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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, June 28, 2004
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Councilmembers Fimia and Grace

1. CALL TO ORDER

The meeting was called to order at 7:30 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, with the exception of Councilmembers Fimia and Grace.

Upon motion by Councilmember Gustafson, seconded by Councilmember Ransom and unanimously carried, Councilmembers Fimia and Grace were excused.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, commented on the City's effort to work with both sides in the Innis Arden tree-cutting dispute. He reported on the building permit application at 19027 Richmond Beach Drive, noting that the City is working with the property owner; but if all the codes are met, the building permit must be issued. Finally, he commented on his meeting with the representative of the Door Store, noting that the focus of the dissatisfaction with the North City Plan seems to be the reduction of 15th Avenue NE from four lanes to three. He also commented on the amount of money the City has already spent pursuing the North City Plan.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Jae Chung, Shoreline, commented on the ongoing noise problem created by the China Clipper Restaurant adjacent to his home. He said that the music is so loud his family cannot sleep, and that the police department has not been helpful in resolving this matter. He asked what his rights are in this kind of situation.

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(b) Gary East, Shoreline, noted that the public process for the North City project has been long, extensive, and inclusive. He commented on the participation of City staff, business and property owners and the public, all of whom have spent countless hours on the project. He said there are now some citizens who want to rescind this lawful and well-considered decision. He said it will do a grave disservice to property owners who have supported the project, and City staff who worked on it, if the Council decides to listen to the "noise of the discontented." He urged the Council to stand by its commitment to the community and the legislative process.

(c) Leigh Brendemuhl, Shoreline, speaking on behalf of Ruth McCurdy and Sensible Growth for Richmond Beach, spoke in opposition to the proposed building permit for 19027 Richmond Beach Drive NW. He said a King County Parcel and Development Conditions Report states that the parcel is designated as a landslide hazard area and a seismic hazard area, and that the applicant's geotechnical report indicates the project site lies within Seismic Zone 3, the highest seismic designation. He noted that the site has already experienced slope failure. He inquired about what kind of seismic impact the project would have on the slope, as the March 2004 geotechnical report does not address this issue. He also asked what impact that the installation of ecology blocks would have on impervious surfaces and how seismic activity would affect the land mass with these blocks in place.

(d) Nancy Passe, Shoreline, another member of Sensible Growth for Richmond Beach, concurred with the previous speaker's comments. She said in addition to seismic and slope failure issues, there are also critical areas issues involved because the parcel is located directly adjacent to a wetland. She said it is imperative that a qualified biologist evaluate the environmental impact this project will have on the wetland area. She asked that the Planning Department provide scientific and objective reports to determine the project's buildable footprint and evaluate potential hazards to the neighborhood.

(e) Andrea Massoni, Shoreline, also of Sensible Growth for Richmond Beach, asked the City to deny the permit for the aforementioned project, noting that allowing the project as proposed will diminish property values and her quality of life. She said the project should comply with Comprehensive Plan SM 47, which says the City should "align new residential development setbacks along the shoreline with existing setbacks of the residences on each side of that development to protect views, unless it causes a property to be unbuildable." She said optional aggregate setbacks do not provide neighbors with any benefit, and that the proposed project would change the style and character of this unique neighborhood forever.

(f) Cindy Ryu, Shoreline, said that the proposed development between N 183rd and N 185th at Midvale Avenue N takes advantage of the City's offer to close the street but does not honor any of the concrete assumptions that were included in the Central Shoreline Subarea Plan. These assumptions include underground parking and higher-density development. She said the preliminary site plan leads one to believe that

Midvale Avenue N is being closed to provide surface parking for the applicant's development. She asked if it is worth closing a public street to provide 46 parking spaces for private development.

(g) Jim Abbott, Shoreline, disagreed with the previous speaker's comments. As one of the owners of the property located at Midvale Avenue N, he pointed out that most of what is now Midvale Avenue N will remain intact. Over the past year the property owners have reached an agreement with the City staff to provide an access for Midvale Avenue N and allow it to align with Midvale and connect to N 185th Street. He said that Midvale Avenue N would be too close to Aurora Avenue anyway under the Central Subarea Plan, so this proposal would be a benefit to the City to accommodate the closure of that portion of Midvale. He said even though the owner will receive 7,561 square feet by using it as parking, the owner gives up 15,384 square feet by allowing access through the property to align with N 185th Street. He said financial and environmental (water table) studies show that neither housing nor underground parking would be feasible at the site.

(h) Harley O'Neil, Shoreline, provided a detailed background of the property formerly occupied by QFC (N 183rd to N 185th at Midvale Avenue N) which has been owned by Gateway Center Associates (GCA) since 1997. He explained that QFC originally intended to expand, but after Fred Meyer acquired QFC, the store was closed in order to eliminate competition. He said despite initial opposition to the City's request to maintain a roadway between N 183rd and N 185th, the GCA group determined it would be in the best interest of the community. He said rather than simply leasing out existing spaces to whoever would pay a reasonable rent, GCA chose to bring in an experienced developer as a partner so the property could be completely remodeled. He said valuable space is being given up to connect N 183rd to N 185th, and the 46 parking stalls do not come close to replacing the parking lost by providing the roadway.

In response to Mr. Chung's comments, Mr. Burkett said that enforcing the City's noise ordinance is difficult because it involves some degree of subjectivity and discretion. He said the City would continue to work with residents and businesses to try to resolve this issue.

Mayor Hansen reported on behalf of the Shoreline Water District that it has not taken a position on the North City project. He also noted that the Water District will be excavating along 15th Avenue NE to support the requirements of a 660 water pressure zone.

6. APPROVAL OF THE AGENDA

Upon motion by Councilmember Gustafson, seconded by Deputy Mayor Jepsen, and unanimously carried, the agenda was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Gustafson, seconded by Councilmember Ransom and carried 5-0, the following consent calendar items were approved:

**Minutes of Special Meeting of June 7, 2004
Minutes of Regular Meeting of June 14, 2004**

**Approval of expenses and payroll for the period ending
June 11, 2004 in the amount of \$3,499,682.66**

**Ordinance No. 356 extending the franchises under
which Seattle Public Utilities is authorized to provide
water within the City of Shoreline**

**Resolution No. 218 authorizing application for funding
assistance for a Washington Wildlife and Recreation
Program (WWRP) project to the Interagency Committee
for Outdoor Recreation (IAC) as provided in Chapter 79A.15
RCW, acquisition of habitat conservation and outdoor
recreation lands**

**Ordinance No. 355 amending Chapter 15.05 of the
Shoreline Municipal Code to provide for local amendments
to the Building Code and Chapter 3.01 Building Fees**

Deputy Mayor Jepsen said he debated whether to oppose Councilmember Ransom's amendment to the June 7 meeting minutes [proposed in the City Clerk's memo to Council] regarding the letter sent to Washington State Department of Transportation (WSDOT). He said that although the letter described in the amendment refers to shortening the length of left-turn access to 450 feet, he felt it did not factually represent Council's action because the actual length of the proposed left-turn lane is 380 feet.

Councilmember Ransom said his intent was to clarify that WSDOT is considering double left-turn lanes, not necessarily a focus on the exact length of the turn lanes. He said the idea proposed in the letter was to reduce the length of the left-turn lane in half by adding a second left-turn lane. He noted that the 450 feet figure came from an initial study conducted by the Public Works Department.

8. **ACTION ITEMS: PUBLIC HEARING**

- (a) Public hearing to consider citizen comments on the proposed 2005-2010 Capital Improvement Plan and the proposed 2005-2010 Transportation Improvement Plan

Debbie Tarry, Finance Director, provided a brief overview of the Capital Improvement Plan (CIP). The Proposed 2005 – 2010 CIP totals \$130 million, with \$25 million in

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General Capital projects, \$97 million in Roads Capital projects, and \$9 million in Surface Water Capital projects. She went on to describe the three funds involved, the funding sources, and the long-term financing issues the City faces.

Mayor Hansen opened the public hearing.

(a) Cindy Ryu, Shoreline, suggested that the City's General Debt Policy list the impact on taxpayers as the first bullet point instead of the last. She pointed out that the proposed CIP shifts \$4 million from the General Fund to the City Hall project, funding that could be used for operational needs such as roads maintenance. She suggested that the City restore the recommended \$700,000 for roads surface maintenance, since the long-term costs for road replacement are higher than performing regular maintenance. She concluded by asking staff to explain where Seattle City Light is finding the \$1.3 million to reimburse the City for utility undergrounding costs in North City.

(b) Mark Deutsch, Shoreline, expressed concern about the timing of the CIP adoption relative to the master planning process, noting the difficulty of establishing priorities without the benefit of citizen feedback. He also inquired about the relationship between the CIP and Council's priorities versus citizen priorities. He expressed concern about using \$10 million of the City's accumulated fund balance for the City Hall project, noting the project does not appear to provide an immediate benefit to the community. He was pleased with the continued progress on the Aurora Corridor and North City projects, and wished to see more project integration such as Cromwell Park. He suggested the City pursue partnerships with the school district for sidewalk construction projects.

(c) David Anderson, Shoreline, expressed similar concerns about the timing of CIP adoption relative to the master planning process. He was concerned that the Council would adopt the CIP without considering input from the master planning process. He urged the Council to take additional public comment following the staff presentation on the CIP.

Councilmember Gustafson moved to close the public hearing. Councilmember Chang seconded the motion.

Councilmember Ransom suggested the hearing might be continued to allow for public comment after the last staff presentation. Councilmembers noted that the public has several more opportunities and means to provide input outside the public hearing. **A vote was taken on the motion to close the public hearing, which passed unanimously and the public hearing was closed.**

Mr. Burkett said Seattle City Light (SCL) went out of its way to identify funding in order to be able to reimburse the City for undergrounding costs. He noted that SCL ultimately recovers its costs through its rates. Responding to Mayor Hansen, Mr. Burkett explained that SCL is proposing to segregate undergrounding projects starting in 2004, so Shoreline ratepayers would be responsible only for undergrounding projects in Shoreline.

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Responding to Councilmember Ransom, Mr. Burkett said that Shoreline ratepayers would subsidize the North City undergrounding project under this new system. He said the advantage of this is that Shoreline ratepayers will not finance projects in areas outside Shoreline.

Regarding the relationship between the CIP and the master plans, Mr. Burkett noted that the CIP is slightly ahead of the master planning process in terms of timing, but the master plans can certainly be used to prioritize for the 2006-2011 CIP. However, if staff or the public identifies a project they consider to be a higher priority than those in the 2005-2010 CIP, it would be brought to Council's attention.

Paul Haines, Public Works Director, reviewed the proposed timetables, estimated costs and funding sources of individual projects in the Roads Capital Fund and the Surface Water Capital Fund. He explained a chart showing where sidewalks have either been built or are proposed in Shoreline. He said the proposed CIP includes 41,000 linear feet of sidewalk/pedestrian facilities, largely the Aurora Corridor and Interurban Trail projects, which equate to over \$13 million in investment. He explained that past CIP projects have constructed 19,000 linear feet of pedestrian facilities (\$6.5 million), and that between 1997 and 2004, 8,000 linear feet (\$1.6 million) of pedestrian facilities were constructed as a result of development.

Councilmember Chang asked if the City's plan to repair 900 linear feet of sidewalk this year equates to approximately three city blocks. Mr. Haines concurred, with the caveat that areas in need of repair are scattered throughout the City and depend on numerous factors. He said the budget is targeted at repairing very short segments that present tripping hazards or segments missing panels altogether.

Councilmember Chang wondered about the process for prioritizing new sidewalk construction in the City. He felt the City should try to collaborate with the school district on sidewalk construction near schools.

Councilmember Gustafson pointed out that the City has already partnered with the school district for sidewalk grant funding.

Mr. Haines explained the effort to acquire a grant for Sunset Elementary through the Washington Traffic Safety Commission. He said the application requires that the school district take the lead, and that the City provide matching funds. He went on to comment that the Transportation Master Plan will provide further guidance on the prioritization of sidewalks in the City.

Councilmember Ransom was concerned that the CIP does not reflect the high priority citizens have placed on sidewalks. He felt the Council should reprioritize to find at least part of the \$5.5 million that has been identified as the need for sidewalks.

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Mr. Haines noted that the Transportation Master Plan, which includes sidewalks, would likely align well with the CIP adoption process in 2005.

Councilmember Ransom noted that the Council consciously decided to allocate \$500,000 for road maintenance instead of the recommended \$700,000 because, even though a majority of Shoreline voters did not support it, Initiative 776 was specifically tied to road funding.

Mayor Hansen concurred, noting that public officials should respond by cutting back in those areas that voters want less emphasis.

Councilmember Chang wondered how much Shoreline households would end up paying in utility fees for the undergrounding costs of the North City and Aurora Corridor projects. He estimated that undergrounding costs could exceed \$10 million for both projects. Mr. Haines said that, while he could not determine anticipated ratepayer fees, staff could study the rate structure with SCL to try to determine rough estimates.

Ms. Tarry briefly reviewed the projects in the Surface Water Fund, noting that half of the funding for these projects would come from surface water fees.

Councilmember Ransom asked if there were any current or future plans to daylight Thornton Creek or any other watercourses in Shoreline.

Mr. Haines said although there are no current plans to daylight any streams, daylighting could be explored as part of the Surface Water Master Plan.

Councilmember Gustafson thought the opening of the culvert at Twin Ponds could be a minor form of daylighting. Mr. Burkett noted that opening the culvert is part of the mitigation required for the Aegis project.

Deputy Mayor Jepsen asked for further information on the following:

- 1) How the 3rd Avenue NW surface water management improvements, including street and pedestrian improvements, relate to the Richmond Beach Rd. and 3rd Avenue NW Roads Capital Project that has been delayed;
- 2) Whether a policy was ever developed on the amount of annual surface water management capital revenue collected from the SWM fees that should be pledged to debt and interest for things such as the Public Works Trust Fund;
- 3) A chart that shows the amount of funds available above the Rainy Day Fund before and after moving dollars as suggested by staff to pay for City Hall; and
- 4) What has been or will be constructed in 2004 under the Neighborhood Traffic Safety Program for \$195,000, which is dramatically different from what we're anticipating in future years.

There was Council consensus to allow additional public comment.

(a) David Anderson, Shoreline, explained that some features of the North City Project, including chicanes and street trees, actually make the street more difficult for the disabled to navigate. The blind have more difficulty following an uneven curb, and street trees can act as obstacles to the blind and wheelchair users. He suggested that street trees be eliminated from the design, and that stop signs be removed from curb ramps. He also suggested that the City explore the possibility of using engineering students for stream restoration projects in order to save money.

(b) Cindy Ryu, Shoreline, said if the Council has discretion to take money from the General Fund to finance City Hall, it should be able to add an extra \$200,000 to the roads maintenance fund to adequately maintain City streets. She noted that streets were rated as a higher priority than City Hall in the recent citizen survey; therefore there is no public mandate for the City Hall project. She pointed out that properly maintained roads would not require rebuilt.

Mayor Hansen said he supports City Hall and other projects that result in long-term savings to Shoreline taxpayers.

Councilmember Chang noted that several members of the disabled community have contacted him about forming a committee on Americans with Disabilities Act (ADA) issues. He suggested that the City explore the possibility of forming a volunteer committee to make capital projects more efficient and cost-effective.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Motion to adopt the City Council's 2004-2005 Work Plan

Robert Olander, Deputy City Manager, briefly reviewed how the work plan of six continuing goals and two new goals was developed. During the City Council retreat of April 23-24, 2004, the Council reviewed and updated its annual work plan. The Council identified six goals to continue from the 2003-2004 Work Plan and the following new goals:

- Review and consider improvements with Code Enforcement and Visual Standards
- Enhance public participation in city government

Mr. Olander said staff is recommending minor wording changes in the two new goals as follows:

- Review and consider improvements in code enforcement standards
- Develop and adopt policies to enhance public participation in city government

The reason for the first minor change is that visual standards should be considered as part of code enforcement standards if they are to be enforceable. The reason for the suggestion on the second goal is to add specificity and measurability to this goal. Otherwise one would never know when the goal is met.

Councilmember Ransom felt the public should have further explanation of what was meant by Goal #7 relating to code enforcement standards.

Mr. Olander responded that the last public survey indicated that people were more concerned about litter, weeds, and abandoned cars than they were about building code issues. The Council felt it should be more proactive in this area, so Goal #7 was proposed. Following approval of this new goal, staff intends to present a more detailed work plan to Council for review and approval.

Upon motion by Councilmember Gustafson, seconded by Deputy Mayor Jepsen and unanimously carried, the work plan was adopted.

Deputy Mayor Jepsen looked forward to seeing the work plan with measurable accomplishments as benchmarks toward completion of the goals.

10. NEW BUSINESS

- (a) Information prior to Council July 12, 2004 consideration of Midvale Avenue N Closure

Mr. Olander introduced Paul Cohen, Senior Planner, who described the proposal to close or vacate Midvale Avenue between N. 183rd St. and N. 185th St. as part of the development of the former QFC site. The overall proposal is to redevelop this site, including the tavern and the taxi company site, Midvale Ave. N., and Seattle City Light property with a 15,300 square foot pharmacy and a 49,260 square foot multi-tenant commercial building with 304 parking stalls. It would include construction of the Interurban Trail through the property, as well as landscaping and frontage improvements on Aurora Avenue. Mr. Cohen explained that the Midvale proposal comes at the request of staff, since the Central Subarea Plan considers the rerouting of Midvale through the Gateway property and realigned to Midvale north of N 185th Street.

Mr. Olander noted that although the City Council never formally adopted the Central Subarea Plan, it seems to have accepted it as a general planning document.

Councilmember Ransom asked questions relating to the design of the proposed 15,300 square-foot building. He felt that the pharmacy's drive-through window as proposed could present traffic circulation problems in the parking lot and onto N 185th Street.

Mr. Cohen concurred, noting there are still some unresolved questions about the design/function of that particular feature. Mr. Olander emphasized that the discussion should focus on the potential street closure or vacation, not the specifics of the proposed development. He also noted that this is now scheduled for the July 19 meeting rather than July 12.

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Councilmember Ransom felt that a traffic control device might be needed to address potential traffic congestion at the Midvale Avenue/N 185th Street intersection. He also felt that additional egress lanes might be needed to address increased traffic volumes. He wondered if the current property owners have special rights to Midvale Avenue, or if the City is granting this property to the Gateway Center owners in exchange for access.

Ian Sievers, City Attorney, speculated that this would be a simple right-of-way (ROW) dedication, which would require the Gateway owners to pay compensation for the fair market value of the vacated property. However, the new replacement ROW could be exchanged for the vacated Midvale Avenue.

Councilmember Ransom suggested that Mr. Sievers review the original dedication and any vested rights that may be associated with it. He also pointed out that the proposal allows for adequate parking, but the Central Subarea Plan's 25-year vision assumes a centrally located, mixed-use building, which consumes a large amount of parking.

Mr. Olander noted that a centrally located building is not part of the current proposal, and that the proposed design exceeds the City's legal requirement for parking.

MEETING EXTENSION

At 10:00 p.m. Councilmember Gustafson moved to extend the meeting to 10:15 p.m. Councilmember Chang seconded the motion, which carried unanimously.

Councilmember Chang wondered how rapidly the development would proceed following any Council action, and whether the new Midvale alignment would be a ROW dedication or a simple easement. He also wondered if the water table issues to which Mr. Abbott referred apply only to this site or to the entire length of Midvale from N 175th Street to N 185th Street.

Mr. Olander was reluctant to speculate on water table issues or future development along the Midvale Avenue corridor.

Councilmember Gustafson felt he could support the proposed design as long as it provides safe access and adequate parking.

Deputy Mayor Jepsen said the proposed design does not clarify whether there is continued ingress/egress on the 100-foot ROW of N 183rd Street, or if an alternative access point is proposed to the north. He also wondered if an access point is proposed to the east of the existing intersection at Midvale Avenue N and N 185th Street. He pointed out that the primary reason for moving the intersection is its close proximity to Aurora Avenue. He also asked about the elevation of Aurora Avenue at the corner of N 185th Street. He said he looks forward to reviewing the conditions staff would recommend to resolve these issues.

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Councilmember Ransom wondered if the rerouted Midvale Avenue would retain the characteristics of a public street. He was concerned that if people perceive it as merely a parking lot, they may use neighborhood streets, such as N 183rd Street and Stone Avenue N, to circumvent the development.

Mr. Olander said the City should consider the use of traffic calming devices or other measures to discourage cut-through traffic. He said the ultimate goal is for drivers to access the site using Aurora Avenue and N 185th Street, and that a combination of options may be necessary to achieve balance. He said the developer's final proposal would tell more about anticipated traffic flow and parking issues.

Councilmember Ransom said while he generally supports the street vacation, he would appreciate responses to the concerns he raised tonight.

Councilmember Gustafson commended those involved in the success of last weekend's Shoreline Arts Festival. Mayor Hansen added that the Historical Museum had opened its Smithsonian Exhibit over the weekend as well.

11. ADJOURNMENT

At 10:15 p.m., Mayor Hansen declared the meeting adjourned.

Sharon Mattioli, City Clerk

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