



Request for City Council Action

MEETING DATE: August 27, 2007, 7:00 p.m.

SUBJECT: Fee Deferral Request

PROPOSER: Art Wiener

AGENT: N/A

SUBMITTING DEPARTMENT: Community Development Services

PREPARED BY: Tom Black, AICP, Development Manager

☐ Comments/Communications ☐ Consent ☐ Committee Reports ☐ Unfinished Business
☐ New Business ☐ Public Hearing ☒ Council Action Item

ATTACHMENTS: Attachment 1: Art Wiener Fee Deferral Request

NOTE: N/A

I. ANALYSIS / SUMMARY OF PROJECT PROPOSAL

The City Council adopted Ordinance No. 07-2669 on July 23, 2007 which permits the deferral of various development fees within the Central Business District following consideration and approval by the Council.

A Fee Deferral Request has been submitted by Art Wiener in conjunction with the permitted, but yet to be constructed commercial building at 715 Peace Portal Drive. The application is attached.

It should be noted that Mr. Wiener has provided little in the way of response to the Approval Criteria included in the application. Additional information may be forthcoming from Mr. Wiener at the time of the public hearing, since he has indicated he plans to attend and would therefore be available to respond to Council inquiries.

II. RECOMMENDATION

Assuming that the applicant can provide more specific responses to the Approval Criteria, and assuming those responses are consistent with those criteria, staff

recommends approval of the fee deferral request, consistent with the spirit and purpose of Ordinance No. 07-2669.

III. FISCAL ANALYSIS:

The proposal for deferral of development fees will have some negative fiscal impact to the City. Those fees deferred will not earn interest or be available for other purposes, such as leveraging other funds. However, the Council has determined, by their adoption of Ordinance No. 07-2669, that the long term benefit to the City of deferring fees in this area more than compensates for any loss of revenue that the City might incur by the deferral.

REVIEWED BY:

City Manager _____
(Digital Signature)

Finance Director _____
(Digital Signature)

City Clerk _____
(Digital Signature)

COUNCIL ACTION:

Approved ☒,

Denied ☐,

Tabled / Deferred ☐,

5-0

Shelley Street @ Asent



Community Development Services

344 H Street, Blaine, WA 98230 Phone: (360) 332-8311 Fax: (360) 543-9978

Fee Deferral Request

OWNER CONTACT INFORMATION		Date Received
Owner Name: WINDSTAR, LLC / ARTHUR WIENER, AIA MANAG. PARTNER		<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED AUG 22 2007 BY: _____ </div>
Owner Signature: _____		
Owner Mailing Address: 1255 POST ST, #831 SAN FRANCISCO, CA 94109		
Telephone Number: (415) 265-0011		
Fax Number: (415) 480-1473	Received by: _____	
E-Mail Address: ANWIENER@BEST.COM		
PROPERTY INFORMATION		
Property Address: 715 PACE PORTAL DR. BLAINE	Assessor's Parcel Number: 405101 473561 0000	
Legal Description and Map: 98230 (attach a map to this form)		
REQUESTED FEE DEFERRAL		
<input checked="" type="checkbox"/> Permanent Power Connection (charged per meter) (BMC 13.16.260) <input checked="" type="checkbox"/> Line (Electrical) Extension Charges (BMC 13.16.280) <input checked="" type="checkbox"/> Hydrant fees (BMC 13.07.020) <input checked="" type="checkbox"/> Water Meter (BMC 13.07.020) <input checked="" type="checkbox"/> Water Main/Front Footage Fees (BMC 13.04.145B) <input checked="" type="checkbox"/> Water General Facility Fees (GFF) (BMC 13.07.020) <input checked="" type="checkbox"/> Sewer inspection fees (BMC 13.08.410B) <input checked="" type="checkbox"/> Sewer General Facility Fees (GFF) (BMC 13.07.020) <input checked="" type="checkbox"/> Stormwater Utility System Equivalent Service Charges (ESUs) (BMC 13.03.040B) <input checked="" type="checkbox"/> Building Permit Fees (BMC 15.04.110)		
REASONS FOR REQUESTING FEE DEFERRAL		
Applicant's Statement of Need (attach separate sheets, if necessary) DUE TO PIONEERING OF PROJECT I NEED ECONOMIC ASSISTANCE TO PROCEED W/PROJECT		
APPROVAL CRITERIA		
(provide written responses to each listed criteria, attach separate sheets if necessary)		
1. The project considered for a fee deferral is located wholly within the Central Business District as defined in the City's zoning ordinance and map.		

2. The project for which the fee deferral request is made is consistent with the City's vision, policies and regulations for the Central Business District-Market area and that the project will likely create employment in the Central Business District-Market and/or contribute substantially to the City's tax base.

3. The project creates additional private sector jobs and/or leverages private sector investment so that the City's tax base is substantially increased as a result of said project.

CONDITIONS OF APPROVAL

A. The project/property owner(s) shall enter into a "Fee Deferral Agreement" as approved by the City Attorney, City Manager, and City Council. This Agreement shall be recorded on the property and shall run with the land and be binding upon all successors, heirs and assigns.

B. Construction on the project for which the deferral request is approved shall start within sixty (60) days of the approval of the building permit for the project. If the project does not start within this time frame, the fee deferral is void without further action required.

C. The fee deferral shall not exceed a period of more than two (2) years from the date of approval of the fee deferral by the City Council, or upon the sale of the property, whichever occurs first. All deferred fees shall be due on the sale of the property or transfer of any interest in the entity that owns the property.

D. The deferral shall not include deferral of any costs of notices, publications, legal review and other direct costs which must be paid by the City.

E. Fees that have been deferred shall be paid in full before a final inspection and any type of occupancy permit is issued.

F. If the applicant has complied with all of the conditions set forth in title 13.21 et. seq., and 15.34 et seq., then capacity in the City's water system and wastewater system shall be reserved for the development until such time as the fees are paid in full. However, in the event that such fees are not paid in full as required herein or in the Fee Deferral Agreement, then such capacity in the City's water system and wastewater system shall no longer be reserved for the property owner, and the property owner shall not be entitled to a forfeiture of any fees paid.

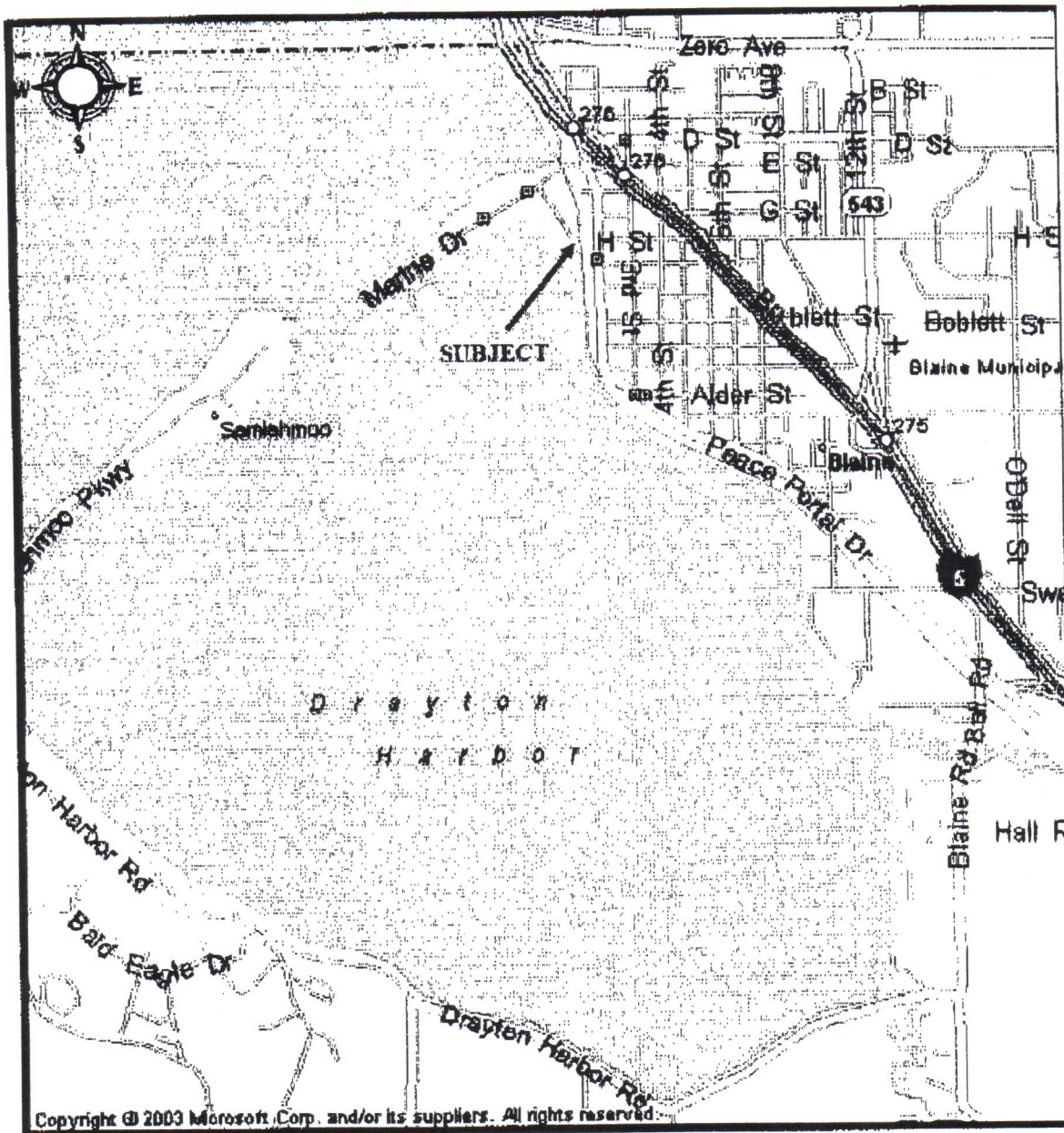
I, ARTHUR N. WIENER acknowledge that the conditions listed above will be applicable to my Request for Fee Deferral, if approved.

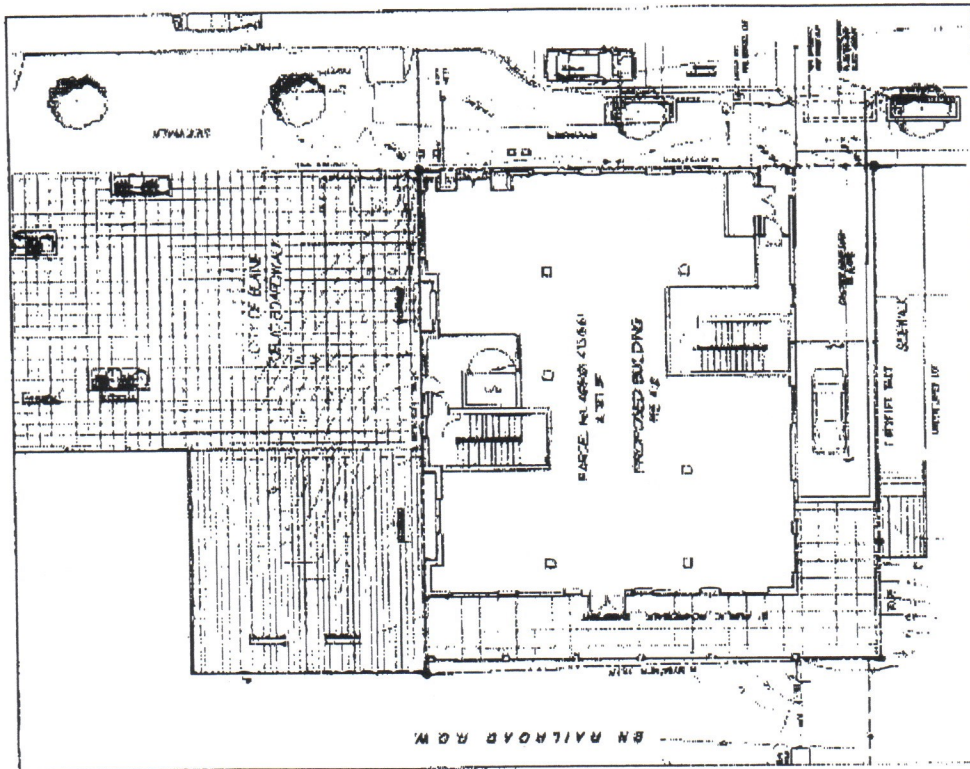

Owner Signature

20 AUG 06
Date

SITE ADDRESS

715 Peace Portal Drive
Blaine, Washington

LOCATION OF SUBJECT PROPERTY



DESCRIPTION OF THE SUBJECT PROPERTY:

Location - The subject property has a site address of 750 Peace Portal Drive, Blaine, Washington. The geographic location is along the west side of Peace Portal Drive, just south of "H" Street and just north of Martin Street.

Size - The subject property contains a total land area of 6,687 square feet.

Shape - The subject property is mostly rectangular in shape.

Dimensions - The property has a north dimension of 90.24 feet. The east property line measures 76.19 feet. The south dimension measures 88.03 feet and the west property line measures 76.13 feet. The dimensions are based on a survey completed by Northwest Surveying & GPS on February 25, 2005.

Utilities - All public utilities are available to the subject property. This means that the site is provided with electricity, telephone, sewer, water, cable television, and natural gas.

Zoning - The subject property is zoned Central Business District according to the City of Blaine Planning Department. The Central Business District is intended to concentrate retail stores, offices, financial institutions, services and eating and drinking establishments, recreation facilities and other similar facilities in the centrally located, pedestrian oriented area that will conveniently and adequately serve citizens and visitors with a complete selection of goods and services. The regulations for this zone are designed to encourage the grouping and development of complementary and related businesses and services and to discourage development and activities which would: (a) disrupt pedestrian/shopper circulation patterns; (b) created pedestrian or vehicular safety hazards; (c) diminish attraction of this zone as a retail trade center; and (d) pre-empt use of significant portions of first floor store frontage for retail trade.

Permitted uses within this zone include general merchandise, food, auto service, gas station, household goods and services and eating and drinking establishments. In addition hotels, motels, personal services, offices, recreation and entertainment facilities, printing and publishing, Laundromats, municipal services, transit terminals, fire stations, schools (except secondary and pre-secondary schools), churches, clubs, libraries, museums, and parking lots or parking structures. Finally, uses of similar characteristics and having equal or lesser degree of impact upon the Central Business District zone shall be allowed.

Regulations within this zoning classification involve no minimum lot size, 100% site coverage, a building height regulated by the Uniform Building Code, no setbacks, and no minimum lot width.

A complete copy of the CBD zoning ordinance is included as Exhibit "C" in the Addenda to this report.