacks, impervious surface coverage, and height.

4. Applicant and the City entered into a Development Agreement dated November 9, 2010, relating in part to the Harbor Hill Development proposal. Exhibit 12. The development agreement addresses extended vesting, transfer of traffic capacity reservations, waiver of park impact fees, model homes, dedication of park land, open space and trail, etc., and approves a phasing plan and describes the timing for completion of various required improvements and the allocation of conditions and mitigation among the phases.

5. On November 17, 2010, the City issued a Mitigated Determination of Non-Significance (MDNS) (Exhibit 4) pursuant to SEPA for the proposal, and Adoption of Existing Environmental Document, MDNS, SEPA 03-46 (Exhibit 15), that was issued for the Business Park at Harbor Hill preliminary plat. Mitigating conditions were imposed requiring implementation of public traffic infrastructure improvements shown in the plan set revised October 4, 2010, and protections for wetlands buffers. The conditions in the adopted MDNS that have any relation to this proposal have been satisfied. The MDNS was not appealed.

THE SITE

6. The site is divided by Borgen Boulevard into two parts, approximately 80 acres north of Borgen Boulevard and the remaining 120 acres south of that street. The site is undeveloped, except for major utility infrastructure including 1.5 million gallon water reservoir at the north end of the site, sanitary sewer, and a regional storm detention facility, constructed pursuant to a pre-annexation agreement, and is heavily forested with second growth trees. The topography is described as moderate and rolling with areas that exceed 30 percent slope. The north parcel slopes gradually down to the south. The south parcel slopes down to the west from the east and to the south.

7. The Wetland Analysis Report (Exhibit 5) identified three wetlands on the site and a small stream. The Wetland Analysis Report and the Detailed Wetland Mitigation Plan (Exhibit 6) were submitted to the City and reviewed by the City's consultants. The report found the wetlands to be category III wetlands. A small, .26 A., wetland is located near the north property line of the northern part of the site. Wetland B is south of wetland A, and is approximately .29 acres in size. Wetland E is a large, narrow wetland that lies across the entire west edge of the southern portion of the site and appears to feed a tributary of Donkey/North Creek. The creek, on the western portion of the southern portion of the site, is a Type 4 stream and is non-fish bearing. Based upon the level of functioning determined for these wetlands, Section 18.08.100 requires 80 ft. buffers and the stream requires a 25 ft. buffer. Section 18.08.184.

8. The part of the subject site south of Borgen Boulevard is designated in the Comprehensive Plan as PCD-Residential Low and the designation of the site north of Borgen Boulevard is split between PCD-Residential Low on the east and PCD-Residential Medium on the western portion. Those PCD designations are intended to promote optimum site development options that are compatible with the community's planning goals and interests. Comprehensive Plan 2.2.3(f).
9. Zoning of approximately 30 acres of the northern part of the site is Planned Community Development Residential Medium Density (RMD) and the remaining 50 acres is zoned Planned Community Development Residential Low Density (RLD). The entire site south of Borgen Boulevard is zoned RLD. The RLD district is intended to provide for well-designed residential developments, for clustering to protect natural features and amenities, and to allow for innovative development concepts. The RMD designation is intended to provide for greater population densities, efficient delivery of services and increase in accessibility to employment, transportation and shopping, and to serve as a buffer and transition area between more intensely developed areas and lower density residential areas.
10. Land to the north of the subject site and to the east is outside the City limits in the urban growth area in Pierce County, with R-1 pre-annexation zoning and is developed with single-family residences. The RMD zoning extends to the west from the southern half of the northern part of the site and the adjacent land is developed with a single-family residential subdivision. Land to the west of the northern half of the north part is zoned R-1, also developed with a single-family subdivision. Land south of the site is zoned ED and R-1 and is developed with the Northharbor Business Park and single-family residences. To the west is vacant land in the PCD-BP District.
11. The subject site is part of the Pope Resources property that was within an area annexed to the City in 1997 and subject to a pre-annexation agreement. That agreement required that a water storage tank and east-west road be constructed before building permits could be issued in the area. The water tank was constructed and is located on City property within the northern portion of the subject property, sanitary sewer facilities were constructed in the southern portion, and Borgen Boulevard was constructed to provide the east-west road.
12. The subject site is also the subject of a development agreement between the owner and the City approved by the City Council on November 8, 2010. Exhibit 12. That agreement extends the vesting period for the plat, rezone and PRD and traffic, water, and sanitary sewer capacity reservations for 20 years; it waives park impact fees; it addresses phasing of development and provides flexibility for meeting minimum residential density and open space requirements; it allows model homes. The City's benefits would include the master planned community and the dedication of 19.9 acres of open space, trails and parkland.

THE PROPOSAL

13. Applicant proposes 554 single family lots and two multiple family parcels, one north and one south of Borgen Boulevard, for future development with 270 units, referred to by Applicant as future development tracts (FDTs). The multiple family use could be any of a number of housing types depending upon market demand at the time of development.

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Examples given are townhouses, cottage housing, rental apartments, and continuing care residential community, independent living, assisted living, skilled nursing, for senior residents. Over 68 acres of the plat would be open space.

14. The allowed maximum density for this site with its RLD and RMD zoning has been calculated to be 895 dwelling units and minimum density of 644 dwelling units. The proposed build out when all phases are completed is 824 dwelling units, 4.1 dwelling units per gross acre or 5.1 per net acre, so the proposal meets both the minimum and maximum density requirements for the site set by Sections 17.17.040 and 17.21.040. No density bonus is proposed.

15. The proposed plat would have primary access from Borgen Boulevard, Peacock Hill Avenue and Harbor Hill Drive. A system of public streets and alleys would be constructed throughout the site that would also connect to neighborhood streets, Amber Court and 119th Ct. NW, in the part of the plat north of Borgen Boulevard. Two parkway roads with two 10-foot travel lanes, and two 8-foot parking lanes would connect to Borgen Boulevard and Peacock Hill Ave. Sidewalks, hard surfaced walkways, and trails are proposed throughout the site, including meandering walkways in 25-foot wide landscaped open space corridors on both sides of the parkways. The roads are required to be constructed in accordance with the City's public works standards.

16. Applicant proposes to provide various dedications and transportation improvements, in addition to the on-site circulation system. Among the improvements proposed is a roundabout on Borgen Boulevard at the proposed intersection with Road A of the plat and to widen Borgen Boulevard to two lanes in each direction from just east of the Harbor Hill Drive intersection to the proposed Road G intersection, plus a half-road extension of Harbor Hill Drive constructed at the south end of the project. A condition of the MDNS requires implementing the public infrastructure improvements proposed in the plan set dated August 17, 2010, revised October 4, 2010, which plan set is not a part of the record for these findings. Exhibit 4.

17. The subdivision is designed to create a dozen "neighborhood" sized blocks. Exhibit 11. These would be arranged around a core of interconnected open spaces. Roads and a sidewalk/trail system would connect the neighborhoods to each other and to the parks and open spaces.

18. The proposed lots vary in size from 3,600 square feet to 7,500 square feet with dimensions generally of 40 by 90 ft., 50 by 90 ft., 60 by 90 ft. or 70 by 90 ft.

19. The minimum setbacks required by the RLD district are a front yard setback of 20 ft. for the house itself, rear yard setback of 30 ft., and side yard setback of 8 ft. In order to cluster development and maximize open space and natural area preservation, Applicant proposes to modify the setbacks. The building envelope location on each lot would typically provide 10 ft. front yards, 10 ft. rear yards, and 5 ft. side yards. Some lots would have 5 ft. setbacks in the front and rear and 10 ft. on the sides. The required setbacks in the RMD zone for multifamily development are 10 ft. front and 30 ft. side and rear. Applicant proposes 10 ft. setbacks on all sides for non-single family development. For single-family development the required setbacks are 15 front, 15 rear and 5 feet side yards. Applicant proposes generally 10 feet front, 10 feet rear and 5 feet side yards

except for a few lots that are proposed to have 5 feet front, 5 feet rear, and 10 feet side yards.

20. Maximum impervious surface allowed on a lot in the RLD district is 45 percent and in the RMD, 65 percent. In a PRD, impervious surface coverage of individual parcels may exceed the percentage allowed provided that the total coverage of the PRD does not exceed the percentage permitted. Section 17.89.060. Applicant proposes that individual lots be allowed to cover 65 percent, but total coverage of the entire plat would not exceed 45 percent.

21. Building height is allowed to exceed the maximum permitted by the underlying zone in certain circumstances. The height limit in the RLD is 35 ft. and in the RMD, 45 ft. The proposal is to stay within the 35 ft. height limit for all single-family homes but allow up to 45 ft. for the non-single family uses, including those in the RLD south of Borgen oulevard Section 17.89.060 requires that for any perimeter building exceeding the maximum height of the underlying zone, the distance between the building and the perimeter be not less than the front yard setback plus five feet for each foot of excess height.

22. A variety of open spaces is proposed for the site. Six neighborhood scale parks would be connected by the pedestrian network. The wetland and buffer areas are required to be retained as open space. PRDs are required to provide at least 30 percent of the area, or 60 acres for this site, as common open space and a total of 68.7 acres is shown on plans. Fifty percent of the required open space must be usable for active or passive recreation. The trail and park areas would allow for active recreation and also afford views of the natural areas and allow for bird watching so all of the open space will be usable for either active or passive recreation. Two areas totaling 19.9 acres, the South Wetland/Loop Trail and a tract described as "Gateway Park", are to be dedicated to the City as public open space, according to the Development Agreement. Land for the dedicated park lies along the western edge of the portion of the plat south of Borgen Boulevard.

23. Section 17.78.060B requires a 25-ft. landscaped buffer consisting of a dense vegetative screen around all residential subdivisions. Section 17.78.050 requires that all significant vegetation in the perimeter buffer be retained and be subject to a 10-ft. no construction zone. The proposed plat provides for a 50 ft. buffer on most of the perimeter, however Applicant seeks approval of an alternative landscaping plan pursuant to Section 17.78.100 for the northwestern portion of the site just south of Borgen Blvd. where no landscaped buffer would be provided along an open space area that is to serve as an active park and visible "gateway" to the PRD. The usable open space would be approximately 125 ft. by 450 ft. A primary trail connecting the residents to transit stops and the public to the wetland area trails and the neighborhoods is to go through the park. The required dense screen would obscure what is intended to be a highly visible park and the access to the trail and the public area and defeat a part of its purpose.

24. An alternative landscaping plan may be approved if it represents a superior result over what would be achieved by strictly following the Landscaping and Screening Chapter's requirements. The proposed plan providing for the large open area at this visible location would meet the intent of the chapter's requirements to be a buffer

between differing land uses and improve aesthetics and enhance overall appearance and would be superior to the strict requirements.

25. Applicant proposes to construct an access road across the south end of wetland E, requiring that 1,834 square feet of the wetland be filled. Section 18.08.140 allows placement of access roads in category III wetlands and buffers if the department determines that there are no reasonable alternative locations and impacts to the wetland functions and values can be fully mitigated. To provide the connections between Harbor Hill Drive, Borgen Boulevard and Peacock Hill Road, the roadway must cross the south end of the wetland. The new road is proposed at the location of an existing road at the narrowest and lowest wetland functioning part of the wetland system to minimize the impact. Applicant is proposing to create 3,668 square feet of wetland as mitigation for the alteration of wetland E. The new wetland would be in the same wetland system as the impact, at the north end of wetland E where it may actually increase the function. The construction of the road, stormwater outfalls, boardwalk and trails would also impact 23,450 square feet of existing wetland buffer. Section 18.08.120 allows access roads and utilities across wetland buffers if there are no reasonable alternative locations and mitigation is provided. The department has determined that there are no reasonable alternatives. To mitigate for the impacts of the buffer alteration, Applicant is proposing 23,450 square feet of buffer enhancement. The Detailed Wetland Mitigation Plan indicates that the wetland and wetland buffer alterations will be fully mitigated. Department planning staff is satisfied that the requirements for alteration of wetlands have been met.

26. Applicant provided a Preliminary Stormwater Report and proposed storm system layout that the City engineers reviewed. The proposal includes a network of storm drainage catch basins and pipes for conveyance to two detention facilities in the south part of the plat. Some roof runoff is to be directed to the wetlands for recharge. The project engineer explained the final detailed design would satisfy the City's standard for quality and quantity in that the after-development rates of stormwater flow off the site will be the same as current rates. Testimony of Fure.

27. Sanitary sewer lines will be constructed and connect to the City's sewer system. The proposed system would be in accord with what has been planned for Basin 3 in the City's Wastewater System Comprehensive Plan and ownership would be turned over to the City on acceptance. The City Engineer determined that the current sewer system has sufficient capacity for the plat and the sewer concurrency reservation certificate application was approved for 823 ERU's.

28. Water will be provided by the City, which has adequate water as shown by the approved water concurrency reservation certificate for 823 ERU's. Lines meeting City requirements will be constructed on-site and connect to storage and transmission line improvements constructed on the site by the property owners pursuant to the pre-annexation agreement. The proposed system is in accord with the City's Water Plan and upon acceptance ownership would be turned over to the City. Exhibit 7.

REZONE

29. The proposal includes multifamily development both within the RMD-zoned portion of the site where multiple family uses are allowed, and on a 10-acre tract within the RLD-

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zoned portion just south of Borgen Blvd. where multiple family development is not a permitted use, except that the PRD provision, Section 17.89.050(B), allows for residential other than single family uses and low impact retail uses if a rezone application is submitted that meets certain criteria, in addition to the normal rezone criteria. Because the underlying RLD zone would not allow the potential multifamily uses proposed, a rezone application was submitted for amendment of the zoning map to RLD-PRD. The special criteria for map change in a PRD are: 1) that the proposed uses that would not otherwise be allowed in the RLD must constitute no more than ten percent of the project; 2) they are to be an integral component of the development; 3) they are to be compatible with any existing residential uses; and 4) they are to be consistent with the Comprehensive Plan.

30. The RLD tract on which is proposed multifamily development is ten acres out of a total of 200 acres in the project, or five percent.

31. The proposed multi-family use of this site is integral to the overall Harbor Hill PRD that is to provide a variety of housing types with the most intense concentrated on each side of and near to Borgen Blvd. and closest to the commercial areas both as a buffer for the single family neighborhoods in the PRD and most proximate to transit and other services.

32. Existing residential uses are well separated from southern FDT chosen for multifamily development by distance and by Borgen Blvd. Development will be subject to design review that can assure compatibility, and separation of structures would be sufficient that any greater height allowed by PRD approval would not be incompatible with existing development.

33. The general criteria for a zoning map amendment criteria are that the proposed map amendment be consistent with and further the goals, policies and objectives of the comprehensive plan, the proposal must further or bear a substantial relationship to the public health, safety and welfare, the amendment must not cause substantial detrimental effect, and that Applicant has demonstrated that there have been changes in conditions since the original zoning of the property. Section 17.100.035.

34. The map amendment would be consistent with and further a number of the goals, policies and objectives of the Comprehensive Plan where it is an integral part of the PRD. For instance, Policy 2.2.3 of Goal 2.2 for the PCD-RLD designation specifically "allows unique and innovative residential development concepts that will provide for unconventional neighborhoods, provide affordable housing for a wide range of income levels..." Goal 2.3 is to promote community diversity and distinction and increase housing opportunities, and the policies to implement the goal include offering housing opportunities for varied types and ages of households, looking at maximum density rather than minimum lot sizes to optimize design techniques suitable to natural features, and providing for safe pedestrian linkages. Allowing for the multifamily housing will assure the PRD would offer the diversity desired by the goal and further the policies. Goal 2.6 seeks to preserve natural features that have been defined as suitable for open space by providing special incentives. The increasing the density in this part of the PRD through the map amendment would forward this goal and the policy to allow maximum flexibility

to preserve open space. Similarly, Goal 2.8 to provide site development flexibility would be served by rezoning this tract for PRD.

35. Because the proposal is consistent with the goals and policies of the Comprehensive Plan to allow developers to expand the range of possible housing types to meet the need at the time the property is developed, and can do so without overburdening the existing infrastructure, amendment would bear a substantial relationship to the public health, safety and welfare.

36. The proposed amendment should not result in any substantial detrimental effect in the area. By allowing more density on the proposed site south of Bergen Blvd, multifamily development will be more dispersed than it would be if concentrated in the RMD zone north of Borgen Boulevard closer to single-family developed neighborhoods. The site proposed to be rezoned to allow the multi-family use through the PRD is nearest to Borgen Blvd. and does not immediately abut any residential development.

37. Authorities have determined that the existing and proposed infrastructure will be sufficient to accommodate the increased density in this location.

38. Since the original zoning of the property, there have been many changes in the area including the construction of Borgen Boulevard, significant commercial development in the Borgen Boulevard corridor and residential development in the immediate neighborhood, and the construction of other infrastructure improvements such as the water reservoir, sanitary sewer system, and regional storm water detention pond.

SUBDIVISION

39. Section 16.05.003 sets forth the following criteria for consideration by the hearing examiner on a preliminary plat application:

A. Whether the preliminary plat conforms to Chapter 16.08 GHMC, General requirements for subdivision approval;

B. If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. Whether the public interest will be served by the subdivision and dedication.

40. Section 16.08.001 contains the general requirements for subdivision approval. Generally, those requirements are that findings of fact be made that it conforms to land use controls, that there are direct access waivers if requested and clear markings of private roads, how dedications, park names, land with flood, inundation or swamp conditions, and bonds are to be handled. Several are not applicable to this proposed plat so only applicable requirements will be addressed.

41. With the deviations in standards provided for in the Development Agreement, approval of an alternative landscape plan that provides a large open space park instead of 25 ft. wide perimeter buffer on one side, approval of the map amendment, variations in

development standards through PRD approval, and imposition of conditions of approval, the proposed subdivision will be in conformity with applicable zoning ordinances, the Comprehensive Plan and other applicable land use controls.

42. The dedications shown on the face of the plat will be regarded as a quitclaim deed, as required, and a condition is proposed to assure the correct handling of the dedications including title reports.

43. Open spaces account for approximately 34 percent of the land area in the plat, which constitutes appropriate provision of open space.

44. The preliminary plans for storm drainage facilities were reviewed by the City's Senior Engineer who recommended approval subject to conditions including that the final design be in compliance with the Public Works Standards and the Stormwater Management and Site Development Manual.

45. The City reviewed a traffic impact analysis (TIA) for the proposal. A Transportation Capacity Reservation Certificate was issued for the Harbor Hill Business Park project for 2,013 peak hour vehicle trips based on the most intense uses allowed, and impacts were mitigated by construction of traffic improvements. Several of the facilities developed in the business park generate considerably less traffic than the uses that were used in the model for transportation concurrency purposes for that site. Through the development agreement, some of the excess trips that had been reserved for that project, 641 peak hour trips, were transferred to the residential area of the subject site and 60 peak hour trips for the public park on the subject site. Since the modeling showed no net increase in the total number of pipeline trips, it was not necessary to reserve any additional capacity and there would be no reduction in the level of service on City-owned transportation facilities.

46. The Operations and Engineering Division has determined that the proposed streets and other public ways meet the City's standards. Exhibit 7. With the conditions proposed and the extensive mitigation proposed and incorporated in the MDNS conditions and Development Agreement, the subdivision makes adequate provision for streets, roads, alleys, and other public ways.

47. Pierce Transit Route 100 serves the site and Pierce Transit indicated that only two additional stops are needed to serve the development. Applicant proposed one stop on the south side of Borgen Boulevard so staff has recommended that a condition of approval be imposed requiring an additional stop on the north side of Borgen Boulevard. With two new transit stops, transit is adequately provided for by the subdivision.

48. The development would connect to the City's water system. Applicant holds an approved Concurrency Reservation Certificate that indicates that adequate domestic and irrigation water supplies are available to serve the subdivision.

49. The development will construct new facilities to connect to the City's sewer system. The City Engineer determined that the system has sufficient capacity for the subdivision.

50. With the trails and park areas proposed, the preliminary plat provides adequately for open space, parks, and recreation, and these provisions obviate the need for park impact fees to offset the impact of the new demand by residents.

51. The proposed plat would be in the Peninsula School District, which did not make any comment to the application. School impact fees are required by Section 19.12.050B to be paid prior to issuance of building permits for residential development and will mitigate impacts of increased demand on schools so adequate provision is made for schools and grounds.

52. If children residing in the subdivision are required to walk to school or to Borgen Blvd. to meet a school bus or transit bus, the subdivision provides adequate pedestrian facilities to assure safe walking for those children.

53. The public interest would be served by the subdivision and proposed dedications where the division and dedications will result in a planned residential community, designed to retain the maximum amount of open space possible and still have reasonable development, protect wetlands and trees, provide recreational opportunities for residents and the public, offer a variety of housing opportunities at various levels of cost near commercial and retail and employment centers, all while relating in a positive way to the developed areas around the site.

PLANNED RESIDENTIAL DEVELOPMENT

54. The criteria for approval of preliminary PRD applications are set forth in Section 17.89.070 and will be addressed individually below

55. Applicants for PRD approval must demonstrate that the proposed PRD satisfies all applicable code requirements, recognizing that some may be modified by the PRD itself, and is compatible with surrounding properties. Section 17.89.070A.

56. The landscaping and site plans show the location of proposed open space and parks, road layout, buffering, and parking pedestrian circulation, as required by Section 17.89.070A.1. Open space tracts are located throughout the plat and a perimeter landscaping buffer is proposed double the width required around the perimeter except at the location of an open space park where it would detract from the design for the open space and trail. Two parking spaces per unit for single family residential lots will be shown before building permit issuance and required parking for the development on the multifamily lots will be shown and provided. A well-integrated pedestrian circulation system is shown with sidewalks along roadways and trails through the open space. Loading and storage for the multifamily development will be reviewed during design review for that development. The project has received design review administrative approval.

57. The unique characteristics of the property have been identified, as required by Section 17.89.070A.2. Clustering allows the retention of the mature forested wetlands that provide opportunities for trails and recreation as well as open space. Location proximate to high intensity retail and commercial uses makes greater density reasonable in the location proposed and allows for greater pedestrian connectivity, though no density bonus is requested.

58. The height proposed for the multi-family use or similar use on the southern FDT is appropriate because of the characteristic of the proposed use and the location next to the high intensity commercial areas. The taller multi-family development here would

provide part of the density required and allow greater retention of the open space, responding to Section 17.89.070A.3.

59. Applicant has shown how the arrangement of the buildings and open spaces relate to other buildings and uses within and without the PRD. Section 17.89.070A.4. The Design Review approval took into account the arrangement of the lots, amount of open space, retention of significant vegetation, maintenance of natural topography, etc. in the approval. Importantly, the individual houses will be reviewed for design review compliance and the proposed multi-family development will undergo site plan and design review.

60. The plans show mitigation of the visual impact of the PRD to the extent needed. Section 17.89.070A.5. The wider than required landscaping buffer around the perimeter, except for the open space park at the northwestern side of the southern portion, and the retention and enhancement of forested wetlands and their buffers mitigate any visual impact, however the proposed development of largely single family residences in carefully designed neighborhoods is not anticipated to create visual impact in need of further mitigation. Additional review of the scale and massing of the multifamily type of housing will occur at the time development of those sites is proposed.

61. The plans identify public improvements proposed, unrelated to a request for bonuses. Section 17.89.070A.6. The roads and park and open space are shown on the plat and proposed for acceptance by the City.

62. No density or height bonus has been requested, though a variation in allowed height for the RLD FDT is proposed, so subsections 7, 8, and 9 of Section 17.89.070A do not apply. Greater density in the RLD-PRD and extra height would allow for more retained natural features.

63. With the conditions recommended by the Public Works Department, the site access, on-site circulation and off-street parking would meet all of public works standards and make adequate provision for roads, streets and alleys and the streets, sidewalks and trails and would be adequate to carry anticipated traffic, satisfying the requirements of Section 17.89.070B.1.

64. The PRD makes adequate provision for all required public utilities and, with the proposed conditions of approval, the water, sewer and stormwater facilities would be suitable and adequate to provide service as required by Section 17.89.070B.2.

65. As the site is designated as Planned Community Development Residential Low and Residential Medium on the Comprehensive Plan Land Use Map, the proposed uses would be consistent with the Comprehensive Plan as required by Section 17.89.B.3. The PRD would also satisfy other goals for preservation of open space and increased housing opportunities.

66. The PRD would accomplish development better than that resulting from traditional development and provide benefit to the city and residents, as required by Section 17.89.070B.4, from its imaginative design, efficient use of the land, provision of a large amount of interconnected open spaces and trails connecting those spaces and the parks available to and enhancing recreational opportunities of residents and members of the public, retention of wetlands and buffers through the clustering of development away

from those areas, and a pleasing design that maximizes open space by clustering development and locating more intense development near the arterial and other more intense uses.

67. The responsible City officials have determined that the public facilities serving the proposed development are adequate and, as the overall density would be as planned for the area and would not create a greater burden than traditional development, as required by Section 17.89.070B.5.

68. The proposal, with the conditions recommended by the Fire Marshall, will satisfy the requirement of Section 17.89.070B.6 that the provisions for fire protection must be adequate.

69. The perimeter of the PRD must be compatible with the existing land use or property that abuts or is directly across the street from the subject property. Section 17.89.070B.7. The use of the land adjacent to the eastern, southeastern, northern, and northwestern boundaries of the PRD are the same as proposed for the subdivision, single-family. Where multi-family development is proposed at the southwestern corner of the northern portion of the plat, the adjacent use is single-family, despite the RMD zoning. Though a neighboring resident expressed concern about conflict in use, that property was legislatively determined to be appropriate for multi-family use as reflected by its zoning. The 50 ft. dense vegetative perimeter buffer plus the setbacks proposed should reduce or eliminate the perceived incompatibility, along with site plan and design review which will address massing and architectural design. The existing uses to the west of the southern portion of the site are well separated and the large open space/park tract would maintain separation between the single-family lots in the plat and any future commercial development.

70. Applicant and the Canterwood Homeowner's Association, representing the development adjacent to the northeastern portion of the plat where single-family development would be adjacent to single-family development, have agreed that the 50 ft. buffer is a material consideration in the homeowner's association's support for the application and that any proposed reduction would be a major amendment requiring review and approval by either the City Council or hearing examiner. Though not agreed to by the parties to the agreement, any reduction less than ten percent would appropriately be treated as a minor amendment for administrative review.

71. The proposed public parkway roads connecting to Borgen Boulevard and Peacock Hill Avenue provide the circulation points functionally connected to the public right-of-way contemplated by Section 17.89.070B.8. Though a resident of an adjacent neighborhood expressed concern about additional traffic from the PRD with the connection to the neighborhood street, the Transportation Element of the Comprehensive Plan requires that roadways of all classifications be planned to provide for that connectivity.

72. The proposal clearly integrates open space into the project through the connected wetlands and buffers, trail system and views of the open space from many of the lots, as required by Section 17.89.070B.9, rather than creating a separate open space element in the PRD.

73. Compatibility of design and its response to character, appearance and quality of development of the property and surrounding properties, required by Section 17.89.070B.10, is assured by the requirement to conform to the Design Manual and that review at the time of building permit, and site plan reviews for the FDTs.

74. Each phase for the completion of the PRD is to contain required parking, open space, roads, recreation space, utilities and landscaping necessary for creating and sustaining a desirable and stable environment. Section 17.89.070B.11. Here, each phase is designed to be functionally independent as to parking, open space, roads, recreational space, utilities and landscaping. The Development Agreement provides for flexibility in meeting density and open space requirements for individual phases as long as the entire plat complies.

75. As required by Section 17.89.070C, Applicant did submit a separate application for a rezone to allow multifamily use in the RLD zoned FDT.

76. The Department issued its Notice of Administrative Decision (Exhibit 3) approving DRB 08-0105 and finding that the applicable standards of the Design Manual are met by the preliminary plat. That decision was not appealed.

77. Notice of the proposed action and hearing was posted on the site on November 29, 2010, and published and mailed to interested parties and property owners within 300 ft. on December 1, 2010.

Conclusions

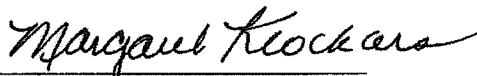
1. Sections 16.05.002 and 19.01.003 authorize the Hearing Examiner to make final decision on site-specific rezones, preliminary plat applications, preliminary planned residential developments and alternative landscape plans when consolidated with other Type III decisions.
2. Notice and hearing requirements were met.
3. The findings document that the public use and interest will be served by the proposed preliminary plat and the dedications proposed. The application was shown to be consistent with the Comprehensive Plan and, with the approval of the alternative landscape plan which was shown to satisfy the criteria for approval and should be granted and imposition of the conditions of approval recommended by staff, it would conform to applicable zoning and make adequate provision for the items listed in Section 16.05.003B. The preliminary plat should be approved with the recommended conditions.
4. The proposed map amendment was shown to further the goals and policies of the Comprehensive Plan, bear a substantial relationship to the public health, safety and general welfare, and not cause any substantial detrimental effect. The findings show that there has been a definite change in the area since the original zoning of the site to be rezoned that makes it appropriate for the increased density. The showing is sufficient to warrant the rezone to RLD-PRD in support of the proposed PRD so it should be granted.

5. The findings show that the proposed PRD is consistent with the criteria for approval and should be approved. The PRD approval should include approval of the modification of the required setbacks as proposed, the increased allowance of impervious surfaces on individual lots to 65 percent, and the modification of the height limit for any use that is not single-family within the RLD-PRD zoned FDT south of Borgen Boulevard, recognizing that that height is already permitted on the FDT north of Borgen Boulevard.

Decision

The proposed preliminary plat with the alternative landscape plan, rezone to RLD-PRD of the approximate 10 acres at the northwestern portion of the south part of the site, and planned residential development with modification of the minimum yard setbacks, impervious surface allowances on individual lots, and height limit, all as described above, are approved subject to the conditions listed in Attachment A.

Dated this 30th day of December 2010


Margaret Klockars
Hearing Examiner

Concerning Further Review

There is no administrative appeal of the hearing examiner's decision as to the preliminary plat and planned residential development. A request for reconsideration may be filed according to the procedures set forth in Ordinance No. 1073. If a request for reconsideration is filed, this may affect the deadline for filing judicial appeal (Chapter 36.70c RCW). The hearing examiner's decision as to the site specific rezone may be appealed by a party of record to the City Council. See Chapter 19.06 for procedures. Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

Parties of Record

John Chadwell
OPG Properties LLC
19245 10th Avenue NE
Poulsbo, WA 98370

Gerald Buck
Triad Associates
12112 115th NE
Kirkland, WA 98034

Cliff Johnson, Associate Planner
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Jennifer Starks
3807 105th St. Ct. NW
Gig Harbor, WA 98332

Steven Kunkel
11271 Borgen Loop
Gig Harbor, WA 98332

Dennis Loewe
4615 131st St. Ct. NW
Gig Harbor, WA 98332

Alan Fure
Triad Associates
12112 115th NE
Kirkland, WA 98034

Doug Allen
4026 Canterwood Drive NW Ste. A
Gig Harbor, WA 98332

Emily Appleton, PE
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Jennifer Kester, Senior Planner
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Exhibits in the record

- 1) Staff Report dated December 9, 2010
- 2) Preliminary plat plans, received December 3, 2010
- 3) Administrative Design Review Decision, dated November 23, 2010
- 4) MDNS and Adoption of Existing Environmental Document (SEPA-08-0034), issued November 17, 2010
- 5) Wetland Analysis Report dated May 21, 2007
- 6) Detailed Wetland Mitigation Plan dated *revised* June 23, 2009
- 7) Appleton Memorandum dated November 15, 2010
- 8) DOE Letter dated November 30, 2010
- 9) Letter dated December 6, 2010 from Doug Allen
- 10) Appleton Memorandum dated December 8, 2010
- 11) Applicant's written project description, dated *revised* August 16, 2010
- 12) Development Agreement dated November 9, 2010
- 13) Zoning Map
- 14) Technical Memorandum from Grette Associates, dated July 29, 2009
- 15) MDNS and Adoption of Existing Environmental Document (SEPA 03-46), issued January 19, 2005
- 16) Staff Report – Supplement dated December 16, 2010
- 17) Letter from Dennis Loewe dated December 16, 2010

ATTACHMENT A

1. The applicant shall comply with all mitigation measures found in the Mitigated Determination of Non significance (SEPA 08-0034) issued for the proposal, or as subsequently amended.
2. All perimeter landscaping buffers shall be vegetated to meet the standards of GHMC 17.78.060, as amended through the alternative landscape plan approved by the Hearing Examiner. This requirement shall be met prior to approval of the final plat.
3. Fire flow requirements shall be met. Location and manner of fire lane markings shall be provided at time of civil review.
4. City forces may remove any traffic control device constructed within the City right of way not approved by the Operations and Engineering Division. Any liability incurred by the City due to non-conformance by the applicant shall be transferred to the applicant.
5. A road encroachment permit shall be acquired from the City prior to any construction within City right of way, including utility work, improvements to the curb, gutter, and sidewalk, roadway shoulders and ditches, and installation of culverts. All work within the City right of way shall conform to the City's Public Works Standards and Stormwater Design Manual.
6. Permanent survey control monuments shall be placed to establish public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control. A minimum of two permanent survey control monuments shall be installed at locations determined by the City in accordance with the City's Public Works Standards and recorded with the Pierce County Survey Control Division prior to final engineering approval of civil improvements.
7. Irrigation and maintenance of landscaping within the public right of way shall be the responsibility of the property owner(s) or its heirs or assigns.
8. The final plat map shall note (where in quotes) or delineate the following:
 - a. **WARNING: City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roadways or driveways within, or providing access to, property described in this plat."**

- b. "Maintaining adequate site distance at all vehicular access points shall be the responsibility of the property owner. The City of Gig Harbor has no responsibility to maintain adequate site distance at private access points located within this plat."
 - c. "Increased stormwater runoff from the road(s), building, driveway and parking areas shall not be directed to City infrastructure. Increased storm water runoff shall be retained/detained on site unless it is proven to be adequately retained/detained by an offsite regional facility."
 - d. "Where seasonal drainage crosses subject property, no disruption of the natural flow shall be permitted."
 - e. Stormwater for runoff from buildings and parking surfaces shall be shown on individual building lots, including drywell sizing or storm drain connection points.
 - f. If private roadways are proposed then provisions shall be made for the roads and easements to be open at all times for emergency and public service vehicle use.
 - g. "This plat is subject to stormwater maintenance agreement recorded under Auditor's file number (enter AFN here)."
 - h. "Stormwater/Drainage easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on this site plan. No encroachment will be placed within the easements shown on the plat that may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the property owner(s) or its heirs or assigns, as noted under the stormwater maintenance agreement for the plat."
9. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners. Alternatively, the common

open space may be conveyed to a public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.

10. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the said donee(s) grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).
11. Since the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
12. Any dedication filed for record shall be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
13. School impact fees as required by GHMC 19.12.050(B)(11) shall be collected for all residential development prior to the issuance of a building permit.
14. Proposed multiple family development shall go through the Site Plan Review process, or any subsequently adopted nonresidential land use review process.
15. The applicant shall comply with all of the terms of the Development Agreement by and between the City of Gig Harbor and Harbor Hill LLC, for the Harbor Hill Development, dated November 9, 2010 (or any subsequent amendments).
16. In addition to the transit stop proposed on the south side of Borgen Boulevard, the applicant shall be required to install a transit stop on the north side of Borgen Boulevard. The final location and design of both transit stops shall be as determined by the City of Gig Harbor and Pierce Transit.

VOL/PG

HARBOR HILL

DIVISION S8 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT PORTION OF THE NW 1/4 AND SW 1/4, NE 1/4 AND A PORTION OF THE NW 1/4, SE 1/4 SECTION 31, TOWNSHIP 22 N, RANGE 2 E, W.M. CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

DEDICATION

KNOW ALL MEN (PERSONS) BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) IN FEE SIMPLE OF THE LAND HEREBY SUBDIVIDED, DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF SAID AND DEDICATE TO THE PUBLIC, FOREVER, THE USE OF ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC ROADWAY, UTILITY INSTALLATION AND STORM DRAINAGE INSTALLATION, TOGETHER WITH THE RIGHT TO MAKE NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN ON THIS PLAT IN THE ORIGINAL REASONABLE GRADING OF THE STREETS AND AVENUES SHOWN HEREON.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF GIG HARBOR, ITS SUCCESSORS AND ASSIGNS, WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THE SUBDIVISION.

THIS SUBDIVISION, DEDICATION AND WAIVER OF CLAIMS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS. ALSO THE SPECIFIC CONDITIONS AND/OR AGREEMENTS THAT ARE CONDITIONS OF THIS PLAT ARE MADE A PART HERETO AND THE OWNERS AND THEIR ASSIGNS DO HEREBY AGREE TO COMPLY WITH THESE CONDITIONS.

TRACT X IS A FUTURE DEVELOPMENT TRACT AND IS RETAINED BY HARBOR HILL LLC, A WASHINGTON LIMITED LIABILITY COMPANY.

TRACT C IS AN OPEN SPACE TRACT AND IS RETAINED BY HARBOR HILL LLC, A WASHINGTON LIMITED LIABILITY COMPANY.

TRACTS A AND B ARE OPEN SPACES TRACTS AND ARE HEREBY CONVEYED AND QUITCLAIMED AS A GIFT AND DONATION FOR NO MONETARY OR OTHER VALUABLE CONSIDERATION, BY THE UNDERSIGNED OWNER TO THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS.

HARBOR HILL LLC, A WASHINGTON LIMITED LIABILITY COMPANY.

BY: _____
ITS: _____

ACKNOWLEDGMENTS

STATE OF WASHINGTON }
COUNTY OF _____ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS _____ OF HARBOR HILL, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: _____
SIGNATURE: _____
(PRINT NAME)
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
MY APPOINTMENT EXPIRES: _____

LEGAL DESCRIPTION

PER FIRST AMERICAN TITLE INSURANCE COMPANY SUBDIVISION GUARANTEE NO. 2321741, DATED APRIL 2, 2015.

REAL PROPERTY IN THE COUNTY OF PIERCE, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

TRACT X, HARBOR HILL PHASE S-9, ACCORDING TO PLAT RECORDED DECEMBER 4, 2013 UNDER RECORDING NO. 201312045001, RECORDS OF PIERCE COUNTY, WASHINGTON.

CITY OF GIG HARBOR APPROVAL BLOCK

MAYORAL APPROVAL

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2015.

MAYOR, CITY OF GIG HARBOR

CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT ALL DELINQUENT ASSESSMENTS FOR WHICH THE PROPERTY MAY HAVE BEEN LIABLE AS OF THE DATE OF CERTIFICATION HAVE BEEN FULLY PAID, SATISFIED OR DISCHARGED.

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2015.

CITY CLERK, CITY OF GIG HARBOR

CITY PLANNING DIRECTOR

I HEREBY CERTIFY THAT THIS PLAT OF HARBOR HILL DIVISION S8 IS IN CONFORMANCE WITH THE CITY OF GIG HARBOR COMPREHENSIVE PLAN, ZONING CODE, DEVELOPMENT AGREEMENT, AND APPROVED PLANNED RESIDENTIAL DEVELOPMENT. THE SUBDIVISION COMPLIES WITH THE CITY'S DEVELOPMENT REGULATIONS UNDER GHMC TITLES 16 AND 17.

EXAMINED AND APPROVED THIS _____ DAY OF _____

PLANNING DIRECTOR, CITY OF GIG HARBOR, WASHINGTON DATE

CITY ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAYOUT OF THE STREETS, ALLEYS AND OTHER RIGHTS OF WAY, SEWER AND WATER SYSTEMS, AND OTHER UTILITY STRUCTURES COMPLY WITH APPLICABLE PROVISIONS OF THE CITY OF GIG HARBOR PUBLIC WORKS CONSTRUCTION STANDARDS.

EXAMINED AND APPROVED THIS _____ DAY OF _____

CITY ENGINEER, CITY OF GIG HARBOR, WASHINGTON DATE

COUNTY ASSESSOR-TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE HAVE BEEN FULLY PAID AND DISCHARGED.

ASSESSOR-TREASURER, PIERCE COUNTY, WASHINGTON DATE

COUNTY AUDITOR

FILED FOR RECORD THIS _____ DAY OF _____, 2015 AT _____ MINUTES PAST _____ M., RECORDS OF PIERCE COUNTY AUDITOR, TACOMA WASHINGTON.

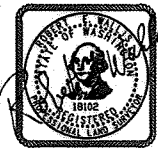
RECORDED UNDER AUDITOR'S FILE NO. _____

PIERCE COUNTY AUDITOR BY DATE

COUNTY RECORDING OFFICIAL'S INFORMATION BLOCK (WAC 332-130-050)

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF HARBOR HILL DIVISION S8 CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF HARBOR HILL LLC 2015, AND SAID SURVEY WAS BASED UPON AN ACTUAL SURVEY OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS ACTUALLY SURVEYED; THAT THE COURSES AND DISTANCES SHOWN HEREON ARE CORRECT; THAT (1) MONUMENTS AS DESCRIBED AND SHOWN HEREON, UNLESS STATED OTHERWISE HEREON, WILL BE OR HAVE BEEN SET AT ALL LOT CORNERS AS SHOWN; (2) MONUMENTS AS DESCRIBED AND SHOWN HEREON AS "SET" WILL BE OR HAVE BEEN SET; AND (3) ALL MONUMENTS DESCRIBED AND SHOWN HEREON THAT ARE SHOWN "TO BE SET" WITHIN THE RIGHT-OF-WAY, WITHIN AND WITHOUT THE BOUNDARY OF THIS SUBDIVISION, WILL BE SET AFTER THE STREET IS PAVED.



Robert Wallis
ROBERT E. WALLIS, PLS
SURVEYOR, CERTIFICATE NO. 18102
TRIAD ASSOCIATES
12112 115TH AVE. NE
KIRKLAND, WASHINGTON 98034
PHONE: (425) 821-8448

APRIL 30, 2015

HARBOR HILL, DIVISION S8
CITY OF GIG HARBOR
FILE NUMBER: PL-FPLAT-15-0001
CITY OF GIG HARBOR,
PIERCE COUNTY, WASHINGTON

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 2015 AT _____ M., IN VOL _____ OF PLATS, AT PAGE _____ AT THE REQUEST OF _____

DIVISION OF RECORDS AND ELECTIONS

MANAGER SUPERINTENDENT OF RECORDS



PORTIONS OF THE NW 1/4 AND SW 1/4 OF THE NE 1/4 AND A PORTION OF THE NW 1/4 OF THE SE 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON.

JOB NO 08-058 SHEET 1 OF 6

VOL/PG

VOL/PG

HARBOR HILL

DIVISION S8 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT PORTION OF THE NW 1/4 AND SW 1/4, NE 1/4 AND A PORTION OF THE NW 1/4, SE 1/4 SECTION 31, TOWNSHIP 22 N, RANGE 2 E, W.M. CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

EXCEPTIONS NOTED IN TITLE REPORT

3. RESERVATIONS AND EXCEPTIONS, INCLUDING THE TERMS AND CONDITIONS THEREOF:
RESERVING: OIL, COAL, GAS AND MINERALS AND/OR MINERAL RIGHTS OF ANY NATURE
RESERVED BY: POPE RESOURCES, A DELAWARE LIMITED PARTNERSHIP
RECORDED: MAY 27, 1986
RECORDING INFORMATION: 8605270396
4. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "UTILITY EXTENSION AND CAPACITY AGREEMENT":
RECORDED: APRIL 6, 1992
RECORDING NO.: 9204090661

MODIFICATION AND/OR AMENDMENT BY INSTRUMENT:
RECORDING INFORMATION: 9502090112
5. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ORDINANCE NO. 676"
RECORDED: OCTOBER 19, 1995
RECORDING NO.: 9510190514
6. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "WETLANDS EASEMENT AGREEMENT OLYMPIC PROPERTY GROUP LLC EAST-WEST ROADWAY WETLANDS EASEMENT"
RECORDED: MAY 8, 2000
RECORDING NO.: 200005080089
7. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ACCESS AND STORM WATER CONVEYANCE SYSTEM EASEMENT AGREEMENT"
RECORDED: MAY 8, 2000
RECORDING NO.: 200005080090
8. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STORM WATER POND EASEMENT AGREEMENT"
RECORDED: MAY 8, 2000
RECORDING NO.: 200005080092
9. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ALLOCATION AGREEMENT"
RECORDED: MAY 17, 2000
RECORDING NO.: 200005170157
10. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
RECORDING INFORMATION: 200101120655
IN FAVOR OF: PENINSULA LIGHT COMPANY, CENTURY TELEPHONE DEV INC., AND AT&T CABLE SERVICES, INC.
FOR: UTILITIES
11. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 613"
RECORDED: AUGUST 14, 2003
RECORDING NO.: 200308140667
12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 613"
RECORDED: AUGUST 14, 2003
RECORDING NO.: 200308140668
13. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL, LLC, FOR THE HARBOR HILL DEVELOPMENT"
RECORDED: NOVEMBER 16, 2010
RECORDING NO.: 201011160780

AMENDMENT THERETO RECORDED UNDER 201212040218 AND 201405010313.
14. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL, LLC, FOR THE HARBOR HILL DEVELOPMENT"
RECORDED: NOVEMBER 24, 2010
RECORDING NO.: 201011241249
15. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "JOINDER AGREEMENT"
RECORDED: DECEMBER 2, 2010
RECORDING NO.: 201012020198
16. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT"
RECORDED: APRIL 28, 2012
RECORDING NO.: 201204250237
17. COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS; BUT DELETING ANY COVENANT, CONDITION FOR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS/ OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES:
RECORDING INFORMATION: 201204250238

AMENDMENT THERETO RECORDED UNDER 201312040142, 201312040143, 201405290330 AND 201409080130.
18. PROVISIONS OF THE PROVISIONS OF THE ARTICLES OF INCORPORATION AND BY-LAWS OF THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION, AND ANY TAX, FEE, ASSESSMENTS OR CHARGES AS MAY BE LEVIED BY SAID ASSOCIATION.
19. ANY AND ALL OFFERS OF DEDICATION, CONDITIONS, RESTRICTIONS, EASEMENTS, BOUNDARY DISCREPANCIES OR ENCROACHMENTS, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY PLAT OF HARBOR HILL PHASE S9 RECORDED UNDER RECORDING NUMBER 201312045001.
20. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
RECORDED: FEBRUARY 03, 2015
RECORDING INFORMATION: 201502030327
IN FAVOR OF: PUGET SOUND ENERGY, INC., A WASHINGTON CORPORATION
FOR: ELECTRIC TRANSMISSION AND/OR DISTRIBUTION SYSTEM
21. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "NOTICE OF LETTER AGREEMENTS"
RECORDED: MARCH 31, 2015
RECORDING NO.: 201503310642

EASEMENT PROVISIONS

DRY UTILITY EASEMENT

AN EASEMENT FOR PUBLIC UTILITY PURPOSES IS HEREBY GRANTED AND CONVEYED UPON THE RECORDING OF THIS PLAT TO THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION, CITY OF GIG HARBOR, PENINSULA LIGHT COMPANY, PUGET SOUND ENERGY, CENTURY LINK TELEPHONE COMPANY, COMCAST AND OTHER UTILITY PROVIDERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER AND ACROSS THE EXTERIOR 10 FEET, ADJOINING PUBLIC STREETS, OF ALL LOTS WITHIN THIS PLAT, IN WHICH TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, REPLACE AND ENLARGE UNDERGROUND PIPES, CONDUITS, CABLES AND WIRES WITH ALL THE NECESSARY OR CONVENIENT UNDERGROUND OR GROUND MOUNTED APPURTENANCES THERETO FOR THE PURPOSE OF SERVING THIS PLAT AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, AND OTHER UTILITY SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE PARCELS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. THE LANDS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE PARTY OR PARTIES CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING, REPLACING OR ENLARGING SAID UNDERGROUND PIPES, CONDUITS, CABLES AND WIRES.

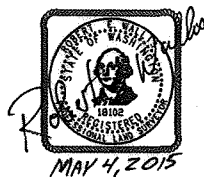
CITY OF GIG HARBOR EASEMENTS

THE CITY OF GIG HARBOR AND THEIR SUCCESSORS AND ASSIGNS ARE GRANTED AND CONVEYED PUBLIC WATER EASEMENTS UPON THE RECORDING OF THIS PLAT ON THE EXTERIOR 10 FEET OF LOTS 1 THROUGH 33 ADJOINING PUBLIC RIGHTS OF WAY.

THE CITY OF GIG HARBOR AND THEIR SUCCESSORS AND ASSIGNS ARE GRANTED AND CONVEYED SANITARY SEWER EASEMENTS UPON THE RECORDING OF THIS PLAT ON THE EXTERIOR 10 FEET OF LOTS 1 THROUGH 33 ADJOINING PUBLIC RIGHTS OF WAY.

HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION STORM DRAINAGE EASEMENTS

THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION IS HEREBY GRANTED AND CONVEYED STORM DRAINAGE EASEMENTS UPON THE RECORDING OF THIS PLAT OVER THE 10.00 FEET OF ALL LOTS ADJOINING PUBLIC RIGHTS OF WAY, THOSE PORTIONS OF LOTS 18 THROUGH 31 DEPICTED AS SUCH ON SHEET 5 OF THIS PLAT AND THE 2.50 FEET ALONG ALL SIDE LOTS, AND THE 5.00 FEET ALONG THE REAR OF ALL LOTS EXCEPT THOSE PORTIONS OF LOTS 10 THROUGH 31 NOTED PREVIOUSLY. THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION SHALL MAINTAIN AND REPAIR THIS STORM DRAINAGE SYSTEM.



HARBOR HILL, DIVISION S8
CITY OF GIG HARBOR
FILE NUMBER: PL-FPLAT-15-0001
CITY OF GIG HARBOR,
PIERCE COUNTY, WASHINGTON

triad

20300 Woodville Snohomish Rd NE • Woodinville, WA 98072
p: 425.415.2000 f: 425.486.5059 w: triadassocates.net

JOB NO 08-058

SHEET 2 OF 6

VOL/PG

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HARBOR HILL

DIVISION S8 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT PORTION OF THE NW 1/4 AND SW 1/4, NE 1/4 AND A PORTION OF THE NW 1/4, SE 1/4 SECTION 31, TOWNSHIP 22 N, RANGE 2 E, W.M. CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

CITY OF GIG HARBOR CONDITIONS

(PER THE DECISION OF THE HEARING EXAMINER DATED DECEMBER 30, 2010 AND CITY OF GIG HARBOR ADMINISTRATIVE DECISIONS DATED AUGUST 2, 2013 & JULY 14, 2014.)

1. THE APPLICANT SHALL COMPLY WITH ALL MITIGATION MEASURES FOUND IN THE MITIGATED DETERMINATION OF NON SIGNIFICANCE (SEPA 09-0034) ISSUED FOR THE PROPOSAL, OR AS SUBSEQUENTLY AMENDED.
2. ALL PERIMETER LANDSCAPING BUFFERS SHALL BE VEGETATED TO MEET THE STANDARDS OF GHMC 17.78.060, AS AMENDED THROUGH THE ALTERNATIVE LANDSCAPE PLAN APPROVED BY THE HEARING EXAMINER. THIS REQUIREMENT SHALL BE MET PRIOR TO APPROVAL OF THE FINAL PLAT.
3. FIRE FLOW REQUIREMENTS SHALL BE MET. LOCATION AND MANNER OF FIRE LANE MARKINGS SHALL BE PROVIDED AT TIME OF CIVIL REVIEW.
4. CITY FORCES MAY REMOVE ANY TRAFFIC CONTROL DEVICE CONSTRUCTED WITHIN THE CITY RIGHT OF WAY NOT APPROVED BY THE OPERATIONS AND ENGINEERING DIVISION. ANY LIABILITY INCURRED BY THE CITY DUE TO NON-COMFORMANCE BY THE APPLICANT SHALL BE TRANSFERRED TO THE APPLICANT.
5. A ROAD ENCROACHMENT PERMIT SHALL BE ACQUIRED FROM THE CITY PRIOR TO ANY CONSTRUCTION WITHIN CITY RIGHT OF WAY, INCLUDING UTILITY WORK, IMPROVEMENTS TO THE CURB, GUTTER, AND SIDEWALK, ROADWAY SHOULDERS AND DITCHES, AND INSTALLATION OF CULVERTS. ALL WORK WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CITY'S PUBLIC WORKS STANDARDS AND STORMWATER DESIGN MANUAL.
6. PERMANENT SURVEY CONTROL MONUMENTS SHALL BE PLACED TO ESTABLISH PUBLIC STREET CENTERLINES, INTERSECTIONS, ANGLE POINTS, CURVES, SUBDIVISION BOUNDARIES AND OTHER POINTS OF CONTROL. A MINIMUM OF TWO PERMANENT SURVEY CONTROL MONUMENTS SHALL BE INSTALLED AT LOCATIONS DETERMINED BY THE CITY IN ACCORDANCE WITH THE CITY'S PUBLIC WORKS STANDARDS AND RECORDED WITH THE PIERCE COUNTY SURVEY CONTROL DIVISION PRIOR TO FINAL ENGINEERING APPROVAL OF CIVIL IMPROVEMENTS.
7. IRRIGATION AND MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS.
8. THE FINAL PLAT MAP SHALL NOTE (WHERE IN QUOTES) OR DELINEATE THE FOLLOWING:
 - A) "WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT."
 - B) "MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT."
 - C) "INCREASED STORMWATER RUNOFF FROM THE ROAD(S), BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED ON SITE UNLESS IT IS PROVEN TO BE ADEQUATELY RETAINED/DETAINED BY AN OFFSITE REGIONAL FACILITY."
 - D) "WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED."
 - E) STORMWATER FOR RUNOFF FROM BUILDINGS AND PARKING SURFACES SHALL BE SHOWN ON INDIVIDUAL BUILDING LOTS, INCLUDING DRYWELL SIZING OR STORM DRAIN CONNECTION POINTS.
 - F) IF PRIVATE ROADWAYS ARE PROPOSED THEN PROVISIONS SHALL BE MADE FOR THE ROADS AND EASEMENTS TO BE OPEN AT ALL TIMES FOR EMERGENCY AND PUBLIC SERVICE VEHICLE USE.
 - G) THIS PLAT IS SUBJECT TO STORMWATER MAINTENANCE AGREEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 201204250237.
 - H) "STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS SITE PLAN. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES, MAINTENANCE AND EXPENSE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT."
9. AN ASSOCIATION OF OWNERS SHALL BE FORMED AND CONTINUED FOR THE PURPOSE OF MAINTAINING THE COMMON OPEN SPACE. THE ASSOCIATION SHALL BE CREATED AS AN ASSOCIATION OF OWNERS UNDER THE LAWS OF THE STATE AND SHALL ADOPT AND PROPOSE ARTICLES OF INCORPORATION OR ASSOCIATION AND BYLAWS, AND ADOPT AND APPROVE A DECLARATION OF COVENANTS AND RESTRICTIONS ON THE COMMON OPEN SPACE THAT ARE ACCEPTABLE TO THE CITY IN PROVIDING FOR THE CONTINUING CARE OF THE SPACE. NO COMMON OPEN SPACE MAY BE PUT TO A USE NOT SPECIFIED IN THE FINAL DEVELOPMENT PLAN UNLESS THE FINAL DEVELOPMENT PLAN IS FIRST AMENDED TO PERMIT THE USE. NO CHANGE OF USE MAY BE CONSIDERED AS A WAIVER OF ANY OF THE COVENANTS LIMITING THE USE OF COMMON OPEN SPACE AREA, AND ALL RIGHTS TO ENFORCE THESE COVENANTS AGAINST ANY USE PERMITTED ARE EXPRESSLY RESERVED TO THE CITY AS WELL AS THE OWNERS. ALTERNATIVELY, THE COMMON OPEN SPACE MAY BE CONVEYED TO A PUBLIC AGENCY WHICH AGREES TO MAINTAIN THE COMMON OPEN SPACE AND ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, WHICH HAVE BEEN PLACED UPON IT.
10. ANY DEDICATION, DONATION OR GRANT AS SHOWN ON THE FACE OF THE PLAT SHALL BE CONSIDERED TO ALL INTENTS AND PURPOSES AS A QUITCLAIM DEED TO THE SAID DONEE(S) GRANTEE(S) FOR HIS/HER/THEIR USE FOR THE PURPOSE INTENDED BY THE DONOR(S) OR GRANTOR(S).
11. SINCE THE PLAT IS SUBJECT TO A DEDICATION, THE CERTIFICATE OR A SEPARATE WRITTEN INSTRUMENT SHALL CONTAIN THE DEDICATION OF ALL STREETS AND OTHER AREAS TO THE PUBLIC, AND INDIVIDUAL(S), RELIGIOUS SOCIETY(IES) OR TO ANY CORPORATION, PUBLIC OR PRIVATE, AS SHOWN ON THE PLAT, AND A WAIVER OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD, SAID CERTIFICATE OR INSTRUMENT OF DEDICATION SHALL BE SIGNED AND ACKNOWLEDGED BEFORE A NOTARY PUBLIC BY ALL PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LANDS SUBDIVIDED AND RECORDED AS PART OF THE FINAL PLAT.
12. ANY DEDICATION FILED FOR RECORD SHALL BE ACCOMPANIED BY A TITLE REPORT CONFIRMING THAT THE TITLE OF THE LANDS AS DESCRIBED AND SHOWN ON SAID PLAT IS IN THE NAME OF THE OWNERS SIGNING THE CERTIFICATE OR INSTRUMENT OF DEDICATION.
13. SCHOOL IMPACT FEES AS REQUIRED BY GHMC 18.12.050(B)(11) SHALL BE COLLECTED FOR ALL RESIDENTIAL DEVELOPMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
14. INTENTIONALLY LEFT BLANK.
15. THE APPLICANT SHALL COMPLY WITH ALL OF THE TERMS OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL LLC, FOR THE HARBOR HILL DEVELOPMENT, DATED NOVEMBER 9, 2010 (OR ANY SUBSEQUENT AMENDMENTS).
16. INTENTIONALLY LEFT BLANK.
17. INTENTIONALLY LEFT BLANK.
18. FOR THIS AND ALL FUTURE MODIFICATIONS OR ALLOCATIONS, THE APPLICANT SHALL PROVIDE AN ACCOUNTING OF THE PROPOSED ALLOCATION OF WATER, SEWER AND TRANSPORTATION CAPACITY RESERVED FOR THE PROJECT UNDER THE CONCURRENCY REQUIREMENTS. THIS MAY BE ACCOMPLISHED BY PROVIDING A TABLE LISTING EACH PHASE OR LOT OF THE DEVELOPMENT WITH THEIR ASSOCIATED WATER, SEWER AND TRANSPORTATION CAPACITY RESERVATIONS TO SHOW THAT THE PROPOSAL IS IN ACCORDANCE WITH THE TOTAL CAPACITIES RESERVED. THIS IS INTENDED SOLELY FOR THE PURPOSE OF TRACKING THE TOTAL AMOUNTS AS THESE AMOUNTS ARE TIED TO THE ENTIRE PROJECT AND NOT TO SPECIFIC PHASES OR LOTS. THE APPLICANT HAS DISCRETION TO ALLOCATE THE RESERVED CAPACITIES TO VARIOUS PHASES OR LOTS WITHIN THE PROJECT LIMITS IN ACCORDANCE WITH SECTION 15 CAPACITY RESERVATIONS OF THE HMDA.
19. SINGLE FAMILY RESIDENCES WITHIN THE HARBOR HILL PLAT/PRD SHALL NOT EXCEED A TOTAL OF 554 DWELLINGS (ALL DIVISIONS INCLUDING SINGLE FAMILY DEVELOPMENT). EACH SUBSEQUENT APPLICATION FOR CIVIL PLAN REVIEW WITHIN THE UNDEVELOPED S DIVISIONS SHALL PROVIDE A STATEMENT AS TO LOTS REMOVED TO RETURN THE TOTAL NUMBER OF SINGLE FAMILY LOTS WITHIN HARBOR HILL TO THE APPROVED 554 UNITS. AT THE TIME OF THE SOUTH REVISIONS DECISION, THREE (3) EXCESS LOTS REMAIN THAT WILL NEED TO BE REMOVED.

CITY OF GIG HARBOR CONDITIONS (CONT.)

20. CHANGES TO THE LOT LAYOUT, GRADING AND ALLOWED SETBACKS AND IMPERVIOUS SURFACE LIMITATIONS SHALL BE LIMITED AS PROPOSED TO THE N2 THROUGH N5 DIVISIONS ANALYZED HEREIN. THE RELATED TOTAL OPEN SPACE CALCULATIONS, IMPERVIOUS SURFACE ASSUMPTIONS AND DENSITY APPLY TO THE COMPLIANCE OF THE HARBOR HILL RESIDENTIAL PLAT/PRD WITH APPLICABLE REGULATIONS AND APPLY TO THE DEVELOPMENT AS A WHOLE.
21. ANY LOT WHOSE MINIMUM SETBACKS ARE INCREASED BY WETLAND BUFFER SETBACKS SHALL BE NOTED ON THE FACE OF THE FINAL PLAT/PRD.
22. INTENTIONALLY LEFT BLANK.
23. FINAL GRADING APPROVED WITH THE CIVIL PLANS SHALL DEMONSTRATE COMPLIANCE WITH A MINIMUM OF 25 FEET OF TREE RETENTION IN ALL PERIMETER BUFFER AREAS AS APPROVED WITH THE INITIAL ALTERNATIVE LANDSCAPE PLAN. GRADING SHOWN IN THIS REVISION IS SUBJECT TO THE STRATEGIES INDICATED IN EXHIBIT 5.

PLANNED RESIDENTIAL DEVELOPMENT NOTES

THIS SITE HAS BEEN DEVELOPED UNDER THE PROVISIONS OF GHMC 17.89 PLANNED RESIDENTIAL DEVELOPMENTS (PRD). THIS FINAL PRD IS BASED ON THE APPROVED HARBOR HILL PRELIMINARY PRD APPROVED INITIALLY ON DECEMBER 30, 2010 (CASE PL-PRD-08-0001) AND MODIFIED ON AUGUST 2, 2013 (CASE PL-PRD-13-0001).

REQUIRED OPEN SPACES ARE CONTAINED IN THIS DIVISION ON TRACTS A, B AND C. OPEN SPACES SHALL BE MAINTAINED AND USED CONSISTENT WITH THE APPROVED PLANS ON FILE WITH THE CITY. PROPOSED CHANGES TO THESE AREAS INCLUDING THE REMOVAL OF VEGETATION SHALL BE REVIEWED AND APPROVED BY THE CITY OF GIG HARBOR.

TRACT	PRIMARY USES WITHIN OPEN SPACES
A	PERIMETER BUFFER & TEMPORARY ENCROACHMENT AREA
B	INTERIOR BUFFER
C	FUTURE PUBLIC TRAIL, WETLAND AND WETLAND BUFFER

THE DEVELOPMENT OF THE LOTS WITHIN THIS PRD IS SUBJECT TO THE FOLLOWING MODIFIED DEVELOPMENT STANDARDS:

1. LOTS 1 THROUGH 33 CREATED WITHIN THE S8 DIVISION ARE FRONT LOAD LOTS
2. LOT WIDTH: (MEASURED AT APPROXIMATE MID POINT OF LOT)

50-FOOT WIDE	31
60-FOOT WIDE (LOTS 30 & 32)	2
TOTAL NO. LOTS	33
3. BUILDING SETBACKS:

SIDE YARD SETBACK LINE: 5-FOOT MINIMUM
FRONT AND REAR SETBACK LINE: 10-FOOT MINIMUM EACH WITH A COMBINED MINIMUM OF 30- FEET
4. IMPERVIOUS SURFACES: THE MAXIMUM IMPERVIOUS AREA FOR INDIVIDUAL LOTS WITHIN THIS PLAT SHALL BE 65% (THIS INCLUDES ALL PAVED AND ROOF AREAS).
5. MAXIMUM BUILDING HEIGHT: THE MAXIMUM BUILDING HEIGHT ON ALL SINGLE FAMILY LOTS 35 FEET.

TRACT NOTES

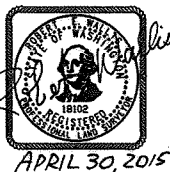
TRACT X AS SHOWN ON THIS PLAT IS A FUTURE DEVELOPMENT TRACT AND IS RETAINED BY HARBOR HILL LLC, A WASHINGTON LIMITED LIABILITY COMPANY.

TRACT A IS A PERIMETER BUFFER WITH TEMPORARY ENCROACHMENT AREAS. PLEASE REFER TO NOTICE OF LETTER AGREEMENTS RECORDED UNDER APN 201503310642 FOR INFORMATION RELATED TO THESE TEMPORARY ENCROACHMENTS.

TRACT C IS AN OPEN SPACE TRACT TO BE HELD BY HARBOR HILL LLC FOR THE FUTURE DEDICATION TO THE CITY OF GIG HARBOR. UNTIL SUCH TIME AS THE TRACT IS DEDICATED TO THE CITY, THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION SHALL MAINTAIN THE IMPROVEMENTS IN THIS TRACT.

NOTES

1. WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT.
2. MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT.
3. INCREASED STORMWATER RUNOFF FROM THE ROAD(S), BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED BY AN OFFSITE REGIONAL FACILITY.
4. WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED.
5. STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS PLAT. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES, MAINTENANCE AND EXPENSE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT.
6. IRRIGATION WITHIN PLANTER STRIPS TO BE MAINTAINED BY THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION (HOA). IRRIGATION METERS ARE TO BE PRIVATE WITH WATER METER CHARGES TO BE PAID BY THE HOA.
7. PORTIONS OF THIS PLAT, INCLUDING TRACT X, MAY BE FURTHER DIVIDED OR SUBDIVIDED AS SHOWN ON THE PRELIMINARY PLAT APPROVED BY THE CITY OF GIG HARBOR.
8. "STORMWATER RUNOFF FROM BUILDINGS AND PARKING SURFACES SHALL BE SHOWN ON INDIVIDUAL BUILDING PERMITS FOR LOTS, INCLUDING DRYWELL SIZING OR STORM DRAIN CONNECTION POINTS."



HARBOR HILL, DIVISION S8
CITY OF GIG HARBOR
FILE NUMBER: PL-FPLAT-15-0001
CITY OF GIG HARBOR,
PIERCE COUNTY, WASHINGTON

triad

20300 Woodinville Snohomish Rd NE • Woodinville, WA 98072
p: 425.415.2000 f: 425.486.5059 w: triadassociates.net

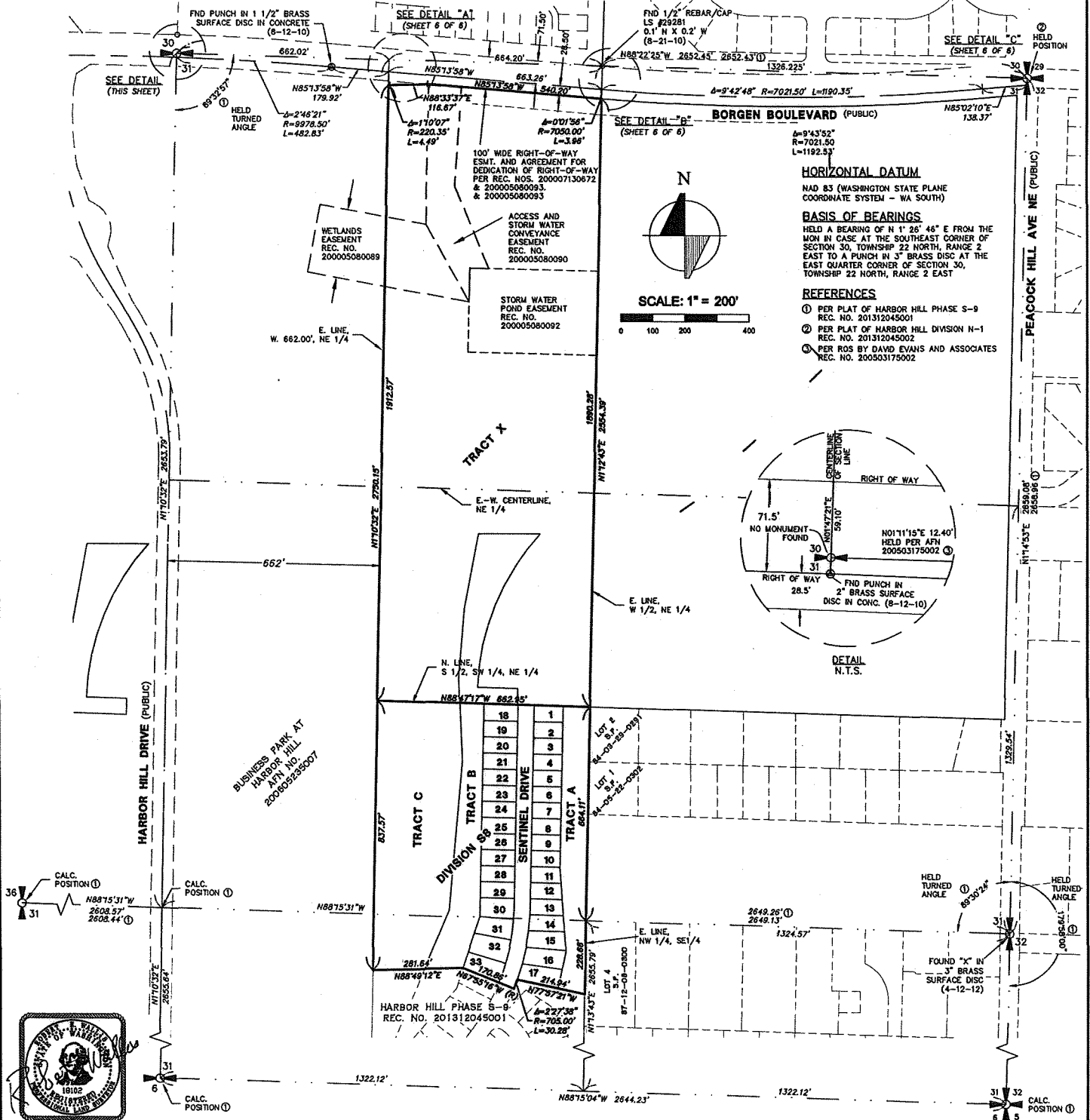
JOB NO 08-058
SHEET 3 OF 6

VOL/PG

HARBOR HILL

VOL/PG

DIVISION S8 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT
 PORTION OF THE NW 1/4 AND SW 1/4, NE 1/4 AND A PORTION OF THE NW 1/4, SE 1/4 SECTION 31, TOWNSHIP 22 N, RANGE 2 E, W.M.
 CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON



HORIZONTAL DATUM

NAD 83 (WASHINGTON STATE PLANE COORDINATE SYSTEM - WA SOUTH)

BASIS OF BEARINGS

HELD A BEARING OF $N 1^{\circ} 26' 46'' E$ FROM THE MON IN CASE AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST TO A PUNCH IN 3" BRASS DISC AT THE EAST QUARTER CORNER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST

REFERENCES

- ① PER PLAT OF HARBOR HILL PHASE S-9 REC. NO. 201312045001
- ② PER PLAT OF HARBOR HILL DIVISION N-1 REC. NO. 201312045002
- ③ PER ROS BY DAVID EVANS AND ASSOCIATES REC. NO. 200503175002



APRIL 30, 2015

HORIZONTAL DATUM

NAD 83 (WASHINGTON STATE PLANE COORDINATE SYSTEM - WA SOUTH)

BASIS OF BEARINGS

HELD A BEARING OF $N 1^{\circ} 26' 46'' E$ FROM THE MON IN CASE AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST TO A PUNCH IN 3" BRASS DISC AT THE EAST QUARTER CORNER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST

HARBOR HILL, DIVISION S8

CITY OF GIG HARBOR
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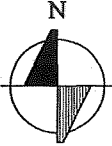
SHEET 4 OF 6

VOL/PG

HARBOR HILL

DIVISION S8 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT
 PORTION OF THE NW 1/4 AND SW 1/4, NE 1/4 AND A PORTION OF THE NW 1/4, SE 1/4 SECTION 31, TOWNSHIP 22 N, RANGE 2 E, W.M.
 CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

VOL/PG



SCALE: 1" = 60'



HORIZONTAL DATUM

NAD 83 (WASHINGTON STATE PLANE COORDINATE SYSTEM - WA SOUTH)

BASIS OF BEARINGS

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LEGEND

- ① SET MONUMENT
- ① PUBLIC DRY UTILITY EASEMENT
- ② PRIVATE STORM DRAINAGE EASEMENT
- ③ PUBLIC WATER EASEMENT
- ④ PUBLIC SANITARY SEWER EASEMENT

NOTES

1. REFER TO SHEET 2 FOR ADDITIONAL EASEMENT INFORMATION

ADDRESS NOTE

ALL LOT ADDRESSES THIS SHEET ARE LOCATED ON SENTINEL DRIVE.

BUSINESS PARK AT HARBOR HILL
 AFN No. 200605239007

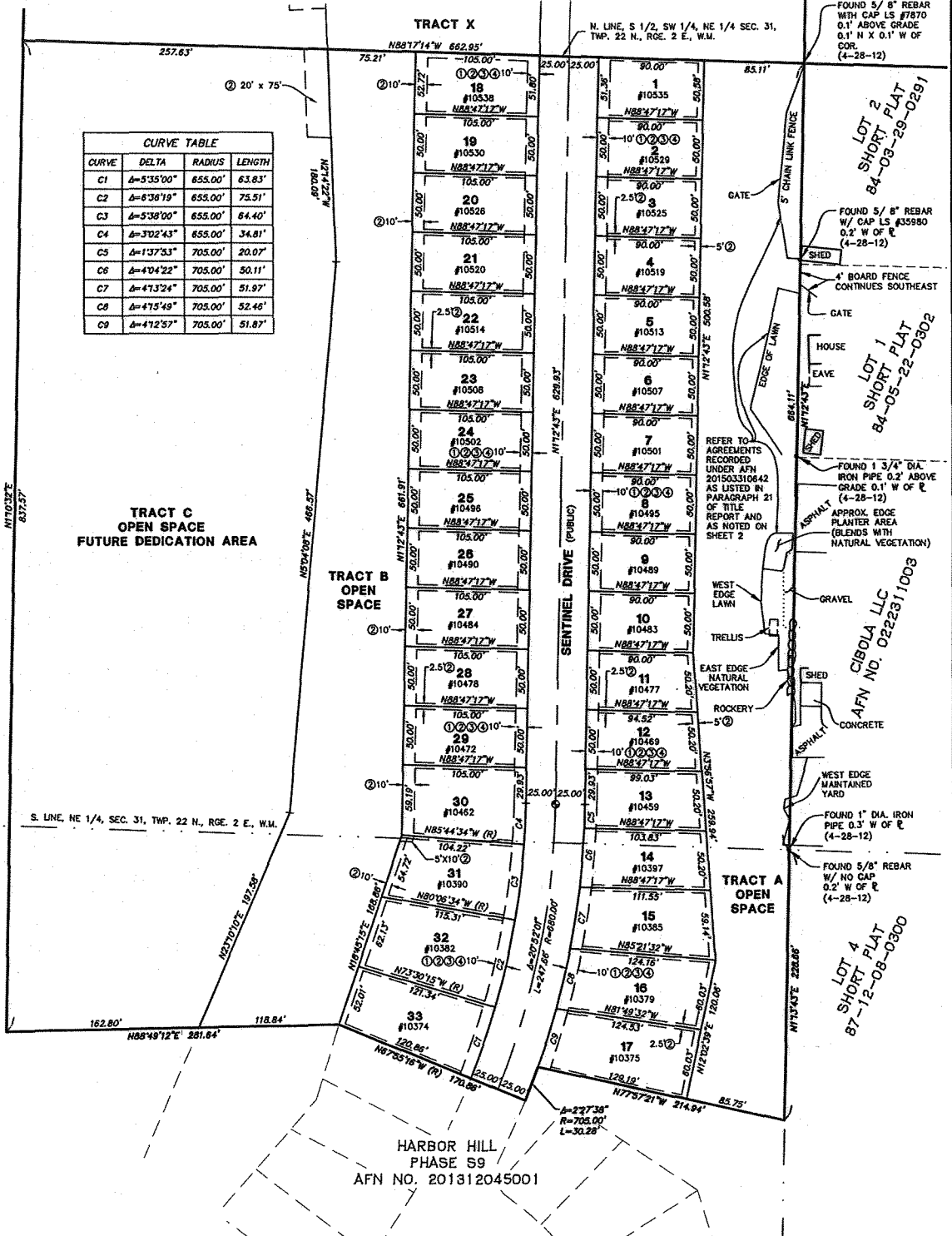
CURVE	DELTA	RADIUS	LENGTH
C1	Δ=5°35'00"	655.00'	63.83'
C2	Δ=6°36'19"	655.00'	75.51'
C3	Δ=5°38'00"	655.00'	84.40'
C4	Δ=3°02'43"	655.00'	34.91'
C5	Δ=1°37'53"	705.00'	20.07'
C6	Δ=4°04'22"	705.00'	50.11'
C7	Δ=4°33'24"	705.00'	51.97'
C8	Δ=4°15'49"	705.00'	52.46'
C9	Δ=4°12'57"	705.00'	51.87'

TRACT C
 OPEN SPACE
 FUTURE DEDICATION AREA

TRACT B
 OPEN SPACE

TRACT A
 OPEN SPACE

HARBOR HILL
 PHASE S9
 AFN NO. 201312045001



HARBOR HILL, DIVISION S8
 CITY OF GIG HARBOR
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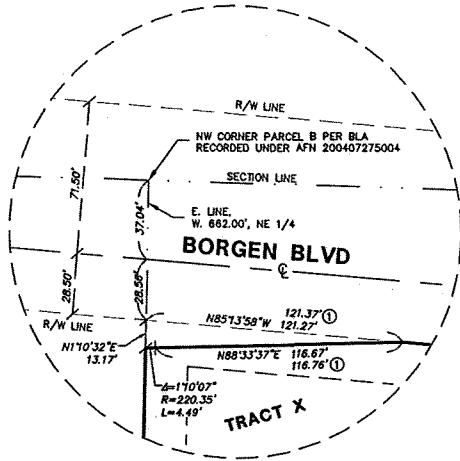
JOB NO 08-058
 SHEET 5 OF 6

VOL/PG

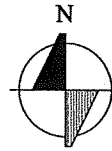
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HARBOR HILL

DIVISION S8 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT
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 CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON



DETAIL "A"
SCALE: 1"=40'



HORIZONTAL DATUM

NAD 83 (WASHINGTON STATE PLANE COORDINATE SYSTEM - WA SOUTH)

BASIS OF BEARINGS

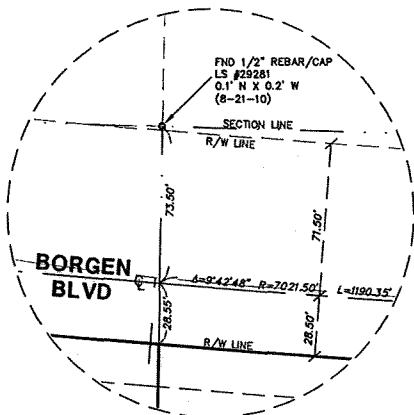
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REFERENCES

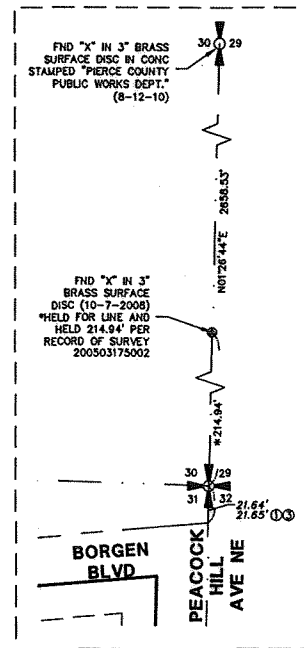
- ① PER PLAT OF HARBOR HILL PHASE S-9 REC. NO. 201312045001
- ② PER PLAT OF HARBOR HILL DIVISION N-1 REC. NO. 201312045002
- ③ PER RGS BY DAVID EVANS AND ASSOCIATES REC. NO. 200503175002

DETAIL NOTE

SEE SHEET 4 OF 8 FOR LOCATIONS OF DETAILS "A", "B" & "C"



DETAIL "B"
SCALE: 1"=40'



DETAIL "C"
SCALE: 1"=50'



APRIL 30, 2015

HORIZONTAL DATUM

NAD 83 (WASHINGTON STATE PLANE COORDINATE SYSTEM - WA SOUTH)

BASIS OF BEARINGS

HELD A BEARING OF N 1° 28' 46" E FROM THE MON IN CASE AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST TO A PUNCH IN 3" BRASS DISC AT THE EAST QUARTER CORNER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST

HARBOR HILL, DIVISION S8

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JOB NO 08-058

SHEET 6 OF 6

VOL/PG



**Business of the City Council
City of Gig Harbor, WA**

Subject: Region 5 All Hazard Mitigation Plan

Dept. Origin: Police

Prepared by: Kelly Busey *KB*

For Agenda of: May 11, 2015

Exhibits: Resolution No. 990

Proposed Council Action:

Adopt Resolution No. 990 adopting the Region 5 All Hazard Mitigation Plan

Initial & Date

Concurred by Mayor: JG 5-6-15

Approved by City Administrator: _____

Approved as to form by City Atty: by email 5-6

Approved by Finance Director: _____

Approved by Department Head: _____

Expenditure	Amount	Appropriation
Required \$0	Budgeted \$0	Required N/A

INFORMATION / BACKGROUND

The City of Gig Harbor contracts with the Pierce County Department of Emergency Management (PCDEM) to perform administrative and operational functions as needed. To remain eligible for FEMA mitigation and disaster recovery grants, the City must maintain a Hazard Mitigation Plan. PCDEM has updated our plan and submitted it for adoption by the City.

The All Hazard Mitigation Plan is a large documents, and on file with the City Clerk.

FISCAL CONSIDERATION

There is no fiscal impact to city in this action.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Adopt the Resolution approving clarifying amendment to the employee Section 125 Flexible Spending Arrangement documents.

RESOLUTION NO. 990

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON ADOPTING THE REGION 5 ALL HAZARD MITIGATION PLAN – 2015-2020 EDITION AND THE CITY OF GIG HARBOR ADDENDUM TO THE REGION 5 HAZARD MITIGATION PLAN; AND UPDATING THE 2004 PIERCE COUNTY NATURAL HAZARD MITIGATION PLAN.

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires that for all disasters declared on or after November 1, 2004, applicants for sub-grants following any disaster must have an approved Natural Hazard Mitigation Plan in accordance with 44CFR 201.6 prior to receipt of Hazard Mitigation Grant Program project funding; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires that for Pre-Disaster Mitigation grant program project funding on or after November 1, 2003, applicants must have an approved Natural Hazard Mitigation Plan in accordance with 44CFR 201.6 prior to receipt of project funding; and

WHEREAS, the All Hazard Mitigation Plan Update represents the commitment of the City of Gig Harbor along with other surrounding government entities to reduce the risks from natural, man-made and technological hazards, serving as a guide for decision makers as they commit resources to reducing the effects of hazards, and it is in the public interest to proceed with the planning process in a timely manner; and

WHEREAS, the City of Gig Harbor has participated with the Pierce County Department of Emergency Management in the development of the City of Gig Harbor All Hazard Mitigation Plan Update, and recognizes the economic loss, personal injury, and damage that can arise from these hazards; and

WHEREAS, reduction of these impacts can be achieved through a comprehensive coordinated planning process which includes an updated risk assessment that provides the factual basis for activities proposed in the mitigation strategies to reduce losses and vulnerabilities, a five-year cycle for plan maintenance, and documentation of formal adoption by the City of Gig Harbor; and

WHEREAS, the 2015-2020 Region 5 All Hazard Mitigation Plan Edition has been completed and approved by the State and the Federal Emergency Management Agency; and

WHEREAS, the City of Gig Harbor could risk not receiving future disaster funding if the All Hazard Mitigation Plan Update is not adopted;

WHEREAS, the City of Gig Harbor Council reviewed the All Hazard Mitigation Plan Update; and

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Region 5 Hazard Mitigation Plan, 2015-2020 Edition, is hereby adopted as set forth in Exhibit A, which is attached.

Section 2. The City of Gig Harbor Addendum to the Region 5 Hazard Mitigation Plan, an update to the City of Gig Harbor Natural Hazard Mitigation Plan, is hereby adopted and shall be in full force and effect upon passage and signatures hereon.

RESOLVED this 11th day of May, 2015.

CITY OF GIG HARBOR

Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela Summerfield, City Attorney

FILED WITH THE CITY CLERK: 05/05/14
PASSED BY THE CITY COUNCIL: 05/11/15
RESOLUTION NO: 990



**CITY OF GIG HARBOR
ADDENDUM A-7
REGION 5 ALL HAZARD MITIGATION PLAN
2015-2020 EDITION**

Prepared for:

City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

In Cooperation with:

Pierce County Department of Emergency Management
2501 S. 38th Street, Suite D
Tacoma, WA 98409

ADDENDUM A-7

**REGION 5 ALL HAZARD MITIGATION PLAN
2015-2020 EDITION
CITY OF GIG HARBOR**

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**Business of the City Council
City of Gig Harbor, WA**

Subject: Third Reading of Ordinance – Waterfront Millville Restaurant 2 and 3 Uses.

