

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 25, 1999

The regular meeting of the Des Moines City Council was called to order at 7:35 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Towe.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, City Attorney Gary McLean, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Assistant Planner Gloria Gould-Wessen, and Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Lew Anderson, 1650 South 244th Place

Mr. Anderson announced that he would run for City Council office during the next election. He distributed his business' personal property tax statement and sales tax form to Council. Mr. Anderson stated that he had requested that the City perform an audit to insure that all businesses operating within the City are properly paying their personal property and sales taxes to the state and county.

Dave Law, 900 South 242nd Street

Mr. Law showed a video supporting the approval of the Senior/Community Center bond issue. He felt that the center offered much to the entire community.

Brian Snure

Mr. Snure stated that he was in agreement with the message of the video. He thanked Council for providing the voters with an opportunity to vote on the issue. Mr. Snure then invited the Council and the public to the Community Open House sponsored by the Chamber of Commerce. The free event would be held March 4, 1999 at Grace Lutheran Church.

City Manager Olander noted that several councilmembers would miss the event due to a National League of Cities conference.

Hong Louie, 22508 6th Avenue South

Mr. Louie asked that Council consider vacating ten feet of each side of 6th Avenue South. He noted that 6th Avenue South had considerable less traffic than Marine View Drive yet the right-of-way was twenty feet wider.

City Attorney McLean suggested that Mr. Louie contact the Public Works Director or himself to discuss the process for requesting a street vacation.

Jeanne Moeller, 22211 Cliff Avenue South, #104

Ms. Moeller invited the public to attend the First Annual Des Moines Follies playing March 19 – 21, 1999. The proceeds from the event would be donated to the Des Moines Senior Center.

Keith Noess, 21210 4th Place South

As chairman of the Senior Services Advisory Committee, Mr. Noess expressed support for the Community/Senior Center bond issue. He felt that the Senior Center needed a new building and a larger area for their activities.

BOARD AND COMMITTEE REPORTS

Suburban Cities Association

Mayor Pro Tem Brazil announced that Bellevue had lost nine appointments to regional and county positions due to their withdrawal from the Suburban Cities Association. The association has filled those vacated positions.

Association of Washington Cities Legislative Action Conference

Councilmember Sherman reported that he, Mayor Pro Tem Brazil, and Councilmembers Sheckler and Towe had attended the Legislative Action Conference. Topics included transportation funding, telecommunications, and the Endangered Species Act.

Marine View Drive/Des Moines Memorial Drive Flagpole

Councilmember Wasson noted that the flagpole located at the intersection of Marine View Drive and Des Moines Memorial Drive was in need of maintenance and that the flag was missing.

City Manager Olander explained that the last flag had been destroyed by the winter storms. He also noted that due to the height of the pole, the Fire Department's ladder truck was needed to mount a new flag. The wet condition of the soil had prevented this action so far. He noted that staff will either repaint or replace the flagpole soon and will raise a new flag as soon as the existing cable can be repaired.

Mayor Pro Tem Brazil suggested that staff contact the Veterans of Foreign Wars to determine whether they have any concerns with the replacement of the pole.

ADMINISTRATION REPORT

Briefing: Chris Vance, Metropolitan King County Councilmember

City Manager Olander announced that King County Councilmember Vance was unable to attend the meeting.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of February 4 and 11, 1999.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.080, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim check #65622 through #65774 in the total amount of \$206,032.51
Payroll fund transfers in the total amount of \$210,963.85

3. Draft Ordinance No. 99-011 [Assigned Ord. No. 1229] - Title: An Ordinance of the City of Des Moines, Washington regarding right-of-way vacations, amending Ordinance Nos. 1215 and 1216, and addressing pre-existing private improvements located on said rights-of-way.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 99-011.

4. Draft Ordinance No. 99-054 [Assigned Ord. No. 1230] - Title: An Ordinance of the City of Des Moines, Washington relating to surface water management service charges for private and city streets, amending DMMC 11.12.060, and repealing DMMC 11.12.050.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 99-054.

5. Motion is to approve the interlocal agreement between the City of Des Moines and the Airport Communities Coalition and to authorize the City Manager to sign such agreement substantially in the form as submitted.

MOTION was made by Councilmember Sheckler and seconded by Mayor Pro Tem Brazil to approve the consent calendar.

Councilmember Sherman recused himself from voting on Item No. 3.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Zoning Map Amendments - Multifamily and Commercial - RZ98-016

Community Development Director Kilgore introduced the topic. She noted that revisions to the zoning map required the passage of an ordinance. She explained that the zoning map was before Council so as to correct technical errors and to bring the map into consistency with the Comprehensive Plan. Ms. Kilgore introduced Joy Wood, a Mortgage Banker from Norwest Mortgage Company.

Planning Manager Loch noted that this hearing was a continuation of the February 11, 1999 hearing. With the use of overheads, Planning Manager Loch compared the difference between RM-900 and RM-900A zoning. He noted that the Comprehensive Plan directs staff to eliminate RM-900A and to replace it with RM-1200. He highlighted the impacts of the potential rezone of properties located at 22218 5th Avenue South and 22536 6th Avenue South. Besides zoning regulations, he noted that development was impacted by parking, setbacks, recreation area, maximum building height, and maximum lot coverage regulations. In both situations, he noted that the number of units actually capable of being built was in keeping with the proposed zoning. Mr. Loch stated that the majority of the lots affected by the proposed re-zone are located downtown and are smaller lots. Planning Manager Loch noted that environmental sensitive regulations also effect properties such as Windward Condos and Whalers Village.

Councilmember Wasson and Sheckler asked staff to provide information regarding the affect on the residents in a situation where an existing complex could not be rebuilt to its current standards.

City Manager Olander confirmed that staff would provide information regarding these situations at the March 11, 1999 meeting.

Planning Manager Loch noted that the Comprehensive Plan currently allows for the amendment of the zoning code to allow properties rezoned with the adoption of the new zoning map to legally maintain or rebuild their current built density unless such action would endanger the public health, safety or welfare or result in significant adverse environmental impacts.

In regard to the financing of non-conforming properties, Ms. Wood explained that each property is looked at on a case by case basis. She noted that if a property was surrounded by like properties then there would not be a problem with financing. When the use of the property is a minority in the area however, the lender may require a slightly higher rate of interest and a larger down payment.

Planning Manager Loch reiterated the public notice procedures. He noted that notices of proposed zoning map changes were mailed to property owners and condominium homeowners associations. Notice was also provided on Channel 28 and the City Currents. He noted that the notice procedures exceeded the legal requirements. In closing, Mr. Loch stated that the proposed zoning better described the actual allowable development for the property. He also noted that staff was familiar with dealing with non-conforming properties.

Councilmember Sheckler noted that condominium units are viewed as single family dwellings by the banking industry while apartment complexes are not.

At 9:00 p.m., Mayor Thomasson declared a ten minute recess.

City Attorney McLean read the rules for conducting a public hearing. He confirmed that Mayor Thomasson had viewed the video of the February 11, 1999 hearing.

Mayor Thomasson called for speakers.

SPEAKERS

Jeanne Moeller, 22211 Cliff Avenue South, #104

On behalf of the Cliffhouse Homeowner's Association, Ms. Moeller noted that the association was concerned that if their complex was destroyed, it could not be rebuilt to its current structure. She urged Council to find an equitable compromise. She suggested that Council establish a time limit that would allow the structure to be rebuilt by the original owners. In regard to the hearing notification procedure, Ms. Moeller suggested that each condominium provide the name of a contact person to staff so that notices could be distributed or posted.

Earline Byers, 22315 6th Avenue South, #A308

On behalf of the South Shores Condominium owners, Ms. Byers stated that the condominium owners and seniors should be protected as they provide a viable addition to the city. She preferred that no change to the zoning occur. If this was not possible, she suggested that Council amend the code to extend the protection given to single family structures to multifamily densities. She suggested that a time limit be established, subject to health and environmental impacts. In regard to the insurance issues, Ms. Byers stated that insurance companies do not provide any compensation for displaced owners. Their obligation was only to replace the structure to current code. In closing, Ms. Byers voiced opposition to the proposed rezone as

written and urged the City to exceed the legal notice requirements in order to maintain a good relationship between the City and its residents. She submitted a letter to Council (Exhibit 1). Upon her request, five individuals indicated by a raised hand that they were residents of the South Shores Condominiums.

Serge Grossi, 22017 6th Avenue South

Mr. Grossi noted that he had purchased his property three months ago as an investment with the understanding that the property was zoned RM-900. He noted that if his property was re-zoned to RM-900A, the setback requirements would result in a net loss of 4,600 square feet valued at \$114,000. He urged Council to consider the citizens' livelihoods and the impact of their actions on them. He asked Council to retain the existing DMMC 18.16.070 and 18.16.110 requirements and delete New Section 43 from the proposed ordinance or revise it to reflect the current lower RM-900 development standards. Mr. Grossi submitted a letter to Council (Exhibit 2).

Paul Ritchie, 21937 7th Avenue South, #207

On behalf of the Spyglass Homeowners Association, Mr. Ritchie gave a letter of introduction to the Council (Exhibit 3). Mr. Ritchie felt that Council needed a rational basis such as public safety, traffic, or aesthetics for any re-zone revisions. He felt that the proposed revisions were arbitrary. He felt that staff had ignored the ability of a developer to be creative and any future economic changes that could make development affordable. In his opinion, Mr. Ritchie felt that the ordinance did not need to be consistent with the Growth Management Plan.

Gary Halverson, 22749 Marine View Drive

On behalf of the Continental Marina Apartments, Mr. Halverson noted that if a catastrophe occurred, the proposed rezone would result in the loss of twelve units or families. He asked Council to consider the re-build plans used by San Francisco, Miami, and Orlando. He noted that several communities have provisions allowing the re-building of a structure within its original envelop if a catastrophic event occurred. Mr. Halverson urged Council to consider the human comfort and safety issues involved. He also asked that Council clarify if a remodel would fall under the proposed standards and to address the issue of loss in property value.

Rebecca Maloney, 22532 6th Avenue South

Representing the Casa Del Mar, Ms. Maloney submitted a letter from resident Marta Figueroa (Exhibit 4) noting her concerns with obtaining necessary insurance coverage for their condominiums. She stated that she was unaware that their building was already classified non-conforming. She suggested that the extra 20 feet of roadway on 6th Avenue South mentioned previously by Mr. Louie be utilized to bring their condominium back into conformance. She also voiced support for the concerns mentioned by the other speakers. Upon request, five individuals indicated that they were residents of the Casa Del Mar Condominiums.

Hung-Jye Lin, 926 South 291st Street, Federal Way

Ms. Lin voiced opposition to the proposed down zone for Site #52, Newport Apartments. She submitted a letter expressing her concerns to Council (Exhibit 5).

Jane Nipius, 9500 Roosevelt Way NE, Suite 100, Seattle

On behalf of the foreign investor of Bayview Meadows Apartments (Site 42), Ms. Nipius felt that there was no need to re-zone the property. Ms. Nipius stated that the population was increasing and that the City should encourage rather than discourage investment. Since other building

requirements would control development, Ms. Nipius questioned why the property should be re-zoned. In closing, Ms. Nipius asked for the inclusion of a grandfather clause in the ordinance to handle catastrophic situations. She noted that Council's actions could have a great impact on property value.

Monty Anderson, 2616 South 224th Street

Mr. Anderson addressed Council regarding Site 46. He noted that he has invested in the property and that any re-zone would hurt his investment.

John O'Rourke, 618 South 223rd Street, Suite 6

On behalf of Whalers Village Condominium owners, Mr. O'Rourke spoke in opposition to the proposed re-zone. He noted that the new zoning would eliminate almost one third of the existing units if a catastrophe occurred or if a building was removed. He questioned the affect of the new zoning if only one of the four buildings was destroyed. In regard to title insurance, Mr. O'Rourke stated that situations like this are listed as exclusions. He said that the City did not have to comply with the Growth Management Act but that RCW 36.70A.370 stated that governments should preserve property. Due to the hardship a re-zone would place on the residents of Whalers Village, Mr. O'Rourke asked that the property remain zoned RM-1800.

Charlie Abendroth, 2805 South 216th Street

As owner of the northwest corner of Site 54, Mr. Abendroth spoke in opposition to any change in zoning that would reduce the value of his property. He stated that the property was his nest egg and that any re-zoning would reduce the value of his property. He questioned why the City would desire more high-rises.

Bill Rudberg, 22715 10th Avenue South

As owner of Site 36, Mr. Rudberg noted that his property was currently zoned RM-1800 and was proposed to be re-zoned to RM-2400. He voiced opposition to the re-zone. He felt that RM-1800 provided the property owner with more options. He described the location of his parcel.

Gordon Gray, 21418 Pacific Highway South

On behalf of Pine Terrace Trailer Park, Mr. Gray asked that any re-zone action be delayed until the impacts of the Pacific Highway redevelopment were known. He felt that the two issues were tied together.

Natalie Drake, 23011 Marine View Drive South

As president of the Whalers Village Association, Ms. Drake stated that the condominiums bylaws did not address the loss of units due to a catastrophe. She noted that if fewer units were re-built then taxes would increase for the remaining units. Ms. Drake felt that the Comprehensive Plan was not consistent with affordable housing policies. She asked Council to review and revise the Comprehensive Plan.

Thomas Hayes, 22301 Emmett Lane South

As an owner of units at Whalers Village, Mr. Hayes felt that Council should encourage people to stay in the City rather than spread to the outlying areas. He stated that Whalers Village had a considerable amount of open space. Mr. Hayes noted that the population was increasing and that all people needed a place to live.

Jane Nipius, 9500 Roosevelt Way NE, Suite 100, Seattle

As property manager for Whalers Village, Ms. Nipius noted that it would be difficult to sell the units if the structure was considered non-conforming.

Vande Perry-Jackson, 22979 Marine View Drive South

As a member of the Board of Director for the Whalers Village, Ms. Perry-Jackson stated that if the property were down-zoned, it would be difficult to sell units since it could not be rebuilt to current standards. She felt that it was unfair to up-zone the east side of Pacific Highway South but down-zone the downtown area. She asked that Council grandfather in the zoning of existing structures.

Harriot Laws, 1219 South 216th

As owner of Site 26, Ms. Laws requested that Council consider adopting MF-18 zoning for her 1.25 acres located behind her house also.

Mayor Thomasson called for additional speakers. None responded. Mayor Thomasson closed the oral testimony portion of the hearing but noted that written comment could still be received. He continued the discussion to the March 11, 1999 meeting.

City Attorney McLean clarified that the deadline for written comments was March 11, 1999 unless the period was extended at that meeting.

City Manager Olander noted that Council's questions should be submitted to staff.

City Attorney McLean clarified that development standards and regulations needed to be consistent with the Comprehensive Plan according to the Growth Management Act.

NEXT MEETING DATE - Regular Meeting on March 11, 1999

ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk