

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF STUDY SESSION

Monday, May 5, 2008 - 6:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: None

1. CALL TO ORDER

At 6:30 p.m. the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

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

(a) Recognition of Outgoing Planning Commission Members

Mayor Ryu recognized David Harris, Robin McClelland, and Chakorn Phisuthikul for their service on the Planning Commission. David Harris thanked the City of Shoreline for opportunity to serve in this capacity and with other commissioners. Robin McClelland thanked the City and said this is her first time ever being appointed to anything and she was honored to serve. She added that the City of Shoreline Planning Commission is envied by many in the area and is a good, smart, and caring group.

(b) Proclamation of Building Safety Week

Mayor Ryu read the proclamation declaring "Building Safety Week" in the City of Shoreline. Ray Allshouse, Building Official, Mark Bunje, and Shoreline Fire Department Commissioner Jim Fisher were present and accepted the proclamation. Ray Allshouse accepted the proclamation on behalf of public code officials. Deputy Fire Chief Bogdonavich thanked the City on behalf of the Fire Department. Mark Bunje highlighted that the Fire Department has a great relationship with the City and that makes a big difference.

RECESS

At 6:45 p.m. Mayor Ryu called for a fifteen minute recess. Mayor Ryu reconvened the meeting at 7:02 p.m.

Councilmember Hansen arrived at 7:02 p.m. Councilmember McConnell arrived at 7:03 p.m.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, stated that the Annual Volunteer Appreciation Breakfast was on May 2 and it was a tremendous success. He said in 2007 volunteers donated over 14,700 hours to the City of Shoreline. He provided reports and updates on various City projects, events, and meetings.

4. COUNCIL REPORTS: None

5. GENERAL PUBLIC COMMENT

a) Marianne Lee, Shoreline, stated that 179th Place is a private road and is ready to collapse. She said there is an open sinkhole and the contractor says the whole street is in imminent danger of collapse. She said she has written a letter and would like the Council to consider how to get some help in changing it from a private road to a public road. She added that garbage trucks can't drive on it and the residents can't afford to repair the street. She stated it is the cul-de-sac on Fremont Avenue and 179th Place.

b) LaNita Wacker, Shoreline, stated that the residents have heard that the Council is interested in green roofs, but access is needed to them. She added that solar panels also need to be accommodated. She said they need to consider ventilation systems for the removal of allergens and moisture to prevent mold. She commented that the Council reference to Regional Business (RB) infinite zoning offended her. She said RB is limited and it should be "width times length times height" to determine the limitations.

c) Dennis Lee, Shoreline, read the environmental impact statement for the Comprehensive Plan and is convinced that R-48 is the highest build-out for the modeling. He added if something higher is done then visioning isn't needed, but a customized permitting process could be in place for higher densities. He felt the City should embrace high density because it is an efficient use of land, but it needs to be planned. He commented that City staff reports tend to be one-sided, and once public comment is closed the City staff gets to speak and the residents can't respond.

d) Les Nelson, Shoreline, thanked the Council for moving up the Comprehensive Plan review to resolve issues and have a shared vision with the community.

e) Pat Murray, Shoreline, asked the Council to maintain the moratorium on a permanent basis. He felt that the co-mingling of residential houses with businesses doesn't profit the City of Shoreline. He stated that the Arabella Apartments and the Murray's project owners have only appeared by proxy and they should come present to the Council in person. He noted

that the owners expect citizens to absorb the increased population and parking, which isn't appropriate. He felt the property owners need to mediate the impacts of their developments. He felt multi-family developments should be responsible for their own parking by having their tenants pay for parking as part of the rent.

Mr. Olander commented that the City staff will provide a response concerning the 179th Place issue. He added that the City staff only puts the best, professional recommendations in staff reports and it is the right of the public to disagree; the Council can make its own decision.