Proposed Council Action: Review ordinance and adopt if desired.

Dept. Origin: Planning

Prepared by: Jennifer Kester
Planning Director *JK*

For Agenda of: May 11, 2015

Exhibits: Draft Ordinance, Map, Planning Commission Recommendation

Initial & Date

Concurred by Mayor: *JK 5/5/15*
Approved by City Administrator: *RW 5/5/15*
Approved as to form by City Atty: *email 5/5/15*
Approved by Finance Director: *N/A*
Approved by Department Head: *JK 5/5/15*

Expenditure	Amount	Appropriation
Required 0	Budgeted 0	Required 0

INFORMATION / BACKGROUND

In May 2014, Gig Harbor Marina Inc., a property owner in the Waterfront Millville zoning district, requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 uses as a conditional use in the portion of the Waterfront Millville (WM) zoning district southeast of and including Susanne’s Bakery & Deli.

This amendment was first considered by the Council at a public hearing on February 23rd, 2015. At that public hearing, the Council considered an ordinance based on the Planning Commission’s recommendation. After the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment.

Another public hearing was held on April 13th, 2015 and during the course of deliberations on the proposal, the Council directed the staff to prepare an ordinance for third reading with the following limitations:

1. Subject Area: Restaurant 2 and 3 uses would be allowed as a conditional use in the portion of the WM zoning district adjacent to and southeast of Dorotich Street.
2. Hours of Operation: Opening time no earlier than 7:00am and a last seating of customers no later than 9:30pm.
3. Bar Area: Limit any bar area in a Restaurant 1 and 3 use to 40% of the customer space.

4. Food Smells: Prohibit deep-fat fryers and require equipment to significantly limit the emission of food smells from Restaurant 2 and 3 uses.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

On December 18, 2014, the Planning Commission recommended denial of the amendment on a vote of 2 to 1. That recommendation was rescinded at the January 15th, 2015 meeting.

After further deliberations on January 15th, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.

Please see enclosed Planning Commission Recommendation Packet for the formal recommendation. Minutes and audio from the Planning Commission meetings can be found on the City's webpage.

POLICY CONSIDERATIONS

Criteria for Approval:

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003). The general criteria for approval of text amendments for Chapter 17.100 are as follows:

1. The text amendment should be consistent with the policies in the City's Comprehensive Plan. In regards to this text amendment, the following elements in the Plan are most relevant: Chapter 2, Land Use; Chapter 3, Harbor Element; Chapter 6, Economic Development.
2. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).
It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)
3. The proposed amendment should further public health, safety and general welfare. Some specific items to consider when deliberating on this criterion are:
 - Public comment received (both oral and written).

- Impacts to utilities, public services and transportation networks.
- Operational needs/impacts of restaurants: Hours of operation, parking needs, outdoor seating, garbage service, size of use, etc.
- Adjacent uses: existing and zone allowances
- Changed conditions since the development regulations were enacted or last reviewed that warrant the proposed amendment?

Gig Harbor Comprehensive Plan:

Goal 2.2.3.e Waterfront Land Use Designation

Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

Goal 3.9.3.a View Basin Neighborhood Design Area

The view basin is the City's heritage. It was within the view basin that the Gig Harbor fishing village was born. Today the view basin is a vibrant mix of retail, restaurant, residential, maritime and community activities contained within the historic neighborhoods of the City. Pedestrian walkways link the historic areas of Finholm, Waterfront Millville, Downtown and Borgen's Corner which serve as neighborhood centers for the surrounding mixture of contemporary and historic homes.

Gig Harbor Municipal Code:

17.04.702 Restaurant 1.

"Restaurant 1" means an establishment that serves food and nonalcoholic beverages and operates without a grill or deep-fat fryer.

17.04.703 Restaurant 2.

"Restaurant 2" means an establishment that prepares and serves food and nonalcoholic beverages.

17.04.704 Restaurant 3.

"Restaurant 3" means an establishment that prepares and serves food and alcoholic beverages.

SEPA DETERMINATION

The SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed interim ordinance on February 4th, 2015.

RECOMMENDATION / MOTION

Review ordinance and adopt if desired.

ORDINANCE NO. 1312

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO RESTAURANT USES IN THE WATERFRONT MILLVILLE DISTRICT; ALLOWING RESTAURANT 2 AND 3 USES AS A CONDITIONAL USE PERMIT IN THE PORTION OF THE WATERFRONT MILLVILLE DISTRICT ADJACENT TO AND SOUTHEAST OF DOROTICH STREET; EXTENDING THE HOURS OF OPERATION OF RESTAURANT USES IN THE SUBJECT PORTION OF THE WATERFRONT MILLVILLE DISTRICT FROM 7:00AM - 9:00PM TO 7:00AM – 9:30PM (LAST SEATING); LIMITING THE BAR AREA OF RESTAURANT 1 AND 3 USES TO 40 PERCENT OF THE CUSTOMER AREA; REQUIRING EQUIPMENT TO SIGNIFICANTLY LIMIT FOOD SMELL EMISSIONS FROM RESTAURANT 2 AND 3 USES; PROHIBITING THE USE OF DEEP-FAT FRYERS; AMENDING SECTIONS 17.14.020, 17.48.035 AND 17.48.090 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City currently has three levels of restaurant uses: Level 1, the lowest level use most similar to a deli or coffee shop, through Level 3, the highest level use most similar to a full service sit down restaurant; and,

WHEREAS, Restaurant 1 uses may not use a grill or deep-fat fryer and may only serve beer and wine in establishments no larger than 1,200 square feet; and,

WHEREAS, a Restaurant 1 use requires a conditional use permit in the Waterfront Millville (WM) zoning district; and,

WHEREAS, furthermore, Restaurant 1 uses are currently limited in the WM district to operating hours of 7:00AM to 9:00PM. Restaurant 1 is the only level of restaurant currently allowed in the WM district; and,

WHEREAS, the WM zoning district was established in 1991. The boundaries and intent of the district has remained unchanged since adoption. The intent of the WM is as follows:

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are

harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010); and,

WHEREAS, in May 2014, Gig Harbor Marina, Inc., a property owner in the WM zoning district, submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted. In addition, the applicant proposed limiting the hours of operation so that last seating is no later than 9:00pm or 9:30pm, depending on the time of the year. The proposal was not specific to any location, but would have applied to all properties within the WM zoning district; and,

WHEREAS, Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits in an establishment of any size; and,

WHEREAS, the Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

WHEREAS, after the public hearing, the applicant changed the application to reduce the affected area of WM district and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action;* and,

WHEREAS, on January 15th, 2015, the Planning Commission recommended approval of the amendment. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.; and,

WHEREAS, the Gig Harbor City Council considered an ordinance at first reading and public hearing on February 23rd, 2015; and,

WHEREAS, after the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment; and,

WHEREAS, on March 16th, 2015 the City Council held the joint meeting and discussed hours of operation, bar area limitations, delivery times, food smells, economic vitality and the subject area; and,

WHEREAS, in 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. The Harbor Vision statement and the adopted Harbor Element of the Comprehensive Plan are the result of that meeting. At the town hall meeting, attendees were asked what uses are needed in downtown.

36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes; and,

WHEREAS, currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area; and,

WHEREAS, in the 12.2 acre WM district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon; and,

WHEREAS, the 5.6 acre portion of WM district where Restaurant 2 and 3 would be conditionally allowed contains the majority of current businesses not related to commercial fishing. This portion of the WM district contains the two existing restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. In addition, permits have been approved for two new marine retail buildings in this portion of the district. Of the approximately 17 residential dwellings located in the WM district, five exist in the subject portion of the district; and,

WHEREAS, the proposed text amendment is consistent with the following goals and policies in the Comprehensive Plan:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
- *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
- *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
- *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*
- *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*

- *Policy 3.13.4: Encourage evening activities in the commercial districts;*
and,

WHEREAS, the City Council finds that allowing Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners; and,

WHEREAS, the City Council finds that a last seating time of 9:30pm is more likely to limit the impact of noise and light on surrounding neighborhoods than a set closing time when all patrons leave at once. Through the conditional use permit process, narrower hours of operation can be imposed if necessary based on the type of restaurant and operation specifics; and,

WHEREAS, the City Council finds that the proposed amendment is consistent with the intent of the WM district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Restaurant 2 and 3 uses can be considered a medium-intensity use given the 3,500sf building size limitation, 9:30pm last seating, bar area limitation, prohibition of deep-fat fryers and food smell performance standard. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the WM district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized; and,

WHEREAS, the City Council finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process; and,

WHEREAS, based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the allowance for Restaurant 2 and 3 uses is not likely to increase potential trips as compared to the potential trips for Restaurant 1 uses. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required; and,

WHEREAS, the WM district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards; and,

WHEREAS, the City Council finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to have a last seating at 9:30pm to be consistent with Restaurant 2 and 3 uses; and,

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on January 13, 2015, pursuant to RCW 36.70A.106, and was granted expedited review on January 28, 2015; and,

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on February 4, 2015; and,

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 13, 2015; and,

WHEREAS, the Gig Harbor City Council considered the Ordinance at a second reading on April 27, 2015 and the directed staff to amend the ordinance to prohibit deep-fat fryers and to limit the hours of operation to 7am – 9:30pm last seating; and,

WHEREAS, on May 11, 2015, the City Council held a third reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.14.020 in the Land Use Matrix chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Restaurant 1	-	-	-	-	-	-	C ³	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-

- ¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.
- ² Home occupations are subject to Chapter 17.84 GHMC.
- ³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.
- ⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.
- ⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.
- ⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- ⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- ⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- ⁹ Animal clinics shall have all activities conducted indoors in the DB district.
- ¹⁰ Drive-in theaters are not permitted in the B-2 district.
- ¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- ¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.
- ¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- ¹⁴ Residential uses shall be located above a permitted business or commercial use.
- ¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- ¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- ¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- ¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.
- ¹⁹ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- ²⁰ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- ²¹ Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- ²² See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- ²³ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.
- ²⁴ Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).
- ²⁵ Level 1 and Level 2 charging only.
- ²⁶ Electric vehicle charging stations, level 1 and level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.
- ²⁷ The term "Rapid" is used interchangeably with Level 3 and Fast Charging.
- ²⁸ Only "electric vehicle charging stations – restricted" as defined in Chapter 17.73 GHMC.
- ²⁹ Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a Restaurant 2 or Restaurant 3 use. In other areas of WM zone, Restaurant 2 and Restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.

Section 2. Section 17.48.035 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.035 Hours of operation.

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. Sales, level 1;
2. Boat construction;
3. Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily, except as provided in subsection C.

C. All restaurant uses on properties adjacent to or southeast of Dorotich Street shall not open before 7:00 a.m. and shall seat the last customer no later than 9:30 p.m., daily.

Section 3. Section 17.48.090 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

H. Restaurant Uses. The bar area of restaurant 1 and 3 uses may not exceed more than 40% of the customer seating area of the restaurant. Restaurant 2 and 3 uses shall not operate a deep-fat fryer and shall install equipment that will significantly limit the emission of food smells from the restaurant.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2015.

CITY OF GIG HARBOR

Jill Guernsey, Mayor

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

Waterfront Millville
 Restaurant 2 and 3
 Proposed Area
 12/4/14

Legend

- Tax Parcels
- Base Parcel
 - Condominium
 - Other
 - Orthophotos - 2011 - GH



Printed: 12/2/14 12:26 PM

Scale 1:3,437



The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos may not align with other data. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. Pierce County makes no warranty of fitness for a particular purpose.



DEVELOPMENT SERVICES

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION PL-ZONE-14-0002

TO: Mayor Guernsey and Members of the Council
FROM: Jim Pasin, Chair, Planning Commission
RE: PL-ZONE-14-0002 – Restaurants 2 and 3 as conditional uses in a portion of the Waterfront Millville zone

Application:

John Moist, on behalf of Gig Harbor Marina Inc. a property owner in the Waterfront Millville zoning district, has requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted. The applicant proposes a closing time of 11pm. The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of Waterfront Millville District south of and including Susanne's Bakery & Deli.

Planning Commission Review:

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014.

On January 15th, 2015, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the Waterfront Millville district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposes hours of operation of 6:00 a.m. to 11:00 p.m.

The Planning Commission made these recommendations after reviewing the general criteria for approval found in the text of Chapter 17.100 of the Gig Harbor Municipal Code - Amendments, which can be categorized into three separate criterion as follows:

- A. The text amendment should be consistent with the policies in the City's Comprehensive Plan.
- B. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)

C. The proposed amendment should further public health, safety and general welfare.

Findings of Fact:

The Planning Commission makes the following findings of fact in relation to their recommendation of approval:

1. The City's Comprehensive Plan includes the following goals and policies which support the amendments:
 - Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
 - *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
 - *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
 - *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*
 - *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*
 - *Policy 3.13.4: Encourage evening activities in the commercial districts.*
2. In 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. Out of that town hall meeting came the Harbor Vision statement and the now adopted Harbor Element of the Comprehensive Plan. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes. Over 120 people attended the town hall meeting.

3. Currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area.
4. Restaurant 1 uses are currently allowed in the Waterfront Millville district as a conditional use. Restaurant 1 uses may not use a grill or deep-fat fryer and can serve wine and beer only in establishments no larger than 1,200 square feet. Restaurant 1 uses may open at 7:00am and must close by 9:00pm in the Waterfront Millville district. Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits with no size limitation.
5. In the Waterfront Millville district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon.
6. Buildings in the Waterfront Millville district are limited to 3,500 square feet of gross floor area; therefore, Restaurant 2 and 3 uses would be limited to 3,500 square feet. Restaurant 1 uses are also limited to 3,500 square feet unless they serve wine and beer. In that case, Restaurant 1 uses are limited to 1,200 square feet.
7. After the November 20th, 2014 public hearing, the applicant changed the application to reduce the affected area of Waterfront Millville and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.*
8. The portion of Waterfront Millville district where Restaurant 2 and 3 would be allowed contains the majority of current businesses in the district that are not commercial fishing related. The subject area is approximately 5.5 acres and contains 19 tax parcels. This portion of the Waterfront Millville district contains the two current restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. Of the approximately 16 residential dwellings located in the Waterfront Millville district, three exist in the subject portion of the district.
9. A closing hour requirement of 11:00pm is more likely to limit the impact of noise and light on surrounding neighborhoods than an unlimited closing time as allowed in other zones. Through the conditional use permit process, a stricter hours of operation can be imposed if necessary based on the type of restaurant and operation specifics.
10. Allowing a Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, greater limitations in the hours of operations, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners.
11. The Planning Commission finds that the proposed amendment is consistent with the intent of the Waterfront Millville district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Given the 3,500 size limitation and 11pm closing time

requirement, Restaurant 2 and 3 uses can be considered a medium-intensity use. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the Waterfront Millville district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized.

12. The Planning Commission finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process.
13. Based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the proposed change to allow Restaurant 2 and 3 uses is not likely to increase trips as compared to a Restaurant 1 use already allowed. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required.
14. The Waterfront Millville district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards.
15. The shoreline environment designation for the portion of the Waterfront Millville district where Restaurant 2 and 3 uses would be allowed is the City Waterfront. Restaurant uses are considered commercial uses under the Shoreline Management Program (SMP) and commercial uses consistent with the City's zoning code are allowed in the City Waterfront designation. Therefore, if this amendment is approved by ordinance of the City Council, Restaurant 2 and 3 uses will be allowed under the SMP.
16. The Commission finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to be open until 11pm in order to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am.

Jim Pasin, Chair
Planning Commission



Date January 15, 2015



**Business of the City Council
City of Gig Harbor, WA**

Subject: Third Reading of Ordinance – Waterfront Millville Restaurant 2 and 3 Uses.

Proposed Council Action: Review ordinance and adopt if desired.

Dept. Origin: Planning

Prepared by: Jennifer Kester
Planning Director *JK*

For Agenda of: May 11, 2015

Exhibits: Draft Ordinance, Map, Planning Commission Recommendation

Initial & Date

Concurred by Mayor: _____

Approved by City Administrator: _____

Approved as to form by City Atty: *email 5/5/15*

Approved by Finance Director: *N/A*

Approved by Department Head: *JK 5/5/15*

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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INFORMATION / BACKGROUND

In May 2014, Gig Harbor Marina Inc., a property owner in the Waterfront Millville zoning district, requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 uses as a conditional use in the portion of the Waterfront Millville (WM) zoning district southeast of and including Susanne’s Bakery & Deli.

This amendment was first considered by the Council at a public hearing on February 23rd, 2015. At that public hearing, the Council considered an ordinance based on the Planning Commission’s recommendation. After the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment.

Another public hearing was held on April 13th, 2015 and during the course of deliberations on the proposal, the Council directed the staff to prepare an ordinance for third reading with the following limitations:

1. Subject Area: Restaurant 2 and 3 uses would be allowed as a conditional use in the portion of the WM zoning district adjacent to and southeast of Dorotich Street.
2. Hours of Operation: Opening time no earlier than 7:00am and a last seating of customers no later than 9:30pm.
3. Bar Area: Limit any bar area in a Restaurant 1 and 3 use to 40% of the customer space.

4. Food Smells: Prohibit deep-fat fryers and require equipment to significantly limit the emission of food smells from Restaurant 2 and 3 uses.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

On December 18, 2014, the Planning Commission recommended denial of the amendment on a vote of 2 to 1. That recommendation was rescinded at the January 15th, 2015 meeting.

After further deliberations on January 15th, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.

Please see enclosed Planning Commission Recommendation Packet for the formal recommendation. Minutes and audio from the Planning Commission meetings can be found on the City's webpage.

POLICY CONSIDERATIONS

Criteria for Approval:

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003). The general criteria for approval of text amendments for Chapter 17.100 are as follows:

1. The text amendment should be consistent with the policies in the City's Comprehensive Plan. In regards to this text amendment, the following elements in the Plan are most relevant: Chapter 2, Land Use; Chapter 3, Harbor Element; Chapter 6, Economic Development.
2. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).
It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)
3. The proposed amendment should further public health, safety and general welfare. Some specific items to consider when deliberating on this criterion are:
 - Public comment received (both oral and written).

- Impacts to utilities, public services and transportation networks.
- Operational needs/impacts of restaurants: Hours of operation, parking needs, outdoor seating, garbage service, size of use, etc.
- Adjacent uses: existing and zone allowances
- Changed conditions since the development regulations were enacted or last reviewed that warrant the proposed amendment?

Gig Harbor Comprehensive Plan:

Goal 2.2.3.e Waterfront Land Use Designation

Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

Goal 3.9.3.a View Basin Neighborhood Design Area

The view basin is the City's heritage. It was within the view basin that the Gig Harbor fishing village was born. Today the view basin is a vibrant mix of retail, restaurant, residential, maritime and community activities contained within the historic neighborhoods of the City. Pedestrian walkways link the historic areas of Finholm, Waterfront Millville, Downtown and Borgen's Corner which serve as neighborhood centers for the surrounding mixture of contemporary and historic homes.

Gig Harbor Municipal Code:

17.04.702 Restaurant 1.

"Restaurant 1" means an establishment that serves food and nonalcoholic beverages and operates without a grill or deep-fat fryer.

17.04.703 Restaurant 2.

"Restaurant 2" means an establishment that prepares and serves food and nonalcoholic beverages.

17.04.704 Restaurant 3.

"Restaurant 3" means an establishment that prepares and serves food and alcoholic beverages.

SEPA DETERMINATION

The SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed interim ordinance on February 4th, 2015.

RECOMMENDATION / MOTION

Review ordinance and adopt if desired.

ORDINANCE NO. 1312

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO RESTAURANT USES IN THE WATERFRONT MILLVILLE DISTRICT; ALLOWING RESTAURANT 2 AND 3 USES AS A CONDITIONAL USE PERMIT IN THE PORTION OF THE WATERFRONT MILLVILLE DISTRICT ADJACENT TO AND SOUTHEAST OF DOROTICH STREET; EXTENDING THE HOURS OF OPERATION OF RESTAURANT USES IN THE SUBJECT PORTION OF THE WATERFRONT MILLVILLE DISTRICT FROM 7:00AM - 9:00PM TO 7:00AM – 9:30PM (LAST SEATING); LIMITING THE BAR AREA OF RESTAURANT 1 AND 3 USES TO 40 PERCENT OF THE CUSTOMER AREA; REQUIRING EQUIPMENT TO SIGNIFICANTLY LIMIT FOOD SMELL EMISSIONS FROM RESTAURANT 2 AND 3 USES; PROHIBITING THE USE OF DEEP-FAT FRYERS; AMENDING SECTIONS 17.14.020, 17.48.035 AND 17.48.090 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City currently has three levels of restaurant uses: Level 1, the lowest level use most similar to a deli or coffee shop, through Level 3, the highest level use most similar to a full service sit down restaurant; and,

WHEREAS, Restaurant 1 uses may not use a grill or deep-fat fryer and may only serve beer and wine in establishments no larger than 1,200 square feet; and,

WHEREAS, a Restaurant 1 use requires a conditional use permit in the Waterfront Millville (WM) zoning district; and,

WHEREAS, furthermore, Restaurant 1 uses are currently limited in the WM district to operating hours of 7:00AM to 9:00PM. Restaurant 1 is the only level of restaurant currently allowed in the WM district; and,

WHEREAS, the WM zoning district was established in 1991. The boundaries and intent of the district has remained unchanged since adoption. The intent of the WM is as follows:

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are

harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010); and,

WHEREAS, in May 2014, Gig Harbor Marina, Inc., a property owner in the WM zoning district, submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted. In addition, the applicant proposed limiting the hours of operation so that last seating is no later than 9:00pm or 9:30pm, depending on the time of the year. The proposal was not specific to any location, but would have applied to all properties within the WM zoning district; and,

WHEREAS, Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits in an establishment of any size; and,

WHEREAS, the Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

WHEREAS, after the public hearing, the applicant changed the application to reduce the affected area of WM district and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action;* and,

WHEREAS, on January 15th, 2015, the Planning Commission recommended approval of the amendment. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.; and,

WHEREAS, the Gig Harbor City Council considered an ordinance at first reading and public hearing on February 23rd, 2015; and,

WHEREAS, after the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment; and,

WHEREAS, on March 16th, 2015 the City Council held the joint meeting and discussed hours of operation, bar area limitations, delivery times, food smells, economic vitality and the subject area; and,

WHEREAS, in 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. The Harbor Vision statement and the adopted Harbor Element of the Comprehensive Plan are the result of that meeting. At the town hall meeting, attendees were asked what uses are needed in downtown.

36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes; and,

WHEREAS, currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area; and,

WHEREAS, in the 12.2 acre WM district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon; and,

WHEREAS, the 5.6 acre portion of WM district where Restaurant 2 and 3 would be conditionally allowed contains the majority of current businesses not related to commercial fishing. This portion of the WM district contains the two existing restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. In addition, permits have been approved for two new marine retail buildings in this portion of the district. Of the approximately 17 residential dwellings located in the WM district, five exist in the subject portion of the district; and,

WHEREAS, the proposed text amendment is consistent with the following goals and policies in the Comprehensive Plan:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
- *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
- *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
- *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*
- *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*

- *Policy 3.13.4: Encourage evening activities in the commercial districts;*
and,

WHEREAS, the City Council finds that allowing Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners; and,

WHEREAS, the City Council finds that a last seating time of 9:30pm is more likely to limit the impact of noise and light on surrounding neighborhoods than a set closing time when all patrons leave at once. Through the conditional use permit process, narrower hours of operation can be imposed if necessary based on the type of restaurant and operation specifics; and,

WHEREAS, the City Council finds that the proposed amendment is consistent with the intent of the WM district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Restaurant 2 and 3 uses can be considered a medium-intensity use given the 3,500sf building size limitation, 9:30pm last seating, bar area limitation, prohibition of deep-fat fryers and food smell performance standard. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the WM district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized; and,

WHEREAS, the City Council finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process; and,

WHEREAS, based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the allowance for Restaurant 2 and 3 uses is not likely to increase potential trips as compared to the potential trips for Restaurant 1 uses. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required; and,

WHEREAS, the WM district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards; and,

WHEREAS, the City Council finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to have a last seating at 9:30pm to be consistent with Restaurant 2 and 3 uses; and,

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on January 13, 2015, pursuant to RCW 36.70A.106, and was granted expedited review on January 28, 2015; and,

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on February 4, 2015; and,

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 13, 2015; and,

WHEREAS, the Gig Harbor City Council considered the Ordinance at a second reading on April 27, 2015 and the directed staff to amend the ordinance to prohibit deep-fat fryers and to limit the hours of operation to 7am – 9:30pm last seating; and,

WHEREAS, on May 11, 2015, the City Council held a third reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.14.020 in the Land Use Matrix chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-

- ¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.
- ² Home occupations are subject to Chapter 17.84 GHMC.
- ³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.
- ⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.
- ⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.
- ⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- ⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- ⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- ⁹ Animal clinics shall have all activities conducted indoors in the DB district.
- ¹⁰ Drive-in theaters are not permitted in the B-2 district.
- ¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- ¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.
- ¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- ¹⁴ Residential uses shall be located above a permitted business or commercial use.
- ¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- ¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- ¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- ¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.
- ¹⁹ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- ²⁰ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- ²¹ Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- ²² See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- ²³ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.
- ²⁴ Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).
- ²⁵ Level 1 and Level 2 charging only.
- ²⁶ Electric vehicle charging stations, level 1 and level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.
- ²⁷ The term "Rapid" is used interchangeably with Level 3 and Fast Charging.
- ²⁸ Only "electric vehicle charging stations – restricted" as defined in Chapter 17.73 GHMC.
- ²⁹ Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a Restaurant 2 or Restaurant 3 use. In other areas of WM zone, Restaurant 2 and Restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.

Section 2. Section 17.48.035 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.035 Hours of operation.

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. Sales, level 1;
2. Boat construction;
3. Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily, except as provided for in subsection C.

C. All restaurant uses on properties adjacent to or southeast of Dorotich Street shall not open before 7:00 a.m. and shall seat the last customer no later than 9:30 p.m., daily.

Section 3. Section 17.48.090 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

H. Restaurant Uses. The bar area of restaurant 1 and 3 uses may not exceed more than 40% of the customer seating area of the restaurant. Restaurant 2 and 3 uses shall not operate a deep-fat fryer and shall install equipment that will significantly limit the emission of food smells from the restaurant.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2015.

CITY OF GIG HARBOR

Jill Guernsey, Mayor

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

Waterfront Millville
 Restaurant 2 and 3
 Proposed Area
 12/4/14

Legend

- Tax Parcels**
- Base Parcel
 - Condominium
 - Other
 - Orthophotos - 2011 - GH



Printed: 12/2/14 12:26 PM

Scale 1:3,437



The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos may not align with other data. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. Pierce County makes no warranty of fitness for a particular purpose.



"THE MARITIME CITY"

DEVELOPMENT SERVICES

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION PL-ZONE-14-0002

TO: Mayor Guernsey and Members of the Council
FROM: Jim Pasin, Chair, Planning Commission
RE: PL-ZONE-14-0002 – Restaurants 2 and 3 as conditional uses in a portion of the Waterfront Millville zone

Application:

John Moist, on behalf of Gig Harbor Marina Inc. a property owner in the Waterfront Millville zoning district, has requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted. The applicant proposes a closing time of 11pm. The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of Waterfront Millville District south of and including Susanne's Bakery & Deli.

Planning Commission Review:

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014.

On January 15th, 2015, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the Waterfront Millville district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposes hours of operation of 6:00 a.m. to 11:00 p.m.

The Planning Commission made these recommendations after reviewing the general criteria for approval found in the text of Chapter 17.100 of the Gig Harbor Municipal Code - Amendments, which can be categorized into three separate criterion as follows:

- A. The text amendment should be consistent with the policies in the City's Comprehensive Plan.
- B. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)

C. The proposed amendment should further public health, safety and general welfare.

Findings of Fact:

The Planning Commission makes the following findings of fact in relation to their recommendation of approval:

1. The City's Comprehensive Plan includes the following goals and policies which support the amendments:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
 - *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
 - *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
 - *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*
 - *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*
 - *Policy 3.13.4: Encourage evening activities in the commercial districts.*
2. In 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. Out of that town hall meeting came the Harbor Vision statement and the now adopted Harbor Element of the Comprehensive Plan. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes. Over 120 people attended the town hall meeting.

3. Currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area.
4. Restaurant 1 uses are currently allowed in the Waterfront Millville district as a conditional use. Restaurant 1 uses may not use a grill or deep-fat fryer and can serve wine and beer only in establishments no larger than 1,200 square feet. Restaurant 1 uses may open at 7:00am and must close by 9:00pm in the Waterfront Millville district. Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits with no size limitation.
5. In the Waterfront Millville district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon.
6. Buildings in the Waterfront Millville district are limited to 3,500 square feet of gross floor area; therefore, Restaurant 2 and 3 uses would be limited to 3,500 square feet. Restaurant 1 uses are also limited to 3,500 square feet unless they serve wine and beer. In that case, Restaurant 1 uses are limited to 1,200 square feet.
7. After the November 20th, 2014 public hearing, the applicant changed the application to reduce the affected area of Waterfront Millville and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.*
8. The portion of Waterfront Millville district where Restaurant 2 and 3 would be allowed contains the majority of current businesses in the district that are not commercial fishing related. The subject area is approximately 5.5 acres and contains 19 tax parcels. This portion of the Waterfront Millville district contains the two current restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. Of the approximately 16 residential dwellings located in the Waterfront Millville district, three exist in the subject portion of the district.
9. A closing hour requirement of 11:00pm is more likely to limit the impact of noise and light on surrounding neighborhoods than an unlimited closing time as allowed in other zones. Through the conditional use permit process, a stricter hours of operation can be imposed if necessary based on the type of restaurant and operation specifics.
10. Allowing a Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, greater limitations in the hours of operations, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners.
11. The Planning Commission finds that the proposed amendment is consistent with the intent of the Waterfront Millville district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Given the 3,500 size limitation and 11pm closing time

requirement, Restaurant 2 and 3 uses can be considered a medium-intensity use. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the Waterfront Millville district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized.

12. The Planning Commission finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process.
13. Based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the proposed change to allow Restaurant 2 and 3 uses is not likely to increase trips as compared to a Restaurant 1 use already allowed. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required.
14. The Waterfront Millville district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards.
15. The shoreline environment designation for the portion of the Waterfront Millville district where Restaurant 2 and 3 uses would be allowed is the City Waterfront. Restaurant uses are considered commercial uses under the Shoreline Management Program (SMP) and commercial uses consistent with the City's zoning code are allowed in the City Waterfront designation. Therefore, if this amendment is approved by ordinance of the City Council, Restaurant 2 and 3 uses will be allowed under the SMP.
16. The Commission finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to be open until 11pm in order to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am.

Jim Pasin, Chair
Planning Commission



Date January 15, 2015



Business of the City Council
City of Gig Harbor, WA

Subject: Second Reading of Ordinance – Waterfront Millville Restaurant 2 and 3 Uses.

Proposed Council Action: Deliberate on application, review two ordinances, and give staff direction.

Dept. Origin: Planning

Prepared by: Jennifer Kester
Planning Director

For Agenda of: April 27, 2015

Exhibits: Two Draft Ordinances, Map, Planning Commission Recommendation

Initial & Date

Concurred by Mayor:

JG 4-23-15

Approved by City Administrator:

RW 4/21/15

Approved as to form by City Atty:

email 4/22/15

Approved by Finance Director:

N/A

Approved by Department Head:

JK 4/22/15

Expenditure	Amount	Appropriation	
Required 0	Budgeted 0	Required	0

INFORMATION / BACKGROUND

In May 2014, Gig Harbor Marina Inc., a property owner in the Waterfront Millville zoning district, requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 uses as a conditional use in the portion of the Waterfront Millville zoning district southeast of and including Susanne’s Bakery & Deli.

This amendment was first considered by the Council at a public hearing on February 23rd, 2015. At that public hearing, the Council considered an ordinance based on the Planning Commission’s recommendation. After the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment.

After the joint meeting and continued conversation at a Council meeting, the City Council amended the proposal to add the following performance standards:

1. Hours of Operation: Opening time no earlier than 6:00am and a last seating of customers no later than 9:30pm.
2. Bar Area: Limit any bar area in a Restaurant 1 and 3 use to 40% of the customer space.
3. Food Smells: Require state-of-the-art equipment be installed to limit the emission of food smells from Restaurant 2 and 3 uses.

In addition, the City Council requested that the ordinance be written so there was an option to further reduce the subject area to that area southeast of and including the existing Bayview Building.

Staff has provided two ordinances to reflect the two geographic areas that are part of the Council's deliberation:

1. Yellow Line – Portion of WM district adjacent to and southeast of Dorotich Street. Since this is the area recommended by the Planning Commission, the ordinance include the WHEREAS statements (findings) from the previous versions.
2. Red Line – Portion of WM District southeast of and including Bayview Building. WHEREAS statements have been removed if they do not represent the Council's discussion to date on this geographic area. The Council may wish to consider whether additional findings are needed to support this ordinance.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

On December 18, 2014, the Planning Commission recommended denial of the amendment on a vote of 2 to 1. That recommendation was rescinded at the January 15th, 2015 meeting.

After further deliberations on January 15th, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.

Please see enclosed Planning Commission Recommendation Packet for the formal recommendation. Minutes and audio from the Planning Commission meetings can be found on the City's webpage.

POLICY CONSIDERATIONS

Criteria for Approval:

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003). The general criteria for approval of text amendments for Chapter 17.100 are as follows:

1. The text amendment should be consistent with the policies in the City's Comprehensive Plan. In regards to this text amendment, the following elements in the Plan are most relevant: Chapter 2, Land Use; Chapter 3, Harbor Element; Chapter 6, Economic Development.
2. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).
It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use

waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)

3. The proposed amendment should further public health, safety and general welfare. Some specific items to consider when deliberating on this criterion are:
 - Public comment received (both oral and written).
 - Impacts to utilities, public services and transportation networks.
 - Operational needs/impacts of restaurants: Hours of operation, parking needs, outdoor seating, garbage service, size of use, etc.
 - Adjacent uses: existing and zone allowances
 - Changed conditions since the development regulations were enacted or last reviewed that warrant the proposed amendment?

Gig Harbor Comprehensive Plan:

Goal 2.2.3.e Waterfront Land Use Designation

Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

Goal 3.9.3.a View Basin Neighborhood Design Area

The view basin is the City's heritage. It was within the view basin that the Gig Harbor fishing village was born. Today the view basin is a vibrant mix of retail, restaurant, residential, maritime and community activities contained within the historic neighborhoods of the City. Pedestrian walkways link the historic areas of Finholm, Waterfront Millville, Downtown and Borgen's Corner which serve as neighborhood centers for the surrounding mixture of contemporary and historic homes.

Gig Harbor Municipal Code:

17.04.702 Restaurant 1.

"Restaurant 1" means an establishment that serves food and nonalcoholic beverages and operates without a grill or deep-fat fryer.

17.04.703 Restaurant 2.

"Restaurant 2" means an establishment that prepares and serves food and nonalcoholic beverages.

17.04.704 Restaurant 3.

"Restaurant 3" means an establishment that prepares and serves food and alcoholic beverages.

SEPA DETERMINATION

The SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed interim ordinance on February 4th, 2015.

RECOMMENDATION / MOTION

Deliberate on application, review two ordinances, and give staff direction.

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO RESTAURANT USES IN THE WATERFRONT MILLVILLE DISTRICT; ALLOWING RESTAURANT 2 AND 3 USES AS A CONDITIONAL USE PERMIT IN THE PORTION OF THE WATERFRONT MILLVILLE DISTRICT ADJACENT TO AND SOUTHEAST OF DOROTICH STREET; EXTENDING THE HOURS OF OPERATION OF RESTAURANT USES IN THE SUBJECT PORTION OF THE WATERFRONT MILLVILLE DISTRICT FROM 7:00AM - 9:00PM TO 6:00AM – 9:30PM (LAST SEATING); LIMITING THE BAR AREA OF RESTAURANT 1 AND 3 USES TO 40 PERCENT OF THE CUSTOMER AREA; REQUIRING STATE OF THE ART EQUIPMENT TO LIMIT FOOD SMELL EMISSIONS FROM RESTAURANT 2 AND 3 USES; AMENDING SECTIONS 17.14.020, 17.48.035 AND 17.48.090 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City currently has three levels of restaurant uses: Level 1, the lowest level use most similar to a deli or coffee shop, through Level 3, the highest level use most similar to a full service sit down restaurant; and,

WHEREAS, Restaurant 1 uses may not use a grill or deep-fat fryer and may only serve beer and wine in establishments no larger than 1,200 square feet; and,

WHEREAS, a Restaurant 1 use requires a conditional use permit in the Waterfront Millville (WM) zoning district; and,

WHEREAS, furthermore, Restaurant 1 uses are currently limited in the WM district to operating hours of 7:00AM to 9:00PM. Restaurant 1 is the only level of restaurant currently allowed in the WM district; and,

WHEREAS, the WM zoning district was established in 1991. The boundaries and intent of the district has remained unchanged since adoption. The intent of the WM is as follows:

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010); and,

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

WHEREAS, in May 2014, Gig Harbor Marina, Inc., a property owner in the WM zoning district, submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted. In addition, the applicant proposed limiting the hours of operation so that last seating is no later than 9:00pm or 9:30pm, depending on the time of the year. The proposal was not specific to any location, but would have applied to all properties within the WM zoning district; and,

WHEREAS, Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits in an establishment of any size; and

WHEREAS, the Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

WHEREAS, after the public hearing, the applicant changed the application to reduce the affected area of WM district and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action;* and,

WHEREAS, on January 15th, 2015, the Planning Commission recommended approval of the amendment. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.; and,

WHEREAS, the Gig Harbor City Council considered an ordinance at first reading and public hearing on February 23rd, 2015; and

WHEREAS, after the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment; and

WHEREAS, at the March 16th, 2015 joint meeting, the City Council amended the proposal to allow an opening time no earlier than 6:00am and require that last seating of customers occurs no later than 9:30pm. They further amended the proposal to limit any bar area to 40% of the customer space and to require state-of-the-art equipment be installed to limit the emission of food smells from Restaurant 2 and 3 uses; and,

WHEREAS, in 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. The Harbor Vision statement and the adopted Harbor Element of the Comprehensive Plan are the result of that meeting. At the

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes; and,

WHEREAS, currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area; and,

WHEREAS, in the 12.2 acre WM district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon; and,

WHEREAS, the 5.6 acre portion of WM district where Restaurant 2 and 3 would be conditionally allowed contains the majority of current businesses not related to commercial fishing. This portion of the WM district contains the two existing restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. In addition, permits have been approved for two new marine retail buildings in this portion of the district. Of the approximately 17 residential dwellings located in the WM district, five exist in the subject portion of the district; and,

WHEREAS, the proposed text amendment is consistent with the following goals and policies in the Comprehensive Plan:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
- *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
- *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
- *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

- *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*
- *Policy 3.13.4: Encourage evening activities in the commercial districts;*
and,

WHEREAS, the City Council finds that allowing Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners; and,

WHEREAS, the City Council finds that a last seating time of 9:30pm is more likely to limit the impact of noise and light on surrounding neighborhoods than a set closing time when all patrons leave at once. Through the conditional use permit process, narrower hours of operation can be imposed if necessary based on the type of restaurant and operation specifics; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the intent of the WM district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Restaurant 2 and 3 uses can be considered a medium-intensity use given the 3,500sf building size limitation, 9:30pm last seating, bar area limitation and food smell performance standard. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the WM district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized; and,

WHEREAS, the City Council finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process; and

WHEREAS, based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the allowance for Restaurant 2 and 3 uses is not likely to increase potential trips as compared to the potential trips for Restaurant 1 uses. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

generation study will occur and traffic mitigation measures, if necessary, will be required; and,

WHEREAS, the WM district is entirely located within the City’s Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards; and,

WHEREAS, the City Council finds that in addition to Gig Harbor Marina’s request, Restaurant 1 uses within the affected area should be allowed to have a last seating at 9:30pm to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am; and,

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on January 13, 2015, pursuant to RCW 36.70A.106, and was granted expedited review on January 28, 2015; and

WHEREAS, the City’s SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on February 4, 2015; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 13, 2015; and

WHEREAS, on _____, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.14.020 in the Land Use Matrix chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

Uses	PI	R-1	R1D	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	P	-	-	-

- ¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.
- ² Home occupations are subject to Chapter 17.84 GHMC.
- ³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.
- ⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.
- ⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.
- ⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- ⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- ⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- ⁹ Animal clinics shall have all activities conducted indoors in the DB district.
- ¹⁰ Drive-in theaters are not permitted in the B-2 district.
- ¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- ¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.
- ¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- ¹⁴ Residential uses shall be located above a permitted business or commercial use.
- ¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- ¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- ¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- ¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.
- ¹⁹ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- ²⁰ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- ²¹ Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- ²² See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- ²³ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.
- ²⁴ Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).
- ²⁵ Level 1 and Level 2 charging only.
- ²⁶ Electric vehicle charging stations, level 1 and level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.
- ²⁷ The term "Rapid" is used interchangeably with Level 3 and Fast Charging.
- ²⁸ Only "electric vehicle charging stations – restricted" as defined in Chapter 17.73 GHMC.
- ²⁹ Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a Restaurant 2 or Restaurant 3 use. In other areas of WM zone, Restaurant 2 and Restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

Section 2. Section 17.48.035 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.035 Hours of operation.

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. Sales, level 1;
2. Boat construction;
3. Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily, except as provided for in subsection C.

C. All restaurant uses on properties adjacent to or southeast of Dorotich Street shall not open before 6:00 a.m. and shall seat the last customer no later than 9:30 p.m., daily.

Section 3. Section 17.48.090 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

H. Restaurant Uses. The bar area of restaurant 1 and 3 uses may not exceed more than 40% of the customer seating area of the restaurant. Restaurant 2 and 3 uses shall install state of the art equipment that will limit the emission of food smells from the restaurant.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2015.

CITY OF GIG HARBOR

Portion of WM district adjacent to and southeast of Dorotich Street (Yellow Line)

Jill Guernsey, Mayor

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

Portion of WM District southeast of and including Bayview Building (Red Line)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO RESTAURANT USES IN THE WATERFRONT MILLVILLE DISTRICT; ALLOWING RESTAURANT 2 AND 3 USES AS A CONDITIONAL USE PERMIT IN THE PORTION OF THE WATERFRONT MILLVILLE DISTRICT SOUTHEAST OF AND INCLUDING THE BAYVIEW BUILDING; EXTENDING THE HOURS OF OPERATION OF RESTAURANT USES IN THE SUBJECT PORTION OF THE WATERFRONT MILLVILLE DISTRICT FROM 7:00AM - 9:00PM TO 6:00AM – 9:30PM (LAST SEATING); LIMITING THE BAR AREA OF RESTAURANT 1 AND 3 USES TO 40 PERCENT OF THE CUSTOMER AREA; REQUIRING STATE OF THE ART EQUIPMENT TO LIMIT FOOD SMELL EMISSIONS FROM RESTAURANT 2 AND 3 USES; AMENDING SECTIONS 17.14.020, 17.48.035 AND 17.48.090 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City currently has three levels of restaurant uses: Level 1, the lowest level use most similar to a deli or coffee shop, through Level 3, the highest level use most similar to a full service sit down restaurant; and,

WHEREAS, Restaurant 1 uses may not use a grill or deep-fat fryer and may only serve beer and wine in establishments no larger than 1,200 square feet; and,

WHEREAS, a Restaurant 1 use requires a conditional use permit in the Waterfront Millville (WM) zoning district; and,

WHEREAS, furthermore, Restaurant 1 uses are currently limited in the WM district to operating hours of 7:00AM to 9:00PM. Restaurant 1 is the only level of restaurant currently allowed in the WM district; and,

WHEREAS, the WM zoning district was established in 1991. The boundaries and intent of the district has remained unchanged since adoption. The intent of the WM is as follows:

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010); and,

Portion of WM District southeast of and including Bayview Building (Red Line)

WHEREAS, in May 2014, Gig Harbor Marina, Inc., a property owner in the WM zoning district, submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted. In addition, the applicant proposed limiting the hours of operation so that last seating is no later than 9:00pm or 9:30pm, depending on the time of the year. The proposal was not specific to any location, but would have applied to all properties within the WM zoning district; and,

WHEREAS, Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits in an establishment of any size; and

WHEREAS, the Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

WHEREAS, after the public hearing, the applicant changed the application to reduce the affected area of WM district to the portion of the district adjacent to and southeast of Dorotich Street and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action;* and,

WHEREAS, on January 15th, 2015, the Planning Commission recommended approval of the amendment. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.; and,

WHEREAS, the Gig Harbor City Council considered an ordinance at first reading and public hearing on February 23rd, 2015; and

WHEREAS, after the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment; and

WHEREAS, at the March 16th, 2015 joint meeting, the City Council amended the proposal to allow an opening time no earlier than 6:00am and require that last seating of customers occurs no later than 9:30pm. They further amended the proposal to limit any bar area to 40% of the customer space and to require state-of-the-art equipment be installed to limit the emission of food smells from Restaurant 2 and 3 uses; and,

WHEREAS, at the Council meeting on March 23rd, the City Council requested that the ordinance be written so they had an option to further reduce

Portion of WM District southeast of and including Bayview Building (Red Line)

the subject area to that area southeast of and including the existing Bayview Building; and,

WHEREAS, in 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. The Harbor Vision statement and the adopted Harbor Element of the Comprehensive Plan are the result of that meeting. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes; and,

WHEREAS, currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area; and,

WHEREAS, in the 12.2 acre WM district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon; and,

WHEREAS, the 2.8 acre portion of WM district where Restaurant 2 and 3 would be conditionally allowed contains a marine supply store, a kitchen goods store and Netshed No. 9. The area also contains marina uses and one single family residence; and,

WHEREAS, the City Council finds that allowing Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners; and,

WHEREAS, the City Council finds that a last seating time of 9:30pm is more likely to limit the impact of noise and light on surrounding neighborhoods than a set closing time when all patrons leave at once. Through the conditional use permit process, narrower hours of operation can be imposed if necessary based on the type of restaurant and operation specifics; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the intent of the WM district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Restaurant 2 and 3 uses can be considered a

Portion of WM District southeast of and including Bayview Building (Red Line)

medium-intensity use given the 3,500sf building size limitation, 9:30pm last seating, bar area limitation and food smell performance standard; and,

WHEREAS, the City Council finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process; and

WHEREAS, based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the allowance for Restaurant 2 and 3 uses is not likely to increase potential trips as compared to the potential trips for Restaurant 1 uses. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required; and,

WHEREAS, the WM district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards; and,

WHEREAS, the City Council finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to have a last seating at 9:30pm to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am; and,

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on January 13, 2015, pursuant to RCW 36.70A.106, and was granted expedited review on January 28, 2015; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on February 4, 2015; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 13, 2015; and

WHEREAS, on _____, the City Council held a second reading during a regular City Council meeting; Now, therefore,

Portion of WM District southeast of and including Bayview Building (Red Line)

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Section 17.14.020 in the Land Use Matrix chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.

⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.

⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

⁹ Animal clinics shall have all activities conducted indoors in the DB district.

¹⁰ Drive-in theaters are not permitted in the B-2 district.

¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

¹⁴ Residential uses shall be located above a permitted business or commercial use.

¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.

¹⁹ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

²⁰ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

²¹ Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.

²² See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.

Portion of WM District southeast of and including Bayview Building (Red Line)

²³ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.

²⁴ Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).

²⁵ Level 1 and Level 2 charging only.

²⁶ Electric vehicle charging stations, level 1 and level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.

²⁷ The term "Rapid" is used interchangeably with Level 3 and Fast Charging.

²⁸ Only "electric vehicle charging stations – restricted" as defined in Chapter 17.73 GHMC.

²⁹ Only those properties lying southeast of and including parcel number 5970000030, as shown on Exhibit A of Ordinance No. XXX, are allowed to request a conditional use permit for a Restaurant 2 or Restaurant 3 use. In other areas of WM zone, Restaurant 2 and Restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.

Section 2. Section 17.48.035 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.035 Hours of operation.

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. Sales, level 1;
2. Boat construction;
3. Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily, except as provided for in subsection C.

C. All restaurant uses on properties southeast of and including parcel number 5970000030, as shown on Exhibit A of Ordinance No. XXX, shall not open before 6:00 a.m. and shall seat the last customer no later than 9:30 p.m., daily.

Section 3. Section 17.48.090 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

H. Restaurant Uses. The bar area of restaurant 1 and 3 uses may not exceed more than 40% of the customer seating area of the restaurant. Restaurant 2 and 3 uses shall install state of the art equipment that will limit the emission of food smells from the restaurant.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Portion of WM District southeast of and including Bayview Building (Red Line)

Section 5. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2015.

CITY OF GIG HARBOR

Jill Guernsey, Mayor

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

Application  Reduced Area 





DEVELOPMENT SERVICES

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION PL-ZONE-14-0002

TO: Mayor Guernsey and Members of the Council
FROM: Jim Pasin, Chair, Planning Commission
RE: PL-ZONE-14-0002 – Restaurants 2 and 3 as conditional uses in a portion of the Waterfront Millville zone

Application:

John Moist, on behalf of Gig Harbor Marina Inc. a property owner in the Waterfront Millville zoning district, has requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted. The applicant proposes a closing time of 11pm. The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of Waterfront Millville District south of and including Susanne's Bakery & Deli.

Planning Commission Review:

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014.

On January 15th, 2015, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the Waterfront Millville district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposes hours of operation of 6:00 a.m. to 11:00 p.m.

The Planning Commission made these recommendations after reviewing the general criteria for approval found in the text of Chapter 17.100 of the Gig Harbor Municipal Code - Amendments, which can be categorized into three separate criterion as follows:

- A. The text amendment should be consistent with the policies in the City's Comprehensive Plan.
- B. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)

C. The proposed amendment should further public health, safety and general welfare.

Findings of Fact:

The Planning Commission makes the following findings of fact in relation to their recommendation of approval:

1. The City's Comprehensive Plan includes the following goals and policies which support the amendments:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
 - *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
 - *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
 - *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*
 - *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*
 - *Policy 3.13.4: Encourage evening activities in the commercial districts.*
2. In 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. Out of that town hall meeting came the Harbor Vision statement and the now adopted Harbor Element of the Comprehensive Plan. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes. Over 120 people attended the town hall meeting.

3. Currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area.
4. Restaurant 1 uses are currently allowed in the Waterfront Millville district as a conditional use. Restaurant 1 uses may not use a grill or deep-fat fryer and can serve wine and beer only in establishments no larger than 1,200 square feet. Restaurant 1 uses may open at 7:00am and must close by 9:00pm in the Waterfront Millville district. Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits with no size limitation.
5. In the Waterfront Millville district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon.
6. Buildings in the Waterfront Millville district are limited to 3,500 square feet of gross floor area; therefore, Restaurant 2 and 3 uses would be limited to 3,500 square feet. Restaurant 1 uses are also limited to 3,500 square feet unless they serve wine and beer. In that case, Restaurant 1 uses are limited to 1,200 square feet.
7. After the November 20th, 2014 public hearing, the applicant changed the application to reduce the affected area of Waterfront Millville and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.*
8. The portion of Waterfront Millville district where Restaurant 2 and 3 would be allowed contains the majority of current businesses in the district that are not commercial fishing related. The subject area is approximately 5.5 acres and contains 19 tax parcels. This portion of the Waterfront Millville district contains the two current restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. Of the approximately 16 residential dwellings located in the Waterfront Millville district, three exist in the subject portion of the district.
9. A closing hour requirement of 11:00pm is more likely to limit the impact of noise and light on surrounding neighborhoods than an unlimited closing time as allowed in other zones. Through the conditional use permit process, a stricter hours of operation can be imposed if necessary based on the type of restaurant and operation specifics.
10. Allowing a Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, greater limitations in the hours of operations, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners.
11. The Planning Commission finds that the proposed amendment is consistent with the intent of the Waterfront Millville district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Given the 3,500 size limitation and 11pm closing time

requirement, Restaurant 2 and 3 uses can be considered a medium-intensity use. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the Waterfront Millville district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized.

12. The Planning Commission finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process.
13. Based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the proposed change to allow Restaurant 2 and 3 uses is not likely to increase trips as compared to a Restaurant 1 use already allowed. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required.
14. The Waterfront Millville district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards.
15. The shoreline environment designation for the portion of the Waterfront Millville district where Restaurant 2 and 3 uses would be allowed is the City Waterfront. Restaurant uses are considered commercial uses under the Shoreline Management Program (SMP) and commercial uses consistent with the City's zoning code are allowed in the City Waterfront designation. Therefore, if this amendment is approved by ordinance of the City Council, Restaurant 2 and 3 uses will be allowed under the SMP.
16. The Commission finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to be open until 11pm in order to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am.

Jim Pasin, Chair
Planning Commission



Date January 15, 2015

Waterfront Millville Restaurant 2 and 3 Uses

Council Deliberations

April 27th, 2015

Application

Applicant: Gig Harbor Marina Inc, owners of Arabella's Marina complex.

Applicant's Proposal: Allow Restaurant 2 and Restaurant 3 uses in a portion of the WM zoning district provided a conditional use permit is granted.

Two ordinances based on subject area:

- 1) Susanne's to Jerisich (Yellow)
- 2) Bayview Building to Jerisich (Red)

Performance standards:

- Hours of Operation: Opening time no earlier than 6:00am and a last seating of customers no later than 9:30pm.
- Bar Area: Limit any bar area in a Restaurant 1 and 3 use to 40% of the customer space.
- Food Smells: Require state-of-the-art equipment be installed to limit the emission of food smells from Restaurant 2 and 3 uses.

Deliberation Topics

1) Subject Area

a) Susanne's to Jerisich (Yellow)

b) Bayview Building to Jerisich (Red)

2) Hours of Operation (Open: 6am; Last Seating 9:30pm)

~~3) Cooking Appliances (State of the art equipment)~~

~~4) Bar Area (Maximum 40% Bar)~~

Potential Subject Areas



Hours of Operation

Maximum: Open at 6:00am to last seating at 9:30pm

What does that mean?

- Customer hours.
- No customer would be let in prior to 6am and no customer can be seated after 9:30pm.
- No set time when customers would have to leave.
- Prep and clean-up staff could be there before or after these hours.

Council Review

- Council Question and Answers
- Deliberations:
 - 1) Subject Area
 - 2) Hours of Operation
- Direction to staff on ordinance for 3rd reading on May 11th.



**Business of the City Council
City of Gig Harbor, WA**

Subject: Public Hearing and First Reading of Ordinance – Waterfront Millville Restaurant 2 and 3 Uses.

Proposed Council Action: Hold public hearing, consider testimony, and provide staff direction on the final ordinance for second reading.

Dept. Origin: Planning

Prepared by: Jennifer Kester
Planning Director

JK

For Agenda of: April 13, 2015

Exhibits: Draft Ordinance, Map, Planning Commission Recommendation, Application Materials, Staff Analysis, Public Comments

Initial & Date

Concurred by Mayor:

JB 4-8-15

Approved by City Administrator:

RW 4/8/15

Approved as to form by City Atty:

email 4/7/15

Approved by Finance Director:

N/A

Approved by Department Head:

JK 4/8/15

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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INFORMATION / BACKGROUND

In May 2014, Gig Harbor Marina Inc., a property owner in the Waterfront Millville zoning district, requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 uses as a conditional use in the portion of the Waterfront Millville zoning district southeast of and including Susanne’s Bakery & Deli.

This amendment was first considered by the Council at a public hearing on February 23rd, 2015. At that public hearing, the Council considered an ordinance based on the Planning Commission’s recommendation. After the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment.

After the joint meeting and continued conversation at a Council meeting, the City Council amended the proposal to add the following performance standards:

1. Hours of Operation: Opening time no earlier than 6:00am and a last seating of customers no later than 9:30pm.
2. Bar Area: Limit any bar area in a Restaurant 1 and 3 use to 40% of the customer space.
3. Food Smells: Require state-of-the-art equipment be installed to limit the emission of food smells from Restaurant 2 and 3 uses.

In addition, the City Council requested that the ordinance be written so there was an option to further reduce the subject area to that area southeast of and including the existing Bayview Building. This option has been provided in Sections 1 and 2 of the attached ordinance. After the public hearing, the Council will need to provide staff direction on which option to include for the second reading of the ordinance.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

On December 18, 2014, the Planning Commission recommended denial of the amendment on a vote of 2 to 1. That recommendation was rescinded at the January 15th, 2015 meeting.

After further deliberations on January 15th, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.

Please see enclosed Planning Commission Recommendation Packet for the formal recommendation. Minutes and audio from the Planning Commission meetings can be found on the City's webpage.

POLICY CONSIDERATIONS

Criteria for Approval:

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003). The general criteria for approval of text amendments for Chapter 17.100 are as follows:

1. The text amendment should be consistent with the policies in the City's Comprehensive Plan. In regards to this text amendment, the following elements in the Plan are most relevant: Chapter 2, Land Use; Chapter 3, Harbor Element; Chapter 6, Economic Development.
2. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).
It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)
3. The proposed amendment should further public health, safety and general welfare. Some specific items to consider when deliberating on this criterion are:

- Public comment received (both oral and written).
- Impacts to utilities, public services and transportation networks.
- Operational needs/impacts of restaurants: Hours of operation, parking needs, outdoor seating, garbage service, deliveries, size of use, etc.
- Adjacent uses: existing and zone allowances
- What conditions have changed since the development regulations were enacted or last reviewed that warrant the proposed amendment?

Gig Harbor Comprehensive Plan:

Goal 2.2.3.e Waterfront Land Use Designation

Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

Goal 3.9.3.a View Basin Neighborhood Design Area

The view basin is the City's heritage. It was within the view basin that the Gig Harbor fishing village was born. Today the view basin is a vibrant mix of retail, restaurant, residential, maritime and community activities contained within the historic neighborhoods of the City. Pedestrian walkways link the historic areas of Finholm, Waterfront Millville, Downtown and Borgen's Corner which serve as neighborhood centers for the surrounding mixture of contemporary and historic homes.

Gig Harbor Municipal Code:

17.04.702 Restaurant 1.

"Restaurant 1" means an establishment that serves food and nonalcoholic beverages and operates without a grill or deep-fat fryer.

17.04.703 Restaurant 2.

"Restaurant 2" means an establishment that prepares and serves food and nonalcoholic beverages.

17.04.704 Restaurant 3.

"Restaurant 3" means an establishment that prepares and serves food and alcoholic beverages.

STAFF ANALYSIS

Attached to this packet is further information on the legislative history of the area; frequently asked questions on the amendment; and staff analysis of parking, design, and use regulations.

SEPA DETERMINATION

The SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed interim ordinance on February 4th, 2015.

RECOMMENDATION / MOTION

Hold public hearing, consider testimony, and provide staff direction on the final ordinance for second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO RESTAURANT USES IN THE WATERFRONT MILLVILLE DISTRICT; ALLOWING RESTAURANT 2 AND 3 USES AS A CONDITIONAL USE PERMIT IN THE PORTION OF THE WATERFRONT MILLVILLE DISTRICT ADJACENT TO AND SOUTHEAST OF DOROTICH STREET; EXTENDING THE HOURS OF OPERATION OF RESTAURANT USES IN THE SUBJECT PORTION OF THE WATERFRONT MILLVILLE DISTRICT FROM 7:00AM - 9:00PM TO 6:00AM – 9:30PM (LAST SEATING); LIMITING THE BAR AREA OF RESTAURANT 1 AND 3 USES TO 40 PERCENT OF THE CUSTOMER AREA; REQUIRING STATE OF THE ART EQUIPMENT TO LIMIT FOOD SMELL EMISSIONS FROM RESTAURANT 2 AND 3 USES; AMENDING SECTIONS 17.14.020, 17.48.035 AND 17.48.090 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City currently has three levels of restaurant uses: Level 1, the lowest level use most similar to a deli or coffee shop, through Level 3, the highest level use most similar to a full service sit down restaurant; and,

WHEREAS, Restaurant 1 uses may not use a grill or deep-fat fryer and may only serve beer and wine in establishments no larger than 1,200 square feet; and,

WHEREAS, a Restaurant 1 use requires a conditional use permit in the Waterfront Millville (WM) zoning district; and,

WHEREAS, furthermore, Restaurant 1 uses are currently limited in the WM district to operating hours of 7:00AM to 9:00PM. Restaurant 1 is the only level of restaurant currently allowed in the WM district; and,

WHEREAS, the WM zoning district was established in 1991. The boundaries and intent of the district has remained unchanged since adoption. The intent of the WM is as follows:

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010); and,

WHEREAS, in May 2014, Gig Harbor Marina, Inc., a property owner in the WM zoning district, submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted. In addition, the applicant proposed limiting the hours of operation so that last seating is no later than 9:00pm or 9:30pm, depending on the time of the year. The proposal was not specific to any location, but would have applied to all properties within the WM zoning district; and,

WHEREAS, Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits in an establishment of any size; and

WHEREAS, the Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

WHEREAS, after the public hearing, the applicant changed the application to reduce the affected area of WM district and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action;* and,

WHEREAS, on January 15th, 2015, the Planning Commission recommended approval of the amendment. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.; and,

WHEREAS, the Gig Harbor City Council considered an ordinance at first reading and public hearing on February 23rd, 2015; and

WHEREAS, after the public hearing, the Council decided to hold a joint meeting with the Planning Commission, applicant and staff to further discuss the proposed amendment; and

WHEREAS, at the March 16th, 2015 joint meeting, the City Council amended the proposal to allow an opening time no earlier than 6:00am and require that last seating of customers occurs no later than 9:30pm. They further amended the proposal to limit any bar area to 40% of the customer space and to require state-of-the-art equipment be installed to limit the emission of food smells from Restaurant 2 and 3 uses; and,

WHEREAS, at the Council meeting on March 23rd, the City Council requested that the ordinance be written so they had an option to further reduce the subject area to that area southeast of and including the existing Bayview Building, and,

WHEREAS, in 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. The Harbor Vision statement and the adopted Harbor Element of the Comprehensive Plan are the result of that meeting. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes; and,

WHEREAS, currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area; and,

WHEREAS, in the WM district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon; and,

WHEREAS, the portion of WM district where Restaurant 2 and 3 would be conditionally allowed contains the majority of current businesses not related to commercial fishing. This portion of the WM district contains the two existing restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. Of the approximately 17 residential dwellings located in the WM district, five exist in the subject portion of the district; and,

WHEREAS, the proposed text amendment is consistent with the following goals and policies in the Comprehensive Plan:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
- *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
- *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
- *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*

- *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*
- *Policy 3.13.4: Encourage evening activities in the commercial districts;*
and,

WHEREAS, the City Council finds that allowing Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners; and,

WHEREAS, the City Council finds that a last seating time of 9:30pm is more likely to limit the impact of noise and light on surrounding neighborhoods than a set closing time when all patrons leave at once. Through the conditional use permit process, narrower hours of operation can be imposed if necessary based on the type of restaurant and operation specifics; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the intent of the WM district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Restaurant 2 and 3 uses can be considered a medium-intensity use given the 3,500sf building size limitation, 9:30pm last seating, bar area limitation and food smell performance standard. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the WM district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized; and,

WHEREAS, the City Council finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process; and

WHEREAS, based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the allowance for Restaurant 2 and 3 uses is not likely to increase potential trips as compared to the potential trips for Restaurant 1 uses. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip

generation study will occur and traffic mitigation measures, if necessary, will be required; and,

WHEREAS, the WM district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards; and,

WHEREAS, the City Council finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to have a last seating at 9:30pm to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am; and,

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on January 13, 2015, pursuant to RCW 36.70A.106, and was granted expedited review on January 28, 2015; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on February 4, 2015; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on _____; and

WHEREAS, on _____, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.14.020 in the Land Use Matrix chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.

⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.

⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

⁹ Animal clinics shall have all activities conducted indoors in the DB district.

¹⁰ Drive-in theaters are not permitted in the B-2 district.

¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

¹⁴ Residential uses shall be located above a permitted business or commercial use.

¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.

¹⁹ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

²⁰ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

²¹ Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.

²² See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.

²³ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.

²⁴ Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).

²⁵ Level 1 and Level 2 charging only.

²⁶ Electric vehicle charging stations, level 1 and level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.

²⁷ The term "Rapid" is used interchangeably with Level 3 and Fast Charging.

²⁸ Only "electric vehicle charging stations – restricted" as defined in Chapter 17.73 GHMC.

²⁹ Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a Restaurant 2 or Restaurant 3 use. In other areas of WM zone, Restaurant 2 and Restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.

OR

²⁹ Only those properties lying southeast of and including parcel number 5970000030, as shown on Exhibit A of Ordinance No. XXX, are allowed to request a conditional use permit for a Restaurant 2 or Restaurant 3 use. In other areas of WM zone, Restaurant 2 and Restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.

Section 2. Section 17.48.035 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.035 Hours of operation.

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. Sales, level 1;
2. Boat construction;
3. Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily, except as provided for in subsection C.

C. All restaurant uses on properties adjacent to or southeast of Dorotich Street shall not open before 6:00 a.m. and shall seat the last customer no later than 9:30 p.m., daily.

OR

C. All restaurant uses on properties southeast of and including parcel number 5970000030, as shown on Exhibit A of Ordinance No. XXX, shall not open before 6:00 a.m. and shall seat the last customer no later than 9:30 p.m., daily.

Section 3. Section 17.48.090 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

H. Restaurant Uses. The bar area of restaurant 1 and 3 uses may not exceed more than 40% of the customer seating area of the restaurant. Restaurant 2 and 3 uses shall install state of the art equipment that will limit the emission of food smells from the restaurant.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ____ day of _____, 2015.

CITY OF GIG HARBOR

Jill Guernsey, Mayor

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:



Application  Reduced Area 



DEVELOPMENT SERVICES

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION PL-ZONE-14-0002

TO: Mayor Guernsey and Members of the Council
FROM: Jim Pasin, Chair, Planning Commission
RE: PL-ZONE-14-0002 – Restaurants 2 and 3 as conditional uses in a portion of the Waterfront Millville zone

Application:

John Moist, on behalf of Gig Harbor Marina Inc. a property owner in the Waterfront Millville zoning district, has requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted. The applicant proposes a closing time of 11pm. The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of Waterfront Millville District south of and including Susanne's Bakery & Deli.

Planning Commission Review:

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014.

On January 15th, 2015, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the Waterfront Millville district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposes hours of operation of 6:00 a.m. to 11:00 p.m.

The Planning Commission made these recommendations after reviewing the general criteria for approval found in the text of Chapter 17.100 of the Gig Harbor Municipal Code - Amendments, which can be categorized into three separate criterion as follows:

- A. The text amendment should be consistent with the policies in the City's Comprehensive Plan.
- B. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)

C. The proposed amendment should further public health, safety and general welfare.

Findings of Fact:

The Planning Commission makes the following findings of fact in relation to their recommendation of approval:

1. The City's Comprehensive Plan includes the following goals and policies which support the amendments:

- Policy 2.2.3.e: ***Waterfront Land Use Designation***
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
 - *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
 - *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
 - *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*
 - *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*
 - *Policy 3.13.4: Encourage evening activities in the commercial districts.*
2. In 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. Out of that town hall meeting came the Harbor Vision statement and the now adopted Harbor Element of the Comprehensive Plan. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes. Over 120 people attended the town hall meeting.

3. Currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area.
4. Restaurant 1 uses are currently allowed in the Waterfront Millville district as a conditional use. Restaurant 1 uses may not use a grill or deep-fat fryer and can serve wine and beer only in establishments no larger than 1,200 square feet. Restaurant 1 uses may open at 7:00am and must close by 9:00pm in the Waterfront Millville district. Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits with no size limitation.
5. In the Waterfront Millville district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon.
6. Buildings in the Waterfront Millville district are limited to 3,500 square feet of gross floor area; therefore, Restaurant 2 and 3 uses would be limited to 3,500 square feet. Restaurant 1 uses are also limited to 3,500 square feet unless they serve wine and beer. In that case, Restaurant 1 uses are limited to 1,200 square feet.
7. After the November 20th, 2014 public hearing, the applicant changed the application to reduce the affected area of Waterfront Millville and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.*
8. The portion of Waterfront Millville district where Restaurant 2 and 3 would be allowed contains the majority of current businesses in the district that are not commercial fishing related. The subject area is approximately 5.5 acres and contains 19 tax parcels. This portion of the Waterfront Millville district contains the two current restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. Of the approximately 16 residential dwellings located in the Waterfront Millville district, three exist in the subject portion of the district.
9. A closing hour requirement of 11:00pm is more likely to limit the impact of noise and light on surrounding neighborhoods than an unlimited closing time as allowed in other zones. Through the conditional use permit process, a stricter hours of operation can be imposed if necessary based on the type of restaurant and operation specifics.
10. Allowing a Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, greater limitations in the hours of operations, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners.
11. The Planning Commission finds that the proposed amendment is consistent with the intent of the Waterfront Millville district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Given the 3,500 size limitation and 11pm closing time

requirement, Restaurant 2 and 3 uses can be considered a medium-intensity use. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the Waterfront Millville district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized.

12. The Planning Commission finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process.
13. Based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the proposed change to allow Restaurant 2 and 3 uses is not likely to increase trips as compared to a Restaurant 1 use already allowed. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required.
14. The Waterfront Millville district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards.
15. The shoreline environment designation for the portion of the Waterfront Millville district where Restaurant 2 and 3 uses would be allowed is the City Waterfront. Restaurant uses are considered commercial uses under the Shoreline Management Program (SMP) and commercial uses consistent with the City's zoning code are allowed in the City Waterfront designation. Therefore, if this amendment is approved by ordinance of the City Council, Restaurant 2 and 3 uses will be allowed under the SMP.
16. The Commission finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to be open until 11pm in order to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am.

Jim Pasin, Chair
Planning Commission

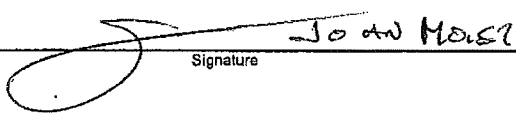


Date January 15, 2015

PL-2014-14-0002

CITY OF GIG HARBOR APPLICATION	CITY USE ONLY
<input checked="" type="checkbox"/> Zoning Code Text Amendment <input type="checkbox"/> Area-Wide Zoning Map Amendment	Date Received: <u>5/20/14</u> By: _____ Receipt # _____ By: _____

Name of project / proposal: ALLOW RESTAURANT 2 & 3 IN WM WITH CUP

Applicant: <u>JOHN MOIST</u> <small>(Name)</small> <u>3323 HARBORVIEW DRIVE</u> <u>851-1793</u> <small>Street Address Phone</small> <u>GIG HARBOR, WA</u> <u>98335</u> <small>City & State Zip</small>	Property Location (for map amendment): Address: <u>3315 HARBORVIEW DR</u> Section: <u>05</u> Township: <u>21</u> Range: <u>02</u> Assessor's Tax Parcel Number: <u>59700000 & 3</u> Full Legal Description (attach separate sheet if too long) _____ Acreage or Parcel Size _____
Owner: <u>GIG HARBOR MARINA, INC.</u> <small>(Name)</small> <u>3323 HARBORVIEW DRIVE</u> <u>851-1793</u> <small>Street Address Phone</small> <u>GIG HARBOR, WA</u> <u>98335</u> <small>City & State Zip</small>	Utilities: 1. Water Supply (Name of Utility if applicable) a. Existing: <u>CITY</u> b. Proposed: _____ 2. Sewage Disposal: (Name of Utility if applicable) a. Existing: <u>CITY</u> b. Proposed: _____ 3. Access: (name of road or street from which access is or will be gained.) <u>HARBORVIEW DRIVE</u>
I(We): <small>(Name)</small>  <u>6-20-14</u> <small>Signature Date</small>	
I do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the herein described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.	

For Map Amendments:
 Current Zoning District: _____ Requested Zoning District: _____

Existing land use: Describe (or illustrate separately) existing land use, including location of all existing structures and setbacks (in feet) from property lines.

**WATERFRONT MILLVILLE TEXT AMENDMENT
(REVISED DECEMBER 29, 2014)**

Title to be amendment:	17
Chapter:	17.14
Section:	17.14.020 (Land Use Matrix)
Proposal:	Add Restaurant Level 2 and 3 as allowed uses in the WM zone with approval of a Conditional Use Permit by the Hearing Examiner
Performance Standards:	1) Any Level 2 or 3 restaurant must close by 11:00 pm, seven days a week
	2) Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request Conditional Use Permit approval for a Level 2 or Level 3 Restaurant.



3323 Harborview Drive Gig Harbor, WA 98332
(253) 851-1793

RECEIVED

NOV 18 2014

CITY OF GIG HARBOR

November 18, 2014

Gig Harbor Planning Commission
3510 Grandview Street
Gig Harbor, WA 98335

**RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)**

Dear Members of the Planning Commission:

Following our presentation to you on November 6, 2014, Staff asked us to answer a number of questions in order to provide more clarity before you make your recommendation on the proposed zoning code test amendment change to allow Level 2 and 3 restaurants in Waterfront Millville. Thank you for the opportunity to submit the answers to those questions. It is our hope that you will recommend that City Council adopt the changes we have proposed.

Will this Proposed Change Remain Consistent with the Comprehensive Plan?

In addition to the four policies cited in the staff report, we think you also need to consider two additional policies and one Goal.

- Policy 3.12.1 Identify and amend current regulations and procedures that inhibit economic vitality with the Harbor. *Our proposal is following exactly what this policy intends be done . . . amend the Code to implement the adopted policy. Too often policy documents are adopted and never implemented, resulting in the policy exercise being a waste of time. Let's not continue this trend. We heard one of the Planning Commissioners talk about this at the November 6th Work-Study Session, indicating agreement that implementation should occur, however, he stated that implementation should not be done piecemeal, but all at once. We are here now asking you not to wait. If the comprehensive implementation strategy that may come at some point in the future wants to take things in a different direction than we are proposing, the City can make further changes at that time. It would be unfair to delay now in hopes that this may be addressed eventually. We should implement this policy now.*
- Policy 3.12.2 Work with the downtown business, property owners and community groups to establish a stronger economic base in The Harbor. *We represent a current downtown business and property owner who intends on moving forward with a project if the amendment is adopted. The project will further this policy by providing a new restaurant along our major downtown thoroughfare, attracting and retaining more business downtown. Moreover, allowing for Level 2 and 3 restaurants in the WM zone where appropriate will only strengthen the Harbor's economic base. What land use attracts more daily visitors to an area than a good restaurant? Diners will*

come into the area to eat, and then spend their time before or after their meal walking up and down Harborview and patronizing other businesses.

- Goal 3.13 Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors. *Again, allowing for Level 2 and 3 restaurants in the WM zone where appropriate will only strengthen the diversity of services in the area.*

What was the Intent of Waterfront Millville Zone in 1991?

The following statement is a quote from a Millville resident and property owner who asked to remain anonymous.

"WM was created in the early 90's when the city was undergoing a complete revision of an antiquated Zoning Code that was modeled after Pierce County's codes. The original plan was to make a new WC zone that extended approximately from the Tides Tavern to what is now Anthony's. I was part of a citizens group that was successful in changing the Council's mind and carving out, what is now, WM. The reasons we worked for the designation were because we wanted to retain the mixed use, but mostly residential feel of the area. When I bought my home the neighborhood was almost all rentals that were in a sad state of disrepair. My wife and I and others took a risk investing in the residential future. At the time of the creation of WM, the nature of the neighborhood was still in doubt and both sides of the street could have gone completely commercial. We wanted to be as strict as we could to preserve what we had and encourage residential reinvestment. Many of us were raising families and the tighter we could make the regulations, the better. WM was created not to stop commercial development, but to establish standards for the scale and scope of that development; as well as to encourage the continued reinvestment in single-family homes in the R1 zone on the opposite side of the street, by giving reassurance that the character of the neighborhood would be retained."

Has anything changed to make this zoning code text amendment more appealing to the public?

"In my mind two things have changed. The residential future is no longer in doubt. Many have now invested and continue to invest in single-family homes and condos. Where values were less than \$80,000 in 1990, they are now worth well north of \$500,000 with some approaching and exceeding seven figures. Empty lots that were \$25,000 are now over \$300,000; if you can find one. Tear down conversions to commercial are no longer a worry and the city (government and citizens) now realize the value of the residential nature of the area. If you had heard the testimony in the 90's you would appreciate that that wasn't always so. T-shirt and Basket shops looked to be in the cards. Creation of WM was a tipping point. It laid the groundwork for what we have today. The mix is good, the precedents are established, and a slight change in any direction will not make a significant difference in the residential future of Millville.

The second thing that has changed is the age and interests of the residents. We are no longer households with younger children and no time, money, or inclination for good restaurants. The residents of the area are mature adults who enjoy a fine beverage of choice and a quality meal within walking distance. We have seen that, within reason, a restaurant can be a compliment to a mixed use area such as Millville. A few years ago I went door to door in the neighborhood to find out how the actual residents felt about adding wine and beer to allowed uses. Interestingly those who lived the closest to where it was likely to happen (the old Red Rooster and Suzanne's Deli) were, for the most part, fine with the idea. A majority of the negatives came from those who lived farther away – close to Stinson and up on Ross. The main concerns of everyone were parking and noise. These fears have proven to be unfounded and, to the best of my knowledge, there have been no serious complaints or problems with the addition of alcohol. Those few

who actually live in the WM zone (the water side of Harborview) and close to where the changes were to take place, were overwhelmingly in favor of it."

Will the Adoption of the Harbor Element lead to a Row of Restaurants in a Residential Neighborhood?

"I have previously gone over every parcel with the potential of redevelopment in the WM zone. Based on economic, geographic, topographic, and regulatory restraints, a "waterfront restaurant row" is something that lives only in a very vivid imagination. The truth of the matter is that this is not about any one restaurant. This is a simple request by a property owner to change the zoning code. It is a non-messy straight-forward request. The Planning Commission will, as they always do, make a recommendation based on their best evaluation of the long term pros and cons of the request. The Council will make a decision giving heavy weight to the Planning Commission's recommendation, but also taking into account our opinion of what will benefit the city as a whole."

End of City Council Member's statement

Conditional Use

This process will ensure that no Level 2 or 3 restaurant is allowed unless the Hearing Examiner is satisfied that the all the required findings spelled out in 17.64 have been or will be met. There is no limit to the number or types of conditions that the Examiner can place on a proposal.

Are There a Maximum Number of Square Feet being Considered in the Amendment?

As we stated at the hearing, it would be appropriate to limit any new use to no more than 3,500 square feet. We would support such a recommendation.

What is the Proliferation and Cumulative Impact on the Zone?

As we stated at the hearing, the limited available parking and the size limitation will effectively block any large restaurant from ever considering locating in the WM zone. We've worked with several local and national restaurant chains over the last 25 years, and they all have very strict site requirements before they'll even consider a new location. They need guaranteed parking within a fixed distance of the front door and they need a minimum square footage; if a site can't meet the standard it will not be selected. We can ask any shopping center owner in Gig Harbor who has been through the process with these chains . . . there is no flexibility. The only type of restaurant we will ever see in the WM zone is a local, one-off type. We'd be surprised if there ever more than 2 who tried to locate in the WM zone.

In closing it is our hope that you will recommend that City Council adopt the changes we have proposed to the zoning code test amendment change to allow Level 2 and 3 restaurants in Waterfront Millville.

Very truly yours,



John R. Moist, Applicant

Arabella's Landing Marina
3323 Harborview Drive
Gig Harbor, WA 98332
253-851-1793

November 26, 2014

Gig Harbor Planning Commission
3510 Grandview Street
Gig Harbor, WA 98335

RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)

Dear Members of the Planning Commission:

Thank you in advance for your thoughtful deliberation on this matter. After the public hearing, we read through our notes and want you to consider the following. There were 18 citizens who provided testimony at the Public Hearing. The following is a breakdown of that testimony:

- 5 Number of citizens who openly support the amendment
- 3 Citizens whose primary concern was regarding traffic
- 1 Citizen whose testimony was almost exclusively about parking
- 1 Citizen who talked very specifically about a restaurant's impact on neighboring homes, including hers.
- 10 Citizens who had no real specific concerns, but whose testimony was very generalized. They just want things to stay the way they are or go back to how they were when they moved to town (be it 10 or 110 years ago).

The following is our response to these concerns.

Traffic Impact:

As to traffic impact, staff pointed out with back up information from the Institute for Traffic Engineers (ITE) manual, that a Level 2/3 Restaurant has no more impact on traffic than a Level 1 Restaurant (already allowed in this zone). Moreover, restaurants are off-peak traffic generators; the vast majority of trip generation is outside of the peak traffic hours (which are 4-6 pm in the evening according to the ITE). Additionally, according to public testimony by those who live along Harborview Dr. in WM the peak traffic flow occurs mid-day when restaurants are the least busy. 18,000 vehicles travel up and down Harborview Drive every day. The traffic impact restaurants with 25 to 35 tables will contribute to the overall traffic scheme is practically immeasurable. Finally, any proposed restaurant will have to submit a traffic impact analysis and provide required mitigation as well as paying traffic impact fees. Traffic impact from this proposal is a non-issue.

Delivery Trucks:

Trucks delivering produce, meat and other food items were a concern. Deliveries to restaurants are made in the early morning hours, 6 to 7 am. Considering the clustered affect of the buildings suitable in WM as potential Level 2/3 Restaurants (see building suitability analysis below) they are all within a few feet of the two current Level 1 Restaurants. Therefore deliveries to any new restaurant would take place at the same time and in the same immediate proximity to existing deliveries. Additionally, delivery trucks would not have to move to facilitate a new restaurant's deliveries. By the time peak morning traffic flow increases at 8 am the delivery trucks would be gone. Therefore there is no change to the truck noise and lights over what it is today.

Additionally, if the PC endorses the Performance Standard for Level 2/3 Restaurants in WM we have recommended in **Proposed Options** (below) then the issue of delivery truck noise and lights becomes another non-issue over what it is today.

Parking:

Parking downtown is what it is: the City, at times, has a deficit of public parking places and no one disputes that. But this shouldn't be a reason to recommend against this proposal. This is a broader issue that our Council and Mayor have repeatedly looked at and have resolved that it can't be a deterrent to development and re-development downtown or else we'd have neither. As we testified, the lack of convenient, reliable, and consistently available parking will be the biggest factor an investor considers when deciding whether or not to develop a restaurant in this or any other area. Without parking, the chances of restaurant failure are simply too high. The only type of neighborhood where a restaurant can survive without parking must have a high density population . . . and that is not Gig Harbor. Gig Harbor's restaurant patron's drive and they need a place to park their car within a reasonable distance of the restaurant. This is a market factor that will control and limit the number of restaurants attempting to locate in the WM zone.

16 Non-Residential Buildings in WM and Their Current Use:

One citizen spoke specifically about how the existing Level 3 Restaurant adjacent to Residential Millville already impacts her home. Her major concern is how a restaurant row along Harborview Drive would exacerbate the situation. Staff reported that there are 16 non-residential structures in WM that have the potential to become restaurants:

- Six of the 16 are net sheds with an average of 1,250 square feet of floor space. Of those three are working fishermen's sheds. To convert those buildings into restaurants would mean abandoning their fishing operations. One net shed is used for storage/office space and located at water's edge of an already busy dead end street with no parking. One is used as a Marina's Club House for visiting boaters and one is already a 1,200 square foot Level 1 Restaurant.
- Two small structures, approximately 600 square feet are upland offices and bathrooms both associated with operating marinas.
- One is a newly remodeled gift shop of 1,000 square feet.
- One is a 3,500 square foot marine supply store.
- One building is a newly remodeled fishing company's headquarters and storage facility.

- One is a 1,300 square foot tin garage requiring complete demolition prior to converting into anything useable other than for storage and is currently due for complete demolition by the property owner.
- One is a 2,400 square foot building currently housing a nail salon in half of the building and the other half is a Level 1 Restaurant.
- The last three buildings have been used as office space for years, one a real estate office and the other an attorney's office and the last a yacht sales office.

Of these sixteen structures only six are located right on Harborview Drive while ten are set back quite a distance from the street.

Architectural Analysis/Feasibility Study of 16 Non-Residential Buildings as Level 2/3

Restaurants:

We hired Architect, Mikes Yanick and Associates to evaluate these building for suitability as Level 2/3 Restaurant conversions. He reported the following:

- The only real suitable building is the marine supply store located at 3315 Harborview Drive. The 3,500 square foot two story, three and a half year old building has 29 off street parking spaces with an additional 12 spaces of shared parking next door. The building will only require interior tenant improvements to convert to a restaurant.
- The existing Level 1 Restaurant/Nail Shop at 3409/3411 Harborview Dr. could be converted, and currently only has four off street parking spaces.
- The old Telephone Company office at 3417 Harborview Dr. is approximately 4,000 square feet and has 13 Parking spaces. This building may exceed the maximum 3,500 square feet that we are recommending for Level 2/3 Restaurants in WM. The building is very old and would require extensive restructuring.
- The Old Brocato building at 3425 Harborview Dr. is a small brick cottage approximately 1,700 square feet and an attorney's office with no off street parking.
- The yacht sales office set back off of Harborview Dr at 3419 is another small building with 2 off street parking spaces and might make a small boutique restaurant on the water.
- What is interesting about all of these buildings is that they are clustered along approximately 500 lineal feet of Harborview Drive from 3315 to 3425 including the width of Dorotich St.
- Mr. Yanick felt that the remaining buildings are unsuitable as Level 2/3 Restaurant conversions due to current use, location, available square footage and the lack of off street parking.

Restaurant Row Impact:

May we remind you that three years ago the Planning Commission and Council approved a text amendment allowing Level 1 Restaurants in WM to serve beer and wine and remain open until 9 pm. If restaurants who serve alcohol are such big and popular money makers why has not one more Level 1 Restaurant sprung up in WM. The reason is lack of parking, cost of conversion and the failure rate of new restaurants. It is a bad business decision and it will remain a bad business decision for 14 of the aforementioned property owners to attempt a restaurant conversion.

The citizen we referenced above lives directly across the street from 3315 Harborview Drive and for whom a restaurant in that location will have the greatest impact. Her concern is with a restaurant row up and down Harborview drive leading to the demise of a quiet-quiet little neighborhood. She testified at the Public Hearing last week that she was not in favor of a restaurant going in directly across the street from her home. Since that hearing, however, she has done her research and has come to the conclusion that, while remotely possible, a restaurant row is out of the realm of financial practicality. She has since written an e-mail to Staff expressing her support for our text amendment change request. She still wants to hear from Staff regarding the 16 structures.

As for the rest of the testimony, we believe you heard a lot of what you always hear from that handful of citizen activists who show up at your meetings, "we just want it to stay the way it is or go back to the way it was". We are sure each of you has to wrestle with this sentiment over-and-over again as Planning Commissioners. Planning is the science of managing the development of land, and our City Council trusts you to be our volunteer planners and help manage Gig Harbor's development. Please consider all citizen input as you deliberate.

What Has Changed in Millville Since 1991?:

What has changed to create an atmosphere where a full service restaurant is no longer a threat to the majority of Millville residents? According to a community leader and promoter for Millville's current zoning requirements, three things have changed.

- The residential future of Millville is no longer in doubt. All of those elements which went into initially protecting this historical neighborhood laid the groundwork for what we have today. The mix is good, the precedents are established, and a slight change in any direction will not make a significant difference in the residential future of Millville.
- The second thing that has changed is the age and interests of the residents. There are no longer households with younger children and no time, money, or inclination for good restaurants. The residents of the area are mature adults who enjoy a fine beverage of choice and a quality meal within walking distance. A restaurant can be a compliment to a mixed use area such as Millville.
- With the addition of beer and wine to WM Level 1 Restaurants three years ago it was feared by many that increased noise, traffic and alcohol related incidents would seriously disrupt the neighborhood. These fears have proven to be unfounded and there have been no serious complaints or problems.

Many residents take advantage of those changes and enjoy a nice meal and glass of fine wine on a summers evening overlooking the water. Times change and people change but the little pleasures in life do not change.

Proposed Options:

Lastly we offer the following options to the original language in our Test Amendment Change Request:

- In lieu of last seating times of 9 pm during the winter and 9:30 during the summer Level 2 and 3 restaurants shall close at 11 pm at the latest year round. Even with the last seating at 9 or 9:30 pm it usually takes an hour or more for a five star dining experience. The 11 pm closing time firms this issue up.
- Consider a specific Performance Standard for Level 2 and 3 Restaurants as a conditional use in that they are only allowed in the area of WM that is predominately commercial at this time. The demarcation line that we are suggesting is South East of 3417 Harborview Dr encompassing 3411 and 3409 Harborview Dr (currently Susanne's Bakery & Deli and the New York Nail Salon) to the property directly to the North West of the Waterfront Commercial Zone (currently Pleasure Craft Marina).
- We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.

Conclusion:

It is almost impossible to predict what another property owner will do with his or her property in the future. All we can do is provide you with the best analysis available at this time using historical data, experts and a little common sense. It has been a difficult task to provide you with what ifs for all of WM. The major concerns surrounding this text amendment request really boil down to:

- Traffic impact
- Delivery trucks
- Off-street vs. on-street parking
- Proliferation of restaurants
- Impact on the historical neighborhood

We feel confident that we have answered the questions surrounding these concerns. Should you have further questions please contact me at 253-255-5050 or at arabellas@harboret.com .

Respectfully submitted,

John R. Moist

John R. Moist, Applicant

Arabella's Landing Marina

3323 Harborview Drive
Gig Harbor, WA 98332
253-851-1793

November 26, 2014

Gig Harbor Planning Commission
3510 Grandview Street
Gig Harbor, WA 98335

**RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)**

Dear Members of the Planning Commission:

As the Applicant, we have conducted an ad hoc parking study of the 23 on street City parking spaces located along both sides of Harborview Dr. from 3411 (Susanne's Bakery and Delicatessen to 3313 (Bella's Kitchen and Home). A random car count was conducted between 5pm and 8pm from November 20, 2014 to December 2, 2014 for a total of 13 days. Those 13 days encompassed two full weekends. The two busiest nights were Friday the 21st with 7 cars parked and Saturday the 29th with 8 cars parked. Over that 13 day period a total of 56 cars were counted for an average of 2.4 cars parked in the available 23 spaces or about 11% of the available spaces. We selected the 5pm to 8pm time slot as this is the busiest time of restaurant operations.

What this study indicates, albeit only about half a month in duration, is that there is adequate on street (off-peak) evening parking for residents living between 3313 Harborview Dr. and 3411 Harborview Dr. during the busiest operating hours of a restaurant.

In our second letter to the Planning Commission dated November 26, 2014 we proposed the PC consider a specific Performance Standard for Level 2 and 3 Restaurants as a conditional use in that they are only allowed in the area of WM that is predominately commercial. The demarcation line that we are proposing is South East of 3417 Harborview Dr. encompassing 3411 and 3409 Harborview Dr. (currently Susanne's Bakery & Deli and the New York Nail Salon) to the property directly to the North West of the Waterfront Commercial Zone (currently Pleasure Craft Marina). As a note, there are no homes with on street parking spaces from 3313 Harborview Dr. to Pleasure Craft Marina.

Additionally, should a Level 2/3 Restaurant be allowed to operate at 3315 Harborview Dr. the restaurant owner will employ a Valet Service for, at least, Friday and Saturday evenings removing all cars from on street parking. Any night that Valet Service is not available, patrons will be directed to park in the 12 stall "shared parking" lot at the rear of 3313 Harborview Dr. or in the dedicated 29 stalls associated with the 3315 address. Either way on street parking will be a non-issue for residents living in that particular area along Harborview Dr.

Respectfully submitted,

John R. Moist,
Applicant

HALSAN FREY LLC
REAL ESTATE DEVELOPMENT CONSULTING SERVICES

February 3, 2015

RECEIVED

FEB 3 2015

Ms. Jennifer Kester, Director
Gig Harbor Planning Department
3510 Grandview Street
Gig Harbor, WA 98335

CITY OF GIG HARBOR

RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)

Dear Ms. Kester: *JENNIFER*

Before the City Council begins deliberating the above captioned proposal that recently received an approval recommendation from the Planning Commission, we thought it would be a good idea for us to clarify our proposal with regard to "hours-of-operation". It's a term well understood with most businesses, but can be a little bit different as applied to restaurants. So that we are clear, the hours of operation in the proposal going before Council are 6 am to 11 pm, seven days per week.

In general, these hours can best be understood as customer hours. That is, no customer will be let in the doors until after 6 am; and all customers will be gone from the premises by 11 pm. At opening, this is always easy to implement and enforce. At closing, it is the responsibility of the restaurant's staff to ensure all customers have left by closing. This is not a new concept in the restaurant business . . . staff knows to watch the clock very carefully as closing time nears. It will just be a matter of training for all staff to know when to give fair-warning to any diners still on premises that closing time is coming. In talks with other restaurant owners in town, this is common practice to ensure overtime costs are kept in control and no licensing or permitting limitations are violated. In addition, with fine dining, we have learned that a typical restaurant doesn't seat anyone later than 2 hours before closing. With something less than fine dining, it is usually just one hour.

As for delivery hours, it is our proposal that these would be limited to the same hours: 6am - 11 pm.

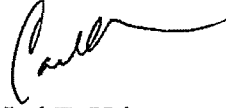
There will be employees on site before opening and after closing. Before opening, ovens need to be warmed and coffee brewed. After closing, dishes need to be washed, mop up and housekeeping needs to be completed, tills closed, money counted and nightly deposit prepared. All this is "quiet" work and done indoors.

PO BOX 1447 GIG HARBOR, WA 98335
MOBILE: (253) 307-1922
carl@halsanfrey.com

February 3, 2015

Please call me with any questions at (253) 307-1922.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl", with a long horizontal flourish extending to the right.

Carl E. Halsan
Member

c: Gig Harbor Marina

Memorandum:

March 12, 2015

To: Planning Director, City of Gig Harbor

From: Applicant, Text Amendment Change Request – Level 2/3 Restaurants in Waterfront Millville

Subj: **Applicant's response to questions asked at the end of the Council meeting on February 23, 2015.**

The following are Applicant's answers to Council questions/concerns following the public testimony meeting on February 23, 2015. There are five questions. Applicant will be prepared to answer any other questions Council may have to include perceived issues with parking.

1. Cooking Appliances – Should deep fat fryers be allowed and if so what technology might be employed to limit the impact of all cooking smells?

- In order to operate a full service restaurant certain foods require deep fat frying.
- There are no other full service restaurants in Gig Harbor with food odor controls in place. Applicant spoke with the General Manager of Anthony's Sea Food Restaurant at the end of the Harbor, which is in relative close proximity to residential areas. Anthony's has never, to her knowledge, received a food odor complaint. The same may be said of Susanne's Bakery and Delicatessen, located near the heart of Residential Millville. While Susanne's does not employ fryers, they do a great deal of baking.
- The primary problem with any type of fryer is the lack of care and maintenance. These fryers must be thoroughly cleaned and the oil replaced on a maintenance schedule adjusted for usage.
- Typically cooking odors can be eliminated by using any one of the following methods: water extraction; hepa filtration; chemical masking of odor; electrostatic odor removal; coalescing elements; oil mist eliminators; charcoal filtration. Each of these methods while effective to about 95% has a high cost of filters or chemicals associated with them and/or disposal or treatment costs.
- In the final analysis, Applicant's architect will build into his design one of the above methods or a more effective state of the art device to reduce cooking odors. There is currently no technology available that will eliminate 100% of the odors.

2. Bar Area – What percentage, if any, of a Restaurant 3 use should be limited to bar?

- Let me use Anthony's and Tide's Tavern as examples. Both have large seating capacities in their bar area. Tides so much, so that it is designated a tavern (more than 50% of seats in the bar). However, both restaurants offer full food service in their bar areas.
- Typically, the total fine dining seating at Brix 25, not associated with their bar is 60%. Their fine dining room, while separate from their bar area, also serves adult beverages. At the same time the remaining 40% of the total seating capacity is in the bar area which serves food from their full service menu.
- Some guests wish to dine in a less formal atmosphere than a dining room or simply wish to have a total adult experience. Children are not allowed in the bar area at Brix 25.
- Brix 25's food vs. adult beverage sales percentage in the bar area remains the traditional 70% food and 30% adult beverage.
- Applicant believes that the 60/40 split that exists at Brix 25 is atypical while the vast majority of the restaurants in the area focus more on the sale of alcohol than food.

3. Hours of Operation – Discuss the appropriate time frame for operating, including perhaps a last seating time or a definition of hours of operation, etc.

- The hours of operation as they currently appear in the Text Amendment Application were recommended by the Planning Commission at 6am to 11pm.
- To impose an opening time of 6am is not in Brix 25's operations' plan. This is a fine dining restaurant not a typical breakfast, lunch and dinner restaurant.
- The original Application requested that the hours be based on a last seating to coincide with Pacific Standard time, 9pm and Daylight Savings Time at 9:30pm to which the Applicant remains in full agreement.
- The 11pm closing time has received a lot of push back from the public as it is perceived that the 11pm closing time would have droves of customers spilling on to Harborview Drive. In what worst case scenario does this ring true? Please remember that we live in Gig Harbor not a college town.
- According to Police Chief Busey, drunk and disorderly complains as well as DUI arrests are down. A few years ago, things were very different. The solution to DUI's was for the police to park in front of the restaurant/bar at closing time and suddenly people became more responsible.
- It is rare if Brix 25 has customers in the restaurant much after 10pm. Brix 25 would like to focus on the natural organic ending to a dining experience as a much more peaceful and quiet way of ending the evening.
- Guests that are asked to leave at a hard closing time are much more likely to remain outside talking because they are left with no choice. Those guests who have run the course of conversation over a leisurely meal are ready to leave.

4. Deliveries – What time should deliveries be allowed?

- Produce, fresh meat and dairy product delivery trucks maintain a dispatched-scheduled route. With their perishable cargo, cost of labor and fuel costs, doubling back to make a delivery is impractical. It has been the nature of the restaurant business for over fifty years.
- To date, deliveries have been made to Netshed #9 as early as 6:30 am, but typically 7 to 7:30am followed by others throughout the morning until about noon when liquor is delivered.
- Netshed #9, under the same ownership as Brix 25, has never received a delivery truck noise complaint.
- The proposed Brix 25 location is within 100 feet of Netshed #9 and will receive deliveries from the same trucks at the same time of day as Netshed #9.

5. Separation between uses – Should restaurants be separated by a certain distance?

- The dispute over separation of restaurants along Harborview Drive is a straw man argument.
- Between Susanne's Bakery and Deli, currently the northern most business in Waterfront Millville where a Level 2/3 restaurant could be developed, and Pleasure Craft Marina the southernmost landmark representing the end of Waterfront Millville, there exists four buildings suitable to house Level 1, 2/3 restaurants.
 1. Susanne's Bakery and Deli, currently a Level 1 restaurant, and the Nail Shop are separated by a common wall.
 - a. Combined they are 2,400 square feet.
 - b. The entire building could accommodate a wood fired pizza oven, pizza parlor and high-end delicatessen.
 2. The Bayview Building at 3315 Harborview Dr., currently Ship to Shore Marine Supply, is 3,400 square feet. This is the proposed location for Brix 25 restaurant.

3. Netshed #9, currently a Level 1 restaurant at 1,200 square feet will remain a Level 1 Restaurant.
 4. The Whittier home and net shed, consisting of approximately 1,500 SqFt and 1,200 SqFt respectively could be turned into a Level 2/3 restaurant, but the value of the home is approximately \$2,000,000.00 and there is no off street parking. The Applicant and his architect believe that this property is far more valuable as a home than a start up restaurant.
- Other than those, no other buildings south of Susanne's Bakery and Deli are suitable as Level 2/3 restaurants. To squeeze another restaurant on to Mr. Stearns' property will take too much parking away from the Marina which receives the higher priority as the primary use of the property.

Applicant appreciates the opportunity to answer these and any other questions which may arise. It is the our hope that this Joint Work Study Session between the Planning Commission, City Council and the Applicant will be an open dialogue and allow for the free flow of current plans and ideas leading us to solutions.

Respectfully submitted,
John R. Moist
John R. Moist, Applicant

Background, Staff Analysis, and Frequently Asked Questions

BACKGROUND INFORMATION

The Land Use Matrix (GHMC 17.14) allows Restaurant 1 uses as a conditional use in the Waterfront Millville zoning district. In addition, Restaurant 1 uses are limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily (GHMC 17.48.035(B)).

In 1991, the City created the Waterfront Millville (WM) zoning district (Ord. 598). The boundaries and intent of the district has remained unchanged since adoption. The Planning Commission recommendation from 1991 which was incorporated in the adoption ordinance states the following as the reasoning behind the new zone creation:

The planning commission recognizes the need for an additional waterfront district that offers a combination and variety of uses permitted in the WC and WR sections, but at an intensity and scale weighted toward a residential-recreational environment. The proposed [WM] district is applied exclusively to the historic Millville waterfront area and it is considered a reasonable compromise which balances the desires of landowners to have a variety of development options while protecting the overall residential-recreational uses existing.

In 2011, the City amended the performance standards for Restaurant 1 uses in the Waterfront Millville to allow wine and beer service in establishments no larger than 1,200 square feet and extended the closing time from 7:00pm to 9:00pm (Ord. 1213). The amendment was proposed by John Moist on behalf of Stanley and Judith Stearns. The findings of the Council in the ordinance include that these changes would help with business retention and vitality of the area while minimizing the impact to the surrounding residents through the size limitation.

In 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. Out of that town hall meeting came the Harbor Vision statement and the now adopted Harbor Element of the Comprehensive Plan. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area. This was the second highest tally; groceries received 43 votes. It should be noted that these votes were not zone-specific. Over 120 people attended the town hall meeting.

In May 2014, John Moist, on behalf of Gig Harbor Marina, Inc., submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted.

The Planning and Building Committee and City Council reviewed the request in July 2014 and chose to send the application to the Planning Commission for review in late 2014.

STAFF ANALYSIS

Based on a review of the revised application materials, staff would like to provide the following observations:

Hours of Operations: Restaurant 1 uses in the WM district are currently limited to operating between 7:00 a.m. to 9:00 p.m.

Size of Operations: Lots in the WM district are currently limited to 3,500 square feet of gross floor area. No one building may be larger than 3,500sf and no combination of buildings on a lot can exceed 3,500sf. In addition, Restaurant 1 uses that serve wine and beer are further limited to 1,200 square feet. The applicant does not propose a size limitation for Restaurant 2 and 3 uses. A Restaurant 3 use can serve all types of alcoholic beverages.

Parking Requirements for Restaurants: The parking code requires one off-street parking space for every three seats based on a seating plan submitted to the planning director showing a reasonable seating capacity for the dining area. Exceptions to that requirement occur in two situations: 1) Existing Nonresidential Buildings and 2) Restaurants associated with a Marina:

1) Existing Nonresidential Buildings: If a building with nonresidential uses existed as of January 2012 or is at least 3 years old, the use of the building may change to another nonresidential use without the requirement to provide additional off-street parking spaces; provided, that any existing off-street parking spaces allocated to the existing building are not removed or reduced. This applies only if the building is not expanded or reconstructed. Based on staff observations, there are 10 nonresidential buildings in the designated portion of WM, including net sheds.

2) Restaurants associated with a Marina: The parking code allows that if a commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage. This could mean that restaurants would not need dedicated parking if associated with a larger marina that requires a greater number of parking stalls than the restaurant.

Summary: Since restaurants typically require more parking than other nonresidential uses and the potential to build new parking stalls in Waterfront Millville is limited, restaurant uses are most likely to locate in an existing building or be associated with a marina use.

Remodeling/Reconstruction of Existing Nonconforming Buildings: The City's Shoreline Master Program regulates the remodeling and reconstruction of nonconforming buildings in the WM district. An interior-only remodel which does not increase a structure's nonconforming (such as to gross floor area) is not considered reconstruction. Furthermore, exterior remodel work that does not take the building down to the foundation is not considered reconstruction. A building may be intentionally

reconstructed/remodeled to the same or smaller configuration provided the structure is reconstructed/repared within 1 year of the removal. In addition, nonconforming structures that are within 10 feet of the OHWM can be reconstructed provided the structure is moved so that 10 feet of vegetative buffer is provided along the shoreline. However, in the case of complete reconstruction, the provisions for parking for existing buildings above would no longer apply.

Traffic Impacts: Based on discussions with the Engineering Division and on a review of the average peak p.m. hour vehicle trips for the City's restaurant categories (1, 2 and 3) as quantified by the ITE Trip Generation manual, the proposed change to allow Restaurant 2 and 3 uses is not likely to increase the potential trips as compared to the potential trips for Restaurant 1 uses already allowed. If this amendment is approved and a conditional use permit application (CUP) for a specific restaurant is submitted, a detailed traffic trip generation review will occur and mitigation measures, if necessary, will be required through SEPA or the CUP.

General Design Standards for Restaurants in Waterfront Millville: The Waterfront Millville district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Unless a restaurant is locating within an existing building and no exterior changes are being made, the new or remodeled nonresidential building would need to meet the following general design standards.

- **Roof Form:** The roof may be flat with a cornice or pitched with a minimum pitch of 6/12. The ridge of a pitched roof must point toward the view of the bay as seen from the street.
- **Height:** Flat roof buildings are limited to 16 feet from the highest point in the buildable area of the lot; pitched roof buildings are limited to 18 feet. No portion of the building may exceed 27 feet above grade at the footprint.
- **Windows:** At least 25% of the wall plane of all visible façades must be glazing (windows) or doorways. Windows must be of a proportion, trim type and grid pattern consistent with historic downtown.
- **Materials:** Siding materials are generally limited to horizontal lap siding, board and batten, brick, and stone. Pitched roof material is generally limited to architectural asphalt or cedar shingles, tile, slate, or standing seam metal roofing.
- **Color:** The main color of the buildings are limited to subtle earthtones, white, soft sands, grays, light pastels, and deep rich clay colors.
- **Outdoor Common Areas:** All restaurants greater than 2,000sf in size are required to have outdoor common area (plaza, deck, pocket park, etc) equal to 10% of its size. The common area must be accessible to the general public. Seating is allowed within this common area up to 1 seat per 20 square feet and no additional parking is required for these seats.

Current Businesses in the Waterfront Millville District: There are currently two Restaurant 1 uses in the WM district: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial

fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon. The portion of WM where the applicant would like to allow Restaurant 2 and 3 contains the majority of current businesses in WM that are not related to commercial fishing.

Restaurant Uses Allowed in Adjacent Zones: South of the WM district and across Harborview Drive is the historic residential Millville area zoned Single-Family Residential (R-1). R-1 zoning does not allow any restaurant uses. On the waterside of Harborview Drive to the north and the south of the WM district is the Waterfront Commercial (WC) zoning district. The WC district permits all restaurant uses and taverns outright. Near the WM district to the southeast is the Downtown Business (DB) zoning district that also permits all restaurant uses outright; taverns are a conditional use.

Current Restaurants in the Harbor area: As of this date, there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area.

Shoreline Master Program:

The shoreline environment designation for the portion of the Waterfront Millville district where Restaurant 2 and 3 uses would be allowed is the City Waterfront. Restaurant uses are considered commercial uses under the Shoreline Management Program (SMP) and commercial uses consistent with the City's zoning code are allowed in the City Waterfront designation. Therefore, if this amendment is approved, Restaurant 2 and 3 uses will be allowed under the SMP.

Purpose of a Conditional Use Permit: A conditional use permit determines if a use because of its unusual size, special requirements, or detrimental effect on surrounding properties requires additional conditions of approval to mitigate impacts. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice of the hearing provided to neighboring property owners.

Criteria for Approval of a Conditional Use permit:

GHMC 17.64.040 Review criteria.

Each determination granting or denying a conditional use permit shall be supported by written findings of fact showing specifically wherein all of the following conditions are met:

A. That the use which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;

B. That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;

C. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and further, that the use can be

adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;

D. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.

FREQUENTLY ASKED QUESTIONS RELATED TO THE WATERFRONT MILLVILLE RESTAURANT PROPOSAL

Are fast food chains coming to the waterfront? Very unlikely. Fast food restaurants generally fall into the Restaurant 2 use category if they do not have a drive-through. This amendment includes adding Restaurant 2 uses to those conditionally allowed in Waterfront Millville. However, these kind of restaurants have been allowed along the majority of the waterfront since 1990 (within the Waterfront Commercial district). No fast food restaurant chain has located there yet. The Planning Department knows of no interest from those chains or from property owners. It is highly improbable that a fast food restaurant chain will locate in Waterfront Millville or anywhere else along the waterfront due to the City's stringent design, size, and sign regulations and the prohibition of drive-through lanes along the water.

If this proposal is approved by Council, will restaurants just show up? No. There is another level of analysis, permitting and public comment before a restaurant is approved. This permitting occurs once a specific restaurant decides to locate in Waterfront Millville. Before construction begins the following permits are required and could be denied or approved: conditional use permit, design review, site plan review, shoreline substantial development permit, building permit.

What is a conditional use permit and how does it relate to a restaurant? A conditional use permit determines if a specific restaurant because of its size, design or business operations will have a negative effect on surrounding properties. If it does, additional conditions of approval are imposed to mitigate impacts. If impacts can't be mitigated, the conditional use permit can be denied. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice of the hearing provided to neighboring property owners. The hearing examiner must find that the specific restaurant will not adversely affect the established character of the surrounding neighborhood. Conditions could include a narrower set of hours of operation, such as from 8am to 9pm, or requiring deliveries to occur within a set time.

Waterfront Millville Restaurant 2 and 3 Uses

2nd Public Hearing

April 13th, 2015

Application

Applicant: Gig Harbor Marina Inc, owners of Arabella's Marina complex.

Applicant's Proposal: Allow Restaurant 2 and Restaurant 3 uses provided a conditional use permit is granted. The applicant requested that such uses be allowed in the portion of the Waterfront Millville zoning district between Susanne's Bakery & Deli and Pleasurecraft Marina.

Amended Proposal: After a joint meeting with the applicant, staff, Planning Commission and Council, the following performance standards were added:

- Hours of Operation: Opening time no earlier than 6:00am and a last seating of customers no later than 9:30pm.
- Bar Area: Limit any bar area in a Restaurant 1 and 3 use to 40% of the customer space.
- Food Smells: Require state-of-the-art equipment be installed to limit the emission of food smells from Restaurant 2 and 3 uses.

Subject Area: The City Council is considering an option to further reduce the subject area to that area southeast of and including the existing Bayview Building.

Potential Subject Areas



Restaurant Uses in Subject Area

Current Regulations

Uses allowed:

Restaurant 1 use allowed through a conditional use permit.

Maximum Hours of Operation:

Open at 7:00 am

Close at 9:00 pm

Cooking Appliances:

No grill or deep fat fryer

Alcohol Service:

Beer and wine service allowed if restaurant is no larger than 1,200 square feet

Current Restaurant 1 Businesses:

Netshed No. 9

Susanne's Bakery & Deli

Proposed Regulations

Uses allowed:

Restaurant 1, 2 and 3 uses allowed through a conditional use permit.

Maximum Hours of Operation:

Open at 6:00 am

Last Seating at 9:30 pm

Cooking Appliances:

Restaurant 1: No grill or deep fat fryer

Restaurant 2 and 3: Grill and deep fat fryer allowed but state-of-the-art equipment required to limit food smell emissions

Alcohol Service:

Restaurant 1: No change from current plus bar area limited to 40% of customer area

Restaurant 2: No alcohol service

Restaurant 3: Beer, wine and spirits allowed at any size; bar area limited to 40% of customer area

Scope of Amendment

- Not about a specific business, parcel, or building.
- Allowing Restaurant 2 and 3 use if criteria for a conditional use permit is met.
- Detailed analysis of parking, business model, traffic impacts, neighborhood impacts would occur through a conditional use permit.

What is a conditional use permit?

- Determines if a specific restaurant because of its size or business operations will have a negative effect on surrounding neighborhood.
- If impacts, conditions are imposed to lessen or remove those impacts. If impacts can't be lessened, the conditional use permit can be denied.
- A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice.
- The hearing examiner must find that the specific restaurant will not adversely affect the established character of the surrounding neighborhood.
- Conditions could include:
 - Narrower set of hours of operation
 - Requiring deliveries to occur within a set time
 - Specific traffic calming measures

Hours of Operation

Maximum: Open at 6:00am to last seating at 9:30pm

What does that mean?

- Customer hours.
- No customer would be let in prior to 6am and no customer can be seated after 9:30pm.
- No set time when customers would have to leave.
- Prep and clean-up staff could be there before or after these hours.

History of Restaurants in WM

- In 1991, the City created the Waterfront Millville (WM) zoning district. The boundaries and intent of the district has remained unchanged since adoption.

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged.

- Restaurant 1 uses have been allowed since 1991 as a conditional use.
- In 2011, the City allowed Restaurant 1 uses to serve wine and beer service in establishments no larger than 1,200 square feet and extended the closing time from 7:00pm to 9:00pm

Frequently Asked Questions

Permitting: If this proposal is approved by Council, will restaurants just show up? No. More detailed level of analysis, permitting and public comment is required before a restaurant is approved. This permitting occurs once a specific restaurant decides to locate in Waterfront Millville. Before construction begins the following permits are required and could be denied or approved: conditional use permit, design review, site plan review, shoreline substantial development permit, building permit.

Frequently Asked Questions

Parking and Traffic: Is there enough parking in Waterfront Millville? Maybe. Parking must be provided on private property and must be unencumbered. Detailed parking and traffic analysis occurs once a conditional use permit is submitted. Parking stall and traffic modification requirements are specific to the building, restaurant, and site. If parking cannot be provided for or traffic mitigated, the conditional use permit can be denied.

Council Review

- Council Question and Answers
- Public Hearing
- Direction to Staff on limits of Subject Area
- Possible next steps after hearing:
 1. 2nd Reading of ordinance on April 27th.
 2. 3rd public hearing and new 1st reading on date TBD, if required, due to Council directed changes.

Waterfront Millville Restaurant 2 and 3 Uses

Continuation of Work Study

March 23rd, 2015

Work Study Agenda

1. Waterfront Millville Restaurants 2 & 3:

- ~~a) Cooking Appliances (State of the art equipment)~~
- ~~b) Bar Area (Maximum 40% Bar)~~
- ~~c) Hours of Operation (Open: 6am; Last Seating 9:30pm)~~
- ~~d) Deliveries~~
- ~~e) Separation between uses~~
- ~~f) Economic Vitality~~
- g) Reducing overlay area**
- h) Maximum size for alcohol service in Restaurant 1**

2. Next steps in the review process.

g) Reducing Overlay Area



h) Maximum size for alcohol service in Restaurant 1

Existing Limitation: Beer and wine service allowed if Restaurant 1 is no larger than 1,200 square feet

- Contained in definition of Restaurant 1 use.

Proposed Limitation: Beer and wine service allowed if Restaurant 1 is no larger than 2,500 square feet

Considerations:

- Should this apply to WM only or all zones?
- In the Waterfront Millville zone, a Restaurant 1 use that does not serve alcohol can be as big as 3,500sf. Is a reduction of 1,000sf for beer and wine service significant enough to lessen the impact of alcohol consumption?

Council Direction

g) Reducing overlay area

**h) Maximum size for alcohol service in
Restaurant 1**

2. Next steps in the review process.

A new ordinance will be presented to Council with a public hearing at a date to be determined.

What public outreach is desired prior to next public hearing?

----- Application ----- Reduced Area





DEVELOPMENT SERVICES

FROM: JENNIFER KESTER, PLANNING DIRECTOR
SUBJECT: WATERFRONT MILLVILLE RESTAURANT 2 AND 3 USES
MEETING: MARCH 16, 2015 JOINT MEETING

During the joint meeting with the City Council, Planning Commission, applicant and staff, the items following will be discussed.

- a. Cooking Appliances – Should deep fat fryers be allowed and if so, what technology might be required to limit the impact of all cooking smells?
- b. Bar Area – What percentage, if any, of a Restaurant 3 use should the bar be limited to?
- c. Hours of Operation – Discuss the appropriate timeframe for operating, including perhaps a last seating time or a definition of hours of operations, etc.
- d. Deliveries – What time should deliveries be allowed?
- e. Separation between uses – Should restaurants be separated by a certain distance?

The applicant has provided a memo discussing the topics above. The purpose of this memo is to discuss the mechanisms available to implement such performance standards in the zoning code. Applicable code sections have been attached to this memo.

a. Cooking Appliances: A performance standard could be added to the Waterfront Millville (WM) zoning code chapter under GHMC 17.48.090. Two options include 1) Prohibiting deep-fat fryers in their entirety for the district; or, 2) Requiring that state of the art equipment be installed in the restaurant to limit the emission of food smells. Under option 2, the hearing examiner would then review the specific equipment for compliance as part of the conditional use permit review.

b. Bar Area: A bar area limitation could ensure that the bar use is subordinate to the restaurant use. Currently, without any specific regulations in the code, the default bar size would be no more than 49% of the customer area of the restaurant. If the bar was greater than that, the restaurant would be a tavern by definition: "*Tavern*" means an establishment that serves alcoholic beverages as its primary use. (GHMC 17.04.795)

While size limitations for interior uses are not common in the City's code, retail sales in the ED and PCD-BP zones are regulated as follows: *Sales uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use. (GHMC 17.45.040(N) and 17.54.030(O))*

A similar approach could be used for Restaurant 3 uses. It could apply to Restaurant 1 and 3 uses which allow alcohol service. The exact percentage and how it will be calculated (based on gross floor area or based on customer area, etc) should be discussed, if this approach is desirable.

c. Hours of Operation: The current proposal sets maximum hours of operation of 6:00am to 11:00am. Hours of operation are understood as customer hours, but no definition exists in the zoning code. These hours could be reduced; a definition be added to the zoning code; and/or, the hours be related to last seating time. Hours of operation for Restaurant 1 are currently regulated at GHMC 17.48.035 as 7:00am to 9:00pm.

d. Deliveries: Limitations to deliveries, such as where deliveries occur (parking lot vs. public street), how trucks access a site and when deliveries occur are typically set through the conditional use permit process as delivery needs are specific to the restaurant. However, if there are standard delivery provisions that should be imposed, a performance standard can be added. The council should consider if those delivery standards need to apply to all uses which have regular deliveries. Also, garbage collection yields similar concerns and is not currently regulated by the zoning code.

f. Separation Between Uses: In order to disperse the impact of similar businesses, a city can imposed a distance separation between uses. The City currently has a distance separation for adult entertainment uses of 500 feet between buildings. The Council has considered a distance separation of 2,500 feet between marijuana uses. In addition to the exact distance and where it is measured from, the City should consider if separation should be required between all restaurant levels or between only certain restaurant uses. This would be based on the impacts being mitigated. Upon review of the location of existing restaurant 1 uses and the potential location of a restaurant at the Bayview Building (current Ship to Shore), here are the following approximate distances (straight line, in feet) between locations:

	<u>Parcel</u>	<u>Building</u>	<u>Entrance</u>
Susanne's to Netshed No 9	350	364	440
Susanne's to Bayview Building restaurant	275	285	360
Netshed No. 9 to Bayview Building restaurant	0	76	163
Bayview Building to Harborview Marina:	204	-	-
Bayview Building to Pleasurecraft Marina:	340	-	-

The lineal distance of the Harborview frontage for the subject area of the WM district is approximately 980 feet.

Chapter 17.48

WATERFRONT MILLVILLE (WM)

Sections:

- 17.48.010 Intent.
- 17.48.020 Permitted uses.
- 17.48.030 Conditional uses.
- 17.48.035 Hours of operation.
- 17.48.037 Prohibited uses.
- 17.48.040 Development standards.
- 17.48.050 Site plans.
- 17.48.060 Maximum height of structures.
- 17.48.070 Parking and loading facilities.
- 17.48.080 Signs.
- 17.48.090 Performance standards.

17.48.010 Intent.

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (Ord. 598 § 2, 1991).

17.48.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the WM district. (Ord. 1045 § 63, 2006).

17.48.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the WM district. (Ord. 1045 § 65, 2006).

17.48.035 Hours of operation.

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. Sales, level 1;
2. Boat construction;
3. Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily. (Ord. 1213 § 2, 2011; Ord. 1066 § 4, 2007; Ord. 1045 § 66, 2006; Ord. 598 § 2, 1991).

17.48.037 Prohibited uses.

The following uses are prohibited in this district:

- A. Outdoor public telephones. (Ord. 598 § 2, 1991).

17.48.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-Family Dwelling	Attached Up to 4 Units	Nonresidential
A. Minimum lot area (sq. ft.) ¹	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Density	4 dwelling units per acre		
I. Maximum gross floor area including garages, attached and detached ³	3,500 square feet per lot	3,500 square feet per lot	3,500 square feet per lot
J. Separation between structures	20'	20'	20'

¹An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

²The setbacks of GHMC 17.99.310 and 17.99.320 are applicable in the WM district.

³Historic net sheds as defined in GHMC 17.04.615 shall be excluded from the maximum gross floor area requirements above.

(Ord. 1131 § 14, 2008; Ord. 1070 § 4, 2007; Ord. 1008 § 3, 2005; Ord. 995 § 8, 2005; Ord. 982 § 1, 2005; Ord. 975 § 57, 2004; Ord. 725 § 4, 1996; Ord. 716 § 4, 1996; Ord. 710 § 54, 1996; Ord. 598 § 2, 1991).

17.48.050 Site plans.

The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district. (Ord. 1197 § 27, 2010; Ord. 598 § 2, 1991).

17.48.060 Maximum height of structures.

In the WM district, all buildings and structures shall not exceed the height limits defined in GHMC 17.99.510(A)(2) and 17.99.510(B). (Ord. 1194 § 36, 2010; Ord. 975 § 58, 2004; Ord. 710 § 55, 1996; Ord. 598 § 2, 1991).

17.48.070 Parking and loading facilities.

Parking and loading facilities on private property shall be provided in accordance with the requirements of Chapter 17.72 GHMC. Although historic net sheds are excluded from the maximum gross floor area requirements in GHMC 17.48.040,

17.48.080

this exclusion shall not affect the calculation of the parking requirements. (Ord. 1278 § 4, 2013; Ord. 1070 § 5, 2007; Ord. 598 § 2, 1991).

17.48.080 Signs.

All signs shall comply with the provisions of Chapter 17.80 GHMC. (Ord. 598 § 2, 1991).

17.48.090 Performance standards.

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC, and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipes, drums, machinery or furniture is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets. Fishing-related equipment is exempt from this standard.

D. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. (Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.)

E. Waterview Opportunity and Waterfront Access.

1. Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner, and provided further, that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with commercial uses or for increased height, as follows:

Maximum Imp. Coverage	Number of Waterview/ Access Opportunities
a. 50/55/70	0
b. +10%	1
c. +10%	2
d. +10%	3

2. Waterview/Harbor Access Opportunities.

a. Waterview opportunity, by means of public view corridors measuring 20 frontage feet along the street or 20 percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public rights-of-way. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the city building code.

b. Waterview opportunity, by means of a five-foot-wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.

c. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be 50 square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.

d. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the fishing pier.

e. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the small boat landing.

f. Harbor access opportunity, by means of a public transient moorage for up to two 30-foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of 100 feet.

F. Design. All development in the WM district shall conform to the design and development standards contained in Chapter 17.99 GHMC. (Ord. 1194 § 37, 2010; Ord. 1086 § 23, 2007; Ord. 975 § 59, 2004; Ord. 598 § 2, 1991).

Chapter 17.50

WATERFRONT COMMERCIAL (WC)

Sections:

- 17.50.010 Intent.
- 17.50.020 Permitted uses.
- 17.50.030 Conditional uses.
- 17.50.040 Development standards.
- 17.50.045 *Repealed.*
- 17.50.050 Site plans.
- 17.50.060 Maximum height of structures.
- 17.50.070 Parking and loading facilities.
- 17.50.080 Signs.
- 17.50.090 Performance standards.

17.50.010 Intent.

It is the intent of the waterfront commercial district to provide a wide range of uses and activities on the shorelines of Gig Harbor located within the area proximate to the downtown business district. Development should be water-oriented and maintain the scale of existing structures. Highest priority will be accorded to those uses that are water-dependent. Other uses that provide a high degree of physical access to the waterfront have the next priority. Those activities that are not water-dependent but maintain or enhance views and the character of the area may also be permitted. (Ord. 573 § 2, 1990).

17.50.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the WC district. (Ord. 1045 § 68, 2006).

17.50.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the WC district. (Ord. 1045 § 70, 2006).

17.50.040 Development standards.

In a waterfront commercial district, the minimum development requirements are as follows:

	Single-Family Dwelling	Attached Up to 4 Units	Nonresidential
A. Minimum lot area (sq. ft.) ¹	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%

Chapter 17.45**EMPLOYMENT DISTRICT (ED)**

Sections:

- 17.45.010 Intent.
- 17.45.020 Permitted uses.
- 17.45.030 Conditional uses.
- 17.45.040 Performance standards.

17.45.010 Intent.

The employment district is intended to enhance the city's economic base by providing suitable areas to support the employment needs of the community. The employment district provides for the location of manufacturing, product processing, research and development facilities, assembly, warehousing, distribution, contractor's yards, professional services, corporate headquarters, medical facilities and complementary educational and recreational uses which are not detrimental to the employment district. Limited retail, business and support services that serve the needs of the employment district tenants and patrons are allowed. The employment district is intended to have limited nuisance factors and hazards. (Ord. 1160 § 6, 2009; Ord. 707 § 1, 1996).

17.45.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the ED district. (Ord. 1045 § 54, 2006).

17.45.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the ED district. (Ord. 1045 § 56, 2006).

17.45.040 Performance standards.

All uses in the employment district shall be regulated by the following performance standards:

A. **Setbacks.** No structure shall be closer than 50 feet to any residential zone or development or closer than 20 feet to any street or property line. Parking shall not be located any closer than 35 feet adjacent to a residential zone or development, or any closer than five feet to any interior lot.

B. **Open Space.** A minimum of 15 percent of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.

C. **Landscaping.** All developed sites shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC. Yards adjacent to residential zones or development shall include a 35-foot-wide dense vegetative screen.

D. **Lot Area.** There is no minimum lot area for this district.

E. **Maximum Height of Structures.** All buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), except as restricted under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3).

F. **Lot Coverage.** There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.

G. **Off-Street Parking.** Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

H. **Exterior Mechanical Devices.** All HVAC equipment, pumps, heaters and other mechanical/electrical devices shall be screened from view from all public rights-of-way.

I. **Outdoor Storage of Materials.** Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public rights-of-way.

J. **Outdoor Lighting.** Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Outdoor lighting shall be shielded so as not to be directly visible from SR-16. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

K. **Trash Receptacles.** Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

L. **Design.** Development in the ED district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

M. **Planned Unit Developments.** A minimum of 65 percent of the site of a planned unit development shall consist of an employment based use.

N. **Sales.** Sales, level 1 and level 2, and marine boat sales, level 2 uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

O. **Restaurants.** Restaurant 2 and 3 uses are limited to no more than 25 percent of the gross floor area of a building.

P. **Site Plans.** The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district. (Ord. 1197 § 25, 2010; Ord. 1194 § 33, 2010; Ord. 1160 § 7, 2009; Ord. 1086 § 22, 2007; Ord. 1045 § 57, 2006; Ord. 975 § 53, 2004; Ord. 753 § 2, 1997; Ord. 707 § 1, 1996).

17.54.030

5. Animal clinic;
6. Ancillary sales;
7. Lodging, level 3;
8. Business services;
9. Ancillary services;
10. Sales, level 1;
11. Commercial child care;
12. Restaurant 1;
13. Restaurant 2;
14. Restaurant 3. (Ord. 1160 § 9, 2009; Ord. 1045 § 74, 2006).

17.54.030 Performance standards.

All uses in the business park zone shall be regulated by the following performance standards:

A. General. Uses which create a risk of hazardous waste spills must provide hazardous waste containment provisions that meet building code, fire code and health and environmental regulations to prevent air, ground and surface water contamination.

B. Setbacks.

1. Category I Uses. No structure shall be closer than 150 feet to any residential zone or residential development and closer than 50 feet to any street or property line. Parking shall not be located any closer than 40 feet to any residential zone or residential development, and closer than 30 feet to any street or property line.

2. Category II Uses. No structure shall be closer than 40 feet to any residential zone or residential development and closer than 30 feet to any street or property line. Parking shall not be located any closer than 40 feet to any residential zone or residential development, and closer than 30 feet to any street or property line.

C. Open Space. A minimum of 20 percent of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.

D. Landscaping. All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC. All required yards shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC.

E. Lot Area. There is no minimum lot area for this district.

F. Maximum Height of Structures. Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. Structure height shall be calculated as provided for in GHMC 17.99.370(D), except as provided under GHMC 17.99.390(A)(3). The maximum building height

shall also be limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire codes.

G. Lot Coverage. There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.

H. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

I. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public rights-of-way.

J. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.

K. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

L. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

M. Design. Development in the PCD-BP district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

N. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

O. Sales, Level 1. Sales, level 1, uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

P. Restaurants. Restaurant 2 and 3 uses are limited to no more than 25 percent of the gross floor area of a building.

Q. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district. (Ord. 1197 § 29, 2010; Ord. 1194 § 40, 2010; Ord. 1160 § 10, 2009; Ord. 1086 § 25, 2007; Ord. 975 § 63, 2004; Ord. 967 § 3, 2004; Ord. 747 § 4, 1997).



**Business of the City Council
City of Gig Harbor, WA**

Subject: Public Hearing and First Reading of Ordinance – Waterfront Millville Restaurant 2 and 3 Uses.

Proposed Council Action: Hold public hearing, consider testimony and review ordinance at this first reading.

Dept. Origin: Planning

Prepared by: Jennifer Kester
Planning Director

For Agenda of: February 23, 2015

Exhibits: Draft Ordinance, Map, Planning Commission Recommendation, Application Materials, Staff Analysis, Public Comments

Initial & Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

SK 2-13-15
RW 2/13/15
email 2/11/15
N/A
JK 2/13/15

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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INFORMATION / BACKGROUND

In May 2014, Gig Harbor Marina, Inc., a property owner in the Waterfront Millville (WM) zoning district, submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted. In addition, the applicant proposed limiting the hours of operation so that last seating is no later than 9:00pm or 9:30pm, depending on the time of the year. The proposal was not specific to any location, but would have applied to all properties within the WM zoning district.

Restaurant 1 uses are currently allowed in this zone as a conditional use permit. Restaurant 1 uses are limited in the type of cooking appliances and can serve wine and beer only in establishments no larger than 1,200 square feet. Currently, Restaurant 1 uses must close by 9:00pm. Based on City definitions, Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits.

After the Planning Commission public hearing on November 20th, 2014, the applicant changed the request to reduce the affected area of WM district and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.*

Based upon the applicant's request and the Planning Commission's recommendation, the attached ordinance contains the amendments listed below. These amendments only affect the portion of the WMill district southeast of and including Susanne's Bakery & Deli (map enclosed).

1. Restaurant 2 and Restaurant 3 uses would be allowed as a conditional use.
2. The maximum hours of operation for Restaurant 2 and Restaurant 3 uses would be from 6:00am to 11:00pm.
3. The maximum hours of operation for Restaurant 1 uses would be amended from 7:00pm to 9:00pm to 6:00pm to 11:00pm to be consistent with Restaurant 2 and Restaurant 3 uses.

According to materials submitted by the applicant on February 3, 2015 (enclosed), they understand the proposed hours of operation to mean customer hours. That is, no customer would be let in prior to 6am and all customers will be gone from the premises by 11pm. The City does not have a definition of hours of operation, but this understanding is consistent with the information provided to the Planning Commission during their deliberations. In addition, this meaning can be easily enforced if needed.

In order to provide adequate public notice of the proposed change, notice of this hearing was published in the Gateway and mailed to over 450 property owners in the Harbor area. Staff also emailed notice to approximately 300 interested parties and provided a website for those seeking more information.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

On December 18, 2014, the Planning Commission recommended denial of the amendment on a vote of 2 to 1. That recommendation was rescinded at the January 15th, 2015 meeting.

After further deliberations on January 15th, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposes hours of operation of 6:00 a.m. to 11:00 p.m.

Please see enclosed Planning Commission Recommendation Packet for the formal recommendation. Minutes and audio from the Planning Commission meetings can be found on the City's webpage.

POLICY CONSIDERATIONS

Criteria for Approval:

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003). The general criteria for approval of text amendments for Chapter 17.100 are as follows:

1. The text amendment should be consistent with the policies in the City's Comprehensive Plan. In regards to this text amendment, the following elements in the Plan are most relevant: Chapter 2, Land Use; Chapter 3, Harbor Element; Chapter 6, Economic Development.
2. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).
It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)
3. The proposed amendment should further public health, safety and general welfare. Some specific items to consider when deliberating on this criterion are:
 - Public comment received (both oral and written).
 - Impacts to utilities, public services and transportation networks.
 - Operational needs/impacts of restaurants: Hours of operation, parking needs, outdoor seating, garbage service, deliveries, size of use, etc.
 - Adjacent uses: existing and zone allowances
 - What conditions have changed since the development regulations were enacted or last reviewed that warrant the proposed amendment?

Gig Harbor Comprehensive Plan:

Goal 2.2.3.e Waterfront Land Use Designation

Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

Goal 3.9.3.a View Basin Neighborhood Design Area

The view basin is the City's heritage. It was within the view basin that the Gig Harbor fishing village was born. Today the view basin is a vibrant mix of retail, restaurant, residential, maritime and community activities contained within the historic neighborhoods of the City. Pedestrian walkways link the historic areas of Finholm, Waterfront Millville, Downtown and Borgen's Corner which serve as neighborhood centers for the surrounding mixture of contemporary and historic homes.

Gig Harbor Municipal Code:

17.04.702 Restaurant 1.

"Restaurant 1" means an establishment that serves food and nonalcoholic beverages and operates without a grill or deep-fat fryer.

17.04.703 Restaurant 2.

“Restaurant 2” means an establishment that prepares and serves food and nonalcoholic beverages.

17.04.704 Restaurant 3.

“Restaurant 3” means an establishment that prepares and serves food and alcoholic beverages.

STAFF ANALYSIS

Attached to this packet is further information on the legislative history of the area; frequently asked questions on the amendment; and staff analysis of parking, design, and use regulations.

SEPA DETERMINATION

The SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed interim ordinance on February 4th, 2015.

RECOMMENDATION / MOTION

Hold public hearing, consider testimony and review ordinance at this first reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO RESTAURANT USES IN THE WATERFRONT MILLVILLE DISTRICT; ALLOWING RESTAURANT 2 AND 3 USES AS A CONDITIONAL USE PERMIT IN THE PORTION OF THE WATERFRONT MILLVILLE DISTRICT ADJACENT TO AND SOUTHEAST OF DOROTICH STREET; EXTENDING THE HOURS OF OPERATION OF RESTAURANT USES IN THE SUBJECT PORTION OF THE WATERFRONT MILLVILLE DISTRICT FROM 7:00AM - 9:00PM TO 6:00AM - 11:00PM; AMENDING SECTIONS 17.14.020 AND 17.48.035 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City currently has three levels of restaurant uses: Level 1, the lowest level use most similar to a deli or coffee shop, through Level 3, the highest level use most similar to a full service sit down restaurant; and,

WHEREAS, Restaurant 1 uses may not use a grill or deep-fat fryer and may only serve beer and wine in establishments no larger than 1,200 square feet; and,

WHEREAS, a Restaurant 1 use requires a conditional use permit in the Waterfront Millville (WM) zoning district; and,

WHEREAS, furthermore, Restaurant 1 uses are currently limited in the WM district to operating hours of 7:00AM to 9:00PM. Restaurant 1 is the only level of restaurant currently allowed in the WM district; and,

WHEREAS, the WM zoning district was established in 1991. The boundaries and intent of the district has remained unchanged since adoption. The intent of the WM is as follows:

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010); and,

WHEREAS, in May 2014, Gig Harbor Marina, Inc., a property owner in the WM zoning district, submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted. In addition, the applicant proposed limiting the

hours of operation so that last seating is no later than 9:00pm or 9:30pm, depending on the time of the year. The proposal was not specific to any location, but would have applied to all properties within the WM zoning district; and,

WHEREAS, Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits in an establishment of any size; and

WHEREAS, the Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014; and,

WHEREAS, after the public hearing, the applicant changed the application to reduce the affected area of WM district and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action;* and,

WHEREAS, on January 15th, 2015, the Planning Commission recommended approval of the amendment. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the WM district. The Commission proposed hours of operation of 6:00 a.m. to 11:00 p.m.; and,

WHEREAS, in 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. The Harbor Vision statement and the adopted Harbor Element of the Comprehensive Plan are the result of that meeting. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes; and,

WHEREAS, currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area; and,

WHEREAS, in the WM district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon; and,

WHEREAS, the portion of WM district where Restaurant 2 and 3 would be conditionally allowed contains the majority of current businesses not related to commercial fishing. This portion of the WM district contains the two existing restaurants, a nail salon, marine supply store, a kitchen goods store and three

marinas. Of the approximately 17 residential dwellings located in the WM district, five exist in the subject portion of the district; and,

WHEREAS, the proposed text amendment is consistent with the following goals and policies in the Comprehensive Plan:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- *Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.*
- *Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.*
- *Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.*
- *Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.*
- *Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.*
- *Policy 3.13.4: Encourage evening activities in the commercial districts;*
and,

WHEREAS, the City Council finds that allowing Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners; and,

WHEREAS, the City Council finds that a closing hour requirement of 11:00pm is more likely to limit the impact of noise and light on surrounding neighborhoods than an unlimited closing time as allowed in other zones. Through the conditional use permit process, narrower hours of operation can be imposed if necessary based on the type of restaurant and operation specifics; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the intent of the WM district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Given the 3,500sf building size limitation and 11pm closing time requirement, Restaurant 2 and 3 uses can be considered a medium-intensity use. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the WM district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized; and,

WHEREAS, the City Council finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process; and

WHEREAS, based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the allowance for Restaurant 2 and 3 uses is not likely to increase potential trips as compared to the potential trips for Restaurant 1 uses. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required; and,

WHEREAS, the WM district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards; and,

WHEREAS, the City Council finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to be open until 11pm in order to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am; and,

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on January 13, 2015, pursuant to RCW 36.70A.106, and was granted expedited review on January 28, 2015; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on February 4, 2015; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on _____; and

WHEREAS, on _____, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.14.020 in the Land Use Matrix chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	C ²⁹	P	C ²⁴	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.

⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.

⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

⁹ Animal clinics shall have all activities conducted indoors in the DB district.

¹⁰ Drive-in theaters are not permitted in the B-2 district.

¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

¹⁴ Residential uses shall be located above a permitted business or commercial use.

¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

- ¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- ¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.
- ¹⁹ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- ²⁰ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- ²¹ Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- ²² See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- ²³ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.
- ²⁴ Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).
- ²⁵ Level 1 and Level 2 charging only.
- ²⁶ Electric vehicle charging stations, level 1 and level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.
- ²⁷ The term "Rapid" is used interchangeably with Level 3 and Fast Charging.
- ²⁸ Only "electric vehicle charging stations – restricted" as defined in Chapter 17.73 GHMC.
- ²⁹ Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a Restaurant 2 or Restaurant 3 use. In other areas of WM zone, Restaurant 2 and Restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.

Section 2. Section 17.48.035 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.035 Hours of operation.

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. Sales, level 1;
2. Boat construction;
3. Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily, except as provided for in subsection C.

C. All restaurant uses on properties adjacent to or southeast of Dorotich Street shall be limited to operating between the hours of 6:00 a.m. to 11:00 a.m., daily.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ____ day of _____, 2015.

CITY OF GIG HARBOR

Tim Payne, Mayor Pro Tem

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

Waterfront Millville
 Restaurant 2 and 3
 Proposed Area
 12/4/14

Legend

- Tax Parcels
- Base Parcel
- Condominium
- Other
- Orthophotos - 2011 - GH

Printed: 12/2/14 12:26 PM

Scale 1:3,437

0 140 280 ft.



The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos may not align with other data. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. Pierce County makes no warranty of fitness for a particular purpose.



DEVELOPMENT SERVICES

NOTICE OF RECOMMENDATION

**CITY OF GIG HARBOR PLANNING COMMISSION
PL-ZONE-14-0002**

TO: Mayor Guernsey and Members of the Council
FROM: Jim Pasin, Chair, Planning Commission
RE: PL-ZONE-14-0002 – Restaurants 2 and 3 as conditional uses in a portion of the Waterfront Millville zone

Application:

John Moist, on behalf of Gig Harbor Marina Inc. a property owner in the Waterfront Millville zoning district, has requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted. The applicant proposes a closing time of 11pm. The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of Waterfront Millville District south of and including Susanne's Bakery & Deli.

Planning Commission Review:

The Planning Commission held work-study sessions on this amendment on November 6th, 2014, December 4th, 2014, December 18th, 2014 and January 15, 2015. A public hearing was held on November 20th, 2014.

On January 15th, 2015, the Planning Commission recommended approval of the amendment. The chair concurred with the vote of 3-2 in favor. In addition, the Planning Commission recommended changes to the hours of operation limitations for all restaurant uses in the affected area of the Waterfront Millville district to have consistency between restaurant types and have predictability for nearby residents. The Commission proposes hours of operation of 6:00 a.m. to 11:00 p.m.

The Planning Commission made these recommendations after reviewing the general criteria for approval found in the text of Chapter 17.100 of the Gig Harbor Municipal Code - Amendments, which can be categorized into three separate criterion as follows:

- A. The text amendment should be consistent with the policies in the City's Comprehensive Plan.
- B. The proposed development regulation change should be consistent with the intent of the zoning district for which it applies: the Waterfront Millville district (WM).

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (GHMC 17.48.010)

C. The proposed amendment should further public health, safety and general welfare.

Findings of Fact:

The Planning Commission makes the following findings of fact in relation to their recommendation of approval:

1. The City's Comprehensive Plan includes the following goals and policies which support the amendments:

- Policy 2.2.3.e: **Waterfront Land Use Designation**
Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses.

From the Harbor Element:

- Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.
- Policy 3.10.3: Encourage appropriate commercial and retail services at street level to improve the pedestrian experience.
- Policy 3.12.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor.
- Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor.
- Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors.
- Policy 3.13.4: Encourage evening activities in the commercial districts.

2. In 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. Out of that town hall meeting came the Harbor Vision statement and the now adopted Harbor Element of the Comprehensive Plan. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area; the votes were not zone specific. This was the second highest tally; groceries received 43 votes. Over 120 people attended the town hall meeting.

3. Currently there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area.
4. Restaurant 1 uses are currently allowed in the Waterfront Millville district as a conditional use. Restaurant 1 uses may not use a grill or deep-fat fryer and can serve wine and beer only in establishments no larger than 1,200 square feet. Restaurant 1 uses may open at 7:00am and must close by 9:00pm in the Waterfront Millville district. Restaurant 2 uses have no cooking appliance limitation but cannot serve alcohol. Restaurant 3 uses have no cooking appliance limitation and can serve wine, beer and spirits with no size limitation.
5. In the Waterfront Millville district, there are two Restaurant 1 uses: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon.
6. Buildings in the Waterfront Millville district are limited to 3,500 square feet of gross floor area; therefore, Restaurant 2 and 3 uses would be limited to 3,500 square feet. Restaurant 1 uses are also limited to 3,500 square feet unless they serve wine and beer. In that case, Restaurant 1 uses are limited to 1,200 square feet.
7. After the November 20th, 2014 public hearing, the applicant changed the application to reduce the affected area of Waterfront Millville and proposed a closing hour of 11:00pm. The November 26th, 2014 letter where these changes were proposed stated: *We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.*
8. The portion of Waterfront Millville district where Restaurant 2 and 3 would be allowed contains the majority of current businesses in the district that are not commercial fishing related. The subject area is approximately 5.5 acres and contains 19 tax parcels. This portion of the Waterfront Millville district contains the two current restaurants, a nail salon, marine supply store, a kitchen goods store and three marinas. Of the approximately 16 residential dwellings located in the Waterfront Millville district, three exist in the subject portion of the district.
9. A closing hour requirement of 11:00pm is more likely to limit the impact of noise and light on surrounding neighborhoods than an unlimited closing time as allowed in other zones. Through the conditional use permit process, a stricter hours of operation can be imposed if necessary based on the type of restaurant and operation specifics.
10. Allowing a Restaurant 2 and 3 uses as a conditional use is appropriate. Through the conditional use permit review, a specific restaurant's impacts will be considered and mitigated if necessary. This includes concerns about compatibility with any adjacent residences, parking needs and availability, greater limitations in the hours of operations, and impact of restaurant operations such as delivery trucks, lighting, outdoor seating, smells, and garbage service. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice to the general public and neighboring property owners.
11. The Planning Commission finds that the proposed amendment is consistent with the intent of the Waterfront Millville district. The district is intended for medium intensity, mixed uses. The zone gives emphasis to medium-density residential, marine-dependent and marine-related uses. However, other uses which enhance the historic fishing village atmosphere and are harmonious with surrounding residential areas are encouraged. Given the 3,500 size limitation and 11pm closing time

- requirement, Restaurant 2 and 3 uses can be considered a medium-intensity use. By locating the allowance for Restaurant 2 and 3 uses in the more commercial area of the Waterfront Millville district and requiring a conditional use permit, an individual restaurant's impacts to the surrounding residential area can be minimized.
12. The Planning Commission finds that the amendment furthers the general welfare and enhances the historic fishing village atmosphere by filling an identified need of the community, attracting visitors to the area, helping with business retention, and generally adding vitality to the Harbor area while minimizing the impact to the surrounding residents through the conditional use permit process.
 13. Based on the average peak p.m. hour vehicle trips for the City's restaurant use categories as quantified by the ITE Trip Generation manual, the proposed change to allow Restaurant 2 and 3 uses is not likely to increase trips as compared to a Restaurant 1 use already allowed. Through the review of a conditional use permit application for a specific restaurant, a detailed traffic trip generation study will occur and traffic mitigation measures, if necessary, will be required.
 14. The Waterfront Millville district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Any new or substantially remodeled building for a restaurant use must meet the Historic District design standards.
 15. The shoreline environment designation for the portion of the Waterfront Millville district where Restaurant 2 and 3 uses would be allowed is the City Waterfront. Restaurant uses are considered commercial uses under the Shoreline Management Program (SMP) and commercial uses consistent with the City's zoning code are allowed in the City Waterfront designation. Therefore, if this amendment is approved by ordinance of the City Council, Restaurant 2 and 3 uses will be allowed under the SMP.
 16. The Commission finds that in addition to Gig Harbor Marina's request, Restaurant 1 uses within the affected area should be allowed to be open until 11pm in order to be consistent with Restaurant 2 and 3 uses. In addition, for consistent application of performance standards for restaurants within the affected area and for predictability for nearby residents, all restaurants should not be allowed to be open until 6am.

Jim Pasin, Chair
Planning Commission



Date January 15, 2015

PL-ZONE-14-0002

CITY OF GIG HARBOR
APPLICATION

CITY USE ONLY



Zoning Code Text Amendment



Area-Wide Zoning Map Amendment

Date Received:

5/20/14

By:

Receipt #

By:

Name of project / proposal:

ALLOW RESTAURANT 2 & 3 IN WM WITH CUP

Applicant:

JOHN MOIST

(Name)

3323 HARBORVIEW DRIVE

Street Address

851-1793

Phone

GIG HARBOR, WA

City & State

98335

Zip

Owner:

GIG HARBOR MARINA, INC.

(Name)

3323 HARBORVIEW DRIVE

Street Address

851-1793

Phone

GIG HARBOR, WA

City & State

98335

Zip

(We):

(Name)

JOHN MOIST 6-20-14

Signature

Date

Signature

Date

do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the herein described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.

Property Location (for map amendment):

Address: 3315 HARBORVIEW DR

Section: 05 Township: 21 Range: 02

Assessor's Tax Parcel Number: 59700000003

Full Legal Description (attach separate sheet if too long)

Acreage or Parcel Size

Utilities:

1. Water Supply (Name of Utility if applicable)

a. Existing: CITY

b. Proposed:

2. Sewage Disposal: (Name of Utility if applicable)

a. Existing: CITY

b. Proposed:

3. ACCESS: (name of road or street from which access is or will be gained.)

HARBORVIEW DRIVE

For Map Amendments:

Current Zoning District:

Requested Zoning District:

Existing land use: Describe (or illustrate separately) existing land use, including location of all existing structures and setbacks (in feet) from property lines.

**WATERFRONT MILLVILLE TEXT AMENDMENT
(REVISED DECEMBER 29, 2014)**

Title to be amendment:	17
Chapter:	17.14
Section:	17.14.020 (Land Use Matrix)
Proposal:	Add Restaurant Level 2 and 3 as allowed uses in the WM zone with approval of a Conditional Use Permit by the Hearing Examiner
Performance Standards:	1) Any Level 2 or 3 restaurant must close by 11:00 pm, seven days a week 2) Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request Conditional Use Permit approval for a Level 2 or Level 3 Restaurant.



3323 Harborview Drive Gig Harbor, WA 98332
(253) 851-1793

RECEIVED

NOV 18 2014

CITY OF GIG HARBOR

November 18, 2014

Gig Harbor Planning Commission
3510 Grandview Street
Gig Harbor, WA 98335

**RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)**

Dear Members of the Planning Commission:

Following our presentation to you on November 6, 2014, Staff asked us to answer a number of questions in order to provide more clarity before you make your recommendation on the proposed zoning code test amendment change to allow Level 2 and 3 restaurants in Waterfront Millville. Thank you for the opportunity to submit the answers to those questions. It is our hope that you will recommend that City Council adopt the changes we have proposed.

Will this Proposed Change Remain Consistent with the Comprehensive Plan?

In addition to the four policies cited in the staff report, we think you also need to consider two additional policies and one Goal.

- Policy 3.12.1 Identify and amend current regulations and procedures that inhibit economic vitality with the Harbor. *Our proposal is following exactly what this policy intends be done . . . amend the Code to implement the adopted policy. Too often policy documents are adopted and never implemented, resulting in the policy exercise being a waste of time. Let's not continue this trend. We heard one of the Planning Commissioners talk about this at the November 6th Work-Study Session, indicating agreement that implementation should occur, however, he stated that implementation should not be done piecemeal, but all at once. We are here now asking you not to wait. If the comprehensive implementation strategy that may come at some point in the future wants to take things in a different direction than we are proposing, the City can make further changes at that time. It would be unfair to delay now in hopes that this may be addressed eventually. We should implement this policy now.*
- Policy 3.12.2 Work with the downtown business, property owners and community groups to establish a stronger economic base in The Harbor. *We represent a current downtown business and property owner who intends on moving forward with a project if the amendment is adopted. The project will further this policy by providing a new restaurant along our major downtown thoroughfare, attracting and retaining more business downtown. Moreover, allowing for Level 2 and 3 restaurants in the WM zone where appropriate will only strengthen the Harbor's economic base. What land use attracts more daily visitors to an area than a good restaurant? Diners will*

come into the area to eat, and then spend their time before or after their meal walking up and down Harborview and patronizing other businesses.

- Goal 3.13 Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors. *Again, allowing for Level 2 and 3 restaurants in the WM zone where appropriate will only strengthen the diversity of services in the area.*

What was the Intent of Waterfront Millville Zone in 1991?

The following statement is a quote from a Millville resident and property owner who asked to remain anonymous.

“WM was created in the early 90's when the city was undergoing a complete revision of an antiquated Zoning Code that was modeled after Pierce County's codes. The original plan was to make a new WC zone that extended approximately from the Tides Tavern to what is now Anthony's. I was part of a citizens group that was successful in changing the Council's mind and carving out, what is now, WM. The reasons we worked for the designation were because we wanted to retain the mixed use, but mostly residential feel of the area. When I bought my home the neighborhood was almost all rentals that were in a sad state of disrepair. My wife and I and others took a risk investing in the residential future. At the time of the creation of WM, the nature of the neighborhood was still in doubt and both sides of the street could have gone completely commercial. We wanted to be as strict as we could to preserve what we had and encourage residential reinvestment. Many of us were raising families and the tighter we could make the regulations, the better. WM was created not to stop commercial development, but to establish standards for the scale and scope of that development; as well as to encourage the continued reinvestment in single-family homes in the R1 zone on the opposite side of the street, by giving reassurance that the character of the neighborhood would be retained.”

Has anything changed to make this zoning code text amendment more appealing to the public?

“In my mind two things have changed. The residential future is no longer in doubt. Many have now invested and continue to invest in single-family homes and condos. Where values were less than \$80,000 in 1990, they are now worth well north of \$500,000 with some approaching and exceeding seven figures. Empty lots that were \$25,000 are now over \$300,000; if you can find one. Tear down conversions to commercial are no longer a worry and the city (government and citizens) now realize the value of the residential nature of the area. If you had heard the testimony in the 90's you would appreciate that that wasn't always so. T-shirt and Basket shops looked to be in the cards. Creation of WM was a tipping point. It laid the groundwork for what we have today. The mix is good, the precedents are established, and a slight change in any direction will not make a significant difference in the residential future of Millville.

The second thing that has changed is the age and interests of the residents. We are no longer households with younger children and no time, money, or inclination for good restaurants. The residents of the area are mature adults who enjoy a fine beverage of choice and a quality meal within walking distance. We have seen that, within reason, a restaurant can be a compliment to a mixed use area such as Millville. A few years ago I went door to door in the neighborhood to find out how the actual residents felt about adding wine and beer to allowed uses. Interestingly those who lived the closest to where it was likely to happen (the old Red Rooster and Suzanne's Deli) were, for the most part, fine with the idea. A majority of the negatives came from those who lived farther away – close to Stinson and up on Ross. The main concerns of everyone were parking and noise. These fears have proven to be unfounded and, to the best of my knowledge, there have been no serious complaints or problems with the addition of alcohol. Those few

who actually live in the WM zone (the water side of Harborview) and close to where the changes were to take place, were overwhelmingly in favor of it."

Will the Adoption of the Harbor Element lead to a Row of Restaurants in a Residential Neighborhood?

"I have previously gone over every parcel with the potential of redevelopment in the WM zone. Based on economic, geographic, topographic, and regulatory restraints, a "waterfront restaurant row" is something that lives only in a very vivid imagination. The truth of the matter is that this is not about any one restaurant. This is a simple request by a property owner to change the zoning code. It is a non-messy straight-forward request. The Planning Commission will, as they always do, make a recommendation based on their best evaluation of the long term pros and cons of the request. The Council will make a decision giving heavy weight to the Planning Commission's recommendation, but also taking into account our opinion of what will benefit the city as a whole."

End of City Council Member's statement

Conditional Use

This process will ensure that no Level 2 or 3 restaurant is allowed unless the Hearing Examiner is satisfied that the all the required findings spelled out in 17.64 have been or will be met. There is no limit to the number or types of conditions that the Examiner can place on a proposal.

Are There a Maximum Number of Square Feet being Considered in the Amendment?

As we stated at the hearing, it would be appropriate to limit any new use to no more than 3,500 square feet. We would support such a recommendation.

What is the Proliferation and Cumulative Impact on the Zone?

As we stated at the hearing, the limited available parking and the size limitation will effectively block any large restaurant from ever considering locating in the WM zone. We've worked with several local and national restaurant chains over the last 25 years, and they all have very strict site requirements before they'll even consider a new location. They need guaranteed parking within a fixed distance of the front door and they need a minimum square footage; if a site can't meet the standard it will not be selected. We can ask any shopping center owner in Gig Harbor who has been through the process with these chains . . . there is no flexibility. The only type of restaurant we will ever see in the WM zone is a local, one-off type. We'd be surprised if there ever more than 2 who tried to locate in the WM zone.

In closing it is our hope that you will recommend that City Council adopt the changes we have proposed to the zoning code test amendment change to allow Level 2 and 3 restaurants in Waterfront Millville.

Very truly yours,



John R. Moist, Applicant

Arabella's Landing Marina
3323 Harborview Drive
Gig Harbor, WA 98332
253-851-1793

November 26, 2014

Gig Harbor Planning Commission
3510 Grandview Street
Gig Harbor, WA 98335

RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)

Dear Members of the Planning Commission:

Thank you in advance for your thoughtful deliberation on this matter. After the public hearing, we read through our notes and want you to consider the following. There were 18 citizens who provided testimony at the Public Hearing. The following is a breakdown of that testimony:

- 5 Number of citizens who openly support the amendment
- 3 Citizens whose primary concern was regarding traffic
- 1 Citizen whose testimony was almost exclusively about parking
- 1 Citizen who talked very specifically about a restaurant's impact on neighboring homes, including hers.
- 10 Citizens who had no real specific concerns, but whose testimony was very generalized. They just want things to stay the way they are or go back to how they were when they moved to town (be it 10 or 110 years ago).

The following is our response to these concerns.

Traffic Impact:

As to traffic impact, staff pointed out with back up information from the Institute for Traffic Engineers (ITE) manual, that a Level 2/3 Restaurant has no more impact on traffic than a Level 1 Restaurant (already allowed in this zone). Moreover, restaurants are off-peak traffic generators; the vast majority of trip generation is outside of the peak traffic hours (which are 4-6 pm in the evening according to the ITE). Additionally, according to public testimony by those who live along Harborview Dr. in WM the peak traffic flow occurs mid-day when restaurants are the least busy. 18,000 vehicles travel up and down Harborview Drive every day. The traffic impact restaurants with 25 to 35 tables will contribute to the overall traffic scheme is practically immeasurable. Finally, any proposed restaurant will have to submit a traffic impact analysis and provide required mitigation as well as paying traffic impact fees. Traffic impact from this proposal is a non-issue.

Delivery Trucks:

Trucks delivering produce, meat and other food items were a concern. Deliveries to restaurants are made in the early morning hours, 6 to 7 am. Considering the clustered affect of the buildings suitable in WM as potential Level 2/3 Restaurants (see building suitability analysis below) they are all within a few feet of the two current Level 1 Restaurants. Therefore deliveries to any new restaurant would take place at the same time and in the same immediate proximity to existing deliveries. Additionally, delivery trucks would not have to move to facilitate a new restaurant's deliveries. By the time peak morning traffic flow increases at 8 am the delivery trucks would be gone. Therefore there is no change to the truck noise and lights over what it is today.

Additionally, if the PC endorses the Performance Standard for Level 2/3 Restaurants in WM we have recommended in **Proposed Options** (below) then the issue of delivery truck noise and lights becomes another non-issue over what it is today.

Parking:

Parking downtown is what it is: the City, at times, has a deficit of public parking places and no one disputes that. But this shouldn't be a reason to recommend against this proposal. This is a broader issue that our Council and Mayor have repeatedly looked at and have resolved that it can't be a deterrent to development and re-development downtown or else we'd have neither. As we testified, the lack of convenient, reliable, and consistently available parking will be the biggest factor an investor considers when deciding whether or not to develop a restaurant in this or any other area. Without parking, the chances of restaurant failure are simply too high. The only type of neighborhood where a restaurant can survive without parking must have a high density population . . . and that is not Gig Harbor. Gig Harbor's restaurant patron's drive and they need a place to park their car within a reasonable distance of the restaurant. This is a market factor that will control and limit the number of restaurants attempting to locate in the WM zone.

16 Non-Residential Buildings in WM and Their Current Use:

One citizen spoke specifically about how the existing Level 3 Restaurant adjacent to Residential Millville already impacts her home. Her major concern is how a restaurant row along Harborview Drive would exacerbate the situation. Staff reported that there are 16 non-residential structures in WM that have the potential to become restaurants:

- Six of the 16 are net sheds with an average of 1,250 square feet of floor space. Of those three are working fishermen's sheds. To convert those buildings into restaurants would mean abandoning their fishing operations. One net shed is used for storage/office space and located at water's edge of an already busy dead end street with no parking. One is used as a Marina's Club House for visiting boaters and one is already a 1,200 square foot Level 1 Restaurant.
- Two small structures, approximately 600 square feet are upland offices and bathrooms both associated with operating marinas.
- One is a newly remodeled gift shop of 1,000 square feet.
- One is a 3,500 square foot marine supply store.
- One building is a newly remodeled fishing company's headquarters and storage facility.

- One is a 1,300 square foot tin garage requiring complete demolition prior to converting into anything useable other than for storage and is currently due for complete demolition by the property owner.
- One is a 2,400 square foot building currently housing a nail salon in half of the building and the other half is a Level 1 Restaurant.
- The last three buildings have been used as office space for years, one a real estate office and the other an attorney's office and the last a yacht sales office.

Of these sixteen structures only six are located right on Harborview Drive while ten are set back quite a distance from the street.

Architectural Analysis/Feasibility Study of 16 Non-Residential Buildings as Level 2/3

Restaurants:

We hired Architect, Mikes Yanick and Associates to evaluate these building for suitability as Level 2/3 Restaurant conversions. He reported the following:

- The only real suitable building is the marine supply store located at 3315 Harborview Drive. The 3,500 square foot two story, three and a half year old building has 29 off street parking spaces with an additional 12 spaces of shared parking next door. The building will only require interior tenant improvements to convert to a restaurant.
- The existing Level 1 Restaurant/Nail Shop at 3409/3411 Harborview Dr. could be converted, and currently only has four off street parking spaces.
- The old Telephone Company office at 3417 Harborview Dr. is approximately 4,000 square feet and has 13 Parking spaces. This building may exceed the maximum 3,500 square feet that we are recommending for Level 2/3 Restaurants in WM. The building is very old and would require extensive restructuring.
- The Old Brocato building at 3425 Harborview Dr. is a small brick cottage approximately 1,700 square feet and an attorney's office with no off street parking.
- The yacht sales office set back off of Harborview Dr at 3419 is another small building with 2 off street parking spaces and might make a small boutique restaurant on the water.
- What is interesting about all of these buildings is that they are clustered along approximately 500 lineal feet of Harborview Drive from 3315 to 3425 including the width of Dorotich St.
- Mr. Yanick felt that the remaining buildings are unsuitable as Level 2/3 Restaurant conversions due to current use, location, available square footage and the lack of off street parking.

Restaurant Row Impact:

May we remind you that three years ago the Planning Commission and Council approved a text amendment allowing Level 1 Restaurants in WM to serve beer and wine and remain open until 9 pm. If restaurants who serve alcohol are such big and popular money makers why has not one more Level 1 Restaurant sprung up in WM. The reason is lack of parking, cost of conversion and the failure rate of new restaurants. It is a bad business decision and it will remain a bad business decision for 14 of the aforementioned property owners to attempt a restaurant conversion.

The citizen we referenced above lives directly across the street from 3315 Harborview Drive and for whom a restaurant in that location will have the greatest impact. Her concern is with a restaurant row up and down Harborview drive leading to the demise of a quiet-quiet little neighborhood. She testified at the Public Hearing last week that she was not in favor of a restaurant going in directly across the street from her home. Since that hearing, however, she has done her research and has come to the conclusion that, while remotely possible, a restaurant row is out of the realm of financial practicality. She has since written an e-mail to Staff expressing her support for our text amendment change request. She still wants to hear from Staff regarding the 16 structures.

As for the rest of the testimony, we believe you heard a lot of what you always hear from that handful of citizen activists who show up at your meetings, “we just want it to stay the way it is or go back to the way it was”. We are sure each of you has to wrestle with this sentiment over-and-over again as Planning Commissioners. Planning is the science of managing the development of land, and our City Council trusts you to be our volunteer planners and help manage Gig Harbor’s development. Please consider all citizen input as you deliberate.

What Has Changed in Millville Since 1991?:

What has changed to create an atmosphere where a full service restaurant is no longer a threat to the majority of Millville residents? According to a community leader and promoter for Millville’s current zoning requirements, three things have changed.

- The residential future of Millville is no longer in doubt. All of those elements which went into initially protecting this historical neighborhood laid the groundwork for what we have today. The mix is good, the precedents are established, and a slight change in any direction will not make a significant difference in the residential future of Millville.
- The second thing that has changed is the age and interests of the residents. There are no longer households with younger children and no time, money, or inclination for good restaurants. The residents of the area are mature adults who enjoy a fine beverage of choice and a quality meal within walking distance. A restaurant can be a compliment to a mixed use area such as Millville.
- With the addition of beer and wine to WM Level 1 Restaurants three years ago it was feared by many that increased noise, traffic and alcohol related incidents would seriously disrupt the neighborhood. These fears have proven to be unfounded and there have been no serious complaints or problems.

Many residents take advantage of those changes and enjoy a nice meal and glass of fine wine on a summers evening overlooking the water. Times change and people change but the little pleasures in life do not change.

Proposed Options:

Lastly we offer the following options to the original language in our Test Amendment Change Request:

- In lieu of last seating times of 9 pm during the winter and 9:30 during the summer Level 2 and 3 restaurants shall close at 11 pm at the latest year round. Even with the last seating at 9 or 9:30 pm it usually takes an hour or more for a five star dining experience. The 11 pm closing time firms this issue up.
- Consider a specific Performance Standard for Level 2 and 3 Restaurants as a conditional use in that they are only allowed in the area of WM that is predominately commercial at this time. The demarcation line that we are suggesting is South East of 3417 Harborview Dr encompassing 3411 and 3409 Harborview Dr (currently Susanne's Bakery & Deli and the New York Nail Salon) to the property directly to the North West of the Waterfront Commercial Zone (currently Pleasure Craft Marina).
- We believe that these options would be preferable to the residents of Millville, therefore we are recommending this as your course of action.

Conclusion:

It is almost impossible to predict what another property owner will do with his or her property in the future. All we can do is provide you with the best analysis available at this time using historical data, experts and a little common sense. It has been a difficult task to provide you with what ifs for all of WM. The major concerns surrounding this text amendment request really boil down to:

- Traffic impact
- Delivery trucks
- Off-street vs. on-street parking
- Proliferation of restaurants
- Impact on the historical neighborhood

We feel confident that we have answered the questions surrounding these concerns. Should you have further questions please contact me at 253-255-5050 or at arabellas@harbornet.com.

Respectfully submitted,

John R. Moist

John R. Moist, Applicant

Arabella's Landing Marina

3323 Harborview Drive
Gig Harbor, WA 98332
253-851-1793

November 26, 2014

Gig Harbor Planning Commission
3510 Grandview Street
Gig Harbor, WA 98335

**RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)**

Dear Members of the Planning Commission:

As the Applicant, we have conducted an ad hoc parking study of the 23 on street City parking spaces located along both sides of Harborview Dr. from 3411 (Susanne's Bakery and Delicatessen to 3313 (Bella's Kitchen and Home). A random car count was conducted between 5pm and 8pm from November 20, 2014 to December 2, 2014 for a total of 13 days. Those 13 days encompassed two full weekends. The two busiest nights were Friday the 21st with 7 cars parked and Saturday the 29th with 8 cars parked. Over that 13 day period a total of 56 cars were counted for an average of 2.4 cars parked in the available 23 spaces or about 11% of the available spaces. We selected the 5pm to 8pm time slot as this is the busiest time of restaurant operations.

What this study indicates, albeit only about half a month in duration, is that there is adequate on street (off-peak) evening parking for residents living between 3313 Harborview Dr. and 3411 Harborview Dr. during the busiest operating hours of a restaurant.

In our second letter to the Planning Commission dated November 26, 2014 we proposed the PC consider a specific Performance Standard for Level 2 and 3 Restaurants as a conditional use in that they are only allowed in the area of WM that is predominately commercial. The demarcation line that we are proposing is South East of 3417 Harborview Dr. encompassing 3411 and 3409 Harborview Dr. (currently Susanne's Bakery & Deli and the New York Nail Salon) to the property directly to the North West of the Waterfront Commercial Zone (currently Pleasure Craft Marina). As a note, there are no homes with on street parking spaces from 3313 Harborview Dr. to Pleasure Craft Marina.

Additionally, should a Level 2/3 Restaurant be allowed to operate at 3315 Harborview Dr. the restaurant owner will employ a Valet Service for, at least, Friday and Saturday evenings removing all cars from on street parking. Any night that Valet Service is not available, patrons will be directed to park in the 12 stall "shared parking" lot at the rear of 3313 Harborview Dr. or in the dedicated 29 stalls associated with the 3315 address. Either way on street parking will be a non-issue for residents living in that particular area along Harborview Dr.

Respectfully submitted,

John R. Maist,
Applicant

HALSAN FREY LLC
REAL ESTATE DEVELOPMENT CONSULTING SERVICES

February 3, 2015

RECEIVED

FEB 3 2015

Ms. Jennifer Kester, Director
Gig Harbor Planning Department
3510 Grandview Street
Gig Harbor, WA 98335

CITY OF GIG HARBOR

RE: PL-ZONE-14-0002
(Restaurants 2 & 3 in Waterfront Millville Zone)

Dear Ms. Kester: *JENNIFER*

Before the City Council begins deliberating the above captioned proposal that recently received an approval recommendation from the Planning Commission, we thought it would be a good idea for us to clarify our proposal with regard to "hours-of-operation". It's a term well understood with most businesses, but can be a little bit different as applied to restaurants. So that we are clear, the hours of operation in the proposal going before Council are 6 am to 11 pm, seven days per week.

In general, these hours can best be understood as customer hours. That is, no customer will be let in the doors until after 6 am; and all customers will be gone from the premises by 11 pm. At opening, this is always easy to implement and enforce. At closing, it is the responsibility of the restaurant's staff to ensure all customers have left by closing. This is not a new concept in the restaurant business . . . staff knows to watch the clock very carefully as closing time nears. It will just be a matter of training for all staff to know when to give fair-warning to any diners still on premises that closing time is coming. In talks with other restaurant owners in town, this is common practice to ensure overtime costs are kept in control and no licensing or permitting limitations are violated. In addition, with fine dining, we have learned that a typical restaurant doesn't seat anyone later than 2 hours before closing. With something less than fine dining, it is usually just one hour.

As for delivery hours, it is our proposal that these would be limited to the same hours: 6am - 11 pm.

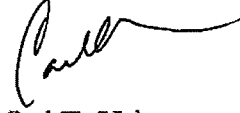
There will be employees on site before opening and after closing. Before opening, ovens need to be warmed and coffee brewed. After closing, dishes need to be washed, mop up and housekeeping needs to be completed, tills closed, money counted and nightly deposit prepared. All this is "quiet" work and done indoors.

PO BOX 1447 GIG HARBOR, WA 98335
MOBILE: (253) 307-1922
carl@halsanfrey.com

February 3, 2015

Please call me with any questions at (253) 307-1922.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl", with a long horizontal flourish extending to the right.

Carl E. Halsan
Member

c: Gig Harbor Marina

Background, Staff Analysis, and Frequently Asked Questions

BACKGROUND INFORMATION

The Land Use Matrix (GHMC 17.14) allows Restaurant 1 uses as a conditional use in the Waterfront Millville zoning district. In addition, Restaurant 1 uses are limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily (GHMC 17.48.035(B)).

In 1991, the City created the Waterfront Millville (WM) zoning district (Ord. 598). The boundaries and intent of the district has remained unchanged since adoption. The Planning Commission recommendation from 1991 which was incorporated in the adoption ordinance states the following as the reasoning behind the new zone creation:

The planning commission recognizes the need for an additional waterfront district that offers a combination and variety of uses permitted in the WC and WR sections, but at an intensity and scale weighted toward a residential-recreational environment. The proposed [WM] district is applied exclusively to the historic Millville waterfront area and it is considered a reasonable compromise which balances the desires of landowners to have a variety of development options while protecting the overall residential-recreational uses existing.

In 2011, the City amended the performance standards for Restaurant 1 uses in the Waterfront Millville to allow wine and beer service in establishments no larger than 1,200 square feet and extended the closing time from 7:00pm to 9:00pm (Ord. 1213). The amendment was proposed by John Moist on behalf of Stanley and Judith Stearns. The findings of the Council in the ordinance include that these changes would help with business retention and vitality of the area while minimizing the impact to the surrounding residents through the size limitation.

In 2012, the City held a town hall meeting to solicit ideas and feedback on the downtown. Out of that town hall meeting came the Harbor Vision statement and the now adopted Harbor Element of the Comprehensive Plan. At the town hall meeting, attendees were asked what uses are needed in downtown. 36 people identified restaurants as a needed use in the downtown area. This was the second highest tally; groceries received 43 votes. It should be noted that these votes were not zone-specific. Over 120 people attended the town hall meeting.

In May 2014, John Moist, on behalf of Gig Harbor Marina, Inc., submitted an application for a zoning code text amendment to allow Restaurant 2 and Restaurant 3 uses in the WM zoning district provided a conditional use permit is granted.

The Planning and Building Committee and City Council reviewed the request in July 2014 and chose to send the application to the Planning Commission for review in late 2014.

STAFF ANALYSIS

Based on a review of the revised application materials, staff would like to provide the following observations:

Hours of Operations: Restaurant 1 uses in the WM district are currently limited to operating between 7:00 a.m. to 9:00 p.m. For Restaurant 2 and 3 uses, the applicant proposes a closing time of 11:00pm; no opening hour limitation is proposed. On January, 15th, 2015, the Planning Commission recommended that the maximum hours of operation be from 6:00am to 11:00pm

Size of Operations: Lots in the WM district are currently limited to 3,500 square feet of gross floor area. No one building may be larger than 3,500sf and no combination of buildings on a lot can exceed 3,500sf. In addition, Restaurant 1 uses that serve wine and beer are further limited to 1,200 square feet. The applicant does not propose a size limitation for Restaurant 2 and 3 uses. A Restaurant 3 use can serve all types of alcoholic beverages.

Parking Requirements for Restaurants: The parking code requires one off-street parking space for every three seats based on a seating plan submitted to the planning director showing a reasonable seating capacity for the dining area. Exceptions to that requirement occur in two situations: 1) Existing Nonresidential Buildings and 2) Restaurants associated with a Marina:

1) Existing Nonresidential Buildings: If a building with nonresidential uses existed as of January 2012 or is at least 3 years old, the use of the building may change to another nonresidential use without the requirement to provide additional off-street parking spaces; provided, that any existing off-street parking spaces allocated to the existing building are not removed or reduced. This applies only if the building is not expanded or reconstructed. Based on staff observations, there are 10 nonresidential buildings in the designated portion of WM, including net sheds.

2) Restaurants associated with a Marina: The parking code allows that if a commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage. This could mean that restaurants would not need dedicated parking if associated with a larger marina that requires a greater number of parking stalls than the restaurant.

Summary: Since restaurants typically require more parking than other nonresidential uses and the potential to build new parking stalls in Waterfront Millville is limited, restaurant uses are most likely to locate in an existing building or be associated with a marina use.

Remodeling/Reconstruction of Existing Nonconforming Buildings: The City's Shoreline Master Program regulates the remodeling and reconstruction of nonconforming buildings in the WM district. An interior-only remodel which does not increase a

structure's nonconforming (such as to gross floor area) is not considered reconstruction. Furthermore, exterior remodel work that does not take the building down to the foundation is not considered reconstruction. A building may be intentionally reconstructed/remodeled to the same or smaller configuration provided the structure is reconstructed/repared within 1 year of the removal. In addition, nonconforming structures that are within 10 feet of the OHWM can be reconstructed provided the structure is moved so that 10 feet of vegetative buffer is provided along the shoreline. However, in the case of complete reconstruction, the provisions for parking for existing buildings above would no longer apply.

Traffic Impacts: Based on discussions with the Engineering Division and on a review of the average peak p.m. hour vehicle trips for the City's restaurant categories (1, 2 and 3) as quantified by the ITE Trip Generation manual, the proposed change to allow Restaurant 2 and 3 uses is not likely to increase the potential trips as compared to the potential trips for Restaurant 1 uses already allowed. If this amendment is approved and a conditional use permit application (CUP) for a specific restaurant is submitted, a detailed traffic trip generation review will occur and mitigation measures, if necessary, will be required through SEPA or the CUP.

General Design Standards for Restaurants in Waterfront Millville: The Waterfront Millville district is entirely located within the City's Historic District, a design district overlay with detailed design standards intended to ensure that the historic character of downtown is maintained. Unless a restaurant is locating within an existing building and no exterior changes are being made, the new or remodeled nonresidential building would need to meet the following general design standards.

- **Roof Form:** The roof may be flat with a cornice or pitched with a minimum pitch of 6/12. The ridge of a pitched roof must point toward the view of the bay as seen from the street.
- **Height:** Flat roof buildings are limited to 16 feet from the highest point in the buildable area of the lot; pitched roof buildings are limited to 18 feet. No portion of the building may exceed 27 feet above grade at the footprint.
- **Windows:** At least 25% of the wall plane of all visible façades must be glazing (windows) or doorways. Windows must be of a proportion, trim type and grid pattern consistent with historic downtown.
- **Materials:** Siding materials are generally limited to horizontal lap siding, board and batten, brick, and stone. Pitched roof material is generally limited to architectural asphalt or cedar shingles, tile, slate, or standing seam metal roofing.
- **Color:** The main color of the buildings are limited to subtle earthtones, white, soft sands, grays, light pastels, and deep rich clay colors.
- **Outdoor Common Areas:** All restaurants greater than 2,000sf in size are required to have outdoor common area (plaza, deck, pocket park, etc) equal to 10% of its size. The common area must be accessible to the general public. Seating is allowed within this common area up to 1 seat per 20 square feet and no additional parking is required for these seats.

Current Businesses in the Waterfront Millville District: There are currently two Restaurant 1 uses in the WM district: Susanne's Bakery and Deli and Netshed No. 9. Other business uses in this district include: professional offices, marinas, commercial fishing docks and associated structures, a marine supply store, a kitchen goods store, and a nail salon. The portion of WM where the applicant would like to allow Restaurant 2 and 3 contains the majority of current businesses in WM that are not related to commercial fishing.

Restaurant Uses Allowed in Adjacent Zones: South of the WM district and across Harborview Drive is the historic residential Millville area zoned Single-Family Residential (R-1). R-1 zoning does not allow any restaurant uses. On the waterside of Harborview Drive to the north and the south of the WM district is the Waterfront Commercial (WC) zoning district. The WC district permits all restaurant uses and taverns outright. Near the WM district to the southeast is the Downtown Business (DB) zoning district that also permits all restaurant uses outright; taverns are a conditional use.

Current Restaurants in the Harbor area: As of this date, there are 19 restaurants, 1 food truck, and 3 tasting rooms (wine, beer and spirits) in the Harbor area.

Shoreline Master Program:

The shoreline environment designation for the portion of the Waterfront Millville district where Restaurant 2 and 3 uses would be allowed is the City Waterfront. Restaurant uses are considered commercial uses under the Shoreline Management Program (SMP) and commercial uses consistent with the City's zoning code are allowed in the City Waterfront designation. Therefore, if this amendment is approved, Restaurant 2 and 3 uses will be allowed under the SMP.

Purpose of a Conditional Use Permit: A conditional use permit determines if a use because of its unusual size, special requirements, or detrimental effect on surrounding properties requires additional conditions of approval to mitigate impacts. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice of the hearing provided to neighboring property owners.

Criteria for Approval of a Conditional Use permit:

GHMC 17.64.040 Review criteria.

Each determination granting or denying a conditional use permit shall be supported by written findings of fact showing specifically wherein all of the following conditions are met:

- A. That the use which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;
- B. That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;

C. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;

D. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.

FREQUENTLY ASKED QUESTIONS RELATED TO THE WATERFRONT MILLVILLE RESTAURANT PROPOSAL

Are fast food chains coming to the waterfront? Very unlikely. Fast food restaurants generally fall into the Restaurant 2 use category if they do not have a drive-through. This amendment includes adding Restaurant 2 uses to those conditionally allowed in Waterfront Millville. However, these kind of restaurants have been allowed along the majority of the waterfront since 1990 (within the Waterfront Commercial district). No fast food restaurant chain has located there yet. The Planning Department knows of no interest from those chains or from property owners. It is highly improbable that a fast food restaurant chain will locate in Waterfront Millville or anywhere else along the waterfront due to the City's stringent design, size, and sign regulations and the prohibition of drive-through lanes along the water.

If this proposal is approved by Council, will restaurants just show up? No. There is another level of analysis, permitting and public comment before a restaurant is approved. This permitting occurs once a specific restaurant decides to locate in Waterfront Millville. Before construction begins the following permits are required and could be denied or approved: conditional use permit, design review, site plan review, shoreline substantial development permit, building permit.

What is a conditional use permit and how does it relate to a restaurant? A conditional use permit determines if a specific restaurant because of its size, design or business operations will have a negative effect on surrounding properties. If it does, additional conditions of approval are imposed to mitigate impacts. If impacts can't be mitigated, the conditional use permit can be denied. A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice of the hearing provided to neighboring property owners. The hearing examiner must find that the specific restaurant will not adversely affect the established character of the surrounding neighborhood. Conditions could include a narrower set of hours of operation, such as from 8am to 9pm, or requiring deliveries to occur within a set time, or requiring devices that limit the smell or noise being emitted from the restaurant.

Waterfront Millville Restaurant 2 and 3 Uses

Public Hearing

February 23rd, 2015

Proposed Application

Applicant: Gig Harbor Marina Inc, owners of Arabella's Marina complex.

Proposal: Allow Restaurant 2 and Restaurant 3 uses provided a conditional use permit is granted. The maximum hours of operation would be from 6:00am to 11:00pm. Restaurant 2 and 3 uses would only be allowed in the portion of Waterfront Millville District southeast of and including Susanne's Bakery & Deli.

Subject Area



Restaurant Uses in Subject Area

Current Regulations

Uses allowed:

Restaurant 1 use allowed through a conditional use permit.

Maximum Hours of Operation:

7:00 am to 9:00 pm

Cooking Appliances:

No grill or deep fat fryer

Alcohol Service:

Beer and wine service allowed if restaurant is no larger than 1,200 square feet

Current Restaurant 1 Businesses:

Netshed No. 9

Susanne's Bakery & Deli

Proposed Regulations

Uses allowed:

Restaurant 1, 2 and 3 uses allowed through a conditional use permit.

Maximum Hours of Operation:

6:00 am to 11:00 pm

Cooking Appliances:

Restaurant 1: No grill or deep fat fryer

Restaurant 2: No limitations

Restaurant 3: No limitations

Alcohol Service:

Restaurant 1: No change from current

Restaurant 2: No alcohol service

Restaurant 3: Beer, wine and spirits allowed at any size

Scope of Amendment

- Not about a specific business, parcel, or building.
- Allowing Restaurant 2 and 3 uses if criteria for a conditional use permit is met.
- Detailed analysis of parking, business model, traffic impacts, neighborhood impacts would occur through a conditional use permit.

What is a conditional use permit?

- Determines if a specific restaurant because of its size or business operations will have a negative effect on surrounding neighborhood.
- If impacts, conditions are imposed to lessen or remove those impacts. If impacts can't be lessened, the conditional use permit can be denied.
- A conditional use permit requires a public hearing in front of the City's hearing examiner with public notice.
- The hearing examiner must find that the specific restaurant will not adversely affect the established character of the surrounding neighborhood.
- Conditions could include:
 - Narrower set of hours of operation, such as 8am to 9pm
 - Requiring deliveries to occur within a set time
 - Requiring devices that limit the smell or noise being emitted from the restaurant
 - Specific traffic calming measures

Hours of Operation

Maximum: 6:00am to 11:00pm

What does that mean?

- Customer hours.
- No customer would be let in prior to 6am and all customers will be gone from the premises by 11pm.
- Prep and clean-up staff could be there before or after these hours.

Note: Currently no definition of hours of operation in zoning code.

History of Waterfront Millville

- Variety of commercial uses once existed in the area that now makes us the Waterfront Millville district: Fuel distribution, liquor store, grocery store, boat repair/construction, and pizzeria.
- In 1991, the City created the Waterfront Millville (WM) zoning district. The boundaries and intent of the district has remained unchanged since adoption.
It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged.
- Restaurant 1 uses have been allowed since 1991 as a conditional use.
- In 2011, the City allowed Restaurant 1 uses to serve wine and beer service in establishments no larger than 1,200 square feet and extended the closing time from 7:00pm to 9:00pm

Planning Commission Review

- The Planning Commission held work-study sessions in November and December 2014 and in January 2015.
- Public hearing held on November 20th.
- Based on public comments, the applicant changed the request to reduce the affected area of WM district and proposed a closing hour of 11:00pm. Previously proposed a last seating time.
- On January 15th 2015, the Planning Commission recommended approval of the amendment.
- In addition, the Planning Commission recommended changes to the hours of operation for all restaurant uses in the subject area for consistency between restaurant types: 6:00 a.m. to 11:00 p.m.

Frequently Asked Questions

Permitting: If this proposal is approved by Council, will restaurants just show up? No. More detailed level of analysis, permitting and public comment is required before a restaurant is approved. This permitting occurs once a specific restaurant decides to locate in Waterfront Millville. Before tenant improvements begin the following permits are required and could be denied or approved: conditional use permit, design review, site plan review, shoreline substantial development permit, building permit.

Frequently Asked Questions

Parking and Traffic: Is there enough parking in Waterfront Millville? Maybe. Parking must be provided on private property and must be unencumbered. Detailed parking and traffic analysis occurs once a conditional use permit is submitted. Parking stall and traffic modification requirements are specific to the building, restaurant, and site. If parking cannot be provided for or traffic mitigated, the conditional use permit can be denied.

Frequently Asked Questions

Fast Food: Are fast food chains coming to the waterfront?

Very unlikely. Fast food restaurants generally fall into the Restaurant 2 use category if they do not have a drive-through. This amendment includes adding Restaurant 2 uses to those conditionally allowed in Waterfront Millville. However, these kind of restaurants have been allowed along the majority of the waterfront since 1990 (within the Waterfront Commercial district). No fast food restaurant chain has located there. No known interest from those chains or property owners. It is highly improbable that a fast food restaurant chain will locate in Waterfront Millville or anywhere else along the waterfront due to the City's stringent design, size, and sign regulations and the prohibition of drive-through lanes along the water.

Council Review

- Council Question and Answers
- Public Hearing
- Possible next steps after hearing:
 1. 2nd Reading of ordinance on March 9th
 2. Second public hearing and new 1st reading on March 23rd if required due to changes
 3. Joint work-study session with Planning Commission and Applicant – date TBD

**All Public Comment received
during public comment periods
for WM Restaurant 2 and 3
deliberations (Planning
Commission and City Council)**

Reid 4/13/15
@ hearing

My name is Tomi Kent-Smith, 3414 Harborview Drive.

The property across the street is 3409-3411 Harborview Drive, currently referred to in this proposed Restaurant 2 and 3 zoning code as Susanne's Bakery & Deli.

I would like to explain the occupancy of this building from 1977 when I came to Gig Harbor to the present:

- Washington State Liquor Store
- Linda's Deli (beer & wine available) and Bay Realty
- Brenda's Deli (beer & wine available) and Bay Realty
- Marche Cuisine Deli (Sherry Williams) who in 1995 received a conditional use permit to expand her operations into the space formerly occupied by Bay Realty (today New York Nails). with the support of plus or minus 20 of the neighbors (Marche Cuisine Deli aka known as Mimi's Pantry)
- Susanne's Bakery & Deli & New York Nails

No one could ask for better neighbors than Mike and Susanne Tunney. Their business has grown tremendously over these past 17 years and represents the successful businesses we would all like and want in our downtown business district. As their business continues to expand which I believe it will, I believe they should have the opportunity, if they desire, to expand their business at their current location.

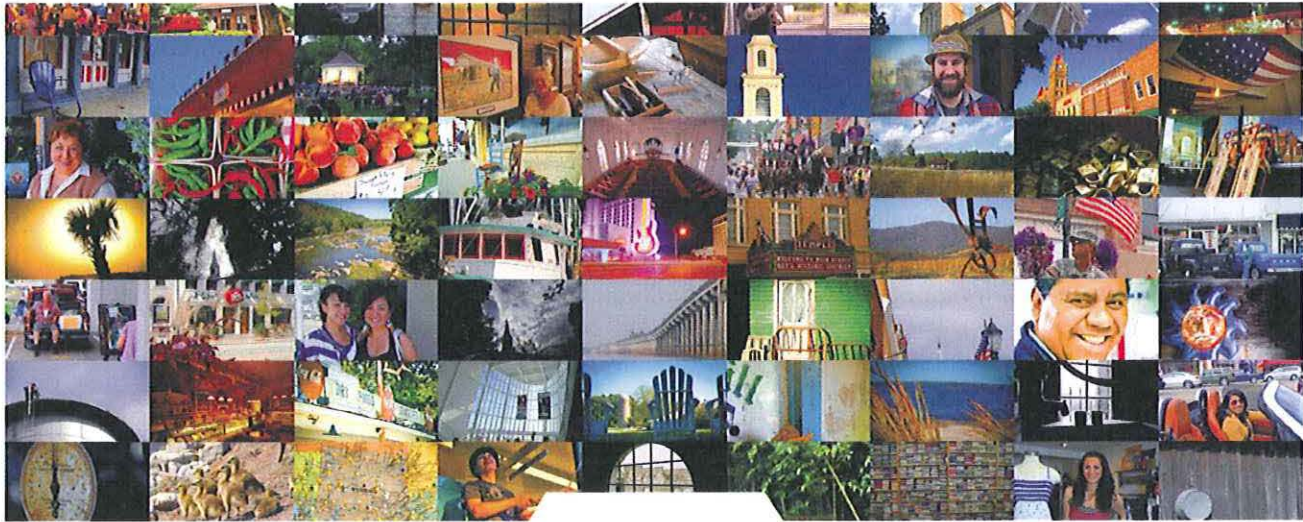
That is only one of the reasons I support the proposed amendment conditionally allowing Restaurants 2 and 3 in the Waterfront Millville zoning district before the Council. And, I believe this proposed amendment, should it pass, should apply to and include the property where Susanne's Bakery & Deli is located.

It is our responsibility that while we work diligently to protect the 130 year old Millville residential neighborhood, we do not forget the history of the Town of Millville or prevent new commercial development that maintains the historical nature of the area (yes, both the working waterfront and the residential areas) as well as complies with the City's Comprehensive Plan by adding vitality to the historic waterfront area, fulfills needs identified by the community at large, and benefits the economic health of our community.

One last reminder, my neighbors and I were all aware when we bought our homes that we were buying property on the major thoroughfare through town. We were also aware the east side of Harborview was and continues to be zoned for commercial enterprises.

Thank you.

leid 4/13/15
@
hearing



Retail Market Report & Marketing Strategies

GIG HARBOR DOWNTOWN WATERFRONT

Arnett Muldrow & Associates
316 West Stone Avenue
Greenville, SC 29609
www.arnetmuldrow.com

in cooperation with the
Downtown Waterfront Alliance



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1.0 Introduction

1.1 Background and Existing Conditions

The Downtown Waterfront Alliance has a defined geographic area along the waterfront that is about 1 1/3 miles long. It runs along Harborview and North Harborview from beyond Soundview to just past Peacock Hill Road. It includes all contiguous commercial areas such as the Peninsula Shopping Center Area and the Jersich Center. The district is a rich mixture of shops and restaurants, service businesses, residences, parks and open spaces, cultural attractions, and even some remaining production uses including an active fishing fleet.

The overall appearance of the district is very attractive and the area is well used by residents and visitors alike who shop, dine, and take advantage of the services available in the district. As a waterfront; kayaks, paddleboards, and sailboats occupy the harbor. The district is very popular as a walking district for residents and visitors alike as it affords them spectacular views along a varied waterfront.

Recognizing the need to better understand the retail market for Gig Harbor's downtown waterfront and to better market what is in the district through a thorough marketing and branding effort, the Downtown Waterfront Alliance teamed with Arnett Muldrow & Associates to produce this market report. Much of the primary research in this report was completed through the volunteer efforts of Gary Glein who serves on the board of directors for the Gig Harbor Downtown Waterfront Alliance. Supplemental research was conducted by Arnett Muldrow to round out the work done by Mr. Glein.

Understanding the retail market and economic conditions of Gig Harbor's downtown waterfront is a fundamental underpinning of any recommendations for downtown whether they are physical, marketing, or policy oriented. Furthermore, understanding the retail market helps the Downtown Waterfront Alliance and its partners better understand how to position the district amidst the overall retail offerings in Gig Harbor and the region as a whole.

This report presents the findings of the market research for Gig Harbor and provides a baseline that can be used to recruit new businesses to the downtown waterfront, help existing businesses target customers, and implement the marketing and branding strategy presented in Chapter 3 of this report. The goal is to continue to position Gig Harbor as a successful retail district that will adequately serve the local population as well as visitors from across the region and world that come to this unique destination.

1.2 Report Organization

This report is divided into two subsequent chapters that include the following:

Chapter two is Gig Harbor's market study. It includes the following:

1. Existing business conditions
 - Number of businesses by business type in the district (NAICS codes)
 - Square footage of businesses in the district

- Estimated equivalent employees in the district
 - Business Sales by business type in the Gig Harbor City Limits
2. Trade area boundaries
 - Primary and secondary trade areas (customer home zip code surveys)
 - Seasonality of customer visits
 - Selected business sales by month
 3. Trade Area Demographics
 - Existing and projected population growth
 - Income, commuting, and housing trends
 - Psychographic analysis of the market
 4. Retail Market Trends
 - Retail leakage within the trade area
 - Key retail opportunities for the downtown waterfront
 - Capture scenarios and square footage potential

Chapter three then outlines a series of practical recommendations to recruit the targeted businesses, leverage the brand system for Gig Harbor's downtown waterfront, and evaluate the success of these efforts. It is presented with clear recommendations on how to deploy the marketing material produced in the work session for Gig Harbor as well as strategies to reinforce existing businesses through marketing and recruit additional businesses that would round out the offerings for the district.

2.0 Retail Market Study the Downtown Waterfront

The downtown waterfront for Gig Harbor has been the traditional core of business activity for the community for most of the life of the community. Like many communities, however, Gig Harbor has seen its downtown change its focus from being the primary shopping district for basic goods (dry goods, groceries, hardware) to being a specialty district with unique independently owned shops. This trend has been particularly true in Gig Harbor for a number of reasons. The first is simple population growth and transportation patterns that make suburban locations for retail more convenient to the center of population or to commuter traffic. The second and equally important reason is the evolution of retail trade toward larger format stores not suited for smaller spaces in a downtown setting.

Fortunately, however, downtown Gig Harbor has remained a vibrant commercial district over the years because it has an excellent location, is surrounded by stable neighborhoods, has benefitted from continued investment, and remains an attractive location for visitors both by land and by water.

2.1 Existing Retail in the Downtown Waterfront District

The downtown waterfront area is primarily a business district. Survey work completed by the Downtown Waterfront Alliance shows that the district consists of about 225 business sites with a 90% occupancy rate. Of the 225 businesses, 76 or about one in every three is a retail, restaurant, or accommodation business. The district is also home to 124 housing units (22 apartments, 34 Condominium, 6 Duplex, and 62 single family homes). There are about 504 on street and 2262 of street parking stalls according to a 2011 survey. The area also includes eight City parks. The harbor itself has about 1,000 pleasure boats and 25 commercial fishing boats moored at all times. Boats visiting for recreation spend about 6,000 overnight stays and many more day stays each year. The following chart inventories the businesses in the district, their NAICS codes, the approximate square footage of the business types and estimated employees.

Downtown Gig Harbor (Estimates)

Business Inventory - February 2013

#	Description	(leading) NAICS		Sq Ft	Estimated Employees
	MANUFACTURING				
2	Construction	23611	2	2,000	4
5	Bakery, Brewery, Misc.	31	3	13,300	16
	RETAIL TRADE				
4	Marine & Automotive	441	4	5,700	11
3	Home Furnishings	442	4	10,000	4
5	Foods	445	4	6,222	7
9	Clothing	4481	4	14,255	12
2	Jewelry	44831	4	1,200	4
1	Sporting Goods	45111	4	2,052	4
2	Sewing & Needlework	45113	4	3,000	2
3	Bookstores	45121	4	1,568	3
1	Florist	45311	4	1,500	1
8	Gift & Novelty	45322	4	10,100	12
3	Pet Supplies	45391	4	2,450	3
8	Art Dealer	45392	4	7,850	9

5	Other Retail	4539	4	8,324	9
	FINANCE & INSURANCE				
3	Commercial Banks	5221	5	10,302	13
3	Financial Transaction Processing	5223	5	8,323	17
7	Portfolio Management & Investment Advice	5239	5	25,200	26
7	Insurance Agencies & Title	524	5	9,870	24
	REAL ESTATE				
8	Real Estate & Property Management	531	5	7,890	19
	PROFESSIONAL SERVICES				
12	Lawyer Office & Other Legal	5411	5	11,400	25
7	Accounting & Tax Preparation	5412	5	9,550	28
7	Architectural & Engineering Services	5413	5	8,200	14
7	Business Services	56	5	14,368	42
	SERVICES				
3	Instruction & Education	611	6	1,400	3
12	Medical Services	621	6	18,400	43
	RECREATION				
2	Museums & Yacht Club	712	7	23,032	6
10	Marina's & Yacht Club	71393	7	9,500	1
3	Fitness & Recreation	7139	7	3,830	7
	ACCOMODATIONS & FOOD SERVICES				
3	Hotels & accommodations	721	7	8,167	3
19	Restaurants	722	7	44,976	152
	SERVICES				
3	Automotive Repair & Glass	811	8	4,008	12
2	Marine Repair	8114	8	3,162	12
17	Hair & Nail Care	812	8	16,378	47
4	Religious & Civic Services	813	8	24,050	15
	OTHER				
8	Other (Post Office, Hardware, Misc)			41,304	72
206	Totals - Occupied			390,831	678
19	Vacant Total (places, SqFt)	8.4%	9.5%	41,013	
225	Totals			431,844	678

Figure 1: Inventory courtesy of Gary Glein and the Gig Harbor Downtown Waterfront Alliance

2.2 The Gig Harbor Trade Area

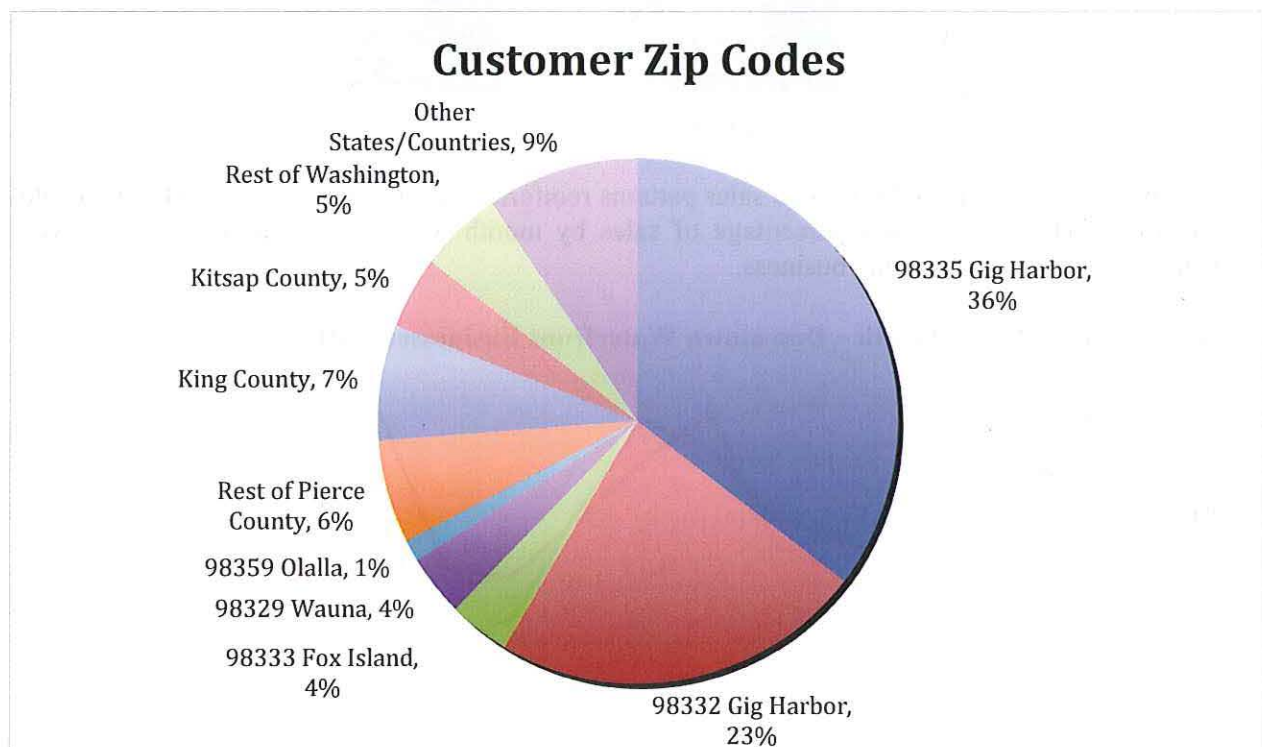
As mentioned, in order to determine the trade area for the downtown waterfront, the Downtown Waterfront Alliance worked with local businesses in the Harborside and Pioneer drive areas of the district to track customer zip code surveys at two points in the year. The first took place in August of 2012 and the second in November/December of 2012. Unlike other techniques that tend to use arbitrarily picked boundaries for customer trade zones (radial definitions, drive time studies, and Reilly's model), the method used for market definition in Gig Harbor is based on actual customer shopping patterns as determined by zip code tracking. While every trade area definition method has its flaws, zip code surveys provide the best way to define a market trade area based on actual customer shopping patterns. Furthermore, zip code tracking provides insight into local versus visitor traffic, and other shopping patterns. Once the trade area is defined, a whole host of demographic data can be gathered. The following data reflects some of the "raw data" gleaned from the zip code survey conducted by the Downtown Waterfront Alliance.

2.2.1 Zip Code Results

The results of the zip code survey are listed below:

- In total all participating businesses recorded 2,712 customer zip codes in both survey periods.
- For the purposes of this study we will be looking at the 1,210 customer zip codes recorded by retail merchants. Retail merchants collected 829 of these in the summer and 381 in the winter.
- Of the 1,210 zip codes over one third (35.1%) of the customers came from the 98335 Gig Harbor zip code.
- Another 23.7% came from the 98332 zip code of Gig Harbor and an additional 3.8% came from the 98333 zip code of Fox Island.
- In total this represents 62.3% of the customers from these three zip codes.

The chart below documents the zip code origin for all retail customers for both the summer and winter periods combined.

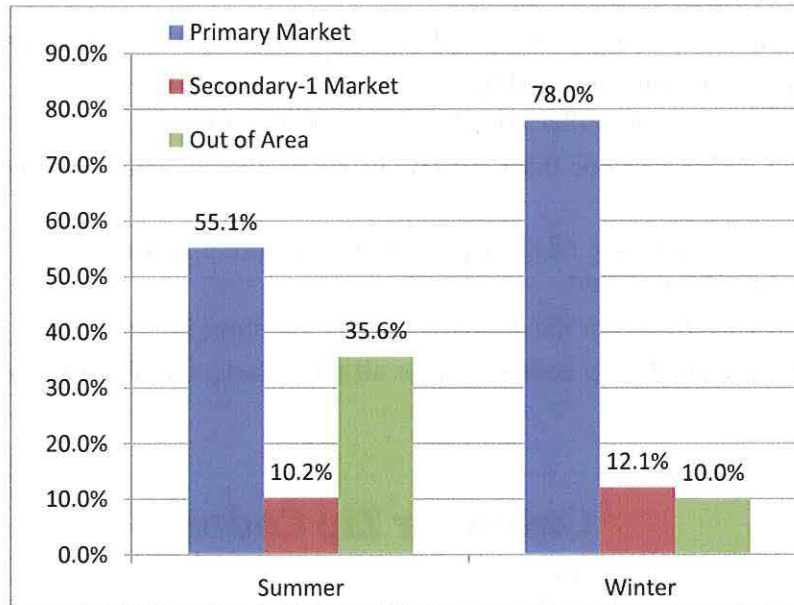


2.2.2 Seasonality

Visitor traffic is essential to the success of Gig Harbor. However, Gig Harbor is very much a seasonal location when visitors come to the Gig Harbor Waterfront for its beauty, views of the water and mountains, historical amenities, and the boating resources. Peak visitation for Gig Harbor in the milder summer months from mid-May to mid-September.

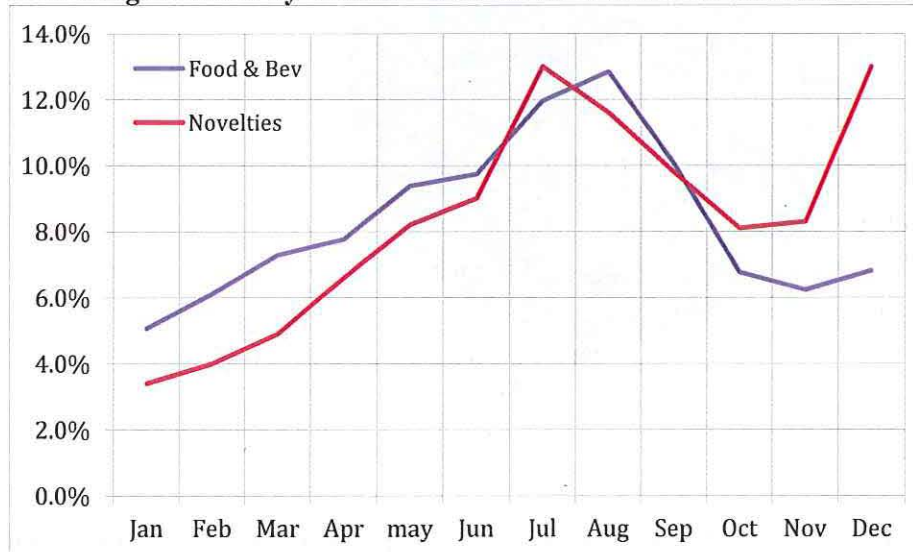
The data bears this out as in August 36% of customers were from out of area where in the November-December period, only 10% were from out of the area as shown on the following bar graph.

Seasonal Differences in Customer Visits - 2012 (% of total visits)



A review of two waterfront businesses sales patterns reinforces the strong seasonality of the downtown waterfront. The graph shows percentage of sales by month for a waterfront Food and Beverage business and a Gift and Novelty business.

Percentage of Sales by Month – Downtown Waterfront Businesses - 2012



Sales for the May-September period were 54% and 52% of total for the year. When compared to normal national seasonality for similar business types, sales were 25% and 24% greater than expected (extrapolating summer from winter).

2.2.3 Narrows Bridge Impact

The toll bridge (about \$5 round trip) forms a barrier to the east of the Downtown Gig Harbor area. This causes a shopping and visit deterrent to part of the potential customer base for Gig Harbor. To estimate the impact, the following table compares travel zones of approximate equal travel times to downtown (Merchant visits – August, November, December 2012)..

Zone	No Bridge				Bridge toll				% to No Bridge
	Visits	Min	Population	Vis/Pop	Visits	Min	Population	Vis/Pop	
1	114	12	12,410	0.92%	60	13	50,027	0.12%	13%
2	41	16	4,651	0.88%	59	18	63,254	0.09%	11%
3	97	26	33,816	0.29%	25	21	99,759	0.03%	9%
4	24	32	9,500	0.25%	21	31	36,083	0.06%	23%
5	11	38	27,332	0.04%	3	37	2,443	0.12%	305%
Total	287	25	87,709	0.33%	168	24	251,566	0.07%	20%
Calculated loss due to Bridge Tolls									80%

The data would suggest that the toll could have an impact of dropping the visit to population ratio by as much as 80%. Tacoma identity and the impact of competing shopping centers in a larger market like Tacoma are also critical factors impacting the visitation from Tacoma. Special events can buck this trend though as was the case with the July 2012 downtown Wine and Food festival where the impact of the bridge was reduced to a loss of just 69%.

2.2.4 Trade Area Definitions

The number of visits provides an overall viewpoint customer zip code origin. This defines the overall market. A more precise way to evaluate customer *loyalty* in the market is by looking at the trade areas for a community, which involves defining market penetration rather than just market area. To get to the trade area definition, customer visits are tracked by the number of visits in relation to the population of each zip code. This corrects for zip codes that have exceedingly large or small populations that might skew the market penetration data. By this measure, a more precise definition is defined for the downtown waterfront's Primary and Secondary trade areas. The Primary trade area is the geography where the most loyal and frequent customers to Gig Harbor reside. The Secondary trade area represents an area where Gig Harbor businesses can rely on some customers but to a much lesser degree. The table below shows customer visits per 1,000 people for each of the highest representative visits.

Zip Code	Place Name	County	State	Population	Visits	Visits per 1000 Residents
98335	Gig Harbor	Pierce	WA	12238	429	35.1
98332	Gig Harbor	Pierce	WA	17721	279	15.7
98333	Gig Harbor-Fox	Pierce	WA	3660	46	12.6
98394	Vaughn	Pierce	WA	786	6	7.6
98329	Gig Harbor-Wauna	Pierce	WA	7257	46	6.3
98359	Olalla	Kitsap	WA	4651	16	3.4
98349	Lakebay	Pierce	WA	6521	11	1.7
98407	Ruston	Pierce	WA	18177	9	0.5
98367	Port Orchard	Kitsap	WA	26509	10	0.4
98366	Port Orchard	Kitsap	WA	27567	8	0.3

Determining the primary and secondary trade areas can sometimes be more “art” than science. At times, significant breaks in customer visits are not obvious. However, in Gig Harbor’s case the division for the primary trade area is extremely clear. Only three zip codes had more than ten visits per thousand residents: 98335, 98332, and 98333.

Four additional zip codes: Vaughn 98394, Wauna 98329, Olalla 98359, and Lakebay 98349 had over one visit per thousand residents. While Gig Harbor is proximate to Tacoma, the toll bridge plays a significant role in impeding customer traffic to Gig Harbor not to mention the sheer size and offerings available in retail trade to the Tacoma resident.

2.3 Market Demographics

2.3.1 Population

Market demographics play a key role in understanding the potential for retail growth in Gig Harbor as a whole and in the downtown waterfront district. The three zip codes that comprise the primary trade area for Gig Harbor have a current estimated population of 45,837 an increase of 3.2% since the 2010 Census. Between the decade of 2000 to 2010 the trade area grew from 38,877 to 44,399 a 14.2% increase which was only slightly higher than the state’s growth during the same period (14.1%). The three zip codes are expected to continue to grow by another 5.6% to 48,386, which translates into just over 1000 new households in the coming five years.

Population	
2018 Projection	48,386
2013 Estimate	45,837
2010 Census	44,399
2000 Census	38,877
Growth 2013-2018	5.56%
Growth 2010-2013	3.24%
Growth 2000-2010	14.20%

The four zip codes in the secondary trade area saw similar patterns of growth though the secondary zip codes as a whole have a significantly smaller population at 24,174. They grew by 15.2% in the 2000 to 2010 census reporting period and will grow by another 7.0% by 2018 to nearly 26,000 residents.

Population	
2018 Projection	25,857
2013 Estimate	24,174
2010 Census	22,979
2000 Census	19,952
Growth 2013-2018	6.96%
Growth 2010-2013	5.20%
Growth 2000-2010	15.17%

2.3.2 Income

The median household income of the primary trade area is a robust \$78,761, which far exceeds that of Washington at \$56,444 and Pierce County as a whole at \$57,162. In fact 37% of the households in the three zip codes earn over \$100,000 per year.

2013 Est. HHs by HH Income	17,706	
CY HHs, Inc < \$15,000	1,268	7.16
CY HHs, Inc \$15,000 - \$24,999	1,068	6.03
CY HHs, Inc \$25,000 - \$34,999	1,141	6.44
CY HHs, Inc \$35,000 - \$49,999	1,853	10.47
CY HHs, Inc \$50,000 - \$74,999	3,118	17.61
CY HHs, Inc \$75,000 - \$99,999	2,692	15.20
CY HHs, Inc \$100,000 - \$124,999	2,088	11.79
CY HHs, Inc \$125,000 - \$149,999	1,529	8.64
CY HHs, Inc \$150,000 - \$199,999	1,466	8.28
CY HHs, Inc \$200,000 - \$249,999	547	3.09
CY HHs, Inc \$250,000 - \$499,999	732	4.13
CY HHs, Inc \$500,000+	204	1.15

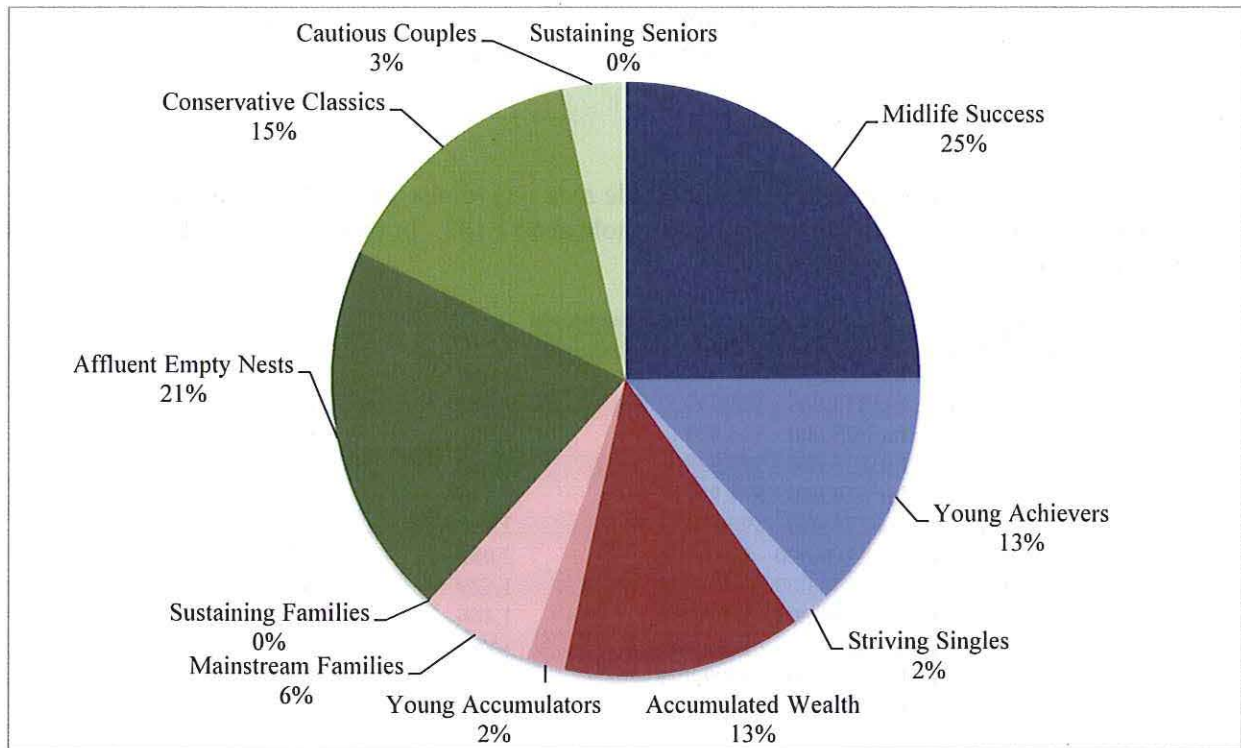
The secondary trade area's four zip codes' median household income is much less at \$63,147 probably owing to the fact that it is a more rural area. This median still exceeds Pierce County and the state of Washington however.

2.4 Market Psychographics

Market segmentation is a way to summarize demographic information into easy-to-understand categories. The market segmentation illustrated for Gig Harbor's primary trade area uses Neilson PRIZM® data. PRIZM® defines every U.S. household in terms of sixty-six demographic and behavioral types to help determine lifestyles, purchasing behaviors, and preferences of the customer base. For this analysis we use PRIZM's lifestage segmentation. While each of the three categories is not absolutely definitive they generally divide into younger population without children in the home, middle age population with children in the home, and older population with children no longer in the home. Within each of those broad categories are sub categories and the sixty-six types already mentioned above.

2.3.4 PRIZM Lifestage Segmentation

In the case of Gig Harbor, the primary trade area's share of the PRIZM Lifestage categories is skewed towards the "Younger Years" category at 40% of households (as shown in blue in the pie chart below) and "Older Years" (in green) at 38%. "Family Life" (in red) sits at just 21% of households. Within each Lifestage category, darker shades represent higher socioeconomic status, while paler shades represent lower status. Gig Harbor is weighted heavily to the high end of socioeconomic status.



PRIZM Lifestage Categories.

Descriptions and predicted characteristics of the most common segments in Gig Harbor are included in Table 4. Columns include Lifestage, segment category, a count of households in the primary trade area that fall into each category, as well as predicted household characteristics, which include income, age, composition, housing tenure, educational attainment, employment, and race.

Following the table are more detailed descriptions provided by and paraphrased from Nielsen, Inc. descriptions of their PRIZM Lifestyle Segmentation data. The rounded percentage of households in the primary trade area and the rounded index to the United States is shown next to each description. An index higher than 100 indicates that the primary trade area has proportionately more than America's share of this particular demographic segment. This section profiles categories where Gig Harbor has a significantly higher index than the United States as a whole.

Social Group	Lifestage	Name	Households	Pct.	Index	Pred. Inc.	Age	Pred HH Comp.	Pred. Tenure/Type	Pred. Education	Pred. Employment	Pred. Race
Elite Suburbs	Affluent Empty Nests	Upper Crust	145	0.82%	0.3	Wealthy	Age 45+	Married Couples	Owner / SFDU	College Grad +	Exec. Prof. WC	White, Asian
Elite Suburbs	Accumulated Wealth	Blue Blood Estates	31	0.18%	1.5	Wealthy	Age 35-64	Families w/Kids	Owner / SFDU	College Grad +	Exec. Prof. WC	White, Asian
Elite Suburbs	Midlife Success	Movers and Shakers	115	0.65%	1.5	Wealthy	Age 35-64	Married Couples	Owner / SFDU	College Grad +	Exec. Prof. WC	White, Asian
Landed Gentry	Accumulated Wealth	Country Squires	2204	12.45%	310.6	Wealthy	Age 35-64	Families w/Kids	Owner / SFDU	College Grad +	Exec. Prof. WC	White
Elite Suburbs	Accumulated Wealth	Winner's Circle	95	0.54%	2.6	Wealthy	Age 25-54	Families w/Kids	Owner / SFDU	College Grad +	Exec. Prof. WC	White, Asian
The Affluentials	Midlife Success	Executive Suites	100	0.56%		UpperMid	Age <55	Singles/Couples	Mostly Owner	College	Prof	White, Asian, Hispanic
Landed Gentry	Affluent Empty Nests	Big Fish, Small Pond	3466	19.58%	140.5	Upscale	Age 45+	Married Couples	Owner / SFDU	College Grad +	Exec. Prof. WC	White
Landed Gentry	Midlife Success	God's Country	3587	20.26%	154.8	Upscale	Age 35-64	Married Couples	Owner / SFDU	College Grad +	Exec. Prof. WC	White
The Affluentials	Conservative Classics	New Empty Nests	382	2.16%	2.7	UpperMid	Age 65+	Married Couples	Owner / SFDU	College	Prof. WC	White
The Affluentials	Conservative Classics	Pools and Patios	344	1.94%	1.8	UpperMid	Age 45+	Married Couples	Owner / SFDU	College	Prof. WC	White
The Affluentials	Young Accumulators	Beltway Boomers	173	0.98%	6.4	UpperMid	Age 35-64	Families w/Kids	Owner / SFDU	College	Prof. WC	White, Asian
The Affluentials	Young Accumulators	Kids and Cul-de-Sacs	163	0.92%	7.8	UpperMid	Age 25-54	Families w/Kids	Owner / SFDU	College	Prof. WC	White, Asian, Hispanic
The Affluentials	Midlife Success	Home Sweet Home	275	1.55%	8.0	UpperMid	Age 25-44	Married Couples	Owner / SFDU	College	Prof. WC	White, Black, Asian
Landed Gentry	Young Accumulators	Fast-Track Families	43	0.24%	666.8	Upscale	Age 25-54	Families w/Kids	Owner / SFDU	College	WC	White
Middleburbs	Conservative Classics	Gray Power	737	4.16%	1.0	Midscale	Age 65+	Singles/Couples	Owner / SFDU, Hi-Rise Multi	College	Prof. WC	White
Middleburbs	Young Achievers	Young Influentials	449	2.54%	0.3	Midscale	Age <35	Mostly Singles	Renter / Hi-Rise Multi	College	Prof. WC	White, Black, Asian
Country Comfort	Young Achievers	Greenbelt Sports	1876	10.69%	474.4	Midscale	Age 25-54	Married Couples	Owner / SFDU	College	Prof. WC	White
Landed Gentry	Midlife Success	Country Casuals	181	1.02%	873.2	UpperMid	Age 35-64	Married Couples	Owner / SFDU	Some College	WC, BC	White
Country Comfort	Conservative Classics	Traditional Times	1102	6.22%	56.9	Midscale	Age 55+	Married Couples	Owner / SFDU	Some College	WC, BC, Farm	White
Middleburbs	Midlife Success	Suburban Sprawl	153	0.86%	1.8	Midscale	Age 25-44	Singles/Couples	Mix / SFDU, Lo-Rise Multi	College	WC	White
Country Comfort	Mainstream Families	New Homesteaders	876	4.95%	447.1	Midscale	Age 25-44	Families w/Kids	Owner / SFDU, Mobile	Some College	WC, BC	White
Middleburbs	Mainstream Families	Blue-Chip Blues	84	0.47%	1.9	Midscale	Age <45	Families w/Kids	Mix / SFDU, Lo-Rise Multi	Some College	WC, Service, BC	White, Black, Hispanic
Middle America	Cautious Couples	Simple Pleasures	222	1.25%	68.6	LowerMid	Age 65+	Singles/Couples	Owner / SFDU, Mobile	H.S. Graduate	WC, Service, BC, Farm	White
Middle America	Striving Singles	Red, White and Blues	183	1.03%	489.4	LowerMid	Age 25-44	Married Couples	Owner / SFDU, Mobile	H.S. Graduate	WC, Service, BC	White
Middle America	Cautious Couples	Hearthlanders	112	0.63%	139.9	LowerMid	Age 45+	Married Couples	Owner / SFDU, Mobile	H.S. Graduate	WC, BC, Farm	White
Inner Suburbs	Striving Singles	New Beginnings	123	0.69%		Downscale	Age <35	Family Mix	Renter	Some College	WC, Mix	White, Black, Asian, Hispanic
Inner Suburbs	Cautious Couples	Old Glories	239	1.35%	95.2	Downscale	Age <35	Singles/Couples	Renter / SFDU, Lo-Rise Multi	H.S. Graduate	WC, Service, BC	White
Rustic Living	Striving Singles	Young and Rustic	57	0.32%	0.5	LowerMid	Age 65+	Singles/Couples	Owner / SFDU, Mobile	H.S. Graduate	WC, Service, BC	White, Black, Hispanic
Middle America	Mainstream Families	Kid Country, USA	99	0.56%	775.4	LowerMid	Age <45	Families w/Kids	Mix / SFDU, Mobile	Some College	WC, Service, BC, Farm	White, Hispanic
Inner Suburbs	Mainstream Families	Suburban Pioneers	34	0.19%	1.8	LowerMid	Age <45	Mix, w/Kids	Mix / SFDU, Mobile	Elem. School, H.S.	WC, Service, BC	White, Black, Hispanic
Rustic Living	Sustaining Seniors	Golden Ponds	14	0.08%	41.1	Downscale	Age 65+	Singles/Couples	Owner / SFDU, Mobile	H.S. Graduate	WC, Service, BC, Farm	White
Rustic Living	Striving Singles	Crossroads Villagers	15	0.08%	134.4	Downscale	Age <45	Married Couples	Owner / SFDU, Mobile	Elem. School, H.S.	WC, Service, BC, Farm	White
Rustic Living	Sustaining Seniors	Old Milltowns	25	0.14%	176.6	Downscale	Age 65+	Singles/Couples	Mix / SFDU, Mobile	Elem. School, H.S.	WC, Service, BC	White, Black
Rustic Living	Sustaining Families	Bedrock America	2	0.01%	202.2	Downscale	Age <35	Families w/Kids	Mix / SFDU, Mobile	Elem. School, H.S.	Service, BC, Farm	White, Black, Hispanic

Younger Years

God's Country

20% of Households in the Gig Harbor primary trade area. Index to United States: 3,587

When city dwellers and suburbanites began moving to the country in the 1970s, God's Country emerged as the most affluent of the nation's exurban lifestyles. Today, wealthier communities exist in the hinterlands, but God's Country remains a haven for upscale couples in spacious homes. Typically college educated Baby Boomers, these Americans try to maintain a balanced lifestyle between high power jobs and laid back leisure. This index is phenomenally high indicating that Gig Harbor is a quite affluent community yet remains a working community.

Greenbelt Sports

11% of Households in the Gig Harbor primary trade area., Index to United States: 1,876

A segment of upscale exurban couples, Greenbelt Sports is known for its active lifestyle. Most of these residents are married, college-educated, and own new homes. And few segments have higher rates for pursuing outdoor activities such as skiing, canoeing, backpacking, boating, and mountain biking. This category is also exceeding high on its index to the United States.

Young Influentials

3% of Households in the Gig Harbor primary trade area. Index to United States: 182.7

Once known as the home of the nation's yuppies, Young Influentials reflects the fading glow of acquisitive yuppiedom. Today, the segment is a common address for younger, middle-class singles and couples who are more preoccupied with balancing work and leisure pursuits. Having recently left college dorms, they now live in apartment complexes surrounded by ball fields, health clubs, and casual-dining restaurants.

Greenbelt Sports

11% of Households in the Gig Harbor primary trade area. Index to the United States 766.1

These are middle-class exurban couples, Greenbelt Sports households lead an active lifestyle. Most of these middle-aged residents are married, college-educated and own new homes; about a third have children. And few segments have higher rates for pursuing outdoor activities such as skiing, canoeing, backpacking, boating and mountain biking. This is an example of a category that does have children but falls into the "Younger years" category.

Family Life

Country Squires

12% of Households in the Gig Harbor primary trade area, Index to United States: 311

The wealthiest residents in exurban America live in Country Squires, an oasis for affluent Baby Boomers who've fled the city for the charms of small-town living. In their bucolic communities noted for their recently built homes on sprawling properties, the families of executives live in six-figure comfort. Country Squires enjoy country club sports like golf, tennis, and swimming as well as skiing, boating, and biking.

New Homesteaders

5% of Households in the Gig Harbor primary trade area, Index to United States: 447

Members of this segment are young, upper-middle class families with decent-paying jobs in blue-collar industries. These dual-income households typically enjoy comfortable, child-centered lifestyles, with campers, boats, and family rooms full of kids' toys.

Mature Years

Big Fish, Small Pond

20% of Households in the Gig Harbor primary trade area, Index to United States: 904

Older, upper-class, college-educated professionals, the members of Big Fish, Small Pond are often among the leading citizens of their small-town communities. These upscale, empty-nesting couples enjoy the trappings of success, including belonging to country clubs, maintaining large investment portfolios, and spending freely on computer technology.

Traditional Times

6% of Households in the Gig Harbor primary trade area, Index to United States: 1,102

Traditional Times is the kind of lifestyle where small-town couples nearing retirement are beginning to enjoy their first empty-nest years. Typically in their fifties and sixties, these upper-middle-class Americans pursue a kind of granola-and-grits lifestyle. On their coffee tables are magazines with titles like Country Living and Country Home. But they're big travelers, especially in recreational vehicles and campers.

Gray Power

4% of Households in the Gig Harbor primary trade area, Index to United States: 478

These households are midscale and mature. Most of these households are without kids. The steady rise of older, healthier Americans over the past decade has produced one important by-product: middle-class, home-owning suburbanites who are aging in place rather than moving to retirement communities. Gray Power reflects this trend, a segment of older, midscale singles and couples who live in quiet comfort.

New Empty Nests

2% of Households in the Gig Harbor primary trade area, Index to United States: 214

With their grown-up children recently out of the house, New Empty Nests is composed of upper-middle income older Americans who pursue active—and activist—lifestyles. Nearly three-quarters of residents are over 65 years old, but they show no interest in a rest-home retirement. This is the top-ranked segment for all-inclusive travel packages; the favorite destination is Italy.

2.4.1 Key Observations

- Many of the households in the primary trade area enjoy outdoor recreational activities ideally suited for Gig Harbor. This reflects a strong opportunity to foster downtown Gig Harbor as a growing hub for this activity.
- Households in the primary trade skew heavily toward more affluent categories. These residents will be particular about the quality of the retail and dining options offered in downtown Gig Harbor and will know the difference between an establishment catering strictly to “visitors” and one

catering to both the local population and guests in the community. They will need a well crafted message to lure them to the Downtown Waterfront and keep them coming back.

- Fifty-seven percent of households are categorized into the “top tier” categories and “Midlife Success” represents the single most important category for Gig Harbor which reflects the community’s strong opportunity to capture professionals that are still working in high powered jobs. For the Downtown Waterfront this points to a strategy that must incorporate a way to keep shops open later to engage this important market segment.

2.5 Market Analysis

The Gig Harbor Commercial District is a retail center serving the primary and secondary markets defined above. In this section the retail market of the primary trade area will be examined to identify potential opportunities to reinforce existing businesses and expand retail stores and restaurants in the district. Consequently, this data should be used as both a retention and recruitment tool.

It is important to recognize, however, that pent up retail demand is but ONE reason why a store might be successful in a setting, there are MANY reasons why a store may succeed or fail beyond market forces alone. This research should be used as a resource to incorporate into a thorough business plan for store expansions or new store locations. It is also important to note that the figures shown below represent a macro view of the market forces at work and should be used to look beyond the current economic challenges facing the nation today.

Having said that, the opportunities presented below represent a *conservative* look at retail market potential for Gig Harbor for several reasons. First, the figures are a snapshot in time looking at the market as it stands in 2013. With projected growth to continue in the coming years, additional demand will arise. Second, the figures examine only retail opportunities *within* the trade areas. Since Gig Harbor relies on a robust visitor market from regional, national, and international visitors the potential for certain categories increases.

2.5.1 Retail Leakage in the Primary Trade Area

“Retail Leakage” refers to the difference between the retail expenditures by residents living in a particular area and the retail sales produced by the stores located in the same area. If desired products are not available within that area, consumers will travel to other places or use different methods to obtain those products. Consequently, the dollars not spent in local stores in the designated area are said to be “leaking”. If a community is a major retail center with a variety of stores it may be “attracting” rather than “leaking” retail sales. Even large communities may see leakage in certain retail categories while some small communities may be attractors in certain categories.

Such an analysis is not an exact science and should be viewed as one tool to evaluate trade potential. In some cases large outflow may indicate that money is being spent elsewhere (drug store purchases at a Wal-Mart or apparel purchases through mail-order). For Gig Harbor the market data as supplied by Neilson Inc. (one of two leading market analysis companies in the United States).

With these considerations understood, the following data shows the snapshot of the 2012 retail trading patterns for Gig Harbor by Neilson, Inc.:

- Retail store types in the primary trade area sold \$826.4 million in 2013.
- Consumers in the same trade area spend \$767.8 million per year in retail goods.

Consequently, the three zip codes that comprise the Gig Harbor primary trade area are GAINING \$58.6 million in sales each year from consumers outside of the primary trade area. A look at the four zip codes of the *secondary* trade area provides a more complete picture of the actual trade patterns going on in the area. This more rural area has a little over one tenth of the retail trade of Gig Harbor with \$86.8 million in sales, yet the consumers in this area spend \$346.0 million in goods each year. These four zip codes LEAK sales of \$259.2 million per year.

When combined, the primary and secondary trade areas end up leaking sales to the tune of about \$200 million per year. Furthermore, the retail gain in Gig Harbor's primary trade area is happening only in selected retail categories. In fact, Gig Harbor shows a large sales figure for the General Merchandise (4529 NAICS) code with sales exceeding demand of over \$229.8 million dollars. Certainly, Gig Harbor is a destination for this category that includes stores like Costco, Target, and WalMart but the number still indicates that Gig Harbor is a very important destination for general merchandise shopping.

More interesting is where Gig Harbor is leaking sales in the primary trade area. Of the fifty-four four and five digit NAICS codes categories, Gig Harbor's primary trade area leaks sales in thirty-seven categories. Among the most significant areas where leakage is happening is in automobile dealers, furniture and home furnishings, electronics and appliances, lawn and garden supplies, specialty food, all clothing categories, and restaurants (both full and limited service). When the secondary trade area is considered, these numbers become even more pronounced. Both the primary and secondary trade area numbers are shown in the tables below.

Primary Trade Area Retail Market Potential Opportunity Gap - Retail Stores

	2012 Demand (Consumer Expenditures)	2012 Supply (Retail Sales)	Opportunity Gap/Surplus
Total Retail Sales Incl. Eating and Drinking Places	767,813,228	826,393,185	(58,579,957)
Motor Vehicle and Parts Dealers-441	155,470,163	35,880,695	119,589,468
Automotive Dealers-4411	137,690,900	2,496,780	135,194,120
Other Motor Vehicle Dealers-4412	6,922,498	25,677,067	(18,754,569)
Automotive Parts/Accsrs, Tire Stores-4413	10,856,765	7,706,848	3,149,917
Furniture and Home Furnishings Stores-442	18,438,572	8,055,830	10,382,742
Furniture Stores-4421	10,140,666	3,644,512	6,496,154
Home Furnishing Stores-4422	8,297,906	4,411,318	3,886,588
Electronics and Appliance Stores-443	19,009,435	11,173,890	7,835,545
Appliances, TVs, Electronics Stores-44311	14,129,113	5,889,358	8,239,755
Household Appliances Stores-443111	3,379,396	1,685,328	1,694,068
Radio, Television, Electronics Stores-443112	10,749,717	4,204,030	6,545,687
Computer and Software Stores-44312	3,985,543	5,284,532	(1,298,989)
Camera and Photographic Equipment Stores-44313	894,779	0	894,779
Building Material, Garden Equip Stores -444	80,289,346	60,878,158	19,411,188
Building Material and Supply Dealers-4441	73,263,642	57,533,077	15,730,565
Home Centers-44411	29,372,053	40,569,577	(11,197,524)

Primary Trade Area Retail Market Potential Opportunity Gap - Retail Stores

	2012 Demand (Consumer Expenditures)	2012 Supply (Retail Sales)	Opportunity Gap/Surplus
Paint and Wallpaper Stores-44412	1,824,277	2,282,759	(458,482)
Hardware Stores-44413	7,082,088	4,774,651	2,307,437
Other Building Materials Dealers-44419	34,985,224	9,906,090	25,079,134
Building Materials, Lumberyards-444191	13,311,373	3,873,289	9,438,084
Lawn, Garden Equipment, Supplies Stores-4442	7,025,704	3,345,081	3,680,623
Outdoor Power Equipment Stores-44421	864,220	0	864,220
Nursery and Garden Centers-44422	6,161,484	3,345,081	2,816,403
Food and Beverage Stores-445	104,666,699	101,597,878	3,068,821
Grocery Stores-4451	95,175,180	94,087,607	1,087,573
Supermarkets, Grocery (Ex Conv.) Stores-44511	90,666,658	91,413,223	(746,565)
Convenience Stores-44512	4,508,522	2,674,384	1,834,138
Specialty Food Stores-4452	3,025,889	1,285,209	1,740,680
Beer, Wine and Liquor Stores-4453	6,465,630	6,225,062	240,568
Health and Personal Care Stores-446	44,132,104	49,052,397	(4,920,293)
Pharmacies and Drug Stores-44611	37,867,055	42,877,237	(5,010,182)
Cosmetics, Beauty Supplies, Perfume Stores-44612	1,568,586	482,804	1,085,782
Optical Goods Stores-44613	1,867,303	1,624,570	242,733
Other Health and Personal Care Stores-44619	2,829,160	4,067,786	(1,238,626)
Gasoline Stations-447	74,976,510	117,603,508	(42,626,998)
Gasoline Stations With Conv Stores-44711	55,645,129	115,603,310	(59,958,181)
Other Gasoline Stations-44719	19,331,381	2,000,198	17,331,183
Clothing and Clothing Accessories Stores-448	38,832,874	17,526,774	21,306,100
Clothing Stores-4481	27,211,966	14,300,518	12,911,448
Men's Clothing Stores-44811	1,767,078	145,404	1,621,674
Women's Clothing Stores-44812	6,972,271	829,340	6,142,931
Children's, Infants Clothing Stores-44813	1,419,762	281,347	1,138,415
Family Clothing Stores-44814	14,535,754	12,490,094	2,045,660
Clothing Accessories Stores-44815	685,358	41,620	643,738
Other Clothing Stores-44819	1,831,743	512,713	1,319,030
Shoe Stores-4482	4,906,047	1,829,564	3,076,483
Jewelry, Luggage, Leather Goods Stores-4483	6,714,861	1,396,692	5,318,169
Jewelry Stores-44831	6,265,929	1,396,692	4,869,237
Luggage and Leather Goods Stores-44832	448,932	0	448,932
Sporting Goods, Hobby, Book, Music Stores-451	17,077,625	10,154,920	6,922,705
Sporting Goods, Hobby, Musical Inst Stores-4511	11,549,165	8,781,499	2,767,666
Sporting Goods Stores-45111	5,771,631	3,458,436	2,313,195
Hobby, Toys and Games Stores-45112	3,534,689	2,506,422	1,028,267
Sew/Needlework/Piece Goods Stores-45113	1,028,494	2,049,901	(1,021,407)
Musical Instrument and Supplies Stores-45114	1,214,351	766,740	447,611
Book, Periodical and Music Stores-4512	5,528,460	1,373,421	4,155,039
Book Stores and News Dealers-45121	3,776,751	1,373,421	2,403,330
Book Stores-451211	3,603,005	1,373,421	2,229,584
News Dealers and Newsstands-451212	173,746	0	173,746
Prerecorded Tapes, CDs, Record Stores-45122	1,751,709	0	1,751,709

Primary Trade Area Retail Market Potential Opportunity Gap - Retail Stores

	2012 Demand (Consumer Expenditures)	2012 Supply (Retail Sales)	Opportunity Gap/Surplus
General Merchandise Stores-452	106,001,804	304,667,793	(198,665,989)
Department Stores Excl Leased Depts-4521	51,862,911	20,701,802	31,161,109
Other General Merchandise Stores-4529	54,138,893	283,965,991	(229,827,098)
Miscellaneous Store Retailers-453	21,177,646	51,890,990	(30,713,344)
Florists-4531	1,729,637	9,409,795	(7,680,158)
Office Supplies, Stationery, Gift Stores-4532	8,924,505	18,374,069	(9,449,564)
Office Supplies and Stationery Stores-45321	5,130,306	9,394,916	(4,264,610)
Gift, Novelty and Souvenir Stores-45322	3,794,199	8,979,153	(5,184,954)
Used Merchandise Stores-4533	1,903,944	3,217,702	(1,313,758)
Other Miscellaneous Store Retailers-4539	8,619,560	20,889,424	(12,269,864)
Foodservice and Drinking Places-722	87,740,450	57,910,352	29,830,098
Full-Service Restaurants-7221	39,739,732	24,079,120	15,660,612
Limited-Service Eating Places-7222	36,911,196	26,346,148	10,565,048
Special Foodservices-7223	7,262,204	2,065,283	5,196,921
Drinking Places -Alcoholic Beverages-7224	3,827,318	5,419,801	(1,592,483)

Secondary Trade Area Retail Market Potential Opportunity Gap - Retail Stores

	2012 Demand (Consumer Expenditures)	2012 Supply (Retail Sales)	Opportunity Gap/Surplus
Total Retail Sales Incl. Eating and Drinking Places	346,006,216	86,787,557	259,218,659
Motor Vehicle and Parts Dealers-441	70,629,420	1,153,811	69,475,609
Automotive Dealers-4411	61,961,147	0	61,961,147
Other Motor Vehicle Dealers-4412	3,945,144	742,079	3,203,065
Automotive Parts/Accsrs, Tire Stores-4413	4,723,129	411,732	4,311,397
Furniture and Home Furnishings Stores-442	7,439,198	707,263	6,731,935
Furniture Stores-4421	3,979,447	0	3,979,447
Home Furnishing Stores-4422	3,459,751	707,263	2,752,488
Electronics and Appliance Stores-443	8,035,389	1,065,042	6,970,347
Appliances, TVs, Electronics Stores-44311	5,978,567	1,065,042	4,913,525
Household Appliances Stores-443111	1,453,871	963,041	490,830
Radio, Television, Electronics Stores-443112	4,524,696	102,001	4,422,695
Computer and Software Stores-44312	1,685,154	0	1,685,154
Camera and Photographic Equipment Stores-44313	371,668	0	371,668
Building Material, Garden Equip Stores -444	34,679,721	8,012,128	26,667,593
Building Material and Supply Dealers-4441	31,415,367	7,012,926	24,402,441
Home Centers-44411	12,550,727	0	12,550,727
Paint and Wallpaper Stores-44412	774,098	913,103	(139,005)
Hardware Stores-44413	3,098,709	304,765	2,793,944
Other Building Materials Dealers-44419	14,991,833	5,795,058	9,196,775

Secondary Trade Area Retail Market Potential Opportunity Gap - Retail Stores

	2012 Demand (Consumer Expenditures)	2012 Supply (Retail Sales)	Opportunity Gap/Surplus
Building Materials, Lumberyards-444191	5,724,364	2,265,867	3,458,497
Lawn, Garden Equipment, Supplies Stores-4442	3,264,354	999,202	2,265,152
Outdoor Power Equipment Stores-44421	473,397	123,110	350,287
Nursery and Garden Centers-44422	2,790,957	876,092	1,914,865
Food and Beverage Stores-445	49,084,371	20,411,102	28,673,269
Grocery Stores-4451	44,836,053	12,797,847	32,038,206
Supermarkets, Grocery (Ex Conv.) Stores-44511	42,648,091	12,797,847	29,850,244
Convenience Stores-44512	2,187,962	0	2,187,962
Specialty Food Stores-4452	1,430,749	2,092,218	(661,469)
Beer, Wine and Liquor Stores-4453	2,817,569	5,521,037	(2,703,468)
Health and Personal Care Stores-446	19,579,572	7,253,667	12,325,905
Pharmacies and Drug Stores-44611	16,811,841	7,253,667	9,558,174
Cosmetics, Beauty Supplies, Perfume Stores-44612	692,029	0	692,029
Optical Goods Stores-44613	814,827	0	814,827
Other Health and Personal Care Stores-44619	1,260,875	0	1,260,875
Gasoline Stations-447	36,788,904	23,112,769	13,676,135
Gasoline Stations With Conv Stores-44711	27,378,763	16,056,012	11,322,751
Other Gasoline Stations-44719	9,410,141	7,056,757	2,353,384
Clothing and Clothing Accessories Stores-448	16,452,080	1,170,458	15,281,622
Clothing Stores-4481	11,752,653	677,091	11,075,562
Men's Clothing Stores-44811	758,141	6,982	751,159
Women's Clothing Stores-44812	2,976,970	380,114	2,596,856
Children's, Infants Clothing Stores-44813	650,492	0	650,492
Family Clothing Stores-44814	6,293,934	268,632	6,025,302
Clothing Accessories Stores-44815	285,483	0	285,483
Other Clothing Stores-44819	787,633	21,363	766,270
Shoe Stores-4482	2,228,899	0	2,228,899
Jewelry, Luggage, Leather Goods Stores-4483	2,470,528	493,367	1,977,161
Jewelry Stores-44831	2,279,551	493,367	1,786,184
Luggage and Leather Goods Stores-44832	190,977	0	190,977
Sporting Goods, Hobby, Book, Music Stores-451	7,103,898	14,685,328	(7,581,430)
Sporting Goods, Hobby, Musical Inst Stores-4511	4,875,957	14,227,522	(9,351,565)
Sporting Goods Stores-45111	2,408,300	78,909	2,329,391
Hobby, Toys and Games Stores-45112	1,529,096	14,148,613	(12,619,517)
Sew/Needlework/Piece Goods Stores-45113	453,562	0	453,562
Musical Instrument and Supplies Stores-45114	484,999	0	484,999
Book, Periodical and Music Stores-4512	2,227,941	457,806	1,770,135
Book Stores and News Dealers-45121	1,515,706	457,806	1,057,900
Book Stores-451211	1,436,187	457,806	978,381
News Dealers and Newsstands-451212	79,519	0	79,519
Prerecorded Tapes, CDs, Record Stores-45122	712,235	0	712,235

Secondary Trade Area Retail Market Potential Opportunity Gap - Retail Stores

	2012 Demand (Consumer Expenditures)	2012 Supply (Retail Sales)	Opportunity Gap/Surplus
General Merchandise Stores-452	47,459,864	4,103,553	43,356,311
Department Stores Excl Leased Depts-4521	22,642,449	0	22,642,449
Other General Merchandise Stores-4529	24,817,415	4,103,553	20,713,862
Miscellaneous Store Retailers-453	9,789,194	1,928,361	7,860,833
Florists-4531	734,189	60,317	673,872
Office Supplies, Stationery, Gift Stores-4532	3,794,632	639,957	3,154,675
Office Supplies and Stationery Stores-45321	2,166,902	0	2,166,902
Gift, Novelty and Souvenir Stores-45322	1,627,730	639,957	987,773
Used Merchandise Stores-4533	792,905	68,461	724,444
Other Miscellaneous Store Retailers-4539	4,467,468	1,159,626	3,307,842
Foodservice and Drinking Places-722	38,964,605	3,184,075	35,780,530
Full-Service Restaurants-7221	17,545,302	1,642,544	15,902,758
Limited-Service Eating Places-7222	16,487,279	1,541,531	14,945,748
Special Foodservices-7223	3,234,441	0	3,234,441
Drinking Places -Alcoholic Beverages-7224	1,697,583	0	1,697,583

2.5.2 Gig Harbor's Market Conclusions

- Gig Harbor's primary trade area grew rapidly in the decade between 2000 and 2010 and is projected by Neilson to grow by another 1000 households by 2018. Consequently, denser mixed-use developments have come online in the past several years such as Olympic Square in the Uptown section of Gig Harbor. The community should contemplate the value of additional high-quality mixed-use development in downtown. That should be developed through a thoughtful downtown master plan that evaluates existing uses, vacant and underutilized properties, viewsheds, and development opportunities. This is discussed again in the recommendations portion of the report.
- A specialty grocery store was indicated in roundtable groups as need to round out the offerings for the Downtown Waterfront especially now that there are no true grocers in the area. Locally and nationally the trends for grocery stores is evolving as national retailers consolidate, contemplate sub-brands, and independent grocers ramp up specialty products. While the Gig Harbor primary trade area is operating at what might be considered "market equilibrium" for grocery stores according to the data, the secondary trade area is significantly leaking sales, visitor traffic including boating traffic could help sustain a specialty grocer, and unique formats are evolving in downtown locations. Furthermore, there is speculation in Gig Harbor that some of the national chains are going to consider changes in the market, which may further open the door for a downtown grocer. This will need additional study.
- More destination business will increase customer flow to downtown. Perhaps the most important of these are dining establishments to round out the offerings already in place. Dining away from home has been an increasing trend for decades and while the recent recession dealt a blow to some dining establishments, Gig Harbor's relative affluence and visitor appeal will negate this impact.

Of course, just because there is market demand for restaurants does not guarantee success. Restaurants remain the most challenging businesses to open.

- Complementing restaurants are destination businesses such as clothing stores and furniture and home furnishings stores which show significant leakage in the primary and secondary trade areas. These should be tailored to be appealing to both locals and visitors.
- Maritime related businesses represent a significant existing cluster for Gig Harbor for obvious reasons, currently there are twelve commercial marinas and three marine supply stores in downtown. The lack of fuel for recreational watercraft greatly impedes the ability for Gig Harbor to fully expand its marine cluster that would possibly include augmenting some local demand for groceries. The active commercial fishing boats augment Gig Harbor's appeal as a maritime destination.
- Gig Harbor is definitely impacted by seasonal shifts in visitor traffic. The two zip code surveys clearly quantified the impact of additional visitors to the community. Having said that, the local and regional customer constitutes the majority of customer base regardless of season. Consequently, Gig Harbor's Downtown Waterfront must have a multi-pronged promotional strategy that is appealing to both locals and visitors. The true impact of visitors is hard to quantify except to show that for all of downtown sales they represent over one third of the customer traffic and in the off season they still represent one in every ten customers for the combined businesses in the Downtown Waterfront. Anecdotally, some businesses indicate a 25% jump in business during the summer months, which corresponds directly to the delta between overall visitors in the summer versus those in the winter.
- Gig Harbor's Downtown Waterfront has a relatively low vacancy rate in commercial buildings and some ground floor space ideally suited for retail is currently used for service businesses. Anecdotal evidence from input meetings indicates that the rental rates in some portions of the district are too high for retail, there is space available downtown for \$12 per square foot which is quite affordable in a market such as this. Furthermore, there are several undeveloped parcels within the Downtown Waterfront district that could be developed sensitively into mixed use. These parcels (one of which is an eyesore) represent an important opportunity for Gig Harbor to grow its commercial and residential base.
- Calculating capture rates for the leaking sales can be more of an art than science. We recommend using capture "scenarios" to illustrate what the potential could be. For example, a 20% capture rate in the primary trade area and 10% capture rate in the secondary trade area for Home Furnishings would result in a little over \$1 million in possible sales not counting population growth or visitor traffic. This presents a fairly reliable number that a retailer could use when contemplating space in the Downtown Waterfront (or anywhere in Gig Harbor).

3.0 Recommendations

3.1 Marketing

Currently, Gig Harbor has a number of identity opportunities and challenges. It has several messages it sends to visitors and residents. For many years Gig Harbor has been known as the “The Maritime City” and “Washington’s Maritime Village”. Downtown Waterfront Alliance does not currently use a tagline, but has multiple versions of their logo. The city of Gig Harbor has a vision statement and differing messages based on the market. All of these messages are accompanied by a variety of graphic elements and colors, some of which are fairly consistent while others are not.

In addition to the actual marketing of Gig Harbor, the community is known by a number of names because of the neighborhood divisions within it. These include Gig Harbor Uptown, Downtown, the Waterfront, Millville, and Finholm. To the visitor (and sometimes even the resident) distinguishing between these geographies can be problematic. In the end, Gig Harbor itself represents a diverse geographic area that connects a charming historic downtown with a remarkable surrounding area full of recreational opportunities and well planned suburban growth.

Gig Harbor has much to offer as a place to live and visit. It is an authentic community nestled in the Puget Sound, attracting a variety of people. Gig Harbor maintains the authenticity of having a working waterfront and fishing fleet while accommodating recreational watercraft. Downtown is benefitting from new ventures like the Seven Seas Brewery which has reinvigorated an ageing downtown shopping center. Furthermore, Gig Harbor benefits from a dedicated group of volunteers through Downtown Waterfront Alliance and its partner organizations at the City and the Chamber of Commerce (and many other groups) that work hard to ensure the success of the community.

At this time where the City is working with a variety of stakeholders on visioning strategies for the community, a singular opportunity exists for the Gig Harbor Downtown Waterfront to define its own identity in a clear and consistent way. To do so will take many partners and a cohesive strategy to brand the Downtown Waterfront in an authentic way without sacrificing the considerable effort that has been exerted to promote a citywide identity.

To that end, the term “brand” is often difficult to understand. A “brand” for a community is much more than a logo, a typeface, or a tagline; it is a promise a place makes with people. Nor is a “brand” an effort to “theme” the community (such as Leavenworth). Unlike companies that have centralized control of their brand message, communities must have an identity system that is compelling enough to convince residents, stakeholders, and decision makers to “buy into” this identity. This is no small task and Gig Harbor has risen to the occasion by vetting a series of recommendations for its brand identity.

The following components of the identity system are presented along with a series of recommendations for Gig Harbor to consider in implementing the system. There is not always a clear “roadmap” on implementing an identity system and the maturation of the system into a “brand” will take the efforts of many partners.

3.2 Brand Values

One of the important steps in establishing a brand is to understand the values for which it stands. Through the thoughtful input of well over one hundred stakeholders in a variety of themed focus groups, the following concepts emerged as core values for Gig Harbor:

- Gig Harbor should not be a place that people pass through getting from one location to another. As visitors and residents have to cross the Narrows Bridge, Gig Harbor takes some effort to get to. This creates a defined sense of community and sparks interest in casual visitors.
- Gig Harbor is an affluent community. Communicating with the correct markets becomes key to the identity strategy.
- Although affluent, Gig Harbor is also authentic. While the community is very attractive, it is not a place that has been “veneered” into the perfect Washington village. Quite the contrary, Gig Harbor is an active, vibrant, and functional community. It is home to active industries that are emblematic of Washington, showcased in its working waterfront and functional downtown businesses.
- Gig Harbor is welcoming to new people and new ideas. In fact, many business owners in the community came to Gig Harbor from other places because they saw the energy of the community and wanted to be a part of it.
- Gig Harbor is not content to rest on its successes. The community is not “frozen in time” but rather continues to look at ways to improve while preserving what makes it unique.

3.3 Brand Attributes

Unlike brand values, brand attributes are more “technical” in nature. They are the tools that the graphic artist uses to construct the tools to market the community. For Gig Harbor the brand attributes are as follows:

- Typefaces: The main typeface for Gig Harbor combines a classic and distinguished serif that is easily readable and designed to have a very long lifespan. This is used for the Gig Harbor name and other primary text. A secondary sans serif is used as a modifier that allows for a bit more contemporary and expansive use. These typefaces are Capita-Light and Avenir.
- Colors: The colors for Gig Harbor include a series of six natural colors that were selected from the natural surroundings of Gig Harbor and the net sheds of the area. The colors are designed to evoke images of the Puget Sound and the depth of the community.
- Logo: The logo for Gig Harbor combines the iconic net shed with lines and corks from a net itself. These images evoke the history and care that Gig Harbor places into its community. The lines and corks also reinforce the brand message of being “tied together”. These images are used to connote the strong role Gig Harbor plays in keeping the iconic parts of Washington in the forefront.

- Tagline: The tagline for Gig Harbor has been discussed in great detail in the community. The concept: “Tied Together” was presented as a way to show that Gig Harbor is intrinsically connected historically, socially, and economically to the Puget Sound. Similarly, the Downtown Waterfront Alliance can use this message to show that they are tied and connected to their many partners and supporters. When a community is tied together, it cannot fail.

To illustrate the value of the overall brand and the importance of not letting it rest solely with images, the project team crafted the following brand statement to describe Gig Harbor. More than a statement, this is a tool that can be used as a single cohesive statement about what the Downtown Waterfront is or can be broken into parts to describe distinct attributes of the community in ad copy or other uses. The brand statement reads as follows:

We are Gig Harbor

We are a place tied to a history that predates European settlement. Native Americans came here to live in our safe harbor. Later Croatians launched our commercial fishing industry that remains alive to this very day. Scandinavians brought businesses to our town and immigrants came to the area from across the nation and Europe. This heritage is not just part of our past. We remain a place where our connection to the water provides a living for generations of families.

Today, the water is not just a place of work; it is a place of recreation. Our Canoe and Kayak Racing Team are national champions. Locals enjoy a more leisurely pace whether by paddle, by sail, or by motor. And visitors get a warm welcome at our docks where they can walk, dine, shop, and even drink a local beer.

Gig Harbor is a place with captivating beauty. Everywhere you look there are scenes of uncommon splendor: watercraft of all shapes and sizes, historic homes and businesses, open views across the harbor, and those amazing moments when “the mountain” towers in the distance.

Gig Harbor is a place deeply connected. A stroll along our waterfront will bring you past historic netsheds, a stunning museum, the area’s largest collection of independent businesses and restaurants, and lovely parks. Our events bring the community together throughout the year. People gather here at festivals, concerts, films, gallery strolls, or family nights out.

We are a place with where our past inspires our future, knowing that we can preserve what is great about this place while continuing to make our downtown waterfront and all that it means to us even better.

We are Gig Harbor, Washington. Tied to the Water.

These brand attributes above form the foundation of the brand itself and can be used to deploy a series of marketing recommendations that follow.

3.4 Brand Recommendations

3.4.1 SHORT TERM

A. Recommendation: Adopt the Brand Statement and Brand System

A brand statement is different from a mission statement. A brand statement is an explanation of a place that should resonate with local residents (most importantly), visitors, and investors. The brand statement for Gig Harbor explains its history, its present, and its outlook on the future. The brand statement is the foundation of the brand system that allows Gig Harbor to deploy a versatile set of tools to market the community to residents, visitors, investors, and those wishing to live in the community. The system must have meaning to the community.

All four committees of Downtown Waterfront Alliance should be involved in the deployment of the brand and should ally with partners such as the Town of Gig Harbor, the Gig Harbor Visitors Council, the Gig Harbor Area Development Corporation and other groups to help deploy the brand. Each committee should ensure that all branding and marketing efforts are coordinated, explore funding options for their particular piece of deployment, and strategize on roles and responsibilities.

A brand style guide is attached as an component to this report. It provides guidance on proper usage of the identity system, color specifications in RGB, CMYK and Pantone, a copyright release allowing the client to modify and use the system as needs evolve, and a simple licensing agreement should Downtown Waterfront Alliance wish to allow products with the logo to be developed and sold. Finally, a complete file system with all logos, ad templates, typefaces, and support graphics is included as part of the deliverables for this effort.

B. Recommendation: Promote Past Downtown Waterfront Alliance Accomplishments

The Downtown Waterfront Alliance has accomplished much to maintain, stabilize, and improve the Gig Harbor community. Over the years, the organization has developed events to promote the community, worked with property owners on building improvements, marketed the community, and created spin off organizations to handle recovery from Tropical Storm Irene. The Downtown Waterfront Alliance has been a stalwart partner to many groups and continues to work on projects such as the long-term recruitment plan for the community.

The Downtown Waterfront Alliance should document its past successes, current projects, and future plans in a cohesive marketing piece that can be distributed to partner groups, grantors, neighborhood associations, potential investors, and interested citizens. This material could be placed in a branded folder that uses the Gig Harbor identity system.

C. Recommendation: Host a brand launch event

Host a Gig Harbor brand “launch event” to celebrate the new Gig Harbor brand identity. This event can take many forms including a specific party/reception, coordination with an existing event such as the Gig Harbor Arts Fest, cooperation to showcase merchant offerings, or even a community-wide

celebration. Many communities have taken the ad samples and enlarged them into posters to profile the brand campaign. Others have worked with local merchants to create branded items to sell (Cakes or cookies with the Gig Harbor brand). Many communities like for participants in brand launch events to have a small take away such as a magnet or window decal that will both allow the brand to be seen and shared.

D. Recommendation: Redesign Gig Harbor Collateral Pieces.

The brand identities for the destination (Gig Harbor Downtown Waterfront) and the organizations are similar, but have different and distinct uses. The Downtown Waterfront Alliance should consider reinforcing the destination identity system through its own adoption of a new logo for the organization itself including letterhead, business cards, and ultimately a new web page design. The distinctive typefaces and color scheme will clearly show that Downtown Waterfront Alliance is promoting the destination of the Gig Harbor Downtown Waterfront. Additional logos for partner organizations and events can be developed using the same typefaces and color schemes. Each organization and event can maintain as unique an identity as it wishes yet remain “in the family.” For example, the logo for the Gig Harbor Wine & Food Festival is a bit more sophisticated than that of the Gig Harbor Peeps Art Show.

In addition, the lodging guide and shopping and dining guide for Gig Harbor should also be redesigned to reflect the brand identity.

E. Recommendation: Use Brand Identity on Banners

The brand system has designed banners highlighting some of the downtown symbols of Gig Harbor’s waterfront. These banners should be installed throughout the community as a way to showcase the overall brand and to draw people into the downtown waterfront destination. The banners are designed to be simple colors so as to create rhythm and consistency while accenting the uniqueness of the architecture of Gig Harbor.

F. Recommendation: Retain Marketing/Art Production Steward

The brand resources provided to the Downtown Waterfront Alliance equip the organization with a host of tools to implement the brand. Volunteers and the director of the Downtown Waterfront Alliance can use many of these tools right away. Other parts of the brand system will require art production and design (additional ads, signs, event posters, etc.). For these, we recommend hiring an “on call” graphic production specialist to serve the Downtown Waterfront Alliance on an as needed basis. Keeping graphic elements consistent is imperative especially early in the implementation process.

G: Recommendation: Redo Websites

The Downtown Waterfront Alliance website serves a specific purpose, and helps provide information of interest to visitors and residents. The site should incorporate new logos and brand messages. This redesign could also lead to the eventual redesign of the Town of Gig Harbor’s website. The websites should link to one another and both websites should contemplate using social media tools and Google Analytics as a way to track visitor traffic and evaluate the success of marketing materials.

3.4.2 NEXT STEPS

H. Recommendation: Create Gig Harbor Branded Merchandise.

It isn't necessary to roll out all new brand designs right away. However, new products might be explored for a 2014 roll out such as window signs for stores and tee shirts. Later implementation might work with local businesses to develop their own merchandise with the brand alongside the Downtown Waterfront Alliance.

I. Recommendation: Launch Individual Business Marketing

While there are frequently incentives available to recruit businesses and investors to a community, there are fewer opportunities to assist existing businesses. Furthermore, many independent businesses end up cutting marketing when the market takes a downturn. The Downtown Waterfront Alliance should contemplate launching a matching grant program that would provide a direct way to alleviate the cost of advertising for Gig Harbor downtown businesses, incent those that aren't marketing to begin the effort, and create a more coordinated image of Gig Harbor through deployment of the brand identity.

This technique also provides a more savvy way to deploy a marketing image than the traditional ad co-op program. Traditionally, if a community wanted to do cooperative advertising, a staff member of volunteers would go "hat-in-hand" to collect a share amount from participating businesses to appear in a cooperative ad that would include business card size ads arranged around some sort of logo or symbol. The result is the purchase of a full-page ad without the companion impact of purchasing such an ad. This alternative approach allows for Downtown Waterfront Alliance to create micro marketing grants to businesses that use the Gig Harbor brand concept and tagline. The pilot funding for the project should be five thousand dollars. The program would follow these steps and parameters:

- Downtown Waterfront Alliance, alongside its partners, issues a statement that a pilot marketing grant program is being launched (perhaps a meeting is held to present the program).
- The funding for the initial year would be limited so the program is a first come first serve effort (this will hopefully motivate participation).
- Businesses would get a fifty-fifty match of any marketing program that employs the Gig Harbor Downtown Waterfront brand. Print ads would follow the templates provided by the Downtown Waterfront Alliance, broadcast ads would use a simple tagline at the end of the ad "Gig Harbor's Downtown Waterfront, Tied Together," web based ads would also include the brand identity.
- Downtown Waterfront Alliance would develop an administrative and reimbursement policy for the grant.
- The business is responsible for ensuring that a copy of the ad (or recording) is saved for the archive.

The program would need to be closely evaluated to determine its effectiveness and tweaked as it continues beyond the pilot year.

J. Recommendation: Begin Implementing Pedestrian Wayfinding Sign System

Gig Harbor already has a well-executed citywide wayfinding system. However, the community endeavors to encourage walking between the various districts that comprise the Downtown Waterfront. Gig Harbor should consider examples such as the “Walk Your City” campaign in Raleigh, NC. These signs, geared specifically to pedestrians, should be designed to draw customer traffic around the curve of the waterfront. These pedestrian signs are designed to be casually implemented that direct visitors to additional shopping, dining, parks, and gathering spots in Gig Harbor. Frequently they use time rather than distance to indicate to the walker how long it will take to get to a destination. As they are not on the highway right of way, they can be deployed in a much more creative way than traditional wayfinding signs.

K. Recommendation: Host an Annual Marketing Summit.

Each year the Downtown Waterfront Alliance should host a marketing summit with its partner organizations to share marketing initiatives, coordinate placement of marketing materials, and refine marketing as needed. This summit will allow each organization to clearly know their role in marketing Gig Harbor’s Downtown Waterfront, explore stronger partnership efforts with the Chamber of Commerce, connect with City of Gig Harbor marketing efforts, and refine marketing material as needed. One approach for this summit would be to issue a request for proposals from media to provide competitive bids for ad placement.

ONGOING LONG/TERM

L. Recommendation: Ongoing annual marketing summit.

The various community partners should continue to explore ways to refine and enhance the brand identity of the community through an annual marketing summit.

M. Recommendation: Consider Implementing New Gateways

The partner organizations and the Downtown Waterfront Alliance should consider, in the coming years, how visitors and residents travel throughout the downtown waterfront area. Parking availability and wayfinding effectiveness should be evaluated. Gateway signage can be considered and designed in an effort to control traffic flow in these downtown areas. In the medium term, while working with the city, recommendations should be extended to new gateways elsewhere in the community.

3.5 Recruitment and Development

The marketing conclusions in Chapter 2 of this report outline the opportunities for Gig Harbor to continue to grow its business base, enhance the Downtown Waterfront, and explore expanding development in key areas of the district while preserving the character of the community.

The market study numbers clearly indicate that Gig Harbor is a community that is dependent on the local, regional, and visitor customer for its success. Gig Harbor has the luxury (and burden) of not having a singular marketing and recruitment strategy it must employ – the successful business in the Downtown Waterfront will be appealing to both locals, regional customers and visitors.

From a local standpoint, Gig Harbor is a demographic “hotspot.” The population is affluent, growing, and significantly diverse enough to provide for a variety of approaches in new retail, residential, and restaurant concepts. Growth is perhaps the most important component, population growth is a fundamental condition that will support additional development. However, the Downtown Waterfront cannot simply stand still while the community around it changes or newcomers will find it a quaint relic of days gone by rather than an active part of their day-to-day lives. Young people in the community indicated in their roundtable that the Downtown Waterfront offers little appeal for them in its current state.

The goal for this strategy is to create a strong recruitment and retention plan grounded in the market realities, explore sites for development and redevelopment, and contemplate catalyst retail developments that will foster interest from the private sector.

3.6 Recommendations

3.6.1 FIRST STEPS

A. Recommendation: Complete Downtown Master Plan

Gig Harbor is working actively on a downtown visioning process. This process should extend beyond policies and goals to an illustrative master plan showing development and redevelopment sites, time frames, public improvements that will accompany private development and conclude with a cohesive implementation strategy that outlines funding options, implementation time frames, and responsible parties. The master plan will serve as a guide to the City and to the Downtown Waterfront Alliance and its partner at the Chamber as to what opportunities exist for growing the district. Currently, Gig Harbor’s Downtown has a number of locations that are vacant sites, properties that have developed in unusual patterns, some infill development that is more suburban in nature, and several buildings that warrant significant investment to make them commercially viable.

The master plan is a vehicle that can foster change and encourage growth in businesses and developments that will create more economic stability. Such a plan can address policy issues as well such as building size, parking requirements, building height, and code issues. A good master plan will leverage public expenditures for infrastructure enhancement for the maximum return through private investment.

The community should commission a downtown master plan that will work with property owners on these key sites to identify appropriate redevelopment options for them. The sites should be tied together in an overall plan for downtown that shows how the district area can grow and develop over time while preserving the character of the community.

B. Recommendation: Begin Exploring a Downtown Specialty Grocer as a Catalyst Project.

As mentioned before, there is considerable interest in a specialty/small format grocer in the Downtown

Waterfront area. Grocers do create energy for additional tenants if they are positioned and marketed correctly. Gig Harbor should contemplate a multi-pronged strategy to pursue this effort. First, the Downtown Waterfront Alliance should meet with local grocers to understand their needs for space. Second, the Waterfront Alliance can meet with potential building and property owners to explain the market opportunities.

The Downtown Waterfront market has challenges for a traditional store such as Safeway and Albertsons that have narrow margins, and established store formats. Boutique and specialty grocers have more sales potential as they can cater to visitors and locals while offering product that is unique in the entire market. Frequently such stores follow a co-op model, include wine and craft beer, organic food, and locally sourced products. Gig Harbor should explore the co-op model though several national sites dedicated to helping communities start a co-op.

3.6.2 NEXT STEPS

C. Recommendation: Add Visitor Moorage and a Marine Fuel Dock to the Downtown Waterfront

More visitor moorage and a marine fuel dock have been discussed and debated at length in Gig Harbor. Such facilities will undoubtedly add to the Downtown Waterfront's appeal as a destination for recreational watercraft. Gig Harbor bay has about 13 significant commercial Marinas with about 650 slips. These marinas generate over \$2 million in annual revenue. In addition there are estimated to be about 250 other boats in smaller marinas at private docks and moored in the Harbor. The existing customers alone represent a significant base for such facility.

While it is difficult to get an exact count of visiting overnight and day stays in Gig Harbor. A local marina owner estimates that 6,000 overnight stays probably take place even though transient facilities are limited. Arabella's Landing has transient moorage as does the Jerisch (City) dock, the Gig Harbor Yacht Club guest Pier and the Seattle Yacht Club outstation in east Gig Harbor Bay. Because of limited space, many boats anchor in the harbor itself for these stays.

Most Puget Sound waterfront communities have fuel and more transient facilities and accommodate more boats. Poulsbo for example has a public capacity for 146 boats and receives an average of 6,600 overnight stays per year. Most ports or municipalities provide fuel and an average of 150 transient slips.

3.6.3 ONGOING LONG/TERM

D. Recommendation: Explore Retail/Office Accelerator Project for Gig Harbor's Downtown Waterfront

Micro-enterprise represents a truly unique opportunity for Gig Harbor. The community is clearly attracting a well-educated and affluent population. Many of these residents are commuting out of Gig Harbor to jobs elsewhere. Co-working, accelerator, and incubator space is a growing trend in downtowns across the country and Gig Harbor represents a unique location for such a space.

E. Recommendation: Continue to Explore Redevelopment Options for Suburban Style Uses in Downtown

Downtown Gig Harbor has several sites that were built in a more suburban style surrounded by parking. Over time, the community should take suggestions from the master plan and implement sensitive redevelopment to provide for greater density, a more rational parking arrangement downtown, and buildings that complement the historic character of the community.

4.0 Conclusion

Gig Harbor, Washington is in a unique position as a community thriving and growing in a stunning environment. The Downtown Waterfront is the community's "signature" attraction and should have the vitality that is needed for such a dynamic community.

This process has fostered greater partnerships among groups, more thorough communication of goals, and provided tools for implementing a marketing and recruitment strategy for the Downtown Waterfront. Gig Harbor has an excellent track record of implementing quality plans – this plan should serve as yet another tool to guide future work.

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, April 13, 2015 3:23 PM
To: Kester, Jennifer
Subject: FW: Gig Harbor City Council

From: Carol Davis [mailto:bonjourcarol@yahoo.com]
Sent: Monday, April 13, 2015 9:24 AM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: To: Gig Harbor City Council

Dear Madame Mayor and City Council Members;

At the hearing this evening concerning the amendment to the zoning code for Waterfront Millville, please consider that the vast majority of people who will be affected by your decision live in this neighborhood. The people who are in favor of this text amendment don't live in this area and are unaware of how the proposed changes will negatively affect the quality of life in Millville. The zoning code is designed to protect residents of the community from intrusive noise, sights, and smells from intense commercial activity.

Once the code is changed, for the benefit of one property owner, what other subtle changes might he request? A tavern? A casino? High-rise condos? You hold the public trust in your hands. The public has elected you and trusts you to act in a way that protects the interests of the majority, not one person. Allowing a level 2 or 3 restaurant in downtown Millville will not revitalize the area. The residents of Gig Harbor have said for the past twenty years (that I am aware of) to preserve the charming nature of our historic fishing village and the open views of the bay.

I urge you to follow the will of the majority of the people and not allow this text amendment to be passed. Changing the hours of operation and deliveries or decreasing the borders of the proposed area is not enough. The whole text amendment should be scuttled in order to preserve Millville.

Sincerely,
Carol Davis

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, April 13, 2015 3:22 PM
To: Kester, Jennifer
Subject: FW: Gig Harbor City Council

From: JC Skansi/Next Level Speed Training [mailto:johnnyskansi@yahoo.com]
Sent: Monday, April 13, 2015 3:08 PM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: To: Gig Harbor City Council

City of Gig Harbor Residents and City Council,

We all must do our best to keep the bigger picture in mind at all times when considering changing the zoning in the Millville District. To be for progress and development in the Gig Harbor area, which basically is a good and necessary thing, does not have to, and should not include, unreasonable commercial development that is detrimental to the quality of life and the residential property values in the predominately residential Millville District. Therefore it is the most reasonable call to keep the zoning as it is, and NOT amend the present Zoning Code in the Millville District, as this zoning serves Millville the best. Thanks so much for your attention!

John

Kester, Jennifer

From: Wise, Shawna
Sent: Monday, April 13, 2015 3:11 PM
To: Kester, Jennifer
Subject: FW: Downtown Waterfront ways in on neighborhoods with character

Importance: High

Shawna Wise

Assistant City Clerk



City of Gig Harbor

253-853-7638

wises@cityofgigharbor.net

From: citizensforgigharbor@gmail.com [mailto:citizensforgigharbor@gmail.com]
Sent: Monday, April 13, 2015 2:34 PM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Arbenz, Casey; Ekberg, Steve
Cc: Wise, Shawna; Karen Miller; Charlee Glock Jackson; gateway
Subject: Downtown Waterfront ways in on neighborhoods with character
Importance: High

Madam Mayor and Council Members,

Surely you received the Facebook notice today, from the Downtown Waterfront Alliance, asking folks to contact their legislatures to ask the history of our towns and neighborhoods be preserved.

Millville has approximately 40 buildings that could be listed on our local and national historical registries.

Which side of history will you be on?

Will jaw-dropping growth
spoil the character of our
neighborhoods and the
health of our environment?

For the answers, **subscribe** to the
Crosscut eNewsletter and Daily Troll.

We are asking you to deny Mr. Stearns personal zoning change that will spoil the character of our history neighborhood of Millville and the health of our environment.

Citizens for the Preservation of Gig Harbor

Citizens for the Preservation of Gig Harbor LLC

C4GH: *Citizens committed to making Gig Harbor better than we found it!* JOIN US!!

<http://citizens4gigharbor.blogspot.com/> <https://www.facebook.com/Citizens4GigHarbor>

We do not inherit the earth from our ancestors, we protect it for our children

KINDNESS MATTERS

Kester, Jennifer

From: Guernsey, Jill
Sent: Monday, April 13, 2015 12:48 PM
To: Kester, Jennifer
Subject: FW: Gig Harbor City Council

From: Heather McFarlane [mailto:heatherrmc76@gmail.com]
Sent: Monday, April 13, 2015 12:37 PM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: To: Gig Harbor City Council

The Council should note that citizens hear a tavern off 302 (Lake Kathryn Village homes) are suing the tavern owner for late night noise, music, people not going home but "hanging out" after leaving the facility and generally being a problem for local homeowners. Not as frequently, but neighbors near the Floatation Device between Purdy Drive and Sherman Drive have heard heated arguments in the parking lot after closing time. It isn't the owner's fault that people carry their anger off the premises, but it does present a problem for nearby property owners who are trying to sleep. How can the Council support a "quiet zone" for residential areas, then allow the same potential problems to develop in Gig Harbor where the homes are even closer to the proposed developments?

**Heather McFarlane
Burley Lagoon**

Kester, Jennifer

From: Wise, Shawna
Sent: Monday, April 13, 2015 11:46 AM
To: Kester, Jennifer
Subject: Fwd: Restaurant Zoning Change

Sent from my iPhone

Begin forwarded message:

From: "dishmanbruce@comcast.net" <dishmanbruce@comcast.net>
Date: April 13, 2015 at 11:38:37 AM PDT
To: "Wise, Shawna" <WiseS@cityofgigharbor.net>
Subject: Restaurant Zoning Change


I oppose the proposed restaurant zoning change. I have lived in the Millville area for almost 40 years and Gig Harbor for almost 46 years. This change is driven by out of town people for their own profit with no concern for the history of the city and the wishes of the people that live in it. There is no need for additional restaurants in Millville and if approved, the zoning change would impact the uniqueness of this area. We could become restaurant row rather than a unique area preserving its fishing heritage. Bruce Dishman, 3404 Harborview Dr.

Kester, Jennifer

From: Wise, Shawna
Sent: Monday, April 13, 2015 10:17 AM
To: Kester, Jennifer
Subject: FW: Mr Stearns person request

Shawna Wise

Assistant City Clerk

 City of Gig Harbor

253-853-7638

wises@cityofgigharbor.net

From: Jeni Woock [mailto:citizensforgigharbor@gmail.com]

Sent: Monday, April 13, 2015 10:17 AM

To: Wise, Shawna; Jill Guernesy; Paul Kadzik; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey

Subject: Mr Stearns person request

Madame Mayor and Council Members,

In 2012 Gig Harbor citizens were invited to participate in open houses to create the Harbor Vision Statement with plans for downtown. People came, made their wishes known for historic, quaint, charming walkable. Do not ignore what citizens said were important to them.

Through regulations in the Comprehensive Plan, the City Council promised residents, living in historic Millville 24 hours a day, there would be no businesses interfering with their family way of life. Level 1 café restaurants, limited in hours, size and equipment fit in well with their neighbors.

You may hear folks speak in favor of Mr. Stearns zoning change, but they will not be from Millville. Commercial businesses close their doors at 6pm and go home. Millville residents do not close their doors and go home, this is their home.

Some folks will financially benefit from this zoning change. Mr. Stearns, his employees, the restaurant owners do not live in Millville, they do not even live in the city of Gig Harbor.

The Mayor is on the record agreeing that if the local neighbors are not for something, "it doesn't go any further."

The local neighbors are not for this change. The red squares on the map indicate 69 Millville residents who have said NO to restaurants 2 and 3 in Waterfront Millville, 5 in favor. Folks connected with the city were not polled.

The folks who live in Millville 24 hours a day, paint their houses and put flowers on their porches are more committed to our community than a developer, serving his personal agenda.

No one in Gig Harbor should be rewarded anything who disregards the general welfare and public safety of Gig Harbor citizens and puts the lives of our firefighters in greater danger.

We are asking you to deny Mr Stearns personal zoning request .

Citizens for the Preservation of Gig Harbor

Citizens for the Preservation of Gig Harbor LLC. Citizens Committed to leaving Gig Harbor better than we found it!!

<http://citizens4gigharbor.blogspot.com>

We do not inherit the earth from our ancestors; we borrow it from our children.

Like us on: <https://www.facebook.com/Citizens4GigHarbor>

KINDNESS MATTERS!!

Kester, Jennifer

From: Mickey LeRoy <mickey-leroy@centurytel.net>
Sent: Monday, April 13, 2015 9:44 AM
To: Kester, Jennifer
Subject: To: Gig Harbor City Council

Well, I have had some time to study and reflect about this change in zoning.. I appreciate the meetings I have attended and the work of all concerned. I frankly have many issues with this process and how things are provided informationally to residents, but that is not what this is about.

I think the Council should do this in incremental steps.. I think Brix 25 could, with care and guidelines, from the City be a nice addition to downtown. However, to suddenly "go big" as one of you on the Council stated, could create some true issues with residents and safety. My husband and I were downtown on Harborview last Tuesday around 5 pm. Without a new restaurant, traffic was backed up past Mi Pueblito for the stop sign at Pioneer Way...Imagine the problem on a weekend. Shop owners will not be thrilled when people stop showing up because they cannot park and sit in stalled traffic on Harborview. Don't create more problems for struggling businesses down there.

You have yet to provide residents with a decent resume on transportation issues..That is not being nasty, but factual..The mess over on Pt. Fosdick is already a serious problem. The addition of the Fred Meyer will add to that. You have a lawsuit in your future if an ambulance cannot get through traffic for aid to someone. I have seen it happen in other places. It could also happen on Harborview and trust me, the reality of someone dying because an ambulance cannot get to the sick or injured is not a thing you want to have to live with. There is no wiggle room when something like that happens. Cars sitting in traffic sometimes have no place to go to get out of the way of an oncoming ambulance or Fire truck. Those kind of delays are what liability lawyers and insurance companies look at..Poor planning is not a good excuse. That needs to become a serious priority in the future.

Your first job is public safety...So, do this in small steps with some wiggle room to make adjustments after you judge traffic flow..Developers are always going to want to build, build. But as Pt. Fosdick and Gig Harbor North have proven, the traffic mitigation does matter....

Does the zoning change have to be a big blanket change? Can it not cover one application at a time? It will give the City the opportunity to see how the traffic changes and will give residents the opportunity to also see the impact on their daily lives. That is pretty important. The anger of the residents over the idea of 6 or 7 new restaurants being shoved down their throats at one time is real. And VALID. It is their home.

We all need to remember the Atticus Finch rule. In "To Kill a Mockingbird," he explained to his daughter that to truly understand a man you need to walk a mile in his shoes. I think that is one of the wisest things ever written. Walk a mile in those residents shoes before you vote. Give them the opportunity to grow accustomed to this. The community of those who love the Harbor will grow with care and WISE planning. Margot LeRoy
7021 81st.Ave.Ct. NW, Gig Harbor, Wa. 98335

Kester, Jennifer

From: Charles P. Meacham <chuckmeacham@centurytel.net>
Sent: Sunday, April 12, 2015 7:49 PM
To: Kester, Jennifer
Subject: Millville Rezoning Perspective

Mayor, City Administrator, Council Members:

I would like to encourage you to move forward on the zoning change relating to the Millville District of Gig Harbor. I want to bring additional vibrancy to the downtown area and I believe that the rezoning of the Millville District will encourage this to happen. From my perspective, it appears that a number of the business in this area are struggling a bit. The downtown area just hasn't quite reached a level of development where synergistic businesses can draw enough customers to promote healthy economic returns. Viable operations promote upgrades in existing businesses, increased hours of operation, and create a more fun downtown for residents and visitors alike.

As a waterfront resident I enjoy an occasional stroll through town visiting art shops, having a cup of coffee, or beer, or wine. And I enjoy an occasional dinner out with my wife and friends. While these occasional dining experiences are personally fulfilling and uplifting, "occasional" is not enough. Gig Harbor can be better. I ask you to provide additional opportunities for full service restaurants on our wonderful downtown waterfront and I encourage you to move forward with Millville rezoning.

Chuck Meacham
9509 Wheeler Avenue
Gig Harbor

Kester, Jennifer

From: Larry Fickel <larryff@comcast.net>
Sent: Sunday, April 12, 2015 2:11 PM
To: Kester, Jennifer
Subject: Public Comment on Millville Proposed Regulations

Hello Ms. Kester,

I am unable to attend the upcoming Gig Harbor City Council Meeting on April 13th due to business obligations, and would appreciate you passing on my public comments in written form.

As a citizen and small business owner in Gig Harbor, I am very concerned about the "fear mongering" that seems to be going on regarding Mr. Stan Stearns attempt to move Brix 25 into his existing store on Harborview. From everything that I have observed, Mr. Stearns has always been professional, built quality projects. I just don't see how an intelligent business man would jeopardize his interests for short term gain and wrath of our community. To quote a letter to the editor in The Peninsula Gateway on April 8, 2015, the writer states "The charm and quaintness of Millville will be wiped out by such a zoning change". I find this extremely hard to believe.

My wife and I have also eaten at Brix 25 numerous times and have never seen customers stumble out, and being loud, which previous letters to the editor have alluded to.

I also have to think the City Council Members, the City Planning Department, and the Planning Commission are trying to do the right thing, and be respectful of all parties. Please, let's have a fair discussion and debate without the fear mongering.

Respectfully,

Larry Fickel

Kester, Jennifer

From: Debra Ross <debraross80@yahoo.com>
Sent: Friday, April 10, 2015 5:09 PM
To: Kester, Jennifer
Subject: Waterfront Millville

Jennifer

Below is an email I sent to all City Councilmembers urging them to approve the WM zoning text code amendment as submitted and recommended to the Council by the GH Planning commission.

I am writing today to once again express my **support** of the proposed Waterfront Millville (WM) zoning text code amendment to allow Restaurant 2 and Restaurant 3 in certain areas of the WM zoning district. I urge you to **approve** the amendment as submitted per the application and as recommended to the Council by the Gig Harbor Planning commission.

A quote from the City's historical marker outside the building that houses Susanne's Deli and New York Nails reads: *The corner of Dorotich and Harborview has been a durable business location in Gig Harbor's economic life. The first general merchandise store, St Peter Bros Groceries & Feed, opened in 1906.*

The corner of Dorotich and Harborview continues today as a commercial building proving that a mixed use of residential and commercial within Waterfront Millville can succeed. We take seriously the responsibility of maintaining the integrity of WM and to respect our neighbors who are fortunate to reside in the area.

I again urge you to **approve** the WM zoning text code amendment as submitted.

Thank you

Deb

Debra L. Ross
253-851-4751 home, office, fax
253-970-3966 cell

Kester, Jennifer

From: Jamie Taylor <jtaylor@gigharborchamber.com>
Sent: Friday, April 10, 2015 1:03 PM
To: Kester, Jennifer
Subject: Millville Support Letters
Attachments: Gig Harbor Restaurant 3.docx; JMJ Ltr to GH City Council - Gig Harbor Restaurant 3.docx

Follow Up Flag: Follow up
Flag Status: Flagged

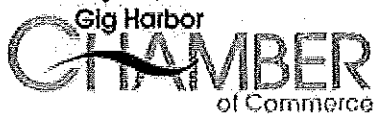
Jennifer,

We have received a couple of letters from members who are unable to attend Monday's City Council meeting who have written letters in support of the Millville Zoning Amendment. Can you please add these to the City Council Agenda packet please.

Thank you,

Jamie

Jamie Taylor, Communications Specialist



P: 253.851.6865 / F: 253.851.6881

Visit us at: www.gigharborchamber.com



March 30, 2015

City of Gig Harbor
Planning Department
3510 Grandview St.
Gig Harbor, WA 98335

RE: Millville Restaurant 3 Support Letter

To whom it may concern,

The character of downtown Gig Harbor has evolved over the years into becoming a specialty retail district and dining has increasingly become an integral part of maintaining this relevance. Dining choices along the waterfront allow our community and our equally important visitors to appreciate its scenic and unique splendors. The vitality of all retail along the waterfront benefits by the addition of quality dining choices due to the foot traffic it generates for surrounding businesses.

Just as buildings become functionally obsolete over time, zoning does as well. I am in favor of people who want to invest in Gig Harbor for responsible development. The genesis of the Restaurant 3 re-zone is not driven by a merchant builder but rather a longtime stakeholder in the community which gives me confidence that as long as the standard of care is met in following the Design Manual our community won't be faced with an "anywhere USA" re-development along our truly unique and treasured waterfront.

John Hogan

March 30, 2015

City of Gig Harbor
City Council
3510 Grandview St.
Gig Harbor, WA 98335

RE: Millville Restaurant 3 Support Letter

To whom it may concern,

Downtown Gig Harbor is seeing a significant and increasing interest by property owners, merchants and restaurateurs in providing more public services for visitors and residents of our community.

With all the history to see and discover between the south end of Harborview Drive and the north end, it is very apparent that the places that might tempt a visitor to stay and enjoy the view and waterfront features are lacking in the center of Harborview - Restaurants!

Increasing the visibility of our heritage is not just a function of "not doing anything"; it, also, involves maintenance and repair of the heritage properties; bringing back the vibrancy and excitement that existed when the waterfront was Gig Harbor. Harbor View Drive had grocery stores, restaurants, automotive shops, Post Office, and many other businesses that kept residents and visitors coming to the "downtown" area.

By removing the spot-zoning, done in the early 1990's, all of Millville, including Suzanne's Bakery, will see that vibrancy and excitement return to the times when our older residents were just small children in this community. It is time for more generations of children to grow up enjoying the robust waterfront of Gig Harbor.

Jay Johnson

Kester, Jennifer

From: Guernsey, Jill
Sent: Thursday, April 09, 2015 4:14 PM
To: Kester, Jennifer
Subject: FW: Millville Zoning Code Admendment

From: Warren Zimmerman [mailto:wzimmerman@gigharborchamber.com]
Sent: Thursday, April 09, 2015 2:39 PM
To: Guernsey, Jill
Subject: Millville Zoning Code Admendment

Mayor Guernsey,

The Gig Harbor Chamber of Commerce Board of Directors, who represent more than 500 local area businesses, voted unanimously to support the request by Gig Harbor Marina for a zoning code amendment to allow Restaurants 2 and Restaurants 3 in the Millville District and asks that the City Council Members approve the requested zoning code amendment and grant a conditional use permit as required.

The Chamber also supports limiting the area within the Waterfront Millville District that Restaurant 2 & 3 uses are allowed to operate which would include; from the northwest boundary of Susanne's Bakery & Deli property and continuing southeast to the existing Waterfront Millville boundary.

We recognize that this is a difficult and emotional issue for many but it is another positive and important step the City Council needs to take for the revitalization of the downtown business district. Each of the City Council members have been sent this email asking for their positive vote of approval on this important issue.

Thank you for all that you are doing to improve our city.

Warren Zimmerman

Warren Zimmerman, President/CEO



P: 253.851.6865 / F: 253.851.6881

Visit us at: www.gigharborchamber.com



Kester, Jennifer

From: Jackie O <jackiegigharbor@gmail.com>
Sent: Wednesday, April 08, 2015 10:32 PM
To: Kester, Jennifer
Subject: Fwd: WM

Begin forwarded message:

From: Jackie O <jackiegigharbor@gmail.com>
Date: April 8, 2015 5:47:27 PM PDT
To: Jill Guernsey <guernseyj@cityofgigharbor.net>
Cc: "WiseS@cityofgigharbor.net" <WiseS@cityofgigharbor.net>
Subject: WM

3316 Harborview Dr
Gig Harbor

April 8 2015

Dear Mayor Guernsey and members of the City Council;

As April the 13th is rapidly approaching I'm hoping that you and the rest of the council members will reconsider your votes for voting for a yes vote to rezone this beautiful area known as Waterfront Millville. I have tried to look at it from your point of view and frankly it baffles me as to why the City Council would even think of allowing restaurants 2 and 3 in such a small and historical area. I'm still not sure that the council fully sees the impact that this rezoning will have on our city. Even after meeting with several of you, I still have this awful feeling that we (the residents) really don't matter.

Our lives as we know it now, will be gone for ever. Our homes and property (I believe this to be true) greatly devalued. All privacy, enjoyment and pride that we had for living in Millville will be taken away by this rezoning. When we lay in bed at night, or sit in our living room, or sit on our front porch, all we will we hear will be cars coming and going, doors slamming, headlights lights on and headlights off, radios on, people talking and wandering around well into the wee hours of the morning, 7 days a week, 364 days a year. Getting into and out of our driveway(s) safely will be almost impossible. Have any of you even thought that over? These are basic rights that we, as your constituents deserve. That is: The right to a life the same as when we moved here and bought into over 20 years ago. The right to privacy and peace after 9 pm at night. The right to safely enter and exit our homes. Do you really feel this rezoning is what is best for Gig Harbor? Or, is this what is best for the developer that has deep pockets, doesn't even live in the city and will not affect him at all. Except to fatten his wallet.

I hope you will mull some of these concerns of mine (and my neighbors) over before you place your vote for this rezoning.

Sincerely, Jackie and Rick Olivier

Kester, Jennifer

From: Towslee, Molly
Sent: Tuesday, February 24, 2015 1:09 PM
To: Kester, Jennifer
Subject: FW: From unique to Las Vegas

From: Jack Bosch [mailto:bjr37@live.com]
Sent: Tuesday, February 24, 2015 12:13 PM
To: Towslee, Molly
Subject: From unique to Las Vegas

Dear Council members: If you want my vote, drop this whole idea of transforming the Gig Harbor waterfront to a Rustin Way row of restaurants. As you enter the city it points to our historic waterfront district. Keep it that way. Drive the greedy developers to other inland locations that will be equally popular as we do need more restaurants other than Pizza and Thai in Gig Harbor. I will not vote for anyone of you who endorses the waterfront development; and, I am positive I can, on foot if necessary, get signatures of many others who want the water view "windows to the sound" left open.

I used to work for Safeway, Sherwin=Williams, Foodmaker (Jack-in The Box) and their Real Estate Director and am well aware of how they hired the best land use attorneys' to get rezoning, conditional use permits, etc. to accomplish their goals of retail growth. The attorneys' used many tricks to get what they wanted. I. e, last minute cancellations of hearings to wear down the public opposition.

Finally this is a wedge for further development blocking our waterfront. The impact report has to be a joke. Anyone with common sense will realize that it will indeed bring more cars on a street not engineered for more traffic with all the attendant problems: So, just say NO and get my vote next election along with the many others who really appreciate the uniqueness of Gig Harbor.

Arabella's Landing Marina

3323 Harborview Drive

Gig Harbor, WA 98332

253-851-1793

February 23, 2015

Memorandum to: Gig Harbor City Council

Subj: Arabella's Landing Marina Parking Lot Lift Gate/Level 2/3 Restaurant Boundary Line

There is/are person or persons now demanding that the barrier arm lift gates providing ingress and egress to and from Arabella's Landing Marina parking lot be removed completely to allow unencumbered access for retail/restaurant customers, marina tenants, and any other authorized persons using the parking lot. It has been presumed that a ticket/validation system will be too confusing and cumbersome to use, forcing customers to take the easy way out and park on the street.

These opponents to the gate claim that signage prohibiting such actions or a paid attendant to prevent unauthorized parking would be much more user friendly. Signage is easily avoided and an attendant is tantamount to a human barrier arm lift gate except that that person will not be on duty 24/7.

I cannot say for certain, but I am sure that this is not the only barrier arm lift gate in Gig Harbor. Unless you have lived a life of solitude you have been exposed to parking lot gate systems where pulling a ticket and having it validated to exit the lot is the norm, especially in Tacoma or Seattle or at SEATAC Airport. The safety and convenience that a parking lot stall provides to customers is very expensive for the property owner. While grade level parking stalls average \$5,000.00 each, stalls below buildings, such as the Bayview Building has, average \$60,000.00 to \$90,000.00 each. Why shouldn't a property owner be able to control who parks in his lot or under his building with costs such as those?

The lift gate prohibiting the general public from entering Arabella's Landing Marina parking lot has been in service for 23 years. The purpose of the gate is twofold: to keep and protect the marina tenants yachts from vandalism as well as the tenant's automobiles, and to provide some reassurance to the tenants that the lot would be safe after hours.

That said, the property owner took a site that was formerly a fuel facility, cleaned it up, and developed a mixed use project with significant public access, view corridors, and viewing platforms. In the process he saved two historic net sheds. The property is no longer a light industrial site. It has been transformed into one of the most interesting destination driven locals along the historic Gig Harbor waterfront.

There have been public comments over the years regarding the lack of cars parked in the lot at any given time. The number of parking stalls was directed by the City when the marina was built. And yes the lot is rarely if ever completely full. But to date this has yet to be a problem since the lot has been for the sole use of the marina tenants, employees and corporate guests staying at the condominium.

In 2011 when the Bayview Building, a new 3,500 square foot multiuse building was built, additional parking spaces were required. Fourteen under building parking stalls provided the majority of the required parking rounded out by two handicapped spaces just outside the building.

However, for parking lot access to the Bayview Building it was immediately evident that there was no means for customers to access the retail facility through the controlled parking lot lift gate. A walkie talkie system with instructions was placed at the entrance to the parking lot as well as on the cash register desk at the retail store. When a retail store customer drove up to the lot he or she simply pushed a button and when they received a response from the store clerk the gate would be remotely opened for parking lot access. The problem was that the clerk was not always at the cash register and customers became frustrated.

Fast forward to 2015. We are building two new retail buildings on the corner of Harborview Dr. and Dorotich St. Parking for these buildings will be in the Arabella's Landing Marina parking lot. The City required, as part of the Occupancy Permit process, to devise a more reliable and user friendly parking lot access process. We came up with a plan that was acceptable to the City and presented it to the Hearing Examiner at the Public Hearing on December 18, 2014. On January 14, 2015 the Hearing Examiner Stephen K. Causseaux, Jr. wrote the following Finding, Conclusions and Decision: "The applicant shall provide off-street parking to serve both proposed buildings and the other existing uses served by the parking lot." This includes but is not limited to the Bayview Building; the proposed new site for Brix 25 restaurant. In addition the Examiner goes on to say, and I paraphrase, that the final plan for the access system to the parking lot will be presented by the applicant to the City prior to the issuance of a building permit and a demonstration of suitable operation prior to the issuance of the Occupancy Permit.

The issue of the lift gate barrier arm as a means of keeping the general public out of the parking lot has been approved by the City, the Hearing Examiner and the applicant. To demand removal of the barrier arm gate would prohibit the applicant from providing a means of security for all who utilize the lot as well as dictate to the property owner how he may choose to utilize his property. Lastly it would constitute a collateral attack on the Examiner's decision which is now final because no one appealed the decision. For a Council Member to attempt to do so would undermine the Hearing Examiner's decision and call into question his or her powers and authority.

Lastly, I would encourage Council, should they decide to move forward and allow level 2/3 restaurants in Waterfront Millville, to include Susanne's Bakery and Delicatessen within the geographical boundary recommended by the Planning Commission. The fear seems to be that some Council members believe that the Arabella's Landing Marina property owner will, in time, try to turn the two new, yet to be built, buildings on the corner of Harborview Dr. and Dorotich St. into restaurant(s). If the property owner were planning to do so, why wouldn't he include restaurant infrastructure within the design of the new buildings? Which he has not!

John R. Moist, Applicant

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 25, 2015 8:20 AM
To: Kester, Jennifer
Subject: FW: It is about their residential neighborhood.

Follow Up Flag: Follow up
Flag Status: Completed

From: Jeni Woock [mailto:citizensforgigharbor@gmail.com]
Sent: Wednesday, February 25, 2015 7:37 AM
To: Arbenz, Casey; Guernsey, Jill; Malich, Ken; Perrow, Michael; Towslee, Molly; Lovrovich, Rahna; Ekberg, Steve; Payne, Tim; Kadzik, Paul
Cc: Brinn Grimley; Karen Miller; Charlee Glock Jackson; gateway; Rick Hallock; Jessee Jones King%
Subject: It is about their residential neighborhood.

Council members;

By now you have been able to look over the petition names that were presented at the Monday Feb 23, Public Hearing. There are 68 signatures of Millville residents who signed the petition for NO Waterfront Millville restaurants, level 2 and 3.

Those names are represented on this map in RED. There are 5 green residents in Millville who do support Mr. Stearns private request zoning amendment. One of the 5 greens is for new restaurants, but no parking in his neighborhood.

Sadly this is not about 1 restaurant, Brix. Please remember Mr. Stearns other 2 new approved "marine supply" buildings could also be re-purposed to restaurants, with no additional parking.

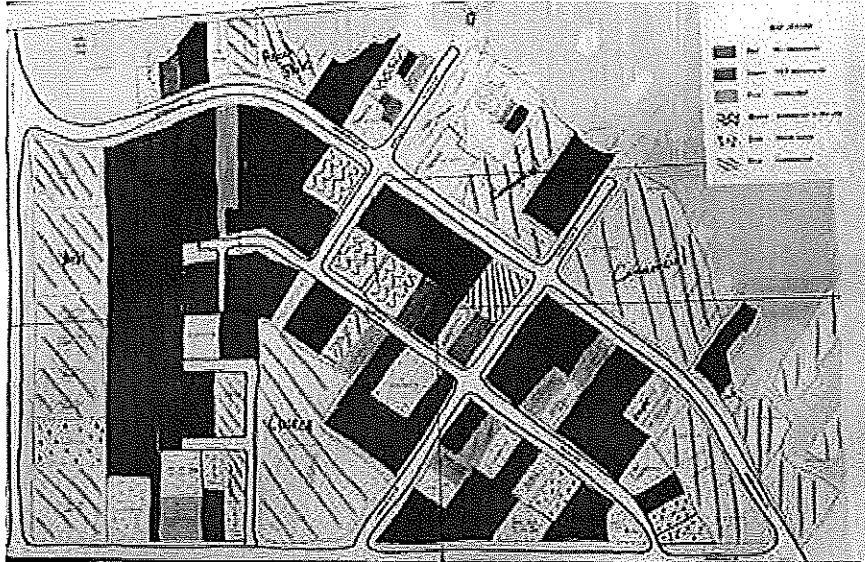
Mr. Stearns does not live in this residential neighborhood where he wants to rent his buildings to restaurants. Mr. Stearns does not live in the City of Gig Harbor. This amendment is too big, too broad and infrastructure is not in place to protect this historic neighborhood.

These 68 people live in this residential neighborhood 24 hours a day.

For your consideration,

Team

Citizens for the Preservation of Gig Harbor



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Citizens for the Preservation of Gig Harbor LLC
CPGH: Citizens committed to making Gig Harbor better than we found it. JOIN US!!

<http://citizens4gigharbor.blogspot.com/>
<https://www.facebook.com/Citizens4GigHarbor>

**We Do Not Inherit the Earth from Our Ancestors; We Borrow It from Our Children
and it is our job to protect It for Generations to Come!**

To OPT OUT from further emails, please put remove in the subject box and hit reply.

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 25, 2015 8:36 AM
To: Kester, Jennifer
Subject: FW: To the Gig Harbor City Council

From: Mountaingirl803@aol.com [mailto:Mountaingirl803@aol.com]
Sent: Wednesday, February 25, 2015 5:32 AM
To: Towslee, Molly
Cc: mountaingirl803@aol.com
Subject: To the Gig Harbor City Council

Dear Council Member,

I treasure our serene view of the Harbor and Mount Rainier.

Please Do Not approve the zoning request for level 2+3 buildings/restaurants from Skansie Park to Suzanne's Bakery.

I believe side-by-side buildings will obscure our picturesque view, be a noise nuisance to residents and parking will make parking impossible on Harborview Drive.

As a Gig Harbor resident, I would appreciate your consideration of my opinion in your decision to rezone.

I request that you do not approve the private zoning request by Mr. Stan Stearns.

Thank you,

Donna Mayer

6200 Soundview Drive

Gig Harbor, WA 98335

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 25, 2015 9:31 AM
To: Kester, Jennifer
Subject: FW: To the Gig Harbor City Council

From: bogair@aol.com [mailto:bogair@aol.com]
Sent: Tuesday, February 24, 2015 5:15 PM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

Folks...Bruce is coming up on 88.....;My store is over 55...I had hoped to see us starting to support this rather simple request as a start on downtown re vitalization...Millville folks in general do not support their own business people...I have maybe sold a dozen or less items to Millville folks in my 25 years here...and have been referred to ,too many times as "you people..."...Might as well board it up...GH uptown or North is not what "the Harbor" means..Rather,it means our positive attitude and old fashioned welcoming ways to our Maritime community...Bruce Gair

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 25, 2015 9:35 AM
To: Kester, Jennifer
Subject: FW: To the Gig Harbor City Council

From: Joyce Schilt [mailto:joyceschilt@yahoo.com]
Sent: Tuesday, February 24, 2015 9:41 PM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

I would really rather not see any new restraints or buildings on the water front. I love walking Harbor View and it distracts from the peaceful water view.
Sincerely Joyce Schilt.

Kester, Jennifer

From: Towslee, Molly
Sent: Tuesday, March 03, 2015 8:14 AM
To: Kester, Jennifer
Subject: FW: Gig Harbor Comprehensive Plan

From: Jeni Woock [mailto:citizensforgigharbor@gmail.com]
Sent: Tuesday, March 03, 2015 7:11 AM
To: Arbenz, Casey; Guernsey, Jill; Malich, Ken; Perrow, Michael; Kadzik, Paul; Lovrovich, Rahna; Ekberg, Steve; Payne, Tim
Cc: Towslee, Molly; Charlee Glock Jackson; Karen Miller
Subject: Gig Harbor Comprehensive Plan

Madam Mayor and Council members;

As you continue thinking about this private request zoning amendment, the Gig Harbor Comprehensive Plan is a good place to visit. The Planning Goals are at the very beginning....

“PLANNING GOALS

The choices which confront the City at this point in its history are significant and could dramatically alter the character and quality of life its community has come to enjoy. **Planning for the future while maintaining the same quality of life is the fundamental objective of this comprehensive planning update.”**

69 property owners and residents of Millville have signed a petition for **No** to restaurants 2 and 3 in Waterfront Millville. Residents live in Millville 24 hours a day and restaurants, level 2 and 3 with their accompanying issues will not maintain their same quality of life and could drastically destroy it. Too big of a gamble with their lives!

What conditions have changed since the development regulations were enacted

that warrant this proposed amendment?

Since 1991 there have been various Planning Commission and council votes to identify Millville as an historic neighborhood to be protected.

In 2014, Planning Commissioners Gagliano and Coughlin stated;” **The Planning Commission and City Council votes on the recent vitality measures were decidedly limited to the Downtown Business District and abutting Waterfront Commercial. The long term prospective of the Millville neighborhood in both our policy and existing zoning regulations is clearly indicated as an historic area to be protected with any number of measures.”**

This private request zoning amendment destroys the same quality of life and does not protect our historic, residential neighborhood.

The amendment needs to be denied.

Team,

Citizens for the Preservation of Gig Harbor

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Citizens for the Preservation of Gig Harbor LLC

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<https://www.facebook.com/Citizens4GigHarbor>

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To OPT OUT from further emails, please put remove in the subject box and hit reply.

Kester, Jennifer

From: bobfrisbie@foxinternet.com
Sent: Monday, March 09, 2015 9:10 AM
To: Payne, Tim; Michael Perrow; Malich, Ken; Lovrovich, Rahna; Kadzik, Paul; Guernsey, Jill; Ekberg, Steve; Arbenz, Casey
Cc: Kester, Jennifer; Bob Frisbie
Subject: Pictures - WM Zone
Attachments: MU 3~6 Sysco Delivery To Kellys.pdf; MU 3~6 Pioneer Backup Due to Garbage Truck.pdf; Suzanne 3~6 Delivery Pic2 MU.pdf; MU 3~6 Kelly Garbage Pickup On Pioneer.pdf; Suzanne 3~6 Delivery Pic1 MU.pdf

Attached are 6 pictures I took on March 6th.

Two at Suzanne's of SYSCO unloading dry goods. Note the truck totally blocks the sidewalk and the trailer is parked over the edge of road marking line and is in the right-of-way.

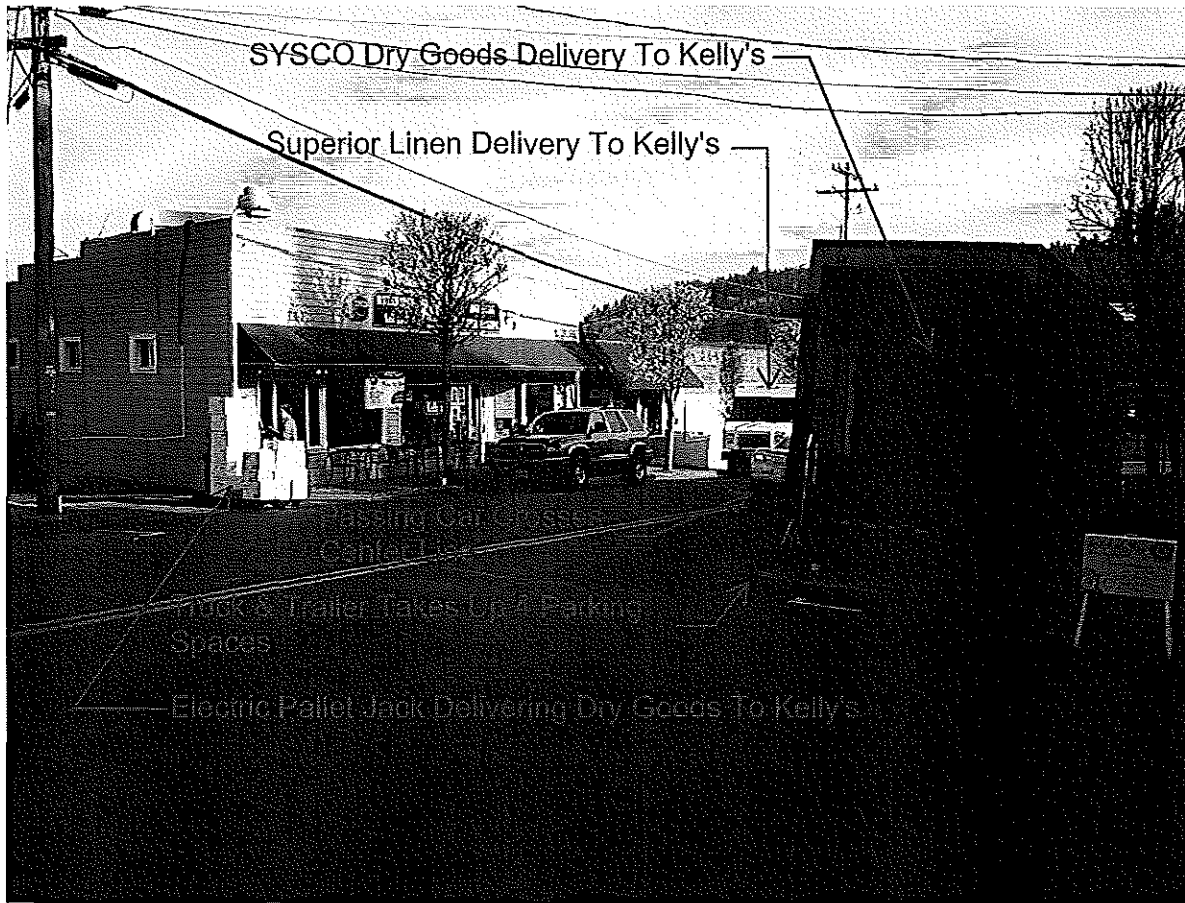
Also several pictures at Kelly's on the same day. Note the SYSCO semi parking in 4 or 5 parking spaces. Parked on the opposite side of Pioneer. The electric pallet jack crossing the street to deliver dry goods. Also note the garbage truck packing into the alley to Kelly's and the resultant traffic blockage.

Please make sure you address the load/unload issues when you consider WM Zoning. These activities should be occurring totally off the right-of-way with not backing occurring on the right-of-way.

The City has created this situation. I have additional pictures at other City locations of the same situation. Email me if you want these pictures.

Thank you,

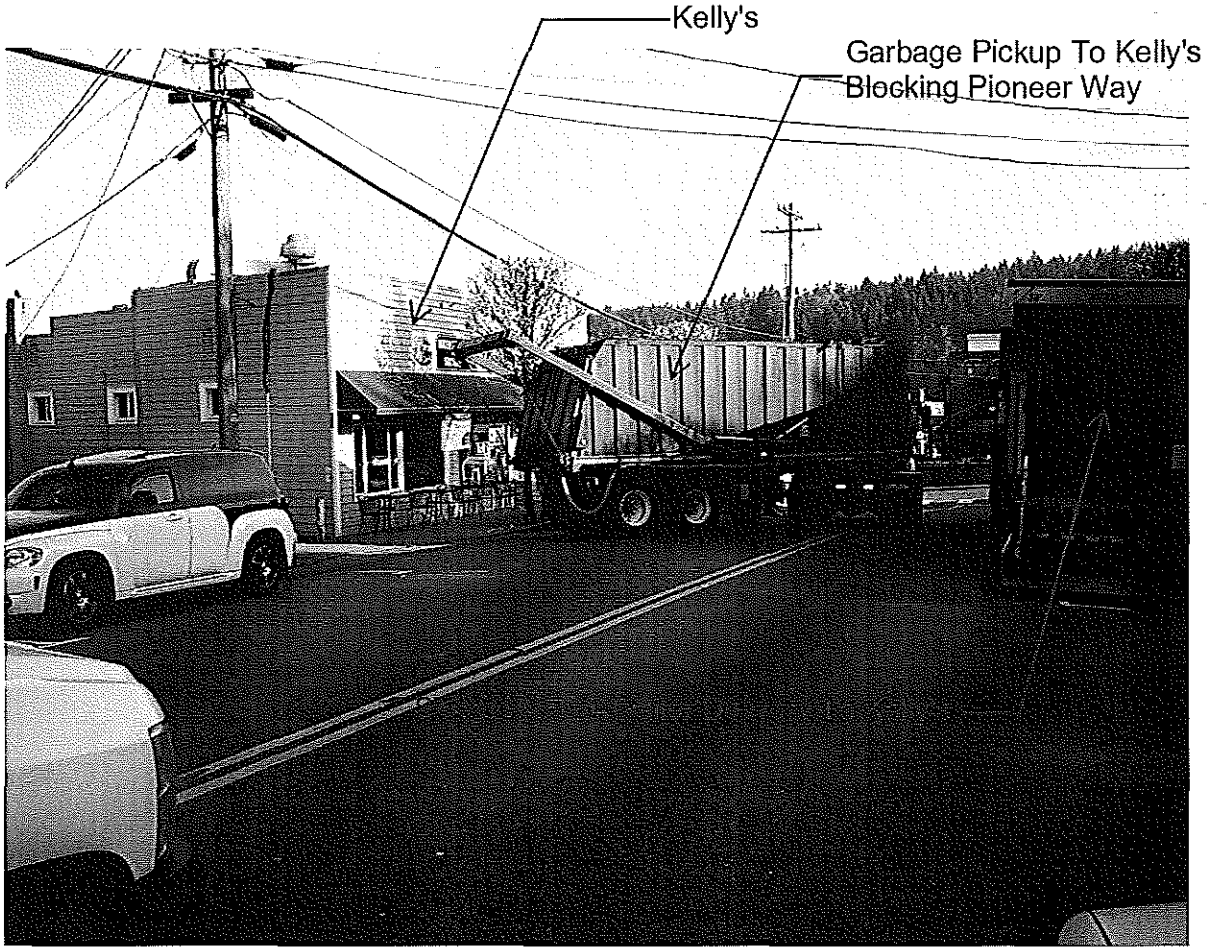
Bob Frisbie
Cell: 253.224.3524



**Kelly's Delivery From SYSCO & Superior Linen
March 6, 2015**



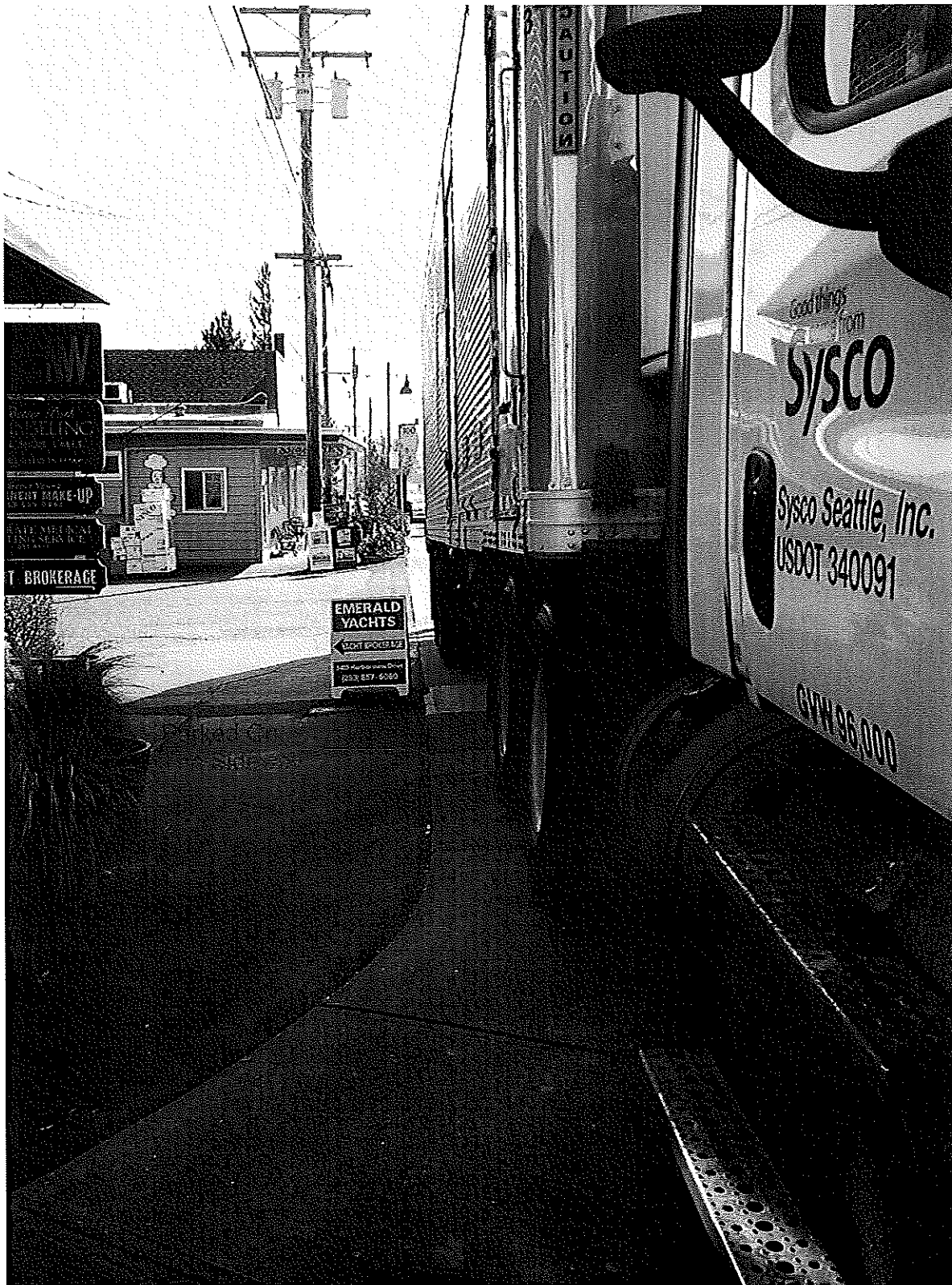
**Kelly's Garbage Truck Caused Backup On Pioneer Way
March 6, 2015**



**Kelly's Service Truck & Dry Goods Delivery
March 6, 2015**



Suzanne's Unloading Delivery - Friday 3/6 ~ 11 am



Suzanne's Unloading - Friday March 6th ~ 11am

Kester, Jennifer

Subject: FW: Gig Harbor City Council

From: Heather McFarlane [<mailto:heathermc76@gmail.com>]

Sent: Thursday, March 12, 2015 3:58 PM

To: Towslee, Molly

Subject: To: Gig Harbor City Council

I have read Mr. Halsan's extensive evaluation of the Stern application and probable impact of new restaurant designations in the Millville neighborhood. The Halsan report observes that not every site is appropriate for the type of restaurants that would be allowed. That is a valid observation, but if I considering investing in a restaurant in that area, Mr. Halsan would be the first person I would approach to write my plan because of his firm's extensive and detailed study.

I live on unmarked, two way, Sherman Drive on the East Shore of Burley Lagoon. A new neighbor was away for part of last year. In the interim, the family rented the property for (usually) weekend weddings or similar celebrations. The location would appear perfect: a manicured entry to the home high above the water with a breathtaking view from the wedding site patio. Some neighbors felt the impact immediately. Loud enjoyment with music and conversation that traveled into neighboring homes. For the rest of us it was the traffic. On the final event, a friend and I counted 45 cars lining both sides of the narrow street. The rest went over to Purdy Park and Ride or spilled into the local Pub parking lot. Some people leaving the event(s) had obviously enjoyed a bit much of the bubbly or... which created a potentially dangerous situation for themselves and local residents. Several neighbors have serious health issues and not infrequently must rely upon 911 First Responders to get the truck and aid vehicle to their residence. Our biggest fear is that celebratory events will make the street so narrow that the aid vehicles cannot get through.

Please consider the above when making recommendations on the restaurant application. You can vote but unless you live in the Millville area, you won't have to deal with the outcome of vehicles overwhelming that neighborhood. The people who live there will.

Sincerely,

Heather McFarlane

Burley Lagoon
253-857-4376

Kester, Jennifer

From: JackieO <jackiegigharbor@gmail.com>
Sent: Thursday, March 12, 2015 8:37 PM
To: Towslee, Molly
Subject: Fwd: WM

Sent from my iPhone

Begin forwarded message:

From: JackieO <jackiegigharbor@gmail.com>
Date: March 12, 2015 at 7:11:08 PM PDT
To: Tim Payne <paynet@cityofgigharbor.net>
Subject: WM

331 Harborview Dr
Gig Harbor

March 12 2015

I have read John Moist's answers to the questions the council had on "deep fryers, delivery times etc, etc. The answers given are quite "open" and also not quite true. (No commitment here from "applicant"). Delivery times for 1. How about 5:30 am deliveries. Outside bedroom windows. Remember, house next to me has been vacant over 2 years. I should have complained. But I knew it would just fall on deaf ears. What I'm not seeing is the council's concern for us residents. Not once have I felt the concern as to how this will affect "our lives" "our property values". Our way of life as we know it now. All I see is a city council that has given in to the developer and the almighty \$\$\$. I see that no one cares about the Millville citizens or its children at play on side streets. Getting into and out of our driveway safely... gone. No one cares our nights rest will be gone if we want to sleep or relax before 11. No one cares our privacy and right to live here in peace and harmony will be gone forever.

Just watch our property values plummet and our peaceful evenings gone forever. "House For Rent" anyone?? House For Sale??

Be careful what you wish for city council.

Respectfully,
Jackie and Rick Olivier

What would "you" vote for and fight for if
you lived in WM.

Sent from my iPhone

Kester, Jennifer

From: Towslee, Molly
Sent: Friday, March 13, 2015 9:37 AM
To: Kester, Jennifer
Subject: FW: Gig Harbor City Council

From: bogair@aol.com [mailto:bogair@aol.com]
Sent: Friday, March 13, 2015 9:32 AM
To: Towslee, Molly
Subject: To: Gig Harbor City Council

There will be enough parking on Stearns property to service his new building uses....This is just another false flag to keep the old folks happy...(and I am 87...) Bruce Gair

Kester, Jennifer

From: Towslee, Molly
Sent: Friday, March 13, 2015 9:39 AM
To: Kester, Jennifer
Subject: FW: WM

From: JackieO [mailto:jackiegigharbor@gmail.com]
Sent: Thursday, March 12, 2015 8:37 PM
To: Towslee, Molly
Subject: Fwd: WM

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March 12 2015

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Respectfully,
Jackie and Rick Olivier

What would "you" vote for and fight for if
you lived in WM.

Sent from my iPhone

Kester, Jennifer

From: Towslee, Molly
Sent: Friday, March 13, 2015 11:31 AM
To: Kester, Jennifer
Subject: FW: Millville kids matter, too.

From: Jeni Woock [mailto:citizensforgigharbor@gmail.com]
Sent: Thursday, March 12, 2015 5:58 PM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Arbenz, Casey; Ekberg, Steve; Towslee, Molly
Cc: Charlee Glock Jackson; Karen Miller; gateway; Rick Hallock; Jesse Jones King%
Subject: Millville kids matter, too.

Everyone loves to hear the story that council member Kadzik tells about how he raised his kids in Millville and now they are grown and gone, so it is his time to walk to a restaurant and enjoy a fine cold beverage. **But.....wait....there are other families in Millville,** raising **their** family who want the same experience council member Kadzik enjoyed with his children

These children will not be safe with more cars parking and traveling in their residential neighborhood. Children live and grow and play in Millville.

Except for Harborview Dr, there are no sidewalks in Millville. Children ride their bikes, tricycles and play hopscotch in the street.



Moms are always outside watching kids play.
"kids at play" signs asking cars to slow down are posted.
Millville is their neighborhood, their home....
where they live,
where they grow,
where they play.
Children deserve a safe neighborhood!

In the above photo there is only 1 car, on 1 side of the street.

Can you imagine restaurant patron parking with cars, lined up on both sides of the street?

This could happen as there is only scarce and sketchy off street parking provided for the restaurants. Ross Street has fewer cars with lower speeds. On Dorotich there are more cars and they travel faster.

There are lots of studies on how kids and cars do not mix. Cars have blind zones, making it difficult or impossible for the driver to see children behind or directly in front of a vehicle. **Kids are short and easy to get caught in those blind spots.**

While there is some off street restaurant parking, there is no guarantee that anyone will use any of those off street parking spaces.

The only other parking is on the street and in this Millville residential neighborhood.

At this time there is little to no parking enforcement by the city.

Cars and kids can too often be a recipe for an unsafe condition

There are 69 property owners and residents who say NO to restaurants 2 and 3 in WM. (There are 5 folks in favor)

Care about the adults!

Care about the safety of the kids!!

Citizens for the Preservation of Gig Harbor asks that you deny this proposed amendment at the work session on March 16th, 5pm.

Team

Citizens for the Preservation of Gig Harbor

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Citizens for the Preservation of Gig Harbor LLC

CPGH: Citizens committed to making Gig Harbor better than we found it. JOIN US!!

Council elections Nov 2015. Candidate filing date May 11!

<http://citizens4gigharbor.blogspot.com/>

<https://www.facebook.com/Citizens4GigHarbor>

We Do Not Inherit the Earth from Our Ancestors; We Borrow It from Our Children and it is our job to protect It for Generations to Come!

To OPT OUT from further emails, please put remove in the subject box and hit reply.

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, March 16, 2015 8:34 AM
To: Kester, Jennifer
Subject: FW: Pictures for you..

From: Jeni Woock [mailto:citizensforgigharbor@gmail.com]
Sent: Saturday, March 14, 2015 7:18 AM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Arbenz, Casey; Ekberg, Steve
Cc: Karen Miller; Charlee Glock Jackson; gateway; Rick Hallock; Towslee, Molly
Subject: Pictures for you..

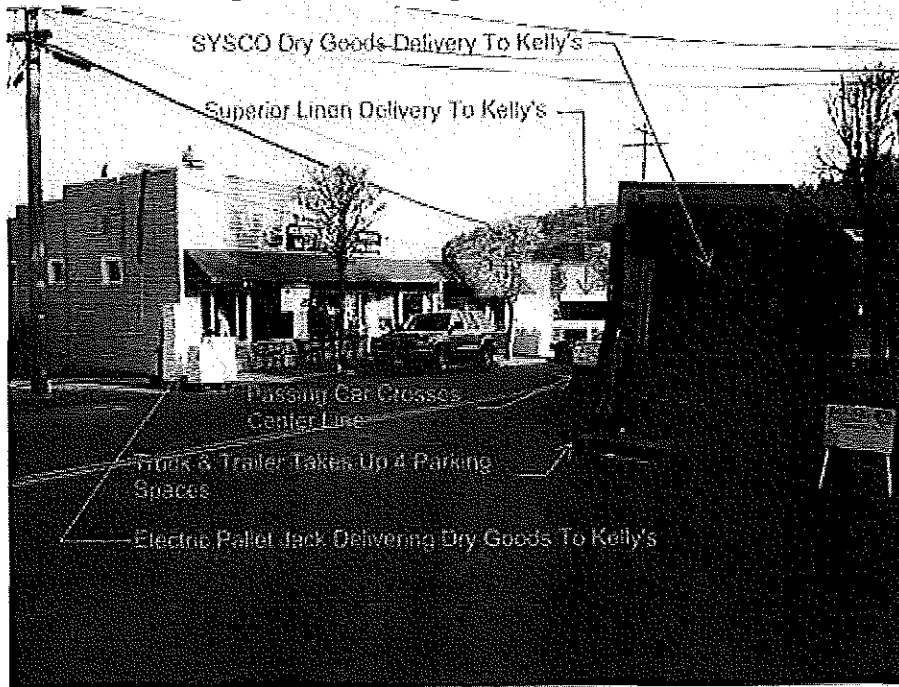
Madame Mayor and Council;

17.72 of the Gig Harbor Municipal Code states that off street loading berths shall be used to deliver goods. Where are they?



Here is a photo of a delivery on North Harborview Dr. You will notice double parking, cars traveling over the center line forcing the opposite car off to the side of the street into the right of way. You will notice a

pedestrian waiting to cross the street.

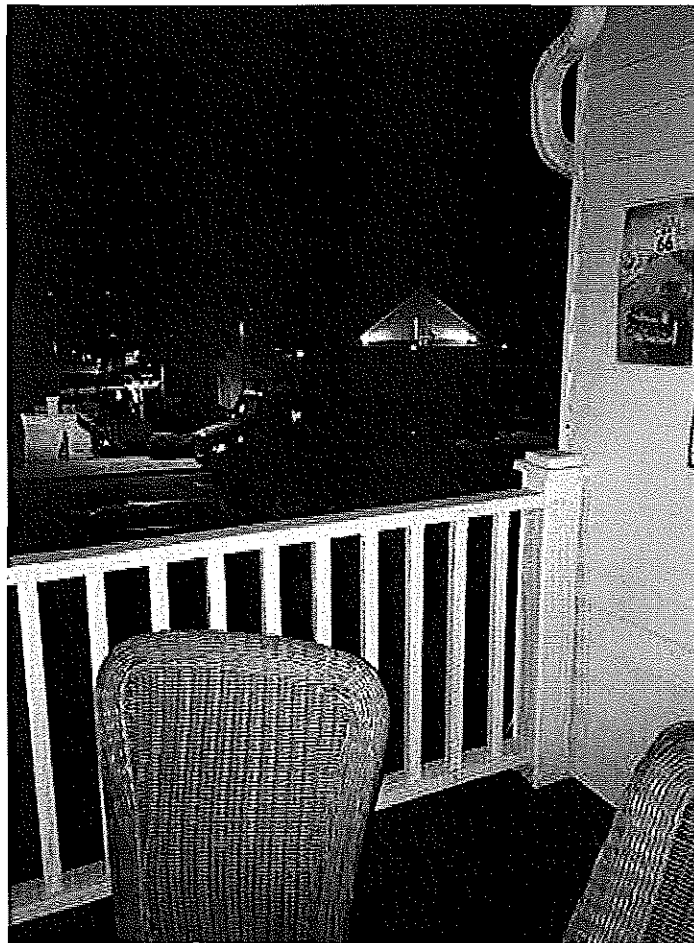


**Kelly's Delivery From SYSCO & Superior Linen
March 6, 2015**

There is also a photo of the traffic backed up, and waiting, from Judson to Harborview Dr.



Suzanne's Unloading Delivery - Friday 3/6 ~ 11 am



5:30am delivery.

There are problems delivering goods in Gig Harbor. **Goal 3.6 in the Gig Harbor Comprehensive plan is to retain and protect the unique character of historic business and residential neighborhoods in The**

Harbor. These delivery problems belong in a commercial area, not a mixed use and they are NOT harmonious with the surrounding residential area as is the Intent of Waterfront Millville uses. GHMC 17.48. If you would like to see them, there are lots more photos.

You have seen photos to show the general welfare and public safety of residents, including children residents, are threatened by increased deliveries, traffic, and parking.

There are no regulations to require and enforce 100% off street load and unload and deliver times of 8am-12noon.

There is extremely little, or no, traffic enforcement.

There are no regulations and no enforcement for the hours of operation to be 100% closed by 8pm, 7 days a week.

There are no regulations to guarantee a separation of restaurants, with adult beverages, are no closer than 500 feet, parcel to parcel.

There are no regulations, no guarantees, or enforcement to see that employees or restaurant patrons will use off street parking.

There are no regulations and no enforcement of GH Comp 5.4.2 to "protect urban residential areas from obnoxious or distracting noise during the evening hours".

There are no regulations and no enforcement of GH Comp 5.4.6 in exacting performance standards governing emission of carbons, gases or other particulates or polluting byproducts which could degrade *air quality and smell.*

"The choices which confront the City at this point in its history are significant and could dramatically alter the character and quality of life its community has come to enjoy.

Planning for the future while maintaining the same quality of life is the fundamental objective of this comprehensive planning update." direct quote GH Comp Plan 2014. Council members voted to accept these words in 2014.

There are 69 property owners and residents of Millville who have signed a petition for NO to restaurants 2 and 3 in WM.

There are 5 in favor.

There are no regulations and rules in place to protect historic Millville residents, who live there 24 hours a day..

Goal 3.6 in the Gig Harbor Comprehensive plan is to retain and protect the unique character of historic business and residential neighborhoods in The Harbor. 69 Millville petition signers want you to keep your promise.

This private request zoning amendment needs to be denied on Monday, March 16.

Team

Citizens for the Preservation of Gig Harbor LLC

CPGH: Citizens committed to making Gig Harbor better than we found it. JOIN US!!

<http://citizens4gigharbor.blogspot.com/>

<https://www.facebook.com/Citizens4GigHarbor>

We Do Not Inherit the Earth from Our Ancestors; We Borrow It from Our Children and it is our job to protect It for Generations to Come!

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, March 16, 2015 9:23 AM
To: Kester, Jennifer
Subject: FW: Current delivery regulations in Gig Harbor

Importance: High

From: citizensforgigharbor@gmail.com [mailto:citizensforgigharbor@gmail.com]
Sent: Sunday, March 15, 2015 10:12 AM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey
Cc: Towslee, Molly; Charlee Glock Jackson; Karen Miller; gateway; Rick Hallock; Karen Peterson
Subject: Current delivery regulations in Gig Harbor
Importance: High

Madam Mayor, council members.

Here are the current, as of February 9, 2015, loading and unloading regulations per the GH Municiple Code. Surely, the city would not want to go against it's owns rules and regulations.

Do you think those Millville residents would have a case for filing a suite against the city for not enforcing its own regulations?

If the city cannot enforce its own regulations, Mr. Stearns private request amendment needs to be denied.

17.72.040 Off-street loading design requirements.

- A. Off-street loading berths shall be provided on the same lot as the use the berths serve and shall not occupy the front yard of the lot;
- B. No loading berth shall be located closer than 25 feet to a residential lot line unless screened by shrubbery or a fence or a combination thereof, any one of which must be approved by the planning director;
- C. Each loading berth shall be designed with access to a street or alley in a manner that does not permit undue interference with traffic movement on the public street or alley;
- D. Each required loading berth shall be at least 10 feet by 25 feet in size and 18 feet in height and shall provide 85 feet of direct access uninterrupted by any change in horizontal or vertical direction between the loading dock and the street;
- E. Each loading berth surface and access area shall be improved with Portland cement concrete or asphaltic concrete paving to the standards established by the city public works director;
- F. Areas set aside for off-street loading berths shall not be considered as satisfying the requirements for off-street parking space and shall not be used for vehicle repairs or servicing;

G. No approach to loading docks shall exceed a seven percent slope;

H. All or part of the off-street loading requirements may be met by loading facilities within the buildings. (Ord. 573 § 2, 1990).

17.72.050 Off-street loading berth requirements.

Off-street loading berths for passengers and freight shall be provided as given below and shall be on the same lot as the activity served unless the nature of the activities allows several owners to share a common location:

A. Public Uses. One berth required for each 25,000 square feet of gross floor area;

B Commercial Uses. One berth required for each 10,000 square feet of wholesale commercial gross floor area;

C Professional Services Use. One berth required for each 25,000 square feet of gross floor area;

D Industrial Uses. One berth required for each 10,000 square feet of gross floor space;

E Residential Activities. One berth required for any residential facility occupying more than 50,000 square feet of gross floor area. (Ord. 1171 § 4, 2009; Ord. 1045 § 80, 2006; Ord. 573 § 2, 1990).

The Gig Harbor Municipal Code is current through Ordinance 1310, passed February 9, 2015.

Gig Harbor Municipal Code Title 17 ZONING Page 174 of 274

Team

Citizens for the Preservation of Gig Harbor

Citizens for the Preservation of Gig Harbor LLC

C4GH: *Citizens committed to making Gig Harbor better than we found it!* JOIN US!!

<http://citizens4gigharbor.blogspot.com/> <https://www.facebook.com/Citizens4GigHarbor>

We do not inherit the earth from our ancestors, we protect it for our children

KINDNESS MATTERS

Kester, Jennifer

From: citizensforgigharbor@gmail.com
Sent: Friday, March 20, 2015 7:41 AM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Arbenz, Casey; Ekberg, Steve
Cc: Kester, Jennifer; Towslee, Molly; Karen Miller; Charlee Glock Jackson; gateway; Karen Peterson; Rick Hallock; Jessee Jones
Subject: Good neighbor policy
Importance: High

Madam Mayor and Council members;

When you re listen to the March 16 work session, you will hear discussion regarding deliveries. The owner of Net You were shown a photo of a 5:30am delivery. This 6am delivery took place this morning, March 20. What happed While it is interesting to hear Council member Payne chose to build his home, knowing it was a nuisance area, the fo area.

Fuel deliveries made to the new fuel dock are restricted to 7am - 8pm, because of the neighbors and those deliveries

During the Feb 23 Public Hearing you will hear Council member Payne agreeing with Council member Ekberg about residents would live from restaurants 2 and 3.

While the council chuckles, Millville residents will be faced with smells from grills and deep fryers 24 hours a day.

Mr Stearns, his employees, Brix owners, none of these folks live within the city limits. You made promises to folks With all due respect,

Team

Citizens for the Preservation of Gig Harbor

Kester, Jennifer

From: Towslee, Molly
Sent: Friday, March 20, 2015 2:44 PM
To: Kester, Jennifer
Subject: FW: Gig Harbor City Council

Follow Up Flag: Follow up
Flag Status: Completed

From: Ross Whitney [mailto:ross@whitney-sons.com]
Sent: Friday, March 20, 2015 1:56 PM
To: Towslee, Molly
Subject: To: Gig Harbor City Council

Dear Council Members:

Please deny restaurants 2 and 3 from Millville. A couple of years ago Smithsonian Magazine ranked Gig Harbor as one of the five best small towns in the United States. I believe that additional restaurants would change their assessment.

Thank you.

Ross Whitney
4606 131st St. Ct. NW
Gig Harbor, WA 98332

Kester, Jennifer

From: Towslee, Molly
Sent: Friday, March 20, 2015 2:44 PM
To: Kester, Jennifer
Subject: FW: . To: Gig Harbor City Council

Follow Up Flag: Follow up
Flag Status: Completed

From: lucy rau [mailto:lucyrau@yahoocom.com]
Sent: Friday, March 20, 2015 12:49 PM
To: Towslee, Molly
Subject: . To: Gig Harbor City Council

Regarding PARKING.

AS A CONCERNED CITIZEN OF GIG HARBOR, I want to remind you all that ignoring the parking issue will destroy the success of any kind of business located in the downtown area. Santa Barbara California, Buren Washington and many other areas learned the hard way what no parking did to businesses. Come and Go-businessed in and out. That is becoming the usual Gig Harbor routine.
WAKE UP!!!!

Kester, Jennifer

From: Jackie O <jackiegigharbor@gmail.com>
Sent: Tuesday, March 17, 2015 5:23 PM
To: Towslee, Molly
Subject: Delivery truck complaints
Attachments: photo.JPG

3316 Harborview Dr

No more sleeping in for us. These deliveries are 3-4 times a week. This is for just one restaurant.

Jackie Olivier

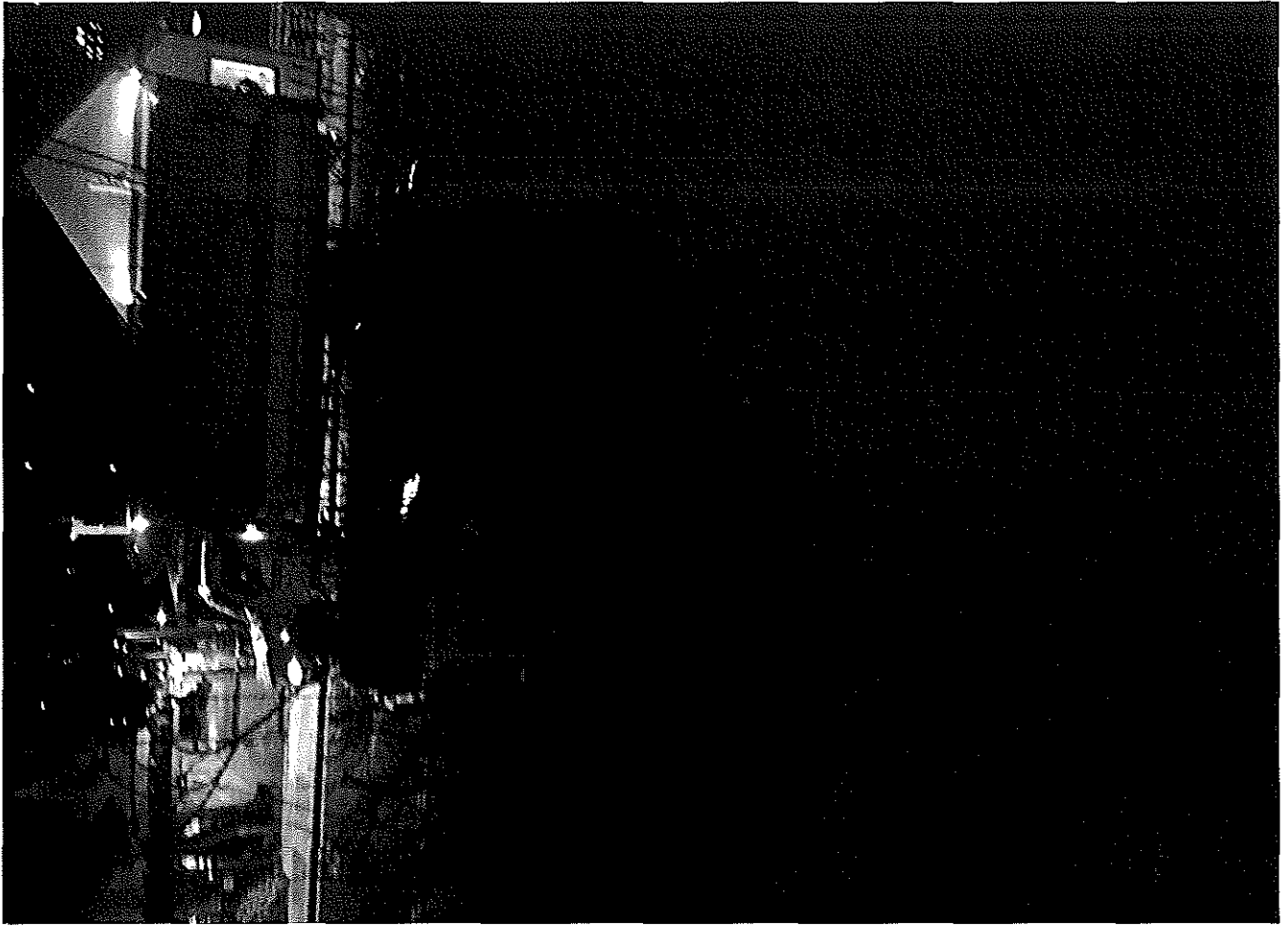


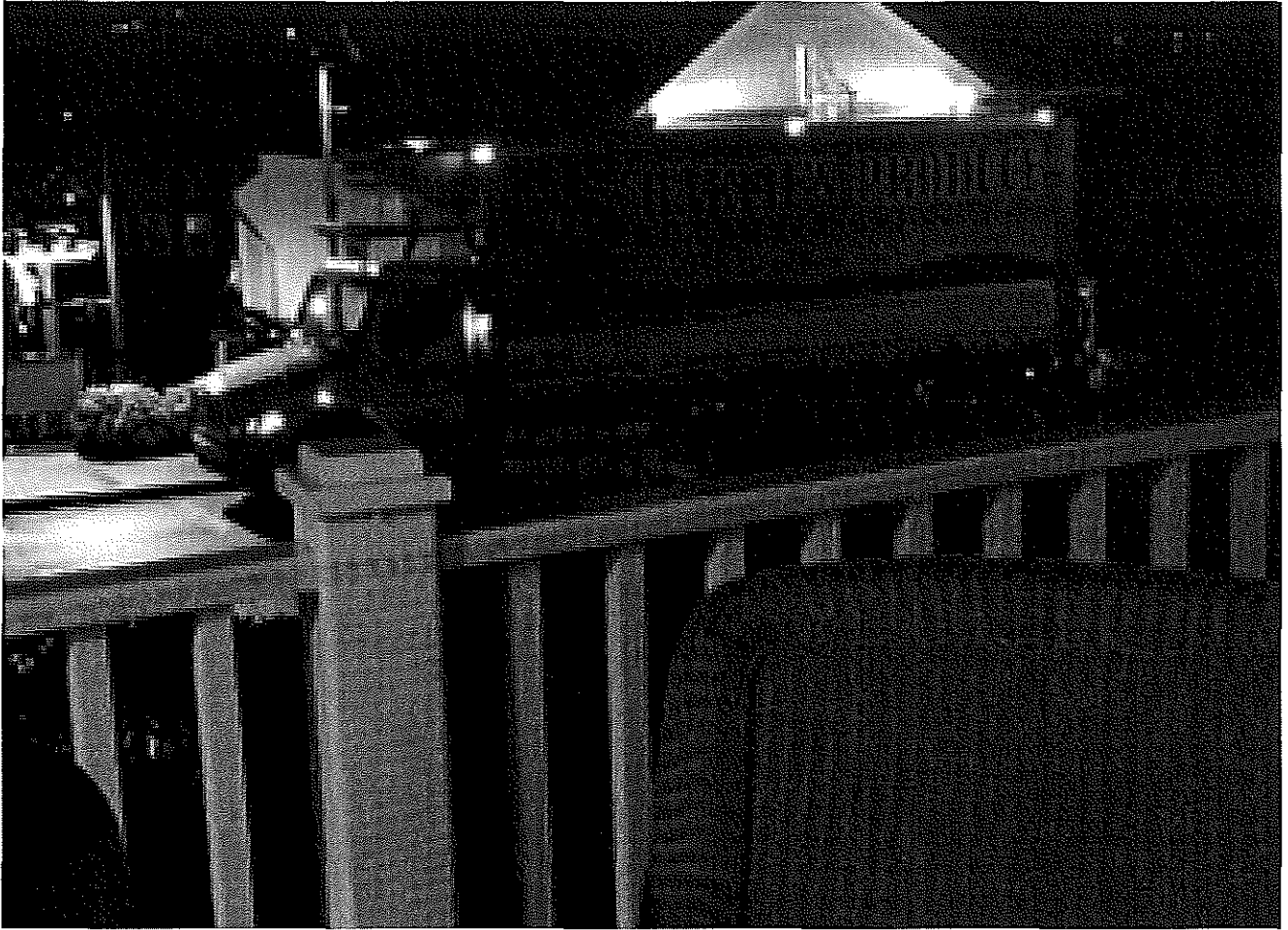


Kester, Jennifer

From: jackie olivier <jackieolivier@me.com>
Sent: Friday, March 20, 2015 7:12 AM
To: Towslee, Molly
Subject: WM 6 am delivery
Attachments: IMG_0130.JPG; ATT00001.txt

Outside my bedroom window. 6am. Woke me up again. Please forward to City Council. Thank you. Jackie Olivier





Kester, Jennifer

From: Towslee, Molly
Sent: Friday, March 20, 2015 3:35 PM
To: Kester, Jennifer
Subject: FW: Good neighbor policy

Importance: High

From: citizensforgigharbor@gmail.com [mailto:citizensforgigharbor@gmail.com]
Sent: Friday, March 20, 2015 7:41 AM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Arbenz, Casey; Ekberg, Steve
Cc: Kester, Jennifer; Towslee, Molly; Karen Miller; Charlee Glock Jackson; gateway; Karen Peterson; Rick Hallock; Jesse Jones
Subject: Good neighbor policy
Importance: High

Madam Mayor and Council members;

When you re listen to the March 16 work session, you will hear discussion regarding deliveries. The owner of Net You were shown a photo of a 5:30am delivery. This 6am delivery took place this morning, March 20. What happed While it is interesting to hear Council member Payne chose to build his home, knowing it was a nuisance area, the fol area.

Fuel deliveries made to the new fuel dock are restricted to 7am - 8pm, because of the neighbors and those deliveries

During the Feb 23 Public Hearing you will hear Council member Payne agreeing with Council member Ekberg about residents would live from restaurants 2 and 3.

While the council chuckles, Millville residents will be faced with smells from grills and deep fryers 24 hours a day.

Mr Stearns, his employees, Brix owners, none of these folks live within the city limits. You made promises to folks With all due respect,

Team

Citizens for the Preservation of Gig Harbor

Kester, Jennifer

From: Towslee, Molly
Sent: Thursday, March 26, 2015 8:33 AM
To: Kester, Jennifer
Subject: FW: WM

From: JackieO [mailto:jackiegigharbor@gmail.com]
Sent: Thursday, March 26, 2015 3:09 AM
To: Towslee, Molly
Subject: Fwd: WM

Dear Molly,

Would you please give a copy of this attached email to all the Planning Department, Mayor and City Council.

Thank you. Jackie Olivier

Sent from my iPhone

Begin forwarded message:

From: JackieO <jackiegigharbor@gmail.com>
Date: March 26, 2015 at 2:43:43 AM PDT
To: Jill Guernsey <guernseyj@cityofgigharbor.net>
Cc: Tim Payne <paynet@cityofgigharbor.net>, Paul Kadzik <kadzikp@cityofgigharbor.net>, lovrovichr@cityofgigharbor.net, perrowm@cityofgigharbor.net, Ken Malich <malichk@cityofgigharbor.net>, arbenzc@cityofgigharbor.net, ekbergs@cityofgigharbor.net
Subject: WM

3316 Harborview Dr
Gig Harbor

March 26 2015.

Dear Mayor Guernsey, City Council and members of the Gig Harbor Planning Department.

First of all I wish to thank the 3 city council members + 1 by email and 1 planning department member that have bothered to spend some time with me (us) on discussing with me (us) the changes you are planning for my (our) life, my husbands, and all of us in Millville. Especially WM. As you may not realize it, I'm not sure if you do, we are the lives that you will be turning upside down and changing for ever.

I live across from the Ship To Shore and the proposed Brix restaurant. And a 1/2 block from a rezoned Suzanne's with no parking. And open until 11pm every night. When we moved here, we bought and lived here for approx 20 years ago on a C1 zoning. No mention, ever, that "one day,

you may be living in a restaurant 2 or 3". If we had known that we would have bought elsewhere. BUT, we moved because being in Millville we knew we were in an "Historic Area" which was to be preserved and protected. By not only its residents, but supported by OUR CITY COUNCIL that WE voted you in for. But this is not only about me and "our lives you will be turning upside down" but I do believe many lives. Not only many, many residents but also fishing families that are beginning to see their history disappear and losing slowly their privileges of being our local fishing families are disappearing...we NEED to keep that heritage, it's our history. We need our neighbors that have lived here for many, many years and have wonderful stories to tell to our visitors and residences and passed down to the children. Do you know who lived in your home 40,50, 60, 70 or more years ago??? Do you want your street that you live on made commercial 2 and 3...do you? I think not. Do you want to preserve our small and historical Millville? Or do you want to "just commercialize" that beautiful area to Restaurants, offices, coffee shops, bars...WAIT.... Where did the nice residents go that had Halloween on their porch every year for the kids. Where kids a 150 deep that would line up to have the fun of being scared on the porch of these downtown people. They must have spent several hundred of dollars just for the kids. Put a lot of effort in it they did. Oh, they've gone. Moved out. Gig Harbor city council Broke their promise. They no longer feel represented or respected. That THEY as residents, taxpayers and voters MATTERED.

I'm here for discussion. Please call or meet me for coffee. I must say, mayor Guernsey, I thought I would have heard from you the first. I don't bite. I'm very pleasant. But I have several things you might want to hear and that you might not want to hear. But this is my life, my husbands and many neighbors that are being shoved under a train full steam ahead. I don't want to lose it and will hold on as tight as I can to preserve the life I have now. Just as you all would want to if it were you.

Please talk to me: My #is 253-380-5205

I do respectfully request a meeting be offered by you ,our representatives to meet with us Millville an WM residents so that we may ask YOU questions and answers that have been ignored or dismissed pertaining to the rezoning of our neighborhood.

Save Our Millville from the clutches of the developer. Let us homeowners and residences show the visitors of Historical Millville what an awesome place they just stepped into. How unique it is. What rich history is here. There is no other small town like Millville. None. Save it please. Preserve it please You will never regret it. Never.

Sincerely,
Jackie and Rick Olivier

Sent from my iPhone

March 30, 2015

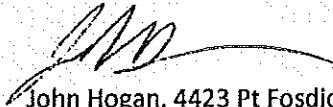
City of Gig Harbor
Planning Department
3510 Grandview St.
Gig Harbor, WA 98335

RE: Millville Restaurant 3 Support Letter

To whom it may concern,

The character of downtown Gig Harbor has evolved over the years into becoming a specialty retail district and dining has increasingly become an integral part of maintaining this relevance. Dining choices along the waterfront allow our community and our equally important visitors to appreciate its scenic and unique splendors. The vitality of all retail along the waterfront benefits by the addition of quality dining choices due to the foot traffic it generates for surrounding businesses.

Just as buildings become functionally obsolete over time, zoning does as well. I am in favor of people who want to invest in Gig Harbor for responsible development. The genesis of the Restaurant 3 re-zone is not driven by a merchant builder but rather a longtime stakeholder in the community which gives me confidence that as long as the standard of care is met in following the Design Manual our community won't be faced with an "anywhere USA" re-development along our truly unique and treasured waterfront.



John Hogan, 4423 Pt Fosdick, Gig Harbor WA 98335

Kester, Jennifer

From: Jean-Louis Gazabat <shorewoodrealestate@hotmail.com>
Sent: Wednesday, April 01, 2015 11:55 AM
To: Kester, Jennifer
Subject: Downtown, Mill

Let Stan Build, it will be good for Downtown. Jean gazabat


Kester, Jennifer

From: Wise, Shawna
Sent: Tuesday, April 07, 2015 1:38 PM
To: Kester, Jennifer
Subject: FW: To: Gig Harbor City Council

Follow Up Flag: Follow up
Flag Status: Flagged

Shawna Wise

Assistant City Clerk

 City of Gig Harbor
253-853-7638
wises@cityofgigharbor.net

From: Jo Anne Ashley [mailto:ashleyma@centurytel.net]
Sent: Tuesday, April 07, 2015 11:43 AM
To: Wise, Shawna
Subject: FW: To: Gig Harbor City Council

From: Jo Anne Ashley [mailto:ashleyma@centurytel.net]
Sent: Tuesday, April 07, 2015 9:02 AM
To: 'guernseyj@cityofgigharbor.net'; 'kadzikip@cityofgigharbor.net'; 'paynet@cityofgigharbor.net'; 'lovrovichr@cityofgigharbor.net'; 'perrowm@cityofgigharbor.net'; 'malichk@cityofgigharbor.net'; 'EkbergS@cityofgigharbor.net'; 'arbenzc@cityofgigharbor.net'; 'TowsleeM@cityofgigharbor.net'
Subject: To: Gig Harbor City Council

It appears, from the information available, that the council is failing to respond to the citizens' input to manage the beautiful resources on Harborview Drive in a responsible and intelligent manner. To clutter Harborview with restaurants and customer parking appears to be motivated by good old greenbacks rather than common sense and a desire to preserve the integrity of Gig Harbor.

Please **VOTE NO** on any developer's request to turn our lovely little hamlet, specifically the Millville area, into a commercial endeavor. It is our (your) duty to be good stewards of the resources we (you) have been gifted for the generations that will follow.


Jo Anne M. Ashley

Kester, Jennifer

From: Wise, Shawna
Sent: Tuesday, April 07, 2015 1:48 PM
To: Kester, Jennifer
Subject: FW: Gig Harbor City Council

Shawna Wise

Assistant City Clerk

 City of Gig Harbor

253-853-7638

wises@cityofgigharbor.net

From: robert wood [<mailto:robwood@centurytel.net>]

Sent: Tuesday, April 07, 2015 10:04 AM

To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly

Subject: To: Gig Harbor City Council

Hello,

Harborview Dr. is part of the 'Soul' of Gig Harbor. The charm and quaintness of Millville will be wiped out by the proposed zoning change. This is the very thing we all said in the 2012 Harbor Vision Statement made our town unique and needed to protected. This zoning revision will forever change Millville the lives of Millville residents. This is not right!

69 Millville residents have said **NO** to zoning changes. Only 5 are in favor.

Promises must be kept to all to preserve this historic neighborhood. The City Council has an obligation to value the lives of citizens who voted them in, above developers.

I implore you to deny this zoning change in Millville and put the late night restaurants in the commercial zone, where they belong.

Thank you,

Robert Wood

2709 43rd St. NW

Gig Harbor

Kester, Jennifer

From: Wise, Shawna
Sent: Tuesday, April 07, 2015 2:56 PM
To: Kester, Jennifer
Subject: FW: Deny this zoning change

From: citizensforgigharbor@gmail.com [<mailto:citizensforgigharbor@gmail.com>]

Sent: Tuesday, April 07, 2015 2:30 PM

To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Arbenz, Casey; Ekberg, Steve; Towslee, Molly

Cc: Charlee Glock Jackson; Karen Miller; gateway

Subject: Deny this zoning change

Madame Mayor and Council members,

In 2012, Gig Harbor citizens participated in open houses to create the Harbor Vision Statement and now the majority of the City Council intends to ignore this vision. The Council proposes to dispense with regulations in the Comprehensive Plan, created to protect and celebrate historic Millville. People came, made their wishes known and now the majority of the City Council intends to ignore these plans citizens said were important.

The City Council promised residents, living in Millville 24 hours a day, there would be no businesses interfering with their family way of life. This Comprehensive Plan current zoning promise guaranteed and assured residents there would be limited sizing for cafe restaurants, reduced operational hours, less noise, parking availability and no grills or deep fat fryers. Presently, the existing restaurants fit in well with their neighbors.

Mr Stearns intends to move a commercial restaurant into one of his existing buildings. Additionally, he is building 2 new buildings. For him to rent to the commercial restaurant, he personally requested a zoning change. This zoning change allows commercial and fast food restaurants in every waterfront property from Skansie Park thru Suzanne's Bakery. Mr. Stearns has done this against the wishes of his neighbors.(69 say no to zoning changes, 5 in favor.)

The charm and quaintness of Millville will be wiped out by such a zoning change. This is the very thing we all said made our town unique and needed to protected.

The City Council has an obligation to value the lives of citizens who voted them in, above developers. Mr Stearns, his employees and the restaurant owners do not live in Millville, or even the city of Gig Harbor. Promises must be kept to all to preserve this historic neighborhood. This zoning change must be denied.

Team

Citizens for the Preservation of Gig Harbor

Citizens for the Preservation of Gig Harbor LLC

C4GH: *Citizens committed to making Gig Harbor better than we found it!* JOIN US!!

<http://citizens4gigharbor.blogspot.com/> <https://www.facebook.com/Citizens4GigHarbor>

We do not inherit the earth from our ancestors, we protect it for our children

KINDNESS MATTERS

Kester, Jennifer

From: Guernsey, Jill
Sent: Wednesday, April 08, 2015 11:41 AM
To: Kester, Jennifer
Subject: FW: Millville Zoning Request

Follow Up Flag: Follow up
Flag Status: Completed

From: Charles Walker [mailto:charliewalker51@hotmail.com]
Sent: Wednesday, April 08, 2015 11:28 AM
To: Guernsey, Jill; Kadzik, Paul; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Millville Zoning Request

Dear Committee Members

I have been following the Millville zoning request, and attending the public meetings, to try to draw a conclusion on this divisive issue. After considering the pros and cons, I would have to say that I am **not** in favor of changing the current zoning. While I do not believe that opening a restaurant/bar in the current Ship-to-Shore location would be harmful, I do believe that any additional restaurant openings would turn the area in to a restaurant-row kind of zone, with all of the noise, traffic and parking issues previously discussed. Listed below are some items that influenced my thought process.

- 1) How many restaurants can Millville support without cannibalizing others, both in Millville and the harbor in general? Has a study of this nature occurred? Once a restaurant fails, how easily can it be converted to another commercial enterprise?
- 2) Has any study occurred that accurately predicts the amount of revitalization that would occur? And where are the new customers coming from? I doubt many would pay the tolls to cross the bridge to spend an evening in Gig Harbor. Perhaps the senior citizens and young families that make up so much of our population are simply not inclined to go out in the evening and that Gig Harbor may therefore have all of the restaurants/bars it can support.
- 3) I fail to see how moving Brix a few blocks from one downtown location to another will have a net positive effect on revitalizing the downtown area. There seems to be too much turnover in the general Pioneer/Skansie area as it is, without creating another empty store front.
- 4) Are restaurants/bars truly the sort of revitalization needed? The residents in and around Millville have spoken, and they certainly do not think so. Is the perceived benefit worth irrevocably changing a beautiful historic area that encapsulates the town and its history?
- 5) A couple of weeks ago The Harveter had a kitchen fire and was closed for two days, reminding us of one of the negative aspects of restaurants. I also seem to recall a larger fire in the restaurant located next to the Thai

Hut. Hmm....

For the record, I do not live in proximity to Millville, but I do frequently walk the harbor. I find the waterfront "detour" between Netshed #9 and Dorotich Street to be one of the highlights. If this area becomes populated with restaurants I would probably change my route to Ross Street, thereby losing out on the "benefits" of revitalization.

Anyway, I do not envy you your jobs, but I believe you are passionate and am hopeful that you have the best interests *of everyone* in mind as you make your difficult decisions.

Best
Charles Walker

Neighbors take KP pub to court over noise

Group contends Jimmy's 94th Avenue Pub keeps area residents awake with late-night music, loud engines

BY ADAM LYNN
Staff writer

A Key Peninsula neighborhood group has sued a local pub, contending it has become a hangout for rowdy bikers and holds loud parties that last "into the wee hours of the morning."

Noise and other nuisances from Jimmy's 94th Avenue Pub "interfere with the ability of surrounding residents to use and enjoy their rural residential properties," according to the

lawsuit, which was filed in Pierce County Superior Court this month on behalf of the Association to Protect Against Neighborhood Noise.

The group wants a judge to order the pub to curtail noise during late-night hours and to make sure its patrons leave its parking lot once the business closes, among other relief.

James Haskins, who owns the pub, told The News Tribune last week he intends to "answer the

suit" but would prefer to work toward a compromise "that makes everybody a little bit happy."

"I think we run a real nice place here," Haskins said. "We're hoping to make it a nice little neighborhood bar with good food."

The pub, which bills itself with the motto "Local Vibe, Local Owners," is at 9401 State Route 302 KPN in the Wauna area.

The neighborhood group represents some property owners in the residential area surrounding nearby Horseshoe Lake.

"Residents of Horseshoe Lake live there because they are seeking rural solitude," the lawsuit states.

The pub is infringing on that solitude, the group contends.

"Late at night and into the wee hours of the morning, loud music blasts from Jimmy's," the lawsuit states. "Such loud music prevents association members from sleeping and disturbs the rural atmosphere of their residences."

Things aren't better once the pub closes, the association argues.

"When Jimmy's finally closes at night, intoxicated patrons linger in front of the bar and in the parking lot, laughing, talking, arguing and shrieking," the lawsuit states. "Some patrons remain in the parking lot, revving their car

engines as well as Harley motorcycle engines."

The group contends Haskins has ignored their complaints.

Haskins denied that, saying he's tried to work with his neighbors to address their issues. He called his patrons "a great group of customers."

"We're not trying to step on anybody's toes," he said. "We want to see it resolved."

A court hearing is scheduled for June.

Adam Lynn: 253-597-8644
adam.lynn@thenewstribune.com
@INTAdam

1. I want to remind the citizens of Gig Harbor that City revenue mostly comes from retail and restaurants.
2. If we fail to support landowners to create beautiful spaces for retail and restaurants they may choose to build office spaces for more professionals.
3. If this occurs it will kill the downtown of all that we love about downtown Gig Harbor. Locals will stop exploring their own neighborhood for lunch, shopping, special events or recreational activities. Tourist will fail to put Gig Harbor on their list of destinations to visit by car or boat. Excellent restaurants like Brix will move to more friendly communities that embrace them.
4. Unfortunately you cannot go back or make a vibrant town stand still in time. If Gig Harbor wants to preserve the small town community feel then we need to follow the example of towns that have been very successful in doing so. San Luis Obispo, Cannon Beach, La Conner.
5. Instead of being reactionary, work with landowners to develop the city as it evolves. A city that prevents growth will die. A city that embraces the positive and wise development will evolve to a vibrant destination town we can all be proud of.
6. Just a reminder of why it is really improbable that MacDonald's or Chain restaurants will move to downtown... for the same reason QFC, and Ace left... we do not support the volume of traffic they need to survive.
7. I support the zoning of Millville Waterfront to retail/restaurant 2 & 3. I want to encourage the positive development of the downtown waterfront area.

Thank you

Melissa Moller

Owner Sea Hags



February 17th, 2015

Dear Council Member,

This letter is a report on collisions that have taken place between January 1st, 2005 and December 14th, 2014 adjacent to the Waterfront Millville amendment area. The relevant Comprehensive Goal and policy are as follows:¹

GOAL 12.1: CREATE AN EFFECTIVE ROAD AND SIDEWALK NETWORK.

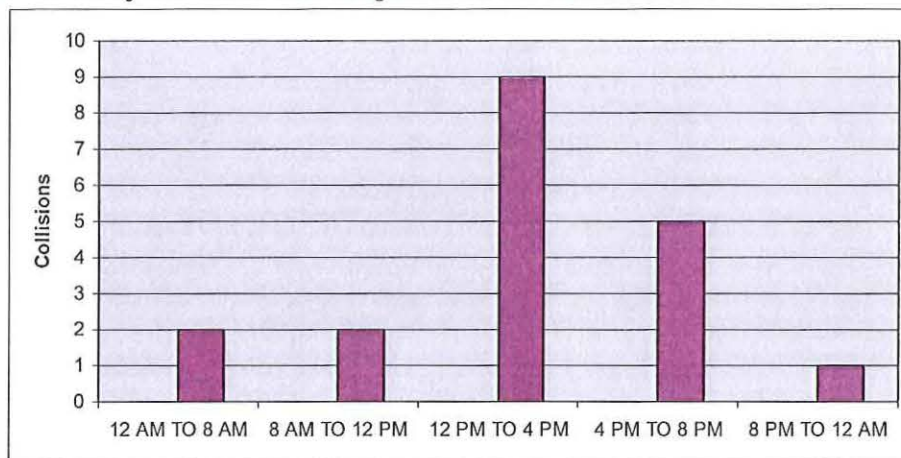
The City of Gig Harbor shall plan for an effective road network system.

Policy 12.1.12 Improve existing sidewalk and intersection conditions in the downtown area to increase pedestrian and vehicular safety.

All records were acquired from the Gig Harbor Police Department. On page 2 is a complete listing of these accidents including date, time, location, case number, and an indication of whether an injury occurred. All parking lot, private property, and boating collisions were eliminated from this report. On page 3 is a map showing the approximate location of each collision. Locations are based on the recorded address only. Here is a summary of my findings:

- There were 24 collisions total
- 3 of the collisions resulted in injuries
- 7 of the collisions were hit and runs
- 5 collisions took place at the intersection of Harborview Drive and Dorotich Street
- 9 collisions took place at the intersection of Harborview Drive and Rosedale Street
- Most of the collisions occurred in the afternoon and early evening (see chart below). This is based on the records from 2006 through 2014. The 2005 records did not list a time of day for collisions.

Time of Day for Collisions Adjacent to the Amendment Area 2006 - 2014

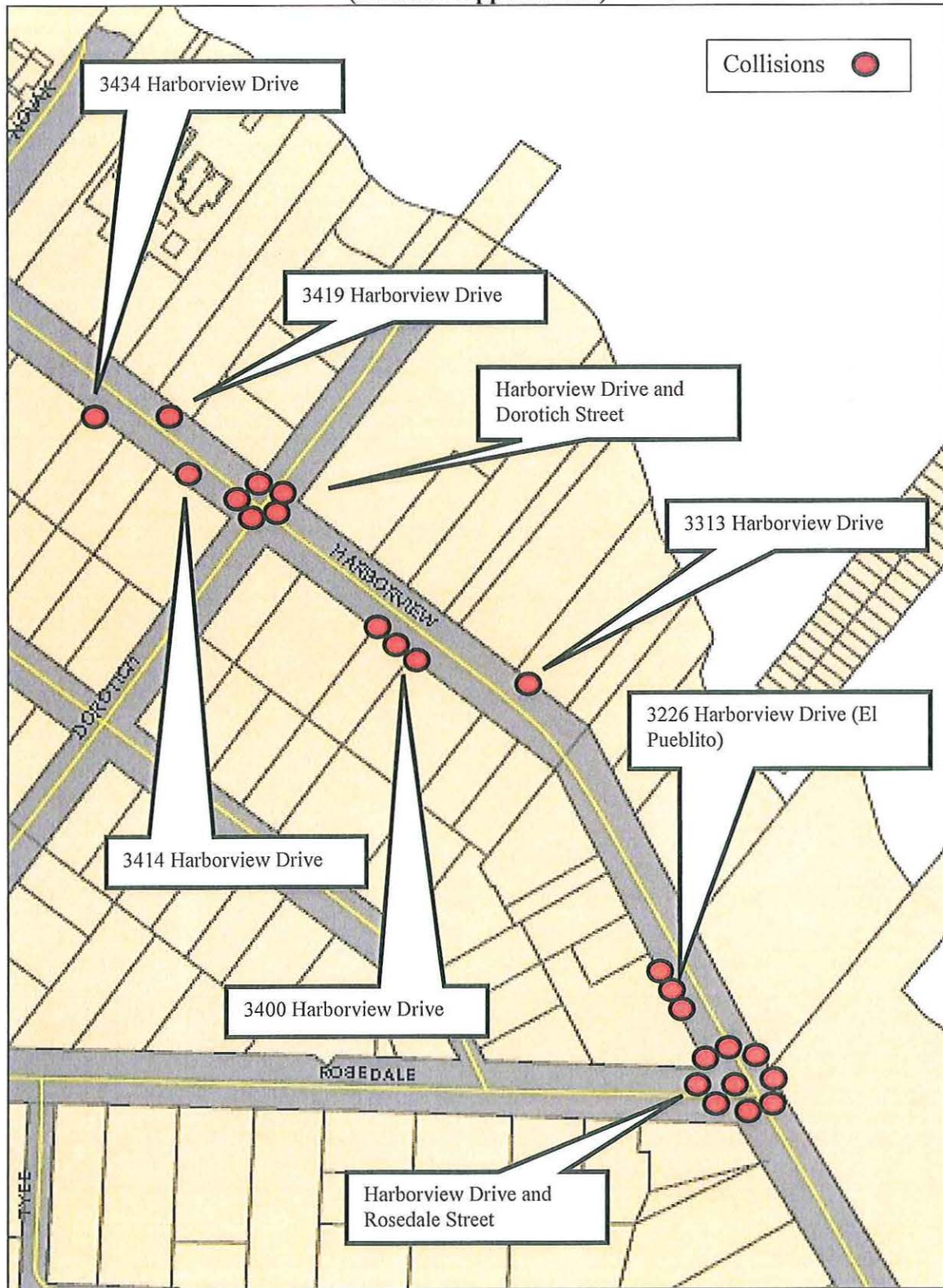


¹ Gig Harbor Comprehensive Plan, Revised June 2014, Page 12 (PDF page 14)

Collisions Adjacent to Amendment Area January 2005 through December 2014

DATE	TIME	LOCATION	INJURY	CASE NUMBER
12/10/2014	11:03 AM	Harborview Drive and Rosedale Street	N	GH141571
8/16/2013	9:04 AM	Harborview Drive and Rosedale Street	N	GH130946
7/12/2013	8:25 PM	3434 Harborview Drive	N	GH130805
4/3/2013	2:04 PM	3414 Harborview Drive	N	GH130372
8/31/2012	1:32 PM	Harborview Drive and Rosedale Street	Y	GH120993
7/9/2012	1:55 PM	Harborview Drive and Rosedale Street	Y	GH120787
5/10/2012	4:55 PM	Harborview Drive and Rosedale Street	N	GH120552
3/4/2012	1:35 PM	3400 Harborview Drive	Y	GH120263
10/1/2011	4:00 PM	3313 Harborview Drive	N	GH111260
7/12/2011	7:50 PM	3400 Harborview Drive	N	GH110863
10/15/2010	3:08 AM	Harborview Drive and Dorotich Street	N	GH101245
7/27/2010	6:15 PM	Harborview Drive and Dorotich Street	N	GH100874
9/25/2009	2:26 PM	Harborview Drive and Rosedale Street	N	GH091196
2/7/2009	1:00 PM	3400 Harborview Drive	N	GH090169
9/30/2008	7:15 AM	3226 Harborview Drive	N	GH081269
7/11/2008	2:03 PM	Harborview Drive and Dorotich Street	N	GH080850
1/23/2008	4:45 PM	Harborview Drive and Dorotich Street	N	GH080101
12/16/2006	3:57 PM	Harborview Drive and Dorotich Street	N	GH061567
3/1/2006	2:00 PM	Harborview Drive and Rosedale Street	N	GH060289
7/2/2005	Not Available	Harborview Drive and Rosedale Street	N	GH050810
3/1/2005	Not Available	Harborview Drive and Rosedale Street	N	GH050282
2/13/2005	Not Available	3419 Harborview Drive	N	GH050183
1/31/2005	Not Available	3226 Harborview Drive	N	GH050130
1/8/2005	Not Available	3226 Harborview Drive	N	GH050021

Collisions Adjacent to Amendment Area January 2005 through December 2014
(Location Approximate)



Sincerely,

A handwritten signature in cursive script that reads "Cyrus Jackson".

Cyrus Jackson
Resident 8212 Dorotich Street
Master of Science in Planning

February 17th, 2015

Dear City Council Member,

On January 30th, 2015 I put in a record request for traffic studies from the previous 10 years on Harborview Drive.¹ I made the request in light of the fact that there were no traffic studies specific to Dorotich Street. Even though it branches off Harborview Drive (a minor arterial), Dorotich Street is classified as a local access street. Local access streets carry less traffic volume than collectors and arterials. Dorotich Street does provide through access to Rosedale Street, but based on personal observation, I don't believe a significant number of drivers use it for this purpose.

Because no information specific to Dorotich Street was available, this letter focuses on traffic conditions on Harborview Drive and its intersections; especially in the context of the Waterfront Millville text amendment to allow Restaurant 2 and Restaurant 3 uses in the amendment area. This letter describes information I received from the city including traffic counts, and the Gig Harbor 2014 Travel Demand Model Update Report (hereinafter referred to as "the report") as well as information found in the ITE Trip Generation Manual. I made an effort to focus on referencing information rather than generating my own assumptions. I do cautiously present data on trip generation for different kinds of food service in this letter. That data should not be accepted unless it is validated by someone who has experience working with the ITE Trip Generation Manual. The letter also includes detailed discussions I had with Planning Director Jennifer Kester in regard to the ITE Trip Generation Manual and the Gig Travel Demand Model. The portions of those emails that I omitted dealt only with the topic of adding the emails to the public record. If I have written in error at any point in this letter I invite staff to make corrections based on the record or their own expertise.

Traffic Counts

During the previous 10 years there were three different time periods when traffic counts were taken on Harborview Drive adjacent to Eddon Park. The counts were taken in July 2007, September 2010, and June 2011. Traffic counts may be used to compute peak hour volumes and weekly averages, but the most recent data from June 2011 is over three years old. Furthermore, the data was compromised during that time period because the tube for the westbound lane became defective or was vandalized on the evening of the second day and remained defective for the remainder of that week.²

The Gig Harbor Travel Demand Model

The city uses a computerized model to analyze travel patterns and assess the impacts of future land developments (or "pipeline developments") and transportation improvements. This model known as the "Gig Harbor Travel Demand Model" is maintained by David Evans and Associates on behalf of the city. The model relies on a variety of variables and uses a land use inventory, roadway geometry, trip generation rates, intersection turning movements, traffic analysis zones, and various software programs to forecast

¹ Public Records Request from Cyrus Jackson, January 30th, 2015

² Email received from Emily Appleton, February 6th, 2015

peak hour traffic volumes. The land use inventory mentioned above includes all existing roadway facilities, housing, shopping, and employment. When the forecasted peak hour volumes match the actual traffic counts within a certain margin the model may be used to predict future traffic volumes and test future scenarios.³ The peak hour is an hour that lies between 4 pm and 6 pm on a weekday. This is the time period when site-generated traffic and adjacent street traffic is usually at its maximum.⁴

The most recent update of the model was in May of 2014. The previous update, which was in 2011, was recalibrated to account for changes and discrepancies in the variables as well as adopt new trip generation standards (such as the latest edition of ITE Trip Generation Manual).⁵

The 2014 update provides two assessments of peak hour conditions. The first of these, the 2014 Base Model predicts (or forecasts) existing traffic conditions. The second, the 2014 concurrency model, incorporates pipeline developments and projects from the six-year Transportation Improvement Program (2014-2019) into the base model to forecast future traffic conditions.⁶ The two models can be used to analyze level of service at intersections as well the roadway capacity along various routes.⁷

Modeled Level of Service for Harborview Drive Intersections

According to the Comprehensive Plan there are six Harborview Drive intersections identified in the Downtown Strategy Area that are allowed to have an LOS of worse than D.⁸ In short, this means the allowable LOS for these intersections is F. The intersections of Harborview Drive/North Harborview Drive and Harborview Drive/Soundview Drive were not addressed in the report. All these intersections are un-signalized. According to the report this means that these intersections may have a delay of 50 seconds or more.⁹ On the following page is a summary of modeled delays at Harborview Drive intersections. The existing delay is the 2014 Base PM Peak Hour delay¹⁰ to be expected at the intersection. The concurrency delay incorporates the impacts of pipeline developments and transportation projects in the TIP into the PM peak hour delay.¹¹

³ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Page 1 (PDF Page 3)

⁴ TM_14-0403_Concurrency Test Memo_Ship to Shore Complex_13.pdf, Page 2 (PDF Page 2)

⁵ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Pages 1-5 (PDF Pages 3-7)

⁶ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Pages 7-9 (PDF Pages 9-11)

⁷ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Attachment A Pages 1-3 (PDF Pages 21-23), Attachment B Pages 1-3 (PDF Pages 26-28), Attachment C Pages 1-3 (PDF Pages 30-32), Attachment D Pages 1-3, (PDF Pages 35-37)

⁸ Gig Harbor Comprehensive Plan, Revised June 2014, Page 12-62 (PDF Page 162)

⁹ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Page 12 (PDF page 14)

¹⁰ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Attachment A Page 2 (PDF page 22)

¹¹ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Attachment C Page 2 (PDF page 31)

1. Harborview Drive and Stinson Avenue:
 - Existing delay of 172.3 seconds (LOS F)
 - Concurrency delay of 401.3 seconds (LOS F)
2. Harborview Drive and Rosedale Street:
 - Existing delay of 11.9 seconds (LOS B)
 - Concurrency delay of 12.7 seconds (LOS B)
3. Harborview Drive and Pioneer Way:
 - Existing delay of 14.1 seconds (LOS B)
 - Concurrency delay of 18.6 seconds (LOS C)
4. Harborview Drive and Peacock Hill:
 - Existing delay of 10.2 seconds (LOS B)
 - Concurrency delay of 10.4 seconds (LOS B)

It can be plainly seen that the most significant increase in delay lies at the intersection of Harborview Drive and Stinson Avenue. The report recommends resolving this deficiency by installing a roundabout at this intersection.¹²

Modeled Capacity for Segments of Harborview Drive

In like fashion to forecasting levels of service at various intersections the report estimates capacity for specific road segments. This included forecasts of peak hour capacity, peak hour volume, and road capacity available. Road capacity available is the remaining road capacity after forecast peak hour volume is subtracted from peak hour capacity (Peak Hour Capacity – Forecast Peak Hour Volume = Road Capacity Available). Both 2014 Base PM¹³ and concurrency¹⁴ values were calculated for these categories as well. Here is a summary for the routes along Harborview Drive:

1. Harborview Drive from Burnham Drive to North Harborview Drive:
 - 2014 Base PM Peak Hour Capacity: 1,200
 - 2014 Base PM Forecast Peak Hour Volume: 319
 - 2014 Base PM Road Capacity Available: 881

 - Concurrency Peak Hour Capacity: 1,200
 - Concurrency Forecast Peak Hour Volume: 588
 - Concurrency Road Capacity Available: 612

¹² Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Page 17 (PDF page 19)

¹³ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Attachment B, Page 2 (PDF Page 27)

¹⁴ Gig Harbor 2014 Travel Demand Model Update Report FINAL_14-0506.pdf, Attachment D, Page 2 (PDF Page 36)

2. Harborview Drive from North Harborview Drive to Stinson Avenue:

- 2014 Base PM Peak Hour Capacity: 1,600
- 2014 Base PM Forecast Peak Hour Volume: 1,193
- 2014 Base PM Road Capacity Available: 407

- Concurrency Peak Hour Capacity: 1,600
- Concurrency Forecast Peak Hour Volume: 1,446
- Concurrency Road Capacity Available: 154

3. Harborview Drive from Stinson Avenue to Rosedale Street:

- 2014 Base PM Peak Hour Capacity: 1,800
- 2014 Base PM Forecast Peak Hour Volume: 612
- 2014 Base PM Road Capacity Available: 1,188

- Concurrency Peak Hour Capacity: 1,800
- Concurrency Forecast Peak Hour Volume: 707
- Concurrency Road Capacity Available: 1,093

4. Harborview Drive from Rosedale Street to Pioneer Way:

- 2014 Base PM Peak Hour Capacity: 1,600
- 2014 Base PM Forecast Peak Hour Volume: 828
- 2014 Base PM Road Capacity Available: 772

- Concurrency Peak Hour Capacity: 1,600
- Concurrency Forecast Peak Hour Volume: 932
- Concurrency Road Capacity Available: 668

5. Harborview Drive from Pioneer Way to Soundview Drive:

- 2014 Base PM Peak Hour Capacity: 1,600
- 2014 Base PM Forecast Peak Hour Volume: 537
- 2014 Base PM Capacity Available: 1,063

- Concurrency Peak Hour Capacity: 1,600
- Concurrency Forecast Peak Hour Volume: 671
- Concurrency Road Capacity Available: 929

Once again it can be seen that the road segment from North Harborview Drive to Stinson Avenue has the lowest available road capacity with a remaining volume of 154 vehicles. The roundabout cited earlier would perhaps resolve this issue as well. The road segment most immediately adjacent to Waterfront Millville, Harborview Drive from Rosedale Street to Pioneer Way, seems to maintain ample capacity in light of concurrency with a remaining available volume of 1,093 vehicles.

Food Services as Defined in the ITE Trip Generation Manual

To analyze the potential impacts of the amendment, I thought it necessary to examine trip generation for various food services. I didn't have access to the most recent edition of the ITE Trip Generation Manual (9th Edition published on September 1, 2012) but I did find some online resources that referenced the manual for guidance. The following land use codes and their definitions are from the 6th edition of the manual published in 1997.¹⁵

LAND USE: 831 – Quality Restaurant

This land use consists of eating establishments of high quality and with turnover rates generally of at least one hour or longer. Generally, quality restaurants do not serve breakfast, some do not serve lunch; all serve dinner. Typically, the restaurants included in this land use are not a chain, and reservations are required.

LAND USE: 832 – High-Turnover (Sit-Down) Restaurant

This land use consists of sit-down eating establishments with turnover rates generally one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours per day. Some facilities contained within this land use may also contain a bar area for serving food and alcoholic drinks.

LAND USE: 833 – Fast-Food Restaurant without Drive-Through Window

This land use includes fast-food restaurants without drive-through windows. This type of restaurant is characterized by a large carryout clientele; long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours); and high turnover rates for eat-in customers.

LAND USE: 834 – Fast-Food Restaurant with Drive-Through Window

This land use includes fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large carryout clientele; long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours); and high turnover rates for eat-in customers.

LAND USE: 835 – Fast Food Restaurant with Drive-Through Window and No Indoor Seating

This category includes fast-food restaurants with drive-through service only. These facilities typically have very small building areas and may provide a limited amount of outside seating.

¹⁵ Ventura County Air Quality Assessment Guidelines, Appendix E, Page 14
http://www.slc.ca.gov/division_pages/DEPM/Reports/BHP_Port/ERRATA_CSLC/Vol%20III/EDC%20Attachments%20Vol%20III-Ventura%20County%20part%2005.pdf

LAND USE: 836 – Drinking Place

A drinking place contains a bar where alcoholic beverages and snacks are served and possibly some type of entertainment such as music, television screens, video games, or pool tables.

The following definition is from ITE Trip Generation Manual 8th Edition:¹⁶

LAND USE: 939 – Bread/Donut/Bagel Shop Without Drive-Through Window

This land use includes single-tenant bread, donut and bagel shops without drive-through windows. The sites surveyed specialize in producing and selling a variety of breads, donuts and bagels as the primary products sold. Some sites offer a breakfast menu. They may also sell other refreshment items such as coffee, tea, soda, or other hot or cold beverages. Limited indoor seating is generally available at the sites surveyed. Coffee/Donut shop without drive through window (Land Use 936), coffee/donut shop with drive-through window (Land Use 937), coffee/donut shop with drive-through window with no indoor seating (Land Use 938) and bread/donut/bagel shop with drive through window (Land Use 940) are related uses.

If the proposed text amendment were adopted the only food services that would be restricted in Waterfront Millville would be restaurants with Drive-Through Windows and Drinking Places.¹⁷ These would be the equivalent of Drive-through facility and Tavern uses found in the city's code.¹⁸

Trip Generation for Various Food Services

As stated earlier I didn't have access to any edition of the ITE Trip Generation Manual. Quite honestly, even if I had a copy of the most recent edition of the manual, I don't have any experience with calculating trip generation. I did find an Excel spreadsheet from Mike Spack of Spack Consulting that automatically calculates trips for each land use based on the most recent 9th edition of the manual.¹⁹ Mike Spack is a Professional Traffic Operations Engineer who founded his company in 2001. The company's website states: *Spack Consulting has prepared traffic impact studies and travel demand management plans for more than 400 developments and over 250 different clients.*²⁰ I sent an email to Mike Spack to verify the integrity of the spreadsheet, and I am awaiting a reply.

On the following page is a table summarizing the PM peak hour trips generated by a 3,500 building for the different food service uses defined in the ITE Trip Generation Manual. I also included the land use "drinking place" for comparison. You will recall that

¹⁶ A Traffic Impact Analysis for the Pilot/Flying J Travel Plaza in Mesquite Nevada, Pages 6-7 (PDF Page 7-8) <http://www.bjellestad.com/mcj/PDF/PilotTIA-12-07-12.pdf>

¹⁷ Gig Harbor Municipal Code 17.14.020 Land Use Matrix

¹⁸ Gig Harbor Municipal Code 17.04.285 Drive-through facility and GMC 17.04.795 Tavern

¹⁹ Trip-generation-9th-ed-vs-8th-edition-analysis.xls

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&ved=0CDoQFjAE&url=http%3A%2F%2Fmikeontraffic.typepad.com%2Ffiles%2Ftrip-generation-9th-ed-vs-8th-edition-analysis.xls&ei=VoLaVLSXBMP1oASJqID4BA&usq=AFQjCNHGkAEXCqXhGP4XC0JKjtlwtqhwTA&sig2=PLTUR5bCemN6Iz8Vkb1XeQ>

²⁰ http://www.spackconsulting.com/?page_id=10

3,500 square feet is the maximum gross floor area for nonresidential buildings in Waterfront Millville.²¹ The unit of measurement is per 1,000 square feet or ksf². For example $3,500/1000 = 3.5$. This is value you enter into the spreadsheet to generate a result for each land use. I don't want to play traffic engineer, so these values should remain for illustration only unless a staff member at public works confirms them as valid.

PM Peak Hour Trips for 3,500 Square Foot Building by Food Service Type

LUC	DESCRIPTION:	UNIT	NET TRIPS
925	Drinking Place	1,000 Square Feet	40
931	Quality Restaurant	1,000 Square Feet	26
932	High Turnover/Sit Down Rest	1,000 Square Feet	34
933	Fast Food w/o Drive Thru	1,000 Square Feet	92
934	Fast Food with Drive Thru	1,000 Square Feet	114
935	Fast Food Drive Thru Only	1,000 Square Feet	157
936	Coffee/Donut Shop w/o Drive Thru	1,000 Square Feet	143
937	Coffee/Donut Shop w/ Drive Thru	1,000 Square Feet	150
938	Coffee/Donut Drive Thru Only	1,000 Square Feet	263
939	Bread/Bagel Shop w/o Drive Thru	1,000 Square Feet	98
940	Bread/Bagel Shop w/ Drive Thru	1,000 Square Feet	66

Keep in mind drive-through facilities and taverns are not permitted in Waterfront Millville.²² Here are my findings on non-drive-thru uses in the table:

- Brix 25 would be considered a “Quality Restaurant” and would not generate a significant number of trips during the PM peak hour compared to other food services
- Coffee and donut shops without a drive-thru have the highest trip generation during the PM peak hour followed by bread and bagel shop without drive-thru and fast food without drive-thru.
- The restriction on drive-thrus is important. You will notice that drive-thru, and especially drive-thru only food services generate significantly more trips.

David Evans and Concurrency Analysis for the Amendment Proposal

The above table sheds light on the different number of PM peak hour trips generated by each potential land use, but it doesn't examine how these trips might impact the transportation network at various intersections and along segments of Harborview Drive. Different restaurant scenarios involving existing and proposed buildings in Waterfront Millville could be tested in the Gig Harbor Travel Demand Model by David Evans and Associates.

I hope the following example doesn't sound too laughable, but this could be accomplished according to a “best case” and “worst case” scenario. For example the 2014 concurrency model could be run to analyze the impacts of the smallest building in the amendment area being used as quality restaurant. This would be the best case

²¹ Gig Harbor Municipal Code 17.48.040 Development standards. (Waterfront Millville)

²² Gig Harbor Municipal Code 17.04.285 Drive-through facility and GMC 17.04.795 Tavern

scenario in terms of traffic impacts. On the further and much more absurd end, the model could be run to examine traffic impacts assuming every building in the amendment area were used as a coffee and donut shop. Of course this would be the worst case scenario. Having both extremes would give you range of potential impacts to intersections and segments of Harborview Drive.

David Evans has an agreement to conduct concurrency analysis with new developments.²³ However, payment is required by the city. I spoke with the City Administrator, Ron Williams at around 11:45 AM on February 13th, 2015. He indicated that the city does not have the resources to pay for David Evans and Associates to conduct analysis for the example I provided. In addition, Jennifer Kester has related that "city review" has shown that there would be no net increase in transportation impacts during the PM peak hour. Below is my question from February 12th,²⁴ and her response from February 13th.²⁵

Cyrus Jackson: Pardon me if the following question sounds absurd. The travel demand model can be run to test the impacts of development when given future scenarios. [Would] it be out of the question for the folks at David Evans to run the model to test a "best case" and a "worst case" scenario for the text amendment? For example, among the food service uses that could be permitted in the area, quality restaurants would generate the least amount of trips during the PM peak hour while donut and bagel shops without drive thrus would generate the most. Could the model be run to compare the impact of the smallest building in the amendment area being [used] as a quality restaurant (or the best case) and compared with the impact of every building being used as donut and bagel shop (this would be the worst case)? This would give you a low range of potential delay and capacity impacts as well as a high range of potential impacts.

Jennifer Kester: City review indicates that the permitted uses with and without the proposed change would be very similar and would not result in a net increase in potential transportation impacts during the pm peak hour. Please see attached notes from the land use codes in the ITE Manual. As such, there was no need for traffic modeling to be performed. It is possible to run traffic model scenarios, however, there would be a cost to perform the work and prepare a report. This work is not included in the City's budget and it would need to be funded by whoever requests that the work be completed. That request and payment would need to come through the City and would not be directly to David Evans.

²³ TM_14-0403_Concurrency Test Memo_Ship to Shore Complex_13.pdf (PDF Page 1)

²⁴ Email from Cyrus Jackson, February 12th, 2015 at 10:42 AM

²⁵ Email from Jennifer Kester, February 13th, 2015 at 12:10 PM; Attachment: Land Use List from ITE.pdf

Jennifer had attached an email with a scanned image from the ITE Trip Generation Manual (assumedly 9th Edition) and her own (or Emily Appleton's) handwriting that categorized the land uses as follows (listings are abbreviated):

925	Drinking Place	<i>Tavern-Prohibited in WM</i>
931	Quality Restaurant	<i>Restaurant 1, 2, or 3</i>
932	High-Turnover (Sit-Down) Restaurant	<i>Restaurant 1, 2, or 3</i>
933	Fast-Food Restaurant w/o Drive Thru Window	<i>Restaurant 1, 2, or 3</i>
934	Fast-Food Restaurant w/ Drive Thru Window	<i>Prohibited in WM</i>
935	Fast-Food Restaurant, Drive Thru No Indoor Seating	<i>Prohibited</i>
936	Coffee and Donut Shop w/o Drive Thru Window	<i>Restaurant 1, 2, or 3</i>
937	Coffee and Donut Shop w/ Drive Thru Window	<i>Prohibited</i>
938	Coffee/Donut Shop w/ Drive Thru No Indoor Seating	<i>Prohibited</i>
939	Bread/Donut/Bagel Shop w/o Drive-Thru Window	<i>Restaurant 1, 2, or 3</i>
940	Bread/Donut/Bagel Shop w/ Drive-Thru Window	<i>Prohibited</i>

Jennifer sent me the following email in defense of her (or the city's) reasoning regarding traffic impacts:²⁶

Jennifer Kester: ...a model run was not and does not need to be done for the Waterfront Millville Restaurant amendment. Per GHMC 19.10.005 (copied below), a capacity evaluation for traffic is only done on zoning code amendments if the amendment results in an increase in intensity of traffic. In this case, based on how the City distinguishes level of restaurants, a Restaurant 1 use could be just as intense related to traffic as a Restaurant 3 use. In addition, we measure traffic at the peak pm hours of 4 to 6pm. Since restaurants are already allowed to be open until 9pm, there is no change in the potential affect during those hours. Once a specific restaurant wants to locate in the WM district, a specific model run will occur.

19.10.005 Capacity evaluations required for rezone applications or comprehensive plan amendments requesting an increase in extent or density of development.

A capacity evaluation shall be required as part of any application for a comprehensive plan amendment or zoning map amendment (rezone) which, if approved, would increase the intensity or density of permitted development. As part of that capacity evaluation, the director shall determine whether capacity is available to serve both the extent and density of development which would result from the zoning/comprehensive plan amendment. The capacity evaluation shall be submitted as part of the staff report and shall be considered by the city in determining the appropriateness of the comprehensive plan or zoning amendment.

²⁶ Email from Jennifer Kester, February 12th, 2015 at 12:46 PM

The problem with this whole matter of comparing a “restaurant 1 use” to a “restaurant 2 or 3 use” is that it only accounts for increases in intensity for existing buildings that have restaurant uses. Here is my response to Jennifer:²⁷

Cyrus Jackson: I don't want to drag this out too much, but I'm going to use some very plain logic to explain why I disagree with your reasoning:

The whole argument for adopting this amendment hinges on increasing economic vitality. The argument is that the amendment will create new opportunities for new restaurants to locate to this area. New restaurants don't generate zero trips. This means greater intensity. New restaurants occupy space. This creates greater density.

Your argument completely rests on the assumption that only existing buildings that already have restaurants will become restaurant 2 and 3 uses. If this is the case then the economic vitality argument falls on its face because there is no incentive for new development. New development always creates impacts.

Either there are new economic opportunities and associated impacts or there is no new economic opportunity and there are zero impacts. You can't have it both ways.

Jennifer indicated that my email was out of context because it was a new composition and not a reply to one of our existing conversations. She also asserted that she had made no statements on whether the amendment should be approved or denied:²⁸

Jennifer Kester: Unfortunately, you did not include an email from me so that I can understand what reasoning/argument I provided you that you disagree with...

...Furthermore, the conversations I have had with you regarding traffic analysis have been based on the code requirements and how the City applies concurrency requirements to text amendments. I have not made any statements on whether this amendment should be approved or denied.

Here was my reply:²⁹

...This discussion is based on your generalization of traffic impacts (ITE Manual) and your citation of the economic development policies from the staff reports. [It] does not relate to your opinion. This has to do with the debate of whether the amendment should pass...

Based on my conversation with Ron Williams I was aware that she was leaving that day at around 12 PM (February 13th, 2005). There was not enough time to carry the conversation further. She was kind enough to stay around until 12:03 PM and acknowledge that she would include our emails in the public record. I did send a follow up email to Ron in which I inquired about the possibility of the city requesting Gig

²⁷ Email from Cyrus Jackson, February 13th, 2015 at 10:24 AM

²⁸ Email from Jennifer Kester, February 13th, 2015 at 10:44 AM

²⁹ Email from Cyrus Jackson, February 13th, 2015 at 11:58 AM

Harbor Marina, Inc. to bear the cost of running a concurrency test according to my given scenario.³⁰ He didn't think my suggestion was reasonable. Here is his reply:³¹

The city imposes significant requirements and fees for any such development. We would not be in favor of imposing or requesting the applicants to do more or incur more expenses which are not required by our already-significant permitting process.

I later asked him if the council would have the authority to make this kind of request since it would not be administrative. Here's his response:³²

No, the city council would not be allowed legally to impose new restrictions on a citizen who was making a code amendment request like what is happening here.

How beneficial are traffic studies and the travel demand model to protecting Waterfront Millville?

I have little confidence in future traffic studies involving Harborview Drive and Dorotich Street and the travel demand model as well. In December of 2013, Garalyn Reinart, P.E. prepared a traffic impact analysis on the Ship to Shore Complex proposed for location at the northeast corner of Harborview Drive and Dorotich Street.³³ The traffic impact analysis states absolutely nothing about visibility and delays at the intersection of Dorotich Street and Harborview Drive. The project may only generate as few as 10 or as many as 15 new peak hour trips, but (I think) these concerns should have at least been mentioned. I'm not condemning the engineer because this is probably status quo for the Downtown Strategy Area, which of course has an allowable LOS of F.³⁴ In similar fashion the concurrency model was run and no impacts to the intersection of Dorotich Street and Harborview Drive were accounted for.³⁵ This seems fitting because the city does not monitor every intersection. Only intersections cited in the travel demand model and concurrency reports are monitored. According to Jennifer, unmonitored intersections are only added to the concurrency model if there is a site specific proposal and a significant impact is anticipated. Local access street intersections are not monitored on a regular basis. For a thorough discussion of these matters please see the February 13th email attached to this letter.³⁶

It is my personal opinion that not monitoring local access intersections for delays and poor visibility conflicts with the following Comprehensive Plan goal and policy.³⁷

³⁰ Email from Cyrus Jackson, February 14th, 2015 at 10:09 AM

³¹ Email from Ron Williams, February 17th, 2015 at 9:11 AM

³² Email from Ron Williams, February 17th, 2015 at 1:05 PM

³³ Ship To Shore TIA.pdf

³⁴ Gig Harbor Comprehensive Plan, Revised June 2014, Page 12-62 (PDF Page 162)

³⁵ TM_14-0403_Concurrency Test Memo_Ship to Shore Complex_13.pdf

³⁶ Email from Jennifer Kester, February 13th, 2015 at 12:10 PM

³⁷ Gig Harbor Comprehensive Plan, Revised June 2014, Page 12 (PDF page 14)

GOAL 12.1: CREATE AN EFFECTIVE ROAD AND SIDEWALK NETWORK.

The City of Gig Harbor shall plan for an effective road network system.

Policy 12.1.12 Improve existing sidewalk and intersection conditions in the downtown area to increase pedestrian and vehicular safety.

Even if we had hard data on potential traffic impacts resulting from the amendment it might have little to do with what we personally experience as drivers. As I mentioned in my last letter turning left (and even right) onto Harborview Drive from Dorotich Street can be a pain. Unfortunately, there has been no level of service established or delays measured at this intersection, so the inconvenience I experience is not numerical. I think other residents may experience similar difficulties along Harborview Drive and their anecdotal evidence may be given little weight because there is no hard data to support it. This is especially true of residents that have driveways that connect directly to Harborview Drive as these are not considered intersections. Numbers are good because they don't lie and they are not opinionated but we should pay attention to what residents have to say as well.

Conclusions

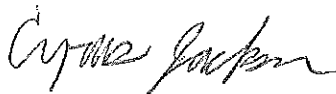
Here is what I have concluded based on the information cited in this letter:

- The City of Gig Harbor has a travel demand model that can be used to predict existing conditions in the transportation network. The model can also be used to analyze potential impacts to intersections and segments of roadway prior to development taking place.
- Based on the results of the model the most deficient intersection in the city limits is Harborview Drive and Stinson Avenue. Likewise the segment of roadway with the least remaining capacity during the peak hour is Harborview Drive from North Harborview Drive to Stinson Avenue. The recommended solution is installing a roundabout.
- According to the concurrency model, the segment of Harborview Drive running from Stinson Avenue to Rosedale Street has significant remaining capacity even in light of future developments. This is the segment of roadway that that runs adjacent to Waterfront Millville.
- When comparing the non-drive-thru uses described in the ITE Trip Generation Manual, quality restaurants generate the fewest trips during the PM peak hour while coffee and donut shops generate the most. The travel demand model could be run to predict traffic impacts by testing different scenarios involving these land uses. However, the city is unwilling to conduct this analysis as it would be at their financial expense and they see it as unnecessary.
- The Planning Director and I have a difference of opinion on whether the objective of GMC 19.10.005 has been accounted for in light of this “rezone”. She asserts

that because traffic impacts (or intensity) of restaurant 1, 2, and 3 uses are virtually the same that there is no need to conduct a capacity evaluation; that the zone is already by default equipped to sustain the capacity of restaurant 2 and 3 uses. To me this perspective doesn't consider additional trips generated as a direct result of the amendment. I believe the amendment creates an incentive for new restaurants to locate in existing and proposed buildings not currently used for or scheduled for use as a restaurant (intensity increase). A perfect example of this is Brix 25. I also assert that the amendment creates an incentive for new buildings to be built in Waterfront Millville for the purpose of restaurant 2 or 3 use (density increase). If this incentive did not exist, the purpose of the amendment would be rendered moot.

- There is little to no information available on the level of service for intersections at local access streets. The impacts to local access streets such as Dorotich Street may go unnoticed when running the travel demand model. Driveways branching directly off an arterial may be at particularly high risk because they are not considered intersections. Generally speaking, local access intersections are not monitored by the city. To me, this decision to not monitor local access intersections is not consistent with Goal 12.1 and Policy 12.1.12.³⁸
- The LOS of F for the Downtown Strategy Area may compel even traffic engineers to ignore delay and visibility concerns at intersections with Harborview Drive.

Sincerely,



Cyrus Jackson
Master of Science in Planning
Resident 8212 Dorotich Street

³⁸ Gig Harbor Comprehensive Plan, Revised June 2014, Page 12 (PDF page 14)

Email from Jennifer Kester on February 13th, 2015 at 12:10 PM in response to my questions from February 12th, 2015 at 10:42 AM

Subject: Questions on Traffic Impacts

1. The Growth Management Act contains the following subsection below. Does this mean that if there is no established level of service in the Comprehensive Plan for a particular intersection that it is not necessary to address impacts to that intersection in a traffic impact analysis?

Jennifer Kester: The City does not monitor levels of service at every intersection. The intersections that are monitored are listed in the appendices of the Traffic Model report and every transportation concurrency report. If the City became aware that a specific development was anticipated to significantly impact an unmonitored intersection, the City would evaluate those impacts on a case-by-case basis through the public process when the land use permit for a specific project was submitted.

2. Because there is allowable LOS of D in the Downtown Strategy Area, does this mean that an engineer conducting a traffic impact analysis is under less or no obligation to address delays at intersections when conducting a traffic impact analysis?

Jennifer Kester: The City has adopted LOS F as the standard for the Downtown Strategy Area to maintain the character, scale and pedestrian orientation of the area. In other words, City policy is to refrain from implementing large intersection improvements for vehicles at the expense of the character, scale, and pedestrian orientation of the downtown area. Additional vehicular delay is tolerated if there is not an improvement that could be made without impacting the character, scale and pedestrian orientation of the area. This generally means that adding turn lanes, widening roadways, or installing a traffic signal would not be considered in the downtown area unless there were other factors in play.

RCW 36.70A.070(6)(a)(vii)(b) states:

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

3. Does the Gig Harbor Travel Demand Model have any ability to measure impacts to intersections with local access streets, such as Dorotich and Harborview? If it does could I receive a measurement of delays at this intersection based on the base and the concurrency models? (I know David Evans maintains the model)

Jennifer Kester: It is possible to extract this information from the traffic model, however, there would be a cost to perform the work and prepare a report. This work is not included in the City's budget and it would need to be funded by whoever requests that the work be completed. That request and payment would need to come through the City and would not be directly to David Evans.

4. If the model does not measure impacts to local access street intersections is the only measure of protection when running the model a capacity analysis of the adjacent road segment and major street intersections in the vicinity?

Jennifer Kester: It is possible to extract local access street intersection information from the model (see above).

5. Is there or has there ever been an LOS established for intersections with local access streets such as Harborview Drive and Dorotich Street?

Jennifer Kester: These intersections are not regularly monitored, however, the City would consider impacts and determine if mitigation is necessary under SEPA review for a specific construction project, if not sooner when issuing concurrency for that project.

6. In December of 2013, Garalyn Reinart published a traffic impact analysis for the Ship to Shore Complex. The analysis did not address the potential for increased delays at the intersection of Dorotich Street and Harborview Drive. The analysis also did not address visibility during the peak hour at this intersection. Is it standard practice to leave these considerations out or was this due to the relatively small trip generation for the complex and the LOS of D for the Downtown Strategy?

Jennifer Kester: This was due to the small number of new trips that are anticipated to use the intersection and the likelihood that that number of trips would have any impact to the standard capacity of this type of intersection as it relates to potential change in LOS.

Note: As explained above the LOS for the Downtown Strategy Area is F.

7. Pardon me if the following question sounds absurd. The travel demand model can be run to test the impacts of development when given future scenarios. [Would] it be out of the question for the folks at David Evans to run the model to test a "best case" and a "worst case" scenario for the text amendment? For example, among the food service uses that could be permitted in the area, quality restaurants would generate the least amount of trips during the PM peak hour while donut and bagel shops without drive thrus would generate the most. Could the model be run to compare the impact of the smallest building in the amendment area being uses as a quality restaurant (or the best case) and compared with the impact of every building being used as donut and bagel shop (this would be the

worst case)? This would give you a low range of potential delay and capacity impacts as well as a high range of potential impacts.

Jennifer Kester: City review indicates that the permitted uses with and without the proposed change would be very similar and would not result in a net increase in potential transportation impacts during the pm peak hour. Please see attached notes from the land use codes in the ITE Manual. As such, there was no need for traffic modeling to be performed. It is possible to run traffic model scenarios, however, there would be a cost to perform the work and prepare a report. This work is not included in the City's budget and it would need to be funded by whoever requests that the work be completed. That request and payment would need to come through the City and would not be directly to David Evans.

Attachments area

[Preview attachment Land Use List from ITE.pdf](#)

Millvill Residents

PARCEL NUMBER	ADDRESS	RESIDENT	NUMBER OF SIGNATURES
5970000215	3521 HARBORVIEW DR	Robert Frisbie	1
0221053006	8016 DOROTICH ST	Kathy Huff	1
0221053007	8018 DOROTICH ST	Kim Carnahan and Everett Carnahan	1
0221053009	3505 ROSEDALE ST	Michael Skrivanich; Jodi Trainer and James Trainer	3
221053013	HARBORVIEW DR 3309	Dee Whittier Gig Harbor Fishing Co	1
0221053033	3423 ROSEDALE ST	Mary Limmer	1
0221053039	3710 HARBORVIEW DR	Nick Jerkovich Jr and Nancy Jerkovich	2
0221053055	3705 ROSEDALE ST AND 3709 ROSEDALE ST	Jaymie Roswell and Mary Jane Tarabochia	2
0221053065	3629 ROSEDALE ST	Tobin Moore	1
0221053083	3702 HARBORVIEW DR	Jim Franich	1
0221053085	3609 ROSEDALE ST	Pam Binns	1
0221053092	3607 ROSS AV	Jack Bujacich and Patricia Bujacich	2
0221053093	3619 ROSS AV	Cheryl Bujacich and George Bujacich	2
0221053100	3415 ROSEDALE ST	April Yeager	1
0221053101	3323 ROSS AV	Sheila Bujacich	1
0221053114	3615 HARBORVIEW DR	D.M. Stewart	1
0221053117	3615 ROSEDALE ST	David Carlson	1
0221057003	8198 DEFIANCE LN NW	Christopher Mae	1
0221057004	8191 DEFIANCE LN	Glen Hutchison and Rena Deverna	2
0221057005	8177 DEFIANCE LN	Barbara Whitehead	1
5970000090	8206 DOROTICH ST	Irene Stanich	1
5970000101	8205 DOROTICH ST	Mike Thornhill (two parcels for this address)	1
5970000102	8212 DOROTICH ST	Mary Jackson and Cyrus Jackson	2
5970000110	8205 DOROTICH ST	Mike Thornhill (two parcels for this address)	0
5970000120	3417 HARBORVIEW DR	Jay Watland and Constance Cushman	2
5970000163	3501 HARBORVIEW DR (MULTICONDO)	Dorothy Hart	1
5970000230	3523 HARBORVIEW DR	Mallory Sleeper and Otis Gaines	2
5970000291	3526 HARBORVIEW DR	Carolyn Berg and Rod Dupille	2
5970000301	3603 ROSS AV	Richard Allen and Elsie Allen	2
5970000310	3525 ROSS AV	Jane Moore and Dennis Moore	2
5970000330	3422 HARBORVIEW DR	Mike Bellerive	1
5970000340	3434 HARBORVIEW DR NW	Lenita Markovich	1
5970000351	3502 HARBORVIEW DR	Guy Rodriguez	1
5970000371	3510 HARBORVIEW DR	John Belanich and Tony Belanich	2
5970000372	3514 HARBORVIEW DR	Randy Mueller	1
5970000410	3505 ROSS AV	David Brown and Marilyn Brown	2
5970000450	3316 HARBORVIEW DR	Jackie Olivier and Rick Olivier	2
5970000470	3402 HARBORVIEW DR	Janette Ryan	1
5970000481	3404 HARBORVIEW DR	Linda Dishman and Bruce Dishman	2
5970000482	3409 ROSS AV	Maria Kalafatic	1
5970000491	3405 ROSS AV	William Glazebrook	1
5970000510	3319 ROSS AV	David Lovrovich	1

5970000521	3317 ROSS AV	Betty Lou Smith and Terry Smith	2
5970000580	8021 DOROTICH ST	Summer Scandrett	1
5970000590	8020 DOROTICH ST	Marilyn Carr and Jeffrey Carr	2
5970000611	3402 ROSS AV	Murlane Meyer and Eleanor Hart	2
5970000620	3522 ROSS AV	Gloria Cloud	1
5970000630	3526 ROSS AV	George Bujacich	1
7650000070	3303 ROSS AV	Pam Martin	1
		TOTAL SIGNATURES IN MILLVILLE	68

City Limits

PARCEL NUMBER	ADDRESS	RESIDENT	NUMBER OF SIGNATURES
0221053006	8016 DOROTICH ST	Kathy Huff	1
0221053007	8018 DOROTICH ST	Kim Carnahan and Everett Carnahan	2
0221053009	3505 ROSEDALE ST	Michael Skrivanich; Jodi Trainer and James Trainer	3
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0221053033	3423 ROSEDALE ST	Mary Limmer	1
0221053039	3710 HARBORVIEW DR	Nick Jerkovich Jr and Nancy Jerkovich	2
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0221053101	3323 ROSS AV	Sheila Bujacich	1
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0221053117	3615 ROSEDALE ST	David Carlson	1
0221057003	8198 DEFIANCE LN NW	Christopher Mae	1
0221057004	8191 DEFIANCE LN	Glen Hutchison and Rena Deverna	2
0221057005	8177 DEFIANCE LN	Barbara Whitehead	1
0221082059	3314 ROSEDALE ST	Katie Rogers	1
0221082150	7809 CHINOOK AV	Delia Babich	1
0221082230	3608 ROSEDALE ST NW	Gonzalo Tello	1
5970000090	8206 DOROTICH ST	Irene Stanich	1
5970000101	8205 DOROTICH ST	Mike Thornhill (two parcels for this address)	1
5970000102	8212 DOROTICH ST	Mary Jackson and Cyrus Jackson	2
5970000110	8205 DOROTICH ST	Mike Thornhill (two parcels for this address)	0
5970000120	3417 HARBORVIEW DR	Jay Watland and Constance Cushman	2
5970000163	3501 HARBORVIEW DR (MULTICONDO)	Dorothy Hart	1
5970000215	3521 HARBORVIEW DR	Robert Frisbie	1
5970000230	3523 HARBORVIEW DR	Mallory Sleeper and Otis Gaines	2
5970000291	3526 HARBORVIEW DR	Carolyn Berg and Rod Dupille	2
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5970000330	3422 HARBORVIEW DR	Mike Bellerive	1
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5970000410	3505 ROSS AV	David Brown and Marilyn Brown	2
5970000450	3316 HARBORVIEW DR	Jackie Olivier and Rick Olivier	2

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5970000481	3404 HARBORVIEW DR	Linda Dishman and Bruce Dishman	2
5970000482	3409 ROSS AV	Maria Kalafatich	1
5970000491	3405 ROSS AV	William Glazebrook	1
5970000510	3319 ROSS AV	David Lovrovich	1
5970000521	3317 ROSS AV	Betty Lou Smith and Terry Smith	2
5970000580	8021 DOROTICH ST	Summer Scandrett	1
5970000590	8020 DOROTICH ST	Marilyn Carr and Jeffrey Carr	2
5970000611	3402 HARBORVIEW DR	Murlane Meyer and Eleanor Hart	2
5970000620	3522 ROSS AV	Gloria Cloud	1
5970000630	3526 ROSS AV	George Bujacich	1
6845000020	7824 CHINOOK AV	Greg Morrison and Geraldine Ackerman	2
6845000040	7808 CHINOOK AV	Joel Burkhardt , Allison Kytile, and Kelly Boyd	3
6845000060	7714 TO 7718 CHINOOK	Harold Brevik	1
7650000070	3303 ROSS AV	Pam Martin	1
0221082204	3110 JUDSON ST	Paul Coon	1
0221172069	6200 SOUNDVIEW DR	Barbara Granlund	1
2360000030	8415 BAYRIDGE AV	Patti Skansi	1
4185000014	7201 STANICH	Kristin Dodds	1
7089000610	3303 43RD ST NW	AJ Bredberg	1
9000290380	3862 SPADONI LN	Barbara Sells	1
4357500030	7512 STANICH LN	Marina Bay Salon	1
0221082092	3304 ROSEDALE STREET	Aldin White	1
0221082153	3406 ROSEDALE STREET	Pauline Lovrovich	1
0221082082	3412 ROSEDALE STREET	Heidi Mccann	1
6032010020	8011 MITTS LN	Kristine Allen	1
		TOTAL SIGNATURES OF CITIZENS (IN CITY LIMITS)	89

Outside City Limits

ADDRESS	RESIDENT	NUMBER OF SIGNATURES
2318 STATE GANE ACCESS	Christine Pattin	1
218 BELLA VISTA, FOX ISLAND	Jeanie Engeland	1
8717 71ST ST NW	Wendy Lentz	1
5610 RAY NASH	Farrah Balint	1
ADDRESS NOT LISTED	Mary McDaniels	1
3313 75TH AVENUE NW	Ann Harrison	1
4409 157TH ST CT NW	Anna Yon	1
8115 71ST ST NW	Shelley Gurnick	1
6828 93RD ST CT NW	Nancy Jerkovich	1
6829 93RD ST CT NW	Linda Foster	1
3202 117TH AVENUE NW	Archie Matthew Jr	1
8915 69TH AVENUE NW	Mariah Florez	1
8915 69TH AVENUE NW	Jasmine Florez	1
13819 PEACOCK HILL	Sandy Pearsall	1
7111 OLYMPIC VISTA CT NW	Michael Wherry	1
7111 OLYMPIC VISTA CT NW	Maria Wherry	1
815 BERG CT NW	Denise Nordi	1
815 BERG CT NW	Rick Nordi	1
12719 CREVISTON DR	Leslie Brenner	1
9520 KOPACHUCK DR NW	Jan Rinker	1
9520 KOPACHUCK DR NW	Mark Hewiston	1
4202 57TH ST CT NW	Carol Davis	1
4821 119TH ST CT NW	Dave Stephens	1
1419 32ND ST NW	Jane Dempsey	1
	TOTAL SIGNATURES	24

PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
Jan Rinker	9520 Kopachuck Dr. NW	Jan Rinker	1/25/2015
Mark Hewitson	9520 Kopachuck Dr. NW	Mark Hewitson	1/25/15

✓
✓

PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
Jane Moore	3525 Ross Ave	Jane Moore	1/17/15
Dennis Moore	3525 Ross Ave	Dennis Moore	1/17/15
Otis Gaines	3523 Harbor View Dr	Otis Gaines	1/17/15
Deely Hunt	3521 Harborview	Deely Hunt	1/18/15
Jane Stanich Dempsey	1419 32 nd St NW	Jane Stanich Dempsey	1/19/15
Robert G. Frustie	3521 Harborview Dr	Robert G. Frustie	1/20/15
Leslie Brenner	12719 Cresta Dr. GaitHER	Leslie Brenner	1/22/15
Maria Kalafitid	3409 Ross Ave	Maria Kalafitid	1/22/15
William Glazebrook	3405 Ross Ave	William Glazebrook	1/24/15
David Lovrovich	3319 Ross Ave	David Lovrovich	1/24/15
John S. Buzgail	3373 Ross Ave	John S. Buzgail	1/24/15
Pauline Lovrovich	3406 Rosedale St.	Pauline Lovrovich	1/24/15
HEIDI McCLANN	3412 Rosedale St	Heidi McClann	1/24/15
April Yeager	3415 Rosedale St	April Yeager	1/24/15
MARY L. ZIMMER	3423 Rosedale St	Mary L. Zimmer	1/24/15
Kristine J. Allen	2011 Mitts Lane	Kristine J. Allen	1/24/15

PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
Barbara Granlund	6200 Soundview Dr. ^{4M-10}	Barbara Granlund	1-10-15
ARCHIE MATTHEW, JR	3202-117th AVE NW	Archie Mathew	1-10-15
Mary Jackson	8212 DOROTICH ST ^{GH}	Mary Jackson	1-10-15
Cyrus Jackson	8212 DOROTICH ST ^{GH}	Cyrus Jackson	1-10-15
Mariah Florez	8915 69th Ave. NW	Mariah Florez	1-10-15
Jasmine Florez	8915 69th Ave. NW	Jasmine Florez	1-10-15
Sandy Pearsall	13819 Peacock Hill	Sandy Pearsall	1-10-15
Michael Wherry	7111 Olympic Vista Ct. N.W. ^{GH}	Michael Wherry	1-10-15
Marla Wherry	7111 Olympic Vista Ct. N.W. ^{G.H.W.A.}	Marla Wherry	1-10-15
Denise Nordi	815 Berg Ct NW ^{GH 98335}	Denise Nordi	1-10-15
Rick Nordi	815 Berg Ct NW ^{GH 98335}	Rick Nordi	1-10-15
Charles Berg	3526 Harborview Dr ^{GH 98332}	Charles Berg	1-10-15
Stella	3615 Harborview Dr ^{GH 98332}	Stella	1-10-15
Paul Coon	3110 Judson St #185	Paul Coon	1-10-15
Nick Jerkovich Jr	3710 Harborview Dr ^{GH 98332}	Nick Jerkovich	1-10-15
Nancy Jerkovich	3710 Harborview Dr.	Nancy Jerkovich	1-10-15

PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
JACK BUJACICH	3607 ROSS AVE	Jack Bujacich	1-10-15
PATRICIA R. BUJACICH	3607 ROSS AVE	Patricia R. Bujacich	1-10-15
Rena Aterna	8191 DeFiance Ln	Rena Ann Aterna	1-10-15
Glen F. Hutchinson	8191 DeFiance Ln.	Glen F. Hutchinson	1-10-15
BARBARA WHITTEAD	8177 DEFIANCE	Barbara Whittead	1-10-15
GLORIA CLOUD	3522 ROSS AVE	Gloria Cloud	1-10-15
DAVID M. BROWN	3505 ROSS AVE	David M. Brown	1-10-15
MARILYN L. BROWN	3505 ROSS AVE.	Marilyn L. Brown	1-10-15
Linda Dishman	3404 Harborview Dr	Linda Dishman	1-10-15
Bruce Dishman	3404 Harborview Dr	Bruce Dishman	1-10-15
Betty Lou Smith	3317 ROSS AVE	Betty Lou Smith	1-10-15
TERRY G SMITH	3317 ROSS AVE	Terry G Smith	1-10-15
Janette Ryan	3402 Harborview Dr.	Janette Ryan	1-10-15
Jackie Olivier	3316 Harborview Dr	Jackie Olivier	1-10-15
Rick Olivier	3316 Harborview Dr	Rick Olivier	1-10-15
Inene Stanich	8206 Dorotich St	Inene Stanich	1-10-15


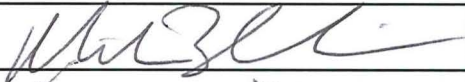

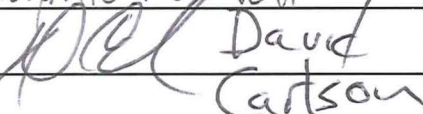
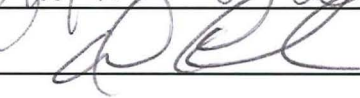
PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
Christine Patten	2318 State Green Access	[Signature]	1/14/15
Jeanie Engelland	218 Bella Vista, F.I.	Jeanie Engelland	1/14/15
Mallory Steper	3523 Harborview Dr.	[Signature]	1/14/15
Wendy Lentz	8217 71st St NW	Wendy Lentz	1/14/15
Kristin DODDS	7201 Stanich Ave	[Signature]	1-14-15
MARINA Bay Salon	7512 Stanich Ave	[Signature]	1-14-15
Farran Balint	5610 Ray Nash Dr.	[Signature]	1/14/15
George Bujaciel	3526 Ross Ave	[Signature]	1/15/15
Michael Skriwanich	3505 ^{Downs} Rosedale St	[Signature]	1/15/15
Patti Skansi	8415 Bayridge Ave	PATTI SKANSI	1/13/15
Mary ^(Danovich) McDaniel			
Carolyn S. Berg	3526 Harborview Dr.	Carolyn Berg	1/16/15
ROD A. DUPYNE	3526 Harborview Dr.	[Signature]	1/17/15
Richard B. Allen	3603 Ross Ave G.H.	[Signature]	1/17/15
ELSI E ALLEN	3603 Ross Ave.	Elsie M. Allen	1/17/15
BARBARA SELLS	3862 Spadoni Ln.	Barbara Sells	1-17-15

PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
A.J. Bredberg	3303 43 rd St NW ^{GH} 98335		1-10-15
Mike Thorndill	8205 Dorotich Ave	Mike Thorndill	1/12/15
Jay W. WATLAND	3417 HARBORVIEW DR, BIG HARBOR	Jay W. Watland	1/13/15
CONSTANCE CUSHMAN	3417 HARBORVIEW DR ^{GH} HARBOR	Constance Cushman	1-13-15
Mike Bellerive	3422 Harborview Dr. ^{NW}		1/13/15
Murlane Meyer	3402 Ross Ave.	Murlane Meyer	1-13-15
Eleanor Hart	3402 Ross Ave.	Eleanor Hart	1/13/15
Ann Harrison	3313 75 th Ave. NW	Ann Harrison	1/13/15
Anna Yan	4409-157 th St Ct NW ^{GH}	Anna Yan	1/13/15
Shelley Gurnick	8115 7 th St NW, ^{GH} Harbor	Shelley Gurnick	1/13/15
SHEILA BUSACICH	3323 Ross Ave ^{GH} HARBOR	Sheila h. Busacich	1/13/15
Kim Carnahan	8018 Dorotich St	Kim Carnahan	1/13/15
Gonzalo Tello	3608 Rosedale St.	Gonzalo Tello	1/13/15
Tobin Moore	3629 Rosedale St		1/13/15
Jamie Roswell	3705 Rosedale St	Jamie Roswell	1/13/15
 David Carlson	3615 Rosedale St		1-13-15

PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
Carol Davis	4202 57 th St. Ct NW	Carol Davis	1-25-15
Dave Stephens	4821 119 th St Ct NW	Dave Stephens	1-25-15
Greg Maddox	7824 Chinook Ave.	Greg Maddox	1-25-15
Heraldine Bekeman	7824 Chinook Ave	Heraldine Bekeman	1-28-15
Delia Babich	7809 Chinook Ave	Delia Babich	1/28/15
JOEL BURBARDT	7808 Chinook Ave	Joel B	1/28/15
Allison Kytte	7808 Chinook Ave	Allison Kytte	1/28/15
Katie Platt	11009 Meadowlark Dr. PEN	Katie Platt	1/28/15
Harold Brewitt	7716 Chinook Ave	Harold R Brewitt	1/28/15
Christopher Mast	6198 Desance Ln	Chris Mast	1/31/15
KATIE ROGERS	3314 Rosedale St.	Katie Rogers	1/31/15
Delia White	350A Rosedale St.	Delia White	1/31/15
Kelly Boyd	7808 Chinook Ave	Kelly Boyd	3/8/15

PETITION TO PROTECT WATERFRONT MILLVILLE AND ADJACENT NEIGHBORHOODS

We the undersigned are opposed to the proposed code amendment to conditionally allow Restaurants 2 and Restaurants 3 in the Waterfront Millville District

PRINT NAME	ADDRESS	SIGNATURE	DATE
LENITA MARKOVICH	3434 HARBORVIEW	<i>Lenita Markovich</i>	1/11/15
Guy Rodriguez	3502 Harborview Dr	<i>Guy Rodriguez</i>	1/11/15
John Belanich	3510 Harborview Dr	<i>John Belanich</i>	1/11/15
Tony J. Belanich	3510 Harborview Dr	<i>Tony J. Belanich</i>	1-11-15
Randy Mueller	3514 Harborview Dr.	<i>Randy Mueller</i>	1-11-15
Cheryl Bujacich	3619 Ross Ave	<i>C. Bujacich</i>	1-11-15
George Bujacich	3619 Ross Ave	<i>G. Bujacich</i>	1-11-15
NANCY JERKOVICH	6828 93 rd ST. CT. NW G.H.	<i>Nancy Jerkovich</i>	1-11-15
Linda Foster	6828 93 rd St. Ct NW G.H.	<i>Linda Foster</i>	1-11-15
MARILYN CARW	8020 Dorotich, G.H. 98332	<i>Marilyn Carw</i>	1-11-15
JEFFREY CARW	8020 DOROTICH G.H. 98332	<i>Jeffrey Carw</i>	1-11-15
Everett Carw	8018 Dorotich St	<i>Everett Carw</i>	1-11-15
Jodi Trainer	3505 Roseale St NW	<i>Jodi Trainer</i>	1-11-15
James E. Trainer	3505 Rosedale St. NW	<i>James E. Trainer</i>	1-11-15
KATHY HUFF	8016 Dorotich St. G.H.	<i>Kathy Huff</i>	1/11/15
<i>S. Scandrett</i>			
Summer Scandrett	8021 Dorotich St	<i>Summer Scandrett</i>	1/11/15

Kester, Jennifer

From: Nancy <jerkovich@msn.com>
Sent: Monday, February 23, 2015 2:51 PM
To: Kester, Jennifer
Subject: Millville Restaurants

Dear Council and City Planners,

We would like to be on record again requesting your no vote on restaurants in our neighborhood. This is a quaint fishing village even according to literature and advertising you publish. We have huge parking issues and traffic congestion especially on sunny days. Adding to that is an unfair burden on homeowners. Imagine if all connecting parcels decide to sell to restaurants, what a crime that would be. We have restaurants available in the city, seven on the waterfront. We have Uptown and Gig Harbor North for restaurants choices also. If that is inadequate, Tacoma's waterfront is only minutes away. Please do not be the Council that destroys Gig Harbor. Nick and Nancy Jerkovich
3710 Harborview Drive

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, February 23, 2015 1:03 PM
To: Kester, Jennifer; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: Millville Amendment

From: Sarah Kukhahn [mailto:shinckley@kw.com]
Sent: Monday, February 23, 2015 12:12 PM
To: Towslee, Molly
Subject: Millville Amendment

To Whom It May Concern,

As a Realtor and resident of Gig Harbor I strongly encourage the City to approve the amendment that will allow restaurants in Millville. The current code makes it nearly impossible for current restaurants to reach their full potential. It also is a huge detriment to investors interested in improving the downtown business district.

I believe with proper oversight we would see a huge change for the City of Gig Harbor by approving the proposed code amendment and bringing new life to our beautiful City.

Thank you for your consideration.

Sincerely,

Sarah Hinckley

Sarah Hinckley

Realtor



The Sosky Team

Keller Williams Realty/West Sound

11515 Burnham Drive N.W., Ste. A

Gig Harbor, WA 98332

(253) 851-0738

(253) 217-3194 cell

(253) 857-8700 fax

www.TheSoskyTeam.com

did you know...

KW is now 2nd largest Real Estate Company in North America!

Kester, Jennifer

From: Janelle Kay <Janelle@PyxisRC.com>
Sent: Monday, February 23, 2015 12:50 PM
To: Kester, Jennifer
Subject: Written Comments related to Waterfront Millville Restaurants (PL-ZONE-14-0002)
Attachments: 20150223 Millville comments.pdf

Dear Ms. Kester,

Attached please find my written comments related to the Waterfront Millville Restaurants (PL-ZONE-14-0002). Unfortunately, because I had surgery last week, I am unable to attend in person.

Regards,

Janelle

Janelle Kay
Pyxis Regulatory Consulting, Inc.
4110 136th St. Ct. NW
Gig Harbor, WA 98332
(T): 253-853-7369
(F): 253-853-5516
(E): Janelle@PyxisRC.com

Janelle Kay
4110 136th St. Ct. NW
Gig Harbor, WA 98332

February 23, 2015

Gig Harbor City Council
3510 Grandview Street
Gig Harbor, WA 98335

RE: Written Comments on the Waterfront Millville Restaurants (PL-ZONE-14-0002)

Gig Harbor City Council Members:

Please accept these written comments for your consideration of the Waterfront Millville Restaurants 2 and 3 zoning code amendment (PL-ZONE-14-0002). I have reviewed the zoning code text amendment submitted by John Moist on behalf of Gig Harbor Marina, Inc., revisions to the amendment, as well as his response to questions posed by the Gig Harbor Planning Commission. Based on my review of the proposed amendment and the reasons stated herein, I encourage the Gig Harbor City Council (Council) *approve* the proposed amendment.

First, the proposed amendment will stimulate positive growth and improvement in the waterfront area. I have been a resident of the Gig Harbor area for nearly 40 years. Over this time span, Gig Harbor has seen tremendous development, both residential and commercial. While certain growth may not be perceived as improvement by certain individuals (*e.g.* addition of fast food restaurants or high density housing), a diverse community requires a wide variety of housing and services. The proposed amendment is limited to a small, distinct area designed to improve the attraction of the waterfront area with the addition of Level 2 and 3 restaurant(s). Because of the limited area involved, and the type of property included (*i.e.* waterfront) in the amendment, the number and quality of restaurants that could occupy the area will likely be limited and commensurate with property values. Indeed, the only restaurant proposed for the specified area is Brix 25°, one of a few fine dining establishments located in Gig Harbor. As such, these changes will likely result in an improvement in the Millville area.

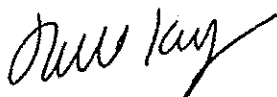
Second, in addition to being a nearly lifelong resident, I am also the owner of a local business that frequently entertains clients, subcontractors, and guests visiting from out of town. While there are a variety of restaurants in the area, there are relatively few fine dining restaurant options with a view of the water – the maritime feature being a primary attraction of Gig Harbor. In addition, the few downtown waterfront fine dining options are seafood oriented, which does not appeal to all consumers. Undoubtedly, I'm not alone in wanting a variety of restaurants with a view of the water for both personal and professional reasons.

Third, although the area covered by the proposed amendment is relatively small, potentially impacting only 16 non-residential buildings, the addition of just one Level 2/3 restaurant will result in an increase in tax revenue for the city as well as revenue for surrounding businesses. It is doubtful the reclassification of the zoning will replace existing businesses, rather it will add or expand existing businesses in the area.¹ Furthermore, it is also likely that patrons of the new restaurant(s) may visit other nearby businesses, further increasing tax revenue as well as benefitting the nearby businesses.

Fourth, in reviewing the documents and opposition submitted in response to the proposed amendment, it appears that the proposed amendment is being opposed by a vocal minority that own residences near the Millville Waterfront. Unfortunately, the comments represent the common "Not in My Backyard" opposition, ignoring the overall improvement to the community. Moreover, the proposed changes are relatively minor in nature as the area is already a mixed residential commercial use and has been for quite some time; surely any residents of the area would expect the mixed use zoning to endure, if not expand. It would be disservice to the city if the Council were persuaded by negative and unsubstantiated opposition of a small minority.

In sum, for the aforementioned reasons, I encourage the Council to grant the proposed amendment Waterfront Millville Restaurants 2 and 3 zoning code amendment (PL-ZONE-14-0002). If you have any questions or requests for clarification regarding my position, please do not hesitate to contact me at 253-851-1097.

Best Regards,

A handwritten signature in black ink, appearing to read "Janelle Kay". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Janelle Kay

¹ The proposed amendment addresses parking availability for the expansion/addition of Zone 2/3 restaurants in the Millville Waterfront area by allowing patrons to use dedicated off-street parking and, as such, parking does not appear to be an issue for this amendment.

Kester, Jennifer

From: katie@harborbrix.com
Sent: Monday, February 23, 2015 11:18 AM
To: Kester, Jennifer
Subject: Waterfront Millville Restaurants (PL-ZONE-14-0002)
Attachments: Waterfront Millville Restaurants (PL-ZONE-14-0002) Letter.doc

Good afternoon Jennifer,

Please find my letter to the council in regards to the referenced subject attached.

Have a great day (take a break to enjoy the sunshine if you can!)

Katie Doherty

Owner
Brix 25 Restaurant & NetShed No. 9
7707 Pioneer Way 3313 Harborview Drive
Gig Harbor, WA 98335 Gig Harbor, WA 98332

harborbrix.com

253.858.6626

253.858.7175

Katie Doherty
3507 15th Ave Ct NW
Gig Harbor, WA 98335

February 19, 2015

Gig Harbor City Council
3510 Grandview Street
Gig Harbor, WA 98335
Attn: Jennifer Kester

RE: Waterfront Millville Restaurants Zoning Amendment (PL-ZONE-14-0002)

Gig Harbor City Council Members:

I encourage the Gig Harbor City Council to *approve* the proposed amendment. As a business owner in the downtown area I believe the proposed amendment will stimulate positive growth and improvement in the downtown area.

That being said, it is difficult to take my comments as “objective” since it has been clearly stated that if the zoning amendment were to pass, one of my businesses (Brix 25° Restaurant) would like to move to the newly zoned district and operate our established restaurant in the new area. But I truly address this letter as both a business owner that would find this amendment advantageous and as a citizen of the area currently (and growing up) who frequents the waterfront for purposes other than working.

I realize that the zoning amendment would not be simply for one business; that would not be fair or logical. But I would like to state that our business model if moved would not impact as negatively as perhaps perceived. And I believe an understanding of those impacts might assist the council in consideration of the change.

We currently operate as a dinner only restaurant that serves guests from 4:30 pm to 11:00 pm. We use a “last seating” time of 9:00 pm to allow guests that sit at that time to enjoy their experience without feeling rushed or unwelcome by a hard closing time. Our staff enters and departs at staggered times between 1:00 and 11:30 pm, with the average amount of staff being six per day. We average two deliveries total per day – with the average time they trucks are on site to deliver being 10 minutes.

As a multi business owner here you must know we would want to maintain a vibrant downtown, we selected the downtown area as a place to operate our businesses because of the attraction of this harbor and we believe in its continued growth and improvement. I believe this would be true of any business owner that was allowed to operate in this proposed zoning change area.

Regards,

Katie Doherty

Katie Doherty

Co-Owner: Brix 25 ° & NetShed no. 9 Restaurants

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, February 23, 2015 11:17 AM
To: Kester, Jennifer; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: Restaurant Proposal for Millville

From: Rachel Merrell [mailto:rachmerrell@gmail.com]
Sent: Monday, February 23, 2015 10:51 AM
To: Towslee, Molly
Subject: RE: Restaurant Proposal for Millville

Dear Mayor and City Council,

I am currently a resident of Gig Harbor and would like to urge the City to approve the application for the code amendments that will allow restaurants 2 & 3 via a conditional Use Permit. I believe these new amendments will be highly beneficial to the structure and growth of the downtown business area.

I have been following the material being circulated for both sides of the proposal and find that the opposition is trying to put a fear factor that is unfounded. Stating that of the 10 parcels most if not all of them will be turned into fast food chains. I find that to be impractical given the fact that these parcels within the zone area will not be able to support such a business, let alone will the City Council allow such establishments without harsh objections.

I believe that the City Council has the best interest in mind when making these decisions and given that there will undoubtedly be growth in Gig Harbor, I believe the new zoning will only benefit the residents living close to this new zone.

I ask the City Council to approve the proposed code amendment. Thank you for your time and consideration.

Best,

Rachel Kukhahn
Gig Harbor Resident

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, February 23, 2015 9:04 AM
To: Kester, Jennifer; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: To the Gig Harbor City Council

From: Gail Pedersen [mailto:gpedersen350@gmail.com]
Sent: Saturday, February 21, 2015 3:51 PM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

A concerned and positive NO to private request zoning amendment !!

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 18, 2015 3:54 PM
To: Katich, Peter; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: To the Gig Harbor City Council

From: Robert Rafter [mailto:rlrafter@yahoo.com]
Sent: Wednesday, February 18, 2015 1:22 PM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

I am very much against granting this rezoning request to Mr. Moist. His act of moving his own residence from this area shows the folly of granting the request.

Robert L. Rafter, 3714 53RD ST NW

Kester, Jennifer

From: Steve Lovely <sslovely007@gmail.com>
Sent: Monday, February 23, 2015 8:31 AM
To: Kester, Jennifer
Subject: Waterfront Millville

To City of Gig Harbor City Council,

My name is Steve Lovely my wife Sue and I live at 3501 Ross Ave. We live about one hundred yards from Waterfront Millville district.

We very much support the zoning code amendment which would allow Restaurants 2 and 3. We also support the project that is in the works and hope that it will be completed in the near future.

It is very important that the city of Gig Harbor and Millville continue to grow and improve for future generation. To much preservation can lead to decay and rot.

Gig Harbor is very lucky to have property owners who are willing to take the chance and invest in our city instead of pulling out of downtown. Its up to the leaders and planners to be sure we make the Millville Waterfront district the best it can be while following the Comprehensive Plan. It could be the center piece of the downtown area.

Regards,

Steve and Sue

Kester, Jennifer

From: Debra Ross <debraross80@yahoo.com>
Sent: Monday, February 23, 2015 8:07 AM
To: Kester, Jennifer
Subject: Re: WM Restaurant Comments

Thank you Jennifer. The email I sent was a simple:

I support the requested zoning code amendment to allow Restaurants 2 & 3 uses in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted.

I will be at the Public Hearing this evening to voice my support as well.

Thank you!

Debra

Debra L. Ross
253-851-4751 home, office, fax
253-970-3966 cell

From: "Kester, Jennifer" <KesterJ@cityofgigharbor.net>
To: "'debraross80@yahoo.com'" <debraross80@yahoo.com>
Sent: Monday, February 23, 2015 7:51 AM
Subject: WM Restaurant Comments

Debra,

While I was out on vacation, an email you sent on February 14th got caught in my spam filter and I was unable to retrieve it once I returned. Please send again today if you would like to include it in the public hearing. I am in receipt of your letter that was delivered via USPS. As requested in the letter, I would happily meet with you about the potential of the building you own if the amendment passes.

Jennifer

Jennifer Kester, Planning Director
Planning Department
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335
Phone: 253.853.7631
Fax: 253.858.6408
www.gigharborplanning.com

Dedicated to public service through teamwork and respect for our community

Kester, Jennifer

From: Tomi Kent-smith <tomikent@msn.com>
Sent: Saturday, February 21, 2015 7:11 AM
To: Guernsey, Jill; Williams, Ron
Cc: Ekberg, Steve; Perrow, Michael; Kadzik, Paul; Lovrovich, Rahna; Payne, Tim; Arbenz, Casey; Malich, Ken; Kester, Jennifer
Subject: Restaurant Proposed Zoning Millville Waterfront commercial zone - Letter sent to Editor

Monday evening will be the first public hearing on the proposed Restaurant zoning ordinance for the Millville Waterfront (commercial) zone on Harborview Drive.

I would like to ask everyone, pro and con, when expressing your position on this proposed amendment to look at it objectively, not subjectively. In otherworld, how will this proposed change affect the general public's (i. e., community-at-large) quality of life and safety.

When Voltaire made his famous declaration in the 1700s, literally translated today as "I disapprove of what you say, but I will defend to the death your right to say it", he did not mean to apply it to the personal character insults, accusations, other demeaning comments that have been floating around about the property owners involved with this proposed zoning change. The comments lately border on libel (written) and slander (spoken).

- Libel: anything written, drawn, esp. especially if published or widely circulated, that tends to damage, defame, or disparage a person's reputation in any way.
- Slander: uttering of false statements or representations which defame or damage and injure a person's reputation.

Both the Sterns family and the Lopez family have contributed greatly to our community in their various actions outside their business operations. True, the Sterns holdings are far greater but that does not make the Lopez family's contribution less important.

- Mr. Sterns operations are varied including instrument development and manufacture as well as involvement in bone cancer care techniques for dogs. I do not claim to know all of his operations or activities.
- El Puebilto is a family Mexican restaurant and cantina, not some watering hole for drunks. Their gifts to the community involve not only Gig Harbor/Port Orchard, but also to their original home town in Mexico.

So, I ask that all of you again, to be objective in your evaluation of the change, and leave individual personality judgments out of the conversation.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

Kester, Jennifer

From: Towslee, Molly
Sent: Friday, February 20, 2015 5:02 PM
To: Kester, Jennifer; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: Restaurant Proposal for Millville

From: Dave Morris [mailto:davem@kw.com]
Sent: Friday, February 20, 2015 4:10 PM
To: Towslee, Molly
Subject: Restaurant Proposal for Millville

Greetings Mayor and City Council:

As long time residents of Gig Harbor (currently reside at 2809 Harborview) we urge the City to approve the applicable code amendments that will allow restaurants 2 & 3 in Millville subject to an additional review and approval via a conditional Use Permit. A new restaurant in Mr. Stearns proposed location will bring new architecture, new life, and new economic vitality to our struggling downtown business corridor. We appreciate any legitimate concerns that nearby residents may have; we happen to live next to a public park, and we were initially very concerned about traffic, noise, vandalism, etc. Our concerns are largely unfounded, and in our experience, we no longer object to living adjacent to a Park, and we would not object to living across the street from a highly regulated professional restaurant. Part of Millville is residential—and a small part of it is commercial. The commercial waterfront areas should be allowed to offer commercial services such as restaurants provided they meet stringent conditional use permit criteria.

We have carefully studied much of the material being circulated in opposition to this proposal – and generally find the majority of the opposition statements and/or publications to be simply distorted or not true—and more disturbing is the effort to sensationalize the “not true” or “half true” statements and/ or graphics when in fact, so many are not consistent with any reality, and yet to the unformed, they may appear to be reality. Examples of distortion or “unreality” include the hypothetical intrusion of a MacDonalds restaurant; the build out of 9 restaurants in a row in Millville; the destruction of historical Croation/American neighborhood etc. etc. These fictional examples are desperate measures to encourage and inflame opposition to a modest scale professional restaurant in a commercial zone, and/or the ability to offer practical restaurant menu’s and services to a pre-existing restaurant that has unreasonable restrictions on it.

During the recently approved Height adjustment zoning adjustments that were made legal in a small portion of our commercial downtown, the council saw thru the “misinformation” and “distortions” that many misinformed folks who tended to be in opposition thought were reality—and the council voted to approve the increased height allowances which, in a small way, can help stimulate responsible economic opportunities downtown. We believe a similar circumstance is being presented to the council in this matter.

We ask the City council to approve the proposed code amendment.

Best Regards,
Dave and Mame Morris
Residents at: 2809 Harborview

Kester, Jennifer

From: Tomi Kent-smith <tomikent@msn.com>
Sent: Friday, February 20, 2015 2:40 PM
To: Guernsey, Jill; Williams, Ron
Cc: Payne, Tim; Ekberg, Steve; Arbenz, Casey; Lovrovich, Rahna; Perrow, Michael; Kadzik, Paul; Malich, Ken; Kester, Jennifer
Subject: Restaurant Zoning Ordinance Change

You will be having your first public hearing on the proposed ordinance change and I would like to reiterate the following since I am almost certain that you have received so many emails on this topic that it is difficult to remember who said what, when. That is unless you made a spreadsheet to refer back to and it was continually updated.

I am in favor of the proposed change with the one exception, and that is hours.

- I believe that compromise on both sides would be beneficial to the community as a whole. *I still stand on the earlier closing, although I would accept 9:30 (10 in summer season). Dinner restaurants normally stop seating/service 25 minutes prior to closing I believe. Late arrival diners can complete their meal, new diners though are not accepted.* I will make a compromise for Friday and Saturday nights only extending the hours of operation to 10PM; with summer hours only 10:30 PM.
- If there were an special event whereby the entire restaurant was sold out, they could apply for a special event permit for that event only. No, it wouldn't become a permitting nightmare as it is a requirement for non licensed venues when having an event to serve alcohol or having special events.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332
253-858-9450

Kester, Jennifer

From: Craig D <cdccc@msn.com>
Sent: Friday, February 20, 2015 1:46 PM
To: Kester, Jennifer
Subject: Waterfront Millville Restaurant Comments

Jennifer Kester,

I would like to voice my support for the zoning code amendment. I am a waterfront homeowner/resident at 3701 Harborview Dr. In order for downtown businesses to survive adjustments need to be made from time to time. I believe this is a positive step. It saddens me every time I see another downtown business close.

I hope the council listens to the property owners and businesses that are working and invested in the waterfront. Distant voices should not be defining my neighborhood.

Thank you,
Craig Duvall
253-222-4993

Kester, Jennifer

From: Towslee, Molly
Sent: Friday, February 20, 2015 8:37 AM
To: Williams, Ron; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Katich, Peter; Wise, Shawna; Kester, Jennifer
Subject: FW: Harborview Dr is the soul of Gig Harbor

From: Citizens For The Preservation of Gig Harbor [mailto:citizensforgigharbor@gmail.com@mail21.wdc03.rsgsv.net] **On Behalf Of** Citizens For The Preservation of Gig Harbor
Sent: Thursday, February 19, 2015 10:13 AM
To: Towslee, Molly
Subject: Harborview Dr is the soul of Gig Harbor

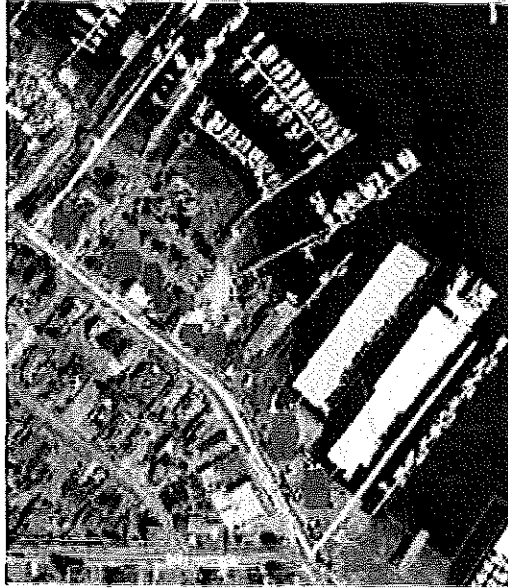
Will you protect the soul of Gig Harbor?

[View this email in your browser](#)



Madame Mayor and Council members,

This letter is a bit longer. As you read through you will find policies and goals in the Gig Harbor Comprehensive Plan that do NOT support this private request zoning amendment.



Mr. Stan Stearns, a commercial property owner in the Waterfront Millville zoning district, has made a private request for a zoning code amendment. This allows Restaurants level 2 and 3 in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted. The hours of operation would be 6am - 11pm. This amendment proposes setting the area, that restaurants 2 and 3 can occupy from **Skansie Park, thru Susanne's Bakery**. The restaurants would be limited in size up to 3,500 sq feet, with bars. The Gig Harbor Planning Director has stated both restaurants, level 2 and 3, could be allowed sitting on the waterfront, in front of your view of the harbor. Restaurant level 2, allowing grills and deep fat fryers, includes fast food restaurants.



“I lived on Harborview drive in Waterfront Millville for six years just 150 yards north of El Pueblito. One reason that I left in 2007 were the drunks leaving El Pueblito at one in the morning and vomiting in my yard and making lots of noise. Fast forward to today. I cannot imagine anything different eight years later.” *John Moist, Harbor Life, Feb. 13, 2015. Mr. Stearns employee.*

No one, including Mr. Moist, wants to have noisy and sick drunks in their front yard. Mr. Moist’s personal solution was to move. That should not be the only choice available to the present residents of Millville. The Planning Department has said this restaurant proposal is not specific to any location, but would apply to all properties from Skansie Park thru Susanne’s.

There are at least 10 affected properties, indicated by the red squares, within those yellow lines.



Mr. Stearns is building 2 new buildings on his waterfront property. He would like to rent out the Ship to Shore building to Brix 25 restaurant. If Brix moves from Pioneer to Harborview, this does not create any new revitalization, it only moves it from where Brix is permitted to be, in a commercial area, to a residential neighborhood.

The revitalization premise is poppycock.

**There would be an empty building on
Pioneer.**

Mr. Stearns cannot implement his plan to rent to Brix restaurant unless the zoning changes in every property from Skansie Park thru Susanne's Bakery. Therefore, Mr. Stearns has made a private request for a zoning amendment change.

But

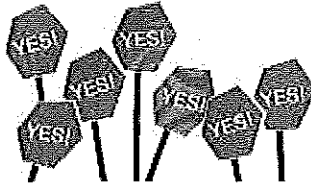
Residents who live in Millville, 24 hours a day, continue to say

NO to restaurants with bars, open from 6am - 11pm.

No to level 2 restaurants with grills and deep fryers, that would allow fast food.

NO to horrific traffic.

NO to limited parking and no discernible parking enforcement
No to destroying Harborview Drive, the charming, historic soul of Gig Harbor!



YES

to putting commercial restaurants in the commercial district, *only 2 blocks away*, beginning on the other side of Skansie Park, heading towards the Tides.

YES

to putting commercial restaurants on Judson, where there is plenty of parking!

.The Fire Chief of Gig Harbor Fire & Medic One and Mr. Paul Rice of the City of Gig Harbor both agree that fire inspections speak to the general welfare and public safety of Gig Harbor citizens. Gig Harbor Firefighters put their lives on the line every day to protect Gig Harbor Citizens

"Refused Inspection - Again on 11/4/2014, Stan Stearns refused inspection at 9515 North Harborview Dr, VICI/Gig Harbor Group, Inc. This is the third year in a row that inspection has been refused." Chief Waters to City Council 1/28/2015

Surely the city council would not endorse special treatment, of a private request zoning amendment, to any person who does not support the general welfare and public safety of Gig Harbor citizens, and firefighters.

Here are some of the Gig Harbor Comprehensive Plan Goals and Policies which do NOT support this proposed amendment.

“Planning for the future while maintaining the same quality of life” is stated as the fundamental objective of the Planning goals found in the GH comp plan update revised June 2014. Nothing in this proposed amendment supports maintaining the same quality of life.

Waterfront Millville is not commercial zoned not intended to be commercial and every commercial reference does not support the intent of the WM zone:

17.48.010 Intent.

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. (Ord. 598 § 2, 1991).

Commercial restaurants with full bars open 6am – 11pm are not harmonious with the surrounding residential area. “One characteristic that makes the quality of life in Waterfront Millville different from its adjoin districts is that it is defined by busy active days and peaceful evenings. This pattern of activity currently defines the character of Waterfront Millville.” Cj.

The proposed amendment does NOT further public health, safety and general welfare.

The Waterfront Millville and Millville neighbors have spoken and signed petitions against this proposed amendment coming to their neighborhood. The added noise, parking, traffic, degradation of their neighborhood would make this neighborhood less healthy, less safe and less charming, historic, picturesque.

The citizens of Gig Harbor do not want our historic residential neighborhood destroyed with an abundance of restaurants.

The traffic along Harborview Dr in the WM area is already D and F. It doesn't get any worse. Add in Rosedale Village, McCormick Creek, and Herons Key. The city has no plans to fix the traffic problems on Harborview Dr. Restaurants produce traffic. There is no parking for 10 restaurants, or 2 and no parking enforcement.

Waterfront Millville is intended to be a medium use neighborhood. Restaurants will bars will turn this residential neighborhood into an intense use area and is totally opposite the intent for this area. Deliveries, hours,

garbage, parking, traffic, noise, getting sick on yards is not the intent of any medium intensity historic neighborhood

Turning a medium intensity mixed residential neighborhood into an intense use, commercial area does NOT add to the general welfare.

The adjacent uses of Waterfront commercial and DB are where commercial restaurants with bars and long hours are already allowed. They should be there.

What conditions have changed since the development regulations were enacted that warrant this proposed amendment?

Since this is a private request zoning text amendment, perhaps the person making this request needs more money. The only change for the residents in this neighborhood is they are more concerned about retaining their historic neighborhood.

Since 1991 there have been various Planning Commission and council votes to identify Millville as an historic neighborhood to be protected. **Planning Commissioners Gagliano and Coughlin stated;** "The Planning Commission and City Council votes on the recent vitality measures were decidedly limited to the Downtown Business District and abutting Waterfront Commercial. The long term prospective of the Millville neighborhood in both our policy and existing zoning regulations is clearly indicated as an historic area to be protected with any number of measures."

**Gig Harbor Comprehensive Plan Waterfront Land
Use Designation**

Provides for a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor shoreline Master Program and as more particularly defined under the zoning code. Generally, the lower intensity waterfront areas would favor residential and marinas while the more intense use waterfront areas would provide for higher density residential and commercial/retail uses..

Waterfront Millville district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. This is the intent of WM. Restaurants, hours, bars create high intensity and do not support this medium density use for WM.

Specific Comprehensive Plan Policies and Goals that do NOT

support this proposed amendment!

Policy 3.10.1: Retain and support a mix of uses including fishing, boating, retail, commercial and residential uses. WM is not intended to be commercial. Restaurants, hours, bars are commercial. This policy does not apply to WM.

Policy 3.10.3: Encourage appropriate commercial and retain services at street level to improve the pedestrian experience. The intent of WM is medium density residential, marine-dependent and marine-related uses. This proposed amendment would create a high intensity commercial neighborhood. **That is not the intent of WM.**

H.E. 3.21.1: Identify and amend current regulations and procedures that inhibit economic vitality within The Harbor. This amendment does NOT identify any current regulation or procedures that inhibit economic.

Policy 3.12.2: Work with the downtown businesses, property owners and community groups to establish a stronger economic base in The Harbor. The residential property owners in WM do not want this amendment. The downtown businesses do not live in WM. The community group Citizens for the Preservation of Gig Harbor supports the residents in rejecting this amendment. Since there are no studies presented, no one knows what would establish a stronger economic base in The Harbor. Moving 1 restaurant from Pioneer to Harborview does not create a stronger economic base in The Harbor.

Goal 3.13: Support local efforts to retain existing businesses and attract new businesses that provide a diversity of products and services desired by Gig Harbor residents and visitors. *Back during a Visioning Committee Meeting, April 25, 2012 the discussion was about not wanting to shove anything, rezoning down resident's throat. What happened to change your mind?* A Planning Department employee is on record stating that "if the immediate neighborhood is not for something"...(now Mayor) Guernsey said..." it won't happen. I can appreciate that." Visioning Committee Recording April 25, 2012.

. WM residents have signed a petition and spoken they do NOT want this amendment. While 36 citizens said they wanted more restaurants in The Harbor **NOT ONE** citizen said these restaurants should be in WM.

Policy 3.13.4: Encourage evening activities in the commercial districts. This amendment does NOT

encourage evening activities in the Waterfront commercial or DB districts. WM is not commercial.

Goal 3.3: Protect the views of the bay from within The Harbor area and from the bay toward The Harbor. This amendment would NOT protect the views.

Goal 3.4: Protect the native and built environment from degradation and pollutions and require low impact development where feasible. This amendment does NOT protect, it encourages the degradation of WM and does not support low impact development in WM.

Goal 3.6: Retain and protect the unique character of historic business and residential neighborhoods with The Harbor. This amendment would NOT retain and protect the unique character of historic business and residential neighborhoods in WM of the Harbor.

Policy 3.6.1: Maintain the Design Manual to reflect the traditional characteristics of The Harbor. These characteristics of The Harbor have not been put into the Design Manual yet. There are no traditional design characteristics of The Harbor in the Design Manual yet.

Policy 3.6.3. Establish design standards and development regulations shall recognize and complement neighborhood characteristics. This amendment does NOT establish design standards and development regulations that recognize and complement neighborhood characteristics. “The structure behind the policies we just wrote are not really in place yet. So, that gives me a lot of pause because if we move this needle just a little bit wrong this way it’s going to be very hard to back peddle.” R. Gaglinao, planning commissioner.

Policy 3.7.10: Refine historic district zoning

boundaries to better reflect each historic district or neighborhood. This amendment does **NOT** refine historic district zoning boundaries to reflect each historic neighborhood. This amendment would destroy the historic district neighborhood.

Goal 3.9: support and enhance recognition of the cultural heritage of The Harbor. This proposed amendment changing 19 parcels of land in the Waterfront Millville would **NOT** support and enhance the cultural heritage of our Harbor.

Policy 3.12.3. Support the establishment of additional parking opportunities throughout the development of a public parking structure or shared parking program, without sacrificing or impacting the historical structures and waterfront. This amendment does not establish additional parking opportunities. This amendment will sacrifice and impact all of Millville and the waterfront.

Comp Plan Environment Element. Policy 5.4.2: Protect urban residential areas from obnoxious or distracting noises, particularly during evening hours. This proposed amendment would **NOT** protect urban residential areas from obnoxious or distracting noises during evening hours.

***Someone has said that
Harborview Drive is the soul of Gig
Harbor.
We all feel that way.***

**We ask that you protect and value the soul of Gig Harbor
and deny this private request zoning amendment
on Monday Feb 23, 2015.**

Team

Citizens for the Preservation of Gig Harbor

See you on the 23rd.

Citizens for the Preservation of Gig Harbor LLC

C4GH: Citizens committed to making Gig Harbor better than we found it! JOIN US!!

<http://citizens4gigharbor.blogspot.com/> <https://www.facebook.com/Citizens4GigHarbor>

**We Do Not Inherit the Earth from Our Ancestors; We Borrow It from
Our Children and protect It for Generations to Come!**

KINDNESS MATTERS

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We sent special emails to special people.

Our mailing address is:

Citizens for the Preservation of Gig Harbor Waterfront
3412 Lewis St.
Gig Harbor, WA 98335

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Kester, Jennifer

From: Barbara Moss <barbaramoss993@yahoo.com>
Sent: Thursday, February 19, 2015 6:48 AM
To: Kester, Jennifer
Subject: Millville project

Hi Jennifer and Cindy

I understand the city council is meeting on the 23 rd to discuss the Millville project. please forward my concerns on this variance to our city council. First I do not care what traffic impact. Studies were done regarding issues to the area, it will be a problem. Studies are no more than calculated opinions and if this one does not think there will be a significant increase in traffic they have not walked or driven regularly in that area. If you add cars and people coming and going from two large restaurants operating till 11:00 , there will most certainly be congestion and parking issues. The noise in that area is also concerning for the residents in close proximity and to the both shoppers and walkers. Do we really need more expensive restaurants in the downtown area?

I also have a problem with losing yet another section of our once historic downtown. If we continue to remodel this town, section by section and in the process destroy the older ambiance we may as well consider it another Uptown. I think gig harbor is one of the most charming and special places I have ever lived. please allow it to remain unique and wonderful.

Thank you, Barbara moss

Sent from my iPad

Kester, Jennifer

From: Katich, Peter
Sent: Thursday, February 19, 2015 7:32 AM
To: Kester, Jennifer; Sehmel, Lindsey
Subject: FW: To the Gig Harbor City Council

fyi

Peter Katich
Senior Planner
City of Gig Harbor
Planning Department
253-853-7616-direct
253-851-6170
253-858-6408-FAX
katichp@cityofgigharbor.net

"Dedicated to public service through teamwork and respect for our community."

From: Towslee, Molly
Sent: Wednesday, February 18, 2015 3:54 PM
To: Katich, Peter; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: To the Gig Harbor City Council

From: Robert Rafter [<mailto:rlrafter@yahoo.com>]
Sent: Wednesday, February 18, 2015 1:22 PM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

I am very much against granting this rezoning request to Mr. Moist. His act of moving his own residence from this area shows the folly of granting the request.

Robert L. Rafter, 3714 53RD ST NW

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 18, 2015 10:41 AM
To: Katich, Peter; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: To the Gig Harbor City Council

From: bogair@aol.com [mailto:bogair@aol.com]
Sent: Wednesday, February 18, 2015 9:45 AM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

I have been part of the Gig Harbor scene as a resident, business person, tourist and planning commissioner for almost 50 years....I heard about " Macdonalds is coming" in the 60s...I am downtown many times a week...This rant by the so called Citizens is overblown. Please look at this proposal as a chance to help revitalize our dying Center....My business is down almost 90% since Uptown and GH North got built, and was founded some fifty years ago by old line Gig Harbor folks....Pls help us stay alive...Bruce Gair, The Keeping Room(formerly Candles and Wine Ltd)

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 18, 2015 10:35 AM
To: Katich, Peter; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: To the Gig Harbor City Council

From: Mickey LeRoy [mailto:mickey-leroy@centurytel.net]
Sent: Wednesday, February 18, 2015 9:57 AM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

Regarding the zoning changes for the Millville district, I just wonder: Historic preservation with a Jack in the Box???? Arby's? Krispy Kreme? Is our city sooooo desperate for sales tax revenue that we pimp ourselves out to cheap development done by greedy developers who are more interested in profit than cultural legacy.....

I hope the Council is aware that according to a Zillow report we ran to get an idea of our property values, it said that property values in the 98335 zip, outside Gig Harbor City limits are supposed to increase 5-7%.....Stay flat inside city limits...All the development that has been POORLY managed is starting to cost city residents some value.....Wonder if anyone ever thinks about the loss of value to home owners by careless planning and poor traffic management??

In 1987, Sunset Magazine described Gig Harbor as the "Sausalito" of the Northwest..Due to the sloppy, amateur planning done thus far, I'm thinking they would call it Federal Way West now..Pt. Fosdick now backs up on a regular basis requiring drivers to sit and wait through 3-4 lights before they cross the intersection.....And Fred Meyer will only make it much, much worse..I could drive to the one on Sedgewick Road to shop faster than sitting through endless traffic light changes..12 miles, all freeway...Sales tax to Kitsap...

Seems to me all that money collected from these malls could be used to hire true professionals who actually do serious planning to save our lovely harbor.....But, hey, whatever that money is being spent on--it is harming property values inside city limits..The only salvation is that the Mayor and council will also take a bath.....I think they call that karma...when you degrade your residential in favor of the commercial, I do believe that is called slum management.

Yes, this is rude and angry..That is what you get when you ignore people who stand in front of their government and PLEAD to be respected and valued....The divisive way this community government makes decisions reaps what it sows..... You don't plant dandelions where roses used to thrive and expect gardeners to salute you.....Margot LeRoy 5500 Olympic Drive H-105 #241, Gig Harbor, Wa.98335

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 18, 2015 8:05 AM
To: Katich, Peter; Arbenz, Casey; Ekberg, Steve; Guernsey, Jill; Kadzik, Paul; Lovrovich, Rahna; Malich, Ken; Perrow, Michael; Payne, Tim
Cc: Williams, Ron
Subject: FW: To the Gig Harbor City Council

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

From: Claudia Fischer [mailto:cfisc78212@aol.com]
Sent: Wednesday, February 18, 2015 7:40 AM
To: Towslee, Molly
Subject: To the Gig Harbor City Council

Your decision will impact the unique quality that is Gig Harbor. It would be better to work on the core not create sprawl. Put this to the voter not personal interest. Thank you Sent from my iPhone

Kester, Jennifer

From: bobfrisbie@foxinternet.com
Sent: Wednesday, February 18, 2015 8:04 AM
To: Tim Payne; Payne, Tim; Paul Kadzik; Michael Perrow; Malich, Ken; Lovrovich, Rahna; Paul Kadzik; Kadzik, Paul; Jill Guernsey; Ekberg, Steve; Arbenz, Casey
Cc: Kester, Jennifer; citizensforgigharbor@gmail.com; Carolyn Dupille; Bob Frisbie
Subject: Frisbie Comment Letter - WM Restaurants
Attachments: 2~18~15 Comment Letter.docx

Attached please find my comments on the proposed WM Zoning change currently before you.

I will be traveling the night of the February 23rd meeting and thus not able to attend. Please accept this letter as my input.

Call/email with any questions and/or comments.

Bob Frisbie
Cell: 253.224.3524

Bob Frisbie
Cell: 253.224.3524

February 18, 2015

Robert G. Frisbie
3521 Harborview Drive
c/o 9720 Woodworth Avenue
Gig Harbor, WA 98332
Phone: 253.224.3524
Email: bobfrisbie@foxinternet.com

Mayor Guernsey
Councilmember Arbenz
Councilmember Ekberg
Councilmember Kadzik
Councilmember Lovrovich
Councilmember Malich
Councilmember Payne
Councilmember Perrow

Subject: Waterfront Millville Restaurants (PL-ZONE-14-0002)

I was a member of the Gig Harbor City Council that created the WM Zone in 1991. What is being considered under the subject amendment is not consistent with the reasons for the 1991 creation of the WM Zone.

- The WM Zone was created by the residents of the waterfront between Rosedale and Stinson as well as the residents on the upper side of Harborview.
- The residents wanted consistency in the allowed uses throughout the zone, e.g. from end to end.
- The residents wanted WM uses that allowed single family residents to co-exist with very specific WM Zone uses.
 1. Limited restaurant uses (hours of operation, noise and smell)
 2. Limited office/business uses
 3. Limited boat construction
 4. Parking 100% on-site, no reliance on street parking
 5. Lighting control

What is being considered tonight breaks the basic premise of the WM Zone → Provide consistency in the allowed uses from Rosedale to Stinson.

Conclusion: My recommendation is to not approve the requested changes because the addition of Restaurant 2 and Restaurant 3 uses is not compatible with the single family uses throughout the WM Zone as well as the single family uses on the upper side of Harborview.

Bob Frisbie

Kester, Jennifer

From: thecyrusj13 . <cyrusj12@gmail.com>
Sent: Friday, February 13, 2015 11:59 AM
To: Kester, Jennifer
Subject: Re: In regard to GMC 19.10.005 (please read and consider)

Jennifer below is the email I replied to (12:46 pm yesterday),

Yes, I would like this for the public record (both emails). I wanted to include these council members in case this subject of traffic impacts comes up at the public hearing. I want them to be informed. This discussion is based on your generalization of traffic impacts (ITE Manual) and your citation of the economic development policies from the staff reports. It does not relate to your opinion. This has to do with the debate of whether the amendment should pass.

Also, I was wondering if there is any way to extend the public comment period so I can get additional information. I hope that suffices.

Thanks

Cyrus

Cyrus,

You did not indicate a timeline for when you wanted the information in your first email. I will speak to Emily to see if we can provide some basic answers by the end of tomorrow. However, only your last question #7 related directly to the amendment so our vacations did not appear to be an issue.

In regards to #7, a model run was not and does not need to be done for the Waterfront Millville Restaurant amendment. Per GHMC 19.10.005 (copied below), a capacity evaluation for traffic is only done on zoning code amendments if the amendment results in an increase in intensity of traffic. In this case, based on how the City distinguishes level of restaurants, a Restaurant 1 use could be just as intense related to traffic as a Restaurant 3 use. In addition, we measure traffic at the peak pm hours of 4 to 6pm. Since restaurants are already allowed to be open until 9pm, there is no change in the potential affect during those hours. Once a specific restaurant wants to locate in the WM district, a specific model run will occur.

On Fri, Feb 13, 2015 at 10:44 AM, Kester, Jennifer <KesterJ@cityofgigharbor.net> wrote:

Cyrus,

Unfortunately, you did not include an email from me so that I can understand what reasoning/argument I provided you that you disagree with.

Also, I am unsure why you included some Council members in this email. Did you want to include this email as part of the public record for the upcoming hearing?

Furthermore, the conversations I have had with you regarding traffic analysis have been based on the code requirements and how the City applies concurrency requirements to text amendments. I have not made any statements on whether this amendment should be approved or denied.

Sincerely,

Jennifer

Jennifer Kester, Planning Director

Planning Department

City of Gig Harbor

3510 Grandview Street

Gig Harbor, WA 98335

Phone: 253.853.7631

Fax: 253.858.6408

www.gigharborplanning.com

Dedicated to public service through teamwork and respect for our community

All e-mail correspondence to and from this address is subject to the Washington State Public Records Act, which may result in monitoring and archiving, as well as disclosure to third parties upon request.

Kester, Jennifer

From: thecyrusj13 . <cyrusj12@gmail.com>
Sent: Friday, February 13, 2015 10:25 AM
To: Kester, Jennifer
Cc: Malich, Ken; Arbenz, Casey
Subject: In regard to GMC 19.10.005 (please read and consider)

Jennifer,

I don't want to drag this out too much, but I'm going to use some very plain logic to explain why I disagree with your reasoning:

The whole argument for adopting this amendment hinges on increasing economic vitality. The argument is that the amendment will create new opportunities for new restaurants to locate to this area. New restaurants don't generate zero trips. This means greater intensity. New restaurants occupy space. This creates greater density.

Your argument completely rests on the assumption that only existing buildings that already have restaurants will become restaurant 2 and 3 uses. If this is the case then the economic vitality argument falls on its face because there is no incentive for new development. New development always creates impacts.

Either there are new economic opportunities and associated impacts or there is no new economic opportunity and there are zero impacts. You can't have it both ways.

I really do appreciate you taking the time to read my emails

Cyrus

RoCo, LLC
P.O. BOX 355
GIG HARBOR, WA 98335
253-851-4751 – HOME/OFFICE/FAX
253-970-3966 CELL
debraross80@yahoo.com

February 9, 2015

Jennifer Kestner
Planning Director
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Jennifer,

This letter is to express our **support** of the proposed Waterfront Millville (WM) zoning text amendment to allow Restaurant 2 and Restaurant 3 in certain areas of the WM zoning district.

The Ross family has called Gig Harbor home for 5 generations and has been active in the fishing industry, school district, and over the past 40 years real estate. Through our real estate activities we were fortunate to have had the opportunity to purchase the Stanich Building located at 3411 Harborview Drive. Directly across the street from the Stanich Building is the old Ross family home located at 3404 Harborview Drive.

WM is both historically and commercially important to us. As such, we take seriously the responsibility to maintain the integrity of WM and to respect our neighbors who are fortunate to reside in the area.

We would welcome the opportunity to talk with you about the proposed Amendment and our plans for the Stanich Building should the Amendment pass Council. We can be reached at the numbers listed above.

Thank you for your time and consideration of the proposed text Amendment to allow Restaurant 2 and Restaurant 3 in WM, we hope to speak with you soon.

Sincerely,



Debra Ross
Owner
RoCo, LLC



John Ross
Executive Director
Harbor History Museum



RECEIVED

DEC 5 2014

CITY OF GIG HARBOR

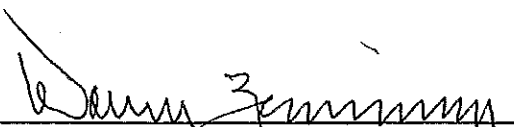
December 4, 2014

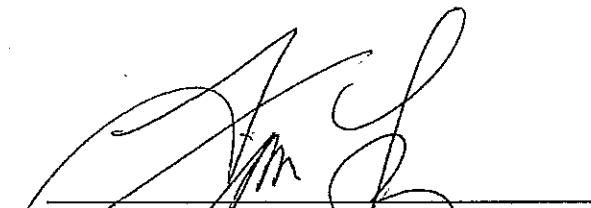
Gig Harbor Planning Commission
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Gig Harbor Planning Commission:

The Board of Directors for the Gig Harbor Chamber of Commerce voted unanimously at their November meeting to support the request from Gig Harbor Marina, Inc., as submitted to the City of Gig Harbor, for a zoning code text amendment change allowing Level 2 and 3 restaurants to operate in Waterfront Millville. The building of a restaurant in the Waterfront Millville area would be a welcomed addition to the community and compliment this mixed use area while allowing for the continued revitalization of our waterfront area.

The Chamber Board respectfully asks that the members of both the City Council and Planning Commission support this zoning code text amendment by voting in favor of the change.


Warren Zimmerman
Gig Harbor Chamber President/CEO


Tim Lopez
Gig Harbor Chair of the Board

Kester, Jennifer

From: John Minter <johmart@comcast.net>
Sent: Thursday, February 12, 2015 10:30 AM
To: Kester, Jennifer
Subject: Stan Stearns' request for waterfront zoning amendment

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern

We would like to add our voices in loud and hardy objection to Stan Sterns' "private request" for a zoning code text amendment that would allow restaurants, level 2 and 3, in every waterfront property in the Millville district from Skansie Park thru Susanne's Bakery, including full alcohol bars and fast food from 6am - 11pm.

My wife and I live on the east side of the harbor and our view is directly across at this area. We are quite shocked and dismayed for the future for this community if this proposal is approved as written. Bad enough the current noise, traffic gridlock and parking congestion that has evolved in the downtown corridor without wantonly doubling down on our communal misery with the stink and clamor of multiple alcohol infused burger joints in the mix. One would think there is plenty of land otherwise available on this peninsula for fast food fans to get their fill without further compromising the natural beauty and peaceful serenity that is the essence of this harbor and which ultimately attracts people here in the first place. Truer today than ever the caution from that old Joni Mitchell tune about "paving paradise to put up a parking lot". Trouble is in this locale there's not even much room left for a parking lot.

Just guessing but I wouldn't be surprised that the parties who are promoting, sponsoring, enabling this Millville proposition likely do not permanently reside in the vicinity of the property. One might even cynically surmise that the principals are in this strictly for personal financial gain and that the long term health of the local environment and happiness and well being of the neighborhood residents is somewhat down their list of priorities.

We and a few 'east harbor' neighbors will definitely be attending the February 23rd public hearing on this matter. We promise to leave our torches and pitchforks at home.

John & Martha Minter
2809-86th St Ct NW
Gig Harbor 98332
(253) 509-0067

Kester, Jennifer

From: Christa Seigner <christaseigner@cbbain.com>
Sent: Wednesday, February 11, 2015 3:47 PM
To: Kester, Jennifer; Guernsey, Jill; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: The Stearns Amendment

Follow Up Flag: Follow up
Flag Status: Completed

Dear Council Members,

As a real estate agent here in Gig Harbor the one thing that I hear over and over is how beautiful our downtown area is and I beam with pride as I say, "I know." If we allow fast food restaurants and bars to move to our amazingly and properly maintained waterfront area we will no longer have the same feelings about our own town and pride that we have as a community and neither will our guests. We have our iconic Tides, we do not need more.

If you drive around the neighborhoods in Tacoma, Federal Way, even Port Orchard, they all have their beauty. However, once you get to an area where the fast food chains and restaurants with full bars line the roads, it is no longer the beautiful area. It is commercialized and congested. We have that covered with the Uptown area with no relief.

Please keep our waterfront beautiful for generations to come.

Respectfully,

Christa Seigner

Coldwell Banker Bain

Gig Harbor Branch

253-249-1761

christaseigner@cbbain.com

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 11, 2015 11:22 AM
To: Kester, Jennifer; Rice, Paul
Cc: Wise, Shawna; Williams, Ron
Subject: FW: Fire Inspection Refusal

From: Charles Walker [mailto:charliewalker51@hotmail.com]
Sent: Wednesday, February 11, 2015 11:01 AM
To: Guernsey, Jill; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Fire Inspection Refusal

The only thing I can think of is that Mr. Stearns is being given preferential treatment because he is wealthy. Please prove me wrong by holding his refusal to have a fire inspection against him when considering his request for a private zoning amendment change.

Thank You
Charles Walker

Kester, Jennifer

From: Towslee, Molly
Sent: Tuesday, February 10, 2015 9:43 AM
To: Kester, Jennifer
Subject: FW: Support changes

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

From: mark ritchey [mailto:miritchey@centurytel.net]
Sent: Monday, February 09, 2015 10:29 PM
To: Guernsey, Jill; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; malichk@cityofgigharbor.ne; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Support changes

I've had the privilege of living in Gig Harbor for some forty years. I've really appreciated the fact that the city and in particular the city council has had the foresight to place some really nice areas of waterfront into the public domain to be enjoyed and used in perpetuity. I now count sites: the mini park at the south end of Harbourview Dr., the public pier near the Tides restaurant, the Skansie property added the Jersich park, the Ancich net shed property, Eddon Boatworks and associated pier and park, the Bogue viewing platform at the head of the bay. In addition, the addition of the Donkey Creek Park have all happened.

I want to express my appreciation for all that has been accomplished in this respect and the leadership by many on the council in getting this done. I frankly think the elected officials in Gig Harbor take their stewardship of the harbor very seriously.

With the problems in the economy as well as the extensive development of big box stores at Uptown and North Gig Harbor, the downtown area has had a really tough time business wise. Please note the closure of the Ace Hardware that has just occurred. In retirement, I have had the good fortune to be involved with the downtown area as a member and President of one of two coop art galleries. During the eight years I have been doing this, I have noted vast numbers of small businesses close. Many of these were well managed and well run that simply had traffic and sales volume decline, to where they had to close. Many at one time were so profitable, they could have been sold at a profit, but ended up simply closing.

I'm sure the number of sad closings has been well over 30 such shops. Also, a large portion of what was once a retail/restaurant district has been converted to offices, which negatively effects remaining retail businesses as less retail space exists.

In the recent past, a series of choices have been put forth about improvements or changes to the waterfront areas. I view these as small incremental changes, that have been carefully thought out, that should improve the business district, attract some new investments, construction and remodeling that are needed. I am sure that some people fear any and all changes, but I am bothered by what I view as unreasoned discourse. When the decision about changes for the area from Rosedale to the mouth of the harbor were up for discussion, there was a flyer distributed with photoshopped pictures of walls or canvas panels to indicate there would be no public view to the harbor along the Eddon Boat Works park if that was approved. Frankly, that was laughable, but designed to inflame public opinion and not inform people. The area represented was not part of the discussion and how any private development could take over a public park was simply a bizarre proposition,

In discussions about the sewage lift station, that potentially could be located in at the Skansie home, I've never seen anyone opposed to it say that the lift station under the Bogue viewing platform that has existed for several years is a

public nuisance. but addition of one at Skansie is always referred to as the poop station indicating a foul smelling public nuisance will be created.

With regard to the changes at the "Sterns" hardware site and properties, I really appreciate the quality of development the Sterns have brought to Gig Harbor. The building they built that is under discussion is a really fine addition, and the landscaping is way beyond and above what would be typically seen. It should be noted, that it does have a parking garage. That building as does the often maligned Russell building include a public viewing platform, that allows public access to view the harbor. This feature(s) never mentioned in the derogatory comments, but should be pointed out. I have no doubt that the Sterns improvements, construction and businesses will be first class assets to Gig Harbor and I will continue to suggest to people they go there simply to enjoy the landscaping. Their extensive investment and remodeling to the building that houses Bella Bellena is a very encouraging addition to this district. The modest change in business hours, etc. is necessary to the restaurant business is not a major change, and I support it. It is more than unreasonable to claim that this change will bring 10 restaurants in a row to that area.

Thank You,
Mark W Ritchey
3407 53rd St NW

Kester, Jennifer

From: Mark <hoppenm@gmail.com>
Sent: Sunday, February 08, 2015 10:17 AM
To: Kester, Jennifer
Subject: Fwd: Notice of Public Hearing - Waterfront Millville Restaurants (PL-ZONE-14-0002)

Correction of typo!

Mark Hoppen

Begin forwarded message:

From: Mark <hoppenm@gmail.com>
Date: February 6, 2015 at 9:29:45 AM PST
To: Kester Jennifer <KesterJ@cityofgigharbor.net>
Subject: Fwd: Notice of Public Hearing - Waterfront Millville Restaurants (PL-ZONE-14-0002)

Dear members of the City of Gig Harbor City Council,

The upland residential zone from WM and WM have long been integrated in both the Gig Harbor Comprehensive Plan and the zoning code as an integrated, inherently residential area with historic, vernacular (my brother taught me that word), working waterfront uses in WM. The 9PM restaurant closure limitation has long helped maintain this integrated zoning concept, and should be preserved.

If the residential character of the Millville area is reduced in desirability, then I think that the entire character, brand and viability of the town as a whole is at risk.

I can explain why I think this at your convenience, individually or collectively, if you wish.

Sincerely,
Mark Hoppen
8133 Shirley Avenue
Gig Harbor, WA 98332
253 279-2415 cell

Begin forwarded message:

From: "Andrews, Cindy" <andrewsc@cityofgigharbor.net>
Date: February 5, 2015 at 3:26:13 PM PST
Cc: "Kester, Jennifer" <KesterJ@cityofgigharbor.net>
Subject: Notice of Public Hearing - Waterfront Millville Restaurants (PL-ZONE-14-0002)

GIG HARBOR CITY COUNCIL
NOTICE OF PUBLIC HEARING
February 23rd, 2015 at 5:30 p.m.

Waterfront Millville Restaurants (PL-ZONE-14-0002)

John Moist, on behalf of Gig Harbor Marina Inc. a property owner in the Waterfront Millville zoning district, requested a zoning code amendment to allow

Kester, Jennifer

From: Rosie Houchin <rmhouchin@yahoo.com>
Sent: Saturday, February 07, 2015 5:50 PM
To: Kester, Jennifer
Subject: Waterfront Millville

Follow Up Flag: Follow up
Flag Status: Completed

Please respect our wishes and keep our little community authentic. NO huge monstrosities along the waterfront, please.
Sent from my iPad

Kester, Jennifer

From: Charles Walker <charliewalker51@hotmail.com>
Sent: Saturday, February 07, 2015 1:06 PM
To: Kester, Jennifer
Subject: Zoning Amendment PL-ZONE-14-0002

Dear Jennifer Kester

As a resident of Gig Harbor I believe the above referenced 'restaurant amendment' is a bad idea, for the following reasons:

- 1) It would ruin the waterfront appeal of Gig Harbor
- 2) I doubt downtown Gig Harbor can support that many new restaurants
- 3) Traffic and parking
- 4) Would compromise pedestrian walkways - another benefit of downtown living
- 5) Why not add a marine supply store (gas/groceries) instead to attract a boating crowd?
- 6) Increased noise

While I can understand the desire to make downtown Gig Harbor more vital and more of a destination, I believe that the transformation of Millville that this amendment recommends would ruin the very things that make Gig Harbor special. How profitable are Net Shed #9, Susanne's Bakery and El Pueblito? Can Millville even accommodate one new profitable restaurant? How many people will come if they have to endure a conga line of traffic on Harborview and a relentless search for parking? I pity the nearby residents. If this amendment passes, the only silver lining I can see is that our recent attempt at purchasing a home closer to the harbor fell through.

Sincerely
Charles Walker

P.S. Without actually knowing him, Mr. Stearns sounds like a quintessential carpet bagger to me. Why can't he use his wealth to support the struggling businesses currently in the harbor?

Kester, Jennifer

From: Andrews, Cindy
Sent: Friday, February 06, 2015 10:11 AM
To: Kester, Jennifer
Subject: FW: Notice of Public Hearing - Waterfront Millville Restaurants (PL-ZONE-14-0002)

Here is a response for you from Jeff Shapiro.

Cindy Andrews
Planning Assistant
City of Gig Harbor Planning Department
(253) 853-7625
andrewsc@cityofgigharbor.net

From: jeffshapiro1951@aol.com [mailto:jeffshapiro1951@aol.com]
Sent: Friday, February 06, 2015 9:06 AM
To: Andrews, Cindy
Subject: Re: Notice of Public Hearing - Waterfront Millville Restaurants (PL-ZONE-14-0002)

As soon as I see the downtown waterfront of Gig Harbor become "restaurant row" I'm selling my home of 23 years, closing my Gig Harbor business that's been here since 1987 and relocating to another state. I love Gig Harbor, but this quiet little town has become "money hungry" and will do whatever it takes to bring in money and attract more tourism. WE DON'T NEED these restaurants to become an upper scale town. This destroys everything the residents of Gig Harbor have enjoyed for the past 30 years. We want it to remain as is; no more traffic and certainly no more restaurants. It seems there is a restaurant for every 500 residents of Gig Harbor. STOP THE MADNESS.

P.S. If you don't live in Gig Harbor then you don't build in Gig Harbor, then return to your out-of-state residence and collect all the financial rewards and never witness how your investment has turned our town upside down.

Jeff Shapiro

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

From: Andrews, Cindy <andrewsc@cityofgigharbor.net>
Cc: Kester, Jennifer <KesterJ@cityofgigharbor.net>
Sent: Thu, Feb 5, 2015 4:43 pm
Subject: Notice of Public Hearing - Waterfront Millville Restaurants (PL-ZONE-14-0002)

GIG HARBOR CITY COUNCIL
NOTICE OF PUBLIC HEARING
February 23rd, 2015 at 5:30 p.m.

Waterfront Millville Restaurants (PL-ZONE-14-0002)

John Moist, on behalf of Gig Harbor Marina Inc. a property owner in the Waterfront Millville zoning district, requested a zoning code amendment to allow Restaurants 2 and Restaurants 3 uses in a portion of the Waterfront Millville zoning district provided a conditional use permit is granted. The maximum hours of operation would be from 6:00am to 11:00pm. The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of Waterfront Millville District southeast of and including Susanne's Bakery & Deli.

Restaurant 1 uses are currently allowed in this zone as a conditional use permit. Restaurant 1 uses are limited in the type of cooking appliances and can serve wine and beer only in establishments no larger than 1,200

Kester, Jennifer

From: Towslee, Molly
Sent: Thursday, February 05, 2015 10:04 AM
To: Kester, Jennifer
Subject: FW: Millville proposed changes

Follow Up Flag: Follow up
Flag Status: Completed

From: Joan Tenenbaum [mailto:merlin059@centurytel.net]
Sent: Thursday, February 05, 2015 9:57 AM
To: Guernsey, Jill; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Millville proposed changes

Dear Elected officials:

I am opposed to a blanket change of the zoning ordinances in downtown Gig Harbor. We have a wonderful historic city and we need to keep our quality of life here. If you want to change a little, change a little. But seek out the opinions of residents who live here first! You were elected to represent us, not dictate to us.

Joan Tenenbaum

*Everything that is real
Was imagined first.*

Kester, Jennifer

From: Towslee, Molly
Sent: Wednesday, February 04, 2015 12:25 PM
To: Kester, Jennifer
Subject: FW: Millville

Follow Up Flag: Follow up
Flag Status: Completed

From: bogair@aol.com [mailto:bogair@aol.com]
Sent: Wednesday, February 04, 2015 10:18 AM
To: //guernseyj@cityofgigharbor.net; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Millville

Suggest You Study John Moist explanation and see for yourself that the Practical factors militate against the outcry of 11 restaurants...this issue of save Millville is just plain politics...and false information. The Issue really is Gig Harbor downtown going to survive?...Bruce Gair, 25 year resident and long term downtown Business Owner/Formal Planning Commissioner...

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, February 02, 2015 1:26 PM
To: Kester, Jennifer
Subject: FW: Fast foods in downtown gig harbor

Follow Up Flag: Follow up
Flag Status: Completed

From: mross60@comcast.net [mailto:mross60@comcast.net]
Sent: Sunday, February 01, 2015 11:37 AM
To: Guernsey, Jill; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Fast foods in downtown gig harbor

Dear Mayor Guernsey and fellow City of Gig Harbor Council members,

Seriously? It is known that you Mayor Guernsey and members of the council are very pro-business for downtown Gig Harbor...please stop the rumors that fast food outlets may be coming to the historic district of Gig Harbor that is fast disappearing.

It will be your legacy, Mayor Guernsey and council members, if such a foolish and outlandish idea comes to fruition.

We have few left of the generation of Gig Harbor residents that know what Gig Harbor was...that generation my father is a part of, who is a third generation resident of Gig Harbor. I am a member of the fourth generation that got to live and be a part of what they had...the fifth generation of our family can only hear us tell the stories of what Gig Harbor once was. They will never be able to experience the true Gig Harbor...ever.

Gig Harbor's past is hard to find now as you walk through downtown and all along Harborview Avenue. You can point out old family homes, but these are disappearing now, as the Ivanovich home did on Harborview Ave and more that likely the Janovich home on Rosedale Street.

The docks are disappearing, being replaced by marinas or converted to luxury home extensions. To be able to walk Harborview and to see the bay itself is also disappearing by condos and with the expansion of new business buildings and soon, with the restaurants that are being proposed, this water view walk will be nearly non-existent.

Mayor Guernsey and Gig Harbor council members, we have been losing Gig Harbor for the past 40 years, but never will it be lost at such an alarming rate as it will if you allow the expansion of the restaurants that are in the planning stages and if the rumors of fast food franchises are true and they reach the shores of Gig Harbor Bay.

Your represent the people of Gig Harbor...protect Gig Harbor...stop the rumors of fast food and the ridiculous expansion of restaurants in the waterfront district of our city.

This will be your legacy.

Sincerely,

Marc S Ross

8913 Prentice Ave
Gig Harbor WA 98332

Kester, Jennifer

From: Towslee, Molly
Sent: Monday, February 02, 2015 1:07 PM
To: Kester, Jennifer
Subject: FW: level 2&3 restaurants

Follow Up Flag: Follow up
Flag Status: Completed

From: Williams, Ron
Sent: Monday, February 02, 2015 10:23 AM
To: Towslee, Molly
Subject: FW: level 2&3 restaurants

Hi Molly,

Are we gathering emails regarding the waterfront Millville restaurants issue for the council? If so, here's another.

-Ron

From: Steve Lovely [<mailto:sslovely007@gmail.com>]
Sent: Saturday, January 31, 2015 9:37 AM
To: Williams, Ron
Subject: Fwd: level 2&3 restaurants

To Ron Williams

From Steve Lovely

Hi Ron I am sending you a copy of the note I sent to John Moist showing my support of his requests and projects on Harborview. I do feel if the projects are done right they would be a real plus for the downtown area. If my note needs to be directed to someone else please let me know.

Thanks for your help

Steve Lovely

Begin forwarded message:

From: Steve Lovely <sslovely007@gmail.com>
Subject: level 2&3 restaurants
Date: January 31, 2015 9:20:46 AM PST
To: arabellas@harboret.com

Dear Mr Moist,

My name is Steve Lovely, my wife Sue and I live at 3501 Ross Ave, on the corner of Ross and Dorotich.

My note is to let you know that we support your request to allow restaurants 2&3. We also support your project on Harborview.

We believe it is important that the downtown continues to grow with projects that provide needed services to the locals and visitors as long as the projects maintain the integrity of downtown Gig Harbor.

We have two concerns,

It is important to us that you provide the parking necessary to support your projects so that the side streets do not get congested, we get enough of that during special events. We realize some of that comes from living downtown.

Limit the hours of business so that the neighbors in close proximity are not bothered late in the evening. If there was a final seating clause written into the amendment I think it would help gain support, also it would limit future use which is a concern to some.

My final input---IF YOU WANT TO BE A FRIEND TO YOUR DOWNTOWN NEIGHBORS GET RID OF THE TREES. There is no place for 30-50 foot trees along the waterfront.

Sincerely,

Steve and Sue

Kester, Jennifer

From: Lenni Markovich <lancich@hotmail.com>
Sent: Monday, February 02, 2015 12:15 PM
To: Kester, Jennifer
Subject: Restaurant Row

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Kester

Here is my opinion concerning the flyer passed out recently.

The thought of the allowance of restaurants in the Millville district is very upsetting to me. My family owns 2 homes on Harborview Drive. I am of Croatian decent, my family has been living here downtown since the early 1900's. I have been living in one for over 20 years. Everyone FOR this idea, should try backing out of their driveway during work hours and weekends. and also Throw in a few downtown happenings to make parking impossible. We should not forget the Russell Building promises. Fast food restaurants or any other, do not belong downtown on the waterfront at this time. Don't put the horse before the cart, please, and fix our lack of downtown parking and the traffic flow. I love our city, but I am becoming more and more discouraged. Maybe I should sell, and build another restaurant.

LM

Kester, Jennifer

From: Towslee, Molly
Sent: Thursday, January 29, 2015 9:54 AM
To: Kester, Jennifer
Subject: FW: Private request zoning code text amendment

Follow Up Flag: Follow up
Flag Status: Completed

From: Craig Osborne [mailto:craig@avascapes.com]
Sent: Thursday, January 29, 2015 9:38 AM
To: Guernsey, Jill; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Private request zoning code text amendment

Hi,

I've recently read a couple of articles online in relation to a private request zoning amendment in relation to Gig Harbor waterfront. Assuming the validity of this request, I wanted to take a couple minutes and share my initial thoughts...

Having been a resident of the Gig Harbor area for nearly 20 years, I have seen, understand, and even appreciate the recent growth. We live in an incredible area, and encouraging growth and others to experience the Harbor the way we do, while growing the fiscal health of the area, should be a natural process.

That said, I am sure you can agree, that it is crucial that individuals such as yourself properly steward the process, manage it where need be, and protect the things that make our area what it is. All too often we see Historic areas denigrated, as opposed to protected. To date, Gig Harbor has done well balancing the challenges that face us...in my opinion anyway.

Individuals, organizations, corporate entities, etc.. Will naturally expect to experience, be a part of, and benefit from, such growth. As they should.

It is my opinion that each of these requests should be properly reviewed and decisions made that benefit the area, residents, and economy appropriately.

I would sincerely hope that a request that could potentially light up our historic waterfront with fast food signs, increase traffic well beyond its capacity, and forever change the face of our Harbor, would be given the appropriate consideration. I would also hope that the consideration process is short, and results in an obvious "No Thanks".

Can we all agree to do the right thing here?



AvaScapes

Craig Osborne
253-353-2181 O
253-370-1181 C
800-344-4197 F
AvaScapes.com

Kester, Jennifer

From: Towslee, Molly
Sent: Thursday, January 29, 2015 8:07 AM
To: Kester, Jennifer
Subject: FW: Restaurant rezoning request

Follow Up Flag: Follow up
Flag Status: Completed

From: ckwills [mailto:ckwills@yahoo.com]
Sent: Thursday, January 29, 2015 7:21 AM
To: //guernseyj@cityofgigharbor.net; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Restaurant rezoning request

Say NO to the request from Mr. Moist. Keep Gig Harbor's downtown charm, We've lost it every where in this community. We moved here because the city was so special. Now Gig Harbor is fast becoming just like every other town.

Christine Wills
253 228 6031

Sent from my T-Mobile 4G LTE Device rezoning

Kester, Jennifer

From: Jackie O <jackiegigharbor@gmail.com>
Sent: Thursday, January 22, 2015 1:30 PM
To: Kester, Jennifer
Subject: Waterfront Millville Rezoning

Please forward this email to all members of the Planning Department and all members of the City Council. Thank you.
This email is for Public Records

3316 Harborview Dr
Gig Harbor

January 22 2015

Attention of: Molly Towsleem. Jennifer Kester, members of the Planning Department, Mayor Guernsey and members of the Gig Harbor City Council:

As property owners in Waterfront Millville and also one who lives approximately a 100 feet across from the proposed rezoning of WM. We are deeply concerned and saddened by this application of the rezoning of our historical waterfront area.

When we moved here almost 20 years ago. Millville was its own little hamlet. It has been this way for many, many years. Millville gives one a feeling of history, peace and tranquility that cannot be found any where else in Gig Harbor. As it is now, we are just a short walk away from restaurants, coffee shops, bars, and stores of downtown and Harborview Drive North. I believe that number is at least 18. All of these are within walking distance of Millville. Isn't that enough? It appears that it obviously is not.

I feel we are slowly being chipped and chiseled away until all the historical ambiance of Millville will be gone and we are just one big, humongous downtown Gig Harbor. All the individuality of this little area of Millville disappearing as the restaurants and bars creep insidiously in. Parking everywhere (even on the back streets of Millville) day and night. People wandering around most of the day and way into the late of night. Car doors slamming, headlights on and headlights off. Cars starting up, beeping when they lock and unlock their doors. People talking coming and going into the restaurants and bars. Large delivery trucks delivering in the very early morning. Several times a week. Stopping to deliver their food and alcoholic beverages leaving their engines running as refrigeration is required. No more sleeping for us at night with our windows open. No more sitting on our front porch and enjoying the peaceful evening ambiance of Millville. Waving to people that love to walk this peaceful waterfront with their children and dogs at night when everything closes down and Millville is at peace. Gone will be the WM historical atmosphere and gone will be the privacy that we all so cherish in our lives as we know it now.

What would happen to WM if Brix decides after a few years that they are moving on or out. We will have no way of controlling that. What then? What will become of the other proposed changes of zoning for up to 3500 sq ft premises? More crowded and bigger bars? Many more cars parked anywhere they can. Will Susanne's become a huge pizza place? Or what? Will Brix one day become another tavern? Or...? ? If this zoning is approved. I feel that in a few years, you who vote for this rezoning will say "what did we do!" and forever Millville will be changed and never to go back.

We have, at times over these last few months, waxed and waned on this rezoning. Now, not feeling under pressure to vote a "yes" and having had many discussions we feel that this rezoning would be a terrible mistake for Millville. We personally did vote just a few years ago to rezone the waterfront to level 1 so that restaurants and coffee shops would

be able to stay open until 9pm and serve beer and wine. Now we have this...We should have known. What will be next??

We implore you, our Mayor and City Council to vote a resounding NO on this rezoning and let WM continue to be the charming, historical and peaceful area that is now and has been since the late 1800s. .

Sincerely,

Jackie and Rick Olivier
(253-380-5205)

Kester, Jennifer

From: Tomi Kent-smith <tomikent@msn.com>
Sent: Wednesday, January 21, 2015 2:02 PM
To: Kester, Jennifer
Subject: Fwd: Restaurant Zoning Change

Begin forwarded message:

From: Tomi Kent-smith <tomikent@msn.com>
Subject: Re: Restaurant Zoning Change
Date: January 21, 2015 at 2:01:03 PM PST
To: "Malich, Ken" <MalichK@cityofgigharbor.net>

Your points are well taken. I believe you should bring them up at the public meeting, one by one, and have the discussion with the other members of council that hold the power of the vote. The council is not required to accept the Planning Commission's vote and it has the power to amend the requirements for allowing the matter to move forward. It is in their hands. By discussion the matter in public should show the general public that the members of the City Government take their job seriously.

My voice is only one voice, and as you say, zoning is and has always been a very dynamic, touching situation in our community going as far back as its founding according to various articles in the Peninsula Gateway when C. W. Trombley owned it.

Traffic flow on Dorotich Street from Rosedale to Harborview is current over the speed limit and heavy during the day, and during special events during the year. That won't change, unless of course, if the City requires Arabellas to open their parking lot to clients of the various occupancies in the various buildings they own. Again, that rests with the council and the mayor.

The public food offered at restaurants is an individual matter of taste; some people are adventurous in their food choices, others are not. I do not believe Netshed No. 9 advertises itself as a 'burger' venue. Their website states it is a:

1. Comfy cafe with a patio & water views offering creative New American fare for breakfast & lunch.

I don't eat at Blazing Onion, nor am I near there often, so I cannot speak to the exhaust system.

As for the success or failure of the three entities requesting this change, I again cannot address. However based upon their past history in the community we will have to reply on their past since the future is unknown. As for delivery trucks at very early hours of the morning, I have been living with that since the mid-eighties. It eliminates the need for an alarm clock.

History relies on the future to continue, and the future needs history to build upon. John Novak and Joseph Dorotich were two of the earliest developers in the community. I can't speak for

them, but I don't believe they platted the Town of Millville with the vision and expectation that it would never change.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

On Jan 21, 2015, at 8:33 AM, Malich, Ken <MalichK@cityofgigharbor.net> wrote:

Tomi;

Thanks, you make some good points. I really appreciate your deep thinking of this change. Your opinion on city matters are very important to me. I'm glad you express yourself so well. I hope you continue to reflect on all the changes Gig Harbor will experience in the next few years as well as its past.

However, what if Brix goes out of business in a year or two? Then, they are replaced by some lovely, attractive, national franchise who see's the advantage of having a full service restaurant with a bar and live music every Friday and Saturday night. Do you think there would be any lobbying by the new tenants or the owner to extend hours. How easy would it be to change hours as opposed to changing zoning? I'm just saying.....what if.....? A different council could easily expand the hours by resolution. Some conditional uses never change but a good lawyer and architect could bring some good arguments to make more changes. Zoning is a very dynamic issue within the city.

Do you remember all the agitation to extend Netshed #9's hours. Now, changing it to class 2 or 3 restaurant would be a big difference. People have complained to me that this restaurant hasn't the best menu. There aren't any good choices like burgers.

And, what about traffic flow coming out of Dorotich onto Harborview.

Do you ever notice the amount of smoke rising above the blazing onion? We have no way to guarantee the restaurant would be the Brix. I don't believe they would be much of a problem. They we have delivery trucks.

Who gets to use Arabellas parking lot? Did you know that once the Ship to Shore was established, Arabellas disconnected the buzzer system for their customers so they could not use the parking lot under the building? So, what's it going to be like with more retail stores and two restaurants? Not to mention, the change at Suzanne's deli or the rest of the properties between Dorotich or Rosedale.

Regards,

Ken Malich
Gig Harbor
City Council #5

From: Tomi Kent-smith [mailto:tomikent@msn.com]
Sent: Tuesday, January 20, 2015 10:14 AM
To: Guernsey, Jill; Williams, Ron
Cc: Ekberg, Steve; Payne, Tim; Perrow, Michael; Malich, Ken; Kadzik, Paul; Lovrovich, Rahna; Arbenz, Casey; Kester, Jennifer
Subject: Restaurant Zoning Change

I will go on record once again stating that I have no objection to the potential development of restaurants by: Dick Shaw (longtime Gig Harbor resident/owner of Pleasurecraft Marina; winemaker/vineyard owner in eastern Washington -wine bar); Brix 25's (opened 2004 and then expanded to a second location - Netshed No. 9 in 2013) move from Pioneer to the current Ship to Shore location and the Debra and John Ross (fifth generation family) property.

HOWEVER I am against extending the hours of operation for this stretch of Harborview Drive from 9 PM until 11 PM. Why? Because like almost all of the historic houses along Harborview Drive my bedroom is directly overlooking Harborview Drive.

Brix 25 has been open for 10 years, starting their 11th year now and has current hours of 4:30 to 9 PM. This would it seems to belie the statement that a dinner-only high-end restaurant cannot be successful or survive unless they are open until 11 PM.

I don't expect inebriated, intoxicated people leaving the establishments at closing time. But, because we are (basically) on the water, sounds are carried much further than one would think. This is only one of the reasons I believe 11 PM is too late for closing time. (John Moist himself has in the past complained of the noise along Harborview when he too lived in the neighborhood.)

I believe that compromise on both sides would be beneficial to the community as a whole. That is why I stated on December 15, 2014 *I still stand on the earlier closing, although I would accept 9:30 (10 in summer season). Dinner restaurants normally stop seating/service 25 minutes prior to closing I believe. Late arrival diners can complete their meal, new diners though are not accepted.* I will make a compromise for Friday and Saturday nights only extending the hours of operation to 10PM; with summer hours only 10:30 PM. If there were an special event whereby the entire restaurant was sold out, they could apply for a special event permit for that event only. No, it wouldn't become a permitting nightmare as it is a requirement for non licensed venues when having an event to serve alcohol or having special events.

But, remember, compromise requires both parties (sides) to also offer something called a concession. Will the applicants reciprocate? As neighbors, we all must work together, not against each other.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

Kester, Jennifer

From: Tomi Kent-smith <tomikent@msn.com>
Sent: Tuesday, January 20, 2015 10:14 AM
To: Guernsey, Jill; Williams, Ron
Cc: Ekberg, Steve; Payne, Tim; Perrow, Michael; Malich, Ken; Kadzik, Paul; Lovrovich, Rahna; Arbenz, Casey; Kester, Jennifer
Subject: Restaurant Zoning Change

Follow Up Flag: Follow up
Flag Status: Completed

I will go on record once again stating that I have no objection to the potential development of restaurants by: Dick Shaw (longtime Gig Harbor resident/owner of Pleasurecraft Marina; winemaker/vineyard owner in eastern Washington -wine bar); Brix 25's (opened 2004 and then expanded to a second location - Netshed No. 9 in 2013) move from Pioneer to the current Ship to Shore location and the Debra and John Ross (fifth generation family) property.

HOWEVER I am against extending the hours of operation for this stretch of Harborview Drive from 9 PM until 11 PM. Why? Because like almost all of the historic houses along Harborview Drive my bedroom is directly overlooking Harborview Drive.

Brix 25 has been open for 10 years, starting their 11th year now and has current hours of 4:30 to 9 PM. This would it seems to belie the statement that a dinner-only high-end restaurant cannot be successful or survive unless they are open until 11 PM.

I don't expect inebriated, intoxicated people leaving the establishments at closing time. But, because we are (basically) on the water, sounds are carried much further than one would think. This is only one of the reasons I believe 11 PM is too late for closing time. (John Moist himself has in the past complained of the noise along Harborview when he too lived in the neighborhood.)

I believe that compromise on both sides would be beneficial to the community as a whole. That is why I stated on December 15, 2014 *I still stand on the earlier closing, although I would accept 9:30 (10 in summer season). Dinner restaurants normally stop seating/service 25 minutes prior to closing I believe. Late arrival diners can complete their meal, new diners though are not accepted.* I will make a compromise for Friday and Saturday nights only extending the hours of operation to 10PM; with summer hours only 10:30 PM. If there were an special event whereby the entire restaurant was sold out, they could apply for a special event permit for that event only. No, it wouldn't become a permitting nightmare as it is a requirement for non licensed venues when having an event to serve alcohol or having special events.

But, remember, compromise requires both parties (sides) to also offer something called a concession. Will the applicants reciprocate? As neighbors, we all must work together, not against each other.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

From: "Joyce Schilt" <joyceschilt@yahoo.com>

To: //guernseyj@cityofgigharbor.net, paulkadzik@comcast.net, paynet@cityofgigharbor.net, lovrovichr@cityofgigharbor.net, perrowm@cityofgigharbor.net, malichk@cityofgigharbor.net, EkbergS@cityofgigharbor.net, arbenzc@cityofgigharbor.net, TowsleeM@cityofgigharbor.net

Sent: Tuesday, January 13, 2015 7:49:25 PM

Subject: Preservation of Gig Harbor

I really don't want to see anything else go up along the waterfront. I love to walk the Harbor it is refreshing to look out at the water, the Mountain, and the Harbor entrance. It already has too much in the way of the view. Anything else is just going to take more of the view away. Why not go up a block and make some of the empty stores into restaurants etc.. I also would like to see the Skansie House stay as original as possible.

Thank you for your service.

Joyce L Schilt

Kester, Jennifer

From: Towslee, Molly
Sent: Thursday, January 15, 2015 10:35 AM
To: Kester, Jennifer
Subject: FW: Stearns

From: Jean-Louis Gazabat [mailto:shorewoodrealestate@hotmail.com]
Sent: Wednesday, January 14, 2015 10:59 AM
To: Guernsey, Jill; paulkadzik@comcast.net; Payne, Tim; Lovrovich, Rahna; Perrow, Michael; Malich, Ken; Ekberg, Steve; Arbenz, Casey; Towslee, Molly
Subject: Stearns

Dear Council , I really want Stan Stearns to be allowed to build. The downtown will only benefit from his project. . Thank you, Jean-Louis Gazabat

Kester, Jennifer

From: jeffshapiro1951@aol.com
Sent: Monday, January 12, 2015 4:47 PM
To: Kester, Jennifer
Subject: GH restaurants downtown

There are too many restaurants struggling to stay-a-float in Gig Harbor and now the "committee" wants to vote on more. This makes no sense and certainly the percentage of GH residents would vote NO MORE, enough is enough. I personally have seen many restaurants, that at one time were very busy, and now struggle and complain about the steady and fast growth seen in Gig Harbor. How would downtown (waterfront) traffic be effected with more business, there is little to no parking today and more restaurants would require parking for hundred more vehicles. I drive downtown on many afternoon and traffic is at a standstill on weekends and very backed up during the week. This is poor planning if reconsidered. I'm ready to move my business out of Gig harbor and certainly would not recommend anyone relocate to GH if they are business owners looking for new locations. Too many Chiefs and not enough Indians. Fed up!

Jeff Shapiro
Gig Harbor
1990-?

Kester, Jennifer

From: Tomi Kent-smith <tomikent@msn.com>
Sent: Monday, December 15, 2014 8:59 AM
To: Kester, Jennifer
Subject: Re: Waterfront Millville Restaurant Amendments Proposal - December 18, 2014 Meeting

Thank you. Brix 25 current hours are 4:30 to 9:00, and it would appear that they have survived. Without reviewing financial statements it would be difficult to determine how successful the survival has been to date.

I still stand on the earlier closing, although I would accept 9:30 (10 in summer season). Dinner restaurants normally stop seating/service 25 minutes prior to closing I believe. Late arrival diners can complete their meal, new diners though are not accepted.

Tomi Kent-Smith

On Dec 15, 2014, at 8:42 AM, Kester, Jennifer <KesterJ@cityofgigharbor.net> wrote:

Tomi,

Thank you for including me in your email. I'll log it and it will be part of the packet provided to the Council once the Planning Commission provides their recommendation.

I wanted you to know that at the last Planning Commission meeting, the Commission asked John Moist and Brix 25 what they would think about having a closing time at 9pm or 10pm. Brix 25 stated that with a requirement to close at 9pm or 10pm, the City will preclude a dinner only restaurant (like Brix) from locating there. They stated that high-end dinner only restaurants need to be open until 11pm to survive.

Just wanted you to know that conversation occurred.

Best Regards,
Jennifer

Jennifer Kester, Planning Director
Planning Department
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335
Phone: 253.853.7631
Fax: 253.858.6408
www.gigharborplanning.com

Dedicated to public service through teamwork and respect for our community

All e-mail correspondence to and from this address is subject to the Washington State Public Records Act, which may result in monitoring and archiving, as well as disclosure to third parties upon request.

From: Tomi Kent-smith [<mailto:tomikent@msn.com>]
Sent: Saturday, December 13, 2014 9:15 AM
To: Kester, Jennifer
Cc: Guernsey, Jill; Williams, Ron; Ekberg, Steve; Payne, Tim; Kadzik, Paul; Malich, Ken; Arbenz, Casey; Lovrovich, Rahna; Perrow, Michael
Subject: Waterfront Millville Restaurant Amendments Proposal - December 18, 2014 Meeting

Following up on my previous emails of November 15 and December 4, 2014 regarding this proposed amendment to the Waterfront Millville zoning as respects Restaurants Class 1, 2, and 3 I would like to offer my compromise position.

- 1 - Allow the restaurant zone amendment to be recommended for passage.
- 2 - Retain the current hours of operation 7 AM - 9 PM.

This compromise I believe would allow both the commercial property owners/developers and the private property owners/residents to share in the final decision. Granted it is not a 50/50% win for either side, but the commercial property owners/developers increase their holdings and bottom line; the private property owners/residents retain their sense of quietude in the morning and evening hours.

It must be remembered that the Millville Residential Neighborhood is the largest residential neighborhood directly abutting a major parkway running through the heart of the Gig Harbor waterfront. The residents of this neighborhood are entitled to the same respect as any other residential neighborhood, or property. Remember, you can have historical preservation and progress both - they are not mutually exclusive!

The survival of the City of Gig Harbor is not totally dependent upon this particular commercial property development. Although perhaps it might provide additional incentive to others as to how they might also reassess their commercial property holdings; and it will add to the City's revenue base. Credit however must be given to Mr. and Mrs. Stearns and their people for what they have accomplished to date. As neighbors, however both parties, the residents of Gig Harbor and especially Millville and the Stearns Group must work together. Neither side can have everything. It is not a situation where one party or the other only has to satisfy the Planning Department & Commissioners and the City Council and Mayor and the rest of the community can take their lumps.

Lets compromise.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

From: Tomi Kent-smith [<mailto:tomikent@msn.com>]
Sent: Thursday, December 04, 2014 8:58 AM
To: Kester, Jennifer
Subject: Waterfront Millville proposed Change for Restaurants.

I'm confused: The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of *WM south of and including Susanne's Bakery & Deli. (my italics)*

Please clarify exactly what this area is. Originally John said it was only for the potential Brix 25 move into the current Bayview Building. Now, he's including the Ross property (Susanne's and NY Nail) building.

Here are my original comments. Email of November 15, 2014:

The Millville Neighborhood District in Gig Harbor contains the largest, oldest historic residential neighborhood abutting the main parkway, Harborview Drive, running through it. The Finholm District residential neighborhood, although equally historic, doesn't not have the number of residences directly abutting North Harborview commercial area. Instead, the structures in their commercial area are predominately just that, commercial.

In the 1980s the residents of Millville District asked for revisions in the Ordinance governing hours of operation, restaurants, alcohol and phone booths. The City officials honored their request; then a couple years ago, the ordinance was amended to allow Restaurant 1 to sell beer and wine as well as extending the closure time from 7PM until 9PM.

The current commercial structures in Millville Waterfront are located solely on the east-side of Harborview and consist of: Law Office (housed in former home); Mixed professional Building (housed in the Island Empire Telephone and Telegraph building); office building behind the Island Empire Telephone & Telegraph building) Deli/Bakery & Nail Shop (housed in the former Red & White General Store/Stanch Bros. Grocery building; and Arabella/Ship to Shop (Stan Stearns property former owned by Joseph Dorotich/Paul Gustafson Family and the Novak General Store). The residences on the east-side of Harborview Drive consist condominiums, and homes associated with netsheds and commercial fishing/working waterfront with two parks. There are two commercial properties on the west-side of Harborview at the Stinson Intersection: Glass company and a marine repair facility. If my count is correct there are 31 residential houses including two condominium complexes of 4 each directly abutting Harborview Drive. This does not include those directly on the waterfront at the east end of Nowak or Dorotich.

There are only two food service businesses: Netshed No. 9, and Susanne's Deli/Bakery. However if this zoning code amendment passes, there will be a potential third: Brix 25.

I don't believe there is anyone who knows me that doesn't understand my desire to honor and maintain the historical residential neighborhood in Millville. Most who know me know that I would like more recognition to the historical nature of this district. That is what I am against adopting the zoning code text amendment to allow Restaurants 2 and 3 in the Waterfront Millville zoning district on a **blanket basis for all properties within this zoning district**. I firmly believe that **any** property requesting a permit to operate a Restaurant 2 or 3 **must** do it on an **individual basis**. And I believe **each such property should only be granted a conditional use permit**.

As for Brix 25's potential move into the current Ship to Shore location, I believe that it is a good business decision on the part of Thad Lyman and Katie Doherty. It will allow them better oversight and management of their two businesses, especially in the high (summer) season. I do not know if in fact they have actually signed a lease for such move on the contingency that the City of Gig Harbor passes this amendment, or grants them a conditional use permit. That information I believe is covered by the privacy act afforded between the two parties in the lease. However, if they do have a firm commitment, I believe they should **only be granted a conditional use permit**.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

Kester, Jennifer

From: Carolyn Berg <cdsunharbor@yahoo.com>
Sent: Friday, December 12, 2014 6:10 PM
To: Kester, Jennifer
Subject: Fw: Nov. 20 City Meeting

Ms. Kester,

Please forward the prior letter sent to the Gig Harbor Planning Commission/Council for the upcoming December 18, 2014 meeting. The conditional use permit has the same effect on Millville property owners and residents. I appreciate Mr. Stearns' and Mr. Moist's amended application but it serves no purpose in the effect of a late night restaurant serving alcohol in a residential community that could potentially be a safety hazard to residents, especially children, who live in and enjoy the Millville community.

I trust our elected leaders will put safety and the obvious potential of increase in traffic on Harborview Drive ahead of business development.

Thank you,
Carolyn Allen Berg
3526 Harborview Drive
Gig Harbor, WA 98332

----- Forwarded Message -----

From: Carolyn Berg <cdsunharbor@yahoo.com>
To: "KesterJ@cityofgigharbor.net" <KesterJ@cityofgigharbor.net>
Sent: Sunday, November 16, 2014 10:17 AM
Subject: Nov. 20 City Meeting

Dear Miss Kester, Gig Harbor Planning Commission, and Gig Harbor City Council,

I am writing as a concerned citizen of two properties on Harborview Drive (Millville), mother of two, and grandmother of two children, 5yrs and 2yrs. My 5 year old granddaughter lives in one of my properties with her mother at 3523 Harborview, and I, across the street. My 2 year old grandson visits often.

Many years ago, my older sister, as a youngster, was hit by a car on Harborview Drive, in front of the family home on Harborview, attempting to cross. It was a minor accident, with no serious injuries, but truly an eye opener for the family as to the reality of safety for pedestrians, especially, children, who may not be able to judge the speed in which a car on Harborview is approaching. I must add that the corner (in front of the Ancich property, and now city property and directly adjacent to my property is a hazard. I've seen speeds over 40mph take the corner.

My biggest fear in allowing my daughter and then newborn to live in my home at 3526 Harborview was "the road." It remains a major concern and is my primary reason for this letter, as I ask you to veto the application to increase hours of operation at ANY Harborview/Millville property for eatery and

or/alcohol consumption. I do not believe increase in patrons and/or consumption of alcohol would wisely serve the downtown area.

Balance is necessary. We have several eateries that serve alcohol along Harborview Drive. They seem to adequately serve the local patrons as well as out of town visitors. I believe increasing hours of operation and/or alcohol service would do nothing to serve the adjoining neighbors and property owners of Millville and Harborview Drive. In fact, to increase operation, would, in my opinion, be an invitation for **decrease** in safety.

Last week, my fence which faces Harborview, was again hit, and last summer, my mailbox hit, broken, and toppled over.

We can repair and replace objects destroyed by traffic, but we must be proactive to protect the citizens of Gig Harbor, who live in the waterfront area and travel as pedestrians.

I ask that you share this letter with our Gig Harbor elected officials prior to the November 20, 2014 meeting.

Sincerely,

Carolyn Allen Berg

Kester, Jennifer

From: Jeni Woock <citizensforgigharbor@gmail.com>
Sent: Friday, December 12, 2014 12:17 AM
To: Kester, Jennifer
Subject: The answer as to whom is suppose to be served

Follow Up Flag: Follow up
Flag Status: Completed

Jennifer,

I was listening to the Planning Commission meeting and heard the question of who is being served,,the local neighborhood or others.

The Planning Commissioners need to hear this. Please share with them:

You are invited to listen to a recorded Downtown Visioning meeting of April 25, 2012. One of the Gig Harbor Planning members and then Council member Guernsey are recorded:

Gig Harbor Planning: *"And we've always studied this in the past. The feeling has always been if the immediate neighborhood is not for it, doesn't matter what the rest of the community..."*

Then Councilmember Guernsey: *..." it doesn't go any further. I can appreciate that."*

We hope you will share this with the entire commission.

Thanks

Jeni

Citizens for the Preservation of Gig Harbor LLC.

Citizens Committed to leaving Gig Harbor better than we found it!!

<http://citizens4gigharbor.blogspot.com>

We do not inherit the earth from our ancestors; we borrow it from our children.

Like us on: <https://www.facebook.com/Citizens4GigHarbor>

KINDNESS MATTERS!!

Kester, Jennifer

From: Andrews, Cindy
Sent: Monday, December 08, 2014 8:20 AM
To: Kester, Jennifer
Subject: FW: WM

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Olivier would like this forwarded on the Planning Commission members, Thanks Cindy

Cindy Andrews
Planning Assistant
City of Gig Harbor Planning Department
(253) 853-7625
andrewsc@cityofgigharbor.net

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

From: Jackie O [mailto:jackiegigharbor@gmail.com]
Sent: Friday, December 05, 2014 12:42 AM
To: Guernsey, Jill
Cc: Andrews, Cindy; Spencer Next Door
Subject: Re: WM

I'm sorry, that phone # should read: 253-380-5205. Thank you. Please forward this email to ALL City Council. And ALL of the Planning Department. Thank you.

Jackie Olivier
3316 Harborview Dr

On Dec 4, 2014, at 11:26 PM, Jackie O <jackiegigharbor@gmail.com> wrote:

> 3316 Harborview Dr
> Gig Harbor, 98332

>
> Good Evening:

>
> I was in attendance at the Planning Department meeting tonight at the City Hall, December 4 2014. Re the decision of zoning changes in WM. I am happy (and relieved) that the committee suggested to have more time to look and research into the whole impact that these changes could possibly make to our historical downtown community. What is the rush to make these changes?? I'm not sure.

>
> I am so torn myself, between a yes and then no and back to yes again, back to no (what am I doing in saying yes??) to rezoning our WM district. I truly want downtown to grow and flourish, not stagnate. But to what detriment to our WM homeowners, and dwellers. Whom many of us have poured many thousands (and thousands) of dollars on making our homes not only livable for us but also in trying to keep to the historical beauty of WM.

>
> A committee member mentioned this evening that commercial changes in small towns that these zonings have been implemented have changed the residential areas greatly. Such as: residents moving out (because this was not their

vision of what moving to and living in an historical downtown was) their homes being sold and or becoming rentals. Isn't that a terrible thought and vision. We all know how many " rentals" can change a neighborhood.

>

> I read online that your mission as the Planning Department is to: 1) Preserve and enhance the "existing" character of the City. I trust and have good faith that you all are on that same mission. I felt much more confidence in my " City Planning Department" tonight in listening to the committees views and concerns and have faith that you are all making decisions and changes not only for the commercial side of WM but also for "us homeowners" and for all of downtown and also our visitors enjoyment.

>

> We have to tread very carefully here. We don't want to make a monster out of these zoning changes. Making our downtown residents miserable and having them (us) in making changes to rent or sell their (our) homes because our lifestyle is now so very different from what and why we moved to WM. But, as I said, we have to grow and not stagnate. It's such a fine line. Please do your research carefully.

>

> There must be many beautiful towns in WA and OR (even N. CA) that restaurant zoning changes have been made to small downtown areas with just a small strip of road between historical homes and the commercialism of late night restaurants (11 pm Seven days a week). Can we not research that more? I would be happy to participate and research as a WM resident. Along with a member of the Planning Department and also along with a member of the City Council. I'm happy to knock on doors and "interview" residents and homeowners of these downtown residents and see how these zoning changes have changed their lives, their equity (taxes) in their homes and most of all their comfort with these changes in living along with the zoning changes.

>

> Ms. Andrews: I am requesting that you please forward my email to all Planning Committee Members. I shall also be forwarding this to the Mayor Guernsey and City Council Members.

>

> Respectfully,

>

> Jackie and Rick Olivier

> (243) 380-5205

>

>

Kester, Jennifer

From: Tomi Kent Smith <tomikent@msn.com>
Sent: Thursday, December 04, 2014 10:07 AM
To: Kester, Jennifer
Cc: Guernsey, Jill; Williams, Ron; Payne, Tim; Ekberg, Steve; Kadzik, Paul; Perrow, Michael; Arbenz, Casey; Malich, Ken; Lovrovich, Rahna
Subject: PL ZONE 14-0002 Restaurants 2 and 3

Follow Up Flag: Follow up
Flag Status: Completed

Further to my original comments (11/15/14) based upon the captioned amendments, I would like to make the following points as respects my position.

- I object strenuously to a 11pm (page 1 shows 11am) closing hour. I would like the last sitting to be 9 pm as currently allowed. (It is my belief that in the potential future the current owners of the Stanich Building may consider also establishing a restaurant).
- I believe that the property owner of the Arabellas Marina MUST open his parking lot in order to absorb some of the increased parking needs that will be created should this amendment be passed. It will not solve all problems but will help with parking.
- Delivery trucks normally arrive (at least at 3409/3411 Harborview) arrive between 3:30/4 am with a few later in the morning.
- As everyone who knows me knows that I want the historic Millville Residential Neighborhood preserved and land marked to show all, its contribution to the past, the current and the future residents and visitors alike. When we talk of the remaining net sheds in Millville they too are a current reminder that Millville was and continues to be a working waterfront, not all have been converted into 'family rooms'. I have the opportunity to speak to many of our visitors, and many of them ask about the history of this neighborhood. I believe that too is an important invaluable asset for the city as we grow and prosper. And, as a result, it should be honored as such.

Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

Sent from my iPad

Kester, Jennifer

From: Tomi Kent-smith <tomikent@msn.com>
Sent: Thursday, December 04, 2014 8:58 AM
To: Kester, Jennifer
Subject: Waterfront Millville proposed Change for Restaurants.

I'm confused: The applicant proposes limiting the area that Restaurant 2 and 3 uses are allowed to the portion of *WM south of and including Susanne's Bakery & Deli. (my italics)*

Please clarify exactly what this area is. Originally John said it was only for the potential Brix 25 move into the current Bayview Building. Now, he's including the Ross property (Susanne's and NY Nail) building.

Here are my original comments.

The Millville Neighborhood District in Gig Harbor contains the largest, oldest historic residential neighborhood abutting the main parkway, Harborview Drive, running through it. The Finholm District residential neighborhood, although equally historic, doesn't not have the number of residences directly abutting North Harborview commercial area. Instead, the structures in their commercial area are predominately just that, commercial.

In the 1980s the residents of Millville District asked for revisions in the Ordinance governing hours of operation, restaurants, alcohol and phone booths. The City officials honored their request; then a couple years ago, the ordinance was amended to allow Restaurant 1 to sell beer and wine as well as extending the closure time from 7PM until 9PM.

The current commercial structures in Millville Waterfront are located solely on the east-side of Harborview and consist of: Law Office (housed in former home); Mixed professional Building (housed in the Island Empire Telephone and Telegraph building); office building behind the Island Empire Telephone & Telegraph building) Deli/Bakery & Nail Shop (housed in the former Red & White General Store/Stanich Bros. Grocery building; and Arabella/Ship to Shop (Stan Stearns property former owned by Joseph Dorotich/Paul Gustafson Family and the Novak General Store). The residences on the east-side of Harborview Drive consist condominiums, and homes associated with netsheds and commercial fishing/working waterfront with two parks. There are two commercial properties on the west-side of Harborview at the Stinson Intersection: Glass company and a marine repair facility. If my count is correct there are 31 residential houses including two condominium complexes of 4 each directly abutting Harborview Drive. This does not include those directly on the waterfront at the east end of Nowak or Dorotich.

There are only two food service businesses: Netshed No. 9, and Susanne's Deli/Bakery. However if this zoning code amendment passes, there will be a potential third: Brix 25.

I don't believe there is anyone who knows me that doesn't understand my desire to honor and maintain the historical residential neighborhood in Millville. Most who know me know that I would like more recognition to the historical nature of this district. That is what I am against adopting the zoning code text amendment to allow Restaurants 2 and 3 in the Waterfront Millville zoning district on a *blanket basis for all properties within this zoning district*. I firmly believe that *any* property requesting a permit to operate a Restaurant 2 or 3 *must* do it on an *individual basis*. And I believe *each such property should only be granted a conditional use permit*.

As for Brix 25's potential move into the current Ship to Shore location, I believe that it is a good business decision on the part of Thad Lyman and Katie Doherty. It will allow them better oversight and management of their two businesses, especially in the high (summer) season. I do not know if in fact they have actually signed a lease for such move on the contingency that the City of Gig Harbor passes this amendment, or grants them a conditional use permit. That information I believe is covered by the privacy act afforded between the two parties in the lease. However, if they do have a firm commitment, I believe they should *only be granted a conditional use permit*.

Ms. Tomi Kent-Smith
3414 Harborview Drive
Gig Harbor, WA 98332

Kester, Jennifer

From: Jackie O <jackiegigharbor@gmail.com>
Sent: Sunday, November 23, 2014 4:54 PM
To: Kester, Jennifer
Subject: Millville

Follow Up Flag: Follow up
Flag Status: Completed

3316 Harborview Dr
gig Harbor 98332

12/23/2014

Dear Ms. Kester:

My husband and I attended the WM meeting last Thursday. I was one of the people who spoke. I also live opposite The proposed Brix restaurant which currently houses the Ship To Shore building.

We have been up and down with our emotions for "Yes to Brix and "No" to Brix. As we are the ones who will be most affected by Brix moving opposite us I'm sure you can understand why. We also want downtown to flourish and not stagnate. So, we are saying. "yes", to Brix and hope we don't regret our decision. Brix is a classy restaurant and Thad and Katie are good people. I wish them all the best in their growth.

What does concern me is that you mentioned on Thursday WM is able to accommodate approximately 19 3500 sq ft bars and or restaurants. That, frankly, is a horrifying thought! I cannot imagine how that would be for us who live along the waterfront with all of those "proposed" restaurants and bars. All open until 11 pm and who knows what time they would open in the day. For those of us who love to walk and enjoy the tranquility of WM. and Harborview Dr, it would be a disaster. We (if Brix moves to Harborview) will have 7 restaurants along Harborview. Surely that is enough? I hope that you and the planning department will reconsider allowing more and more bars and restaurants to our wonderful and peaceful downtown. Frankly, I would not be wanting to walk at night with all of those bars and restaurants along the Harbor if that were allowed. I personally, had a problem with a drunk who came out form El Pueblito one night late last summer when I was walking my dogs. I was being called nasty names and at one point I thought I was going to be attacked. Unfortunately I was not carrying my cell phone but a passer by who witnessed this person and his abuse called the police from her phone. I can see more and more of these type of problems if more bars and restaurants are allowed to move in WM or along Harborview. Not to even think about our property values being devalued. As I am sure, having 19 bars and restaurants in one small area would NOT be a sellers dream. Nor a buyers desire to live amongst all of that chaos.

Please feel free to forward this email to any other council member and or the planning department.

Sincerely,

Jackie and Rick Olivier
(253-380-5205)

Kester, Jennifer

From: brandon <brandonfigueira@gmail.com>
Sent: Wednesday, November 12, 2014 7:21 PM
To: Kester, Jennifer
Subject: Gig Harbor

Follow Up Flag: Flag for follow up
Flag Status: Completed

Planning Commission and Council;
This private zoning code text amendment is **TOO BROAD** and
Rosedale to Stinson Ave is **TOO BIG** of an area.

Kester, Jennifer

From: Barbara Moss <barbaramoss993@yahoo.com>
Sent: Thursday, November 13, 2014 5:34 PM
To: Kester, Jennifer
Subject: Historic structures

Follow Up Flag: Follow up
Flag Status: Completed

I completely agree with Jeni Woock and her letter from November 12 th.

Please explain what a "private zoning code text amendment " actually is , sort of sounds like the vague wording on the notification signs.you can't possibly be considering granting any form of variance.

We have already lost much of the ambiance of the harbor thanks to structures like the frank Russell building,and the demolition of the older homes on harbor view. We only have now to preserve our history for ourselves and future generations,there is no going back.

Jeni,pointed out some very important considerations in addition to the historic loss. Traffic alone should cause concern,we are already experience congestion,and the corner of Stinson and harbor view is dangerous as it stands now,any additional traffic would certainly have a negative impact.

It seems the public has already given its guidelines for this area, shouldn't this be the end of the issue?Are people simply allowed to continually push the envelope until they get their way?I do not plan on being pushed any further and I hope the city of gig harbor agrees.

Thank you, Barbara moss

Sent from my iPad

Kester, Jennifer

From: Alan Teed <alanteed@gmail.com>
Sent: Friday, November 14, 2014 6:01 AM
To: Kester, Jennifer
Cc: Joan Teed
Subject: Waterfront Millville

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Kester,

I am a resident of Artondale and Gig Harbor is my nearest town and the place I choose to spend a great deal of time and money. I am also a tenant at Harborplace Marina (within Waterfront Millville).

I wish to clearly convey my feelings about the proposal to rezone Waterfront Millville. Unfortunately I shall be traveling on the date of the proposed meeting on November 20th and therefore unable to make a statement at that meeting.

I fully endorse the Harbor Vision adopted by the City Council in January 2014. Specifically the goals to;

3.2 - **Limit traffic in The Harbor**

3.3 - **Protect the views of the bay** from within The Harbor and from the bay toward The Harbor.

3.4 - **Protect the environment by low impact development**

3.5, 3.10 - **Create a balance , a variety of businesses and activities**, not just one type of business.

3.6- **Retain and protect the unique character of historic businesses and residential neighborhoods within The Harbor.**

3.9- **Support** and enhance recognition of the cultural heritage of The Harbor.

3.61 - **Maintain** the Design Manual to reflect the traditional characteristics of The Harbor.

I encourage the council to stick to your goals and I do not believe that the proposed re-zoning is consistent with those goals.

Yours Sincerely

Alan Teed
Gig Harbor, WA, 98335.

Kester, Jennifer

From: Carolyn Berg <cdsunharbor@yahoo.com>
Sent: Sunday, November 16, 2014 10:17 AM
To: Kester, Jennifer
Subject: Nov. 20 City Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Dear Miss Kester, Gig Harbor Planning Commission, and Gig Harbor City Council,

I am writing as a concerned citizen of two properties on Harborview Drive (Millville), mother of two, and grandmother of two children, 5yrs and 2yrs. My 5 year old granddaughter lives in one of my properties with her mother at 3523 Harborview, and I, across the street. My 2 year old grandson visits often.

Many years ago, my older sister, as a youngster, was hit by a car on Harborview Drive, in front of the family home on Harborview, attempting to cross. It was a minor accident, with no serious injuries, but truly an eye opener for the family as to the reality of safety for pedestrians, especially, children, who may not be able to judge the speed in which a car on Harborview is approaching. I must add that the corner (in front of the Ancich property, and now city property and directly adjacent to my property is a hazard. I've seen speeds over 40mph take the corner.

My biggest fear in allowing my daughter and then newborn to live in my home at 3526 Harborview was "the road." It remains a major concern and is my primary reason for this letter, as I ask you to veto the application to increase hours of operation at ANY Harborview/Millville property for eatery and or/alcohol consumption. I do not believe increase in patrons and/or consumption of alcohol would wisely serve the downtown area.

Balance is necessary. We have several eateries that serve alcohol along Harborview Drive. They seem to adequately serve the local patrons as well as out of town visitors. I believe increasing hours of operation and/or alcohol service would do nothing to serve the adjoining neighbors and property owners of Millville and Harborview Drive. In fact, to increase operation, would, in my opinion, be an invitation for **decrease** in safety.

Last week, my fence which faces Harborview, was again hit, and last summer, my mailbox hit, broken, and toppled over.

We can repair and replace objects destroyed by traffic, but we must be proactive to protect the citizens of Gig Harbor, who live in the waterfront area and travel as pedestrians.

I ask that you share this letter with our Gig Harbor elected officials prior to the November 20, 2014 meeting.

Sincerely,

Carolyn Allen Berg

Kester, Jennifer

From: John Hodge <john@hodgeengineering.com>
Sent: Sunday, November 16, 2014 3:37 PM
To: Kester, Jennifer
Subject: Restaurant 2 and 3 in Waterfront Millville Zoning District

Follow Up Flag: Follow up
Flag Status: Completed

Kesterj@cityofgigharbor.net,

I think it is important that the city center remain vibrant and viable for restaurants that bring people in. I am in favor of the rezoning.

John Hodge – Gig Harbor Resident
11218 66th Ave NW
Gig Harbor, WA 98332

Hodge Engineering, Inc.
2615 Jahn Ave NW Suite E5
Gig Harbor, WA. 98335
253-857-7055 fax 857-7599



Hodge
engineering inc.



Kester, Jennifer

From: jeniawoock@gmail.com
Sent: Monday, November 17, 2014 3:58 PM
To: Kester, Jennifer
Subject: Private Request Amendment

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Jennifer.

To: Gig Harbor Planning Commission and Staff

Re: Private Request Zoning Code Text Amendment regarding Restaurants in the Waterfront Millville area.

Date: Nov 17, 2014

Mr. Stearns and Mr. Moist have submitted a private request zoning code text amendment to allow partial and full restaurants with full bars to every property with the Waterfront Millville zoning district. Currently restaurant level 2 and 3 (up to full cooking, full bar) are not allowed.

The **Gig Harbor Comprehensive Plan** says "*This (Waterfront Millville) district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged.*"

A former council member said a reason WM was created was to keep out a row of restaurants, such as being proposed. Council member Kadzak remembers WM was established to "retain the mixed use, but mostly residential feel of the area." Paul Kadzak email in writing 11/13/2014

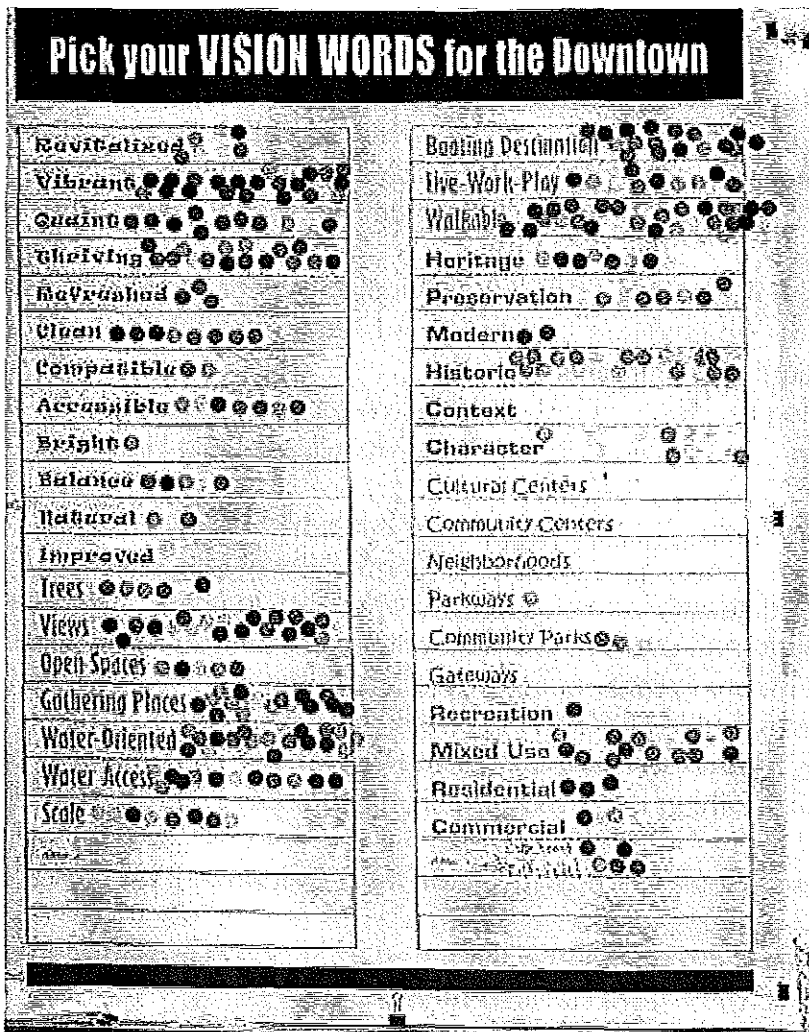
**Has anything changed to allow this proposed
Private request amendment to be acceptable?**

Absolutely NOT!

In 2012 the City of Gig Harbor held public forums to discuss the future of the downtown." It was evident from the forum survey that citizens like our small town scale, and favored development which reflected the town's historic form of architecture and natural environment." taken directly from The Harbor as adopted by the City Council in January 2014

In 2013 a petition with 1,600 signatures said NO changes to Harborview Dr. In 2013 a petition of Millville residents said NO to WM residential changes.

The city invited citizens to attend Harbor vision meetings. From citizen's vision words grew The Harbor Vision statement which was adopted in January of 2014. You will notice 3 dots for commercial. You will notice 1 dot for improved. A row of restaurants is NOT historic.



Some goals in The Harbor Vision are: -

3.2 Limit traffic in The Harbor

3.3 Protect the views of the bay from within The Harbor and from the bay toward The Harbor.

3.4 Protect the environment by low impact development

3.5, 3.10 - Create a balance , a variety of businesses and activities, not just one type of business.

3.6 - Retain and protect the unique character of historic businesses and residential neighborhoods within The Harbor. (means our harbor stays the way we know and love it!)

3.9 Support and enhance recognition of the cultural heritage of The Harbor.

3.61- Maintain the Design Manual to reflect the traditional characteristics of The Harbor.

This Private Request Zoning Code Text Amendment is TOO BROAD and Rosedale to Stinson Ave is TOO BIG of an area.

There are not enough reasons in the Gig Harbor Municipal Code, or Harbor Vision to support this change.

There are 1,600 reasons for NO Changes to Harborview Drive.

The intent of The Harbor element is to provide "a framework for the future, allowing growth and vitality to occur in a manner that **does NOT impact The Harbor's historical context.**" Allowing up to 3,500 sq feet commercial restaurants in every WM property **does impact** the harbor's historical context. **This private request is too broad and it is too big.**

It is a good thing these meetings are recorded for all to hear.

At location about 6.28 on the recording of the Planning Commission meeting you hear Mr. Halsan ask for a balance. He suggested that you allow this amendment to happen, give his clients what they need and then you could change it back again. What a balance that is! This amendment has nothing to do with what is best for Gig Harbor. It is all about money in these two men's pockets.

Time and again Mr. Moist is heard, on the recording, downplaying those folks who came to the Vision Meeting and filled out their dots on the Harbor Vision board. He doesn't think the Planning Commission should consider their time and opinions.

Mr. Moist is heard downplaying residents in Millville who live on Ross Street and up the hill and why their opinions should not count. Mr. Moist is heard downplaying all Gig Harbor citizens who do not agree with his thinking.

Please listen to this recording again. You will also notice that while Mr. Moist lists a Harborview Dr as his residence, later he mentions that he no longer lives at this address.

Mr. Moist mentions talking to residents across the street who were in favor. How many, who were they? Doubtful he mentioned the entire WM area. You will hear in the recording several mentions to some of the council members in favor of this entire amendment. Now Mr. Moist denies this was said. Please investigate and double check the information he provided to you.

Neither Mr. Stearns nor Mr. Moist are residents of the city of Gig Harbor. This private request zoning code amendment has nothing to do with what is best for Gig Harbor. It is all about more money in their pocket.

Both Mr. Stearns and Mr. Moist would financially benefit from their private request zoning code text amendment.

Gig Harbor is about everyone who walks and lives and spends their money in our town. Everyone deserves to have a say in the future of Harborview Dr.

Since The Harbor goal #3.61 is to Maintain the Design Manual to reflect the traditional characteristics of The Harbor, we ask there be a moratorium on building permits in The Harbor area until the Design Manual can reflect the citizens desires.

What are the steps to get a building permit moratorium in The Harbor?

Thank you,
Jeni Woock
Citizens for the Preservation of Gig Harbor

Citizens for the Preservation of Gig Harbor LLC

C4GH: Citizens committed to making Gig Harbor better than we found it! JOIN US!!
<http://citizens4gigharbor.blogspot.com/> <https://www.facebook.com/Citizens4GigHarbor>

We Do Not Inherit the Earth from Our Ancestors; We Borrow It from Our Children and protect It for Generations to Come!

KINDNESS MATTERS

Kester, Jennifer

From: Chris Coates <CCoates@tranow.com>
Sent: Tuesday, November 18, 2014 10:42 AM
To: Kester, Jennifer
Subject: FW: Interesting way to do business

Gig Harbor Resident: 4912 Deer Creek Lane.

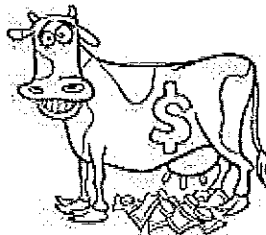
I support the zoning changes.

We need more restaurants in downtown. This will drive more business BACK downtown. It's a very simple equation.

From: Citizens For The Preservation of Gig Harbor Waterfront
[mailto:citizensforgigharbor=gmail.com@mail71.atl51.rsgsv.net] **On Behalf Of** Citizens For The Preservation of Gig Harbor Waterfront
Sent: Tuesday, November 18, 2014 9:44 AM
To: Chris Coates
Subject: Interesting way to do business

When is enough...enough?

[View this email in your browser](#)



Kester, Jennifer

From: mross60@comcast.net
Sent: Wednesday, November 19, 2014 12:41 PM
To: Kester, Jennifer
Subject: WM Zoning

Ms. Kester,

This email is concerning the rezoning of the Waterfront Millville District...I do have some comments and some questions.

Questions:

1. With the new zoning recommendation, it states that "seating is no later than 9:00 pm to 9:30 pm, depending on the time of year". Does this seating also include seating in any cocktail lounge that the restaurants will/may contain?
2. The new zoning does not state what the closing time will be for the restaurants...will these restaurants be able to stay open serving alcohol to the state's legal time of operation which is 2:00 am?
3. Harborview Avenue can only be one two way road. It can never be widened. There is only so much parking available on this street...there can be no more parking developed along this corridor unless the city plans on building a new parking pier over the water or making Harborview a one way street, which is not only impractical but insane. Anthony's Restaurant has a parking lot, yet its employees must park blocks away (on the road by the museum and up on Franklin Ave) from the restaurant because they are not allowed to use the restaurant parking. How does the planning department plan to accommodate the parking for all of the employees of the restaurants and the patrons for each restaurant when right now there is no parking available?

I am looking forward to your reply to these questions.

Comments:

1. The City of Gig Harbor made a promise not only to those that live in the Millville District but to all of those that live in Gig Harbor from Harborview to Rosedale St and beyond...that promise being there would be restricted commercial use in the WM District as to not disrupt the lives of those that live in the area. The rezoning of the Waterfront Millville District would radically change this area forever and would break the promise the City of Gig Harbor made to those that live in the Millville District and those that are nearby.

This rezoning is a very bad idea, one that if made will forever change what is left of Gig Harbor. I am against this rezoning and request that the Planning Commission present to the City of Gig Harbor Council that it recommends that this request for the rezoning of the Waterfront Millville District from John Moist for Gig Harbor Marina INC. to be denied.

Accepting this rezone would be opening Pandora's Box.

Thank you for your time on this matter, Ms. Kester.

Sincerely,

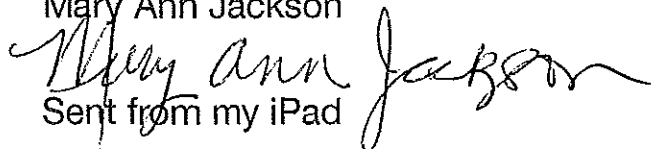
Marc S Ross
8913 Prentice Ave
Gig Harbor, WA 98332

10/10/2014
10:10 AM
10/10/2014

Dear [Name],
I am writing to you regarding the [Project Name] and the [Project Description].
I have reviewed the [Document Name] and the [Document Description].
I am pleased to see that the [Project Name] is progressing well.
I have a few questions regarding the [Document Name] and the [Document Description].
I would like to discuss these questions with you at your earliest convenience.
Please let me know when you are available for a meeting.
I can be reached at [Phone Number] or [Email Address].
Thank you for your time and attention.
Sincerely,
Marc S Ross

From: **Mary Jackson** maryajackson@comcast.net
Subject: Don't change the zoning in Millville
Date: November 19, 2014 at 21:53
To: Mary Ann Jackson maryajackson@comcast.net

Our family has lived on Plat one and two of Millville for over 100 years. This was A nice little fishing village for most of the Time. Now Stan Stearns, a guy from Houston, wants to milk the city dry of it's charm and small town beauty. There's absolutely no question that if this goes through we will see 2 to 3 times the traffic we have today. The city has failed miserably making a safe entry to or from Dorotich St off Harborview Drive. It Is Absolutely one of the most dangerous intersections we have in Pierce County. My driveway is used consistently as a turnaround point when people head toward the water on Dorotich street. It is a dead-end street without a cul-de-sac and it was done solely for the benefit of Mr. Stearns and Arabella's. That is my example and my opinion of the city Council and the planning department giving way to the big boys and To hell with our beautiful gift from our forefathers. One can see this attitude of "grow grow grow" of our city Council when one looks at the miserable clogged up mess from Highway 16 to Soundview an Olympic Dr. Other people have mentioned in their testimony both written and verbal, that this proposal does not meet the requirements of our growth management goals nor our shoreline management act requirements. From an environmental point of view, need only look at the Foss waterway and, with its twin 76 inch drain pipes which cause more pollution in Puget Sound than any other single source. This example translated into Harborview Drive having its stormwater contamination sent into GIG Harbor Waters, double or triple because of these "just build the damn thing so we can make some more money" attitude that drives these request for special legislation for special people. My family and I are absolutely an unequivocally opposed to this change in the zoning for my home and the surrounding area. Change isn't always good and in this case it is just the opposite.

Mary Ann Jackson

Sent from my iPad

RECEIVED BY
NOV 20 2014
CITY OF GIG HARBOR

Kester, Jennifer

From: Nancy <jerkovich@msn.com>
Sent: Thursday, November 20, 2014 11:17 AM
To: Kester, Jennifer
Subject: Millville zoning

Dear Ms.Kester and Planning Commission,

We are against changing the zoning in Millville to allow restaurants. As residents of twenty two years in our family residence of eighty years we feel this would be the downfall of what little neighborhood feel we have left. The public vetoed this during previous planning sessions, open houses and door to door signature collection. The residents have voted no time and again, please respect the code in place.

Nick and Nancy Jerkovich. 3710 Harborview Drive

Kester, Jennifer

From: Victoria Burgess <victoria@homeintheharbor.com>
Sent: Thursday, November 20, 2014 2:32 PM
To: Kester, Jennifer
Subject: potential new restaurant regulations from a Realtor's perspective

Hello,

I am unable to attend tonight's meeting about the zoning regulations for restaurants in the Millville area. I am a local realtor who sells a lot of waterfront homes and high end downtown Gig Harbor homes. I often work with people from out of town.

As a Gig Harbor native I am always very excited to promote the beauty and charm of our town. I usually give new clients a tour of the downtown area and the shopping areas. People always seem to notice the real separation between the commercial areas of town and feel that the downtown area is cute but isolated. I feel that the downtown area needs to do all it can to draw people to it. Restaurants are a great way to get people to come into an area and in particular a cluster of restaurants creates a real buzz. BUT a restaurant needs to be viable in order to stay in business and offer what customers want which is regular dining hours and a full menu and bar. The restaurant business is a tough one. For a proprietor to take the risk of investing in a restaurant build out, they have to be able to use all their resources to make a profit.

Gig Harbor is a growing town, that is a fact. Gig Harbor North and Uptown can continue to grow and attract the dollars spent by our locals and visitors OR Downtown can get in the game and start providing the type of venues that would bring more spending to the area and keep it a thriving village.

Sincerely,

Victoria Burgess
Windermere/Gig Harbor
253-265-1777



**Business of the City Council
City of Gig Harbor, WA**

Subject: Resolution 991 –Water and Sewer Utility Extension Agreements for Cushman Point Plat.

Proposed Council Action: Move to approve Resolution 9xx for water and sewer utility extension agreements with Block Land, LLC.

Dept. Origin: Public Works

Prepared by: Jeff Langhelm, PE
Public Works Director

ALD

For Agenda of: May 11, 2015

Exhibits: Resolution and Utility Extension Agreements

	Initial & Date
Concurred by Mayor:	<u><i>JS</i> 5-5-15</u>
Approved by City Administrator:	_____
Approved as to form by City Atty:	<u><i>VIA EMAIL 5/5/15</i></u>
Approved by Finance Director:	_____
Approved by Department Head:	<u><i>ALD 5/5/15</i></u>

Expenditure Required	\$ 0	Amount Budgeted	\$ 0	Appropriation Required	\$ 0
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INFORMATION/BACKGROUND

Rush Construction (dba Block Land, LLC) is in the process of permitting through Pierce County a 52 lot residential subdivision outside city limits but inside the City’s urban growth area. RCW 35.67.310 and RCW 35.92.200 authorize the City to provide water and sewer utility services to property beyond the City limits. Ordinance No. 1235 allows the extension of water and sewer utilities to properties within the City’s urban growth areas without the requirement to first annex. Ordinance No. 1235 further provides conditions in Chapter 13.34 of the Gig Harbor Municipal Code (GHMC) for connection to such utilities.

Following the requirements of Chapter 13.34 GHMC, Block Land, LLC has requested City of Gig Harbor’s water and sewer utilities serve their subdivision, known as the Cushman Pointe Plat. This plat, located in the 4900 block of Reid Drive, would require an extension of the City’s water distribution system and sewer collection system. The City currently has capacity to provide the requested utility connections.

FISCAL CONSIDERATION

The proposed utility extension agreement requires Block Land, LLC to pay all costs for designing and constructing any necessary extension of the City’s water and sewer utilities. Additionally, the development’s anticipated impacts to the City’s sewer collection system will be mitigated through a pro-rata share payment made to the City.

Lastly, as prescribed by Chapter 13.32 GHMC and noted in each proposed utility extension agreement, all general facilities charges and monthly services charges for sewer services outside the city limits shall be charged at 1.5 times the in-city rates.

BOARD OR COMMITTEE RECOMMENDATION

The water and sewer utility extension agreements were presented to the Public Works Committee at their April 13 meeting with no opposition to the proposed agreements.

RECOMMENDATION/MOTION

Move to approve Resolution 991 for water and sewer utility extension agreements with Block Land, LLC.

RESOLUTION NO. 991

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO EXTENDING WATER AND SEWER SERVICE OUTSIDE THE CITY, AUTHORIZING THE EXECUTION OF ONE WATER UTILITY EXTENSION AGREEMENT, AND AUTHORIZING THE EXECUTION OF ONE SEWER UTILITY EXTENSION AGREEMENT WITH THE BLOCK LAND, LLC, TO A FIFTY-TWO (52) LOT RESIDENTIAL SUBDIVISION IN PIERCE COUNTY, WASHINGTON.

WHEREAS, Rush Construction (dba Block Land, LLC) is in the process of permitting through Pierce County a 52 lot residential subdivision outside city limits but inside the City's urban growth area; and

WHEREAS, Block Land, LLC has requested connection to the City of Gig Harbor's water and sewer utilities to serve their subdivision known as the Cushman Pointe Plat and located in the 4900 block of Reid Drive; and

WHEREAS, RCW 35.67.310 and RCW 35.92.200 authorize the City to provide water and sewer utility services to property beyond the City limits; and

WHEREAS, Chapter 13.34 of the Gig Harbor Municipal Code (GHMC) requires the property owner seeking a utility extension to enter into a utility extension agreement with the City as a condition of a utility extension; and

WHEREAS, the City currently has capacity to provide the requested utility connections; and

WHEREAS, on May 11, 2015, the Gig Harbor City Council held a public hearing on Block Land, LLCs requested utility extension agreement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby authorizes the Mayor to execute the Utility Extension Agreements attached hereto as Exhibit A, with the owner, Block Land, LLC.

Section 2. The City Council hereby directs the City Clerk to record the Utility Extension Agreements against the Property legally described in Exhibit A of each Utility Extension Agreement, at the cost of the applicant.

PASSED by the City Council this 11th day of May 2015.

APPROVED:

MAYOR JILL GUERNSEY

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

FILED WITH THE CITY CLERK: May 6, 2015
PASSED BY THE CITY COUNCIL: May 11, 2015
RESOLUTION NO. 911

AFTER RECORDING RETURN TO:

The City of Gig Harbor
Attn: City Clerk
3510 Grandview Street
Gig Harbor, WA 98335

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM

Document Title(s) (or transactions contained therein):

Sewer Utility Extension Agreement and Agreement Waiving Right to Protest LID

Grantor(s) (Last name first, then first name and initials)

Block Land, LLC.

Grantee(s) (Last name first, then first name and initials)

City of Gig Harbor

Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)

Assessor's Property Tax Parcel or Account Number: 0221174086 and 0221174087

Reference Number(s) of Documents assigned or released: _____

**SEWER UTILITY EXTENSION AGREEMENT
AND AGREEMENT WAIVING RIGHT TO PROTEST LID**

THIS AGREEMENT is entered into this _____ day of _____, 20____, between the City of Gig Harbor, Washington, a municipal corporation of the State of Washington (the "City"), and Block Land, LLC., a Washington limited liability corporation (the "Owner").

RECITALS

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit "A" and shown in the location map in Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the Owner's property is not currently within the City limits; and

WHEREAS, the Owner desires to connect to the City sewer utility system, hereafter referred to as the "utility," and the City is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal Code, as now enacted or hereinafter amended; and

WHEREAS, the Owner's property is located in the utility's sewer basin No. 9, which contains the utility's existing sewer pump station No. 9; and

WHEREAS, as shown by the Owner, the existing sewer pump station No. 9 does not have adequate capacity to provide emergency storage with the addition of the Owner's proposed improvements; and

WHEREAS, the Owner and the City agree that additional wetwell storage volume at the existing sewer pump station No. 9 is necessary to accommodate the Owner's proposed improvements; and

WHEREAS, on May 11, 2015, the City Council held a public hearing on this Utility Extension Agreement; NOW, THEREFORE,

FOR AND IN CONSIDERATION of the mutual benefits and conditions hereinafter contained, the parties agree as follows:

TERMS

1. Warranty of Title. The Owner warrants that Owner is the owner of the property described in Exhibit 'A', which is attached hereto and incorporated herein by this reference, and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property along Reid Drive NW upon receipt of an approved Pierce County encroachment permit as allowed through the City's franchise agreement with Pierce County.

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City and/or Pierce County standards and according to plans approved by the City Engineer. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewage system 52 single family units for a total of 52 additional sewer ERU's; provided however, that the City retains the authority to temporarily suspend such capacity where necessary to protect public health and safety, or where required to comply with the City's NPDES permit, or any other permits required by any agency with jurisdiction. These capacity rights are allocated only to the Owner's system as herein described. Any modification to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this Agreement shall not constitute ownership by the Owner of any facilities comprising the City sewage system. The City agrees to reserve to the Owner this capacity as set forth in GHMC 13.34.030.

5. Capacity Commitment Payment.

A. The Owner agrees to pay the City the sum of \$99,918, which is fifteen percent (15%) of the current general facilities charge, to reserve the above specified capacity. This payment shall reserve the specified capacity for a period of up to three years from the date of this agreement. At the time of actual connection, per GHMC 13.34.040(7), the Owner shall pay the difference between what was paid for the capacity commitment payment and the actual cost of the current general facilities charge.

B. In the event the Owner has not made connection to the City's utility system by the date set forth above and no extension of the commitment period occurs as outlined below, or if this agreement expires in accordance with Section 7 of this agreement, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

C. In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the expiration of the commitment period, the Owner shall be entitled to a refund of the capacity commitment payment (without interest), less a five percent (5%) administrative fee.

6. Extension of Commitment Period. The Owner may extend the capacity commitment payment for the life of the underlying development application or the underlying development approval upon payment of a capacity commitment payment of 100% of the value of the current general facilities charge. At the time of actual connection, per GHMC 13.34.040(7), if the sewer general facilities charge has increased, the Owner shall pay the difference between what was paid for the extension of the capacity commitment payment and the actual cost of the current general facilities charge.

7. Mitigation. Due to the need for additional wetwell storage volume at the existing sewer pump station No. 9 to accommodate the Owner's proposed improvements, the Owner shall provide the City a pro-rata share payment for the design, permitting, and construction of the additional wetwell storage volume. This payment shall be in the amount of \$79,573 based on the opinion of probable construction cost identified in Exhibit "C" and be paid to the City within three years from the date of this agreement or prior to final plat approval, whichever comes first. Failure

to pay the pro-rata share within the timeframe outlined above shall cause this utility extension agreement to expire.

8. Permits; Easements. Owner shall secure and obtain, at Owner's sole cost and expense, any and all necessary permits, easements, approvals, and licenses to construct the extension in Reid Drive NW, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including, but not limited to, the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor.

9. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of sewer main lines, pump stations, wells, and/or other City required capital facilities, the Owner agrees if required by the City to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

- A. Record drawings in a form acceptable to the City Engineer;
- B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;
- C. A bill of sale in a form approved by the City Attorney; and
- D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Engineer, ensuring that the facilities will remain free from defects in workmanship and materials for a period of two years.

10. General Facilities Charges. The Owner agrees to pay the applicable general facilities charges, in addition to any costs of construction, as a condition of connecting to the City utility system. This payment shall be made at the rate schedules for charges outside the city limits (which is presently at 150% the rate charged to customers inside city limits) applicable at the time the Owner physically connects his/her property to the system. Any commitment payment that has not been forfeited shall be applied to the City's general facilities charges. Should the Owner not connect 100% of the Sewer Capacity Commitment, the Capacity Commitment payment shall be credited on a prorated percentage basis to the general facilities charges as they are levied.

11. Service Rates and Charges. In addition to the general facilities charges, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist (which is presently at 150% the rate charged to customers inside city limits) or as they may be hereafter amended or modified.

12. Annexation.

A. Owner understands that annexation of the property described on Exhibit 'A' to the City will result in the following consequences:

- i. Pierce County ordinances, resolutions, rules and regulations will cease to apply to

the property upon the effective date of annexation;

- ii. City of Gig Harbor ordinances, resolutions, rules and regulations will apply to the property upon the effective date of annexation;
- iii. Sewer rates and charges will be reduced to the amounts listed in Title 13 for properties inside city limits;
- iv. Governmental services, such as police, fire and utility service will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- v. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;
- vi. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- vii. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

B. With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit "A" as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit 'A' is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

13. Public Works Standards and Utility Regulations. Owner agrees to comply with all of the requirements of the City's public works standards relating to sewer and utility regulations when developing or redeveloping all or any part of the property described on Exhibit "A", and all other applicable sewerage standards in effect at the time.

14. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above-described property. The lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.290, all as now enacted or hereafter amended.

15. Termination for Noncompliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right, at any time, to enter onto the Owner's property and for that purpose disconnect the sewer, in addition to any other remedies available to the City.

16. Waiver of Right to Protest LID. (If applicable)

A. Owner acknowledges that the entire property legally described in Exhibit 'A' would be specially benefited by the following improvements (specify):

Cushman Pointe Plat

B. Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so.

C. With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

17. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

18. Covenant. The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Owner, and every purchaser, assignee or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of the Owner contained in this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred to it. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

19. Attorney's Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement. Venue of such action shall lie in Pierce County Superior Court or the U.S. District Court for Western Washington.

20. Notices. Notices and correspondence to the City and Owner shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated below. Notice to any person who purchases any portion of the Property from the Owner shall be required to be given by the City only for those property purchasers who provide the City with written notice of their address. The parties hereto may, from time to time, advise the other of any new addresses for notice and correspondence.

TO THE CITY:

City Administrator
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

TO THE OWNER:


Block Land, LLC
6622 Wollochet Drive
Gig Harbor, WA 98335

21. Severability and Integration. This Agreement and the Exhibits attached hereto constitute the agreement between the parties on this subject matter, and there are no other understandings, verbal or written, that modify the terms of this Agreement. If any phrase, provision, or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of Washington which became effective after the effective date of this Agreement, such invalidity shall not affect the other terms of this Agreement.

DATED this 5 day of MAY, 2015.

OWNER:

CITY OF GIG HARBOR

By: 

By: _____

Printed: Gordon Rush

Printed: Jill Guernsey

Its Managing Member
(Owner, President, Managing Member)

Its Mayor

Attest:

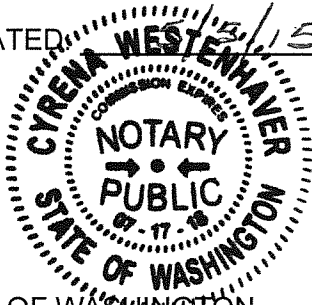
City Clerk, Molly Towslee

Approved as to form:
Office of the City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that GORDON RUSH is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the MANAGING MEMBER of BLOCK LAND, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 12/15



Cyrena Westenhaver
Printed: CYRENA WESTENHAVER
Notary Public in and for Washington
Residing at: GIG HARBOR, WA.
My appointment expires: 7/17/18

STATE OF WASHINGTON)
) ss.
COUNTY OF P I E R C E)

I certify that I know or have satisfactory evidence that Jill Guernsey is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

Printed: _____
Notary Public in and for Washington
Residing at _____
My appointment expires: _____

**EXHIBIT A
PROPERTY LEGAL DESCRIPTION**

PARCELS "A" AND "B" OF PIERCE COUNTY BOUNDARY LINE ADJUSTMENT 9406010704, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH, RANGE 02 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT J.S. REID COUNTY ROAD.

TOGETHER WITH THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH, RANGE 02 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON; THENCE EAST, 625.3 FEET; THENCE NORTH, 1043.3 FEET; THENCE WEST, 625.3 FEET; THENCE SOUTH, 1043.3 FEET TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION OF SAID TRACT HERETOFORE CONVEYED TO THE CITY OF TACOMA FOR USE AS A RIGHT OF WAY FOR A LIGHT AND POWER TRANSMISSION LINE OVER AND ACROSS A PART OF SAID TRACT.

ALSO EXCEPT THAT PORTION OF SAID TRACT HERETOFORE CONVEYED TO THE STATE OF WASHINGTON FOR USE AS A RIGHT OF WAY FOR THE NARROWS BRIDGE STATE HIGHWAY OVER AND UPON SAID TRACT.

ALSO EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON BY DEED RECORDED APRIL 29, 1957 UNDER RECORDING NO. 1785847.

AND ALSO EXCEPT ALL THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL, LYING SOUTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OPPOSITE HIGHWAY ENGINEER'S STATION, 1094+20.94 AND 250 FEET, NORTHEASTERLY THEREFROM, WHEN MEASURED AT RIGHT ANGLES AND/OR TO THE CENTER LINE OF SR 16, MILE POST 8.34 TO MILE POST 18.87, NARROWS BRIDGE TO OLYMPIC DRIVE; THENCE NORTHERLY TO A POINT OPPOSITE HIGHWAY ENGINEER'S STATION BR2 2+10.66 AND 179.20 FEET NORTHEASTERLY FROM THE BR2 LINE OF SAID HIGHWAY AND THE END OF THIS LINE DESCRIPTION.

EXHIBIT B
PROPERTY LOCATION MAP

C.E.S. NW INC. CIVIL ENGINEERING & SURVEYING 310 - 28TH ST. NE, SUITE 101 PUYALLUP, WA 98372 Phone: (253) 848-4282 Fax: (253) 848-4278	CUSHMAN POINTE	EXHIBIT X1
	EXHIBIT MAP	04-22-15

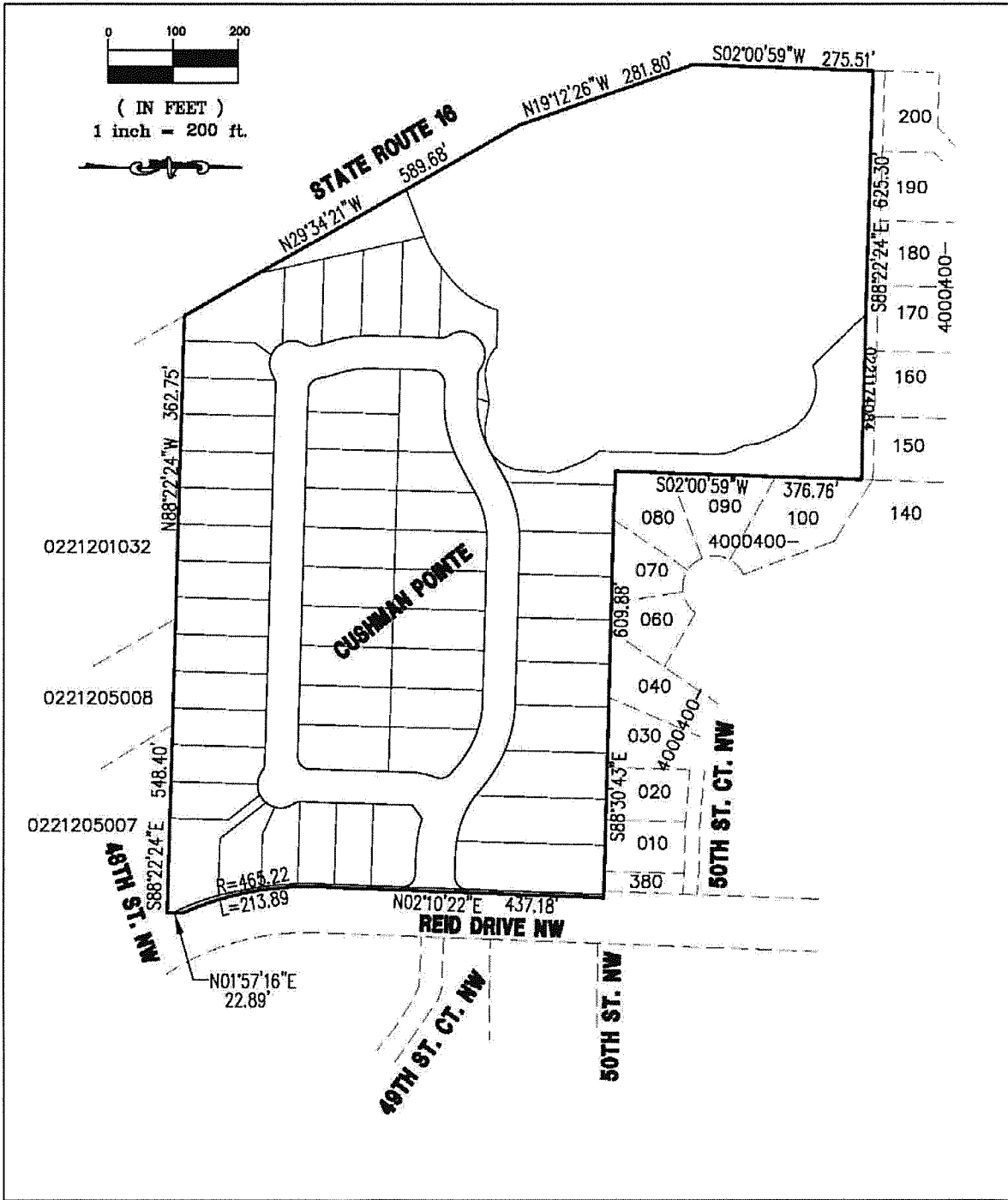


Exhibit C

City's Opinion of Probable Construction Costs

Remove Existing Wetwell and Install New Wetwell

Item	Qty	Unit Cost	Unit	Extended Amount
Design	1	\$6,000	LS	\$6,000
Permitting	1	\$2,000	LS	\$2,000
Construction Testing	1	\$2,500	LS	\$2,500
Mobilization/demobilization	1	\$7,000	LS	\$7,000
Construction Surveying	1	\$1,500	LS	\$1,500
Erosion Control Measures	1	\$1,000	LS	\$1,000
72" Wetwell	1	\$10,000	LS	\$10,000
Manhole Interior Coating	386	\$30	SF	\$11,580
Concrete Fillet	40	\$20	CF	\$800
Excavation	50	\$50	CY	\$2,500
8" Sewer Pipe	10	\$150	LF	\$1,500
Site Restoration	1	\$1,500	LS	\$1,500
Hauling	1	\$2,300	LS	\$2,300
Shoring	1	\$3,000	LS	\$3,000
Bypass pumping	1	\$4,000	LS	\$4,000
Traffic control	1	\$1,000	LS	\$1,000
Soil Testing	1	\$1,500	LS	\$1,500
Disposal	1	\$2,100	LS	\$2,100

Subtotal = \$61,780
 Contingency (20%) = \$12,356
 Sales Tax (8.8%) = \$5,437
Total = \$79,573

AFTER RECORDING RETURN TO:

The City of Gig Harbor
Attn: City Clerk
3510 Grandview Street
Gig Harbor, WA 98335

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM

Document Title(s) (or transactions contained therein):

Water Utility Extension Agreement and Agreement Waiving Right to Protest LID

Grantor(s) (Last name first, then first name and initials)

Block Land, LLC.

Grantee(s) (Last name first, then first name and initials)

City of Gig Harbor

Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)

Assessor's Property Tax Parcel or Account Number: 0221174086 and 0221174087

Reference Number(s) of Documents assigned or released: _____

**WATER UTILITY EXTENSION AGREEMENT
AND AGREEMENT WAIVING RIGHT TO PROTEST LID**

THIS AGREEMENT is entered into this _____ day of _____, 20____, between the City of Gig Harbor, Washington, a municipal corporation of the State of Washington (the "City"), and Block Land, LLC., a Washington limited liability company (the "Owner").

RECITALS

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit "A" and shown in the location map in Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the Owner's property is not currently within the City limits but is within the City's water service area; and

WHEREAS, the Owner desires to connect to the City water utility system, hereafter referred to as the "utility," and the City is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal Code, as now enacted or hereinafter amended; and

WHEREAS, on May 11, 2015, the City Council held a public hearing on this Utility Extension Agreement; NOW, THEREFORE,

FOR AND IN CONSIDERATION of the mutual benefits and conditions hereinafter contained, the parties agree as follows:

TERMS

1. Warranty of Title. The Owner warrants that Owner is the owner of the property described in Exhibit 'A', which is attached hereto and incorporated herein by this reference, and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property along Reid Drive NW upon receipt of an approved Pierce County encroachment permit as allowed through the City's franchise agreement with Pierce County.

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City and/or Pierce County standards and according to plans approved by the City Engineer. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Water Capacity Commitment. The City agrees to provide to the Owner water utility service and hereby reserves to the Owner the right to connect to the City's water system 52 single family units and one irrigation system for a total of 53 additional water ERU's; provided however, that the City retains the authority to temporarily suspend such capacity where necessary to protect public health and safety, or where required to comply with the City's water rights, or any other permits required by any agency with jurisdiction. These capacity rights are allocated only to the Owner's system as herein described. Any modification to this system must first be approved by the

City. Capacity rights acquired by the Owner pursuant to this Agreement shall not constitute ownership by the Owner of any facilities comprising the City water system. The City agrees to reserve to the Owner this capacity as set forth in GHMC 13.34.030.

5. Capacity Commitment Payment.

A. The Owner agrees to pay the City the sum of \$74,628, which is fifteen percent (15%) of the current general facilities charge, to reserve the above specified capacity. This payment shall reserve the specified capacity for a period of up to three years from the date of this agreement. At the time of actual connection, per GHMC 13.34.040(7), the Owner shall pay the difference between what was paid for the capacity commitment payment and the actual cost of the current general facilities charge.

B. In the event the Owner has not made connection to the City's utility system by the date set forth above and no extension of the commitment period occurs as outlined below, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

C. In the event the Pierce County Boundary Review Board should not approve extension of the City's water system prior to the expiration of the commitment period, the Owner shall be entitled to a refund of the capacity commitment payment (without interest), less a five percent (5%) administrative fee.

6. Extension of Commitment Period. The Owner may extend the capacity commitment payment for the life of the underlying development application or the underlying development approval upon payment of a capacity commitment payment of 100% of the value of the current general facilities charge. At the time of actual connection, per GHMC 13.34.040(7), if the water general facilities charge has increased, the Owner shall pay the difference between what was paid for the extension of the capacity commitment payment and the actual cost of the current general facilities charge.

7. Permits; Easements. Owner shall secure and obtain, at Owner's sole cost and expense, any and all necessary permits, easements, approvals, and licenses to construct the extension in Reid Drive NW, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including, but no limited to, the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or water main lines, pump stations, wells, and/or other City required capital facilities, the Owner agrees if required by the City to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

A. Record drawings in a form acceptable to the City Engineer;

B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City

Attorney;

C. A bill of sale in a form approved by the City Attorney; and

D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Engineer, ensuring that the facilities will remain free from defects in workmanship and materials for a period of two years.

9. General Facilities Charges. The Owner agrees to pay the applicable general facilities charges, in addition to any costs of construction, as a condition of connecting to the City utility system. This payment shall be made at the rate schedules for charges outside the city limits (which is presently at 150% the rate charged to customers inside city limits) applicable at the time the Owner physically connects his/her property to the system. Any commitment payment that has not been forfeited shall be applied to the City's general facilities charges. Should the Owner not connect 100% of the Water Capacity Commitment, the Capacity Commitment payment shall be credited on a prorated percentage basis to the general facilities charges as they are levied.

10. Service Rates and Charges. In addition to the general facilities charges, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist (which is presently at 150% the rate charged to customers inside city limits) or as they may be hereafter amended or modified.

11. Annexation.

A. Owner understands that annexation of the property described on Exhibit 'A' to the City will result in the following consequences:

- i. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- ii. City of Gig Harbor ordinances, resolutions, rules and regulations will apply to the property upon the effective date of annexation;
- iii. Water rates and charges will be reduced to the amounts listed in Title 13 for properties inside city limits;
- iv. Governmental services, such as police, fire and utility service will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- v. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;
- vi. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- vii. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

B. With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit "A" as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit 'A' is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Public Works Standards and Utility Regulations. Owner agrees to comply with all of the requirements of the City's public works standards relating to water and utility regulations when developing or redeveloping all or any part of the property described on Exhibit "A", and all other applicable water standards in effect at the time.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above-described property. The lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.290, all as now enacted or hereafter amended.

14. Termination for Noncompliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right, at any time, to enter onto the Owner's property and for that purpose disconnect the water, in addition to any other remedies available to the City.

15. Waiver of Right to Protest LID. (If applicable)

A. Owner acknowledges that the entire property legally described in Exhibit 'A' would be specially benefited by the following improvements (specify):

Cushman Pointe Plat

B. Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so.

C. With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Owner, and every purchaser, assignee or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of the Owner contained in this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred to it. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

18. Attorney's Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement. Venue of such action shall lie in Pierce County Superior Court or the U.S. District Court for Western Washington.

19. Notices. Notices and correspondence to the City and Owner shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated below. Notice to any person who purchases any portion of the Property from the Owner shall be required to be given by the City only for those property purchasers who provide the City with written notice of their address. The parties hereto may, from time to time, advise the other of any new addresses for notice and correspondence.

TO THE CITY:

City Administrator
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

TO THE OWNER:

Block Land, LLC
6622 Wollochet Drive
Gig Harbor, WA 98335

[Remainder of page intentionally left blank.]

20. Severability and Integration. This Agreement and the Exhibits attached hereto constitute the agreement between the parties on this subject matter, and there are no other understandings, verbal or written, that modify the terms of this Agreement. If any phrase, provision, or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of Washington which became effective after the effective date of this Agreement, such invalidity shall not affect the other terms of this Agreement.

DATED this _____ day of _____, 20__.

OWNER:

CITY OF GIG HARBOR

By: _____

By: _____

Printed: Gordon Rush

Printed: Jill Guernsey

Its Managing member
(Owner, President, Managing Member)

Its Mayor

Attest:

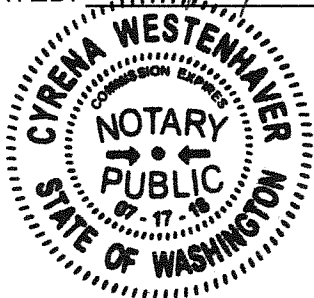
City Clerk, Molly Towslee

Approved as to form:
Office of the City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that GORDON RUSH is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the MANAGING MEMBER of BLACK LAND, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 5/5/15



Cyrena Westenhaver
Printed: CYRENA WESTENHAVER
Notary Public in and for Washington
Residing at: GIG HARBOR
My appointment expires: 7/17/18

STATE OF WASHINGTON)
) ss.
COUNTY OF P I E R C E)

I certify that I know or have satisfactory evidence that Jill Guernsey is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

Printed: _____
Notary Public in and for Washington
Residing at _____
My appointment expires: _____

**EXHIBIT A
PROPERTY LEGAL DESCRIPTON**

PARCELS "A" AND "B" OF PIERCE COUNTY BOUNDARY LINE ADJUSTMENT 9406010704, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH, RANGE 02 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT J.S. REID COUNTY ROAD.

TOGETHER WITH THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH, RANGE 02 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON; THENCE EAST, 625.3 FEET; THENCE NORTH, 1043.3 FEET; THENCE WEST, 625.3 FEET; THENCE SOUTH, 1043.3 FEET TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION OF SAID TRACT HERETOFORE CONVEYED TO THE CITY OF TACOMA FOR USE AS A RIGHT OF WAY FOR A LIGHT AND POWER TRANSMISSION LINE OVER AND ACROSS A PART OF SAID TRACT.

ALSO EXCEPT THAT PORTION OF SAID TRACT HERETOFORE CONVEYED TO THE STATE OF WASHINGTON FOR USE AS A RIGHT OF WAY FOR THE NARROWS BRIDGE STATE HIGHWAY OVER AND UPON SAID TRACT.

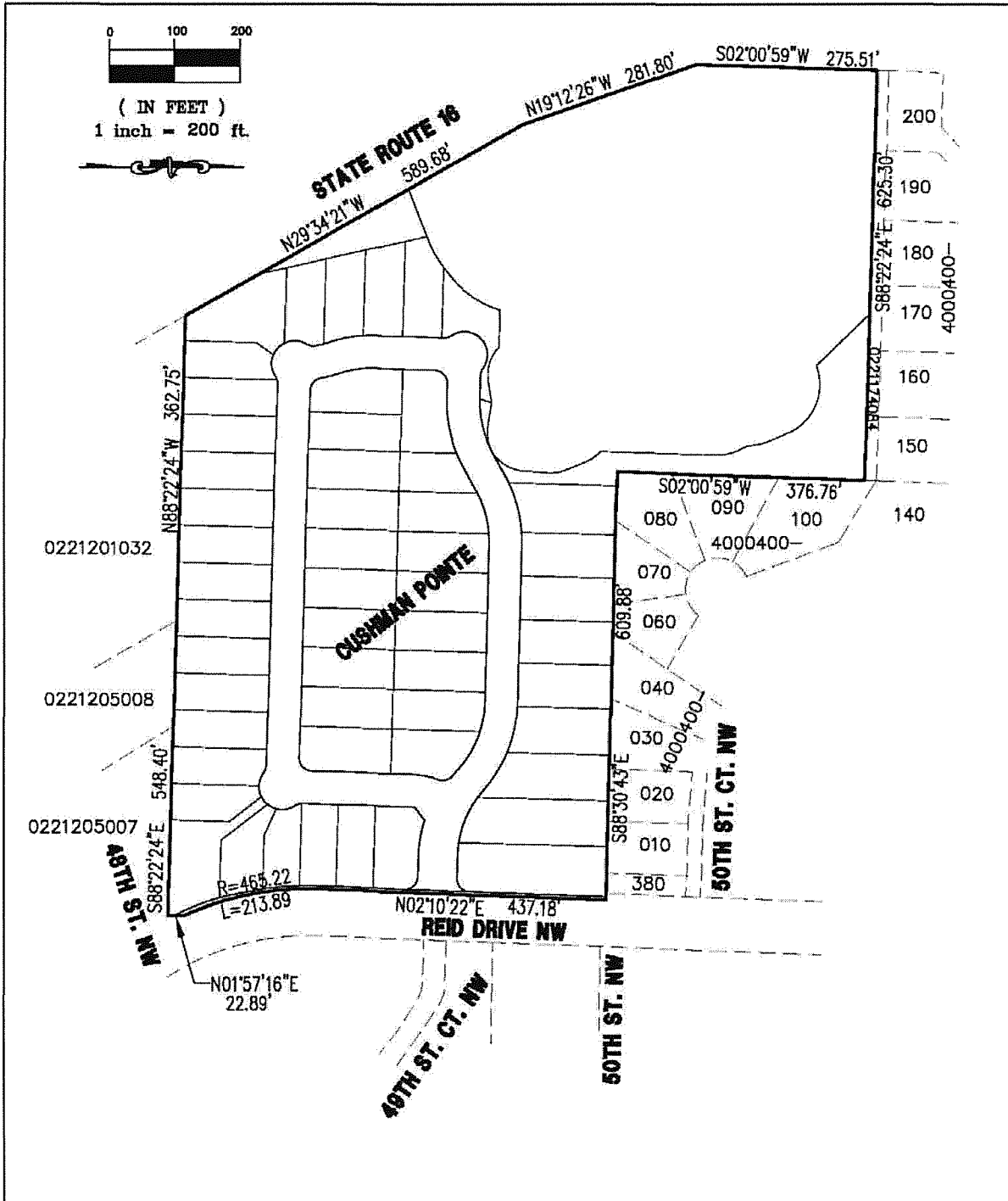
ALSO EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON BY DEED RECORDED APRIL 29, 1957 UNDER RECORDING NO. 1785847.

AND ALSO EXCEPT ALL THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL, LYING SOUTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OPPOSITE HIGHWAY ENGINEER'S STATION, 1094+20.94 AND 250 FEET, NORTHEASTERLY THEREFROM, WHEN MEASURED AT RIGHT ANGLES AND/OR TO THE CENTER LINE OF SR 16, MILE POST 8.34 TO MILE POST 18.87, NARROWS BRIDGE TO OLYMPIC DRIVE; THENCE NORTHERLY TO A POINT OPPOSITE HIGHWAY ENGINEER'S STATION BR2 2+10.66 AND 179.20 FEET NORTHEASTERLY FROM THE BR2 LINE OF SAID HIGHWAY AND THE END OF THIS LINE DESCRIPTION.

EXHIBIT B
PROPERTY LOCATION MAP

C.E.S. NW INC. CIVIL ENGINEERING & SURVEYING 310 - 29TH ST. NE, SUITE 101 PUYALLUP, WA 98372 Dist: (253) 848-4882 Fax: (253) 848-4878	CUSHMAN POINTE	EXHIBIT X1
	EXHIBIT MAP	





**Business of the City Council
City of Gig Harbor, WA**

Subject: First Reading of Ordinance
Harbor Hill S8 Rezone to PRD Zone
(PL-FPRD-15-0001)

Proposed Council Action: Adopt ordinance
No.1313 at first reading, as allowed by GHMC
1.08.020.C

Dept. Origin: Planning Department

Prepared by: Kristin Moerler, Associate
Planner *KM*

For Agenda of: May 11, 2015

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: *JG 5-6-15*

Approved by City Administrator: _____

Approved as to form by City Atty: *Via Email*

Approved by Finance Director: *N/A*

Approved by Department Head: *JK 5/6/15*

Expenditure		Amount		Appropriation	
Required	0	Budgeted	0	Required	0

INFORMATION/BACKGROUND

Attached for your consideration is an ordinance directing the Planning Director to amend the official City Zoning Map to reflect the approval of the Final Planned Residential Development for Harbor Hill Division S8 as required by GHMC 17.89.130.

The approval of the Harbor Hill S8 Final Plat and Final PRD is a closed record decision and a separate agenda item has been placed on the consent agenda for May 11, 2015 to approve the Final PRD. However an ordinance is required for the related zoning map amendment. This map amendment will document that the future development of this site will be governed by the provisions of the Final PRD and not the provisions of the underlying zoning code.

POLICY CONSIDERATIONS

The ordinance is needed to officially amend the City's Zoning Map to reflect the Final PRD as required by GHMC 17.89.130. Ordinances for site specific rezones, such as this one, may be adopted at first reading as allowed by GHMC 1.08.020.C.

FISCAL CONSIDERATION

There are no adverse fiscal impacts associated with this map amendment.

BOARD OR COMMITTEE RECOMMENDATION

No board or committee was required to review this application.

RECOMMENDATION / MOTION

Move to: Adopt ordinance No.1313 at first reading, as allowed by GHMC 1.08.020.C

ORDINANCE NO. 1313

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 12.89 ACRES FROM PCD-RLD ZONING DISTRICT TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), LOCATED SOUTH OF BORGEN BOULEVARD AND NORTH OF HARBOR HILL S9 DIVISION; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER 4003100800, AND CITY OF GIG HARBOR FILE NO. PL-FPRD-15-0001, AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH

WHEREAS, Harbor Hill LLC requested Final PRD Approval for Division S8 of the Harbor Hill Plat located south of Borgen Blvd. and north of the plat of Harbor Hill Division S9; a portion of Pierce County Assessor-Treasurer Parcel Number 4003100800; and

WHEREAS, the land use designation in the Comprehensive Plan for the subject site is PCD-Residential Low; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is PCD-RLD (Planned Community District – Residential Low); and

WHEREAS, on December 2, 2008 Olympic Property Group LLC requested Preliminary Planned Residential Development (PRD) approval for of 200 acres, comprised of three parcels, into 554 single family lots and two multiple family lots that would be developed with a total of 270 units on the subject site; and

WHEREAS, a SEPA threshold determination of Mitigated Determination of Nonsignificance was issued on November 17, 2010; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, a final decision for a Type III-A application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the preliminary PRD was held before the Hearing Examiner on December 16, 2010, at which time the Hearing Examiner heard public testimony on the preliminary PRD; and

WHEREAS, the Hearing Examiner approved the Preliminary PRD in her decision dated December 30, 2010; and

WHEREAS, the appeal period expired on January 23, 2011; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, Olympic Property Group LLC requested a Revision to the Approved Preliminary Planned Residential Development (PRD) for all portions of the Harbor Hill Residential Plat/PRD except Division 1A on March 13, 2013; and

WHEREAS, a SEPA addendum was issued on July 31, 2013; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, Amendment 1 to the Harbor Hill Development Agreement recorded on December 4, 2012 authorizes the Planning Director to approve modifications to the Approved Preliminary PRD as a Type 2 Decision; and

WHEREAS, the Planning Director approved the Revised Preliminary PRD in her decision dated August 2, 2013; and

WHEREAS, the appeal period expired on August 19, 2013; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, Olympic Property Group LLC quitclaimed the subject property to Harbor Hill LLC on August 6, 2013, at Auditor Recording Number 201308130540; and

WHEREAS, on July 14, 2014 the Planning Director approved the North Revision modifications to the Harbor Hill Preliminary Plat and PRD to modify setbacks, impervious surface calculations and grading; and

WHEREAS, on July 29, 2014 the Planning Director approved the South Revision modifications to the Harbor Hill Preliminary Plat and PRD to increase the size of the M2

lot, remove excess lots and allow minor modifications to open space tracts, grading and phase lines in the S divisions; and

WHEREAS, an application for final PRD approval was submitted to the City and deemed complete on March 17, 2015 for Division S8, a portion of the approved preliminary PRD; and

WHEREAS, the Final PRD is a Type IV action as defined in GHMC 19.01.003(B); and

WHEREAS, a closed record decision for a Type IV application shall be rendered by the City Council as per GHMC 19.01.003(A); and

WHEREAS, the City Council approved the final PRD application under Resolution No. 989 on May 11, 2015; and

WHEREAS, GHMC 17.89.130 requires that the property subject to the final PRD be designated on the official zoning map as PRD; and

WHEREAS, the change to the official zoning map must be adopted by ordinance as per GHMC 17.89.130; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on May 11, 2015;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The real property located south of Borgen Blvd. and north of Harbor Hill Division S9; a portion of Pierce County Assessor-Treasurer Parcel Number 4003100800 and legally described in Exhibit "A", is hereby rezoned from PCD-RLD (Planned Community District – Residential Low) to PRD (Planned Residential Development).

Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the designation established by Section 1.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 11th day of May, 2015.

CITY OF GIG HARBOR

JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO: 1313

HARBOR HILLS EXHIBIT A
LEGAL DESCRIPTION: DIVISION S-8

TRIAD JOB # 08-058
March 5, 2015

THAT PORTION OF TRACT X, HARBOR HILL PHASE S-9, ACCORDING TO PLAT RECORDED DECEMBER 4, 2013 UNDER RECORDING NO. 201312045001, RECORDS OF PIERCE COUNTY, WASHINGTON. LYING SOUTH OF THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST WILLAMETTE MERIDIAN PIERCE COUNTY, WASHINGTON.

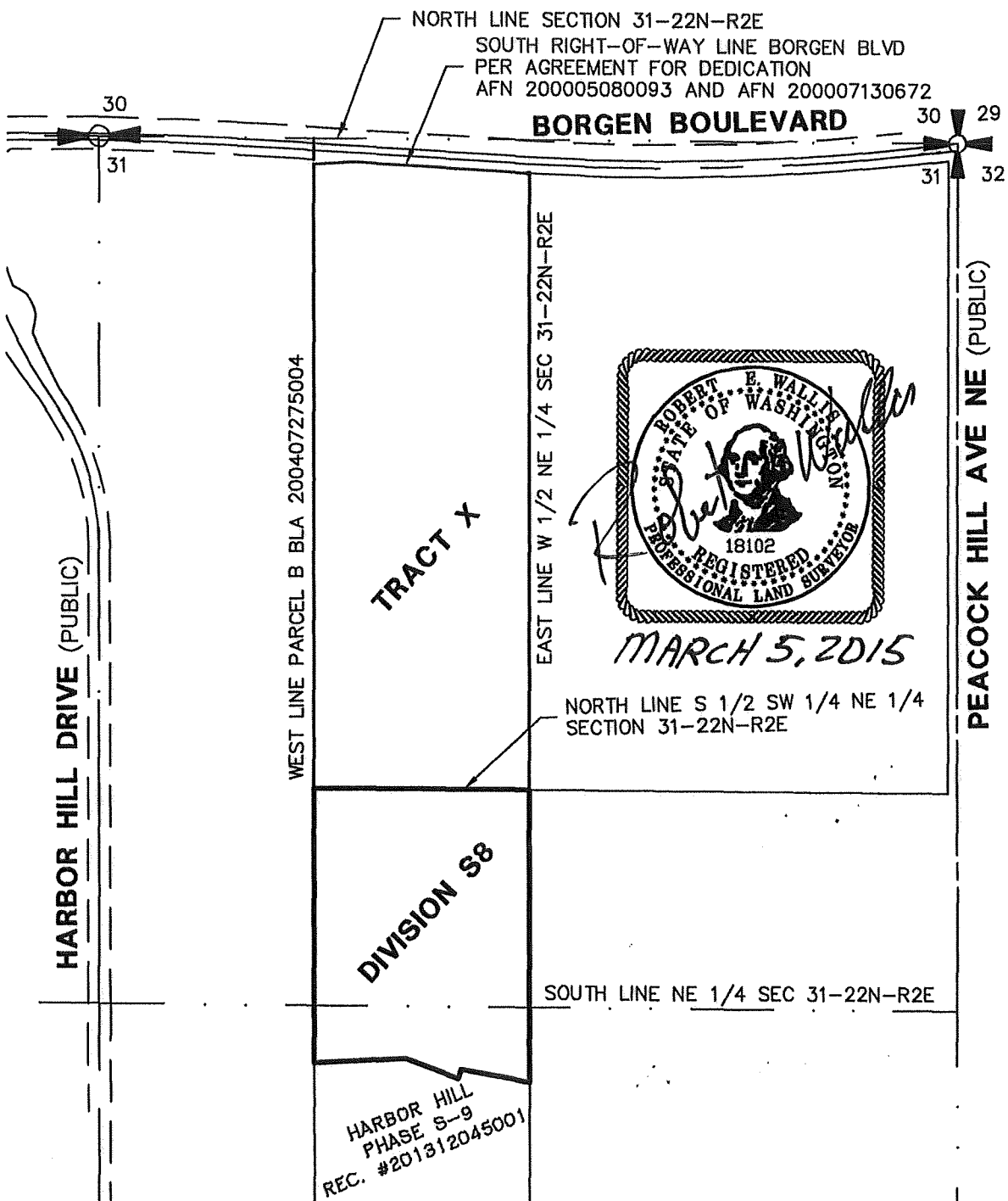


MARCH 5, 2015

HARBOR HILLS
LEGAL DESCRIPTION: DIVISION S8

EXHIBIT B

TRIAD JOB # 08-058
MARCH 05, 2015



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w: triadassociates.net
0805B-EXH-FP-SB-LEGAL.dwg