

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, March 2, 2020
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Hall, Deputy Mayor Scully, Councilmembers McConnell, McGlashan, Chang, Robertson, 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.

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

Mayor Hall reported that the Council recently held their annual Strategic Planning Workshop.

Councilmember McGlashan said he attended Sound Transit's first 185th Street Drop-In Session. He shared details on some of the upcoming impacts related to Light Rail construction and recommended interested parties attend a session or sign-up to receive construction related alerts.

Councilmember Roberts attended last week's Puget Sound Regional Council meeting and said the Council and Executive Board are close to adopting Vision 2050. He listed details of some of the proposed amendments to the document.

5. PUBLIC COMMENT

Kevin Atkinson, Shoreline resident, spoke regarding his proposed Amendment Number 3 to the Comprehensive Plan Docket. He said watching the North City business district being converted to apartments compelled him to make the proposal. He asked Council to let it proceed forward and said he purposely crafted the language to give flexibility for the definition of commercial

areas. He stated that the current policy strays from the norm of having a geographic expectation for Mixed-Use areas as practiced by other jurisdictions.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

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

- (a) Approving Minutes of Workshop Dinner Meeting of February 10, 2020**
- (b) Authorizing the City Manager to Execute a Professional Services Contract with Osborn Consulting Inc. in the Amount of \$387,824 for Design of the 10th Avenue NE Drainage Improvements Project**
- (c) Authorizing the City Manager to Enter Into an Interlocal Cooperation Agreement Between King County and the City of Shoreline for the Acquisition of Open Space Through the Conservation Futures Tax Levy Collections Grant Program**
- (d) Authorizing the City Manager to Execute a Project Agreement with the Central Puget Sound Regional Transit Authority for the 148th Street Non-Motorized Bridge Project**
- (e) Authorizing the City Manager to Execute an Agreement with A&M Contractors in the Amount of \$459,999 for Construction of the 15th Avenue NE Pavement Preservation Project**
- (f) Authorizing the City Manager to Execute a Contract with Blueline Group, LLC in the Amount of \$77,984 for Construction Management and Inspection Services for the 15th Avenue NE Pavement Preservation Project**

8. ACTION ITEMS

- (a) Public Hearing on Resolution No. 453 - Intergovernmental Transfer of Property at 7th Avenue NE and NE 185th Street to Sound Transit for the Purpose of Light Rail Station and System Construction**

Juniper Nammi, Light Rail Project Manager, delivered the staff presentation. Ms. Nammi described the property to be transferred and said that to minimize the impact to public property the Station is centered within 7th Avenue NE. She explained that this portion of 185th Street, as originally acquired by Washington State Department of Transportation (WSDOT), is not needed by WSDOT. Ms. Nammi shared the background on the Sound Transit Street Vacation petition, which culminated in the Hearing Examiner recommending approval in October 2019.

Ms. Nammi said following the Hearing Examiner's recommendation, as staff prepared the Ordinance to bring to Council, a better understanding of ownership of the property was gained. She said City ownership was established in 1986 through a nonstandard Quit Claim Deed with a restriction requirement allowing the use for "Road Purposes" only. She elaborated that because of this, State regulations require disposal of the property by means of a Council Public Hearing. Ms. Nammi display a graphic of the area and listed details as they related to the Station Area. She reviewed the conditions of the Hearing Examiner's recommendation and said the intergovernmental transfer regulations state that compensation shall be mutually decided upon by all parties. She listed the property transfer elements that need to be approved or authorized as Resolution No. 453, the Property Agreement, the Release of Deed Restriction and City Covenant Letter, and the Stormwater and Sewer Utility Easements.

Mayor Hall opened the Public Hearing. Seeing no comment, he closed the Public Hearing.

Councilmember McGlashan asked at what point, and by whom, it would be decided what the compensation for the property would be. Ms. Nammi explained that staff has worked with Public Works to identify properties desired for City Capital Projects and/or to accommodate transportation connections around future redevelopment, and the first property the City has asked Sound Transit to include in that agreement is the parcels the City would use for the 148th Street non-motorized bridge and shared use path.

Deputy Mayor Scully confirmed that there is no public benefit lost in the property transfer.

It was agreed that Resolution No. 453 would return as a Consent Item.

9. STUDY ITEMS

- (a) Discussing Ordinance No. 875 – Vacation of a Portion of the Rights of-way on 7th Avenue NE and Property Exchange Agreement

Juniper Nammi, Light Rail Project Manager, delivered the staff presentation. Ms. Nammi displayed a graphic of the area under discussion and described the history behind the City's acquisition of the property and stated that its current status is dedicated Right-of-Way easement. She said it would be odd to leave a portion of City Right-of-Way in the middle of the Sound Transit project, especially since building code conflicts with the existing property lines. She gave background on the street vacation process and listed the details and conditions of the Hearing Examiner's recommendation to approve the action.

Ms. Nammi said that the Property Agreement would cover compensation for both the street vacation and the intergovernmental transfer and explained specifics of the Agreement. She reviewed the elements of the street vacation are Ordinance No. 875, which approves the vacation of City Right-of-Way; a Property Agreement; and a Sewer Utility Easement. She said both staff and the Hearing Examiner recommend adoption of the Street Vacation.

It was agreed that Ordinance No. 875 and related actions would return as Consent Items.

- (b) Discussing the 2020 Comprehensive Plan Docket

Steve Szafran, Senior Planner, delivered the staff presentation. Mr. Szafran established that the State Growth Management Act limits amendments to the Comprehensive Plan to once annually and that the City creates the docket to allow for public submission and review of proposed amendments. He described the process for submitting amendments for consideration, and said this year there are three proposed amendments for Council to consider moving forward.

Mr. Szafran said that the first two amendments for consideration are City-initiated and the third is privately proposed. He continued that proposed Amendment 1 would amend Table 6.6 of the Parks, Recreation, and Open Space (PROS) Plan to acquire park and open space between Dayton Avenue and Interstate 5 between 145th and 165th Streets, broadening the area that currently exists. He explained that Table 6.6 is a list of general capital projects that are targeted for future acquisitions and this amendment would provide additional opportunities to meet the level of service requirements for the Westminster Triangle neighborhood. Proposed Amendment 2 would amend the Point Wells Subarea Plan and associated policy to be consistent with the City's Interlocal Agreement with the Town of Woodway. Proposed Amendment 3 would amend the Land Use Element to include a new policy requiring commercial uses within commercial and mixed-use areas.

In addressing proposed Amendment 3, Mr. Szafran described the existing Comprehensive Plan goals and policies that support commercial development in the commercial and mixed-use areas of the City and said because the City already has Comprehensive Plan support to require commercial uses, the amendment may be unnecessary. He suggested that Council could consider two paths to address the proposal. Path A would be to add proposed Amendment 2 to the Docket and then, if adopted, evaluate implementing Development Code Amendments; and Path B would be to have staff work on Development Code Amendments to build on the existing Development Code Requirements.

Mr. Szafran said the Final Docket, once set by Council, will consist of the amendments staff will study, analyze, and make recommendation on before sending them to the Planning Commission for review and Council for potential adoption. He added that the Planning Commission recommends including all three amendments on the Final 2020 Docket.

Councilmember Robertson agreed with following the recommendation of the Planning Commission. She asked if language similar to proposed Amendment 3 regarding mixed-use requirements already exist, and if so, why it is not already happening.

Councilmember Chang said her preference for Amendment 3 would be to take Path B as outlined by staff because there has already been extensive discussion on commercial requirements. Since there is Comprehensive Plan policy that already supports it, this approach would allow Council to get to a solution faster.

Deputy Mayor Scully said that the retail market has changed since the current decision was put in place and that the 'retail ready' approach is not bringing retail in, so he is ready to revisit the approach. He said after the recent discussion at the Strategic Planning Workshop his takeaway is that the Council is generally ready to make a change in North City on a trial basis. He agreed with Councilmember Chang's preference to get to a solution efficiently without wasting staff

time. He asked if it would be possible for Council to consider a Comprehensive Plan Amendment while at the same time reviewing the Development regulations, and how much additional staff time would be involved in this simultaneous approach. Mr. Szafran said in his opinion Council would need to consider the Comprehensive Plan Amendment before changing the Development Code, but it would not significantly increase workload for staff.

Councilmember McConnell said the Council's discussion at the Strategic Planning Workshop recognized the lack of commercial interest in the mixed-use areas and the importance of working to rectify the situation. She asked about timing, and Mr. Szafran shared the examples of the current process and said that by leaving Amendment 3 off the Docket staff could begin work on the Development Code amendments sooner. Councilmember McConnell emphasized that one solution will not fit all areas.

Councilmember Roberts clarified that the proposed amendment language would require commercial uses within commercial and mixed-use areas and would require the Planning Commission to evaluate what "requirement" means when considering changes to the Development Code. He said he does not think proposed Amendment 3 would provide the amount of flexibility needed to decide where commercial space should be required. He said his preference is to not put Amendment 3 on the Docket since amending the Development Code directly is a much faster and flexible way to move forward.

Mayor Hall pointed out that most of the community agrees with this Land Use issue, and he appreciates the submission because reviewing it has given Council the opportunity to have a focused conversation about it. He said he agrees with the first portion of policy language submitted but is concerned that some of the language may have unintended consequences. He favors getting to a code amendment sooner and proposed an adjustment to Path B by narrowing the focus to first direct staff to prepare amendments that would require commercial uses on the ground floor of multi-family residential properties on selected frontages, starting in North City. He said this would allow quick action in the location of primary concern. Following that action, the next step would be to consider the application of the code or a revision to it in other areas and to look at potential incentives or disincentives with the goal of successful development of commercial businesses. He agreed with Deputy Mayor Scully's assessment that the decade of not requiring commercial uses in commercially zoned areas has proven to not be successful.

Deputy Mayor Scully concurred with Mayor Hall's proposal and asked that staff add some options for the breadth of the initial area, with separate options including North City, the Community Renewal Area (CRA), the Light Rail Station Areas, and the Ridgcrest neighborhood. He told Mr. Atkinson that his proposed Comprehensive Plan Amendment was a great way to distill a burgeoning sentiment that Council needs to act on now.

Councilmember Chang said she is interested in looking at the CRA, considering not just the frontage properties, but also the interior ones. She said she recognizes that timing is such that North City is the first priority, but she wants to make sure the rest follows quickly, so as to not disincentivize development in some areas. She agreed that requirements may differ depending on the area.

Councilmember Roberts cautioned that moving quickly may require keeping the scope smaller. He said there are differences in character in all neighborhood commercial zones and they will have different needs. Additionally, he encouraged Planning Commission to find an approach that does not add overlay zones, which add confusion. Councilmember Chang asked why the opinion has been expressed that overlays are not desirable and Mayor Hall explained that while not problematic, the Council previously went through a process to merge some unique overlays, simplifying the code to have the regulations apply citywide.

Mayor Hall said that at the Strategic Planning Workshop they discussed possible incentives to commercial zoning. He said if the goal is to have this be successful, he hopes staff and the Planning Commission will perform an in-depth evaluation of both the code language and requirements.

Mayor Hall summarized the Council direction is to bring forward the Planning Commission's recommendation of all three Amendments, but that Council is additionally requesting an alternative that will get them to the desired outcome of Amendment 3 more quickly, and would provide explicit direction to staff to develop and process code amendments that would require commercial on the ground floor in select locations.

Councilmember Chang asked if they select a few areas to begin with, how to ensure that future study would look at the rest of the mixed-use areas. Mr. Szafran said staff would create a proposed timeline for all areas for the next staff report.

Councilmember McConnell left the meeting at 8:10 p.m.

10. EXECUTIVE SESSION: Litigation – RCW 42.30.110(1)(i)

At 8:10 p.m., Mayor Hall recessed into Executive Session for a period of 20 minutes as authorized by RCW 42.30.110(1)(i) to discuss with legal counsel matters relating to agency enforcement actions or litigation. He stated that the Council is expected to take final action following the Executive Session. Staff attending the Executive Session included Debbie Tarry, City Manager and Margaret King, City Attorney. The Executive Session ended at 8:30 p.m.

Councilmember Roberts moved that the City approves the Kellett vs. the City of Shoreline CR-2A Settlement Agreement and authorizes the City Manager to take steps consistent with that settlement. The motion was seconded by Councilmember McGlashan.

The motion carried unanimously, 6-0.

11. ADJOURNMENT

At 8:30 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk