DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP MEETING

Monday, July 16, 2001
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Gustafson, Lee, Montgomery and Ransom

ABSENT: Councilmember Grossman

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m. by Mayor Jepsen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember Ransom, who arrived shortly thereafter, and Councilmember Grossman.

Councilmember Lee moved to excuse Councilmember Grossman. Councilmember Gustafson seconded the motion, which carried unanimously, and Councilmember Grossman was excused.

3. CITY MANAGER'S REPORT

City Manager Steve Burkett noted items scheduled for upcoming Council meetings.

4. COUNCIL REPORTS

Councilmember Gustafson mentioned a recent and an upcoming meeting of the Watershed Resource Inventory Area (WRIA) 8 Forum.

Councilmember Ransom arrived at 6:39 p.m.

Councilmember Gustafson attended the June 28 meeting of the King County Community Development Block Grant Consortium Joint Recommendations Committee. He said the committee selected a low-income housing project near Echo Lake to receive a portion of $8.2 million for housing projects throughout King County.

Finally, Councilmember Gustafson mentioned that he attended information sessions on innovative youth participation and "greening up your community" at the Association of

Washington Cities (AWC) annual meeting in June. He suggested future Council consideration of both issues.

Councilmember Ransom mentioned that Lake Forest Park Mayor Dave Hutchinson will represent the 21 cities in District 7 (which includes Shoreline) on the AWC Board of Directors.

Mayor Jepsen said the mayor and city managers of cities in North King County have been meeting monthly. He noted social services and replacing the Human Services Roundtable as the primary topics of discussion.

5. PUBLIC COMMENT: None

6. ACTION ITEM

(a) Resolution No. 173 approving the final plat for Paramount Ridge at 15440 and 15450 10th Avenue NE

Tim Stewart, Planning and Development Services Director, reviewed the staff report. He noted the conditions Council included in its approval of the preliminary subdivision. He highlighted aspects of condition 11 (page six of the Council packet) in particular. Finally, he reviewed Council's options: approve the final plat or remand it to the Planning Commission.

Mayor Jepsen invited public comment.

(1) Janet Way, 940 NE 147th Street, spoke as President, Paramount Park Neighborhood Group. She said the existing trees and vegetation at the site of the proposed development retain "an enormous amount of water, preventing existing flooding problems from being much worse." She went on to describe existing downstream flooding problems. She explained that the neighborhood group favors a reduction in the number of houses in the proposed development. She asked Council to remand the final plat to the Planning Commission.

(2) Rick Poulin, 2317 E John Street, Seattle, identified himself as an attorney representing Paramount Park Neighborhood Group. He asserted that the capacity of the storm water detention system for the proposed development is insufficient to retain run off from multiple storm events and does not adequately protect against a worsening of downstream flooding problems. He said the Hearing Examiner directed the remand of the final plat to the Planning Commission in the event of changes to the proposed storm water management system or the vegetation. He noted changes in both areas. He asserted that the capacity of the storm water pipe specified as a prescriptive easement is inadequate to carry the water proposed to run through it. He reiterated the request that Council remand the final plat to the Planning Commission.

(3) Llyn Doremus, 4017 Willow Brook Lane, Bellingham, identified herself as a hydrologist working with the Paramount Park Neighborhood Group. She said the applicant has altered the design of the storm water detention and drainage systems significantly from what the Hearing Examiner reviewed and ruled on. She stated that the remand of the final plat to the Planning Commission will allow recalculation of the storm water management "according to the current understanding of hydrologic processes."

(4) Cecilie Hudson, 15233 11th Avenue NE, explained that she and her husband own and manage the pipeline that runs the length of their property and through which the developer proposes to direct storm water from the proposed development. She asked that Council not approve plans that rely on use of the pipeline. In addition, she said collateral damage from the removal of trees on the development site will require the removal of 29 more trees.

(5) Matt Howland, 19237 Aurora Avenue N, spoke as the developer of Paramount Ridge. He discussed the history of the application. He acknowledged that "the size of the pipe has changed," but he said the application has specified detention as the method for storm water management from preliminary approval until now. He pointed out that relocating the drainage from the property to the northeast corner will save trees and vegetation by making an underground pipe across the length of the property unnecessary. He requested approval of the final plat.

(6) Dave Dougherty, 310 208th Street SE, Bothell, spoke as the engineer for the Paramount Ridge project. He acknowledged modifications to the storm water management system. He asserted that system modifications are common between preliminary and final plats. He said the modifications will, if anything, improve the system performance and will not affect the visual appearance of the project. He stated that the capacity of the storm water pipe (over 4 cubic feet per second [CFS]) exceeds the flow of storm water (approximately 3 CFS). He acknowledged that the development will increase the quantity of storm water runoff from the site, but he said the rate of storm water runoff will not increase.

(7) Sam Jacobs, 600 University Street, Suite 2701, Seattle, spoke as the attorney for the developer. He asserted that the developer has met the conditions of approval for the preliminary plat. He recommended that Council follow the technical advice of City staff and approve the final plat.

Deputy Mayor Hansen moved that Council approve the nine-lot final plat of Paramount Ridge at 15440 and 15450 10th Avenue NE by the adoption of Resolution No. 173. Councilmember Montgomery seconded the motion.

In response to Councilmember Ransom, Mr. Stewart used the plat map on page 19 of the Council packet to identify the location of the storm water facility and drainage way for the proposed project and of the existing storm water pipe across the property adjacent to the site.

Councilmember Montgomery asked if storm water drainage commonly involves private pipes. City Attorney Ian Sievers said many City storm water mains are located on unrecorded easements. He said the City has documentation of the County connection to pipes within the Hudson property well beyond the period of prescriptive easement. He said the City matched the pipe with its own 12-inch main, which drains diverted storm water from 10th Avenue NE.

In response to Councilmember Ransom, Mr. Sievers said the developer addressed the on-site conveyance capacity by determining the conveyance capacity of a hypothetical 12-inch pipe installed at the minimum acceptable slope (.5 percent). The resulting capacity—2.6 CFS—exceeds the projected volume of runoff from the development—2.2 CFS. Mr. Sievers explained that the figures that opponents identify as inconsistent relate to the off-site capacity of the 12-inch pipe that descends the slope. He said the actual three-percent slope of this pipe makes its capacity 4.7 CFS. He noted that the current flow in the pipe, plus all of the anticipated flow from the development—given the proposed detention system, which the developer has designed to the standard of a 100-year storm—amounts to only 3 CFS. He stated that he found no inconsistent or incorrect figures in the proposed development.

Councilmember Ransom asked if City staff is satisfied that there will not be any "residual effect" where storm water from the proposed development enters the creek. Mr. Stewart said the storm water control in the proposed development will greatly exceed any elsewhere in the neighborhood. He explained that the on-site detention will normally prevent aggravation of the downstream condition in Littles Creek.

In response to Councilmember Gustafson, Mr. Stewart said the proposed development will not exacerbate the storm water problem downstream in the "typical storm" (i.e., less than the 100-year storm). He acknowledged the potential for "some incremental impacts" from the proposed development in a 100-year storm.

Councilmember Lee questioned the relationship between the proposed development and the maintenance responsibility that Ms. Hudson claims for the pipe that crosses her property. Mr. Sievers said the relationship concerns the scope of the prescriptive easement. He explained that, in the case of a closed pipe system, the capacity of the pipe defines this scope. He asserted that the County would have wanted to fully utilize the capacity of the 12-inch pipe that it connected. He stated that the proposed use of the pipe that crosses the Hudson property is within the scope of the easement the County acquired for public use more than ten years ago.

In response to Councilmember Montgomery, Mr. Sievers indicated that the Hudsons cannot legally forbid others from connecting to the pipe that crosses their property. He said the City has acquired a public easement, and the Hudsons cannot dictate who drains water through the pipe.

In response to Councilmember Lee, Mr. Stewart provided a map identifying the 18 trees that the developer proposes to remove. He explained that the City must approve the

removal of any trees. He said the City and the applicant "are in full agreement with condition 1" ("No vegetation shall be removed from the proposed lots or access tract until final plat approval has been obtained and all construction plans have been reviewed by the City of Shoreline. . . .").

In response to Councilmember Gustafson, Mr. Stewart said staff has examined the proposal and determined that it meets the required conditions. He responded further that staff believes the proposal will not exacerbate the storm flooding conditions in the future. He confirmed the staff recommendation that Council approve the final plat for Paramount Ridge.

Councilmember Montgomery expressed appreciation for the neighbors' concerns that the proposed development will exacerbate flooding problems. She also acknowledged the time, effort and money the developer has invested in the proposed project. She asserted the importance of affordable housing. She said Council should approve the final plat "if there is assurance that this development will not make a bad problem worse." She agreed that modifications to the on-site drainage system represent improvements and that they should not necessitate a remand to the Planning Commission.

Councilmember Lee noted that the City rejected the developer's proposal to create a swale in Paramount Park in part because this represented use of park property without a public benefit. She questioned why the City accepts the use of the public easement across the Hudson property to drain storm water from the proposed development. Mr. Stewart reviewed the history of the applicant's proposal to make improvements to Paramount Park.

Councilmember Ransom asserted that the application is "grandfathered" under the standards that existed before the City adopted the Comprehensive Plan. He said he "would have strong, negative feelings" about the proposal as a new application under current standards. While he expressed concern about the questions that Ms. Doremus has raised, he stated that Council must rely on City staff. He advocated that Council accept the staff recommendation and "move on to more current issues."

In response to Mayor Jepsen, Mr. Stewart explained that storm water that drains through the pipe across the Hudson property runs south along 11th Avenue NE to NE 154th Street, where it runs east to 12th Avenue NE. He said it then runs south again before turning west between two private properties to enter Paramount Park.

In response to Mayor Jepsen, Mr. Sievers said the City asserts a prescriptive easement across the Hudson property and accepts responsibilities for maintenance of the easement.

Mayor Jepsen asked about an existing conditions report of the 12-inch pipe across the Hudson property. Mr. Stewart said the pipe was videotaped, and staff is comfortable with the condition of the pipe.

Councilmember Lee expressed confusion about whether the modifications to the proposal represent significant changes in the subdivision. She asserted the likelihood that the Planning Commission would reach the same decision if Council remanded the final plat for further consideration.

Mayor Jepsen acknowledged the confusion concerning condition 11. He said it is unfortunate that Council must make a value judgment based upon the information it has received. Noting that the project still uses detention to manage storm water and that the City has a prescriptive easement for the 12-inch pipe across the Hudson property, he advocated that Council approve the final plat.

Councilmember Lee agreed that the proposal satisfies the conditions. She expressed her concern that "the public process has been somewhat compromised." She acknowledged that Council cannot remand the final plat for this reason.

In response to Deputy Mayor Hansen, Mr. Stewart confirmed that the proposal will improve the situation downstream by retaining storm water and releasing it more slowly. Mr. Sievers said the development will reduce the downstream impact of more frequent storms.

Deputy Mayor Hansen asserted that the final plat satisfies the conditions of the preliminary approval. He advocated Council approval of the final plat.

A vote was taken on the motion that Council approve the nine-lot final plat of Paramount Ridge at 15440 and 15450 10th Avenue NE. The motion carried 5-1, with Councilmember Lee dissenting.

7. WORKSHOP ITEM

(a) King County's Brightwater Siting Process

Kristoff Bauer, Assistant to the City Manager, reviewed the staff report. He provided a copy of the July 3, 2001 letter from King County staff addressing the County decision to eliminate Site 28 in Kenmore and the IND 2 site east of Snohomish. He advised that County staff is preparing to recommend two to five final candidates sites during the week of September 10. He said the County Council may confirm the sites as soon as October, and the sites will proceed to environmental review. Mr. Bauer distributed copies of the Siting Advisory Committee (SAC) Site Evaluation Update dated July 12, 2001.

Mr. Bauer went on to discuss the history and current status of the potential annexation of Point Wells. Finally, he reviewed the four options set out in the staff report:

- The City could maintain the current level of activity and continue to serve the objectives above.
- The Council could take action to change its official position to opposition via a motion or the passage of a resolution at a future regular meeting.

- The Council could devote additional resources to opposition of the Pt. Wells site from written and personal communication with County elected officials to the hiring of a public relations firm to work with the community to challenge King County's process and the identification of Pt. Wells.
- The Council could enter into negotiations with King County regarding the specific terms and conditions under which the City would remain neutral.

At Council request, Ronald Wastewater District Commissioner Art Wadekamper joined the discussion. He said he and Commissioner Gary Shirley have participated on the Metropolitan Water Pollution Abatement Advisory Committee, which has worked on Brightwater since its inception. He noted that Commissioner Shirley serves on the Regional Water Quality Committee and that commissioners participate on the SAC. He said the Commission has not taken a position on siting the Brightwater facility. He asserted the need for the Brightwater facility. He stated that water reuse is "an extremely big factor." He said the size of the site is also an important consideration.

Mayor Jepsen invited public comment.

(1) Lawrence Yaffe, 2629 NW 204th Street, spoke on behalf of the Salsby Shores Homeowners Association. He asserted that Point Wells fails many of the stated siting criteria. He noted the disbelief of the homeowners association in the possibility of effective mitigation for the Point Wells site. He emphasized the "stunningly poor access" to the site and the disruption of six years of construction traffic and noise. He urged Council to vigorously oppose siting of the Brightwater facility at Point Wells.

(2) Bill Clements, 19704 21st Avenue NW, spoke as President of the Richmond Beach Community Council. He reported that the community council has identified consistently strong opposition to siting the Brightwater facility at Point Wells. He asked that Council vigorously oppose the selection of Point Wells as the Brightwater site and that the City communicate this position to King County elected officials.

(3) Jill Gardner, 2629 NW 204th Street, discussed her analysis of the Brightwater siting process. She used the County siting criteria to rank the 36 candidate sites. Point Wells ranked as low as 35 of the 36 sites. She asserted that the County siting process is political, not objective. She asked Council to help residents vigorously oppose construction of the Brightwater plant at Point Wells.

(4) Starla Hohbach, 2616 NW 204th Street, stated that the traffic and noise of constructing the Brightwater facility at Point Wells would harm the City of Shoreline and that the effects of the operation of the plant at Point Wells (e.g., the odor) would harm the residents of Shoreline. She noted a petition with 500 signatures in opposition to siting the Brightwater facility at Point Wells. She asked Council to support residents in opposing the siting of the treatment plant at Point Wells.

(5) Karien Balluff, 20121 24th Avenue NW, urged Council to dedicate City resources to vigorously oppose the siting of the Brightwater facility at Point Wells.

Mayor Jepsen identified his main concern as the lack of interlocal cooperation to develop an interlocal agreement about the future of the Point Wells property. Noting that the City does not control land use at Point Wells and noting City history working with the Town of Woodway and Snohomish County, he expressed concern about consideration of Point Wells as the site for the Brightwater facility.

In response to Councilmember Lee, Mr. Bauer said the 29 acres the County identified as "available area" at Point Wells does not include the acres it identified as isolated or unusable.

Councilmember Montgomery stated the importance of the issues that Mayor Jepsen raised about poor past cooperation from the Town of Woodway and Snohomish County. She said Councilmembers "have some obligation to be players in the region and care about what's happening in the County and the State." But she asserted that Council is "compelled to oppose" siting of the facility at Point Wells in order to represent the interests of Shoreline voters.

Deputy Mayor Hansen commented that he resists the perspective of "not in my backyard," that wastewater treatment technology has improved and that the Brightwater facility will meet a community need. He stated that he opposes locating the Brightwater facility at Point Wells because the site does not meet the technical criteria. (He mentioned that the site does not facilitate water recycling and that it is not centrally located in the district the facility will serve. He also noted slide problems and restricted space at the site.) Councilmember Montgomery agreed.

Deputy Mayor Hansen advocated that Council oppose siting the Brightwater facility at Point Wells.

Councilmember Ransom said he attended the Richmond Beach Community Council meeting in June and previous County meetings at Shorewood High School concerning the Point Wells site. He commented that Woodway officials expressed neutrality on siting the Brightwater facility at Point Wells during a meeting with Council and two weeks later passed an ordinance to nominate Point Wells to the King County site selection process. He said a high percentage of Shoreline constituents oppose siting the Brightwater facility at Point Wells. He favored vigorous opposition, and he advocated that Council "counter Woodway's ordinance with our own ordinance."

In response to Councilmember Gustafson, Commissioner Wadekamper asserted his opinion that many factors make Point Wells a poor location for the Brightwater facility compared with other sites. He said the 29 acres is a "minimum of space." He noted the potential for landslide, soil liquefaction and tsunami. He stressed that water reuse could be accomplished more easily and less expensively from other sites.

Councilmember Gustafson favored vigorous City opposition to siting the Brightwater facility at Point Wells. He said he strongly favors continued City efforts toward annexation of Point Wells.

Councilmember Lee expressed concern that the County has eliminated two sites for reasons not supported by the siting criteria. While she supported City opposition to siting the Brightwater facility at Point Wells, she also advocated that the City educate County staff and County Councilmembers about the implications of the Point Wells site. Councilmember Gustafson agreed. He said the City should handle its opposition in a positive, factual and systematic manner.

Mayor Jepsen advocated that Council establish City opposition through a resolution that articulates how the Point Wells site fails to meet the siting criteria. Councilmember Gustafson recommended an accompanying letter to explain City positions thoroughly.

Mr. Bauer said staff recommends that the City hire a professional to assist it to develop a strategy to communicate its position effectively.

Mayor Jepsen reiterated the value of a Council resolution to articulate the City's position. He confirmed Council consensus to proceed with efforts to oppose siting the Brightwater facility at Point Wells.

8. CONTINUED PUBLIC COMMENT

(a) Karien Balluff, 20121 24th Avenue NW, asserted the critical need for a long-term vision for Point Wells. She advocated City annexation of Point Wells and financial planning to acquire and preserve the property.

(b) Bill Clements, 19704 21st Avenue NW, noted the value of Point Wells for uses other than a wastewater treatment facility. He requested City help to identify those uses. He thanked City Council and staff for their participation in the siting process and for their sensitivity to community needs.

9. EXECUTIVE SESSION

At 9:20 p.m., Mayor Jepsen announced that Council would recess into executive session for 40 minutes to discuss one item of potential litigation and one item of real estate acquisition.

MEETING EXTENSION

At 9:55 p.m., Deputy Mayor Hansen announced that Council had voted to extend the meeting until 10:30 p.m.

At 10:29 p.m., the executive session concluded, and the special meeting reconvened.

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10. ADJOURNMENT

At 10:30 p.m., Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC
City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF DINNER MEETING

Monday, July 23, 2001
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Lee, and Montgomery

ABSENT: Councilmembers Gustafson and Ransom

STAFF: Larry Bauman, Assistant City Manager; Kristoff Bauer, Assistant to the City Manager

The meeting convened at 6:18 p.m. It began with discussions with a property owner along Aurora Avenue regarding the proposed Aurora Corridor improvements.

Assistant City Manager Larry Bauman clarified estimated costs for maintenance of the proposed improvements.

Mr. Bauman introduced the issue of Councilmembers' meetings with the budget retreat facilitator. Councilmembers present expressed their preferences.

In response to questions from Councilmembers, Mr. Bauman clarified the status of the Aegis project. He also commented that the City would be making an announcement regarding the environmental process that will be pursued for the Aurora Corridor project later this week.

At 6:42 p.m. Councilmember Lee arrived.

Deputy Mayor Hansen and Councilmember Lee both commented that they had contacted some business owners along Aurora Avenue who were supportive of the project. Councilmember Grossman stressed the importance of keeping more detailed records of those contacted regarding the project.

Mr. Bauman introduced the possibility of a meeting with King County Executive Ron Sims regarding the Brightwater project. Mayor Jepsen commented that he read a Times article on Brightwater that stated that momentum was building for selection of the Pt. Wells site. The article quoted representatives from the Town of Woodway. He gave the reporter's name and telephone number and invited Councilmembers to call and express their concerns.

There was general discussion regarding the Brightwater siting process.

Councilmember Lee introduced the issue of relations with the Puget Sound Regional Council and how the City should work to acquire funding for the Transit-Oriented Development Project.

Councilmember Grossman raised a number of issues regarding market conditions at the site that could make it difficult to develop.

The meeting adjourned at 7:12 p.m.

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Kristoff Bauer, Assistant to the City Manager

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CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, July 23, 2001
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Lee and Montgomery

ABSENT: Councilmembers Gustafson and Ransom

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Mayor Jepsen, who presided.

2. FLAG SALUTE/ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present with the exceptions of Councilmembers Gustafson and Ransom.

Upon motion by Councilmember Lee, seconded by Deputy Mayor Hansen and unanimously carried, Councilmembers Gustafson and Ransom were excused.

3. REPORT OF CITY MANAGER

Assistant City Manager Larry Bauman reported that the Interagency Committee for Outdoor Recreation approved a $303,000 grant for the Interurban Trail Project. He mentioned that the next Council meeting will be August 20. Finally, he noted a reformatted version of the Aurora Corridor Project "Frequently Asked Questions" document.

Public Works Director Bill Conner reported on the 2001 Street Overlay and Slurry Seal Project.

4. REPORTS OF BOARDS AND COMMISSIONS: None

5. PUBLIC COMMENT

(a) Ken Howe represented the Historic Landmarks Committee of Shoreline, 745 N 184th Street. He presented a petition with 200 signatures asking the City to designate Ronald Place a historic landmark.

(b) Katherine Song, 16723 Burke Avenue N, advocated that the City establish a sister-city relationship with Boryeong City, South Korea.

(c) John Chang, 16229 6th Avenue, encouraged the City to establish a sister-city relationship with the City of Boryeong, South Korea.

(d) Daniel Mann, 17920 Stone Avenue N, said he participated as a co-facilitator on "the original Aurora Citizens Panel Advisory Council (CPAC)." He asserted that consensus on the group resulted in Plan D, "which ultimately became the basis for the Comprehensive Plan adopted by the Planning Commission." He noted his surprise that the work of the group was not presented to the Citizens Advisory Task Force.

Mayor Jepsen noted past Council deliberation about Ronald Place. He asserted that the future of Ronald Place is a critical piece of the Ronald Subarea Plan. He recommended that staff add the signatories to the petition to the list of people for contact regarding subarea plan discussions.

Mayor Jepsen advocated that the City investigate the proposed sister-city relationship. Councilmember Lee proposed that staff prepare a summary of the necessary steps for Council review. She expressed excitement about the proposal. Councilmember Grossman agreed.

Mayor Jepsen acknowledged the discussions of the Aurora CPAC.

