



## AGENDA

### SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, June 11, 2007  
6:00 p.m.

Shoreline Conference Center  
Highlander Room

**TOPICS/GUESTS:** Executive Session: Personnel

### SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, June 11, 2007  
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		
3. REPORT OF THE CITY MANAGER		7:35
4. REPORTS OF BOARDS AND COMMISSIONS		
5. GENERAL PUBLIC COMMENT		7:40
<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. The public may comment for up to three minutes; the Public Comment under Item 5 will be limited to a maximum period of 30 minutes. The public may also comment for up to three minutes on agenda items following each staff report. The total public comment period on each agenda item is limited to 20 minutes. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers should clearly state their name and city of residence.</i>		
6. APPROVAL OF THE AGENDA		7:55
7. CONSENT CALENDAR		7:55
(a) Minutes of Special Meeting (Civic Center) of April 30, 2007	<u>1</u>	
Minutes of Special Meeting of April 30, 2007	<u>5</u>	
Minutes of Special Meeting of May 7, 2007	<u>17</u>	
(b) Approval of expenses and payroll as of May 30, 2007	<u>27</u>	
in the amount of \$2,085,816.92		

- (c) Motion to Authorize the City Manager to Execute a Construction Management Contract with W & H Pacific for the Dayton Ave. N Project, 15<sup>th</sup> Ave./150<sup>th</sup> Signal Project and 2007 Priority Sidewalk Project 29
- (d) Motion to Authorize the City Manager to Amend the Existing Contract in the amount of \$132,260 for Preparation of Construction Documents for the Saltwater Park Phase 1 Improvements Project 31

## 8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS 8:00

- (a) Resolution No. 260 Endorsing the Principles of the Cascade Agenda 32.1  
(This item was postponed from the June 4 Council meeting)
- (b) Ordinance No. 469 amending the Municipal Code Title 20, including 20.20.016 D Definitions; 20.20.054 W Definitions; Table 20.30.040; 20.30.220 Filing Administrative Appeals; 20.30.560 Categorical Exemptions; 20.30.760 Junk Vehicles as Public Nuisance; 20.30.770 Notice and Orders; 20.40.320 Daycare Facilities; 20.50.020(2) Density and Dimensions; 20.50.040 Setbacks; 20.50.260 Lighting Standards; 20.50.410(a) Parking Design Standards; 20.50.420 Vehicle Access and Circulation Standards; 20.70.030(c)(3)(a) Required Improvements; 20.80.330 Required Buffer Areas; and 20.90.110 Lighting. 33 8:05
- (c) Ordinance No. 474 amending Ordinance No. 437 by Extending for Three Months the Reduction in the City Gambling Tax on Social Card Rooms to 7% of Gross Receipts; and amending Shoreline Municipal Code 3.30.020. 103 8:25

## 9. NEW BUSINESS

- (a) Ridgecrest Final Report and Next Steps 111 8:45
- (b) Presentation of the 2008-2013 Capital Improvement Plan 117 9:15
- (c) Civic Center Project Informational Update 123 9:45

## 10. 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](http://www.cityofshoreline.com). Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 12 noon and 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](http://cityofshoreline.com/cityhall/citycouncil/index).*

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF SPECIAL MEETING**

**COUNCIL TOUR FOR THE CIVIC CENTER/CITY HALL PROJECT**

Monday, April 30, 2007 – 9:00 A.M.  
Shoreline City Hall  
17544 Midvale Avenue N.

**PRESENT:** Mayor Ransom, Deputy Mayor Fimia, Councilmember Gustafson,  
Councilmember McGlashan, Councilmember Ryu, and Councilmember Way.

**ABSENT:** Councilmember Hansen

**STAFF:** Robert Olander, City Manager; Julie Modrzejewski, Assistant City Manager; Ian Sievers, City Attorney; Joe Tovar, Planning and Development Services Director; Jesus Sanchez, Public Works Operations Manager; Brian Breedan, Roads Maintenance Supervisor; Paul Lanie, Facility and Fleet Coordinator; Bill Angle, City Consultant

City Council and staff left Shoreline City Hall at approximately 9:00am and arrived at 9:30am at Mithun Architect at Pier 56 in Seattle. We met with Richard Franko who provided a tour of their LEED certified facility. Mr. Franko provided an overview of the facility - the space is designed for a 200 person integrated design firm. The space was originally vacant when they remodeled five years ago. In their remodel they included natural cooling which includes high and low windows that open - with this method they capitalize on cross ventilization, allowing heat to escape from the top windows. The firm has an open floor plan - everyone has the same exact space, even the CEO - they believe this open floor plan fosters teamwork.

They were concerned about noise, especially when making private phone calls, due to the hard surfaces. The ambient noise created by the air system and by providing small rooms for personal calls helps.

Mithun also had a desire to use recycled materials. For example, 90% of the carpet comes from recycled materials. The overall goal is to use less materials so much of the facility keeps the plywood and deck exposed. Mr. Franko recommends getting samples of materials before selecting the material. For instance, materials may not be toxic; however, they may have an odor that impacts user satisfaction.

For their lighting, Mithun uses fluorescent desk lights and T5s on the “main street” hallway. They are actively monitoring energy use - their goal is to be carbon-neutral.

While touring the Mithun facility, samples of the Puyallup City Hall design were featured. The Puyallup City Hall is designed to be approximately 55,000 square feet and includes retail on the main level and underground parking. Puyallup also has a design build team: Egis-Kauri-Skansa-Mithun. The Puyallup City Hall design will feature a demonstration green roof so that the community will have an opportunity to understand the concept. In addition, the design includes a vertical sisterne which is tied to a computer system that measures the water levels. The underground sisterne, which includes added capacity for the adjacent housing project, collects water which will be reused to irrigate the softscape.

In addition, Mithun has significant bicycle parking below the building and men and women lockers/showers. Lastly, for the Mithun facility, the view of the Sound is shared by all staff as part of the employee lounge.

The second facility that the Council and staff visited was Perkins + Will, an architect firm which achieved the State of Washington's first LEED Platinum certification. Amanda Sturgeon, partner, provided the tour. Perkins + Will disconnected the HVAC system and use naturally ventilated air - they do not use a cooling system (with the exception of their server room); they use outside air from low and high windows (the system monitors carbon dioxide and indicates if the levels are too high for opening the windows). Ms. Sturgeon stated that they have not been through a summer since they moved in last September; however, they anticipate having to manage through at the most two weeks of very hot weather. She continued to explain they have solar gain since they have western exposure. Perkins + Will has mechanical exterior see-thru shades, which have a sensor should the wind trigger it. Ms. Sturgeon stated that they use 40% less water and power than a typical system. The interior lights, which use TA florescent bulbs, are automatic - if there is enough light, they shut off. They are hopeful that they will receive a rebate from their landlord based on their metered electric use.

In remodeling their office space they aimed to use renewable materials; for instance, 40% of their carpet is recycled and they used all sustainable wood products. Eighty (80%) percent of the materials they used were from the region, which helped to keep transportation costs down and encouraged local economies.

The contractor they used was Turner Construction. Perkins + Will considered their remodel a fast project and the contractor needed to have a great deal of knowledge of the construction products. For example, they wanted to use recycled aluminum on the windows but could not get them; they had to use virgin material. Ms. Sturgeon encourages the City to have someone on the construction team dedicated to tracking materials; it's eventual that materials will get substituted.

She continued by stating that spaces are designed for team breakout spaces; no one owns the window space. For staff who needs privacy there are small interview rooms available. Their office furniture is made from waste products with non-toxic finishes. Finally, they compost food in their employee lounge using a system called NatureMill.

The next facility that we visited was the Federal Way City Hall. We met with Neal Beets, City Manager, and Iwen Wang, Management Services Director. The building they purchased was

originally owned by Weuerhauser. The City of Federal Way was the general contractor for the remodel. They started by gutting and rebuilding the inside of the building. The facility is 88,000 square feet, 81,000 square feet of which is usable.

The City started looking at a new city hall building in 1997. The staff analysis projected needing 100,000 square feet by 2025. The projected need is 70,000 square feet. The City Council used a citizen committee who discussed the pros and cons. One of their recommendations was to purchase an existing building and renovate it. They considered this the most cost-effective. They reviewed six sites and the preference was to locate in the downtown but it was too cost prohibitive. The cost estimates for a building downtown was \$20-25 million. The building they purchased in a business park area was \$7.3 million and included two vacant land parcels (three acres) which they have used for additional parking and for an evidence building. Federal Way has a full service Police Department and Court, which are located onsite; they have three courtrooms and two judges. While Federal Way has separate taxing districts, they did invite them to locate at their Permit Center. The Fire Department is located onsite and the utility district will locate in city hall later this year.

Federal Way paid for city hall with a 1997 Police Facility Bond and it will be paid off this year. They used councilmatic bonds backed by utility tax to put together a \$16 million package to include a theatre and park.

The building already had 180 parking spaces, but they added 280 spaces in new lots across the street. They added a number of meeting rooms and they have two empty spaces for future growth. They moved in August 2004.

When asked what they would have liked to include they stated automatic lights; having all visitors go to one area instead of multiple reception areas; and additional restrooms. The Council Chambers are used for other meetings, such as School District meetings. Each Councilmember has their own desk (shared in two offices).

Federal Way has an off-site records center (police and court manage their own record contracts separately); the records that are onsite are on a mobile unit built on a track. When asked if employees are satisfied with adequate storage space; the response was it depends on who you ask. They had expanded more than the architect initially envisioned. They have a generator which powers the entire building for four hours (they are expanding that to 72 hours).

The final site we visited was the Lakewood City Hall. Mayor Claudia Thomas and Bill Larkin, Public Works Director (who was the project manager) met with us. Mayor Thomas stated that they wanted a city hall that made a statement; it will be a 50+ year structure. Mayor Thomas continued by adding that the people who challenged them were the businesses and if she had it to do over again, she would not have voted for a 5% reduction in the building. She would have had more dialogue for why they needed the space; she stated that they have already outgrown it. Mayor Thomas continued by saying that it is cheaper to build it now than later.

The Mayor said they used different focus groups and the architecture came from citizens, and they wanted a Pacific-rim design (Asian inspired look). The citizen committee looked at

different locations. At the time they were looking at the new mall, but the developer went bankrupt. They are now located in their new town center, and in fact, their building was a catalyst for the town center development.

The back panel of the Council Chamber opens completely, which makes it very functional- this adds more space when they need it for receptions or large meetings. The lighting on the building matches the street lights - this provides good continuity. They have lots of public use out of the building, including non-profit groups. There is a conference room and kitchenette off of the Council Chambers. Mayor Thomas said that the building belongs to the community; different organizations may meet there by simply making a meeting request. If outside groups want to use the communications, then they have to pay for a staff person to be present. She continued by stating that she wished that they could add round tables in their chambers, but the chairs are fixed. They currently do not televise their meetings so cable technology was not built into the building but could be added.

The building is 62,000 square feet and they purchased the land and constructed the project for a total of \$11.3 million. They have a limited parking garage under the building with 27-25 spaces. They moved into the building in 2001. Again, the Mayor stated that she wished they had not sacrificed the size of the building - they need more room for growth. Likewise, she wished they had more meeting rooms for large groups to meet.

The Police Department is not located in the city hall. A new Police Department will be constructed approximately 1.5 miles from city hall, and they will break ground this fall. They stated that this is not optimum for teamwork.

Overall their project was 13% over budget. They were on the fast track for design and this cost them more (they were in a hurry because they were leasing space all over town and they did not want to extend leases). Bill Larkin stated that their biggest mistake was being in such a hurry; he would have checked the plans more thoroughly and corrected them before going to bid (e.g., ADA requirements in the chamber were missed). Since there were code issues they received reimbursements from the architect. Their largest additional cost was A/V and alarm-system - it was designed pro bono and so the design was incomplete when it went out to bid. . He stated that it is important to have someone who knows all elements of construction. They were lucky in that they had a good contractor, but they did have trouble with some of the subcontractors. He encouraged us to involve staff in design.

The tour ended at approximately 2:30 p.m. City Councilmembers and staff arrived back at Shoreline City Hall at 3:00 p.m.

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Julie Modrzejewski, Assistant City Manager

## **CITY OF SHORELINE**

### **SHORELINE CITY COUNCIL SUMMARY MINUTES OF SPECIAL MEETING**

Monday, April 30, 2007 - 6:30 PM  
Shoreline Conference Center  
Mt. Rainier Room

**PRESENT:** Mayor Ransom, Deputy Mayor Fimia, Councilmember Gustafson, Councilmember Hansen, Councilmember McGlashan, Councilmember Ryu, and Councilmember Way.

**ABSENT:** None.

#### **1. CALL TO ORDER**

At 6:35 p.m., the meeting was called to order by Mayor Ransom, who presided. Mayor Ransom noted that Councilmember Hansen would be arriving shortly.

#### **2. FLAG SALUTE/ROLL CALL**

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Hansen.

#### **3. PUBLIC COMMENT**

(a) LaNita Wacker, Shoreline, stated that gambling is the most confusing topic she has experienced in the City of Shoreline's history. She asked if the question is whether the City should allow gambling or not. If the question is taxation, the next issue to determine is whether it is an entertainment tax or luxury tax. It certainly isn't retail sales. The City levies a 15% hotel and entertainment tax. She summarized that if the City taxes the gaming industry for operating in the City, then it is a fair tax. She said she would like to understand the differences between tribal and non-tribal gambling.

(b) Eddie Zanidache, Mountlake Terrace, on behalf of The New Space Theater, located at 15th Avenue NE and 175th Street NW, announced that there will be regular performances from May 3 - 19, with all shows beginning at 8:00 p.m. He encouraged Shoreline residents to come to "the only theater in Shoreline" and attend a play. The current play, which starts on May 3<sup>rd</sup>, is called "Two Rooms" by Lee Blessing. He added that the theater has been renovated with lighting and sound.

Deputy Mayor Fimia asked who someone could contact if they are interested in helping with production, to which Mr. Zanidache responded that they can call him at 206-795-0224.

Councilmember Way suggested Mr. Zanidache send all the Council an e-mail announcement.

4. NEW BUSINESS

(a) Panel Discussion of the Gaming Industry in Shoreline

**Councilmember Hansen arrived at 6:50 p.m.**

Mayor Ransom announced how this special session came about. He said the Council voted to have a special City Council meeting to discuss the gaming industry issues, to include land use, taxation, and their impacts on the City of Shoreline. Panelists will make presentations then there will be a public comment period.

Mr. Olander noted that this is a general gambling discussion with a very experienced and knowledgeable panel. He introduced the panelists. He explained that the panelist presentations will open this item, and then the Council will hear public comment followed by Council questions and a discussion.

Mayor Ransom clarified that there will be no Council vote on this issue tonight. This meeting is purely for information, he stated. Deputy Mayor Fimia added that there is no proposal before the Council.

Councilmember Ryu inquired if Mr. Kesel was aware of any other industries with as much surveillance.

Mr. Kesel said he wasn't. However, he said the level of surveillance is extraordinary. He also added that he isn't a State employee and that the card rooms pay his salary. The Washington State Gambling Commission is a self-funded agency.

Bill Kesel, Washington State Gambling Commission (WSGC), said he has been with WSGC for 18 years. He highlighted that the purpose of the WSGC is to make sure that the public is protected from harm and to ensure the gambling is legal. The Commission was formed in 1973, and Revised Code of Washington (RCW) 9.46.110 allows cities and counties the authority to tax gambling establishments. He highlighted that gambling trends are down, and bingo halls are closing, with only four remaining in the State. He noted that the smoking ban brought on a large decrease in gambling revenue. He estimated that the losses in the gambling industry from the smoking ban have been about 25 percent across the board. He added that the tribal facilities don't have a smoking ban, and online gambling is illegal in Washington State. Mr. Kesel commented that the taxation on card rooms is unique because they are taxed on their gross receipts, not their net funds. Tribal facilities do not pay taxes; however, they pay 2 percent of their gross as a "gift" to the County for fire, police and other services. He noted that he hasn't reviewed the "Spokane Compact." He commented that casino revenues will be dropping because all of them have seen a major decline. He noted that they will decline more during the summer as people enjoy outdoor recreational activities from May to October.

Deputy Mayor Fimia asked Mr. Kesel to outline what he does for the Commission.

Mr. Kesel replied that all of the agents are assigned at random in two ways. First, they visit card rooms unannounced and look at anything inside the establishment to include surveillance, cash room, security room, records, accounting, etc. He said he is currently assigned to Goldie's, Drift-on-Inn, and Hollywood Casino. He said he visits each of them, on average two to three times a month at random.

Mayor Ransom clarified that the counting of funds is videotaped for the agents to review.

Mr. Kesel confirmed that it was and at closing they pull revenue boxes, during which time there is security and camera coverage. The funds are then taken to the count rooms with three to six cameras in it to record the counting. He explained that it is a very detailed and precise process.

Mayor Ransom questioned if there were 50 cameras at each casino.

Mr. Kesel responded that there are at least 75 to 100 cameras in each casino. He added that typically a 15-table card room would have 80 to 100 cameras on at all times.

Dolores Chiechi, Washington Recreational Gaming Association (WRGA), said she represents non-tribal card rooms, which includes pull tabs and card tables. She said in 1997, the house bank card room system was established. The first tribal casino opened in 1993 and there were complaints. In 1998, the industry became more organized with elections and officers with bylaws. Currently, the WRGA represents 45 of the 84 clubs across the State to include 18 vendor members. The mission of the WRGA is to encourage, strengthen and protect responsible operation of card room gambling in the State. The WRGA attempts to facilitate input to the commissioners to influence State legislation. She highlighted that WRGA is also a member of the Problem Gambling Advisory Committee, which distributes posters and brochures to the public and gambling patrons. She said there is a misperception concerning the tribal and non-tribal card rooms, and she encouraged the Council to read the brochure she provided. She said there are industry issues that have been discussed with the Association of Washington Cities (AWC) to assist cities in determining what is best for them. She stated that cities can't deny a gambling license to a qualified applicant. She added that WRGA is working with AWC on coming up with a limit on the number of active gambling licenses a City can have. She commented that many of the issues concerning gambling are emotional. Moratoriums banning gambling establishments, she pointed out, are not legal; either a City has to have all of its gambling establishments open or close all of them. The WRGA, she said, has been trying to come up with a compromise solution for this issue; a bill has passed the Senate but it is being held up in the House. Additionally, she commented that the minimum age for someone to enter a gambling establishment is not in the State statutes and that there are enforcement issues because of drinking in gambling establishments. Currently, the burden to enforce age restriction is on operators, not individuals, and the WRGA is working to change that through proposed legislation. She continued saying that the new way casino financial information is collected is positive because it is audited and becomes part of public disclosure laws. She highlighted that in 2004, because these reports were audited, 53% indicated a net loss, and in 2005, 32% reported a net loss. However, all of the information in these audited reports was not

intended to become public information because now competitors could access sensitive information such as I.D. numbers, promotional schemes, employee salaries, etc. Currently there is a bill to exempt certain non-financial information from public disclosure laws. In summary, she reported that card room revenues were on a constant increase until 2006. This is attributed to the smoking ban and tribal casino competition. She also highlighted that the tribal gambling industry is not required to submit financial information if they don't make a profit, nor do they pay taxes. She thanked the Council for the opportunity to speak.

Debbie Tarry, Finance Director, recapped the information in the staff report. She commented that the gaming industry contributes resources to the City and the largest portion is from card rooms. She said she has seen trends similar to what the speakers have described. She presented the card room tax receipts over the years. Overall, there has been an 18% drop in revenues from 2005 to 2006 for the casinos. She said there has been a slight rebound, but revenues are not at the same levels they were in 2005 and 2004. The Golden Nugget, she reported, has shown a 30% increase based on their 2006 and 2007 first quarter receipts. However, they are a smaller establishment. She stated she is awaiting additional information from the other casinos in order to see if this trend is common in Shoreline. She reviewed how the City allocates the gambling tax revenue. She added that the long term projections have been based on lower activity levels and the uncertainty in the industry. She commented that the Council forwarded questions about the Spokane Compact to the Washington State Gambling Commission's legal representative, and the response is included in the Council packet. The main question, she explained, involved whether tribal entities could be allowed to obtain and operate up to five casinos and declare them tribal land. She clarified that this isn't the case anymore; this language was in the original version of the legislation, which has since changed. She added that there are stringent requirements and a process that would include meeting with the local jurisdiction and a review by the Governor's office. She noted that the average gambling tax rate among cities in the region is around 10 - 11 percent. Additionally, she noted that the City of Shoreline reduced its 10 percent tax rate by 3 percent from July 1, 2006 to March 31, 2007 based on the Aurora project construction impacts.

Mary Able, casino manager at Goldie's, thanked the Council for this opportunity. She commented that there are five non-tribal casinos in the City. She highlighted that each facility has restaurants and a nightclub. She said each of the casinos are diverse and take pride in providing a safe environment for guests. They are under the jurisdiction of WSGC and have internal controls. Each of the casinos is required to meet extensive surveillance guidelines that are reviewed frequently. There are a required number of licensed personnel that must be present for each casino to be open for business. Additionally, the casinos must provide food service during hours of operations. She pointed out that the casinos pay licensing costs and use vendors only approved by licensed suppliers. She said they also pay a licensing fee for every table in their casinos. Additionally, the gambling tax is the only tax paid by any industry in the State that is calculated on the gross receipts rather than on the net. She said the five casinos employ 800 people, and their combined annual payroll totals in the millions. She said the casinos in Shoreline contribute to the City in various ways and the factors that have negatively impacted the gaming industry include the Aurora Project, tribal gaming growth, smoking ban, tribal lottery machines, and illegal online gambling. Tribes, she explained, are exempt from the smoking ban and the City casinos have experienced a combined decrease of 17.9% with most of it attributed

to the Aurora project. She concluded that she hopes there will be a return of steady traffic into the casinos when the construction is completed along Aurora Avenue.

Lincoln Farris, Board Member on the Washington State Commission on Problem Gambling (WSCPG), stated that the organization is dedicated to increasing awareness of problem gambling and to extend the availability of services to problem gamblers. He said that prior to the Spokane Compact, the Spokane Tribe was the only tribe to operate two slot machines. The passage of that agreement opened the door for the creation of uniform contract templates for other tribes. This compact, he explained, requires a payment to the state for problem gambling. He stated that his organization encourages research into problem gambling and they operate programs, provide employee training, and are always sensitive to when and who should intervene. He noted that this problem is similar to alcohol and drug addiction, but the difference is that the implications for a gambler and families can be extremely debilitating financially. Problem gambling leads to bankruptcy and embezzlement. He added that problem gambling is not common for most because most patrons gamble responsibly. Whether gambling is right or wrong is not something that the WSCPG takes a position on. Their job is to make sure problem gamblers get resources. He explained that the difference between pathological gambling and problem gambling is that a problem gambler notices that their gambling interferes with their normal life activities, such as skipping work. Pathological gambling means they cannot stop gambling. He noted that young people are more susceptible than adults, and this has increased because there have been more opportunities for poker and gambling on television. Additionally, due to advertising, gambling has been more prevalent in society. Unfortunately, there haven't been any new studies since 1999 concerning gambling and young people. However, he has noticed that in treatment centers across Washington, there have been greater instances of young people coming in with parents for treatment. He highlighted that he is proud that the gaming industry has had a close working relationship with the WSCPG since 1991. Gambling problems are an issue for some people and there is help available, he concluded.

Mayor Ransom called for public comment.

(a) LaNita Wacker, Shoreline, favored gambling in the City of Shoreline. She said the presentation has been helpful in distinguishing the differences between card rooms and non-tribal entities. She said it is appropriate to tax the gambling facilities in Shoreline 10-15 percent. She said it is a fair tax for the gambling industry. She said if she was a gaming owner she would lobby in Olympia to see them have more games in their establishments. She said it is antiquated that there are only card rooms. She also pointed out that pull tabs and bingo are not utilized anymore. She commented that there are buses taking retirees to tribal casinos. She felt the gaming industry needs to be brought into the 21st century. She is outraged that the non-smokers are able to dictate what happens in a card room when about 70 percent of the gamblers are smokers. Prohibition didn't work, thus smoking should be personal business decision, not banned in casinos.

(b) John Gonzales, Shoreline supported the gaming industry. He said they generate revenue for Shoreline.

(c) Marty Rodder, Shoreline, is parent of Shoreline teenagers. She said she went to the Council on Problem Gambling conference at the University of Washington. Overall, she said it addressed the issue that gambling is here to stay. She felt there needs to be more education in schools and in health programs to outline the ties to drug and alcohol addiction. She said she will be working with schools and the PTA in the Shoreline School District to include gambling in their curriculum. Oregon, she noted, is way ahead of Washington and they already have these types of school programs.

Councilmember Way asked for details about the types of programs Ms. Rodder knew about and her suggestions for the schools.

Ms. Rodder responded that she learned a lot at the conference, but she is a novice. She said there are programs in Minnesota which address the good and bad issues concerning gambling. She added that Ontario, Canada has a great program also.

(d) Jim DiPeso, Shoreline, said he is a board member of the Chamber of Commerce, but he is speaking as an individual. He said gaming houses are beneficial to the City, noting that they provide jobs and tax revenue. They contribute financially in providing services to the community.

(e) Michael Preston, Shoreline, pointed out that Goldie's started in 1997 as a family-owned company. He said his mother loaned Goldie's \$60,000 to pay Shoreline's taxes before she passed away. He said more money was borrowed against a development in order to stay in business and pay the gambling taxes on time. He commented that the Aurora construction has affected Goldie's more than other establishments, and that no business should be forced to pay taxes if they have to borrow the money to do it. He said Goldie's gives the City more money than Goldie's itself keeps. He felt the City of Shoreline should do what it can to assist the largest taxpayers in the City of Shoreline.

(f) Florence Oelke, Mukilteo, commented that she is a dealer at Goldie's. She urged the Council to keep the gambling tax rate at 7%.

Councilmember Gustafson inquired if there has been any movement to work with state and federal legislators to impose a smoking ban on tribal casinos. He said it seems it would be a fair thing to do to assist our casinos.

Mr. Kesel said he doesn't really know. He commented there was talk about trying to have tribal casinos be considered as non-smoking, but issues of sovereignty came up. He commented that he is also not sure of any lobbying activities either.

Councilmember Gustafson added that the playing field needs to be equalized.

Ms. Able read a document that stated that there is urging towards discouraging smoking in tribal casinos, but it is up to them to prohibit smoking. She said the casinos know if they prohibit smoking they will lose money; the casinos won't ban smoking unless they are forced to.

Councilmember Gustafson added that the legislature should look at that because if the message is that smoking is bad for everyone, then tribal casinos should be included in the ban also.

Ms. Chiechi added that there was an opportunity to ban smoking in the Spokane compact, but the only thing that occurred was minimal funding in the State smoking cessation program. She felt the federal government needs to apply pressure to prohibit smoking in tribal establishments.

Councilmember Gustafson agreed with Ms. Rodder that this needs to be a part of school education. He was surprised at the number of 18-year-olds that gamble during lunch, noting that it is an issue that should be addressed by the City and the school district. He apologized that he had to leave.

**Councilmember Gustafson departed the meeting at 8:07 p.m.**

Councilmember Ryu said she has learned a lot today. She appreciated the education portion and said young people and educators need to be aware of this. She inquired how alcoholism compares to gambling in terms of pathology.

Mr. Farris responded that in terms of actual exposure, the incidence of gambling includes betting on sports and other types. He said there is a higher lifetime exposure rate to gambling than to drinking and drugs. He admitted that he was not a treatment professional, so he was unsure of the percentages. Responding to Councilmember Way's inquiry regarding gambling education, he said he could forward some Oregon curriculum, which is funded through their lottery program. He noted that it usually takes a person "hitting bottom" to find out they are a problem gambler. He noted there is a helpline, 1-800-547-6133, which gets callers to a professional counselor.

Councilmember Ryu asked if there are instances of people referring their friends to counselors and is there any peer pressure to not gamble.

Mr. Farris said the peer pressure usually encourages people into, rather than away from, gambling as reflected by the numbers over the past 10 years.

Councilmember Ryu inquired if the casinos that pay the 10 percent tax rate to the City are exempt from the other taxes that other businesses have to pay.

Ms. Able responded that the casinos are not exempt and must pay all of them, including the B&O tax.

Councilmember Ryu questioned if there are any indications that the gaming industry requires a higher level of services from the police, fire, or emergency medical services.

Mayor Ransom added that there have been responses from police in the past that the incidents have gone down based on the surveillance.

Mr. Kesel confirmed Mayor Ransom's response that the surveillance equipment and the

relationship with the police department have led to the reduction in crimes at the casinos.

Ms. Chiechi also noted that there was an incident in Lakewood where the police used the on-site cameras from a casino to solve a crime. Overall, she said the casinos and the police are collaborative and because of that, the incidents have gone down.

Ms. Able also added that the casinos are required to have licensed gaming security officers on-site.

Mr. Olander stated he has spoken to the police department and he confirmed there is very little gambling-related crime. However, he noted that these establishments serve alcohol, but there are no more incidents in them than at the local restaurants, bars, or taverns.

Councilmember Way thanked the panel for the presentation and thanked the casinos for their contributions to the Shoreline economy. She also thanked them for the sacrifices they have made due to the Aurora project. She asked about the online gaming industry and how much it is influencing the youth in comparison to gambling at local casinos.

Mr. Farris noted that the ease of access and the use of credit cards make online gambling easy. He said it is a federal issue and he is not sure about the statistics, but there are some studies that show online gambling is increasing. Young people are much more likely to go online rather than sneaking into casinos. He added that this trend will continue to grow as long as banking laws make it relatively simple for someone to obtain credit.

Ms. Able said it is hard to ascertain whether online gambling is impacting the casinos in Shoreline. She added that poker is done online, not table games. She commented that she doesn't think the government is aware of the impact.

Councilmember Way wondered whether the availability of obtaining quick funds from banks has increased lately.

Mr. Kesel responded that he couldn't answer that. However, he noted that he has seen an incredible increase in the use of credit cards, and credit is readily available. He added that in order to enter the casinos, the patron has to be 18 years old. By the age of 18 they have stand-alone credit cards. Also, there is no way to determine the actual age of an online user.

Councilmember Way asked if the issue more related to banking and credit, and if this leads to other problems such as a shopping addiction.

Mr. Kesel responded that he could not speak to that particular issue, but there is a definite problem with underage gambling.

Councilmember Way questioned if Shoreline's casinos keep detailed records.

Mr. Kesel responded that they do and the commission can look at any of their records. The commission looks at all the operational activity and at the ATM activity, any non-sufficient

fund checks, and any cases of fraud.

Councilmember Way thanked Mr. Kesel for his work in keeping the casinos running smoothly. She asked Ms. Able if she has noticed any correlation with the availability of cash and if Goldie's has put some controls in place.

Ms. Able responded that the ATMs at Goldie's are independently owned and operated. She also said Goldie's uses a check clearinghouse, and patrons are verified through the system before they are allowed to write a check.

Councilmember McGlashan pointed out that the percentage that the City charges for the gambling tax is set by the Council. However, it is mandated that the City must tax the gross revenue of all gaming establishments.

Mr. Kesel responded that RCW 9.46.110 is the authority to tax set by legislature. He said that paragraph gives cities the option to tax the net or gross of pull tabs. This paragraph, he outlined, defines the ranges of taxes that various entities can charge.

Ms. Able explained that the language in the RCW says "may tax", so it's permissive. She said there is no mandate to tax gambling.

Ms. Chiechi clarified that taxes were collected, historically, for enforcement and for regulatory aspects. She explained they were taxed because it was determined that the gambling establishments would need funds for security and other services. She added that the casinos are still being taxed based on the old style, where it was player banked. However, now there is a large amount of overhead and the tax is still here today.

Councilmember McGlashan referenced "living wage jobs," noting he heard from several citizens who stated the waitresses makes minimum wage plus tips and benefits were taken away.

Ms. Able replied that each casino is different and unfortunately the casinos had to make huge cuts in 2006. She said part of those cuts were in health benefits packages of all employees, not just tipped employees. She concluded that they had to do something to save the business and remain open.

Councilmember McGlashan asked what the difference is between closed and non-operating casinos.

Ms. Chiechi said it means that the closed casinos have let their license expire and the non-operating casinos still pay for and maintain a current license in the hopes that they can re-open one day.

Deputy Mayor Fimia thanked the public for attending and the panelists. She said gaming is engrained in the culture and the City is very dependent on gambling taxes. She asked Ms. Tarry to let everyone know how much of our total revenues come from gambling.

Ms. Tarry responded that about 7.5% of total operational revenues come from gaming. She continued and stated that this is about 40% of the sales tax revenue and 40% of the property taxes revenue.

Deputy Mayor Fimia discussed online gambling. She said she knows it is illegal, but it also sounds like it's not safe due to lack of regulation.

Mr. Kessel mentioned that the WSGC is tasked with trying to deal with that, but they cannot enforce activities in private homes. He added that the WSGC has sent agents to various conferences on this matter.

Deputy Mayor Fimia said she isn't blaming the WSGC, she just wanted to inform the public that it isn't safe to gamble online. Mr. Kesel agreed.

Deputy Mayor Fimia said it would be wise for the City to add to the next legislative packet an item on lobbying the State to get the gambling age raised to 21. She asked how the construction of Aurora Avenue has impacted Goldie's.

Ms. Chiechi expressed concern that increasing the age limit to 21 would give the tribes more opportunity and place another disadvantage on the non-tribal casinos.

Ms. Able noted that the project severely impacted Goldie's, since traffic was rerouted and the front entrance was closed off.

Councilmember McGlashan asked if any of the Shoreline casinos have a 21 years or older requirement for their patrons.

Ms. Chiechi said she doesn't have the specifics about each casino, but she would get back to the Council with that information.

Mayor Ransom commented on problem gambling. He noted that Senator Prentiss had hearings on this issue and concluded that they weren't able to provide enough counselors for this issue. He mentioned he is a licensed mental health counselor, and was told he would only get two case referrals for problem gambling per year, so the issue can't be that significant. However, people consider it a big concern at this meeting. He felt the State doesn't really know the extent of the problem; however, it is significantly smaller than substance abuse.

Mr. Farris noted that his wife, who is also a mental health counselor, sees more than two cases per year. He stated that his wife sees eight to ten new patients per month. He added that the question of the licensing for problem gambling treatment is legitimate because there are many commonalities in addiction treatment, but gambling tends to be more associated with depression and money issues. There is continued debate concerning the appropriate level of qualification.

Mayor Ransom said that when he investigated this, the only counselors getting full-time referrals were members of the Korean Counseling Service.

Mayor Ransom pointed out that the City has received up to \$3.5 million a year and over \$25 million the past 10 years in gambling tax revenue. He noted that half of those funds were put into capital funds, with most of it being allocated to the building of a new City Hall. He said the City has benefited greatly from the gambling tax revenue. He calculated that \$3 million is 50% of the City's property tax and sales taxes, 45% of the police budget, and 90% of the parks budget. He added that it equals the revenues of fifteen Sears stores or four Costco businesses. The impact from four 15-table and one 5-table casino is rather significant to Shoreline, he noted. His opinion is that the casinos are being hit for taxes before they pay their own employees and benefits. It is a well-paid industry, he commented, providing over 800 living wage jobs. He said this industry is suffering in Shoreline and it is partly because of the City's construction, the smoking ban, and the tribal casinos. The question is whether to reinstate the temporary 7 percent rate that went back up to 10 percent on April 1, 2007. He stated that the Council has until the end of June to reconsider and take action. If the tax reduction is extended, it would reduce the City's revenues by another \$150,000 for the next quarter.

Deputy Mayor Fimia thanked the panelists for coming and stated the Council values all of its citizens and businesses. She added that the Council wants to work with them on this.

5. ADJOURNMENT

At 8:58 p.m., Mayor Ransom declared the meeting adjourned.

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Scott Passey, City Clerk, CMC

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**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF SPECIAL MEETING**

Monday, May 7, 2007 - 6:30 PM  
Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmember Gustafson, Councilmember Hansen, Councilmember McGlashan, Councilmember Ryu, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 6:39 p.m., the meeting was called to order by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

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

(a) Proclamation of "Building Safety Week"

Mayor Ransom invited Ray Allshouse, Building Official, Marcus Kragness, Shoreline Fire Chief, and Mark Bunje, Shoreline Fire Marshal, forward to accept the proclamation. Mayor Ransom read the proclamation declaring "Building Safety Week" in the City of Shoreline.

Mr. Allshouse, Chief Kragness, and Fire Marshal Bunje thanked the Council for this recognition and commented on the importance of building safety and inspection and on the positive relationship between the City and Fire department.

(b) Proclamation of "Hip Hop Week"

Mayor Ransom read the proclamation declaring the week of May 7, 2007 as "Hip Hop Week" in the City of Shoreline. He presented the proclamation to Sigrid Batara, Teen Program Coordinator, and Chris Maurera and Zack Millan, Teen Program participants. Ms. Batara thanked the Mayor for the recognition and explained the origins and styles of hip hop. Mr. Maurera and Mr. Millan then provided a brief hip hop demonstration.

### 3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Robert Olander, City Manager, provided updates and reports on a number of events and issues. The Annual Spring Clean Sweep Event attracted 1,160 vehicles as well as coverage by King 5 News. The City of Shoreline received the Well City Award in recognition of its Wellness program from the Association of Washington Cities. Mr. Olander recognized outgoing members of the Council of Neighborhoods and the celebration of the Briarcrest 10th anniversary event. Celebrate Shoreline will be held Saturday, August 18. The Planning & Development Services department will hold a community workshop on May 10 regarding Strategic Points for the City Center project. Last week, Aurora Corridor Phase 1 was declared substantially complete, with only minor items remaining; a ribbon-cutting ceremony is scheduled for June 16 at 12:30 p.m. Mr. Olander also noted that City staff will be preparing a response to the docketing of a Snohomish County comprehensive plan amendment regarding Point Wells. He concluded his report with reminders of upcoming meetings.

### 4. REPORTS OF BOARDS AND COMMISSIONS: None

### 5. GENERAL PUBLIC COMMENT

(a) Dale Wright, Shoreline, wished to dispel two myths relating to the Aurora Corridor Phase 1 Project. He said earlier reports indicated the cost of the first phase to be \$42 million, then \$39 million, but his own cost analysis shows the actual costs to be \$31.7 million (minus the Interurban Trail bridges). He arrived at this cost using financial information provided in October 2006. He said City staff reported the cost to be \$33.3 million, but this figure included design work for Phase 2, so it should be deducted. He also pointed out that Phase 1 is 1.2 miles long, so in terms of the cost-per-mile, the actual cost for the first mile is \$26.4 million.

(b) Steve Dunn, Shoreline, Capital Campaign Chair for the YMCA, urged the Council to consider, within the next month, the YMCA's request for financial assistance for the new YMCA facility at Echo Lake. He noted that the request for \$1 million (to be paid over the next 20 years) is equivalent to 1/19th of the total project. He pointed out that the average contribution by other cities to the YMCA has been about \$2 million. He noted that the YMCA will create 300 new jobs and provide funding and services to thousands of kids annually.

(c) Wendy DiPeso, Shoreline, provided comments regarding the 15th Avenue NE Traffic Study. She said a 4-lane configuration on 15th Avenue will increase traffic capacity and help reduce cut-through traffic in the neighborhoods. She said it would also increase opportunities for commuters to visit businesses. She also supported a speed limit reduction from 35 to 30 miles per hour.

(d) Chris Eggen, Shoreline, commented on the Aurora Corridor project, noting that as an engineer he looks at function, not beauty. He noted that the first 1.2 miles was supposed to be the "easy" segment, but it has not turned out to be true. He said the first thing that

might move us toward a larger right-of-way is transit lanes, and the second thing 2nd thing is controlling runoff. He said the design could be flexible so that vulnerable businesses would not have to move off Aurora Avenue, such as Key Bank and Aurora Rents. He also supported reduced amenity zones in order to avoid negatively impacting businesses.

**Upon motion by Deputy Mayor Fimia, seconded by Councilmember Ryu and carried 6-0 (Councilmember Gustafson stepped away from the Council table momentarily) Item 7(a) was taken next, and an Executive Session was added to the end of the agenda.**

7. UNFINISHED BUSINESS

(a) Ordinance No. 470 amending Appointments of Youth Members to the Parks Board; and Appointment of Six Regular Members to the Shoreline Parks, Recreation and Cultural Services Board

Mayor Ransom noted that he and Councilmembers Gustafson and Way interviewed all the candidates and arrived at consensus on who should be recommended to the Board. He briefly commented on the backgrounds of the recommended applicants.

**Councilmember Hansen moved to adopt Ordinance No. 470, amending appointments of youth members to the Parks, Recreation and Cultural Services Board. Councilmember Ryu seconded the motion, which carried 6-0.**

Dick Deal, Parks, Recreation and Cultural Services Director, noted that Ordinance No. 470 creates two-year terms for both youth positions, rather than having staggered positions. Otherwise, the City would have to recruit every year for a youth position.

**Councilmember Way moved to appoint the following individuals to the PRCS Board: Patty Hale, Londa Jacques, Kevin McAuliffe, Shari Tracey, Joe Neiford, Olivia Jacobs (youth term), Carl Saltzberg (youth term). Councilmember Hansen seconded the motion.**

Councilmember Way commented that the subcommittee was extremely impressed with the qualifications of all the applicants and it was a very difficult selection process. She urged all the applicants to stay engaged in City issues and to take advantage of opportunities to provide input into the various City projects and processes. She noted there is the possibility of creating additional committees. She concluded by saying she appreciates the service of Dwight Stevens and Margaret Boyce.

Mayor Ransom pointed out that the Council extended the PRCS Board member terms to three, four-year terms in order to allow the Council an opportunity to reappoint incumbents. He said the incumbents worked extensively on the parks bond projects, and the Council didn't necessarily want to lose their experience due to term limits.

Deputy Mayor Fimia noted that applicants not selected for the PRCS Board could also involve themselves in adopt-a-park programs and also help with maintaining/monitoring the Interurban Trail.

Mayor Ransom hoped that the expertise of one candidate, who has worked extensively with Kruckeberg Garden, could be utilized in some future capacity.

**A vote was taken on the motion, which carried 6-0, and Patty Hale, Londa Jacques, Kevin McAuliffe, Shari Tracey, Joe Neiford, Olivia Jacobs, and Carl Saltzberg were appointed to the PRCS Board.**

6. STUDY ITEMS

(a) Discussion of Saltwater Park Phase 1 Projects

Dick Deal, Parks, Recreation and Cultural Services Director, introduced Maureen Colaizzi, Parks Planner, and Dave Buchan, Capital Projects Manager, who provided an update on the Richmond Beach Saltwater Park Project. Joining staff at the Council table were Cara Ganders, of the University of Washington, and Diane Brewster, Chris Snyder, and Chuck Lennox, of Hewitt Architects.

Ms. Ganders provided a report on the UW students' project to remove invasives and replant native species. For a number of months UW Students majoring in Urban Ecology, led by their professors, have been designing and implementing a program for removal of Scotch Broom, Blackberry and other invasive plant materials in Saltwater Park and then replanting with Dune Grass and other native plant materials suitable to the sandy, dry conditions in the park. A one-acre section of the park has been replanted. It is hoped that this program will create a model for a long-term program of volunteer efforts to control vegetation in the park. The following groups were recognized for their efforts on the vegetation management project: The City of Shoreline; Richmond Beach Neighborhood; Shorewood High School Honors Society; Mars Hill Church- Shoreline; Richmond Beach UCC Church; Forest Concepts; Kern Ewing, Jim Fridley, Warren Gold and Rodney Pond; and MsK Nursery at Kruckeberg Garden.

Ms. Brewster outlined elements of the Vegetation Management Plan (VMP) that she is preparing for Saltwater Park. When complete, the Plan will serve to guide volunteer efforts in the long-term vegetation management at Saltwater Park. She explained that the plan is long-term (10-20 year) plan intended to restore the nearshore riparian habitat. She said she explored plans used in other cities and tailored the proposed VMP specifically to Saltwater Park. She discussed landscape zones, vegetation treatment, management and maintenance plan implementation, and long-term monitoring.

Mr. Snyder, lead architect, then presented the Design Development drawings for Phase 1 projects at Saltwater Park, including the Park entrance, road, steep slope stairs, habitat restoration, bridge access, wash down area, overlook parking, and mid-level terrace. He shared drawings, illustrations, cross-sections and perspective sketches to help

communicate the design intent for each of the individual projects in the Phase 1 package. He also shared the cost estimates for each of the project elements.

Mr. Lennox, the interpretive specialist with the Hewitt Team, then discussed options for Interpretive Programming at Saltwater Park. He shared photos of interpretive efforts in other locales and outlined possibilities for Saltwater Park. He displayed a historical photo of Saltwater Park and discussed options for interpretive signage at the park. He emphasized the importance of way-finding and orientation signage, which helps create meaning. He also emphasized the need to define the audiences and "tell the stories" of the park in an interesting and organized way.

Rich 7:40 p.m. standing by water table (ask him when he came back in)

Ms. Colaizzi noted that different groups of UW students will be rotating in and volunteering for the City on an annual basis. Kern Ewing, Warren Gold, and the VMP will provide the guide to lead the next set of students and next steps.

Mr. Buchan concluded the presentation by thanking the UW and the Hewitt design team. He especially recognized the contributions of Kern Ewing, who is coordinating the vegetation management effort.

Mr. Buchan said staff would like to return to Council in the next couple months to continue with the final design in anticipation of bidding in September and starting construction in January 2008.

Mr. Olander thanked all those involved in the project and characterized the effort as a refinement of ideas that have been presented to the Council before.

Mayor Ransom called for public comment. There was no one in the audience wishing to provide public comment on this agenda item.

Referring to slide 29 of the design drawings, Councilmember Ryu, asked if separating egress/ingress of the road and widening the footprint will have an adverse impact on slope stability. She also asked if there were plans to address groundwater, noting that she remembers seeing a stream or water feature there years ago.

Mr. Buchan responded that the conceptual designs are all possible within the existing grades and elevations. He noted that separating the ingress and egress achieves a view corridor down to the beach. Mr. Buchan said the design team is exploring ways to improve the water feature by widening the channel and graveling the pond area.

Councilmember Way noted that there is a creek near the egress zone that should be delineated, as well as another creek on the other side of the path. She urged staff to seek grant funding to protect the creek and its buffers, since it is Tier 1 salmon habitat. She also suggested that the design consider a place for picking up and dropping off passengers. She

asked if staff is working with the Historical Museum on the signage piece, and if pervious pavement is being considered as a construction material.

Staff responded that they are working with the Historical Museum on signage, and pervious pavement is being considered for the pedestrian portions of the layout.

Mr. Olander added that the Parks, Recreation and Cultural Services Board is also looking at the technical aspects of the design.

Responding to Councilmember McGlashan, staff clarified that the Innis Arden Reserves are not in immediate proximity to Saltwater Park and the area in which the UW students are working.

Responding to Deputy Mayor Fimia regarding the updating of the Vegetation Management Plan, Ms. Brewster clarified that the plan is very adaptive and can be amended as often as necessary. Deputy Mayor Fimia noted that resources for creek restoration, or sidewalks to and from the park, should be considered a higher priority than providing views from vehicles. She asked for the cost estimates to bifurcate the ingress-egress road. She asked if the public has expressed a need for parking, to which staff responded affirmatively, especially at the mid-level of the park. Deputy Mayor Fimia expressed the need for bicycle facilities, especially as the City transitions to a "walkable community," and suggested that an active environmental group could partner with the UW or PRCS Board regarding art and signage.

(b) Update on Council Goal No. 6: Create an Environmentally Sustainable Community

Joe Tovar, Planning and Development Services Director, joined by Juniper Garver-Hume, Planner, introduced this item and explained that an interdepartmental Sustainability Team has been created in order to help facilitate Council Goal #6. He pointed out that there are six major components of the work plan:

1. Develop an Environmental Sustainability Strategy
2. Complete Urban Forestry Assessment
3. Develop Options for a Green Street Demonstration Project
4. Update the Stormwater Management Plan
5. Adopt advanced stormwater standards for the second phase of the Aurora Project
6. Implement the Mayor's Climate Protection Agreement

He explained the proposed timeline and schedule for acquiring the strategies consultant, noting that eight firms submitted RFQs (request for qualifications), and the preferred consultant is expected to be selected by May 15, with a contract following at the end of the month. He said the intent is to work with the consultant through the summer, check in with Council as necessary, and present a final draft strategy for adoption later this fall. He added that staff is preparing a resolution for Council consideration that expresses the City's

interest in being designated a "Cascade Agenda City," which will be one of the first work products of the interdepartmental team.

Mr. Olander pointed out that the hardest aspect of this goal is deciding what not to do, because there are dozens of strategies areas of concentration. He stressed the need to concentrate on the six elements of the goal, which themselves include many sub-elements. He noted that the Strategy will help the City develop long-range goals and also inform how the City performs its own operations.

Mayor Ransom called for public comment.

(a) Chris Eggen, Shoreline, appreciated the presentation and the information shared by staff, but felt there could be more emphasis on information relating to carbon load and renewable energy sources. He noted that other potential partners include Sustainable Shoreline and the Shoreline Solar Project. He announced that the Shoreline Solar Fair will be held July 20-21 at Meridian Park Elementary, which will provide another opportunity for the public to get involved in sustainability issues.

(b) Boni Biery, Shoreline, said that Sustainable Shoreline Education Association is sponsoring the National Wildlife Federation's Community Wildlife Habitat Project for the City of Shoreline. The goal is to have Shoreline qualify as a certified community, which requires partnerships with citizens, organizations, and small businesses to certify an additional 300 single-family homes, an additional 100 multi-family homes, 5 schools, 10 businesses, and completion of some community projects. She asked that the Council consider adopting a resolution supporting this effort as part of its sustainability goals.

Councilmember Ryu expressed support for the interdepartmental effort. She also commented on the serious environmental problem that polystyrene foam creates in our landfills and asked that the City consider alternatives, which might include recycling, that address this issue.

Mr. Olander noted that the Waste Management contract will be up for renewal in March of 2008, and staff is in discussions with them about this issue. He said staff would develop some policy options for Council consideration.

Councilmember Way expressed support for staff's approach to Council Goal #6. She pointed out that construction debris is a huge portion of the total waste; she wondered if the City could keep this material out of the waste stream or if it could be addressed through recycling. She asked about the different types of materials recycled at the Clean Sweep Event. She asked how the City will establish criteria for the progress assessment, and whether other non-profit organizations might be able to help in some categories.

Mr. Olander stated that the City must work with its regional partners, namely King County, in terms of an overall master plan for waste and recycling. He said a more detailed report on the Clean Sweep Recycling Event will be provided at a later time. He also noted that

staff will figure out the different partners and meaningful strategies and return to Council with recommendations.

Mr. Tovar added that most of the organizations that responded in the RFQ process are familiar with many indicators, so perhaps staff can develop a list, in cooperation with the selected consultant, to arrive at the meaningful measures.

Councilmember McGlashan expressed support for the proposal but had some concerns about Green Streets. He wanted to ensure that there is a public process for Green Streets, and that they're not just forced on a neighborhood. He felt the public should be involved earlier in the process.

Mr. Olander clarified that as the concept of Green Streets is refined and defined, it will be critical to determine which neighborhood blocks are willing to participate. He said it will likely be a public/private partnership, because Green Streets cannot be restricted solely to the public side of it. He added that there could be a variety of design tools that are not overly expensive and that don't require much maintenance. He pointed out that it's mostly retrofitting old development, not new development, which will help us clean up the environment.

Deputy Mayor Fimia said she would like to see the RFQ in order to understand the scope of work and to justify the \$100,000 for this item. She suggested that the Council give direction on a cost-benefit analysis in order to get the best value for the money. She also suggested that doing smaller, basic projects might be better than spending a lot of money on one fancy project that doesn't do much.

Deputy Mayor Fimia noted that Sightline Institute is an excellent source for these types of indicators. She also recommended that its founder, Alan Durning, could speak as a City-sponsored guest at the Energy Fair.

Ms. Garver-Hume acknowledged that Sightline Institute is on staff's list, and Mr. Tovar commented that Mr. Durning would be an appropriate guest for the 2010 Speaker Series.

Deputy Mayor Fimia also requested a report that includes a list of resources, agencies, and grant sources. She also emphasized that the decision-making process in the region affects what Shoreline is able to achieve in terms of sustainability. She pointed out that the expected growth of vehicle trips in the region is not sustainable.

Mayor Ransom noted that his main concern is that the City doesn't take too ambitious an approach. He suggested selected a few small projects and doing them well. Mr. Olander concurred, noting that the Sustainability Committee is in the process of setting priorities.

## RECESS

At 9:02 p.m., a sudden power outage prompted the Mayor to call a recess.

EXECUTIVE SESSION

At 9:15 p.m., Mayor Ransom announced that the Council would recess into executive session for 20 minutes to discuss personnel and litigation issues, and remaining agenda items 6(c) and 6(d) would be moved to a future Council meeting. At 9:42 p.m., the executive session concluded and the Council meeting reconvened.

8. ADJOURNMENT

At 9:42 p.m. Mayor Ransom declared the meeting adjourned.


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Scott Passey, CMC  
City Clerk

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## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Approval of Expenses and Payroll as of May 30, 2007  
**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 expense, material, purchases-advancements."

### RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,085,816.92 specified in the following detail:

#### **\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
04/08/07-04/21/07	4/27/2007	18710-18899	6264-6310	32541-32553	\$467,044.14
04/22/07-05/05/07	5/11/2007	18900-19094	6311-6359	32696-32705	\$376,659.89
					<u>\$843,704.03</u>

#### **\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
5/3/2007	32504	32514	\$110,595.17
5/3/2007	25201		(\$48.00)
5/3/2007	25239		(\$75.00)
	26273		(\$24.50)
	29361		(\$5.00)
5/3/2007	32515	32517	\$104.50
5/3/2007	31910		(\$48.00)
5/3/2007	32518	32540	\$9,786.05
5/7/2007	32554	32555	\$245.00
5/8/2007	32556		\$175.00
5/8/2007	32289		(\$85.00)
5/8/2007	25513		(\$25.00)
5/8/2007	32557	32575	\$90,324.20
5/9/2007	32576	32596	\$18,969.00
5/10/2007	32597	32614	\$52,923.10
5/15/2007	32615	32616	\$9,249.00

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
5/15/2007	32617	32643	\$177,235.71
5/17/2007	32644	32668	\$19,615.15
5/17/2007	32669		\$60.00
5/17/2007	32670	32694	\$80,530.89
5/17/2007	32695		\$1,669.09
5/22/2007	32706	32719	\$411,472.78
5/23/2007	32720	32751	\$115,035.79
5/23/2007	32752	32779	\$39,849.46
5/23/2007	32780	32788	\$6,092.25
5/25/2007	32789		\$480.97
5/29/2007	32790	32795	\$33,146.94
5/30/2007	32796	32798	\$25,512.66
5/30/2007	32799		\$3,741.31
5/30/2007	32800		\$2,936.08
5/30/2007	32801	32813	\$32,673.29
			<u>\$1,242,112.89</u>

Approved By: City Manager \_\_\_\_\_ City Attorney \_\_\_\_\_

## **CITY COUNCIL AGENDA ITEM**

CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Motion to Authorize the City Manager to Execute a Construction Management Contract with W & H Pacific for the Dayton Avenue N Project, 15<sup>th</sup> Ave/150<sup>th</sup> St Signal Project and 2007 Priority Sidewalks Project

**DEPARTMENT:** Public Works

**PRESENTED BY:** Tricia Juhnke, P.E., Capital Projects Administrator  
John Vicente, P.E., Capital Projects Manager

### **BACKGROUND:**

In April of 2007 Public Works advertised an RFQ for Construction Management Services for 3 projects scheduled for construction in the summer and fall of 2007. Construction management services are needed on the following projects during the approximate project durations:

- Dayton Ave N Retaining Wall –June- October
- 15<sup>th</sup> Ave/ 150<sup>th</sup> St signal – late August-December
- 2007 Priority Sidewalks – June-September

Four firms submitted Statements of Qualifications and were interviewed by staff. W&H Pacific was selected from the 4 firms as being best qualified to meet the needs for construction management. The scope of their services includes the following major tasks:

- Daily construction inspection and coordination with contractor;
- Daily reporting of contractor staff, equipment, material installation and working days;
- Coordination with City staff and interaction with the community;
- Tracking of construction material quantities;
- Material review and testing;
- Project close out

One firm has been chosen for all projects to increase efficiency and reduce costs associated with construction management, including staff oversight of W&H Pacific

### **PROBLEM/ISSUE STATEMENT:**

Staff is requesting that Council authorize the City Manager to execute an agreement with W & H Pacific to perform construction management services for the Dayton Avenue N Project, and 2007 Priority Sidewalks Project in the amount of \$127,000.

An additional contract for the 15<sup>th</sup> Ave NE/ NE 150<sup>th</sup> signal in the amount of \$47,000 can be awarded to W&H Pacific by the City Manager after the signal is bid this summer, since the amount is within the contracting authority of the Manager. A separate contract is needed to meet federal funding requirements on the signal project.

**FINANCIAL IMPACT:**

All three projects have construction management costs estimated within their authorized project budgets. The proposals received for these services slightly exceed the estimated amounts; however, there is adequate project funding to award contracts for these services. Staff is confident the projects can be managed within existing budget authorizations.

**RECOMMENDATION**

Staff recommends that Council authorize the City Manager to execute a construction management agreement with W & H Pacific for the Dayton Avenue N Project, and 2007 Priority Sidewalks Project for an amount not to exceed \$127,000.

Approved By:      City Manager  City Attorney \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Saltwater Park Contract Amendment – Hewitt Architects
<b>DEPARTMENT:</b>	Parks, Recreation and Cultural Resources and Public Works
<b>PRESENTED BY:</b>	Dick Deal, Director of Parks, Recreation and Cultural Resources Maureen Colaizzi, Park Project Coordinator Dave Buchan, Capital Projects Manager

**INTRODUCTION:**

The City Council work plan for 2007-2008 emphasizes the importance of completing the projects approved in the 2006 Parks Bond (Council Goal #1). Richmond Beach Salt Water Park is one of the Bond Projects.

This Staff Report provides background and a recommendation regarding an amendment to the contract with Hewitt Architects for the design of Phase 1 Capital Improvements at Saltwater Park.

This amendment will complete project design and bidding documents including project oversight by the consultant architects. We anticipate bidding the project this fall and awarding the bid late this year with construction beginning in early 2008.

**BACKGROUND:**

On February 12, 2007, Council adopted the Richmond Beach Saltwater Park Master Plan to guide the development and management of Saltwater Park for many years ahead. At that same session Council authorized Hewitt Architects to proceed with the Schematic and Design Development phases of design for the individual projects that make up Phase 1 package of Saltwater Park improvements, as identified in the master plan document.

On May 7, 2007, the Hewitt Design Team presented the Design Development drawings for Saltwater Park Phase 1 projects to Council. After review, the Council approved the Design Development drawings for Saltwater Park.

The next step in the design process is the preparation of detailed Construction Documents for the project. The elements of this phase of work for Hewitt Architects include:

1. Construction drawings and bid documents - Produce detailed construction drawings, structural calculations and related specifications for the Saltwater Park project that will form the bid documents for the Phase 1 work.

2. Permitting - Prepare materials as needed for review of project drawings by the City's Department of Planning and Development Services and other permitting agencies to determine the necessary permits and potential mitigation activities associated with this project. This work will include a wetland and stream delineation report. This delineation report will inform the City on the impacts of construction proposals for the site and how the project scope may need to be modified to proceed with construction.

3. 1% for Art Opportunities – The design team will review the project scope to determine where art will be integrated on site. Staff will assist the design team in selecting potential art project(s) to be recommended to the Park Board. If the art projects are approved, they will be included in the bid documents for contractor installation.

4. Interpretive Program – The design team will develop a detailed interpretive program for Saltwater Park. Program proposals will be prepared and illustrated for review by the Park Board. If approved, the interpretive graphics will be detailed for bidding and award in a separate fabrication and installation contract.

5. Construction Administration – The design team will administer the construction contract for the successful bidder. This includes, at minimum, weekly site visits, the preparation of agendas and producing written minutes for weekly construction meetings, advising the City on possible change orders, scope modifications and other contract-related matters.

#### **FINANCIAL IMPACT:**

Staff and representatives from Hewitt Architects have been discussing the scope of work for Saltwater Park and the fees needed for Hewitt Architects to complete this work. After careful review, Staff recommends that Council authorize the City Manager to amend the existing contract in the amount of \$132,260 for Hewitt Architects to carry out the above referenced scope for completion of Construction Documents for Saltwater Park.

- The proposed amendment is \$132,260
- The existing Hewitt Architects contract is \$242,300
- The total combined contract amount is \$374,560

The Phase 1 package of capital improvements for Saltwater Park is being funded out of proceeds from the Parks Bond package passed by Shoreline voters in May of 2006. The allocation for Saltwater Park improvements is \$2.64 million.

#### **RECOMMENDATION**

Staff recommends that Council authorize the City Manager to amend the existing contract in the amount \$132,260 for preparation of construction documents for Phase 1 improvements for Saltwater Park.

Approved By:  City Manager \_\_\_\_ City Attorney \_\_\_\_

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Cascade Agenda City and Green City Partnership Programs  
**DEPARTMENT:** Planning and Development Services  
**PRESENTED BY:** Joe Tovar, Director, Planning and Development Services

**PROBLEM/ISSUE STATEMENT:**

The City Council has heard presentations regarding the Cascade Agenda and the opportunity for the City of Shoreline to participate in the "Cascade Agenda City" and "Green City Partnership" programs. A resolution has been drafted for Council's consideration to declare the City's endorsement of the Cascade Agenda and to express the City's interest in participation in the Cascade Agenda City and Green City Partnership programs.

**FINANCIAL IMPACT:**

The City staff's work program for 2007, particularly those tasks to implement adopted City Council Goals for 2007-2008, is already budgeted. Included in that work program are inter-jurisdictional activities and public outreach to and coordination with a number of local and regional organizations, including the Cascade Land Conservancy. The adoption of the resolution would therefore have no unbudgeted workload impacts.

**RECOMMENDATION**

The staff recommends that the City Council adopt the enclosed resolution which endorses the vision articulated in the Cascade Agenda and states that the City will pursue partnership with the Cascade Land Conservancy "Cascade Agenda City" and "Green City Partnership" programs. The resolution also directs the City Manager to appoint a staff member to act as the City's liaison with Cascade Agenda activities.

Approved By: City Manager  City Attorney \_\_\_\_\_

## **INTRODUCTION**

On March 17 and May 21 of this year, the City Council heard presentations and reviewed materials regarding the Cascade Agenda, an ambitious long-term vision of focused conservation priorities, economic prosperity and enhanced livability for the region's communities.

## **BACKGROUND**

At its May 21, 2007 study meeting, the Council heard a staff presentation on this subject, and had the opportunity to direct questions to Alison Van Gorp and Leslie Batten, program managers for the Cascade Land Conservancy. Included in the review at that time was a draft resolution that summarized the Cascade Agenda City and Green City Partnership programs, declared Shoreline's endorsement of the Cascade Agenda and expressed the City's interest in participating in these programs. At the conclusion of the discussion, the Council asked the staff to bring the resolution back for action at a regular meeting.

## **RECOMMENDATION**

The staff recommends that the City Council adopt the resolution which endorses the vision articulated in the Cascade Agenda and states that the City will pursue partnership with the Cascade Land Conservancy "Cascade Agenda City" and "Green City Partnership" programs. The resolution also directs the City Manager to appoint a staff member to act as the City's liaison with Cascade Agenda activities.

## **RESOLUTION NO. 260**

**A RESOLUTION OF THE CITY COUNCIL, CITY OF SHORELINE, WASHINGTON, ENDORSING THE PRINCIPLES OF THE CASCADE AGENDA, OBSERVING THAT THE CITY COUNCIL GOALS FOR 2007-2008 REFLECT THE OBJECTIVES OF THE CASCADE AGENDA CITIES PROGRAM, AND DECLARING THE CITY'S INTENT TO PARTICIPATE IN THE "CASCADE AGENDA CITY" AND "GREEN CITY PARTNERSHIP" PROGRAMS.**

**WHEREAS**, the Cascade Agenda is a century-long vision for the Central Cascade region of King, Pierce, Snohomish and Kittitas counties, and sets forth goals and strategies to conserve this region's natural character, create vibrant cities and towns, and ensure a strong economy, and

**WHEREAS**, the Cascade Land Conservancy has launched both the "Cascade Agenda City Program" and the "Green City Partnership Program" to recognize the relationship between the creation of great communities and the conservation of this region's ecology and working landscapes, and

**WHEREAS**, the population of the Central Puget Sound region is forecasted to grow from 3.3 million today to 5 million by the year 2040, with a corresponding increase in the population in central cities such as Shoreline, and

**WHEREAS**, in the face of significant long-term growth, the City of Shoreline's choices are not whether to grow or how much to grow, but rather how to manage growth in a way that maintains and enhances Shoreline's quality of life, and

**WHEREAS**, the core principles and objectives of the Cascade Agenda City Program are reflected in the City Council's adopted goals for 2007-2008, including:

- Goal 1 Complete the projects approved in the 2006 Parks Bond
- Goal 2 Implement the Economic Development Strategic Plan
- Goal 3 Implement an affordable civic center/city hall project
- Goal 4 Complete the Aurora improvements from N.165<sup>th</sup> Street to N. 205<sup>th</sup> Street, including, but not limited to, sidewalks, drainage, and transit
- Goal 5 Develop a comprehensive housing strategy
- Goal 6 Create an "environmentally sustainable community"
- Goal 7 Provide safe and affordable transportation options to support land use Plans including walking, bicycling, transit and vehicular options

and,

**WHEREAS**, the Shoreline Planning Commission and Parks Board received a presentation on the Cascade Agenda on September 7, 2006 and the City Council received presentations regarding the Cascade Agenda and the Cascade Agenda City and Green City Partnership programs on March 19, 2007, and May 21, 2007, and

**WHEREAS**, the long-term economic vitality, environmental health and natural beauty of the Central Cascades region is a vital interest to the citizens of Shoreline.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The City of Shoreline endorses the vision articulated in the Cascade Agenda and shall pursue partnership with the Cascade Land Conservancy in both the "Cascade Agenda City" and "Green City Partnership" programs as a strategy to increase public awareness of and support for the implementation of Shoreline City Council Goals 1 through 7.

**Section 2.** The City of Shoreline will seek to align its policies and programs on community development, housing, transportation, parks, and open space with the strategies and approaches of the Cascade Agenda.

**Section 3.** The City Manager shall appoint a staff representative to act as the City's primary liaison with respect to Cascade Agenda related activities and shall provide periodic reports to the City Council.

**ADOPTED BY THE CITY COUNCIL ON JUNE 4, 2007**

\_\_\_\_\_  
Robert L. Ransom, Mayor

**ATTEST:**

\_\_\_\_\_  
Scott Passey, City Clerk

Council Meeting Date: June 11, 2007

Agenda Item: 8(b)

**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Proposed Amendments to the Development Code  
**DEPARTMENT:** Planning and Development Services  
**PRESENTED BY:** Joe Tovar, Director  
Steven Szafran, Planner II

**PROBLEM/ISSUE STATEMENT:**

The issue before Council is the consideration of several amendments to the Development Code.

Since 2006, City Staff has been meeting on a regular basis and submitting requests to amend the City's Development Code. Staff discusses the merits of all amendments and makes recommendations to the PADS director. The sixteen amendments forwarded to the Council were reviewed and recommended for approval.

The Planning Commission held a Public Hearing and has made a recommendation on each amendment for the Council's consideration. Development Code amendments are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations.

**ALTERNATIVES ANALYZED:** The following options are within Council's discretion and have been analyzed by staff:

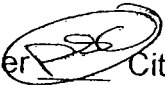
1. The Council could choose to adopt the amendments as recommended by the Planning Commission and Staff by adopting Ordinance No. 469 (Attachment A)
2. The Council could choose to not adopt the amendments to the Development Code.
3. The Council could amend the proposed Planning Commission recommendations by remanding the amendments back to the Planning Commission for an additional public hearing.

**FINANCIAL IMPACTS:**

4. There are no direct financial impacts to the City of the amendments proposed by Planning Commission and Staff.

**RECOMMENDATION**

The Planning Commission and Staff recommend that Council adopt Ordinance No. 469 (Attachment A).

Approved By: City Manager  City Attorney \_\_\_\_\_

## **INTRODUCTION**

An amendment to the Development Code is a legislative process that may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City.

## **BACKGROUND**

### **PROCESS**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

Recent departmental policy has been to collect proposed amendments throughout the year and periodically discuss which amendments should go forward. Since the last group of amendments was approved in November, 2006, staff developed another group of amendments based on urgency and importance. In March and April 2007, the Planning Commission held public hearings and considered the code amendments in front of them.

The list of amendments was discussed and a recommendation made on whether or not to approve the proposed amendments. The following analysis contains some background information and Planning Commission recommendation for each proposal.

### **PUBLIC COMMENT**

A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published February 15, 2007. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held March 15 and April 17, 2007. There were two citizens speaking in support of Amendment #9 (20.50.020(2) - Residential Densities in Commercial Zones).

## **AMENDMENT ANALYSIS**

### **AMENDMENTS AND ISSUES**

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis and Planning Commission recommendation. The Commission recommends approval of all the amendments except #14. The Commission did not make a recommendation on #15 which was withdrawn.

**Amendment #1:** 20.20.016 (D Definitions). This amendment changes the definition of single-family attached. The new definition of single-family attached is three or more units attached by a common vertical wall. The new language makes it easier to distinguish between duplexes, apartments and single-family attached units.

**Amendment #2:** 20.40.054 W Definitions. This amendment adds the definitions of different types of Wireless Telecommunication Facilities (WTF's). The definitions were previously embedded in the Zoning and Use Provisions. Adding the definitions of WTF's into the Definition section makes more sense and will be easier for the public to find.

**Amendment #3:** 20.30.040 Table. City Council adopted the 2006 first batch of development amendments on November 6, 2006. In that batch of code amendments was a new section for site development permits (20.30.315). This amendment will add that permit to Table 20.30.040-Summary of Type A Actions.

**Amendment #4:** 20.30.220 Filing Administrative Appeals. This amendment comes from the City's Attorney Office. Language is added to clarify when appeals can be filed and when decisions shall be deemed received.

**Amendment #5:** 20.30.560 Categorical Exemptions- Minor New Construction. This amendment will raise thresholds for when a SEPA review is required. New residential structures of up to 20 dwelling units, new commercial space up to 12,000 square feet with parking up to 40 automobiles, and the construction of a parking lot for up to 40 automobiles. This amendment will reduce the amount SEPA applications for minor construction throughout the City.

**Amendment #6:** 20.30.760 Junk Vehicles as Public Nuisance. This amendment is from our Code Enforcement staff. Time limits have been extended if a request for hearing is received from a customer who has received a damage assessment.

**Amendment #7:** 20.30.770 Notice and Orders. This is Code Enforcement request. New language has been added that directs the reader to other code sections for reference.

**Amendment #8:** 20.40.320 Daycare Facilities. This code amendment changes the regulations of where a Daycare facility II may be located. A Daycare Facility II is a facility that cares for more than 12 children at one time. Daycare II Facilities will not be permitted in the R-4 and R-6 zones and will be a Conditional Use Permit within the R-8 and R-12 zones.

**Amendment #9:** 20.50.020(2) Density and Dimensions. This amendment looks at density in the CB zones along and near Aurora Avenue and Ballinger Way. The proposal would allow greater residential densities by removing the current 48 dwelling units per acre density limit in CB zones in these areas. Development would still have to meet setback, parking and landscaping regulations. No density maximums are proposed in CB zones 1,300 feet from Aurora Ave North and Ballinger Way (roughly within a 15 minute walk). This is an attempt to focus higher densities along the Aurora and Ballinger Corridors (which are designated State highways) without impacting the residential neighborhoods.

**Amendment #10:** 20.50.040 Setbacks- Designations and Measurements. This amendment clarifies when porches and decks may extend into required side yard setbacks. Language has been proposed that it is easier to understand and administer.

**Amendment #11:** 20.50.260 Lighting Standards. A new section has been added to lighting standards. Outdoor lighting shall be shielded and downlit from residential land uses. This amendment will protect residential uses from direct lighting from adjacent land uses.

**Amendment #12:** 20.50.410(A) Parking Design Standards. The City's current rules do not require multi-family, commercial and/or industrial uses to have parking on paved surfaces. This amendment will require paved parking for those uses as well as allowing single-family homes to have pervious concrete or pavers as an approved surface to park on.

**Amendment #13:** 20.50.420 Vehicle Access and Circulation Standards. This amendment deletes the requirement for driveway setbacks from the property line. *This amendment was considered during the first batch of code amendments in November of 2006 and remanded to the Planning Commission.*

**Amendment #14:** 20.70.030(C)(3)(1) Required Improvements. Required improvements (sidewalks, curb, gutter, street improvements, etc...) will not be required for subdivisions, short plats, and binding site plans where all of the lots are fully developed. This amendment will affect property owners rebuilding or remodeling homes on lots that are fully developed. *The Planning Commission recommended denial of this amendment because if the City believes in requiring street frontage requirements, then it should not exempt frontage requirements on fully developed lots.*

**Amendment #15:** 20.80.230 Required Buffer Areas. Two words will be added. "Very high" will be added to landslide hazard for required buffer areas. *This amendment has been withdrawn by staff pending discussion with the City Attorney on specific language. It will be resubmitted with the next group of amendments.*

**Amendment #16:** 20.80.330(A) Required Buffer Areas. This amendment correctly names the document used for determining wetland buffers. The document is named The 1997 Washington State Department of Ecology Wetland Delineation Manual.

**Amendment #17:** 20.90.110 Lighting. This is the only citizen initiated code amendment. The request is to allow neon signage to outline a building in the North City Business District. Neon signage is allowed in all other areas of the City of Shoreline. Staff supports the amendment as long as the neon tubes are an integral part of the building design.

#### **ALTERNATIVE AMENDMENT**

The Council under its authority in 20.30.100 to initiate Development Code amendments could direct staff to consider an alternative amendment. Noticing requirements in the Development Code would require the City to re-advertise any alternative amendment and would require an additional Public Hearing and Planning Commission recommendation.

## **RECOMMENDATION**

The Planning Commission recommends approval of amendments #1 through #13 and #16 and #17. The Planning Commission recommends denial of amendment #14. Amendment #15 was not considered due to a need for additional analysis by the City Attorney and staff.

## **ATTACHMENTS**

- Attachment A: Ordinance 469, containing proposed amendment language in legislative format as Exhibit 1.
- Attachment B: March 15 Planning Commission Staff Report
- Attachment C: April 19 Planning Commission Memo
- Attachment D: March 15 Planning Commission Minutes
- Attachment E: April 19 Planning Commission Minutes

**ORDINANCE NO. 469**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING 20.20.016 D DEFINITIONS; 20.20.054 W DEFINITIONS; TABLE 20.30.040; 20.30.220 FILING ADMINISTRATIVE APPEALS; 20.30.560 CATEGORICAL EXEMPTIONS; 20.30.760 JUNK VEHICLES AS PUBLIC NUISANCE; 20.30.770 NOTICE AND ORDERS; 20.40.320 DAYCARE FACILITIES; 20.50.020(2) DENSITY AND DIMENSIONS; 20.50.040 SETBACKS; 20.50.260 LIGHTING STANDARDS; 20.50.410(A) PARKING DESIGN STANDARDS; 20.50.420 VEHICLE ACCESS AND CIRCULATION STANDARDS; 20.70.030(C)(3)(A) REQUIRED IMPROVEMENTS; 20.80.330 REQUIRED BUFFER AREAS; AND 20.90.110 LIGHTING.**

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

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;

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 December 14, 2006 to December 28, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 15 and April 17, 2007.

WHEREAS, a SEPA Determination of Nonsignificance was issued on December 28, 2006, 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 Chapters 20.20, 20.30, 20.40, 20.50, 20.70, 20.80 and 20.90 are amended as set forth in Exhibit 1, 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 June 11, 2007.**

\_\_\_\_\_  
Mayor Robert Ransom

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott Passey  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

**20.20.016 D definitions**

**Dwelling,  
Single-Family  
Attached**

A building containing three or more ~~than one~~ dwelling units attached ~~to two or more dwelling units~~ by common vertical wall(s), such as townhouse(s). Single-family attached dwellings shall not have units' located one over another.

## 20.20.054 W definitions

### **Wireless Telecommunication Facility (WTF)**

An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WTF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WTF's are composed of two or more of the following components:

- A. Antenna;
- B. Mount;
- C. Equipment enclosure;
- D. Security barrier.

<u>WTF, building mounted</u>	<u>Wireless telecommunication facilities mounted to the roof or the wall of a building.</u>
<u>WTF, ground mounted</u>	<u>Wireless telecommunication facility not attached to a structure or building and not exempted from regulation under SMC 20.40.600A. Does not include colocation of a facility on an existing monopole, utility pole, light pole, or flag pole.</u>
<u>WTF, structure mounted</u>	<u>Wireless telecommunication facilities located on structures other than buildings, such as light poles, utility poles, flag poles, transformers, existing monopoles, towers and/or tanks.</u>

**Table 20.30.040 – Summary of Type A Actions and Target Time  
Limits for Decision, and Appeal Authority**

<b>Action Type</b>	<b>Target Time Limits for Decision</b>	<b>Section</b>
<b>Type A:</b>		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, <u>20.30.315</u> , 20.30.430
11. Variances from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21 RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

**20.30.220 Filing administrative appeals.**

- A. Appeals shall be filed within 14 17 calendar days from the date of the receipt of the mailing ~~issuance of the written decision~~. Appeals shall be filed in writing with the City Clerk. The appeal shall comply with the form and content requirements of the rules of procedure adopted in accordance with this chapter.
- B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.
- C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record. (Ord. 238 Ch. III § 5(f), 2000).

#### **20.30.560 Categorical exemptions – Minor new construction.**

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; 2) the proposal would alter the existing conditions within a critical area or buffer; or 3) a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of ~~four~~ up to 20 dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building ~~4,000~~ up to 12,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ up to 40 automobiles.
- C. The construction of a parking lot designed for ~~20~~ up to 40 automobiles.
- D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

## **20.30.760 Junk vehicles as public nuisances.**

- A. Storing junk vehicles as defined in SMC 10.05.030(A)(1) upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:
1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or
  2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.
- B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a ~~public~~ hearing may be requested before the Hearing Examiner. If no hearing is requested within ~~40~~ 14 days from the certified date of receipt of the notice, the vehicle, or part thereof, shall be removed by the City with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.
- C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.
- D. If a request for hearing is received within ~~40~~ 14 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, with a five-day return receipt requested, to the land owner of record and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle identification number.
- E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land,

with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

- F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement.
- G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner on which the vehicle or remnant part is located, unless the landowner has shown in a hearing that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence. Costs shall be paid to the Finance Director within 30 days of the hearing and if delinquent, shall be assessed against the real property upon which such cost was incurred, as set forth in SMC 20.30.775. ~~filed as a garbage collection and disposal lien on the property. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).~~

## **20.30.770 Notice and orders.**

Whenever the Director has reason to believe that a Code Violation exists or has occurred, the Director is authorized to issue a notice and order to correct the violation to any responsible party. A stop work order shall be considered a notice and order to correct. Issuance of a citation or stop work order is not a condition precedent to the issuance of any other notice and order.

- A. Subject to the appeal provisions of SMC 20.30.790, a notice and order represents a determination that a Code Violation has occurred and that the cited person is a responsible party.
- B. Failure to correct the Code Violation in the manner prescribed by the notice and order subjects the person cited to any of the compliance remedies provided by this subchapter, including:
  - 1. Civil penalties and costs;
  - 2. Continued responsibility for abatement, remediation and/or mitigation;
  - 3. Permit suspension, revocation, modification and/or denial; and/or
  - 4. Costs of abatement by the City, according to the procedures described in this subchapter.
- C. Any person identified in the notice and order as a responsible party may appeal the notice and order within 14 17 calender days from the date of mailing of issuance, according to the procedures described in SMC 20.30.220 and 20.30.790. Failure to appeal the notice and order within 14 17 days of issuance shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code Violation, and that the named party is liable as a responsible party.

#### 20.40.320 Daycare facilities.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations only as an accessory to residential use, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and
2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in ~~residential zones R4~~ R-8 and through R12 zoning designations through an approved ~~only by~~ Conditional Use Permit, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.
2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
3. Hours of operation may be restricted to assure compatibility with surrounding development. (Ord. 238 Ch. IV § 3(B), 2000).

#### 20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
<b>RETAIL/SERVICE TYPE</b>							
532	Automotive Rental and Leasing					P	P
81111	Automotive Repair and Service				P	P	P
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	P	P	P
513	Broadcasting and Telecommunications						P
812220	Cemetery, Columbarium	C-i	C-i	C-i	P-i	P-i	P-i
	Churches, Synagogue, Temple	C	C	P	P	P	P
	Construction Retail, Freight, Cargo Service						P
	Daycare I Facilities	P-i	P-i	P	P	P	P
	Daycare II Facilities		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

<b>STANDARDS</b>	<b>Neighborhood Business (NB) and Office (O) Zones</b>	<b>Community Business (CB) Zone</b>	<b>Regional Business (RB) and Industrial (I) Zones</b>
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 (4)-(2)	35 ft	60 ft	65 ft (2)(3)
Maximum Impervious Surface	85%	85%	95%

Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB within 1300 feet of Aurora Avenue or Ballinger Way, there is no residential density limit. Development is subject to all other requirements of the Shoreline Development Code.

~~(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.***

## **20.50.040 Setbacks – Designation and measurement.**

### **I. Projections into Setback.**

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:
  - a. Gutters;
  - b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
  - c. On-site drainage systems.
2. Fire place structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into setbacks, except into a side yard setback that is less than seven feet, provided such projections are:
  - a. Limited to two per facade;
  - b. Not wider than 10 feet;
  - c. Not more than 24 inches into a side yard setback (which is greater than seven feet); or
  - d. Not more than 30 inches into a front and rear yard setback.
3. Eaves shall not project more than:
  - a. Eighteen inches into a required side yard setback and shall not project at all into a five-foot setback;
  - b. Thirty-six inches into a front yard and/or rear yard setback.

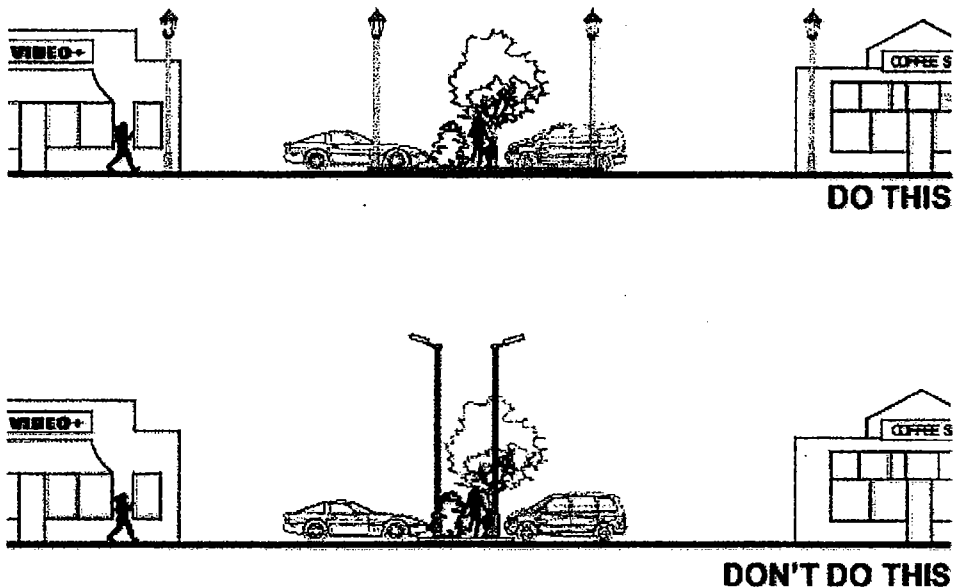
4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the rear and side property lines.
5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project:
  - a. Eighteen inches into a required side yard setback, which is greater than six feet, six inches but not into a five-foot setback and
  - b. Five feet into the required the front and rear yard setback.
6. Building stairs less than three feet and six inches in height, entrances, and covered but unenclosed porches that are at least 60 square feet in footprint area may project up to five feet into the front yard.
7. Arbors are allowed in required yard setbacks if they meet the following provisions:

In any required yard setback, an arbor may be erected:

- a. With no more than a 40-square-foot footprint, including eaves;
  - b. To a maximum height of eight feet;
  - c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.
8. No projections are allowed into a regional utility corridor.
  9. No projections are allowed into an access easement.
  10. ~~Driveways for single detached dwellings may cross required yard setbacks or landscaped areas in order to provide access between the off street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway. (Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 1(B-3), 2000).~~

#### **20.50.260 Lighting – Standards.**

- A. Accent structures and provide security and visibility through placement and design of lighting.
- B. Parking area light post height shall not exceed 25 feet.



**Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.**

- C. All building entrances should be well lit to provide inviting access and safety. Building-mounted lights and display window lights should contribute to lighting of pedestrian walkways.
- D. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by the engineering provisions. It shall be designed to minimize glare on abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting. (Ord. 238 Ch. V § 4(B-2), 2000).
- E. Outdoor lighting shall be shielded and downlit from residential land uses.

#### **20.50.410 Parking design standards.**

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or on pervious concrete or pavers. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multi-family and commercial uses must be on a impervious surface, pervious concrete or pavers.

~~B.~~(C) On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.760.

~~C.~~(D) Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and
3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.
4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

*Exception 20.50.410(C)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate*

*pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.*

## **20.50.420 Vehicle access and circulation – Standards.**

- A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.
- ~~B. Access for single-family detached, single-family attached, and multifamily uses is not allowed in the required yard setbacks (see Exceptions 20.50.080(A)(1) and 20.50.130(1)).~~
- ~~C. Driveways for single-family detached dwellings, single-family attached, and multifamily uses may cross required yard setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway.~~
- D-B. Driveways for non-single-family residential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.
- E-C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.
- F-D. No dead-end alley may provide access to more than eight required off-street parking spaces.
- G-E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.
- H-F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.
- I-G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.
  2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- J-H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

### **20.70.030 Required improvements.**

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

- A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. The provisions of the engineering chapter shall apply to:
  - 1. All new multifamily, nonresidential, and mixed-use construction;
  - 2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
  - 3. Subdivisions;

Exception:

i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.

- 4. Single-family, new constructions, additions and remodels.

Exception:

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.
- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

E. Exemptions to some or all of these requirements may be allowed if:

- 1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.
- 2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:
  - a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;
  - b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;
  - c. Adequate drainage control is maintained;
  - d. At least one of the following conditions exists. The required improvements:
    - i. Would not be of sufficient length for reasonable use;

- ii. Would conflict with existing public facilities or a planned public capital project; or
- iii. Would negatively impact critical areas. and
- e. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

**20.80.330 Required buffer areas.**

- A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 19897 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.

## **20.90.110 Lighting.**

- A. Lighting should use minimum wattage metal halide or color corrected sodium light sources which give more "natural" light. Non-color corrected low pressure sodium and mercury vapor light sources are prohibited.
- B. All building entrances should be well lit to provide inviting access and safety.
- C. Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas.
- D. Parking area light fixtures should be designed to confine emitted light to the parking area. Post height should not exceed 16 feet.
- E. Back-lit or internally lit vinyl awnings are prohibited.
- F. Neon lighting may be used as a lighting element; provided, that the tubes are ~~concealed and are an integral part of the building design. Neon tubes used to outline the building are prohibited. (Ord. 281 § 7, 2001).~~

**Commission Meeting Date: March 15, 2007****Agenda Item: 7.1**

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**PLANNING COMMISSION AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

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<b>AGENDA TITLE:</b>	Public Hearing for Proposed Amendments to the Development Code
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PREPARED BY:</b>	Steven Szafran, Planner II, 206-546-0786
<b>PRESENTED BY:</b>	Joe Tovar, Director, Planning and Development Services

**SUMMARY**

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

A summary of proposed amendments can be found in **Attachment 1**.

The purpose of this public hearing is to:

- Briefly review the proposed Second Batch Development Code Amendments of 2007
- Respond to questions regarding the proposed amendments
- Identify any additional information that may be necessary
- Forward a recommendation to the City Council

**BACKGROUND / ANALYSIS**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City.

The second batch of development code amendments of 2007 pertain to many sections of the Shoreline Development Code. Proposed changes to the development code came from city planning staff, the city's attorney's office, code enforcement and one request from a private citizen.

All the proposed amendments for the second batching schedule of 2007 are included in **Attachment 1**, and are considered for this Planning Commission public hearing.

## **TIMING & SCHEDULE**

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

<b>DATE</b>	<b>DESCRIPTION</b>
February, 2007	<ul style="list-style-type: none"><li>• SEPA Determination to be issued/advertised. Notify CTED of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.</li></ul>
February, 2007	<ul style="list-style-type: none"><li>• Proposed Amendments advertised in <u>Seattle Times</u> and <u>Shoreline Enterprise</u>.</li><li>• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).</li></ul>
February 15, 2007	<ul style="list-style-type: none"><li>• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.</li></ul>
March 15, 2007	<ul style="list-style-type: none"><li>• Planning Commission Public Hearing on proposed amendments.</li><li>• Planning Commission deliberation and record recommendation to City Council on approval or denial of proposed amendments (unless further meetings are required).</li></ul>
April-May, 2007	<ul style="list-style-type: none"><li>• City Council consideration and decision on proposed amendments.</li></ul>

## **AMENDMENTS AND ISSUES**

Attachment 1 includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses strikethroughs for proposed text deletions and underlines for proposed text additions. There are only deletions in this batch of code amendments. The following is a summary of the proposed second batch code amendments.

### **Docketed Amendments:**

These proposed amendments were reviewed and supported by a staff panel and are being supported and forwarded by the Director:

**Amendment #1:** 20.20.016 D Definitions. This amendment changes the definition of single-family attached. The new definition of single-family attached is three or more units attached by common vertical walls. The new language makes it easier to distinguish between duplexes, apartments and single-family attached units.

**Amendment #2:** 20.40.054 W Definitions. This amendment adds the definitions of different types of Wireless Telecommunication Facilities (WTF's). The definitions were previously embedded in the Zoning and Use Provisions. Adding the definitions of WTF's into the Definition section makes more sense and will be easier for the public to find.

**Amendment #3:** 20.30.040 Table. City Council adopted the 2006 first batch of development amendments on November 6, 2006. In that batch of code amendments was a new section for site development permits (20.30.315). This amendment will add that permit to Table 20.30.040-Summary of Type A Actions.

**Amendment #4:** 20.30.220 Filing Administrative Appeals. This amendment comes from the City's Attorney Office. Language is added to clarify when appeals can be filed and when decisions shall be deemed received.

**Amendment #5:** 20.30.560 Categorical Exemptions- Minor New Construction. This amendment will raise thresholds for when a SEPA review is required. New residential structures of up to 20 dwelling units, new commercial space up to 12,000 square feet with parking up to 40 automobiles, and the construction of a parking lot for up to 40 automobiles. This amendment will reduce the amount SEPA applications for minor construction throughout the City.

**Amendment #6:** 20.30.760 Junk Vehicles as Public Nuisance. This amendment is from our Code Enforcement staff. Time limits have been extended if a request for hearing is received from a customer who has received a damage assessment.

**Amendment #7:** 20.30.770 Notice and Orders. This is Code Enforcement request. New language has been added that directs the reader to other code sections for reference.

**Amendment #8:** 20.40.320 Daycare Facilities. This code amendment changes the regulations of where a Daycare facility II may be located. A Daycare Facility II is a facility that cares for more than 12 children at one time. Daycare II Facilities will not be permitted in the R-4 and R-6 zones and will be a Conditional Use Permit within the R-8 and R-12 zones.

**Amendment #9:** 20.50.020(2) Density and Dimensions. This amendment looks at density along Aurora Avenue in the commercial zones zoned CB. The proposal would allow greater residential densities by removing the current 48 dwelling units per acre density limit. Development would still have to meet setback, parking and landscaping regulations. No density maximums are proposed in the CB zones from Fremont Ave N to the west to Ashworth Ave N to the east. This is an attempt to focus higher densities along the Aurora Corridor without impacting the residential neighborhoods.

**Amendment #10:** 20.50.040 Setbacks- Designations and Measurements. This amendment clarifies when porches and decks may extend into required side yard setbacks. Language has been proposed that it is easier to understand and administer.

**Amendment #11:** 20.50.260 Lighting Standards. A new section has been added to lighting standards. Outdoor lighting shall be shielded and downlit from residential land uses. This amendment will protect residential uses from direct lighting from adjacent land uses.

**Amendment #12:** 20.50.410(A) Parking Design Standards. The City's current rules do not require multi-family, commercial and/or industrial uses to have parking on paved surfaces. This amendment will require paved parking for those uses as well as allowing single-family homes to have pervious concrete or pavers as an approved surface to park on.

**Amendment #13:** 20.50.420 Vehicle Access and Circulation Standards. This amendment was considered during the first batch of code amendments in November of 2006 and remanded to the Planning Commission. This amendment deletes the requirement for driveway setbacks from the property line.

**Amendment #14:** 20.70.030(C)(3)(1) Required Improvements. Required improvements (sidewalks, curb, gutter, street improvements, etc...) will not be required for subdivisions, short plats, and binding site plans where all of the lots are fully developed. This amendment will affect property owners rebuilding or remodeling homes on lots that are fully developed.

**Amendment #15:** 20.80.230 Required Buffer Areas. Two words will be added. "Very high" will be added to landslide hazard for required buffer areas.

**Amendment #16:** 20.80.330(A) Required Buffer Areas. This amendment correctly names the document used for determining wetland buffers. The document is named The 1997 Washington State Department of Ecology Wetland Delineation Manual.

**Amendment #17:** 20.90.110 Lighting. This is the only citizen initiated code amendment. The request is to allow neon signage to outline a building in the North City Business District. Neon signage is allowed in all other areas of the City of Shoreline. Staff supports the amendment as long as the neon tubes are an integral part of the building design.

### **OPTIONS**

1. Recommended approval of Proposed Development Code Amendments Second Batch of 2007; or
2. Add or delete selected Proposed Development Code Amendments Second Batch.

### **ATTACHMENTS**

**Attachment 1:** List of proposed amendments. Please see Exhibit 1 of Attachment A.



## **Memorandum**

**DATE:** April 19, 2007

**TO:** Planning Commission

**FROM:** Steve Cohn, Senior Planner  
Steve Szafran, Planner II

**RE:** Continued public hearing on returning development code amendments #9, #13 and #14

At the March 15, 2007 public hearing, the Planning Commission identified four items to be reviewed at an April 19 continued public hearing: proposed development code amendments #9 and #13-15. Staff has reviewed these items and offers the following recommendations:

1. Adopt Amendment #9, as modified.
2. Consider whether Amendments #13 and 14 should include additional language that was developed by staff. Staff is not recommending these modifications be added, but offers them for consideration if the Commission wants to move in that direction.
3. Item #15 is undergoing additional staff review and will be withdrawn from this package of amendments. It will be brought back at a future date.

**Amendment # 9: 20.50.020(2) Density and Dimensions.** The March 15 proposal would modify the code to permit greater residential density in CB zones on and near Aurora Avenue. When proposing the amendment, staff looked at the comprehensive plan and identified several parcels that would potentially be affected (**Attachment 1**, parcels designated as CB or MU with a potential for CB zoning). However, in response to the Commission's question at the last meeting, staff focused on existing zoning (**Attachment 2**) and found only two parcels that would be immediately impacted by the proposed code change: the James Alan Salon site and the Fire Station.

Since the original proposal would only immediately affect two parcels, staff has reconsidered the scope of the amendment and evaluated its applicability in other parts of Shoreline. The revised amendment (**Attachment 3**) expands the number of parcels that would be affected by this amendment. The proposal would affect all CB zoned parcels within 1,300 feet of Aurora Avenue and Ballinger Way. Staff is proposing this change for several reasons:

1. 1,300 feet, or a 15 minute mile walk time, is a standard measurement for a maximum walk time to get to a specific destination.
2. Ballinger Way and Aurora Avenue are Principal Arterials and handle high levels of traffic. Several busses serve Ballinger and Aurora and would provide convenient alternative modes of transportation.
3. There are many parcels along Aurora and Ballinger that have a potential for CB zoning. Most of these parcels are topographically separated from, or not adjacent to, single family areas.

**Amendment # 13: 20.50.420 Vehicle Access and Circulation Standards.** The Planning Commission requested historical information regarding the establishment of a 5-foot setback requirement for driveways. The Commission also asked for Council's discussion on the item prior to remanding it to the Commission for further study. Please see **Attachment 4** for further analysis.

**Amendment #14: 20.70.030(C) (3) (1) Required Improvements.** The Planning Commission was concerned that this code amendment would create the possibility for developers to circumvent required improvements. Please see **Attachment 5** for further analysis.

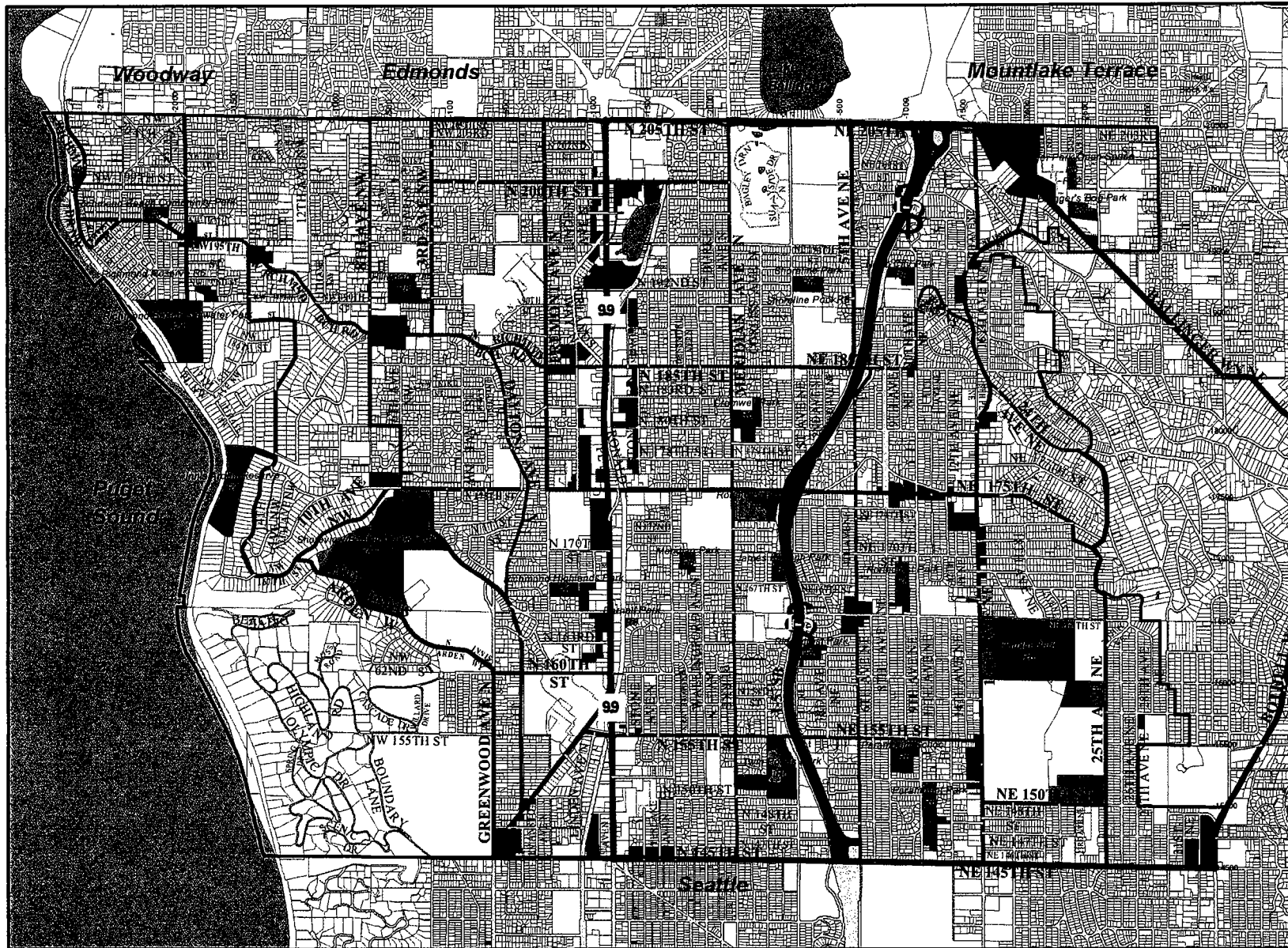
**Amendment #15: 20.80.230 Required Buffer Areas.** This amendment was withdrawn from the March 15 Planning Commission agenda by the City Attorney for language clarification. Staff continues to refine the proposal and will bring it back for review at a future date.

If you have questions about these revised amendments or amendments already considered at the March 15, 2007 meeting, contact Steve Szafran at 206-546-0786

Attachments:

1. Parcels with CB zoning potential
2. Parcels with existing CB zoning
3. Amendment #9 proposed language
4. Amendment #13 proposed language and background information
5. Amendment #14 proposed language and background information

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**SHORELINE**  
Geographic Information System

**ZONING**  
**Potential**  
**Community Business**

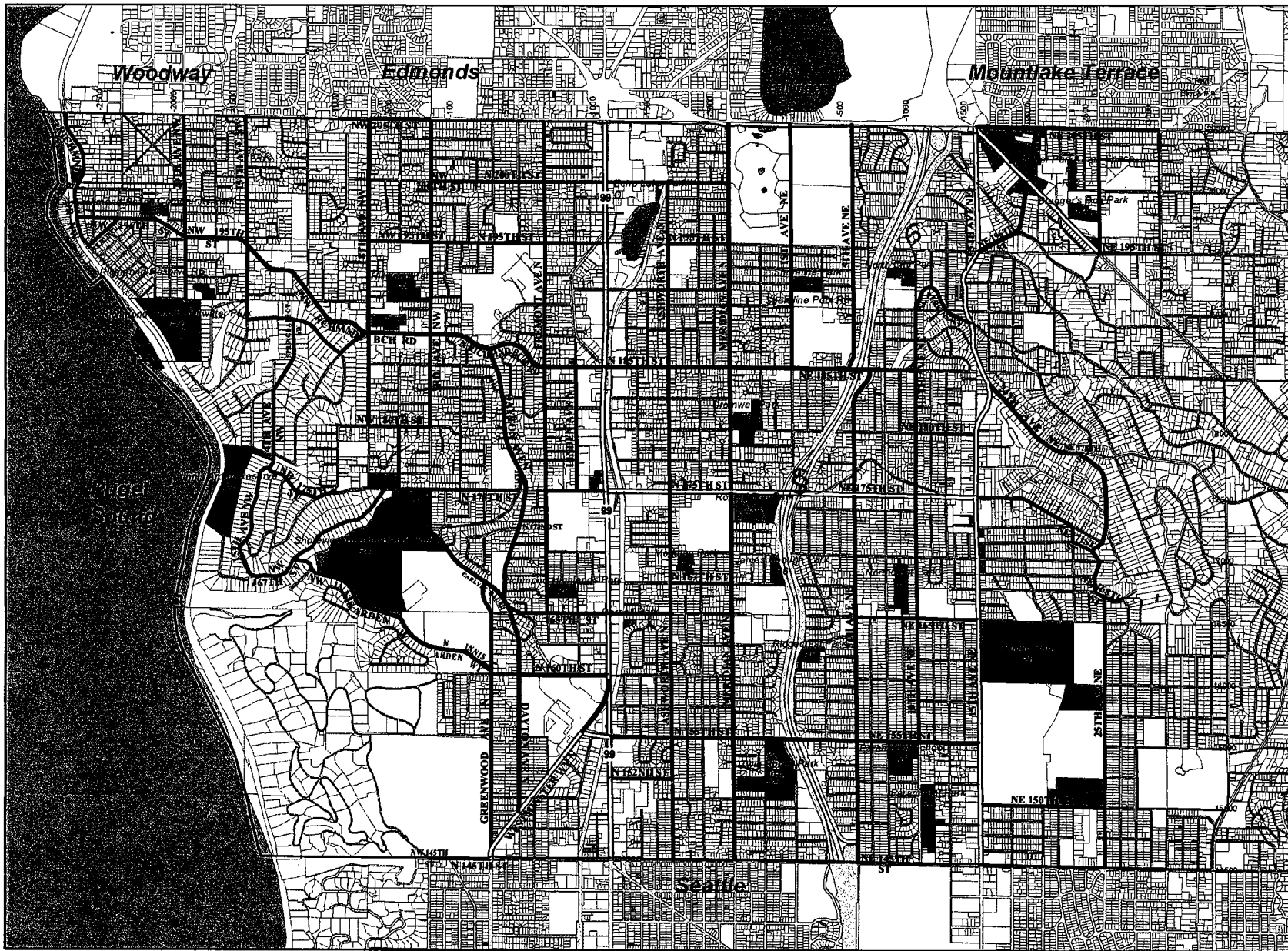
**Zoning Designation**  
**Other Map Features**

- Potential Community Business
- City Boundary
- Open Water
- Park
- Tax Parcel Boundary
- Unclassified Right of Way
- Interstate
- State Route
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Residential Street

1 inch equals 3,075 feet  
0 500 1,000 2,000 3,000 4,000 Feet

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

**SHORELINE**  
CITY OF  
Filename: j:\gis\stprojects\Zoning.mxd  
Updated: 3/2/2007



# SHORELINE

Geographic Information System

## ZONING Community Business

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

Shows amendments through  
April 3, 2007.

### Zoning Designation

CB; Community Business

### Other Map Features

- City Boundary
- Open Water
- Outside Shoreline
- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Neighborhood Collector
- Local Street
- Park
- Tax Parcel Boundary
- Unclassified Right of Way

1 inch equals 1,000 feet

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



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Updated: 4/12/2007

## Attachment 4

### Amendment #13: 20.50.420 Vehicle Access and Circulation Standards

#### **20.50.420 Vehicle access and circulation – Standards.**

- A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.
- ~~B. Access for single family detached, single family attached, and multifamily uses is not allowed in the required yard setbacks (see Exceptions 20.50.080(A)(1) and 20.50.130(1)).~~
- ~~C. Driveways for single family detached dwellings, single family attached, and multifamily uses may cross required yard setbacks or landscaped areas in order to provide access between the off street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway.~~
- D.B. Driveways for non-single family residential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.
- ~~E.C.~~ Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.
- ~~F.D.~~ No dead-end alley may provide access to more than eight required off-street parking spaces.
- ~~G.E.~~ Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.
- ~~H.F.~~ A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

I.G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.
2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

J.H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

**Staff analysis:**

The Commission asked for historical context about the 5' setback requirement for driveways since staff is proposing its removal only a few years after it was enacted. Also, the Commission requested a summary of the Council discussion that resulted in a remand for additional consideration.

History: 20.50.420B & C were adopted in March 2002.

The code amendment was proposed by staff to clarify where access for all development is allowed in relation to the required yard setbacks and landscaping requirements. At the time, staff was responding to many questions regarding where access is allowed. Specifically, an issue arose when an applicant for multi-family project (on a lot zoned for multi-family) which was adjacent to a lot zoned single-family, proposed a driveway next to the property line. Because the definition of a "yard" and "yard setback" specified the setback may only be occupied by landscaping, the proposal was denied. The amendment was intended to clarify that an access road is not an acceptable use of a yard setback except in the case of a driveway as proposed. The bulk of the Commission's discussion didn't deal with the 5' setback; rather, it focused on the question of the maximum area for a side yard displacement.

Recent Council discussion of this issue included the following observations:

1. Adjacent property could be impacted
2. General statement that the setback should be required
3. Can't variances be used instead?
4. The amendment affects the housing stock in Shoreline and growth management goals
5. City doesn't want neighbors to have veto power over projects.

It seems the amendments were established not to create the 5' setback but rather to clarify when a driveway could be in the setback. If the new amendment to eliminate the two sections is approved, it appears the definition of yard\*\* would

prevail which would prevent anything other than vegetation to be in the setback area. Therefore, if we want to get to the point where a driveway does not have to be set back from the property line we must also amend the definition of yard.

If the Commission believes that a driveway on the property line creates too much of a negative impact on adjacent properties, *staff proposes the following option*: modify section B as follows and eliminate section C:

- B. Access for single family detached, single family attached and multi family uses is not allowed in the required yard setbacks **unless a solid fence at least 6' high is located between the access and the property line wherever the access is within the required yard setback.**

\*\* Definition of "yard": An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except by vegetation and except as may be specifically provided in the Code.

**Amendment #14: 20.70.030(D)(3)(i) Required Improvements**

20.70.030. Required improvements.

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.

D. The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction;
2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
3. Subdivisions;  
Exception:
  - i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
4. Single-family, new constructions, additions and remodels.

Exception:

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.

- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

E. Exemptions to some or all of these requirements may be allowed if:

1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:

a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;

b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;

c. Adequate drainage control is maintained;

d. At least one of the following conditions exists. The required improvements:

i. Would not be of sufficient length for reasonable use;

ii. Would conflict with existing public facilities or a planned public capital project; or

iii. Would negatively impact critical areas; and

e. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

**Staff analysis:**

The Planning Commission asked whether this amendment might create a loophole developers could use to circumvent required improvements. Staff believes that no loophole is created because all of the other triggers remain in effect.

All multifamily, commercial and mixed use development, whether new or a remodel/addition (if certain thresholds are crossed) and all single-family new construction or additions (with some exceptions) are subject to providing required improvements. The theoretical case where condos are built then subdivided later has no loophole to exploit because the requirement for improvements is triggered by the initial condo development and will have already been done when the plat application comes in. If the developer builds driveways and private streets to avoid certain improvement and then applies to subdivide with the driveways and private streets becoming dedicated public streets, the rule that all dedications must be brought up to public standards would trigger the need for the improvements that were initially avoided.

If the Commission is concerned that current regulations might not cover all contingencies, *staff proposes* the following idea for Commission consideration: move the amendment to subsection 3 under 20.70.030E and with the following added language:

3. Subdivisions, short plats, and binding site plans where all of the lots are fully developed **with at least one dwelling unit or habitable structure on every lot** shall be exempt from all of the requirements of this section.

These Minutes Approved  
April 19<sup>th</sup>, 2007

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 15, 2007  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

#### COMMISSIONERS PRESENT

Chair Piro  
Vice Chair Kuboi  
Commissioner Hall  
Commissioner Harris  
Commissioner McClelland  
Commissioner Pyle  
Commissioner Wagner (Arrived at 7:18 p.m.)

#### STAFF PRESENT

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Glen Pickus, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

#### COMMISSIONERS ABSENT

Commissioner Broili  
Commissioner Phisuthikul

#### CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

#### ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Hall, Harris, McClelland, and Pyle. Commissioner Wagner arrived at 7:18 p.m. Commissioner Phisuthikul was excused, and Commissioner Broili was absent.

#### APPROVAL OF AGENDA

No changes were made to the proposed agenda.

#### DIRECTOR'S REPORT

Mr. Cohn advised that a written update about the development at South Echo Lake was included in the Commission's packets.

## **APPROVAL OF MINUTES**

The minutes of February 1, 2007 were approved as modified. The minutes of March 1, 2007 were approved as presented.

## **GENERAL PUBLIC COMMENT**

There was no one in the audience to provide comments during this portion of the meeting.

## **PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS**

Mr. Szafran distributed new pages outlining modifications that were recommended by the City Attorney on two of the amendments. In addition, he requested that Amendment 15 (required buffer areas) be removed from the group of docketed amendments.

## **Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the Commission to Staff**

Mr. Szafran advised that this is the second group of Development Code Amendments for 2007. The first batch was related to cottage housing. He noted that, with the exception of Amendment 17, all the code amendments were initiated by staff.

The Commission and staff reviewed each of the amendments as follows:

- **Amendment 1:** 20.20.016 D Definitions. This amendment would change the definition of single-family attached dwellings to make it easier to distinguish between duplexes, apartments and single-family attached units.

Commissioner Hall said that while the intent of the proposed language is to define single-family attached dwellings, the definition appears to define buildings instead of dwelling units. He explained that the original definition defined each of the units as single-family attached dwellings if they were attached to two or more other units, but this was very awkward. The proposed amended language is structurally better, but it ends up saying that a building containing numerous units would be one single-family attached dwelling. He suggested that is not really the intent of the new language.

Mr. Cohn pointed out that the definition section also includes a definition for dwelling apartments, dwelling duplexes, and dwelling multi-family. In all of these instances, the word "dwelling" always seems to refer to a building. The Commission agreed that no change would be necessary to the amendment as proposed.

Commissioner Harris questioned why a 2-unit duplex would be considered different than 2 single-family attached dwellings. Mr. Pickus explained that a 2-unit townhome must be side-by-side where a

duplex could be one unit above the other. However, two townhomes would be considered a duplex, as well.

Commissioner Wagner arrived at the meeting at 7:18 p.m.

- **Amendment 2:** 20.40.054 W Definitions. Mr. Szafran explained that this amendment would add definitions for different types of wireless telecommunication facilities to the definition section so they are easier for the public to find. These definitions were previously embedded in the Zoning and Use Provisions. There was no Commission discussion regarding this amendment.
- **Amendment 3:** 20.30.040 Table. Mr. Szafran advised that the first batch of Development Code amendments that were adopted by the City Council on November 6, 2006 included a new section for site development permits (20.30.315). The proposed new amendment would add site development permits to Table 20.30.040 - Summary of Type A Actions. There was no Commission discussion regarding this amendment.
- **Amendment 4:** 20.30.220 Filing Administrative Appeals. Mr. Szafran advised that this amendment comes from the City Attorney's Office and was added to clarify when appeals could be filed and when decisions shall be deemed received. There was no Commission discussion regarding this amendment.
- **Amendment 5:** 20.30.560 Categorical Exemptions – Minor New Construction. Mr. Szafran explained that this proposed amendment is one of the more major amendments and would raise thresholds for when a SEPA review would be required. The threshold for new residential structures would change from 4 to 20 dwelling units; new commercial space would change from 4,000 to 12,000 square feet; and parking would change from 20 to 40 automobiles. Mr. Cohn advised that this proposed amendment would bring the City's code in line with what other jurisdictions in the area do, and the State rules would allow the change to happen, as well. Mr. Szafran added that, as proposed, the amendment would reduce the amount of SEPA applications for minor construction throughout the City.

Commissioner Pyle pointed out that, as proposed, the amendment would eliminate the potential for someone to appeal an administrative decision if no SEPA determination were required. Mr. Cohn agreed. He explained that building permit applications that fall under the SEPA threshold would be an administrative decision, and there would not be an opportunity to appeal.

Commissioner Hall asked if staff could provide examples of when they issued a Determination of Significance for any proposed residential structure between 4 and 20 units. Mr. Szafran noted that the City issued a Mitigated Determination of Non-Significance for Echo Lake, but they do not typically issue Determinations of Significance for projects of this size. Commissioner Hall concluded that if, in general, the City always issues a Determination of Non-Significance, there is no reason to require a SEPA review.

- **Amendment 6:** 20.30.760 Junk Vehicles as Public Nuisance. Mr. Szafran advised that this amendment was proposed by the Code Enforcement Staff. It would extend time limits if a request for hearing is submitted by a customer who has received a damage assessment. There was no Commission discussion regarding this amendment.
- **Amendment 7:** 20.30.770 Notice and Orders. Mr. Szafran explained that this proposed amendment would add new language to direct the reader to other code sections for reference. Commissioner Hall questioned if the proposed amendment would result in the ability to foreclose on someone's home. Mr. Tovar said the proposed amendment would not change the City's current policy. However, he recalled the City Attorney's previous comment that the authority to file a lien could ultimately lead to the authority to foreclose on a property. While this would be an extreme measure, it would be a possibility if someone were to ignore the liens.
- **Amendment 8:** 20.40.320 Daycare Facilities. Mr. Szafran advised that this amendment would prohibit Daycare II Facilities in R-4 and R-6 zones. They would be allowed in R-8 and R-12 zones with a conditional use permit. He said the City recently denied an application for a Daycare II Facility in an R-6 because staff felt that a daycare of 12 or more children would be better suited for higher-density zones.

Commissioner McClelland questioned the logic of allowing more children on smaller lots. Why would a Daycare II Facility not be appropriate in an R-6 zone but appropriate in an R-12 zone where the lots and houses are smaller? Mr. Szafran pointed out that R-8 and R-12 densities are generally located along major arterials, resulting in less of a burden on the lower-density residential neighborhoods. Commissioner McClelland voiced her concern that the proposed amendment would place the child care facilities on busier streets. Mr. Tovar said that the larger question is whether a daycare use would be more residential or commercial in nature, which would depend on the scale of the operation. Larger daycare facilities would likely look more like commercial uses, which would be more appropriate in a commercial, office or multi-family residential zone. Mr. Szafran pointed out that because of public concerns, the City has denied previous requests for Daycare II Facilities in R-4 and R-6 zones.

Commissioner Wagner asked if this proposed amendment would have an impact on the existing daycare operations. Mr. Szafran said he does not know of any Daycare II Facilities in R-4 and R-6 zones at this time. However, any existing uses would become legal, non-conforming uses if the amendment were approved.

- **Amendment 9:** 20.50.020(2) Density and Dimensions. Mr. Szafran explained that this amendment would allow greater residential densities in the commercial (CB) zones along Aurora Avenue. The proposed language would remove the current 48-dwelling units per acre density limit. However, development would still have to meet setback, parking and landscaping requirements.

Commissioner Hall asked if it would be better to create a new zoning district, instead of the proposed amendment. He noted that adding footnotes to zoning tables can cause confusion. On the other hand, creating a new zoning district would provide a clear distinction between the CB zones along Aurora

Avenue and other commercial zones outside of that area. Mr. Tovar agreed the concept has merit and could be accomplished by a legislative text amendment and/or a map change creating a new designation. Commissioner Hall inquired if a legislative area-wide rezone would require the City to mail a notice to each property of record in the area. Mr. Tovar answered that the City would not legally be required to do this, but as a matter of policy it is something the Commission and City Council should consider.

Commissioner Harris pointed out that not very many parcels would be impacted by the proposed change. Mr. Szafran agreed that approximately 12 parcels would be impacted. Commissioner McClelland cautioned that it would be wrong to make a case for change based only on a recent application. Instead, she pointed out that the proposed amendment was a direct result of the Commission's previously stated desire to create more general flexibility in the code.

Chair Piro suggested, and the Commission concurred, that they should move on with the rest of the proposed amendments and continue their discussions related to Amendment 9 later.

- **Amendment 10:** 20.50.040 Setbacks—Designations and Measurements. Mr. Szafran advised that this amendment would clarify when porches and decks may extend into required side yard setbacks. There was no Commission discussion regarding this amendment.
- **Amendment 11:** 20.50.260 Lighting Standards. Mr. Szafran said the proposed amendment would add a new section to the lighting standards requiring that outdoor lighting be shielded and down lit from residential land uses. There was no Commission discussion regarding this amendment.
- **Amendment 12:** 20.50.410(A) Parking Design Standards. Mr. Szafran explained that the City's current rules do not require multi-family and/or industrial uses to have parking on paved surfaces. The proposed amendment would require paved parking for those uses as well as allow single-family homes to have pervious concrete or pavers as an approved surface to park on. There was no Commission discussion regarding this amendment.
- **Amendment 13:** 20.50.420 Vehicle Access and Circulation Standards. Mr. Szafran advised that this amendment was considered during the first batch of 2007 code amendments and remanded back to the Planning Commission. The amendment would delete the requirement for driveway setbacks from the property line. Mr. Szafran explained that the City Council expressed concern about driveways being too intrusive on adjacent properties. Mr. Tovar added that some of the City Council members brought up examples of problems that could arise. He suggested that before the amendment goes back before the City Council for consideration, it would be appropriate to provide some illustrations, site plans, and hypothetical situations to describe the amendment's intent. The Commission agreed to pull Amendment 13 so that staff could come back at a later date with additional information to address the City Council's concerns. Commissioner Hall said it would be helpful to hear from the public, as well. Commissioner Harris also asked that staff provide information about what has changed since this code section was enacted about five years ago.

- **Amendment 14:** 20.70.030(C)(3)(1) Required Improvements. Mr. Szafran reviewed that, as proposed, frontage improvements (sidewalks, curb, gutter, street improvements, etc.) would not be required for subdivisions, short plats and binding site plans where all of the lots are fully developed.

Commissioner Hall inquired if this proposed amendment would allow someone to build single-family detached condominiums without having to do the improvements that would be required of a subdivision and then later subdivide the property and sell the parcels off. Mr. Szafran answered that improvements would be required as part of the site development permit stage.

At the Commission's request for further information regarding Amendment 14, Mr. Pickus explained that the proposed amendment is a result of a property owner with two houses already on a parcel with no frontage improvements. The property owner wanted to put each structure onto its own parcel, and it didn't seem right to require him to do frontage improvements when nothing would be changed on the ground. He clarified that frontage improvements would be required whenever development occurs on a residential parcel. Commissioner Hall emphasized that the proposed amendment should not provide an avenue for someone to bypass the frontage improvement requirements. Once again, Mr. Pickus clarified that the City's current code requires frontage improvements as part of any residential construction project, regardless of the context in which it occurs.

Mr. Tovar explained that the creation of the impact is what legally justifies the imposition of the condition of improvement. Whether the impact is created by a subdivision, building permit, grading permit, zoning permit, it doesn't matter. As long as a property owner is getting permission from the City to create an impact, the City has the authority to require the improvements. If they cannot show that linkage, they cannot impose the condition.

Commissioner Pyle asked that staff consider adding a definition for the term "fully developed." Mr. Tovar agreed. If the City is going to grant an exception to the requirement of frontage improvements for subdivisions that are fully developed because there would be no additional impact, Commissioner Pyle questioned why they should continue to require frontage improvements for single-family remodels. He noted that a property owner would receive a benefit from subdividing a property. At the same time, the City penalizes someone who is redeveloping an existing home even though there would be no new impact. Mr. Tovar said it would all depend on the extent of the remodel, which could potentially have an impact on the street grid. He said the intent is to correspond with what they understand the state of the law to be. It is important that there be a clear nexus between the code requirements and the impacts associated with what the developer is proposing to do. He suggested that perhaps it would be appropriate to review the threshold the City currently uses to determine these situations.

The Commission agreed to pull Amendment 14 to allow staff to provide additional information at a later date regarding potential unintended consequences.

- **Amendment 15:** 20.80.230 Required Buffer Areas. Mr. Szafran reminded the Commission of staff's request to pull Amendment 15 from the docket.

- **Amendment 16:** 20.80.330(A) Required Buffer Areas. Mr. Szafran explained that the proposed amendment names the document used for determining wetland buffers, which is the 1997 Washington State Department of Ecology Wetland Delineation Manual.

Commissioner Pyle clarified that while the amendment description on Page 40 appears to imply that the Manual was used to determine wetland buffers, it was actually used to determine the wetland boundaries. In addition, he recalled that one section in the code describes how critical areas are established, and perhaps it would be better to situate Section 20.80.330 in a section that identifies critical areas as opposed to one that identifies buffers. Staff agreed to consider Commissioner Pyle's suggestion.

- **Amendment 17:** 20.90.110 Lighting. Mr. Szafran noted that this is the only citizen initiated code amendment. The request is to allow neon signage to outline buildings in the North City Business District. At this time, neon signs are allowed in all other commercial areas of the City of Shoreline. He advised that staff supports the amendment as long as the neon tubes are an integral part of the building design. There was no Commission discussion regarding this amendment.

#### **Public Testimony or Comment**

There was no one in the audience to participate in the public hearing.

#### **Presentation of Final Staff Recommendation**

Mr. Cohn suggested the Commission forward a recommendation of approval to the City Council on Amendments 1-8, 10-12, 16 and 17. The Commission could continue their discussions related to Amendments 9, 13, 14, and 15 at their April 19<sup>th</sup> meeting. Hopefully, staff would have additional code amendments for the Commission to consider on April 19<sup>th</sup>, as well.

#### **Final Questions by the Commission and Commission Deliberation**

Commissioner Hall pointed out that the technology of fluorescent lighting has improved radically. The fluorescent bulbs put out as much brightness in a far more natural color and use far less electricity. He questioned if it would be appropriate, at some point in the future, to update the City's lighting requirements to allow people to use more energy efficient lighting as long as it provides a natural enough light. Mr. Tovar agreed that this concept might be one of a number of ideas the Commission and City Council might want to consider when reviewing strategies for creating an environmentally sustainable city.

Commissioner Harris asked if Amendment 11 is aimed at enforcement of current problems. Mr. Szafran answered there was a previous situation where lights on a commercial property shined onto a residential property. He noted that the amendment would be applied to both residential and commercial properties.

### **Vote by Commission to Recommend Approval, Denial or Modification**

**COMMISSIONER HARRIS MOVED THAT THE COMMISSION FORWARD PROPOSED DEVELOPMENT CODE AMENDMENTS 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 16 AND 17 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER WAGNER SECONDED THE MOTION. THE MOTION WAS APPROVED 7-0.**

**COMMISSIONER WAGNER MOVED THAT THE COMMISSION CONTINUE THE PUBLIC HEARING FOR THE REMAINING DEVELOPMENT CODE AMENDMENTS (AMENDMENTS 9, 13, 14 AND 15) ON THURSDAY, APRIL 19, 2007. COMMISSIONER HARRIS SECONDED THE MOTION.**

Commissioner Wagner said that while the intent of Amendment 9 is to build flexibility into the regulations by offering a density bonus in exchange for a public amenity, she cautioned against moving forward with an amendment for just this one area unless they have plans to take up a more comprehensive review of how the concept could be applied to other zones in the City. Mr. Tovar agreed and advised that this concept would be discussed later in the meeting as part of the Commission's review of the 2010 Shoreline Work Program.

Mr. Szafran said that at the April 19<sup>th</sup> meeting, staff would provide information regarding the various options for addressing the intent of Amendment 9. He also said he would provide more information for the Commission to consider regarding the proposed boundaries the amendment would be applied to. Commissioner Wagner said she would also like staff to provide details about the properties that would be impacted by the proposed change.

Commissioner Hall expressed his concern that proposed Amendment 14 would encourage homeowners to do improvement projects in stages to avoid triggering the requirements for frontage improvements. He particularly noted a situation where a homeowner could construct a garage and a few years later turn it into an accessory dwelling unit. At a later date, the property owner could subdivide the property without providing the frontage improvements. He asked staff to provide more information that would assure him the amendment would not be misused. Staff agreed to research this amendment further.

Regarding proposed Amendment 13, Commissioner Hall requested that staff provide the Commission with a legislative record to identify when Section 20.50.420 related to vehicle access and circulation standards was actually added to the code.

**THE MOTION TO CONTINUE THE HEARING WAS APPROVED 7-0.**

### **REPORTS OF COMMITTEES AND COMMISSIONERS**

Chair Piro reported that he, Commissioner Broili and Commissioner McClelland attended the Aurora Business Committee (ABC) meeting last week, and the main topic of discussion was related to traffic. Representatives from the consultant team showed different modeling and projections in terms of how they see the facility functioning in the future, either with or without the improvements.

Commissioner Pyle announced that he and Commissioner Wagner attended a Briarcrest Neighborhood Meeting on March 12<sup>th</sup>. It was attended by at least 50 people, including a representative from the Planning Department staff. A discussion was held about identifying community values, and people had a lot of questions about zoning and planning in the area. He said many people have a vested interest in the future of the community, and they have expressed a concern about projects that are currently being considered for the area. These concerns speak to the need of moving forward with neighborhood planning in this location.

### **UNFINISHED BUSINESS**

There was no unfinished business scheduled on the agenda.

### **NEW BUSINESS**

#### **Introduction of South Aurora Triangle Proposed Comprehensive Plan and Development Code Amendments**

Mr. Pickus introduced the Comprehensive Plan and Development Code amendments associated with the area of the City known as the South Aurora Triangle, which is approximately 15.5 acres in size and is bounded on the South by North 145<sup>th</sup> Street, on the east by Aurora Avenue North and on the west by the Interurban Trail. Mr. Pickus pointed out that the subject property is currently identified in the Comprehensive Plan as Community Business and Mixed-Use, and it is zoned primarily Regional Business and R-48, with a small amount of R-12 along North 145<sup>th</sup> Street. He announced that the proposal is to create a new zone, the South Aurora Triangle Zoning District, which would be subdivided into three parts:

- SAT 1 (northern portion of the triangle) – The tallest buildings and highest residential densities in the City would be appropriate here with amenities supporting the Aurora Avenue North and Interurban Trail connections, storefront retail and public transit.
- SAT 2 (east side of bottom half of triangle) – Taller buildings and higher residential densities would be appropriate here, with amenities supporting the creation of a distinctive City entryway, storefront retail and public transit.
- SAT 3 (west side of bottom half of triangle) – Development would be largely higher-density multi-family and commercial uses complementary to multi-family uses. Public amenities would support the Interurban Trail Use.

Mr. Pickus provided a PowerPoint Presentation regarding the goals and objectives of the Comprehensive Plan and Development Code Amendments that would be necessary to implement the South Aurora Triangle Zoning District. *(See PowerPoint Presentation on file with the Planning Commission Clerk).*

Commissioner Wagner asked if businesses would be allowed to open up onto the Interurban Trail. Mr. Pickus said that is definitely one option that could be considered.

Mr. Pickus provided pictures from other jurisdictions to depict the type of concepts currently being considered for the triangle. He said that as he wrote the draft code amendments, it appeared to make more sense to place specific design regulations (site design, building design, standards for public benefits, etc.) in a design manual rather than in the code. As the concept evolves and they determine what does and does not work, changes could be made administratively without requiring additional code amendments. He briefly reviewed the code amendments, site design standards, and building design standards that would be necessary to implement the South Aurora Triangle Zoning District.

Mr. Pickus advised that a key element of the proposed code amendments would be a "Public Benefits Incentive System," which would allow developers to go beyond the basic height requirements if they can provide certain public benefits. He reviewed the types of public benefits a developer could provide in order to go beyond the basic requirements. Mr. Tovar pointed out that the Transfer of Development Rights (TDR) Program is still in the development stage. Therefore, it might be appropriate to make note that this option would not be available until such time as the City has an interlocal agreement that spells out the mechanism and ratios for transferring development credits from the rural areas into the urban areas.

Mr. Pickus briefly reviewed the proposed parking and sign regulations that would apply to the South Aurora Triangle Zoning Designation. He explained that developers have indicated that parking is the limiting factor for development, and off-site parking is one option the City could offer to help resolve this problem. Chair Piro noted that the Puget Sound Regional Council did some work that centered on parking incentives, and their report could provide good information for the staff to consider. He noted that one option would be to allow developers to utilize the street parking along Whitman Avenue to meet the parking requirement. Mr. Pickus pointed out that because the subject property is quite isolated, there would not be a significant opportunity for overflow parking to impact the residential neighborhoods.

Mr. Pickus advised that, at this time, the development code language is still being drafted and would likely be available for circulation by March 29<sup>th</sup>. The document would be forwarded to CTED and notices would be sent to property owners in and around the triangle area inviting them to comment. If notices are sent on March 29<sup>th</sup> the public comment period would end on April 13<sup>th</sup>. A SEPA Determination would be issued after the comment period ends. The Planning Commission is tentatively scheduled to hold a workshop discussion on the draft code language on April 19<sup>th</sup>. Staff anticipates the Commission would hold a public hearing on the document sometime in May, with a City Council decision by the end of June. He closed his comments by inviting the Commissioners to share their ideas and concerns.

Commissioner McClelland asked if staff is anticipating the properties would be assembled and developed as one parcel. Mr. Tovar said they have not discussed a minimum lot size for the new zone. Instead, this would be decided by the market. Regardless of the site development standards identified in the zone, Mr. Tovar suggested future development would look different from parcel to parcel.

Commissioner Hall applauded staff's attempt to limit surface parking, which would be particularly important on the street frontages. Any surface parking that is allowed should be moved to the back of

the building in order to preserve the pedestrian feel. He suggested there be some type of landscaping requirement in the SAT 3 zone given its proximity to the Interurban Trail.

Chair Piro encouraged Commissioners to forward their input and questions to staff by April 1<sup>st</sup> so an appropriate response could be prepared prior to the April 19<sup>th</sup> workshop.

Commissioner Wagner expressed her concern that a fence separating development from the Interurban Trail would run counter to what she envisions for the area. She suggested the staff provide more information to illustrate how this concept would work. Mr. Tovar said the generic design issue is how the public space (trail) could be merged with the private space and still allow for security and privacy for the private property but not at the expense of walling off the public/private uses. He agreed that staff could provide examples of how the two uses have been successfully merged in other locations.

### **Prepare for Joint Meeting with the City Council**

Mr. Tovar suggested that the Planning Commission Chair and perhaps some of the other Commissioners meet with staff to work out what they want to cover at the joint meeting. He distributed the current draft of the Shoreline 2010 Work Program which shows the long-range tasks the Commission and City Council is involved with. In addition to reviewing the work program, he suggested other possible topics might include:

- Comprehensive Housing Strategies
- Efforts of the Aurora Business Community Group
- Efforts of the Ridgecrest Neighborhood Group
- Timing of the South Aurora Triangle Zoning District.

Mr. Cohn suggested that since the joint meeting would be the Commission's only opportunity to talk to the City Council about projects prior to the 2008 budget process, this would be a good opportunity to discuss a timeline for the Briarcrest and Paramount Neighborhood Special Study Areas. He suggested the Commission and City Council also discuss the timeline for implementing the Town Center concept. They could also discuss the fact that the Comprehensive Plan Designations should be reviewed. At this time, they allow a wide range of zoning possibilities, and it would be nice to tighten them up significantly. The zoning equivalents should also be tightened up.

Chair Piro agreed to meet with staff to further discuss possible agenda topics for the joint meeting. He invited other Commissioners to provide their suggestions to him. Staff indicated they would notify the Commissioners of the start time and location for the joint meeting.

### **ANNOUNCEMENTS**

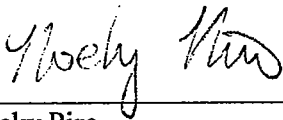
Mr. Tovar announced that Matt Torpey resigned his position with the City, and the vacant position would be advertised as soon as possible.

### AGENDA FOR NEXT MEETING

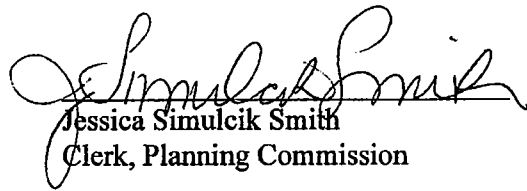
Chair Piro noted that the next speaker series has been scheduled for the Commission's April 5<sup>th</sup> meeting. Tom Von Schrader and Amalia Leighton from SvR Design Company would be present to discuss low-impact, green development and infrastructure. No other items would be on the agenda. Chair Piro complimented the staff on a successful first speaker series, and Mr. Cohn briefly reviewed the schedule for upcoming speaker series events.

### ADJOURNMENT

The meeting was adjourned at 9:10 p.m.



Rocky Piro  
Chair, Planning Commission



Jessica Simulcik Smith  
Clerk, Planning Commission

These Minutes Approved  
May 3<sup>rd</sup>, 2007

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 19, 2007  
7:00 P.M.

Shoreline Conference Center  
Shoreline Room

#### COMMISSIONERS PRESENT

Chair Piro  
Vice Chair Kuboi  
Commissioner Broili  
Commissioner Hall  
Commissioner Harris  
Commissioner Phisuthikul  
Commissioner Pyle (arrived at 7:06 p.m.)  
Commissioner Wagner

#### STAFF PRESENT

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Paul Cohen, Senior Planner, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

#### COMMISSIONERS ABSENT

Commissioner McClelland

#### CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:05 p.m.

#### ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Broili, Harris, Phisuthikul, Hall and Wagner. Commissioner Pyle arrived at 7:06 p.m. and Commissioner McClelland was excused.

#### APPROVAL OF AGENDA

The agenda was approved as presented.

#### DIRECTOR'S REPORT

- Joint City Council/Planning Commission Fall Meeting

Mr. Tovar suggested that Monday, September 24, 2007 be scheduled as a joint dinner meeting for the City Council and Planning Commission. This type of setting would allow more discussion and dialogue between the two groups. The date would also afford the Commission an opportunity to identify upcoming projects that might have some resource implications prior to the City Council getting to far into the 2008 budget process.

• **Update on Civic Center/City Hall Project**

Mr. Tovar reported that a public workshop was conducted on March 20<sup>th</sup>, and citizens were invited to provide their ideas. A staff team has evaluated the Request for Qualifications submittals from six developer/design teams. The three finalists have been invited to submit Request for Proposals, including some conceptual representations showing how they might optimize the use of the site. The staff team would review the Request for Proposals in early June and make a recommendation to the City Council later in the month. It is anticipated the Council would select a development team sometime in July, and then a developer agreement would be negotiated. The goal is for the City Council to make decisions about many of the details by the end of 2007 so that construction could start in 2008.

**APPROVAL OF MINUTES**

The minutes of March 15, 2007 were approved as submitted.

**GENERAL PUBLIC COMMENT**

**Maria Walsh, Mountlake Terrace**, recognized that some effort has been made by the City of Shoreline to contact the Washington State Department of Social and Health Services regarding the Fircrest Property (City Council Goal 8), but the City has not received a response. She urged them to continue their efforts to work with the State to keep the facility in Shoreline. Wonderful things are happening at the facility, and the resource is very important to the community.

**PUBLIC HEARING ON 2007 DEVELOPMENT CODE AMENDMENTS**

Chair Piro advised that this item is a continuation of a public hearing that was held on March 15<sup>th</sup> regarding the proposed second batch of 2007 Development Code Amendments. He briefly reviewed the rules and procedures for the public hearing.

**Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran recalled that 17 code amendments were presented to the Commission at the March 15<sup>th</sup> public hearing. One amendment was pulled by staff, and the Commission recommended that Amendments 9, 13 and 14 be reviewed further by the staff. He reviewed the staff's further evaluation of each of the three amendments.

**Amendment 9 – Section 20.50.020(2) Density and Dimensions for the CB Zones Along Aurora**

Mr. Szafran said that because the original proposal would only immediately affect two parcels (James Alan Salon and Fire Station Properties), staff reconsidered the scope of the amendment and evaluated its

applicability in other parts of Shoreline. He explained that, as per the revised amendment, the proposal would be expanded to affect all CB zoned parcels within 1,300 feet of Aurora Avenue North and Ballinger Way. He advised that staff is recommending that the revised Amendment 9 be adopted for the following reasons:

1. A standard measurement for a maximum walk time to get to a specific destination is 1,300 feet or a 15-minute mile walk time.
2. Aurora Avenue North and Ballinger Way are principal arterials and provide convenient alternative modes of transportation.
3. There are many parcels along Aurora Avenue North and Ballinger Way that have a potential for CB zoning, and most of them are topographically separated from or not directly adjacent to single-family areas.

#### **Amendment 13 – Section 20.50.420 Vehicle Access and Circulation Standards**

Mr. Szafran recalled that the Commission requested historical information regarding the establishment of a 5-foot setback requirement for driveways. He said it appears the amendments were established to clarify when a driveway could be within a setback. He also recalled the Commission requested additional information from recent City Council discussions on this item, and the following identifies the comments they provided:

1. Adjacent properties could be impacted.
2. Setbacks should be required.
3. Perhaps variances could be used instead.
4. The amendment affects the housing stock in Shoreline and growth management goals.
5. Neighbors should not have veto power over projects.

Mr. Szafran suggested the City Council's concern about the impact to adjacent property owners could be addressed by eliminating Section C and modifying Section B to require a solid fence between the access and the property line wherever the access is within the required yard setback.

#### **Amendment 14 – Section 20.70.030(C)(3)(1) Required Improvements**

Mr. Szafran recalled the Commission's concern that this code amendment would create the possibility for developers to circumvent required improvements. To address this concern, he suggested that Item 3 be changed to state that subdivisions, short plats and binding site plans where all the lots are fully developed with at least one dwelling unit or habitable structure on every lot shall be exempt from all of the requirements of the section.

Mr. Szafran recommended the Commission approve the revised amendments as proposed by staff.

#### **Questions by the Commission to Staff**

Vice Chair Kuboi asked if other arterials in the City were evaluated to determine the potential for applying **Amendment 9** to other CU properties in the City. Mr. Szafran answered that Ballinger Way and Aurora Avenue North were selected because they are principal arterials, which is the City's highest

street classification. Vice Chair Kuboi pointed out that Westminster Way and 15<sup>th</sup> Avenue Northeast are also principal arterials. Mr. Tovar added that Ballinger Way and Aurora Avenue North are also State highways. Vice Chair Kuboi suggested the proposed amendment clarify the reason why only these two roads are being considered in the findings.

At the request of the Commission, Mr. Szafran clarified that staff is recommending adoption of the new language they proposed for Item B of **Amendment 13**.

Commissioner Kuboi referred to **Amendment 14** and asked staff to clarify the difference between a "dwelling unit" and a "habitable structure." Mr. Cohen explained that "dwelling unit" references a place where people live. A "habitable structure" could reference a structure that is used for a store or other type of business, with no people living in it. He advised that a binding site plan is the process by which a commercial property is subdivided. Because they are combining the uses into one provision, they must show the variation of how the spaces could be used.

### **Public Testimony or Comment**

**Michelle Cable, Seattle**, expressed her support for **Amendment 9**, as modified by staff. She advised that she owns property on Ballinger Way that is zoned CB, and she is interested in potentially developing it as Mixed-Use building. Changing the amendment would allow future developers greater opportunities for different decision-making processes. She said she hopes to develop affordable senior housing on her property, and she noted that it is easy to walk from properties on Ballinger Way to bus stops and stores. Ballinger Way is also easily accessible from Interstate 5. She noted there is a shortage of senior housing opportunities in Shoreline, and the modified amendment would help remedy that problem. She pointed out that the viability of financing projects of this type is dependent on the density allowed.

Commissioner Hall asked Ms. Cable how she became aware of proposed **Amendment 9**. Ms. Cable said she has attended City meetings, visited the City's website, and discussed her property with the City staff. She provided written comments in support of the proposed amendment, too.

**Tyler Abbott, Seattle**, said he works in Shoreline and was present to support **Amendment 9**. He said he represents the redevelopment of the James Alan Salon Property, and they have recently come before the Commission with a request to rezone. He referred the Commission to the feasibility study that was completed by an architect to identify what could be done with the site. The property is currently zoned CB, which allows structures of up to 60 feet tall. He provided a conceptual site plan, showing one floor of retail, with three floors of residential above. He stressed that the structure of the building would be the same whether **Amendment 9** is approved or not. If they are allowed to construct 25 residential units, they would be able to provide enough parking spaces underneath the building to meet the City's parking requirement.

**Matthew Fairfax, Edmonds**, said he is co-owner of the James Alan Salon. He thanked the Commission for their hard work. He agreed with the previous speakers and said he supports proposed **Amendment 9**, which would not only be beneficial for his property, but for the entire community. He

said he serves on the Shoreline South County YMCA Board, and he expressed his belief that the amendment would fit in with the direction he sees the City going in the area where the new YMCA building is being constructed.

There was no one else in the audience who expressed a desire to address the Commission during this portion of the hearing.

#### **Presentation of Final Staff Recommendation**

Mr. Szafran said that, with the additional changes identified in the Staff Report, staff recommends approval of the three amendments. He noted that **Amendment 16**, Section 20.80.330(A) Required Buffer Areas, was also withdrawn pending further review by the City Attorney.

#### **Final Questions by the Commission and Commission Deliberation**

**COMMISSIONER HARRIS MOVED THAT THE COMMISSION ACCEPT STAFF'S RECOMMENDATION TO APPROVE AMENDMENT 9. COMMISSIONER WAGNER SECONDED THE MOTION.**

Commissioner Hall raised questions about the public process that is used for legislative amendments to the development code.

Mr. Tovar explained the process and stated that the public does not generally pay a lot of attention to legislative notices and do not typically get engaged in the process until a specific project has been proposed. He suggested it would be appropriate for the Commission to consider, at some point in the future, the type of public involvement that should occur for legislative actions and when it should take place.

Commissioner Hall stated that it is important to hear from members of the public regarding legislative proposals. He said he appreciates the staff's revision of the proposal so that it no longer applies to only one land owner with potential for redevelopment in the near future.

Mr. Tovar suggested that if the City is going to make an aggressive attempt to update the Comprehensive Plan on a sub-area or neighborhood plan basis, it will be important to enhance opportunities for public involvement. This could occur through direct communication with neighborhood associations, posting sign boards, etc.

**THE MOTION CARRIED 7-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.**

**COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT AMENDMENT 13 AS REVISED BY STAFF. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Wagner recalled a previous discussion in support of shared driveways between closely situated homes. Staff's recommendation to put a fence between the two properties would be

counterintuitive to utilizing this area as shared space. Also, from a logistics perspective, she said she is not comfortable with requiring a 6-foot fence along a driveway. Mr. Szafran pointed out that adjacent property owners could still request a driveway easement that is shared by both. The amendment would only apply to driveways that are located solely on one piece of property.

Commissioner Pyle asked if a property owner subject to a code enforcement action would be required to take down the fence adjacent to a driveway. Mr. Szafran said the fence would be subject to code enforcement, but the City would not know about the situation unless neighbors were to file a complaint.

Commissioner Broili suggested that instead of a 6-foot fence, perhaps a landscape barrier should be required. Mr. Cohn said the intent was to require an opaque screening. If this could be achieved through landscaping, the purpose would be served. Commissioner Broili suggested the language be changed to reflect that rather than a fence, a visual barrier must be achieved.

Commissioner Harris expressed his belief that the original amendment occurred about five years ago as a reaction to a few projects, and the problem was not wide-spread. He pointed out that sometimes a driveway can provide more open space, as a setback, than the actual required setback for a 2-story house would.

Commissioner Pyle suggested that instead of a fence, perhaps the amendment could require a recorded agreement between the two property owners. Mr. Szafran pointed out that the City Council discussed their concern that adjacent neighbors should not have the ability to veto development plans.

**COMMISSIONER HALL WITHDREW HIS MOTION. COMMISSIONER BROILI WITHDREW HIS SECOND, AS WELL.**

**COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT STAFF'S ORIGINAL RECOMMENDED TEXT FOR AMENDMENT 13. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Hall noted that staff addressed the concerns he raised at the last meeting about possible loopholes associated with **Amendment 14**. Therefore, the further amended language proposed by staff would not be necessary.

**COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT AMENDMENT 14 AS ORIGINALLY PROPOSED BY STAFF. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.**

Commissioner Pyle expressed his opposition to **Amendment 14**. He pointed out that a property owner who wants to replace an existing single-family home would be required to provide frontage improvements. However, **Amendment 14** would exempt built out subdivisions from this same requirement. He expressed his belief that the two situations should be treated the same, since the need for frontage improvements appears to be created by development activity.

Commissioner Hall pointed out that regardless of the impact a subdivision might have, it creates value, and there are opportunities for the City to capture some of that value. If we believe that improving street frontages with curbs and gutters is an important goal for the community, then we should not exempt subdivisions from this requirement.

Commissioner Broili said he would be opposed to requiring all residential redevelopment to provide street frontage improvements. He noted that there are no sidewalks on his street, and he felt the property owners would be opposed to having them. Mr. Szafran pointed out that in these situations, the City could charge an in-lieu-of fee to pay for sidewalks somewhere else.

#### **Closure of the Public Hearing**

Chair Piro closed the public hearing.

**COMMISSIONER HALL WITHDREW HIS MOTION TO APPROVE AMENDMENT 14. COMMISSIONER PHISUTHIKUL, THE SECONDER OF THE MOTION, AGREED.**

**COMMISSIONER PYLE MOVED THAT THE COMMISSION DENY APPROVAL OF AMENDMENT 14. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Wagner questioned if the Commission wanted to send **Amendment 14** back to the staff for additional consideration of the points raised by Commissioner Pyle. The Commission agreed that unless the problem resurfaces, there would be no need for staff to bring the amendment back to the Commission for additional consideration.

**THE MOTION TO DENY THE AMENDMENT CARRIED 7-1, WITH COMMISSIONER HARRIS VOTING IN OPPOSITION.**

Mr. Cohn advised that staff would prepare a report to identify the Commission's recommendation on each amendment. This report would be sent to the Chair and Vice Chair of the Commission for review before it is forwarded to the City Council.

#### **REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner Hall expressed his belief that the joint City Council/Planning Commission Meeting went well, and he encouraged those who were unable to attend to review the recording of the meeting. Chair Piro thanked Commissioner Hall for his leadership at the joint meeting.

Chair Piro reported on his attendance at the recent American Planning Association (APA) Conference. He advised that they were able to tour different areas in Philadelphia and learn about their challenges and plans for revitalizing the city. They have an impressive public transit system. He reported that the keynote speaker at the event was Robert Kennedy, Jr., and he spoke about environmental challenges that exist throughout the country. The theme for the conference centered on global warming and climate

change, and many of the sessions were devoted to these issues. He said he would share his notes with the staff and the Commissioners.

Chair Piro advised that he is chair elect for one of the APA divisions that had been working to develop a policy piece on how to advance different models of cooperative planning. The APA has indicated that this is important, but it should be put aside for a time while they work on the issues of environment and global warming.

Mr. Tovar agreed that the focus of the conference was sustainability. At one session, the presenter pointed out that of the 51 ways to save the planet, local governments should be paying attention to at least 14 of them. It is likely that many of these ideas will be considered as part of future discussions on City Council Goal 6 – creating a sustainable community. He advised that the City has ordered audio recordings of some of the APA sessions.

Mr. Tovar advised that he participated on two panels. One was titled, "Ballot Boxes Run Amuck," and it included a representative from Arizona where their property measure passed and a representative from California where it was narrowly defeated. He noted that the Washington State Legislative Session that is about to conclude included two bills that either passed or are near passing to address some of the fairness issues that drove much of the anxiety related to Initiative 933. At the next meeting, he offered to present a summary of the bills that were passed by the State Legislation that affect planning issues.

Mr. Tovar reported that Mark Hinshaw provided a presentation titled, "True Urbanism." The presentation was based on his new book. Staff plans to summarize his comments and those of other speakers in the Speaker Series and have a discussion with the Commission at some point in the future. Many of his points will have an impact on discussions the Commission will engage in throughout the year.

### **UNFINISHED BUSINESS**

There were no unfinished business items to discuss during this portion of the meeting.

### **NEW BUSINESS**

#### **Study Session: Strategic Points for Town Center Projects**

Mr. Tovar advised that Mr. Cohen has been invited to review the overall work program and present the draft Strategic Points for the Town Center Projects. He cautioned that the Strategic Points represent guidelines or principles the City Council might want to consider as they move into detailed decisions on these projects. He noted that the Strategic Points would be published on the City's website. In addition, an article would be published in *CURRENTS* inviting the public to a community workshop with the Planning Commission on May 10<sup>th</sup>.

Mr. Cohen referred to the draft Strategic Points, which are intended to pull the four Town Center public projects together. While the City Council looked at the document a few weeks ago, they asked staff to

present it to the Planning Commission for review and a recommendation for the City Council's approval on May 29<sup>th</sup>. Staff anticipates the Commission would be able to provide a recommendation to the City Council soon after the public workshop session on May 10<sup>th</sup>.

Mr. Cohen reviewed a map of the four Town Center Projects that the Strategic Points are intended to address. The goal is for the four projects to work together to become a more cohesive Town Center area. Mr. Tovar emphasized that the Strategic Points should not be considered regulation or comprehensive plan requirements. When drafting the Strategic Points, staff's goal was to provide enough direction to be useful but with enough generality to allow the City Council discretion when making project decisions.

Commissioner Wagner suggested it might be helpful to avoid the term "Town Center" since it has historically caused concern amongst some in the community. Mr. Tovar agreed that some of the City Council members expressed some concern about the term in that it could give the impression that Shoreline's Town Center would be similar to other Town Center Projects, such as the one in Redmond. One City Council member also expressed concern that "Town Center" tends to describe a retail development, which is not descriptive of the four projects that are being proposed by the City of Shoreline. Mr. Tovar said it is important to distinguish between the Central Shoreline Subarea Plan and the four Town Center Projects. Chair Piro pointed out that the term "Town Center" is becoming a working part of growth management planning in the region.

Mr. Cohen reviewed each of the Strategic Points as follows:

1. In the design and furnishing of the four Town Center Projects, seek ways to create a sense of place and civic identity in Central Shoreline.
2. Identify and incorporate "green infrastructure" principles and features.
3. Identify and incorporate appropriate historic features and interpretation opportunities.
4. Identify and incorporate distinctive architectural patterns found in the Central Shoreline Area, including building forms that create human scale and visual interest, roof shapes that evoke the City's residential character, and building materials used in nearby public buildings such as the Museum and Fire Station.
5. Explore ways to overcome the barrier that Midvale creates between the City Hall and the Interurban Trail.
6. Do not open Stone Avenue North through North 175<sup>th</sup> Street.
7. Provide visual and function linkage between bus rapid transit stops in Aurora and other Town Center Projects.
8. Work with Seattle City Light to develop a Heritage Park concept that balances City and community goals with Seattle City Light needs.
9. Consider design treatments to tie together, visually and functionally, the public spaces of the City Hall and Heritage Park projects.
10. Create a walkable Central Shoreline area, with an emphasis on safety, convenience and connectivity.

Mr. Tovar referred to **Point 8** and explained that in a recent discussion with Public Work staff, it was noted that a significant portion of the property identified for Heritage Park is owned by Seattle City

Light. This strategic point was recently added to make it clear that anything that takes place within the Seattle City Light easement must be approved by them.

Mr. Tovar referred to **Point 4** and explained that this strategic point was changed since the draft points were reviewed by the Commission and City Council. The idea is the same, but language was added to clarify the architectural patterns and building forms found in the Central Shoreline area. He noted that Shoreline is largely residential, and this would play a large part in determining design for public buildings.

Vice Chair Kuboi suggested that consideration be given to encouraging weekend and evening activities in the area.

Commissioner Pyle asked if the Strategic Points would pertain to the entire Aurora Avenue North Project and Interurban Trail. Mr. Tovar answered that the Strategic Points are intended to apply to the segment of Aurora Avenue North between 175<sup>th</sup> and 185<sup>th</sup> Streets, as well as the other three capital projects that are currently being planned by the City. Commissioner Pyle recommended the City establish clear boundaries for which the Strategic Points would be applied. Mr. Tovar advised that clear boundaries would be established for the Central Shoreline Subarea Plan, which includes both public and private lands. However, he cautioned against drawing a boundary around the Town Center Project area. He explained that while the Strategic Points focus on the City's four capital projects at this time, the City Council could decide to apply some or all of them to the Central Shoreline Subarea Plan properties, as well.

Commissioner Phisuthikul referred to **Point 1** and suggested it be changed to read, "In the design and furnishing of the four Town Center Projects, seek ways to create a sense of place, community gathering spaces, and civic identity in Central Shoreline." The Commission agreed that would be an appropriate change since it would address Vice Chair Kuboi's earlier comment about evening and weekend activities.

Chair Piro referred to Commissioner Pyle's earlier comment about the boundaries of the Town Center Project. He suggested they should consider connections to the west, as well (i.e. school, museum, etc.).

Commissioner Broili referred to Commissioner Wagner's concern about the term "Town Center." He suggested that development of the Town Center Projects, may cause businesses to crop up in the vicinity resulting a City Center from a commercial sense as well as a governmental sense. He urged the City to look further down the road to consider the long-range impacts of the four capital projects to the surrounding area. Mr. Tovar agreed. He said that when the Commission considers the Central Shoreline Subarea Plan, they would talk about the types of private uses that would complement the public uses.

Commissioner Hall referred to the additional language that was added to **Point 4**. While he understands the staff's intent, he would prefer a simple phrase that the "City should consider the visual context in all elements of the project." He cautioned that it is important to focus on policies and issues of public interest in order to capture the support of the citizens.

Vice Chair Kuboi referenced **Point 4**. While he agreed with the sentiment of the new language, he cautioned against using the museum and fire station as examples. Although both are functional facilities that serve their purpose well, neither one represent architecture that should be used as a basis for future development. Mr. Tovar noted that these two buildings were identified as examples of the type of building materials that should be used (i.e. brick). He agreed that perhaps this reference could be rolled into a new point that addresses Commissioner Piro's recommendation to consider connections to the west.

Vice Chair Kuboi also expressed his belief that the concrete used for the gateway signs does not fit the character of Shoreline. He urged the City to steer away from this type of design as part of the Town Center Project. Mr. Tovar said it would be appropriate for the City Council to give guidance to the design team if they don't want to see a lot of raw concrete on the building surface. Vice Chair Kuboi said he would not be opposed to an unfinished concrete finish. Mr. Tovar suggested that perhaps a new point should be created indicating the need to pay careful attention to materials.

Commissioner Harris agreed with Vice Chair Kuboi and expressed his belief that Shoreline has very little architecture that should be emulated or copied. The Town Center Project presents an opportunity to start over with some creative architecture. However, they should also address the need for low-maintenance design elements.

Commissioner Hall pointed out that because the City does not have a design review board, the Planning Director has the discretion, under City code, to refer applications to the Planning Commission if he determines they would benefit from design review. Because of the sensitive nature of the Town Center Projects, he suggested it might be appropriate to recommend the Commission have an opportunity to review the design plans. This could also relieve the City staff of some of the pressures of being both the applicant and the permit reviewer. Mr. Tovar agreed the Commission could make this suggestion as a process recommendation to the City Council.

Commissioner Broili recommended that the design team include those who would be involved in the building's maintenance, operations, landscaping, etc.

Mr. Cohen said staff would incorporate the Commission's comments into a new draft of the Strategic Points. The document would be presented for discussion at a public workshop before the Commission on May 10<sup>th</sup>. Any additional comments should be provided to staff by April 25<sup>th</sup>. He said it is staff's intent to present the Commission's recommendation to the City Council on May 29<sup>th</sup>.

#### **ANNOUNCEMENTS**

No announcements were made during this portion of the meeting.

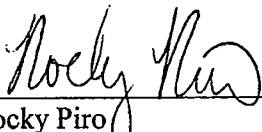
#### **AGENDA FOR NEXT MEETING**


Chair Piro briefly reviewed the agenda for the May meetings. The Commission asked staff to email them a reminder a few days before the special meeting on May 10<sup>th</sup>.

Commissioner Wagner asked how the City would advertise the special workshop session that is scheduled for May 10<sup>th</sup>. Mr. Tovar said the special workshop session would be advertised in the next edition of *CURRENTS*, which the Commissioners should have received in their mail envelopes.

### ADJOURNMENT

The meeting was adjourned at 9:18 p.m.

  
\_\_\_\_\_  
Rocky Piro  
Chair, Planning Commission

  
\_\_\_\_\_  
Jessica Simulcik Smith  
Clerk, Planning Commission

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Card Room Gambling Tax  
**DEPARTMENT:** City Council  
**PRESENTED BY:** Mayor Ransom

**PROBLEM/ISSUE STATEMENT:**

This item has been put on this evening's agenda at the request of Mayor Ransom. The purpose is for the Council to consider the extension of the reduced card room gambling tax rate from 10% to 7% through June 30, 2007.

In July 2006 the City Council adopted Ordinance No. 437 (Attachment A) which reduced the card room gambling tax rate from 10% to 7% for a nine month period starting July 2006 and concluding March 31, 2007. Ordinance No. 437 provided that the card room gambling tax rate would return to 10% effective April 1, 2007, if the City Council took no further action. The primary reason in which the Council adopted the nine month reduction in card room gambling tax rate was due to the temporary negative impacts to the casino operations from the Aurora construction project.

Mayor Ransom has requested that the Council consider a three month extension of the tax rate reduction to allow for a recovery period during the final construction stages and the substantial completion of the project. This means that the 7% card room gambling tax rate would remain in effect until June 30, 2007, if approved by the City Council.

**FINANCIAL IMPACT:**

An additional three months reduction in gambling tax is estimated to reduce gambling tax revenues to the City by approximately \$163,000. This assumes that the card rooms have the same activity level during the second quarter of 2007 as they did in 2006. The revenue reduction would necessitate a reduction in the revenues allocated to the Roads Capital Fund for capital projects.

**BACKGROUND**

In 2005 the City Council reduced the card room gambling tax rate from 11% to 10%. This rate change was effective April 1, 2005. The tax rate reduction was in response to requests from casinos as they believed the tax rate reduction would enable them to have a more acceptable profit margin. Also a review of tax rates of other local jurisdictions indicated that most jurisdictions had a card room gambling tax rate of 10%.

On December 8, 2005, a state-wide smoking ban went into effect for public places. This included all non-tribal casinos. It appears that this smoking ban had a negative impact on the overall card room activity occurring at the casinos within Shoreline. In addition to the smoking ban casinos have indicated that the level of local casino activity has been

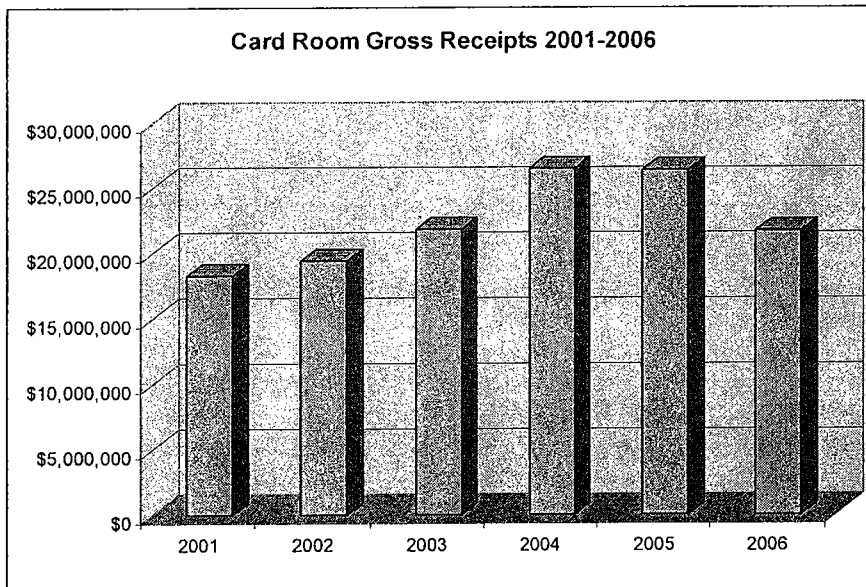
negatively impacted by competition from regional non-tribal casinos, tribal casinos, on-line illegal betting, and traffic impacts from the Aurora improvement project. Although not all casinos are in the construction zone, delays and less traffic on Aurora in general has contributed to a loss of patronage.

As a result of these impacts the casino operators requested an additional decrease in gambling tax rate in July 2006. Council approved Ordinance No. 437 which reduced the gambling tax rate from 10% to 7% for nine months, primarily to mitigate any negative impacts that the Aurora construction was having on business activity levels within the casinos. If Council takes no further action the card room gambling tax rate would return to 10% on April 1, 2007.

### **DISCUSSION**

Card room gambling tax provided \$1.8 million of general fund revenue in 2006. This was approximately 7% of general fund revenues. Historically card room gambling tax provided 10 to 12% of general fund revenues.

In 2006 overall gross receipts for the City's five casinos were down by 17.5%, \$4.6 million, compared to 2005. Gross receipts for 2006 totaled \$21.7 million, approximately the same level as 2003.



Although overall card room gross receipts were down by 17.5%, individual casinos had varying activity levels. The Golden Nugget is the only casino that had greater card room gross receipts in 2006 than in 2005. The Golden Nugget gross receipts were 4.8%, \$106,269, greater than those generated in 2005. The other four casinos experienced a drop in gross receipts

in 2006. Of the four casinos that experienced a drop in gross receipts, Debbie's Drift On Inn had the greatest drop, 27.1% or \$1.6 million, and Parker's had the lowest decrease, 12% or \$677,800. The following table shows the gross receipts for each casino for 2001 through 2006:

**Card Room Gross Receipts Annual Totals 2001 - 2006**

Casino	2001	2002	2003	2004	2005	2006	Gross Receipts \$\$ Change 2005 to 2006	% Change 2005 to 2006
Drift on Inn	6,985,380	6,448,370	6,974,897	\$5,711,995	\$5,905,951	\$4,302,524	-\$1,603,427	-27.1%
Hollywood	0	0	1,298,809	\$5,753,616	\$5,764,890	\$4,867,981	-\$896,909	-15.6%
Golden Nugget	0	1,025,408	2,149,027	\$2,476,600	\$2,197,973	\$2,304,242	\$106,269	4.8%
Goldie's	4,821,256	5,768,931	5,568,043	\$7,015,323	\$6,758,391	\$5,224,913	-\$1,533,478	-22.7%
Hideaway	1,480,501	1,526,308	1,584,498	\$919,005	\$17,495	\$0	-\$17,495	-100.0%
Parkers	5,052,948	4,649,161	4,285,255	\$5,455,839	\$5,710,732	\$5,032,932	-\$677,800	-11.9%
<b>TOTAL</b>	<b>18,340,085</b>	<b>19,418,178</b>	<b>21,860,529</b>	<b>\$26,413,373</b>	<b>\$26,337,937</b>	<b>\$21,732,592</b>	<b>-\$4,605,345</b>	<b>-17.5%</b>

The City has received one quarter of taxes for 2007. The following table shows a comparison of gross card room revenue for the first quarter for years 2001 through 2007.

Casino	2001	2002	2003	2004	2005	2006	2007	06 to '07 % Change
Goldies	\$1,581,845	\$1,516,572	\$1,425,190	\$1,679,818	\$1,615,173	\$1,333,886	\$1,462,821	9.67%
Golden Nugget	\$0	\$0	\$336,816	\$601,308	\$631,746	\$437,207	\$576,341	31.82%
Drift On Inn	\$1,836,253	\$1,610,710	\$1,816,794	\$1,572,582	\$1,483,359	\$1,214,190	\$1,032,828	-14.94%
Hollywood	\$0	\$0	\$0	\$1,793,380	\$1,280,876	\$1,299,699	\$1,022,977	-21.29%
Parkers	\$1,378,009	\$1,167,105	\$1,154,996	\$1,361,737	\$1,575,857	\$1,311,464	\$1,380,372	5.25%
<b>TOTAL</b>	<b>\$4,796,106</b>	<b>\$4,294,387</b>	<b>\$4,733,796</b>	<b>\$7,008,825</b>	<b>\$6,587,011</b>	<b>\$5,596,446</b>	<b>\$5,475,339</b>	<b>-2.16%</b>
<b>Annual Change</b>		<b>-10.46%</b>	<b>10.23%</b>	<b>48.06%</b>	<b>-6.02%</b>	<b>-15.04%</b>	<b>-2.16%</b>	

The first quarter 2007 gross receipt activity varied by casino. Overall the first quarter receipts were 2.16% less than first quarter 2006. Even though this is the case three card rooms showed improved results when comparing first quarter activity: Goldies (9.67%), Golden Nugget (31.82%), and Parkers (5.25%). On the other hand, both Drift On Inn and Hollywood continued to show a drop in activity level at 14.94% and 21.29% respectively.

On April 30, 2007, the City Council had an opportunity to receive information from various representatives that are involved in the gambling industry including the Washington State Gambling Commission, Goldie's Casino, Washington Recreation Gaming Association, and Washington State Council on Problem Gambling.

In the view of staff, the non-tribal industry throughout the State is facing serious structural competition well beyond the control of the City. The decline in card room gross receipts is not only being experienced by the casinos in Shoreline, but also by casinos in most jurisdictions. Most jurisdictions agree that the smoking ban has been a major contributor to the decline in card room activity in 2006. In addition to this, the continuing competition from both tribal casinos and on-line betting has likely contribution to the saturation of the gambling market. Even though construction along Aurora may have had some negative impact to the casinos, staff continues to believe that this is not the major reason for the decline in gambling activity. As stated last July, it would not surprise us to see some casinos in the region go out of business, change emphasis or

merge. Regardless of any reasonable action the City undertakes these larger forces will determine the shape of the industry and the future of local casinos.

Staff believes that Shoreline casinos do benefit from some local competitive advantages. First of all, Seattle does not allow casinos so Shoreline establishments have a distinct advantage in being the closest casino gambling available for all of north Seattle. Second, Shoreline has established that no new casinos are allowed, but that existing ones may continue as non-conforming uses. This guarantees no added local competition. It also makes it possible that if a casino were to go out of business that someone else may purchase that business in order to preserve the use and gaming license since no more would be allowed in the future. This makes the existing gambling licenses very valuable.

Staff acknowledges that the level of gambling activity within the City has declined. Even though this is the case, there is no guarantee that a lower tax rate will result in all casinos being profitable or remaining in business. A review of local jurisdiction gambling tax rates continues to show that the most common card room tax rate is 10%.

Staff continues to recommend that the City's gambling tax rate be 10%. This recommendation is based on the substantial completion of the Aurora project, the tax rate of surrounding jurisdictions and the limitation on future gambling expansion within Shoreline.

### **RECOMMENDATION**

Staff recommends that Council take no further action. Ordinance No. 437 as adopted by the City Council, will sunset the gambling tax reduction to 7% as of April 1, 2007, and will result in the card room gambling tax rate returning to 10%.

Even though staff recommends that no further action be taken, staff has provided Ordinance No. 474 that would extend the 7% gambling tax rate to June 30, 2007, if Council decides to extend the temporary rate reduction.

Approved By:            City Manager  City Attorney \_\_\_\_\_

### **ATTACHMENTS**

Attachment A – Ordinance No. 437

Attachment B – Ordinance No. 474

**ORDINANCE NO. 437**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A NINE MONTH REDUCTION IN THE CITY GAMBLING TAX ON SOCIAL CARD ROOMS TO 7% OF GROSS RECEIPTS; AND AMENDING SHORELINE MUNICIPAL CODE 3.30.020.**

WHEREAS, The City Council received requests from the Shoreline card room operators for a reduction in the City's gambling tax; and

WHEREAS, the Council finds there is a sufficient showing that the current tax rate may result in unprofitable operations due to statewide and local factor affecting the gaming industry and temporary impacts from the Aurora Project; and the gambling tax rate should be reduced during the period of Aurora Project impacts; now therefore

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

**Section 1. Amendment in effect from July 1, 2006 to March 31, 2007.** Shoreline Municipal Code section 3.30.020 is amended as follows for the period July 1, 2006 to March 31, 2007:

3.30.020 Imposed.

Pursuant to RCW 9.46.110 as the same now exists or may hereafter be amended, there is levied upon all persons, associations or organizations a tax on all gambling activities occurring within the city as permitted by state law at the following rates:

... [A- C unchanged]

D. All social card game rooms licensed under the provisions of RCW 9.46.030(1) and (4) at a rate equal to 7 ~~10~~ percent of the annual gross receipts exceeding \$10,000.

**Section 2. Amendment in effect after March 31, 2007.** Shoreline Municipal Code section 3.30.020 is amended as follows effective April 1, 2007:

3.31.020 Imposed.

Pursuant to RCW 9.46.110 as the same now exists or may hereafter be amended, there is levied upon all persons, associations or organizations a tax on all gambling activities occurring within the city as permitted by state law at the following rates:

... [A- C unchanged]

D. All social card game rooms licensed under the provisions of RCW 9.46.030(1) and (4) at a rate equal to 10 ~~7~~ percent of the annual gross receipts exceeding \$10,000.

**Section 3. Publication, Effective Dates.** This ordinance shall take effect and be in full force five days after passage and publication of a summary consisting of the title.

**PASSED BY THE CITY COUNCIL ON JULY 24, 2006.**

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Mayor Robert L. Ransom

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication: July 27, 2006  
Effective Date: August 1, 2006

**ORDINANCE NO. 474**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 437 BY EXTENDING FOR THREE MONTHS THE REDUCTION IN THE CITY GAMBLING TAX ON SOCIAL CARD ROOMS TO 7% OF GROSS RECEIPTS; AND AMENDING SHORELINE MUNICIPAL CODE 3.30.020.**

WHEREAS, on July 24, 2006, the City Council adopted Ordinance No. 437 which reduced the city gambling tax on social card rooms from 10% to 7% of gross receipts for the July 1, 2006 to March 31, 2007 timeframe; and

WHEREAS, the Council continues to find that there is a sufficient showing that the current tax rate may result in unprofitable operations due to statewide and local factors affecting the gaming industry and temporary impacts from the Aurora Project; and

WHEREAS, the Council desires to amend Ordinance No. 437 to extend the reduction in the gambling tax rate until June 30, 2007 in order to reduce the negative impacts on the gaming industry; now therefore

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

**Section 1. Amendment.** Ordinance No. 437, Section 1, is amended to extend the 7 percent gambling tax rate until June 30, 2007.

**Section 2. Amendment.** Ordinance No. 437, Section 2, is amended to terminate the 7 percent tax rate and commence the 10 percent gambling tax rate effective July 1, 2007.

**Section 3. Publication, Effective Dates.** This ordinance shall take effect and be in full force five days after passage and publication of a summary consisting of the title.

**PASSED BY THE CITY COUNCIL ON JUNE 11, 2007.**

\_\_\_\_\_  
Mayor Robert L. Ransom

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott Passey  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: June 14, 2007  
Effective Date: June 19, 2007

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	UW Ridgecrest Project – Delivery to City Council of the UW Final Report and Discussion of Potential Next Steps
<b>DEPARTMENT:</b>	Economic Development and PADS
<b>PRESENTED BY:</b>	Tom Boydell, Economic Development Manager, CMO Joe Tovar, FAICP, PADS Director Professor Luanne Smith, University of Washington Department of Landscape Architecture and Center for Livable Communities

**PROBLEM/ISSUE STATEMENT:**

Since May 2006, the City of Shoreline has been working on studying ways to improve the vitality of the Ridgecrest neighborhood commercial center at 165th and 5th Avenue NE. In the first academic quarter of 2007 (January to March), the University of Washington College of Department of Landscape Architecture and Center for Livable Communities conducted a Charrette with the Ridgecrest community. This included a series of three public meetings sponsored by the City, which were attended in total by more than 200 citizens, including City leaders and most of the property and business owners in the target area. Staff and Professor Luanne Smith of the University of Washington will present the published Final Report to City Council, provide an overview of the study findings and visionary ideas, and then discuss potential next steps.

**ALTERNATIVES ANALYZED:**

The UW students examined numerous alternatives and consolidated their findings into four alternative scenarios that correspond to four different levels of zoning. Specific designs from property owners are likely to incorporate some or many of these ideas in mixed-use building and at a medium-level of residential density. Many ideas for public spaces and environmental features were incorporated into each alternative.

The principal next steps are as follows:

**Zoning Changes**

The Ridgecrest commercial area is currently zoned Neighborhood Business (NB), but it is designated in the Comprehensive Plan as a Community Business (CB) District. A CB district allows most commercial zoning designations, ranging from Neighborhood Business to Regional Business. Staff believes that NB zoning does not provide enough flexibility to encourage quality redevelopment of the existing sites, especially as mixed use buildings incorporating underground parking and ample public spaces that serve the local community, as desired by many residents.

In order to ensure that a mixed use development is compatible with the surrounding neighborhood and potentially offer added amenities, staff recommends the development of a form-based code. This code would focus on height, design, and compatibility issues, and would be written in a way that would create incentives for preferred use mixes and fit within the long-term vision for this area of a Community Business district. The form-based code would be distinct from that of the one written for the South Aurora Triangle; it would be one that is tailored to the scale and character of this neighborhood retail area.

#### Incentives

Property tax exemption for the residential portion of any development would be the best and most appropriate incentive that the City could offer. Staff will prepare a proposal for revisions to the current Property Tax Exemption (PTE) program for North City for discussion by Council at a future meeting. In those revisions, staff will propose that Ridgecrest will be added as a second target area.

#### Improvements in the Public Right-of-Way

Staff will explore grants and other ways to accomplish improvements to the streets, sidewalks, intersection, or other portions of land in the public right-of-way. These types of improvements can be important to establishing neighborhood identity, creating new public spaces and amenities, improving pedestrian safety and mobility, and promoting practices in environmental sustainability.

#### **FINANCIAL IMPACT:**

Zoning and incentives require no budget impacts. Other public improvements would require a funding source to be identified; staff has begun to search for transportation and environmental grants for this purpose.

#### **RECOMMENDATION:**

No action is required at this time. Staff will continue to examine if zoning revisions and a form-based code for the Ridgecrest Neighborhood Commercial Center is appropriate. Staff will also formulate a proposal for the identification of Ridgecrest Neighborhood Commercial Center as a new target area under the Property Tax Exemption program. These will both be scheduled for Council action at a future meeting.

#### **ATTACHMENTS:**

- A. UW Final Report
- B. Planning Commission memo of April 24, 2007- A summary of the study, actions taken to date, and the potential "next steps" were summarized in a memo to the Planning Commission for their meeting on May 3.

Approved By:      City Manager  City Attorney \_\_\_\_\_

## Memorandum

**DATE:** April 24, 2007

**TO:** Shoreline Planning Commission

**FROM:** Tom Boydell, EDP Manager

**CC:** Joe Tovar, Planning and Development Services Director  
Steve Cohn, Planning and Development Services Manager  
Luanne Smith, University of Washington  
Fritz Wagner, University of Washington

**RE:** Ridgecrest Project "Next Steps" – Study Session May 3<sup>rd</sup>

Luanne Smith of the University of Washington and I will be coming to make a presentation to the Planning Commission on May 3.

Since May 2006, the City has been working on studying ways to improve the vitality of the Ridgecrest neighborhood commercial center at 165<sup>th</sup> and 5<sup>th</sup> Avenue NE. In the first academic quarter of 2007 (January to March), the University of Washington College of Architecture conducted a Charrette with the Ridgecrest community. Property and business owners, as well as neighborhood residents and City leaders, participated in most phases of the Charrette process.

Attached is a summary of ideas and progress that has been made so far. The former Cascade Bingo site at the SW corner of 165<sup>th</sup> and 5<sup>th</sup> is a key element. Bingo operations closed in April 2006, and the property has been brokered for sale. As a result of the City's actions, the broker and owner decided to participate in the Charrette process before selling the property. It is their hope and our hope that a buyer can be selected who is interested in implementing the community's vision for the property and area.

Key decision points for the City will include:

- Designating this as a target area for the Property Tax Exemption program
- Zoning changes
- Whether to do a capital project (e.g., street and sidewalk improvements)
- Others as identified by the Planning Commission

# **Ridgecrest Project “Next Steps” Presentation**

Presenters: Tom Boydell, Economic Development Manager  
Luanne Smith, University of Washington College of Architecture

Purpose: The purpose of this meeting will be to review the Charrette process, discuss the vision for the Ridgecrest area as well as potential "next steps"

## Proposed Discussion Agenda

1. Review of Completed Steps – presented by Tom Boydell
2. Summary of Roles and Next Steps – presented by Tom Boydell
3. Summary of Design Concepts and Land Uses – presented by Tom Boydell and Luanne Smith
4. Potential Key Decisions – discussion of Planning Commission

## Background Information

### **Project Steps-to-date**

- A Green Building Forum was held on January 18. Then, the UW Student Charrette was completed with two public meetings – January 24 and March 7. About 200 different individuals attended the three meetings. A mid-quarter meeting was also held with students and faculty at the UW in February. Several developers and property owners participated. Planning Commissioner Mike Broili also participated in that event.
- A written report from the UW is due to the City before the end of June. This report will be given to the Planning Commission and City Council. An electronic version will be posted on the City's website. And the 3D models will be housed at Historical Museum beginning April 6.
- CIP proposals were due April 6. The forms were submitted by this deadline, so that we have a placeholder in that budget review process. However, this is a City Council decision that is entirely dependent on the limits of the budget, and no commitments have been made.
- Zoning changes will require six months to complete, if we envision a process similar to that for the South Aurora Triangle.
- Property development discussions are underway.
- The Planning Commission scheduled a May 3<sup>rd</sup> Study Session for Ridgecrest.

## Summary of Potential Roles and Next Steps

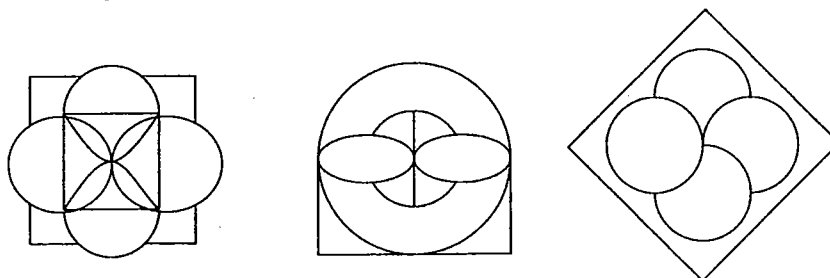
1. Economic Development
  - i. Potential Incentives/Resources
    1. Local Property Tax Exemption
    2. Federal Investment Tax Credits
    3. Federal or State Environmental Grants
  - ii. Discussions with property owners/developers
  - iii. Small Business Counseling and Loan Services - to be offered to business owners
2. Planning and Development Services
  - i. Zoning changes
  - ii. Design guidelines
3. Public Works/Capital Budgeting (*subject to budget availability*)
  - i. Streetscape, plaza/public art, utilities, traffic signal, bike rack, and other?
4. Parks & Services, School District, or Non-profit
  - i. Enhancements to the entrance of parks and connections
  - ii. Creation of a walking path
  - iii. Potential future establishment of a p-patch type park
  - iv. Theater or Film & Video related program
  - v. Connections to existing Library and After-School Programs
  - vi. Educate the public about environmental sustainability
  - vii. Incorporate Ridgecrest area into the bike trails planning

## Student Design Concepts and Land Uses

For one academic quarter, the UW students worked in 4 teams. Each team listened to members of the community and property owners, and then identified some new land use and design concepts for the area. The result was four scenarios – each at different levels of development intensity, ranging from basic infill to high density scenarios. The students also did a great job of exploring the meaning of “sustainability” and identifying creative options for public spaces and intersection enhancements. The following is a summary of some of the common themes in the 4 different scenarios developed by the students:

### *Conceptual Theme: Sustainability*

Symbolic Design Concept (Example): Sacred Geometry – the pattern representing organic wholeness and change is made up of a square and four circles interlocking on a center point. Three simplified pattern examples for an intersection, plaza, sidewalk, or other design use appear below.



*Design Principal: Proportion and balance, instead of linear measure*

## *Social Principal: Interconnectedness*

### Potential Features:

- Natural landscape strips along sidewalks;
- Walking trail that follows the ridge contour;
- Water feature (sculpture) and benches in front of the mural;
- Green open space area and/or plazas;
- Geometric pattern in the sidewalk or plaza;
- Artistic additions to building facades and awnings;
- Hydrologic mechanisms for rain water capture and reuse;
- Information board that teaches principles of sustainability.

### Height and Size:

- Development code limitations should be reviewed;
- Reasonable limits on things like height should be considered;
- Underground parking should be encouraged where feasible;
- Bulk should not overwhelm the neighborhood;
- Street trees and canopy soften the façade of buildings;
- Street frontage should be retail space with large windows;
- Outdoor public space elements such as café seating, window seats, and benches should be encouraged

### Economic Elements:

- Preserve Existing Connections – movie theater and camera shop, post office, neighborhood service center (connections of the visual arts, writing to the outside world, sharing information in the community)
- Add New Connections – bookstore, art store, organic grocery or food co-op, world food restaurant/deli, places to gather/sit (connections with ideas, creative imagination, nature [via organics], each other)
- Both Condominium and Rental Housing - i.e., include planning for older home-owners who are downsizing but wanting to stay in area

### Transit and Parking:

- Balance of commercial and residential parking
  - On the Bingo site, one level of underground parking for residential parking and a portion of the first level for commercial parking.
  - Additional on-street parking by creating some angle parking on 165<sup>th</sup>.
  - Structured parking would be advised for any development of the NE corner
  - The Crest Theater should be encouraged to lease off-the-street parking space for its patrons
- Move the bus stop that is between 165<sup>th</sup> and 164<sup>th</sup> down to 163<sup>rd</sup>.
- Walk-ability will be emphasized with thought given to the elderly and children.
- Intersection improvements could consist of a traffic-round-about or the addition of a signal

## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Presentation of the 2008 – 2013 Capital Improvement Plan
<b>DEPARTMENT:</b> Finance
<b>PRESENTED BY:</b> Debbie Tarry, Finance Director

**PROBLEM/ISSUE STATEMENT:**

The City Council has established a schedule to review the Capital Improvement Plan (CIP) during the summer in order to incorporate the first year budget for CIP projects and associated maintenance costs into the City's annual operating budget, which is prepared during the late summer and early fall. The Transportation Improvement Plan (TIP) consists of the projects included in the Roads Capital Fund section of the CIP. The two plans will be presented for Council's review simultaneously.

On June 11, 2007, staff will present the proposed 2008 – 2013 CIP and TIP to the City Council. The following schedule is proposed to facilitate the adoption of the 2008 – 2013 CIP.

June 11, 2007	Presentation of the Proposed 2008 – 2013 CIP and TIP
June 18, 2007	Council Discussion on the Proposed 2008 – 2013 CIP and TIP
June 25, 2007	Public Hearing and Council Discussion on the Proposed 2008 – 2013 CIP and TIP
July 2, 2007	Council Discussion on the Proposed 2008 – 2013 CIP and TIP
July 9, 2007	Council Adoption of 2008 – 2013 CIP and 2008 – 2013 TIP

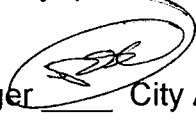
**FINANCIAL IMPACT:**

The Proposed 2008 – 2013 CIP is balanced as required by the Growth Management Act and totals \$172 million. The General Capital Fund totals \$32.9 million; City Facilities/Major Maintenance Fund totals \$340,000; Roads Capital Fund totals \$120.4 million; and Surface Water Utility Fund capital projects totals \$18.3 million.

Capital Fund	2008	2009	2010	2011	2012	2013	Total
General Capital	\$27,340,313	\$2,585,362	\$363,831	\$378,345	\$1,792,017	\$456,773	\$32,916,641
City Facilities	\$40,000	\$44,000	\$53,000	\$48,000	\$67,000	\$88,000	\$340,000
Roads Capital	\$20,461,211	\$26,849,156	\$28,809,247	\$20,515,392	\$21,433,743	\$2,358,632	\$120,427,380
SWM Capital	\$8,322,444	\$2,527,106	\$2,169,338	\$2,401,165	\$1,738,614	\$1,167,713	\$18,326,380
CIP By Year	\$56,163,968	\$32,005,624	\$31,395,416	\$23,342,901	\$25,031,373	\$4,071,118	\$172,010,402

### **RECOMMENDATION**

This item is for discussion purposes only. Council discussion is desired regarding the proposed process to review and endorse the Proposed 2008 – 2013 Capital Improvement Program and any key questions or issues that Council may wish staff to address as part of the process.

Approved By:      City Manager  City Attorney \_\_\_\_\_

### **ATTACHMENTS**

Attachment A – Rising Cost for Capital Projects Memorandum



## Memorandum

**DATE:** May 31, 2007

**TO:** Robert Olander, City Manager

**FROM:** Mark Relph, Public Works Director

**CC:** Debbie Tarry, Dick Deal, Tricia Juhnke

**RE:** Rising Costs for Capital Improvement Projects

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Construction costs in this region have seen significant and unparalleled increases over the past several years. As the Council prepares to review the 2008-2013 Capital Improvement Program it is important to share the impacts for these rising costs. The purpose of this memo is to communicate some of the reasons for these rising costs and how the City can best manage the existing construction climate.

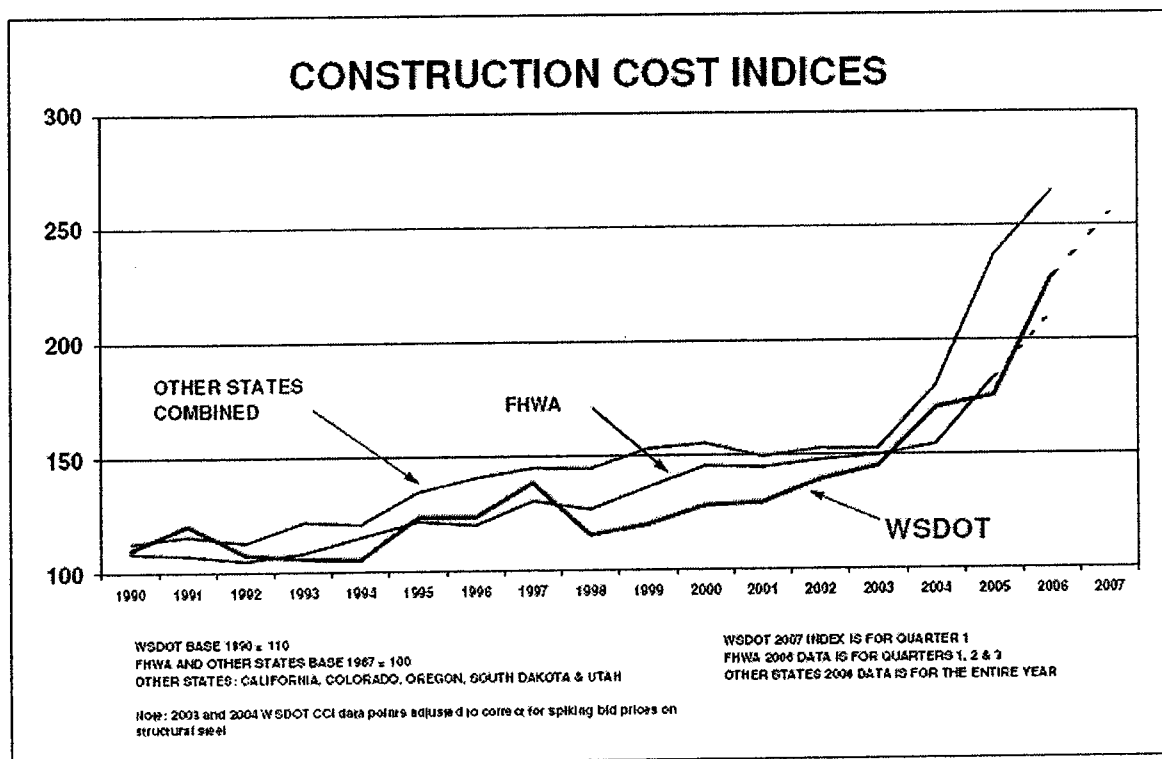
A May article in the *Daily Journal of Commerce* highlighted several factors contributing to these cost increases including:

- Heavy demands for construction materials (e.g. steel and cement) from countries such as China and India.
- Unstable oil and fuel costs stemming from global demands
- Shortage of skilled labor workers
- National and international events such earthquakes and hurricanes that may interfere with production of fuels and impact demand for key materials

This same article provided a snap shot of cost increases in construction materials occurring in the past three years:

Construction Material	Percent Increased
Asphalt	51 percent
Steel	30 percent
Cement	35 percent
Copper	220 percent
Zinc	150 percent
Gypsum products	48 percent
Fabricated steel	26 percent
Architectural metals	33 percent
Steel pipe	73 percent
Ready-mix concrete	32 percent

To further demonstrate the increases in costs, the Washington Department of Transportation graph below shows the Construction Cost Indices (CCI) beginning in 1990. It clearly shows a sharp increase in this cost index starting in 2003 and continues through 2006.



**Washington State  
Department of Transportation**

For more information, please call the WSDOT Construction Office at (360) 705-7822  
 or visit <http://www.wsdot.wa.gov/biz/construction>

4/25/2007

The higher costs of construction materials creates uncertainty for contractors as they bid projects; as a result contractors are adding contingency to bids and will only guarantee bids for shorter durations. In some instances they are excluding material costs to bids and proposals and/or they are scrutinizing their bid submittals carefully when considering which projects to bid.

Labor costs also contribute to higher costs. In general there is a shortage of skilled workers in the construction trades. This is even more noticeable in some specialty areas. In the last several weeks the primary unions in this region have ratified new labor agreements that will translate into approximately a 17% increase in wages over the next 3 years<sup>1</sup>. These increases will start impacting construction bids immediately.

In addition to direct costs, contractors are exceptionally busy. A strong economy and relatively recent funding for transportation projects has generated significant demand for

<sup>1</sup> The Daily Journal of Commerce, May 30, 2007.

contractors on both private and public projects. Sound Transit, Washington DOT and the numerous commercial development activities in the region are competing for limited construction resources. An increase demand for construction during summer months when weather is ideal for construction is still evident but there are more and more projects being constructed outside of the summer months. In general, this creates a higher demand for municipalities that are competing for limited construction services. This environment also results in contractors being selective in which projects to pursue or submit bids.

Another factor that may impact capital projects is the real estate market, which continues to remain strong in the Pacific Northwest. This results in increasing real estate prices for right-of-way or easements essential to City projects.

The current construction environment creates numerous challenges for capital projects and the CIP budget; the City is not alone in these challenges as it is impacting municipalities and agencies throughout the state. However, there are approaches the City and staff can do to anticipate and manage these impacts. Items currently being incorporated into the CIP program and/or projects include:

- The 2008-2013 CIP has incorporated higher inflation factors for both construction and real estate costs to help project costs in the next few years. They are noted in the following table:

<b>Year</b>	<b>Land</b>	<b>Construction</b>	<b>M&amp;O and Other Costs</b>
2007	7.0%	10.0%	3.0%
2008	7.0%	10.0%	2.6%
2009	7.0%	8.0%	2.6%
2010	7.0%	8.0%	2.5%
2011	7.0%	6.0%	2.3%
2012	7.0%	5.0%	2.4%
2013	7.0%	5.0%	2.4%

- Staff is looking at appropriate timing to advertise and construct projects to maximize interest in bidding and constructing projects
- Staff continues to look for opportunities to make projects attractive to contractors through risk allocation and the packaging of contract work..

There is plenty of opportunity to look for additional methods of monitoring and managing project costs. Staff will continue to be proactive in monitoring the current construction environment. Staff will also explore options and alternatives to make the City's projects attractive to the construction community. Some of the areas to evaluate and consider may include:

- Strategically beginning construction work in the fall and winter months to take advantage of off-peak schedules for contractors.

- Working with the construction industry to explore areas that may assist them in better managing their costs.
- Continue to explore alternate bidding methods rather than the traditional design, bid, build approach.
- Internal evaluation for the City's payment methods for contractors and possibly consider more frequent payments.
- Working with other agencies in the region such as the State of Washington Department of Transportation, King County, the Shoreline School District, neighboring cities and private industry by coordinating efforts to partner with them on specific projects.

The current environment is dynamic and difficult to predict. However it has a direct impact on the capital program and the construction of projects important to this community. Staff will continue to be proactive and looking for the best methods and alternatives to deliver these projects and programs.

**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Civic Center Project Informational Update
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	Robert L. Olander, City Manager Jesus Sanchez, Civic Center Project Manager Bill Angle, Project Consultant

**ISSUE STATEMENT:**

On February 21, 2007, the City of Shoreline issued a Request for Qualifications (RFQ) to seek qualified development teams to plan, design, and construct a build-to-suit, lease-to-own civic center building for Shoreline. A community meeting was held on March 20, 2007 to provide an opportunity to the public to give feed-back regarding what they would like to see in a new Civic Center Project. A survey was made available to the public on the City's website to receive public comment on the project.

Six highly qualified development teams responded to the RFQ. Three finalists were selected by a Selection Committee, comprised of the City Manager, the Civic Center Project Manager, the Public Works Director, the Finance Director, the Planning and Development Services Director, and the City Attorney. The process was overseen and staffed by Bill Angle our Project Consultant. Successful applicants included Opus Northwest, L.L.C., M.A. Mortenson Development, Inc. and Nitze-Stagen & Co., Inc. These finalists were invited to participate in the Request for Proposal (RFP) process, issued in accordance with RCW 36.34.205.

In April 2007, the City of Shoreline issued the Request for Proposal with each finalist to submit a proposal pursuant to the RFP. Final submissions in response to the RFP were received on May 30, 2007. The Selection Committee reviewed, scored and ranked the submissions and then conducted interviews with each of the finalists on June 4, 2007.

This report will introduce the Selected Developer and its development team. In addition this report will describe the "Pre-development Agreement" the City and the Selected Developer will first enter into. This will effectively program and outline the collaborative pre-development process leading next to the final Development Agreement and Lease, and ultimately to the City of Shoreline's new Civic Center. Staff will provide supplemental material to the Council the week of June 4<sup>th</sup>, after we have interviewed and selected the final Development Team.

**FINANCIAL IMPACT:**

No financial impact at this time.

**RECOMMENDATION**

No action is required. This report provides a status update to the Council on the Civic Center Project and is presented for Council review, questions and discussion.

Approved By:      City Manager  City Attorney \_\_\_\_\_