6. STUDY ITEMS

(a) Council Subcommittee Recommendations for Study Sessions and Public Input/Involvement Opportunities

Julie Modrzejewski, Assistant City Manager, provided the staff report and outlined the suggested changes to enhance and increase productive discussion among Councilmembers. Those suggestions included holding the study sessions in a different room and eliminating general public comment during those sessions. She stated that this could be put in place as a pilot for four months or eight study sessions, beginning in June and finishing in October.

Mr. Olander added that this is worth doing on a trial basis to see how it works. He urged the Council to consider this.

Mayor Ryu wondered if each suggestion on this item can be broken down, discussed, and voted on individually.

Councilmember McGlashan liked the idea of changing meeting rooms, however, he noted that the Highlander Room is dark.

Councilmember Eggen said he has heard from the public and they don't want public comment reduced, even to move meetings along. He said he would like to keep it as it is. He wanted the focus on changing the room.

Councilmember Way pointed out that she advocated for as much public comment time as possible and doesn't want that changed. She doesn't feel that moving to the Highlander Room will make huge difference.

Councilmember McConnell agreed with Councilmember Eggen, but with two modifications. She felt public comment should be kept and supported the room change.

Councilmember Hansen commented that he has no problem with any of the recommendations.

Deputy Mayor Scott supported the City staff recommendation.

Mayor Ryu only agreed to change rooms to have a setting change.

Councilmember McGlashan commented that study sessions are for studying the agenda topics.

Councilmember Hansen stated he would like to see general public comment removed or moved to the end. He said comments might be answered at the end through the discussion.

Mr. Olander noted that the subcommittee also encouraged other modes of communication such as town hall meetings, e-mail and the City website.

Mayor Ryu added that some sort of general public comment is desired, but it doesn't matter whether it is at the beginning or the end of the meeting.

Councilmember Way stated that the Council worked on this at length several years ago. She agreed with former Councilmember Gustafson at the time, who felt general public comment should be at the beginning of the meeting.

Councilmember McGlashan stated that the purpose was to get us into less formal discussion and focused on study items.

Councilmember Hansen said he is glad to ask former Councilmember Gustafson his opinion on this.

There was Council consensus to move the Study Sessions from the Mt. Rainier Room to the Highlander Room and do this on a four-month trial basis.

(b) Proposed Environmental Sustainability Strategy

Juniper Nammi, Associate Planner, reviewed the Sustainability Strategy and noted that she included all of the public comments received by the City.

Joe Tovar, Planning and Development Services Director, provided some background and stated that there was a hearing on April 21, where staff received oral and written comments. He added that the City staff wants to hear Council direction, corrections, and prioritization prior to bringing back a final draft in June.

a) Bill Bear, Shoreline, submitted a fifteen-page analysis and said he is concerned that sustainability has become a "catchword." He felt that the recommendation didn't address monitoring; the Strategy needs to have clear monitoring targets and concepts.

Councilmember Eggen thanked staff and stated that he can't make any informed statements until he has reviewed the information. He said he will analyze the City staff response to comments. He said he would be happy to engage in e-mail correspondence with the City concerning this.

Mayor Ryu commented that this is an amazing amount of work the public did in reviewing the Strategy. She commented that she appreciated the summary table.

Councilmember Way stated that this is a wonderful document. She wondered what the City staff reaction is to the comments on toxics reduction and the employment of the proportionary principle. She wanted to know how they would apply to Shoreline parks. She said she knows that the City has a policy concerning the avoidance of using toxins and pesticides but she would like to find a way to do more.

Mr. Deal responded that the City staff always looks for better ways. He responded that Kirk Peterson is at the National Sustainability Conference. He noted that the Parks Department uses very little herbicide and a majority of the parks are pesticide free. He added that there are no pesticides on the turf areas. He said the grass is aerated and needs good overseeding. He estimated that the City fertilizes less than 10% of its park areas.

Councilmember Way stated that she saw a helpful documentary by Washington State University on intensive planting and low-impact methods. She wondered if City could put it on Channel 21 to educate the public.

Mr. Deal noted that educating the community is a vital part of the strategy. Ms. Nammi stated that the City staff will look at adding an index to the document.

