

DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF BUSINESS MEETING

Monday, January 28, 2008 - 7:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: None

1. CALL TO ORDER

At 7:30 pm., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. REPORT OF THE CITY MANAGER

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

- Shoreline Town Center Subarea Plan meeting, January 30, 7:00 p.m., Shoreline Fire Department
- Federal Emergency Management Act (FEMA) flood relief applications are due by February 7

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember McGlashan stated he would give his report next week on the Ten-Year Plan to End Homelessness meeting he attended.

Councilmember Way stated that she participated in the One Night Count for the Homeless. She said there was a great turnout of residents who helped count.

Deputy Mayor Scott stated that the City of Shoreline should be proud that Mayor Ryu is the first female mayor of Korean descent in the United States of America.

Councilmember Hansen announced that he attended the Puget Sound Regional Council (PSRC) Operations Committee meeting and the Executive Board meeting. He noted that there was a long discussion about State toll policy. He added that Senate Bill 6772 proposes significant changes, including expanding Sound Transit authority. He added that they also discussed whether or not the PSRC should be involved in ferries and ferry funding.

Councilmember Ryu attended the Suburban Cities Association (SCA) dinner and Port of Seattle Executive Director Tay Yoshitani was the guest speaker. She added that she attended CityClub on Thursday with Councilmember Eggen.

Councilmember Eggen stated that the CityClub meeting featured a panel of five members of the new salmon recovery council which is putting together a new program to determine how to restore salmon habitat.

Councilmember Ryu concluded that she attended the 40th inaugural meeting of the Seattle-Washington State Korean Association.

5. GENERAL PUBLIC COMMENT

Mr. Olander explained that the Council cannot hear public testimony on the quasi-judicial matter on tonight's agenda because it is a closed record. Ian Sievers, City Attorney, added that the 1995 Regulatory Reform Act is intended to prevent both sides of an issue from being exhausted through a series of public meetings; thus there is only one open public hearing, which took place in the Planning Commission.

a) LaNita Wacker, Shoreline, noted that housing and economic development are issues that should be considered together. She felt the Council should consider how much land should be dedicated to commercial zoning in order to sustain the City with adequate revenues. She wanted the Council and the City staff to stop utilizing the term "affordable" because she felt it is relative and subjective.

b) Rick Natan, President, Richmond Little League (RLL), thanked the Council and City staff for their support of the league. He commented that RLL is a 100% volunteer non-profit organization promoting the ideals of good sportsmanship, honesty, loyalty, courage, and respect for authority.

c) Dennis Lee, Shoreline, wanted to know how the Council gets all of the information for "Type C" actions and what the process is.

d) Richard Tinsley, Shoreline, on behalf of the Paramount Park neighborhood group, said that the Jackson Plateau item in the packet doesn't include all of the minutes, nor the support binder. He stated that those portions are important for the Council to read and urged them to take their time to ensure they do a good job.

e) Robert Hill, Seattle, stated that he is a political activist and commented on the Seattle Times newspaper article concerning Sugar's strip club stings. He said he is disgusted by the Council and that they have failed to supervise the City Manager. He felt that the enforcement action is simply an initiative by a police sergeant or the Shoreline Chief of Police.

f) Bill Bear, Shoreline, referred to the Enterprise article "How much growth is enough?" He read an excerpt from the article and stated the City is sacrificing the quality of life of its residents. He commented that the City has allowed things to get out-of-hand with the 32nd Avenue rezone. He concluded that the City has the responsibility to ensure quality of life doesn't deteriorate.

g) Wendy DiPeso, Shoreline, asked if the Council was aware of the additional materials on the quasi-judicial matter. She agreed that there needs to be more analysis on the amount of revenue derived from residential and commercial property. She added that a determination will need to be made on how much the City requires from commercial versus residential because there needs to be a balance.

h) Les Nelson, Shoreline, urged the Council to limited density in the City because there is a disagreement in the Comprehensive Plan. He stated that City staff is spending time generating proposals for specific developments, and he asked why the staff is working for developers. He felt the main issue is the transition from single-family to multi-family housing.

i) Joe Krause, Shoreline, commented that the Planning Commission seems to cater to developers by using the same terminology. Additionally, he said affordable simply means "market rate." He added that developments take a year and a half to build and there will be parking problems in the area.

Mr. Olander suggested that Council allow those citizens that did not comment on the Ridgecrest Commercial that the public comment period is over, but the Council adjourned their last meeting and were going to discuss the issue tonight. However, he recommended allowing people who didn't comment two weeks ago to do so now.

j) Patty Hale, Shoreline, said she sent a letter of support to the Council, but has some reservations about the Ridgecrest bingo site. She said "third places" are good and applauded the developer and architect for working with the community so the project meets expectations. She urged the City to look to the future and address all the neighborhood issues that will result from the Ridgecrest development.

k) Pam Mieth, Shoreline, expressed concern that a maximum unit count has not been proposed for the Ridgecrest development. She was also concerned about how parking would be impacted. She asked the Council to consider whether a six-story building is reasonable.

6. APPROVAL OF THE AGENDA

Councilmember McGlashan moved approval of the agenda. Councilmember Hansen seconded the motion, which carried 7-0, and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Eggen moved approval of the Consent Calendar. Deputy Mayor Scott seconded the motion, which carried 7-0, and the following items were approved:

(a) Minutes of Special Meeting of December 17, 2007 Minutes of Special Meeting of January 7, 2008 Minutes of Workshop Dinner Meeting of January 14, 2008

(b) Approval of expenses and payroll as of January 15, 2008 in the amount of \$2,270,688.01

(c) Resolution No. 270 Authorizing Adjustments to Project Acquisition Policies for the Aurora Corridor Improvement Project - N. 165th Street to N. 205th Street

(d) Ordinance No. 491 Amending the Speed Limits on Selected Roadways and Resolution No. 269 Amending the Transportation Master Plan to show the Reclassifications for Three Roadway Segments

(e) Authorization to Execute a Local Agency Agreement between the City of Shoreline and the Washington State Department of Transportation (WSDOT) to Obligate Grant Funding totaling \$425,000 for the 15th Avenue NE and NE 170th Street Traffic Signal Project

(f) Motion to Continue the Public Hearing on Ordinance No. 479, Amending the Property Tax Exemption Program for the North City Target Area, to March 3, 2008

8. ACTION ITEMS

(a) Ordinance No. 490, a Preliminary Formal Subdivision for 6 Lots and 1 Critical Area Tract located at 14521 - 11th Avenue NE

Ian Sievers, City Attorney, noted that any Councilmembers who wish to recuse themselves from this issue can do so after the staff report.

Mr. Olander stated that the appendix folders containing all of the documents pertaining to this item were made available to the Council. However, if more time is needed for the Council to review the information, it can be continued to a meeting in the future. He introduced Paul Cohen, Senior Planner.

Mr. Cohen outlined the timeline and background of the project. He noted that the Planning Commission held a public hearing and made their recommendation based on the hearing. The site borders Paramount Park on 145th Street and is about 1.6 acres. The proposal is to subdivide the property into six buildable lots with approximately 19,000 square feet in a critical area tract. There are approximately 132 significant trees and the area is currently zoned R-6. He cited the

regulatory authority and presented the site map. He concluded that the Planning Commission recommended passage of this item by a vote of 6-1-2 with conditions.

Councilmember Way and Councilmember Eggen recused themselves from this item and left the Council chamber.

Mayor Ryu commented that the Commission took their vote after the December 3 storm. She wanted to know how the area was affected by the storm. Mr. Cohen said he surveyed the site and talked to the residents about their concerns. He said the concerns were about the property to the west, which includes Little's Creek, but there was no property damage reported from the storm.

Responding to Councilmember McGlashan, Mr. Cohen confirmed that the owner cannot build ten units on the site because of the slope. He added that once the critical area requirements are applied, the total number of buildable units is reduced to six.

Deputy Mayor Scott discussed the roadway off N. 145th Street and asked if there was another way to enter the development because it is a fairly busy thoroughfare for a residential community. Mr. Cohen replied that the City staff felt that the traffic generated from six lots will not be significant.

Councilmember Ryu commented that there is no physical barrier between the eastbound and westbound traffic on N. 145th Street and any risk will be taken on by the buyer when it comes to road modifications. Mr. Cohen concurred.

Councilmember Hansen wondered if the City can issue a lane restriction during the building permit process. Mr. Cohen replied that the City could put a restriction in at any time, and the City is looking at this now to see what is planned.

Councilmember Hansen confirmed that all ingress/egress will require the development to go on the upper portion of street since there is no driveway access from N. 145th Street.

Mr. Olander added that the City doesn't own road at N. 145th Street, and if the City wanted to add barriers the City would need to work with the City of Seattle.

Councilmember McGlashan inquired about the old house that was on the property. Mr. Cohen stated the house was torn down a couple years ago and the access to it was further east than the proposed driveway. Councilmember McGlashan asked if it was typical to apply twenty-four conditions to a subdivision. Mr. Cohen responded that most of the conditions were proposed by staff because it is a complex site. He added that most of them are standard conditions put in place to reiterate the City's expectations.

Councilmember Hansen discussed the required fencing and stated it shouldn't be chain link because the City can't have pedestrians accessing Paramount Park through the fence.

Mr. Cohen agreed and said it isn't going to be chain link fencing. The proposed fence will be a simple fence along the northeast property line.

Deputy Mayor Scott commented that the builder is building single family homes with an entry point on N. 145th Street and a fence behind them. He wondered if there should be an access point in the back of the houses for the children to access the park. Mr. Cohen responded that the intent was to protect that part of the park and not allow foot traffic.

Councilmember McGlashan asked if the property owners could add a gate later. Mr. Cohen replied that if a gate was placed into the park the residents would be entering private property to access the park.

Mayor Ryu said she has a number of concerns and wants to hear all of the available options. She clarified if they could adopt the item as proposed, amend it, reject it, or delay their decision for more discussion.

Mr. Olander responded that all those are correct and that there is no legal requirement to adopt it tonight, but the Council would need to develop findings of fact to reject it.

Mayor Ryu stated that Ridgcrest was unanimously recommended for adoption by the Commission and only two-thirds of the Commission endorsed this item. She said that reflects how much due diligence the Council must do. She reviewed certain pages of the supplement and asked how the City would enforce steep slope requirements on this property and incorporate them into the permit. Mr. Cohen revealed that the City doesn't allow any machinery to access the site at all. He added that there is a demarcation of construction limits applied to the site. He explained that there is a preconstruction meeting which looks at how the site is setup to include erosion control and other pre-protection measures.

Mayor Ryu commented that the City needs to be extremely diligent when it comes to flooding issues. She asked if there is some flooding, at what point is the City at risk. Mr. Sievers replied that any slides or storm water erosion done by a City resulting from plat design are shielded from liability. He pointed out that King County was not found liable in Phillips versus King County. The City is protected in governmental functions by the public duty doctrine.

Mayor Ryu expressed concerned that the removal of significant trees will contribute to the slide potential. Mr. Cohen stated that the City staff isn't concerned because all the trees in the critical area and in the buffer are protected. He added that the vegetation is protected and erosion will be controlled with temporary sedimentation ponds. He said that with these measures, the steep slope is still functioning in its natural state. Additionally, the construction on the six lots will not direct water into the critical area slope that is being protected.

Mayor Ryu stated that the storm drain is her last concern and wanted to ensure the City enforces the boring pits and that they are set back. Mr. Cohen stated that all of the conditions will be enforced through the construction development process before the issuance of a certificate of occupancy.

Mayor Ryu noted that in the Planning Commission minutes the 1998 King County Storm Water Manual is the standard. She asked if the City is using the 2005 King County Storm Water Manual because the standards are more stringent. Mr. Cohen stated the City is anticipating the adoption of the 2005 King County Storm Water Manual; however, it currently applies the 1998 manual. He asked Jill Mosequeda, Development Review Engineer, to address this issue.

Ms. Mosqueda commented that the owner is vested by the site development permit, not the preliminary approval. She added that the City's regulations are more rigorous than the 1998 manual. She noted that the 1998 manual does not address flow controls; however, this site has Level 2 flow controls in order to adhere to the City regulations. She added that the engineer for the site has modeled the runoff as a full forest, which exceeds the requirements. She stated he did a much more conservative, positive thing for the downstream waters.

Mayor Ryu commented that this site still worries her. Ms. Mosqueda commented that the site breaks and most of the runoff goes towards N. 145th Street. She said it will have setbacks and a critical area and will have two drainage basins. She said her only concern was the construction equipment, but she discussed it with two of the geotechnical engineers who both feel there are no issues.

Mr. Cohen explained the site drainage and said it is like having two different places for drainage. He felt the calculations for the drainage are conservative in terms of detention.

Mayor Ryu said that the detained water has to flow out into Little's Creek, and this project will increase impervious surface. Mr. Olander responded that the flows need to be metered as if it's a natural site, so the detention solutions will be built to allow it to flow at a slower pace.

Deputy Mayor Scott confirmed that the water going away from Little's Creek into the detention vault is gravity fed out. He asked how 50-year flooding events affect the system.

Ms. Mosqueda said the area has been surveyed and the peak flows will be managed by outflow from the vault, but there will be some changes. She added that five of the property owners have Little's Creek in their backyards.

Mr. Cohen added that the streams are being impeded by obstructions such as some armored banks, grass, and fences in the stream.

Councilmember Hansen wanted to know the proposed size of the detention vault. Mr. Cohen responded that he isn't sure because it isn't approved yet. He said the owner needs to get a separate permit for the vault, but it will have at least two orifices.

Referring to the December 6, 2007 Planning Commission minutes, Mayor Ryu noted that Commissioner Piro agreed with Commissioner Hall that the subject property is challenging and unusual and they were disappointed that the project wasn't updated to address their concerns. She asked if the Council doesn't accept this subdivision today and the applicant is still interested, will the applicant have the opportunity to bring it back and address the Commission's concerns.

Mr. Olander responded that the Council can postpone it. He said if there are concerns not addressed in staff report or technical concerns the City staff needs to know what they are. He said the Council can refer it back to the Commission and felt there is room for improvement without recreating all the work.

Joe Tovar, Planning and Development Services Director, said this is a closed record and the City can remand it back to the Commission, but direction is needed if they decide to do that. He also highlighted that no additional public testimony can be taken on this subdivision.

Councilmember McConnell felt that it is unwise to hope for 9-0 Commission vote. She added that when it comes to tree replacement, the size of the trees replacement trees concerns her, however, she is hesitant to vote against this considering all the time that has been put in. She agreed that this is a complicated piece of property but hoped the Council would trust the experts and listen more. She pointed out that a minimum parking limit of 12 is borderline adequate.

Mr. Tovar responded that the purpose of the subdivision is to figure out when land is divided where to look at access, configuration of lots, and for the compliance of performance standards within the City's code. He noted that all of those standards have been complied with in this application.

Mr. Sievers commented that the State has two statutes that vest rights; one is for building permits and the other is for plats. The platting statute outlines that an owner should be able to get their plat approved based on the development codes and regulations in effect at the time of the application. The City does have a set of more extensive development standards but the Council still has the discretion to address unusual impacts that the standard City codes do not address. He felt the proper approach in this case is to change the design manual, not supplement, deny, or set higher conditions on this permit.

Councilmember McGlashan felt that this report is the most thoroughly documented quasi-judicial item he has ever seen since he has been on the Council. He added that the history, the public comments, and the responses from the City staff were well done. He felt that the Council is having trouble making a decision. He urged the Council to take a vote and move forward.

Councilmember Hansen discussed "takings" which would occur if the City denies the property owner from proceeding. He agreed with Councilmember McGlashan that the report is thorough. He added that it is understandable for reasonable people to have reservations, but he said the Council will have another chance to work on this during the building permit process. He felt the owner has met the standard of obligation.

Mayor Ryu asked Mr. Tovar if the Council has any say on this item once the building permit is approved. Mr. Tovar responded that the Council doesn't once the building permit is approved.

Councilmember McConnell commented that the process should not be "micromanaged." She stated that six votes on the Commission is a majority, and she doesn't believe the concerns rise to the level of stopping the subdivision. She supported it and said she is ready to vote.

Mayor Ryu felt the Council is doing their job. She said she has tree concerns which she wants addressed.

Councilmember McConnell stated that there would be 180 trees planted.

Mr. Tovar responded that the standard for tree retention is not in the subdivision ordinance but in the development code and this subdivision does meet that standard.

Mr. Olander added that if this is a concern to the Council then the development code should be revised and the ratio should be changed.

Deputy Mayor Scott stated that this is a very complex item and appreciated the work of the Commission and City staff. He wanted to know if there is room for additional time to review it.

Deputy Mayor Scott moved to table this item. The motion died for lack of a second.

Councilmember McGlashan moved to adopt Ordinance No. 490, a Preliminary Formal Subdivision for six (6) lots and one (1) critical area tract located at 14521 - 11th Avenue NE. Councilmember Hansen seconded the motion, which carried 3-1-1, with Councilmembers Hansen, McConnell, and McGlashan voting in the affirmative, Mayor Ryu dissenting and Deputy Mayor Scott abstaining.

RECESS

At 9:39 p.m., Mayor Ryu called for a ten minute recess. At 9:49 p.m. the Council meeting reconvened.

(b) Ordinance No. 492 creating Planned Area 2 Legislative Rezone for the Ridgecrest Commercial Area

Mr. Olander said the City staff will go over the answers to Council questions and said it may be appropriate to extend the meeting.

MEETING EXTENSION

At 9:50 p.m., Councilmember McGlashan moved to extend the meeting until 10:30 p.m. Councilmember Hansen seconded the motion, which carried 7-0.

Mr. Tovar discussed the impacts of the rezone if all four corners were redeveloped. He graphically displayed the differences between a townhouse form of development and the proposed development.

Steve Cohn, Long-Range Planner, used a Powerpoint presentation to respond to a Council question regarding the adequacy of water, sewer and electrical infrastructure in the area. He concluded that the area had adequate infrastructure to support the development.

Councilmember Way asked if the Economic Development Manager could speak concerning the Crest Theater, which she said could be a “deal breaker” for her. She asked for ways to structure this development so the theater is protected.

Tom Boydell, Economic Development Manager, reported that he contacted the owner of the theater, Landmark Cinemas. He said the owner would love to be part of the development of the neighborhood since they own the land, which is rare for them. He pointed out that this corner is excluded in the zoning changes as well as from the property tax exemption because the City does not want to create incentives to change the land value. He concluded that he felt positive about the response.

Mr. Cohn continued responding to Council questions and discussed sustainability features in the area.

Deputy Mayor Scott announced that he owns property within a quarter mile as well as a business on the corner. He asked City Attorney Ian Sievers if there was any conflict of interest or appearance of fairness issues with him being involved in this item. Mr. Sievers responded that since this is a legislative matter, not a quasi-judicial matter, there is no conflict.

Councilmember Hansen inquired about the right-of-way widths on 5th Avenue NE and NE 165th Street. Mr. Tovar responded that Public Works has looked at this and there is plenty of room for development without needing to acquire more right-of-way.

Councilmember McGlashan commented that he had a meeting in Colorado and they discussed their main street that had approximately eight blocks of an “art walk” zone on both sides of the street.

Councilmember Hansen expressed concern that 5th Avenue is a through-street and it seems the City is moving towards a pedestrian-oriented area. He liked the proposal but noted that there is currently a mix of vehicular and pedestrian traffic.

Mr. Tovar highlighted that he and the Public Works Director Mark Relph have discussed this right-of-way in great detail and he has several ideas he would like to discuss once direction is given. He stated the City could create a pedestrian environment through design standards approved after a public process.

Councilmember Way suggested the Council direct City staff to work toward these particular issues and come back at a time to be determined with a public process.

Mr. Tovar proposed that he meet with the City Manager and Mark Relph first, then come back to the Council with their information at a study meeting to determine how to move forward.

Deputy Mayor Scott stated that he supports many aspects of this proposal but he has some concerns. He expressed concern about the size of the structures. He added that there is a problem having two additional stories in neighborhoods of single family residences. He noted that the City has to determine what the benefits of the additional stories are and be aware that the

tradeoffs may not be enough to warrant those additional stories. The community wants a “third place” and the retail will be a gathering place for the community. However, the proposal may not benefit the local community if the retail stores are only open during business hours.

Councilmember Eggen said he has participated in the neighborhood meetings and there are a lot of good things about this, but there are many unanswered questions. He added that if the City approves this, the character of this single-family neighborhood will completely change. He wondered how the value of the Crest Theater will be impacted by a zoning change. He said it may force the property owners to redevelop. He is concerned about the small shops in the area. He asked if the off-site parking will be permanent. Additionally, he asked if the City can require parking costs in the base rent for renters in the area. He concluded that there are also traffic concerns and there could be more units built in the area than shown.

MEETING EXTENSION

At 10:30 p.m., Deputy Mayor Scott moved to extend the meeting until 11:00 p.m. Mayor Ryu seconded the motion, which failed 2-4, with Mayor Ryu and Deputy Mayor Scott voting in the affirmative and Councilmember McConnell abstaining.

Mr. Olander commented that the next available time for the Council to hear this item is at the February 19 meeting.

9. ADJOURNMENT

At 10:32 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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