6. APPROVAL OF THE AGENDA

Councilmember Montgomery moved approval of the agenda. Councilmember Lee seconded the motion, which carried unanimously, and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Lee moved approval of the consent calendar. Deputy Mayor Hansen seconded the motion, which carried unanimously, and the following items were approved:

Minutes of the Dinner Meeting of July 9, 2001
Minutes of the Regular Meeting of July 9, 2001

Approval of expenses and claims as of July 6, 2001 in the amount of $387,383.32

8. ACTION ITEMS: PUBLIC HEARINGS

(a) Public hearing to consider citizens comments regarding proposed Ordinance No. 282, which adopts the 2002-2007 Transportation Improvement Program for the City of Shoreline

Mr. Conner reviewed the staff report. He mentioned that the City has received public comments. He said most pertain to pedestrian improvements (e.g., sidewalks, wheelchair ramps and access to buses and bus stops). He mentioned an error on page 46 of the Council packet (the receipt of $47,040 in grant funding reduces the contribution from the Roads Capital Fund to $11,760) and an error on page 47 of the Council packet (the receipt of $119,940 in grant funding reduces the contribution from the Roads Capital Fund to $14,410).

Mayor Jepsen opened the public hearing.

Seeing no one wishing to comment, Deputy Mayor Hansen moved to close the public hearing. Councilmember Lee seconded the motion, which carried unanimously, and the public hearing was closed.

Ordinance No. 282 approving and adopting the 2002-2007 Six-Year Transportation Improvement Program

Councilmember Lee moved approval of Ordinance No. 282 approving and adopting the 2002-2007 Six-Year Transportation Improvement Program. Deputy Mayor Hansen seconded the motion which carried 5-0, and Ordinance No. 282 was adopted.

(b) Public hearing to consider citizens comments regarding proposed Ordinance No. 281, which amends the Comprehensive Plan by adding the North City Sub-area Plan; and makes various amendments to the Development Code related to the addition of the North City Business District

Tim Stewart, Planning and Development Services Director, provided a brief overview of the North City Sub-area Plan and introduced the project manager, Anna Kolousek, Assistant Director, Planning and Development Services.

Ms. Kolousek explained the purpose of the subarea planning process to provide a planning policy framework unique to North City and to preserve the privacy and safety of the single-family neighborhood surrounding the North City Business District. She went on to review the North City subarea planning process, the North City Sub-area Plan and the draft of Development Code Chapter 20.90, "Special District: North City Business District," recommended by the Planning Commission. Referencing pages 84 and 85 of the Council packet, she said the Planned Action Review allows the City to address mitigation during the planning process, before applicants submit projects to the City. She also discussed the City's commitment to make improvements, as outlined in Section 8, "Mitigation," of proposed Ordinance No. 281 (pages 70-72 of the Council packet).

City Engineer Chuck Purnell addressed the traffic mitigation proposals that resulted from the environmental review process. The transportation analysis involved 15 intersections in the area between NE 145th Street and NE 205th Street and Bothell-Lake City Way and Meridian Avenue N and four scenarios: 1) do nothing (i.e., do not implement the North City Sub-area Plan); 2) implement the plan with no mitigation; 3) implement the plan with mitigation scenario 1; and 4) implement the plan with mitigation scenario 2. Staff recommends the fourth scenario. Mitigation scenario 2 involves the traffic mitigation to neighborhoods streets and to 15th Avenue NE outside the North City Business District outlined in Section 8.3 of proposed Ordinance No. 281. Although scenario 1 results in a slightly better level of service than scenario 2, Mr. Purnell explained that the safety benefits of scenario 2 are significant, meeting many of the goals within the transportation element of the Capital Improvement Program (CIP) regarding safety.

Mr. Purnell went on to discuss the project schedule. He said staff will undertake design of the North City Business District improvements and the design details of the neighborhood traffic mitigation during the remainder of 2001. He noted the intent to complete the design of the North City Business District street improvements and to construct neighborhood traffic mitigation during 2002 and 2003. He said staff will monitor traffic during and after 2004 to insure appropriate mitigation of the traffic impacts of the project.

Mayor Jepsen opened the public hearing.

(1) Gretchen Atkinson, President, North City Business Association, reviewed the history of association work with the City. She encouraged Council to pass Ordinance No. 281 and "to let North City become the economic star of the City."

(2) Marlin Gabbert, 17743 25th Avenue NE, spoke as a Planning Commissioner and as a 30-year resident of the North City neighborhood. He identified the North City Sub-area Plan as an opportunity to bring back the "mystique and charm" of North City. He encouraged Council to adopt Ordinance No. 281.

(3) Dick Nicholson, 15812 11th Avenue NE, identified himself as a 23-year resident of Ridgecrest neighborhood. Noting that North City is the center of a large population area in Shoreline, he asserted that the North City Sub-area Plan represents an opportunity to attract Shoreline residents who travel elsewhere to do business. He recommended passage of Ordinance No. 281.

Deputy Mayor Hansen moved to close the public hearing. Councilmember Grossman seconded the motion, which carried unanimously, and the public hearing was closed.

> Ordinance No. 281 which amends the Comprehensive Plan by adding the North City Subarea Plan; amends the Development Code Chapter 20.40, Sections .020, .050, .120, .130, and .140 by

adding the North City Business District Zone as a new special district amends the Development Code by adding new Chapter 20.90 that establishes the regulations for the North City Business District together with mitigation and an expedited permit review for approval of development applications that meet planned action criteria; amends the Comprehensive Plan Land Use Map by establishing a new North City Business District Subarea; and changes the zoning map by establishing a new North City Business District Zone

Deputy Mayor Hansen moved that Council adopt Ordinance No. 281, amending the Comprehensive Plan by adding the North City Subarea Plan and amending the Development Code by adding the North City Business Special District. Council-member Lee seconded the motion.

In response to Councilmember Grossman, Mr. Stewart said the Development Code does not currently permit five stories of wood frame construction on a concrete base. He advised that staff is preparing an amendment addressing this issue for Council consideration in the fall.

Councilmember Grossman expressed concern that the drop in grade from 15th Avenue NE on the west side of the street could result in an alley one story below retail stores. He stated that this will not work for retailers and that street parking is not likely to make up for the lack of parking on the same grade as retail. Referring to Figure 20.90.80 in the draft Development Code chapter, Ms. Kolousek explained that vehicles may access parking from 15th Avenue NE in the gray "alley zones." She said structures will need to include parking, and the alleys will provide access to it from behind. Referring to page 33 of the North City Sub-area Plan, Mayor Jepsen mentioned that staff and consultants addressed this issue during the design charrette.

Councilmember Grossman mentioned that live-work space is sometimes easier to lease than apartments but that zoning may not allow the "work part" of the space. Ms. Kolousek said the Development Code provides the flexibility for space in North City to be either an office or an apartment without a change-of-use process. She noted that the building code and fire and safety requirements still apply.

Councilmember Grossman expressed excitement about the North City Sub-area Plan. He said he has enjoyed "watching the whole process."

Councilmember Montgomery expressed excitement about the North City Sub-area Plan and its implementation. She expressed concern about the reconfiguration of 15th Avenue NE into three lanes. She acknowledged the effectiveness of the three-lane configuration of N 185th Street east of Aurora Avenue N, but she commented that 15th Avenue NE carries a lot of through traffic. Mr. Purnell said the reconfigured 15th Avenue NE will function similarly to 185th Street.

Councilmember Montgomery asserted the importance of vehicle traffic on 15th Avenue NE to attracting and sustaining new businesses in North City. Ms. Kolousek agreed. She explained the intent to slow traffic, not reduce it. She mentioned 8th Avenue NW in Seattle as a working example of a four-lane street reconfigured to accommodate parking on both sides, two lanes and a two-way left-turn lane. Also, she explained that the reconfiguration will not change the width of 15th Avenue NE and that the City can restripe the street or open the parking lanes to through traffic during peak periods if necessary. She reiterated that the proposed ordinance requires the City to monitor traffic.

Councilmember Lee expressed concern about the safety of a two-way left-turn lane. She noted the hazards of this feature of Aurora Avenue N. Mr. Purnell agreed that two-way left-turn lanes on multi-lane streets are unsafe when traffic exceeds 25,000 vehicles per day (as it does on Aurora Avenue N). He said traffic on 15th Avenue NE averages approximately 15,000 vehicles per day, and the proposed reconfiguration provides for only one lane of traffic in either direction.

In response to Councilmember Lee, Ms. Kolousek explained that the amount of development expected to occur within the North City Business District by 2015 (546 dwelling units and 241,000 square feet of commercial space) serves as a threshold for the analysis performed to satisfy the State Environmental Policy Act (SEPA). She said the City will need to reevaluate the mitigation measures once development in the district reaches this threshold, and developments that exceed the threshold will not receive the advantages of the Planned Action Supplemental Environmental Impact Statement (SEIS).

Councilmember Lee noted that Ordinance No. 281 requires the City to revise the 2002-2007 Transportation Improvement Program (TIP) to include the mitigation projects listed in Section 8. She asked if this will delay City approval of redevelopment applications. Mr. Stewart explained that staff can process building permits after Council adopts the ordinance based upon the City's good-faith commitment to include the mitigation projects in the CIP and to undertake the work. He mentioned that the ordinance requires the City to undertake traffic mitigation in the neighborhood prior to the main work on 15th Avenue NE.

Deputy Mayor Hansen commented that the North City Sub-area Plan represents a "great partnership" between the City and the community. He supported the project.

Mayor Jepsen said he has had reservations about the reconfiguration of 15th Avenue NE into three lanes south to NE 145th Street. He commented that the traffic improvements to neighborhood streets should not be called mitigation if three lanes move traffic as well as four lanes. He advocated the revision of Section 8.3 (i) and (j) of Ordinance No. 281 to include the parallel parking planned for both sides of 15th Avenue NE in the North City Business District.

In response to Mayor Jepsen, Mr. Purnell estimated that the City will begin construction of the traffic improvements in North City in late 2002 or early 2003. He identified the organization and design of utility undergrounding as the "critical path item."

Mayor Jepsen referred to the "North City Business District Improvements" in the TIP that Council adopted earlier in the meeting (page 38 of the Council packet). He advocated that the City begin the improvements in 2001. Mr. Purnell said staff plans to spend $900,000 in 2001 on the North City Business District improvements.

Mayor Jepsen supported the North City Sub-area Plan. He encouraged staff to establish a "critical-path schedule" in order to streamline the City improvements.

A vote was taken on the motion to adopt Ordinance No. 281, amending the Comprehensive Plan by adding the North City Subarea Plan and amending the Development Code by adding the North City Business Special District. The motion carried 5-0, and Ordinance No. 281 was adopted.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Motion to approve Ordinance No. 276 amending the Land Use element including Figure LU-1 Land Use Designations, Shoreline Master Program Element, Parks, Open Space and Recreation Services Plan, and Transportation Capital Facilities Element of the Comprehensive Plan; and amending Ordinance No. 178 and Ordinance No. 277 amending the Development Code to reconcile inconsistencies between the Comprehensive Plan and the Development Code including the reconciliation of all parcels in the City that currently have zoning that is not consistent with the Comprehensive Land Use Designations; and amending 20.40.130 the Non-Residential Use Table to include Professional Offices as a conditional use in R-18, R-24, R-48 zones and as a permitted use in NB, O, CB, RB and I zones; and amending Shoreline Municipal Code Title 20 [postponed from July 9, 2001]

The motion to pass these ordinances was on the table, having been postponed from the July 9 meeting.

Mr. Stewart reviewed the staff report. He discussed the four options that staff identified for the medical/dental complex located at the southeast corner of Fremont Avenue and N 182nd Street (pages 135-136 of the Council packet). He said City Attorney Ian Sievers prepared a draft contract rezone for Council consideration of Option 4 ("Explore other options for the re-creation of a 'P-Suffix' zoning designation . . .").

Deputy Mayor Hansen moved that Council suspend its rules to take public comment on the agenda item. Councilmember Grossman seconded the motion, which carried unanimously.

Mayor Jepsen invited public comment.

(1) Susan Falk, 15861 14th Avenue NE, supported "retaining a low-density status for 8-F (Area 8, Bundle F)." She commented that high-density zoning would affect the livability of the neighborhood.

(2) Warren Heggen, 15859 14th Avenue NE, supported a single-family zoning designation for Area 8, Bundle F.

(3) Vicki Westberg, 1231 NE 148th Street, read a letter from Janet Way, 940 NE 147th Street. Ms. Way expressed the concern of the Paramount Park Neighborhood Group about "any impact that might result from the Special Study Area to Paramount Park and the surrounding neighborhood. . . ."

(4) Jean Brown, 1540 NE 175th Street, commented on Area 7, Bundle D-1. She said the proposed R-12 high-density zoning will be consistent with the community-business zoning of properties "directly north, northeast, west and southwest." She advocated Council approval of the proposal.

(5) Kirk Storer, 701 N 182nd Street, Suite 103, identified himself as the owner of the Highland Park Place Professional Center. He opposed a zoning designation for Area 3, Bundle B that does not allow the property to remain "a conforming entity." He reviewed the zoning history of the property. He said the County designated the property RM-900-P in 1988, and the City changed the zoning to R-48 after incorporation unilaterally and without notice.

(6) Cynthia Wills, 18205 Fremont Avenue N, addressed Area 3, Bundle B. She said the Highland Park Place Professional Center has been a good neighbor. She clarified that neighborhood residents are concerned about potential future uses of the property. She urged Council to adopt Option 1 ("Retain the 'Low Density' Comprehensive Plan Land Use Designation and Rezone to 'R-6'"). She discussed the potential implications of higher density zoning.

(7) Mark Simons, 721 N 182nd Street, identified himself as an owner in the Highland Park Place Professional Center. He concurred with neighborhood opposition to an R-48 zoning designation for the property. However, he said an R-6 designation "would cloud any titles or anything we do." He asserted that the Planning Commission recommendation to change the Comprehensive Plan Land Use Designation to Mixed Use and to rezone the property to Office was a reasonable compromise.

(8) Naomi Hardy, 17256 Greenwood Avenue N, said the number of single-family homes in the neighborhood of the Highland Park Place Professional Center has increased. She commented that traffic in the area is already heavy, given the proximity of Shorewood High School. She advocated Option 1 as consistent with the Comprehensive Plan.

(9) Virginia Grafton Becker, PsyD, identified herself as an owner in the Highland Park Place Professional Center. She said the covenants of the condominium

association stipulate professional medical and dental use only. Noting increased density in the vicinity of the professional center, she asserted that a "Mixed Use" designation makes sense.

(10) Fred Clingan, 532 N 183rd Street, said he understood that King County imposed a restriction on the Highland Park Place Professional Center property limiting its use to "that which can occur within an R-6 area." He advocated a continuation of the R-6 zoning with this conditional use. He reiterated that neighboring residents oppose an "Office" zoning designation for the property.

Mayor Jepsen questioned whether previous City actions have affected the RM-900-P designation that King County applied to the Highland Park Place Professional Center property by ordinance. Referring to page 134 of the Council packet, he asserted that Council seeks to continue what the County adopted by ordinance: "'the use of this site should be limited to medical/dental offices or uses allowed in the RS-7200 zone.'" He expressed concern about the option of "referencing the current zoning as R-48 and then going through a contract rezone."

Councilmember Lee asked what arrangement the City can make that is most similar to the County designation of RM-900-P. City Attorney Ian Sievers explained the proposal for a concomitant agreement between the City and the property owners: the agreement would quote the special approved site plan and reference the County ordinance that adopted the site plan; and the medical/dental office complex built according to the site plan could continue as a permitted use. He said staff identified an R-8 zone as the lowest density still consistent with a Comprehensive Plan designation of "Mixed Use." He explained that the "Mixed Use" designation is necessary "to justify an office use under the zoning code."

Councilmember Montgomery asked how R-8 zoning and a "Mixed Use" designation for the property could affect the surrounding neighborhood if a new owner chose to change from office to residential. Mr. Stewart said the property owner "would be entitled to any uses or densities allowed under the R-8 designation." He noted that an R-8 designation allows slightly more density. He said R-6 and R-8 designations have the same maximum building height.

Councilmember Lee expressed concern about a contract rezone. She commented that special contract arrangements are difficult to track and maintain. She advocated a resolution that does not require a special contract.

In response to Mayor Jepsen, Mr. Stewart said the "P-Suffix" the County applied was "a flag on the zoning map" that pointed to the use authorities and restrictions for the site contained in County Ordinance 8498. Mr. Sievers reiterated that the concomitant agreement would adopt the site plan the County approved and refer to the County ordinance. He said "the only difference is that we're adopting a City of Shoreline zoning designation of R-8 instead of other 'uses allowed in the RS-7200 zone.'" He explained that the City would apply R-8 zoning to any future deviations from "the specific kind of

office use and that specific site plan." Senior Planner Rachael Markle said the minimum lot size in an R-6 zone is 7,200 square feet, and the minimum lot size in an R-8 zone is 5,000 square feet.

In response to Deputy Mayor Hansen, Ms. Markle explained that the contract cannot revert to R-6 because R-6 zoning is not consistent with a "Mixed Use" designation under the Comprehensive Plan.

Deputy Mayor Hansen contested the assertion that the City had rezoned the property to R-48. Ms. Markle said Ordinance No. 128 included a map which "showed the zoning as R-48 with no P-suffixes referenced."

Deputy Mayor Hansen said he did not oppose R-8 zoning for the property if necessary for consistency with an office use.

In response to Mayor Jepsen, Ms. Markle said staff does not recommend R-8 zoning with a "Mixed Use" designation because the office use would become non-conforming (which contradicts Council intent).

In response to Mayor Jepsen, Mr. Sievers explained that the County's RM-900-P designation predated the State Growth Management Act and the requirement for consistency between comprehensive plans and development regulations. He said the County, in effect, "stretched a lower density all the way up to medical/dental offices."

MEETING EXTENSION

At 10:00 p.m., Deputy Mayor Hansen moved to extend the meeting until 10:30 p.m. Councilmember Lee seconded the motion, which carried 4–1, with Councilmember Montgomery dissenting.

Mayor Jepsen summarized neighborhood input to Council as being in favor of keeping the parcel at its current use. King County Ordinance No. 8498 (which passed May 2, 1988) was, in essence, a contract rezone allowing the use. The property owners also wish to keep the current use, but they do not want to have to go through some sort of conditional-use process. They wish to stay consistent with King County Ordinance No. 8498.

Continuing, Mayor Jepsen said staff recommends that the easiest way to do that is to have a contract rezone agreement with the current owners with the underlying zoning R-8. This would be consistent with King County Ordinance No. 8498, yet update the terms to be consistent with Shoreline planning principles and definitions. Mayor Jepsen asked the owners their view on the proposal.

Property owner Storer pointed out that the property owners are not represented by legal counsel. Furthermore, they only received the proposal by fax on Friday afternoon. He said the owners would want their attorney to look at the language. Mr. Storer pointed out

that the property is bound by a covenant that sets out what the owners agree to do for now and in the future. However, the contract rezone does not similarly bind the Shoreline City Council not to make any future changes.

Councilmember Grossman pointed out that any zoning is subject to change in today's world because zoning and the Comprehensive Plan must be consistent. So every property in Shoreline is subject to this kind of exposure.

Deputy Mayor Hansen moved to amend the motion on the floor to adopt Ordinance No. 276 and Ordinance No. 277 to include Attachments A and B but subject to the concomitant rezone agreement being approved by the City and the property owners within a 60-day period. He explained that this would give the property owners an opportunity to have their legal counsel review the agreement. He stressed that the goal is to give the property owners the same rights in the future as they have now.

Responding to Mayor Jepsen, Mr. Bauman said Attachment B does not reflect this direction.

The motion died for lack of a second. Deputy Mayor Hansen restated his amendment to amend Ordinance No. 276 Exhibit B to amend the Comprehensive Plan Land Use Designation Map to Mixed Use and to amend Ordinance No. 277 Exhibit B to change the Zoning Designation to a contract rezone that would be negotiated with the property owners. If the property owners are unable or unwilling to enter into a contract with the City within 60 days from the date of adoption of this Comprehensive Plan and Zoning reclassification, it will revert to the Low Density Residential Land Use Designation and R-6 zoning.

Councilmember Grossman seconded the amendment. Noting his experience in commercial real estate, he assured the property owners that financing is based on the cash flow of the tenants. Being a legal nonconforming use will not cause problems with re-financing or the transfer of a medical practice.

Property owner Simons felt that the City was "blackmailing" the property owners by saying that if something can't be worked out, the zoning will go to R-6. He felt the City is saying, "You can take it or leave it."

Mayor Jepsen responded that the Council wants the property owners to have what they currently have, but not a more intense use. He said the Council is trying to be understanding about the situation and is struggling with how to do that. He felt the goal is to set some period of time to be able to work out the process and to be able to have dialogue, while at the same time adopting the Land Use Plan and Zoning Code.

Councilmember Lee confirmed that her goal is to have the parcel in the same condition as it was under King County, or as close to the same as possible.

Mayor Jepsen agreed that is the Council's goal. He felt the course of action now is to buy some time. He suggested that if something cannot be worked out within 60 days, the Council should revisit the issue and give staff more direction.

Property owner Becker asked why the Council's goal is not to bring the parcel into a conforming status. She felt everything is becoming more complicated, requiring the property owners to pay legal fees. The goal is to develop the Comprehensive Plan for consistency. The current approach didn't make sense to her.

Mayor Jepsen responded that the parcel is already non-conforming. If the City Council wanted consistency with the Comprehensive Plan, it would change the zoning to R-6 or Mixed Use.

Mayor Jepsen restated and clarified the proposed amendment as being to include Attachment A, page 138 of the Council packet, as a revision to the folio of maps in both ordinances and to address Bundle 3B through some sort of process with the property owners within the next 60 days. A vote was taken on the amendment, which carried 5–0.

Mayor Jepsen concluded that he didn't think there was anything magic about the 60 days, although it would be great to get results in that amount of time.

A vote was taken on the motion to pass Ordinance No. 276 as amended and Ordinance No. 277 as amended, which carried 5–0, and both ordinances were adopted.

10. CONTINUED PUBLIC COMMENT

(a) Susan Falk, 15861 14th Avenue NE, expressed confusion about which of the four options Council chose to address the Highland Park Place Professional Center property.

(b) LaNita Wacker, 19839 8th Avenue NW, said the cost of underground parking is too great for investors to support. She suggested a public-private partnership to develop a "parkade" to support commercial areas, such as North City.

(c) Virginia Botham, 16334 Linden Avenue N, noted the benefits to citizens and the City of public notification of City actions.

(d) Cynthia Wills, 18205 Fremont Avenue N, commented that the neighbors and the owners of the Highland Park Place Professional Center have been "relatively pleased" with the situation with the property. She said the continuation of the situation should not be so contentious.

Mayor Jepsen explained that Council did not choose any of the four options staff presented to address the Highland Park Place Professional Center property. He said

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Council established a "60-day window" for staff to work with the owners to negotiate a contract rezone for the property. He said Council seeks to maintain the rights that were given to the medical/dental facility under the King County ordinance. He commented that a Mixed Use designation and R-8 zoning would allow the facility to continue to operate under terms similar to those of the ordinance.

Deputy Mayor Hansen asserted that inclusion of underground parking in the development of commercial buildings is essential to their success.

11. ADJOURNMENT

At 10:28 p.m., Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC
City Clerk