Councilmember McGlashan asked if it would be helpful to send e-mail to the City staff concerning support or opposition to the different comments. He felt it is hard to give direction on this. Mr. Olander responded that e-mail would help. Councilmember McGlashan recommended having this item on the agenda again before adoption. Mr. Olander said it will be scheduled. Mr. Tovar asked that a deadline be determined for input and that the item will be rescheduled in June.

Mayor Ryu referred to items submitted on page 13-26. She asked if there will be a first draft or response ready soon. Ms. Nammi replied that the response should be done by the end of the day tomorrow.

Mr. Olander said the next discussion meeting will possibly be scheduled mid-June with the adoption scheduled for the end of June or the beginning of July. Ms. Nammi highlighted that there were lots of requests for more specificity and time indicators, but the details won't be determined until the implementation phase. She said the Strategy is a statement of a broad, general direction. Mr. Olander added that progress and measures are a part of the policy direction concerning this item.

(c) Aurora Corridor Improvement Project (N. 165th Street to N 185th Street) 30% Design

Mark Relph, Public Works Director, proposed an aggressive timeline for this project and stated it has taken an enormous amount of work to get to the 30% level. He said the City Staff, HDR and the sub-consultants have been working hard.

Kirk McKinley, Aurora Corridor Project Manager, gave the presentation. He introduced Kris Overleese who he said would be leading the discussion on the stormwater tool kit and the City

staff proposal for a stormwater system. He also introduced Paul Ferrier, Project Manager from HDR and Jeff Hamlin, Manager of Water Resources from HDR. Mr. McKinley discussed the coordination with other City projects and utility firms, including right-of-way acquisition and funding. He said 30% design is a milestone and explained that the basic design component is the main focus of the 30% level.

Kris Overleese, Aurora Corridor Project, outlined the recommended Stormwater Toolkit, which includes the following tools: raingarden/planter; bioswale; box filter; ecology embankment; catch basin inserts; storm filters; vortex separator; and Silva Cell with pavers. The City, she highlighted, is reducing impervious surface and replacing the entire stormwater system from N. 165th to N. 205th Street. She noted that the Aurora Business and Community (ABC) Team formulated the Stormwater Toolkit and HDR added a few items to it. She said the big issue is to focus on natural stormwater elements in the Town Center area. She outlined the remaining schedule for design, right-of-way acquisition, construction, and the next steps.

Mr. McKinley said that in the Stormwater Toolkit the City staff is proposing that the focus of the low impact design tools be implemented in the N. 175th Street to N. 185th Street corridor, while other locations would use more conventional systems. He stated that the idea is to make the N. 175th Street to N. 185th Street corridor an educational resource for the community and City staff. He said that ten block area will be monitored and maintained. He added that the City staff would also like to have some interpretive signage featured in the area.

Mayor Ryu called for public comment.

a) Brian Derdowski, Issaquah, representing Public Interest Associates, stated he was the prime sponsor of 1998 King County Surface Water Management manual. He added that the manual is not sufficient to handle the problem. He said that the City's Stormwater Plan is going to comply with obsolete standards. He noted there is an opportunity to work with redevelopment to require water quality treatment, and connecting to a publicly-designed system could be an asset for them as well as for the City. He said he negotiated the conditions on the Echo Lake rezone and the developer was required to have a good faith negotiation to improve stormwater flows so the developers met with City and installed a stormwater control system. He commented that the Aurora Corridor Improvement Project is a major public investment that will upgrade the infrastructure and if the City can expand its vision to incorporate some capacity for redevelopment along the street it might help. He suggested the Council ask the City staff to determine what percentage of flows will be treated.

b) Les Nelson, Shoreline, asked about the costs and the maintenance on the cartridge filters. He suggested a test be done on the systems to make sure there is a way to quantify the results and monitor the system. He felt it would be hard to tell what is or isn't working.

Councilmember McGlashan questioned if the N. 196th Street traffic light is included. Mr. McKinley responded that the N. 196th Street light is in question, but he knows there won't be one at N. 182nd Street. He also stated that the crosswalk at N. 180th Place would remain.

Councilmember McGlashan asked if the 30% design milestone was negotiated with WSDOT.

Mr. McKinley stated that the City is required to get WSDOT approval for such things as channelization and striping. He said the City has submitted the 30% design and they have reviewed it and have questions. He noted that the City is responding to the questions right now. He said there are some good discussions going on about the 175th and 185th Street intersections, which should be resolved soon.

Councilmember McGlashan asked about the right-of-way land swap with Seattle City Light. Mr. McKinley responded that the land swap involves 185th Street south to Ronald Place. He added that the City is asking for 4 to 6 feet of the existing Seattle City Light property that abuts Aurora Avenue to fit the business access transit (BAT) lane; the City would trade 4-6 feet of right of way on the Midvale side of the street.

Councilmember McGlashan said he toured SEA Streets and heard that the individual residents have to maintain the swales. Mr. McKinley responded that typically swales are more expensive to install and maintain and the intent is to have the City assume the cost of maintaining them. Councilmember McGlashan questioned if planters are cheaper and more effective than bioswales. Ms. Overleese responded that bioswales are cheaper because they have more grass; raingardens have amended soils and various plants. However, both of them can fit in the same footprint.

Councilmember Way noted that she visited the Highpoint project. She felt it is effective at cleaning stormwater and improving the habitat. She said these technologies are becoming more common. She pointed out that Pierce County found bioswales to be less expensive than vaults. She requested that City staff generate some cost estimates of vaults and pavement/pipe systems compared to the installation and maintenance costs of bioswales.

Mr. Relph responded that the City staff always prepares cost estimates. He urged the Council to keep the constraints in mind. One of them, he said, is that the roadway between 165th and 175th Street doesn't have extensive right-of-way widths and the amount of driveways will dictate the kinds of alternatives that can be used. Conversely, there is more opportunity between 175th and 185th Street.

Mr. Olander highlighted that the planter strip doubles as a utility corridor, so there are challenges with the 110-foot right-of-way.

Mr. Relph reminded the Council to remember the flexibility of the design and that some business locations will have their amenity zone reduced, which is another constraint.

Mr. Hamlin responded to the Council's inquiries regarding maintenance. He noted that the raingarden or vegetated swales use natural drainage practices on landscaped areas to provide a natural drainage pattern. As far as applying low-impact development or natural drainage practices, the intent is to maximize its use while maintaining cost-effectiveness. He said it is a tight right-of-way and they are trying to add the natural elements where possible. They are applying options in areas where HDR can do it and the estimates have been developed specific to this corridor.

Councilmember McConnell discussed the options listed on page 25. She said she can see where the things would be used where possible. She wondered where the Silva Cells could be used. Mr. Hamlin replied that the Silva Cell isn't accepted as a water quality device, so they can't be proposed.

Councilmember Way wanted to know if a permeable strip on the road edge as a way of including permeable pavement was considered. She also asked if porous sidewalks were considered as a way to increase the effectiveness of the entire system.

Mr. Ferrier responded that they have considered it, but pervious pavement clogs when applied with high volumes of traffic. He also stated sometimes the water gets into the subgrade and causes cracks and potholes. He noted that WSDOT hasn't approved pervious pavements for usage.

Mr. Relph added that the City has to maintain the structural adequacy of the section and it is a detail that hasn't been worked out as far as long-term maintenance goes.

Councilmember Way clarified that she is referring to the bus rapid transit lane area along the curb. She felt there would be much less traffic in that lane and there won't be constant buses running there. She felt a pervious strip could be used with amended soils to accept the runoff. She requested these options be looked at more extensively. She said there was an agreement to do the hybrid plan and that includes an extensive use of these technologies. She commented that the Council owes it to the citizens to protect the creeks. This, she highlighted, is an opportunity to set an example for other developers and urged the Council to apply this as vigorously as possible.

Mayor Ryu inquired what it would take for WSDOT to approve pervious surfaces.

Mr. Relph replied that because of the weight of the buses, the bus rapid transit lanes actually take on more of a load than the other lanes. He noted that 100% of the street section from 165th to 205th Street will be filtered for water quality. He added that there is a mix of tools that are being used so the City isn't missing anything.

Mr. Olander noted that the City doesn't have the right soils and pervious pavements have their places which are in parking lots, residential areas, and parking strips. He said it is extremely difficult to use in high travel or high load areas. He said the City staff is committed to maximize natural drainage where it can be done.

Mayor Ryu asked if pervious pavement can be utilized in the left-turn pockets. Mr. Cohen responded that there would be less loading in those areas, but it could result in serious damage to the roadway.

Mr. Relph added that the City is committed to the intent of low impact development. He noted that it is a mix that needs to be obtained while still maintaining structural adequacy.

Councilmember Hansen asked where pervious pavement is being used. Mr. Olander stated that it has been installed on the trail north of Sears.

Councilmember Eggen said he noticed that the Echo Lake Apartments were developed very close to the roadway and wondered if the City can obtain sufficient right-of-way to build the third mile. Mr. McKinley responded that the City will be potentially redeveloping properties to the ultimate widths, so there won't be a problem.

Councilmember Eggen stated that it looks like the City is committed to a two-stage process, doing Phase 2 and 3 separately. He asked if Phase 3 could be combined with Phase 2 if the funds are there. Mr. McKinley stated if the funding came in it would be evaluated at that time.

Councilmember Eggen assumed the reason for the light at 182nd was to allow another left-turn opportunity for cars traveling north. He asked if it would impact the light at 185th. Mr. McKinley responded that he didn't think so. He added that the area is in the traffic analysis phase. Mr. Relph added that by not having a signal on 182nd the progression to the corridor will increase.

Councilmember Hansen inquired if there were any figures that compared flooding or water quality on the first mile of the project. Mr. McKinley responded that he wasn't sure, but will check with the stormwater specialists. Councilmember Hansen asked how the Vortex separators worked. He asked if it was possible to get a centrifuge without external power. Mr. Hamlin responded that the water swirls and creates a centrifuge and the sediments are collected on the outside edge, with oils and grease trapped inside to reduce particulate matter. He said the system utilizes water and gravity.

Councilmember Hansen questioned if the City is vactoring on a regular basis. Mr. Relph noted that the City has a contract for vactoring. Councilmember Hansen asked what the cost of one was and how the one between 145th and 165th Street was doing. Mr. Relph said the system is still under warranty, but he would check on the system's history.

Mayor Ryu commented that some companies have a cheap way of dumping vactoring materials. She inquired if the operating costs will increase above projections. Mr. Relph replied that those are the kinds of things that are evaluated when looking at one system over another.

Mr. Olander highlighted that the foreign solids and liquids are separated out and all of the vactoring products have to be handled appropriately.

Mayor Ryu noted that there are lessons learned from the first mile and it is refreshing to get into the details of this project. She expressed a desire to have more conventional medians between 165th to 175th Street and wanted to know if more could be done. She said there were rounded medians in the first mile and the water spills off into the pavement. She added that it is expensive to water medians and would like to look at more natural ways of treating and landscaping native plants. She said the first mile took twenty months and she wanted an easier process for the second mile. She inquired how many months it would take to complete Phase 2.

Ms. Overleese estimated that it would take eighteen months to complete.

Mr. Relph also added that there are some interesting alternatives being discussed. He said he will return to the Council to inform them of the ways the work can be accelerated.

RECESS

At 9:20 p.m. Mayor Ryu called for a five minute recess. Mayor Ryu reconvened the meeting at 9:30 p.m.

(d) Ordinance No. 500 Amending the Shoreline Municipal Code Chapters 20.50.020 and 20.50.230 to Establish Transition Area Requirements for Residential Development of Land in Regional Business (RB), Community Business (CB) and Industrial (I) Land Use Districts in Proximity to Residential Neighborhoods – Continued Discussion

Mr. Olander noted that the Council wanted further discussion on this item. He noted that there was discussion about adding another transition regulation which would place a density cap on residential development in RB. He asked the City staff to investigate it and present their findings to the Council.

Joe Tovar, Planning and Development Services Director, stated that Ordinance No. 500 is the culmination of a lot of work that dealt with the moratorium and the transition regulations that would be imposed. He said that there is still concern about the unit count and unlimited density. If the City wants to look at a cap in the RB zone there would need to be a new interim control which could be introduced to Council very soon. Then the City would spend six months coming up with the permanent regulations. He noted that Ordinance No. 500 deals with parking, setbacks, mass, etc. He said the unit cap in the RB zone can be dealt with fairly soon as an interim control, then permanent regulations would come at a later date.

Mr. Olander also expressed the Council desire to look at the Comprehensive Plan (CP) in more detail and conduct a visioning exercise with the community to talk about density as a kickoff to the CP review. He recommended adoption of Ordinance No. 500.

Councilmember McGlashan stated that he is confused about putting a cap in RB when essentially there is. He said there is no such thing as "RB infinity." He said by the time the regulations are applied they won't be anywhere near R-110, so he questioned why there is a need to create additional restrictions.

Mr. Tovar replied that there isn't a sufficient comfort level in the community about the limitations on unit counts. He expressed that the cap is an interim step and there is more work to be done which may affect a future cap.

Councilmember McGlashan pointed out that parking creates more of a restriction. He noted that if the developer can't build or find enough he'll have to make his building smaller.

Mr. Olander noted that he has heard that parking reductions up to 50% are causing concern. He noted that this could warrant a higher level of density if a subarea plan says so.

Councilmember Eggen noted that the Code has lots of problems and it is unfair to the neighbors and property owners who want to build. The transition zone, he explained, was an attempt to build in some compromise. He felt that the reduction of parking and standards should only be based on actual evidence that the number of cars parked will be consistent with the reduction. He said he posed some questions to the City staff and wondered where his responses were.

Mr. Tovar responded that he has been trying to find answers for him and his frustration is trying to figure out what happened. He said there isn't a lot of documented evidence to find answers to his questions.

Councilmember Hansen felt this is a good piece of legislation and that it is a reasonable compromise. He said the perfect ordinance doesn't exist in a changing environment. He reminded everyone that this ordinance affects 70 different properties. He wondered why the facade breakup has to be at least 800 square feet.

Mr. Cohen replied that 800 is not an exact number and the City looked at renderings and looked at the facade facing the single-family home. He noted that the facade could be anything from 600 to 1,000, but they looked at the bulk studies.

Mr. Tovar added that this isn't a subjective number and they experimented with different sizes and thought this was a reasonable number.

Councilmember Hansen inquired why rooftop equipment wasn't provided in this zone when it is in others. Mr. Cohen responded that this is a transition area and there is no limit to the amount of rooftop equipment but there is a concern that it would clutter the skyline.

Councilmember Hansen noted that cell towers are 15 feet tall and if units are set back toward the middle of building below the slope but over the 65 foot limit, people still wouldn't see anything up there. He suggested an eight-foot restriction for mechanical, HVAC, and elevators.

Mr. Tovar said it would be helpful to identify any amendments the Council would want to make to Ordinance No. 500.

Councilmember Hansen replied he is mostly interested in the rationale. He commented that the five-foot setback for rooftop railings seems to make sense. He favored getting rid of the moratorium.

Councilmember Eggen asked whether or not external elevators and various equipment is allowed above the setbacks or is it allowed on top of building at 65 feet. Mr. Cohen said he needs to confirm but he thinks they are allowed.

MEETING EXTENSION

At 10:00 p.m. Deputy Mayor Scott moved to extend the meeting to 10:15 p.m. Councilmember McGlashan seconded the motion, which carried 7-0.

Councilmember Way stated she has two issues. First, she said the ordinance is missing enabling legislation from 2000 that provided for the "R-infinity" zoning and that it is an underlying problem that needs to be resolved. She said the 1998 Comprehensive Plan did not appear to show the City couldn't have maximum densities in RB and CB zones and that needs to be resolved first. The second problem is the need to know what the mechanism is to require a large-scale RB development next to single-family zones. The City needs something to go to the Planning Commission and Council so the decision will have the least likelihood of a court challenge. She added that it has been suggested that a special use permit may be a good tool to do this. She said she is trying to ensure that over the next six months that the Council isn't inundated by large-scale RB applications without proper conditions. She highlighted that on page 77, section #8 was removed and it was a mechanism that would have given the Council and the Planning Commission a tool to deal with this problem.

Mayor Ryu asked the City staff about the impact of retaining section #8 and not striking it out.

Mr. Tovar replied that it meant that quasi-judicial items would be heard by the Council whenever someone submits a permit application. He noted that if there are special use permits the Council would be in the business of spending agenda time on them. He highlighted that the development permit process should be timely, fair, and predictable. He explained that special use, conditional use, and planning development permits are filled with unpredictability and are old tools from a bygone era that were used for flexibility. He added that unpredictability costs the City more money.

Mr. Olander explained that this provision allows buildings to be higher with a conditional use or special use permit.

Councilmember Way read the definition of special use permit which is to allow compatibility between adjacent land uses.

Mr. Olander further explained that adding in section #8 allows the Council to increase the height. He noted that in a special use or conditional use permit, the criteria needs to be developed, otherwise it will be arbitrary and capricious.

Councilmember Eggen stated that the special use permit definition has some conditions that may partially satisfy the requirement that there are standards to apply. He added that section #8 applies to R-48 zoned areas, not RB and CB zones. He felt it would be a way to apply conditions to development before the City gets final standards in order.

MEETING EXTENSION

At 10:15 p.m. Deputy Mayor Scott moved to extend the meeting to 10:25 p.m. Councilmember Eggen seconded the motion, which carried 6-1, with Councilmember McGlashan dissenting.

Mr. Olander polled the Council on creating a density cap in the RB zone.

Mayor Ryu passed out a section of the Comprehensive Plan and read Land Use policy #38 (LU-38), section 38.1 dated November 2004 and noted that the Planning Commission recommendation didn't have any reference to unlimited density. For both reasons she supported a moratorium/interim control related to a density cap.

Councilmember McGlashan questioned if this was about a permanent regulation in the RB zone.

Mr. Tovar confirmed that this was about creating a cap for every parcel zoned RB.

Mayor Ryu added that the baseline needs to be established to move on and once this is settled the second issue can be resolved.

Councilmember McGlashan commented that building height has never been an issue in this City and there are current building height regulations in every zone.

MEETING EXTENSION

At 10:25 p.m. Councilmember Hansen moved to extend the meeting to 11:00 p.m. Councilmember McGlashan seconded the motion, which carried 6-1, with Councilmember McConnell dissenting.

Councilmember McGlashan felt the City won't experience any economic development with all the proposed reductions.

Mayor Ryu explained that the density cap only applies to residential units. She acknowledged that the City needs commercial development as a way to promote economic development without the fear of unlimited density.

Councilmember Way discussed the density cap and asked if it would be done after Ordinance No. 500 would be adopted.

Mr. Tovar said the cap could be in place next week with an ordinance, which would be the interim control. Then the City staff would come back with replacement legislation within six months which would be the final cap.

Deputy Mayor Scott favored the density cap as offered by Mr. Olander.

Councilmember Eggen expressed concern about passing legislation that isn't well thought out and would like to discuss it more.

Mayor Ryu clarified with Mr. Olander that this doesn't preclude Ordinance No. 500 and that it is a separate ordinance.

Councilmember Way felt it would be a good idea to look at other cities and compare what is being done here.

Mr. Olander clarified that he has heard four members who want to look at this further. He added that if the City is moving towards more subarea plans, then this is good. This, he explained, could be the base density cap for residential construction in RB zones, unless authorized by a subarea plan. This, he said, means that densities can be an element.

7. ADJOURNMENT

At 10:35 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk