

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Monday, April 6, 2009 - 6:30 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 6:35 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.

(a) Proclamation of Library Week

Mayor Ryu read the proclamation declaring the week of April 12-18 as Library Week in the City of Shoreline. Shoreline Library Board Members Tom Moran and Susan Hoyne, along with Miriam Driss, King County Library staff member, accepted the proclamation and thanked the City for this recognition.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events. He discussed the City's Adopt-a-Road program and said the City is looking for volunteer organizations and/or individuals to assist in litter control. He announced that the "ShoreLions" Special Olympics Swim Team won the State Championship for their division.

4. COUNCIL REPORTS

Councilmember Way reported on her attendance at the Green Festival. She suggested moving item 7(c) to the May 11th Council meeting.

Councilmember Eggen reported about SeaShore meeting. He noted that there are two roads projects that were proposed by Shoreline, and the last mile of Aurora did get recommended by King County. He added that the 145th Street left turn lane project will not move forward.

5. GENERAL PUBLIC COMMENT

a) Laethan Wene, Shoreline, commented that there are many citizens that have had difficulty getting around the Linden Avenue project. He suggested the City make an entryway for pedestrians at that location.

b) LaNita Wacker, Shoreline, commented that the issues of homeowner's insurance and tree retention were discussed at the meeting last week. She said the scientist reported that the number of trees the City staff is requiring was unacceptable. Science, she suggested, should trump any ordinance. The laws of the City should align with science and public safety, she noted.

c) Debbie Kellogg, Shoreline, highlighted the Planning Department Work Plan and is concerned that there is no Town Center Subarea Plan. She said Phase 1 was initiated back in 2007 with Ordinance No. 482 and that spot rezones are difficult, controversial, and time consuming. She concluded that this has been on hold since October 2007.

d) Wendy DiPeso, Shoreline, on behalf of the Shoreline Chamber of Commerce, requested the City of Shoreline employ a neighborhood stakeholder process similar to the master development plan standards, including the 1,000-foot notification requirement.

e) Dick Nicholson, Shoreline, reported on volunteer work at Ronald Bog Park. He said the park is in full greenery and the trees survived winter.

f) Patty Hale, Shoreline, said people should get involved in kids' lives and volunteer. She said Shorecrest seniors have a graduation requirement to complete a project and they are judged. Citizens, she noted, can volunteer to be on a review panel to judge them. If interested, volunteers can call Teri Cho at Shorecrest High School.

g) John Verd, Shoreline, is concerned about the proposed Midvale Demonstration Area (MDA) project and said there haven't been any traffic studies done. He highlighted that there aren't any sidewalks in the area and increased density could have negative impacts on the neighborhood. He concluded that he would like to see more public involvement in this project.

Responding to Mr. Verd, Mr. Olander noted that there will be a continued public hearing on the MDA project tonight. He added that the City is still researching the tree issue and that the Central Subarea Plan was never adopted. He commented that the Town Center Plan was pushed back to the summer to finish the Vision and Framework Goals first.

APPROVAL OF THE AGENDA

Councilmember McGlashan moved approval of the agenda. Councilmember Way moved to postpone item 7(c) to May 11. Councilmember McGlashan seconded the motion, which

carried 6-1, with Councilmember McConnell dissenting. A vote was taken on the motion to approve the agenda as amended, which carried 7-0.

6. ACTION ITEM: PUBLIC HEARING

- (a) Continued public hearing to receive citizens' comments on Ordinance 535, Extending Interim Regulations for the Regional Business (RB) Zone and Adopting New Interim Regulations for portions of the RB Zone that front Midvale Avenue between N. 175th Street and N. 185th Street; and Motion to adopt Ordinance No. 535, Extending a Moratorium on the Filing or Acceptance of Certain Applications for Residential Development of Land within the Regional Business Land Use District

Joe Tovar, Planning & Development Services Director, said that this is a continuation of a hearing that was opened two weeks ago. He noted that there were some Council questions answered via correspondence and the Council wants to split the issues. The first issue is to continue for six months, the interim regulations in the RB zone. The second issue, he explained, focuses on the specific RB zone that exists along Midvale from N. 175th to 185th Street. He noted that the language in the ordinance states that a developer can utilize either Built Green or LEED standards. He added that there are regulations concerning the installation of plug-in facilities for electric vehicles in parking lots and stated that there will be four in the new City Hall parking garage. Permanent regulations for RB will be forthcoming, he said. He concluded that residents are referring to this as the "MDA" project; however, this is not a site-specific project, it is a legislative action.

Mark Relph, Public Works Director, said the City staff is getting close to working with a Transportation Master Plan consultant who will consider land use, configurations, streets, traffic counts, and capacity. He noted that the model attempts to understand the effects of parking on street capacity. Mr. Olander discussed transportation master plan issues and the possibilities concerning computer modeling.

Councilmember Way asked how the City can approve a process allowing a developer to move forward without knowing how a project will impact the adjacent neighborhood.

Mr. Tovar replied that the Southeast Subarea Neighborhood Committee is looking at low density single family issues and the City isn't sure what's going to come back. This, he explained, concerns RB zoned lands, commercial and residential and it is a policy choice for the Council. He added that the Council also asked about shadow studies and other impacts. He explained that the computer model can show building mass and configurations. He concluded that there are three alternatives and they are: 1) do nothing, 2) adopt Ordinance No. 535, or 3) adopt an extension of the interim regulations with new information presented.

Mayor Ryu called for public comment.

- a) Debbie Kellogg, Shoreline, reviewed the Council rules of procedure. She said the first reading was the scheduling of the item on the agenda planner; the second reading is this item being heard at a study session; and the third reading should be the hearing of this at a

business meeting. This, she explained, is a special meeting. Therefore, she felt procedure is not being followed. She suggested that the Council consider a municipal parking garage for this area and have the impact fees pay for lighting, landscaping, etc. She also noted that it would be nice to see a large bus shelter in this area.

b) Gary Batch, Shoreline, thanked everyone involved in the process. He said the citizens feel there isn't enough participation and that the use of acronyms makes it difficult to understand the issues.

c) John Verd, Shoreline, said he has already voiced a majority of his concerns and urged the Council to consider the studies and public comment prior to project construction. He also said the 500-foot notice radius needs to be increased.

d) Laethan Wene, Shoreline, commented that he helps maintain the bus stop at the location in question.

e) Dan Mann, Shoreline, reiterated his concerns and said offering unlimited development in an area without an impact analysis is not in the best interest of the neighborhood. He expressed concern this will turn into another Echo Lake "canyons" plan and set a bad precedent.

Upon motion by Councilmember Way, seconded by Councilmember McGlashan and carried 7-0, the public hearing was closed.

Mayor Ryu outlined the Council options concerning this item.

Councilmember Eggen moved to adopt Ordinance No. 535. Deputy Mayor Scott seconded the motion.

Mayor Ryu commented that she is interested in pursuing the MDA.

Councilmember Eggen urged the Council to discuss this and then possibly amend it. He added that it is a very important decision and an opportunity to get some quality development. He proposed utilizing impact fees to fund a number of the projects. He expressed support for the Ordinance.

Mr. Olander commented that Mr. Tovar can only charge a developer for the proportionate share of what is already on the site. Mr. Tovar added that a condition can't be imposed unless it can be applied to SEPA policy. He noted that the City can assess project impacts through SEPA or transportation impact fees, but not both.

Councilmember Hansen stated that any development will require sidewalks on the frontage or a traffic analysis based on our present regulations. He added that off-site impacts are different.

Mr. Olander explained that off-site impacts can be assessed, but proportionately based on their use of the facility.

Councilmember McGlashan inquired if impact fees are done for each development, to which Mr. Olander replied that it has to be done in logical units.

Councilmember Eggen added that there is some cost related to documenting the proportionate cost and each one of the impacts must be clear and fully identified.

Deputy Mayor Scott moved to amend Ordinance No. 535 to exclude the Midvale Demonstration Area. Councilmember Way seconded the motion. Councilmember Eggen expressed concern that this amendment is going to result in a significant delay. A vote was taken on the motion to amend Ordinance No. 535 to exclude the Midvale Demonstration Area, which carried 7-0.

Councilmember McGlashan commented that he would like to know the reason for extending the moratorium because there isn't any development going on. He stated that moratoriums are emergency-driven and wanted to know what the emergency is and how long the City can extend it.

Flannary Collins, Assistant City Attorney, stated that moratoria can be extended for as long as they need to be as long as it is reasonable and the reason for the extension is that the City is continuing to work on the regulations. She noted that there should be a permanent regulation recommendation from the Planning Commission in November.

Councilmember Hansen said he also has trouble understanding what the emergency is. He stated that there was a recent Olympia case where a Council continued to extend a moratorium and the judge overturned it. There could be a danger in extending this and there should be density where it belongs, he said. In addition, the economic climate is terrible, developments are going under, and banks are losing their loaning capacity. He felt the moratorium was another impediment to progress and said he will not support the extension.

Mr. Olander felt the Council should step back and look at what the moratorium does. He pointed out that it only affects a certain level of residential construction in the RB zone.

Mayor Ryu noted that Mr. Tovar agreed with the City Manager's recommendation to wait for the Vision, and that is what the Council is doing.

Councilmember Eggen said the potential applicant claimed he could not buy the property and build to R-110 and that would imply that the moratorium is limiting development in the RB zone.

Councilmember McGlashan commented that there aren't a lot of large RB areas in Shoreline. He said unlimited density is not a reality because there are a lot of limiting factors.

Councilmember McConnell said the Council needs to take action. She added that the staff has recommended the transition zoning district and felt the area is best suited for it and if it can't be

done at that location, she will vote against the continuation. She added that the SEPA and other regulations will take care of these issues.

Deputy Mayor Scott commented that there was an opportunity on Midvale to look at this separately from the Vision and the moratorium. He said it makes sense to extend the moratorium until the Vision is completed, and any lessons learned would be applied to any new rules or regulations. He wondered if the Midvale Demonstration Area was significant enough to the community in terms of location and characteristics to be included in the moratorium as a demonstration area. He clarified that the moratorium is extended so the completed Vision can inform the Council. He discussed the Ridgecrest and Echo Lake sites and inquired if the City needs fewer tall buildings on properties. He stated that the moratorium on RB needs to be extended because the City has committed to the visioning and it isn't complete enough to obtain information from it in order to have the Planning Commission do the work that the Council directed them to do.

A vote was taken on adopting Ordinance No. 535, which carried 4-3, with Councilmembers Hansen, McGlashan, and McConnell dissenting.

Councilmember Way suggested that City staff work with Council to craft a new ordinance by forming a subcommittee to work on the MDA, which would comply with Section B of Ordinance No. 535. Councilmember Eggen inquired if the intent would be to have the subcommittee implement all of Section B.

Mr. Olander said he agreed with the original staff recommendation and doesn't know that it makes sense to create a separate work effort and separate this out. Additionally, he said the moratorium will expire before the City staff can get back to the Council and that if the Council wants to get into more detail such as heights, parking, etc, it will take much more time.

Mayor Ryu said if a developer is ready to build, then it makes sense to take a look at this. She asked if there is anything that would prevent a Council subcommittee from working this.

Mr. Olander replied that it is difficult to predict because there has been interest. However, City staff cannot guarantee that a developer will proceed or not. He said the Council can continue to work on this for a short period of time. However, all of this depends on the Council's intent.

Mr. Tovar stated that the Council will need meetings in September and October and the Planning Commission will review the City staff recommendation in the summer. He noted that everything the City staff has heard has been very helpful, but if the staff is writing interim regulations while working on permanent regulations it may get confusing. He added that the City staff saw a small window for interim regulations, but it is closed now. He noted that there are a number of ideas that the City staff has heard that they are putting together in the permanent regulations.

Mr. Olander added that he is hearing that the Council is concerned with the level of detail that will be in the permanent regulations.

Councilmember Eggen stated that permanent is a relative term, and he isn't clear that the regulations will be permanent. He felt it is worthwhile for the Council to discuss the MDA idea with the possibility of amending it. He asked if there would be any check in with the Council at some point.

Deputy Mayor Scott agreed with the City staff and commented that it is a good idea to include the things that have been presented and see what unfolds. He pointed out that if there is too much work on interim regulations, then it's not worth it. If the parameters in section B are adhered to, then maybe this can be done for the short term. He said this was intended to be demonstration area that was reasonable to pursue. He suggested that the dialogue in the future be focused and limited so this can be done.

Mr. Olander agreed and stated if the scope is limited, work can be done on interim regulations and the elements in Section B can be refined. He stated that the topic can be brought back to the Council on May 11, but if it isn't ready to be adopted then it will be confusing to people.

Mr. Tovar commented that the Mayor can appoint a subcommittee to work with City staff, and the committee will see if they can be refined and brought back to the full Council for consideration. Mr. Olander said the City staff can accept that as Council direction to have staff work on the regulations instead of approving a formal motion.

Mayor Ryu discussed the Echo Lake congestion issue and asked about the density. Mr. Tovar replied that it was in the high 90's.

Mr., Olander communicated that the interim regulations proposes some design guidelines and standards that weren't in place when the Echo Lake project began.

Mayor Ryu questioned if someone could build another Echo Lake project on Midvale. Mr. Tovar replied that they could, in theory, if there was enough land.

RECESS

At 8:47 p.m., Mayor Ryu called for a five minute break. The meeting reconvened at 8:56 p.m.

7. STUDY ITEMS

(a) Southeast Neighborhoods Subarea Planning Process Update

Mr. Tovar introduced members of the Southeast Neighborhoods Subarea Citizen Advisory Committee (CAC) and Miranda Redinger, Associate Planner. Committee Chair Dick Nicholson provided a status report of the planning process and noted that the area encompasses parts of Briarcrest and Ridgecrest neighborhoods. The process is a Growth Management Act (GMA) mandated citizen participation planning process. The boundaries, he explained, were chosen because the Comprehensive Plan (CP) map described them as special study areas and there is no long term vision for future development. He added that a major direction of the subarea plan will be the development of a long-term vision of the portions that did not have CP designations. He

introduced the committee members present and reviewed the goals and purpose of the committee.

Rebecca Tracy, Shoreline, outlined the committee work up to this point and said the committee took a walking and driving tour of the area. She said the area has economic development needs. She discussed the Fircrest property, traffic on North 145th Street, CP zoning, land use, community design, and the need for sustainable housing. She outlined the committee's operating assumptions said the committee is excited to move to the next stage of the plan. Arthur Peach, Shoreline, outlined the tentative subarea plan goals. Scott Solberg, Shoreline, commented that there would be an open house in the future and outlined the committee's next steps. Dennis Lee, Shoreline, commented that the committee is meeting bi-monthly and that he has seen an unbelievable level of contributions by the citizens. He commended the Council for establishing the committee and thanked Miranda Redinger and Steve Cohn. He warned that this may seem like an endless process, but the committee wants to do this right. He said they realize that it is a really important process and they need to achieve the right balance.

Mayor Ryu called for public comment.

a) Laethan Wene, Shoreline, spoke concerning Fircrest and said it shouldn't be part of this planning process. He asked if the Council was trying to take away people's homes. He said people have a right to live on the property. The Council confirmed that Fircrest is not included in this process.

Mayor Ryu said the City is going through the visioning process and asked that the committee's final report include a description of what it values.

Councilmember Way said she is interested in the committee's work relating to the walkability aspect. She stated that the map needs to be "ground tested" so it can be more realistic. She also expressed interest in finding out how to connect Lake Forest Park and Seattle to our City via N. 145th Street. She urged the committee to explore ways the City can use their product as a form of communication with other entities and the state.

Mr. Nicholson stated that they have covered a lot of the things she is talking about and it is a learning process for everyone involved. Ms. Redinger highlighted that the examples that are being presented are random and that they come from extensive lists that have been created.

Deputy Mayor Scott said there were some important statements made in the presentation concerning density and development. He urged the committee to empower the Council by determining what level of density the community is willing to accept. He said there are a lot of soft statements about densities, but there needs to be firm numbers determined so the Council can take action.

Councilmember Eggen discussed his neighborhood and said another question the Council should discuss concerns Community Business. He discussed the closing of Sunshine Grocery and it would be useful to explore pedestrian-accessed businesses such as corner stores, laundromats, etc.

Councilmember McGlashan inquired about the committee meetings and wanted to know if neighbors are coming and if they know where and when they are scheduled. Mr. Nicholson replied that there is a comment period in their meetings and there is participation from the neighbors. Councilmember McGlashan noted that there are very opinionated people on the list and they must be having interesting discussions. He stated that it will be good to get their ideas down on paper. Mr. Nicholson responded that the fellowship and rapport among committee members is good.

Councilmember McConnell questioned how neighbors that aren't attending are being contacted. She also wondered how the committee ensures that they are hearing the voice of the community.

Dennis Lee responded that a few people have dropped in and articles have been published in the neighborhood newsletter. He stated that they are having community dinners to get people involved. He added that the committee has been meeting since July and hasn't really written anything down until now.

Sigrid Strom, Shoreline, stated that it is a challenge in Ridgecrest because they don't publish a newsletter, but word-of-mouth contacting is working. She also noted that they are working on a website.

Councilmember Eggen commented that he lives in the middle of the Ridgecrest area and in the past the Paramount Park Neighborhood Group has faced same problems. He suggested having an open house to get the word out and he would be happy to assist.

Ms. Redinger commented that the City plans on doing a mailer and website postings before conducting open houses. She noted that every house got a flyer prior to the community open house events in Ridgecrest and Briarcrest.

Councilmember Hansen stated it is very interesting to hear all of the comments. He added that he is particularly interested in hearing what the committee and residents will tell the Council rather than what the Council can tell them.

(b) Comcast and Verizon Cable Education and Government Access Fee

John Norris, Management Analyst, commented that this item authorizes a fee on Comcast and Verizon bills of \$.15/month to create a revenue source to offset costs of cable equipment for City Hall.

Mr. Olander stated that it has long been a Council goal to modernize and expand our system in the new City Hall and this fee makes it possible to broadcast other City meetings. He noted that upgrading our current system requires an up-front investment of \$141,000. He noted that most cities have a similar provision in their franchise agreements to help inform the public.

Mayor Ryu called for public comment.

a) Gretchen Atkinson, Shoreline, said she doesn't mind if a fee is imposed in her bill if the service is good. She commented that half of the time the Tuesday noon City Council meeting isn't broadcast. She added that the volume level is not sufficient and she has to turn her TV volume up all the way and still can't hear the programming. She noted that the volume issues are only with the Council meetings and wondered if the issue is with the cable company or with the recording itself.

Mr. Norris replied that the upgraded equipment will provide better audio and video fidelity and will be a significant upgrade than what we have now.

Councilmember Way said she is in favor of improving the technology and wants people to participate. She inquired if the cost was already anticipated for the City Hall project.

Mr. Olander responded that the City staff anticipated that this would be factored in and was in the original estimates. He said there is an alternative and it could be added to the debt service and the total project cost.

Mayor Ryu wondered if it could be added to the education and government access grant that we haven't been collecting in the past. Mr. Norris noted that the need has been identified now.

Councilmember Way inquired if the public can opt out of this if they have cable. Mr. Norris responded that they cannot opt out.

Councilmember McGlashan noted that page 32 talks about continuing to collect a fee from cable subscribers or discontinue it once the equipment is paid off. Mr. Norris stated that the Council controls the authorization, and they can set it up now and then sunset it. Additionally, he said they could add the language "until the equipment is paid off." He estimated that if the Council wishes to sunset the fee, the total amount of time this fee would be imposed would be five years.

Councilmember Eggen said he wants the reasoning for the fee stated explicitly. He asked if it was \$.15 per month per subscriber and not a percentage of their total bill. He said he didn't want the amount included in the gross revenue definition. Mr. Norris replied that this would simply be a \$.15 fee on each Comcast and Verizon bill.

Deputy Mayor Scott commented that this \$.15 fee is paying for something and it is reasonable. He added that it should be discontinued when the equipment is paid off and that it isn't a tax but a fee.

Mayor Ryu asked if the equipment would need to be replaced at some point. She stated that a check-in point should be considered so when it's time to upgrade the equipment the City can decide whether to buy it or use the funds for another purpose.

Mr. Norris noted that this language is in place to replace aged equipment in the future. He noted that at some point the equipment will reach its lifespan. He added that the ability to collect this fee has been in the Comcast franchise agreement since 1988 and the City hasn't utilized the

ability to collect this because there was never a need. However, now there is a need because the City is purchasing its own equipment, which will require maintenance and upkeep.

MEETING EXTENSION

At 10:00 p.m., Councilmember Way moved to extend the Council meeting for until 10:05 p.m. Deputy Mayor Scott seconded the motion, which carried 5-2, with Councilmembers Hansen and McGlashan dissenting.

Councilmember Way stated that just because the City hasn't charged the residents a fee doesn't mean they are getting a bargain. She felt this is just another additional charge. She said that there are a number of additional costs related to the new City Hall, including contaminated soil, cubicles, phone system, steel, and asphalt.

Mayor Ryu stated that the City has been spending funds on great services. She noted that the City broadcasts Council meetings and Channel 21 is an opportunity to communicate with taxpayers. She said it is a great service that not all cities provide. There is a structural problem with the way the City collects property taxes, but hopefully, she said the cable service will get better. She summarized that she is looking forward to better cable services and highlighted that residents can view the meetings on the City's website for free.

8. ADJOURNMENT

At 10:04 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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