

## MINUTES OF GIG HARBOR CITY COUNCIL MEETING – July 8, 2013

**PRESENT:** Councilmembers Ekberg, Young, Perrow, Malich, Kadzik, and Mayor Hunter. Councilmembers Guernsey and Payne were absent.

**CALL TO ORDER:** 5:30 p.m.

**PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

1. Approval of City Council Minutes June 24, 2013.
2. Receive and File: a) Planning Commission Minutes June 6, 2013;
3. Correspondence / Proclamations: a) Puget Sound Clean Air Letter; b) Capital Projects – Rep. Larry Seaquist.
4. Purchase Authorization for Street Lights.
5. Energy Efficiency Implementation Agreements- Peninsula Light Company.
6. Rosedale Roadway Improvements Skansie Ave. to Shirley Ave. – Public Works Construction Contract Award and Material Testing Services.
7. Crescent Creek Play Structure Purchase Agreement.
8. 2013 Pavement Maintenance Project – Public Works Construction Contract Award and Material Testing Services.
9. WWTP Ph. 2 Final Design and Permitting – Consultant Services Contracts.
10. Approval of Payment of Bills Jul 8, 2013: Checks #72869 through #72990 in the amount of \$810,136.28.
11. Approval of Payroll for June: Checks #6995 through #7012 and direct deposits in the amount of \$355,819.26

**MOTION:** Move to adopt the Consent Agenda as presented  
**Ekberg / Perrow** – unanimously approved.

**OLD BUSINESS:** None.

### **NEW BUSINESS:**

1. First Reading of Ordinance – Amendments to Peddlers License. City Clerk Molly Towslee explained that Council adopted a Peddlers License ordinance this spring, and these amendments are to add Solicitors to the licensing procedures. She explained that the City Attorney had reviewed and amended the ordinance.

City Attorney Angela Belbeck clarified that this ordinance does not apply to political campaigning or farmers markets. Councilmembers agreed that this could return on the consent agenda for second reading.

2. Public Hearing and First Reading of Ordinance – Model Homes. Associate Planning Dennis Troy introduced this ordinance that would provide an option for model homes other than the lengthy development agreement process.

Mayor Hunter opened the public hearing at 5:43 p.m. No one came forward and the hearing closed. This will return at the next meeting for second reading on the consent agenda.

3. Public Hearing and First Reading of Ordinance – Downtown Building Size and Height Amendments. Planning Director Jennifer Kester presented an extensive background of four proposed amendments to the downtown building size and height, and waterfront residential codes.

Planning Commission Chair Harris Atkins explained that these amendments are the first step in the process to promote the Harbor Vision adopted by the city. He mentioned that the Planning Commission took this task seriously and spent quite a bit of time coming to these proposed amendments. Chair Atkins thanked staff for their support during the process, especially for helping them to understand the ramifications of any action. He said that they are working towards converting the vision statement to policy recognizing that there are potential elements that may be in conflict. He said that these amendments are an attempt to strike the balance between a successful downtown and maintaining the character of Gig Harbor.

Director Kester addressed Council questions. Mayor Hunter opened the public hearing at 6:15 p.m.

Marilyn Lepape – 10408 Kopachuck Dr. NW. Ms. Lepape said she grew up in Gig Harbor and she would hate to see the wonderful character of the town change. She said to leave the waterfront as is to allow people to walk along and see the water, and also commented that these changes could cause a corridor feeling. She said she likes the variations in the sizes of the buildings and that she thinks we are trying to urbanize Gig Harbor. She said that changing the height requirements on the water side will diminish one of the greatest assets of the harbor, citing the vision plan “to keep a vibrant place with a walkable waterfront with picturesque views in a natural environment.” She said she would hate to see Gig Harbor become something it isn’t.

Ralph Christ – 865 11<sup>th</sup> Ave. Fox Island. Mr. Christ said that he and his wife own under-developed property in Gig Harbor, and have seen their taxes go up over 100% in the past two years. He asked for clarification on whether building to the existing footprint decreases the property value. Ms. Kester responded that there is no proposed change to the footprint; you could build up to the existing 6,000 square foot limit and up to 27 feet in height with this proposal. She also responded that State guidance decides what homes are historical; usually those over 50 years old, and that it’s up to the homeowners to register the property.

David Pine – 3317 Rosedale Street. Mr. Pine showed Council a photo of the El Pueblito Restaurant which he said is 18 feet high. If they are allowed to increase that another 9 feet, it will block the views from the homes located behind. He said he hopes there will

be exemptions to this rule as property values would be impacted. He said he is against the 27 foot height increase.

Nick Pugh – 3311 Ross Avenue. Mr. Pugh thanked the Council and Mayor for doing an excellent job in the downtown area. He said he and his architect worked through all the criteria to build in the historic district and that they had an expectation that they would be looking at 6/12 roof pitches on the other buildings in that area. He said he understands the proposal for a 27 foot height increase, but is somewhat bitter, and wanted to know if he could increase his height to 27 feet with a flat roof/square building like he had before he stepped up and followed the city guidelines. He would like to see guidelines remain in force and suggested you look at each property individually to prevent impact to the view corridor and to preserve the historic nature of the downtown.

Jeni Woock – 3412 Lewis Street. Ms. Woock thanked Council and the Planning Commission for their hard work on this proposal. She said Gig Harbor is known for its beautiful harbor, walks to the water, and wildlife, adding that the vision statement makes mention of the views. She emphasized that the harbor and its view doesn't belong to any of us, but to all of us, and we are the caretakers for future generations, so it is our responsibility to be good caretakers of the harbor, including the view. She asked how anyone has the right to build two-story buildings on the water-side in front of the view that we have been given to protect. Stressing that tourists visit to enjoy the view of the water, she said that when it's gone, it's gone. Once the precedence has been set, other waterfront commercial buildings will want to do the same. She said she has been told that no one is asking for these changes, so why make them. These rules will affect the picturesque views that are supposed to be important. Precedent has possibility of changing how downtown looks forever. She asked Council to be a hero to our kids by modeling that the beautiful view is more important than two-story buildings, by grandfathering in existing two-story buildings to rebuild in a catastrophe, and by encouraging new businesses to build two-story buildings elsewhere.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich explained that he wanted to mostly speak to the residential area from Skansie Park to Hoppen's. He stressed that even a new 10 foot house would block the view if you are walking down the street. He said that the established residential homes consist of older tall buildings; that's what makes Gig Harbor. He named off many "double-story" houses, some over 27 feet, adding that they aren't blocking any more views. He said that there are city parks all along the street, and there is only one vacant lot left to build that he and his brother own; and it's used for a parking lot. What's there is there, and if you want to retain the historic character of Gig Harbor then keep that type of construction on the waterfront...it looks good that way.

Greg Hoeksema – 9105 Peacock Hill Avenue. Mr. Hoeksema asked for clarification on rebuilding to the current footprint. Ms. Kester explained that if you are under the

maximum 6000 square foot limit, you could tear down and rebuild. If you are over the 6000 limit, this proposal would allow you to rebuild to the existing footprint.

Mr. Hoeksema said he decided to move to Gig Harbor after walking down the street in 1985. He explained that he became an activist when changes to the design manual were being considered around ten years ago when the Waterfront Inn was built. He disagreed with what was said about taller buildings not impacting the view due to the steep topography on either the waterside or uphill side of Harborview. He voiced concern that you are proposing something that seems reasonable now, but through the variance process, you could end up with a huge building on a tiny lot like the Waterfront Inn. They were allowed a higher roofline, and then the neighbors on each side were given variances. There now is a significant impact to the view corridor as you are walking along Harborview Drive. He voiced concern that as you raise the heights of the buildings in that area you will impact the view, adding that he is opposed to the lot after lot of two-story buildings that would occur over time.

David Boe – 705 Pacific Avenue, Tacoma. Mr. Boe addressed the historical nature of the residential area, specifically the height of the existing houses. He said that the older homes were designed from the ground up; they have porches that are up two or three steps up from grade and then there's the house. In the past ten years, the measurement is happening from the top down in order to fit the lot, and now houses are being placed two or three feet below the sidewalk. He presented two drawings illustrating a simple craftsman style home that fits the historic character of the neighborhood, but with the first floor below the sidewalk. He explained that this is because Harborview was filled in and banked so that in some areas the water-side is higher than the upland side. He said in order to make the houses look correct you need to measure the height from the highest point on the sidewalk.

Councilmember Kadzik asked for clarification on how he would address a very steep grade. Mr. Boe responded that you would fill in the gap with dirt excavated from the construction. This way the porch would have more of a relationship with the sidewalk which would create a more walkable, historical character of a streetscape.

Councilmember Ekberg asked if the two new houses next to the Bujacich Netshed were built according to this recommendation, then wouldn't that create a much higher elevation. Mr. Boe responded that on that steep of a site, trying to get two levels you would still be working down.

Wade Perrow – 9105 Harborview Drive. Mr. Perrow thanked Council for moving the Vision Statement forward and stressed that it's challenging to try and legislate good taste. He voiced concern that we have a desire to maintain the historic nature through the design manual, but are limited as far as measuring the building height. He cited two

properties: 9113 Harborview Drive which is 7-1/2 feet below the street, and 8715 which is approximately 17 feet below. He explained that these buildings are low because the road has been built up creating an artificial landscape that you are now trying to match. This forces buildings down in a hole so that you are looking at roofs, sewer vents, and skylights. He agreed that the height should be measured from the sidewalk, but added that this is a challenge that needs to be considered in more depth. He then voiced his concern with the commercial area by saying the Vision Statement talks about the downtown going from Vernhardson to the Old Ferry Landing, but only the core downtown is being considered in this proposal. The Finholm District has a preponderance of flat-roofed buildings, and leaving this area out of the discussion is avoiding a big part of the vision, he said. He then asked Council to consider asking the Planning Commission to include the Finholm District.

Councilmember Kadzik asked for a contractor's point of view on how practical it would be to fill the void if you measure height from the sidewalk or the property line as has been proposed. Mr. Perrow responded that it's practical to fill the void, adding that you would still have stair step buildings in order for it to blend. He said that from the sidewalk you would have more of the historic flavor and look. He also said that you would have to rely upon the property owner to do the right thing. As Mr. Bujacich said, two-story buildings are part of the fabric of the area and we need to figure out a way to continue to do that on the water side.

Councilmember Young asked to clarify why the Finholm District was excluded from these recommendations.

Ms. Kester explained that the results of the town-hall survey show that the majority of people identify "the downtown" as the core area. The Planning Commission was asked to look at small changes that would provide flexibility and maintain the scale under the current parameters of the comp plan, adding that they began working on this before the Harbor Vision was adopted. Because the DB Zone had the most intense uses, they decided to focus the process there, acknowledging that it once these changes are adopted it will be necessary to look at the entire stretch along the harbor up to the Finholm District.

Gary Meyers, GKS Building Design - 2009 53<sup>rd</sup> St. NW. Mr. Meyers asked who to approach to discuss plans for their property located between the Tides Tavern and The Green Turtle Restaurant. He explained that it might be quite some time before the Haub's move forward with the master plan for that area, but they would like to move ahead with their own plans for their property that fits with the Master Plan that has already been reviewed. He was directed to come to the Planning Department with any new plans that they would like to discuss.

Colleen Aker – 3320 Lewis Street. Ms. Aker moved here from Wisconsin a year ago because it's so beautiful, and she said the city has done a good job of preservation of such a gorgeous, wonderful area. She said that people consider the area downtown historic, and if someone purchases commercial property here, they should know there are rules to follow in an historic district and so there shouldn't be any need to make changes for it to be more business friendly. She said one ramification of changing the building height is it could change the character of the area. She added that other people have mentioned that they were told that the Russell Building would allow you to see the water, have open areas, and access all around it. She said that this building doesn't fit in with the character and historic nature of the town. She asked Council to keep this in mind, saying that she hopes we can preserve the beauty that makes Gig Harbor the historic, wonderful community it is.

Mark Hoppen - 8133 Shirley Ave. Mr. Hoppen pointed out that the Russell Building is only 13 feet high and set back from the street, stressing that it could have been 18 feet high and right at the sidewalk. He also explained that there had never been a promise that the building would not block some of the view. He continued by saying that the problem with this proposal is not about the water side. When you look at design review, site layout, connection to the public right of way, and architecture, these proposals seem to handle these concerns in the DB zones, he said. But what may not be handled is the El Pueblito building, because the fourth part of design review is transition between zones. Areas up Pioneer, Tarabochia Lane, and behind El Pueblito need to be thought out better, he stressed. Something helpful that would help everyone understand, he suggested, is a 3-D visual layout that could show the maximal results of this proposal. You then could readily know the flaws.

Jim Franich – 3702 Harborview Drive. Mr. Franich said thoughtful comments have been made that he hopes Council will keep in mind moving forward. He then said that the 27 foot height limit maybe appropriate in certain locations in the DB zone, but it would be more appropriate to break up the zone into sub-areas such as the more intense Judson area, then less intense use up Pioneer; and then the transition zones such as at El Pueblito. He said that the eclectic mix of taller and shorter buildings we currently have is fine, but if everyone builds to 27 feet it wouldn't preserve that uniqueness. He clarified that this proposal isn't limiting the overall building height to 27 feet because on severely sloped parcels you have a potential for buildings substantially taller, which he thinks is a problem. Mr. Franich stressed that not requiring parking while expanding square footage goes against common sense, as buildings need to accommodate their impact. He then addressed the retention of historical street scape and the proposed parkway setbacks which states "the exact number should be reflective of the existing historic homes." He said that he went and measured setbacks in the existing homes in that corridor. He cited the Ivanovich house as an example, saying this house is set back

roughly 18 feet from the sidewalk including the 5'9" porch, and the Ancich house next door is set back another 7 feet back from that. He said he has a problem with moving setbacks closer to the road because it doesn't meet the stated intent to retain the historic character of the neighborhood; and six feet to the road is not the natural characteristic. Addressing North Harborview drive, Mr. Franich said that he can't remember how much fill was brought in, but stressed that no matter what, you would still have houses in a hole without road buildup. People buy lots and should know the conditions and regulations, and so trying to redesign under some new urbanist definition isn't the way to progress, he stated, and finalized by saying past Councils and Administrations have worked to further the goal of maintaining the basin; Council are the gatekeepers of the regulations and should work to maintain the uniqueness we have been fortunate to have for so long.

Jeff Aker – 3320 Lewis Street. Mr. Aker said he agrees with the last two speakers that if you allow 27 foot high building in that zone up to the residential area would be a big mistake, you would be adding 11 feet of height in front of the existing houses. He said if they wanted to live in Uptown, they would have moved there, but we like the character of this downtown area and would hate to see it change.

Mary Andrews – 8915 Franklin Avenue. Ms. Andrews asked if the city would follow up with the Finholm District.

Ms. Kester responded that once the policies for the Harbor Vision have been developed, the Planning Commission will begin to look at regulations to implement the vision that may include what kind of size and height changes would be appropriate for the Finholm District. She said the public comment process will continue, and that she estimates that they may begin to look at the Finholm District in the early-to-mid-2014 timeframe.

Dale Woock – 3412 Lewis Street. Mr. Woock said that that several of the speakers have talked in defense of the downtown, waterside of Harborview. We want to protect this area along with the Finholm waterfront area, he said, and so why are these areas included with the uphill regulations. He said that the view and character up on Judson Street isn't as important, but the downtown water side of Harborview should have a separate zone of protection.

There were no further public comments and the Mayor closed the public hearing at 7:13 p.m.

Ms. Kester responded to Councilmember Malich's hypothetical question regarding what could be built at the Millville Condo site. She also responded to his questions regarding why the Finholm District is included on the map, (relates to residential only), and trees

planted in the view corridor that could block views (amended last year to limit height of vegetation).

Councilmember Perrow asked for clarification on whether these proposals change the side-yard setbacks (no), the view corridor protections in place now (no), and if the Shoreline Master Program allows for another layer of protection (it does).

Ms. Kester was asked to clarify why the Planning Commission didn't incorporate the suggestion to measure height from the sidewalk. She explained that one, they wanted to keep consistency with how commercial property is measured in the same zone; and two, if we measure from the public right of way, public works projects could potentially change someone's property rights.

Councilmember Malich said that he would like to see amendment "D" removed from the ordinance, would like the Waterfront Commercial considered separately from the DB zone, and also would like to amend the borders of the DB zone to run from Rosedale to Soundview Drive. Ms. Kester said that if Council wants to amend or remove sections of the ordinance they could do so.

Ms. Kester addressed the Harbor Landing / El Pueblito site by explaining that city code requires zone transition standards that limit the footprint and height of commercial buildings to mirror surround homes. The project can go to the Design Review Board and through public meetings, the proposal is looked at in 13 different ways in order to mitigate impact to the adjacent residential area. Also, there is a 20' setback in that area abutting the single family residents. Any new building would have to be 20 feet back from the property line, so height would be measured from the parking lot. She said that the views from the first floor of the four adjacent would be blocked, but there is less chance of the 2<sup>nd</sup> floor view being blocked. When the Planning Commission did a walking tour they identified this as the one area most likely to have view blockage, but they didn't recommend carving it out at this time. She said they realize that zoning changes may be required to address this conflict.

Mayor Hunter agreed this needs to be considered. He announced that this would return for a second reading under old business. Councilmember Kadzik said he would like time to really discuss this in order to digest the information. Ms. Kester suggested that Councilmembers come and meet with her in the next two weeks to address specific questions.

Councilmember Young voiced concern that grandfathering of buildings could create two classes of property owners within the same zone that might raise constitutional concerns. He said that he is concerned with the legal ramifications.



Angela Belbeck responded by saying the law recognized non-conforming uses and structures, and asked if a structure comes down and is rebuilt to same footprint, if it is taking away from anyone. Councilmember Young said that it's one thing if a building is destroyed by natural disaster, or if there is normal maintenance or upkeep, but if the property owner chooses to tear down to raw land, but the adjoining property can't build to the same size or height, it's wrong.

4. Interlocal Agreement - Pierce Transit / Gig Harbor Trolley Demonstration Project. City Administrator Denny Richards explained that at the last meeting Council voted to participate with \$10,000 towards this project. Since that time there has been a commitment from the both the Chamber of Commerce and Uptown Association for \$10,000 each, and the Downtown Alliance for \$5,000. This brings the total to \$35,000, which is \$6,161 short of the total amount being requested. In order for the project to move forward, the city has been asked to sign an Interlocal with Pierce Transit.

Councilmember Young explained that the reason we are short is because of the quick turnaround time and because we haven't been able to get the private contributions we were hoping for. The fare has already been advertised at 25 cents, and because it starts tomorrow, Pierce Transit is committed; so it would be a good gesture for the city to make up the difference. He said that it's not a huge amount of money compared to other things we invest in, and has an economic development purpose. Councilmember Young said that he recognizes we are not obliged, but we should do it from a smart business standpoint to make sure the project works. He also said that he doesn't to go back to the board and have the evaluation be on shaky ground because we didn't get to the 16% fare box recovery.

Councilmember Ekberg voiced concern that the 16% fare box recovery requirement was never discussed. He said he likes the trolley idea; Mayor Wilbert tried for sixteen years to get a town-around bus, but it didn't made economic sense. He said that he thought Pierce Transit was taking on the project and was unaware that the city was going to be contributing anything. Then we were asked to come up with \$10,000; now it's to commit to be responsible for \$41,000 when we didn't have any input into the fare or the route. We are also being asked to make up the difference when there are other ways to do that such as charging \$1 to ride all day, which makes sense and increases revenue. At this late date, he said that he's not willing to contractually commit the city for the full \$41,000, but added that he doesn't have a problem with the \$10,000 contribution. He voiced appreciation for the efforts from the other organizations to go in on this.

Councilmember Young clarified that transit agencies don't have the process to accept private contributions and so the city was always meant to be the agent. The issue is when this first came up, the community investment team comprised of the city, the chamber, other groups, came up with the idea of the reduced fare and fare box recovery

cost. That number has always been in the documents, and the only question was the amount of the city's contribution. That's where the failure came about, and is a symptom of the effort to go to fast to get it done, he said. He apologized but said it's a small amount compared to the potential return, and as far as the city being on the hook for the full amount, he asked if any checks had been received.

City Administrator Richards responded that no contributions had been received.

Councilmember Ekberg said his concern is the city would be responsible to pay the full amount if the others change their minds. He said he is in favor of supporting the downtown, and would have no problem passing a resolution in support of the city's contribution of \$10,000.

Councilmember Young suggested this come back at a later time when we have the checks in hand.

Councilmember Perrow agreed, adding that he heard Uptown said they would *try* and get the \$10,000 from their businesses. He said Pierce Transit is committed, and we are going to try and get additional funding from other businesses in the area, but if we commit \$41,000 or another \$6000 and they don't come through, then its game over. Pierce Transit is late out of the gate and really needs to prove that they can do this, he stressed.

Councilmember Kadzik said he thinks it's a bargain at \$16,000 if the others come through. If Pierce Transit would have come to us in January with a proposal to bring this to town for \$16,000, we would have jumped at it, he said, adding that it would be bad form to take the attitude that Pierce Transit is wrong for asking us for more than our share.

**MOTION:** Move to table discussion on this until the next meeting.  
Ekberg / Malich – unanimously approved.

**STAFF REPORT:**

**PUBLIC COMMENT:** None.

**MAYOR'S REPORT / COUNCIL COMMENTS:**

Councilmember Malich said he had agenda items for the Joint City Council / Parks Commission worksession. Mr. Richards asked him to e-mail them for inclusion.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Joint City Council / Parks Commission Worksession: Mon. Jul 15, 5:30 p.m.
2. Planning / Building Committee: Wed. Jul 17th at 3:30 p.m.
3. Operations Committee: Thu. Jul 18th at 3:00 p.m.


4. Boards and Candidates Review: Mon. Jul 22nd at 4:30 p.m.

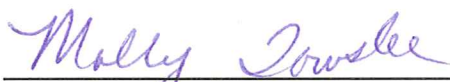
Councilmember Ekberg announced that the Operations Committee meeting may be done electronically due to a conflict in scheduling.

**ADJOURN:**

**MOTION:** Move to adjourn at 7:45 p.m.  
**Malich / Perrow** – unanimously approved.

CD recorder utilized: Tracks 1002 – 1032

  
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Charles L. Hunter, Mayor

  
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Molly Towslee, City Clerk