

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, March 16, 2015
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Winstead, Deputy Mayor Eggen, Councilmembers McGlashan, Hall, McConnell, Salomon, and Roberts

ABSENT: None

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Winstead, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Winstead led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Mayor Winstead commented on attending the National League of Cities Congressional Cities Conference, along with Councilmembers McGlashan and McConnell. She shared that she was present to hear President Obama announce the TechHire Initiative, a program designed to help people get hired in the Tech Industry. She reported attending educational sessions on transportation, affordable housing, city planning, municipal bonds, environmental regulations, and meeting with Senators Patty Murray and Maria Cantwell. She thanked Councilmember McGlashan for serving in the capacity of Past President of the Gay, Lesbian, Bisexual and Transgender Local Officials (GLBTLO) Board of Directors, and congratulated Councilmember McConnell on being installed as President of the Asian Pacific American Municipal Officials Advocacy Group.

5. PUBLIC COMMENT

Councilmember McGlashan moved to extend Public Comment for one hour. The motion was seconded by Councilmember McConnell and passed unanimously.

Rosalyn Lehner, Shoreline resident, asked Council to postpone the rezone. She expressed concern about increased density and tax increases. She talked about preserving a sense of community, and explained that the balloons on display in the Council Chamber represent Edith Macefield of Ballard and depicted in the movie "Up".

Lorn Richey, Shoreline resident, encouraged Council to vote no on the Plan, and to vote yes on a new plan submitted by Dan Jacoby. He commented that the new plan reduces damage to Shoreline residents, and better supports principals of community, economic development, low-income working families, homelessness, and the environment.

Jarett Birchman, Shoreline resident, thanked Deputy Mayor Eggen for his position on the Plan, and asked Council to stop the vote. He expressed he is for growth but without destroying neighborhoods. He wants to ensure that people affected by the Plan are adequately informed, and commented on the lack of policy for accessible housing.

Amy Gore, Futurewise Director of Sustainable Communities, thanked Council for their work. She explained the organization's mission through smart growth strategies, and commented that the expansion of light rail and compact development will prevent sprawl, environmental degradation, and give residents an alternative to driving. She commented that the Plan will ease the overall cost of housing, is a viable compromise, and recommended that the Council adopt the Plan.

Nicholas Bratton, Forterra Policy Director, talked about land use economics and shared that his organization has been a part of many real estate transactions and economic analyses. He commented on the need to provide the private market a big enough supply of land, and the residents with choice and livability options. He cautioned Council about passing rezones that are too small.

Tamara Simon, Shoreline resident and investment property owner, referenced the zoning changes in Ballard and its lack of affordability. She expressed concern about affordability of neighborhoods, taxes, crime and transportation. She asked Council to reconsider the Plan and suggested assessorly dwelling units and patio home developments. She talked about lost opportunities at Gateway Plaza which she believes could have been the heart of the community.

Karen Easterly-Behrens, Shoreline resident, appreciates how the rezone has brought the community together and stated they will also be engaged during the next election. She asked Council to represent the people who elected them.

John Behrens, Shoreline resident, asked Council to blend the present and future together when considering what the City should look like. He asked Council for a clear plan that protects the present and produces benefits for the future that the community can share. He talked about consequences to neighborhoods if lots are combined, the current plan being too big, and recommended traditional zoning.

Mrs. M. Heeres, Shoreline resident, asked the Council to work with people in the community and keep buildings a maximum of four stories high.

Larry Mishkin, Shoreline resident, commented on voting for Light Rail but not for his property to be rezoned. He believes that the rezone makes sense but stated it does not have to consume the entire neighborhood.

Ginny Scantlebury, Shoreline resident, talked about the lack of noticing and information for the 185th Street Station Subarea Plan. She questioned how many residents know what a planned action is, and commented that it makes it easier for developers to build. She stated that Bellevue does not use planned action and that Seattle's Yesler Terrace uses it to receive federal funding. She talked about the challenges of working with multiple developers and asked Council to vote no.

Janet Way, Shoreline Preservation Society, commented on the audience being a majority and recommended a four point consensus plan. She asked Council to approve an overlay plan instead of a planned action, and stated an overlay plan will identify zones where development can take place, and allow the community to receive notice, give input, and appeal. She commented that the proposal is too big and on the need to protect the character of the neighborhoods. She expressed concern that the City is no longer protecting historical homes.

Deborah DeMoss, Shoreline resident, talked about growing up in Anaheim, California and experiencing the consequences of high growth. She questioned why the City would tear down houses for high rise buildings. She expressed that she is angry with the Plan and the decision to allow the Polaris Apartments to be built.

Dan Jacoby, Shoreline resident, commented that the zoning decision will be each Councilmember's legacy. He commented that the vocal majority has brought forth many facts in opposition of the Plan, and asked Council not to ignore the facts and work with the Community to go forward.

Norm McFarland, Shoreline resident, commented that his house is his retirement, expressed concern that the rezone will decrease the value of the house and jeopardizes his ability to get a competitive reverse mortgage.

Jerry Borth, Shoreline resident, stated he opposes the rezone and read an excerpt from the City's website regarding the history of Shoreline. He commented that Council action tonight threatens people's homes and lifestyle, and will determine how residents vote for Council positions during the next election.

Brian Derdowski, Sensible Growth Alliance, talked about a four vote consensus, overlay zoning, and shared how King County implemented a successful overlay plan. He commented that an overlay plan will provide market signals, support residents, incentivize appropriate development, predictability, public participation and strong regulations. He shared why a planned action is not the right way to go.

Dan Mann, Shoreline resident and business owner, talked about being an active participant when Shoreline incorporated. He commented that the City incorporated to protect neighborhoods and the School District, to keep tax revenue and have local representation. He read an excerpt from Shoreline's Vision and capital budget statements. He encouraged Council to listen to the people and not create animosity by adopting the Plan.

Elaine Phelps, Shoreline resident, read excerpts from an election questionnaire which identified wanting growth while preserving single family neighborhoods, and requested that Council vote that way tonight. She commented on residents having input in the process, allowing for Light Rail without destroying neighborhoods, the shadow effect of high rise buildings, and limiting the number of new people coming to Shoreline.

Alvin Rutledge, Edmonds resident, commented on the effects of additional new buildings in adjacent cities, keeping the height at 2,900 feet, and asked about the City's Charter.

John Kropf, Shoreline resident, commented on grant funding for 145th Street and building a sky tram to help alleviate traffic congestion.

Dale Lydin, 185th Street Citizen Committee Member, commented that he did not envision this kind of zoning. He shared that the Plan's goal was for the development of infrastructure to serve the Light Rail, support private capital investment, and protect the neighborhoods. He stated he supports an overlay plan.

Dr. Cory Secrist, Shoreline resident, questioned if Light Rail can support and sustain increased traffic that comes with expanded growth, affordable housing, and if there will be tax revenue to support public services like schools. He talked about class structure, the quality of life of residents if single-family units are removed, and asked Council to preserve the quality of life in Shoreline.

Councilmember McConnell moved to extend Public Comment for thirty minutes to accommodate the six people left to speak. The motion was seconded by Deputy Mayor Eggen and passed unanimously.

Stacey Chlarson, Shoreline resident, explained that she wants to put a face to the families not represented at the meeting tonight. She spoke about why her family moved to Shoreline and asked Council to scale back the rezone.

Les Nelson, Shoreline resident, asked that a copy of the original 1998 City of Shoreline Environment Impact Statement and appendices, and the Draft EIS be entered into record. He commented that these documents were not referenced in either of the Station Subarea Plans and stated they should be considered.

Tom Jamieson, Shoreline resident, commented on the explosion of the Challenger spaceship and finger pointing, and having a similar situation here. He talked about adoption of the three ordinances being out of order on the agenda, and recommended that the Comprehensive Plan be passed first followed by the zoning ordinance.

Sigrid Strom, Shoreline resident, expressed concern that the data is missing or misleading, and that impacts have not been reviewed. She commented that the EIS for 185th and 145th Subarea Stations should have been looked at together. She asked Council to listen to the residents to make a great future for Shoreline.

Kenrick Jorus, Shoreline resident, commented that Council should plan for the City right now and not for 100 years in the future. He recommended starting the rezone with a very small area and then expanding to reduce risk.

Genevieve Evans, Shoreline resident, commented that the rezone will impact her home and stated that she only received notice about the rezone a week ago. She expressed frustration with having nowhere to go for answers except this forum.

6. APPROVAL OF THE AGENDA

The agenda was adopted by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Deputy Mayor Eggen, seconded by Councilmember Roberts and unanimously carried, the following Consent Calendar items were approved:

(a) Minutes of Business Meeting of February 2, 2015

8. ACTIONS ITEMS

(a) Adoption of Ord. No. 706 - 185th Street Station Area Development Code Amendment and Zoning Map

At 8: 24 p.m., Mayor Winstead called for a recess. At 8:27 p.m., Mayor Winstead reconvened the meeting.

Steve Szafran, Senior Planner, reviewed community outreach performed and explained that everyone in the 185th Street Station Subarea was notified of tonight's meeting and Council's consideration of adopting the Subarea Plan, Map and Development Code Regulations. He outlined the process of the meeting, and reviewed Ordinance 706, the Alternative 4 Preferred Alternative Phased Zoning Map, and the Amendment Matrix.

Councilmember Hall moved adoption of Ordinance 706 amending the unified Development Code, Shoreline Municipal Code Title 20, and the official zoning map to implement the 185th Street Station Subarea Plan. The motion was seconded by Councilmember McGlashan.

Councilmember Hall thanked residents for their input in the process and shared that it is valued. He commented on the need to plan for the growth of the community in partnership with residents. He spoke on the importance of avoiding undesirable growth and land value market distortions. He pointed out environmental benefits that will come with the Light Rail Stations since new developments are required to adhere to better environmental standards.

Councilmember Salomon stated that he supports the motion and explained that the region's population is growing and that it is better to accommodate growth in concentrated areas near

transportation networks and to avoid spot development. He shared that, nationally, light rail and zoning for transit oriented development (TOD) has generally led to increases in property values. He shared that David Freiboth, King County Executive Labor Council Treasurer, is in favor of the Plan and stated that it is an opportunity to make a difference for our children, the new middle class. He explained that as density increases, TOD decreases the cost of housing. He noted that a mitigation evaluation will occur between phases to provide checks and balances, and to ensure mitigation issues have been resolved prior to implementing the next phase.

Deputy Mayor Eggen shared that a false dichotomy exists - that a person is either in favor of the current Plan, or is against growth. He stated that it is not true; everyone understands that there has to be some growth around the Light Rail Stations. The question is how big, fast, and controlled the growth will be. He commented on providing opportunities for citizens to appeal an oversized or inappropriate development. He stated he believes that we can have growth that is not overwhelming to the citizens and supports the Light Rail Station without it happening instantaneous over 400 acres.

Councilmember McConnell stated that she will be voting for a smaller area to rezone for the preservation of Shoreline.

Councilmember McGlashan stated he will be supporting the motion and believes that this Map puts growth and development in the right places.

Councilmember Roberts moved to amend the zoning map to a) change all MUR-45 zoning to MUR-35 between Corliss and Stone Ave b) change from Phase 1 to phase 2 all MUR zones west of 1st Ave c) eliminate all areas currently in Phase 3 from the zone d) eliminate area north of Shoreline Park between 1st and 3rd NE and South of NE 193rd from the zone and e) eliminate all area east of 10th Ave NE and north of NE 180th from the zone that is not adjacent to 10th Ave NE or NE 180th. The motion was seconded by Councilmember McConnell.

Councilmember Roberts commented on figuring out the right amount of land to rezone to support development around the Station. He shared that a Minneapolis study reported not much growth is expected around station areas in low residential neighborhoods; noted his own experience in Sacramento with not seeing new development around stations; and talked about the City of Portland scaling back rezone areas near their Station. He mentioned other studies that report development occurred in TOD areas near stations when they were in a downtown location or where there were existing large parcels. He stated his map proposal reflects the Council's Light Rail Guiding Principles by providing transitions to TOD in partnership with the local neighborhood. He said his map allows development to start small, reflects what the community supports, and provides an opportunity for more grow later. He recommended that a future Shoreline City Council be allowed to make decisions regarding Phase 3.

Councilmember McConnell concurred with Councilmember Roberts. She expressed that the Map in Ord. 706 is too big. She believes density should be increased around Light Rail but stated that it does not have to be this big. She stated her support for MUR-35 along 185th Street.

Deputy Mayor Eggen stated he will support the amendment. He commented that this map supports the original concept of rezoning within the ½ mile walkshed of the Station and supports connecting corridors to Aurora and North City.

Councilmember McGlashan stated he will not support the amendment because of the changes from MUR-45 and the reduction in the walkability radius to the Station.

Mayor Winstead stated she will not support the amendment and pointed out that the maps are not that different.

The motion failed 3-4 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting yes.

Councilmember Roberts moved to amend the zoning map to have the corridor west of 1st and east of Stone (where it bumps up against TC zones) moved from Phase 1 to Phase 2 zoning, and leaves the TC zones in Phase 1. The motion was seconded by Deputy Mayor Eggen.

Councilmember Roberts explained the amendment allows for a transition to TOD in partnership with the local neighborhoods, and focuses on ¼ and ½ mile walksheds. He asked what the size of typical developments likely to occur within the Station Area will be. He commented that the 185th Street Corridor is not directly related to the Station Area and that it does not fit in the vision of what the Station should be. He commented on the value of creating placemaking in Phase 2, and stated he supports development that is immediately adjacent to the Station.

Ms. Markle provided examples of developments anticipated in the MUR-45 zone. Dan Eernisse, Economic Development Manager, explained that structured parking would not be in MUR-45, and lot percentages would be higher in MUR-70. He explained that the depth depicted on 185th Street was to accommodate townhouses with alley access, and that they could be developed with a two parcel assemblage.

Councilmember Hall stated he will not support the amendment and noted that it is similar to the amendment that failed on February 23, 2015. He pointed out that the value of a connecting corridor was studied by the Planning Commission and staff, presented to the public, and that all three groups recommended the connection of Aurora Avenue to North City. He stated that the approved Map was scaled back, incorporates a phased implementation approach, and that the total plan area that is affected in the Subarea Plan is smaller than the area in a ½ mile radius circle. He said the main motion reflects the right size plan for Shoreline.

Deputy Mayor Eggen commented that the Map is larger than it needs to be to fulfill obligations to TOD and growth targets.

Councilmember McConnell stated she will support the amendment and concurs with Deputy Mayor Eggen that the Map is too big.

Councilmember McGlashan stated that the amendment takes away housing opportunities and choices for everyone.

Councilmember Roberts explained that the Development Code allows townhouses to be built in MUR-70 zones if they meet the minimum density requirement. He stressed the importance of the area transitioning to walkable neighborhoods by concentrating zoning closer to the Station.

The motion failed 3-4, with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting yes.

Deputy Mayor Eggen moved to amend the main motion to replace Exhibit B of Ordinance No. 706 with the NE 185th Street Light Rail Station Subarea Walkshed Option Map. The motion was seconded by Councilmember Roberts.

Deputy Mayor Eggen commented that this amendment moves everything primarily outside the 3/8 mile walkshed, except for on 185th Street and the connection to North City, from Phase 1 to Phase 2.

Councilmember Roberts stated that the public has not expressed a particular preference for one map and stated that Mr. Freiboth supports the principle of rezoning in the Light Rail Station Area and not necessarily any given map.

Councilmember Hall commented that literature suggests a 1/4 mile is the correct distance for Light Rail, and not 3/8 mile. He expressed that he does not understand why there is a need to reduce the area, as the current Map provides options to individual land owners.

The motion failed 3-4 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting yes.

Councilmember Hall moved to amend the main motion by amending Ordinance 706 Exhibit A SMC 20.40.506(A) to delete the “MUR-45’ and MUR-70’ zone” and delete SMC 20.40.506(B) in its entirety, amend SMC Table 20.40.160 to delete “P-i” from the MUR-45’ and MUR-70’ column for Single-Family Detached. Also amend SMC 20.30.280 - Non Conformance - to add under 20.30.280(C)(4) “Single family additions shall be limited to 30 percent of the use area and not require a conditional use permit in the MUR-45’ and MUR-70’ zone.” The motion was seconded by Councilmember Salomon.

Councilmember Hall commented that the amendment protects homeowners by allowing existing single-family homes anywhere in the Subarea to be remodel or rebuilt; and allows single-family homes in MUR-45 and MUR-70 zones to be expanded up to 30% of their footprint. He stated any new construction would have to conform to the Plan’s vision.

Councilmember Roberts asked for the average square foot size of new homes built in Shoreline over the last two years. Ms. Markle responded that her best guess is 2,100 – 2,500 square feet. Councilmember Roberts commented that he wants to make sure he understands the affects the amendment will have on nonconforming use, and stated that expanding the footprint of a 1,000 square foot home by 30% is not that much but with the larger homes there is potentially more of an impact.

Deputy Mayor Eggen moved to amend the amendment by changing the Development Code 20.30.280(c)(4) to read “Single family additions shall be limited to 50 percent of the use area or a maximum of 1000 sq. ft. whichever is lesser and do not require a conditional use permit in the MUR-45 and MUR-70 zone.” The motion was seconded by Councilmember Roberts.

Deputy Mayor Eggen commented the amendment provides single family homeowners greater expansion opportunities and requires a maximum limit to prevent overbuilding.

The motion to amend the amendment passed unanimously.

The amendment to amend SMC 20.40.506(A) to delete the "MUR-45' and MUR-70' zone" and delete SMC 20.40.506(B) in its entirety. SMC Table 20.40.160 would also need to be amended to delete "P-i" from the MUR-45' and MUR-70' column for Single-Family Detached, and to amend SMC 20.30.280 - Non Conformance - to add under 20.30.280(C)(4) "Single family additions shall be limited to 50 percent of the use area or a maximum of 1000 sq. ft. whichever is lesser and do not require a conditional use permit in the MUR-45' and MUR-70' zone" passed 6-1 with Deputy Mayor Eggen voting no.

Councilmember Hall moved to amend the main motion by amending Exhibit A to Ordinance No. 706 by amending the row 'Minimum Density' in SMC Table 20.50.020(2) to add in 18 dwelling units per acre in the ‘MUR-45’ column.” The motion was seconded by Councilmember Salomon.

Councilmember Hall explained that the amendment does not affect existing home owners but stated that new projects would have to use land efficiently and meet the minimum 18 dwelling unit requirement.

The motion passed unanimously.

Deputy Mayor Eggen moved to amend the main motion by amending Ordinance 706 Exhibit B (Zoning Map) by eliminating the area between 193rd and 195th and between Corliss and 1st Avenue from the zone and rezone the area between Shoreline Park and 195th and between 1st and 3rd from MUR-70’ to MUR-45’ with a transition on 1st of MUR-35’. The motion was seconded by Councilmember Roberts.

Deputy Mayor Eggen commented that this transition area is well outside the 1/2 mile walkshed.

The motion failed 3-4 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting yes.

Councilmember Hall moved to amend the main motion by amending Ordinance 706 Exhibit A (SMC 20.30.355(D)(1)) to “99 years” instead of “50”. The motion was seconded by Councilmember Roberts and passed unanimously.

Councilmember Hall moved to amend the main motion to amend Ordinance 706 Exhibit A Table 20.40.160 to make Research, Development and Testing an allowed use in MUR-70. The motion was seconded by Councilmember Roberts.

Councilmember Hall commented on Research, Development and Testing now being an unobtrusive use, and explained that the amendment provides consistency with other existing uses.

Councilmember Salomon asked if the amendment would allow testing of viruses like the biosafety lab on the Fircrest Campus, and questioned if it would be appropriate in a transit oriented development community. He stated that he would not support the amendment if this is the case. Mr. Szafran responded that the amendment would allow for the testing of viruses. Ms. Markle added staff would look at the Code to confirm this.

Councilmember McGlashan commented on the distinction between testing for viruses and testing for robotic medical parts.

At 9:55 p.m., Mayor Winstead called for a recess. At 10:00 p.m. Mayor Winstead reconvened the meeting.

Councilmember Hall moved to extend the meeting to 11:00 p.m. The motion was seconded by Councilmember McGlashan, and passed 6-1 with Deputy Mayor Eggen voting no.

Ms. Markle reported that any type of lab would fall under the Research, Development and Testing category.

The motion passed 5-2 with Councilmembers McGlashan and Salomon voting no.

Councilmember Roberts moved to delete and renumber SMC 20.30.355(D)(4). The motion was seconded by Deputy Mayor Eggen.

The motion was withdrawn by Councilmember Roberts.

Councilmember Roberts moved to amend the main motion to amend Ordinance 706 Exhibit A to delete SMC 20.40.235(B)(3) Catalyst Program and SMC 20.30.355(D)4 and renumber the sections accordingly. The motion was seconded by Deputy Mayor Eggen.

Councilmember Roberts expressed concern over including a Transfer of Development Rights (TDR) Program in the Municipal Code when it has not yet been developed. He commented that the TDR Program would create an 8-year Property Tax Exemption (PTE) Program and recalled that Council recently increased the City's PTE Program to 12 years. He stated preference for consistency with the PTE Program.

Councilmember Hall stated he supports having the potential for the TDR included in the Code and that it allows the City to move forward with the Program. He agreed on providing

consistency with a 12-year PTE Program and recommended refining the language at a future date.

Deputy Mayor Eggen asked if it makes sense to have a reference in the Code to a program that has not been approved. Ms. Markle responded leaving the TDR Program in the Code creates a strong linkage to the increase development potential provided through the rezone and the 'ask' for the purchase of TDRs.

Councilmember McGlashan clarified that the TDR Program will only go into effect upon Council's authorization.

Councilmember Salomon provided an example from his time on the Whatcom County Planning Commission when the Commission looked at purchasing TDRs in a rural farmland area to have the development rights transferred to an urban area. He explained that having a TDR Program helps the City be a regional partner and does not change the City's density zoning. He stated his support for the Program.

Councilmember Roberts commented that the Catalyst Program waives the affordable housing requirements for the first 300 units of development in a TDR Program. He explained that this amendment will ensure that the first 300 units of development meet the affordable housing requirements.

Councilmember McGlashan asked if the TDR can be removed from the Code until it has been developed and if there are repercussions. Ms. Markle stated that it is best to have a clear nexus between the rezone and the TDR Program and it will serve as a place keeper until the Program is developed and approved by Council. She provided an example of why Council would want to consider trading a TDR Program for affordable housing, and explained that Council would have the discretion to say no to a TDR Program if they find it is not financially feasible to make that trade.

Mayor Winstead confirmed that Council will have the option to accept or deny a TDR Program, and verified that affordable housing advocates are in support of the Program. Ms. Markle explained that the TDR Program was recommended by affordable housing advocates.

Deputy Mayor Eggen commented that he is supportive of a TDR Program as it goes to the meaning of having housing in the Station areas rather than urban sprawl, and confirmed that amendment 17 applies only to the Catalyst Program.

Ms. Markle commented on the distinction between the TDR in the Development Agreement Section and the one as the Catalyst Program. Councilmember Salomon asked for clarification on staff's recommendation. Ms. Markle responded that Council can choose to remove the TDR Program and then keep the Catalyst Program so that the nexus between the rezone and purchase of TDRs remains.

The motion failed 2-5 with Deputy Mayor Eggen and Councilmember Roberts voting yes.

Councilmember Salomon moved to amend the main motion to amend Ordinance 706 Exhibit A Table 20.40.160 to exclude biosafety labs as a permitted use. The motion was seconded by Deputy Mayor Eggen.

Councilmember Roberts called for point of order, and stated that currently there is no language in the Code to support this motion. Ms. Markle concurred that the language will need to be refined.

The motion was withdrawn by Councilmember Salomon with the agreement that it will be brought back at a future date.

Councilmember Roberts moved to amend the main motion to amend Ordinance 706 Exhibit A Table 20.40.160 - MUR 85 Outdoor Performance Center - Delete "P-A", Insert "P"; and under MUR-85 Performing Arts Companies/Theater (excluding Adult Use Facilities) - Delete "P-A", Insert "P". The motion was seconded by Councilmember Hall.

Councilmember Roberts commented on the Station Area allowing the most range of uses and that a theatre can create placemaking. He added that the amendment will accomplish this.

Deputy Mayor Eggen expressed concern about the noise of an outdoor performance theater in a residential area. He asked if an outdoor performance use would be granted a permit without further review if the amendment passes. Mr. Szafran responded that it would be permitted without additional conditions, other than adherence to the noise ordinance.

Councilmember Salomon also expressed concern about the noise factor of outside performances.

The motion was withdrawn by Councilmember Roberts.

Councilmember Roberts moved to amend the main motion to amend Ordinance 706 Exhibit A Table 20.40.160 - Delete "P-A", Insert "P" for Performing Arts Companies/Theater (excluding Adult Use Facilities). The motion was seconded by Councilmember Hall.

Deputy Mayor Eggen commented that the motion does not address the noise problem. He asked what use would be applied for a Performance Art Theater Center that has outside performances. Councilmember Hall asked what happens when it is not exactly clear where something fits in the use matrix; pointed out there is a "performance center" and "outdoor performance center" use; and asked where a performance center holding an outdoor performance would be placed. Ms. Markle responded it would be placed under "outdoor performance center" use.

Councilmember Salomon stated he supports Performance Centers with limited noise allowance and creating placemaking, but stated he does not believe they should be policed by the Noise Ordinance.

Councilmember Salomon moved to table the amendment for further study to address decreasing noise spillage. The motion was seconded by Deputy Mayor Eggen.

The motion to table the amendment passed 4-3 with Councilmembers McGlashan, Hall and Roberts voting no.

Councilmember Roberts moved to amend the main motion to amend Ordinance 706 Exhibit A 20.50.020(2) Minimum Front Yard Setback MUR-70 - Delete “0 if located on Arterial Street 10ft on Non-arterial Street.” Insert “0”. The motion was seconded by Councilmember Hall.

Councilmember Roberts explained that this amendment would require that all property be subject to a 90% hardscape requirement in the MUR-70 zone which would allow for efficient use of the property. He stated that a 10 foot setback across from MUR-70 is not needed on a non-arterial street. Councilmember Hall agreed.

Deputy Mayor Eggen commented that grassy and open area space makes high density areas pleasant, and that setbacks on non-arterials streets will create the façade of a quiet neighborhood. He stated he will be opposing the amendment.

Councilmember Salomon stated he will be opposing the amendment and that he supports setbacks on non-arterial streets. He commented that it is critical to make an attractive place and not just to put in as much density as possible. Councilmember McGlashan and McConnell agreed. Councilmember McGlashan explained that he wants to avoid the tunneling effect in neighborhoods.

The motion failed 2-5 with Councilmembers Hall and Roberts voting yes.

Councilmember Roberts moved to amend the main motion to amend Ordinance 706 Exhibit A 20.50.021 - Delete “and MUR-70”. The motion was seconded by Deputy Mayor Eggen.

Councilmember Roberts explained that due to Phased zoning, in Phase I there will be MUR-70 across the street from R-6, but in Phase II the same R-6 property will open up to MUR-70 eliminating the need for transition standards.

Deputy Mayor Eggen asked staff to elaborate on its suggestion to require transition standards in MUR-70 adjacent to single-family zones for landscaping and screening but not for setbacks. Mr. Szafran responded that staff recommends compliance with SMC 20.50.021 B and C.

At 10:48 p.m., Mayor Winstead called for a recess. At 10:56 p.m., Mayor Winstead reconvened the meeting.

Deputy Mayor Eggen noted that during the recess staff pointed out two areas of the Code that require setback and screening. Councilmember Salomon stated he will be voting against the amendment in order to prevent a canyon effect and to help create tasteful transit oriented development.

Deputy Mayor Eggen asked if this amendment would require a stepback if the words “and MUR-70” are not deleted. Ms. Markle responded yes.

The motion passed 4-3 with Mayor Winstead and Councilmembers McConnell and Salomon voting no.

Councilmember Hall moved to extend the meeting to 11:30 p.m. The motion was seconded by Councilmember Salomon and passed 5-2 with Deputy Mayor Eggen and Councilmember McConnell voting no.

Councilmember Roberts moved to amend the main motion to amend Ordinance 706 Exhibit A 20.50.310(A)(5) to strike “MUR-70”. The motion was seconded by Deputy Mayor Eggen.

Councilmember Roberts explained that the amendment will prevent existing property owners in MUR-70 zones from cutting down trees without having to replace them. Councilmember McGlashan asked how this amendment affects developers wanting to aggregate property for development. Ms. Markle responded that this standard would make commercial and residential development more difficult. Mr. Cohen spoke about a section of the Code that gives a developer the option to transfer the trees they are required to retain to another location in the City.

Councilmember Salomon commented that not allowing developers to cut down trees in the high density areas would push development out to rural areas resulting in environmental loss. He shared that Seattle has maintained their tree canopy in its urban villages and would like staff to research how it was done. He stated he will not be supporting the amendment.

The motion failed 2-5 with Deputy Mayor Eggen and Councilmember Roberts voting yes.

Councilmember Roberts moved to amend the main motion to amend Ordinance 706 Exhibit A to strike 20.50.410(c) which requires parking for all residential units to be included in the sale or rental price. The motion was seconded by Councilmember Hall.

Councilmember Roberts questioned the legality of requiring parking stalls to be included in the price of rental units, and stated that he does not want to see an increase in the overall cost of the units.

Councilmember Hall commented that it would be odd to require people to pay for parking when they do not own cars and do not derive any benefits.

Deputy Mayor Eggen suggested there may be a question of legality and commented that residents do not have the option to opt out of other amenities. He shared that experience shows that people do not purchase parking spots, and instead park in the neighborhood which leads to overcrowded streets. He recommended being a test market for this provision, and stated he will be opposing this motion. Councilmember McConnell concurred.

Councilmember McGlashan questioned the legality of the requirement and asked if developers must provide parking spaces for all units. He agreed that Shoreline should be the test market for this provision and stated he will be opposing the motion.

Ms. Markle explained that developers will need to provide parking at the rate required by the Code and availability would be on a first come first serve basis. She said while it may not solve all overflow parking in neighborhoods, it will resolve people not parking in parking garages in order to save money.

The motion failed 2-5 with Councilmember Hall and Roberts voting yes.

Deputy Mayor Eggen moved to postpone the vote on Ordinance 706 to a date in the future at least 30 days after the Sound Transit Final Environmental Impact Statement (FEIS) is issued. The motion was seconded by Councilmember Roberts.

Deputy Mayor Eggen explained that the final decision of the configuration of Light Rail is still in flux and that Council should wait until 30 days after the Sound Transit Board approves the FEIS.

Councilmember McGlashan stated he will oppose the motion because nothing in the FEIS will change that there will be Light Rail Stations at 145th and 185th Streets, and that planning for the Stations needs to take place.

The motion failed 3-4 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting yes.

Deputy Mayor Eggen moved to amend the main motion to go away from a planned action approach to the rezone and instead use an overlay method where the designated three phases are retained, phase 1 actualized immediately, phase 2 after 6 years, and phase 3 after 18 years. The method by which a rezone would take place would be by application from a developer who is interested in developing, and would be subject to SEPA provisions - although it would be a streamlined SEPA as long as the application corresponded well with the EIS. The motion was seconded by Councilmember McConnell.

Deputy Mayor Eggen explained that this amendment provides a midstream correction to the Planned Action rezone, allows for a SEPA appeal, and helps address citizens' concerns.

Councilmember McConnell stated she will be supporting the amendment.

Councilmember Roberts commented that he is intrigued by the amendment and questioned why staff did not bring this tool forward for Council consideration.

Councilmember Hall commented that, under the current proposal, Phase 2 and 3 are accomplished by an overlay phased approach. He expressed concern that this amendment was not brought to Council with an adequate amount of time for consideration, and stated that it has not been vetted with the public.

Councilmember Hall moved the previous question. The motion passed 4-3 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting no.

The motion failed 3-4 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting no.

Councilmember Hall moved to extend the meeting to 12:00 a.m. The motion was seconded by Councilmember Roberts and passed 4-3, with Deputy Mayor Eggen, and Councilmembers McGlashan and Roberts voting no.

Councilmember Roberts asked why the overlay rezone approach was not provided as a policy option for Council's consideration.

Mr. Szafran responded that the overlay rezone approach was presented to the Planning Commission who opted for the Alternative 4 Preferred Alternative Phased approach.

Councilmember Roberts expressed disappointment in not having an opportunity to discuss the overlay approach, stated he believes Ordinance 706 is flawed but ultimately is needed and he will be supporting the motion and hopes that it is successful.

Councilmember McConnell moved to amend the main motion to amend Ordinance 706 Exhibit B to change the areas on 185th Street west of Corliss Avenue N from MUR-45' to MUR-35'. The motion was seconded by Councilmember Roberts.

Councilmember McConnell expressed concern about placing MUR-45 zoning next to single-family homes, and stated MUR-35 will provide a better transition.

Councilmember Roberts presented an example of a resident with groundwater issues. He stated that with 90% hardscape those issues will increase and that MUR-35 is a better approach.

Councilmember McGlashan commented that the area is currently zoned for the same height as allowed in MUR-35, and that 10feet is not a significant increase. He added that there are now regulations in place to address stormwater issues.

Deputy Mayor Eggen noted that R-6 and MUR-35 might be the same height but are not the same when it comes to density and activity. He stated 185th Street is the main road to the Station and expressed concern about over-zoning it and creating traffic issues. He stated that MUR-35 will better serve the corridor and he will be supporting the motion.

The motion failed 3-4 with Mayor Winstead, and Councilmembers McGlashan, Hall, and Salomon voted no.

The vote on main motion to adopt Ordinance 706 amending the Unified Development Code, Shoreline Municipal Code Title 20, and the Official Zoning Map to implement the 185th Street Station Subarea Plan as amended, passed 5-2 with Deputy Mayor Eggen and Councilmember McConnell voting no.

- (b) Adoption of Ord. No. 702 - 185th Street Station Area Plan, Comprehensive Plan Amendment and Land Use Map

Councilmember Hall moved adoption of Ordinance 702. The motion was second by Councilmember Roberts.

Councilmember Roberts moved to amend Ord. 702 Exhibit A to add language under the Utilities section to "consider the use of alternative energy in all new government facilities." The motion was seconded by Deputy Mayor Eggen.

Councilmember Roberts commented that the amendment provides policy direction for the city to use alternative energy.

Deputy Mayor Eggen asked at what point alternative energy uses would be considered, and by whom. Ms. Markle responded that it would be in the permitting process.

The motion passed unanimously.

Councilmember Roberts moved to amend the main motion to amend Ord. 702 Exhibit A to delete header "Community Renewal Area" and delete the sentence "strategies the City could consider to enhance development potential and facilitate site assembly could include the creation of a Community Renewal Area, if required standards can be met". The motion was seconded by Councilmember Hall.

Councilmember Roberts commented the amendment would avoid referring to Echo Lake, Meridian Park, and North City as blighted neighborhoods.

The motion passed unanimously.

Councilmember Roberts moved to amend the main motion to amend Ord. 702 Exhibit A to amend the 4th policy under the Housing section to say "Develop a fee schedule in SMC Title 3 to set the fee-in-lieu value for mandatory affordable housing at a rate that is equivalent to the cost of constructing the affordable unit including ongoing maintenance and operation costs." The motion was seconded by Councilmember Salomon.

Councilmember Roberts explained the amendment provides language to address specific construction costs.

Councilmember Salmon explained that the amendment will required the developer to pay a fee-in-lieu equal to the affordable housing cost.

The motion passed 6-1 with Deputy Mayor Eggen voting no.

Deputy Mayor Eggen expressed disappointment about the outcome of the meeting. He shared that the residents are not supportive of the size and scale of the rezone, and reiterated that not supporting a massive rezone does not mean that you do not support new development, affordable

housing and transit oriented development. He stated he cannot support this measure and urged other Councilmembers to vote against it.

Councilmember McConnell stated she will not be supporting the main motion to adopt Ordinance 702 and that a compromise could have been presented to the residents.

Councilmember Salomon pointed out that the rezone covers 290 acres, and noted that it is 50 acres less than the last version of the Map. He compared it to the size of Seattle's Urban Village of 400 acres and said that it is not the smallest or the largest rezone.

The motion to adopt Ordinance 702 which includes the 185th Street Station Subarea Plan and Comprehensive Future Land Use Map passed 5-2 with Deputy Mayor Eggen and Councilmember McConnell voting no.

(c) Adoption of Ord. No. 707 - 185th Street Station Area Planned Action

Councilmember Hall moved adoption of Ordinance 707. The motion was seconded by Councilmember McGlashan.

Councilmember Hall moved to direct staff to correct any formatting, numbering, cross referencing, or editorial issues in Ordinances 706, 702, and 707 to ensure the three are internally consistent and consistent with any of the votes taken tonight. The motion was seconded by Councilmember Salomon, and passed unanimously.

Councilmember Roberts moved to postpone adoption of Ordinance 707 until March 30, 2015. The motion was seconded by Deputy Mayor Eggen.

Councilmember Roberts expressed concern that there has not been a full Council discussion of the impacts of Ordinance 707. He still has several questions, and wants to approach it with fresh eyes.

Councilmember Hall commented that the City has experience using Planned Action Ordinances and that the recommendation went through full deliberative and public process. He stated he is fully prepared to vote on it tonight.

The motion failed 3-4 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting yes.

Councilmember Roberts asked about the City's experience with planned action ordinances and how large of an area it can cover. Mr. Szafran explained that Town Center and North City were redeveloped under planned action. Ms. Markle added that they have reviewed about ten planned action ordinances from other cities, and stated that Town Center and North City are fairly large.

Councilmember Salmon moved to call the question. The motion passed 4-3 with Deputy Mayor Eggen and Councilmembers Roberts and McConnell voting no.

Councilmember Hall moved to extend the meeting to 12:03. The motion was seconded by Councilmember Salmon and passed 5-2 with Deputy Mayor Eggen and Councilmember Roberts voting no.

The vote on the main motion to adopt ordinance 707 as amended passed 4-3 with Deputy Mayor Eggen and Councilmembers McConnell and Roberts voting no.

9. ADJOURNMENT

At 12:01 p.m., Mayor Winstead declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

DRAFT