



AGENDA(v.2)

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, May 12, 2008
6:00 p.m.

Shoreline Conference Center
Highlander Room

TOPICS/GUESTS: Citizen Satisfaction Survey; Ron Vine, ETC Institute

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, May 12, 2008
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:30
2. FLAG SALUTE/ROLL CALL		
(a) Proclamation of the Richmond Beach Community Association as a Century Corporation	<u>1</u>	
3. REPORT OF THE CITY MANAGER		
4. REPORTS OF BOARDS AND COMMISSIONS		
5. GENERAL PUBLIC COMMENT		8:00
<i>This is an opportunity for the public to address the Council on topics other than those listed on the agenda and which are not of a quasi-judicial nature. Speakers may address Council for up to three minutes, depending on the number of people wishing to speak. If more than 15 people are signed up to speak each speaker will be allocated 2 minutes. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. The total public comment period under Agenda Item 5 will be no more than 30 minutes. Individuals will be required to sign up prior to the start of the Public Comment period and will be called upon to speak generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i>		
6. APPROVAL OF THE AGENDA		8:25
7. CONSENT CALENDAR		8:25
(a) Minutes of Business Meeting of March 24, 2008	<u>5</u>	
Minutes of Special Meeting of March 31, 2008	<u>19</u>	
Minutes of Workshop Dinner Meeting of April 14, 2008	<u>37</u>	
Minutes of Workshop Dinner Meeting of April 28, 2008	<u>41</u>	

- (b) Approval of expenses and payroll as of April 28, 2008 43
in the amount of \$ 2,291,338.62

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

- (a) Ordinance No. 504 Approval of Shoreline Town Homes Final 45 8:30
Plat, 1160 N. 198th Street
**(note: this is a quasi-judicial item for which the Council
does not take public comment)**
- (b) Ordinance. 478, Amendments to the Development Code, 71 9:00
Section 20.50.020; Residential Density in CB Zones,
affecting properties located in the Town Center Study Area
and along Ballinger Way
- (c) Ordinance No. 505 Adopting A Moratorium For Six Months 79
On The Filing Or Acceptance Of Any Applications For
Residential Development Of Land Within The Regional
Business Land Use District Which Exceed A Density Of 110
Dwelling Units Per Acre

9. ADJOURNMENT 10:00

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at www.cityofshoreline.com. Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 8 p.m. and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Council meetings can also be viewed on the City's Web site at cityofshoreline.com/cityhall/citycouncil/index.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proclamation of Richmond Beach Community Association as a Century Corporation
DEPARTMENT:	CMO
PRESENTED BY:	Rob Beem, Community Services Manager Nora Smith, Neighborhood and Public Outreach Coordinator

PROBLEM/ISSUE STATEMENT:

One hundred years ago representatives of Richmond Beach Community Council incorporated in the State of Washington to formalize the local improvement club. In 1908 Richmond Beach was a bustling vibrant suburb, located only 14 miles by rail from the King Street station in downtown Seattle.

Secretary of State Sam Reed has recognized Richmond Beach Community Association as a Century Corporation in honor of achieving this milestone. Out of 3400 corporations formed in 1908, Richmond Beach Community Association is one of 65 which are still active.

The Richmond Beach Community has a long history of an active community organization which connects residents, provides a strong social fabric and improves the quality of life, all through the efforts of volunteers.

Representatives of the Richmond Beach Community Association Board of Directors will be present to accept the proclamation.

RECOMMENDATION

No action is required.

Approved By: City Manager  City Attorney _____



PROCLAMATION

WHEREAS, on December 29, 1908 representatives of Richmond Beach Community Council made a trip to Olympia to file incorporation papers with Secretary of State Sam Nichols; and

WHEREAS, publishers of the Polk Directory in the early 1900's touted Richmond Beach as one of the most promising communities outside of Seattle, a place for families, one of the handsomest school buildings in the county, a public library and an improvement club; and

WHEREAS, of the nearly 3400 incorporations filed in 1908 only 65 exist today and Richmond Beach Community Association is part of that small number; and

WHEREAS, the organization has undergone a variety of name changes but the purpose remains the same to have social meetings for the residents of Richmond Beach that inform residents and foster community building;

NOW, THEREFORE, I, Cindy Ryu, Mayor of the City of Shoreline, on

behalf of the Shoreline City Council, do hereby proclaim that Richmond Beach Community Association has been designated by the State of Washington as a

Century Corporation

in recognition of its dedication and perseverance in maintaining corporate status for one hundred years. We honor the tireless dedication of numerous individuals to one hundred years of community building.

Cindy Ryu
Mayor of Shoreline

**SECRETARY
of STATE**

Sam Reed



Legislative Building
PO Box 40220
Olympia, WA 98504-0220
Tel 360.902.4151
Fax 360.586.5629
www.secstate.wa.gov

January 16, 2008

Starla M. Hohbach
Richmond Beach Community Council
2616 Nw 204th St
Shoreline, Wa 98177

Dear Ms. Hohbach:

It is my pleasure and honor to present to your organization the enclosed certificate recognizing Richmond Beach Community Council as having been incorporated since December 29, 1908.

It was on that day in 1908 in which members of your organization appeared before Secretary of State Sam Nichols to formally incorporate. Although your organization may have existed long before, it was then that they sought the protections that come with incorporating.

Although I do not know the individual circumstances of your particular group, incorporations were at that time primarily delivered by horseback. Because few owned cars, and the roads outside of Olympia were virtually impassible, incorporating a business was quite an adventure. Of the nearly 3400 incorporations filed in 1908, only 65 exist today and you are part of that small group. I have attached a list of the other Century Corporations for your information.

If you would like a copy of your original incorporation papers, please contact Rob Thompson at the Corporations Division of my office and he can send them to you for a small fee. His number is (360) 586-6782.

My best to all of you on this important day. I wish you great success as you carry out your work for the next 100 years.

Sincerely,

SAM REED
Secretary of State

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, March 24, 2008 - 7:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 7:31 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

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

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, provided updates and reports on the following City meetings, projects, and events:

- Hamlin Park Public Meeting, March 27 at 6:00 p.m., Ronald Room, Shoreline Center
- Kruckeberg Botanic Garden Work Party, every other Sunday from March 30 to October
- Joint Parks, Recreation and Cultural Service Board and Planning Commission, RE: Draft Sustainability Strategy, March 27 at 7:00 p.m., Cascade Room, Spartan Recreation Center

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember McGlashan stated that the Shoreline Water District (SWD) approved their comprehensive plan at their last meeting. He stated that he spent a day at the Bellevue Youth Link Youth Involvement Conference 2008.

Councilmember Way attended the WRIA-8 meeting and went on a tour of the University of Washington Northcreek Restoration Project at the Bothell campus. She added that she listened to a report concerning the monitoring of salmon returns.

Councilmember Eggen stated he also attended the WRIA-8 meeting and they announced a salmon safe certification that businesses, institutions, and educational campuses can achieve. He also stated that there was discussion about woody debris hazard for boaters and a decision to come up with guidelines for the future. He added that WRIA-8 adopted legislation for the earmarking one quarter of the King County Conservation funds for salmon monitoring. He added that he went to a meeting concerning a new City of Shoreline permit and regulations for the discharge of hazardous materials.

Councilmember Hansen reported on his attendance at the Jail Advisory Group (JAG) Committee meeting, where they discussed how to divide proceeds from the sale of property for a jail site. He added that they discussed hiring a consultant to determine the confirmation of a new jail facility and its location.

Mayor Ryu noted that SeaShore Transportation Forum met and the Sound Transit Board is scheduled to make a decision concerning whether the replacement for Proposition 1 will be on 2008 or 2010 ballot.

5. GENERAL PUBLIC COMMENT

a) Deborah Marchant, Shoreline, stated she lived in Ridgecrest and spoke about the old Bingo building. She asked the City to ensure the future building incorporates “fung-shui” elements and that it blends in to the neighborhood.

b) Bronston Kenney, Shoreline, said that Pro Shoreline is pro-developer. He discussed the Ridgecrest rezone. He said the editorial by LaNita Wacker is biased and in favor of realtors and developers. He added that Pro Shoreline should name those who provided the financial support for the lawsuit.

c) Tom Poitras, Shoreline, thanked Deputy Mayor Scott for the feasibility study. He felt the Ridgecrest project might not be viable at six stories and there are too many unknowns to go forward. He thanked the Council for the parking analysis and said the Planning Commission recommendation would be a disaster for Ridgecrest.

d) Lucile Flanagan, Seattle, stated that she owns the strip mall on 165th Street. She presented a newspaper article about Queen Anne residents being upset about the lack of parking and she is worried that it will happen in Ridgecrest. She added that the residents in the area are opposed to a six-story building.

e) Virginia Paulsen, Shoreline, stated she is opposed to the proposed Ridgecrest building because of the height, size, impacts on infrastructure, and parking costs. She commented that the cities of Edmonds and Kirkland have building height limits. She stated that it

will increase traffic, water usage, residents, and accidents. She added that she witnessed a near auto-pedestrian accident at 175th Street and Midvale Avenue.

f) Stan Terry, Shoreline, supported the Ridgecrest rezone as approved by the Planning Commission. He stated that the Commission and public processes get ignored in the Council. He noted that developments need adequate on-site parking and partial LEED standards. This City, he felt, needs more single-family development and housing options. He said housing prices are high due to lack of options and there need to be more rentals or condominiums. He felt cottage housing should be revisited, but only if adequate design standards are adopted with it.

g) Jacqueline Nilsson, Shoreline, thanked the police traffic department for no parking and speed limit signs on NE 180th Street between 12th and 14th Avenues NE. She stated that there are children who take the bus on NE 180th Street that are imperiled by the speeding cars every day and the signs should slow them down. She lives across the street from the proposed Arabella II, which will have only one parking stall per unit. She highlighted that people are leaving Arabella because parking is a serious problem. She said that there were huge trees removed from the corner of the Arabella property that were replaced with saplings. This is wrong, she pointed out, because trees control water and pollution.

h) Les Nelson, Shoreline, discussed public comment. He said it is important that the comments at the meetings are important for airing on Channel 21 since people don't get the information. He stated that the transitional development code changes will be heard at the Planning Commission meeting to replace the moratorium. He said transition codes will provide the transition elements between single family homes and developments. He urged the residents, especially those along Aurora Avenue, to read the information on the website and attend the meetings concerning the moratorium.

i) Art Maronek, Shoreline, presented a document to the City Clerk and the Council and discussed Highland Terrace neighborhood character. He displayed pictures showing every home from 150th Street to 155th Street on Greenwood Avenue which are predominantly single-level houses with heavily-treed lots having a distinctive character. He displayed a proposal showing the two lots where a developer is proposing to build 7 single-family condominiums, or "air condos." He added that there are 64 significant trees on these two lots with 13 requiring special protection under the code. He noted that there are also 13 landmark trees which are over 30 inches in diameter which take special permits to remove. He pointed out a discrepancy in the distance between the proposed structures and that the developer's plan retains only 17 of the 26 significant trees. He concluded that this project will have a negative impact on the neighborhood and its character.

j) Dale Simonson, Shoreline, stated he is a neighbor to the proposed "air condos." He thanked the Council for listening to their concerns. He said he is impressed with the Council interest in the issue. He noted that there are significant differences in the current development and the proposed property. The other development, he pointed out, is in an R-18 zone and this area is zoned for R-6. Additionally, he stated that the developer is taking more open space and taking more significant trees and that the community is not getting any benefit. He concluded

that there will be fewer trees, less open space, and more traffic congestion if this development occurs.

k) John Wolfe, Shoreline, commented that air condos must be banned in R-4 and R-6 zones. He said this loophole development strategy circumvents residential setbacks required in the same zoning. He felt that the unit-per-acre calculations should not be rounded up and the setbacks must be observed with condominium developments. He personally felt the maximum height should be reduced from 35 feet to 25 feet in the City.

l) Dwight Gibb, Shoreline, concurred with previous speakers regarding air condos and said he hopes their legal argument will make a moratorium possible. He stated that laws are always limited, and some become obsolete over time and need to be revised. He said there is a higher authority than the law, for some that is God or their individual conscience. In this case, he felt it is the will of community. He noted that Shoreline is moving toward greater environmental awareness. He urged the Council to institute a moratorium.

m) Bob Ransom, Shoreline, discussed the history of the Ridgecrest site. He said it was vacant in 1970 and Cascade Bingo came. He said in 1995 he was on the board of Cascade Bingo and later was the President and CEO of the Bingo parlor. He noted that 5% was the best profit margin they could achieve, but it was doing about 1% net earnings when it closed. He noted that there were concerns about food service and money was lost on it. He said there were only 5,000 cars per day that passed by. There were bookstores on 165th that failed along with several other businesses. Currently, he said developers say six stories is the minimum for a business to survive in Ridgecrest, and any project should include one parking stall per residential unit.

Mr. Olander responded to the public comment and the City Attorney has issued a legal opinion to the Council concerning a moratorium on air condos. He said it is the City Attorney's opinion that state law precludes the City from imposing a moratorium and the City can't discriminate between the various uses. Additionally, he said the memorandum points out that the City Attorney is working on the balance of the legal opinion. He added that no application has been processed by the City.

6. APPROVAL OF THE AGENDA

Deputy Mayor Scott moved approval of the agenda. Councilmember Way seconded the motion, which carried 7-0 and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Way moved approval of the Consent Calendar. Councilmember Scott seconded the motion, which carried unanimously and the following items were approved:

- (a) Minutes of Workshop Dinner Meeting of January 28, 2008**
- Minutes of Study Session of February 19, 2008**
- Minutes of Business Meeting of February 25, 2008**

(b) Approval of expenses and payroll as of March 11, 2008 in the amount of \$1,722,664.70 as specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
1/27/08-2/9/08	2/15/2008	22730-22925	7344-7380	35510-35518	\$386,689.77
2/10/08-2/23/08	2/29/2008	22926-23118	7381-7415	35596-35603	\$474,866.92
					<u>\$861,556.69</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/14/2008	35448	35462	\$54,458.83
2/19/2008	35463	35496	\$27,948.69
2/20/2008	35497		\$840.41
2/20/2008	35498	35508	\$93,046.53
2/20/2008	35509		\$6,716.08
2/27/2008	35519		\$1,240.00
2/27/2008	35520	35525	\$2,255.08
2/27/2008	35526	35534	\$76,999.83
2/28/2008	35535	35556	\$69,960.83
2/29/2008	35557	35567	\$34,073.70
3/4/2008	35568	35569	\$4,630.19
3/5/2008	35570	35592	\$9,473.12
3/5/2008	35593	35595	\$26,684.51
3/6/2008	35604	35634	\$113,808.16
3/6/2008	35635	35639	\$7,271.28
3/6/2008	35640	35646	\$90,887.39
3/6/2008	35647	35669	\$101,073.83
3/6/2008	35670	35671	\$139,263.84
3/11/2008	35672		\$475.71
			<u>\$861,108.01</u>

(c) Motion to Amend the Interlocal Cooperation Agreement with King County for Acquisition of Open Space through the Conservation Futures Tax Levy Grant Program

(d) Motion to Authorize the City Manager to Execute a Construction Contract Change Order with Precision Earthworks, Inc. and a Contract Amendment with W&H Pacific for Construction Management Services for the 2007 Sidewalk Priority Routes

(e) Motion to Authorize the City Manager to Enter into Agreements with King County and Public Safety Support Services to Provide Planner Services for Emergency Management Zone 1

(f) Motion to Approve a Memorandum of Understanding Establishing a Pooled Human Services Fund

(g) Motion to Authorize the City Manager to Enter into the 2060 Low-Income Housing Fund Interlocal Cooperation Agreement for Regional Affordable Housing

(h) Motion to Adopt the Council Subcommittee's Recommendation for the Planning Commission Appointments for Four-Year Terms running from April 1, 2008 through March 31, 2012

(i) Motion to Adopt the Council Subcommittee's Recommendation for the Library Board Appointments

(j) Resolution No. 274 amending Resolution No. 266 authorizing a Civic Center/City Hall Development Agreement with OPUS Northwest LLC

8. ACTION ITEM: PUBLIC HEARING

(a) Public Hearing to receive Citizens' Comments on the Citizen Advisory Committee Comprehensive Housing Strategy; and Motion to Adopt the Comprehensive Housing Strategy

Steve Cohn, Senior Planner, stated that the committee worked for a year on the report. He commented that the committee focused on three main issues: 1) housing choice; 2) neighborhood character; and 3) housing affordability.

Mayor Ryu opened the pubic hearing.

a) Randy Bannecker, representing Seattle-King County Association of Realtors, commended the City for the strategy and that it focused on all the right issues. He commented that now the City can focus on how to grow and respond to changing demographics. He noted that this is about engaging the public, educating, expanding the options, and creating "third places." He said realtors would like work with Shoreline and help make it a model for the region. Councilmember Way asked for his opinion on neighborhood character. Mr. Bannecker replied that neighborhood character includes some trade-offs, but you can have both green and higher intensity uses in the same neighborhood.

b) Gary Batch, Shoreline, commented that there has never been affordable housing. He stated that before World War II there weren't any mortgage companies. He said he has sacrificed to buy a house, but a house only becomes affordable when you've lived in it for twenty years. He felt that if every piece of property is developed with high-density buildings, they will become ghettos in twenty years. He added that older apartments are not desirable and not maintained. He felt these developers are building cheaply with low rents.

c) Martin Kral, Shoreline, highlighted that the plan is commendable and it is crucial for the City to listen to the citizens. He noted that the four-unit development on Stone Avenue shocked its neighbors because it was upzoned from R-8 to R-12. He felt that development is not distributed equally throughout Shoreline and that the strategy has some contradictory elements.

Mr. Olander commented that the City staff recommendation is to accept the Housing Strategy so the discussion on the next steps can begin.

Councilmember Hansen moved to close the public hearing, seconded by Councilmember McGlashan. Motion carried 7-0.

Councilmember McGlashan moved to adopt the Citizen Advisory Committee Comprehensive Housing Strategy. Councilmember Hansen seconded the motion.

Deputy Mayor Scott supported the Citizen Advisory Committee Comprehensive Housing Strategy and recommended adoption.

Councilmember Hansen stated he is mildly uncomfortable with passing this without time to consider the comments received during the public hearing. Councilmember Way agreed and thinks the Council should take its time. She asked the City staff to discuss the next steps or implementation process.

Rob Beem, Community Services Division Manager, commented that the general strategy involves continuing some ongoing activities, then selecting from among a variety of options. He noted that this involves looking at opportunities for the acquisition of affordable housing currently on the market through federal resources. He added that the property tax exemption issue would stimulate the development of certain types of housing, as well as the suggestions in Appendix I of the staff report. These include investigating specific tools for developments and developing specific design standards.

Mr. Olander added that there are a range of options to consider, including accessory dwelling units, surplus lands, housing trust funds, and partnering with regional housing agencies. He explained that adopting this item doesn't lock the Council into any particular course of action, but it indicates a policy statement that the Council is interested in.

Councilmember Way discussed the acquisition of properties and asked if Mr. Beem was referring to multi-family housing developments. Mr. Beem responded affirmatively. He added that the City cannot legally own and operate the acquired properties.

Councilmember Way noted that older housing may serve a purpose now and lend to the preservation of existing housing stock.

Councilmember Eggen asked what the purpose would be in acquiring multi-family developments.

Mr. Beem stated that the purpose is to extend that use at a low end of the market rate. He explained that a partner can acquire it and stabilize the rents due to the way they acquire it, through subsidies from the Department of Housing and Urban Development (HUD). He also clarified that he wasn't envisioning a large, low-income housing block like Rainier Valley.

Councilmember McGlashan said he is comfortable withdrawing his motion to give the Council a chance to consider adopting this strategy.

Mayor Ryu commented that she really likes the strategy and will vote to approve it. She added that it is a great tool, but people are still concerned about the community vision. She said the Council needs to reaffirm the community vision that is spelled out in the Comprehensive Plan land use maps in order to obtain better outcomes. She said it will also reduce the amount of time the City spends looking at each project. There needs to be design standards and some low-impact development (LID) standards in place, she noted.

A vote was taken on the motion to adopt the Citizen Advisory Committee Comprehensive Housing Strategy, which carried 6-0, with Councilmember Hansen abstaining.

RECESS

At 9:05 p.m., Mayor Ryu called for a six minute recess. At 9:11 p.m. the Council meeting reconvened.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Ordinance No. 493, Rezoning the Properties located at 14549, 14551, 14709, 14721, 14723, and 14727 32nd Avenue NE and 3124 NE 146th from R-12 and R-18 to R-18 and R-24

Steve Szafran, Planner, gave a brief presentation which outlined the subject parcels and displayed existing site pictures. He noted that the rezone meets zoning criteria and locates higher density housing, consistent with the surrounding zoning, in the appropriate areas. He pointed out, however, that the community has concerns which came out during the public hearing period and the Planning Commission meeting. He noted them and addressed each of them. He concluded and said the Planning Commission recommended approval of an R-24 zone for all seven parcels.

Councilmember Hansen moved to adopt Ordinance No. 493, Rezoning the Properties located at 14549, 14551, 14709, 14721, 14723, and 14727 32nd Avenue NE and 3124 NE 146th from R-12 and R-18 to R-18 and R-24. Councilmember Way seconded the motion.

Councilmember Way clarified that there are twelve comment letters with one against the rezone and ten in favor. She asked if there was any information in the record concerning the water table other than the testimony of the geotechnical engineer. Mr. Szafran responded that the geotechnical engineer explained the process and the results of his study at the Planning Commission meeting.

Councilmember Way added that there was previous rezone request for one of these properties and at that time the Planning Commission denied it based on concerns about the water table and the drainage. She commented that there is no information about that included with the staff report. Mr. Szafran replied that there was information about that in the previous staff report and there wasn't a drainage study for that rezone.

Councilmember Way felt she needed to understand where the original Commission concern came from.

Mayor Ryu pointed out that the concerns are noted on page 187 of the Council packet and the geotechnical engineer stated that there are dense native sands, but there could be no water problem on that site. However, there was testimony by a neighbor who lived about two blocks away and that there is a water problem in his neighborhood, she explained.

Mr. Olander added that neighbors a few blocks away have had a problem and expressed their concerns, but the record from the geotechnical engineer said there wasn't a groundwater issue or problem on these subject properties.

Councilmember Way said she is surprised the Commission would have voted in favor of this. She wanted assurance that there is no other information that hasn't been communicated concerning this rezone. Mr. Szafran commented that the drainage report was for this specific rezone and there was no water study done with the previous rezone.

Councilmember Way stated that it is in the record that LID techniques were suggested. Additionally, she said there were some concerns about crime and asked if there were any crime statistics discussed.

Councilmember McGlashan referred to the chart on page 159 and asked what the difference was between building coverage and impervious surface. Mr. Szafran replied that the impervious surfaces will stay the same and this regulates the size of the building.

Councilmember Way brought up page 184 and discussed the traffic study and wanted Mr. Szafran to explain how this won't impact traffic. Mr. Szafran explained that the traffic study showed a decrease in traffic based on the improvements on Bothell Way. Councilmember Way continued and said that NE 145th is a busy street and asked if there are any concerns about pedestrian safety. Mr. Szafran said there were a couple of comments regarding pedestrian safety, adding that new sidewalks are a part of the development. Councilmember Way discussed page 183 and asked how this will provide environmentally efficient housing. Mr. Szafran said this structure is more energy efficient than older structures, based on the types of windows, insulation, and so forth.

Mayor Ryu supported the proposal. She stated that all of the neighbors on 32nd Avenue support it. She commented that some of the concerns were directed to a lack of City codes for neighbors to work with the developers, which was also expressed by the Commission. She said the City needs to update the interim development code and hoped the Council could address it sooner than later.

Deputy Mayor Scott highlighted page 185 and had a question about the percolation test which didn't identify where the water goes. He asked if there was any additional testing that could be done to determine where the runoff water goes. Mr. Szafran stated that it would have to be determined prior to a permit being issued at the site.

Councilmember Way mentioned that the Southeast Subarea Plan is now getting started and she hoped there is a way to include this area in it. She encouraged the City staff to reach out to the neighborhood because there seems to be support for this rezone.

A vote was taken on the motion to adopt Ordinance No. 493, Rezoning the Properties located at 14549, 14551, 14709, 14721, 14723, and 14727 32nd Avenue NE and 3124 NE 146th from R-12 and R-18 to R-18 and R-24, which carried 7-0.

10. UNFINISHED BUSINESS

(a) Ordinance No. 492, Planned Area 2 Legislative Rezone for the Ridgcrest Commercial Area - Review of Pro-forma Financial Analyses

Steve Cohn, Senior Planner, introduced Chris Medford and Robert Schwepp from Community Attributes. He said they would be presenting a report concerning the feasibility of four, five, or six-story buildings within the City of Shoreline.

Mr. Medford outlined the draft report, which focused on the feasibility based on different height limits along with some expectations of affordable housing requirements to include green building and a public plaza. In summary, he said the property tax exemptions are what really make this proposal feasible. He said that it is probably feasible at six-stories and possibly feasible at five stories with some compromises to the building. Additionally, there seems to be no feasibility if it is a four-story structure. He noted that green building and the public plaza don't play into feasibility as much as the property tax exemption does.

Councilmember Eggen clarified that if the building is constructed and it is only four stories high with no affordability the building will have a negative value. Mr. Medford concurred because there won't be any property tax exemption on the building. He stated that the property tax exemption makes the difference. Councilmember Eggen also clarified that AMI is the average median income.

Councilmember McConnell commented that the property tax exemption is necessary for the project, even at six stories. She said she is being told that this is an untested market and that it is still a risky venture for a developer, even with the property tax exemption. Mr. Medford concurred. Councilmember McConnell stated that the property tax exemption drives this project toward affordability. She said that there is a point where the City ventures into another level, which is seven stories or more, in order to make a building affordable. Mr. Medford agreed, but said that six stories is the maximum height for constructing a wood framed building.

Councilmember McConnell asked Mr. Medford to discuss parking because the parking issue is a big concern. She inquired about solutions to address parking and said it hasn't been tested as of yet.

Deputy Mayor Scott questioned if the parking had to be at-grade to make the six story building viable. Mr. Medford responded that the report incorporated structured parking one-story above ground, and if it is pushed underground it would make the development less viable.

Councilmember Eggen said he understood the proposal was for one story of at-grade or slightly below grade parking, then a concrete layer with then five stories above it. Mr. Medford replied that he is correct; six stories with one story of parking included.

Councilmember Way clarified that each category they evaluated was considered separately as if that was the only issue and not considered as a combination as to feasibility. Mr. Medford said the final outcome takes all of them into consideration. He said the report isolated the relative individual impacts of each the considerations. Councilmember Way questioned how all the items fit together. Mr. Medford explained that there were some spreadsheet errors in the previous version and that table 1.1 shows the information correctly. He noted that the first analysis failed to consider the full benefit of the property tax exemption.

Councilmember Ryu explained that the figures the Council studied over the weekend are still correct if the property tax exemption is not considered.

MEETING EXTENSION

At 10:00 p.m., Councilmember McGlashan moved to extend to the meeting until 10:30 p.m. Councilmember Eggen seconded the motion, which carried 7-0.

Mayor Ryu inquired if the building would work with fewer stories but still the same square footage (making the structure more of a box rather than a pyramid, or tiered approach). Mr. Medford commented that the analysis recognized the trade-offs concerning the overall bulk of the building versus height.

Mayor Ryu discussed trade-offs because there are different neighbors on different sides and the City can scale up on one side and make the building shorter on another. She said it really depends on neighborhood desires and affordability. She asked if the report conclusions would be different if the City assumed something different than the \$50 per square foot rate. Mr. Medford responded affirmatively, adding that the work he did was an academic exercise. He noted that CAP rates are a reflection of the investor's appetite for risk; he stressed that this is a very sensitive number. He added that she is correct that the bulk of the building can change.

Mr. Olander commented that the City staff heard that a rate of slightly less than \$50 per square foot is the market rate.

Responding to Deputy Mayor Scott, Mr. Cohn explained that the lot is theoretically capable of having more than 250 units, but the problem is parking. He added that the square footage of each unit may be bit high because the size should be closer to 700 or 750 square feet on average.

Mr. Medford clarified that the gross unit size is 875; however, the net is 700 to 750 square feet. He added that the 875 square feet includes elevator, stairwells, and common areas.

Deputy Mayor Scott confirmed with Mr. Cohn that the building would have 250 units and be six-stories.

Councilmember Hansen commented that the property slopes to the west and asked if the at-grade parking would be on the west side or east side. Mr. Medford replied that where the property slopes can make a difference but their report isn't site-plan specific. He added that the report is indifferent and property slopes aren't defined in it.

Councilmember Eggen said he recalled from the property tax exemption in North City that the definition of affordable was at something like 100% of the AMI, which is much higher than this value. Mr. Cohn pointed out that he asked Mr. Medford to look at the existing market rents, which are at about 75% of AMI, so they are below 100% of the median here. This means that there is a possibility that the City can condition the affordable units.

Mr. Olander added that on March 31 there is a separate ordinance coming back to the Council to extend the property tax exemption to Ridgecrest. He said that given the current market rates it would provide the Council with some flexibility to cap that amount at 85 - 90%.

Councilmember Eggen commented that it almost seems like the property tax exemption is a way to get projects done without considering affordability. Mr. Medford said his firm looked at Shoreline rather than the region and assumed that market rents in Shoreline would meet King County's affordability definition. However, some would be more affordable than others based on the incomes in Shoreline, not in the county.

Mayor Ryu said she would like to see tables with property tax exemptions at 65%, 70%, 90%, and 100%. She added that she would like to see the numbers at \$45 per square foot and options concerning the use of grading at the site compared to other building sites. She commented that at \$50 per square foot for a 7,200 building comes out to \$360,000 for a regular size building lot and at \$40 per square foot it comes out to \$288,000. She summarized that she felt that the development is going to be driven by the lack of parking.

Councilmember Way commented on tables 8 and 9 on page 211 concerning green construction costs. She said she is glad that the green component has some impact and value.

Deputy Mayor Scott added that green building, LEED, public space, and affordability were items that the Council wanted to add into this project. He clarified that the green building didn't add a lot of cost and public space didn't add a significant cost as well. Mr. Cohn noted that the public space took away from parking. Deputy Mayor Scott stated that the parking requirement can be hinged on any commercial development.

Mr. Olander suggested that if there is any new public comment on this report the Council may wish to accept it if it is focused on this specific new information.

Mayor Ryu called for public comment.

a) Gary Batch, Shoreline, asked what would happen if a high-quality unit was built and how many low-income people would need to be attracted to Shoreline.

b) Tom Poitras, Shoreline, stated he didn't understand the garage parking portion of the proposal.

Mr. Olander noted that the guidance was that Council wanted structured parking under the building or in an extended garage, and the project has been designed that way. He added that if the extended garage was removed the project would be cheaper to build, but you would have open lot parking. Mr. Cohn concurred.

c) Les Nelson, Shoreline, said developers are looking to build in Shoreline on at least a dozen sites. He said he would be curious to know what the value of the property is based on its current zoning of R-24. He questioned the value placed on this area because he felt some of these units would become view properties and worth more. Commenting on the parking issue, he felt this is self-defeating because if more units are built, the greater the parking demands.

Mr. Olander added that parking is also the limiting factor. Mr. Cohn stated that the property value was set for the building of town homes.

11. ADJOURNMENT

At 10:25 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Monday, March 31, 2008 6:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 6:31 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmembers Hansen and McGlashan. Mr. Olander noted that both Councilmembers are expected to arrive shortly. Councilmember McGlashan arrived at 6:34 p.m.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events. He announced that the Interurban Trail was awarded the Washington Recreation and Parks Association (WRPA) "Best Municipal Trail for 2008 Award." He also announced that the Dayton Avenue project is completed. He noted that there is a public hearing of the Planning Commission (PC) on April 3 concerning the code amendments to replace the moratorium on interim regulations in the CB, RB, & I zones.

4. COUNCIL REPORTS

Mayor Ryu communicated that she attended an event with Councilmember Way at the Everett Naval Base in honor of Women's Month.

Councilmember Eggen said he attended the Suburban Cities Association's "Engaging the Youth of our Communities" event with Councilmember Way.

Mayor Ryu said she attended the 32nd District Republican caucus, and this week the Democrats will hold theirs.

5. GENERAL PUBLIC COMMENT

a) Ken Wallace, Shoreline, commented that the City's Neighborhood Traffic Safety Program (NTSP) is a good program, but it is moving too slow. He said it has been difficult to contact City staff, and when he has contacted staff they have not been very responsive. He noted there was a traffic count done on his street (30th Avenue NE and 147th Street NE) and the neighbors feel the street is not safe, as there is more traffic coming from Bothell Way.

b) Les Nelson, Shoreline, noted that the Planning Commission meeting wasn't well attended and the recorded message didn't state the date or the time of the meeting. He also stated that tonight's public hearing was in the Times on the 20th but wasn't notified in the Enterprise on the 21st. He said there was inaccuracy in the newspaper ads. He suggested posting the actual newspaper ads at the Council and Planning Commission meetings. Lastly, he commented that certain properties are not being addressed in the transition areas code amendments.

c) Dennis Lee, Shoreline, talked about the Southeast Shoreline Neighborhood Subarea Plan process. He stated that he has been asking for a meeting in late April in a different format than what was used in the first meeting. He also asked that the application due date for the citizen advisory committee be moved to May 4. He stated that the meeting needs to be chaired and run by the leadership of the Briarcrest and Ridgecrest Neighborhood Associations; however, the agenda needs to be approved by the City staff.

d) Bill Bear, Shoreline, Briarcrest Neighborhood Association Director, thanked the City for the food for the Briarcrest Neighborhood Association Anniversary party. He also thanked the Council of Neighborhoods for the financial support. He commented that having places like Third Place Books are very crucial to the City. He asked the Council to make opportunities for Shoreline residents to interact with each other and help create a sense of community.

Mr. Olander responded that he will look into Mr. Wallace's concerns, and clarified that the hearing tonight is about the property tax exemption. He said he spoke to Dennis Lee and he has no reservations about his proposal, but revising the schedule is a Council decision.

Mayor Ryu commented that she attended the Briarcrest event and discussed Mr. Lee's proposal with him. She also said it makes sense to look at the proposal.

6. APPROVAL OF THE AGENDA

Councilmember Scott moved approval of the agenda. Councilmember Way seconded the motion, which carried 6-0 and the agenda was approved.

7. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Ordinance No. 492 Approving Planned Area 2 Legislative Rezone for the Ridgecrest Commercial Area

Joe Tovar, Planning and Development Services Director, Steve Cohn, Senior Planner, and Steve Szafran, Planner, provided a brief staff report on the proposed changes to Ordinance No. 492.

Mr. Cohn stated that he and Mr. Szafran prepared responses to Council questions and worked on an acceptable proposal for the Council to adopt.

Mr. Olander suggested that after public comment and Council questions there should be a motion to adopt the ordinance; then the City staff makes their recommended amendments before the Council discussion and further amendments. He discussed the staff amendments concerning a unit cap as proposed by Deputy Mayor Scott. He also suggested having additional ground floor space by wrapping the commercial and ground floor space around the corner, maybe capturing the corner of 165th Street. He noted that the next recommendation would direct staff to take certain related actions such as the Ridgecrest Theater preservation intersection improvements and other amenities in the parking plan.

Councilmember Hansen arrived at 7:04 p.m.

Mayor Ryu called for public comment.

a) Wendy DiPeso, Shoreline, appreciated the Council's due diligence in getting an objective evaluation on the economic feasibility of the project. She commented that the recommendation, which includes six stories with amenities, appears to be acceptable. However, she said there still may be angst in the community, but the current zoning only leaves opportunity for townhouses with no public amenities to strengthen the retail base and solidify the community.

b) Les Nelson, Shoreline, commented that the parking plan won't work because the owner of the property won't willingly agree to additional parking. He added that the value of the property is still unknown.

Mr. Olander commented that the proposal before the Council states that the developer is required to provide 80% of the dedicated parking stalls on-site, with 10% within one block and the remaining 10% within two blocks of the site.

Responding to Deputy Mayor Scott, Mr. Cohn explained that 10% of the parking stalls need to be within one block, and that it is in perpetuity. He added that the owner will have to decide where to put the parking stalls, but if they fall below the threshold, parking enforcement will be triggered and he won't be able to rent a certain percentage of the property.

Councilmember Way moved to adopt Ordinance No. 492, approving Planned Area 2 Legislative Rezone for the Ridgecrest Commercial Area. Councilmember Hansen seconded the motion.

Councilmember Eggen moved to amend Ordinance No. 492 to add a maximum density to Planned Area 2a to allow for six stories, if public amenities are provided, and zoned the

equivalent of R-110. Planned Areas 2b, 2c, and 2d will be limited to R-24 zoning. Councilmember Way seconded the motion.

Deputy Mayor Scott clarified with Mr. Olander that the purpose of this amendment is to get a sense of what the number of units would be.

Mayor Ryu commented that raising the zoning to R-110 is more than four times the amount of the current R-24. She confirmed with Mr. Cohn that the maximum floor area ratio, maximum density, and maximum height have been incorporated.

Councilmember Eggen calculated that a building with these conditions would have an average unit size of 1,485 square feet without hallways, and asked how it would translate.

Mr. Cohn responded that the average unit size will be about 700 square feet, which means 1 and 2 bedroom units would be 600 and 800 square feet. He felt that the four "S's" (singles, single-parent, seniors, and starters) would be served in a unit with these measurements.

Mr. Olander highlighted that renting these units is up to the market because the owner and the rental/leasing agents are the experts.

Mayor Ryu commented that the school district is experiencing a decline in enrollments and felt that more options for families with children should be developed. She communicated that these developments aren't conducive to school-aged children. Even though 2 or more bedroom units are rentable to the market, she pointed out that families won't work in them.

Mr. Olander communicated that 60% of households are made up of two people or less. He added that one complex should supply the whole range of housing choices in the community. He noted that there is other housing stock available and this shouldn't dictate what goes inside that complex. He felt the City shouldn't dictate within any complex or business what goes in it as far as the mix of units because it seriously interferes with owner's ability to market the structures and meet market demands.

Mayor Ryu stated that the City doesn't have many newer rental apartments, especially ones with property tax exemptions applied. She commented that Arabella II will not have 2 bedroom units. She concluded that she didn't want all the units to be studios.

Councilmember Eggen stated that the market should be the primary determinant, but certain demographics are not being served. He encouraged that the density and unit size requirements be included.

Councilmember McGlashan said the student population in Shoreline schools is down to just over 9,000 students, which is about half of what their highest total used to be. He opposed putting restrictions on developers in the hope that families with children will move in and that more children will attend Shoreline schools. He said it is not up to the Council to dictate what type of units they are.

Councilmember Way felt that the cost of housing in Shoreline has something to do with the number of children in town. She added that she is not opposed to determining the type and number of units that will be in a development, but without handicapping the developer.

Mr. Olander said the key question is whether the City can do it. He said he isn't sure it can be tied to the property tax exemption program. He also stated that this condition was not factored into the feasibility study.

Mr. Sievers commented that this condition cannot be tied to the property tax exemption program. He clarified that the amendment is an attempt to set up ratios of unit size to ensure there are 2 bedroom units.

Mayor Ryu commented that the feasibility study made some assumptions concerning the size of the units and they were larger than 600 square feet each. Additionally, it was stated in public comment that the speakers hoped this would create more housing options.

Councilmember McConnell cautioned the Council not to delve too deeply into the development specifics. She added that developers want to make their project successful. She said there are studios and 1- 2 bedroom units in this plan, and she is concerned with adding too many restrictions already.

Councilmember Hansen felt the Council should not try to determine what the market is or create demographics in any direction. He said concentrating families with children in a development means you are protecting other properties in Shoreline with this proposal.

Deputy Mayor Scott felt R-110 zoning is appropriate and that he does not object to stating that 40% of the units should be reserved for larger families.

Deputy Mayor Scott stated that 60% of residents are 1 to 2 person households, which leaves 40% that are larger, so this is a rationale for building developments for starter families.

Mr. Olander highlighted page 8 of the feasibility study which assumed that 35% of the units would be studio, 40% would be 1-bedroom, and 25% would be 2-bedroom. However, he felt the City shouldn't dictate terms and conditions to the developer, but if the Council must do so he urged utilizing the percentages in the feasibility study.

Mayor Ryu felt the feasibility study percentages would be acceptable. She commented that this is a unique market and since the Council is doing some social encouragement here in tax incentives she felt the Council should have some voice in unit sizes.

Mr. Olander suggested a motion to amend the amendment that 25% of the units are required to be 2-bedroom units.

Councilmember Eggen moved to amend the motion on the table to require that 25% of the units be 2-bedroom units. Mayor Ryu seconded the motion.

Deputy Mayor Scott clarified that a minimum of 25% of the total units in the development would be 2 bedroom units. He asked if there were any examples of this elsewhere.

Mr. Cohn didn't know of any examples of any city putting requirements on developers like this.

Mr. Tovar also said this would be a first for him, but he has seen an analysis done in the past concerning the number of units as it relates to traffic impacts and parking.

Mayor Ryu asked if this condition is legal. Mr. Tovar responded that the property tax exemption cannot be conditioned on this, only the zoning. He said it may or may not be compliant under the Growth Management Act depending on the ruling of the board or the court. He noted that you have to give the public an opportunity to review and comment on it.

Mr. Olander said there must be a nexus with the law to be adopted, so they must be related. He stated there needs to be a legitimate need and public purpose.

Mr. Sievers commented that there have been some cases where that's been a condition of redevelopment, but it has been ruled as an illegal condition because it asks the developer to solve a perceived social problem. Therefore, the nexus may be lost with that. Additionally, it was stated that this cannot be attached to the property tax exemption program, and there has been a strong argument that if this reduction of taxes is given then the developer needs to give things back for that relief. He said this is considering a citywide problem within the context of trying to fix it in one development. He added that the developer shouldn't be penalized for a citywide problem. He also noted that Mr. Tovar discussed whether or not the public was notified of this in the original notices for the Planning Commission hearing, and the notices would have to be studied again. He said the expectation under the old zoning communicated to the developer that he could create large units.

Councilmember Way asked if an argument could be made that the City is negatively impacting the community and the schools by not providing a mechanism for a certain number of family-size units. Mr. Sievers responded that supporting the school system is not the property owner's problem.

Councilmember Eggen stated that his children have no real choice to live in Shoreline because the housing is too expensive. He suggested the City pursue this with reviewing the policies in the Comprehensive Plan rather than impose legislation on this one area.

Deputy Mayor Scott asked if it changes the approach to the argument by stating that this legislation is requiring that 25% of the units be 2-bedrooms, not stating that they be allocated for families. Mayor Ryu added that she cannot support the R-110 zoning if the 25% language cannot be added.

Mr. Sievers responded that this would be asking a lot of the developer and the City cannot negotiate who uses them anyway. He said the City has no negotiations with the developer and this is only a rezone. He submitted that the property may sit there with nothing on it because of the restrictions.

Mr. Olander pointed out that the proposed amendment doesn't designate who the 2-bedroom units would be for.

Councilmember McGlashan commented that this is unprecedented and will open the City to a lawsuit challenge and some risk.

Mr. Sievers was concerned that the developer would consider this to be so detailed and not equal protection compared to other properties. He felt this is too restrictive and increases risk for the City.

Councilmember McConnell called for the question, seconded by Councilmember Hansen. A vote was taken on the motion to call for the question which carried 6-0, with Mayor Ryu abstaining.

A vote was taken on the motion requiring that 25% of the units be 2-bedroom units, which failed 3-4, with Mayor Ryu, Deputy Mayor Scott, and Councilmember Way voting in the affirmative.

Councilmember Hansen called for the previous question, seconded by Councilmember McGlashan. The motion carried 5-1, with Mayor Ryu dissenting and Councilmember Eggen abstaining. A vote was taken on the motion to amend Ordinance No. 492 to add a maximum density to Planned Area 2a equivalent to a zone R-110, which carried 7-0.

Mr. Cohn passed out an illustration concerning the next amendment for this item. He explained that this amendment makes sure the sum of the commercial space wraps around NE 165th Street. Therefore, the amendment states that 20% of the street frontage within 100 feet of the intersection of 5th Avenue NE and NE 165th Street will be commercial.

Councilmember Hansen moved to amend Ordinance No. 492 to designate 20% of the street frontage within 100 feet of the intersection of 5th Avenue NE and NE 165th Street as commercial. Councilmember Way seconded the motion.

Councilmember Hansen was concerned because the amount of commercial space in that area can always be expanded. He was uneasy about requiring it to be commercial on the corner because it may rule out a public amenity. He felt the developer may be able to do a better project if he has freedom to do so.

Councilmember Way highlighted that the corner area facing the Crest Theater has great potential as a commercial unit. Deputy Mayor Scott agreed that commercial space is crucial on that particular corner.

Councilmember McGlashan expressed concern that this wasn't amended to have the corner cut and have some public amenity there. He said no one knows where access to the units is going to be, so how can the City require the developer to wrap business around the corner.

Mr. Cohn responded that the amendment states that 50% of frontage on 5th Avenue NE and 20% of the frontage has to be commercial. Mr. Olander did not consider the amendment to be unduly restrictive.

Councilmember Way read page 10 under "Entry Courtyard" and page 13, item F, discussing the building corner treatment. She felt both of these explanations don't state what the use will be in the building, however, they describe what the courtyard will be and the amendment provides for the possibility that the developer can have businesses in that vicinity.

Councilmember Eggen called for the question, seconded by Councilmember McGlashan. A vote was taken on the motion, which failed 3-3, with Mayor Ryu, Deputy Mayor Scott, and Councilmember Way dissenting and Councilmember Hansen abstaining.

Mayor Ryu expressed support for the amendment. She said some space can be used for public amenities but expressed concern that the Council isn't allocating specific square footage for spaces. She noted that her concerns are about the size of the commercial space units.

Mr. Olander pointed out that this is valuable space and it would be to the owner's benefit to lease it out for commercial activities. He noted that it is more difficult and time-consuming to lease smaller space. He concluded that the developer needs the flexibility to size the commercial space because they know the market.

Councilmember Hansen stated if he developed the lot he would maintain space for commercial and wouldn't convert it to parking. He added that it is a mistake to guess what the builder will design. He said if he was developing the site he would put the parking underground. Mayor Ryu said she hasn't heard anything about underground parking. Mr. Cohn stated that a survey was taken at the site recently that revealed underground parking is going to be difficult there.

A vote was taken on the motion to designate 20% of the street frontage within 100 feet of the intersection of 5th Avenue NE and NE 165th Street as commercial, which carried 6-0, with Councilmember McConnell abstaining.

Mr. Olander stated that the next item would be a motion directing staff as crafted by Councilmember Way.

Councilmember Way moved to direct the City Manager to work with the Ridgecrest neighborhood on the development of the area to include the preservation of the Crest Theater and explore parking management concepts in Ridgecrest. Councilmember Hansen seconded the motion.

Deputy Mayor Scott stated that parking is such a large issue that he would hesitate to include parking in the motion.

Councilmember Way accepted the removal of the parking portion as a friendly amendment. She said the intent is to provide a means and ask staff to work on a plan to improve the right-of-way

at that intersection. She added that the City should encourage other modes of travel and create incentives to preserve and enhance the Crest Theater.

Councilmember Hansen said he has no problem with Councilmember Way's suggestions, but he felt they have no relationship to Ordinance No. 492. He felt the City Manager can do all the things she stated without putting it in an ordinance. Councilmember McGlashan concurred.

Mr. Olander commented that this goes back to the original neighborhood dialogues and work with the student groups. He said the neighborhood desire was to look into enhancing the streetscapes and the amenities in the area. He commented that it makes sense for him to look at all four corners.

Mr. Tovar commented that the Planning Commission recommendation was for zoning and they also made a separate companion recommendation that dealt with these types of things. He noted that this action for Ridgecrest could begin without directing the City staff to do this. He clarified that simply asking the City Manager to figure out how this can be accomplished would suffice.

Councilmember Eggen felt there is a connection and recommended the Council move to a vote.

A vote was taken on the motion to direct the City Manager to work with Ridgecrest neighborhood on the development of the area to include the preservation of the Crest Theater, which carried 5-2, with Councilmember Hansen and Councilmember McGlashan dissenting.

Mr. Cohn made some parking management plan comments.

Councilmember Way stated her amendment is a secondary parking management approach in addition to the developer's plan to extend protections into the neighborhood. She asked about enforcement.

Mr. Olander commented that it would require extensive cooperation with the neighborhood to balance the various interests and access points. He noted that there could be a need to rely on the police and the traffic enforcement division.

Councilmember Eggen pointed out that the Council has a lot of amendments to discuss concerning Ordinance No. 492 and many of them can be deferred to another meeting. He suggested the Council defer some of the items to another meeting. He added that he has a number of issues in a memorandum that he needs to discuss.

Mr. Olander asked if this concerns a question about the legality of embedding the cost of parking in rents.

Councilmember Eggen said participation in the group parking for the development would be required. He explained that what the tenants would be paying for parking wouldn't be considered rent.

Mr. Sievers responded that something could be imposed and it would be better to separate the charge to keep the spaces filled. He added that it is legal to do.

Councilmember Eggen believed that every resident will have a car. He noted that parking was part of the rental fee when he was growing up. He added that instituting parking time limitations will require enforcement.

Mr. Sievers responded that he was relying on the market structure and said the owner can lower the prices so he can have all of the spots filled in the garage.

Councilmember Eggen commented that some Arabella residents opted out of paying for garage parking and park in the neighborhood to save money.

Mayor Ryu suggested revising the language under SMC 20.91.070, Item J concerning the participation in a paid parking program.

Mr. Sievers noted that the proposed language is addressed to the tenant, not the property owner. He also said to enforce the language the rental agreements and license plates would need to be checked.

Deputy Mayor Scott commented that the Council is trying to ensure parking for this development meets demand without overflow into the neighborhood, and this has to be done right. He asked if there is any precedence for tying parking to rent as part of a development and not allowing tenants to opt out.

Mr. Sievers felt that the Council can require that the tenants use the designated parking spaces on or off-site, if available. This, he added, leaves some flexibility for the owner to use them up on a priority basis and for him to rent the units.

Councilmember Way moved to add the following language to SMC 20.91.070, Item J, "All residents of Ridgecrest Planned Area 2 shall be offered parking to be included with the apartment unit cost on-site or in designated locations." Councilmember Eggen seconded the motion.

Councilmember Hansen questioned why amendments like this aren't worked out prior to the Council meetings. He said he isn't sure what the Ordinance will look like with all of the revisions. Deputy Mayor Scott responded that the Council cannot come to a consensus prior to the meeting, so it has to be done in an open session. He added that the community doesn't want parking in the neighborhood.

Councilmember Hansen felt that the Council is not prepared to write technical ordinances and that it is the job of the City staff. He said the Council is supposed to give the City staff policy direction and have them write the ordinances. He added that he has no confidence that this language is going to be legal or do what it's intended to do.

Mayor Ryu suggested adding the term condominium to the proposed motion.

Councilmember McGlashan said he is conflicted on this because it will increase the cost of these apartments.

Mr. Olander commented that this is a difficult one because other places don't require this and it may require added enforcement. However, he felt the language was acceptable.

Councilmember McConnell stated she didn't understand how this is different from the parking requirements that are in the proposed code language.

Councilmember Eggen communicated that the current requirement is for built parking; in other words, how much parking would be developed. The amendment relates to whether the resident doesn't want to use built parking and instead park in the neighborhood.

Councilmember McConnell clarified that people will want to park off-site because it is free. She noted that the intent is to have it a built-in cost for residents.

Mr. Olander highlighted that the current language, prior to this motion, doesn't have a provision for a built-in cost for parking.

Deputy Mayor Scott added that some residents will park on the street if it's free. Mayor Ryu added that the Council is trying to mitigate the impacts on neighbors.

Councilmember McConnell said the Council hasn't dealt with the enforcement issue and she has some grave concerns.

Councilmember Eggen said there are two options; 1) have enforcement in the neighborhood, and 2) require a paid parking scheme where no enforcement would be necessary because it's part of the cost of living.

A vote was taken on the motion to add the following language to SMC 20.91.070, Item J, "All residents of Ridgecrest Planned Area 2 shall be offered parking to be included with the apartment unit cost on-site or in designated locations," which carried 4-0, with Councilmember McConnell, Councilmember McGlashan, and Councilmember Hansen abstaining.

Councilmember Way moved to direct the City Manager to explore concepts for a parking management program in Ridgecrest neighborhood to maximize economic vitality for business safety and convenience for customers, residents and to minimize the impacts of on-street parking on nearby residential streets. Mayor Ryu seconded the motion. Councilmember Way added that whatever the City staff works out with the neighborhood and the police is fine. A vote was taken on the motion, which carried 5-1, with Councilmember Hansen dissenting and Councilmember McGlashan abstaining.

Deputy Mayor Scott discussed the 80% on-site, 10% within one block, and 10% within two block parking requirement.

Mr. Cohn explained the requirement and said a certain number of parking spaces will have to be provided and the developer will have to show the City staff that he has them as dedicated spaces.

Deputy Mayor Scott pointed out that there are residential homes within two blocks of that area, so he wondered where the extra parking spaces will be.

Mr. Cohn said there are a couple of churches and one of them is being utilized for a Metro Park-n-Ride. He added that the churches have suggested that there is some capacity to accept extra cars.

Councilmember Eggen commented that the church needs to have their parking available every Sunday morning and he doesn't see any areas where you could rent 20 to 40 parking spots in that neighborhood. Mr. Cohn replied that if the ratio is 10% there would need to be 25-30 spaces.

Mayor Ryu suggested the inclusion of bike racks/lockers for bicyclists.

Councilmember Way moved to add SMC 20.91.070, Item K, Bike racks/lockers and/or secured parking areas for bicycles shall be provided. Some secured spaces for bicycle parking shall be in an area accessible only to residents of the building. Additionally, some spaces for bicycles shall be provided at the street level. Mayor Ryu seconded the motion, which carried 7-0.

RECESS

At 9:20, Mayor Ryu called for a five minute recess. Mayor Ryu reconvened the meeting at 9:28 p.m.

Councilmember Hansen brought up some procedural issues with the amendments that were passed. Mr. Olander explained that the proper procedure would have been to take Councilmember Way's amendments after Ordinance No. 492 was voted on. He added that they weren't intended to be a part of the Ordinance, they are separate directions to the City Manager as they related to implementation of Ordinance No. 492. Councilmember McGlashan said he assumed all of the amendments that were discussed and voted on were a part of Ordinance No. 492. Councilmember Hansen also said he thought that was the case.

City Clerk Scott Passey questioned if the Council understood what is on the table because technically there can only be one motion on the table at a time, which was Ordinance No. 492.

Deputy Mayor Scott pointed out that when the discussion was going on it was stated that these amendments were separate from Ordinance No. 492. He wondered what the issue was if each item was discussed and voted on individually.

Councilmember Hansen commented that he thought all of the amendments were adopted as a part of Ordinance No. 492. He said he would like to address and vote on Ordinance No. 492 before any other topics are discussed.

Councilmember Eggen concurred and suggested the Council leave things as is and focus on Ordinance No. 492.

Councilmember Eggen moved to amend Table 20.91.030(b), Dimensional Standards and utilize a maximum floor area ratio (FAR) of 4.75% for six stories, 3.875% for five stories, and 3.0% for four story buildings. Councilmember Way seconded the motion, which carried 5-1, with Councilmember McGlashan dissenting and Councilmember Hansen abstaining.

Mayor Ryu noted the staff recommended strikeout on page 3 that was included in the March 26, 2008 memorandum draft.

Councilmember Eggen clarified the memorandum and comments by Mr. Cohn and stated that there will be no Community Business (CB) developments on any other corners in that area. Councilmember Way attempted to determine whether this applied to the Crest Theater space. Councilmember Eggen replied that he was referring to the property where the 7-Eleven store currently sits.

Mayor Ryu commented that the City staff language doesn't preclude the Council from making revisions later to the northeast corner by the 7-Eleven. She commented that if the Council eliminated that possibility, then a developer can come in and develop the property in the future.

Mr. Cohn said the City Attorney stated that the way the City wrote the Ordinance makes this a legislative rezone because it covers the entire area, but various pieces of the area have different regulations.

Mr. Olander concluded that this amendment is not needed. Councilmember Eggen added that this one and some of the others that were passed are not needed.

Councilmember Way commented that she received a SEPA checklist in the mail that is related to some Comprehensive Plan (CP) amendments. She said they apply to Crista, Fircrest, Shoreline Community College, and the Ridgecrest Planned Area and since the City is guided by the Comprehensive Plan it should be mentioned on the record.

Mr. Tovar commented that during the City Council joint meeting with the Planning Commission on April 7th there will be a zone map amendment, including Planned Area 2.

Councilmember Eggen wanted to discuss the recycling areas inside the building. He asked if recycling was covered by King County code. Mr. Cohn responded that recycling is a requirement in the future, as a way of achieving sustainability.

Councilmember Eggen moved to amend SMC 20.91.050(B)(2)(h)(vi), Services Area and Mechanical Equipment to include an appropriately sized recycling area be built consistent with a standard to be adopted by the City to be approved by the Director. Mayor Ryu seconded the motion.

Councilmember Way called for the previous question. Mayor Ryu seconded the motion, which carried 6-1, with Councilmember McGlashan dissenting.

A vote was taken on the motion to amend SMC 20.91.050(B)(2)(h)(vi), Services Area and Mechanical Equipment to include an appropriately sized recycling area be built consistent with a standard to be adopted by the City to be approved by the Director, which carried 6-1, with Councilmember McGlashan dissenting.

Councilmember Eggen moved to amend the language in SMC 20.91.050(B)(2)(j)(ii) from “plumbed and built” to “plumbed, wired, and built.” Mayor Ryu seconded the motion.

Mr. Olander confirmed with Mr. Tovar that any commercial designation has to conform to all commercial codes.

Councilmember Hansen commented that this is already in the code, so it is redundant to add it to this one property. This sets a precedent that he felt isn't a good idea.

Mayor Ryu commented that it makes sense to be consistent.

A vote was taken on the motion to add the term “wired,” which carried 4-3, with Councilmember Hansen, Councilmember McConnell, and Councilmember McGlashan dissenting.

Councilmember Hansen called for the previous question on Ordinance No. 492 as amended. Councilmember McGlashan seconded the motion, which carried 6-0, with Mayor Ryu abstaining.

MEETING EXTENSION

At 10:00 p.m., Councilmember Eggen moved to extend the meeting until 10:30 p.m. Councilmember Way seconded the motion, which carried 6-0, with Councilmember Hansen abstaining.

Mr. Passey restated the amendments attached to Ordinance No. 492.

A vote was taken on the main motion to adopt Ordinance No. 492, approving the Planned Area 2 Legislative Rezone for the Ridgecrest Commercial Area as amended, which carried 7-0.

8. ACTION ITEM: PUBLIC HEARING

(a) Public Hearing on Ordinance No. 496, Expanding the Property Tax Exemption Program to the Ridgecrest Commercial Area

Mayor Ryu opened the public hearing.

Mr. Olander explained that this ordinance adds the Ridgecrest commercial area back into the property tax exemption program.

a) Jim Potter, Seattle, supported the property tax exemption extension for the Ridgecrest commercial area. He felt that it is a tool for getting projects completed and it is hard to do them without some City assistance.

b) Michael Pollowitz, Shoreline, supported the incentives for affordable housing but felt this program won't help. He calculated that it only provides \$56,600 over a twelve-year period, which equates to a monthly incentive of \$1.57 because there are 250 units. He was concerned that the developer will be given the funding to build the units and then the incentive is diluted if you add the additional four years to the program.

Councilmember Eggen questioned if the comment from Mr. Pollowitz was correct in that the program is structured so that the total affordable housing incentive is to go from eight years to twelve years.

Mr. Pollowitz stated that the way it is written is that the developer will get \$106,400 over an eight year period for just building the development, without affordable housing. He said if the developer wants he can extend the tax exemption, with some affordable housing provisions, for four additional years and the developer will receive an additional \$56,600.

Councilmember Eggen said if this is true then the City is giving the developer \$106,400 up front and then he can choose not to do anything with affordable housing.

Mr. Pollowitz commented that giving a developer an incentive to build in an area that needs development is good, but in this case the City is choosing to provide additional incentive if they choose to do affordable housing. He noted that there should be more funding for affordable housing efforts in the City.

c) Les Nelson, Shoreline, opposed the tax break because he felt the City isn't getting anything out of this. He stated that the law states that this has to be for truly affordable housing. He is confused by the whole process because there is no development plan being done. He questioned if this is what the community wants.

Councilmember Hansen moved to close the public hearing. Councilmember Eggen seconded the motion, which carried 7-0.

Mr. Olander noted that the tax exemption is much greater than \$106,000 and the other taxing jurisdictions have to be accounted for when calculating this. He noted that the City is only accepting full twelve year low-income projects and explained the full tax exemption scheme. He noted that the feasibility study concluded that the property tax exemption program was critical to make the entire project work.

Councilmember Hansen moved to adopt Ordinance No. 496, Expanding the Property Tax Exemption Program to the Ridgcrest Commercial Area. Councilmember Eggen seconded the motion.

Councilmember Hansen wanted clarification that there was an amendment to drop the 100% income requirement to 90%. Mr. Sievers read the new language as referenced on page 27 of the Council packet.

Councilmember Hansen moved to adopt Ordinance No. 496, Section 4(B), Exemption-Duration, as amended. Councilmember Eggen seconded the motion.

Mayor Ryu discussed page 6 of the feasibility study. She asked about increasing the AMI figures. Mr. Cohn responded that the model ignores what the market is and it would exceed the hurdle at 90%.

Mayor Ryu stated that the market, rather, rents in Shoreline only has tenants at about 70% of the AMI. She felt the developer should get above the 75% level when rents eventually go up and the value of this development will be higher.

Deputy Mayor Scott supported the amendment. He provided the median income figures for Shoreline residents and questioned who could afford these rental rates. He said he isn't sure 90% would be able to afford the rates. He said he would like to capture those 20% of people so they have a choice. He said things get lost when you utilize percentages and restated he would like the rental rates affordable for first time school teachers and people who work in retail in the Shoreline community. He added that they would not be helped if the AMI was 90%.

Mr. Olander replied that they would be helped because they would qualify for the program. He clarified that qualifying for the program translates to providing a limitation on the amount of rent a person would be obligated to pay.

Mr. Cohn responded that there would be a limit to the amount of rent a person would have to pay. He noted that there is a part of the population that wouldn't benefit from this. However, it is difficult for a single person to get to the 90% figure, too. He said this is an attempt by the City to begin helping some people. Mr. Olander concurred.

MEETING EXTENSION

At 10:30 p.m., Councilmember Eggen moved to extend the meeting until 10:45 p.m. Councilmember Way seconded the motion, which carried 6-0, with Councilmember Hansen abstaining.

Mayor Ryu discussed some income figures based on the different percentages. She said she would like to see the percentage decreased to 80% to give lower income residents a chance to qualify and compete for the affordable units.

Mr. Cohn pointed out that if income is limited, the potential market is limited. He explained that because less than 100% of the median means half of the households cannot qualify. He stated that 90% was derived because it cuts into the market somewhat, but that seemed to be the right number.

Councilmember Way said this seems to be delicate balancing act with the feasibility. She felt that reducing the rate to 90% is good and is reluctant to tinker with it any further.

Deputy Mayor Scott commented that retail workers and teachers will not be able to afford living there. He added that 20% affordable will take on a different meaning because schoolteachers and retail workers won't be able to afford to live there.

Councilmember Eggen said the rate would have to be brought down to 70% for the teacher to top the eligibility list.

Mayor Ryu said she would appreciate looking at a figure lower than 90%.

Councilmember McConnell call the previous question. Councilmember Hansen seconded the motion, which failed 4-3, with Mayor Ryu, Deputy Mayor Scott, and Councilmember Eggen dissenting (a 2/3 vote is required for passage of a motion to close debate).

Councilmember Eggen questioned how 350 units penciled out. Mr. Cohn responded that the exemption is on total units within the entire Ridgecrest area and are split up between developers. He clarified that there could be a partial exemption if the number of units built exceeded the remaining number of property tax exemption units available.

A vote was taken on the motion to adopt Ordinance No. 496, Section 4(B), Exemption-Duration as amended, which carried 5-0, with Mayor Ryu and Deputy Mayor Scott abstaining.

A vote was taken on the motion to adopt Ordinance No. 496, Expanding the Property Tax Exemption Program to the Ridgecrest Commercial Area as amended, which carried 5-0, with Mayor Ryu and Deputy Mayor Scott abstaining.

9. ADJOURNMENT

At 10:44 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP DINNER MEETING

Monday, April 14, 2008
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Mayor Cindy Ryu, Deputy Mayor Terry Scott, and Councilmembers Keith McGlashan, Chris Eggen, Janet Way, and Doris McConnell

ABSENT: Councilmember Ron Hansen

GUESTS: Senator Darlene Fairley, Representative Maralyn Chase, and Representative Ruth Kagi

STAFF: Bob Olander, City Manager, Julie Modrzejewski, Assistant City Manager, Scott MacColl, Intergovernmental Program Manager

Mayor Ryu called the meeting to order at 6:15 p.m.

Mayor Ryu started the discussion by thanking the Shoreline Delegation for their hard work. Scott MacColl distributed the City's legislative priorities and the list of bills the City tracked, and asked the Delegation to provide their perspective on how the session went.

Rep. Kagi thanked Councilmember Janet Way for her help on the Evergreen Cities bill. She added that the bill had changed from its original form, removing much of the "unfunded" mandates. The bill includes approximately \$600K to develop model ordinances and the Department of Natural Resources will begin an inventory process. Councilmember Eggen stated that the Washington Environmental Council was pleased that the bill passed but they plan to be back to add to it. Councilmember Way thanked Rep. Kagi for her work on the bill.

Rep. Kagi stated that it was a big year for foster care; a new category was created to manage the high needs children and the bill provides \$800K to help the courts with judicial assignments that provide continuity for families. She added that since so many children in Shoreline have development disabilities, the City might be interested to learn that approximately \$1.8 million in federal and state funding will be used to address those with intensive behavioral needs, including respite care and training to support families.

Senator Fairley said that there were approximately 180 bills in her committee. Unfortunately the Point Wells bill did not pass. She added that the bill would have helped Shoreline and Maple Valley. She believes the bill will return in the next session.

Senator Fairley stated that more funding was added to help cities with gang related and juvenile justice programs and will be managed through a grant process. Senator Fairley stated that the bills regarding executive sessions did not get through committee.

However, she anticipates that these bills will return in the next session. She suggested that the Attorney General provide training to city attorneys as a compromise to the bill. In addition, Senator Fairley said that she'd like to craft a bill that would allow families, who have lost a loved one, to plant a "remembered tree" in a city/park open space area. Cities would identify the type of trees that are allowed and the families would need to help maintain the tree for a few years after planting it.

Senator Fairley stated that the cities came out opposed to the wrongful death bill because they considered it an unfunded mandate. She is hopeful that cities and trial lawyers will come to some agreement. Mr. Olander stated that with joint several liabilities, if a party does not have the funds, attorneys will bring cities on as a party, although they are not necessarily at fault.

Rep. Chase said that she was grateful to Bob Olander for meeting with her and the Public Health Lab. She was pleased that they will be required to conduct a risk assessment and she expects the City to be actively reviewing the scope of work. She is concerned that the lab will expand into a BSL 4 level lab.

Rep. Chase stated that the Public Works Trust Fund funded 52 projects. She's pleased that approximately \$10 million was allocated to implement an interest buy down program. Cities would receive the funding and the State would buy down the interest; Rep. Chase considers this program very innovative.

Rep. Chase stated that Shoreline was a model city with regards to sustainability efforts; she noted the contract with Cleanscapes. She mentioned that there is a long-term problem with Cedar Grove in handling the waste stream; the City's growing recycling efforts would help with this problem. Likewise, Rep. Chase stated that Shoreline is getting a reputation for being so green-oriented.

Mayor Ryu expressed her concern with Cedar Grove. She is concerned that those responsible for the source of the garbage are not being held accountable. Rep. Chase stated that a task force was being set up this summer to address this issue.

Senator Fairley asked about the recent mailing she received regarding Sunset Elementary School. Mr. Olander responded that the City has talked with the School District regarding demolishing the building and converting the property into a City park. However, there is no funding in the capital plan and it is not identified as a high priority.

Councilmember McGlashan asked Rep. Kagi if a concern with foster care is finding parents. Rep. Kagi stated that 15 additional licensers were added to deal with the backlog. Likewise, she added that with last year's bill to help those in foster care "age out" of foster care, 50 additional children are utilizing this new program.

Mayor Ryu stated that Shoreline has one of the only adult developmental disability (DD) day programs in the area. She has heard that it is so popular that participants have to set their alarm for midnight to register for the program. It appears that the Parks Department is providing some human services. Since this is so popular, and if we could not continue funding it, could the City receive State funding? Likewise, Mr. Olander shared that the City is trying to organize a new summer camp for those with severe disabilities for a trial of 10-15 participants. The staffing ratio is one staff to three participants and a nurse would also be required.

Rep. Kagi stated that the Department of Social and Human Services' philosophy is that every DD individual should have the opportunity to work and this has resulted in the elimination of many recreation programs for this population.

Mr. Olander thanked the Delegation for being so accessible to the City and asked them what they consider to be a major issue in the next session. They responded that it would be funding the State Budget, education, and transportation issues.

The meeting adjourned at 7:25 p.m.

Julie Modrzejewski, Assistant City Manager

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP DINNER MEETING

Monday, April 28, 2008
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Mayor Cindy Ryu, Deputy Mayor Terry Scott, and Councilmembers Keith McGlashan, Chris Eggen, and Janet Way

ABSENT: Councilmember Doris McConnell

GUESTS: Ronald Wastewater: Arthur Wadekamper, Commissioner Chair, Arnold Lind, Commissioner, Brian Carroll, Commissioner, Michael Derrick, General Manager

STAFF: Bob Olander, City Manager, Julie Modrzejewski, Assistant City Manager, Mark Relph, Public Works Director, John Norris, CMO Management Analyst

Mayor Ryu called the meeting to order at 6:20 p.m.

Mayor Ryu started the meeting by thanking the Ronald Wastewater District for their work. Mr. Olander mentioned the upcoming annexation election that the District has scheduled in August. He asked Council if they would be interested in having a presentation and a discussion regarding a resolution. Councilmembers were agreeable to discussing this topic at a future meeting.

Mr. Wadekamper said that they are meeting with many neighborhood groups to educate them on the election. He stated that it took the District three years to change the law regarding annexation petitions. Boards and councils of jurisdictions can initiate an annexation election by a vote of the board or council; however, sewer districts were excluded and would have to petition voters. Currently, rate payers cannot vote for District Commissioners; this election would allow them to vote on District Commissioners.

Mr. Wadekamper stated that the District was formed in 1954. When the Lake City Sewer District failed in the 1970s Seattle Public Utilities acquired it and addressed the immediate issues. Then in 2001 the District acquired it from Seattle.

Mr. Wadekamper said that the District would like to work with the City to address private septic tanks, of which there are approximately 20 within the District. Mr. Derrick stated that anyone with a septic can no longer receive a repair permit from King County.

Mr. Olander stated that the District primarily handles conveyance and pumps to the City of Edmonds for treatment. The District does not have a treatment plant. Mr. Derrick said that until the early 1990s there was a Richmond Breach Treatment Facility, which served half of the District. King County bills the District a flat rate, and 75 percent of a household's bill is dedicated to King County charges. The District charges a flat rate of \$11.15, which is based on costs, not consumption.

Mr. Olander stated that the City receives little complaints on the District's rates; however, the City does receive complaints on the Brightwater fee, which is approximately \$8K per new construction hook up. Mr. Lind said every new home built in King or South Snohomish Counties are charged a capacity charge for 15 years (\$40/month) and all other rate payers pay a monthly charge to pay down the interest and debt on 40 year bonds, as well as operational costs.

Councilmember Way asked if the District had a policy on gray/reclaimed water. Mr. Derrick stated that he also spoke with Bill Bear on this issue and explained that there is no policy on gray water. Until it is in their system, they do not have jurisdiction. He stated that it is feasible and makes a lot of sense where water is limited.

Councilmember McGlashan stated that he learned that with the Brightwater Project King County is laying some pipes for reclaimed water near golf courses and cemeteries. Mr. Wadekamper only knows of Willows Run using reclaimed water.

Mr. Olander asked about the District's Inflow and Infiltration (I&I) Project. Mr. Wadekamper responded that they received \$900K from a grant and the District added another \$900K to conduct an I&I study in the Highland Terrace neighborhood including approximately 300 homes. Infiltration is groundwater that enters sanitary sewer systems through cracks and/or leaks in the sanitary sewer pipes. They found improper connections to the system and were able to lower the I&I percentage by 74 percent. Mr. Derrick stated that the major thrust on I&I is on capacity, not treatment. He is looking forward to working more closely with the City on land use issues to ensure that there is adequate capacity.

Mr. Carroll stated that in the last significant storm they experienced similar problems that the City did on inflow.

The meeting ended with Mr. Olander pledging to schedule the District's annexation election for a future Council meeting.

The meeting adjourned at 7:05 p.m. for the tennis courts lighting ceremony.

Julie Modrzejewski, Assistant City Manager

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of April 28, 2008
DEPARTMENT:	Finance
PRESENTED BY:	Debra S. Tarry, Finance Director

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,291,338.62 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
3/23/08-04/05/08	4/11/2008	23506-23700	7493-7535	36086-36094	\$388,041.05
					\$388,041.05

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
4/15/2008	36059		\$5,614.30
4/15/2008	36060	36085	\$71,262.28
4/18/2008	36095	36118	\$82,379.03
4/18/2008	36119		\$320.00
4/21/2008	36120	36124	\$1,638,622.81
4/21/2008	36125	36141	\$15,383.91
4/21/2008	36142	36143	\$15,762.67
4/22/2008	36144	36159	\$5,800.82
4/22/2008	36160	36163	\$42,414.76
4/24/2008	35350		(\$144.00)
4/24/2008	36164		\$144.00
4/24/2008	35904		(\$200.00)
4/28/2008	36165		\$25,936.99
			\$1,903,297.57

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 504, Approving the Final Subdivision for Shoreline Townhomes at 1160 N 198 th St.
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Paul Cohen, Senior Planner

PROBLEM/ISSUE STATEMENT:

The decision before the Council is the approval of the Final Subdivision for Shoreline Townhomes. The proposal would create 18 zero-lot-line building lots and one critical area tract from two original lots – totaling 1.1 acres. The lot sizes range from 1,423 to 4,535 square feet (Exhibit A).

The City Council approved the subject preliminary subdivision on April 10, 2006 under Ordinance No. 422 (Exhibit B) with one added condition – requiring a fenced children's play area. The approval followed a public hearing held by the Planning Commission on March 16, 2006. The Planning Commission submitted a recommendation for approval after the public hearing. The Planning Commission recommendation for approval was subject to 12 conditions as listed in Ordinance No. 422 Exhibit A.

An approved preliminary subdivision, along with any conditions, assures the feasibility of the project. Once approved the applicant must receive Site Development and Right-of-Way permits to ensure it meets the preliminary conditions and City code for roads, drainage, and utilities. The purpose of a final subdivision permit is to assure that the conditions of the preliminary have been met.

Engineering plans have been reviewed and approved by staff. Site Development, Right-of-Way, and building permits have been approved and issued. All required site development including, utility and drainage improvements, road and pedestrian improvements, and landscaping improvements have been constructed. The wetland and buffer enhancement plan has been completed with the exception of the required plantings, which per the plan may only be done October – March. A financial guarantee has been accepted to ensure the plantings and subsequent monitoring will be done. The applicant has met the conditions of the preliminary subdivision approval.

Since approval of the preliminary subdivision, a site development permit has been approved with subsequent revisions. The revisions involved the replacement of some of the original "rain garden" drainage system with an alternative drainage system that continues to meet the 2005 King County Surface Water Manual and Condition 3.d below. The revision replaced the rain gardens in front of the dwelling units into normal

landscape areas and diverted that runoff into the gravel infiltration beds under the permeable roadway. The larger communal rain garden remains. In order to help development meet the new requirements the 2005 manual offers a range of Best Management Practices (BMPs) so that compliance can be achieved.

The applicant complied with the requirements of the City of Shoreline Development Code so the Council is asked to approve the final subdivision by adopting Ordinance No. 504 (Exhibit D) and authorize the Mayor to sign the final plat. After signing it will be recorded with King County Records and Elections Division.

RECOMMENDATION

Staff recommends the adoption of Ordinance No. 504, which will approve the 18 lots of the Shoreline Townhomes Subdivision at 1160 N 198th Street and authorize the Mayor to sign the final subdivision.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

Project Address: 1160 N 198th St., Shoreline, WA 98133
Zoning: R-48 Residential (48 dwelling units per acre)
Property Size: 1.1 Acres
Number of Proposed Lots: 18 zero-lot-line townhouse lots; 1 critical area tract
Proposed Lot Sizes: Range from 1,423 to 4,535 Sq. Ft
Comprehensive Plan Designation: High Density Residential
Subdivision: Shoreline Townhomes Subdivision
Application No.: 201478
Applicant: Greg Kappers, Prescott Homes
Property Owner: Echo Lake Village, LLC

BACKGROUND

Action	Review Authority	Appeal Authority and Decision – Making Body
Preliminary Long Plat (Subdivision)	Planning Commission – Public hearing: March 16, 2006 The Planning Commission submitted a recommendation for approval with conditions.	City Council – Public Meeting: April 10, 2006 Decision: Preliminary Subdivision Approval with conditions.
Final Long Plat (Subdivision)	Director – Recommendation of approval to the City Council	City Council – Public Meeting: May 12, 2008 Decision: Final Plat Approval

The preliminary subdivision approval process required public notification of the proposal, followed by an open record public hearing in front of the Planning Commission. The Planning Commission and staff forwarded a recommendation to Council for approval subject to 12 conditions. The City Council made a decision to approve the project subject to the 12 conditions with one additional condition – requiring a fenced children's play area.

Site development engineering plans were created to show how the subdivision will comply with the preliminary approval conditions and code requirements. The Planning and Development Services Department issued a Site Development Permit authorizing the developer to fulfill the preliminary approval requirements, such as the installation of site utilities and roads. Site development work has been completed and approved. Required wetland and buffer enhancement work has been completed with the exception of plantings which can only be done October-March. A performance bond in the amount of guarantees the required plantings and monitoring will be done.

The final plat is the final document which actually creates the new lots of a new subdivision. The final plat must be reviewed, approved, all taxes paid, and recorded, before any lots are sold. Staff reviewed the final subdivision, and verified that all conditions of the preliminary approval have been fulfilled. Based upon this review, the Director makes this recommendation to the City Council for approval.

ANALYSIS

On April 10, 2006 the Council reviewed and approved this preliminary subdivision subject to the following conditions. The conditions have been met other than #3 a-e, 6,

and 9, which must be met prior to a certificate of occupancy. The City has performance bond monies to insure that these conditions will be met after final plat approval.

1. A maximum of 18 lots and one private land tract, for protection of the wetland and its associated buffer, shall be created. The sizes and the assigned addresses for the lots shall be shown on the face of the Final Plat. The delineation and size of the private land tract shall be declared on all plans submitted for the Site Development Permit and also shown on the face of the Final Plat.
2. A maximum of 18 zero-lot-line townhome lots are permitted as depicted in the Site Plan prepared by CB Anderson Architects and Preliminary Formal Subdivision Plan Boundary and Lot Lines prepared by GeoDatum, Inc., both submitted to the City on Nov. 8, 2005.
3. All mitigation measures in the Mitigated Determination of Non Significance issued by the City of Shoreline on Feb. 7, 2006 shall be implemented prior to occupancy including:
 - a. Prior to permit issuance a HPA permit from the State of Washington Department of Fish and Wildlife shall be obtained for work to be done within Echo Lake. The work shall include removal of:
 - the portion of an existing concrete bulkhead above the mean high-water mark; and
 - recently deposited debris within 20 feet of the shoreline.
 - b. Prior to occupancy the revised Wetland and Buffer Enhancement Plan prepared by Adolfson Associates, Inc., Feb. 2006, shall be implemented.
 - c. Monitoring of the wetland and its buffer by a qualified biologist in compliance with SMC 20.80.350 shall be implemented including submitting monitoring reports:
 - Upon completion of the wetland and buffer enhancement plan;
 - 30 days after planting;
 - Twice annually for the early growing season (no later than May 31) and the end of the growing season (no later than September 30) during Monitoring Years 1 and 2.
 - Once annually for the end of the growing season (no later than September 30) during Monitoring Years 3-5.
 - d. Stormwater management flow control BMPs (commonly referred to as Low Impact Development) in compliance with the 2005 King County Surface Water Design Manual and substantially in conformance with civil construction plans prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005 and revised Jan. 30, 2008, shall be constructed.
 - e. Remediation as described in the August 22, 2005 Environmental Site Assessment of the subject site by Earth Solutions NW, LLC, shall be completed prior to building permit issuance. Remediation required shall include:
 - Decommission/removal by a licensed professional in a manner in conformance with relevant regulatory requirements of the 500-gallon underground storage tank on the site; and
 - A Phase II investigative remediation including, but not limited to, removal of impacted soils – approximately 5-10 cubic yards of soil in the area where a 55-gallon drum was found – followed by confirmation sampling to ensure no contaminated soils remains. The impacted soils shall be disposed of at a permitted facility. A report conforming to the

State of Washington Department of Ecology procedures shall be sent to the City of Shoreline.

4. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline for all onsite engineering including storm water conveyance and infiltration, utility installation, onsite landscaping, and wetland and buffer enhancement. The completion of this work shall be secured by a plat performance financial guarantee. The approved plans associated with the Site Development Permit shall be substantially in conformance with the civil construction plans and Technical Information Report prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005.
5. Emergency access only shall be allowed from N 199th St. Access shall be restricted at all times by a locked gate equipped with a Knox-Box system and/or an Opticom pre-emption device. N 199th St. may be used for unrestricted access only if it is improved to public road standards.
6. All recommendations contained in the Traffic Impact Assessment prepared by Transportation Engineering Northwest, Oct. 27, 2005, shall be implemented prior to issuance of a certificate of occupancy.
7. Developer shall meet all required conditions established by the Feb. 10, 2006 revised Seattle Public Utilities Water Availability Certificate.
8. Developer shall meet all required conditions established by the Oct. 24, 2005 Ronald Wastewater District Sewer Availability Certificate.
9. Prior to issuance of a certificate of occupancy:
 - Landscaping shall be installed, inspected and approved substantially in conformance with the Landscape Plan prepared by Weisman Design Group, Oct. 25, 2005; and
 - A landscape maintenance and replacement agreement shall be submitted and approved by the City.
10. Prior to recording of the Final Plat, owners shall be required to establish, record and maintain in force and effect a Covenant for a Homeowner's Association substantially in conformance with the Draft Covenant. The Association is to be held with undivided interest by the 18 zero-lot-line town home lots (described as lots 1-18) in this subdivision. The Homeowner's Association is to be responsible for maintaining, repairing and/or rebuilding of the (1) critical area tract for wetland protection, (2) access road and parking; (3) required landscaping; and (4) infrastructure and utilities not dedicated to the City of Shoreline including rain gardens and pervious concrete.
11. Prior to recording of the Final Plat a declaration of covenant and grant of easement shall be recorded for the rain gardens and pervious concrete as required by the 2005 King County Surface Water Design Manual, Appendix C, as described in sections C.1.3.3.3, C.2.5.3 and C.2.6.7.
12. The following notes shall be shown on the face of the Final Plat:
 - "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."

- "Tract A is a protected wetland and buffer tract where all development is permanently prohibited including, but not limited to, activities such as clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations."
- "Access via N 199th Street shall be for emergency purposes only. Access shall be restricted by a gate to be locked at all times, accessible only by fire, police and other emergency agency vehicles. General access via N 199th Street may be allowed only if N 199th Street, from the subdivision's western boundary to Aurora Avenue N, is improved to conform to public road standards."
- "This subdivision contains a stormwater management flow control BMP (best management practice) called 'permeable pavement,' which was installed to minimize the stormwater quantity and quality impacts of some or all of the paved surfaces on your property. Permeable pavements reduce the amount of rainfall that becomes runoff by allowing water to seep through the pavement into a free-draining gravel or sand bed, where it can be infiltrated into the ground."

The type of permeable pavement used is porous concrete.

The area covered by permeable pavement as depicted by the flow control BMP site plan and design details must be maintained as permeable pavement and may not be changed without written approval from the City of Shoreline.

Permeable pavements must be inspected after one major storm each year to make sure it is working properly. Prolonged ponding or standing water on the pavement surface is a sign that the system is defective and may need to be replaced. If this occurs, contact the pavement installer or the City of Shoreline for further instructions. A typical permeable pavement system has a life expectancy of approximately 25-years. To help extend the useful life of the system, the surface of the permeable pavement shall be kept clean and free of leaves, debris, and sediment through regular sweeping or vacuum sweeping. The Homeowner's Association is responsible for the repair of all ruts, deformation, and/or broken paving units."

- This subdivision contains a stormwater management flow control BMP (best management practice) called a 'rain garden,' which was installed to mitigate the stormwater quantity and quality impacts of some or all of the impervious or non-native pervious surfaces of the subdivision. Rain gardens, also known as "bioretention," are vegetated closed depressions or ponds that retain and filter stormwater from an area of impervious surface or non-native pervious surface. The soil in the rain garden has been enhanced to encourage and support vigorous plant growth that serves to filter the water and sustain infiltration capacity. Depending on soil conditions, rain gardens may have water in them throughout the wet season and may overflow during major storm events."

The size, placement, and design of the rain garden as depicted by the flow control BMP site plan and design details must be maintained and may not be

changed without written approval from the City of Shoreline. Plant materials may be changed to suit tastes, but chemical fertilizers and pesticides must not be used. Mulch may be added and additional compost should be worked into the soil over time.

Rain gardens must be inspected annually for physical defects. After major storm events, the system should be checked to see that the overflow system is working properly. If erosion channels or bare spots are evident, they should be stabilized with soil, plant material, mulch, or landscape rock. A supplemental watering program may be needed the first year to ensure the long-term survival of the rain garden's vegetation. Vegetation should be maintained as follows: 1) replace all dead vegetation as soon as possible; 2) remove fallen leaves and debris as needed; 3) remove all noxious vegetation when discovered; 4) manually weed without herbicides or pesticides; 5) during drought conditions, use mulch to prevent excess solar damage and water loss."

SEPA

A SEPA Mitigated Determination of Non-Significance was issued February 7, 2006.

RECOMMENDATION

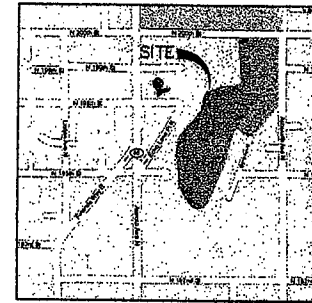
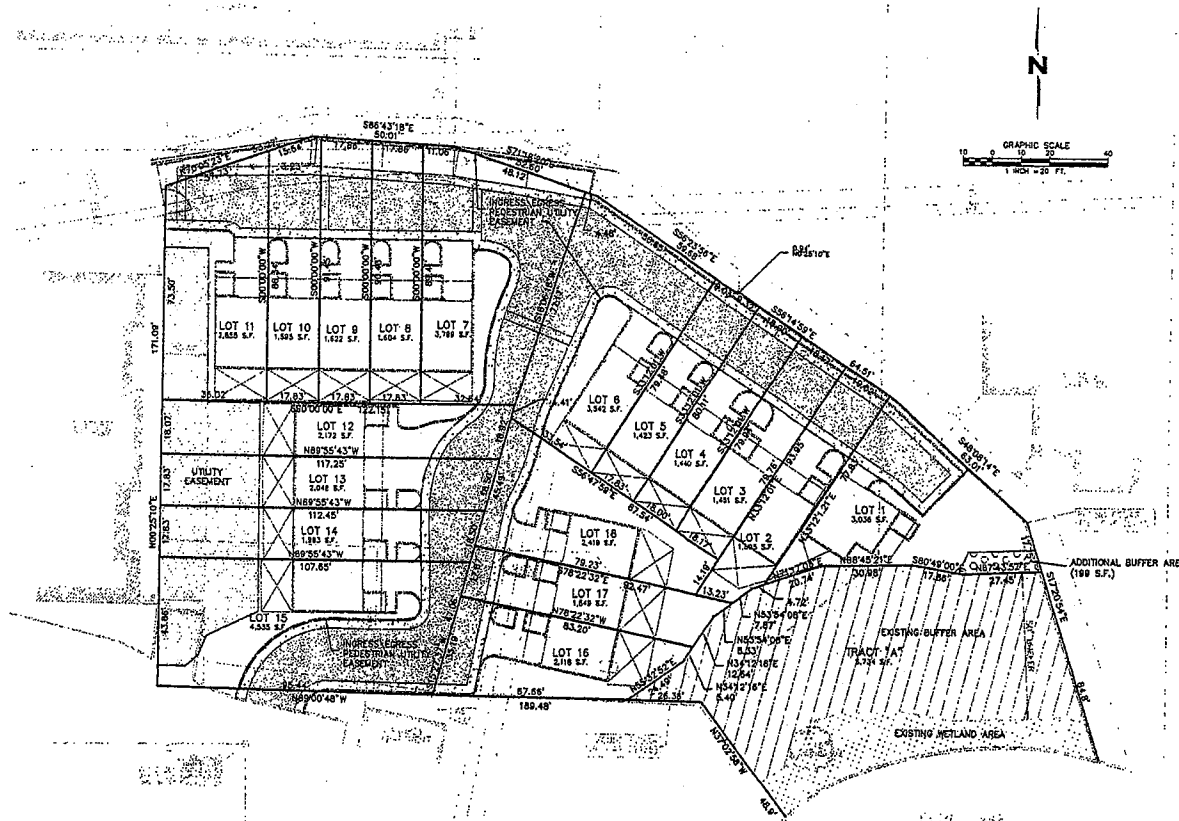
Staff recommends the adoption of Ordinance No. 504, approving the Final Subdivision of the Shoreline Townhomes at 1160 N 198th Street and authorizing the Mayor to sign the plat.

EXHIBITS

Exhibit A:	Reduced final plat drawing. (Copies of the full Final Subdivision Plat drawings are available at the City Manager's Office.)
Exhibit B:	Preliminary Plat Ordinance No. 422
Exhibit C:	Ordinance No. 504

ECHO LAKE TOWNHOMES

SE 1/4 SEC. 6 ,TWP. 26N ,RGE. 4E ,W.M.

VICINITY MAP
NTS

LEGAL DESCRIPTION

THE NORTH 50 FEET OF LOT 14 AND ALL OF LOT 15, ECHO LAKE PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 23 OF PLATS ON PAGE 8 RECORDS OF KING COUNTY, WASHINGTON, EXCEPT THE WEST 118 FEET THEREOF TOGETHER WITH THAT PORTION OF VACATED LAKE AVENUE ADJOINING, WHICH UPON VACATION REVERTED THEREBY BY OPERATION OF LAW, TOGETHER WITH THAT PORTION OF LOT 25 OF SAID ADDITION, IF ANY LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF TRACT 25, ECHO LAKE PARK ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 23 OF PLATS, PAGE 8, IN KING COUNTY, WASHINGTON; THENCE S00°52'18"E, ALONG THE WEST LINE OF THE EAST HALF OF SAID TRACT 25, A DISTANCE OF 328.69 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY FACE OF AN EXISTING CONCRETE BLOCK WALL, SAID INTERSECTION BEING THE TRUE POINT OF BEGINNING OF THE BOUNDARY LINE HEREIN DESCRIBED; THENCE S57°30'04"E, ALONG SAID NORTHWESTERLY PROLONGATION AND THE NORTHEASTERLY FACE OF SAID EXISTING CONCRETE BLOCK WALL A DISTANCE OF 64.28 FEET TO AN ANGLE POINT IN SAID CONCRETE BLOCK WALL; THENCE S49°29'48"E AND CONTINUING ALONG THE NORTHEASTERLY FACE OF SAID EXISTING CONCRETE BLOCK WALL TO AN INTERSECTION WITH THE NORTH MARGIN OF VACATED LAKE AVENUE; THENCE CONTINUING S18°43'35"E, ALONG THE EASTERLY FACE OF SAID EXISTING CONCRETE BLOCK WALL TO AN INTERSECTION OF ACHO LAKE AND THE TERMINUS OF THE BOUNDARY LINE HEREIN DESCRIBED; TOGETHER WITH A RIGHT OF WAY OVER A STRIP OF LAND 20 FEET IN WIDTH, THE CENTERLINE OF WHICH STRIP FOLLOWS THE SOUTHERLY LINE OF LOTS 3 AND 18 THROUGH 24, INCLUSIVE OF SAID ADDITION, EXCEPT ANY PORTION LYING WITHIN THE ABOVE DESCRIBED MAIN TRACT.

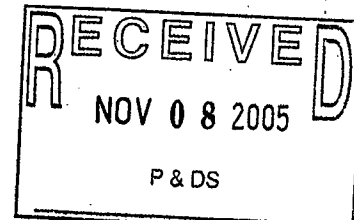
BASIS OF BEARINGS

UNRECORDED SURVEY BY CHENOWETH & ASSOCIATES
DATED AUGUST, 1987, JOB NO. LS87118.

