

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, March 7, 2022
7:00 p.m.

Held Remotely via Zoom

PRESENT: Mayor Scully, Deputy Mayor Robertson, Councilmembers McConnell, Mork, Roberts, Pobee, and Ramsdell

ABSENT: None.

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided an update on COVID-19 and reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Councilmember Pobee reported his attendance at the King County SeaShore Transportation Forum meeting where he said they heard presentations related to various aspects of growth policies; and said there is \$5 million in grant funding to perform feasibility studies and begin construction. He said he also heard presentations from the Surface Transportation Program regional competition for 148th Street Non-Motorized Bridge and 145th Corridor Project.

Councilmember Mork said she attended the Regional Water Quality Conference which she said was facilitated in one part as an orientation on water quality and the second part as a regular meeting to discuss how rate increases may be implemented.

Mayor Scully spoke of his attendance at an event for the CityWise Program with City Manager, Debbie Tarry and said he met with students from Saint Luke's School who were learning about how the City manages water conservation.

6. PUBLIC COMMENT

Mayor Scully announced that 11 people are signed up for public comment this evening.

Councilmember Roberts moved to suspend the Council Rules of Procedure to allow all those preregistered for Public Comment to speak for three minutes. The motion was seconded by Councilmember McConnell and passed unanimously, 7-0.

Jackie Kurle, Shoreline resident, said she appreciates the City overseeing the Enhanced Shelter and hopes for its success and emphasized the importance of transparency with the public on its daily operations for the safety of residents.

Jack Malek, Shoreline resident, spoke regarding Ordinance No. 958 stating his appreciation for Council expediting the action item but stated that more should be done to assure developers of their ability to open and occupy completed constructions.

Melody Fosmore, Shoreline resident and representative of the Tree Code Preservation Team (TCPT), talked about the benefits of reducing the DBH for significant trees to six-inch DBH; pointed out that there are no penalties specific to trees in the SMC; and encouraged Council to deny Amendments 6, 8, and 9.

Kathleen Russell, Shoreline resident, adding to Ms. Fosmore's comments said TCPT's proposed codes would not be effective citywide as they do not apply to several zones as is the same with proposed penalties. She disagreed with the Planning Commission's statement about their recommended amendments for tree protection being a method to fight climate change, as she believes the most impactful proposed code amendments proposed by TCPT have been denied. She urged Council to review the denied code.

Wally Fosmore, Shoreline resident, spoke regarding Amendment 5 stating that the proposed tree code will not be effective without penalties for the destruction of a tree and said it would only apply to R-8 through R-48 and MUR-35 and MUR-45 sites and asked if there are other penalties for damage to trees on construction sites.

Rebecca Jones, Shoreline resident, stated that the five most impactful tree codes proposed to the Planning Commission were denied and expressed concern that they were not included in the staff report for Council review. She asked that they be brought back up for discussion.

Bill Turner, Shoreline resident, said with the City's rapidly changing development, Shoreline's large trees have become a community survival focal point and stated his opposition to Amendments 8 and 9 which he says undermines Shoreline's tree retention and replacement requirements and defers them to the judgement of one person. He asked Council to remove that authority.

Nancy Morris, Shoreline resident, spoke regarding Amendment 2 and stated that according to the February 3rd Planning Commission Minutes, the six-inch significant tree definition was not

denied, however, the staff report for the night’s meeting stated that it was denied. She asked Council to join other jurisdictions to change the significant tree definition to six-inch DBH.

Susanne Tsoming, Shoreline resident and representative of TCPT, stated her support for Amendment C6 and asked what urban planning solutions Shoreline has to maintain tree density, suggested extra value be given to forested properties, and asked Council to further discuss the proposed amendment.

Gayle Janzen, Seattle resident, spoke regarding the 5th Ave NE Sidewalk Project and expressed frustration towards the number of trees planned to be removed, reported difficulty with accessing information on the trees, and said effort should be made to retain mature trees for their ecological benefit to our environment.

Ann Bates, Shoreline resident, reviewed the Comprehensive Plan approved in 2012 that states the goal of protecting the environment and enhancing the City's quality of life. She said Shoreline’s trees need to be better protected, encouraged a redesign of the sidewalk on 5th Ave NE, and shared her support for code changes related to removing trees.

7. CONSENT CALENDAR

Upon motion by Deputy Mayor Robertson and seconded by Councilmember Pobe and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Authorize the City Manager to Execute a Construction Contract with Northend Excavating, Inc. in the Amount of \$490,437 for the NE 148th Street Infiltration Facilities Project**
- (b) Authorize the City Manager to Execute an Agreement with the Department of Justice Accepting a Grant in the amount of \$500,000 for the North Sound RADAR Program**

8. ACTION ITEMS

- (a) Action on Ordinance No. 958 – Waiving Council Rule of Procedure 3.6 and Amending Shoreline Municipal Code Section 13.20.040 to Except Temporary Construction Power from the City’s Undergrounding Requirement

Mayor Scully announced that according to Council Rule Procedure 6.1(B), a public comment period will follow the staff presentation.

Assistant City Manager, John Norris, presented on the delay the Light Rail Station project and other private developments are facing due to lack of electrical supply for construction and he detailed the modifying power of Ordinance No. 958 to amend Shoreline Municipal Code section 13.20.040 to allow for temporary overhead power and its removal following project completion. He added that the Ordinance as written would be effective citywide however, staff have provided amendatory language to restrict the exception to the 145th and 185th Station sub-areas and the

MUR-70 zone should Council wish to make that motion. He said staff recommends that Council waive procedure requiring three readings of the ordinance.

Mayor Scully opened the public comment period.

Seeing no members of the public wishing to offer testimony, Mayor Scully closed the public comment period.

Councilmember Roberts moved to waive Council Rule Procedure 3.6 and adopt Ordinance 958 amending Shoreline’s Municipal Code Section 13.20.040 to Except Temporary Construction Power from the City’s Undergrounding Requirement. The motion was seconded by Deputy Mayor Robertson.

Councilmember Roberts moved to amend Ordinance No. 958 by amending Subsection E in Section 1 of this Ordinance to read as follows: “Temporary electrical service for construction in the MUR-70’ Zone. Overhead temporary electrical service for construction is a means of supplying electricity aboveground during the construction phase of a project. Overhead temporary electrical service for construction is allowed in the MUR-70’ of the City and this temporary electrical service must be disconnected and removed when the project is connected to permanent electrical service or prior to Certificate of Occupancy, whichever occurs sooner.” The motion was seconded by Councilmember Pobe.

Councilmember Roberts commented that the City’s goal is to have electrical utilities underground and crafting a narrow exemption would be practical to make sure that electrical utilities are undergrounded throughout the rest of the City.

Responding to questions regarding the reasoning for a citywide exception for temporary overhead power opposed to an exception specific to the MUR-70’ Zone, Mr. Norris explained that staff’s recommendation for citywide overhead power for construction is a common exception in many jurisdictions since undergrounding work must precede construction, overhead power can streamline construction and though Staff cannot predict the need for this exception in the future, Council could make other exceptions in the future with the zone limitation. Mr. Norris added that the secondary action to allow ongoing overhead power use is not yet scheduled on the Agenda Planner but staff is putting that together for Council consideration.

There were mixed views from Council in favor of and opposed to the amendment for limiting the Ordinance to the MUR-70’ Zone as they debated the benefits of limiting the scope to address only the projects that are experiencing a problem in the MUR-70’ Zone versus the benefits of having the Ordinance apply Citywide to reduce future bureaucratic burdens since the overhead power is temporary and must be removed.

The amendment passed, 5-2, with Councilmembers McConnell and Mork dissenting.

The main motion passed unanimously, 7-0.

9. STUDY ITEMS

(a) Transportation Master Plan (TMP) Update - Draft Multimodal Level of Service Approach

Senior Transportation Planner, Nora Daley-Peng, explained that a Transportation Master Plan is a blueprint for multi-modal travel and mobility within Shoreline that provides a guide for future transportation investments over the next 20 years based on an evaluation of the City's transportation system and said that the presentation will discuss auto policy options, and define the adequacy of auto capacity and flow on the City's arterials. She said that throughout the multi-year process to update the TMP, staff will brief Council and seek their feedback to develop the update.

City Traffic Engineer, Kendra Dedinsky, spoke about the two methodologies used to measure traffic flow operations, Level of Service (LOS) and Volume Capacity (VC), and she introduced the concept of growth projects and transportation impact fees (TIP) which directly correlates to the LOS standard. She said on the LOS letter scale from LOS-A, representing free flow traffic, to LOS-F, representing heavy congestion, Shoreline currently requires a LOS-D rating at most intersections and a 0.90 VC ratio. She reviewed the intersection LOS options which are (1) using a universal LOS-D standard, (2) vary allowable LOS by a refined district approach, or (3) vary allowable LOS by residential or commercial area type and spoke about the pros and cons to each system and provided preliminary modeling results. Ms. Dedinsky said the leading preference by staff is Option 2 as it would cost less than the current standard, allow for higher delays in city centers, have the most robust transportation options, and is rated the top in terms of balancing competing needs. However, she said that cons to this Option include pockets of the City that aren't as well connected to transit options creating a vehicle dependency and the potential for spillover impacts into adjacent areas.

Explaining what edge issues are, Ms. Dedinsky said allowing increased delay in particular intersections that meet with residential or LOS-D areas can produce cut-through traffic so in that situation, staff could develop policy to determine a cut-through threshold for which mitigation would be required. She also clarified that the VC adjustment from 0.9 to 1.1 would decrease the flow of traffic and explained that Dayton and 15th were exempt from the standard to address the larger VC in those topographically constrained segments and promote pedestrian mobility, and she noted a need to keep tabs on travel time metrics to avoid overburdening drivers at intersections.

Council asked about funding strategies for the TMP, LOS options around 5th Ave NE and 165th, and to compare the experience drivers would have between Option 2 and 3 and the possibility of utilizing multiple options.

Ms. Daley-Peng responded that part of the TMP update is an update the financial plan and said she will come back to Council to go through investment cost and prioritization as well as talk through the Outreach Series. Ms. Dedinsky added that the 5th Ave NE and 165th is operating at approximately an LOS-C at worst and is not expected to show poor performance even into 2044. She then explained that it is difficult to say what Option 2 or 3 would mean practically for

drivers but Option 2 is a more conservative approach than Option 3 and would require a LOS-E or better in specified areas with less delay. Whereas Option 3 would require an LOS based on the intersection's group allowing for more delay and better walking and biking mobility but is more complex to develop. She pointed out that increases to vehicle capacity comes at an expense to pedestrians and bicyclists and considering access to transit for areas with some auto reliance, Staff hope Option 2 strikes the best balance and confirmed that each option could be used as there are numerous opportunities to tweak the plan according to the need.

(b) Second Discussion on Ordinance No. 955 – 2021 Batch #2 Development Code Amendments – Miscellaneous and SEPA Related Amendments Amending Development Code Sections 20.20, 20.30, 20.40 and 20.50

Senior Planner, Steve Szafran, kicked off the presentation explaining that the Batch Code Amendments have been split into three topics. Amendment 8 and 9 under the topic 'Miscellaneous' are written to allow the Director to reduce setbacks by half in one front yard if the parcel has two front yards; Amendment 11 would waive site improvements for commercial adaptive reuse; and Amendment 13 would strike letter C which calls for parking to be included in the rental or sale price of the unit. Additionally, he said the second topic are the SEPA Amendments which aim to clarify the SEPA process and how it may be appealed which were all approved by the Planning Commission.

Council questioned Amendment (A)-1, which proposes a limit of 8 unrelated persons living in a house, pointing out that it seems to conflict with a Senate bill stating a limit may not be placed. It was also suggested that language be stricken to language defining a 'family' through blood or marriage ties as it is not inclusive of other types of family units. Concern was voiced over the clarity of A-11 regarding the condition for new or replacement signs and frontage improvements, and staff was asked to provide additional rationale behind A-8 related to front yard setbacks. Dissent was expressed over A-11 waiving non-conforming uses because the City should not encourage a non-conforming use to continue, as well as over A-13 which would strike the parking and rental aggregation which would create consequences for low income people and create street parking issues.

Mr. Szafran agreed that the A-1 language should be revised and spoke about the increase in development flexibility for homeowners with the adoption of A-8. He explained the need for A-11 stating that the nonconforming and vacant commercial buildings will not attract new tenants because the cost to bring them into compliance is too high and they are likely to stay vacant until they are demolished and rebuilt. Economic Development Program Manager, Nathan Daum, added that new construction is almost exclusively the domain of national chain and large entities and said that the amendment is limited to a set of locations to allow them to come back into use as affordable local commercial property.

Mr. Norris requested that Council provide amendments, if any, to staff by Wednesday and said that staff will respond to Council's questions in the staff report.

(c) Discussion of the 2022 Comprehensive Plan Amendment Docket

Mr. Szafran spoke about the State Growth Management Act which limits amendments to no more than once a year in a docket to ensure time for public comment. He detailed the list of amendments proposed in 2021 as follows:

1. Amendment and update the Transportation Master Plan and Transportation Element.
2. Update to the 2024 Comprehensive Plan.
3. Amendment to the Comprehensive Plan Land Use Map Designation for the King County Metro Park and Ride at 1900 Aurora Ave. N. to Mixed-Use 1 and Mixed-Business.
4. Amendment to the Land Use Element to add a policy for preservation of significant trees.
5. Defining a short-term rental and adding licensing and location requirements.

He said all of these proposed amendments with the exception of Amendment 5 were recommended by the Planning Commission, and then he listed three other potential amendments brought forward by Councilmembers: 1) allow duplexes, triplexes, and other dwelling types of a similar scale with single family detached homes in low density residential areas; 2) revise language around density limits as a regulatory standard in low density residential zones to explore the use of form-based codes and Floor Area Ratios; and 3) amend the designation of a portion of Richmond Beach Saltwater Park to open public space.

Council asked for reasoning behind the Planning Commission's decision to not recommend Amendment 5. Mr. Szafran answered saying that policy in Amendment 5 is already documented in the Comprehensive Plan which is why it was not recommended and offered an opportunity to look at short-term rental policy in a process that would occur outside of the Comprehensive Plan update. Councilmember Roberts acknowledged that his proposed amendment to explore moving to form based code or Floor Area Ratio will take a lot of work to study and Mr. Szafran agreed that it is a large task to transition from a density cap to a form-based code and a big part of that work will be to see what the community feedback will be.

Mayor Scully responded with tentative support for the two proposed amendments regarding duplexes and triplexes and revising language around density limits and exploring the use of form-based codes, and he looks forward to staff's more developed recommendations.

10. ADJOURNMENT

At 9:31 p.m., Mayor Scully declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk