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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF SPECIAL MEETING

Monday, June 7, 2004
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Grace, Gustafson, and Ransom

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:37 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Hansen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) Commendation for Sheryl Lundahl

Mayor Hansen presented a commendation to Sheryl Lundahl, a teacher at Parkwood Elementary School. She accepted the commendation and explained the recycling programs she has implemented at her school that won her an award as a King County Earth Hero at School. Members of her Recycling Club demonstrated examples of the posters and notices they had made encouraging recycling.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Steve Burkett, City Manager, introduced Hurshid Urokov from Uzbekistan, who has been interning at the City while attending Shorewood High School and living with the Collins family. Mr. Burkett also answered questions received earlier regarding the North City Project, noting that the City now has all the easements needed except for three parcels owned by two property owners. He said the project will be advertised next week and the bid awarded on July 19th. In conclusion, he invited everyone to Saturday's ribbon-cutting ceremony for the north segment of the Interurban Trail.

4. COUNCIL REPORTS

Councilmember Ransom noted the resignation of the Economic Development Coordinator and suggested that the position not be filled until the Council had considered either eliminating the position and hiring a project manager for the North City Project. Mr. Burkett said he planned to discuss options with Council at a July meeting.

Councilmember Grace thanked staff for the tour of the Aegis site and invited everyone to the open house at the airport on Saturday to view the new concourse.

Councilmember Ransom reported on his participation in the meeting of the National League of Cities Steering Committee for Human Development. He said the group discussed health care issues, immigration, homelessness, and the impacts of the "No Child Left Behind" legislation. He said due to the use of criterion reference testing, special education students are held to unrealistic standards, thereby causing many schools to be considered "failing" and ineligible for federal funding. He explained the ramifications for local school districts and said that in some parts of the country municipalities are taking over financing school districts that have lost federal funding because of failing schools. He planned to submit a summary of these issues to the Council and the Shoreline School Board for consideration.

5. PUBLIC COMMENT

(a) Roger Lowell, Shoreline, asked the Council to exercise its oversight responsibility in the Innis Arden tree cutting code enforcement issue. He said the Innis Arden Club legally removed trees in its private reserve that were deemed hazardous by an independent, certified arborist. He said the City code provides a complete exemption for hazardous trees, but City staff has harassed the Club and trespassed on private reserve property. He said a City e-mail expresses disappointment that the exemption cannot be repealed before the Club undertakes a tree removal program. He said Council should tell staff it must enforce the adopted code, and that the Innis Arden reserves are not open to the public or City personnel without permission from the owner.

(b) Kathryn Carlstrom, Shoreline, said the City's actions against the Innis Arden Club run contrary to good governance and seek to unfairly punish private property owners for removing hazardous trees. She said the Club has gone to great lengths to manage its private reserves through obtaining professional surveys and opinions and recommendations by expert arborists. She said the Club has provided multiple notifications and communications to the City regarding its actions, yet a minority group called Association of Responsible Management (ARM) has actively lobbied the City to discredit the Club's duly elected board and others by making unfounded complaints. She urged the Council's attention to this matter, noting that the City's actions undermine public safety and interfere with the Club's responsibility to maintain private property.

(c) Don Dally, Seattle, owner of Pepper Hill Center, said accident statistics used by the City show that medians do not significantly increase safety, but they do have a significant economic impact on business. He cited other statistics to show that a significant proportion of businesses depend on automobile traffic. He said that although

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other cities use barriers to discourage strip development, Pepper Hill is a successful existing strip mall that should be protected and preserved. He said Pepper Hill meets design criteria for a direct left-turn access point, and that Council should work with the state to reexamine this possibility. He noted that 27 percent of Pepper Hill businesses could be negatively affected if direct access is not permitted.

(d) Pamela Smit, Shoreline, asked that the City support the Innis Arden Club's attempt to make the community safe from hazardous trees, noting that children often walk through the reserve. She said clearing vegetation is an integral part of keeping the community safe. She felt the City is more concerned about preserving trees than public safety.

