

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, May 12, 2008 7:30 PM
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way.

ABSENT: None

1. CALL TO ORDER

At 7:35 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember McConnell, who was expected to arrive later.

(a) Proclamation of the Richmond Beach Community Association as a Century Corporation

Mayor Ryu read the proclamation recognizing the Richmond Beach Community Association as a 100-Year Corporation. Sean Quigley, President of the Richmond Beach Community Association, thanked the City and noted that the organization is looking forward to another 100 years of community building.

3. CITY MANAGER'S REPORT

Julie Modrzejewski, Acting City Manager, provided reports and updates on various City projects, meetings, and events. She stated that the Spring Clean Sweep Recycling Event was a success and communicated statistics from the event held on May 12. She highlighted that the Shoreline Community College is graduating its first "green collar" workers, graduates from their Solar Design program.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Eggen announced that he attended the SeaShore Transportation Committee meeting where the Sound Transit II proposals were discussed. He added that he also attended a Municipal Solid Waste Management Committee meeting.

Councilmember Way said she attended the Kruckeberg Mother's Day sale.

Mayor Ryu stated there is a North King County Green Business Conference on June 10 at the Shoreline Community College. The City of Shoreline, Shoreline Community College, and King County are partners in sponsoring this event. There will be a portion concerning solid waste and recycling. Additionally, there will be discussion on Cleanscapes dump fees and the probability of having to build a new facility in the future. She also announced that the King County Council will be having a meeting in Shoreline next Monday and there is a public reception at 6:00 p.m. in the Shoreline Room.

5. GENERAL PUBLIC COMMENT

a) LaNita Wacker, Shoreline, read from the Comprehensive Housing Strategy report. She read sections concerning affordable alternatives, third places, locating housing in a more compact fashion, having housing variety, and that Shoreline can accommodate Growth Management Act targets. She read that housing prices will go up and will limit affordability. She concluded that the Council has duty to follow the recommendations.

b) Boni Biery, Shoreline, stated that the Sustainable Shoreline Education Association along with the Parks, Recreation, and Cultural Services Department is sponsoring a "Champion Trees Contest," which will help build an environmentally sustainable community. She hoped everyone participates in the event that will run through Labor Day.

c) Wendy DiPeso, Shoreline, stated that the community spoke against Ordinance No. 478 and it cannot be supported until there is a community vision and Comprehensive Plan review. She referred to Ordinance No. 505 and felt there wasn't a full disclosure to the public or the surrounding neighborhoods and still not an appropriate process. She stated that an R-110 cap should be contingent upon a legal opinion from the state since the current Comprehensive Plan (CP) does not allow for anything higher than R-48. She is in favor of allowing higher densities on Aurora, over R-48, as long as a public process is followed and a good transitional zone is in place between the higher densities and the low density single family dwellings.

d) Les Nelson, Shoreline, reviewed the history of density designations and stated that there is confusion in the CB and RB based on the fact that there is CB land use and RB land use in the Comprehensive Plan. He noted that in 1998 the CP maximum density was R-48 for CB and RB land use. The new Development Code zoning densities were raised from 18 to 48 dwelling units per acre and the CB and RB went from 48 to no maximum dwelling units per acre. He added that when Ordinance No. 238 was done there weren't any notices sent to adjacent single family neighborhoods. In 2001, Ordinance No. 276 amended the CP and added "RB" in CB areas with no mention of increasing residential density limits. In 2005, he stated that the CP still has RB and CB land use identified as high density, and to date, no CP amendment that permits more than 48 dwelling units per acre.

e) Brenda Marler, Shoreline, stated that there are two single-family lots in her neighborhood, the Westminster Triangle. She said a developer is building four houses where there were two and are losing old growth trees. She noted that her house is across from property and the Council is doing nothing to protect the trees when lots are being cleared. She commented that when the Council voted in a 90-foot buffer along the trail the residents didn't have a say. She pointed out that the neighborhood meetings need to be taped because there needs to be a record of what's happening. She doesn't feel all of the neighbors are agreeing with what is going on in the City and at these meetings.

f) Brian Derdowski, Issaquah, on behalf of Public Interest Associates, asked the Council to retain some discretionary authority on land use applications. He felt the CP amendment is a better method. He said phasing development makes a big difference to the community. He asked the Council to consider whether a 110-unit cap is appropriate for all areas and questioned if it should apply uniformly or if parcels should be considered differently.

Councilmember Way asked Ms. Modrzejewski if she had any information concerning Ms. Marler's comments. Ms. Modrzejewski said the City staff will investigate and provide some background for the full Council.

6. APPROVAL OF THE AGENDA

Councilmember McGlashan moved approval of the agenda. Councilmember Hansen seconded the motion, which carried 7-0 and the agenda was approved.

7. CONSENT CALENDAR

Councilmember McGlashan moved approval of the Consent Calendar. Councilmember Hansen seconded the motion, which carried 7-0 and the following items were approved:

- (a) Minutes of Business Meeting of March 24, 2008
Minutes of Special Meeting of March 31, 2008
Minutes of Workshop Dinner Meeting of April 14, 2008
Minutes of Workshop Dinner Meeting of April 28, 2008

- (b) Approval of expenses and payroll as of April 28, 2008 in the amount of \$2,291,338.62

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

- (a) Ordinance No. 504 Approval of Shoreline Town Homes Final Plat, 1160 N. 198th Street

Paul Cohen, Planner, and Joe Tovar, Planning and Development Services Director, provided a brief report on the proposal to approve a final plat for townhomes. Mr. Cohen announced that the Planning Commission recommended approval and the Council approved a preliminary plat when

Ordinance No. 422 was adopted in April 2006. The City staff has reviewed site, engineering, and building permits to ensure the conditions approved by Council are met. He stated that the City must also receive performance and maintenance bonds before occupancy can occur. He described the site as having 18 lots with one critical area tract. He added that the site meets 2005 King County storm water manual requirements. He noted that the site features filtration beds, pervious pavement, a rain garden, a bioswale, and a fence delineates the wetland buffer. He added that the site met all code requirements for site engineering and zoning and has exceeded the 1998 King County Stormwater manual requirements.

Councilmember Way asked if the landscaping was completed in the buffer. Mr. Cohen replied that it was being finished at the time the staff report was being drafted.

Councilmember Hansen moved to adopt Ordinance No. 504. Councilmember McGlashan seconded the motion.

Councilmember Way questioned if there has ever been a final plat approval on a Council agenda like this in the past. Mr. Tovar stated that this is a courtesy step and the preliminary approval is the big step. Ian Sievers, City Attorney, said that a substantive decision was made with the preliminary plat approval and state law allows it without a Council action as routine.

Councilmember Way inquired what the remaining details were about this plat. Mr. Cohen stated that there will be ongoing inspections and there will be a final inspection on the plantings and storm drainage. Once the inspections are done the bonds will be released when the work is done. Councilmember Way wanted to know the width of boardwalk. Mr. Cohen responded that it was five feet wide.

Councilmember McConnell arrived at 8:20 p.m.

Councilmember Hansen moved to call the question. Councilmember McGlahsan seconded the motion, which failed 2-5, with Councilmembers Hansen and McGlashan voting in the affirmative.

Councilmember Eggen inquired what work still had to be done in the critical area. Mr. Cohen responded that there is a low concrete wall at water's edge that needs to be removed and it needs to be inspected. Additionally, there are still inspections that need to be done. He added that the site looks fairly complete; however, he needs to go out and inspect everything. Mr. Tovar noted that the certificate of occupancy is the final control point.

Councilmember McGlashan inquired about the bioswales off of 198th Street and wondered if it is collecting water off the other site. Mr. Cohen responded that it was not and that the access road is 198th and the water is coming from 199th Street.

Mayor Ryu supported the motion, even though, she said, R-48 with zero lot line is really approximately an R-17.

A vote was taken on the motion to adopt Ordinance No. 504, Approval of Shoreline Town Homes Final Plat, 1160 N. 198th Street, which carried 7-0.

(b) Ordinance No. 478, Amendments to the Development Code, Section 20.50.020; Residential Density in CB Zones, affecting properties located in the Town Center Study Area and along Ballinger Way

Mr. Tovar introduced this item. He stated that the Planning Commission and the City staff recommend tabling this item indefinitely. He explained that Ordinance No. 478 would remove language in the CB zone as it applies to maximum residential density and listed those properties as not having a maximum just as the RB zone presently reads. He added that Ordinance No. 505 will take up the question of whether the City should adopt a density cap. The Planning Commission, he said, wants to treat RB and CB the same.

Councilmember McGlashan inquired if the staff recommendation to table is only because of the agenda order. Mr. Tovar responded that it makes sense to deal with Ordinance No. 505 first.

Councilmember McGlashan moved to amend the agenda and move this to item 8(c). Councilmember Hansen seconded the motion, which failed 3-3, with Mayor Ryu, Deputy Mayor Scott, and Councilmember Eggen dissenting.

Steve Szafran presented the City staff recommendation on Ordinance No. 478. He stated the item is a continuation from the March meeting to revise the proposal for removing the density limitations within the CB category and allow the unit count to be governed by height, bulk, parking, and setbacks. These conditions, he pointed out, were unanimously recommended by the Planning Commission.

Mayor Ryu called for public comment.

a) Gretchen Atkinson, Shoreline, favored this Ordinance for the allowance of extra density because it makes sense to have residents near business centers.

b) Scott Thompson, Shoreline, thanked the Council for adopting the Comprehensive Housing Strategy. He said he is shocked at the cost of local housing. He thanked the City staff for their work on both the Housing Strategy and Ordinance No. 478. He urged adoption of Ordinance No. 478.

c) LaNita Wacker, Shoreline, supported adoption of Ordinance No. 478. She felt that the City staff recommendation is a political sway. She noted that the Housing Strategy says the CB zone is mixed use (MU) density and the issue deals with unit count. She said if you have a 40 x 60 foot structure that is 2,400 square feet, it can be six (6) studio units of 400 square feet each, four (4) 600 square foot one bedroom units, or three (3) 800 square foot two bedroom units. She said having any designation of a unit count doesn't make sense. She said she has been involved in this for 13 years. She concluded that the City needs more housing.

Councilmember Way asked Ms. Wacker if she felt the way she calculated densities would apply to MU designations. Ms. Wacker responded that it would, but the only difference in the MU and CB zone is that the Planning Department required that the first floor be built to commercial standards. Councilmember Way asked if she felt this should apply to NB and any land use designation. Ms. Wacker responded affirmatively and said the most restrictive zone is R-4 and R-6 and CB, NB, and RB are unlimited uses where the City allows the developers to use the most. Therefore, if the City restricts the usage it will be sued for takings. Councilmember Way asked if Ms. Wacker believed that any land use designation should have any density. Ms. Wacker explained that any designation should be limited by the width, length, and height.

d) Jim Abbott, Shoreline, favored Ordinance No. 478 because it allows increased housing units in select commercial centers. He noted that the Council voted 6-0 on March 24 to adopt the recommendation of the Citizen Advisory Committee (CAC) which was a positive step for affordable housing. Deputy Mayor Scott and Councilmember Eggen were members of the CAC and it was unanimously recommended by the Planning Commission and the City staff. He highlighted that Ordinance No. 478 provides housing near public transportation and consumer retail services. He stated that citizens can walk to services, which reduces the reliance on oil and preserves single family residential neighborhoods. This would also allow the City to comply with the Growth Management Act. This legislation only affects two non-residential zones and doesn't change any other zoning requirements.

e) Peter Steinbrueck, Seattle, said this area is experiencing a population growth. He noted that he spent 10 years on the Seattle City Council and helped rezone the City. He stated that the City of Seattle got rid of density limits. He said Ms. Wacker is absolutely right and form-based zoning is the way to go. He urged the City to talk about compact communities and quality neighborhoods. He said the City should put the emphasis on performance-based zoning rather than restrictive zoning that will harm economic development and prevent the housing that the communities need now. He noted that the best way to predict the future is to plan it. He commended the City of Shoreline for an outstanding piece of work in the Comprehensive Housing Strategy. He said he especially likes the emphasis on expanding housing choices while maintaining neighborhood character, given that over 70% of Shoreline is zoned for single family.

f) Jeffrey Oxner, Seattle, stated that he is a professor at the University of Washington Department of Architecture and holds adjunct appointments in the Department of Urban Design and Planning and the Department of Landscape Architecture. He is also the Associate Dean in the College of Architecture and Urban Planning. He said he teaches a required course on urban design which is the relationship between land use and transportation. He commented that dense development needs to support mass transit which reduces pollution. He favored Ordinance No. 478 and said it clearly aligns with the practices taught at the college every day. He urged the Council to protect single family neighborhoods.

g) Alice Abbott, Shoreline, commented that she supported Shoreline businesses, services, schools, and sports. She expressed support for Ordinance No. 478. She said it addresses unit count in certain CB zones, not the requirements for height, building size, parking spaces, etc. It only affects the number of units. She said she supports density where it makes sense. She urged the Council and residents to prepare for the future, and Ordinance No. 478 has protections

for neighborhoods. She noted that she will want to get rid of her big house someday for something smaller and urged the Councilmembers to vote for it.

h) Michelle Takasaki, Shoreline, supported Ordinance No. 478. She said it coincides with Council goals and the CAC Housing Strategy. She noted page 17, item #5 from the CAC Housing Strategy and read that the City needs to allow greater unit counts in certain places with certain conditions. She said the Council has failed to approve legislation concerning these recommendations that have been approved by the Planning Commission and the City staff on three separate occasions. She noted that Ordinance No. 478 fully embraces this and increases density in those areas that Shoreline can best accommodate.

i) Allison Hoberg, stated that the language of the Comprehensive Plan is not in keeping with the spirit of policies previously adopted. She said the City should encourage efficient use of land and diversity. She continued that there needs to be a variety of quality housing opportunities suitable to the needs of Shoreline's present and future residents. She said the goals also emphasize a mix of uses to serve the neighborhood, commercial, and residential functions together. She concluded that she is concerned that the spirit of the language will never be put into effect.

j) Les Nelson, Shoreline, said this is all about changing the base definition of a CB zone which requires a Comprehensive Plan amendment. He added that this process needs to be a community vision. He explained that you wouldn't take R-12 and change it to 24 dwelling units per acre and just keep the same name. He doesn't favor having unlimited density and said it needs to be done by a Comprehensive Plan change.

k) Dennis Lee, Shoreline, opposed Ordinance No. 478. He felt the City does need density, but it also needs sustainable development. He commented that the Development Code changes got the City into trouble and now it is a faulty process. He stated that the City tried to move along in a hurry and he isn't sure it's legal for the City to zone above R-48 without a Comprehensive Plan review. He said in 2005 there was a CP review and there weren't any real substantive changes then. Now, he felt the CP process needs to start with the visioning. He said this Ordinance looks more like a Band-aid.

l) Dwight Gibb, Shoreline, said the Comprehensive Plan says we should change the Aurora Corridor and create a sense of place so the locations have meaning. He said the word "place" is the same in every country in Europe. He said if we're going to have special places in Shoreline, they need to be planned as a part of the larger system. He felt the Aurora Corridor is very narrow and there is no room to do it there.

m) Brian Derdowski, Issaquah, on behalf of Public Interest Associates, stated that land use is technical and has several obstacles. Those obstacles, he explained, are that the GMA housing targets are expressed as units and not form-based. He also said the environmental impact statement (EIS) is expressed in units. He said the Council has an interest in how many bedrooms or units the developments will have and that will drive the market. He noted that there is an oversupply of commercial units and that normally brings forth recession, which is predicted. He

added that in a recession apartments may stand empty. He also stated that putting lots of people in the corridor doesn't make sense and that the Council should approach this as a large CP issue.

n) Harley O'Neill, Shoreline, expressed support for Ordinance No. 478. He stated that if the City wants to preserve character of residences it needs to concentrate density along the corridor and support businesses. He also suggested the City provide affordable housing, i.e., studios and one-bedroom units.

