CALL TO ORDER
Council President Corman called the special meeting to order.

COUNCILMEMBERS
RANDY CORMAN, Council President; MARCIE PALMER; DON PERSSON; ED PRINCE; RICH ZWICKER; GREG TAYLOR. TERRI BRIERE ABSENT.

CITY STAFF IN ATTENTION
DENIS LAW, Mayor; JAY COVINGTON, Chief Administrative Officer; MARK BARBER, Senior Assistant City Attorney; CHIP VINCENT, Community and Economic Development Administrator; GREG ZIMMERMAN, Public Works Administrator; TERRY HIGASHIYAMA, Community Services Administrator; PREETI SHRIDHAR, Deputy Public Affairs Administrator; KELLY BEYMER, Parks & Golf Course Director; ANGIE MATHIAS, Associate Planner; DEPUTY CHIEF ERIK WALLGREN, Fire & Emergency Services Department.

SPECIAL PRESENTATION
CED: Alley Loaded Lot Requirements (MBA Correspondence)
Community and Economic Development Administrator Chip Vincent reported that the issue of alley loaded lot requirements began in 2004 as the Growth Management Act required all cities to update their existing Comprehensive Plans. He explained that a key component of the City's policy on alleys is to emphasize grid patterns and alleys already associated with many of Renton's traditional neighborhoods. Mr. Vincent reported that current code language states that alley access is the preferred street pattern, and prior to approval of a plat without alley access the Reviewing Official shall evaluate an alley layout to determine if the use of alleys is not feasible.

Mr. Vincent stated that this high-standard for alleys has been challenging and impractical to enforce. He reported that in 2008 Council directed the administration to work with the Planning and Development Committee and the Planning Commission to update alley regulations to allow for greater clarity and flexibility. He stated that from these work sessions Council approved a scheme where the RC (Resource Conservation) and the R1 (Residential One Dwelling Unit per Net Acre) classifications within the Residential Low Density (RLD) zone would not require alleys. Additionally, he stated that this scheme maintained the code language for the R8 (Residential Eight Dwelling Units per Net Acre), R10 (Residential Ten Dwelling Units per Net Acre), and R14 (Residential 14 Dwellings Units per Net Acre) classifications. Mr. Vincent added that for the R4 (Residential Four Dwelling Units per Net Acre) classification, Council approved five criteria the department is required to use on a case-by-case basis for each land use application.

Associate Planner Angie Mathias stated that alleys improve public safety by decreasing the interaction between cars and pedestrians where sidewalks cross over driveways. She stated that alleys are considered a better design for quality sustainable neighborhoods because they ensure that Renton is committed to creating quality neighborhoods for residents, not their vehicles. Ms. Mathias also stated that alleys are neutral to development costs and land usage because right-of-ways are reduced thereby reducing road development costs, and alleys do not impact total lot yield for a plat.
Councilmember Persson asked if alleys are required would narrower streets be allowed, and would residents be allowed to park in alleys.

Ms. Mathias stated that the City already allows narrower streets regardless if alleys are required in a plat, and that street parking is determined by the number of anticipated vehicular trips associated with any particular plat. She added that the administration expects residents to park in their garages and not park in alleys. Mr. Vincent added that parking is not a one-size-fits-all approach because it is based on the road classification and the amount of average daily trips for that road. He also noted that whether a lot is front-loaded or rear-loaded, there is an expectation that residents will park in their garages or driveway aprons.

Mr. Persson explained that his concern is that most people do not actually park in their garages, therefore their visitors will have to park in the alleys, especially if the City limits street parking. He stated that he also believes that because these homes no longer have backyards, children will play in the alleys, which is just flipping the safety concerns from the front of the house to the back of the house. Mr. Vincent acknowledged that there are safety challenges when there are density issues in a neighborhood.

Council President Corman agreed that having alleys may actually increase safety risks because children will not have backyards to play in. He suggested adding safety to the list of factors that should be considered when evaluating the feasibility of alleys.

Continuing, Ms. Mathias reviewed the concerns expressed to the administration from plat applicants. She stated that most applicants complain that code language regarding alley access lacks clarity. She reported that applicants would prefer to know whether or not alleys are required at the beginning of the plat process.

Mr. Vincent reported that Administrative Code Interpretations (ACI) are allowed in City Code for the purpose of allowing the administrator to make determinations when there is a conflict in the code, there is an unanticipated use request, or when alignment between code and policy is necessary so a project can move forward. He stated that the department posts a one-page summary of the issue on the City website and invites the public to review and comment on the issue for a two-week period. Mr. Vincent stated that during this two-week period the ACI can be appealed to the Hearing Examiner, if an applicant does not agree with the interpretation. He also stated that ACIs are annually bundled together and taken before the Planning Commission and Planning and Development Committee as part of the department’s annual docket work. He explained that this process allows for the clarification of ambiguity in the code; allows citizens due process; and allows the department to continue moving permits forward.

Mr. Vincent reported that the administration is presenting an Administrative Code Interpretation now regarding alley loaded lot requirements that includes the following three aspects: 1) it is recommended that alley regulations no longer apply to R4 development because alleys have never actually been required in R4 zones in the past, 2) it is recommended that alley regulations apply where alleys already exist and for subdivisions with interior lots, and 3) it
is recommended that more flexibility in the R8 zone be allowed by establishing a threshold of six dwelling units per net acre. He explained that alleys would not be considered for a proposed development of six dwelling units per net acre or less in the R8 zone.

Additionally, Mr. Vincent explained that this Administrative Code Interpretation will provide predictability on three issues: 1) it will document that short plats (nine-lot subdivisions or less) will not require alleys, 2) it will document that alleys will not be considered for plats with topographical challenges like steep slopes, and 3) it will document that alleys will not be considered for plats if the development of alleys cause negative environmental impacts.

Concluding, Mr. Vincent reported that the next step will be to post the Administrative Code Interpretation on the department’s website, and that it will become effective after the two-week review and appeal period ends. He reiterated that at the end of the year all administrative code interpretations will be bundled together and brought forward to Council as docket work for 2014.

Councilmember Prince remarked that he was on the Planning Commission in 2008 when this was reviewed, and the goal certainly was not to intentionally cause ambiguity in the code. He expressed appreciation for this clarifying Administrative Code Interpretation.

Responding to Mr. Persson’s inquiry, Mr. Vincent clarified that alleys would be required in the R8, R10, and R14 zones. He also noted that a typical R8 lot is 5,000 square feet.

Mr. Corman pointed out that a portion of the proposed interpretation currently reads that developers who submit an R8 short plat, where alleys are not required as part of the street configuration, are limited to R6 net density requirements, and that should be corrected. Mr. Vincent agreed that Mr. Corman’s clarification is what the administration intended and should be corrected.

Councilmember Palmer remarked that nearly everyone she has talked to is opposed to alleys. She also surmised that some of the backlash from the development community could be due to the fact that the builders know their market, and would be building homes on alleys if that is what buyers wanted.

Chief Administrative Officer Covington remarked that the purpose of this Administrative Code Interpretation is to provide a balance of predictability for the development community. He stated that developers spend money on plans upfront which may have to be modified at a later time, and this interpretation is intended to give developers the guidelines they need early in the process so they can design approvable plats before spending money.

Public comment was invited.

David Hoffman, Master Builders Association, remarked that this issue has come to the forefront because the economy is improving, and developers are beginning to build again. He stated that his organization believes this Administrative Code Interpretation will provide the needed flexibility and clarity the building industry is seeking. Mr. Hoffman remarked that he looks forward to working with the City over the next few months as this interpretation is implemented into City code.
Citizen Comment: Rogers — Cairn Cross & Hemplemann

Nancy Rogers, Land Use Attorney for Cairn Cross & Hemplemann, representing Henley USA, LLC and MainVue Homes, stated that her clients are developing over 100 lots in the Tiffany Park area, and are directly impacted by the alley loaded lot requirements. She stated that she believes alleys are not land use neutral because additional pavement in a plat requires additional stormwater improvements that must be deducted from the amount of usable land.

Ms. Rogers remarked that there are at least four other topographical conditions that cannot be changed besides steep slopes: 1) the topographic location of access roads, 2) the topographical location of sensitive areas, 3) the location of stormwater facilities, and 4) the required grade to meet ADA crosswalk standards. She stated that those four factors drive plat site design and should also be considered when determining the feasibility of alleys.

Ms. Rogers submitted a letter and asked that the following three points be addressed: 1) confirmation that a developer submitting a long plat application for development in an R8 zone that is designed without alleys and with a density of six dwelling units per net acre or less is not required to present an evaluation on the feasibility of alleys; 2) confirmation that a developer submitting a long plat application for an R8 zone must meet all R8 design standards except for alleys so long as the plat density is six dwelling units per net acre or less; and 3) confirmation that a developer submitting a long plat application for development in an R8 zone that is designed without alleys and with a density of eight dwelling units per net acre or more is required to present an evaluation to prove that alleys should be precluded in the plat.

Mr. Vincent confirmed that all three points are correct.

Concluding, Ms. Rogers stated that she believes the following minor modifications as outlined in her letter of 9/9/2013, should also be made to the Administrative Code Interpretation: 1) add the second code section that is being amended to the title of the document; 2) add language stating “in the interim, the existing code shall be interpreted to effectuate the intent of existing code in the manner described above, which also will be clarified by the future amendments,” and 3) revise language regarding slopes to include the word topography as previously requested. She also requested that the language regarding what “may” be done compared to what “shall” be done be strengthened.

Mr. Vincent reiterated that the code already establishes the rules for Administrative Code Interpretations. Mr. Covington added the Committee of the Whole report will indicate Council’s concurrence in the staff recommendation and could be submitted to the Hearing Examiner in the event of an appeal. He added that language was left to strike a balance for the developers who appreciate the extra flexibility in the code.

Responding to Council President Corman’s inquiries, Mr. Hoffman reported that the Master Builders Association’s Housing Policy Committee had reviewed and is okay with the interpretation. He also remarked that a short one-week delay is acceptable.
COUNCIL CLOSING

DISCUSSION

Councilmember Persson remarked that both parties appear to be in agreement but the committee report is not quite ready. Mr. Vincent remarked that the department agrees with the points of clarification outlined in Ms. Roger’s letter and suggested that the letter be attached to the committee report.

Councilmember Zwicker stated that the purpose of the interpretation was to decrease the ambiguity in the Code and provide a level of certainty for developers so they could move forward with their projects. He remarked that he believes the administration has worked hard with the affected groups to come to a reasonable interpretation that will help them move their projects forward. Mr. Zwicker added that there is potentially a large scale change forthcoming regarding all development standards that could be discussed at a future time.

Mr. Prince added that he is pleased with the progress made and is hesitant to hold back the committee report. Mr. Corman stated that he has other questions regarding alleys and suggested a “second chapter” of discussions at a later date. Mr. Prince agreed, and remarked that additional delays may cause additional frustration with the affected parties. Councilmember Taylor remarked that he believes that a compromise has been achieved and approves of moving the issue forward. Mr. Persson remarked that he would also like Ms. Roger’s letter added to the committee report.

Responding to Council President Corman’s inquiry, Mr. Vincent stated that the administration can begin the two-week public notice process for the Administrative Code Interpretation while the report is being finalized for adoption at next week’s Council meeting. He reiterated that the interpretation does not change policy and it will be included as part of the 2014 docket work program.

ADJOURNMENT

Council President Corman adjourned the meeting. Time: 6:58 p.m.

Bonnie I. Walton, CMC, City Clerk

Jason Seth, Recorder
September 9, 2013