

## **CITY OF SHORELINE**

### **SHORELINE CITY COUNCIL SUMMARY MINUTES OF BUSINESS MEETING**

Monday, October 26, 2009 - 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 7:30 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.

#### **3. CITY MANAGER'S REPORT**

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events.

#### **4. REPORTS OF BOARDS AND COMMISSIONS**

Councilmember Eggen commented that he typed up two reports, one on the Suburban Cities Association (SCA) phone conference meeting he and Councilmember Way attended and the other was on the Public Issues Committee meeting two weeks ago. He noted that they both are in each Councilmember reading packet.

Mayor Ryu thanked the President of the United States and the White House staff who met with several Mayors from various cities across the country.

#### **5. GENERAL PUBLIC COMMENT**

a) Michael Pollowitz, Shoreline, discussed a Ryu campaign flyer and said she took a \$1,000 contribution from Cleanscapes and wrote a letter of support to the City of Kent. He stated that she didn't recuse herself from a potential land use decision that may benefit her financially. He said it is illegal for a Councilmember to vote on a process

which may lead to them profiting. He said she also voted for a \$20 vehicle license tab fee. He said she was a part of the group that bought out the former City Manager's contract, tried to hire an unqualified political crony, and had an illegal meetings lawsuit brought against her. He endorsed Shari Tracey for the City Council.

b) Bronston Kenney, Shoreline, said he sent a formal request to Council about Councilmember McGlashan's New Orleans arrest. He said the Council has been open and accessible in an attempt to work with all parties. The Council has allowed development, but has minimized unnecessary impact. Meetings for public input have been genuine, he commented, and land use is the largest issue in our City. He commented that Point Wells and the jails are big issues and the City needs a Council that bargains hard.

c) Tim Crawford, Shoreline, stated that he owns the first property north of Twin Ponds Park. He said he attended the meeting on the Thornton Creek Basin and noted that the neighbors have not been notified and it is still flooding. There are still drainage issues and problems that have not been solved and it is a public safety issue. He pointed out that the City added a pump without getting an hydraulic permit. This pump puts water through the front room of his house, he said. Additionally, he said the City has not done a characterization report to determine where the water is coming from. He asked the City staff to return the critical areas legislation in the City to pre-Aegis days.

d) Pat Crawford, Shoreline, stated that the Ronald Bog project has been held up due to resistance to opening the channel. She stated that the pipe is exactly the same size and the main problem is that the outflow has inadequate capacity, but the same diameter pipe has been installed. She questioned how the side channel is going to handle all the water now. She said there is a refusal to work around the diverter or the bypass upstream, but in the meantime she said her house is being flooded. She commented that the bypass doesn't work and nobody has contacted her in years. Councilmember Eggen asked Ms. Crawford to reveal the references she was using at the podium. Ms Crawford replied that she is using the R.W. Beck report from January 3, 2007 titled the "*Thornton Creek Corridor Project Preliminary Engineering Report, Final Report.*"

e) Shari Tracey, Shoreline, stated that many untruths are being written about her campaign. She said the specific allegation about campaign contributions is wrong and all contributions are on public record with the Washington State Public Disclosure Commission. In spite of the allegations, she said she is more committed to serving Shoreline citizens and will represent City with integrity.

f) LaNita Wacker, Shoreline, stated that the truth will be determined by the voters. She said she has been getting slander and libel in the mail against individuals, but this is not protected speech under the 1st amendment. She said Councilmember McGlashan was picked up with group of party goers in New Orleans and was released without any charges. Ron Hansen has been an accountant for many years and he chose not to continue his license with the Accounting Board.

g) Wendy DiPeso, Shoreline, noted that Mr. Pollowitz brought up the \$20 license tab fee and business registration at the Long Range Financial Planning Citizen Advisory Committee meetings. She said both recommendations were brought to the Council. She highlighted that the business license fee is so the City's Economic Development Director and staff can do outreach and assist businesses in being successful. She concluded by providing information on the annual Chamber of Commerce Auction and Dollars for Scholars program.

h) Elaine Phelps, Shoreline, stated that Ms. Wacker is not an attorney and doesn't know the legal definition of slander and libel and how it relates to public officials. She discussed Shari Tracey website endorsements and said the picture of Gary Locke with Shari is not a representation of his endorsement. Ms. Phelps stated that Ms. Tracey wants to deceive the public and she supports the letters in the Enterprise. She felt that the public is entitled to the facts and that the negative mailer about Ron Hansen was factual. She said his Certified Public Accountant (CPA) license was revoked and that the McGlashan mailer was also factual. She noted that Doris McConnell failed to mention that she supports Shari Tracey.

i) Dale Wright, Shoreline, spoke on behalf of Pro-Shoreline said the organization advocates for the overall community. He stated that high quality Councilmembers are a priority for Pro-Shoreline and that the welfare of the community is their agenda. He stated that Cindy Ryu and other merchants objected to plan for the Aurora Corridor and have delayed the process, costing millions. He said she has received significant campaign financing from the gambling industry and in return they have enjoyed significantly low tax rates. He said she was a part of the group that secretly decided to terminate the prior City Manager and to attempt to hire a political associate, at a significant cost to the City. He said the King County Municipal League of Voters gave her a rating of "outstanding" in 2005 and in 2009 that rating was reduced to "adequate," which is similar to a grade level reduction from an "A" to a "D."

j) Dennis Lee, Shoreline, commented that he endorses Cindy Ryu and that he opposes using the podium to criticize other candidates.

k) Dan Mann, Shoreline, said he received a mailer about Cindy Ryu and it misrepresented the facts. He said the Council wouldn't listen to the merchants which numbered over 200. The merchants in the City wanted to negotiate reasonably, but the Federal Highway Administration required the City to do extra work because it lied to the merchants. He said it is important to let people know this, and the entire process of being lied to on the Aurora Corridor was her inspiration to run for office. He said the former City Manager lied to him personally and to other merchants. The failure of the City to work for merchants is why Cindy Ryu ran for office.

l) Richard Johnsen, Shoreline, stated that it was hypocritical for someone to state last week that Janet Way should not be allowed to vote on the MUZ land use proposal. He urged the residents to try to start thinking and speaking more positively. He said he admired Dale Wright, but he and Pro Shoreline don't speak for him and he

doesn't appreciate taking various comments and putting them together as a smear campaign.

m) Dwight Gibb, Shoreline, commented that one of the keys to destructive and racist thinking is when someone compares a person to an animal. He said he is very upset to hear Mr. Wright associate Cindy Ryu with the idea of a dog. He discussed the RB zoning process and said there is an absence of "the language of urban design." He asked where the real plan was and said there is always discussion in the Planning Commission about parking and nothing about what the parking is for. He said the Planning and Development Services department is made up of people with training in urban design, but all of the proposals brought forth favor developers. He asked why the Commission allows itself to be led by PADS and why it doesn't do the planning. Finally, he questioned why the Council often "rubber stamps" the recommendation of the Commission.

n) Maryn Wynn, Shoreline, Executive Director, Shoreline Solar Project, commented that State Representative Maralyn Chase was selected by the White House to sit on the Climate Change Council. She stated that the City of Shoreline is taking bold step towards sustainability. She stated that Shoreline Community College is leading the pack with the Zero Energy Technology Program and received the Bell Weather Award as one of the top ten workforce development programs in the country. She stated that in 2002 Councilmember Ryu secured support from King County to develop a Green Business Program for Shoreline that was put together by the Chamber of Commerce. Councilmember Way, she announced, participated on the Evergreen Task Force. She noted that under the leadership of the Council the new City Hall is on target to receive LEED Silver certification from the United States Green Building Council. She stated that the longest running community sustainability event in the Puget Sound is here in Shoreline, Shoreline Solarfest, which has been put on annually over the past six years. Furthermore, she stated that the Sustainable Shoreline Education Association is well on their way to helping Shoreline become a community wildlife habitat project. She thanked Council for continued support of these efforts and for the environmental mini grants.

Councilmember Eggen asked for an update from the City staff concerning what is going on with the Crawford's and their property. Mr. Olander commented that he would provide a written update to Councilmember Eggen.

## 6. APPROVAL OF THE AGENDA

**Deputy Mayor Scott moved to add an item 9(a) to direct the City Manager to file an appeal to Snohomish County Ordinance 09-038 and 09-051 and associated SEPA documents with the Growth Management Hearings Board. Councilmember Hansen seconded the motion, which carried 7-0. Deputy Mayor Scott moved to approve the revised agenda. Councilmember Hansen seconded the motion, which carried 7-0 and the agenda was approved as amended.**

## 7. CONSENT CALENDAR

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

- (a) **Minutes of Workshop Dinner Meeting of May 26, 2009  
Minutes of Study Session of October 5, 2009**

- (b) **Approval of expenses and payroll as of October 16, 2009 in the amount of \$1,153,496.40**

**\*Payroll and Benefits:**

| <b>Payroll<br/>Period</b> | <b>Payment<br/>Date</b> | <b>EFT<br/>Numbers<br/>(EF)</b> | <b>Payroll<br/>Checks<br/>(PR)</b> | <b>Benefit<br/>Checks<br/>(AP)</b> | <b>Amount<br/>Paid</b> |
|---------------------------|-------------------------|---------------------------------|------------------------------------|------------------------------------|------------------------|
| 9/20/09-10/03/09          | 10/9/2009               | 31369-31574                     | 9301-9337                          | 41553-41561                        | \$422,535.82           |
|                           |                         |                                 |                                    |                                    | <u>\$422,535.82</u>    |

**\*Accounts Payable Claims:**

| <b>Expense<br/>Register<br/>Dated</b> | <b>Check<br/>Number<br/>(Begin)</b> | <b>Check<br/>Number<br/>(End)</b> | <b>Amount<br/>Paid</b> |
|---------------------------------------|-------------------------------------|-----------------------------------|------------------------|
| 10/2/2009                             | 41485                               |                                   | \$60.00                |
| 10/2/2009                             | 41486                               |                                   | \$2,660.00             |
| 10/8/2009                             | 41487                               | 41514                             | \$156,267.97           |
| 10/8/2009                             | 41515                               | 41517                             | \$28,000.00            |
| 10/8/2009                             | 41518                               | 41550                             | \$113,164.26           |
| 10/8/2009                             | 41551                               |                                   | \$18,541.40            |
| 10/14/2009                            | 41552                               |                                   | \$8,000.00             |
| 10/15/2009                            | 41562                               | 41572                             | \$87,371.06            |
| 10/15/2009                            | 41573                               | 41609                             | \$212,146.83           |
| 10/15/2009                            | 41610                               |                                   | \$10,785.75            |
| 10/15/2009                            | 41611                               |                                   | \$1,443.79             |
| 10/16/2009                            | 41612                               | 41613                             | \$92,519.52            |
|                                       |                                     |                                   | <u>\$730,960.58</u>    |

- (c) **Motion to Authorize the City Manager to Execute the SeaShore Transportation Forum Agreement**

- (d) **Motion to Authorize the City Manager to Execute a Contract with HDR for the Design of the Aurora Corridor Project (185th to 192nd Streets)**

- (e) **Motion to Approve the NPDES Phase II Department of Ecology Grant**

**8. ACTION ITEM: PUBLIC HEARING**

- (a) Public hearing to receive citizens' comments on the Proposed 2010 Budget; and continued Council discussion of the Proposed 2010 Budget

Debbie Tarry, Finance Director, explained the budget schedule and guiding principles. She briefly highlighted the operating budget revenues, expenditures, major budget issues, and the proposed property tax.

Mayor Ryu opened the public hearing.

a) Bob Lohmeyer, Director, Shoreline-Lake Forest Park Senior Center, thanked the Council for continued support and urged the Council to continue to support the Center in 2010. He stated that the Center has significantly increased services to seniors and have been selected for a grant from United Way for shuttle service. Additionally, he stated that the Center has increased the community dining program to serve an additional 20%, or over 900 meals per month. He displayed a chart which showed how they have utilized funding from the City. He noted that fundraising and donations have been down.

b) Robin McClelland, Shoreline, believe the way the City raises and spends money is most important to Shoreline residents and wished more people would stay to hear the budget presentation. She still feels the financial underpinning is the most important thing to consider in a campaign and hasn't seen any campaign literature discussing these important financial issues. She hoped everyone can all get on the right track and talk about what matters.

There was Council consensus to leave the public hearing open and accept comments until November 5. Mr. Olander commented that the City has additional staff presentations tonight.

Councilmember Hansen said he would like to hear the City staff's explanation of what the passage of I-1033 would do to the budget, especially with respect to reserves. Ms. Tarry commented that I-1033 would reduce available revenue by \$1 million per year starting in 2012. The key point of the reserves is that they are one-time savings from other revenues. The difficulty is that if 1033 passes, anything over the inflationary measure would have to go into an account to reduce property taxes and the City would not be able to repay the reserve fund. 2009, she said, would set the level of revenues and this year has seen a dramatic drop in revenues by about \$2 million. Mr. Olander added that other unintended consequences would be that those rating agencies that were impressed with our reserves policy could lower our bond rating if I-1033 passes, thus leading them to raise the City's bond interest rates.

Councilmember Hansen commented that if the City goes through 2010 and consumes \$1 million of its reserves there will still be \$5 million in the reserve fund and he has heard some interpretations of I-1033 that the City would have to deplete all of the reserves. Ms. Tarry stated that she hasn't heard that and using the reserves might be a policy decision.

Councilmember Way discussed the Paulsen letter about using reserves as opposed to making other reductions such as furloughs or reducing City staff. Mr. Olander responded that just a couple of months ago there were concerns from residents that the City didn't need excess reserves. The Council created the revenue stabilization fund to plan for major recessions to look ahead when there are major recessions because every eight to ten years there is a recession. Those funds are retained so the City doesn't have to cut essential basic services during recessionary cycles.

Deputy Mayor Scott emphasized that during a recession it's important to have reserves, especially because the demand for human services goes up during the hard times.

Ms. Tarry continued with the department presentations, beginning with Public Works (PW). She reviewed the general fund and the City street funds.

Mayor Ryu stated that the financing information for the new City Hall isn't in the Public Works budget. Ms. Tarry replied that it shows up in the debt service section of the budget.

Councilmember Eggen questioned what the City is charging for stormwater and Mr. Relph replied that the revenues are split 60/40 between streets and stormwater.

Councilmember Way stated that the rate study was discussed before and inquired if the City is basing the stormwater rates on the amount of pervious or impervious surface a specific property has. Mr. Relph replied that she is correct and the City anticipates looking at some options in the upcoming rate study on how the rates would be changed in the future based on existing properties with impervious surface. He also noted that the purchase of the truck is actually a replacement vehicle.

Mr. Tarry explained the surface water utility budget totaling \$4.8 million. She noted that there are 10.7 FTEs allocated to that program and it accounts for operations and capital to sustain the system. She reviewed the capital projects included as part of the surface water utility budget.

Councilmember Way inquired about the NPDES grant and Mr. Sanchez replied that it's for water quality community outreach package of information that is handed out every year and is a part of the City's public education plan.

Councilmember Hansen asked if Cromwell will be completed by the end of this year. Tricia Juhnke, Capital Projects Administrator, explained that the project is fully funded in the 2009 Capital Improvement Program and will be a part of the carry over process in March 2010.

Ms. Tarry summarized the entire Public Works budget of \$8.8 million for 2010, which is a \$2.4 million decrease from 2009. Most of the decrease is related to the change from surface water utility and reduction on the capital spending side of the surface water utility fund for 2010. The department, she said, is made up of 28 FTEs. She noted that the

largest piece of the PW budget is transportation costs and 13% pertains to facilities and parks. She highlighted that there are \$43.8 million worth of major capital projects in 2010. She then reviewed each of the projects.

Councilmember McGlashan asked about sidewalk installations and asked if all sidewalk work, including installation and repair, was included in that budget item. Mr. Relph replied that everything is included in this budget item. Ms. Tarry added that there are funds set aside for the repair of sidewalks and 90% of the Aurora improvements are paid for by federal and state grant allocations.

Ms. Tarry explained the 2009 General Fund transfers to other areas. She stated that \$224,000 is allocated to long term maintenance and repair of parks facilities, such as parks benches, fences, and play equipment. She stated that \$100,000 per year is set aside for the replacement of computer equipment which are on the replacement schedule. Unemployment is also included in this budget item. She reminded the Council that the debt service amounts are refunded with the lease payments the City receives from the restaurant and dentist office.

Councilmember Eggen inquired about the \$10,000 allocation for unemployment in 2010 and asked about the overall balance of the fund. Ms. Tarry referred to page 337 and said the expenditure trends for the City are there and the balance is \$58,000 at the end of 2009. However, it is estimated that the City will spend about \$30,000 in 2010 for claims.

Ms. Tarry then explained the debt service funds. She discussed the open space acquisition and park improvements debt service which is being repaid through a voter approved property tax levy. The other debt service items include the general obligation bonds for City Hall which are being repaid from the general fund previous lease payments and from the real estate excise tax. She noted that next week there will be another public hearing and she will cover the fee schedule and salary survey at that hearing. Mr. Olander noted that the final budget review workshop is on November 16 with adoption of the 2010 budget on November 23.

#### RECESS

At 9:20 p.m., Mayor Ryu called for a five minute break. The meeting reconvened at 9:25 p.m.

#### 9. OTHER ACTION ITEMS: ORDINANCES, RESOLUTION, AND MOTIONS

- (a) Motion to Appeal the Snohomish County Ordinances relating to Point Wells

**Deputy Mayor Scott moved to authorize the City Manager to file an appeal of Snohomish County Ordinance Numbers 09-038 and 09-039 and associated SEPA documents with the Growth Management Hearings Board (GMHB).**



Mr. Olander responded that the appeal deadline is coming soon and it is critical to appeal these ordinances so the City can maintain its legal rights in this action.

Responding to Councilmember Eggen, Mr. Tovar stated that the City staff hasn't articulated all the legal issues. However, the public comment letters point out a number of facts and requirements that the City staff feel that they failed to comply with, and the City feels it has a strong case.

Councilmember Hansen stated that he supports this motion and wants to allow the City Manager and the City staff the freedom to pursue this. He added that this doesn't mean that there will be a lawsuit, but it can be a useful tool for the future.

Councilmember Way felt this is a good proactive move on the City's part and Mr. Tovar explained the process of the GMHB. He stated that the GMHB has six months to render a decision and anyone can file an appeal to Superior Court, the Court of Appeals, or the Supreme Court. He noted if there is a hearing before the GMHB, the public is welcome to attend and hear the deliberation, but the only people that can speak are the City's representative and the County's Deputy Prosecutor or any other people who file an appeal.

Councilmember Eggen asked if the specific ordinance passed by Snohomish County can be summarized. Mr. Tovar replied that both measures are posted on the City's website, including the letters submitted by the City to Snohomish County. He noted that one of the ordinances designates the property at Point Wells as an urban center in the Snohomish County Comprehensive Plan and the other addresses the urban center plan designations for other parts of Snohomish County. He noted that there is also zoning that would implement these actions that they are currently in the process of reviewing. Mr. Tovar said the City needs to take action now to be included in any Snohomish County actions concerning Point Wells in the future.

Mayor Ryu called for public comment.

a) Chris Roberts, Shoreline, expressed concerns about what is going to happen at Point Wells. He stated it will have an adverse impact on Richmond Beach as well as the rest of the City in relation to traffic, etc. He said he is happy to see that the Council is going to take action and is going to make sure all options are available so City's priorities are advanced.

**A vote was taken on the motion, which carried 7-0, and the City Manager was authorized to file an appeal of Snohomish County Ordinance Numbers 09-038 and 09-039 and associated SEPA documents with the Growth Management Hearings Board.**

(b) Ordinance No. 560 renaming the Regional Business (RB) Zone District and Implementing Revised Development Standards in the newly named Multiple Use Zone (MUZ)

Mr. Tovar explained that this is a proposed permanent regulation that would retire the RB zone designation. He noted that the moratorium expires on November 12 and can either be adopted tonight, adopted on November 2, or extended again. He noted that there have been some late public comment emails that have come in today. He stated that one of the questions came from Ms. Kellogg and most of them were responded to. He noted that Councilmember Eggen sent an email raising concerns and noted that he favored the item. He stated that the issues Councilmember Eggen raised can be taken up in the work program in the next six to eight months. Mr. Olander pointed out that this serves as a baseline throughout the community in the old RB to use in the future, but warned that this might not be the final answer for every neighborhood.

**Councilmember Way moves to adopt Ordinance No. 560. Councilmember McConnell seconded the motion.**

Mayor Ryu called for public comment.

a) LaNita Wacker, Shoreline, stated that she opposes this ordinance because it represents a "sweeping down" on a specific zone of existing property throughout the City. She felt that it violated the City's economic development goals and robs owners of their development rights and doesn't have design standards. She felt that it will also lower property values. Investors, she added, will look at this policy and people will view this as having a diminished capacity in terms of development. She urged the Council to retain the RB zone and end the moratorium or adopt this ordinance, but only if design standards are added to it.

b) Susan Melville, Shoreline, commented that it was very courageous for the Council to pass the moratorium. She said she is satisfied that there has been thoughtful discussion about the MUZ zone. She expressed concern about damage to her property and said the residents can't go up against developers and inadequate requirements will cause permanent damage to her property.

c) Dennis Lee, Shoreline, supported the ordinance and said expressed concern that if nothing is done to preserve RB for regional business purposes, there won't be any businesses on Aurora Avenue. He added that when the Town Center is planned there are some options. He stated that this could be done in density per area or per distance. He noted that he isn't against density, but when the City allows one entity to have density and not the other, it makes it so businesses want to leave. He said economic development is not just density, and commercial property needs to be used commercially.

d) Wendy DiPeso, Shoreline, commented that mixed use can be done successfully on shallow lots. She noted that retail area has an impact in Shoreline and everything is taxed according to the highest density. She wanted to know how the City will retain its commercial areas while increasing density on Aurora Avenue. She encouraged the City staff and Council to work with the Planning Commission on how to grow inventory for commercial activity.

Councilmember Way said she felt the Commission and citizens have worked very hard to craft something that addresses a lot of the problems. Hopefully, she said, this allows our wishes to come to fruition. She wondered if there was any recourse for people who live adjacent to development and experience an impact.

MEETING EXTENSION

**At 9:56 p.m., Deputy Mayor Scott moved to extend the meeting to 10:30 p.m. Councilmember McConnell seconded the motion, which carried 7-0.**

Mr. Tovar replied that if someone is violating the development code or the conditions of a permit, the City will enforce them against that property owner. Ian Sievers, City Attorney added that the City doesn't enforce civil damages.

Councilmember McGlashan discussed comment letters about amending the setbacks. He asked for a reminder about the 2:1 setbacks on SHAG. Steve Cohn, Long Range Planner, replied that 2:1 was the Ridgecrest code standards. Councilmember McGlashan also asked about the required distance from the property line. Mr. Cohn responded that the standards were 20-foot setbacks for R-6 in Ridgecrest. Councilmember McGlashan concluded that he would like to have some conversation about the huge setbacks.

Councilmember Eggen stated that the Commissioners were considering this measure as a whole, organic proposal, so to make a decision at the Council level without a lot of extra work is uncomfortable. He felt any amendments should be remanded back to the Commission for further consideration. He felt that the Council could submit separate amendments to the Commission without remanding the entire issue back to them. Councilmember Way added that if there is substantive change, it would have to go back to the Commission. Mr. Olander clarified that this can be adopted now and amended at a later date.

Councilmember McConnell stated that she directed the City staff to draft something and at this point she wants the moratorium removed. She said this is similar to Ridgecrest and her intent was to find a middle ground to get to a height of 65 feet. However, 100-200 foot setbacks feels like property rights are being taken. She stated there is a fine balance in protecting both single family homes and commercial properties.

Councilmember Eggen said he is also concerned about setbacks and supported having the Commission review them again.

Deputy Mayor Scott said he is sensitive to the setbacks issue, but it has gone through visioning, hearings, and ultimately the final package was unanimous. For those reasons, he supports the legislation currently before the Council, but he is open to having the Commission look at setbacks again. He concluded that he is pleased with the work that's been done and is hesitant to change things now.

Councilmember Hansen asked for a description of the 20-foot setback requirement and when it applies, as opposed to the setbacks. Mr. Szafran commented that this applies in any development adjacent to R-4 through R-12. However, it will not allow two projects to be built lot-line to lot-line. However, Mr. Cohn clarified that it might be allowed if there was an administrative design review. Mr. Szafran added that there is a difference if you have a mixed use building versus commercial only. Councilmember Hansen stated that in 1990 he built a lot-line to lot-line development in Edmonds. Mr. Tovar stated that everything in these regulations will have to go through administrative design review and there is an opportunity for someone to request a departure from the design if they make the case for it.

Councilmember Way read page 120. She noted that this is very holistically designed to address a lot of problems and interests. She urged the Council to pass this legislation.

Councilmember Eggen inquired if there is a requirement that every apartment have windows. Mr. Szafran responded that there is such a requirement and it is in the International Building Code. Councilmember Eggen inquired if there are impacts on buildings built directly next to each other. Mr. Tovar replied that there are impacts and fire codes which need to be adhered to. He stated that there are many technical ways to address the various codes.

Mr. Olander commented that in this proposed legislation, heights are based on incentives. Those incentives are certain public and private amenities that will be required if you want to go to higher limits.

Mayor Ryu thanked Ms. Kellogg for her extensive comments. She supported the ordinance as proposed. She noted that she owns a parcel in the RB zone and read the City Attorney's opinion. She stated that this is a citywide land use zone change and it doesn't violate ethics or appearance of fairness doctrine. She agreed with Mr. Olander that this is to establish a baseline and protect neighborhoods. She also pointed out that the City could just let the moratorium expire which would revert the code to the previous RB zoning, which caused problems. She concluded that this recommendation isn't perfect, but it is a huge improvement over what we had before.

Councilmember McGlashan stated that his RB property doesn't back up to R-12 or less. He stated that he would like to see the moratorium go way, but with some revisions. He stated that he agrees with LaNita Wacker that 100 – 200 feet setbacks is a little onerous.

#### MEETING EXTENSION

**At 10:28 p.m., Councilmember Eggen moved to extend the meeting until 10:40 p.m. Councilmember McConnell seconded the motion, which carried 7-0.**

**Councilmember McGlashan moved to amend SMC 20.50.021(D) by striking the phrase "100 feet" and inserting the phrase "50 feet." Councilmember Hansen seconded the motion.**

Councilmember McGlashan stated he would like to see this amendment adopted because he feels that the 100-200 foot setback is little onerous. This, he stated, is less restrictive as Ridgecrest. He added that he felt that this is like meeting halfway and the Council could still have the Commission look at it.

Deputy Mayor Scott noted that if the Council starts down this path, it won't represent the work of the community and the Commission. He stated that he wants the legislation to remain the way it was brought to the Council from the Commission. However, he stated that he is more willing to send items back to the Commission that the Council doesn't feel are appropriate to be sent through another public process. Nonetheless, with this item he said he will stick with what the Commission has brought to the Council.

Councilmember Way felt that the change would be a substantive change from the intent of the Commission. She felt the revision would require the Council having to remand it back to the Commission and extend the moratorium. She expressed a preference for honoring the work done by adopting this proposal.

Councilmember McConnell said she has been on the Council long enough to see Planning Commission recommendations rejected by the current Council; she felt there is nothing wrong with doing so in this case.

Councilmember Hansen recommended that the Council postpone its decision on this item until next week's Council meeting.

**Councilmember Way called for the question on the amendment. The motion died for lack of a second.** Mayor Ryu called for public comment. There was no one wishing to provide public comment on this item.

**A vote was taken on the amendment, which failed 3-3, with Councilmember McGlashan, Councilmember McConnell, and Councilmember Hansen voting in the affirmative and Councilmember Eggen abstaining.**

**A vote was taken on Ordinance No. 560 renaming the Regional Business (RB) Zone District and Implementing Revised Development Standards in the newly named Multiple Use Zone (MUZ), which carried 5-2, with Councilmember McGlashan and Councilmember Hansen dissenting.**

#### 10. ADJOURNMENT

At 10:24 p.m., Mayor Ryu declared the meeting adjourned.

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Scott Passey, City Clerk

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