

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, July 30, 2018
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Hall, Deputy Mayor Salomon, Councilmembers McGlashan, Scully, McConnell, Chang, and Roberts

ABSENT: None

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

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

(a) Proclamation of National Night Out Against Crime

Mayor Hall read a proclamation declaring Tuesday, August 7, 2018 as National Night Out Against Crime Day in the City of Shoreline. Shoreline Police Captain, Pat Raftis, was present to support the proclamation.

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

Councilmember Scully reported that he has been working on the Emergency Medical Service (EMS) Levy Committee to put forward a measure on the ballot next February to fund paramedics and emergency medical services. The Advanced Life Support Committee, which he chaired, has wrapped up its work; and he and Redmond Mayor Marchione will present a recommendation to the Finance Subcommittee on July 31st, which 75% of the cities in the County with a population of over 50,000 and a subset of cities under 50,000 must approve.

Mayor Hall reported that, on July 25th, he testified in front of the King County Council in support of the Land Conservation Initiative, which is an investment of King County Conservation Futures Program tax monies that have already been collected. The investment allows more

parkland and open space to be protected sooner by bonding against those revenues at a higher level than was allowed before. It also creates the opportunity for cities to preserve open space through the Land Conservation Initiative without a match requirement in certain equity areas that are underserved by parks. The King County Council unanimously approved the resolution.

Mayor Hall announced that he met with a handful of mayors and Executive Constantine on July 25th to discuss climate change and the need to move the King County Cities Climate Collaborative forward.

5. PUBLIC COMMENT

Jack Malek, Shoreline, urged the Council to support the recommendation of the Planning Commission to not require tree retention in the MUR-70' zone (Ordinance No. 833). The properties in the MUR-70' zone are already significantly encumbered, and requiring tree retention would be counterintuitive to the desired goal of high-density development surrounding multimodal. He also urged them to ask the Planning Commission to review the potential elimination of the tree retention requirements in MUR-45' zone, as well.

Nick Bratton, Forterra, Seattle, voiced support for Ordinance No. 833. He commented that sustainability is not just about protecting trees; it's also about creating a community where people can afford to live and residents can walk to transit and neighborhood businesses. The MUR-70' zone is the template for this kind of future, and restricting growth will undermine the City's vision. He announced that Forterra is bringing in \$30,000 in private funding to form a Green City Partnership with the City to help restore City parks, urban spaces and forests and expand the tree canopy.

Ann Bates, Shoreline, said she supports Shoreline as a Tree City and the preservation of as many trees as possible. She pointed out that trees are needed to keep the City cooler, avoid the creation of heat islands, and help reduce air pollution. She commented that small trees will not replace the benefits of mature trees, and asked who would be responsible for guaranteeing that the new trees survive or are replaced if they die. The previous Council made a well-thought-out decision to preserve Shoreline's trees, and she supports the continuation of that decision.

Darcey Hughes, Shoreline, urged the Council to adopt Ordinance No. 833. She moved to Shoreline over a year ago for the affordability and easy commute it offers. Once light rail arrives, Shoreline will need more affordable housing within walking distance of the station. She said she loves trees, parks and open spaces, but she is willing to sacrifice some trees for the sake of affordable housing around transit-oriented development.

Lindsay Hanna, Shoreline, said she moved to the City in 2015 because it was affordable, beautiful and had good public transit and beautiful parks. She strongly believes that high-density development belongs near the light rail stations. Requiring tree retention would limit development to the point that it no longer serves the community in terms of affordability and access to public transit. She urged the Council to adopt Ordinance No. 833. She felt the City could make sure that development is done smartly via mitigation and in-lieu measures so there can be tree canopy where it belongs and development where it belongs.

Michael Murphy, King County Department of Natural Resources and Parks, urged the Council to adopt Ordinance No. 833 to preserve the development potential for high-density development in the station areas. He advised that King County is eager to continue conversations with the City about opportunities for Transfer of Development Rights (TDRs) to help increase densities in the station areas while protecting the open spaces. He announced that the King County Council voted 8-1 to pass the first ordinance in the Land Conservation Initiative, which will increase the bonding capacity and make more money available to King County and its cities for urban and rural green spaces. He said he has been working his entire career to protect trees and the environment. He stressed the importance of putting growth in the right places around transit stations and protecting the open spaces that are needed for the community to thrive.

Megan Paterka, Shoreline, said she is one of the Washington Native Plant Stewards working at Twin Ponds. She reviewed that trees provide habitat, retain water, and help with stormwater management, carbon sequester, and air quality. They also provide a sound barrier via absorption. She pointed out that mature trees have a different capacity than younger trees, and taking down the more established tree canopy will have an impact in the community. She said she believes in the human capacity to use design, engineering and knowledge about geology to make it possible to integrate tree canopy with high-density development.

Lance Young, Shoreline, stressed the importance of retaining the tree canopy in high-density areas through design and astute engineering. He pointed out that the current requirement is 20% tree retention, which means that 80% of the existing trees can be removed. He recognized that there will be some cases where tree retention might preclude development, and he suggested the City could allow an exemption in these cases but require replacement trees. He suggested the City review codes from Bothell, Lake Forest Park and Seattle and come up with a simple and easy to follow regulation that doesn't preclude development but allows trees to be preserved as much as possible.

Janet Way, Shoreline Preservation Society, referred to a stack of information she has collected over the past 12-15 years regarding tree preservation in Shoreline. She referred to a document from the Environmental Protection Agency (EPA) titled, the Heat Island Compendium, which talks about the impacts of the heat island effect. She urged the Council to support their initial decision to protect trees in high-density zones and even require replacement trees for those that are removed. She has been working with the Green Seattle Partnership, which was the precursor to Forterra, since 1988, and they are for protecting trees in the urban forests.

Howard Stein, Shoreline, commented that you can't replace a 100-year tree with new growth. While he doesn't know the best answer for balancing tree preservation with development, he asked the Council to be mindful of how they view the issue and try to come up with something that works for everyone.

Lois Harrison, Shoreline, asked the Council to keep in mind the environmental advantages of trees, especially the importance of the tall, well-established evergreen trees. With the longer stretches of hot weather, she has no doubt that global warming is upon them. Trees and the benefits of trees are so important. She said she is also aware of the need for affordable housing.

However, they must find a way to provide the housing without getting rid of the tree canopy. They need trees everywhere in the City, and not only in parks.

Laethan Wene, Shoreline, said he was present to represent the Northwest Center, an organization that provides services to people with disabilities. He asked the Council and members of the public to support the organization by providing donations, which Northwest Center will pick up.

Birgit Ages, Shoreline, commented that a number of houses near her are being torn down and replaced with mega homes, and it appears that the developers are ignoring the tree regulations. They retain the trees until a project is signed off, but then take them down. She would be okay with development if it resulted in affordable housing, but that is not the case in these situations.

Philip Ages, Shoreline, commented that it takes 50 to 100 years for the mature trees to grow. They usually grow together in pairs and are living beings that create oxygen and mitigate the environment. He would like the tree regulations to have some teeth and to be better enforced. He has witnessed situations where developers clear entire lots with no consequences.

Ginger Hayra-Gunn, Shoreline, said she is a native plant steward and also gardens at one of the City's community gardens. She said she believes creative developers will find a way to work in a system that keeps big trees. If the City does offer leniency to developers, they should collect a fee that could be used to purchase the fronts of lots so that boulevards with trees can be created down the middle of the street. She concluded that trees are important to the wellbeing of the people who will live in the area, and the City should make space for trees as part of development and not just in the parks.

Mayor Hall advised that the Council received several written comments relative to Ordinance No. 833, and additional written comments could be submitted following the meeting.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember McGlashan and seconded by Councilmember Scully and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Approving Minutes of Regular Meeting of June 18, 2018**
Approving Minutes of Workshop Dinner Meeting of June 25, 2018

8. ACTION ITEMS

- (a) Adopting Resolution No. 430 – Authorizing Placement of a Ballot Measure on the November 6, 2018 General Election Ballot to Authorize a Sales and Use Tax in the Amount of Two-Tenths of One Percent (0.2%) for a Period of Not More than Twenty Years to Fund Sidewalk Expansion and Accelerate Repair Funding.

Randy Witt, Public Works Director, and Tricia Junke, City Engineer, made the staff presentation. Mr. Witt reviewed that, following a year-long process to create a Sidewalk Prioritization Plan, the Council asked staff to develop a resolution to place a voter-approved Transportation Benefit District (TBD) sales tax increase of 0.2% on the November 2018 ballot for funding new sidewalks and/or accelerating work on the Americans with Disabilities Act (ADA) Transition Plan. He reviewed that TBDs are authorized to impose a sales tax of up to 0.2% with voter approval, and the TBD statute allows for a longer term than 10 years if the sales tax is dedicated to support debt service. If approved by voters, the sales tax increase would generate approximately \$59 million over 20 years.

Ms. Junke advised that since the Council's discussion on July 16th, staff did a comprehensive review of the Project List and found that some street classifications were incorrectly stated in the City's GIS database. Adjusting the street classifications and rerating the projects resulted in the following key adjustments:

- Project 74 (Ballinger Way NE from 19th Avenue Ne to 25th Avenue NE) received a new score of 14, moving it to the high-priority category.
- Project 35 was broken into three segments: Westminster Way N to N 155th Street (Project 35a), North 155th Street to N 160th Street (Project 35b), and N 160th Street to N 165th Street (Project 35c). All three segments had different scores, and Project 35b received a new score of 14, moving it to the high-priority category.
- Project 84 had an adjusted score of 13.5, but with no clear reasoning for the adjusted score, it was reset at 12 and removed from the Project List.

Mr. Witt explained that the 12 projects on the list makeup about 69% of the total anticipated revenue that will directly support projects for a 20-year term within the 70% ceiling the Council discussed. The projects are geographically distributed and construct about 4.2 miles of sidewalk. He provided a map to illustrate the location of the projects, as well as a table showing the length of the existing and proposed sidewalks. He also provided a simplified project list that staff is recommending for inclusion in the ballot measure.

Mr. Witt advised that the revenue projections and project list costs are conservative in order to ensure that the City doesn't over commit, and it is likely that additional revenue will be available to deliver more projects beyond the project list. Staff will recommend additional projects based upon the 2018 Pedestrian System Plan. In addition, the Council may want to address some emerging issues. A small amount of the revenue would be used to accelerate repairs and replacement of existing sidewalks. All of the projects will be done via the Capital Improvement Program process.

Mr. Witt summarized that the resolution limits the use of the collected revenues to sidewalk improvements, identifies specific projects, and provides some flexibility to adjust the projects and spend funds beyond the project list.

Deputy Mayor Salomon pointed out discrepancies in the geographic description for Project 84. Ms. Junke clarified that Project 84 is identified on the Pedestrian Priority Matrix as 24th Avenue NE from 15th Avenue NE to 25th Avenue NE.

Councilmember Scully moved that the City Council approve Resolution No. 430 authorizing placement of a ballot measure on the November 6, 2018 General Election Ballot to authorize a Sales and Use Tax in the amount of two-tenths of one percent (0.2%) for a period of not more than twenty years to fund sidewalk expansion and accelerate repair funding. Deputy Mayor Salomon seconded the motion.

Councilmember Scully encouraged Councilmembers to vote in favor of the motion. Because it is a sales tax, it would not add another layer of property tax on residents who are feeling burdened. The funds collected would be limited to a specific list of projects and some sidewalk repair/replacement. The City has received numerous requests to improve sidewalks, but they are expensive and cannot be funded by the City's existing budget. Placing the issue on the ballot allows the community to decide if sidewalks are important enough to justify the tax increase.

Deputy Mayor Salomon moved that the main motion be amended to remove Project 98 from the list and add Project 84 and then re-sort the projects based on the sidewalk prioritization standards. Councilmember Scully seconded the motion.

Ms. Junke pointed out that Project 98 would provide a sidewalk on the other side of 15th Avenue NE from NE 150th Street to NE 160th Street, which is in front of Hamlin Park. Currently, there is only a sidewalk on one side of the street.

Deputy Mayor Salomon said he doesn't feel comfortable leaving Project 84 off the list. He pointed out that 24th Avenue NE is a curvy road that requires people to step out directly onto the street and into oncoming traffic, with hedges blocking the view. The speed limit is 35 mph, and children live on the street. On the other hand, 15th Avenue NE (Project 98) is straight and there is a sidewalk on the other side. No one lives on the east side of the street, and the area is not dense enough for the street to be highly traveled.

Councilmember Roberts voiced opposition to the amendment and encouraged his colleagues to do the same. With regard to geographic equity, Project 98 is the only one in the southeast quadrant. 15th Avenue NE connects the main entrance of Hamlin Park all the way to the dog park. It is a well-traveled street, with bus stops on both sides.

Councilmember McConnell agreed with Councilmember Roberts and said she would also vote against the amendment. She also does not want to get into the position of trading one project over another.

Councilmember McGlashan agreed that 15th Avenue NE is an important connector and sidewalks on both sides of the street are much needed. The proposed sidewalk would serve as a connector to Fircrest, the high school, Paramount Park and Hamlin Park. It is also on a transit route.

The motion to amend failed 2-5, with Councilmember Scully and Deputy Mayor Salomon voting in favor.

Councilmember McGlashan said he would support the main motion because it will send the measure out for a vote. While people often express a desire for more sidewalks, they are more interested in having sidewalks in their neighborhoods, and the projects identified on the list are on major routes. He supports the Project List as proposed.

Councilmember Chang said she also supports putting the sidewalk funding proposal out for a vote. Many people have indicated a desire for more sidewalks, but the City hasn't had the financial resources to pay for them. A sales tax would spread the burden beyond Shoreline residents to include anyone who shops or dines in the City. She understands that it will have an impact on local businesses, but the City's tax rate would still be below that of Edmonds and Lynnwood.

Councilmember Roberts said that he appreciates the work done by staff and believes the projects on the list are the appropriate ones to fund, but he will vote against the motion because he believes the construction of sidewalks is not the City's highest priority. He stated the package does not provide enough for maintenance and repair of existing sidewalks; the advantage Shoreline businesses have with one of the lowest sales taxes in the region would be lost; and the City would be the first to go out for a 20-year levy. He said the Council should be cautious in how they use the TBD sales tax opportunity.

Councilmember McConnell felt the ballot measure should go forward so the citizens can decide if sidewalks are important enough to warrant a sales tax increase.

Deputy Mayor Salomon said he heard a lot about the need for sidewalks when campaigning, but he also heard concerns about tax increases. He too felt it is best to let the voters decide.

Mayor Hall pointed out that the Council doesn't have the authority to raise taxes enough to build a significant amount of sidewalks. Only the voters can approve that, and the only way to find out if the community supports funding sidewalks is to put it on the ballot.

The main motion was approved 6-1, with Councilmember Roberts voting in opposition.

9. STUDY ITEMS

- (a) Discussing Ordinance No. 833 – Planning Commission Recommendation for Tree Retention Requirements in MUR-70'

Paul Cohen, Planning Manager, Steve Szafran, Senior Planner, and Rachael Markle, Planning & Community Development Director, made the staff presentation.

Mr. Cohen reviewed that as part of the 2017 Development Code amendments, the Council reviewed the Planning Commission's recommendation to not amend the Development Code and retain the exemption of the MUR-70' zoning from the City's tree conservation standards (SMC

20.50). With adoption of Ordinance No. 789, the Council rejected the Commission's recommendation and removed the exemption, making the MUR-70' zoning subject to the tree code. At that time, the Council directed staff to work with the Planning Commission to prepare code amendments that would provide a compromise to preserve and replace trees with incentives in the MUR-70' zone. He provided a map to illustrate the location of the MUR-70' zones.

Mr. Cohen reported that staff presented the Planning Commission with several policies in the Comprehensive Plan that strongly encourage transit-oriented design and development and complete communities, promote affordable housing in the station areas, and encourage a balance between redevelopment and tree preservation. Staff also presented a fee-in-lieu of retention/replacement option. The Planning Commission conducted two study sessions.

Mr. Cohen said the Planning Commission expressed the importance of trees, but emphasized the City's vision for the station areas and the need to create affordable housing without problematic requirements. Following a public hearing, the Commission voted 4-2 to recommend exempting the MUR-70' zone from the tree code but adding strong development incentives to meet the current tree retention and replacement code. The incentives include increasing building height to potentially 90 feet depending on the percentage of retention, reducing the setback requirement from 10 feet to 5 feet with 20% retention of trees, and reducing the parking requirement up to 25% with retention of 20% of the significant trees and replacement of all significant trees that are removed.

Mr. Cohen said the Commission felt that incentives are a more flexible method for getting both tree retention and greater development potential, and would directly result in existing trees retained and replaced on the site rather than creating a fee-in-lieu program to plant new small trees somewhere else in the City. He reviewed the code changes proposed.

Mr. Cohen shared that Councilmember Roberts proposed an amendment to SMC 20.50.310(A)(5) to read, *"Removal of trees from property zoned NB, CB, MB, TC-1,2 and 3, and MUR-70' or MUR-45' when associated with an approved site development or building permit unless within a critical area or critical area buffer. This exemption does not apply to lots maintaining or expanding non-conforming uses."* This amendment would allow the City to hold the loss of trees on sites in the MUR-45' and MUR-70' zones until there is an actual development application.

Mr. Cohen said staff also received a request from Councilmember Chang to create a hybrid option with both development and fee-in-lieu incentives. This option would adopt the incentives as recommended by the Planning Commission. In addition, the fee-in-lieu program could be used to partially waive retention or replacement tree requirements.

Councilmember Chang expressed her belief that transit-oriented development is the environmentally responsible thing to do, and voiced her concern that requiring the preservation of certain conifers may impede develop on some lots in the MUR-70' zone. She was hoping for a combination of incentives, replacement requirements, and fee-in-lieu to provide flexibility. She would like an opportunity to do some more work to come up with a solution.

Councilmember Chang pointed out that in order for height incentives to work, developers must have the ability to construct buildings in a cost-effective way, and the least costly option is five stories of wood over concrete. Under the current code, a building would have to be constructed of concrete or steel in order to reach the height allowed by the proposed incentives. She reported that the Seattle City Council is expected to approve a code change that would allow six stories of wood construction over concrete, with additional fire protection required. She suggested Shoreline should consider a similar change.

Councilmember Roberts said he is focused on figuring out a way to preserve trees in the existing single-family neighborhoods within the MUR-70' zone, but also retain the ability for developers to build to the zone's full potential. He expressed his proposed amendment would treat all properties equally, regardless of zoning, and allow three to five trees to be cut down within a certain period, depending on the size of the property. However, the retention requirement could be waived in certain zones when there is a development permit occurring. He also stated support for strong replacement policies, either on or off site.

Councilmember Scully said the question is where to draw the line in terms of encouraging development and affordable housing around the station areas, and preserving the local trees. He comes down significantly towards preserving trees. He has seen high-density areas where nothing is green, and these were tough places with public health and safety issues. He cautioned that the City needs to make sure developments are livable as well as dense. He provided a series of slides to illustrate his comments and advocated a 20% mandatory preservation for trees located around the periphery. He said he does not have a problem with a 90% lot coverage and zero lot line development if it is necessary in order to preserve a stand of mature evergreens and still allow the project to be feasible. He stated he does not support fee-in-lieu or additional parking reductions.

Deputy Mayor Salomon said he supports the Planning Commission's recommendation for incentives, but he is concerned about allowing a greater height to protect trees given the controversy over height that was expressed during the rezone process. He could support the parking incentive but is somewhat concerned that it might be too generous, as proposed. He recalled that he supported both the transportation and park impact fees for new development, but he struggles with the notion of supporting the hybrid model, which would impose yet another impact fee. He referred to Councilmember Roberts' proposal and said it would be a significant change in the MUR-45' zone, where tree retention has always been required. While he understands there has been some difficulty redeveloping in the MUR-45' zone, he cautioned against repeated changes to the development code. Both property owners and developers need to have some assurance as to what the rules will be going forward.

Councilmember McConnell said she recognizes that people appreciate the trees, but it is important to keep in mind the intent of the MUR zones is transit-oriented development. She said it is likely that a minimum of three lots would need to be combined, and all trees would need to come down, to make development in the MUR-70' zone feasible. If the Council doesn't try to make the MUR-70' zone work for developers, transit-oriented development, and light rail, they will be doing a disservice. She said she could support a replacement requirement if they can come up with something that works for everyone. She is not sure that fee-in-lieu is the best

approach, but she might support it if it provides funding to plant trees in other places when they can't be planted on site.

Councilmember McGlashan observed that the MUR-70' zone is the City's most intense residential zone and should have the same requirements as the Commercial zones, which do not require tree retention. He said he would support an incentive program and agreed with Councilmember Chang that offering additional height may not be feasible given the current building code requirements. He said he enjoys trees and is not in favor of removing all of them in the MUR-70' zone, but supports allowing tree removal with some replacement policy or incentives in place to encourage retention. He pointed out that much of the housing developed in the MUR-70' zone would be affordable to families at 50% to 80% average median income (AMI). He supports the Planning Commission's recommendation, but has some reservations about the parking incentive. However, he could support it if it requires developers to provide zip cars or something similar so that people have access to cars when needed. He does not support a fee-in-lieu approach.

Mayor Hall reviewed that a huge amount of balancing took place when the Council was reviewing and adopting the 145th and 185th Station Subarea Plans. He pointed out most of the properties in the Station Areas were developed between the 1950s through 1970s. All new commercial development in these Subareas will be required to meet the new stormwater requirements for detention and treatment to improve water quality. One of the most important things to do to save Puget Sound is to concentrate development and stop paving over everything all the way to the foothills. When approving the Subarea Plans, Council recognized the tradeoffs and preferred growth to be concentrated rather than distributed. He pointed out that high-density transit-oriented development is great for climate mitigation as it concentrates future growth, which protects the single-family residential zones where most of the tree canopy is located.

Mayor Hall commented that the City is in the middle of an affordable housing crisis. It is projected that as many as 25,000 new units could ultimately be developed in the MUR-70' zones, and about 5,000 of these units would be protected affordable housing. He said he supports the Ordinance recommended by the Planning Commission, and could also support Councilmember Roberts' amendment but would prefer a version that does not apply the same standards to the MUR-45' zone. He suggested the Council bring back a variety of issues for discussion next year. There were a number of implementation issues that were important to the community when adopted, including parking.

Councilmember Roberts pointed out the hardscape requirements and tree retention for the MUR-45' zone looks similar to the MB, TC and MUR-70' zones, but he said he appreciates Council's concerns and perhaps the MUR-45' zone should not be included in the amendment. He agreed Council should discuss implementation issues related to the MUR zones in 2019.

The Council agreed to place Ordinance No. 833 on the August 13th agenda for further discussion and final action.

- (b) Discussing Resolution No. 424 – Establishing an Americans with Disabilities Act (ADA) Grievance Procedure and Designating the City's ADA Coordinator.

John Norris, Assistant City Manager, made the staff presentation. He advised that Title II of the ADA requires that all public entities with 50 or more employees designate an ADA Coordinator and adopt and publish grievance procedures. Resolution No. 424 would designate the Code Enforcement and Customer Response Team Supervisor as the City's ADA Coordinator. It would also adopt the City's current grievance procedures, which are listed in the Staff Report. He recommended the Council approve Resolution No. 424 when it is brought back on August 13th.

Councilmember Roberts asked who the grievance procedure would apply to. Mr. Norris said it would apply to anyone in the community who engages with the City in any of its programs. Internal complaints by City staff would be handled by the Human Resources Department and City Attorney's Office.

The Council agreed to place Resolution No. 424 on the August 13th Consent Calendar.

9. ADJOURNMENT

At 9:21 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk