

# DRAFT

## CITY OF SHORELINE SHORELINE CITY COUNCIL SUMMARY MINUTES OF WORKSHOP MEETING

Monday, April 21, 2003  
6:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Grossman, Councilmembers Chang, Gustafson, Hansen, Montgomery and Ransom

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mayor Jepsen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exceptions of Deputy Mayor Grossman and Councilmember Hansen, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Robert Olander, Deputy City Manger, reported that the City Manager was ill today.

4. COUNCIL REPORTS

Councilmember Gustafson reported on the youth summit he attended at the Shoreline Center. He noted that several worthwhile topics were discussed, and some will probably come before the City Council in the future. He commented favorably on the *Currents* article regarding the City's emergency plan, and on the Council Retreat last weekend.

Deputy Mayor Grossman reported on his attendance at the Seashore meeting, where local cities continue to work on transportation funding issues. He also commented favorably on the Council Retreat, noting the value of having staff and Council engage in meaningful dialogue.

5. WORKSHOP ITEMS

- (a) Central Shoreline Plan Report Briefing

Tim Stewart, Planning and Development Services Director, reviewed the process for developing the Central Shoreline Subarea Plan, noting that everyone has a strong desire to resolve issues related to the future location of the Aurora Corridor right-of-way. He explained that it is still too early in the planning process to adopt a Central Shoreline Plan similar to the North City Plan. However, right-of-way (ROW) surveying and mapping has been completed. This means that the maps attached to the report in the Council packet can be adopted as an amendment to the Comprehensive Plan. This will ensure that future ROW needs are identified at the earliest possible time so that everyone can understand the impacts of this long-range plan.

Mr. Stewart said the maps define the *maximum* future width of Aurora Avenue ROW, thereby identifying the eastern and western ROW boundaries in the Central Subarea. He explained how the maps were developed, and emphasized the importance of the following points (contained on the map grids):

- Maps identify the planned future ROW for Aurora Avenue N.
- Private property, including land, buildings and businesses, will be acquired in accordance with federal, state, and local law .
- Public property needs for streets, sidewalks, trails, and utilities should be coordinated and consolidated to the maximum extent feasible to minimize the acquisition of private property.
- Aerial photography was flown in 1999.
- Total ROW includes road, curb, gutter and amenity zone.
- There are deviations between tax parcel lines and ROW lines. ROW lines are more accurate.
- The ROW was surveyed in the Spring of 2003.

Mr. Stewart explained that adoption of these maps will eliminate the application of the requirement in the Development Code for 10-foot setbacks where right-of-way has not been established. He speculated that many property owners would gain up to 20 feet of land if the maps are adopted, although several buildings located in the Seattle City Light ROW will be severely impacted by future ROW needs.

Mayor Jepsen called for public comment.

(a) Walt Hagen, Shoreline, expressed opposition to this approach, noting that such an amendment to the Comprehensive Plan will take precedence over the Development Code. He said adopting this amendment would eliminate important limitations and rights, adding that Shoreline citizens expended much effort in creating the Development Code.

(b) Russ McCurdy, Shoreline business owner, expressed support for improving Aurora, but was concerned about the potential costs of improvement. He asked Council to consider narrowing the sidewalks and amenity zones in order to create a narrower total width. He suggested that the costs for the proposed improvements could bankrupt the City and put undue financial burden on future generations.

Responding to Mr. Hagen's comments, Mayor Jepsen asked staff to clarify whether the amendment overrides the Development Code, or whether it overrides the 10-foot setback requirement provision of the code.

Mr. Stewart confirmed that the amendment would allow for elimination of the 10-foot required setback as part of the Development Code once the official ROW is established. He said this technique is used throughout the United States to allow cities a chance to review the development along corridors where a given ROW has not been established. He clarified that the amendment would have no effect on other aspects of the Development Code, noting that the ultimate goal is to encourage development up to the edge of the sidewalk.

Responding to Mr. McCurdy's comments, Mayor Jepsen reminded Council that the maps represent a "worst-case scenario" in terms of maximum ROW widths. He said Council will have opportunities to further refine the design, noting that Council has minimized sidewalks widths on an interim basis in a number of locations.

Mr. Stewart concurred, noting the City can further clarify its policy to be flexible and cooperate with businesses on a case-by-case basis in order to minimize impacts. He said it would be an appropriate item to discuss when the Planning Commission conducts its public hearing.

Referring to the Interurban Trail, Mayor Jepsen acknowledged that the question of whether a sidewalk is needed on the east side of Aurora Avenue N will not be resolved until the ROW issue is finalized. He said that only businesses on the east side would be affected since the existing ROW line on the west side will not change. Mr. Stewart concurred, noting that in locations where sidewalks were constructed as a public access easement, property may be recaptured for private use.

Councilmember Ransom expressed concern about the apparent discrepancies between the property owner's surveyed boundary lines and the ROW lines. He asked Mr. Stewart to respond to the assertion that business owners have built within their surveyed boundaries, and that the ROW lines are incorrect.

Mr. Stewart explained that the City's Geographic Information System (GIS) and all its mapping techniques are not based on survey lines, but on the County Assessor's parcel lines, which are in error by as much as 10 feet. He said accurate lines have been established by a professional land surveyor, who has discovered deviations throughout the City. He gave examples from the maps in which the surveyed lines conflict with parcel lines.

Councilmember Ransom asked if the City now has formal survey lines in addition to aerial photographs.

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Mr. Stewart clarified that the dark lines on the maps represent the recently surveyed ROW lines. He acknowledged that the aerial photographs present another conflict since the lines were distorted due to the airplane's angle of flight. He suggested that the City may be able to obtain rectified aerial photographs to present to Council before final adoption of the Central Subarea Plan.

Mayor Jepsen asked whether the surveyors identified any actual building infringements within the surveyed ROW. He emphasized the importance of correcting the public misperception that the aerial maps could create.

Mr. Olander explained that the City did not receive a rectified set of aerial photos, although the City intends to provide accurate photos to the Council and Planning Commission before final adoption. He also stressed the importance of analyzing the survey notes to determine whether there may be any existing buildings in the ROW.

Councilmember Hansen remarked that surveyed lines are more accurate than aerial photographs. Mr. Olander noted that the buildings in the photographs, not the lines, are distorted.

Councilmember Gustafson said many people could misinterpret the photographs and think the City intends to confiscate large portions of several buildings.

Mr. Stewart said even with the distortions, it is clear there will be significant impacts, whether the ROW is established at 112 feet or 124 feet.

Mayor Jepsen said a better visual aid would be helpful in order to correct potential misconceptions. Mr. Stewart responded that the City will be able to do a better analysis of current ROW intrusions when it obtains rectified aerials and survey notes.

Councilmember Ransom speculated that property owners may have grandfathered rights since they already went through a legitimate land use process with the County. Mr. Olander acknowledged that grandfathering is a legal question that will require research.

Mayor Jepsen suggested that each parcel will require separate, case-by-case research since each one will be different, and Councilmember Ransom suggested that such research should have been conducted before the survey results were released to the public.

Mr. Stewart said the purpose of the map and survey is to start the process of discussion and resolution of these issues.

Councilmember Ransom noted that signage is another key issue in the business community. He asked if businesses have grandfathered rights in terms of sign relocation.

Mr. Stewart said the current Development Code states that reconstructed signs (physically relocated signs) must meet the new Development Code standards. Therefore,

older, non-conforming signs will not be permitted under the current code. He said staff would be happy to look at other alternatives if Council wants to review that provision.

Councilmember Ransom suggested that the Council review the business sign policy, noting that businesses should have the right to relocate their signs.

Mayor Jepsen suggested that it could be reviewed as Council gets further along in the design process, noting that Council must first deal with an appeal and the National Environmental Protection Act process. He mentioned that Council formally acted on it when it adopted the Relocation Manual.

Councilmember Hansen said he would favor the business position if the issue is presented in the future.

Councilmember Ransom felt the Council should give more positive reassurance to businesses by making a statement rather than continuing to delay action.

Councilmember Gustafson suggested that Council could reconsider amending the Relocation Manual.

Councilmember Ransom suggested that the plan does not consider a reduced sidewalk on the east as an alternative. He said many business owners favor a reduced sidewalk along the east side (Ronald Place N) since the Interurban Trail will provide an ample walkway.

Mr. Stewart reiterated the City's intent to consolidate the same public property for multiple purposes. Mr. Olander noted that the maps have been drawn to accommodate such consolidations if necessary.

Deputy Mayor Grossman asked if the charrette process included discussion of using Ronald Place N as an offset for the takings/condemnation component along Aurora.

Mr. Stewart said the future use of the "wedge" (area of private property between Aurora Avenue N and Ronald Place N) was discussed in the plan report, but there is no consensus about what should happen there.

Councilmember Gustafson pointed out that closure of Ronald Place N was discussed in the charrette process.

Deputy Mayor Grossman noted that even if sidewalks and amenity zones were eliminated, the ROW line still goes through the buildings along Ronald Place N. He wondered if business disruption, new construction costs, and depreciation factor into the equation for assessing property values. He asked staff to provide legal clarification on land takings that involve building structures.

Ian Sievers, City Attorney, suggested that earning capacity plays a greater role in property valuation than any other factor.

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Deputy Mayor Grossman asked if business disruption or replacement value is considered in an owner-occupied building scenario.

Mr. Sievers said the appraisal is an objective market valuation that does not consider individual financial situations. He said it would most likely consider square footage and income earning potential. He said business disruption is a component that would be compensated.

Deputy Mayor Grossman liked the vision of a mixed-use, pedestrian-oriented corridor, but was concerned about the dramatic disruption that some will experience. He stated if Ronald Place N is available as a land component, the City could preserve the vision of the charrette process and still provide the land offset for the takings that is required to make Aurora work properly. He also expressed concern about the costs to relocate business signage, asking staff if replacement value is part of the compensation formula.

Mr. Sievers clarified that businesses would be compensated for the fair market value of their signs, however, non-conforming signs would be required to meet the Development Code.

Councilmember Chang expressed concern about the costs to business owners. He asked at what point would a partial taking be considered a total condemnation.

Mr. Sievers said it would depend on the uses of the building, but acknowledged that at some point it may not be economically viable to remodel a building. He said at that point the City would condemn the entire parcel.

Responding to Councilmember Chang, Mr. Sievers clarified that all these issues will be discussed with the property owners in formal condemnation negotiations.

Responding to Councilmember Chang, Councilmember Ransom noted that up to 35 businesses could be affected.

Councilmember Chang expressed support for improving the corridor, but wished to consider the costs before making a final determination.

Mr. Stewart assured Council that the formal establishment of the ROW on the east will allow a much greater degree of certainty in terms of calculating costs. Responding to Councilmember Chang, he added that consideration of ROW issues in Phase 2 of the Aurora Corridor Project is in its infancy.

Mr. Olander confirmed that Phase 2 of the Aurora project is not scheduled yet, noting that cost calculations, takings, and ROW will continue to be issues as the process goes forward. He clarified that adoption of the ROW maps does not initiate any condemnation, it merely provides certainty.

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Councilmember Ransom asked if the City is still pursuing the idea of having a METRO bus route along Midvale Avenue N., suggesting that it might help the businesses there.

Mr. Stewart said that topic illustrates why the Central Shoreline Subarea is not ready to be adopted into the Comprehensive Plan, noting that the issue is still unresolved. He speculated that there may be opportunities to consider bus routes in the planning process.

Councilmember Ransom expressed support for revisiting this item in order to provide more certainty to businesses.

Mayor Jepsen pointed out that the City must first complete Phase 1 in order to address issues in Phase 2. He commented that the maps are useful in terms of providing certainty on what the maximum impacts will be, noting that it applies the worst-case scenario to the corridor. He noted the importance of connecting the Central Subarea vision to the Aurora Corridor Project as it enters the public process in the Planning Commission.

Councilmember Chang asked if property owners on the east side of Midvale Avenue N would be affected by the project, and if property owners have been involved in the charrette process.

Mr. Stewart said there is no proposed change to anything on the east side. He said many property owners on east side of Midvale Avenue N have been actively involved in the charrette, noting there is really no strong opinion among property owners.

## (b) First Quarter Update on Capital Improvement Plan

Mayor Jepsen encouraged staff to highlight only those Capital Improvement Plan (CIP) projects that were not reviewed at the Council Retreat.

Jill Marilley, City Engineer, briefly discussed the status of a number of CIP projects. Her presentation included the following points:

- The Finding of No Significant Impact (FONSI) is still pending for the Aurora Corridor Project.
- The Interurban Trail Project is still on schedule. Construction will begin on the north and south portions in Fall 2003.
- Consultant selection is complete for the Richmond Beach Overcrossing, and Council review and approval of the contract is scheduled for April 28, 2003. Staff will work with the community to provide resident access during construction.
- The 15<sup>th</sup> Avenue NE and the North City Business District project is on schedule. The NCBD portion is ahead of schedule, which will provide for better forward planning. Restriping on 15<sup>th</sup> Avenue NE will be completed by King County. The project manager and economic development coordinator met with two neighborhood groups to discuss mitigation issues.
- No delays are predicted for the 3<sup>rd</sup> Avenue NW Drainage Improvement Project. A public meeting with King County METRO has been scheduled for April 30.

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METRO's project is being coordinated with this project, but this will not affect the schedule.

- The original contract for the Paramount School Park project will be completed in May 2003. Recently approved scope items (frontage, parking lot improvements) will be constructed during Fall 2003.
- The Swimming Pool Improvements were completed ahead of time and the pool opened on schedule.

Councilmember Gustafson asked for clarification on the Categorical Exemption review for the Interurban Trail. Kirk McKinley, Aurora Corridor Project Manager, Public Works, reported that Categorical Exemptions for both segments of the Interurban Trail have been approved by the Washington State Department of Transportation.

Councilmember Gustafson asked if the City is still working to correct the drainage warranty issue at Shoreview Park. Ms. Marilley clarified that there are two separate drainage problems at the park, and only one is under warranty.

## 6. PUBLIC COMMENT

(a) Walt Hagen, Shoreline, asked staff to clarify whether all other elements of the Development Code, with the exception of setbacks, will apply to the Central Subarea Plan. He expressed concern that the Central Subarea Plan would amend the Development Code.

Mayor Jepsen understood that Council will be adopting the ROW identification maps, not the Central Subarea Plan as described in the staff report.

Mr. Olander clarified that the only element that would be adopted into the Comprehensive Plan is Appendix B -- Aurora Corridor Future Right-of-Way Map.

## 7. EXECUTIVE SESSION

At 8:00 p.m. Mayor Jepsen announced that the Council would recess into Executive Session for one hour in order to discuss City Hall Siting. At 9:22 p.m. the Executive Session concluded and the workshop reconvened.

## 8. ADJOURNMENT

At 9:22 p.m., Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC  
City Clerk