(e) Marcella Scott, Interim Family Support Program Manager for Center for Human Services (CHS), thanked the City for its financial support of human service programs. She outlined the many services provided by CHS and commented on the positive impact these programs have on the lives of Shoreline residents.

Councilmember Fimia said it would be helpful if CHS could identify the extent of unmet needs in the community.

(f) Janet Way, Shoreline, on behalf of the Thornton Creek Legal Defense Fund, announced a potential agreement between the City of Seattle and a local developer to daylight Thornton Creek at the Northgate Mall area. She said citizens led the way to a collaborative design, which had extensive technical and public review and was unanimously endorsed by all stakeholders. She said this agreement is an example of what can be done when the government, community, and environmental groups work together. She said Shoreline should follow Seattle's lead and consider design concepts in the areas of water quality and flooding.

(g) Larry Owens, Shoreline, introduced a new community-based, non-profit organization called Shoreline Solar Project (SSP), which strives to bring practical applications of renewable energy to Shoreline. He noted that grant funding from Seattle City Light made it possible to install a solar electric power system on the rooftop of Meridian Park Elementary School. He commented on the faculty support for the project, noting that he is looking for others who would like to initiate similar projects at other public facilities. He said he wants to "put Shoreline on the map" for conservation and using renewable energy sources. Finally, he announced that SSP and Meridian Park Elementary would co-sponsor the First Annual Renewable Energy Fair on Saturday.

(h) David Schlesinger, Lake Forest Park, said he is not opposed to the downsizing or eventual closure of Fircrest School because it will mean equitable compassion for the developmentally disabled community. He noted that only 1,000 of the 33,000 disabled people in Washington live in state institutions, but they consume a disproportionate amount of state resources. He opposed keeping open institutions that are only operating at 25 percent capacity when there are thousands of individuals waiting

for needed services. He said that although the change would impact residents and their families, the quality of care they receive would not change.

(i) Lance Odermat, Seattle, representing Brown Bear Car Wash, urged the Council to reconsider the Aurora Corridor project and the loss of left turn access into his property. He felt this loss would have a significant adverse effect on his business, which depends on convenience of access. He said this opinion is based on another car wash location that has experienced a 30-40 percent loss in revenue due to the installation of medians.

(j) Jim Lindsey, Seattle, noted his involvement in redeveloping Aurora Village and said proper access is the key to the success of businesses. Noting that a majority of Aurora businesses are highway-dependent, he said restricted access would result in a loss of revenue, jobs, and decreased property values. He pointed out that although there are no statistics regarding business closure, ease of access is a priority for business. He asked that the City work with businesses and WSDOT to develop a proper channelization plan for Brown Bear Car Wash and other businesses located on Aurora Avenue.

(k) Elaine Phelps, Shoreline, said she is a member of ARM, but she was not speaking for the organization tonight. She said instead of trying to remove the hazardous part or alter the hazardous condition of the trees in question, the Innis Arden Club just cut them all down. She said the Club's chair, who does not have any professional expertise, simply went around marking trees for removal. She felt that the trees were removed to preserve views. She emphasized the fact that trees preserve habitat, prevent erosion, and are vital to the City's life and health. She questioned the assertion that trees were removed to make it safe for children, noting that a tree has never fallen on anybody in Innis Arden. She urged the Council to look at the total picture and find out exactly what happened.

(l) Hwysda Harb, speaking for Shoreline Family Auto Care on Aurora Avenue, said access is the most important element of her business. She said southbound customers would no longer be able to access her business under the current proposal unless they perform an inconvenient u-turn. She estimated that 30 to 40 percent of her business comes from southbound traffic. She urged the Council to consider the matter of business access very carefully.

(m) Patty Crawford, Shoreline, hoped that the Council was cognizant of several aspects of the Aegis development during its recent tour, including: the distance of the development from the edge of water; the fact that the new south plan labels the creek in the buffer as a wetland; the number of trees previously on the site; the size of the old footprint compared to the new footprint; and the amount of peat removed from the site.

On another topic, she disputed the claim that only two comments were received on the Development Code amendments, noting that letters from firms representing the Thornton

Creek Legal Defense Fund and Twin Ponds Fish Friends represent the views of many citizens. She also felt that staff did not adequately address the concerns in those letters. She said the lack of public process has caused the delays in the Aegis and Gaston projects and compared this to the successful Evergreen School project, where there was appropriate public involvement.

Mr. Burkett suggested that the Council discuss the Innis Arden issue at a future workshop.

The 30-minute limit had elapsed for public comment. Councilmember Fimia noted that people who sign up expect that they will be allowed to speak. There was Council consensus to suspend the rules and take comments of others who had signed up.

(n) Ken Cottingham, Shoreline, said WSDOT figures indicate that seven accidents occurred between 1999 and 2002 in the first half-mile of Aurora Avenue, six of which were right-angle collisions. He said the only way to determine if accidents were caused by the two-way left turn lane is by analyzing the accident reports. He urged the Council to look at the data before making a final decision on design.

(o) Walt Hagen, Shoreline, commented on his involvement in drafting the 1998 Comprehensive Plan and the many amendments associated with it. He said staff has changed the format and reordered the plan to such an extent that it is impossible for the average citizen to know what has been changed. He questioned the timing of adopting Development Code amendments, noting that Development Code changes should not precede Comprehensive Plan changes. He said the Comprehensive Plan should serve as the vision. The Development Code implements that vision. He felt there should be no action on any master plans or the Development Code until the Comprehensive Plan is updated.

Deputy Mayor Jepsen noted that he would have to leave the meeting at 8:30 p.m. and he asked that Action Item 6(b) be taken next. There was Council consensus to do so.

6. ACTION ITEMS

- (b) Letter to Washington State Department of Transportation regarding Aurora Access

Councilmember Ransom provided the background on this item and explained the issues outlined in the draft letter in the Council packet. The potential design changes involve modification of the length of left-turn access lanes, creation of "oppositional two-way left-turn lanes," and installation of a stoplight at Aurora Avenue and NE 149th Street. He pointed out that potential developers and several Aurora business owners have stated that their businesses would not succeed without left-turn access to their properties. He emphasized the need to determine if the design changes would meet Washington State Department of Transportation (WSDOT) requirements.

Councilmember Gustafson spoke against sending the letter, noting the significant amount of time and analysis that has gone into developing the Aurora Corridor design. He felt that Council would be “micromanaging” staff by working directly with WSDOT. While he agreed that Council should consider the potential addition of a stoplight at NE 149th Street, he did not concur with a two-way left turn lane for safety reasons. He was satisfied with staff’s analysis and felt there would be additional problems if Council tries to adjust the design to fit everyone’s desires.

Councilmember Chang said he visited every business owner in the first half mile of the project several times, and most of them feel that medians would negatively impact them. He noted that safety was the main issue put forth in support for raised medians, but the majority of accidents have nothing to do with two-way left turn lanes. He asked if the Council was presented with these facts, and if safety is still the primary reason for raised medians. He also questioned the assertion that WSDOT requires raised medians. He disagreed that Council is micromanaging staff, noting it is the Council’s responsibility to find out what is best for the community.

Councilmember Ransom, moved to submit the draft letter in the Council packet to the Secretary of Transportation. Councilmember Fimia seconded the motion.

Deputy Mayor Jepsen felt the first sentence of the draft letter did not accurately reflect the motion that Council made on April 26. He also felt it would be inaccurate to include all property owners listed in the draft, since some did not speak before the Council.

Responding to Deputy Mayor Jepsen, Councilmember Ransom clarified that the proposal for oppositional two-way left turn lanes would also include unsignalized pedestrian crosswalks every 150 feet.

Councilmember Grace moved a substitute motion to send the revised version of the letter distributed this evening by Councilmember Fimia, who seconded the motion.

Councilmember Grace spoke in support of the motion, noting that it is an honest attempt to try to address the concerns of the businesses. He noted that Council would still have to consider the costs and benefits of any proposed modification.

Councilmember Fimia supported the motion, noting that it is important for WSDOT to hear these concerns and to get WSDOT on the record as to what design changes may be possible. She did not feel the Council was micromanaging staff, but felt the Council was doing the staff work and staff was doing the policy work. She said Council should be able to tell staff and WSDOT to “make it as safe as possible and provide as much businesses access as possible.” She felt if raised medians are proposed because of WSDOT requirements, then WSDOT should speak to that issue. She referred to data from the draft Transportation Master Plan suggesting that the accident rate along Aurora Avenue is relatively low. She concluded by questioning the basis for the original decision to install raised medians.

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Deputy Mayor Jepsen opposed sending the letter. He wondered why casinos were deleted from the substitute draft letter, and asked if the casino listed in 2(a) of the letter was the same casino that was delinquent in paying its gambling tax. Staff indicated that it was.

Councilmember Gustafson called for the question. Councilmember Grace seconded the motion, which carried unanimously.

A vote was taken on the substitute motion to send Councilmember Fimia's revised letter, which carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen and Councilmember Gustafson dissenting.

Deputy Mayor Jepsen left the Council meeting at 8:30 p.m.

- (a) Motion to authorize the City Manager to execute a contract with MacLeod Reckord for design services for the Interurban Trail North Central Segment

Jan Knudson, North City Project Manager, explained the proposal to execute this contract as outlined in the staff report. It proposes that MacLeod Reckord provide services to include: trail design, "urbanscape" architecture and traffic engineering services, survey, preparation of plans, specifications, cost estimates and bid documents, preparation of permit and environmental documents, preparation of right-of-way acquisition documents as necessary, and public involvement. It will also include coordination with the City's 1% for Art Program and significant coordination with Seattle City Light with private redevelopment efforts along the Trail alignment. The final product will be plans, specifications and estimates (PS&E) for construction of the trail.

Councilmember Gustafson moved to authorize the City Manager to execute a contract with MacLeod Reckord for design services in an amount not to exceed \$400,000 for the Interurban Trail North Center Segment. Councilmember Ransom seconded the motion.

Councilmember Ransom asked if the \$400,000 is part of the \$2.4 million allocated in the Capital Improvement Plan, and whether the City currently has the funding to construct the project. Ms. Knudson said the \$400,000 is included in the \$2.4 million, but the City does not have the funding for construction. She explained that the project is very competitive for grant funding because it is the final segment of a mostly completed trail.

Mr. Burkett added that the City is optimistic that it will receive a federal appropriation by Congress for this project as part of its transportation plan. Mayor Hansen concurred, noting that the City has several opportunities to finance the trail.

Councilmember Grace asked how the City intends to gather input from the adjacent businesses for this section of the trail.

Ms. Knudson explained that the intended plan is to include workshops and open houses to present design options. She said since the project includes the City, Seattle City Light, and private property owners, all stakeholders will need to be involved throughout the design process.

Noting that the south segment does not include adequate access to businesses adjacent to the trail, Councilmember Fimia suggested that the design include more such access.

Mr. Burkett agreed that access is an important issue. He explained that the City is currently working with Sky Nursery since the trail is designed to go through its existing parking lot.

Responding to Councilmember Chang regarding timing for project construction, Ms. Knudson said the City is trying to accomplish design in 10 months, after which construction would begin, depending on grant availability. Councilmember Chang expressed concern about a complaint he received regarding damage caused to the grass and soil by the contractor. He hoped this would not happen on other parts of the project.

Mr. Burkett said the City is aware of the situation and several agencies are evaluating it.

Councilmember Gustafson moved to call the question. Councilmember Grace seconded the motion, which carried unanimously.

A vote was taken on the motion, which was approved unanimously and the contract was approved.

Councilmember Ransom asked about the status of the south central segment and whether the park adjacent to the trail at N 165th Street is planned for improvement.

Kirk McKinley, Interurban Trail Project Manager, said the south central segment (N 160th to N 175th) is currently at 60 percent design. He said staff hopes to be advertising for construction of this segment, as well as the north B segment, by the end of June or early July. He noted that the trail would include a few amenities adjacent to Darnell Park to make it more noticeable. Councilmember Ransom felt the Rotary Club or other group could undertake improvements to the park as a possible project.

- (c) Ordinance No. 352, amending the Development Code Chapters 20.20, 20.30, 20.40, 20.50, 20.70, 20.80 and 20.90, including changes to zoning variance criteria; changes to home business regulations; allowing pitched roofs in high density residential zones to extend 5 feet above the base height limit of 35 feet; clarifying right-of-way regulations; clarifying components of the sign standards; and making technical amendments

Tim Stewart, Planning and Development Services Director, reviewed the amendments to the Development Code as described at the April 26 meeting. He noted that three additional comment letters were received: two from private groups, and one from the Planning Commission. He explained the recommendation to adopt Ordinance No. 352 without Amendment #5 (Zoning Variance Criteria) and to refer Amendment #5, Amendment #7 (Tent City Notice) and Amendment #10 (High Security Fencing) back to the Planning Commission, since some comments made to the City Council were not heard by the Planning Commission. He said staff felt it appropriate to refer Amendment #7 in light of the controversy regarding siting of the 2004 Tent City.

Continuing, Mr. Stewart introduced Amendment #1, which changes the definition of public right-of-way (ROW) to provide clarity on the uses of public ROW.

Councilmember Grace asked if there was a problem with the current definition that necessitated this change. Kim Lehmberg, Planning and Development Services, said the current definition is confusing to customers because it does not indicate what the ROW is actually used for.

Ian Sievers, City Attorney, felt it important to emphasize sidewalks as one of the primary functions of ROW. He explained that he did not want to include gas, oil, and electric transmission line easements in the definition because they are unclassified and fit more appropriately in the code section on land use districts. He pointed out that part of the SCL transmission ROW is unclassified, so there is a lack of clarity in the current code as to what should be classified as ROW.

Councilmember Ransom asked for clarification of Amendments #1 and #6. Ms. Lehmberg explained that Amendment #1 adds parking as a use under the definition.

Mr. Stewart explained Amendment #2, which changes the site development permit (SDP) to include work that had been previously covered under a clearing and grading (C&G) permit in order to distinguish it from a stand-alone C&G permit. He said a SDP would only be issued as a subordinate permit to allow for the development of a site consistent with a previously issued permit, such as a Conditional Use Permit (CUP). He said it would not exclude any kind of SEPA review or any other environmental review because those, if required, would be done as part of the master permits.

Responding to Councilmember Chang, Mr. Stewart said the present system is confusing because the City currently issues C&G permits for sites that do not have any other permits associated with them, as well as for others which are being developed in accordance with an approved plan. He said this would clarify these two different types of activities so the public is aware that a SDP is consistent with some other permit or approval.

Councilmember Fimia requested that Amendment #2 be removed for further consideration since it appears to be very complicated.

Mr. Stewart explained that staff and the Planning Commission recommend denial of Amendment #3, the "Safeway Store Amendment," which would require greater public notice on the development of commercial buildings. Currently, the code requires SEPA, and therefore a neighborhood meeting and public notice, for any addition of 4,000 square feet or more. Additions less than this threshold require a building permit and no public notice. Denial is recommended because additional requirements require additional resources and increased permit turn-around time, which slows economic improvement. It is also thought that public notice may create the expectation that public input is part of the approval process.

Councilmember Chang wondered how many projects exempt from the noticing requirement are proposed in a given year. He wondered if the City could inform the public about smaller projects that do not require SEPA review on the City website.

Mr. Stewart explained the City's thorough public noticing procedures, including publication, mailings, and posting of the site. He pointed out that it takes a significant amount of additional work to ask for and receive public comment, because it becomes part of the discussion of whether or not the permit should be issued. He said staff does not have the discretion to deny a permit if it meets all the requirements.

Mr. Sievers explained that Amendment #4 is a reorganization of the section lettering and numbering; it contains no substantive changes.

Mr. Stewart noted that staff recommends referring Amendment #5 to the Planning Commission for further review, since additional comments were received. Staff also recommends sending Amendment #7 back for review in light of the recent controversy surrounding Tent City. He said although there were no problems with Tent City when it located in Shoreline, there is concern that King County could propose a similar project in Shoreline without public notice.

Moving on, Councilmember Fimia asked if the change relating to the number of nonresident workers employed by a home occupation was in response to concerns about parking in the neighborhood. She wondered why a home occupation could not have more than one nonresident employee working on-site.

Mr. Stewart said the intent is to protect the residential character of the neighborhood but allow home occupations as long as they are very limited. Mayor Hansen added that the more employees there are, the greater the impact on the neighborhood.

Councilmember Grace wondered if there had been any complaints about employees connected to home occupations. He felt perhaps the limit could be increased if there is a legitimate need that didn't impact the neighborhood.

Ms. Lehmberg noted that other jurisdictions allow, at the most, one nonresident employee on the site.

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Mr. Burkett pointed out that the City has limited information on the number of home occupations in Shoreline because there is no business license requirement.

Councilmember Ransom noted that Shoreline has a limited amount of commercial space, so many businesses start out as small home occupations. He felt the ordinance should allow at least one or two full-time equivalent (FTE) employees at home occupations in order to encourage business growth and economic development. Mr. Burkett felt an FTE proposal could be problematic because potentially multiple employees could work on-site at a given time.

Mr. Stewart emphasized the need to protect the surrounding areas from any adverse impacts generated by business activities.

Mayor Hansen noted that violations of the code are mostly complaint-generated, so problems would only arise if a business negatively impacts the neighborhood.

Councilmember Grace felt the home occupation code should not be further changed if it has not presented a problem in the past.

Councilmember Gustafson concurred with the amendment as proposed, noting that the Planning Commission and staff unanimously recommended the change. He urged the Council to focus its attention on the more contentious issues.

Councilmember Fimia preferred to refer the amendment back to the Planning Commission, noting that she would like the amendment to be less restrictive. She proposed the language that "no more than one non-resident working on site shall be employed by the home occupations, unless additional employees pose no additional traffic or impact to the community." Mr. Stewart commented that enforcing such a code would be difficult.

Continuing, Mr. Stewart said Amendment #9 would allow a pitched roof to extend 5 feet over the 35-foot base height limit in high-density residential zones. He then explained the issues surrounding Amendment #10, which would allow high security-style fencing for police and essential facilities. While the Planning Commission recommended denial of this amendment, staff recommends that it be studied further in concert with the City's hazard mitigation plan.

Ms. Lehmborg explained that Amendment #11 updates the City's outdated handicap/disabled parking requirements to reflect state law.

Moving on to Amendment #12 regarding ROW, Mr. Sievers said that the amendment clarifies the code to reflect Washington statutes that cover exactions from private property for public benefit [RCW 82.02.020]. The law says that exactions or dedications can be required of private development "where it is reasonably necessary as a direct result of proposed development or plat." It was intended to clarify when government could require development to dedicate property rights. The United States Supreme Court

has, over the years, developed its own test for regulatory takings, or exactions, under the “Nolan/Dolan” test. This says that the mitigation has to have a nexus to impacts of the development, and that mitigation has to be roughly proportional to those impacts. Mr. Sievers cited ROW cases in which the courts did not require developers to provide access to other properties because the need for access was not a result of the development.

Continuing, he explained the most recent cases relating to exactions. Here the Supreme Court applied RCW 82.02.020 and invalidated two exactions, one of which was a ROW frontage improvement. The breakthrough ruling said that the exaction does not have to be simply an ad hoc condition imposed as part of a discretionary permit. Even if conditions are imposed in the land use ordinance itself, such as a requirement for sidewalks or half streets, they can be challenged if there is no reasonable nexus to impacts of the development. These rulings have caused the City to scrutinize the exactions under 20.70 very carefully. Requiring ROW to be extended to water bodies, when the ROW does not go anywhere and is intended to provide recreational access to the water rather than addressing a traffic impact of development, does not appear to be allowed. The amendment of .050(A) is a proper statement of when an exaction or dedication of ROW can be required.

Moving on, Mr. Sievers explained that Amendment #13 simply changes the wording to require ROW for alleys in the North City Business District (NCBD) instead of easements. In North City there is a need for an alley system capable of serving as a fire lane, which is included as a purpose of a ROW. The term “easement” refers to something less than full ROW use.

Councilmember Ransom was unclear how ROW for the alley is obtained and whether the property owner still owns the property taken for ROW.

Mr. Stewart said the amendment strengthens the current requirement that an alley easement must be provided as part of redevelopment of the NCBD at the time a building permit is submitted. If a full dedication of ROW is required, there would be sufficient access for that and all other properties and uses that might go along with a public alley system.

Councilmember Ransom asked whether the status of existing alleys would change, to which Mr. Stewart replied that this only affects those alleys shown in the NCBD plan, specifically the diagram on page 316 of the Development Code [Section 20.90.080]. He said this only applies to North City because the intensity of the development there requires an alley system for rear access, fire lane access and vehicular access. When the NCBD plan was originally adopted, it was envisioned that it could be accomplished through a system of easements. Now, staff and the Planning Commission feel this requirement should be strengthened to require dedication of ROW to the City.

Councilmember Fimia felt that this amendment is basically a sanctioned taking of property. She recommended deleting it and continuing to require easements. She said that alleys are generally a good thing but the dedication of property needs to be fair to the

property owner. She felt if this is not done through an easement, then the City should have to pay. She did not support the City simply taking property legislatively.

Mr. Stewart responded that this was the issue that Mr. Sievers explained. A mandatory dedication of real estate can be done for the public purpose of meeting a need caused by development.

Councilmember Fimia felt the proposed amendment allows the City to ask for the ROW whether there is development or not.

Mr. Stewart reiterated that the City would be allowed to require dedication under 20.70.050 in order to incorporate improvements that are reasonably necessary to mitigate the direct impacts of development. The NCBD plan permits very intense development, such as 65 feet high structures with parking underneath. This will require rear access to meet fire department requirements. So in order to fulfill the development rights established in the NCBD plan, a public access system is required.

Mr. Burkett reminded everyone that the dedication is only required if redevelopment is proposed. If a property owner is content with current usage of the property, then there won't be opportunity to have the alley to provide access, unless the City buys it.

Councilmember Chang asked what would happen if the owner does not wish to sell the property but is willing to meet all the codes.

Mr. Stewart said that in that case, a property owner would not qualify for the exemption from going through State Environmental Policy Act requirements, which is the major incentive of the NCBD plan. Under the circumstances hypothesized by Councilmember Chang, the property owner would be required to go back through SEPA and the normal development process rather than taking advantage of the planned action exemption.

Councilmember Chang felt the property owner should have the right to choose which approach to take.

Mr. Stewart said this would not apply to projects such as simple tenant improvements, minor reconstruction, or replacement of a building that burned down. It would only apply to development of the intensity described in the planned action. If there are no direct impacts from the development that require the creation of the alley, then a dedication would not be required.

Councilmember Fimia felt the City would already have the ability to require ROW under 20.70.050 and there should be no need for additional language specific to one area.

Mr. Stewart clarified that all that is being discussed is a 20-foot strip between 175th and 180th street parallel to 15th Avenue NE. This is the only area the amendment applies to. The reason it is important to designate that as ROW is in order to redevelop that portion of property along 15th, with fire lanes and rear access. Although it could be done through

easements, staff and the Planning Commission think it is more appropriate to require ROW dedication.

Mr. Sievers added that he suggested the amendment in order to provide more uniform terminology. It is clear that a public alley easement is a ROW. However, an easement can vary greatly in its terms and how it is abandoned or extinguished. The use of the term ROW will make it clear what other development standards are triggered.

MEETING EXTENSION

At 10:00 p.m. Councilmember Gustafson moved to extend the meeting to 10:45 p.m. Councilmember Ransom seconded the motion, which carried unanimously.

Councilmember Grace suggested that all amendments be referred back to the Planning Commission. The Council discussed the possibility of postponing this item.

Given the time, **Councilmember Ransom moved to postpone further consideration of this item until next week's meeting. Councilmember Grace seconded the motion, which carried unanimously.**

There was Council consensus to suspend the rules to allow Public Comment to be taken next given the lateness of the hour.

8. CONTINUED PUBLIC COMMENT

(a) Janet Way, Shoreline, appreciated the recommendation to refer Amendment #5 back to the Planning Commission for further study. She shared Mr. Hagen's concern that it might not be appropriate to revise the Development Code at this time, since it might not be concurrent with 2004 Comprehensive Plan amendments. She said the proposed site development permit would encourage piecemeal development and incremental impacts.

(b) Walt Hagen, Shoreline, reiterated his view that the Comprehensive Plan amendments should be considered before changes to the Development Code. He felt the current approach is an action to limit citizen involvement. He said that looking at the proposed Comprehensive Plan with its totally changed format makes it impossible for citizens to figure out the amendments. He concluded that the Comprehensive Plan should be presented in a form so that readers can readily see what changes are proposed.

7. WORKSHOP ITEMS

(a) Discussion of proposed amendments to the State Building Codes including the International Fire Code, International Building and Residential Codes, and the Optional International Property Maintenance Code

Tim Stewart, Planning and Development Services Director, explained the recommendation to amend the recently adopted State Mandated Building Code, which includes the International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Fire Code (IFC), Uniform Plumbing Code (UPC), and the Washington State Energy Code. He said local jurisdictions have the authority to amend these codes to address local needs and conditions. He also noted that staff wishes to propose several amendments to the IFC, IBC and IRC as well as provide discussion on an optional International Property Maintenance Code (IPMC) for Council consideration. It is staff's intention to have the proposed amendments to these codes become effective on July 1, 2004, the date the state-mandated codes become effective.

Joining Mr. Stewart were Fire Inspector Mark Bunje of the Shoreline Fire District, and Bridget Smith, Shoreline Building Official. Referencing the amendments on pages 149-153 of the Council packet, Mr. Stewart noted that some came from Zone 1 fire marshals and others from the Shoreline Fire District. He said the overriding purpose of this item is to continue the current level of protection for our citizens and improve coordination of fire codes with other development regulations.

Mr. Stewart referred to the IPMC, noting it was included in the report for further consideration, but staff recommends deferring it until the discussion, later this summer, of the proactive code enforcement goal set out by Council. Staff believes this might be a tool that could be used to enhance more aggressive code enforcement and that it is a very good document in terms of neighborhood quality improvement.

Councilmember Ransom commented that one of his concerns is the regulation of sprinkler systems. He said sprinklering is a problem in Shoreline because of the level of the Seattle Public Utility water table. He mentioned that some day there will be four story buildings on Aurora Avenue, and he wondered if the Fire Department and City have worked to ensure that the water department can deliver to meet requirements.

Mr. Bunje agreed that sprinkler systems may need higher pressure to operate, but he felt it is important to work with the existing water availability for both the water districts. He said that other than building more pump stations that serve a larger geographic area, there isn't much that either water department can do to boost water pressure. Both work under a gravity system. He concluded that SPU is working on doing something more with its Foy station and the Shoreline Water District is looking at expanding its North City area somewhat, but these are expensive and long-term projects. He said staff is meeting with different water purveyors on these issues.

Councilmember Grace wished to ensure that amendment #27, referring to storage of hazardous materials, is consistent with the City's hazard mitigation plan. He also referred to amendment #34 and asked how this amendment impacts the recent discussion of ROW.

Mr. Stewart said the City and the Fire Department have agreed on the language of the ordinance and on a common design standard. He said there are currently a few small inconsistencies, but these will be worked out.

Councilmember Gustafson asked if any items were contentious, to which Mr. Stewart responded that there were no major areas of contention between the City and the District. Although the Master Builders Association and some of the Zone 1 chiefs had some significant differences of opinion on some standards, these are not big concerns in Shoreline because of Shoreline's current, more restrictive, regulations.

No Councilmembers expressed opposition to bringing this item forward for adoption.

9. ADJOURNMENT

At 10:25 p.m., Mayor Hansen declared the meeting adjourned.

Sharon Mattioli, City Clerk