Mr. Tovar understood the position of the speakers but disagreed with the comments concerning the GMA. He said the City staff has spoken to the Council several times about form-based codes, which the Council was not feel comfortable with. Therefore, the City staff recommended a cap in the RB zone of R-110. He added that it makes sense to have greater density in the RB zone. He proposed that another idea the Council may want to entertain is having a maximum unit count for CB that is roughly 90% of the maximum unit count for RB. He felt both zones should have a density cap or both should have no maximum density. However, he pointed out that the Council needs to look at what the market is providing already and what the developers are proposing, which is right around R-110.

Councilmember Eggen said this is a serious motion and worthy of serious consideration. He said he cannot support another motion that does something different.

Councilmember Eggen moved that this item be postponed until May 27, 2008.

Councilmember Way seconded the motion, which failed 3-3, with Councilmember Hansen, McConnell and McGlashan dissenting and Mayor Ryu abstaining.

Councilmember Hansen stated that he heard a reference that transit is a pollution corridor. He also said he heard the suggestion that a density cap will not provide more units than a form based code because form based code will allow the developer to decide how many units he is going to build. He said based on his calculations, the floor area would be about 1,200 to 1,400 square feet under an R-110 cap, and no developer would build in Shoreline based on that. He commented that he is ready to make a decision. He communicated that an anomaly is created by instituting a density cap, not the fact that the form-based code hasn't been adopted. He said it is time for this Council to make a decision and act. He supported Ordinance No. 478.

Deputy Mayor Scott commented that he would like to support the proposed Ordinance but he cannot. He agreed that there are still some things to work out.

Councilmember Eggen said the maps were confusing and asked how many properties are addressed by Ordinance No. 478. Mr. Szafran stated that he couldn't pinpoint the exact number, but said it would be all the dark red parcels within the dotted black line.

Mayor Ryu said she counted them and there are over 100 between 170th and 200th Street on Aurora Avenue. She added that on Ballinger Way there are over 40 parcels affected.

Councilmember Eggen asked how this will affect property taxes for businesses. Mr. Tovar replied that it will potentially allow more units, so they may be more valuable.

Councilmember McGlashan wanted clarification on the estimation on actual properties affected that are currently zoned CB. Mr. Szafran noted that there are currently over 50 parcels that are zoned CB in the area.

Councilmember Way agreed with all of the speakers and said there needs to be a plan. She felt the City needs to plan so a community can handle density. She hoped the interim controls will be consistent. She added that she is not prepared to support this at this time.

Mayor Ryu stated that this item was introduced on March 15, 2007 and this is the fifth time it has come before the Council. She said there are other ways of offering affordable housing and there is a lot of confusion and concern. She suggested taking a look at cumulative impacts and doing some traffic modeling. She also noted that the SEPA should be reviewed along with the EIS. She felt it is premature to upzone a CB area and cannot support this.

A vote was taken on the motion to adopt Ordinance No. 478, Amendments to the Development Code, Section 20.50.020; Residential Density in CB Zones, affecting properties located in the Town Center Study Area and along Ballinger Way. Motion failed 3-4, with Councilmember McGlashan, Councilmember McConnell, and Councilmember Hansen voting in the affirmative.

RECESS

At 9:55 p.m., Mayor Ryu called for a five minute recess. Mayor Ryu reconvened the meeting at 10:00 p.m.

MEETING EXTENSION

At 10:00 p.m. Deputy Mayor Scott moved to extend the meeting to 11:00 p.m. Councilmember Way seconded the motion, which carried 7-0.

(c) Ordinance No. 505 Adopting a Moratorium for Six Months on the filing or acceptance of any applications for Residential Development of land within the Regional Business Land Use District which exceed a density of 100 dwelling units per acre

Mr. Tovar said this issue was raised by the City Manager last week and the City staff put this ordinance together. He said it will give some context and perspective about RB. He explained that in a City of 11.7 square miles, 3.5% is in an RB zone, and 72% is a single family zone. Overall, he stated, this is a pretty small area, but it is a primary source of revenue and where the retail sales tax resides. He felt this is about value and potential use of property. He added there are other things that control unit number, but there's no "iron cap." He encouraged attendees to look at other projects in order to get an idea what R-110 is like. He commented that it isn't as dense as other places and explained that this is an interim step. He noted that a "taking" is a matter of degree, so he advised the Council to be cautious. He said this Ordinance gives the City staff time to look at permanent regulations for the RB zone and felt that R-110 is reasonable.

Mayor Ryu called for public comment.

a) LaNita Wacker, Shoreline, opposed the moratorium. She explained that a moratorium can only be instituted if there is an emergency and she felt this wasn't an emergency. She discussed the 110 density cap. She felt restricting the density to 110 is a taking and ignores the rights of RB property owners. The Council, she said, has failed to notify the people who are affected by this in the RB zones. She felt the City cannot take away development rights and this will open the City to legal action.

b) Les Nelson, Shoreline, appreciated the Council looking into the CB, RB density history. He added that the CP already has 48 dwelling units per acre which is already a cap. He felt there needs to be a way to get density into the City and 110 may be a good number, but urged the Council to do it in a planned way. He also stated that there needs to be a true transitional area.

c) Dennis Lee, Shoreline, noted that this is interim development controls. He stated that R-48 is the land use designation maximum in the CP and if it is used he isn't convinced having a 110 density cap could be legal. He supported a density cap lower than 110 and urged the Council to be careful and give staff direction.

d) Dwight Gibb, Shoreline, said the public was shortchanged. He said the City took all week to publish these documents and the public only had three days to review all of them. He said it seems that the CP specifies R-48 as the legal maximum in CB and RB. He felt that R-48 should be the basis from which the City should work from. He felt if a developer wanted to propose something higher it should require some conditions from the City.

e) Brian Derdowski, Issaquah, on behalf of Public Interest Associates, suggested that the Council direct the City staff to enhance the findings of fact to support the moratorium by putting in findings dealing with SEPA documents. He also stated that the traffic modeling needs updating and there are capacity issues. He felt that enunciating the changed circumstances gave rise to the moratorium. He said a history of how the City got to this point would be good. He discussed the downzoning issue and said if the City does the appropriate findings and process these are not takings.

Mr. Tovar stated that the City staff disagrees that R-48 is the maximum. He stated that there is no cap that presently exists. He communicated that R-110 doesn't constitute a severe downzone and R-48 would be severe and reckless. He felt R-48 exposes the City to considerable risk and sends the wrong message. He said the City cares about planning for the future and R-48 reduces the potential of residential development in RB by half. He stated that zoning permits control, not the CP. He highlighted that the properties zoned RB have legal rights. He said that keeping the zoning at R-48 would send a message to investors that this isn't a place to build.

Mr. Sievers clarified that instituting an R-110 density cap isn't a taking as long as there is an economically reasonable use of the property. He said the Council has the power to impose moratoria but it must be reasonable in length and in what they take away. He noted that the Supreme Court upheld a thirty-two month moratorium in a Lake Tahoe case. The Development

Code, he said, went through a public process and so did the "no maximum" language and it should not be disregarded.

Mr. Tovar added that the SEPA for the moratorium has not been done and three days is a lot of time because typically there is no notice given for a moratorium.

Councilmember McGlashan clarified that it has to be an emergency to impose the moratorium. Therefore, he asked how many applications have been submitted in these zones and what constituted the emergency.

Mr. Tovar responded that the court gives broad deference to legislative bodies concerning emergencies. He said this has taken up an enormous amount of Council and Planning Commission agenda time, debate, confusion, controversy, and uncertainty in the City. Therefore, it was deemed an emergency.

Councilmember McGlashan questioned if the courts described contention as emergency. Mr. Tovar said it depends upon how much you reduce the value on this. He said it can be a risk to not address this; thus, it is an emergency that needs to be discussed and corrected.

Councilmember Way pointed out that there was a moratorium in the first year the City was incorporated. She explained that it involved 2,500 square-foot lots getting permitted because of King County Code and the City imposed a moratorium on all short platting. She added that it was harsh but it was necessary.

Councilmember Hansen explained that the problem arose because of a change in 1995 allowed 2,500 square foot zoning under the King County Code. He said the City adopted King County Code in May of 1995 and in June, not realizing this 2,500 limit, had several applications come in and projects built. The moratorium limited it to 5,000 square feet, then it was adjusted to 7,200 square feet per lot.

Mr. Sievers offered that an emergency is a reflection that the market can move quickly when there is a change in market conditions or an inadvertent inclusion in the development code.

Deputy Mayor Scott moved to adopt Ordinance No. 505 Adopting a Moratorium for Six Months on the filing or acceptance of any applications for Residential Development of land within the Regional Business Land Use District which exceed a density of 100 dwelling units per acre. Councilmember Eggen seconded the motion.

Councilmember McGlashan commented that he didn't understand how the Council has all the information for this item, but on the other hand understands there is a liability. He felt that the City is already dealing with problems with the previous moratorium and so he doesn't support this legislation.

Councilmember McConnell wanted to know how many properties affected by this moratorium are in the permit stage. Mr. Tovar replied that he can't give a count because the City hears from potential applicants before an application is submitted. He added that the market can turn quickly

based on unforeseen events. He said there have been applications under 110 and ones zoned RB would be affected, but not those in the North City Business District.

Councilmember McConnell said she has a sense that the City staff wants to find some compromise so the Council can get to a vote. Mr. Tovar responded that the City staff is sensing that there is some anxiety, in the public and on the Council, about unlimited density.

Councilmember Hansen said he doesn't support Ordinance No. 505. He said the idea of unlimited density is ridiculous. He said if a developer wanted to build the maximum density they would build a complex with 1,200 square foot units. He said he doesn't see that there is an emergency. He felt the City is discouraging people and developers from investing in Shoreline. He stated that even R-110 sends the wrong message and that there are all kinds of other restrictions on them. He felt this borders on a taking. Mr. Tovar commented that the long-term direction will be to move this towards form-based codes.

Councilmember Eggen said he is much less enthusiastic about 600 square-foot dwellings and that the City will deeply regret huge apartment buildings filled with studios. He asked how 110 units translate into 1,400 square feet when the Ridgecrest legislation worked out to be 600 – 700 square feet. He wondered if the 1,400 feet accounts for hallway, elevator, and common space in the building. Mr. Tovar commented that he wasn't sure how regulating unit size is meaningful. Councilmember Eggen felt it would be good to determine the median square footage of the dwelling.

Councilmember Way made a suggestion about SEPA findings. She asked the City staff to conduct an enhanced findings of fact to explore impacts on utilities and transportation. Mr. Tovar responded that the SEPA hasn't been done. However, even if it was, the City may or may not rely on its results. Councilmember Way continued and discussed this being a step toward form-based code, but she felt that no maximum density is out of step with the community.

Deputy Mayor Scott called for the question. Councilmember McGlashan seconded the motion, which carried 7-0. A vote was taken on the motion to adopt Ordinance No. 505 Adopting a Moratorium for Six Months on the filing or acceptance of any applications for Residential Development of land within the Regional Business Land Use District which exceed a density of 100 dwelling units per acre. Motion carried 4-3, with Councilmembers Hansen, McConnell, and McGlashan dissenting.

9. ADJOURNMENT

At 10:55 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk