

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, September 22, 2008 - 7:30 p.m.
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 7:32 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 Hansen, who arrived shortly thereafter.

(a) Proclamation of "Mayor's Day of Concern for the Hungry"

Mayor Ryu read the proclamation declaring September 27, 2008 as "Mayor's Day of Concern for the Hungry." Arthur Lee, Executive Director of the Seattle/King County Emergency Feeding Program, accepted the proclamation and urged residents to donate at local food drives throughout the City on Saturday, September 27.

(b) Proclamation of "Prostate Cancer Awareness Day"

Deputy Mayor Scott read the proclamation, declaring September 22, 2008 as "Prostate Cancer Awareness Day." Larry Owens, Shoreline resident and prostate cancer survivor, thanked the Council for this recognition and emphasized the importance of cancer prevention and early detection.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, provided updates and reports on various City meetings, projects, and events, including the following:

- Spruce up Shoreline Schools, September 27, 9:00 - 12:00 noon
- Visioning Meeting, October 1, 7:00 p.m., Shoreline Center

- Visioning Meeting, October 2, 7:00 p.m., Shoreline Center
- Fall Clean Sweep Recycling Event, October 4, 9:00 a.m. – 3:00 p.m., corner of 192nd and Aurora Avenue North
- Parks Board Meeting, September 25, 7:00 p.m., Spartan Recreation Center
- Council of Neighborhoods Meeting, October 1, 7:00 p.m., Shoreline Historical Museum

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Eggen reported on his attendance at a Puget Sound Partnership meeting hosted by WRIA-8 and WRIA-9, where plans for salmon recovery were discussed. This four-point action agenda gives priority to 1) coordinating efforts of many different groups; 2) focusing on saving good habitat; 3) surface water runoff; and 4) new restoration efforts. He noted that Puget Sound Partnership has a website. Mr. Olander explained that WRIA stands for Water Resource Inventory Area, which divided the region into geographic areas. He added that KCD stands for King Conservation District.

Councilmember McGlashan reported favorably on the new Dale Turner Family YMCA facility. He added that he departs Wednesday for the National League of Cities (NLC) Steering Committee for Community and Economic Development.

Mayor Ryu commented that the local mayors are challenging each other to volunteer at the Food Lifeline in Shoreline at 1702 NE 150th Street. She added that she attended the SeaShore Transportation Forum meeting.

5. GENERAL PUBLIC COMMENT

a) Greg Logan, Shoreline, discussed the Visioning process and supported Wendy DiPeso's idea of more citizen input. He said there should be flexibility in land use. He said the purpose of land use is not to make profits for owners, but to protect existing citizens and residents. He said State law gives deference to special interests, and municipal government needs to set a "bright line" establishing that protection of citizens is the top priority. He added that flexibility allows for other agendas. He said there should be a formal statement made that no harm is to be done and no detriment to adjacent developments.

b) Wendy DiPeso, Shoreline, commented that she didn't come up with visioning idea herself. She stated that Mr. Tovar did a great job at a recent Echo Lake meeting explaining the impact of the Growth Management Act (GMA) on the Comprehensive Plan (CP), capital improvement projects, and the upcoming Community Conversations. The GMA, she explained, stipulates the need to increase density in urban areas, but the City needs the transportation to support it, which puts the GMA at odds with Sound Transit. The City cannot wait 30 years for Sound Transit to increase the City's transit share to 3.4%. She commented that the City needs to plan for and create transportation options.

c) Mary Weaver, Shoreline, commented that the budget indicates the median household income is \$56,000 per person, and she felt this to be inaccurate. She said she has been

told that this is the King County median. Hopelink, she announced, is still short on food and pointed out that Food Lifeline and Hopelink work together.

d) Les Nelson, Shoreline, commented on the procedures for quasi-judicial items. He said he hoped the Council saw his written comments. He said it sounds like the City needs to ensure comments get into the record. He said the Property Tax Exemption bothers him and felt that the City is noting something higher than market rate. He felt the City is giving an exemption at 20%, which is above market rate. Developers get an IRS exemption by getting an "affordable" designation, he said. He felt this shouldn't be called affordable if it's not.

e) Sara Stewart, Lynnwood, Larouche Political Action Committee and Youth Movement, presented material on the ongoing economic collapse. She stated that her group is forced to present this legislation as a resolution to cities and states to show the population does not go along with the bailouts of the banking institutions. She noted that the bailouts cannot happen and this isn't helping homeowners. She urged the Council and public to show some support for FDR-type legislation and to reconsider bailouts before more trillions are spent.

f) Joseph Fugate, Seattle, Larouche Political Action Committee, said there is a three-step solution to the economic crash. The first step is the Homeowners and bank protection act; the second occurs by having the Federal Government step in with credit for a massive infrastructure to freeze high interest rates; and finally, the international community will come together to set up a fixed rate system.

g) Dennis Lee, Shoreline, liked the idea of making Visioning a stand-alone process. However, he wanted to know why the process can't be vetted to some who show up at the meetings. He noted that this is a large community outreach process and it should be outside the land use department. He urged the Council to let community-minded people facilitate the meetings. He added that there should be criteria for success and the formation of turnout goals.

h) Debbie Kellogg, Shoreline, commented that she has worked for non-profit organizations for 30 years and has been looking at land use planning and parks development in Shoreline for a couple years. She felt there is a disconnect between the City staff, Council, and citizens. She noted that the Council directs where the City goes and the City staff implements that direction. She noted that when she worked in a non-profit organization, they enumerated alternatives and allowed the councils to select from them. She felt that the Shoreline Council is asked to "rubber stamp" solutions rather than find solutions themselves.

i) Boni Biery, Shoreline, said she thought she knew the basic rules between the Planning Commission (PC) and the Planning Department staff. She thought the Commissioners volunteered their time and the City staff provided support for them. She said she has been mistaken. She said some Commissioners have asked to have a balanced summary showing both pros and cons of a project before making recommendations to the Council. Proposals, she noted, don't provide factual information. She urged the Council to give the PC the power to direct City staff to ensure there is a balanced summary of facts or request that the PC is properly supported with information they need.

j) Dwight Gibb, Shoreline, on behalf of the Shoreline Citizens Coalition, stated that Wendy DiPeso and Debbie Kellogg's ideas are good. He read the proposal called "Putting Stars Together for a Revision of the Visioning Process." He commented that any design for a program needs to go through several stages of development. The Visioning plan, he noted, is deficient and emphasizes brainstorming too much. He said other ideas will be expressed or recorded later. He felt the community's role is weak and the City staff will exercise interpretive authority in collating the comments. He suggested adding two stages to the plan which would be: 1) group sessions in October; and 2) a first draft of scenarios. He concluded that the City staff would distribute notes and scenarios to all hosting organizations and there would be final scenarios.

k) JJ McCament, Tacoma, on behalf of Arabella Apartments, LLC, commented that if Arabella is taken off the Consent Calendar she would like the opportunity to respond.

6. APPROVAL OF THE AGENDA

Councilmember Eggen moved to remove items 7(c) and 7(f) from the Consent Calendar and add them as items 9(a) and 9(b). Mayor Ryu asked that item 7(e) be removed and added as item 9(d). Deputy Mayor Scott moved approval of the agenda as amended. Councilmember McGlashan seconded the motion, which carried unanimously and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Eggen moved approval of the revised Consent Calendar. Deputy Mayor Scott seconded the motion, which carried unanimously and the following items were approved:

- (a) Minutes of Business Meeting of July 28, 2008
Minutes of Workshop Dinner Meeting of September 8, 2008
- (b) Approval of expenses and payroll as of September 9, 2008 in the amount of \$2,207,732.51
- (d) Motion to Authorize the City Manager to enter into a Contract for Services with the Dale Turner YMCA

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to consider citizen's comments on the 2009-2010 Community Development Block Grant/Human Services Allocation Plan; and Motion to adopt the Proposed 2009-2010 Community Development Block Grant/Human Services Allocation Plan

Rob Beem, Community Services Manager, outlined the proposed allocations to the Community Development Block Grant and Human Services agencies. He noted that the City reviews applications every other year and the goal is to heighten access to needed services, meet

residents' needs, and prevent a greater need for human services. He stated that page 83 includes the financial information. He said the total federal amount of funds is \$427,000 and that isn't a final appropriation of funds because this is a plan. Mr. Olander added that these are estimations on the amount of funds the City should receive.

Mr. Beem stated that the Community Development Budget Grant (CDBG) has the most specific requirements. He noted that the block grant is composed of three parts. One is a federal appropriation of about \$320,000, the next is program income from home repair or some other funds received as a part of the CDBG program, and lastly this year the City is reauthorizing about \$70,000 in prior year funds that weren't utilized. He reviewed page 89 and stated that this allocation would also include \$50,000 for a health clinic and housing as identified by International Community Health Services (ICHS). He noted it would also include the Home Repair program.

Mayor Ryu opened the public hearing.

a) Bob Lohmeyer, Director of the Shoreline/Lake Forest Park Senior Center, said he is grateful to the City for its continued support of the Senior Center programs. He assured everyone that this is a good investment. He said there are three programs that the Senior Center has developed: 1) Teaching seniors to improve balance; 2) the Washington Association of Dental Hygienists program, which provides preventative care twice a month; and 3) medical evaluations by the University of Washington School of Pharmacy. He urged the Council to approve the allocations as presented.

b) Patty Price, Shoreline, commented that she discovered the Senior Center, which has many programs such as massage, a thrift shop, line dances, \$3.00 lunches, quilting, woodcarving, and enology. She thanked the City for their past support and urged the Council to continue funding the Center.

c) Judy Parsons, Shoreline, said she works part-time at the Senior Center and it is an important part of her life. She thanked the Council for its support and is pleased to see the tax stimulus program announcement in Currents. She added that their major fundraiser every year is the holiday bazaar and it is held on October 31 and November 1. She added that the Fall prevention class is done in partnership with the Shoreline Fire Department on Saturday.

d) Howard Stein, Shoreline, stated that he goes to the Senior Center through the Bastyr Clinic and the quality of care at the Center is excellent. He urged the Council to provide whatever support they can give. He said he is looking at ways to make seniors more valued in the community.

e) Bill Bear, Shoreline, Chair of Shoreline Community Care, communicated that every month between 110-150 Shoreline families have their power shut off. He urged the City to keep track of how many families are getting their power shut off as a way of measuring the effectiveness of programs.

f) Eileen Rasnak, Bellevue, Program Manager, Volunteer Chore Services of Catholic Community Services, thanked the Council for partnering on human services funding. She stated that every dollar that the City of Shoreline provides is leveraged by other dollars from other sources. She highlighted the trends seen through this program; one is that there is an increased number of people going thru the program. The second is the economic trend and that there are fixed incomes and seniors out there that are challenged to meet monthly expenses. She commented that she has been getting calls from people who never thought they'd be asking for help.

g) Matthew Fairfax, Shoreline, expressed support for many of the human services programs. He said he was the past chair of Community Health Services (CHS) and urged the Council to approve the allocation. He hoped that in the 2009-2010 budget process the City can look for other ways to support the issues being addressed.

Mayor Ryu closed the public hearing.

Councilmember Way moved to adopt the 2009-2010 Community Development Block Grant (CDBG)/Human Services Allocation Plan. Councilmember Eggen seconded the motion.

Councilmember Way felt that this is something the Council should support. She asked Mr. Beem to speak about how the current economic downturn is affecting human services. Mr. Beem noted that the funding to Hopelink for utility bills was used extensively in the past year. However, the food bank shelves are bare and the wait lists for assistance are extensive.

Mr. Olander noted that the Council passed the increase in the Seattle City Light (SCL) contract payments and directed that some be set aside for utility assistance. He added that the City staff and Council previously recognized the increase in human services needs and the revenue downturn.

Councilmember Way discussed SCL bills and asked if there are any individuals who aren't being taken care of. Mr. Beem replied that he hasn't investigated this in any great depth, but felt there are a variety of reasons why a utility bill wouldn't get paid.

Councilmember Way wondered if the City could work with Shoreline Community Care to see if there are any gaps. Mr. Beem replied that there are a variety of groups the City can work with and he is in touch with them.

Councilmember McConnell moved to call question. Councilmember Hansen seconded the motion, which failed 2-3, with Councilmembers Hansen and McConnell voting in the affirmative, Mayor Ryu, Deputy Mayor Scott, and Councilmember Way dissenting, and Councilmembers Eggen and McGlashan abstaining.

Deputy Mayor Scott noted that the members of the ad hoc committee are Shoreline residents and thanked them for their volunteerism.

Mayor Ryu commented that she is happy to see that the City is keeping the same award amount in 2009 and is glad the committee decided to do that.

Councilmember McGlashan communicated that a lot of the requests increased out of fear that King County would be decreasing funding. Mr. Beem agreed and stated that the City is starting to deal with the full cost of serving all Shoreline residents.

A vote was taken on the motion to adopt the 2009-2010 Community Development Block Grant/Human Services Allocation Plan, which carried 7-0.

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

(a) Ordinance No. 520 adoption of amendments to the Property Tax Exemption Program

Councilmember Eggen moved to approve Ordinance No. 520, adopting amendments to the Property Tax Exemption Program. Councilmember Hansen seconded the motion.

Councilmember Eggen stated that he pulled this item because he didn't understand the provisions and he wasn't clear that the RCW was referenced in the ordinance.

John Norris, Management Analyst, commented that the section that Councilmember Eggen questions is Section 4b, page 39, which identifies the 12-year and 8-year tax exemption periods, and RCW 84.14 is the reference for this legislation. Additionally, he said the definition section in the state statute has the definition regarding how the rental rate is determined.

Councilmember Eggen expressed concern that there will be an unplanned consequence of pushing families into smaller units, and affordability only applies to smaller units. He wanted the Council to keep on top of this in the future. **Councilmember Eggen moved to insert the term "and family size" to item D6 after the word "income" in the first and second lines. Councilmember Hansen seconded the motion.**

Mayor Ryu called for public comment. There was no one wishing to provide public comment on this item.

Mayor Ryu stated that the current Arabella Apartment was at 96.6% occupancy. She noted that there were studio, 1 and 2 bedroom apartments and 73% of the occupants earn less than \$40,000 per year. She echoed Ms. Weaver's comments and said maybe the Council will have to look at whether this is a realistic number for Shoreline.

Mr. Norris responded that the King County area median income guideline is directed by the state statute, which is 100% of the median income and it can be adjusted based on affordability.

Mr. Olander added that this is taken from overall census data and it is difficult to get precise numbers for individual cities.

A vote was taken on the motion to add the term “and family size” to item D6 after the word “income” in the first and second lines, which carried 7-0. A vote was taken on the motion to adopt Ordinance No. 520, the Property Tax Exemption Program as amended, which carried 7-0.

(b) Motion to Authorize the City Manager to Execute a Multi-Family Housing Limited Property Tax Exemption Agreement with Arabella Apartments, LLC for the Arabella II Project located in the North City Business District

Councilmember Eggen commented that he pulled this one because the description for item 7(f) mentions Ordinance No. 520.

Councilmember Hansen moved to authorize the City Manager to execute a multi-family housing limited property tax exemption agreement with Arabella Apartments, LLC for the Arabella II Project located in the North City Business District. Deputy Mayor Scott seconded the motion.

Mayor Ryu called for public comment.

a) Dennis Lee, Shoreline, said that this gives a tax exemption to a building for affordable housing that wouldn't otherwise be built. He added that he believes there is a federal tax credit that the developer gets. He doesn't want to add incentives for developers on a market-rate building. He felt this is going to come up a lot in the future.

b) Debbie Kellogg, Shoreline, stated that she provided a lot of information to the Council regarding the property tax exemptions and IRS tax breaks the developer will receive. She stated that they are also getting tax exempt bonds to build this project which increases their development fee about five times over what they would have received otherwise. She noted that the payback on a project like this increases from 20 to 30 years and the interest rate decreases by 2%, and it's all tax exempt. This means that they are going to be receiving a huge amount of money in terms of interest. She said this can reduce property from the tax rolls, but the purpose of developing North City is to increase the tax base to improve City services and infrastructure. She said this is getting taken off of the tax rolls. She asked what the City is getting out of it and what the development is promoting.

c) Les Nelson, Shoreline, felt that people looking for affordable housing wouldn't consider the proposed rate affordable. He said some are paying more than 30% of their income for rent. He felt the City should focus on what amenities are being derived from the project.

d) JJ McCament, Arabella Apartments, LLC, stated that this project is being done with private financing, not tax exempt bonds. She noted that developments gain value every year and taxes go up. She added that this development is needed in this neighborhood and it provides the kind of density that helps the City meet its Growth Management Act targets.

e) LaNita Wacker, Shoreline, urged the Council to support this is to get the density in North City to support the businesses there. She said that the residents support transportation

and retail. She highlighted that North City has grown since millions of dollars was invested to improve it.

Mr. Olander commented that a number of Council goals are supported by this proposal such as developing sustainable neighborhoods, decreasing the carbon footprint, and providing more housing choices. North City, he explained, started as an economic development goal. He stated that the City staff changed Ordinance No. 520, because prior to this tax grants were going to be issued at 100% of the King County median. He said that City staff concluded that they would have to be between 70-75% to be advantageous to the City. Additionally, he said if it is built without incentives it shouldn't be built.

Mayor Ryu commented that there is a parking issue at Arabella I. Mr. Norris concurred, but stated that the concern is from the people who reside in the North City area. He said there are 146 stalls proposed at Arabella II, which is more than required by City code. He noted that the City code states that one stall for every unit is the standard regardless of bedroom count, and that the Planning Department is discussing the idea of a parking management plan.

Mr. Olander noted that the neighbors can be assured that there will be a parking plan that won't allow overflow parking on the street.

Councilmember Hansen said he has no idea what Arabella II is going to cost and has heard it would be about \$20 million that would mean about \$200,000 in sales tax from that project. He said that the \$6 million the City expended in developing North City will have created at least \$40 million in new investment if this is approved.

Councilmember Eggen inquired if there will be the same number of parking stalls as apartments. Mr. Olander replied that there would be more stalls than apartments.

Councilmember Eggen referred to the rental numbers in table 3, page 45, and commented that there aren't maximum rental rates. He said if they come in below the 70% level rents will be reduced.

Councilmember Way asked how many bike riders lived at Arabella I. Mr. Norris said he can find out from the developer.

A vote was taken on the motion to authorize the City Manager to execute a multi-family housing limited property tax exemption agreement with Arabella Apartments, LLC for the Arabella II Project located in the North City Business District, which carried 7-0.

MEETING EXTENSION

At 9:57, Deputy Mayor Scott moved to extend the meeting until 11:00 p.m. Councilmember Way seconded the motion, which carried 7-0.

RECESS

At 9:58 p.m., Mayor Ryu called for a five minute recess. Mayor Ryu reconvened the meeting at 10:07 p.m.

(c) Ordinance No. 519 amending the Solid Waste Regulations in the Shoreline Municipal Code Chapter 13.14

Councilmember McGlashan moved to postpone consideration of Ordinance No. 519 amending the Solid Waste Regulations in the Shoreline Municipal Code Chapter 13.14 until October 6, 2008. Councilmember Hansen seconded the motion, which carried 7-0.

(d) Ordinance No. 521 approving a Rezone for Property located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB)

At 10:08 p.m., Councilmember McGlashan recused himself from this item and vacated the Council chambers.

Steve Szafran, Planner, provided a brief staff report on this proposal to change the zoning from Community Business (CB) to Regional Business (RB) for two parcels located at 18501 and 18511 Linden Avenue N. He described the existing site and the process used in the Planning Commission. He noted that the Planning Commission recommended approval of this land use action by a vote of 5-1, with two abstentions. He outlined acceptable uses in an RB zone and explained that the number of residential units is the biggest difference between the two zones. He noted that the Council approved CB zoning and that RB setback limitations don't apply to this project because they are not directly adjacent to residential zones and transition area requirements do not apply. He stated that the Planning Commission concluded that RB in this area is more consistent with the Comprehensive Plan (CP), and that CB and RB have virtually the same development standards. He also noted that extra density enhances the immediate vicinity.

Councilmember Hansen moved to adopt Ordinance No. 521 approving a rezone for the property located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB). Councilmember McConnell seconded the motion.

Councilmember Way spoke against the motion. She referred to page 100, #6. She said she requested to be able to review the Planning Commission (PC) minutes and a transcript of that staff report. She highlighted Les Nelson's comments in the public comment. His comments, she said, led her to ask about the previous record. She said the opinion from the City Attorney was that it wasn't part of the record. She said she is troubled that she is not allowed to see items and this record wasn't given to the PC. She felt the Council should have a right to review that previous record since it was unanimous vote by the PC.

Mr. Sievers clarified that Councilmember Way wanted to know what authority states that the record is limited. He stated that the Shoreline Municipal Code (SMC) defines the procedure for Council review of a quasi-judicial matter under SMC 20.30.170, and that only one open record hearing shall be heard in a land use application. In this open record hearing, evidence, testimony,

and comments, written and oral, are compiled. All of the comments have to be introduced at the PC open record hearing.

Councilmember Way commented that it seems as if there have been two hearings on this topic.

Mayor Ryu commented that she was on the Council for the deliberations on Ordinance No. 460 and it is disturbing that the PC didn't ask for this record to be included. She noted that the comments came from the 98177 zip code which is west of the subject property and wouldn't be affected by the rezone. She communicated that she also doesn't know if Councilmember McGlashan has any direct financial interest. On page 171, she highlighted that one of the applicants, Tyler Abbott, supported the City staff recommendation to rezone at CB and stated that the Council was accused of delaying this because of the RB versus CB issue. She questioned what the compelling reason was to rezone this property and explained that there are outstanding concerns such as shadowing and traffic impacts in the neighborhood. She added that RB will increase the capacity for impervious surface and that a PC vote of 5-1 with abstentions is not overwhelming support.

Mr. Olander questioned what has changed with this. Mr. Tovar commented that a citation has been made to the minutes. He said nothing has changed since 2007. He commented that the Planning Department's thinking was that: 1) there is now a cap in an RB zone; 2) there are now townhouses to the west; and 3) there is design work that has been done on 185th that shows there will be increased capacity and less congestion.

Mr. Olander added that there is no difference in the traffic impacts between RB and CB. However, there is a slight difference in building height and impervious surface.

Councilmember Way commented that the question remains if the City staff recommended that this be rezoned to CB in 2007. Mr. Tovar responded that they did, based on the three facts that were heard in 2007.

Councilmember Way inquired why the City staff included the issue of transitional zoning. Mr. Tovar replied that it was done in an effort to show that the Council has taken steps to protect the single family area and to highlight all of the other conditions that have changed in the last 1.5 years.

Mr. Olander added that this was also done in case the Council felt the RB interim standards applied; the City staff wanted to make it clear that they did not.

Mayor Ryu asked if that material was in the PC presentation to the Council. Councilmember Way replied that it was. However, she said she still doesn't understand why the PC wasn't given the complete record and original case because it was 100% relevant.

Mr. Tovar commented that a lot of these issues involve limiting the record to one open public hearing. Mr. Olander replied that the PC could have, but didn't ask for the Council record to be included.

Councilmember Way added that another one of her concerns is that there is a statement by a Commissioner that said the City staff “cherry-picked” the goals.

Councilmember Hansen stated that the Council can disagree, adding that he has read the entire closed record. However, there are five criteria that have to be met in order to have a recommendation to change the zone on the property, and according to the report those criteria were met. He reiterated that the PC passed this by a 5-1-2 vote and they felt it met the standards.

Deputy Mayor Scott expressed some concerns regarding this project. He said the location of the subject properties was turned down for RB because there was no cap. However, there is a cap now. He felt this is a reasonable application and it gives the opportunity to have a building that will be blocks from other businesses that will help build a walkable, sustainable community. He commented that he knows this isn't perfect, but it has merit.

Councilmember Eggen commented that there was a decision to not have a neighborhood meeting. He indicated that the record of the earlier neighborhood meeting should have been included in packet. He said he would like to read it and the rest of the record in depth. He also stated that he is concerned about the tendency to bypass a thorough SEPA review because cumulative impacts come up from time to time. He added that the traffic on Firlands Way has been brought up several times by neighbors. He discussed the five criteria and stated that the burden has been met. However, he felt the Council should revisit the criteria and include consistency with the City's sustainability strategy as one of them.

Councilmember Way commented that the Council doesn't know what the Findings of Fact was in the previous decision.

Mayor Ryu wanted to know what the mechanism was for the Council to view the full record and what can be done. Mr. Sievers replied that at a minimum the Council could remand this back to the PC.

Councilmember Way moved to remand Ordinance No. 521 approving a rezone for the property located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB) to the Planning Commission. Mayor Ryu seconded the motion.

Deputy Mayor Scott said it is hard to speculate why the PC did what they did. Based on what we have here there were five members who felt it met the criteria. He felt that at some point in the future the City of Shoreline is going to need higher levels of development to occur to accommodate the increase in population in the next 20 years. He noted that this rezone is one block off of Aurora Avenue North on an arterial that is fairly intense and is a reasonable project. He said it is going from a CB to RB, adds an additional level to the building, and has greater setbacks than the adjacent properties. He added that there is no intrusion into the single family neighborhood given its location. He supported this because it seems reasonable.

Councilmember McConnell urged the Council not to remand this back to the PC. She said she is comfortable with the decision made two years ago. She said there are different PC

recommendations and City staff now. This rezone, she explained, is consistent with the CP, isn't adversely affecting the public health, safety, and general welfare, and achieves consistency. She said it is not materially detrimental to uses or property in the immediate vicinity and it has merit and value for the community. She said despite the 40 letters in favor of this rezone she isn't considering them in her decision. She said she is looking at the site. She felt the traffic capacity won't be affected by this rezone. She said she can support this and the City needs to develop economically.

Mayor Ryu questioned if many of the letters seem to be concerned about the salon leaving Shoreline if they didn't get five stories. Mr. Tovar replied that the letters discussed loss of business, business retention, traffic, and several other topics. He added that all of the letters are in the record for anyone to review. He added that the City staff recommendation looked at the City code and criteria.

Councilmember Way agreed that there are meritorious reasons for considering this if the record was complete. She didn't feel the record is adequate. She noted that on page 163 the map goes back through the first rezone and wanted to know why the Council didn't have a map with the way it is zoned now. She felt that the Council should make a decision based on findings of fact that are accurate. She said she cannot support this item as it stands and urged the Council to remand it back to the PC to provide a record the Council can feel confident in.

Councilmember McConnell moved to call the question. Councilmember Hansen seconded the motion, which carried 4-1, with Councilmember Way dissenting and Deputy Mayor Scott abstaining.

A vote taken was taken on the motion to remand Ordinance No. 521 approving a rezone for the property located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB) to the Planning Commission, which carried 4-2, with Councilmembers Hansen and McConnell dissenting.

10. ADJOURNMENT

At 11:00 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

This page intentionally left blank.