

City Council Meeting

**February 23, 2015
5:30 p.m.**



AGENDA
GIG HARBOR CITY COUNCIL
Feb. 23, 2015 – Council Chambers

CALL TO ORDER / ROLL CALL:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes February 9, 2015.
2. Correspondence / Proclamations: a) Law Day.
3. Liquor License Action: a) Special Occasion – Peninsula High School Parent Volunteer Org; b) Renewals: Costco, Eagles, Gig Harbor Chevron, Gig Harbor 76, Il Lucano, and Tides Tavern.
4. Receive and File: a) Arts Commission Minutes Jan. 20, 2015; b) Boards and Commissions Candidate Review Minutes Feb. 17, 2015.
5. Appointments to Civil Service Commission.
6. Resolution No. 986 - Designation of Official Newspaper.
7. KLM Veterans Memorial Park Basketball Court Surfacing – Public Works Contract.
8. Tourism Promotions Activity Contract – Tacoma Narrows Airport.
9. Approval of Payment of Bills Feb. 23, 2015: Checks #77608 through #77711 in the amount of \$726,806.74.

PRESENTATIONS:

1. Swearing in Ceremony for Sergeant Gary Dahm.
2. Proclamation – Law Day.

OLD BUSINESS:

NEW BUSINESS:

1. Public Hearing - Resolution No. 987 for Six Year TIP Amendment – Adding Harborview Drive adjacent to Donkey Creek.
2. Public Hearing and First Reading of Ordinance–Waterfront Millville Restaurants 2 & 3.

CITY ADMINISTRATOR / STAFF REPORT:

City Administrator Ron Williams: - 2014 Excellence on Main Award – Pierce Transit Trolley.

PUBLIC COMMENT:

MAYOR'S REPORT / COUNCIL COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

1. Planning/Building Committee – Mon. Mar 2nd at 5:30 p.m.
2. Parks Commission – Wed. Mar 4th at 5:30 p.m.
3. Public Works Committee – Mon. March 9th at 4:00 p.m.

ADJOURN:

DRAFT MINUTES
GIG HARBOR CITY COUNCIL
Feb. 9, 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 Jan 26, 2015.
2. Liquor License Action: a) Application: The Harbor General Store.
3. Receive and File: a) IGAC Minutes Jan 26, 2015; b) Boards and Candidate Review Minutes Jan. 20th and 22nd, 2015; c) Downtown Waterfront Alliance 2014 Annual Report; d) 2014 Annual Fire Inspection Report – GH Fire & Medic One.
4. Resolution No.985 - Equipment Purchases.
5. Second Reading of Ordinance No. 1310 – Area Wide Rezone / Gig Harbor 2030 Update.
6. Appointments to Lodging Tax Advisory Committee.
7. Wastewater Treatment Plant and Collection System On-Call Engineering Services – Advanced Industrial Automation Corporation.
8. Department of Assigned Counsel Contract Amendment No. 5.
9. Approval of Payment of Bills Feb. 9, 2015: Checks #77465 through #77607 in the amount of \$1,149,143.74.
10. Approval of Payroll for the month of January, 2015: Checks #7452 through #7468 and direct deposits in the amount of \$371,600.40.

MOTION: Move to adopt the Consent Agenda as presented.
Kadzik / Lovrovich - unanimously approved.

PRESENTATIONS:

American Heart Association Fit-Friendly Work Site Designation Award.

Mayor Guernsey introduced Jessica Sire - Southsound American Heart Association, who gave a brief overview of the Fit-Friendly Work Site Program. She explained that the City of Gig Harbor met the criteria of making the wellness of City of Gig Harbor employees a priority. She then presented the award. Assistant City Clerk was recognized for her role in receiving this award.

OLD BUSINESS:

1. **Official City Newspaper.** City Clerk Molly Towslee explained that she published the second Call for Bids and received two bids: *The Peninsula Gateway* and *Gig Harbor LIFE*. She asked Council to make a motion to designate the official newspaper and

explained that a resolution ratifying the decision would come back at the next meeting. Councilmembers discussed circulation, cost, and staff weight in on noticing flexibility.

Rick Halleck, Editor for *Gig Harbor LIFE*, addressed questions regarding circulation.

MOTION: Move to designate *The Peninsula Gateway* as the city's official newspaper.
Ekberg / Kadzik – six voted yes. Councilmember Malich voted no.

NEW BUSINESS:

1. Sewer Lift Station #4B Location and General Design Considerations.

Public Works Director Jeff Langhelm presented historical information on this lift station. He presented two conceptual designs for a new facility. Mayor Guernsey recognized Brett Marlo Desantis and Darrin Filand for sharing their ideas and creativity via these architectural concepts.

Director Langhelm addressed Council questions regarding funding, location, and the expanded scope of the project. He asked for a motion to take the necessary steps to design and permit the lift station.

MOTION: Move to direct the Public Works Department to take the necessary steps to design and permit Lift Station #4B based on the objectives presented.
Kadzik / Payne – six voted yes. Councilmember Perrow voted no.

CITY ADMINISTRATOR / STAFF REPORT:

1. Waterfront Millville Restaurants 2 & 3 Amendment Update. Planning Director Jennifer Kester explained that a hearing date has been set for February 23rd. A webpage has been set up to help get information to the public.

2. Legislative Update. City Administrator Ron Williams gave a quick update on activities on: Moorage Fee Immunity Fee Bill, WestSound Alliance Transportation Package, and the Ancich Netshed Funding Package.

PUBLIC COMMENT:

Jeni Woock – 3412 Lewis Street. Ms. Woock asked about the Fire Inspection Report under the Consent Agenda. She asked what happens when someone refuses a fire inspection. Mayor Guernsey referred her to Eric Waters at Pierce County Fire District 5. Ms. Woock said she has already spoken with him and found out that once the report is issued, it is up to the city for any follow up action. She said it would be nice to know what happens now.

MAYOR'S REPORT / COUNCIL COMMENTS:

Mayor Guernsey gave an update on the Council Retreat. She said it was very helpful to have an informal setting to discuss issues. She said the city has responded well to concerns voiced last year adding that staff is working hard to make this a better place.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Civic Center closed for President's Day Mon. Feb 16th.
2. Boards and Candidate Review – Mon. Feb. 17th at 4:30 p.m.
3. Public Works Committee – Mon., March 9th at 4:00 p.m.

ADJOURN: Meeting was adjourned at 6:26 p.m.

Tim Payne, Mayor Pro Tem

Molly Towslee, City Clerk

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, Law Day is an acknowledgement and celebration of the heritage that is our nation's and state's system of justice, liberty, and equality under the law; and May 1 has been declared by Congress to be Law Day; and

WHEREAS, the American Bar Association declared the theme for Law Day 2015 as "Magna Carta: Symbol of Freedom Under Law"; and

WHEREAS, this theme honors the vital role of the Judiciary in ensuring there is equal protection under the law; and

WHEREAS, the Washington Judiciary has dedicated itself to preserving the rights of all residents to equal access to the courts to resolve disputes fairly and equitably; and

WHEREAS, it is important to emphasize through educational programs how this nation's laws and our system of justice have contributed to the freedoms that all Americans of all ages enjoy; and

WHEREAS, the justice system in Gig Harbor – including the Judiciary, court staff, State and County Bar Associations, and attorneys and their staffs – works to ensure those same freedoms in Washington; and

WHEREAS, on May 1, 2015, the Gig Harbor Municipal Court and Gig Harbor schools will be celebrating LAW DAY, with an essay contest and a poster contest that connects students with the law and invites them to explore the principles at issue in this year's theme;

NOW THEREFORE, I, Tim Payne, Mayor Pro Tem of the City of Gig Harbor, do proclaim May 1, 2015, to be

Law Day

in the City of Gig Harbor and the days surrounding May 1st to be included in the Law Day activities celebrating our commitment to the rule of law. *In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 23rd of February, 2015.*

Mayor Pro Tem, City of Gig Harbor

Date

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

TO: MAYOR OF GIG HARBOR

February 4, 2015

SPECIAL OCCASION #: 093585

PENINSULA HIGH SCHOOL PARENT VOLUNTEER ORG
14105 PURDY DR NW
GIG HARBOR WA 98332

DATE: MARCH 15, 2015

TIME: 8 AM TO 2 PM

PLACE: HARBOR HISTORY MUSEUM (ENCLOSED) - 4121 HARBORVIEW DR, GIG HARBOR

CONTACT: ASHLEY REID 253-282-7198

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 COMMISSIONERS OR DESIGNEE

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 02/06/2015

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 20150531

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. COSTCO WHOLESALE CORPORATION	COSTCO WHOLESALE #624 10990 HARBOR HILL DR GIG HARBOR WA 98331 8945	402117	GROCERY STORE - BEER/WINE
2. FRATERNAL ORDER OF EAGLES GIG HARBOR AERIE NO. 2809	FRATERNAL ORDER OF EAGLES GIG HARBOR 2809 BURNHAM DR NW GIG HARBOR WA 98335 0000	360395	PRIVATE CLUB - SPIRITS/BEER/WINE
3. MI CHA KIM, INC.	GIG HARBOR CHEVRON 5006 PT FOSDICK DR NW GIG HARBOR WA 98335 0000	072786	GROCERY STORE - BEER/WINE
4. GIG HARBOR GAS & FOOD MART, IN	GIG HARBOR 76 5515 38TH AVE NW GIG HARBOR WA 98335 0000	081604	GROCERY STORE - BEER/WINE
5. OPPIDO LUCANO, LLC	IL LUCANO 3119 JUDSON ST GIG HARBOR WA 98335 1221	085087	SPIRITS/BR/WN REST SERVICE BAR
6. DYLAN ENTERPRISES INC.	TIDES TAVERN 2925 HARBORVIEW DR GIG HARBOR WA 98335 1910	356387	SPIRITS/BR/WN REST LOUNGE -

MINUTES
GIG HARBOR ARTS COMMISSION
Tuesday, Jan. 27, 2015 – 11:00 a.m.
(Special date and time)
Executive Conference Room

CALL TO ORDER / ROLL CALL:

Commissioners: Charlee Glock-Jackson, Chair, Martha Reisdorf, Vice-chair, Leonard Hill, Laura Bethke, Janine Miller, Mary Manning. Deborah Grady was absent.

Staff: Ron Williams, City Administrator, Lita Dawn Stanton, Special Projects, Lindsey Sehmel, Senior Planner, and Molly Towslee, City Clerk.

APPROVAL OF MINUTES:

Chair Jackson said the wrong person was attributed to the Wish Fish report and asked that the minutes be corrected to reflect that Laura Bethke made the report.

Motion: Approval of November 12, 2014 GHAC Minutes as amended.
Hill/Reisdorf – unanimously approved.

OLD BUSINESS:

1. [Advising Harbor History Museum / Soliciting Funding](#). Chair Jackson briefly explained that this effort was a result of the 2014 Work Plan Goal to partner with local non-profits.

City Administrator Ron Williams provided an overview of the structure of advisory committees to the City Council. He talked about how the loss of Lita Dawn's position was going to be difficult, as other employees are assimilating her duties along with their existing responsibilities. Grants require significant staff involvement and so Council will need to be very selective on which ones they will authorize. He said that the Arts Commission can approach the Council and request to go after grants for projects that have already been identified. He stressed that the Arts Commission does not have the authority to obligate the city and so be careful to not reach out without first obtaining Council approval. He also ensured the group that acting as an advisory body to others was encouraged. Mr. Williams finalized by sharing that Council appreciates the efforts of the Arts Commission.

2. [Maritime Pier Project – Request for Proposals](#). Leonard Hill and Chair Jackson will work with Molly to finalize the RFP before it is posted. It will also be forwarded to the members to send out to others.

3. [Pedestal Art Update](#). Chair Jackson said one piece is ready to be installed; there is an effort to find a welder. Janine Miller will forward the name of one she knows. Public Works will pay for the welding installation.

4. [Bogue Viewing Platform Dedication of Art piece](#). The Nakamira piece to be dedicated this spring at a ribbon cutting ceremony on either May 14th, 21st, or 28th. Might try and coordinate both this and the Pedestal Art ceremony on the same date.

NEW BUSINESS:

1. [Adding a Culture Element to City's Comprehensive Plan](#). Chair Jackson offered a brief background for her idea to add a cultural element to the city's Comprehensive Plan. Senior Planner Lindsey Sehmel gave an overview of the process. She explained that the process can take from 18 months to a year. She then added that there is an existing harbor heritage element in the Comp Plan that might be used to implement cultural programs without having to adopt a separate element.

This would need to be added to the 2015 Work Plan for approval by the Public Works Committee before moving forward. If approved, the proposal would need to be submitted to the Planning Commission by October.

2. [Donkey Engine at Donkey Creek](#). Special Projects Coordinator Lita Dawn Stanton described the effort to locate the donated Steam Donkey Engine on the Southwest side of Donkey Creek Park. She asked for support in moving the existing Tom Torrens *Ring in the Salmon* sculpture down closer to the viewing platform to open up the front of the park adjacent to the sidewalk to facilitate.

MOTION: Move to move the bell and install the Donkey Engine as recommended by Lita Dawn Stanton.
Reisdorf / Bethke – unanimously approved.

3. [Historic Marker at Austin Estuary Park](#). Lita Dawn then reported on the status of efforts to place informational markers on the five pylons along the path at Austin Estuary Park that will tell the story of the area.

4. [2015 Work Plan – Summary of Items](#). Molly Towslee explained that the Public Works Committee has asked for a brief summary of the progress of the 2014 Work Plan, and to present a new plan for consideration at their March 9th meeting. After discussion, Molly was to make the proposed changes and send it out to the group for approval before submitting for review. Two items were added to the upcoming workshops in 2015.

5. Upcoming Workshops:

- a. [Peter Altman "Gustav Klimt" presentation](#). Chair Jackson presented the history of the artist and a family's effort to reclaim his art from the Nazi government. She said this presentation is in conjunction with the Peninsula Art League and will be scheduled sometime in March. Will try and tie in the special showing of the film.
- b. [Making Friends with the Media](#). No date yet.
- c. Using Film / Video as a Promotional Tool.
- d. [3-D Printing](#). Schedule this event in May to be held at the Peninsula Library.

[There was further discussion](#) on adding items to the 2015 Work Plan and how to word the art and culture element. Janine said we need to define our ideas to see if they fit. If not,

then create an additional element. Leonard Hill suggested language that was fine tuned to “Explore ways to ensure The Arts are appropriately represented in the city’s comprehensive plan.”

PUBLIC COMMENT: None.

STAFF REPORT:

Molly Towslee reported that the Wood Sculpture at City Park at Crescent Creek was to be cut off at the base and set on a concrete foundation to prevent further root rot damage.

COMMISSIONER’S COMMENTS:

Martha Reisdorf reported on future plans for the History Museum to hold weddings and other events. They may want our advice and ideas for art she said, and offered to chair a committee. Mary Manning offered to serve on the committee. It was recommended that they tap into the Storefront Studio effort as a resource. Chair Jackson will share the background and contact information. Martha then suggested putting together a list of projects that might qualify for grant funding.

Molly explained that council is considering options for the new Lift Station 4B at Jerisich Dock Park and funding for art to be incorporated into the project is being discussed.

Janine Miller suggested giving feedback to the History Museum...it’s one of the nicest she has been to. Moving the Chum Festival and organizing the Harbor Walk further will really make it even better.

Martha was asked to mail out her list of grant opportunities for the group to review and brainstorm on opportunities.

Leonard Hill reported that a friend of his has been involved in high-profile competitions such as the one that chose the Vietnam Veterans’ Memorial. He asked for advice on how to have a successful process.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Gig Harbor Art Commission – Tuesday, March 10th at 10:00 a.m.

ADJOURN: Meeting was adjourned at 12:23 p.m.

Minutes

Boards and Commissions Candidate Review

February 17, 2015- 4:00 p.m. Exec. Conference Room

Call to Order:

Council Member - Rahna Lovrovich: Present
Council Member - Ken Malich: Present
Council Member - Paul Kadzik: Absent
Staff - Shawna Wise: Present
Staff - Kelly Busey: Present

New Business:

1. Civil Service Commission - 2 terms due 1-15

Submitted request to be reappointed: Pat Gregory

New applicant: William Cassio, Jr.

Bill Cassio was asked to present a background of his experience and also what he sees as his role on the Civil Service Commission. Mr. Cassio described his work experience in law enforcement with Pierce Transit and stated that he feels the role of the Civil Service Commission is one of accountability and believes this gives the citizens of Gig Harbor the assurance that there is another layer for decisions and actions within the Police Department.

After the interview, Councilmembers agreed that Mr. Cassio was well qualified to serve on the Commission.

MOTION: Move to recommend we re-appoint Pat Gregory and appoint Bill Cassio.
Malich / Lovrovich – two voted in favor.

A recommendation will be forwarded to the full council for the re-appointment of Pat Gregory and appointment of Bill Cassio.

Adjourned at 4:25 p.m.



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

Subject: Appointments to the Civil Service Commission.

Proposed Council Action: Move to re-appoint Pat Gregory and appoint William Cassio, Jr. to both serve a six-year term.

Dept. Origin: Administration

Prepared by: Board and Candidate Review

For Agenda of: February 23, 2015

Exhibit: Please refer to BCCR Minutes on Consent Agenda – Receive and File

	Initial & Date
Concurred by Mayor:	JG 2/17-15
Approved by City Administrator:	RW 2/17/15
Approved as to form by City Atty:	_____
Approved by Finance Director:	_____
Approved by Department Head:	_____

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

There are two positions that have expired on the Civil Service Commission. Pat Gregory has submitted an application asking to be re-appointed. We also received an application from William Cassio, Jr.

The committee interviewed Mr. Cassio, and considered the recommendation of Chief Busey and Human Resource Analyst Mary Ann McCool. They both explained that they have known and worked with both candidates and suggested a recommendation to re-appoint Mr. Gregory and appoint Mr. Cassio.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

The committee voted 2-0 in favor of the two candidates.

RECOMMENDATION/MOTION

Move to: Re-appoint Pat Gregory and appoint William Cassio, Jr to serve a six-year term.



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

Subject: Resolution Designating the Official City Newspaper

Proposed Council Action:

Move to adopt Resolution No. 986 designating the Peninsula Gateway to be the "Official City Newspaper"

Dept. Origin:	Administration	
Prepared by:	Molly Towslee, City Clerk	<i>MT</i>
For Agenda of:	February 23, 2015	
Exhibits:	Resolution	
		Initial & Date
Concurred by Mayor:		<i>JG 2-10-15</i>
Approved by City Administrator:		<i>RW 2-10-15</i>
Approved as to form by City Atty:		<i>2-10-15</i>
Approved by Finance Director:		<i>[Signature]</i>
Approved by Department Head:		<i>[Signature]</i>

Expenditure	Amount	Admin \$1000	Parks \$1700	Appropriation
Required	TBD	Budgeted: Planning: \$6800	PW \$2350	Required \$0

INFORMATION / BACKGROUND

At the last meeting, Council considered two bids received for official city newspaper. The bids came from *The Peninsula Gateway* and *Gig Harbor LIFE*.

After deliberation on the circulation and cost difference between the two papers, the City Council passed a motion to designate *The Peninsula Gateway* as it is recognized as the long-standing newspaper for legal publications.

This resolution formalizes the motion to designate *The Peninsula Gateway* as the city's official newspaper.

RECOMMENDATION / MOTION

Move to: Move to adopt Resolution No. 986 designating *The Peninsula Gateway* as the "Official City Newspaper."

RESOLUTION NO. 986

**A RESOLUTION OF THE CITY OF GIG HARBOR
DESIGNATING OFFICIAL NEWSPAPER.**

WHEREAS, the City is required to designate an Official Newspaper for the purpose of publishing legal notices under chapter 65.16 RCW and GHMC 1.20.010; and

WHEREAS, the City published a call for bids for an Official Newspaper that meets the qualifications in chapter 65.16 RCW on February 4th, 2015; and

WHEREAS, bids for official newspaper were received from The Peninsula Gateway and by Gig Harbor LIFE; and

WHEREAS, both publications are of general circulation in the City of Gig Harbor and are weekly publications, which meet the city's noticing requirements; and

WHEREAS, the later deadline for publication offered by The Peninsula Gateway provides the City more flexibility in publishing notices and scheduling hearings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, AS FOLLOWS:

The Peninsula Gateway is designated to be the official newspaper for the City of Gig Harbor for publication of all official notices, which the City is required to publish.

RESOLVED by the City Council at its regular meeting held on the 23rd day of February, 2015.

APPROVED:

TIM PAYNE, MAYOR PRO TEM

ATTEST/AUTHENTICATED:

MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 02/10/15
PASSED BY THE CITY COUNCIL: 02/23/15
RESOLUTION NO. 986



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

Subject: KLM Veterans Memorial Park Basketball Court Surfacing – Public Works Contract

Proposed Council Action:

Approve and authorize the Mayor to execute a Small Public Works Contract with Cascade Sports and Tennis Court Surfacing in the amount of \$4,611.25 for Basketball Court Surfacing.

Dept. Origin: Public Works/Operations

Prepared by: Greg Foote
Public Works Superintendent

For Agenda of: February 23, 2015

Exhibits: Public Works Contract

Initial &
Date

Concurred by Mayor:

GF 2-19-15

Approved by City Administrator:

RW 2/19/15

Approved as to form by City Atty:

via email

Approved by Finance Director:

GA JM DR

Approved by Department Head:

GF 2/19/15

Expenditure Required	\$4,611.25	Amount Budgeted	\$8,000	Appropriation Required	\$0
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INFORMATION/BACKGROUND

In the August 2013, Public Works staff installed a half-basketball court at Kenneth Leo Marvin Veterans Memorial Park. This contract provides for applying a court surfacing on the concrete base and provides basketball court lines.

In accordance with the City's Small Works Roster Process (Resolution No. 884), staff solicited quotes from Athletic Surfacing Systems contractors on the Small Works Roster and obtained the following quotes to complete the scope of work:

Cascade Sports and Tennis Court Surfacing	\$4,611.25
Cascade Recreation, Inc.	\$5,352.31
Field-Turf	\$6,537.41

FISCAL CONSIDERATION

The 2015-2016 Parks Operating Fund, Objective #6 allocates \$8,000 to cover this expenditure.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

Approve and authorize the Mayor to execute a Small Public Works Contract with Cascade Sports and Tennis Court Surfacing in the amount of \$4,611.25 for Basketball Court Surfacing.

CITY OF GIG HARBOR
SMALL PUBLIC WORKS CONTRACT

THIS CONTRACT is made and entered into this 11th day of February, 2015, by and between the City of Gig Harbor, Washington (the "City"), and Cascade Sports and Tennis Court Surfacing, a Sole Proprietor (the "Contractor").

FOR AND IN CONSIDERATION of the mutual benefits and conditions hereinafter contained, the parties hereto agree as follows:

1. Scope of Work.

The Contractor agrees to furnish all material, labor, tools, equipment, apparatus, etc. necessary to perform and complete in a workmanlike manner the work set forth in the Scope of Work attached hereto as Exhibit A and incorporated herein by reference.

2. Time of Performance and Completion.

The work to be performed under this Contract shall commence as soon as the Contractor has received a Notice to Proceed from the City and in accordance with the schedule set forth in the Scope of Work. All work performed under this Contract shall be completed no later than June 15, 2015.

3. Payments.

The Contractor agrees to perform all work called for at the rate of Four Thousand Six Hundred and Eleven Dollars and Twenty-Five Cents (\$4,611.25), including applicable Washington State Sales Tax. Said sum shall constitute full compensation for all labor, materials, tools, appliances, etc. required to perform the required services. Total compensation shall not exceed Four Thousand Six Hundred and Eleven Dollars and Twenty-Five Cents (\$4,611.25).

4. Retainage.

[This section intentionally left blank.]

5. Performance and Payment Bond - 50% Letter.

[This section intentionally left blank.]

6. Warranty/Maintenance Bond.

[This section intentionally left blank.]

7. Indemnity.

A. The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorney's fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees or volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

C. The provisions of this section shall survive the expiration or termination of this Agreement.

8. Insurance.

A. The Contractor shall secure and maintain in force throughout the duration of this Contract, business auto coverage for any auto no less than a \$1,000,000 each accident limit.

B. The Contractor shall secure and maintain in force throughout the duration of this Contract, comprehensive general liability insurance with a minimum coverage of not less than a limit of \$1,000,000 per occurrence, \$2,000,000 annual aggregate for bodily injury, including death, and property damage. The insurance will be written on an occurrence basis, by an 'A' rated company licensed to conduct business in the State of Washington. The general liability policy shall name the City as an additional insured and shall include a provision prohibiting cancellation, changes and reductions of coverage under said policy except upon thirty (30) days prior written notice to the City. Certificates of coverage as required by this Section shall be delivered to the City with the signed Contract. Under this Agreement, the Contractor's insurance shall be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage with respect to defense and indemnity of the City only and no other party. Additionally, the commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

C. The Contractor shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig Harbor at least 30 days in advance of any cancellation, suspension or material change in the Contractor's coverage.

D. In addition, the Contractor shall secure and maintain workers' compensation insurance pursuant to the laws of the State of Washington.

9. Prevailing Wage.

A. The prevailing rate of wage to be paid to all workmen, laborers, or mechanics employed in the performance of any part of this Contract shall be in accordance with the provisions of Chapter 39.12 RCW, as amended, and the rules and regulations of the Department of Labor and Industries. The rules and regulations of the Department of Labor and Industries and the schedule of prevailing wage rates for the locality or localities where this Contract will be performed as determined by the Industrial Statistician of the Department of Labor and Industries, are attached hereto and by reference made a part of this Contract as though fully set forth herein.

B. On or before the date of commencement of the work, the Contractor shall file a statement under oath with the City and with the Director of Labor and Industries certifying the rate of hourly wage paid and to be paid each classification of laborers, workmen, or mechanics employed upon the work by the Contractor or any Subcontractor, which shall not be less than the prevailing rate of wage. Such statement and any subsequent statement shall be filed in accordance with the practices and procedures required by the Department of Labor and Industries.

10. Termination.

A. Termination for Contractor's Default. If the Contractor refuses or fails to make adequate progress of the work, or to prosecute the work or any separable part thereof with such diligence that will insure its completion within the time specified in this Contract, or defaults under any provision or breaches any provision of this Contract, the City may serve notice upon the Contractor and its surety of the City's intention to terminate by default the right of the Contractor to perform the Contract, and unless within ten (10) days after the serving of such notice, the Contractor shall satisfactorily arrange to cure its failure to perform and notify the City of the corrections to be made, the right of the Contractor to proceed with the work shall terminate. In the event of any such termination, the City shall serve notice thereof upon the Surety and the Contractor, provided, however, that if the Surety does not commence performance thereof within twenty (20) days from the date of the mailing to such Surety of the notice of termination, the City may take over the work and prosecute the same to completion by Contract or otherwise for the account and at the

expense of the Contractor. In the case of termination for default, the Contractor shall not be entitled to receive any further payment until the work is finished.

B. Termination by City for Convenience. The performance of work under this Contract may be terminated by the City in accordance with this paragraph in whole or in part, whenever the City shall determine that such termination is in the best interest of the City. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance or work under the Contract is terminated, and the date upon which such termination becomes effective. The Contractor shall stop work on the project upon the date set forth in the Notice of Termination and shall take such actions as may be necessary, or as the City may direct, for the protection and preservation of the work. After receipt of a Notice of Termination, the Contractor shall submit to the City its termination claim, in the form and with the certification prescribed by the City. Such claim shall be submitted promptly but in no event later than 3 months from the effective date of the termination. Upon approval by the City, the termination claim shall be paid.

C. Termination by Contractor. If the work should be stopped under an order of any court, or other public authority, for a period of thirty (30) days, through no act or fault of the Contractor or of anyone employed by him, then the Contractor may, upon seven (7) days written notice to the City, terminate this Contract and recover from the City payment for all work executed and any proven loss sustained. Should the City fail to pay to the Contractor, within the payment period provided for in this Contract, any sum due and owing, then the Contractor may, upon seven (7) days written notice to the City, stop the work or terminate this Contract.

11. Compliance with Laws. The Contractor shall at all times comply with all applicable state and local laws, rules, ordinances and regulations.

12. Nondiscrimination. Except to the extent permitted by a bona fide occupational qualification, the Contractor agrees that the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

13. Independent Contractor. No agent, employee or representative of the Contractor shall be deemed to be an agent, employee or representative of the City for any purpose. Contractor shall be solely responsible for all acts of its agents, employees, representatives and subcontractors during the performance of this contract.

14. Relationship of Parties. The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Contractor is customarily engaged in an independently established trade which encompasses the specific service

provided to the City hereunder, no agent, employee, representative or subcontractor of the Contractor shall be or shall be deemed to be the employee, agent, representative or subcontractor of the City. In the performance of the work, the Contractor is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or subcontractors of the Contractor. The Contractor will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and subcontractors during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Contractor performs

15. Legal Action. In the event that either party shall bring suit to enforce any provision of this Contract or to seek redress for any breach, the prevailing party in such suit shall be entitled to recover its costs, including reasonable attorneys' fees.

16. Entire Agreement. This Contract, together with all attachments, represents the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations and agreements, whether written or oral. This Contract may be amended only by written change order, properly signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Contract as of the day and year first written above.

CITY OF GIG HARBOR

CONTRACTOR

MAYOR JILL GUERNSEY
Date: _____

By: Jason R. Blode
Title: Mayor
Date: 2/11/2015

ATTEST/AUTHENTICATED:

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
Office of the City Attorney

EXHIBIT A

Cascade Sports and Tennis Court Surfacing

11027 SE 64th St
Newcastle, WA 98056
Lic # Cascasc870LJ

Proposal-

Address: Gig Harbor,, WA

Type: surface new basketball court, approximately 2200 square feet.

Thank you for allowing Cascade Sports and Tennis Court Surfacing to submit a proposal for the resurfacing of your court.

Bid to surface the new basketball court:

The company agrees to surface the court as follows:

The court will be pressure washed to remove all dirt, mildew and debris.

The court will then be acid etched if new concrete.

All cracks and voids will then be filled with a concrete, sand and court patch binder mixture. Cracks will then be stoned to smooth to surface level. Cracks will come back over time.

After the preparation is complete, the first part of the surfacing process is to apply an adhesion promoter if the new surface is concrete. Asphalt does not require the adhesion promoter. The company will then apply two coats of Black Acrylic Resurfacer. This provides the court with its base coat. Two coats of Dark Green Acrylic Color from Sportmaster will then be applied followed by razor sharp lines. Lines to be basketball.

The cost of surfacing as described above is \$4,250 plus tax of \$361.25.

Said work to be completed by June 15th, weather permitting. Weather must be in the 70's with zero chance of rain for at least 4 days.

Payment for said services are due upon completion of said work. Please remember that we are a small company and timely payment is greatly appreciated.

This bid is good until March 15th, 2015.

Thanks again for the opportunity to bid your job.

EXHIBIT A

Cascade Sports and Tennis Court Surfacing

Jason Black



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

Subject: Tourism Promotion Activities
Contract Approval

- Pierce County (Tacoma Narrows Airport)

Proposed Council Action: Approve and authorize the Mayor to execute the agreements to provide support to the Tacoma Narrows Airport for \$5,000

Dept. Origin: Administration - Marketing

Prepared by: Karen Scott

For Agenda of: February 23rd, 2015

Exhibits:

1 referenced contract

Initial & Date

Concurred by Mayor:

GS 2/19/15

Approved by City Administrator:

RW 2/19/15

Approved as to form by City Atty:

DLV remain 2/18

Approved by Finance Director:

DAJ 2/18

Approved by Department Head:

KS

Expenditure Required	\$5,000.00	Amount Budgeted	\$5,000.00	Appropriation Required	0
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INFORMATION / BACKGROUND

As outlined in the 2015 Narrative of Objectives, the Tourism & Communications Office has budgeted to contract with the Tacoma Narrows Airport (\$5,000). This partnership capitalizes on shared resources for marketing to the traveling pilot in the northwest region and also leisure travelers.

FISCAL CONSIDERATION

This item has already been approved in the 2015 Tourism & Communications Budget from Lodging Tax dollars and will not exceed the budgeted amount of \$5,000.00.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Approve and authorize the Mayor to execute the Agreement to support Pierce County in the amount of \$5,000.

**CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
Pierce County Public Works and Utility Airport Division**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (the "City"), and Pierce County, a municipal corporation organized under the laws of the State of Washington (the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in tourism promotion to increase overnight hotel stays and desires that the Consultant to perform services necessary to provide the following consultation services; and

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work including any addenda thereto as of the effective date of this Agreement, all of which are attached hereto as **Exhibit A – Scope of Work**, and are incorporated by this reference as if fully set forth herein;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. **Retention of Consultant - Scope of Work.** The City hereby retains the Consultant to provide professional services as defined in this Agreement and as necessary to accomplish the scope of work attached hereto as **Exhibit A** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. **Payment.**

A. The City shall pay the Consultant an amount based on time and materials, not to exceed five thousand dollars (\$5,000.00) for the services described in Section 1 herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. The Consultant's staff and billing rates shall be as described in **Exhibit B – Schedule of Rates and Estimated Hours**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit B** or bill at rates in excess of the hourly rates shown in **Exhibit B**, unless the parties agree to a modification of this Contract, pursuant to Section 17 herein.

B. The Consultant shall submit a single invoice to the City after such services identified in Exhibit B have been performed. The City shall pay the full amount of an invoice within forty-five (45) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of

A. The Consultant agrees to hold harmless, indemnify and defend the City, its officers, agents, and employees, from and against any and all claims, losses, or liability, for injuries, sickness or death of persons, including employees of the Consultant, or damage to property, arising out of any willful misconduct or negligent act, error, or omission of the Consultant, its officers, agents, subconsultants or employees, in connection with the services required by this Agreement; provided, however, that:

1. The Consultant's obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole willful misconduct or sole negligence of the City, its officers, agents or employees; and

2. The Consultant's obligations to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Consultant and the City, or of the Consultant and a third party other than an officer, agent, subconsultant or employee of the Consultant, shall apply only to the extent of the negligence or willful misconduct of the Consultant.

B. It is further specifically and expressly understood that the indemnification provided herein constitutes the consultant's waiver of immunity under industrial insurance, title 51 RCW, solely for the purposes of this indemnification. The parties further acknowledge that they have mutually negotiated this waiver. The consultant's waiver of immunity under the provisions of this section does not include, or extend to, any claims by the consultant's employees directly against the consultant.

C. The provisions of this section shall survive the expiration or termination of this Agreement.

8. **Insurance.**

A. The Consultant shall either procure and maintain or self-insure for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Consultant's own work including the work of the Consultant's agents, representatives, employees, subconsultants or subcontractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide evidence, in the form of a Certificate of Insurance or other form of verification if self-insured, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and
2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and
3. Professional Liability insurance with no less than \$1,000,000 per occurrence. All policies and coverages shall be by an 'A' rated company licensed to conduct business in the State of Washington. If

11. **Records.** The Consultant shall keep all records related to this Agreement for a period of three years following completion of the work for which the Consultant is retained. The Consultant shall permit any authorized representative of the City, and any person authorized by the City for audit purposes, to inspect such records at all reasonable times during regular business hours of the Consultant. Upon request, the Consultant will provide the City with reproducible copies of any such records. The copies will be provided without cost if required to substantiate any billing of the Consultant, but the Consultant may charge the City for copies requested for any other purpose.

12. **Work Performed at the Consultant's Risk.** The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and subconsultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

13. **Non-Waiver of Breach.** The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

14. **Resolution of Disputes and Governing Law.**

A. Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Engineer or Director of Operations and the City shall determine the term or provision's true intent or meaning. The City Engineer or Director of Operations shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer or Director of Operations determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The prevailing party in any such litigation shall be entitled to recover its costs, including reasonable attorney's fees, in addition to any other award.

15. **Written Notice.** All notices required to be given by either party to the other under this Agreement shall be in writing and shall be given in person or by mail to the addresses set forth below. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, addressed as provided in this paragraph.

Exhibit A

SCOPE OF SERVICES

1. The County will develop and implement the South Puget Sound Passport in coordination with the City to increase awareness of the region and to increase tourism revenue.
2. The County will develop the mock-up of the Passport for demonstration purposes to encourage local businesses to advertise in the targeted marketing program.
3. Coordination on mock-up with the City: A multi-page passport design of substantial quality containing a map, events calendar, and businesses to provide an exceptional and memorable experience visiting Pierce County. The Passport is intended for to cultivate return trips for business and pleasure.
4. The passport will include a single page dedicated to overnight stays in Gig Harbor and hotel promotion and will be designed in conjunction with the City.
5. The City will provide the County with a calendar of events for publication in the calendar and the City will coordinate with local businesses to advertise in the Passport.
6. The County will provide airport businesses with the opportunity to advertise in the Passport prior to the print deadline: January 2, 2015.
7. The County will develop the final design and print 10,000 copies of the Passport for distribution by February 15, 2015.
8. The County will distribute copies of the Passport at the NW Aviation Trade Show held at the WA State Fair Grounds in February 20 – 22, 2015.
9. The County will purchase targeted mailing pilot mailing lists and the Passport will also be sent via direct mail to targeted aviation organizations and pilot groups.
10. The City will assist the County in developing a participant survey for use by participating businesses to evaluate the Passport program – due August 30, 2015.
11. The Parties will analyze the survey results and make recommendations for the 2015 Passport program. The County will provide the City will results by September 30, 2015.

Exhibit B

Schedule of Rates and Estimated Hours

The County shall invoice the City for entire payment upon completion of items 1-9 above.

PIERCE COUNTY CONTRACT SIGNATURE PAGE

CONTRACT NAME: City of Gig Harbor;
Tourism Promotion for Tacoma Narrows Airport

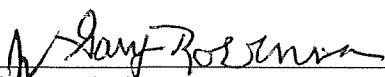
- CONTRACT NUMBER: 98049

PIERCE COUNTY


Approved as to legal form only:

By  1/26/2015
Deputy Prosecuting Attorney Date

Recommended:

By  2/5/15
Budget and Finance Date

Approved:

By  1/20/15
Department Director Date
(less than \$250,000)



Business of the City Council City of Gig Harbor, WA

Subject: Public Hearing and Resolution Amending the adopted Six-Year Transportation Improvement Program (TIP) 2015-2020

Proposed Council Action:
Approve the attached resolution amending the adopted 2015-2020 Six-Year Transportation Improvement Program (TIP)

Dept. Origin: Public Works/Engineering

Prepared by: Emily Appleton, P.E.
Senior Engineer

For Agenda of: February 23, 2015

Exhibits: Resolution, Map, Six-Year TIP 2015-2020(rev)

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

JB 2/17/15
RW 2/17/15
Per email dated 2/16/15
[Signature]
[Signature]
[Signature]
2/17/15

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

The current 2015–2020 Six-Year TIP was adopted by Council on June 23, 2014 via Resolution No. 968. Since the current Six-Year TIP was adopted, the City was notified that a phase of the Harborview Drive Improvements project (N. Harborview Drive to Burnham Drive) was selected to receive a Transportation Improvement Board (TIB) grant. The Harborview Drive project is No. 9 on the City's Six-Year TIP and is generally described as being constructed in phases with estimated funding amounts programmed to the Planning and Engineering and Construction phases in regular intervals. In order to distribute the TIB funds, the City is required to amend the TIP to update the project limits and program the specific funded phase, reflecting the actual schedule and funding amounts. This action has been reviewed under SEPA and the City SEPA responsible official issued a SEPA Addendum to the Determination of Nonsignificance that was issued as the basis for the current Six-Year TIP.

FISCAL CONSIDERATION

Amending the Six-Year Transportation Improvement Program does not directly affect the City's finances. The fiscal impacts have been reviewed during the budgeting process and the implications of this amendment are already included in the adopted 2015-16 Budget, which includes the Harborview Drive project (Street Capital – Objective No. 4)

BOARD OR COMMITTEE RECOMMENDATION

None.

RECOMMENDATION/MOTION

Move to: Staff recommends Council approve the attached Resolution amending the adopted Six-Year Transportation Improvement program (2015-2020).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE ADOPTED SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND DIRECTING THE SAME TO BE FILED WITH THE STATE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD.

WHEREAS, pursuant to the requirements of Chapters 35.77 and 47.26 RCW, the City Council of the City of Gig Harbor has previously approved Resolution No. 968 adopting the Six-Year Transportation Improvement Program and directing the same to be filed with the State Secretary of Transportation and the Transportation Improvement Board, and

WHEREAS, the City Council desires to accept grant funding from the Transportation Improvement Board for the Harborview Drive Improvements project generally described on the adopted Six-Year Transportation Improvement Program, and

WHEREAS, the Transportation Improvement Board requires the project to be described more specifically before the grant funds can be distributed to the City, and

WHEREAS, a public hearing was held on the said Amendment to the adopted Six-Year Transportation Improvement Program on February 23, 2015, and

WHEREAS, on February 12, 2015, the City SEPA responsible official issued a SEPA Addendum to the Determination of Nonsignificance issued in 2009 for the previously adopted Six-Year Transportation Improvement Program, and

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

Section 1. Program Amended. The Six-Year Transportation Improvement Program previously adopted by Resolution No. 968 is hereby amended to more specifically describe the Harborview Drive Improvements project, and a copy of the Amended Six-Year Transportation Improvement Program for 2015 to 2020, inclusive, is attached hereto and incorporated herein by this reference as if fully set forth herein, which Program sets forth the project location, type of improvement and the estimated cost thereof, is hereby adopted and approved.

Section 2. Filing of Program. Pursuant to Chapter 35.77 RCW, the City Clerk is hereby authorized and directed to file a copy of this resolution forthwith, together with the attached hereto, with the Secretary of Transportation and a copy with the Transportation Improvement Board for the State of Washington.

RESOLVED this 23rd day of February 2015.

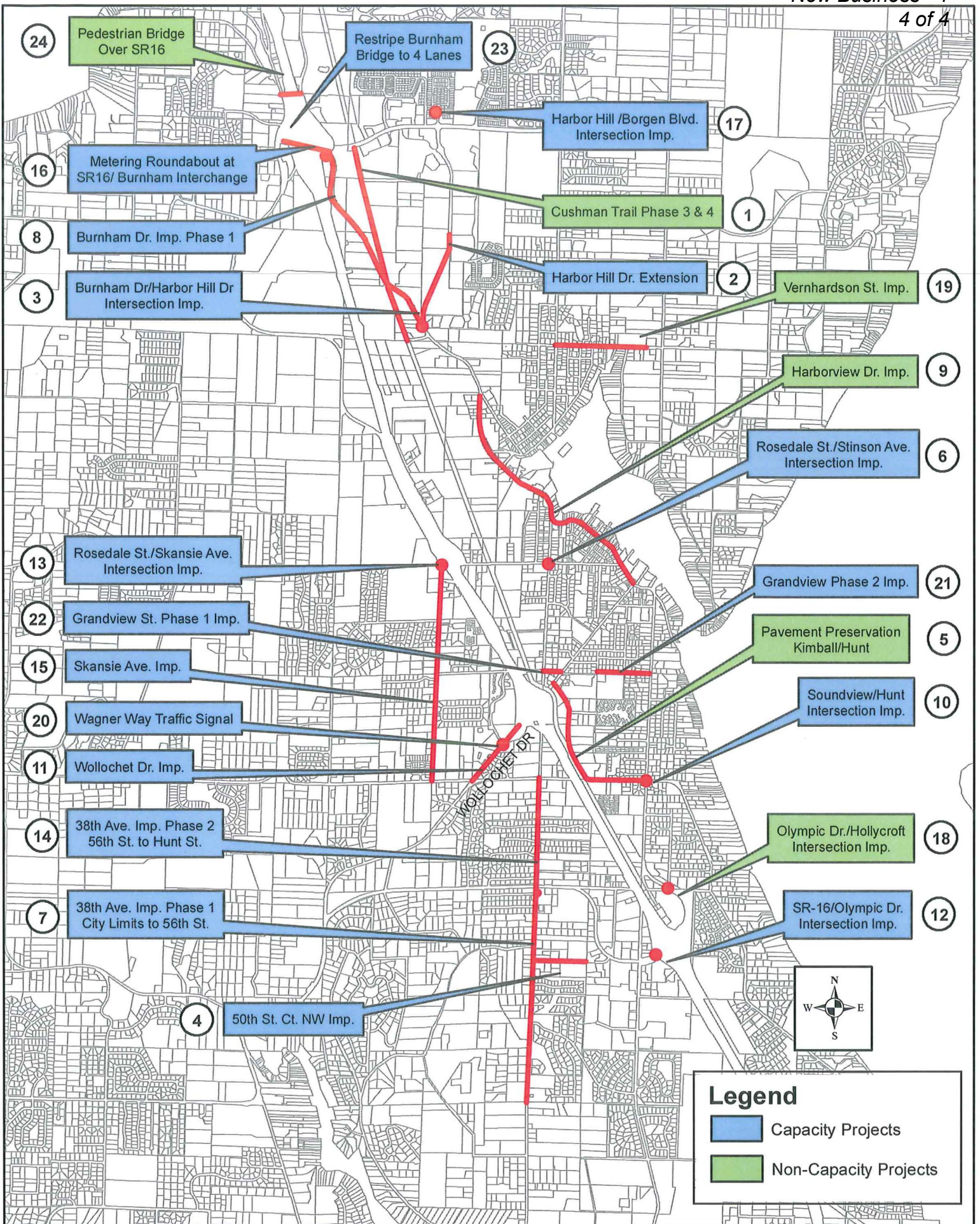
APPROVED:

JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

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



6-Year Transportation Improvement Program
2015 - 2020 (Revised)



**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



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@harbournet.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.

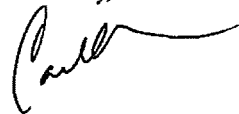
There will be employees on site before opening and after closing. Before opening, ovens need to be warmed and coffee brewed. After closing, dishes need to be washed, mop up and housekeeping needs to be completed, tills closed, money counted and nightly deposit prepared. All this is "quiet" work and done 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.

**Public Comments received for
Council Public Hearing as of
February 12, 2015. Any subsequent
written comments received will be
provided at the hearing.**

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

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DEC 5 2014

CITY OF GIG HARBOR



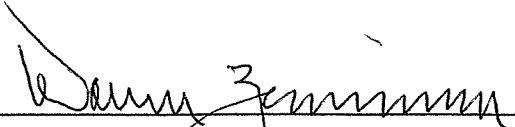
December 4, 2014

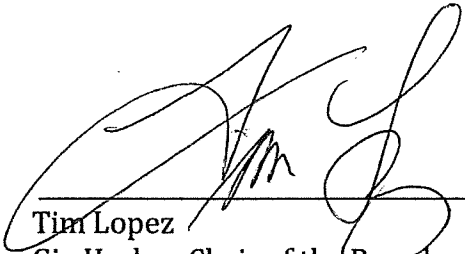
Gig Harbor Planning Commission
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

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; paulkadzic@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 GigHarbor 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 Devicere zoning

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 1so 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

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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)

Public Comments Received for Planning Commission Public Hearing on November 20, 2014

From 11/20/14 P.C. MINUTES

comments to be included as part of the public record.

Ms. Kester discussed Restaurant level 1, 2 and 3 definitions, intent, allowed uses and background information for the adoption of the Waterfront Millville zone; and the conditional use permit intent and process. Ms. Kester discussed the proposed text amendment, proposed hours of operation, maximum building size, parking requirements, trip generation and traffic impacts. She also provided a summary of design standards for new buildings in the Waterfront Millville zone. Ms. Kester discussed current business uses in the Waterfront Millville zone and current number of restaurants in the downtown area. Planning Commission members and Ms. Kester discussed the staff report.

Applicant, John Moist, Arabella's Landing Marina, thanked the public and planning commission members for attending and encouraged questions. Agent, Carl Halsan summarized the applicant proposal reminding the planning commission members that the applicant had requested the proposal as a conditional use as opposed to an outright use. Mr. Halsan pointed out the applicant's agreement with the maximum building size limitations also discussing the parking standards and traffic impacts.

Planning Commission Chair, Jim Pasin read from the sign-up list, inviting those interested to speak.

* **Public Comment:**

Margot Leroy - 7021 81st Ave Ct NW: Concerned with location in residential neighborhood, noise and traffic - not in favor of the amendment.

Jim O'Donnell - 4220 35th Ave NW: Concerned with losing the natural beauty of the Harbor - not in favor of the amendment.

Jackie Olivier - 3316 Harborview Dr.: Concerned that code changes would result in the elimination of Millville, also expressed concerns with parking, seating times, odors, inebriated people - not in favor of the amendment.

Jeni Woock - 3412 Lewis Street: Summarized her understanding of the intent for the establishment of the Waterfront Millville district, discussed the intent of the Harbor Element, spoke against changes and negative impacts. Ms. Woock felt that the amendment was too broad, too personal and too big. Ms. Woock requested a moratorium of all building permits in the harbor - not in favor of the amendment

Pat Schmidt - 4621 Holly Lane: Small business owner - spoke of a healthy downtown, importance of tourists and restaurants as an important part of the downtown - in support of the amendment.

JoAnn Belanich - 3510 Harborview Dr.: Lifelong resident opposed to the amendment, concerned about traffic.

[Randy Mueller](#) – 3514 Harborview Dr.: Opposed in a residential area and had parking and traffic concerns. Higher use projects should remain with a conditional use permit or a variance process on a case by case basis.

[Irene Stanich](#): Disappointed in the amendment and had parking concerns. Ms. Stanich would rather see the site designated for the public to use – not in favor of the amendment

[Tracy Irving](#) – 3400 Harborview Dr.: Not anti-growth but has traffic concerns; trucks loading in the morning could be too noisy. Not in favor of the amendment

[Rena DeVerna](#) – 8191 Defiance Lane: Compares Gig Harbor to Orcas Island which is no longer a quiet place. She is opposed to a restaurant in a residential area; afraid to lose the charm of the city.

[Carol Davis, Carol Davis](#) – 4202 57th St Ct: Opposed to the restaurant; also feels that the amendment would strip the area of its intent. The amendment would not be in harmony with the area and is concerned with seating time, late evening hours; not harmonious with the SFR across the street. The narrative is written specific for Brixs and is not a general amendment. Urged the Planning Commission to deny the amendment.

[Charlotte Gerlof](#) – 7712 73rd St Ct NW – Opposed. Believes the amendment does not conform with the Waterfront Millville standards – urged Planning Commission members to decline the amendment. Ms. Gerlof feels that citizens do not want a restaurant row in Waterfront Millville; too much traffic. Not in favor

[Peter Stanley](#) – Tides Tavern 2925 Harborview Dr.: Applauds staff on research and recommendations. Speaks to how restaurants are nice for people to gather: Necessary for vibrancy of Gig Harbor – in favor of amendment

[Dave Morris](#) – 2809 Harborview Dr.: Owner of property close to the project. Mr. Morris is cautiously in favor of the proposal. Mr. Morris spoke of the CUP permit review process and his confidence in the process. But there is also the need for a balance between residence, parks and business people. There must be a strong tax base and the need for a vibrant downtown economy for visitors and residence.

[Mary Jackson](#) - 8212 Dorotich St: Concerned with traffic, noise, and garbage, and stated that in general restaurants are difficult. Property taxes will go up and the single family area will crumble. It will be too expensive for the people who currently live there also concerned about crime – opposed to the amendment.

[Greg Hoeksema](#) - 9105 Peacock Hill Ave: Concerned that applicant and agent do not live in the Harbor. Mr. Hoeksema is not anti-development but believes in maintaining the character of Gig Harbor. Concerned that Mr. Moist has a specific project in mind, Brix Restaurant in particular. Concerned with odors, parking and traffic. Also concerned with the Hearing Examiner process. Opposed to the restaurant and the amendment as it does not belong in a residential area.

[Christine Allen](#) – 3603 Ross Ave: Concerns with parking, congestion, and serving of alcohol in a single family neighborhood. Not in favor of the amendment

[Robert Wood](#) - 2709 43rd St: Concerned about the character of the Harbor and encourages the Planning Commission to listen to the citizens. Also concerned with the impact to the residential neighborhood environment. Stated that restaurants are good but in the wrong place in Waterfront Millville. Not in favor of the amendment

[Planning Commission members and staff discussion](#)

Planning Commission Chair, Jim Pasin closes the public hearing at 7:30 pm

Other Business

Discussion of upcoming meetings - December 4th, 2014 Deliberation on private amendment and review of the 2015 work program.

December 18th, 2014 - Final recommendation on private amendment.

Chair, Pasin deferred the November 6th minutes to the December 4th meeting.

Adjournment

[Motion to adjourn](#) - Move to adjourn at 7:37 pm. Ekberg/Baldwin – Motion carried.

[Planning Commissioner, Vice Chair - Reid Ekberg: Motion](#)

[Planning Commissioner - Spencer Hutchins: Approve](#)

[Planning Commissioner, Chair - Jim Pasin: Approve](#)

[Planning Commissioner - Pamela Peterson: Approve](#)

[Planning Commissioner - Bill Coughlin: Approve](#)

[Planning Commissioner, Vice Chair - Reid Ekberg: Approve](#)

[Planning Commissioner - Craig Baldwin: 2nd](#)

[Planning Commissioner - Rick Gagliano: Approve](#)

[Planning Commissioner - Spencer Hutchins: Approve](#)

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*



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

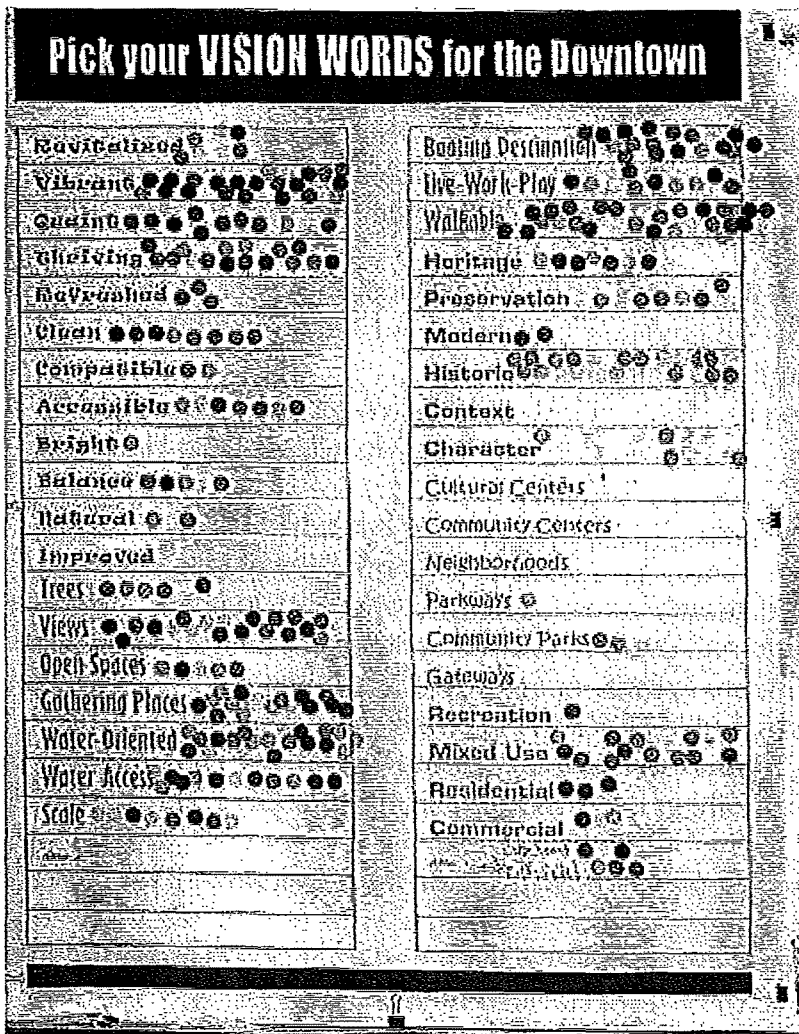
**Has anything changed to allow this proposed
Private request amendment to be acceptable?**

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.

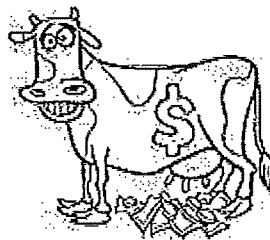
I support the zoning changes.

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,

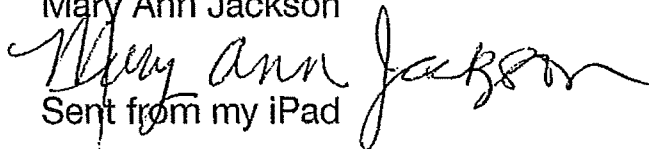
Marc S Ross
8913 Prentice Ave
Gig Harbor, WA 98332

[The body of the document contains extremely faint and illegible text, likely a scanned document with low contrast or significant fading. The text is mostly centered and spans most of the page width.]

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 its 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 and 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 requests for special legislation for special people. My family and I are absolutely and 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

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