

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, August 13, 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 Celebrate Shoreline

Mayor Hall proclaimed the week of August 14-19, 2018 as Celebrate Shoreline. He presented the Proclamation to commemorate the City's incorporation in 1995.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events, including a wide array of activities connected to Celebrate Shoreline.

4. COUNCIL REPORTS

Mayor Hall noted that he attended the Governor's Killer Whale Task Force meeting. He shared that with the challenges of food scarcity and a toxic environment, threat of extinction is real without significant change.

5. PUBLIC COMMENT

Lance Young, Shoreline resident, spoke in advocacy of tree life and preservation, focusing on the protection of trees during development and on the crime-reduction related benefits of trees and greenspace in high density housing areas. He praised Seattle's newly revised tree code, and asked that protection of drip lines be communicated and reinforced.

Pat Pethigal, Shoreline resident, brought to the Council's attention changes to her neighborhood (Ridgecrest) in conjunction with population growth in the last few months. Citing increased traffic, mailbox theft, and recycling bin foraging, she requested an increase in law enforcement patrols in her neighborhood.

Kathleen Randall, Shoreline resident and neighbor to Ms. Pethigal, spoke to safety concerns the lack of sidewalks and the increased vehicle traffic present to pedestrians in her neighborhood. She reiterated Ms. Pethigal's request for increased law enforcement presence.

Ginger Hayra Gunn, Shoreline resident and Shoreline Parks volunteer, drew attention to the importance of protecting drip lines and asked Council to support tree protection and replacement. She asked that as budget allocations are adjusted, Council consider redirecting available funds to retain and replant trees.

Ellie Rose, Shoreline resident, stated she recently moved to Westminster Triangle for the trees. She shared the importance of trees and encouraged Council to be stewards of them. She stated all people benefit from being within close proximity to trees and asked that low-income housing include greenspaces.

Janet Way, Shoreline resident and tree advocate, requested the Council delay decision-making on tree retention. Additionally, she asked that the community honor Nancy Rust's legacy and create a plan for tree preservation. She suggested renaming the Innis Arden Reserve to the Nancy Rust Environmental Reserve.

Debora Demoss, Shoreline resident, reflected on the impact development has on a community. She asked the Council to not rush their decision around tree retention, and questioned why trees should be decimated for development.

Laethan Wene, Shoreline resident, said he is concerned about hypodermic needles on Richmond Beach Road, and communicated that it was his understanding that no disposal plan seemed to be in place.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

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

- (a) Approving Minutes of Regular Meetings of June 25, 2018 and July 16, 2018**
- (b) Approving Expenses and Payroll as of July 27, 2018 in the amount of \$4,365,678.60**
- (c) Adopting Resolution No. 424 - Establishing an Americans with Disabilities Act (ADA) Grievance Procedure and Designating the City's ADA Coordinator**

(d) Authorizing the City Manager to Execute a Ten Year Extension of the Seattle Fiber One Agreement – Addendum 33

8. ACTION ITEMS

- (a) Adopting Ordinance No. 835 – Consideration of Condemnation of Property for the Community and Aquatics Center

Margaret King, City Attorney, presented the modified Ordinance, and clarified that the adjustment of the ordinance eliminated the Stone Way properties, solely focusing on the Midvale Avenue property. She opened the floor to discussion and questions.

Councilmember McGlashan moved for adoption of Ordinance No. 835 – Authorizing acquisition of real property for the purpose of the Community and Aquatics Center by negotiating voluntary purchase by condemnation. The motion was seconded by Councilmember Chang.

Councilmember McGlashan expressed that the quick decision-making on this acquisition was important to the future growth of the Aquatic Center, voiced his concerns around losing the option to a housing developer, and requested the support of the Council.

Councilmember Chang shared her support of the Ordinance in the interest of moving the project forward. Mayor Hall agreed that thoughtful research had been done, and that it was time to move forward with adoption.

The motion carried 5-2, with Councilmembers Scully and Salomon voting no.

- (b) Adopting Ordinance No. 833 – Amendments to Shoreline Municipal Code Chapter 20.50 for MUR-70' Zone Tree Retention

Rachael Markle, Director of Planning and Community Development, and Steve Szafran, Senior Planner, provided the staff report. Ms. Markle recalled that Council directed staff to work with the Planning Commission and the public to develop amendments to preserve and replace trees in the MUR-70' zone through the use of incentives, while not impeding development. She explained that Proposed Ordinance No. 833 exempts MUR-70' from tree permit requirements, and includes height increase and setback/parking reduction incentives for retaining or replacing significant trees.

Ms. Markle noted that Councilmembers Roberts and Scully submitted amendments to the Planning Commission's recommendation. Councilmember Roberts' first suggested Amendment (Option #1) exempts removal of trees from property zoned NB, CB, MB, and TC-1, 2, and 3 and MUR-70' zones when associated with a current site development or building permit application. This exemption does not apply to lots maintaining or expanding non-conforming uses. The proposal also included the Planning Commission's suggested incentives for tree retention and replacement in the MUR-70' zone.

Ms. Markle stated Councilmember Roberts' second amendment (Option #2) is proposing the same as Option #1 with the exception of SMC 20.50.360, modifying the tree replacement and site restoration requirements. It also includes a fee-in-lieu or offsite planting payment option. She stated that if Option #2 were to move forward, staff recommends the fee be the same as the fee for street tree replacement. The money collected would be used for tree management on public property or for purchasing open space or park land.

Ms. Markle reviewed Councilmember Scully's amendment that would require up to 20 percent of significant trees be retained in the MUR-70' zone. The amendment removes the Planning Commission's proposed incentives and tries to balance retention and development potential goals by providing relief from tree retention requirements in order to permit the maximum possible hardscape coverage of 90%. It increases the ability to achieve 90% hardscape by adjusting setbacks or allowing encroachment in some areas. Additionally, this amendment would require no tree replacement in the MUR-70' zone. Ms. Markle suggested that, if Council is interested in moving this amendment forward, they consider delaying adoption of Ordinance No. 833 to allow time for public input and discussion of the impacts.

Councilmember McGlashan moved to adopt Ordinance No. 833, amending Shoreline Municipal Code Chapter 20.50 for MUR-70' zone as recommended by the Planning Commission, with the removal of the parking incentive abilities. The motion died for lack of a second.

Councilmember Roberts moved to adopt Ordinance No. 833, amending Shoreline Municipal Code Chapter 20.50 Subchapter 5 to exempt the MUR-70' zone and provide incentives to promote tree conservation in the zoning district. The motion was seconded by Councilmember McGlashan.

Councilmember Roberts stated a sufficient amount of time has been devoted to studying the issue, and asserted his comfort with taking action tonight. Councilmember Scully agreed that taking action tonight is appropriate, and said he also believes the concepts have been sufficiently discussed.

Mayor Hall spoke to the City's commitment to tree preservation, and noted previous code amendments made to save trees and improve the tree canopy. He spoke to the challenge of finding the balance between preserving both affordable housing options and trees. He recognized that the Ordinance does decrease the tree count, but pointed out it is necessary to sustain needed growth. He voiced his support of the Ordinance.

Deputy Mayor Salomon agreed that big trees are important, and are difficult to replace. He explained that when a city constricts development with tree retention requirements, it drives up the cost to develop, which therefore drives up the cost of housing. He believes density belongs in urban areas, on transit corridors, and near light rail stations. Otherwise, development pressure will spread out into rural areas and even more trees will be cut down. He noted Park Impact Fees will provide funding to acquire more park land where more trees will be planted.

Councilmember McConnell agreed with Deputy Mayor Salomon's comments. She recognized the current housing crisis and the reality of big trees getting in the way of the City's densest developments. She reflected on the thoughtfulness behind this decision, and on the difficulty in finding a balance between tree retention/replacement incentives and requirements in the MUR-70' zone. She stated her support for allowing development to thrive in the MUR-70' zone.

Councilmember Chang voiced her support for Councilmember Roberts' Option #2, and the thoughtful compromise it offered. She recognized it will be difficult for a developer to retain really big trees in the MUR-70' zone. Option #2 allows significant trees to be removed if necessary but also provides incentives to keep them by not having to pay for replacement trees or a fee-in-lieu. She cautioned the Planning Commission's proposed incentives could result in things we do not want to see like taller buildings and reduction in parking. She said Option #2 is a good compromise and asked Councilmembers to consider it.

Councilmember Scully moved to amend the main motion to include the amendment described as "Councilmember Scully Code Amendment" shown on slides 12-16 in the PowerPoint Presentation. The motion was seconded by Councilmember Roberts.

Councilmember Scully explained that his amendment leaves existing hardscape and setback limits in place but requires a developer to orient the building in such a way to preserve up to 20 percent of trees, if possible. He stated his proposal requires developers to be creative prior to the City allowing removal of all trees, meets the City's goals, and provides benefit for both sides.

Councilmember McConnell requested clarification from staff on Councilmember Scully's proposal, citing concerns with generalities. Ms. Markle confirmed that the wording of the amendment relies on Director's discretion to some degree, but she felt the guidelines were clear. Councilmember McConnell asked what "up to" 20 percent of trees represented, and expressed concern on how this sliding percentage would be regulated. Ms. Markle explained that she could only estimate, and her best guess is 20 percent on any given lot would be approximately two to five trees. She said she believes developers work with an intent to preserve trees if possible.

Councilmember Chang asked for details on drip lines, since they directly affect tree preservation. Ms. Markle said the City would rely on specialist reports to determine adequate developer attempts for healthy drip lines and tree retention. Councilmember McGlashan brought to the Council's attention the issue that with mixed-use housing comes the combining of lots, resulting in trees in the center of the new lot. He questioned a developers' ability to adjust the orientation of larger new structures to preserve trees, and said he did not support the amendment.

The motion to amend the main motion failed 1-6 with Councilmember Scully voting yes.

Councilmember Roberts moved to amend Ordinance No. 833 with Option #2 as shown on the screen. The motion was seconded by Councilmember Chang.

Councilmember Roberts explained how this option preserves trees in the MUR-70' zone while allowing for development to occur. Councilmember Scully expressed his opposition to the amendment because it allows developers to use as much of the property as they can without

preserving any trees and then facilitates offsite replacement tree planting or fee-in-lieu charges that do not support adequate tree preservation. Councilmember McConnell asked for staff's opinion around the fee-in-lieu option. Ms. Markle spoke to the research conducted, and concluded that she did not believe the \$2,400 removal fee per tree would act as a motivating factor for retention.

Mayor Hall observed that this change would affect the rights of other property owners in business zones and expressed concern that the Planning Commission did not discuss this. For this reason he is not inclined to support this amendment at this time. Councilmember Roberts replied that the Planning Commission did address this and he restated exemptions are necessary to preserve trees, and agreed that all properties should be treated equally regardless of zoning. Additionally, he advocated for the fee-in-lieu approach, arguing that the financial benefits to the City and flexible options available to developers make it an attractive compromise. Councilmember Chang voiced her opinion that the Ordinance is a good balance and first attempt between retention and replacement, with enough impact to developers to garner attention and influence the preservation of trees.

The motion to amend the main motion failed 3-4 with Councilmembers Roberts, Chang, and McConnell voting yes.

The main motion carried 5-2, with Councilmembers Chang and Roberts voting no.

9. STUDY ITEMS

- (a) Discussing Ordinance No. 834 - Budget Amendment - Amending the 2018 Final Budget by Increasing the Appropriations in Certain Funds

Sara Lane, Administrative Services Director, presented the Staff Report on Ordinance No. 834, calling attention to impact on the Limited Tax GO BAN 2018 and General Capital Funds, supported by Bond Anticipation Note Proceeds and anticipated revenue, with limited net impact to the City. If supported by Council, adoption would be scheduled for September 10, 2018. Council had no questions. Mayor Hall said Ordinance No. 834 could be scheduled on the Consent Calendar.

- (b) Discussing Ordinance No. 831 - Amending Section 5.05 (Business Licenses) of the Shoreline Municipal Code to Amend the Responsibility, Expiration Date, Penalty Rate, add a Delinquency Schedule for Late Renewal of Business Licenses, and Other Revisions Necessary to Adhere to the Association of Washington Cities' Business License Model

Rick Kirkwood, Budget Supervisor, and Ally Kim, B&O Tax Analyst, presented the Staff Report on proposed Ordinance No. 831. Ms. Kim explained the proposal includes amendments that will allow the City to implement FileLocal's standard configuration, and adhere to the Association of Washington Cities' (AWC) Business Licensing Model Ordinance.

Ms. Kim reviewed the proposed changes to SMC 5.05 are pertaining to administration of the chapter, penalty and delinquency schedules, licensing expiration dates, a definition for “engaging in business”, and exemption thresholds based on gross income. She noted the AWC Model Ordinance requires cities establish an exemption threshold of, at a minimum, \$2,000 gross income for businesses who do not maintain a place of business within the city. Staff is recommending this threshold be applied to all businesses regardless of physical location. Ms. Kim reported the Ordinance will not go into effect until 2019.

Councilmember Roberts thanked staff for bringing back a stronger Ordinance. He asked about the Department of Revenue’s registration requirements if a tradename is different than an individual’s name. He also pointed out the Ordinance as drafted did not include the \$2,000 threshold for all businesses and asked if it could be applied. Mr. Kirkwood explained that staff recommends the \$2,000 threshold apply to all businesses and the amendment would be included in the Ordinance language when it comes back for adoption on September 10, 2018.

10. At 8:52 p.m., Mayor Hall recessed into Executive Session for a period of 15 minutes as authorized by RCW 42.30.110(l)(i) to discuss with legal counsel matters relating to agency enforcement actions or litigation. The Mayor stated the Council was not expected to take final action following the Executive Session. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; Margaret King, City Attorney; and Nathan Daum; Economic Development Manager. The Executive Session ended at 9:02 p.m.

11. ADJOURNMENT

At 9:02 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk