

GIG HARBOR CITY COUNCIL MEETING OF MARCH 28, 2005

PRESENT: Councilmembers Young, Franich, Conan, Dick, Picinich, Ruffo and Mayor Wilbert. Councilmember Ekberg was absent.

CALL TO ORDER: 7:05 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

Regulating Landscaping and Building Sizes in Select Districts in the Height Restriction Area Prior to Lifting the Building Size Moratorium. Mayor Wilbert opened the public hearing at 7:07 p.m.

Steve Osguthorpe, Planning Manager, explained that the ordinance had been corrected as the Waterfront District section was not included. He said that because of the change, the public hearing will be continued until the next meeting along with the second reading of the ordinance. He then presented the background information on the ordinance, giving an overview of the building size limitations proposed by the Planning Commission and Joint Committee. He also gave an overview of the proposed changes to the landscape section of the code. He explained that he had included more detailed findings based on the discussions between the Joint Committee and Planning Commission. He asked Council to review these findings for concurrence so that they become part of the record.

David Freeman, Snodgrass Freeman Associates, 3019 Judson Street, Ste. D. Mr. Freeman voiced concern with the proposed amendment to the existing definitions and proposed ordinance. He said that there is emphasis on the need to either cover or remove parking from the downtown area or to provide ways to conceal parking, but a key design element is missing in the new ordinance to address a parking garage. He suggested amending the definition in 17.31.075 to read "that a parking garage means a building or portions of a building in which motor vehicles are parked. This structure may be wholly or partially underground or incorporated into the structure of a building." He then offered an amendment to section 17.31.075 of the proposed new building size ordinance to include "The square footage of a parking garage used for the sole purpose of providing required parking in the development of a new or existing building will not be included in the calculation of the proposed size of the new building." He also suggested adding language that reads "There would not be a maximum size limitation to a parking garage." Mr. Freeman then suggested a 20% increase to the maximum square footage be allowed provided that up to 50% of a building's required parking stalls are located within a parking garage. He said that several sites would benefit from not having a parking garage square footage included in the calculation of building size.

Carol Ann Johnson – 4318 35th Ave NW. Ms. Johnson said that there was much discussion during the joint meetings concerning implementation of these ordinances, and that many comments have been heard about the need to have the Design Review

Board review projects early in the process. She said that the DRB could offer consideration needed for decisions based on the pattern of development if the Board and their procedures are expanded. She asked Council to consider that many members of the Planning Commission feel that the View Corridor Building Size Ordinance and Historic Preservation Ordinance would be best implemented with additional, expert membership on the DRB and four-year staggered terms for the members to allow for consistency. She added that the procedures should be expanded to include additional flexibility in the review process. She said that public comments support an enhanced DRB approach and urged Council to make the necessary tools available to facilitate the development of Gig Harbor. She continued to say that she supports the decisions represented in the ordinance, but it drops the ball if more power isn't given to the DRB.

Councilmember Picinich said that the Board will be expanded to seven members with four-year terms. Councilmember Young added that a proposal will be coming shortly that will allow a pre-application meeting that would include the DRB. Councilmember Ruffo said that this addresses many issues regarding the character and vision of Gig Harbor. He said that you have to give these boards latitude to make decisions based upon historical character and vision.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter gave an overview of a letter he distributed. He said that this ordinance does not include the R-1, R-2, R-3 or RB-2 zones located in the Waterfront View Corridor; none of which have building size limits at the present time. He said that it doesn't make sense to leave half the view basin out. He said that he thinks that the Harbor is characterized by small-scaled buildings. Even though it has been argued that you can have a well-designed large building, it still does not match the city's character. He used the Russell Building as an example of not only a well-designed building, but a work of art that some people dislike because of the scale. He proposed allowing existing buildings to re-build or re-model in their current footprint. He said that the addition of the residential zones could be a springboard for the upcoming charrettes. Mr. Hunter then recommended that the criteria for the charrette process be reviewed and worked on by a joint panel of the DRB and Planning Commission. He suggested that if a facilitator is chosen, he or she should be someone that knows Gig Harbor as there are many talented people here. He then addressed allowing the DRB the flexibility to review a project and make suggestions to modify the criteria that they are not currently allowed to do. He asked that Council allow a building size large enough to place the Shenandoah in the C-1 zone.

Linda Gair – 9301 No. Harborview Drive. Ms. Gair said that as a member of the DRB she attended the joint sessions. She thanked Council for responding to public concern by proposing these "daring" amendments. She agreed with Mr. Hunter's comments, then said that she is pleased to see the text addressing vegetation in the view basin returned to the ordinance. She said that citizens have asked the city to be involved in the regulation of vegetation. Property owners are taxed on view property, and that in itself implies regulation. She commented on the need to include the entire view basin in the discussion including residential size limits. She said that two adjoining lots would easily accommodate monster homes that block views and change the character of the

Harbor. She then addressed the comments about parking garages. She said that parking in the Harbor is a real problem and so underground parking garages should not be included in the calculation for building size.

Doug Sorensen – 9409 Harborview Drive. Mr. Sorensen asked for clarification on single family lot size area on page 9 of the ordinance. Steve Osguthorpe explained that there is no proposed change to lot size in this ordinance, as it has occurred under a separate ordinance. Mr. Sorensen then asked about non-conforming lots and whether this would take precedence in the historical overlay in regards to setbacks. Mr. Osguthorpe explained that all the proposed changes pertaining to setbacks were eliminated from the Planning Commission and the Joint Committee recommendation. There are no proposed changes to setbacks in this ordinance. This ordinance puts a limit on the footprint and / or the total building size allowed in given districts, and also restricts landscaping within the existing, defined side-yard setbacks.

Mr. Sorensen then asked how you would identify old growth from that planted after the ordinance goes into effect, and how would it be regulated. Mr. Osguthorpe said that the ordinance would apply to anything planted after the effective date. One advantage in defining the Waterfront View Corridor is that it is an area geographically contained and it would be easy to inventory existing vegetation. This could be done by video camera or other means. Mr. Sorensen then asked to consider how this would be regulated.

Mr. Sorensen then said that the ability to rebuild a non-conforming structure penalizes new construction. Councilmember Conan pointed out that that was a recommendation from the Joint Committee but it is not part of the draft ordinance. Mr. Sorensen commended the Joint Committee for an excellent job of eliminating much of the nonsense in the original proposal.

David Boe – 705 Pacific Avenue, Tacoma. Mr. Boe commended the joint session of the DRB and Planning Commission. He said that they made great improvements on the ordinance to make it applicable to the affected zones. He said that he is not a fan of building size limitations, as size is not the key issue. He passed out a letter that he previously submitted in June, 2002, adding that all the issues are still applicable. He commented that all the affected properties are in the Shoreline Master Program, so any commercial development has to comply with one of the three SMP requirements: provide a public view corridor with a minimum of 20' or 20% of frontage; provide a six-foot public pathway around the perimeter; or provide a public viewing platform. None of which have anything to do with building size. Mr. Boe said that he understands the concern about trees, but stressed that you also do not want to denude the Harbor. He stressed that the charrette process is fast-moving and sometimes has unexpected results. He asked Council to determine whether they are anti-commercial development along the waterfront, because the requirements in this ordinance will deter commercial development. He said that if Council is pro-quality commercial development, then a creative, quality process needs to be developed to bring the project to the community in the early stages to determine available options.

There were no further comments, and the public hearing closed at 7:55 p.m.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of March 14, 2005.
2. Correspondence / Proclamations: a) Records Management Month.
3. Public Relations Consultant Contract.
4. Resolution No. 643 - Ratification of Purchase and Sale Agreement for the Eddon Boatyard property.
5. Wastewater Comprehensive Plan Population Update – Consultant Services Contract.
6. Pump Station 2A Project – Consultant Services Contract.
7. Approval of Payment of Bills for March 28, 2005:
Checks #46630 through #46754 in the amount of \$3,903,390.77.

MOTION: Move to approve the Consent Agenda as presented.
Picinich / Ruffo – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Adopting a Historic Preservation Ordinance. Steve Osguthorpe recommended an amendment to eliminate the word “district” in several places in the ordinance at the recommendation of Councilmember Franich.

Councilmember Franich asked for clarification on the transfer of development rights. Mr. Osguthorpe said that this section of the ordinance would provide for certain incentives that may be adopted at a later date. Mr. Franich said that he would like to see this stricken until it needs to be addressed. Councilmember Young said he would like to see it remain for future consideration. Mr. Osguthorpe added that the transfer of development right may be a viable tool for preserving the smaller structures that might be subject to demolition.

MOTION: Move to adopt Ordinance No. 992 as amended to eliminate the word “district” as discussed.
Dick / Conan – unanimously approved.

2. Second Reading of Ordinance – Amending Chapter 2.21 to Establish a Local Review Board for Historic Preservation Purposes. Steve Osguthorpe presented this ordinance to act in the capacity of a Local Review Board, expand the Board from five to seven members, redefine the qualifications, and extend the term from two to four years.

Councilmember Picinich voiced concern at the strict qualification requirements. Councilmembers discussed the fact that this board should be technical in nature.

Mr. Osguthorpe said that when the Design Review Board Procedures Committee reviewed the proposal, they gave a questionnaire to those who have submitted an

application to the city over the past two years to find out whether or not they would want their project go to the Design Review Board for a pre-application conference. The ones that did not want to go before the DRB said it was because the members did not have the technical background to review plans for a multi-million dollar project.

Councilmember Ruffo stressed that you cannot legislate everything, and so it is important to have a body that can make those decisions. Councilmember Franich added that he had come to realize that there has to be some level of technical expertise to interpret the projects. Mr. Osguthorpe pointed out that there are two possible board positions on which a non-technical citizen could serve.

MOTION: Move to adopt Ordinance No. 993 as presented.
Picinich / Ruffo – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Regulating Landscaping and Building Sizes in Select Districts in the Height Restriction Area Prior to Lifting the Building Size Moratorium. Mr. Osguthorpe said that he didn't have anything to add, and asked if Council concurred with the findings that he had included in the ordinance.

Carol Morris, City Attorney, explained that an ordinance would need to be passed in order to remove the moratorium and to prevent a time lapse until the new ordinance becomes effective.

Councilmember Picinich asked about the issue raised by Chuck Hunter regarding the residential zones. Steve Osguthorpe explained that these residential zones were not included in the defined waterfront view corridor due to the time constraints, and what it would take to do a more comprehensive analysis. He clarified that the moratorium imposed a 3,500 s.f. limitation on all zones located within the view corridor, but when the moratorium is no longer in effect, the residential zones will revert back to having no limitations.

Councilmembers further discussed the issue of limits in the residential zones and the best way to address this issue during the upcoming charrette process. Councilmember Ruffo asked for a timeline as to when this would occur.

Councilmember Franich said that this has been going on for more than two years with many public hearings and workshops. He said that he could make a decision without the charrette process. He said that the majority of the Councilmembers know that building size is the issue that needs to be addressed. Other issues have come up, and this ordinance is moving in a direction that he isn't completely comfortable with. He said that he would like to see all the sections relating to landscape standards removed.

The Mayor mentioned that this relates only to new vegetation. Councilmember Franich responded that he understands the idea of using a video camera to record the existing vegetation, but trying to regulate this would be tough. He added that he understands

that in some people's view, the intent to limit the building sizes may not be enough to remedy all the problems with view retention. He made the following motion to direct staff to remove these sections.

MOTION: Move to remove sections 1, 2, and 3 from the draft ordinance.
Franich / Ruffo –

Councilmember Young responded said that he could not imagine the City's Code Enforcement Officer going out and measuring a tree or shrub on someone's property. He said that he is unsure if the city should be involved with regulation of landscaping on private property. Councilmember Franich commented that the city has done a good job of acquiring property that will allow public access to the water. There are commercial structures in place that also allow public view of the water.

Councilmember Dick questioned whether there is a point in regulating these types of things if you don't do it for both commercial and residential. If you are concerned with what the community will look like and how to integrate the geographic amenities, the only way to do this is by regulating both. If views are important, there must be similarity between the way you treat residential and commercial property, or else everything will become residential. You need to determine the importance of an issue to the community to decide when it is appropriate to intrude on peoples' use of their property. If some consistency is not imposed, all the regulations are rendered meaningless and if you allow a wall of vegetation or structure that separates the community from the geographic features, you might as well get rid of the rest of the zoning code.

Councilmember Young disagreed, pointing out that commercial and residential uses are fundamentally different and warrant different treatment. Councilmember Dick clarified that you need not use the same exact regulations for both commercial and residential. He said that the Planning Commission and DRB addressed this with a recommendation to preserve some views in side-yard areas.

Councilmember Franich agreed with Councilmember Young that the public is welcome in a commercial building, but not on a residential, private property. If you want something higher than a three-foot fence, you should be allowed to have it.

Councilmember Conan said that he would rather see hedges regulated the same as fences, or else residents would just plant hedges for privacy. He said that he was not in favor of the side-yard regulations or regulation of trees.

Councilmember Ruffo said that he is more concerned about the general argument of regulating landscaping, even if it is within a view corridor. He mentioned the trees located at the Eddon Boat Property and Borgen Park, asking if it is the intent to take these out. He said that you cannot legislate everything, and that is why you have to have intelligent people that will make decisions. He said that Councilmember Franich is right about the risk of regulating private property.

Councilmember Dick said that there has been testimony about the problems with vegetation blocking views, which gives merit to discussing it. He said that if nothing else, at least limit the height of hedges. Councilmembers discussed this option.

Councilmember Ruffo referred to the recommendation from the Joint Committee. Mr. Osguthorpe said that the Joint Committee recommendation was to remove the landscaping; the Planning Commission recommendation was to put it back in. Councilmember Conan suggested adding Section 2A and Section 3 which defines hedges. Mr. Osguthorpe pointed out that in this context, hedges are applicable to the Waterfront View Corridor, so you would have to retain the definition of the Waterfront View Corridor. Councilmember Franich agreed to this. He withdrew his motion, and Councilmember Ruffo withdrew his second. Staff was directed to amend the draft before the next reading to eliminate Section B in the landscape section.

Councilmember Young asked for clarification as to why the Joint Committee did not propose the elimination of the floor area ratio maximum. Mr. Osguthorpe said it was the general consensus that the existing, more restrictive side-yard setbacks that have been imposed within the historic district were sufficient to achieve the intent. There was some confusion on what floor area ratio would actually do.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton addressed this question. She said that one of the issues discussed was calculating the buildable area on a lot when tidelands could be counted. This changes the floor area ratio significantly. In addition, you could combine lots.

Mr. Osguthorpe added that the floor area ratio is proposed to be based upon the net buildable area which would not include tidelands. Tidelands can be included for calculating impervious coverage per a directive from Council years ago. In terms of the floor area ratio as drafted, it would not include tidelands. He continued to explain that the proposal included a cap on size and the additional safety valve of floor area ratio that would address the parcel that is so small that even a 3500 s.f. building may be out of scale.

Councilmember Young added that when this was discussed in the Community Development Committee, part of the offensiveness of certain structures is due to the size of lot. He added that he would like to see this be added back in to the ordinance.

Staff was directed to put the floor area ratio language, in addition to the building size limits, back into the ordinance for consideration at the next meeting.

Councilmember Franich said that he would like to see something smaller than a 3500 s.f. limit in the C-1 zone, as there is no guarantee that the Historical Society will utilize the property located in that district. Mr. Osguthorpe said that he had a difficult time with the findings for rationale for that parcel as there wasn't much discussion on the recommendation.

Councilmember Young suggested a rezone to P-I if the Historical Society purchases the property and requires a larger building. He suggested applying the same findings as the other business districts.

Councilmember Picinich said that the city has met with the Historical Society, which has plans for a larger building located here. He agreed that a change to the P-I District would accommodate these plans. Councilmember Young pointed out that a change of this type would require a Comp Plan Amendment that might affect their timing.

Mr. Osguthorpe said that the Historical Society may want to explore the performance based height exception as a way to address this. Councilmember Picinich asked that staff meet with the Historical Society and bring back information.

Carol Morris, City Attorney, addressed the concerns about the view basin and the lifting of the 3500 s.f. limitation. She suggested an interim zoning ordinance that can be adopted similarly to a moratorium. Council would hold a public hearing within 60 days, and the restrictions would stay in effect for six months until the findings to support a 3500 s.f. limitation are adopted. The difference between this and a moratorium is that people can submit applications during an interim zoning ordinance.

Mr. Osguthorpe asked for further clarification for the C-1 District in order to bring back an ordinance for the second public hearing. He was asked to find out from the Historical Society whether the next Comp Plan update would negatively affect their scheduling. John Vodopich said that a notice could be published with an option to chose either the 3500 s.f. or 6000 s.f. limit. Councilmember agreed with this option.

2. First Reading of Ordinance – Amending the City’s Procedures for Charging Private Applicants for the Costs Associated with EIS Preparation. Steve Osguthorpe explained that currently, the city’s code requires that an applicant pay the associated cost for the preparation of an Environmental Impact Statement. The procedures are not specific enough, and this amendment would clarify Section 18.04.140. He then gave an overview of how the fees may be determined.

3. First Reading of Ordinance – Amending the Public Works Standards for Private Streets. Steve Misiurak, City Engineer, presented information on this ordinance that amends the regulations for private streets. Councilmember Franich said that for the future, he would like to see more on-street parking on private streets.

4. Wastewater Treatment Plant Roof Repair – Contract Authorization. John Vodopich explained that the Wastewater Treatment Plant was in need of a new roof. Three bids were received, and recommend award of the contract to Harcor, Inc. dba Cleo’s Roofing.

MOTION: Move to authorize the contract for the for the Wastewater Treatment Plan to Harcor Inc., dba Cleo’s Roofing in the amount of

Three Thousand One Hundred Seven dollars (\$3,107.00) plus retail sales tax.
Ruffo / Franich – unanimously approved.

STAFF REPORTS: None scheduled.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT:


1. Request to Host Middle School Exchange Students. Mayor Wilbert gave a brief overview of the WCI program. She invited anyone interested in working on their own cultural heritage to begin the process by stopping in at the Bogue Volunteer Center.

2. Appointment to Puget Sound Regional Council. Mayor Wilbert asked Councilmembers if they would be interested in serving on the PSRC representing the City of Gig Harbor.

ADJOURN:

MOTION: Move to adjourn at 9:16 p.m.
Picinich / Conan– unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 16.
Disc #2 Tracks 1 – 6.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk