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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, June 13, 2005
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Grace, Gustafson, and Ransom

ABSENT: Councilmember Gustafson

1. **CALL TO ORDER**

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

2. **FLAG SALUTE/ROLL CALL**

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

Upon motion by Councilmember Grace, seconded by Deputy Mayor Jepsen and carried 6-0, Councilmember Gustafson was excused.

(a) **Shoreline Star – Ros Bird**

Mayor Hansen presented the seventh Shoreline Star to Ros Bird and outlined her many contributions to Shoreline through her involvement in the Shoreline/Lake Forest Park Arts Council, the Shoreline Sister Cities Board, the Friends of Third Place Commons, the PTA (where she was awarded a Golden Acorn) and the Shoreline Center Advisory Committee. Ms. Bird thanked the City for this recognition and commented on the positive impact that arts have on the community.

3. **CITY MANAGER'S REPORT**

Steve Burkett, City Manager, reported on a variety of items: the May 24 financial planning meeting with Shoreline citizens to discuss the City's long range planning needs; the success of the Bike-to-Work program; a youth dance recital sponsored by the Parks, Recreation and Cultural Services Department; the new 10th anniversary banners displayed at various locations around Shoreline; and the selection of Deputy City Clerk Scott Passey as the new City Clerk upon Sharon Mattioli's retirement.

4. **REPORTS OF BOARDS AND COMMISSIONS:** none

DRAFT

5. PUBLIC COMMENT

(a) Virginia Paulsen, Shoreline, noted that participants at the City's long-range financial planning meeting were not provided with complete and accurate information upon which they could make reasoned decisions about spending priorities. She noted that financial projections indicate a budget deficit of \$3 million by the year 2011, but the \$11 million reserved for City Hall was not included in the options that participants could vote on. She said the greater concern is the fact that participants did not fairly represent the minority community or east side residents. She said east side residents must be taken into consideration when making any City plans because they will still be asked to pay for bond issues and utility increases.

(b) Shannon Clark, Shoreline, speaking on behalf of herself and her neighbors, expressed concerns about the parking controversy involving the four-plex located at 19201 15th Avenue NW in Richmond Beach. She said the parking situation is the result of the property owner cutting off access to his own backyard (from the entrance located on 15th Avenue NW) and the removal of a barrier across N. 192nd Street to allow parking in the rear. She opposed parking a large commercial truck in the backyard, saying that neighbors should not have to pay the consequences of property owners' mistakes. She said the likelihood of an accident will increase with more street traffic backing in and out from a small space, and this is particularly serious because of the number of children in the area.

(c) Dan Mann, Shoreline, said while there has been much controversy over the Aurora Corridor project, the City should accept some responsibility for the delay and admit that it made mistakes. He said the end result is not much different from what the Shoreline Merchants Association originally wanted, but the delays and increased costs resulted from the City's attempt to avoid an environmental analysis by filing a categorical exemption (CE). He said the development process must include collaboration and transparency with the merchant community in order to avoid further litigation. He hoped that the next phase would be an honest, expeditious process without predetermined outcomes so that it will move forward in a timely manner.

Mr. Burkett confirmed that staff would follow up on the parking issues at 15th Avenue NW. He concurred that the seven-year process was too long for Aurora Phase 1, and staff continues to consider ways to improve the process. He described the effort currently underway to meet with individual property owners in Phase 2 before the start of any formal planning.

Deputy Mayor Jepsen asked staff to explain at a later date why the barricade on N 192nd was removed.

Councilmember Ransom was under the impression that Council would receive a more detailed report of the code enforcement situation at 19201 15th Avenue NW.

June 13, 2005

Ian Sievers, City Attorney, said his memo covered the main issues involved in the code enforcement action, but primary documents could be provided if Council wishes.

6. APPROVAL OF THE AGENDA

Upon motion by Deputy Mayor Jepsen, seconded by Councilmember Grace and unanimously carried, the agenda was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Grace, seconded by Deputy Mayor Jepsen and unanimously carried, the following consent calendar items were approved:

Minutes of Regular Meeting of May 23, 2005

**Approval of expenses and payroll for the period
ending June 2, 2005 in the amount of \$2,293,447.12**

**Ordinance No. 387 increasing the salary range for the
City Clerk position in the City Clerk's Office and
amending Ordinance No. 384 by amending the 2005
Exempt Salary Table to reflect this increase**

8. NEW BUSINESS

(a) Presentation of the 2006-2011 Capital Improvement Plan

Mr. Burkett outlined the schedule for adoption of the Transportation Improvement Plan and the Capital Improvement Plan. He described the CIP as a long-term planning and management tool, explaining that it considers the next six years and make estimates about capital improvement needs and resources needed to accomplish them. He emphasized its flexibility and noted that it is not intended to include precise cost estimates. He said the CIP follows the priorities developed by the City Council in its discussion of the Capital Facilities Plan and includes 51 projects at a cost of \$161.5 million. He explained the allocation of the \$42 million worth of City resources as a proportion of the CIP and the priority projects that have been identified by the Council. The Aurora project is by far the largest project in the CIP, projected at \$78 million, but 87% of it is funded by grants. Mr. Burkett briefly outlined the projects in the three main parts of the plan: General Capital, Roads Capital, and Surface Water Capital. He concluded by characterizing the CIP as a balanced plan which includes the priorities the Council identified as part of master plan review process.

Councilmember Fimia asked for further information on several topics:

- What other CIP projects might be eligible for the grant funding earmarked for Aurora and other projects?

DRAFT

- What are options to reduce costs for the Aurora project and still achieve the goals?
- What is the source of gateways funding?
- What is the source of the additional funding for sidewalks?

She pointed out that the CIP text had not been changed to reflect the additional funding allocation for sidewalks and she wished to ensure all text is updated. She also asked for a “more vigorous discussion” of the items assumed to be funded by bonds, and whether the priorities for assured funding and bond funding reflect Council direction.

Councilmember Ransom questioned the amount of funding for the sidewalk program, explaining that he moved an additional \$5 million from Aurora Phase 2. He thought this was in addition to the \$1 million in the existing budget. He believed Council intended a full \$6 million for sidewalks.

Mr. Burkett said staff understood that Council put \$5 million in the actual capital facilities plan. He reiterated that the proposal is subject to review and change by the Council.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 388 adopting a Major Update to the Comprehensive Plan text to meet the requirements set forth in RCW 36.70A.130(4)(a), adopting the 2004 – 2005 Annual Review Amendments to the Comprehensive Plan; and repealing Section 1 of Ordinance No. 178

Andrea Spencer, Senior Planner, noted that Council will be considering a revised ordinance tonight that includes the three land use changes recommended by the Planning Commission, as well as two items from the Errata sheet:

- addition of Policy LU26, which was inadvertently omitted from the document; and
- substitution of the word “investigate” for “encourage” in Policy U12 from the 1998 version.

Ms. Spencer provided a brief background on the development of the Comprehensive Plan update.

Responding to a question Councilmember Fimia posed earlier today, Mr. Olander explained the organization of the final document. He said the document was reformatted into categories rather than numerical order, which is the format the Planning Commission originally recommended to Council. Ms. Spencer added that the policies will be renumbered but each will be logged so the history of the changes can be tracked.

Mayor Hansen called for public comment.

(a) Peter Henry, Shoreline, thanked the Council for seriously considering and deliberating the policies of the Comprehensive Plan. He said although he didn't get everything he wanted, he appreciates the effort that was made.

(b) Mark Deutsch, Shoreline, thanked the Council and Planning Commission for the seriousness in which they approached the Comprehensive Plan update. He felt the process could have been improved by allowing more dialogue between the Council and citizens and having that reflected in the plan. He also felt the findings should have reflected some of the general themes that the public advocated such as "environmental protection," "trees and views," "habitat," and "affordable housing." He said there is an implication that more weight should be given to letters from the public than to those who comment at public meetings. Finally, he encouraged the Council to revisit the issue of beach access at Echo Lake, noting that the Interurban Trail has actually reduced access to the beach.

Deputy Mayor Jepsen moved to adopt Ordinance No. 388, including the two errata items mentioned by Ms. Spencer. Councilmember Grace seconded the motion.

Councilmember Ransom felt that the public open space delineated in the Echo Lake land use amendment should include the entire buffer area, since this area cannot be used for development anyway. **Councilmember Ransom moved to expand the public open space area delineated on Tile #433 at the south end of Echo Lake to follow the 115-foot buffer area around the lake. Councilmember Fimia seconded the motion.**

There was considerable discussion of this proposal. Responding to Councilmember Ransom, Mr. Olander clarified that the Public Open Space (PubOS) designation is simply an informational overlay that identifies areas that may be potentially purchased by the City in the future. It does not mean that the public has any ownership rights, and the underlying zoning must remain the same. While the property owners retain ownership of the buffer area, they must meet the requirements for limited public access and buffer/wetland enhancement.

Councilmember Ransom felt this 115-foot buffer should be designated as PubOS since the area cannot be used for development anyway. He felt it would make sense to include the entire buffer area because it signals the City's interest in preserving the area for buffer enhancement or for a future park.

Councilmembers asked staff if this designation would be feasible and whether there were any "fatal flaws" to the proposal.

Ms. Spencer said the original staff recommendation was to designate 150-foot buffer area from the lake edge as PubOS, so the proposal would be a combination of the staff and Planning Commission recommendations.

DRAFT

A vote was taken on the amendment, which carried 6-0.

Councilmember Fimia commented on the format of the document, noting her preference to have the goals preface each chapter.

Paul Inghram, consultant from Berryman & Henigar, said the document was recommended in the proposed format because some goals may actually support multiple different policies in various categories, and vice versa.

Councilmember Fimia commented that the next update of the plan should follow the mandate of Policy LU7, which requires that all proposed amendments be justified as to why the change is an improvement over the current policy.

Councilmember Grace noted that the review reflects a great deal of effort on the part of the Planning Commission, staff, citizens, and the City Council, but the document now reflects a good consensus of various viewpoints.

A vote was taken on the motion to pass Ordinance No. 388, as amended to include LU26, change “encouraged” to “investigate” in U12, and show the public open space area delineated on Tile #433 at the south end of Echo Lake following the 115-foot buffer area around the lake. The motion carried 6-0, and the 2004 update and land use changes were adopted.

- (b) Quasi-Judicial Actions—rezones associated with Comprehensive Plan 2004 – 2005 Annual Review Docket
 - (ii) Ordinance No. 390, amending the City’s Official Zoning map Tile Number 429 to change the zoning of one parcel located at 19671 15th Ave. NE (Parcel #3971701190) from Residential 6 DU-AC (R-6) to Residential 24 DU-AC (R-24)
 - (iii) Motion to accept the Planning Commission’s Findings and Determination of Denial of the Crosby Rezone Request (File #20137)
 - (i) Ordinance No. 389, amending the City’s Zoning Map (Tile #435) to change the zoning from RB, Regional Business and R-48, Residential, 48 Units per acre, to Regional Business with contract zone #RB-CZ-05-01, subject to restrictive covenants, for the property generally located at the south end of Echo Lake, 19250 Aurora Avenue N., Parcel #2222900040

Rachael Markle, Assistant Director of Planning and Development Services, outlined the two rezone proposals, based on the Comprehensive Plan land use map changes just adopted. She noted that another rezone request was recommended for denial by the Planning Commission, and one property owner did not request a rezone at this time.

Staff recommends denial of the rezone proposal for the Crosby rezone request (File #20137), since to approve this rezone would be inconsistent with the Council's denial of the Comprehensive Plan amendment to change the land use designation from Low Density Residential (LDR) to High Density Residential (HDR). Regarding Ordinance No. 389, she outlined the conditions attached to this proposal which address issues related to density, design, surface parking, residential density, overall square footage of commercial uses, general site layout, solar access, green building design, water quality, storm water management, wetland buffer, public access, historic preservation, and neighborhood impact. She noted that SEPA mitigation measure #2 requires the developer to provide appropriate screening between the public area near the lake and the single family residences to the northeast of the project site. She concluded by describing the site layout and potential development options the owners could pursue for this property.

Councilmember Ransom moved to pass Ordinance No. 390. Councilmember Fimia seconded the motion, which carried unanimously and Ordinance No. 390 was approved.

Deputy Mayor Jepsen moved to accept the Planning Commission's Findings and Determination of Denial of the Crosby Rezone Request. Councilmember Chang seconded the motion.

Councilmember Ransom agreed with the Planning Commission recommendation to deny this rezone, noting that high density is not appropriate for this side of the street. He felt that building a four-unit structure on this parcel would not be a reasonable use because it is only 7,700 square feet.

Mayor Hansen said that although he struggled with this issue, he concluded that the street makes a logical separation between the high density and low density designations, so he will support the motion.

Councilmember Fimia concurred, noting the temptation to "pave over everything" when the density designations for adjacent parcels are increased. She emphasized the importance of retaining the greenbelt, which enhances the quality of life for both the high density on one side and low density on the other.

A vote was taken on the motion, which carried unanimously and the Planning Commission's recommendation to deny the Crosby rezone request was approved.

Councilmember Grace moved to pass Ordinance No. 389. Deputy Mayor Jepsen seconded the motion.

Responding to Councilmember Ransom, Kim Lehmberg, Planner III, explained that the contract rezone (CZ) has been reviewed at a more comprehensive level under SEPA, so that when the actual building and site development permits are reviewed, they can be judged against the SEPA and hopefully the project can be expedited by a SEPA

DRAFT

amendment rather than a full review. She said the trade-off is that the owner is providing more of a wetland buffer in exchange for a waiver of the tree retention requirements.

Councilmember Ransom asked if the proposal would allow a greater height limit than under the MU designation. He also asked if there was a conditional use agreement for up to ten stories.

Ms. Lehmberg said there is no provision for altering the height restriction beyond the 65 feet that is allowed in a RB zone, and there is no conditional use agreement related to building height.

Mr. Burkett pointed out that the proposed zoning for this site would actually reduce the intensity of use on the property, since there could be more square footage and more units on the property under the current zone.

Councilmember Fimia asked for an explanation of the condition that waives the tree retention requirement. She also raised concerns about ADA access to the Interurban Trail as expressed by members of the public.

Ms. Lehmberg explained that the condition would waive the 20% tree retention requirement, so the owner would not be required to retain 15 of the approximately 75 trees on the property. She said the owners determined that retaining 20% of the trees would not make the preferred site plan possible, but the site plan could change and the waiver might not be necessary.

Ms. Markle noted that the replanting provisions still apply even if the tree retention is waived.

Ms. Lehmberg explained that the conditions require access to the trail but they do not identify a specific access point. However, if access is provided at Stone Avenue on the north side, the privacy screening specified under SEPA mitigation would still have to protect adjacent properties. The developer would have to work with the City to install No Parking signs along the street if access is designed there.

Referring to page 199 of the staff report (Concomitant Rezone Agreement and Covenant Running with the Land), Councilmember Fimia asked if the Council had the authority to change the zoning at a later date.

Mr. Sievers said the Council has the prerogative to initiate a rezone for virtually any property in Shoreline.

After Councilmember Fimia distributed a list of amendments she wished to offer at this time, Mayor Hansen said he would probably not support any amendments unless it can be demonstrated that they are significant or beneficial.

DRAFT

Councilmember Fimia felt it was not appropriate for the Mayor, as chair, to express his opinion on motions at the beginning of the discussion.

Councilmember Fimia moved to require a binding site plan processed as a Type B action pursuant to SMC 20.30.050 prior to acceptance of any application for subdivision, short subdivisions, building permits, or any other development permits, and that all parties to the current action be given notice of such a permit. Councilmember Ransom seconded the motion.

There was considerable discussion of whether the proposal with the contract rezone constituted a binding site plan.

Councilmember Fimia noted that making this binding site plan a Type B action would allow for greater notification of any potential development action. She felt this would be important for this site because of its significance and development potential.

Mr. Sievers felt the contract rezone essentially entails a general site plan with several conditions that control the development of the property.

Councilmember Fimia was not comfortable that there was a binding site plan because the City Hall project, which the Council previously rejected for this site, is still included in the plan.

Mr. Burkett said the conditions state that “minor changes to the site plan may be subsequently approved by the City of Shoreline Planning and Development Services director or designee.” He said the plan could not exceed the total square footage allowed for office space, regardless of whether City Hall is part of this plan.

Mr. Sievers clarified that any major changes would come back to the Council for an amendment to the binding site plan. He confirmed that the City Hall proposal is a use that is included in a broader category of uses on the site.

Councilmember Grace was satisfied that the conditions appear to address the site plan issues.

Councilmember Ransom asked if changing the City Hall use on Pad A to the YMCA would constitute a major change requiring amendment of the contract rezone.

Ms. Markle felt such a change would be allowed under the contract rezone because it is still the same type of use.

A vote was taken on the amendment, which failed 2-4, with Councilmembers Chang and Fimia voting in the affirmative.

Councilmember Fimia moved to amend item 4b in the Conditions of Concomitant Rezone Agreement to state that “the developer will incorporate 100 units of housing

June 13, 2005

affordable to 50% median income. The units can be provided off site in Shoreline and in partnership with a non-profit housing group and/or the City of Shoreline." Councilmember Ransom seconded the motion.

Councilmember Fimia noted that Shoreline only has about 800 affordable housing units, but the need is for over 2,000 units. She felt the site should be required to retain a certain proportion of affordable housing units.

There was considerable discussion of what constitutes affordable housing and how such a condition could be enforced.

Deputy Mayor Jepsen felt 60% and above would be a more accurate figure for "affordable," since 60% is the tax credit limit. He felt it would be impossible to provide affordable home ownership and serve 50% of median income unless major subsidies were provided, and even then, property owners would not be able to maintain their residences.

Councilmember Grace preferred the original language of condition 4b, since the issue of affordable housing should be viewed as a policy matter rather than just incorporating it in one particular rezone agreement.

Councilmember Ransom agreed that unless the housing was heavily subsidized, it would not be possible for developers to provide such housing. He agreed that the language should be stronger to require the developer to make an honest effort to incorporate affordable housing, but felt the threshold should be closer to 80% of median income.

Councilmember Fimia accepted as a friendly amendment to change the 50% to 60-80% of median income.

Mr. Burkett noted that staff would interpret "will" as a mandatory requirement of the contract rezone. He described the "long, arduous process" that the City, property owners, appellants, Planning Commission, and citizens have engaged in to arrive at this conditioned agreement. He urged the Council to seriously consider this process and proceed with caution because further amendment might make the proposal unfeasible for the property owners.

Mayor Hansen agreed, noting the immense amount of negotiations on this proposal. He felt adding more conditions would further constrain the developer.

There was discussion of compromise wording between the perceived weaker "will attempt to" and the very strong "will." Councilmember Ransom suggested "use best efforts."

Mr. Sievers said the current wording will require the developer to demonstrate an attempt to get subsidies and work to provide the affordable housing.

June 13, 2005

Councilmember Fimia stated that “will attempt to” is very weak language, noting that building only one unit of affordable housing could meet the requirement of the current wording.

A vote was taken on the amendment, which failed 3-3, with Councilmembers Chang, Fimia and Ransom voting in the affirmative.

Councilmember Fimia moved to amend condition 4h to delete “not” and thus eliminate the waiver of the tree retention requirement found in SMC20.50.350(B) to the site outside the wetland and buffer. Councilmember Ransom seconded the motion.

MEETING EXTENSION

At 10:00 p.m. Councilmember Ransom moved to extend the meeting until 10:30 p.m. Councilmember Fimia seconded the motion, which carried unanimously.

Councilmember Fimia explained that condition 4h as presently stated would give the developer an exemption from retaining 20% of the significant trees on the site, excluding the wetland and buffer areas. This means that all of the 75 trees on the site could be at risk for removal. She emphasized the functions that trees serve and felt the amendment would protect the trees and enhance the environment of the property.

Mr. Burkett said the purpose of the proposed condition is to avoid unduly constraining the site by the existing trees. He emphasized the requirement for tree replacement.

Councilmember Ransom opposed the amendment because it would make most proposals for the site impossible.

Councilmember Fimia felt the tree retention requirement should remain because there is no specific development proposal. She felt the Council would be abdicating its responsibility to enforce the development standards by simply “rubber stamping” staff and Planning Commission recommendations. Councilmember Chang concurred.

A vote was taken on the amendment, which failed 2-4, with Councilmembers Chang and Fimia voting on the affirmative.

Councilmember Fimia, moved that “their best efforts” be deleted from Condition #9 to require that the developer preserve and enhance the existing higher quality shoreline areas. Councilmember Ransom seconded the motion.

Mr. Sievers again confirmed for Council that there is a standard by which “best efforts” can be measured.

DRAFT

Councilmember Fimia felt the existing language does not provide adequate environmental protection, despite the developer's good intentions. She felt this condition has "no teeth" as written.

A vote was taken on the amendment, which failed 2-4, with Councilmembers Fimia and Chang voting in the affirmative.

Councilmember Fimia proposed a final amendment to eliminate "seek to" in Condition #17 to read "the developers shall work with historical preservation organizations and the City of Shoreline to seek to preserve the Weimann house. This assistance includes the developer's agreement to offer the house at no cost for removal from the site." Councilmember Ransom seconded the motion.

Councilmember Grace said it is not clear that the house can even be moved and such a condition could put a burden on the developer and potentially jeopardize the project.

Councilmember Fimia accepted the change of the word "shall" to "should" as a friendly amendment. There was discussion of whether this strengthened or weakened the condition.

Deputy Mayor Jepsen noted that King County listed the house as a potential historic site but the designation was never finalized. Ms. Lehmberg agreed.

Councilmember Fimia noted that the King County Landmarks Commission felt the house was significant and that it would be eligible for landmarking if it could be saved from demolition. She did not feel the amendment would constrain the developer, adding that it keeps the City's options open to potentially protect this very historic site.

Mayor Hansen and Deputy Mayor Jepsen opposed the motion because they felt the language of the existing condition was actually more restrictive.

After further discussion, a vote was taken on the motion, which failed 2-4, with Councilmembers Chang and Fimia voting in the affirmative.

A vote was taken on Ordinance No. 389, which carried 6-0, and the rezone and concomitant agreement for the Echo Lake site was approved.

10. ADJOURNMENT

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

Sharon Mattioli, City Clerk