

RENTON CITY COUNCIL  
Regular Meeting

October 9, 2006  
Monday, 7 p.m.

Council Chambers  
Renton City Hall

MINUTES

**CALL TO ORDER**

Mayor Kathy Keolker called the meeting of the Renton City Council to order and led the Pledge of Allegiance to the flag.

**ROLL CALL OF  
COUNCILMEMBERS**

RANDY CORMAN, Council President; DON PERSSON; MARCIE PALMER; TERRI BRIERE; DENIS LAW; DAN CLAWSON; TONI NELSON.

**CITY STAFF IN  
ATTENDANCE**

KATHY KEOLKER, Mayor; JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Assistant City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; PREETI SHRIDHAR, Communications Director; MARTY WINE, Assistant CAO; MICHAEL BAILEY, Finance and Information Services Administrator; GEORGE MCBRIDE, Information Services Director; REBECCA LIND, Planning Manager; MARK SANTOS-JOHNSON, Senior Economic Development Specialist; COMMANDER FLOYD ELDRIDGE, Police Department.

**PROCLAMATIONS**

National Breast Cancer  
Awareness Month - 10/2006 &  
National Mammography Day -  
10/20/2006

A proclamation by Mayor Keolker was read declaring the month of October 2006, to be "National Breast Cancer Awareness Month" and the day of October 20, 2006, to be "National Mammography Day" in the City of Renton and encouraging all citizens to join in this special observance. **MOVED BY LAW, SECONDED BY CORMAN, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.**

Arts and Humanities Month -  
10/2006

A proclamation by Mayor Keolker was read declaring the month of October 2006 to be "Arts and Humanities Month" in the City of Renton and encouraging all citizens to join in this special observance. **MOVED BY NELSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.** Mike O'Halloran, Municipal Arts Commission Chair, accepted the proclamation. Noting that cultural arts opportunities have grown tremendously in Renton, Mr. O'Halloran listed the arts- and humanities-related organizations that participate within the City of Renton.

**SPECIAL PRESENTATION**  
AJLS: City Website Launch

Communications Director Preeti Shridhar, Information Services Director George McBride, and Senior Economic Development Specialist Mark Santos-Johnson reported on the launch of the City's new website. Mr. McBride indicated that the original website was launched in 1998, and he recognized Information Services Division staff members for their efforts in moving the content to the new site, as well as staff from various departments for their contributions. Reviewing the site's technical improvements, Mr. McBride pointed out that the ever-changing data can now be archived, and more contributors can immediately publish new content.

Ms. Shridhar stated that the goals for the new website included improving the site to better serve the community; ensuring and reflecting Renton's vision, image, and mission; decentralizing the content creation; and reaffirming the City's commitment to customer service. She detailed Renton's two-phased launch approach, pointing out that the soft launch occurred on 10/3/2006, and the promotional launch is scheduled for 1/1/2007. Ms. Shridhar reviewed the user feedback received so far, as well as some of the changes made to the site in response to the feedback.

Displaying the new website, Mr. Santos-Johnson explained that the site is organized into six primary sections: Living, Working, Visiting, Business, Government, and Emergencies. He reviewed various features of the site, and encouraged citizens to visit the website and complete the online survey to provide feedback about the site. Councilwoman Briere stated that she is impressed with the new, fresh look of the site. Council President Corman noted some of the new content on the site. Mayor Keolker thanked all staff who worked on this project.

## **APPEAL**

### **Planning & Development Committee Majority Report**

Appeal: Provost Variances,  
Alan & Cynthia Provost, V-06-  
024

Planning and Development Committee Chair Briere presented a majority report regarding the Provost variance appeal. The Committee heard this appeal on 10/5/2006. Applicants Al and Cindy Provost appealed the Hearing Examiner's decision denying their variance request for three stories, and sought a modification of the Hearing Examiner's decision approving their setback variance from ten feet to fifteen feet. (When the applicants previously applied for the same variance in 1997, the requirement called for a 20-foot setback from the shoreline. They were granted a ten-foot variance. Since that time, the Shoreline Management Program came into effect and the requirement now calls for a 25-foot setback. On this application, the applicants were again granted a ten-foot variance, but now, given the new Shoreline Management Program standards, this resulted in a 15-foot setback for the applicants.)

On the shoreline setback modification request, the Committee recommended that the City Council find no substantial error in fact or law and affirm the decision of the Hearing Examiner. On the issue of the story variance, the majority of the Committee recommended that the City Council find that the Hearing Examiner made a substantial error in fact. Accordingly, the majority recommended that the City Council grant the variance allowing three stories.

The subject property is located north of 3707 Lake Washington Blvd. in the Kennydale area. The parcel extends into Lake Washington as it is located along the shoreline of Lake Washington. The applicants seek to construct a three-story single-family residence on the site. In order to do so, the applicants are required to obtain three variances, of which only two are at issue in this appeal. The applicants requested a variance: 1) to reduce the required front yard setback from twenty feet to five feet; 2) to exceed the two-story height limitation by one story; and 3) to reduce the required 25-foot setback from the Shoreline Master Program to a minimum of ten feet to the water's edge.

Pursuant to City Code 4-8-110F(5) and (6), the Committee's decision and recommendation is limited to the record, which consists of, but is not limited to the Hearing Examiner's report, the notice of appeal, and the submissions by the parties. After reviewing the record, the submissions by the parties, and having heard oral argument, the Committee recommended as follows: as to the shoreline setback variance, the Committee found no basis to justify the additional five feet requested. The Hearing Examiner properly considered and applied the requisite variance criteria along with additional review issues brought about by the Shoreline Master Program. Therefore, the Committee recommended that the Council affirm the decision of the Hearing Examiner. With respect to the story variance, the Hearing Examiner's reliance on population control as a basis for denying the additional story was misplaced. Accordingly, the majority of the Committee recommended that the City Council find that the Hearing Examiner made a substantial error of fact, and that the Council grant the variance allowing three stories.\*

**Planning & Development**  
**Committee Minority Report**

Appeal: Provost Variances,  
Alan & Cynthia Provost, V-06-  
024

Planning and Development Committee Vice Chair Clawson presented a minority report regarding the Provost variance appeal. The Committee heard this appeal on 10/5/2006. Applicants Al and Cindy Provost appealed the Hearing Examiner's decision denying their variance request for three stories, and sought a modification of the Hearing Examiner's decision approving their setback variance from ten feet to fifteen feet.

On the shoreline setback modification request, the Committee recommended that the City Council find no substantial error in fact or law and affirm the decision of the Hearing Examiner. I concur with this recommendation.

However, on the issue of the story variance, I respectfully dissent from the majority of the Committee. I recommend that the City Council find no substantial error of fact or law in the Hearing Examiner's decision. Accordingly, I recommend that the City Council affirm the decision to deny the three-story variance.

The Hearing Examiner's decision should be afforded due deference. A review of his decision shows that the Hearing Examiner carefully considered the four variance criteria for the three-story request. Having done so, the Hearing Examiner found no basis to justify the request. In an area where further development is likely, the Hearing Examiner pointed out that granting this particular variance would create an undue precedent. "Every home on a small lot or future home on small lots would be entitled to an additional story." (Hearing Examiner's decision, Provost Variance, 6/20/2006, page 9.) Furthermore, the Hearing Examiner correctly pointed out that the applicants still have reasonable use of the property and was hard pressed to see how the applicants would suffer an "undue hardship" to justify the variance.

Based on this, I cannot join in the majority's recommendation to reverse the Hearing Examiner's decision on the three-story variance. Therefore, I recommend that the Council affirm the decision of the Hearing Examiner denying the three-story variance.

Noting the constrained lot and irregular shoreline, Councilwoman Briere explained that regulations call for two stories in that location with a maximum height of 30 feet. The applicants requested a three-story house within the 30-foot height limit. She indicated that the majority felt this request was reasonable, and that the Hearing Examiner made an error of fact based on his reliance on population control as one of his reasons for denying the request.

Councilman Clawson stated that Council has adopted an ordinance limiting buildings in this zone to two stories. Rather than legislating through variances, he indicated that the building code should be reviewed in regards to allowing three-story buildings in these areas. He pointed out that an exception such as this will set a precedent for future requests.

**\*MOVED BY BRIERE, SECONDED BY PERSSON, COUNCIL CONCUR IN THE MAJORITY COMMITTEE REPORT. CARRIED.** Councilman Law abstained from voting as the applicants are his neighbors.

Noting the 30-foot height limit and the two-story building limitation, it was **MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL REFER THE ISSUE OF MULTIPLE-STORY BUILDINGS WITHIN THE HEIGHT LIMITATION TO THE PLANNING AND DEVELOPMENT COMMITTEE.**

CARRIED.

## ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2006 and beyond. Items noted included:

- \* A tour of the Henry Moses Aquatic Center will be included as part of the National Recreation and Park Association's 41st Annual Congress and Exposition this week.
- \* A "Friends of the Library" group is being formed to organize events to promote the library, conduct fundraising activities, help with programs and events, and provide volunteer help in Renton's libraries.

## AUDIENCE COMMENT

Citizen Comment: Moore - Highlands Area Redevelopment, Task Force

Kirk Moore, 1901 Harrington Circle NE, Renton, 98056, expressed his displeasure that the Highlands redevelopment is depicted as an urban village on the City's website. He stressed that residents want a say in how the Highlands area is developed. Mr. Moore questioned why he was not selected to serve on the Highlands Zoning Task Force as he is a well-qualified candidate. He urged Council to give Highlands residents a chance to voice their opinions.

Citizen Comment: DeMastus - Fire Department Program, Highlands Zoning Task Force

Sandel DeMastus, Highlands Community Association Vice President, PO Box 2041, Renton, 98056, stated that she has been working on a program regarding the Fire Department, and she presented a copy of the film to Council President Corman. Ms. DeMastus noted that she was also not selected to serve on the Highlands Zoning Task Force, and suggested that Council review the proposed task force members.

Citizen Comment: Petersen - Various

Inez Somerville Petersen, PO Box 1295, Renton, 98057, questioned whether a developer would have been treated the same way the Provosts were in regards to their variance appeal. On another subject, Ms. Petersen stated that some changes were made to the City's new website as a result of her input, and she praised staff's efforts on the project. Additionally, she thanked Mayor Keolker for the way she responded at last week's Council meeting on the topic of why firefighters did not attend the Highlands Community Association (HCA) picnic. Concluding, Ms. Petersen announced her resignation as secretary of the HCA.

Citizen Comment: Provost - Provost Variances Appeal, Alan & Cynthia Provost, V-06-024

Al Provost, 3707 Lake Washington Blvd. N., Renton, 98056, spoke on the subject of his variance appeal, and thanked Council for its decision granting the three-story variance. In regards to the shoreline set-back variance modification, which was denied, Mr. Provost pointed out the existence of three houses that are well within the shoreline setback that he is not allowed to build within. He noted that this appears to be a double standard, and suggested Council review of setbacks.

Citizen Comment: Pepper - Municipal Arts Commission, Evergreen City Ballet

Pat Pepper, 28934 229th Pl. SE, Black Diamond, 98010, indicated that she is a member of the Municipal Arts Commission and a member of the Evergreen City Ballet (ECB) Board of Directors. Ms. Pepper stated that she wants Renton to become a destination for cultural tourism. She announced upcoming performances of the ECB, and noted ECB's partnership with an opera company and the creation of the ECB orchestra. In conclusion, Ms. Pepper introduced ECB Board of Directors President Dave Ellison.

## CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Council Meeting Minutes of 10/2/2006	Approval of Council meeting minutes of 10/2/2006. Council concur.
Plat: Wedgewood Lane (1-3), NE 10th St, FP-06-065	Development Services Division recommended approval, with conditions, of the Wedgewood Lane Final Plat (Division 1-3); 103 single-family lots on 22.96 acres located in the vicinity of NE 10th St. and Hoquiam Ave. NE. Council concur. (See page 343 for resolution.)
Transportation: Civil Engineer III Hire at Step E	Transportation Systems Division requested authorization to hire a Civil Engineer III at Step E of the salary range. Council concur.
Utility: Boeing Agreement Termination, N 8th St & Park Ave N Fire Main Intertie	Utility Systems Division recommended approval to terminate the agreement and license with Boeing for the fire main intertie at N. 8th St. and Park Ave. N., as the intertie is no longer needed. Council concur.
<b>UNFINISHED BUSINESS</b>	<b>MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.</b>
<b><u>Finance Committee</u></b> Finance: Vouchers	Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 252908 - 23354 and two wire transfers totaling \$2,821,245.74; and approval of Payroll Vouchers 66074 - 66243, one wire transfer, and 634 direct deposits totaling \$1,982,411.04. <b>MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.</b>
Development Services: Variance Fee Waiver Request, Fence Height, Colee	Finance Committee Chair Persson presented a report regarding the fence variance fee waiver request. The Committee met to consider a request by the applicant to waive the application fee for a variance. The applicant intends to seek a variance from the City's fence regulations for an existing over-height fence. He appeared before Council to request that the variance application fee be waived because he is low income and cannot afford the fee.  The established administrative variance fee is \$100. Similar fee waiver requests have not been granted for land use permits in the past. Granting the waiver would set a precedent for future requests. Therefore, staff recommended that the requested fee waiver be denied.  However, the Committee recognizes that the applicant has extenuating circumstances in that he is low income and disabled. Therefore, the Committee recommended that the Council approve the requested fee waiver. <b>MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.</b>
<b><u>Planning &amp; Development Committee</u></b> Planning: Highlands Area Citizens Advisory Committee, Highlands Zoning Task Force	Planning and Development Committee Chair Briere presented a report recommending the following appointments be made to the Highlands Zoning Task Force to review zoning and Comprehensive Plan amendments and make recommendations to Council over the next month: Howard McOmber, Steve Beck, Jennifer Hawton, Cristin Mandaville, Scott Weiss, Bimal Kumar, Theresa Elmer, Colin Walker, and Mark Gropper.*  Councilwoman Briere reported that Ms. Mandaville asked to be removed from consideration. Reviewing the criteria for selecting the task force members, Ms. Briere pointed out the following: Mr. McOmber is a member of the Highlands Community Association; Steve Beck and Jennifer Hawton are single property owners; Scott Weiss and Bimal Kumar are multiple property owners; Theresa

Elmer is a renter; Colin Walker is a condominium owner; and Mark Gropper is a representative of the Renton Housing Authority.

Continuing, Councilwoman Briere noted the opening left by the withdrawal of Ms. Mandaville, and named five additional applicants that were considered for the task force.

\*MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT AS AMENDED TO REMOVE CRISTIN MANDAVILLE.\*

Council discussed the qualifications of the potential task force members, and the possibility of adding alternate members.

\*MOTION CARRIED.

MOVED BY LAW, SECONDED BY PERSSON, COUNCIL ADD KIRK MOORE TO THE TASK FORCE. CARRIED.

MOVED BY CORMAN, SECONDED BY PALMER, COUNCIL ADD SANDEL DEMASTUS TO THE TASK FORCE AS AN ALTERNATE MEMBER SHOULD SOMEONE BE UNABLE TO COMPLETE THE TERM. CARRIED.

**RESOLUTIONS AND ORDINANCES**

The following resolution was presented for reading and adoption:

**Resolution #3837**

Plat: Wedgewood Lane (1-3), NE 10th St, FP-06-065

A resolution was read approving the Wedgewood Lane Final Plat (Division 1-3); approximately 22.96 acres located in the vicinity of NE 10th St. and Hoquiam Ave. NE. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinances were presented for first reading and referred to the Council meeting of 10/16/2006 for second and final reading:

Annexation: Querin II, Hoquiam Ave NE

An ordinance was read annexing approximately 24 acres of property generally located south of NE Sunset Blvd. and north of SE 114th St., if extended, east of 141st Ave. SE, if extended, and west of 144th Ave. SE, if extended (Querin II Annexation). MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/16/2006. CARRIED.

Annexation: Querin II, R-4 Zoning

An ordinance was read establishing the zoning classification for approximately 10.70 acres, generally located in the portion north of SE 112th St., if extended, east of 142nd Ave. SE, and south of NE Sunset Blvd., annexed within the City of Renton from R-4 (Urban Residential - four dwelling units per acre, King County zoning) to R-4 (four dwelling units per net acre) zoning; Querin II Annexation. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/16/2006. CARRIED.

Annexation: Querin II, R-8 Zoning

An ordinance was read establishing the zoning classification for approximately 12.35 acres, generally located in that portion west of 142nd Ave. SE and that portion south of SE 112th St., if extended, annexed within the City of Renton from R-4 (Urban Residential - four dwelling units per acre, King County zoning) to R-8 (eight dwelling units per net acre) zoning; Querin II Annexation.

MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/16/2006. CARRIED.

**NEW BUSINESS**  
EDNSP: Neighborhood Program, Highlands Community Association

MOVED BY CORMAN, SECONDED BY PERSSON, COUNCIL REFER THE TOPIC OF THE REINSTATEMENT OF THE HIGHLANDS COMMUNITY ASSOCIATION AS A MEMBER OF THE NEIGHBORHOOD PROGRAM TO THE ADMINISTRATION.\*

Councilman Clawson expressed his approval of the action.

\*MOTION CARRIED.

Council President Corman noted that with the Administration's review of whether the Highlands Community Association meets the City's neighborhood recognition requirements, and with the formation of the Highlands Zoning Task Force, a tremendous step has been made towards healing the relationship between the City and the Highlands neighborhood.

**AUDIENCE COMMENT**  
Citizen Comment: DeMastus - Highlands Community Association

Sandel DeMastus, Highlands Community Association (HCA) Vice President, PO Box 2041, Renton, 98056, reported that members of the HCA board are Highlands neighborhood residents, and that Kirk Moore just joined the board.

Citizen Comment: Petersen - 2006 Comprehensive Plan Amendments, Highlands Zoning

Inez Somerville Petersen, PO Box 1295, Renton, 98057, questioned why the City is moving ahead with the Comprehensive Plan amendments relating to the Highlands zoning when the Highlands Zoning Task Force was just formed this evening.

Citizen Comment: Tamnkang - City Staff Attitude Compliment

Patrick Tamnkang, 2307 SE 8th Dr., Renton, 98055, stated that when he conducts business at Renton City Hall, the attitudes of the City employees are always very cordial.

**ADJOURNMENT**

MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL ADJOURN. CARRIED. Time: 8:24 p.m.

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Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann  
October 9, 2006