

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, December 7, 2015
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: Councilmember Salomon

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 with the exception of Councilmember Salomon.

Councilmember McConnell moved to excuse Councilmember Salomon for personal reasons. The motion was seconded by Councilmember Hall and passed unanimously, 6-0.

3. REPORT OF CITY MANAGER

John Norris, Assistant City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember McConnell reported attending the SeaShore Transportation Meeting and shared there is a focus to improve communication among transit agencies. She said Nytasha Sowers, City of Shoreline Transportation Manager, provided an update on the 145th Corridor Study and announced that the next Open House is scheduled for February 24, 2016. Councilmember McConnell emphasized that there will be numerous opportunities for the public to provide input to the Study. She also reported that the Washington State Department of Transportation presented a final update and sketch planning for the Corridor.

5. PUBLIC COMMENT

Brad Lancaster, Shoreline resident, asked Council to make homelessness a high priority in Shoreline and to look at the zoning code from the perspective of a homeless person. He commented on the high cost and lengthy time it takes to process a limited use permit for a Tent

City in Shoreline. He said that Shoreline does not have places for the poor and homeless to live, and he urged the Council to address homelessness.

Carol Mariano, Seattle United Methodist Church District Representative and Pastor of Haller Lake United Methodist Church, read a statement from District Superintendent Rich Lang. Mr. Lang asked that the City Council declare homelessness in Shoreline, address the plight of homelessness, and assist with finding shelter for the homeless. Ms. Mariano commended the City for the hospitality provided to the homeless. She said her Church has been hosting Tent City for the past 13 years and the need is great. She shared that she lives in close proximity to an encampment and said she feels safer when the encampment is there. She commented that the Church is an advocate for United We Stand, and said they are trying to find churches to host their encampments.

Michael Ramos, Executive Director Church Council of Greater Seattle, thanked the City for their hospitality of allowing short term encampments in Shoreline and for collaborating with the faith community to meet human needs on a variety of fronts. He asked for support for declaring homelessness as emergency. He shared that it meets the needs of the homeless and helps to save lives. He commented on the legal rights of religious establishments' to host encampments. He asked for an emergency provision to allow United We Stand to exist on a private property and for Council to respond to homelessness.

Jane Kiker, representing the Innis Arden Club and EKW Law, commented on the Critical Areas Ordinance (CAO) Amendment #2 regarding Very High Risk (VHR) Landslide Areas. She shared that a 21 foot high slope of 40% is not a very steep slope. She commented that Innis Arden supports the recommendation of the Planning Commission and the third party review provision to allow development on VHR Landslide areas. She commented that the current blanket formulas should be substituted with site specific expert evaluation based on Best Available Science (BAS). She referenced letters submitted to the City Council on October 30, 2015 written by the Innis Arden Club President and her, explaining why they support the Planning Commission's language recommendation. She commented that Option 3, permitting vegetation removal, should apply to all projects.

Gary Horvitz, Shoreline resident and licensed GeoTech Engineer, shared that he concurs with using BAS to address VHR Landslide Areas. He described the definition of VHR Landslide Areas as a label used for enhanced scrutiny for development in high risk areas. He commented that it does not mean the risk cannot be quantified, accounted for and mitigated. He added that it is the City's responsibility to establish acceptable risk based on policy and that it is the engineer's responsibility to meet those risks based on standards.

Steve Johnston, Shoreline resident, thanked the advocates for the homeless for being here tonight and said he hopes Council can help with the issue. He asked the City Council to adopt the Planning Commission's Critical Areas Ordinance recommendation and for Amendment #2 to be excluded. He said the Planning Commission's recommendation is the outcome of months of thoughtful work, included public participation, and ensures safety and the fair use of private property.

Ginny Scantlebury, Shoreline resident, expressed concern that residents have not had enough time to review the CAO. She said a three month extension was requested and 30 days was provided. She remarked that it appears as if the CAO takes precedent over the Shoreline Master Program (SMP). She explained that Shoreline residents worked on the SMP and resolved bulkhead issues, and said now the CAO considers them to be a steep slope. She shared that Juniper Nammi, Associate Planner, made comments at a November 2015 meeting explaining that the CAO can be amended in 2016 with the integration of the SMP. She said she would like to see Ms. Nammi's comments in writing.

Tia Mia Redditt, Shoreline resident, thanked the homeless speakers. She commented that she has asked the City questions about trees that were cut down on the Lower Storm Creek which is a steep hill. She said she was looking for the permits and the City could not find them. She stated that she would like to review them.

John Norris, Assistant City Manager, commented that staff will follow up with Ms. Scantlebury and Ms. Redditt. He explained that the CAO has worked through the City's Legislative Process. He also shared that the City Council will be holding a Study Session to look at homelessness in Shoreline and in the Region, and said Council is adopting a regional resolution to support ending homelessness.

6. APPROVAL OF THE AGENDA

The agenda was approved 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 November 2, 2015 and Minutes of Special Meeting of November 16, 2015**
- b) Motion to Authorize the City Manager to Obligate \$290,625 in State of Washington Department of Ecology Stormwater Financial Assistance Program Grant Funding for the NE 148th Street Infiltration Facilities Project**
- c) Motion to Authorize the City Manager to Obligate \$250,000 in State of Washington Department of Ecology SFY2016 Stormwater Pre-Construction Grant Funding for the 10th Avenue NE Stormwater Improvements**
- d) Motion to Authorize the City Manager to Execute a Third Amendment to the Interlocal Agreement Between the City of Shoreline and the City of Lake Forest Park Regarding Access to Recreation Services and Facilities**
- e) Motion to Authorize the City Manager to Execute Two Contracts with SunGard Public Sector, Inc. in the Amounts of \$263,885 and \$185,220 for the**

Procurement of Licenses and Implementation Services for the Computerized Permit and Customer Service System

f) Approval of an Amendment to the City Manager's Employment Agreement

8. ACTION ITEMS

- a) Adoption of Ord. Nos. 723 and 724 - Critical Areas Ordinance Regulations Update and Related Title 20 Amendments

Paul Cohen, Planning Manager, provided a brief overview of the Critical Areas Ordinance Update process. He reviewed that the potential amendments to the Ordinances are:

- Amendment 1: Correct steep slope methodology to remove confusion without definition change
- Amendment 2: Reject Planning Commission recommendation to conditionally allow development on Very High Risk Slope and to retain existing regulations with the following three options:
 - Option I: Cities, CASUP, CARUP, or provisions of the SMP as alternative to prohibition
 - Option II: Allow development with general criteria
 - Option III: Allow minor additions and vegetation removal/restoration with specific criteria which is the least three restrictive of the options
- Amendment 3: Update with current species lists
- Amendment 4 :
 - Articulates that CAO is outside the Shoreline Master Plan (SMP) Jurisdictions
 - Articulates that Special Use is not in conflict with CAO regulations and is outside the SMP Jurisdiction
 - Ord. No. 724, Ex. A

He stated that staff is recommending adoption of Ordinance Nos. 723 and 724.

Councilmember Hall asked clarifying questions regarding Amendment #2 and if the options provided changes the ability for someone to seek a reasonable use exemption. Mr. Cohen responded that it does not and Ms. Markle, Planning & Community Development Director, concurred.

Councilmember McGlashan moved to adopt Ordinance No. 723 to update the Critical Areas Ordinance and Ordinance No. 724 for miscellaneous Title 20 Development Code amendments related to the Critical Areas Ordinance as recommended by Planning Commission with a delayed effective date of February 1, 2016. The motion was seconded by Deputy Mayor Eggen.

Councilmember McGlashan stated the he supports the Planning Commission's recommendation and said he will not be moving any of the Amendments.

Councilmember McConnell stated that she supports the Planning Commission recommendation and that she will not be supporting any of the Amendments.

Deputy Mayor Eggen moved to amend Ordinance No. 723 Exhibit A as stated in Attachment C. The motion was seconded by Councilmember Hall.

Deputy Mayor Eggen commented that this amendment provides a clarification of a definition, is an improvement to the Ordinance, and does not alter the basic provision. Councilmember Hall and McConnell concurred.

The motion passed unanimously, 6-0.

Deputy Mayor Eggen moved to amend Ordinance No. 724 Exhibit A as stated in Attachment F. The motion was seconded by Councilmember Hall.

Deputy Mayor Eggen pointed out the Community's concern that these two Ordinances would override the SMP, and stated that the amendment clarifies that the SMP provisions will not be negated. Councilmember Hall concurred and added that the amendment also provides clarity.

Councilmember McConnell said she is not sure that the amendment is not going to do harm, and asked about the references to bulkheads and slopes. Ms. Markle replied that the amendment clarifies that the CAO regulations are outside the jurisdiction of the SMP and the regulations do not apply until changes are made to the SMP.

The motion passed unanimously, 6-0.

Deputy Mayor Eggen moved to amend Ordinance No. 723 Exhibit A as stated in Attachment E. The motion was seconded by Councilmember Hall.

Deputy Mayor Eggen stated that the amendment updates the currents species lists. Councilmember Hall recalled his suggestion to completely remove it from Shoreline Municipal Code and that he recommended adoption of the State's list by reference to avoid having to update the Code each time the list changed. Councilmember Roberts and Deputy Mayor Eggen concurred.

The motion passed unanimously, 6-0.

The vote on main motion, as amended, passed unanimously, 6-0.

b) Adoption of Ord. No. 731 - Development Code Amendments

Steve Szafran, Senior Planner, provided an overview of Ordinance 731 Development Code Amendments. He reviewed that Council requested the removal of 20.20.034 (New definition for multi-modal access improvements) and 20.50.204(F)(6) (Public amenities at high capacity transit

stations) and the recommendation to process them with other Sound Transit Amendments in March/April 2016.

Mr. Szafran reviewed SMC 20.40.535 Transitional Encampment and Council's concern with the ability for encampment residents to provide a valid identification. He said Shoreline Police Chief Shawn Ledford stated that an expired license can serve as a valid identification. Mr. Szafran added that a State issued identification card can also be used. He said staff is recommending that the word "valid" be deleted and that State issued identification cards be added to the list of documents used for identification.

Mr. Szafran reviewed SMC 20.40.400 – Home Occupation and parking for vehicles. He recounted Council's concern regarding vehicles related to a home-based business being parked onsite and on approved parking surfaces. He said staff is recommending moving #3 from H to E and adding "associated with the home occupation" to clarify that this provision includes vehicles associated with a home based business.

Councilmember McGlashan moved to adopt Ordinance No. 731 amending Shoreline Municipal Code Title 20. The motion was seconded by Councilmember Hall.

Councilmember Hall moved to amend Ordinance No. 731 Exhibit A by deleting proposed amendments to SMC 20.20.034 and the addition of item (g) to SMC 20.50.204(F)(6). The motion was seconded by Councilmember Roberts, and passed unanimously, 6-0.

Councilmembers Roberts moved to amend Ordinance No. & 731 SMC 20.40.535(C) to read: "The applicant shall utilize only government-issued identification such as a state or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center." The motion was seconded by Deputy Mayor Eggen and pass unanimously, 6-0.

Councilmember Hall moved to amend Ordinance No. 731 Exhibit A by moving SMC 20.40.400(H)(3) to SMC 20.40.400(E)(3) and amend to read as follows: Parking for the vehicle(s) associated with the home occupation must be provided on site, in accordance with parking design standards and dimensional requirements under SMC 20.50.390, 20.50.410 and 20.50.420. Such parking spaces must be in addition to those required for the residence. The motion was seconded by Councilmember Roberts.

Councilmembers Hall commented that parking continues to be a challenge in some neighborhoods and communicated that members of the Community have complained about the dangers of large and commercial trucks parking in their neighborhoods. He said the amendment makes it work better than what was previously recommended.

Councilmember Roberts commented that the City needs to take a closer look at parking requirements for home based businesses across the City. He feels that generally the City is requiring too much parking for a home based business.

The main motion, as amended passed, unanimously, 6-0.

9. ADJOURNMENT

At 8:25 p.m., Mayor Winstead declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

DRAFT