ACCEPTED BEARINGS ON THE FACE OF THIS SURVEY BASED ON FOUND MONUMENTS.

GENERAL NOTES

1. THIS EXHIBIT IS BASED ON THE CHICAGO TITLE INSURANCE COMPANY COUNTDOWN FOR TITLE INSURANCE, ORDER NO. 1186587, DATED MAY 20, 2003 AT 8:00 A.M.
2. INSTRUMENTATION FOR THIS SURVEY WAS A 3-SECOND NIKON HPL 352 TOTAL STATION. PROCEDURES USED IN THIS SURVEY MEET OR EXCEED STANDARDS SET BY WAC 335-130-090.
3. THE INFORMATION ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE IN SEPTEMBER 2003 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
4. UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON ABOVE GROUND OBSERVATIONS AND AD-BUILT PLANS WHERE AVAILABLE. ACTUAL LOCATIONS OF UNDERGROUND UTILITIES MAY VARY AND UTILITIES NOT SHOWN ON THIS SURVEY MAY EXIST ON THIS SITE.



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SURVEYING & CIVIL-STRUCTURAL
2003 S. 10TH AVE. SUITE 100
SEASIDE, WA 98133
PH: 206-837-4001



DATE	REVISION

52

ECHO LAKE TOWNHOMES
PRELIMINARY SHORT PLAT
BOUNDARY & LOT LINES
1150 N. 198TH ST.
SHORE WA 98133

PRESCOTT HOMES INC.

DRAWN: MCD
DESIGNER: MCD
PROJ. ENGR./SURV: TNW
DATE: 10-25-05
PROJECT NO.: 2005-259

SHEET PP1 OF 2

201478

ORIGINAL

ORDINANCE NO. 422

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR
EIGHTEEN LOTS AT 1160 N 198TH STREET**

WHEREAS, owners of certain properties, with parcel numbers 2227300071 and 2227300070, have filed a preliminary formal subdivision application for eighteen building lots and one critical area tract located at 1160 N 198th Street; and

WHEREAS, on March 16, 2006, a public hearing on the application for the preliminary formal subdivision was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on March 16, 2006, the Planning Commission recommended approval with conditions of the preliminary formal subdivision and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the preliminary formal subdivision of certain properties as described above and located at 1160 N 198th Street is consistent with both the City of Shoreline Comprehensive Plan and Development Code and is appropriate for this site;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE DO
ORDAIN AS FOLLOWS:**

Section 1. Findings. The Findings and Conclusion on Project No. 201478, as set forth in Part I and Part II, Planning Commission Findings, Conclusion and Recommendation dated March 20, 2006, attached hereto as Exhibit A are hereby adopted.

Section 2. Preliminary Formal Subdivision Adoption. The Shoreline Townhomes Preliminary Formal Subdivision, Project No. 201478, as further described and depicted in Exhibit B attached hereto is hereby adopted subject to the conditions set forth in Part III, Planning Commission Findings, Conclusion and Recommendation dated March 20, 2006 and attached hereto as Exhibit A.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage

1A713180
and publication of the title as a summary of this ordinance.

ORIGINAL

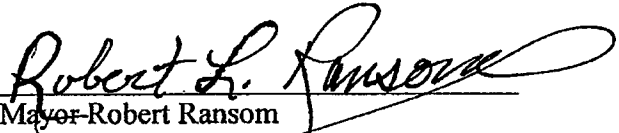
PASSED BY THE CITY COUNCIL ON APRIL 10, 2006.

ATTEST:



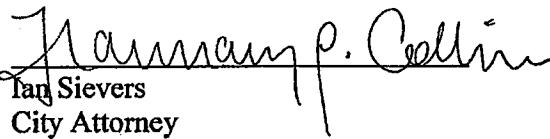
Scott Passey
City Clerk

Date of Publication: April 13, 2006
Effective Date: April 18, 2006



Mayor Robert Ransom

APPROVED AS TO FORM:



for Ian Sievers
City Attorney

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE CITY OF SHORELINE PLANNING COMMISSION**

Preliminary Formal Subdivision of Shoreline Townhomes Review, Project No. 201478

Summary –

After reviewing and discussing the Preliminary Formal Subdivision of Shoreline Townhomes proposal on March 16, 2006 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes and therefore unanimously recommended approval of such action with conditions.

I. FINDINGS OF FACT

1. PROJECT SITE CHARACTERISTICS

- 1.1 The project site consists of two contiguous lots (Tax Parcel Nos. 2227300070 & 2227300071) totaling approximately 49,531 square feet (1.1 acres).
- 1.2 The site is currently vacant, although a single family residence was located on the site until it was demolished in 1995. Remaining on site are a 500-gallon underground home heating oil tank and concrete slabs and walkways.
- 1.3 The site is located on the north shoreline of Echo Lake. It is generally flat, sloping gently to the southeast, towards the lake, with slopes less than 2%. The southeast corner of the site contains a Type II wetland adjacent to the lake shoreline. The wetland is approximately 1,600 square feet in area.
- 1.4 One significant tree (to be retained) is located on the site, within the proposed wetland buffer.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located in the Echo Lake Neighborhood, south of N 200th Street and east of Aurora Avenue N.
- 2.2 Adjacent to the site are multi-family residential developments to the east, west and south and an office building to the north. Echo Lake Park and a portion of the Interurban Trail are approximately 360 feet east of the site. The Aurora Village Transit Center and retail shopping center are located about 350 feet north of the site. West of the site up to Aurora Avenue N are some single family residences and commercial buildings.
- 2.3 N 198th Street is classified as a local street. Aurora Avenue N is a principal arterial. N 200th Street is a collector arterial. N 199th Street is a private street.

3 COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the site is High Density Residential. Policy LU14 in the Comprehensive Plan envisions High Density residential areas as transition areas between high intensity uses and lower intensity residential uses. All residential uses are permitted in High Density Residential areas.
- 3.2 LU23: "Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the needs of Shoreline citizens."

PC Findings, Conclusions & Recommendation

- 3.3 H1: "Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city."
- 3.4 H6: "Encourage infill development on vacant or underutilized sites to be compatible with existing housing types."

4. REGULATORY AUTHORITY

- 4.1 Shoreline Municipal Code (SMC) 20.30.060 requires Preliminary Formal Subdivisions to be processed as a quasi-judicial or "Type-C" action. Type-C actions require an open record public hearing and review by the Planning Commission, which then forwards a recommendation to the City Council for final approval.
- 4.2 Applicable regulatory controls set forth in the SMC include:
 - SMC 20.30 – Procedures and Administration
(Subdivisions – SMC 20.30.360-480)
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
(Multi-family Design Standards – SMC 20.50.120-210)
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards
 - SMC 20.80 – Critical Areas (Wetlands – SMC 20.80.310-350)

5. PROCEDURAL HISTORY

- 5.1 Preapplication meetings were held on June 21, 2005 and September 9, 2005.
- 5.2 A Neighborhood Meeting was held on July 27, 2005.
- 5.3 A third party review of the applicant's wetland delineation report (Attachment D) by the City's consultant, The Watershed Company, was completed October 18, 2005 (Attachment E). The review agreed with and supported the report.
- 5.4 Preliminary Formal Subdivision (File No. 201478) and Site Development Permit (File No. 108437) applications and a State Environmental Policy Act (SEPA) checklist were received on Nov. 8, 2005 (Attachment F).
- 5.5 The applications were determined to be complete on Nov. 17, 2005.
- 5.6 A Notice of Application for the proposal was issued on Nov. 23, 2005, with the public comment period ending Dec. 7, 2005. Because the site was not posted with the Notice of Application in a timely manner, a Revised Notice of Application was issued on Dec. 1, 2005, with the public comment period ending Dec. 15, 2005 (Attachment G).
- 5.7 A deviation from the provisions of the City-adopted 1998 King County Surface Water Design Manual (as provided for by the manual's general adjustment process) to allow implementation of the 2005 King County Surface Water Design Manual (KCSWDM) stormwater management flow control Best Management Practices was approved on Feb. 1, 2006 (Attachment H).
- 5.8 A SEPA threshold Mitigated Determination of Nonsignificance (MDNS) for the proposal was issued on Feb. 7, 2006 (Attachment I) with the administrative appeal and comment period ending on Feb. 21, 2006. No comments or appeals were received.
- 5.9 A Notice of Public Hearing was issued on Feb. 28, 2006 for the Planning Commission open record public hearing on March 16, 2006 (Attachment J).

PC Findings, Conclusions & Recommendation

6. PUBLIC COMMENT AND STAFF RESPONSE

- 6.1 **Public Comment** – A total of seven comment letters and e-mails were received.
- 6.2 **Staff Response regarding project name** – Three of the comment letters (Attachment K) objected to the original name for the project, Echo Lake Townhomes. Staff requested the applicant change the name of the project. The project is now named Shoreline Townhomes.
- 6.3 **Staff Response regarding impact on Echo Lake** – Three letters (Attachment L) commented on potential negative impacts of the project on Echo Lake's water quality and wildlife habitat. With wetland and buffer enhancement and construction of stormwater management flow control BMPs the quality of surface water flowing from the site into Echo Lake will be improved. The hydrology of the wetland will be improved with the partial removal of an existing concrete wall separating the wetland from the lake and the installation of dispersion trenches. The concern that erosion into the lake would be increased by removing the existing concrete wall at the edge of the lake was addressed by modifying that proposal to include removal of only the portion of the wall above the mean high water mark, which will allow a hydraulic connection between the wetland and the lake while still stabilizing the shoreline. Concerns about increased erosion caused by the concentration of pedestrian activities near the lake were addressed by modifying the wetland enhancement plan to include construction of a raised boardwalk and viewing platform near the lake and signage to encourage pedestrians to stay off the ground near the lake. Wildlife habitat opportunities will be increased with removal of invasive non-native plants, planting of native plants, and installation of bird boxes and bat boxes in the proposed wetland buffer area.
- 6.4 **Staff response regarding pervious concrete maintenance** – One of the letters referred to in 6.3 above also commented on the need to properly maintain the proposed pervious concrete roadway. The staff recommended conditions of approval include the requirement that a homeowner's association be established responsible for the maintenance of common facilities, including the pervious concrete and rain gardens. Another proposed condition requires recording a declaration of covenant and grant of easement, as required by the KCSWDM, with maintenance provisions for the rain gardens and porous concrete.
- 6.5 **Staff response regarding pedestrian access** – The letter referred to in 6.4 above also commented on the need for sufficient and safe pedestrian routes to nearby commercial and transit services. Adequate pedestrian paths are included in the proposal not only on site but also along the access easement that connects the site to N 198th Street. Pedestrian safety would be improved off site with the implementation of recommendations contained in the Traffic Impact Assessment prepared by Transportation Engineering NorthWest (Attachment N). A staff-recommended condition of approval is to require implementation of those recommendations.
- 6.6 **Staff response regarding King County request** – King County Wastewater Treatment Division requested copies of sewer extension plans. Staff contacted personnel in the Wastewater Treatment Division to clarify the request. During those discussions it was determined the sewer main crossing the site was not being modified so it was unnecessary to submit sewer extension plans (Attachment M).

7. ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES

- 7.1 The project site is zoned Residential – 48 units per acre (R-48), which would allow up to 55 dwelling units to be constructed on the site.
- 7.2 The proposed density is 15.8 dwelling units per acre.
- 7.3 Under SMC 20.40.120 townhomes are a permitted use in the R-48 Zoning District.

PC Findings, Conclusions & Recommendation

8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410)

The following criteria were used to review the proposed subdivision:

8.1 Environmental (SMC 20.30.410A)

Criteria: *Where environmental resources exist the proposal shall be designed to fully implement the goals, policies, procedures and standards of SMC 20.80, Critical Areas, and Subchapter 5 of SMC 20.50, Tree Conservation, Land Clearing and Site Grading Standards.*

Staff Analysis: A Type II wetland is located on the site. The proposal complies with the standards established in the critical areas chapter SMC 20.80.200. See further analysis under Section 12.2 below. The project must comply with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5.

Criteria: *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.*

Staff Analysis: With the type of structures proposed, placement of access over existing utility easements, and the relatively flat site, grading will be minimized.

Criteria: *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected.*

Staff Analysis: There are no existing natural hazardous conditions on the site. An abandoned home heating oil storage tank and contaminated soil on the site as described in the Aug. 22, 2005 Environmental Site Assessment by Earth Solutions NW (Attachment O) will be removed in conformance with relevant regulations prior to construction per Mitigation Measure #6 of the SEPA threshold MDNS (Attachment I).

Criteria: *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.*

Staff Analysis: The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the KCSWDM. See further analysis in Section 11.1 below. The project must comply with all height restrictions as specified in SMC Chapter 20.50 which will minimize the impact, if any, on off-site views.

8.2 Lot and Street Layout (SMC 20.30.410B)

Criteria: *Lots shall be designed to contain a usable building area to ensure the lot is developed consistent with the standards of the SMC and does not create nonconforming structures, uses or lots.*

Staff Analysis: The proposal meets design standards for zero-lot-line development as set forth in SMC Chapter 20.50. All lots will be buildable with a zero-lot-line townhouse dwelling unit. No nonconforming structures, uses or lots will be created.

Criteria: *Lots shall not front on primary or secondary highways unless there is no other feasible access.*

Staff Analysis: None of the site fronts on any public streets. Access to N 198th St., which is not a primary or secondary highway, is provided via a "Non-Exclusive Access and Utilities Easement" (King County Recording No. 20060106000015) across private property southwest of the site.

Criteria: *Each lot shall meet the applicable dimensional requirements of the SMC.*

Staff Analysis: This proposal meets the applicable dimensional requirements specified for zero-lot-line development as set forth in SMC Chapter 20.50. See further analysis in Section 9.1 below.

ORIGINAL

PC Findings, Conclusions & Recommendation

Criteria: Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

Staff Analysis: Adequate pedestrian walks are provided within the project site. Existing public pedestrian walks and bicycle paths outside of the site are adequate to serve the additional impacts generated by the project. Improvements to the pedestrian access across private land to N 198th Street will be required per the recommendations of the Traffic Impact Analysis by Transportation Engineering Northwest, Inc. (Attachment N).

8.3 Dedications (SMC 20.30.410C)

Criteria: The City Council may require dedication of land in the proposed subdivision for public use.

Criteria: Only the City Council may approve a dedication of park land. The Council may request a review and written recommendation from the Planning Commission.

Criteria: Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.

Criteria: Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.

Staff Analysis: No dedications are required for this proposal. See further analysis in Section 11.2 below.

8.4 Improvements (SMC 20.30.410D)

Criteria: Improvements which may be required include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

Staff Analysis: This project will comply with the all requirements specified in the City of Shoreline Development Code and Engineering Development Guide. See further analysis in Sections 9, 10, 11 and 12 below.

Criteria: Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.

Staff Analysis: This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities. See further analysis in Section 11 below.

9. SITE DEVELOPMENT STANDARDS (SMC 20.50)

9.1 Densities and Dimensions in the R-48 Zone (SMC 20.50.020)

Standard	Regulation	Proposed
Base Density	48 du/acre	16 du/acre
Min. Density	8 du/acre	16 du/acre
Min. lot width	30 ft. ⁽²⁾	18-44 ft.
Min. lot area	2,500 sq. ft. ⁽²⁾	1,423 – 4,535 sq. ft.
Min. front yard setback	10 ft.	18 ft. - west
Min. rear yard setback	5 ft.	38 ft. - east
Min. side yard setback	5 ft.	25 ft. - north 6 ft. - south
Base height	50 ft. with pitched roof ⁽⁹⁾	n.a.

ORIGINAL

PC Findings, Conclusions & Recommendation

Max. building coverage	70%	18.2%
Max. impervious surface	90%	55%

Exceptions

(2) These standards may be modified to allow zero lot line developments.

(9) For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, NCBD, RB, I, and CZ zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

8.1 Open Space (SMC 20.50.160)

Multifamily developments must provide on-site common recreational open space of at least 170 square feet for each dwelling unit of three or more bedrooms. Exception 20.50.160(A)(2) allows private yards, patios, balconies or roof decks to be credited towards the total recreation space requirement when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Private yards or patios must have a minimum area of 100 square feet and a minimum dimension of 10 feet. The proposal provides each dwelling unit with a patio area at least 170 square feet in area with dimensions at least 10 feet by 17 feet, creating suitable recreational opportunities. Community pathways and gathering areas along with the wetland buffer enhancement plan's boardwalk and viewing platform add to the project's total area of common recreational open space.

Multifamily developments shall provide tot/children play areas within the recreation space on-site except when facilities are available within one-quarter mile that are developed as public parks and are accessible without crossing arterial streets. Play areas are not required for this project as Echo Lake Park is located less than one-quarter mile from the project and is accessible by pedestrians without having to cross any streets.

8.2 Significant Tree Removal (SMC 20.50.290-370)

The site contains one significant tree. That tree is located within the wetland buffer area and will be retained. This complies with the requirement that at least 20% of the significant trees be retained. As no significant trees are to be removed, there are no replanting requirements.

8.3 Parking and Access (SMC 20.50.380-440)

Townhouse developments must provide two off-street parking spaces per dwelling unit (SMC 20.50.390A). The proposal provides each dwelling unit with a one-car garage and a driveway at least 20 feet long to provide a second parking space. In addition, four guest parking spaces are proposed.

Access may cross required yard setbacks provided no more than 10% of the setback area is displaced (SMC 20.50.420). Less than 10% of the setback area is proposed to be displaced by access. Direct access from the street right-of-way to parking areas is subject to SMC 20.60 and the Shoreline Engineering Development Guide.

Pedestrian access should be:

- separate from vehicular traffic where possible; or
- well marked to clearly distinguish it as a pedestrian priority zone; and
- be at least five feet wide (SMC 20.50.430).

All proposed pedestrian access is at least five feet wide and delineated with either a paving material different from that used by vehicle access or by painted lines.

8.4 Landscaping (SMC 20.50.450-520)

ORIGINAL

PC Findings, Conclusions & Recommendation

Type II landscaping, a filtered screen functioning as a partial visual separator to soften the appearance of parking areas and building elevations, consisting of trees generally interspersed throughout the landscaped strip and spaced to create a continuous canopy with a mix of deciduous and evergreen trees, shrubs and ground cover is required within the yard setback area for multifamily developments adjacent to multifamily and commercial zoning, except where the setback area is displaced by access or parking. The approved Feb. 27, 2006 Weisman Design Group landscaping plan (Attachment P) complies with these requirements.

10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

- 9.1 **Water Supply** – Seattle Public Utilities has issued a Water Availability Certificate (Attachment Q) for the proposal.
- 9.2 **Sewer Service** – Ronald Wastewater District has issued a Certificate of Sewer Availability (Attachment R) for the proposal.
- 9.3 **Fire Protection** – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site (Attachment S).
- 9.4 **Traffic Capacity** – The project will generate an estimated 9 “P.M. Peak Hour Trips,” which is below 20 P.M. Peak Hour Trips, the threshold trigger to require traffic facility improvements as set forth in SMC 20.60.140(A) (See Traffic Impact Analysis, Transportation Engineering Northwest, Oct. 27, 2005, Attachment N.)

10. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

- 10.1 **Storm Water Management** – The City of Shoreline Public Works Department has approved the Road and Storm Drain Plan for the proposal.
- 10.2 **Right-of-Way Dedication** – No right-of-way dedication is required as the project does not front any right-of-way and will not have a significant impact on the use of the right-of-way.
- 10.3 **Utility Undergrounding** – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 10.4 **Frontage Improvements** – The project does not front on any right-of-way. Although there may be a site distance deficiency at the intersection of N 198th St. and Aurora Ave. N, none of those deficiencies can be improved by work within the right-of-way. No frontage improvements are required.

11. WETLAND REGULATIONS (SMC 20.80.310-350)

- 11.1 **Wetland classification (SMC 20.80.320)** – The wetland on the site has been classified as a Type II wetland (see Attachment C, Wetland Delineation Report, Adolfson Associates, Inc., Oct. 2005) and confirmed by a third party (see Attachment D, The Watershed Company letter, Oct. 18, 2005).
- 11.2 **Required buffer areas (SMC 20.80.330)** – Type II wetlands require a minimum buffer width of 50 feet and a maximum buffer width of 100 feet. The maximum buffer width is required unless the proposed development:
 - is considered low impact; or
 - if wetland and buffer enhancement are implemented.

The proposal to use the minimum buffer width is allowed because it is both considered low impact and wetland and buffer enhancement are part of the proposal.

ORIGINAL

PC Findings, Conclusions & Recommendation

This proposal is low impact as:

- the proposed use does not involve usage or storage of chemicals;
- passive-use areas are located adjacent to the buffer; and
- the wetland and its buffer are incorporated into the site design in a manner which eliminates the risk of adverse impact on the critical area.

Wetland and buffer enhancement are achieved with the:

- Construction of bat and bird boxes to enhance wildlife habitat with structures likely to be used by wildlife.
- Removal of invasive non-native species followed by planting of native vegetation, which will increase the value of wildlife habitat and improve water quality.

Low impact uses and activities (pedestrian path, boardwalk and viewing platform) are proposed within the buffer. Those uses are consistent with the purpose and function of the wetland buffer and do not detract from the integrity of the buffer. A viewing platform is to be located at the edge of the buffer next to the wetland to proactively mitigate potential erosion and other negative impacts caused by overuse of areas by pedestrians.

The wetland and its associated buffer will be preserved by being placed in a separate tract on which development is prohibited. The location and limitations associated with the tract will be shown on the face of the recorded final plat.

II. CONCLUSIONS

RCW 36.70B.040 Determination of Consistency, requires a proposed project shall be reviewed for consistency with a local government's development regulations during project review by consideration of:

- Type of land use;
- The level of development, such as units per acre or other measures of density;
- Infrastructure, including public facilities and services needed to serve the development; and
- The characteristics of the development, such as development standards.

RCW 58.17.110 Approval/Disapproval of Subdivisions, requires proposed subdivisions to:

- Make appropriate provisions for the public health, safety, and general welfare; and
- Serve the public use and interest for open spaces, drainage ways, streets, other public ways, potable water supplies, sanitary wastes, parks and recreation, and all other relevant facts.

Based on the above Findings of Fact and with the proposed conditions listed below, the Planning Commission concludes the Preliminary Formal Subdivision of Shoreline Townhomes has:

- Met the requirements of the City of Shoreline Development Standards, 2005 Comprehensive Plan, and Municipal Code
- Made appropriate provisions for the public health, safety, and general welfare
- Serves the public use and interest

III. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission unanimously recommends approval of the Preliminary Formal Subdivision of Shoreline Townhomes proposal, Project No. 201478 with the following conditions:

1. A maximum of 18 lots and one private land tract for protection of the wetland and its associated buffer shall be created. The sizes and the assigned addresses for the lots shall be shown on the face of the Final Plat. The delineation and size of the private land tract shall be declared on all plans submitted for the Site Development Permit and also shown on the face of the Final Plat.

PC Findings, Conclusions & Recommendation

2. A maximum of 18 zero-lot-line townhome lots are permitted as depicted in the Site Plan prepared by CB Anderson Architects and Preliminary Formal Subdivision Plan Boundary and Lot Lines prepared by GeoDatum, Inc., both submitted to the City on Nov. 8, 2005.
3. All mitigation measures in the Mitigated Determination of Non Significance issued by the City of Shoreline on Feb. 7, 2006 shall be implemented prior to occupancy including:
 - a. Prior to permit issuance a HPA permit from the State of Washington Department of Fish and Wildlife shall be obtained for work to be done within Echo Lake. The work shall include removal of:
 - the portion of an existing concrete bulkhead above the mean highwater mark; and
 - recently deposited debris within 20 feet of the shoreline.
 - b. Prior to occupancy the revised Wetland and Buffer Enhancement Plan prepared by Adolfson Associates, Inc., Feb. 2006, shall be implemented.
 - c. Monitoring of the wetland and its buffer by a qualified biologist in compliance with SMC 20.80.350 shall be implemented including submitting monitoring reports:
 - Upon completion of the wetland and buffer enhancement plan;
 - 30 days after planting;
 - Twice annually for the early growing season (no later than May 31) and the end of the growing season (no later than September 30) during Monitoring Years 1 and 2.
 - Once annually for the end of the growing season (no later than September 30) during Monitoring Years 3-5.
 - d. Stormwater management flow control BMPs (commonly referred to as Low Impact Development) in compliance with the 2005 King County Surface Water Design Manual and substantially in conformance with civil construction plans prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005, shall be constructed.
 - e. Remediation as described in the August 22, 2005 Environmental Site Assessment of the subject site by Earth Solutions NW, LLC, shall be completed prior to building permit issuance. Remediation required shall include:
 - Decommission/removal by a licensed professional in a manner in conformance with relevant regulatory requirements of the 500-gallon underground storage tank on the site; and
 - A Phase II investigative remediation including, but not limited to, removal of impacted soils – approximately 5-10 cubic yards of soil in the area where a 55-gallon drum was found – followed by confirmation sampling to ensure no contaminated soils remains. The impacted soils shall be disposed of at a permitted facility. A report conforming to the State of Washington Department of Ecology procedures shall be sent to the City of Shoreline.
4. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline for all onsite engineering including storm water conveyance and infiltration, utility installation, onsite landscaping, and wetland and buffer enhancement. The completion of this work shall be secured by a plat performance financial guarantee. The approved plans associated with the Site Development Permit shall be substantially in conformance with the civil construction plans and Technical Information Report prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005.
5. Emergency access only shall be allowed from N 199th St. Access shall be restricted at all times by a locked gate equipped with a Knox-Box system and/or an Opticom pre-emption device. N 199th St. may be used for unrestricted access only if it is improved to public road standards.

ORIGINAL

PC Findings, Conclusions & Recommendation

6. All recommendations contained in the Traffic Impact Assessment prepared by Transportation Engineering Northwest, Oct. 27, 2005, shall be implemented prior to issuance of a certificate of occupancy.
7. Developer shall meet all required conditions established by the Feb. 10, 2006 revised Seattle Public Utilities Water Availability Certificate.
8. Developer shall meet all required conditions established by the Oct. 24, 2005 Ronald Wastewater District Sewer Availability Certificate.
9. Prior to issuance of a certificate of occupancy:
 - Landscaping shall be installed, inspected and approved substantially in conformance with the Landscape Plan prepared by Weisman Design Group, Oct. 25, 2005; and
 - A landscape maintenance and replacement agreement shall be submitted and approved by the City.
10. Prior to recording of the Final Plat, owners shall be required to establish, record and maintain in force and effect a Covenant for a Homeowner's Association substantially in conformance with the Draft Covenant. The Association is to be held with undivided interest by the 18 zero-lot-line town home lots (described as lots 1-18) in this subdivision. The Homeowner's Association is to be responsible for maintaining, repairing and/or rebuilding of the (1) critical area tract for wetland protection, (2) access road and parking; (3) required landscaping; and (4) infrastructure and utilities not dedicated to the City of Shoreline including rain gardens and pervious concrete.
11. Prior to recording of the Final Plat a declaration of covenant and grant of easement shall be recorded for the rain gardens and pervious concrete as required by the 2005 King County Surface Water Design Manual, Appendix C, as described in sections C.1.3.3.3, C.2.5.3 and C.2.6.7.
12. The following notes shall be shown on the face of the Final Plat:
 - "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
 - "Tract A is a protected wetland and buffer tract where all development is permanently prohibited including, but not limited to, activities such as clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations."
 - "Access via N 199th Street shall be for emergency purposes only. Access shall be restricted by a gate to be locked at all times, accessible only by fire, police and other emergency agency vehicles. General access via N 199th Street may be allowed only if N 199th Street, from the subdivision's western boundary to Aurora Avenue N, is improved to conform with public road standards.
 - "This subdivision contains a stormwater management flow control BMP (best management practice) called 'permeable pavement,' which was installed to minimize the stormwater quantity and quality impacts of some or all of the paved surfaces on your property. Permeable pavements reduce the amount of rainfall that becomes runoff by allowing water to seep through the pavement into a free-draining gravel or sand bed, where it can be infiltrated into the ground.

The type of permeable pavement used is porous concrete.

ORIGINAL

PC Findings, Conclusions & Recommendation

The area covered by permeable pavement as depicted by the flow control BMP site plan and design details must be maintained as permeable pavement and may not be changed without written approval from the City of Shoreline.

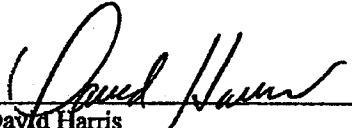
Permeable pavements must be inspected after one major storm each year to make sure it is working properly. Prolonged ponding or standing water on the pavement surface is a sign that the system is defective and may need to be replaced. If this occurs, contact the pavement installer or the City of Shoreline for further instructions. A typical permeable pavement system has a life expectancy of approximately 25-years. To help extend the useful life of the system, the surface of the permeable pavement shall be kept clean and free of leaves, debris, and sediment through regular sweeping or vacuum sweeping. The Homeowner's Association is responsible for the repair of all ruts, deformation, and/or broken paving units."

- "This subdivision contains a stormwater management flow control BMP (best management practice) called a 'rain garden,' which was installed to mitigate the stormwater quantity and quality impacts of some or all of the impervious or non-native pervious surfaces of the subdivision. Rain gardens, also known as "bioretention," are vegetated closed depressions or ponds that retain and filter stormwater from an area of impervious surface or non-native pervious surface. The soil in the rain garden has been enhanced to encourage and support vigorous plant growth that serves to filter the water and sustain infiltration capacity. Depending on soil conditions, rain gardens may have water in them throughout the wet season and may overflow during major storm events.

The size, placement, and design of the rain garden as depicted by the flow control BMP site plan and design details must be maintained and may not be changed without written approval from the City of Shoreline. Plant materials may be changed to suit tastes, but chemical fertilizers and pesticides must not be used. Mulch may be added and additional compost should be worked into the soil over time.

Rain gardens must be inspected annually for physical defects. After major storm events, the system should be checked to see that the overflow system is working properly. If erosion channels or bare spots are evident, they should be stabilized with soil, plant material, mulch, or landscape rock. A supplemental watering program may be needed the first year to ensure the long-term survival of the rain garden's vegetation. Vegetation should be maintained as follows: 1) replace all dead vegetation as soon as possible; 2) remove fallen leaves and debris as needed; 3) remove all noxious vegetation when discovered; 4) manually weed without herbicides or pesticides; 5) during drought conditions, use mulch to prevent excess solar damage and water loss."

City of Shoreline Planning Commission


David Harris
Chairperson

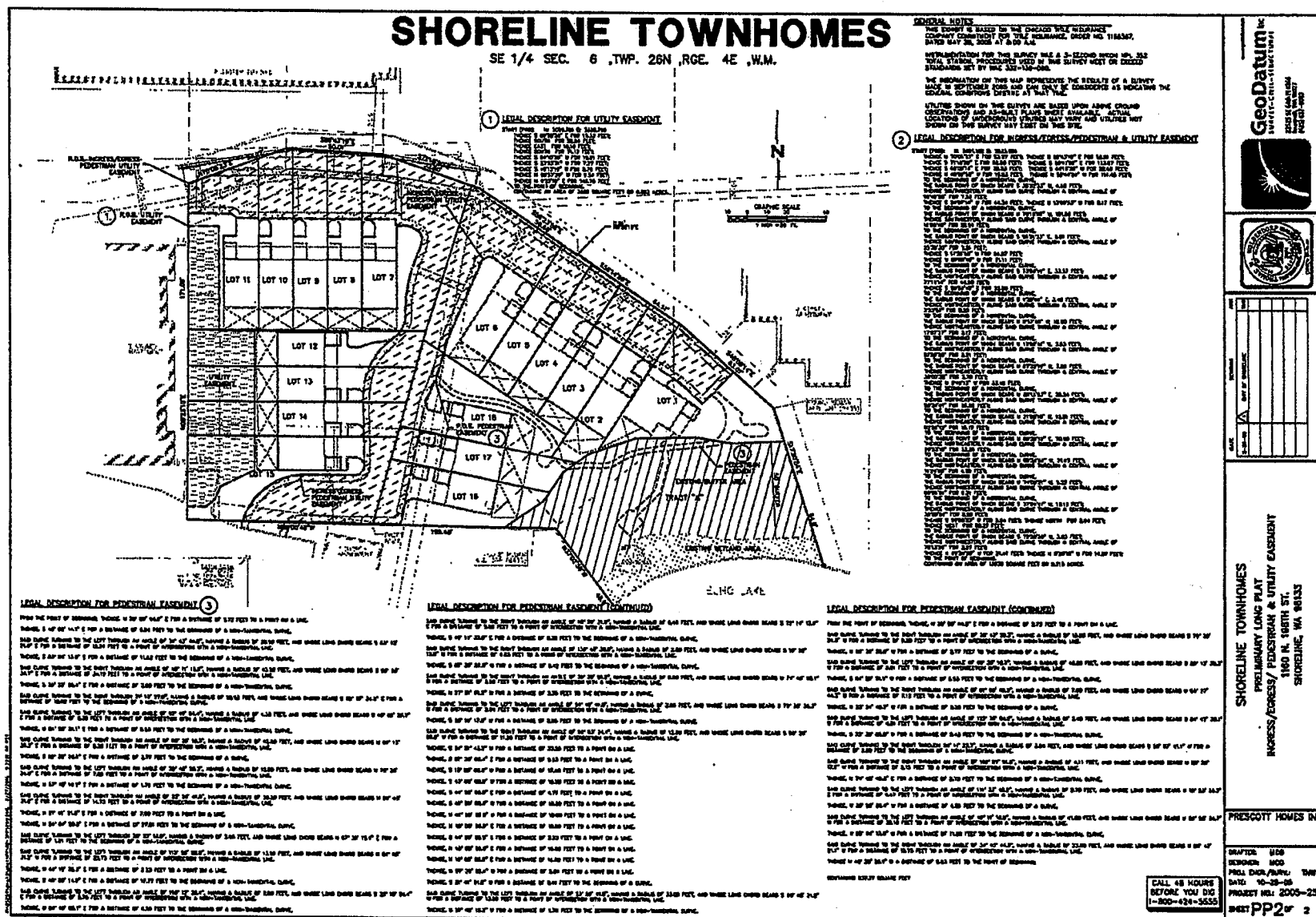
3/21/2006
Date

ORIGINAL



SHORELINE TOWNHOMES

SE 1/4 SEC. 6 ,TWP. 26N ,RGE. 4E ,W.M.



ORDINANCE NO. 504

**A ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
APPROVING THE FINAL PLAT OF THE SHORELINE TOWNHOMES
SUBDIVISION LOCATED AT 1160 N 198TH STREET CONSISTING OF
18 LOTS**

WHEREAS, the applicant has made application for final plat of the Shoreline Townhomes Subdivision, an eighteen-lot townhouse subdivision; and

WHEREAS, the City Council approved the preliminary plat of Shoreline Townhomes Subdivision on April 10, 2006 following a public hearing held by the Planning Commission on March 16, 2006, and

WHEREAS, engineering and site development plans have been approved and the applicant has been issued a site development permit to construct all required plat improvements, which will satisfy all requirements for final plat; and

WHEREAS, all required site development including, utility and drainage improvements, road and pedestrian improvements, wetland and buffer enhancement, and landscaping improvements have been constructed or guaranteed with a performance bond; and

WHEREAS, the applicant has complied with all requirements of the City of Shoreline Municipal Code chapter 20.30.060 and 20.30.450 for recording the plat; and

WHEREAS, the final plat has been executed by the Director of Planning and Development Services as complying with the Shoreline Development Code, and the City Engineer as complying with City and utility district standards for private roads and utility systems.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Findings. The Council finds that the final plat of Shoreline Townhomes 1) complies with the City's zoning and land use regulations, 2) serves the public interest, and 3) satisfies conditions of preliminary plat approval and for recording the final plat.

Section 2. Approval. The final plat of the Shoreline Townhomes Subdivision is approved, and the Mayor is authorized to sign the plat which will then be recorded with the King County Records and Elections Division.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage

and publication of the title as a summary of this ordinance.

ADOPTED BY THE CITY COUNCIL ON May 12, 2008.

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

Council Meeting Date: May 12, 2008

Agenda Item: 8(b)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 478, Amendments to the Development Code, Section 20.50.020; Residential Density in CB zones, affecting properties located in the Town Center Study Area and along Ballinger Way
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director

SUMMARY:

This amendment was reviewed by the City Council at its April 14, 2008 meeting. The Council did not make a decision that evening and continued its discussion to May 12.

BACKGROUND

The attached information from the April 14 packet provides the background of the Planning Commission recommendation. At the April 14 meeting, Council heard comments from 5 people. Comments included:

- Support for the proposal because it would make development in CB areas feasible, minimal impact on single-family neighborhoods, increased demand for public transit and increases density in areas that can support it.
- Support with reservations, including a request to delete the requirement for ground floor retail uses.
- Suggestion that public process was flawed and the City's Comprehensive Plan does not support density of this sort.
- Concerns about traffic and land use impacts.

The Council began to discuss the proposal including a proposed amendment to allow increased density if the development provided affordable housing or ground floor retail. No decisions were reached and further discussion was tabled to May 12.

RECOMMENDATION

The Planning Commission recommends that Council adopt Ordinance No. 478, amending the development code, Section 20.50.020; Residential Density in CB Zones; affecting properties in the Town Center Study Area and adjacent to Ballinger Way.

Approved By: City Manager  City Attorney _____

ATTACHMENTS

Attachment A: Ordinance No. 478

Exhibit A to Attachment A: Proposed 20.50.020(2) Code Language

Attachment B: Map of Existing and Potential CB Parcels

Attachment C: Zoning Map

ORDINANCE NO. 478

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20.50.020(2) DENSITIES AND DIMENSIONS FOR RESIDENTIAL DEVELOPMENT IN NONRESIDENTIAL ZONES.

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000; and

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, City staff drafted several amendments to the Development Code; and

WHEREAS, the Planning Commission held a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from February 16, 2007 to March 1, 2007;
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 15 and April 17, 2007;
- The City Council discussed these amendments on June 11, 2007 and August 20, 2007;
- The Planning Commission and City Council held a joint public hearing on October 8, 2007; and
- Additional consideration by the Planning Commission at public hearings on January 17, 2008 and February 21, 2008; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on March 8, 2007, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Chapter 20.50.020(2) is amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON APRIL 14, 2008.

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

January 17, 2008 proposal before the Planning Commission

Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac (1)	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (1)-(2)	35 ft	60 ft	65 ft (2)(3)
Maximum Impervious Surface	85%	85%	95%

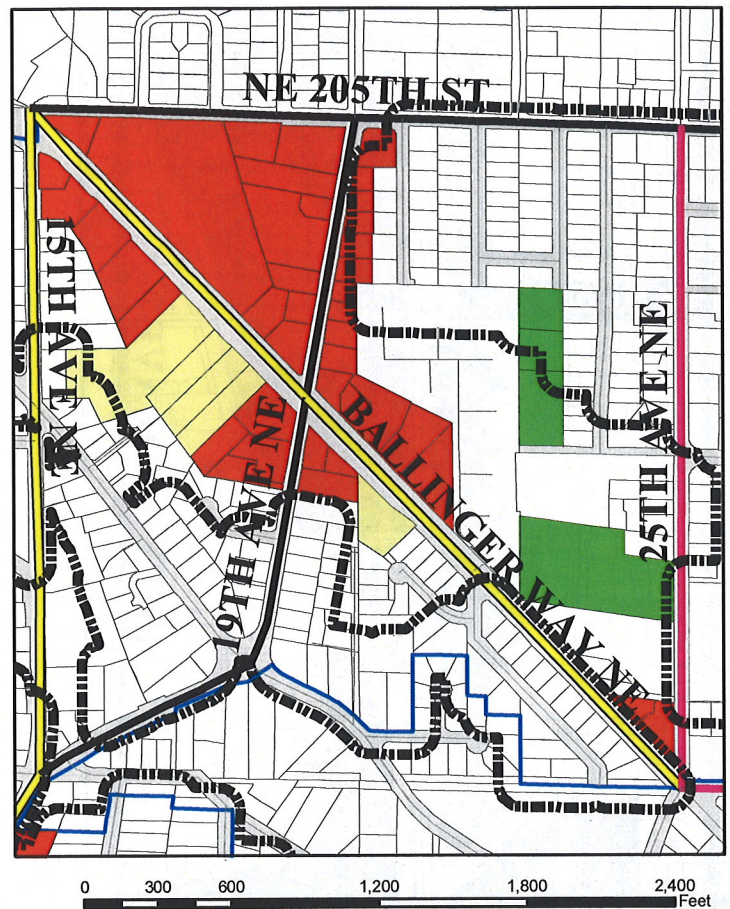
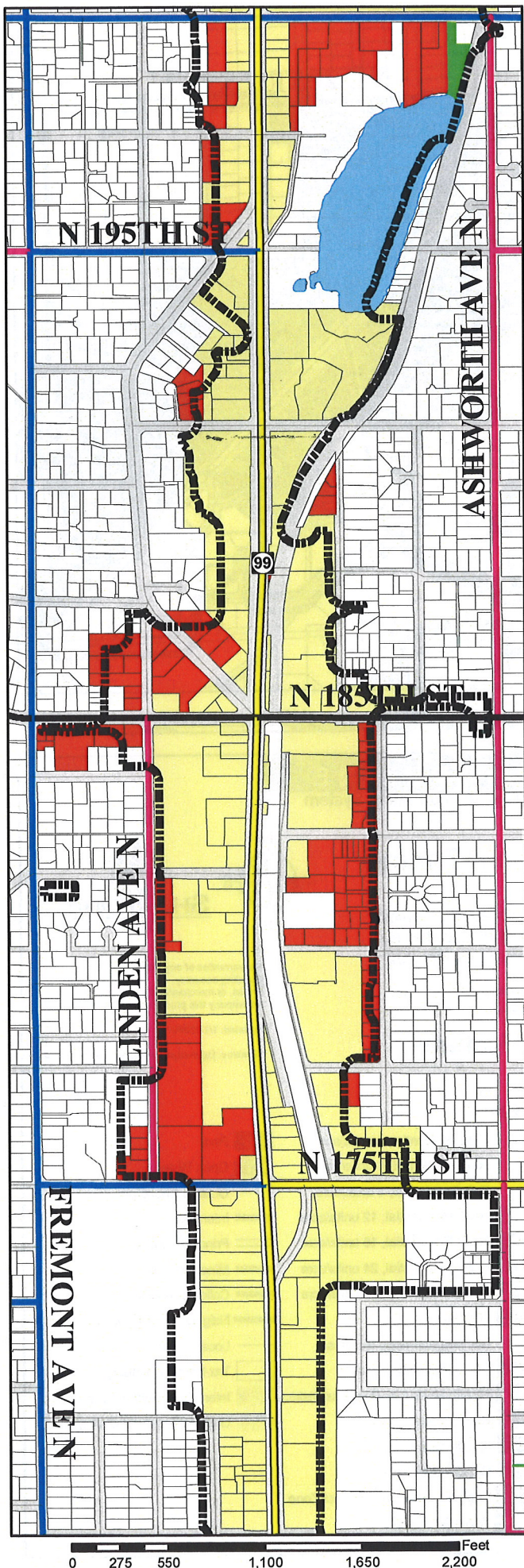
Exceptions to Table 20.50.020(2):

(1) No density maximum will apply in CB zones if the following criteria are met:

- Properties are located in the Town Center subarea study area or adjacent to Ballinger Way.
- Properties are located more than 90 feet from single-family zoned properties (R-4, R-6, and R-8).
- Properties are within 1,200 feet of Auroara Ave N or directly adjacent to Ballinger Way.
- Properties shall include ground floor commercial uses.

(4) (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

(2)(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.



SHORELINE

Geographic Information System

Potential Community Business

Representation of Official Zoning Map Adopted By City Ordinance No. 292.

Shows amendments through April 3, 2007.

Map Features

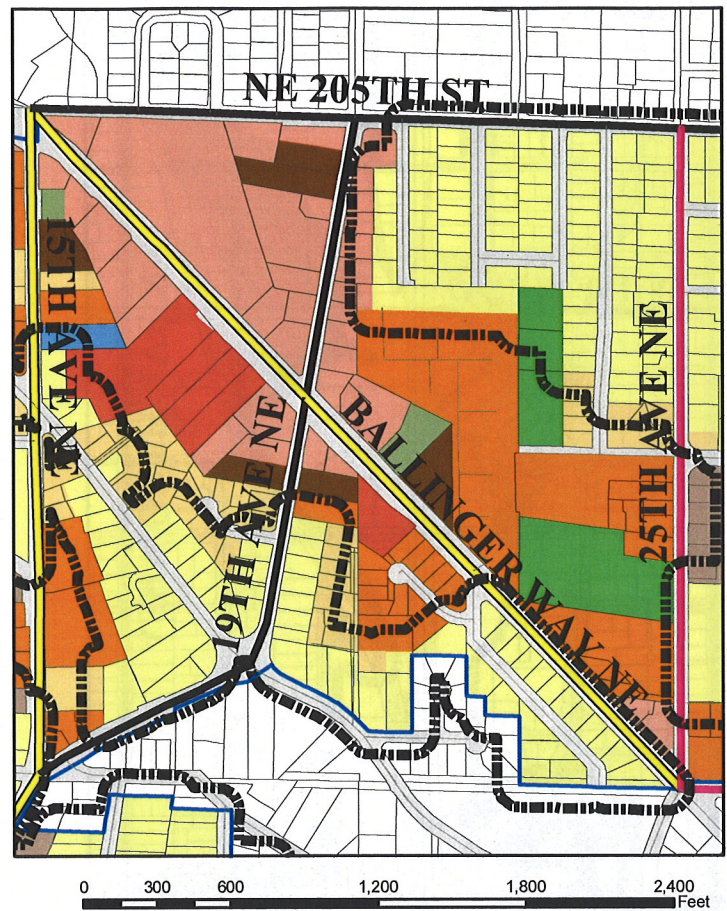
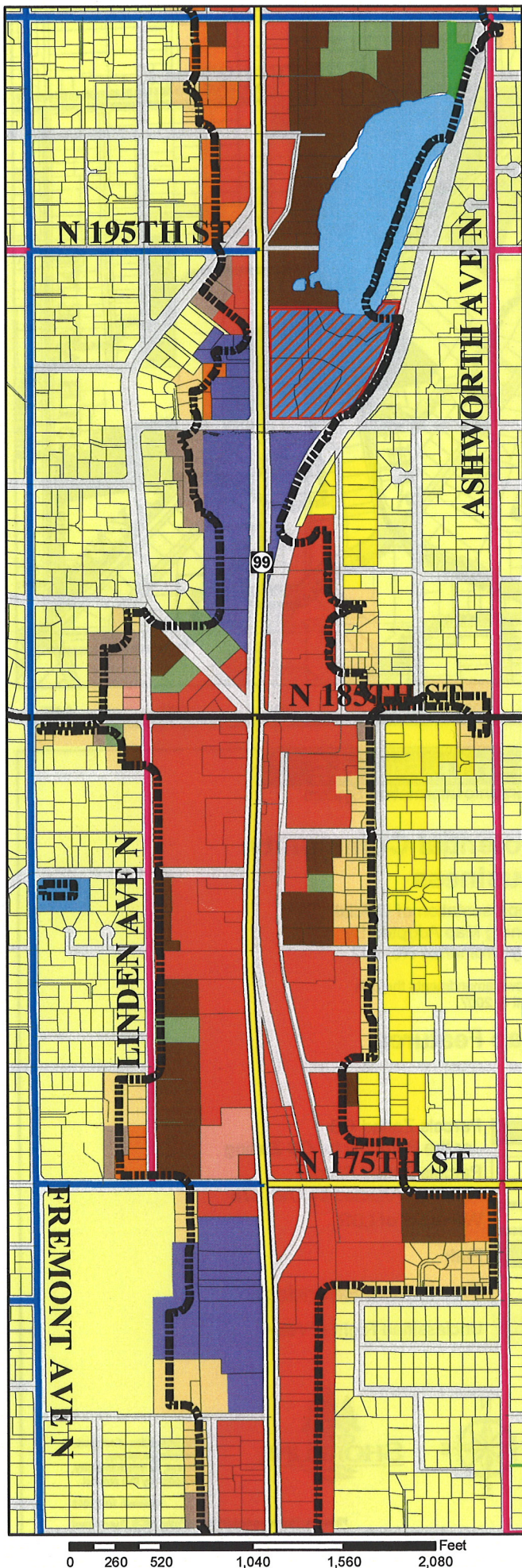
- Parcels Zoned CB or the Potential for CB Zoning
- Parcels Zoned RB or I and Not Affected by Ord. 478
- Within 90' of LDR
- Park
- Tax Parcel Boundary
- Unclassified Right of Way



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Updated: 1/17/2008

Filename: j:\gis\maps\pads\ZoningPotentialCB_Aurora.mxd



SHORELINE

Geographic Information System

Current Zoning

Representation of Official
Zoning Map Adopted By
City Ordinance No. 292.

Shows amendments through
April 3, 2007.



No warranties of any sort,
including accuracy,
fitness, or merchantability,
accompany this product.

Updated: 1/17/2008

Filename: j:\gis\maps\pads\Zoning_Aurora_Ball.mxd

Map Features

Legend

- | | |
|------------------------------------|---------------------------|
| R-4; Residential, 4 units/acre | Park |
| R-6; Residential, 6 units/acre | Open Water |
| R-8; Residential, 8 units/acre | Outside Shoreline |
| R-12; Residential, 12 units/acre | Interstate |
| R-18; Residential, 18 units/acre | Principal Arterial |
| R-24; Residential, 24 units/acre | Minor Arterial |
| R-48; Residential, 48 units/acre | Collector Arterial |
| O; Office | Neighborhood Collector |
| NB; Neighborhood Business | Local Street |
| CB; Community Business | Tax Parcel Boundary |
| NCBD: North City Business District | Interurban Right of Way |
| RB; Regional Business | Unclassified Right of Way |
| I; Industrial | |
| CZ; Contract Zone | |
| Regional Business-Contract Zone | |
| Within 90' of LDR | |

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Emergency Ordinance No. 505 and Interim Development Regulations for the Regional Business (RB) zone
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Planning and Development Services

SUMMARY:

The staff has drafted Ordinance No. 505 for Council's consideration for adoption. Ordinance No. 505 addresses maximum residential density in the Regional Business (RB) zone, replacing the current "no maximum" standard with an interim standard of 110 dwelling units acre. If Council approves Ordinance 505, a hearing on its provisions will be scheduled within 60 days, and staff will begin work on proposed permanent density regulations for the RB zone for adoption by Council within six months.

BACKGROUND:

The most intensive land use district in the City is the Regional Business (RB) Zone. The RB zone allows the greatest building height (65 feet), lot coverage, and range of permitted uses of any zoning district. It also allows the greatest density of any zoning district in Shoreline. SMC 20.50.020(2) lists the maximum density, expressed as dwelling units per acre (du/ac) for Neighborhood Business (NB) and Community Business (CB) zones as 24 and 48 du/ac, respectively. In contrast, the maximum density listed for RB zones is "No maximum."

In the past, the staff has pointed out that the maximum achievable density in the RB zone is practically limited by other regulations, including lot coverage, height, setback, and parking requirements. However, the "no maximum" language at SMC 20.500.20(2) makes it impossible to provide certainty, either to a developer or nearby property owners, about what the actual maximum density will be. This lack of certainty has generated much confusion, concern and controversy in the community, resulting in many letters, emails and public comments at Council meetings over the past six months.

Because the RB zone occupies most of the Aurora corridor as well as parts of the Richmond Beach and Ballinger areas, the lack of certainty and clarity about

development potential in the RB zone raises the prospect of widespread unintended and unknown impacts on the integrity of existing land uses adjacent to RB zones. The staff believes that the City should take a "time out" to evaluate appropriate residential densities in the RB zone and that interim regulations should therefore be adopted immediately to place a density cap on the RB zone while that evaluation takes place.

In determining an appropriate interim density cap for RB zones, the staff reviewed the effective densities of several prominent mixed use or multifamily projects in Shoreline. For example, the Arabella I project in North City is 129 du/ac, the Monte Nikon building just off Aurora is 100 du/ac, and the Market Square project (old China Clipper site) is 138 du/ac. The latter two projects have been approved utilizing the "no maximum" provisions of the current RB zone.

The Council recently looked in great detail at the topic of appropriate development regulations for the Planned Area 2 zone in the Ridgecrest commercial district. There, the Council placed a maximum density cap of 110 du/ac. The building height and bulk for PLA 2 is roughly comparable to RB. Therefore, the staff believes that a reasonable interim density cap for RB is 110 du/ac.

The effect of proposed Ordinance 505 will be to place a moratorium on the use of the "no maximum" language for RB zones and instead insert the "110 du/ac" maximum. The Council has legal authority to adopt Ordinance 505 prior to a public hearing, but must schedule and conduct a public hearing on it within 60 days. The term of the moratorium is six months, so the staff would begin work immediately researching appropriate "permanent" provisions for maximum density in the RB zones. That work would include public review and comment at hearings conducted by the Planning Commissions who would forward a recommendation to the City Council for action by early November.

RECOMMENDATION:

The staff recommends that the City Council adopt Ordinance No. 505 and direct the staff to schedule a public hearing within 60 days.

ATTACHMENTS

Attachment A: Ordinance No. 505

Approved By: City Manager  City Attorney _____

ORDINANCE NO. 505

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A MORATORIUM FOR SIX MONTHS ON THE FILING OR ACCEPTANCE OF ANY APPLICATIONS FOR RESIDENTIAL DEVELOPMENT OF LAND WITHIN THE REGIONAL BUSINESS LAND USE DISTRICT WHICH EXCEED A DENSITY OF 110 DWELLING UNITS PER ACRE.

WHEREAS, under the provisions of the Growth Management Act the City has adopted development regulations implementing the City of Shoreline Comprehensive Plan; and

WHEREAS, the Regional Business (RB) land use district allows residential development, but does not place an absolute limit on the permitted number of dwelling units per acre; and

WHEREAS, the continued acceptance of development applications proposing new residential development utilizing existing Regional Business (RB) zone density provisions may allow development that is incompatible with nearby existing land uses and circulation systems, leading to problematic traffic conditions and an erosion of community character and harmony; and

WHEREAS, a six-month moratorium on the filing of certain applications for residential development in the Regional Business (RB) zone will allow the City to preserve planning options and prevent substantial change until the existing land areas so designated and the text of development standards applicable to residential development in this zone is reviewed and any needed revisions are made to these regulations; and

WHEREAS, scheduled updates to the City's Comprehensive Plan include subarea plans for the Town Center and Southbridge Subareas in 2008-2009; and

WHEREAS, the City Council has determined from recent public correspondence and comment that the integrity of existing land uses in and adjacent to Regional Business (RB) zones may suffer irreparable harm unless a moratorium is adopted; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; and

WHEREAS, pursuant to SEPA regulation SMC 20.30.550 adopting Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under existing regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium; now therefore,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. Moratorium and Interim Regulation Adopted. A moratorium is adopted upon the filing of any application for residential development within the Regional Business (RB) zoning district of the City which exceeds 110 dwelling units per acre, unless a neighborhood plan, subarea plan or special district overlay plan authorizing a higher density has been approved. No land use development proposal or application may be filed or accepted which proposes a development described in this section.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and 36.70A.390 the City Clerk shall notice a public hearing before the City Council to take testimony concerning this moratorium within sixty days of passage of this ordinance.

Section 4. Effective Dates. The City Council declares that an emergency exists requiring passage of this ordinance for the protection of public health, safety, welfare and peace based on the Findings set forth in Section 1 of this ordinance. This ordinance shall take effect and be in full force immediately upon passage and shall expire six months from its effective date unless extended or repealed according to law.

Section 5. Permanent Regulations. The City Council directs the staff to begin work on permanent regulations for the Regional Business (RB) zone to replace the interim regulations adopted herein, and in so doing to consider the policy guidance provided by the adopted Council Goals and the adopted Strategies for Housing, Economic Development and Environmental Sustainability.

Section 6. Publication. The title of this ordinance is approved as a summary of the ordinance for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON MAY 12, 2008

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: May 15, 2008
Effective date: May 12, 2008